



This document is Schedule A of the

GITLAXT'AAMIKS VILLAGE

ZONING ACT

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PART 1 – DEFINITIONS AND INTERPRETATION¹

Application

- 1 This Act applies to all land, buildings and structures within all Village Lands within all zones established under this Act.

Definitions

- 2 In this Act:

“**accessory building**” means a building that is subordinate and customarily incidental to the principal building located on the same lot, and that is exclusively devoted to the better use of the principal building;

“**accessory structure**” means a structure that is subordinate and customarily incidental to the principal building located on the same lot, and that is exclusively devoted to the better use of the principal building;

“**accessory use**” means a use, other than the principal use, that is subordinate and customarily incidental to the main purpose for which land, buildings or structures are ordinarily used;

“**Act effective date**” means the date on which this Act comes into force;

“**aisle**” means the area used by motor vehicles for access to and from all off-road parking spaces, but does not include an access driveway and does not include an area for vehicle parking;

“**alteration**” means

(a) a structural change to a building, including:

- (i) an increase or decrease to the gross floor area or height;
- (ii) removal of part of the building;
- (iii) construction of, cutting into, or removal of any wall, partition, column, beam, floor joist or other support;
- (iv) a change to, or closing of, any required means of access;

(b) an excavation on a lot;

“**apartment building**” means a single building, other than a townhouse, containing three or more dwelling units and a common entrance;

¹ The *Nisga'a Interpretation Act* applies to all Nisga'a Village enactments.

“**balcony**” means a platform that projects from the wall of a building above ground level and that is partially enclosed by a parapet or railing;

“**basement**” means that portion of a building between two floor levels that is partly underground and that has more than one-half of its height from the finished floor to the finished ceiling above finished grade;

“**bed and breakfast**” means a home-based business of renting temporary accommodation to persons on a daily or weekly basis for a period of not more than 28 consecutive days, carried on in a single family dwelling;

“**boarding house**” means a dwelling in which rooms are rented and meals are provided to more than four but not more than 10 persons other than members of the family of the occupier, but does not include a dwelling in which meals are prepared within rented rooms or a community care facility within the meaning of the *Community Care and Assisted Living Act* (British Columbia);

“**building**” means a structure used or intended to be used for supporting or sheltering any use or occupancy;

“**building code**” means the *British Columbia Building Code*;

“**campground**” means a site providing for the seasonal and temporary accommodation of travelers using tents, trailers, or recreation vehicles, but specifically excludes a mobile home park, hotel, or motel. Occupancy of the campground shall be limited to a maximum stay of 150 days per calendar year.

“**Canadian Standards Association A277**” means an approved procedure of the Canadian Standards Association for the certification of factory built manufactured homes and provides for certification and auditing of plant quality program, and in-plant inspection and certification of the product built that, in the manufactured housing industry, forms the basis for acceptance by local inspection authorities responsible for the enforcement of building codes;

“**Canadian Standards Association Z240**” means a factory built mobile home certified by the Canadian Standards Association as conforming in all respects to the latest (1992) CAN/CSA Z240 MH Series of Standards and which is complete structurally with the entire plumbing, electrical and heating system installed;

“**cellar**” means that uninhabitable portion of a building between two floor levels that has more than one-half of its height from finished floor to finished ceiling below the finished grade of the ground;

“**church**” means a building in which persons regularly assemble for religious worship and/or community events or related religious activities and that is maintained and controlled by a religious body organized to sustain public worship;

“**commercial**” means occupied with or engaged in an activity for the purpose of earning an income;

“**commercial zones**” means the Commercial Zones listed in the table in section 45;

“**community care facility**” means a facility licensed under the *Community Care Facility Act* (British Columbia);

“**community centre**” means a tract of land, building or a part of a building used for community activities, whether additionally used for commercial purposes or not, and the control of which is vested in the Village or, with the consent of the Nisga’a Village Government, in a society incorporated under the *Society Act* (British Columbia);

“**congregate housing**” means housing in multiple unit form that provides all of the following:

- (a) living and sleeping units;
- (b) meal preparation facilities;
- (c) laundry services and room cleaning;

“**conservation area**” means land that is preserved and protected for its unique value for the purpose of conserving plant life or providing sanctuary, habitat or breeding grounds for wildlife, or for preserving archeological, spiritual or cultural values;

“**convenience store**” means a retail sales outlet which offers for sale foodstuffs and convenience goods, located in a building having a maximum gross floor area of 200 m²;

“**cooking facility**” means a room or portion of a room where, and the equipment by which, meals may be prepared;

“**density**” means

- (a) for commercial uses, the floor area ratio, and
- (b) for residential uses, the number of dwelling units per hectare;

“**development**” means

- (a) the carrying on of any construction or excavation in, on, over, or under land or water; or
- (b) the making of any change in or intensity of use of land, water, a building or premises;

“**development permit**” means a permit issued by the Nisga’a Village Government under section 23² of the enabling Act;

“**development variance permit**” means a permit issued by the Nisga’a Village Government under section 25³ of the enabling Act;

² Development permits.

“duplex” means two principal dwellings located in one principal building

“dwelling” or “dwelling unit” means a self-contained set of rooms for the residential accommodation of a family living together as a single household and containing only one set of cooking facilities;

“Enabling Act” means the *Nisga’a Community Planning and Zoning Enabling Act*;

“exterior side lot line” means a lot boundary other than a front lot line or rear lot line that is common to a road other than a lane or a public sidewalk right-of-way;

“family” means one person or

- (a) a group of persons who through marriage or blood relationship normally live together, or
- (b) a group of up to 5 persons who through other circumstances normally live together;

“family day care” means a child care use as defined under Part 7 of the *Child Care Regulation* made under the *Community Care and Assisted Living Act* (British Columbia) and licensed under that Act;

“fence” means a constructed barrier of any material or combination of materials erected to enclose or screen an area of land, including an arbour, archway, gate, hedge, pagoda, screen, trellis or wall;

“first storey” means

- (a) the storey above the basement or cellar, or
- (b) in the case of a building without a basement or cellar, the lowest storey;

“flood level” means the required minimum elevation associated with a designated flood plain or, where a designated flood plain has not been determined, a specified height above a natural boundary;

“floor area” means the area of the floor on any storey of a building between exterior walls, including the area of the floor occupied by interior walls or partitions;

“floor area ratio” means the quotient of gross floor area divided by the total lot area;

“front lot line” means any lot line common to a lot and one road other than a lane, provided that where a lot is contiguous to the intersection of two roads the front lot line is the shortest lot line contiguous to a road other than a lane;

“front yard” means a yard located between the front wall of a building and the front lot line, and extending the full width of the lot;

³ Development variance permits.

“group home – major” means a care facility licensed under the *Community Care and Assisted Living Act* (British Columbia) to provide room and board for more than 6 residents with physical, mental, social or behavioural problems that require professional care, guidance and supervision, but does not include temporary shelter services;

“group home – minor” means the use of one dwelling unit as a care facility licensed under the *Community Care and Assisted Living Act* (British Columbia) for a residence for no more than 10 persons, not more than 6 of whom are residents with physical, mental, social or behavioural problems that require professional care, guidance and supervisions, where the character of the use is that the occupants live together as a single housekeeper group and use a common kitchen, but does not include boarding houses or temporary shelter services;

“gross floor area” means the sum of the total floor area of each storey in each building including exterior walls but excluding area used for parking purposes;

“habitable room” means a room designed for living, sleeping, eating or food preparation, including a living room, dining room, bedroom and kitchen;

“height” means the vertical distance from the finished grade to the highest point of the roof;

“home-based business” means any occupation or profession carried out in a dwelling unit or an accessory building by the family which is permanently resident in the dwelling unit, where such occupation or profession is clearly incidental or secondary to the use of the dwelling unit for residential purposes;

“hotel” means a building providing sleeping accommodation for the transient public;

“industrial zones” means the Industrial Zones listed in the table in section 45;

“interior side lot line” means a lot boundary between two or more lots other than a front or rear lot line;

“Land Clerk” means a person appointed Land Clerk under section 39;

“landscape screen” means an opaque visual barrier formed by a row of shrubs, trees, a wooden fence, a masonry wall or a combination of any of these;

“landscaping” means the planting and maintenance of some combination of trees, shrubs, hedges, ground cover, lawns or other horticultural elements for the enhancement of outdoor areas;

“lane” means a road that provides secondary access to the side or rear of the lot and is less than 8 m wide;

“light industry” means:

- (a) a use providing for indoor manufacturing, processing, assembling, fabrication, storing, transporting, distributing, testing, servicing or preparing of goods or things, or

(b) outdoor storage, sales, service repair of commercial vehicles, recreational vehicles or boats.

“lot” means any parcel, block or other area in which an interest in land is held or into which land is subdivided, but does not include a road;

“lot area” means the total horizontal area within the lot lines;

“lot coverage” means the percentage of a lot's gross area covered by buildings and structures;

“lot line” means any boundary of a lot;

“lot width” means the horizontal distance between the two side lot lines measured at the minimum setback from the front lot line along a line perpendicular to the centre line of the lot;

“manufactured home” means a single family dwelling built in an enclosed factory environment in one or more sections, intended to be occupied in a place other than where it is manufactured, and not constructed to be self-propelled;

“manufactured housing” has the same meaning as manufactured home;

“marina” means a commercial or government establishment or premises, containing docking or mooring facilities where boats or other water vessels and their accessories are berthed, stored, serviced, repaired, constructed or kept for sale or for rent;

“mobile home” means any structure containing one dwelling whether ordinarily equipped with wheels or not, that is designed, constructed or manufactured to be moved from one place to another by being towed or carried, but does not include travel trailers, campers or other vehicles;

“motel” has the same meaning as hotel;

“multi-family dwelling” means a building on a lot, containing three or more dwelling units, each of which is occupied or intended to be occupied as the residence of one family;

“natural boundary” means 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 on the soil of the bed of the body of water a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself;

“natural grade” means the undisturbed ground elevation prior to site preparation;

“neighbourhood pub” means premises licensed as a neighbourhood public house in accordance with the *Liquor Control and Licensing Act* (British Columbia);

“nightclub” means a premise where entertainment is provided to patrons and is licensed in accordance with the *Liquor Control and Licensing Act* (British Columbia);

“office” means a building or part of a building designed, intended to be used, or in fact used, for the practice of a professions, the carrying on of a business, the conduct of public

administration, or, where not conducted on the site of the building, the administration of an industry;

“official community plan” means a community plan of the Village made under the enabling Act and in force;

“pad” means

(a) a paved surface on which blocks, posts, runners or strip footings are placed for the purpose of supporting a manufactured home, or

(b) a concrete pad, slab or floor supporting a space or room, including a basement;

“parking area” means an open area of land, other than a road, used for the parking of vehicles and may include parking spaces;

“parking space” means a space within a building or parking area, for the parking of one vehicle, excluding driveways, aisles, ramps and columns;

“personal service establishment” means a business where the sale of retail goods is only accessory to the provision of such services, and includes uses such as a barber shop, beauty shop, laundromat and shoe repair shop;

“principal building” means the building that is the chief or main one among buildings on a lot and includes attached garages and carports, but does not include an accessory building;

“principal use” means the main purpose for which land, buildings or structures are ordinarily used;

“property” includes land and improvements;

“public assembly” means the gathering of persons for charitable, civic, cultural, educational, entertainment, philanthropic, political, professional, recreational, religious, social, travel, or other public and private purposes or events;

“public use” means a use providing for public functions or services, including a public governance or administration building, public meeting building, public hall, public school or other public educational institution, , public library, public health facility, public museum, place of public worship, fire hall, police facility, court, correction facility, public recreation facility, , public park or an improvement used for Nisga’a cultural or spiritual purposes;

“public use zones” means the Public Use Zones listed in the table in section 45;

“public utility” means a system, work, building, plant, equipment or resource owned by a public or private utility company or by the Village or a government agency for the provision of water, sewer, drainage, gas, electricity, street lighting, transportation, communication services or public works yards, including a water or sewage treatment or pumping station, a water storage reservoir, a hydro substation, a telephone building and corridors for the pipe or wire systems connected with the supply of such services;

“recreational facility – indoor” means a facility for the provision of recreation or sports facilities primarily conducted indoors,

“recreational facility – outdoor” means a facility for the provision of recreation or sports facilities primarily conducted outdoors;

“regulation” means any requirement of this Act including a rule or requirement respecting what must or must not be done, in relation to a person, property, an activity, things or other matters being regulated;

“rear lot line” means the lot line that lies the most opposite to and is not connected to the front lot line;

“residential zones” means the Residential Zones listed in the table in section 45;

“resort housing establishment” means apartments, townhouses or cabins providing sleeping accommodation for visitors, and may include accessory facilities such as restaurants, convention rooms, recreational facilities and personal service establishments, for the convenience of guests;

“restaurant” means a place where food and beverages are sold for consumption on or off the premises;

“retail store” means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale to the general public, including storage of limited quantities of such goods, wares, merchandise, substances, articles and things, sufficient only to service the retail use;

“road” means a road, as defined in the *Nisga'a Land Title Act*, that is on Village Lands, but does not include a private right-of-way on public property;

“screening” means the use of a continuous fence, wall, berm, landscaping or combination thereof to screen the property that it encloses and is broken only by access driveways and walkways;

“secondary suite” means a second and subordinate dwelling unit within a principal dwelling;

“service station” means premises used principally for the retail sale of motor fuels, lubricating oils and motor vehicle accessories and the servicing of passenger vehicles, and may include the auxiliary retail sale of other products but does not include any wholesale sales, automotive frame repairs, body repairs, or painting, heavy equipment or heavy truck repair;

“setback” means

- (a) the required minimum or maximum distance between a building, structure or use and a lot line, or

- (b) the required minimum distance from a watercourse or other body of water to any landfill or structural support required to elevate a floor system or pad above the flood level;

“single family dwelling” means a detached building consisting of one dwelling unit;

“sleeping unit” means a set of habitable rooms used or intended to be used for sleeping and living purposes, but not including a sink or cooking facilities;

“special care facility” means an institution or residential facility where care and attention is furnished, with or without charge, on account of age, infirmity, physical or mental defect or other disability that requires care and that is designated as a community care facility under the *Community Care and Assisted Living Act* (British Columbia);

“storey” means the portion of a building, excluding a basement or cellar, 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, including a manufactured home, mobile home, swimming pool, satellite dish, parkade and retaining wall but not including concrete, asphalt, brick or tile surfaced areas;

“student residence” means a building or part of a building maintained by as a residence for students attending a school operated by that institution;

“townhouse” means a building not more than three storeys high, divided into three or more attached dwelling units, where each dwelling unit has a separate, private entrance;

“transient accommodation” means the use of land or a building for the temporary accommodation of visitors, and

- (a) Includes, but is not limited to a hotel, a motel, a vacation rental, a bed and breakfast, transition home, emergency shelter, hostel and other temporary accommodation but

- (a) does not include the accommodation of visitors without receipt of payment or other consideration where that accommodation is incidental to and normally associated with the permitted residential use of a dwelling unit;

“tourism retail store” means a specialty commercial store that has a component related to historical, cultural and tourist atmospheres;

“use” means the purpose or function to which land, buildings or structures are designed, intended to be put, or are in fact put;

“Village” means the Nisga’a Village of Gitlaxt’aamiks as referred to in the Nisga’a Final Agreement;

“Village Government” means the Nisga’a Village Government, as referred to in the *Nisga’a Constitution*, of the Nisga’a Village of Gitlaxt’aamiks;

“**Village Lands**” means, for the purposes of this Act, all land contained within the boundaries of the Village of Gitlaxt’aamiks;

“**Village Zoning Map**” means a map contained in Division 3 of Part 5 of this Act;

“**watercourse**” means any natural or man made depression with well defined banks and a bed 0.6 m or more below the surrounding land serving to give direction to a current of water at least six months of the year or having a drainage area of 2 square kilometers or more upstream of the point of consideration;

“**zone**” means a zone listed in the table in section 45.

Interpretation

3 In this Act, the following rules of interpretation apply:

- (a) the expression “boundary”, in reference to a lot, is deemed to extend in a vertical plane throughout the boundary’s length both upwards and downwards *ad infinitum* from the surface of the lot;
- (b) a zone named in column 1 of the table in section 45 may be referred to by the name set out in column 1 of that table or by the reference symbols set out in column 2 of that table;
- (c) the symbol “m” means metre;
- (d) the symbol “m²” means square metre.

PART 2 – ZONES

Zones

- 4 Village Lands are divided into the zones named in column 1 of the table in section 45.

Village Zoning Map

- 5 (1) The Village Lands contained in a particular zone are those shown on the Village Zoning Map that are within the area labeled with the reference symbols for the zone set out in column 2 of the table in section 45
- (2) A person may obtain a copy of a current Village Zoning Act by paying to the Village a reasonable fee as may be established by the Land Clerk, taking into account the cost of copying the Village Zoning Act

Zone boundaries

- 6 (1) The zone boundary is as shown on the Gitlaxt'aamiks Village Zoning Map which is Schedule B (map) of the Gitlaxt'aamiks Zoning Act.
- (2) Where the zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the zoning boundary shall be determined by scaling from the Zoning Map.

Zoning and Act amendments

- 7 Applications for a change of zone or for any other amendment to this Act shall be made under the *Nisga'a Owner Application Procedures Regulation*.

PART 3 – GENERAL REGULATIONS

Division 1 – General

Application

- 8 Except as otherwise specifically provided in this Act, all provisions of this Part apply to all zones.

Uses permitted in all zones

- 9 The following uses are permitted in all zones:
- (a) road;
 - (b) park;
 - (c) fire hall;
 - (d) community gardens;
 - (e) public utility;
 - (f) use of all or a portion of a building or structure for a family day care facility;
 - (g) temporary use of all or part of a building as a polling station for government elections or referenda, provided that the duration of the use shall not exceed 60 days;
 - (h) storage of construction materials on a site for which construction has been authorized by the authority having jurisdiction, provided the materials shall be removed within 30 days of substantial completion of the construction project.

Only one principal building per lot

- 10 Only one principal building is permitted on a lot.

Limits on accessory buildings and structures

- 11
- (1) No accessory building or accessory structure is permitted on a lot unless the principal building has been or will be erected,
 - (2) No accessory building or accessory structure shall be used as a dwelling.
 - (3) The minimum setback for an accessory building or accessory structure is:

From	Minimum Setback
front lot line	no closer than the minimum setback in the applicable zone
interior side lot line	1.5 m
exterior side lot line	3.0 m
rear lot line	1.5 m
For smokehouse, the minimum distance to any other building	4.5 m

- (4) The maximum height for an accessory building or accessory structure is:

Zone	Maximum Height
residential zones	5.1 m
commercial zones and public use zones	6.4 m
industrial zones	6.4 m

- (5) The maximum size for an accessory building or accessory structure is:

Zone	Area
residential zones	8% of the lot area to a maximum of 55 m ²
commercial zones, industrial zones and public use zones	unlimited, unless use is entirely residential, then the requirements of residential zones shall apply

- (6) A building or structure attached to the principal building is part of the principal building and subject to the required setbacks for the principal building.

Manufactured and mobile homes

- 12 (1) A manufactured home used as a single family dwelling must be affixed to the land and meet Canadian Standards Association A277.
- (2) A mobile home used as a single family dwelling must be affixed to the land, meet Canadian Standards Association Z240 and contain skirting covering the base of the mobile home.

Secondary suites

- 13 (1) This section applies to all zones where a secondary suite is permitted.
- (2) A secondary suite is permitted only in the principal building.
- (3) Only one secondary suite is permitted on a lot.

- (4) The maximum floor area of a secondary suite shall not exceed the lesser of 80 m² or 40% of the total floor area of the building in which it is located.
- (5) Despite the definition for dwelling unit, a secondary suite may contain one set of cooking facilities.
- (6) Strata titling of a secondary suite is not permitted

Height exceptions

14 The following structures may exceed the maximum height regulations of this Act:

- (a) a chimney;
- (b) a flag pole;
- (c) a monument, including a totem pole;
- (d) a mechanical appurtenance on a rooftop, including a satellite dish or other telecommunications apparatus for domestic or commercial purposes;
- (e) a church spire or belfry;
- (f) a lighting pole;
- (g) a communications tower;
- (h) a fire alarm tower;
- (i) a water tower.

Non-Conforming Uses and Siting

15 Non-conforming uses and siting are subject to the provisions of section 19 of the *Nisga'a Community Planning and Zoning Enabling Act*.

Division 2 –Home-Based Business

Application

16 This Division applies to all zones where home-based businesses are permitted.

Limitations

- 17
- (1) No more than two home-based businesses are permitted on a lot.
 - (2) Not more than two persons shall be engaged in a home-based business, one of whom shall reside on the lot on which the home-based business is carried on.

- (3) All home-based business activities, including storage and work areas, shall be within the dwelling unit or, except as otherwise provided, within an accessory building.
- (4) For certainty and subject to applicable laws, work relating to a home-based business may be undertaken entirely off the lot.

Permitted uses

- 18 Subject to section 19(1), only the following uses are permitted as home-based businesses:
- (a) bed and breakfast;
 - (b) convenience store; gift store; audio-visual rentals;
 - (c) vacation rental accommodation;
 - (d) personal and professional services, including barber, hairdresser, bookkeeper, tutor, seamstress and medical therapy;
 - (e) mail order; telemarketing
 - (f) testing, servicing and repairing of goods;
 - (g) making, processing and assembly of products on a small scale;
 - (h) preparation of food and beverages for off the premises catering;
 - (i) artist studio.
 - (j) business office where the business activity is conducted off the premise, such as commercial fisherman office, guide outfitter office, contractor office

Prohibited uses in Residential zones

- 19 (1) All uses that are noxious or offensive to any other dwelling unit or the general public by reason of emitting odour, dust, smoke, gas, noise, effluent, radiation, broadcast interference, glare, humidity, heat, vibration, or hazard or any other emission, are prohibited.
- (2) For certainty, the following uses are prohibited as home-based businesses:
- (a) nightclubs;
 - (b) kennels;
 - (c) restaurants;
 - (d) salvage lots;
 - (e) storage lots;

- (f) vehicle or equipment repairs and maintenance.

Stock in trade

- 20 Except for one licensed vehicle, which shall be a car, van or pickup truck, no business-related materials, including machinery or vehicles, shall be visible at any time on any lot on which a home-based business is carried out nor shall any machinery or vehicle be parked or stored on the lot unless completely enclosed within a building.

Bed and breakfast

- 21
- (1) A bed and breakfast is permitted only within a single family dwelling.
 - (2) Where a bed and breakfast is permitted under subsection (1), subsections (3) to (7) apply.
 - (3) The person operating the bed and breakfast must be a resident of the single family dwelling containing the bed and breakfast.
 - (4) Up to four bedrooms may be used for bed and breakfast accommodation.
 - (5) No more than four persons are permitted to be occupants of a bedroom referred to in subsection (4) at any one time.
 - (6) A bed and breakfast shall not include food preparation or cooking facilities, separate from those used by the principal occupants of the single family dwelling, for use by customers of the bed and breakfast.
 - (7) Meals or food services may be provided to a customer of a bed and breakfast.

Advertising

- 22
- (1) Except as expressly permitted in this Act, or in an Act respecting signs in the Village enacted by the Village Government, no sign or other advertising device or advertising matter may be exhibited or displayed on a lot on which a home-based business is being carried on.
 - (2) A maximum of one sign for each home-based business is permitted on the lot.
 - (3) A sign permitted under subsection (2) shall not exceed 0.75m² in area or be illuminated.

Division 3 – Parking Regulations

Parking spaces required

- 23 Space for the off-road parking of motor vehicles in respect of a use permitted under this Act shall be provided and maintained in accordance with this Division.

Number

- 24
- (1) The number of off-road parking spaces for motor vehicles required in respect of a particular use shall be calculated according to the table in section 29.
 - (2) If a use permitted under this Act is not specifically referred to in column 1 of the table in section 29, the number of off-road parking and loading spaces shall be calculated on the basis of the requirements for a similar use listed in that table.
 - (3) If the calculation of the required off-road parking spaces results in a fraction, one parking space shall be provided in respect of the fraction.
 - (4) If seating accommodation is the basis for a unit of measurement under this Division and consists of benches, pews, booths or similar seating accommodation, each 0.5 m of width of the seating shall be deemed to be one seat or seating place.
 - (5) If more than one use is located on a lot, the total number of parking spaces required is the sum total of the requirements for each use.
 - (6) If more than one use is located in a building or structure, the total number of off-road parking spaces required shall address the mixed use and the number of spaces required shall be determined based on the portions of the building dedicated to each respective use.
 - (7) If more than one standard may apply to a use, the standard requiring the greatest number of off-road parking spaces shall be used.

Location

- 25
- (1) Except for uses in commercial zones, off-road parking spaces shall be located on the same lot as the use they serve.
 - (2) In commercial zones, off-road parking spaces may be located on the same lot, or
 - (a) if sufficient off road parking spaces cannot be provided on the same parcel, required off road parking spaces may be located on another parcel within 125m of the building or use the spaces serve, and
 - (b) may be provided for collectively for a number of buildings and uses, if the total number of spaces provided is not less than the sum of the separate requirements for each building.

Standards

- 26
- (1) Each off-road parking space required by this Act shall not be less than 2.8 m in width, 5.8 m in length and 2.1 m in height.
 - (2) Adequate provision shall be made for individual entry or exit by vehicles to all off-road parking spaces at all times by means of unobstructed maneuvering aisles, having widths not less than:
 - (a) 7.6 m where parking spaces are located at 90° to the maneuvering aisle providing access to the space;

- (b) 6.0 m where parking spaces are located at 60° or less to the maneuvering aisle providing access to the space;
- (c) 4.0m where parking spaces are located at 45° or less to the maneuvering aisle providing access to the space.

Siting

- 27 (1) Off-road parking spaces in residential zones shall be wholly provided on the same lot as the building or structure required to be served.
- (2) in a commercial zone or industrial zone off-road parking spaces which are located in the front yard shall be separated from an adjoining road or from a directly abutting lot in a residential zone by a fully landscaped strip of not less than 2.0 m in width.

Handicapped parking

- 28 Handicapped parking shall be provided in accordance with the provisions of the building code.

Table of uses and required spaces

- 29 In the following table, column 1 classifies types of use and column 2 sets out the number of off-road parking spaces that must be provided for the use set out in column 1.

Column 1 Class of Building	Column 2 Required Number of Spaces
Residential Zones	
single family dwelling	2 per dwelling
duplex	2 per dwelling unit
multi-family dwelling	1.5 per dwelling unit
townhouse	1.5 per dwelling unit
apartment building <ul style="list-style-type: none"> • less than three bedrooms • three or more bedrooms • visitor parking 	1 per dwelling unit 1.5 per dwelling unit in addition, 10% of the required parking spaces for all dwelling units
secondary suite	in addition to spaces required for the principal dwelling unit, 1 per secondary suite
bed and breakfast	in addition to spaces required for the principal dwelling unit, 1 per guest room
congregate housing	0.5 per sleeping unit
group home – major,	0.75 per sleeping unit
group home – minor	0.75 per sleeping unit
student residence	0.25 per resident student
Commercial Zones	
retail store	1 per 15 m ² of gross floor area
service station	in addition to spaces required for vehicle fuelling, 4 spaces

<u>Column 1</u> Class of Building	<u>Column 2</u> Required Number of Spaces
restaurant or neighbourhood pub	1 per four seats of capacity
hotel and motel	1 per sleeping unit plus requirements of other uses
office	1 per 40 m ² of gross floor area
all other commercial uses not listed:	
• gross floor area less than 2,000 m ²	2 per 100 m ² of gross floor area
• gross floor area between 2,000 m ² and 20,000 m ²	2 per 100 m ² of gross floor area
• gross floor area greater than 20,000 m ²	2 per 100 m ² of gross floor area
Industrial Zones	
public works yard or contractor	1 per 2 employees
heavy equipment rental or repair	1 per 2 employees plus 1 per 100m ² of gross floor area
all other industrial zone uses	1.5 per 100 m ² of gross floor area
Public Use Zones	
government administration buildings	1 space per 30m ² of gross floor area
community centre	1 per 5 seats / persons of full capacity or 2.5 per 100 m ² of gross floor area, whichever is greater
college	10 per classroom
elementary or middle school	2 per classroom
secondary school	5 per classroom
health care facility	5 per 100 m ² of gross floor area
community care facility	1 per 10 patrons, plus 1 per 2 employees, with minimum of 4 spaces
emergency and protective services	2.5 per 100 m ² of gross floor area
religious assembly	1 per 10 seats
cemetery	1 per 200 graves
all other public use zone uses not listed:	2.5 per 100 m ² of gross floor area

Division 4 –Landscaping and Fences

Landscaping and screening

- 30 (1) Landscaping and screening shall be provided in accordance with the requirements of this section.
- (2) In all zones, other than residential zones, outdoor storage, outdoor garbage bins and parking areas shall be completely screened from the road and adjacent residential properties.
- (3) All portions of a lot not covered by buildings, structures or paved areas shall be landscaped.
- (4) In all zones, a continuous landscaping strip of a minimum 2.5 m in width shall be provided along the sides of the lot that abut a road.

- (5) If an industrial zone abuts a residential zone or commercial zone, continuous screening that is not less than 2 m in height shall be provided within the setbacks of the industrial zone.
- (6) In all commercial zones that abut a residential zone, a suitable form of screening and landscaping shall be provided within the setbacks adjacent to the residential zone.
- (7) All parking structures or parkades shall provide a suitable form of screening or landscaping to buffer visibility from adjacent uses.

Fences

- 31 (1) Subject to section 32, the following height limitations apply to fences:
- (2) For a lot within the following zones the maximum height of fences above natural grade shall be:

Zone	Front Yard	Rear Yard
residential zones	1.0 m	1.8 m
commercial zones, industrial zones and public use zones	1.0 m or, if open mesh, 1.8 m	1.8 m or, if open mesh, 3.0 m

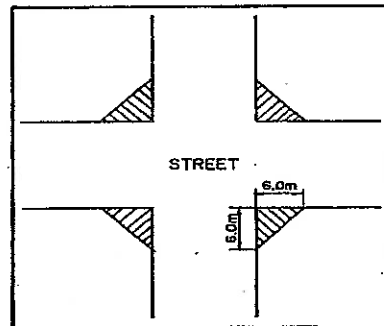
- (3) For a lot abutting a major road or at the interface of an industrial zone and a residential zone, the maximum height of fences above natural grade shall be:

Zone	Front Yard	Rear Yard
residential zones	1.8 m	2.0 m
commercial zones, industrial zones and public use zones	1.0 m or, if open mesh, 1.8 m	1.8 m or, if open mesh, 3.0 m

- (4) No fence shall be constructed using
 - (a) electrified wire, or
 - (b) barbed wire, razor wire, ribbon wire or ultra barrier wire.

Visual clearance at intersections

- 32 No fence, wall or structure shall be erected to a height greater than 1.0 m above natural grade and no hedge, bush, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance in the area bounded by the intersecting lot lines at a road or driveway entrance corner and a line joining points along side lot lines or driveway pavement edge 6 m from their point of intersection as illustrated in the following diagram.



Division 5 – Flood Plains⁴

Floodplain designations

33 ⁵For the purposes of this Act, the following are designated flood plain:

- (a) land designated as a floodplain in an official community plan, including land designated or shown as floodplain in a schedule to an official community plan;
- (b) land lower than the flood levels specified in section 34;
- (c) land within the setbacks specified in section 35.

Flood level

34 ⁶The following elevations are specified as the flood level, except that where more than one flood level is applicable, the higher elevation shall be the flood level:

- (a) 3.0 m above the natural boundary of Ksi Sii Aks (Tseax) River;
- (b) 1.5 m above the natural boundary of Gitksýoon (Gitzyon) Creek and McLeod Creek;
- (c) 1.5 m above the natural boundary of any nearby watercourse.

⁴ This Division is based on Enabling Act §18 [Construction requirements in relation to flood plain areas]. See also: Enabling Act §1 definition for “Executive flood plain rules”, and §23(4) [Development permits]; and related *Nisga’a Land Title Act* provisions including §53(1) and (2) and §112.

⁵ See Enabling Act §18(1).

⁶ See Enabling Act §18(2)(a).

Required setbacks

35 ⁷The following distances are specified as the setback, except that where more than one setback is applicable, the greater distance shall be the setback:

- (a) 60.0 m from the natural boundary of Ksi Sii Aks (Tseax) River;
- (b) 15.0 m from the natural boundary of Gitks'oon (Gitzyon) Creek and McLeod Creek;
- (c) 15.0 m from the natural boundary of any nearby watercourse;

Specified flood level and setback impacts

36 (1)⁸ Where a flood level is specified under section 34 or setback is specified under section 35:

- (a) the underside of any floor system, or the top of any pad supporting any space or room, including a manufactured home, that is used for
 - (i) dwelling purposes,
 - (ii) business, or
 - (iii) the storage of goods that are susceptible to damage by floodwater
 shall be above the specified flood level, and
 - (b) any landfill required to support a floor system or pad shall not extend within any setback.
- (2) Structural support or compacted structural fill or a combination of both may be used to elevate the underside of the floor system or the top of the pad above the flood level specified in section 34 and the structural support or compacted structural fill shall be protected against scour and erosion from flood flows, wave action, ice and other debris.
- (3) The Land Clerk, or another person designated by the Village Government by Village Government enactment or resolution, may require that a British Columbia Land Surveyor's certificate be required to verify compliance with the flood level and setback specified in sections 34 and 35, and the cost of verification shall be assumed by the land owner.

Exemptions from section 34, 35 or 36

37 The following types of developments are exempt from the flood level specified in sections 34, 35 or 36

⁷ See Enabling Act §18(2)(b).

⁸ See Enabling Act §18(5).

- (a) a renovation of an existing building or structure that does not involve an addition to the building or structure;
- (b) an addition to a building or structure, at the original nonconforming floor elevation, that would increase the size of the building or structure by less than 25% of the ground floor area (excluding carports or garages) existing at the date of adoption of this Act, provided that the degree of nonconformity regarding setback is not increased;
- (c) that portion of a building or structure to be used as a carport, garage or entrance foyer.

Site-specific exemptions from section 34, 35 or 36

- 38 (1) A property owner may apply to the Village Government for a site-specific exemption from requirements of section 34, 35 or 36 by completing a form provided by the Village Government and submitting the form to the Land Clerk in accordance with the instructions on the application.
- (2) ⁹Subject to subsection (3), the Village Government may by resolution exempt a person from the application of section 34, 35 or 36 in relation to a specific lot or a use, building or other structure on the lot, if the Village Government considers it advisable and has received a report that the land may be used safely for the use intended, which report is certified by a person who is a professional engineer, geoscientist or hydrologist and experienced in geotechnical engineering and hydrology.
- (3) ¹⁰The Village Government shall not exempt a person from the application of section 34, 35 or 36 if the exemption would be contrary to a designation by the Executive under section 53 of the *Nisga'a Land Title Act* or inconsistent with a covenant given under section 112 of the *Nisga'a Land Title Act* applicable to the lot registered in the Nisga'a Land Title Office.
- (4) ¹¹The granting of an exemption, and an exemption, under this section may be made subject to the terms and conditions the Village Government considers necessary or advisable, including
- (a) imposing any term or condition contemplated by the Provincial guidelines in relation to the exemption,
 - (b) requiring that a person submit a report described in subsection 38(2), and
 - (c) requiring that a person enter into a covenant under section 112 of the *Nisga'a Land Title Act*.

⁹ See Enabling Act §18(6).

¹⁰ See Enabling Act §18(6) introduction.

¹¹ See Enabling Act §18(7).

PART 4 – ADMINISTRATION AND ENFORCEMENT

Division 1 – Administration

Land Clerk

- 39 (1) The position of Land Clerk is established.
- (2) The Village Government may by Village Government enactment or resolution appoint a person, who may be an employee of or an agent for the Village, as Land Clerk.

Act administration

- 40 The Land Clerk
- (a) except as otherwise expressly provided in this Act, shall administer this Act, and
- (b) except as otherwise expressly provided in a regulation made under section 41, shall administer all regulations made under either of those sections.

Regulations and fees

- 41 The Village Government may make regulations it considers necessary or advisable for purposes of this Act, including, subject to section 35 of the enabling Act¹², regulations imposing one or more of the following types of fees:
- (a) application fees for an application under the *Nisga'a Owner Application Procedures Regulation* to initiate changes to the provisions of an official community plan or a Nisga'a Village Zoning Act;
- (b) application fees for the application under the *Nisga'a Owner Amendment Application Procedures Regulation* for the issuance of a Nisga'a Village Government permit under Part 6 of the enabling Act¹³;
- (c) fees to cover the costs of administering and inspecting works and services under this Act that are costs additional to those related to fees under paragraphs (a) and (b).

Division 2 – Enforcement¹⁴

Inspection

- 42 The Land Clerk or any other person designated by Village Government enactment or resolution to administer or to enforce this Act is authorized, subject to section 36 of the

¹² See Enabling Act Part 8 [Fees Related to Applications and Inspections] and the Owner Application Regulation.

¹³ Development Permits.

¹⁴ See Enabling Act Part 9 [Enforcement and Related Matters] and *Nisga'a Offence Act* §2.

enabling Act, to enter on any property within Village Lands to inspect and determine whether all regulations, prohibitions and requirements of this Act are being met.

Violations

- 43 (1) It is an offence
- (a) for a person to cause, suffer or permit
 - (i) a building or structure to be constructed, reconstructed, altered, moved, extended or used, or
 - (ii) land to be used
- in contravention of this Act, or
- (b) for a person to otherwise contravene or fail to comply with this Act.
- (2) It is an offence for a person to prevent or obstruct, or seek or attempt to prevent or obstruct, the entry of the Land Clerk or any other person designated under section 42.

Nisga'a Offence Act

- 44 (1) An offence under this Act is punishable under the *Nisga'a Offence Act*.
- (2) A person convicted of an offence referred to in section 43 is liable, on summary conviction, to a maximum fine of up to \$2000 for each day that the offence continues, together with the costs of prosecution.

PART 5 – ZONE SPECIFIC REGULATIONS AND VILLAGE ZONING MAPS

Division 1 – Zones

Table of zone names and reference symbols

45 Village Lands are divided into the zones named in column 1 of the following table.

<u>Column 1</u> Zone Name	<u>Column 2</u> Reference Symbol
Residential Zones	
Single Family Residential	R1
Single Family Residential- Trailers	R1A
Two Family Residential	R2
Multi-family Residential	RM
Mobile Home Park	RMH
Commercial Zones	
Retail Commercial	C1
Tourism Commercial	C2
Local Commercial	C3
Industrial Zones	
Light Industrial	LI
Public Use Zones	
Public and Institutional Use	PI
Open Space	OS
Holding	H

Division 2 – Zone Specific Regulations

46 Schedule of regulations for each zone

- (1) This Division includes a schedule for each separate zone that:
 - (a) identifies the zone by the zone symbol set out in column 2 of the table in section 45 and the name set out in column 1 of that table, and
 - (b) sets out regulations that apply to the zone.
- (2) All provisions of a schedule apply in the zone identified in the schedule.

R1 Schedule

R1– SINGLE FAMILY RESIDENTIAL

Permitted Uses

46 The following uses and no others are permitted in the R1 zone:

- (a) single family dwelling;
- (b) secondary suite;
- (c) family day care
- (d) home-based business;
- (e) accessory building, accessory structure or accessory use.

Regulations

47 On a lot zoned R1, no building or structure shall be constructed, located or altered and no plan of subdivision approved that contravenes the regulations set out in the following table:

<u>Column 1</u>	<u>Column 2</u>
Minimum lot size	500 m ²
Minimum lot frontage	15.0 m
Maximum lot coverage	40% of the lot area
Minimum setback <ul style="list-style-type: none"> • front lot line • exterior side lot line • interior side lot line • rear lot line 	7.6 m 3.0 m 1.5 m 7.6 m for principal building; 1.5 m for ancillary building
Maximum height of principal buildings	9.0 m (to a maximum of 2.5 storeys)
Maximum height of accessory buildings	5.0 m
Minimum setback of accessory buildings from principal building	2.0m
Maximum accessory building floor area per dwelling unit	56 m ²
Minimum building width of principal building	5.0 m
Maximum length to width ratio of principal building	3:1

R1A Schedule

R1A– SINGLE FAMILY RESIDENTIAL - TRAILERS

Permitted Uses

1. The following uses and no others are permitted in the R1A zone:
 - (a) detached single family dwelling;
 - (b) mobile home (trailer)
 - (c) secondary suite;
 - (d) family day care
 - (e) home-based business;
 - (f) accessory building, accessory structure or accessory use.

Regulations

- 2 On a lot zoned R1A, no building or structure shall be constructed, located or altered and no plan of subdivision approved that contravenes the regulations set out in the following table:

<u>Column 1</u>	<u>Column 2</u>
Minimum lot size	500 m ²
Minimum lot frontage	15.0 m
Maximum lot coverage	40% of the lot area
Minimum setback <ul style="list-style-type: none"> • front lot line • exterior side lot line • interior side lot line • rear lot line 	7.6 m 3.0 m 1.5 m 7.6 m for principal building; 1.5 m for ancillary building
Maximum height of principal buildings	9.0 m (to a maximum of 2.5 storeys)
Maximum height of accessory buildings	5.0 m
Minimum setback of accessory buildings from principal building	2.0m
Maximum accessory building floor area per dwelling unit	56 m ²
Minimum building width of principal building	4.0 m
Maximum length to width ratio of principal building	3:1

R2 Schedule**R2- TWO FAMILY RESIDENTIAL****Permitted Uses**

- 1 The following uses and no others are permitted in the R2 zone:
- (a) detached single family dwelling;
 - (b) duplex
 - (c) secondary suite;
 - (d) family day care
 - (e) home-based business;
 - (f) accessory building, accessory structure or accessory use.

Regulations

- 2 On a lot zoned R2, no building or structure shall be constructed, located or altered and no plan of subdivision approved that contravenes the regulations set out in the following table:

<u>Column 1</u>	<u>Column 2</u>
Minimum lot size	500 m ²
Minimum lot frontage	15.0 m
Maximum lot coverage	40% of the lot area
Minimum setback <ul style="list-style-type: none"> • front lot line • exterior side lot line • interior side lot line • rear lot line 	7.6 m 3.0 m 1.5 m 7.6 m for principal building; 1.5 m for ancillary building
Maximum height of principal buildings	9.0 m (to a maximum of 2.5 storeys)
Maximum height of accessory buildings	5.0 m
Minimum setback of accessory buildings from principal building	2.0m
Maximum accessory building floor area per dwelling unit	56 m ²
Minimum building width of principal building	5.0 m
Maximum length to width ratio of principal building	3:1

RMH Schedule
RMH – MOBILE HOME PARK RESIDENTIAL

Permitted Uses

- 1 The following uses and no others are permitted in the RMH zone:
- (a) mobile home park;
 - (b) mobile home;
 - (c) family day care;
 - (d) home-based business;
 - (e) single detached dwelling for manager or caretaker of the mobile home park;
 - (f) accessory building, accessory structure or accessory use.

Regulations

- 2 On a lot zoned RMH, no building or structure shall be constructed, located or altered and no plan of subdivision approved that contravenes the regulations set out in the following table:

<u>Column 1</u>	<u>Column 2</u>
Minimum lot size	8,000 m ²
Minimum lot frontage	30.0 m
Maximum lot coverage	40% of the lot area
Minimum setback	
• front lot line	7.6 m
• exterior side lot line	3.0 m
• interior side lot line	1.5 m
• rear lot line	3.0m
Maximum height of single detached building	6.0 m
Maximum height of mobile home	4.0 m

RM Schedule
- RM - MULTI-FAMILY RESIDENTIAL

Permitted Uses

1 The following uses and no others are permitted in the RM zone:

- (a) duplex housing;
- (b) multi-family dwelling;;
- (c) townhouse;
- (d) apartment housing;
- (e) congregate housing;
- (f) group home – minor;
- (g) group home – major;
- (h) home-based business;
- (i) accessory building, accessory structure or accessory use.

Regulations

2 On a lot zoned RM, no building or structure shall be constructed, located or altered and no plan of subdivision approved that contravenes the regulations set out in the following table:

<u>Column 1</u>	<u>Column 2</u>
Minimum lot size	1100 m ²
Minimum lot frontage	20.0 m
Maximum lot coverage	40% of the lot area
Maximum density	60 dwelling units per hectare
Minimum setback	
• front lot line	7.6 m
• exterior side lot line	4.5 m
• interior side lot line	1.5 m
• rear lot line	7.5 m
Maximum height of principal buildings	15.0 m (to a maximum of 4 storeys)
Maximum height of accessory buildings	5.0 m
Minimum setback of accessory buildings from principal building	2.0 m
Maximum accessory building floor area per	24 m ²

<u>Column 1</u>	<u>Column 2</u>
dwelling unit	

C1 Schedule

C1– RETAIL COMMERCIAL

Permitted Uses

- 1 The following uses and no others are permitted in the C1 zone:
- (a) commercial establishment;
 - (b) office;
 - (c) apartment housing – above road level;
 - (d) hotel or motel;
 - (e) entertainment or recreation establishment – indoor;
 - (f) personal service establishment;
 - (g) place of public assembly;
 - (h) accessory building, accessory structure or accessory use.

Regulations

- 2 On a lot zoned C1, no building or structure shall be constructed, located or altered and no plan of subdivision approved that contravenes the regulations set out in the following table:

<u>Column 1</u>	<u>Column 2</u>
Minimum lot size	400 m ²
Minimum lot frontage	20.0 m
Maximum lot coverage	100% of the lot area
Maximum density	1.0 floor area ratio
Minimum setback	
• front lot line	0.0 m
• exterior side lot line	0.0 m
• interior side lot line	0.0 m
• rear lot line	0.0 m
Maximum height of principal buildings	15.0 m (to a maximum of 4 storeys)
Maximum height of accessory buildings	5.0 m
Minimum setback of accessory buildings from principal building	2.0 m
Maximum accessory building floor area per dwelling unit	24 m ²

Conditions of Use for Service Stations

- 3 Service Stations are permitted in the C1 Zone, subject to the following conditions:
 - (a) screening that is not less than 1.5 m in height shall be provided and properly maintained along any boundary of the lot that abuts a lot in a residential zone;
 - (b) all servicing equipment, other than that normally carried on a pump island, shall be entirely enclosed within a building;
 - (c) the entire surface area shall be paved with a surface of asphalt or concrete, and any unpaved areas of the lot shall be suitably landscaped, maintained and separated from the paved areas by a curb or other barrier;

Screening of storage

- 4 All outside commercial storage, including the storage of garbage, shall be completely contained within a landscape screen of not less than 1.5 m in height. The maximum height for fences shall not apply to all outside commercial storage, including the storage of garbage.

C2 Schedule

C2 – Tourism Commercial

Permitted Uses

- 1 The following uses and no others are permitted in the C2 zone:
- (a) hotel or motel;
 - (b) personal service establishment;
 - (c) resort housing establishment;
 - (d) accessory building, accessory structure or accessory use.

Regulations

- 2 On a lot zoned C2, no building or structure shall be constructed, located or altered and no plan of subdivision approved that contravenes the regulations set out in the following table:

<u>Column 1</u>	<u>Column 2</u>
Minimum lot size	1,000 m ²
Minimum lot frontage	20.0 m
Maximum lot coverage	40% of the lot area
Maximum density	0.6 floor area ratio
Minimum setback	
• front lot line	7.6 m
• exterior side lot line	6.0 m
• interior side lot line	6.0 m
• rear lot line	6.0 m
Maximum height of principal buildings	15.0 m (to a maximum of 4 storeys)
Maximum height of accessory buildings	5.0m
Minimum setback of accessory buildings from principal building	2.0 m

Screening for storage

- 3 All outside commercial storage, including the storage of garbage, shall be completely contained within a landscape screen of not less than 1.5 m in height. The maximum height for fences shall not apply to all outside commercial storage, including the storage of garbage.

LI Schedule
LI- LIGHT INDUSTRIAL

Permitted Uses

- 1 The following uses and no others are permitted in the LI zone:
- (a) custom workshop, trade or service;
 - (b) light industry;
 - (c) public works yard;
 - (d) equipment storage & maintenance yard;
 - (e) one residential unit for caretaker not exceeding 120m²;
 - (f) accessory building, accessory structure or accessory use, including associated offices and retail sales accessory to other uses in the LI zone.

Regulations

- 2 On a lot zoned LI, no building or structure shall be constructed, located or altered and no plan of subdivision approved that contravenes the regulations set out in the following table:

<u>Column 1</u>	<u>Column 2</u>
Minimum lot size	400 m ²
Minimum lot frontage	12.0 m
Maximum lot coverage	50%
Minimum Setback from:	
• front lot line	7.6 m
• exterior side lot line	3.0 m
• interior side lot line	4.5 m
• rear lot line	6.0 m
Minimum setback from all lot lines adjacent to residential zones	30 m

Screening for Storage

- 3
- (1) Any part of the lot that is used or intended to be used as an outside storage area shall be enclosed by screening consisting of a solid fence or wall at least 2.0m in height, which shall be uniformly painted and well maintained.
 - (2) The fence or wall shall not be used for advertising or display purposes.

- (3) The maximum height for fences shall not apply to any part of the lot that is used or intended to be used as an outside storage area.

General Conditions of Use

- 4 In the LI zone, nothing shall be done that is or will become an annoyance or nuisance to the surrounding areas by reason of unsightliness, the emission of odours, liquid effluents, dust, fumes, smoke, vibration, noise or glare outside of regular working hours between 7.00am and 6.00pm. Village Council shall determine whether a situation constitutes an annoyance or nuisance.
- 5 Notwithstanding section 4 above, the provision does not apply to essential public service equipment and activities such as snow removal operations, public works critical repairs, police and emergency services.

PI - Schedule

PI – PUBLIC AND INSTITUTIONAL USE

Permitted Uses

1 The following uses and no others are permitted in the PI zone:

- (a) public use;
- (b) utility use;
- (c) accessory building, accessory structure or accessory use.

Regulations

2 On a lot zoned PI, no building or structure shall be constructed, located or altered and no plan of subdivision approved that contravenes the regulations set out in the following table:

<u>Column 1</u>	<u>Column 2</u>
Minimum lot size	700 m ²
Minimum lot frontage	18.0 m
Maximum lot coverage	50%
Minimum setback from:	
• front lot line	7.6m
• exterior side lot line	3.0 m
• interior side lot line	3.0m
• rear lot line	3.0 m
Maximum height of principal buildings	12.0 m

OS Schedule

OS – OPEN SPACE

Permitted Uses

- 1** The following uses and no others are permitted in the OS zone:
- (a) conservation area;
 - (b) outdoor recreation
 - (c) accessory building, accessory structure or accessory use, including a dwelling unit for a caretaker, a gift or snack shop, and an interpretive centre.

Regulations

- 2** On a lot zoned OS, no building or structure shall be constructed, located or altered and no plan of subdivision approved that contravenes the regulations set out in the following table:

<u>Column 1</u>	<u>Column 2</u>
Minimum lot size	N/A
Minimum lot frontage	N/A
Maximum lot coverage	10%
Minimum setback of buildings from:	
• front lot line	7.6m
• exterior side lot line	3.0 m
• interior side lot line	3.0m
• rear lot line	3.0 m
Maximum height of principal buildings	9.0 m

H Schedule

H – HOLDING

Purpose

- 1 (1) The purpose is to provide a zone that will hold land for development until a detailed planning process is completed and the following general requirements are fulfilled:
 - (a) water supply, sanitary sewers, storm water management facilities, and parks are sufficient for the development;
 - (b) transportation facilities are adequate and appropriate for the development;
 - (c) studies relating to traffic, soil, environmental and archaeological features and constraints, and development design features have been completed to the Village Government's satisfaction.
- (2) If a holding zone is in place, the Village Government shall not amend the zoning regulation to another zoning designation until such time that the above matters have been addressed to the satisfaction of the Village Government.

Permitted Uses

- 2 The following uses and no others are permitted in the H zone:
 - (a) uses permitted in section 9 of Division 1 of Part 3;
 - (b) existing uses, buildings, and structures lawfully permitted on the date the applicable Zoning Act was enacted;
 - (c) home-based business in an existing detached dwelling.

Division 3 –Gitlaxt'aamix Village Zoning Maps

Gitlaxt'aamiks Village zoning maps

This Division includes maps that identify each zone by the zone symbol set out in column 2 of the table in section 5.

[Village Zoning Maps are attached following this page]

