

The background of the cover is a photograph of a scenic landscape. In the foreground, there is a calm body of water reflecting the sky. Behind the water is a dense forest of evergreen trees. In the background, a large mountain with patches of snow on its upper slopes rises against a clear blue sky. The text is overlaid on the lower half of the image.

# OYSTER BAY

Zoning Regulation

2011

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**Stz'uminus First Nation**

## **PART 1 INTRODUCTION**

Stz'uminus First Nation has developed Zoning Regulations for IR#12 Stz'uminus lands. The various Zoning Designations provide specific regulations and permitted uses for each of the zones.

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## PART 2 ADMINISTRATION

### Application

- 2.1 This Zoning Regulation applies to all land, buildings, and structure and the surface of the water within the boundaries of IR#12 of the Stz'uminus First Nation, as defined by the Zoning Map contained in Schedule "A".

### Compliance

- 2.2 Land, including air space and the surface of the water, shall not be used and buildings and structures shall not be constructed, altered, located or used except as specifically permitted in this Zoning Regulation.

### Severability

- 2.3 If any section, subsection, clause, sentence or phrase of this Regulation is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remainder.

### Applicable Regulations

- 2.4 Where this Zoning Regulation sets out two or more regulations that could apply to a situation, the most stringent regulation shall apply.

### Metric Measurement

- 2.5 All measurements in this Zoning Regulation shall be made in metric.

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## PART 3 ENFORCEMENT

### Inspection

3.1 Any duly appointed member of the Stz'uminus First Nation administration is hereby authorized to enter, at all reasonable times, on any property that is subject to this Zoning Regulation to ascertain whether the provisions of the Regulation are being complied with.

### Violation

3.2 Any person who violates any of the provisions of this Regulation or who causes or permits any act or thing to be done in contravention of this Regulation or who neglects or omits to do anything required under this Regulation shall be deemed to be liable to the penalties hereby imposed.

### Offence

3.3 Each day's continuance of an offence under this Regulation constitutes a new and distinct offence.

### Penalty

3.4 Any person who violates the provisions of this Regulation shall upon summary conviction thereof be liable to penalty of not more than \$1,000 for each offence.

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## PART 3 DEFINITIONS

ACCESSORY BUILDING, USE, OR STRUCTURE means a use, detached building, or structure that is subordinate, customarily incidental, and exclusively devoted to the principal use, building or structure located on the same parcel.

AGRICULTURE means the use of land for the husbandry of plants and livestock and includes the storage and sale of agricultural products and the storage and repair of farm machinery and implements used on the individual farm on which the storage and repair is taking place. Agricultural uses also include those uses permitted in Part 2 of the *Provincial Agricultural Land Reserve Use, Subdivision and Procedure Regulation*.

APARTMENT means a building consisting of three or more dwelling units, where each dwelling unit has access through common (1) corridors or (2) stairways.

BED AND BREAKFAST means temporary tourist accommodation which is incidental, subordinate and contained within a Single Family Dwelling intended primarily for the accommodation of the traveling public and may include the provision of breakfast to the guests.

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

BUILDING HEIGHT means the vertical distance from the Grade to the highest point of the roof surface of a flat roof, the deck line of a mansard roof, and to the beam height level between the eaves and ridge of a gable, hip or gambrel roof.

COMMUNITY ADMINISTRATIVE AND CULTURAL FACILITIES means building and lands that are used for the governance of Stz'uminus First Nation or used for public functions or services. Typical such facilities include a community centre, longhouse, library, museum, or gallery.

CONVENIENCE STORE means a retail outlet selling small grocery items, personal hygiene products and similar daily personal necessities.

CONSERVATION AREA means land that is preserved and protected for its unique value to itself, the surrounding area and the community as a whole. Typical examples may include land left in a natural or semi-natural state for the purpose of conserving plant life and providing sanctuary, habitat and breeding grounds for wildlife.

COUNCIL means the Chief and members of the Council of the Stz'uminus First Nation.



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COVERAGE means the percentage of the Parcel Area covered by the area of all Buildings but shall exclude balconies, bay windows, canopies and sun shades, cornices, eaves and gutters, roof overhangs, fire escapes, sills, steps, open and enclosed terraces at grade or similar projections.

DAY CARE FACILITY means a facility providing group day care, family day care, nursing school, child minding, out of school care, or specialized day care in accordance with the provisions of the Provincial Child Care Facilities Regulations of the *Community Care Facility Act*.

DEVELOPMENT means:

- (A) the carrying on of any construction or excavation or their operation, in, on, over, or under land or water
- (B) the making of any changes in the use or intensity of use of any land, water, building, or premises

DUPLEX means any Building divided into two Dwelling Units, each of which is occupied or intended to be occupied as a permanent home or residence of one Family.

DWELLING OR DWELLING UNIT means a self-contained set of habitable rooms containing not more than one kitchen facility, and not less than one bathroom with a water closet, wash basin and bath or shower.

EATING AND DRINKING ESTABLISHMENT means a building or use such as a restaurant, café, pub, or similar use, not including a Fast Food Restaurant, to provide food and beverages to the public.

EMERGENCY AND PROTECTIVE SERVICES means premises used for fire protection, police, ambulance, or other such services as a base of operations.

EXTERIOR SIDE PARCEL LINE means a Parcel Line, other than a Front or Rear Parcel Line, which is common to the parcel and a Highway other than a Lane or walkway.

FAMILY means

- 1. an individual, or two or more persons related by blood, marriage, common law marriage, adoption, or foster parenthood sharing one Dwelling Unit; or
- 2. Not more than four (4) unrelated persons sharing one Dwelling Unit

FAST FOOD RESTAURANT means an eating establishment where food may be obtained via a drive-through window and which may or may not provide seating for consumption of food on the premises. This definition includes take-out restaurants which have no provision for consumption of food on the premises.

FLOOR AREA means the total floor area of all floors in a Building measured to the extreme outer limits of the Building including all areas giving access thereto such as corridors, hallways, landings, foyers,

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staircases, stairwells, enclosed Balconies, enclosed mezzanines, enclosed porches, enclosed verandas, and Accessory Buildings except those used for parking.

FRONT PARCEL LINE means the shortest Parcel Line common to a parcel and a highway other than a Lane.

GRADE is determined in two steps

1. for each exterior wall, measure the average elevation of the finished ground adjoining the wall
2. From the average elevation figures for all the walls, choose the lowest elevation figure to represent the Grade

GROCERY STORE means a building used for the sale primarily of food products, and which specifically excludes the use of specialty products as a principal use.

HOME OCCUPATION means Personal Service Establishments, professional offices, studios or galleries operated by the owner-occupier, carried out in a home, where the occupation or profession is accessory to the Use of a Dwelling for residential purposes. Notwithstanding the Personal Service Establishments definition contained in this section, Home Occupation will not include Laundromats, shoe repair shops, or depots for collecting dry cleaning and laundry.

HOTEL OR MOTEL means a building or group of buildings providing sleeping accommodation for the transient public based on rental periods of less than one month.

INTERIOR SIDE PARCEL LINE means a Parcel Line other than a rear or Front Parcel Line, which is not common to a highway other than a Lane or walkway

LAUNDROMAT means a building used for the purpose of receiving articles or goods of fabric or leather to be subjected to the process of dry cleaning, dry dyeing, or cleaning, processing or repairing elsewhere and for the distribution of any such articles or goods which have been subjected to any such processes. Also means a building or portion thereof where machines for the washing and drying of articles or goods of fabric are provided to be operated by customers.

MARINA means a commercial or government establishment or premise, containing docking or mooring facilities where boats and other water vessels and their accessories are berthed, stored, serviced, repaired, constructed or kept for sale or for rent.

MEMBER means a person whose name appears on the Stz'uminus First Nation Membership list.

MULTIPLE FAMILY DWELLING means a townhouse dwelling or apartment dwelling.

OFFICE means a building or part thereof designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or where not conducted on the site thereof, the administration of an industry.

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**PARCEL** means any lot, block, or other area in which land is held or into which it is subdivided, but does not include a highway.

**PARCEL AREA** means the total horizontal area within the Parcel Lines.

**PARCEL COVERAGE** The portion of parcel area covered by all buildings, structures, and projections thereof as expressed as a percentage of the parcel area; does not include

- (1) underground structures;
- (2) uncovered swimming pools;
- (3) parking areas, loading areas, and driveways that are open sided and roofless, unless such use is a principal use;
- (4) one accessory building having a gross floor area 10.0m<sup>2</sup> or less;
- (5) awning, sunshades, canopies, pilasters, cornices, eaves, gutters, leaders, sills, steps and ornamental features; and
- (6) fences, retaining walls, patios, and landscape materials.

**PARCEL LINE** means any boundary of a parcel.

**PARCEL WIDTH** means the horizontal distance between the two side Parcel Lines measured at the minimum setback from the Front Parcel Line.

**PARK** means an area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation.

**PARKING AREA** means an area or areas of land or a building or part thereof which is provided and maintained upon the same lot or lots upon which the principal use is located for the purpose of storing motor vehicles.

**PARKING, OFF-STREET** means the on-site parking allotment required for a given property based on a specific use or uses carried out there.

**PARKING SPACE** means an area having a minimum width of 2.5 metres and a maximum area of 13.75m<sup>2</sup>, exclusive of any aisles, ingress or egress lanes, for the parking or storage of motor vehicles.

**PERMITTED LAND USE** means the principal permissible purpose for which land, buildings or structures may be used.

**PERSONAL SERVICE ESTABLISHMENT** means a building or part of a building in which persons are employed in furnishing services and otherwise administering to the individual and personal needs of persons and includes barber shops, beauty parlours, Laundromats, shoe repair shops and depots for collecting dry cleaning and laundry.

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**PLACE OF ASSEMBLY** means a use providing for assembly of persons such as in a place of worship, auditorium, educational facility such as a daycare or private school, funeral establishment, or temporary shelter.

**PRINCIPAL BUILDING** means the Building, which contains the Principal Use of the parcel and shall include attached garages or carports, but does not include an Accessory Building.

**PRINCIPAL USE** means the main purpose for which land, Buildings or Structure are ordinarily used.

**PUBLIC UTILITY** means a building or space used in conjunction with the supply of local utility services including a water or sewage pumping station, a water storage reservoir, a gas regulator building, a hydro substation, a telephone building and corridors for the pipe or wire systems connected with the supply of these services.

**REAR PARCEL LINE** means the parcel line which lies the most opposite to and is not connected to the Front Parcel Line.

**RESORT HOUSING ESTABLISHMENT** means apartments, townhouse, or cabins providing sleeping accommodation for visitors based on rental periods of less than one month. Resort housing include accessory facilities such as eating and drinking establishments, convention rooms, recreational facilities, and personal service establishments for the convenience of guests.

**RETAIL STORE** means a store in which any type of goods or wares are sold or rented to the final consumer, provided that the product may be stored and sold from within a building. This may include a convenience store, grocery store, and video store.

**SECONDARY SUITE** means a self-contained, accessory dwelling unit located within a principal single-detached dwelling or in an accessory building on the same parcel as a single-detached dwelling. A secondary suite has its own separate cooking, sleeping and bathing facilities. It has direct access to the outside without passing through any part of the principal unit. A secondary suite does not include a duplex.

**SERVICE STATION** means premises used principally for the retail sale of motor fuels, lubricating oils and motor vehicle accessories and the servicing of passenger and light trucks, and may include the auxiliary retail sale of other products, but shall not include any wholesale sales, automotive frame repairs, body repairs, or painting heavy equipment or heavy truck repair.

**SETBACK** means the required minimum or maximum distance between a Building, Structure or Use and each of the respective Parcel Lines.

**SFN** means the Stz'uminus First Nation.

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**SINGLE FAMILY DWELLING** means any detached Building consisting of one Dwelling Unit which is used or intended to be used as the permanent home or residence of one Family.

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

**STREET** means a public road, or road right-of-way meant for vehicular use.

**STRUCTURE** means any construction fixed to, supported by or sunk into land or water including a Manufactured Home or Mobile Home, but does not include concrete, asphalt, brick or tile surfaced areas.

**TEMPORARY BUILDING** means a Building that does not have its exterior walls supported on continuous concrete or masonry foundations or walls but shall not include Manufactured Housing.

**TOWNHOUSE** means the residential use of a building or buildings which contain three or more dwelling units, with each dwelling unit having its principal access from a separate ground oriented entrance.

**USE** means the same as permitted land use.

**WATERCOURSE** means any natural or man made depression with defined, continuous banks, whether usually containing water or not, and includes any lake, river, creek, spring, wetland, sea, or source of ground water and includes portions that may be within a conduit or culvert.

**ZONE** means the areas into which Stz'uminus First Nation is divided in accordance with this Regulation and Schedules appended thereto.

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## PART 4 GENERAL REGULATIONS

### ***Applicability of General Regulations***

- 4.1 Except as otherwise specified, Part 4 – General Regulations applies to all Zoning Designations established under this Zoning Regulation.

### ***Uses Permitted In All Zoning Designations***

- 4.2 The following uses are permitted in all zones:
- (a) Public parks and recreation areas, except golf courses and golf driving ranges;
  - (b) Stz'uminus First Nation public buildings provided that such buildings are located in conformity with the provisions of that particular zone;
  - (c) Public utility facilities for local transmission of water, sewage, electrical power, telephone, natural gas, cable television and other similar services (but not including sewage treatment plants, electrical substations, storage yards, works yards, maintenance buildings, or offices);
  - (d) Highways;
  - (e) Public transit stops and shelters;
  - (f) Mail boxes;
  - (g) Railway tracks;
  - (h) Temporary use of a building as a polling station for government elections or referenda, providing that the time period of use does not exceed 60 days;
  - (i) Temporary construction and project sales offices provided that the use is removed within 30 days of the completion of the project; and
  - (j) Storage of construction materials on a site for which construction has been authorized by the authority having jurisdiction, provided they are removed within 30 days of completion of the project.
- 4.3 Emergency and protective services such as premises used by fire protection, police, ambulance, or other such services as a base of operations are permitted in all zones provided that:
- a) Any buildings or structures are, as far as possible, in substantial compliance with the applicable zone requirements of this bylaw;
  - b) Any building erected or used under this provision shall be of a character and maintained in general harmony with buildings of this type permitted in the applicable zone; and,
  - c) Adequate off street parking and loading facilities are provided.

### ***Number of Principal Buildings on a Parcel***

- 4.4 Within any RS or RM zone, not more than one Principal Building shall be permitted on any parcel.

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## ***Height Regulation Exemptions***

- 4.5 Any of the following structures may exceed the maximum height regulations, provided that no such structure shall cover more than 20% of the parcel, or if located on a Building, not more than 10% of the roof area of the Principal Building.
- (a) Dome, cupola;
  - (b) Flag or lighting pole, flood light;
  - (c) Public monument or sculpture;
  - (d) Spire, steeple, belfry;
  - (e) Chimney;
  - (f) Transmission tower or antenna;
  - (g) Industrial cranes;
  - (h) Water tanks;
  - (i) Hose and fire alarm tower; and
  - (j) Mechanical appurtenance on roof tops, including satellite dishes or other telecommunications apparatus for domestic or commercial purposes.
- 4.6 No exempted structure, other than transmission towers, shall exceed 20 m in height.

## ***Minimum Setback from Watercourse***

- 4.7 No grazing of livestock and no building, mobile home or unit, manufactured home or structure or any part thereof shall be constructed, reconstructed, moved, extended or located within:
- (a) 15 metres of the natural boundary of any non-fish bearing watercourse or any structure for flood protection or seepage control of any dyke right-of-way; or,
  - (b) 30m of the natural boundary of any fish-bearing watercourse.
- 4.8 These setbacks may be varied by resolution of Stz'uminus First Nation Council through an environmental assessment completed by a qualified professional.

## ***Wildlife and Fish Recognition***

Designated wildlife crossings, wildlife protection studies and fish habitat areas must be reference and consulted with the community as part of environmental impact assessments. The completed report must be presented to the Council and the community prior to any approval of development.

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## ***Archeological and Cultural Study***

Prior to development, a study must be completed by a registered Archaeologist to identify archaeological and/or cultural features.

## ***Setback Exceptions***

- 4.10 No structure other than the following shall be located in any setback required by this Zoning Regulation:
- (a) Gutters, cornices, sills, bay windows, or chimneys may intrude no more than 0.6m into the required setback;
  - (b) Eaves, sunlight control projections and canopies, may project no more than:
    - (i) 1.2 m into a required front or rear setback
    - (ii) 0.6 m into a required side setback;
  - (c) Bay windows, balconies, uncovered decks, or open porches, provided, in total, that they are limited to no more than 50% of the wall length of that particular side of the structure and provided they extend no more than
    - (i) 1.2 m into a required front or rear setback
    - (ii) 0.6 m into a required side setback;
  - (d) Fence;
  - (e) Arbours, trellises, fish ponds, ornaments, flag poles or similar landscape features, provided that they are not closer than 1m from any parcel line;
  - (f) An uncovered swimming pool, provided that such pool not be constructed within any required front setback nor nearer than 1.0m to any parcel line;
  - (g) Free-standing lighting poles, flag poles, warning devices, antennas, masts, clothing lines, signs and sign structures, except as otherwise limited in this or other regulations; and
  - (h) Sidewalks, patios, and hard surfacing of the ground.
- 4.11 Notwithstanding these setback exceptions, no building or structure or portion thereof may project into or over a registered statutory right of way.

## ***Minimum Parcel Size and Minimum Parcel Width Exception***

- 4.12 The minimum parcel size and minimum parcel width regulations for new subdivisions do not apply to parks, public uses or public utilities.

## ***Accessory Buildings***

- 4.13 Accessory buildings are permitted in all zones
- 4.14 No accessory building or structure shall be permitted on any parcel unless the principal building or structure is established on the parcel.



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- 4.15 No person shall attach an accessory building to a principal building unless the accessory building meets the regulations for the principal building.
- 4.16 No accessory building or structures is permitted in a required front setback or exterior side setback.
- 4.17 An accessory building or structure may located within a required rear setback or side setback, but if it exceeds 2m in height, it shall have a minimum 1m setback from a side or rear parcel line.
- 4.18 An accessory building must be set back a minimum of 1m from another accessory building or principal dwelling.
- 4.19 On a parcel in an RS (Single Family Residential) or RM (Multi-Family Residential) zone, no more than three accessory buildings or structures are permitted.

## ***Outdoor Storage***

- 4.20 Outdoor storage of more than two wrecked or disused vehicles or construction materials is not permitted

## ***Home Occupation***

- 4.21 Where expressly permitted within a Designation, a Home Occupation shall comply with the following regulations:
- (a) no excessive outdoor storage of material associated with the Home Occupation is permitted
  - (b) a maximum of one (1) sign per parcel is permitted when advertising a Home Occupation. It shall not exceed 0.3m<sup>2</sup> in area nor be illuminated
  - (c) the Home Occupation shall be carried out wholly within a dwelling or if a residential designation, within a dwelling or accessory building
  - (d) Unless authorized by the Council, no retail or wholesale sales shall be permitted except for:
    - i. Products incidental to a service being provided;
    - ii. Mail order sales;
    - iii. Telephone sales or sales where the customer does not enter the premises to inspect or pick-up goods;
    - iv. Direct distributions where customers do not enter the premises to inspect, purchase or pick up goods; and
    - v. Products produced on the site.
  - (e) the Home Occupation shall not occupy more than a combined 50m<sup>2</sup> of the Dwelling and Accessory Building or 25% of the gross floor area of the Dwelling, whichever is less.
  - (f) Unless authorized in writing by the Council, a home occupation may not include
    - i. Stables, kennels, or animal breeding operations;
    - ii. Eating and drinking establishments;
    - iii. Parking or storage of commercial, industrial or construction equipment and materials;

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- iv. Vehicle or equipment repair and maintenance;
  - v. Metal fabricating; or
  - vi. Uses that produce toxic or noxious matter, noise, vibrations, smoke, dust, odour, litter, heat, glare, radiation, fire hazard, or electrical interference other than normally associated with a dwelling.
- (g) The Home Occupation must comply with any Stz'uminus First Nation Business Licence Regulation.

### ***Bed and Breakfast***

- 4.22 Where expressly permitted in a Designation, a Bed and Breakfast shall comply with the following regulations.
- (a) a Bed and Breakfast shall be entirely contained within the Dwelling;
  - (b) one additional Parking Space shall be provided for each let room;
  - (c) a maximum of one sign shall be permitted per parcel advertising a Bed and Breakfast and shall not exceed 0.3m<sup>2</sup> in area and shall not be illuminated;
  - (d) no food shall be served in the Bed and Breakfast, other than breakfast, which may only be served to registered overnight guests; and
  - (e) a Bed and Breakfast must comply with any Stz'uminus First Nation Business Licence Regulation.

### ***Temporary Building***

- 4.23 The following conditions shall apply to Temporary Buildings.
- (a) A Temporary Building or Temporary Structure shall not be used as a Dwelling.
  - (b) A Temporary Building or Temporary Structure may be erected for construction purposes on a parcel being developed for a period not to exceed the duration of the construction.

### ***Secondary Suites***

- 4.24 Where expressly permitted within a Zone, a secondary suite shall comply with the following regulations:
- (a) The secondary suite shall have its own separate cooking, sleeping, and bathing facilities.
  - (b) The secondary suite shall have direct access to the outside without passing through any part of the principal dwelling unit
  - (c) The secondary suite shall be located within a single detached house or accessory building.
  - (d) No more than one secondary suite is permitted per parcel
  - (e) The secondary suite shall not exceed the lesser of 90m<sup>2</sup> or 40% of the gross floor area of the principal building.
  - (f) A secondary suite is not permitted in conjunction with a bed and breakfast use, and a bed and breakfast is not permitted within a secondary suite.

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- (g) A home-based business is not permitted within a secondary suite.
- (h) One parking space per secondary suite is required in addition to those required for the principal dwelling.

4.25 Prior approval of the Stz'uminus First Nation must be in place before a secondary suite is permitted. Homeowners who wish to either put in a new secondary suite in the dwelling, or keep an existing suite that has no prior approval, must apply for a secondary suite permit with the Stz'uminus First Nation. This application must include:

- (a) Fully detailed and dimensioned floor plans;
- (b) A completed building permit application;
- (c) Electrical and plumbing permit applications if required; and
- (d) Other documentation as required.

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## PART 5 Parking Regulations

- 5.1 All Zoning Designations shall be subject to the provisions for off-street parking and off-street loading as follows:

### ***Number***

- 5.2 The number of off-street Parking Spaces for motor vehicles required for any use is calculated according to Table 1 of this Schedule in which Column 1 classifies the types of uses and Column 2 sets out the minimum or maximum number of required off-street Parking Spaces that are to be provided for each use in Column 1.
- 5.4 In respect of a Use permitted under this section which is not specifically referred to in Column 1 of Table 1, the number of off-street Parking Spaces is calculated on the basis of the requirements for a similar use that is listed in Table 1.
- 5.5 Where the calculation of the required off-street Parking Spaces results in a fraction, one Parking Space shall be provided in respect of the fraction.
- 5.6 Where seating accommodation is used as a unit of measurement, and such accommodation consists of benches, pews, booths, and the like, each 0.5m of width of such seating accommodation shall be counted as one seat.
- 5.7 Where more than one use is located on a parcel, the total number of Parking Spaces to be required shall be the sum total of the requirements for each use.
- 5.8 Where more than one use is located in a Building, the total number of Parking Spaces to be required may recognize the mix of uses and determine the number of spaces required based on the various portions of the Building dedicated to each Use.
- 5.9 Where more than one standard may apply to a Use, the standard requiring the greatest number of Parking Spaces shall be used.

### ***Location***

- 5.10 Except for uses in the Commercial Designations, off-street Parking Spaces shall be located on the same parcel as the Use they serve.
- 5.11 In Commercial Designations, off-street Parking Spaces may be located on another parcel within 125m of the Building or use the spaces under the condition that legal assurances are established to ensure that the parcel is used only for parking serving the Building or Use.
- 5.12 In Commercial Designations, off-street Parking Spaces may be provided for collectively if the total number of spaces provided is not less than the sum of the separate requirements for each Use and provided that all regulations governing location of Parking Spaces in relation to Use are adhered to.

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## ***Standard***

- 5.13 All parking areas and loading areas shall be hard surfaced with asphalt, concrete, brick or similar pavement so as to provide a durable and dust-free surface
- 5.14 All parking areas shall be provided with a suitable perimeter landscape boundary treatment, except at ingress and egress points
- 5.15 Adequate provision shall be made for individual entry or exit by vehicles to all Parking Spaces at all times by means of unobstructed manoeuvring aisles, having widths not less than:
- 7.4 metres – where Parking Spaces are located at 90 degrees to the manoeuvring aisle providing access to the space;
  - 5.2 metres – where Parking Spaces are located at 60 degrees to the manoeuvring aisle providing access to the space;
  - 3.7 metres - where Parking Spaces are located at 45 degrees or less to the manoeuvring aisle providing access to the space;

## ***Siting***

- 5.17 No off-street Parking Space shall be located within 2m of the Front Parcel Line, except in a Commercial Designation

## ***Disabled Parking Spaces***

- 5.18 Parking for persons with a disability shall be provided in accordance with the British Columbia Building Code.

Unless otherwise authorized by Stz'uminus Executive Council, space for off-street parking of motor vehicles shall be provided in accordance with Table 1.

TABLE 1  
REQUIRED OFF-STREET PARKING SPACES

Column 1 Use	Column 2 Minimum/Maximum required number of spaces
RESIDENTIAL	
Single Family Dwelling	Minimum 2 per dwelling unit, and where applicable, 1 additional space for a secondary suite, or 1 additional space for each bedroom available for a bed and breakfast accommodation
Duplex	Minimum 2 per dwelling unit
Townhouse	Minimum 1.5 per dwelling unit and Maximum of 2 per dwelling unit
Apartment	Minimum 1 per dwelling unit and maximum of 2 per dwelling unit, plus minimum of 0.1 visitor stalls

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Column 1 Use	Column 2 Minimum/Maximum required number of spaces
	per dwelling unit
COMMERCIAL	
All uses in a C1- General Office Commercial Zone	Maximum 4 per 100m <sup>2</sup> of gross floor area
Gasoline service station	Minimum 4 spaces in addition to spaces required for vehicle fuelling
All uses in a C3 - Mixed Use Main Street Zone: <ul style="list-style-type: none"> <li>Residential Uses</li> <li>Commercial gross floor area of &lt; 2000m<sup>2</sup></li> <li>Commercial gross floor area of &gt; 2000m<sup>2</sup></li> </ul>	Maximum 1.5 per dwelling unit Maximum 2 per 100 m <sup>2</sup> of gross floor area Maximum 3 per 100 m <sup>2</sup> of gross floor area
Hotel	Minimum 1 per guest sleeping unit plus requirements of other uses, and maximum 1.5 per guest sleeping unit plus requirements of other uses
Motel	Minimum 1 per guest sleeping unit plus requirements of other uses, and maximum 1.5 per guest sleeping unit plus requirements of other uses
Eating and drinking establishments	Maximum 1 per 2 seats of capacity
Marina	1 per 2 boat stalls plus 3 parking spaces
All other commercial uses not listed: <ul style="list-style-type: none"> <li>Commercial gross floor area of &lt; 2000m<sup>2</sup></li> <li>Commercial gross floor area of &gt; 2000m<sup>2</sup></li> </ul>	Maximum 4 per 100 m <sup>2</sup> of gross floor area Maximum 5 per 100 m <sup>2</sup> of gross floor area
INSTITUTIONAL	
Elementary/Middle School	Maximum 2.5 for each classroom, library, cafeteria, gymnasium, multi-purpose room, and special education room
Health Services	Maximum 5 per 100 m <sup>2</sup> of gross floor area
Place of Assembly	Maximum 1 per 3 seats of capacity

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## PART 6 ESTABLISHMENT OF ZONES

All areas within the boundaries of the Stz'uminus First Nation shall be divided into the following Zones identified and described below.

The column on the right illustrates the linkages to relevant sections of the Oyster Bay Design Guidelines (found under separate cover).

<b>ZONE</b>	<b>ZONE DESCRIPTION</b>	<b>Relevant Design Guidelines*</b>
RS1	Single Family Residential	Section 3: Guidelines for Residential
RM1	Multi-Family Townhouse Residential	Section 3: Guidelines for Residential
RM2	Multi-Family Apartment Residential	Section 3: Guidelines for Residential
C1	General Office Commercial	Section 7: Guidelines for Professional Office Space
C2	Highway Commercial	Section 5: Guidelines for Hwy Commercial
C3	Mixed Use Main Street	Section 4: Guidelines for Mixed Use, Main Street
C4	Tourist Commercial	Section 6: Guidelines for Mixed Use, Tourist Commercial
P1	Parks and Open Space	Section 8: Guidelines for Parks and Open Space
H1	Holding Zone – Residential	Section 3: Guidelines for Residential
H2	Holding Zone – Mixed Use Tourist Commercial	Section 6: Guidelines for Mixed Use, Tourist Commercial
H3	Holding Zone – Village Centre	Section 3: Guidelines for Residential Section 4: Guidelines for Mixed Use, Main Street Section 6: Guidelines for Mixed Use, Tourist Commercial Section 8: Guidelines for Parks and Open Space

\* Note that Design Guidelines Sections 1 and 2 correspond to all zones.

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## ***Location of Zones***

The location of each Zone may be referred to in Schedule A (Zoning Map) of the Zoning Regulation

## ***Zone Boundaries***

Where a Zone boundary is shown in Schedule A (Zoning Map), as following a road right-of-way or watercourse, the centre line of the right-of-way or watercourse shall be the Zone boundary

Where a 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 shown on Schedule B of this Zoning Regulation.



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## **SINGLE FAMILY RESIDENTIAL (RS1) ZONE**

The purpose of this zone is to provide for the development of single detached residential development that will accommodate people living in the Village Centre. This zone will permit conditionally single-family dwellings with secondary suites.

### **Permitted Uses**

The following uses and no others shall be permitted in the RS1 Designation:

- (a) Single family dwelling;
- (b) Bed and breakfast accommodations;
- (c) Home occupation;
- (d) Secondary suites; and
- (e) Accessory uses, buildings, or structures.

### **Regulations**

Within the regulations table, Column 1 sets out the matter to be regulated and Column 2 sets out the regulations:

Column 1	Column 2
Minimum parcel area	450 m <sup>2</sup>
Minimum parcel area for single family dwelling with secondary suite	450m <sup>2</sup>
Minimum parcel frontage	12.0 m
Maximum lot coverage	35%
Minimum Setbacks	
Front parcel line	4.5 m
Exterior parcel line	4.5 m
Interior parcel line	1.5 m
Rear parcel line	6.0 m
Maximum building height	
Principal building	9.0 m (to a maximum of 2.5 storeys)
Accessory building	5.0 m

### **Secondary Suite**

Secondary Suites shall comply with Section 4.24 and 4.25 of this Regulation.

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## **MULTI-FAMILY TOWNHOUSE RESIDENTIAL (RM1 ZONE)**

The purpose of this zone is for the development of medium density (40 units per hectare) multi-family units.

### **Permitted Uses**

The following uses and no others shall be permitted in the RM1 Zone:

- (a) Townhouse;
- (b) Day care facility;
- (c) Home Occupation; and
- (d) Duplex.

### **Regulations**

Within the regulations table, Column 1 sets out the matter to be regulated and Column 2 sets out the regulations:

Column 1	Column 2
Minimum parcel area	230m <sup>2</sup> per townhouse unit, 450m <sup>2</sup> per duplex unit
Minimum parcel frontage*	6.0 m
Maximum lot coverage	50%
Minimum Setback	
Front parcel line	3.5m
Exterior parcel line	3.5m
Interior side parcel line for a party wall	n/a
Interior side parcel line for a non-party wall	1.8m
Rear parcel line	6.0m
Maximum building height	
Principal building	9.0m (to a maximum of 2 storeys)
Accessory building	5.0m

\* per townhouse unit

<b>Oyster Bay</b>	
<b>Zoning Regulation</b>	

## **MULTI-FAMILY APARTMENT RESIDENTIAL (RM2 ZONE)**

The purpose of this zone is to provide for the development of high density residential development that will accommodate people living in the Village Centre.

### **Permitted Uses**

The following uses and no others shall be permitted in the RM2 Zone:

- (a) Apartment use,
- (b) Multi-family dwellings; and
- (c) Home occupation.

### **Regulations**

Within the regulations table, Column 1 sets out the matter to be regulated and Column 2 sets out the regulations:

<b>Column 1</b>	<b>Column 2</b>
Minimum parcel area	1100m <sup>2</sup>
Minimum parcel frontage	30.0m
Maximum lot coverage	50%
Minimum Setbacks	
Front parcel line	3.0m
Exterior parcel line	3.0m
Interior parcel line	3.0m
Rear parcel line	3.0m
Maximum building height	
Principal Building	15.0m (to a maximum of 4 storeys)
Accessory Building	5.0m

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## **GENERAL OFFICE COMMERCIAL (C1) ZONE**

The purpose of this zone is to accommodate low density office development for Stz'uminus First Nation Band operations.

### **Permitted Uses**

The following uses and no others are permitted in the C1 Zone:

- (a) Offices
- (b) Community administrative and cultural facilities
- (c) Accessory uses, buildings, and structures

### **Regulations**

Within the regulations table, Column 1 sets out the matter to be regulated and Column 2 sets out the regulations:

Column 1	Column 2
Minimum parcel area	300m <sup>2</sup>
Minimum parcel frontage	15.0m
Maximum lot coverage	50%
Minimum Setbacks	
Front parcel line	n/a
Exterior side parcel line	n/a
Interior side parcel line	n/a
Rear parcel Line	6.0m
Maximum building height	
Principal building	15.0m (to a maximum of 4 storeys)
Accessory building	5.0m

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## **HIGHWAY COMMERCIAL ZONE (C2)**

This zone provides for small to medium scale retail and service commercial uses in the “Four Corners” area, which primarily serves those people travelling along the Trans Canada Highway as well as the local community.

### **PERMITTED USES**

The following uses and no others shall be permitted in the C2 Zone:

- (a) Fast food restaurant
- (b) Service station
- (c) Eating and drinking establishment
- (d) Liquor store
- (e) Financial institution
- (f) Retail store
- (g) Car wash
- (h) Automotive repair shop
- (i) Hotel and motel
- (j) Automotive sales and rentals
- (k) Offices
- (l) Apartment dwelling, subject to *Conditions of Use*

### **REGULATIONS**

Within the regulations table, Column 1 sets out the matter to be regulated and Column 2 sets out the regulations.

Column 1	Column 2
Minimum parcel area	1800 m <sup>2</sup>
Minimum parcel frontage	20.0m
Maximum lot coverage	75%
Minimum Setbacks	
Front parcel line	6.0m
Exterior parcel line	3.0m
Interior parcel line	3.0m
Rear parcel line	3.0m
Maximum building height	
Principal building	12.0m (to a maximum of 3 storeys)
Accessory building	5.0m

### **CONDITIONS OF USE**

- An apartment use shall be permitted only if the dwelling units are located above the first storey of the building in which the commercial activity is taking place

<b>Oyster Bay</b>	
<b>Zoning Regulation</b>	

- Gasoline service pumps and pump islands shall not be located less than 4.5 metres from any lot line.
- All servicing and servicing equipment, other than normally carried on at pump islands, shall be entirely enclosed within a building.

#### **SCREENING AND LANDSCAPING**

- All mechanical, electrical or other service equipment located outside or on the roof of a building shall be screened from adjacent properties and streets by landscaping, or other means.
- All outdoor storage of goods and materials is prohibited, except that garbage, refuse or recycling materials may be stored outside in containers, and these containers shall be enclosed with a decorative screen.
- Any display yard or service station or automotive sales lot shall be separated from an adjoining street by a fully and suitably landscaped and properly maintained strip of not less than 1.5m in width.

#### **LIGHTING**

- Any lighting used to illuminate the site shall be arranged so that all direct rays of light illuminate the site only, and not the adjoining premises.

<b>Oyster Bay</b>	
<b>Zoning Regulation</b>	

### **MIXED USE MAIN STREET ZONE (C3) ZONE**

The purpose of this zone is to allow residential, commercial, and institutional uses, or mixed use development abutting the mainstreet of the Village Centre.

#### **Permitted Non-Residential Uses**

The following uses and no others are permitted in the8:

- (a) Bank, Financial Institution
- (b) Community centre and cultural facility
- (c) Place of assembly
- (d) Day care facility
- (e) Dry cleaner
- (f) Eating and drinking establishment
- (g) Library
- (h) Home occupation
- (i) Medical facility
- (j) Offices
- (k) Personal service establishment
- (l) Recreational and athletic facility
- (m) Office and professional building
- (n) Retail store

#### **Permitted Residential Uses**

The following residential uses and no others are permitted in the C3 Zone:

- (a) Apartment

#### **Regulations**

Within the regulations table, Column 1 sets out the matter to be regulated and Column 2 sets out the regulations:

<b>Column 1</b>	<b>Column 2</b>
Minimum parcel area	375m <sup>2</sup>
Minimum parcel frontage	12.5m
Maximum lot coverage	80%
Minimum Setbacks	
Front parcel line	n/a
Exterior side parcel line	n/a
Interior side parcel line	n/a
Rear parcel line	6.0m
Maximum height of principal buildings	15.0 m (to a maximum of 4 storeys)
Maximum height of accessory buildings	5.0m

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<b>Zoning Regulation</b>	

#### **Conditions of Use**

- Residential uses are not permitted in the first storey of a building.



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## **TOURIST COMMERCIAL (C4) ZONE**

The purpose of this zone is to accommodate a commercial resort development, including tourist-oriented uses and indoor and outdoor commercial recreation.

### **Permitted Uses**

The following uses and no others are permitted in the C4 Zone:

- (a) Hotel
- (b) Motel
- (c) Eating and drinking establishment
- (d) Marina
- (e) Place of assembly
- (f) Tourist information booth
- (g) Resort housing establishment
- (h) Retail store
- (i) Recreation facility
- (j) Accessory buildings, structures, and uses

### **Regulations**

Within the regulations table, Column 1 sets out the matter to be regulated and Column 2 sets out the regulations:

Column 1	Column 2
Minimum parcel area	600m <sup>2</sup>
Minimum parcel frontage	20.0m
Maximum lot coverage	50%
Minimum Setbacks	
Front parcel line	3.0m
Exterior parcel line	3.0m
Interior parcel line	3.0m
Rear parcel line	3.0m
Maximum building height	
Principal building	15.0 m (to a maximum of 4 storeys)
Accessory building	5.0m

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## **PARKS AND OPEN SPACE (P1) ZONE**

The purpose of this zone is to provide for parks, open space, and natural areas with minor accessory developments to serve the recreational needs of the community whether it is active or passive.

### **Permitted Uses**

The following uses and no others are permitted in the P1 Zone

- (a) Commercial recreation facility
- (b) Interpretive centre
- (c) Cultural exhibits
- (d) Conservation area
- (e) Park

### **Regulations**

Within the regulations table, Column 1 sets out the matter to be regulated and Column 2 sets out the Regulations:

<b>COLUMN 1</b>	<b>COLUMN 2</b>
Minimum setback	
Front parcel Line	4.5m
Exterior side parcel line	4.5m
Interior side parcel line	3.0m
Rear parcel line	3.0m
Maximum building height	
Principal building	6.0m
Accessory building	5.0m

<b>Oyster Bay</b>	
<b>Zoning Regulation</b>	

## ***HOLDING ZONE (H1) - RESIDENTIAL***

The general purpose of this Holding Zone (H1) is to reserve areas within Oyster Bay IR#12 that are rural or undeveloped but have been identified for future single family or multi-family (townhouse and apartment) residential development and complementary uses. Interim uses may be allowed that would not inhibit the convenient and economic redevelopment of a site.

### **Permitted Uses**

When the holding symbol (H) is removed from the zoning designation, the area shall be rezoned to allow for a range of residential uses, including single family dwellings, townhouse dwellings and apartment dwellings. The permitted uses and regulations shall be subject to the standards of the RS or RM zones. The application of the Zones will be determined by the SFN at the time of development.

### **Interim Uses**

Until the time when the holding symbol “H” is removed, interim uses may be allowed that would not inhibit the convenient and economic redevelopment of a site. These uses include:

- (a) Existing uses, buildings, and structures lawfully permitted on the date of the adoption of this Regulation;
- (b) Agriculture;
- (c) Single Family Dwelling;
- (d) Home Occupation;
- (e) Natural Conservation Use; and
- (f) Any temporary use or building which will not prejudice the possibility of conveniently and economically replotting, subdividing or developing the area in the future.

### **Minimum Site Subdivision Regulations**

The site area shall be a minimum of 10 hectares.

### **Minimum Site Development Regulations**

Maximum Site Coverage	10%
Minimum Setbacks	
Front parcel line	7.5 m
Exterior side parcel line	4.5 m
Interior side parcel line	4.5 m
Rear parcel line	7.5 m
Maximum building height	
Principal building	9.0 m (to a maximum of 2 storeys)
Accessory building	5.0m

<b>Oyster Bay</b>	
<b>Zoning Regulation</b>	

## ***HOLDING ZONE (H2) - MIXED USE TOURIST COMMERCIAL***

The general purpose of this Zone is to reserve areas within Oyster Bay IR#12 that are rural or undeveloped but have been identified for future subdivision and development of residential, commercial, and tourist-oriented uses in the lands abutting the intersection Brenton Page Road and Trans Canada Highway.

### **Permitted Uses**

When the holding symbol (H) is removed from the zoning designation, this area shall be re-zoned to allow for a range of residential, tourist-oriented (resort development, indoor and outdoor commercial recreation) and commercial uses. The application of the Zones will be determined by the SFN at the time of development.

### **Interim Uses**

Until the time when the holding symbol “H” is removed, interim uses may be allowed that would not inhibit the convenient and economic redevelopment of a site. These uses include:

- (a) Existing uses, buildings, and structures lawfully permitted on the date of the adoption of this Regulation;
- (b) Agriculture;
- (c) Single Family Dwelling;
- (d) Home Occupation;
- (e) Natural Conservation Use; and
- (f) Any temporary use or building which will not prejudice the possibility of conveniently and economically replotting, subdividing or developing the area in the future.

### **Minimum Site Subdivision Regulations**

The minimum site area for subdivision is 10 hectares.

### **Minimum Site Development Regulations**

Maximum Site Coverage	10%
Minimum Setbacks	
Front parcel line	7.5 m
Exterior side parcel line	4.5 m
Interior side parcel line	4.5 m
Rear parcel line	7.5 m
Maximum building height	
Principal building	9.0 m (to a maximum of 2 storeys)
Accessory building	5.0m

<b>Oyster Bay</b>	
<b>Zoning Regulation</b>	

### ***HOLDING ZONE (H3) - VILLAGE CENTRE***

The general purpose of this Zoning Designation is to reserve areas within Oyster Bay I.R. 12 that are rural and undeveloped but have been identified for future subdivision and development of the residential, commercial, institutional and tourist-oriented uses in the Village Centre.

#### **Permitted Zones**

When the holding symbol (H) is removed from the zoning designation, the area shall be rezoned to allow for a range of residential, commercial, institutional and tourist-oriented uses. The application of the Zones will be determined by the SFN at the time of development.

#### **Interim Uses**

Until the time when the holding symbol “H” is removed, interim uses may be allowed that would not inhibit the convenient and economic redevelopment of a site. These uses include:

- (a) Existing uses, buildings, and structures lawfully permitted on the date of the adoption of this Regulation;
- (b) Agriculture;
- (c) Single Family Dwelling;
- (d) Home Occupation;
- (e) Natural Conservation Use;
- (f) Offices; and
- (g) Any temporary use or building which will not prejudice the possibility of conveniently and economically replotting, subdividing or developing the area in the future.

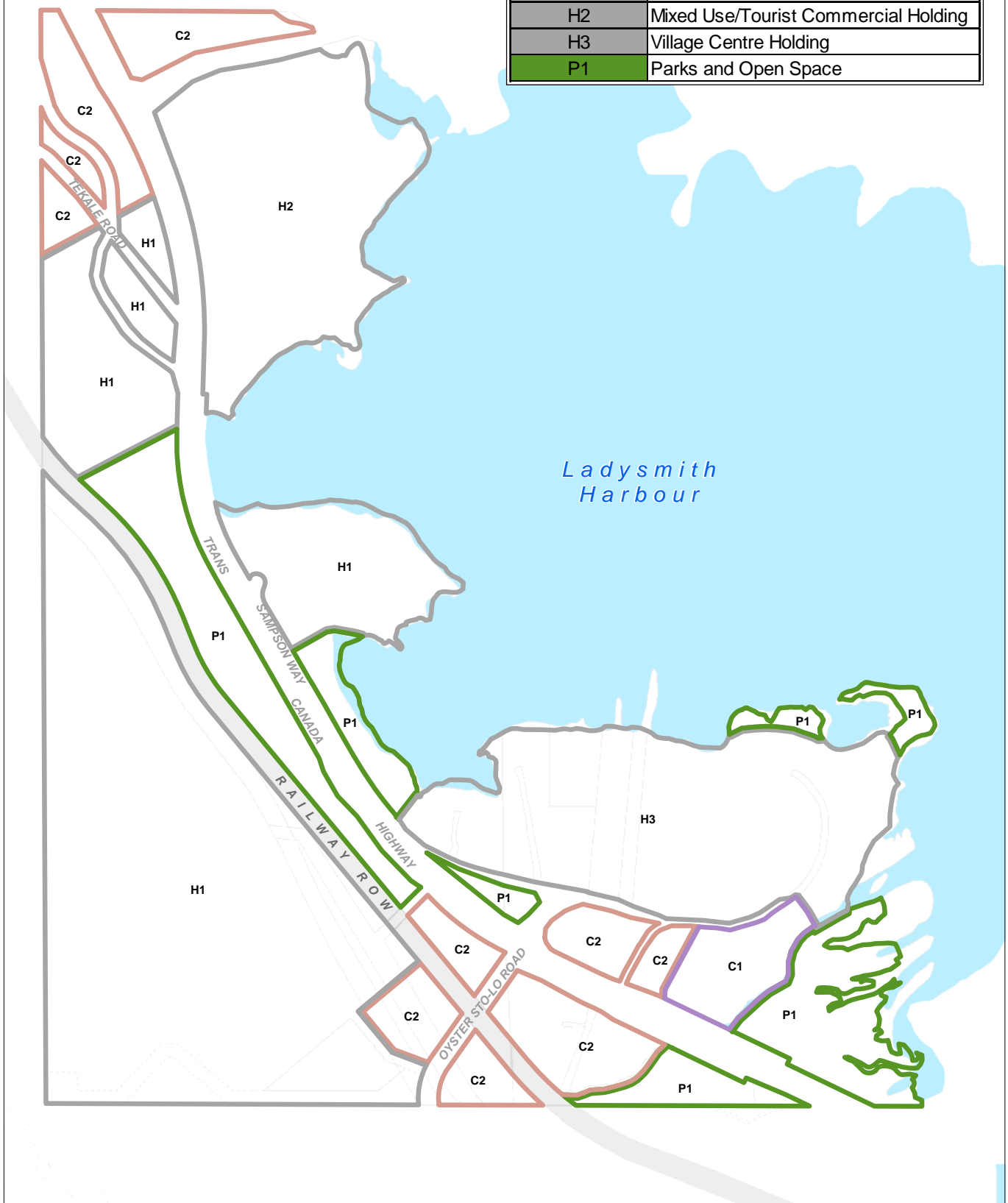
#### **Minimum Site Subdivision Regulations**

The minimum site area for subdivision is 15 hectares.

#### **Minimum Site Development Regulations**

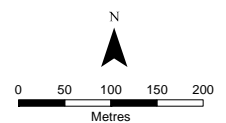
Maximum Site Coverage	10%
Minimum Setbacks	
Front parcel line	7.5 m
Exterior side parcel line	4.5 m
Interior side parcel line	4.5 m
Rear parcel line	7.5 m
Maximum building height	
Principal building	9.0 m (to a maximum of 2 storeys)
Accessory building	5.0m

Zone Code	Description
C1	General Office Commercial
C2	Highway Commercial
H1	Residential Holding
H2	Mixed Use/Tourist Commercial Holding
H3	Village Centre Holding
P1	Parks and Open Space



## Stz'uminus First Nation - Oyster Bay IR #12

### Schedule A: Zoning Map





COAST SALISH  
DEVELOPMENT CORPORATION