

PA 987/3-10

THE SEMIAHMOO INDIAN RESERVATION

BY-LAW NO. /

A By-law to Divide the Semiahmoo Indian Reservation into Zones and to make Regulations in Relation thereto, Regulating the Location, Use and Height of Buildings, Size of Yards and Other Open Spaces; and the Use of Land Including the Prohibition of the Construction or Maintenance of any Class of Buildings or the Carrying on of any Class of Business, Trade, or calling in any such Zone Pursuant to the Provisions of Section 80 of the "Indian Act" being Chapter 149 of the Revised Statutes of Canada, 1952, and Amendments thereto.

The Band Council of the Semiahmoo Indian Band, in open meeting assembled, ENACTS AS FOLLOWS:

1. This By-law may be cited for all purposes as "Semiahmoo Indian Reservation Zoning By-law, 1970, No. /".
2. The "Proposed Development Plan for the Semiahmoo Indian Reserve" prepared by Messrs. Willis, Cunliffe, Tait and Company Ltd., of Victoria, British Columbia, under date of March, 1969, a copy of which is hereto annexed as Schedule "B" to this By-law, is hereby adopted as the Official Community Plan for the Semiahmoo Indian Reservation.
3. Definitions and Compliance with By-law:
 - (a) "AUTO COURT"

means a group of furnished rooms or separate structures providing sleeping and parking accommodations for transient tourist trade and commonly known as tourist cabins, motor courts or motels, as distinguished from furnished rooms in an existing residential building.
 - "BASEMENT"

means that portion of a building between two floor levels which is partially underground but which has at least one-half of its height above the mean elevation of the ground adjoining its exterior walls. Basement does not include cellar.
 - "BUILDING"

means a structure having a roof supported by columns or walls used for the shelter or accommodation of persons, animals or

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chattels and includes a portion or portions of a building as well as chimneys and steeples.

"BUILDING ACCESSORY"

means a subordinate detached building which is:

- (a) Used for the better enjoyment of the building to which it is accessory; and
- (b) Situated upon the site on which the main building is, or is being erected:

and shall include:

- Detached toolhouses
- Carports
- Private Garages

but not private stables.

"BUILDING, HEIGHTS OF"

means the vertical distance from the established grade or the average level of the crown of that portion of the street upon which the building fronts; or where there is no established grade, immediately adjacent to and along the front of the building to:

- (a) The highest point of any exterior wall on a flat-roofed building;
- (b) The average height level between the eaves and ridge in a gable, hip or gambrel roofed building.

"DUPLEX"

means a building used exclusively for residential purposes containing two dwelling units built one above the other.

"DWELLING UNIT"

means a room or suite of two or more rooms;

- (a) which is used by a family living quarters;
- (b) In which is provided cooking equipment and a sink or the facilities for the installation of cooking equipment and sink; and
- (c) In which is provided water closet, wash-basins, shower or bath, either separate or shared.

"DWELLING, ONE-FAMILY"

means a detached building used exclusively for residential purposes and consisting of one dwelling unit.

"DWELLING, TWO-FAMILY"

means a detached building used exclusively for residential purposes and consisting of

two dwelling units, but shall not include two dwelling units connected by other than a common wall.

"FAMILY"

means one or more persons occupying a dwelling unit and living as a single non-profit house-keeping unit.

"FRONTAGE"

means the boundary of the record lot abutting a highway. Where a record lot abuts more than one highway, other than a lane, the frontage shall be that boundary having the least measurement.

"HIGHWAY"

includes a street, road, lane, bridge, viaduct, and any other way open to the use of the public, but does not include a private right-of-way on private property.

"HOME OCCUPATION"

means any occupation or profession carried on for consideration which is clearly incidental to the use of the dwelling unit for residential purposes.

"HOTEL"

means a building in which lodging, with or without means, is provided and offered to the public for compensation and is open to transient guests but which does not include individual housekeeping facilities. Does not include motels or auto courts.

"LOT, RECORD"

means land designated as a separate and distinct parcel on a legally recorded subdivision plan or description.

"MARINA"

means a site including the surface of water, which provides for the sale and/or rental of boat, docking berths, marine engines and marine supplies.

"OCCUPIED"

means a "occupied or arranged, designed or intended to be occupied".

"PERMISSIBLE BUILDING AREA"

means the area of a site exclusive of its minimum required yards.

"PIGGERY"

means the keeping of more than two (2) pigs.

"RESIDENTIAL BUILDING, GARDEN APARTMENT"

means a residential use where the building or buildings on a lot are each used for three (3) or more dwelling units when each building has not more than two (2) storeys and when no part of the residential floor area of a dwelling unit is located above or below the residential floor area of any other dwelling unit.

"RESIDENTIAL, BUILDING, LOW-RISE"

means a building consisting of three (3) or more dwelling units, having no more than three (3) storeys.

"SEMI-DETACHED HOUSE"

means a building used exclusively for residential purposes containing two dwelling units built side by side and sharing a common party wall.

"SERVICE STATION"

means a place of business engaged, either exclusively or in conjunction with another retail business, in supplying goods and services essential to normal operation of automobiles and excluding body and fender work and painting.

"SIGN"

means a letter, numeral, word, picture or attention drawing device, but not including a traffic control device, displayed out of doors in such a manner as to be visible from a highway.

"SIGN, AREA OF"

means the area of the rectangle having one side horizontal within which the face of a sign could be completely contained. The area of a free standing sign shall be exclusive of any supporting structure.

"SIGN, DIRECTORY"

means a free standing sign listing religious, community and/or service club activities.

"SIGN, HOME IDENTIFICATION"

means a facia or free standing sign and identifying a residence.

"SIGN, HOME OCCUPATION"

means a facia sign indicating that a home occupation is carried out in the building to which the sign is affixed.

"SIGN, PUBLIC BUILDING"

means a free standing sign or facia sign located on the property of the public building, including a church, library or school and indicating thereon the name of the building and the activities pertaining to the building.

"SIGN, REAL ESTATE"

means a free standing or facia sign indicating only that the property on which it is located is for sale, rent or has been sold or rented.

"SITE"

means a tract of land occupied or to be occupied by a principal building and its accessory buildings together with such open spaces and yards as are required in this By-law, and having its principal frontage on a highway. A "site" need not coincide with a "record lot". Where a record lot lies within two or more zoning districts, a principal building may be placed on a portion of the record lot lying in only one zone and no further building shall be erected on those portions of the record lot lying in any other zone. Where a group of apartment buildings or commercial buildings or industrial buildings are built or proposed to be built under a comprehensive design "site" shall not include land required for the purpose of a highway allowance or for the purpose of widening a highway.

"STRUCTURE"

means a construction of any kind whether fixed to, supported by or sunk into land; includes stadiums, sheds, fences, platforms, display signs, tanks, poles, towers, pools etc.

"YARD"

means an open space unoccupied to the sky except as otherwise provided under the provisions of this By-law.

"YARD, FRONT"

means a yard extending across the full width of the site and measured as to depth at the least horizontal distance between the street line and the exterior wall.

"YARD, REAR"

means a yard which extends the full width of a site and measured as to depth at the least horizontal distance between the rear site line and the exterior wall.

"YARD, SIDE"

means a yard which extends from the front yard or front lot line where no front yard exists to the rear yard or rear lot line where no rear yard exists, and measured as to width at the least horizontal distance between the side site line and the exterior wall.

(b) COMPLIANCE:

No person shall erect, construct, locate, alter, reconstruct or maintain any building or locate or carry on any industry, business, trade or calling, or use any land or building contrary to the provisions of this By-law and any use not specifically permitted by this By-law is hereby prohibited.

4. ZONES:

For the purposes of this By-law, the territorial area of the Semiahmoo Indian Reservation is hereby divided into the following named zones:

R-1	Indian Residential Zone
R-2	Year Round Residential Zone
C-1	Camp Site Zone
C-2	Amusement Park and Parking Zone
C-3	Hotel, Motel and Lodge Development Zone
R-1	Recreational Open Space and Beach Access Zone
R-2	Picnic Ground and Parking Zone
M-1	Marina and Related Activities and Parking Zone
N	Natural Forest Slope Zone
G	Cemetery Zone

As shown on the map designated as the "Zoning Map" and marked as Schedule "A" to this By-law. The said Zoning Map is hereby incorporated with and made an integral part of this By-law.

5. In the R-1 Indian Residential Zone:

(1) Buildings and land shall be used for the following purposes only:

(a) Single family and two family dwellings and customary accessory uses for Indian residents only.

(b) Agricultural and horticultural uses, excluding mink and fox, poultry and mushroom farming, piggeries and kennels, provided that

(i) A Building to shelter domestic animals shall be situated not less than eighty

(80) feet from the street in front; and

(ii) Not less than twenty-five (25) feet from

any property line.

- (c) The keeping of twelve (12) head of poultry or one (1) cow, horse, sheep, goat, or pig provided that the minimum site area is not less than twenty thousand (20,000) square feet: that such use is not a nuisance to the surrounding properties and that the keeping of such livestock is for the use and enjoyment of the resident family and does not constitute a commercial undertaking.
 - (d) Storage or parking ancillary to a residential use on the same lot.
- (2) No land in an R-1 Zone shall be subdivided into parcels of less than seventy-two hundred (7200) square feet with a minimum frontage of sixty (60) feet or depth of one hundred (100) feet.
- (3) The minimum yard requirements in an R-1 Zone shall be as follows:
- (a) Front yard - twenty-five (25) feet
 - (b) Rear yard - twenty-five (25) feet
 - (c) Side yard - six (6) feet
 - (d) Side yard on a corner site - twelve and one-half (12½) feet.
- (4) The maximum site coverage of all buildings in an R-1 Zone shall be thirty-three per centum (33%) of the site area.
- (5) The maximum height of a building in an R-1 Zone shall be thirty (30) feet.
- (6) No two family dwelling shall be erected on a site of less area than eighty-four hundred (8400) square feet or having a frontage of less than seventy (70) feet, or depth of less than one hundred (100) feet.

- (7) Schools, playground, churches and recreation uses.
- (8) Home Occupations, Provided that:
 - (a) No person other than a member of the immediate family occupying the dwelling may be employed.
 - (b) No goods are displayed or sold on the premises.
 - (c) No alterations will change the character of the building as a dwelling.
 - (d) Not more than twenty-five percentum (25%) of the area of one floor of the building or an accessory building of like area, shall be used.
 - (e) No evidence of the home occupation, including storage of materials shall be permitted outside the confines of the building.

- (9) No billboards or signs shall be permitted except the following:

- (a) One school, library or church bulletin board on any one site and not exceeding twelve (12) square feet in area.
- (b) One signboard on any one lot referring to the lease or sale of said lot and not exceeding six (6) square feet in area.
- (c) One sign attached to a building bearing only the name and occupation of the occupant of the building and not exceeding two (2) square feet in area.

- (10) Only one (1) principal building shall be permitted on any one site.

6. In the R-2 Year Round Residential Zone:

- (1) Buildings and land shall be used for the following purposes only:
 - (a) Customary residential uses including single family, two family, multiple family dwellings, lodging and boarding houses subject to the provisions of Clause (b) of this sub-section and to the provision of adequate off-street parking.

(b) The minimum site area for residential buildings in this zone shall be as follows:

	<u>Area</u>	<u>Frontage or Width</u>
One family dwelling	7200 sq. feet	60 feet
Two family dwelling	8400 " "	70 "
Multiple dwelling - three or more units (row, terrace, etc.)	3000 " " per dwelling unit	1/3 average depth of site
Multiple dwelling - four or more units (apartments)	2000 sq. feet per dwelling unit	1/4 average depth of site

(2) No land in the R-2 Zone shall be subdivided into parcels of less than seventy-two hundred (7200) square feet with a minimum frontage of sixty (60) feet of depth of one hundred (100) feet.

(3) The provisions of Clauses (b), (c) and (a) of Subsection (1) and Subsections (3), (4), (5), (7), (8), (9) and (10) of Section 5 hereof shall apply within the R-2 Zone.

(4) Adequate off-street parking shall be provided for each multiple family development.

7. In the C-1, Campsite Zone: Land shall be used for the following purposes only and only buildings accessory to such uses shall be permitted:

- (a) Tenting and camping
- (b) Trailer parking (holiday type units only)

A single residence shall be permitted for the use only by the caretaker (and his family) of the operation permitted by Clause (a) or (b) hereof, on the same site.

All development within the C-1 Zone shall conform in every respect to the development plan referred to in Section 2 of this By-law.

8. In the C-2 Amusement Park and Parking Zone land shall be used for the following purposes only and only buildings accessory to such uses shall be permitted:

- (a) Amusement Park (including rides)
- (b) Dance hall
- (c) Miniature Golf course
- (d) Tennis court, badminton and racquets court
- (e) Bowling alley
- (f) Curling rink, skating rink and hockey arena
- (g) Roller skating rink
- (h) Cinema, theatre, stadium or arena, gymnasium
- (i) Rifle range (enclosed only)

An enclosed area may be used as an accessory use only, for the sale of food, beverages or recreational equipment. This use shall not be extended beyond the area designed for it on a plan to be submitted to the Band Council before any building is commenced and must be approved by such Council. No external sign shall be displayed to indicate this use.

A single residence shall be permitted for the use only by the caretaker (and his family) of the operation permitted by this section.

All development within the C-2 Zone shall conform in every respect to the development plan referred to in Section 2 of this By-law.

Adequate off-street parking shall be provided for each such development.

9. In the C-3 Hotel, Motel and Lodge Development Zone land shall be used for the following purposes only:

- (a) Hotel
- (b) Motel
- (c) Auto Court

Commercial uses ancilliary to the catering to the needs of the guests in such premises shall be permitted. All development within the C-3 Zone shall conform in every respect to the development plan referred to in Section 2 of this By-law.

Adequate off-street parking shall be provided for each such development.

10. In the R-1 Recreational, Open Spaces and Beach Access Zone no use of land contrary to the development plan referred to in Section 2 of this By-law shall be permitted ; and the area so designated is hereby dedicated and set aside for the use and enjoyment of the public.

11. In the R-2 Picnic Grounds and Parking Zone land shall be used for the following purposes only:

- (a) Picnic grounds
- (b) Parking lots

Buildings ancilliary to such uses.

All development within the R-2 Zone shall conform in every respect to the development plan referred to in Section 2 of this By-law.

12. In the M-1 Marina and Related Activities and Parking Zone land shall be used for the following purposes only:

- (1) Land, buildings, and structures including the surface of the water shall provide for:

- (a) The sale and/or rental of boats, and
- (b) The sale and/or rental of docking berths, and
- (c) The sale and/or rental of marine engines, and
- (d) The sale and/or rental of marine supplies;

And may provide for the following ancillary uses:

- (a) Marine repair and service station
- (b) Cafe, restaurant
- (c) Clubs, with or without licensed premises
- (d) Machine shop used for repair of marine engines
- (e) Boat building and repair shop
- (f) Residential uses necessary for the operation of the business.

- (2) The height of any building shall not exceed thirty (30) feet.
- (3) No structure or float or part thereof shall be so situated on a site that any part of such structure will be closer to the marina boundary or abutting property than ten (10) feet. The setback from any street line shall be twenty-five (25) feet.
- (4) Off-street parking shall be provided on the site as follows:
 - (a) One (1) parking space for each two (2) boats rented or offered for rent, and
 - (b) One (1) parking space for each two (2) boat docking berths or storage spaces provided.
 - (c) When boat launching facilities are provided, additional parking space shall be provided amounting to twenty-five (25) per centum of the total of (a) and (b).
 - (d) All other facilities provided shall have off-street parking adequately provided for on the site.
- (5) The speed of boats or vessels within the boundaries of the M-1 Zone shall not exceed four (4) miles per hour.
- (6) Every boat or vessel shall be securely moored to the docks, floats or buoys provided for that purpose when unattended within the M-1 Zone.
- (7) Sewage, rubbish, oil, offensive or unwholesome matter or substance shall not be deposited or discharged into the waters within the boundaries of the M-1 Zone.
- (8) Notwithstanding the provisions of this By-law, the applicable provisions of any Federal or Provincial Statute shall prevail.

- (9) All development within the M-1 Zone shall conform in every respect to the development plan referred to in Section 2 of this By-law.

13. In the N-Natural Forest Slope Zone no use of land contrary to the development plan referred to in Section 2 of this By-law shall be permitted and the area so designated shall be retained for landscaping and beautification of the Reserve and for park purposes.

14. In the G- Cemetery Zone the land shall be reserved as an historical site and shall be landscaped and beautified and shall not be put to any other use.

15. (1) Any building lawfully under construction at the time of the coming into force of this By-law shall be deemed to be a building existing at said date.

(2) The lawful use of premises existing at the time of passing of this By-law, although such use does not conform to the provisions of this By-law, may be continued, but if such non-conforming use is discontinued for a period of thirty days, any future use of these premises shall be in conformity with the provisions of this By-law, subject to the provisions of sub-section (3) and (4) of this Section.

(3) The lawful use of a building existing at the time of the passing of this By-law, although such use does not conform to the provisions of this By-law, may be extended throughout the building, but no structural alterations, except those required by Statute or By-law, shall be made therein.

(4) When a building which is being put to any non-conforming use becomes damaged or destroyed by fire, it shall only be repaired and its use continued only after appeal to the Band Council therein.

- (5) No change of use may be made other than to one which conforms to the requirements of this By-law.
- (6) A change of tenants or occupants of any premises or building shall not be deemed to affect the use of the premises or buildings within the meaning of this By-law.

16. An appeal shall lie to the Band Council with respect to the siting, size or shape of a building or structure which would cause undue hardship and with respect to the provisions of Section 15 hereof and the Band Council may, to the extent necessary to give effect to its determination, exempt the applicant and subsequent owners of the building or structure from the applicable provisions of this By-law.

17. (1) Every person who violates any of the provisions of this By-law or who suffers or permits any act or thing to be done in contravention of this By-law or who neglects to do or refrains from doing any act or thing which violates any of the provisions of this By-law shall be liable to the penalties hereby imposed, and each day that such violation is permitted to exist shall constitute a separate offence.

(2) Any person who violates any of the provisions of this By-law shall upon summary conviction thereof be liable to a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) or to a term of imprisonment for a term not exceeding thirty (30) days or to both fine and imprisonment.

18. This By-law shall come into force forty (40) days after a copy thereof is forwarded to the Minister of

Citizenship and Immigration and is not disallowed by the Minister within that period.

READ a first and second time on the 18th day of
A.D., 1970.

PASSED by the Band Council on the 20th day of JUNE.
A.D., 1970.

RECONSIDERED AND FINALLY ADOPTED, signed by the
Chief of the Band, on the 20th day of JUNE ,
A.D. 1970.

Chief Bernard R. Charles
CHIEF

A duly certified copy of this By-law was forwarded to the
Minister of Citizenship and Immigration on the day
of A.D. 1970.