

**BYLAW 1997 - 01 OF THE HAY RIVER DENE BAND:
A BYLAW DIVIDING THE HAY RIVER DENE
RESERVE NO. 1 INTO ZONES AND REGULATING THE
USE OF LAND**

BAND COUNCIL RESOLUTION

RÉSOLUTION DE CONSEIL DE BANDE

Chronological no. - N° consécutif
File reference no. - N° de référence du dossier

Note: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
Note: Les mots "des fonds de notre bande" "capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes

The council of the Le conseil de		Hay River Dene Band		Cash free balance - Solde disponible		
Date of duly convened meeting Date de l'assemblée dûment convoquée		#D-J	M	Y-A	Province	Capital account Compte capital \$ _____
		10	02	97		Revenue account Compte revenu \$ _____

DO HERBY RESOLVE:
DÉCIDE, PAR LES PRÉSENTES:

- A. The Chief and Council of the Hay River Dene Band (the "Band") derive their authority from and are responsible to the membership of the Band for the peace, order and good government of the residents of the Hay River Reserve (the "Reserve");
- B. The Chief and Council of the Band have been authorized to be the governing body of the residents of the Reserve by the membership of the Band pursuant to tribal custom;
- C. **WHEREAS** the Council of the Hay River Dene Band desires to make a Bylaw dividing the reserve into zones and regulating the use of land;
- D. **AND WHEREAS** the Council of the Hay River Dene Band is empowered to make such Bylaw pursuant to paragraphs 81(1)(g), (q) and (r) of the Indian Act;
- E. **AND WHEREAS** it is considered necessary for the development of the reserve lands of the Hay River Dene Band to regulate the use of reserve lands;

NOW THEREFORE the Council of the Hay River Dene Band hereby makes the following Zoning Bylaw:

DATED effective this 10th day of February, 1997 .

Quorum 3

(Councillor - Conseiller)

(Councillor - Conseiller)

Pat [Signature]
(Chief - Chef)

[Signature]
(Councillor - Conseiller)

[Signature]
(Councillor - Conseiller)

Joanna Graham
(Councillor - Conseiller)

[Signature]
(Councillor - Conseiller)

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PART I - GENERAL

Short Title

1. This Bylaw may be cited as the "Hay River Dene Reserve Zoning Bylaw".

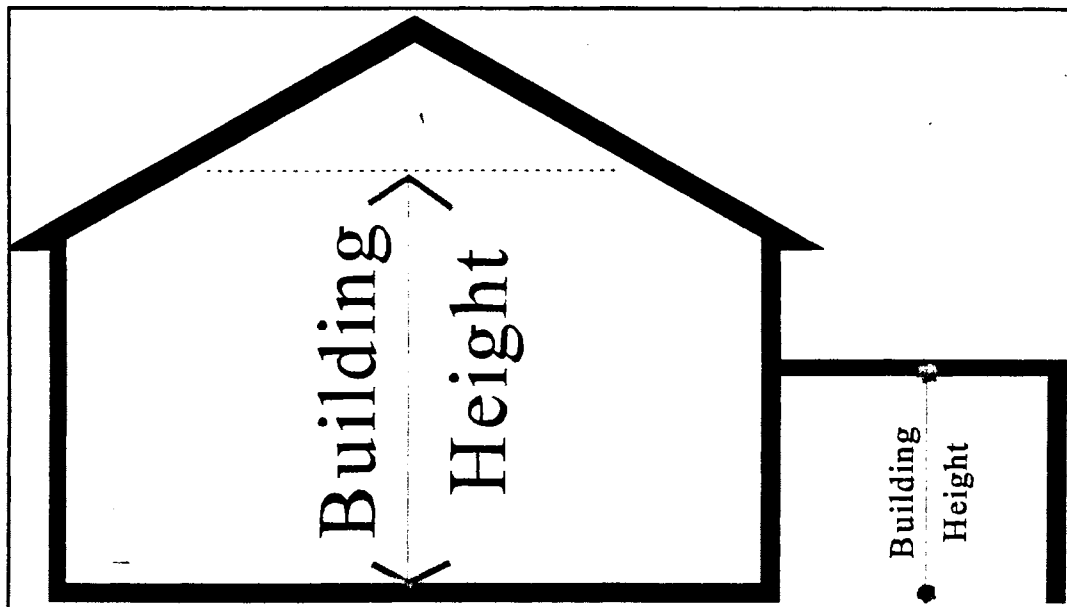
Interpretation

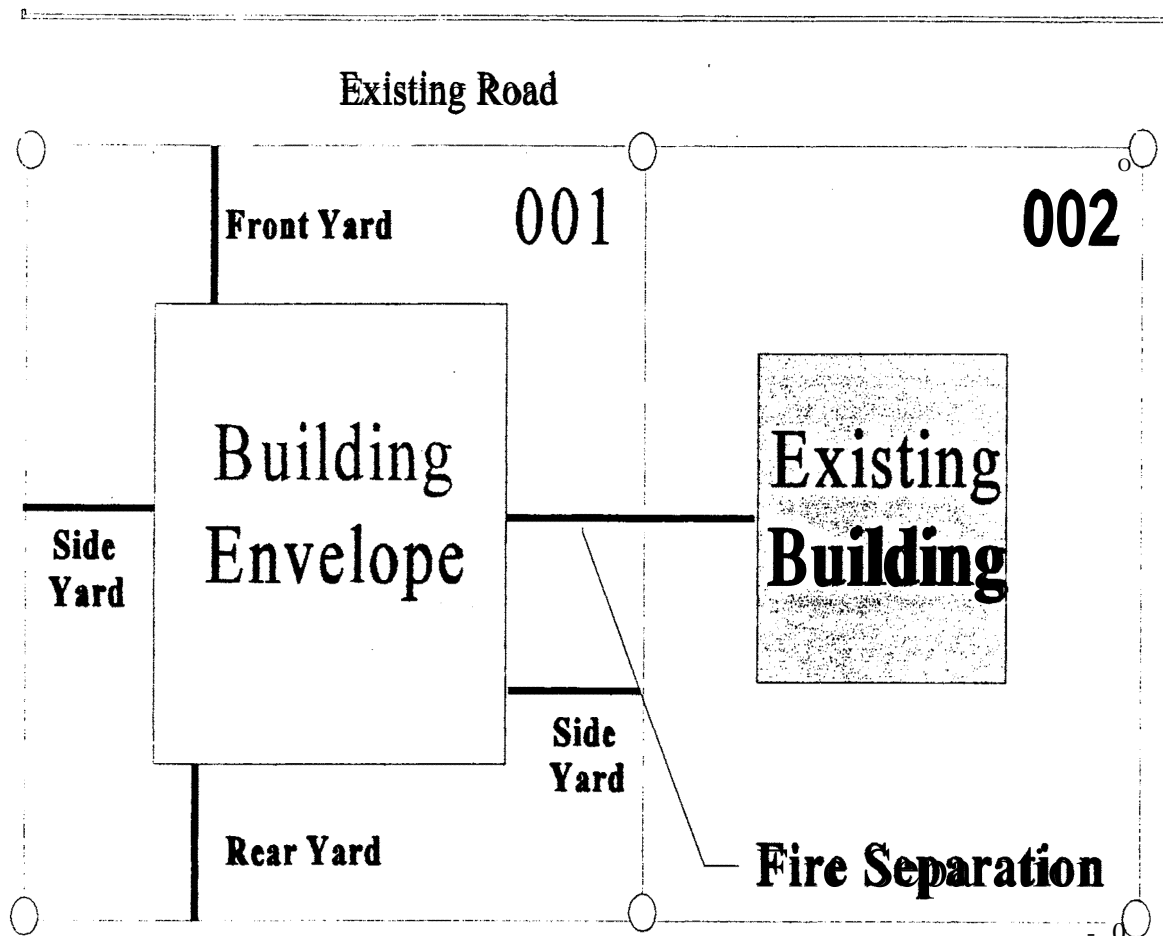
2. In this Bylaw,
 - 2.1 "***Accessory building or structure***" means a detached building or structure, the use of which is incidental or secondary to that of the main building;
 - 2.2 "***Accessory use***" means a use customarily incidental and subordinate to the principal use;
 - 2.3 "***Agriculture***" means a use of land, buildings or structures for the purpose of field crops or market gardening, dairies, animal husbandry, poultry raising, bee keeping and such uses as are customarily and normally related to agriculture;
 - 2.4 "***Assembly hall***" means a building or part of a building in which facilities are provided for such purposes as meetings for civic, education, political, religious or social purposes, and includes a banquet hall;
 - 2.5 "***Attached***" means a building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or buildings;
 - 2.6 "***Band***" means the Hay River Dene Band;
 - 2.7 "***Building***" means any structure used or designed to be used for shelter, accommodation or enclosure of persons, animals, or chattels;
 - 2.8 "***Campground***" means a parcel providing for the seasonal and temporary accommodation of travellers using tents or recreational vehicles, but specifically excludes a mobile home park or hotel;
 - 2.9 "***Caretaker unit***" means a dwelling unit for a caretaker (and his/her dependents) required to be present on a premises at all times for the proper operation or maintenance of the facilities;
 - 2.10 "***Community centre***" means any tract of land or buildings or any part of any buildings used for community activities, whether used for commercial purposes or not, and the control of which is vested in the Hay River Dene Band, a local board or agent thereof;
 - 2.11 "***Community commercial***" means the use of land for all commercial establishments normally found in a community, such as convenience stores and personal service shops either alone or complex with residential, community use, and, or recreational uses. But, specifically excludes business deemed to be highway commercial or that create a nuisance;
 - 2.12 "***Convenience store***" means a retail commercial establishment supplying groceries, sundries and other daily household necessities to the immediately surrounding area;
 - 2.13 "***Cottage***" means a dwelling unit used on a seasonal basis for recreational purposes;

- 2.14 **"Cottage industry"** means a use accessory to a dwelling, and includes activities such as a carpentry shop, a craft shop, a plumbing shop, a metal working shop, an electrical shop, a welding shop, a storage building for school buses, boats or snowmobiles, a repair shop for farm equipment, or any similar use;
- 2.15 **"Council"** means the Council, as defined in the Indian Act, of the Hay River Dene Band;
- 2.16 **"Discretionary/Discretionary use"** means that a land use and/or building requirement(s) for a specific development proposal may proceed provided that in the judgement of the Zoning Administrator and/or Council the proposed development conforms to the desires of the Band Membership as reflected by this Bylaw, the *Land Use Plan* and the environmental limitations of the land;
- 2.17 **"Dog lot"** means the temporarily or permanent keeping of three or more dogs in an out-door kennel, enclosed area, or on a leash in the bush;
- 2.18 **"Duplex"** means a building that is divided into two dwelling units, each of which has an independent entrance;
- 2.19 **"Dwelling unit"** means one or more habitable rooms designed for use by and occupied by not more than one family and in which separate kitchen and sanitary facilities are provided for the exclusive use of such a family, with a private entrance from outside the building or from a common hallway or stairway inside the building;
- i) **"dwelling - one family"** means a separate building containing only one dwelling unit;
 - ii) **"dwelling - two family"** means a separate building containing only two dwelling units;
 - iii) **"dwelling - triplex"** means the whole of a building that is divided into three separate dwelling units, each of which has an independent entrance, either directly from the outside, or through a common vestibule;
- 2.20 **"Dwelling unit area"** means the floor area of a dwelling unit measured between the exterior faces of the exterior walls of the dwelling unit;
- 2.21 **"Eating establishment"** means a building or part of a building where food is offered for sale or sold to the public for immediate consumption therein, and includes a restaurant, cafe, tea or lunch room, dairy bar, and refreshment room or stand, but does not include a boarding or lodging house;
- 2.22 **"Environmental area"** means the maintenance of the natural environment for the purpose of preservation, research, observation and outdoor uses such as hiking, hunting and fishing, and includes the erection and use of trail shelters and other similar structures ancillary to the foregoing uses, but does not include the use of a dwelling house, a mobile home, or a cottage;
- 2.23 **"Erect"** means build, construct, reconstruct, or relocate, and includes any preliminary physical operations such as cutting, grading, excavating, filling or draining, and any altering of an existing building by an addition, extension or other structural change;
- 2.24 **"Farm"** means land used for the tillage of soil and the growing of vegetables, grains and other staple crops, and includes land used for livestock raising, dairying or woodlots;
- 2.25 **"Forestry"** means the management, development and cultivation of timber resources to ensure the continuous production of wood or wood products, provision of proper environmental conditions for wildlife, protection against floods and erosion, protection and production of water supplies, and preservation of the

recreation resource;

- 2.26 "Garage, commercial" means the use of a building, structure or lot where commercial vehicles are stored or where vehicles are repaired or maintained;
- 2.27 "Gravel pit" means any open excavation made for the removal of any soil, earth, clay, marl, sand, gravel or unconsolidated rock or mineral in order to supply material for construction, manufacturing or industrial purposes;
- 2.28 "Group home" means a single housekeeping unit in a residential dwelling in which three to ten residents live as a family under responsible supervision and shall be licensed under Territorial Statute, and may also include a non-residential special needs group facility such as a group school;
- 2.29 "Hazard land" means land which may not suitable to be used for the erection of any building because it is on a flood plain, is subject to erosion, has steep slopes, has organic soil, has a high water table, has high shrink swell potential and or, has the potential for frost heave;
- 2.30 "Heavy industry" means the use of land, buildings or structures for the storage, collection, processing, repairing, salvage or recycling of a product, article, substance, material, fabric or compound and includes vehicle wreck yards, gravel stockpile areas, but specifically excludes waste disposal sites.
- 2.31 "Height" means, when used with reference to a building, the vertical distance between the average elevation of the finished surface of the ground at the front of the building and
- i) in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater,
 - ii) in the case of a mansard roof, the deck roof line, and
 - iii) in the case of a gable, hip or gambrel roof, the mean height between the eaves and ridge;





- 2.32 *“Home business”* means any business conducted on a residential site or within a dwelling unit provided the use:
- i) Does not change the residential character of the lot by creating problems with noise, traffic, outdoor storage, or other nuisance;
 - ii) Does not employ more than two individuals who are not residents of the home; and
 - iii) Does not show any exterior evidence of the use being carried on with the exception of one advertising sign, no greater than 0.3 square metres (3 square feet) in area.
- 2.33 *“Hotel/Motel”* means the use of land for the provision of rooms or suites for temporary sleeping accommodation of tourists and transients. Hotels and motels may include accessory eating establishments, meeting rooms, and personal service shops;
- 2.34 *“Hunting shack”* means a structure of light frame construction, without a basement, without an interior finish on its walls and ceiling which is intended to provide basic shelter and accommodation on an occasional basis for a person or a group of persons engaged in hunting or fishing activities;
- 2.35 *“Industry”* is defined as either “heavy industry” or “light industry”.

- 2.36 **"Interest holder"** means:
- i) an individual, Band or non-Band member or
 - ii) an organization - Band or non-Band,
- occupying an area of the Reserve at the discretion of Council, without an Indian Act lease or permit, where the interest holder has made improvements to the land, or
- iii) an individual, Band or non-Band member, or
 - iv) an organization - Band or non-Band,
- in lawful possession of Reserve land under the Indian Act;
- 2.37 **"Land use plan"** means a document that sets out proposals for future development on the reserve and is accompanied by maps and charts;
- 2.38 **"Light industry"** means the use of land for wholesale, warehousing, testing, service, repair or maintenance of an article, substance, material, fabric or compound; and includes artisan and manufacturing shop and retail sales accessory to the principle use;
- 2.39 **"Mobile home"** means any dwelling that is designed to be made mobile, and constructed or manufactured to provide a permanent residence for one or more persons, but does not include a travel trailer or tent trailer or trailer otherwise designed, and does not include a modular home;
- 2.40 **"Non-conforming"** means that which does not conform, comply or agree with the provisions of this Bylaw as of the date it was made;
- 2.41 **"Naxious use"** means any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter;
- 2.42 **"Nursery"** means land used for the growing of sod, flowers, bushes, trees or other gardening, landscaping or orchard stock for wholesale or retail trade;
- 2.43 **"Permit"** means a Development Permit issued subject to this Bylaw titled *Notice of Decision/Development Permit*, as shown in the form of Appendix B;
- 2.44 **"Personal serdee shops"** means a use whereby professional or personal services are provided and the sale of goods, wares, merchandise, articles or things accessory to the provision of such services and includes barber shops, beauty salons, shoe repair shop, dry cleaning shop and laundry mats;
- 2.45 **"Public building"** means a development which is publicly owned, supported or subsidized involving public assembly or use including public schools, hospitals, recreation areas, government services, libraries, and arenas;
- 2.46 **"Restaurant"** means a building or part of a building where food is offered for sale or sold to the public for immediate consumption therein, but does not include a boarding or lodging home;
- 2.47 **"Reserve"** means the Hay River Dene Reserve No. 1 set aside for the use and benefit of the Hay River Dene Band;
- 2.48 **"Retail store"** means a building or part of a building in which goods, wares, merchandise, substance, articles

or things are offered or kept for sale at retail.

- 2.49 "Roadside stand" means a retail store not exceeding nineteen square metres in floor area, in which the goods displayed or offered for sale;
- 2.50 "Setback" means the right angle distance from a lot line or street boundary to the nearest part of the main building on the lot (as shown on the following page).
- 2.51 "Temporary use" means a development for which a Development Permit has been issued for a limited time only;
- 2.52 "Vehicle dismantled or wrecked" means a motorized vehicle that is not legally registered with the Territorial Government and is in a condition of disrepair rendering it immobile and/or it is not considered structurally safe to operate on a public roadway. Council may, by Bylaw, provide for the removal and disposal of vehicles that:
- i) are inoperable, wrecked or dismantled;
 - ii) are not located in a building; or
 - iii) do not form part of a business lawfully operated on the premises.
- 2.53 "Visual buffer" means any natural or constructed barrier that restricts visibility and includes trees, fences, walls, rocks, embankments and other similar visual barriers acceptable to the Council;
- 2.54 "Water setback" means the straight line horizontal distance from the high water mark of a watercourse, bay or lake to the nearest part of any excavation, building, structure or open storage use on the land;
- 2.55 "Zone" means a designated area of land use as shown on the Land Use Plan portion of the attached Integrated Resource Plan; and
- 2.56 "Zoning Administrator" means the person appointed or designated by the Council under this Bylaw and charged with the duty of administering and enforcing the provisions of this Bylaw.

Application of Bylaw

3. (1) The provisions of this Bylaw apply to all lands of the Reserve of the Hay River Dene Band as shown on the *Integrated Plan*.
- (2) ~~The Integrated Plan, which includes the Land Use Plan, Biophysical Classification, and Development Limitations,~~ as attached hereto as *Schedule A*, is a part of this Bylaw as fully and to all intents and purposes as though recited in full herein.

PART II - ADMINISTRATION AND GENERAL ZONING PROVISIONS

Zoning Administrator

4. (1) The Council may, by resolution, appoint or designate a person as Zoning Administrator, whose duty it shall be to administer and enforce this Bylaw.
- (2) The Council may, through resolution, provide for reasonable remuneration to be paid to the Zoning Administrator.
- (3) ~~The Zoning Administrator is authorized to accept or refuse the issuance of all Permits.~~

Development Permit

5. (1) No development shall occur on any lands without the issuance of a Development Permit by the Zoning administrator
- (2) An application for a Development Permit shall be in the form of Appendix A and include the supporting information such as an environmental assessment in the form of Appendix F. The application shall also include payment of a \$25.00 fee.
- (3) In deciding whether to issue a Development Permit, the Zoning administrator shall take into account;
 - i) the provisions of this By-law;
 - ii) the Land Use Plan;
 - iii) the environmental limitations of the land in question; and
 - iv) any other factor(s) which the Zoning Administrator feel is/are relevant.
- (4) The decision to issue or refuse a Development Permit shall be issued in the form of Appendix B. The Zoning Administrator may attach conditions to the issuance of the permit.
- (5) A Development Permit is valid for a period of 12 months from the date of issue. If, at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, in the opinion of the Zoning Administrator, the permit shall be null and void.
- (6) The decision by the Zoning Administrator may be appealed within 14 days from the posting of the decision in the Band Office by:
 - i) any Band member opposed to the development; or
 - ii) the applicant for which the Permit has been refused.
- (7) An appeal shall be made to the Band Council in the form of Appendix C and include payment of a \$25.00 fee.
- (8) If an appeal is commenced pursuant to subsection 5(6), the decision of the Zoning Administrator is stayed pending the decision of the Band Council.

- (9) In deciding the appeal, Council shall take into consideration:
- i) the provisions of this By-law;
 - ii) the Land Use Plan;
 - iii) the environmental limitations of the land in question; and
 - iv) any other factor(s) which Council feel is/are relevant.
- (10) Council may uphold, disallow or vary the decision of the Zoning Administrator.
- (11) The procedure for a hearing in sections 24,25,26,31 and 33 of this by-law apply.
- (12) The decision of the Council shall be in the Form of Appendix D.

Prohibition

6. (1) No building or structure shall hereafter be erected or altered, nor shall the use of any land, building or structure hereafter be changed, in whole or in part, except in conformity with the provisions of this Bylaw.
- (2) Notwithstanding any other Bylaw of the Council, no Development Permit shall be issued where the proposed building, structure or use would be in violation of any provision of this Bylaw.

Non-Conforming Uses

7. (1) Subject to subsection (2), nothing in this Bylaw prevents the use of any land, building or structure for any purpose prohibited by the Bylaw if such land, building or structure was lawfully used for such purpose on the day this Bylaw was made, so long as it continues to be used for that purpose.
- (2) If a building or structure which does not conform with the requirements of this Bylaw with respect to use, lot occupancy, or height is destroyed, said building or structure may be restored to its original dimensions and strengthened to a safe condition, provided that such restoration or strengthening does not further increase the extent of non-conformity of such building or structure, and provided that all other applicable provisions of this Bylaw are complied with and the use is not a noxious use.

Prior Building Permits

8. Nothing in this Bylaw prohibits the erection of a building or structure for which a building permit was issued prior to the date this Bylaw was made.

Exceptions to Height Limitations

9. The height limitations of this Bylaw do not apply to chimneys, church spires, public buildings, water tanks, elevator enclosures, flag poles, television or radio antennae, electrical transmission facilities, ventilators or skylights.

Accessory Buildings and Structures

10. Accessory uses, buildings and structures, including private garages, are permitted in any zone within the reserve, but shall not:
- i) be used for human habitation, except where a dwelling is a permitted accessory use;
 - ii) exceed four metres in height in any residential zone;
 - iii) be built within two metres of the main building; or
 - iv) be considered an accessory building attached to the main building in any way.

Temporary Construction Uses Permitted

11. Nothing in this Bylaw prevents uses incidental to construction, such as a construction camp or other such temporary work camp, a tool shed, scaffold or other building or structure incidental to the construction, or a sign not more than four and one-half (4.5) square metres in area incidental to the construction, if these uses are permitted only for so long as they are necessary for work in progress which has neither been finished nor abandoned.

Occupancy of Incomplete Buildings

12. In any land use zone, no new buildings shall be occupied before the main side walls and roof have been erected and roofing has been completed and, in the case of a dwelling, kitchen, heating and sanitary conveniences have been installed and rendered useful.

Setbacks

13. Buildings and structures erected in any land use zone shall conform to the following setback requirements from road centre lines and high water marks of any water course, bay or lake:
- i) Northwest Territorial highway - 18 metres
 - ii) Road other than a Northwest Territorial highway - 13 metres
 - iii) Reserve road - 10 metres
 - iv) Other road - 8 metres
 - v) Water setback - a minimum water setback of 30 metres shall be provided, but accessory boathouses and boat decks are not required to meet the water setback.

Mobile Homes

14. Mobile homes are permitted on the reserve as allowed by this Bylaw.

Home Businesses

15. A home business is permitted in any zone if:
- i) only members of the family are employed in the home business;
 - ii) there is no external display or advertising other than a non-illuminated sign, not more than three tenths of a square metre (.3 m²) in area, to indicate to persons outside that any part of the dwelling

- unit or lot is being used for a purpose other than residential;
- iii) not more than 25% of the dwelling unit area is used for the purpose of the home business;
 - iv) the home business is secondary to the main residential use and does not change the residential character of the dwelling home or dwelling unit;
 - v) there are no goods, wares or merchandise, other those produced on the premises, offered or exposed for sale or rent on the premises;
 - vi) the home business does not create or become a nuisance in regard to noise, traffic or parking;
 - vii) the home business does not interfere with television or radio reception; and
 - viii) a private garage is not used for the home business.

Noxious Uses

16. No use is permitted which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter, or which from its nature or the materials used therein is declared to be a noxious trade, business or manufacturer under the Northwest Territories Public Health Act, and regulations thereunder or the Northwest Territories Environmental Protection Act, and regulations thereunder.

Cottage Industry

17. A cottage industry is permitted in a housing zone if:
- i) not more than 20% or twenty square metres of the dwelling unit area, whichever is the lesser, is used for the purposes of the cottage industry;
 - ii) not more than fifty square metres of the gross floor area of all accessory buildings are used for the purposes of the cottage industry; and
 - iii) not more than five persons, other than those residing on the premises, are engaged on the premises in the cottage industry.

Gravel Pits, Stone Quarries

18. Gravel pits and stone quarries are prohibited, except when authorized in a Permit issued by the Zoning Administrator with the approval of Council.

Multiple Uses

19. Where any land or building is used for more than one purpose, all provisions of this Bylaw relating to each use shall be satisfied and, where there is a conflict, the higher or more stringent standard shall prevail.

FLOOD RISK PROVISIONS

20. Purpose

- a) The purpose of these provisions are to regulate the development of flood hazard areas on the Hay River Dene Reserve so as to promote the public health, safety and general welfare and to minimize the adverse effects of periodic inundation including but not limited to loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief. Accordingly the provisions contained herein are so designed to:
 - i) restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood-stage elevations or water velocities;
 - ii) require that uses vulnerable to floods, including public facilities which serve such uses, be ~~protected against flood damage at the time of initial construction;~~ and
 - iii) protect individuals from using lands which are unsuited for intended purposes because of flood risk.

Warning and Disclaimer of Liability

- b) The degree of flood protection intended to be provided by this Bylaw is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These provisions do not imply that areas outside the flood risk area boundaries will always be totally free from flooding or flood damages. Nor shall these provisions create a liability on the part of, or be a cause of, action against the Hay River Dene Band Council or any officer or employee thereof for any flood damages that may result from reliance on these provisions.

Non-Conforming Structures

- c) Any existing structures that do not meet the required flood proofing standards equal to or above the National Building Code of Canada and/or the Canada Mortgage and Housing Corporation Technical Builders Bulletin or that the first floor is not equal or above the anticipated flood elevation shall be considered non-conforming until such time as the structure may be brought up to meet the standards.

Fill and Dredging

- d) An environmental assessment shall be required under the Canadian Environmental Assessment Act for any fill or dredging activities that may impact upon flood carrying capacity and the extent of the flood risk area. This material shall be forwarded to the appropriate federal agency for review and comment as to acceptability of these proposed actions before proceeding with any development decision.

Flood Risk Districts

- e) The flood risk areas to which these provisions are applicable have been divided into two areas, a Flood way Area and a Flood way Fringe Area. For greater certainty refer to the *Hay River Flood Risk Mapping* as approved by the Government of the Northwest Territories on May 29, 1984.

Flood way District

- * f) No use shall adversely affect the efficiency or unduly restrict the conveyance/storage capacity of the flood way or of any tributary to the main watercourse or water body, drainage ditch or any other drainage facility.
- g) The conveyance/storage capacity of the flood way shall not be diminished so as to cause excessive increases in flood stage elevations or in water velocities during a flood event. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach either on both sides of the watercourse or along the shoreline of a water body.
- h) Any fill proposed to be deposited in the flood way must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve the purposes, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill or other materials shall be protected against erosion by rip-rap, compacting, bulk-heading, or some other approved method of preventing erosion.
- i) The storage or processing of materials that are, in time of flooding buoyant, flammable, explosive, toxic or that could be injurious to human, animal or plant life, is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent floatation or readily removable from the area within the time available after flood warning.

Flood way Fringe District

- j) The purpose of the Flood way Fringe District is to reduce the flood vulnerability of uses and structures located in that portion of the flood risk area so designated by requiring that all further undertakings be flood proofed, and to minimize the threat to public safety, health and welfare that may occur during a flood event of a frequency equal to or higher than that of the design flood event. The flooding fringe is generally characterized by water velocities of less than 1.0 metre (3.3 feet) per second and flood stage elevations of less than 1.0 metre (3.3 feet). These provisions comply with the Canada Mortgage and Housing Corporation Design and Durability Requirements for new construction under the National Housing Act of 1986.
- k) Only structures that are flood proofed by raising their first floor above the anticipated maximum flood way fringe elevation or are designed and constructed as to be watertight and have sufficient structural integrity to withstand the hydrostatic and hydrodynamic pressures and other factors associated with inundation including but not limited to the impact of water-borne debris floating in water flowing at a rate of 1.0 metre (3.3 feet) per second. The National Building Code of Canada and/or the regulations of the Canada Mortgage and Housing Corporation shall serve as the minimum design and construction requirements for flood proofing.
- l) Council may, upon consulting the Zoning Administrator, authorize the location of uses at an elevation below the flood elevation if such uses will not be subject to flood damage and which will not cause flood damage to other lands.
- m) Any use which presents a hazard to life and property either before, during or after a flood event shall be prohibited from the flood risk area unless adequate safeguards can be developed so as to render the hazard impotent.
- n) Upon receiving an application for a Development Permit within the area identified as the Flood way

Fringe, the Zoning Administrator may, prior to rendering a decision thereof:

- i) require the applicant to furnish the following information which may be deemed necessary to determine the suitability of the site for the proposed use:
 - (a) plans drawn to a scale of 1:2000 showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the flood way, and the flood way fringe, where applicable, and the design flood elevation,
 - (b) a typical valley cross-section showing the channel/ shoreline of the watercourse/water body, elevation of land areas adjoining the channel/shoreline, cross-sectional areas to be occupied by the proposed development, and high water information,
 - (c) plan (surface view) showing contours of the ground with at least a 1.0 metre (3.3 feet) interval; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; locations and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information,
 - (d) profile showing the slope of the bottom of the watercourse,
 - (e) specifications for building construction and materials, flood proofing, filling, grading, storage of materials, water supply and sanitary facilities, and
 - (f) a contingency plan outlining emergency action to be undertaken in the event of a flood and/or of failure of the flood proofing techniques adopted;
- ii) one copy of the information described in Section n, above, may be transmitted to a designated professional engineer or other expert or agency having jurisdiction for technical assistance, where necessary, in evaluating the proposed project in relation to flood-stage elevations and water velocities; the seriousness of flood damage to the use, the adequacy of the plans for flood-damage mitigation and other technical matters;
- iii) based upon the evaluation carried out by the Zoning Administrator, he/she shall determine the specific flood risk at the site and shall evaluate the suitability of the proposed use in relation to the flood risk; and
- iv) in reviewing the application for a Development Permit the Zoning Administrator shall consider all relevant factors specified in other sections of this Bylaw; and
 - (a) the danger to life and property owing to increased flood stage elevations or velocities caused by encroachments;
 - (b) the danger that materials may be swept on to other lands or downstream to the injury of others;
 - (c) the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions during a flood;
 - (d) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (e) the importance of the services provided by the proposed facility to the community;
 - (f) the requirements of the facility for a waterfront location;
 - (g) the availability of alternative locations not subject to flooding for the proposed use;
 - (h) the compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - (i) the relationship of the proposed use to the land use plan and flood plain management program for the area, if in existence;

- (j) the safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) the expected flood-stage elevations, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site; and
- (l) such other factors which are relevant to the purposes of this Bylaw.

0) **Conditions Attached to Development Permits for Uses in Flood Risk Area.**

- i) upon consideration of the factors listed above and the purposes of this Bylaw, the Zoning Administrator or Council may attach such conditions to the granting of Development Permits for uses in the flood risk areas as it deems necessary to further the purposes of this Bylaw. Such conditions may include:
 - (a) modification of waste disposal and water supply facilities;
 - (b) limitations on periods of use and operation;
 - (c) imposition of lease restrictions;
 - (d) establishment of easements; and
 - (e) submission of a plan or document certified by a professional engineer/architect that the flood proofing measures are consistent with the flood elevation and associated flood factors for the particular area. The flood proofing measures as outlined in the National Building Code of Canada and/or the Regulations of the Canada Mortgage and Housing Corporation shall apply.

Minor Variance

21. An *interest holder* in any land, building or structure affected by this Bylaw may apply to the Council for a minor variance from the provisions of this Bylaw, in respect of the land, building or structure, or use thereof if:
- i) the application is made in the form shown in Appendix E; and
 - ii) it is accompanied with payment of a \$25.00 application fee.

Non-Conforming Uses

22. Where any land, building or structure, on the day this Bylaw was made, was used for a purpose prohibited by the Bylaw, the owner of any land, building or structure may apply to the Council for authorization to:
- i) enlarge or extend the building or structure, if the land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day this Bylaw was made; or
 - ii) use such land, building or structure for a purpose that is similar to the purpose for which it was used on the day this Bylaw was made, or is more compatible with the uses permitted by the Bylaw than the purpose for which it was used on the day this Bylaw was made provided that:
 - a) the application is made in the form shown in Appendix E; and
 - b) it is accompanied with payment of a \$25.00 application fee.

Amendment

23. (1) An *interest holder* in any land, building or structure may apply, in the form shown in Appendix E, to the Council for an amendment to this Bylaw provided that:
- i) the application is made in the form shown in Appendix E; and
 - ii) it is accompanied with payment of a \$25.00 application fee.
- (2) An *interest holder* who applies under subsection (1) must set out in the application the reasons for the amendment and submit detailed site plans, where applicable.

Hearing

24. Within thirty days (30) of the filing of a properly completed appeal application under section 55 or application under sections 21, 22 or 23, the Council shall hold a hearing with respect to the application. At the hearing, the Council shall:
- i) provide the applicant with an opportunity to present evidence and to make oral or written submissions in support of the application; and
 - ii) provide any resident present at the hearing with an opportunity to be heard.

Notice

25. At least fourteen days prior to any hearing, the Zoning Administrator shall:
- i) give notice to the applicant of the date, time and place of the hearing and informing the applicant that he/she and any other resident of the reserve has the right to appear at the hearing and to be heard in respect of the application; and
 - ii) post in the Band Office a copy of the notice.

Rules of Procedure

26. The Council may make rules of procedure governing any hearing of applications and shall keep records of its proceedings.

Decision

- 27.(1) In deciding the matter, Council shall meet in private and take into consideration:
- i) the provisions of this Bylaw;
 - ii) the *Land Use Plan*;
 - iii) the environmental limitations of the land in question; and
 - iv) any other factor(s) which Council feel is/are relevant.

Criteria - Minor Variance

- (2) In determining whether an application for a minor variance should be granted, the Council shall take into consideration:

- i) whether the minor variance is desirable for the appropriate development or use of the land, building or structure; and
- ii) whether the general intent and purpose of this Bylaw and the land use plan, will be maintained.

Criteria - Non-Conforming Use

- (3) In determining whether an application for an extension or modification of a non-conforming use should be granted the Council shall take into consideration
- I) whether the extension or modification is desirable for the appropriate development or use of the land, building or structure;
 - ii) whether the general intent and purpose of this Bylaw and the land use plan, will be maintained; and
 - iii) whether the amendment supports the environmental integrity of the Reserve and respects the lands ability to sustain the amendment without compromising future generations ability to use that same land.

Criteria - Amendment

- (4) In determining whether an application for an amendment to this Bylaw should be granted, the Council shall take into consideration:
- i) whether the amendment is desirable for the appropriate development or use of the land, building or structure;
 - ii) whether the general intent and purpose of this Bylaw and the land use plan; and
 - iii) whether the amendment supports the environmental integrity of the Reserve and respects the lands ability to sustain the amendment without compromising future generations ability to use that same land.

Notice of Decision

28. Within sixty days of any hearing, the Council shall render its decision on the application and shall give a written notice of its decision to the applicant which incorporates written reasons in support of its decision.

Posting Decision

29. Within five days after disposing of the application, the Council shall post a notice of its decision in the Band office.

PART IV - SPECIFIC ZONING PROVISIONS

ZONES

30. The reserve is divided into the following zones as shown on the *Land Use Plan* portion of the *Integrated Plan*.

Zones	Zone Symbols
Housing	H
Cottage	CT
Commercial	
Highway Commercial	CH
Community Commercial	CC
Industrial	I
Community Use	CU
Environmental Recreation	ER
Transportation	T
Community Forest	F

SUMMARY ZONING CHART

For detailed information on each zone please consult the appropriate area(s) in the zoning bylaw or contact your Zoning Administrator. DISCRETION is as defined in section 2.16.

PROVISIONS	HOUSING ZONE NEW VILLAGE	HOUSING ZONE OLD VILLAGE	COTTAGE ZONE	COMMERCIAL ZONE HIGHWAY
Maximum Lot Area (m ²)	1,000	Discretion	Discretion	10,000
Minimum Lot Frontage (m)	30	Discretion	50	50
Minimum Building Area (m ²)	55	Discretion	52	Discretion
Minimum Front Yard Depth (m)	7.5	Discretion	Discretion	10
Minimum Side Yard Width (m)	3	Discretion	Discretion	Discretion
Minimum Rear Yard Depth (m)	7.5	Discretion	Discretion	10
Maximum Lot Coverage (%)	33	Discretion	Discretion	60
Maximum Building Height (m)	9	Discretion	9	10
Minimum Number of Parking Spaces	1 per Dwelling Unit	Discretion	Discretion	1 per 70 m ² of gross floor area
Minimum Fire Separation (m)	12 as directed by the National Fire Code	12 as directed by the National Fire Code	12 as directed by the National Fire Code	12 as directed by the National Fire Code

COMMERCIAL ZONE COMMUNITY	INDUSTRIAL ZONE	COMMUNITY USE ZONE	ENVIRONMENTAL RECREATION ZONE	TRANSPORT ZONE	COMMUNITY FOREST ZONE
2,000	10,000	Discretion	Not Applicable	Discretion	Discretion
50	50	30	50	Discretion	Discretion
Discretion	Discretion	Discretion	Not Applicable	Discretion	Discretion
10	10	6	10	Discretion	Discretion
Discretion	6	6	10	Discretion	Discretion
10	10	6	10	Discretion	Discretion
40	50	60	20	Discretion	Discretion
10	10	10	8	Discretion	Discretion
1 per 50 m ² of gross floor area	1 per 100 m ² of gross floor area	1 per 50 m ² of gross floor area	1 per 50 m ² of gross floor area	Discretion	Discretion
12 as directed by the National Fire Code	12 as directed by the National Fire Code	12 as directed by the National Fire Code	12 as directed by the National Fire Code	12 as directed by the National Fire Code	8 or as Air Transportation Regulations Apply

Housing (H) Zone

Land may be used and buildings and structures erected, altered or used in a Housing (H) Zone only for:

Permitted Uses

- (a) single family dwelling;
- (b) home business;
- (c) playground; and
- (d) uses accessory to any of the foregoing permitted uses

Discretionary Uses

- | | |
|---------------------------|---|
| (a) duplex ; | (f) cottage industry; |
| (b) triplex; | (g) uses permitted in the Environmental Recreation (ER) Zone; and |
| (e) group home; | (h) uses permitted in the Community Use (CU) Zone. |
| (d) mobile home dwelling; | |
| (e) home business; | |

Housing (H) Zone Specifications

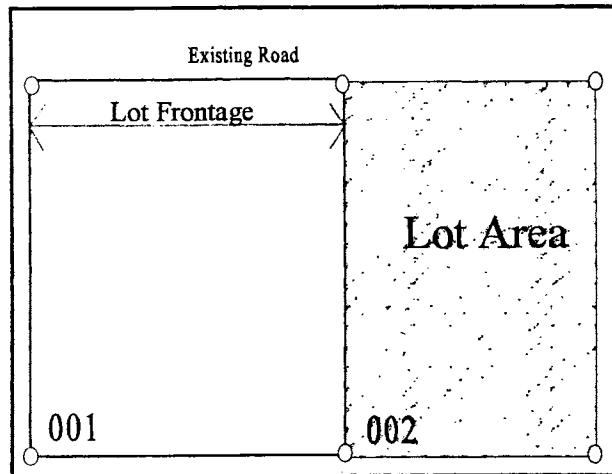
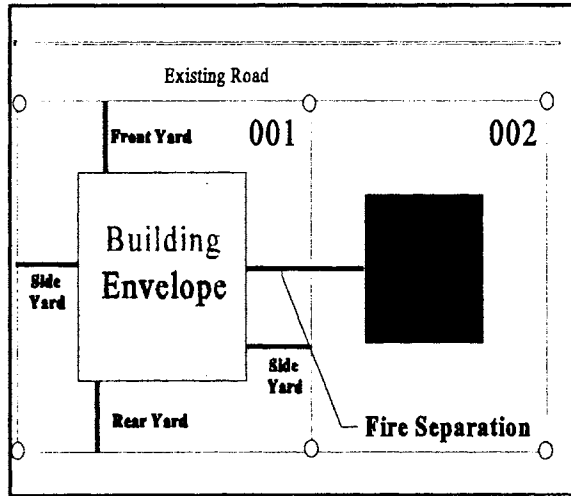
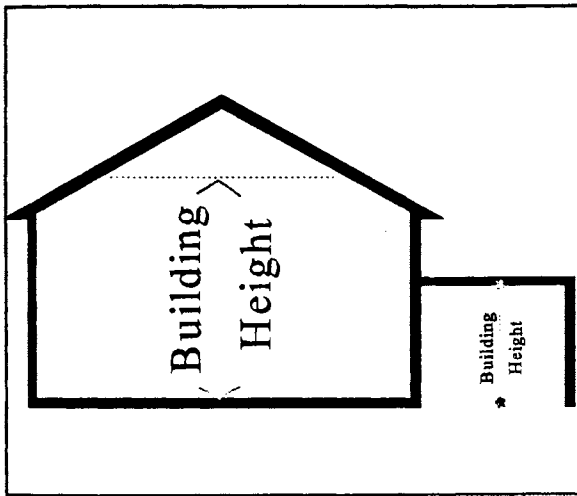
Land may be used and buildings and structures may be erected, altered or used in a Housing (H) Zone only where the following specifications are complied with:

NEW VILLAGE

minimum lot area	1,600 square metres
minimum lot frontage	30 metres
minimum dwelling unit area	55 square metres
minimum front yard depth	7.5 metres
minimum side yard width	3 metres
minimum rear yard depth	7.5 metres
maximum lot coverage	33 percent
maximum building height	9 metres
minimum number of parking spaces	1 per dwelling unit
minimum building fire separation	12 metres or as National Fire Code Standards Apply

OLD VILLAGE

minimum lot area	Discretion of the Zoning Administrator and Council
minimum lot frontage	Discretion of the Zoning Administrator and Council
minimum dwelling unit area	Discretion of the Zoning Administrator and Council
minimum front yard depth	Discretion of the Zoning Administrator and Council
minimum side yard width	Discretion of the Zoning Administrator and Council
minimum rear yard depth	Discretion of the Zoning Administrator and Council
maximum lot coverage	Discretion of the Zoning Administrator and Council
maximum building height	9 metres
minimum number of parking spaces	Discretion of the Zoning Administrator and Council
minimum building fire separation	12 metres



Cottages (CT) Zone

Land may be used and buildings and structures erected, altered or used in a Cottage (CT) Zone only for:

Permitted Uses

- (a) single family dwelling; and
- (b) uses accessory to the foregoing permitted use.

Discretionary Uses

- (a) uses permitted in the Environmental Recreation (ER) Zone;
- (b) uses permitted in the Community Use (CU) Zone.

Cottages (CT) Zone Specifications

Land may be used and buildings and structures may be erected, altered or used in a Cottages (CT) Zone only where the following specifications are complied with:

minimum lot area	Discretion of the Zoning Administrator and Council
minimum lot frontage	50 metres
minimum dwelling unit area	50 square metres
minimum front yard depth	Discretion of the Zoning Administrator and Council
minimum side yard width	Discretion of the Zoning Administrator and Council
minimum rear yard depth	Discretion of the Zoning Administrator and Council
maximum lot coverage	Discretion of the Zoning Administrator and Council
maximum building height	9 metres
minimum number of parking spaces	Discretion of the Zoning Administrator and Council
minimum building fire separation	12 metres or as National Fire Code Standards Apply

Commercial Zones

Highway Commercial (CH) Zone

Land may be used and buildings and structures erected, altered or used in a Highway Commercial (CH) Zone only for:

Permitted Uses

- (a) automobile service station, commercial garage or automobile business, including sales and rentals;
- (b) car wash;
- (c) boat, snowmobile, trailer or cycle business, including sales and rentals;
- (d) restaurant or other eating establishment;
- (e) hotel/motel;
- (f) parking lot;
- (g) place of entertainment;
- (h) service station/gas bar;
- (i) tourist information booth;
- (j) forest fire training centres; and
- (k) uses accessory to any of the foregoing permitted uses.

Discretionary Uses

- (a) tourist related buildings and activities dependant on close proximity to a highway for trade;
- (b) retail stores;
- (c) public and semi-public uses;
- (d) wholesale and retail;
- (e) golf driving ranges;
- (f) caretaker unit;
- (g) campground;
- (h) recreation facility;
- (i) tourist store;
- (j) uses permitted in the Open Space and Community Recreation (OS) Zone; and
- (k) uses permitted in the Community Use (CU) Zone.

Highway Commercial (CH) Zone

Land may be used and buildings and structures may be erected, altered or used in a Highway Commercial (CH) Zone only where the following specifications are complied with:

minimum lot area	1.0 ha
minimum lot frontage	50 metres
minimum building area	Discretion of the Zoning Administrator and Council
minimum front yard depth	10 metres
minimum side yard width	Discretion of the Zoning Administrator and Council
minimum rear yard depth	10 metres
maximum lot coverage	60 percent
maximum building height	8 metres
minimum number of parking spaces	1.0 per 70 metres of gross floor area
minimum building fire separation	12 metres or as National Fire Code Standards Apply

Performance Standards

- a) The access from the premises to the highway or major streets shall be allowed only at the points as established by the Zoning Administrator. The building setbacks shall allow for the planned widening of streets and/or provision of service roads where required by the Zoning Administrator. The building setbacks shall provide for the front yards as established by these provisions in addition to the set backs needed for the aforementioned widening.
- b) Where development fronts on a designated highway pursuant to the Public Highways Act a service roadway of not less than 15 m (50 ft.) in width shall be required adjacent and parallel to the highway.
- c) All buildings shall be of good architectural design as required the Zoning Administrator, so as not to interfere with or detract from the standards of the zone and the amenities of the Reserve.
- d) All yards abutting the highway or roadway shall be landscaped and the entire lot and all buildings maintained in a neat, tidy manner including the trimming and upkeep of areas and the removal of debris and unsightly objects.
- e) All storage, freightage or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features, or fences or a combination thereof.
- f) All outdoor storage areas shall be enclosed with a suitable fence and the outdoor storage and display of equipment, machinery, building materials, lumber or other materials shall be kept in a clean and orderly condition at all times.

Community Commercial (CC) Zone

Land may be used and buildings and structures erected, altered or used in a Community Commercial (CC) Zone only for:

Permitted Uses

- (a) automobile service station, commercial garage or automobile business, including sales and rentals;
- (b) car wash;
- (c) bank or other financial institution;
- (d) personal service shop;
- (e) boat, snowmobile, trailer or cycle business, including sales and rentals;
- (f) business or professional office;
- (g) convenience store;
- (h) laundry or dry cleaning establishment;
- (i) restaurant or other eating establishment;
- (j) hotel/motel;
- (k) parking lot;

- (l) place of entertainment;
- (m) post office;
- (n) recreational use;
- (o) taxi stand;
- (p) retail store;
- (q) government services;
- (r) public and private educational services;
- (s) religious assembly; and
- (t) uses accessory to any of the foregoing permitted uses.

Discretionary Uses

- (a) Uses that in the opinion of the Zoning Administrator are similar to those identified as permitted uses, and which conform to the general purpose and intent of this zone.

Community Commercial (CC) Zone

Land may be used and buildings and structures may be erected, altered or used in a Community Commercial (CC) Zone only where the following specifications are complied with:

minimum lot area	2,000 square metres
minimum lot frontage	50 metres
minimum building area	Discretion of the Zoning Administrator and Council
minimum front yard depth	10 metres
minimum side yard width	Discretion of the Zoning Administrator and Council
minimum rear yard depth	10 metres
maximum lot coverage	40 percent
maximum building height	10 metres
minimum number of parking spaces	1.0 per 50 metres of gross floor area
minimum building fire separation	12 metres or as National Fire Code Standards Apply

Performance Standards

- a) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted in the required front yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent lots or public roadways. If the rear or sides of a lot are used for parking, an outdoor service or display area or both, and abut a residential district, they shall be screened to the satisfaction of the Zoning Administrator.

Industrial (I) Zone

Land may be used and buildings and structures erected, altered or used in a Industrial (I) Zone only for:

Permitted Uses

- (a) warehouse or storage building;
- (b) retail/ wholesale outlet or business office;
- (c) yard for fuel, lumber, building materials, contractor's equipment or similar material;
- (d) workshop;
- (e) trucking operations;
- (f) parking lot;
- (g) a dwelling for the owner, or for the use of a watchman or other employee whose residence on the premises is essential; and
- (h) a use accessory to any of the foregoing permitted uses.

Discretionary Uses

- (a) industry or manufacturing establishment, except one involving the danger of fire or explosion or likely to create a nuisance by reason of fumes, dust, odour, or excessive noise;
- (b) junkyard or automobile wrecking yard but, where visible from a public road, only if screened from view by a fence not less than seven feet in height on all sides;
- (c) heliport;
- (d) forest fire attack base;
- (e) gas station;
- (f) service station;
- (g) gravel stockpile;
- (h) public utility;
- (i) uses permitted in the Environmental Recreation (ER) Zone;
- (j) uses permitted in the Community Use (CU) Zone;
- (k) uses permitted in the Commercial Zones - Highway (HC) and Community (CC); and
- (l) uses permitted in the Transportation (T) Zone.

Industrial (I) Zone

Land may be used and buildings and structures may be erected, altered or used in a Industrial (I) Zone only where the following specifications are complied with:

minimum lot area	1 ha.
minimum lot frontage	50 metres
minimum building area	Discretion of the Zoning Administrator and Council
minimum front yard depth	10 metres
minimum side yard width	6 metres
minimum rear yard depth	10 metres
maximum lot coverage	50 percent
maximum building height	10 metres

minimum number of parking spaces	1 space for every 100 square metres of gross building area
minimum building fire separation	12 metres or as National Fire Code Standards Apply

Performance Standards

- a) All proposed industrial activities are subject to an environmental evaluation under the Canadian Environmental Assessment Act and standards under the Canadian Environmental Protection Act.
- b) Where the likelihood of air or water pollution is concerned, it shall be required that the proposed development be referred by Council to a Government Agency for study and recommendation, and due regard shall be given to such recommendation in dealing with the application.
- c) Any industrial operation including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to the following standards:
 - i) **smoke, dust, ash, odour, toxic gases, etc.** shall only be released into the atmosphere in such amounts as established by the Canadian Environmental Protection Act, and under such conditions and safeguards as shall have been approved, in writing, by Council after consultation with the appropriate Government Agency;
 - ii) **glare or heat** - no industrial operation shall be carried out which would produce glare or heat so as to be offensive beyond the property line of the lot concerned;
 - iii) **industrial wastes** - no industrial wastes shall be discharged which do not conform to standards established by Council and the Canadian Environmental Protection Act;
 - iv) **odour** - the emission of any odorous gas or other odorous matter is prohibited;
 - v) **toxic gases, etc.** - the emission of any toxic gases or other toxic substances is prohibited; and
 - vi) **external storage** - storage of goods or material is permitted if kept in accordance with appropriate territorial and federal government legislation, and in a neat and orderly manner or, suitably enclosed by a fence or retaining wall to the satisfaction of the Zoning Administrator or Council.
- l) The onus of proving to the Zoning Administrator's satisfaction that a proposed development does and will comply with these requirements rests with the proponent.
- m) In considering the Development Permit application, the Zoning Administrator shall have regard to the intent of this section, which is to establish use on the basis of:
 - i) environmental protection;
 - ii) appropriate performance standards;
 - iii) the methods, equipment and techniques of the applicant; and
 - iv) the use of neighbouring lands and zones and the compatibility of the proposed use with neighbouring lands and zones.
- n) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this Bylaw. The Zoning Administrator shall prohibit the continued use of the premises until the performance standards are complied with.

Community Use (CU) Zone

Land may be used and buildings and structures erected, altered or used in a Community Use (CU) Zone only for:

Permitted Uses

- (a) historic and cultural sites;
- (b) religious assembly;
- (c) community centre;
- (d) community arena;
- (e) public utility;
- (f) nursing home;
- (g) senior citizens home;
- (h) technology centres;
- (i) hospital and/or nursing station;
- (j) schools;
- (k) Band council office or other administrative office of the band; and
- (l) a use accessory to any of the foregoing permitted uses.

Discretionary Uses

- (a) cemetery;
- (b) indoor recreation facility;
- (c) outdoor recreation facility;
- (d) public utility;
- (e) campground for tourists;
- (f) uses permitted in the Environmental Recreation (ER) Zone;
- (g) buildings and uses accessory to any of the foregoing discretionary uses; and
- (h) those uses which, in the opinion of the Zoning Administrator are similar to the discretionary uses and which conform to the general intent of the zone.

Community Use (CU) Zone

Land may be used and buildings and structures may be erected, altered or used in a Community Use (CU) Zone only where the following specifications are complied with:

minimum lot area	Discretion of the Zoning Administrator and Council
minimum lot frontage	30 metres
minimum building area	Discretion of the Zoning Administrator and Council
minimum front yard depth	6 metres
minimum side yard width	6 metres
minimum rear yard depth	6 metres
maximum lot coverage	60 percent
maximum building height	10 metres
minimum number of parking spaces	1 space for every 50 square metres of gross building area
minimum building fire separation	12 metres or as National Fire Code Standards Apply

Environmental Recreation (ER) Zone

Land may be used and buildings and structures erected, altered or used in an Environmental Recreation (ER) Zone only for:

Permitted Uses

- (a) picnic site;
- (b) park and playground;
- (c) sports field;
- (d) community gathering area;
- (e) walking trail;
- (f) any structure relating to indoor or outdoor recreation activities; and
- (g) buildings and uses accessory to the above.

Discretionary Uses

- (a) tourist campsites and other facilities intended for the tourist industry;
- (b) tourist lodge;
- (c) golf course;
- (d) arena and curling rink;
- (e) cemetery;
- (f) skidoo and toboggan trails;
- (g) education facilities;
- (h) tourism related activities;
- (i) community docks;
- (j) swimming and wading areas;
- (k) outdoor storage of commercial recreational vehicles;
- (l) tourism related activities; and
- (m) those uses which in the Zoning Administrator's opinion are similar to the discretionary uses above.

Environmental Recreation (ER) Zone

Land may be used and buildings and structures may be erected, altered or used in an Environmental Recreation (ER) Zone only where the following specifications are complied with:

minimum lot area	not applicable
minimum lot frontage	50 metres
minimum building area	not applicable
minimum front yard depth	10 metres
minimum side yard width	10 metres
minimum rear yard depth	10 metres
maximum lot coverage	20 percent
maximum building height	8 metres
minimum number of parking spaces	1 space for every 50 square metres of gross building area
minimum building fire separation	12 metres or as National Fire Code Standards Apply

Transportation (T) Zone

Land may be used and buildings and structures erected, altered or used in a Transportation (T) Zone only for:

Permitted Uses

- (a) heliport;
- (b) aircraft repair;
- (c) helicopter hangers;
- (d) receiving and distribution facilities;
- (e) public docks;
- (f) public trails;
- (g) public roads;
- (h) ice bridges; and
- (i) permanent or seasonal transportation links such as bridges;
- (j) buildings and uses accessory to the above.

Discretionary Uses

- (a) public utility;
- (b) workshops;
- (c) residential facilities for transient workers ancillary to permitted or discretionary uses;
- (d) trucking terminals;
- (e) warehouse and storage facilities;
- (f) caretaker unit; and
- (g) buildings and uses accessory to the above.

Transportation (T) Zone

Land may be used and buildings and structures may be erected, altered or used in a Transportation (T) Zone only where the following specifications are complied with:

minimum lot area	Discretion of the Zoning Administrator and Council
minimum lot frontage	Discretion of the Zoning Administrator and Council
minimum building area	Discretion of the Zoning Administrator and Council
minimum front yard depth	Discretion of the Zoning Administrator and Council
minimum side yard width	Discretion of the Zoning Administrator and Council
minimum rear yard depth	Discretion of the Zoning Administrator and Council
maximum lot coverage	Discretion of the Zoning Administrator and Council
maximum building height	8 metres or as air transport regulations apply
minimum number of parking spaces	Discretion of the Zoning Administrator and Council
minimum building fire separation	12 metres or as National Fire Code Standards Apply

Community Forest (F) Zone

Land may be used and buildings and structures erected, altered or used in a Community Forest (F) Zone only for:

Permitted Uses

- (a) traditional Dene activities.

Discretionary Uses

- (a) all uses at the discretion of the Zoning Administrator and Band Council.

Community Forest (F) Zone

Land may be used and buildings and structures may be erected, altered or used in a Community Forest (F) Zone only where the following specifications are complied with:

minimum lot area	Discretion of Zoning Administrator and Council
minimum lot frontage	Discretion of Zoning Administrator and Council
minimum building area	Discretion of Zoning Administrator and Council
minimum front yard depth	Discretion of Zoning Administrator and Council
minimum side yard width	Discretion of Zoning Administrator and Council
minimum rear yard depth	Discretion of Zoning Administrator and Council
maximum lot coverage	Discretion of Zoning Administrator and Council
maximum building height	8 metres or as air transport regulations apply
minimum number of parking spaces	Discretion of Zoning Administrator and Council
minimum building fire separation	12 metres or as National Fire Code Standards Apply

PART VI - ENFORCEMENT

Inspection

31. The Zoning Administrator may, at all reasonable hours, enter and inspect any land, building, structure or other property for the purpose of determining whether this Bylaw is being complied with.

Offence

32. (1) A person who uses land, or who erects or uses any building or structure or any part of land or a building or structure, in a manner contrary to any provision of this Bylaw, or who causes or who permits such use or erection, or who otherwise violates any provision of this Bylaw or causes or permits any such violation, commits an offence.
- (2) A person who interferes with or obstructs the Zoning Administrator in the administration and enforcement of this Bylaw commits an offence.
- (3) Where an act or omission in contravention of this Bylaw continues for more than one day, such act or omission shall be deemed to be a separate offence committed on each day during which it continues, and may be punished as such.

Penalty

33. A person who commits an offence under section 32 is liable on summary conviction to a fine not exceeding \$1,000 or to imprisonment not exceeding thirty days, or to both.

Appendix A

Hay River Dene Reserve No. 1 Band Council
Zoning Bylaw No. 1996 - 01

APPLICATION FOR A DEVELOPMENT PERMIT

I hereby make application under the provisions of the Zoning Bylaw for a Development Permit in accordance with the plans and supporting information submitted herewith and which form part of this application.

PLEASE PRINT

Applicant: _____ Phone Res. _____ Bus. _____

Address: _____

Registered
Owner: _____ Phone Res. _____ Bus. _____

Address: _____

Legal Description of Property to be Developed (if available): _____

Proposed Use of Site: _____
(use reverse side if necessary)

Existing Use of Site: _____

Estimated Date of Commencement: _____

Estimated Date of Completion: _____

Date of Application: _____ Application Fee: \$ _____

Signature of Applicant or Agent: _____

Appendix B

Hay River Dene Reserve No. 1 Band Council
Zoning Bylaw No. 1996 - 01

NOTICE OF DECISION/DEVELOPMENT PERMIT

The application has been APPROVED subject to the following conditions:

REFUSED for the following reasons:

Date of Decision

Date of Issue of this Permit

Zoning Administrator

Appendix C

**Hay River Dene Reserve No. 1 Band Council
Zoning Bylaw No. 1996 - 01**

APPLICATION FOR APPEAL HEARING

I hereby make application under the provisions of the Zoning Bylaw for an Appeal Hearing.

PLEASE PRINT

Applicant: _____ Phone Res. _____ Bus. _____

Address: _____

Complete 1 or 2 (not both)

1. I wish to appeal the following application for a Permit:

Reason:

2. I wish to appeal the decision of the Zoning Administrator on my application for a Permit for the following reasons:

Date of Application: _____ Application Fee: \$ _____

Signature of Applicant or Agent: _____

Appendix D

Hay River Dene Reserve No. 1 Band Council
Zoning Bylaw No. 1996 - 01

NOTICE OF HEARING and DECISION/DEVELOPMENT PERMIT

A Hearing will be held in the Band Council Chambers on _____ to review the attached application. All interested parties are invited to attend the hearing to express their concerns.

Zoning Administrator Date

After review, Council has determined that:

1. The Permit application has been APPROVED subject to the following conditions:

REFUSED for the following reasons: _____

2. The Amendment to the Zoning Bylaw has been APPROVED subject to the following conditions:

REFUSED for the following reasons: _____

Date of Decision: _____

Chief

Councillor

Councillor

Councillor

Councillor

Appendix E

Hay River Dene Reserve No. 1 Band Council
Zoning Bylaw No. 1996 - 01

**APPLICATION FOR AMENDMENT
TO THE ZONING BYLAW**

I/We hereby make application to amend the Zoning Bylaw

Applicant: Name: _____ Telephone: _____
Address: _____

Owner of Land: Name: _____ Telephone: _____
Address: _____

Legal Description
of Property

Amendment Proposed
From: _____ To: _____

Reason to support the Application for Amendment (Add additional pages as required)

Date: _____ Signed: _____

Appendix F(1)

**ENVIRONMENTAL ASSESSMENT REPORT
INDIAN AND NORTHERN AFFAIRS CANADA**

Band Name /Reserve: Hay River Dene Band, Hay River Dene Reserve No. 1 Project No: _____
 Project Title: _____ EA Trigger: _____
 Region: NWT (Subsection of CEAA)
 EA Start Date: _____ Amendment: _____ If Yes, Previous Screening Date: _____

Instructions:

1. Check N/A, U, I, or S for each key element in Part A and provide a description of the potential significant effects.
2. On Page 2, identify mitigation measures and follow-up requirements that will be implemented.
3. Indicate the information sources used in Part B (including maps, plans, etc.), and indicate location/file of unattached referenced documents.
4. Indicate the screening decision by selecting one of the CEAA decisions in Part C.
5. Enter the corresponding code found in Part D into the Federal Authority Public Registry System.

PART A: SCREENING					PART B: INFORMATION SOURCES		
Key Environmental Elements	Summary of Effects*				Sources	Used	Attached
	N/A	U	I	S			
Ground Water					First Nations		
Surface Water					Feasibility Study		
Air Quality					Engineering Design		
Noise					Terrain Analysis Study		
Land/Soil					Environmental Study		
Flora					Site Reconnaissance		
Fauna					Published Literature		
Habitat					Consultations/Meetings		
Special Places**					Correspondence		
Health and Safety					Other Government Agencies		
Socio-economic					Other (specify)		
Aesthetics							
*Effects (N/A=not applicable; U=unknown; I=insignificant; S=Significant) **Special Places (Cultural, Traditional, Historical, Scientific)							

Project Description (and, if considered necessary, Alternatives to the Project):

Surrounding Environment:

Environmental Concerns/Effects (Including Cumulative Impacts):

Mitigation/Follow-Up Requirements:

Rationale for Screening Decision:

Appendix F(3)

ENVIRONMENTAL ASSESSMENT REPORT

NOTE: This completed report constitutes a documented record of decision and is a legal document.

PART C: SCREENING DECISIONS AS PER SECTION 20(1) OF CEEA		PART D: CORRESPONDING FEDERAL AUTHORITY PUBLIC REGISTRY SYSTEM CODES	
Sub-Section of CEEA	Descriptions	Numeric Code	Subject Descriptions
(a)	The project is not likely to cause significant adverse environmental effects taking into account the implementation of any mitigation measures that are considered appropriate - project proceeds.	01	Effects Not Likely Significant.
(b)	The project is likely to cause significant adverse environmental effects that cannot be justifiable taking into account the implementation of any mitigation measures that are appropriate - project is abandoned or modified and re-assessed.	02	Effects Likely Significant.
(c)(i)	It is uncertain whether the project, taking into account the implementation of any mitigation measures that are appropriate, is likely to cause significant adverse environmental effects - refer the project to the Minister of the Environment for a referral to a mediator or a panel review.	03	Screening Determined Mediation or Public Panel Needed.
(c)(ii)	The project, taking into account the implementation of any mitigation measures that are appropriate, is likely to cause significant adverse environmental effects and subsection 20(1)(b) does not apply - refer the project to the Minister of the Environment for a referral to a mediator or a panel review.	03	Screening Determined Mediation or Public Panel Needed.
(c)(iii)	Public concerns warrant a reference to a mediator or a review panel - refer the project to the Minister of the Environment for a referral to a mediator or a review panel.	03	Screening Determined Mediation or Public Panel Needed.

Choose appropriate CEEA decision from list above, enter here _____.

Follow-up Needed No, Yes, Follow-up report attached.

Recommended By :

Officer/First Nation/Consultant Signature Date

Approved by :

Manager (RCM) Signature Date