



Garden River First Nation Zoning Law

April 2015





Chronological no. <i>IR# 2015-2016-36</i>
File reference No.

BAND COUNCIL RESOLUTION

Note: The words "from our Band funds" "capital" or "revenue" whichever is the case, must appear in all resolutions requesting expenditures from Band Funds

The council of the: GARDEN RIVER FIRST NATION					Cash free balance
					Capital account \$ _____
Date of duly convened meeting:	Day <i>28</i>	Mo. <i>04</i>	Year <i>2015</i>	Province <i>ON</i>	Capital Account \$ _____

GARDEN RIVER FIRST NATION ZONING LAW

WHEREAS, the Garden River First Nation Economic Resource and Community Development department is seeking Chief and Council support and approval in regards to the final draft of the *Garden River First Nation Zoning Law*;

WHEREAS, the Garden River First Nation Zoning Law is intended to regulate land development and provide direction on site planning development on parcels of land. It is further intended to help implement and reinforce the Land Use Plan and its entire framework that was adopted by Chief and Council on September 17th, 2013;

WHEREAS, the Garden River First Nation has inherent Aboriginal and Treaty rights, including the inherent right of self-government, that have been acknowledged and recognized the through *Constitution Act, 1982*, treaties, negotiations, court decisions and other means;

WHEREAS, Garden River First Nation has historically managed our lands and resources according to traditional laws and our inherent right of self-government, which includes the right to designate, allocate and assign lands for different purposes and to regulate use of Garden River Land;

WHEREAS, Garden River First Nation Chief and Council also has the power under section 81(1)(g) of the *Indian Act* to make bylaws not inconsistent with the *Indian Act* or with any regulation made by the Governor in Council or the Minister, for the dividing of Garden River First Nation Land or a portion thereof into zones and 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 zone;

WHEREAS, Garden River First Nation Chief and Council believes it is in the best interests of Garden River to exercise its inherent right of self-government and its power under section 81(1)(g) of the *Indian Act* to enact this Garden River First Nation Zoning Law;

NOW THEREFORE BE IT RESOLVED, that the Garden River First Nation Chief and Council support and approve this *Garden River First Nation Zoning Law, 2015* and is hereby enacted at a duly convened meeting of the Garden River First Nation Chief and Council.

Quorum _____

(Councillor)	(Chief)	(Councillor)
(Councillor)	(Councillor)	(Councillor)
(Councillor)	(Councillor)	(Councillor)

FOR DEPARTMENT USE ONLY

Expenditure	Authority (Indian Act Sec.)	Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue	Expenditure	Authority (Indian Act Sec.)	Source of Funds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue
Recommending Officer Signature _____ date _____ Approving Officer Signature _____ date _____			Recommending Officer Signature _____ date _____ Approving Officer Signature _____ date _____		

Preamble

WHEREAS Garden River First Nation has inherent Aboriginal and Treaty rights, including the inherent right of self-government, that have been acknowledged and recognized through the *Constitution Act, 1982*, treaties, negotiations, court decisions and other means;

AND Garden River First Nation has historically managed our lands and resources according to traditional laws and our inherent right of self-government, which includes the right to designate, allocate and assign lands for different purposes and to regulate use of Garden River Land;

AND Garden River First Nation Council also has the power under section 81(1)(g) of the *Indian Act* to make bylaws not inconsistent with the *Indian Act* or with any regulation made by the Governor in Council or the Minister, for the dividing of Garden River Land or a portion thereof into zones and 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 zone;

AND Garden River Council believes it is in the best interests of Garden River to exercise its inherent right of self-government and its power under section 81(1)(g) of the *Indian Act* to enact this Garden River First Nation Zoning Law;

NOW THEREFORE this *Garden River First Nation Zoning Law, 2015* is hereby enacted at a duly convened meeting of the Garden River First Nation Council.

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- Zoning Law Map (South of Highway 17 bypass)
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Purpose of Law

The purpose of this Zoning Law is to help implement and reinforce the Land Use Plan that was adopted by Chief and Council in Fall 2013 by:

- Dividing the Garden River First Nation IR # 14 into zones where particular types of development and land uses are permitted;
- Providing direction on site planning issues such as the location of main buildings and accessory buildings on a parcel of land;
- Providing direction on issues such as home-based businesses, secondary suites, use of cargo containers in residential areas, use of mobile homes, and other matters

This Law will work in conjunction with other relevant policies, laws and policies of Garden River First Nation.

1.0 Definitions

Accessory Building, Use, or Structure means a use, detached building, or structure that is subordinate, customarily incidental, and exclusively devoted to the principal use, building or structure located on the same parcel.

Agriculture means the use of land for the husbandry of plants and livestock and includes the storage and sale of agricultural products and the storage and repair of farm machinery and implements used on the individual farm on which the storage and repair is taking place.

Assembly Hall means a service establishment where facilities are provided for public, social, or religious purposes and shall include church halls, community halls/centers, concert halls, and halls operated by private service clubs.

Band means the Garden River First Nation.

Bed and Breakfast means single unit dwelling containing individual sleeping units used for temporary overnight accommodation and where breakfast is provided by the resident of the single family dwelling.

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

C Zone means any commercial zone and includes the C1, C2, C3, and C4 zones.

Campground and RV Park means land that is used to provide temporary accommodation in tents, tent trailers, travel trailers, recreational vehicles and non-permanent structures. It can contain a single unit dwelling and a convenience store.

Camp means land that is used for recreational accommodation and could include temporary or permanent structures.

Caretaker Suite means a dwelling unit used solely to accommodate a person or persons for the purposes of providing on-site surveillance, maintenance or security for the primary use of the parcel.

Cargo Container means a container designed for the storage or transport of goods, including a container designed for the intermodal transportation of freight or goods, but excludes dumpsters and recycling receptacles.

Carport means a structure attached to a dwelling that provides a roof over a part of the driveway without a door covering the vehicular entrance. Any other walls may or may not be constructed in a carport.

Cemetery means and includes any parcel or tract of land set aside, used, maintained or operated as a place for the interment of the remains of dead persons.

Club or Lodge means a building or establishment used by an association or organization for fraternal, social, or recreational purposes with cooking facilities and which will be operated for the use of club members and their guests only.

Community Facilities means building and lands that are used for the governance of the Garden River First Nation or used for public functions or services.

Conservation 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, a tourist vehicle or a tourist trailer.

Corner Parcel means a parcel abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle or less than 135°. For the purposes of this definition, the front yard is the yard adjacent to the shortest boundary abutting on a street or right of way.

Council means the "COUNCIL OF THE BAND", as defined in the *Indian Act*, of Garden River First Nations.

Cultural and Recreational Facility means a use catering to the knowledge, customs, heritage, arts and culture of people and includes museums, art galleries, libraries, and traditional medicinal and community gardens.

Daycare means a use which provides nursery and/or pre-school care for all children and also for adults who are mentally and/or physically debilitated to a level which requires a care provider.

Density means the maximum number of dwelling units per each hectare/acre of usable site area.

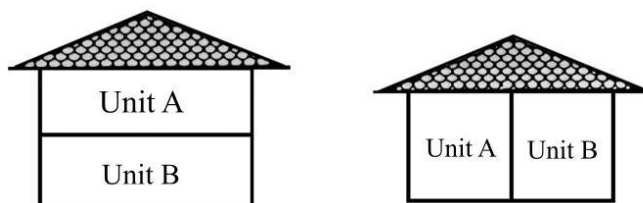
Derelict Vehicle means a vehicle that has been deemed unfit by the Ontario Ministry of Transportation or has not been insured and registered for operation for the past 12 months.

Development Approvals Procedure Manual means the document that outlines procedures for approving any new development including changes in land use, density and siting on the Garden River First Nation reserve lands.

Dwelling or Dwelling Unit means one or more habitable rooms in which a separate kitchen and sanitary facilities are provided for the exclusive use of residents, with a private entrance from outside the building or from a common hallway or stairway inside the building.

Dwelling, Duplex means a building that is divided horizontally or vertically into two (2) separate dwelling units in the manner illustrated in Figure 1.1, where each of the dwelling units has an independent entrance either directly from the outside or through a common vestibule.

FIGURE 1.1 ILLUSTRATION OF DUPLEX



Dwelling, Multiple Unit Apartment means a building which contains three or more dwelling units, two or more of which have a common entrance from the ground level.

Dwelling, Multiple Unit Townhouse means three or more of a series of dwellings, often of similar or identical design, situated side by side and joined by common walls.

Dwelling, Multiple Unit means a building consisting of three or more dwelling units and includes but is not limited to apartments, townhouses, triplexes, quadplexes, and condominiums.

Dwelling, Podium means one or more dwelling units located above a commercial use permitted within the same zone such that no dwelling unit shares an entrance with a commercial use.

Dwelling, Single Unit means a building that contains one dwelling unit, and which may also contain a secondary suite where permitted by this Law.

Fence means a railing, trellis, or other screening, other than vegetation, forming a boundary to or enclosing a parcel or part thereof.

Floor Area means the total area of all the floors of a building measured to the extreme outer limits of the building, including enclosed porches, verandas, and balconies, but excluding areas used for parking.

Food Preparation Establishment means a service business where food products like previously cooked or baked goods prepared to be baked by a customer, sandwiches, pickled products, sauces, etc. are prepared for wholesale distribution (e.g. supermarkets, vending machines, food trucks).

Frontage means that length of a parcel boundary which immediately adjoins a road or a street.

Garden River Land means, for the purposes of this Zoning Law, Garden River Indian Reserve # 14, and any lands set apart by Canada in the future as reserve lands of Garden River First Nation.

Garden Suite means a single unit dwelling located in a yard or above a garage, the use of which is accessory to a single unit dwelling on the same parcel.

Health Services means the use of a building or buildings for the provision of a physical or mental health service on an out-patient basis and includes but is not limited to medical and dental offices, traditional healers, chiropractors, massage therapists, acupuncture clinics, reflexology, health clinics and counseling services.

Highway includes a street, road, lane, bridge, or any other way open to public use for vehicular traffic, but does not include a private right of way on private property.

Home-Based Business means the use of a parcel containing a dwelling unit (house) for a small professional or home-based business, including but not limited to book-keeping, legal services, and small-scale home sales. Home-based businesses are conducted entirely indoors.

Home-Based Industry means the use of a parcel containing a dwelling unit for an industrial or manufacturing business, including but not limited to a carpentry shop, a mechanics shop, a welding shop, and a metal working shop. These will be conducted indoors, more likely in a garage or shop on the lot.

Lane means a highway intended to provide secondary access to parcels of land, but a lane is not a partial highway.

I Zone means any industrial zone and includes the I1 zone.

Industry, Heavy means the use of land to store, process or manufacture materials or products made predominantly from extracted, bulk, or raw materials, or to use land for the storage or manufacture of flammable, explosive hazardous, or noxious materials or products.

Industry, Light means the use of land to make, assemble, and service finished products, including packaging and wholesale distribution.

Lot means the same definition as parcel.

Manufactured Home means factory-built and modular homes, which are constructed indoors as three dimensional “modules” before transportation to home sites. Manufactured homes are built in factories and using construction materials certified by the Canadian Standards Association (CSA).

Mobile Home means a factory constructed dwelling unit designed to be towed from site to site and subject to Canadian Standards Association (CSA) Z240 Mobile Home Series of Standards. CSA Z240 Standards are specifically for homes that may be moved from one home site to another.

Motor Vehicle Fuel Service (i.e. gas station) means an establishment where the primary purpose is the sale of fuel for motor vehicles. Motor vehicle repair and general cleaning (e.g. car wash, upholstery cleaning) as well as the retailing of convenience retail items and restaurants may be considered accessory uses to the fuel service establishment.

Natural Boundary means the visible high water mark of any lake, river, stream, or other body of water where the presence and action of the water are so common and usual, and so long continued as to mark the soil of the bed of the body of water a character distinct from that of its banks, in vegetation and the nature of the soil and as determined by a surveyor.

Non-Conforming means that which does not conform, comply or agree with the provisions of this Law as of the date it was adopted by Council.

Noxious 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.

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

Open Space means vacant land used for recreation activities such as walking, cycling, running, hiking, snowmobiling, and all-terrain vehicle use.

P Zone means any park, public use, and protected use zone and includes the P1, P2 and P3 zones.

Parcel means a unit of land which is identified as a separate and distinct parcel on a legally recorded plan or description.

Parcel Coverage means the percentage of the parcel area covered by buildings and structures. This is only applied in the Highway Commercial zone and the Community Core Area.

Parcel Depth means the shortest horizontal distance between the front and rear parcel lines.

Parcel Line means the legally defined boundary of any parcel.

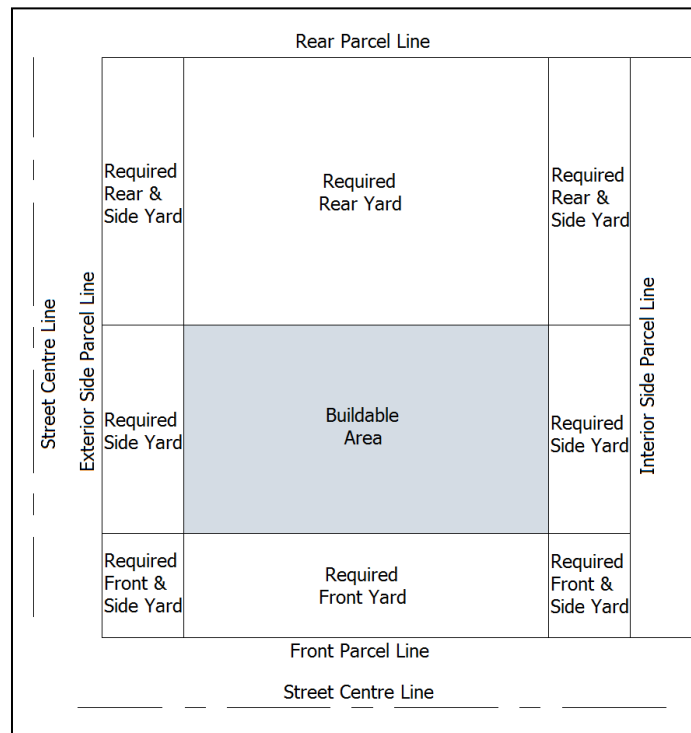
Parcel Line, Exterior Side means a side parcel line which abuts the highway (excluding a lane, pathway, walkway, or trail) on a corner parcel, as illustrated in Figure 1.3.

Parcel Line, Front means any parcel line common to a parcel and one highway other than a lane as illustrated in Figure 1.3. Where a parcel is contiguous to the intersection of two (2) highways, the front parcel line is the shortest parcel line contiguous to a highway other than a lane.

Parcel Line, Interior Side means a parcel boundary between two (2) or more parcels or a lane, other than a front or rear parcel line, as illustrated in Figure 1.3.

Parcel Line, Rear means the boundary of a parcel which lies the furthest from, and is not connected to, the front parcel line, as illustrated in Figure 1.3.

FIGURE 1.3 ILLUSTRATION OF PARCEL LINES



Parcel Width means the horizontal distance between side parcel lines.

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

Parking Area means an area on a parcel(s) containing parking spaces including driveways, aisles, ramps and motor vehicle maneuvering areas.

Permitted Use means the principal permissible purpose for which land, buildings or structures may be used.

Personal Service Establishment means a use that provides personal services to an individual related to the care and appearance of the body or the cleaning and repair of personal effects, including barber shops, hairdressers, manicurists, tailors, dress makers, shoe repair shops, and laundries; but does not include health services.

Place of Worship means the use of land for a building used by any religious organization for worship or other ecclesiastical functions and may also include accessory uses and buildings, including, but not limited to an assembly hall, auditorium, rectory and daycare.

Principal Building means the main building that is being used and occupied on a parcel and shall include attached garages or carports.

Principal Use means the main purpose for which land, Buildings or Structure are ordinarily used.

Public Assembly and Entertainment means a use that provides space for public assembly and entertainment and includes an auditorium, amusement arcade, billiard and pool hall, bowling alley, dance hall, and theatre.

Public Use means the use of land for Garden River First Nation-operated buildings and facilities for public parks and recreation, sports, education, health, welfare, administration, safety, communications or public works.

Public Utility means the use of land for buildings and facilities that distribute electricity, gas, water, telephonic or television signals.

R Zone means any residential zone, and includes the R1, R2, R3, and R4 zones.

Reserve/Reserve Lands means the reserves of Garden River First Nation.

Resource Development means buildings and structures used for exploration and processing of natural resources.

Retail Store means a building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things sufficient only to service such store.

Secondary Suite means the accessory use of a single-unit dwelling for a separate dwelling unit that contains a separate entrance from the exterior of the building.

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

Structure means a construction of any kind, whether fixed to, supported by, or sunk into land or water which requires permanent location on the ground or something attached to the ground, and includes buildings, walls, decks, fences, tanks, pools, piers, sheds, display signs, poles and towers.

Yard, Front means that portion of the parcel extending across the full width of the parcel from the front parcel line to the face of the nearest exterior wall of the principal building on the parcel except in the case of a corner parcel, the front yard shall parallel the shortest boundary thereof abutting on a street or right of way.

Yard, Rear means that portion of the parcel extending across the full width of the parcel from the rear parcel line to the face of the nearest exterior wall of the principal building on the parcel.

Yard, Side means that portion of the parcel extending from the front yard to the rear yard and lying between the side parcel line and the face of the nearest exterior wall of the principal building on the parcel.

Zone means a zone created by this Law or as amended or as replaced.

Zoning Administrator means the person appointed or designated by the Council under this Law and charged with the duty of administering and enforcing the provisions of this Law. For the purposes of Garden River First Nation, the Economic Resources and Community Development (ERCD) Department, working in conjunction with the Housing, Lands, and Public Works Departments, will lead the administration of the Zoning Law.

Zoning Law means this Zoning Law, a bylaw enacted pursuant to section 81(1)(g) of the Indian Act.

Zoning Map means the maps attached as Schedules A and B.

2.0 Administration & Enforcement

Title

2.1 This Law shall be referred to as the “Garden River First Nation Zoning Law (2015)”.

Authority

2.2 This Law is implemented pursuant to Garden River First Nations right to govern its lands and pursuant to section 81(1)(g) of the Indian Act.

Application/Subject Area

2.3 This Law applies to the entire geographical area of the Garden River First Nation IR #14 and to all land, buildings and structures including the surface of water within that area.

Administrator

2.4 Chief and Council may, by resolution, appoint or designate a person as Zoning Administrator whose duty it shall be to administer and enforce this Law. The Economic Resources and Community Development Department, working in conjunction Public Works Department, will be the Zoning Administrator and administer the Zoning Law.

Inspection

2.5 The Chief and Council designate(s) is hereby authorized to enter, at all reasonable times, upon any land subject to this Law to ascertain whether this Law is being obeyed.

Compliance

2.6 Compliance with other restrictions – no provision in this Law shall reduce or mitigate any need to comply with existing policies, laws, and bylaws adopted by the Chief and Council of Garden River First Nation. In addition, no provision in this Law shall reduce or mitigate any restrictions or regulations lawfully imposed by the Government of Canada, the Province of Ontario, or any other governmental authority having jurisdiction to make such restrictions or regulations.

Violations

2.7 Any person who violates any of the provisions of this Law, or who suffers or permits any act or thing to be done in contravention of this Law, or who neglects to do or refrains

from doing any act or thing which is required by any of the provisions of this Law, shall be deemed to have violated the provisions of this Law.

Penalties

2.8 Garden River First Nation reserves the right to administer penalties to persons found to be violating provisions of this Zoning Law. Penalties assessed will be at the discretion of Garden River First Nation.

Severability

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

Measurement

2.10 All measurements in this Zoning Law shall be made in metric.

3.0 General Regulations

Applicability of General Regulation

- 3.1 Except as otherwise specified in this Law, Section 4 applies to all zones established under this Law.

Existing Uses

- 3.2 Existing uses and requests for development made as of the date of the adoption of this law are grandfathered and therefore allowed to continue. Any changes in the land use (changes from residential to commercial use; addition of a new home based business) or construction of new structures (i.e. construction of a fence; construction of an accessory building) made after the adoption of this Zoning Law must comply with this Zoning Law.

Uses and Regulations

- 3.3 No land, building, or structure within Garden River First Nation IR #14 shall be developed, used, constructed, erected, modified, converted, enlarged, re-constructed, altered, placed, or maintained except in conformance with the provisions of this Law, if initiated after the adoption of this Bylaw.
- 3.4 If a building or structure, the use of which does not conform to the provisions of a Law, is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by a building inspector, it must not be repaired or reconstructed except for a conforming use in accordance with this Law.

Uses Permitted in All Zoning Designations

- 3.5 The following uses are permitted in all zones subject to the approval of Chief and Council:
- .1 Public utility facilities for local transmission of water, electrical power, telephone, natural gas, cable television and other similar service (but not including electrical substations, storage yards, works yards, maintenance buildings or maintenance offices).

Siting, Size and Dimensions of Buildings and Structures

- 3.6 No building or structure shall be constructed, reconstructed, altered, moved or extended by the owner, occupier or any other person so that it contravenes the requirements for the zone in which it is located.

- 3.7 Notwithstanding the provisions of this Law, no building, structure, or projection into a setback area shall be located on a parcel so as to interfere with the construction, operation, maintenance and replacement of an on-site septic system that has been approved by Health Canada.

Subdivision of Land

- 3.8 No owner, occupier or other person shall subdivide any land, except in compliance with the provisions set out in this Law.

Fencing

- 3.9 There shall be no height limits on natural vegetation such as hedges and trees on parcel lines in any zone.
- 3.10 No fence in an R zone or C1 zone shall exceed 1.8 m (6.0 ft.) in height in any yard.
- 3.11 In the I1 and P2 zones, full perimeter fencing is permitted up to 2.5 m (8.0 ft.) in height.
- 3.12 In the C2, C3, and P1 zone, no fence, wall or projecting retaining wall shall:
- .1 Exceed 1.8 m (6.0 ft.) in height between the front parcel line and the front building line; and
 - .2 Exceed 2.5 m (8.0 ft.) in height rear and side yards.

Accessory Buildings and Structures

- 3.13 Accessory buildings shall be located at least 2.0 m away from any principal building and 2.0 m away from any parcel line.
- 3.14 On corner parcels, accessory buildings and structures setbacks from the exterior side parcel line shall be equal to the front parcel line setback.
- 3.15 Accessory buildings shall not be used for human habitation.



Example of typical accessory building for residential areas

Accessory Storage Units – Cargo Containers in Residential Zones

3.16 Cargo containers are only permitted in R-zones as accessory buildings if used as storage units related to a principal use and in accordance with sections 3.17 to 3.20 of this Law.

3.17 Cargo containers must not be used as dwelling units or any other form of accommodation.

3.18 Cargo containers must not be located on any street, sidewalk or trail, or in any location that blocks or interferes with vehicular and/or pedestrian circulation.

3.19 Cargo containers must not exceed a height of 2.6 m (8.5 ft.) and must not be stacked.

3.20 Multiple cargo containers may be located on a R-zone parcel but they must not exceed a cumulative gross floor area of 60 m² (640 sq. ft.)



Example of cargo container storage box in residential area

Projections into Setback Areas

3.21 Projections into setback areas include parts of buildings and structures that encroach into a setback area, which is the required distance between a building and a parcel line. No part of a building or structure shall project into a required front, side or rear yard setback required by this Law, except for the following:

- .1 Steps and landings complete with handrails, fireplaces, balconies, and awnings.
- .2 A covered porch addition.
- .3 Wheelchair ramps.



For this house, the setback from the property line is measured from the house, while the steps leading to the front door project or intrude into the setback area

- .4 Eaves, sills, belt courses, bay windows, chimneys, or other similar features.
- .5 An uncovered patio, sundeck, or terrace in a side or rear yard, that is not closer than 2.0 m (6 ft.) to a parcel line.
- .6 Arbors and trellises, fish ponds, flag poles or similar landscape features.
- .7 A swimming pool, provided that such pool is not nearer than 3.0 m to any parcel line, nor nearer than 3.0 m from any principal building.

Home-Based Businesses

Home-based businesses and home-based industries are commercial operations with business activities based on a parcel of land whose principal use is for housing. The table below summarizes the types of home-based businesses and industries based on their level of impact to a neighbourhood and the type of regulation that must be complied with.

Summary of Home-based Business/Industry Types

	Home-based Business		Home-based Industry
Potential Level of Impact on Neighbours	Low Impact	Moderate Impact	High Impact
Location	Within the house	In a shop/garage building or purpose built building	In a shop/garage building or purpose built building
Example	Caterer, office, lesson provider, daycare, barber/hair stylist	Smoke shop, convenience store	Mechanics shop, welding, carpentry
Traffic	Likely minimal throughout the day	Yes	Yes
Noise Issues	Unlikely	Unlikely	Yes
Environmental Issues	Unlikely	Unlikely	Yes – activities could result in the use of some chemicals that if improperly handled, could result in environmental issues
GRFN Approval Requirements	None	Demonstrate that the use will not generate traffic volumes that could pose a safety risk	Obtain a permit from GRFN. Demonstrate compliance with applicable federal regulations Operate only within the hours of 8 am – 6 pm Have approval of neighbours

- 3.22 Home-based businesses taking place entirely within the dwelling unit (i.e. within the house) are permitted.
- 3.23 Home-based businesses in an accessory building (i.e. outside of the main house and in a garage, shop, or other building that is accessory to a house located on a lot), such as a smoke shop are permitted provided that they:
- .1 Comply with existing noise and nuisance bylaws;
 - .2 Comply with Garden River First Nation's Tobacco Law in the case of a smoke shack;
 - .3 Do not produce any offensive noise, vibration, traffic, smoke, dust, odour, glare, heat or electrical interference;
 - .4 Do not utilize materials or processes that produce flammable explosive vapours or gases under ordinary temperatures;
 - .5 Do not require the delivery or removal of materials or products in bulk by commercial vehicles or trailers;
 - .6 Attracts an amount of customer traffic that may pose a safety risk within a residential area; or
 - .7 Do not operate between the hours of 9:00 PM and 8:00 AM.
- 3.24 Home-based industry businesses, as defined in this Law, are permitted by Garden River First Nation subject to the following:
- .1 Such home-based industry occurs during the hours of 8:00 am to 6:00 pm;
 - .2 Has the written support of neighbours located within a distance of 200 m of the home-based industry;
 - .3 Occurs entirely indoors within an accessory building on a lot on which a house is located;
 - .4 Complies with all applicable federal regulations. Provision of records of compliance may be requested by Garden River First Nation;
 - .5 Does not produce any offensive noise, vibration, traffic, smoke, dust, odour, glare, heat or electrical interference;
 - .6 Does not utilize materials or processes that produce flammable explosive vapours or gases under ordinary temperatures;
 - .7 Does not require the delivery or removal of materials or products in bulk by commercial vehicles or trailers;

- .8 Does not attract an amount of customer traffic that may pose a safety risk within a residential area; and
- .9 Obtains a permit to operate from Garden River First Nation.

Secondary Suites

- 3.25 Secondary suites are permitted in R zones.
- 3.26 The secondary suite shall have its own separate cooking, sleeping, and bathing facilities.
- 3.27 The secondary suite shall have direct access to the outside without passing through any part of the principal dwelling unit.
- 3.28 The secondary suite shall be located within a single detached house.

Garden Suites

Garden suites are dwelling units located in a separate building on a parcel with an existing single dwelling. The following regulations govern garden suites:

- 3.29 Only one garden suite is permitted per parcel in those residential zones where garden suites are allowed.
- 3.30 In addition to typical requirements, such as compliance with the building code, a developer must show that a garden suite will not adversely impact the operation, maintenance, and replacement of a septic system, where applicable.



Example of garden suite in backyard of a house

Bed and Breakfast

- 3.31 Bed and breakfasts are permitted in R zones.
- 3.32 The bed and breakfast shall be carried out wholly within the dwelling unit.

3.33 A parking space is required for every guestroom in the bed and breakfast and shall be in addition to those otherwise required for a single unit dwelling under this Law.

3.34 The bedrooms within a bed and breakfast shall not contain any cooking facilities.

Derelict Vehicles

3.35 No land in an R, C, P, FD, or NR zone shall be used for the storage of derelict vehicles, or as a wrecking yard or junkyard.

Noxious Uses

3.36 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, except in Industrial and Natural Resource zones.

Multiple Uses on a Parcel

3.37 Where any land or building is used for more than one purpose, all provisions of this Law relating to each use shall be satisfied. In situations where there is a conflict, the combined best judgement of Chief and Council, GRFN staff, and the builder/developer will be relied upon.

Archaeological, Cultural, and Environmental Assessments

3.38 Prior to any development, an assessment must be completed as required under applicable legislation to identify archaeological and/or cultural features, or environmentally sensitive areas and habitat.

Setbacks from Watercourses

3.39 Any setback from a watercourse shall be from the high water mark or the top-of-the-bank.

3.40 Any development located along a long a watercourse (i.e. river, stream) must comply with environmental best practices.

Age of Manufactured Homes

3.41 All manufactured homes must be manufactured no later than 10 years from the date it is placed on a lot and must have an Ontario registration number.

Mobile Homes

- 3.42 Mobile homes must have a sticker indicating compliance with CSA Z240.
- 3.43 Mobile homes must be manufactured no later than 10 years from the date it is placed on a lot and must have an Ontario registration number.

Septic Systems

- 3.44 All septic systems must be designed to comply with Health Canada standards and approvable by Health Canada.

4.0 Establishment of Zones

Zoning Map

- 4.1. The area within the boundaries of the Garden River First Nation is hereby divided into the following zones in Column I and generally described in Column II:

COLUMN I	COLUMN II
Residential Zones	Title Elaboration
R1	Residential - Large Lot
R2	Residential - Small Lot
R3	Residential – Multi-unit
R4	Agricultural Residential
Commercial Zones	
C1	Community Core Area
C2	General Commercial
C3	Highway Commercial
C4	Commercial Recreational
Industrial Zones	
I1	General Industrial
Park and Institutional Zones	
P1	Parks and Recreation
P2	Institutional
P3	Protected Areas
Other Zones	
NR	Natural Resource
FD	Future Development

Zoning Boundaries

- 4.2. The zone boundaries on the Zoning Map shall be interpreted as follows:
- .1 Where a zone boundary follows a street, lane, railway, pipeline, power line, utility right-of-way, or easement, it follows the centerline, unless otherwise clearly indicated on the Zoning Map;
 - .2 Where a zone boundary is shown as approximately following the reserve boundary, it follows the reserve boundary;
 - .3 Where a zone boundary is shown as approximately following the natural boundary, it follows the natural boundary and changes with the change in the natural boundary;
 - .4 Where a zone boundary is shown as approximately following a property line, it follows the property line;
 - .5 Where a zone boundary is shown as approximately following a topographic contour line or a top-of-bank line or the high water mark, it follows that line;
 - .6 Where a zone boundary is shown as being generally parallel to or as an extension of any of the features listed above, it shall be so; and
 - .7 In circumstances not covered above, the zone boundary shall be determined by the scale of the Zoning Map.
- 4.3. Where any street is closed, the roadway lands have the same zoning as the abutting land. When abutting lands are governed by different zones, the center of the roadway is the zone boundary unless the zone boundary is shown clearly following the edge of the roadway. If the roadway is consolidated with an adjoining parcel, the parcel's zoning designation applies to affected portions of the roadway.

5.0 Residential – R1 (Large Lot)

Purpose

- 5.1 The purpose of this zone is to facilitate the development of single unit residential houses on larger-sized lots. These lots would have their own on-site septic system.

Permitted Uses

- 5.2 The following uses shall be permitted in the R1 Zone:

- .1 Single unit dwelling;
- .2 Secondary suites;
- .3 Home-based business;
- .4 Home-based industry;
- .5 Mobile home;
- .6 Garden suite;
- .7 Bed and breakfast; and
- .8 Accessory building.

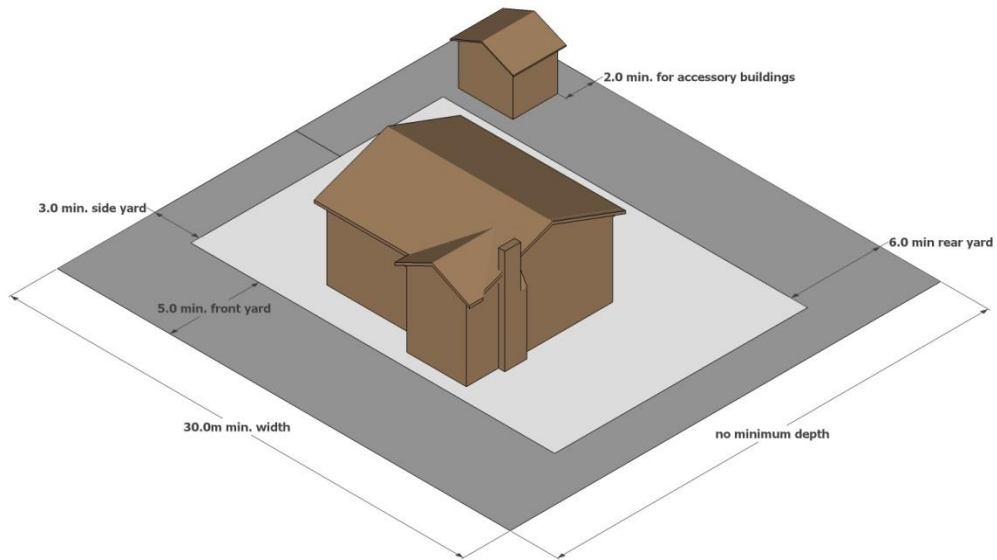
Regulations

- 5.3 On a parcel located in an area zoned as R1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I		COLUMN II
.1	Minimum parcel size for new subdivisions for single family	4050 m ² (1.0 acre)
.2	Minimum frontage	30.0 m (98 ft)
.3	Maximum number of principal buildings	1 dwelling unit per parcel
.4	Minimum setback from parcel lines for principal building:	
	.1 Front parcel line	5.0 m (16.4 ft)
	.2 Rear parcel line	6.0 m (19.7 ft)
	.3 Interior side parcel line	3.0 m (9.8 ft)
	.4 Exterior side parcel line (on a corner parcel)	5.0 m (32.8 ft)

Conditions of Use

- 5.4 Notwithstanding the minimum parcel size, any parcel of land zoned R1 must be able to support an on-site septic system along with a replacement septic field.



6.0 Residential – R2 (Small Lot)

Purpose

- 6.1 The purpose of this zone is to facilitate the development of residential development, including single family dwellings and duplexes on smaller-sized lots. These lots should be serviced by a community sewer system or must ensure that there is room for a properly designed septic field that is approvable by Health Canada.

Permitted Uses

- 6.2 The following uses are permitted in the R2 zone:
- .1 Single family dwelling;
 - .2 Duplex dwelling;
 - .3 Secondary suites;
 - .4 Home-based business;
 - .5 Home-based industry;
 - .6 Mobile home;
 - .7 Garden suite;
 - .8 Bed and breakfast; and
 - .9 Accessory building.

Regulations

- 6.3 On a parcel located in an area zoned as R2, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

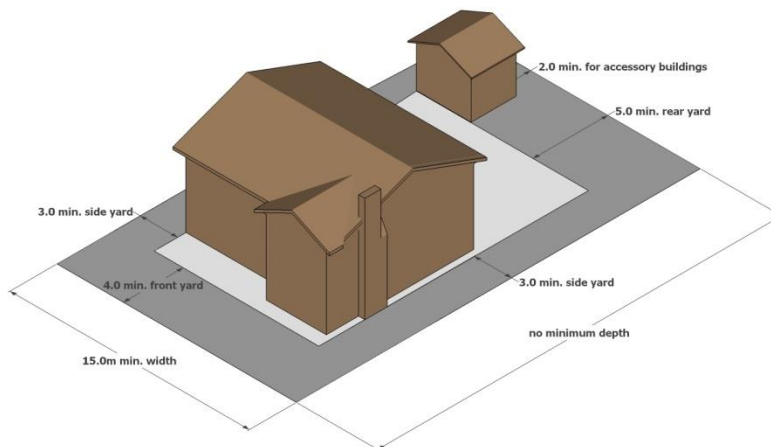
COLUMN I		COLUMN II
.1	Minimum parcel size for new subdivisions for single family	1000 m ² (0.25 acres))
.2	Minimum parcel size for duplex dwellings situated on one parcel (2 dwelling units on one parcel)	1400 m ² (0.35 acres)
.3	Minimum parcel size for a duplex dwelling if the unit is divided into two separate parcels with a common interior wall	700 m ² (0.17 acres)

COLUMN I		COLUMN II
.4	Minimum parcel width .1 Single detached dwellings .2 Duplex dwellings which are situated on one parcel .3 Duplex dwellings which are divided into two separate parcels with a common interior wall	15.0 m (49.2 ft) 18.0 m (59.0 ft) 9.0 m (29.5 ft) per parcel
.5	Maximum number of principal buildings	2 dwelling units per parcel
.6	Minimum setback from parcel lines for principal building: .1 Front parcel line .2 Rear parcel line .3 Interior side parcel line .4 Exterior side parcel line (on a corner parcel) .5 Interior side parcel line (duplex with shared common wall)	4.0 m (13.1 ft) 5.0 m (16.4 ft) 3.0 m (9.8 ft) 3.0 m (9.8 ft) 0.0 m

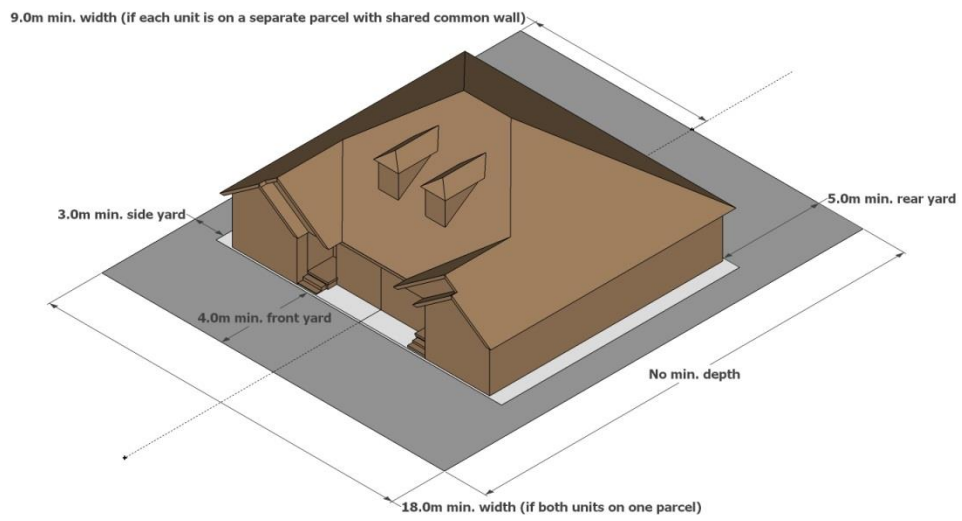
Conditions of Use

- 6.4 All parcels must be connected to community-supplied water and sewer infrastructure. If a parcel is not connected to a community-supplied sewer system, a septic system that is suitable for a small lot (such as potentially a peat moss system) and approvable by Health Canada must be utilized.

Single Unit Dwelling



Duplex Dwelling Unit



7.0 Residential – R3 (Multi-Unit)

Purpose

- 7.1 The purpose of this zone is to facilitate the development of different forms of multiple unit residential development such as apartments and townhouses

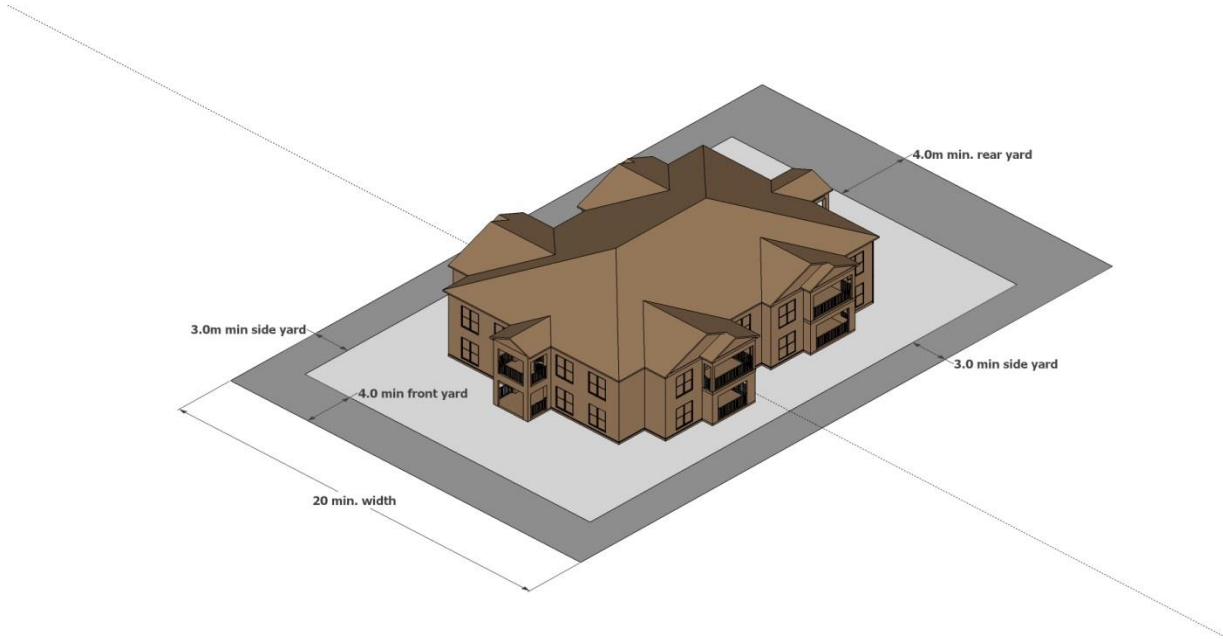
Permitted Uses

- 7.2 The following uses are permitted in the R3 zone:
- .1 Multiple unit dwellings (apartments and townhouses), including those specifically for Elders; and
 - .2 Accessory building.

Regulations

- 7.3 On a parcel located in an area zoned as R3, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I		COLUMN II
.1	Maximum density	60 dwelling units per ha
.2	Minimum parcel size	1,000.0 m ² (0.25 acres)
.3	Minimum frontage	20.0 m (65.6 ft)
.4	Minimum setback of principal building from:	
	.1 Front parcel line	4.0 m (13.1 ft)
	.2 Interior side parcel line	3.0 m (9.8 ft)
	.3 Rear parcel line	4.0 m (13.1 ft)
	.4 Exterior side parcel line	3.0 m (9.8 ft)



8.0 Agricultural Residential – R4

Purpose

- 8.1 The purpose of this zone is to preserve land for agriculture and related land uses while enabling citizens to live on large rural lots.

Permitted Uses

- 8.2 The following uses are permitted in the R4 zone:

- .1 Single family dwelling;
- .2 Secondary suite;
- .3 Bed and breakfast;
- .4 Home-based business;
- .5 Agricultural use;
- .6 Mobile home;
- .7 Garden suite; and
- .8 Accessory building.

Regulations

- 8.3 On a parcel located in an area zoned as R4, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I	COLUMN II
.1 Minimum parcel size	1 ha (2.5 acres)
.2 Minimum frontage	75.0 m (246.0 ft)
.3 Maximum number of principal buildings	1 dwelling unit per parcel
.4 Minimum setback from parcel lines for principal building: .1 Front parcel line .2 Rear parcel line .3 Side parcel line	4.0 m (13.1 ft) 5.0 m (16.4 ft) 5.0 m (16.4 ft)

9.0 Community Core Area – C1

Purpose

- 9.1 The purpose of this zone is to promote the development of land uses that support the development of a densely developed core area for Garden River First Nation.

Permitted Uses

- 9.2 The following uses are permitted in the C1 zone:

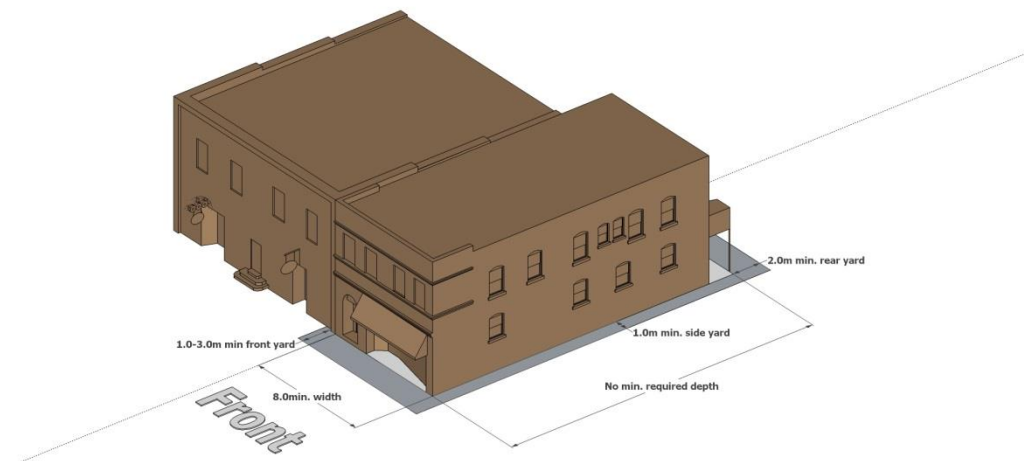
- .1 Bakery;
- .2 Bingo hall;
- .3 Brewing on premises establishment;
- .4 Club or lodge;
- .5 Coffee shop, café;
- .6 Convenience store;
- .7 Daycare;
- .8 Health services;
- .9 Financial institution;
- .10 Fitness centre;
- .11 Hotel/motel;
- .12 Laundromat;
- .13 Multi-unit residential;
- .14 Office;
- .15 Parking lot;
- .16 Personal service establishment;
- .17 Post office;
- .18 Podium dwelling;
- .19 Public assembly and entertainment;
- .20 Public use;
- .21 Restaurant;
- .22 Retail store;

- .23 Shopping center;
- .24 Smoke shop;
- .25 Video rental; and
- .26 Accessory building.

Regulations

9.3 On a parcel located in an area zoned as C1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I		COLUMN II
.1	Minimum parcel size for new subdivisions	450.0 m ² (4,485 sq. ft)
.2	Minimum frontage for new subdivisions	8.0 m (26.3 ft)
.3	Minimum setback from parcel lines for principal building:	
	.1 Front parcel line(if sidewalk, curb and gutter installed)	1.0 m (3.3 ft)
	.2 Front parcel line (no curb and gutter)	3.0 m (9.8 ft)
	.3 Rear parcel line	2.0 m (6.6 ft)
	.4 Interior side parcel line	1.0 m (3.3 ft)
	.5 Exterior side parcel line	1.0 m (3.3 ft)
.4	Minimum principal building size	25 m ² (270 sq. ft)
.5	Maximum parcel coverage	60%



10.0 General Commercial – C2

Purpose

10.1 To provide space for smaller scale commercial buildings which service the local neighbourhood.

Permitted Uses

10.2 The following uses are permitted in the C2 zone:

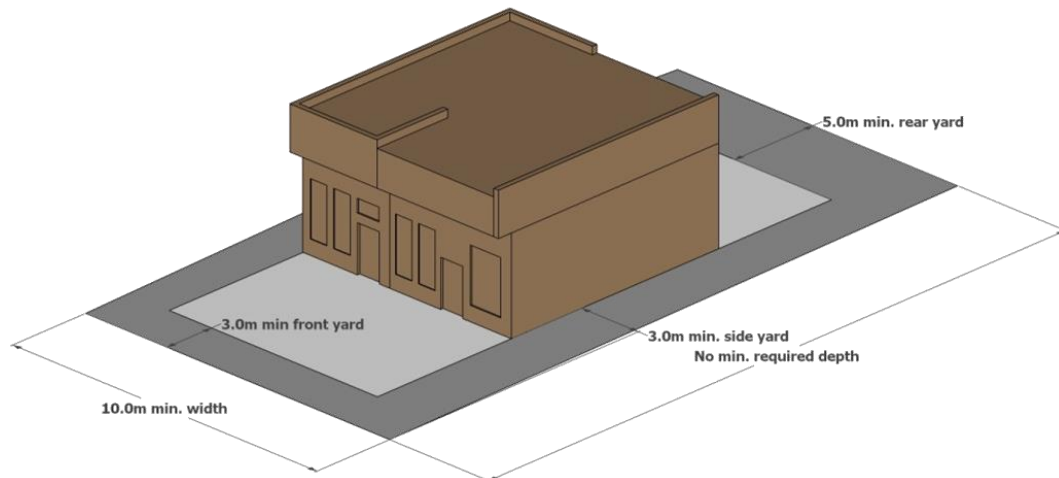
- .1 Animal grooming;
- .2 Auction sales and galleries;
- .3 Automobile rental, repair, paint, body and glass services;
- .4 Bakery;
- .5 Brewing on premises establishment;
- .6 Butcher shop;
- .7 Catering business;
- .8 Club or lodge;
- .9 Commercial laundry establishment;
- .10 Coffee shop, café;
- .11 Convenience store;
- .12 Equipment rental;
- .13 Food preparation establishment;
- .14 Funeral parlors;
- .15 Health services;
- .16 Laundromat;
- .17 Motor vehicle fuel service station (gas station);
- .18 Non-industrial equipment and equipment parts sales and service;
- .19 Non-motorized sports equipment rental, sales and repair;
- .20 Personal service establishment;
- .21 Printing and media services;
- .22 Podium dwelling
- .23 Restaurant;

- .24 Retail store;
- .25 Single family dwelling;
- .26 Smoke shop;
- .27 Trade contractors;
- .28 Upholstery shop;
- .29 Welding shop;
- .30 Video rental; and
- .31 Accessory building;

Regulations

10.3 On a parcel located in an area zoned as C2, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I		COLUMN II
.1	Minimum parcel size for new subdivisions	200.0 m ² (2150 sq. ft)
.2	Minimum frontage for new subdivisions	10.0 m (33.3 ft)
.3	Minimum setback from parcel lines for principal building:	
	.1 Front parcel line	3.0 m (9.8 ft)
	.2 Rear parcel line	5.0 m (16.4 ft)
	.3 Interior side parcel line	3.0 m (9.8 ft)
	.4 Exterior side parcel line	3.0 m (9.8 ft)



11.0 Highway Commercial – C3

Purpose

- 11.1 The purpose of this zone is to regulate commercial uses along Highway 17 and 17B that may take a variety of formats and is dependent on good highway access and visibility. It is intended to ensure that Garden River First Nation effectively leverages the economic development potential of this land.

Permitted Uses

- 11.2 The following uses are permitted in the C3 zone:
- .1 Automobile, motorcycle and automobile parts sales and service;
 - .2 Big box retail;
 - .3 Bulk sales establishment;
 - .4 Cartage, delivery, express terminal or storage service;
 - .5 Coffee shop, café;
 - .6 Commercial card lock facility;
 - .7 Convenience store;
 - .8 Convention centre;
 - .9 Entertainment facility;
 - .10 Financial institution;
 - .11 Garden and nursery supplies;
 - .12 Gaming centre;
 - .13 Hotel or Motel;
 - .14 Industrial sales;
 - .15 Manufactured home sales, service, and storage;
 - .16 Mini storage;
 - .17 Motor vehicle fuel service (gas station);
 - .18 Office;
 - .19 Restaurant;
 - .20 Retail store;



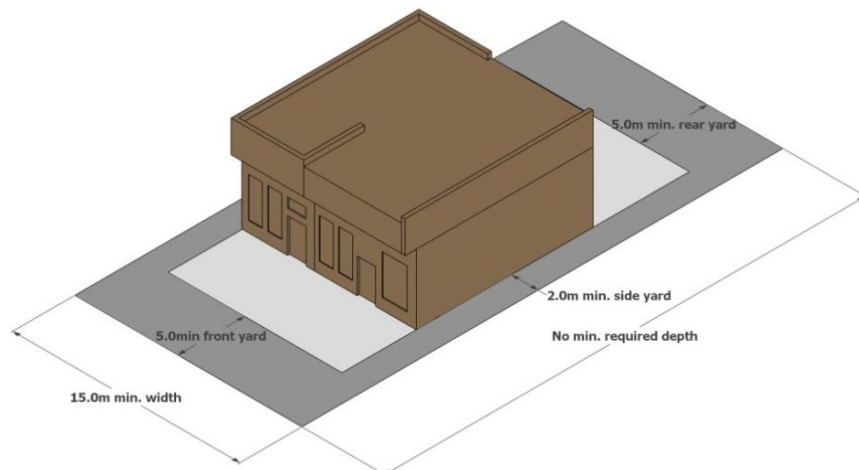
Example of highway commercial development - Westbank First Nation (source: Google Earth)

- .21 Retail sale, rental and repair of machinery, farm implements, tools and small equipment such as chain saws, lawn and garden equipment, small appliances and similar equipment;
- .22 Tire shop, including sales and repair;
- .23 Towing service;
- .24 Truck stop;
- .25 Wholesale or warehousing; and
- .26 Accessory building.

Regulations

11.3 On a parcel located in an area zoned as C3, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I	COLUMN II
.1 Minimum parcel size for new subdivisions	1,000.0 m ² (0.25 acres)
.2 Minimum frontage for new subdivisions	20.0 m (65.6 ft)
.3 Minimum setback from parcel lines for principal building: .1 Front parcel line .2 Rear parcel line .3 Exterior side parcel line .4 Interior side parcel line	5.0 m (16.4 ft) 5.0 m (16.4 ft) 2.0 m (6.6 ft) 2.0 m (6.6 ft)
.4 Minimum principal building floor area	100.0 m ² (1075 sq. ft)
.5 Minimum parcel coverage	10%
.6 Maximum parcel coverage	75%



12.0 Commercial Recreation – C4

Purpose

12.1 The purpose of this zone is to identify land that has commercial development based on recreational uses.

Permitted Uses

- 12.2 The following uses are permitted in the C4 zone:
- .1 Campground and RV Park; and
 - .2 Golf Course.

Regulations

12.3 On a parcel located in an area zoned as C4, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I		COLUMN II
.1	Minimum parcel size for new subdivisions	1 ha (2.5 acres)
.2	Minimum frontage for new subdivisions	20.0 m (65.6 ft)
.3	Minimum setback from parcel lines for principal building:	
	.1 Front parcel line	5.0 m (16.4 ft)
	.2 Rear parcel line	5.0 m (16.4 ft)
	.3 Exterior side parcel line	5.0 m (16.4 ft)

13.0 General Industrial – I1

Purpose

13.1 The purpose of this zone is to provide for land for heavy and light industry.

Permitted Uses

- 13.2 The following uses are permitted in the I1 zone:
- .1 Automobile, boat, trailer and recreation vehicle repair, sales, and rental lot;
 - .2 Automobile repair, paint, body and glass services
 - .3 Automobile storage yard;
 - .4 Building supply establishment;
 - .5 Bulk petroleum products sales;
 - .6 Cartage, delivery or express facility;
 - .7 Feed mill;
 - .8 Heavy equipment maintenance and repair;
 - .9 Home manufacturing, assembly, and storage;
 - .10 Light manufacturing, processing, finishing and/or packaging;
 - .11 Heavy manufacturing, processing, finishing and/or packaging;
 - .12 Manufactured home sales lot;
 - .13 Moving and storage;
 - .14 Nursery or greenhouse;
 - .15 Office related to a storage building, workshop and/or a yard used by a general contractor or trade contractor;
 - .16 Paper products industry;
 - .17 Printing, reproduction and data processing establishment;
 - .18 Single family dwelling;
 - .19 Storage building, warehousing and wholesale establishment, packing and crating, cold storage;
 - .20 Truck and truck-tractor sales, rental lot, and repair;
 - .21 Accessory building; and

.22 Caretaker suite.

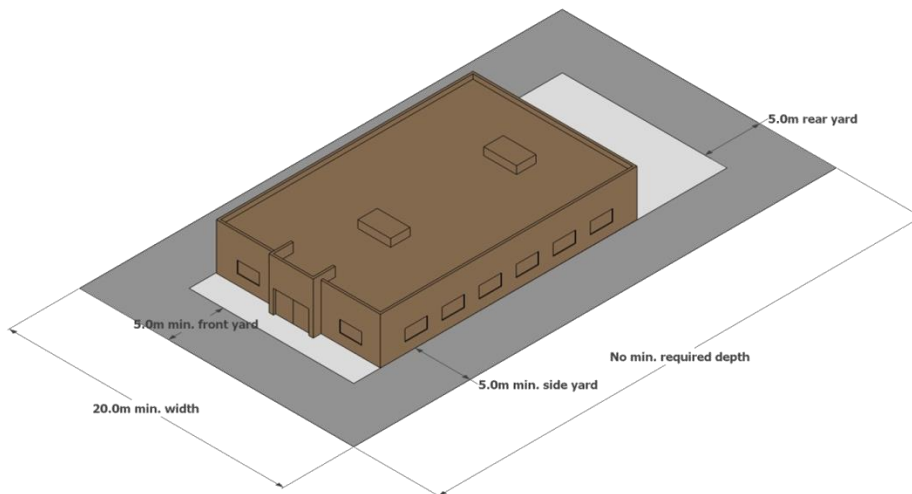
Regulations

13.3 On a parcel located in an area zoned as I1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I		COLUMN II
.1	Minimum parcel size	2,000 m ² (0.5 acres)
.2	Minimum frontage	20.0 m (65.6 ft)
.3	Minimum setback from parcel lines for principal building:	
	.1 Front parcel line	10.0 m (33.3 ft)
	.2 Rear parcel line	5.0 m (16.4 ft)
	.3 Interior side parcel line	5.0 m (16.4 ft)
	.4 Exterior side parcel line	5.0 m (16.4 ft)
.4	Minimum setback from any parcel lines for outdoor storage	3.0 m (9.8 ft)
.5	Minimum setback from any parcel lines for outdoor display yard	3.0 m (9.8 ft)

Conditions of Use

6.5 Any I1 parcels that abut an R zone must provide a buffer of at least 3 m wide and which is designed to mitigate noise and aesthetics.



14.0 Parks and Recreation – P1

Purpose

14.1 Land in this zone is intended to be developed to provide for the recreational needs of the community and are principally outdoor based uses.

Permitted Uses

14.2 The following uses are permitted in the P1 zone:

- .1 Community and/or botanical gardens;
- .2 Cultural and recreational facilities;
- .3 Open space;
- .4 Parks and recreation areas;
- .5 Playfields and playgrounds;
- .6 Sports fields; and
- .7 Accessory building.

Regulations

14.3 On a parcel located in an area zoned as P1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I	COLUMN II
.1 Minimum parcel size for new subdivisions	1,000.0 m ² (0.25 acres)
.2 Minimum frontage for new subdivisions	15.0 m (49.2 ft)
.3 Minimum setback from parcel lines for principal building:	5.0 m (16.4 ft)
.1 Front parcel line	5.0 m (33.3 ft)
.2 Rear parcel line	5.0 m (16.4 ft)
.3 Interior side parcel line	5.0 m (16.4 ft)
.4 Exterior side parcel line	5.0 m (16.4 ft)

15.0 Community Use – P2

Purpose

15.1 This zone is intended to provide space for key institutional, administrative, and public works functions of Garden River First Nation as well as indoor gathering spaces. Typically, these will be indoor uses.

Permitted Uses

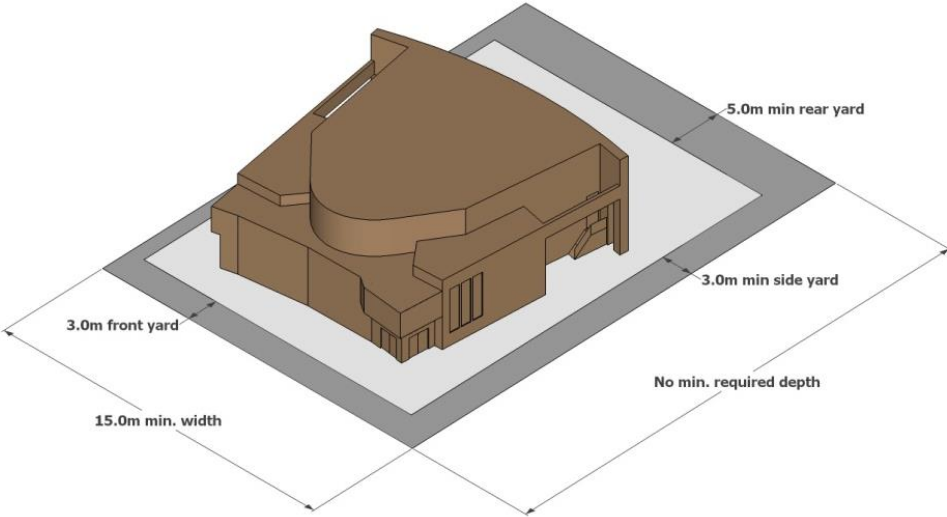
15.2 The following uses are permitted in the P2 zone:

- .1 Administrative buildings;
- .2 Assembly hall;
- .3 Community facilities;
- .4 Community halls and buildings;
- .5 Club or lodge;
- .6 Cultural facilities;
- .7 Daycare and/or pre-school;
- .8 School or college;
- .9 Place of worship;
- .10 Open space;
- .11 Public works;
- .12 Public use; and
- .13 Accessory building.

Regulations

15.3 On a parcel located in an area zoned as P2, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I		COLUMN II
.1	Minimum parcel size for new subdivisions	1,000.0 m ² (0.25 acres)
.2	Minimum frontage for new subdivisions	15.0 m (49.2 ft)
.3	Minimum setback from parcel lines for principal building:	
	.1 Front parcel line	3.0 m (9.8 ft)
	.2 Rear parcel line	5.0 m (16.4 ft)
	.3 Interior side parcel line	3.0 m (9.8 ft)
	.4 Exterior side parcel line (on a corner parcel)	5.0 m (16.4 ft)



16.0 Protected Areas – P3

Purpose

16.1 The purpose of this zone is to identify and protect areas from development due to environmental sensitivity, sacred and cultural values, heritage and/or open space.

Permitted Uses

16.2 The following uses are permitted in the P3 zone:

- .1 Cemeteries;
- .2 Environmentally sensitive areas;
- .3 Open space;
- .4 Pow wow grounds; and
- .5 Sacred land.

Regulations

16.3 No building or structure shall be constructed, located or altered, and no plan of subdivision approved until a site plan illustrating any development is reviewed and approved by Chief and Council. Environmental, archaeological, and heritage assessments will be required to be prepared and submitted prior to consideration of development.

17.0 Natural Resource – NR

Purpose

- 17.1 The purpose of this zone is to provide for the protection of the natural resource area while also enabling Band members to use the land sensitively for camps, hunting and fishing. Resource development that is environmentally sensitive could also be permitted.

Permitted Uses

- 17.2 The following uses are permitted in the NR zone:
- .1 Agricultural use;
 - .2 Camps;
 - .3 Conservation area;
 - .4 Fishing, trapping and hunting;
 - .5 Forest practices, not including manufacturing processes or plants;
 - .6 Mineral exploration;
 - .7 Resource development;
 - .8 Sand and gravel extraction; and
 - .9 Accessory building.

Regulations

- 17.3 Camps require the approval of the Lands department. Any other type of development or intensive use in the NR zone will be approved by Chief and Council on a case by case basis. No building or structure shall be constructed, located or altered, and no plan of subdivision approved until a site plan illustrating any development is reviewed and approved by Chief and Council. Environmental, archaeological, and heritage assessments will be required to be prepared and submitted prior to consideration of development.

18.0 Future Development – FD

Purpose

18.1 The purpose of this zone is to identify lands for potential future development. The Garden River First Nation Land Use Plan identifies objectives and future directions for development of these lands.

Permitted Uses

18.2 The following uses and no others are permitted in the FD zone:

- .1 Open space

Regulations

18.3 On a parcel located in an area zoned FD, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

COLUMN I	COLUMN II
.1 Minimum parcel size	4,050.0 m ² (1.0 acre)

19.0 Parking Guidelines

Guidelines for Number of Parking and Loading Spaces

- 19.1 The number of off-street parking stalls (i.e. parking stalls located on the parcel on which a land use is being development) should comply with the guidelines established in Table 19.1.
- 19.2 Despite the guidelines provided in Table 19.1, any builder should demonstrate that parking for a specific use will not spill over onto streets on a continual basis.

Table 19.1 – OFF-STREET PARKING SPACES - GUIDELINES

COLUMN I Class of Building	COLUMN II Minimum Parking Requirements
Residential	
.1 Residential dwelling unit	1 per dwelling unit + any required visitor parking
.2 Bed and Breakfast	1 per sleeping unit + requirements for the dwelling unit in which the Bed and Breakfast is located
.3 Motel or hotel	1 per sleeping unit
Institutional, Public Assembly and Recreational	
.4 Cultural facilities and offices	1 per 20 m ² (215 sq. ft) of floor area
.5 Place of public assembly, including: arena, assembly hall, auditorium, club, lodge, community center, convention hall, funeral parlor and undertaking establishments, gymnasium and theaters	1 per 15 m ² (160 sq. ft) of floor area
.6 Recreational use	1 per 50 m ² (530 sq. ft) of floor area
Commercial	
.7 Offices	1 per 15 m ² (160 sq. ft) of floor area
.8 Eating and drinking establishment (restaurant)	1 per 5 seats
.9 Retail store and commercial services, Personal service establishment	1 per 20 m ² (215 sq. ft) of floor area
.10 Repair garages, gasoline service station, tire repair	4 per service bay

Location

19.3 Off-street parking spaces should be located on the same parcel as the use they service.

Alternate Hours of Use

19.4 Where a building or structure contains more than one use whose business hours of operation do not overlap, the required number of off-street parking spaces shall be the greatest number required for any of those individual uses.

Access

19.5 In order to provide good safety, the access to all off-street parking from a highway shall be not less than 6.0 m (19.7 ft) in width and not more than 9.0 m (29.5 ft) in width.

Maneuvering Aisles

19.6 All individual parking spaces, maneuvering aisles, entrances and exits shall be clearly marked by curbs, fences, or lines and signs.

19.7 All maneuvering aisles shall have surface drainage directed either to approved planting areas or through a storm sewer system and rock pits.

Surface

19.8 All required off-street parking, maneuvering aisles, and accesses to highways shall:

.1 Be so graded and drained as to properly dispose of all surface water;

Parking Lot Landscaping

19.9 Where a parking lot in excess of 3 spaces is located on a parcel which abuts a R or P zone, a landscape buffer of not less than 1.5 m (5.0 ft) in width shall be provided and maintained along the edge of the parking lot facing a R or P zone.

Snow Storage

19.10 Any parking area, including driveways for houses shall accommodate storage of snow to eliminate potential impacts to adjacent land.

Parking for the Physically Challenged

19.11 Where more than 20 parking stalls are required, every off-street parking facility shall provide 5% of the required stalls for the use of physically challenged persons. Each stall for physically challenged persons shall:

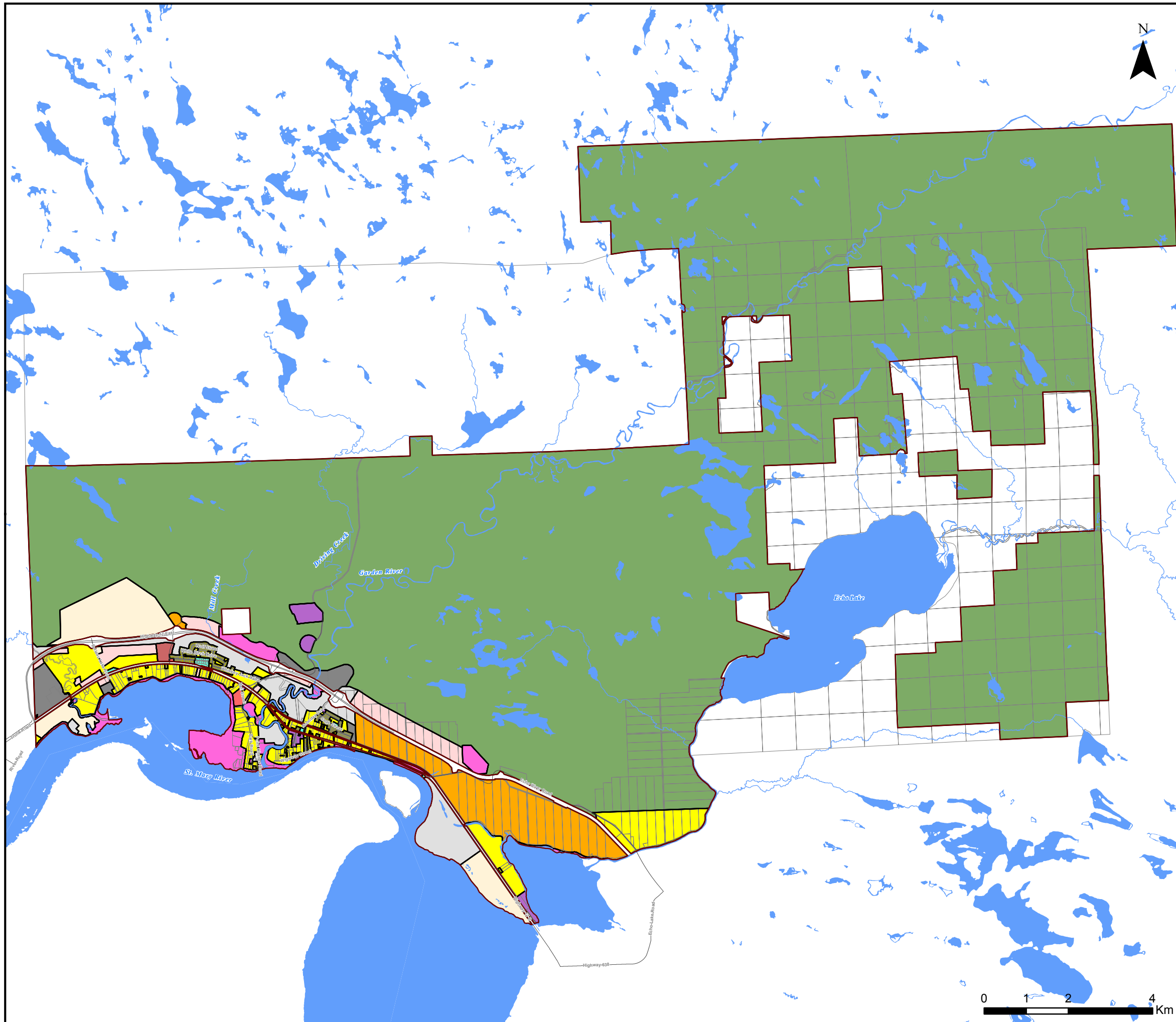
- .1 Be at least 4.0 m (13.1 ft) in width and at least 7.5 m (24.6 ft) in length;
- .2 Be located as close as possible to a main handicapped accessible building entrance; and
- .3 Be clearly identified for the exclusive use of physically challenged persons.

Maps

Zoning Law Maps



Garden River First Nation Zoning Law Reserve Overview



Legend

Reserve Boundary

Zoning

Residential

R1 - Residential - Large Lot

R2 - Residential - Small Lot

R4 - Agricultural Residential

Commercial

C1 - Community Core Area

C2 - General Commercial

C3 - Highway Commercial

C4 - Commercial Recreation

Industrial

I1 - General Industrial

Community & Institutional

P1 - Parks & Recreation

P2 - Institutional

P3 - Protected Areas

FD - Future Development

NR - Natural Resource

SOURCE:

Reserve boundary and parcels provided by Garden River First Nation.

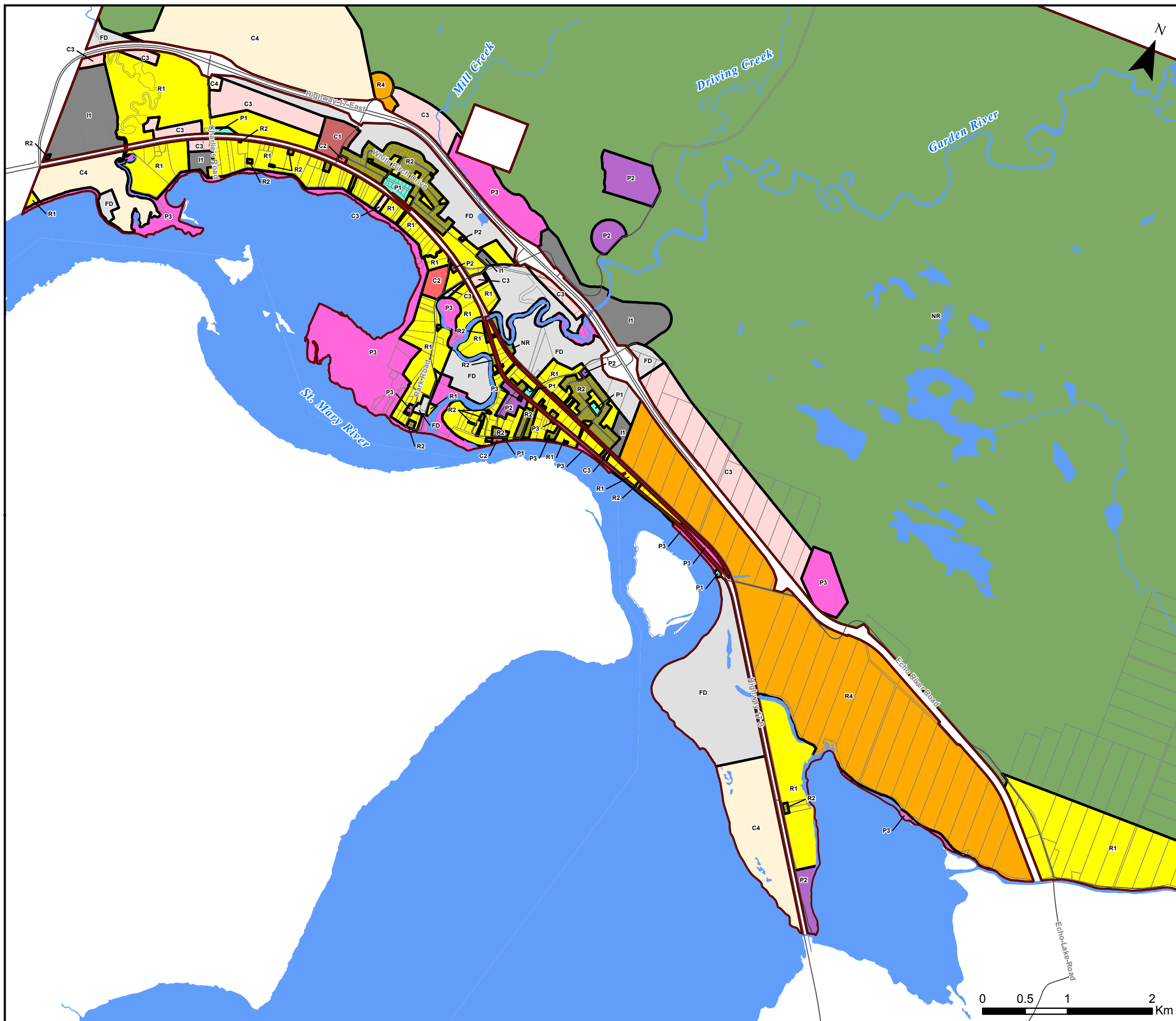
Water features obtained through www.geobase.ca website.

THE ACCURACY & COMPLETENESS OF INFORMATION SHOWN ON THIS DRAWING IS NOT GUARANTEED. IT WILL BE THE RESPONSIBILITY OF THE USER OF THE INFORMATION SHOWN ON THIS DRAWING TO LOCATE & ESTABLISH THE PRECISE LOCATION OF ALL EXISTING INFORMATION WHETHER SHOWN OR NOT.

SCHEDULE A



Garden River First Nation Zoning Law Community Core



Legend

Reserve Boundary

Zoning

Residential

R1 - Residential - Large Lot

R2 - Residential - Small Lot

R4 - Agricultural Residential

Commercial

C1 - Community Core Area

C2 - General Commercial

C3 - Highway Commercial

C4 - Commercial Recreation

Industrial

I1 - General Industrial

Community & Institutional

P1 - Parks & Recreation

P2 - Institutional

P3 - Protected Areas

FD - Future Development

NR - Natural Resource

SOURCE:

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SCHEDULE B