

# ENOCH CREE NATION ZONING BYLAW NO. 2018-01



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**ENOCH CREE NATION**

**ZONING BYLAW No. 2018-01**

**PREAMBLE**

**WHEREAS** the Enoch Cree Nation has inherent aboriginal and Treaty rights and authority to govern relations among its members and between the Enoch Cree Nation and other governments.

**AND WHEREAS** the Enoch Cree Nation people are the Maskêkosak nehiyowak, proud and avowing of our language, tradition and history, passed from ancestors, to those of today, for the benefit of Maskekosiik iyinowak oti nikanihk.

**AND WHEREAS** the aboriginal and Treaty right of the Enoch Cree Nation to govern itself was recognized and affirmed in Treaty No. 6 entered into on September 28, 1877 between Her Majesty the Queen and the Enoch Cree Nation and confirmed by section 35 of the *Constitution Act*, 1982.

**AND WHEREAS** in accordance with the September 13, 2007 UN Declaration on the Rights of Indigenous Peoples, Enoch Cree Nation members have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their procedures, as well as to maintain and develop their own decision making institutions.

**AND WHEREAS** in accordance with the September 13, 2007 UN Declaration on the Rights of Indigenous Peoples, Enoch Cree Nation members have the right to own, use, develop and control lands, territories and resources they possess by reason of traditionally ownership or use as well as those they have otherwise acquired.

**AND WHEREAS** the Enoch Cree Nation has historically managed its lands and resources according to traditional laws and its inherent right of self-government, which includes the right to designate, allocate and assign lands for different purposes and to regulate use of Enoch Cree Land.

**AND WHEREAS** the Enoch Cree 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 Enoch Cree 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 WHEREAS** the Enoch Cree Nation Council also has the power under section 81(1)(h) of the *Indian Act* to make bylaws not inconsistent with the *Indian Act* or with any regulation for the construction, repair and use of buildings whether owned by the Enoch Cree Nation or by individual members of the Enoch Cree Nation.



**AND WHEREAS** it is considered necessary for the interests and integrity of the Enoch Cree Nation to adopt a Zoning Bylaw as a planning document for the Enoch Cree Nation to be used by Chief and Council, Administration and Membership as a framework for growth and development and a decision making guide;

**AND WHEREAS** the Enoch Cree Council believes it is in the best interests of Enoch Cree to exercise its inherent right of self-government and its power under sections 81(1)(g)(h) of the *Indian Act* to enact this *Enoch Cree Nation Zoning Bylaw No. 2018-01*.

**NOW THEREFORE** we the Enoch Cree Council proclaim:



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## 1.0 Definitions

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

**Accessory Storage Unit** means a structure which provides storage and functions as an accessory use to the principal building or use of a parcel. May include a shipping container.

**Adult Entertainment and Body Rub Services** means a premises used for entertainment, including activities, facilities, performances, exhibitions, viewings, or encounters designed to appeal to erotic or sexual appetites or inclinations in which a principal feature or characteristic is full or partial nudity of any person and a premises for services involving the kneading, manipulation, rubbing, massaging, touching or stimulating of a person's body for the purpose of appealing to erotic or sexual appetites or inclinations.

**Agriculture, Extensive** means the primary production of farm products, such as livestock, cereal, vegetable, or fruit crops, and specialty crops which require a greater land base but utilize non-intensive forms of production.

**Agriculture, Intensive** means the primary production of farm products, poultry products, cereal, vegetable, or fruit crops, greenhouses, market gardens, tree farms and specialty crops which require high capital investment in infrastructure, labour, or machinery.

**Animal Grooming** means development for the on-site treatment or grooming of small animals such as household pets, where accommodation is provided off-site and where all care and confinement facilities are enclosed within a building. This use includes off-site treatment of animals or livestock of any size and the supplementary sale of associated products. Examples include pet grooming salons and veterinary offices.

**Apiary** means the use of land for the keeping of honey bees for the purpose of honey production.

**Backyard Hen Enclosures** means the use of land for the keeping of domestic fowl bred hens for egg laying purposes.

**Big Box Retail** means a single-story retail building containing 6400 m<sup>2</sup> or more of gross floor area in which one user or tenant occupies more than 75% of the gross floor area, and which offers retail rental or sale of groceries, beverages, household goods, furniture and appliances, hardware, lumber, printed matter, second hand/used household goods (and related repair and refurbishing activities), personal care items, automotive parts and accessories, stationary, office equipment, and similar goods.

**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, and C3 zones.

**Campground** means land that is used to provide temporary accommodation in tents, tent trailers, travel trailers, recreational vehicles and non-permanent structures.

**Cannabinoid Agriculture** means the commercial growth or production of cannabinoid products.

**Cannabinoid Sales/Distribution Services** means development used principally for the wholesale or retail sale or distribution to the public of Cannabinoid products as defined by the *Alberta Liquor Control Act*.

**Cardlock Facility** means any building or land used or intended to be used for the sale of fuels or lubricants to commercial vehicles and industrial equipment, either through the use of keys, cards or service attendants, but will not include a gas station.

**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.

**Commercial Food Establishment** is a commercial development which processes or prepares food products for retail or wholesale. This may include a deli, bakery, or butcher.

**Commercial Laundry Establishment** means a laundromat or dry-cleaning service establishment, or clothes drop off and pick up service that is provided in conjunction with a laundromat or dry-cleaning establishment.

**Community Facilities** means building and lands that are used for the governance of the Enoch Cree Nation or used for public functions or services. This may include a skills and employment centre, a youth centre, or an Elders centre.

**Community Garden** means an outdoor area or covered growing area which is open for the use of the community members of Enoch Cree Nation.

**Convenience Retail Services** means development used for the retail sale of those goods required by area residents or employees on a day-to-day basis. Typical uses include small food stores, gas bars, drug stores and variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

**Council** means the "COUNCIL OF THE BAND", as defined in the *Indian Act*, of the Enoch Cree Nation.



**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 with physical limitations to a level which requires a care provider.

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

**Derelict Structure** means a building or structure, as a result of disuse or neglect, exists if the building or structure is unfit for human habitation, or poses an incipient hazard or is detrimental to public health, safety or welfare as a result of one or more conditions as determined by Council:

- a. unoccupied and used;
- b. partially constructed;
- c. in a state of disrepair or neglect;
- d. structural defects as noted by a building inspector;
- e. defects increasing the hazard of fire, accident or other calamity;
- f. no utility services to maintain sanitary conditions.

**Derelict Vehicle** means a vehicle that is undriveable or has not been insured and registered for operation for the past 12 months.

**Distribution Centre** means a commercial development which stores and distributes goods on a wholesale basis using trucks and other large vehicles for transport.

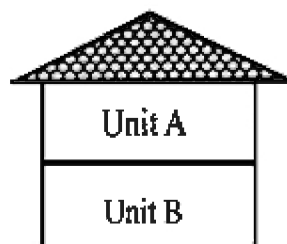
**Dugout** means the excavation of land which results in manmade features that entrap water and includes excavation for a water supply and borrow pits.

**Dwelling** 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. May or may not include a secondary suite.

**Dwelling, 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, Duplex** means a building that is divided horizontally into two (2) separate dwelling units in the manner illustrated in **Figure 3.1**, 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**



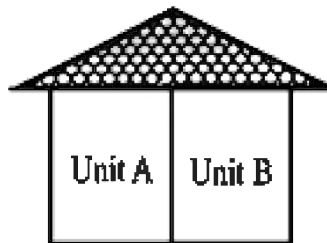


**Dwelling, Fourplex** means a building containing four dwelling units located immediately adjacent to each other and sharing a common wall and each having a separate entrance and intended as a permanent residence.

**Dwelling, Row Housing** means a building designed and built to contain three or more dwelling units with a separate exterior entrance at grade that shares no more than two party walls with adjacent dwelling units and intended as a permanent residence.

**Dwelling, Semi-Attached** means a building used or designed for use as two self-contained dwelling units, each having direct access to the outside at grade level, and where neither unit is wholly or partly above the other. The individual units within a semi-detached building may be side by side, with the main entrances to each dwelling unit facing the front property line. Semi-detached units may also be front-to-back, with the main entrance of one dwelling unit facing the front property line and the main entrance of the other dwelling unit facing the rear property line.

*Figure 1.2 Illustration of Semi-Attached Dwelling*



**Dwelling, Single-Detached** means a building that contains one dwelling unit, and which may also contain a secondary suite where permitted by this Bylaw. This use includes modular homes that conform to CSA A277.

**Dwelling, 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, Triplex** means a building having three dwelling units located above or below each other or three side by side units facing the front property line that each share a party wall with each other. A triplex may



have a common entrance foyer or individual entrances. Each dwelling unit within a triplex has a separate sewer and water hookup.

**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. A dwelling unit shares one or more interior walls with at least one other dwelling unit.

**Emergency and Protective Services** means and includes, but is not limited to, a public facility used by police, fire protection, ambulance, and search and rescue services.

**Enoch Cree Land** means, for the purposes of this Zoning Bylaw, Enoch Cree Indian Reserve #135, 135A and any lands set apart by Canada in the future as reserve lands of Enoch Cree Nation.

**Extensive Livestock Development** means a farming operation on at least 16.2 ha of land involving the rearing of livestock in conjunction with or separate from an Intensive or Extensive Agricultural operation, where the number of animals on the subject parcel falls below the registration threshold of a Confined Feeding Operation as per the AOPA, *Agricultural Operations Practices Act*.

**Fencing** 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.

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

**Gaming Facility** means a development which houses activities such as video lottery terminals, table games and bingo halls.

**Garden and Nursery Supply** means a commercial development which offers the retail sale of plants and gardening supplies. Does not include a greenhouse or outdoor plant propagation or production for wholesale purposes.

**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.

**General Commercial Services** means development used for the retail rental or sale of groceries, beverages, household goods, furniture and appliances, hardware, lumber, printed matter, second



hand/used household goods (and related repair and refurnishing activities), personal care items, automotive parts and accessories, stationary, office equipment and similar goods.

**Health and Community Care 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, medical services laboratories, traditional healers, chiropractors, massage therapists, acupuncture clinics, reflexology, health clinics, crisis centre, emergency shelter, 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 parcel.

**Hotel** means an establishment with self-contained sleeping units that provides paid temporary lodging. Rooms have access to an enclosed common interior corridor and may be equipped with individual kitchen facilities. A hotel may include an office for hotel administration and may also include accessory uses such as parking facilities, restaurant or dining room, or public convention facilities and may hold a license for on-site consumption of alcoholic beverages.

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

**Laydown Yard** means a commercial development which stores and distributes bulk materials for construction or industrial activities such as lumber or equipment.

**Liquor Sales/Distribution Services** means development used principally for the wholesale or retail sale or distribution to the public of alcoholic spirits or beverages as defined by the *Alberta Liquor Control Act*.

**Manufactured Home** means a home that is constructed or manufactured to be moved from one point to another as a single unit, which has its own wheels or not, which provides completely self-contained, year-round residential accommodation, and meets the requirements for a residence under the Canadian Standards Association and has a length to width ratio of 3:1 or greater. A manufactured home must have been built no more than ten years previous to the date it is placed on site. Manufactured homes include modular homes and mobile homes but does not include travel trailers, recreational vehicles, or campers.



**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.

**Modular Home** means a dwelling which is prefabricated or factory built, and may be assembled on the parcel in sections, but such sections or units have neither chassis, running gear, nor its own wheels, and the sections may be stacked side-by-side or vertically. They are designed for use with a permanent foundation when attached to the required utilities. Modular homes must be placed on site no later than ten years after the date of manufacture.

**Motel** means providing rooms for temporary sleeping accommodation where each room has direct access to the parking lot and may be equipped with individual kitchen facilities. A motel may include an office for hotel administration.

**Natural Resource Extraction/Processing** means the extraction of natural resources, including, but not limited to, trees, vegetation, water, minerals, sand, gravel, coal, peat, limestone, gypsum, granite and salt found on or under the site, or accessible from the site. Processing may include crushing, washing, screening, recycling and the preparation of asphalt.

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

**Non-Operational Equipment** means utility trailers, commercial trailer, recreational trailers, appliances, farm equipment and constructional equipment which is not in working condition and which has not been operational for the past 12 months.

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

**Outdoor Storage Facilities** means land commercially used for the purpose of storing outdoors: including but not limited to landfill, lumber, railway ties, poles, construction or residential waste, plastics, rubber, dirt, gravel, clay, sand, electronics, or appliances whether for disposal or recycling.

**Owner** means the certificate of possession holder, certificate of occupancy, lease, locatee or holder where allotted by Council of a parcel of Enoch Cree Land.

**P Zone** means any institutional zone and includes 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 Line** means the legally defined boundary of any parcel.

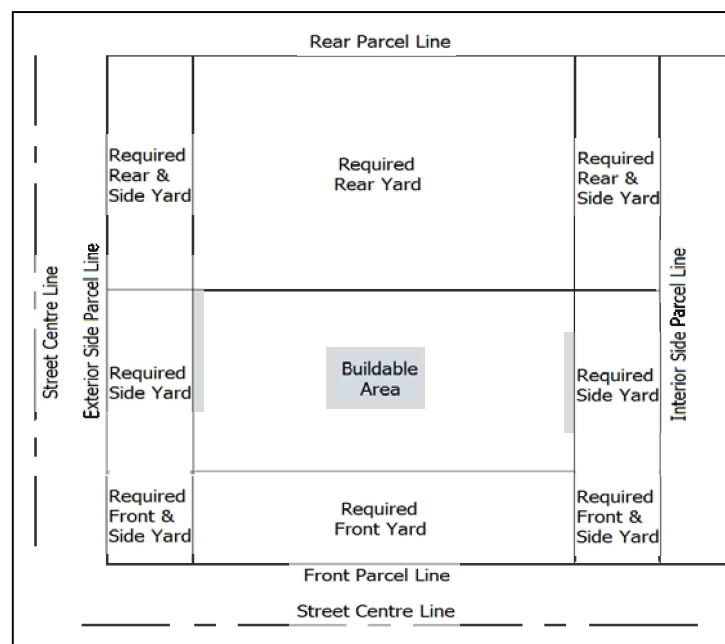
**Parcel Line, Exterior Side** means a side parcel line which abuts the highway (excluding a lane, pathway, walkway, or trail) on a corner parcel, as illustrated in Figure 3.3.

**Parcel Line, Front** means any parcel line common to a parcel and one highway other than a lane as illustrated in Figure 3.3. 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 3.3.

**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 3.3.

**Figure 1.3 Illustration of Parcel Lines**



**Parcel Width** means the horizontal distance between side parcel lines.



**Park** means an area permanently open to all community members, devoted to active or passive recreational uses and generally characterized by its natural, historic or landscaped features, facilities, playing fields, playgrounds, and other structures that are consistent with the purpose of parkland.

**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 and Health Care Services Establishment** means development used for the provision of physical and mental health services on an out-patient basis, of a preventative, diagnostic treatment, therapeutic, rehabilitator or counseling nature. It may also mean development related to the care and appearance of the body. Typical uses or facilities would include medical and dental offices, health clinics, traditional healing, counseling services, fitness centres and clubs, chiropractor offices, barbershops, hairdressers and beauty salons.

**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.

**Printing and Media Services** means a commercial development which offers printing and advertising material services which may require equipment for graphic design, printing, duplicating, binding, or photographic processing.

**Professional, Business, and Financial Services** means businesses offering professional, business or financial services, such as accounting, legal advice, real estate, and insurance brokers. This use may include drive-through ATMs at financial establishments.

**Public Use** means the use of land for Enoch Cree 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.

**Public Works Office and Yard** means an office and attached yard reserved for the use of Enoch Cree Nation staff who manage and maintain public services such as water and sewage, and stores and maintains tools associated with general building, property, and road maintenance.

**R Zone** means any residential zone, and includes the CR and R1 zones.





**Recreation, Passive** means facilities used for recreational activities, which utilize tracts of land and may require accessory facilities or structures. This includes but is not limited to cross-country ski trails, golf driving ranges, ice rinks, playgrounds, sports fields and paintball.

**Recreational Vehicle (RV)** means a transportable conveyance intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motorized homes, slide-in campers, chassis-mounted campers, boats, all-terrain vehicles, snowmobiles and tent trailers but not including manufactured homes.

**RV (Recreational Vehicle) Storage** means a development which provides fenced or indoor, secure, on-site storage of 2 or more recreational vehicles.

**Restaurant** means a commercial development which prepares food and/or beverages and serves them on-site. May include a café and restaurant and drive through service.

**Retreat Centre** means a building meant to house activities related to mental health and addictions counselling and/or treatment, which includes accommodations for overnight stays or longer, and amenities needed for accommodating guests such as kitchen, sanitary facilities, and gardens.

**Riding Arena** means an area meant for exercising a horse which may include such accessory uses as shelter for horses, covered storage area for feed, and accessory building.

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

**Solar Collector, Major** means the use of land or buildings for the conversion of the sun's rays to thermal, electrical or mechanical energy from a generating unit with a total capacity of greater than 150 kW or greater.

**Solar Collector, Minor** means the use of land or buildings for the conversion of the sun's rays to thermal, electrical or mechanical energy from a generating unit with a total capacity of less than 150 kW.

**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.

**Suite, Attached** means the accessory use of a dwelling unit which forms part of a single-detached dwelling which contains a separate entrance from the exterior of the building.



**Telecommunications Tower** means a structure designed to support an antenna, or which function as an antenna in themselves, to receive broadcasting, cellular, and radio signals.

**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.

**Wind Energy Conversion System, Major** means a single turbine, or many turbines with a total capacity of 150 kW or more. This does not include windmills used for the aeration of dugouts.

**Wind Energy Conversion System, Minor** means a small-scale wind turbine with a total capacity of less than 150 kW. This does not include windmills used for the aeration of dugouts.

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

**Zoning Bylaw** means this Bylaw, a bylaw enacted pursuant to sections 81(1)(g)(h) of the *Indian Act*.

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



## 2.0 General Regulations

### 2.1 Applicability of General Regulations

Except as otherwise specified in this Bylaw, Section 2 applies to all zones established under this Bylaw.

### 2.2 Existing Uses

Existing uses not otherwise already prohibited by Council and requests for development made prior to the date of the adoption of this Bylaw are grandfathered and therefore allowed to continue. Any changes in the land use or construction of new structures made after the adoption of this Zoning Bylaw must comply with this Zoning Bylaw.

### 2.3 Uses and Regulations

No land, building, or structure shall be developed, used, constructed, modified, converted, or re-constructed except in conformance with the provisions of this Bylaw, if initiated after the adoption of this Bylaw.

### 2.4 Irregular, Flag-shaped, or Panhandle Parcels

In the case of irregular, flag-shaped, or panhandle parcels, the minimum parcel frontages set out in this Bylaw shall apply at the exterior wall of the main building closest to the road boundary, provided that:

- .1 All parcels shall have a minimum width and a minimum length of at least 8.0 meters (m).
- .2 Any additional parcel boundaries other than the public street/road boundary and the rear parcel boundary shall be deemed a side parcel line and the setbacks required from side parcel lines shall prevail.
- .3 All other applicable provisions in this Bylaw are satisfied.

### 2.5 Parcel Area and Width

- .1 Except as otherwise permitted in this Bylaw, no parcel will be reduced in area, either by the conveyance or alienation of any portion thereof or otherwise, so that any of the provisions and regulations of this Bylaw are not complied with.
- .2 Minimum parcel size regulations do not apply where parcel lines are relocated to facilitate an existing development, provided that:
  - a. No additional parcels are created.
  - b. All parcels are contiguous.
  - c. No parcel shall be enlarged to a size permitting further subdivision.



- .3 The minimum parcel size required by this Bylaw may be reduced by a maximum of 10% if part of the proposed parcel is required for the purpose of widening an existing highway or right of way.
- .4 The minimum parcel size required by this Bylaw may be reduced by a maximum of 10% under the following conditions:
  - a. The minimum parcel width set out in this Bylaw is attained.
  - b. The minimum parcel area needs to be reduced in order to allow the length of the parcel to be reduced.
  - c. The reduction in minimum parcel size (and resulting reduction in required length) is required in order to allow a subdivision to fit within an extension of the standard grid of streets, avenues and lanes within Enoch Cree Nation IR #135.

## **2.6 Siting, Size and Dimensions of Buildings and Structures**

- .1 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.
- .2 Notwithstanding the provisions of this Bylaw, 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 or the appropriate agency. At the time of the development of this Bylaw the authority is Health Canada.

## **2.7 Projections into Setback Areas**

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 Bylaw, except for the following:

- .1 Steps and landings complete with handrails, fireplaces, balconies, and awnings provided they are not closer than 1.0 m from any side parcel.
- .2 A covered porch addition.
- .3 Wheelchair ramps.
- .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 to a parcel line.



- .6 Arbors and trellises, fish ponds, flag poles or similar landscape features.

## **2.8 Setbacks**

Buildings and structures erected in any zone shall conform to the following setback requirements from the parcel line of the following roadways and shall be measured from the right of way boundary:

- .1 Provincial highway – minimum 45.0 m, or a setback determined by the provincial authority, whichever is greater.
- .2 Arterial road – 45.0 m
- .3 Internal subdivision road – 7.5 m
- .4 Service road – 7.5 m

## **2.9 Uses Permitted in All Zones**

The following uses are permitted in all zones:

- .1 Accessory Buildings
- .2 Highways
- .3 Rail tracks
- .4 Transit stops and shelters
- .5 Parks
- .6 Public utility facilities for local transmission of:
  - a. Water
  - b. Sewage
  - c. Electrical power
  - d. Fibre optic
  - e. Telephone
  - f. Natural gas
  - g. Cable television
  - h. Other similar services (but not including electrical substations, storage yards, works yards, maintenance buildings or maintenance offices)



## **2.10 Uses Prohibited in All Zones**

The following uses are prohibited in all zones:

- .1 The storage of derelict vehicles and non-operational equipment;
- .2 Derelict structures;
- .3 Dirt, clay or sand berming.

## **2.11 Landscaping and Screening**

Landscaping and screening must conform to the following regulations:

- .1 The minimum width for landscape and screening areas is 1.0 m.
- .2 The minimum screening between an industrial use and a residential use shall be 2.0 m in height on the industrial parcel.
- .3 Wherever possible, landscape and screening areas will retain existing trees and natural vegetation and add planting that enhances the natural environment.
- .4 Landscape and screening areas must not be located on septic fields, and a septic field must not be located in a landscape and screening area.
- .5 Existing healthy woody plants (trees, shrubs) shall be preserved and protected unless removal is demonstrated to be necessary to efficiently accommodate the proposed development, or if the vegetation poses a safety hazard.
- .6 Vegetative buffers shall be required in the C zones and M zones where these uses are adjacent to R zones. Developments may be exempt from providing a vegetative buffer if the setback is required for a fire lane access.
- .7 Fence and wall materials shall be consistent with the character of the zone in which they are to be located. The height of a fence or wall shall be measured from grade. Where the fence or wall is adjacent to the property line, the height shall be measured with reference to the grade of the abutting property. Where a fence is located on top of a retaining wall, berm or similar structure, the height of the fence shall include the height of the supporting structure.
- .8 All storage of goods and materials, including in Accessory Storage Units, in C zones, P zones, the M1 zone, and AG zone shall be screened from view from any street, and from adjacent sites in an R zone by fences, berms, landscape materials or a combination of these to the satisfaction of Enoch Cree Nation.
- .9 All refuse, recycling and compost bins in a C zone, P zone, M1 zone or R1 zone shall be screened from view from any street, and from adjacent sites in an R zone by fences, berms, landscape materials or a combination of these to the satisfaction of Enoch Cree Nation. Containers must be sealed to contain odours and to prevent disturbance by animals.



- .10 Winter design principles shall be incorporated into the landscape plan in C zones and P zones, and are to be encouraged in R zones. This may include but is not limited to the use of coniferous trees to provide shelter from prevailing winter winds, the use of additional exterior lighting, the use of overhangs and screens to provide shelter and drifting control, adequate sizing of vehicular areas to accommodate accumulated snow, minimizing required outdoor travel distances and consideration of sun angles and southern exposures in the design of outdoor amenity spaces.
- .11 In order to promote public safety and security strategies and design elements, Crime Prevention Through Environmental design principles shall be incorporated into the landscaping in C zones, P zones, and the R1 zone. This may include but is not limited to the provision of adequate outdoor lighting for entrances, building perimeters and walkways, clear directional and safety signage, the use of vandalism resistant materials, adequate provisions for waste collection, maintaining good sightlines and restricting vehicular access where appropriate.

## **2.12 Fencing**

Where permitted in a zone, fencing must conform to these regulations:

- .1 The height of a fence shall be measured as the vertical distance from the average finished ground level at the base of the fence to the highest point of the fence.
- .2 Fences may be constructed within any required setback, with the exception of the required setback to a watercourse and with exception to that portion of a parcel that is within the sight triangle.
- .3 Barbed wire may only be used on the top of fences located on parcels in the AG zone, C3 zone, or M1 zone.
- .4 Fences along interior and rear parcel lines (where not adjacent to a highway) in R zones shall not exceed a height of 1.8 m.
- .5 Fences in a front yard in all zones shall not exceed a height of 1.0 m.
- .6 Fences on the exterior parcel line of a residential parcel may not exceed 1.8 m.
- .7 A fence located in an AG zone, M1 zone, C zones or P zones shall have a maximum height of 2.4 m on any side or rear yard.

## **2.13 Accessory Buildings, Uses and Structures**

Accessory buildings, uses and structures, including garages, are permitted in any zone, but shall not:



- .1 Be used for human habitation or located in a required front yard.
- .2 Be built within 2.0 m of the main building.
- .3 Exceed 4.0 m in height in any residential zone.
- .4 Be erected on any parcel unless the principal building, to which the accessory building is an incidental use, has been erected or will be erected simultaneously with said accessory building.
- .5 Be a manufactured home or recreational vehicle.

#### **2.14 Accessory Storage Units**

Where expressly permitted in a zone, the use of accessory storage units must comply with the following regulations:

- .1 Accessory Storage Units are intended only for the storage of materials and must not be used as accommodation or for any form of human habitation.
- .2 Accessory Storage Units are only permitted as accessory buildings if used as storage related to a principal building or purpose.
- .3 Accessory Storage Units must not be located on any street, sidewalk or trail, or in any location that blocks or interferes with vehicular and/or pedestrian circulation.
- .4 Accessory Storage Units should be free of advertising and should be painted a uniform colour.
- .5 Accessory Storage Units must not occupy any required off-street parking spaces.
- .6 Accessory Storage Units must not be located on any street, sidewalk or trail, or in any location that blocks or interferes with vehicular and pedestrian movement.
- .7 Accessory Storage Units must not exceed a height of 2.6 m and must not be stacked.
- .8 Multiple Accessory Storage Units, to a maximum of three, may be located on an AG zone, CR zone, P1 zone, P2 zone, C1 zone, C3 zone, and M1 zone parcel, only in the rear yard of the parcel or in an appropriately screened area.

#### **2.15 Attached Suites**

An attached suite must comply with the following regulations:

- .1 A maximum of one (1) attached suite is permitted as an accessory use to the principal single-detached dwelling.





- .2 An attached suite must be serviced from the utilities servicing the principal single-detached dwelling, and shall not be serviced independently.
- .3 The principal single-detached dwelling on the parcel containing the attached suite must be occupied by the owner of the principal single-detached dwelling.
- .4 The attached suite shall have its own separate cooking, sleeping, and bathing facilities.
- .5 The attached suite shall have direct access to the outside without passing through any part of the principal dwelling.
- .6 Attached suites must meet Alberta Building Code requirements.
- .7 One additional off-street parking space must be provided for the attached suite, in addition to the parking requirements for the single-detached dwelling.
- .8 The maximum allowable habitable floor area of an attached suite shall be 110 m<sup>2</sup> (1184 ft<sup>2</sup>) with a maximum of two bedrooms and account for a maximum of 45% of the principal dwelling.
- .9 Attached suites must be considered part of the total building area.

#### **2.16 Home-Based Businesses**

Where permitted within a zone, home-based businesses must comply with the following regulations:

- .1 A home-based business must be owned and operated by the owner of the principal dwelling.
- .2 The owner of the home-based business must reside in the principal dwelling.
- .3 A home-based business may display one sign per parcel, which shall not exceed 0.3 m<sup>2</sup>.
- .4 A home-based business must provide one off-street parking stall.
- .5 Operations of the home-based business must be contained wholly within the principal dwelling or accessory building and will involve no external storage of materials or finished products.
- .6 Home-based businesses must comply with all applicable regulations and Enoch Cree Nation bylaws.
- .7 Receive no materials or products in bulk by commercial vehicles or trailers.
- .8 A home-based business shall occupy no more than 50 m<sup>2</sup> of the principal dwelling or 25% of the gross floor area of the dwelling, whichever is less.
- .9 Business visitors or customers will not exceed the equivalent of 5 full time employees, visitors, or customers per day.



- .10 Business activities must be conducted only between the hours of 8am and 10pm.
- .11 A home-based business must obtain a permit to operate from Enoch Cree Nation.

### **2.17 Home-Based Industries**

Where permitted within a zone, home-based industries must comply with the following regulations:

- .1 A home-based industry must be owned and operated by the owner of the principal dwelling.
- .2 The owner of the home-based industry must reside in the principal dwelling.
- .3 A home-based industry may employ a maximum of two employees, one of whom is the owner of the principal dwelling.
- .4 A home-based industry may display one sign per parcel, which shall not exceed 0.3 m<sup>2</sup>.
- .5 A home-based industry shall occupy no more than 50 m<sup>2</sup> of the principal dwelling or 25% of the gross floor area of the dwelling, whichever is less.
- .6 Operate wholly within the principal dwelling or accessory building, or ensure that activities are appropriately screened by fencing from neighbouring properties.
- .7 Home-based industries must comply with all applicable regulations and Enoch Cree Nation bylaws.
- .8 A home-based industry must provide one off-street parking stall.
- .9 A home-based industry must not produce any offensive noise, vibration, traffic, smoke, dust, odour, glare, heat, or electrical interference.
- .10 A home-based industry must not utilize materials or processes which produce flammable explosive vapours or gases under ordinary temperatures.
- .11 A home-based industry must not receive delivery or removal of materials or products in bulk by commercial vehicles or trailers.
- .12 Business visitors or customers must not exceed the equivalent of 5 full time employees, visitors, or customers per day.
- .13 Home-based industries will only be conducted during the hours of 8am to 10pm.
- .14 A home-based industry must obtain a permit to operate from Enoch Cree Nation.

### **2.18 Apiary**

Where permitted within a zone, every person keeping bees and the owner of any parcel of land on which bees are kept must comply with the following regulations:



- .1 The hive must be located in the rear yard of a parcel.
- .2 A maximum of two colonies of bees may be kept at any time on a parcel.
- .3 A beehive is not permitted within 6.5 m of any parcel line except when:
  - a. The hive is situated 2.5 m or more above the adjacent ground level.
  - b. The hive is situated less than 2.0 m above adjacent ground level and behind a solid fence or hedge 2.0 m or more in height running parallel to any parcel line and extending at least 6.0 m beyond the hive in both directions.

### **2.19 Backyard Hen Enclosures**

Where permitted within a zone, a backyard hen enclosure must comply with the following regulations:

- .1 A backyard hen enclosure must be located in the rear yard of a parcel.
- .2 Backyard hen enclosures must be clearly incidental and secondary to the use of the dwelling for residential purposes, and must be conducted by a resident of the parcel.
- .3 A maximum of three hens may be kept for personal egg consumption.
- .4 Backyard hen enclosures must be located in a backyard and the dwelling unit must be between the backyard hen enclosure and the front parcel line.
- .5 A backyard hen enclosure must only use a pen and a coop as defined by this Bylaw.
- .6 The maximum size of a coop is 8 m<sup>2</sup> in floor area and 3.0 m in height.
- .7 The coop and the pen must be placed at least 2.5 m from the exterior side parcel line, the interior side parcel line and the rear parcel line.

### **2.20 Campground**

Where permitted within a zone, campgrounds must comply with the following regulations:

- .1 Have a minimum parcel size or area of 4,000 m<sup>2</sup> (1 acre) and each campsite must be a minimum of 100 m<sup>2</sup> (1100 ft<sup>2</sup>).
- .2 Have a maximum parcel coverage of 45%, with campsite areas being included in the parcel coverage.
- .3 Provide services for the disposal of all wastewater and human waste generated at the campground.
- .4 Provide one service building for every 20 campsites that is equipped with at least one toilet, one washbasin, one sink, one shower and hot and cold water connections.



Campgrounds may include the following accessory uses:

- .5 Playgrounds, sport fields, outdoor amphitheatres and other similar outdoor recreational and gathering structures.
- .6 One administrative office for use related only to the operation of the campground that has a floor area of no greater than 140 m<sup>2</sup>.

## 2.21 Environmental Standards

The following regulations ensure that environmental standards are kept in order to preserve Enoch Cree Nation land for the benefit of all community members:

- .1 Stripping of vegetation or grading shall require an erosion and sediment control plan and be done in a manner which will minimize soil erosion by ensuring that the extent of the disturbed area and the duration of its exposure is minimized.
- .2 All developments shall be designed to ensure that storm water runoff to adjacent lands or watercourses does not exceed pre-development flows.
- .3 Developments shall not adversely affect traditional plants, noise, air quality, groundwater resources, or disturb natural drainage patterns or watercourses.

## 2.22 Slope Stability

The distances set out in the table below from a steep slope are the required setback from the top of bank as illustrated in **Figure 2.1**.

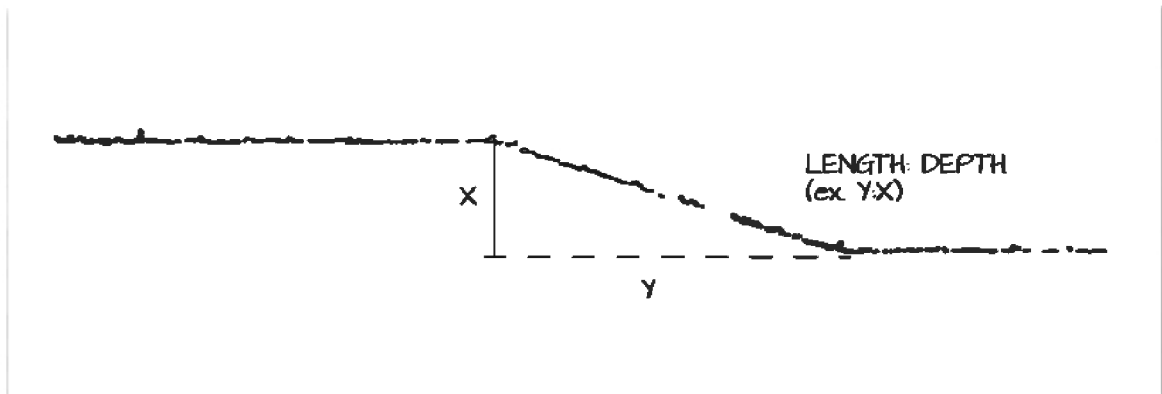
Depth of Slope	Setback Requirement
Less than 7.5 m	15.0 m
Between 7.5 m and 15.0 m	23.0 m
Between 15.0 m and 30.0 m	46.0 m
More than 30.0 m	61.0 m

- .1 If it can be demonstrated that the proposed development will not be placed at undue risk, the suggested setback requirements may be relaxed at the discretion of Council.
- .2 For slope with a smooth and uninterrupted grade, the depth will be considered to be the vertical distance from the valley crest to the toe of the slope, as shown in **Figure 2.1**.



- .3 For slopes which fall in a series of benches, the depth of the bank will be considered as the vertical distance between the valley crest to the toe of the slope of the next adjacent bench.

**Figure 2.1: Slope Depth**



## 2.23 Riparian Protection Area

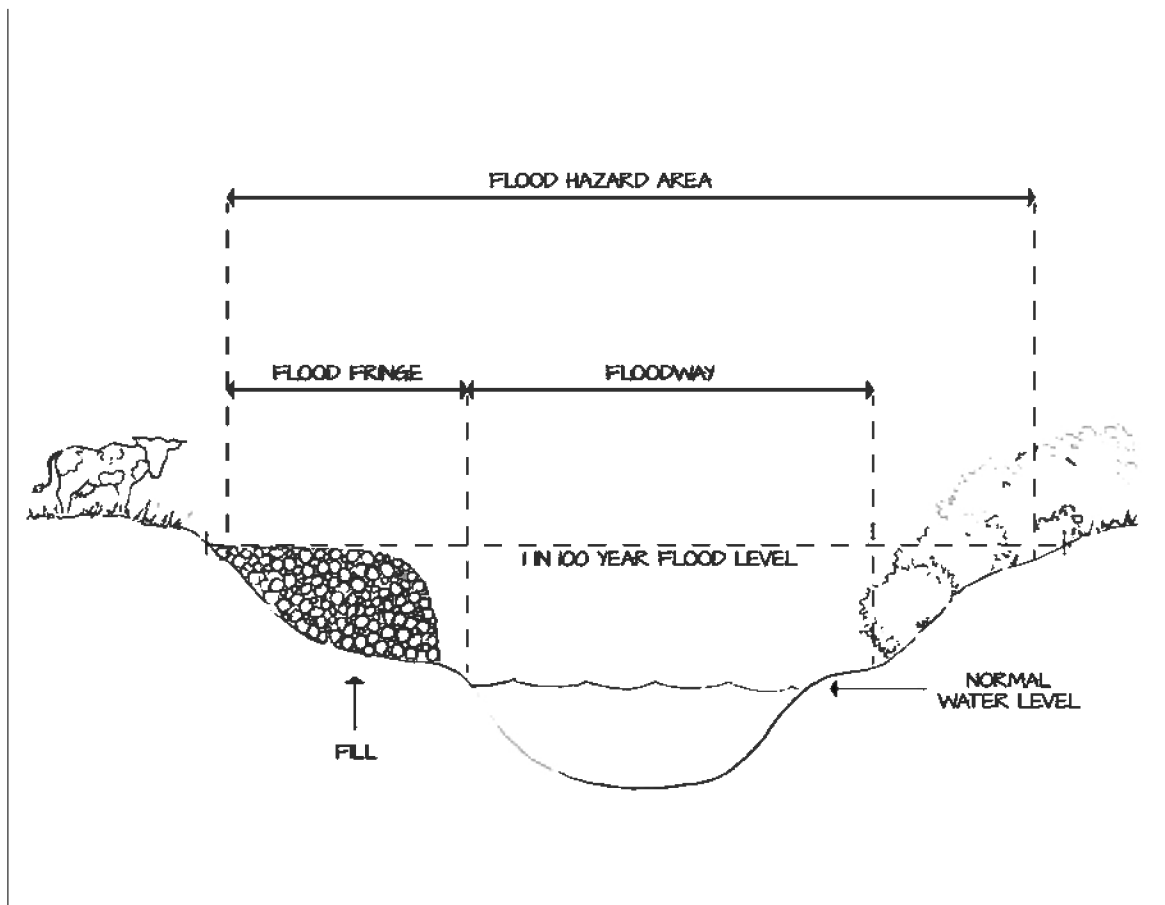
The following regulations ensure that riparian areas are protected in order to preserve the quality of fish habitat and Enoch Cree Nation's natural resources:

- .1 The riparian protection area shall be measured from the municipal top of bank, as determined by a qualified environmental professional or professional land surveyor, as shown in **Figure 2.2**, with a minimum setback of 15.0 m.
- .2 Where an applicant disputes the determination of the riparian protection area, an applicant may submit a report prepared by a qualified professional, to Enoch Cree Nation's satisfaction, to determine the appropriate riparian protection area based on the Department of Fisheries and Ocean's *Land Development Guidelines*.
- .3 If a development setback is required under other section(s) of the Zoning Bylaw that results in a setback greater than the riparian protection area, that greater setback shall prevail.
- .4 No development shall take place in the floodway as shown in **Figure 2.2**, except for the following uses:
  - a. Extensive agriculture that does not include buildings, structures or any obstruction in the floodway.
  - b. Roads, bridges, flood and erosion infrastructure as part of services and utilities carried out on behalf of the Federal, Provincial authorities or Enoch Cree Nation on land that is publicly owned or controlled.



- c. Pathways that are constructed level with the existing natural grades.
  - d. Recreational uses provided there are no buildings, structures or any obstruction in the floodway.
- .5 Replacement of an existing building not involving the construction or placement of fill material below the 1 in 100-year design flood. Replacement or new basements are not included in this provision.

**Figure 2.2: Illustration of Flood Hazard Area**



- .7 Subdivision is prohibited on parcels completely within the floodway.
- .8 Development within the flood fringe (see **Figure 2.2**) shall:
- a. Demonstrate that floor level (including the construction system of the floor) is above the 1 in 100-year design flood. A qualified professional Engineer accredited by APEGA shall provide a detailed site survey and cross section drawings in support of the application.



- b. Have no basements.
  - c. Be flood-proofed. New mechanical, electrical services and equipment shall be designed and installed a minimum of 0.6 m above the 1 in 100-year design flood. New or replacement private sewer systems shall be designed and installed to be flood-proofed.
  - d. Not result in the placement of fill materials where fill materials will be allowed specifically for the use of ensuring that development is above the 1 in 100-year design flood.
  - e. Not include fill materials for the purpose of creating a berm.
- .9 Notwithstanding any other provision in this Zoning Bylaw, all development within the flood fringe is discretionary.



## 3.0 Parking and Loading Regulations

### 3.1 Parking and Storage in Residential Areas

Parking and storage of vehicles outside of a building in the R zones shall be permitted as follows:

- .1 Up to two operating or licensed trucks or commercial vehicles not exceeding 5,000 kg in weight as indicated on a present or past vehicle registration.
- .2 Any dismantled or wrecked automobile, truck, recreational vehicle, trailer or construction equipment for a period of not more than fifteen consecutive days.
- .3 Trucks, commercial vehicles or equipment temporarily required for the ongoing construction, repair and servicing or maintenance of the premises.
- .4 Storing boats, recreational vehicles and trailers are permitted on a parcel as follows:
  - a. One recreational vehicle not exceeding a body length of 14.0 m.
  - b. One trailer not exceeding a body length of 8.0 m.

### 3.2 Vehicle Storage and Non-Operational Equipment

Except where specifically permitted as a provision of this Bylaw, no parcel may be used for:

- .1 The keeping of more than one motor vehicle, other than a farm vehicle or recreational vehicle, which is not completely enclosed in a building or structure and which does not have attached or affixed in the manner prescribed by the *Motor Vehicle Act* regulations:
  - a. Motor vehicle plates for the current license year issued in respect of that vehicle.
  - b. An interim vehicle license issued in respect of that vehicle pursuant to the *Motor Vehicle Act* regulations.
- .2 The keeping of motor vehicle parts, unless contained entirely within a completely enclosed building.
- .3 The wrecking, storage or scrapping of derelict vehicles.
- .4 The use of a vacant lot for storing unlicensed vehicles or vehicle parts.
- .5 The storage of any recreational vehicle on a property for the purpose of using it as a habitable dwelling unit.
- .6 The storage of any vehicle in any setback area other than in a rear parcel line setback area.
- .7 The storage of non-operational equipment.





### **3.3 Off-Street Parking Space Allocation**

The allocation of spaces must conform to the following regulations:

- .1 Off-street parking spaces for residential uses must be located on the same parcel or, only in the case of multi-family buildings and excluding accessible parking, located on another parcel within 40.0 m of the building served.
- .2 Off-street parking spaces for classes of buildings other than residential dwellings or dwelling units may be located on the same parcel or on another parcel within 120.0 m of the building it serves.

### **3.4 Off-Street Parking Requirements**

The following information provides the regulations which must be followed for off-street parking:

- .1 The number of off-street parking spaces for motor vehicles required for any use is calculated according to the following table in which Column I lists the types of uses and Column II indicates the number of required off-street parking spaces that are to be provided for each use listed in Column I.
- .2 In respect of a use permitted under this Bylaw which is not specifically referred to in Column I, the number of off-street parking is calculated on the basis of the requirements for a similar use that is listed in the table.
- .3 When calculating the number of off-street parking spaces to be provided, any fraction as a result of calculating the required amount of spaces must be rounded up to the nearest whole number.
- .4 Where more than one use is located on a parcel the total number of off-street parking spaces to be required shall be the total of the requirements for each use.
- .5 Where more than one use is located in a building the total number of off-street parking spaces required may recognize the mixed use and determine the number of spaces required based on the various portions of the building dedicated to each use.
- .6 Parking requirements for uses in the C2 zone may receive up to a 50% reduction in the off-street parking requirements with the exception of any residential uses, which receive no reduction in off-street parking requirements.



Column I	Column II
Use of a Building or Parcel	Minimum Required Number of Parking Spaces
<b>Residential (Multi-unit)</b>	
Dwelling, Apartment	1.5 parking spaces per dwelling unit (1 visitor parking space per 4 dwelling units)
Dwelling, Duplex	2 parking spaces per dwelling unit (1 visitor parking space per duplex)
Dwelling, Fourplex	2 parking spaces per dwelling unit (1 visitor parking space per fourplex)
Dwelling, Row Housing	1.5 parking spaces per dwelling unit (1 visitor parking space per 4 dwelling units)
Dwelling, Semi-Attached	2 parking spaces per dwelling unit (1 visitor parking space per 2 dwelling units)
Dwelling, Single-Detached	2 parking spaces per dwelling
Dwelling, Townhouse	1.5 parking spaces per dwelling unit (1 visitor parking space per 4 dwelling units)
Home-Based Business	1 parking space in addition to principal dwelling unit requirements
Home-Based Industry	1 parking space in addition to principal dwelling unit requirements
Suite, Attached	1 parking space per dwelling unit in addition to principal dwelling unit requirements
<b>Institutional</b>	
Cemetery	1 parking space per 50 m <sup>2</sup> of cemetery area
Community Facilities	1 parking space per 30 m <sup>2</sup> of floor area
Cultural and Recreational Facilities	1 parking space per 30 m <sup>2</sup> of floor area
Daycare	1 parking space per every 4 children plus 1 parking space per 2 employees
Health and Community Care Services	1 parking space per employee plus 1 parking space per 30 m <sup>2</sup> of floor area
School or College	1 parking space per classroom plus 1 parking space per 2 employees
Other institutional uses not listed	1 parking space per 20 m <sup>2</sup> of principal building floor area
<b>Commercial</b>	
Automobile, Motorcycle and Automobile Parts, Sales and Service	4 parking spaces per service bay or 1 parking space per 50 m <sup>2</sup> , whichever is greater
Big Box Retail	1 parking space per 80 m <sup>2</sup> of floor area



Campground	1 parking space per campsite plus 1 additional parking space per 4 campsites
Car Wash	4 parking spaces per wash bay or 1 parking per 50 m <sup>2</sup> of floor area, whichever is greater
Convenience Retail Services	1 parking space per 20 m <sup>2</sup> of floor area
Restaurant	1 parking space per 5 seats
Commercial Food Establishment	1 parking space per 5 seats or 1 parking space per 20 m <sup>2</sup> , whichever is greater
Gaming Facilities	1 parking space per 20 m <sup>2</sup> of floor area
Gas Station	4 parking spaces per service bay or 1 parking space per 50 m <sup>2</sup> of floor area, whichever is greater
General Commercial Services	1 parking space per 20 m <sup>2</sup> of floor area
Hotel	1 parking space per guest room
Motel	1 parking space per guest room
Liquor Sales/Distribution Services	1 parking space per 20 m <sup>2</sup> of floor area
Cannabinoid Sales/Distribution Services	1 parking space per 20 m <sup>2</sup> of floor area
Personal Health Care Services Establishment	2 parking spaces per exam room, chair or examination table
Professional, Business, and Financial Services	1 parking space per 20 m <sup>2</sup> of floor area
Tire Shop, Including Sales and Repair	4 parking spaces per service bay or 1 parking space per 50 m <sup>2</sup> of floor area, whichever is greater
Other commercial uses not listed	1 parking space per 20 m <sup>2</sup> of floor area
<b>Industrial</b>	
Laydown Yard	1 parking space per 100 m <sup>2</sup> of floor area
Other industrial uses not listed	1 parking space per 90 m <sup>2</sup> of floor area plus 1 parking space per 30 m <sup>2</sup> of floor area of accessory retail and office

### 3.5 Development and Maintenance Standards

The following regulations ensure consistent and standard develop and maintenance standards as they pertain to the indicated zones:

- .1 Regular and heavy truck (vehicles exceeding a gross vehicle weight of 9,100 kg) parking lot designs must be certified by a professional engineer to meet the standards and regulations set out by applicable legislation.



- .2 Off-street parking spaces shall be designed to minimize the backing out of vehicles onto a highway, other than for residentially zoned buildings and uses.
- .3 Adequate provision shall be made for individual access and egress by vehicles to all parking spaces at all times by means of unobstructed maneuvering aisles. Maneuvering aisles of not less than the following widths, as set out in the following table shall be provided.

Parking Angle in Degrees	Minimum Width of Aisle
61° to 90°	7.0 m
46° to 60°	5.0 m
45° or less	4.0 m

- .4 Each off-street parking space shall contain a rectangle measuring a minimum length of 5.5 m by a minimum width of 2.7 m, and for parallel parking the space shall be 7.0 m in length by a minimum width of 2.5 m.
- .5 All parking and loading areas shall be provided with adequate curbs in order to retain all vehicles within such permitted parking areas, and to ensure that required fences, walls, hedges or landscaped areas, as well as any buildings, will be protected from parked vehicles.
- .6 All required parking areas in C zones shall be surfaced with asphalt, concrete or a compacted fine crushed granular material, so as to provide a trafficable surface which is durable and serviceable within 12 months following the occupation of a new structure. Alternative design standards are encouraged to allow for pervious materials to be used. A dirt or loose gravel surface is not acceptable.
- .7 All parking areas shall have individual parking spaces, maneuvering aisles, entrances and exits clearly marked.
- .8 Of the required number of parking spaces provided on a given site, a maximum of 20% may be designed to accommodate small car parking.
- .9 Lighting in parking facilities (covered or open) requiring 20 or more spaces will conform to the standards in the following table.
- .10 Lighting used to illuminate parking facilities shall be arranged so that direct rays of light are not directed or reflected upon adjacent properties.

### 3.6 Accessible Parking Spaces

In an instance where building or use on a parcel requires twenty parking stalls or more, every off-street parking lot or parkade must provide 1% of the required stalls, with a minimum of one stall for the use of persons with physical limitations and 1% of the requires stalls, with a minimum of one stall allocated for and denoted as: 'Elder Parking'. Each stall must be:



- .1 At least 4.0 m in width and at least 8.0 m in length.
- .2 Located as close as possible to a main accessible building entrance.
- .3 Clearly identified for the exclusive use of persons with physical limitations.
- .4 Must be connected to a main accessible building entrance by a paved and smooth path.

### 3.7 Off-Street Loading Requirements

Where allowed in a zone, off-street loading must conform to the following regulations:

- .1 Each off-street loading space required by this Bylaw shall not be less than 9.0 m long, 3.7 m wide or have a vertical clearance of less than 3.7 m.
- .2 In the case of mixed uses, the total requirements for off-street loading facilities will be the sum of the requirements for the various uses computed separately.
- .3 Where a building or structure contains more than one permitted use whose business hours of operation do not overlap, the total requirements for off-street loading facilities shall be the greatest number required for any of the individual uses.
- .4 On every parcel used as a retail store, office, industry, warehouse or other similar use, the minimum number of spaces will be as outlined in the following table.
- .5 On every parcel used as an office building, place of public assembly, hospital, hotel, clubhouse or lodge, auditorium, public utility, school or other similar use, the minimum number of spaces will be as outlined below in the following table.

Column I	Column II
Uses of Building or Parcel	Minimum Loading Spaces Required
<b>All retail stores, businesses, industries, warehouses or similar uses with a floor area:</b>	
.1 Less than 500 m <sup>2</sup>	1
.2 500 m <sup>2</sup> to 2,000 m <sup>2</sup>	2
.3 2,000 m <sup>2</sup> to 5,000 m <sup>2</sup>	3
<b>All office building, place of public assembly, hospital, hotel, clubhouse or lodge, auditorium, public utility, school or other similar use:</b>	
.1 Less than 3,000 m <sup>2</sup>	1
.2 3,000 m <sup>2</sup> to 5,000 m <sup>2</sup>	2
.3 Each additional 5,000 m <sup>2</sup> or portion thereof	1 additional



## 4.0 Establishment of Zones

### 4.1 Zoning Designations

The area within the boundaries of the Enoch Cree Nation is hereby divided into the following zones in Column I and generally described in Column II:

<b>COLUMN I</b>	<b>COLUMN II</b>
<b>Agricultural Zone</b>	<b>Title Elaboration</b>
AG	Agricultural
<b>Residential Zones</b>	
CR	Country Residential
R1	Urban Residential
<b>Commercial Zones</b>	
C1	Entertainment Commercial
C2	Neighbourhood Commercial
C3	Highway Commercial
<b>Industrial Zone</b>	
M1	Industrial
<b>Institutional Zones</b>	
P1	Institutional, Schools and Public Use
P2	Parks and Recreation
P3	Natural and Culturally Significant Area
<b>Direct Control Zone</b>	
DC	Direct Control
<b>Other Zone</b>	
FD	Future Development

### 4.2 Zone Boundaries

The zone boundaries on Schedule A shall be interpreted as follows:

- .1 Where a zone boundary follows a street, lane, railway, pipeline, power line, utility right-of-way, easement, and centerline, unless otherwise clearly indicated on the Zoning Maps.



- .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 a property line, it follows the property line.
- .4 In circumstances not covered above, the zone boundary shall be determined by the scale of the Zoning Maps.

#### **4.3 Permitted and Discretionary Uses in Zones**

This Zoning Bylaw sets out uses that are identified as either “Permitted” or “Discretionary” in each zone. Permitted uses and Discretionary uses in any zone require the owner, occupant or tenant of the property to make an application to Enoch Cree Nation to develop this use on a parcel prior to commencing development, unless otherwise stated in this bylaw. This process is made in order for Enoch Cree Nation to exercise control over development on Enoch Cree Nation IR #135 and 135A, to preserve Enoch Cree Nation’s development vision, and for the safety and well-being of the community.



## 5.0 Agricultural – AG

### 5.1 Purpose

To permit agricultural production and related farming activities while providing limited opportunity for compatible non-farm related land uses.

### 5.2 Permitted Uses

The following uses are permitted in AG zone:

- .1 Agriculture, Extensive
- .2 Apiary
- .3 Backyard Hen Enclosure
- .4 Dugout
- .5 Dwelling, Single-Detached
- .6 Kennel
- .7 Home-Based Business
- .8 Home-Based Industry
- .9 Mobile Home
- .10 Passive Recreation
- .11 Riding Arena
- .12 Solar Collector, Minor
- .13 Suite, Attached
- .14 Wind Energy Conversion System, Minor
- .15 Accessory Building
- .16 Accessory Storage Unit

### 5.3 Discretionary Uses

The following uses are permitted on a discretionary basis in AG zone:

- .1 Agriculture, Intensive
- .2 Campground





- .3 Extensive Livestock Development
- .4 Natural Resource Extraction/Processing
- .5 RV Storage
- .6 Solar Collector, Major
- .7 Telecommunications Tower
- .8 Wind Energy Conversion System, Major
- .9 Outdoor Storage Facilities
- .10 Cannabinoid Agriculture

#### 5.4 Regulations

On a parcel located in an area zoned as AG, 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	8.0 ha (20 acres)
.2 Maximum number of dwellings per parcel	2 dwellings
.3 Maximum number of dwelling units per parcel	3 dwelling units
.4 Minimum frontage	185.0 m
.5 Minimum setback from parcel lines for principal building and accessory building:	
a. Front parcel line	15.0 m
b. Rear parcel line	15.0 m
c. Side parcel line	15.0 m
.6 Maximum parcel coverage (all buildings)	30%
.7 Minimum principal building size	70 m <sup>2</sup>

#### 5.5 Conditions of Use

- .1 Adequate fencing and/or buffering shall be constructed to the satisfaction of Enoch Cree Nation to ensure the on-site confinement of animals and to reduce the impact of noise or visual presence on surrounding properties.
- .2 Mobile homes are permitted in this AG zone.



- .3 Posting of a bond or letter of credit in an amount sufficient to remediate the parcel or adjacent parcels may be required as a condition of use.



## 6.0 Country Residential – CR

### 6.1 Purpose

The purpose of this zone is to facilitate the development of single dwelling unit residential houses on larger parcels.

### 6.2 Permitted Uses

The following uses shall be permitted in the CR Zone:

- .1 Apiary
- .2 Backyard Hen Enclosure
- .3 Dwelling, Single-Detached
- .4 Home-Based Business
- .5 Kennel
- .6 Park
- .7 Solar Collector, Minor
- .8 Suite, Attached
- .9 Wind Energy Conversion System, Minor
- .10 Accessory Building
- .11 Accessory Storage Unit

### 6.3 Discretionary Uses

The following uses shall be permitted on a discretionary basis in the CR Zone:

- .1 Dugout
- .2 Dwelling, Duplex
- .3 Dwelling, Semi-Attached
- .4 Solar Collector, Major
- .5 Home-Based Industry
- .6 Wind Energy Conversion System, Major



#### 6.4 Regulations

On a parcel located in an area zoned as CR, 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	0.4 ha (1 acre)
.2 Maximum parcel size	8.0 ha (20 acres)
.3 Minimum frontage	30.0 m
.4 Maximum number of dwellings per parcel	1 dwelling per parcel
.5 Maximum number of dwelling units per parcel	2 dwelling units per parcel
.6 Minimum setback from parcel lines for principal building and accessory building:	
a. Front parcel line	15.0 m
b. Rear parcel line	7.5 m
c. Interior side parcel line	15.0 m
.7 Maximum parcel coverage (all buildings)	40%
.8 Minimum principal building size	70 m <sup>2</sup>

#### 6.5 Conditions of Use

- .1 These parcels would have their own on-site septic system and individual cistern or well-water systems.
- .2 Notwithstanding the minimum parcel size, any parcel of land zoned CR must be able to support an individual cistern or well-water system, on-site septic system along with a replacement septic field.
- .3 Mobile homes are not permitted in this CR zone.



## 7.0 Urban Residential – R1

### 7.1 Purpose

The purpose of this zone is to facilitate the development of a variety of residential development options as identified in the *ILUP* and *Village Area Structure Plan* in order to accommodate a growing population. This zone further aims to facilitate easy access between residential, institutional, and commercial areas.

### 7.2 Permitted Uses

The following uses are permitted in the R1 zone:

- .1 Backyard Hen Enclosure
- .2 Dwelling, Duplex
- .3 Dwelling, Fourplex
- .4 Dwelling, Row Housing
- .5 Dwelling, Semi-Attached
- .6 Dwelling, Single-Detached
- .7 Dwelling, Townhouse
- .8 Dwelling, Triplex
- .9 Home-Based Business
- .10 Solar Collector, Minor
- .11 Suite, Attached
- .12 Accessory Building

### 7.3 Discretionary Uses

The following uses are permitted on a discretionary basis in the R1 zone:

- .1 Dwelling, Apartment



#### 7.4 Regulations

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 density	20 dwelling units per ha
.2 Minimum parcel size	550 m <sup>2</sup> (5900 ft <sup>2</sup> )
.3 Minimum frontage	20.0 m
.4 Minimum setback of principal building and accessory building:	
a. Front parcel line	4.0 m
b. Interior side parcel line	1.5 m
c. Rear parcel line	3.0 m
d. Exterior side parcel line	3.0 m
.5 Maximum parcel coverage (all buildings)	60%
.6 Minimum principal building size	60 m <sup>2</sup>

#### 7.5 Conditions of Use

- .1 All dwelling units in the R1 zone must be serviced by a community water system and community sewer system.
- .2 Backyard hen enclosures are only permitted in the rear yard of a parcel with a single-detached dwelling.
- .3 Mobile homes are not permitted in this R1 zone.



## 8.0 Entertainment Commercial – C1

### 8.1 Purpose

The purpose of this zone is to promote the development of land uses that supports the growth of tourism and entertainment services on Enoch Cree Nation lands.

### 8.2 Permitted Uses

The following uses are permitted in the C1 zone.

- .1 Community Hall
- .2 Gaming Facility
- .3 Movie Theater
- .4 Concert Venue
- .5 Convention Venue
- .6 Resort
- .7 Restaurant
- .8 Accessory Storage Unit

### 8.3 Discretionary Uses

The following are discretionary uses permitted in the C1 zone.

- .1 Adult Entertainment and Body Rub Services
- .2 Liquor Store
- .3 Cannabinoid Sales/Distribution Services

### 8.4 Regulations

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	450 m <sup>2</sup> (4800 ft <sup>2</sup> )
.2 Minimum frontage	15.0 m
.3 Minimum setback from parcel lines for principal building: a. Front parcel line b. Rear parcel line c. Interior side parcel line d. Exterior side parcel line	8.0 m 5.0 m 5.0 m 2.0 m
.4 Maximum parcel coverage (all buildings)	70%





## 9.0 Neighbourhood Commercial – C2

### 9.1 Purpose

To provide space for smaller scale commercial buildings which serve the surrounding neighbourhood.

### 9.2 Permitted Uses

The following uses are permitted in the C2 zone:

- .1 Animal Grooming
- .2 Automobile, Motorcycle and Automobile Parts, Sales and Service
- .3 Commercial Food Establishment
- .4 Commercial Laundry Establishment
- .5 Daycare
- .6 General Commercial Services
- .7 Personal and Health Care Services Establishment
- .8 Printing and Media Services
- .9 Professional, Business, and Financial Services
- .10 Post Office
- .11 Restaurant
- .12 Accessory Building

### 9.3 Discretionary Uses

The following uses are permitted on a discretionary basis:

- .1 Liquor Store
- .2 Cannabinoid Sales/Distribution Services
- .3 Adult Entertainment and Body Rub Services

### 9.4 Regulations



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	550 m <sup>2</sup> (5900 ft <sup>2</sup> )
.2 Minimum frontage	15.0 m
.3 Minimum setback from parcel lines for principal building:	
a. Front parcel line	1.0 m
b. Rear parcel line	2.0 m
c. Interior side parcel line	1.0 m
d. Exterior side parcel line	2.0 m
.4 Maximum parcel coverage (all buildings)	90%

#### 9.5 Conditions of Use

- .1 Principal buildings on land zoned neighbourhood commercial shall be serviced by community water and sewer systems.



## 10.0 Highway Commercial – C3

### 10.1 Purpose

The purpose of this zone is to regulate commercial uses along highways that may take a variety of formats and are dependent on good highway access and visibility. Regulation is intended to ensure that Enoch Cree Nation effectively leverages the economic development potential of this land.

### 10.2 Permitted Uses

The following uses are permitted in the C3 zone:

- .1 Automobile, Motorcycle and Automobile Parts, Sales and Service
- .2 Car Wash
- .3 Commercial Food Establishment
- .4 Convenience Retail Services
- .5 Distribution Centre
- .6 Garden and Nursery Supply
- .7 Gas Station
- .8 General Commercial Services
- .9 Hotel
- .10 Indoor Storage Facilities
- .11 Manufactured Home Sales, Service and Storage
- .12 Motel
- .13 Personal and Health Care Services Establishment
- .14 Professional, Business and Financial Services
- .15 Restaurant
- .16 Solar Collector, Minor
- .17 Tire Shop, Including Sales and Repair
- .18 Towing Service
- .19 Truck Stop
- .20 Wholesale or Warehousing
- .21 Wind Energy Conversion System, Minor



- .22 Accessory Building
- .23 Accessory Storage Unit

**10.3 Discretionary Uses**

The following uses are permitted on a discretionary basis:

- .1 Big Box Retail
- .2 Cardlock Facility
- .3 Solar Collector, Major
- .4 Liquor Sales/Distribution Services
- .5 Cannabinoid Sales/Distribution Services
- .6 Adult Entertainment and Body Rub Services
- .7 Wind Energy Conversion System, Major

**10.4 Regulations**

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	1,800 m <sup>2</sup> (0.4 acre)
.2 Minimum frontage	20.0 m
.3 Minimum setback from parcel lines for principal building:	
a. Front parcel line	6.0 m
b. Rear parcel line	5.0 m
c. Exterior side parcel line	2.0 m
d. Interior side parcel line	2.0 m
.4 Maximum parcel coverage (all buildings)	75%

**10.5 Conditions of Use**

- .1 Posting of a bond or letter of credit in an amount sufficient to remediate the parcel or adjacent parcels may be required as a condition of use.



## 11.0 Industrial – M1

### 11.1 Purpose

The purpose of this zone is to provide land for industrial activities to promote this type of development while ensuring that activities do not negatively impact activity in other zones with noise or air pollution.

### 11.2 Permitted Uses

The following uses are permitted in the M1 zone:

- .1 Automobile, Motorcycle and Automobile Parts, Sales and Service
- .2 Distribution Centre
- .3 Indoor Storage Facilities
- .4 Laydown Yard
- .5 Manufacturing
- .6 Trade Office
- .7 Accessory Building
- .8 Accessory Storage Unit

### 11.3 Discretionary Uses

The following uses are discretionary in the M1 zone:

- .1 Natural Resource Extraction/Processing
- .2 Outdoor Storage Facilities

### 11.4 Regulations

On a parcel located in an area zoned as M1, 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	1,800 m <sup>2</sup> (0.4 acre)
.2 Minimum frontage	15.0 m



COLUMN I	COLUMN II
.3 Minimum setback from parcel lines for principal building: a. Front parcel line b. Rear parcel line c. Interior side parcel line d. Exterior side parcel line	12.0 m 5.0 m 3.0 m 3.0 m

**11.5 Conditions of Use**

- .1 Any M1 parcel that abuts an R zone must provide a buffer of at least 5.0 m in width and which is designed to mitigate noise and aesthetics.
- .2 Posting of a bond or letter of credit in an amount sufficient to remediate the parcel or adjacent parcels may be required as a condition of use.



## 12.0 Institutional, Schools and Public Use – P1

### 12.1 Purpose

The purpose of this zone is to provide a space for institutional, administrative, and facilities for the community of Enoch Cree Nation. They are designed to be located in order to provide accessibility to all members of Enoch Cree Nation, and integrated into the Village area as per the *Village Area Structure Plan*.

### 12.2 Permitted Uses

The following uses are permitted in the P1 zone:

- .1 Cemetery
- .2 Community Facilities
- .3 Community Garden
- .4 Cultural and Recreational Facility
- .5 Daycare
- .6 Emergency and Protective Services
- .7 Health and Community Care Services
- .8 Park
- .9 Public Works Office and Yard
- .10 Retreat Centre
- .11 School or College
- .12 Solar Collector, Minor
- .13 Accessory Building
- .14 Accessory Storage Unit

### 12.3 Discretionary Uses

The following uses are permitted on a discretionary basis in the P1 zone:

- .1 Convenience Retail Services
- .2 Solar Collector, Major
- .3 Telecommunications Tower



## 12.4 Regulations

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	550 m <sup>2</sup> (5900 ft <sup>2</sup> )
.2 Minimum frontage	13.0 m
.3 Minimum setback from parcel lines for principal building and accessory building:	
a. Front parcel line	3.0 m
b. Rear parcel line	1.5 m
c. Interior side parcel line	1.5 m
d. Exterior side parcel line	3.0 m
.4 Maximum parcel coverage (all buildings)	60%

## 12.5 Conditions of Use

- .1 All principal buildings in P1 zone must be serviced by appropriate onsite water and septic system or community water and sewer system.





## 13.0 Parks and Recreation – P2

### 13.1 Purpose

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

### 13.2 Reserve 135A

All lands located in Reserve 135A are P2 lands.

### 13.3 Permitted Uses

The following uses are permitted in the P2 zone:

- .1 Apiary
- .2 Community Garden
- .3 Cultural and Recreational Facility
- .4 Park
- .5 Recreation, Passive
- .6 Solar Collector, Minor
- .7 Wind Energy Conversion System, Minor
- .8 Accessory Building
- .9 Accessory Storage Unit

### 13.4 Discretionary Uses

The following uses will be allowed on a discretionary basis in the P2 zone:

- .1 Solar Collector, Major

### 13.5 Regulations

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	400 m <sup>2</sup> (4300 ft <sup>2</sup> )
.2 Minimum frontage	15.0 m
.3 Minimum setback from parcel lines for principal building and accessory building: a. Front parcel line b. Rear parcel line c. Interior side parcel line d. Exterior side parcel line	7.0 m 8.0 m 1.5 m 3.0 m



## 14.0 Natural and Culturally Significant Area – P3

### 14.1 Purpose

The purpose of this zone is to identify and protect areas from development because of the value to the community for its existing traditional use plants, environmental significance, cultural grounds, sacred sites, heritage and/or open space.

### 14.2 Regulations

- .1 Enoch Cree Nation reserves the right to prohibit access to any part of a P3 zone if deemed necessary for the sake of environmental or cultural conservation.



## 15.0 Direct Control – DC

### 15.1 Purpose

Due to the danger of active munitions and hazardous material within Enoch Cree Nation IR #135, access is restricted to the area surrounding the Yekau Wetland Complex. This area of IR #135 historically formed part of the Yekau Lake British Commonwealth Air Training Program Practice Bomb Range (YL BCATPPBR). The Direct Control designation provides the opportunity for detailed, sensitive control of the use, development, monitoring, and disturbance of the land.

### 15.2 Conditions of Use

- .1 No permitted uses or discretionary uses are identified for DC zone pending further investigation and potential remediation.



## 16.0 Future Development – FD

### 16.1 Purpose

The purpose of this zone is to identify lands for potential future development. The *Integrated Land Use Plan* and any Area Structure Plans identify objectives and future directions for development of these lands.

### 16.2 Permitted Uses

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

- .1 Open Space

### 16.3 Regulations

- .1 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.



## 17.0 Basic Provisions

### 17.1 Purpose

The purpose of this Zoning Bylaw is to provide the regulatory support needed to implement the *Integrated Land Use Plan* and relevant Area Structure Plans in order to:

- .1 Designating the Enoch Cree Land IR #135 and #135A into zones where certain types of development and land uses are permitted.
- .2 Providing direction on site planning issues such as the location of main buildings and accessory buildings on a parcel of land.
- .3 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.
- .4 To integrate the use of this Bylaw into other relevant policies and ensure consistency between these policies.

### 17.2 Application

This Bylaw applies to all land, buildings and structures including the surface of water within the legal boundaries of the Enoch Cree Nation IR #135 and #135A as shown on Schedule A and B (Zoning Bylaw Maps).

### 17.3 Conformity

Land, including the surface of water, must not be used and buildings and structures must not be constructed, altered, located or used except as specifically permitted in this Bylaw.

### 17.4 Severability

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

### 17.5 Measurements

All dimensions and other measurements in this Bylaw are expressed in the Standard International Units (Metric) System. Imperial Units are provided in the case of parcel sizes for information only.



### **17.6 Applicable Regulations**

Where this Bylaw sets out both general and specific regulations that could apply to a situation, the specific regulation shall apply.

### **17.7 Compliance with Other Legislation**

In addition to this Bylaw, a person is responsible for ascertaining and complying with requirements of all other applicable Enoch Cree Nation bylaws or other regulations.



## 18.0 Administration & Enforcement

### 18.1 Inspection

The persons designated as bylaw enforcement officers, the building inspector, or other officers of the Enoch Cree Nation, who may be appointed by Council, are hereby authorized to enter, at all reasonable times, any day of the week, on any property that is subject to regulations under this Bylaw to ascertain whether the provisions of this Bylaw are being adhered to. In addition to the authority to enter, said persons are authorized to use technology to inspect including satellite imagery or drone imagery.

### 18.2 Authority

This Bylaw is implemented pursuant to Enoch Cree Nation's right to govern its lands pursuant to sections 81(1)(g)(h) of the *Indian Act*.

### 18.3 Application/Subject Area

This Bylaw applies to the entire geographical area of the Enoch Cree Nation Reserve #135 and #135A and to all land, buildings and structures including the surface of water within that area.

### 18.4 Violation

Any person who violates the Zoning Bylaw will be deemed to be guilty of an offence under this Bylaw. This includes an individual who:

- .1 Violates any provision of this Bylaw.
- .2 Causes or permits any act or thing to be done in contravention or violation of any of the provisions of this Bylaw.
- .3 Neglects or omits to do anything required under this Bylaw.
- .4 Carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this Bylaw.
- .5 Fails to comply with an order, direction or notice given under this Bylaw.
- .6 Prevents or obstructs or attempts to prevent or obstruct the authorized entry of an officer onto.

### 18.5 Offences and Penalties





- .1 Every person who violates any provisions of this Bylaw or who suffers or permits any act or thing to be done in contravention of this Bylaw, or who refuses, omits, or neglects to fulfill, observe, carry out, or perform any duty or obligation imposed by the Bylaw is liable upon summary conviction, to a fine and penalty not to exceed \$1,000, or imprisonment for a term not exceeding 30 days, or both.
- .2 Any Court of competent jurisdiction may make an order for injunctive or mandamus relief at the instance of Council.
- .3 Each day during which an offence against this Bylaw is continued, it will be deemed to constitute a new and separate offence.
- .4 The penalties imposed will be in addition to and not in substitution for any other penalty or remedy imposed by this Bylaw.

#### **18.6 Prohibition**

Uses not listed in respect of a particular zone are prohibited.

#### **18.7 Compliance with Other Restrictions**

Provisions in this Bylaw shall not reduce or mitigate any need to comply with existing policies, laws, and bylaws adopted Enoch Cree Nation. In addition, provisions in this Bylaw shall not reduce or mitigate any restrictions or regulations lawfully imposed by the Government of Canada, the Province of Alberta, or any other governmental authority having jurisdiction to make such restrictions or regulations.

#### **18.8 Non-compliance with Siting, Size, and Shape Requirements**

A building existing at the time of adoption of this Bylaw that fails to comply with the requirements relating to siting, size and shape must not be altered or extended unless such alterations or extensions are in accordance with the requirements of this Bylaw.



**18.9 Amendments**


Historical amendments to this Bylaw:

<b>Date Of Amendment:</b>	<b>Section to Be Amended:</b>	<b>Amendment:</b>



**THIS BY-LAW IS HEREBY** enacted at a duly convened meeting of the Council of the Enoch Cree Nation this 26th day of April, 2018.

Signed by the following members of Council:

  
\_\_\_\_\_  
Chief William Morin

  
\_\_\_\_\_  
( Councilor )  
Kelly Morin

\_\_\_\_\_  
( Councilor )  
Shane Morin


\_\_\_\_\_  
( Councilor )  
Lyle Morin


  
\_\_\_\_\_  
( Councilor )  
Lorna Morin

\_\_\_\_\_  
( Councilor )  
Nola Wanuch

  
\_\_\_\_\_  
( Councilor )  
Michelle Wilsdon

\_\_\_\_\_  
( Councilor )  
John Thomas

  
\_\_\_\_\_  
( Councilor )  
Shane Peacock

  
\_\_\_\_\_  
( Councilor )  
Amanda Morin

being the majority of those members of the Council of the Enoch Cree Nation present at a duly called meeting of the Council.



**SCHEDULE A**  
**ZONING BYLAW MAP**



Schedule A

Enoch Cree First Nation  
Zoning Bylaw Map  
IR135

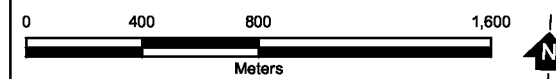
○ Reserve Boundary

■ Houses

Zoning

- Agricultural (AG)
- Country Residential (CR)
- Urban Residential (R1)
- Entertainment Commercial (C1)
- Neighbourhood Commercial (C2)
- Highway Commercial (C3)
- Industrial (M1)
- Institutional (P1)
- Parks and Recreation (P2)
- Natural and Culturally Significant Area (P3)
- Sand Hills Direct Control (DC1)
- Yakau Lake Direct Control (DC2)
- Future Development (FD)

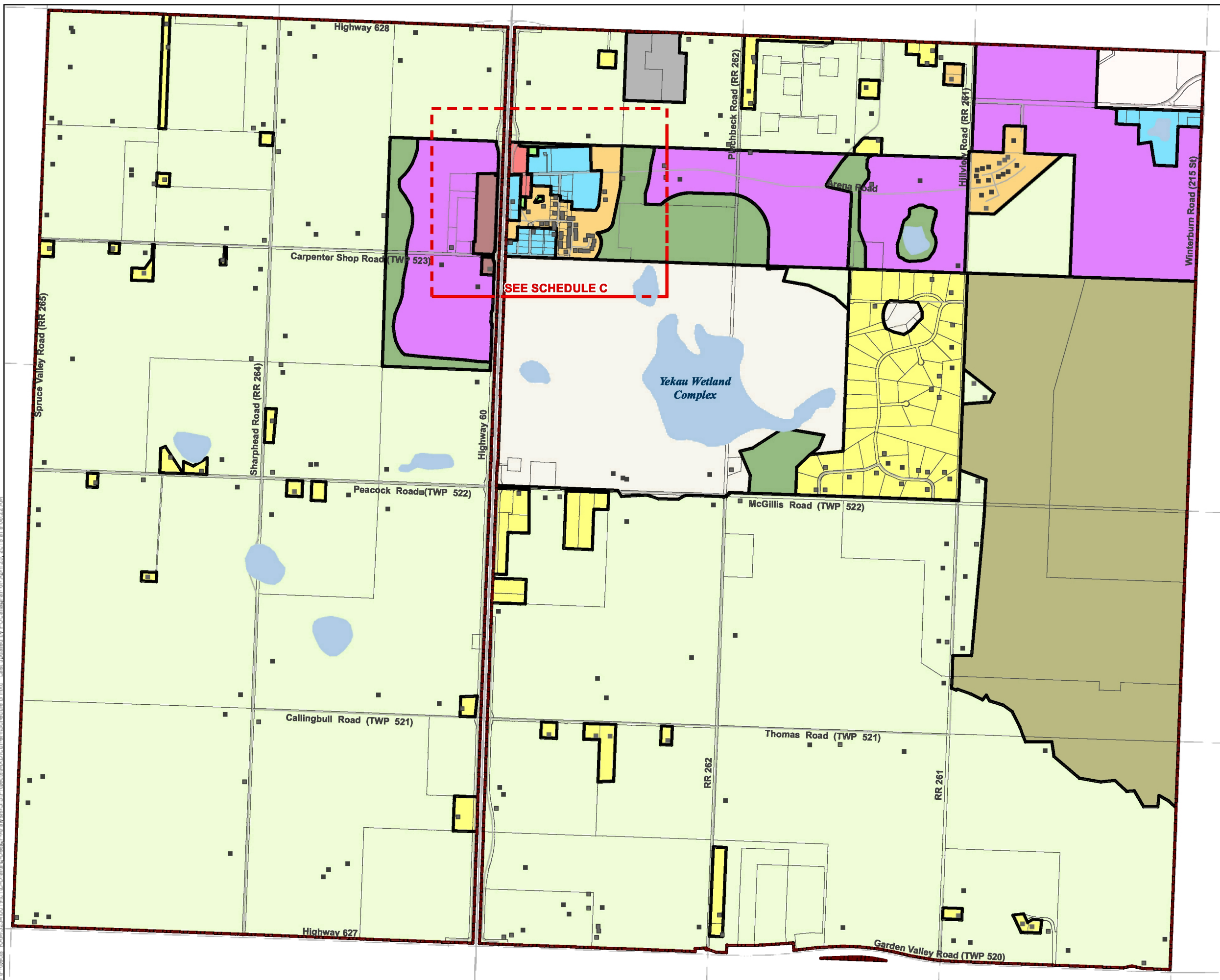
BYLAW NO.	AMENDMENTS	DATE



Coordinate System:  
NAD 1983 CSRS UTM Zone 12N

Data Sources:  
- Enoch Cree Nation

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.



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**SCHEDULE B**  
**ZONING BYLAW MAP – VILLAGE SITE**

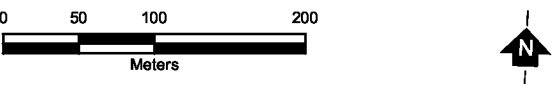


Schedule B

Enoch Cree First Nation  
Zoning Bylaw Map  
IR135 - Village Site

- Reserve Boundary
- Houses
- Zoning**
- Agricultural (AG)
- Country Residential (CR)
- Urban Residential (R1)
- Entertainment Commercial (C1)
- Neighbourhood Commercial (C2)
- Highway Commercial (C3)
- Industrial (M1)
- Institutional (P1)
- Parks and Recreation (P2)
- Natural and Culturally Significant Area (P3)
- Sand Hills Direct Control (DC1)
- Yakau Lake Direct Control (DC2)
- Future Development (FD)

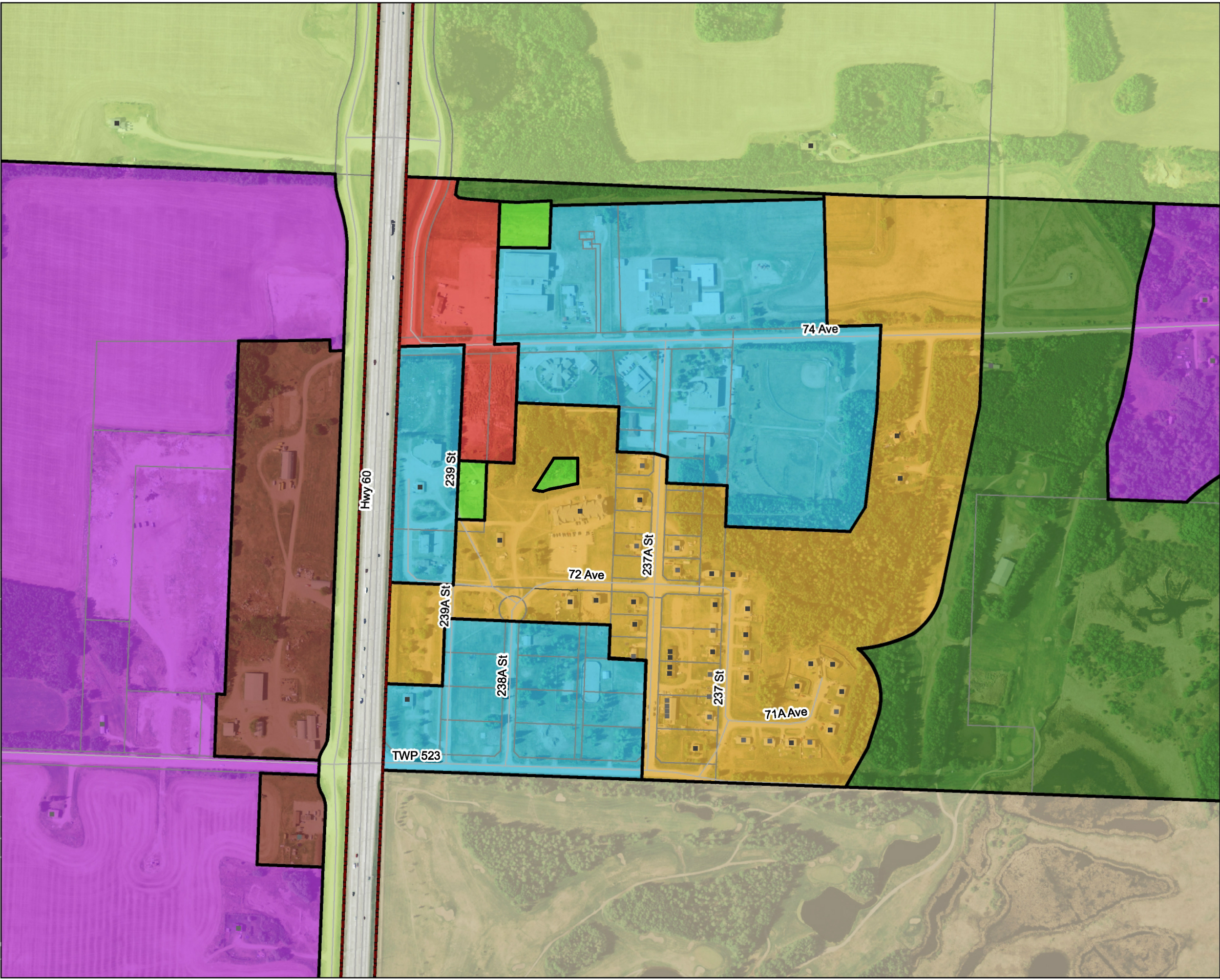
BYLAW NO.	AMENDMENTS	DATE



Coordinate System:  
NAD 1983 CSRS UTM Zone 12N

Data Sources:  
- Base data provided by Enoch Cree Nation.

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.



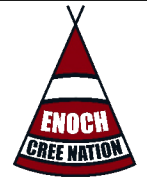
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**SCHEDULE C**  
**ZONING BYLAW MAP – RESERVE #135A**



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**Schedule C**

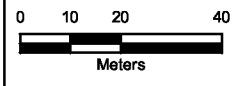
**Enoch Cree First Nation  
Zoning Bylaw Map  
IR135A**

 Reserve Boundary

**Zoning**

 IR135A Direct Control (DC3)

BYLAW NO.	AMENDMENTS	DATE



Coordinate System:  
NAD 1983 CSRS UTM Zone 12N

Data Sources:  
- Base data provided by Enoch Cree Nation.  
- Imagery provided by Bing.

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