

SQUAMISH INDIAN BAND COUNCIL

ZONING AMENDMENT BY-LAW NO. 1, 2014

A By-law to expand the marina zone to apply to certain Reserve Lands, clarify permitted uses within the marina zone, and to permit float homes to be located on the marina zone

WHEREAS the Band Council of the Squamish Indian Band deems it to be in the best interests of the Squamish Nation to amend Squamish Indian Band Zoning By-law No. 6 1972 to expand the marina zone to apply to certain Reserve Lands, clarify permitted uses within the marina zone and to permit float homes to be located on the marina zone.

9th

NOW THEREFORE the Band Council of the Squamish Indian Band at a duly convened meeting of the Band Council assembled on the 3rd day of December, 2014, hereby enacts, pursuant to section 81(1) of the *Indian Act*, R.S.C. 1985, Chapter I-5, as a By-law the following:

1. Paragraph 14 of the Squamish Indian Band Zoning By-law No. 6, 1972, as amended to the date of this By-law, is replaced with the following:

“14. **Marina zone**

Interpretation

- 14.1 In this paragraph 14, unless the context otherwise requires:

“boat shed” means any floating structure used or intended to be used for the shelter or accommodation of vessels, including live aboards, a portion of which may be used as an office;

"building" means any structure used or intended to be used for the shelter, accommodation, assembly or storage of persons, animals, goods or chattels;

"breakwater" means any floating or fixed structure used or intended to be used to reduce or dampen waves or swells created by wind, tides, marine traffic or other causes;

“community use” means lands and buildings used by the administration and operations of the Squamish Nation including offices, works yards, and recreational facilities;

“float home” means a floating structure which is designed and built to be used, or is modified to be used, as a stationary waterborne residential single family dwelling, which may include up to 15% of the area of the float home as office use;

“light industrial use” means building, manufacturing, assembly and storage operations contained within an enclosed building;

“live aboards” means vessels occupied as residential dwellings from more than 60 days per

year;

"marina manager" means that person employed by the Squamish Indian Band or any entity owned and controlled by the Squamish Indian Band to manage the operations of the marina business carried on within the marina zone;

"marina zone" means those areas within which this By-law has application as provided in subparagraph 14.2;

"structure" means anything that is built, constructed, or erected the use of which or presence thereof requires location on the ground or attachment to something having a location on the ground or, in the case of floating structures, requires anchoring to the ocean floor or attachment to a structure so anchored, and shall include all types of boat, ships, and similarly named vessels;

"use" means the purpose or function to which land, buildings, vessels, or structures are put;

"vessel" means all types of boat, ships, and similarly named objects including barges, but excluding float homes, aircraft and aircraft shelters;

"wharf" means any floating or fixed structure used or intended to be used for the moorage of vessels, float homes or floating structures.

Application

14.2 The provisions of this paragraph 14 shall apply to:

- (a) that portion of Mission Indian Reserve No.1 shown in yellow crosshatching on the plan annexed to this By-law as Schedule "A"; and
- (b) that portion of Seymour Creek Indian Reserve No. 2 shown in yellow crosshatching on the plan annexed to this By-law as Schedule "B".

Non-Conforming Use

- 14.3 A use that was non-conforming or unlawful under paragraph 3 of this By-law shall continue to be non-conforming or unlawful, unless it complies in every respect with the provisions of this paragraph 14.
- 14.4 No building or structure shall be placed, constructed, reconstructed, altered, moved or extended so as to render such building or structure or any other building or structure non-conforming.

Permitted Uses of Land, Building and Structures

- 14.5 The use of land including the surface of water, of buildings, and of structures, within the marina zone shall be in accordance with the permitted uses specified in this paragraph 14.
- 14.6 The marina zone may only be used for the following purposes:

- (a) operation of a marina, including:
 - (i) moorage of vessels, float homes, floating structures, boat sheds and live-aboards to wharves;
 - (ii) marine fuel sales;
 - (iii) dry storage of vessels; and
 - (iv) placing of breakwaters;
- (b) operation of marine-related businesses, including:
 - (i) boat brokerages;
 - (ii) boat building and repair facilities; and
 - (iii) retail sale of light equipment and materials for the repair and maintenance of boats or marine related activities;
- (c) operation of restaurants and banquet facilities, including those located on structures or vessels;
- (d) community uses;
- (e) light industrial uses; and
- (f) parking of motor vehicles.

Construction of Buildings

- 14.7 Except as provided in subparagraph 14.9, the placing, construction or reconstruction of buildings or structures within the marina zone is prohibited.
- 14.8 Except as provided in subparagraph 14.9, the moving or alteration of existing buildings or structures within the marina zone is prohibited.

Marina Manager

- 14.9 To allow for the efficient day to day operations of a marina business, the movement of vessels and the movement, placing, construction and reconstruction of wharves, structures, float homes and boat sheds under the direction of the marina manager shall be deemed not to constitute a breach of this paragraph 14.

Amendment

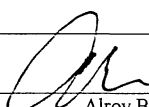
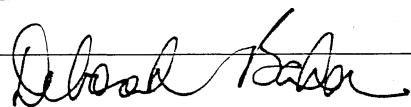
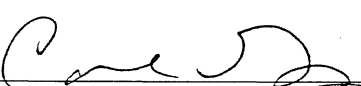

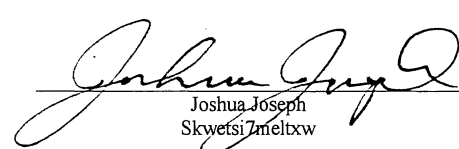
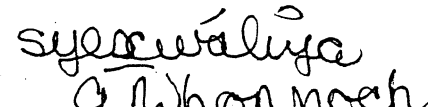

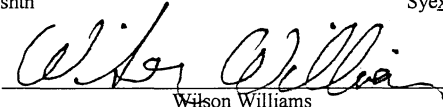
- 14.10 The lawful holder of an interest in land within the marina zone may make application for the amendment of this By-law in the manner provided in paragraph 6 of this By-law.

Penalty

14.11 Every person who violates or causes or allows to be violated any provisions of this paragraph 14 is guilty of an offence and shall be subject to the proceedings and penalties provided for in paragraph 7 of this By-law."

2. If, and to the extent only that, there is any conflict between any provision of this By-law and any provision or provisions of Squamish Indian Band Zoning By-law No. 6, 1972, as amended to the date of this By-law, the provision or provisions of this By-law shall govern.
3. This By-law may be cited for all purposes as Squamish Indian Band Council Zoning Amendment By-law No. 1, 2014.



APPROVED AND PASSED at a duly convened meeting of the Band Council of the Squamish Band of Indians this 3rd day of December, 2014

A QUORUM OF SQUAMISH NATION COUNCIL CONSISTS OF 3 COUNCILLORS	SQUAMISH NATION COUNCIL 320 SEYMOUR BLVD MEETING HELD AT: NORTH VANCOUVER B. C.	
	DATED:	
	MOVED BY:	SECONDED BY
<div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  Alroy Baker K'etximtñ </div> <div style="text-align: center;">  Deborah Baker K'ana </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Richard E. Baker Kasalus </div> <div style="width: 30%;"> Veronica Baker Tiyaltenaat </div> <div style="width: 30%;"> Chief Ian Campbell Xalek/Sekyú Siyam </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;">  Carla George Kwitelut/Kwelaw'ikw </div> <div style="width: 30%;"> Krisandra Jacobs </div> <div style="width: 30%;">  Byron Joseph Ts'élkwilem Siyam </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Dennis Joseph Xwechtáal </div> <div style="width: 30%;">  Joshua Joseph Skwetsi Tmeltxw </div> <div style="width: 30%;"> Christopher Lewis Syetáxtñ </div> </div>		
<div style="display: flex; justify-content: space-between;"> <div style="width: 30%;"> Danielle Mellish </div> <div style="width: 30%;"> Anthony Moody Tsetsimshtñ </div> <div style="width: 30%;">  Ann Whonnock Syexwáliya </div> </div>		
<div style="display: flex; justify-content: space-around; align-items: flex-end;"> <div style="text-align: center;">  Chief Richard Williams Xwélxwelacha Siyam </div> <div style="text-align: center;">  Wilson Williams </div> </div>		



Mission IR No. 1

Legend

-  Marina Zone
Zoning Amendment
By Law No. 1, 2014
-  Mission IR 1 Boundary



Orthophoto taken: 2009
SN GIS & Research Department
415 West Esplanade, North Vancouver BC
Date: November 27, 2014

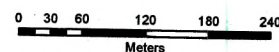




Squamish Nation
**Seymour Creek
Indian Reserve 2**

Legend

-  Marina Zone
Zoning Amendment
By Law No. 1, 2014
-  Seymour Creek IR 2 Boundary



Orthophoto taken: 2009
Squamish Nation GIS & Research Department
415 West Esplanade, North Vancouver, BC
Date: November 27, 2014