

SAWRIDGE FIRST NATION

***AN ACT RESPECTING
LAND USE PLANNING***

BILL 19

Introduced at a General Assembly held September 15, 2018

First Reading: September 15, 2018

Second Reading: October 20, 2018

Third Reading: November 17, 2018

Coming into Effect: November 17, 2018

An Act Respecting Land Use Planning

Short Title

1. This Act may be cited as the “*Sawridge Land Use Planning Act*”.

Purpose

2. The purposes of this Act are
 - (a) to provide the people of the Sawridge First Nation with legal tools to assist them in fulfilling their obligations to make responsible decisions about their relationship and use of Sawridge Lands and to implement their decisions and enforce them;
 - b) to better ensure the future of Sawridge lands;
 - c) to honour and ensure our cultural traditions and values are reflected in our land use planning as we identify areas for protection, conservation zones, general use areas for development, and other identifications and designations;
 - d) to provide the means required to apply and enforce land use decisions so as to contribute to our empowerment and honour and fulfil our spiritual and cultural responsibilities to the land.

Interpretation

3. In this Act,
 - “*accessory building*” means a subordinate building that is not used for human habitation;
 - “*accessory use*”, with respect to land, a subordinate building or part thereof, means a use that is accessory or incidental to the principal use of that land or building;
 - “*accommodation unit*” means a building or room in a building intended to be for the accommodation of persons and has at least one bed;

“automobile, boat or trailer parking space” means a space, either within a building or on a lot or public parking area, intended for the temporary parking or storage of a vehicle, boat or trailer with adequate provision for the ingress and egress of an automobile, boat or trailer;

“automobile service station” means a place for supplying fuel, oil and minor accessories for motor vehicles at retail prices directly to the user, for making minor servicing or running repairs essential to the operation of motor vehicles, and for providing cleaning services for motor vehicles;

“boarding house” means a building or portion thereof, other than a hotel or an apartment block, where lodging or meals for four or more persons, exclusive of the proprietor and his family, are provided for gain or reward;

“building area” means the horizontal area of a building measured at ground level excluding porches, chimneys, steps, terraces, bay windows and other projections;

“carport” means an open-sided roofed automobile shelter;

“cellar” means that portion of a building having more than one-half of its height, from finished floor to the underside of the first floor, below the grade of the building;

“Council” means the Council described in the *Sawridge Constitution*;

“corner lot” means a lot situated at the intersection of two or more streets;

“district” means an area of the Sawridge Lands designated as a district pursuant to section 6;

“dwelling” means a building or portion thereof designed for residential occupancy and includes a one-family, two-family and multiple-family dwelling, but does not include a hotel, a boarding house, hostel or a motel;

“dwelling unit” means one or more rooms connected as a separate unit in the same structure and constituting an independent housekeeping unit for residential occupancy by a family, with facilities for persons to sleep, cook and eat and with its own sanitary facilities;

“first story” means the story of a building closest to the grade along the front of the building and having its ceiling six feet or more above the grade of the building;

“front yard” means the area of a lot fronting on a street and extending across the full width of the lot, and in the case of a lot with an unusual design or shape, the area designated by the Council;

“front yard depth” means the average horizontal distance between the main structure, clear of projections or the main storage area on a lot, as the case may be, and the front lot line;

“grade” means

- (a) with reference to a building, the average finished level of the ground around the building as determined by the Council, and
- (b) with reference to a street or lane, the finished level of that street or lane;

“height” means, with reference to a building, the vertical distance of a building measured from the average level of the grade along the front of the building to

- (a) the parapet, in the case of a flat roof,
- (b) the deck line, in the case of a mansard roof, or

(c) the mean height level between eaves and ridge, in the case of a gable, hip or gambrel-roof;

"home occupation" means an occupation conducted for gain or reward within a dwelling as a secondary use of that dwelling;

"hostel" means a building intended for use or used as a temporary place of lodging for individuals and containing communal cooking facilities or provision for cooking in individual room or apartment, but does not include a hotel or motel;

"hotel" means a building containing

- (a) not less than 20 guest bedrooms or suites with no provision for cooking therein, and
- (b) a general kitchen or dining room and other public rooms, but does not include a hostel or motel;

"interior lot" means a lot other than a corner lot;

"lane" means a public thoroughfare not over 11 meters in width that affords a secondary means of access to a lot;

"living room" means the principal habitable room in a dwelling, not being a dining room, sleeping room, library, den, sewing room or sunroom;

"lot" means a parcel of land abutting on a street;

"lot area" means the total horizontal area within the boundary lines of a lot;

"lot depth" means the horizontal distance of a lot between the front and rear lot lines, measured along the median between the side lot lines;

“lot width” means the horizontal distance of a lot between the side lot lines, measured at right angles to the median between those lines at a point on the median that is midway between the front lot line and the rear lot line or 13 meters from the street it faces, whichever is the lesser;

“mobile home” means a transportable one-family dwelling unit that is

- (a) designed and constructed so as to be movable from place to place either on its own wheels or otherwise,
- (b) equipped to receive service utilities so as to be suitable for year round long term occupancy, and
- (c) capable of being on jacks, posts or piers, but does not include a travel trailer;

“motel” means a group of attached or detached buildings containing individual sleeping or housekeeping units, rooms or cabins designed primarily for temporary use by automobile tourists or transients, with a garage or parking space appurtenant to each unit, and includes an auto court, a tourist court, a motor hotel and a motor lodge;

“motorized vehicle and trailer sales area” means an open area used for the display, sale or rental of new or used motorized vehicles or trailers, where no repair work is done except for minor incidental repairs or maintenance to such vehicles;

“multiple dwelling” means a building or portion thereof designed for occupancy by three or more families living independently of each other;

“non-conforming structure” means a structure or portion thereof that, prior to the coming into force of this Act, was lawfully located in a district but does not comply with the requirements of this Act applicable to that district;

“non-conforming use” means, with reference to a building or land, the use to which the building or land was lawfully put in a district prior to the coming into force of this Act, but which use does not comply with the requirements of this Act applicable to that district;

“one-family dwelling” means a detached building containing only one dwelling unit and designed solely for occupancy by one family;

“personal service shop” means a building or part of a building in which services, other than repair services, are provided to individuals;

“private garage” means a subordinate building or portion of a main building used for the parking or temporary storage of the motor vehicles of the occupants of the main building;

“public garage” means a building for the care, repair or equipping of motor vehicles or for the parking or storing of motor vehicles for remuneration, hire or sale;

“public parking area” means a structure or an open area, other than a street, used for the temporary parking of more than four automobiles and available for public use without charge or for compensation or as an accommodation for clients or customers;

“rear lot line” means

- (a) in the case of a regular shaped lot the boundary line opposite and furthest in distance from the front lot line, and
- (b) in the case of an irregular shaped lot, a line 3 meters in length within the lot parallel to and at the maximum distance from the front lot line;

“rear yard” means a yard extending across the full width of a lot between the rearmost main building or main storage area and the rear lot line;

“rear yard depth” means the distance measured horizontally from the nearest point of the rear lot line toward the nearest part of the main structure, clear of projections, or the main storage area, as the case may be;

“row house” means a detached building divided vertically into three or more dwelling units;

“Sawridge Lands” are those lands set out as “Sawridge Lands” in the Constitution of the Sawridge First Nation and includes waters within or adjacent to “Sawridge Lands”.

“service shop” means an enclosed building or part of a building in which the repair, sale and servicing of goods is carried on;

“side lot line” means any boundary line of a lot that is not a front lot line or a rear lot line;

“side yard” means a yard between a main building or main storage area and the side lot line extending from the nearest line of the front yard, or the front lot line where no front yard is required by this Act, to the rear yard;

“side yard width” means the distance measured horizontally from the nearest point of the side lot line toward the nearest part of the main structure on the lot, clear of projections, or the main storage area, as the case may be;

“story” means that portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling above it;

“street” means a public thoroughfare having a right-of-way at least 11 meters in width, that affords the principal means of access to abutting lands;

“structural alteration” means any change or addition to the supporting members of a structure, including the foundations, bearing walls, rafters, columns, beams and girders;

“structure” means anything constructed or erected that requires location on the ground or is attached to something having a location on the ground;

“subordinate building” means a detached building the use of which in relation to another building on the same lot is ordinarily incidental or subordinate to that building;

“through lot” means a lot having frontage on two parallel or approximately parallel streets;

“tot lot” means an area set aside as a public playground for the use of children of pre-school age;

“trailer” means a vehicle or portable structure having no foundation other than wheels, jacks or skirtings and constructed to permit occupancy for dwelling purposes or the carrying of goods;

“two-family dwelling” means a building designed exclusively for occupancy by two families living independently of each other;

“use” means the purpose for which land is intended, or to which it may be put;

“yard” means an open space on a lot.

Scope of the Act

4. In the manner set out in this Act, this Act applies to all Sawridge Lands whether they are occupied or unoccupied and to all persons, whether they are members of the Sawridge First Nation or not and whether they are residents or non-residents.

First Nation Bound by this Act

5. This Act binds the Sawridge First Nation.

Districts

6. (1) For the purposes of this Act, Sawridge Lands are divided into districts, the boundaries of which are shown on the map set out in the regulations and designated as follows:

- a. Public Open Space District
- b. One-Family Dwelling District
- c. Two-Family Dwelling District
- d. Multi-family Dwelling District
- e. Business District
- f. Storage and Services District
- g. Institutional District
- h. Undisturbed Natural Lands District
- i. Tourism and Camping District

- (2) For the purposes of determining the boundaries of the various districts, the following rules apply:

- a) Where a district boundary is indicated as approximately following the centre line of a street, lane or watercourse, the boundary is the centre line of that street, lane or watercourse.
- b) where a street or lane shown on the schedule is subsequently closed and that street or lane was a district boundary between two or more different districts, the new boundary is the former centre line of that street or lane, until otherwise indicated; and
- c) where a district boundary is indicated as approximately following lot lines, the boundary follows those lot lines.

Public Open Space District

7. In a Public Open Space District, the following uses are permitted
 - a. spiritual or religious activities;
 - b. parks, playgrounds, tot-lots, and recreation areas;
 - c. club-houses, pavilions, corrals for golf, boating, sailing, horse riding and other recreational uses;
 - d. public parking areas;
 - e. cemeteries; and
 - e. accessory buildings or uses when such buildings or uses are necessarily incidental to a use permitted in this district.

One-Family Dwelling District

Permitted Uses Usages

8. In a One-Family Dwelling District, the following uses are permitted:
 - (a) one-family dwellings;
 - (b) public parks, playgrounds and tot lots;
 - (c) public utility installations excluding any uses that are primarily of a maintenance or storage nature; and
 - (d) accessory buildings or accessory uses when such buildings or uses are necessarily incidental to a use permitted in this district.

Requirements

9. In a one-family dwelling district, no person shall erect more than one one-family dwelling on any lot, and no person shall erect a one-family dwelling unless
 - a. the lot area is at least 2000 sq. meters, or if the lot existed prior to the coming into force of this Act, the lot area is at least 1000 sq. meters;
 - b. the lot width is at least 60 meters;
 - c. the front yard depth is at least 7 meters;
 - d. in the case of a corner lot, the width of

- i) the side yard abutting a street is not less than 5 meters from the side lot line, and
 - ii) the side yard abutting a street is not less than 1.5 meters from the side lot line in the case of a one-story dwelling, and 2 meters from the side lot line in the case of a two story dwelling.
- e. in the case of an interior lot where
- (i) a private garage or carport is to be included, or
 - (ii) a private garage or carport is not to be included but there is alternate access to the lot from the lane the width of each side yard is not less than the distance prescribed in subparagraph (d)(ii);
- f. in the case of an interior lot where a private garage or carport is not to be included and there is no alternate access from a lane to the lot, the width of one side yard is not less than 4 meters measured from the dwelling, clear of projections, and the width of the other side yard is not less than the distance prescribed in subparagraph (d)(ii);
- g. the rear yard depth is at least 8 meters or, if the rear face of the building contains a window to a living room, at least 12 meters;
- h. the height of the dwelling does not exceed two stories or 10 meters, whichever is the lesser; and
- i. off-street parking is provided as required by this Act.

(2) In a One-Family Dwelling District, no person shall erect a non-residential building.

Two-Family Dwelling District

Permitted Uses Usages

10. In a Two-Family Dwelling District, the following uses are permitted:
- (a) one-family dwellings;
 - (b) two-family dwellings;
 - (b) public parks, playgrounds and tot lots;
 - (c) public utility installations excluding any uses that are primarily of a maintenance or storage nature;

(d) accessory buildings or accessory uses when such buildings or uses are necessarily incidental to a use permitted in this district; and

Requirements

11. In a two-family dwelling district, no person shall erect more than one two-family dwelling on any lot, and no person shall erect a two-family dwelling unless

a. the lot area is at least 2000 sq. meters, or if the lot existed prior to the coming into force of this Act, the lot area is at least 1000 sq. meters;

b. the lot width is at least 60 meters;

c. the front yard depth is at least 7 meters;

d. in the case of a corner lot, the width of

i) the side yard abutting a street is not less than 5 meters from the side lot line, and

ii) the side yard abutting a street is not less than 1.5 meters from the side lot line in the case of a one-story dwelling, and 2 meters from the side lot line in the case of a two story dwelling.

e. in the case of an interior lot where

(i) a private garage or carport is to be included, or

(ii) a private garage or carport is not to be included but there is alternate access to the lot from the lane the width of each side yard is not less than the distance prescribed in subparagraph (d)(ii);

f. in the case of an interior lot where a private garage or carport is not to be included and there is no alternate access from a lane to the lot, the width of one side yard is not less than 4 meters measured from the dwelling, clear of projections, and the width of the other side yard is not less than the distance prescribed in subparagraph (d)(ii);

g. the rear yard depth is at least 8 meters or, if the rear face of the building contains a window to a living room, at least 12 meters;

- h. the height of the dwelling does not exceed two stories or 10 meters, whichever is the lesser; and
- i. off-street parking is provided as required by this Act.

(2) In a Two-Family Dwelling District, no person shall erect a non-residential building.

Multi-Family Dwelling District

Permitted Uses Usages

12. In a Multi-Family Dwelling District, the following uses are permitted:
- (a) one-family dwellings;
 - (b) two-family dwellings;
 - (c) row housing;
 - (d) multiple family dwellings;
 - (e) public parks, playgrounds and tot lots;
 - (f) public utility installations excluding any uses that are primarily of a maintenance or storage nature; and
 - (g) accessory buildings or accessory uses when such buildings or uses are necessarily incidental to a use permitted in this district.

Requirements

13. In a multi-family dwelling district, no person shall erect more than one two-family dwelling on any lot, and no person shall erect a two-family dwelling unless
- a. the lot area is at least 2000 sq. meters, or if the lot existed prior to the coming into force of this Act, the lot area is at least 1000 sq. meters;
 - b. the lot width is at least 60 meters;
 - c. the front yard depth is at least 7 meters;
 - d. in the case of a corner lot, the width of
 - i) the side yard abutting a street is not less than 5 meters from the side lot line, and

ii) the side yard abutting a street is not less than 1.5 meters from the side lot line in the case of a one-story dwelling, and 2 meters from the side lot line in the case of a two story dwelling.

- e. in the case of an interior lot where
 - (i) a private garage or carport is to be included, or
 - (ii) a private garage or carport is not to be included but there is alternate access to the lot from the lane the width of each side yard is not less than the distance prescribed in subparagraph (d)(ii);
- f. in the case of an interior lot where a private garage or carport is not to be included and there is no alternate access from a lane to the lot, the width of one side yard is not less than 4 meters measured from the dwelling, clear of projections, and the width of the other side yard is not less than the distance prescribed in subparagraph (d)(ii);
- g. the rear yard depth is at least 8 meters or, if the rear face of the building contains a window to a living room, at least 12 meters;
- h. the height of the dwelling does not exceed two stories or 10 meters, whichever is the lesser; and
- i. off-street parking is provided as required by this Act.

(2) In a multi-Family Dwelling District, no person shall erect a non-residential building.

Business District

Permitted Uses

14. In a Central Business District, the following uses are permitted:
- (a) retail stores or retail businesses within an enclosed building;
 - (b) amusement enterprises including bowling alleys and theatres if conducted wholly within an enclosed building;
 - (c) auditoriums, halls and community centres;
 - (d) automobile rental businesses;

- (e) automobile service stations;
- (f) banks;
- (g) barber shops and beauty parlours;
- (h) bars;
- (i) business and professional offices;
- (j) churches and parish halls;
- (k) clothes cleaning, laundry or pressing establishments including coin wash, coin cleaning and depots for the collection of dry cleaning and laundry;
- (l) cocktail lounges;
- (m) courier services;
- (n) delicatessen stores;
- (o) dwelling units as a secondary incidental use only when within the second or third story of a building permitted by this Act;
- (p) funeral parlours;
- (q) libraries;
- (r) meat markets;
- (s) medical or dental clinics and laboratories, excepting veterinarian services and facilities;
- (t) news stands;
- (u) passenger terminals;
- (v) personal service shops;
- (w) printing, lithographing or publishing shops;
- (x) public buildings, parks and playgrounds;
- (y) public parking areas;
- (z) public utility installations, excluding any uses that are primarily of a maintenance or storage nature;
- (aa) restaurants, tea rooms or cafes, including dancing or entertainment;
- (bb) shoe repair shops and shoe shining shops;
- (cc) showrooms, if conducted wholly within a completely enclosed building;

- (dd) storage buildings, if in conjunction with retail stores or business offices;
- (ee) studios, including art galleries, photographic studios and music studios;
- (ff) tailor and dressmaking shops;
- (gg) taxi stands;
- (hh) uses and accessory buildings necessarily incidental to any use permitted in this district.

Requirements

15. In the Business District, no structure other than an accessory building shall be erected unless
 - (a) a comprehensive plan showing the uses to which the entire lot on which the structure is to be located has been approved by the council;
 - (b) the width of the side yard on the side of the main building closest to an adjacent Public Open Space District, a One-Family Dwelling District, Two-Family Dwelling District or a Multi-Family Dwelling District is at least 10 Meters and the width of any other side yard, if provided, is at least 10 Meters;
 - (c) the height of the structure does not exceed 30 Meters;and
 - (d) off-street parking and loading spaces are provided as required by this Act.

Storage and Services District

Permitted Uses

16. In a Storage and Services District the following uses are permitted:
 - (a) bakeries;
 - (b) bottling plants;
 - (c) building contractors yards;
 - (d) bus, truck or freight terminals;
 - (e) catering establishments;
 - (f) cleaning establishments including dry cleaners, dyers or furriers;
 - (g) dairies and creameries;

- (h) fuel and lumber yards, bulk oil storage;
- (i) ice storage;
- (j) laboratories;
- (k) parking areas;
- (l) plumbing and sheet metal shops;
- (m) public garages;
- (n) public utility installations and public buildings;
- (o) retail stores, only if such use is incidental to another use permitted in this district;
- (p) service shops;
- (q) sign manufacturing and painting shops;
- (r) storage and repair yards;
- (s) uses and accessory building necessarily incidental to any use permitted in this district;
- (t) veterinarian services and facilities;
- (u) wholesale business warehouse or storage buildings; and
- (w) other processing, fabricating and servicing establishments at the discretion of the council.

Requirements

17. (1) In a Storage and Services District no person shall erect a structure other than a detached accessory building unless
 - (a) the lot area is at least 1,000 square Meters;
 - (b) the lot width is at least 20 Meters;
 - (c) the front yard depth is at least 10 Meters;
 - (d) the width of any side yard on the street side of a corner lot is at least 5 Meters;
 - (e) the rear yard depth is at least 10 Meters;
 - (f) the height of the structure does not exceed 20 Meters'; and
 - (g) off-street parking and loading spaces are provided as required by this Act.

- (2) In a Storage and Service District no person shall erect a detached accessory building

- (a) for dwelling purposes;
- (b) nearer to the main building than a distance of 4 meters measured clear of all projections;
- (c) in any front yard and closer than 1 meter to any side or rear lot line; or
- (d) with a height in excess of 10 meters.

Tourism and Camping District

Permitted Uses

18. In a Tourist and Camping District, the following uses are permitted:
- (a) automobile leasing agencies, excluding uses for the servicing and storage of automobiles to be leased;
 - (b) automobile service stations;
 - (c) churches;
 - (d) cocktail lounges, gift shops and dining rooms constructed as part of a hotel, motel or service station structure;
 - (e) community centres;
 - (f) hotels;
 - (g) motels and motor hotels;
 - (h) camp grounds;
 - (i) tourist attractions, museums, and cultural villages;
 - (j) parks or playgrounds;
 - (k) public parking areas;
 - (l) public utility installations excluding any uses that are primarily of a maintenance or storage nature;
 - (m) restaurants, coffee shops and dining rooms;
 - (n) office buildings; and
 - (o) uses and buildings necessarily incidental to any use permitted in this district.

Requirements

19 (1) In a Tourist and Camping District, no person shall erect an automobile service station unless

- (a) the lot area is at least 5,000 square meters;
- (b) the front, side and rear yards depths are at least
 - (i) 5 meters, when measured from the pumps or any other structures used for selling oil, gas or diesel, and
 - (ii) 10 meters, when measured from the main building;
- (c) the height of the building or structure does not exceed two stories or 15 meters, whichever is the lesser;
- (d) vehicular access to the lot is provided by way of entrances and exits having a width of at least 8 meters and not more than 10 meters; and
- (e) a curb or barrier is provided and maintained on or near all street lot lines so as to prevent vehicles from entering or leaving the lot other than by way of the entrances and exits mentioned in paragraph (d).

(2) In a Tourist and Camping District, no person shall erect a structure other than a detached accessory building unless

- (a) the lot area is at least
 - (i) 2000 square meters, where the structure is intended for use as a hotel or a motel, with or without a cocktail lounge, gift shop or dining room, and
 - (ii) 1000 square meters, where the structure is intended for use only as a restaurant, a coffee shop or a dining room;
- (b) the lot width is at least
 - (i) 50 meters, where the structure is intended for use as a hotel or a motel, with or without a cocktail lounge, gift shop or dining room, and
 - (ii) 25 meters, where the structure is intended for use only as a restaurant, a coffee shop or a dining room;
- (c) the front yard depth is at least 10 meters;
- (d) the width of each side yard is at least 10 meters;
- (e) the rear yard depth is at least 10 meters;
- (f) the height of the structure does not exceed 20 meters; and
- (g) off-street parking is provided as required by this Act.

Institutional District

20. In an Institutional District, the following uses are permitted
- a. spiritual or religious activities;
 - b. hospitals with or without dormitory facilities;
 - c. public buildings and public utilities installations;
 - d. schools;
 - e. swimming pools, wading pools, arenas or recreation facilities;
 - f. governmental offices;
 - g. staff residences for the accommodation of staff who by virtue of their responsibilities must reside adjacent to their place of employment in relation to other permitted uses under this District;
 - g. accessory buildings or uses when such buildings or uses are necessarily incidental to a use permitted in this district;

Undisturbed Natural Lands District

21. In an undisturbed Natural Lands District no uses shall be permitted other than recreational and cultural uses that do not involve the erection of any permanent structures or disturbance of the lands.

Varying requirements

- 22 (1) Notwithstanding anything in this Act, the council may vary the requirements of this Act to the extent provided in subsection (2), where in his opinion
- (a) the amenity and convenience of the community as a whole will not be adversely affected thereby;
 - (b) the amenity, convenience, character and value of adjoining properties will not be adversely affected thereby;
 - (c) the conditions necessitating a variance in the requirements of this Act are unique to the site in question; and
 - (d) the conditions necessitating a variance in the requirements of this Act have not been created by the occupier of the lot, his agents or predecessors.

- (2) For the purpose of subsection (1), the council may authorize
- (a) an existing building or use that complies with provisions of the district in which it is located to extend into another district if
 - (i) the land into which the use or building is to extend is located adjacent to the existing building or use and is not separated therefrom by a lane or public thoroughfare,
 - (ii) the land into which the use or building is to extend was allocated to the occupier of the existing building,
 - (iii) the extension of the building or use encroaches no further than 20 meters into the adjacent district,and
 - (iv) the minimum yard and height requirements of the adjacent district are complied with;
 - (b) the addition or enlargement of a non-conforming building or structure if such addition or enlargement complies with all height and area requirements of the district in which it is to be located;
 - (c) in connection with an authorized use in any Storage and Services District such commercial or industrial uses as are purely incidental to such authorized use;
 - (d) permit the variance of the yard requirements; and
 - (e) permit side yards of not less than 1 meter if the eaves of any building constructed thereon do not come nearer to the side lot line than one meter and the building has an average width less than that required by this Act for the district in which such lot is located.

General

- 23 (1) Subject to this Act, no person shall erect, reconstruct, structurally alter, enlarge or use any structure for any use other than a use permitted by this Act in the district in which that structure is located.

(2) No person shall erect a structure without first obtaining from the Council instructions as to the grade for that structure.

(3) Nothing in this Act shall be construed as granting any right to any person with respect to Sawridge Lands. Without limiting the generality of the foregoing, only tenants holding valid leases in good standing, and holders of valid right of ways or easements in good standing, may, subject to this Act and in accordance with the terms of the respective lease, right of way or easement, exercise their rights under that lease, right of way or easement.

(4) Nothing in this Act shall be construed as granting to any householder the right to construct, renovate, move or alter any house, accessory building or other structure on Sawridge Lands or to build any fence, alter any landscaping or make any other alteration to Sawridge Lands without the permission of the Council.

(5) The following uses are not permitted in any district:

(a) boarding houses;

(b) hostels; or

(c) mobile homes;

Non-conforming Structures and Uses

24 No person shall occupy a non-conforming structure, or portion thereof that has remained unoccupied for a continuous period of one year except for a use that conforms with this Act.

25 No person shall enlarge a non-conforming structure so as to increase the gross floor area of the structure existing on the coming into force of this Act by more than 10 per cent.

26 No person shall rebuild or repair a non-conforming structure that is destroyed or damaged to an extent greater than 50 per cent of the value of the structure unless it is made to conform with the requirements of this Act for the district in which it is located.

27 Except for the enlarging, rebuilding or repairing of non-conforming structures referred to in section 25 or 26, no person shall make structural alterations to a non-conforming structure.

28 No person shall change a non-conforming use to another non-conforming use and if any non-conforming use is discontinued, the subsequent use shall conform to this Act.

29 The non-conforming use of any land or structure shall not be affected by reason of a change of lessee, sublessee or occupant.

Home Occupations

30 (1) No person shall carry on a home occupation unless it has been approved in a referendum as required pursuant to Section 19 of the Sawridge Constitution.

(2) Every person carrying on a home occupation shall

(a) provide parking and traffic circulation facilities satisfactory to the Council;

(b) refrain from and prevent any exterior display or advertisement other than one name plate not exceeding .2 square meters in area;

(c) not allow the unenclosed storage of materials, finished products, mechanical or other equipment on the lot other than the unenclosed storage of such material, products or equipment as are ordinarily used for housekeeping purposes, hobbies or for medical, dental or other professional purposes;

(d) prevent any undue noise, vibration, fumes, smoke, dust or odour emanating from such home occupation; and

(e) employ only one member of his family residing on the premises and one secretary, stenographer or assistant who is not a member of his family.

Uses Incidental to Construction

31 (1) No person shall erect any temporary structures on land other than a tool shed, scaffold or other structure required during any period of construction of a main or accessory building and such temporary structures shall be removed immediately following completion of such main or accessory building.

(2) Where any construction on a lot is discontinued or abandoned, all temporary structures on that lot shall immediately be removed and in default thereof the Council may cause the removal of all temporary structures and charge the costs of such removal to the person responsible for such removal.

(3) No person shall use an accessory building prior to the erection of the main building unless

(a) permission of the Council has been obtained for the construction of the main building; and

(b) the accessory building is necessary for the storage of tools and materials for use in connection with the construction of the main building or as a construction office.

4) Nothing in this section prohibits the use of part of a lot for the storage of building supplies or equipment for any reasonable period required for the construction of a building or buildings on the lot if permission is first obtained from the Council.

Noxious or Offensive Uses

32 Notwithstanding anything in this Act, no person shall use land in any district if that use is, in the opinion of the Council, noxious or offensive by reason of the production and emission of odour, dust, refuse matter, waste, vapour, smoke, gas, fumes, glare, vibration or noise.

Projections into Yards

33 No person shall erect a structure on which

(a) the cornices, caves (including troughs), belt courses, sills or other similar architectural features other than bay windows or vertical projections, extend more than 1 meter into any front or side yard required by this Act or are closer than one meter to any side lot line;

(b) the chimneys extend more than 1 meter into any front or side yard required by this Act or are closer than one meter to any side lot line;

(c) any unenclosed stairways or balconies extend more than 1.5 meters into any rear yard required by this Act or more than 1 meter into any front yard required by this Act; or

(d) any unenclosed porches, platforms or landing places, not extending above the level of the first floor of the building, extend more than two meters into any yard required by this Act.

Fences and Hedges

34 (1) Subject to subsection (2), no person shall locate any fence or hedge of a height in excess of 2 meters above the grade of a lot and no fence or hedge shall be located in any front yard.

2) A person may erect or maintain in any front yard an openwork ornamental fence or hedge, any landscape, architectural feature or guard railing for safety protection around depressed ramps, if the height of such fence, hedge, landscape feature or railing does not exceed 1 meter above the grade of the lot.

Storage and Display in Yards

35 (1) Subject to subsection (2), no person shall store or display any goods or materials in any yard.

(2) The lessee of a lot and a householder of a lot, may

(a) store in the rear or side yards of that lot a reasonable amount of garden equipment, garden furniture, trailers, boats, firewood and other goods or materials normally associated with the enjoyment of residential property; and

(b) with the approval of the Council,

- (i) store building materials during periods of construction, and
- (ii) store or display any goods or materials in any front yard or side yard abutting a street in any nonresidential, business, storage or service lot.

One Dwelling per Lot

36 No person shall erect more than one dwelling on any residential lot in any One-Family Dwelling District, Two-Family Dwelling District or Multiple-Family Dwelling District where the erection of such a structure is not permitted by this Act.

Trailers

37 (1) Subject to subsection (2), no person shall use a trailer as a place of permanent or temporary residence.

(2) Trailers may be used for temporary residence in a Tourism and Camping District on a lot that has been allotted by the Council in accordance with the Constitution of the Sawridge First Nation for the purpose of Camping, provided that the terms of the lease or other allotment are complied with.

Off-street Parking Facilities

38 (1) No person shall

- (a) erect a structure in any district without providing off-street automobile parking spaces; or
- (b) provide off-street automobile parking spaces within a front yard or within a side yard abutting a street.

(2) Each parking space in an off-street automobile parking area shall be not less than 6 meters feet by 3 meters.

(3) Off-street parking areas shall be screened from adjoining residential areas and shall be lit, drained and laid out to provide vehicular ingress and egress, internal traffic circulation and parking, to the satisfaction of the Council.

39 (1) No person shall erect any structure described in Column I of the table to this section without providing off-street parking accommodation indicated in Column II of that table:

COLUMN I	COLUMN II
One Family, Two Family, Multi-Family Dwellings	At least one space per dwelling unit
Non-Residential Buildings other than restaurants, cocktail lounges, bars, hotels, or motels	At least one space for every 50 square meters of floor area – except for floor area used for storage or industrial uses, plus at least one space for every 200 square meters of floor area used for storage or industrial uses.
Hotels or Motels	At least one space for each accommodation unit
Restaurant, cocktail lounge or bar	At least one space for every 10 seats

(2) This section does not apply to structures existing when this Act came into force, but shall apply in respect of all enlargements and additions to such structures constructed after this Act came into force.

40 The Council may waive or modify the off street parking requirements set out in this Act with respect to any lot in a district if, in its opinion, suitable and convenient parking spaces for that lot are otherwise available.

41 Council may make regulations for the purposes of this act which

- (a) Set out the location of districts on a map or plan of Sawridge Lands;
- (b) Delineate lots on Sawridge Lands that have not been surveyed or otherwise delineated;
- (c) Provide forms to be used to seek the approval of the Council and to denote Council approval where required or permitted under this Act.

