

## Taza Development Zoning Law, 2019 L.TDZ.1903

Under the guidance of Almighty God, Our Creator, and as a sovereign Nation; We, the peoples of Tsuut'ina Nation, in preservation and continuation of the Tsuut'ina Nation's unique culture, identity, traditions, language and institutions, and with respect to the special relationship to the land and resources, in continued relationship with all First Nations and Canada; Do ordain and establish this law in accordance with our inherent right to governance.

Nato ninist'iya dinachowi diyi nananitini k'asona diyi datl'ishi nanisaatluni niiha nihina?o-ha tlaat'a Tsuut'ina wusa dinaloku nihininisha, nihiusno, misila yino?i, nihigunaha misila nihininana?o-hi. Nisk'a uwa mits'i-hi tlaat'a dina-tii uwa Canada isla najuna adadanazini diyi datlishi dik'asilo niiha nihina?o-ha gwasala.

### **A Document to Enact the Taza Development Zoning Law, 2019 Within the Tsuut'ina Nation Lands**

**Enacted on March 14, 2019 in Tsuut'ina Nation  
Coming Into Force: March 14, 2019**



### **Preamble**

WHEREAS the Tsuut'ina Nation Chief and Council desire to make a law governing Taza Development Zoning on the Tsuut'ina Nation Reserve;

AND WHEREAS the Government of Canada recognizes the inherent right of self-government as an existing aboriginal right under section 35 of the Constitution Act, 1982;

AND WHEREAS it is recognized that the inherent right of governance includes the right to govern in relation to matters that are internal to the community, and integral to the unique culture, identity, traditions, languages and institutions of the Tsuut'ina Nation;

AND WHEREAS it is considered to be necessary to enact this Law for the benefit, security and preservation of the Tsuut'ina Nation and culture;

AND WHEREAS Chief and Council have the authority to enact this Law pursuant to the Legislative Process Act;

NOW THEREFORE: Chief and Council hereby enact this Law pursuant to the Tsuut'ina Legislative Process:

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# Taza Development Zoning Law

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## Name, Purpose and Definitions

### **Name**

1. This Law may be cited as the Taza Development Zoning Law, 2019.

### **Purpose**

2. The purpose of this Law is to provide a guide to the Development of the Lands and to ensure the Development:
  - (a) recognizes the history, tradition and culture of the Tsuut'ina Nation;
  - (b) integrates into the natural landscape;
  - (c) builds around the public realm;
  - (d) accounts for all modes of transportation; and
  - (e) realizes long-term economic vitality and viability.
3. The Lands have been designated generally for the purposes of leasing for economic development, as assented to by the Tsuut'ina Nation Citizens, consented to and recommended by Chief and Council, and accepted by:
  - (a) Order-in-Council dated January 8, 1993, and
  - (b) Ministerial Order dated May 20, 2015, as have been amended from time to time.
4. Despite the potential land uses which are stated within the Designations, the specific Land Use assigned to each Zone, as described in the Taza Development Guidelines, shall take precedence.

### **Applicability**

5. This Law applies to all Lands, Buildings, and Structures, within the boundaries identified on the Zoning Maps.

### **Compliance**

6. The Lands shall not be used, and Buildings and Structures shall not be constructed, altered, located, or used, except as specifically permitted in this Law and the Taza Development Guidelines.

### **Metric Measurement**

7. All regulation measurements shall be made in metric.

### **Definitions**

8. "Adjacent Land" means land continuous or contiguous, if not for a Street, Lane, river or stream; and "Adjacent Lot" means a Lot continuous or contiguous, if not for a Street, Lane, river or stream.
9. "Applicant" means a Person, or authorized agent thereof, who makes an application for a Development Permit.

10. "Approval Conditions" means any conditions attached to any Development Permit.
11. "Artifact" means an object made by a human being, typically an item of cultural, historical or archaeological interest.
12. "Building" means any Structure used or intended for supporting or sheltering any Use or Occupancy.
13. "Chief and Council" means the duly elected Chief and Councilors of the Tsuut'ina Nation;
14. "Designations" means the designations of land as set out in Order-in-Council dated January 8, 1993 and Ministerial Order dated May 20, 2015, as amended from time to time, and as described in Section 3 herein.
15. "Development" means:
  - (a) an excavation or stockpile or the creation of either of them;
  - (b) a Building or addition to or replacement or repair of a Building, or the construction or placing of any of them on, in, over, or under land;
  - (c) a change in the Use of any land or a Building or an act done in relation to land or a Building that results in or is likely to result in a change in the Use of the land or Building;  
or
  - (d) a change in the intensity of Use of land or a Building or an act done in relation to land or a Building that results in or is likely to result in a change in the intensity of Use of the land or Building.
16. "Development Approval Process Law" means the Taza Development Approval Process Law, 2019, as may be amended from time to time.
17. "Development Authority" means the board established pursuant to the Development Approval Process Law.
18. "Development Completion Certificate" means an approval issued by the Development Authority that the requirements of a Development Permit have been satisfactorily completed in accordance with the Development Approval Process Law.
19. "Development Permit" means a document authorizing a Development, issued by the Development Authority, pursuant to the Development Approval Process Law and this Law, and includes the plans and Approval Conditions.
20. "Lands" means the Tsuut'ina Nation lands, including surface water and air space, shown on the Zoning Maps.
21. "Landscape Area" means that portion of a Lot that is required by the Development Authority to be a hard-surfaced landscape area or soft surfaced landscape area.
22. "Land Use" or "Use" means the purpose for which any Lot, Building or Structure is designed, arranged or intended or for which it is occupied or maintained.
23. "Lane" means a roadway that is primarily intended to give access to the rear of Buildings and Lots.

24. "Law" means this Taza Development Zoning Law, 2019.
25. "Lot" means a portion of the Lands which is described as a separate and distinct parcel, on a legally recorded Survey Plan or description filed in the Indian Lands Registry.
26. "Lot Line" means any boundary of a Lot.
27. "Minor Building Work" means an alteration, addition or extension to an existing approved Building, where the additional floor area, including balconies, is less than five (5%) percent of the floor area of the Building or 25.0 sq. m, whichever is the lesser.
28. "Occupancy" means the use or intended use of a Building or part of a Building for the shelter or support of Persons, animals or property.
29. "Officer" has the same meaning as a Peace Officer within the Tsuut'ina Nation Offences Procedures Bylaw.
30. "Person" means an individual, corporation, body corporate, partnership, joint venture, association, society or unincorporated organization or any trustee, executor, administrator or other legal representative.
31. "Setback" means the required minimum or maximum distance, measured at a right angle, between a Building, Structure or Use and each of the Lot Lines.
32. "Street" means any public road, including the boulevards, sidewalks, and improvements, but excludes any Lane, private roadway, bridge, or walkway.
33. "Structure" means any construction fixed to, supported by, or sunk into land or water, including a manufactured home or mobile home, but shall not include concrete, asphalt, brick, or tile surfaced areas.
34. "Taza Development Guidelines" means the Taza Development Guidelines, 2018, as may be amended from time to time.
35. "Tsuut'ina Nation Offences Procedure Bylaw" means the Tsuut'ina Nation Offences Procedures Bylaw, 1998, as may be amended from time to time.
36. "Zone" means an area delineated on the Zoning Maps, and established and designated by this Law for a specific Land Use or Land Uses.
37. "Zoning Maps" means the zoning maps, attached as Schedule "A" to this Law.

### **Specific Use Definitions**

38. Definitions related to general and specific Land Uses in this Law are listed in the Taza Development Guidelines.

## Zones Established

### General Zones

39. The Lands subject to this Law have been divided into Zones, the extent, and boundaries of which, are shown on the Zoning Maps.
40. Where a Zone boundary is indicated as following a Street, highway, railway, or utility line, the boundary shall be the Lot Line.
41. The Lands are divided into the following general Zones.
  - (a) B-I – Business – Innovation
  - (b) C-T – Commercial – Tourism
  - (c) F-RD – Flex – Research & Development
  - (d) MX-C1 – Mixed Use Commercial Zone 1
  - (e) MX-C2 – Mixed Use Commercial Zone 2
  - (f) MX-C3 – Mixed Use Commercial Zone 3
  - (g) MX-E – Mixed Use – Entertainment Zone
  - (h) MX-MU1 – Mixed Use Multi Unit (Rental) Zone 1
  - (i) MX-MU2 – Mixed Use Multi Unit (Rental) Zone 2
  - (j) MX-MU3 – Mixed Use Multi Unit (Rental) Zone 3
  - (k) MX-MU4 – Mixed Use Multi Unit (Rental) Zone 4
  - (l) SP-N – Special Purpose – Tsuut'ina Nation
  - (m) SP-PK – Special Purpose – Park.
42. The provisions that apply to the Lands, and to each Zone are listed in the Taza Development Guidelines.

### Zone Boundaries

43. The boundary lines and areas of the Zones are set out in the Zoning Maps.



## Development Authority

### Establishment of Development Authority

44. The Development Authority is established pursuant to the Development Approval Process Law.

### Duties of the Development Authority

45. In accordance with the Development Approval Process Law, the Development Authority shall:
- (a) receive, review and process applications for Development Permits, with or without variances;
  - (b) issue decisions regarding Development Permit Applications; and
  - (c) adopt fee schedules for:
    - i) application for Development Permit; and
    - ii) fines and penalties.

## Development Permit Applications

### General Application

46. An Applicant may submit an application for a Development Permit in accordance with the requirements of the Development Approval Process Law.

### Reviewing and Processing of a Development Permit Application

47. An Applicant shall follow the processes described within the Development Approval Process Law and the Taza Development Guidelines.

### Variances

48. In accordance with the Development Approval Process Law, the Development Authority may approve, with or without conditions, an application for a Development Permit that does not comply with this Zoning Law where:
- (a) the proposed Development would not, in their opinion:
    - i) unduly interfere with amenities of the context area; or
    - ii) materially interfere with or affect the Use, enjoyment, or value of Adjacent Lands; or
  - (b) the proposed Development would, in their opinion, be consistent with the Uses prescribed for that land or Building in this Zoning Law.

### Notification of a Decision

49. The Development Authority shall consider and provide a decision on a Development Permit application in accordance with the Development Approval Process Law.

### Exempt Developments

50. A Development Permit is not required for the following, provided there is compliance with the requirements of this Law and the provisions of the Taza Development Guidelines:
- (a) maintenance and repairs if such maintenance and repairs do not constitute structural alteration or change of Use or intensity of Use;
  - (b) internal alterations to Structures as long as such alterations do not constitute an increase in a change of intensity of Use;
  - (c) temporary or portable Structures in which the sole purpose of which is incidental to the construction of a permanent Structure for which a Development Permit has been issued;
  - (d) completion, maintenance or repair of a Street, Lane, utility or service undertaken by or on behalf of the Tsuut'ina Nation;
  - (e) topsoil removal or clearing of land in which the area is less than 1,000 sq. m, or if such removal or clearing is part of a Development for which a Development Permit has been issued;
  - (f) landscaping where the proposed grades will not adversely affect the subject Lot or Adjacent Lots, except where a Development Permit allows for such landscaping;

- (g) gates, fences, or walls under 1.0 m in height in the front yard or 2.0 m in the side and rear yards;
- (h) accessory Buildings not exceeding 10.0 sq. m.;
- (i) the change in tenancy within an approved Building;
- (j) a Development that is subject to a valid servicing agreement for:
  - i) constructing, widening, altering, redesigning, or maintaining a roadway;
  - ii) traffic management projects and devices;
  - iii) vehicular and pedestrian bridges and walkways;
  - iv) water reservoirs, water lines, storm, and sanitary sewer installations;
  - v) street furniture, tennis courts, playgrounds, park landscaping, recreation equipment and community Buildings with a gross area under 75.0 sq. m.;
  - vi) constructing and maintaining Tsuut'ina Nation utilities or services;
  - vii) stripping, grading or filling of land, including temporary storage and sale of topsoil in an area governed by a servicing agreement, but excluding topsoil processing or screening.
- (k) telecommunication towers;
- (l) a deck of up to 0.6 m in height;
- (m) Special events; or
- (n) Minor Building Work.

## General Regulations

### Uses permitted in all Zones

51. The following Land Uses, Buildings and Structures are permitted in all Zones provided they otherwise comply with the requirements of this Law and the provisions of the Taza Development Guidelines:
- (a) parks;
  - (b) public or private utility facilities for local transmission of water, sewage, electrical power, telephone, natural gas, cable television and other similar services (but not including sewage treatment plants, electrical substations, storage yards, works yards, maintenance Buildings or offices);
  - (c) temporary construction and project sales offices provided that the Use is removed within thirty (30) days of the completion of the project; and
  - (d) storage of construction materials on a site for which construction has been authorized by the Development Authority, provided they are removed within thirty (30) days of completion of the project.

### Uses generally prohibited in all Zones

52. The following Land Uses, Buildings and Structures shall be generally prohibited except where specifically permitted:
- (a) the storage of fuel or other flammable liquids for commercial or industrial purposes in quantities greater than fifty litres in or adjacent to a dwelling unit or accessory Building except:
    - i) in compliance with all environmental and safety requirements, which may include requirements for approved storage containers and concrete pads; and
    - ii) in compliance with a permit obtained through this Law and the Development Approval Process Law and in consultation with the Fire Chief;
  - (b) use of any land as a garbage dump, waste facility or hazardous waste facility;
  - (c) on-street parking or visible storage of:
    - i) unlicensed, uninsured, or inoperable heavy equipment; or
    - ii) more than one unlicensed, uninsured, or inoperable motor vehicle for personal or family Use, unless specifically permitted;
  - (d) despite any other provisions of this Law, a Use which results in any of the following impacts on neighbours or other Adjacent Lands:
    - i) unreasonable or objectionable levels of sound, noise, heat, or glare;
    - ii) unsafe, unhealthful, or objectionable levels of odour, vapour, dust, fumes, ash, or any other potentially noxious substance or material;

- iii) ground vibration;
  - iv) radiation or electromagnetic interference; or
  - v) any environmental, health, or safety hazard to persons or property in areas surrounding, or in the vicinity of, the Use;
- (e) construction or Structures within watercourse or Setbacks; and any Use not:
- i) listed within Section 51 of this Law;
  - ii) a 'permissible use' in a specific Zone listed in the Taza Development Guidelines; or
  - iii) otherwise permitted by a Tsuut'ina Nation law.

### **Wrecked vehicles and construction materials**

53. No outdoor storage of wrecked or disused vehicles shall be permitted in any Zone.

### **Burial sites, ceremonial sites and Artifacts**

54. If a possible burial site, ceremonial site or Artifact is discovered:
- (a) all work must immediately stop;
  - (b) the Tsuut'ina Nation Culture Department and Development Authority must be immediately advised; and
  - (c) the site must be secured and nothing disturbed.
55. Tsuut'ina Nation policies and protocols in relation to burial sites, ceremonial sites or Artifacts shall be respected and followed, including the Burial Site Protocol.
56. The Tsuut'ina Nation Culture Department will confirm whether the site is a burial site or ceremonial site or the item is an Artifact.

### **Sign rules**

57. Signs shall not be constructed or located such that they may be confused with or detract from a traffic sign or traffic control device.
58. Signs shall not be constructed or located such that they interfere with the safe or orderly movement of pedestrians or motor vehicles or the sight lines required under this Law or any other law.
59. The illumination of a sign must not negatively affect, nor pose a safety hazard to, any Adjacent Lands.
60. All signs shall otherwise comply with the provisions of the Taza Development Guidelines.

### **Lighting rules**

61. Any outdoor lighting shall be located and arranged so that no direct rays of light are directed at any Adjacent Lands or interfere with the effectiveness of any traffic sign or traffic control devices.
62. Exterior luminaires with more than 1000 initial lamp lumens shall be shielded and exterior luminaires with more than 3500 initial lamp lumens shall meet the full cutoff IESNA classification.

63. Any luminaire within a distance of 2.5 times its mounting height from the property boundary shall be shielded such that no light from that luminaire crosses the property line.
64. The maximum candela value of all interior lighting shall fall within the Building property and not through windows.
65. The maximum candela value of all exterior lighting shall fall within the property.

### **Building height**

66. All Buildings and Structures shall conform to the building height regulations set out the Taza Development Guidelines for the Zone where such Building or Structure is located, unless approved through a variance through the Development Authority.

### **Projection into Setbacks and separation spaces**

67. The Development Authority may allow certain Building features to project into a required Setback, provided they otherwise comply with the provisions of the Taza Development Guidelines.

### **Landscape rules**

68. Landscape Areas must be provided in accordance with a landscape plan approved by the Development Authority.
69. All Landscape Areas shall conform to the provisions of the Taza Development Guidelines.

### **Waste, recycling, and mechanical screening**

70. Waste containers and waste material must be stored either:
  - (a) inside a Building; or
  - (b) in a waste container enclosure approved by the Development Authority.
71. A waste container enclosure shall have appropriate screening provisions and must not be located between a Building and a Street, unless approved by the Development Authority.
72. Recycling facilities must be provided for all Developments, and those recycling facilities that are located outside of a Building must be screened.
73. Mechanical systems or equipment that are located outside of a Building must be screened.
74. All waste, recycling and mechanical systems or equipment for any form of Development must be implemented in accordance with the appropriate design provisions of the Taza Development Guidelines.
75. All Developments are required to outline their waste and recycling approach, including pick-up and sizing strategy.

### **Corner Visibility Triangle**

76. Within a corner visibility triangle, Buildings, fences, finished grade of a parcel and vegetation must not be located between 0.75 m and 4.60 m above the lowest elevation of the Street.

**Off-Street Vehicular, Loading, and Bicycle Parking**

77. When any Development takes place on any site, off-street parking and loading, and bicycle parking facilities for each Building type or Use, including accessory Buildings or Uses, shall be provided and maintained in accordance with the provisions of the Taza Development Guidelines.

**Fencing**

78. All fences and gateways shall conform to the provisions of the Taza Development Guidelines.

**Land Use Zones**

79. All Development shall comply with the specific Zone provisions, as listed in the Taza Development Guidelines.

## Compliance and Enforcement

### General Offences

80. Any person who contravenes any provision of this Law by doing any act or thing which the person is prohibited from doing or by failing to do any act or thing the person is required to do is guilty of an offence.
81. A person is guilty of an offence where they make use of land or commence a Development:
  - (a) without a Development Permit where one is required; or
  - (b) in a manner that is not in accordance with an approved Development Permit including any conditions forming part of that Development Permit.
82. Any person who is convicted of an offence pursuant to this Law is liable on summary conviction to a fine not exceeding ten thousand (\$10,000.00) dollars per day of the offence and in default of payment of any fine imposed, to a period of imprisonment not exceeding six months.

### Violation Tickets

83. Where the Development Authority believes that a person has contravened any provision of this Law, an Officer may commence proceedings against the person by issuing a violation ticket pursuant to the Tsuut'ina Nation Offences Procedure Bylaw, or any other applicable law.
84. Minimum and specified penalties are set forth in Schedule "B" of this Law, and may be revised from time to time by the Development Authority.
85. Where there is a specified penalty for an offence listed in Schedule "B" of this Law, that amount is the specified penalty for the offence.
86. Where there is a minimum penalty for an offence listed in Schedule "B" to this Law, that amount is the minimum penalty for the offence.
87. If a person is convicted twice of the same provision of this Law within a twenty-four (24) month period:
  - (a) the specified penalty for the second conviction is twice the amount of the specified penalty for a first offence as set out in Schedule "B" to this Law; and
  - (b) the minimum penalty for the second conviction is the amount of the specified penalty for a first offence as set out in Schedule "B" to this Law.
88. If a person is convicted three or more times of the same provision of this Law within a twenty-four (24) month period:
  - (a) the specified penalty for the third and subsequent convictions is three times the amount of the specified penalty for a first offence as set out in Schedule "B" to this Law; and
  - (b) the minimum penalty for the third and subsequent convictions is three times the amount of the specified penalty for a first offence as set out in Schedule "B" to this Law.



89. This section does not prevent any Officer from issuing a violation ticket requiring an appearance of the defendant at a court of competent jurisdiction, pursuant to the provisions of the Tsuut'ina Nation Offences Procedures Bylaw, or any other applicable law, or from laying an information in lieu of issuing a violation ticket.

### **Stop Orders**

90. The Development Authority shall enforce this Law in accordance with the Development Approval Process Law.
91. On finding that a Development, Land Use, Building or Structure is not in accordance with the provisions of this Law, the Development Approval Process Law, the Taza Development Guidelines, or a Development Permit, the Development Authority may, by written notice, order the Person responsible for the Development, Person in possession of the Building or Structure, or the Person responsible for the contravention, or any or all of them, to:
- a) stop the Development or Use of the land or Building in whole or in part as directed by the notice;
  - b) demolish, remove, or replace the Development; or
  - c) carry out any other actions required by the notice so that the Development, Use of the lands or Building complies with this Zoning Law, the provisions of the Taza Development Guidelines or Development Permit, as applicable, within the time set out in the notice.
92. The recipient of a stop order shall have recourse to appeal in accordance with the Development Approvals Procedures Law.

## Amendments to this Law

### Amendments

93. Amendments to this Law shall be made through the Tsuut'ina Legislative Process Act, as may be amended from time to time.

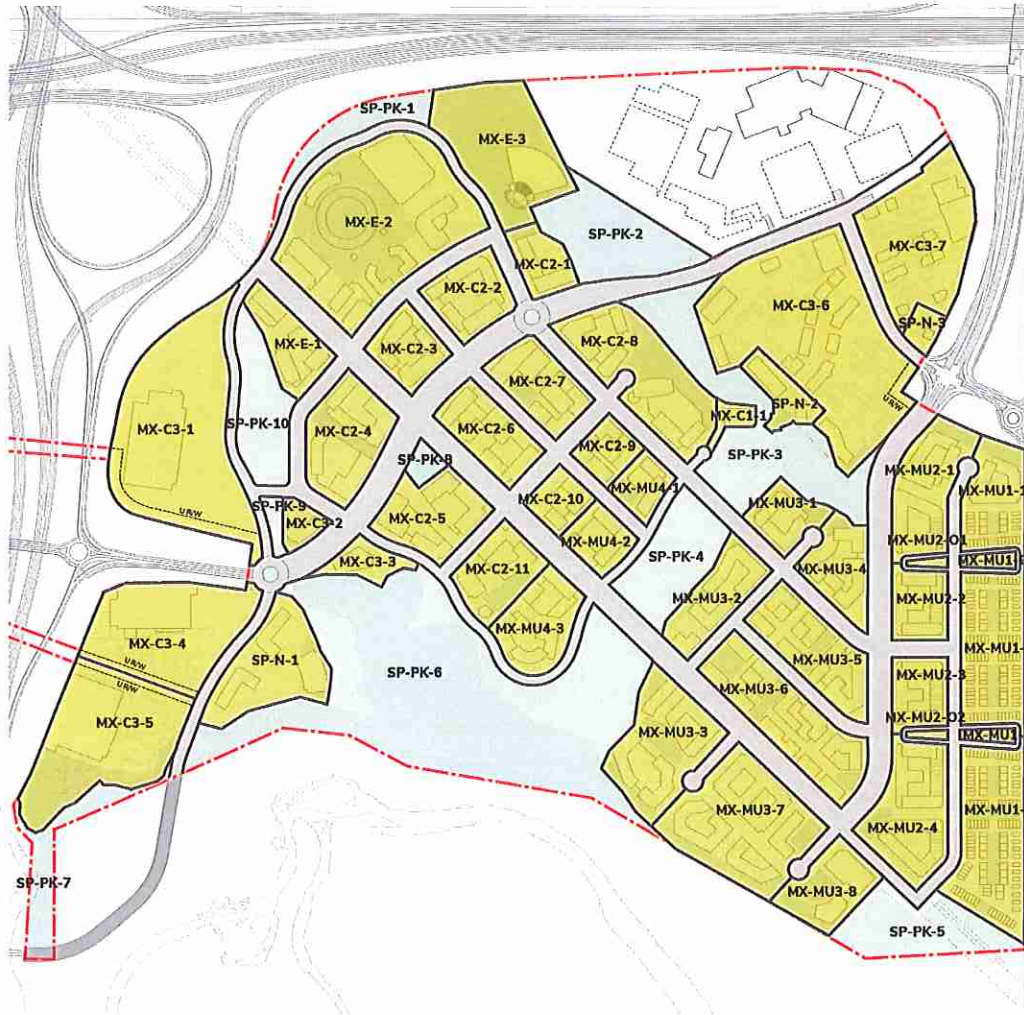
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Appendix

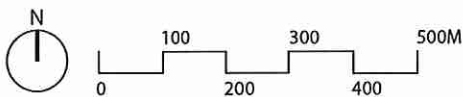
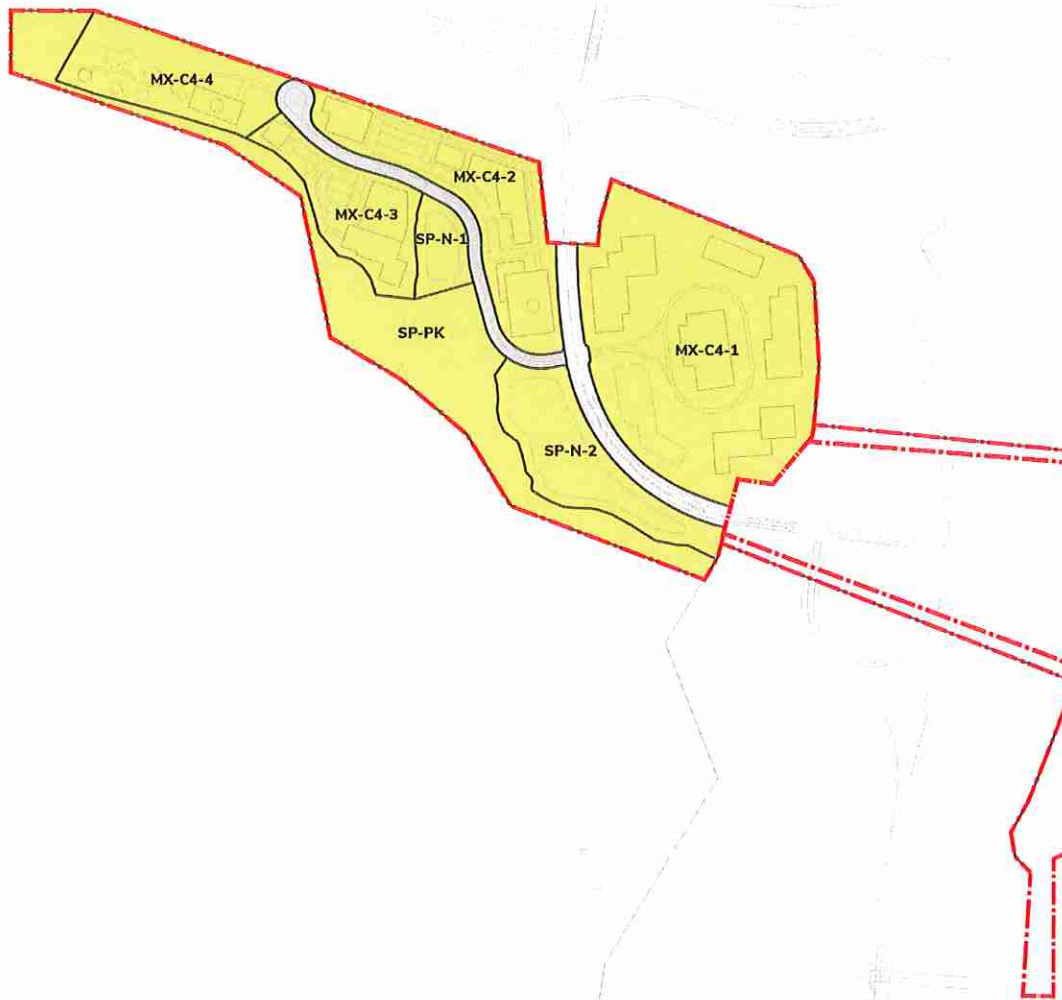
Schedule 'A' – Zoning Maps

TAZA PARK EAST – PARCEL PLAN



The parcels identified are suggested only. Modifications could be made as appropriate based upon market demand and the needs of the development as a whole, subject to review by the master developer.

TAZA PARK WEST - PARCEL PLAN



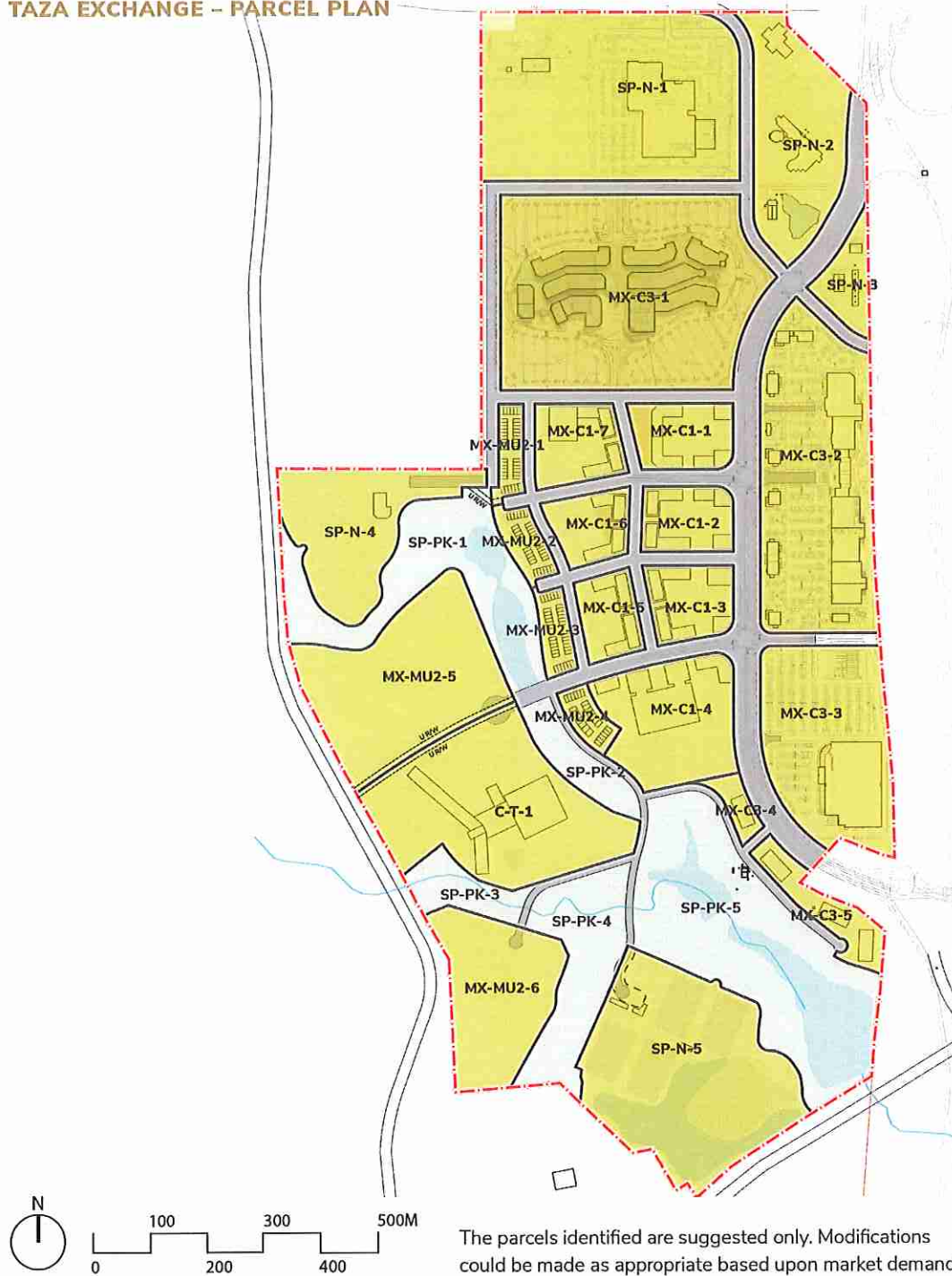
The parcels identified are suggested only. Modifications could be made as appropriate based upon market demand and the needs of the development as a whole, subject to review by the master developer.

**TAZA CROSSING SOUTH - PARCEL PLAN**



The parcels identified are suggested only. Modifications could be made as appropriate based upon market demand and the needs of the development as a whole, subject to review by the master developer.

**TAZA EXCHANGE - PARCEL PLAN**



The parcels identified are suggested only. Modifications could be made as appropriate based upon market demand and the needs of the development as a whole, subject to review by the master developer.

**Schedule 'B' – Minimum and Specified Penalties**

Section	Offence	Minimum Penalty First Offence	Specified Penalty First Offence
<b>Lighting Offences</b>			
21(a)	Fail to shield	\$100	\$200
21(d)	Exceed mounting height	\$100	\$200
<b>Sign Offences</b>			
21(b)	Sign too close to curb	\$100	\$500
26	Sign in corner visibility triangle	\$100	\$500
20(a)	Unauthorized projection over sidewalks or road rights-of-way	\$100	\$200
20(d)	Fail to comply with General Rules for Sign	\$100	\$200
<b>Parking, Loading, and Bicycle Parking Offences</b>			
27(a)	Fail to identify parking stalls through signage	\$500	\$1000
27(a)	Fail to comply with parking standards	\$500	\$1000
27(a)	Fail to comply with loading standards	\$500	\$1000
27(a)	Fail to comply with bicycle parking standards	\$500	\$1000
<b>Commercial and Mixed Use Offences</b>			
25(f)	Fail to screen mechanical	\$200	\$1000
25(a)	Fail to enclose garbage containers	\$200	\$1000

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**Chief and Council Signatory Page**

**THIS LAW IS HEREBY** made at this duly convened meeting of the Chief and Council of the Tsuut'ina Nation this 14<sup>th</sup> day of March, 2019.

Voting in favour of the Insert Name Law, as evidenced by signatures, are the following members of the Chief and Council:

  
Chief Lee Crowchild

  
Councillor Leon Littlelight

  
Councillor Andy Onespot Sr.

  
Councillor Regena Crowchild

  
Councillor Brent Dodginghorse

  
Councillor LeeRoy Meguinis

  
Councillor Lyle Dodginghorse

  
Councillor Stanley Big Plume

  
Councillor Darryl Whitney

  
Councillor Kelsey Big Plume

  
Councillor Vincent Crowchild

  
Councillor Ellery Starlight

  
Councillor Darrell Crowchild