

WHITECAP DAKOTA FIRST NATION



ZONING LAND LAW

NO. 2009-01

Whitecap Dakota First Nation

Zoning Law 2008-01

1 INTRODUCTION

WHEREAS the Whitecap Dakota First Nation has inherent rights, customs and traditions, including Aboriginal rights such as the right to self-determination;

AND WHEREAS the Whitecap Dakota First Nation has taken control of its reserve lands and resources pursuant to the Framework Agreement on First Nation Land Management (the "Framework Agreement"), which was ratified by Canada pursuant to the First Nations Land Management Act (the "FNLMA"), and has enacted the Whitecap Dakota First Nation Land Code (the "Land Code") which came into force and effect on January 1, 2004;

AND WHEREAS, pursuant to section 8.1 of the Land Code, the Council of the Whitecap Dakota First Nation has the power to make laws respecting the use and possession of Whitecap Dakota Land; and

AND WHEREAS, the purpose of this law is to regulate development on the Whitecap Dakota First Nation Lands so ensure developments are compatible with surrounding land uses.

NOW THEREFORE, THIS LAW IS HEREBY ENACTED AS A LAW OF THE WHITECAP DAKOTA FIRST NATION:

2 DEFINITIONS

Whenever in this policy the following words or terms are used, they shall (unless the context provides otherwise) have the following meaning:

Accessory Building or Use - A building or use which:

- (a) is subordinate to and serves the principal building or principal use;
- (b) is subordinate in area, extent, and purpose to the principal building or principal use served;
- (c) contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served; and
- (d) is located on the same site as the principal building or principal use served.

Ancillary Use - A use that is secondary and subordinate in size, extent and purpose to the principal use on the same site, but is not necessary for the operation of the principal use on that site.

Band Council Resolution - A motion passed and approved by a majority of the Council of the Band present at a duly convened meeting.

Building - A structure constructed or placed on, in or over land but does not include a public highway.

Building, Principal - The building in which is conducted the main or primary use of the site on which said building is situated.

Car or Truck Wash - A building or portion of a building which is used for the washing of vehicles, including full service, automatic and hand operated facilities.

Consulting Engineer - The person appointed by the Council to act on behalf of the First Nation or his designee.

Council - The duly elected Council of the Whitecap Dakota First Nation.

Community Centre - A building or facility used for recreational, social, educational or cultural activities and which is owned by the Whitecap Dakota First Nation, a non-profit corporation or other non-profit organization.

Construction Trades - Offices, shops and warehouses, with or without associated retail sales of plumbing and heating, electrical, carpentry, masonry and other trades associated with construction of buildings.

Convenience Store - A store offering for sale primarily food products, beverages, tobacco, personal care items, hardware and printed matter and which primarily provides a convenient day-to-day service to residents in the vicinity.

Corner Site - A site at the intersection or junction of two or more streets.

Cultural Institution - An establishment such as a museum, art gallery, library and similar facilities of historical, educational or cultural interest.

Day Care Centre - A facility for the non-parental care of over four (4) preschool age children on a daily basis.

Developer - The lessee of the Land on the Reserve proposed to be developed.

Development - The carrying out of any building, engineering, mining or other operations in, on, or over land, or the making of any material change in the use or intensity of use of any building or land.

Development Permit - A document authorizing a development, issued pursuant to this policy.

Development Proposal - A document briefly outlining a proposed development on Whitecap Dakota First Nation Land.

Dwelling - A building used or intended for residential occupancy.

Dwelling Group - A group of two or more detached one unit dwellings, two unit dwellings or multiple unit dwellings or combinations thereof occupying the same site.

Dwelling, Multiple Unit - A building divided into three or more dwelling units as herein defined and shall include town or row houses and apartment houses but not rooming houses, hotels, or motels.

Dwelling, Single Detached - A detached building consisting of one dwelling unit as herein defined, but shall not include a mobile home as herein defined.

Dwelling, Two-Unit - A detached building divided into two dwelling units.

Dwelling Unit - A separate set of living quarters, whether occupied or not, usually containing sleeping facilities, sanitary facilities and a kitchen or kitchen components.

Elders' Lodge - A multiple unit dwelling or dwelling group used for the accommodation of senior citizens, and may include social, cultural and meeting facilities for the use of residents and their families.

Fence - An artificially constructed barrier erected to enclose or screen areas of land.

Financial Institution - A bank, credit union, trust company, or similar establishment.

First Nation - The Whitecap Dakota First Nation.

Floor Area - The maximum habitable area contained within the outside walls of a building, excluding in the case of a dwelling unit any private garage, porch, sunroom, unfinished attic or unfinished basement.

Frontage - The side of a site abutting a street and, in the case of a corner site, the shorter of the sides is the frontage.

Gas Bar - A building or facility used for the retail sale of motor vehicle fuels from fixed pumps.

Group Home - A home approved by the Whitecap Dakota First Nation for the supervised accommodation of up to nine (9) persons.

Hazard Land - Land which is subject to flooding, ponding, subsidence, landslides or erosion.

Hazardous Industrial Use - Any use involving the manufacturing, storage, processing, transshipment, collection, treatment or disposal of hazardous materials or chemicals (specifically

excluding accredited training facilities in which the use of hazardous materials is required for the purposes of training programs).

Hazardous Material - Any product, substance or organism which, because of its quantity, concentration or risk of spill, or its physical, chemical or infectious characteristics, either individually or in combination with other substances, is an existing or potential threat to the physical environment, to human health or to living organisms, including but not limited to:

- (a) Corrosives;
- (b) Explosives;
- (c) Flammable and combustible liquids;
- (d) Flammable solids; substances liable to spontaneous combustion, substances that on contact with water emit flammable gases.
- (e) Gases, compressed, deeply refrigerated, liquefied or dissolved under pressure;
- (f) Oxidizing substances; organic peroxides;
- (g) Poisonous (toxic) and infectious substances;
- (h) Radioactive materials;
- (i) Waste Dangerous Materials; and
- (j) Any other environmentally hazardous substance.

Health Centre or Clinic - A facility or institution engaged in the provision of programs and services for health maintenance, diagnosis or treatment of human pain, injury or other physical condition on an out-patient basis.

Home Based Business - An accessory use of a dwelling unit by a resident of the dwelling for a business which is secondary and incidental to the primary use of the dwelling as a residence, and does not change the residential character of the buildings or site.

Hotel - A building or part of a building used as a place for sleeping accommodation with or without meals, and which may have a licensed beverage room, but does not include a motel.

Intensive Livestock Operation (I.L.O.) - The operation or facilities for the permanent or temporary rearing, confinement or feeding of poultry, hogs, sheep, goats, cattle, horses, or domesticated game animals in such numbers that the facility and portion of a site used for the operation:

- (a) will contain 100 or more animal units, and
- (b) provides less than 370 square metres (4000 ft²) of space for each animal unit contained therein.

Intersection - An area where two or more streets or lanes meet or cross at grade.

Land Use District - A specifically delineated area of Whitecap Dakota First Nation Land within which certain uniform requirements and regulations or various combinations thereof govern the use, placement, spacing and size of land and structures.

Lessee - The person who has the exclusive use and occupation of the lands on the Reserve and includes a sub lessee of the lands on the Reserve.

Lounge - A room or area adjoining a restaurant that permits the sale of beer, wine or spirits for consumption on the premises, with or without food, and where no entertainment or dance floor is permitted, either in the lounge or in the restaurant attached to the lounge.

Mall - A single story commercial building in which, up to six (6) of the permitted or discretionary uses of the land use district are located together for their mutual benefit, each use having a separate entrance to the outside.

Mobile Home - A trailer coach:

- (a) that is used as a dwelling all year round;
- (b) that has water faucets and shower or other bathing facilities that may be connected to a water distribution system;
- (c) that has facilities for washing and a water closet or other similar facility that may be connected to a sewage system; and
- (d) that conforms to current Canadian Standards Association construction standards.

Motel - An establishment consisting of a group of attached or detached living or sleeping accommodations each with a bathroom, located on a lot or site and designed for use by the public, and may include a restaurant or licensed dining room.

Night Club - A building or portion thereof, where beer, wine or spirits are served to patrons for consumption on the premises, with or without food, and where a designated area for entertainment or dancing during certain hours of operation may also be provided.

Office and Office Building - A building or part of a building used primarily for conducting the affairs of a business, profession, service, industry, or government in which no goods or commodities of business or trade are stored, transhipped, sold or processed.

Parking Lot - An open area of land, other than a street, used for the temporary parking of more than four vehicles and available for public use whether free, for charge, or for accommodation of clients or customers.

Parking, Off-Street - Accommodation for the parking of vehicles off a public street or lane.

Permitted Use - Any use or form of development specifically allowed in a land use district subject to the regulations applicable to that land use district.

Personal Service Establishments - Establishments engaged in providing the care of a person or their apparel, which include barber shops, hairstyle salons, laundries, dry cleaners, shoe repair, photographic studios and other similar uses.

Place of Worship - A place used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms and other buildings.

Preschool - A facility approved by the Whitecap Dakota First Nation which provides a part-time program for preschool aged children.

Professional Architect - A person licensed to practice in the Province of Saskatchewan as a Professional Architect.

Professional Engineer - A person licensed to practice in the Province of Saskatchewan as a Professional Engineer.

Professional Planner - A person licensed to practice in the Province of Saskatchewan as a Professional Planner.

Public Works -

- (a) Systems for the production or distribution of electricity;
- (b) systems for the distribution of natural gas or oil;
- (c) facilities for the storage, transmission, treatment, distribution or supply of water;
- (d) facilities for the collection, treatment, movement or disposal of sanitary sewage; or
- (e) telephone or light distribution lines,

that are owned or operated by or for the Crown or the Whitecap Dakota First Nation, or by a corporation under agreement with or under a franchise from the First Nation or under a Federal or Provincial statute.

Recreational Facility, Commercial - A recreation or amusement facility operated as a business and open to the general public for a fee.

Recreational Facility, Community - A recreation or amusement facility operated by the First Nation, or a non-profit organization and open to the general public.

Recreational Vehicle - A unit intended to provide temporary living accommodation for campers or travellers; built as part of, or to be towed by, a motor vehicle; and includes truck campers, motor homes, tent trailers and travel trailers.

Rehabilitation Facility - A building approved by the Whitecap Dakota First Nation used for the accommodation and supervision or treatment of not more than nine (9) persons who are from, or have been discharged from a penal institution or who are receiving supervision or treatment for alcohol or other drug addiction.

Reserve - The Indian Reserve(s) set apart for the use and benefit of the Whitecap Dakota First Nation.

Restaurant - A place where food and beverages are prepared and served to patrons seated at tables or counters, in a motor vehicle on the premises, or for off-site consumption, and may include a drive-through service window.

Retail Store - A place where goods, wares, or merchandise are offered for sale or rent, and may include the manufacturing of products to be sold on site, provided the gross floor area used for manufacturing does not exceed 25% of the gross floor area of the retail store.

Screening - A fence, wall, berm or planted vegetation located so as to visually shield or obscure one abutting area of use from another.

Servicing Agreement - Means the document detailing the obligations of the First Nation to the lessee to provide infrastructure servicing.

Service Station - A place where petroleum products are kept for retail sales for automobiles and other motor vehicles and where repairs, rental, servicing, greasing, adjusting or equipping of automobiles or other motor vehicles may be performed, but not including painting, body work and major repairs.

Shopping Centre - A building, or group of buildings, located on the same site and managed as a single unit, in which individual spaces are leased to two (2) or more of the allowed uses for their mutual benefit, including the use of off-street parking and other joint facilities.

Sign, Free-Standing, Off-Site - A free-standing sign or billboard advertising off-site products or services.

Site - One or more contiguous lots used, or intended to be used, by a single principal use or principal building.

Site, Corner - A site at the intersection of two or more streets.

Site Coverage - That portion of the site that is covered by principal and accessory buildings.

Site Line, Front - The line that divides the site from the street. In the case of a corner site, the front site line shall mean the line separating the narrowest street frontage of the site from the street.

Site Line, Rear - The line at the rear of the site and opposite the front site line.

Site Line, Side - A site line other than a front or rear site line.

Site, Through - A site not more than one lot in depth, having a frontage on two streets and more or less parallel.

Site Width - For rectangular sites, the horizontal distance between the side boundaries of the site measured along the front site line. For non-rectangular sites, the average of the horizontal distances between the side boundaries of the site measured along the front and rear site lines.

Special Care Home - A nursing home, supervisory care home, sheltered care home or other facility approved by the Whitecap Dakota First Nation and used for the purpose of providing supervisory care, personal care and nursing care.

Street - A public thoroughfare which affords the principal means of access to the abutting property.

Theatre - A place devoted to showing motion pictures or dramatic, dance, musical or other live performances.

Tourist Campground - A tract or parcel of land which provides for the location of tents, recreational vehicles or trailer coaches used by travellers and tourists for overnight accommodation.

Townhouse - A multiple-unit dwelling in which each unit has its own entrance to the outside, each unit being separated from other units by a common wall or ceiling which has no openings.

Trailer Coach - Any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways and includes a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner as to permit the occupancy thereof as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked up.

Training Facility - A facility offering post-secondary programs related to skill acquisition and enhancement in specialized vocations, and may include both indoor and outdoor training venues as well as dormitory accommodation and food service facilities to students and staff.

Use - The purpose or activity for which a piece of land, or its building is designed, arranged, intended, occupied or maintained.

Warehouse - A building used primarily for the storage of goods and materials.

Whitecap Dakota First Nation Land - The lands on the Reserve(s) that make up the Whitecap Dakota First Nation.

Wholesale Establishment - The sale of commodities to retailers or jobbers and shall include the sale of commodities for the purpose of carrying on any trade or business.

Works - Any buildings, services, roads and any other improvement required to be constructed and erected or installed, both on the Whitecap Dakota First Nation Lands and within statutory or other rights-of-way, permit or easement areas or license areas by the Developer.

Yard - An unoccupied space open to the sky on the same site with a building or structure.

Yard, Front - The area between the side site lines and the front site line to the front building line.

Yard, Rear - The area between the side site lines, and the rear site line to the rear building line.

Yard, Required - A yard or yards required by this Plan and within which, unless specifically permitted, no building or structure, or part of a building or structure shall be erected.

Yard, Side - The area between the front and rear yards and between the side site line and the side building line.

3 ADMINISTRATION

3.1 By-law Administration

The Land Manager, including any person acting under the authority, direction, and with the consent of the Land Manager, shall be responsible for the administration of this by-law.

3.2 Development Permit

- (1) No person shall undertake a development or commence a use unless a development permit has first been obtained, except as provided in Section 3.2 (2).
- (2) A development permit is not required for the following, but all other applicable provisions of this By-law are to be followed:
 - (a) the maintenance of a Band utility by the Band or crown corporation;
 - (b) the construction of a Band utility by the Band;
 - (c) the installation of a Band utility by the Band;
 - (d) a Band facility installed and operated by the Band;
 - (e) maintenance and repairs that do not include structural alterations; or
 - (f) the installation of fences or accessory buildings under 10 square meters (100 sq. ft.).
- (3) A building permit shall not be issued unless a development permit, where required, has also been issued.
- (4) If the development or use authorized by a development permit is not commenced within six (6) months from the date of issue of a permit, and completed within eighteen (18) months of its issue, the permit is deemed void unless an extension has been granted prior to its expiry.

3.3 Application for a Development Permit

- (1) The application for a development permit shall be made to the Whitecap Dakota First Nation Lands Office by the Developer on "Schedule A".

- (2) The Developer shall submit the Development Permit Application for the proposed project signed and sealed by a Professional Engineer, Professional Architect and/or Professional Planner.
- (3) The Development Permit Application will be processed by the Lands Office which will present a report to Council for its consideration. The report will contain:
 - (a) a copy of the Development Permit Application;
 - (b) the recommendations of the First Nation's reviewing agencies;
 - (c) confirmation that the proposed development does not contravene the First Nation's Land Code, Land Use Plan or Development Standards; and
 - (d) the security to be posted by the Developer, if any.
- (4) The Development Permit Application will not be approved by Council until:
 - (a) all requirements in respect of any applicable Development Standards and the First Nation's laws or By-laws are satisfied;
 - (b) an environmental assessment of the proposed development has been completed and any concerns are dealt with to the satisfaction of Council; and
 - (c) Development Permit fees and Development Cost Charges are paid.
- (5) Council may refuse to approve the Development Permit Application at any stage of processing if:
 - (a) the cost to the First Nation of providing public utilities or other works or services would be excessive; or
 - (b) the Council is of the opinion that the proposed development does not conform to:
 - (i) any applicable provisions of the First Nation's Land Code, Land Use Plan or Development Standards; or
 - (ii) the recommendations of the First Nation's reviewing agencies; or
 - (iii) any applicable Provincial or Federal Acts or regulations or any First Nation Laws or By-laws.
- (6) Upon approval of the Development Permit Application, ("Schedule B", **Notice of Decision**), the Developer will enter into a Lease and Servicing Agreement with the First Nation.
- (7) A copy of all Development Permits, Leases and Servicing Agreements will be retained by the Lands Office.
- (8) The Developer will not be granted an Occupancy Permit until the Consulting Engineer is satisfied that all Works required to be carried out by the Developer are completed.

3.4 Appeals

To be developed

3.5 Enforcement, Offences and Penalties

To be developed

4 GENERAL REGULATIONS

4.1 Development of Potentially Hazardous Lands

- (1) For the purposes of avoiding damage to property and risk to public safety as a result of flood hazard, a Safe Building Elevation (SBE) of 485.4 m geodetic has been adopted by Council. Lands lying below this elevation are considered to be potentially hazardous.
- (2) Where a proposed development may be adversely affected by biophysical conditions, or may have an adverse affect on site conditions at the proposed location or on neighbouring property, it shall require documentation that such is not the case, before approving the development. Any costs associated with providing required documentation will be borne by the applicant / proponent.
- (3) Prior to issuing a development permit for an application on land deemed to be environmentally sensitive or hazardous, including but not limited to flood prone lands and any lands on or near potentially unstable slopes, Council shall require that the applicant submit a certified environmental, geotechnical and/or hydrological assessment, prepared by a qualified professional. Such assessment shall address, at Council's discretion, any or all of the following:
 - (i) identification of all on-site and relevant off-site environmental constraints on and hazards to development and servicing;
 - (ii) identification of all on-site and relevant off-site environmentally sensitive lands;
 - (iii) assessment of the impact of the proposed development on the environment (both on the site that is the subject of the application and on any adjacent or nearby sites);
 - (iv) assessment of the impact of on-site and/or off-site environmental conditions on the proposed development / use; or
 - (v) identification of actions required to prevent, change, mitigate or remedy the adverse effects of the proposed development / use on the environment and/or the adverse effects of the environment on the proposed development.
- (4) Actions identified, in an assessment prepared pursuant to (iii) above, for

prevention, change, mitigation or remedy shall be incorporated as conditions to issuance of any development permit that may be issued.

4.2 Development only where Road Access and Required Services are Available

- (1) Except for field crops and pastures, and permitted development in the Resource Conservation Land Use District, a development permit shall not be issued unless the subject site abuts, or has direct frontage on a graded all-weather road, or unless satisfactory arrangements have been made with Council for the improvement or construction of a road, where required.
- (2) Except for field crops and pastures, and permitted development in the RCON - Resource Conservation Land Use District, a development permit shall not be issued unless the subject site is capable of being serviced directly from existing servicing systems (power, water, sewer, natural gas), or unless satisfactory arrangements have been made with Council for the provision of appropriate services.

4.3 Accessory Buildings

- (1) Accessory buildings shall be subordinate to, and located on the same site as the principal building or use, and used in conjunction with that principal use.
- (2) Accessory buildings shall not be constructed or placed on any site prior to the construction of the principal building except where a Development Permit has been issued for a principal building, Council may, at its discretion, allow prior development of an accessory building where such building is required for the storage of construction material or equipment. If the principal building is not completed in the time period required, the accessory building is to be removed.
- (3) Except in the AG - Agriculture Land Use District, accessory buildings are not to exceed the height of the principal building, and in no case shall the accessory building exceed the height limits provided for accessory buildings or structures in the zoning district in which it is located.
- (4) Private garages and carports attached to the principal building by a substantial roof structure are considered as part of the principal building and subject to the regulations governing the principal building.
- (5) Detached accessory buildings in the Small Lot Residential Land Use District and Commercial/Resort Residential Land Use Districts are subject to the following regulations:
 - (a) Accessory buildings are not to be located in any front yard.
 - (b) Yard, rear: minimum - 0.6 metres, except where the main door faces the rear site line, the minimum shall be 3 metres.
 - (c) Yard, side: minimum - 3 metres from a side site line abutting a street, otherwise 0.6 metres.

- (d) Accessory buildings located in a required rear yard shall not occupy more than forty (40) per cent of the required rear yard, and shall not obstruct access to any lane.
 - (e) Detached accessory buildings shall be located at least one metre from the principal building.
- (6) Detached accessory buildings in the Large Lot Residential Land Use District are subject to the following regulations:
- (a) Yard, rear: minimum - 4.5 metres.
 - (b) Yard, side: minimum - 3 metres.
 - (c) Yard, front: minimum - 7.5 metres.
- (7) Detached accessory buildings shall be located at least one metre from the principal building.
- (8) In any residential district, there shall be no more than three (3) accessory buildings on a site.
- (9) Independent living suites shall be permitted only on sites in the Large Lot Residential Land Use District and in the Agricultural Land Use District that are occupied by a one-unit dwelling.
- (10) Independent living suites shall be permitted for the accommodation of one or two extended family members who desire to live in close proximity to younger family members but retain an independent lifestyle.
- (11) Independent living suites will not be included in the calculation of the total floor area for detached accessory buildings.
- (12) Sanitary sewer and potable water services shall be connected to the principal residence on the site.

4.4 Off-Street Parking and Loading

- (1) Off-street parking shall be provided in accordance with Table 4-1.
- (2) All required parking facilities shall be located on the same site as the principal building or use.
- (3) When the calculation of parking requirements results in a fractional required parking space, this fractional requirement shall be rounded up to the next whole number.
- (4) All required parking and loading facilities shall only be used for the purpose of accommodating the vehicles of clients, customers, employees, members, residents

or visitors in connection with the principal building or use for which the parking and loading facilities are provided, and the parking and loading facilities shall not be used for driveways, access or egress, commercial repair work, display, sale or storage of goods of any kind.

- (5) All required parking and loading spaces shall be clear of any access driveways, aisles, ramps, columns, signs or other similar obstructions, and shall conform to the following minimum dimensions:

TABLE 4-1	
Type of Space	Minimum Dimensions
Parallel parking spaces	3.0 m by 6.7 m
Parking spaces other than parallel parking spaces	2.7 m by 6.0 m
Loading spaces	3.0 m by 7.5 m

- (6) All required parking and loading spaces shall, without excessive vehicular manoeuvring, have direct access to a driveway or aisle leading to a public street
- (7) Driveways and aisles which provide access to parking or loading spaces shall conform to the following minimum dimensions

TABLE 4-2	
Parking Angle in Degrees	Width of Aisle or Driveway
75 to 90	6.0 metres (two-way traffic)
50 to 74	5.5 metres (two-way traffic)
49 or less	3.7 metres (one-way traffic only)

For the purpose of the above minimum dimensions, angles shall be measured between the centre line of the parking or loading space and the centre line of the driveway or aisle.

- (8) In the R1 and R2 Residential Land Use Districts, required off-street parking shall not be located in any required front yard.
- (9) Except in the Agriculture Land Use District, each non-residential principal building with a building floor area greater than 500 m² shall provide one off-street loading space.

TABLE 4-3: MINIMUM OFF-STREET PARKING REQUIREMENTS IN ALL LAND USE DISTRICTS

Use	All Land Use Districts
Auction markets, excluding livestock auction facilities	1 space per 46 m ² of gross floor area or 1 space per 3 employees, whichever is greater
Auto body shops	1 space per 46 m ² of gross floor area or 1 space per 3 employees, whichever is greater
Automobile, marine, etc. sales and service	1 space per 28 m ² of gross floor area
Automotive / industrial supply stores	1 space per 28 m ² of gross floor area
Bed and breakfast homes	1 space plus 1 space for each guest room
Car washes	3 spaces per bay
Casinos	1 space per 12 m ² of gross floor area
Commercial recreation facilities	1 space per 28 m ² of gross floor area
Community centres	1 space per 50 m ² of gross floor area
Community recreational uses	1 space per 28 m ² of gross floor area or (for primarily outdoor recreational uses) 1 space per 6 patrons at design capacity
Consignment centres	1 space per 46 m ² of gross floor area or 1 space per 3 employees, whichever is greater
Construction trades	1 space per 28 m ² of gross floor area
Convenience stores	1 space per 28 m ² of gross floor area
Day care centres and pre-schools	1 space plus 1 additional space for every 10 persons enrolled in the facility per day
Dwellings, multiple unit	1 space per dwelling unit plus 0.5 spaces per dwelling unit for visitors
Dwellings, one unit	1 space per dwelling unit
Dwellings, two unit	1 space per dwelling unit
Dwelling unit, accessory	1 space per dwelling unit
Elders' lodges and similar facilities	1 space per 2 dwelling units plus 1 space per 3 employees
Financial institutions	1 space per 28 m ² of gross floor area
Gas bars	1 space per 28 m ² of gross floor area
Group homes	1 space per 3 employees

TABLE 4-3: MINIMUM OFF-STREET PARKING REQUIREMENTS IN ALL LAND USE DISTRICTS

Use	All Land Use Districts
Health centres and clinics	1 space per 28 m ² of gross floor area
Golf courses	10 spaces per hole in play plus 1 space per 3 employees
Health clubs and spas	1 space per 28 m ² of gross floor area
Hotels	1 space per guest room plus 1 space per 15 m ² of gross floor area devoted to public assembly plus the applicable number of parking spaces for any other use contained on the site
Indoor storage rental facilities	1 space per 46 m ² of gross floor area or 1 space per 3 employees, whichever is greater
Industrial equipment storage, sales and maintenance	1 space per 46 m ² of gross floor area or 1 space per 3 employees, whichever is greater
Industrial equipment training and other training facilities	1 space per 46 m ² of gross floor area or 1 space per 3 employees, whichever is greater, plus 1 space per 2 students enrolled in the facility at peak enrolment
Lounges	1 space per 4 seats intended for patrons' use
Lumber yards, home improvement centres and building supply establishments	1 space per 46 m ² of gross floor area or 1 space per 3 employees, whichever is greater
Malls	1 space per 28 m ² of gross floor area
Motels	1 space per guest unit
Night clubs	1 space per 4 seats intended for patrons' use
Nurseries, greenhouses and garden centres	1 space per 28 m ² of gross floor area
Offices and office buildings	1 space per 46 m ² of gross floor area
Personal service establishments	1 space per 28 m ² of gross floor area
Places of worship	1 space per 10 seats in main assembly area or (where no fixed seating is provided) 1 space per 7.5 m ² of gross floor area devoted to main assembly area
Restaurants	1 space per 4 seats intended for patrons' use
Retail stores	1 space per 28 m ² of gross floor area
Riding stables	2 spaces per 28 m ² of gross floor area
Schools	1 space per classroom

TABLE 4-3: MINIMUM OFF-STREET PARKING REQUIREMENTS IN ALL LAND USE DISTRICTS

Use	All Land Use Districts
Service stations	1 space per 28 m ² of gross floor area
Shopping centres	1 space per 28 m ² of gross floor area
Special care homes	1 space per 4 beds plus 1 space per 4 employees
Theatres	1 space per 4 seats
Tourist campgrounds	1 space per 28 m ² of total gross floor area of all buildings
Trucking operations and freight handling facilities	1 space per 46 m ² of gross floor area or 1 space per 3 employees, whichever is greater
Warehouses	1 space per 90 m ² of gross floor area
Welding and machine shops	1 space per 46 m ² of gross floor area or 1 space per 3 employees, whichever is greater
Wholesale establishments	1 space per 46 m ² of gross floor area or 1 space per 3 employees, whichever is greater

12.5 Signs

- (1) All signs shall be subject to the following regulations:
 - (a) Except as otherwise provided, no sign shall project beyond the property lines of the site to which it pertains. Plans that include signs projecting past property lines are subject to council review.
 - (b) All-free standing signs located beyond the property line of the site to which it pertains, shall be located outside of the designated Whitecap roadways' right-of-way.
 - (c) All free-standing signs, for which a permit is required, shall be located at least 20 m from any Provincial Highway right-of way. No free standing signs may be erected in designated "sight triangle" zones adjacent to provincial highways: "sight triangle" means a triangular area located at the intersection of a provincial highway and any road or railway line formed by straight lines joining:
 - (i) the point of centreline intersection of the provincial highway and the intersecting road or railway line;
 - (ii) a point 230 metres from the point of centreline intersection, as measured along the highway centreline; and
 - (iii) a point 80 metres from the point of centreline intersection, as measured along the centreline of the road or railway line.
 - (d) Permitted home based businesses may display one (1) fascia sign, not exceeding 0.4 m² in area, identifying the name of the home based business. Such sign shall not be illuminated and shall be affixed to the principal building.
- (2) Application for a Sign Permit
 - (a) Applications for sign permits must be made in writing to the Lands Office and must include the names, addresses and telephone numbers of the applicant, the person with rights to use or occupy the site on which the sign is to be erected, (if applicable), and person or consultant who prepared the plans being submitted, including a local contact person. The written application shall be accompanied by plans, specifications, construction details and other information sufficient to inform the Lands Office of the exact nature and location of the intended sign.
 - (b) Prior to issuing a sign permit for a free standing, projecting or roof sign, Council may require that the supplementary documentation described in (a)(2) above, contain the professional stamp of a certified professional engineer qualified to certify that the sign design satisfies all relevant legislation and codes.
 - (c) A signage administration fee of \$225 for non-electrical and \$750 for electrical must accompany an application for a sign permit.

- (d) Free standing signs projecting outside of the property lines to which the site pertains shall require the approval of a lease agreement between Whitecap Dakota First Nation and the holder of the sign permit.
- (3) Signs Not Requiring a Permit under This Plan
- (a) all signs erected by the Whitecap Dakota First Nation;
 - (b) real estate signs on property which is being advertised;
 - (c) directional signs, such as traffic warning signs, parking or no trespassing signs;
 - (d) address signs, one address designation per use which denotes the numerical address and/or name of the occupant;
 - (e) election signs, any level of government election signs;
 - (f) memorial signs, such as plaques, tablets and headstones; and
 - (g) temporary construction signs that indicate the impending development of a site are permitted only until the development is complete.
- (4) A sign permit may be denied or revoked when:
- (a) erection of the sign has not commenced within three months from the date of issue of the permit;
 - (b) the sign does not conform to all relevant provisions of this Plan;
 - (c) the sign being constructed or erected does not conform to the approved drawings; or
 - (d) the sign is not in a proper state of repair:
- (dd) Signs are subject to annual inspection, if a sign is found to be in a state of disrepair a warning shall be issued to the sign permit holder. If requested repairs and maintenance are not performed within thirty days a \$100 fine will be applied daily for a maximum of 30 days. If the permit holder has failed to comply during this time frame the sign permit shall be revoked and the sign removed at the permit holders cost.
- (5) On any site in the **Residential Small Lot (R1) Land Use District and Residential Large Lot (R2) Land Use District**, signs may be erected as follows:
- (a) Sign provisions applying to permitted principal residential uses, commercial uses and community service uses in any residential

district are set out in Table 12-2. The following provisions also apply:

- (aa) No roof signs shall be permitted.
 - (bb) Illuminated signs shall have a steady internal light source or a steady external light source shielded so that the light is directed only at the face of the sign.
 - (cc) Signs applying to community service uses must not display advertising of any commercial service or product.
- (f) On any site in the **Community Service / Recreation (CS/R) Land Use District, Agriculture (Ag) Land Use District and the Resource Conservation (RCon) Land Use District**, signs may be erected as follows:
- (i) Sign provisions applying to permitted principal community service uses, commercial uses, residential uses and agricultural uses in the CS/R, Ag, SU and RCon districts are set out in Table 12.3. The following provisions also apply:
 - (aa) No roof signs shall be permitted.
 - (bb) Illuminated signs shall have a steady internal light source or a steady external light source shielded so that the light is directed only at the face of the sign.
 - (cc) Signs applying to community service uses must not display advertising of any commercial service or product.
- (g) On any site in the **Commercial Resort / Residential (CR/R) Land Use District and the Commercial / Industrial (C/I) Land Use District**, signs may be erected as follows:
- (i) Sign provisions applying to permitted principal commercial uses, community service uses, residential uses and agricultural uses in the CR/R and C/I districts are set out in Table 12-4. The following provisions also apply:
 - (aa) Illuminated signs shall have a steady internal light source or a steady external light source shielded so that the light is directed only at the face of the sign.
 - (bb) A free standing sign applying to a commercial/ industrial use may be located in a required yard, provided that the Lands Office is satisfied that it does not create an obstruction to vehicle or pedestrian traffic or a hazard to public safety.
 - (cc) Free standing signs shall maintain a minimum vertical clearance of 3.0 m above grade over any vehicle circulation area on the site.

- (dd) Signs other than free standing signs shall have a minimum vertical clearance of 2.7 m above grade where they project more than 7.5 cm from the building face.
 - (ee) Awning signs shall not project more than 1.8 m from the building face.
 - (ff) Projecting signs shall not project more than 1.8 m above the eaves or parapet of a supporting building.
 - (gg) Signs applying to community service uses must not display advertising of any commercial service or product.
 - (hh) No projecting sign may project perpendicularly from the property line more than 3.0 m or beyond a point 0.6 m from the building side of the curb line, whichever is less.
 - (ii) No projecting sign may be suspended less than 2.6 m above the surface of a public sidewalk or pedestrian right-of-way.
 - (jj) Roof signs are permitted only on a principal building on any site and only one roof sign shall be permitted on each principal building.
 - (kk) No portion of any roof sign may project beyond any exterior wall or parapet of the building upon which it is placed.
- (h) On any site in the **Special Use (SU) Land Use District**, signs may be erected as follows:
- (i) Those signs determined the Chief and Council to be compatible, subject to development standards that may be determined to be appropriate, on a case-by-case basis, with the protection and enhancement of identified sites of cultural, historical or traditional significance to the Whitecap Dakota First Nation may be permitted through issuance of a development permit.
- (i) Portable Sign Regulations
 - (aa) No portable signs shall have a single face area greater than 6.0 m².
 - (bb) No portable sign shall have a height greater than 3.0 m above grade.
 - (cc) No portable sign shall occupy any space required for off-street parking unless the site contains off-street parking in excess of that required under this Plan.
 - (dd) On any single site, no portable sign may be located closer than 20.0 m from any other portable sign.

TABLE 12-2: SIGN REGULATIONS IN THE SMALL LOT RESIDENTIAL (R1) AND LARGE LOT RESIDENTIAL (R2) LAND USE DISTRICTS

Uses	Maximum No. of Signs	Maximum Total Sign Face Area (m ²)	Maximum Number of Free Standing Signs	Maximum Height of Free Standing Signs (m)	Maximum Sign Face Area of Free Standing Signs (m ²)	
					Per Face	Total
All permitted principal residential uses	1 ⁽¹⁾	0.4 ⁽¹⁾	0	n/a	n/a	n/a
All permitted principal commercial uses	2	18	1	6	6	12
All permitted community service uses	2	10	1	3	2.5	5

Notes to Table 12-2:

- ⁽¹⁾ Multiple unit dwellings and dwelling groups are permitted one additional sign, up to one (1) square metre in area, showing the name of the building or group

TABLE 12-3: SIGN REGULATIONS IN THE COMMUNITY SERVICE / RECREATION (CS/R), AGRICULTURE (Ag) AND RESOURCE CONSERVATION (RCon) LAND USE DISTRICTS						
Uses	Maximum No. of Signs	Maximum Total Sign Face Area (m²)	Maximum Number of Free Standing Signs	Maximum Height of Free Standing Signs (m)	Maximum Sign Face Area of Free Standing Signs (m²)	
					Per Face	Total
All permitted principal community service uses	3	18	1	3	6	12
All permitted principal residential uses	1 ⁽¹⁾	0.4 ⁽¹⁾	0	n/a	n/a	n/a
All permitted principal and ancillary commercial uses	2	18	1	6	6	12

Notes to Table 12-3:

- ⁽¹⁾ Multiple unit dwellings and dwelling groups are permitted one additional sign, up to one (1) square metre in area, showing the name of the building or group

**TABLE 12-4: SIGN REGULATIONS IN THE COMMERCIAL / INDUSTRIAL (C/I)
LAND USE DISTRICTS**

Uses	Maximum No. of Signs	Maximum Total Sign Face Area (m ²)	Maximum Number of Free Standing Signs	Maximum Height of Free Standing Signs (m)	Maximum Sign Face Area of Free Standing Signs (m ²)	
					Per Face	Total
All permitted principal commercial / industrial uses	n/a	n/a	1	15	9	18
All permitted community service uses	3	18	1	3	6	12
All permitted principal free-standing, off-site signs	n/a	n/a	n/a	15	n/a	n/a

12.6 Home based businesses shall be permitted in association with permitted dwellings subject to the following conditions:

- (a) The home based business is clearly ancillary to the use of a farmstead as an agricultural operation or the dwelling unit as a private residence.
- (b) The operator of the business is a resident of the dwelling unit and, in the case of a farmstead only, up to two non-resident employees may be employed at the site. Any employee shall be directly under the hire and management of the operator of the business. Where the business is of a building or service contractor, additional employees may be involved only at the client building site.
- (c) No variation in the residential or residential farm character and appearance of the dwelling, ancillary residential building, or land shall be permitted.
- (d) The permitted home occupation shall be valid only during the period of time the property is occupied as a residence of the applicant for such permitted use.
- (e) All business licenses issued for home based business shall be subject to the condition that the license may be revoked at any time if, in the opinion of Chief and Council, the conditions under which the license was originally issued are no longer met.

12.7 Existing Development Not Conforming To This Plan

Buildings and uses which do not conform to this Plan but which were in existence as of the date on which this Plan was adopted may continue as permitted uses. Expansions or alterations to such uses may occur only in conformity with this Plan.

13 ADMINISTRATION

13.1 The Whitecap Dakota First Nation Lands Office will be responsible for the administration of this Plan.

13.2 Application For A Development Permit

The application and approval process for Development Permits is outlined in the "Land Development Policy" of the Whitecap Dakota First Nation.

13.3 Development Not Requiring A Permit

- (a) Developments permits are not required for the following only:
 - (i) Public Utilities: Any operation for the purposes of inspecting, repairing, or renewing sewers, mains, cables, pipes, wires or similar public works as required by a public utility or the Whitecap Dakota First Nation, and the installation of service connections to property on Whitecap Dakota Land;

(ii) Whitecap Dakota First Nation Facilities: Any facility installed and operated by the Whitecap Dakota First Nation.

3 LAND USE DISTRICTS

3.1 The Land Development Standards in this policy apply to developments in the Land Use Districts listed below:

- (a) Small Lot Residential (R1)
- (b) Large Lot Residential (R2)
- (c) Community Service / Recreation (CS/R)
- (d) Commercial Resort / Residential (CR/R)
- (e) Commercial / Industrial (C/I)
- (f) Agriculture (Ag)
- (g) Special Use (SU)
- (h) Resource Conservation (RCon)

3.2 Developments in all Land Use Districts will conform to The Uniform Building and Accessibility Standards Act and Regulations and The National Building Code of Canada.

4 RESIDENTIAL SMALL LOT (R1) LAND USE DISTRICT

4.1 The purpose of the Residential Small Lot Land Use District is to provide for the development of one-unit, two-unit and multiple-unit dwellings on relatively small sites and for other compatible uses.

4.2 Permitted Uses

Residential

- (a) One-unit dwellings, including mobile homes
- (b) Two-unit dwellings
- (c) Multiple-unit dwellings

Community Service

- (d) Day care centres and pre-schools
- (e) Special care homes
- (f) Group homes
- (g) Parks and playgrounds
- (h) Places of worship
- (i) Schools
- (j) Elders' lodges and similar facilities

Other

- (l) Public works (excluding offices, warehouses, storage yards and sewage treatment facilities)
- (m) Accessory uses and buildings

4.3 Council may consider proposals for uses not listed as a permitted use.

4.4 Development Standards

- (a) All non-residential uses shall maintain the residential character of the area as much as possible.
- (b) The provisions governing off-street parking and loading in the Residential Small Lot (R1) Land Use District are contained in Section 12.4 of this Plan.
- (c) The keeping of livestock is prohibited. The keeping of animals will be limited to a reasonable number of domestic pets belonging to the residents of the site.
- (d) The minimum setback of commercial buildings from the centre line of Provincial Highway 219 is 60m.
- (e) The minimum setback of residential dwellings from the centre line of Provincial Highway 219 is 60m.
- (f) Other development standards relating to the Residential Small Lot Use District are shown in Table 4-1.

TABLE 4-1: RESIDENTIAL SMALL LOT (R1) LAND USE DISTRICT SITE REGULATIONS

Principal Use	Site Area (m ²)		Site Frontage (m)		Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
	Minimum	Maximum	Minimum	Maximum				
One-unit dwellings	600	1,800	15	30	7.5	3	7.5	n/a
Two-unit dwellings	300 per dwelling unit	1800 per dwelling unit	10 per dwelling unit	30 per dwelling unit	7.5	3	7.5	n/a
Multiple-unit dwellings	200 per dwelling unit	300 per dwelling unit	3 per dwelling unit	10 per dwelling unit	7.5	3 ⁽¹⁾	7.5	40
Day care centres and pre-schools	600	1,800	15	30	7.5	3	7.5	40
Special care homes	600	1,800	15	30	7.5	3	7.5	40
Group homes	600	1,800	15	30	7.5	3	7.5	40
Parks and playgrounds	n/a	n/a	n/a	n/a	7.5	3	7.5	10
Places of worship	600	1,800	15	30	7.5	3 ⁽¹⁾	7.5	40
Schools	n/a	5 hectares	n/a	150	7.5	3 ⁽¹⁾	7.5	40
Elders' lodges and similar facilities	n/a	5 hectares	n/a	150	7.5	3 ⁽¹⁾	7.5	40
Public works	n/a	n/a	n/a	n/a	7.5	3 ⁽¹⁾	7.5	40
Accessory independent living suites	Refer to Section 12.3 (g) of this Plan							
Other accessory uses	Refer to Section 12.3 of this Plan							

Notes: (1) or ½ of the building sidewall height, whichever is greater

5 RESIDENTIAL LARGE LOT (R2) LAND USE DISTRICT

5.1 The purpose of the Residential Large Lot Land Use District is to provide for the development of one-unit dwellings on relatively large sites and other compatible uses.

5.2 Permitted Uses

Residential

- (a) One-unit dwellings, including mobile homes
- (b) Independent living suites, when accessory to a one-unit dwelling and located in the rear yard of the residential site

Other

- (c) Public works (excluding offices, warehouses, storage yards and sewage treatment facilities)
- (d) Accessory uses and buildings

5.3 Council may consider proposals for uses not listed as a permitted use.

5.4 Development Standards

- (a) Keeping of livestock
 - (i) Six (6) large animals (horses or cattle) will be permitted on a site of at least 1 ha. Twelve (12) large animals will be permitted on a site of at least two (2) ha. For each additional 0.5 ha, three (3) additional large animals will be permitted. All other animals shall be limited to domestic pets of the residents of the site.
 - (ii) No buildings or structures intended to contain animals shall be located within 30 m of a property line.
- (b) The provisions governing off-street parking and loading in the Residential Large Lot Land Use District are contained in Section 12.4 of this Plan.
- (c) The minimum setback of commercial buildings from the centre line of Provincial Highway 219 is 60m.
- (d) The minimum setback of residential dwellings from the centre line of Provincial Highway 219 is 60m.
- (e) Other development standards relating to the Residential Large Lot Land Use District are shown in Table 5-1.

TABLE 5-1: RESIDENTIAL LARGE LOT (R2) LAND USE DISTRICT SITE REGULATIONS

Principal Use	Site Area (m ²)		Site Frontage (m)		Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
	Minimum	Maximum	Minimum	Maximum				
One-unit dwellings	0.4 ha	8 ha	40	n/a	7.5	3	7.5	n/a
Public works	n/a	n/a	n/a	n/a	7.5	3 ⁽¹⁾	7.5	40
Accessory independent living suites	Refer to Section 12.3 (g) of this Plan							
Other accessory uses	Refer to Section 12.3 of this Plan							

Notes: ⁽¹⁾ or ½ of the building sidewall height, whichever is greater

6 COMMUNITY SERVICE / RECREATION (CS/R) LAND USE DISTRICT

6.1 The purpose of the Community Service / Recreation (CS/R) Land Use District is to ensure that sufficient lands have been identified and designated for the provision of a wide range of community services and recreation opportunities to the members of the Whitecap Dakota First Nation, including: education, health, community recreation, protective services, administration, public works and other community services.

6.2 Permitted Uses

Community Service

- (a) Band administration offices
- (b) Other government offices
- (c) Band halls, community centres and similar facilities
- (d) Schools
- (e) Health centres and clinics
- (f) Fire halls
- (g) Police stations
- (h) Places of worship
- (i) Indoor community recreational uses, including youth centres, drop-in centres and similar uses
- (j) Arenas, rinks and similar uses
- (k) Sportsfields, ball diamonds and similar uses
- (l) Day care centres and pre-schools
- (m) Group homes
- (n) Special care homes
- (o) Elders' lodges and similar facilities

Commercial

- (p) Restaurants and cafes
- (q) Lounges
- (r) Hotels & Motels
- (s) RV Parks
- (t) Laundromats
- (u) Riding Stables

Residential

- (v) Multiple-unit dwellings

Other

- (w) Public works (excluding warehouses, storage yards and sewage treatment facilities)
- (x) Accessory uses and buildings

6.3 Council may consider proposals for uses not listed as a permitted use.

6.4 Development Standards

- (a) The provisions governing off-street parking and loading in the Community Service / Recreation Land Use District are contained in Section 12.4 of this Plan.
- (b) Other development standards relating to the Community Service / Recreation Land Use District are shown in Table 6-1.
- (c) The keeping of livestock is prohibited. The keeping of animals will be limited to a reasonable number of domestic pets belonging to the residents of the site.
- (d) The minimum setback of commercial buildings from the centre line of Provincial Highway 219 is 60m.
- (e) The minimum setback of residential dwellings from the centre line of Provincial Highway 219 is 60m.

TABLE 6-1: COMMUNITY SERVICE / RECREATION (CS/R) LAND USE DISTRICT SITE REGULATIONS

Principal Use	Site Area (m ²)		Site Frontage (m)		Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
	Minimum	Maximum	Minimum	Maximum				
Band administration offices	600	n/a	15	n/a	7.5	n/a	7.5	n/a
Other government offices	600	n/a	15	n/a	7.5	n/a	7.5	n/a
Band halls, community centres and other similar facilities	600	n/a	15	n/a	7.5	3 ⁽¹⁾	7.5	n/a
Schools	n/a	5 ha	n/a	150	7.5	3 ⁽¹⁾	7.5	n/a
Health centres and clinics	600	1,800	15	30	7.5	n/a	7.5	n/a
Fire halls	600	1,800	15	30	7.5	n/a	7.5	n/a
Police stations	n/a	1,800	15	30	7.5	n/a	7.5	n/a
Places of worship	600	n/a	15	n/a	7.5	3 ⁽¹⁾	7.5	n/a
Indoor community recreational uses	600	n/a	15	n/a	7.5	3 ⁽¹⁾	7.5	n/a
Arenas, rinks and similar uses	5,000	n/a	40	n/a	7.5	3 ⁽¹⁾	7.5	n/a
Sportsfields, ball diamonds and similar uses	n/a	n/a	n/a	n/a	7.5	3 ⁽¹⁾	7.5	10
Day care centres and pre-schools	600	1,800	15	30	7.5	3 ⁽¹⁾	7.5	40
Group homes	600	1,800	15	30	7.5	3 ⁽¹⁾	7.5	40
Special care homes	600	1,800	15	30	7.5	3 ⁽¹⁾	7.5	40
Elders' lodges and similar facilities	600	1,800	15	30	7.5	3 ⁽¹⁾	7.5	40
Restaurants and cafes	600	1,800	15	30	7.5	n/a	7.5	n/a
Multiple-unit dwellings	200 per dwelling unit	n/a	3 per dwelling unit	5 per dwelling unit	7.5	3 ⁽¹⁾	7.5	40
Public works	n/a	n/a	n/a	n/a	7.5	3 ⁽¹⁾	7.5	40
Accessory uses	Refer to Section 12.3 of this Plan							

TABLE 6-1: COMMUNITY SERVICE / RECREATION (CS/R) LAND USE DISTRICT SITE REGULATIONS

Principal Use	Site Area (m ²)		Site Frontage (m)		Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
	Minimum	Maximum	Minimum	Maximum				
Lounges	200	n/a	n/a	n/a	7.5	n/a	7.5	n/a
Hotels	500	n/a	15	n/a	7.5	n/a	7.5	n/a
Motels	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
RV Parks								
Laundromats								
Riding stables								

Notes: ⁽¹⁾ or ½ of the building sidewall height, whichever is greater

7 COMMERCIAL RESORT / RESIDENTIAL (CR/R) LAND USE DISTRICT

7.1 The purpose of the Commercial Resort / Residential Land Use District is to provide for appropriate commercial tourism and recreation uses and revenue generating residential uses and other compatible uses in a destination resort setting.

7.2 Permitted Uses

Commercial

- (a) Casinos
- (b) Hotels
- (c) Cottages
- (d) Cabins
- (e) Restaurants and cafes
- (f) Lounges
- (g) Night Clubs
- (h) Theatres
- (i) Golf Courses
- (j) Campgrounds
- (k) Retail Stores
- (l) Health Clubs
- (m) Spas
- (n) Riding stables
- (o) Indoor recreation and social facilities for the use of resort residents
- (p) Compounds for storage of RV equipment for the use and convenience of residents of the Commercial Resort / Residential Land Use District.

Residential

- (q) Dwelling units associated with hotels
- (r) One-unit dwellings
- (s) Two-unit dwellings
- (t) Multiple-unit dwellings

Other

- (u) Free-standing, off-site signs
- (v) Public works (excluding warehouses, storage yards and sewage treatment facilities)
- (w) Accessory uses and buildings

7.3 Council may consider proposals for uses not listed as a permitted use.

7.4 Development Standards

- (a) The provisions governing off-street parking and loading in the Commercial Resort / Residential Land Use District are contained in Section 12.4 of this Plan.
- (b) The provisions governing free-standing, off-site signs are contained in Section 12.5 of this Plan.
- (c) Other development standards relating to the Commercial Resort / Residential Land Use District are shown in Table 7-1.
- (d) The keeping of livestock is prohibited. The keeping of animals will be limited to a reasonable number of domestic pets belonging to the residents of the site.
- (e) The minimum setback of commercial buildings from the centre line of Provincial Highway 219 is 60m.
- (f) The minimum setback of residential dwellings from the centre line of Provincial Highway 219 is 60m.

TABLE 7-1: COMMERCIAL RESORT / RESIDENTIAL (CR/R) LAND USE DISTRICT SITE REGULATIONS

Principal Use	Site Area (m ²)		Site Frontage (m)		Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
	Minimum	Maximum	Minimum	Maximum				
Casinos	500	n/a	15	n/a	7.5	n/a	7.5	n/a
Hotels	500	n/a	15	n/a	7.5	n/a	7.5	n/a
Cottages								
Cabins								
Restaurants and cafes	200	n/a	7.5	n/a	7.5	n/a	7.5	n/a
Lounges	200	n/a	n/a	n/a	7.5	n/a	7.5	n/a
Night Clubs	200	n/a		n/a	7.5	n/a	7.5	n/a
Theatres	500	n/a	7.5	n/a	7.5	n/a	7.5	n/a
Golf courses	n/a	n/a	7.5	n/a	7.5	n/a	7.5	n/a
Campgrounds	4,000	n/a	30	n/a	7.5	3	7.5	n/a
Retail stores	200	n/a	7.5	n/a	7.5	n/a	7.5	n/a
Health clubs	200	n/a	7.5	n/a	7.5	n/a	7.5	n/a
Spas	200	n/a	7.5	n/a	7.5	n/a	7.5	10
Dwelling units associated with hotels	200 per dwelling unit	n/a	n/a	n/a	7.5	n/a	7.5	n/a

TABLE 7-1: COMMERCIAL RESORT / RESIDENTIAL (CR/R) LAND USE DISTRICT SITE REGULATIONS

Principal Use	Site Area (m ²)		Site Frontage (m)		Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
	Minimum	Maximum	Minimum	Maximum				
Riding stables								
Public works	n/a	n/a	n/a	n/a	7.5	3 ⁽¹⁾	7.5	40

TABLE 7-1: COMMERCIAL RESORT / RESIDENTIAL (CR/R) LAND USE DISTRICT SITE REGULATIONS

Principal Use	Site Area (m ²)		Site Frontage (m)		Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
	Minimum	Maximum	Minimum	Maximum				
One-unit dwellings	600	n/a	18	n/a	7.5	n/a	7.5	n/a
Two-unit dwellings	300 per unit	n/a	9 per unit	n/a	7.5	n/a	7.5	n/a
Multiple-unit dwellings	1,000	n/a	3.5 per dwelling unit	n/a	7.5	n/a	7.5	n/a
Indoor recreation and social facilities	18	n/a	18	n/a	7.5	n/a	7.5	n/a
Golf courses	n/a	n/a	n/a	n/a	7.5	n/a	7.5	n/a
Health clubs	18	n/a	18	n/a	7.5	n/a	7.5	n/a
Spas	18	n/a	18	n/a	7.5	n/a	7.5	n/a
Compounds for storage of RV equipment	30		30					
Public works	n/a	n/a	n/a	n/a	7.5	3 ⁽¹⁾	7.5	40
Accessory uses	Refer to Section 12.3 of this Plan							

Notes: ⁽¹⁾ or ½ of the building sidewall height, whichever is greater

8.1 The purpose of the Commercial / Industrial Land Use District is to provide for range of commercial, light industrial and other compatible uses.

8.2 Permitted Uses

Commercial / Industrial

- (a) Auction markets, excluding livestock auction facilities
- (b) Auto body shops
- (c) Automobile, marine, recreational vehicle and equipment, agricultural equipment and mobile home sales and service establishments
- (d) Automotive and industrial supply stores
- (e) Car washes
- (f) Commercial recreation facilities
- (g) Consignment centres
- (h) Construction trades
- (i) Convenience stores
- (j) Financial institutions
- (k) Freight handling facilities
- (l) Gas bars
- (m) Indoor storage rental facilities
- (n) Industrial equipment training and other training facilities
- (o) Industrial equipment storage, sales and maintenance
- (p) Lumber yards, home improvement centres and building supply establishments
- (q) Malls
- (r) Motels

- (s) Nurseries, greenhouses and garden centres
- (t) Offices and office buildings
- (u) Personal service establishments
- (v) Public garages
- (w) Restaurants, with or without associated lounges
- (x) Retail stores
- (y) Service stations
- (z) Shopping centres
- (aa) Trucking operations
- (bb) Warehouses and storage yards
- (cc) Welding and machine shops
- (dd) Wholesale establishments
- (ee) Electrical Power Generating Facilities

Residential

(ff) A single dwelling unit accessory to a permitted use, for the use of the caretaker, owner or manager of the permitted use

Other

- (gg) Free-standing, off-site signs
- (hh) Public utilities, excluding sewage lagoons
- (ii) Accessory uses and buildings

8.3 *Council may consider proposals for uses not listed as a permitted use.*

8.4 Development Standards

- (a) Except for areas used solely for display of products for sale, all outside storage shall be fenced and, where an outside storage area abuts a street or the required front yard of another site, such storage area shall be screened with a solid fence or hedge at least 1.8 metres in height.
- (b) Sites used for uses which may result in heavy truck traffic shall be located to ensure that such traffic takes access to or from major streets or designated truck routes.
- (c) Dwelling units accessory to other permitted uses shall have a main entrance separate from that of the commercial or industrial establishment. An emergency exit must be provided in addition to the main entrance.
- (d) The minimum floor area of an accessory dwelling unit shall be 46 square metres.
- (e) The provisions governing off-street parking and loading in the Commercial / Industrial Land Use District are contained in Section 12.4.
- (f) The provisions governing free-standing, off-site signs are contained in Section 12.5.
- (g) Other development standards relating to the Commercial / Industrial Land Use District are shown in Table 8-1.
- (h) The keeping of livestock is prohibited. The keeping of animals will be limited to a reasonable number of domestic pets belonging to the residents of the site.
- (i) The minimum setback of commercial buildings from the centre line of Provincial Highway 219 is 60m.

- (j) The minimum setback of residential dwellings from the centre line of Provincial Highway 219 is 60m.

TABLE 8-1: COMMERCIAL /INDUSTRIAL (C/I) LAND USE DISTRICT SITE REGULATIONS

Principal Use	Site Area (m ²)		Site Frontage (m)		Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
	Minimum	Maximum	Minimum	Maximum				
Auction Markets	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Auto body shops	525	n/a	15	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Automobile, marine, recreational vehicle and equipment, agricultural equipment and mobile home sales and service establishments	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Automotive and industrial supply stores	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Car washes	525	n/a	15	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Commercial recreation facilities	525	n/a	15	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Consignment centres	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Construction trades	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Convenience stores	525	n/a	15	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Financial institutions	525	n/a	15	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Freight handling facilities	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Gas bars	525	n/a	15	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Indoor storage rental facilities	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a

TABLE 8-1: COMMERCIAL /INDUSTRIAL (C/I) LAND USE DISTRICT SITE REGULATIONS

Principal Use	Site Area (m ²)		Site Frontage (m)		Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
	Minimum	Maximum	Minimum	Maximum				
Industrial equipment storage, sales and maintenance	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Lumber yards, home improvement centres and building supply establishments	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Malls	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Motels	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Nurseries, greenhouses and garden centres	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Offices and office buildings	525	n/a	15	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Personal service establishments	525	n/a	15	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Public garages	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Restaurants, with or without associated lounges	525	n/a	15	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Retail stores	525	n/a	15	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Service stations	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Shopping centres	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Trucking operations	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Warehouses and storage yards	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a

TABLE 8-1: COMMERCIAL /INDUSTRIAL (C/I) LAND USE DISTRICT SITE REGULATIONS

Principal Use	Site Area (m ²)		Site Frontage (m)		Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
	Minimum	Maximum	Minimum	Maximum				
Welding and machine shops	525	n/a	15	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Wholesale establishments	1,800	n/a	30	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Public utilities	n/a	n/a	n/a	n/a	7.5	3 ⁽¹⁾	10% of site depth	n/a
Electrical Power Generating Facilities								
Accessory dwelling units	Refer to Section 12.3							
Other accessory uses	Refer to Section 12.3							

Notes: (1) except in the case of a corner site, where the minimum requirement shall be 6 m on the side facing the flanking street

9 AGRICULTURAL (AG) LAND USE DISTRICT

9.1 The purpose of the Agriculture Land Use District is to provide for agricultural uses and other compatible uses.

9.2 Permitted Uses

Agricultural

- (a) Field crops
- (b) Pastures for the raising of livestock (excluding I.L.O.'s).

Residential

- (c) Farmsteads, for the occupancy of *bona fide* farmers

Other

- (d) Communication towers
- (e) Gravel pits and gravel crushing operations
- (f) Public works
- (g) Accessory uses and buildings, to agricultural or residential principal uses:
 - (i) Farm buildings and structures for a permitted principal agricultural use on the site;
 - (ii) Facilities for the sale direct to the consumer of crops grown by the agricultural operation;
 - (iii) Orchards and vegetable, horticultural or fruit gardens, where accessory to a farmstead or existing residence;
 - (iv) Private garages, sheds, and buildings accessory to any single detached dwelling on the site.
- (h) Ancillary uses permitted where ancillary to an agricultural principal use farmstead or residence on the same site:
 - (i) Beehives and honey extraction facilities;
 - (ii) Facilities for the preparation for sale of crops grown by the agricultural operation;

- (iii) Fish farming;
- (iv) Vacation farms; and
- (v) Bed-and-breakfast homes.

9.3 Council may consider proposals for uses not listed as a permitted use.

9.4 Development Standards

- (a) The minimum setback of commercial buildings from the centre line of Provincial Highway 219 is 60m.
- (b) The minimum setback of residential dwellings from the centre line of Provincial Highway 219 is 60m.
- (c) Other development standards relating to the Agriculture Land Use District are shown in Table 9-1.

TABLE 9-1: AGRICULTURE (Ag) LAND USE DISTRICT SITE REGULATIONS

Principal Use	Site Area (m ²)		Site Frontage (m)		Minimum Front Yard (m)	Minimum Side Yard (m)	Minimum Rear Yard (m)	Maximum Site Coverage (%)
	Minimum	Maximum	Minimum	Maximum				
Field crops	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Pastures	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Farmsteads	2 ha	8 ha	30	n/a	7.5	3 ⁽¹⁾	7.5	n/a
Communication towers	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Gravel pits and gravel crushing operations	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Public works	n/a	n/a	n/a	n/a	7.5	3 ⁽¹⁾	7.5	40
Accessory independent living suites	Refer to Section 12.3 (g)							
Other accessory uses	Refer to Section 12.3							
Permitted ancillary uses	2 ha	4 ha	30	n/a	7.5	3 ⁽¹⁾	n/a	n/a

Notes: ⁽¹⁾ or ½ of the building sidewall height, whichever is greater

10 SPECIAL USE (SU) LAND USE DISTRICT

10.1 The purpose of the Special Use Land Use District is to protect and enhance identified sites of cultural, historical or traditional significance through the restriction of incompatible forms of development or use.

10.2 Permitted Uses

- (a) Those uses existing, on the sites designated, on the Land Use Map, as SU - Special Use Land Use District.
- (b) Those uses determined by the Chief and Council to be compatible, subject to development standards that may be determined to be appropriate, on a case-by-case basis, with the protection and enhancement of identified sites of cultural, historical or traditional significance to the Whitecap Dakota First Nation.

11 RESOURCE CONSERVATION (RCON) LAND USE DISTRICT

11.1 The purpose of the Resource Conservation Land Use District is to provide for the protection of natural resource values and for uses and developments that are consistent with such conservation.

11.2 Permitted Uses

- (a) Nature interpretation facilities
- (b) Hiking and walking trails, viewpoints and associated amenities
- (c) Boat launches, canoe launches and associated facilities and amenities
- (d) Picnic sites and unserviced camping areas
- (e) Agricultural uses on those lands in the RCon Land Use District on which traditional rights to use and occupy have been granted to Whitecap Dakota First Nation members
- (f) Public works

11.3 Development Standards

- (a) No person shall cut or remove any tree located in the RCon - Resource Conservation Land Use District, with a trunk diameter of more than 75 millimetres (measured at a height of 1 metre above grade), without having first obtained a development permit.
- (b) A development permit which provides for the cutting or removal of trees may be issued where:
 - (i) The removal is necessary to provide for access to the site in conjunction with a permitted use on the site;
 - (ii) The trees are located within the area of a building for which a development permit has been submitted, or are located on the property and within 2 metres of the proposed building;
 - (iii) The trees are dead, dying, severely diseased, or damaged so as to pose a safety hazard; or
 - (iv) The trees are too close together to allow proper growth.
- (c) Clause (a) shall not apply to removal of dead trees, to the cutting of trees severely damaged by weather, to the normal pruning and maintenance of trees, or to the maintenance of public spaces by the Whitecap Dakota First Nation.
- (d) No person shall clear more than 500 square metres of land of natural bush, shrubs, or small trees, on any parcel of land, except as specifically provided for in an approved development permit. In any development permit, Chief and Council may apply special

conditions limiting the area of land cleared of natural bush, small trees, or shrubs.

14 LAND USE DISTRICT MAP

Signature Page

Amended at a duly convened Council meeting on _____, 2007:

“Whitecap Dakota First Nation
Land Development Standards Policy”

Chief Darcy M. Bear

Date

Councillor Dwayne Eagle

Date

Councillor Frank Royal

Date