

BAND COUNCIL RESOLUTION PASSED THE 16<sup>TH</sup> DAY OF DECEMBER BY THE COUNCIL OF THE CAMPBELL RIVER INDIAN BAND OF THE DISTRICT OF CAMPBELL RIVER IN THE PROVINCE OF BRITISH COLUMBIA.

**WHEREAS** it is desirable that the use of land, buildings, and structures should be regulated to promote the health, safety, convenience and welfare of the Campbell River Indian Band Membership and to preserve the amenities of the Campbell River Indian Band;

**NOW THEREFORE** the Council of the Campbell River Band of Indians approved and passed at a duly convened Council meeting held at Campbell River Band Office on the 16<sup>th</sup> day of December 1985, and enacts the following By-Law made pursuant to Section 81 (g) and (h) of the Indian Act.

### **Section 1 Short Title**

This By-Law may be cited for all purposes as the “Campbell River Indian Band Zoning By-Law No. 85-2”

### **Section 2 Definitions**

<b>“Building”</b>	Means any structure used or intended for supporting any use or occupancy.
<b>“Building Accessory”</b>	means  (a) A building, the use or intended use of which is ancillary to that of the principal building on the same lot, or (b) A building which is ancillary to the principal use being made of the lot upon which such building is located.
<b>“Campgrounds”</b>	means a site maintained and occupied for the accommodation of travellers in motor homes, trailers or tents in accordance with regulations pursuant to the Health Act, but does not include a mobile home park, motel, hotel or auto-court.
<b>“Council”</b>	mean the Council of the Campbell River Indian Band.
<b>“Dwelling Unit”</b>	means one or more habitable rooms, constituting a self-contained housekeeping unit with a separate entrance.

<b>“Lawful Land Use”</b>	means any use of land that is in strict compliance with all provisions of this By-Law, the zone in which such use is located.
<b>“Lot”</b>	means an area of land designated as a separate and distinct parcel on a legally recorded subdivision plan or description filed in the Land Registry Office.
<b>“Code”</b>	means the National Building Code.
<b>“Occupancy”</b>	means the use or intended use or part thereof for the shelter or support or persons, animals or property.
<b>“Principal Use”</b>	means and includes the main purpose, function and/or use for land and/or buildings on any parcel as permitted in the By-Law.
<b>“Secondary Use”</b>	means and includes a use that is subordinate to the principle use of the land and/or buildings and that is disassociated in custom and normal usage from such principle use and is a use that is allowed for any zone in addition to a principle use permitted by this By-Law for such zone.
<b>“Site”</b>	means an area of land consisting of one or more lots intended for or devoted to a single use, the extent of which shall be determined by the zoning boundaries.
<b>“Structure”</b>	means an erection or construction of any kind whether fixed to, supported by, or sunk into land or water but excluding fences and retaining walls that do not exceed the maximum permitted height.
<b>“Use”</b>	means the purpose for which any lot, site, building, or structure is designated, arranged or intended.
<b>“Zone”</b>	means, for the purpose of this By-Law, any area in which specific uses or combinations of uses are permitted.

### **SECTION 3 BASIC PROVISIONS**

#### Application

The provisions of this By-Law shall apply to the whole of the area within the boundaries of the Campbell River Indian Reserve No. 11 and to the building and structures thereon.

### 3.2 Development Permits

(2) All those areas of land or water outlined in zones on Schedule "A" of this By-Law are deemed development areas.

(1) Band Council, by resolution, may issue a development permit for the right to use any lands within the zones designated as a development permit area.

(3) Procedure

Every applicant for a development permit shall submit to the Band Council an application in writing giving the following information.

- a) A site plan, or plans including legal description of the area to be affected showing the location of all existing and proposed buildings, loading areas, utility, utility easements, streams and other topographic features of this site;
- b) Preliminary architectural plans for any proposed buildings
- c) A statement of intended uses;
- d) A statement of the interests of the Applicant;
- e) An estimated commencement date and proposed schedule of construction;
- f) A statement of financial responsibility of the Applicant;
- g) Unless otherwise specified all development shall conform to the National Building Code.

(4) Application Fees

(a) \$25.00

(b) This application fee will be waived for Residential Use applications

(5) The Band Council shall consider the applications and grant permits to the Applicants having regard to the criteria set out in Section 3.2 (3) and:

- (a) the best interest of the Band as a whole
- (b) the preservation of the vital ecological balance in the area
- (c) the highest and best use of the land.

3.3 Existing lawful land use before the effective date of this By-law shall be deemed to conform to this By-law.

### 3.4 Inspection

(1) The building inspector or any other officer or employee of the Campbell River Indian Band appointed to administer or enforce this By-law, is hereby authorized to enter at all reasonable times, any property to ascertain whether the regulations and provisions of this By-law are being or have been complied with..

### 3.5 Violation

(1) No person shall cause, suffer, or permit any building or structure to be constructed, re-constructed, altered, moved, extended or use, or any land to be occupied or used, in contravention of this By-law or otherwise contravene or fail to comply with this By-law.

### 3.6 Penalties-Under Section 81 of the Indian Act

- (1) Any person who contravenes any provision of this By-law or of any Order is guilty of an offence punishable on summary conviction and, on conviction, is liable to a fine of not more than \$1,000 or to imprisonment or to imprisonment for not more than 30 days, or to both.
- (2) All penalties imposed in respect of an offence under this By-law shall be recoverable and enforceable by summary proceedings taken under the provisions of the Criminal Code of Canada relating to summary convictions.
- (3) Severability  
If any part of this By-law is declared or adjudged to be invalid or unenforceable by any court such invalidity or unenforceability will not affect the validity or enforceability of any other part of this By-law.

### Remedial Power

The Council may, by By-law, authorize or require: the demolition removal, or the bringing up to standard of a building, structure, or thing, in whole or in part, that is:

### **SECTION 3 BASIC PROVISIONS**

- (1) In contravention of any By-law; or
- (2) In the opinion of Council, in an unsafe condition

The filling-in, covering-over, or alteration in whole or in part of an excavation that is:

- (1) In contravention of a By-law; or
- (2) In the opinion of Council unsafe condition, shall be within the power of said By-law.

### 3.8 Building Code

Unless otherwise specified all buildings, construction and development shall adhere to the National Building Code.

### 3.9 Notice of Remedial Power

The Campbell River Indian Band shall give the affected land owners, under Section 3.7 of this By-law, 30 days notice by certified mail of any action contemplated under Section 3.7 of this By-law.

## **SECTION 4 ZONING DISTRICTS**

### 4.1 Designation of Zones

The total area within the boundaries of the Campbell River Indian Reserve No. 11 is hereby divided into zones with the following zone designations and their short term equivalents:

Residential 1	Single Family/Duplex Zone	R-1
Commercial 1	Central Commercial Zone	C-1
Commercial 2	Highway Commercial Zone	C-2
Commercial 3	Service Commercial Zone	C-3
Commercial 4	Marine & Tourist Commercial Zone	C-4
Industrial 1	Light Industrial Zone	I-1
Public Assembly 1	Park & Public Service Use Zone	PA-1
Future Use	Future Use Zone 1	E-1

### 4.2 Application

The aerial extent of the aforementioned zones is shown on Schedule A of this By-law as the Campbell River Indian Reserve No. 11 Conceptual Plan. Schedule A is attached hereto and declared part of this By-law.

## **SECTION 5 RESIDENTIAL ZONE 1 (Single Family R-1, Residential Zone & Duplex Zone)**

### 5.1 Uses Permitted

- (1) Single family dwelling or duplex or two family dwelling
- (2) Accessory buildings and structures.

## **SECTION 6 COMMERCIAL ZONE 1 (Central Commercial Zone C-1)**

### 6. Uses Permitted

- (1) Retail Stores
- (2) Offices, Medical Clinics
- (3) Banks and other financial institutions
- (4) Theatres and entertainment centres
- (5) Personnel service establishments
- (6) Shopping Centres
- (7) Hotels, Motels, Auto-Courts, Restaurants and licensed premises
- (8) Libraries, Community Centres and Meeting Halls
- (9) Parking garages and lots

- (10) Retail/Wholesale Stores
- (11) Funeral parlours
- (12) Minor Repair Shops
- (13) Small Tool Rental establishments
- (14) Catering
- (15) Printing and Publishing
- (16) Neighbourhood Pubs

**SECTION 7 COMMERCIAL ZONE 2 (Highway Commercial Zone C-2)**

7.1 Uses Permitted

- (1) Hotels, Motels and ancillary restaurants
- (2) Recreational Vehicles Accommodation

**SECTION 8 COMMERCIAL ZONE 3 (Service Commercial Zone C-3)**

8.1 Uses Permitted

- (1) Retail/Wholesale Stores
- (2) Motels, Hotels and Auto-Court
- (3) Automobile Dealers, Commercial display lots
- (4) Service Stations
- (5) Carwashes
- (6) Retail Building Supply dealers
- (7) Nurseries and Commercial Greenhouses
- (8) Drive-In Restaurants, Restaurants and licensed premises
- (9) Offices
- (10) Medical/Dental Offices
- (11) Secondary Warehousing

**SECTION 9 COMMERCIAL ZONE 4 (Marine & Tourist Commercial Zone C-4)**

9.1 Uses Permitted

- (1) Retail Stores and offices
- (2) Marina including boat servicing ancillary sales and repairs
- (3) Retail fuel outlets associated with marinas.
- (4) Restaurants and licensed premises
- (5) Resorts and Campgrounds
- (6) Ice Plants, not lofts, Retail/Wholesale Marine produce sales, commercial proceedings of Marine products

**SECTION 10 INDUSTRIAL ZONE 1 (Light Industrial Zone I-1)**

10.1 Uses Permitted

- (1) Industrial proceeding, manufacturing and repair shops where the use is restricted to an enclosed building
- (2) Moving and storage uses
- (3) Equipment Sales, Rental, Storage
- (4) Service Stations, Car Washes
- (5) Warehouses, Wholesale establishments
- (6) Lumber yards
- (7) Vehicle Sales and Service , Body Shops, Paint Shops
- (8) Offices
- (9) Fuel Storage depots

**SECTION 11 PARK & PUBLIC ASSEMBLY ZONE 1 (Park & Public Service Use Zone PA-1)**

11.1 Uses permitted

- (1) Parks
- (2) Churches and other religious institutions
- (3) Schools and educational institutions
- (4) Recreational activities and community centres
- (5) Firehalls
- (6) Private and public hospitals and medical institutions
- (7) Government buildings and offices
- (8) Libraries and museums
- (9) Public utility installations, excluding any commercial or industrial uses
- (10) Community core facilities and day care centres
- (11) Senior Citizen's housing
- (12) Athletic fields and accessory buildings

**SECTION 12 FUTURE USE ZONE 1 (Future Band Use E-1)**

12.1 This land is reserved for future Band use.

Uses permitted

- (1) Parks and Picnic areas
- (2) Walking trails
- (3) Zoological gardens
- (4) Aquaculture ponds
- (5) Marine feeding ponds
- (6) Accessory buildings and uses

**SECTION 13 CONDITIONS OF USE**

13.1 Nothing shall be permitted which at the decision of the Campbell River Band Council, is or can become an annoyance or nuisance to residents of the surrounding areas by reason of unsightliness, odor, emissions, liquid effluents, dust, noise, fumes, smoke, or glare. Uses which are considered offensive under the "Health Act" are prohibited.

**SECTION 14 CITATION**

14.1 This By-law may be cited for all purposes as Campbell River Indian Band Zoning By-law 1985 No. 2.

Considered, passed and adopted by the Council of the Campbell River Indian Band on the 16<sup>th</sup> day of December, 1985.

          R. A. Roberts            
Chief Councillor

          J. P. Henderson            
Councillor

          C. A. Roberts            
Councillor