



APR 05 2007

Your file - Votre référence

Our file - Notre référence
E4216 - 432

Chief and Council
Tsuu T'ina First Nation
9911 CHULA BLVD SW, SUITE 200
TSUU T'INA AB T2W 6H6

Dear Chief and Council:

TSUU T'INA NATION LAND USE BY-LAW

Dear Chief and Council:

We are pleased to inform you that the above captioned by-law will come into force on **April 8, 2007** pursuant to section 82 of the *Indian Act*. We have included the following comments for your consideration.

The by-law has been submitted in the form of a BCR containing an attached document entitled the *Tsuu T'ina Nation Land Use By-Law*. More specifically, the package has been submitted with two distinct parts, the first being several signed BCR sheets, and the second being a separate by-law text. Therefore, in the event of a potential challenge, there exists a possibility that a court of competent jurisdiction could rule that the documents submitted do not amount to a band by-law.

The Band Council could re-enact the *Tsuu T'ina Nation Land Use By-Law* by observing the same procedural requirements as provided *inter alia* at paragraph 2(3)(b) of the *Indian Act* (the by-law must be approved by a majority of Band Members at a duly convened Band Council meeting) and at subsection 82(1) of the *Indian Act* (an original of the by-law must be forwarded by mail to the Minister or INAC within four days of its enactment).

In addition, we would like to take this opportunity to highlight certain concerns regarding provisions of the by-law. We would also be pleased to discuss these with you and assist if you choose to re-enact a land use by-law.

.../2

Citation of proper authorities

BCR Sheet #2335, the first of 4 BCR sheets submitted with the annexed by-law, states that the "Tsuu T'ina Nation" is authorized by section 81 of the *Indian Act* to make by-laws dividing the reserve lands of the Nation into zones, and prohibiting the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any such zone". While the Tsuu T'ina Nation correctly cites section 81 as the proper authority to enact such a by-law, it has not cited specific authorities within the recital text. In the event of a future submission, the band may want to consider the following authorities found in the *Indian Act*:

81(1) (g), the dividing of the reserve or a portion thereof into zones and the prohibition of the construction or maintenance of any class of buildings or the carrying on of any class of business, trade or calling in any zone;

81(1) (h), the regulation of the construction, repair and use of buildings, whether owned by the band or by individual members of the band;

81(1) (l), the survey and allotment of reserve lands among the members of the band and the establishment of a register of Certificates of Possession and Certificates of Occupation relating to allotments and the setting apart of reserve lands for common use, if authority therefor has been granted under section 60.

Including the preceding authorities within the text of a revised submission will add clarity, precision and clarification to the by-law in the event that it is eventually challenged or interpreted before a court of competent jurisdiction.

Revised penalty provisions

Paragraph E(2)(a) of the by-law states that a "person who contravenes or fails to comply with any provision of the By-Law is guilty of an offence and is liable upon demand by Chief and Council to a fine not exceeding \$1,000.00 exclusive costs and, upon failure to pay such fine and costs, to legal action brought by Chief and Council unless such fine and costs are sooner paid". The Tsuu T'ina Nation should note that the penalty provision stipulated in the by-law goes beyond what is prescribed by paragraph 81(1) r) of the *Indian Act*. Paragraph 81(1) r) states that the council of a band may make by-laws not inconsistent with this Act or with any regulation made by the Governor in Council or the Minister, for any or all of the following purposes, namely, the imposition on summary conviction of a fine not exceeding one thousand dollars or imprisonment for a term not exceeding thirty days, or both, for violation of a by-law made under this section.

The by-law cannot contain a penalty provision that fixes a higher predetermined maximum fine than what is already prescribed by paragraph 81(1) r) of the *Indian Act*, however, the provision can lower the maximum fine prescribed. The "exclusive costs" portion of the penalty should eventually be removed from the reformulation given that subsection 81(1) r) does not prescribe such a penalty. It is important to note that only a judge of a court of competent jurisdiction has the discretion to award costs and determine an appropriate penalty using the maximum allowable penalties prescribed by authority 81(1) r). The inclusion of such a penalty provision could be interpreted to imply that the awarding of costs is the responsibility of those enforcing the by-law when it should actually be the authority of a judge. In other words, it should be noted that it is only a court of competent jurisdiction that has the discretion to assign guilt, establish proper fine amounts, and prescribe periods of time for payment or penalties.

Reserve Land

We understand that the Tsuu T'ina Nation is currently engaged in discussions with the Department of Indian and Northern Affairs' Specific Claims Branch regarding certain land issues which may have yet to be resolved, or are in the process of being addressed. Several sections of the land use by-law make reference to Tsuu T'ina Nation Lands. In addition, the definitions section of the by-law does not specifically define the term reserve, nor does it speak to what Tsuu T'ina Nation Lands may constitute. It would perhaps be important for the First Nation to note that the by-law exclusively applies on reserve land which has already been designated as such. The *Indian Act* defines "reserve" as a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band. Therefore, any attempt to enforce the by-law beyond the reserve boundary could be ruled to be an *ultra vires* in the event of a challenge before a court of competent jurisdiction. In other words, contested lands, disputed lands or other lands are not included in the definition of "reserve" under the *Indian Act*, and these terms would not fall within the jurisdiction of the by-law.

Please retain at least one copy of your original by-law for your records and provide your local law enforcement agency, judge or magistrate with a copy of this by-law. In order to provide assurance to these agencies that this by-law has been properly enacted according to the statutory requirements (in particular section 82 of the *Indian Act*), it may be useful to provide them with a copy of this letter stating the coming into force date, along with certified true copies of the by-law. The original by-law submitted to our office will be sent to you through the INAC regional office in order to produce certified true copies, as described in section 86 of the *Indian Act*. These will be sent to you shortly.

Finally, by-laws made under the *Indian Act* are subject to the *Statutory Instruments Act*. As such, no person may be convicted of an offence for contravening an unpublished by-law unless the Band Council proves that the by-law is exempted from publication in the Canada Gazette and that reasonable steps were taken to bring the by-law to the attention of persons who may be affected by it. An individual has the right to inspect and obtain copies of by-laws.

Although not a requirement, we recommend that First Nations submit their by-laws to our office in draft form prior to enactment whenever possible. An initial review of the draft of a proposed by-law gives First Nations an opportunity to discuss it and also assists in avoiding any major difficulties prior to enactment.

If you wish to discuss this matter or require further information please contact me at (819) 997-6450 or Jacques Boutin, By-law Advisor, at (819) 994-7474.

Sincerely,



Philippe Ethier
Manager
By-law Advisory Services Unit
Band Governance Directorate
Lands and Trust Services

c.c. Barbara McCaffrey, Band Governance & Revenue Policy Officer



Indian and Northern
Affairs Canada

Affaires Indiennes
et du Nord Canada

Brenda Nachibroda

Chronological no. - N° - N° consécutif

B.C.R. # 2335

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

File reference no. - N° de référence du dossier
425-4-432 PRA
5643-6-06639-7 T7, C16
PAGE 1 OF 4

Note: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
Note: Les mots "des fonds de notre bande" "capital" ou "revenu" selon le cas doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

Cash free balance - Solde disponible

The council of the
Le conseil de

Tsüu T'ina Nation

Capital account
Compte capital

\$ _____

Date of duly convened meeting
Date de l'assemblée dument
convoquée

D-J

M

Y-A

Province

26

02

07

Alberta

Revenue account
Compte revenu

\$ _____

DO HEREBY RESOLVE:
DECIDE, PAR LES PRÉSENTES:

WHEREAS CHIEF AND COUNCIL OF THE TSUU T'INA NATION HAS BEEN DULY ELECTED PURSUANT TO THE PROVISIONS OF THE *INDIAN ACT* AND IS EMPOWERED TO ACT ON BEHALF OF THE MEMBERS OF THE TSUU T'INA NATION; AND

WHEREAS CHIEF AND COUNCIL HAVE MET IN A QUORUM AT A DULY CONVENED CHIEF AND COUNCIL MEETING ON THE 26 DAY OF FEBRUARY, 2007; AND

WHEREAS CHIEF AND COUNCIL IS ACTING ON ITS AUTHORITY WHICH IS DIRECTLY DERIVED FROM THE ELECTORATE OF THE TSUU T'INA NATION; AND

WHEREAS THE CHIEF AND COUNCIL OF THE TSUU T'INA NATION ("THE NATION") IS AUTHORIZED BY SECTION 81 OF THE *INDIAN ACT* TO MAKE BYLAWS DIVIDING THE RESERVE LANDS OF THE NATION INTO ZONES, AND PROHIBITING THE CONSTRUCTION OR MAINTENANCE OF ANY CLASS OF BUILDINGS OR THE CARRYING ON OF ANY CLASS OF BUSINESS, TRADE OR CALLING IN ANY SUCH ZONE;

AND WHEREAS THE TSUU T'INA NATION LAND USE BYLAW WAS ENACTED IN JUNE 1993 PURSUANT TO SECTION 81 OF THE *INDIAN ACT*;

AND WHEREAS COUNCIL DEEMS IT IN THE BEST INTERESTS OF THE NATION TO AMEND THE TSUU T'INA NATION LAND USE BYLAW AS PROVIDED IN RESOLUTION;

AND WHEREAS COUNCIL HAS MET IN A DULY CONVENED COUNCIL MEETING ON FEBRUARY 26, 2007;

Quorum

(7)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Chief - Chef)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVE AU MINISTÈRE

Expenditure - Dépenses

Authority (Indian Act Section)
Autorité (Article de la Loi sur
les Indiens)

Source of Funds
Source des fonds

☐ Capital

☐ Revenue

Expenditure - Dépenses

Authority (Indian Act Section)
Autorité (Article de la Loi sur
les Indiens)

Source of Funds
Source des fonds

☐ Capital

☐ Revenue

Recommending Officer - Recommandé par

Signature

Date

Recommending Officer - Recommandé par

Signature

Date

Approving Officer - Approuvé par

Signature

Date

Approving Officer - Approuvé par

Signature

Date



BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

Chronological no. - N° - N° consécutif

B.C.R. # 2335

File reference no. - N° de référence du dossier

5643-6-06639-7

PAGE 2 OF 4

Note: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
Note: Les mots "des fonds de notre bande" "capital" ou "revenu" selon le cas, doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

Cash free balance - Solde disponible

The council of the
Le conseil de

Tsüu T'ina Nation

Capital account
Compte capital

\$ _____

Date of duly convened meeting
Date de l'assemblée dument
convoquée

D-J

M

Y-A

Province

26

02

07

Alberta

Revenue account
Compte revenu

\$ _____

DO HEREBY RESOLVE:
DECIDE, PAR LES PRÉSENTES:

NOW THEREFORE BE IT RESOLVED:

1. THAT THE TSUU T'INA NATION LAND USE BYLAW BE AND IS HEREBY AMENDED BY ADDING THE FOLLOWING AS SECTION VII:

VII. TSUU T'INA BUSINESS PARK (ITSU ISNOOI SPECIAL DEVELOPMENT PERMITS)

1. NOTWITHSTANDING ANYTHING IN THIS BYLAW:

- a. DEVELOPMENT CAN COMMENCE OR CONTINUE IN THE TSUU T'INA BUSINESS PARK (ITSU ISNOOI BUSINESS PARK) WITHOUT A DEVELOPMENT AUTHORIZATION IN ACCORDANCE WITH THE TERMS OF A SPECIAL DEVELOPMENT PERMIT; AND
- b. THE USES PERMITTED BY A SPECIAL DEVELOPMENT PERMIT ARE PERMITTED USES TO THE EXTENT AND ON THE CONDITIONS PROVIDED BY THE SPECIAL DEVELOPMENT PERMIT.

2. ANY PERSON MAY APPLY TO CHIEF AND COUNCIL FOR A SPECIAL DEVELOPMENT PERMIT RELATING TO A SITE IN THE TSUU T'INA BUSINESS PARK (ITSU ISNOOI BUSINESS PARK).

3. CHIEF AND COUNCIL SHALL, IN ITS SOLE DISCRETION, DETERMINE THE APPLICATION PROCESS RELATING TO A SPECIAL DEVELOPMENT PERMIT.

4. WITHOUT LIMITING PARAGRAPH 3 OF THIS SECTION, THERE SHALL BE NO APPEAL FROM A DECISION OF CHIEF AND COUNCIL RELATING TO AN APPLICATION FOR A SPECIAL DEVELOPMENT PERMIT, EXCEPT AS MAY BE PERMITTED BY COUNCIL.

Quorum

(7)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Chief - Chef)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVE AU MINISTÈRE

Expenditure - Dépenses

Authority (Indian Act Section)
Autorité (Article de la Loi sur
les Indiens)

Source of Funds
Source des fonds

☐ Capital

☐ Revenue
Revenu

Expenditure - Dépenses

Authority (Indian Act Section)
Autorité (Article de la Loi sur
les Indiens)

Source of Funds
Source des fonds

☐ Capital

☐ Revenue
Revenu

Recommending Officer - Recommandé par

Signature

Date

Recommending Officer - Recommandé par

Signature

Date

Approving Officer - Approuvé par

Signature

Date

Approving Officer - Approuvé par

Signature

Date



Indian and Northern
Affairs Canada

Affaires Indiennes
et du Nord Canada

Chronological no. - N° - N° consécutif

B.C.R. # 2335

BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

File reference no. - N° de référence du dossier

5643-6-06639-7 PAGE 3 OF 4

Note: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds.
Note: Les mots "des fonds de notre bande" "capital" ou "revenu" selon le cas, doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.

Cash free balance - Solde disponible

The council of the
Le conseil de

Tsüu T'ina Nation

Capital account
Compte capital

\$ _____

Date of duly convened meeting
Date de l'assemblée dument
convoquée

D-J

M

Y-A

Province

26

02

0

Alberta

Revenue account
Compte revenu

\$ _____

DO HEREBY RESOLVE:
DECIDE, PAR LES PRÉSENTES:

5. AN APPLICANT FOR A SPECIAL DEVELOPMENT PERMIT SHALL PROVIDE SUCH DRAWINGS, REPORTS, PLANS AND OTHER MATERIALS AND PAY SUCH FEES AS MAY BE SPECIFIED BY CHIEF AND COUNCIL IN RELATION TO THE APPLICATION.
6. CHIEF AND COUNCIL MAY, IN ITS SOLE DISCRETION, BY BAND COUNCIL RESOLUTION:
- REFUSE TO CONSIDER OR REJECT AN APPLICATION FOR A SPECIAL DEVELOPMENT PERMIT; OR
 - ISSUE A SPECIAL DEVELOPMENT PERMIT TO PERMIT DEVELOPMENT OF SITE LOCATED IN THE TSUU T'INA BUSINESS PARK (ITSU ISNOOI BUSINESS PARK):
 - FOR SUCH RETAIL, COMMERCIAL, INSTITUTIONAL, RECREATIONAL, AND LIGHT INDUSTRIAL USES AS MAY BE SPECIFIED IN THE SPECIAL DEVELOPMENT PERMIT, INCLUDING USES WHICH ARE NOT WITHIN THE LIST OF PERMITTED USES OR DISCRETIONARY USES IN ANY OTHER SECTION OF THIS BYLAW; AND
 - ON SUCH CONDITIONS AS TO USE RULES, EXTERIOR FINISHES, PERFORMANCE STANDARDS, PARKING AND LOADING, LANDSCAPING AND FENCING, EXTERIOR LIGHTING, OUTSIDE STORAGE, BUILDING STANDARDS, TIMING, INSPECTIONS AND OTHERWISE, INCLUDING TERMS AND CONDITIONS CONTRARY TO OR INCONSISTENT WITH ANY OTHER PROVISION OF THIS BYLAW,

AS MAY BE SPECIFIED IN THE SPECIAL DEVELOPMENT PERMIT.

7. IN THE EVENT OF ANY CONFLICT BETWEEN A SPECIAL DEVELOPMENT PERMIT AND ANY OTHER PROVISION OF THIS BYLAW, THE SPECIAL DEVELOPMENT PERMIT SHALL GOVERN.

Quorum

(7)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Chief - Chef)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

(Councillor - Conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVE AU MINISTÈRE

Expenditure - Dépenses	Authority (Indian Act Section) Autorité (Article de la Loi sur les Indiens)	Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu	Expenditure - Dépenses	Authority (Indian Act Section) Autorité (Article de la Loi sur les Indiens)	Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu
Recommending Officer - Recommandé par			Recommending Officer - Recommandé par		
Signature _____ Date _____			Signature _____ Date _____		
Approving Officer - Approuvé par			Approving Officer - Approuvé par		
Signature _____ Date _____			Signature _____ Date _____		



BAND COUNCIL RESOLUTION
RÉSOLUTION DE CONSEIL DE BANDE

Chronological no. - N° - N° consécutif B.C.R. # 2335
File reference no. - N° de référence du dossier 5643-6-06639-7 PAGE 4 OF 4

Note: Note: The words "from our Band Funds" "capital" or "revenue", whichever is the case, must appear in all resolutions requesting expenditures from Band Funds. Les mots "des fonds de notre bande" "capital" ou "revenu" selon le cas, doivent paraître dans toutes les résolutions portant sur des dépenses à même les fonds des bandes.		Cash free balance - Solde disponible	
The council of the Le conseil de Tsuu T'ina Nation		Capital account Compte capital \$ _____	
Date of duly convened meeting Date de l'assemblée dument convoquée	D-J M Y-A Province 26 02 07 Alberta	Revenue account Compte revenu \$ _____	

DO HEREBY RESOLVE:
DECIDE, PAR LES PRÉSENTES:

8. NO PERSON SHALL:
- a. FAIL TO COMPLY WITH A SPECIAL DEVELOPMENT PERMIT OR THE PLANS OR CONDITIONS FORMING PART THEREOF; OR
 - b. MAKE USE OF LAND SUBJECT TO A SPECIAL DEVELOPMENT PERMIT CONTRARY TO THE PROVISIONS OF THE SPECIAL DEVELOPMENT PERMIT.
9. CHIEF AND COUNCIL OR ITS DESIGNATE MAY SUSPEND OR REVOKE A SPECIAL DEVELOPMENT PERMIT WHICH HAS NOT BEEN COMPLIED WITH.

Quorum (7)	(Chief - Chef)	
(Councillor - Conseiller)	(Councillor - Conseiller)	(Councillor - Conseiller)
(Councillor - Conseiller)	(Councillor - Conseiller)	(Councillor - Conseiller)
(Councillor - Conseiller)	(Councillor - Conseiller)	(Councillor - Conseiller)

FOR DEPARTMENTAL USE ONLY - RÉSERVE AU MINISTÈRE					
Expenditure - Dépenses	Authority (Indian Act Section) Autorité (Article de la Loi sur les Indiens)	Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu	Expenditure - Dépenses	Authority (Indian Act Section) Autorité (Article de la Loi sur les Indiens)	Source of Funds Source des fonds <input type="checkbox"/> Capital <input type="checkbox"/> Revenue Revenu
Recommending Officer - Recommandé par Signature _____ Date _____			Recommending Officer - Recommandé par Signature _____ Date _____		
Approving Officer - Approuvé par Signature _____ Date _____			Approving Officer - Approuvé par Signature _____ Date _____		

TSUU T'INA NATION ... LAND-USE BYLAW

TABLE OF CONTENTS

- I. General Operative Clauses, Administrative Procedures & Development Approval Process**
 - A. General Operative Clauses
 - B. Definitions
 - C. Land - Use Designations
 - D. Land - Use Maps - Designated Lands
 - E. Development Authorization
 - F. Approving Authorities - Duties & Responsibilities
 - G. Approval Process
 - H. Sample Forms

- II. The Development Authorization Application, Decision Process, Appeal Process, & Enforcement**
 - A. Applying for Development Authorization
 - B. Decision Process
 - C. Appeals
 - D. Development Completion Certificate
 - E. Offenses & Penalties
 - F. Changes to the Land - Use By - Law

- III. Parking & Loading Requirements**
 - A. Parking & Loading Facilities

- IV. Redwood Meadows Land Use Standards & Design Controls**
 - A. List of Permitted Uses
 - B. Use Rules
 - C. Exterior Finishes
 - D. Landscaping
 - E. Satellite Dish Antenna

- V. Redwood Meadows Commercial District Land-Use Standards & Design Controls**
 - A. List of Permitted Uses
 - B. List of Discretionary Uses
 - C. Use Rules
 - D. Exterior Finishes
 - E. Performance Standards: Permitted & Discretionary Uses
 - F. Site Access
 - G. Parking & Loading
 - H. Landscaping & Fencing
 - I. Exterior Lighting
 - K. Outside Storage
 - L. Satellite Dish Antenna

VI. Itsu Isnoot Business Park Land Use Standards & Design Controls

- A. List of Permitted Uses
- B. List of Discretionary Uses
- C. Use Rules
- D. Exterior Finishes
- E. Performance Standards: Permitted & Discretionary Uses
- F. Site Access
- G. Parking & Loading
- H. Landscaping & Fencing
- I. Exterior Lighting
- K. Outside Storage
- L. Satellite Dish Antenna

Amendments

Appendix I. Sign / Signage Regulations

"

**TSUU T'INA NATION
LAND - USE BYLAW**

Section I.

Page 1

**I. GENERAL OPERATIVE CLAUSES, ADMINISTRATIVE PROCEDURES AND
DEVELOPMENT APPROVAL PROCESS**

A. GENERAL OPERATIVE CLAUSES

This By-Law may be cited as the Tsuu T'ina Nation Land-Use By-Law

1. Land-Use Maps:

- (a) The Tsuu T'ina Nation has established certain parcels of their Lands as "Designated Lands", upon which specific land use controls have been herewith established. Lands lying outside of these Designated Land parcels are exempt from this By-Law.
- (b) The Tsuu T'ina Nation is divided into specific Designated Lands, the boundaries of which are delineated on the Land-Use Maps which form part of this By-Law.
- (c) The Land-Use Maps and the Designated Land parcels, as may be amended by Chief and Council from time to time, shall be kept available for scrutiny at the Band Council Offices or at a location as designated by Chief and Council.
- (d)
 - (i) In the case of dispute over any portion of the boundary of any Land-Use Parcel as shown on the Land-Use Maps, its location shall be determined by the following:
 - As established by the legal survey as approved by Chief and Council.
 - (ii) Where, despite the application of the rules in Section A(1)(d)(i), the Land-Use Parcel boundary is still in dispute, its location shall be determined by Planning Commission provided that only a minor boundary adjustment is required.
 - (iii) Where Planning Commission has determined any part of a Land-Use Parcel boundary, no further adjustment to it shall be made except by amendment to this By-Law.
 - (iv) The tenants, or leasees, or established beneficial users, of all property, whose boundaries are affected by a boundary adjustment dispute, shall be notified of the decision in writing.

2. Sign Regulations - Appendix 1:

The Appendix is part of this By-Law and is to be interpreted with reference thereto.

3. Sections Found Invalid:

If one or more provisions of this By-Law are for any reason declared to be invalid, it is intended that all remaining provisions are to remain in full force and effect.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section I.

Page 2

4. The By-Law Availability:

The Tsuu T'ina Nation Land-Use By-Law, as may be amended by Chief and Council from time to time, shall be made available at the Band Offices, or at a location as designated by Chief and Council, for sale at a price as established annually by Chief and Council.

B. DEFINITIONS

1. **Accessory Building:** Means a building which does not accommodate the principal use of a site and which is not attached above grade to a principal building.
2. **Accessory Use:** Means a use which is subordinate or incidental to the principal use of the site.
3. **Amenity Space:** Means an area comprised of on-site, common or private, indoor or outdoor space, designed for active or passive leisure use.
4. **Amusement Arcade:** Means any facility where four or more mechanical or electronic games are kept for the purpose of furnishing entertainment or amusement to the public for a fee.
5. **Ancillary Structure:** Means, with reference to building height, an essential structural component or an ancillary feature necessary for the functioning of a building such as an elevator housing, mechanical penthouse or chimney but excluding a sign, flag pole, communication equipment or other similar structure.
6. **Apartment Building:** Means a single building comprised of three or more dwelling units with shared entrance facilities, where none of the dwelling units are rented or are available for rent or occupation for periods of less than 30 days.
7. **Apartment Hotel:** Means a single building comprised of three or more dwelling units with shared entrance facilities, where the dwelling units are rented or are available for rent or occupation for periods of less than 30 days, and which does not include such facilities or services as restaurants, dining rooms, room service or public convention rooms.
8. **Approved:** When used in reference to a development permit, shall mean approved with or without conditions and whether or not the Development Permit is released.
9. **Approving Authority:** Means Planning Commission or the Development Officer or both, as the context provides.
10. **Arcade:** Means a covered over, grade level pedestrian walkway with supporting columns.
11. **Assigned Parking:** Means a parking space which is provided and designated for the exclusive use of a specified individual.
12. **Athletic & Recreational Facility:** Means a sport facility, including racquet courts, gymnasias, arenas, swimming pools or stadia and includes necessary uses such as cafeterias, pro-shop and amusement arcades exclusively servicing the users of the facility.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section I.

Page 3

13. **Automotive Accessories & Parts Sales:** Means an establishment for the sales and repair of motor vehicles, accessories and parts, excluding an automotive service use and an auto body and paint shop or automobile sales, and such facilities as alignment shops, muffler shops, transmission repair shops, rustproofing shops and car washes.
14. **Auto Body & Paint Shop:** Means an establishment for the repair or painting of motor vehicle bodies but does not include facilities for the sale of gasoline or lubricating oil, or for the repair or maintenance of mechanical or electrical parts.
15. **Automobile, Compact:** Means an automobile 4.8 metres or less in length and 1.8 metres or less in width.
16. **Automobile, Full-Size:** Means an automobile greater than 4.8 metres in length and greater than 1.8 metres in width.
17. **Automotive Sales, Service and Repair:** Means an establishment for the sale of automobiles, and may also include an accessory service and repair facility, sales of automotive parts, a car wash for the washing and cleaning of no more than one vehicle at a time, and a towing service.
18. **Billiard Hall:** Means a business where a primary function is the rental of billiard tables, pool tables or any similar games tables to the public for a fee and where no more than three mechanical or electronic games are kept for the purpose of furnishing entertainment or amusement.
19. **Building:** Includes any thing constructed or placed on, in, over, or under land, but does not include a highway or public roadway or a bridge forming part of a highway or public roadway.
20. **Building, Community Association:** Means a facility operated by a community on a non-profit basis for a variety of physical, social, and educational activities and which may include an amusement arcade.
21. **Building Height:** Means that height determined by:
 - a) the maximum vertical distance between grade or a landscaped area and the eaveline of a building, and
 - b) the maximum number of storeys in a building.
 - ii) in a commercial, industrial, special, area by creating a line parallel to grade along each elevation and separated vertically from grade by the maximum allowable height for the Land-Use. Such line may be exceeded only by part of the building, on no more than one building elevation.
22. **Building Permit:** Means a building permit issued pursuant to the satisfaction of the Tsuu T'ina Nation Planning Commission authorizing construction.
23. **Planning Commission:** Means the Tsuu T'ina Planning Commission constituted pursuant to Chief and Council's authorization.
24. **Calliper:** Means the diameter of the trunk of a tree measured at 300mm above the ground.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section I.

Page 4

25. **Campgrounds / R.V. Park:** means a type of development which is designed to accommodate short-time overnight tenting, mobile homes, trailers, and self-contained recreational vehicles, but does not include sites for stays beyond 14 days.
26. **Canopy:** Means a fixed shelter which extends from the face of a building and includes a structure commonly known as a theatre marquee but does not include normal architectural features such as lintels, sills, mouldings, architraves, and pediments.
27. **Car Wash:** Means a facility for the washing of motor vehicles.
28. **Child Care Facility:** Means the use of a building or portion thereof for the provision of care, maintenance and supervision of seven or more children under the age of 13 years, by persons other than one related by blood or marriage, for periods not exceeding 24 consecutive hours and includes all day care centres, nurseries and after school or babysitting programs which meet this definition.
29. **Corner Visibility Triangle:** Means a triangular area formed on a corner site by the two curb lines and a straight line which intersects them 7.5m from the corner where they meet.
30. **Density:** Means the number of dwelling units on a site expressed in dwelling units per acre or hectare.
31. **Development:** means
- a) an excavation or stockpile and the creation of either of them;
 - b) a building or an addition to, or replacement, or repair of a building and the construction or placing in, on, over, or under land of any of them.
 - c) a change 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 use of the land or building.
 - d) a change in the intensity of use of land of 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.
32. **Development Completion Certificate:** Means a type of development permit issued by a Development Officer confirming that the requirements and conditions of a development authorization have been satisfactorily completed.
33. **Development Design Guidelines:** Means a set of guidelines, approved by development permit, to guide the design of sites, buildings and streetscape in a small lot development area.
-
34. **Development Officer:** Means an official of the Tsuu T'ina Nation charged with the responsibility of administering this By-Law and deciding upon applications for Development Authorization.
-
35. **Development Authorization:** Means a document authorizing a development, issued by the Development Officer and Planning Commission pursuant to this By-Law, and includes the plans and conditions of approval.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 5

Section I.

36. **Drive-in Business:** Means a facility for providing on-site service to customers while in their motor vehicles.
37. **Duplex:** Means a single building containing two dwelling units, one above the other, each having a separate entrance.
38. **Dwelling Unit:** Means two or more rooms used or designed to be used as a residence by one or more persons and containing kitchen, living, sleeping and sanitary facilities.
39. **Eaveline:** Means the line formed by the intersection of the wall and roof of a building.
40. **Educational Establishment:** Means the use of a building, used or previously used as a public or separate school for:
- a) post secondary education, including but not limited to, adult education, vocational training, college/university courses, or
 - b) administration and support services required at the community level by public agencies in the delivery of their programs.
41. **Elders Housing:** Means any multiple dwelling constructed for the specific use of long-term accommodation for elderly persons living without their immediate families.
42. **Entertainment Establishment:** Means a facility where entertainment is provided to the public, either exclusively or in combination with other activities and may, without restricting the generality of the foregoing, include a night club, live theatre or cinema, but does not include: a restaurant, gaming establishment - bingo or gaming establishment and / or casino.
43. **Essential Public Service:** Means a fire station, police station or similar service.
44. **Extensive Agricultural Use:** Refers to any method used to raise crops or rear livestock either separately or in conjunction with one another in unified operation but does not include an intensive agricultural use.
45. **Fence:** Means a vertical physical barrier constructed to provide visual screening or to prevent unauthorized access.
46. **Financial Institution:** Means a bank, trust company, credit union or similar establishment.
47. **Floodplain:** Means those lands abutting the floodway, the boundaries of which are indicated on the floodway/floodplain maps, that would be inundated by floodwaters of a magnitude likely to occur once in one hundred years.
48. **Floodway:** Means the river channel and adjoining lands indicated on the floodway/floodplain maps, that would provide the pathway for flood waters in the event of a flood of a magnitude likely to occur once in one hundred years.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section I.

Page 6

49. **Fourplex:** Means a single building comprised of four dwelling units, each unit having a separate direct entrance from grade.
50. **Frontage:** Means the width of a lot or a site where it abuts a street excluding a lane.
51. **Funeral Home:** Means an establishment for the arrangement of funerals, the preparation of the dead for burial or cremation, the holding of funeral services and the carrying out of cremations, where not more than one cremation chamber is provided.
52. **Gaming Establishment ; Bingo:** Means the use of a building or a portion thereof, which has the capacity to accommodate more than 150 persons at any time or times, or which is used on three or more days in any one calendar week, for the holding of bingo games.
53. **Gaming Establishment :** Means a facility where the principal use is gambling and includes a casino, bingo hall, but not a racetrack.
54. **Garage, Private:** Means an accessory building or part of a principal building designed and used for the shelter or storage of vehicles and includes a carport.
55. **Gas Bar:** Means an establishment for the sale of fuels, lubricating oils and associated automotive fluids, and may include accessory towing service or a grocery store of less than 1,000 ft.² (93.0m²).
56. **Grade:** Means the elevation of finished ground surface, excluding an artificial embankment, at any point immediately adjacent to the building.
57. **Grocery Store:** Means the use of a building or a portion thereof with a gross floor area of less than 465m², for the sale of foodstuffs and convenience goods to serve the needs of residents in the immediate neighbourhood.
58. **Gross Floor Area:** Means the sum of the areas of all plans of a building measured to the glassline, or where there is no glassline to the outside surface of the exterior walls, or where buildings are separated by firewalls, to the centre line of the common firewalls, and includes all floors totally or partially above grade level and all mechanical equipment areas.
59. **Gross Site Area / Site Area:** Means the area of the land contained within the property lines of a site including any area dedicated to right of way property line setbacks as provided for in Section 1.
60. **Ground Cover:** Means low-profile vegetation, other than grass or shrubs, commonly used for landscaping purposes and includes herbaceous perennials and flowers.
61. **Historical site:** Means a site or a building designated to be of historical significance by the Government of Canada or the Chief and Council.
62. **Home Occupation:** Means an accessory use of a dwelling unit or a private garage by the resident for small scale business purposes.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 7

Section I.

63. **Hotel:** Means a building which provides sleeping accommodation and which may also contain commercial uses and such additional facilities or services as a restaurant, a dining room, room service or public convention rooms.
64. **Intensive Agricultural Use:** Means any concentrated method used to raise crops or to rear or keep animals or their products for market, including such operations as poultry and hog farms, rabbitries, fur farms, greenhouses, nurseries and similar specialty uses, but does not include a feedlot.
65. **Kennel:** Means any premises on which dogs or cats are maintained, boarded, bred, trained or cared for in return for remuneration or kept for purposes of sale.
66. **Kitchen:** Means facilities for the preparation or cooking of food.
67. **Landscaped Area:** Means that portion of a site which is required to be landscaped.
68. **Landscaping:** Means the modification and enhancement of a site through the use of any or all of the following elements:
- i) **Soft Landscaping:** Consisting of vegetation such as trees, shrubs, hedges, grass and ground cover.
 - ii) **Hard Landscaping:** Consisting of non-vegetation materials such as brick, stone, concrete, tile and wood, excluding monolithic concrete and asphalt.
 - iii) **Architectural Elements:** Consisting of wing walls, sculpture and the like.
69. **Loading Space:** Means a space to accommodate a commercial vehicle while it is being loaded or unloaded.
70. **Lodger:** Means an individual who pays for his accommodation in a lodging house.
71. **Lodging House:** Means a building where accommodation is provided for remuneration, with or without meals to four or more persons exclusive of the occupant and his immediate family, but does not include a special care facility.
72. **Loft:** Means the space above the eaveline and within the pitch of the roof of a building.
73. **Lot Area:** Means the area contained within the boundaries of a lot as shown on a plan of subdivision or described in a certificate of title.
74. **Lot Coverage:** Means that portion of the lot area covered by the principal building (i.e. the "footprint" of the building), accessory buildings or other similar covered structures.
-
75. **Lot Width:** Means the width of a lot where it abuts a street except in the case of a pie-shaped lot, when it means the average distance between the side boundaries of the lot.
-
76. **Medical Clinic:** Means a facility for the provision of human health services without overnight accommodation for patients.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section 1.

Page 8

77. **Mobile Home:** Means a dwelling unit designed to be transported in not more than two sections and which, when placed on foundation supports and connected to utilities, is ready for occupancy.
78. **Mobile Home Park:** Means a site which provides rentable spaces for the long-term parking and occupancy of mobile homes, includes on-site laundry and recreation facilities for the use of the occupants and office facilities for the management of the mobile home park and may include a grocery store as an accessory use.
79. **Motel:** Means a building or group of buildings on a site designed and operated to provide temporary accommodation for transient motorists and contains separate sleeping units, each of which is provided with an adjoining or conveniently located parking space.
80. **Multi-Family Dwelling:** Means a triplex, fourplex, townhouse, stacked townhouse, or apartment.
81. **Natural Area:** means an area of land predominantly in its original natural state, which may accommodate minimal development or disturbance and shall be left for passive recreational use.
82. **Net Area:** Means the total of the rentable floor area of all floors of a building measured from the glassline or the interior wall dimensions, excluding stairways, elevators, mechanical floors, or rooms, vertical service shafts, malls and non-rentable common corridors, lobbies, washrooms, internal garbage storage and internal vehicular areas.
83. **Net Site Area:** Means the gross site area minus any site area dedicated to right of way property line setbacks.
84. **Parking Area:** Means a portion of land or of a building set aside for the parking and manoeuvring of motor vehicles.
85. **Parking Structure:** Means a structure designed for the parking of motor vehicles in tiers or floors.
86. **Personal Service Business:** Means a facility for providing a service on a commercial basis to individuals and includes such uses as photography studios, dry-cleaning establishments and barber shops.
87. **Principal Building:** Means a building that accommodates the principal use of a site, and may accommodate one or more accessory uses.
88. **Principal Use:** Means the main purpose for which a building or site is used.
-
89. **Private Club or Organization:** Means a social or service organization which may include athletic or recreational facilities.
-
90. **Property Line:** Means a legal boundary of an area of land as established by legal survey.
-

**TSUU T'INA NATION
LAND - USE BYLAW**

Section I.

Page 9

91. **Public or Quasi-Public Building:** Means a building which is available to the public for the purpose of assembly, instruction, culture or community activity, including but not limited to, a church, a library, a museum, an art gallery, and the recreational, social or educational activities of a public group or organization.
92. **Public Thoroughfare:** Means any dedicated lane, walkway, service road or street, or a collector street, major street, expressway or freeway.
93. **Restaurant:** Means an establishment where food is prepared and served on the premises for sale to the public, and may include entertainment which is ancillary to the preparation and service of food.
94. **Retail Food Store:** Means the use of a building or a portion thereof with a gross floor area in excess of 465m², for the sale of foodstuffs for consumption off-premises and includes a supermarket, but does not include a grocery store.
95. **Retail Store:** Means the use of a building or a portion thereof for the sale or display of merchandise to the public and includes the storage of merchandise on or about the premises in quantities sufficient only to supply the establishment, but does not include a grocery store or a retail food store.
96. **School, Commercial:** Means a place of instruction operated for profit but does not include a public separate or private school.
97. **School Purposes:** Means those non-instructional uses that a School Board engages in as part of their responsibilities under the School Act.
98. **Screening:** Means the total or partial concealment of a building, structure or activity by a fence, wall, berm or soft landscaping.
99. **Semi-Detached Dwelling:** Means a single building designed and built to contain two side by side dwelling units, separated from each other by a party wall extending from foundation to roof.
100. **Setback, By-Lawed:** Means the distance set out for this By-Law back from property lines for road right of ways, or development.
101. **Shopping Centre:** Means a group of commercial uses being primarily retail and personal service establishments on a minimum of one acre, with shared on-site parking, and
- i) **Sector (Community) Shopping Centre:** Means a shopping centre which provides a wide variety of goods and services to an area beyond the immediate neighbourhoods and may include office and other non-commercial uses.
 - ii) **Neighbourhood Shopping Centre:** Means a shopping centre which provides commercial uses to meet the frequent needs of the immediate neighbourhoods.
102. **Single-Detached Dwelling:** Means a single residential building containing one dwelling unit only but does not include a mobile home.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 10

Section I.

103. **Site:** Means an area of land on which a building or use exists or for which an application for a development permit is made.
104. **Site area:** See gross site area.
105. **Site, Corner:** Means a site at the intersection or junction of two or more streets.
106. **Site, Interior:** Means a site that is not a corner site.
107. **Special Care Facility:** Means a building or portion thereof which provides for the care or rehabilitation of one or more individuals in the case of a halfway house of seven or more individuals in all other cases, with or without the provision of overnight accommodation, and includes nursing homes, geriatric centres and group homes but does not include hostels, child care facilities and senior citizens housing.
108. **Storage Area:** Means the area of a building or site set aside for the storage of products, goods or equipment.
109. **Storey:** means the space between the top of any floor and the top of the next floor above it, and if there is no floor above it, the portion between the top of the floor and the ceiling above it.
110. **Storey, First:** Means the storey with its floor closest to grade and having its ceiling more than 1.8m above grade.
111. **Structure:** Means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground and includes walls, light standards, fences and signs.
112. **Structured Parking:** Means a structure or building for the parking of motor vehicles as a use ancillary to the main use of the site, and includes a covered parking area.
113. **Townhouse:** Means a single building comprised of three or more dwelling units separated one from another by party walls extending from foundation to roof, with each dwelling unit having a separate, direct entrance from grade and includes all row, linked, patio, garden court or other housing which meet such criteria.
114. **Triplex:** Means a single building comprised of three dwelling units, each unit having a separate, direct entrance from grade or a landscaped area.
-
115. **Utilities:** Means any one or more of the following:
-
- a) systems for the distribution of natural gas, electricity, telephone and cable television;
 - b) facilities for the storage, well-source, treatment, distribution or supply of water;
 - c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
 - d) storm sewer drainage facilities;
 - e) any other things that may be prescribed by the Chief and Council by regulation.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 11

Section I.

116. **Veterinary Clinic:** Means a facility for the medical care and treatment of animals and includes provision for their overnight accommodation but does not include kennels, outdoor pens, runs or enclosures.
117. **Warehousing:** Means facilities for the storage of goods and merchandise.
118. **Yard, Front:** Means that area extending the full width of a site and from the front property line of the site to the nearest building, and its depth shall be measured at right angles to the front property line.
119. **Yard, Rear:** Means that area extending the full width of a site and from the rear property line of the site to the rear of the principal building, and its depth shall be measured at right angles to the rear property line.
120. **Yard, Side:** Means that portion of the site extending from the front yard to the rear yard and between the side property line of the site and the closest side of the principal building, and its width shall be measured at right angles to the side property line.

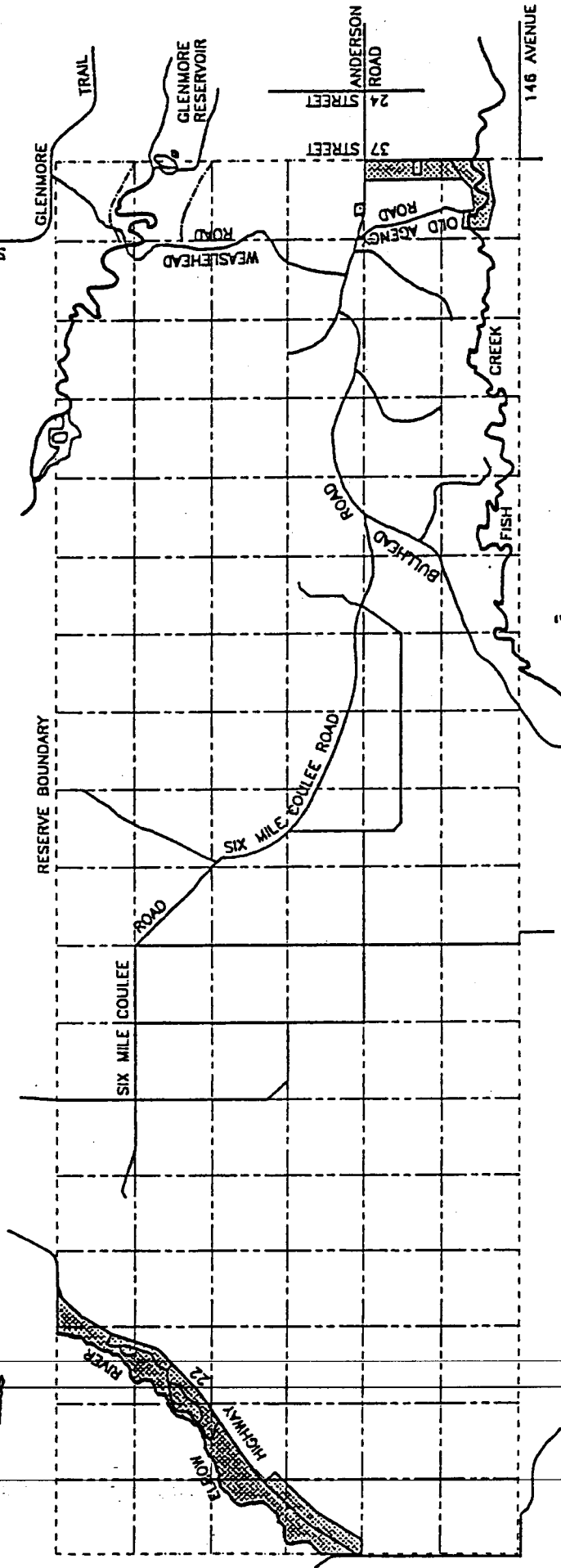
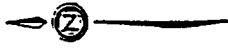
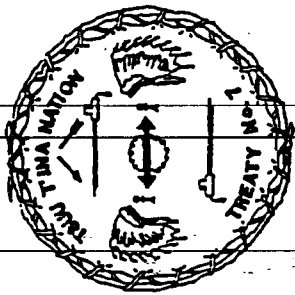
C. LAND-USE DESIGNATIONS

For each of the Land-Use Parcels provided for by Sections IV, V, and VI, there is a list of

- (1) permitted uses, or
- (2) discretionary uses, or
- (3) both permitted and discretionary uses.

D. LAND-USE MAPS - DESIGNATED LANDS

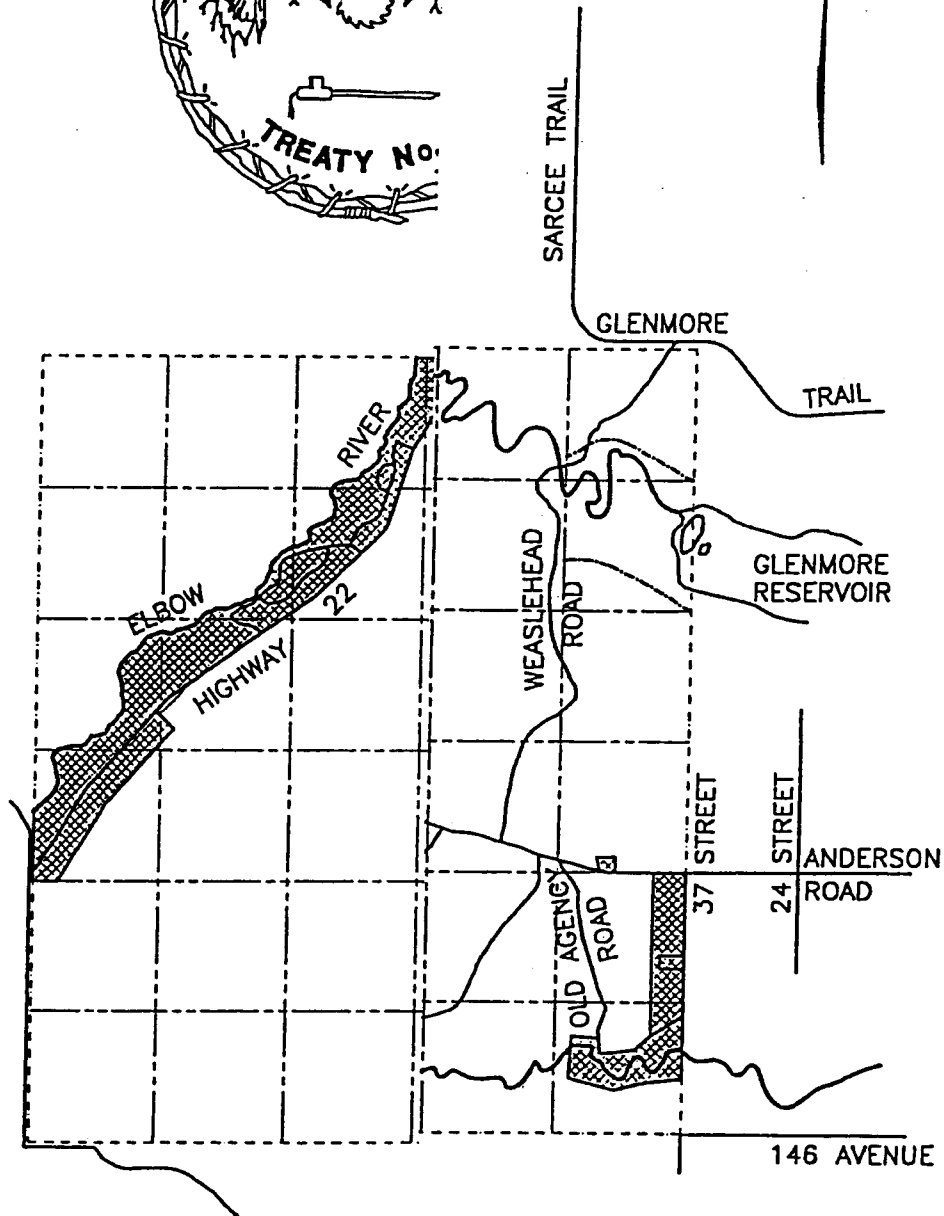
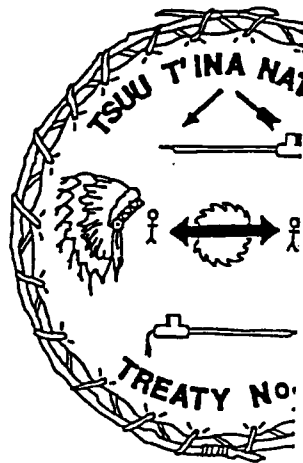
See attached inserts (2).



SCALE: 0 1 2 4 MILES

**DESIGNATED LANDS
TSUU T'INA NATION**

B.M. Potter Consultants Ltd.



SCALE: 0 1 2



B.M. Potter Consultants Ltd.

**DESIGNATED LANDS
TSUU T'INA NATION**

**TSUU T'INA NATION
LAND - USE BYLAW**

E. DEVELOPMENT AUTHORIZATION

1. Developments Requiring a Development Authorization:

Except as otherwise provided in Section C(2), the approval of a Development Authorization Application and the release of a Development Authorization permit must be obtained before development can commence or be allowed to continue.

2. Developments Not Requiring a Development Authorization:

It shall not be necessary to obtain a Development Authorization prior to commencement of any of the following types of development, provided that such development complies with all applicable provisions of this By-Law.

- (a) the use of all or a part of a building as a temporary facility. Such temporary use, including the site restoration to original state, not to exceed 180 days;
 - (b) the following Nation projects, as specifically identified by Chief and Council: roads, traffic management projects, vehicular and pedestrian bridges, water, gas, telephone and power utility installations, substations and pumping stations, water reservoirs, storm and sanitary sewer installations, sewage lagoon facilities, work depots, parks and landscaping projects;
 - (c) the construction of an accessory building in a residential Land-Use Parcel except where it is located in Redwood Meadows or other designated special residential development area.
 - (d) internal alterations to a residential building, provided that such alterations do not result in an increase in the number of dwelling units within the building or on the site;
 - (e) interior alterations to commercial buildings and maintenance thereof (including mechanical or electrical work), provided that the use or intensity of use of the building does not change;
 - (f) the excavation of land or stripping of soil provided
 - (i) that the area concerned is less than 1000 square metres, or
 - (ii) that the stripping or excavation is part of a development for which a Development Authorization has been issued, or
 - (iii) that the area concerned is outside the flood plain of any river, creek or natural pond, historically significant or environmental sensitive site.
 - (g) a temporary building, the sole purpose of which is incidental to the erection or alteration of a building for which a permit has been granted under the Building Permit By-Law;
-
- (h) a sign that is exempt from the requirement for a Development Authorization by the provisions of the Appendix;
-
- (i) the relocation of a single-detached dwelling or residential garage provided that the site on which it is to be relocated is in a Land-Use Parcel that allows that use;

**TSUU T'INA NATION
LAND - USE BYLAW**

Section I.

Page 13

- (j) a satellite dish antenna which is incidental to or included with a development for which Development Authorization has been obtained.

2.1 Notwithstanding Section C(2), it shall not be necessary to obtain a Development Authorization for a change of use within an existing building in any commercial or industrial Land-Use Parcel where all of the following requirements are to the satisfaction of a Development Officer:

- (a) the requirements of the Development Authorization for the existing building have been fulfilled, and
- (b) the change of use is from a permitted, or discretionary use, to another permitted use allowed in the Land-Use Parcel applicable to the site, and
- (c) the change is to a Use that has required parking facilities no greater than that of the Use it is replacing, or
- (d) the change is to a use that has required parking facilities greater than that of the use it is replacing, and the additional parking is provided on site.

3. Compliance With Other Legislation:

Compliance with the requirements of this By-Law does not exempt any person from complying with:

- (a) obligations and all matters and things necessary or expedient to be observed or performed by virtue of any applicable law, statute, by-law, ordinance, regulation or lawful requirement imposed by any competent authority; and
- (b) complying with any easement, covenant, agreement or contract affecting the development.

F. APPROVING AUTHORITIES - DUTIES AND RESPONSIBILITIES

1. Development Officer:

The office of the Development Officer is hereby established and one or more individuals shall be appointed and designated by Chief and Council as Development Officer. A Development Officer;

- (a) shall administer this By-Law and decide upon all Development Authorization Applications including only those for sites on Designated Lands, unless the application is referred to the Planning Commission;

- (b) shall keep and maintain for the inspection of all interested parties during office hours, a copy of this By-Law and all amendments thereto, and ensure that copies of same are available to all interested parties at a reasonable cost;

- (c) shall make available for inspection by all interested Nation Members and current Planning Commission Members, during office hours, a register of all applications for Development Authorizations and the decisions made therein;

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 14

Section I.

- (d) shall collect fees according to a scale to be established Chief and Council;
- (e) shall refer to Planning Commission for its consideration and decision, any Development Authorization application for a discretionary use;
- (f) may refer to Planning Commission for its consideration and decision, any Development Authorization application for a permitted use; and
- (g) shall render a decision and recommendation within 28 days of receipt of an application.

2. Planning Commission:

- (a) Planning Commission is hereby authorized to decide upon all Development Authorization Applications referred to it by a Development Officer. Chief and Council, when requested by the Planning Commission, may consider the decision and recommendations of the Planning Commission prior to hearing and/or reaching a decision on an Appeal to the Development Officer or Planning Commission.
- (b) The Planning Commission shall consist of the following members, all having been appointed by Chief and Council:
 - Two Members of Council, excluding Members of the Economic Development Committee and the Company Board
 - Two Nation Members at-large
 - One licensed Architect
 - One professional Land Planner
- (c) The minimum quorum for Planning Commission Hearings shall be four (4), of which at least one representative from Council and one Nation Member-at-large must be present.
- (d) The Chairperson of the Planning Commission shall be one of the Members of Council, and the Chairperson shall only vote in the case of a tie vote amongst the other Members.
- (e) The Planning Commission shall be convened on an as-needed basis at the call of either the Development Officer, or Chief and Council, with at least five (5) days notice of hearing required.
- (f) The decisions of the Planning Commission shall be made at the time of meeting and become effective that date.

G. APPROVAL PROCESS

The Tsuu T'ina Nation has established an orderly system to receive applications, review these and render decisions in an efficient and timely manner while keeping in mind the objective of developing and maintaining a high quality Development. The following is the organization and sequence of the process:

**TSUU T'INA NATION
LAND - USE BYLAW**

Section I.

Page 15

- Step 1. Economic Development Endorsement - please see attached chart.**
- Step 2. Land Lease Approval - please see attached chart.**
- Step 3. Development Authorization - please see attached chart.**
- Step 4. Building Permit and Authorization to Construct.**

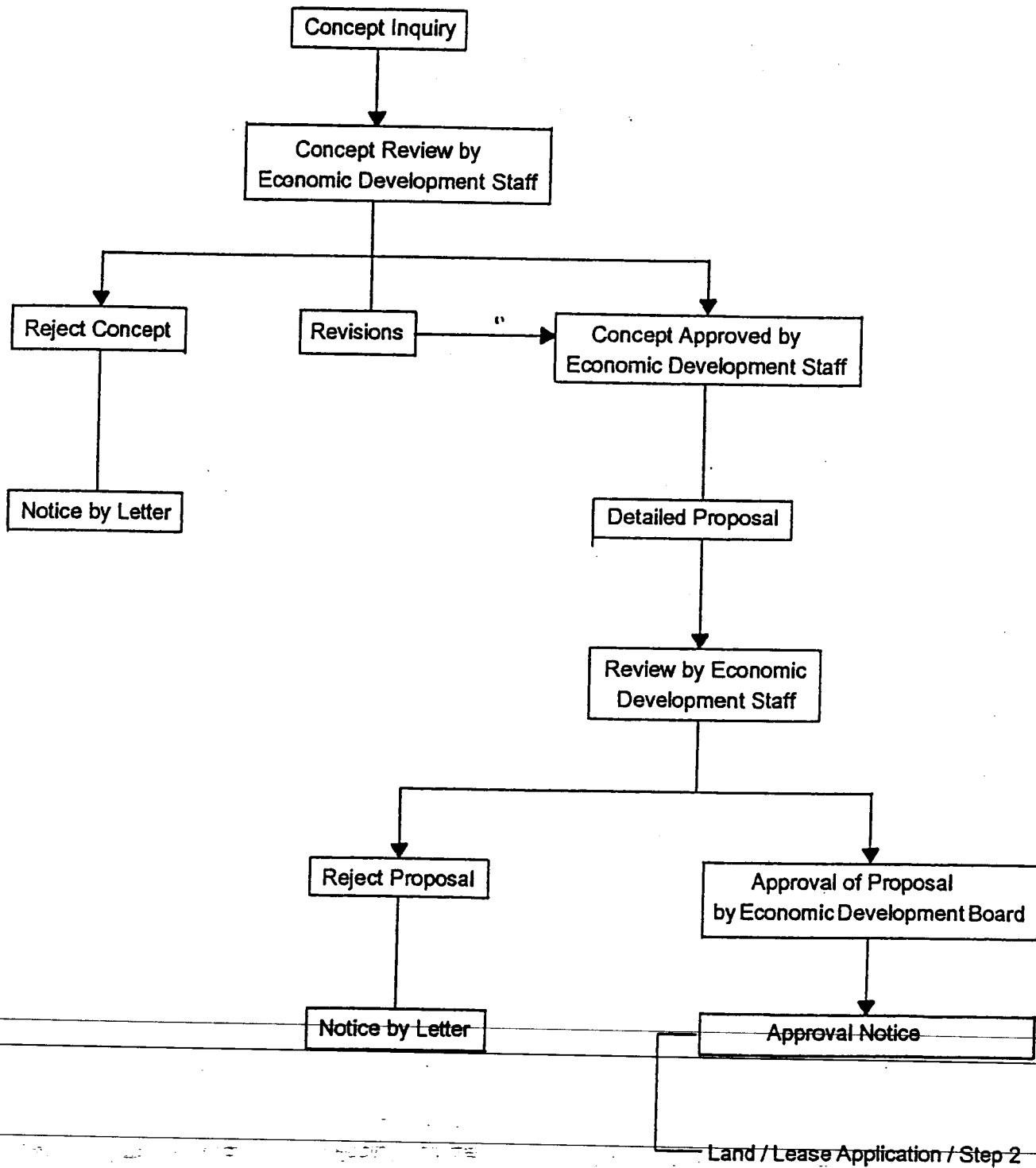
H. SAMPLE FORMS

See attached inserts (7):

- (a) Development Authorization - Application**
- (b) Building Permit - Application**
- (c) Development Completion Certificate**
- (d) Development Authorization Permit**
- (e) Building Permit**
- (f) Development Appeal - Application**
- (g) Notice of Development**

STEP 1

ECONOMIC DEVELOPMENT REVIEW / ENDORSEMENT



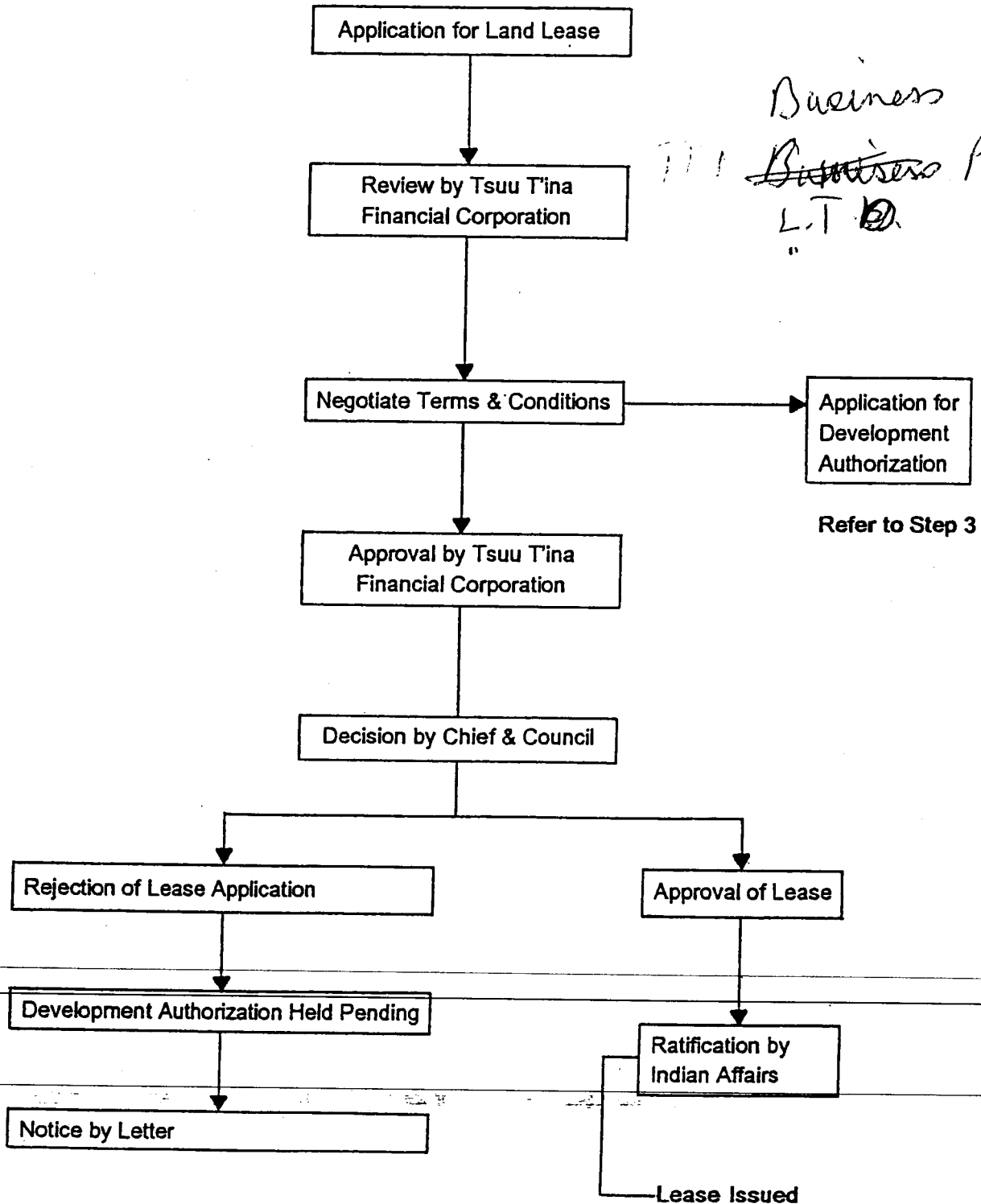
TSUU T'INA NATION
LAND - USE BYLAW

Section I.

Page 17

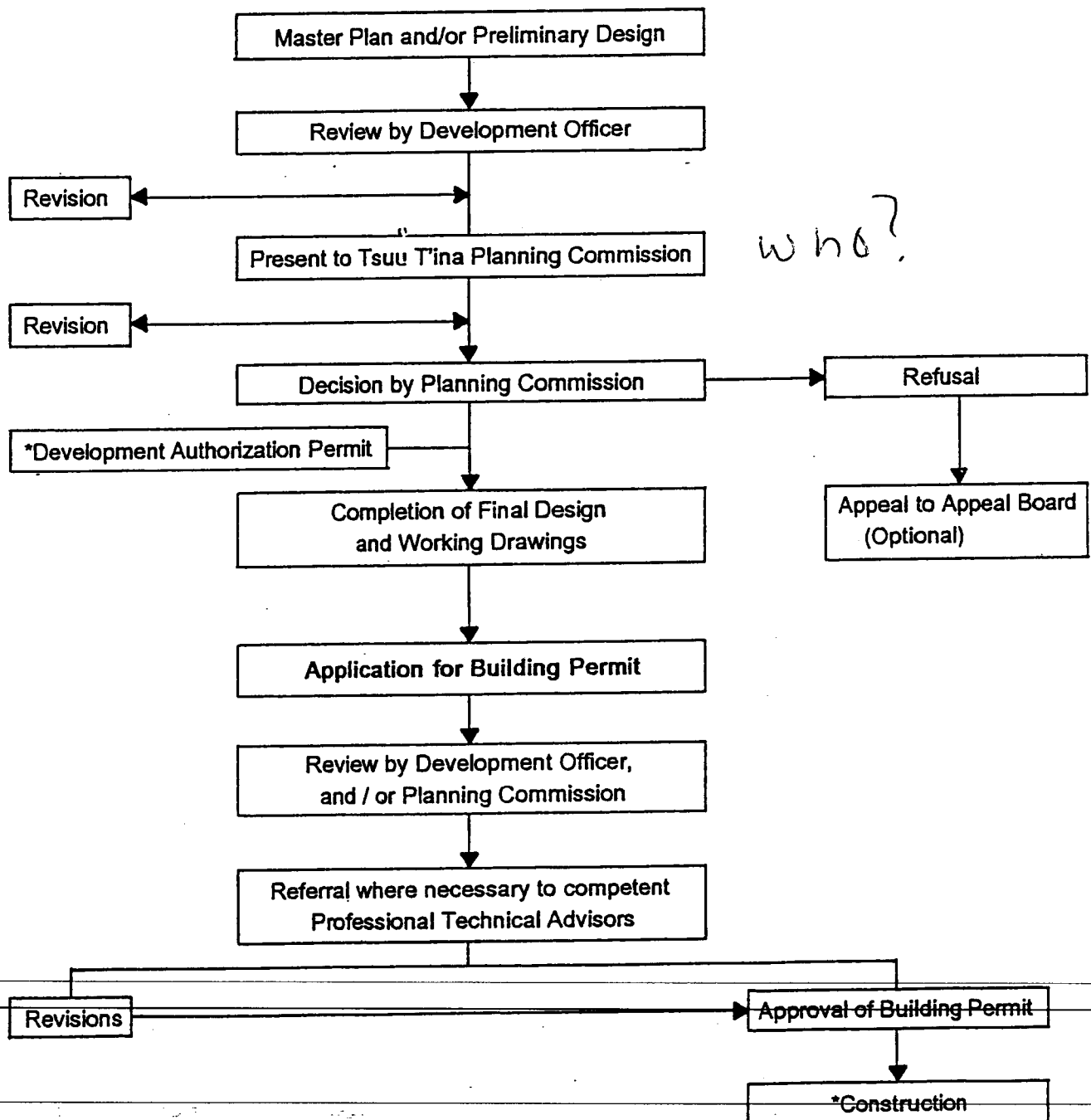
STEP 2

LAND LEASE APPROVAL



STEP 3

DEVELOPMENT APPROVAL / CONSTRUCTION



*Any and all design revisions made subsequent to Development Authorization and / or start of construction shall be referred to the Development Officer or Planning Commission prior to work proceeding.

II. THE DEVELOPMENT AUTHORIZATION APPLICATION, DECISION PROCESS,
APPEAL PROCESS, AND ENFORCEMENT

A. APPLYING FOR DEVELOPMENT AUTHORIZATION

1. Plans & Information Required:

- (a) Except in the case of a sign where the application requirements are set out in the Appendix, every application for a Development Authorization SHALL be accompanied by the following:
- (i) All drawings, plans and reports, herein required, shall be prepared by:
 - (A) all architectural design drawings shall be prepared by a professional architect, licensed to practice in the Province of Alberta;
 - (B) all engineering drawings shall be prepared by a professional engineer, of the appropriate discipline and licensed to practice in the Province of Alberta;
 - (C) all detailed landscape drawings shall be prepared by a qualified landscape architect licensed to practise in the Province of Alberta.
 - (ii) Each submission must consist of at least three (3) sets of all drawings, reports and submission materials. The Nation shall retain two (2) sets, and the applicant shall receive a record copy of each reviewed drawing and submission material, duly stamped and noted with all conditions of approval.
 - (iii) Copies of site plan(s) showing the following information:
 - (a) north arrow,
 - (b) scale of plan,
 - (c) location plan showing legal description and general context within the Tsuu T'ina Nation lands,
 - (d) site boundary lines or property lines, shown and labelled,
 - (e) all by-law property line setbacks, shown and labelled,
 - (f) location of roads, sidewalks, curbs, and water service cur stop,
 - (g) site, topography (grades), and special conditions,
 - (h) location and size of existing trees, landscape features, and buildings,
 - (i) location of any buildings, dimensioned to property lines, and any structures including utility poles,
 - (j) retaining walls, trees, landscaping and other physical features both existing and proposed on the site and adjoining site boundaries,
 - (k) dimensioned layout of existing and proposed parking areas, entrances and exits, abutting roadways, trails and lanes, shown and labelled,
 - (l) all easements, shown and labelled,
 - (m) outline to scale of adjacent buildings on adjoining sites, indicating building height, yard dimensions, the use of the building and any windows overlooking the new proposal, and

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 2

Section II.

- (n) fencing, screening, garbage and storage areas;
- (iv) Drawings showing the exterior building elevations, floor plan and a perspective sketch / artists rendering of the proposed development, including a description of the exterior finishing materials
- (v) Landscaping plans based on the site plan showing:
 - (a) the existing topography with the vegetation that is to be retained and, that to be removed clearly identified,
 - (b) the layout of soft and hard landscaping, pedestrian circulation and open space systems, screening, berms, slopes and retaining walls, and
 - (c) the types, sizes and numbers of plant material and the types of hard landscaping.
- (vi) A vicinity map of appropriate scale, indicating the location of the proposed development in relation to the Tsuu T'ina Nation Lands, and, significant physical features which may have a bearing on the proposed project.
- (vii) A map showing the designated land use of the project site and all properties within 90 metres of the boundaries of the total project site, at a scale of 1:500.
- (viii) Photographic prints showing the site in its existing state.
- (ix) Photographic prints, slides, video or drawings which show, to the satisfaction of a Development Officer, by way of superimposition, overlays or otherwise
 - (a) how the form, mass and character of the proposed development will relate to neighbouring buildings, and existing landscape features / forms.
- (x) Drawings, reports and other medium demonstrating how the design, materials and finish of the development will relate to, and give expression of the Tsuu T'ina Nation culture and heritage.
- (xi) All development applications will be accompanied by an application fee as established by Chief and Council. Currently the fee is established at \$0.75 per \$1,000.00 of proposed construction value (including building and landscaping costs) with a minimum fee of \$150.00. Construction costs shall be determined on the basis of a professionally prepared construction cost summary.

and in addition, a Development Officer MAY require:

- (xii) Copies of a plan of survey prepared by an Alberta Land Surveyor showing the site to be developed.
- (xiii) A detailed environmental impact report showing, to the satisfaction of a Development Officer, the impact of the proposed development on the subject and adjoining lands.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section II.

Page 3

- (xiv) A report showing the effect of wind, surface water flows, and shadow produced by the proposed development.
- (xv) Samples of exterior finishing materials.
- (xvi) In the case of an application for an excavation, stripping or grading operation;
 - (a) a plan showing the location of the area of the operation relative to site boundaries and the depth of excavation or the quantity of topsoil to be removed,
 - (b) a description of the excavation, stripping or grading operation proposed,
 - (c) a detailed timing and phasing program covering the length of the proposed operation,
 - (d) a plan showing the final site conditions following completion of the operation and any land reclamation proposals where applicable, and
 - (e) a description of the measures to be taken for the prevention or lessening of dust and other nuisances during and after the operation.
- (xvii) Such plans, photographs or other materials as a Development Officer may consider necessary to properly evaluate the proposed development.
- (b) When required for presentations to the Planning Commission, applicants shall submit high quality legible transparency vu-graphs (size 216 mm x 280 mm) and reports, at least five calendar days before the Planning Commission meeting illustrating all of the relevant project information.
- (c) All drawings required to be submitted shall be drawn on standard drafting material to a scale of not less than 1:100 or such lesser scale as a Development Officer may approve and shall be fully dimensioned, accurately figured, explicit and complete.

2. Non-Compliance With Information Requirements:

A Development Officer may refuse to accept a Development Authorization application where the information required has not been supplied or where, in his opinion, the quality of the material supplied is inadequate to properly evaluate the application.

3. Waiver of Information Requirements:

The Chief and Council may deal with an application and make its decision without all of the information required, if of the opinion that a decision on the application can be properly made without such information.

4. Notice Posting Requirements:

Prior to an application being considered for a Development Authorization, a Development Officer shall display for not less than ten (10) days on the Nation Administration Office notice board a "Notice of Development" stating:

- (a) the proposed use of the building or site,
- (b) that an application respecting the proposed development will be considered by the Approving Authority, and

**TSUU T'INA NATION
LAND - USE BYLAW**

Section II.

Page 4

- (c) that any person who objects to the proposed development of the site may deliver to a Development Officer a written statement of their objection to the development setting out
 - (i) their full name (and the address) for service of any notice to be given to them in respect of the objection, and
 - (ii) the reason for their objection to the proposed development which statement must be received by a Development Officer not later than the day set out in the notice.

5. Re-Application for Development Authorization:

Where an application for a Development Authorization has been refused, a Development Officer may, at his discretion, refuse to accept another application for the same or a similar development on the same site until four (4) months has passed from the date of the Approving Authority's decision. The Development Officer shall not accept another such application until four months has passed from the date of the Development Appeal refusal.

B. DECISION PROCESS

1. Permitted Uses:

(a) A Development Officer's Discretion

- (i) A Development Officer shall approve an application for Development Authorization where:
 - (a) the proposed use of the site is included on the permitted use list of the land use district for which the site is designated, and
 - (b) the proposed development conforms in every respect to the provisions of this By-Law appropriate to a permitted use for the land use district for which the site is designated.
- (ii) Subject to the provisions of Section II, a Development Officer shall refuse an application for Development Authorization if the proposed development does not meet the requirements of the By-Law for the land use district for which the site is designated.
- (iii) A Development Officer may approve an application for Development Authorization for a permitted use notwithstanding that the proposed development does not meet the requirements of this By-Law if, in the opinion of the Development Officer,

(a) the proposed development would not

- (i) unduly interfere with the amenities of the neighbourhood, or
- (ii) materially interfere with or affect the use, enjoyment or value of neighbouring properties, and

- (b) the proposed development conforms with the use prescribed for that land or building in this By-Law.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 5

Section II.

(b) Notification of the Decision

- (i) When an application for Development Authorization is approved in accordance with the Development Officer's review, the Development Officer shall forthwith sign the Development Authorization as of the date of the decision and release it to the applicant.
- (ii) When an application for Development Authorization is approved in accordance with the Planning Commission, the Development Officer shall sign the Development Authorization.
- (iii) When an application for Development Authorization is refused, the applicant shall forthwith be given written notification of the decision, and the reasons for it.

C. APPEALS

1. **Right to Appeal:** Where an applicant for Development Authorization, upon a fully paid and submitted application has been refused by either, or both, the Development Officer, Planning Commission; or, upon reason of a specific condition of development approval, so wishes said Applicant, shall have the right to request and convene a formal Appeal Board Hearing.
2. **Appeal Board:**
 - (a) The Tsuu T'ina Nation Development Appeal Board is hereby authorized to decide upon all Appeals made by an Applicant for Development Authorization.
 - (b) The Appeal Board shall consist of the following members, all having been appointed by Chief and Council:
 - Two Nation Elders
 - One Member of Council, excluding Members of the Economic Development Committee and Company Board, or Planning Commission
 - One Senior Manager
 - The Chief Commissioner, acting as Chairperson

Also included on the Appeal Board is the Nation's Legal Advisor in a non-voting technical capacity only.

-
- (c) The minimum quorum for the Appeal Board hearings shall be three (3), of which one must be the Chief Commissioner.
 - (d) The Chairperson shall only vote in the case of a tie vote amongst the other members.
 - (e) The Appeal Board shall be convened on an as-needed basis at the call of either the Applicant, Development Officer, or directly affected neighbouring land / building owner(s). There must be at least ten (10) days written notice to all affected or interested parties.

D. DEVELOPMENT COMPLETION CERTIFICATE

1. Before a building for which a Development Authorization is required is occupied, the owner shall apply to a Development Officer for a development Completion Certificate and obtain same.
2. Application for a Development Completion Certificate shall be made on the prescribed form, shall list as completed all the conditions of approval of the Development Authorization, and shall be accompanied by two copies of a Survey Certificate.
3. Where a Development Officer is satisfied that all the requirements and conditions of the Development Authorization have been met, he shall issue a Development Completion Certificate.
4. Where a Development Officer is not satisfied that the requirements and conditions of the Development Authorization have been met, he may require, as a condition precedent to the issuance of a Development Completion Certificate, the delivery of a bond or similar security in an amount and in a form that is satisfactory to him to ensure fulfillment of the outstanding requirements of the Development Authorization.
5. The Development Completion Certificate shall be retained on the premises in a legible condition for a period of one year from the date of issuance.

E. OFFENSES & PENALTIES

1. No person shall:
 - (a) Fail to comply with a Development authorization or the plans and conditions forming part thereof, or
 - (b) Make use of land in a manner contrary to the provisions of this By-Law.
2. (a) A person who contravenes or fails to comply with any provision of this By-Law is guilty of an offence and is liable upon demand by Chief and Council to a fine not exceeding \$1,000.00 exclusive of costs and, upon failure to pay such fine and costs, to legal action brought by Chief and Council unless such fine and costs are sooner paid.
- (c) A Development Officer may suspend or revoke a Development Authorization which has not been complied with.

F. CHANGES TO THE LAND-USE BY-LAW

1. The Tsuu T'ina Nation (through Chief and Council only) reserves the right to amend, modify or alter any portions or all of these requirements without liability to any tenants, developers, joint-ventures partners, or users of the Nation's Lands. Notice of any changes will be provided by letter to each tenant or, business facility a minimum of one (1) month prior to coming into effect.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section III.

Page 1

III.

PARKING & LOADING REQUIREMENTS

A. PARKING & LOADING FACILITIES:

Parking and loading spaces shall be provided on each development site in accordance with the following tables and unless otherwise stated, shall:

- (i) be calculated on the basis of gross floor area and where a fractional figure occurs shall be rounded to the next higher figure; or
- (ii) be calculated based upon fire occupancy ratings where the terms "patrons" and "seats" are used, whichever standard is higher in parking space requirements:

1.1 PARKING SPACES:

<u>Use of Building or Site</u>	<u>Minimum No. of Parking Spaces</u>
Amusement Arcades	1 space / 500 ft. ² (46.45m ²)
	"
Athletic & Recreation Centres (indoor)	1 space / 6 patrons
(outdoor)	1 space / 100 ft. ² (9.29m ²)
Arts / Crafts, Photographic Studios	1 space / 500 ft. ² (46.45m ²)
Automotive Accessories & Parts Sales	1 space / 400 ft. ² (37.16m ²)
Automobile Sales, Service & Repair	1 space / 1000 ft. ² (92.9m ²)
Billiard Halls	1 space / 400 ft. ² (37.16m ²)
Bowling Alleys	3 spaces / alley
Broadcasting Facilities	1 space / 500 ft. ² (46.45m ²)
Building Supply Centres	1 space / 1000 ft. ² (92.9m ²)
Bakeries / Delicatessens	1 space / 500 ft. ² (46.45m ²)
Campgrounds / R.V.Parks	1 space / accommodation unit
Child Care Facilities	3 spaces / employee, plus 1 space / 10 children
Commercial Schools	1 space / each 3 classroom seats, plus 1 space / 10 seats for auditorium, or 1 space / 100 ft. ² (9.29m ²) of gross floor area used in service of the public, whichever greater
Community Buildings & Facilities (unless otherwise listed)	1 space / 100 ft. ² (9.29m ²)

**TSUU T'INA NATION
LAND - USE BYLAW**

Section III.

Page 2

Convenience Stores	1 space / 300 ft. ² (27.87 m ²)
Community Buildings & Facilities	1 space / 4 seats, or 1 space / 500 ft. ² (46.45m ²)
Curling Rinks	6 spaces / sheet of ice
Drive-in Food Services	5 spaces / drive-up window, plus 5 car stacking spaces per window
Essential Public Services	1 space / employee on site
Equipment Rental Establishments	1 space / 500 ft. ² (46.45m ²)
Financial Institutions	1 space / 500 ft. ² (46.45m ²) + minimum of 5 spaces for employees
Gaming Establishments	1 space / 3 seats
Gas Bars	1 space / 300 ft. ² (27.87m ²)
Hotels	1 space / accommodation unit
Laboratories	1 space / 500 ft. ² (46.45m ²)
Laundromats	1 space / 300 ft. ² (27.87m ²)
Light Manufacturing Plants	1 space / 1000 ft. ² (92.9m ²)
Medical Clinics	1 space / 400 ft. ² (37.16m ²)
Motels	1 space / accommodation unit, plus 4 spaces for employees
Multi-bay Car Washes	2 spaces / bay + 5 car stacking spaces per bay
Offices & Office Support Services	1 space / 400 ft. ² (37.16m ²)
Outdoor Athletic / Recreational Facilities (unless otherwise listed)	1 space / 5 seats or 1 space / 200 ft. ² (18.58m ²) of gross floor area, whichever greater
Personal Service Businesses	1 space / 400 ft. ² (37.16m ²)
Racquet Sport Facilities	4 spaces / court

**TSUU T'INA NATION
LAND - USE BYLAW**

Section III.

Page 3

Residential Dwellings: Single Family	2 spaces / dwelling unit
Duplex	2 spaces / dwelling unit
Fourplex	1.5 spaces / dwelling unit
Recreational Vehicle Sales, Service	1 space / 500 ft. ² (46.45m ²) of building area or 1 space / 2000 ft. ² (185.8m ²) of site area, whichever greater
Recycling Depots	1 space / 500 ft. ² (46.45m ²)
Restaurants	1 space / 4 seats for patrons
Retail Sales, Service & Repairs	1 space / 400 ft. ² (37.16m ²)
Retail Food Stores	1 space / 400 ft. ² (37.16m ²)
Service Stations	1 space / 500 ft. ² (46.45m ²), plus 3 spaces / repair bay
Storage Facilities	1 space / 3000 ft. ² (278.7m ²)
Taxi-Stands	1 space / 500 ft. ² (46.45m ²)
Transportation Terminals	1 space / 500 ft. ² (46.45m ²)
Veterinary Clinics	1 space / 500 ft. ² (46.45m ²)
Warehouse Sales	1 space / 500 ft. ² (46.45m ²)

1.2

LOADING SPACES:

Use of Building or Site

Minimum No. of Parking Spaces

Building Supply Centres	1 space / 20000 ft. ² (1858m ²)
Community Buildings & Facilities	1 space
Drinking Establishments	1 space
Hotels	1 space
Industrial & Manufacturing Plants	1 space / 10000 ft. ² (929m ²) with a minimum of 2 spaces
Office Buildings	2 spaces
Restaurants	1 space
Retail Establishments	1 space / building

**TSUU T'INA NATION
LAND - USE BYLAW**

Warehouses

1 space / 1000 ft.² (92.9m²)

2. Parking and loading spaces shall be located on the same site as the building or the use for which they are required and shall be designed, located, and constructed to the Nation's standards so that:
 - i) They are easily accessible to the vehicles intended to be accommodated there;
 - ii) They can be properly maintained;
 - iii) The parking space is in conformity with the requirements as outlined in Table "A" and the stall width, angle, and depth, along with the aisle width, are indicated on the site plan;
 - iv) The loading space shall have an area of not less than 300 ft.² (27.87m²), 12 ft. (3.66m) in width, and 14 ft. (4.27m) of overhead clearance; and
 - v) They are satisfactory to the Development Officer or the Planning Commission in size, shape, location, grading and construction.
 - vi) All access routes, aisles, parking surfaces be paved and stalls clearly marked unless relaxed by the Planning Commission.
3. Adequate curbs or concrete bumpers or fences, shall be provided to the satisfaction of the Development Officer or the Planning Commission.
4. The on-site parking shall be provided in the manner shown on the approved site plan with the entire area to be graded and surfaced so as to ensure that drainage will be confined to the site and disposed of in a manner satisfactory to the Development Officer or the Chief & Council.
5. When a building is enlarged, altered, or a change in the use occurs in such a manner as to cause a more intensive use of building, provision shall be made for the additional parking spaces required under the parking provisions of this By-Law. The calculation shall be based on the number of additional parking spaces required as a result of the enlargement, alteration, or change in the use of the building, in addition to any parking spaces that may have been removed due to the enlargement or alteration.
6. A payment in lieu of the number of on-site parking spaces deficient as a result of the increase in the intensity of use, as may be required pursuant to Section III A,5) above, up to a maximum of 50% of the required number of parking spaces, may be accepted at the discretion of the Development Officer or the Chief and Council. This payment shall be based on the amount of money Council considers reasonable in order for the Nation to provide an equivalent number of parking spaces elsewhere in the district in which the development is proposed.
7. Parking spaces shall not be located in the front yard of a site in any Multi-Family Residential District unless otherwise allowed by the Development Officer or the Planning Commission.
8. Parking and loading requirements for other similar uses shall be provided as determined by the Development Officer and the Planning Commission.
9. A minimum of one (1) parking stall, located conveniently to the main building entry, intended (and so marked) for exclusive use of physically disabled persons, shall be provided in all parking lots / facilities, and designed to allow easy wheelchair access to buildings' main entrances.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section III.

Page 5

10. Parking spaces shall be designed and provided in accordance with Table A.
11. Parking stalls shall not have direct vehicular access to a roadway, street, or highway.
12. Parking stalls with direct vehicular access to a lane shall not be permitted. Exceptions to this regulation may be considered, at the discretion of the Development Officer or the Planning Commission, if an additional 10 ft. (3.05m) in length per affected stall is provided.

Table A:

Width of Stall Ft. (m)	Angle of Parking (°)	Width of Aisle Ft. (m) (one way)	Depth of Stall Perpendicular of Aisle Ft. (m)
8.0 (2.5m)	90	25.0 (7.6m)	19.0 (5.8m)
8.0	60	19.0 (5.8m)	20.0 (6.1m)
8.0	45	11.0 (3.4m)	19.5 (5.9m)
8.0	30	10.0 (3.05m)	17.0 (5.2m)
8.5 (2.6m)	90	23.0 (7.0m)	19.0 (5.8m)
8.5	60	18.0 (5.5m)	20.5 (6.2m)
8.5	45	12.0 (3.6m)	20.0 (6.1m)
8.5	30	10.5 (3.2m)	17.0 (5.2m)
9.0 (2.8m)	90	24.0 (7.3m)	19.0 (5.8m)
9.0	60	18.5 (5.6m)	21.0 (6.4m)
9.0	45	10.0 (3.05m)	20.0 (6.1m)
9.0	30	10.0 (3.05m)	17.5 (5.3m)
9.5 (2.9m)	90	23.0 (7.0m)	19.0 (5.8m)
9.5	60	18.0 (5.5m)	21.0 (6.4m)
9.5	45	10.0 (3.05m)	20.0 (6.1m)
9.5	30	10.0 (3.05m)	18.0 (5.5m)
10.0 (3.05m)	90	22.0 (6.7m)	19.0 (5.8m)
10.0	60	17.0 (5.2m)	22.0 (6.7m)
10.0	45	10.0 (3.05m)	21.0 (6.4m)
10.0	30	9.5 (2.9m)	18.5 (5.6m)

•Disabled Persons Stall shall be a minimum of 12.5 ft. (3.81m) wide and 19.0 ft. (5.8m) depth.

•Developments may be allowed parking spaces for compact automobiles providing that:

- (a) The compact automobile spaces account for a maximum of 33% of the total parking required.
- (b) The compact automobile parking spaces are grouped together in a separate parking area designated for compact automobiles only and marked as such.
- (c) The compact automobile parking spaces are not less than 7.5 ft. (2.29m) wide and 17.0 ft. (5.2m) depth.

- END OF SECTION -

THE UNIVERSITY OF CHICAGO
LIBRARY

Section IV.

IV.

REDWOOD MEADOWS
LAND USE STANDARDS & DESIGN CONTROLS

Purpose & Intent:

The purpose and intent of The Redwood Meadows Residential Land Use Standards and Design Controls is to provide reasonable design guidelines and standards for residential (and related) development, and to promote the harmonious relationship between the unique forested environment and the man-made components of development by ensuring that:

- The visual nature of the natural forested environment is maintained;
- The development of lots will not compromise the environmental integrity of the site and the surrounding land;
- All buildings blend in with the natural environment of the lot and will not compromise the environmental or visual quality of any neighbouring lots;
- The colours and finishes of all buildings and structures are consistent and harmonious with the natural materials and colours in the immediate area.

A. LIST OF PERMITTED USES:

- Accessory buildings
- Essential services / utilities facilities
- Parks and playgrounds
- Single-detached dwellings

B. USE RULES:

The following rules shall apply to Permitted Uses:

1. **Minimum Ground Floor Area:**

Bungalow	120m ² (approx. 1300 ft. ²)
Bi-level	120m ² (approx. 1300 ft. ²)
Split Level	120m ² (approx. 1300 ft. ²)
Two Storey	93m ² (approx. 1000 ft. ²)
2. **Maximum Lot Coverage:** 40% of lot area
3. **Maximum Building Height:** 10m (approx 33 ft) from approved finished front grade

4. Setbacks:

All setbacks are measured perpendicular from the property line to the house foundation wall or deck face and are minimums. On corner lots, both yards adjacent to streets are considered front yards. Refer to the following table:

following table:

**TSUU T'INA NATION
LAND - USE BYLAW**

Section IV.

Page 2

	House	Deck
Front Yard	9.0m (approx. 30 ft.)	9.0m (approx. 30 ft.)
Rear Yard	12.0m (approx. 40 ft.)	9.0m (approx. 30 ft.)
Side Yards	4.5m (approx 15 ft.)	4.5m (approx. 15 ft.)

5. Driveways:

- a) Driveway slopes shall not exceed 5%. Materials are limited to asphalt, concrete and red, brown or grey pavers. The width of the driveways shall not exceed the width of the garage doors except the minimum required for access to a exterior parking pad. The width of the driveway may be required to be less than the width of the garage doors at the street to avoid unnecessary cutting of trees.
- b) Vehicular access to corner lots on cul-de-sacs is to be from the cul-de-sac only except where the loss of trees or other environmental impacts would be unacceptable.
- c) Parking pads for recreational vehicles, trailers, boats, or other vehicles shall not project into the established front yard as defined by the front plan of the house. Said pads shall not infringe into the side of the side yard setback unless the distance to the adjacent house exceeds 40 ft.(12m).

6. Accessory Buildings and Uses:

All structures such as storage or garden sheds, playground equipment, parking shelters shall be located within the setbacks as defined above for decks provided that they do not project beyond the front plane of the house into the front yard.

C. EXTERIOR FINISHES:

- | | | |
|----------|-------------------|---------------------------------|
| 1. Roof: | Cedar Shakes | Natural |
| | Concrete Tiles | Earthtone colours (conditional) |
| | Asphalt Shingles* | Dual Brown |
| | | Solid Brown |
| | | Driftwood |
| | | Cedar Brown |

*Iko colour or approved equivalent. Applicants must submit samples of equivalent colours by other manufacturers.

2. Walls:

Materials and colours selected are to be used on all exterior elevations. Trim is to be of a compatible colour and includes fascia, eavestrough, downspouts and soffits as well as decks or other exterior elements.

Approved materials shall be natural wood siding and may be complemented with natural stone and brick. The use of these materials will be determined as considered appropriate by the approval authority in consideration of the type of house, scale of the buildings, and compatibility of the materials and colours of the house and the surrounding houses.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section IV.

Page 3

- a) Siding Colours: Colours requested for exterior finishes will not be automatically accepted, even though included in the approved range. For approval, colours must be suitable for the location and be compatible with other nearby houses. Metal chimneys and other similar projects above the roof are to be painted to match the trim colour.

Olympic (equivalent) Semi-transparent Stain:	700	712	723	906
	705	713	725	909
	707	714	726	910
	708	716	727	913
	709	717	729	916
	710	718	730	917
	711	721	902	920

Solid Stain:	Beige Grey	Beachwood	Butternut	Fawn
	Chamois	Cedar	Chocolate	Oxford Brown
	Russet	Willow Mist	Sandstone	Monterey Grey

Applicants must submit samples of equivalent colours by other manufacturers.

- b) Trim Colours: Trim colours not on above list are subject to approval provided that the colour is complimentary to the main house colour and is an earthtone colour.

3. Roofing:

Roof finishes shall be of natural materials, either wood shingle / shake, or concrete / clay tiles. Asphalt shingles may be accepted if they are fire retardant treated and of a natural colour scheme consistent with the general context. Metal sheet roofing is not permitted.

4. Parging:

Parging to the basement wall should not exceed 0.45m (approx. 18") from the bottom of the siding to the finished grad.

D. LANDSCAPING:

1. Houses, driveways and accessory buildings shall be sited where the removal of mature and maturing trees will be minimized.
2. Retain and protect existing significant tree masses both during construction and landscaping after construction. Removal of any trees 150mm (approx. 6") or greater in diameter shall require approval.
3. Plant additional trees, where necessary, in the interest of maintaining visual consistency and privacy. Trees that are required to be planted to maintain visual consistency shall be indigenous to the area such as spruce, pine, aspen or birch.
4. Retain and protect all significant environmental features such as drainage channels (active or inactive) which contribute to the environment both visually and functionally.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 4

Section IV.

5. The existing form of the land will be retained as close as possible to the original landform in order to be consistent with the intent of the area theme. Where a change to the existing grade is required for drainage purposes, it shall not exceed 10%.

E. SATELLITE DISH ANTENNA:

1. No satellite dish antenna shall be permitted in a front yard or roof.
2. All satellite dish antenna shall be screened and located within side or rear yards and screened from public view from front yards / roadways.
3. All cabling and / or wiring devices shall be located underground.
4. The maximum height above grade of any portion of a satellite dish antenna, or supporting structure shall be 13'-6" (4.12m).

TSUU T'INA NATION
LAND - USE BYLAW

Appendix I.

Page 12

8. Rules for Directional Signs:

- 8.1 A directional sign may only be freestanding.
- 8.2 A freestanding directional sign shall not exceed 27 ft.² (2.5m²).
- 8.3 A maximum of two freestanding directional signs may be erected at each entrance to a site.
- 8.4 A directional sign shall not contain an advertising message, excluding a logo.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 11

Appendix I

- d) the vertical dimension shall not exceed 5 ft. (1.5m) unless otherwise allowed by the Planning Commission;
- e) where a canopy projects over public property shall provide a drainage system, connected through the inside of the building to a storm sewer or dry well, to prevent the discharge of water over the sidewalk or street, unless otherwise allowed by the Planning Commission.

4.2 The maximum copy area of the canopy sign shall not exceed 20% of the canopy elevation area.

4.3 Canopy signs shall be compatible with the building face in terms of design and placement.

5. Awning Identification Signs:

5.1 Where an awning is constructed as a support structure for signs, such structures shall require a Development Authorization only if

- a) the minimum projection of the awning is less than 3 ft. (900mm); and
- b) the minimum clearance is less than 8 ft. (2.4m).

5.2 The maximum copy area of an awning sign shall not exceed 20% of the awning elevation area.

5.3 No sign shall be suspended from or below an awning or an awning support structure.

6. District Entrance Identification Signs:

6.1 The location, size, design, and character of all community identification signs shall be to the satisfaction of the Planning Commission.

6.2 The owner of a community identification sign shall maintain the sign for the approval period under a maintenance and sign removal agreement to be signed by the sign owner prior to the release of the Development Authority permit.

6.3 District identification signs are allowed provided the sign

- a) is for community identification purposes only;
- b) displays no third party advertising, and
- c) is constructed of maintenance free material wherever possible.

6.4 Where a district identification sign is to be located on a street right of way, it shall be placed either on a boulevard or a median on street of a major standard or less.

6.5 A community identification sign shall not

- a) encroach upon a utility right of way, or
- b) affect traffic safety.

7. Window Identification Signs:

7.1 A window sign may be allowed in a commercial, industrial or direct control commercial or industrial district.

7.2 A window sign shall not exceed 30% of the window area, or 27 ft.² (2.5m²), whichever is least.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section V.

Page 5

- (ii) Large parking areas shall provide significant landscaped area to denote circulation aisles which shall feature concrete curbs to a maximum height of 6 in. (150mm).

- 3. All parking shall be set back from the face of a building a minimum distance of 6' (1.8m) with the exception of parking in side or rear yards adjacent to a building face which has no doors or windows.

H. LANDSCAPING & FENCING:

- 1. For all landscaped areas, it shall be finished in accordance with a landscape plan and in conformity with the following requirements and standards:

- a) Existing soft landscaping retained on a site may be considered in fulfilment of the total landscaping requirement.
- b) Except for boulevards, trees shall be planted in the overall minimum ratio of one tree per 500 ft.² (46.45m²) gross building area.
- c) The quality and extent of the landscaping established on a site shall be the minimum standard to be maintained on the site for the life of the development. Adequate means of irrigating and maintaining the landscaping shall be provided.

- 2. Soft landscaping shall be provided as follows:

- a) All plant materials shall be of a species capable of healthy growth in the area and shall conform to the standards of the Canadian Nursery Trades Association for nursery stock and/or be obtained from stock supplied from Tsuu T'ina Nation Lands, and be of a locally indigenous species.
- b) The mixture of tree sizes at the time of planting shall be equivalent to a minimum of 50% larger trees.
- c) The minimum size for deciduous trees shall be for smaller deciduous trees; 2in. (508mm) calliper, and for larger deciduous trees; 4in. (102mm) calliper.
- d) The minimum size for small coniferous trees shall be; a height of 7 ft. (2.13m) and, for larger coniferous trees, a height of 10 ft. (3.05m)
- e) Coniferous trees shall comprise a minimum of 1/3 proportion of all trees planted.
- f) Wherever space permits, trees shall be planted in groupings.
- g) Shrubs shall be a minimum height or spread of 24in. (60.96mm) at the time of planting.
- h) Reasonable efforts shall be made to retain existing healthy planting features or stock. Wherever existing planting stocks of reasonable merit and quality are proposed to be removed they shall be replaced with plant materials of similar specie on a two for one ratio.

3. Fencing:

1. a) All fencing shall be designed and constructed of durable and solid new materials, finished to compliment the principle building with low maintenance finishes.
b) Acceptable fencing materials include galvanized chainlink, stained wood board, brick, steel, wrought iron style (barb-wire, electrified, or painted wood fences not permitted).
2. Foundations and anchorages shall be adequately designed to prevent movement.
3. a) Maximum height of solid screen fencing shall be 6' (1.8m).
b) Maximum height of visually open fencing shall be 12' (3.66m).
4. Gates, gateway features, shall be incorporated into all fences with a matching and consistent theme or style.
5. No front-yard fencing is permitted unless it is less than 3' (0.9m) height and designed as a decorative screen fence.

I. EXTERIOR LIGHTING:

1. All on-site exterior lighting shall be located, oriented and shielded so as to not cause over-spilling glare on adjacent development, and an excessive ambient light so as to cause a nuisance.
2. All exterior lighting shall be designed to provide ground illumination levels of 5 lux minimum and 10 lux maximum.
3. The lighting of buildings and their surroundings should be soft and non-glare. The principal aim of all lighting design should be to highlight and detail specific features of the buildings and site without floodlighting and high levels of illumination that cause light spillage and glare.
4. Details of all exterior lighting shall be indicated at the Development Authorization Stage. All cabling shall be underground or concealed.
5. External lighting fixtures shall not be higher than the closest building elevation. Where lighting fixtures are attached to the exterior of a building, the fixture shall be as unobtrusive as possible.
6. Lighting fixtures for parking areas shall not exceed 15 ft. (4.6m) in height.
7. Lighting should be used to highlight only the area required to receive light. Light spillage and glare, particularly onto adjoining properties shall be avoided. Lighting design which incorporates floodlighting of large areas of the site or the building elevations will be allowed only at the Development Officer's discretion.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section V.

Page 7

K. OUTSIDE STORAGE:

No outside storage shall be allowed.

L. SATELLITE DISH ANTENNA:

1. No satellite dish antenna shall be permitted in a front yard or on a roof.
2. All satellite dish antenna shall be screened and located within side or rear yards and screened from public view from yards / roadways.
3. All cabling and / or wiring devices shall be located underground.
4. The maximum height above grade of any portion of a satellite dish antenna or supporting structure shall be 13'-6" (4.12m).

VI.

**ITSU ISNOOI BUSINESS PARK
LAND USE STANDARDS & DESIGN CONTROLS**

Purpose & Intent:

The purpose and intent of The Itsu Isnoot Business Park Land Use Standards and Design Controls is to provide for a compatible range of commercial and (limited) light industrial uses (which may be accompanied by retail sales, business and professional offices, light manufacturing, warehousing, and related service uses) that can be conducted entirely within buildings and structures. Strict design performance standards are herein established in order to ensure compatibility and attainment of intended standards.

The Itsu Isnoot Business Park has been established on prime Nation Lands in close proximity to the City of Calgary Boundary, with significant natural landscapes (river valley, forests, and pasture lands), and as an integral and complimentary component of a golf course. The standards and controls herein set-out shall establish a high standard of compatibility of Business Park uses with the new and natural landscape features.

Only one principal building shall be permitted on a land site / parcel. Outside storage is not permitted. All uses must not adversely affect the abutting golf course. All structures, and landscape features shall adequately demonstrate a sensitivity and expression (through architectural character, style, use of materials and details) of The Tsuu T'ina Nation culture and heritage.

A. LIST OF PERMITTED USES

- Arts, Crafts and Photography Studios
- Bakeries / Delicatessens
- Coffee and Tea Houses (with a maximum of 40 seats)
- Commercial Schools or Adult Training Facilities
- Dry Cleaning Establishments (does not include dry cleaning plants)
- Essential Utility Facilities
- Essential Public Services
- Financial Institutions
- Laboratories
- Laundromats
- Medical Clinics
- Offices
- Office Support Services
- Parking Areas and Structures
- Parks and Playgrounds
- Personal Service Businesses (except Massage Parlour)

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 2

Section VI.

- Repair and Service Shops (small appliances, and office equipment, electronics) excluding automotive related
- Retail Sales Facilities

B. LIST OF DISCRETIONARY USES

- Accessory Buildings
- Amusement Arcades
- Athletic and Recreational Facilities (either indoor or outdoor)
- Automotive Accessories and Parts Sales
- Automobile Sales, Service and Repair Facilities (excluding junk yards and wrecking yards)
- Billiard Halls
- Bowling Alleys
- Broadcasting Facilities
- Building Supply Centres (excluding log and/or wood chip storage facilities)
- Child Care Facilities
- Community Buildings and Facilities
- Communication Structures (accessory to the permitted or discretionary uses)
- Convenience Stores
- Drive-In Restaurants
- Equipment Rental Establishments
- Food Processing Establishments that have no noxious emissions, except rendering plants and slaughterhouses
- Gaming Establishment (less than 10,000 ft²)
- Gas Bar
- Grocery Stores (Less than 10,000 ft.²)
- Hotels / Motels
- Light Manufacturing engaged in secondary processing, production, fabrication, processing, testing and repair of materials, goods and products available for sale from retail outlets located within the Business Park (excluding refining of oil, petroleum, or natural gas products)
- Multi-Bay Car Washes
- Neighbourhood Shopping Centre
- Ornamental Metal and Stone Works (that have no excessive noise or emissions)
- Recycling Depots

**TSUU T'INA NATION
LAND - USE BYLAW**

Section VI.

Page 3

- Repair and Service Shops (major appliances), excluding auto wrecking yards
- Restaurants & Refreshment Establishments
- Signs
- Storage and Warehousing Facilities (excepting storage of volatile and corrosive substances; sand and gravel or quarried materials)
- Textile processing / fabrication plants
- Transportation Terminals
- Veterinary Clinics
- Other uses of special merit, quality, and compatible use

C. USE RULES

The following rules shall apply to Permitted Uses & Discretionary Uses:

1. **Front Yard** - A minimum depth of 20 ft. (6.1m) for corner sites or where two access roads are provided on a site boundary, both frontages shall be considered a front yard.
2. **Side Yard - Principal Buildings -**
 - (a) On a lane-less site, one unobstructed side yard of 20 ft. (6.10m) shall be maintained. This does not include flankage sites with alternative rear access, nor the accessory building if it is located to the rear of the principal building and separated from it by a distance of 46 ft.(14.0m) or more, measured parallel to the side property line:
 - (b) All other sideyards shall be a minimum of 6 ft. (1.8m)
 - (c) For side yards adjacent to the golf course, a minimum of 10 ft.(3.05m) soft landscaping buffer.
3. **Side Yard - Accessory Buildings** - At the discretion of the Development Officer.
4. **Rear Yard** - A minimum depth of 20 ft. (6.1m)
5. **Building Height** - Not exceeding a height of 50 ft. (15.2m), measured to eave line, and not exceeding an overall height of 60 ft. (18.3m) to the highest portion of roof.
6. **Minimum Site Area -**
 - (a) **Minimum Area of Site Parcel**
 - (1) Motels: 24,000 ft.² (2229.60m²)
 - (2) Service Stations: 10,000 ft.² (929m²)
 - (3) Gas Bars with Convenience Stores: 10,000 sq.ft (929m²)
 - (4) Gas Bars: 7,500 ft.² (696.75m²)
 - (5) Essential Utilities: at the discretion of the Development Officer

**TSUU T'INA NATION
LAND - USE BYLAW**

Section VI.

Page 4

- (6) Light Manufacturing Uses: 7,500 ft.² (696.75m²)
- (7) All other uses: 6,000 ft.² (557.4m²)

7. Minimum Site Width -

(a) Minimum Width of Site Parcel

- (1) Service Stations: 100 ft. (30.46m)
- (2) Gas Bars & Gas Bars with Convenience Stores: 100 ft. (30.48m)
- (3) All other uses: 75 ft. (22.86m)

8. Building Site Coverage - Maximum of 60% of site.

9. Landscaped Area -

- (a) All front, side, and rear yards shall be landscaped except for access ways and parking areas. No parking is permitted in any required front and sideyard setbacks.
- (b) Landscaping shall be completed in accordance with the requirements set out in Section H.
- (c) All parking areas and access ways shall be asphalt pored.

D. EXTERIOR FINISHES:

For the most part, building materials form the essential character of each individual development and thus they collectively form the character of the total development. The choice and use of materials in each project must therefore contribute to the quality image of Itsu Isnoot Business Park. All building materials, colours, and details proposed shall demonstrate a sensitivity of and contribute to a positive portrayal (and expression of) Tsuu T'ina culture and heritage.

- 1. All buildings shall be faced with materials which exhibit a durable permanent quality appearance. Materials which allow colour run or fade, either due to atmospheric conditions or when used in combination with other materials should not be used. Materials should be of a low maintenance type which retain a consistent clean appearance.
- 2. All colours, materials and finishes are to be coordinated on all exterior elevations of the building(s) to achieve total continuity and comprehensiveness of design within each individual development.
- 3. All exposed concrete block, or stucco, shall be permanently coloured with integral cement colouring agents. The use of painted concrete block or stucco shall not be permitted.

- 4. All colour schemes must be submitted for approval and shall include samples of all finishes and a written rationale explaining the concepts. The Development Officer or Planning Commission reserves the right to reject any elections that do not portray a positive image of the Tsuu T'ina culture and heritage.

E. PERFORMANCE STANDARDS: PERMITTED & DISCRETIONARY USES

Purpose & Application:

The purpose of performance standards in the control of business uses is to permit potential nuisances to be identified; to ensure that all uses will provide methods to protect the community from hazards and nuisances which can be prevented by processes of control and nuisance elimination; and to protect industries from arbitrary exclusion based solely on the nuisance production by an particular type of use in the past.

1. These performance standards shall be the minimum standards to be met and maintained by all uses.
2. The Planning Commission may require an applicant to submit verification that the conditions of any senior government authority having jurisdiction over any performance standard contained herein have been met. Canadian Federal Environmental, Province of Alberta, and Safety Standards shall prevail.
3. No use or operation shall cause any conditions which, in the opinion of the Development Officer, may be objectionable within any area accessible to the general public because of:

Noise
Odour
Earthborn vibrations
Structureborne vibrations
Heat, or
High brightness light source

(a) Air Contaminants, Visible and Particulate Emissions

- (i) No use or operation shall cause or create air contaminants, visible emissions or particulate emissions which extend beyond the limits of the site, or which exceed those standards and measures prescribed by the Province of Alberta, Clean Air Act and regulations therein.
- (ii) Airborne particulate matter originating from open areas, yards or roads shall be kept to a minimum by appropriate landscaping, paving, or other dust control means.

(b) Odorous Matter

No use or operation shall cause or create the emission of odorous matter or vapour beyond the limits of the structure.

(c) Toxic Matter

No use or operation shall cause or create the emission of toxic matter.

(d) Fire and Explosion Hazards

No uses or operations may store, manufacture or utilize materials or products which may be hazardous due to their flammable or explosive characteristics.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section VI.

Page 6

(e) Byproducts, Waste Handling and Disposal

The handling of all byproducts and wastes, and the design of all systems therewith, shall be by adequate in garbage bins and enclosures, in strict compliance with all applicable codes, regulations and standards.

No on-site disposal (or burning) of byproducts and/or wastes shall be permitted.

F. SITE ACCESS:

1. An application for Development Authorization shall not be approved unless it complies with the access requirements as established by the Planning Commission.
2. **Corner Visibility Triangles:** Notwithstanding any other provisions contained in these standards, no vegetation, finished lot grade, building or structure shall exceed the general elevation of the street by more than 30 in. (750mm) within a corner visibility triangle of a 10 ft.(3.05m) by 10 ft.(3.05m) dimension.

G. PARKING & LOADING:

1. Parking and loading requirements shall be provided on site in accordance with Section III.
2. Where a grocery store is provided as a part of an automotive service use, one parking space per 15 square metres of net floor area of the building or portion thereof used by the store shall be provided.
3. The design of parking and loading areas must represent a balance between the functional and the aesthetic. They should be adequate in their placement within each development, accessible from the public streets but screened to allow the view of the principal building as the prime, positive visual component.
 - a) All areas used by vehicular traffic must be paved with asphalt complete with gutters and concrete curbs either precast or cast in place.
 - b) All parking, whether for visitors or employees, shall be provided on site. No off-site parking arrangements permitted.
 - c) No loading space shall be permitted within the front yard or side yard of a development where it is visible from the principle roadway.
 - d) It is required that:
 - (i) Each row of parking stalls be terminated by a landscaped area.
 - (ii) Large parking areas shall provide significant landscaped area to denote circulation aisles which shall feature concrete curbs to a maximum height of 6 in. (150mm).

**TSUU T'INA NATION
LAND - USE BYLAW**

Section VI.

Page 7

4. All parking shall be set back from the face of a building a minimum distance of 6' (1.8m) with the exception of parking in side or rear yards adjacent to a building face which has no doors or windows.

H. LANDSCAPING & FENCING:

1. For all landscaped areas, it shall be finished in accordance with a landscape plan and in conformity with the following requirements and standards:

- a) Existing soft landscaping retained on a site may be considered in fulfilment of the total landscaping requirement.
- b) Except for boulevards, trees shall be planted in the overall minimum ratio of one tree per 500 ft.² (46.45m²) gross building area.
- c) The quality and extent of the landscaping established on a site shall be the minimum standard to be maintained on the site for the life of the development. Adequate means of irrigating and maintaining the landscaping shall be provided.

2. Soft landscaping shall be provided as follows:

- a) All plant materials shall be of a species capable of healthy growth in the area and shall conform to the standards of the Canadian Nursery Trades Association for nursery stock and/or be obtained from stock supplied from Tsuu T'ina Nation Lands, and be of a locally indigenous species.
- b) The mixture of tree sizes at the time of planting shall be equivalent to a minimum of 50% larger trees.
- c) The minimum size for deciduous trees shall be for smaller deciduous trees; 2in. (508mm) calliper, and for larger deciduous trees; 4in. (102mm) calliper.
- d) The minimum size for small coniferous trees shall be; a height of 7 ft. (2.13m) and, for larger coniferous trees, a height of 10 ft. (3.05m)
- e) Coniferous trees shall comprise a minimum of 1/3 proportion of all trees planted.
- f) Wherever space permits, trees shall be planted in groupings.
- g) Shrubs shall be a minimum height or spread of 24in. (60.96mm) at the time of planting.
- h) Reasonable efforts shall be made to retain existing healthy planting features or stock. Wherever existing planting stocks of reasonable merit and quality are proposed to be removed they shall be replaced with plant materials of similar specie on a two for one ratio.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section VI.

Page 8

3. Fencing:

1. a) All fencing shall be designed and constructed of durable and solid new materials, finished to compliment the principle building with low maintenance finishes.
b) Acceptable fencing materials include galvanized chainlink, stained wood board, brick, steel, wrought iron style (barb-wire, electrified, or painted wood fences not permitted).
2. Foundations and anchorages shall be adequately designed to prevent movement.
3. a) Maximum height of solid screen fencing shall be 6' (1.8m).
b) Maximum height of visually open fencing shall be 12' (3.66m).
4. Gates, gateway features, shall be incorporated into all fences with a matching and consistent theme or style.
5. No front-yard fencing is permitted unless it is less than 3' (0.9m) height and designed as a decorative screen fence.

I. EXTERIOR LIGHTING:

1. All on-site exterior lighting shall be located, oriented and shielded so as to not cause over-spilling glare on adjacent development, and an excessive ambient light so as to cause a nuisance.
2. All exterior lighting shall be designed to provide ground illumination levels of 5 lux minimum and 10 lux maximum.
3. The lighting of buildings and their surroundings should be soft and non-glare. The principal aim of all lighting design should be to highlight and detail specific features of the buildings and site without floodlighting and high levels of illumination that cause light spillage and glare.
4. Details of all exterior lighting shall be indicated at the Development Authorization Stage. All cabling shall be underground or concealed.
5. External lighting fixtures shall not be higher than the closest building elevation. Where lighting fixtures are attached to the exterior of a building, the fixture shall be as unobtrusive as possible.
6. Lighting fixtures for parking areas shall not exceed 15 ft. (4.6m) in height.
7. Lighting should be used to highlight only the area required to receive light. Light spillage and glare, particularly onto adjoining properties shall be avoided. Lighting design which incorporates floodlighting of large areas of the site or the building elevations will be allowed only at the Development Officer's discretion.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 9

Section VI.

K. OUTSIDE STORAGE:

No outside storage shall be allowed.

L. SATELLITE DISH ANTENNA:

1. No satellite dish antenna shall be permitted in a front yard or roof.
2. All satellite dish antenna shall be screened and located within side or rear yards and screened from public view from yards / roadways.
3. All cabling and / or wiring devices shall be located underground.
4. The maximum height above grade of any portion of a satellite dish antenna, or supporting structure shall be 13'6" (4.12m).

APPENDIX I.
SIGN REGULATIONS

A. PURPOSE

This Appendix provides the design and planning regulations for all signs including but not limited to the location number, size, design and character of signs in relation to their surroundings. It is the intent of this Regulation that all signs be informative, effective and complimentary to the various buildings, the general landscape and cultural themes of the Tsuu T'ina Nation.

B. DEFINITIONS

1. **A-board** means an A-shaped sign which is set upon the ground and has no external supporting structure.
2. **Alteration** means a structural modification of a sign but does not include routine maintenance, painting or change in face, copy or lettering.
3. **Animated Sign** means a sign which uses movement or change of lighting to depict action or create special effects or a pictorial scene but does not include a clock.
4. **Auxiliary sign** means a sign of any type which is attached to the face, copy, backing, lighting or supporting structure of any sign.
5. **Awning** means a shelter projecting from and supported by the exterior wall of a building and designed to be collapsible, retractable and generally constructed of fabric or similar non-rigid material.
6. **Awning Elevation Area** means that area of an elevation obtained by multiplying the vertical dimension of an awning, when viewed in the same elevation, by the length of the awning, when viewed in the same direction.
7. **Awning Sign** means an awning which incorporates a sign.
8. **Canopy** means a non-retractable covered or enclosed rigid structural framework attached to and extending outward from the exterior wall of a building, and includes but is not limited to such structures as theatre marquees but does not include any structurally integrated architectural feature such as lintels, sills, mouldings, architraves and pediments, or any structure over petroleum pumps.
9. **Canopy Elevation Area** means that area of an elevation obtained by multiplying the vertical dimension of a canopy, when viewed in the same elevation, by the length of the canopy when viewed in the same elevation.
10. **Canopy Sign** means a canopy of freestanding canopy which utilizes or incorporates a sign.
11. **Clearance** means the shortest vertical distance between the underside of a sign and grade.

**TSUU T'INA NATION
LAND - USE BYLAW**

Appendix I

Page 2

12. **Community Identification Sign** means a sign which states the name of a residential community area and may contain a logo or symbol which is related to the community name.
13. **Construction Site Identification Sign** means a temporary sign erected by an individual or a firm on the premises undergoing construction, for which the sign user is advertising or furnishing such items as labour, services, materials or financing.
14. **Construction Site Identification Sign** means a temporary sign erected by an individual or a firm on the premises undergoing construction, for which the sign user is advertising or furnishing such items as labour, services, materials or financing.
15. **Copy Area** means that area of a sign covered by a single figure drawn around the extremities of the message contained on the sign, and
 - (a) shall include but is not limited to decorations related to the specific nature of the message;
 - (b) in the case of a double or multi-face sign, the average of the total area of all sign faces will be counted in copy area calculations; and
 - (c) does not include landscaping.
16. **Curb Line** means the line at the face of the nearest curb and in the absence of a curb, the line shall be established by the City Engineer.
17. **Cut Out** means an extension of the copy that protrudes from the sign but does not include an auxiliary sign.
18. **Designated Sign Area** means the area identified for signs on a released Development Authorization.
19. **Directional Sign** means
 - (a) A sign which directs the public to or denotes the name of any thoroughfare, route, education institution, public building, historical site or hospital;
 - (b) A sign which directs and regulates traffic;
 - (c) A sign which denotes any public or transportation facility; or
 - (d) A sign which gives direction to a private premises or its vehicular use area.
20. **Double Faced** means having two faces, with each face being of equal area and in identical proportion to the other, and with each face located on the structure so as to be parallel and opposite to and facing away from each other.
21. **Eaveline** means the horizontal line on a building that marks the extreme edge of the overhang of a roof and where there is no overhang, the eaveline shall be the horizontal line at the intersection of the roof and wall.
22. **Electronic Message Board** means a sign or component of a sign on which the copy can be changed by electrical or electronic means.

**TSUU T'INA NATION
LAND - USE BYLAW**

Appendix I.

Page 3

23. **Fascia Sign** means a sign attached to, marked or inscribed on and parallel to the face of a building wall but does not include a third-party advertising sign, a painted wall sign, an awning sign, a canopy sign or a projecting sign.
24. **Flashing sign** means a sign which contains an intermittent or flashing light source but does not include an electronic message centre.
25. **Freestanding Sign** means a sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure and shall include, but is not limited to, a sign on a fence.
26. **Freestanding Flush** means structurally freestanding but located parallel to and flush with a wall surface.
27. **Frontage, Block** means the total length of lot frontage along the side of a street between the street intersections.
28. **Frontage, Business** means the length of the property line of any one business use, parallel to and along each legally accessible public street, excluding a lane or alleyway, that it borders.
29. **Grade** means the elevation established by the City Engineer for the surface of the sidewalk or boulevard, and for a sign completely within private property, grade means the finished ground surface directly underneath the sign.
30. **Height of Sign** means the vertical distance measured from the highest point of the sign or sign structure to grade.
31. **Identification Sign** means a sign which identifies by name or symbol the occupant, business or the site on which the sign is placed, and may include the operation, merchandise or service available at the site.
32. **Illumination** means the lighting of any sign by artificial means.
33. **Illumination, direct** means the lighting of any sign face from a light source located on or near the exterior of the sign.
34. **Illumination, indirect** means the lighting of any sign face from a light source located within the sign or behind the copy.
35. **Inflatable sign** means an inflated three-dimensional device which incorporates a sign and is anchored or affixed to a building or site.
36. **Landscaping** means any decorative features, such as concrete bases, planter boxes, pole covers or decorative framing on the sign support or base structures and shrubs or plants, but does not include any copy or logo.

**TSUU T'INA NATION
LAND - USE BYLAW**

Appendix I.

Page 4

37. **Maintenance** means the cleaning, painting, repair or replacement of any defective parts of a sign in a manner that does not alter the basic design or structure of the sign and does not include a change in copy.
38. **Message** includes any image, written copy, structure, graphics, pictures, logo, symbol or letters used or intended to be used for advertising or for calling attention to any person, matter, object or event.
39. **Multi-tenant Sign** means a sign containing copy for three or more tenants or occupants located on a site.
40. **Owner of Sign** means a person or his authorized agent in lawful control of a sign.
41. **Painted Wall Sign** means a sign which is painted directly upon any outside surface of a building or other integral part of a building.
42. **Principal Frontage** means the length of property line parallel to and along the street to which the address of the property refers.
43. **Projecting Sign** means a sign which projects from a structure or a building face and includes a sign in the shape of a canopy but does not include a canopy sign or an awning sign.
44. **Read-o-graph Sign** means a sign on which the copy can be changed manually through the use of attachable letters, numerals or pictorial panels.
45. **Real Estate Sign** means a temporary sign advertising real estate that is "for sale", "for lease", or "for rent" or real estate that has been "sold".
46. **Roof Sign** means a sign which projects above a roofline to which the sign is attached or is erected upon or above a roof or parapet of a building which the sign is attached to.
47. **Roofline** means the line made by the intersection of a wall of a building with a roof of the building.
48. **Rotating Sign** means a sign or portion of a sign which moves in a revolving manner, but does not include a clock.
49. **Sign** means a device, structure, fixture or image used, or intended to be used, for the advertising or calling attention to any person, matter, object or event.
50. **Sign Area** means
 - (a) the entire area of a sign on which copy is to be placed;
 - (b) in the case of a painted wall sign, the area of the building face;
 - (c) in the case of a double-face or multi-face sign, the average of the total area of all sign faces will be counted in the sign area calculations.but does not include landscaping.
51. **Signable Area** means the area of a building on which a sign may be located.

**TSUU T'INA NATION
LAND - USE BYLAW**

- 52. **Sponsor Advertising** means that portion of a sign on which the copy refers to products or merchandise produced, offered for sale, or obtainable at the premises, on which the sign is displayed and which directly relates to the principal use of such premises.
- 53. **Temporary Sign** means a sign which is not in a permanently installed or affixed position, advertising a product, merchandise or an activity on a limited time basis, but does not include a sign for which a limited term Development Authorization has been approved or is required.
- 54. **Third Party Advertising** directs attention to a business, commodity, service or entertainment that is conducted, sold or offered elsewhere than on the premises on which the sign is located.
- 55. **Third Party Advertising Sign** means a sign which is suspended beneath a canopy or beneath a portion of a building.
- 56. **Under Canopy Sign** means a sign which is suspended beneath a canopy or beneath a portion of a building.
- 57. **Window Sign** means a sign which is painted on, attached to or installed on or near a window for the purpose of being viewed from outside the premises.

C. PROCEDURES REGULATING SIGNS

1. Approval Required:

- 1.1 Except as otherwise provided for in this Appendix, all signs and any enlargement, relocation, erecting, construction or alteration of a sign, requires a Development Authorization permit.
- 1.2 Where a Development Authorization permit is required pursuant to this Appendix, it shall be considered and processed by the Development Officer and / or the Planning Commission in accordance with the requirements of the By-Law.

2. Signs Not Requiring a Development Authorization Permit:

- 2.1 The following signs do not require Development Authorization but shall comply with the rules of this Appendix:
 - a) temporary signs, banners and pennants;
 - b) election candidate signs displayed by or on behalf of a candidate participating in any federal, provincial, or nation election;
 - c) signs, notices, placards or bulletins required to be displayed pursuant to the provisions of Chief & Council;
 - d) signs located inside a building and not intended to be viewed from outside;
- 2.2 The following identification signs do not require Development Authorization but shall comply with the rules of this Appendix:
 - a) a fascia sign which is attached to a building other than a residential building and states no more than one or more of the following;

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 6

Appendix I.

- i) the name or address of the building;
 - ii) the name of the person or institution occupying the building; and
 - iii) the type of business carried on in the building.
- providing the total sign area does not exceed 1.1m².
- b) canopy signs where the maximum copy area is less than 20% of the canopy elevation area;
 - c) non-illuminated awning sign, where the maximum copy area is less than 20% of the awning elevation area;
 - d) window signs that are less than 30% of the window area or 2.5m², whichever is less.

2.3 Directional signs, do not require a Development Authorization permit provided:

- a) the sign is less than 2.5m² in area; and
- b) the sign does not contain advertising copy.

2.4 A Development Authorization permit is not required for incorporation of an additional panel or panels on a freestanding identification sign which conforms to this By-Law provided:

- a) the additional panel or panels are the same length as existing panels and are located within the limits of the existing sign structure;
- b) the total sign area and height of the sign does not exceed the maximums set out in this By-Law;
- c) the height of the sign does not exceed the height of the original sign; and
- d) the addition of a sign panel does not conflict with any of the conditions of the existing Development Authority permit or the sign other than a condition that the sign comply with the approved drawings.

2.5 A Development Authorization permit is not required for the replacement of an existing freestanding sign by another freestanding sign on the same base provided:

- a) both signs conform with this By-Law;
- b) the new sign is installed within four months of the removal of the existing sign;
- c) the new sign area is either equal to or less than the existing sign area;
- d) the existing sign support, or a similar replacement, is used and the new sign is mounted at a height equal to or lower than the existing sign; and
- e) the new sign is not located in whole or in part within a by-lawed setback, or a corner visibility triangle.

D. DEVELOPMENT AUTHORIZATION PERMIT APPLICATION REQUIREMENTS

1. An application for a Development Authorization permit for a sign shall be made to the Planning Commission by the lawful owner of a sign or his authorized agent, on a form provided by the Development Officer.

2. The Development Officer may refuse to accept a Development Authorization application where the information required has not been supplied or where, in his / her opinion, the quality of the material supplied is inadequate to properly evaluate the application.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 7

Appendix I.

3. Every application for Development Authorization for a sign shall be accompanied by the following:
- a) a completed Development Authorization application form;
 - b) a minimum of two photographs taken from different angles that adequately show
 - i) the proposed site;
 - ii) adjoining properties; and
 - iii) all signs, including but not limited to sign on any building, within 30m of the proposed sign.
 - c) copies of a site plan to a scale of not less than 1:100, showing the following information:
 - i) north arrow;
 - ii) scale of plan;
 - iii) legal description of the property;
 - iv) property lines, shown and labelled;
 - v) location of existing sidewalks;
 - vi) location of existing curbs;
 - vii) utility rights of way or access easement, shown and labelled; and
 - viii) by-lawed setbacks and corner cut-offs, shown and labelled.
 - d) outline of existing buildings on the site; and
 - e) scaled and accurately drawn site plan showing the proposed sign on its proposed location, showing dimensioned distances from
 - i) existing buildings on the subject site;
 - ii) existing back of sidewalk;
 - iii) existing curb lines;
 - iv) property lines;
 - v) utility rights of way or easements;
 - vi) utility poles within 30m of the proposed sign location; and
 - vii) by-lawed setbacks and corner cut-offs, including a dimension of any overhand or projection.
 - f) copies of a detailed sign plan showing
 - i) the complete dimensions of the sign and its structural support;
 - ii) the proposed maximum height and clearance of the sign from grade;
 - iii) the position and area of any sponsor advertising where it will form part of the message to be displayed on the sign; and
 - iv) the message to be displayed, where the sign is located on a Downtown Mall Area.
 - g) copies of elevation drawings where a sign is attached to a structure or building.

E. TYPES OF SIGNS

1. For the purpose of the Appendix, signs are divided into the following types:
- a) identification signs;
 - b) directional signs; and

2. ~~Third party advertising signs, billboards, electronic read-o-graphs signs, flashing, inflatable signs, roof top sign, and electronic message boards and painted wall signs are not permitted.~~

3. Where a sign does not conform to any of the sign types defined by the By-Law, the Development Officer shall consider an application for such a sign on its individual merits.

**TSUU T'INA NATION
LAND - USE BYLAW**

Appendix I.

Page 8

F. GENERAL RULES FOR SIGNS

1. A sign shall not conflict with and compliment the general character of the surrounding landscape or the architecture of nearby buildings. Signage containing the Tsuu T'ina language as a bilingual caption is encouraged.
2. A sign or sign structure shall not be located or extend horizontally closer to the existing or future curb line than 2'-6" (750mm) back from the existing or future curb line.
3. A sign shall not be erected on or attached to
 - a) light standard or pole without the written permission of the utility responsible for said pole.
 - b) the area within a corner visibility triangle where any part of the sign is higher than 2'-6" (750mm) and lower than 15 ft. (4.6m);

if in the opinion of the Planning Commission the sign is contrary to, or not complimentary of the general Tsuu T'ina Nation cultural heritage.

4. A sign shall not be erected, operated, used or maintained if, in the opinion of the Planning Commission
 - a) its position, shape, colour, format or illumination may be confused with an official traffic sign, signal or device, or the official sign;
 - b) it displays lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.
5. All sign supports shall be placed on private property except that the Planning Commission may allow a sign to be located on a by-lawed setback area, subject to the requirements of a 30 day removal / relocation agreement.
6. Any sign placed in or on a required parking or loading area shall be placed so as not to reduce the number of parking or loading spaces required pursuant to Section III.
7. Whenever a tenant panel on a multi-tenant sign is removed, the sign owner shall replace it with a blank panel until such time as a new tenant requires it.
8. No trees shall be removed or damaged to prepare a site for a sign unless new trees are planted or landscaping is introduced to improve the site.
9. A person shall not
 - a) attach or hang an auxiliary sign or other material to, on, above, or below a sign unless otherwise provided for;
 - b) attach to any sign an extension or portable device other than sign hangers shown on the plans accompanying the development permit; and
 - c) make alterations to any sign in any other way, unless otherwise provided for in this Appendix, without first obtaining the Development Officer's approval.

**TSUU T'INA NATION
LAND - USE BYLAW**

Appendix I.

Page 9

10. Unless otherwise allowed by the Development Officer and / or Planning Commission, on any single elevation of a building any one business shall be entitled to the following identification signs:
 - a) a canopy sign, or
 - b) one projecting sign with a maximum sign area of 2.3m²;
 - c) fascia signage; or
 - d) non-flashing window signage.
11. The Development Officer and/or Planning Commission shall only allow rotating signs provided:
 - a) such signs are located in commercial, industrial or direct control commercial or industrial districts, and
 - b) the location, size, design and character respect the scale and character of the surrounding area.
12. Signs operation or employing stereo-opticon, video, motion pictures, laser or other similar projection devices may only be allowed at the discretion of the Development Officer and / or Planning Commission.
13. Notwithstanding anything contained in this By-Law, where a Development Authorization permit contains comprehensive sign approval as a condition of approval, any proposed sign or sign location not included under that approval, or alteration of the approved plan, shall require separate Development Authorization.
14. When a sign no longer fulfils its function under the terms of the Development Authorization, the Planning Commission may order the removal of such a sign, and the lawful owner of the sign or where application, the property owner, shall
 - a) remove such a sign and all related structural components including removing or screening exposed base and foundations to the satisfaction of the Planning Commission within 30 days from receipt of such a removal notice from the Planning Commission;
 - b) restore the immediate area around the sign, to the satisfaction of the Approving Authority, including the ground or any building to which the sign was attached, as close as possible to its original form prior to the installation of the sign; and
 - c) bear all the costs related to such removal or restoration.

G. RULES FOR IDENTIFICATION SIGNS

1. Fascia Identification Signs:

1.1 Subject to the provisions of this By-Law, fascia signs may be allowed in all Land-Uses.

1.2 The signable area for fascia signs shall be the space defined by the following lower and upper limits on the front of a building.

- a) the lower limit of the signable area shall be the lower limit of the lintel or the window head of the first storey, but in no case lower than 7ft. (2.1m) above grade;
- b) ~~in the case of a multi-storey building, the~~ upper limit of the signable area shall be the upper limit of the window sill of the second storey or in the absence of a window, 2'-8" (800mm) above the floorline of the second storey; and
- c) in the case of a one storey building, the upper limit of the signable area shall be the eaveline in all other cases.

Appendix I.

- 1.3 A fascia sign may be allowed on any wall or a building other than the front wall provided
- a) the sign is not immediately adjacent to a park golf course;
 - b) the sign is integrated with the signage on the principal frontage of the building and shall be the same width and height;
2. **Projecting Identification Signs:**
- 2.1 Subject to the provisions of this By-Law, projecting signs shall only be located in a commercial, industrial, or non-residential district.
- 2.2 Only one projecting sign per business frontage may be allowed, providing the sign complies with the sign area requirements established as follows:
- a) Projecting signs may have a maximum sign area of 32 ft.² (3.0m²);
 - b) the top of a projecting sign shall not exceed the eaveline, or the roofline, or the top of the second storey window head, or 20ft. (6m) above grade, whichever is the least;
 - c) on corner sites, a projecting sign shall be placed at equal angles to the building faces that form the corner, and the sign area shall be calculated on the basis of the combined maximum sign area allowed.
 - d) Projecting signs shall have a minimum clearance of at least 8 ft.(24m);
 - e) The nearest edge of a projecting sign shall not be located more than 1 ft. (300mm) from the building face;
 - f) Visible means of support for projecting signs shall be architecturally integrated with the building upon which they are located to the satisfaction of the Development Officer.
3. **Freestanding Identification Signs:**
- 3.1 Freestanding signs shall be subject to the specified sign height and sign area requirements established as follows:
- a) The maximum area for signs shall be 75 ft.² (7m²), or 98 ft.² (9.0m²) for a multi-tenant sign, and the maximum height shall be 20 ft.² (6m²);
 - b) Only one freestanding sign may be allowed on a site.
 - c) One freestanding sign per business frontage may be erected provided that freestanding signs erected along the same private or public street shall maintain a minimum distance of 100 ft. (30m) between them and shall not be located closer than 50 ft. (15m) to any property line other than a property line adjacent to any public thoroughfare, unless otherwise allowed by the Planning Commission;
 - d) The placement of freestanding signs shall not interfere with vehicle parking or traffic circulation.
 - e) Electrical power cabling to freestanding signs shall be underground.
 - f) Anchor bolts securing the base of a freestanding sign shall be permanently covered unless otherwise allowed by the Planning Commission.
4. **Canopy Identification Signs:**
- 4.1 Where a canopy is constructed as a support structure for signs, such structures shall require a Development Authorization and shall comply with the following regulations:
- a) have a minimum clearance of at least 8 ft. (2.4m);
 - b) not extend any further than the line on which street light or power line poles are located;
 - c) not extend more than 8 ft. (2.4m) from the face of the building to which such sign is attached unless otherwise allowed by the Planning Commission;

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 1

Section V.

**V. REDWOOD MEADOWS COMMERCIAL DISTRICT
LAND USE STANDARDS & DESIGN CONTROLS**

Purpose & Intent:

The purpose and intent of The Redwood Meadows Commercial District Land Use Standards and Design Controls is to provide for a compatible range of commercial and recreational uses (which may be accompanied by retail sales, business and professional offices, light manufacturing, and related service uses) that can be complimentary and compatible with the adjacent residential lands. Strict design performance standards are herein established in order to ensure compatibility and attainment of intended standards.

The Redwood Meadows Commercial District has been established on prime Nation Lands in close proximity to the Redwood Meadows residential district and golf course. These Lands have significant natural landscapes (hills, forests, and pasture lands) largely undisturbed. The standards and controls herein set-out shall establish a high standard of compatibility of commercial and recreational uses with the new and natural landscape features.

Only one principal building shall be permitted on a land site / parcel. Outside storage is not permitted. All uses must not adversely affect the neighbouring golf course or residential lands. All structures and landscape features shall adequately demonstrate a sensitivity and expression (through architectural character, style, use of materials and details) of The Tsuu T'ina Nation culture and heritage.

A. LIST OF PERMITTED USES

- Athletic and Recreational Facilities
- Arts, Crafts and Photography Studios
- Bakeries / Delicatessens
- Coffee and Tea Houses (with a maximum of 40 seats)
- Essential Utility Facilities
- Essential Public Services
- Laundromats
- Medical Clinics
- Offices
- Office Support Services
- Parking Areas and Structures
- Parks and Playgrounds
- Personal Service Businesses (except Massage Parlour)

**TSUU T'INA NATION
LAND - USE BYLAW**

Section V.

Page 2

B. LIST OF DISCRETIONARY USES

- Accessory Buildings
- Billiard Halls
- Bowling Alleys
- Broadcasting Facilities
- Campground / R.V. Park
- Community Buildings and Facilities
- Communication Structures (accessory to the permitted or discretionary uses)
- Entertainment Establishment
- Gaming Establishments (less than 10,000 ft.²)
- Grocery Stores (Less than 10,000 ft.²)
- Hotels / Motels
- Neighbourhood Shopping Centre
- Ornamental Metal and Stone Works (that have no excessive noise or emissions)
- Restaurants & Refreshment Establishments
- Signs
- Veterinary Clinics, small animals, excluding livestock
- Other uses of special merit, quality, and compatible use

C. USE RULES

The following rules shall apply to Permitted Uses & Discretionary Uses:

1. **Front Yard** - A minimum depth of 20 ft. (6.1m) for corner sites or where two access roads are provided on a site boundary, both frontages shall be considered a front yard.
2. **Side Yard - Principal Buildings -**
 - (a) On a lane-less site, one unobstructed side yard of 20 ft. (6.10m) shall be maintained. This does not include flankage sites with alternative rear access, nor the accessory building if it is located to the rear of the principal building and separated from it by a distance of 46 ft.(14.0m) or more, measured parallel to the side property line:
 - (b) All other sideyards shall be a minimum of 6 ft. (1.8m)
 - (c) For side yards adjacent to the golf course, a minimum of 10 ft.(3.05m) soft landscaping buffer.
3. **Side Yard - Accessory Buildings** - At the discretion of the Development Officer.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section V.

Page 3

4. **Rear Yard** - A minimum depth of 20 ft. (6.1m)
5. **Building Height** - Not exceeding a height of 50 ft. (15.2m), measured to eave line, and not exceeding an overall height of 60 ft. (18.3m) to the highest portion of roof.
6. **Minimum Site Area** -
 - (a) **Minimum Area of Site Parcel**

(1) Hotels / Motels:	24,000 ft. ² (2229.60m ²)
(2) Athletic & Recreational Facilities	10,000 ft. ² (929m ²)
(3) Essential Utilities: at the discretion of the Development Officer	
(4) All other uses	6,000 ft. ² (557.4m ²)
7. **Building Site Coverage** - Maximum of 50% of site.
8. **Landscaped Area** -
 - (a) All front, side, and rear yards shall be landscaped except for access ways and parking areas. No parking is permitted in any required front and sideyard setbacks.
 - (b) Landscaping shall be completed in accordance with the requirements set out in Section H.
 - (c) All parking areas and access ways shall be asphalt pored.

D. EXTERIOR FINISHES:

For the most part, building materials form the essential character of each individual development and thus they collectively form the character of the total development. The choice and use of materials in each project must therefore contribute to the quality image of Redwood Meadows Commercial District. All building materials, colours, and details proposed shall demonstrate a sensitivity of and contribute to a positive portrayal (and expression of) Tsuu T'ina culture and heritage.

1. All buildings shall be faced with materials which exhibit a durable permanent quality appearance. Materials which allow colour run or fade, either due to atmospheric conditions or when used in combination with other materials should not be used. Materials should be of a low maintenance type which retain a consistent clean appearance.
2. All colours, materials and finishes are to be coordinated on all exterior elevations of the building(s) to achieve total continuity and comprehensiveness of design within each individual development.
3. All exposed concrete block, or stucco, shall be permanently coloured with integral cement colouring agents. The use of painted concrete block or stucco shall not be permitted.
4. All colour schemes must be submitted for approval and shall include samples of all finishes and a written rationale explaining the concepts. The Approval Authority reserves the right to reject any selections that do not portray a positive image of the Tsuu T'ina culture and heritage.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section V.

Page 4

E. PERFORMANCE STANDARDS: PERMITTED & DISCRETIONARY USES

1. These performance standards shall be the minimum standards to be met and maintained by all uses.
2. No use or operation shall cause any conditions which, in the opinion of the Development Officer, may be objectionable within any area accessible to the general public because of:

Noise
Odour
Earthborn vibrations
Structureborne vibrations
Heat, or
High brightness light source

F. SITE ACCESS:

1. An application for Development Authorization shall not be approved unless it complies with the access requirements as established by the Planning Commission.
2. Corner Visibility Triangles: Notwithstanding any other provisions contained in these standards, no vegetation, finished lot grade, building or structure shall exceed the general elevation of the street by more than 30 in. (750mm) within a corner visibility triangle of a 10 ft.(3.05m) by 10 ft.(3.05m) dimension.

G. PARKING & LOADING:

1. Parking and loading requirements shall be provided on site in accordance with Section III.
2. The design of parking and loading areas must represent a balance between the functional and the aesthetic. They should be adequate in their placement within each development, accessible from the public streets but screened to allow the view of the principal building as the prime, positive visual component.
 - a) All areas used by vehicular traffic must be paved with asphalt complete with gutters and concrete curbs either precast, or cast-on-site.
 - b) All parking, whether for visitors or employees, shall be provided on site. No off-site parking arrangements permitted.
 - c) No loading space shall be permitted within the front yard or side yard of a development where it is visible from the principle roadway.
 - d) It is required that:
 - (i) Each row of parking stalls be terminated by a landscaped area.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 5

Section V.

- (ii) Large parking areas shall provide significant landscaped area to denote circulation aisles which shall feature concrete curbs to a maximum height of 6 in. (150mm).

- 3. All parking shall be set back from the face of a building a minimum distance of 6' (1.8m) with the exception of parking in side or rear yards adjacent to a building face which has no doors or windows.

H. LANDSCAPING & FENCING:

- 1. For all landscaped areas, it shall be finished in accordance with a landscape plan and in conformity with the following requirements and standards:

- a) Existing soft landscaping retained on a site may be considered in fulfillment of the total landscaping requirement.
- b) Except for boulevards, trees shall be planted in the overall minimum ratio of one tree per 500 ft.² (46.45m²) gross building area.
- c) The quality and extent of the landscaping established on a site shall be the minimum standard to be maintained on the site for the life of the development. Adequate means of irrigating and maintaining the landscaping shall be provided.

- 2. Soft landscaping shall be provided as follows:

- a) All plant materials shall be of a species capable of healthy growth in the area and shall conform to the standards of the Canadian Nursery Trades Association for nursery stock and/or be obtained from stock supplied from Tsuu T'ina Nation Lands, and be of a locally indigenous species.
- b) The mixture of tree sizes at the time of planting shall be equivalent to a minimum of 50% larger trees.
- c) The minimum size for deciduous trees shall be for smaller deciduous trees; 2in. (508mm) calliper, and for larger deciduous trees; 4in. (102mm) calliper.
- d) The minimum size for small coniferous trees shall be; a height of 7 ft. (2.13m) and, for larger coniferous trees, a height of 10 ft. (3.05m)
- e) Coniferous trees shall comprise a minimum of 1/3 proportion of all trees planted.
- f) Wherever space permits, trees shall be planted in groupings.
- g) Shrubs shall be a minimum height or spread of 24in. (60.96mm) at the time of planting.
- h) Reasonable efforts shall be made to retain existing healthy planting features or stock. Wherever existing planting stocks of reasonable merit and quality are proposed to be replaced with plant materials of similar species on a two for one ratio.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 6

Section V.

3. Fencing:

1. a) All fencing shall be designed and constructed of durable and solid new materials, finished to compliment the principle building with low maintenance finishes.
b) Acceptable fencing materials include galvanized chainlink, stained wood board, brick, steel, wrought iron style (barb-wire, electrified, or painted wood fences not permitted).
2. Foundations and anchorages shall be adequately designed to prevent movement.
3. a) Maximum height of solid screen fencing shall be 6' (1.8m).
b) Maximum height of visually open fencing shall be 12' (3.66m).
4. Gates, gateway features, shall be incorporated into all fences with a matching and consistent theme or style.
5. No front-yard fencing is permitted unless it is less than 3' (0.9m) height and designed as a decorative screen fence.

1. EXTERIOR LIGHTING:

1. All on-site exterior lighting shall be located, oriented and shielded so as to not cause over-spilling glare on adjacent development, and an excessive ambient light so as to cause a nuisance.
2. All exterior lighting shall be designed to provide ground illumination levels of 5 lux minimum and 10 lux maximum.
3. The lighting of buildings and their surroundings should be soft and non-glare. The principal aim of all lighting design should be to highlight and detail specific features of the buildings and site without floodlighting and high levels of illumination that cause light spillage and glare.
4. Details of all exterior lighting shall be indicated at the Development Authorization Stage. All cabling shall be underground or concealed.
5. External lighting fixtures shall not be higher than the closest building elevation. Where lighting fixtures are attached to the exterior of a building, the fixture shall be as unobtrusive as possible.
6. Lighting fixtures for parking areas shall not exceed 15 ft. (4.6m) in height.
7. Lighting should be used to highlight only the area required to receive light. Light spillage and glare, particularly onto adjoining properties shall be avoided. Lighting design which incorporates floodlighting of large areas of the site or the building elevations will be allowed only at the Development Officer's discretion.

TSUU T'INA NATION
LAND - USE BYLAW

Page 7

Section V.

K. OUTSIDE STORAGE:

No outside storage shall be allowed.

L. SATELLITE DISH ANTENNA:

1. No satellite dish antenna shall be permitted in a front yard or on a roof.
2. All satellite dish antenna shall be screened and located within side or rear yards and screened from public view from yards / roadways.
3. All cabling and / or wiring devices shall be located underground.
4. The maximum height above grade of any portion of a satellite dish antenna or supporting structure shall be 13'-6" (4.12m).

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES

DEPARTMENT OF PHYSICS
530 SOUTH EAST ASIAN AVENUE
CHICAGO, ILLINOIS 60607

RECEIVED

1968

TO THE DIRECTOR, UNIVERSITY OF CHICAGO
FROM THE DIRECTOR, UNIVERSITY OF CHICAGO

RE: [illegible]

DATE: [illegible]



VI.

ITSU ISNOOI BUSINESS PARK
LAND USE STANDARDS & DESIGN CONTROLS

Purpose & Intent:

The purpose and intent of The Itsu Isnoot Business Park Land Use Standards and Design Controls is to provide for a compatible range of commercial and (limited) light industrial uses (which may be accompanied by retail sales, business and professional offices, light manufacturing, warehousing, and related service uses) that can be conducted entirely within buildings and structures. Strict design performance standards are herein established in order to ensure compatibility and attainment of intended standards.

The Itsu Isnoot Business Park has been established on prime Nation Lands in close proximity to the City of Calgary Boundary, with significant natural landscapes (river valley, forests, and pasture lands), and as an integral and complimentary component of a golf course. The standards and controls herein set-out shall establish a high standard of compatibility of Business Park uses with the new and natural landscape features.

Only one principal building shall be permitted on a land site / parcel. Outside storage is not permitted. All uses must not adversely affect the abutting golf course. All structures, and landscape features shall adequately demonstrate a sensitivity and expression (through architectural character, style, use of materials and details) of The Tsuu T'ina Nation culture and heritage.

A. LIST OF PERMITTED USES

- Arts, Crafts and Photography Studios
- Bakeries / Delicatessens
- Coffee and Tea Houses (with a maximum of 40 seats)
- Commercial Schools or Adult Training Facilities
- Dry Cleaning Establishments (does not include dry cleaning plants)
- Essential Utility Facilities
- Essential Public Services
- Financial Institutions
- Laboratories
- Laundromats
- Medical Clinics
- Offices
- Office Support Services
- Parking Areas and Structures
- Parks and Playgrounds

Personal Services Businesses (except Massage Parlour)

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 2

Section VI.

- Repair and Service Shops (small appliances, and office equipment, electronics) excluding automotive related
- Retail Sales Facilities

B. LIST OF DISCRETIONARY USES

- Accessory Buildings
- Amusement Arcades
- Athletic and Recreational Facilities (either indoor or outdoor)
- Automotive Accessories and Parts Sales
- Automobile Sales, Service and Repair Facilities (excluding junk yards and wrecking yards)
- Billiard Halls
- Bowling Alleys
- Broadcasting Facilities
- Building Supply Centres (excluding log and/or wood chip storage facilities)
- Child Care Facilities
- Community Buildings and Facilities
- Communication Structures (accessory to the permitted or discretionary uses)
- Convenience Stores
- Drive-In Restaurants
- Equipment Rental Establishments
- Food Processing Establishments that have no noxious emissions, except rendering plants and slaughterhouses
- Gaming Establishment (less than 10,000 ft.²)
- Gas Bar
- Grocery Stores (Less than 10,000 ft.²)
- Hotels / Motels
- Light Manufacturing engaged in secondary processing, production, fabrication, processing, testing and repair of materials, goods and products available for sale from retail outlets located within the Business Park (excluding refining of oil, petroleum, or natural gas products)
- Multi-Bay Car Washes
- Neighbourhood Shopping Centre
- Ornamental Metal and Stone Works (that have no excessive noise or emissions)

**TSUU T'INA NATION
LAND - USE BYLAW**

Section VI.

Page 3

- Repair and Service Shops (major appliances), excluding auto wrecking yards
- Restaurants & Refreshment Establishments
- Signs
- Storage and Warehousing Facilities (excepting storage of volatile and corrosive substances; sand and gravel or quarried materials)
- Textile processing / fabrication plants
- Transportation Terminals
- Veterinary Clinics
- Other uses of special merit, quality, and compatible use

C. USE RULES

The following rules shall apply to Permitted Uses & Discretionary Uses:

1. **Front Yard** - A minimum depth of 20 ft. (6.1m) for corner sites or where two access roads are provided on a site boundary, both frontages shall be considered a front yard.
2. **Side Yard - Principal Buildings** -
 - (a) On a lane-less site, one unobstructed side yard of 20 ft. (6.10m) shall be maintained. This does not include flankage sites with alternative rear access, nor the accessory building if it is located to the rear of the principal building and separated from it by a distance of 46 ft. (14.0m) or more, measured parallel to the side property line:
 - (b) All other sideyards shall be a minimum of 6 ft. (1.8m)
 - (c) For side yards adjacent to the golf course, a minimum of 10 ft. (3.05m) soft landscaping buffer.
3. **Side Yard - Accessory Buildings** - At the discretion of the Development Officer.
4. **Rear Yard** - A minimum depth of 20 ft. (6.1m)
5. **Building Height** - Not exceeding a height of 50 ft. (15.2m), measured to eave line, and not exceeding an overall height of 60 ft. (18.3m) to the highest portion of roof.
6. **Minimum Site Area** -
 - (a) **Minimum Area of Site Parcel**

(1)	Motels:	24,000 ft. ² (2229.60m ²)
(2)	Service Stations:	10,000 ft. ² (929m ²)
(3)	Gas Bars with Convenience Stores:	10,000 sq.ft (929m ²)
(4)	Gas Bar:	7,500 ft. ² (696.75m ²)

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 4

Section VI.

- (6) Light Manufacturing Uses: 7,500 ft.² (696.75m²)
- (7) All other uses: 6,000 ft.² (557.4m²)

7. Minimum Site Width -

(a) Minimum Width of Site Parcel

- (1) Service Stations: 100 ft. (30.46m)
- (2) Gas Bars & Gas Bars with Convenience Stores: 100 ft. (30.48m)
- (3) All other uses: 75 ft. (22.86m)

8. Building Site Coverage - Maximum of 60% of site.

9. Landscaped Area -

- (a) All front, side, and rear yards shall be landscaped except for access ways and parking areas. No parking is permitted in any required front and sideyard setbacks.
- (b) Landscaping shall be completed in accordance with the requirements set out in Section H.
- (c) All parking areas and access ways shall be asphalt pored.

D. EXTERIOR FINISHES:

For the most part, building materials form the essential character of each individual development and thus they collectively form the character of the total development. The choice and use of materials in each project must therefore contribute to the quality image of Itsu Isnool Business Park. All building materials, colours, and details proposed shall demonstrate a sensitivity of and contribute to a positive portrayal (and expression of) Tsuu T'ina culture and heritage.

- 1. All buildings shall be faced with materials which exhibit a durable permanent quality appearance. Materials which allow colour run or fade, either due to atmospheric conditions or when used in combination with other materials should not be used. Materials should be of a low maintenance type which retain a consistent clean appearance.
- 2. All colours, materials and finishes are to be coordinated on all exterior elevations of the building(s) to achieve total continuity and comprehensiveness of design within each individual development.
- 3. All exposed concrete block, or stucco, shall be permanently coloured with integral cement colouring agents. The use of painted concrete block or stucco shall not be permitted.

- 4. All colour schemes must be submitted for approval and shall include samples of all finishes and a written rationale explaining the concepts. The Development Officer or Planning Commission reserves the right to reject any elections that do not portray a positive image of the Tsuu T'ina culture and heritage.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section VI.

Page 5

E. PERFORMANCE STANDARDS: PERMITTED & DISCRETIONARY USES

Purpose & Application:

The purpose of performance standards in the control of business uses is to permit potential nuisances to be identified; to ensure that all uses will provide methods to protect the community from hazards and nuisances which can be prevented by processes of control and nuisance elimination; and to protect industries from arbitrary exclusion based solely on the nuisance production by an particular type of use in the past.

1. These performance standards shall be the minimum standards to be met and maintained by all uses.
2. The Planning Commission may require an applicant to submit verification that the conditions of any senior government authority having jurisdiction over any performance standard contained herein have been met. Canadian Federal Environmental, Province of Alberta, and Safety Standards shall prevail.
3. No use or operation shall cause any conditions which, in the opinion of the Development Officer, may be objectionable within any area accessible to the general public because of:

Noise
Odour
Earthborn vibrations
Structureborne vibrations
Heat, or
High brightness light source

(a) Air Contaminants, Visible and Particulate Emissions

- (i) No use or operation shall cause or create air contaminants, visible emissions or particulate emissions which extend beyond the limits of the site, or which exceed those standards and measures prescribed by the Province of Alberta, Clean Air Act and regulations therein.
- (ii) Airborne particulate matter originating from open areas, yards or roads shall be kept to a minimum by appropriate landscaping, paving, or other dust control means.

(b) Odorous Matter

No use or operation shall cause or create the emission of odorous matter or vapour beyond the limits of the structure.

(c) Toxic Matter

No use or operation shall cause or create the emission of toxic matter.

(d) Fire and Explosion Hazards

No uses or operations may store, manufacture or utilize materials or products which may be hazardous due to their flammable or explosive characteristics.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 6

Section VI.

(e) Byproducts, Waste Handling and Disposal

The handling of all byproducts and wastes, and the design of all systems therewith, shall be by adequate in garbage bins and enclosures, in strict compliance with all applicable codes, regulations and standards.

No on-site disposal (or burning) of byproducts and/or wastes shall be permitted.

F. SITE ACCESS:

1. An application for Development Authorization shall not be approved unless it complies with the access requirements as established by the Planning Commission.
2. **Corner Visibility Triangles:** Notwithstanding any other provisions contained in these standards, no vegetation, finished lot grade, building or structure shall exceed the general elevation of the street by more than 30 in. (750mm) within a corner visibility triangle of a 10 ft.(3.05m) by 10 ft.(3.05m) dimension.

G. PARKING & LOADING:

1. Parking and loading requirements shall be provided on site in accordance with Section III.
2. Where a grocery store is provided as a part of an automotive service use, one parking space per 15 square metres of net floor area of the building or portion thereof used by the store shall be provided.
3. The design of parking and loading areas must represent a balance between the functional and the aesthetic. They should be adequate in their placement within each development, accessible from the public streets but screened to allow the view of the principal building as the prime, positive visual component.
 - a) All areas used by vehicular traffic must be paved with asphalt complete with gutters and concrete curbs either precast or cast in place.
 - b) All parking, whether for visitors or employees, shall be provided on site. No off-site parking arrangements permitted.
 - c) No loading space shall be permitted within the front yard or side yard of a development where it is visible from the principle roadway.
 - d) It is required that:
 - (i) Each row of parking stalls be terminated by a landscaped area.
 - (ii) Large parking areas shall provide significant landscaped area to denote circulation aisles which shall feature concrete curbs to a maximum height of 6 in. (150mm).

**TSUU T'INA NATION
LAND - USE BYLAW**

Section VI.

Page 7

4. All parking shall be set back from the face of a building a minimum distance of 6' (1.8m) with the exception of parking in side or rear yards adjacent to a building face which has no doors or windows.

H. LANDSCAPING & FENCING:

1. For all landscaped areas, it shall be finished in accordance with a landscape plan and in conformity with the following requirements and standards:

- a) Existing soft landscaping retained on a site may be considered in fulfilment of the total landscaping requirement.
- b) Except for boulevards, trees shall be planted in the overall minimum ratio of one tree per 500 ft.² (46.45m²) gross building area.
- c) The quality and extent of the landscaping established on a site shall be the minimum standard to be maintained on the site for the life of the development. Adequate means of irrigating and maintaining the landscaping shall be provided.

2. Soft landscaping shall be provided as follows:

- a) All plant materials shall be of a species capable of healthy growth in the area and shall conform to the standards of the Canadian Nursery Trades Association for nursery stock and/or be obtained from stock supplied from Tsuu T'ina Nation Lands, and be of a locally indigenous species.
- b) The mixture of tree sizes at the time of planting shall be equivalent to a minimum of 50% larger trees.
- c) The minimum size for deciduous trees shall be for smaller deciduous trees; 2in. (50.8mm) calliper, and for larger deciduous trees; 4in. (102mm) calliper.
- d) The minimum size for small coniferous trees shall be; a height of 7 ft. (2.13m) and, for larger coniferous trees, a height of 10 ft. (3.05m)
- e) Coniferous trees shall comprise a minimum of 1/3 proportion of all trees planted.
- f) Wherever space permits, trees shall be planted in groupings.
- g) Shrubs shall be a minimum height or spread of 24in. (60.96mm) at the time of planting.
- h) Reasonable efforts shall be made to retain existing healthy planting features or stock. Wherever existing planting stocks of reasonable merit and quality are proposed to be removed they shall be replaced with plant materials of similar specie on a two for one ratio.

**TSUU T'INA NATION
LAND - USE BYLAW**

Section VI.

Page 8

3. Fencing:

1. a) All fencing shall be designed and constructed of durable and solid new materials, finished to compliment the principle building with low maintenance finishes.
b) Acceptable fencing materials include galvanized chainlink, stained wood board, brick, steel, wrought iron style (barb-wire, electrified, or painted wood fences not permitted).
2. Foundations and anchorages shall be adequately designed to prevent movement.
3. a) Maximum height of solid screen fencing shall be 6' (1.8m).
b) Maximum height of visually open fencing shall be 12' (3.66m).
4. Gates, gateway features, shall be incorporated into all fences with a matching and consistent theme or style.
5. No front-yard fencing is permitted unless it is less than 3' (0.9m) height and designed as a decorative screen fence.

1. EXTERIOR LIGHTING:

1. All on-site exterior lighting shall be located, oriented and shielded so as to not cause over-spilling glare on adjacent development, and an excessive ambient light so as to cause a nuisance.
2. All exterior lighting shall be designed to provide ground illumination levels of 5 lux minimum and 10 lux maximum.
3. The lighting of buildings and their surroundings should be soft and non-glare. The principal aim of all lighting design should be to highlight and detail specific features of the buildings and site without floodlighting and high levels of illumination that cause light spillage and glare.
4. Details of all exterior lighting shall be indicated at the Development Authorization Stage. All cabling shall be underground or concealed.
5. External lighting fixtures shall not be higher than the closest building elevation. Where lighting fixtures are attached to the exterior of a building, the fixture shall be as unobtrusive as possible.
6. Lighting fixtures for parking areas shall not exceed 15 ft. (4.6m) in height.
7. Lighting should be used to highlight only the area required to receive light. Light spillage and glare, particularly onto adjoining properties shall be avoided. Lighting design which incorporates floodlighting of large areas of the site or the building elevations will be allowed only at the Development Officer's discretion.

Section VI.

K. OUTSIDE STORAGE:

No outside storage shall be allowed.

L. SATELLITE DISH ANTENNA:

1. No satellite dish antenna shall be permitted in a front yard or roof.
2. All satellite dish antenna shall be screened and located within side or rear yards and screened from public view from yards / roadways.
3. All cabling and / or wiring devices shall be located underground.
4. The maximum height above grade of any portion of a satellite dish antenna, or supporting structure shall be 13'6" (4.12m).

APPENDIX I.
SIGN REGULATIONS

A. PURPOSE

This Appendix provides the design and planning regulations for all signs including but not limited to the location number, size, design and character of signs in relation to their surroundings. It is the intent of this Regulation that all signs be informative, effective and complimentary to the various buildings, the general landscape and cultural themes of the Tsuu T'ina Nation.

B. DEFINITIONS

1. A-board means an A-shaped sign which is set upon the ground and has no external supporting structure.
2. Alteration means a structural modification of a sign but does not include routine maintenance, painting or change in face, copy or lettering.
3. Animated Sign means a sign which uses movement or change of lighting to depict action or create special effects or a pictorial scene but does not include a clock.
4. Auxiliary sign means a sign of any type which is attached to the face, copy, backing, lighting or supporting structure of any sign.
5. Awning means a shelter projecting from and supported by the exterior wall of a building and designed to be collapsible, retractable and generally constructed of fabric or similar non-rigid material.
6. Awning Elevation Area means that area of an elevation obtained by multiplying the vertical dimension of an awning, when viewed in the same elevation, by the length of the awning, when viewed in the same direction.
7. Awning Sign means an awning which incorporates a sign.
8. Canopy means a non-retractable covered or enclosed rigid structural framework attached to and extending outward from the exterior wall of a building, and includes but is not limited to such structures as theatre marquees but does not include any structurally integrated architectural feature such as lintels, sills, mouldings, architraves and pediments, or any structure over petroleum pumps.
9. Canopy Elevation Area means that area of an elevation obtained by multiplying the vertical dimension of a canopy, when viewed in the same elevation, by the length of the canopy when viewed in the same elevation.
10. Canopy Sign means a canopy of freestanding canopy which utilizes or incorporates a sign.
11. Clearance means the shortest vertical distance between the underside of a sign and grade.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 2

Appendix I.

12. **Community Identification Sign** means a sign which states the name of a residential community area and may contain a logo or symbol which is related to the community name.
13. **Construction Site Identification Sign** means a temporary sign erected by an individual or a firm on the premises undergoing construction, for which the sign user is advertising or furnishing such items as labour, services, materials or financing.
14. **Construction Site Identification Sign** means a temporary sign erected by an individual or a firm on the premises undergoing construction, for which the sign user is advertising or furnishing such items as labour, services, materials or financing.
15. **Copy Area** means that area of a sign covered by a single figure drawn around the extremities of the message contained on the sign, and
 - (a) shall include but is not limited to decorations related to the specific nature of the message;
 - (b) in the case of a double or multi-face sign, the average of the total area of all sign faces will be counted in copy area calculations; and
 - (c) does not include landscaping.
16. **Curb Line** means the line at the face of the nearest curb and in the absence of a curb, the line shall be established by the City Engineer.
17. **Cut Out** means an extension of the copy that protrudes from the sign but does not include an auxiliary sign.
18. **Designated Sign Area** means the area identified for signs on a released Development Authorization.
19. **Directional Sign** means
 - (a) A sign which directs the public to or denotes the name of any thoroughfare, route, education institution, public building, historical site or hospital;
 - (b) A sign which directs and regulates traffic;
 - (c) A sign which denotes any public or transportation facility; or
 - (d) A sign which gives direction to a private premises or its vehicular use area.
20. **Double Faced** means having two faces, with each face being of equal area and in identical proportion to the other, and with each face located on the structure so as to be parallel and opposite to and facing away from each other.
21. **Eaveline** means the horizontal line on a building that marks the extreme edge of the overhang of a roof and where there is no overhang, the eaveline shall be the horizontal line at the intersection of the roof and wall.
22. **Electronic Message Board** means a sign or component of a sign on which the copy can be changed by electrical or electronic means.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 3

Appendix I.

23. **Fascia Sign** means a sign attached to, marked or inscribed on and parallel to the face of a building wall but does not include a third-party advertising sign, a painted wall sign, an awning sign, a canopy sign or a projecting sign.
24. **Flashing sign** means a sign which contains an intermittent or flashing light source but does not include an electronic message centre.
25. **Freestanding Sign** means a sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure and shall include, but is not limited to, a sign on a fence.
26. **Freestanding Flush** means structurally freestanding but located parallel to and flush with a wall surface.
27. **Frontage, Block** means the total length of lot frontage along the side of a street between the street intersections.
28. **Frontage, Business** means the length of the property line of any one business use, parallel to and along each legally accessible public street, excluding a lane or alleyway, that it borders.
29. **Grade** means the elevation established by the City Engineer for the surface of the sidewalk or boulevard, and for a sign completely within private property, grade means the finished ground surface directly underneath the sign.
30. **Height of Sign** means the vertical distance measured from the highest point of the sign or sign structure to grade.
31. **Identification Sign** means a sign which identifies by name or symbol the occupant, business or the site on which the sign is placed, and may include the operation, merchandise or service available at the site.
32. **Illumination** means the lighting of any sign by artificial means.
33. **Illumination, direct** means the lighting of any sign face from a light source located on or near the exterior of the sign.
34. **Illumination, indirect** means the lighting of any sign face from a light source located within the sign or behind the copy.
35. **Inflatable sign** means an inflated three-dimensional device which incorporates a sign and is anchored or affixed to a building or site.
36. **Landscaping** means any decorative features, such as concrete bases, planter boxes, pole covers, or decorative framing on the sign support or base structures and shrubs or plants, but does not include any copy or logo.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 4

Appendix I

37. **Maintenance** means the cleaning, painting, repair or replacement of any defective parts of a sign in a manner that does not alter the basic design or structure of the sign and does not include a change in copy.
38. **Message** includes any image, written copy, structure, graphics, pictures, logo, symbol or letters used or intended to be used for advertising or for calling attention to any person, matter, object or event.
39. **Multi-tenant Sign** means a sign containing copy for three or more tenants or occupants located on a site.
40. **Owner of Sign** means a person or his authorized agent in lawful control of a sign.
41. **Painted Wall Sign** means a sign which is painted directly upon any outside surface of a building or other integral part of a building.
42. **Principal Frontage** means the length of property line parallel to and along the street to which the address of the property refers.
43. **Projecting Sign** means a sign which projects from a structure or a building face and includes a sign in the shape of a canopy but does not include a canopy sign or an awning sign.
44. **Read-o-graph Sign** means a sign on which the copy can be changed manually through the use of attachable letters, numerals or pictorial panels.
45. **Real Estate Sign** means a temporary sign advertising real estate that is "for sale", "for lease", or "for rent" or real estate that has been "sold".
46. **Roof Sign** means a sign which projects above a roofline to which the sign is attached or is erected upon or above a roof or parapet of a building which the sign is attached to.
47. **Roofline** means the line made by the intersection of a wall of a building with a roof of the building.
48. **Rotating Sign** means a sign or portion of a sign which moves in a revolving manner, but does not include a clock.
49. **Sign** means a device, structure, fixture or image used, or intended to be used, for the advertising or calling attention to any person, matter, object or event.
50. **Sign Area** means
 - (a) the entire area of a sign on which copy is to be placed;
 - (b) in the case of a painted wall sign, the area of the building face;
 - (c) in the case of a double-face or multi-face sign, the average of the total area of all sign faces will be counted in the sign area calculations.

but does not include landscaping.
51. **Signable Area** means the area of a building on which a sign may be located.

**TSUU T'INA NATION
LAND - USE BYLAW**

Appendix I.

Page 5

- 52. **Sponsor Advertising** means that portion of a sign on which the copy refers to products or merchandise produced, offered for sale, or obtainable at the premises, on which the sign is displayed and which directly relates to the principal use of such premises.
- 53. **Temporary Sign** means a sign which is not in a permanently installed or affixed position, advertising a product, merchandise or an activity on a limited time basis, but does not include a sign for which a limited term Development Authorization has been approved or is required.
- 54. **Third Party Advertising** directs attention to a business, commodity, service or entertainment that is conducted, sold or offered elsewhere than on the premises on which the sign is located.
- 55. **Third Party Advertising Sign** means a sign which is suspended beneath a canopy or beneath a portion of a building.
- 56. **Under Canopy Sign** means a sign which is suspended beneath a canopy or beneath a portion of a building.
- 57. **Window Sign** means a sign which is painted on, attached to or installed on or near a window for the purpose of being viewed from outside the premises.

C. PROCEDURES REGULATING SIGNS

1. Approval Required:

- 1.1 Except as otherwise provided for in this Appendix, all signs and any enlargement, relocation, erecting, construction or alteration of a sign, requires a Development Authorization permit.
- 1.2 Where a Development Authorization permit is required pursuant to this Appendix, it shall be considered and processed by the Development Officer and / or the Planning Commission in accordance with the requirements of the By-Law.

2. Signs Not Requiring a Development Authorization Permit:

- 2.1 The following signs do not require Development Authorization but shall comply with the rules of this Appendix:

- a) temporary signs, banners and pennants;
- b) election candidate signs displayed by or on behalf of a candidate participating in any federal, provincial, or nation election;
- c) signs, notices, placards or bulletins required to be displayed pursuant to the provisions of Chief & Council;
- d) signs located inside a building and not intended to be viewed from outside;

- 2.2 The following identification signs do not require Development Authorization but shall comply with the rules of this Appendix:

- a) a fascia sign which is attached to a building other than a residential building and states no more than one or more of the following;

Appendix I.

- i) the name or address of the building;
 - ii) the name of the person or institution occupying the building; and
 - iii) the type of business carried on in the building.
- providing the total sign area does not exceed 1.1m².
- b) canopy signs where the maximum copy area is less than 20% of the canopy elevation area;
 - c) non-illuminated awning sign, where the maximum copy area is less than 20% of the awning elevation area;
 - d) window signs that are less than 30% of the window area or 2.5m², whichever is less.

2.3 Directional signs, do not require a Development Authorization permit provided:

- a) the sign is less than 2.5m² in area; and
- b) the sign does not contain advertising copy.

2.4 A Development Authorization permit is not required for incorporation of an additional panel or panels on a freestanding identification sign which conforms to this By-Law provided:

- a) the additional panel or panels are the same length as existing panels and are located within the limits of the existing sign structure;
- b) the total sign area and height of the sign does not exceed the maximums set out in this By-Law;
- c) the height of the sign does not exceed the height of the original sign; and
- d) the addition of a sign panel does not conflict with any of the conditions of the existing Development Authority permit or the sign other than a condition that the sign comply with the approved drawings.

2.5 A Development Authorization permit is not required for the replacement of an existing freestanding sign by another freestanding sign on the same base provided:

- a) both signs conform with this By-Law;
- b) the new sign is installed within four months of the removal of the existing sign;
- c) the new sign area is either equal to or less than the existing sign area;
- d) the existing sign support, or a similar replacement, is used and the new sign is mounted at a height equal to or lower than the existing sign; and
- e) the new sign is not located in whole or in part within a by-lawed setback, or a corner visibility triangle.

D. DEVELOPMENT AUTHORIZATION PERMIT APPLICATION REQUIREMENTS

1. An application for a Development Authorization permit for a sign shall be made to the Planning Commission by the lawful owner of a sign or his authorized agent, on a form provided by the Development Officer.

2. The Development Officer may refuse to accept a Development Authorization application where the information required has not been supplied or where, in his / her opinion, the quality of the material supplied is inadequate to properly evaluate the application.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 7

Appendix I.

3. Every application for Development Authorization for a sign shall be accompanied by the following:
- a) a completed Development Authorization application form;
 - b) a minimum of two photographs taken from different angles that adequately show
 - i) the proposed site;
 - ii) adjoining properties; and
 - iii) all signs, including but not limited to sign on any building, within 30m of the proposed sign.
 - c) copies of a site plan to a scale of not less than 1:100, showing the following information:
 - i) north arrow;
 - ii) scale of plan;
 - iii) legal description of the property;
 - iv) property lines, shown and labelled;
 - v) location of existing sidewalks;
 - vi) location of existing curbs;
 - vii) utility rights of way or access easement, shown and labelled; and
 - viii) by-lawed setbacks and corner cut-offs, shown and labelled.
 - d) outline of existing buildings on the site; and
 - e) scaled and accurately drawn site plan showing the proposed sign on its proposed location, showing dimensioned distances from
 - i) existing buildings on the subject site;
 - ii) existing back of sidewalk;
 - iii) existing curb lines;
 - iv) property lines;
 - v) utility rights of way or easements;
 - vi) utility poles within 30m of the proposed sign location; and
 - vii) by-lawed setbacks and corner cut-offs, including a dimension of any overhand or projection.
 - f) copies of a detailed sign plan showing
 - i) the complete dimensions of the sign and its structural support;
 - ii) the proposed maximum height and clearance of the sign from grade;
 - iii) the position and area of any sponsor advertising where it will form part of the message to be displayed on the sign; and
 - iv) the message to be displayed, where the sign is located on a Downtown Mall Area.
 - g) copies of elevation drawings where a sign is attached to a structure or building.

E. TYPES OF SIGNS

1. For the purpose of the Appendix, signs are divided into the following types:
- a) identification signs;
 - b) directional signs; and

2. ~~Third party advertising signs, billboards, electronic read-o-graphs signs, flashing, inflatable signs, roof top sign, and electronic message boards and painted wall signs are not permitted.~~

3. Where a sign does not conform to any of the sign types defined by the By-Law, the Development Officer shall consider an application for such a sign on its individual merits.

Appendix I.

F. GENERAL RULES FOR SIGNS

1. A sign shall not conflict with and compliment the general character of the surrounding landscape or the architecture of nearby buildings. Signage containing the Tsuu T'ina language as a bilingual caption is encouraged.
2. A sign or sign structure shall not be located or extend horizontally closer to the existing or future curb line than 2'-6" (750mm) back from the existing or future curb line.
3. A sign shall not be erected on or attached to
 - a) light standard or pole without the written permission of the utility responsible for said pole.
 - b) the area within a corner visibility triangle where any part of the sign is higher than 2'-6" (750mm) and lower than 15 ft. (4.6m);

if in the opinion of the Planning Commission the sign is contrary to, or not complimentary of the general Tsuu T'ina Nation cultural heritage.

4. A sign shall not be erected, operated, used or maintained if, in the opinion of the Planning Commission
 - a) its position, shape, colour, format or illumination may be confused with an official traffic sign, signal or device, or the official sign;
 - b) it displays lights which may be mistaken for the flashing lights customarily associated with danger or those used by police, fire, ambulance or other emergency vehicles.
5. All sign supports shall be placed on private property except that the Planning Commission may allow a sign to be located on a by-lawed setback area, subject to the requirements of a 30 day removal / relocation agreement.
6. Any sign placed in or on a required parking or loading area shall be placed so as not to reduce the number of parking or loading spaces required pursuant to Section III.
7. Whenever a tenant panel on a multi-tenant sign is removed, the sign owner shall replace it with a blank panel until such time as a new tenant requires it.
8. No trees shall be removed or damaged to prepare a site for a sign unless new trees are planted or landscaping is introduced to improve the site.
9. A person shall not
 - a) attach or hang an auxiliary sign or other material to, on, above, or below a sign unless otherwise provided for;
 - b) attach to any sign an extension or portable device other than sign hangers shown on the plans accompanying the development permit; and
 - c) make alterations to any sign in any other way, unless otherwise provided for in this Appendix, without first obtaining the Development Officer's approval.

**TSUU T'INA NATION
LAND - USE BYLAW**

Page 9

Appendix I.

10. Unless otherwise allowed by the Development Officer and / or Planning Commission, on any single elevation of a building any one business shall be entitled to the following identification signs:
 - a) a canopy sign, or
 - b) one projecting sign with a maximum sign area of 2.3m²;
 - c) fascia signage; or
 - d) non-flashing window signage.
11. The Development Officer and/or Planning Commission shall only allow rotating signs provided:
 - a) such signs are located in commercial, industrial or direct control commercial or industrial districts, and
 - b) the location, size, design and character respect the scale and character of the surrounding area.
12. Signs operation or employing stereo-opticon, video, motion pictures, laser or other similar projection devices may only be allowed at the discretion of the Development Officer and / or Planning Commission.
13. Notwithstanding anything contained in this By-Law, where a Development Authorization permit contains comprehensive sign approval as a condition of approval, any proposed sign or sign location not included under that approval, or alteration of the approved plan, shall require separate Development Authorization.
14. When a sign no longer fulfils its function under the terms of the Development Authorization, the Planning Commission may order the removal of such a sign, and the lawful owner of the sign or where application, the property owner, shall
 - a) remove such a sign and all related structural components including removing or screening exposed base and foundations to the satisfaction of the Planning Commission within 30 days from receipt of such a removal notice from the Planning Commission;
 - b) restore the immediate area around the sign, to the satisfaction of the Approving Authority, including the ground or any building to which the sign was attached, as close as possible to its original form prior to the installation of the sign; and
 - c) bear all the costs related to such removal or restoration.

G. RULES FOR IDENTIFICATION SIGNS

1. Fascia Identification Signs:

1.1 Subject to the provisions of this By-Law, fascia signs may be allowed in all Land-Uses.

1.2 The signable area for fascia signs shall be the space defined by the following lower and upper limits on the front of a building.

- a) the lower limit of the signable area shall be the lower limit of the lintel or the window head of the first storey, but in no case lower than 7ft. (2.1m) above grade;
- b) ~~in the case of a multi-storey building, the upper limit of the signable area shall be the upper limit of the window sill of the second storey or in the absence of a window, 2'-8" (800mm)~~
above the floorline of the second storey; and
- c) in the case of a one storey building, the upper limit of the signable area shall be the eavelline in all other cases.

Appendix I.

- 1.3 A fascia sign may be allowed on any wall or a building other than the front wall provided
- a) the sign is not immediately adjacent to a park golf course;
 - b) the sign is integrated with the signage on the principal frontage of the building and shall be the same width and height;

2. Projecting Identification Signs:

- 2.1 Subject to the provisions of this By-Law, projecting signs shall only be located in a commercial, industrial, or non-residential district.

- 2.2 Only one projecting sign per business frontage may be allowed, providing the sign complies with the sign area requirements established as follows:

- a) Projecting signs may have a maximum sign area of 32 ft.² (3.0m²);
- b) the top of a projecting sign shall not exceed the eaveline, or the roofline, or the top of the second storey window head, or 20ft. (6m) above grade, whichever is the least;
- c) on corner sites, a projecting sign shall be placed at equal angles to the building faces that form the corner, and the sign area shall be calculated on the basis of the combined maximum sign area allowed.
- d) Projecting signs shall have a minimum clearance of at least 8 ft. (2.4m);
- e) The nearest edge of a projecting sign shall not be located more than 1 ft. (300mm) from the building face;
- f) Visible means of support for projecting signs shall be architecturally integrated with the building upon which they are located to the satisfaction of the Development Officer.

3. Freestanding Identification Signs:

- 3.1 Freestanding signs shall be subject to the specified sign height and sign area requirements established as follows:

- a) The maximum area for signs shall be 75 ft.² (7m²), or 98 ft.² (9.0m²) for a multi-tenant sign, and the maximum height shall be 20 ft.² (6m²);
- b) Only one freestanding sign may be allowed on a site.
- c) One freestanding sign per business frontage may be erected provided that freestanding signs erected along the same private or public street shall maintain a minimum distance of 100 ft. (30m) between them and shall not be located closer than 50 ft. (15m) to any property line other than a property line adjacent to any public thoroughfare, unless otherwise allowed by the Planning Commission;
- d) The placement of freestanding signs shall not interfere with vehicle parking or traffic circulation.
- e) Electrical power cabling to freestanding signs shall be underground.
- f) Anchor bolts securing the base of a freestanding sign shall be permanently covered unless otherwise allowed by the Planning Commission.

4. Canopy Identification Signs:

- 4.1 Where a canopy is constructed as a support structure for signs, such structures shall require a Development Authorization and shall comply with the following regulations:

- a) Have a minimum clearance of at least 8 ft. (2.4m);
- b) not extend any further than the line on which street light or power line poles are located;
- c) not extend more than 8 ft. (2.4m) from the face of the building to which such sign is attached unless otherwise allowed by the Planning Commission;

**TSUU T'INA NATION
LAND - USE BYLAW**

- d) the vertical dimension shall not exceed 5 ft. (1.5m) unless otherwise allowed by the Planning Commission;
- e) where a canopy projects over public property shall provide a drainage system, connected through the inside of the building to a storm sewer or dry well, to prevent the discharge of water over the sidewalk or street, unless otherwise allowed by the Planning Commission.

4.2 The maximum copy area of the canopy sign shall not exceed 20% of the canopy elevation area.

4.3 Canopy signs shall be compatible with the building face in terms of design and placement.

5. Awning Identification Signs:

5.1 Where an awning is constructed as a support structure for signs, such structures shall require a Development Authorization only if

- a) the minimum projection of the awning is less than 3 ft. (900mm); and
- b) the minimum clearance is less than 8 ft. (2.4m).

5.2 The maximum copy area of an awning sign shall not exceed 20% of the awning elevation area.

5.3 No sign shall be suspended from or below an awning or an awning support structure.

6. District Entrance Identification Signs:

6.1 The location, size, design, and character of all community identification signs shall be to the satisfaction of the Planning Commission.

6.2 The owner of a community identification sign shall maintain the sign for the approval period under a maintenance and sign removal agreement to be signed by the sign owner prior to the release of the Development Authority permit.

6.3 District identification signs are allowed provided the sign

- a) is for community identification purposes only;
- b) displays no third party advertising, and
- c) is constructed of maintenance free material wherever possible.

6.4 Where a district identification sign is to be located on a street right of way, it shall be placed either on a boulevard or a median on street of a major standard or less.

6.5 A community identification sign shall not

- a) encroach upon a utility right of way, or
- b) affect traffic safety.

7. Window Identification Signs:

7.1 A window sign may be allowed in a commercial, industrial or direct control commercial or industrial district.

7.2 A window sign shall not exceed 30% of the window area, or 27 ft.² (2.5m²), whichever is least.

TSUU T'INA NATION
LAND - USE BYLAW

Appendix I.

Page 12

8. Rules for Directional Signs:

- 8.1 A directional sign may only be freestanding.
- 8.2 A freestanding directional sign shall not exceed 27 ft.² (2.5m²).
- 8.3 A maximum of two freestanding directional signs may be erected at each entrance to a site.
- 8.4 A directional sign shall not contain an advertising message, excluding a logo.

- END OF SECTION -