



ZONING LAW

Musqueam Indian Band

DRAFT

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PREAMBLE

WHEREAS:

- A. Musqueam Indian Band (“Musqueam”) is a First Nation with Aboriginal rights and title and inherent jurisdiction over Musqueam Lands;
- B. Musqueam also has jurisdiction and authority over Musqueam Lands, resources and Interests in these lands under the Musqueam Land Code dated for reference June 28, 2012 in accordance with the Framework Agreement on First Nation Land Management between Musqueam Indian Band and Canada and ratified on behalf of the Government of Canada by the *First Nations Land Management Act*, S.C. 1999 c.24;
- C. The Musqueam Land Code came into effect on June 5, 2017;
- D. Musqueam Council has authority under the Land Code including under section 6 and subsection 6.2 to regulate land use, zoning, interests and related matters;
- E. Subsection 2.1 of the Land Code defines a Land Use Plan as a land use plan approved in accordance with a Musqueam zoning law;
- F. Musqueam has a Land Use Plan approved by the community and Council on December 7, 2014;
- G. The Musqueam Land Use Plan (2014) sets out the following vision and Council is committed to implementing this vision:

We the Musqueam people are united and strong.

We have good hearts and work together to do the right thing.

We will use our teachings, so the Musqueam people will be alright.

We will care about our Elders, the little ones and everything on this earth.

This way we will be looking after the ones that come after us.

Then the Musqueam will continue to be strong;

- H. Council believes it is in the best interests of Musqueam to enact a Law addressing zoning, land use planning, and the need to develop Musqueam Lands in a manner that takes into account housing, transportation, parks, economic development, climate risks, infrastructure, social, cultural, environmental and other related needs and interests;
- I. Council intends this Law to apply retroactively; and
- J. Council realizes that a flexible forward-looking approach is required and supports a core zoning and land-use planning law that meets the above interests but leaves room for more details and planning to be added in future generations.

NOW THEREFORE the elected Council of Musqueam enacts as follows:

PART 1 - TITLE

1.1 Citation

This Law may be cited as the Musqueam Zoning Law.

PART 2 - INTERPRETATION AND DEFINITIONS

2.1 Purpose

The purpose of this Zoning Law is to promote healthy, sustainable, well-planned and compatible land use and development on Musqueam Lands in accordance with the Land Code and Musqueam Land Use Plans.

2.2 Application

The provisions of this Zoning Law apply to the whole area of each Musqueam Reserve and Musqueam Lands as defined in the *Musqueam Land Code*.

2.3 Definitions

2.3.1 For the purposes of this Zoning Law, where applicable, terms have the same definitions as in the Musqueam Land Code.

2.3.2 Definitions are set out in Schedule 1 of this Zoning Law.

PART 3 - GENERAL

3.1 General Provisions

3.1.1 Where any federal Act or regulation, provincial Act or regulation, municipal bylaw or any other Musqueam Law may apply to any matter covered by this Law and any Land Use Plan adopted by Musqueam, compliance with this Zoning Law and any Musqueam Land Use Plans will not relieve the Person from also complying with the provisions of any other applicable Act, regulation or law.

3.1.2 If any statement, section, subsection, clause, subclause or phrase of this Zoning Law, including its appendices, is for any reason held to be invalid by a decision of a court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of the Zoning Law and its appendices.

3.1.3 The headings given to the sections and paragraphs in this Zoning Law and any Land Use Plan adopted by Musqueam are for convenience of reference only. They do not form part of this Zoning Law or any Musqueam Land Use Plan and will not be used in the interpretation of this Zoning Law or any Musqueam Land Use Plan.

3.1.4 The approval of a use, activity, Structure or other matter as permitted under this Zoning Law does not remove the requirement to comply with all other applicable laws and apply for and receive all other required authorizations including, without limitation, those relating

to *British Columbia Building Code*, *British Columbia Fire Code*, health, environmental, liquor licensing and other authorizations, unless explicitly stated in this Zoning Law or another Musqueam Law.

- 3.1.5 Council shall appoint, from time to time, and ensure the position is filled, a Lands Governance Director who will carry out the duties set out in this Zoning Law pursuant to the terms and conditions established by Council.
- 3.1.6 This Zoning Law repeals and replaces all past zoning and land use bylaws.

3.2 Factors For Review

- 3.2.1 For each Application that proceeds to a review, the Lands Governance Director and the Lands Committee shall consider the following general principles and factors when assessing Applications and making recommendations to Council:
1. the promotion of health, safety, convenience and welfare of Musqueam Members and of residents and Occupants, CP-Holders, Interest-Holders, and other persons who have a lawful interest in Musqueam Lands;
 2. well-planned and orderly development of Musqueam Lands and the preservation of amenities and special features of Musqueam Lands;
 3. balancing economic interests and the development of Musqueam Lands, with the need to retain Musqueam Lands as a livable home, community, refuge and cultural base for present and future generations of Musqueam Members;
 4. compliance with:
 - (a) this Zoning Law;
 - (b) any applicable Musqueam Land Use Plans;
 - (c) Musqueam housing policies;
 - (d) any applicable Musqueam Design Guidelines;
 - (e) any approvals already granted by Musqueam, including any terms or conditions, in relation to the same project or the same Lots;
 - (f) any other applicable Musqueam Laws, policies, guidelines and standards;
and
 - (g) all relevant federal, provincial and municipal laws and standards;
 5. protection and enhancement of:
 - (a) the Environment;

- (b) Musqueam's climate resilience, with consideration of future climate impacts to the Musqueam Lands, including sea-level rise, and increased flood, heat and wildfire risk; and
 - (c) Heritage Resources;
6. community requirements, including:
- (a) provision of community benefits, including land or funds to Musqueam for the development of community amenities pursuant to the *Subdivision, Development and Servicing Law*; and
 - (b) consideration of potential effects on adjacent uses, owners, Occupants, privacy, Shadowing and property values;
7. urban design considerations, including:
- (a) preferred Lot reconfigurations and subdivision viability;
 - (b) compatibility with Musqueam culture and the character of existing Buildings at the Zone, neighbourhood and Reserve scales;
 - (c) viewscales, aesthetics and visual qualities;
 - (d) Construction of adequate parking, loading spaces and electric vehicle charging stations;
 - (e) whether the development contributes to the economic, environmental, cultural and community health of Musqueam, Musqueam Members and the Occupants of Musqueam Land;
 - (f) Setbacks or buffers, including Setbacks or buffers from property lines and Watercourses; and
 - (g) requirements for phasing, staging or sequencing of the project, including any requirements for interim reports;
8. consistency with any information provided in relation to the same project or the same Lots;
9. Works and services required to be constructed and installed to the Musqueam standards prior to Rezoning Approval, Subdivision Approval or Building Permit issuance, including:
- (a) any infrastructure Construction, installation, purchases, upgrades or maintenance to be undertaken at the cost of the owner, Occupant or developer, including:
 - (i) streets, intersections, streetlights, driveways and emergency access routes;

- (ii) sidewalks, paths, trails, board walks;
 - (iii) dyking, floodplain and other flood risk mitigation Works; and
 - (iv) stormwater, drainage, sewer, water and other infrastructure;
- (b) stormwater management objectives, including no net run-off, except into drainage Works Approved by Musqueam;
 - (c) landscaping, planting or upgrading and/or maintenance requirements for trees, shrubs, hedges or other features;
 - (d) noise and dust prevention or mitigation measures, such as erosion and sediment control plans;
 - (e) completion of servicing agreements with Musqueam, the City of Vancouver or other third parties to address any required Works and services that are to be constructed or installed after the subject Application is approved or the respective Permit is issued; and
 - (f) requirements for the dedication or transfer of any of the items listed in paragraph 3.2.1.9.(a) to Musqueam;
10. securities for related servicing Works, including:
- (a) a bond to ensure ongoing maintenance of the items listed in paragraphs 3.2.1.9.(a) or 3.2.1.9.(c);and
 - (b) the purpose, form and amount of securities which must be provided to Musqueam prior to Rezoning, Subdivision or Building Permit Approval if the Works and services required under 3.2.1.9.(a) of this Zoning Law are not complete before such Approval, with amount of securities determined with regard to the cost of installing and paying for all Works and services required;
11. requirements for the provision of updated plans, reports or studies, including as-built drawings after the completion of the project; and
12. any other relevant terms or conditions.

PART 4 - ADOPTION OF LAND USE PLAN

4.1 Adoption of Land Use Plan

- 4.1.1 The *Musqueam Land Use Plan* (2014), as amended, is adopted as the Land Use Plan of Musqueam.
- 4.1.2 The following Land Use Plan sections of the *Musqueam Land Use Plan* (2014) are replaced or modified as follows in accordance with the amendment provisions set out in subsection 6.2 of the Land Use Plan:

1. Within Section 5.1 of the *Musqueam Land Use Plan (2014)* (Development and Building Procedures), “This section summarizes how our Land Use Plan policies will be implemented through the Musqueam Zoning and Development By-Law and the Musqueam Building By-Law” is replaced with “This section references key Musqueam policies guiding development and building procedures”;
2. Within Section 5.1.1 of the *Musqueam Land Use Plan (2014)* (Development and Building Review), “Our development and building review procedures are attached as Schedule A” is replaced with “Musqueam development and building procedures are set out in the *Musqueam Zoning Law* and the *Musqueam Subdivision, Development and Servicing Law*. Our Zoning Law is attached as Schedule A”;
3. Section 5.2.1 of the *Musqueam Land Use Plan (2014)* (General Land Use Designations) is deleted;
4. Within Section 5.2.2 of the of the *Musqueam Land Use Plan (2014)* (Zoning and Development Standards) the body text is replaced with “Musqueam zoning and development procedures are set out in the *Musqueam Zoning Law* and the *Musqueam Subdivision, Development and Servicing Law*. Zoning Standards are attached as Schedule A”:

Zoning Standards are attached as Schedule C.

While our ‘Land Use Designations’ explain our long-term intentions and objectives for using certain land areas, our Zoning Standards establish specific policies regarding the size and shape of parcels, the activities and intensity of uses that might occur on those parcels, and the siting and configuration of building on those parcels in IR#2. These policies guide shorter-term, or current development and allow our members to understand what is allowed on a specific lot and know what to expect of future changes on their street or in their neighbourhood. Standards include residential, community facilities, and park areas as well as five

Comprehensive Development areas. Comprehensive Development Areas are large areas of land that should be developed through a comprehensive physical planning process (e.g., Triangle Lands, IR#4). Once (and if) these areas become available for development, they will require a detailed development plan including the assignment of Development Standards, layout of roads, infrastructure, building lots, and community facilities and open spaces.

5. Section 5.2.2 of the *Musqueam Land Use Plan (2014)* (General Land Use Designations) is renumbered 5.2.1;
6. Schedule “A” (Development and Building Review) of the *Musqueam Land Use Plan (2014)* is deleted;
7. Schedule “B” (Land Use Designations) of the *Musqueam Land Use Plan (2014)* is deleted;

8. Schedule “C” (Zoning and Development Standards) of the *Musqueam Land Use Plan* (2014) is replaced by this Zoning Law with the exclusion of Schedule 4 and renumbered Schedule “A”;
 9. Schedule “D” (Healthy Living and Transportation and Mobility Plans) of the *Musqueam Land Use Plan* (2014) is renumbered Schedule “B”;
 10. Schedule 4 of this Zoning Law be added as Schedule “C” (Flood Map) of the *Musqueam Land Use Plan* (2014); and
 11. Within Section 3.4.2 of the of the *Musqueam Land Use Plan* (2014) (Opportunities and Challenges to Development – IR#2), add the following text: “An updated Flood Map is provided in Schedule “C”.
- 4.1.3 Without limiting subsection 4.1.2 above, the following shall guide the application and interpretation of this Zoning Law and any regulations, Permits, approvals, amendments or Variances relating to this Zoning Law:
1. Section 4 of the *Musqueam Land Use Plan* (2014) (the Land Use Plan Vision, Objectives, and guiding principles);
 2. Schedule “B” of the *Musqueam Land Use Plan* (2014) as amended (the Healthy Living and Transportation and Mobility Plans);
 3. Any other guidelines, plans, and policies as deemed necessary, including those relating to land use and development, housing, environmental stewardship, any applicable Environmental Management Plan or process and archaeology/heritage management policies, plans or processes.

PART 5 - ZONING

5.1 Zoning

The Zones set out in Schedule 2 of this Zoning Law are hereby adopted as the Zones for Musqueam Lands.

5.2 General Regulations for All Zones

Applicability of General Regulations

- 5.2.1 Except as otherwise specified in this Zoning Law, this section 5.2 applies to all Zones established under this Zoning Law.

Uses and Regulations

- 5.2.2 No land, Building, or Structure within Musqueam Lands shall be developed, used, Constructed, Erected, modified, converted, enlarged, re-constructed, altered, placed, or maintained except in conformance with the provisions of this Zoning Law.

Servicing Requirements

5.2.3 In general, all new developments within Musqueam Lands shall have servicing (water, sewer, Streets, speed bumps, sidewalks, lighting and parking) in place or installed, in accordance with the Musqueam *Subdivision, Development and Servicing Law* or any successor unless these requirements are waived by this Zoning Law or in writing by Council or the Lands Governance Director.

British Columbia Building Code

5.2.4 All Construction, developments and projects must comply with the *British Columbia Building Code* and the *British Columbia Fire Code*, unless:

1. Musqueam considers a Variance under subsection 6.3 to amend specific provisions in support of the development of a Cultural Building; or
2. otherwise explicitly stated in this Zoning Law or another Musqueam Law.

5.2.5 For greater certainty, the conditional adoption of the *British Columbia Building Code*, the *British Columbia Fire Code* and any other codes and standards set out in Musqueam Law are:

1. without prejudice to Musqueam's aboriginal rights and title;
2. an exercise of Musqueam's inherent jurisdiction;
3. not any form of acknowledgement or acceptance that provincial laws and standards have any application to Musqueam Lands; and
4. subject to revision, Variance or removal by Musqueam Council.

5.2.6 The following uses are permitted in all Zones subject to the Land Code, the *British Columbia Building Code*, the *British Columbia Fire Code*, and any other applicable Laws or regulations:

1. Cultural Buildings;
2. Community Buildings, subject to the Zoning Standards applicable to Community Buildings in the in the Community Facilities Zone;
3. community recreation playgrounds or fields;
4. greenspace, parks and trails;
5. Streets as Approved by Musqueam;
6. Construction by a Musqueam Member for Member use of any Structure on Musqueam Land held by a C.P. Holder, which:
 - (a) is not a Dwelling Unit;

- (b) has a footprint of less than 18.60 sq. m; and
 - (c) complies with the Musqueam Subdivision, Development, and Servicing Law;
7. Construction, maintenance or finishing of trails, driveways, and internal roads on land held by Musqueam Members as CP-Holders for Member use for residential sites on which the road or driveway is completely contained within a single Lot;
 8. public utility facilities for local transmission of water, electrical power, telephone, natural gas, cable television, solar and alternative energy and other similar service (but not including electrical substations, storage yards, works yards, maintenance Buildings or maintenance offices), excluding oil pipelines/infrastructure and towers, unless expressly authorized by a separate Permit or regulation; and
 9. landscaping, and minor yard work which does not require an excavation deeper than 1.50 meters or the removal or deposit of more than 10.00 m³ of clean and uncontaminated soil, gravel or other material.
- 5.2.7 The following uses are prohibited in all Zones or all specified Zones subject to the Land Code, Schedule 2 of this Zoning Law, and any other applicable laws or regulations:
1. any activity, use or development on a Lot or Street which is not in strict conformity with the activities, uses and developments permitted for that Lot or Street in that Zone;
 2. Non-Compliant Mobile Homes for residential use, but for greater certainty, this does not apply to the Buildings or Structures permitted under a Temporary Use Permit or Temporary Zoning Permit issued under this Zoning Law or the *Musqueam Subdivision, Development and Servicing Law*;
 3. storage of derelict boats or vehicles, or as a wrecking yard or junkyard, except in areas mapped or surveyed and Approved by Council Resolution specifically for these purposes, and for greater certainty, long-term storage of derelict boats will not be allowed if options are available for proper disposal of derelict boats;
 4. parking, storage or abandonment of vehicles, boats, trucks, trucking rigs, machinery, Recreational Vehicles, trailers or gear and equipment on Streets or areas of Community Land, except in areas mapped or surveyed and Approved by Council Resolution specifically for these purposes, or in accordance with parking laws and regulations or a Permit from Musqueam;
 5. uses that are offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter, except with a Permit within a Zone that allows it or as Approved by Council for a bona fide cultural use by Musqueam or Musqueam Members;
 6. outdoor fires except:

- (a) cultural burnings that are in safe locations, with fire suppression equipment and after having notified the Musqueam Safety, Lands, Security and Public Works Departments of the proposed date and location;
 - (b) small contained recreational fire pits or fires for smoking fish or wildlife by Members in safe locations, with fire suppression equipment and during times where there is not a fire closure in place from Musqueam or the City of Vancouver Fire Department; or
 - (c) with a Permit from the Lands Governance Office;
- 7. operating a vacation rental, AirBnB or similar business, except in accordance with Musqueam Laws and regulations, and a Permit from the Lands Governance Office;
 - 8. Building, Structures or improvements by Musqueam Members on registered rights-of-way except in compliance with the terms and conditions of those rights-of-way;
 - 9. dumps or recycling areas or facilities, unless specifically permitted or authorized by Musqueam; and
 - 10. other uses set out by Council in regulations.

Siting, Size and Dimensions of Buildings and Structures

5.2.8 Except with an Approved Variance, no Building or Structure shall be Constructed, reconstructed, altered, moved or extended by the owner, Occupier, or any other person so that it contravenes the requirements for the Zone in which it located.

Subdivision of Land

5.2.9 No CP-Holder, Interest-Holder, Occupier or other Person shall Subdivide any land, except in compliance with the provisions set out in this Zoning Law and any related Musqueam Law.

Drainage

5.2.10 All developments and uses shall:

- 1. have drainage Constructed in accordance with the Musqueam Subdivision, Development and Servicing Law or any successor law; and
- 2. meet any requirements set out in this Zoning Law, and any regulations passed under this Zoning Law.

Fencing and Hedges

5.2.11 Unless otherwise specifically authorized in a Zone or by a Permit, hedges shall not exceed 4.57 meters.

5.2.12 In Musqueam IR3 and IR4, full perimeter fencing is permitted up to 2.50 meters in height.

5.2.13 Subject to subsection 5.2.30 unless otherwise specifically authorized in a Zone or by Permit, no fence, wall or projecting retaining wall shall:

1. Exceed 1.80 meters in height in a required Front Setback; and
2. Exceed 2.50 meters in height in a required Exterior Side Setback, Interior Side Setback or Rear Setback.

Accessory Buildings and Accessory Structures

5.2.14 Except with an Approved Variance, Accessory Buildings shall be located at least 2.00 meters away from any principal Building and 2.00 meters away from any Lot Line.

5.2.15 On Corner Lots, Setbacks from Accessory Buildings or Accessory Structures from the Exterior Side Lot Line shall be equal to the Front Lot Line Setback.

5.2.16 Unless in compliance with the *British Columbia Building Code* and the British Columbia Fire Code, and otherwise allowed in a Zone or by a Permit, and subject to subsection 5.2.26, Accessory Buildings shall not be used for human habitation or residential purposes.

5.2.17 Unless explicitly stated in this Zoning Law or another Musqueam Law, all Accessory Buildings shall comply with the *British Columbia Building Code* and the *British Columbia Fire Code*.

Accessory Storage Units (Cargo Containers)

5.2.18 Cargo containers are only permitted in the Musqueam Low-Density Housing, Musqueam Multiple Residential Housing, Mixed-Use, Leasehold Residential, and Special Planning Zones as Accessory Buildings if they are:

1. used as storage units or waste receptacles related to a principal use;
2. used for storage of legal, safe, and non-hazardous materials; and
3. in accordance with all requirements of subsection 5.2 of this Zoning Law and all other applicable laws.

5.2.19 Cargo containers are permitted in other Zones for storage provided they meet all other requirements set out in the zoning and requirements set out in other applicable laws.

5.2.20 Unless otherwise specifically allowed in a Zone or by a Permit, and subject to subsection 5.2.26, Cargo Containers must not be used as Dwelling Units or any other form of residence or accommodation.

5.2.21 Subject to subsection 5.2.22, Cargo Containers must not be located on any Street, sidewalk or trail, or in any location that blocks or interferes with vehicular and/or pedestrian sight lines circulation.

5.2.22 The placement of Cargo Containers, including waste bins on a Street, sidewalk or trail on Musqueam Land for temporary use:

1. requires a Temporary Use Permit or Temporary Zoning Permit from Musqueam;
2. cannot exceed seven (7) days unless otherwise Approved in a Permit from Musqueam; and
3. must minimize impacts to health, safety and visibility.

5.2.23 Cargo containers must not exceed a height of 2.60 meters and must not be stacked.

5.2.24 Multiple Cargo Containers may be located in a Zone that allows for them but they must not exceed a cumulative gross floor area of 60.00 sq. m.

5.2.25 Cargo containers must not have any signs or advertising on them other than the name of the manufacturer or supplier.



Figure 1. Example of Cargo Container storage box in residential area.

Use of Accessory Buildings, Cargos Containers, Recreational Vehicles for Residential Accommodation by Musqueam Members

5.2.26 Accessory Buildings, Cargo Containers and Recreational Vehicles owned by a Musqueam Member may be used for temporary residential use by Musqueam Members or Family of Musqueam Members for a period of not more than fourteen (14) total days in any calendar year without a written authorization or Permit.

5.2.27 Any residential use under subsection 5.2.26 requires safe connections to any electricity used by the Occupant and a means of safely and responsibly disposing of sewage and gray water.

Projections into Setback Areas

5.2.28 Projections into Setback areas include parts of Buildings and Structures that encroach into a Setback area, which is the required distance between a Building and a Lot Line.

5.2.29 No part of a Building or Structure shall project into a required Front, Exterior Side, Interior Side or Rear Setback required by this Zoning Law, except for the following:

1. steps and landings complete with handrails, fireplaces, balconies, and awnings;
2. a covered porch addition;
3. wheelchair ramps;
4. eaves, sills, belt courses, bay windows, chimneys, or other similar features;
5. an uncovered patio, sundeck, or terrace in a required Exterior Side Setback, Interior Side Setback or Rear Setback, that is not closer than 2.00 meters to a Lot Line;
6. arbors and trellises, fish ponds, flag poles or similar landscape features;
7. houseposts, welcome figures, carvings, or other Musqueam cultural representation;
8. a swimming pool, provided that such pool is not nearer than 3.00 meters to any Lot Line, nor nearer than 3.00 meters from any principal Building; and
9. an item that is the subject of an Approved Variance.



Figure 2. For this house, the Setback from the property line is measured from the house, while the steps leading to the front door are in the Setback area but do not count for the measurement.

Sight Triangles and Visual Clearance at Intersections

5.2.30 To ensure safety along Streets, intersections and exits from parking lots, a clear sight line must be maintained. Corner sight triangles, which are comprised of the below dimensions,

must be kept clear of Buildings, Structures, fences, hedges or other barriers that obstruct vision at a level higher than 0.75 meters:

1. the Lot Lines along each Street to the intersection or Street corner, or the projection of those lines, for the distance of 6.00 meters; and
2. a line connecting those two lines to form a triangle, as illustrated in Figure 3.

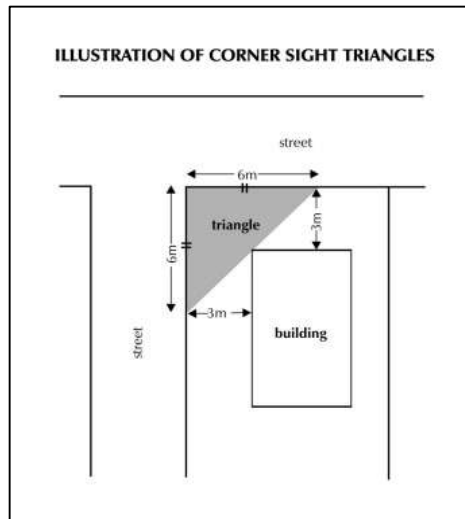


Figure 3. Illustration of Corner Sight Triangles.

Home-Based Businesses

5.2.31 The following Home-Based Businesses are not permitted within Musqueam Lands:

1. Any use involving repair or servicing of heavy-duty equipment or boats;
2. Commercial storage of boats, Mobile Homes or Modular Homes or parts for Mobile Homes or Modular Homes, Recreational Vehicles, vehicles or trucking rigs;
3. Sawmills and/or any lumber processing;
4. Industrial scale welding;
5. Animal kennels and/or other animal related uses, excluding grooming;
6. Cutting and/or wrapping of wild game or other animal and fish products, except in a manner consistent with Musqueam Aboriginal rights;
7. Industrial scale business use;
8. Adult business use including but not limited to prostitution and escort services;
9. Any resale outlets such as pawnbrokers or similar uses;

10. Dry cleaning or laundry services;
11. Any use that is not aligned with Musqueam values and traditions;
12. Any use that is illegal or a contravention of the Criminal Code of Canada; or
13. Except for Cultural Uses carried out in a reasonable way at reasonable hours and in compliance with Musqueam Laws and policies, in accordance with the Musqueam Nuisance Bylaw, any use which produces any offensive noise, vibration, traffic, smoke, dust, odour, glare, heat or electrical interference which could interfere with the quiet enjoyment of homes and yards by neighbours.

5.2.32 Home-Based Businesses taking place entirely within a Dwelling Unit are permitted provided they comply with this Zoning Law, other Laws and bylaws, including those related to business permits, and any applicable leases.

5.2.33 Home-Based Businesses in an Accessory Building that does not comprise a Dwelling Unit may be permitted subject to written approval by Musqueam, provided that they:

1. comply with existing laws and bylaws including business permit and nuisance laws and bylaws;
2. do not require the delivery or removal of materials or products in bulk by commercial vehicles or trailers;
3. do not attract an amount of customer traffic that may pose a traffic or parking issues or safety risk within a residential area;
4. except in compliance with a Permit, do not operate between the hours of 9:00 PM and 8:00 AM;
5. have, in relation to automotive or mechanical uses, impermeable surfaces, fluid collection systems and ensure there is no discharge or dumping of contaminants;
6. comply with all applicable federal and provincial laws;
7. provide records of compliance if requested by Musqueam;
8. except for Cultural Uses carried out in a reasonable way at reasonable hours and in compliance with Musqueam Laws and policies, do not produce any offensive noise, vibration, traffic, smoke, dust, odour, glare, heat or electrical interference which could interfere with the quiet enjoyment of homes and yards by neighbours; and
9. do not utilize materials or processes that produce flammable explosive vapours or gases under ordinary temperatures.

Additional Dwelling Units and Infill Homes

- 5.2.34 Subject to this section, sufficient lot size, suitability, servicing and infrastructure capacity, meeting Setback requirements, applicable Zoning Standards, and other Musqueam Laws, Musqueam may consider issuing Permits under the *Musqueam Subdivision, Development and Servicing Law* and this Zoning Law to allow Additional Dwelling Units and Infill Homes.
- 5.2.35 Unless otherwise specifically authorized in a Zone or by a Permit, a primary Dwelling Unit cannot have more than two Additional Dwelling Units in total.
- 5.2.36 Despite subsection 5.2.35, a Primary Dwelling Unit that was created as an Infill Home cannot have more than one Additional Dwelling Unit, which must be internal or Attached to the Primary Dwelling Unit.
- 5.2.37 Unless otherwise authorized in writing by Musqueam or explicitly stated in a Musqueam Law, each Additional Dwelling Unit or Infill Home must:
1. comply with all requirements set out in the *British Columbia Building Code*, the *British Columbia Fire Code*, and any other applicable legal and safety standards and Musqueam Laws and bylaws, including those relating to fire and smoke alarms and separation from vehicle exhaust from garages;
 2. have its own separate cooking, sleeping, and bathing facilities;
 3. have direct access to the outside without passing through any part of the Primary Dwelling Unit or Accessory Building;
 4. have sufficient servicing, utilities and infrastructure to support the additional dwelling;
 5. have sufficient safe parking spaces to avoid excessive or dangerous accumulations of vehicles on the street;
 6. allow for safe access by emergency service vehicles;
 7. meet all utilities and infrastructure space and access requirements; and
 8. comply with the Musqueam Housing Policy and Rental Agreements.
- 5.2.38 Despite subsection 5.2.35, Additional Dwelling Units and Infill Homes are not permitted in the Leasehold Residential Zone.

Climate, Environmental and Heritage Assessments

- 5.2.39 Prior to any development, assessments must be completed by an appropriately Qualified Professional as required under applicable Musqueam checklists, legislation, protocols or procedures to:
1. identify potential development limitations associated with the site, including:

- (a) Watercourses located within the Lot or within 30.00 meters of the Lot;
 - (b) floodplain boundaries, Heritage Resources, trees or other environmentally sensitive areas located within the Lot or within 3.00 meters of a Lot Line; and
 - (c) Wildfire hazards, including trees on or near the Lot;
2. assess:
 - (a) the potential impacts of the factors identified in subsection 5.2.39.1 above on development potential; and
 - (b) the climate risks associated with the proposed development in the medium-term (25 years from now) and the long-term (75 years from now), including sea-level rise, and increased flood, heat and wildfire risk;
 3. provide recommendations on means of avoiding or mitigating any impacts identified in subsection 5.2.39.2 above.

Floodplains

5.2.40 In order to reduce risks to human life and health and Structures from flood damage and reduce the risks of increased flooding and erosion, while still enabling and encouraging providing housing opportunities for Members within the very limited Reserve land base, Musqueam hereby sets the Flood Construction Level at 4.70 meters Metro Vancouver datum.



Figure 4. Examples of Buildings that Do and Do Not Comply with Flood Construction Level Requirements

5.2.41 All Buildings on Musqueam Lands used or intended for residential purposes or human habitation must be Constructed to ensure that any habitable floor areas are:

1. at least 0.30 meters above the highest point of the nearest Street;
2. at least 0.60 meters above the Top of Bank of the nearest Drainage Ditch; and

3. at least above the Flood Construction Level set out in this Zoning Law or in compliance with a flood hazard mitigation strategy or Variance Approved by Council;
4. designed to avoid causing drainage issues or impacts to other Lots, Streets or infrastructure; and
5. in compliance with any other requirements set out in Musqueam regulations.

5.2.42 The Lands Governance Director may require a report or a design certified by an engineer for any proposed Construction, development or use:

1. to ensure the Construction, development or use meets the requirements for drainage set out in subsection 5.2.10;
2. that does not strictly comply with the requirements set out in this Zoning Law; or
3. that is prescribed by regulation.

Setbacks from Watercourses

5.2.43 Any Setback from a Watercourse shall be from the high-water mark or the top-of-the-bank.

5.2.44 If there is any disagreement or dispute regarding the nature or location of a Watercourse, the Lands Governance Director may require the issue to be settled by a qualified biologist or surveyor assuming the Watercourse is to be deemed a 'stream' as defined in federal and provincial law.

5.2.45 Any development located along a Watercourse must:

1. for fish-bearing Watercourses, not be within a 30.00-meter Setback area from the Top of Bank unless authorized by a Permit issued by Musqueam;
2. for all other non-fish-bearing Watercourses, not be within a 15.00-meter Setback area from the Top of Bank unless authorized by a Permit issued by Musqueam;
3. receive confirmation of the final Setback evaluation in writing from the Musqueam Environmental Stewardship Department and a Qualified Environmental Professional; and
4. comply with all applicable Musqueam Laws and environmental best practices.

5.2.46 All landscaping, planting, trails, Cultural Use areas and Structures within a Setback area must be Approved in writing by Musqueam with reference to any applicable design guidelines or policies.

5.3 Development Protection Areas

5.3.1 Council may establish Development Protection Areas in a Land Use Plan or regulation for one or more of the following objectives:

1. protection and preservation of Musqueam Cultural Heritage Resources;
2. protection of the Environment, its ecosystems or biological diversity, including protection of fish and wildlife habitat;
3. protection of water courses and domestic water sources;
4. to promote water conservation or energy conservation
5. establishment of objective to promote greenhouse gas reductions;
6. protection of foreshore areas;
7. protection of development from hazardous conditions, including erosion, flooding, wildfire, extreme heat risk, and slope stability issues;
8. revitalization of an area in which commercial use is permitted;
9. establishment of objectives for the form and character of intensive residential development;
10. commercial, industrial or Multiple Residential development; or
11. any other objectives which Council considers necessary or advisable.

5.3.2 A Land Use Plan or regulation that establishes a Development Protection Area must:

1. describe the conditions or objectives that justify the application of a Development Protection Area; and
2. specify guidelines for the manner by which the conditions or objectives will be addressed.

5.3.3 A Land Use Plan or regulation that applies a Development Protection Area may set out:

1. any requirements of the type included in section 491 of the *Local Government Act* (British Columbia), but for greater certainty the *Local Government Act* (British Columbia) does not apply to Musqueam Lands;
2. any requirements for reports, studies, designs or certifications to be provided by a Qualified Professional with experience relevant to the applicable matter;

all of which must be provided or addressed at the expense of the CP-holder, lessee or developer.

Prohibitions

5.3.4 In a Development Protection Area, a Person must not do the following:

1. Subdivide;

2. commence any Constriction, alteration, repair, removal or demolition of a Building;
3. Construct any street, driveway, Lane or intersection;
4. Construct or extend utility infrastructure to service a Lot; or
5. commence or undertake any clearing, grading, filling, blasting or other alteration of Musqueam Land,

unless a valid Development Protection Area Permit has been issued under the Musqueam *Subdivision, Development and Servicing Law* in respect of the activities described in paragraphs 5.3.4.1 to 5.3.4.5, as applicable.

5.4 New Zones

5.4.1 Council, with the advice of the Lands Committee and Lands Governance Office, may by Resolution or regulation:

1. add details or prescribe requirements for any Zone; or
2. add new Zones to the Zoning Regulation.

5.4.2 Any new Zones created under this section 5.4 that are compatible with the Land Uses applied in any duly Approved Land Use Plan do not require a regular Member vote or Ratification Vote under the Land Code.

PART 6 - NON-CONFORMING USES AND VARIANCES

6.1 Variance Committee

6.1.1 The Musqueam Variance Committee is hereby established to:

1. evaluate and make decisions on Applications for a Variance;
2. establish policies and procedures for operation of the Variance Committee and the carrying out of its duties in a manner consistent with this Zoning Law and the Land Code; and
3. carry out such other duties and responsibilities as may be assigned to the Variance Committee under Musqueam Law or regulation.

Composition of Variance Committee

6.1.2 The Variance Committee shall be composed of three (3) Persons as follows:

1. a member of Council, appointed by Resolution of Council;
2. a member of the Lands Committee; and
3. the Lands Governance Director; or

- 6.1.3 If any of the Variance Committee members is found to have a potential conflict of interest, another member from a category set out in subsection 6.1.2 may be appointed to replace the member with a potential conflict of interest.

Chairperson of Variance Committee

- 6.1.4 The Council Member shall be the Chairperson of the Variance Committee, provided that in the absence of the Council member or a circumstance under subsection 6.1.3, the Lands Governance Director will act as Chairperson.

- 6.1.5 The Chairperson shall be responsible for organizing, calling and presiding at all meetings of the Variance Committee shall perform such other duties as may be assigned to the Chairperson by the Variance Committee.

6.2 Non-Conforming Uses

- 6.2.1 Despite Part 5 but subject to subsection 6.2.2, the following that were legally and validly in place at the time of the passage of this Zoning Law may be conditionally continued as Legal Non-Conforming Uses subject to this subsection 6.2:

1. use of land or Structures;
2. residential tenure set pursuant to subsection 9.3.2.8 of this Zoning Law;
3. the carrying out of any activities or class of business or trade; and
4. public or Musqueam Member access or use limitations.

- 6.2.2 For greater certainty, the following do not meet the requirements to be Legal Non-Conforming Uses under this Zoning Law, unless determined to be legally non-conforming in writing by the Lands Governance Director or Council after considering all of the available evidence, and may be ordered to be removed by Council or the Lands Governance Director at the expense of the Interest-Holder or CP-Holder:

1. signs;
2. a Structure, use or activity within the Parcel 'A' or Parcel 'B' Musqueam Lands which was not in strict compliance with all applicable laws and the lease at the time it was Constructed or began;
3. any rentals, use or occupation by non-Members of homes or Musqueam Lands held by Members;
4. fences, hedges, Structures and other improvements that were planted or Constructed over Lot Lines, Statutory Rights of Way, easements or similar interests without valid written authorization;
5. a situation where an Interest-Holder, CP-Holder, or Occupant should have installed retaining walls, geotechnical Structures, drainage, or similar infrastructure, but has not yet done so; or

6. any uses that were not in strict compliance with any applicable laws or leases.
- 6.2.3 While a Legal Non-Conforming Use is continued, an applicant may apply to construct an addition, alteration or Accessory Building, which would increase the floor area that existed on the Lot at the time this Zoning Law was enacted by up to fifty (50) percent, subject to applicable Musqueam Laws, policies, guidelines and standards.
- 6.2.4 A structural alteration or addition, except one that is required under Musqueam Law or permitted in relation to an application, must not be made in or to a Building or other Structure while the Legal Non-Conforming Use is continued.
- 6.2.5 Nothing in this Part 6 authorizes the Legal Non-Conforming Use to be continued on a scale or to an extent or degree greater than that at the time this Zoning Law comes into force, except as set out in subsection 6.2.3.
- 6.2.6 For the purposes of this Part 6, a change of owners, tenants or Occupants of any land, or of a Building or other Structure, does not, by reason only of the change, affect the use of the land or Building or other Structure.
- 6.2.7 In the event that a Legal Non-Conforming Use is discontinued for a period of one hundred and eighty (180) days or longer, such Legal Non-Conforming Use shall not be resumed except in compliance with the provisions of this Zoning Law.

Procedure if non-conforming Structure significantly damaged

- 6.2.8 A Building or Structure which is non-conforming and sustains damage to sixty-six percent (66%) or more of its value cannot be repaired or replaced except in compliance with this Zoning Law.
- 6.2.9 Where any Building or Structure, the use of which is non-conforming, is significantly damaged, the owner or person lawfully in possession of the Building or Structure shall report the damage to Lands Governance Office and:
1. the Lands Governance Director shall retain a Qualified Professional at the expense of the Interest-Holder or CP-Holder to carry out an inspection in the presence of the Lands Governance Director or their designate to assess that Building or Structure; and
 2. if it is determined that the extent of the damage is sixty-six percent (66%) or more of its value, the Lands Governance Director shall report the initial determination to Council for review.
- 6.2.10 After having reviewed the determination of the Qualified Professional forwarded by the Lands Governance Director, Council shall:
1. decide whether to confirm, reject or vary the initial determination; and
 2. give written notice of its decision to the person lawfully in possession of the Building or Structure.

6.2.11 The notice referred to in paragraph 6.2.10.2 shall state:

1. the percentage of the value of the Building or Structure which has, in the opinion of Council, been damaged;
2. that where any Building or Structure, the use of which is non-conforming, is damaged to the extent of sixty six-percent (66%) or more of its value, that Building or Structure shall not be repaired or reconstructed except in conformity with this Zoning Law; and
3. that the person lawfully in possession of the Building or Structure may apply for a review of the decision of Council within 15 days of his receipt of the notice by sending a Request for a Review to the Lands Governance Office.

A person may request a review

6.2.12 A person may request a review of a decision set out in a notice of decision under paragraph 6.2.10.2 by sending a Request for a Review to the Lands Governance Office that:

1. is accompanied by a corresponding non-refundable fee, which, unless otherwise stated in a fee schedule, regulation or Council Resolution, is \$250.00;
2. is in writing and signed by the individual;
3. sets out the name and address of the individual;
4. states the percentage of the value of the Building or Structure which has, in the opinion of the individual, been damaged;
5. includes any supporting photos, documents, expert reports or other relevant information; and
6. includes any other documents or information set by regulation or resolution.

6.2.13 Within forty-five (45) days of receipt of a Request for a Review under subsection 6.2.12, the Variance Committee shall hold schedule a meeting or add an agenda item to a meeting respecting the Review.

6.2.14 The Variance Committee shall give at least seven (7) days' notice in writing of the Review meeting to:

1. the individual who made the Request for a Review;
2. those persons lawfully in possession of any lands adjacent to the land on which the Building or Structure is situated and any other person who, in the opinion of Council, may be affected by the decision; and
3. such other person or persons specified by Council.

6.2.15 The Lands Governance Director shall make available for public inspection before the commencement of the Review meeting all photos, documents, reports and other material relevant to the determination of the extent of the damage to the Building or Structure.

6.2.16 At the Review meeting, the Variance Committee shall provide the following persons with an opportunity to present information and to make oral and written submissions regarding the extent of the damage to the Building or Structure in question:

1. the individual who requested the Review;
2. the Chief Administrative Officer or the Lands Governance Director;
3. any other person who was given notice in writing of the hearing and who wishes to be heard; and
4. any other person who, in the opinion of the Variance Committee, is potentially affected or has information which could contribute to a fair determination.

6.2.17 Within thirty (30) days after the Review meeting, the Variance Committee shall make a decision about the Review by confirming, rejecting or varying the determination made by the CAO, the Lands Governance Director, or a Qualified Professional regarding the extent of the damage to the Building or Structure.

6.2.18 If the Variance Committee confirms that the Building or Structure has been damaged to the extent of sixty-six percent (66%) or more of its value, the Building or Structure shall not be repaired or reconstructed except in conformity with this Zoning Law.

6.2.19 Within five (5) days after making a decision about the review the Variance Committee shall:

1. give written notice of its decision to the appellant; and
2. post a notice of its decision in the Band office.

6.2.20 Any notice which Musqueam is required to give may be served personally or sent by registered mail, provided that where the notice is sent by registered mail, it shall be deemed to be received by the addressee on the fifth day after it is mailed.

6.3 Variances

6.3.1 A Person who wishes to vary one of the requirements listed below with respect to certain Musqueam Lands may submit a Variance Application to the Lands Governance Office if the Person reasonably believes that compliance with such requirement would cause the Person hardship:

1. a provision under this Zoning Law or another Musqueam Law or regulation respecting Setbacks, the siting, dimensions, Height or size of a Building or Structure;
2. the prohibition of a structural alteration, replacement or addition; or

3. a requirement or other restriction prescribed in a regulation as being a potential subject for a Variance Application.

6.3.2 Despite subsection 6.3.1, the following restrictions and prohibitions apply to all Variance decisions. No Variance shall:

1. be allowed to alter the use or density set out in the Zoning Standards applicable to the Lot subject to the Variance Application;
2. be considered except for Setbacks, Lot Coverage, sign size and location, Building Height, Lot size, siting of a Building or Structure, similar matters and other matters specifically prescribed by regulation;
3. be Approved unless the applicant can demonstrate that a hardship would result if a Variance Permit is not granted;
4. adversely affect the integrity of a site of Cultural Heritage Resources or environmental resources;
5. vary the absolute minimum Setbacks set out in this Zoning Law or by regulation, if there is one;
6. compromise fire safety;
7. adversely affect the Environment in a significant manner;
8. create or contribute to significant geotechnical, flood or flooding risks;
9. cause a major nuisance or inconvenience to neighbours; nor
10. compromise the basic livability and aesthetics for the project, development or neighbourhood.

Application Processing

6.3.3 An Application under subsection 6.3.1 shall include the following:

1. a completed Lands Governance Office Application form;
2. materials requested in any Application Checklists provided by the Lands Governance Director;
3. payment of the fee prescribed by a fee schedule, regulation or Council Resolution;
4. documentation of current ownership;
5. a description of the proposed Variance;
6. the reasons for requesting the proposed Variance;

7. sufficient surveys, plans or other documents to clearly identify the alleged hardship and the proposed Variance;
 8. any other information or documents requested by the Lands Governance Director, or required by this Zoning Law or a regulation.
- 6.3.4 Upon receipt of a completed Application under subsection 6.3.3, the Lands Governance Office shall:
1. review basic servicing and land use issues in relation to the Application;
 2. request additional details, plans, sketches, studies or other information considered applicable by the Lands Governance Director;
 3. notify all owners and tenants in occupation of the following in writing via delivery or mail:
 - (a) the Musqueam Land that is the subject of the Application;
 - (b) the Musqueam Land that is adjacent to land that is the subject of the Application; and
 - (c) the notice must include:
 - (i) a copy or summary of the application;
 - (ii) a sketch, map or plan;
 - (iii) a description of how potentially affected persons may provide comments to the Musqueam Lands Governance Office; and
 - (iv) a deadline for comments that is at most twenty (20) days from the date of the notice.
- 6.3.5 Any costs for preparing or posting the notices referenced in subsection 6.3.4.3 shall be paid by the applicant, either directly, or through the Variance Application fee.
- 6.3.6 Upon expiration of the time for submitting comments under subsection 6.3.4.3.(c)(iv) and after all additional information has been provided under subsection 6.3.4.2, the Lands Governance Office shall issue notices in writing request comments from appropriate reviewing bodies and the Lands Committee on the Application.
- 6.3.7 Notice provided under subsection 6.3.6 shall include:
1. a summary of the Application;
 2. a request for comments on the Application; and
 3. a deadline for comments that is at most twenty (20) days from the date of the notice.

6.3.8 Upon expiration of the time for submitting comments under paragraph 6.3.7.3, the Musqueam Lands Governance Office shall:

1. prepare a report on the Application including:
 - (a) a summary of comments received under subsections 6.3.4 and 6.3.6;
 - (b) a planning analysis, which addresses the considerations set out in subsections 3.2, 4.1.3 and 6.3.2 of this Zoning Law;
 - (c) an overview of other factors the Lands Governance Director deems expedient; and
 - (d) a Draft Variance Permit;
2. provide a copy of this report to the Variance Committee.

6.3.9 Upon receipt of the report prepared under subsection 6.3.8, the Application and report shall be considered at a meeting of the Variance Committee, where the Variance Committee, on recommendation from the Lands Committee, may order that:

1. an Application for a minor Variance be rejected;
2. direct the Lands Governance Office to provide or request additional information with respect to the Application; or
3. approve an Application for a minor Variance, and impose any requirements or conditions recommended by the Lands Governance Director or the Lands Committee.

6.3.10 Where the Variance Committee requests additional information under paragraph 6.3.9.2, the Musqueam Lands Governance Office shall prepare a revised report under subsection 6.3.8 and provide a copy of the revised report to the Variance Committee for reconsideration pursuant to subsection 6.3.9.

6.3.11 A decision by the Variance Committee under subsection 6.3.9 or 6.3.10 is final.

6.3.12 If the Variance Committee authorizes a Variance, the Lands Governance Director shall:

1. finalize the draft Variance Permit with any changes directed by the Variance Committee, and send it to the applicant for signature;
2. prior to giving the applicant the Variance Permit, require that any person receiving a Variance Permit sign an indemnity and waiver to release and protect Musqueam against any liability;
3. carry out any other requirements or directions from the Variance Committee, Council or as set out in law; and

4. after a fully signed Variance Permit has been provided to the Lands Governance Office, register the Variance Permit in the First Nations Land Registry System.

6.3.13 The Variance Permit shall be effective as of the date of registration under paragraph 6.3.12.4.

PART 7 - REZONING AND LAND USE AMENDMENTS

7.1 Rezoning and Land Use Amendments

Application for Rezoning or Land Use Amendment

- 7.1.1 Council, a Member, a Musqueam entity or Department or other entities allowed by regulation may request a Rezoning or Land Use Amendment.
- 7.1.2 A Rezoning Application or Land Use Amendment is not required for assigning Zones or Land Uses to new Lots arising from corrections to surveys within Musqueam Lands.
- 7.1.3 An Interest-Holder or CP-Holder may request a Rezoning provided that the proposed amendment is consistent with the Land Use Plan.
- 7.1.4 Council, a Musqueam Department or a Musqueam corporation or entity may also request a Rezoning, but they are required to apply in the same manner as any other applicant.
- 7.1.5 Any Rezoning Application in a manner that is not consistent with the Land Use Plan, must proceed through the process set out in subsection 7.1 for Land Use Amendments prior or concurrent to the Rezoning.

Applications for Rezoning or Land Use Amendments

- 7.1.6 Where an eligible applicant applies for a Rezoning or Land Use Amendment, they shall submit an Application to the Musqueam Lands Governance Office in the form Approved by the Lands Governance Director.
- 7.1.7 The Rezoning or Land Use Amendment shall be effective as of the date of the Resolution approving the corresponding Application.

7.2 Temporary Zoning Permit

- 7.2.1 An applicant may apply for a Temporary Zoning Permit to allow them to carry out for up to one year an activity or land use that would otherwise be prohibited by this Zoning Law or a Land Use Plan.
- 7.2.2 Notwithstanding subsection 7.2.1, an applicant may apply for a Temporary Zoning Permit for the following uses for up to one (1) year that would otherwise be prohibited by this Zoning Law, if all the following conditions are met:
 1. there is any necessary hook-up for septic services;
 2. all fire safety and electrical safety requirements have been met;

3. the applicant provides proof of fire protection and liability insurance coverage in the amount directed by the Lands Governance Director; and
 4. a Temporary Zoning Permit is sought for one of the below purposes:
 - (a) to allow a Family member of an applicant to reside in a temporary accessory Dwelling Unit in an urgent situation; or
 - (b) to allow an applicant to reside in a Tiny Home or Modular Home that is on wheels or is not attached to a permanent foundation for the purposes of assessing the suitability of this form of accommodation before committing to a Tiny Home lifestyle.
- 7.2.3 The intent of Temporary Zoning Permits is to enable the applicant to carry on a use, which is not a major deviation from allowable uses in applicable Zoning Standards or Land Use provisions under a Land Use Plan, for a short period of time while they apply for a Rezoning or Land Use Amendment.
- 7.2.4 If Council authorizes a Temporary Zoning Permit, the Lands Governance Director shall:
1. finalize the draft Temporary Zoning Permit with any changes directed by Council, and send it to the applicant for signature;
 2. prior to Musqueam executing the Temporary Zoning Permit, require that any person receiving a Temporary Zoning Permit sign an indemnity and waiver to release and protect Musqueam against any liability;
 3. carry out any other requirements or directions from Council or as set out in law; and
 4. after a fully signed Temporary Zoning Permit has been provided to the Lands Governance Office, register the Temporary Zoning Permit in the First Nations Land Registry System.
- 7.2.5 The Temporary Zoning Permit shall be effective as of the date of registration under paragraph 7.2.4.4.
- 7.2.6 A Temporary Zoning Permit Approved under subsection 7.1.7 expires upon the earlier of:
1. the date set for expiration by Council in the Resolution approving the Permit; or
 2. the first anniversary of the date of the Council Resolution approving the Permit.
- 7.2.7 A Person with a Temporary Zoning Permit may apply to renew the Permit only once for a period of up to one more year.
- 7.2.8 It is prohibited for a Person to apply for more than one renewal for a Temporary Zoning Permit for the same use on the same Lot.

7.3 Application Processing

7.3.1 An Application under subsection 7.1.6 or 7.2.1 shall include the following:

1. a completed Lands Governance Office Application form;
2. materials requested in any Application Checklists provided by the Lands Governance Director;
3. a parcel title abstract for the applicable Lot;
4. payment of the fee prescribed by a fee schedule, regulation or Council Resolution;
5. documentation of current ownership;
6. a description of the proposed uses and amendments;
7. the reasons for requesting the proposed uses and amendments;
8. a map showing the geographic boundary of the area affected by the Application, including adjacent properties; and
9. any other information or documents requested by the Lands Governance Director, or required by this Zoning Law or a regulation.

7.3.2 Upon receipt of a completed Application under subsection 7.1.6 (Rezoning or Land Use Amendment) or subsection 7.2.1 (Temporary Zoning Permit), the Lands Governance Office shall:

1. review basic servicing and land use issues in relation to the Application;
2. request additional details, plans, sketches, studies or other information considered applicable by the Lands Governance Director;
3. after all additional information has been provided under paragraph 7.3.1 or at the discretion of the Lands Governance Director:
 - (a) provide the Lands Committee with a written notice that includes:
 - (i) a summary of the Application;
 - (ii) a request for comments on the Application in light of the considerations set out in subsections 3.2.1 and 4.1.3 of this Zoning Law; and
 - (iii) a deadline for comments that is at most twenty (20) days from the date of the notice;
 - (b) Upon expiration of the time for submitting comments under paragraph 7.3.2.3.(a)(iii), prepare a preliminary report addressing:
 - (i) any comments received from the Lands Committee; and

- (ii) the impact of the proposed amendments and uses in light of the considerations set out in subsections 3.2.1 and 4.1.3 of this Zoning Law, including a recommendation as to whether or not the Application should proceed for further consideration;
- (c) provide a copy of the report prepared under paragraph 7.3.2.3.(b) to Council; and
- (d) Upon receipt of a preliminary report prepared under paragraph 7.3.2.3.(b), the Application shall be considered at a duly scheduled Council meeting.
- (e) In the case of an Application by an Interest-Holder or CP-Holder:
 - (i) ensure that notice of the Council meeting referred to under paragraph 7.3.2.3.(d) is provided to the applicant and that the applicant has an opportunity to answer any questions Council may have about the Application; and
 - (ii) ensure the public aspects of the preliminary report of the Lands Governance Office prepared under paragraph 7.3.2.3.(b) are provided to the applicant prior to the meeting where the Application will be considered.
- (f) At a Council meeting held under subsection 7.3.2.3.(d), Council shall:
 - (i) review the preliminary report of the Lands Governance Office;
 - (ii) if requested by an applicant, Council in its sole discretion may decide to hear from the applicant; and
 - (iii) shall by Resolution decide whether the Application should proceed for further consideration by Musqueam or be rejected.
- (g) In the case of an Application by an Interest-Holder or CP-Holder, the Lands Governance Office shall give the applicant written notice of the decision under paragraph 7.3.2.3.(f).

7.3.3 Council shall provide a copy of the Resolution under paragraph 7.3.2.3.(f) to the Lands Governance Office.

7.3.4 If Council decides that an Application should proceed for further consideration under paragraph 7.3.2.3.(f), the Lands Governance Office shall issue notices requesting comments from appropriate reviewing bodies, Affected Interest-Holders, the Lands Committee and Musqueam Members on the Application.

7.3.5 Notices requesting comments under subsection 7.3.3 shall be given to the appropriate reviewing bodies, Affected Interest-Holders, the Lands Committee and Musqueam Members by:

1. publication of a notice in the Musqueam newsletter mailed to Members or by separate written notice, delivered or mailed to Members;
2. written notice, delivered or mailed to Affected Interest-Holders;
3. written notice to the Lands Committee; and
4. posting of the notice in a public area of the Musqueam Administration Building and on the Musqueam website.

7.3.6 Notice provided under subsection 7.3.5 shall include:

1. a summary of the Application;
2. a request for comments on the Application; and
3. a deadline for comments that is at most twenty (20) days from the date of the notice.

7.3.7 Upon expiration of the time for submitting comments under paragraph 7.3.6.3, the Musqueam Lands Governance Office shall:

1. prepare a final report on the Application including:
 - (a) a summary of comments received under subsection 7.3.5;
 - (b) a what we heard report from any applicable Musqueam Member engagement;
 - (c) a planning analysis, which addresses the considerations set out in subsections 3.2.1 and 4.1.3 of this Zoning Law;
 - (d) an overview of other factors the Lands Governance Director deems expedient;
 - (e) a revised draft of the Land Use Plan showing any proposed Land Use Amendment;
 - (f) a revised draft of the Zoning Regulations showing any proposed Rezoning; and
 - (g) a draft of any proposed Temporary Zoning Permit;
2. upon the completion of any applicable processes under section 7.4:
 - (a) update the final report with a what we heard report from any applicable Musqueam Member engagement, including the results of any applicable Member votes; and
 - (b) provide a copy of this report to Council.

7.3.8 Upon receipt of the report prepared under subsection 7.3.7.1, the Application and report shall be considered at a duly convened Council meeting where Council shall by Resolution:

1. reject the Application;
2. direct the Lands Governance Office to provide or request additional information with respect to the Application; or
3. approve the Application, and imposing any requirements or conditions recommended by the Lands Governance Director or the Lands Committee or that Council deems to be in the best interests of Musqueam.

7.3.9 Where Council requests additional information under paragraph 7.3.8.2 the Musqueam Lands Governance Office shall prepare a revised report under subsection 7.3.7 and provide a copy of the revised report to Council to be considered at a duly scheduled Council meeting where the procedure under subsection 7.3.8 shall be followed.

7.3.10 A copy of the Resolutions under subsection 7.3.8 or 7.3.9 shall be:

1. provided to the applicant;
2. provided to Affected Interest-Holders;
3. provided to the Lands Committee; and
4. posted in a public area of the Musqueam Administration Building and on the Musqueam website.

7.3.11 Due to the limited Reserve land base, the importance of community input and Member votes under the Land Code and in relation to the Land Use Plan, and the importance of developing Musqueam Lands in the best interests of Musqueam, a decision by Council under subsection 7.3 is final and is not subject to review or appeal.

7.3.12 Despite subsection 7.3.11, if an Application under 7.3.1 is rejected by Council under subsection 7.3.2.3.(f), 7.3.8 or 7.3.9 the applicant or another applicant can submit a revised Application taking into account concerns expressed during the review of the initial Application and any reasons given by Council for the rejection of the initial Application.

7.4 Community Approval

7.4.1 For greater certainty, community approval by a regular Meeting of Members is required for any of the following, but may be carried out in a manner to allow for electronic voting in accordance with the Land Code:

1. adoption of any new Land Use Plan;
2. a Rezoning from the Protected Ecological and Cultural Areas Zone to another Zone;

3. a Land Use Amendment to reclassify a portion of Musqueam Lands from a protected ecological or cultural area, or similar Land Use, to a different Land Use;
 4. a Rezoning or Land Use Amendment that may lead to the disruption or destruction of the site of a Heritage Resource, as recommended by the Musqueam Archaeology Department; or
 5. a Rezoning or Land Use Amendment to support a major change in density or the establishment of an industrial use where previously not permitted.
- 7.4.2 For greater certainty, community approval by a Member vote is not required for any of the following, but may in the sole discretion of Council be put to a regular Meeting of Members or a poll of members:
1. creation or amendment of Zones in a manner that is consistent with a Land Use Plan; or
 2. other similar matters.
- 7.4.3 For matters requiring a regular Members vote, the Lands Governance Office shall work with Council and Administration to prepare an engagement plan, which may include e-meetings or electronic voting in accordance with the *Land Code*.
- 7.4.4 Any engagement plan prepared under subsection 7.4.3 shall:
1. satisfy all requirements for a Meeting of Members and regular Member vote under the Land Code, including section 13;
 2. provide Members with education, information and opportunities for input on the Application; and
 3. meet any other requirements set out in the Land Code, this Zoning Law and any applicable regulations.
- 7.4.5 Notice of the Meeting of Members where an Application under subsection 7.4.1 will be provided, discussed and voted on shall include:
1. the information required under the Land Code, including section 13;
 2. a summary of the Application;
 3. a summary of the final report prepared under subsection 7.3.7.1 of this Zoning Law;
 4. a statement that there will be a vote by secret ballot of the Members present at the Meeting of Members to vote on the Application;
 5. a statement that the final report prepared under subsection 7.3.7.1 of this Zoning Law is available for inspection at the Musqueam Administration Building; and

6. the date, time and place of the Meeting of Members also specifying the time period during which such voting will take place.
- 7.4.6 At the Meeting of Members called to vote on an Application under subsection 7.4.1, the purpose and provisions of the proposed amendments shall be explained to the Members present at the Meeting, and Members shall be entitled to ask questions and provide comments.
- 7.4.7 If a regular Member vote is successful in accordance with the Land Code, the Lands Governance Office shall, within thirty (30) days of the Member vote, undertake any applicable processes set out in subsection 7.3.7.2 to 7.3.10 of this Zoning Law.

PART 8 - LEGAL

8.1 Severability

In the event that all or any part of any section or sections of this Zoning Law are found by a court of competent jurisdiction to be invalid, such sections shall be severable, and the remaining portions or sections shall remain in full force and effect.

8.2 Notice

Where Musqueam is required to give notice to or imposes an additional cost or charge against the Interest-Holder or CP-Holder and two or more persons are shown as holders in respect of a Lot, then a notice given to or a cost or charge imposed against one Interest-Holder or CP-Holder is not invalidated by the failure to give notice to or to impose a charge against any other holder.

8.3 Immunity

8.3.1 No claim of any nature nor action for damages lies or may be instituted against present or past Council, Fire Chief, officer, fire fighter, Members, committee members, employees, servants or agents of either Musqueam or Council:

1. for anything said or done or omitted to be said or done by that person in the performance or intended performance of the person's duty or the exercise of the person's authority; or
2. for any alleged neglect or default in the performance or intended performance of the person's duty or the exercise of the person's authority.

8.3.2 Section 8.3.1 does not provide a defense if:

1. Council, Musqueam Law Enforcement Officer, Fire Chief, Officer or fire fighter, or members, employees, servants or agents have, in relation to the conduct that is the subject matter of the action, been guilty of dishonesty, gross negligence or malicious or willful misconduct; or
2. the cause of action is libel or slander.

8.3.3 Musqueam, present or past Council, or members, employees, servants or agents of any of Musqueam or Council is not liable for:

1. any decrease in value or use of an interest or Structure arising in relation to this Zoning Law, the Land Use Plan or regulation duly passed; or
2. any damages or other loss, including economic loss, sustained by any person, or to the property of any person, as a result of neglect or failure, for any reason, to discover or detect any contravention of this Zoning Law or any other Musqueam Law, or from the neglect or failure, for any reason or in any manner, to enforce this Zoning Law or any other Musqueam Law.

8.3.4 No Application made, question answered, or information given by any representative or staff member of the Musqueam as to the zoning status or potential zoning of any land, land use or Building shall be deemed to be a representation giving rise to a cause of action against Musqueam or such representative or staff member.

8.3.5 All actions against Musqueam for the unlawful doing of anything that:

1. is purported to have been done by Musqueam under the powers conferred by this Zoning Law or any Musqueam Law;
2. might have been lawfully done by Musqueam if acting in the manner established by law; and
3. must commence within six (6) months after the cause of action first arose.

8.3.6 Musqueam is in no case liable for any claims or damages or damages in relation to this Zoning Law or decisions or inactions under it unless notice in writing, setting out the time, place and manner in which the claim arose or the damage has been sustained, is delivered to Musqueam, within two (2) months from the date on which the claim arose or the damage was sustained.

8.4 Validity

Nothing under this Zoning Law must be rendered void or invalid by:

1. an error or omission in a notice, form or other document given or authorized under this Zoning Law; or
2. a failure of the Musqueam or Musqueam administration to complete any required acts within the required time.

8.5 Paramountcy

If there is any inconsistency or conflict between this Zoning Law and the Musqueam Land Code, the Musqueam Land Code shall prevail to the extent of the inconsistency or conflict.

PART 9 - OFFENCES, PENALTIES, ORDERS AND REGULATIONS

9.1 Offences

9.1.1 Any Person who:

1. violates any of the provisions of this Zoning Law;
2. suffers or permits any other Person who is on Musqueam Land at their invitation to violate any of the provisions of this Zoning Law;
3. suffers or permits any act or thing to be done in contravention of this Zoning Law, or
4. who neglects to do or refrains from doing any act or thing which is required by any of the provisions of this Zoning Law,
5. shall be deemed to have violated the provisions of this Zoning Law and committed an offense, and every day of a violation or contravention constitutes a new offense.

9.1.2 A person who contravenes this Zoning Law or an order made under this Zoning Law or by a Court pursuant to this Zoning Law is guilty of an offence and liable on summary conviction to a fine of not more than \$10,000.00 or to imprisonment for a term of not more than three months, or to both.

9.1.3 Without limiting the generality of subsection 9.1.1, and without creating any guarantees that an offender will receive a Permit, any person who commences any development or Construction activities prior to obtaining a Permit as required by this Zoning Law, in addition to paying for costs of remediation, removal, rehabilitation or reconstruction, shall pay:

1. double the applicable Permit fees calculated as prescribed in a fee schedule, regulation or Council Resolution effective at the time of the offence to a maximum fee of \$5,000.00; or
2. such penalty is set out in applicable Musqueam Laws regarding ticketing and enforcement.

9.1.4 For the purposes of subsection 9.1.3, development shall be deemed to have commenced when:

1. land is cleared, brushed, or graded for Construction;
2. a Building or Structure or portion thereof has been demolished for reasons other than ensuring Occupant or community safety; or
3. a new use or activity has commenced.

- 9.1.5 Unless otherwise specified in a regulation or order, offenses under this Zoning Law are continuing offenses and each day of contravention is punishable by a fine of up to \$2,500.00 per day or the maximum set out by regulation.
- 9.1.6 Despite subsection 9.1.2, Musqueam also authorizes the Lands Governance Director, a designated official or an Enforcement Officer to impose administrative or other fines, issue a ticket or violation notice, or to impose sanctions for contraventions of this Zoning Law.
- 9.1.7 A fine payable under subsection 9.1.2 shall be remitted to Musqueam Nation by the Court, after reasonable Court costs have been deducted, if any.
- 9.1.8 Any other fines payable under this Zoning Law are payable directly to Musqueam.
- 9.1.9 For greater certainty, a Person who contravenes any provisions of this Zoning Law relating to the protection of the Environment, commits an offence and is liable on conviction to a fine not exceeding \$200,000.00 or imprisonment for not more than six (6) months, or both.
- 9.1.10 Any unpaid fees, fines or charges payable under this Zoning Law may be added to property taxes if necessary.
- 9.1.11 The Lands Governance Director or an Enforcement Officer may:
1. enter onto any lands or into any Structures to inspect for compliance with this Zoning Law and a Permit or authorization issued under it;
 2. inspect records maintained by the applicant or a holder of a Permit or authorization in relation to the subject matter of a Permit, authorization or this Zoning Law; or
 3. direct or require that the applicant or holder take certain measures or meet certain conditions to ensure compliance with this Zoning Law.
- 9.1.12 If a Person holding a Permit or authorization under this Zoning Law fails to comply with this Zoning Law or any requirement or condition of the Permit or authorization, the Lands Governance Director, by written notice to the holder, immediately suspend or revoke the Permit or authorization.
- 9.1.13 Notice to the Permit holder is sufficient if a letter is mailed or delivered to the address of the Permit holder as shown on the Permit, and if mailed, is deemed to have been received within one (1) business day.

9.2 Orders

- 9.2.1 In addition to any other applicable fine, penalty or remedy, Council, the CAO, Lands Governance Director, or a designated official or officer may, at the sole expense of the Interest-Holder or CP-Holder, to ensure compliance with this Zoning Law:
1. issue a Stop Work Order to order any Person who has not received full and proper authorization under this Zoning Law to cease carrying out any activity, use or Construction prohibited or regulated under this Zoning Law or any related activity or use;

2. order any Structures, Works or installations carried out in violation of this Zoning Law to be removed within thirty (30) days, failing which Council may order them to be removed at the expense of the Person who Constructed or installed the Structures, Works or installations, or allowed them or suffered them to be Constructed without proper authorization; or
3. order the Construction or placement or modification of any Structures, Works, or installations required to ensure compliance with this Zoning Law, or for the safety or health of Musqueam Members, residents and Musqueam Lands.

9.2.2 A Stop Work Order imposed under subsection 9.2.1 may be registered in court and enforced as a court order and continues in force until the condition that led to it is remedied or until the activity that is the subject of the Stop Work Order receives a Permit or authorization under this Zoning Law.

9.3 Regulations

9.3.1 Council may make any regulations it considers necessary or advisable for purposes under this Zoning Law.

9.3.2 For certainty, the powers of Council under subsection 9.3.1 include the power to make regulations:

1. for any purpose in relation to which regulations are provided for in this Zoning Law;
2. prescribing any matter or thing referred to in this Zoning Law as prescribed or to be prescribed;
3. respecting the form, content, procedures and review criteria for Applications, notices, and other documents that are required or permitted under this Zoning Law;
4. setting fees;
5. defining words and expressions that are used but not defined in this Zoning Law;
6. establishing further Zones in accordance with this Zoning Law;
7. that set access and use limitations for specific portions of Musqueam Lands, including areas for use only by Musqueam Members and areas with public access;
8. that set tenure requirements for particular Dwelling Units or residential areas of Musqueam Lands, including limiting residential tenure to:
 - (a) Ownership;
 - (b) Rental; or
 - (c) Leasehold;

9. further regulating specific details of Zones or other matters under this Zoning Law; and
10. generally for the purpose of giving effect to this Zoning Law.

PART 10 - COMING INTO FORCE

10.1 Coming Into Force

This Zoning Law shall come into force and effect on the date it is passed by Council Resolution after complying with the requirements of the Land Code.

PART 11 - AMENDMENT

11.1 Amendments to this Zoning Law

11.1.1 This Zoning Law may be amended from time to time or repealed and replaced by a Law made in accordance with the Land Code.

11.1.2 Despite subsection 11.1.1, Musqueam authorizes the Lands Governance Director to regularly undertake updates to the Zoning Law and Land Use Plans without community approval by Ratification Vote or regular Member vote for the following purposes:

1. clarifying text;
2. correcting errors or omissions;
3. adding examples or graphics to existing provisions;
4. aligning with other Musqueam Laws, enacted Law amendments, or codes and standards adopted by Musqueam under the *Musqueam Subdivision, Development and Servicing Law*; and
5. otherwise improving administrative consistency,

provided that the Lands Governance Director provides a final signed copy to Council after each amendment or series of amendments, registers a copy as required by the *Land Code*, and posts a copy on the Musqueam website.

MUSQUEAM ZONING LAW

THIS ZONING LAW IS HEREBY DULY ENACTED at a duly convened meeting of Chief and Council of Musqueam, with the effective date of [DATE], at the Musqueam Administration Office, in the Province of British Columbia.

Voting in favour of the Zoning Law are the following members of Council:

(Member of Council)

(Member of Council)

(Member of Council)

(Member of Council)

(Member of Council)

(Member of Council)

(Member of Council)

(Member of Council)

(Member of Council)

(Member of Council)

(Member of Council)

being the majority of those members of the Council of Musqueam present at the aforesaid meeting of the Council. The quorum of the Council is five members.

SCHEDULE 1. DEFINITIONS

In this Zoning Law, the definitions from the Land Code apply and the following definitions apply unless the context otherwise requires:

“Accessory Use” means a use customarily incidental and subordinate to the principal use;

“Access” means a portion of a Lot, which primarily serves to allow Street access to the Lot; Accesses must be fully located within a Lot, 6.00 meters or more in width where they meet a Street, at least 6.00 meters in length, and have a slope of 5 percent or less within 6 meters of a Street;

“Access Strip Lot” means a Lot that is located behind another Lot and is required to have an elongated Access (an “Access Strip”), which serves primarily to allow Street access to the Lot and is too narrow to accommodate a Building;



Figure 5. Diagram of an Access Strip Lot

“Active Floodplain” means lands in which Floodplain Plant Species are supported, including areas that are bounded by a High Water Mark of a Watercourse, or Watercourse adjacent areas that are frequently, seasonally or temporarily inundated;

“Affected Interest-Holder” means all Musqueam Members, as well as the holder of an Allotment, Leasehold, or Sub-leasehold interest in Musqueam Lands that is immediately adjacent to the Musqueam Lands identified in the Application or near enough, in the sole discretion of the Lands Governance Director or Council, that they may be affected;

“Application” means the form of application for a Permit established by Council, from time to time, which is to be completed by any Person who carried out or intends to carry out any work on Musqueam Lands;

“Approved” means approved in writing;

“Approved by Musqueam” means Approved by Musqueam Council, or other delegated authority, on recommendation of the Lands Governance Director, Lands Committee or other required Committees and administration;

“Attached” means a Building otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent Building or Buildings;

“Building” means any Structure used or designed to be used for shelter, accommodation or enclosure of persons, animals, belongings, or personal property;

“Building, Accessory” or **“Accessory Structure”** means a Detached Building or Structure, the use of which is incidental or secondary to that of the Principle Building on a property and does not include an Additional Dwelling Unit;

“Building, Principal” means a Building that contains the principal use of the site; Principal Buildings exclude Accessory Buildings, Additional Dwelling Units and Infill Homes;

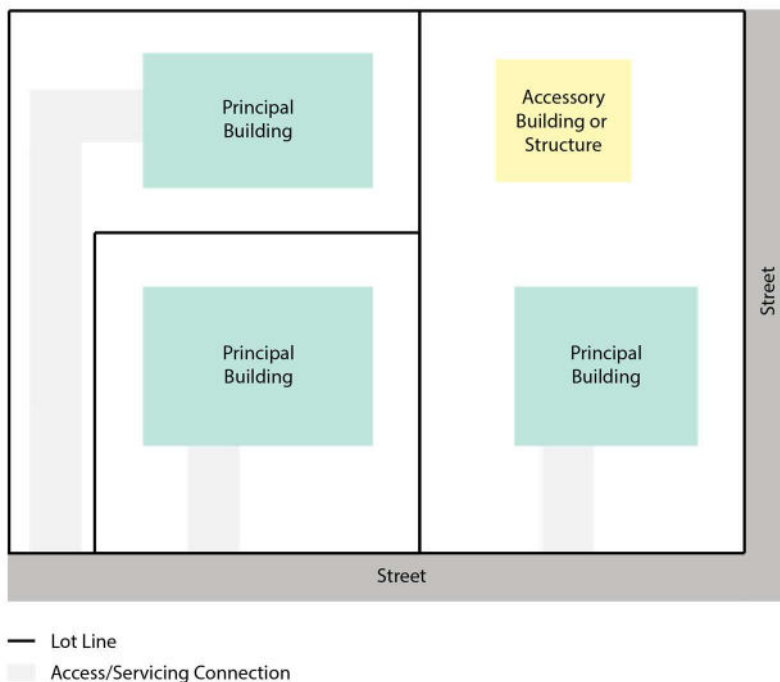


Figure 6. Diagram of Principal Buildings and Accessory Buildings or Structures

“Building Inspector” means the person appointed by Council or the Lands Governance Director from time to time, or with whom Council has an agreement, to act as Building Inspector for the purpose of enforcing the provisions of this Zoning Law and any Musqueam Building or development Laws and their successors, and includes any authorized delegate;

“Cargo Container” means a shipping crate, enclosed metal bin, railway car, or other movable re-usable container that is intended for use in shipping or transporting materials but may be used for other purposes;

“Certificate of Possession” has the meaning attributed in subsection 2.1 of the Land Code;

“Community Facility” means any tract of Musqueam Lands or Buildings or any part of any Buildings used for community activities, functions or services, whether partially used for commercial purposes or not, the control of which is vested in the Musqueam or a Musqueam Corporation;

“Construction” or **“Constructed”** means any reconstruction, Erection, alteration, enlargement, addition, demolition, or removal;

“Council” has the meaning attributed in subsection 2.1 of the Land Code;

“Community Land” has the meaning attributed to it in subsection 2.1 of the Land Code;

“CP-Holder” has the meaning attributed to it in subsection 2.1 of the Land Code;

“Cultural Building” means a Building designed to reflect a traditional form of Musqueam architecture, including a bighouse, canoe shed, longhouse, and a smokehouse;

“Cultural Heritage Resources” include all aspects of Musqueam’s cultural heritage. These resources can be both tangible or intangible and include, but are not limited to:

1. expressions of culture (songs, dancers, art, legends);
2. places of cultural practice (traditional use areas, Cultural Buildings);
3. locales of spiritual and cultural significance (including prominent landscape features);
4. places on the landscape where Musqueam people lived and were buried;
5. belongings; and
6. Heritage Sites.

“Detached” means a Building complete in itself, which does not depend for structural support, or complete enclosure, upon a wall or walls shared in common with an adjacent Building or Buildings;

“Development Permit” means a Development Permit or equivalent authorization issued in accordance with the Musqueam *Subdivision, Development and Servicing Law* or any successor;

“**Drainage Ditch**” means a drainage channel that was constructed to carry water and does not have origins in a head water or significant groundwater source, and does not contain fish;

“**Duplex**” means a residential Building that is divided into two Dwelling Units;

“**Dwelling Unit**” means any Building or part of a Building that has private entrances and is used as a home or residence and includes cooking, sleeping and bathroom facilities, and Recreational Vehicles are not Dwelling Units for the purposes of this Zoning Law;

“**Dwelling Unit, Additional**” means any Detached Dwelling Unit or Attached Dwelling Unit that is not Subdivided from a Primary Dwelling Unit; Additional Dwelling Units include but are not limited to Tiny Homes, laneway or carriage house units, basement, garden or other secondary Dwelling Units, Duplex or townhouse lock-off suites, and may include an Infill Home;

“**Dwelling Unit, Primary**” means the main Dwelling Unit to which Additional Dwelling Units may be subordinate;



Figure 7. Diagram of Primary Dwelling Units and Additional Dwelling Units

“**Elder**” has the meaning attributed in subsection 2.1 of the Land Code;

“**Environment**” means the air, land and water, and the life upon or within them;

“**Erect**” means to build, construct, reconstruct, or relocate, and includes any preliminary physical operations such as cutting, grading, excavating, filling or draining, and any altering of an existing Building by an addition, extension or other structural change;

“**Family**” means a group of individuals who are related by adoption, blood, marriage or common-law relationship;

“**Flood Construction Level**” means the calculated elevation of potential floodwaters plus the allowance for freeboard and establishes the elevation of the underside of a wooden floor system or top of concrete slab for habitable Buildings;

“**Floodplain Plant Species**” means species of plants that commonly exist in areas where soils are saturated or inundated, and are native to the area;

“**Height**” means, when used with reference to a Building, the vertical distance between the average elevation of the finished surface of the ground at the front of the Building and:

1. in the case of a flat roof, the highest point of the roof surface or the parapet, whichever is the greater;
2. in the case of a mansard roof, the deck roof line; and
3. in the case of a gable, gambrel or hip roof, the height that is halfway between the eaves and ridge.

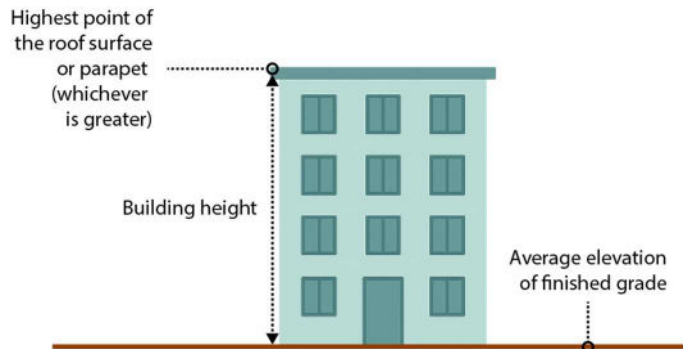


Figure 8. Diagram of Height Measurement for a Building with a Flat Roof

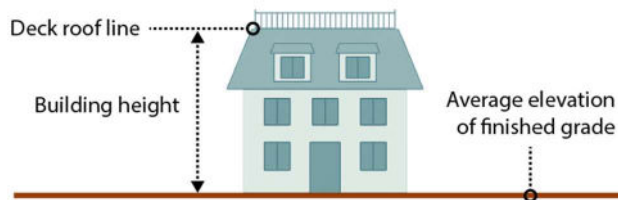


Figure 9. Diagram of Height Measurement for a Building with a Mansard Roof

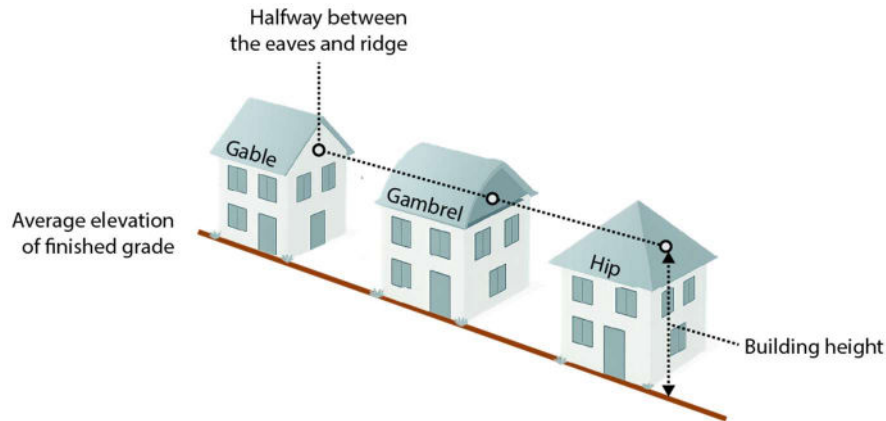


Figure 10. Diagram of Height Measurement for a Building with a Gable, Gambrel or Hip Roof

“Heritage Object” means any feature, artifact, or object that has past and ongoing importance to Musqueam culture and spirituality. Belongings include, but are not limited to:

1. belongings;
2. cultural and intellectual property (photographic material, movie image material, images, designs);
3. plants or plant parts for medicine or cultural use; and
4. any other feature, belonging, or object, whether or not previously identified, that has heritage value to Musqueam, as determined by Musqueam.

“Heritage Resources” are the tangible and intangible aspects of Musqueam’s culture passed down from our ancestors and to which there is an onus to protect and maintain for successive generations. Heritage Resources include, but are not limited to, transformer sites, sʷeləqəm sites, named sites, archaeological sites, spiritual use sites, aspects of the landscape integral to Musqueam culture and identity and associate həŋqəmiñəm language and knowledge. Heritage Resources are central to Musqueam’s continuity and sense of place. Musqueam’s Heritage Resources include Cultural Heritage Resources and Heritage Objects.

“Heritage Sites” include areas of archaeological, historical, or cultural value to Musqueam. Heritage sites include, but are not limited to:

1. place name locations;
2. battle areas;
3. trails and trail markers;

4. areas of resource procurement or use (traditional use sites, culturally modified trees);
5. village, camping, occupation areas;
6. traps and weirs;
7. burials or funerary sites;
8. sacred or spiritual sites;
9. transformer and legend sites;
10. archaeological sites; and
11. any other site, whether or not previously identified, that has heritage value to Musqueam, as determined by Musqueam.

"High Water Mark" means the visible high water mark of a Watercourse where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil of the bed of the Watercourse a character distinct from that of its banks, in vegetation, as well as in the nature of the soil itself, or as Approved by Council in accordance with any Musqueam flood management plans;

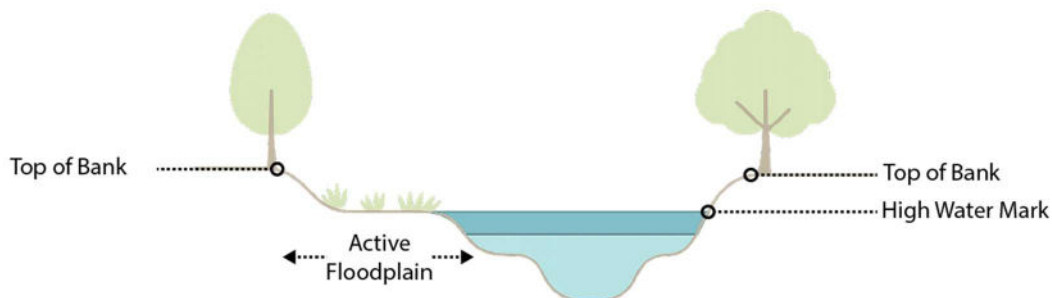


Figure 11. Diagram of High Water Mark

"Home-Based Business" means an occupation, trade, business profession or craft carried on at a Lot whose principal use is for housing;

"Infill Home" means a Dwelling Unit that is Detached from a Primary Dwelling Unit, where the Lot is Subdivided;

"IR2" means Musqueam Indian Reserve No. 2;

"IR3" means Musqueam Indian Reserve No. 3;

"IR4" means Musqueam Indian Reserve No. 4;

“Interest-Holder” means a Person that holds an interest in Musqueam Lands, which may include a lease, sub-lease, or other tenure prescribed by Council by regulation or resolution;

“Lane” means a public thoroughfare or way not more than 10.10 meters in width that affords only a secondary means of access to a Lot at an Exterior Side Lot Line, Interior Side Lot Line or Rear Lot Line;

“Land Code” means the *Musqueam Indian Band Land Code* ratified by Musqueam members on December 3, 2012 and in effect June 5, 2017, and any approved successors to this Land Code, in accordance with the Framework Agreement on First Nation Land Management between Musqueam and Canada and ratified on behalf of the Government of Canada by the *First Nations Land Management Act*, S.C. 1999 c.24, as amended;

“Lands Committee” has the meaning attributed in subsection 2.1 of the Land Code;

“Lands Governance Director” means the individual hired or appointed by Council or the Chief Administrative Officer to oversee the administration of the Land Code and Musqueam Lands and includes any other person designated by Council by Resolution to carry out any of the roles or responsibilities of the Lands Governance Director under this Zoning Law;

“Lands Governance Office” means the office, as it may be restructured or renamed from time to time, designated by Council or the Chief Administrative Officer to oversee the administration of the Land Code and Musqueam Lands;

“Land Use” means a classification assigned to a portion of a Musqueam Lands through a Land Use Plan that identifies which uses are supported within the corresponding area, and provides policy direction for future zoning, development, and land management decisions; Land Uses do not include Zones;

“Land Use Amendment” means the process by which Musqueam:

1. changes which Land Use applies to specific portions of Musqueam Lands, as set out in a Land Use Plan; or
2. establishes or revises the standards which apply to a particular Special Planning Area, a newly established Land Use or an existing Land Use, as set out in a Land Use Plan;

“Land Use Plan” has the meaning attributed in subsection 2.1 of the Land Code;

“Law” has the meaning attributed in subsection 2.1 of the Land Code;

“Leasehold” means a type of tenure in which a Person leases an interest pursuant to Musqueam Laws;

“Legal Non-Conforming Use” means uses that were legally and validly in place at the time of the passage of this Zoning Law, as set out in subsection 6.2.1;

“**Lot**” means a parcel of Musqueam Land registered at the First Nations Land Registry System;

“**Lot, Corner**” means a site located at the intersection or junction of two (2) or more Streets;

“**Lot Coverage**” means the area covered by all Building foundations, including garages and Accessory Structures, divided by the area of the Lot;

“**Lot Line**” means the line segments that together comprise the outermost boundaries of a Lot;

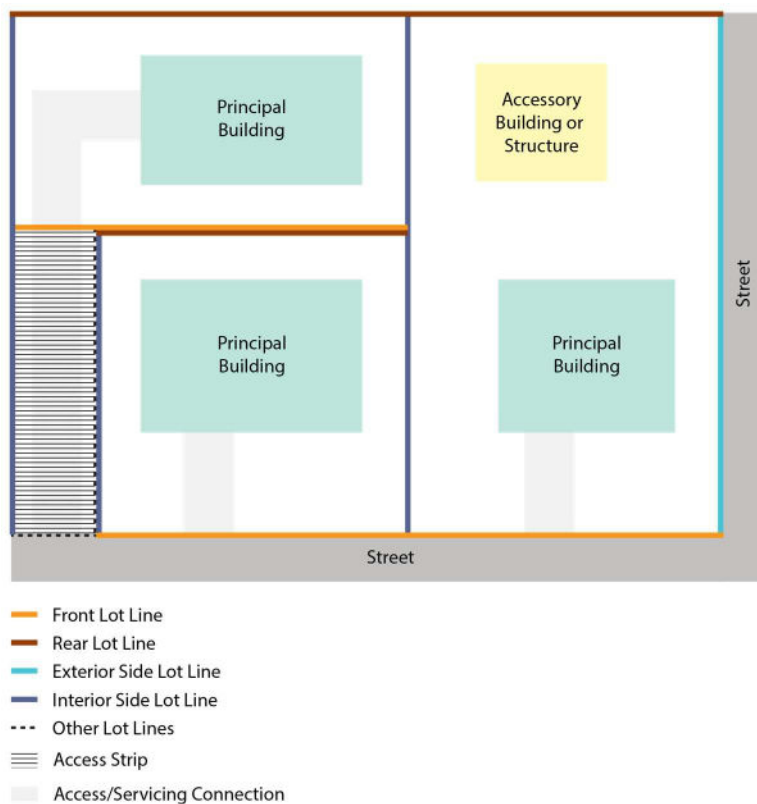


Figure 12. Diagram of Lot Lines

“**Lot Line, Exterior Side**” means a Lot Line of a Corner Lot that extends along a flanking Street from the Front Lot Line to the Rear Lot Line;

“**Lot Line, Front**” means, with exclusion of corner truncations:

1. For Lots with one Street frontage, the shortest Lot Line shared by a Lot and a Street;
2. For Lots with multiple Street frontages, the Front Lot Line is the Lot Line abutting a minor Street;

3. For Corner Lots, the Front Lot Line is the shortest Lot Line abutting a Street; and
4. For Access Strip Lots, the Front Lot Line is the nearest Lot Line parallel to the fronting Street, with the exclusion of Lot Lines included within the Access Strip portion of the Lot, as extended to intersect with both Side Lot Lines;

“Lot Line, Interior Side” means a Lot Line other than an Exterior Side Lot Line that extends from the Front Lot Line to the Rear Lot Line;

“Lot Line, Rear” means the Lot Line opposite the Front Lot Line that spans the width of the Lot;

“Meeting of Members” has the meaning attributed in subsection 2.1 of the Land Code;

“Member” has the meaning attributed in subsection 2.1 of the Land Code;

“Mobile Home” means a home as defined under provincial law and manufactured to meet Canadian Standards Association Z240 standards and does not include Modular Homes or Recreational Vehicles;

“Modular Home” means a factory-built Structure that is constructed to meet Canadian Standards Association A277 standards and intended for use as a Dwelling Unit; Modular Homes do not include Mobile Homes, Tiny Homes or Recreational Vehicles;

“Musqueam” has the meaning attributed to “Musqueam Indian Band” in subsection 2.1 of the Land Code;

“Musqueam Lands” has the meaning attributed to “First Nation Land” in subsection 2.1 of the Land Code;

“Non-Compliant Mobile Home” means a Mobile Home that does not have a sticker and certification to confirm that it meets Canadian Standards Association Z240 standards;

“Occupant” or “Occupier” means a person who is legally entitled to occupy land, a Building, a Dwelling Unit or premises within Musqueam Lands;

“Ownership” means a type of tenure granted to a Member by way of a Certificate of Possession pursuant to Musqueam Laws;

“Parcel ‘A’” means those Musqueam Lands and interests included within CLSR 4626 (PIN 902000560), IR2;

“Parcel ‘B’” means those Musqueam Lands and interests included within CLSR 55995 (PIN 902000855R), IR2;

“Permit” means a permit required by or issued under this Zoning Law;

“Person” includes a corporation, partnership or party, and the personal or other legal representatives of a person to whom the context can apply according to law;

“Qualified Professional” means, unless otherwise specified by the Lands Governance Director:

1. a person who is registered or licensed to practice as an architect under the *Architects Act*;
2. a person who is registered or licensed to practice as a professional engineer under the *Engineers and Geoscientists Act*;
3. a person who is registered or licensed to practice as a biologist under the *Professional Governance Act*; or
4. a person who is registered to practice as a professional Landscape Architect under the *Landscape Architects Act*.

“Ratification Vote” has the meaning attributed in subsection 2.1 of the Land Code;

“Recreational Vehicle” means a recreational vehicle regulated under the *British Columbia Motor Vehicle Act* that is designed to be used as temporary quarters for recreational, camping or travel use; Recreational Vehicles include fifth wheels, travel trailers, motor homes or campers

“Rental” means a type of tenure in which Musqueam holds Musqueam Land and rents all or a portion of it to another Person;

“Resolution” has the meaning attributed in subsection 2.1 of the Land Code;

“Rezoning” means the process by which Musqueam:

1. establishes or revises the Zone Standards which apply to a particular Special Planning Zone or a newly established Zone, as set out in Schedule 2 of this Zoning Law; or
2. changes which Zone applies to specific portions of Musqueam Lands, as set out in Schedule 3 of this Zoning Law;

“Setback” means the minimum horizontal distance required to be maintained between a Building or Structure, and a Lot Line or other feature;

“Setback, Front” means the minimum horizontal distance required to be maintained between the Front Lot Line, and a Building or Structure (as measured from a parallel line intersecting the Side Lot Lines);

“Setback, Exterior Side” means the minimum horizontal distance required to be maintained between the Exterior Side Lot Line, and a Building or Structure (as measured from a parallel line intersecting the Front Lot Line and Rear Lot Line);

“Setback, Interior Side” means the minimum horizontal distance required to be maintained between the Interior Side Lot Line, and a Building or Structure (as measured from a parallel line intersecting the Front Lot Line and Rear Lot Line);

“**Setback, Rear**” means the minimum horizontal distance required to be maintained between the Rear Lot Line, and a Building or Structure (as measured from a parallel line intersecting the Side Lot Lines);

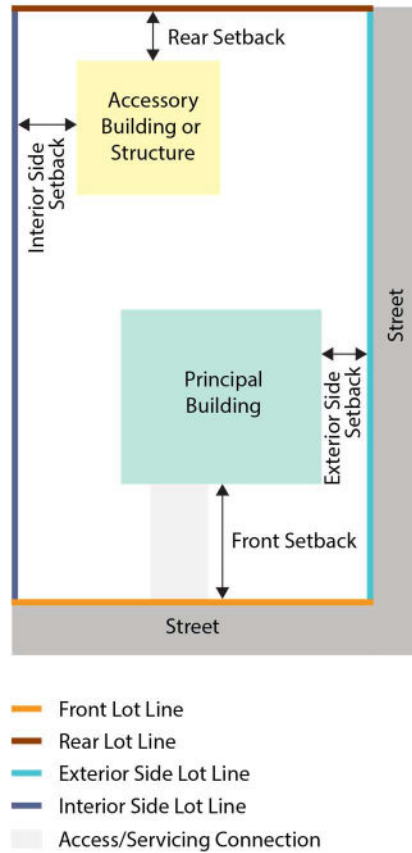


Figure 13. Diagram of Setbacks

“**Shadowing**” means constructing or installing a new Structure which shades or deprives another pre-existing Building or Lot of sunlight or views;

“**Single-Detached Dwelling**” means a Detached residential Building containing one Primary Dwelling Unit; “**Street**” means a street, trail, bridge, viaduct and any other way that is more than 10.10 meters in width and open to the use of the public or all Members to provide primary access to Lots;

“**Structure**” means a construction or portion thereof of any kind, whether fixed to, supported by or sunk into land, but specifically excludes landscaping, fences, paving and retaining Structures less than 1.50 meters in height;

“**Subdivide**” means to survey out and register a separate legal Lot from another Lot in accordance with Musqueam Laws;

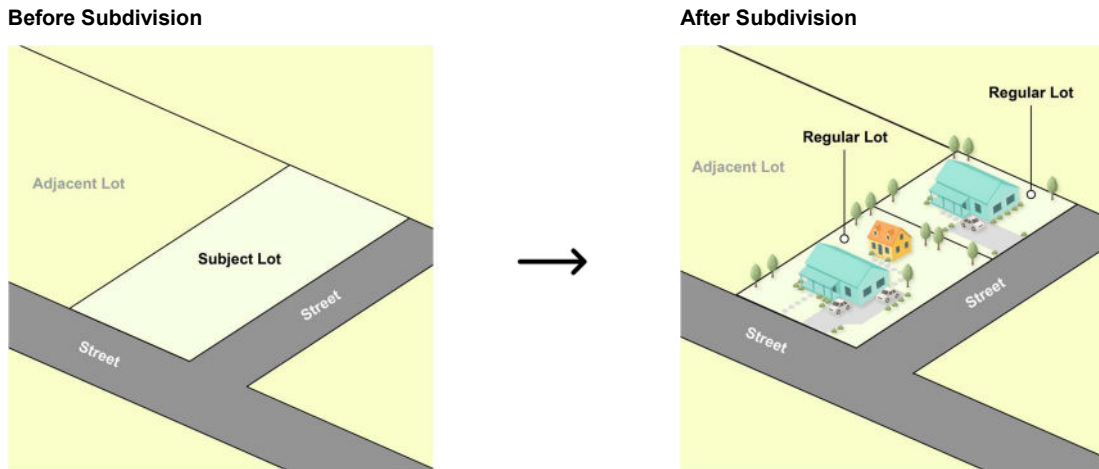


Figure 14. Example of a Subdivision of a Lot with One (1) Road Frontage into One (1) Regular Lot with a Principal Building and an Accessory Building, and One (1) Access Strip Lot with a Principal Building

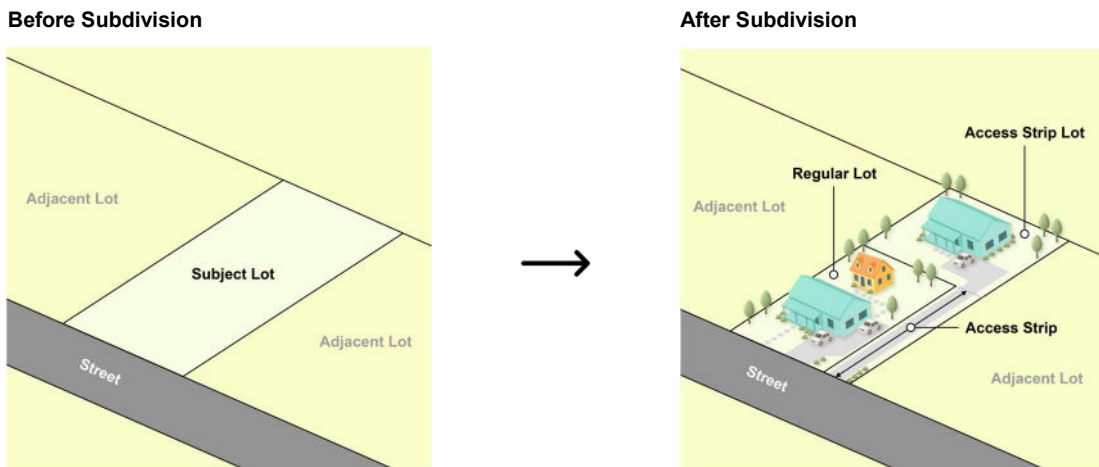


Figure 15. Example of a Subdivision of a Lot with Two (2) Road Frontages into One (1) Regular Lot with a Principal Building and an Accessory Building, and One (1) Regular Lot with a Principal Building

“Tiny Home” means a ground-oriented permanent dwelling that is Detached, installed on a foundation and less than 46.25 sq. m in size;

“Top of Bank” means:

1. The location nearest to the edge of a Watercourse’s Active Floodplain where there is a noticeable change in slope, and the land beyond that point is flatter than a 3:1 grade for at least 15 meters measured at a right angle from the break;

2. In areas where the floodplain is not within a ravine, the boundary of a Watercourse's Active Floodplain where the land beyond that point is flatter than a 3:1 grade for at least 15 meters measured at a right angle from the break;

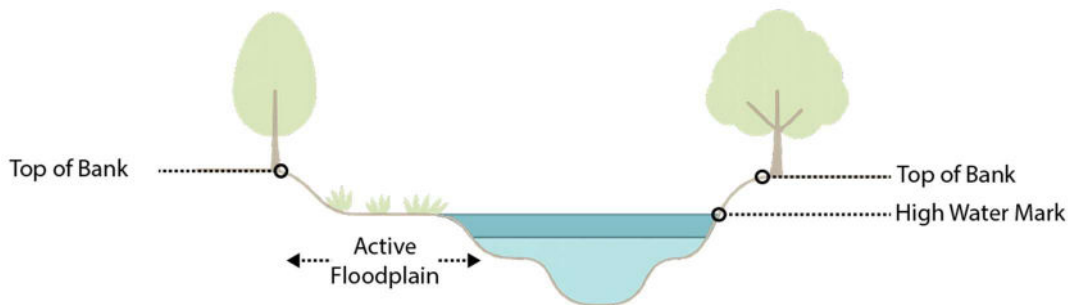


Figure 16. Diagram of Top of Bank

“Triplex” means a residential Building that is divided into three separate Dwelling Units;

“Variance” means a proposal, based on reasonable belief of hardship, to vary aspects of the requirements for a Zone; Variances can include but are not limited to varying compliance with Setbacks, siting, dimensions, height or size of a Building or Structure, structural alteration, replacement or addition;

“Variance Committee” means the Variance Committee appointed by Council as outlined in this Zoning Law;

“Watercourse” has the meaning attributed to it under the British Columbia *Water Sustainability Act* and may refer to a natural stream, river, creek, spring, ravine, swamp, or gulch that contains water;

“Wetland” means land that is saturated with water long enough to promote Wetland or aquatic processes as indicated by poorly drained soils, hydrophytic (water-loving) vegetation, and various kinds of biological activity which are adapted to a wet environment;

“Works” means any Construction, Erection, repair, alternation, enlargement, addition, demolition, removal or excavation in relation to utilities, drainage, water, or sewer or similar uses;

“Zone” means the zoning assigned to Musqueam Lands in the Zoning Maps (Schedule 3) of this Zoning Law, as defined in the Zoning Regulation (Schedule 2) attached to this Zoning Law;

“Zoning Law” refers to any regulations and policies made under the *Musqueam Zoning Law*;

“Zoning Regulation” means the Musqueam Zoning Regulation attached as Schedule 2 to this Zoning Law;

“Zone Standards” means the sections of the Zoning Regulation applicable to a particular Zone, as set out in Schedule 2 of this Zoning Law.

SCHEDULE 2. ZONING REGULATION

1. PURPOSE

Zoning establishes details, such as the allowable size and shape of Lots, the activities and intensity of uses that might occur on those Lots (i.e., development types), and the siting and configuration of Buildings on those Lots.

All generally prohibited and allowed uses detailed in the Musqueam Zoning Law (the “Zoning Law”) automatically apply to all Zones, unless otherwise indicated within this regulation. This regulation sets out more specific uses and restrictions for each Zone.

2. APPLICATION

Zoning is implemented through the Zoning Law and must be considered during the planning and development of any land or Structures on Musqueam Land.

3. GENERAL ZONING

Zoning areas are established and delineated according to the maps included in Schedule 3.

Zones are listed below:

- CF - Community Facilities
- P1 - Parks, Greenways, Open Spaces
- P2 - Protected Ecological and Cultural Areas
- MH1 - Musqueam Low-Density Housing
- MH2 - Musqueam Multiple Residential Housing
- MU - Mixed-Use
- LR - Leasehold Residential
- SED - Sustainable Economic Development
- SP - Special Planning Zones

Special Planning Zones are established to direct future planning and development decisions for areas of Musqueam Lands that may be suitable for more intensive land uses in the future when, and if, the Lots become available. Objectives will be established to guide the planning process for each area. Targets include but are not limited to housing, Community Facilities and amenities, revenue generation, and environmental and cultural protection.

4. TYPES OF USES AND ZONE STANDARDS

For each Zone, the following standards are defined:

- Allowed uses, prohibited uses, and *Types of Uses* are defined in Table 1. Uses are allowed within different Zones. Zones may allow multiple uses.

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- Siting and Setbacks – All Setback regulations are subject to *British Columbia Fire Code* and *British Columbia Building Code* compliance, including but not limited to fire separation and emergency access requirements.
- Size and Dimensions of Buildings/Structures - All Building Height regulations are subject to NAV CANADA clearance.
- Coverage and Density
- Subdivision

Zone Standards for each Zone are defined in Tables 2-10. New Zones may be established, and Zone Standards may be changed where there is a demonstrated need or where it will better support our Land Use Plan.

As per subsection 4.1.3 of this Zoning Law, Applications must consider the applicable Zone Standards, and any other design and development guidelines issued by Musqueam.

Table 1. Types of Uses.

Name	Description
<i>Cemetery Use:</i>	<i>Cemeteries</i> are areas used as the final resting place of Members and other Musqueam loved ones, and may include funeral homes. Lots used as <i>Cemeteries</i> may be divided into <i>Cemetery Plots</i> , which are portions of Musqueam Land, as define by horizontal and/or vertical boundaries, in which the right of interment is granted to certain Musqueam loved ones in cemetery records, maps or deeds. For further certainty, interment right holders are not considered Interest-Holders in this Zoning Law.
<i>Childcare Use:</i>	As defined by the <i>Community Care and Assisted Living Act</i> and the <i>Child Care Licensing Regulation</i> , <i>Childcare Uses</i> may include: <ul style="list-style-type: none"> • Group day care facilities • Preschools • Special needs daycare facilities • Out of school care • Emergency care • Child minding • Overnight care
<i>Commercial Use:</i>	<i>Commercial Uses</i> may include: <ul style="list-style-type: none"> • Arcades • Bike or e-scooter share facilities • Casinos • Commercial fitness facilities • Farmer or makers markets • Furniture or appliance stores • Grocery or drug stores • Retail stores • Art galleries

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Name	Description
	For further certainty, a Home-Based Business is not considered a <i>Commercial Use for the purposes of this Zoning Law</i> .
<i>Community Building:</i>	<i>Community Buildings</i> include any Structure that is used for community activities, functions, services or Member uses, such as the Band Administration Buildings, Musqueam fitness centers, the Elder’s Centre, Elder or youth spaces, Band emergency services facilities and covered cultural pavilions.
<i>Community Park:</i>	<i>Community Parks</i> are larger parks that are provided for the benefit of the entire community. These are located in key, central areas and include fields and yards for sports, community gardens, and cultural events and activities. They may also include Structures for storage and maintenance and small field houses.
<i>Cultural Use:</i>	<i>Cultural Uses</i> include all sites and uses of land for Musqueam cultural, ceremonial, spiritual and governance uses, including longhouse-related functions, feasting spaces, cultural gatherings, cultural burning, cultural bathing, cultural harvesting and Cultural Buildings.
<i>Environmental Protection Infrastructure:</i>	<i>Environmental Protection Infrastructure</i> is infrastructure that is used, such as flood mitigation and adaptation measures. This type of infrastructure can be allowed in Protected Ecological and Cultural Areas as required and Approved by Musqueam.
<i>Hotel Use:</i>	Premises providing temporary accommodation by way of furnished residential units (maximum of sixty (60) days stay per guest).
<i>Mixed Use:</i>	<i>Mixed Use</i> Building types generally include Residential Uses and non-Residential Uses within the same Structure.
<i>Multiple Residential Use:</i>	<p><i>Multiple Residential Uses</i> may include the following:</p> <ul style="list-style-type: none"> • Duplexes • Triplexes • Fourplexes • Townhouses • Townhouses stacked over or below apartments • Apartments • Infill Homes • Limited Additional Dwelling Units (subject to subsections 5.2.34 to 5.2.38 of this Zoning Law)
<i>Neighbourhood Park or Playground:</i>	<i>Neighbourhood Parks or Playgrounds</i> are smaller parks located as an amenity within or near a residential area. They include play areas and play equipment for children, open yards, community garden plots, and seating.

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Name	Description
<i>Office Use:</i>	<p><i>Office Uses</i> may include the following land uses:</p> <ul style="list-style-type: none"> • Financial institution • General office • Health care office • Health enhancement centre • Temporary sales office
<i>Protected Ecological and Cultural Area:</i>	<p><i>Protected Ecological and Cultural Areas</i> are areas in which activities other than Cultural Uses or stewardship activities are restricted to maintain the ecological and cultural health of Musqueam Lands.</p>
<i>Residential Use:</i>	<p><i>Residential Uses</i> include the following uses:</p> <ul style="list-style-type: none"> • Multiple Residential Uses • Single-Detached Residential Uses
<i>Service Use:</i>	<p><i>Service Uses</i> may include:</p> <ul style="list-style-type: none"> • Beauty and wellness services • Catering establishments • Childcare Uses • Community care or assisted living facilities • Hotel Uses • Conference and cultural tourism facilities • Laundromats or dry cleaning establishments • Photofinishing, photography or printing services • Artist studios • Cabarets, public houses or restaurants • Institutional, educational, training and research facilities • Veterinary clinic or animal grooming establishment • Healing center or retreat (drug and alcohol recovery)
<i>Single-Detached Residential Use:</i>	<p>Housing types in <i>Single-Detached Residential Uses</i> may include:</p> <ul style="list-style-type: none"> • Single-Detached Dwellings • Infill Homes • Additional Dwelling Units

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Name	Description
<i>Sustainable Economic Development Use:</i>	<p><i>Sustainable Economic Development Uses</i> may include:</p> <ul style="list-style-type: none"> • Commercial, Office, Service and Technology Uses • Industrial and light industrial uses, including clean and advanced manufacturing • Logistics, warehousing and distribution • Business park, office, innovation and research hubs • Agricultural and farm operations, greenhouses, agri-tech, vertical farming and aquaculture • Food production, processing, aggregation, storage and distribution • Maker, craft and creative industries, including artist studios and production spaces • Ancillary and accessory uses, such as demonstration kitchens, temporary pop-ups and supporting amenities
<i>Technology Use:</i>	<p><i>Technology Uses</i> may include:</p> <ul style="list-style-type: none"> • Bulk Data Storage (fully enclosed in a Building) • Laboratory • Musqueam or public infrastructure, utility, renewable energy systems and communications facilities • Life sciences, biotech and clean technology
<i>Trail or Walkway:</i>	<p><i>Trails or Walkways</i> are linear parks that connect our neighbourhoods to each other and to the larger area. They include a pathway for walking or biking, and areas for sitting and resting along the way.</p>

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Table 2. Zone Standards – Community Facilities.

CF – Community Facilities	
<i>Description</i>	The purpose of the CF Zone is for Buildings and Musqueam Lands that are used for the administration or governance of Musqueam, or used for community functions or services.
<i>Allowable Uses</i>	<ul style="list-style-type: none"> • Community Buildings • Cultural Buildings • Childcare Use • Neighbourhood Park or Playground • Community Park • Trail or Walkway • Limited Multiple Residential Uses: Multiple Residential Buildings with Rental tenure for Musqueam Members or Families of Musqueam Members
<i>Prohibited Uses</i>	No general public use allowed. See paragraph 9.3.2.7 of this Zoning Law.
<i>Siting and Setbacks</i>	<p style="text-align: center;"><i>For Community Buildings:</i></p> <p>External Setbacks:</p> <ul style="list-style-type: none"> • Setback from sites of Cultural Heritage Resources: 30.00 meters (except driveways and covered cultural pavilions) • Front Setback: 3.00 meters • Rear Setback: 3.00 meters • Interior Side Setback: 3.00 meters • Exterior Side Setback: 3.00 meters <p>Internal Setbacks:</p> <ul style="list-style-type: none"> • Between Buildings on same Lot: 3.00 meters <p style="text-align: center;"><i>For Limited Multiple Residential Uses:</i></p> <p>External Setbacks:</p> <ul style="list-style-type: none"> • Setback from sites of Cultural Heritage Resources: 30.00 meters (except driveways and covered cultural pavilions) • Front Setback: 3.00 meters • Rear Setback: 3.00 meters • Interior Side Setback: 3.00 meters • Exterior Side Setback: 3.00 meters <p>Internal Setbacks:</p> <ul style="list-style-type: none"> • Between Buildings on same Lot: 3.00 meters
<i>Variances:</i>	On a case-by-case basis considering the factors set out in subsection 6.3, Setback Variances may be considered with Application to Musqueam.

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CF – Community Facilities	
<i>Size and Dimensions of Buildings/Structures</i>	Building Height (maximum): 4 storeys
<i>Coverage and Density</i>	Not Applicable
<i>Subdivision</i>	All Lots within the CF Zone that are used for Community Buildings, Multiple Residential Uses or Childcare require Street access via a driveway either: <ul style="list-style-type: none">• directly on the Lot; or• in an area directly adjacent to the Lot that is subject to a valid registered Statutory Right of Way granting Street access to the Lot.

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Table 3. Zone Standards – Parks, Greenways, Open Spaces.

P1 – Parks, Greenways, Open Spaces	
<i>Description</i>	The purpose of the P1 Zone is to provide outdoor areas for public or Member use within the community. They can include a range of activities and generally feature outdoor spaces rather than built, enclosed Structures.
<i>Allowable Uses</i>	<ul style="list-style-type: none"> • Neighbourhood Park or Playground • Community Park • Trail or Walkway • Community Buildings • Cultural Buildings • Cemetery Uses
<i>Prohibited Uses</i>	No general public use allowed. See paragraph 9.3.2.7 of this Zoning Law.
<i>Siting and Setbacks</i>	<p style="text-align: right;"><i>For Community Buildings:</i></p> <p>External Setbacks:</p> <ul style="list-style-type: none"> • Setback from sites of Cultural Heritage Resources: 30.00 meters (except driveways and covered cultural pavilions) • Front Setback: 3.00 meters • Rear Setback: 3.00 meters • Interior Side Setback: 3.00 meters • Exterior Side Setback: 3.00 meters <p>Internal Setbacks:</p> <ul style="list-style-type: none"> • Between Buildings on same Lot: 3.00 meters <p style="text-align: right;"><i>For Cemetery Uses:</i></p> <p>Setback of Cemetery Plots from Lot Line: 5.00 meters</p> <p style="text-align: right;"><i>Variances:</i></p> <p>On a case-by-case basis considering the factors set out in subsection 6.3, Setback requirements can be exceeded with Application to Musqueam.</p>
<i>Size and Dimensions of Buildings/Structures</i>	<p>Building Height (maximum): 2 storeys.</p> <p>Additional Height can be considered where it can be shown that Shadowing impacts from the proposed Structure do not compromise the intent and enjoyment of the park, trail or community space. Shadow studies should be completed for the spring and fall equinox at 10 AM, noon and 2 PM for Height to be considered above 2 storeys.</p>
<i>Coverage and Density</i>	Not applicable.

P1 – Parks, Greenways, Open Spaces

Subdivision

All Lots within the P1 Zone that are used for Community Buildings or Cemetery Uses require Street access via a driveway either:

- directly on the Lot; or
- in an area directly adjacent to the Lot that is subject to a valid registered Statutory Right of Way granting Street access to the Lot.

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Table 4. Zone Standards - Protected Ecological and Cultural Areas.

P2 – Protected Ecological and Cultural Areas	
<i>Description</i>	The purpose of the P2 Zone is to protect areas of ecological and cultural importance to Musqueam.
<i>Allowable Uses</i>	<ul style="list-style-type: none"> • Protected Ecological and Cultural Areas • Environmental Protection Infrastructure • Cultural Uses • Trail or Walkway • Limited Community Buildings: covered cultural pavilions
<i>Prohibited Uses</i>	No general public use allowed. See paragraph 9.3.2.7 of this Zoning Law.
<i>Siting and Setbacks</i>	<p><i>For any Buildings or infrastructure (except driveways and covered cultural pavilions):</i></p> <ul style="list-style-type: none"> • Setback from sites of Cultural Heritage Resources: 30.00 meters
<i>Size and Dimensions of Buildings/Structures</i>	Not applicable.
<i>Coverage and Density</i>	Not applicable.
<i>Subdivision</i>	Not applicable.

MUSQUEAM ZONING LAW

Table 5. Zone Standards – Musqueam Low-Density Housing.

MH1 - Musqueam Low-Density Housing	
<i>Description</i>	The purpose of the MH1 Zone is for development of residential homes for Musqueam Members, including Single-Detached Dwellings and low-density Attached homes.
<i>Allowable Uses</i>	<ul style="list-style-type: none"> • Single-Detached Dwellings • Townhouses • Duplexes • Triplexes • Fourplexes • Infill Homes • Limited Additional Dwelling Units: secondary Dwelling Units and Tiny Homes • Limited Home-Based Businesses (subject to subsections 5.2.31 to 5.2.33 of this Zoning Law)
<i>Prohibited Uses</i>	No general public use allowed. See paragraph 9.3.2.7 of this Zoning Law.
<i>Siting and Setbacks</i>	<p>External Setbacks from property line:</p> <ul style="list-style-type: none"> • Front Setback: 3.00 meters • Rear Setback: 3.00 meters • Interior Side Setback: 2.00 meters • Exterior Side Setback: 2.00 meters <p>Internal Setbacks:</p> <ul style="list-style-type: none"> • Between Buildings on same Lot: 1.50 meters <p>On a case-by-case basis considering the factors set out in subsection 6.3, Setback requirements can be varied with Application to Musqueam.</p>
<i>Size and Dimensions of Buildings/Structures</i>	Building Height (maximum): 3 storeys
<i>Coverage and Density</i>	<p>Maximum number of Dwelling Units per acre: Not applicable</p> <p>Lot Coverage (maximum): 85%</p> <p>On a case-by-case basis considering the factors set out in subsection 6.3, Lot Coverage Variances may be considered with Application to Musqueam.</p>

MH1 - Musqueam Low-Density Housing	
<i>Subdivision</i>	<p>Minimum Lot size: 280.00 sq. m</p> <p>All Lots within the MH1 Zone require Street access via a driveway with a minimum Street frontage of 6.0 meters either:</p> <ul style="list-style-type: none">• directly on the Lot; or• in an area directly adjacent to the Lot that is subject to a valid registered Statutory Right of Way granting Street access to the Lot.

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Table 6. Zone Standards – Musqueam Multiple Residential Housing.

MH2 – Musqueam Multiple Residential Housing	
<i>Description</i>	The purpose of the MH2 Zone is for development of Multiple Residential homes, including low-density Attached homes, townhouses and apartments.
<i>Allowable Uses</i>	<ul style="list-style-type: none"> • Limited Multiple Residential Uses: <ul style="list-style-type: none"> ○ Townhouses ○ Duplexes ○ Triplexes ○ Fourplexes ○ Apartments • Limited Home-Based Businesses (subject to subsections 5.2.31 to 5.2.33 of this Zoning Law)
<i>Prohibited Uses</i>	No general public use allowed. See paragraph 9.3.2.7 of this Zoning Law.
<i>Siting and Setbacks</i>	<p><i>For Duplex, Triplex, and fourplex developments:</i></p> <p>External Setbacks:</p> <ul style="list-style-type: none"> • Front Setback: 3.00 meters • Rear Setback: 3.00 meters • Interior Side Setback and Exterior Side Setback: <ul style="list-style-type: none"> ○ 1.50 meters for the first 3.00 storeys; ○ 3.00 meters for any portion of Building above the third storey. <p>Internal Setbacks:</p> <ul style="list-style-type: none"> • Between Buildings on same Lot: <ul style="list-style-type: none"> ○ 1.50 meters for the first three (3) storeys; ○ 3.00 meters for any portion of Building above the third storey. <p><i>For townhouse developments:</i></p> <p>External Setbacks:</p> <ul style="list-style-type: none"> • Front Setback: 3.00 meters • Rear Setback: 3.00 meters • Interior Side Setback: 1.50 meters • Exterior Side Setback: 1.50 meters <p>Internal Setbacks:</p> <ul style="list-style-type: none"> • Between Buildings on same Lot: 3.00 meters

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MH2 – Musqueam Multiple Residential Housing	
<p><i>For apartment and all other use developments:</i></p> <p style="text-align: right;"><i>Variances:</i></p>	<p>External Setbacks:</p> <ul style="list-style-type: none"> • Front Setback: 3.00 meters • Rear Setback: 3.00 meters • Interior Side Setback and Exterior Side Setback: <ul style="list-style-type: none"> ○ 1.20 meters for the first three (3) storeys; ○ 3.00 meters for any portion of Building between the fourth and sixth storey; ○ 12.00 meters above the sixth storey. <p>Internal Setbacks:</p> <ul style="list-style-type: none"> • Between Buildings on same Lot: 3.00 meters <p>On a case-by-case basis considering the factors set out in subsection 6.3 of this Zoning Law, Setback Variances may be considered with Application to Musqueam.</p>
<p><i>Size and Dimensions of Buildings/Structures</i></p>	<p>Building Height (maximum): six storeys.</p> <p>Additional Height can be considered where it can be shown that Shadowing impacts from the proposed Structure do not compromise the intent and enjoyment of park, trail or community spaces. Shadow studies should be completed for the spring and fall equinox at 10 AM, noon, and 2 PM for Height to be considered above six storeys. For any storey above six, the maximum gross Building floor plate should be 700.00 sq. m (measured from outer edges, but excluding exterior balconies).</p>
<p><i>Coverage and Density</i></p>	<p>To be determined based on urban design review.</p>
<p><i>Subdivision</i></p>	<p>Minimum Lot size: 280.00 sq. m</p> <p>All Lots within the MH2 Zone require Street access via a driveway either:</p> <ul style="list-style-type: none"> • directly on the Lot; or • in an area directly adjacent to the Lot that is subject to a valid registered Statutory Right of Way granting Street access to the Lot.

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Table 7. Zone Standards – Mixed-Use.

MU - Mixed-Use	
<i>Description</i>	The purpose of the MU Zone is for development of Multiple Residential homes, including Attached homes, townhouses, apartments, offices, Mixed-Use Buildings, and limited Commercial, Service and Technology Uses.
<i>Allowable Uses</i>	<ul style="list-style-type: none"> • Limited Multiple Residential Uses: <ul style="list-style-type: none"> ○ Duplex ○ Triplex ○ Fourplex ○ Townhouses ○ Apartments • Office Uses • Limited Home-Based Businesses (subject to subsections 5.2.31 to 5.2.33 of this Zoning Law)
<i>Prohibited Uses</i>	No general public use allowed. See paragraph 9.3.2.7 of this Zoning Law.
<i>Multiple Uses on a Lot</i>	<p>Subject to the provision of a Multiple Residential Use on the Lot and urban design review, Musqueam may consider permitting the following uses on the ground floor of a Mixed-Use Building or in a stand-alone Building:</p> <ul style="list-style-type: none"> • Commercial Uses • Service Uses • Technology Uses
<i>Siting and Setbacks</i> <i>For Duplex, Triplex, and fourplex developments:</i>	<p>External Setbacks:</p> <ul style="list-style-type: none"> • Front Setback: 3.00 meters • Rear Setback: 3.00 meters • Interior Side Setback and Exterior Side Setback: <ul style="list-style-type: none"> ○ 1.50 meters for the first three (3) storeys; ○ 3.00 meters for any portion of Building above the third storey. <p>Internal Setbacks:</p> <ul style="list-style-type: none"> • Between Buildings on same Lot: <ul style="list-style-type: none"> ○ 1.50 meters for the first third (3) storeys; ○ 3.00 meters for any portion of Building above the third storey.

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Table 8. Zone Standards - Leasehold Residential.

LR - Leasehold Residential	
<i>Description</i>	The purpose of the LR Zone is for development of residential homes for leasehold tenure.
<i>Allowable Uses</i>	Limited Single-Detached Residential Uses: Single-Detached Dwellings
<i>Prohibited Uses</i>	<ul style="list-style-type: none"> • Additional Dwelling Units • Infill Homes
<i>Multiple Uses on a Lot</i>	Multiple uses not allowed.
<i>Siting and Setbacks</i>	<p>External Setbacks:</p> <ul style="list-style-type: none"> • Front Setback: 3.00 meters • Rear Setback: 3.00 meters • Interior Side Setback: 1.50 meters • Exterior Side Setback: 1.50 meters <p>Internal Setbacks:</p> <ul style="list-style-type: none"> • Between Buildings on same Lot: 3.00 meters <p>On a case-by-case basis considering the factors set out in subsection 6.3 of this Zoning Law, Setback Variances may be considered with Application to Musqueam.</p>
<i>Size and Dimensions of Buildings/Structures</i>	Building Height (maximum): 3 storeys
<i>Coverage and Density</i>	Lot Coverage (maximum): 85% or as otherwise defined in leases
<i>Subdivision</i>	Subdivision not allowed.

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Table 9. Zone Standards - Sustainable Economic Development.

SED - Sustainable Economic Development	
<i>Description</i>	The purpose of the SED Zone is for development of sustainable employment uses that contribute towards Musqueam Economic Development opportunities.
<i>Allowable Uses</i>	<ul style="list-style-type: none"> • Sustainable Economic Development Uses • Community Buildings • Cultural Buildings • Cultural Uses • Community Parks • Neighbourhood Parks or Playgrounds • Trails or Walkways
<i>Prohibited Uses</i>	No general public use allowed. See paragraph 9.3.2.7 of this Zoning Law.
<i>Siting and Setbacks</i>	<p>External Setbacks:</p> <ul style="list-style-type: none"> • Front Setback: 6.00 meters • Rear Setback: 6.00 meters • Interior Side Setback: 4.50 meters • Exterior Side Setback: 6.00 meters <p>Internal Setbacks:</p> <ul style="list-style-type: none"> • Between Buildings on same Lot: 3.00 meters <p>On a case-by-case basis considering the factors set out in subsection 6.3 of this Zoning Law, Setback Variances may be considered with Application to Musqueam.</p>
<i>Size and Dimensions of Buildings/Structures</i>	Building Height (maximum): 30 meters
<i>Coverage and Density</i>	Lot Coverage (maximum): 50% or as otherwise defined in leases
<i>Subdivision</i>	Subdivision to be determined by subdivision plan approved under the authority of this Zoning Law

Table 10. Zone Standards - Special Planning Zones.

SP - Special Planning Zones

Special Planning Zones are established to direct future planning and development decisions for areas of Musqueam Lands that may be suitable for more intensive land uses in the future. Several Special Planning Zones have been pre-identified in Schedule 3 to this Zoning Law in case applicable Lots become available for development in the future. Council may consider establishing additional Special Planning Zones through the Rezoning process set out in Part 7 of this Zoning Law.

The Zone Standards for each Special Planning Zone will be established through the Rezoning process set out in Part 7 of this Zoning Law. Zone Standards for Special Planning Zones must include regulations on the following:

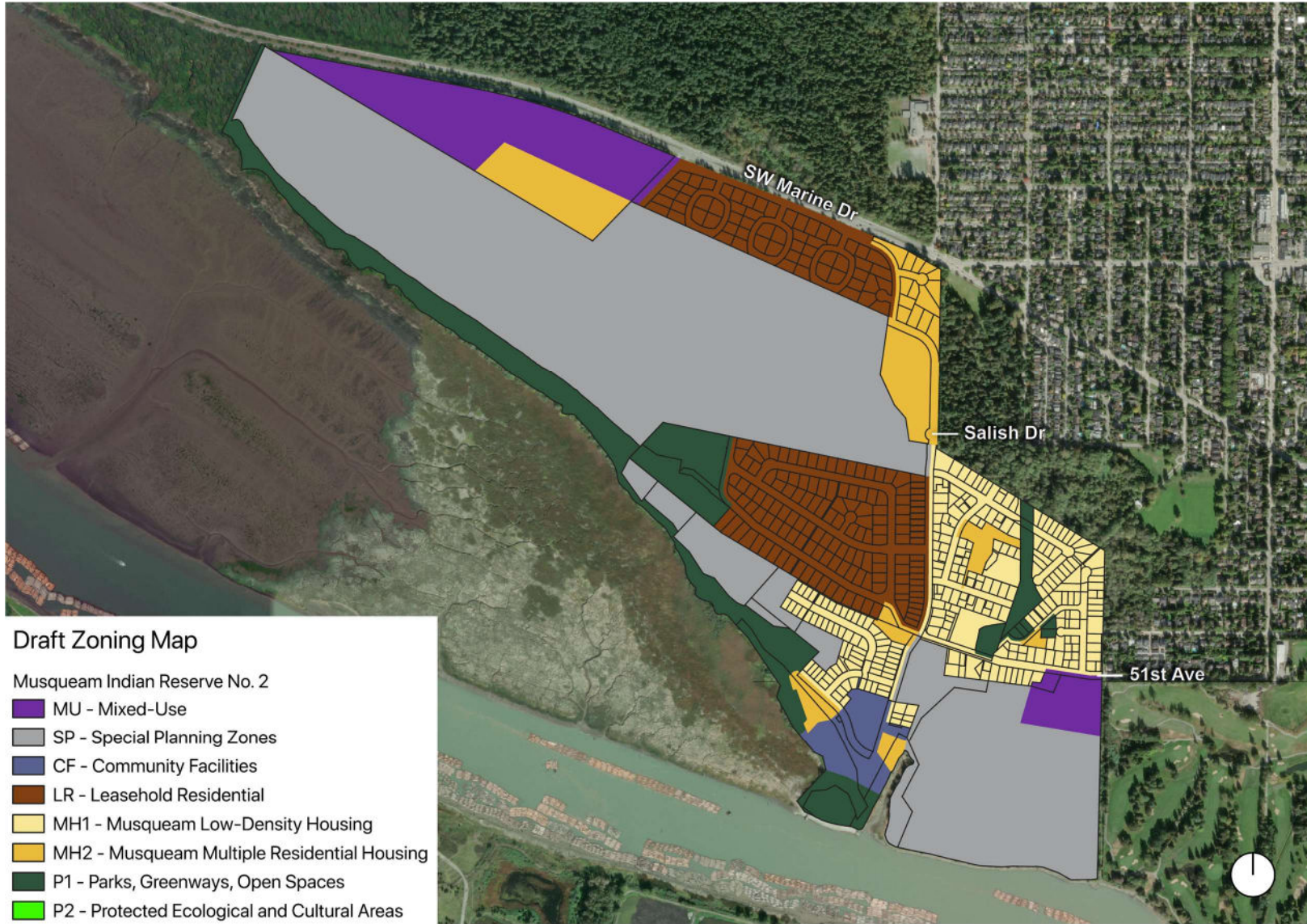
- Description
- Allowable Uses
- Prohibited Uses
- Multiple Uses on a Lot
- Siting and Setbacks
- Size and Dimensions of Buildings/Structures
- Coverage and Density, including but not limited to provisions on the maximum number of Dwelling Units per acre
- Subdivision

As Zone Standards for Special Planning Zones are established, they will be added to Schedule 2 to this Zoning Law. Special Planning Zones will be numbered sequentially in the order enacted by Council.

Existing uses within Special Planning Zones are to be considered pursuant to Part 6 of this Zoning Law. Allowable uses within Special Planning Zones are limited to those set out in subsection 5.2.6 of this Zoning Law, unless otherwise determined through the Rezoning process set out in Part 7 of this Zoning Law.

SCHEDULE 3. ZONING MAPS

MUSQUEAM IR2



MUSQUEAM IR3

Draft Zoning Map

Sea Island Indian Reserve No. 3

■ SP - Special Planning Zones



MUSQUEAM IR4



SCHEDULE 4. FLOOD MAP

MUSQUEAM IR2

