

2017



**FLYING DUST FIRST NATION**

**Land Use Law 2017**

December 2017


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## **Preamble**

WHEREAS Flying Dust First Nation has inherent Aboriginal and Treaty rights, including the inherent right of self-government, that have been acknowledged and recognized through the Constitution Act, 1982, treaties, negotiations, court decisions and other means;

AND Flying Dust First Nation has the power under Section 6.1 of the Flying Dust First Nation Land Code to make and enforce laws in relation to Flying Dust Lands including zoning and land use planning;

AND Flying Dust First Nation Council believes it is in the best interests of Flying Dust to exercise its inherent right of self-government and its Land Code to enact this Flying Dust First Nation Land Use Law;

NOW THEREFORE this Flying Dust First Nation Land Use Law, 2017 is hereby enacted at a duly convened meeting of Chief and Council.

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- Schedule A – Community Core
- Schedule B – Meadow Lake
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## PURPOSE OF LAW

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The purpose of this Land Use Law is to help implement and reinforce the Land Use Plan by:

- a. Dividing Flying Dust First Nation into zones where particular types of development and land uses are permitted;
- b. Providing direction on site planning issues such as the location of main buildings and accessory buildings on a parcel of land; and
- c. Providing direction on issues such as home-based businesses, secondary suites, and use of cargo containers in residential areas, use of mobile homes, and other matters.

This Law will work in conjunction with other relevant laws and policies of Flying Dust First Nation.

# 1.0 DEFINITIONS

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**Accessory Building, Accessory Use, or Accessory Structure** means a use, detached building, or structure that is subordinate, customarily incidental, and exclusively devoted to the principal use, building or structure located on the same parcel.

**Agriculture** means the use of land for the husbandry of plants and livestock and includes the storage and sale of agricultural products and the storage and repair of farm machinery and implements used on the individual farm on which the storage and repair is taking place.

**Assembly Hall** means a service establishment where facilities are provided for public, social, or religious purposes and shall include church halls, community halls/centers, concert halls, and halls operated by private service clubs.

**Band** means the Flying Dust First Nation.

**Building** means any structure used or intended for supporting or sheltering any use or occupancy.

**Caretaker Suite** means a dwelling unit used solely to accommodate a person or persons for the purposes of providing on-site surveillance, maintenance or security for the primary use of the parcel.

**Cargo Container** means a container designed for the storage or transport of goods, including a container designed for the intermodal transportation of freight or goods, but excludes dumpsters and recycling receptacles.

**Carport** means a structure attached to a dwelling that provides a roof over a part of the driveway without a door covering the vehicular entrance. Any other walls may or may not be constructed in a carport.

**Cemetery** means and includes any parcel or tract of land set aside, used, maintained or operated as a place for the interment of the remains of dead persons.

**Club** means a building or establishment used by an association or organization for fraternal, social, or recreational purposes with cooking facilities and which will be operated for the use of club members and their guests only.

**Community Facilities** means buildings and lands that are used for the governance of the Flying Dust First Nation or used for public functions or services.

**Conservation Area** means the maintenance of the natural environment for the purpose of preservation, research, observation and outdoor uses such as hiking, hunting and fishing, and includes the erection and use of trail shelters and other similar structures ancillary to the foregoing uses, but does not include the use of a dwelling house, a mobile home, a tourist vehicle or a tourist trailer.

**Corner Parcel** means a parcel abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle or less than 135°. For the purposes of this definition, the front yard is the yard adjacent to the shortest boundary abutting on a street or right of way.

**Council** means the "COUNCIL OF THE BAND", as defined in the *Indian Act*, of Flying Dust First Nation.

**Cultural and Recreational Facility** means a use catering to the knowledge, customs, heritage, arts and culture of people and includes museums, art galleries, libraries, traditional medicinal areas, and community gardens.

**Daycare** means a use which provides nursery and/or pre-school care for children and for adults who are mentally and/or physically debilitated to a level which requires a care provider.

**Density** means the maximum number of dwelling units per each hectare/acre of usable site area.

**Derelict Vehicle** means a vehicle that has been deemed unfit by Saskatchewan Government Insurance (has not passed vehicle inspection and cannot be registered or insured by SGI) or has not been insured and registered for operation for the past 12 months.

**Development Approvals Procedure Manual** means the document that outlines procedures for approving any new development including changes in land use, density and siting on the Flying Dust First Nation reserve lands.

**Dwelling, Single Unit** means a building that contains one dwelling unit, and which may also contain a secondary suite where permitted by this Law.

**Fence** means a railing, trellis, or other screening, other than vegetation, forming a boundary to or enclosing a parcel or part thereof.

**Floor Area** means the total area of all the floors of a building measured to the extreme outer limits of the building, including enclosed porches, verandas, and balconies, but excluding areas used for parking.

**Flying Dust Land** means, for the purposes of this Land Use Law, Flying Dust Indian Reserve(s) including:

- Flying Dust First Nation I.R #105,
- Meadow Lake I.R #105 A,
- Gladue Lake I.R #105 B,
- Meadow Lake I.R #105 C,
- Flying Dust First Nation I.R #105 D,
- Flying Dust First Nation I.R #105 E,
- Flying Dust First Nation I.R #105 F,
- Flying Dust First Nation I.R #105 H,
- Flying Dust First Nation I.R #105 I,
- Flying Dust First Nation I.R #105 L;
- Flying Dust First Nation I.R #105 O; and
- Any lands set apart by Canada in the future as reserve lands of Flying Dust First Nation.

**Food Preparation Establishment** means a service business where food products such as previously cooked or baked goods prepared to be baked by a customer, sandwiches, pickled products, sauces, etc. are prepared for wholesale distribution (e.g. supermarkets, vending machines, food trucks).

**Frontage** means the length of a parcel boundary which immediately adjoins a road or a street.

**Health Services** means the use of a building or buildings for the provision of a physical or mental health service on an out-patient basis and includes but is not limited to medical and dental offices, traditional healers, chiropractors, massage therapists, acupuncture clinics, reflexology, health clinics and counseling services.

**Highway** includes a street, road, lane, bridge, or any other way open to public use for vehicular traffic, but does not include a private right of way on private property.

**Home-Based Business** means the use of a parcel containing a dwelling unit (house) for a small professional or home-based business, including but not limited to book-keeping, legal services, and small-scale home sales. Home-based businesses are conducted entirely indoors.



**Home-Based Industry** means the use of a parcel containing a dwelling unit for an industrial or manufacturing business, including but not limited to a carpentry shop, a mechanics shop, a welding shop, and a metal working shop. These will be conducted indoors, more likely in a garage or shop on the lot.

**Industrial** means the use of land to store, process or manufacture materials or products made predominantly from extracted, bulk, or raw materials, or to use land for the storage or manufacturing of flammable, explosive, hazardous, or noxious materials or products.

**Industry, Light** means the use of land to make, assemble, and service finished products, including packaging and wholesale distribution.

**Land Use Law** means this **Land Use Law**, a bylaw enacted pursuant to section 6.1 of the Flying Dust Land Code (2013).

**Land Use Law Administrator** means the Manager of the Lands and Resource Department who is charged with the duty of administering and enforcing the provisions of this Law.

**Land Use Law Map** means the maps attached as Schedules A, B, C and D.

**Lane** means a highway intended to provide secondary access to parcels of land, but a lane is not a partial highway.

**Lot** means the same definition as parcel.

**Manufactured Home** means factory-built and modular homes, which are constructed indoors as three dimensional “modules” before being transported to home sites. Manufactured homes are built in factories and use construction materials certified by the Canadian Standards Association (CSA).

**Mobile Home** means a factory constructed dwelling unit designed to be towed from site to site, subject to Canadian Standards Association (CSA) Z240 Mobile Home Series of Standards. CSA Z240 Standards are specifically for homes that may be moved from one home site to another.

**Motor Vehicle Fuel Service** means an establishment where the primary purpose is the sale of fuel for motor vehicles (i.e. gas station). Motor vehicle repair and general cleaning (e.g. car wash, upholstery cleaning) as well as the retailing of convenience retail items and restaurants may be considered accessory uses to the fuel service establishment.

**Natural Boundary** means the visible high water mark of any lake, river, stream, or other body of water. The soil and vegetation at the natural boundary is distinct from that of the bank of the waterbody. Natural boundaries may also be determined by a legal land surveyor.

**Non-Conforming** means a use that does not conform, comply or agree with the provisions of this Law as of the date it was adopted by Council.

**Noxious Use** means any use which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter.

**Office** means a building or part thereof designed, intended or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or where not conducted on the site thereof, the administration of an industry operation.

**Open Space** means vacant land used for recreation activities such as walking, cycling, running, hiking, snowmobiling, and all-terrain vehicle use.

**Parcel** means a unit of land which is identified as a separate and distinct parcel on a legally recorded plan.

**Parcel Coverage** means the percentage of the parcel area covered by buildings and structures. This is only applied in the Commercial zone and the Residential zone.

**Parcel Depth** means the shortest horizontal distance between the front and rear parcel lines.

**Parcel Line** means the legally defined boundary of any parcel.

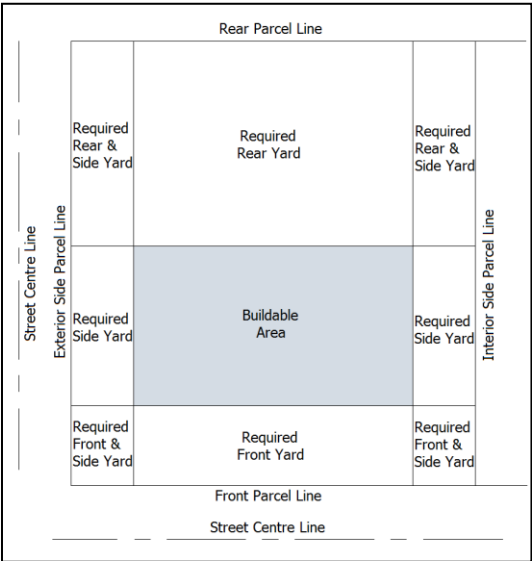
**Parcel Line, Exterior Side** means a side parcel line which abuts the highway (excluding a lane, pathway, walkway, or trail) on a corner parcel, as illustrated in Figure 1.1.

**Parcel Line, Front** means any parcel line common to a parcel and one highway other than a lane as illustrated in Figure 1.1. Where a parcel is contiguous to the intersection of two (2) highways, the front parcel line is the shortest parcel line contiguous to a highway other than a lane.

**Parcel Line, Interior Side** means a parcel boundary between two (2) or more parcels or a lane, other than a front or rear parcel line, as illustrated in Figure 1.1.

**Parcel Line, Rear** means the boundary of a parcel which lies the furthest from, and is not connected to, the front parcel line, as illustrated in Figure 1.1.

**FIGURE 1.1 ILLUSTRATION OF PARCEL LINES**



**Parcel Width** means the horizontal distance between side parcel lines.

**Park** means an area permanently devoted to recreational uses and generally characterized by its natural, historic or landscaped features, and used for both passive and active forms of recreation.

**Parking Area** means an area on a parcel(s) containing parking spaces including driveways, aisles, ramps and motor vehicle maneuvering areas.

**Permitted Use** means the principal permissible purpose for which land, buildings or structures may be used.

**Personal Service Establishment** means a use that provides personal services to an individual related to the care and appearance of the body or the cleaning and repair of personal effects, including barber shops, hairdressers, manicurists, tailors, dress makers, shoe repair shops, and laundries; but does not include health services.

**Place of Worship** means the use of land for a building used by any religious organization for worship or other ecclesiastical functions and may also include accessory uses and buildings, including, but not limited to an assembly hall, auditorium, rectory and daycare.

**Principal Building** means the main building that is being used and occupied on a parcel and shall include attached garages or carports.

**Principal Use** means the main purpose for which land, buildings, and structures are ordinarily used.

**Public Assembly and Entertainment** means a use that provides space for public assembly and entertainment and includes an auditorium, amusement arcade, billiard and pool hall, bowling alley, dance hall, and theatre.

**Public Use** means the use of land for Flying Dust First Nation-operated buildings and facilities, public parks, recreation areas, sports, education, health, welfare, administration, safety, communications or public works.

**Public Utility** means the use of land for buildings and facilities that distribute electricity, gas, water, and telephonic or television signals.

**Reserve/Reserve Lands** means the reserves of Flying Dust First Nation.

**Resource Development** means buildings and structures used for exploration and processing of natural resources.

**Retail Store** means a building where goods, wares, merchandise, substances, articles or items are offered or kept for sale at retail. This includes storage of limited quantities of such goods, wares, merchandise, substances, articles or items sufficient only to service such store.

**Setback** means the required minimum or maximum distance between a Building, Structure or Use and each of the respective Parcel Lines.

**Structure** means a construction of any kind, whether fixed to, supported by, or sunk into land or water which requires permanent location on the ground or something attached to the ground, and includes buildings, walls, decks, fences, tanks, pools, piers, sheds, display signs, poles and towers.

**Yard, Front** means that portion of the parcel extending across the full width of the parcel from the front parcel line to the face of the nearest exterior wall of the principal building on the parcel except in the case of a corner parcel, the front yard shall parallel the shortest boundary thereof abutting on a street or right of way.

**Yard, Rear** means that portion of the parcel extending across the full width of the parcel from the rear parcel line to the face of the nearest exterior wall of the principal building on the parcel.

**Yard, Side** means that portion of the parcel extending from the front yard to the rear yard and lying between the side parcel line and the face of the nearest exterior wall of the principal building on the parcel.

**Zone** means a zone created by this Law or as amended or as replaced.

## 2.0 ADMINISTRATION & ENFORCEMENT

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### TITLE

- 2.1 This Law shall be referred to as the “Flying Dust First Nation Land Use Law (2017)”.

### AUTHORITY

- 2.2 This Law is implemented pursuant to Flying Dust First Nation’s right to govern its lands and pursuant to section 6.1 of the Flying Dust Land Code (2013).

### APPLICATION/SUBJECT AREA

- 2.3 This Law applies to the entire geographical area of the Flying Dust First Nation and to all land, buildings and structures including the surface of water within that area.

### ADMINISTRATOR

- 2.4 Chief and Council (with advice from the Lands and Resource Commission) may, by resolution, appoint or designate a person as Lands Manager whose duty it shall be to administer and enforce this Law.
- 2.5 The process for updating this Land Use Law is as follows:
- 2.5.1 *Publicly post amendments for 30 days for comments from members;*
  - 2.5.2 *All applications for amendments must be made by the person seeking to develop the land;*
  - 2.5.3 *In the event of a dispute, the dispute shall be presented to the community membership for input. Then the issue shall be tabled at a Chief and Council meeting for resolution based on input from the community members. The decision of the Chief and Council will be deemed final;*
  - 2.5.4 *Any amendments authorizing the change of zoning for a piece of land should be reflected on an updated zoning map immediately after the amendment is approved by Chief and Council; and*
  - 2.5.5 *Band Council Resolutions (BCR) passed relating to the amendment of this Bylaw will be kept in a “Master Copy” of the Land Use Law to ensure that these are easily accessed when updated.*

## **INSPECTION**

- 2.6** The Chief and Council designate(s) is hereby authorized to enter, at all reasonable times, upon any land subject to this Law to ascertain whether this Law is being obeyed.

## **COMPLIANCE**

- 2.7** Compliance with other restrictions – no provision in this Law shall reduce or mitigate any need to comply with existing policies, laws, and bylaws adopted by the Chief and Council of Flying Dust First Nation. In addition, no provision in this Law shall reduce or mitigate any restrictions or regulations lawfully imposed by the Government of Canada, the Province of Saskatchewan, or any other governmental authority having jurisdiction to make such restrictions or regulations.

## **VIOLATIONS**

- 2.8** Any person who violates any of the provisions of this Law, or who suffers or permits any act or thing to be done in contravention of this Law, or who omits from doing any act or thing which is required by any of the provisions of this Law, shall be deemed to have violated the provisions of this Law.

## **PENALTIES**

- 2.9** Flying Dust First Nation reserves the right to administer penalties to persons found to be violating provisions of this Land Use Law. Penalties assessed will be at the discretion of the Lands and Resource Commission and Flying Dust Chief and Council, pursuant to section 38, Dispute Resolution System, of the Flying Dust Land Code (2013).

## **SEVERABILITY**

- 2.10** If any section, subsection, sentence, clause or phrase of this Law is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the decision that it is invalid shall not affect the validity of the remaining portions of this Law.

## **MEASUREMENT**

- 2.11** All measurements in this Land Use Law shall be made in metric.

## 3.0 ESTABLISHMENT OF ZONES

### LAND USE MAP

- 3.1** The area within the boundaries of the Flying Dust First Nation is hereby divided into the following zones in Column I and generally described in Column II:

Column One (I)	Column Two (II)
<b>RESIDENTIAL ZONES</b>	<b>TITLE ELABORATION</b>
R1	Residential – Community Core
R2	Residential – Rural
<b>COMMERCIAL ZONES</b>	
C1	Commercial
<b>PARK AND INSTITUTIONAL ZONES</b>	
P1	Community Use
P2	Protected Areas
<b>OTHER ZONES</b>	
A1	Agricultural
I1	General Industrial
EX	Resource Extraction
FD	Future Development

### LAND USE LAW BOUNDARIES

- 3.2** The zone boundaries on the Land Use Law Map shall be interpreted as follows:
- 3.2.1 *Where a zone boundary follows a street, lane, railway, pipeline, power line, utility right-of-way, or easement, it follows the centerline, unless otherwise clearly indicated on the Land Use Law Map;*
  - 3.2.2 *Where a zone boundary is shown as approximately following the reserve boundary, it follows the reserve boundary;*
  - 3.2.3 *Where a zone boundary is shown as approximately following the natural boundary, it follows the natural boundary and changes with the change in the natural boundary;*
  - 3.2.4 *Where a zone boundary is shown as approximately following a property line, it follows the property line;*



- 3.2.5 *Where a zone boundary is shown as approximately following a topographic contour line or a top-of-bank line or the high water mark, it follows that line;*
- 3.2.6 *Where a zone boundary is shown as being generally parallel to or as an extension of any of the features listed above, it shall be so; and*
- 3.2.7 *In circumstances not covered above, the zone boundary shall be determined by the scale of the Land Use Law Map.*
- 3.3** Where any street is closed, the roadway lands have the same land use as the abutting land. When abutting lands are governed by different zones, the center of the roadway is the zone boundary unless the zone boundary is shown clearly following the edge of the roadway. If the roadway is consolidated with an adjoining parcel, the parcel's land use designation applies to affected portions of the roadway.

## 4.0 GENERAL REGULATIONS

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### APPLICABILITY OF GENERAL REGULATION

- 4.1 Except as otherwise specified in this Law, Section 4 applies to all zones established under this Law.

### EXISTING USES

- 4.2 Existing uses and requests for development made as of the adoption date of this Law are grandfathered and therefore allowed to continue. Any changes in the land use (i.e. from residential to commercial use, addition of a new home based business, etc.) or construction of new structures (i.e. construction of a fence, construction of an accessory building, etc.) made after the adoption of this Land Use Law must comply with this Land Use Law.

### USES AND REGULATIONS

- 4.3 No land, building, or structure within Flying Dust First Nation shall be developed, used, constructed, erected, modified, converted, enlarged, re-constructed, altered, placed, or maintained except in conformance with the provisions of this Law, if initiated after the adoption of this Bylaw.
- 4.4 If the use of a building or structure does not conform to the provisions of this Law, is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by a building inspector, it must not be repaired or reconstructed except for a conforming use in accordance with this Law.

### USES PERMITTED IN ALL LAND USE DESIGNATIONS

- 4.5 The following uses are permitted in all zones subject to the approval of Chief and Council (with advice from Lands and Resource Commission):
- 4.5.1 *Public utility facilities for local transmission of water, electrical power, telephone, natural gas, cable television and other similar services (but not including electrical substations, storage yards, works, yards, maintenance buildings or maintenance offices).*

## SITING, SIZE AND DIMENSIONS OF BUILDINGS AND STRUCTURES

- 4.6 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 is located.
- 4.7 Notwithstanding the provisions of this Law, no building, structure, or projection into a setback area shall be located on a parcel so as to interfere with the construction, operation, maintenance and replacement of an on-site septic system that has been approved by Health Canada.

## SUBDIVISION OF LAND

- 4.8 No owner, occupier or other person shall subdivide any land, except in compliance with the provisions set out in this Law.

## FENCING

- 4.9 There shall be no height limits on natural vegetation such as hedges and trees on parcel lines in any zone.
- 4.10 No fence in a Residential Community Core - R1 zone shall exceed 1.8 m (6.0 ft.) in height in any yard.
- 4.11 In the Commercial - C1 and Community Use - P1 zones, full perimeter fencing is permitted up to 2.5 m (8.0 ft.) in height. No fence, wall or projecting retaining wall shall:
- 4.11.1 *Exceed 1.8 m (6.0 ft.) in height between the front parcel line and the front building line; and*
- 4.11.2 *Exceed 2.5 m (8.0 ft.) in height rear and side yards.*

## ACCESSORY BUILDINGS AND STRUCTURES

- 4.12 Accessory buildings shall be located at least 2.0 m away from any principal building and 2.0 m away from any parcel line.
- 4.13 On corner parcels, accessory buildings and structures setbacks from the exterior side parcel line shall be equal to the front parcel line setback.
- 4.14 Accessory buildings shall not be used for human habitation.



*Example of a typical residential area accessory building*

## ACCESSORY STORAGE UNITS – CARGO CONTAINERS IN RESIDENTIAL ZONES

- 4.15 Cargo containers are only permitted in R-zones as accessory buildings if used as storage units related to a principal use and in accordance with sections 4.16 - 4.19 of this Law.
- 4.16 Cargo containers must not be used as dwelling units or any other form of accommodation. Unless discretionary approval has been provided by Chief and Council (with advice from Lands and Resource Commission)
- 4.17 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 circulation.
- 4.18 Cargo containers must not exceed a height of 2.6 m (8.5 ft.) and must not be stacked.
- 4.19 Multiple cargo containers may be located on a R-zone parcel but they must not exceed a cumulative gross floor area of 60 m<sup>2</sup> (640 sq. ft.)



*Example of cargo container storage box in residential area*

## PROJECTIONS INTO SETBACK AREAS

**4.20** 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 parcel line. No part of a building or structure shall project into a required front, side or rear yard setback required by this Law, except for the following:

4.20.1 *Steps and landings complete with handrails, fireplaces, balconies, and awnings.*

4.20.2 *A covered porch addition.*

4.20.3 *Wheelchair ramps.*

4.20.4 *Eaves, sills, belt courses, bay windows, chimneys, or other similar features.*

4.20.5 *An uncovered patio, sundeck, or terrace in a side or rear yard, that is not closer than 2.0 m (6 ft.) to a parcel line.*

4.20.6 *Arbors and trellises, fish ponds, flag poles or similar landscape features.*

4.20.7 *A swimming pool, provided that such pool is not nearer than 3.0 m to any parcel line, nor nearer than 3.0 m from any principal building.*



*For this house, the setback from the property line is measured from the house, while the steps leading to the front door project or intrude into the setback area*

## HOME-BASED BUSINESSES

Home-based businesses and home-based industries are commercial operations with business activities based on a parcel of land whose principal use is for housing. The table below summarizes the types of home-based businesses and industries based on their level of impact to a neighbourhood and the type of regulation that must be complied with.

**Summary of Home-based Business/Industry Types**

	Home-based Business		Home-based Industry
<b>Potential Level of Impact on Neighbours</b>	Low Impact	Moderate Impact	High Impact
<b>Location</b>	Within the house	In a shop/garage building or purpose built building	In a shop/garage building or purpose built building
<b>Example</b>	Caterer, office, lesson provider, daycare, barber/hair stylist	Convenience store	Mechanics shop, welding, carpentry
<b>Traffic</b>	Likely minimal throughout the day.	Yes	Yes
<b>Noise Issues</b>	Unlikely	Unlikely	Yes
<b>Environmental Issues</b>	Unlikely	Unlikely	Yes – activities could result in the use of some chemicals that if improperly handled, could result in environmental issues.
<b>FDN Approval Requirements</b>	None	See Section 4.22	See Section 4.23

**4.21** Home-based businesses taking place entirely within the dwelling unit (i.e. within the house) are permitted.

**4.22** Home-based businesses in an accessory building (i.e. outside of the main house and in a garage, shop, or other building that is accessory to a house located on a lot), such as an auto repair shop are permitted provided that they:

*4.22.1 Comply with existing noise and nuisance bylaws;*

- 4.22.2 *Do not produce any offensive noise, vibration, traffic, smoke, dust, odour, glare, heat or electrical interference;*
- 4.22.3 *Do not utilize materials or processes that produce flammable explosive vapours or gases under ordinary temperatures;*
- 4.22.4 *Do not require the delivery or removal of materials or products in bulk by commercial vehicles or trailers;*
- 4.22.5 *Do not attracts an amount of customer traffic that may pose a safety risk within a residential area; and*
- 4.22.6 *Only operate between the hours of 8:00 am and 9:00 pm.*

**4.23** Home-based industry businesses, as defined in this Law, are permitted by Flying Dust First Nation subject to the following:

- 4.23.1 *Such home-based industry occurs during the hours of 8:00 am to 6:00 pm;*
- 4.23.2 *Has the written support of neighbours located within a distance of 200 m of the home-based industry;*
- 4.23.3 *Occurs entirely indoors within an accessory building on a lot on which a house is located;*
- 4.23.4 *Complies with all applicable federal regulations. Provision of records of compliance may be requested by Flying Dust First Nation;*
- 4.23.5 *Does not produce any offensive noise, vibration, traffic, smoke, dust, odour, glare, heat or electrical interference;*
- 4.23.6 *Does not utilize materials or processes that produce flammable explosive vapours or gases under ordinary temperatures;*
- 4.23.7 *Does not require the delivery or removal of materials or products in bulk by commercial vehicles or trailers;*
- 4.23.8 *Does not attract an amount of customer traffic that may pose a safety risk within a residential area; and*
- 4.23.9 *Obtains a permit to operate from Flying Dust First Nation.*

### **DERELICT VEHICLES**

**4.24** No land in an R, C, P, A, FD, or EX zone shall be used for the storage of derelict vehicles, or as a wrecking yard or junkyard.

## **NOXIOUS USES**

- 4.25** No use is permitted which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, and vibration or refuse matter, except in Resource Extraction zones.

## **MULTIPLE USES ON A PARCEL**

- 4.26** Where any land or building is used for more than one purpose, all provisions of this Law relating to each use shall be satisfied. In situations where there is a conflict, the combined best judgement of Chief and Council, FDFN staff, and the builder/developer will be relied upon.

## **ARCHAEOLOGICAL, CULTURAL, AND ENVIRONMENTAL ASSESSMENTS**

- 4.27** Prior to any large development, an assessment must be completed as required under applicable legislation to identify archaeological and/or cultural features, or environmentally sensitive areas and habitat.
- 4.28** If archaeological or cultural artifacts are found during development, development shall be paused to complete a full archaeological assessment of the site.

## **SETBACKS FROM WATERCOURSES**

- 4.29** Any setback from a watercourse shall be from the high water mark or the top-of-the-bank.
- 4.30** Any development located along a long a watercourse (i.e. river, stream) must comply with environmental best practices.

## **AGE OF MANUFACTURED HOMES**

- 4.31** All manufactured homes must be manufactured no later than 10 years from the date it is placed on a lot and must have a Saskatchewan registration number.

## **MOBILE HOMES**

- 4.32** Mobile homes must have a sticker indicating compliance with CSA Z240.
- 4.33** Mobile homes must be manufactured no later than 10 years from the date it is placed on a lot and must have a Saskatchewan registration number.



## SEPTIC SYSTEMS

- 4.34** All septic systems must be designed to comply with Health Canada standards and approvable by Health Canada.

## 5.0 RESIDENTIAL COMMUNITY CORE – R1

### PURPOSE

- 5.1 The purpose of this zone is to facilitate the development of single unit residential houses within the community core area. These lots would be connected to community water and sewer system.

### PERMITTED USES

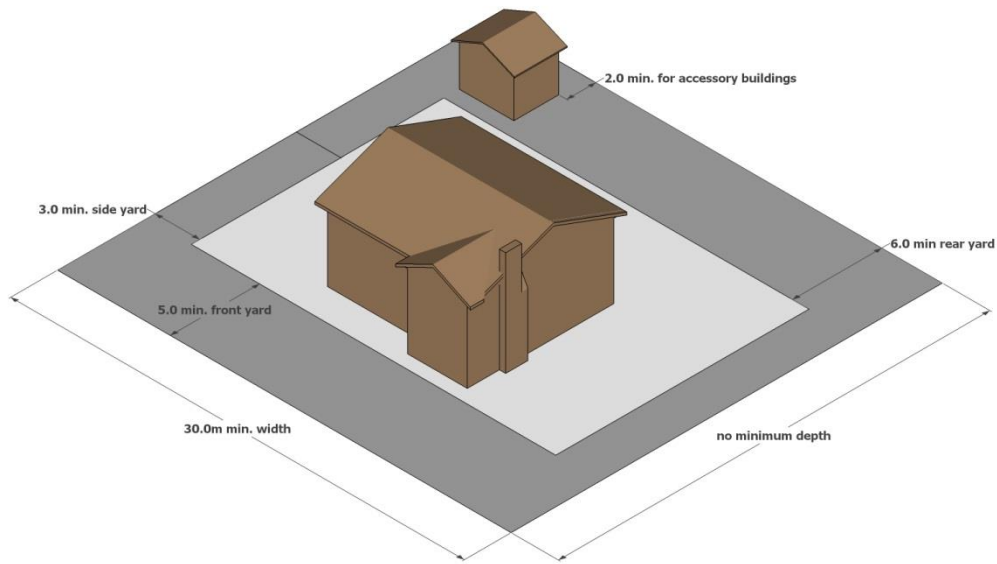
- 5.2 The following uses shall be permitted in the R1 Zone:
- a. *Single unit dwelling;*
  - b. *Home-based business;*
  - c. *Mobile home; and*
  - d. *Accessory building.*

### REGULATIONS

- 5.3 On a parcel located in an area zoned as R1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation (Figure 5.1).

Column One (I)	Column Two (II)
1. Minimum parcel size for new lot for single family dwelling	1000 m <sup>2</sup> (0.25 acres)
2. Maximum parcel size for new lot for single family dwelling	4046 m <sup>2</sup> (1.0 acre)
3. Minimum frontage	12.0 m (39.3 ft)
4. Maximum number of principal buildings	1 dwelling unit per parcel
5. Minimum setback from parcel lines for principal building:	
a. <i>Front parcel line</i>	5.0 m (16.4 ft)
b. <i>Rear parcel line</i>	6.0 m (19.7 ft)
c. <i>Interior side parcel line</i>	3.0 m (9.8 ft)
d. <i>Exterior side parcel line (on a corner parcel)</i>	5.0 m (32.8 ft)

**FIGURE 5.1 ILLUSTRATION OF PARCEL REQUIREMENTS**



### CONDITIONS OF USE

- 5.4** Available parcels must be connected to community-supplied water and sewer infrastructure. If a parcel is not connected to a community-supplied sewer system, a septic system that is suitable for a small lot and approvable by Health Canada must be utilized.

## 6.0 RESIDENTIAL RURAL – R2

### PURPOSE

- 6.1 The purpose of this zone is to facilitate the development of rural residential development, including single family dwellings on larger rural lots. If available, these lots should be serviced by a community sewer system or must ensure that there is room for a properly designed septic field that is approvable by Health Canada.

### PERMITTED USES

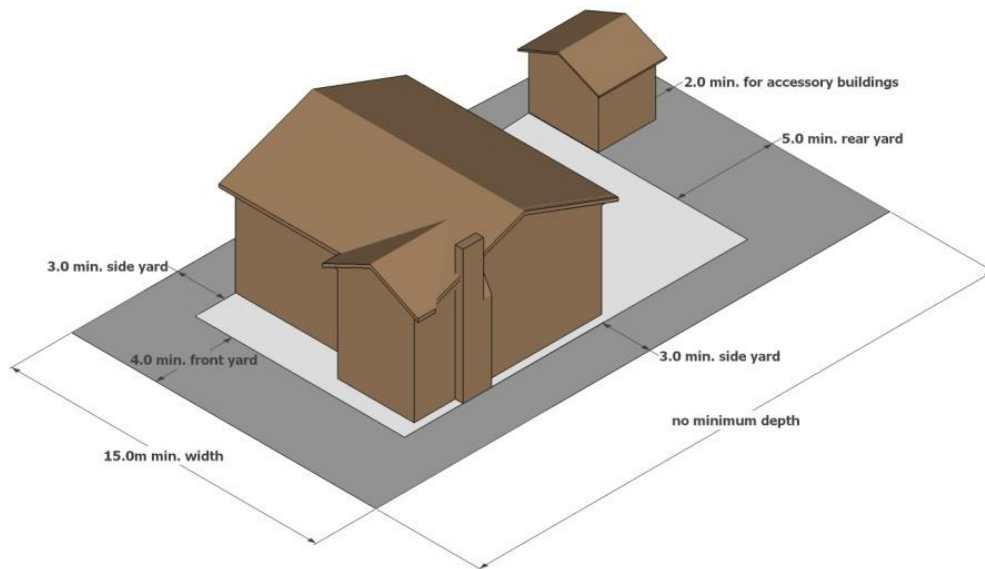
- 6.2 The following uses are permitted in the R2 zone:
- a. Single family dwelling;
  - b. Duplex dwelling;
  - c. Home-based business;
  - d. Home-based industry;
  - e. Mobile home; and
  - f. Accessory building.

### REGULATIONS

- 6.3 On a parcel located in an area zoned as R2, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation (Figure 6.1).

Column One (I)	Column Two (II)
1. Minimum parcel size for new subdivisions for single family	1250 m <sup>2</sup> (0.3 acre)
2. Minimum frontage	12.0 m (39.3 ft)
3. Maximum number of principal buildings	1 dwelling unit per parcel
4. Minimum setback from parcel lines for principal building:	
a. Front parcel line	5.0 m (16.4 ft)
b. Rear parcel line	6.0 m (19.7 ft)
c. Interior side parcel line	3.0 m (9.8 ft)
d. Exterior side parcel line (on a corner parcel)	5.0 m (32.8 ft)

**FIGURE 6.1 ILLUSTRATION OF PARCEL LINES**



### CONDITIONS OF USE

- 6.4** If available parcels must be connected to community-supplied water and sewer infrastructure. If a parcel is not connected to a community-supplied sewer system, a septic system that is suitable for a small lot and approvable by Health Canada must be utilized.

## 7.0 COMMERCIAL – C1

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### PURPOSE

- 7.1** To provide space for smaller scale commercial buildings and light industrial uses which service the local neighbourhood and regional economy.

### PERMITTED USES

- 7.2** The following uses are permitted in the C1 zone:
- a.** *Animal grooming;*
  - b.** *Auction sales and galleries;*
  - c.** *Automobile rental, repair, paint, body and glass services;*
  - d.** *Automobile, boat, trailer and recreation vehicle repair, sales, and rental lot;*
  - e.** *Automobile storage yard;*
  - f.** *Light manufacturing, processing, finishing and/or packaging;*
  - g.** *Home manufacturing, assembly, and storage;*
  - h.** *Moving and storage;*
  - i.** *Nursery or greenhouse;*
  - j.** *Office related to a storage building, workshop and/or a yard used by a general contractor or trade contractor;*
  - k.** *Printing, reproduction and data processing establishment;*
  - l.** *Storage building, warehousing and wholesale establishment, packing and crating, cold storage;*
  - m.** *Bakery;*
  - n.** *Brewing on premises establishment;*
  - o.** *Butcher shop;*
  - p.** *Catering business;*
  - q.** *Commercial laundry establishment;*
  - r.** *Coffee shop, café;*
  - s.** *Convenience store;*
  - t.** *Equipment rental;*
  - u.** *Food preparation establishment;*
  - v.** *Funeral parlors;*

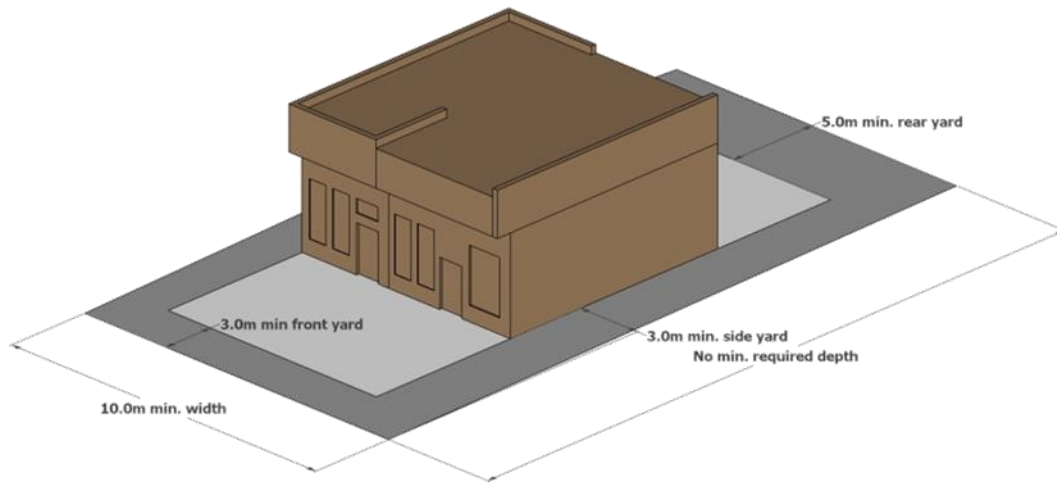
- w. Health services;
- x. Laundromat;
- y. Motor vehicle fuel service station (gas station);
- z. Non-industrial equipment and equipment parts sales and service;
- aa. Non-motorized sports equipment rental, sales and repair;
- bb. Personal service establishment;
- cc. Printing and media services;
- dd. Restaurant;
- ee. Retail store;
- ff. Trade contractors;
- gg. Upholstery shop;
- hh. Welding shop;
- ii. Video rental; and
- jj. Accessory building.

## REGULATIONS

- 7.3** On a parcel located in an area zoned as C1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation (Figure 7.1).

Column One (I)	Column Two (II)
1. Minimum parcel size for new subdivisions	3634 m <sup>2</sup> (0.9 acres)
2. Minimum frontage for new subdivisions	10.0 m (33.3 ft)
3. Minimum setback from parcel lines for principal building:	
a. Front parcel line	3.0 m (9.8 ft)
b. Rear parcel line	5.0 m (16.4 ft)
c. Interior side parcel line	3.0 m (9.8 ft)
d. Exterior side parcel line (on a corner parcel)	3.0 m (9.8 ft)

**FIGURE 7.1 ILLUSTRATION OF PARCEL LINES**



### **CONDITIONS OF USE**

- 7.4** Any C1 parcels that abut an R zone must provide a buffer of at least 3 m wide and which is designed to mitigate noise and aesthetics



## 8.0 COMMUNITY USE – P1

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### PURPOSE

- 8.1** This zone is intended to provide space for key institutional, administrative, parks and recreation space and public works functions of Flying Dust First Nation as well as indoor gathering spaces.

### PERMITTED USES

- 8.2** The following uses are permitted in the P1 zone:

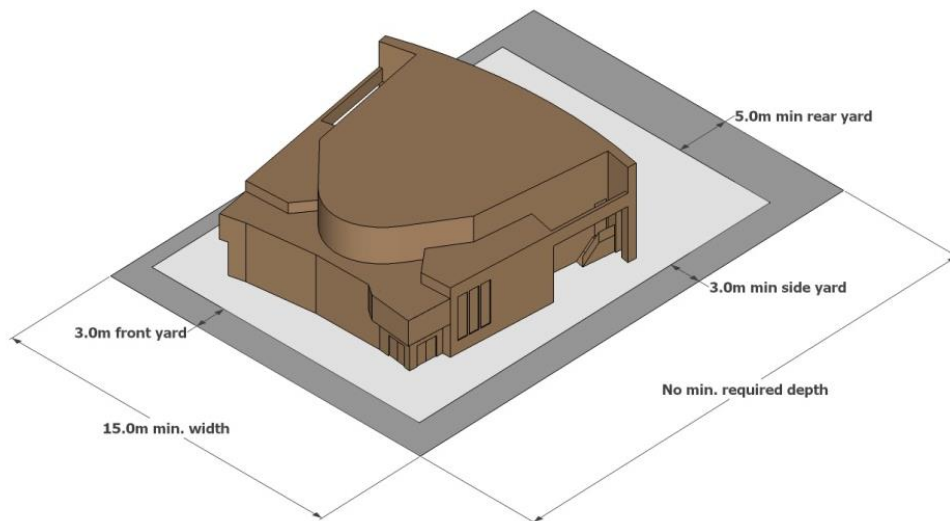
- a.** *Administrative buildings;*
- b.** *Assembly hall;*
- c.** *Community facilities;*
- d.** *Community halls and buildings;*
- e.** *Club or lodge;*
- f.** *Cultural facilities;*
- g.** *Daycare and/or pre-school;*
- h.** *School or college;*
- i.** *Place of worship;*
- j.** *Open space;*
- k.** *Public works;*
- l.** *Parks and recreation areas;*
- m.** *Playfields and playgrounds;*
- n.** *Sports fields;*
- o.** *Public use; and*
- p.** *Accessory building.*

## REGULATIONS

- 8.3** On a parcel located in an area zoned as P1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation (Figure 8.1).

Column One (I)	Column Two (II)
1. Minimum parcel size for new subdivisions	1,000.0 m <sup>2</sup> (0.25 acres)
2. Minimum frontage for new subdivisions	15.0 m (49.2 ft)
3. Minimum setback from parcel lines for principal building:	
a. Front parcel line	3.0 m (9.8 ft)
b. Rear parcel line	5.0 m (16.4 ft)
c. Interior side parcel line	3.0 m (9.8 ft)
d. Exterior side parcel line (on a corner parcel)	5.0 m (16.4 ft)

**FIGURE 8.1 ILLUSTRATION OF PARCEL LINES**



## 9.0 PROTECTED AREAS – P2

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### PURPOSE

- 9.1 The purpose of this zone is to identify and protect areas from development due to environmental sensitivity, sacred and cultural values, heritage and/or open space.

### PERMITTED USES

- 9.2 The following uses are permitted in the P2 zone:
- a. *Cemeteries;*
  - b. *Environmentally sensitive areas;*
  - c. *Conservation areas;*
  - d. *Open space;*
  - e. *Pow wow grounds; and*
  - f. *Sacred land.*

### REGULATIONS

- 9.3 No building or structure shall be constructed, located or altered, and no plan of subdivision approved until a site plan illustrating any development is reviewed and approved by Chief and Council. Environmental, archaeological, and heritage assessments will be required to be prepared and submitted prior to consideration of development.

## 10.0 RESOURCE EXTRACTION – EX

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### PURPOSE

- 10.1** The purpose of this zone is to identify Flying Dust First Nation lands that are to be utilized for resource extraction or heavy industrial uses.

### PERMITTED USES

- 10.2** The following uses are permitted in the EX zone:
- a. Agricultural use;*
  - b. Camps;*
  - c. Fishing, trapping and hunting;*
  - d. Forest practices, not including manufacturing processes or plants;*
  - e. A warehouse or storage establishment;*
  - f. A yard for fuel, lumber, building materials, contractor's equipment or similar material;*
  - g. Sawmill;*
  - h. Heavy equipment storage facility; and*
  - i. Accessory building.*

### DISCRETIONARY USES

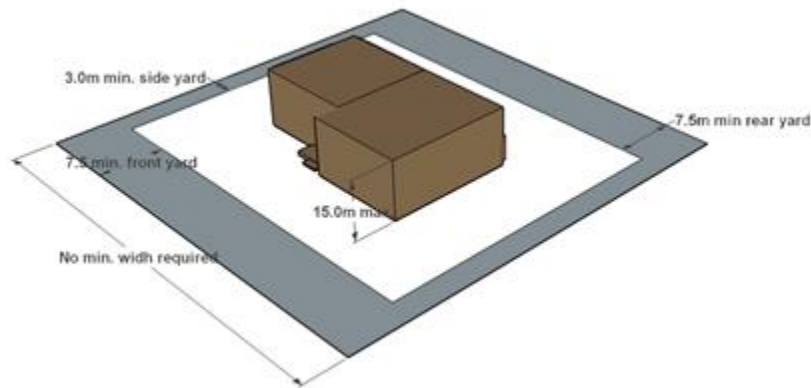
- 10.3** The following uses may be permitted in the EX zone, as approved by Chief and Council:
- a. Mineral exploration;*
  - b. Resource development; and*
  - c. Sand and gravel extraction.*

### REGULATIONS

- 10.4** In the EX, zone, no building or structure shall be constructed, located, altered and no plan of subdivision approved which contravenes the regulations set out in the table below in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulations (Figure 10.1).

Column One (I)	Column Two (II)
1. Minimum parcel size	5 hectares
2. Minimum setback: a. Front parcel line b. Side parcel line c. Rear parcel line	7.5 m 3.0 m 7.5 m
3. Minimum parcel width	n/a
4. Maximum height of principal building	15.0 m

**FIGURE 10.1 ILLUSTRATION OF PARCEL LINES**



### CONDITIONS OF USE

- 10.5 All new access roads in the resource extraction zone shall be approved by Flying Dust First Nation;
- 10.6 Existing treed and vegetated areas shall be maintained in their natural condition so as to support the movement of wildlife. Where these must be removed, they shall be replaced with a 3 metre (10 ft.) landscaped buffer.

## 11.0 GENERAL INDUSTRIAL – I1

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### PURPOSE

- 11.1** The purpose of this zone is to provide for land for heavy and light industry.

### PERMITTED USES

- 11.2** The following uses are permitted in the I1 zone:

#### LIGHT INDUSTRIAL

- a. Automobile, boat, trailer and recreation vehicle repair, sales, and rental lot;*
- b. Automobile repair, paint, body and glass services*
- c. Automobile storage yard;*
- d. Building supply establishment;*
- e. Cartage, delivery or express facility;*
- f. Home manufacturing, assembly, and storage;*
- g. Light manufacturing, processing, finishing and/or packaging;*
- h. Manufactured home sales lot;*
- i. Moving and storage;*
- j. Nursery or greenhouse;*
- k. Printing, reproduction and data processing establishment;*
- l. Storage building, warehousing and wholesale establishment, packing and crating, cold storage;*
- m. Truck and truck-tractor sales, rental lot, and repair;*
- n. Warehouse;*
- o. Single family dwelling;*
- p. Accessory building; and*
- q. Caretaker suite.*

## HEAVY INDUSTRIAL

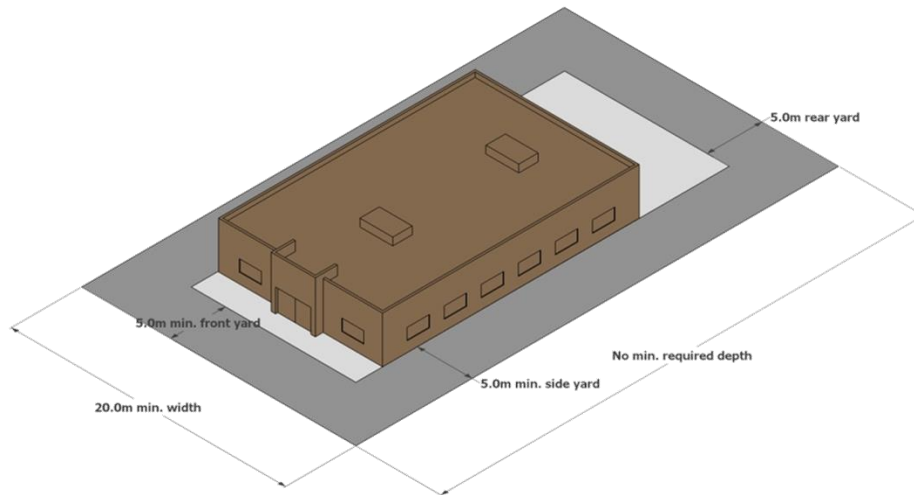
- a. Bulk petroleum products sales;
- b. Feed mill;
- c. Heavy equipment maintenance and repair;
- d. Heavy manufacturing, processing, finishing and/or packaging;
- e. Office related to a storage building, workshop and/or a yard used by a general contractor or trade contractor;
- f. Oil and gas pipeline facility;
- g. Paper products industry; and
- h. Saw mill.

## REGULATIONS

- 11.3** Heavy industrial proposals must be approved by unanimous vote of Council, and must clearly describe their anticipated environmental and community impacts in a report to Council.
- 11.4** On a parcel located in an area zoned as I1, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation (Figure 11.1).

Column One (I)	Column Two (II)
1. Minimum parcel size	2,000 m <sup>2</sup>
2. Minimum Frontage	2.0 m
3. Minimum setback: <ul style="list-style-type: none"><li>a. Front parcel line</li><li>b. Side parcel line</li><li>c. Rear parcel line</li></ul>	10.0 m 5.0 m 5.0 m
4. Minimum parcel width	n/a
5. Maximum height of principal building	15.0 m

**FIGURE 11.1 ILLUSTRATION OF PARCEL LINES**



### CONDITIONS OF USE

- 11.5** Any I1 parcels that abut an R zone must provide a buffer of at least 3 m wide and which is designed to mitigate noise and aesthetics. Heavy industrial must provide a buffer of at least 10 m from any R zone. I1 zone parcels require protection of a green visual buffer from the highway not less than 30 m wide. The buffer must be wind firm.



## 12.0 AGRICULTURAL – A1

### PURPOSE

- 12.1** The purpose of this zone is to accommodate agricultural activities and ensure such uses are compatible with adjacent non-agricultural activities.

### PERMITTED USES

- 12.2** The following uses are permitted in the A1 zone:

- a. Agriculture;
- b. Midsize livestock operations;
- c. Animal grazing;
- d. Single Unit Dwelling; and
- e. Accessory buildings.

### DISCRETIONARY USES

- 12.3** The following uses may be permitted in the A1 zone, as approved by Chief and Council:

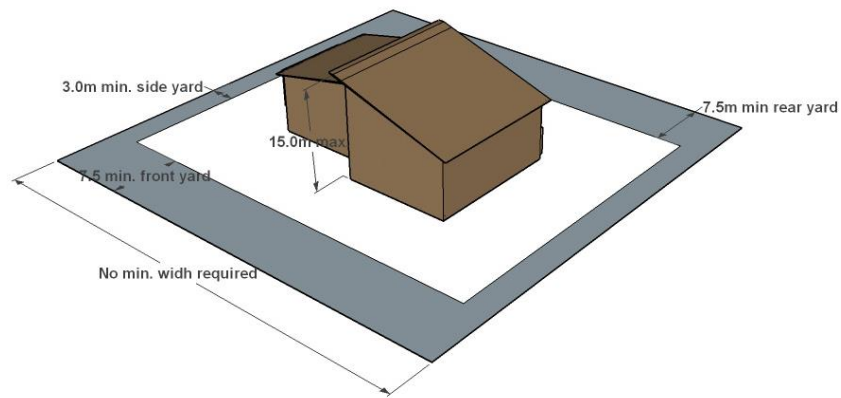
- a. Oil and gas well; and
- b. Intensive livestock operations.

### REGULATIONS

- 12.4** In the A zone, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below, in which Column 1 sets out the matter to be regulated and Column 2 sets out the regulation (Figure 12.1).

Column One (I)	Column Two (II)
1. Minimum parcel size	5 hectares
2. Minimum setback: a. Front parcel line b. Side parcel line c. Rear parcel line	7.5 m 3.0 m 7.5 m
3. Minimum parcel width	n/a
4. Maximum height of principal building	15.0 m

**FIGURE 12.1 ILLUSTRATION OF PARCEL LINES**



### CONDITIONS OF USE

- 12.5** All new access roads in the agricultural zone shall be approved by Flying Dust First Nation;
- 12.6** Existing treed and vegetated areas shall be maintained in their natural condition so as to support the movement of wildlife across farm fields. Where these must be removed, they shall be replaced with a 3 metre (10 ft.) landscaped buffer.

## 13.0 FUTURE DEVELOPMENT – FD

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### PURPOSE

- 13.1** The purpose of this zone is to identify lands for potential future development. The Flying Dust First Nation Land Use Plan identifies objectives and future directions for development of these lands.

### PERMITTED USES

- 13.2** The following uses are permitted in the FD zone:
- a. *Open space*

### DISCRETIONARY USES

- 13.3** The following uses may be permitted in the FD zone, as approved by Chief and Council:
- a. *Storage; and*
  - b. *Billboard signs.*

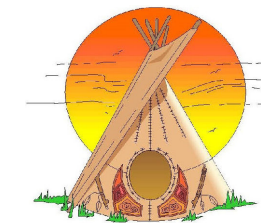
### REGULATIONS

- 13.4** On a parcel located in an area zoned FD, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in this section. Column I sets out the matter to be regulated and Column II sets out the regulation.

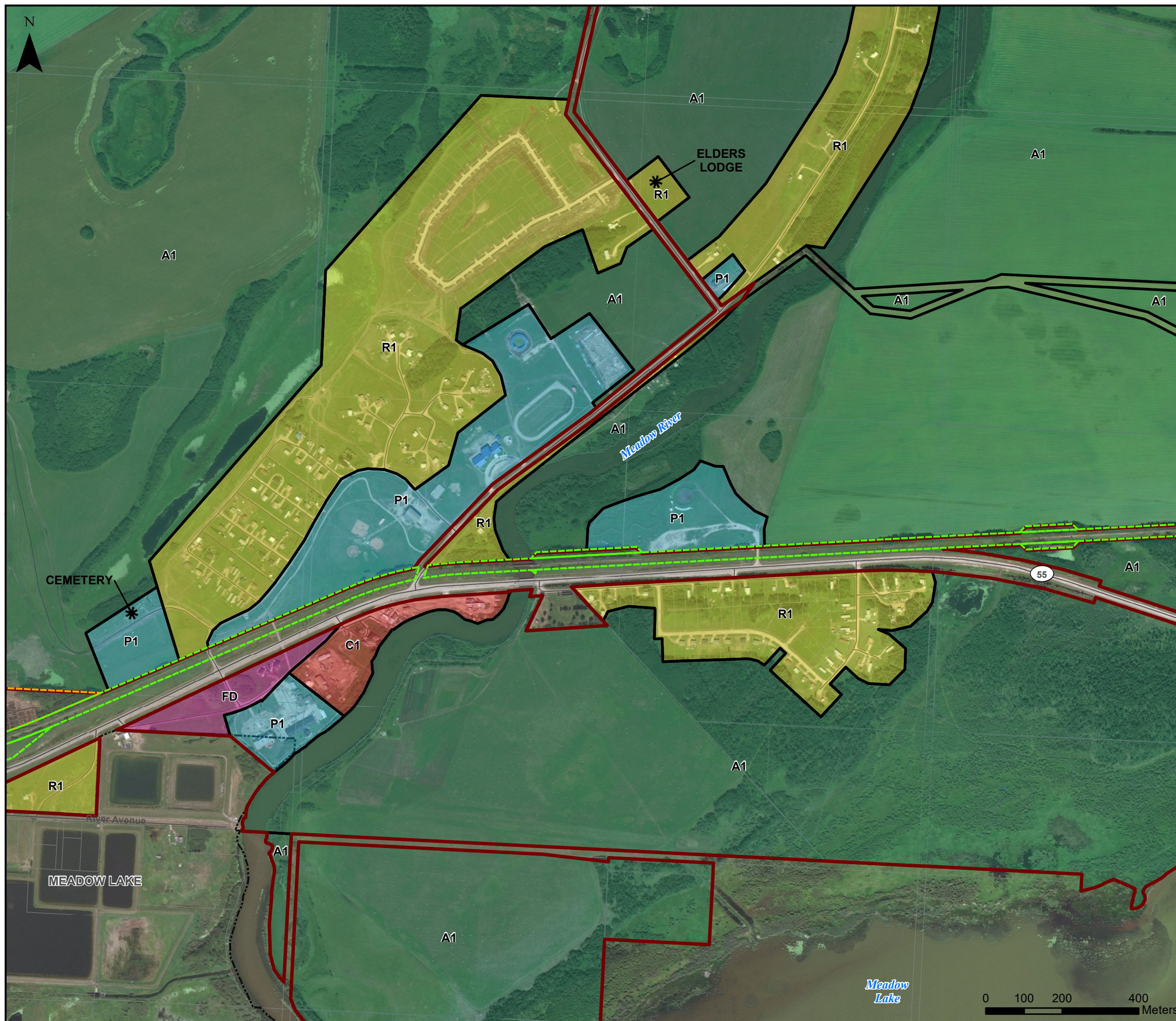
Column One (I)	Column Two (II)
1. Minimum parcel size	4,050.0 m <sup>2</sup> (1.0 acre)

## SCHEDULE A, B, C, & D: LAND USE LAW MAPS

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# Flying Dust First Nation Community Core Land Use Law, 2017



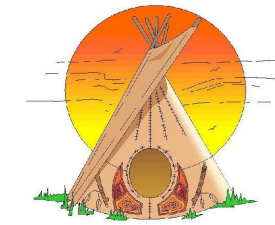
- Flying Dust Reserve Boundary
- Community of Meadow Lake
- Fee Simple Lots**
- Addition to Reserve
- Railway
- Zoning**
- A1 - Agriculture
- C1 - Commercial
- FD - Future Development
- P1 - Community Use
- R1 - Residential - Community Core

BYLAW NO.	AMENDMENTS	DATE










**SOURCE:**  
 On-reserve parcel information provided by Natural resources Canada.  
 Off-reserve parcel information provided by the Government of Saskatchewan.  
 Imagery provided by ESRI.

THE ACCURACY & COMPLETENESS OF INFORMATION SHOWN ON THIS DRAWING IS NOT GUARANTEED. IT WILL BE THE RESPONSIBILITY OF THE USER OF THE INFORMATION SHOWN ON THIS DRAWING TO LOCATE & ESTABLISH THE PRECISE LOCATION OF ALL EXISTING INFORMATION WHETHER SHOWN OR NOT.

## SCHEDULE A



# Flying Dust First Nation Meadow Lake Land Use Law, 2017

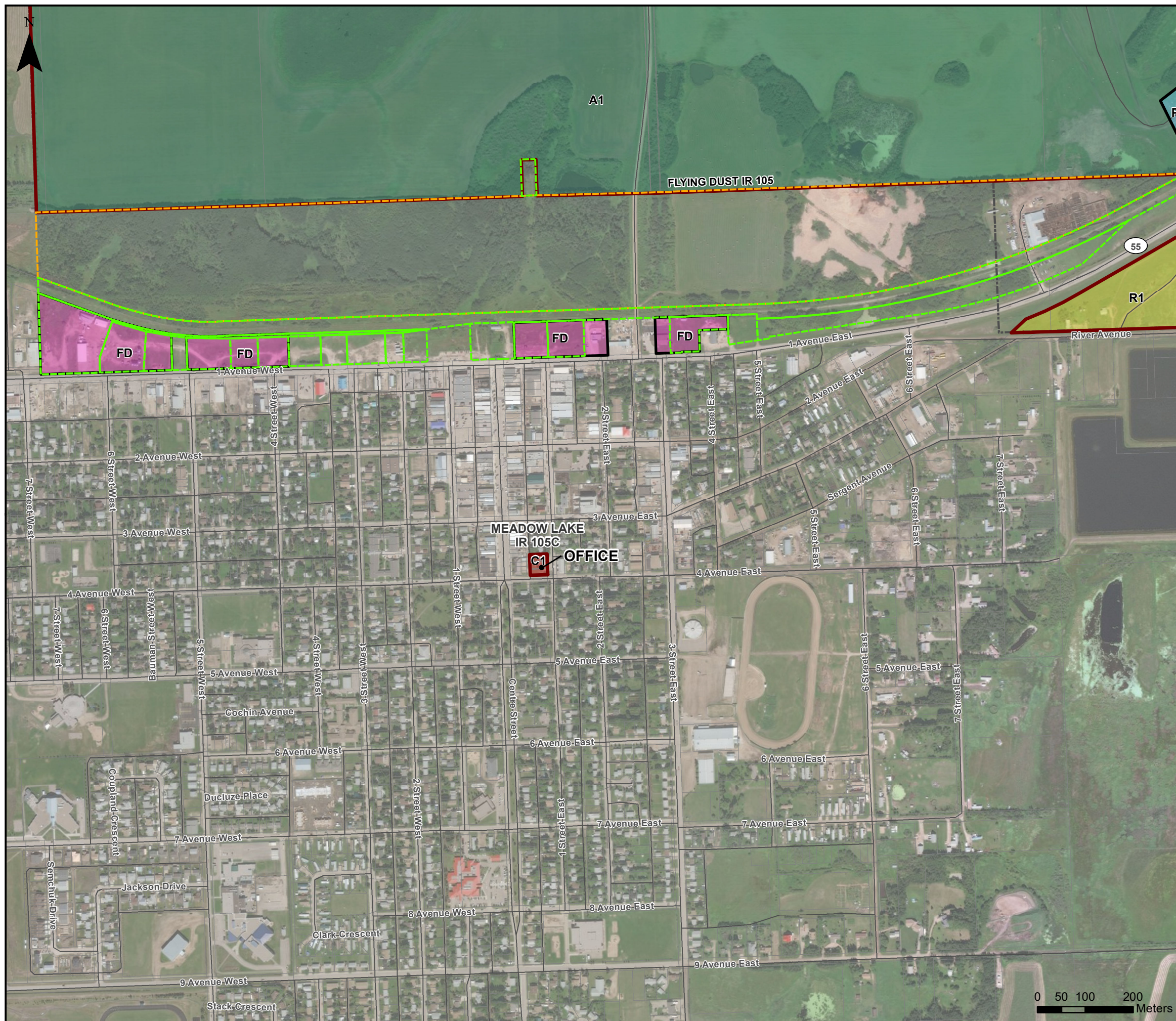
-  Flying Dust Reserve Boundary
-  Meadow Lake Boundary
- Fee Simple Lots**
  -  Addition to Reserve
  -  Railway
- Zoning**
  -  A1 - Agriculture
  -  C1 - Commercial
  -  FD - Future Development
  -  P1 - Community Use
  -  R1 - Residential - Community Core

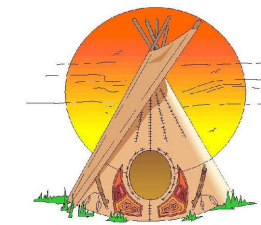
BYLAW NO.	AMENDMENTS	DATE

**SOURCE:**  
 On-reserve parcel information provided by Natural resources Canada.  
 Off-reserve parcel information provided by the Government of Saskatchewan.  
 Imagery provided by ESRI.

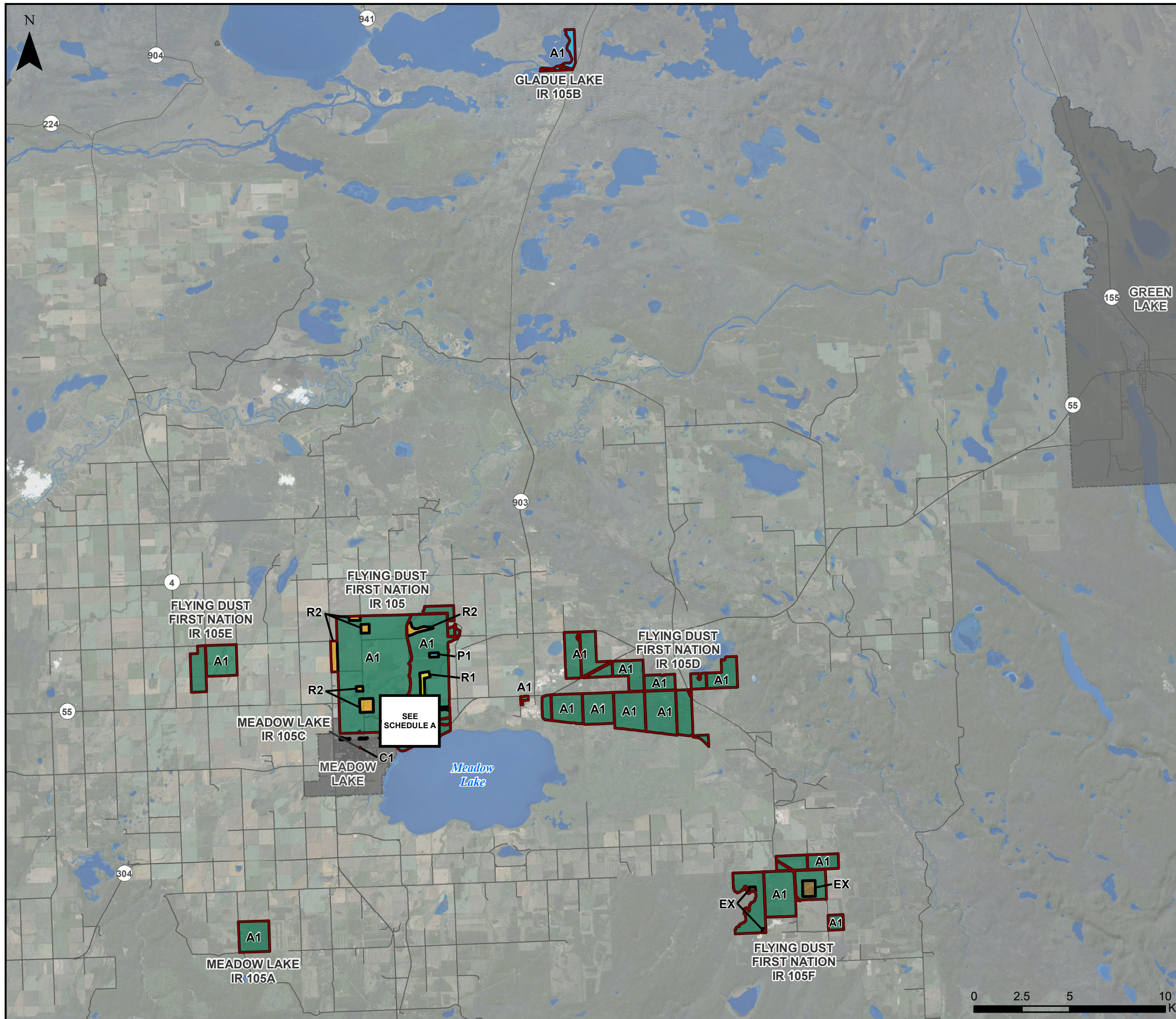
THE ACCURACY & COMPLETENESS OF INFORMATION SHOWN ON THIS DRAWING IS NOT GUARANTEED. IT WILL BE THE RESPONSIBILITY OF THE USER OF THE INFORMATION SHOWN ON THIS DRAWING TO LOCATE & ESTABLISH THE PRECISE LOCATION OF ALL EXISTING INFORMATION WHETHER SHOWN OR NOT.

## SCHEDULE B





# Flying Dust First Nation Northern Reserves Land Use Law, 2017



Flying Dust Reserve Boundary

Urban Municipality

### Zoning

A1 - Agriculture

C1 - Commercial

FD - Future Development

P1 - Community Use

R1 - Residential - Community Core

R2 - Rural Residential

EX - Resource Extraction

BYLAW NO.	AMENDMENTS	DATE

### SOURCE:

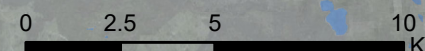
Water and road features obtained through [www.geobase.ca](http://www.geobase.ca) website.

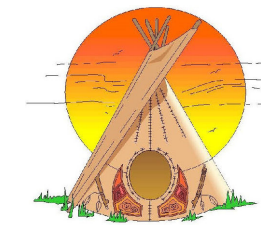
First Nation Reserves, water and sanitary infrastructure data provided by Natural Resources Canada.

Parcel information provided by the Government of Saskatchewan.

THE ACCURACY & COMPLETENESS OF INFORMATION SHOWN ON THIS DRAWING IS NOT GUARANTEED. IT WILL BE THE RESPONSIBILITY OF THE USER OF THE INFORMATION SHOWN ON THIS DRAWING TO LOCATE & ESTABLISH THE PRECISE LOCATION OF ALL EXISTING INFORMATION WHETHER SHOWN OR NOT.

# SCHEDULE C





# Flying Dust First Nation Southern Reserves Land Use Law, 2017

- Flying Dust Reserve Boundary
- Urban Municipality
- Zoning**
- A1 - Agriculture

BYLAW NO.	AMENDMENTS	DATE

**SOURCE:**

Water and road features obtained through [www.geobase.ca](http://www.geobase.ca) website.

First Nation Reserves, water and sanitary infrastructure data provided by Natural Resources Canada.

Parcel information provided by the Government of Saskatchewan.

THE ACCURACY & COMPLETENESS OF INFORMATION SHOWN ON THIS DRAWING IS NOT GUARANTEED. IT WILL BE THE RESPONSIBILITY OF THE USER OF THE INFORMATION SHOWN ON THIS DRAWING TO LOCATE & ESTABLISH THE PRECISE LOCATION OF ALL EXISTING INFORMATION WHETHER SHOWN OR NOT.

## SCHEDULE D

