

**RAE-EDZO  
ZONING BY-LAW NO. 56-94  
SCHEDULE FOUR**

# RAE-EDZO SCHEDULE FOUR ZONING BY-LAW NO. 56-94

## SECTION 1 GENERAL CONDITIONS

### 1.1 VALIDITY

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

## SECTION 2 INTERPRETATION OF TERMS

- 2.1 "ACCESSORY" means buildings or uses, including but not limited to storage, that are secondary to , and normally associated with the main use and located on the same lot and without restricting the generality of the foregoing includes private garages, smoke houses, and storage warehouses.
- 2.2 "BUILDING" means any structure or fixture built or placed on the land.
- 2.3 "CARETAKER UNIT" means a dwelling unit for a caretaker (and his/her dependents) required to be present on a premises at all times for the proper operation or maintenance of the facilities.
- 2.4 COMMERCIAL
- i) "COMMUNITY COMMERCIAL" means all commercial establishments normally found in a community core, such as convenience stores and personal service shops either alone or complex with residential, community use, and, or recreational uses. But, specifically excludes

business deemed to be highway commercial or that create a nuisance.

- ii) "HIGHWAY COMMERCIAL" means commercial establishment that relies on, or requires, high visibility from close proximity to a major roadway for the carrying on of commerce and includes: gas stations, hardware building supply sales and storage, service stations, hotels, motels and tourism related industry.

2.5 "CONVENIENCE STORE" means a development used for the retail sale of goods required by the area residents on a daily basis. Typical uses include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

2.6 "COUNCIL" means the Council of the Hamlet of Rae-Edzo.

2.7 "DAY CARE CENTRE" means a facility or program for the provision of care, maintenance and supervision for five or more children under ten years of age who are not of common parentage, for periods of more than three hours, but less than twenty-four consecutive hours.

2.8 "DEVELOPMENT" means the carrying out of any construction, excavation, or any operation, on, over or under land, or making any changes in the use or in the intensity of use of any land or building and shall include;

- i) The removal, placement or stockpile of surface material or topsoil;
- ii) The use of land for the storage or repair of motor vehicles or other machinery or equipment;
- iii) The resumption of the use which land or buildings have been previously put if that use has been discontinued for a period of more than twelve (12) consecutive months; and
- iv) The construction of a building, addition to or repair of a building, but does not include normal maintenance and repair of a building.

2.9 "DISCRETIONARY USE" means that a building or land use may be allowed in a particular location only after careful and thoughtful consideration of its impact and suitability in that location or area are determined.

2.10 "DOG LOT" means the temporarily or permanent keeping of three or more dogs in an out-door kennel, enclosed area, or on a leash in the bush.

2.11 "DWELLING"

i) "SINGLE UNIT DWELLING" means development consisting of one detached permanent dwelling (one family house), which is separate from any other dwelling or building and for the use of a single family. This definition does not include mobile homes.

ii) "TWO UNIT DWELLING" means a dwelling containing two dwellings (two family house). This definition includes a single unit dwelling that contains one apartment.

iii) "MULTI-UNIT DWELLING" means residential development consisting of a dwelling containing three or more dwelling units (apartments).

2.12 "GARAGE, GAS STATION" means a building or portion thereof and land used for supplying motor vehicle fuel directly into the vehicle, fuel tanks, and accessories at retail or wholesale, or the general servicing repair of vehicles or other motorized equipment.

2.13 "HOME BUSINESS" means any business conducted on a residential site or within a dwelling unit provided the use:

i) Does not change the residential character of the lot by creating problems with noise, traffic, outdoor storage, or other nuisance;

ii) Does not employ more than two individuals who are not residents of the home;

- iii) Does not show any exterior evidence of the use being carried on with the exception of one advertising sign, no greater than 0.3 square metres (3 square feet) in area.

2.14 "HOTEL, MOTEL" means development used for the provision of rooms or suites for temporary sleeping accommodation of tourists and transients. Hotels and motels may include accessory eating establishments, meeting rooms, and personal service shops.

2.15 "INDUSTRY"

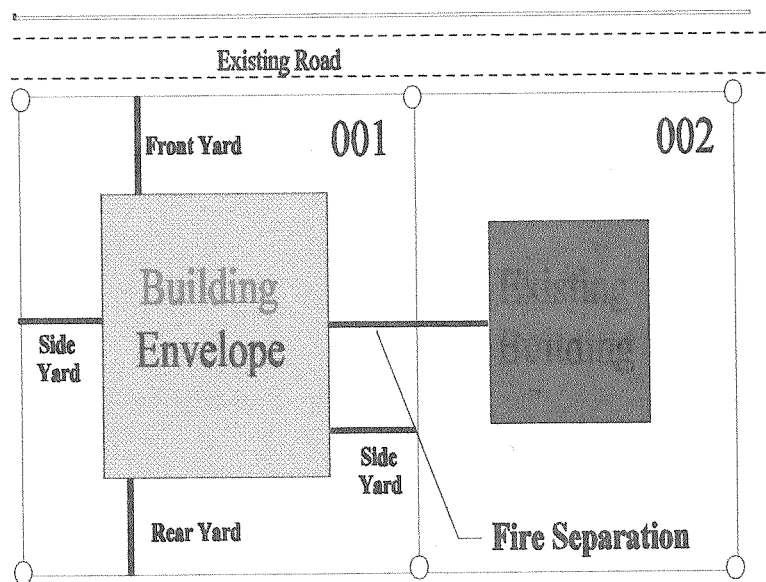
- i) "LIGHT INDUSTRY" means the wholesale, warehousing, testing, service, repair or maintenance of an article, substance, material, fabric or compound; and includes artisan and manufacturing shop, and retail sales accessory to the principle use.
- ii) "HEAVY INDUSTRY" means the use of land, buildings or structures for the storage, collection, processing, repairing, salvage or recycling of a product, article, substance, material, fabric or compound and includes vehicle wreck yards, gravel stockpile areas, but specifically excludes waste disposal sites.

2.16 "LOT" means an area of land which is described on a registered plan, or described on a certificate of title, or described by lease agreement or sketch.

2.17 "MOBILE HOME" means a transportable dwelling which meets CSA Z240 standards, is suitable for permanent occupancy, designed to be transported on its own wheels or by a low-boy transport trailer, and which is, upon its arrival at the site where it is to be located, ready for occupancy except for incidental building operations such as placement on foundation supports and connection to utilities.

2.18 "NATURAL RESOURCE DEVELOPMENT" means development for the on-site removal, extraction, and primary processing of raw minerals found on or under the site, or accessible from the site. Typical uses include gravel pits, sand pits, clay pits, oil and gas wells, coal mining, and stripping of topsoil. This does not include the processing of raw materials transported to the site.

- 2.19 "NUISANCE" means anything that endangers the personal health or safety of community residents or interferes with the use or enjoyment of neighbouring properties. This includes derelict vehicles, outdoor storage of materials, and any use or activity that creates excessive noise, illumination, or objectionable odours.
- 2.20 "OUTDOOR STORAGE" means the temporary outdoor, storage of material, goods, or substances accessory to the principle use on the same lot as the principle use.
- 2.21 "PERSONAL SERVICE SHOPS" means a use whereby professional or personal services are provided and the sale of goods, wares, merchandise, articles or things accessory to the provision of such services and includes barber shops, beauty salons, shoe repair shop, dry cleaning shop and laundry mats
- 2.22 "PUBLIC BUILDING" means a development which is publicly owned, supported or subsidized involving public assembly or use. Public buildings typically may include uses such as public schools, hospitals, recreation areas, government services, libraries, and arenas.
- 2.23 "QUARRY" means the excavation, processing, and stockpiling of gravel, stone, earth, clay, fill or other similar substances.
- 2.24 "RESIDENCE" means a separate set of living quarters designed or used by one or more people usually containing cooking, sleeping and sanitary facilities.
- 2.25 "RETAIL STORE" means a development used for the retail sale of a wide variety of consumer goods including such things as groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, and household goods but specifically excludes uses that are dependent on outdoor storage such as car lots.
- 2.26 "SETBACK" means the right angle distance from a lot line or street boundary to the nearest part of the main building on the lot (as shown on the following page).



2.27 "TAKE OUT FOOD SERVICE" means an establishment providing for the sale of prepared food and beverages that can be consumed in vehicles, taken off the premises for consumption or consumed on the premises.

2.28 "TEMPORARY USE" means a development for which a development permit has been issued for a limited time only.

2.29 "VEHICLE DISMANTLED OR WRECKED" means a motorized vehicle that is not legally registered with the Territorial Government and is in a condition of disrepair rendering it immobile and/or it is not considered structurally safe to operate on a public roadway. Subject to Sections 178 and 180 of the Cities, Towns and Villages Act, Council may, by by-law, provide for the removal and disposal of vehicles that:

- i) are inoperable, wrecked or dismantled;
- ii) are not located in a building; and
- iii) do not form part of a business lawfully operated on the premises.

2.30 "VISUAL BUFFER" means any natural or constructed barrier that restricts visibility and includes trees, fences, walls, rocks, embankments and other similar visual barriers acceptable to the Council.

## **SECTION 3 EXCEPTIONS TO ZONING REGULATIONS**

### **3.1 MINOR VARIANCES**

Where a development does not conform with the site regulations contained in schedule 3, Council may vary the regulations having regard for fire safety, service access and the policies of the Rae-Edzo Community Plan.

### **3.2 NON-CONFORMING BUILDING AND USE**

This By-law cannot be used to prevent the use and development of land that had been lawfully established or was under construction at the time this By-law was enacted. Non-conforming uses are subject to the following regulations.

- i) The non-conforming use may be transferred to a new owner or occupant;
- ii) The non-conforming building may be enlarged only up to 20 percent of the gross floor area of the building as it existed at the date this By-law came into effect.

## **SECTION 4 DEVELOPMENT PERMIT**

All development requires a development permit except for the following:

### **4.1 COUNCIL APPROVAL EXCEPTIONS**

Council shall at its discretion, by resolution, establish a list of uses that do not require a development permit.

### **4.2 DEVELOPMENT PERMIT FEES**

Council shall, by resolution, establish a schedule of fees pertaining to development permits

### **4.3 SCOPE OF APPLICATIONS**

Every application for a development permit shall be accompanied by plans, drawn to an appropriate scale and showing:

- i) Dimensions of the lot to be used;



- ii) The proposed locations, height and dimensions of the buildings;
- iii) The location of every building or structure already on the lot;
- iv) Any other such information, as identified by Council or the Development Officer, as may be necessary to determine whether or not every such building, or development, conforms with the requirements of this By-law;
- v) Council may, by Council motion, change the information requirements for obtaining a development permit without a formal By-law amendment.

## **SECTION 5 DECISION OF THE APPLICATION FOR DEVELOPMENT**

### **5.1 DECISIONS**

The application shall be considered by Council and shall either approve it, approve it subject to conditions, or refuse it, and provide written reasons for the refusal.

### **5.2 PERIOD OF DECISION**

A decision on an application for Development Permit shall be made by Council, within 30 days of receipt of the application in its complete and final form.

### **5.3 EXPIRY OF DEVELOPMENT PERMITS**

A development permit shall become void if the development has been discontinued for a period of twelve months or has not been actively carried on for a period of twelve months.

## **SECTION 6 ENFORCEMENT**

### **6.1 BY-LAW CONTRAVENTION**

Anyone violating any provision of the By-law or conditions of a development permit is liable to a fine of up to \$500.00 plus \$100.00 for every day the offence continues, as specified in Section 34 of the Planning Act.

## **SECTION 7 APPEALS**

### **7.1 WHO CAN APPEAL**

Anyone claiming to be affected by a decision of Council under this By-law may appeal in writing to the Appeal Board within 14 days of the mailing or posting of the decision.

### **7.2 DEVELOPMENT APPEAL BOARD HEARING**

The Appeal Board must hold a hearing within 30 days from the receipt of a written request for an appeal and notify the applicant of the decision in writing within 60 days of the hearing date.

# Rae-Edzo Zoning By-law

Hamlet of Rae-Edzo  
Zoning By-Law No. 56-94

**APPLICATION FOR A DEVELOPMENT PERMIT**

I hereby make application under the provisions of the Community Plan and Zoning By-Law for a Development Permit in accordance with the plans and supporting information submitted herewith and which form part of this application.

PLEASE PRINT

Applicant: \_\_\_\_\_ Phone Res. \_\_\_\_\_ Bus. \_\_\_\_\_

Address: \_\_\_\_\_

Registered  
Owner: \_\_\_\_\_ Phone Res. \_\_\_\_\_ Bus. \_\_\_\_\_

Address: \_\_\_\_\_

Legal Description of Property to be Developed: \_\_\_\_\_

Proposed Use of Site: \_\_\_\_\_  
(use reverse side  
if necessary)

Existing Use of Site: \_\_\_\_\_

Estimated Date of Commencement: \_\_\_\_\_

Estimated Date of Completion: \_\_\_\_\_

Date of Application: \_\_\_\_\_ Application Fee: \$ \_\_\_\_\_

Signature of Applicant or Agent: \_\_\_\_\_



**NOTICE OF DECISION/DEVELOPMENT PERMIT**

The application has been APPROVED subject to the following conditions:

---

---

---

REFUSED for the following reasons:

---

---

---

Date of Decision

Date of Issue of this Permit

Development Officer

IMPORTANT NOTE

1. The issuance of a Development Permit is subject to the condition that it may be appealed within 14 days after the Notice of Decision has been issued, and in that event the Permit shall not become effective until the appeal is heard by the Development Appeal Board and the Permit upheld, modified, or nullified thereby.
2. A permit issued in accordance with the notice of decision is valid for a period of twelve (12) months from the date of issue. If at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void. This permit is subject to the Zoning By-Law and to all By-Laws of the Hamlet of Rae-Edzo which might otherwise apply and become null and void if the Community Plan and Zoning By-Law or other By-Laws, Acts or legislation are not complied with or if the conditions set out on the permit are not complied with.

**APPLICATION FOR AMENDMENT  
TO THE COMMUNITY PLAN AND ZONING BY-LAW**

I/We hereby make application to amend the Community Plan and Zoning By-Law.

Applicant: Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Owner of Land: Name: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Legal Description  
of Property

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Rae-Edzo  
Zoning By-law

Amendment Proposed

From: \_\_\_\_\_ To: \_\_\_\_\_

Reason to support the Application for Amendment (Add additional pages as required)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_ Signed: \_\_\_\_\_

