

**TOWN OF FORT SMITH
ZONING BYLAW**

BYLAW NUMBER 673

MAY 2001

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**CORPORATION OF THE TOWN OF FORT SMITH, NWT
BYLAW NUMBER 673**

A BYLAW OF THE CORPORATION OF THE TOWN OF FORT SMITH IN THE
NORTHWEST TERRITORIES TO ADOPT A ZONING BYLAW PURSUANT TO
THE PLANNING ACT, R.S.N.W.T. (1988) C.P-7, S.13.

WHEREAS, The Council of the Town of Fort Smith has completed a General Plan
under the Planning Act, 1988, and

WHEREAS, The Council of the Town of Fort Smith wishes to regulate the use and
development of land within the municipality to achieve the orderly and
economic development of land;

NOW THEREFORE, The Council of the Corporation of the Town of Fort Smith in the
Northwest Territories, in regular session duly assembled, enacts as
follows:

1. Parts One to Five inclusive, Schedule "A" and Map Schedules
"B" and "C" are declared to form part of this Bylaw.
2. The Fort Smith Zoning Bylaw, attached Parts One to Five,
Schedule "A" and Map Schedules "B" and "C" of the Bylaw
are adopted.
3. Bylaw 460, as amended, of the Town of Fort Smith is hereby
repealed.

This Bylaw shall come into effect upon being signed and sealed
following third reading.

Read a first time the 12th day of September, 2000.

Mayor

Senior Administrative Officer

Read a second time as amended the 20th day of February, 2001.

Mayor

Senior Administrative Officer

Approved by the Minister of Municipal and Community Affairs, Government of the Northwest Territories.

Minister of Municipal and Community Affairs
Government of the Northwest Territories

the ____ day of _____, 2001.

Read a third time and finally passed this ____ day of _____, 2001.

Mayor

Senior Administrative Officer

PART ONE – GENERAL

1. ENACTMENT

- (1) This Bylaw may be cited as “The Fort Smith Zoning Bylaw”.
- (2) Zoning Bylaw 460, as amended, is hereby rescinded.
- (3) Parts One to Five inclusive and Schedules “A” and “B” are deemed part of this Bylaw.

2. DEFINITIONS

In this Bylaw:

“**ACCESSORY BUILDING OR USE**” means a building or use separate and subordinate to the main building or use, located on the same parcel of land. With the exception of caretaker’s units and granny suites, it shall not include a unit for human habitation.

“**ACT**” means the Planning Act, being P-7 of the Revised Statutes of the Northwest Territories, as amended.

“**AGRICULTURAL USE**” means a land use relating to the production of farm products (e.g. poultry products, cattle, hogs, sheep, and other animals, grain grasses, vegetables, or other crops). This may include one dwelling unit if it is to be occupied by a person who is engaged on a full-time basis (i.e. for at least three months of each year) in an agricultural pursuit.

“**AIRPORT**” means an area of land, water (including the frozen surface thereof), or other supporting surface used or intended to be used, in whole or in part, for the arrival, departure, movement, or servicing of aircraft. It includes any building, installation, or equipment in connection therewith, and for which an airport license has been issued.

“**AMENITY**” means a characteristic or facility that enhances the desirability of the environment. Amenities may include recreational or cultural facilities, a unified building design, views, landscaping, tree preservation, or generally attractive site design.

“**ANIMAL HOSPITAL OR VETERINARY CLINIC**” means a facility for the temporary care of animals within an enclosed building. It does not include outdoor pens or enclosures.

“**APARTMENT OR APARTMENT BUILDING**” means a residential land use consisting of at least three dwelling units with shared entrance facilities. It shall not include row housing, hotels, or motels.

“**APPELLANT**” means a person who, pursuant to Section 23 of the Act, has served notice of appeal to the Development Appeal Board.

“**APPLICANT**” means any person having a legal or equitable interest in property or a person acting as the authorized representative of such person and who has applied under the provisions of this Bylaw for a permit for the development of land.

“**BED AND BREAKFAST ESTABLISHMENT**” means a home occupation in a single dwelling providing temporary accommodation for no more than five guests at one time, where the owner resides on the premises.

“**BOARD**” means the Development Appeal Board established under this Bylaw.

“BOARDING OR LODGING HOUSE” means a building (other than a motel or hotel) containing not more than 15 sleeping rooms where meals or lodging for four or more persons are provided for compensation.

“BUFFER” means anything which visually and/or acoustically shelters, conceals, or protects and which is considered acceptable to the Development Officer or Council. A buffer may include a fence, hedge, berm, or bush.

“BUILDING” means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, or chattels.

“CARETAKER’S UNIT” means premises used for the accommodation of a person employed as a caretaker, janitor, manager, watchman, security guard, or superintendent by a licensed industrial or commercial use operating on the site. The caretaker unit shall be incidental to that industrial or commercial use.

“CONDITIONAL USES” are uses which are considered on their individual merits and circumstances by the Council, and may be permitted on a specific site within a zone, provided that the use conforms to all regulations of the particular zone to which the use applies, and provided the Council has given due consideration to adjoining land uses.

“COUNCIL” means the Council of the Town of Fort Smith.

“DAY CARE” means a facility and program for the provision, care, and supervision of 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. The facility is not part of a public school, separate school, private school, or children’s health centre.

“DEVELOPMENT” means the carrying out of any construction, excavation, demolition, or other operation in, on, over or under land, or the making of any change in the use or in the intensity of use of any land, building or premises and without restricting the generality of the foregoing includes:

- (a) in a building or on a parcel used for dwelling purposes, any alterations or additions which provide for an increase in the size of the building or the parcel or which provide for an increase in the intensity of use of the building or parcel;
- (b) the display of advertisements on the exterior of any building or on any land;
- (c) the deposit of debris, refuse, waste material from building or mining operations on any land, including land already being used for that purpose;
- (d) the removal of topsoil, trees and shrubs, earth and gravel excavation from any land;
- (e) the resumption of the use to which land or buildings have been previously put if that use has been discontinued for a period of more than twelve consecutive months;
- (f) the use or more intensive use for storage purposes, or the repair of motor vehicles or other types of machinery, of land that was either not used at all or not used so intensely for those purposes;
- (g) the use or more intensive use of land for the parking of a trailer, bunk house, potable dwelling, mobile home, skid shack or any other type of portable building whether or not it has been placed on foundations or affixed to the land in any way; and
- (h) the moving of any structure of greater than ten square metres in size into, out of or within the municipality.

“DEVELOPMENT OFFICER” means an official of the municipality responsible for administering this Bylaw. The Development Officer will receive and process all applications for Development Permits.

“DEVELOPMENT PERMIT” means a certificate or document permitting a development and includes a plan or drawing or set of plans or drawings, specifications or other documents upon which issuance of the permit is based.

“DIRECTOR” means the Director of the department of the public service of the Territories for the time being charged with the administration of the Act.

“DWELLING” means any building or structure used exclusively for human habitation, which is supported on a permanent foundation and includes multiple dwellings, apartments, lodging and boarding houses.

“DWELLING UNIT” means a building, a self-contained portion of a building, or suite of rooms for the use of one or more individuals living as a single housekeeping unit. A dwelling unit contains sleeping, cooking, and separated or shared toilet facilities and is intended as a permanent or semi-permanent residence.

“DWELLING, DUPLEX” means a development on one lot consisting of a building containing only two dwelling units, with separate access to each dwelling unit.

“DWELLING, MULTIPLE” means a building divided into three or more separate dwelling units within the same exterior walls.

“DWELLING, ROW (TERRACED)” means development consisting of a building containing a row of more than three dwellings joined in whole or in part at the side only with no dwelling being placed over another in whole or in part. Each dwelling shall have separate, direct access to grade, with no interior access connections.

“DWELLING, SEMI-DETACHED” means development consisting of two dwellings situated side by side, on separate lots and sharing a common wall. Each dwelling shall have separate, direct access to grade, with no interior access connections.

“DWELLING, SINGLE” means a detached building consisting of one dwelling unit and occupied, or intended to be occupied by one family or household and either up to two lodgers, roomers or boarders, or four foster children. It may include a building composed of a minimum of two modular units.

“DWELLING, TRIPLEX” means a building containing three dwelling units. Each dwelling unit shall have separate, direct access to grade, with no interior access connections.

“EXISTING” means existing at the effective date of the Bylaw.

“FAMILY CARE FACILITY” means a facility which provides resident service in a private residence to six or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs.

“FENCE” means any structure, wall, or barrier other than a building, erected at grade for the purpose of defining the boundaries of a property, separating space, restricting ingress or egress from the property, providing security or protection to a property, or acting as a visual or acoustic screen (also known as buffer).

“FLOOR AREA” means the total of the floor areas of every room and passageways contained in a building but not including the floor areas of basements, unoccupied attics, attached garages, sheds, or open porches unless they contain habitable rooms.

“GAS BAR” means a facility for the sale only of gasoline, lubricating oils and associated automotive fluids with no other services provided.

“GENERAL PLAN” means a set of policies and proposals adopted by Council for the orderly, economical and convenient development and use of land within Fort Smith.

“GROSS FLOOR AREA” means the sum of the horizontal area of each floor of a building as measured from the outermost perimeter of the building (including ancillary buildings located on any parcel). It excludes the area of a building’s basement floor, UNLESS a basement suite is present (in which case the suite is to be included in the calculation of the gross floor area).

“HAZARDOUS MATERIAL OR DANGEROUS GOODS” means any of the following:

- (a) explosives of pyrotechnics;
- (b) gases (either compressed, deeply refrigerated, liquefied, or dissolved under pressure);
- (c) flammable or combustible liquids;
- (d) flammable solids (including substances liable to spontaneous combustion and substances, which on contact with water emit flammable gases);
- (e) oxidizing substances or organic peroxides;
- (f) poisonous or infectious substances;
- (g) radioactive material;
- (h) corrosives; and
- (i) other miscellaneous substances of a similar nature.

“HIGHWAY” means a highway or proposed highway that is designated as a primary highway by the Public Highways Act.

“HOME OCCUPATION” means any occupation, trade, profession or craft carried out by the occupant of a residential building which is incidental and subordinate to the residential use and

which does not change the character thereof, subject to the regulations specified in Schedule “A” of this Bylaw.

“INTERSECTION OF STREETS” means the point where the street-facing property lines of a corner lot intersect. In the case of a corner lot with splayed property lines, this point is located where extensions of the two street-facing property lines intersect.

“KENNEL” means accommodation for the boarding and/or breeding of small animals. Uses associated with the shelter and care of small animals such as dogs and cats (e.g. grooming, training, and exercising) are also included.

“LANDSCAPING” means the modification and enhancement of a site through the use of any or all of the following elements:

- (a) **SOFT LANDSCAPING** consisting of vegetation such as trees, shrubs, hedges, grass and ground cover; and
- (b) **HARD LANDSCAPING** consisting of non-vegetative materials such as brick, stone, concrete and asphalt.

“LOT LINE, FRONT” means the property line separating a lot from an abutting public roadway other than a lane. In the case of a corner lot, the front line is the shorter of the property lines abutting a public roadway, other than a lane.

“LOT LINE, REAR” means either the property line of a lot which is furthest from and opposite the front lot line, or, where there is no such property line, the point of intersection of any property lines other than a front lot line which is furthest from and opposite the front lot line.

“LOT LINE, SIDE” means the property line of a lot other than a front lot line or rear lot line.

“LOT, SITE or PARCEL” means an area of land the boundaries of which are shown on a plan registered in a Land Titles Office, are described in the Certificate of Title to the land; or are the subject of a lease agreement or other form of interest in land under the terms of the Territorial Lands Act and Regulations or the Commissioner’s Land Act and Regulations.

“LOT COVERAGE” means that portion of the total area of a lot which may be covered by buildings or structures.

“LOT WIDTH” means the distance measured between the mid-points of the side lot lines.

“MAIN BUILDING” means a building in which is conducted the main or principal use of the site on which it is erected.

“MOBILE HOME OR MANUFACTURED HOME” means a transportable dwelling unit that meets the following criteria: adheres to CSA Standard AZ240 or A277, is suitable for permanent occupancy, is designed to be transported on its own wheels or by a low-boy transport trailer, and is ready for occupancy except for incidental building operations (i.e. placement on foundation supports and connection to utilities).

- (a) a **SINGLE-WIDE** is a mobile home or manufactured home designed specifically to be hauled in a single load, and
- (b) a **DOUBLE-WIDE** is a mobile home or manufactured home consisting of two sections separately towed or housed, designed to be joined together into one integral unit.

“MOBILE HOME PARK” means a parcel of land under one ownership, which has been planned, divided and improved for the placement of mobile homes for permanent residential use.

“MOBILE HOME SUBDIVISION” means an area subdivided by registered plan, containing lots for freehold or leasehold tenure and used for mobile homes.

“MODULAR UNIT” means a prefabricated or factory-built frame or shell which comprises the wall or siding of a proposed dwelling. A modular unit represents only a section of the dwelling and such a unit has neither chassis, running gear, nor its own wheels, but units may be stacked side by side or vertically, and completed to form one or more complete dwelling units for year-round occupancy placed on a foundation. A minimum of two modular units may be assembled to form a single dwelling.

“MOTEL” means a building or a group of attached or detached buildings containing sleeping units with sanitary facilities designed to be used temporarily by tourists or transients, with parking spaces convenient to each unit, and also containing general kitchen, dining, and other public rooms. Motel shall also mean hotel.

“MUNICIPALITY” means the corporation of the Town of Fort Smith.

“NATURAL RESOURCE DEVELOPMENT” means development for the on-site removal, extraction and primary processing of raw materials found on or under the site, or accessible from the site. Typical uses include gravel pits, quarries, oil and gas wells, mining and shipping of topsoil. This use does not include the processing of raw materials transported to the site.

“NEIGHBOURHOOD CONVENIENCE STORE” means a partial use of a dwelling for the retail sale of goods required by area residents on a day-to-day basis. Typical uses include small food stores, drug stores, and variety stores, selling confectionary, groceries, pharmaceutical and personal care items, hardware, or printed matter.

“NON-CONFORMING BUILDING” means a building that is lawfully constructed or under or for which a valid development permit has been issued at the date of passing of this Bylaw or amendment thereof which does not or will not conform to the requirements of this Bylaw or amendment thereof when it becomes effective.

“NON-CONFORMING USE” means a lawful specific use made of land or a building, or intended to be made of a building lawfully under construction or use for which a valid development permit has been issued at the date of passing of this Bylaw or any amendment thereof, which does not and will not conform to the requirements of this Bylaw or amendment thereof.

“NON-PERMANENT OCCUPANCY” means the occasional or seasonal use of a building but does not include continuous year-round use.

“PARKING AREA OR LOT” means an open area of land, other than a street or a building, designed and used for the parking of a number of vehicles.

“PARKING SPACE” means an off-street area available for the parking of one motor vehicle. The minimum dimensions of a parking space shall be 2.6 metres by 5.5 metres.

“PERMITTED USES” means uses which are allowed in a particular zone, provided that the use conforms to the regulations of the particular zone to which the use applies and all other regulations of the Bylaw.

“PUBLIC BUILDING or QUASI-PUBLIC BUILDING” means a building which is available to the public for purposes of assembly, instruction, culture or enlightenment, or for a community activity, but does not include a school or a place of public entertainment for which an admission fee is customarily charged.

“PUBLIC ROADWAY” means any lane, service road, local street, collector street, major street or highway corridor.

“PUBLIC UTILITY” means any one or more of the following:

- (a) systems for the distribution of gas, whether artificial or natural;
- (b) facilities for the storage, transmission, treatment, distribution or supply of potable water;
- (c) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- (d) storm sewer drainage facilities;
- (e) systems for electrical energy generation, transmission and distribution; and
- (f) systems for telephone/telex communication.

“PUBLIC UTILITY BUILDING” means a building in which the proprietor of the public utility maintains its office or offices and/or maintains or houses any equipment used in connection with the public utility.

“SCREENING” means the total or partial concealment from a street, lane, or adjacent lot of a structure or activity by a fence, wall, berm or soft landscaping.

“SERVICE STATION” means premises or the portion thereof used or intended to be used for the servicing and repairing of motor vehicles and for the sale of fuel, oil and accessories for motor vehicles.

“SETBACK” means the distance that a development, or a specified portion of it, must be set back from a property line.

“SIGN” means any object or device intended for the purpose of advertising or calling attention to any person, matter, thing, or event and includes any word letter, model, picture, symbol,

device or representation used as, wholly or in part, an advertisement, announcement, or direction. Without restricting the generality of the foregoing, a sign includes posters, notices, panels, boarding, and banners.

“SITE AREA” means the land contained within the boundaries of a site.

“SLIDE HAZARD AREA” means that part of the riverbank and adjacent lands that have been defined by geotechnical experts as having the potential for failure.

“STRUCTURAL ALTERATION” means an alteration designed or intended to prolong the life of or replace and renew the supporting members such as the foundation, bearing walls, columns, beams or girders of a structure.

“STRUCTURE” means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structure includes buildings, walls, fences and billboards.

“SUITE” means an additional dwelling unit with a separate entrance contained entirely within a single dwelling.

“SUITE, GRANNY” means an accessory building containing one dwelling unit occupied by one person, who is directly related to an occupant of the principal dwelling.

“TEMPORARY” means such time limit as may be set by the Council for a specific use. In case where no time limit is set, “temporary” shall be no more than 60 consecutive days.

“TOURIST TRAILER PARK OR CAMPGROUND” means a site which provides for the temporary location of tents, trailer, and recreational vehicles used by travellers and tourists for overnight accommodation, and which is not used for permanent residence.

“WALKWAY” means a public access designed for use by pedestrian traffic.

“WAREHOUSE” means premises or the portion thereof used or intended to be used for the storage of goods or materials but not including goods or materials of a hazardous nature.

“WRECKED VEHICLE” 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 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 Bylaw, provide for the removal and disposal of vehicles that:

- (a) are inoperable, wrecked, or dismantled;
- (b) are not located in a building;
- (c) do not form part of a business lawfully operated on the premises.

“YARD” means a part of a parcel upon or over which no main building is to be erected:

- (a) **“FRONT YARD”** means a yard extending across the full width of a parcel from the front line of the parcel to the front wall of the main building situated on the parcel.
- (b) **“REAR YARD”** means a yard extending across the full width of a parcel from the rear wall of the main building situated on the parcel to the rear lot line of the parcel.
- (c) **“SIDE YARD”** means a yard extending from the front wall of the main building situated on a parcel to the rear wall of the main building and lying between the side lot line of the parcel and the side wall of the main building.

“ZONE” means an area designated for a specific set of land uses and rules which are outlined in Schedule “a” of this Bylaw.

All other words and expressions have the meanings respectively assigned to them in the Planning Act.

PART TWO - AGENCIES

3. DEVELOPMENT OFFICER

- (1) The office of the Development Officer is hereby established and shall be filled by a person appointed by resolution of Council established in accordance with Section 16.1 of the Planning Act.
- (2) The Development Officer is authorized to perform the duties specified in PART THREE of this Bylaw and has enforcement powers as are conferred upon Council by Section 16(2) of the Planning Act.
- (3) The Development Officer shall:
 - (a) keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw obtainable by the public at reasonable charge;
 - (b) keep a register of all applications for development, including the decision thereon and the reasons therefore.
- (4) The Development Officer is hereby declared to be an official of the municipality and an authorized officer or servant of Council.

4. TOWN COUNCIL

- (1) The function of Council with respect to this Bylaw shall be to:
 - (a) review and render decisions on development applications presented to it by the Development Officer, having regard for the regulations of this Bylaw and the provisions of the General Plan;
 - (b) review and render decisions on applications for development of a Conditional Use, having regard for the regulations of this Bylaw and the provisions of the General Plan;
 - (c) review and render decisions on applications for rezoning and/or other amendments presented to it by the Development Officer;
 - (d) specify the length of time that a permit may remain in effect for a temporary use; and
 - (e) carry out other such duties as may be prescribed in this Bylaw.

5. DEVELOPMENT APPEAL BOARD

- (1) A Development Appeal Board is hereby established and must consider and determine such appeals as may be referred to it under the provisions of the Planning Act.
- (2) The Development Appeal Board shall discharge such duties that are given to it in this Bylaw or amendment thereof.
- (3) The Development Appeal Board may meet as frequently as necessary, but shall meet within 30 days after an application for an appeal has been made to it.

- (4) The Board shall be composed of a Chairman and four other members to be appointed concurrently for three years of office by resolution of Council, and who shall not be dismissed except for just cause.
- (5) The Board shall include at least one member of Council, but a majority of the Board shall be persons other than members of Council, and the Board shall not include employees of the municipality.
- (6) When retirement or resignation of an Appeal Board member results in a vacancy, the vacant position shall be filled by resolution of the Council.
- (7) The Chairman of the Development Appeal Board shall sign all notices of decisions and other documents on behalf of the Board, relative to any jurisdiction or power of the Board, and any documents so signed shall be deemed to be signed on behalf of, and with the approval of, the Development Appeal Board.
- (8) Where the Chairman of the Development Appeal Board is absent or disabled, any document of the Board may be signed by any one member, and when so signed shall have the like effect as though signed by the Chairman.
- (9) Three members of the Development Appeal Board constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Board.
- (10) Only those members of the Development Board in attendance at a Board meeting shall vote on any matter then before the Board.
- (11) The decision of the majority of the members of the Board present at a meeting duly convened is deemed to be the decision of the whole Board.

6. SECRETARY - DEVELOPMENT APPEAL BOARD

- (1) The office of Secretary of the Development Appeal Board is hereby established and shall be filled by an employee of the Town of Fort Smith, as appointed by Council or the Senior Administrative Officer acting on behalf of Council.
- (2) The Secretary shall:
 - (a) keep available for public inspection before the commencement of the public hearing all relevant documents and materials respecting an appeal under the Planning Act, including the application for the development permit, its refusal and the appeal therefrom;
 - (b) receive and administer all applications for appeal;
 - (c) notify all members of the Development Appeal Board of the arrangements for the holding of each hearing and other meetings of the Board;
 - (d) ensure that reasonable notice of a hearing is given to the appellant and other persons who in the opinion of the Board may be affected. Notification may be given in any or all of following manners: letter, verbal, newspaper, poster, or television notification;

- (e) prepare and maintain a file of written minutes of the business transacted at all meetings of the Development Appeal Board, copies of which shall be regularly filed with the Council;
- (f) serve the appellant and all affected parties a notice of the decision of the Board and the reasons therefore;
- (g) notify the Council of the decisions of the Board;
- (h) within fifteen days after the Appeal Board renders its decision make a complete report of the appeal proceedings to the Director, including all representations made at the hearing; and
- (i) carry out such other administrative duties as the Development Appeal Board may specify.

PART THREE – APPLICABILITY OF BY-LAW AND PERMITS

7. CONTROL OF DEVELOPMENT

- (1) No development other than that designated in Section 8 shall be undertaken within the municipality unless an application for it has been approved and a Development Permit has been issued.
- (2) For the purposes of this Bylaw the municipality is divided into zones in the manner indicated on the maps in Schedule “B”.
- (3) In each zone shown on the Zoning Maps, permitted or conditional uses of land and buildings are specified in Schedule “A”.

8. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following development shall not require a Development Permit:

- (1) The carrying out of works of maintenance or repair to any building, provided that such works do not include structural alterations or major works of renovation.
- (2) The completion of a building which was lawfully under construction at the date of the first publication of the official notice required by the Act, provided that the building is completed in accordance with the terms of any permit granted in respect of it and subject to the conditions to which such permit was granted and provided also that the building, whether or not a permit was granted in respect of it, is completed within a period of twelve months from the said date of the first publication of the official notice.
- (3) The use of any such building as is referred to in subsection (2) for the purpose for which construction was commenced.
- (4) The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting a road used by vehicular traffic) less than 1.0 m in height in front yards and less than 2.0 m in side and rear yard.
- (5) A temporary building, the sole purpose of which is incidental to the erection or alteration of a building, for which a Development Permit has been issued under this Bylaw.
- (6) The maintenance and repair of public works, services and utilities carried out by or on behalf of federal, territorial and municipal public authorities on land that is publicly owned or controlled.

9. NON-CONFORMING BUILDINGS AND USES

- (1) A non-conforming use may be continued but if that use is discontinued for more than six months, any future use of the land or building shall conform with the provisions of the Zoning Bylaw then in effect.
- (2) A non-conforming use of part of a building may be extended throughout the building.

- (3) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall only be enlarged, added to, rebuilt or structurally altered up to a maximum of 25% of the ground floor area of the building.
- (5) When an existing building is a non-conforming building solely by reason of its encroachment into required height; side, front, or rear yards an addition to the building may be allowed if such addition will not in itself constitute a further encroachment into any required yard and if such extension or addition complies with all other aspects of the provision of this Bylaw.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Zoning Bylaw.
- (7) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

10. PERMISSION FOR DEVELOPMENT

- (1) An application for a Development Permit shall be made to the Development Officer in writing on the form approved by Council and shall be accompanied by:
 - (a) a site plan in duplicate showing the legal description of the lot and the proposed front, rear, and side yards, if any, and any provision for off-street loading and vehicle parking, access and exit points to the site, and provision for landscaping and drainage;
 - (b) floor plans, elevations, and sections in duplicate;
 - (c) a statement of uses;
 - (d) a statement of ownership of land and interest of the applicant therein;
 - (e) the estimated commencement and completion dates; and
 - (f) the estimated cost of the project or contract price.

- (2) Environmental Site Assessment
 - (a) The Development Officer may require any additional information required by the nature and magnitude of a proposed development or use or by the characteristics of the site proposed for development. This may include a Phase I Environmental Site Assessment, carried out by a qualified professional according to the standards established under Canadian Standards Association Z768 as revised from time to time.
 - (b) The application shall not be considered complete until all the requirements above have been submitted to the satisfaction of the Development Officer.
- (3) Each application for a Development Permit shall be accompanied by a fee calculated according to the following table:

Cost of Project or Contract Price	Fee
0 to \$1,000.00	\$25.00
\$1,001 to \$5,000.00	\$50.00
\$5,000.01 to \$10,000.00	\$100.00
\$10,001 to \$20,000.00	\$175.00
\$20,001 to \$50,000.00	\$250.00
\$50,001 to \$75,000.00	\$300.00
\$75,001 to \$100,000.00	\$350.00
Over \$100,000.00	\$350.00 plus \$3.50 per each \$1,000 over \$100,000

- (a) The fee for a Home Occupation Development Permit shall be \$100.00. Applicants are also required to obtain a Home Occupation Business License.
- (4) The Development Officer shall:
 - (a) receive, consider and decide on applications for a Development Permit for uses, listed in Schedule “A”, which constitute permitted uses in a zone and comply with the minimum standards for that zone;
 - (b) refer with his recommendations, to the Council (acting as the Development Officer) for its consideration and decision, applications for a Development Permit for uses listed in Schedule “A” which constitute conditional uses; and
 - (c) refer to the Council (acting as the Development Officer) at his discretion any application which, in his opinion should be decided by the Council.
- (5) In making a decision, the Development Officer (or Council acting as the Development Officer) may approve the application unconditionally, or impose conditions considered appropriate and not in conflict with this Bylaw, permanently or for a limited period of time, or refuse the application.
- (6) Council may require with respect to a development that as a condition of issuing a Development Permit, the applicant enter into an agreement to construct or pay for the construction of public roadways, parking areas, and

parks, or to install or pay for the installation of utilities, or to pay an off-site levy or redevelopment levy imposed bylaw.

- (7) An application for a Development Permit shall be deemed to be refused when a decision is not made on it by the Development Officer within 40 days after receipt of the completed application, as specified in Section 9(1) of this Bylaw, by the Development Officer, and the person claiming to be affected may appeal in writing as though it has received a refusal, or the applicant may wait for a decision for a further period of time prior to lodging an appeal.
- (8) Compliance
 - (a) An applicant is responsible for ascertaining and complying with the requirements of assessments, covenants, agreements, municipal bylaws, or territorial and federal statutes and regulations.
 - (b) The Development Officer may refuse a development permit if the proposed use or development or the condition of the site does not comply with an easement, covenant, municipal bylaw, or territorial and federal statutes or regulations.

11. DEVELOPMENT PERMITS AND NOTICES

- (1) A Development Permit does not come into effect until 15 days after the date an order, decision or development permit is publicized and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made, a Development Permit that has been granted shall not come into effect until the appeal has been determined and the permit may be affirmed, modified or nullified.
- (3) When a permit has been issued, the Development Officer shall immediately post a notice of the decision conspicuously on the property for which the application has been made.
- (4) A Development Permit is valid for a period of two years from its date of issue.
- (5) Notwithstanding Section 10(4) above, if the development authorized by a permit is not commenced within 12 months from the date of its issue, the permit is deemed to be void.
- (6) A decision of the Development Officer on an application for a Development Permit shall be given in writing and a copy of it sent to the applicant.
- (7) When the Development Officer refuses an application for a Development Permit, the decision shall contain reasons for the refusal.

PART FOUR – APPEALS

12. APPEAL PROCEDURE

- (1) An appeal may be made to the Development Appeal Board where a Development Officer:
 - (a) refuses or fails to issue a Development Permit to a person within 40 days of receipt of the application;
 - (b) issues a Development Permit with or without conditions; or
 - (c) issues an order under Section 14 of this Bylaw.
- (2) The person applying for the permit or affected by the order, under Subsection (1), or any other person affected by an order, decision or Development Permit of a Development Officer may appeal to the Development Appeal Board.
- (3) An appeal shall be made by serving a written notice of appeal to the Secretary of the Development Appeal Board within 14 days after:
 - (a) the date the order, decision or permit issued by the Development Officer was publicized in accordance with Section 10(3), or, within such further time, not exceeding an additional forty-six days, as the Chairman of the Appeal Board, for just cause may allow; or
 - (c) the 40 day period referred to in Subsection (1) (a) has expired.

13. PUBLIC HEARING

- (1) Within 14 days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.
- (2) The Development Appeal Board shall give at least five days notice in writing of the public hearing to:
 - (a) the appellant;
 - (b) the Development Officer or Council from whose order, decision or Development Permit the appeal is made;
 - (c) any other person who in the opinion of the Development Appeal Board, are affected by the order, decision or permit; and
 - (d) any such other persons as the Development Appeal Board specifies.
- (3) The Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
 - (a) the application for the Development Permit, its disposition (approval, refusal, approval with conditions) and the appeal therefore; or
 - (b) the order of the Development Officer under Section 14, as the case may be.
- (4) At the public hearing referred to in Subsection (1), the board shall hear:
 - (a) the appellant or any person acting on his behalf;

- (b) the Development Officer or the Development Officer on behalf of Council, from whose order, decision or Development Permit the appeal is made, or if a person is designated to act on behalf of the Development Officer, that person;
- (c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on his behalf; and
- (d) any other person who claims to be affected by the order, decision or permit and that the Development Appeal Board agrees to hear or a person acting on his behalf.

14. DECISION

- (1) The Development Appeal Board shall give its decision in writing to the appellant together with reasons for the decision within 14 days of the conclusion of the hearing. No decision shall be incompatible with the General Plan.
- (2) A decision made under this part of the Bylaw is final and binding on all parties and all persons, subject only to an appeal upon a question of jurisdiction or law pursuant to Section 51 of the Act.

PART FIVE – ENFORCEMENT AND ADMINISTRATION

15. CONTRAVENTION, ENFORCEMENT, AND PENALTIES

- (1) The role of the Development Officer is to receive reports from members of the public, to inspect and report unauthorized development, to issue “Stop Work Orders,” and to make recommendations to Council.
- (2) It is the responsibility of Council to enforce the Zoning Bylaw, Development Permits, or Subdivision Approvals.
- (3) Where a Development Officer finds that a development or use of land or buildings is not in accordance with:
 - (a) the Zoning Bylaw, a Development Permit or Subdivision Approval; or
 - (b) that the permittee has refused, failed or neglected to rectify within a reasonable time any discrepancy that has been brought to his/her attention by the Development Officer,

he/she shall issue a "Stop Work Order" in writing to suspend the Development Permit and shall promptly notify the Council of such action and the reasons therefore.

- (4) Council shall, by written notice either served in person or sent by registered mail to the Owner of the property affected, the person in possession of the land or buildings and the person responsible for the contravention, order all or any of them, within a specified time to:
 - (a) stop the development or use of the land or building in whole or in part as directed by the notice; or
 - (b) demolish, remove or replace the development; or
 - (c) take such other measures as are specified in the notice so that the development or use of the land or building is, in accordance with the Zoning Bylaw, Development Permit, or Subdivision Approval as the case may be.
- (5) Where a "Stop Work Order" has been issued, the Development Permit may be reinstated by Council and the order cancelled if the permittee gives a guarantee accompanied by bond or certified cheque to assure the Council that the breach will be remedied in such time as Council may prescribe.
- (6) A person who commences a development and fails to:
 - (a) obtain a Development Permit; or
 - (b) comply with a condition of a Development Permit granted under this Bylaw,

is guilty of an offence under Sections 33 and 34 of the Planning Act and will be liable on summary conviction:

 - (c) to a fine not exceeding \$500 and, in addition, to a fine not exceeding \$100 for every day the offence continues; and

- (d) in default of payment of a fine under subsection (c), to imprisonment for a term not exceeding 30 days.
- (7) When a person is convicted under the Planning Act, Section 33(1) (a) and (b), of having undertaken or permitted a development that contravenes any Bylaw or permit, the Council may file a notification of the illegal development against the title to the affected land in the Land Titles Office.
- (8) The conviction of a person under this section does not restrict further prosecution under this section for the continued neglect or failure on the part of the person to comply with the Zoning Bylaw, Development Permit, or Subdivision Approval.
- (9) Council may exercise its powers for the purposes of enforcing this Bylaw and/or may authorize the Development Officer to act on behalf of Council, pursuant to Section 20 of the Planning Act.
- (10) Council, if informed of the contravention of this Bylaw, or on its own initiative without such information, may authorize that action be taken to enforce this Bylaw. Such action may include an application to the Court for an Injunction or other Order to restrain the contravention.

16. RIGHT TO ENTER

- (1) Where a person fails or refuses to comply with an order directed to him/her within the specified time, Council or a person appointed by Council may, in accordance with Section 32 of the Planning Act, enter upon the land or building and take any necessary action to carry out the order.
- (2) Where Council, or a person appointed by Council, carries out an order, Council shall recover any costs incurred in carrying out the order from the owner. Any expenses, until paid by the owner, are a charge and lien upon the property in respect of which the notice was given.
- (3) Where a person fails or refuses to comply with an order to permit entry upon the land or building, he/she shall be guilty of an offence as defined under Section 32(8) of the Planning Act and be liable to a fine or to imprisonment.

17. APPLICATION TO AMEND BYLAW

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee required under Section 18 of this Bylaw.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to initiate an application.

18. FORM OF APPLICATION

- (1) All applications for amendment to the Zoning Bylaw shall be made in writing to Council on the approved form and accompanied by the following, namely:
 - (a) an application fee of \$100.00 plus costs for each application;
 - (b) a certificate of search of the land affected or other documents satisfactory to the Development Officer indicating the applicant's interest in the said land; and
 - (c) all drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figured, explicit and complete.

19. AMENDING BYLAWS

- (1) All amendments to this Bylaw shall be made by Council by Bylaw and in conformance with Sections 25 to 29 inclusive of the Planning Act.

20. VARIANCES

- (1) The Development Officer may approve an application for a permitted use or a conditional use, notwithstanding that the proposed use does not comply with the provisions of this Bylaw, if the non-compliance is minor and where, in the opinion of the Development Officer, denial of the application for a Development Permit would cause the applicant unnecessary hardship peculiar to the use.
- (2) Subject to Subsection 18(1), the Development Officer may grant the following variances for building and structures:
 - (a) front yard – not more than 0.3 metres;
 - (b) side yard – not more than 0.15 metres, provided that the combined width of both side yards is not below the aggregate of the minimum dimensions required for both yards in which case no variance shall be granted; and
 - (c) rear yard – not more than 0.3 metres.
- (3) In the case of height of fences:
 - (a) residential zones – not more than 0.3 metres; and
 - (b) all other zones – not more than 0.6 metres.

SCHEDULE "A"
SCHEDULE OF ZONE REGULATIONS

1. GENERAL PROVISIONS

The following regulations are applicable to all zones:

- (1) With the approval of the Council, development may be permitted in any zone on a lot which is substandard as regards width, depth or area, provided that such a lot was legally registered and existing at the time of final passage of this Bylaw, and provided the development meets all other requirements of this Bylaw regarding the zone.
- (2) Any and all development must meet the most recent editions of the National Building Code, the National Fire Code, the Territorial Fire Prevention Act, the Territorial Fire Marshal's Technical Bulletins, and the Engineering Standards as set by the Town.
- (3) Where in any zone a lot has more than one frontage, the front yard requirements for that zone shall apply to only one front lot line which shall be at the discretion of the Development Officer or Council.
- (4) Unless otherwise specifically provided for in this Bylaw, no more than one (1) one-family dwelling is permitted on a single parcel in any zone.
- (5) The following features may project into a required yard:
 - (a) verandas, porches, eaves, bay windows, chimneys constructed of non-combustible material, sills, balconies, together with any other architectural features which, in the opinion of the Development Officer, are of a similar character, provided such projections do not exceed 0.5 metres, unless otherwise approved by the Development Officer;
 - (b) unenclosed steps, without a roof, and fire-escapes;
 - (c) an open terrace or patio at grade in any yard in a residential zone; and
 - (d) any loading space required under this Bylaw.
- (6) Where a development permit has been issued for the relocation of a building on the same site or from another site, the Development Officer, with the approval of Council, may require the applicant to provide an irrevocable letter of credit or other acceptable security to ensure completion of any renovations set out as a condition of approval of a permit. All renovations to a relocated building are to be completed within one year of the issuance of the Development Permit.
- (7) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed onto any adjoining properties, or interfere with any traffic control devices.
- (8) Garbage and waste material shall be stored in weatherproof and animal-proof containers. Such containers shall be visually screened from all adjacent sites and public roads.

(9) The location of any access onto a lot shall be to the satisfaction of the Development Officer to ensure proper drainage is maintained.

(10) Accessory Buildings

- (a) Where any building or structure on a site is attached to a principal building in ANY way, it shall be deemed to be part of the principal building and not an accessory building.
- (b) Accessory buildings are subject to the same yard setback requirements required for a principal building in that zone.
- (c) Accessory buildings are to be sited a minimum of 3.0 metres from any other building.
- (d) With the exception of caretaker's units and granny suites, no accessory building shall be used for human habitation.
- (e) Accessory buildings shall be located a minimum of 3 metres from the principle or main building on a site provided there is not a greater separation distance specified under section 3.2.3.7. of the National Building Code of Canada – Most Recent Edition.

2.

PLANS OF SUBDIVISION

Where the development of land involves a subdivision of land, no Development Permit shall be issued until the application has been submitted to the Director and an approved sketch received by the Development Officer indicating the approval of the Director.

3. OBJECTS PROHIBITED OR RESTRICTED IN YARDS

- (1) No yard (or part thereof) in a non-industrial zone shall contain:
 - (a) any commercial vehicle loaded or unloaded of a maximum weight in excess of 4082 kilograms (9000 lbs.) other than for temporary loading and unloading;
 - (b) any dismantled or wrecked vehicle for more than seven days without the written permission of the Development Officer;
 - (c) objects which are unsightly or tend to adversely affect the amenities of the zone;
 - (d) materials relating to the construction stage;
 - (e) improperly stored garbage and waste material (This shall be stored in weather-proof and animal-proof containers, screened from adjacent lots and public streets to the satisfaction of the Development Officer. It shall also be kept in a location easily accessible for pickup, in accordance with existing Bylaws); and
 - (f) weeds, grass, rubbish or other things that may constitute, in the opinion of the Development Officer and/or, the Fire Chief, a hazardous substance or dangerous good, fire hazard, safety hazard, health hazard or environmental hazard.

- (2) Part three (3) of the National Fire Code (Most Recent Edition), provides for life safety and property protection by requiring that certain fire protection measures be applied in specific occupancies where the use, storage and handling of hazardous materials or stockpiling of combustible materials creates a serious fire hazard. The Development Officer, or Council Acting as the Development Officer shall include the provisions of Section three (3) of the National Fire Code (Most Recent Edition), in the development review process.

4. PROTECTION FROM EXPLOSIVE HAZARDS

- (1) The location of a liquified petroleum gas (LPG) storage tank with a capacity exceeding 9,100 litres shall be in accordance with the requirement of the Development Officer but in no case be less than 120 metres from any assembly, institutional, commercial, or residential buildings.
- (2) LPG containers with a capacity of less than 9,100 litres shall be located in accordance with Territorial Acts and regulations.
- (3) Flammable liquids storage tanks at bulk plants or service stations shall be located in accordance with Territorial Acts and Regulations. The provision of certified true evidence of such approval and the provisions therein shall be provided to the Development Officer as a condition of permit.

5. PUBLIC WALKWAY

All public walkways shall be subject to the following regulations:

- (a) No public walkway shall be obstructed by any vehicle, debris, fence, or any other objects except a vehicle barrier, as may be required by Council.
- (b) No public walkway shall be used in such a manner as to be detrimental to its purpose as part of the pedestrian circulation system.
- (c) All future subdivision(s) shall allow for the unobstructed connection of walkways throughout the Town.

6. AIRPORT PROTECTION

No development shall be allowed that jeopardizes the safety or diminishes the current operation and status of the airport, by reason of smoke, ash, steam, height, or electronic interference with aviation communication and guidance equipment. Any development within this zone shall be subject to the policies, regulations, and standards established by the Department of Transportation, Arctic Airports Division, Government of the Northwest Territories, and Transport Canada Regulations.

7. SIGN REGULATIONS

(1) Definitions

For the purpose of this Section, certain terms or words herein shall be interpreted or defined as follows:

- (a) "SIGN" means any words, letters, pictures or symbols, used as an advertisement, announcement or direction.
- (b) "FASCIA SIGN" means a sign placed flat and parallel to the face of the building so that no part projects more than 0.3 m from the building.
- (c) "FREE-STANDING SIGN" means a sign fixed on a standard or column permanently attached to the ground and which is not connected in any way to any building or other structure.
- (d) "FREE-STANDING PORTABLE SIGN" means a sign to its own self-contained base and capable of being moved.
- (e) "PROJECTING SIGN" means a sign, which is attached to a building or structure so that part of the sign projects more than 0.3 m from the face of the building or structure.

(2) Details of Application

Application for a Development Permit shall be made to the Development Officer. The application shall be:

- (a) on the Form provided by the Development Officer; and
- (b) supported by two copies of drawings drawn to scale, showing the location of the sign, the overall dimensions of the sign, the size of the letters or letter, the amount of projection from the face of the building, the height of the sign above average ground level at the face of the building, and the manner of illuminating the sign, including any form of animated or intermittent lights.

(3) General Provisions for Signs

- (a) No person shall erect or place a sign differing from the sign for which a Development Permit has been issued.
- (b) No sign shall be permitted in a public street or publicly-owned place.
- (c) No sign shall be erected so as to obstruct free and clear vision of vehicular traffic or at any location where it may interfere with, or be confused with, any authorized traffic sign, signal or device.
- (d) All signs must be maintained in a satisfactory manner or notice will be served to perform the necessary repairs or remove the sign(s) within thirty (30) days.
- (e) Posters relating specifically to a pending election are exempt, provided that such posters shall be removed within fourteen days after the election.
- (f) Free-standing portable signs are exempt, provided that:
 - i) any sign shall be placed wholly within the property lines;
 - ii) the overall height shall not be greater than 2.0 metres above ground level; and
 - iii) the maximum area of the sign shall not exceed 1.0 square metres.

(4) Fascia Signs

- (a) Fascia signs shall only be permitted in the zones defined on Schedule “B” as Town Centre, General Commercial, Institutional, and Industrial. All fascia signs shall be erected so that they:
 - i) do not project more than 0.3 metres above the top of the vertical face of the wall to which they are attached; and
 - ii) do not exceed in area the equivalent of 25% of the surficial area of the wall on which it is attached.
- (b) On commercial and industrial buildings which are non-conforming uses in areas zoned residential, fascia signs shall be considered by the Development Officer according to the merits of the individual application.
- (c) On neighbourhood convenience stores in areas zoned residential, fascia signs shall be considered by the Development Officer according to the merits of the individual application.

(5) Marquee and Canopy Signs

- (a) Marquee and canopy signs shall be considered as fascia signs according to the provisions of Section 7(4), provided that:
 - i) no portion of the sign shall project below the bottom edge, or more than 0.5 metres above the top edge, of the marquee or canopy; and
 - ii) a sign not exceeding 0.3 metres by 1.2 metres in outside dimensions may be suspended below a marquee or canopy provided no part of the sign shall be closer than 2.4 metres to the ground or sidewalk.
- (b) Roof signs shall be considered as fascia signs according to the provisions of Section 7(4), where the following conditions are met:
 - i) no additional supporting wires or stays shall be attached to the roof; and
 - ii) no portion of a sign shall project more than 0.5 metres above the roof.

(6) Projecting Signs

- (a) Projecting signs shall only be permitted in zones defined as Town Centre. All projecting signs shall be erected so that:
 - i) no part of the sign shall be less than 3.0 metres above the ground or sidewalk grade;
 - ii) no part of the sign shall project more than 0.5 metres above the top of the vertical face of the wall to which it is attached;
 - iii) the space between the sign and supporting structure shall not be more than 0.6 metres;
 - iv) there shall be only one projecting sign for each business; and
 - v) the permitted area of the sign shall be related to the amount of projection from the face of the building, as follows:
 - Amount of projection:
1.8 metre 1.5 metre 1.2 metres 0.9 metre or less
 - Maximum area of sign:
3.3 sq.m 4.5 sq.m. 5.6 sq.m. 7.0 sq.m.

(7) Free-Standing Signs

- (a) Free-standing signs shall only be permitted in areas defined Town Centre, General Commercial, and Industrial. All free-standing signs shall be erected so that:
 - i) no part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 3.0 metres, nor more than 5.0 metres above ground or sidewalk grade;
 - ii) no part of the sign shall project beyond the property line;
 - iii) the area of the sign shall not exceed a maximum of 8.0 square metres, excluding the support, provided that it is free of advertising;
 - iv) there shall not be more than one free-standing sign for each business.
- (b) Billboards are prohibited.

8. ESTABLISHMENT OF ZONES

- (1) For the purpose of this Bylaw, the Town of Fort Smith is divided into the following zones:

R1	Single Dwelling Residential Zone
R2	Multi- Dwelling Residential Zone
RMH	Mobile and Manufactured Home Residential Zone
RC	Country Residential Zone
TC	Town Centre Zone
GC	General Commercial Zone
M	Industrial Zone
P	Park Zone
I	Institutional Zone
UR	Future Urban Use
E	Environmental Reserve Zone

in the manner indicated on the maps marked “Zoning Map” which are Schedules “B” and “C” of this Bylaw.

- (2) All development shall comply with the provisions of this Schedule.
- (3) All lands within the Town that are not indicated on the zoning maps as having a specific zoning designation shall be designated in the Urban Reserve Zone.
- (4) Where uncertainty exists as to the boundaries of zones as shown on the Zoning Map, the following requirements shall apply:
- (a) Where a boundary is shown as following a street, lane or stream, it shall be deemed to follow the centreline thereof.
 - (b) Where a boundary is shown as approximately following the Town limits, it shall be deemed to follow the Town limits.
 - (c) Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.
- (5) Where the application of the above rules does not determine the exact location of the boundary of a zone, Council shall, by resolution, fix the portion of the zone boundary in doubt or in dispute in a manner consistent with the provisions of this Bylaw and with the degree of detail as to measurements and directions as the circumstances may require.
- (6) After Council has fixed the zone boundary pursuant to the provisions of Subsection (5), the portion of the boundary so fixed shall not be altered except by an amendment of this Bylaw.
- (7) Council shall maintain a record of its decisions with respect to boundaries or portions thereof fixed by it

9. **R1 - SINGLE DWELLING RESIDENTIAL ZONE**

(1) Permitted Uses

- (a) Single dwellings;
- (b) Accessory buildings and uses.

(2) Conditional Uses

- (a) Parks and playgrounds;
- (b) Churches;
- (c) Public or quasi-public buildings;
- (d) Public utilities;
- (e) Home occupations;
- (f) Family care facilities;
- (g) Neighbourhood convenience stores;
- (h) Suites;
- (i) Duplex dwellings
- (j) Semi-detached dwellings;
- (k) Granny suites;
- (l) Day cares; and
- (m) Bed and breakfast establishments.

(3) Regulations

(a) Relating to Single Dwellings, Duplex Dwellings or Semi-Detached Dwellings

Minimum Site Area: 557 sq.m.

Maximum Lot Coverage: Dwellings – 30% / Accessory – 12%

Minimum Front Yard Setback: 6.0 m

Minimum Rear Yard Setback: 4.0 m

Minimum Side Yard Setback: 1.5 m

- i) All side yards shall be a minimum of 3.0 m on all lots except for side yards abutting a flanking street, in which case the minimum is 4.6m.
- ii) In the case of duplex units and semi-detached units, the side yard requirement along the common wall is waived.
- iii) The maximum height of buildings shall not exceed 10.5 m unless otherwise approved by Council.
- iv) Unless otherwise specifically provided for in this Bylaw, no more than one (1) single dwelling is permitted on a single parcel in any zone.

(4) Fences and Walls

- (a) No fence, wall, or hedge in a Single Dwelling Residential zone shall be:
- i) higher than 2.0 m in side yards and rear yards to be measured as the average elevation from the ground;
 - ii) higher than 1.0 m in front yards;
 - iii) no fence or hedge shall be more than 1.0 m high within 5.0 m of the intersection of streets.

(5) Off-Street Automobile Parking

- (a) An off-street parking area:
- i) Shall not be located within 1.0 m of a lot line common to the lot and to a street.
 - ii) Shall be constructed so that access to and from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Officer.
- (b) Surfacing and Drainage
- i) Every off-street parking space provided, and its access, shall be hard surfaced if the access is from a street or lane which is hard surfaced. Where the access street or lane is not hard surfaced, parking areas must be a gravel mixture as approved by the Council.
 - iii) Each parking area shall be so graded and drained as to dispose of all stormwater runoff. In no case shall drainage be allowed to cross a sidewalk unless permitted otherwise by the Council.
 - iii) It is the sole responsibility of property owners to construct and maintain road access between their property line and the traveled portion of the street right-of-way, subject to the Town's Engineering Standards.
- (c) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each building class shall be as follows. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Council. For a mixed use development, the required number of spaces shall be the sum of the requirements for each use.

Where the calculation of parking stalls for the development results in a fractional requirement, the total requirement shall be rounded up to the next whole number.

Use of Building or Development

Minimum Number of Parking Stalls

- | | |
|------------------------------------|---|
| - Single and duplex dwellings | 1.0 per dwelling unit |
| - Other residential developments | 1.5 per dwelling unit |
| - Bed and breakfast establishments | 1.0 per rentable guest room |
| - Suites | 1.0 per dwelling unit |
| - Day care centres | 1.0 per 34.0 sq. m. of gross floor area |
| - Neighbourhood convenience store | 1.0 per 20.0 sq.m. of gross floor area |

(6) Home Occupations

Home occupations are conditional uses within residential zones and shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Home Occupations shall be an incidental and subordinate use to the principal residential use and are subject to the following conditions:

- (a) Home occupations shall not include beauty parlours, barber shops and dance schools.
- (b) There shall be no exterior display or advertisement on the premises.
- (c) There shall be no exterior storage of materials, commodities or finished products on the premises.
- (d) There shall be no mechanical equipment used except when ordinarily used for housekeeping purposes or hobbies.
- (e) Nothing of an offensive or objectionable nature shall be permitted. The following uses are deemed to be customary home occupations:
 - i) dressmaking, catering and similar domestic home occupations;
 - ii) the manufacture of novelties, souvenirs and handicrafts as an extension of a hobby;
 - iii) stamp and coin collecting and sales;
 - iv) individual instruction to music students;
 - v) the carrying out of minor repairs to domestic appliances normally used within dwellings;
 - vi) the office of a professional or business person, where the business or profession is conducted in the dwelling unit used by the person as his private residence and the number of employees not resident in the dwelling does not exceed one; and
 - vii) bed and breakfast establishments for tourists, not exceeding five persons at any one time.
- (f) Home occupations are limited to those uses which are approved under the current Business License Bylaw by the Council for the dwelling where they are carried on for a period not exceeding one (1) year at which time the Development Officer may allow the continuance of the use.
- (g) All Business Licenses issued for home occupations shall be revocable at any time by the Council, if in their opinion, the use is or has become detrimental to the amenities of the neighbourhood.
- (h) The floor area used by a home occupation shall be limited to 30 sq.m.

(7) Special Provisions

The following provisions apply to uses listed as permitted or conditional:

(a) Churches – The site on which a church is situated shall have a frontage of not less than 30.0 m and an area of not less than 900 sq.m., except in the case where a building for a clergyman’s residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1,400 sq.m.

(b) Neighbourhood Convenience Stores

- i) Neighbourhood convenience stores shall be located only on major streets and shall not be within 400 m of another such development in any residential zone.
- ii) The total floor area of any store shall not exceed 60 sq.m.
- iii) The minimum site area shall be 557 sq.m.

(c) Day Cares

In addition to conforming with the GWNT Child Day Care Act and Child Day Care Standards and Regulations, all Day Cares shall be subject to the following regulations:

- i) The maximum number of children for which care may be provided shall be established by the Development Officer and Council who shall have regard for the nature of the day care, the density of the zone in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of development;
- ii) The number of children within a day care established as a secondary use within a single family dwelling or mobile home shall not exceed the maximum allowable under the Child Day Care Act.
- iii) A day care shall not be the principal use of a building within a residential zone.

(d) Bed and breakfast establishments

Bed and breakfast establishments shall be regulated by the following:

- i) All licensees who lease or own a single family residence must reside on the premises and shall provide a sketch showing bedroom configurations, capacity and bathroom locations with the Business License Application.
- ii) All residences shall meet the requirements of the Government of the Northwest Territories Fire Marshall, National Fire Code of Canada, and the Fire Prevention Act. Prior to the initial business license being issued and after any major renovation to the building, the residence shall be inspected by the Fire Marshall.
- iii) All residences shall be inspected annually by the Public Health Officer and be in compliance with the Public Health Act.
- iv) The number of guests shall not exceed five (5) persons at any one time.

- v) Each bedroom shall contain no more than two (2) adult persons.
 - vi) All residences shall have a three-piece bath conforming to the National Building Code for the use of the guests apart from those used by the owner and his/her family.
 - vii) Access to the guest bathroom shall be direct, convenient and will not involve passing through any other rooms.
 - viii) A card containing the rate to be paid for the room shall be conspicuously posted in each room.
 - ix) The owner or an adult member of the owner's family shall reside on the premises when guests are present.
 - x) A register shall be maintained containing the following information:
 - name and address of all guests, and;
 - make, colour and license number of the vehicle(s) the guests are driving.
 - xi) There shall be one (1) off street parking space provided per rented guest room.
- (e) Unless otherwise specified, site requirements for all conditional uses shall be as required by Council

10. R2 - MULTI-DWELLING RESIDENTIAL ZONE

(1) Permitted Uses

- (a) Single dwellings;
- (b) Duplex dwellings;
- (c) Semi-detached dwellings;
- (d) Triplex dwellings;
- (e) Row dwellings
- (f) Apartments; and
- (g) Accessory buildings and uses.

(2) Conditional Uses

- (a) Churches;
- (b) Family care facilities;
- (c) Public or quasi-public buildings
- (d) Public utilities;
- (e) Boarding and lodging houses;
- (f) Senior citizen's or nursing homes;
- (g) Neighbourhood convenience stores;
- (h) Home occupations;
- (i) Basements suites;
- (j) Granny suites;
- (k) Day care centres;
- (l) Bed and breakfast establishments; and
- (m) Parks and playgrounds.

(3) Regulations

(a) Relating to Single Dwellings, Duplex Dwellings and Semi-Detached Dwellings:

Minimum Site Area: 557 sq.m.

Maximum Lot Coverage: Dwellings – 30% / Accessory – 12%

Minimum Front Yard Setback: 6.0 m

Minimum Rear Yard Setback: 4.0 m

Minimum Side Yard Setback: 1.5 m

- i) All side yards shall be a minimum of 3.0 m on all lots except for side yards abutting a flanking street, in which case the minimum is 4.6m.
- ii) In the case of duplex units and semi-detached units, the side yard requirement along the common wall is waived.
- iii) The maximum height of buildings shall not exceed 10.5 m unless otherwise approved by Council.

iv) Unless otherwise specifically provided for in this Bylaw, no more than one (1) single dwelling is permitted on a single parcel in any zone.

(b) Relating to Triplex and Row Dwellings:

Minimum Site Area: 930 sq.m.

Maximum Lot Coverage: Dwellings – 30% / Accessory – 12%

Minimum Front Yard Setback: 6.0 m

Minimum Rear Yard Setback: 4.0 m

Minimum Side Yard Setback: 3.0 m

i) All side yards shall be a minimum of 3.0 m on all lots except for side yards abutting a flanking street, in which case the minimum is 4.6m.

ii) The maximum height of buildings shall not exceed 10.5 m unless otherwise approved by Council

iii) Within each unit's rear outdoor area, an area measuring a minimum of 4.0 m in depth and the full width of the unit shall be provided to ensure privacy for the occupants. This area shall be contained by a fence at least 1.5 m in height.

iv) A minimum of 10% of the site area shall be landscaped.

(c) Relating to Apartments:

Minimum Site Area: 800 sq.m.

Maximum Lot Coverage: Dwellings – 30% / Accessory – 12%

Minimum Front Yard Setback: 8.0 m

Minimum Rear Yard Setback: 8.0 m

Minimum Side Yard Setback: 4.0 m

i) All side yards shall be a minimum of 4.0 m on all lots except for side yards abutting a flanking street, in which case the minimum is 4.6m.

ii) The maximum height of buildings shall not exceed 12 m.

iii) The density of suites per hectare shall be based on the following chart:

Type of Suite	Minimum Site Area Required per Suite
Bed Sitting Room	70 sq.m.
One Bedroom	98 sq.m.
Two or More Bedrooms	135 sq.m.

iv) A minimum of 10% of the site area shall be landscaped.

(d) In deciding upon triplex dwellings, row dwellings, and apartments, Council shall consider:

- i) provision of playgrounds and open space;
 - ii) provision of enclosed recreation areas;
 - iii) access for emergency vehicles;
 - iv) provision of access to enclosed garbage storage;
 - v) provision of laundry facilities;
 - vi) landscaping and fencing;
 - vii) privacy for dwelling units in and adjacent to the development;
and
 - viii) orientation of buildings and general appearance of project.
- (e) A site plan will append the application for any triplex dwellings, row dwellings and apartments and, once approved, shall be as deemed conditions of approval.
- (f) The Council (acting as Development Officer) shall be the approving authority for all uses in this zone.

(4) Fences and Walls

- (a) No fence, wall, or hedge in a Single Dwelling Residential zone shall be:
- i) higher than 2.0 m in side yards and rear yards to be measured as the average elevation from the ground;
 - ii) higher than 1.0 m in front yards;
 - iii) no fence or hedge shall be more than 1.0 m high within 5.0 m of the intersection of streets.
- (b) In the case of apartments or row houses, all off-street parking shall include a landscaped area, and in residential areas, a wall, hedge or wooden fence of not less than 1.5 m in height and not more than 2.0 m in height, shall be provided along the side property lines, to the satisfaction of the Council.

(5) Landscaping

- (a) As a condition of the Development Permit, and to the satisfaction of the Development Officer, all landscaping and planting must be carried out (weather permitting) within eighteen months of occupancy or commencement of operation of the proposed development.

(6) Off-Street Automobile Parking

(a) An off-street parking area:

- i) Shall not be located within 1.0 m of a lot line common to the lot and to a street.
- ii) Shall be constructed so that access to and from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Officer.

(b) Surfacing and Drainage

- i) Every off-street parking space provided, and its access, shall be hard surfaced if the access is from a street or lane which is hard surfaced. Where the access street or lane is not hard surfaced, parking areas must be a gravel mixture as approved by the Council.
- ii) Each parking area shall be so graded and drained as to dispose of all stormwater runoff. In no case shall drainage be allowed to cross a sidewalk unless permitted otherwise by the Council.
- iii) It is the sole responsibility of property owners to construct and maintain road access between their property line and the traveled portion of the street right-of-way, subject to the Town's Engineering Standards.

(c) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each building class shall be as follows. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Council. For a mixed use development, the required number of spaces shall be the sum of the requirements for each use.

Where the calculation of parking stalls for the development results in a fractional requirement, the total requirement shall be rounded up to the next whole number.

Use of Building or Development

Minimum Number of Parking Stalls

Residential

- Single and duplex dwellings	1.0 per dwelling unit
- Other residential developments	1.5 per dwelling unit
- Bed and breakfast establishments	1.0 per rentable guest room
- Suites	1.0 per dwelling unit
- Day cares	1.0 per 34.0 sq.m. of gross floor area
- Boarding and lodging houses	1.0 per two beds lawfully accommodated
- Neighbourhood convenience stores	1.0 per 20 sq.m. of gross floor area

(7) Home Occupations

Home occupations are conditional uses within residential zones and shall be limited to those uses, which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Home Occupations shall be an incidental and subordinate use to the principal residential use and are subject to the following conditions:

- (a) Home occupations shall not include beauty parlours, barber shops and dance schools.
- (b) There shall be no exterior display or advertisement on the premises.
- (c) There shall be no exterior storage of materials, commodities or finished products on the premises.
- (d) There shall be no mechanical equipment used except when ordinarily used for housekeeping purposes or hobbies.
- (e) Nothing of an offensive or objectionable nature shall be permitted. The following uses are deemed to be customary home occupations:
 - i) dressmaking, catering and similar domestic home occupations;
 - ii) the manufacture of novelties, souvenirs and handicrafts as an extension of a hobby;
 - iii) stamp and coin collecting and sales;
 - iv) individual instruction to music students;
 - v) the carrying out of minor repairs to domestic appliances normally used within dwellings;
 - vi) the office of a professional or business person, where the business or profession is conducted in the dwelling unit used by the person as his private residence and the number of employees not resident in the dwelling does not exceed one; and
 - vii) bed and breakfast establishments for tourists, not exceeding five persons at any one time.
- (f) Home occupations are limited to those uses which are approved under the current Business License Bylaw by the Council for the dwelling where they are carried on for a period not exceeding one (1) year at which time the Development Officer may allow the continuance of the use.
- (g) All Business Licenses issued for home occupations shall be revocable at any time by the Council, if in their opinion, the use is or has become detrimental to the amenities of the neighbourhood.
- (h) The floor area used by a home occupation shall be limited to 30 sq.m.

(8) Special Provisions

The following provisions apply to uses listed as permitted or conditional:

- (a) Churches – The site on which a church is situated shall have a frontage of not less than 30.0 m and an area of not less than 900 sq.m., except in the case where a building for a clergyman’s residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1,400 sq.m.
- (b) Neighbourhood Convenience Stores
 - i) Neighbourhood convenience stores shall be located only on major streets and shall not be within 400 m of another such development in any residential zone.
 - ii) The total floor area of any store shall not exceed 60 sq.m.
 - iii) The minimum site area shall be 557 sq.m.

(c) Day Cares

In addition to conforming with the GWNT Child Day Care Act and Child Day Care Standards and Regulations, all Day Cares shall be subject to the following regulations:

- i) The maximum number of children for which care may be provided shall be established by the Development Officer and Council who shall have regard for the nature of the day care, the density of the zone in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of development;
 - ii) The number of children within a day care established as a secondary use within a single family dwelling or mobile home shall not exceed the maximum allowable under the Child Day Care Act.
 - iii) A day care shall not be the principal use of a building within a residential zone.
- (d) Bed and Breakfast Establishments

Bed and breakfast establishments shall be regulated by the following:

- i) All licensees who lease or own a single family residence must reside on the premises and shall provide a sketch showing bedroom configurations, capacity and bathroom locations with the Business License Application.
- ii) All residences shall meet the requirements of the Government of the Northwest Territories Fire Marshall, National Fire Code of Canada, and the Fire Prevention Act. Prior to the initial business license being issued and after any major renovation to the building, the residence shall be inspected by the Fire Marshall.
- iii) All residences shall be inspected annually by the Public Health Officer and be in compliance with the Public Health Act.

- iv) The number of guests shall not exceed five (5) persons at any one time.
 - v) Each bedroom shall contain no more than two (2) adult persons.
 - vi) All residences shall have a three-piece bath conforming to the National Building Code for the use of the guests apart from those used by the owner and his/her family.
 - vii) Access to the guest bathroom shall be direct, convenient and will not involve passing through any other rooms.
 - viii) A card containing the rate to be paid for the room shall be conspicuously posted in each room.
 - ix) The owner or an adult member of the owner's family shall reside on the premises when guests are present.
 - x) A register shall be maintained containing the following information:
 - name and address of all guests, and;
 - make, colour, and license number of the vehicle(s) the guests are driving.
- (e) Unless otherwise specified, site requirements for all conditional uses shall be as required by Council

11. RMH – MOBILE AND MANUFACTURED HOME RESIDENTIAL ZONE

(1) Permitted Uses

- (a) Mobile homes or manufactured homes;
- (b) Single dwellings; and
- (c) Accessory buildings and uses.

(2) Conditional Uses

- (a) Public and quasi-public buildings;
- (b) Public utilities and installations;
- (c) Home occupations;
- (d) Bed and breakfast establishments;
- (e) Day cares;
- (f) Neighbourhood convenience stores;
- (g) Parks and playgrounds; and
- (h) Mobile home parks.

(3) Regulations

(a) Relating to Mobile Homes or Manufactured Homes:

Minimum Site Area: Single-wide: 400 sq.m./Double-wide: 450 sq.m.

Maximum Lot Coverage: Dwellings – 40% / Accessory – 10%

Minimum Front Yard Setback: 3.0 m

Minimum Rear Yard Setback: 3.0 m

Minimum Side Yard Setback: 3.0 m

- i) All side yards shall be a minimum of 3.0 m on all lots except for side yards abutting a flanking street, in which case the minimum is 4.6m.
- ii) The maximum height of buildings shall not exceed 5.0 m.
- iii) Porches and additions to a mobile home or manufactured home shall be considered as part of the main building and the external finish of a porch or addition shall match the existing finish on the mobile home.
- iv) The floor area of the porches and additions shall be proportionate to the floor area of the mobile home or manufactured home and these additions shall not exceed 100% of the mobile home floor area.

- v) A mobile home or manufactured home shall be skirted and adequately insulated to no less than R-20 from the floor level to the ground level and shall complement the existing external finish of the mobile home or manufactured home.
- vi) All mobile homes or manufactured homes shall have Canadian Standards Association Certification.
- vii) For the purposes of storage, any furniture, domestic equipment or seasonally used equipment shall be stored in adequate covered or screened storage.

(b) Relating to Single Dwellings:

Minimum Site Area: 557 sq.m.

Maximum Lot Coverage: Dwellings – 30% / Accessory – 12%

Minimum Front Yard Setback: 6.0 m

Minimum Rear Yard Setback: 4.0 m

Minimum Side Yard Setback: 3.0 m

- i) All side yards shall be a minimum of 3.0 m on all lots except for side yards abutting a flanking street, in which case the minimum is 4.6m.
- ii) The maximum height of buildings shall not exceed 10.5 m.
- iii) Unless otherwise specifically provided for in this Bylaw, no more than one (1) single dwelling is permitted on a single parcel in any zone.

(4) Fences and Walls

(a) No fence, wall, or hedge in a residential zone shall be:

- i) higher than 2.0 m in side yards and rear yards to be measured as the average elevation from the ground;
- ii) higher than 1.0 m in front yards;
- iii) no fence or hedge shall be more than 1.0 m high within 5.0 m of the intersection of streets.

(5) Off-Street Automobile Parking

(a) An off-street parking area:

- i) Shall not be located within 1.0 m of a lot line common to the lot and to a street.
- ii) Shall be constructed so that access to and from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Officer.

(b) Surfacing and Drainage

- i) Every off-street parking space provided, and its access, shall be hard surfaced if the access is from a street or lane which is hard surfaced. Where the access street or lane is not hard surfaced, parking areas must be a gravel mixture as approved by the Council.
- ii) Each parking area shall be so graded and drained as to dispose of all stormwater runoff. In no case shall drainage be allowed to cross a sidewalk unless permitted otherwise by the Council.
- iii) It is the sole responsibility of property owners to construct and maintain road access between their property line and the traveled portion of the street right-of-way, subject to the Town's Engineering Standards.

(c) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each building class shall be as follows. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Council. For a mixed use development, the required number of spaces shall be the sum of the requirements for each use.

Where the calculation of parking stalls for the development results in a fractional requirement, the total requirement shall be rounded up to the next whole number.

<u>Use of Building or Development</u>	<u>Minimum Number of Parking Stalls</u>
- Single and duplex dwellings	1.0 per dwelling unit
- Other residential developments	1.5 per dwelling unit
- Bed and breakfast establishments	2.0 per rentable guest room
- Suites	2.0 per dwelling unit
- Day care centres	2.0 per 34.0 sq. m. of gross floor area
- Neighbourhood convenience store	1.0 per 20.0 sq.m. of gross floor area

(6) Home Occupations

Home occupations are conditional uses within residential zones and shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Home Occupations shall be an incidental and subordinate use to the principal residential use and are subject to the following conditions:

- (a) Home occupations shall not include beauty parlours, barber shops and dance schools.
- (b) There shall be no exterior display or advertisement on the premises.
- (c) There shall be no exterior storage of materials, commodities or finished products on the premises.
- (d) There shall be no mechanical equipment used except when ordinarily used for housekeeping purposes or hobbies.

- (e) Nothing of an offensive or objectionable nature shall be permitted. The following uses are deemed to be customary home occupations:
 - i) dressmaking, catering and similar domestic home occupations;
 - ii) the manufacture of novelties, souvenirs and handicrafts as an extension of a hobby;
 - iii) stamp and coin collecting and sales;
 - iv) individual instruction to music students;
 - v) the carrying out of minor repairs to domestic appliances normally used within dwellings;
 - vi) the office of a professional or business person, where the business or profession is conducted in the dwelling unit used by the person as his private residence and the number of employees not resident in the dwelling does not exceed one; and
 - vii) bed and breakfast establishments for tourists, not exceeding five persons at any one time.
- (f) Home occupations are limited to those uses which are approved under the current Business License Bylaw by the Council for the dwelling where they are carried on for a period not exceeding one (1) year at which time the Development Officer may allow the continuance of the use.
- (g) All Business Licenses issued for home occupations shall be revocable at any time by the Council, if in their opinion, the use is or has become detrimental to the amenities of the neighbourhood.
- (h) The floor area used by a home occupation shall be limited to 30 sq.m.

(7) Special Provisions

The following provisions apply to uses listed as permitted or conditional:

- (a) Neighbourhood Convenience Stores
 - i) Neighbourhood convenience stores shall be located only on major streets and shall not be within 400 m of another such development in any residential zone.
 - ii) The total floor area of any store shall not exceed 60 sq.m.
 - iii) The minimum site area shall be 557 sq.m.

- (b) Day Cares

In addition to conforming with the GWNT Child Day Care Arc and Child Day Care Standards and Regulations, all Day Cares shall be subject to the following regulations:

- i) The maximum number of children for which care may be provided shall be established by the Development Officer and Council who shall have regard for the nature of the day care, the density of the zone in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of development;
- ii) The number of children within a day care established as a secondary use within a single family dwelling or mobile home shall not exceed the maximum allowable under the Child Day Care Act.
- iii) A day care shall not be the principal use of a building within a residential zone.

(c) Bed and Breakfast Establishments

Bed and breakfast establishments shall be regulated by the following:

- i) All licensees who lease or own a single family residence must reside on the premises and shall provide a sketch showing bedroom configurations, capacity and bathroom locations with the Business License Application.
- ii) All residences shall meet the requirements of the Government of the Northwest Territories Fire Marshall, National Fire Code of Canada, and the Fire Prevention Act. Prior to the initial business license being issued and after any major renovation to the building, the residence shall be inspected by the Fire Marshall.
- iii) All residences shall be inspected annually by the Public Health Officer and be in compliance with the Public Health Act.
- iv) The number of guests shall not exceed five (5) persons at any one time.
- v) Each bedroom shall contain no more than two (2) adult persons.
- vi) All residences shall have a three-piece bath conforming to the National Building Code for the use of the guests apart from those used by the owner and his/her family.
- vii) Access to the guest bathroom shall be direct, convenient and will not involve passing through any other rooms.
- viii) A card containing the rate to be paid for the room shall be conspicuously posted in each room.
- ix) The owner or an adult member of the owner's family shall reside on the premises when guests are present.
- x) A register shall be maintained containing the following information:
 - name and address of all guests, and;
 - make, colour, and license number of the vehicle(s) the guests are driving.

- (d) Unless otherwise specified, site requirements for all conditional uses shall be as required by Council

12. RC - COUNTRY RESIDENTIAL ZONE

(1) Permitted Uses

- (a) Single dwellings;
- (b) Agricultural uses including commercial greenhouses and beekeeping;
and
- (c) Accessory buildings and uses.

(2) Conditional Uses

- (a) Mobile homes and manufactured homes;
- (b) Home occupations;
- (c) Suites;
- (d) Granny suites;
- (e) Nursery;
- (f) Bed and breakfast establishments
- (g) Day cares;
- (h) Public or quasi-public buildings and uses;
- (i) Neighbourhood convenience stores;
- (j) Public utility uses and installations;
- (k) Recreational and associated uses, including picnic and campgrounds;
and
- (l) Commercial accessory uses.

(3) Regulations

(a) Relating to Single Dwellings, Mobile Homes and Manufactured Homes:

Minimum Site Area: 1.2 hectares

Minimum Lot Width: 45 m

Minimum Front Yard Setback: 15 m

Minimum Rear Yard Setback: 15 m

Minimum Side Yard Setback: 6 m

- i) Sanitary facilities shall meet the Standards provided by the Public Health Act and Regulations.
- ii) Unless otherwise specifically provided for in this Bylaw, no more than one (1) one-family dwelling is permitted on a single parcel in any zone.

(b) Relating to Agricultural Uses:

Minimum Site Area: 2.0 hectares

- i) The number of livestock on a parcel in a Country Residential Zone shall at no time exceed 2 horses, or 2 cows, or 2 sheep or goats, and 50 poultry.
- ii) Any ancillary hobby or farming activities shall at no time interfere with the general enjoyment of the residential use of neighbouring properties.
- iii) Intensive livestock operations are strictly prohibited in this zone.

(4) Commercial Accessory Uses

When considering applications for commercial accessory uses in the zone, Council may require conditions of approval related to:

- (a) the scale of development proposed in relation to permitted uses;
- (b) visual barriers including fencing and landscaping;
- (c) signage; and
- (d) lighting.

(5) Fences and Walls

- (a) No fence, wall, or hedge in a residential zone shall be:
 - i) higher than 2.0 m in side yards and rear yards to be measured as the average elevation from the ground;
 - ii) higher than 1.0 m in front yards;
 - iii) no fence or hedge shall be more than 1.0 m high within 5.0 m of the intersection of streets.

(6) Off-Street Automobile Parking

- (a) An off-street parking area:
 - i) Shall not be located within 1.0 m of a lot line common to the lot and to a street.
 - ii) Shall be constructed so that access to and from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Officer.

(b) Surfacing and Drainage

- i) Every off-street parking space provided, and its access, shall be hard surfaced if the access is from a street or lane which is hard surfaced. Where the access street or lane is not hard surfaced, parking areas must be a gravel mixture as approved by the Council.
- ii) Each parking area shall be so graded and drained as to dispose of all stormwater runoff. In no case shall drainage be allowed to cross a sidewalk unless permitted otherwise by the Council.
- iii) It is the sole responsibility of property owners to construct and maintain road access between their property line and the traveled portion of the street right-of-way, subject to the Town's Engineering Standards.

(c) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each building class shall be as follows. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Council. For a mixed use development, the required number of spaces shall be the sum of the requirements for each use.

Where the calculation of parking stalls for the development results in a fractional requirement, the total requirement shall be rounded up to the next whole number.

<u>Use of Building or Development</u>	<u>Minimum Number of Parking Stalls</u>
- Single and duplex dwellings	1.0 per dwelling unit
- Other residential developments	1.5 per dwelling unit
- Bed and breakfast establishments	3.0 per rentable guest room
- Suites	3.0 per dwelling unit
- Day care centres	3.0 per 34.0 sq. m. of gross floor area
- Neighbourhood convenience store	1.0 per 20.0 sq.m. of gross floor area

(7) Home Occupations

Home occupations are conditional uses within residential zones and shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood. Home Occupations shall be an incidental and subordinate use to the principal residential use and are subject to the following conditions:

- (a) Home occupations shall not include beauty parlours, barber shops and dance schools.

- (b) There shall be no exterior display or advertisement on the premises.
- (c) There shall be no exterior storage of materials, commodities or finished products on the premises.
- (d) There shall be no mechanical equipment used except when ordinarily used for housekeeping purposes or hobbies.
- (e) Nothing of an offensive or objectionable nature shall be permitted. The following uses are deemed to be customary home occupations:
 - i) dressmaking, catering and similar domestic home occupations;
 - ii) the manufacture of novelties, souvenirs and handicrafts as an extension of a hobby;
 - iii) stamp and coin collecting and sales;
 - iv) individual instruction to music students;
 - v) the carrying out of minor repairs to domestic appliances normally used within dwellings;
 - vi) the office of a professional or business person, where the business or profession is conducted in the dwelling unit used by the person as his private residence and the number of employees not resident in the dwelling does not exceed one; and
 - vii) bed and breakfast establishments for tourists, not exceeding five persons at any one time.
- (h) Home occupations are limited to those uses which are approved under the current Business License Bylaw by the Council for the dwelling where they are carried on for a period not exceeding one (1) year at which time the Development Officer may allow the continuance of the use.
- (i) All Business Licenses issued for home occupations shall be revocable at any time by the Council, if in their opinion, the use is or has become detrimental to the amenities of the neighbourhood.
- (j) The floor area used by a home occupation shall be limited to 30 sq.m.

(8) Special Provisions

The following provisions apply to uses listed as permitted or conditional:

- (a) Neighbourhood Convenience Stores
 - i) Neighbourhood convenience stores shall be located only on major streets and shall not be within 400 m of another such development in any residential zone.
 - ii) The total floor area of any store shall not exceed 60 sq.m.
 - iii) The minimum site area shall be 557 sq.m.
- (b) Day Cares

In addition to conforming with the GWNT Child Day Care Arc and Child Day Care Standards and Regulations, all Day Cares shall be subject to the following regulations:

- i) The maximum number of children for which care may be provided shall be established by the Development Officer and Council who shall have regard for the nature of the day care, the density of the zone in which it is located, potential

increases in traffic, and the location of the use in relation to other uses in the area of development;

- ii) The number of children within a day care established as a secondary use within a single family dwelling or mobile home shall not exceed the maximum allowable under the Child Day Care Act.
- iii) A day care shall not be the principal use of a building within a residential zone.

(c) Bed and Breakfast Establishments

Bed and breakfast establishments shall be regulated by the following:

- i) All licensees who lease or own a single family residence must reside on the premises and shall provide a sketch showing bedroom configurations, capacity and bathroom locations with the Business License Application.
- ii) All residences shall meet the requirements of the Government of the Northwest Territories Fire Marshall, National Fire Code of Canada, and the Fire Prevention Act. Prior to the initial business license being issued and after any major renovation to the building, the residence shall be inspected by the Fire Marshall.
- iii) All residences shall be inspected annually by the Public Health Officer and be in compliance with the Public Health Act.
- iv) The number of guests shall not exceed five (5) persons at any one time.
- v) Each bedroom shall contain no more than two (2) adult persons.
- vi) All residences shall have a three-piece bath conforming to the National Building Code for the use of the guests apart from those used by the owner and his/her family.
- vii) Access to the guest bathroom shall be direct, convenient and will not involve passing through any other rooms.
- viii) A card containing the rate to be paid for the room shall be conspicuously posted in each room.
- ix) The owner or an adult member of the owner's family shall reside on the premises when guests are present.
- x) A register shall be maintained containing the following information:
 - name and address of all guests, and;
 - make, colour, and license number of the vehicle(s) the guests are driving.
- xi) Unless otherwise specified, site requirements for all conditional uses shall be as required by Council

(d) Relating to all other uses:

- i) All site regulations will be as required by the Development Officer or Council.

13. TC - TOWN CENTRE ZONE

(1) Permitted Uses

- (a) Banks;
- (b) Coffee shops and restaurants;
- (c) Barber shops and beauty shops;
- (d) Retail stores;
- (e) Convenience stores;
- (f) Medical and dental clinics;
- (g) Funeral parlor;
- (h) Hotel and motel;
- (i) Laundry and dry cleaning facilities;
- (j) Offices;
- (k) Post office;
- (l) Public and quasi-public buildings;
- (m) Theatre;
- (n) Community halls;
- (o) Private clubs and lodges; and
- (p) A workshop accessory to a retail store.

(2) Conditional Uses

- (a) Apartments combined with permitted and conditional uses;
- (b) Public utilities and installations;
- (c) Parks and playgrounds;
- (d) Day use recreational vehicle park;
- (e) Day cares;
- (f) Churches and related residences;
- (g) Accessory buildings and uses;
- (h) Extensions to existing dwellings;
- (i) Suites in existing dwellings;
- (j) Boarding and lodging houses in existing dwellings;
- (k) Bed and breakfast establishments in existing dwellings;
- (l) Veterinary clinics; and
- (m) Other uses which are considered by resolution of Council to be similar in character and purpose to the uses listed above as part of the TC Zone.

(3) Regulations

(a) Relating to permitted and conditional uses except hotels and motels:

Minimum Site Area: 280 sq. m.

Minimum Lot Width: 7.5 m

Minimum Front Yard Setback: 3 m

Minimum Rear Yard Setback: 3 m

Maximum Building Height: 12 m

- i) No side yards are required except where the site is abutting a residential zone and not separated from the zone by a roadway or utility lot, in which case there shall be a 3 m side yard.
- ii) Off-street parking shall be located along the side(s) of the building or behind the building, not between the primary business frontage and the street.
- iii) Doors and windows shall cover at least 10% of each ground floor wall along street frontages.
- iv) A minimum of 10% of the site area shall be landscaped.
- v) There shall be no dwelling units on the main floor.
- vi) All dwelling unit areas shall have direct access to the outside street level.
- vii) Retail stores shall not include buildings or yards used for the sale or storage of new or used motor vehicles, or lumber or building supplies.
- viii) Where shopping centres or groups of shops are to be built on the site, requirements shall be determined by the Council who shall deal with the overall scheme, taking into account buildings, access, parking and specific commercial uses.
- ix) A workshop will be permitted as an accessory to a retail store provided that:
 - the workshop is not located at the front of the store;
 - the floor area of the workshop is not greater than 370 sq.m.;and
 - the manufacture or the treatments of the products in the workshop are essential to the retail business conducted on the premises.

(b) Relating to hotels and motels:

Minimum Site Area: 1,100 sq. m.

Minimum Lot Width: 30 m

Minimum Front Yard Setback: 3 m

Minimum Rear Yard Setback: 3 m

Maximum Building Height: 12 m

- i) No side yards are required except where the site is abutting a residential zone and not separated from the zone by a roadway or utility lot, in which case there shall be a 3 m side yard.
- ii) Off-street parking shall be located along the side(s) of the building or behind the building, not between the primary business frontage and the street.
- iii) Doors and windows shall cover at least 10% of each ground floor wall along street frontages.
- iv) A minimum of 10% of the site area shall be landscaped.
- v) A person applying to develop a motel shall comply with the following provisions:

Interpretation – For the purposes of this subsection, a rentable unit means a separate unit or a motel suite used or intended to be used for the temporary dwelling accommodation of one or more persons.

Space Between Buildings – Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.7 m of clear and unoccupied surface space shall be provided between each rentable unit and any other building on the site.

Driveways – Each rentable unit shall face on to or abut a driveway not less than 6.0 m in width.

Entrances and Exits – Not more than one motor vehicle entrance and one motor vehicle exit to a street, each of a minimum width of 7.0 m measured at its minimum dimension shall be permitted, provided that one combined motor vehicle entrance and exit shall be permitted, not less than 9.0 m in width.

- (c) Council (acting as Development Officer) shall be the approval authority for all uses in this zone.

(4) Fences and Buffers

- (a) Commercial buildings abutting residential zones must be screened by a fence or buffer of not less than 2.0 m in height. In addition, 10% of the site area shall be landscaped and garbage containers and outdoor storage shall be screened and accessible for convenient pickup.
- (b) All fences in the Town Centre Zone are subject to the approval of Council acting as the Development Officer.

(5) Landscaping

- (a) As a condition of the Development Permit, and to the satisfaction of the Development Officer, all landscaping and planting must be carried out (weather permitting) within eighteen months of occupancy or commencement of operation of the proposed development.
- (b) Off-street parking lots in the Town Centre zone shall be landscaped in a manner satisfactory to the Council.

(6) Off-Street Automobile Parking

- (a) An off-street parking area:
 - i) Shall not be located within 1.0 m of a lot line common to the lot and to a street.
 - ii) Shall be constructed so that access to and from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Officer.

(b) Surfacing and Drainage

- i) Every off-street parking space provided, and its access, shall be hard surfaced if the access is from a street or lane which is hard surfaced. Where the access street or lane is not hard surfaced, parking areas must be a gravel mixture as approved by the Council.
- ii) Each parking area shall be so graded and drained as to dispose of all stormwater runoff. In no case shall drainage be allowed to cross a sidewalk unless permitted otherwise by the Council.
- iii) It is the sole responsibility of property owners to construct and maintain road access between their property line and the traveled portion of the street right-of-way, subject to the Town's Engineering Standards.

(c) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each building class shall be as follows. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Council. For a mixed use development, the required number of spaces shall be the sum of the requirements for each use.

Where the calculation of parking stalls for the development results in a fractional requirement, the total requirement shall be rounded up to the next whole number.

Use of Building or Development

Minimum Number of Parking Stalls

Residential

- Single and duplex dwellings 1.0 per dwelling unit
- Other residential developments 1.5 per dwelling unit
- Bed and breakfast establishments 1.0 per rentable guest room
- Boarding and lodging houses 1.0 per two beds lawfully accommodated

Commercial

- Retail, personal services, offices, shops, banks and convenience stores 1 per 40.0 sq.m. of gross floor area / 1.5 stalls per residence above commercial developments.
- Restaurants, cocktail lounge and taverns 1 per 5 seating spaces and one space per 3 employees.
- Hotels and motels 0.75 per sleeping unit and 1 per 3 employees.
- Day cares 1.0 per 34.0 sq. m. of gross floor area

Places of Public Assembly

- Auditoriums, churches, halls, clubs, theatres and other amusement or recreation places To the satisfaction of the Development Officer but not less than 1 space per 10 seating spaces.

(7) Off-Street Loading Spaces

Unless otherwise allowed by Council, the required loading facilities are as follows:

- (a) In a retail, industrial, warehouse, or similar development of less than 465 sq.m. (5,000 sq.ft.) of gross floor area, one space.
- (b) Two spaces for between 465 sq.m. and 2,325 sq.m. of gross floor area, and one additional space for each additional 2,325 sq.m. or fraction thereof.
- (c) Office buildings, place of public assembly, public convalescent home, institution, club or lodge, public utility, school or for any use one space up to 2,790 sq.m. of gross area and each additional 2,790 sq.m. or fraction thereof, one additional space.

When required by Council or this Bylaw, a development shall:

- (a) Provide loading spaces, each having dimensions of not less than 3.0 m in width, 7.6 m in length, and 4.3 m in height.
- (b) Provide vehicular access to, and exit from, a street or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in the abutting streets or lanes.

(8) Special Provisions

The following provisions apply to the uses listed as permitted or conditional:

- (a) Churches – The site on which a church is situated shall have a frontage of not less than 30.0 m and an area of not less than 900 sq.m., except in the case where a building for a clergyman’s residence is to be erected on the same site. The combined area of the site in this case shall not be less than 1,400 sq.m.

- (b) Dry Cleaning Establishments

- i) Only non-flammable solvents can be used.
- ii) No odour, fumes, noise or vibrations must be emitted which would cause nuisance or inconvenience within or without the premises.
- iii) Where only retail service is to be provided by the proprietor.

- (c) Day Cares

In addition to conforming with the GWNT Child Day Care Act and Child Day Care Standards and Regulations, all Day Cares shall be subject to the following regulations:

- i) The maximum number of children for which care may be provided shall be established by the Development Officer and Council who shall have regard for the nature of the day care, the density of the zone in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of development;
- ii) The number of children within a day care established as a secondary use within a single family dwelling or mobile home shall not exceed the maximum allowable under the Child Day Care Act.

- (d) Bed and Breakfast Establishments

Bed and breakfast establishments shall be regulated by the following:

- i) All licensees who lease or own a single family residence must reside on the premises and shall provide a sketch showing bedroom configurations, capacity and bathroom locations with the Business License Application.
- ii) All residences shall meet the requirements of the Government of the Northwest Territories Fire Marshall, National Fire Code of Canada, and the Fire Prevention Act. Prior to the initial business license being issued and after any major renovation to

the building, the residence shall be inspected by the Fire Marshall.

- iii) All residences shall be inspected annually by the Public Health Officer and be in compliance with the Public Health Act.
 - iv) The number of guests shall not exceed five (5) persons at any one time.
 - v) Each bedroom shall contain no more than two (2) adult persons.
 - vi) All residences shall have a three-piece bath conforming to the National Building Code for the use of the guests apart from those used by the owner and his/her family.
 - vii) Access to the guest bathroom shall be direct, convenient and will not involve passing through any other rooms.
 - viii) A card containing the rate to be paid for the room shall be conspicuously posted in each room.
 - ix) The owner or an adult member of the owner's family shall reside on the premises when guests are present.
 - x) A register shall be maintained containing the following information:
 - name and address of all guests, and;
 - make, colour, and license number of the vehicle(s) the guests are driving.
- (e) Unless otherwise specified, site requirements for all conditional uses shall be as required by Council

14. GC - GENERAL COMMERCIAL ZONE

(1) Permitted Uses

- (a) Workshops used by any of the following:
 - Carpenter and painter;
 - Electrician;
 - Plumber, gas fitter and furnace repair shop;
 - Shoe repair shop; and
 - Printing shop.
- (b) Storage and/or sales of building supplies and lumber;
- (c) Repair and service shops;
- (d) Laundry and dry cleaning facilities;
- (e) Drive-in services;
- (f) Service stations or gas bars
- (g) Veterinary clinics;
- (h) Convenience stores;
- (i) Funeral parlours;
- (j) Car rentals and sales;
- (k) Automobile garages or automobile body shops;
- (l) Car washing establishments;
- (m) Mobile and manufactured home sales, recreational vehicle sales and accessory offices; and
- (n) Accessory buildings and uses.

(2) Conditional Uses

- (a) Nurseries;
- (b) Coffee shops and restaurants;
- (c) Motels;
- (d) Caretaker's units;
- (e) Warehousing and freight yards;
- (f) Bottle exchanges and recycling depots;
- (g) Public or quasi-public buildings;
- (h) Public utility installations and uses;
- (i) Other uses which are considered by resolution of Council to be similar in character and purpose to the uses listed above in the GC Zone.

(3) Regulations

- (a) Relating to all uses in areas with adequate water distribution and hydrant coverage to meet firefighting requirements:___

Minimum Site Area:	1,000 sq. m.
Minimum Front Yard Setback:	6 m
Minimum Rear Yard Setback:	3 m
Minimum Side Yard Setback:	3 m
Maximum Building Height:	12 m

- i) All side yards shall be a minimum of 3.0 m on all lots except for side yards abutting a flanking street, in which case the minimum is 4.6m.
- ii) Buildings on lots fronting Highway #5 shall have a minimum 8.0 front yard setback.

- (b) Relating to all uses in areas WITHOUT adequate water distribution and hydrant coverage to meet firefighting requirements:

Minimum Site Area:	1,000 sq. m.
Minimum Front Yard Setback:	6 m
Minimum Rear Yard Setback:	7 m
Minimum Side Yard Setback:	6 m
Maximum Building Height:	12 m

- i) Buildings on lots fronting Highway #5 shall have a minimum 8.0 front yard setback.

- (c) Relating to motels:

Minimum Site Area:	1,100 sq. m.
Minimum Lot Width:	30 m

- i) A minimum of 10% of the site area shall be landscaped.
- ii) A person applying to develop a motel shall comply with the following provisions:
- Interpretation – For the purposes of this subsection, a rentable unit means a separate unit or a motel suite used or intended to be used for the temporary dwelling accommodation of one or more persons.
 - Space Between Buildings – Except in the case of rentable units and any other buildings where connected by a continuous roof to form a shelter for motor vehicles, not less than 3.7 m of clear and unoccupied surface space shall be provided between each rentable unit and any other building on the site.
 - Driveways – Each rentable unit shall face on to or abut a driveway not less than 6.0 m in width.

- Entrances and Exits – Not more than one motor vehicle entrance and one motor vehicle exit to a street, each of a minimum width of 7.0 m measured at its minimum dimension shall be permitted, provided that one combined motor vehicle entrance and exit shall be permitted, not less than 9.0 m in width.
- (d) No use is to be established that is or will become obnoxious by way of noise, odour, dust or fumes.
- (e) All storage, freighting or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features or fences or a combination thereof.
- (f) A caretaker's unit shall be an integral part of the principal building on the site and shall not exceed 80 sq.m. in floor area, except for a motel where the floor area may exceed this at Council's discretion.
- (g) Council (acting as Development Officer) shall be the approval authority for all uses in this zone.
- (4) Fences and Buffers
- (a) Commercial buildings abutting residential zones must be screened by a fence or buffer of not less than 2.0 m in height. In addition, 10% of the site area shall be landscaped and garbage containers and outdoor storage shall be screened and accessible for convenient pickup.
- (b) In the case of drive-in businesses, car-washing establishments, service stations and gas bars, landscaping shall be provided and maintained to the satisfaction of the Council. Solid fences shall be provided at least 1.5 m in height and no higher than 2.0 m adjacent to residential areas.
- (c) All fences or buffers in the General Commercial Zone are subject to the approval of Council acting as the Development Officer.
- (5) Landscaping
- (a) As a condition of the Development Permit, and to the satisfaction of the Development Officer, all landscaping and planting must be carried out (weather permitting) within eighteen months of occupancy or commencement of operation of the proposed development.
- (b) Off-street parking lots in the General Commercial Zone shall be landscaped in a manner satisfactory to the Council.
- (6) Off-Street Automobile Parking
- (a) An off-street parking area:
- i) Shall not be located within 1.0 m of a lot line common to the lot and to a street.
 - ii) Shall be constructed so that access to and from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Officer.

(b) Surfacing and Drainage

- i) Every off-street parking space provided, and its access, shall be hard surfaced if the access is from a street or lane which is hard surfaced. Where the access street or lane is not hard surfaced, parking areas must be a gravel mixture as approved by the Council.
- ii) Each parking area shall be so graded and drained as to dispose of all stormwater runoff. In no case shall drainage be allowed to cross a sidewalk unless permitted otherwise by the Council.
- iii) It is the sole responsibility of property owners to construct and maintain road access between their property line and the traveled portion of the street right-of-way, subject to the Town's Engineering Standards.

(c) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each building class shall be as follows. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Council. For a mixed use development, the required number of spaces shall be the sum of the requirements for each use.

Where the calculation of parking stalls for the development results in a fractional requirement, the total requirement shall be rounded up to the next whole number.

Use of Building or Development

Minimum Number of Parking Stalls

Commercial

- Retail, personal services, offices, shops, banks, and convenience stores 1 per 40.0 sq.m. of gross floor area / 1.5 stalls per residence above commercial developments.
- Restaurants, cocktail lounge and taverns 1 per 5 seating spaces and one space per 3 employees.
- Hotels and motels 0.75 per sleeping unit and 1 per 3 employees.

(7) Off-Street Loading Spaces

Unless otherwise allowed by Council, the required loading facilities are as follows:

- (a) In a retail, industrial, warehouse, or similar development of less than 465 sq.m. (5,000 sq.ft.) of gross floor area, one space.
- (b) Two spaces for between 465 sq.m. and 2,325 sq.m. of gross floor area, and one additional space for each additional 2,325 sq.m. or fraction thereof.

- (c) Office buildings, place of public assembly, public convalescent home, institution, club or lodge, public utility, school or for any use one space up to 2,790 sq.m. of gross area and each additional 2,790 sq.m. or fraction thereof, one additional space.

When required by Council or this Bylaw, a development shall:

- (a) Provide loading spaces, each having dimensions of not less than 3.0 m in width, 7.6 m in length, and 4.3 m in height.
- (b) Provide vehicular access to, and exit from, a street or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in the abutting streets or lanes.

(8) Special Provisions

The following provisions apply to the uses listed as permitted or conditional:

- (a) Drive-In Services – The minimum site area shall be 550 sq.m. The minimum area of buildings to be erected shall be 37.0 sq.m. There shall be a provision for at least eight customer cars on the site.
- (b) Car Washing Establishments – The minimum site area shall be 550 sq.m. and shall contain storage space for 10 vehicles prior to their entry into any part of the car wash. In the case of service stations including car washes, minimum site area shall be 1,100 sq.m.
- (c) Service Stations and Gas Bars
 - i) The minimum site area shall be 740 sq.m. and the maximum building coverage shall be 25% of the site area. For service stations including car washes, the minimum site area shall be 1,100 sq.m.
 - ii) Where a service station forms part of a shopping centre or auto dealership, the minimum site area and maximum building coverage may be varied at the discretion of the Council.
- (d) Dry Cleaning Establishments
 - i) Only non-flammable solvents can be used.
 - ii) No odour, fumes, noise or vibrations must be emitted which would cause nuisance or inconvenience within or without the premises.
 - iii) Where only retail service is to be provided by the proprietor.

15. M - INDUSTRIAL ZONE

(1) Permitted Uses

- (a) Workshops used by any of the following:
 - Carpenter and painter;
 - Electrician;
 - Plumber, gas fitter and furnace repair shop;
 - Shoe repair shop; and
 - Printing shop.
- (b) Repair and service shops;
- (c) Service stations or gas bars;
- (d) Veterinary clinics;
- (e) Car rentals and sales;
- (f) Automobile garages or automobile body shops;
- (g) Car washing establishments;
- (h) Mobile home sales, recreational vehicle sales and accessory offices;
- (i) Warehousing, storage, supply depots;
- (j) Truck depots;
- (k) Bottle exchanges or recycling depots;
- (l) Manufacturing, assembling and processing;
- (m) Gravel storage or concrete batch plant;
- (n) Sawmill or woodyard;
- (o) Storage of bulk fuels; and
- (p) Accessory buildings and uses.

(2) Conditional Uses

- (a) Commercial, recreational or public service uses unlikely to restrict industrial uses;
- (b) Public utilities and installations;
- (c) Caretaker's units; and
- (d) Other uses which are considered by resolution of Council to be similar in purpose and character to the uses listed above in the M1 Zone.

(3) Regulations

(a) Relating to all permitted and conditional uses:

Minimum Site Area:	As required by Council
Minimum Front Yard Setback:	6 m
Minimum Rear Yard Setback:	7 m
Minimum Side Yard Setback:	7 m
Maximum Building Height:	12 m

- (b) Council (acting as Development Officer) shall be the approval authority for all uses in this zone.
- (c) A caretaker's unit shall be an integral part of the principal building on the site and shall not exceed 80 square metres in floor area.

(4) Off-Street Automobile Parking

(a) An off-street parking area:

- i) Shall not be located within 1.0 m of a lot line common to the lot and to a street.
- ii) Shall be constructed so that access to and from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Officer.

(b) Surfacing and Drainage

- i) Every off-street parking space provided, and its access, shall be hard surfaced if the access is from a street or lane which is hard surfaced. Where the access street or lane is not hard surfaced, parking areas must be a gravel mixture as approved by the Council.
- ii) Each parking area shall be so graded and drained as to dispose of all stormwater runoff. In no case shall drainage be allowed to cross a sidewalk unless permitted otherwise by the Council.
- iii) It is the sole responsibility of property owners to construct and maintain road access between their property line and the traveled portion of the street right-of-way, subject to the Town's Engineering Standards.

(c) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each building class shall be as follows. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Council. For a mixed use development, the required number of spaces shall be the sum of the requirements for each use.

Where the calculation of parking stalls for the development results in a fractional requirement, the total requirement shall be rounded up to the next whole number.

Use of Building or Development

Minimum Number of Parking Stalls

Industrial

- Manufacturing and industrial plants, warehousing, storage yards, servicing and repair establishments and public utility buildings 1 per employee on shift.

(5) Off-Street Loading Spaces

Unless otherwise allowed by Council, the required loading facilities are as follows:

- (a) In a retail, industrial, warehouse, or similar development of less than 465 sq.m. (5,000 sq.ft.) of gross floor area, one space.
- (b) Two spaces for between 465 sq.m. and 2,325 sq.m. of gross floor area, and one additional space for each additional 2,325 sq.m. or fraction thereof.
- (c) Office buildings, place of public assembly, public convalescent home, institution, club or lodge, public utility, school or for any use one space up to 2,790 sq.m. of gross area and each additional 2,790 sq.m. or fraction thereof, one additional space.

When required by Council or this Bylaw, a development shall:

- (a) Provide loading spaces, each having dimensions of not less than 3.0 m in width, 7.6 m in length, and 4.3 m in height.
- (b) Provide vehicular access to, and exit from, a street or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in the abutting streets or lanes.

(6) Special Provisions

The following provisions apply to the uses listed as permitted or conditional:

- (a) Car Washing Establishments – The minimum site area shall be 550 sq.m. and shall contain storage space for 10 vehicles prior to their entry into any part of the car wash. In the case of service stations including car washes, minimum site area shall be 1,100 sq.m.

(b) Service Stations and Gas Bars

- i) The minimum site area shall be 740 sq.m. and the maximum building coverage shall be 25% of the site area. For service stations including car washes, the minimum site area shall be 1,100 sq.m.
- ii) Where a service station forms part of a shopping centre or auto dealership, the minimum site area and maximum building coverage may be varied at the discretion of the Council.

16. P - PARK ZONE

(1) Permitted Uses

- (a) Parks, playgrounds, and picnic areas;
- (b) Accessory buildings and uses; and
- (c) Tourist trailer park or campground.

(2) Conditional Uses

- (a) Public or quasi-public buildings and uses; and
- (b) Public utility installations and uses.

(3) Regulations

- (a) All site requirements shall be as approved by Council.
- (b) Council (acting as Development Officer) shall be the approval authority for all uses in this zone.

(4) Off-Street Automobile Parking

(a) An off-street parking area:

- i) Shall not be located within 1.0 m of a lot line common to the lot and to a street.
- ii) Shall be constructed so that access to and from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Officer.

(b) Surfacing and Drainage

- i) Every off-street parking space provided, and its access, shall be hard surfaced if the access is from a street or lane which is hard surfaced. Where the access street or lane is not hard surfaced, parking areas must be a gravel mixture as approved by the Council.
- ii) Each parking area shall be so graded and drained as to dispose of all stormwater runoff. In no case shall drainage be allowed to cross a sidewalk unless permitted otherwise by the Council.
- iii) It is the sole responsibility of property owners to construct and maintain road access between their property line and the traveled portion of the street right-of-way, subject to the Town's Engineering Standards.

(c) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each building class shall be as follows. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Council. For a mixed use development, the required number of spaces shall be the sum of the requirements for each use.

Where the calculation of parking stalls for the development results in a fractional requirement, the total requirement shall be rounded up to the next whole number.

Use of Building or Development

Minimum Number of Parking Stalls

Places of Public Assembly

- | | | |
|---|--|---|
| - | Auditoriums, churches, halls, clubs, theatres and other amusement or recreation places | To the satisfaction of the Development Officer but not less than 1 space per 10 seating spaces. |
|---|--|---|

17. I - INSTITUTIONAL ZONE

(1) Permitted Uses

- (a) Churches;
- (b) Community halls;
- (c) Hospitals;
- (d) Schools;
- (e) Colleges;
- (f) Senior citizens homes and nursing homes;
- (g) Public or quasi-public buildings and uses;
- (h) Day cares;
- (i) Family care facility; and
- (j) Accessory buildings and uses.

(2) Conditional Uses

- (a) Cemeteries;
- (b) Private clubs and lodges
- (c) Parks and playgrounds;
- (d) Tourist day use area;
- (e) Correctional centres; and
- (f) Public utility installations and uses.

(3) Regulations

- (a) All site requirements shall be as approved by Council.
- (b) Council (acting as Development Officer) shall be the approval authority for all uses in this zone.

(4) Off-Street Automobile Parking

- (a) An off-street parking area:
 - i) Shall not be located within 1.0 m of a lot line common to the lot and to a street.
 - ii) Shall be constructed so that access to and from each stall is to be provided at all times by means of maneuvering aisles designed to the satisfaction of the Development Officer.

(b) Surfacing and Drainage

- i) Every off-street parking space provided, and its access, shall be hard surfaced if the access is from a street or lane which is hard surfaced. Where the access street or lane is not hard surfaced, parking areas must be a gravel mixture as approved by the Council.
- ii) Each parking area shall be so graded and drained as to dispose of all stormwater runoff. In no case shall drainage be allowed to cross a sidewalk unless permitted otherwise by the Council.
- iii) It is the sole responsibility of property owners to construct and maintain road access between their property line and the traveled portion of the street right-of-way, subject to the Town's Engineering Standards.

(c) Required Number of Off-Street Parking Spaces

The minimum number of off-street parking spaces required for each building class shall be as follows. In the case of a use not specifically mentioned, the required number of off-street parking spaces shall be the same as for a similar use as determined by the Council. For a mixed use development, the required number of spaces shall be the sum of the requirements for each use.

Where the calculation of parking stalls for the development results in a fractional requirement, the total requirement shall be rounded up to the next whole number.

<u>Use of Building or Development</u>	<u>Minimum Number of Parking Stalls</u>
<u>Places of Public Assembly</u>	
- Auditoriums, churches, halls, clubs, theatres and other amusement or recreation places	To the satisfaction of the Development Officer but not less than 1 space per 10 seating spaces.
<u>Schools</u>	
- Elementary and Junior High Schools	1 per employee, plus 5 additional spaces.
- Colleges and High Schools	0.75 per employee, plus 1 for every 20 students.
<u>Hospitals and Similar Uses</u>	
- Hospitals and Nursing Homes	1 per 100 sq.m. of gross floor area, or 1 per 4 beds and one for every 2 employees on maximum shift, whichever is greater.
- Day cares	1.0 per 34.0 sq. m. of gross floor area

(5) Off-Street Loading Spaces

Unless otherwise allowed by Council, the required loading facilities are as follows:

- (a) In a retail, industrial, warehouse, or similar development of less than 465 sq.m. (5,000 sq.ft.) of gross floor area, one space.
- (b) Two spaces for between 465 sq.m. and 2,325 sq.m. of gross floor area, and one additional space for each additional 2,325 sq.m. or fraction thereof.
- (c) Office buildings, place of public assembly, public convalescent home, institution, club or lodge, public utility, school or for any use one space up to 2,790 sq.m. of gross area and each additional 2,790 sq.m. or fraction thereof, one additional space.

When required by Council or this Bylaw, a development shall:

- (a) Provide loading spaces, each having dimensions of not less than 3.0 m in width, 7.6 m in length, and 4.3 m in height.
- (b) Provide vehicular access to, and exit from, a street or lane such that no backing or turning movements of vehicles going to or from the site cause interference with traffic in the abutting streets or lanes.

(6) Special Provisions

The following provisions apply to the uses listed as permitted or conditional:

(a) Day Cares

In addition to conforming with the GWNT Child Day Care Act and Child Day Care Standards and Regulations, all Day Cares shall be subject to the following regulations:

- i) The maximum number of children for which care may be provided shall be established by the Development Officer and Council who shall have regard for the nature of the day care, the density of the zone in which it is located, potential increases in traffic, and the location of the use in relation to other uses in the area of development;
- ii) The number of children within a day care established as a secondary use within a single family dwelling or mobile home shall not exceed the maximum allowable under the Child Day Care Act.

18. UR - FUTURE URBAN USE ZONE

(1) Permitted Uses

- (a) Ski trails, snowmobile trails;
- (b) Gardening in designated areas;
- (c) Kennels; and
- (d) Airport.

(2) Conditional Uses

- (a) Public utility installations and uses;
- (b) Public and quasi-public buildings and uses;
- (c) Installations for scientific or archaeological research, national security or defence;
- (d) Drainage channels or power lines;
- (e) Parks, playing fields or recreation areas;
- (f) Traplines and fishing areas;
- (g) Game preserves or conservation areas;
- (h) Sanitary landfill and other municipal or public utilities;
- (i) Environmental reserves for watershed protection and sewage disposal facilities;
- (j) Natural resource development;
- (k) Farms and agriculture; and
- (l) Accessory buildings and uses.

(3) Regulations

- (a) No subdivision or development other than for the above uses shall take place until an overall plan for the area has been approved by Council. This plan should establish an outline plan of subdivision, the proposed zoning, public reserve dedications, and servicing proposals. The purpose(s) for which each urban reserve area is intended shall be indicated in parentheses behind the zone designation.
- (b) Relating to Sewage Lagoons: No residential development shall be allowed which conflicts with the provisions of the Public Health Act and Regulations and any amendments thereto.
- (c) Council (acting as the Development Officer) shall be the approval authority for all uses in this zone.

19. E - ENVIRONMENTAL RESERVE ZONE

(1) Purpose

The purpose of this zone is to designate the slide hazard areas within the municipality and to limit development to those uses considered to minimize the future potential of loss due to natural causes.

(2) Conditional Uses

- (a) An essential public utility.
- (b) Recreational uses such as walking paths, viewing platforms, picnic areas or boat ramps, in the area west of Breynat Street.

(3) Prohibited Uses

- (a) Uses involving human habitation or occupancy.