

# **Town of Hay River**

## **Zoning and Building Bylaw**

### **Bylaw No. 1812**

**Prepared for**  
**Town of Hay River**

**Prepared by**  
**UMA Engineering Ltd.**  
**17007 - 107 Avenue**  
**Edmonton Alberta T5S 1G3**  
**8157-014-00-01**

**Telephone: 780-486-7000**  
**Fax: 780-486-7070**

August 2002

<b>Table of Contents</b>		<b>Page No.</b>
1.0	General Conditions.....	1-1
1.1	Title and Components.....	1-1
1.2	Purpose of the Bylaw .....	1-2
1.3	Previous Legislation.....	1-3
1.4	Compliance with Other Legislation .....	1-3
1.5	Severability .....	1-3
1.6	Similar Uses.....	1-4
1.7	The Zoning Maps .....	1-4
2.0	Development Control Agencies .....	2-1
2.1	Development Officer .....	2-1
2.2	Town Council.....	2-2
2.3	Development Appeal Board .....	2-3
2.4	Secretary to the Development Appeal Board.....	2-4
3.0	General Administrative Clauses.....	3-1
3.1	Effective Date of Bylaw.....	3-1
3.2	Approval Required for Development.....	3-1
3.3	Development Permit Exemptions .....	3-1
3.4	Non-Conforming Buildings, Structures and Uses.....	3-2
3.5	Development Permit Application Requirements.....	3-3
3.6	Development Permit Application Fees.....	3-5
3.7	Conditions of Approval for Development Permits .....	3-5
3.8	Relaxation of Regulations .....	3-6
3.9	Building Permit Submission Requirements .....	3-8
3.10	Decisions on Applications.....	3-8
3.11	Validity of Permit.....	3-9
3.12	Expiry of Permit.....	3-10
3.13	Conditions of Occupancy.....	3-11
3.14	Resubmission Interval.....	3-11
3.15	Submissions to Development Appeal Board .....	3-12
3.16	Enforcement and Penalties .....	3-13
3.17	Bylaw Amendments.....	3-15
4.0	General Regulations.....	4-1
4.1	Applicability of General Development Regulations.....	4-1
4.2	Architectural Controls.....	4-1
4.3	Building for Public Use.....	4-5
4.4	Corner Lots.....	4-5
4.5	Airport Vicinity .....	4-6
4.6	Proximity to Pipelines, Power Lines and Rights-of-Way .....	4-6
4.7	Access and Utilities.....	4-7
4.8	Soils and Drainage .....	4-8
4.9	Excavation and Construction Work .....	4-8
4.10	Moving Buildings .....	4-8
4.11	Fences in Residential Zones.....	4-10
4.12	Objects Prohibited or Restricted in Residential Zones .....	4-11

Town of Hay River  
Zoning and Building Bylaw  
Bylaw No. 1812  
Schedule 1

4.13	Residential Subdivision Development.....	4-11
4.14	Flood Risk Regulations .....	4-12
4.15	Requirements for Construction in Floodway Fringe Areas .....	4-18
4.16	Height .....	4-23
4.17	Lighting of Sites .....	4-23
4.18	Projections into Yards.....	4-23
5.0	Specific Land Use Regulations.....	5-1
5.1	Applicability of Special Land Use Regulations.....	5-1
5.2	Multi-Family Housing Development.....	5-1
5.3	Mobile Homes.....	5-2
5.4	Day Cares .....	5-2
5.5	Group Homes .....	5-3
5.6	Home Occupations.....	5-4
5.7	Religious Assembly.....	5-5
5.8	Institutional.....	5-5
5.9	Caretaker Units.....	5-6
5.10	Basement Apartments.....	5-7
5.11	Accessory Uses and Buildings.....	5-7
5.12	Animal Regulations.....	5-9
5.13	Intensive Livestock Operations.....	5-11
5.14	Alternative Housing Program .....	5-13
6.0	Regulations by Land Use Zone .....	6-1
6.1	R1A - Single Family Residential (Class A) .....	6-1
6.2	R1B - Single Family Residential (Class B).....	6-5
6.3	R1C - Single Family Residential (Class C).....	6-9
6.4	R2 - Mile 5 Residential .....	6-14
6.5	R3 - West Channel Village Residential .....	6-18
6.6	R4 - Multi-Family Residential .....	6-22
6.7	RM - Mobile Home Park.....	6-26
6.8	RC - Country Residential.....	6-35
6.9	C1 - Core Area Commercial.....	6-38
6.10	C2 - Highway/Service Commercial .....	6-41
6.11	C3 - Mixed Use Commercial.....	6-45
6.12	C4 - Convenience Commercial.....	6-49
6.13	M1 - Restricted Industrial.....	6-52
6.14	M2 - General Industrial.....	6-57
6.15	T - Transportation District.....	6-62
6.16	U - Utility District.....	6-67
6.17	EX - Resource Extraction .....	6-70
6.18	I - Institutional.....	6-72
6.19	P - Parks and Open Space .....	6-75
6.20	MG - Market Gardening.....	6-78
6.21	UR - Urban Reserve .....	6-80
6.22	RR - Rural Resource.....	6-82
6.23	H - Holding Zone.....	6-86

Town of Hay River  
Zoning and Building Bylaw  
Bylaw No. 1812  
Schedule 1

7.0	Parking and Loading Regulations.....	7-1
7.1	General Regulations.....	7-1
7.2	Minimum Parking Facility Dimensions.....	7-2
7.3	Off-Street Parking Stalls Required.....	7-4
7.4	Off-Street Loading Requirements.....	7-7
8.0	Sign Regulations.....	8-1
8.1	General Regulations.....	8-1
8.2	Freestanding Signs.....	8-3
8.3	Billboard Signs.....	8-4
8.4	Projecting Signs.....	8-5
8.5	Canopy Signs.....	8-6
8.6	Off-Site Signs.....	8-6
8.7	Roof Signs.....	8-6
8.8	Wall/Fascia Signs.....	8-7
8.9	Temporary Signs.....	8-8
9.0	Definitions.....	9-1

**Schedules**

SCHEDULE 1 BYLAW TEXT

SCHEDULE 2 FORMS

SCHEDULE 3 FEE SCHEDULE

SCHEDULE 4 ZONING MAPS

Town of Hay River  
Zoning and Building Bylaw  
Bylaw No. 1812  
Schedule 1

**Town of Hay River  
Zoning and Building Bylaw  
Bylaw No. 1812  
Schedule 1: Bylaw Text**

## 1.0 General Conditions

### 1.1 TITLE AND COMPONENTS

- 1) This bylaw shall be known as the Hay River Zoning and Building Bylaw No. 1812.
- 2) The components of the Bylaw shall include:
  - a) Schedule 1, the Bylaw Text;
  - b) Schedule 2, the Forms; and
  - c) Schedule 3, the Building Permit Fees.
  - d) Schedule 4, the Zoning Maps (Figures 1 - 5);
- 3) The following forms shall be included in Schedule 3 and may be amended in the same manner as any other part of this bylaw.
  - a) Form “A” - Application for Development Permit
  - b) Form “B” - Notice of Decision/Development Permit
  - c) Form “C” - Application for Building Permit/Building Permit \*
  - d) Form “D” - Application for Amendment to Bylaw
  - e) Form “E” - Development Permit - Occupancy
  - f) Form “F” - Development Permit - Moving
  - g) Form “G” - Development Permit - Utility
  - h) Form “H” - Development Permit - Demolition
  - i) Form “I” - Application for Development Permit - Sign

\* Application for this permit must be accompanied by a valid development permit or an application for a development permit.
- 4) Notwithstanding any other provision of this bylaw or any other bylaw passed by Council to the contrary, headings and titles within this bylaw shall be deemed to form a part of the text of this bylaw.
- 5) In this bylaw, The Planning Act RSNWT 1988 shall be referred to as the “Act”.

## **1.2 PURPOSE OF THE BYLAW**

- 1) The purpose of this bylaw is to facilitate the orderly, economic and convenient development of the Town of Hay River by controlling the development and use of land for the purpose of, among other things:
  - a) dividing the Town into zones;
  - b) prescribing and regulating for each zone the purposes for which buildings and land may be used;
  - c) prohibiting the use of land or buildings for any other purposes;
  - d) regulating the construction and maintenance of buildings and structures;
  - e) establishing the office of the development officer;
  - f) establishing the development appeal board;
  - g) establishing a method of making decisions on applications for development permits including the issuing of development, building, and moving permits; and
  - h) prescribing a procedure to notify owners of land likely to be affected by the issuance of a development permit;
- 2) The regulations of this bylaw apply throughout the entire municipality of the Town of Hay River (Section 4).
- 3) The regulations of this bylaw apply to specific types of land use regardless of where they may be located (Section 5).
- 4) The regulations of this bylaw apply to geographically defined Zones shown on the Zoning Map in Schedule 2.
- 5) The regulations established herein may be relaxed in special extenuating circumstances (Section 3.8).
- 6) The regulations of this bylaw apply to the provision of parking and loading facilities (Section 7).
- 7) The regulations of this bylaw apply to the construction and erection of signs (Section 8).

### **1.3 PREVIOUS LEGISLATION**

- 1) Bylaw No. 1515, The Zoning and Building Bylaw of the Town of Hay River, as amended, is hereby repealed.
- 2) No provision of any other bylaw with respect to zoning, development control, or development schemes shall hereafter apply to any parts of the Town described in this bylaw, subject to the transitional provisions of this bylaw.
- 3) Within any zone, any existing use of land, building or structure which is listed as a discretionary use with the zone shall not, as a result of the passage of this bylaw, be non-conforming but shall be a permitted use at that location. The use of land, building or structure at the location shall not be changed except in conformity with this bylaw.

### **1.4 COMPLIANCE WITH OTHER LEGISLATION**

- 1) A person applying for, or in possession of, a valid Development Permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:
  - a) the requirements of any other appropriate federal, territorial or municipal legislation;
  - b) the Hay River Airport Zoning Regulations, Plan E 1180;
  - c) the conditions of any caveat, covenant, easement or other instrument affecting a building or land;
  - d) the most recent revision of the National Building Code of Canada, which is herein adopted by reference to be part of this bylaw; and
  - e) the most recent revision of the National Fire Code of Canada, which is herein adopted by reference to be part of this bylaw.

### **1.5 SEVERABILITY**

- 1) If any Section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portion of this bylaw.



## 1.6 SIMILAR USES

- 1) Council or the Development Officer may determine whether or not a specific use of land or a building that is not provided for in the bylaw with respect to any zone is similar in character and purpose to another use of land or a building that is included in the list of uses presented for that zone. Any such similar use shall be considered a discretionary use.

## 1.7 THE ZONING MAPS

- 1) The Zoning Maps are Schedule 4 of this bylaw. They divide the Town of Hay River into zones and specify the zoning provisions applying to particular lands.

- 2) For the purpose of this bylaw the following Zones are hereby established:

R1A	Single Family Residential (Class A)	M1	Restricted Industrial
R1B	Single Family Residential (Class B)	M2	General Industrial
R1C	Single Family Residential (Class C)	T	Transportation District
R2	Mile 5 Residential	U	Utility District
R3	West Channel Village Residential	EX	Resource Extraction
R4	Multi-Family Residential	I	Institutional
RM	Mobile Home Park	P	Parks and Open Space
RC	Country Residential	MG	Market Gardening
C1	Core Area Commercial	UR	Urban Reserve
C2	Highway/Service Commercial	RR	Rural Resource
C3	Mixed Use Commercial	H	Holding Zone
C4	Convenience Commercial		

- 2) The zone boundaries are delineated on the Zoning Map. Where uncertainty arises as to the precise location of the boundary of any zone, the following rules shall apply:
  - a) a zone boundary shown approximately at a lot, street or lane is at the boundary of the lot, street or lane;
  - b) a zone boundary shown approximately at the centreline of a street or lane is at the centreline of the street or lane;
  - c) a zone boundary shown within a lot, unless specifically noted, is fixed by the scale of the zoning map;

- d) a zone boundary shown following approximately a shoreline or the centreline of a creek, stream or channel follows the shoreline or centreline and moves with any change in such shoreline;
  - e) where a zone boundary falls along a lot line, the zoning map shall indicate the lot numbers between which the boundary falls, but the zoning map need not show the lot boundary; and
  - f) in unsubdivided land, the zone boundary shall be determined by the use of the scale of the zoning map.
- 3) For greater certainty, as required, the Development Officer shall establish the boundaries of the Floodway Risk Area and the Floodway Fringe Risk Area by scaling measurements from the 1:2000 Flood Risk Maps.
- 4) For greater certainty, as required, the Development Officer shall scale dimensions from the Airport Zoning Regulations Map.

## 2.0 Development Control Agencies

### 2.1 DEVELOPMENT OFFICER

- 1) The Office of the Development Officer is hereby established in accordance with Section 16.1 of the Act.
- 2) The Development Officer is hereby responsible for the administration and enforcement of this bylaw pursuant to Section 16.2 of the Act.
- 3) The Office of the Development Officer shall be filled by a person appointed by resolution of Council.
- 4) The Development Officer is hereby declared to be an authorized officer or servant of the Council.
- 5) In the performance of his/her duties the Development Officer shall:
  - a) receive and process all Development and Building Permit applications pursuant to this bylaw;
  - b) issue all Development and Building Permits pursuant to the procedures outlined in this bylaw;
  - c) carry out all necessary site and structure inspections with regard to the issuance of Development and Building Permits or appoint a qualified agent to carry out such inspections;
  - d) keep and maintain for inspection by the public during normal office hours the following official documents:
    - i) a copy of the bylaw and all amendments thereto,
    - ii) a register of all applications for development, including the decisions therein and the reasons therefore,
    - iii) a copy of the Aeronautics Act and the Hay River Airport Zoning Regulations PC1976-1123, and
    - iv) a copy of the detailed, up to date, 1:2000 flood risk mapping; and
  - e) carry out other such duties as may be prescribed in this bylaw.

- 6) The Development Officer may, on behalf of Council, approve and issue Development Permits for applications of a permitted use or a discretionary use that satisfy the appropriate regulations.
- 7) The Development Officer may relax the development regulations of this bylaw in accordance with Section 3.8.
- 8) The Development Officer may grant a further relaxation of 2% to the development regulation of this bylaw, subsequent to all other relaxations and variances contained in this bylaw being applied and notwithstanding the regulations of Section 3.8 of this bylaw. The Development Officer shall not grant any further variance to the regulations pertaining to yard requirements, other than those regulations outlined in Section 3.8.2. When applying the 2% variance to development regulations of lot coverage, the Development Officer shall only apply the variance to the calculated area and not the percentage value.
- 9) The Development Officer, or an agent appointed by the Development Officer, shall post a Notice of Decision in accordance with Section 3.10.5 of this bylaw.
- 10) The Development Officer, or an agent appointed by the Development Officer and/or Council, shall act as the Town Building Inspector and perform such duties as are required by this bylaw.

## **2.2 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 rezoning and/or other amendments presented to it by the Development Officer;
  - c) specify the length of time that a permit may remain in effect for a temporary use; and
  - d) carry out other such duties as may be prescribed in this bylaw.

### **2.3 DEVELOPMENT APPEAL BOARD**

- 1) Council shall appoint a Development Appeal Board in accordance with the provisions of Section 21 of the Planning Act.
- 2) The Board shall consist of at least 5 members, one of which shall be a Council member.
- 3) No employee of the Municipality, official or servant of Council shall be appointed a member.
- 4) The members of the Board shall elect a Chairperson.
- 5) Three members present at a meeting shall constitute a quorum.
- 6) Notwithstanding a vacancy on the Board, the remaining members may exercise and perform duties of the Board, provided a quorum is maintained.
- 7) Any member of the Development Appeal Board who should, subsequent to his/her appointment to the Board, attain an elected position on Town Council, shall be deemed to have resigned his/her position on the Development Appeal Board.
- 8) The Board may meet as frequently as is necessary but it shall meet within 30 days after an application for appeal has been made to it.
- 9) The Board shall ensure that reasonable notice of the hearing is given to the appellant and all persons who, in the opinion of the Board, may be affected.
- 10) The Board shall consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of the General Plan that is under preparation or adopted and to this bylaw.
- 11) The Board may confirm, reverse or vary the decision appealed from and it may impose such conditions or limitations as it considers proper and desirable in the circumstances.
- 12) The Board shall render its decision in writing to the appellant within 60 days from the date the hearing is held.

## **2.4 SECRETARY TO THE DEVELOPMENT APPEAL BOARD**

- 1) The office of the Secretary to the Development Appeal Board is hereby established, which, unless otherwise appointed by resolution of Council, shall be the Senior Administration Officer of the Town of Hay River.
- 2) The Secretary to the Development Appeal Board shall not be a member of the appeal board nor will the Secretary in any case be the Development Officer.
- 3) The Secretary, under the direction of the Board, shall:
  - a) keep available for public inspection before the commencement of the public hearing all relevant documents and materials respecting an appeal under the 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 Board of the holding of each hearing and other meetings of the Board;
  - d) ensure that reasonable notice is given to the appellant and all other persons who in the opinion of the Board may be affected;
  - e) prepare and maintain a file of the minutes of business transacted at all meetings of the Board and transmit copies of the minutes to Council;
  - f) prepare and maintain a written record of the proceedings of the Board which shall include:
    - i) a summary of the evidence presented at the hearing,
    - ii) the decision of the Development Officer,
    - iii) the Notice of Appeal for the Notice of Hearing of the Appeal,
    - iv) the Board's decision on each appeal,
    - v) the reasons for the Board's decision on each appeal, and
    - vi) a list of names and addresses of persons who leave their names and addresses with the Secretary in accordance with this bylaw;

- g) serve the appellant and all affected parties a notice of the decision of the Board and the reasons therefore;
- h) within 15 days after the board renders its decision, submit a complete report of the appeal proceedings to the Director, including all representations made at the proceeding; and
- i) carry out administrative duties as the board may specify.

### **3.0 General Administrative Clauses**

#### **3.1 EFFECTIVE DATE OF BYLAW**

- 1) This bylaw shall come into effect upon third reading thereof.

##### Application in Process

- 2) An application for a development or building permit which is received in its complete and final form prior to the effective date of this bylaw shall be processed and any permit issued shall be in accordance with Bylaw No. 1515, as amended, and the regulations thereto, as applicable.
- 3) An application to amend Bylaw No. 1515 which has been received by the Development Officer in a complete and final form in accordance with the requirements of Bylaw No. 1515, prior to the effective date of this bylaw; may, notwithstanding any additional application or procedural requirements of this bylaw, be considered and adopted by Council, without reapplication or reconsideration as an application to zone to the equivalent zone of this bylaw.

#### **3.2 APPROVAL REQUIRED FOR DEVELOPMENT**

- 1) For the purpose of this bylaw, “Development” shall refer to those considerations listed under the definition of “Development”.
- 2) Excluding the developments listed in Section 3.3 below, no development shall be undertaken, occupancy granted, use commenced, structure moved, building erected or demolished, or utility connection approved without the necessary permits having been obtained pursuant to this bylaw.

#### **3.3 DEVELOPMENT PERMIT EXEMPTIONS**

- 1) No development permit is required under this bylaw for the developments listed in this section provided that such developments shall comply with all other regulations of this bylaw which are applicable.



- 2) The following is considered permitted development for which no permit is required:
- a) the carrying out of works of maintenance or repair to any building, if such works do not increase any dimensions of the original building or structure;
  - b) the completion and or use of a building which is lawfully under construction at the date of approval of this bylaw provided that the building is completed in accordance with the terms of the permit granted by the Development Officer, Council or Board in respect of it, and subject to the conditions to which that permit was granted;
  - c) the erection, location or construction of temporary buildings, works, plant or machinery needed in connection with construction operations for which a Development Permit has been issued, for the period of those operations;
  - d) the maintenance and repair of public works, services and utilities carried out by or on behalf of the municipal authority on land which is publicly owned or controlled;
  - e) the keeping of animals in a residential lot subject to the provisions of Section 5.11 Animal Regulations; and
  - f) the landscaping, or similar work, on any property provided that such work is not within a Site Triangle as described in Section 4.4.

### **3.4 NON-CONFORMING BUILDINGS, STRUCTURES AND USES**

- 1) Pursuant to the Act, when
- a) on or before the day on which this bylaw or any bylaw for the amendment of it comes into effect, a development permit has been issued, and
  - b) the enactment of the bylaw would render the development in respect of which the permit was issued, a non-conforming use or non-conforming building,
- the development permit continues in effect notwithstanding the enactment of the bylaw referred to in subsection 1(b).
- 2) A non-conforming use of buildings or land may be continued but if that use is discontinued for a period of six months or more the future use shall conform to this bylaw.

- 3) A non-conforming use of part of a building may be extended throughout the building, but the building, whether or not it is a non-conforming building shall not be enlarged, moved, or added to and no structural alterations shall be made thereto or therein.
- 4) 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.
- 5) A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered except:
  - a) as may be necessary to make it a conforming building; or
  - b) as the Development Officer considers necessary for the routine maintenance of the building.
- 6) If a non-conforming building is damaged or destroyed to the extent of more than 50% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the provisions of the most recently approved zoning and building bylaw.
- 7) The use of the land or the use of the building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.

### **3.5 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS**

- 1) An application for a permit may only be made by a person with a legal or equitable estate or interest in the property sought to be developed or a person duly authorized by him/her in that regard.
- 2) Where an applicant is other than the owner, the owner's written consent must be submitted with the application.
- 3) An application for a development permit shall be made by submitting a completed Form "A" to the Development Officer, which shall be subject to any minor amendments the Development Officer may make.

- 4) Every application for a development permit shall:
- a) provide a detailed statement of the proposed use(s) for the property and buildings in question;
  - b) at the discretion of the of the Development Officer, include site plans in duplicate at a scale not less than one to one thousand showing any or all of the following:
    - i) all legal dimensions of the lot(s),
    - ii) the location and dimensions of all existing buildings, structures or uses on the lot,
    - iii) a site plan showing the location, dimensions and yard setbacks of all surrounding lots, buildings and/or structures,
    - iv) plans and elevations of all proposed buildings showing dimensions with specifications and notes of materials used,
    - v) proposed front, rear and side yard setbacks,
    - vi) proposed lot coverage, lot areas and floor areas,
    - vii) proposed servicing scheme and its relationship to the Town of Hay River's existing and/or proposed servicing plans,
    - viii) the location and dimensions of any existing or proposed driveways, entrances and exits, parking areas (showing individual stalls), on site loading areas, pedestrian walks and landscaping,
    - ix) the location of outdoor fuel storage facilities,
    - x) the location of any easements affecting the site,
    - xi) anticipated scheduling and sequence of development, and
    - xii) mechanisms by which conformance to the bylaw will be ensured such as normally achieved through a combination of caveats, easements, service agreements and performance bonds; and
  - c) the Development Officer may also require an applicant to submit such additional information as he/she considers necessary to verify the compliance of the proposed use or development with the regulations of this bylaw.

- 5) The Development Officer may also require any of the following:
  - a) a reclamation plan for aggregate extraction or other major surface disturbance;
  - b) a level one and/or level two environmental site assessment conducted according to Canadian Standards Association (CSA) guidelines, to determine potential contamination and mitigation.

### **3.6 DEVELOPMENT PERMIT APPLICATION FEES**

- 1) All applications for a Development Permit will be accompanied by non-refundable fees in the amount of:
  - a) \$25.00 for development that is designated in the zone as a Permitted Use;
  - b) \$50.00 for development that is designated in the zone as a Discretionary Use.

### **3.7 CONDITIONS OF APPROVAL FOR DEVELOPMENT PERMITS**

- 1) The Development Officer may impose, with respect to a Permitted Use, such conditions as are required to ensure complete compliance with this bylaw.
- 2) Council shall, with respect to a Discretionary Use, impose such conditions as deemed appropriate to ensure complete compliance with the regulations of this bylaw and the provisions of the General Plan.
- 3) A condition may impose a time limit on the development or use.
- 4) The Development Officer or Council may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by the applicant.
- 5) The Development Officer or Council may, as a condition of issuing a development permit, require the applicant to provide evidence of compliance with any other relevant federal, territorial or municipal legislation.

- 6) The Development Officer or Council may, as a condition of issuing a development permit require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
  - a) to construct, or pay for the construction of, a public roadway required to give access to the development;
  - b) to construct, or pay for the construction of a pedestrian walkway;
  - c) to specify the location and number of vehicular and pedestrian access points to sites from public roadways;
  - d) to install, or pay for the installation of, utilities that are necessary to serve the development;
  - e) to construct or pay for the construction of, off-street or other parking facilities, or loading and unloading facilities; or
  - f) to repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.
- 7) The Development Officer may require any agreement entered into pursuant to Section 3.7(5) above to be caveated against the title.
- 8) The Development Officer may stipulate that he will inspect the development at certain stages of construction, in which case the permittee shall not proceed with the next stage until the preceding stage is inspected and approved.
- 9) No change in plans, use of site, or methods of construction shall be undertaken unless and until such change is approved in writing by the Development Officer.

### **3.8 RELAXATION OF REGULATIONS**

- 1) The Development Officer may approve a development application 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 would cause the applicant unnecessary hardship unique to the use.

- 2) The Development Officer may relax regulations of development in accordance with the following:

DEGREE OF RELAXATION		
	RESIDENTIAL ZONES	OTHER ZONES
FRONT YARD	10 %	NO RELAXATION
SIDE YARD	20 %	10 %
REAR YARD	10 %	10 %

Any further relaxation, greater than the allowances identified above, shall only be granted by Council.

- 3) The Development Officer may permit a development in any zone on a lot which is substandard with respect to width, depth, or area provided that:
- a) such lot was legally registered and existing at the date of commencement of this bylaw; and
  - b) that the development is otherwise in accordance with the regulatory requirements of the zone.
- 4) In approving an application for a development permit, pursuant to subsections 1, 2 and 3 above, the Development Officer or Council shall adhere to the following:
- a) a relaxation shall be considered only in cases of unnecessary hardship or practical difficulties unique to the use, character, or situation of land or a building, which are not generally common to other land in the same zone;
  - b) there shall be no deviation from building height, floor area ratio, density regulations and parking requirements unless otherwise stated in this bylaw;
  - c) the General Purpose of the appropriate zone; and
  - d) the Policies of the General Plan.

### **3.9 BUILDING PERMIT SUBMISSION REQUIREMENTS**

- 1) In case of construction, repair, reconstruction, addition to or structural alteration of any building, an application for a building permit shall be made in triplicate in the form of Form “C”.
- 2) All applications for a building permit shall be accompanied by the following:
  - a) the proposed floor plans of all buildings;
  - b) a site plan detailing all legal dimensions;
  - c) the location and dimensions of all existing buildings, structures or uses on the lot;
  - d) elevation and architectural treatment of all buildings and associated structures; and
  - e) all yard setbacks, lot coverage, lot areas, floor areas, number of parking stalls.
- 3) In all cases where the National Building Code applies the drawings shall be certified by a professional engineer or architect as to the safety of construction, for protection, and other structural considerations, except for single family dwellings which may be reviewed by the Development Officer where no certificate has been submitted.
- 4) Every application for a building permit shall be accompanied by a fee related to the estimated value of the building construction. See Schedule 4 for Building Permit Fees.

### **3.10 DECISIONS ON APPLICATIONS**

- 1) An application shall, at the option of the applicant, be deemed to be refused if a decision of the Development Officer has not been made within forty days of the receipt of the application.
- 2) The applicant may request confirmation in writing from the Development Officer that his application has been received.
- 3) The Development Officer and Council shall expeditiously determine such application for a development permit, with a notice of decision inscribed on the application stating that the application has been approved subject to such conditions, if any, as may be required (including any zoning regulation relaxation that has been granted), or that it has been refused for such reasons as may be specified.

- 4) The Development Officer shall by Registered Mail or personal service, provide the applicant with two copies of the application and notice of decision within three days of decision.
- 5) When a development permit has been granted the Development Officer shall, as soon as possible:
  - a) post a notice of decision conspicuously on the lot or structure for which the application has been made; and
  - b) post a notice of the decision in the municipal office.
- 6) A person claiming to be affected by a decision of the development officer or council made under this bylaw may appeal to the appeal board by serving written notice of appeal within:
  - a) 14 days after notice of the decision has been mailed to the applicant or posted pursuant to Section 3.10.5; or
  - b) a further time, not exceeding an additional 46 days, that the chairperson of the appeal board, for just cause, may allow.
- 7) All permits shall be issued by the Development Officer, including permits for discretionary uses and permits containing relaxations once they have been approved by Council.
- 8) The permittee shall keep copies of the approved plans and specifications available for inspection on the lot by the Development Officer.

### **3.11 VALIDITY OF PERMIT**

- 1) When an application for a development or building permit has been approved by the Development Officer, the development permit shall not be valid unless and until:
  - a) any conditions of approval, other than those of a continuing nature, have been fulfilled; and
  - b) no notice of appeal from such approval has been served on the Development Appeal Board within the time period specified in the Planning Act.



- 2) When an application for a development permit has been approved by the Development Appeal Board, it shall not be valid unless and until:
  - a) the Board has adopted the minutes of its meeting at which the application was approved; and
  - b) any conditions of approval, other than those of a continuing nature, have been fulfilled.
- 3) If the Development Appeal Board is served with notice of an application for leave to appeal its decision, subject to Section 50 of the Act, such notice shall suspend the development permit.
- 4) The final determination of an appeal shall reinstate, revoke or amend as the case may be, a development permit suspended under subsection (3), above.

### **3.12 EXPIRY OF PERMIT**

- 1) A development permit shall become void if the development has been discontinued for a period of twelve months or has not been actively carried on for a period of twelve months.
- 2) If development authorized by a development permit is not commenced, and thereafter carried out with reasonable diligence, within twelve months from the date of its issue, such permit ceases to be valid, provided that, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed.
- 3) A building permit is valid for the period of time during which the site has a valid development permit.
- 4) If construction authorized by a building permit is not commenced, and thereafter carried out with reasonable diligence, within three months from the date of its issue, such permit ceases to be valid, provided that, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed.

- 5) The Development Officer may extend the above periods, at his/her discretion, upon application for a period of not greater than six months. Such a period of extension may only be granted once and thereafter the permittee shall be required to apply for another development or building permit.
- 6) Where a development permit is issued for a site where any other valid development permit has been issued, it shall invalidate any previous permit if the physical aspects of the developments conflict, or both could not occur simultaneously upon the site in conformity with the regulations of this bylaw.
- 7) When a development permit becomes void, a new application for a permit is required before development may proceed. Such application shall be dealt with as if it were a first application and there shall be no obligation to approve such application.

### **3.13 CONDITIONS OF OCCUPANCY**

- 1) No building shall be occupied, or put to the use for which the development and building permit is issued, unless and until the final inspection is carried out and a Development Permit - Occupancy for the building or premises has been authorized by the Development Officer.
- 2) For all buildings, structures or uses described in Part 9 of the National Building Code of Canada, the final inspection shall be carried out, as per the terms of the building permit, by the Building Inspector.
- 3) All other buildings, structures or uses, as described in the National Building Code of Canada, shall require the final inspection to be carried out by a Professional Engineer registered to practice in the NWT, under the terms of the building permit.

### **3.14 RESUBMISSION INTERVAL**

- 1) When an application is refused by the Development Officer, and in the case of an appeal, refused by the Development Appeal Board, another application on the same site for the same use or occupancy and by the same or any other applicant shall not be accepted by the Development Officer for at least six months after the date of the previous refusal.

### **3.15 SUBMISSIONS TO DEVELOPMENT APPEAL BOARD**

- 1) Pursuant to the Act, a person claiming to be affected by a decision of the Development Officer or Council may appeal by written petition to the Development Appeal Board within fourteen days after notice of decision has been mailed to the applicant or the approval has been posted conspicuously on the lot, or within such further time not exceeding an additional forty-six days, as the Chairman of the Development Appeal Board, for just cause, may allow.
- 2) The Development Appeal Board shall:
  - a) hold a public hearing within thirty days from the receipt by it of notice of appeal;
  - b) by Registered Mail, ensure that at least seven days of notice, of the hearing is given to the appellants, any property owner within 61 metres (200 feet) of the site, and all other persons who in the opinion of the Board may be affected; and
  - c) consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of the General Plan that is under preparation or is adopted and to the Zoning bylaw that is in force.
- 3) The Development Appeal Board shall hear the Development Officer and such other persons that it considers necessary for full and proper hearing.
- 4) The Development Appeal Board may confirm, revoke, or vary the decision appealed from and it may impose such conditions or limitations as it considers proper and desirable in the circumstances.
- 5) The Development Appeal Board shall render its decision in writing to the appellant within sixty days from the date in which the hearing is held, and send a copy to all hearing participants.
- 6) A decision of the Development Appeal Board is final and binding on all parties subject only to appeal under Section 50 of the Act.
- 7) The Development Appeal Board shall within fifteen days after its decision, make a complete report to the Director of Planning as appointed under Section 49 of the Act, the Municipality and the appellant, and to each interested person upon his/her request.

### **3.16 ENFORCEMENT AND PENALTIES**

- 1) A person who commences a development of any land and fails or neglects 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 Act and 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.
- 2) When a person is convicted under subsection (1) 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.
- 3) The conviction of a person under this section does not operate as a bar to further prosecution under this section for the continued neglect or failure on the part of the person to comply with a zoning bylaw in force pursuant to this bylaw, or with the conditions of a building permit issued in accordance with this bylaw.
- 4) Council may exercise any powers elsewhere conferred on it 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 Act.
- 5) If the Development Officer determines:
  - a) that a development does not comply with this bylaw, with the conditions specified in the Development Permit, or with the plans as submitted and approved; and

- b) that the permittee has refused, failed or neglected to rectify within a reasonable time such discrepancies as have been brought to his/her attention by the Development Officer;

he/she shall issue a “Stop Work Order” in writing to suspend the development or building permit and shall promptly notify the Council of such action and the reasons therefore.

- 6) Where a Stop Work Order has been issued, the development permit may be reinstated by Council and the order cancelled if the permittee gives such guarantees accompanied by bond or certified cheque as may assure the Council in its discretion that the breach will be remedied in such time as Council may prescribe.
- 7) 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, which action may include an application to the Court for an Injunction or other Order to restrain the contravention.

### **Right to Enter**

- 8) Where a person fails or refuses to comply with an order directed to him within the time specified, Council or a person appointed by it may, in accordance with Section 32 of the Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.
- 9) Where Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be recovered from the owner by action. The expense, until paid by the owner, is a charge and lien upon the property in respect of which the notice was given.
- 10) Where a person fail 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 Act and be liable to a fine or to imprisonment.

### **3.17 BYLAW AMENDMENTS**

- 1) Any person applying to amend any part of this bylaw shall apply in writing to the Development Officer, furnishing reasons in support of the application, requesting that the Development Officer submit the application to Council. All applications to amend this bylaw shall require the completion of Form “D” and be accompanied by the appropriate application fee.
- 2) All applications to amend any part of this bylaw, except those initiated by Council or the Development Officer, shall be accompanied by a non-refundable fee of \$250.00.
- 3) If a person applies to Council, in any manner, for an amendment to this bylaw, Council shall require him to submit his application to the Development Officer in accordance with the provisions of this section before it considers the amendment proposed by such person.
- 4) Notwithstanding anything contained in this section an application for a proposed amendment to any section of this bylaw which has been rejected by Council within the previous 12 months shall not be accepted.

### **Zoning Amendments**

- 5) Any person applying to amend Schedule 2 of this bylaw to change the zone governing any land shall submit a completed application Form “D” to the Development Officer containing the following:
  - a) a recent certificate of title indicating ownership and other interests;
  - b) the applicant’s name, address and interest in the property;
  - c) a signed statement by the applicant stating that he is willing to pay for all costs incurred by the Town in processing the proposed amendment, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, surveys, planning consultants reports and advertising costs;
  - d) the appropriate application fee required in subsection 2; and
  - e) a brief written statement by the applicant in support of his application, and his reasons for applying.
- 6) Upon receipt of an application for a rezoning amendment, the Development Officer shall

initiate or undertake an investigation and analysis of the potential impacts of development under the proposed zone. In this regard, the Development Officer shall seek the opinion of a Professional Community Planner. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed zone and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following factors:

- a) relationship to and compliance with the General Plan and Council policy;
- b) relationship to and compliance with authorized plans and schemes in preparation;
- c) compatibility with surrounding development in terms of land use function and scale of development;
- d) traffic impacts;
- e) relationship to, or impacts on, services such as water and sewage systems and other utilities and public facilities such as recreational facilities and schools;
- f) relationship to municipal land, right-of-way or easement requirements;
- g) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
- h) necessity and appropriateness of the proposed zone in view of the stated intentions of the applicant;
- i) relationship to the documented concerns and opinions of area residents regarding the application; and
- j) the suitability of the land for the proposed zone.

### **Amendment Process**

- 7) In reviewing and processing amendment applications the Development Officer shall:
  - a) examine the proposed amendment;
  - b) prepare a written report on the proposed amendment; and
  - c) advise the applicant in writing that the Development Officer:

- i) is prepared to recommend the amendment to the council without further investigation, or
  - ii) is not prepared to recommend the amendment, or
  - iii) requires further investigation to make a recommendation, or
  - iv) is prepared to recommend an alternative amendment.
- 8) Upon receiving the advice of the Development Officer, the applicant shall advise the Development Officer if the applicant:
  - a) wishes the proposed amendment to proceed to Council, in which case he must prepay the advertising costs and any costs incurred by the Town to this point prior to the amendment proceeding to Council; or
  - b) does not wish to proceed to Council with the proposed amendment, in which case the application is considered abandoned.
- 9) If requested by the applicant, the Development Officer shall submit the proposed amendment to Council, accompanied by the report of the Development Officer, including the comments of the Professional Community Planner.
- 10) As soon as reasonably convenient, the Development Officer shall submit his recommendation on the proposed amendment to Council, accompanied by the results of his analysis and any other relevant material, if any, and Council shall then consider the proposed amendment.
- 11) All amendments to this bylaw must receive approval from the Minister of Municipal and Community Affairs and thereafter, third and final reading by the Hay River Town Council to be considered approved.
- 12) The Development Officer, in his discretion, may present for the consideration of Council any proposed amendments to this bylaw on his own initiative, and the proposed amendment shall be accompanied by the report and recommendation of the Development Officer.



- 13) Council in its discretion, may initiate any amendment to this bylaw, and prior to the approval of any amendment, Council shall refer the proposal to the Development Officer for his report and recommendation.

### **Notification of Amendments**

- 14) After giving a proposed bylaw amendment first reading and before giving it second reading, Council shall, in compliance with the Planning Act, direct the Development Officer to place a notice describing the pending amendment in two separate issues of a newspaper normally circulating within the Town, and dispatch a notice by ordinary mail to:
- a) the applicant;
  - b) the owners of the land subject to the proposed rezoning amendment; and
  - c) each assessed owner of land, wholly or partially within a distance of 61 metres (200 feet) of the boundaries of the site which is the subject of the amendment.

During any cessation of ordinary mail delivery, the notice to those described in subsection 14 (a) and (b) shall be given by such other alternative means as the Development Officer may specify, and the notice to those described in subsection 14 (c) shall be provided in the newspaper only.

- 15) The official notice described in Section 3.17(14) shall state:
- a) the purpose for which Council proposes to pass the amendment;
  - b) the place or places, one of which shall be the office of the municipality, where a copy of the proposed bylaw amendment may be inspected by the public during office hours; and
  - c) the time and place at which Council will hold a public hearing on the amendment, which shall not be less than 10 days after the posting or the last publication of the official notice, as the case may be.

- 16) Where, in the opinion of the Development Officer, any proposed amendment is likely to affect other owners of land, he shall notify owners of land beyond 61 metres (200 feet) at such additional distance and direction from the site as, in his opinion, may experience any impact attributable to any development allowed under the proposed zone.
- 17) Proposed amendments to this bylaw are subject to those same requirements and procedures set out in Sections 25 to 29 inclusive of the Act regarding enactment of bylaws.

## **4.0 General Regulations**

### **4.1 APPLICABILITY OF GENERAL DEVELOPMENT REGULATIONS**

- 1) The General Development Regulations apply to any development on any site, irrespective of the zone in which it is located. Where these Regulations appear to be in conflict with regulations of a specific zone, the General Development Regulations shall take precedence.

### **4.2 ARCHITECTURAL CONTROLS**

- 1) The purpose of this section is to provide the Town of Hay River with controls and guidance so that aesthetically attractive and compatible development is provided throughout the municipality.
- 2) The design, siting, external finish and architectural appearance of all land, buildings, including any accessory building or structure, and signs, shall be to the satisfaction and/or discretion of the Development Officer for a permitted use and Council for a discretionary use, in order that there shall be general conformity in such matters with respect to adjacent buildings and that there may be adequate protection afforded to the amenities of adjacent lot.
- 3) Pursuant to Sections 4.2(1) and (2), the Development Officer or Council shall consider all of the following when reviewing development proposals in all zones:
  - (a) the design, character and appearance of all buildings must be compatible with any other buildings existing in the vicinity unless the building is setting a new standard of design and character for the land use zone or a particular location within it;
  - b) the design of the building must be consistent with the purpose and intent of the land use zone in which it is located;
  - c) the siting of buildings must conform with the prescribed setback requirements;
  - d) the height, coverage, size and shape of the buildings should be consistent relative to existing adjacent buildings;
  - e) the external finish of the principal and accessory buildings should be reviewed for consistency with respect to colour, finish and texture;

- f) the impact of a proposed building on the existing streetscape should be considered in order to maintain conformity of sight lines, and to reduce any extreme and distracting variations;
  - g) the use of landscaping should be encouraged to enhance the appearance of a development;
  - h) the existing trees and natural features should be preserved in new subdivisions and developments; and
  - i) the building or structure shall comply with any provisions which set out specific guidelines as to the design, character, appearance or building materials to be used within a zone or area, or any architectural control guidelines adopted by Council.
- 4) Further to Section 4.2(3), the Development Officer or Council shall consider, but not be limited to, the following criteria when evaluating the design, character and appearance of development proposals:
- a) Guidelines for commercial and industrial development:
    - i) the harsh contrasts of very large buildings, mixed with small buildings can be softened by using similar sizes and shapes of massing elements like roof lines, exterior design and treatment,
    - ii) blank, unfinished walls give a very bland appearance to the streetscape. Particular attention should be given to reduce large vacant spaces between buildings which are left open to the public view,
    - iii) rooftop mechanical equipment should be hidden from view from public streets and from adjacent buildings,
    - iv) utility installations and buildings should be located in such a manner so as to be compatible with adjacent buildings and development. This may be achieved by placing utility installations within buildings wherever possible, or developing utility buildings which blend into the surrounding area,
    - v) natural features are an important part of the urban environment and should be given a high priority in developing a site. This may be achieved by, for example, preserving existing trees wherever possible,

- vi) corner sites at the intersection of major streets should be given special consideration. Sight lines for drivers and more pedestrian space are features which should be incorporated into the design of buildings on corner sites,
- vii) buildings should provide weather protective overhangs at outdoor pedestrian areas and at building entrances. The overhangs can be achieved through the use of cantilevers, awnings and canopies,
- viii) long buildings along the street front should include a public route through the building which can be used by pedestrians to access parking areas or simply to avoid having to walk around the building,
- ix) pedestrian areas in parking lots should be designed for safety and at a pedestrian scale. The combination of landscaping and pedestrian walkway connections from the parking area to the shopping area can act as a windbreak, slow the traffic in the parking area and soften the harsh visual impact of large asphalt areas,
- x) the illumination of commercial and industrial lots should not shine into residential windows,
- xi) on-site parking, loading and shipping areas are less attractive elements of a streetscape and should be hidden from public roadways by buildings, screening and landscaping,
- xii) outdoor storage and garbage collection areas are generally unsightly and undesirable elements from public roadways and should be screened or hidden behind buildings. Existing storage and garbage collection areas should be screened from roadways by using berms, walls and landscaping, and
- xiii) signage on the building facade should be integrated with signage in the immediate vicinity and the zone as a whole to avoid the creation of visual cluttering, clashing or detracting from the appearance of the area or street; and

- b) Guidelines for Residential Development:
- i) visual privacy of internal living space and areas should be maintained in new and existing developments. The use of berms, landscaping and the orientation of the dwellings and the living space windows can improve the visual privacy between developments,
  - ii) identical or similar housing styles, models, designs and colours should be discouraged. The same housing colour, design or treatment should not be used for any more than three adjacent dwellings,
  - iii) the intensity of colours should be restricted while encouraging the use of earth tone and pastel colours with natural finishes like wood and brick,
  - iv) houses on corner lots should generally be of lower elevation,
  - v) any accessory building built on a lot, such as a detached garage or garden shed, should be similar to the principal building in terms of proportional mass, roof line and exterior treatment, and
  - vi) developments should be encouraged to possess good proportion in the front elevations through the use of such elements as dormers, by windows, shutters, brickwork, roof lines and variations of window sizes.
- 5) Further to the above sections, Council may adopt more detailed architectural control guidelines where Council wishes to achieve a higher standard of design and appearance within a specific development, subdivision or neighbourhood.
- 6) Where Council adopts architectural control guidelines for a specific subdivision or neighbourhood, the following elements shall be contained in the document in order to ensure the aesthetic and functional quality of development:
- a) the compatibility of lot grading and drainage requirements within the lot;
  - b) the placement of the structure/building on the site to ensure proper utilization of the land and compatibility with surrounding structures/ buildings;

- c) the styling and type of structure/building to ensure compatibility with surrounding structures/buildings; and
  - d) the compatibility of exterior finish and coordination of colour relationships.
- 7) Where Council adopts architectural control guidelines, the Development Officer shall ensure the controls are adhered to using, but not limited to, the regulations and mechanisms contained in Sections 3 and 4.2 of this bylaw.
- 8) The Town of Hay River may require that the developer register a restrictive covenant against the lot or subdivision in order to ensure ongoing conformance with the architectural control guidelines.

#### **4.3 BUILDING FOR PUBLIC USE**

- 1) All buildings proposed for public use, including apartments, religious assemblies, commercial and industrial buildings, must, pursuant to Section 1.4 of this bylaw, conform to the National Building Code of Canada and have the approval of the health authorities of the Northwest Territories and the NWT Fire Marshall.
- 2) All buildings proposed for public use shall provide handicapped accessible facilities conforming to the latest revision of the National Building Code of Canada.

#### **4.4 CORNER LOTS**

- 1) In addition to the specific lot regulations of this bylaw, any development involving a corner site in any zone shall comply with all the restrictions, limitations and conditions relating to visibility approaching road intersections as may be required by the Development Officer or Council.
- 2) These conditions shall apply to the area formed within a corner site by the two street property lines and a straight line which intersects each of them 7.5 metres (24.5 feet) from the corner where they meet.
- 3) The area located within the above noted dimensions shall provide un-obstructed visibility and for the purpose of this bylaw be known as the Site Triangle.

- 4) In residential zones, a site abutting onto two streets shall have front and side yard requirements in accordance with this bylaw based on the following:
- a) the longer of the yards abutting a street on a corner lot shall be referred to as the flanking side yard; and
  - b) the shorter of the yards abutting a street on a corner lot shall be referred to as the front yard.

**4.5 AIRPORT VICINITY**

- 1) When a proposed development occurs within the vicinity of the Hay River Airport, the development shall conform to the Hay River Airport Zoning Regulations passed pursuant to the Aeronautics Act by Order-in-Council numbered P.C. 1976-1123 and filed in the Land Titles Office on January 24, 1977 Day Book No. 17510.

**4.6 PROXIMITY TO PIPELINES, POWER LINES AND RIGHTS-OF-WAY**

- 1) Where any distribution pipeline carrying highly pressurized gas or volatile liquid crosses or is situated in the vicinity of land which is proposed for development, no habitable building shall be sited closer than 15.5 metres (51 feet) to the centre line of the pipeline right-of-way or the pipeline, whichever is closest.
- 2) The following distances shall be considered the minimum amount of separation required between overhead power transmission lines and buildings, signs, bridges, light standards, antennas or other objects:

OVERHEAD EQUIPMENT OR CONDUCTOR	SEPARATION DISTANCE	
	HORIZONTAL	VERTICAL
0-750 V INSULATED	300 mm	300 mm
ABOVE 750 V INSULATED	1.0 m	3.0 m
0-22 kV*	3.0 m	5.0 m
ABOVE 22 kV*	3.0 m Plus 10 mm/kV in excess of 22 kV	5.0 m Plus 10 mm/kV in excess of 22 kV
* BARE, EXPOSED OR NON RATED INSULATION		



- 3) No development shall be allowed over or above an existing underground gas pipe or gas service line unless the Development Officer has been advised in writing by the operator of such public utility that satisfactory arrangements have been made for the relocation of such piping or service line.
- 4) Development shall not be permitted within the right-of-way of an operating railway or the right-of-way of a designated highway under the Public Highways Act.
- 5) Additional set-back distances may be required for developments which are in close proximity to railway crossings if, in the opinion of the Development Officer, such development may pose safety concerns with regard to sighting distances.
- 6) The Development Officer shall ensure that all development immediately adjacent to a public highway shall be in conformance with all the relevant regulations and policies of the Government of the Northwest Territories.

#### **4.7 ACCESS AND UTILITIES**

- 1) When a proposed development adjoins a highway, a service roadway of not less than 20 metres (66 feet) in width shall be provided adjacent and parallel to the highway.
- 2) No residential or commercial development shall be allowed unless there is access to an all weather public roadway for use by emergency vehicles.
- 3) Development permits shall not be issued, where in the opinion of the Development Officer or Council satisfactory arrangements have not been made with the Town as to the supply to the required subdivision of any or all of the following services: water, electricity, sanitary sewer, street access, or other services or facilities, including the payment of costs of installing any such service or facility.
- 4) Any development which cannot be served by a public sewer and public water system shall have private sewer and water systems that are approved by Council and have such site areas as may be required by Council. In determining such site area Council shall refer the proposed development to local health authorities and shall give due consideration to the recommendations of those authorities in relation to the nature of the site.

#### **4.8 SOILS AND DRAINAGE**

- 1) No development shall be allowed unless the nature of the surface and subsoil of the land is such that good drainage and the stability of the buildings and structures can be assured.
- 2) The Development Officer may specify, as a condition of the development permit, the requirement that work, relating to drainage and soil stability, be carried out.
- 3) In all cases, lot grades shall be established with the following minimum requirements:
  - a) the centre of the lot shall be 18” higher than the centre line of the roadway onto which it fronts; and
  - b) a minimum 2% gradient for drainage shall be provided.
- 4) All lot grading shall be to the satisfaction and/or discretion of the Development Officer.

#### **4.9 EXCAVATION AND CONSTRUCTION WORK**

- 1) As a condition of approving a permit, the Development Officer shall require that all necessary safety measures will be taken and that the excavations, storage or piling up of materials required during the construction stage shall not continue any longer than reasonably necessary to complete the particular stage of the construction work.
- 2) The person to whom the permit has been granted shall be fully responsible for any loss or injury incurred by any person or damage to any property caused by excavations, storage or piling up of material.

#### **4.10 MOVING BUILDINGS**

- 1) No person shall move a building, structure or mobile home larger than 14.0 m<sup>2</sup> (150 sq. ft.) within, into or out of the municipality unless he has first obtained a Development Permit - Moving.

- 2) The Development Officer may refuse to issue a permit for the moving of a building, structure or mobile home if:
  - a) there are any taxes or other charges due to the Town with respect to the building or the lot on which it is situated, unless arrangements satisfactory to the Senior Administration Officer have been made for payment of such taxes or other charges;  
or
  - b) the building would fail to conform to the requirements of the zone into which it is proposed the building be moved.
- 3) The Development Officer shall require the owner of a building that has been moved to acquire a Development Permit - Utility before power services are connected at the new location.
- 4) The Development Officer may, as conditions of a permit for the moving of a building, require such renovations and alterations as may be necessary so that the building will conform with the current requirements of the following:
  - a) The zone into which the building is moved;
  - b) The National Building Code of Canada;
  - c) The National Fire Code of Canada;
  - d) The NWT Fire Marshall;
  - e) The Hay River Office of the Mackenzie Regional Health Services; and
  - f) The Regulations for Construction in Flood Fringe Areas.
- 5) The Development Officer may require the owner of a building that is to be moved to post a performance bond that shall be held to ensure any renovations or alterations required in subsection 4.10(4) be completed within a specified time period.
- 6) No Development Permit - Occupancy shall be granted until all renovations and alterations required in subsection 4.10(4) have been completed to the satisfaction of the Development Officer.

- 7) No Development Permit - Occupancy shall be granted until all moved buildings have been inspected by the Town Building Inspector as appointed by the Development Officer.
- 8) The Development Officer or Council may make conditions as to the time and the manner in which the building may be moved so as to avoid or minimize damage to streets and power or telephone lines, and to ensure the safe and expedient flow of traffic while moving operations are in progress.

#### **4.11 FENCES IN RESIDENTIAL ZONES**

1. A person shall not construct a fence on a site in a residential zone that is higher, measured from the general ground level 30.5 cm back of the property line on whichever side of the fence is lower, than:
  - a) 1.98 metres (6.5 feet) for the portion of the fence that does not extend beyond the foremost portion of the principal building on the site. The Development Officer may allow a fence to be erected up to 2.44 metres (8.0 feet) in height upon the written consent of the owners of the property adjacent to such a fence where, in his opinion, it would not adversely affect the amenities of the area;
  - b) 1.0 metres (3.3 feet) for the portion of the fence that does extend beyond the foremost portion of the principal building on the site, provided that the Development Officer may allow a fence to be erected to not more than 1.83 metres (6.0 feet) in height if, in his opinion, it will not prejudice the amenities of the zone; and
  - c) in the case of corner lots, the foremost portion of the principal building referred to in (a) and (b) of this subsection 1 shall apply to both faces of the building fronting onto each street.
- 2) There shall be no obstruction to vision, at an intersection, by fences over the height of 1.0 metre (3.3 feet) above established grades and streets, and within the area defined as the Site Triangle under Section 4.4.2 of this bylaw which is formed on a corner site by the two street property lines and a straight line which intersects each of them 7.5 metres (24.5 feet) from the corner where they meet.

#### **4.12 OBJECTS PROHIBITED OR RESTRICTED IN RESIDENTIAL ZONES**

- 1) No person shall keep in any part of a yard in the R1 (A, B, C), R2, R3, R4, RM and RC zones:
  - 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) the storage of any dismantled or wrecked vehicle for more than seven days without the written permission of the Development Officer;
  - c) the storing of objects or chattels which are unsightly or tend to affect adversely the amenities of the zone; and
  - d) the excavation, storage or piling up of materials required during the construction stage, pursuant to Section 4.4(9) of this bylaw.
- 2) In accordance with the Town of Hay River Garbage Bylaw (as amended), garbage shall be stored in weather-proof containers screened from adjacent sites and public streets to the satisfaction of the Development Officer, and shall be in a location easily accessible for pickup.
- 3) Outside storage areas shall be screened from adjacent sites and streets.

#### **4.13 RESIDENTIAL SUBDIVISION DEVELOPMENT**

- 1) Any development covering an unsubdivided area of 0.4047 hectares (1.0 acre) or more in extent and which will result in the erection of a multiple number of units shall be submitted, notwithstanding the other provisions of this bylaw, to the Council for its approval and Council may establish additional standards and requirements to ensure that the area is developed to the highest standards or use and amenity. The application for a development permit shall be accompanied by an overall plan and shall state whether the development is to be completed in one continuous operation or in defined stages.

#### **4.14 FLOOD RISK REGULATIONS**

##### **Purpose**

- 1) The Purpose of the Regulations in this section is to regulate the development of flood hazard areas in Hay River so as to promote the public health, safety and general welfare and to minimize the adverse effects of periodic inundation including but not limited to loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare. Accordingly the provisions contained herein are so designed to:
  - a) restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood-stage elevations or water velocities;
  - b) require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction; and
  - c) protect individuals from buying lands which are unsuited for intended purposes because of flood risk.

##### **Warning and Disclaimer of Liability**

- 2) The degree of flood protection intended to be provided by this bylaw is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These Regulations do not imply that areas outside the flood risk area boundaries will always be totally free from flooding or flood damages. Nor shall these regulations create a liability on the part of, or be a cause of, action against the Town of Hay River or any officer or employee thereof for any flood damages that may result from reliance on these regulations.

### **Non-Conforming Structures**

- 3) Any existing structures that do not meet the required floodproofing standards equal to or above the National Building Code of Canada and/or the Canada Mortgage and Housing Corporation Technical Builders Bulletin or that the first floor is not equal or above the level of freeboard elevation shall be considered non-conforming until such time as the structure may be brought up to meet the standards.

### **Fill and Dredging**

- 4) The Development Officer or Council may require an evaluation of any fill or dredging activities on flood carrying capacity and the extent of the flood risk area. This material shall be referred to the appropriate federal agency having jurisdiction for review and comment as to acceptability of these proposed actions, before a decision is rendered by the Development Officer or Council.

### **Flood Risk Areas**

- 5) The flood risk areas to which these regulations are applicable have been divided into two areas, a Floodway Area and a Floodway Fringe Area. For greater certainty the Town of Hay River 1:2000 Flood Risk Maps should be consulted.

### **Floodway Area**

- 6) No use shall adversely affect the efficiency or unduly restrict the conveyance/storage capacity of the Floodway or of any tributary to the main watercourse or waterbody, drainage ditch or any other drainage facility.
- 7) The conveyance/storage capacity of the floodway shall not be diminished so as to cause excessive increases in flood stage elevations or in water velocities during a flood event. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach either on both sides of the watercourse or along the shoreline of a waterbody.

- 8) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve the purposes, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill or other materials shall be protected against erosion by rip-rap, compacting, bulkheading, or some other approved method of preventing erosion.
- 9) The storage or processing of materials that are, in time of flooding buoyant, flammable, explosive, toxic or that could be injurious to human, animal or plant life, is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent floatation or readily removable from the area within the time available after flood warning.

#### **Floodway Fringe Area**

- 10) The purpose of the Floodway Fringe Area is to reduce the flood vulnerability of uses and structures located in that portion of the flood risk area so designated by requiring that all further undertakings be floodproofed, and to minimize the threat to public safety, health and welfare that may occur during a flood event of a frequency equal to or higher than that of the design flood event. The Floodway Fringe is generally characterized by water velocities of less than 1.0 metre (3.3 feet) per second and flood stage elevations of less than 1.0 metre (3.3 feet).
- 11) Only structures that are floodproofed by raising their first floor to the level of freeboard elevation or that are designed and constructed as to be watertight and have sufficient structural integrity to withstand the hydrostatic and hydrodynamic pressures and other factors associated with inundation to the freeboard elevation including but not limited to the impact of water-borne debris floating in water flowing at a rate of 1.0 metre (3.3 feet) per second. The National Building Code of Canada and/or the regulations of the Canada Mortgage and Housing Corporation shall serve as the minimum design and construction requirements for floodproofing.



- 12) Notwithstanding subsection 11 above, the Council may, upon consulting the Development Officer, authorize the location of uses at an elevation below the level of freeboard elevation if such uses will not be subject to flood damage and which will not cause flood damage to other lands. Such uses shall not be eligible for flood-damage compensation.
- 13) Any use which presents a hazard to life and property either before, during or after a flood event shall be prohibited from the flood risk area unless adequate safeguards can be developed so as to render the hazard impotent.
- 14) Upon receiving an application for development within the area identified as the Floodway Fringe, the Development Officer or Council shall, prior to rendering a decision thereof:
  - a) require the applicant to furnish the following information which may be deemed necessary by the Development Officer or Council for determining the suitability of the particular site for the proposed use:
    - i) plans drawn to a scale of 1:2000 showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the floodway, and the floodway fringe, where applicable, and the design flood elevation,
    - ii) a typical valley cross-section showing the channel/ shoreline of the watercourse/waterbody, elevation of land areas adjoining the channel/shoreline, cross-sectional areas to be occupied by the proposed development, and high water information,
    - iii) plan (surface view) showing contours of the ground with at least a 1.0 metre (3.3 feet) interval; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; locations and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information,
    - iv) profile showing the slope of the bottom of the watercourse,
    - v) specifications for building construction and materials, floodproofing, filling, grading, storage of materials, water supply and sanitary facilities, and

- vi) a contingency plan outlining emergency action to be undertaken in the event of a flood and/or of failure of the floodproofing techniques adopted;
- b) one copy of the information described in Section 4.15(14)(a) above may be transmitted to a designated professional engineer or other expert or agency having jurisdiction for technical assistance, where necessary, in evaluating the proposed project in relation to flood-stage elevations and water velocities; the seriousness of flood damage to the use, the adequacy of the plans for flood-damage mitigation and other technical matters;
- c) based upon the technical evaluation carried out pursuant to Section 4.15(14)(b) above, the Development Officer or Council shall determine the specific flood risk at the site and shall evaluate the suitability of the proposed use in relation to the flood risk; and
- d) in reviewing such an application the Development Officer and Council shall consider all relevant factors specified in other sections of this bylaw; and
  - i) the danger to life and property owing to increased flood stage elevations or velocities caused by encroachments,
  - ii) the danger that materials may be swept on to other lands or downstream to the injury of others,
  - iii) the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions during a flood,
  - iv) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,
  - v) the importance of the services provided by the proposed facility to the community,
  - vi) the requirements of the facility for a waterfront location,
  - vii) the availability of alternative locations not subject to flooding for the proposed use,
  - viii) the compatibility of the proposed use with existing development and development anticipated in the foreseeable future,

- ix) the relationship of the proposed use to the general plan and flood plain management program for the area, if in existence,
- x) the safety of access to the property in times of flood for ordinary and emergency vehicles,
- xi) the expected flood-stage elevations, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site, and
- xii) such other factors which are relevant to the purposes of this bylaw.

15) Conditions Attached to Development Permits for Uses in Flood Risk Area:

- a) upon consideration of the factors listed above and the purposes of this By-law, the Development Officer or Council may attach such conditions to the granting of Development Permits for uses in the flood risk areas as it deems necessary to further the purposes of this bylaw. Such conditions may include:
  - i) modification of waste disposal and water supply facilities,
  - ii) limitations on periods of use and operation,
  - iii) imposition of operational controls, sureties and deed restrictions,
  - iv) purchase of easements or first option, and
  - v) submission of a plan or document certified by a professional engineer/architect that the floodproofing measures are consistent with the freeboard elevation and associated flood factors for the particular area. The floodproofing measures as outlined in the National Building Code of Canada and/or the Regulations of the Canada Mortgage and Housing Corporation shall apply.

#### **4.15 REQUIREMENTS FOR CONSTRUCTION IN FLOODWAY FRINGE AREAS**

##### **Scope of Application**

- 1) This section applies to buildings of all types located within the flood risk area or the floodway within a flood plain which has been designated jointly by the Federal Ministers of the Environment and Indian and Northern Affairs, and the Commissioner of the Northwest Territories.
- 2) Floodproofing requires the raising of structures above the Design Flood Level, as described on the Flood Risk Map, and the requirements presented herein are described in detail in the Canadian Mortgage and Housing Corporation's Technical Builders' Bulletin. A certificate stating that the foundations meet the Design Flood Guidelines shall be issued by an Engineer or Surveyor and submitted as a Building Inspection Report before occupancy will be granted.
- 3) The requirements in this Section allow for the continued occupancy of the dwelling unit during the early stages of a flood.
- 4) For the purpose of this Section "habitable portions of the building" means rooms or spaces required and intended for residential occupancy, during the early stages of a flood, and includes facilities for heating, air-conditioning, electrical, hot water supplies and plumbing waste connections.
- 5) For the purpose of this Section "design flood level" means the level at which the design flood, not less than the 1-in-100 year event, reaches within the inundated area. The "design flood level" may also be referred to as "flood protection level".

##### **Surveyor's Certificate**

- 6) Site plans, indicating the elevation of the design flood level, the lot elevations, and the top of foundations, shall be submitted with the application for a development permit. They shall be certified by a professional surveyor or professional engineer licensed to practice in the NWT and submitted as part of the application for a development permit.

### **Filled Ground**

- 7) The use of stable fill to raise the lowest portion of a building permanently above the design flood level shall be an acceptable alternative to the other requirements in this Section.
- 8) No buildings constructed on filled ground shall be raised to a height that is, in the opinion of the Development Officer, not in keeping with the character of the area and location relative to surrounding buildings.

### **Footings and Foundations**

- 9) Foundations shall be designed in conformance with Section 4.2 of the current National Building Code of Canada.
- 10) In buildings with basements, footings and foundation walls shall be cast-in-place concrete. The interior surfaces of basement or cellar walls and floors shall not have any finishing materials covering the concrete.
- 11) Footings, foundation walls and floor slabs-on-ground shall be designed to resist all loads and influences that may be expected including hydrostatic pressure, and shall satisfy the requirements of Part 4 of the current National Building Code of Canada. Foundation insulation shall be applied on the exterior and be fastened to prevent detachment during flooding.
- 12) The designer shall be a professional engineer or architect skilled in such design and licensed to practice in accordance with the appropriate territorial legislation.
- 13) The clear height from the top of the basement concrete slab-on-ground to the underside of first storey floor system including the beam shall be not less than 1.93 m (6.33 ft.).
- 14) Basement or cellar walls shall be provided with at least two openable windows located on opposite sides of the building. The top of the window sills shall not be less than 150 mm (6 in.) below grade to allow flood water into the basement to counteract the hydrostatic pressure.

- 15) The interior surfaces of basement or cellar walls and floors shall not have any finishing materials covering the concrete.
- 16) Basements shall not contain habitable space nor be used for storage of immovable materials or hazardous materials that are buoyant, flammable, explosive or toxic.

### **Backfill**

- 17) Backfill material shall be placed in accordance with Subsection 9.12.3 of the National Building Code of Canada 1990.
- 18) Backfill material shall be graded at least up to the design flood level at the exterior of the foundation wall.
- 19) Backfill material shall be graded away from the foundation at a slope not exceeding 1-in-30 for a minimum distance of 4.5 metres (14.5 feet). From this point the slope may be increased to 1-in-4 slope until the original grade level is reached.

### **Other Support Systems**

- 20) The use of piles or other support systems to raise the lowest portion of a building above the design flood level is an acceptable alternative to other requirements in this section.
- 21) The system shall be designed to resist all loads and influences that may be expected and shall satisfy the requirements of Part 4 of the current National Building Code of Canada.
- 22) The designer shall be a professional engineer or architect licensed to practice and skilled in such design.

### **Floor Construction**

- 23) The area enclosed by the foundation walls shall be covered by a concrete slab not less than 75 mm (3 in.) thick exclusive of concrete topping. When Concrete topping is provided, it shall be not less than 20 mm (0.78 in.).

- 24) The top of a structural slab-on-ground supporting habitable portions of a building shall be minimum 300 mm (11.8 in.) above the design flood level.
- 25) Load-bearing floor slabs-on-ground shall be designed as required in subsections 4.14(9) and 4.14(10) of this Section.
- 26) The underside of floor joists and sill plates supporting habitable portions of a building shall be minimum 300 mm (11.8 in.).
- 27) The underside of wood beams supporting floors shall be minimum 300 mm (11.8 in.) above the design flood level.
- 28) Any wooden substructure must be a minimum of 300 mm (11.8 in.) above the design flood level, and floor elevations must be a minimum of 500 mm (19.1 in.) above the design flood level.
- 29) Columns supporting floor loads shall be steel columns as required in subsection 9.17.3 of the current National Building Code of Canada.
- 30) Load-bearing walls constructed below the design flood level shall be cast-in-place concrete.

### **Anchorage**

- 31) Wood and steel frame buildings shall be anchored to the foundation or piles to prevent the unit from floating off the foundation should the design flood level be exceeded.
- 32) Exterior walls built on floor slab-on-ground shall be anchored as required in Article 9.23.6.2 of the current National Building Code of Canada.
- 33) First floor joists shall either have the ends embedded in the concrete foundation or the header joist mechanically fastened to the sill plate anchor bolts, or any system providing equivalent protection.

### **Basement or Cellar Drainage System**

- 34) A covered sump pit with an automatic submersible pump shall be provided in all basements or cellars.

- 35) The outflow pipe shall discharge above the design flood level.
- 36) A separate, electrical circuit shall be provided for the sump pump with the operating switch located above the design flood level.
- 37) Granular material under the basement or cellar slabs shall be graded so the entire area is drained towards the sump pit.
- 38) Basements or cellars shall have a floor drain connected to the sump pit.
- 39) Basement or cellar slabs shall have a positive slope to the floor drain.
- 40) Floor drains or sump pumps shall not discharge to municipal sanitary sewage systems, but may discharge to municipal storm sewage systems when a backwater valve is installed.

#### **Measures for Continued Occupancy**

- 41) Casings for vented drilled wells shall extend to a point at least 150 mm (6 in.) above the design flood level or be capped.
- 42) Waste connections for plumbing fixtures shall not be made below the design flood level except as permitted in Section 14.3(33-39).
- 43) Central heating units, such as oil, gas or electric forced air furnaces including all ductwork and service water heaters, shall not be installed below the design flood level.
- 44) Electrical service panels shall not be located below the design flood level. Electrical circuits servicing areas below the design flood level shall be on separate circuits and be capable of disconnection.
- 45) Sewage storage tanks shall be designed to resist damage or leakage by floodwater or ground water conditions.



#### **4.16 HEIGHT**

- 1) In determining whether a development conforms to the maximum height permissible in any zone, the following regulations shall apply:
  - a) in any zone other than a residential zone, the following features shall not be considered for the purpose of height determination: chimney stacks, steeples, belfries, domes or spires, monuments, elevator housings, roof stairway entrances, water or other tanks, ventilating equipment, skylights, fire walls, parapet walls, receiving or transmitting structures, masts, flag poles, clearance markers or other erections which are considered to be similar by the Development Officer; and
  - b) in any residential zone, those features specified in clause (a) shall not be considered for the purpose of height determination, except that receiving or transmitting structures, other than those which may be normally required by adequate local television reception, shall be considered.
- 2) notwithstanding (a) and (b) above, any developments shall comply with the requirements contained in the Hay River Airport Zoning Regulations governing the height of buildings and structures.

#### **4.17 LIGHTING OF SITES**

- 1) Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties, or interfere with the effectiveness of any traffic control devices.

#### **4.18 PROJECTIONS INTO YARDS**

- 1) The following features may project into a required yard as provided for below:
  - a) balconies, porches, decks, terraces, verandas, eaves, shade projections, unenclosed steps, chimney breasts or parts of a chimney, belt courses, sills, 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 0.61 metres (2.0 feet) in the case of required yards 1.22 metres (4.0 feet) and over, and 0.46 metres (1.5 feet) for required yards less than 1.22 metres (4.0 feet);

- b) bay, oriel, or similar windows provided that such projections do not exceed 0.61 metres (2.0 feet) in the case of required yards 1.22 metres (4.0 feet) and over, and 0.46 metres (1.5 feet) for required yards less than 1.22 metres (4.0 feet);
- c) balconies, provided with such projections do not exceed 1.88 metres (6.2 feet) into yards with a depth of at least 3.66 metres (12.0 feet) and 0.61 metres (2.0 feet) for yards less than 3.66 metres (12.0 feet); and
- d) an open, hard surfaced and uncovered terrace or patio in any yard in a residential zone, if such terrace is completely unenclosed except by a guard rail or parapet wall which do not exceed the maximum height permissible for a fence in the same location. No such terrace shall project into any required front yard more than 2.44 metres (8.0 feet). The provision of an awning or similar temporary covering for such a terrace shall be permitted.

## **5.0 Specific Land Use Regulations**

### **5.1 APPLICABILITY OF SPECIAL LAND USE REGULATIONS**

- 1) The Special Land Use Regulations apply to the uses listed irrespective of the zone in which they are located. Where these regulations appear to be in conflict with the zone regulations in which the use is either a Permitted or a Discretionary Use, the Special Land Use Regulations shall take precedence and shall be applied in addition to the requirements of the zone.

### **5.2 MULTI-FAMILY HOUSING DEVELOPMENT**

- 1) For all residential developments excepting one and two family dwellings, the Development Officer shall not issue a development permit for a multi-family housing development unless he/she is satisfied as to the following:
  - a) provision of recreational areas and open spaces;
  - b) access for fire department vehicles and other emergency vehicles;
  - c) provisions of access to garbage storage; storage to be suitably enclosed;
  - d) provisions of clothes lines or alternate means of handling laundry;
  - e) landscaping and fencing;
  - f) lighting between buildings;
  - g) orientation of buildings and general appearance of project;
  - h) privacy of dwelling units in and adjacent to the development;
  - i) safe pedestrian access to and from the public sidewalk fronting the site; and
  - j) any other matter the Development Officer or Council reasonably consider necessary to the residential environment.

### **5.3 MOBILE HOMES**

- 1) Mobile Homes shall in all cases:
  - a) be placed on permanent foundations and footings as specified in the National Building Code of Canada;
  - b) comply with all provisions of the regulations concerning trailers or mobile homes;
  - c) meet or exceed the provisions of C.S.A. Z240;
  - d) not be less than 74.34 m<sup>2</sup> (800 ft.<sup>2</sup>);
  - e) meet all safety and fire regulations as may be specified by the municipality;
  - f) have skirtings to screen the undercarriage; this skirting shall be factory prefabricated or of a quality equivalent thereof so that design and construction will complement the home; and
  - g) be subject to any subsequent regulations the Town may effect or incorporate.
- 2) All accessory structures such as patios, porches, decks, additions and storage facilities shall be factory prefabricated units, or of a quality equivalent thereof so that design and construction will complement the mobile home.
- 3) In cases of an irregularly shaped lot or a mobile home that is too long to allow for normal setbacks, the Development Officer may permit setbacks at the front and back respectively, which are less than the required setbacks but in no case less than 3.0 m (10 ft.), provided this does not adversely affect the amenities of the residential area.

### **5.4 DAY CARES**

- 1) In addition to conforming with the GNWT Child Day Care Act and Child Day Care Standards and Regulations, all Day Cares shall be subject to the following regulations:
  - a) 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 the development;

- b) the number of children within a day care established as a secondary use within a single family dwelling or mobile home shall not exceed 12;
- c) a day care shall not be a principal use of a building within a residential zone; and
- d) the Development Officer or Council shall, in deciding whether to approve or refuse a day care, consider, among other matters, if the development would be suitable for the location proposed, taking into account, among other matters, potential traffic generation, proximity to park or other open or recreational areas, isolation of the proposed site from other uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.

## **5.5 GROUP HOMES**

- 1) A group home shall comply with the following regulations:
  - a) the maximum number of residents shall be established by Council who shall have regard for the nature of the group home and/or the nature of the zone in which it is located;
  - b) the maximum number of residents shall be consistent with the *general* population density of the zone in which it is located;
  - c) the group home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the zone in which it is located; and
  - d) all development regulations of the zone in which the group home is located shall apply.
- 2) All applications to develop a group home shall be accompanied by the report of a professional Community Planner, indicating that a detailed planning analysis of the proposed development has been carried out.

## **5.6 HOME OCCUPATIONS**

- 1) A home occupation shall not be permitted in a residence if, in the opinion of the Development Officer it would be more appropriately located in a Commercial or Industrial zone.
- 2) A resident who intends to operate a home occupation, where permitted under this bylaw, shall make application for the following:
  - a) a development permit that shall be in effect for the period the home occupation is operated; and
  - b) a business license that shall be in effect for the period of one calendar year, requiring annual renewal to continue the home occupation.
- 3) All home occupations, if given approval, shall comply with the following provisions:
  - a) there shall be no outdoor business activity, storage of materials or equipment associated with the office;
  - b) the office shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the zone within which it is located;
  - c) the number of employees shall not exceed one at any one time;
  - d) Council may set a limit to the number of customers that may be in attendance at any one time;
  - e) there shall be no exterior display or advertisement, other than a permitted sign measuring 45.7 cm x 60.9 cm (18"x 24");
  - f) there shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwellings;
  - g) the office shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling involved; and
  - h) a person deemed by the Development Officer to be providing a service or instruction in arts and crafts, shall not permit more than six students or customers to be in attendance at any one time.

- 4) In addition to all other provisions and requirements of this section, the following additional requirements shall apply to home occupations in the form of bed and breakfast operations, as defined in Section 9 of this bylaw:
- a) persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit;
  - b) a bed and breakfast operation shall be limited to residential land use zones and shall be contained entirely within the principal building;
  - c) a bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only, with such a meal being prepared in one common kitchen and served in one common room; and
  - d) in addition to the off street parking requirements for the dwelling/dwelling unit itself, as stipulated in Section 7.3(2)(a) of this bylaw, one off street parking space per rented guest room shall be required for a bed and breakfast operation.

#### **5.7 RELIGIOUS ASSEMBLY**

- 1) All sites for religious assembly shall comply with the following special provisions:
- a) the site shall have a frontage of a least 30 m (100 ft.) and an area of at least 929.37 m<sup>2</sup> (10,000 sq. ft.); and
  - b) where a manse, rectory, parsonage or other building of residence associated with the religious assembly is to be erected on the site, the combined area of the site shall not be less than 1301.11 m<sup>2</sup> (14,000 sq. ft.).

#### **5.8 INSTITUTIONAL**

- 1) All facilities within the I - Institutional zone shall comply with the following:
- a) no facility shall derive more than 10% of its total revenues from commercial activities, which are not directly related to the operation of the facility; and
  - b) all facilities shall have direct access to a collector street.

## 5.9 CARETAKER UNITS

- 1) In land use zones where caretaker units are permitted as a discretionary use under this bylaw, an application for a development permit will be considered by the Development Officer and may be approved by Council for a maximum of one caretaker unit per lot. All applications must be accompanied by proof of a valid business license, issued by the Town of Hay River, for the location of the intended caretaker unit. If approval for the caretaker unit is given, the following provisions will be adhered to:
  - a) the Development Permit for a caretaker unit will be valid for a period of one (1) year. Upon expiry of the development permit, the applicant may continually apply to the Town for one (1) year extensions of the development permit. Applications for validity extensions, to the original development permit, will be processed by Town administration and will not require approval of Council;
  - b) the application is with regard to an Industrial, Transportation or Highway/Service Commercial zone;
  - c) where the caretaker unit is attached to the principal building on a site by a roof, wall, an open or enclosed structure, a floor or a foundation, it is considered to be an integral part of the principal building and must meet all the requirements set out in the National Building Code of Canada and the National Fire Code of Canada;
  - d) where the caretaker unit is an integral part of the principal building, any walls or doors between the caretaker unit and the principal building must have a fire rating as required by the National Fire Code of Canada and be constructed of materials which are set out in the National Building Code of Canada to achieve this rating; and
  - e) the maximum area of the living space for a caretaker unit which forms an integral part of the principal building must not be greater than 91.74 m<sup>2</sup> (1,000 sq.ft.).
- 2) Caretaker units that are not an integral part of the building will only be considered for the Industrial and Transportation zones. These units must be mobile homes as defined in this bylaw and meet the standards of mobile homes as set out in this bylaw.



- 3) Applicants will be required to substantiate their need to retain the use of a non-permanent caretaker unit by annually re-applying for continuation of the approval.
- 4) A change in land/building use or ownership shall require a new application to establish a caretaker unit to be submitted to Council for consideration.

#### **5.10 BASEMENT APARTMENTS**

- 1) The following conditions shall apply when developing a basement apartment in a single family dwelling unit:
  - a) basement units must be limited to no more than a floor area of 111.52 m<sup>2</sup> (1200 sq. ft.) and not less than 39.96 m<sup>2</sup> (430 sq. ft.);
  - b) basement units must be limited to no more than two bedrooms;
  - c) basement units must be fully self-contained with their own exits;
  - d) construction of basement units must comply to the requirements of the National Building Code and Territorial fire regulations;
  - e) basement units must have approved smoke detectors; and
  - f) a development permit shall be obtained prior to development of any basement apartment.

#### **5.11 ACCESSORY USES AND BUILDINGS**

- 1) A use may be accessory to a permitted or discretionary use, if such use complies with the definition of accessory in this bylaw.
- 2) Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is a part of the principal building and is not an accessory building and shall therefore adhere to the development regulations as specified in the land use zones.

- 3) Accessory uses and buildings are permitted in a zone when accessory to a principal use which is a permitted use in that same zone and for which a development permit has been issued.
- 4) Accessory uses and buildings are discretionary in a zone when accessory to a principal use which is a discretionary use in that same zone and for which a development permit has been issued.
- 5) The construction of an Accessory Building 14.0 m<sup>2</sup> (150 sq. ft.) or greater in size shall require an approved development and building permit.

#### **Accessory Buildings in Non-Residential Zone**

- 6) In any zone other than a residential zone, an accessory building or structure is subject to the development regulations for that zone.

#### **Accessory Buildings in Residential Zone**

- 7) The number of accessory buildings on one lot shall be at the discretion of the Development Officer.
- 8) An accessory building or structure shall not be used as a dwelling.
- 9) An accessory building or structure shall not exceed 4.6 metres (15.0 feet) in height.
- 10) Accessory buildings and structures shall be located on an interior lot as follows:
  - a) a minimum of 1.0 metre (3.3 feet) from the dwelling;
  - b) no closer than the front lot line of the principal building;
  - c) not less than 1.0 metre (3.3 feet) from the side lot line, except where it is a mutual garage erected on the common property line to the satisfaction of the Development Officer, or where the accessory building does not exceed the permitted fence height;

- d) not less than 1.0 metre (3.3 feet) from the rear lot line if the structure exceeds 2.0 metres (6.5 feet) in height (subject to clause E below); and
  - e) where the accessory building is a detached garage, to provide a minimum of 5.0 metres (16.4 feet) from the garage doors to any property line.
- 11) Accessory buildings and structures shall be located on a corner site as follows:
- a) on a corner site, in addition to the above provisions and subject to clause (b) below, the distance between an accessory building and any public roadway other than a lane flanking the site, shall be not less than the side yard required for the principal building; and
  - b) where an accessory building is a detached garage, and where the vehicle doors of the detached garage face any flanking public roadway other than a lane, the distance between the garage and the flanking public roadway shall not be less than 5.0 metres (16.5 feet).

## **5.12 ANIMAL REGULATIONS**

- 1) The keeping of animals on any residential lot shall be in accordance with the following without the need to obtain a development permit:
- a) on any lot, not more than 4 household pets, not to include more than 2 dogs, which must be confined to the property;
  - b) on any lot less than 0.8 hectares (2.0 acres) no animals except as provided for in subsection (a); and
  - c) on lots of 0.8 hectares or more, the following shall apply.

<b>ANIMAL UNITS ON RESIDENTIAL LOTS GREATER THAN 0.8 ha.( 2.0 ac.)</b>	
<b>LOT SIZE</b>	<b>NUMBER OF ANIMAL UNITS</b>
0.8-1.2 ha/2.0-3.0 ac.	1 Animal Unit
1.2-1.6 ha/3.0-4.0 ac.	2 Animal Units
1.6-2.0 ha/4.0-5.0 ac.	3 Animal Units
2.0-2.4 ha/5.0-6.0 ac.	4 Animal Units
2.4-2.8 ha/6.0-7.0 ac.	5 Animal Units
2.8-3.2 ha/7.0-8.0 ac.	6 Animal Units
3.2-3.6 ha/8.0-9.0 ac.	7 Animal Units
3.6-4.0 ha/9.0-10.0 ac.	8 Animal Units
4.0-4.4 ha/10.0-11.0 ac.	9 Animal Units
4.4-4.8 ha/11.0-12.0 ac.	10 Animal Units
4.8-5.2 ha/12.0-13.0 ac.	11 Animal Units
5.2-5.6 ha/13.0-14.0 ac.	12 Animal Units
5.6-6.0 ha/14.0-15.0 ac.	13 Animal Units
6.0-6.4 ha/15.0-16.0 ac.	14 Animal Units
6.4-6.8 ha/16.0-17.0 ac.	15 Animal Units

- for every 0.4 hectare (1.0 acre) thereafter, add one more animal unit.

2) For the purpose of this section “One animal unit” means:

- a) 1 horse over one year old; or
- b) 2 foals up to one year old; or
- c) 1 cow over one year old; or
- d) 2 calves up to one year old; or
- e) 30 chickens; or
- f) 10 ducks, turkeys, or geese; or

- g) 5 sheep or goats; or
- h) 20 rabbits; or
- i) 3 pigs;

other animals or combination of animals shall be calculated to conform to the intent of the above list.

- 3) The keeping of animals not in accordance with subsection 5.12(1) above shall require a development permit at the discretion of Council having due regard to the adjoining land use in order to avoid adverse land use impacts.
- 4) Pigs shall only be allowed in the MG-Market Gardening zone in accordance with the regulations of Section 5.12(1).
- 5) Offspring, up to 3 months, dependent on their mother for nursing are exempted from the limits on animal units.
- 6) The construction of any structure for the accommodation of any livestock, poultry or other animals is permitted, subject to compliance with Section 3.2 of this bylaw.

### **5.13 INTENSIVE LIVESTOCK OPERATIONS**

- 1) The development of intensive livestock operations shall be permitted subject to the requirements of the Development Officer and Council.
- 2) The development of an intensive livestock operation shall not proceed unless and until an Environmental Impact Assessment has been conducted and the results submitted to the appropriate Municipal, Territorial and Federal government agencies. Such assessment shall be conducted at the expense of the applicant.
- 3) Prior to commencing operation, all requirements, as determined by the Environmental Health Officer, must be met and the operator shall request inspection from the Hay River office of the Mackenzie Regional Health Services in regards to the entire operation.
- 4) For the purposes of this section, livestock includes farm animals and poultry listed in the following table, and any other animals reared for commercial purposes.

<b>ANIMAL UNIT EQUIVALENCIES</b>		
<b>Kind of Animal</b>		<b>No. of Animals = One Animal Unit</b>
<b>Cattle</b>	Cows or Bulls	1.0
	Feeder Cattle	1.5
	Replacement Heifers	2.0
	Calves	4.0
<b>Hogs</b>	Boars or Sows (includes gilts)	3.0
	Feeder Hogs (54 kg. Avg.)	6.0
	Weanling Hogs (20 kg.)	20.0
<b>Poultry</b>	Hens, Cockerels, Lapons	100.0
	Chicks, Broiler Chickens	200.00
	Turkeys, Geese or Ducks	50.0
<b>Miscellaneous</b>	Rams or Ewes	7.0
	Lambs	14.0
	Horses	1.0
	Mink	80.0
	Rabbits	40.0
	Goats	7.0

- 5) Intensive Livestock Operations (ILOs) shall meet the following minimum distances from residential uses.

<b>MINIMUM SEPARATION DISTANCES FROM RESIDENTIAL USES</b>						
<b>Residential Population</b>	<b>Number of Animal Units</b>					
	10-50	50-300	300-500	500-2000	2000-5000	>5000
Single Rural Residence	300 m	300 m	400 m	800 m	1200 m	1600 m
<100	400 m	400 m	800 m	1200 m	1600 m	2000 m
100-500	400 m	800 m	1200 m	1600 m	2400 m	2400 m
500-5000	800 m	1200 m	1600 m	2400 m	3200 m	3200 m
>5000	800 m	1600 m	2400 m	3200 m	4800 m	3200 m

- 6) The minimum distances stated in Section 5.13(4) shall be measured from the nearest edge of the livestock enclosure and/or manure storage area.
- 7) The minimum distances in Section 5.13(4) shall also apply to the spreading of manure in the proximity of residences not occupied by the ILO operator. These distances shall not apply if the manure is injected into the soil.

- 8) At the discretion of the Development Officer and Council, relaxations in the minimum distances may be permitted if the proponent obtains written consent from adjacent affected landowners.
- 9) No Intensive Livestock Operation shall be located less than 1.6 km (1 mile) from a national, territorial or municipal park or recreation area.
- 10) No Intensive Livestock Operation shall be located less than 0.8 km (0.5 mile) from either side of a primary highway.
- 11) No Intensive Livestock Operation shall be located less than 152 metres (500 feet) from a water body or water course unless the water source is entirely surrounded by the lot of land containing the ILO.
- 12) All Intensive Livestock Operations shall be developed in accordance with the following:
  - a) no run-off water can directly enter any waterbody, watercourse, groundwater, irrigation system, or public roadway ditch or highway ditch;
  - b) there is provision for adequate waste treatment, temporary waste facilities and arrangements for waste disposal on the operator's own land, in accordance with standards set by the local health unit; and
  - c) the maximum number of animals shall be established, by condition, on the development permit.

#### **5.14 ALTERNATIVE HOUSING PROGRAM**

- 1) Alternate Housing shall refer to residential housing development in which structures have a total floor area in the range of 720 sq.ft. (67 m<sup>2</sup>) to 799 sq.ft. (74 m<sup>2</sup>).
- 2) Alternate Housing shall be permitted as a discretionary use in the following zones:
  - a) R3 West Channel Village Residential;
  - b) RC - Country Residential; and
  - c) MG - Market Gardening zone.

- 3) Alternate Housing development shall meet all the minimum requirements of the intended zones in which it is located, excepting those dimensions with regard to minimum total floor area.
- 4) Alternate Housing shall meet all the requirements for housing set out in the most recent revision of the National Building Code of Canada.
- 5) Development of Alternate Housing on lots with existing houses under 720 sq.ft. (67 m<sup>2</sup>) in size shall only occur where the development is being undertaken to upgrade or completely redevelop the existing house to bring it into conformance with this bylaw.
- 6) Before an application for a Development Permit will be considered by Council, Council may request that all residences within 1000 feet of an Alternate Housing Development be notified.



## 6.0 Regulations by Land Use Zone

### 6.1 R1A - SINGLE FAMILY RESIDENTIAL (CLASS A)

#### 1) General Purpose

This zone is generally intended to accommodate single family dwellings in areas where lots larger than those normally provided are proposed. The regulations of this land use zone are such that a minimum size of dwelling is required in a setting which allows for and protects larger homes.

#### 2) Permitted Uses

- a) One Single Family Housing unit per lot
- b) Buildings and uses accessory to the above

#### 3) Discretionary Uses

- a) Religious Assembly
- b) Day Cares
- c) Group Homes
- d) Home Occupations
- e) Parks and Playgrounds
- f) Local Utility Services
- g) Buildings and uses accessory to the above

#### 4) Development Regulations

##### Lot Dimensions

- a) Minimum Lot Width
  - i) 18.5 m (61.5 ft.) for internal lots
  - ii) 20.0 m (66 ft.) for corner or double fronting lots

- iii) irregular and pie shaped lots shall meet the above criteria at a point measured 6.0 m (20 ft.) back from the front yard property line
- b) Minimum Lot Depth
  - i) 30.0 m (100 ft.) for all lots
- c) Minimum Lot Area
  - i) 557 m<sup>2</sup> (6000 sq. ft.) for all lots

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage of all structures combined shall not exceed 40% of the total lot area;
  - ii) the maximum lot coverage of the principal building shall not exceed 28% of the total lot area;
  - iii) where a garage is designed as part of the house and therefore considered a part of the principal building, lot coverage shall not exceed 40% of the total lot area; and
  - iv) the maximum lot coverage of any accessory building as set out in Section 5.11 of this Bylaw, shall not exceed 12% of the total lot area.
- e) Minimum Floor Areas (not including attached garage)
 

i)	1 Storey		120 m <sup>2</sup> (1291 sq. ft.)
ii)	Bi-level	First Storey	90.0 m <sup>2</sup> (968 sq. ft.)
		Second Storey	90.5 m <sup>2</sup> (975 sq. ft.)
iii)	1 Storey/ Split Level	First Storey	110 m <sup>2</sup> (1184 sq. ft.)
Total Minimum Floor Area Above Building Grades			150 m <sup>2</sup> (1614 sq. ft.)

iv)	2 Storey	First Storey	73 m <sup>2</sup> (785 sq. ft.)
		Total Minimum Floor Area Above Building Grades	150 m <sup>2</sup> (1614 sq. ft.)

#### Yard Requirements

- f) Minimum Front Yard
  - i) 7.5 m (25.0 ft.) for regular shaped lots
  - ii) the front yard setback may be varied at the discretion of the Development Officer for corner and double fronting lots, but shall conform to the provisions of Section 4.4 of this bylaw
- g) Minimum Rear Yard
  - i) 7.5 m (25.0 ft.) for interior lots
  - ii) 4.5 m (15.0 ft.) for corner lots
- h) Minimum Side Yard
  - i) 1.5 m (5.0 ft.) for single storey dwellings
  - ii) 2.0 m (6.5 ft.) for two storey dwellings
  - iii) 20 % of lot width, to a maximum of 4.5 m (15.0 ft.), for the flanking side yard of a corner lot
  - iv) 3.0 m (10.0 ft.) for one side yard of a lot that has no rear lane, except where an attached garage or carport is provided

#### Height

- i) The maximum height shall not exceed 10.0 m (33.0 ft.) nor 2.5 storeys.

#### Garages and Accessory Buildings

- j) Garages and Accessory Buildings shall be located:
  - i) a minimum of 1.0 m (3.3 ft.) from the dwelling;
  - ii) no closer than the front line of the principal building;
  - iii) a minimum of 1.0 m (3.3 ft.) from the side lot line;
  - iv) a minimum of 1.0 m (3.3 ft.) from the rear lot line; and
  - v) to provide a minimum of 5.0 m (16.5 ft.) from the garage doors to any side lot line.
  
- 5) Development Regulations for Discretionary Uses
  - a) Religious Assembly - Section 5.7
  - b) Day Cares - Section 5.4
  - c) Group Homes - Section 5.5
  - d) Home Occupations - Section 5.6
  - e) Local Utility Services - Sections 4.6 & 4.7
  - f) Accessory Uses and Buildings - Section 5.11
  
- 6) Other Provisions
  - a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8

## **6.2 R1B - SINGLE FAMILY RESIDENTIAL (CLASS B)**

### 1) General Purpose

This land use zone is intended to establish areas of single detached housing comprised of standard lots and dwellings.

### 2) Permitted Uses

- a) One Single Family Housing unit per lot
- b) Buildings and uses accessory to the above

### 3) Discretionary Uses

- a) Semi-detached and Duplex Housing
- b) Basement Apartments
- c) Religious Assembly
- d) Day Cares
- e) Group Homes
- f) Home Occupations
- g) Local Utility Services
- h) Parks and Playgrounds
- i) Buildings and uses accessory to the above

### 4) Development Regulations

#### Lot Dimensions

- a) Minimum Lot Width
  - i) 15.0 m (50.0 ft.) for internal lots
  - ii) 18.0 m (60.0 ft.) for corner or double fronting lots
  - iii) irregular and pie shaped lots shall meet the above criteria at a point measured 6.0 m (20 ft.) back from the front yard property line

- iv) 7.5 m (25.0 ft.) for semi-detached and duplex housing
- b) Minimum Lot Depth
  - i) not less than 30.0 m (100.0 ft.)
- c) Minimum Lot Area
  - i) 250 m<sup>2</sup> (2700 sq.ft.) for semi-detached and duplex housing
  - ii) not less than 464 m<sup>2</sup> (5000 sq.ft.) for all other uses.

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage of all structures combined shall not exceed 40% of the total lot area;
  - ii) the maximum lot coverage of the principal building shall not exceed 28% of the total lot area;
  - iii) where a garage is designed as part of the house and therefore considered part of the principal building, lot coverage shall not exceed 40% of the total lot area; and
  - iv) the maximum lot coverage of any accessory buildings, as set out in section 5.11 of this bylaw, shall not exceed 12% of the total lot area.
- e) Minimum Floor Areas (not including attached garage)
 

i)	1 Storey		93 m <sup>2</sup> (1001 sq. ft.)
ii)	Bi-level	First Storey	90 m <sup>2</sup> (968 sq. ft.)
		Second Storey	90 m <sup>2</sup> (968 sq. ft.)
iii)	1 Storey/ Split level	First Storey	75 m <sup>2</sup> (807 sq. ft.)
	Total Minimum Floor Area Above Building Grades		120 m <sup>2</sup> (1290 sq. ft.)

iv)	2 Storey	First Storey	70 m <sup>2</sup> (753 sq. ft.)
		Total Minimum Floor Area Above Building Grades	120 m <sup>2</sup> (1290 sq. ft.)
v)	One unit of a Duplex of Semi-detached Housing Complex		90 m <sup>2</sup> (968 sq. ft.)

Yard Requirements

- f) Minimum Front Yard
  - i) not less than 7.5 m (25.0 ft.) for regular shaped lots
  - ii) the front yard setback may be varied at the discretion of the Development Officer for corner and double fronting lots, but shall conform to the provisions of Section 4.4 of this bylaw
- g) Minimum Rear Yard
  - i) not less than 7.5 m (25.0 ft.) for interior lots
  - ii) not less than 4.5 m (15.0 ft.) for corner lots
- h) Minimum Side Yard
  - i) 1.5 m (5.0 ft.) for single storey dwellings
  - ii) 2.0 m (6.5 ft.) for two storey dwellings
  - iii) 20 % of the lot width, to a maximum of 4.5 m (15.0 ft.), for the flanking side yard of a corner lot
  - iv) 3.0 m (10.0 ft.) for one side yard of a lot that has no rear lane, except where an attached garage or carport is provided
  - v) for semi-detached and duplex housing: the same as for other single family houses in the district and a zero side yard along the common wall

Height

- i) The maximum height shall not exceed 10.0 m (33.0 ft.) nor 2.5 storeys.

Garages and Accessory Buildings

- j) Garages and Accessory Buildings shall be located:
  - i) a minimum of 1.0 m (3.3 ft.) from the dwelling;
  - ii) no closer than the front line of the principal building;
  - iii) a minimum of 1.0 m (3.3 ft.) from the side lot line;
  - iv) a minimum of 1.0 m (3.3 ft.) from the rear lot line; and
  - v) to provide a minimum of 5.0 m (16.5 ft.) from the garage doors to any side lot line.

5) Development Regulations for Discretionary Uses

- a) Basement Apartments - Section 5.10
- b) Religious Assembly - Section 5.7
- c) Day Cares - Section 5.4
- d) Group Homes - Section 5.5
- e) Home Occupations - Section 5.6
- f) Local Utility Services - Sections 4.6 & 4.7
- g) Accessory Uses and Buildings - Section 5.11

6) Other Provisions

- a) General Regulations - Section 4
- b) Specific Land Use Regulations - Section 5
- c) Parking and Loading Regulations - Section 7
- d) Sign Regulations - Section 8



### **6.3 R1C - SINGLE FAMILY RESIDENTIAL (CLASS C)**

1) General Purpose

This land use zone is to apply to residential areas comprised of small lots and generally intended for smaller, detached housing forms, thereby allowing for a broad mix of housing sizes in the community.

2) Permitted Uses

- a) One Single Family Housing unit per lot
- b) Buildings and uses accessory to the above

3) Discretionary Uses

- a) Semi-detached and Duplex Housing
- b) Mobile Homes
- c) Boarding or Lodging Houses
- d) Basement Apartments
- e) Religious Assembly
- f) Day Cares
- g) Group Homes
- h) Home Occupations
- i) Local Utility Services
- j) Parks and Playgrounds
- k) Buildings and uses accessory to the above

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Width
  - i) 15.0 m (50.0 ft.) for internal lots
  - ii) 16.0 m (53.0 ft.) for corner or double fronting lots
  - iii) irregular and pie shaped lots shall meet the above criteria at a point measured 6.0 m (20.0 ft.) back from the front yard property line
  - iv) 7.5 m (25.0 ft.) for semi-detached and duplex housing
- b) Minimum Lot Depth
  - i) not less than 30.0 m (100 ft.)
- c) Minimum Lot Area
  - i) 250 m<sup>2</sup> (2700 sq. ft.) for semi-detached and duplex housing
  - ii) not less than 464 m<sup>2</sup> (5000 sq. ft.) for all other uses

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage of all structures combined shall not exceed 40% of the total lot area;
  - ii) the maximum lot coverage of the principal building shall not exceed 28% of the total lot area;
  - iii) where a garage is designed as part of the house and therefore considered part of the principal building, lot coverage shall not exceed 40% of the total lot area; and
  - iv) the maximum lot coverage of any accessory buildings, as set out in section 5.11 of this bylaw, shall not exceed 12% of the total lot area.

e)	Minimum Floor Areas (not including attached garage)		
i)	One Storey		79 m <sup>2</sup> (850 sq. ft.)
ii)	Bi-level	First Storey	79 m <sup>2</sup> (850 sq. ft.)
iii)	2 Storey/ Split Level	First Storey	79 m <sup>2</sup> (850 sq. ft.)
	Total Minimum Floor Area Above Building Grades		100 m <sup>2</sup> (1075 sq. ft.)
iv)	Two Storey	First Storey	56 m <sup>2</sup> (602 sq. ft.)
	Total Minimum Floor Area Above Building Grades		100 m <sup>2</sup> (1075 sq. ft.)
v)	One unit of a Duplex or Semi-detached Housing		79 m <sup>2</sup> (850 sq. ft.)

Yard Requirements

- f) Minimum Front Yard
  - i) not less than 6.0 m (20.0 ft.) for regular shaped lots
  - ii) the front yard setback may be varied at the discretion of the Development Officer for corner and double fronting lots, but shall conform to the provisions of Section 4.4 of this bylaw
- g) Minimum Rear Yard
  - i) not less than 7.5 m (25.0 ft.) for interior lots
  - ii) not less than 4.5 m (15.0 ft.) for corner lots
- h) Minimum Side Yard
  - i) 1.5 m (5.0 ft.) for single storey dwellings
  - ii) 2.0 m (6.5 ft.) for two storey dwellings
  - iii) 20 % of lot width, to a maximum of 4.5 m (15.0 ft.), for the flanking side yard of a corner lot

- iv) 3.0 m (10.0 ft.) for one side yard of a lot that has no rear lane, except where an attached garage or carport is provided
- v) for semi-detached and duplex housing: the same as for other single family houses in the district and a zero side yard along the common wall.

#### Height

- i) The maximum height shall not exceed 10.0 m (33.0 ft.) nor 2.5 storeys.

#### Garages and Accessory Buildings

- j) Garages and Accessory Buildings shall be located:
  - i) a minimum of 1.0 m (3.3 ft.) from the dwelling;
  - ii) no closer than the front line of the principal building;
  - iii) a minimum of 1.0 m (3.3 ft.) from the side lot line;
  - iv) a minimum of 1.0 m (3.3 ft.) from the rear lot line; and
  - v) to provide a minimum of 5.0 m (16.5 ft.) from the garage doors to any side lot line.

#### 5) Development Regulations for Discretionary Uses

- a) Basement Apartments - Section 5.10
- b) Mobile Homes - Section 5.3
- c) Religious Assembly - Section 5.7
- d) Day Cares - Section 5.4
- e) Group Homes - Section 5.5
- f) Home Occupations - Section 5.6
- g) Local Utility Services - Sections 4.6 & 4.7
- h) Accessory Uses and Buildings - Section 5.11

- 6) Other Provisions
  - a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8

#### **6.4 R2 - MILE 5 RESIDENTIAL**

1) General Purpose

To establish a zone intended for single detached dwellings on large lots, some of which may lack urban services. This zone shall maintain the integrity of the existing Mile 5 area which provides for transition to housing within a more rural atmosphere.

2) Permitted Uses

- a) One Single Family Housing unit per lot
- b) Buildings and uses accessory to the above

3) Discretionary Uses

- a) Mobile Homes
- b) Semi-detached and Duplex Housing
- c) Religious Assembly
- d) Day Cares
- e) Group Homes
- f) Basement Apartments
- g) Home Occupations
- h) Local Utility Services
- i) Government Services
- j) Buildings and uses accessory to the above

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Width
  - i) 11.5 m (38.0 ft.) for semi-detached and duplex housing;
  - ii) 23.0 m (76.0 ft.) for all other uses
- b) Minimum Lot Depth
  - i) shall be consistent with the minimum lot width and area
- c) Minimum Lot Area
  - i) 720 m<sup>2</sup> (7754 sq. ft.) for semi-detached and duplex housing;
  - ii) 1400 m<sup>2</sup> (15 064 sq. ft.) for all other uses

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage shall not exceed 40% of the total lot area;
  - ii) the maximum lot coverage of the principal building shall not exceed 28% of the total lot area;
  - iii) where a garage is designed as part of the house and therefore considered part of the principal building, lot coverage shall not exceed 40% of the total lot area; and
  - iv) the maximum lot coverage of any accessory buildings, as set out in Section 5.11 of this bylaw, shall not exceed 12% of the total lot area
- e) Minimum Floor Areas
  - i) the minimum floor area shall not be less than 75.0 m<sup>2</sup> (807 sq.ft.) for all uses

### Yard Requirements

- f) Minimum Front Yard
  - i) not less than 7.5 m (25.0 ft.) for regular shaped lots
  - ii) the front yard setback may be varied at the discretion of the Development Officer for corner and double fronting lots, but shall conform to the provisions of Section 4.4 of this bylaw
- g) Minimum Rear Yard
  - i) not less than 10.5 m (34.5 ft.) for all lots
- h) Minimum Side Yard
  - i) for semi-detached and duplex housing: the same as for other single family houses in the district and a zero side yard along the common wall.
  - ii) 2.0 m (6.5 ft.) for all other uses

### Height

- i) The maximum height shall not exceed 10.0 m (33.0 ft.) nor 2.5 storeys.

### Garages and Accessory Buildings

- j) Garages and Accessory Buildings shall be located:
  - i) a minimum of 1.0 m (3.3 ft.) from the dwelling;
  - ii) no closer than the front line of the principal building;
  - iii) a minimum of 1.0 m (3.3 ft.) from the side lot line;
  - iv) a minimum of 1.0 m (3.3 ft.) from the rear lot line; and
  - v) to provide a minimum of 5.0 m (16.5 ft.) from the garage doors to any side lot line.



- 5) Development Regulations for Discretionary Uses
  - a) Mobile Homes - Section 5.3
  - b) Religious Assembly - Section 5.7
  - c) Day Cares - Section 5.4
  - d) Group Homes - Section 5.5
  - e) Basement Apartments - Section 5.10
  - f) Home Occupations - Section 5.6
  - g) Local Utility Services - Sections 4.6 & 4.7
  - h) Accessory Uses and Buildings - Section 5.11
  
- 6) Other Provisions
  - a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8

## **6.5 R3 - WEST CHANNEL VILLAGE RESIDENTIAL**

### 1) General Purpose

To maintain the integrity of the existing West Channel Village area. This zone shall recognize the lack of urban services, the potential for flooding and the desirable, primarily residential character, but allowing a broader range of accessory uses than in other residential areas.

### 2) Permitted Uses

- a) One Single Family Housing unit per lot
- b) Buildings and uses accessory to the above

### 3) Discretionary Uses

- a) Mobile Homes
- b) Religious Assembly
- c) Day Cares
- d) Home Occupations
- e) Local Utility Services
- f) Storage of materials and equipment used, by residents, for the purpose of fishing
- g) Buildings and uses accessory to the above
- h) Alternate Housing

### 4) Development Regulations

#### Lot Dimensions

- a) Minimum Lot Width
  - i) 23.0 m (76 ft.) for all lots

- b) Minimum Lot Depth
  - i) shall be consistent with the minimum lot width and area
- c) Minimum Lot Area
  - i) shall be 800 m<sup>2</sup> (8608 sq.ft.) for all lots

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage of all structures combined shall not exceed 40% of the total lot area;
  - ii) the maximum lot coverage of the principal building shall not exceed 28% of the total lot area;
  - iii) where a garage is designed as part of the house and therefore considered part of the principal building, lot coverage shall not exceed 40% of the total lot area; and
  - iv) the maximum lot coverage of any accessory buildings, as set out in section 5.11 of this bylaw, shall not exceed 12% of the total lot area.
- e) Minimum Floor Areas
  - i) the minimum floor area shall not be less than 75.0 m<sup>2</sup> (807 sq. ft.)

Yard Requirements

- f) Minimum Front Yard
  - i) not less than 6.0 m (20.0 ft.) for regular shaped lots
  - ii) the front yard setback may be varied at the discretion of the Development Officer for corner and double fronting lots, but shall conform to the provisions of Section 4.4 of this bylaw
- g) Minimum Rear Yard
  - i) not less than 7.5 m (25.0 ft.) for regular shaped lots
  - ii) not less than 4.5 m (15.0 ft.) for corner lots

- h) Minimum Side Yard
  - i) 2.0 m (6.5 ft.) for all lots

Height

- i) The maximum height shall not exceed 10.0 m (33.0 ft.) nor 2.5 storeys.

Garages and Accessory Buildings

- j) Garages and Accessory Buildings shall be located:
  - i) a minimum of 1.0 m (3.3 ft.) from the dwelling;
  - ii) no closer than the front line of the principal building;
  - iii) a minimum of 1.0 m (3.3 ft.) from the side lot line;
  - iv) a minimum of 1.0 m from the rear lot line; and
  - v) to provide a minimum of 5.0 m (16.5 ft.) from the garage doors to any side lot line.

5) Development Regulations for Discretionary Uses

- a) Mobile Homes - Section 5.3
- b) Religious Assembly - Section 5.7
- c) Day Cares - Section 5.4
- d) Home Occupations - Section 5.6
- e) Local Utility Services - Sections 4.6 & 4.7
- f) Accessory Uses and Buildings - Section 5.11
- g) Alternate Housing - Section 5.14

- 6) Other Provisions
  - a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8

## **6.6 R4 - MULTI-FAMILY RESIDENTIAL**

### 1) General Purpose

This zone is intended to provide for multiple family housing types.

### 2) Permitted Uses

- a) Multi-Family Housing
- b) Apartment Housing
- c) Row and Town Housing
- d) Buildings and uses accessory to the above

### 3) Discretionary Uses

- a) Semi-detached and Duplex Housing
- b) Day Cares
- c) Group Homes
- d) Home Occupations
- e) Local Utility Services
- f) Parks and Playgrounds
- g) Buildings and uses accessory to the above

### 4) Development Regulations

#### Lot Dimensions

- a) Minimum Lot Width
  - i) 7.5 m (25.0 ft.) for semi-detached and duplex housing
  - ii) not less than 11.0 m (36.0 ft.) for all other uses
- b) Minimum Lot Depth
  - i) not less than 34.0 m (112 ft.)

- c) Minimum Lot Area
  - i) 250 m<sup>2</sup> (2700 sq. ft.) for semi-detached and duplex housing
  - ii) 800 m<sup>2</sup> (8608 sq. ft.) for apartments, row or town housing
  - iii) 375 m<sup>2</sup> (4035 sq. ft.) for all other uses

Density

- d) The maximum net density shall not exceed 60 units per hectare (24 units per acre) for multi-family housing, including row or town housing, and 120 units per hectare (48 units per acre) for apartment housing.

Building Dimensions

- e) Lot Coverage
  - i) the maximum lot coverage of all structures combined shall not exceed 40% of the total lot area;
  - ii) the maximum lot coverage of principal buildings shall not exceed 28% of the total lot area; and
  - iii) the maximum lot coverage of any accessory building, as set out in section 5.11 of this bylaw, shall not exceed 12% of the total lot area.
- f) Minimum Floor Areas
  - i) not less than 79.0 m<sup>2</sup> (850 sq.ft.) per dwelling unit for semi-detached and duplex housing
  - ii) in the case of horizontal town or row housing, not less than 72 m<sup>2</sup> (775 sq.ft.) for a one bedroom unit, and an additional 11 m<sup>2</sup> (118 sq.ft.) for each bedroom in the unit thereafter
  - iii) in the case of vertical or stacked town housing, not less than 50 m<sup>2</sup> (538 sq.ft.) for a bachelor unit, with an additional 11 m<sup>2</sup> (118 sq.ft.) for each bedroom in the unit thereafter

### Yard Requirements

- g) Minimum Front Yard
  - i) not less than 7.5 m (25.0 ft.) for regular shaped lots
  - ii) the front yard setback may be varied at the discretion of the Development Officer for corner and double fronting lots, but shall conform to the provisions of Section 4.4 of this bylaw
- h) Minimum Rear Yard
  - i) not less than 7.5 m (25.0 ft.) for interior lots
  - ii) not less than 4.5 (15.0 ft.) for corner lots
- i) Minimum Side Yard
  - i) for semi-detached and duplex housing, the side yard shall be not less than the minimum side yard for other single family houses in the district and there shall be a zero side yard along the common wall.
  - ii) for apartments and row or town housing less than 10 m (33.0 ft.) in height, the minimum side yards shall be 3.0 m (10.0 ft.)
  - iii) for apartments and row or town housing greater than 10 m (33.0 ft.) in height the minimum side yards shall be 5.0 m (16.5 ft.)

### Height

- j) The maximum height shall not exceed 15.0 m (49.5 ft.) above grade.

### Garages and Accessory Buildings

- k) Garages and Accessory Buildings shall be located:
  - i) a minimum of 1.0 m (3.3 ft.) from the dwelling;
  - ii) no closer than the front line of the principal building;
  - iii) a minimum of 1.0 m (3.3 ft.) from the side lot line;



- iv) a minimum of 1.0 m (3.3 ft.) from the rear lot line; and
- v) to provide a minimum of 5.0 m (16.5 ft.) from the garage doors to any side property line.

5) Development Regulations for Discretionary Uses

- a) Day Cares - Section 5.4
- b) Group Homes - Section 5.5
- c) Home Occupations - Section 5.6
- d) Local Utility Services - Sections 4.6 & 4.7
- e) Accessory Uses and Buildings - Section 5.11
- f) Alternate Housing - Section 5.14

6) Other Provisions

- a) General Regulations - Section 4
- b) Specific Land Use Regulations - Section 5
- c) Parking and Loading Regulations - Section 7
- d) Sign Regulations - Section 8

## **6.7 RM - MOBILE HOME PARK**

### 1) General Purpose

The general purpose of this zone is to permit the development of residential mobile home lots available to mobile home owners on a lease or rental basis, with the possibility, at the discretion of the Council, of some uses which are compatible with the permitted uses.

### 2) Permitted Uses

- a) Mobile Home Park
- b) Buildings and uses accessory to the above

### 3) Discretionary Uses

- a) Day Cares
- b) Home Occupations
- c) Local Utility Services
- d) Parks and Playgrounds
- e) Buildings and uses accessory to the above

### 4) Development Regulations

#### Lot Dimensions

- a) Minimum Lot Area
  - i) shall be no less than 2.0 hectares (5.0 acres), except it may be reduced in Special Planning 1 as designated by the General Plan, in which case the minimum lot area will be in accordance with the staging sequence defined therein.

#### Mobile Home Site Dimensions

- b) Minimum Site Width
  - i) not less than 11.5 m (38.0 ft.) for a single wide mobile home
  - ii) not less than 15.0 m (49.5 ft.) for a double wide mobile home

- c) Minimum Site Depth
  - i) not less than 30.0 m (99 ft.)
- d) Minimum Site Area
  - i) not less than 345 m<sup>2</sup> (3712 sq.ft.) for a single wide mobile home
  - ii) not less than 450 m<sup>2</sup> (4842 sq.ft.) for a double wide mobile home

#### Building Dimensions

- e) Site Coverage
  - i) the maximum lot coverage of all buildings on the lot, including accessory buildings, shall not exceed 40%
- f) Minimum Floor Areas
  - i) the minimum floor area, exclusive of additions shall be 45 m<sup>2</sup> (484 sq.ft.)

#### Yard Requirements

- g) Minimum Front Yard
  - i) not less than 4.0 m (13.13 ft.)
- h) Minimum Side Yard
  - i) not less than 1.0 m (3.3 ft.)
  - ii) a minimum distance of 4.5 m (15.0 ft.) to the adjacent mobile home shall be provided
  - iii) in every case there shall be one side yard of at least 3.0 m (10.0 ft.)
- i) Minimum Rear Yard
  - i) not less than 3.2 m (10.5 ft.)

#### Height

- j) All buildings shall be one storey.

#### Accessory Buildings

- k) Accessory Buildings shall be located:
  - i) a minimum of 1.0 m (3.3 ft.) from the dwelling;
  - ii) no closer than the front line of the principal building;
  - iii) a minimum of 1.0 m 3.3 ft.) from the side site line; and
  - iv) a minimum of 1.0 m 3.3 ft.) from the rear site line.

#### Density

- l) The maximum density shall not exceed 25 mobile homes per gross hectare (10 per gross acre).
- m) There shall not be more than one mobile home on any site.

#### 5) Performance Standards and Regulations

##### (1) DESIGN CRITERIA

- a) The design of the mobile home park shall:
  - i) consider the existing topography, vegetation and drainage and attempt to maintain the natural environment where possible;
  - ii) provide at least 2 legal access points;
  - iii) provide for proper traffic circulation taking into account off-site as well as on-site traffic movement; and
  - iv) provide convenient access to common facilities and services and provide for practical and efficient operation and maintenance of all facilities and common areas.
- b) Outdoor lighting in the park, including street lighting shall be integrated in design and appearance and conform to the existing residential standards.

- c) The owner of the mobile home park, or the person responsible for the maintenance of the mobile home park shall at all times:
  - i) maintain the park and the common buildings, structures and improvements therein in a clear, neat, tidy and attractive condition; and
  - ii) be responsible for the removal of snow from all common areas, internal streets and walkways.
  
- d) Design and street pattern shall be compatible with existing municipal street and utility system standards and shall:
  - i) be laid out so as to provide proper access to individual lots, common areas and services;
  - ii) be privately owned and maintained by the mobile home park owner and be considered part of the common area;
  - iii) provide convenient circulation by use of properly located minor and collector streets, based on the following:
    - a minor street services 50 or less lots if one-way, and 100 or less lots if two-way and is less than 150 m in length, and
    - a collector street serves up to 200 lots and has no length limitation;
  - iv) have a minimum turning radius of 12.2 m (40.0 ft.) if they are designed as cul-de-sacs or dead end streets; and
  - v) be durable and dust free with the following minimum widths:
    - collectors 11.0 m (36.0 ft.) where there is guest parking  
7.30 m (24.0 ft.) where there is no parking,
    - minor streets 6.10 m (20 ft.) with no parking.

(2) PEDESTRIAN ACCESS

- a) Safe, convenient walkways shall be provided for access to individual mobile homes, streets and common areas, such as parks and laundry areas.
- b) All walkways shall have a minimum width of 1.22 m (4.0 ft.) and shall have a durable, dust free all-weather surface.

(3) RECREATION AND LANDSCAPING

- a) Areas for recreation shall be provided at a ratio of 5% of the mobile home park area.
- b) Recreation areas shall be located so as to be convenient to all park residents and free from traffic hazards.
- c) Recreation areas shall not be included in areas designed as buffer strips.
- d) Recreation areas shall be landscaped and properly equipped with facilities.
- e) Adequate fencing or screening shall be provided between recreational and other areas.
- f) All areas of the mobile home park not occupied by mobile homes and their additions, internal roads, walkways, driveways, or any other development facility shall be landscaped and kept landscaped.
- g) Adequate screening in the form of trees or other plantings shall be provided between the mobile home park and adjacent uses where these uses are incompatible with the residential character of the mobile home park.
- h) Adequate screening in the form of trees or shrubs or fencing shall be provided where necessary around laundry areas, service buildings and refuse collecting points and other common areas.

(4) COMMON AREAS

- a) There shall be no outdoor storage of any furniture, domestic equipment or seasonally used equipment.
- b) Adequately covered storage facilities shall be provided, either on individual lots or in common storage facilities.
- c) Common storage facilities shall be located in a permanent building conveniently located to all park residents.
- d) Adequately screened storage components shall be provided, for large trucks, campers, travel trailers, snow-mobiles and boats to the satisfaction of the Development Officer.
- e) Where heating fuel is provided by a local distribution system such as propane, container space shall be provided for, in an inconspicuous location and to the approval of the Fire Chief.
- f) Where laundry and toilet facilities are provided for, they shall conform to the applicable National Building Code standards, and any disposal system for these facilities shall be approved by the Environmental Health Officer as appointed under the Public Health Act of the Northwest Territories.
- g) All services and other common buildings shall be accessible by an internal street, or walkway connected to an internal street.
- h) All service and other common buildings shall be of a permanent type and construction.

(5) ADDITIONAL SITE REQUIREMENTS

- a) Each mobile home site shall be clearly marked on the ground by permanent stakes, markers or other means and shall be clearly defined with a lot number or other address system.

- b) Any permanent addition such as patios, porches, garages or other structural additions:
  - i) are considered to be part of the mobile home and require a building permit prior to construction;
  - ii) may not exceed in area 25% of the mobile home unit, or 30% of the lot area clear of the unit; and
  - iii) shall be constructed so that it will be of a design similar to the finish of the mobile home unit and will harmonize with the exterior of the unit.
- c) Mobile homes shall be separated by a minimum distance of 4.5 m (15.0 ft.) and any porch or addition to the mobile home shall be regarded as part of the mobile home in determining this distance.
- d) Each mobile home shall be set back:
  - i) a minimum of 4.5 m (15.0 ft.) from the mobile home park boundary;
  - ii) a minimum of 3.0 m (10.0 ft.) from any internal access road, parking area or other common area;
  - iii) a minimum of 1.0 m (3.3 ft.) from any other mobile home lot boundary.
- e) Each mobile home site shall be provided with a permanent foundation or stand in the form of a hard compacted gravel or concrete pad at the original ground level.
- f) The park owners shall provide pads of concrete or other material that may be placed on the mobile home stand to provide a sound base for the blocking and levelling of the mobile home.
- g) All mobile home units shall provide skirting around the base of the unit that is of a manufactured or similar type to harmonize with the unit. Construction of this skirting shall permit the circulation of air beneath the unit and be completed within 30 days of placement of the mobile home.



- h) There shall be at least two parking stalls provided for each mobile home lot. At least one of the stalls must be provided on the mobile home lot.

(6) UTILITIES AND SERVICES

- a) All mobile home units shall be connected to the municipal sanitary and storm sewer, water supply and electric power systems.
- b) All utility lines shall be underground and meet the requirements of the municipal regulations regarding such installations.
- c) The park owner shall provide proper garbage containers on each lot and a screened garbage disposal area at a point convenient for collection.
- d) The park owner shall provide fire hydrants where necessary and any other fire protection equipment or facilities as deemed necessary by the Fire Chief.

(7) FAILURE TO COMPLY WITH PERFORMANCE STANDARDS

The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until the performance standards are complied with. Prior to the issue of any license under the Business License Bylaw of the Town of Hay River, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.

- 6) Development Regulations for Discretionary Uses
  - a) Day Cares - Section 5.4
  - b) Home Occupations - Section 5.6
  - c) Local Utility Services - Sections 4.6 & 4.7
  - d) Accessory Uses and Buildings - Section 5.11
  
- 7) Other Provisions
  - a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8

## **6.8 RC - COUNTRY RESIDENTIAL**

### 1) General Purpose

This zone is generally intended to provide for single family housing in a rural setting, generally without the provision of the full range of urban utility services.

### 2) Permitted Uses

- a) One Single Family Housing unit per lot
- b) Buildings and uses accessory to the above

### 3) Discretionary Uses

- a) Mobile Homes
- b) Non-Commercial Farms
- c) Domestic Gardens
- d) Home Occupations
- e) Day Cares
- f) Group Homes
- g) Local Utility Services and Installations
- h) Buildings and uses accessory to the above
- i) Alternate Housing

### 4) Development Regulations

#### Lot Dimensions

- a) Minimum Lot Width
  - i) a minimum mean width of 30.0 m (99.0 ft.) shall be maintained
- b) Minimum Lot Depth
  - i) shall be consistent with the minimum lot width and area

- c) Lot Area
  - i) the minimum lot size shall be 1.2 hectares (3.0 acres)
  - ii) the maximum lot size shall be 2.0 hectares (5.0 acres)

#### Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage of all structures combined shall not exceed 40% of the total lot area;
  - ii) the maximum lot coverage of the principal buildings shall not exceed 28% of the total lot area;
  - iii) where a garage is designed as part of the house and therefore considered part of the principal building, lot coverage shall not exceed 40% of the total lot area; and
  - iv) the maximum lot coverage of any accessory buildings, as set out in section 5.11 of this bylaw, shall not exceed 12% of the total lot area.
- e) Minimum Floor Areas
  - i) the minimum floor area shall not be less than 75.0 m<sup>2</sup> (807 sq. ft.)

#### Yard Requirements

- f) Minimum Front Yard
  - i) not less than 15.0 m (49.5 ft.)
- g) Minimum Rear Yard
  - i) not less than 15.0 m (49.5 ft.)
- h) Minimum Side Yard
  - i) not less than 10.0 m (33.0 ft.)

#### Height

- i) The maximum height shall not exceed 10.0 m (33.0 ft.) nor 2.5 storeys.

### Garages and Accessory Buildings

- j) Garages and Accessory Buildings shall be located:
  - i) a minimum of 1.0 m (3.3 ft.) from the dwelling;
  - ii) no closer than the front line of the principal building;
  - iii) a minimum of 1.0 m (3.3 ft.) from the side lot line;
  - iv) a minimum of 1.0 m (3.3 ft.) from the rear lot line; and
  - v) to provide a minimum of 5.0 m (16.5 ft.) from the garage doors to any side property line.

### Animal Regulations

- k) The keeping of animals shall be in conformance with the Animal Regulations of Section 5.11.

## 5) Development Regulations for Discretionary Uses

- a) Mobile Homes - Section 5.3
- b) Day Cares - Section 5.4
- c) Group Homes - Section 5.5
- d) Home Occupations - Section 5.6
- e) Local Utility Services - Sections 4.6 & 4.7
- f) Accessory Uses and Buildings - Section 5.11
- g) Alternate Housing - Section 5.14

## 6) Other Provisions

- a) General Regulations - Section 4
- b) Specific Land Use Regulations - Section 5
- c) Parking and Loading Regulations - Section 7
- d) Sign Regulations - Section 8

## **6.9 C1 - CORE AREA COMMERCIAL**

### 1) General Purpose

To establish a Zone to provide for those commercial uses which are appropriate to the Central Business District of Hay River.

### 2) Permitted Uses

- a) Professional, Financial and Office and Business Support Services
- b) Medical and Dental Clinics
- c) Eating and Drinking Establishments
- d) Retail Stores, not including drive-in businesses
- e) Banks
- f) Theatres
- g) Personal Service Establishments
- h) Parks

### 3) Discretionary Uses

- a) Bakeries
- b) Amusement Arcades
- c) Hotel/Motel
- d) Funeral Parlour
- e) Auction Establishment
- f) Photography Studios
- g) Private Clubs and Lodges
- h) Laundry and Dry Cleaning Shop
- i) Bowling Alley
- j) Parking Facilities
- k) Public and Semi-public uses
- l) Hardware and Home Improvement Centres
- m) Religious Assembly
- n) Day Cares

- o) Repair Service Establishment
- p) Local Utility Services
- q) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the zone
- r) Buildings and uses accessory to the above

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Width
  - i) for hotels, not less than 30.0 m (99.0 ft.)
  - ii) all other uses, not less than 7.5 m (25.0 ft.)
- b) Minimum Lot Depth
  - i) shall be consistent with the minimum lot width and area
- c) Minimum Lot Area
  - i) for hotels, not less than 1115 m<sup>2</sup> (11997 sq. ft.)
  - ii) all other uses, not less than 278 m<sup>2</sup> (2991 sq.ft.)

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage for all buildings shall be 100% of the lot area, provided that adequate provision, in accordance with the regulations of this bylaw, is made for parking and loading, garbage facilities and landscaping where required.

Yard Requirements

- e) Minimum Front Yard
  - i) shall be at the discretion of the development officer who shall have concern for development or potential development on adjacent lot
  - ii) front yard setbacks must comply with Section 4.4 of this bylaw
- f) Minimum Rear Yard
  - i) a 6.0 m (20.0 ft.) parking or loading zone shall be provided

- g) Minimum Side Yard
  - i) 3.0 m (10.0 ft.) for a lot adjacent to a residential zone
  - ii) 2.5 m (8.0 ft.) for all other lots
  - iii) side yard setbacks must comply with Section 4.4 of this bylaw

Height

- h) The maximum height shall not exceed 13.0 m (43.0 ft.). If a sprinkler system is provided then the building height shall be at the discretion of the Development Officer.

Propane Tanks

- i) The placement and maintenance of any propane storage tank that:
  - i) is a temporary, semi permanent or permanent fixture; or
  - ii) exceeds 20 lbs and is connected to a building in any way;is prohibited within Zone C1.
- j) This provision is not to apply to portable, temporary, freestanding propane storage tanks, such as propane cylinders for barbecues or construction site heating and other similar uses.

5) Development Regulations for Discretionary Uses

- a) Religious Assembly - Section 5.7
- b) Day Cares - Section 5.4
- c) Local Utility Services - Sections 4.6 & 4.7
- d) Accessory Uses and Buildings - Section 5.11

6) Other Provisions

- a) General Regulations - Section 4
- b) Specific Land Use Regulations - Section 5
- c) Parking and Loading Regulations - Section 7
- d) Sign Regulations - Section 8



## **6.10 C2 - HIGHWAY/SERVICE COMMERCIAL**

### 1) General Purpose

To provide a zone for highway and service oriented commercial uses which are more appropriately located here than in any other commercial or industrial zone.

### 2) Permitted Uses

- a) Car Washes
- b) Eating and Drinking establishments
- c) Drive-in Restaurants and Businesses
- d) Hotel/Motel
- e) Service Station/Gas Bar
- f) Convenience Retail Stores
- g) Automobile, Vehicle, Farm Equipment, Mobile Home and Recreational Equipment Sales and Service
- h) Veterinary Clinics and Kennels
- i) Hardware/Building Supply Sales and Storage

### 3) Discretionary Uses

- a) Tourist related industry dependant on close proximity to a highway for trade
- b) Retail Stores
- c) Public and Semi-public uses
- d) Wholesale and retail of the following:
  - i) plumbing or heating equipment and supplies;
  - ii) general machinery;
  - iii) manufactured homes and trailers.

- e) Local Utility Services
- f) Caretaker Units
- g) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this zone
- h) Buildings and uses accessory to the above

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Width
  - i) highway oriented hotels, motels and motor hotels; not less than 46.0 m (152.0 ft.)
  - ii) all other highway oriented uses; not less than 30.0 m (99 ft.)
  - iii) non-highway oriented hotels, motels and motor hotels; not less than 30.0 m (99 ft.)
  - iv) all other non-highway oriented uses; not less than 7.5 m (25.0 ft.)
- b) Minimum Lot Depth
  - i) shall be consistent with the minimum lot width and minimum lot area
- c) Minimum Lot Area
  - i) highway oriented hotels, motels and motor hotels; not less than 1300 m<sup>2</sup> (13988 sq. ft.)
  - ii) all other highway oriented uses; not less than 1162 m<sup>2</sup> (12503 sq. ft.)
  - iii) non-highway oriented hotels, motels and motor hotels; not less than 1115 m<sup>2</sup> (11997 sq. ft.)
  - iv) all other non-highway oriented uses; not less than 550 m<sup>2</sup> (5918 sq. ft.)

### Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage shall not exceed 60% of the total lot area

### Yard Requirements

- e) Minimum Front Yard
  - i) highway oriented hotels, motels and motor hotels; not less than 15.0 m (49.5 ft.)
  - ii) all other highway oriented uses; not less than 10.0 m (33.0 ft.)
  - iii) all non-highway oriented uses; 6.0 m (20.0 ft.)
  - iv) front yard setbacks must comply with Section 4.4 of this bylaw
- f) Minimum Rear Yard
  - i) not less than 3.0 m (10.0 ft.)
- g) Minimum Side Yard
  - i) not less than 3.0 m (10.0 ft.)
  - ii) side yard setbacks must comply with Section 4.4 of this bylaw

### Height

- h) The maximum height shall not exceed 13.0 m (43.0 ft.).

### Performance Standards and Regulations

- i) Prior to issuance of a building permit a site plan indicating location of buildings, landscaping, parking, accesses and driveways proposed lighting and signs, and any fence or screening shall be approved by the Development Officer. The access from the premises to the highway or major streets shall be allowed only at the points as established by the Development Officer. The building setbacks shall allow for the planned widening of streets and/or provision of service roads where required by Council. The building setbacks shall provide for the front yards as established by these regulations in addition to the set backs needed for the aforementioned widening.

- j) Where development fronts on a designated highway pursuant to the Public Highways Act a service roadway of not less than 15 m (50 ft.) in width shall be required adjacent and parallel to the highway. Council may require a service road of not less than 15 m (50 ft.) in width on all highways within the Town.
  - k) All buildings shall be of good architectural design as required by Council, so as not to interfere with or detract from the standards of the zone and the amenities of the neighbourhood.
  - l) All yards abutting the highway or roadway shall be landscaped and the entire lot and all buildings maintained in a neat, tidy manner including the trimming and upkeep of areas and the removal of debris and unsightly objects.
  - m) All storage, freightage or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features, or fences or a combination thereof.
  - n) All outdoor storage areas shall be enclosed with a suitable fence and the outdoor storage and display of equipment, machinery, building materials, lumber or other materials shall be kept in a clean and orderly condition at all times.
- 5) Development Regulations for Discretionary Uses
- a) Caretaker Units - Section 5.9
  - b) Local Utility Services - Sections 4.6 & 4.7
  - c) Accessory Uses and Buildings - Section 5.11
- 6) Other Provisions
- a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8

## **6.11 C3 - MIXED USE COMMERCIAL**

### 1) General Purpose

This zone is intended to make provisions for commercial, residential, institutional, educational and recreational uses in the core area of the New Town.

### 2) Permitted Uses

- a) Professional, Financial and Office and Business Support Services
- b) Retail Stores, not including drive-in businesses
- c) Eating and Drinking Establishments
- d) Multi-Family Housing as part of a mixed use development
- e) Office or Retail and Commercial uses combined with Residential uses
- f) Banks
- g) Medical and Dental Clinics
- h) Theatres
- i) Personal Service Establishments
- j) Hotel/Motel

### 3) Discretionary Uses

- a) Multi-Family Housing
- b) Parks and Playgrounds
- c) Community Recreation
- d) Day Cares
- e) Government Services
- f) Public and Private Education Services
- g) Public Libraries
- h) Religious Assembly

- i) Commercial Schools, not including schools using heavy and industrial equipment
- j) Public and Semi-public uses
- k) Parking Facilities
- l) Local Utility Services
- m) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this zone
- n) Buildings and uses accessory to the above

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Width
  - i) not less than 7.5 m (25.0 ft.)
- b) Minimum Lot Depth
  - i) not less than 30.0 m (99 ft.)
- c) Minimum Lot Area
  - i) not less than 325 m<sup>2</sup> (3497 sq.ft.)

Density

- d) Residential use: A maximum of 120 units per hectare (48 per acre) for apartments and 60 units per hectare (24 per acre) for multi-family uses such as row housing or townhousing.
- e) Mixed uses - residential components: A maximum of 100 units per hectare (40 per acre) for apartments and 50 units per hectare (20 per acre) for row housing or townhousing.

Building Dimensions

- f) Lot Coverage
  - i) commercial uses: the maximum coverage for all buildings shall be 100% of the lot area;

- ii) mixed commercial and residential uses: the maximum coverage for all buildings shall be 100% of the lot area;
  - iii) all other uses: the maximum lot coverage for all buildings shall not exceed 40% of the total lot area; and
  - iv) in all instances, adequate provision, in accordance with the regulations of this bylaw, shall be made for parking and loading, garbage facilities and landscaping where required.
- g) Minimum Floor Areas of Residential Components
- i) in the case of apartment or mixed use buildings and vertical town housing, not less than 50 m<sup>2</sup> (538 sq. ft.) for a bachelor unit, and an additional 11 m<sup>2</sup> (118 sq. ft.) for each bedroom in the unit thereafter
  - ii) in the case of horizontal town housing, not less than 72 m<sup>2</sup> (775 sq. ft.) for a one bedroom unit , and an additional 11 m<sup>2</sup> (118 sq. ft.) for each additional bedroom in the unit thereafter
  - iii) no minimum floor area is required for commercial uses, however, for a mixed use development 100% of the gross leaseable area on the main floor shall be commercial

#### Yard Requirements

- h) Minimum Front Yard
- i) shall be at the discretion of the development officer who shall have concern for development or potential development on adjacent sites
  - ii) front yard setbacks must comply with Section 4.4 of this bylaw
- i) Minimum Rear Yard
- i) not less than 6.0 (20.0 ft.)
- j) Minimum Side Yard
- i) 3.0 m (10.0 ft.) for a lot adjacent to a residential zone
  - ii) 2.5 m (8.0 ft.) for all other lots
  - iii) side yard setbacks must comply with Section 4.4 of this bylaw

#### Height

- k) The maximum height shall not exceed 13.0 m (43.0 ft.). If a sprinkler system is provided then the building height shall be at the discretion of the Development Officer.

#### Performance Standards and Regulations

- l) There shall be no outside storage of goods, products, materials or equipment permitted within this zone which pertains to a commercial business.

#### Propane Tanks

- m) The placement and maintenance of any propane storage tank that:
  - i) is a temporary, semi permanent or permanent fixture; or
  - ii) exceeds 20 lbs and is connected to a building in any way;is prohibited within Zone C3.
- n) This provision is not to apply to portable, temporary, freestanding propane storage tanks, such as propane cylinders for barbecues or construction site heating and other similar uses.

#### 5) Development Regulations for Discretionary Uses

- a) Multiple Family Housing Development - Section 5.2
- b) Day Cares - Section 5.4
- c) Religious Assembly - Section 5.7
- d) Local Utility Services - Sections 4.6 & 4.7
- e) Accessory Uses and Buildings - Section 5.11

#### 6) Other Provisions

- a) General Regulations - Section 4
- b) Specific Land Use Regulations - Section 5
- c) Parking and Loading Regulations - Section 7
- d) Sign Regulations - Section 8



## **6.12 C4 - CONVENIENCE COMMERCIAL**

### 1) General Purpose

This zone is generally intended to provide lots for the development of retail and service outlets which serve the need of the residents in the immediate area.

### 2) Permitted Uses

- a) Convenience Retail Store
- b) Minor Eating and Drinking Establishments
- c) Personal Service Establishments
- d) Buildings and uses accessory to the above

### 3) Discretionary Uses

- a) Individual business premises for a permitted use having a gross floor area over 279 m<sup>2</sup> (3000 sq. ft.)
- b) Gas Bars
- c) Retail Stores
- d) Religious Assembly
- e) Day Cares
- f) Local Utility Services
- g) Buildings and uses accessory to the above

### 4) Development Regulations

#### Lot Dimensions

- a) Minimum Lot Width
  - i) not less than 15.0 m (49.5 ft.)

- b) Minimum Lot Depth
  - i) not less than 30.0 m (99.0 ft.)
- c) Lot Area
  - i) not less than 465 m<sup>2</sup> (5003 sq. ft.)
  - ii) not more than 1.0 hectare (2.47 acres)

#### Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage shall not exceed 40%
- e) Floor Areas
  - i) the maximum gross floor area of any individual business premise for a permitted use shall not exceed 279 m<sup>2</sup> (3000 sq. ft.)
  - ii) the maximum gross floor area of any individual business premise for a discretionary use shall not exceed 930 m<sup>2</sup> (10007 sq. ft.)
  - iii) the maximum floor area of discretionary uses in shopping centres (retail and commercial) shall not exceed 1858 m<sup>2</sup> (19992 sq. ft.)
  - iv) the maximum floor area ratio shall 1.0

#### Yard Requirements

- f) Minimum Front Yard
  - i) not less than 3.0 m (10.0 ft.)
  - ii) where the lot has street frontage contiguous with that of a residential zone, the minimum building setback shall be equal to that required for the residential zone
  - iii) front yard setbacks must comply with Section 4.4 of this bylaw
- g) Minimum Rear Yard
  - i) not less than 3.0 m (10.0 ft.)

- h) Minimum Side Yard
  - i) not less than 3.0 m (10.0 ft.)
  - ii) side yard setbacks must comply with Section 4.4 of this bylaw

Height

- i) The maximum height shall not exceed 10.0 m (33.0 ft.) nor 2.5 storeys.

Performance Standards and Regulations

- j) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent lots or public roadways. If the rear or sides of a lot are used for parking, an outdoor service or display area or both, and abut a residential district, they shall be screened to the satisfaction of the development officer.

5) Development Regulations for Discretionary Uses

- a) Religious Assembly - Section 5.7
- b) Day Cares - Section 5.4
- c) Local Utility Services - Sections 4.6 & 4.7
- d) Accessory Uses and Buildings - Section 5.11

6) Other Provisions

- a) General Regulations - Section 4
- b) Specific Land Use Regulations - Section 5
- c) Parking and Loading Regulations - Section 7
- d) Sign Regulations - Section 8

### **6.13 M1 - RESTRICTED INDUSTRIAL**

1) General Purpose

To establish a Zone for industrial uses where there will be minimal nuisance and such that the Zone is compatible with any adjacent non-industrial Zone.

2) Permitted Uses

- a) Cold Storage Lockers
- b) Workshops
- c) Warehousing/ Storage
- d) Receiving and Distributing Depots
- e) Wholesale or Retail of Electrical and Plumbing Equipment and Supplies
- f) Industrial Vehicles, Automobiles, Recreational, Construction and Farm Equipment Sales, Rentals and Service Establishments
- g) Modular/Manufactured Home and Trailer Construction
- h) Servicing and Repair Establishments
- i) Storage and/or Sale of Building Materials, Lumber or Machinery
- j) Buildings and uses accessory to the above

3) Discretionary Uses

- a) Service Stations
- b) Storage and/or Sale of Bulk Oil, Propane Gas
- c) Manufacturing, Commercial, Recreational or Public Service uses unlikely to restrict the use of the zone for industry
- d) Public and Semi-public Uses
- e) Eating and Drinking Establishments
- f) Auctioneering Establishments
- g) Local Utility Services and Installations

- h) Detention or Correction Facilities.
- i) Caretaker Units
- j) Buildings and uses accessory to the above
- k) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the Zone.

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Width
  - i) not less than 30.0 m (99.0 ft.)
- b) Minimum Lot Depth
  - i) at the discretion of the Development Officer
- c) Minimum Lot Area
  - i) at the discretion of the Development Officer

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage shall not exceed 60% of the lot area

Yard Requirements

- e) Minimum Front Yard
  - i) not less than 6.0 m (20.0 ft)
  - ii) front yard setbacks must comply with Section 4.4 of this bylaw
- f) Minimum Rear Yard
  - i) not less than 5.0 m (16.5 ft.)
  - ii) not less than 7.5 m (25.0 ft.) where the rear boundary abuts a residential zone

- g) Minimum Side Yard
  - i) not less than 4.5 m (15.0 ft.)
  - ii) side yard setbacks must comply with Section 4.4 of this bylaw

Notwithstanding the minimum yard requirements above, where it is deemed impractical to conform with these requirements due to obvious physical limitations, all yards shall be at the discretion of the Development Officer who shall have regard for the amenities of the district and adjoining lots.

#### Height

- h) The maximum height shall not exceed 10 m (33.0 ft.).

#### Performance Standards and Regulations

- i) Where the likelihood of air or water pollution is concerned, it may be required that the proposed development be referred by the municipality to an appropriate Government Agency for study and recommendation, and due regard shall be given to such recommendation in dealing with the application.
- j) Any industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of a material shall conform to the following standards:
  - i) noise - emit no noise of industrial production audible at any point of the boundary of the lot on which the operation takes place;
  - ii) smoke - no process involving the use of solid fuel is permitted, save the use of waste disposal incinerators of a design approved by Council;
  - iii) dust and ash - no process involving the emission of dust fly-ash or other particulate matter is permitted;
  - iv) odour - the emission of any odorous gas or other odorous matter is prohibited;
  - v) toxic gases, etc. - the emission of any toxic gases or other toxic substances is prohibited;
  - vi) glare or heat - no industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot concerned;

- vii) external storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the Development Officer or Council, as the case may be; and
  - viii) industrial wastes - no wastes shall be discharged into any sewer which does not conform to the standards established by the Town of Hay River.
  - k) The onus of proving to the Development Officer's satisfaction that a proposed development does and will comply with these requirements rests with the developer.
  - l) In considering the application, the Development Officer or Council shall have regard to the intent of this section, which is to establish use on the basis of:
    - i) appropriate performance standards;
    - ii) the methods, equipment and techniques of the applicant; and
    - iii) the use of neighbouring lands and zones and the compatibility of the proposed use with neighbouring lands and zones.
  - m) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until the performance standards are complied with. Prior to the issue of any license under the Business License bylaw of the Town of Hay River, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.
- 5) Development Regulations for Discretionary Uses
- a) Caretaker Units - Section 5.9
  - b) Local Utility Services - Sections 4.6 & 4.7
  - c) Accessory Uses and Buildings - Section 5.11

- 6) Other Provisions
  - a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8



## **6.14 M2 - GENERAL INDUSTRIAL**

### 1) General Purpose

To establish a Zone for those industrial uses which generally carry out a portion of their activities outdoors and are of such a nature they may not meet the requirements of the M1 Zone.

### 2) Permitted Uses

- a) Manufacturing, Processing, Packaging or Assembly of Goods or Materials
- b) Manufacturing and Processing of Chemical Products
- c) Manufacturing and Processing of Agricultural Products
- d) General Industry
- e) Industrial Warehouse Facilities
- f) Industrial Storage Facilities
- g) Commercial ventures directly related to Industrial or Manufacturing activities
- h) Sewage Treatment and Disposal Plants
- i) Buildings and uses accessory to the above

### 3) Discretionary Uses

- a) Commercial, Agricultural, Recreational and Municipal or Public Buildings and uses
- b) Abattoir
- c) Caretaker Units
- d) Local Utility Services and Installations
- e) Automobile and Equipment Storage and Salvage Establishments
- f) The Storage and Handling of Dangerous Goods

- g) Buildings and uses accessory to the above
- h) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the zone

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Width
  - i) not less than 30.0 m (99.0 ft.)
- b) Minimum Lot Depth
  - i) to be established by the Development Officer
- c) Minimum Lot Area
  - i) to be established by the Development Officer

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage shall not exceed 60%

Yard Requirements

- e) Minimum Front Yard
  - i) not less than 10.0 m (33.0 ft.)
  - ii) the front yard setback may be varied at the discretion of the Development Officer who shall have regard for the general intent of the zone and the adjoining properties
  - iii) front yard setbacks must comply with Section 4.4 of this bylaw

- f) Minimum Rear Yard
  - i) not less than 6.0 m (20.0 ft.)
  - ii) the rear yard setback may be varied at the discretion of the Development Officer who shall have regard for the general intent of the zone and the adjoining properties
- g) Minimum Side Yard
  - i) not less than 6.0 m (20.0 ft.)
  - ii) the side yard setback may be varied at the discretion of the Development Officer who shall have regard for the general intent of the zone and the adjoining properties
  - iii) side yard setbacks must comply with Section 4.4 of this bylaw

#### Height

- h) The maximum height shall not exceed 10 m (33.0 ft.).

#### Performance Standards and Regulations

- i) Where the likelihood of air or water pollution is concerned, it may be required that the proposed development be referred by the municipality to an appropriate Government Agency for study and recommendation, and due regard shall be given to such recommendation in dealing with the application.
- j) Any industrial operation including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to the following standards:
  - i) smoke, dust, ash, odour, toxic gases, etc. shall only be released to the atmosphere in such amounts and under such conditions and safeguards as shall have been approved in writing by Council after consultation with the appropriate Government Agency;
  - ii) glare or heat - no industrial operation shall be carried out which would produce glare or heat so as to be offensive beyond the property line of the lot concerned;

- iii) industrial wastes - no industrial wastes shall be discharged into any sewer which does not conform to the standards established from time to time bylaw of the Town of Hay River;
  - iv) odour - the emission of any odorous gas or other odorous matter is prohibited;
  - v) toxic gases, etc. - the emission of any toxic gases or other toxic substances is prohibited; and
  - vi) external storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the Development Officer or Council, as the case may be.
- k) Abattoir Development shall conform to the following:
- i) No abattoir shall be located within 200 m (660 ft.) of any habitable structure;
  - ii) Feed lots shall not be operated in accordance with an abattoir;
  - iii) Any live animals kept on lot shall be for a short duration prior to processing (maximum 4 days); and
  - iv) All livestock storage areas shall be designed so as to minimize any possible odours. In this regard, outdoor staging area shall be designed and sloped for easy cleaning.
- l) The onus of proving to the Development Officer's satisfaction that a proposed development does and will comply with these requirements rests with the developer.
- m) In considering the application, the Development Officer or Council shall have regard to the intent of this section, which is to establish use on the basis of:
- i) appropriate performance standards;
  - ii) the methods, equipment and techniques of the applicant; and
  - iii) the use of neighbouring lands and zones and the compatibility of the proposed use with neighbouring lands and zones.

- n) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until the performance standards are complied with. Prior to the issue of any license under the Business License Bylaw of the Town of Hay River, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.

5) Development Regulations for Discretionary Uses

- a) Caretaker Units - Section 5.9
- b) Local Utility Services - Sections 4.6 & 4.7
- c) Accessory Uses and Buildings - Section 5.11

6) Other Provisions

- a) General Regulations - Section 4
- b) Specific Land Use Regulations - Section 5
- c) Parking and Loading Regulations - Section 7
- d) Sign Regulations - Section 8

## **6.15 T - TRANSPORTATION DISTRICT**

### 1) General Purpose

To provide a Zone that designates areas for the transportation industry and transportation related uses, particularly because of their location relative to airports, railways, highways, the Hay River and Great Slave Lake.

### 2) Permitted Uses

- a) Air Freight Terminals
- b) Aircraft Repair Establishments
- c) Aircraft Sales/Rentals
- d) Aviation Schools
- e) Aerial Survey Services and other similar uses
- f) Receiving and Distribution Facilities
- g) Airplane Hangars
- h) Water Transportation Services
- i) Servicing and Repair Establishment accessory to above uses
- j) Railway Yards and Freight Terminals
- k) Buildings and uses accessory to the above

### 3) Discretionary Uses

- a) Aircraft and Aircraft Parts Manufacturing
- b) Aviation Research and Testing Labs
- c) Aviation Bulk Fuel Storage
- d) Public Utility Structures
- e) Cold Storage Lockers
- f) Workshops
- g) Wholesale or Retail of Electrical and Plumbing Equipment and Supplies

- h) Industrial Vehicles, Automobiles, Recreational, Construction and Farm Equipment Sales, Rentals and Service Establishments
- i) Manufactured Home and Trailer Construction
- k) Servicing and Repair Establishments
- k) Storage and/or sale of Building Materials, Lumber or Machinery
- l) Manufacturing, Processing, Packaging or Assembly of Goods or Materials
- m) Manufacturing and Processing of Chemical Products
- n) Manufacturing and Processing of Agricultural Products
- o) Commercial Ventures directly related to Industrial or Manufacturing Activities
- p) The Storage and Handling of Dangerous Goods
- q) Sewage Treatment and Disposal Plants
- r) Residential Facilities for transient workers ancillary to permitted or discretionary uses
- s) Trucking Terminals and other Allied uses
- t) Warehousing/Storage Facilities
- u) Caretaker Units
- v) Local Utility Services and Installations
- w) Buildings and uses accessory to the above

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Width
  - i) not less than 30.0 m (99.0 ft.)
- b) Minimum Lot Depth
  - i) to be established by the Development Officer

- c) Minimum Lot Area
  - i) to be established by the Development Officer

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage shall not exceed 60%

Yard Requirements

- e) Minimum Front Yard
  - i) not less than 6.0 m (20.0 ft.)
  - ii) front yard setbacks must comply with Section 4.4 of this bylaw
- f) Minimum Rear Yard
  - i) not less than 1.0 m (3.3 ft.)
- g) Minimum Side Yard
  - i) not less than 3.0 m (10.0 ft.)
  - ii) side yard setbacks must comply with Section 4.4 of this bylaw

Height

- h) The maximum height shall not exceed the height allowable under the Hay River Airport Zoning Regulations.

Performance Standards and Regulations

- i) No industrial operation shall be carried out that would produce smoke, dust, ash or glare that could interfere with the safe operation of aircraft.
- j) The onus of proving to the Development Officer's or Council's satisfaction that a proposed development does and will comply with these requirements rests with the developer.
- k) In considering the application, the Development Officer or Council shall have regard to the intent of this section, which is to establish use on the basis of:
  - i) appropriate performance standards;
  - ii) the methods, equipment and techniques of the applicant; and



- iii) the use of neighbouring lands and zones and the compatibility of the proposed use with neighbouring lands and zones.
  - l) All development related to the waterfront must conform to the requirements of the following Acts:
    - i) Canada Water Act;
    - ii) Canada Shipping Act;
    - iii) Navigable Inland Waters Act; and
    - iv) Northern Inland Waters Act.
  - m) Any disposal system for garbage, sewer or industrial wastes shall be approved by the local Environmental Officer as appointed under the Public Ordinance of the Northwest Territories.
  - n) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until the performance standards are complied with. Prior to the issue of any license under the Business License Bylaw of the Town of Hay River, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.
- 5) Development Regulations for Discretionary Uses
- a) Caretaker Units - Section 5.9
  - b) Local Utility Services - Sections 4.6 & 4.7
  - c) Accessory Uses and Buildings - Section 5.11

- 6) Other Provisions
  - a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8

## **6.16 U - UTILITY DISTRICT**

1) General Purpose

To provide a zone for public and private utility installations, services and facilities.

2) Permitted Uses

- a) Minor Impact Utility Services
- b) Protective and Emergency Services
- c) Buildings and uses accessory to the above

3) Discretionary Uses

- a) Major Impact Utility Services
- b) Buildings and uses accessory to the above

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Width
  - i) not less than 30.0 m (99.0 ft.)
  - ii) not less than 12.0 m for Aviation Bulk Fuel Storage Facilities
- b) Minimum Lot Depth
  - i) to be established by the Development Officer
- c) Minimum Lot Area
  - i) to be established by the Development Officer

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage shall not exceed 60%

### Yard Requirements

- e) Minimum Front Yard
  - i) not less than 6.0 m (20.0 ft.)
  - ii) not less than 3.0 m for Aviation Bulk Fuel Storage Facilities
  - iii) front yard setbacks must comply with Section 4.4 of this bylaw
- f) Minimum Rear Yard
  - i) not less than 7.5 m (25.0 ft.)
- g) Minimum Side Yard
  - i) not less than 4.5 m (15.0 ft.)
  - ii) side yard setbacks must comply with Section 4.4 of this bylaw

### Height

- h) The maximum height shall not exceed 10 m (33.0 ft.).

### Lot Regulations

- i) Except as provided for in Clause (g), developments in this zone shall comply with the industrial performance standards applicable to the M1 zone.
- j) Notwithstanding Clause (f), if this zone is located in the interior of an industrial area abutting the M2 Zone and does not abut any residential zone, it shall comply with the performance standards applicable to the M2 Zone.
- k) If, in the opinion of the Development Officer, it is unreasonable for a development to comply with these development regulations because of characteristics fundamental to the provision of infrastructure services, he may recommend that Council relax specific requirements provided the development complies with all other minimum performance standards of the M2 Zone. In such cases, a permitted use shall become discretionary Use.
- l) In all cases, proposed development shall minimize objectionable impacts and incompatibility, to the satisfaction of the Development Officer, through its design, siting, landscaping, screening and buffering.

- 5) Development Regulations for Discretionary Uses
  - a) Local Utility Services - Sections 4.6 & 4.7
  - b) Accessory Uses and Buildings - Section 5.11
  
- 6) Other Provisions
  - a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8

## **6.17 EX - RESOURCE EXTRACTION**

### 1) General Purpose

This zone is generally intended to accommodate renewable and non-renewable resource extraction activities.

### 2) Permitted Uses

- a) Quarrying of Sand, Loam, Clay, Gravel, or General Fill Material
- b) Timber Harvesting
- c) Extraction of Peat
- d) Any Building, Plant, Installation or Facility used in conjunction with the above
- e) Local Utility Services and Installations
- f) Buildings and uses accessory to the above

### 3) Discretionary Uses

- a) Those uses which, in the opinion of the Development Officer, are similar to a permitted use, and which conform to the general purpose and intent of the zone
- b) Buildings and uses accessory to the above

### 4) Development Regulations

#### Lot Dimensions

- a) Minimum Lot Width
  - i) to be established by the Development Officer
- b) Minimum Lot Depth
  - i) to be established by the Development Officer
- c) Minimum Lot Area
  - i) to be established by the Development Officer

#### Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage shall be established by the Development Officer

#### Yard Requirements

- e) Minimum Front Yard
  - i) to be established by the Development Officer
- f) Minimum Rear Yard
  - i) to be established by the Development Officer
- g) Minimum Side Yard
  - i) to be established by the Development Officer

#### Height

- h) The maximum height shall not exceed 15.0 m (49.5 ft.).

#### 5) Development Regulations for Discretionary Uses

- a) Accessory Uses and Buildings - Section 5.11

#### 6) Other Provisions

- a) General Regulations - Section 4
- b) Specific Land Use Regulations - Section 5
- c) Parking and Loading Regulations - Section 7
- d) Sign Regulations - Section 8

## **6.18 I - INSTITUTIONAL**

### 1) General Purpose

To provide a zone for public and privately owned facilities of an institutional or community service nature.

### 2) Permitted Uses

- a) Parks and Playgrounds
- b) Community Recreation
- c) Day Care Facilities
- d) Government Services
- e) Public and Private Education Services
- f) Public Libraries
- g) Religious Assembly
- h) Buildings and uses accessory to the above

### 3) Discretionary Uses

- a) Cemeteries
- b) Senior Citizen Housing
- c) Extended Care Facilities
- d) Hospitals
- e) Group Homes
- f) Indoor Recreation Facilities
- g) Outdoor Recreation Facilities
- h) Protective and Emergency Services
- i) Private Clubs
- j) Local Utility Services



- k) Museums, Heritage Sites and Interpretive Centres
- l) Buildings and uses accessory to the above
- m) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the Zone.

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Width
  - i) not less than 30.0 m (99.0 ft.)
- b) Minimum Lot Depth
  - i) to be established by the Development Officer
- c) Minimum Lot Area
  - i) to be established by the Development Officer

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage shall not exceed 60% of the total lot area

Yard Requirements

- e) Minimum Front Yard
  - i) not less than 6.0 m (20.0 ft.)
  - ii) front yard setbacks must comply with Section 4.4 of this bylaw
- f) Minimum Rear Yard
  - i) not less than 7.5 m (25.0 ft.)
- g) Minimum Side Yard
  - i) not less than 4.5 m (15.0 ft.)
  - ii) side yard setbacks must comply with Section 4.4 of this bylaw

Height

- h) The maximum height shall not exceed 10 m (33.0 ft.)

5) Development Regulations for Discretionary Uses

- a) Group Homes - Section 5.5
- b) Local Utility Services - Sections 4.6 & 4.7
- c) Accessory Uses and Buildings - Section 5.11

6) Other Provisions

- a) General Regulations - Section 4
- b) Specific Land Use Regulations - Section 5
- c) Parking and Loading Regulations - Section 7
- d) Sign Regulations - Section 8

## **6.19 P - PARKS AND OPEN SPACE**

### 1) General Purpose

To establish an area of private and public land for active and passive recreational uses and landscaped buffers, and to preserve natural areas and parkland along the river, creeks and ravines and other designated areas for active and passive recreational uses and environment protection.

### 2) Permitted Uses

- a) Public Parks
- b) Open Reserve Areas for Environmental Protection
- c) Buildings and uses accessory to the above

### 3) Discretionary Uses

- a) Tourist Campsites and other facilities intended for the tourist industry
- b) Tourist Lodges
- c) Golf Course
- d) Archery Ranges.
- e) Arena and Curling Rinks.
- f) Cemeteries.
- g) Gun Clubs.
- h) Marinas.
- i) Restaurants and Refreshment Facilities.
- j) Riding Stables.
- k) Ski and toboggan runs.
- l) Swimming and Wading Pools.
- m) Local Utility Services.

- n) Museums, Heritage Sites and Interpretive Centres
- o) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the Zone
- p) Buildings and uses accessory to the above.

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Width
  - i) to be established by the Development Officer
- b) Minimum Lot Depth
  - i) to be established by the Development Officer
- c) Minimum Lot Area
  - i) to be established by the Development Officer

Building Dimensions

- d) Lot Coverage
  - i) the maximum lot coverage shall not exceed 60% of the total lot area

Yard Requirements

- e) Minimum Front Yard
  - i) not less than 7.5 m (25.0 ft.)
  - ii) front yard setbacks must comply with Section 4.4 of this bylaw
- f) Minimum Rear Yard
  - i) not less than 7.5 m (25.0 ft.)
- g) Minimum Side Yard
  - i) not less than 4.5 m (15.0 ft.)
  - ii) side yard setbacks must comply with Section 4.4 of this bylaw

Height

- h) The maximum height shall not exceed 10.0 m (33.0 ft).

5) Development Regulations for Discretionary Uses

- a) Local Utility Services - Sections 4.6 & 4.7
- b) Accessory Uses and Buildings - Section 5.11

6) Other Provisions

- a) General Regulations - Section 4
- b) Specific Land Use Regulations - Section 5
- c) Parking and Loading Regulations - Section 7
- d) Sign Regulations - Section 8

## **6.20 MG - MARKET GARDENING**

### 1) General Purpose

This zone is generally intended to accommodate small land holding for the growing of market gardening.

### 2) Permitted Uses

- a) Market Gardening
- b) Cereal or Forage crops
- c) Apiaries
- d) Greenhouses and Plant Nurseries
- e) Tree Nurseries
- f) Fish Farms
- g) Sod Farming
- h) Mushroom Farms
- i) One Single Family Housing unit per lot
- j) A commercial scale poultry operation on lots 593 and 584, Group 814, Plan 437 - Delancey Estates
- k) Municipal and Public Utility Installations
- l) The keeping of animals in accordance with Section 5.12 of this bylaw
- m) Accessory buildings and uses

### 3) Discretionary Uses

- a) Tourist Lodges
- b) Home Occupations
- c) Local Utility Services

- d) Accessory buildings and uses
  - e) Any other use which, in the opinion of Council is similar to a use listed in this zone
  - f) Alternate Housing
- 4) Development Regulations
- a) Minimum Lot Area
    - i) not less than 2.0 hectares (5.0 acres)
  - b) Minimum Front Yard
    - i) not less than 6.0 m (20.0 ft.)
  - c) Minimum Rear Yard
    - i) not less than 6.0 m (20.0 ft.)
  - d) Minimum Side Yard
    - i) not less than 6.0 m (20.0 ft.)
- 5) Development Regulations for Discretionary Uses
- a) Home Occupations - Section 5.6
  - b) Local Utility Services
  - c) Accessory Uses and Buildings - Section 5.11
  - d) Alternate Housing - Section 5.14
- 6) Other Provisions
- a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8

## **6.21 UR - URBAN RESERVE**

### 1) General Purpose

This zone is intended to reserve those areas of the municipality which are rural in character or land use for urban development other than industrial until such time as a subdivision plan has been approved. Development of these lands shall be consistent with the General Municipal Plan and require the rezoning of any land to a designation appropriate for the proposed development.

### 2) Permitted Uses

a) None

### 3) Discretionary Uses

a) Recreational, Agricultural and Public Utility Uses which are not prejudicial to future development for residential, commercial or similar urban uses

### 4) Development Regulations

a) All siting, lot coverage, densities, yard setbacks and height of buildings shall be at the discretion of the Development Officer and Council.

b) Only such subdivision or transfer of land for the discretionary uses shall be permitted as will not prejudice the future economical subdivision or servicing of the land on a neighbourhood or community basis.

c) Water supply and sewage disposal shall be provided in accordance with the Public Act.

d) All uses are to be considered on their individual merit and Council and the Development Officer shall set out the minimum standards to which individual developments must comply.



- 5) Other Provisions
- a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8

## **6.22 RR - RURAL RESOURCE**

### 1) General Purpose

To establish a zone for a variety of resource development purposes, of which agriculture shall be a significant use. It is the intent of this zone to prevent premature or scattered subdivision. The Rural Resource zone shall include all lands within the jurisdiction of this bylaw not otherwise designated on the Hay River Zoning Map.

### 2) Permitted Uses

- a) Agricultural Uses such as:
  - i) animal and poultry raising;
  - ii) dairy farming;
  - iii) field crops;
  - iv) grazing; and
  - v) other similar uses customarily carried out in agriculture.
- b) One Single Family Housing Unit or Mobile Home per lot.
- c) A commercial scale pork operation on the area of land that lies south of the centre line of Territorial Highway No. 2 and north of the ordinary high water mark of the Hay River, between kilometre marker 18.93 and kilometre marker 20.90 of Territorial Highway No. 2, containing 121 hectares, more or less.
- d) Buildings and uses accessory to the above.

### 3) Discretionary Uses

- a) Public Parks
- b) Natural Resources Development
- c) Community Recreation Services and Facilities
- d) Minor Impact Utility Services
- e) Commercial Greenhouses and Plant Nurseries
- f) Market Gardening

- g) Apiaries
- h) Tree Nurseries
- i) Fish Farms
- j) Sod Farms
- k) Mushroom Farms
- l) Tourist Lodges
- m) Home Occupations
- n) Intensive Livestock Operations
- o) Small Animal Breeding and Boarding Establishments
- p) Storage on leased land as permitted by council
- q) Additional Dwelling Units or Mobile Homes as per demonstrated need
- r) Installations for Scientific Research
- s) Temporary camps where provision is made for the provision of water, waste disposal, transportation and other services
- t) Trapping and commercial fishing
- u) Sanitary landfill and other municipal or public utilities
- v) Quarries
- w) Timber Harvesting
- x) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this zone
- y) Local Utility Services
- z) Buildings and uses accessory to the above

4) Development Regulations

Lot Dimensions

- a) Minimum Lot Area
  - i) the minimum lot area shall be 20.0 hectares (49.5 acres)

Building Dimensions

- b) The maximum height shall be 10.0 m (33.0 ft.), except in the case of accessory buildings for a farm.

Yard Requirements

- c) Minimum Front Yard
  - i) not less than 7.5 m (25.0 ft.)
- d) Minimum Rear Yard
  - i) not less than 7.5 m (25.0 ft.)
- e) Minimum Side Yard
  - i) not less than 4.5 m (15.0 ft.)

Performance Standards and Regulations

- f) The development of any Intensive Livestock Operation must conform with the regulations set forth in Section 5.12 of this bylaw.
- g) The Development Officer or Council may consider the agricultural location guidelines of other jurisdictions in considering a permit for intensive agricultural uses to protect adjacent property from any potential adverse effect.
- h) Water supply and sewage disposal shall be provided in accordance with the Public Health Act regulations.
- i) In considering discretionary uses, Council shall not approve any uses that would be prejudicial to the future economical subdivision and servicing of such lands, as may be required in the future.

- 5) Development Regulations for Discretionary Uses
  - a) Local Utility Services - Sections 4.6 & 4.7
  - b) Home Occupations - Section 5.6
  - c) Animal Regulations - Section 5.12
  - d) Intensive Livestock Operations - Section 5.13
  - e) Accessory Uses and Buildings - Section 5.11
  
- 6) Other Provisions
  - a) General Regulations - Section 4
  - b) Specific Land Use Regulations - Section 5
  - c) Parking and Loading Regulations - Section 7
  - d) Sign Regulations - Section 8

## **6.23 H - HOLDING ZONE**

### 1) General Purpose

This zone is intended to reserve the area of West Point, designated H - Holding Zone, until such time as formal discussions on land use and land ownership issues have been completed.

### 2) Permitted Uses

a) None.

### 3) Discretionary Uses

a) None.

### 4) Development Regulations

a) There shall be no development of any kind in this zone.

### 5) Other Provisions

a) General Regulations - Section 4

b) Specific Land Use Regulations - Section 5

c) Parking and Loading Regulations - Section 7

d) Sign Regulations - Section 8

## 7.0 Parking and Loading Regulations

### 7.1 GENERAL REGULATIONS

- 1) In all zones parking shall be wholly provided for on the same lot as the building to be served unless otherwise approved by the Development Officer or Council.
- 2) Parking surfaces shall be of a durable, dust-free, hard surface constructed of concrete, asphalt or similar pavement.
- 3) All parking area accesses shall be subject to prior approval of the Development Officer or Council.
- 4) Parking facilities shall be designed and located so as to minimize any disruption to the continuity of the pedestrian system of sidewalks and on-site pedestrian spaces.
- 5) All off-street parking facilities shall be so constructed that:
  - a) a standard design landscaped boulevard and/or sidewalk shall separate the off-street parking facility from the street;
  - b) the width and location of curb cuts, necessary to access the parking facility, shall meet the approval of the Development Officer;
  - c) necessary curb cuts are located and flared to the satisfaction of the Development Officer;
  - d) every off-street parking space provided, and the access thereto shall be hard surfaced; and
  - e) grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to drain onto streets or cross any sidewalk or site boundary without the approval of the Development Officer.
- 6) Unless otherwise permitted by the Development Officer, no parking spaces shall be located in a front yard.

- 7) Lots without rear lanes shall provide vehicular access from the front street, with the parking spaces being constructed adjacent to a side lot line.
- 8) The Town shall credit the developer for the difference in parking spaces between angle and parallel parking in cases where angle parking decreases the site available for development, due to the increased width of the street.
- 9) Parking facilities used at night shall have adequate lighting for the entire facility. Such lighting shall be directed away from any adjacent properties.
- 10) Adequate access to and egress from individual parking spaces is to be provided at all times by means of unobstructed maneuvering aisles and to the satisfaction of the Development Officer.
- 11) In accordance with Section 16(2) of the Planning Act, subject to the approval of Council, a person may provide the required off-street parking on land other than that to be developed.
- 12) Where a required parking area is not located on the same lot where the building or use is located, the owner shall covenant with the Municipality by an agreement, that the lot on which the parking is located shall be used for such purposes as long as it is required under this bylaw.
- 13) The next higher number shall be taken where the calculation results in a fractional number of parking spaces.
- 14) A minimum of one parking space for each twenty spaces required under Section 7.3 shall be required for the physically handicapped. These handicapped spaces shall be located close to the building entrance to the satisfaction of the Development Officer. These spaces shall be developed in accordance with Section 7.2, with the exception that the minimum space width shall be 4.0 m (13.0 ft.). A minimum of one handicapped parking space shall be provided with the development of any on-site parking facilities unless the total number of required stalls is less than ten.

## **7.2 MINIMUM PARKING FACILITY DIMENSIONS**

- 1) The minimum dimensions of maneuvering aisles and parking stalls shall be in accordance with the following regulations.



**A** - Parking Angle in Degrees

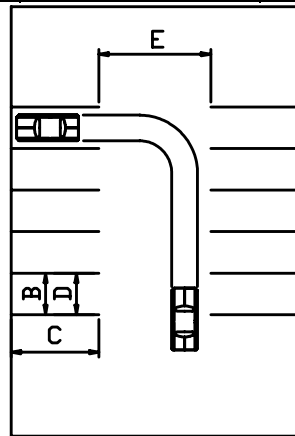
**B** - Width of Space (in metres/feet)

**C** - Depth of Space Perpendicular to Maneuvering Aisle (in metres/foot)

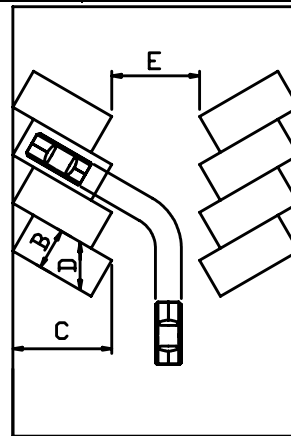
**D** - Width of Space Parallel to Maneuvering Aisle (in metres/feet)

**E** - Width of Maneuvering Aisle (in metres/feet)

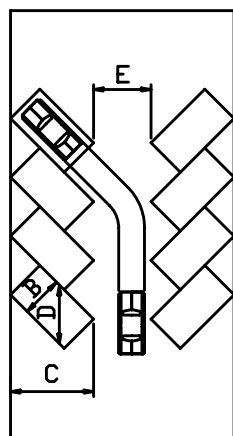
<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
0	2.7/9.0	2.7/9.0	7.0/23.0	3.6/11.8
45	2.6/8.5	5.2/17.0	3.7/12.0	3.6/11.8
60	2.6/8.5	5.6/18.5	3.0/10.0	5.5/18.0
90	2.6/8.5	5.5/18.0	2.6/8.5	7.0/23.0



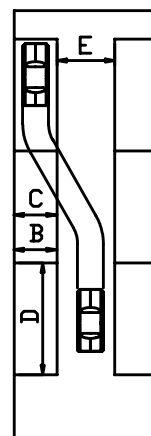
90° PARKING



60° PARKING



45° PARKING



0° PARKING

- 2) Where the side of a parking stall is against any permanent structure greater than 0.2 m (0.66 ft.) in height, then that stall shall be a minimum of 2.7 m (9.0 ft.) wide.
- 3) A parking stall shall have a minimum width of 3.0 m (10.0 ft.) whenever it is an end space that abuts a physical barrier along an entire side.
- 4) Where there are structural elements along parts of both sides of a parking stall, then that stall shall have a minimum width of 3.0 m (10.0 ft.).

### **7.3 OFF-STREET PARKING STALLS REQUIRED**

- 1) Where a building is enlarged, altered or a change in the use occurs in such a manner as to cause a more intensive use of that building, provisions shall be made for the additional parking spaces required under the parking provisions of this bylaw. The calculations shall be based on the number of additional parking spaces required as a result of the enlargement, alteration or change in the use of the building, in addition to parking spaces that may have been removed due to the enlargement or alteration.
- 2) The minimum number of off-street parking stalls required for each use of building or development shall be as follows:

a) Residential

one and two family dwellings unless otherwise determined by the Development Officer	2.0 per dwelling unit
basement suites	1.0 per unit
bed and breakfasts	1.0 per rented guest room
apartment buildings and row housing or townhousing, plus one for every four dwelling units to serve as visitor parking this may be lowered to one per six units at the discretion of the Development Officer	1.0 per dwelling unit

mobile home dwellings	1.0 per dwelling unit
boarding and lodging houses	1.0 per two beds lawfully accommodated
b) <u>Commercial</u>	
business, administrative and professional offices	1.0 per 50 m <sup>2</sup> of gross leaseable area
retail commercial uses and personal service shops area for retail purposes	1.0 per 35 m <sup>2</sup> of gross leaseable area
eating and drinking establishments	1.0 per five seating spaces or 1.0 per every 5 m <sup>2</sup> of seating area, whichever number of parking stalls is greatest
take-out restaurants	1.0 per 13 m <sup>2</sup> of public area
cocktail bars and beer parlours	1.0 per four seats or every 5 m <sup>2</sup> (54 sq. ft.) of seating area
hotels, including motor hotels	1.0 per three guest rooms and 1.0 for every three employees on maximum shift
motels	1.0 per sleeping unit and 1.0 for every three employees on maximum shift
service stations	1.0 per 47 m <sup>2</sup> of floor area used for business purposes

c)	<u>Places of Public Assembly</u>	auditoriums, religious assembly, halls, theatres, gymnasiums, ball parks, sports arenas, other recreational or amusement places, private clubs	1.0 per ten seating spaces or 1.0 per 9.3 m <sup>2</sup> (100 sq. ft.) used by the public, whichever number of parking stalls is greatest
d)	<u>Schools</u>	<p>elementary and junior high schools</p> <p>senior high schools</p> <p>post secondary institutions</p>	<p>1.0 per classroom plus 5.0 spaces</p> <p>1.0 per classroom plus 1.0 for every 20 students; or</p> <p>1.0 space per 10 seating spaces used for assembly in an auditorium, which ever is greatest</p> <p>1.0 space for each classroom plus 1.0 space for every 20 students</p>
e)	<u>Industrial</u>	all uses in the M1 and M2 zones	1.0 spaces for every four employees on maximum working shift
f)	<u>Hospitals and Similar Uses</u>	<p>hospitals, sanatoriums, convalescent homes or similar uses</p> <p>senior citizens lodges and nursing homes</p>	<p>1.0 per 100 m<sup>2</sup> of gross floor area and 1.0 space per three employees on maximum shift</p> <p>1.0 space per four units</p>
g)	<u>Day Care Facilities</u>	<p>nursery schools</p> <p>day care centre</p>	<p>1.0 space per 34.0 m<sup>2</sup> (366 sq. ft.) of gross floor area</p> <p>1.0 space per 34.0 m<sup>2</sup> (366 sq. ft.) of gross floor area</p>

- 3) Unless otherwise provided for in this section, or in any other section of this bylaw, all parking requirements for employees are included in the regulations outlined herein.
- 4) Where a development on a lot falls within more than one type of use, the required number of spaces shall be the sum of the requirements for each of the uses as specified in subsection 2.
- 5) In the case of a use not specified in subsection 2, the number of stalls provided shall be the same as for a similar use as determined by the Development Officer.

#### **7.4 OFF-STREET LOADING REQUIREMENTS**

- 1) Where a proposed development will from time to time, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.
- 2) The person providing any parking or loading space under this section shall design, locate and construct it so that:
  - a) it is accessible to a vehicle intended to be accommodated in it;
  - b) it can be properly maintained; and
  - c) it is of a size, shape, location and construction that it is appropriate having regard to the nature and frequency of vehicles using it.
- 3) Off-street loading spaces shall:
  - a) have overhead clearance of not less than 4.3 m (14.2 ft.) above grade;
  - b) have dimensions of not less than 3.0 m (10.0 ft.) in width and 7.5 m (25.0 ft.) in depth;

- c) have vehicular access to and exit from a street or lane either directly or by a clearly defined traffic aisle;
  - d) be situated on the premises so that no street or lane is obstructed when the loading space is being used;
  - e) be sited at an elevation or elevations convenient to a major floor level in the building or to a utility elevator serving each major floor level;
  - f) be so graded and drained as to dispose of all surface water. In no case shall grades be established that would permit drainage to drain onto streets or cross lot boundaries or sidewalks without the approval of the Development Officer;
  - g) be of a durable, dust-free, hard surface constructed of concrete, asphalt or similar pavement;
  - h) have adequate lighting to the satisfaction of the Development Officer; and
  - i) be screened on each side adjoining or fronting on any property in a residential zone by a wall, fence, earth berm or hedge of not less than 2.0 m (6.5 ft.) in height, to the satisfaction of the Development Officer.
- 4) The required number of off-street loading spaces shall be:
- a) one loading space for each loading door provided for all uses within commercial, industrial and institutional zones, excluding offices, financial and personal services;
  - b) one space required for each building containing 15 or more dwelling units; and
  - c) determined by the Development Officer for any other building or use.

## 8.0 Sign Regulations

### 8.1 GENERAL REGULATIONS

- 1) All signs shall require a sign permit unless otherwise specified under this bylaw. Applications for Development Permit - Sign shall be in the prescribed form.
- 2) No sign permit is required for the following signs:
  - a) sign posted or exhibited in a building;
  - b) sign posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
  - c) a statutory or official notice or notice of a function of the Town of Hay River;
  - d) traffic and directional signs authorized by the Town's Engineer;
  - e) the erection of campaign signs for federal, territorial, municipal or school board elections on private properties for no more than thirty days, or such other time as regulated under territorial or federal legislation provided that:
    - i) such signs are removed within ten days of the election date, and
    - ii) the consent of the property owner or occupant is obtained, and
    - iii) such signs do not obstruct or impair vision or traffic, and
    - iv) such sign are not attached to utility poles, and
    - v) such signs indicate the name and address of the sponsor and the person responsible for removal;
  - f) no sign permit is required for a sign that is posted or exhibited solely for the identification of the land or building on which it is displayed including signs for professional, corporate or trade name plates identifying the occupants, if the sign:
    - i) does not exceed 1.0 m<sup>2</sup> (10.76 sq. ft.) in size, and
    - ii) is posted only at each entrance from which access from a public roadway to the building is provided;

- g) no sign permit is required for a sign that is posted or exhibited for sale, lease or rental of land or a building if the sign:
    - i) is not capable of being illuminated, and
    - ii) is 4.0 m<sup>2</sup> (43.0 sq. ft.) or less in size, and
    - iii) is posted only on each side of the building or land facing a different public roadway; and
  - h) signs in commercial developments provided they are inside the window or inside the building.
- 3) All signs shall require a sign permit unless otherwise specified under this bylaw.
  - 4) The Development Officer may require the removal of any sign which in his opinion is, or has become unsightly, or is in such a state of disrepair as to constitute a hazard.
  - 5) Minimum yard requirements shall be observed for any sign located on a lot and, at the discretion of the Development Officer, the sign shall not be further than 30.0 m (99 ft.) from the principle building. No sign shall be of such size or design as to, in the opinion of the Development Officer, obstruct the vision of persons using roads abutting the lot.
  - 6) Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Officer.
  - 7) Except as otherwise specified in this bylaw, the maximum area of any sign shall be 35.0 m<sup>2</sup> (376 sq. ft.).
  - 8) Where in the opinion of the Development Officer, a proposed sign in a commercial or industrial zone might be objectionable to a resident in an adjacent residential zone, the Development Officer may impose such other regulations as he feels would protect the interests of the residents.



- 9) Flashing, animated or interiorly illuminated signs shall not be permitted in residential zones where in the opinion of the Development Officer they might:
  - a) affect residents in adjacent housing, or residential zones; or
  - b) interfere with or obstruct a motor vehicle driver's vision or interpretation of oncoming traffic signs or traffic signal lights.
- 10) No person shall erect or place a sign so that it would be considered, in the opinion of the Development Officer, to be a traffic hazard, or obstruct the vision of vehicular traffic.
- 11) The area around sign structures shall be kept clean and free of overgrown vegetation, and free from refuse material.
- 12) Signs which are located off-site shall require written permission from the owner of the property prior to approval of a sign permit application.

## **8.2 FREESTANDING SIGNS**

- 1) Freestanding signs shall be permitted in all land use zones, excepting residential zones, where freestanding signs may be permitted under the following special provisions:
  - a) within a residential zone, one identification freestanding sign may be allowed to identify the name of an apartment, multi-family complex, mobile home park or a subdivision, and which does not:
    - i) exceed 2.0 m<sup>2</sup> (21.5 sq. ft.) in size, or
    - ii) project within 0.6 m (2.0 ft.) from the property line, or
    - iii) exceed 3.5 m (11.5 ft.) in height; and
  - b) freestanding signs identifying the name of the community, neighbourhood or subdivision shall blend in with the architecture or development theme of the surrounding area.

- 2) Within all land use zones, excepting residential zones, one freestanding sign may be allowed per lot as follows:
- a) where a lot has in excess on 90 m (297 ft.) of frontage, one additional freestanding sign may be erected for each additional 90 m (297 ft.) or portion thereof, of street frontage abutting the development portion of the said lot; or
  - b) where a lot is considered to be double fronting by the Development Officer, each frontage may have a freestanding sign provided that the signs are no closer than 90 m (297 ft.) apart;
  - c) the maximum height of any freestanding sign shall not exceed 9.1 m (30.0 ft.) from grade. No part of any sign that is highway oriented and within 200 m (660 ft.) of the edge of the pavement shall be more than 9.1 m (30.0 ft) above the grade of the highway or 15 m (49.5 ft.) above the grade of the lot of the sign, whichever is lowest;
  - d) the total sign area of a freestanding sign shall not exceed 0.3 m<sup>2</sup> (3.2 sq. ft.) in area for each metre of street frontage of the developed lot, to a maximum of 17 m<sup>2</sup> (56.0 sq. ft.) for each sign;
  - e) the freestanding sign shall not project within 0.6 m (2.0 ft.) from the property line, or within 2.0 m (6.5 ft.) of overhead utility lines; and
  - f) freestanding signs may rotate at no more than six revolutions per minute.

### **8.3 BILLBOARD SIGNS**

- 1) Billboard signs may be allowed in C2, UR and PR zones as follows:
- a) the design, character, location and construction of a billboard sign shall be to the satisfaction of the Development Officer, who shall take into consideration the following:
    - i) compatibility with the general architectural lines and forms of the nearby buildings and the character of the streetscape or area within which it is to be located,
    - ii) the restriction of natural light to the surrounding buildings,
    - iii) wall mounted billboards shall not extend vertically above either the roofline, for flat roofed buildings, or the eave line for all other buildings, and

- iv) the billboard sign shall be positioned so that it does not severely obstruct the horizon line when it is viewed from vehicular traffic travelling past it in any direction;
- b) the face of the billboard sign shall not exceed a vertical dimension of 4.8 m (15.8 ft.) by a horizontal dimension of 10 m (33.0 ft.);
- c) a billboard sign shall not be located within a minimum distance of 150 m (495 ft.) from any other billboard sign located on the same side of the road;
- d) a billboard sign shall not project within 5.0 m (16.5 ft.) from the property line; and
- e) no part of any billboard sign that is highway oriented and within 200 m (660 ft.) of the edge of pavement shall be more than 7.5 m (25.0 ft.) above the grade of the highway or 15.0 m (49.5 ft.) above the grade of the site of the sign, whichever is lowest.

#### **8.4 PROJECTING SIGNS**

- 1) Projecting signs shall be permitted in the C1, C3, M1 and M2 zones.
- 2) The maximum area for a projecting sign shall be 4.0 m<sup>2</sup> (43.0 sq. ft.).
- 3) No part of a projecting sign shall:
  - a) extend more than 2.0 m (6.5 ft.) above the parapet of the building;
  - b) extend more than 2.0 m (6.5 ft.) from the face of the building; and
  - c) be less than 3.0 m (10.0 ft.) above ground or sidewalk grade.
- 4) Projecting signs shall be placed at right angles to the building face, except when they are located at the corner of the building, at which time the sign shall be placed at equal angles to the building faces.

### **8.5 CANOPY SIGNS**

- 1) Canopy signs shall be permitted in all commercial and industrial zones.
- 2) The canopy sign shall have a clearance of not less than 3.0 m (10.0 ft.) between the bottom of the canopy and the sidewalk, walkway or ground level.
- 3) In commercial zones where the front portion of the building extends out to the front property line, the canopy sign shall not project more than 2.0 m (6.5 ft.) over the sidewalk.

### **8.6 OFF-SITE SIGNS**

- 1) Notwithstanding other sections in this bylaw and at the discretion of the Development Officer, off-site sign may be erected on ground, roof or wall locations in commercial or industrial zones (but in no case shall be allowed in residential zones) subject to the following conditions:
  - a) signs shall not be placed closer together than 90 m (297 ft.);
  - b) the maximum size shall not exceed 28 m<sup>2</sup> (301 sq. ft.);
  - c) the sign shall be neat and clean in appearance as shall the area surrounding the sign;
  - d) no part of any sign that is highway oriented and within 200 m (660 ft.) of the edge of the pavement shall be more than 7.5 m (25.0 ft.) above the grade of the highway or 15.0 m (49.5 ft.) above the grade of the site of the sign, whichever is lowest; and
  - e) no part of the sign shall be located any closer to the street line than the front line of the nearest buildings.

### **8.7 ROOF SIGNS**

- 1) Roof signs shall be permitted in the C1, C2, M1 and M2 zones.
- 2) Roof signs shall be manufactured in such a way that they appear as an architectural feature, and shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself;

- 3) No portion of a sign shall overhang the roof on which it is located;
- 4) No supporting structures shall be visible to the public unless finished in an aesthetically pleasing manner to the discretion of the Development Officer.

### **8.8 WALL/FASCIA SIGNS**

- 1) Wall and fascia signs shall be permitted in all land use zones excepting residential zones.
- 2) One fascia sign only will be permitted to indicate the name and nature of the occupancy for each occupancy within the development. The sign shall not exceed a height of 1.5 m (5.0 ft.) and a horizontal dimension greater than the length of the bay which the proprietor's sign identifies. In no case, however, shall the fascia sign exceed 30% of the building face or bay which the sign identifies.
- 3) Notwithstanding subsection 2, developments which are considered to be double fronting may apply for a fascia sign permit for the second fronting building face.
- 4) A wall sign on commercial or industrial buildings shall not exceed an area of more than 4% of the wall to which it is attached.
- 5) A wall sign shall not extend beyond the limits of the wall to which it is attached.
- 6) Notwithstanding subsections 2 and 4, fascia and wall signs for a commercial or industrial building containing more than one bay, shall maintain the same character and size of the sign throughout the building face and from bay to bay.
- 7) Any identification wall signs with non-illuminated letters not exceeding 7.5 cm (19.0 in.) in height, nor 0.4 m<sup>2</sup> (4.3 sq. ft.) in area, are not restricted and may be permitted in addition to regular signs.

## **8.9 TEMPORARY SIGNS**

- 1) Temporary signs shall be permitted in all zones excepting residential zones
- 2) The Development Officer may grant one sign permit per lot to a person announcing a special event, sale or other function.
- 3) A sign granted under subsection 2 shall specify the period of time during which the sign is permitted to be exhibited but shall not exceed:
  - a) 60 days from the date the permit is issued; or
  - b) 2 days after the event occurs, whichever is the shorter period.
- 4) No person shall:
  - a) locate a temporary sign so that it causes a traffic hazard or conflicts with parking, loading or walkway areas;
  - b) in any zone where temporary signs are permitted, locate a temporary sign within 6.0 m (20.0 ft.) of the curb of a double fronting or corner lot unless otherwise permitted by the Development Officer; and
  - c) locate a sign within roadway rights-of-way or on public property, unless consent is given by the municipality.
- 5) Inflatable temporary signs shall be securely grounded and a minimum of 10.0 m (33.0 ft.) away from utility lines and road rights-of way.

## 9.0 Definitions

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

**ABATTOIR** means an establishment where animals are slaughtered and/or processed within an enclosed building. This definition does not include a feed lot or other intensive forms of livestock holding and feeding.

**ACCESSORY BUILDING** means any building which is separated from the principal building on the lot on which both are located and the use of which is normally subordinate and incidental to that of the principal building, and without restricting the generality of the foregoing includes a “private garage”.

**ACCESSORY USE** means a use of a building or lot which is normally subordinate incidental, and exclusively devoted to the principal use of the building or lot.

**ACT** means the Planning Act, being P-7 of the Revised Statutes of the Northwest Territories, 1988, as amended.

**ALTERNATE HOUSING** means detached single family housing development with unit sizes smaller than standard single family housing. Alternate Housing units will be no less than 720 square feet in size and will have one or two bedrooms. Typically, affordable or subsidized housing shall constitute Alternate Housing if the development meets all the requirements of this bylaw. All units built as Alternate Housing shall meet or exceed the standards set out in the most recent revision of the National Building Code of Canada.

**AMENITY** means an aesthetic or other physical characteristic or facility that enhances the desirability of an environment. Amenity may include recreational or cultural facilities, a unified building design, views, landscaping, tree preservation or generally attractive site design.

**AMENITY AREA, PRIVATE OUTDOOR** means an amenity area which shall be provided subject to regulations of this bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling and which immediately adjacent to and directly accessible from the dwelling unit it is intended to serve.

**AMUSEMENT ESTABLISHMENT OR ARCADE** means any building or place or part thereof containing a group of more than four amusement game machines.

**APARTMENT HOUSING** means a single building comprised of three or more dwelling units with shared entrance facilities and where none of the dwelling units are rented or are available for rent or occupation for periods of less than 30 days.

**APIARIES** means a place to keep bees for the cultivation of honey.

**AUCTIONEERING ESTABLISHMENT** means development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.

**AUTOMOBILE SERVICE STATION** (or Service Station) means a building or portion thereof and land use for supplying motor vehicle fuel directly into the vehicle fuel tanks and accessories at retail or wholesale, for making general servicing or running repairs on vehicles and ancillary uses.

**AUTOMOBILE AND TRAILER SALES** means a private open area used for the display, sale and rental of new and used automobiles and trailers, and where no repair work is done except minor incidental repair of automobiles to be displayed, sold or rented. This can include an accessory office or sales building.

**AVIATION BULK FUEL STORAGE** means lands, buildings and structures for the storage and distribution of fuels, oils, propane and other petroleum for use in aircraft and associated vehicles.

**BACHELOR SUITE** means a dwelling in which the sleeping and living areas are combined and which, in the opinion of the Development Officer, is not reasonably capable of being developed as a unit containing one or more bedrooms.

**BASEMENT**

A. means the portion of the building or structure which is wholly or partially below grade, having above grade no more than 6 feet of its clear height which lies below the finished level of the floor directly above.

B. means storey or stories of a building located below the first storey.



**BED AND BREAKFAST** means a minor and ancillary/subordinate commercial use of a residence where accommodation is provided for periods of fourteen days or less in three or fewer guest rooms.

**BI-LEVEL** means a dwelling unit of single family housing that has the main living area on one storey, but raised to such a level that the upper face of the floor is 1.2 m or more above normal building grade, but not high enough to constitute a two storey building.

**BOARDING OR LODGING HOUSE** means a building (other than a hotel or motel) where lodging, with or without meals is provided for gain to more than two people.

**BUILDING** means any structure, erection, stockpile, sign or fixture, that may be built or placed on land.

**CANOPY** means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun.

**CANOPY SIGN** see SIGN, CANOPY.

**CARPORT** means a roofed structure used for storing or parking of not more than two private vehicles which has less than 40% of its total perimeter open and unobstructed.

**CARETAKER UNIT** means a single residential unit forming part of a development and used solely to accommodate an employee or a person or persons related as a family whose official function is to provide surveillance, maintenance and/or security for a development provided for in the land use districts in which caretaker units are listed as a discretionary use.

**CAR WASH** means a building used for the purpose of washing motor vehicles.

**CHANNEL** is defined as a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. The top of the banks form the dividing lines between the channel and the flood plain.

**CHATTEL** means a movable item of personal property.

**COMMON AREA** means the part of the mobile home park that is used by all residents, such as streets, playground, walkways and other areas for public use.

**COMMERCIAL SCHOOL** means a development for instruction and education which is not maintained at public expense and which may or may not offer courses equivalent to those offered at publicly supported education facilities or private instruction as a home occupation.

**CONVENIENCE RETAIL STORE** means a development used for the retail sale goods required by the area residents or employees on a day to day basis from premises which do not exceed 279 square metres (3000 sq. ft.) in gross floor area. Typical uses include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

**CORNER LOT** see LOT, CORNER.

**COUNCIL** means the Council of the Town of Hay River.

**CROP, CEREAL** means the growing of grain suitable for food.

**CROP, FORAGE** means the growing of fodder suitable for consumption by farm animals.

**DAY CARE FACILITY** means a facility and program for the provision and care, maintenance and supervision for five or more children under ten years of age who are not of common parentage, for periods of more than three hours but less than twenty four consecutive hours. The facility is not part of a public school, separate school, private school or children's mental health centre.

**DENSITY** means a quantitative measure of the average number of persons, families or dwelling units per unit of area.

**DESIGN FLOOD** is defined as:

- a) a 100 year flood;
- b) a flood having a return period greater than 100 years;
- c) a recorded flood having water surface elevations equal to or exceeding those of the 100 year flood; or
- d) a flood what would result from a specified input yielding water surface elevations equal to or exceeding those of the 100 year flood.

**DESIGN FLOOD LEVEL** is defined as the elevation at which the design flood for each site not less than the 1 in 100 year event, as determined by the Flood Damage Reduction Program's Technical Committee. It may also be referred to as the flood protection level.

**DEVELOPER** means an owner, agent or any person, firm or company required to obtain or having a development permit.

**DEVELOPMENT** means the carrying out of construction, excavation, demolition, moving or other operations 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 for the avoidance of doubt and without restricting the generality of the foregoing includes:

- a) in a building or on a lot used for dwelling purposes, any occupancy of the building or on the lot;
- b) in a building or on a lot used for dwelling purposes, any increase in the number of families occupying and living in the building or on the lot, and any alterations or additions which provide for an increase in the number of dwelling units within the building or on the lot;
- c) in a building or on a lot used for other than dwelling purposes, any alterations or additions which increase the capacity of the building or parcel or which provide for an increase in the intensity of use of the building or lot;
- d) in a building or on a lot used for dwelling or other purposes, any installation or connection of public utilities;
- e) the deposit of debris, waste material from building or mining operations or other refuse or unsightly material on any land, including land already being used for that purpose if the surface area or height of any existing deposit is thereby extended;
- f) the removal of topsoil;
- g) the recommencement of the use to which land or buildings have been previously put if that use has been discontinued for a period of more than six months;
- h) the use for storage purposes, or for the repair of motor vehicles or other types of machinery, of land that was hitherto not used at all;

- i) the use of or the more intensive use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed on foundations or affirmed to the land in any way; and
- j) any other change in use whatsoever including the demolition of any existing structures.

**DEVELOPMENT APPEAL BOARD** means the Development Appeal Board appointed by resolution of Council to fulfil the duties of this bylaw.

**DEVELOPMENT OFFICER** means any person appointed as such by resolution of Council and responsible for the administration of this bylaw, and shall also include any person acting as such from time to time appointed by Council.

**DEVELOPMENT PERMIT** means a certificate or document authorizing a specified development and includes, where applicable, a plan or drawing or set of plans or drawings, specifications or other documents. This permit is separate and distinct from a building permit.

**DISCRETIONARY USE** means a use of land or buildings provided for in this bylaw, for which a development permit may be issued by Council with or without conditions.

**DRIVE-IN BUSINESS** means an establishment which services customers travelling in motor vehicles driven onto the site where such business is carried on, where the customer normally remains in the vehicle for service.

**DUPLEX HOUSING** means inclusive of both up and down and side by side duplex housing.

**DWELLING** means any building used primarily for human habitation and which is supported on a permanent foundation extending below ground level and includes modular or prefabricated homes, multiple family housing structures, apartments, horizontal multiple dwellings, but does not include mobile homes.

**DWELLING UNIT** means a building or portion thereof designed or used exclusively as the living quarters (construed as including eating, sleeping, cooking and toilet facilities) for one household.

**EATING AND DRINKING ESTABLISHMENTS** means development where prepared foods and beverages, including alcoholic beverages, are offered for sale to the public, for consumption within the premises or off the site. This includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch rooms, refreshment stands and take-out restaurants. This does not include drive-in food services.

**EQUAL DEGREE OF ENCROACHMENT** is defined as a standard applied in determining the location of encroachment limits so that the flood plain lands on all sides of a watercourse/waterbody are capable of conveying/storing a proportionate share of the flood water. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a watercourse or along the shoreline of a waterbody for a significant reach. In flood risk areas designated on the Flood Risk Map, the maximum encroachment permissible is defined as that which will cause a 30 cm rise in the elevation of the design flood were the flood plain was not developed. Equal degree of encroachment is necessary to provide an equal opportunity for owners of flood prone land to develop their property.

**EXCAVATION** means any breaking of ground, except common household gardening and ground care.

**EXISTING** means existing at the effective date of this bylaw.

**FAMILY** means a single person occupying a dwelling unit; or two or more persons related by heredity, marriage, a common law relationship or adoption who together are occupying a dwelling unit; or not more than 5 unrelated persons occupying a dwelling unit as a housekeeping unit.

**FARMING** means the extensive cultivation of land including the keeping of animals, including horse, cattle, sheep, hog, and poultry farming but does not include intensive farming or horticulture.

**FARMS, INTENSIVE** means the rearing and feeding of livestock for commercial or experimental purposes and market gardening, without restricting the generality of the foregoing includes feedlots, livestock operations, fur farms, plant nurseries and bee-keeping.

**FARMS, NON-COMMERCIAL** means development for small-scale, non-commercial agricultural pursuits ancillary to country residential uses. This shall be developed so that it will not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only.

**FARMS, NON-INTENSIVE** means development for agricultural pursuits that do not include the rearing and feeding of livestock for commercial purposes.

**FENCE** means a vertical barrier constructed for the purposes of limiting visual intrusion, sound abatement and to prevent unauthorized access.

**FILL** is defined as soil, rock, rubble, industrial waste such as slag, organic material or a combination of these that is transported and placed on the natural surface of a soil or rock or organic terrain. It may or may not be compacted.

**FIRST STOREY** means the uppermost storey having its floor level not more than 2.0 m above grade. In case of a split level, both floors above grade will be considered the first storey.

**FLOOD** is defined as a temporary rise in the water level that results in the inundation of areas not ordinarily covered by water.

**FLOOD FREQUENCY** is defined as the average frequency, statistically determined, for which it is expected that a specific flood level or discharge may be equalled or exceeded.

**FLOOD PLAIN** is defined as the relatively flat area or low lands adjoining the channel or a watercourse or waterbody which has been or may be covered by flood water.

**FLOOD RISK AREA** is defined as the area that would be inundated by the design flood.

**FLOOD STAGE ELEVATION** is defined as the elevation at which overflow of the natural banks of a watercourse or waterbody begins.

**FLOODPROOFING** is defined as any combination of structural and non-structural additions, changes or adjustments to structures or land which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents to the level of the freeboard elevation.

**FLOODWAY** is defined as a waterbody or the channel of a watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge or contain the design flood. In the floodway water depths are in excess of 1 m (3.3 ft.) and velocities are greater than 1 m/second, or where evidence of significant ice shove has been documented.

**FLOODWAY FRINGE** is defined as that portion of the flood risk area not lying within a floodway which may hereafter be covered by flood waters up to the design flood level. Development of this land will not create an excessive hindrance to the hydraulic efficiency of the watercourse. Water depths in the floodway fringe are generally less than 3 feet and water velocities are 3 feet per second or less.

**FLOOR AREA** of a building means the total floor areas of every room and passageway contained in a building but not including the floor areas of basements, attics, sheds, open porches and breezeways. Basement and attic floor areas shall be included when they contain habitable rooms.

**FREEBOARD** is defined as a factor of safety usually expressed in metres above a design flood level; that is, it is the difference between the freeboard elevation and the design flood level. Freeboard is required to compensate for many unknown factors that could contribute to flood stage elevations greater than those calculated for the design flood level. Such factors include but are not limited to ice jamming, wave action, floodway obstructions, and the hydrological effects of urbanization of the watershed.

**FREEBOARD ELEVATION** is defined as the elevation of the design flood level plus a freeboard of 10 feet to the bottom of floor joists or equivalents, and 1.0 feet to the top of the first floor level.

**FRONTAGE** means the length of a street boundary along the front lot line. On double fronting lots, all sides of a lot adjacent to streets shall be considered frontage.

**GARAGE, PRIVATE** means a building or part of a building designed or used for storage of motor vehicles and which is erected and used as an accessory to a dwelling.

**GARAGE, PUBLIC** means a building or part of a building other than a private garage used for the storage, care, repair, servicing or equipping of motor vehicles or where such vehicles are kept for remuneration, hire, sale or display.

**GAS BARS** means development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories. This does not include minor and major service stations.

**GOVERNMENT SERVICES** means development providing municipal, territorial or federal government services directly to the public. Typical uses include taxation offices, courthouses, postal distribution offices, manpower and employment offices, social service offices and airport terminals.

**GRADE, BUILDING** means ground level established for the purposes of regulating the number of storeys and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building.

**GRADE, DRAINAGE** means the ground elevations established in a drainage plan for a lot attached to the application for a development permit as approved by the Development Officer or Council for the purpose of controlling the flow of surface water on the lot.

**GROUP HOMES** means the use of a building as a facility which is authorized, licensed or certified by a public authority to provide room and board for foster children or disabled persons, or for persons with physical, mental, social or behavioural problems, and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision.

**HEIGHT** means, when used with reference to a building or structure, the vertical distance between the horizontal plane through the average grade at the front of the building or structure and a horizontal plane through:

- a) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
- b) the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 5 feet above the maximum permitted building height of the Zone.

**HIGHWAY** includes any common or public road, street, avenue, parkway, driveway, square, bridge, viaduct, trestle or other passageway designed for and intended for use by the general public for the passage of vehicles, but specifically excludes private rights-of-way on private property.



**HOME OCCUPATION** means an occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building and which does not change the character thereof or have any exterior evidence of such secondary use.

**HOTELS** means development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory eating and drinking establishments, meeting rooms, and personal services shops.

**HYDRODYNAMIC PRESSURE** is defined as the pressure in a fluid column due to the movement of the fluid.

**HYDROSTATIC PRESSURE** is defined as the perpendicular pressure to which a submerged plan surface is exposed as a consequence of the weight of a fluid.

**INTERIOR LOT** see LOT, INTERIOR.

**INTENSIVE LIVESTOCK OPERATION** means any confinement livestock facility capable of the confining, rearing or feeding of a type and quantity of livestock at a given density over a minimum length of time.

**LANDSCAPING** means to preserve or change the natural features of a site by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscaping architecture.

**LANE** means a public roadway not exceeding 9.5 m in width, which provides a secondary means of access, to an abutting lot.

**LOADING SPACE** means an open area used to provide unrestricted access of vehicles to a loading door, platform or bay.

**LOCAL UTILITY SERVICES** means development which is part of the infrastructure of a principal utility development which is necessary for the local distribution of utility services. Typical uses include:

- a) collection and disposal of drainage, sewage, garbage and other waste;
- b) delivery or furnishing of water, gas, or electricity to the public at large;
- c) communication services; and
- d) electrical power transformers, underground water reservoirs and wells.

**LOT** means an area of land, having fixed boundaries described in either the Certificate of Title, a survey plan registered in the Land Titles Office or a lease document approved by the GNWT and the Town of Hay River and has not been divided into smaller areas by any plan or instrument registered in the Land Titles Office.

**LOT AREA** means the total area of a lot.

**LOT, CORNER** means a lot at the intersection or junction of two abutting streets.

**LOT COVERAGE** means the combined area of all buildings or structures on a lot as a percentage of the total lot area, measured at the level of the lowest storey above grade, including all porches, verandas, decks and balconies whether open or covered but excluding open and enclosed terraces or patios at grade, steps, cornices, eaves and similar projections.

**LOT DEPTH** means the average horizontal distance between the front and rear lot lines of a lot.

**LOT, DOUBLE FRONTING** means a corner lot which abuts two public streets, (except alleys or lanes) which are parallel or nearly parallel where abutting the lot.

**LOT, FLANKING** means a corner lot on which a side boundary is abutting onto a street and where only one front yard setback is required.

**LOT, INTERIOR** means a lot which is bounded by only one street.

**LOT LINES** means the legally defined limits of any lot.

**LOT WIDTH** means the average horizontal distance between the side boundaries or lot lines of a lot.

**LOT, THROUGH** means a lot other than a corner lot with frontage on more than one street.

**MAJOR IMPACT UTILITY SERVICES** means development for public utility infrastructure purposes which are likely to have a major impact on the environment or adjacent uses by virtue of their potential emissions or effects, or their appearance. Typical uses include sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, district heating plants, incinerators and waste recycling plants.

**MARKETING GARDENING** means horticultural crops including vegetables, fruit, flowers and ornamental plants, but does not include crops grown for the purpose of feeding livestock or cereal or forage crops, except for the purpose of crop rotation.

**MEDICAL CLINIC** means a development used for the provision of privately owned physical and mental health services on an out-patient basis.

**MINOR IMPACT UTILITY SERVICES** means development for public utility infrastructure purposes which is likely to have some impact on the environment or adjacent land uses by virtue of its appearance, noise, size, traffic generation or operational characteristics. Typical uses include vehicle, equipment and material storage yards for utilities and services, telephone exchanges, wire centres, switching centres, snow dumping sites, depots and transfer facilities, surface reservoirs or storm water lakes, water towers, water treatment plants, power terminal and distributing substation, communication towers and gate stations for natural gas distribution.

**MIXED USE DEVELOPMENT** means the use of a building designed for more than one type of land use on the same lot, such as residential and retail development, residential, office and retail development and office warehouse development.

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

**MOBILE HOME, DOUBLE WIDE** means a mobile home consisting of two separate units designed to be joined on site to form one mobile home dwelling.

**MOBILE HOME PARK** means land under single ownership which has been planned and improved for the placement of mobile home for non-transient use.

**MOBILE HOME, SINGLE WIDE** means a mobile home consisting of a single unit designed to be towed or carried in a single load.

**MOBILE HOME SITE** means a parcel of land within a mobile home park for the exclusive use of one mobile home and its occupants.

**MOBILE HOME STAND** means that part of a mobile home lot that has been reserved for the direct placement of the mobile home.

**MODULAR HOME** means a dwelling which is prefabricated or factory built, and which is assembled on the parcel in sections, but such sections or units have neither chassis, running gear, nor its own wheels, and the sections may be stacked side by side or vertically. A modular home does not include a mobile home.

**MOTEL** means a group of attached or detached buildings containing individual sleeping or living units, rooms, or cabins designed for or used temporarily by tourists or transients with parking spaces provided conveniently near to each unit and includes also an auto court, tourist court and a motor lodge. Each unit usually has its own exterior access. An eating or drinking establishment is an accessory use.

**MULTI-FAMILY HOUSING** means residential development consisting of a dwelling containing three or more dwelling units.

**MUNICIPALITY** means the Town of Hay River.

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

**NON-CONFORMING BUILDING OR STRUCTURE** means a building or structure that was lawfully constructed or under construction at the date of the coming into effect of this bylaw and that does not or will not conform to the requirements of this bylaw.

**NON-CONFORMING USE** means a use that was lawfully made of land or a building or intended to be made of a building lawfully constructed or under construction at the date of the coming into effect of this bylaw and that does not or will not conform to the requirements of this bylaw.

**NUISANCE** means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

**OCCUPANCY** means the use or intended use of a building or part thereof for the shelter or support of persons or property.

**OCCUPANCY PERMIT** means a permit allowing for occupancy.

**OFFENSIVE OR OBJECTIONABLE** means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particulate matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; humidity or glare or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of the Development Officer may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure.

**OBSTRUCTION** is defined as any dam, wall, wharf, embankment, levee, dyke, pile, abutment, projection, excavation, channel, rectification, bridge conduit, culvert, building, wire, fence, rock/gravel, refuse, fill, structure, road, or matter in, along, across, or projecting into any flood risk area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream/ inland to the damage of life or property.

**PARCEL** see LOT.

**PARKING FACILITY** means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area.

**PARKING SPACE, OFF-STREET** means an off-street area available for the parking of one motor vehicle.

**PARKING SPACE, RESIDENTIAL** means the space set aside for the parking of one vehicle on a residential lot and includes garages, carports and driveways.

**PARKING STALL** means a space set aside for the parking of one vehicle.

**PARKING STRUCTURE** means a structure designed for the parking of motor vehicles in tiers or floors.

**PERMITTED USE** is a development or use which is permitted in terms of this bylaw.

**PERSONAL SERVICE SHOPS** means development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This includes barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This does not include health services.

**PRINCIPAL BUILDING** means a building which occupies the major portion of a lot, is the chief or main building on a lot, or constitutes, by reason of its use, the primary purpose for which the lot is used.

**PRINCIPAL USE** means the main purpose for which a lot is used.

**PRIVATE CLUB OR LODGE** means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations, excluding on-site residences.

**PROTECTIVE AND EMERGENCY SERVICES** means development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of emergency equipment and vehicles. Typical uses include police stations, fire stations and ancillary training facilities.

**PUBLIC USE** means a development which is publicly owned, supported or subsidized involving public assembly or use. Public uses typically may include such uses as public schools, parks, libraries, arenas, museums, art galleries, hospitals, cemeteries, tennis courts swimming pools and other indoor and outdoor recreational facilities.

**REACH** is defined as the longitudinal segments of a watercourse or shore of a waterbody. A reach may include the segment of the flood risk area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a watercourse or waterbody between two consecutive cross-sections would typically constitute a reach.

**RELIGIOUS ASSEMBLY** means development owned by a religious organization used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This use class does not include Private Education Services, Public Education Services and Commercial Schools, even as accessory uses.

**RETAIL STORE** means a development used for the retail sale of a wide variety of consumer goods including such things as groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionary, pharmaceutical and personal care items, office supplies, stationary etc., but does not include any retail outlet otherwise classified or defined in this bylaw.

**RETAIL STORES, CONVENIENCE** means development used for the retail sale of those goods required by area residents or employees on a day to day basis, from business premises which do not exceed 279 square metres (3000 sq. ft.) in gross floor area. Typical uses include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

**ROW HOUSING** means development consisting of a building containing a row of two or more 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 be separated from the one adjoining, where they are adjoining, by a vertical party wall which is insulated against sound transmission. Adjoining rooms may or may not be habitable rooms. Each dwelling shall have separate, individual, and direct access to grade.

**SECOND STOREY** means the storey located above the first storey.

**SEMI-DETACHED HOUSING** means side by side duplex housing with each unit on its own titled lot.

**SEMI-PUBLIC USE** means a development which is used for the meeting, social or recreational activities of its members, which may or may not include the general public. Typical semi-public uses include private schools excluding commercial schools, indoor and outdoor recreational facilities, hospitals, lodges and clubs, cemeteries, galleries, museums, Religious Assembly and places of worship, and libraries.

**SHOPPING CENTRE** means two or more commercial establishments planned, developed and managed as a unit on a lot or lots and served by off street parking, and includes the total area upon which the buildings are located.

**SIGN** means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event.

**SIGN, BILLBOARD** means a sign supported by one or more uprights, braces, or pylons, which stands independently of a building and may or may not contain advertising copy related to the development within the lot upon which the billboard sign is located.

**SIGN, CANOPY** means a canopy or awning which projects from a structure or building and displays the building or proprietor's advertising or identification.

**SIGN, FASCIA** means a sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached, but in no case does its vertical dimensions exceed 1.5 m (5.0 ft.).

**SIGN, FREESTANDING** means a sign supported by one or more uprights, braces or pylons and which stands independently of buildings.

**SIGN, OFF-SITE** means a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is located. Such a sign is not located on the site of the goods, products, services or facilities advertised.



**SIGN, PORTABLE** means a sign with a total area on one face of greater 3.0 m<sup>2</sup> mounted on a frame or on a trailer, stand or similar support and which together with the support can be relocated to another location, and may include copy that can be changed manually through the use of detachable characters.

**SIGN, PROJECTING** means a sign other than a canopy or awning sign which projects at right angles from a structure or a building face or wall. This does not include a sign attached to the ground.

**SIGN, ROOF** means any sign erected upon, against or directly above a roof or on top of or above the parapet wall of a building.

**SIGN, TEMPORARY** means a sign which may or may not be portable in nature and which is located on a lot for a limited or specified period of time.

**SIGN, UNDER-CANOPY** means a sign which is attached to the bottom face of a canopy.

**SIGN, WALL** means a sign that is attached to or placed flat against the exterior wall or surface of any structure of any building, no portion of which projects more than 0.1 m from the wall and which does not project above the roof or parapet.

**SINGLE FAMILY HOUSING** means development consisting of one detached permanent dwelling, which is separate from any other dwelling or building and for the use of a single family. This definition includes modular or prefabricated housing but does not include mobile homes, either single or double wide.

**SITE** means one or more lots for which an application for a development permit is made, and may include streets, lanes, walkways and any other land surface upon which development is proposed.

**SITE AREA** means the total area of a site.

**SITE BOUNDARIES** means those boundaries which bound the site as determined by the Development Officer.

**SITE, CORNER** means a site at the intersection or junction of two abutting streets.

**SITE COVERAGE** means the combined area of all buildings or structures on a site as a percentage of the total site area, measured at the level of the lowest storey above grade, including all porches, verandas, decks and balconies whether open or covered but excluding open and enclosed terraces or patios at grade, steps, cornices, eaves and similar projections.

**SITE DEPTH** means the average horizontal distance between the front and rear site boundaries or lot lines of a site.

**SITE, FLANKING** means a corner site on which a side boundary is abutting onto a street and where only one front yard setback is required.

**SITE, INTERIOR** means a site which is bounded by only one street.

**SITE WIDTH** means the average horizontal distance between the side boundaries or lot lines of a site.

**SPLIT LEVEL** means a dwelling unit of single family housing that has three or more separate living areas, each separated from the next by a ½ storey, not including the basement.

**STOP WORK ORDER** means an order, in writing, requiring the person or persons responsible for any contravention of this bylaw to stop the development or use of land or building in whole or in part as directed by the order.

**STOREY** means that portion of the building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above it, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 6.0 feet above grade, such basement shall be considered a storey for the purpose of this bylaw.

**STOREY, HALF** means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 2 feet above the floor of such storey.

**STREET** means a thoroughfare 9.5 m wide or more which is used by the general public and which affords the principal means of access to abutting property. Streets shall be designated as either local, for neighbourhood traffic, or collectors for heavier volumes. This does not include private roads in condominium developments or mobile home parks.

**STREET, FLANKING** means a street abutting the side yard of a lot or site.

**STREET, FRONTING** means a street abutting the front yard of a lot or site.

**STRUCTURE** means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Structures include buildings, walls, fences, billboards and poster panels.

**TEMPORARY DEVELOPMENT** means a development for which a development permit has been issued for a limited time only (See Section 3.7.3).

**TOURIST CAMPSITE** means a site which provides for the temporary location of tents and trailers used by travellers and tourists for overnight accommodation.

**TOURIST LODGE** means a building, with or without smaller ancillary buildings or cabins, providing rooms for temporary tourist lodging which does not normally exceed 14 days.

**TOWNHOUSING** see ROW HOUSING.

**TRAILER, VACATION** means any portable accommodation providing temporary living quarters for persons vacationing or travelling.

**USE** means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

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

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

**VETERINARY CLINIC** means development used for the care and treatment of animals where the veterinary services may involve inpatient and outpatient care and medical procedures involving hospitalization. This use includes animal hospitals and shelters, pet clinics and veterinary offices.

**WATERBODY** is defined as a lake, a pond, or a reservoir either naturally or artificially created which periodically or continuously contains water.

**WATERCOURSE** is defined as an open defined channel, river, drain, or ditch either naturally or artificially created which intermittently or continuously contains moving water.

**YARD** means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this bylaw.

**YARD, FRONT** means that portion of the lot extending across the full width of the lot from the front property boundary of the lot to the exterior wall of the building.

**YARD, REAR** means that portion of the lot extending across the full width of the lot from the rear property boundary of the lot to the exterior wall of the building.

**YARD, SIDE** means that portion of the lot extending from the front yard to the rear yard and lying between the side property boundary of the lot and the nearest portion of the exterior wall of the building.

**YARD, SIDE (Flanking)** means a side yard abutting a street on a corner lot.

**ZERO LOT LINE** means a zero side yard along the common property line of two semi-detached units.

**ZONE** means a defined area or district of the Town as set out in Schedule 1 of this bylaw and shown on the Zoning Map and is used to regulate the use and development of land.

**ZONING MAP** means the map forming part of this bylaw delineating the boundaries of the zones set out in this bylaw and marked Zoning Bylaw Map.

**Town of Hay River  
Zoning and Building Bylaw  
Bylaw No. 1812  
Schedule 2: Forms**

## **SCHEDULE 2 FORMS**

Schedule 2 includes the following forms:

- 1) Form “A” - Application for Development Permit
- 2) Form “B” - Notice of Decision/Development Permit
- 3) Form “C” - Application for Building Permit
- 4) Form “D” - Application for Amendment to By-law
- 5) Form “E” - Development Permit - Occupancy
- 6) Form “F” - Development Permit - Moving
- 7) Form “G” - Development Permit - Utility
- 8) Form “H” - Development Permit - Demolition
- 9) Form “I” - Application for Development Permit - Sign

Town of Hay River  
Zoning and Building Bylaw No. 1812  
**APPLICATION FOR A DEVELOPMENT PERMIT**

**FORM A**

I hereby make application under the provisions of the Land Use Bylaw for a Development Permit in accordance with the plans and supporting information submitted herewith and which form part of this application.

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

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

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

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

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

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

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

Adjacent to Highway            Yes \_\_\_\_            No \_\_\_\_

Area Required for Proposed Use: \_\_\_\_\_

Estimated Cost of Development: \_\_\_\_\_

Proposed Setback from Property Lines: Front Yard \_\_\_\_\_ Side Yard \_\_\_\_\_ Rear Yard \_\_\_\_\_

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

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

Date of Application: \_\_\_\_\_

Application Fee: \_\_\_\_\_

**NOTE: THE DEVELOPMENT PERMIT APPLICATION WILL NOT BE ACCEPTED UNLESS IT CONFORMS TO THE REQUIREMENTS OF THE ZONING AND BUILDING BYLAW AND THE APPROPRIATE FEE IS SUBMITTED WITH THE APPLICATION.**

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

Please Print Signature: \_\_\_\_\_

Town of Hay River  
Zoning and Building Bylaw No. 1812  
**NOTICE OF DECISION/DEVELOPMENT PERMIT**

**FORM B**

The application has been

APPROVED subject to the following conditions:

---

---

---

REFUSED for the following reasons: \_\_\_\_\_

---

---

\_\_\_\_\_  
Date of Decision

\_\_\_\_\_  
Date of Issue of this Permit

\_\_\_\_\_  
Development Officer

**IMPORTANT NOTE:**

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



Town of Hay River  
Zoning and Building Bylaw No. 1812  
**APPLICATION FOR BUILDING PERMIT**  
**PERMIT AFTER APPROVAL BY BUILDING INSPECTOR**

**FORM C**

Name of Applicant: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address of Applicant: \_\_\_\_\_  
Name of Owner: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address of Owner: \_\_\_\_\_  
Name of Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address of Contractor: \_\_\_\_\_  
Location of Work: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Plan \_\_\_\_\_  
Nature of Work:  
New Construction ~ Addition ~ Structural Repair ~  
Alteration ~ Foundation Only ~ Mechanical Only ~

Intended Use: \_\_\_\_\_  
\_\_\_\_\_

**Size of Building:**

Width x Length: \_\_\_\_\_ Height above Grade: \_\_\_\_\_  
Basement: Full: \_ Partial: \_\_\_\_\_

**Services:**

Water: \_\_\_\_\_ Electricity: \_\_\_\_\_ Ventilation: \_\_\_\_\_  
Heating: \_\_\_\_\_ Radiant: \_\_\_\_\_ Forced Air: \_\_\_\_\_

**Type of Construction:** \_\_\_\_\_

Foundation: \_\_\_\_\_

Walls: \_\_\_\_\_

Floors: \_\_\_\_\_

Roof: \_\_\_\_\_

Permit Value: \_\_\_\_\_ Permit Fee: \_\_\_\_\_

I/We agree that the issuance of a Building Permit, based upon plans and specifications shall not prevent the Town from thereafter requiring the correction of errors in said plans and specifications or from prohibiting the development being carried out when the same is in violation of the Zoning and Building Bylaw.

I/We agree that in the event of a Building Permit being granted in respect of these works, I/We will comply in all respects with the conditions subject to which it is granted and with the requirements of the Zoning and Building Bylaw. Any person who contravenes any provision of the Zoning and Building Bylaw is guilty of an offence and is liable to summary conviction.

This permit expires twelve months from date of issue.

\_\_\_\_\_  
Date Signature of Applicant Signature of Building Inspector,  
Granting Approval

Conditions of Approval: \_\_\_\_\_  
\_\_\_\_\_

Town of Hay River  
Zoning and Building Bylaw No. 1812  
**APPLICATION FOR AMENDMENT  
TO THE LAND USE BYLAW**

**FORM D**

I/We hereby make application to amend the Land use Bylaw.

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

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

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

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

Land Description:

Lot \_\_\_\_\_ Block \_\_\_\_\_ Registered Plan \_\_\_\_\_ Certificate of Title \_\_\_\_\_

Amendment Proposed

FROM \_\_\_\_\_ TO \_\_\_\_\_

Reasons in support of Application for Amendment (Add additional pages as required)

I/We enclose \$ \_\_\_\_\_ being the application fee.

DATE: \_\_\_\_\_

SIGNED: \_\_\_\_\_

Town of Hay River  
Zoning and Building Bylaw No. 1812  
**DEVELOPMENT PERMIT - OCCUPANCY**

**FORM E**

OCCUPANCY OF \_\_\_\_\_ LOT \_\_\_\_\_ BLOCK \_\_\_\_\_ PLAN \_\_\_\_\_

ZONING \_\_\_\_\_

OWNER \_\_\_\_\_ ADDRESS \_\_\_\_\_

TELEPHONE NO. \_\_\_\_\_ BUSINESS LICENSE NO. \_\_\_\_\_

IS HEREBY GRANTED FOR THE PURPOSE OF \_\_\_\_\_

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

Occupancy will be granted after all final inspections are made and passed and the Zoning Bylaw is respected.

In special cases occupancy can be granted on request, before the final inspections are made and passed; in such a case, the occupancy will be provisional.

- All the necessary permits have been issued.
- THIS PERMIT IS CONDITIONAL, VALIDITY SUBJECT TO \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- THIS PERMIT IS NON-CONDITIONAL AND FULLY VALID.

OCCUPANCY GRANTED BY \_\_\_\_\_

DATE \_\_\_\_\_

SIGNATURE \_\_\_\_\_

1. White - Inspection Dept.
2. Yellow - Owner
3. Pink - General Contractor

Town of Hay River  
Zoning and Building Bylaw No. 1812  
**DEVELOPMENT PERMIT - MOVING**

**FORM F**

PERMIT NO.: \_\_\_\_\_

DATE: \_\_\_\_\_ 20 \_\_\_\_

I, \_\_\_\_\_ of Hay River, NWT, hereby apply to move:

\_\_\_\_\_  
Type of Building Name of Owner

\_\_\_\_\_  
Size

FROM: \_\_\_\_\_  
CIVIC ADDRESS

LOT NO:  
BLOCK NO:  
PLAN NO:

TO: \_\_\_\_\_  
CIVIC ADDRESS

LOT NO:  
BLOCK NO:  
PLAN NO:

CONDITIONS:

- A) All taxes levies and utility accounts must be paid in full to date unless other arrangements have been made.
- B) The Applicant must abide by the regulations contained in the Zoning and Building Bylaw No. 1515 of the Town of HAY RIVER.
- C) The Applicant is also responsible for contacting NorthwesTel Inc., Northland Utilities (NWT) Ltd., Stittco Utilities (NWT) Ltd., and the GNWT, Dept. of Highways advising the time of the move.

\_\_\_\_\_  
SIGNATURE OF APPLICANT

\_\_\_\_\_  
SIGNATURE OF UTILITIES DEPARTMENT

\_\_\_\_\_  
SIGNATURE OF LANDS DEPARTMENT

\_\_\_\_\_  
SIGNATURE OF SENIOR ADMINISTRATIVE OFFICER

\_\_\_\_\_  
DATE OF APPROVAL

cc Lands Dept. - Town  
Utilities Dept. - Town

Town of Hay River  
Zoning and Building Bylaw No. 1812  
**DEVELOPMENT PERMIT - UTILITY**

**FORM G**

PERMIT NO.: \_\_\_\_\_

DATE: \_\_\_\_\_ 20 \_\_\_\_

The Town of Hay River hereby acknowledges application of \_\_\_\_\_

\_\_\_\_\_  
(Owner/Lessee)

to connect electrical service to Lot \_\_\_\_\_ Blk \_\_\_\_\_ Plan \_\_\_\_\_

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

The electrical service is required for \_\_\_\_\_ (use)

which is authorized on a \_\_\_\_\_ basis.

Permanent or Temporary

If temporary, the use is authorized for a period of \_\_\_\_\_

months as the intended use is contrary to existing Town Bylaws.

By the issuance of this permit, the Town of Hay River does not accept any responsibility or liability that the electrical installation is in accordance with or meets the requirements of the Canadian Electrical Code.

\_\_\_\_\_  
Official Signature

\_\_\_\_\_  
Official Title

Note: Must be accompanied by Water Utilities Connection Application.

cc Northland Utilities  
W/S Dept. - Town  
Land Dept. - Town  
File

Town of Hay River  
Zoning and Building Bylaw No. 1812  
**DEVELOPMENT PERMIT - DEMOLITION**

**FORM H**

PERMIT NO: \_\_\_\_\_

DATE: \_\_\_\_\_ 20 \_\_\_\_

I, \_\_\_\_\_ OF THE TOWN OF HAY RIVER, IN THE  
NORTHWEST TERRITORIES, HEREBY APPLY TO DEMOLISH:

LOCATION: \_\_\_\_\_

TYPE OF BUILDING: \_\_\_\_\_

SIZE: \_\_\_\_\_

CONDITIONS

THAT the granting of demolition shall be subject to the approval of the Town Council  
where required.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Utilities Department

\_\_\_\_\_  
Lands Department

\_\_\_\_\_  
Senior Administrative Officer

Town of Hay River  
Zoning and Building Bylaw No. 1812  
**APPLICATION FOR DEVELOPMENT PERMIT - SIGN**

**FORM I**

PERMIT NO: \_\_\_\_\_

DATE: \_\_\_\_\_ 20\_\_

READ a first time this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Senior Administrative Officer

After due notice and public hearing held the \_\_\_\_ day of \_\_\_\_\_, 20\_\_ pursuant to Section 25 of the *Planning Act*.

READ a second time this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Senior Administrative Officer

**Town of Hay River  
Zoning and Building Bylaw  
Bylaw No. 1812  
Schedule 3: Fee Schedule**



### **SCHEDULE 3 BUILDING PERMIT FEES**

<b>BUILDING PERMIT FEE SCHEDULE</b>		
<b><u>Residential</u></b>		<b>Permit Fee</b>
<b>Development Value in Dollars</b>		
<i>From</i>	<i>To</i>	
0	2,000.00	\$15.00
2,000.01	5,000.00	\$45.00
5,000.01	10,000.00	\$75.00
10,000.01	25,000.00	\$150.00
25,000.01	50,000.00	\$300.00
Over 50,000.00		\$600.00
<b><u>Commercial/Industrial</u></b>		<b>Permit Fee</b>
<b>Development Value in Dollars</b>		
<i>From</i>	<i>To</i>	
0	10,000.00	\$75.00
10,000.01	30,000.00	\$300.00
30,000.01	50,000.00	\$600.00
50,000.01	100,000.00	\$1,200.00
100,000.01	500,000.00	\$2,400.00
500,000.01	1,000,000.00	\$4,800.00
Over 1,000,000.00		\$7,200.00

**Town of Hay River  
Zoning and Building Bylaw  
Bylaw No. 1812  
Schedule 4: Zoning Maps**

## **SCHEDULES**

### **SCHEDULE 4 ZONING MAPS (FIGURES 1 - 5)**

Schedule 4 includes the following components:

- 1) The 1:15000 scale Zoning Maps, Figures 1 - 5 showing the boundaries and designation of all zones, which is appended to this bylaw.
- 2) For the purpose of this bylaw the following Zones are hereby established:

R1A	Single Family Residential (Class A)
R1B	Single Family Residential (Class B)
R1C	Single Family Residential (Class C)
R2	Mile 5 Residential
R3	West Channel Village Residential
R4	Multi-Family Residential
RM	Mobile Home Park
RC	Country Residential
C1	Core Area Commercial
C2	Highway/Service Commercial
C3	Mixed Use Commercial
C4	Convenience Commercial
M1	Restricted Industrial
M2	General Industrial
T	Transportation District
U	Utility District
EX	Resource Extraction
I	Institutional
P	Parks and Open Space
MG	Market Gardening
UR	Urban Reserve
RR	Rural Resource
H	Holding Zone