

MACA HQ
OFFICE COPY

HAMLET OF TUKTOYAKTUK

ZONING BYLAW #258

**INCORPORATED HAMLET OF TUKTOYAKTUK, NWT
ZONING BYLAW
BYLAW NO. #258
TABLE OF CONTENTS**

SECTION 1 – ENACTMENT.....	3
SECTION 2 – GENERAL.....	5
SECTION 3 – INTERPRETATION.....	5
SECTION 4 – DEVELOPMENT OFFICER.....	11
SECTION 5 – HAMLET COUNCIL.....	11
SECTION 6 – DEVELOPMENT APPEAL BOARD.....	11
SECTION 7 – SECRETARY – DEVELOPMENT APPEAL BOARD.....	12
SECTION 8 – COMPLIANCE WITH OTHER LEGISLATION.....	13
SECTION 9 – CONTROL AND DOCUMENTATION OF DEVELOPMENT.....	13
SECTION 10 – DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT.....	14
SECTION 11 – NON-CONFORMING BUILDINGS AND USES.....	14
SECTION 12 – PERMISSION FOR DEVELOPMENT.....	15
SECTION 13 – AMENDING BYLAWS.....	17
SECTION 14 – VARIANCES.....	17
SECTION 15 – DEVELOPMENT PERMITS AND NOTICES.....	17
SECTION 16 – APPEAL PROCEDURE.....	18
SECTION 17 – PUBLIC HEARING.....	18
SECTION 18 – DECISION.....	19
SECTION 19 – CONTRAVENTION, ENFORCEMENT, AND PENALTIES.....	19
SECTION 20 – RIGHT TO ENTER.....	20
SECTION 21 – APPLICATION TO AMEND BYLAW.....	21
SECTION 22 – FORM OF APPLICATION.....	21
SECTION 23 – FLOOD AND EROSION RISK AREAS.....	21

SCHEDULE A – ZONES

SECTION 1 – ZONES AND ZONING MAP

1.1 Establishment of Zones.....	1
1.2 Incorporation of Zoning Map.....	1
1.3 Interpretation of Zoning Map.....	1

SECTION 2 – ZONE REGULATIONS

2.1 Residential (R) Zone.....	2
2.2 Commercial (C) Zone.....	3
2.3 Open Space (OS) Zone.....	4
2.4 Public (P) Zone.....	4
2.5 Industrial and Harbour (IH) Zone.....	5
2.6 Urban Reserve (UR) Zone.....	6
2.7 Airport Reserve (AR) Zone.....	6
2.8 Environmental Reserve (ER) and Hinterland Zone.....	7

SECTION 3 – SUPPLEMENTARY PROVISIONS

3.1 Development Permitted in All Zones.....	7
3.2 Accessory Buildings.....	8
3.3 Parking.....	8
3.4 Servicing Agreements.....	8

SCHEDULE B – MAPS

- ZONING MAP (DATED NOVEMBER 6, 2000)
- FLOOD RISK MAP (DATED MARCH 31, 1988)
- SAMPLE SITE PLAN

SCHEDULE C – FORMS

- FORM A – APPLICATION FOR DEVELOPMENT PERMIT 1
- FORM B – NOTICE OF APPROVAL OF A DEVELOPMENT APPLICATION 3
- FORM C – NOTICE OF REFUSAL OF A DEVELOPMENT APPLICATION 4
- FORM D – APPLICATION FOR DEVELOPMENT DECISION APPEAL 5
- FORM E – NOTICE OF DEVELOPMENT DECISION APPEAL HEARING 6
- FORM F – DEVELOPMENT PERMIT AND ACCEPTANCE 7
- FORM G – NOTICE OF DEVELOPMENT APPEAL DECISION 8
- FORM H – NOTICE OF ZONING BYLAW CONTRAVENTION AND REMEDIAL
ACTION OR STOP WORK ORDER 9
- FORM I – APPLICATION FOR AMENDMENT TO THE ZONING BYLAW 10

SCHEDULE D – AERONAUTICAL OBSTRUCTION CLEARANCE FORM

**INCORPORATED HAMLET OF TUKTOYAKTUK, NWT
ZONING BYLAW
BYLAW NO. #258**

BEING A BYLAW OF THE INCORPORATED HAMLET OF TUKTOYAKTUK IN THE NORTHWEST TERRITORIES TO REGULATE THE USE AND DEVELOPMENT OF LAND WITHIN THE MUNICIPALITY, PURSUANT TO THE PROVISIONS OF THE NWT PLANNING ACT, R.A.S.N.W.T. 1988, c. P-7, S.13

WHEREAS it is deemed desirable to regulate certain uses and development of land within the municipality; and

WHEREAS the Council of the Hamlet of Tuktoyaktuk has adopted a Community Plan under Section 3 of the Planning Act, being Bylaw #257.

WHEREAS, the Council of the Hamlet of Tuktoyaktuk has prepared a Zoning Bylaw in accordance with Sections 13 to 23 of the NWT Planning Act.

NOW THEREFORE, in the Northwest Territories, duly assembled, enacts as follows:

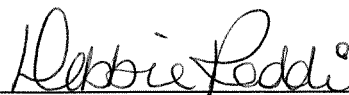
SECTION 1 - ENACTMENT

- (1) The Zoning Bylaw for the Hamlet of Tuktoyaktuk is hereby adopted.
- (2) This Bylaw shall come into effect upon being signed and sealed following third reading.
- (3) Schedules "A", "B" and "C" are declared to form part of this Bylaw.
- (4) This Bylaw hereby repeals the Hamlet of Tuktoyaktuk Zoning Bylaw No. 061 (1986) as amended.

Read a first time the 15th day of November, **2000**.



Mayor

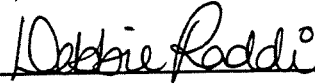


Senior Administrative Officer

Read a second time as amended the 17th day of January, 2001 A.D.



Mayor

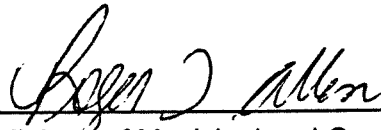


Senior Administrative Officer

APPROVED by the Minister of Municipal and Community Affairs, Government of the Northwest Territories this day of October, 2000 AD.

5

1

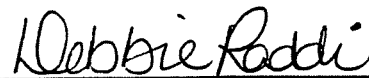


Minister of Municipal and Community Affairs
Government of the Northwest Territories

Read a third time and finally passed this 21st day of November, 2001 A.D.



Mayor



Senior Administrative Officer

SECTION 2 – GENERAL

- (1) TITLE This bylaw shall be known as the “Tuktoyaktuk Zoning Bylaw”.
- (2) APPLICATION The provisions of this bylaw shall apply to all lands within the boundaries of the Hamlet of Tuktoyaktuk.
- (3) SCOPE No lands shall be used and no development shall take place within the Hamlet of Tuktoyaktuk except in conformity with the provisions of this bylaw.
- (4) VALIDITY Should any section, clause or provision of this bylaw be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the bylaw shall not be affected.
- (5) EFFECTIVE DATE This bylaw shall come into force and effect on the date it receives third reading by Council.

SECTION 3 - INTERPRETATION

In this bylaw:

“ACCESSORY” means a use or development that is secondary to, normally associated with and solely devoted to a main use and development and is located on the same lot.

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

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

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

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

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

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

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

“BUILDING” means any structure, used for the shelter or accommodation of persons, animals or goods.

“COMMERCIAL” means a use or development for the purposes of buying or selling goods and supplying services, but does not include an industrial use.

“CONDITIONALLY PERMITTED DEVELOPMENT” means development that may be allowed provided that the development conforms to the regulations of the bylaw and the policies of the Community Plan.

“CONSTRUCTION AND WORK CAMPS” means a facility providing sleeping, eating, food preparation, sanitary conveniences and recreational areas and equipment for persons who provide temporary labour services, but not including their dependents.

“COUNCIL” means the Council of the Hamlet of Tuktoyaktuk.

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

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

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

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

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

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

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

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

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

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

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

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

“HOME OCCUPATION” means any business conducted entirely within a dwelling unit provided the use:

- (a) does not change the residential character of the lot by creating problems with noise, traffic, parking or outdoor storage;
- (b) does not employ more than one individual who is not a resident of the dwelling unit; and
- (c) does not show any exterior evidence of the use being carried on except for a small advertising sign, no bigger than 0.5 metres in area.

“INDUSTRIAL” shall mean a use or development for the purposes of manufacturing, processing, distribution, repairing or storage of goods.

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

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

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

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

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

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

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

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

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

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

“MUNICIPALITY” means the Incorporated Hamlet of Tuktoyaktuk.

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

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

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

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

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

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

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

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

“PERSON” means any individual, association, firm, partnership, incorporated company, government or public agency.

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

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

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

- (a) facilities for the storage, transmission, treatment, distribution or supply of potable water;
- (b) facilities for the collection, treatment, movement or disposal of sanitary sewage;
- (c) systems for surface runoff control;
- (d) systems for electrical energy generation, transmission and distribution; and
- (e) systems for ground or satellite communication.
- (f) systems for the distribution of gas, whether artificial or natural;

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

“QUARRYING” means the use of land or buildings for the removal of gravel, stone, sand, earth, clay, fill or other similar substances for commercial, industrial or manufacturing purposes, but does not include the removal of material from a man-made stockpile.

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

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

“SIGN” means any object or device intended for the purpose of advertising or calling attention to any person, matter, thing, or event and includes any word letter, model, picture, symbol, device or representation used as, wholly or in part, an advertisement, announcement, or direction. Without restricting the generality of the foregoing, a sign includes posters, notices, panels, boarding, and banners.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 4 - DEVELOPMENT OFFICER

- (1) The office of the Development Officer is hereby established and shall be filled by a person appointed by resolution of Council established in accordance with Section 16.1 of the Planning Act.
- (2) The Development Officer is authorized to perform the duties specified in Sections 9 through 13 of this Bylaw and has enforcement powers as are conferred upon Council by Section 16(2) of the Planning Act.
- (3) The Development Officer shall:
 - (a) keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw obtainable by the public at reasonable charge;
 - (b) keep a register of all applications for development, including the decision thereon and the reasons therefore.
- (4) The Development Officer is hereby declared to be an official of the municipality and an authorized officer or servant of Council.
- (5) The Development Officer may approve developments that comply with the Community Plan and Zoning Bylaw relating to permitted development in Residential Zones. Development for all other land use designations must be approved by Council.

SECTION 5 - HAMLET COUNCIL

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

SECTION 6 - DEVELOPMENT APPEAL BOARD

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

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

SECTION 7 - SECRETARY - DEVELOPMENT APPEAL BOARD

- (1) The office of Secretary of the Board is hereby established and shall be filled by an employee of the Hamlet of Tuktoyaktuk, as appointed by Council or the Senior Administrative Officer acting on behalf of Council.
- (2) The Secretary shall:
 - (a) keep available for public inspection before the commencement of the public hearing all relevant documents and materials respecting an appeal under the Planning Act, including the application for the development permit, its refusal and the appeal therefrom;
 - (b) receive and administer all applications for appeal;
 - (c) notify all members of the Board of the arrangements for the holding of each hearing and other meetings of the Board;
 - (d) ensure that reasonable notice of a hearing is given to the appellant and other persons who in the opinion of the Board may be affected. Notification may be given in any or all of following manners: letter, verbal, newspaper, poster, or television notification;
 - (e) prepare and maintain a file of written minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with the Council;
 - (f) serve the appellant and all affected parties a notice of the decision of the Board and the reasons therefore;

- (g) notify the Council of the decisions of the Board;
- (h) within fifteen days after the Board renders its decision make a complete report of the appeal proceedings to the Director, including all representations made at the hearing; and
- (i) carry out such other administrative duties as the Board may specify.

SECTION 8 - 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 Tuktoyaktuk Airport Zoning Regulations;
 - (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.

SECTION 9 - CONTROL AND DOCUMENTATION OF DEVELOPMENT

- (1) No development other than that designated in Section 10 shall be undertaken within the municipality unless an application for it has been approved and a Development Permit has been issued.
- (2) Permitted or conditional uses of land and buildings are specified in Schedule "A".
- (3) For the purposes of this Bylaw the municipality is divided into zones in the manner indicated on the maps in Schedule "B".
- (4) All development related activity other than that designated in Section 10 shall be documented using Schedule "C", Forms "A" to "I" as required by the Development Officer. The forms include:

- Form "A" - Application for Development Permit
- Form "B" - Notice of Approval of a Development Application
- Form "C" - Notice of Refusal of a Development Application
- Form "D" - Application for Development Decision Appeal
- Form "E" - Notice of Development Decision Appeal Hearing
- Form "F" - Development Permit and Acceptance
- Form "G" - Notice of Development Appeal Decision
- Form "H" - Notice of Zoning Bylaw - Contravention and Remedial Action or Stop Work Order
- Form "I" - Application for Amendment to the Zoning Bylaw

SECTION 10 - DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

The following development shall not require a Development Permit:

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

SECTION 11 - NON-CONFORMING BUILDINGS AND USES

- (1) A non-conforming use may be continued but if that use is discontinued for more than six months, any future use of the land or building shall conform with the provisions of the Zoning Bylaw.
- (2) A non-conforming use of part of a building may be extended throughout the building.
- (3) A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.
- (4) A non-conforming building may continue to be used but the building shall only be enlarged, added to, rebuilt or structurally altered up to a maximum of 25% of the ground floor area of the building, unless the building is being converted to a use allowed under the bylaw.

- (5) When an existing building is a non-conforming building solely by reason of its encroachment into required height; side, front, or rear yards, an addition to the building may be allowed if such addition will not in itself constitute a further encroachment into any required yard and if such extension or addition complies with all other aspects of the provision of this Bylaw.
- (6) If a non-conforming building is damaged or destroyed to the extent of more than 75 percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the Zoning Bylaw.
- (7) The use of land or the use of a building is not affected by reason only of a change of ownership, tenancy or occupancy of the land or building.
- (8) The provision of this bylaw shall not apply to prevent the use and development of land prohibited by the bylaw if the use and development of land had been lawfully established or was started immediately before this bylaw came into force and effect.

SECTION 12 - PERMISSION FOR DEVELOPMENT

- (1) An application for a Development Permit in a Residential, Commercial, Public, Open Space or Urban Reserve Zone shall be made to the Development Officer in writing on the Schedule "C", Form "A" and shall be accompanied by:
 - (a) a site plan at a scale of 1:500 or larger, in duplicate showing the legal description of the lot and the proposed front, rear, and side yards, the location of water, sewer and fuel service connections, and any provision for off-street loading and off-street vehicle parking, entry and exit points to the site, and provision for landscaping and drainage; and
 - (b) floor plans, elevations, and sections in duplicate.

The applicant shall also complete the Aeronautical Obstruction Clearance Form in Schedule "D". Residential zone developments shall not be required to fill out the Aeronautical Obstruction Clearance Form.

- (2) Information Requirements for a Development Permit in an Industrial and Harbour or Environmental Zone

An application for a development permit in an Industrial and Harbour or Environmental Protection Zone shall be made to the Development Officer in writing on the Schedule "C", Form "A" and shall be accompanied by:

- (a) the exact location and plans of the development of a map at a scale of 1:2000 or larger;
- (b) a detailed description of the proposed use or development of the land;
- (c) the transportation routes to be used including airports, trails, right-of-ways and roads;
- (d) the community facilities and services to be used including transportation, health, recreation and other forms of public facilities;
- (e) the start and completion date of the development;
- (f) the cost of the development;
- (g) the number of employees;

- (h) the type and amount of wastes to be created, and methods of treatment and disposal;
- (i) the water demand and anticipated source;
- (j) the reason for the specific location; and
- (k) a description of how the site is to be restored upon closure of the site activity.

The applicant shall also complete the Aeronautical Obstruction Clearance Form in Schedule "D".

- (3) Each application for a Development Permit shall be accompanied by a fee calculated according to the following table:

<u>Cost of Project or Contract Price</u>	<u>Fee</u>
0 to \$1,000.00	\$25.00
\$1,001 to \$5,000.00	\$50.00
\$5,0001 to \$10,000.00	\$100.00
\$10,001 to \$20,000.00	\$175.00
\$20,001 to \$50,000.00	\$250.00
\$50,001 to \$75,000.00	\$300.00
\$75,001 to \$100,000.00	\$350.00
For each \$1,000 over \$100,000.00	\$3.50

- (a) The fee for a Sign Permit shall be \$25.00.
- (5) The Development Officer shall:
 - (a) receive, consider and decide on applications for a Development Permit for uses, listed in Schedule "A", which constitute permitted uses in a zone and comply with the minimum standards for that zone;
 - (b) refer with his recommendations, to the Council (acting as the Development Officer) for its consideration and decision, applications for a Development Permit for uses listed in Schedule "A" which constitute conditional uses; and
 - (c) refer to the Council (acting as the Development Officer) at his discretion any application which, in his opinion should be decided by the Council.
- (6) In making a decision, the Development Officer (or Council acting as the Development Officer) may approve the application unconditionally, or impose conditions considered appropriate and not in conflict with this Bylaw, permanently or for a limited period of time, or refuse the application.
- (7) Council may require with respect to a development that as a condition of issuing a Development Permit, the applicant enter into an agreement to construct or pay for the construction of public roadways, parking areas, and parks, or to install or pay for the installation of utilities, or to pay an off-site levy or redevelopment levy imposed bylaw.
- (8) An application for a Development Permit shall be deemed to be refused when a decision is not made on it by the Development Officer within 40 days after receipt of the completed application, as specified in Section 10(1) of this Bylaw, by the Development Officer, and the person claiming to be affected may appeal in writing as though it has received a refusal, or the applicant may wait for a decision for a further period of time prior to lodging an appeal.

SECTION 13 - AMENDING BYLAWS

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

SECTION 14 - VARIANCES

- (1) The Development Officer may grant the following variances for building and structures:
 - (a) front yard – not more than 0.3 metres;
 - (b) side yard – not more than 0.15 metres, provided that the combined width of both side yards is not below the aggregate of the minimum dimensions required for both yards in which case no variance shall be granted; and
 - (c) rear yard – not more than 0.3 metres.
- (2) In the case where a proposed development is not listed in any zone of the bylaw, Council may determine that such development is similar in character and purpose to the list of development prescribed for that zone.
- (3) Where it is deemed impractical to conform with the zoning regulations due to obvious physical limitations, the distances may be reduced at the discretion of the Council, who shall have due regard to the amenities of the area and the policies of the Community Plan.

SECTION 15 - DEVELOPMENT PERMITS AND NOTICES

- (1) A Development Permit does not come into effect until 15 days after the date an order, decision or development permit is publicized and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- (2) Where an appeal is made, a Development Permit that has been granted shall not come into effect until the appeal has been determined and the permit may be affirmed, modified or nullified.
- (3) When a permit has been issued, the Development Officer shall immediately post a notice of the decision conspicuously on the property for which the application has been made.
- (4) A Development Permit is valid for a period of two years from its date of issue.
- (5) Notwithstanding Section 13(4) above, if the development authorized by a permit is not commenced within 12 months from the date of its issue, the permit is deemed to be void.
- (6) A decision of the Development Officer on an application for a Development Permit shall be given in writing and a copy of it sent to the applicant.
- (7) When the Development Officer refuses an application for a Development Permit, the decision shall contain reasons for the refusal.

SECTION 16 - APPEAL PROCEDURE

- (1) An appeal may be made to the Board where a Development Officer:
 - (a) refuses or fails to issue a Development Permit to a person within 40 days of receipt of the application;
 - (b) issues a Development Permit with or without conditions; or
 - (c) issues an order under Section 15 of this Bylaw.
- (2) The person applying for the permit or affected by the order, under Subsection (1), or any other person affected by an order, decision or Development Permit of a Development Officer may appeal to the Board.
- (3) An appeal shall be made by serving a written notice of appeal to the Secretary of the Board within 14 days after:
 - (a) the date the order, decision or permit issued by the Development Officer was publicized in accordance with Section 13(3), or, within such further time, not exceeding an additional forty-six days, as the Chairman of the Appeal Board, for just cause may allow; or
 - (b) the 40 day period referred to in Subsection (1) (a) has expired.

SECTION 17 - PUBLIC HEARING

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

- (d) any other person who claims to be affected by the order, decision or permit and that the Development Appeal Board agrees to hear or a person acting on his behalf.

SECTION 18 - DECISION

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

SECTION 19 - CONTRAVENTION, ENFORCEMENT, AND PENALTIES

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

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

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

- (6) A person who commences a development and fails to:
- (a) obtain a Development Permit; or
 - (b) comply with a condition of a Development Permit granted under this Bylaw,
- is guilty of an offence under Sections 33 and 34 of the Planning Act and will be liable on summary conviction:
- (c) to a fine not exceeding \$500 and, in addition, to a fine not exceeding \$100 for every day the offence continues; and
 - (d) in default of payment of a fine under subsection (c), to imprisonment for a term not exceeding 30 days.
- (7) When a person is convicted under the Planning Act, Section 33(1) (a) and (b), of having undertaken or permitted a development that contravenes any Bylaw or permit, the Council may file a notification of the illegal development against the title to the affected land in the Land Titles Office.
- (8) The conviction of a person under this section does not restrict further prosecution under this section for the continued neglect or failure on the part of the person to comply with the Zoning Bylaw, Development Permit, or Subdivision Approval.
- (9) Council may exercise its powers for the purposes of enforcing this Bylaw and/or may authorize the Development Officer to act on behalf of Council, pursuant to Section 20 of the Planning Act.
- (10) Council, if informed of the contravention of this Bylaw, or on its own initiative without such information, may authorize that action be taken to enforce this Bylaw. Such action may include an application to the Court for an Injunction or other Order to restrain the contravention.

SECTION 20 - RIGHT TO ENTER

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

SECTION 21 - APPLICATION TO AMEND BYLAW

- (1) A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee required under Section 20 of this Bylaw.
- (2) Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to initiate an application.

SECTION 22 - FORM OF APPLICATION

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

SECTION 23 - FLOOD AND EROSION RISK AREAS

Purpose

- (1) The purpose of the provisions in this section is to regulate the development within flood or erosion risk areas in Tuktoyaktuk so as to promote the public health, safety and general welfare and to minimize the adverse effects of 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 and erosion 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;
 - (b) require that uses vulnerable to floods or erosion, including public facilities which serve such uses, be protected against flood or erosion damage at the time of initial construction; and
 - (c) protect individuals from buying lands which are unsuited for intended purposes because of flood or erosion risk.

Warning and Disclaimer of Liability

- (2) The degree of flood or erosion protection intended to be provided by this bylaw is reasonable for regulatory purposes and is based on historical records and limited information. These provisions do not imply that areas outside the flood or erosion risk area boundaries will always be totally free from flood or erosion damages. Nor shall these regulations create a liability on the part of, or be a cause of, action against the Hamlet of Tuktoyaktuk or any officer or employee thereof for any flood or erosion damages that may result from reliance on these regulations.

Non-Conforming Structures to Flood Risk

- (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.

Future Development in Erosion Risk Area

- (4) Although the erosion risk area has been protected, given the financial resources available, future development in the area may be regulated to achieve the purpose stated in Section 23(1). The primary means of regulation will be through attrition of existing land uses and restriction of future land use.

Flood Risk and Erosion 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. The Hamlet of Tuktoyaktuk 1:2000 Flood Risk Maps (1979) should be consulted.
- (6) The erosion risk is identified on Schedule 5 of the Community Plan and Schedule "B" of the Zoning Plan.

Floodway Fringe District

- (7) The purpose of the Floodway Fringe District 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 flooding fringe is generally characterized by flood stage elevations of less than 1.0 metre (3.3 feet).
- (8) 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. 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.
- (9) Notwithstanding Subsection (6) 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.
- (10) 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.

- (11) Upon receiving an application for development within the area identified as Floodway Fringe, the Development Officer or Council may, 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 1:500 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) plan 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, photographs showing existing land uses, soil types, and other pertinent information;
 - iii) profile showing the slope of the bottom of the watercourse;
 - iv) specifications for building construction and materials, floodproofing, filling, grading, storage of materials, water supply and sanitary facilities; and
 - v) 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 (9)(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; 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 5(9)(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;
 - (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 cause 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 redevelopment anticipated in the foreseeable future;
 - ix) the relationship of the proposed use to the general plan and floodplain 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) such other factors which are relevant to the purposes of this bylaw.

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

- (a) Upon consideration of the factors listed above and the purposes of this bylaw, 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.

(13) 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 floodplain 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 may be required at the discretion of the Development Officer stating that the foundations meet the Design Flood Guidelines 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 purposes 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, may be required at the discretion of the Development Officer with the application for a development permit. The plans 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.

SCHEDULE A - ZONES

SCHEDULE "A"

SECTION 1 - ZONES AND ZONING MAP

1.1 ESTABLISHMENT OF ZONES

For the purposes of this bylaw, the Hamlet of Tuktoyaktuk is divided into the following areas called zones:

ZONE NAME	SYMBOL
Residential	R
Commercial	C
Open Space	OS
Public Use	P
Industrial and Harbour	IH
Urban Reserve	UR
Environmental Reserve	ER
Airport Reserve	AR

1.2 INCORPORATION OF ZONING MAP

The location and boundaries of the zones established are as shown on the Zoning Maps, Schedule "B".

1.3 INTERPRETATION OF ZONING MAP

If there is any uncertainty as to the location of the boundary of a zone, the following provisions shall apply:

- (a) Where zone boundaries appear to follow lot lines shown on a plan of subdivision, such lot lines shall be deemed to be the boundary.
- (b) When zone boundaries appear to follow roads, such boundaries shall be deemed to follow the centerline of the road allowance.
- (c) Where zone boundaries appear to follow the shoreline of waterbodies, such boundaries shall be deemed to follow the shoreline.
- (d) Where a zone boundary is left uncertain after the application of Section 1.3(a), (b) and (c), then the boundary line shall be determined by the Council according to the scale on the Zoning Map.

1.4 All areas within the municipal boundary not shown on Schedule "B" shall be deemed to be in the Environmental Reserve (ER) Zone.

SECTION 2 – ZONE REGULATIONS

2.1 RESIDENTIAL (R) ZONE

2.1.1 Permitted Development

- (a) single dwelling unit;
- (b) parks and playgrounds;
- (c) development accessory to a permitted development.

2.1.2 Conditionally Permitted Development

- (a) duplex dwelling;
- (b) semi-detached dwelling;
- (c) multiple dwelling;
- (d) mobile home;
- (e) church;
- (f) home occupation;
- (g) bed and breakfast establishment;
- (h) development accessory to a conditionally permitted development.

2.1.3 Development Regulations

- (a) Minimum Lot Widths
 - i) 18.5 m for internal lots;
 - ii) 20.0 m for a corner or double fronting lots;
 - iii) irregular shaped lots shall meet the above criteria at a point measured 6.0 m back from the front yard property line.
- (b) Minimum Lot Depth shall be 30 m.
- (c) Minimum Lot Area shall be 500 m².
- (d) Some variation on the lot dimension may be considered for a duplex, semi-detached or a multiple dwelling.

2.1.4 Site Regulations

- (a) The height of buildings shall be compatible with the surrounding area, shall not exceed 10 metres in height, and all buildings and structures shall not exceed the airport height guidelines established by the Federal or Territorial Governments.
- (b) Front Yard: 6 metres minimum from front lot line.
- (c) Site Yard: 3.5 metres minimum from side lot line or one-half of the fire separation distance outlined in the National Building Code of Canada whichever is greater.
- (d) Rear Yard: 7 metres minimum from rear lot line.
- (e) The maximum lot coverage shall not exceed 40 percent of the site area.

2.2 COMMERCIAL (C) ZONE

2.2.1 Permitted Development

- (a) commercial uses including:
 - i) stores
 - ii) banks
 - iii) offices
 - iv) motels
 - v) restaurants;
- (b) public offices;
- (c) parking lots;
- (d) development accessory to a permitted development.

2.2.2 Conditionally Permitted Development

- (a) service station;
- (b) residential use;
- (c) development accessory to a conditionally permitted development.
- (d) residential uses combined with a commercial use;

2.2.3 Development Regulations

- (a) minimum lot width
 - i) motels, not less than 30 m;
 - ii) all other uses not less than 7.5 m.
- (b) minimum lot depth consistent with the minimum lot width area and setbacks;
- (c) minimum lot area:
 - i) motels, not less than 1120 m²;
 - ii) all other uses, not less than 280 m².

2.2.4 Site Regulations

- (a) The height of buildings shall be compatible with the surrounding area, shall not exceed 10 metres in height, and all buildings and structures shall not exceed the airport height guidelines established by the Federal or Territorial Governments.
- (b) Front Yard: 6 metres minimum from front lot line.
- (c) ~~Site~~ Side Yard: 3.5 metres minimum from rear lot line or one-half of the fire separation distance outlined in the National Building Code of Canada whichever is greater.
- (d) Rear Yard: 7 metres minimum from side lot line.
- (e) The maximum lot coverage shall not exceed 1.75 times the lot area in consideration of entire floor area.

2.3 OPEN SPACE (OS) ZONE

2.3.1 Permitted Development

- (a) parks and playgrounds;
- (b) sports field;
- (c) docks and sheds required to support traditional and cultural activities;
- (d) golf course;
- (e) ice house;
- (f) development accessory to a permitted development.

2.3.2 Conditionally Permitted Development

- (a) telecommunication tower;
- (b) public dock;
- (c) erosion protection structures;
- (d) marinas;
- (e) tourist campground;
- (f) development accessory to a conditionally permitted development.

2.4 PUBLIC (P) ZONE

2.4.1 Permitted Development

- (a) public uses, including:
 - i) federal, territorial or municipal office;
 - ii) church;
 - iii) cemetery;
 - iv) post office;
 - v) school;
 - vi) nursing station;
 - vii) library;
 - viii) fire hall;
 - ix) police station;
 - x) arena;
 - xi) community hall;
 - xii) development accessory to a permitted development;
 - xiii) historic sites.

2.4.2 Conditionally Permitted Development

- (a) parks and playgrounds;
- (b) sports field;
- (c) cemetery;
- (d) development accessory to a conditionally permitted development.

2.4.3 Development Regulations

- (a) minimum lot width not less than 30 m;
- (b) minimum lot depth to be consistent with minimum lot width, lot coverage and site use;
- (c) minimum lot area to be consistent with site use.

2.4.4 Site Regulations

- (a) Front Yard: 6 metres minimum from front lot line.
- (b) Side Yard: 3.5 metres minimum from rear lot line or one-half of the fire separation distance outlined in the National Building Code of Canada whichever is greater.
- (c) Rear Yard: 7 metres minimum from side lot line.
- (d) Lot maximum coverage shall not exceed 60 percent.

2.5 INDUSTRIAL AND HARBOUR (IH) ZONE

2.5.1 Permitted Development

- (a) industrial uses, including:
 - i) warehousing;
 - ii) parking garages;
 - iii) storage yards for machinery, trucks, gravel or building materials;
 - iv) auto wrecking yards.
- (b) industrial uses requiring direct access to the water, including:
 - i) wharfs, piers and docks;
 - ii) marine oriented transshipment facilities, warehouses and storage areas;
 - iii) dry docks;
 - iv) tank farms and bulk fuel storage facilities.
- (c) shippings and navigation aids;
- (d) development accessory to a permitted development.

2.5.2 Conditionally Permitted Development

- (a) electrical power plants;
- (b) tank farms;
- (c) commercial uses requiring a large site for parking or storage;
- (d) caretaker's security residence;
- (e) construction and work camps;
- (f) administrative, supply and maintenance bases for oil and gas exploration and development;
- (g) heliports;
- (h) industrial uses related to oil and gas exploration and development;
- (i) private roads;
- (j) development accessory to a conditionally permitted development.

2.5.3 Development Regulations

- (a) minimum lot width not less than 30 m;
- (b) minimum lot depth to be consistent with lot width, lot coverage of site use;
- (c) minimum lot area to be consistent with site use.

2.5.4 Site Regulations

- (a) The height of buildings shall be compatible with the surrounding area, shall not exceed 10 metres in height, and all buildings and structures shall not exceed the airport height guidelines established by the Federal or Territorial Governments.
- (b) Front Yard: 10 m minimum from front lot line;
- (c) Side Yard: 6 m minimum from side lot line;
- (d) Rear Yard: 6 m minimum from rear lot line.

2.6 URBAN RESERVE (UR) ZONE

2.6.1 Permitted Development

- (a) Ski trails, snowmobile trails.

2.6.2 Conditionally Permitted Development

- (a) installations for scientific or archaeological research;
- (b) parks, playing fields or recreation areas;
- (c) traplines and fishing areas; and
- (d) municipal or public utilities.

2.6.3 Development Regulations

- (a) No subdivision or development other than for the above uses shall take place until an overall plan for the area has been approved by Council. This plan should establish an outline plan of subdivision, the proposed zoning, public reserve dedications, and servicing proposals.
- (b) Relating to Waste Management: No residential development shall be allowed which conflicts with the provisions of the Public Health Act and Regulations and any amendments thereto.
- (c) Council shall be the approval authority for all uses in this zone.

2.7 AIRPORT RESERVE (AR) ZONE

2.7.1 Airport Safety and Operation

- (a) No development shall be allowed that jeopardizes the safety or diminishes the current operation and status of the airport, by reason of smoke, ash, steam, height, or electronic interference with aviation communication and guidance equipment.

2.7.2 Site Regulations

- (a) Any development within this zone shall be subject to the policies, regulations, and standards established by the Department of Transportation, Arctic Airports Division, Government of the Northwest Territories, and Transport Canada Regulations.

2.8 ENVIRONMENTAL RESERVE (ER) AND HINTERLAND ZONE

2.8.1 Conditionally Permitted Development

- (a) solid waste disposal sites;
- (b) sewage disposal sites;
- (c) quarrying;
- (d) telecommunications towers and facilities;
- (e) shipping and navigation aids;
- (f) private roads;
- (g) water reservoir and water supply facilities;
- (h) other public utility related development;
- (i) development accessory to a conditionally permitted development.

2.8.2 Site Regulations

- (a) No development shall be permitted within 200 metres of Fresh Water Creek.
- (a) No development shall be permitted within 200 metres from the shoreline between Kiktoreak Point to Aveltkok Inlet.
- (b) No sewage disposal and waste disposal site shall be permitted within 450 metres of any residential or commercial zone.

SECTION 3 – SUPPLEMENTARY PROVISIONS

3.1 DEVELOPMENT PERMITTED IN ALL ZONES

Notwithstanding anything contained in this bylaw, nothing shall prevent the use and development of any land for:

- (a) traditional and cultural activities including the establishment of traplines, tent camps and cabins, subject to Council review and conditions with regard to Public Health and Safety;
- (b) public utilities including electrical power lines, telephone lines and waterlines;
- (c) public roads and highways.

3.2 ACCESSORY BUILDINGS

Accessory buildings may be constructed in any required rear yard or side yard provided such buildings:

- (a) are not built closer than one metre to a lot line;
- (b) do not interfere with the provision of water, sewage and fuel services to buildings;
and
- (c) do not exceed one storey in height in a Residential Zone.

3.3 PARKING

3.3.1 Off-street parking spaces shall be provided for commercial and public uses according to the following schedule:

- (a) Commercial uses, offices, restaurants and churches: 1 space for every 80 square metres gross floor area;
- (b) Motel: 1 space for every 6 rooms;
- (c) Service Station: 3 spaces per working bay.

3.3.2 Every parking space shall have a rectangular area having a minimum length of 6 metres and a minimum width of 3 metres.

3.4 SERVICING AGREEMENTS

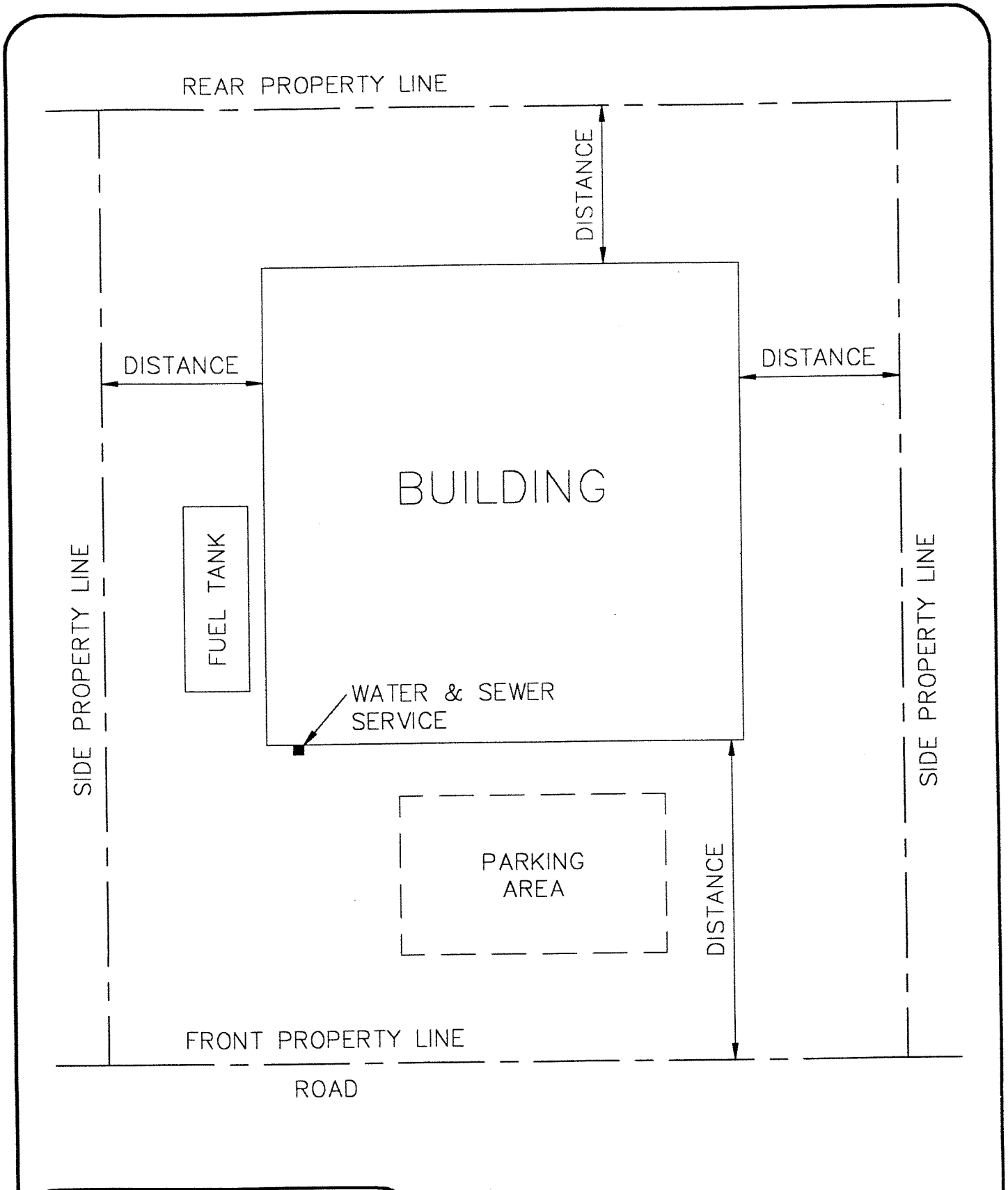
The Council may require with respect to a development that a condition of issuing a development permit, the applicant enter into an agreement to construct or pay for the construction of public roadways or parking areas, or to install or pay for the provision of utilities and water and sewage services.

SCHEDULE B – MAPS

**Zoning Map
Dated November 6, 2000**

**Flood Risk Map
Dated March 31, 1988**

Sample Site Plan



**Hamlet Of Tuktoyaktuk
Zoning Bylaw
SAMPLE SITE PLAN**

FILE: 5512-002-00-01 DATE: APR 26, 2001
 DWG: TUK-SAMP.DWG BY: GH FOR: KRJ

SCHEDULE C – FORMS

- FORM A – APPLICATION FOR DEVELOPMENT PERMIT**
- FORM B – NOTICE OF APPROVAL OF A DEVELOPMENT APPLICATION**
- FORM C – NOTICE OF REFUSAL OF A DEVELOPMENT APPLICATION**
- FORM D – APPLICATION FOR DEVELOPMENT DECISION APPEAL**
- FORM E – NOTICE OF DEVELOPMENT DECISION APPEAL HEARING**
- FORM F – DEVELOPMENT PERMIT AND ACCEPTANCE**
- FORM G – NOTICE OF DEVELOPMENT APPEAL DECISION**
- FORM H – NOTICE OF ZONING BYLAW CONTRAVENTION AND REMEDIAL ACTION OR STOP WORK ORDER**
- FORM I – APPLICATION FOR AMENDMENT TO THE ZONING BYLAW**

Development Application No.: _____

Application Fee: _____

SCHEDULE "C" - FORM A

APPLICATION FOR DEVELOPMENT PERMIT

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

Address of Property: _____

Zoning: _____ Lot: _____ Block: _____ Plan: _____ or Certificate of Title: _____

Registered Owner: _____ Telephone: _____

Address: _____

Existing Use: _____

Proposed Use: _____

Lot Type: Interior: _____ Corner: _____ Other: _____

Lot Width: _____ Lot Length: _____ Lot Area: _____

Front Yard Setback: _____ Side Yard Setbacks: _____ Rear Yard Setback: _____

Floor Area: _____ Percentage of Lot Occupied: _____

Off-Street Parking: Size of Space: _____ Number of Spaces: _____

Off-Street Loading: Size of Space: _____ Number of Spaces: _____

Proposed Culvert Size: _____ Proposed Lot Fill: _____

Accessory Use Proposed: _____ Percentage of Lot Occupied: _____

Height of Accessory Building: _____ Setback from: Side Lot Line: _____ Rear Lot Line: _____

Estimated Cost of Project: _____

Start Date: _____ Finish Date: _____

I hereby give my consent to allow all authorized person(s) the right to enter the above land and/or buildings, with respect to this application only.

Applicant: _____ Telephone: _____

Mailing Address: _____

Signature of Applicant Date

PROCEDURE FOR DEVELOPMENT PERMIT APPLICATION

- 1) An application for a Development Permit shall be made on the appropriate form to the Development Officer and shall be accompanied by the following information:
 - a) A site plan showing:
 - ☞ the legal description;
 - ☞ setbacks and lot lines;
 - ☞ location of off-street loading and vehicle parking where applicable;
 - ☞ access and egress points to the site; and
 - ☞ the position and distance of all existing buildings in relationship to the proposed development;
 - b) Lot grading or foundation elevation;
 - c) Such other information as may be required by the Development Officer or the Local Development Committee; and
 - d) Each application shall be accompanied by a non-refundable development permit application fee.

- 2) Applications for Development Permits shall be accompanied by a non-refundable application fee calculated as follows:

<u>Cost of Project or Contract Price</u>	<u>Fee</u>
☞ 0 to \$1,000.00	\$25.00
☞ \$1,001 to \$5,000.00	\$50.00
☞ \$5,001 to \$10,000.00	\$100.00
☞ \$10,001 to \$20,000.00	\$175.00
☞ \$20,001 to \$50,000.00	\$250.00
☞ \$50,001.00 to \$75,000.00	\$300.00
☞ \$75,001.00 to \$100,000.00	\$350.00
☞ For each \$1,000 over \$100,000.00	\$3.50

- a) The fee for a Sign Permit shall be \$25.00.
- 3) Decisions on Applications for Development Permit:
 - a) An application for development permit for permitted uses in a zone shall be considered by the Development Officer who shall either approve it, approve it subject to conditions, or refuse it and set out in writing the reasons for the conditions or refusal.
 - b) Applications for conditionally permitted uses in a zone shall be considered by the Municipal Council, upon recommendation by the Local Development Committee, who shall either approve it, approve it subject to conditions, or refuse it and set out in writing the reasons for the conditions or refusal.
 - c) A decision must be made WITHIN 40 DAYS of the receipt of an application for a development permit in its complete and final form.

- 4) Enforcement

Anyone violating the provisions of this Bylaw or conditions of a Development Permit is liable to a fine not exceeding \$500.00 and in addition to a fine not exceeding \$100.00 for every day the offence continues, as specified in Sections 33 and 34 of the Planning Act and Section 182 of the Hamlets Act.

SCHEDULE "C" - FORM B

NOTICE OF APPROVAL OF A DEVELOPMENT APPLICATION

You are hereby notified that your application for a development permit with regard to the following, as further described in the application:

has been **APPROVED** with the following condition(s):

You are further notified that any person may appeal this decision to the Development Appeal Board in accordance with the provisions of this Bylaw. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Development Appeal Board not later than fourteen (14) days following the date of issue of this notice. The notice of appeal shall contain a statement of the grounds of the appeal.

Approved by Council Motion #: _____ Date: _____

Date of Public Notice of Decision: _____

Signature of Development Officer

APPLICANT ACKNOWLEDGEMENT

Name Interest in Property

Signature Date

SCHEDULE "C" - FORM C

NOTICE OF REFUSAL OF A DEVELOPMENT APPLICATION

You are hereby notified that your application for a Development Permit with regard to the following, as further described in the application:

has been **REFUSED** for the following reason(s):

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of this Bylaw. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Development Appeal Board not later than fourteen (14) days following the date of public notice of decision. The notice of appeal shall contain a statement of the grounds of the appeal.

Approved by Council Motion #: _____ Date: _____

Date of Public Notice of Decision: _____

Signature of Development Officer

APPLICANT ACKNOWLEDGEMENT

Name Interest in Property

Signature Date

SCHEDULE "C" - FORM E

NOTICE OF DEVELOPMENT DECISION APPEAL HEARING

This is to notify you that an appeal has been made to the DEVELOPMENT APPEAL BOARD against a decision which involves development described as follows:

This decision was:

- APPROVED:**
- APPROVED - WITH CONDITIONS:**
- REFUSED:**

The reason for this appeal is as follows:

Place of Hearing: _____

Time of Hearing: _____ Date of Hearing: _____

Any person(s) affected by the proposed development have the right to present a written brief prior to the hearing and to be present and be heard at the hearing. Person(s) requiring to be heard at the meeting shall submit the written briefs to the Secretary of the Development Appeal Board not later than:

Signature of Secretary Development Appeal Board Date

SCHEDULE "C" - FORM F

DEVELOPMENT PERMIT AND ACCEPTANCE

Development involving: _____

As further described in the Application has been:

Approved subject to the following Terms Approved subject to the following Terms and Conditions

TERMS:

1. The issuance of a Development Permit, in accordance with the Notice of Decision, is subject to the condition that it does not become effective until 15 days after the date of public notice of the decision. ANY DEVELOPMENT PROCEEDED WITH BY THE APPLICANT PRIOR TO THE EXPIRY OF THIS PERIOD IS DONE SOLELY AT THE RISK OF THE APPLICANT.
2. The Zoning Bylaw provides that any person claiming to be affected by a decision of the Development Officer or the Municipal Council, may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after notice of the decision is given.
3. A permit issued in accordance with the Notice of Decision is valid for a period of 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.

CONDITIONS:

and shall comply with:

- (1) ***Hamlet of Tuktoyaktuk Community Plan and Zoning Bylaw;***
- (2) ***National Building Code, most current;***
- (3) ***National Fire Code, most current; and***
- (4) ***All Federal and Territorial Regulations.***

The applicant is hereby authorized to proceed with the specified development provided that any stated conditions are complied with and that the development is in accordance with any approved plans and applications. **Should an appeal be made against this decision to the Development Appeal Board, this Development Permit shall be null and void.**

I have read the Terms and Conditions to the Development Permit and agree to comply.

Name of Applicant Interest in Property

Signature of Applicant Date

Signature of Witness Date

Signature of Development Officer Date

SCHEDULE "C" - FORM G

NOTICE OF DEVELOPMENT APPEAL DECISION

This is to notify you that an appeal against the development decision with regard to the following:

was considered by the DEVELOPMENT APPEAL BOARD on _____
and the development decision of the DEVELOPMENT APPEAL BOARD with regard to the appeal is as follows and for the following reasons:

Development Decision Accepted Development Decision Rejected

Signature of Secretary Development Appeal Board Date

NOTE:

1. A decision of the Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 50 of the Planning Act. An application for leave to appeal to the Supreme Court shall be made:
 - (a) To a judge of the Supreme Court; and
 - (b) Within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

SCHEDULE "C" - FORM H

- DOUBLE REGISTERED MAIL
- DOUBLE REGISTERED MAIL AND POSTED ON SITE

**NOTICE OF ZONING BYLAW
CONTRAVENTION AND REMEDIAL ACTION OR STOP WORK ORDER**

You are hereby notified that your development is in contravention of the Zoning Bylaw and the Development Permit by reason of:

- You are requested to take remedial action to conform to the Bylaw/Permit as follows:
- No further work shall take place until you have taken remedial action to conform to the Bylaw/permit as follows:

Failure to comply with this request within _____ days of receipt of this notice may result in action being taken through the courts to seek remedy under the provisions of the **Planning Act**.

Signature of Development Officer

Date

SCHEDULE "C" - FORM I

APPLICATION FOR AMENDMENT TO THE ZONING BYLAW

I/We hereby make application to amend the Zoning Bylaw.

Applicant: _____ Telephone: _____

Address: _____

Owner of Land: _____ Telephone: _____

Address: _____

Land Description: Lot: _____ Block: _____ Plan: _____

Civic Address: _____

Amendment Proposed:

From: _____ To: _____

Reasons in support of Application for Amendment:

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

Signature of Applicant Date

**SCHEDULE D –
AERONAUTICAL
OBSTRUCTION CLEARANCE
FORM**



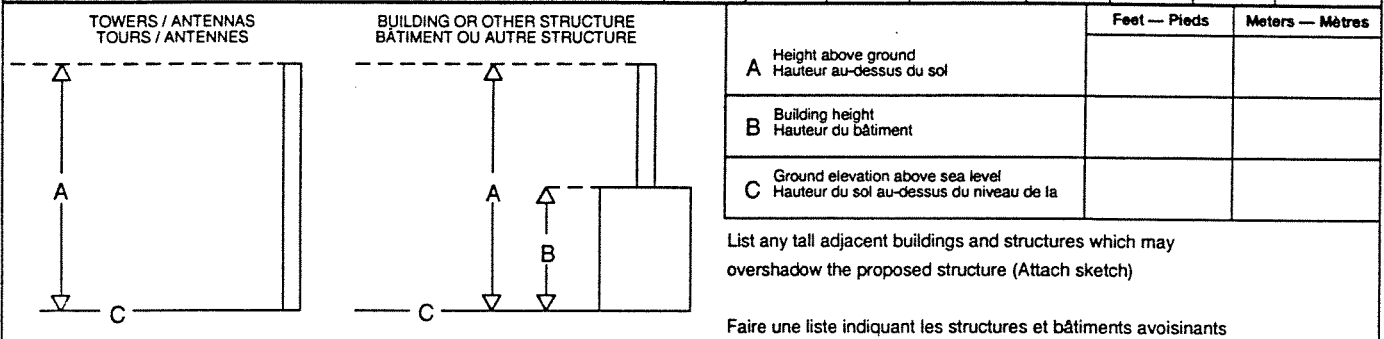
TC File No./Ref No. — TC n° du dossier/n° de réf.

AERONAUTICAL OBSTRUCTION CLEARANCE FORM

FORMULAIRE D'AUTORISATION D'OBSTACLE AÉRIEN

TO BE COMPLETED BY APPLICANT — À REMPLIR PAR LE REQUÉRANT

Operator's Name — Nom de l'opérateur			
Operator's Address — Adresse de l'opérateur			
Operator's Contact — Agent de liaison de l'opérateur			Contact's Telephone No. — N° de téléphone de liaison
Applicant's Name — Nom du requérant			
Address — Adresse			
City — Ville	Province	Postal — Code — postal	Telephone No. — N° de téléphone
Contact — Personne ressource			Telephone No. — N° de téléphone
Nearest city / town to proposed facility — Ville la plus proche de la structure proposée		Geographic coordinates of structure — Coordonnées géographiques de la structure N Latitude / Latitude N W Longitude / Longitude O	



New struc. — Nouv. struc. <input type="checkbox"/> Yes / Oui <input type="checkbox"/> No / Non	Add. to exist. struc. incl. total hght. — Ajout à un bâti. exis. incl. hauteur total	Proposed Construction — Date — de construction proposée
---	--	---

TYPE OF STRUCTURE (narrative description and function) — GENRE DE STRUCTURE (description narrative et fonction)

Signature (of applicant) / (du requérant)	Date (Y-A - M - D-J)
---	----------------------

TRANSPORT CANADA USE ONLY — À L'USAGE DE TRANSPORTS CANADA

REGIONAL MANAGER TECHNICAL SERVICES (as required) — GESTIONNAIRE RÉGIONAL — SERVICES TECHNIQUES (si nécessaire)	
Comments — Commentaires	
Signature	Date (Y-A - M - D-J)

AERONAUTICAL ASSESSMENT — ÉVALUATION

Site acceptable — Emplacement acceptable <input type="checkbox"/> Yes / Oui <input type="checkbox"/> No / Non (if no reason) / (si non, pourquoi)
Lighting as per TP382 required — Balisage lumineux tel que demandé au TP382 <input type="checkbox"/> Yes / Oui <input type="checkbox"/> No / Non or / ou
Painting as per TP382 required — Balisage peint tel que demandé au TP382 <input type="checkbox"/> Yes / Oui <input type="checkbox"/> No / Non or / ou
Temporary lighting required — Nécessité d'un balisage lumineux temporaire <input type="checkbox"/> Yes / Oui <input type="checkbox"/> No / Non (if yes type) / (si oui, de quel genre)
Advise Transport Canada in writing 90 days before construction / Avertir Transports Canada par écrit 90 jours avant la construction <input type="checkbox"/> when construction starts / au commencement de la construction <input type="checkbox"/> and on completion / et à la fin des travaux <input type="checkbox"/> Valid to / Valide jusqu'au
Regional Supt. Standards and Procedures: / Surintendant régional — Normes et procédures <input type="checkbox"/> Signature Date (Y-A - M - D-J)