

# Zoning By-law No. 371

## Hamlet of Tuktoyaktuk

1/30/2017  
Dillon Consulting Limited



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Prepared by Dillon Consulting Limited

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## **1 Part One – Introduction**

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### **1.1 Purpose of the By-law**

The purpose of this By-law is to regulate and control the use and development of land and buildings within the Hamlet of Tuktoyaktuk (Hamlet) in a balanced and responsible manner that conforms to the Community Plan and is pursuant to the *Community Planning and Development Act (the Act)*.

### **1.2 Application**

The provisions of this By-law apply to all development and buildings within the municipal boundary of the Hamlet of Tuktoyaktuk.

### **1.3 Short Title**

This By-law may be cited as the “Hamlet of Tuktoyaktuk Zoning By-law”

### **1.4 Components of the By-law**

- 1) Schedule A, the By-law text;
- 2) Schedule B Forms, and
- 3) Schedule C, the Zoning By-law maps

**1.5 Establishments of Zones**

The zoning Maps are found in Schedule C of this By-law. They divide the Hamlet into zones and specify the zoning provisions applying to particular lands. For the purpose of this By-law, the following zones are hereby established:

R	Residential
CC	Community Core
C	Commercial
PU	Public Use
I	Industrial
CI	Commercial Industrial
OS	Open Space
ER	Environmental Reserve
UR	Urban Reserve
A	Airport
H	Hinterland

The zone boundaries are delineated on the Zoning Maps. Where uncertainty arises as to the precise location of the boundary of any zone, the following rules shall apply:

- 1) Where zone boundaries appear to follow lot lines shown on a plan of subdivision, such lot lines shall be deemed to be the boundary.
- 2) When zones boundaries appear to follow roads, such boundaries shall be deemed to follow the centerline of the road allowance.
- 3) Where zone boundaries appear to follow the shoreline of water bodies, such boundaries shall be deemed to follow the shoreline.
- 4) If un-subdivided land, the zone boundary shall be determined by the use of the scale of the zoning map.

**1.6 Previous Legislation**

No provisions of any other by-law with respect to zoning, development control or development schemes shall hereafter apply to any parts of the Hamlet described in this By-law, subject to the transitional provisions of this By-law.

Any existing use of land, buildings or structures which is listed as a conditional use within the zone shall, as a result of the passage of this By-law, be a legal, non-conforming use at that location. The use of land, buildings or structure at the location shall not be changed except in conformity with this By-law.

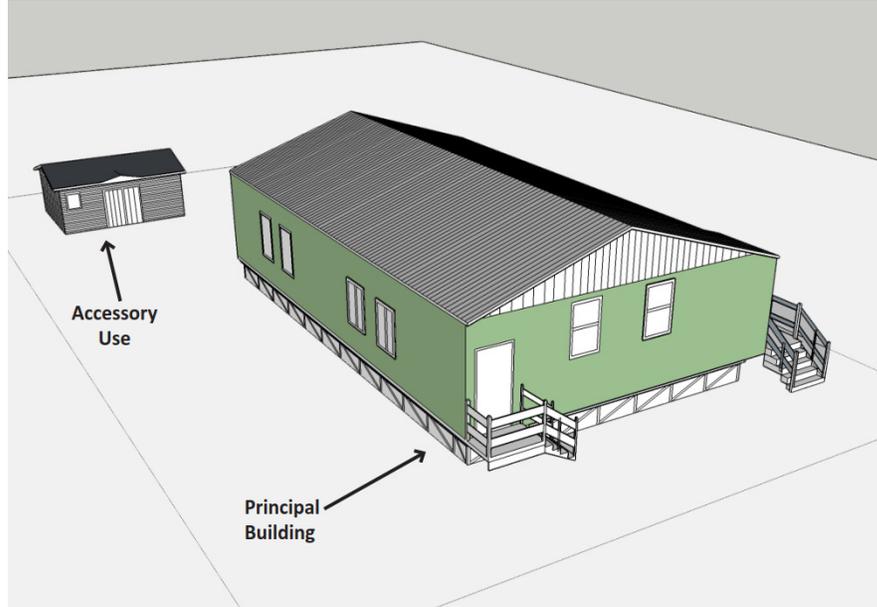
## 1.7 Compliance with Other Legislation

Any person applying for, or in possession of a valid Development Permit, is not relieved from the full responsibility for ascertaining, complying with or carrying out development in accordance with:

- 1) *Northwest Territories Community Planning and Development Act*;
- 2) the requirements of any other relevant federal, territorial or municipal legislation;
- 3) the conditions of any caveat, covenant, easement or other instrument affecting building or land;
- 4) the most recent revisions of the *National Building Code of Canada*;
- 5) the most recent revisions of the *National Fire Code of Canada*; and
- 6) the *Fire Prevention Act of the Northwest Territories (NWT)*.

## 2 Part Two – Definitions

Term	Meaning in this By-law
Accessory	A use, separate building or structure, normally incidental, subordinate, exclusively devoted to and located on the same lot as the principal use, building or structure but does not include a building or structure used for human habitation.



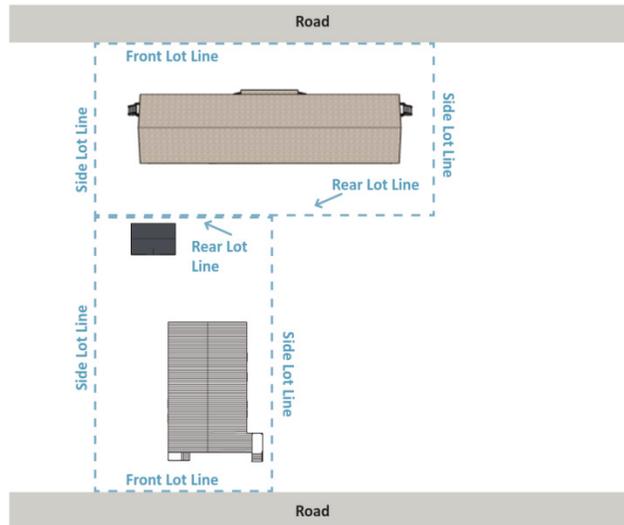
Act	The <i>Consolidation of the Community Planning and Development Act</i> S.N.W.T. 2011, c. 22 as amended.
Airport	The use of land, including water, runway, or other facility designed, used or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie-down areas, hangars and other necessary buildings, structures, and open spaces.
Appellant	A person who, pursuant to the <i>Act</i> , has served notice of appeal to the Development Appeal Board.
Applicant	Any person having a legal or equitable interest in property or a person acting as the authorized representative of such person who has applied under the provisions of this By-law for a permit for the development of land.
Bed and Breakfast Establishments Board	A home occupation in a single dwelling providing temporary accommodation for a limited number of guests where the owners reside on the premises. The Development Appeal Board established under this By-law.

Term	Meaning in this By-law
Buffer	Anything which visually, and/or acoustically, shelters, conceals or protects, and which is considered acceptable to the Development Officer or Council. A buffer may include a fence, hedge, berm or bush.
Building	Any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials or equipment.
Bulk Fuel Storage	The use of land, buildings or structures for the storage and distribution of fuels, oils, propane and other petroleum gases where the storage tank or tanks are above ground and the storage capacity exceeds 22,730 litres of propane, or where the storage capacity exceeds 50,000 litres per tank and the aggregate capacity of all the tanks exceeds 150,00 litres.
Bunkhouse/ Camp	A building designed or used for the accommodations of up to temporary workers.
Campground	A campsite designated for short-term leasing to the same individual not exceeding (4) consecutive weeks.
Caretakers Unit	Premises used for the accommodation of a person employed as a caretaker, manager, security guard, or superintendent for an industrial or commercial use operating on the site.
Community Garden	Land that is cultivated collectively by a group of community members to raise food for their own consumption or donation.
Community Plan	The Community Plan of the Hamlet of Tuktoyaktuk as adopted by By-law.
Conditional Uses	Uses which are considered on their individual merits and circumstances by the Council, and may be permitted on a specific site within a zone, provided that the use conforms to all regulations of the particular zone to which the use applies, and provided Council has given due consideration to adjoining land uses.
Convenience Store	Any retail establishment that is primarily engaged in retail dealings in goods required by the inhabitants of a residential district to meet their day-to-day needs.
Day Care Facility	A facility and program for the provision, care and supervision of children in accordance with the <i>NWT Day Care Act and Regulations</i> . The facility is not part of a public school, separate school, private school or children's health centre.
Demolition	The total destruction or substantial modification of a building or structure. Substantial modification includes the demolition of 50% or more of the building.
Development	As defined in the Act means: <ol style="list-style-type: none"> <li>1) The carrying out of <ol style="list-style-type: none"> <li>a. Any construction, including the placement or movement of a building,</li> <li>b. Any excavation, or the deposit or movement of soil or other materials, or</li> <li>c. Other related operations.</li> </ol> </li> </ol>

Term	Meaning in this By-law
	<p>2) The product of development, as the term is defined in paragraph (a) such as a building or a developed site;</p> <p>3) The making of any change in the use or intensity of use of any land or building: or,</p> <p>4) Any alterations for the provision of municipal services including water delivery and sewage pump-out.</p> <p>For further clarity, the demolition or structural alteration to existing buildings or structures is considered to be development.</p>
Development Officer	An official of the municipality responsible for administering this By-law.
Development Permit	A certificate or document permitting a development.
Director	An Officer of the Government of the Northwest Territories who is charged with the administration of the <i>Act</i> .
Dwelling Unit	A building, self-contained portion of a building, or suite of rooms for the use of one or more individuals living as a single housekeeping unit. A dwelling unit contains sleeping, cooking and separate or shared toilet facilities and is intended as a permanent or semi-permanent residence.
Dwelling, Single Detached	A residential building containing one dwelling unit, not including a manufactured home.
Dwelling, Duplex	A residential building divided horizontally or vertically into two separate dwelling units of approximately equal floor areas, each of which has an independent entrance.
Dwelling, Multiple Unit	A residential building containing three or more dwelling units, and including townhouses or apartments.
Easement	A right-of-way giving individuals, other than the owner, permission to access a property for a specific purpose.
Environmental Assessment	A site assessment conducted by a qualified professional following the <i>Canadian Environmental Assessment Act (CEA)</i> , to determine potential contamination and mitigation.
Fence	An artificially constructed barrier of any material, or combination of materials, erected to enclose or screen areas of land.
Floor Area	The total of the floor areas of every room and passageway contained in a building but not including the floor areas of basements, unoccupied attics, attached garages, sheds, or open porches unless they contain habitable rooms.
Grade	The average of the elevations of all the natural or finished levels of the ground adjoining all the walls of a building.
Grade, Finished	The final elevation of the ground surface after development.
Group Home	A residential facility which provides resident care to individuals who are in need of adult supervision or assistance, and who are provided supervision and services in accordance with their individual needs.

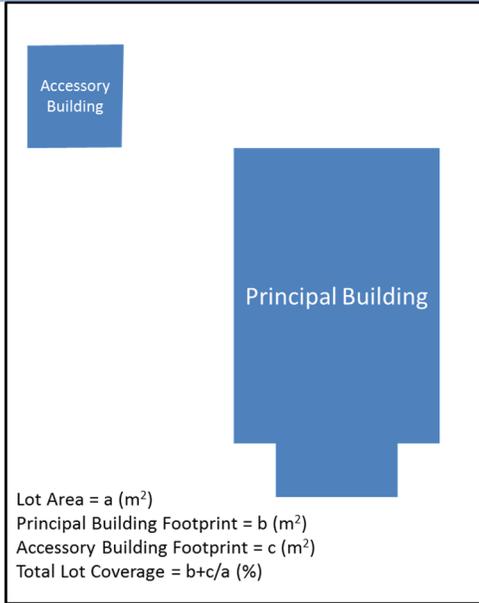
Term	Meaning in this By-law
	May also be identified as Senior Citizen Home or Long Term Care Home.
Hard Surfaced	A hard, durable, dust-free surface consisting of compacted ¾ inch crushed rock graded for appropriate site drainage, or surfaced with chip seal, asphalt or concrete.
Hazardous Substance or Dangerous Goods	<p>Any of the following:</p> <ul style="list-style-type: none"> <li>a. explosives and pyrotechnics;</li> <li>b. gases (either compressed, deeply refrigerated, liquefied, or dissolved under pressure);</li> <li>c. flammable and combustible liquids;</li> <li>d. flammable solids (including substances liable to spontaneous combustion and substances which, on contact with water, emit flammable gases);</li> <li>e. oxidizing substances and organic peroxides;</li> <li>f. poisonous and infectious substances;</li> <li>g. radioactive material;</li> <li>h. medical or biological waste;</li> <li>i. corrosives; and,</li> <li>j. other miscellaneous substances of similar nature.</li> </ul>
Height	When used with reference to a building or structure, is the vertical distance between the average finished grade and the highest point of the roof.
Highway	A highway or proposed highway that is described as a <i>primary highway</i> by the <i>Public Highways Act</i> .
Home Occupation	Any occupation, trade, profession or craft carried out by the occupant of a residential building which is incidental and subordinate to the residential use and which does not change the character thereof.
Hotel/Motel	A building containing either sleeping and/or dwelling units, used as a temporary abode for tourists or transients, providing sanitary facilities, parking spaces that in the case of a motel are convenient to each unit, and may also include a general kitchen, dining, and other public rooms.
Industrial Light	A use or development of land for the purpose of processing, warehousing, repairing, distribution or storage of goods and materials and where minimal nuisances are generated.
Industrial Heavy	A use or development of land for the purposes of manufacturing, processing, warehousing, stockpiling or storage that requires a large track of land and is subject to the generation of off-site nuisances including noise, smoke, ash, dust, toxic gases, glare, heat or obnoxious odours.

Term	Meaning in this By-law
Long Term Care Home	See Senior Citizen Home and Group Home
Lot, Site, or Parcel	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, or are the subject to other forms of interest in land under the terms of the <i>Territorial Lands Act and Regulations</i> or the <i>Commissioner’s Land Act and Regulations</i> .
Lot Line	<p><b>Front:</b> 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.</p> <p><b>Rear:</b> 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.</p> <p><b>Side:</b> the property line of a lot other than a front lot line or rear lot line.</p>

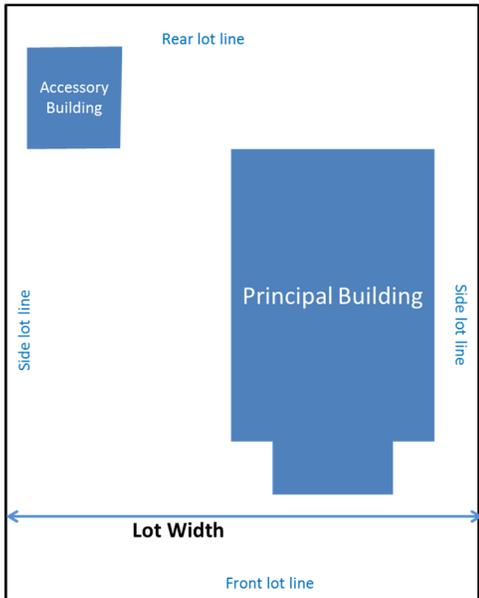


**Term**                      **Meaning in this By-law**

**Lot/Site Coverage**  
The portion of the total area of a lot or site which may be covered by buildings or structures.



**Lot/Site Width**  
The average distance between the side lot lines of a lot or site.

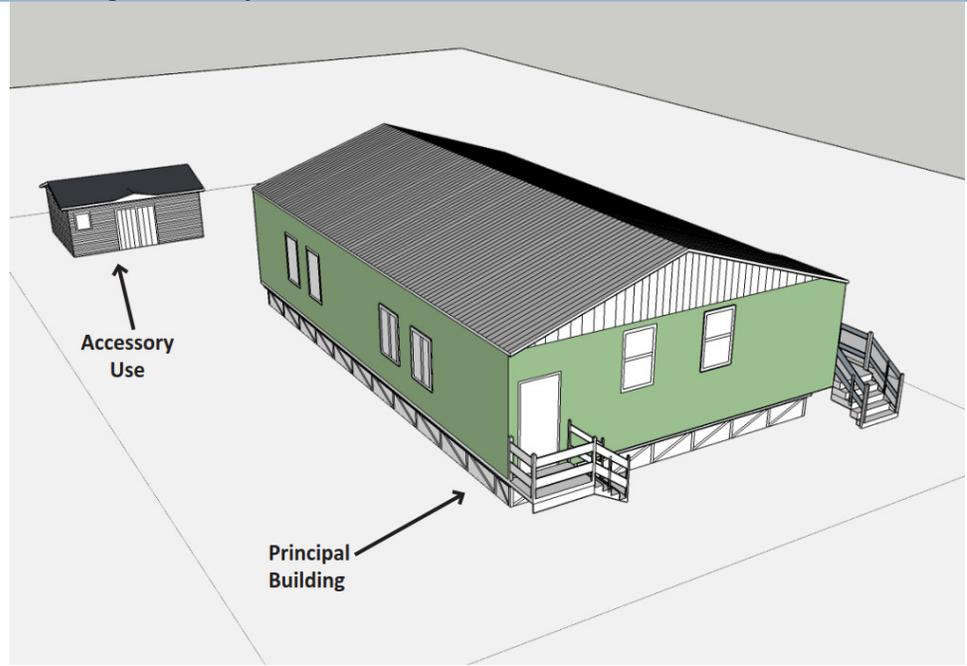


**Manufactured Home**  
A dwelling unit that meets the following criteria; is suitable for permanent occupancy, is designed to be transported on its own wheels or by a low-boy transport trailer, and is ready for occupancy except for incidental building operations (i.e. placement on foundation supports and connection to utilities).

- 1) **single-wide** – a mobile unit designed specifically to be towed or hauled in a single load; and,
- 2) **double-wide** – a mobile unit consisting of two (2) sections separately towed or hauled, designed to be joined together into one (1) integral unit.

Term	Meaning in this By-law
Mobile Home Park	A parcel of land under one ownership, which has been planned, divided and improved for the placement of manufactured homes for residential use.
Motor Vehicle	Any machine powered by a fuel combustion engine or electric motor system that is designed to carry a driver/passenger.
Municipality	The Hamlet of Tuktoyaktuk.
Natural Resource Development	Development for the on-site removal, extraction, and primary processing of raw minerals found on or under a site, or accessible from the site. Typical uses include gravel pits, sandpits, clay pits, oil and gas wells, coal mining, and stripping of topsoil. Natural resource development does not include the processing of raw materials transported to the site.
Municipal Services	Services provided by the Hamlet of Tuktoyaktuk, including: <ol style="list-style-type: none"> <li>1) water delivery</li> <li>2) solid waste collection</li> <li>3) waste water (sewer) collection</li> </ol>
Non-conforming Building	A building that is lawfully constructed, or under construction, at the date this by-law is passed, and does not, or will not, conform to the requirements of the Zoning By-law when it becomes effective.
Non-conforming Use	Any intended or existing legal use of land or building which does not, and will not, conform to the requirements of this by-law.
Nuisance	Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
Off-street Parking	A designated parking area (i.e. lot) for one (1) or more vehicles. It may be part of a development or, with the approval of the Development Officer, may be separate from the development.
Parking Area or Lot	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	An off-street area available for the parking of one motor vehicle.
Permitted Use	Any land use which is allowed in a particular zone, provided that the use conforms to the regulations of the particular zone to which the use applies.
Principal Building	A building which: <ol style="list-style-type: none"> <li>1) occupies the major or central portion of a lot;</li> <li>2) is the chief or main building on a lot; and</li> <li>3) constitutes by reasons of its use, the primary purpose for which the lot is used.</li> </ol>

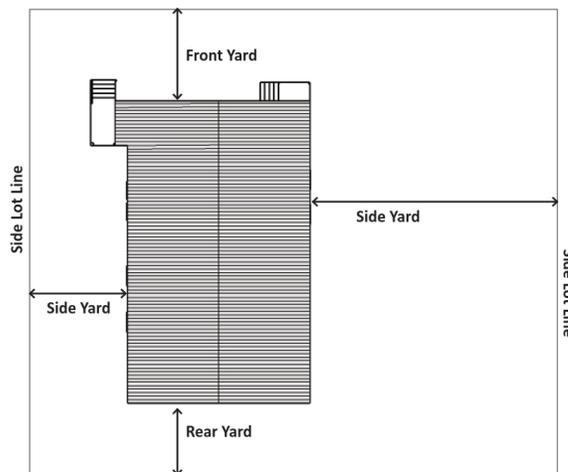
Term	Meaning in this By-law
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Principal Use	The main purpose for which a lot is used.
Public Building or Quasi-Public Building	A building which is available to the general public for non-commercial public uses and activities.
Public Roadway	Any lane, service road, local street, collector street, major street or highway corridor.
Public Use	Typically include public schools, arenas, community halls cultural centers, health centers, cemeteries, baseball fields, and other outdoor recreational facilities.
Public Utility	<p>Any one or more of the following:</p> <ol style="list-style-type: none"> <li>1) systems for the distribution of gas, whether artificial or natural;</li> <li>2) facilities for the storage, transmission, treatment, distribution or supply of potable water;</li> <li>3) facilities for the collection, treatment, movement or disposal of sanitary sewage;</li> <li>4) storm sewer drainage facilities;</li> <li>5) systems for electrical energy generation, transmission and distribution; and,</li> <li>6) systems for telephone and telecommunications, including towers or satellite dishes.</li> </ol>
Retail Store	A building where goods, wares, merchandise, substances, articles or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store.

Term	Meaning in this By-law
Row Housing	A building containing a row of two (2) or more dwellings joined in whole or in part at the side, with no dwelling being placed over another in whole or in part. Dwellings shall be separated by vertical party walls which are insulated against sound transmission. Each dwelling shall have separate, individual and direct access to grade.
Scap Yard/ Junk Yard	A place where discarded or salvaged materials are bought, sold, exchanged, stored, based, cleaned, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment, but excluding pawn shops and establishments for the sale, purchase or storage of used cars in operable condition. The storage of non-operable machinery, equipment or automobiles for thirty (30) days or longer shall be prima facie evidence the property is a scrap yard.
Screened	Totally or partially concealed from by a fence, wall, berm or soft landscaping.
Senior Citizen Home	See Long Term Care Home.
Service Station	Premises or the portion thereof used or intended to be used for the servicing of motorized vehicles.
Sign	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, and banners.
Site Area	The land contained within the boundaries of a site. See Lot Area.
Solid Waste Site	Any property where refuse of a non-hazardous type is deposited.
Storey	That portion of a building between the upper surface of any floor and the floor next above, except that the topmost storey shall be the portion of a building between the upper surface of the topmost floor and roof line.
Structural Alteration	Any change in or alteration to a structure involving a bearing wall, column, beam, girder, floor or ceiling joists, roof rafters, foundations, piles, retaining walls or similar components.
Structure	Anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include buildings, walls, fences or any sign.
Tank Farm	See bulk fuel storage definition.
Temporary	Such time limit as may be set by the Council for a specific use. In a case where no time limit is set, “temporary” shall be no more than sixty (60) consecutive days.

Term	Meaning in this By-law
Tourist Trailer Park or Campsite Trailer Coach, Vacation Unlicensed Vehicle Vehicle, Dismantled or Wrecked	A site which provides for the temporary location of tents and trailers used by travelers and tourists for overnight accommodation and which is not used for permanent residence. Any portable accommodation providing temporary living quarters in which all facilities are not necessarily self-contained. A motor vehicle or part thereof that is not currently legally registered and insured. 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.
Yard	A part of a parcel upon or over which no structure is erected. a. <b>Front Yard</b> means a yard extending across the full width of a parcel from the front lot line of the parcel to the front wall of the principal building situated on the parcel; b. <b>Side Yard</b> means a yard extending from the front wall of the principal building situated on a parcel to the rear wall of the principal building and lying between the side lot line of the parcel and the side wall of the principal building; and, c. <b>Rear Yard</b> means a yard extending across the full width of a parcel from the rear wall to the principal building situated on the parcel to the rear lot line of the parcel.



Zone The category of use of land, buildings, structure, or activities permitted by this By-law.

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

### **3 Part Three – Development Authority**

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#### **3.1 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 52 of the *Act*.
- 2) The Development Officer is authorized to perform the duties specified in Part Four of this By-law and has enforcement powers as specified by Council pursuant to Sections 52 through 56 of the *Act*.
- 3) The Development Officer shall:
  - a. Receive and process all Development Permit applications pursuant to this By-law.
  - b. Keep and maintain for inspection by the public during normal office hours the following official records:
    - i. a copy of the planning documents and all of the amendments thereto; and
    - ii. a register of all applications for development, including the decisions therein 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.

#### **3.2 Hamlet Council**

The function of Council with respect to this By-law shall be to:

- 1) review and render decisions on development applications presented to it by the Development Officer, having regard for the regulations of this By-law and the provisions of the Community Plan;
- 2) review and render decisions on applications for development of a Conditional Use, having regard for the regulations of this by-law and the provisions of the Community Plan;
- 3) review and render decisions on applications for rezoning and/or other amendments presented to it by the Development Officer;
- 4) specify the length of time that a permit may remain in effect for a temporary use; and
- 5) carry out other such duties as may be prescribed in this By-law.

### **3.3 Development Appeal Board**

- 1) A Development Appeal Board is hereby established and must consider and determine such appeals as may be referred to under the provisions of the *Act*.
- 2) The Development Appeal Board shall discharge such duties that are given to it in this By-law or amendment thereof.
- 3) The Development Appeal Board may meet as frequently as necessary, but shall meet within thirty (30) days after an application for an appeal has been made to it.
- 4) The Board shall be composed of a Chairperson and four (4) other members to be appointed concurrently for three (3) years of office by resolution of Council, and who shall not be dismissed except for just cause.
- 5) The Board shall include no more than one (1) member of Council and shall not include employees of the municipality.
- 6) When retirement or resignation of an Appeal Board member results in a vacancy, the vacant position shall be filled by resolution of Council.
- 7) The Chairperson of the Development Appeal Board shall sign all notices of decisions and any other documents on behalf of the Board, relative to any jurisdiction of power of the Board, and any documents so signed shall be deemed to be signed on behalf of, and with the approval of, the Development Appeal Board.
- 8) Where the Chairperson of the Development Appeal Board is absent or disabled, any document of the Board may be signed by any one (1) member, and when so signed, shall have the like effect as though signed by the Chairperson.
- 9) Three (3) members of the Development Appeal Board constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Board.
- 10) Only those members of the Development Appeal 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.

### **3.4 Secretary Development Appeal Board**

- 1) The office of the Secretary of the Development Appeal Board is hereby established and shall be filled by an employee of the Hamlet as appointed by Council, or the Senior Administrative Officer acting on behalf of Council.
- 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 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 there from;
- b. receive and administer all applications for appeal;
  - c. notify members of the Development Appeal Board of the arrangements for the holding of each hearing and other meetings of the Board;
  - d. ensure that reasonable notice of a hearing is given to the appellant and other persons who, in the opinion of the Board, may be affected. Notifications may be given in any or all of the following manners: letter, verbal, newspaper, poster or television notification;
  - e. prepare and maintain a file of written minutes of all business transacted at all meetings of the Development Appeal Board, copies of which shall be regularly filed with Council;
  - f. serve the appellant and all affected parties a notice of the decision of the Board and the reasons therefore;
  - g. notify Council of the decisions of the Board;
  - h. within thirty (30) days after the Appeal Board renders its decision, make a complete report of the appeal proceedings to the Director, including all representations made at the hearing; and
  - i. carry out such other administrative duties as the Development Appeal Board may specify.

## **4 Part Four- Development Applications**

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### **4.1 Control of Development**

- 1) No development shall be undertaken within the Hamlet unless an application for it has been approved and a Development Permit has been issued.
- 2) For the purpose of this By-law “Development” shall refer to those considerations listed under the definition of “Development”.
- 3) Nothing in this By-law, or in a Development Permit, or other approval issued under this By-law or under the *Act*, shall be constructed as authorization for the carrying out of any activity that is regulated through Federal or Territorial legislation or other Hamlet by-laws.
- 4) Excluding the developments listed in section 4.3 and 4.4 below, no development shall be undertaken, nor occupancy granted, use commenced, structure moved, building effected or demolished, or utility connection approved without the necessary permits having been obtained pursuant to this By-law.
- 5) In each zone shown on the Zoning Maps, permitted or conditional uses of land and buildings are specified in Part 6 of this By-law.
- 6) The person to whom a Development Permit is issued shall be responsible for the provision of services, landscaping of site, access and other requirements such as site drainage, fire protection facilities or equipment and the prevention of seepage of any sort onto adjacent lands.

### **4.2 Transition**

An application for a development, subdivision, or amendment to the Zoning By-law which is received in its complete and final form prior to the effective date of this By-law shall be issued in accordance with the Hamlet Zoning By-law (2009) as amended, and the regulations thereto, as applicable.

### **4.3 Development Not Requiring a Permit**

- 1) No development permit is required under this By-law for the development listed in this section, provided that such developments comply with all the regulations of this By-law which are applicable.
- 2) The following is considered development for which no permit is required:
  - a. painting or decorating;
  - b. maintenance or repairs;
  - c. landscaping;
  - d. maintenance of any fence or gate;

- e. 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;
- f. 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;
- g. construction or installation of an accessory structure that does not exceed 10m<sup>2</sup> in area and is not more than 3 meters high; and
- h. other similar work, at the discretion of Council, provided that no person's health or safety is endangered.

#### **4.4 Non-Conforming Buildings and Uses**

The provisions of this By-law shall not apply to or prevent the use and development of land prohibited by the By-law if the use and development of land had been lawfully established before this By-law came into force and effect. The following considerations relate to non-conforming buildings and uses:

- 1) A non-conforming use of buildings may be continued but if that use is discontinued for a period of six months or more the future use shall conform to this By-law.
- 2) A non-conforming use of part of a building may be extended throughout the building but the building shall not be enlarged or added to, and no structural alterations shall be made to it.
- 3) A non-conforming building may continue to be used but the building shall not be structurally altered unless alterations conform to this By-law.
- 4) A non-conforming building may continue to be used but the building shall not be structurally altered unless alterations conform to this By-law.
- 5) If a non-conforming building is damaged or destroyed such that more than seventy-five percent (75%) of the most recently assessed value of the building above its foundation is affected, the building shall not be repaired or rebuilt except in accordance with the Zoning By-law.
- 6) The non-conforming use of land or building is not affected by reason only of a change in ownership, tenancy or occupancy of the land or building.

#### **4.5 Permission for Development**

- 1) An application for a development permit may only be made by a person with a legal, equitable estate, or interest in the property sought to be developed by a person duly authorized in writing by him/her in this 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 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 include:
  - a. a detailed statement of proposed uses(s) for the property and buildings in question.
  - b. a site plan showing the legal description of the lot and proposed front, rear and side yards, if any, and any provisions for off-street loading and vehicle parking, access and exit points to the site, locations and dimensions of all existing buildings, structures or uses on the lot, location and sizing of municipal services as required for water delivery and sewage pump-out, and provision for landscaping and drainage;
  - c. floor plans, exterior elevations, or other drawings that describe the development;
  - d. a statement of ownership of land and interest of the application therein;
  - e. the estimated commencement and completion dates;
  - f. the estimated cost of the project or contract price; and,
  - g. in the case of a permit for demolition of a structure, the volume of materials and certification.
- 5) 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 by-law.

#### **4.6 Conditions of Approval of 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 by-law.
- 2) Council shall, with respect to a Conditional Use, impose such conditions as deemed appropriate to ensure complete compliance with the regulations of this by-law and the provisions of the Community 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:
  - a. make satisfactory arrangements for the supply of water, electric power, sewer services, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by applicant;
  - b. provide evidence that an acceptable Fire Safety Plan has been submitted to the Office of the Fire Marshal, and provide a copy of the Fire Safety Plan;

- c. provide evidence of a site investigation by a qualified professional engineer in areas that are at risk of flooding or erosion to determine the suitability of the site for the intended development;
  - d. provide evidence that a building including its foundation will be designed in accordance with the National Building Code of Canada;
  - e. provide an environmental assessment completed by a qualified professional to identify risks and mitigation measures relevant to the proposed development;
  - f. provide evidence of compliance with any other relevant federal, territorial or municipal legislation;
  - g. enter into an agreement or an interim agreement (which shall be attached to the form part of such development permit) to do any or all of the following:
    - i. prior to occupancy provide proof that inspections have been carried out and the development found to be ready for occupancy by authorities or utility providers;
    - ii. construct or pay for the construction, of a public roadway required to give access to the development
    - iii. specify locations and number of vehicular and pedestrian access point to sites from public roadways;
    - iv. install, or pay for the installation of utilities necessary to serve the development; and
    - v. construct, or pay for the construction of, off-street or other parking facilities, or loading and unloading facilities.
- 5) 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.

#### **4.7 Fees**

Each application for a Development Permit shall be accompanied by a fee.

- 1) The fee for a Home Occupation Development Permit shall be \$100.00. Applicants are also required to obtain a Home Occupation Business License.
- 2) The fee for a Zoning By-law or Community Plan amendment shall be \$100.00.
- 3) Each Application for a Development Permit shall be accompanied by a fee calculated according to the following table:

<b>Cost of Project or Contract Price</b>	<b>Fee</b>
0 to \$1,000	\$25
\$1,001 to \$25,000	\$250
\$25,001 to \$50,000	\$300
\$50,001 to \$75,000	\$400
\$75,001 to \$100,000	\$500
Over \$100,000	\$500 plus \$3.50 per each \$1,000 over \$100,000 to a maximum fee of \$5,000.

**4.8 Variances**

- 1) The Development Officer may approve a development application notwithstanding that the proposed development does not comply with the provisions of this by-law:
  - a. If the non-compliance is minor and where, in the opinion of the Development Officer (DO), denial of the application would cause the applicant unnecessary hardship unique to the use; and
  - b. The variance does not exceed the maximum allowed as follows:

Variance			
	<b><i>Residential Zones</i></b>	<b><i>Other Zones</i></b>	<b><i>Fence Height</i></b>
<b>Building Height</b>	10%	10%	n/a
<b>Front Yard</b>	25%	25%	No relaxation
<b>Side Yard</b>	25%	10%	0.15m
<b>Rear Yard</b>	25%	10%	Discretion of DO

- 2) Any variance 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 by-law;
  - b. that the development is otherwise in accordance with the regulatory requirements of the zone; and,
  - c. the proposed variance does not create or permit an encroachment onto the municipal right of way or another property.

- 4) In approving an application for a development, the Development Officer or Council shall adhere to the following:
  - a. a variance should 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 on other land in the same zone;
  - b. the general purpose of the appropriate zone; and
  - c. the policies of the Community Plan.

#### **4.9 Decisions on Applications**

- 1) An application is deemed to be refused if a decision of the Development Officer has not been made within forty (40) days of the official final receipt of the application.
- 2) The applicant may request confirmation in writing from the Development Officer that their application has been received.
- 3) The Development Officer and Council shall promptly process a development permit application with a notice of decision recorded on the application stating that the application has been approved subject to conditions, if any, as may be required (including any zoning regulation relaxation that has been granted) or that has been refused for such reasons as may be specified.
- 4) When a development permit has been granted, the Development Officer shall, as soon as possible:
  - a. clearly post a notice of decision on the lot or structure for which the application has been made; and,
  - b. post a notice of the decision in the municipal office, and any other public location the Development Officer deems necessary.
- 5) All 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.
- 6) All development permits shall be issued by the Development Officer, including permits for Conditional Uses and permits containing relaxations, once they have been approved by Council.
- 7) The permit holder shall keep copies of the approved plans and specifications so that they are available for inspection on the lot by the Development Officer.

#### **4.10 Appeal to Appeal Board**

- 1) A person claiming to be affected by a decision of the Development Officer or Council made under this by-law may appeal to the Development Appeal Board by serving written notice of appeal within:
  - a. fourteen (14) days after the applicant has received notice of decision or posted at the Municipal Office; or
  - b. a further time, not exceeding an additional forty-six (46) days, that the Chairperson of the Development Appeal Board considers for “just cause”.

#### **4.11 Validity of Permits**

- 1) When an application for a development 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.
- 2) If the Development Appeal Board is served with notice of an application for leave to appeal the decision, subject to *Section 61 and 62 of the Act*, such notice shall suspend the development permit.
- 3) The final determination of an appeal shall reinstate, revoke or amend (as the case may be) a development permit suspended under (2) above.

#### **4.12 Expiry of Permits**

- 1) A development permit shall become void if the development has been discontinued for a period of 180 days or has not been actively carried on for a period of 365 days.
- 2) If a development authorized by a development permit is not commenced, or is not carried out with reasonable diligence (i.e. within 365 days from the date of issue), the permit ceases to be valid, providing 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) The Development Officer may extend the above periods, at their discretion, upon application for a period of not greater than 180 days. Such a period of extension may only be granted once and thereafter the permit holder shall be required to apply for another development permit.
- 4) When a development permit is issued for a site where any other valid development permit has already been issued, it shall invalidate any previous permit.
- 5) When a development permit becomes void, a new application for a permit is required before development may proceed. Such application shall be treated as if it were a first application and there shall be no obligation to approve such application.

#### **4.13 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 having occupancy by the same or any other applicant, shall not be accepted by the Development Officer for at least 180 days after the date of the previous refusal.

#### **4.14 Submission to the Development Appeal Board**

- 1) Pursuant to the Act, any person claiming to be adversely affected by a decision of the Development Officer or Council may appeal by written petition to the Development Appeal Board within fourteen (14) days after notice of decision has been mailed to the applicant; after the approval has been posted conspicuously on the lot; or within such further time (not exceeding an additional forty-six [46] days) as the Chairperson of the Development Appeal Board, for just cause, may allow.
- 2) The Development Appeal Board shall:
  - a. hold a public hearing within thirty (30) days from the receipt of the notice of appeal;
  - b. by Registered Mail and/or personal delivery ensure that at least seven (7) days' notice of the hearing is given to the appellants and all other persons who, in the opinion of the Board, may be affected; and,
  - c. consider each appeal, having due regard for the circumstances and merits of its case and according to the purpose, scope and intent of the Community Plan and Zoning By-laws.
- 3) The Development Appeal Board shall hear the Development Officer and any other persons who may contribute to a full and proper hearing.
- 4) The Development Appeal Board may confirm, revoke, or vary the decision under appeal and it may impose any conditions or limitations as it sees fit.
- 5) The Development Appeal Board shall render its decision in writing to the appellant within sixty (60) days from the date the appeal hearing is held.
- 6) A decision of the Development Appeal Board is final and binding on all parties, subject only to appeal under Division B of the Act.
- 7) The Development Appeal Board shall, within thirty (30) days of its decision, make a complete report to the Director of Planning (as appointed under section 74 of the Act), the Municipality, the appellant, and to each interested person upon their request.

#### **4.15 Enforcement of Penalties**

- 1) Council may exercise its powers for the purposes of enforcing this by-law and/or may authorize the Development Officer to act on behalf of Council, pursuant to Section 52 through 60 of the Act to:
  - a. inspect any land or building for a purpose as stated in the Act;

- b. enforce the Act, regulations, zoning bylaw or development permit
- 2) A person who commences a development and fails to obtain a Development Permit; or comply with a condition of a Development Permit granted under this Bylaw, is guilty of an offence under Section 77 of the Act and is liable on summary conviction to punishments set out in Section 78 of the Act:
  - a. In the case of a corporation to a fine not exceeding \$100,000 and to a further fine not exceeding \$5,000 each day or part of a day during which the offence continues; and
  - b. In the case of an individual
    - i. to a fine not exceeding \$5,000 and, in addition, to a fine not exceeding \$1,000 for every day the offence continues, or
    - ii. to imprisonment for a term not exceeding six months in default of payment of the fine.
- 3) The Development Officer or Council may require security in the form of a letter of credit, performance bond, or certified cheque to ensure the development is conducted and completed in compliance with any requirement of a development permit or development agreement.

#### **4.16 Right to Enter**

- 1) Where a person fails or refuses to comply with an order directed to him/her within the specified time, Council, or a person appointed by Council may, in accordance with Section 54 and 55 of the Act, enter upon the land or building and take any necessary action to carry out the order.
- 2) 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 57 of the Act and be liable to a fine or to imprisonment.

#### **4.17 Suspending or Revoking a Development Permit**

- 1) If a development is not being carried out or completed as approved then the Development Officer may suspend or revoke the Development Permit. Written notice stating that the development permit has been suspended or revoked will be served in person or sent by registered mail to the owner and/or occupant of the property affected, and to any contractor engaged in the work.
- 2) The notice described in 4.17 (1) will:
  - a. state the grounds for the suspension or revocation
  - b. state the conditions that must be met for a suspended development permit to be reinstated
- 3) Council, if informed of the contravention of this by-law, or on its own initiative without such information, may authorize that action be taken to enforce this by-

law. Such action may include an application to the court for an injunction or other Order to restrain the contravention.

#### **4.18 By-Law Amendments**

- 1) Minor administrative amendments may be made without amendment to the Zoning By-law provided the general intent is maintained and the adjustment or interpretation is approved by resolution of Council.
- 2) Any person applying to amend any part of this by-law shall apply in writing to the Development Officer furnishing reasons to support the application, and requesting that the Development Officer submit the application to Council. All applications to amend this by-law shall require the completion of Form G.
- 3) All applications to amend any part of this by-law, except those initiated by Council or the Development Officer, shall be accompanied by a non-refundable fee in accordance with section **4.7 Fees**.
- 4) If a person applies to Council in any manner for an amendment to this by-law, Council shall require them to submit an application to the Development Officer in accordance with the provisions of this section, before it considers the amendment proposed by such person.
- 5) Notwithstanding anything contained in this section, an application for a proposed amendment to any section of this by-law which has been rejected by Council within the previous 365 days shall not be accepted.

#### **4.19 Zoning Amendments**

- 1) Any person applying to amend this by-law to change the zone governing any land shall submit a completed application Form G to the Development Officer containing the following:
  - a. a recent certificate of land title indicating ownership and other interests;
  - b. the applicant's name, address and interest in the property;
  - c. a signed statement by the applicant assuming responsibility for all costs incurred by the Hamlet 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. a brief written statement by the applicant in support of their application, and their reasons for applying; and
  - e. the application fee in accordance with **section 4.7 Fees**.
- 2) 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. 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 impact criteria:

- a. relationship to and compliance with the Community Plan;
  - 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 potential impacts upon, 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 the area's stability (e.g. effort will be made to retain and rehabilitate existing desirable land uses/buildings);
  - h. necessity and appropriateness of the proposed zone in view of the stated intentions of the applicant; and
  - i. documented concerns and opinions of area residents regarding the application.
- 3) If the Hamlet administration wants to amend this by-law, they must put forward a motion to Council. The motion must outline reasons for the change and demonstrate how it meets the criteria listed in section 4.19 (1) a-i.

#### **4.20 Zoning Amendment Process**

- 1) In reviewing and processing by-law 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 and/or in person 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.
- 2) 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 the applicant must prepay the advertising costs and any costs incurred by the Hamlet 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.
- 3) If requested by the applicant, the Development Officer shall submit the proposed amendment to Council
- 4) As soon as reasonably convenient, the Development Officer shall submit a recommendation on the proposed amendment to Council, accompanied by the results of their analysis and any other relevant material, and Council shall then consider the proposed amendment.
- 5) The Development Officer, at their discretion, may present for the consideration of Council, any proposed amendments to this by-law on their own initiative, and the proposed amendment shall be accompanied by the report and recommendation of the Development Officer.
- 6) Council, at its discretion, may initiate any amendment to this by-law and, prior to the approval of any amendment, shall refer the proposal to the Development Officer for their report and recommendation.
- 7) Amendments proposed by the Hamlet administration must be reviewed by Council. A record of the discussions and considerations must be recorded made public. The amendment must be made through by-law and require a public meeting.

#### **4.21 Notification of Amendment**

- 1) After giving a proposed by-law amendment first reading, and before giving it second reading, Council shall, in compliance with the Act and Cities, Towns and Villages Act, direct the Development Officer to (1) place a notice in two separate issues of the local newspaper, describing the pending amendment, and (2) dispatch a notice by ordinary mail to:
  - a. the applicant
  - b. the owners of the land subject to the proposed rezoning amendment; and,
  - c. neighbouring property owners.
- 2) The official notice 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 by-law 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.
- 3) Where, in the opinion of the Development Officer, any proposed amendment is likely to adversely affect other owners of land, they shall notify these property owners of any concerns attributable to any development allowed under the proposed zone.

- 4) Proposed amendments to this by-law are subject to those same requirements and procedures set out in the Act and Cities Towns and Villages Act regarding enactment of by-laws.

## **5 Part Five – General Provisions**

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The general 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.

### **5.1 Environmental Protection**

- 1) Where there is a potential for air or water pollution resulting from a particular land use, the application for a proposed development may 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.

### **5.2 Soils and Drainage**

- 1) In all cases, lot grades shall be established with the following minimum requirements:
  - a. a minimum 2% gradient for drainage shall be provided.
- 2) All lot grading and drainage shall meet the approval of the Development Officer.

### **5.3 Accessory Buildings**

- 1) Where any building or structure on a site is attached to a principal building, it shall be deemed to be part of the principal building and not an accessory building.
- 2) Accessory buildings are subject to the same yard setback requirements required for a principal building in that zone.
- 3) No accessory building shall be used for human habitation.
- 4) Accessory buildings shall be located a minimum of 3 m from the principal building.

### **5.4 Plan of Subdivision**

- 1) Where the development of land involves a subdivision survey and mapping of land, no Development Permit shall be issued until written evidence has been received by the Development Officer that the necessary subdivision has been approved in accordance with the Act.

### **5.5 Number of Dwellings**

- 1) Unless otherwise provided for in this by-law, no more than one single dwelling unit is permitted on a single parcel in any zone.

### **5.6 Lot Servicing**

- 1) Development Permits shall not be issued where, in the opinion of the Development Officer, satisfactory arrangements have not been made with the Hamlet regarding the supply of any or all of the following services: water, electricity, sanitary sewer, street access or other services/facilities, including the payment of costs for installing any such service or facility.

### **5.7 Fences**

- 1) Fences will not be more than 2 m in height.
- 2) Barb wire fence material can only be used for fences in the industrial areas.

### **5.8 Hazardous Waste**

- 1) Hazardous waste shall not be disposed of in the Hamlet of Tuktoyaktuk's landfill. Disposal must meet the guidelines set in the GNWT Department of Environment and Natural Resource's Guidelines for the *General Management of Hazardous Waste in the NWT*.
- 2) Hazardous waste shall not be removed from its site of origin and stored on another site within the Hamlet of Tuktoyaktuk.
- 3) When applying for a development permit for a demolition, evidence of approvals from relevant authorities for the management and disposal of hazardous waste must be provided to the Development Officer as a condition of the development permit.

### **5.9 Protection from Explosive Hazards**

- 1) The location of a liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 9,100 litres shall be in accordance with the requirement of the Development Officer but in no case shall be less than a minimum distance of 120 metres from assembly, institutional, commercial or residential buildings.
- 2) LPG containers with a water capacity of less than 9,100 litres shall be located in accordance with Territorial Acts and Regulations.
- 3) Flammable liquids storage tanks shall be located in accordance with Territorial Acts and Regulations.
- 4) Evidence of approvals from relevant authorities must be provided to the Development Officer as a condition of the development permit.

### **5.10 Parking**

- 1) In all zones, user/occupant 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) In accordance with Section 18 (2) of the Act, subject to the approval of Council, a developer may choose to provide the required amount of off-street parking for the development on land other than that to be developed.
- 3) Adequate access to, and egress from, individual parking spaces is to be provided at all times by means of unobstructed maneuvering aisles which meet the approval of the Development Officer.
- 4) 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 50m<sup>2</sup> of gross floor area;
  - b. Motel: 1 space per sleeping unit
  - c. Hotel: 1 space per three guest rooms
  - d. Bed and Breakfast: 1 space per rented guest room
- 5) Every parking space shall have a minimum length of 6 m and a minimum width of 3 m.

## **6 Part Six – Zoning District Regulations**

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### **6.1 R – Residential**

The general purpose of this land use zone is to establish areas for residential development.

#### 1) Permitted Uses

- a. Single detached dwelling;
- b. Duplex dwelling;
- c. Manufactured home;
- d. Row housing;
- e. Multiple dwelling;
- f. Bed and Breakfast;
- g. Parks and playgrounds;
- h. Public or quasi-public buildings and uses servicing the immediate area;
- i. Public utility buildings and installations; and
- j. Accessory buildings and uses to the above uses.

#### 2) Conditional Uses

- a. Home occupations;
- b. Religious establishments;
- c. Convenience stores; and
- d. Other uses which Council considers being similar in character and purpose, and which are compatible with residential uses.

## 3) Dimensions

	Dwelling Type			
	Single Detached	Duplex	Manufactured	Row Housing
Minimum Site Area	350 m <sup>2</sup>	670m <sup>2</sup>	350m <sup>2</sup>	930m <sup>2</sup>
Minimum Site Width				
Internal lots	18.5m	18.5m	18.5m	
Corner or double fronting lots	20 m	20 m	20 m	
Maximum Lot Coverage				
Dwelling	50%	40%	40%	
Accessory	10%	10%	10%	
Minimum Front Yard Setback	6 m	6 m	6 m	6 m
Minimum Rear Yard Setback	7 m	7 m	7 m	7 m
Minimum Side Yard Setback	3.5 m	3.5 m	3.5 m	3.5 m
If Yard abuts flanking street	6 m	6m	6m	6m
Minimum floor area	88 m <sup>2</sup>	56 m <sup>2</sup>	56 m <sup>2</sup>	56 m <sup>2</sup>
Maximum Height	10.5 m	10.5 m	10.5 m	10.5 m

- 4) In the case of duplex units and row housing, side yard requirements along the common wall is waived.
- 5) All development shall meet the requirements of Part Five and Seven of this Bylaw.

## 6.2 CC - Community Core

The CC general purpose of this land use zone is to accommodate a mix of pre-existing residential, commercial and public uses while allowing for some new development where risks related to erosion or flooding can be mitigated.

1) Permitted Uses

- a. None

2) Conditional Uses

- a. Single detached dwelling;
- b. Duplex dwelling;
- c. Manufactured home;
- d. Row housing;
- e. Retail stores;
- f. Public office buildings;
- g. Health centre;
- h. Motels/hotels;
- i. Religious establishments;
- j. Parks;
- k. Public utility buildings and installations; and
- l. Buildings accessory and uses to the above uses.
- m. Local utility services
- n. Community garage
- o. Fire hall
- p. Buildings accessory and uses to the above uses.
- q. Other uses which Council considers being similar in character and purpose, and which are compatible with community core uses.

3) Development Regulations

- a. Land in this zone shall only be developed if the applicant demonstrates that the land is not susceptible to erosion or risks can be mitigated by the land owner. See section 4.6(4),c. of this by-law for how an applicant must demonstrate this.
- b. All developments should meet the requirements of Part Five and Seven of this By-law.

4) A person applying to develop a hotel or motel shall comply with the provisions of Part Seven of the Zoning By-law.

**6.3 C - Commercial**

The C Commercial Zones provides for commercial uses that do not require large areas of parking or outdoor storage space.

1) Permitted Uses

- a. Retail stores;
- b. Offices;
- c. Motels;
- d. Hotels;
- e. Restaurants;
- f. Public offices;
- g. Convenience stores;
- h. Public utility buildings and installations; and
- i. Buildings accessory and uses to the above uses.

2) Conditional Uses

- a. Single detached dwelling;
- b. Duplex dwelling;
- c. Manufactured home;
- d. Row housing;
- e. Religious establishments;
- f. Combined commercial and residential complexes; and
- g. Buildings accessory and uses to the above uses.
- h. Other uses which Council considers being similar in character and purpose, and which are compatible with commercial uses.

3) Development Regulations

	Buildings
Minimum Site Area	To be established by the Development Authority
Minimum Lot Depth	30 m
Minimum Lot Width	7.5 m
Motels	30 m
Maximum Site Coverage	30%
Minimum Front Yard Setback	6m
Minimum Rear Yard	7 m
Minimum Side Yard	3.5 m
Maximum Building Height	10.5 m

- 4) All developments should meet the requirements of Part Five and Seven of this By-law.
- 5) A person applying to develop a hotel or motel shall comply with the provisions of Part Seven of the Zoning By-law.

**6.4 CI - Commercial Industrial**

The CI Commercial Industrial Zone provides for a mix of commercial and industrial uses that require larger areas of parking or outdoor storage spaces than would be appropriate in land areas designated for Community Core or Commercial uses.

1) Permitted Uses

- a. Warehouse;
- b. Parking garage;
- c. Storage yards for machinery, trucks, gravel or building materials;
- d. Care takers unit

2) Conditional Uses

- a. Construction and work camps;
- b. Industrial uses related to oil and gas;
- c. Hotels;
- d. Motels;
- e. Campground;
- f. Public buildings and uses;
- g. Public utility buildings and installations; and
- h. Other uses which are considered by Council to be similar in character and purpose to the uses listed above as part of the Commercial Industrial zone.

3) Development Regulations

	Buildings
Minimum Site Area	To be established by the Development Authority
Minimum Lot Depth	30 m
Minimum Lot Width	30 m
Maximum Site Coverage	30%
Minimum Front Yard Setback	6m
Minimum Rear Yard	7 m
Minimum Side Yard	6 m

- 4) The height of buildings and structures shall not exceed the airport height guidelines established by the Federal or Territorial Governments.
- 5) All developments should meet the requirements of Part Five and Seven of this By-law.

**6.5 PU - Public Use**

The purpose of the PU- Public Use Zone is to provide for the development of public facilities of an institutional or community service nature.

1) Permitted

- a. School
- b. Religious establishments;
- c. Community halls;
- d. Health centres;
- e. Cultural centres
- f. Cemeteries;
- g. Arena;
- h. Senior citizens homes and similar buildings;
- i. Parks, playgrounds, recreation areas;
- j. Accessory buildings and uses.

2) Conditional Uses

- a. Public utility installations and uses;
- b. Other uses which are considered by Council to be similar in character and purpose to the permitted uses listed above.

3) Development Regulations

	Buildings
Minimum Site Area	To be established by the Development Authority
Minimum Lot Depth	30 m
Minimum Lot Width	To be determined by the Development Authority
Maximum Site Coverage	60%
Minimum Front Yard Setback	6m
Minimum Rear Yard	7 m
Minimum Side Yard	6 m
Maximum Building Height	10.5 m

- 4) All developments should meet the requirements of Part Five and Seven of this By-law.

## 6.6 OS – Open Space

The OS- Open Space zone provides land for active and passive recreation.

### 1) Permitted Uses

- a. Playgrounds;
- b. Sports fields
- c. Sheds required to support traditional and cultural activities;
- d. Ice house;
- e. Community gardens;
- f. Natural areas for environmental protection; and
- g. Buildings and uses accessory to the above.

### 2) Conditional Uses

- a. Public or quasi-public buildings and uses;
- b. Public utility installations and uses;
- c. Other uses which are considered by Council to be similar in character and purpose to the permitted uses listed above.

### 3) All park and playground equipment shall meet or exceed Canadian safety standards.

**6.7 IH - Industrial Harbour**

The Industrial Harbour Zone provides for industrial uses where a portion of the activities are generally carried out outdoors, may require large lots, may require direct access to the water, or may create off-site nuisances. Permitted Uses

- a. Wharfs, piers and docks;
  - b. Marine oriented trans-shipment facilities;
  - c. Warehouses and storage areas;
  - d. Tank farms and bulk fuel storage;
  - e. Care-taker units; and
  - f. Accessory buildings and uses.
- 2) Conditional Uses
- a. Construction work camps;
  - b. Other uses which are considered by Council to be similar in character and purpose to the permitted uses listed above.
- 3) Development Regulations

	Buildings
Minimum Site Area	To be determined by the Development Authority
Minimum Site Depth	To be determined by the Development Authority
Minimum Site Width	30 m
Maximum Site Coverage	60%
Minimum Front Yard Setback	10 m
Minimum Rear Yard Setback	6 m
Minimum Side Yard Setback	6 m
Maximum Building Height	10 m

- 4) External storage yards are to be designed to allow goods and equipment to be kept in a neat and orderly manner and enclosed by a fence or wall, to the satisfaction of the Development Officer or Council.
- 5) The height of buildings and structures shall not exceed the airport height guidelines established by the Federal or Territorial Governments

## **6.8 ER - Environmental Reserve**

The purpose of the ER- Environmental Reserve Zone is to limit development in areas that are susceptible to erosion or flooding. Development of these lands shall be not permitted unless the development is temporary, risk can be mitigated by the owner.

- 1) Permitted Uses
  - a. None
- 2) Conditional Uses
  - a. Dock
  - b. Accessory uses
  - c. Other uses which Council considers to be low risk or have demonstrated the risk of erosion or flooding have been mitigated.

## 6.9 UR – Urban Reserve

The Urban Reserve identifies areas to meet the anticipated needs of the community. Future development of these lands shall be consistent with the Community Plan land use concept plan and policies, and will require the rezoning of any land prior to development.

- 1) Permitted Uses
  - a. None
- 2) Conditional Uses
  - a. Recreational uses;
  - b. Parks/Open Space uses; and
  - c. Public Utility uses which are not prejudicial to future development for residential, commercial, community use or compatible urban uses.
- 3) Development Regulations
  - a. All approved uses are interim uses only and an agreement outlining the conditions and duration of use must be approved by Council.

## 6.10 H - Hinterland

The purpose of the Hinterland Zone is to protect those natural areas outside the built up area of Tuktoyaktuk for the benefit of all of Tuktoyaktuk's residents until it is identified for future growth in the Community Plan, and to provide for core public infrastructure including areas required to meet environmental protection regulations and setbacks.

- 1) Permitted Uses
  - a. Traditional and cultural activities.
  
- 2) Conditional Uses
  - a. Solid waste disposal
  - b. Shipping and navigational aids
  - c. Water reservoirs and water supply facilities;
  - d. Cemeteries;
  - e. Environmental reserves for watershed protection; and
  - f. Those uses which, in the opinion of Council, do not detract from the existing use of the area, and which conform to the general purpose and intent of the zone.
  
- 3) An Environmental Assessment may be required as condition of a development permit.
  
- 4) No Council shall be the approval authority for all uses in this zone

### **6.11 A – Airport**

The purpose of this zone is to recognize the jurisdiction and authority of the Government of the Northwest Territories and the Government of Canada over public airport lands forming part of the Tuktoyaktuk Airport in the Commissioner’s Public Airport Lands

- 1) All uses and developments on those Commissioner’s public lands shall be subject only to the approval of the Government of the Northwest Territories. For greater certainty, nothing in this by-law shall apply to the use or development of those Commissioner’s public airport lands.
- 2) Council or the Development Officer, if requested may provide input respecting any proposed development on Commissioner’s public airport lands.

## **7 Part Seven – Specific Land Use Regulations**

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The Specific Land Use Regulations apply to the uses included in this section irrespective of the zone in which they are located. Where these regulations appear to be in conflict of the zone regulations (whether for a permitted or conditional use), the Specific Land Use Regulations shall take precedence and shall be applied in addition to the requirements of the zone.

### **7.1 Motels**

- 1) For the purpose of this subsection, a rentable unit means a separate unit or suite of a motel intended for occupancy by one or more persons.
- 2) Unless connected to a continuous roof a minimum of 3.7m of separation shall be provided between each rentable unit and any other building on the site.
- 3) Motor vehicle access shall be provided by:
  - a. not more than one entrance and one exit onto a street, each of a minimum width of 7.0 m measured at its minimum dimension, or
  - b. no more than one combined entrance and exit not less than 9.0 m in width.

### **7.2 Bed and Breakfast**

- 1) The building in which the Bed and Breakfast is located must be the principal residence of the owner of the Bed and Breakfast and their family.
- 2) Any person wishing to operate a bed and breakfast operation shall be required to apply for a development permit;
  - a. bed and breakfast operations shall be limited to residential land use zone and shall be contained in or physically linked with the principal building;
  - b. off-street parking requirements for the residential unit itself, one (1) off-street parking space shall be required per rented guest room; and,
  - c. the maximum number of rental rooms in a Bed and Breakfast is four (4) to be designed for a maximum occupant load of eight (8) persons over and above the owner and their family.
  - d. Applications for a development permit for a Bed and Breakfast must be accompanied by proof that the plans met all requirements of the Office of the Fire Marshal.

### **7.3 Home Occupations**

- 1) Home occupations are conditional uses within residential zones and shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.

- 2) Home Occupations shall be incidental and subordinate to the principal residential use, and must have a valid business license issued by the Hamlet of Tuktoyaktuk.
- 3) Development permits issued for home occupations shall be revocable at any time by the Council, if in their opinion, the use is or has become detrimental to the amenities of the neighbourhood.

#### **7.4 Playgrounds**

- 1) All playground equipment installed in a park or playground area shall meet or exceed current Canadian safety standards.

#### **7.5 Caretaker Units**

- 1) A caretaker unit shall be designed to be occupied by no more than one (1) household, or a maximum of five (5) occupants.
- 2) Continued occupancy of the caretakers unit shall only be permitted where the site is in use for a commercial or industrial operation.

#### **7.6 Manufactured Homes**

- 1) Manufactured homes shall in all cases:
  - a. be placed on permanent foundations and footings that comply with the requirements of the National Building Code of Canada;
  - b. meet or exceed the provisions of C.S.A. Z240;
  - c. have a floor area not less than 74.34 m<sup>2</sup> (800 ft<sup>2</sup>); and
  - d. enclose the undercarriage with skirting that allows adequate ventilation to maintain permafrost, and complements the dwelling to the extent possible;
- 2) All accessory structures such as patios, porches, decks, additions and storage facilities shall be of an equivalent quality to complement the dwelling.

#### **7.7 Seasonal Campgrounds**

- 1) Each site shall have a minimum of 150 m<sup>2</sup>, unless the site is restricted to tents only where the minimum shall be 60 m<sup>2</sup>, and shall have its corners clearly marked on the ground.
- 2) Each site shall have direct access to a developed roadway.
- 3) Each trailer coach shall be located at least 4.5 m away from any other trailer coach, and each site shall have dimensions sufficient to allow such locations of trailer coaches.
- 4) Minimum parking requirements for a campground include:
  - a. one parking spot within the boundaries of each campsite; and
  - b. on RV trailer spot within the boundaries of each campsite.

- 5) The Campground operator shall be responsible to have on-site garbage disposal facilities.

### **7.8 Work Camps**

- 1) Each work camp can accommodate of up to 25 workers.
- 2) Facilities must consist of at least one bathroom and not fewer than 2 habitable rooms providing therein living, dining, kitchen and sleeping accommodation in appropriate individual or combination rooms.

SCHEDULE B

*FORMS*

SCHEDULE C  
*ZONING BYLAW MAPS*