



Hamlet of Cambridge Bay By-Laws

By-Law Name:	Lands Development Officer
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By-Law Number:	173
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Description

A By-law of the Hamlet of Cambridge Bay in the Nunavut Territory for the appointment of a Lands Development Officer pursuant to the provisions of the Planning Act, R.S.N.W.T., 1988, c. P-7, s. 16.

By-Law

WHEREAS it is required that the Hamlet of Cambridge Bay appoint a Lands Development Officer; and

WHEREAS it is expedient to establish terms of reference for the Lands Development Officer and to establish a Committee of Variance to provide recommendations on variances from the Zoning By-law requirements;

NOW THEREFORE the Council of the Hamlet of Cambridge Bay, in a duly assembled meeting, enacts the Development Process By-law as follows:

1. Interpretation

- a) “Development” means the carrying out of any construction or excavation of other operations in, over, or under land, or the making of any changes in the use or the intensity of use of any land or building.
- b) “Lands Development Officer” means a person appointed under the terms of this By-law
- c) “Development Scheme” means a development scheme as outlined in Section 7 and 8 of the Planning Act.
- d) “Developer” means the person or company or the agent of the person or company that proposes a development.

2. General

- 2.1 Colin Dickie is appointed Lands Development Officer pro tem.
- 2.2 The terms of this By-law apply equally to the sale or leasing of land, and to developments on lands which are privately owned or subject to a lease from the Crown, agencies of the Government of Canada, agencies of the Government of the Nunavut Territories, Inuit Owned lands within the Nunavut Settlement area, the Hamlet of Cambridge Bay or any other public body which owns or control lands.

3. **Procedures**

- 3.1 The Lands Development Officer shall develop such forms and procedures as are necessary and shall require all persons to comply with the forms and procedures.
- 3.2 Council may establish, by resolution and on the recommendation of the Lands Development Officer, fees and costs for any of the functions carried out by the Lands Development Officer or as part of the Development Process.
- 3.3 The Lands Development Officer shall inspect any development site to ensure compliance with the location of buildings, location of service outlets, etc.
- 3.4 The Lands Development Officer may require the developer to provide certified proof of compliance with codes such as National Building Codes and with copies of inspection certifications concerning electrical, plumbing, fire and other requirements.
- 3.5 The Lands Development Officer may require the developer to hold the Hamlet safe from prosecution on all matters relating to environmental issues such as soil condition, sub-soil condition, water run off, flooding, erosion, rock fall or slide, contaminants or pollutants, etc.

4. **Leases**

- 4.1 The Lands Development Officer shall recommend to the Council the leasing of any lands owned or controlled by the Hamlet.
- 4.2 No lease shall be given until at least 30 days after public notice that the lands in question are available to lease.
- 4.3 No lease shall be awarded unless the purpose to which the lands are to be put complies with the requirements of the Zoning By-Law.
- 4.4 Notwithstanding section 4.3, a prospective leasee may apply to the Lands Development Officer for a change in Zoning, and the Lands Development Officer may recommend such a change to the Council.
- 4.5 No lease shall be for a period greater than 30 years.

- 4.6 Notwithstanding section 4.5, the Hamlet may provide for options to lease for a term not greater than 20 years beyond the period of the lease.
- 4.7 Leases shall be prepared on a form approved by the Lands Development Officer and the Hamlet's Solicitors.
- 4.8 The Lands Development Officer may apply to the lease such terms and conditions as are warranted to ensure compliance with planning regulations, environmental concerns, or terms of business operation.
- 4.9 The Lands Development Officer may apply to the lease such terms and conditions as maybe required ensuring that the proposed development does not have an inappropriate impact on the neighbourhood.
- 4.10 The lease shall contain a clause stating that the lease agreement is void if the agreed upon development is not substantially completed within a period of two years.

5. Land Sales

- 5.1 The Hamlet may offer for sale any lands, which it owns outright.
- 5.2 All terms of this By-law relating to the provisions of a lease apply equally to the provision of a sales agreement.
- 5.3 Terms of By-law 79, The Financial Procedures By-law, as amended from time to time, apply to the sale of all lands.

6. Development Schemes

- 6.1 The Hamlet may require that any development enter into a development scheme as outlined in the Zoning By-law.
- 6.2 The Lands Development Officer shall recommend to Council all provisions of a development scheme.
- 6.3 Council may require that the Lands Development Officer hold a public meeting for the purpose of discussing terms of a proposed development scheme, and report to Council the results of such meeting.

7. Variance Committee

- 7.1 Council shall by resolution appoint an advisory committee of three people who shall make recommendations on variances to Zoning and Planning regulations to the Lands Development Officer. Terms of Reference for this committee shall be established by resolution of the Council.

- 7.2 The Committee shall be appointed by resolution for a period of three years.
- 7.3 The Committee shall be composed of members of the public who represent one or more of the following concerns:
- i) Building regulations
 - ii) Environmental issues
 - iii) Social issues
- 7.4 The Lands Development Officer shall refer to the Committee for recommendation any proposed development that not meet or substantially meet all Planning and Zoning requirements, and other policies of the Council.
- 7.5 The Committee may recommend that:
- i) A variance from Zoning and Planning requirements is too small as to warrant concerns;
 - ii) Elements of a structure or a site plan comply with the intent of Planning and Zoning regulations;
 - iii) A special Zoning be created to allow for the development;
 - iv) The development does not meet requirements and an amending plan must be submitted.
- 7.6 The Lands Development Officer shall include the recommendations of the Variance Committee in any reports or recommendations to Council or to the developer.

8. **Development Appeal Board**

- 8.1 Council shall be resolution appoint a Development Appeal Board composed of one Member of Council, one representative of the building industry and one representative of the general public who is not allied to the building industry. Terms of References for this Board are outlined in Sections 21, 22, and 23 of the Planning Act.

9. **Repeals**

By-law # 86 is hereby repealed.

Date of First Reading	(Day)	(Month)	(Year) 2002
Date of Second Reading	(Day)	(Month)	(Year) 2002
_____ Mayor			
_____ Senior Administrative Officer			
Date of Third Reading and Passed	(Day)	(Month)	(Year) 2002
_____ Mayor			
_____ Senior Administrative Officer			