



Hamlet of Cambridge Bay By-Laws

By-Law Name:	Cambridge Bay Zoning
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By-Law Number:	97
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Description

A BY-LAW OF THE HAMLET OF CAMBRIDGE BAY IN THE NORTHWEST TERRITORIES TO ADOPT A ZONING BY-LAW, PURSUANT TO THE PROVISIONS OF THE PLANNING ACT, R.S.N.W.T.,(1988), c.P-7, s.13.

By-Law

AS the Council of the Hamlet of Cambridge Bay has prepared a Zoning By-Law, referred to as the *Cambridge Bay Zoning By-Law*, in accordance with the Planning Act

NOW THEREFORE, the Council of the Hamlet of Cambridge Bay, duly assembled, enacts as follows:

1. Schedule 1, entitled *Cambridge Bay Zoning By-Law* and Schedule 2, entitled *Cambridge Bay Zoning By-Law Map*, are declared to form part of this By-Law.
2. The Zoning By-Law of the Hamlet of Cambridge Bay, known as the *Cambridge Bay Zoning By-Law*, and attached as Schedule 1 and Schedule 2 of this by-law, is hereby adopted.
3. This By-Law shall come into effect on the date of its third reading.
4. By-Law # 29, By-Law # 58, By-Law # 59, By-Law # 84 and By-Law # 90, the current Zoning By-Law and amendments of the Hamlet of Cambridge Bay, are hereby repealed.

Date of First Reading	(Day) 12	(Month) 05	(Year) 1995
<p>_____</p> <p style="text-align: center;">Mayor Senior Administrative Officer</p>			
After due notice and a Public Hearing,			
Date of Second Reading	(Day) 25	(Month) 05	(Year) 1995
<p>_____</p> <p style="text-align: center;">Mayor Senior Administrative Officer</p>			
<p>In preparation for minister's signature the documents were circulated to interested government departments and corporations. Amendments made in response to comments necessitated the Public Hearing and Second Reading to be actioned again. The previous Second Reading is therefore rescinded and;</p> <p>After due notice and a Public Hearing,</p>			
Date of Second Reading	(Day) 03	(Month) 04	(Year) 1996
Approved by the Minister of Municipal & Community Affairs	(Day) 24	(Month) 04	(Year) 1996
<p>_____</p> <p style="text-align: center;">Minister</p>			
Date of Third Reading and Passed	(Day) 30	(Month) 05	(Year) 1996
<p>_____</p> <p style="text-align: center;">Mayor Senior Administrative Officer</p>			



Hamlet of Cambridge Bay NU.

BY-LAW No. 97 – Schedule 1

CAMBRIDGE BAY ZONING

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1.0 INTERPRETATIONS

1.1 TITLE

This By-Law shall be known as the Cambridge Bay Zoning By-Law.

1.2 PURPOSE

The purpose of this By-Law is to facilitate orderly development and use of land within the Municipality of Cambridge Bay by regulating development and land use in accordance with the Community Plan adopted by Council.

1.3 APPLICATION

This By-Law will apply to all lands within the Municipal Boundary of the Hamlet of Cambridge Bay.

1.4 SCOPE

No land will be used and no development will be undertaken which does not conform to all provisions in this By-Law and the Community Plan.

1.5 VALIDITY

If any part of this By-law is declared invalid, the remainder of this By-Law will not be affected.

1.1 ESTABLISHMENT OF ZONES

a) For the purposes of this By-law the Hamlet of Cambridge Bay is divided into the following zones:

Residential	R
Community Use	CU
Commercial	C
Open Space	OS
Light Industrial	LI
Heavy Industrial	HI
Transportation	T
Hinterland	H

b) The boundaries defining the zones are shown on Schedule 1 of this By-law.

c) Where uncertainty exists as to the boundaries of the zones as shown Schedule 1, the zone boundary is considered to run along surveyed lot lines or is to be determined by measurement.

1.2 DEFINITIONS

For the purpose of this by-law the following definitions apply:

- a) "Abandonment" means where a building, structure, vehicle, materials, equipment or use is purposely or through neglect, no longer put to the use it was established or intended for.
- b) "Accessory Building" means any building on a lot which is separated from the main building on the lot and incidental to it.
- c) "Applicant" means a person, or representative of that person or company who has applied for a permit to develop land under this By-Law.
- d) "Building" includes any structure, erection, stockpile, sign or fixture built or placed on land.
- e) "Construction and Work Camp" means a facility providing temporary accommodation and services for construction workers.
- f) "Contractor" means a person who carries out construction, landscaping, excavation, demolition removal, relocation, repair or renovation work involved in a development.
- g) "Council" means the Council of the Hamlet of Cambridge Bay.
- h) "Day" means one calendar day.
- i) "Developer" means any individual, group or organization, private or public corporation or agency who has undertaken a development.
- j) "Development"
 - i) the carrying out of any construction or excavation or other operation in, on, over or under land, or
 - ii) the making of any change in the use or the intensity of use of any land or building.

- k) "Development Officer" means that person appointed by the Council, and declared to be an official of the Municipal Administration, to administer this Zoning By-Law.
- l) "Development Permit" means a permit issued in accordance with this Zoning By-Law.
- m) "Dwelling or Dwelling Unit" means a building or portion of a building designed or used as a housekeeping unit for one or more people.
- n) "Existing" means any building, structure or use in existence, or for which a valid development permit exists, on the day of the passing of the By-Law.
- o) "Floor Area" means the total area of all floors of all buildings including accessory buildings located on a lot.
- p) "Garage" means an addition to a building or an accessory building used primarily for the storage of automobiles, heated or unheated.
- q) "Home Occupation" means any business conducted entirely within a dwelling unit provided the use:
 - i) does not change the residential character of the lot by creating problems with noise, traffic, parking or outdoor storage;
 - ii) does not employ more than one individual on site, who is not a resident of the dwelling unit, and
 - iii) does not show any exterior evidence of the use being carried on except for a small advertising sign, no bigger than 0.5 square meters in area.
- r) "Lot" means an undivided parcel of land having fixed boundaries described in a certificate of title, registered plan of survey or lease document.
- s) "Minor Variance" deviation from a regulation of the zoning by-law which does not contradict the intent and purpose for which that regulation was established.

- t) "Multi Unit Dwelling" means a building consisting of two or more dwelling units.
- u) "Non-Conforming" refers to a lot or building, or its use:
 - i) that is lawfully developed, approved, or under construction, on the day of passing of the By-Law; and,
 - ii) that does not or will not conform to the requirements of the Zoning By-Law.
- v) "Permitted Development" means a development or use which is permitted under the provisions of this By-Law.
- w) "Recreation Campsite" means a parcel of land left in its natural state, used and maintained for seasonal accommodation in tents.
- x) "Road Allowance Widths" means that land set aside for road top widths, shoulders, road side drainage systems and sidewalks, and usually defined by Legal Survey.
- y) "Seasonal" means a use occurring each year but one which is discontinued over the winter months.
- z) "Setback" means the distance measured perpendicular from a lot line, to the nearest part of a main building or structure on the lot.
- aa) "Shed" means an accessory building, usually to a residential unit, primarily used for storage of personal effects, excluding automobiles, being no larger than 4m X 5m X 4m high, heated or unheated.
- bb) "Single Unit Dwelling" means a building consisting of a dwelling unit for the use of one household.
- cc) "Temporary" means any building, structure or use which is sanctioned by Council, but which may be disallowed by Council at any time. The duration of existence of a

temporary building, structure or use does not confer any rights to the owner to continue that use, except by continued sanction by Council.

A temporary use may be contrary to the By-Law or Community Plan.

- dd) "Zone" means an area, as outlined on Schedule 1 of this By-Law, intended for a number of specific uses.

1.3 NON-CONFORMING USES

- a) When, as a result of the adoption of the By-Law, a non-conforming use of a lot or building is created, the non-conforming use may continue if the building was lawfully used for such purpose, under construction or approved for construction on the day of the passing of the By-Law.
- b) An enlargement, alteration or addition may not be made to a non-conforming building except:
 - i) As may be required by an Act or By-Law;
 - ii) As may be necessary to make it a conforming building;
 - iii) As may be necessary for routine maintenance of the building or;
- c) A non-conforming use of part of a lot or part of a building will not be extended or transferred to any other part of the lot or building except as permitted in paragraph 1.8 b).
- d) Where a non-conforming use is discontinued for more than 6 months, any future use must conform to this By-Law.
- e) Where a non-conforming use is abandoned, any future use must conform to this By-Law.
- f) When a non-conforming building is damaged by fire or other causes to an extent exceeding 50% of its usable floor space, the building will not be repaired or rebuilt except in conformity with this By-Law.
- g) The use of land or a building is not affected by reason of change in ownership, tenancy or occupancy of the land or building.

2.0 ZONE REGULATIONS

2.1 GENERAL

- a) Zone line boundaries are considered to run along lot lines where shown in the near proximity of surveyed lot line. Where zone boundaries do not run along lot lines, their location may be found by measurement.
- b) The location of zone line boundaries within future development areas are subject to relocation once a subdivision design for the new area is approved.
- c) Applications for land in future development areas will not be accepted, save as being part of a future approved subdivision development.

2.2 RESIDENTIAL ZONE (R)

2.2.1 Permitted Uses

- a) A single unit dwelling;
- b) A multi-unit dwelling;
- c) A public park, vacant space or playground;
- d) A place of workshop;
- e) A day care centre;
- f) A home occupation;
- g) A group home;
- h) Accessory buildings related to the above uses; and
- i) Other uses, not specifically provided for, which are similar in character and purpose.

2.2.2 Regulations

- a) Minimum Lot Area: 550 square metres
- b) Minimum Width: 22 metres and 25 metres in the case of corner lots.
- c) Minimum Depth: 27 metres
- d) Yard Regulation Minimum Setbacks:
 - Front: 3 metres
 - Side: 6 metres
 - Rear: 6 metres

2.3 COMMUNITY USE ZONE (CU)

2.3.1 Permitted Uses:

- a) A place of worship;
- b) A municipal, Territorial, Federal or other public service

- c) related office building;
- d) A school;
- e) A nursery or day care centre;
- f) A Health Centre;
- g) A community hall, including refreshment facilities;
- h) A recreation facility housing an ice rink, bowling alley, curling sheets, swimming pools, or other indoor sports related uses;
- i) Accessory buildings and uses related to the above permitted uses;
- j) Other uses, not specifically provided for, which are similar in character and purpose.

2.3.2 Regulations:

- a) Minimum Lot Area:550 square metres
- b) Minimum Width:22 metres and 25 metres in the case of corner lots.
- c) Minimum Depth:25 metres
- d) Yard Regulations Minimum Setbacks,
 - Front: 5 metres
 - Side: 6 metres
 - Rear: 6 metres

2.4 COMMERCIAL ONE ZONE (C1)

2.4.1 Permitted Uses:

- a) A retail store;
- b) A hotel;
- c) A restaurant;
- d) A personal service establishment including a barber shop, beauty salon, bakery, dressmaker or similar uses;
- e) Professional office including a bank or financial institution;
- f) A commercial recreation establishment;
- g) Accessory building(s) in connection with any of the above permitted uses.
- h) Other uses, not specifically provided for, which are similar in character and purpose.
- i) Residence for the owner or manager of the business not exceeding 50% of the total floor space of the building's floor area;

2.4.2 Regulations;

- a) Minimum Lot Area: 550 square metres

- b) Minimum Width: 22 metres and 25 metres in the case of corner lots.
- c) Minimum Depth: 25 metres
- d) Yard Regulations Minimum Setbacks
 - Front: 5 metres
 - Side: 6 metres
 - Rear: 6 metres

2.5 COMMERCIAL TWO ZONE(C2)

2.5.1 Permitted Uses

- a) Shops used for sales and service, including the display, repair, processing and treatment of consumer goods and wares for;
 - i) An All Terrain Vehicle, skidoo, car, truck, boat and/or motorcycle sales and service establishment;
 - ii) Trades such as electronic repair shop, carpentry, plumbing, dry walling, lumberyard, food processing and like trades which may require outside storage of supplies,
 - iii) A gas and/or heating fuel retail outlet;
- b) Residence for the owner or manager of the business not exceeding 50% of the total floor space of the building's floor area;
- c) A construction bunkhouse or work camp;
- d) Other uses, not specifically provided for, which are similar in character and purpose.
- e) Laundry and dry-cleaning shop.

2.5.2 Regulations

- a) Minimum Lot Area: 550 square metres
- b) Minimum Width: 22 metres and 25 metres in the case of corner lots.
- c) Minimum Depth: 25 metres
- d) Yard Regulations Minimum Setbacks
 - Front: 5 metres

Side: 6 metres

Rear: 6 metres

- e) The construction bunkhouse/ work camp must be for seasonal or temporary use, as defined in this by-law.
- f) Storage of materials will be limited to amounts required on an ongoing basis to fulfill customer demand and operational requirements.

2.5.3 Performance Standards

- a) In considering an application for a development permit in the Commercial Two Zone, the Development Officer shall be satisfied that the proposed use conforms to all applicable standards and regulations.
- b) Use of lands will conform to Federal and Territorial Legislation which speaks to the use and practices to be followed in handling, storing and disposing of hazardous materials.

2.6 INDUSTRIAL ZONE (H)

2.6.1 Permitted Uses

- a) Any warehousing, manufacturing, assembly or fabricating establishment;
- b) A garage or municipal yard;
- c) Fuel storage tanks, gas fuel outlets;
- d) Any business, office or store front related to any permitted industrial uses;
- e) Power plant or public utilities facility;
- f) Food processing plant; or
- g) Other uses, not specifically provided for, which are similar in character and purpose.

2.6.2 Regulations

- a) Minimum Lot Area: 550 square metres
- b) Minimum Width: 22 metres and 25 metres in the case of corner lots.
- c) Minimum Depth: 25 metres
- d) Yard Regulations Minimum Setbacks

Front: 5 metres
Side: 6 metres
Rear: 6 metres

2.6.3 Performance Standards

- a) In considering an application for a development permit in the Industrial Zone, the Development Officer shall be satisfied that the proposed use conforms to all applicable standards and regulations.
- b) Use of lands will conform with Federal and Territorial Legislation which speaks to the use and practices to be followed in handling, storing and disposing of hazardous materials.

2.6.4 Permitted Uses

- a) Any warehousing, manufacturing, assembly or fabricating establishment;
- b) A garage or municipal yard;
- c) Any shops for the repair, processing and treatment of small goods and wares and any other service industries;
- d) Fuel storage tanks, gas fuel outlets;
- e) Any business, office or store front related to any permitted industrial uses;
- f) Power plant or public utilities facility;
- g) A construction, bunkhouse or work camp;
- h) Traditional food processing plant; or
- i) Other uses, not specifically provided for, which are similar in character and purpose.

2.6.5 Regulations

- a) Minimum Lot Area: 550 square metres
- b) Minimum Width: 22 metres and 25 metres in the case of corner lots.
- c) Minimum Depth: 25 metres
- d) Yard Regulations Minimum Setbacks

Front: 5 metres
Side: 6 metres
Rear: 6 metres

2.6.6 Performance Standards

- a) In considering an application for a development permit in the Industrial Zone, the Development Officer shall be satisfied that the proposed use conforms to all applicable standards and regulations.
- b) Where the proposed development may impact the environment the proposal will be referred to the appropriate government agency for study and recommendations before consideration by Council.

2.7 TRANSPORTATION ZONE (T)

2.7.1 Permitted Uses

- a) Airports including accessory uses and buildings normally associated with the operation of an airport.
- b) Sealift staging areas, docks and related services.
- c) Other uses, not specifically provided for, which are similar in character and purpose.

2.8 OPEN SPACE ZONE (OS)

2.8.1 Permitted Uses

- a) Un-developable lands, snow piling areas, playgrounds, cross country ski trails, sliding areas, parks, picnic areas, camping and other similar outdoor recreation uses;
- b) Conservation areas including associated activities such as resting areas and berry picking;
- c) Seasonal and temporary storage of equipment used in hunting, fishing and trapping and for tying up dogs;
- d) Areas of cultural and environmental significance such as traditional camp ground areas which are to be preserved.
- e) Other uses, not specifically provided for, which are similar in character and purpose.

2.9 HINTERLAND (H)

2.9.1 Permitted Uses

- a) A solid waste/sewage disposal site;
- b) A recreational use camp site;
- c) A gravel pit;
- d) A scrap metal storage site;
- e) A water pump facility;
- f) Communication facilities;

- g) Cemetery;
- h) Permanent buildings with a maximum lot size of one (1) hectare;
- i) Other uses, not specifically provided for, which are similar in character and purpose.

3.0 BUILDING STANDARDS

3.1 SERVICING

- a) All units with the exception of those in a hinterland or open space zone shall be able to be serviced via municipal roads or service lanes;
- b) Water and sewage connections for any unit shall not be located farther than 5.5 m from the front property line where servicing is via municipal road or farther than 7.5 m from the traveled edge of a service route.
- c) Service connections shall not be located where entry activities will block servicing.

3.2 LANDSCAPING

- a) The developer shall construct;
 - i) A gravel access road leading from the municipal road to the front of the building, the road top width being at least 5m and having a slope of no more than 6%.
 - ii) A level area 5 m wide on the service side of the unit and at the rear of the building.

3.3 PARKING/BOAT STORAGE

- a) On site parking shall be provided by the developer to the satisfaction of the Development Officer. Particular attention should be paid to;
 - i) Safety
 - ii) Requirement to keep servicing lane free of obstructions.
 - iii) Ensure public thoroughfare is not obstructed.
 - iv) General appearance.
 - v) On-going, daily parking requirements for the proposed development.

- b) Boat storage will occur in areas as designated in Schedule 1 or areas as approved by the Development Officer, with particular attention being given to factors listed in 3.3 a) i to v.

3.4 ACCESSORY BUILDINGS

- a) Accessory buildings must satisfy the following criteria so as not to;
 - i) Obstruct service access routes to buildings.
 - ii) Create adverse snow drifting on neighbor's lands which would impact their use and enjoyment of their property.
 - iii) Be sturdily built to withstand relocation.
 - iv) All accessory buildings with the exception of porches, will be closed by a door, windows, or screen so that there are no openings, and the door shall be secured with a locking device.

3.5 AIRPORT REGULATIONS

All development shall be subject to Transport Canada and the Department of Transport's Airport Zoning Regulations, especially concerning height limitations.

3.6 GENERAL DEVELOPMENT APPEARANCE

- a) All buildings shall be maintained in a manner which does not detract from the appearance or character of existing or proposed development in the surrounding area.
- b) All accessory buildings shall be constructed of materials that are similar to or complement the main building and are maintained to the same standards as the main building.

3.7 MAINTENANCE OF DEVELOPMENT

- a) All buildings, structures, yards and landscaping works, whether or not existing at the effective date of this By-Law, will be maintained in a manner which does not detract from the appearance or character of the existing or proposed development in the surrounding area.
- b) Where developments exist contrary to 3.6 a) they will be considered an unauthorized development or use of land. After notice has been given in writing, the Development Officer may enter and carry out the necessary

work, and may recover the expenses incurred by the Hamlet from the owner or occupant under 4.10.

3.8 WIND GENERATORS AND SOLAR COLLECTORS

Council must approve a development permit for wind or solar installations and may set conditions as it considers appropriate.

3.9 SEPARATION DISTANCES

- a) No buildings are to be sited under or within 1m horizontal distance of a power line.
- b) No development, other than a fence, shall be located within 2 meters of a lot line.

3.10 FENCES

- a) Where a fence, stone row or other delineating structure is built on a lot line separating two private lease holders, construction and maintenance is a joint responsibility.

3.11 LOT COVERAGE

- a) Generally, the total lot area covered by the roofs of main and accessory buildings should not exceed 50% of the total lot area.

3.12 YARD CONDITIONS

- a) All front, side and back yards shall be kept free of garbage, debris, litter, etc.
- b) No abandoned equipment, construction materials, containers, packaging materials or like materials shall be stored in yards except where they are stored in approved accessory buildings or under buildings.
- c) Where items as described in 3.13 b) above, are not stored or cared for in the manner set out in this Zoning By-Law, they will be considered unauthorized development. After notice has been given in writing, the Development Officer may enter and carry out the necessary work, and may recover the expenses incurred by the Hamlet from the owner or occupant of the properties.

4.0 ADMINISTRATION

4.1 DEVELOPMENT OFFICER

- a) The Council will appoint a Development Officer, who is an official of the municipality, to;
 - i) Receive applications for development permits.
 - ii) Consider and decide on applications for development permits.
 - iii) Issue Stop-Work orders on developments as authorized under Sec 20 of the Planning Act (1988).
 - iv) Maintain a record of all Development Permit applications received, stating whether they were approved or rejected with reasons for rejecting any permit. These reports will be submitted to Council at least monthly, and more often given that time is of the essence during the short construction season.
 - v) Keep for Public review, a copy of the Community Plan, Zoning By-Law and amendments made to these documents.
 - vi) Keep posted, at the Hamlet Office, approved Development Permits.
 - vii) Perform inspections to enforce this By-Law.

- b) Council authorizes the Development Officer to consider and decide on applications for development permits except where the proposed development is;
 - i) Greater than 10m in height, as measured from the highest point of land at the foundation.
 - ii) Within the defined Core Area of the Hamlet.
 - iii) A use that is not specifically provided for under the Permitted Uses for a zone, but is similar in character and purpose.
 - iv) Where the Development Officer considers it prudent for Council to review the development

Council will designate an alternate official of the municipality to assume the responsibilities of the Development Officer during periods of time when the Development Officer is absent.

4.2 DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- a) No person or agency will commence a development without a valid Development Permit except where;

- i) The Development consists of only minor repairs, painting, decorating or landscaping, providing that no person's health or safety is endangered;
- ii) An uncovered outside deck or cold porches are constructed.
- iii) Accessory buildings with a floor area smaller than 9.29 square meters (100square feet).

4.3 APPLICATIONS FOR A DEVELOPMENT PERMIT

- a) An application for a Development Permit may be made by a person or his duly authorized agent.
- b) An application for a Development Permit shall be made on a form adopted by resolution of Council and submitted to the Development Officer. The Development Officer may not accept an incomplete application.
- c) Every application shall be accompanied by:
 - i) A Development Permit fee in accordance with the following schedule.

a)	One Family Dwelling	\$50.00
b)	Multi Family	\$100.00*
c)	Commercial/Industrial	\$100.00*
d)	Home Occupation	\$50.00
e)	Signs (bilingual)	\$50.00
f)	Additions, Fences, Decks, Accessory Buildings over \$ 2,000	\$50.00
g)	Under \$ 2,000	\$25.00

* extra \$ 10.00/\$ 100,000.00 estimated value for anything over an estimated construction cost of \$ 1,000,000.00.
** Council reserves the right to change fee amounts without notice.
 - ii) A copy of a deed, lease or reserve agreement for the land.
 - iii) A Legally Registered Survey description of the lot or a Government of the Northwest Territories approved Lease Sketch number and accompanying map. Adjacent properties and road right's-of-way must also be shown.

- iv) A site plan, clearly depicting, and to a scale of not less than 1:1000 indicating:
 - a) lot description;
 - b) location and size of proposed buildings;
 - c) setbacks from all property lines;
 - d) location of all landscaping, stairs, platforms, decks, etc.;
 - e) location of access road and all servicing: water connection, sewage connection, oil tank, garbage platform, and utility poles; and
 - f) north arrow, scale.
 - v) One copy of preliminary working drawings of the proposed development to a scale not less than 1:100 including:
 - a) floor plans
 - b) all finishing materials and colors; and
 - vi) Such additional site information as the Development Officer may require.
- d) If at any time the applicant desires to alter his/her application for which the Development Permit has been issued, a new application will be made. However, if the alterations are of a minor nature the Development Officer may waive the requirements for a new application provided that the approval is obtained before proceeding with any alterations.

4.4 ISSUANCE OF THE DEVELOPMENT PERMIT

a) Decision on Applications:

A decision on an application for a Development Permit will be made by the Development Officer within 30 days of receipt of the application in its complete and final form.

b) Terms of Approval of the Final Application:

i) An application will be approved and a permit issued if the application complies with all provisions of this By-Law, other By-Laws adopted by Council, and the Community Plan adopted by Council.

ii) The issuing of a Development Permit will not relieve the permit holder from construction and improvements in accordance with other national and territorial codes and regulations. Approval given by the

Development Officer or Council shall not be considered an indication that such standards and regulations have been met;

- iii) Council may enter into a Development Agreement with a Developer to set out specific restrictions and responsibilities respecting a proposed development.
 - iv) A Development Permit authorizes the holder to execute the work or action defined in the permit in accordance with the final application, and no changes will be permitted without prior approval in writing from the Development Officer.
- c) Notice of Decision
- i) The Development Officer shall forward the Notice of Decision by registered mail, or by personal delivery, within 3 days of the date of decision;
 - ii) Where an application is refused, the reasons for refusal will be stated;
 - iii) Where an application is unconditionally approved or approved with conditions, the approval notice presented in a format adopted by Resolution of Council will constitute the Development Permit;
 - iv) When an application is approved, the Development Officer will, within 3 days of the date of decision, post a copy of the Development Permit in a conspicuous place on the site for which the Development Permit applies;
 - v) A Development Permit does not become effective until 14 calendar days after the Notice of Decision has been posted on the lot for which it applies;
 - vi) A decision may be appealed under section 4.6 of this By-Law. A written Notice of Appeal, stating the reasons for the appeal, must be submitted to the Development Appeal Board within 14 days of the date of decision;
 - vii) In the case of an appeal, the Development Permit becomes effective only after the appeal is heard and is subject to the decision and modifications as determined by the Development Appeal Board.

4.5 SUSPENSION OF THE DEVELOPMENT PERMIT

- a) A Development Permit will become void if:

- i) Development is not commenced, or authorized actions taken, within 6 months of the date of issue or within any period of extension granted by the Development Officer;
 - ii) Development has been discontinued for a period of one year;
 - iii) Development is not completed within 2 years of the original date of issue; or within the period of extension as granted by the Development Officer; or
 - iv) There has been violation of this By-Law, of conditions in a Permit or Agreement, or of any changes authorized by the Development Officer.
- b) When a Development Permit has been voided, the Development Officer must immediately inform the Council and, by registered mail or personal delivery, serve written notice on the permit holder informing him/her that:
- i) The Development Permit for the development is suspended, stating reasons why it was suspended;
 - ii) All development shall cease until such time as the Development Permit is reinstated or a new Development Permit is issued;
 - iii) Development undertaken in breach of the conditions of the Development Permit or agreement is considered unauthorized development subject to the provisions of Sections 4.7 and 4.10 of this By-Law.
- c) Where a Development Permit is suspended, the Council, within 30 days of the date at which the notice of suspension was mailed, shall meet and decide;
- i) To reinstate the original Development Permit subject to such extensions, additional conditions, guarantees and bonds as it considers appropriate; or,
 - ii) To revoke the Development Permit and require that a new application be made for the continuation of the development.
- d) The Development Officer shall, by registered mail, forward to the permit holder of a suspended Development Permit a notice of the decision of the Council within 3 days of the date of such a decision;

- e) A decision may be appealed according to the provisions of Section 4.6 of this By-Law;
- f) It shall be sufficient to mail the notices to the permit holder at his/her last know address or to deliver notices personally by the Development Officer.

4.6 DEVELOPMENT APPEAL BOARD

- a) The Council will appoint a Development Appeal Board composed of 5 members appointed for a 3 year consecutive term;
- b) The Development Appeal Board will include 2 members of Council, and 3 members of the community at large, and will not include employees of the Municipality;
- c) The members of the Development Appeal Board will elect a chairperson.
- d) Anyone claiming to be affected by a decision of the Development Officer under this By-Law may appeal in writing to the Appeal Board within 14 days of the date of the decision. Where a decision has not been made on an application within 40 days, the applicant, may appeal in writing to the Appeal Board as though he/she had received a refusal.
- e) The Development Appeal Board will:
 - i) hold a hearing within 30 days from the receipt of an appeal;
 - ii) afford the Council and Development Officer and every person concerned the opportunity to be heard;
 - iii) ensure that reasonable notice of the hearing is given to the applicant and all others, who, in the opinion of the Board, may be affected;
 - iv) may confirm, reject or vary the decision being appealed and may impose conditions it considers necessary under the circumstances;
 - v) deliver its decision in writing to the parties involved within 60 days from the date of the hearing;
- f) Where a member of the Development Appeal Board has an interest in an application for a Development Permit which is being appealed, he or she will in no way participate in the appeal;
- g) Council shall appoint an employee of the Hamlet as secretary to the development Appeal Board and shall make and keep written record of the proceedings and issue written notices as required.

- h) The secretary shall forward a summary of the evidence presented to the Development Appeal board together with notices issued within 15 days of the date of decision of an appeal, to the Deputy Minister of the Department of Municipal & Community Affairs of the Northwest Territories.
- i) No decision of the development appeal board will be incompatible with the Community Plan adopted by the Council at the time of appeal or any other By-Law passed by the Council;
- j) The Development Appeal board is authorized to exercise powers according to Sections 22 and 23 of the Planning Act.

4.7 ENFORCEMENT / INSPECTION

- a) This By-Law will be administered by a Development Officer, appointed by Council, who is authorized to exercise powers according to the provisions of Section 32, of the Planning Act;
- b) The Development Officer shall inspect Permit sites as necessary, and where stages are specified, the permit holder shall not proceed with the next stage of development until the proceeding stage is inspected and approved;
- c) Any person is guilty of an offence if he/she:
 - i) Willfully obstructs or interferes with the Development Officer in the exercise of his/her duties.
 - ii) Refuses or neglects to comply with a lawful order made by the Development Officer; or,
 - iii) Violates any provision of this By-Law; and is liable to a fine not exceeding \$500.00 plus up to \$100.00 for every day the offence continues, as specified in Sections 33 and 34 of the Planning Act.

4.8 FINAL INSPECTION

A final inspection will be carried out by the Development Officer confirming that the development is complete and that the requirements of the development permit were met in full. The building and land may not be put to their intended use until authorized by signing of the Final Inspection document.

4.9 MINOR VARIANCES

- a) Where it is impractical to conform to lot regulations in Section 2, due to obvious site or physical limitations, Council may allow minor variances of the site regulations outlined in this by-law.
- b) The decision of Council on the application for variance may be appealed according to the provisions of section 4.6 of this By-Law.

4.10 UNAUTHORIZED DEVELOPMENT

- a) Where a development is carried out or used in a manner other than in accordance with this By-Law, the Development Officer shall report to the Council according to section 4.5.
- b) The Council shall serve notice on the Permit holder and any contractor or user on the site by registered mail or personal delivery by the Development Officer stating:
 - i) The grounds and instructions for removal, demolition, alteration, filling in, or cessation of work or use;
 - ii) That the Council's decision resulting from the notice may be appealed according to the provisions of Section 4.6 of this By-Law;
- c) It shall be sufficient to address the notice to the permit holder and any contractor referred to in Subsection 4.10 b) at their latest know addresses;
- d) Where the Permit Holder fails to comply with the requirement of the notice, the Council, by its officers, may enter upon the property and carry out or enforce the requirements, and may recover any expense from the owner, and until paid, apply the expenses as a charge and lien upon the property.

4.11 INCOMPLETE DEVELOPMENT

A development that is incomplete at the end of the period for which a Development Permit was issued or any extensions to such period as granted by Council shall be deemed to be unauthorized development and subject to the provisions of Section 4.10.

4.12 AMENDMENTS TO THIS BY-LAW

- a) Any person applying to amend this By-Law shall apply in writing to the Council stating reasons in support of the application;
- b) A person making an application to the Council for an amendment for a purpose other than clarification of the existing By-Law shall pay a fee of \$50.00 at the time of the application;

- c) Council, acting as a Development Officer, may waive the \$50.00 fee where the rezoning is considered to be of general public value;
- d) Upon receipt of an application to amend this By-Law, the Development Officer shall:
 - i) Initiate or carry out any necessary investigation or analysis of the implications of the proposed amendment;
 - ii) Prepare a short report for the Council on the proposed amendment; and
 - iii) Submit a copy of the report, maps and all relevant material to the Council;
- e) Within 60 days, the Council shall examine the report of the Development Officer and other relevant material regarding the proposed amendment, and make a decision;
- f) The Council may at any time initiate an amendment, but prior to first reading of any proposed amendment the proposal shall be referred to the Development Officer for his/her report and recommendations.
- g) No amendment to this By-Law shall be considered or enacted which would cause this By-Law to be or become at variance with or in contravention of the Community Plan adopted by Council;
- h) If it appears that a proposed amendment differs from the Community Plan, the Development Officer shall advise the applicant that before the proposed amendment can be considered by Council, the applicant must apply for an amendment to the Community Plan;
- i) Amendments made to a Community Plan or Zoning By-Law must follow the same procedures of Readings and Public Hearings as outlined in Chapter P-7, Section 25-29 of the Planning Act, R.S.N.W.T.,(1988).
- j) Where the designated zone of a parcel of land is proposed to be changed neighbors having interest in lands and located within 100m of the subject property will be notified in writing by the Council concerning the proposed zoning changes.
- k) Where amendments to both the Community Plan and the Zoning By-Law are to be considered together, a decision on the amendment to the Community Plan must be made first. The applicant's proposed zoning

amendment must comply with the Community Plan before approval can be given.

- h) A proposed amendment which has been rejected by the Council shall not be reconsidered within 12 months of the date of such rejection unless otherwise directed by Council.