

ARVIAT

ZONING BY-LAW No. 207

A By-law of the Hamlet of Arviat in Nunavut Territory to adopt a Zoning By-law pursuant to the provisions of the Planning Act, RSNWT, 1988, c. P-7, s.13.

WHEREAS the Council of the Hamlet of Arviat has prepared a General Plan, and

WHEREAS it is deemed desirable to regulate certain uses of land and development within the Municipality,

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

1. Schedules 1, 2 and 4 of this By-law are declared to form part of this By-law.
2. This By-law may be cited as the "Arviat Zoning By-law".
3. This By-law shall come into full force and effect on the date of its Third Reading.
4. By-law No. 171 of the Hamlet of Arviat, and all amendments thereto, is hereby repealed.

READ a first time this 1st day of September, 2010

Mayor, Bob Leonard

Senior Administrative Officer, Ed Murphy

After due notice and a Public Hearing, READ a second time this 26th day of October 2010

Mayor, Bob Leonard

Senior Administrative Officer, Ed Murphy

APPROVED by the Minister of Community and Government Services this __ day of _____, 2010

Minister

READ a third time this __ day of _____, 2010

Mayor, Bob Leonard

Senior Administrative Officer, Ed Murphy

**ZONING BY-LAW
FOR THE
HAMLET OF ARVIAT**

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SECTION 1 INTRODUCTION & INTERPRETATION

1.1 PURPOSE

This By-law

- (a) Divides the Municipality into zones of permitted land use classes, and
- (b) Specifies the purposes for which buildings and land may be used.
- (c) Regulates or prohibits the use of land or buildings referred to in clause (b) for any other purpose.

1.2 DEFINED AREA

This By-law applies to all lands within the Municipal Boundaries of the Hamlet of Arviat.

1.3 SCOPE

No land shall be used and no development shall take place within the Hamlet of Arviat except in conformity with the provisions of this By-law.

1.4 VALIDITY

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

1.5 ESTABLISHMENT OF ZONES

For the purpose of this By-law, the Hamlet of Arviat is divided into zones. The extent and boundaries of all zones are delineated on Schedule "1"; entitled "Community Land Use and Zoning Map", and Schedule "4" specifies the zoning provisions applying to particular lands.

1.6 INTERPRETATION OF ZONING BOUNDARIES

If there is any uncertainty as to the location of the boundary of a zone, the Development Officer or the regional Community Planner shall interpret the Community Land Use and Zoning Map to determine the boundary line based on the centerline of a public road, a surveyed lot line, or an unsurveyed lease sketch.

2.1 INTERPRETATION

Typical uses listed in the definitions as examples are not intended to be exclusive or restrictive. Reference should be made to the Community Plan and the intent or the definition of the use in determining whether or not a use is included within a particular definition.

2.2 DEFINITIONS

In this By-law:

“ABUT” means a lot line that has any point in common with another lot line.

“ACCESSORY BUILDING” means a building that is separated from the principal building or structure on the lot and is secondary to, and normally associated with the main use and located on the same lot and includes garages, workshops, sheds, and shipping containers. Accessory uses cannot be used for human habitation. See section 5.1.

“ACCESSORY USE” means the use of a building or a lot which is normally subordinate and incidental to the main use of the building and located on the same lot with such main use or lot.

“ACT” means the *Planning Act*, as adopted by the Government of Nunavut.

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

“ARCHAEOLOGICAL ARTIFACT” means any tangible evidence of human activity that is more than 50 years old and in respect of which an unbroken chain of possession or regular pattern of usage cannot be demonstrated, and includes a Denesuline archaeological specimen referred to in section 40.4.9 of the Nunavut Land Claims Agreement.

“ARCHAEOLOGICAL SITE” means a site where an archaeological artifact is found.

“AUTOMOTIVE GAS BAR” means an establishment, other than an auto repair outlet, where motor vehicle fuel and other liquids necessary for the operation of a vehicle are sold to the public, and may include the sale of convenience items.

“AUTOMOTIVE REPAIR, SALES OR RENTAL SHOP” means the use of a site or building where automotive vehicles may be repaired, serviced, stored for rental, sale or display.

“BEACH SHACK” means a building that is in or within close proximity to beach areas and is used for harvesting purposes or other purposes related to the owner’s participation in the land-based economy.

“BED & BREAKFAST” means a single detached dwelling in which there is a resident owner or resident manager who provides overnight accommodation and meals for the travelling public.

“BROADCASTING STUDIO” means a radio or television studio.

"BUILDING" means any structure, erection, stockpile, sign or fixture built or placed on land.

"BUILDING SUPPLY OR CONTRACTORS SHOP" means an establishment engaged in the selling of building supplies, such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning or home improvements and/or for persons employed in building trades, such as painting, plumbing, electrical work, masonry, metal working and carpentry or truck, bulldozer, loader and backhoe operating.

"BUSINESS SERVICES" means establishments providing services for businesses or membership organizations, such as professional, technical, educational and research services, printing supply and reproduction services.

"CARETAKER UNIT" means a dwelling used for the accommodation of a person employed as a caretaker, janitor, manager, watchman, security guard or superintendent by an industrial or commercial use operating on the site.

"CEMETERY" means land primarily used for interment of human remains.

"COMMERCIAL RECREATION" means any building, structure or premises with athletic or entertainment facilities for commercial purposes.

"COMMERCIAL VEHICLE" means any vehicle, which is licensed as a commercial carrier, as determined by the Registrar of Motor Vehicles.

"COMMUNICATIONS FACILITY" means an installation which transmits, receives and/or relays communications, such as a microwave or satellite relay tower, cellular telephone tower, aircraft communications tower, radio or television broadcast tower or similar facility. A communications facility includes the antennae or transmit/receive equipment, a support structure or tower, and a small building to shelter equipment.

"COMMUNITY HALL OR CENTRE" means any building, structure or premises where facilities are provided for athletic, civic, educational, political, religious or social events and are controlled by the Municipality of the Government of Nunavut, or an agent thereof. This definition includes an arena, gymnasium, swimming pool, theatre, library, or similar uses.

"CONDITIONAL USES" means a conditional use listed in a specific zone that may be permitted by Council or the Development Officer, where delegated, after consideration of the impact of that use upon neighbouring land and other criteria listed in the specific zone or other sections of this By-law.

"CONVENIENCE STORE" means a development used for the retail sale of goods required by area residents or employees on a day-to-day basis. A Convenience Store may include small food stores, drug stores or variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, or printed material.

"COUNCIL" means the Council of the Hamlet of ARVIAT.

"CRAFT STUDIO" means the workplace of an artist or craftsman, including a carver, painter, or photographer, where small personal goods, such as jewelry or fine art, such as portraits or carvings are produced in small quantity or to special order, for sale at retail from the premises.

“CULTURAL INTERPRETATION CENTRE” means a building and/or other facility dedicated to interpretation and education about cultural resources such as archaeological, cultural, and burial sites, remains of historical and architectural value, and districts or landscapes of historic and scenic interest.

“CUSTOM WORKSHOP” means a building or part thereof where individual custom production of goods or materials is made; it does not include any establishments involving mass production or assembly line manufacture of goods.

“DAY CARE CENTRE” means an establishment for the care and supervision of children during the day.

“DEVELOPMENT” means the carrying out of any construction, excavation, or any operation in, on, over, or under land, or the making of any changes in the use or in the intensity of use of any land or building.

“DEVELOPMENT AGREEMENT” means a binding contract between the Hamlet of Arviat and the proponent of a development. Development Agreements may only be used where the *Planning Act* permits a Council, an approving authority or Development Appeal Board to impose limitations or requirements as a condition of issuing a permit. The agreement requires observance of limitations or requirements on the development of the land and is considered a covenant running with the land.

“DEVELOPMENT OFFICER” means an official of the municipality, appointed by Council to assist Council to administer this By-law.

“DEVELOPMENT PERMIT” means a certificate of document permitting a development. It includes plan(s) or drawing(s) specifications and may contain relevant documents.

“DISMANTLE” means to render the automotive vehicle in such a state that it cannot be used or rebuilt for use as a motor vehicle.

“DWELLING” means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, but shall not include a hotel, a motel, apartment hotel, or hostel.

“DWELLING UNIT” means a separate set of living quarters designed or used as a housekeeping unit for one or more people and usually containing cooking, sleeping, and sanitary facilities.

“DWELLING, SINGLE-DETACHED” means a separate detached building consisting of one dwelling.

“DWELLING, MINI HOME” means any dwelling which is pre-manufactured and designed to be transported to the lot as one integral unit and, for the purposes of this By-law, shall include a mobile home.

“DWELLING, MULTI-UNIT” means a building other than a Rowhouse Dwelling that contains three or more dwelling units divided either vertically or horizontally and which may have

independent or combined entranceways.

“DWELLING, ROWHOUSE” means a building that is divided vertically into three or more dwelling units, each of which may be located on a separate lot and each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of the unit.

“DWELLING, SEMI-DETACHED” or “DUPLEX” means a building that is divided either vertically or horizontally into two dwelling units.

“EDUCATIONAL FACILITY” means a place of instruction, including classrooms, seminar rooms and similar installations, and may include residences.

“EMERGENCY AND PROTECTIVE SERVICES” means a public facility used by fire, police, ambulance, and others as a base of operations.

“ERECT” means to build, construct, reconstruct, alter, locate, or relocate and, without limiting the generality of the foregoing, shall be taken to include any preliminary physical operation, such as excavating, grading, piling, cribbing, filling and structurally altering any existing building or structure by an addition, deletion, enlargement or extension.

“EXISTING,” means in existence on the effective date of this By-law.

“FUEL STORAGE FACILITY” means a tank, container or enclosure used for the bulk storage of gas and/or liquid and/or solid fuels.

“GENERAL PLAN” means the General Plan of the Hamlet of Arviat, as amended periodically, known as the “Arviat Community Plan.”

“GRADE” means with reference to a building, the average elevation of the finished surface of the ground where it meets the exterior of such building and, when used with reference to a structure, shall mean the average elevation of the finished grade of the ground immediately surrounding such structures.

“GROSS FLOOR AREA” means the sum of the area of each floor of a building as measured from the outermost perimeter of the building, and excludes mechanical space.

“GROUP HOME” means a residence where persons live under supervision and who, by reason of their emotional, mental, social or physical condition or legal status, require a group living arrangement for their well-being. The home is licensed and/or approved under Territorial Statutes and in compliance with Municipal By-laws.

“HAZARDOUS GOODS” means any of the following:

- explosives and pyrotechnics
- gases (either compressed, deeply refrigerated, liquefied, or dissolved under pressure)
- flammable and combustible liquids
- flammable solids
- oxidizing substances and organic peroxides
- poisonous and infectious substances

- corrosives and
- other miscellaneous substances of similar nature.

“HEALTH CARE FACILITY” means an establishment used by qualified medical practitioners and staff for the provision of medical and health care on an outpatient basis. This term refers to such uses as medical or dental offices, occupational health and safety offices, physiotherapy services, counselling services, chiropractic services and ancillary clinic counselling services, but does not include veterinary services.

“HEAVY EQUIPMENT AND VEHICLE YARD” means premises used for the storage, sale, rental, and servicing of heavy equipment and vehicles.

“HOME OCCUPATION” means any occupation, trade, profession, personal service, day care or craft carried on by an occupant of a residential building as a secondary use to the residential use of the building.

“HOTEL” means a commercial building or buildings providing temporary accommodations for travellers or transients on a year-round basis, and may have a public dining room.

“LOADING SPACE” means an area of land providing and maintained upon the same lot or lots upon which the main use is located and which has adequate access to permit ingress and egress by means of driveways, aisles or maneuvering areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.

“LOT” or “PARCEL” means an area of land, which is described on a registered plan, or described on a certificate of title, or described by a lease agreement.

“LOT, CORNER” means a lot situated at the intersection of, and abutting on, two or more streets.

“LOT, INTERIOR” means a lot other than a corner or through lot.

“LOT, THROUGH” means a lot bounded on two opposite sides by streets that are parallel or approximately parallel.

“LOT AREA” means the total horizontal area within the lot lines of a lot.

“LOT LINE” means a common line between a lot and an abutting lot, lane, street, parcel of land or body of water.

“LOT LINE, FRONT” means the line dividing the lot from the street or other means of access, and

- i) in the case of a corner or through lot – the shorter lot line abutting the street shall be the front lot line, and where such lot lines are of equal length, the lot line where the principal access to the lot is provided shall be the front lot line.
- ii) in the case of a lot which has one of its boundaries on the shoreline of a lake or the bank of a river – the lot facing the access road shall be deemed to be the front lot line.

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

“LOT LINE, INTERIOR SIDE” means a side lot line that does not abut a street.

“LOT LINE, EXTERIOR SIDE” means a side lot line that abuts a street.

“LOT LINE, REAR” means the lot line farthest from or opposite to the front lot line.

“MAIN BUILDING” means the building in which is carried on the principal purpose or purposes for which the lot is used.

“MAIN WALL” means the exterior front, side or rear wall of a building.

“MANUFACTURING PLANT” means an establishment primarily engaged in the fabricating, processing, finishing, refinishing or assembly or similar production of various articles and commodities, such as custom workshops, factories, mills, industrial shops and production facilities, or other similar uses.

“MOTOR VEHICLE” means an automobile, truck, all-terrain vehicle, snowmobile, or other recreational vehicle, but does not include heavy equipment vehicles.

“MUNICIPALITY” means the Hamlet of Arviat.

“NON-CONFORMING” means a use, building, or structure that was lawfully constructed, or under construction, on the effective date of this By-law, and which now does not conform to the uses and/or provisions of this By-law.

“OFFICE” means a room or rooms where business may be transacted, a service performed or consultation given but shall not include the manufacturing of any product or the retail selling of goods.

“OPEN STORAGE” means the storage of goods, merchandise or equipment on a lot, which may or may not be accessory to another use on the lot. It does not include the outdoor display for a limited number of samples of the goods, merchandise or equipment for the purpose of sales and advertisement. This definition shall not include the open storage of goods or equipment incidental to the residential occupancy of a lot.

“PARK” means a “tot lot” or “neighbourhood park” as defined in the General Plan, other playgrounds, sports field, outdoor court or rink, picnic area, or public gathering space. It may also include accessory buildings or structures, such as a wind shelter, maintenance shed, washroom, monument, or stage used to support traditional, cultural and passive recreational activities.

“PARKING LOT” means any parking area other than a parking area that is accessory to a permitted use and located on the same lot. A parking lot does not include the storage of motor vehicles.

“PARKING SPACE” means an area for the temporary parking or storage of a motor vehicle.

“PERSON” includes an individual, association, firm, partnership, corporation, trust, incorporated company, organization, trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

“PERSONAL SERVICE ESTABLISHMENT” means a business that provides personal grooming or health services, such as hair salon, tailor shop, dry cleaning, laundry, or similar use.

“PLACE OF ASSEMBLY” means a place designed and used to accommodate gatherings of people, such as clubs, reception halls, concert halls, theatres, conference centres, legion halls, assembly halls and lodges, and used for events, such as trade shows, banquets, and political or other conventions.

“PLACE OF WORSHIP” means a building dedicated to religious worship. It may include a church, temple, church hall, church auditorium, convent, parish hall or religious institution, as well as accessory residences on the same lot.

“POWER GENERATION FACILITY” means a building, structure or lot used to produce energy by combustion, such as gas, coal, or fuel burning plants. It does not include small-scale renewable energy facilities (e.g. wind turbine, solar photovoltaic arrays, tidal and ocean current power systems) that have a power rating of 15 kW or less. These small-scale facilities fall under the definition of UTILITY INSTALLATION.

“PROTECTIVE DEVELOPMENT” means a land use where no development is permitted in order to protect water, lakes and cemeteries from urban development.

“PUBLIC LANE” means a public right-of-way that provides a secondary means of access from a public street to abutting lots.

“PUBLIC STREET” means a road which affords the principal means of access to abutting lots and is open and maintained on a regular, year-round basis by the Corporation; it does not include a public lane.

“QUARRY” means the excavation, processing, and stockpiling of gravel, stone, sand, earth, clay fill, or other similar substances.

“RECREATION FACILITY” means a building designed and equipped with recreation facilities, such as swimming pool, arena, curling rink, outdoor rink, indoor courts, gymnasias, and exercise rooms.

“RESEARCH AND DEVELOPMENT CENTRE” means a place used for systematic research, data collection and manipulation, or technical or scientific development of information or new products. It may include a research laboratory, but excludes industrial and manufacturing operations other than those required as part of the research.

“RESIDENTIAL CARE FACILITY” means a place providing supervised or supportive in-house care for those who need assistance with daily living. It may also provide ongoing medical or nursing care or counselling, social support, medical and personal services.

“RESTAURANT” means a building or part of a building where foods and beverages are offered

for sale to the public, for consumption within the premises or off the site. This includes licensed restaurants, cafés, lunchrooms and takeout restaurants.

“RESTRICTIVE DEVELOPMENT” means a land use where no development for habitation is permitted. The boundary of this land use is enforced by the *Public Health Act*, under the General Sanitation Regulations, which state that no building used for habitation, shall be built within 450 metres of a waste disposal area.

“RETAIL STORE” means a building or part of a building in which goods, wares, merchandise, substances, articles or things are offered for sale directly to the public at retail value and shall include minor food processing and packaging in connection with the sale of food products.

“SEA CONTAINER (“SEA CAN”) means a container previously used for the transportation of goods by ship and used on land for storage, harvesting, or a workshop; it shall be defined as an accessory use for the purposes of this By-law.

“SECONDARY SUITE” means a self-contained dwelling unit created by either interior renovation within the existing home, or as an exterior addition to the house, provided that all one entire face of the addition is attached to the principal dwelling and is architecturally consistent with the principal dwelling, and shall not be considered a second dwelling on the lot for the purposes of this By-law.

“SERVICE AND REPAIR SHOP” means a building or part of a building used for the sale and repair of household articles and shall include all replacement shops, radio, television and appliance repair shops, but shall not include industrial uses or manufacturing or vehicle repair shops.

“SETBACK” means the right-angled distance from a lot line or street boundary to the nearest part of a main building on the lot.

“SEWAGE DISPOSAL SITE” means a site licensed or approved for disposal of sewage; it includes a sewage treatment plant or sewage lagoon.

“SIGN” means any object or device intended for the purpose of advertising or calling attention to any person, matter, thing, or event and includes posters, notices, panels, boarding and banners.

“STREET OR ROAD” means the whole and entire right-of-way of every road allowance in the Hamlet of Arviat.

“STREET LINE” means the boundary line of a street.

“STRUCTURE” means anything that is erected or constructed, either temporary or permanent, the use of which requires location on the ground or attachment to something on or in the ground.

“TEMPORARY” means 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 mean no more than 60 consecutive days, unless otherwise indicated.

“UTILITY” means any component of electrical power, cable television, or telecommunication systems.

“UTILITY INSTALLATION” means the actual building plant, works, utility line, tower, transmitter, relay, receiver, pedestal or other equipment used to make or deliver a utility product, commodity or service but does not include a power generation facility as defined in this By-law. The definition of utility installation includes renewable energy generation systems with a power rating of 15 kW or less.

“WAREHOUSE” means a building used primarily for the storage of goods and materials. It also includes a centre for distribution of wholesale goods and commodities to retailers, professional users or other wholesalers.

“WASTE DISPOSAL SITE” means a place where ashes, garbage, refuse, domestic waste, industrial waste, municipal refuse, and sewage is disposed of or dumped.

“WASTE PROCESSING AND TRANSFER FACILITY” means a facility where waste, including putrescible waste is stored, processed and temporarily stored prior to transfer off site and may include a recycling or composting facility.

“WASTE PROCESSING AND TRANSFER FACILITY (NON-PUTRESCIBLE)” means a facility where non-putrescible waste is sorted, processed and temporarily stored prior to transfer off site and may include a recycling facility.

“WATERCOURSES” means any lake, river, stream, ocean, or other body of water.

“YARD” means part of a lot upon which no structure is erected above grade.

“YARD, FRONT” means the area extending across the full width of a lot from the front lot line to the nearest wall of any main building or structure on the lot.

“YARD, REAR” means the area extending across the full width of a lot from the rear lot line to the nearest wall of any main building or structure on the lot.

“YARD, INTERIOR SIDE” means the area extending across the full length of a lot between an interior side yard to the nearest main wall of any building on the lot.

“YARD, EXTERIOR SIDE” means the area extending across the full length of a lot between an exterior side yard to the nearest main wall of any building on the lot.

“ZONE” means a land use category as defined and regulated in this By-law and as shown on its Schedule.

SECTION 3 ADMINISTRATION

3.1 POWERS OF COUNCIL

- (a) All development must be approved by Council, unless otherwise stated in this By-law.
- (b) No building may be erected in the Municipality in respect of which, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, streets or other services or facilities.

3.2 DEVELOPMENT OFFICER

- (a) The Hamlet Council shall appoint a Development Officer as an authorized Officer of Council.
- (b) The Council will authorize the Development Officer to perform the following duties:
 - (i) Exercise, on behalf of Council, the powers of Council under section 20 (Unauthorized Construction) of the *Planning Act*;
 - (ii) Keep and maintain for inspection by the public during normal office hours the following official records:
 - A copy of this By-law and all the amendments thereto;
 - A register of all applications for development, home occupations, and amendments and all decisions made regarding all applications.
 - (iii) Carry out other duties as may be prescribed in this By-law;
 - (iv) Receive and review applications for Development Permits, amendments and variances to this By-law;
 - (v) Prepare a report to Council regarding applications for Development Permits, amendments and variances to this By-law;
 - (vi) Approve, approve with conditions, or refuse Development Permit applications, subject to the authority provided by Council, for sheds and shacks, or other similar types of accessory buildings;
 - (vii) Issue Notice of Decisions subject to the provisions of this By-law;
 - (viii) Request Council to revoke or suspend a Development Permit where the permit holder is in breach of this By-law or of conditions of a Development Permit;
 - (ix) Carry out any inspection on lands or premises necessary to enforce this By-law.

3.3 DEVELOPMENT PERMIT

- (a) No person or agency shall undertake development without a Development Permit.
- (b) Unless exempted by Section 3.3 (e), the erection, display, alteration, replacement or relocation of a sign requires a development permit.
- (c) No Development Permit shall be issued for development that is in contravention of this By-law.
- (d) The approval of a Development Permit shall not relieve the permit holder from constructing in accordance with the National Building Code, the National Fire Code, the Canadian Electrical Code and all Federal and Territorial Regulations.
- (e) The approval of a Development Permit shall not exempt any person or agency from complying with the requirements of any other by-law in force within the Municipality of Arviat or to obtain any license, permission, or permit required by municipal, territorial and federal legislation.
- (f) All development requires a Development Permit except for the following:
 - (i) For grading or landscaping where the cutting or filling is less than one metre and provided that the drainage of the surrounding area is not affected;
 - (ii) Traditional and cultural activities, including the establishment of a trap line, non-commercial tent camps and cabins in the Hinterland;
 - (iii) Minor repairs, painting, decorating, or landscaping, provided that no person's health or safety is endangered or completion of a development approved for or under construction on the effective date of this By-law;
 - (iv) Minor repairs or renovations that do not increase the floor space of the building, but does not exempt anyone from informing the Fire Marshal's Office of their plans;
 - (v) A temporary building or structure associated with construction, unless such building or structure is used for human habitation;
 - (vi) The installation, maintenance and repair of public works, services and utilities carried out by the Hamlet on land which is publicly owned or controlled;
 - (vii) Temporary election campaign signs and signs not exceeding one square metre in size;
 - (viii) Decks or open porches in the Residential Zone that meet all provisions of this By-law.

3.4 DEVELOPMENT PERMIT SUBMISSION REQUIREMENTS

- (a) A complete Application Form for a Development Permit must be submitted to the Development Officer.
- (b) Every Application shall be accompanied by:
- (i) The required application fee calculated as follows:
 - Residential projects: \$10 application fee plus \$20 for the first \$10,000 of project value, PLUS \$10 for every \$10,000 of project value thereafter to a maximum permit fee of \$250.
 - Non-residential projects: \$10 application fee plus \$20 for the first \$10,000 of project value, PLUS \$10 for every \$10,000 of value thereafter to a maximum permit fee of \$500.
 - All accessory uses: \$25.
 - (ii) A site plan drawn to scale in metric units and showing:
 - the location of existing buildings;
 - all legal dimensions of the lot(s);
 - the location and dimensions of surrounding lots and buildings;
 - plans of the proposed buildings showing dimensions;
 - proposed front, rear, and side yard setbacks;
 - access points to property;
 - the location of outdoor fuel storage facilities,
 - the location of water and sewer connections,
 - the location of existing watercourses; and
 - the location of water and sewage storage tanks.
 - (iii) The Development Officer may require additional information.
 - (iv) For Development that is subject to terms and conditions, a letter must be submitted by the applicant to demonstrate to the Development Officer that the adjacent landowners have been notified in person or in writing.
 - (v) A letter of Consent from the appropriate Landlord is also required.

3.5 NOTICE OF DECISION

- (a) Each Application shall be considered by Council or the Development Officer as required, and shall be either approved with or without conditions, or refused, with written reasons provided for the refusal.
- (b) An Application for a Development Permit shall be deemed to be refused when a decision on the Application is not made within 40 days after receipt of the

Application in its complete and final form by the Development Officer or the Council and the person affected as a result of that may appeal in writing to the appeal board as though the person had received a refusal at the end of the 40-day period.

- (c) When an Application is approved, the Development Officer will, within three days of the date of decision, post a Notice of Decision conspicuously on the lot for which the Application has been approved and in the Hamlet Office.
- (d) When a Variance has been granted, the Development Officer will, within three days of the date of decision, send a Notice of Decision to adjacent property owners.
- (e) The Development Permit does not become effective until 14 days after the Notice has been posted or mailed, and where no appeal of the decision has been filed, and where the relevant conditions of development approval have been met.

3.6 EXPIRY OF DEVELOPMENT PERMIT

- (a) A Development Permit shall become void if:
 - (i) the development is not completed within two years of the date of Notice of Decision; or
 - (ii) the development has not commenced after six months of the date of Notice of Decision; or
 - (iii) if there has been any violation of this By-law or of any conditions in the permit.

3.7 ENFORCEMENT

- (a) Anyone violating any provision of this By-law or conditions of a Development Permit is liable to a fine of \$500 plus \$100 for every day the offence continues, as specified in Section 34 of the *Planning Act* and Sections 105,106,107 and 108 of the *Hamlets Act*.

3.8 DEVELOPMENT AGREEMENTS

- (a) The Development Officer may recommend that a Development Agreement be a condition of approval for a Development Permit. The Development Agreement may contain contractual arrangements as to the following:
 - (i) design, including exterior materials and signage of any proposed building or structure;

- (ii) the provision of site grading, landscaping, fencing, screening materials, location of garbage receptacles, and lighting;
- (iii) the replacement or construction of roads, sidewalks and street lighting associated with the development;
- (iv) the provision of municipal services;
- (v) the provision of on-site amenities;
- (vi) the provision of parking;
- (vii) the moving of buildings; and
- (viii) financial security for implementation of the above.

3.9 DEVELOPMENT APPEAL BOARD

- (a) In accordance with Sections 21 and 22 of the *Planning Act*, Council shall establish a Development Appeal Board and, by resolution, appoint one Council member who will act as the chairperson and at least two community residents as members of the Development Appeal Board. Members will be appointed for a two-year consecutive term. The Development Appeal Board will not include employees of the Hamlet.
- (b) Anyone claiming to be affected by a decision of Council under this By-law may appeal in writing to the Appeal Board within 14 days of the mailing or posting of a Notice of Decision.
- (c) Upon receiving an appeal, in writing, the Development Appeal Board shall:
 - (i) hold a hearing with a minimum of three Board members within 30 days from the receipt of the appeal, upon determining that the appeal is based on planning grounds;
 - (ii) ensure that reasonable notice of the hearing is given to the applicant and all persons who, in the opinion of the Board, may be affected;
 - (iii) allow the Development Officer and every person concerned with the opportunity to be heard, to submit evidence and to hear the evidence of others;
 - (iv) consider the circumstances and merits of each case and consider the purpose and scope and intent of the Community Plan and the provisions of this By-law;
 - (v) confirm, reject or vary the decision appealed and impose such conditions as it considers necessary under the circumstances; and

- (vi) take minutes of the hearing and render its decision in writing to the parties involved within 60 days of the hearing date.

- (d) Where a member of the Development Appeal Board has an interest in an Application for a Development Permit that is being appealed, they shall be subject to the provisions of the *Conflict of Interest Act*.

3.10 INSPECTION OF PREMISES

- (a) The Development Officer, or his or her delegate, may enter and inspect a property if there is reason to believe that the land, building or structure has been erected, altered, enlarged or used in violation of any of the provisions of this By-law.

3.11 VIOLATIONS AND PENALTIES

- (a) In the case of any lot being used, any building or structure being erected, altered, reconstructed, demolished, extended or part thereof in contravention of any provision of this By-law, or a permit issued under this By-law, the Development Officer, by written notice, may require the cessation of such contravention.
- (b) Where a person has been served written notice and fails to comply with its requirements, the Development Officer or designated officials, may enter the property and carry out the work required by the notice and recover the resulting expense from the owner by action.
- (c) Any person who undertakes or permits development on land without a Development Permit or complying with conditions of a Development Permit is guilty of an offence and liable on summary conviction to a fine. Each day of violation shall constitute an offence.

3.12 ZONING BY-LAW AMENDMENTS

- (a) A person who seeks to have this By-law amended shall submit an application to Council with the following:
 - (i) a copy of their lease or certified true copy of their certificate of leasehold title;
 - (ii) a fee of two hundred and fifty dollars \$250.00;
 - (iii) any information as may be required by Council.

SECTION 4 COMPLIANCE WITH OTHER REGULATIONS

4.1 COMPLIANCE WITH OTHER REGULATIONS

- (a) Nothing in this By-law shall exempt any person from complying with the requirements of any other by-law in force within the Municipality of Arviat or any Authority or obtaining any license, permission, or permit. Authority or approval required by any other by-law of the Municipality of Arviat or statute and regulations of the Government of Nunavut or the Government of Canada.
- (b) Where the provisions in this By-law conflict with those of any other municipal, federal or provisional regulations, by-laws or codes, the higher or more stringent requirement shall prevail.

4.2 REVIEW BY FIRE MARSHAL'S OFFICE

- (a) As per Section 5.1 of the *Fire Prevention Act*, the Hamlet Council shall obtain written approval from the Fire Marshal's Office before approving a development application for the following type of uses:
- (b) Residential uses
 - (i) all semi-detached, duplex, row house, and multi-unit dwellings;
 - (ii) single units that do not meet the required setbacks; and
- (c) All non-residential uses.

4.3 NUNAVUT IMPACT REVIEW BOARD

- (a) The Nunavut Impact Review Board must approve all industrial development within the Municipal Boundaries of Arviat before a Development Permit can be issued.

4.4 NUNAVUT WATER BOARD AND INAC

- (a) The Nunavut Water Board (NWB) and Indian and Northern Affairs Canada (INAC) must approve all projects proposing to use or dispose of waste into water, including proposals to partially or fully fill a waterbody. The Habitat Protection Provisions of the *Fisheries Act* address the impact of a work or undertaking on fish and fish habitat, such as the partial or complete filling of fish habitat (e.g. culvert installation, dock installation, pond infilling). As DFO administers the Habitat Protection Provisions, it is DFO's role and responsibility to review and approve works in and around water with the mandate of protecting fish and fish habitat.

4.5 LEGAL LAND TENURE

- (a) Before a Development Permit can be issued on a new undeveloped lot, the owner of the proposed improvements must obtain legal land tenure or a letter of permission-to-occupy until such time that lease documents can be executed.

4.6 NUNAVUT PLANNING COMMISSION

- (a) Information on any development occurring close to the Municipal Boundary or any development with potential impacts outside the Municipal Boundary should be submitted to the Nunavut Planning Commission for review and comment.

4.7 AIRPORT ZONING REGULATIONS

- (a) Any land use must be compliant with the Arviat Airport Zoning Regulations. All development proposals adjacent to airport property, as well as other development proposals that could potentially interfere with airport operations, require review and approval by Nunavut Airports, Operations & Safety, prior to construction.

4.8 SCIENTIFIC INSTALLATIONS

- (a) Notwithstanding the regulations in Section 6, no use or development shall be permitted which will interfere with the operation of atmospheric monitoring or other scientific installations (i.e., Telecommunications, radar, EMR magnetic observatory, meteorological station). All development proposals which could potentially interfere with such installations require review and approval by the appropriate Territorial and Federal Departments.

4.9 ARCHAEOLOGICAL SITES

- (a) Whenever archaeological artifacts are found during construction, construction activities should stop immediately and the find reported immediately to the Development Officer and the Nunavut Archaeologist at the Department of Culture, Language, Elders and Youth. All development must comply with the *Nunavut Lands Claim Agreement*, Sections 33 and 34, and the *Nunavut Archaeological and Palaeontological Sites Regulations*. Maps on file outlining the Municipality's archaeology resource inventory should be consulted prior to initiating development to ensure development does not conflict with recorded archaeological sites.

4.10 GRANULAR RESOURCES

- (a) Except where provided for within this By-law, no person shall strip, excavate or otherwise remove granular material for sale or for use from a lot or other parcel

of land.

- (b) Where, in connection with the construction of a building or structure, there is an excess of granular material other than that required for grading and landscaping on a lot, such excess may be removed for sale or use.
- (c) A Quarry Permit is required to remove any granular material. The Nunavut Impact Review Board must review all new quarry sites.

4.11 UTILITY CORPORATION

- (a) The Customer shall ensure that all required permits, licenses and authorizations are provided to the Corporation prior to: commencement of Service; or any change of service requirements at any point of delivery; or commencement of construction of new service extensions.
- (b) Any Customer Facilities supplied with Service shall be installed in accordance with the applicable statutes, regulations, standards and codes and only after the Corporation has given its consent and any necessary inspections have been successfully completed such equipment will be operated so as to cause no interference with the Corporation Facilities or with any other Customer's Service.
- (c) Joint Use Service shall, by separate agreement, be made available to electrical or communication utilities in areas in which the Corporation provides Service, for leasing of space on existing Corporation transmission and distribution poles, where sufficient space is available, and in accordance with specific terms and conditions outlined in a contract with each Joint User Customer.

SECTION 5 GENERAL PROVISIONS

5.1 ACCESSORY BUILDINGS OR STRUCTURES

- (a) Accessory buildings, utility installations and structures shall be permitted in any zone but shall not:
 - (i) Be used for a residential use except where a dwelling is a permitted accessory use.
 - (ii) Be used for the keeping of animals other than household pets.
 - (iii) Be built closer to the front or exterior side lot line than the minimum distance required for the main building.
 - (iv) Locate closer than 1.0 m (3 feet) to any interior side or rear lot line.
 - (v) Exceed one-half the height of the main building or exceed a height of 4.6 metres (15 feet) in a residential zone.
 - (vi) Exceed 40 square metres in any Residential Zone.

5.2 TEMPORARY CONSTRUCTION USES PERMITTED

- (a) Nothing in this By-law shall prevent the use of land or the use or erection of a temporary building or structure, which is accessory to construction in progress, such as a mobile home, tool or maintenance shed, trailer, sea container or scaffold, provided that a Development Permit for the main use has been issued and the temporary use is discontinued and removed within 30 days following completion of construction.

5.3 RESTORATION TO A SAFE CONDITION

- (a) Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure.

5.4 BUILDING TO BE MOVED

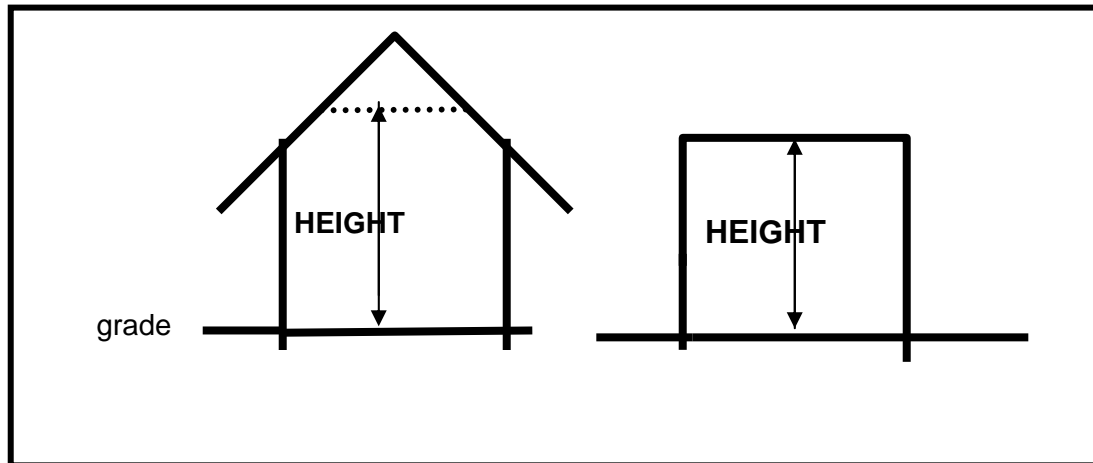
- (a) No building, residential or otherwise, shall be relocated without obtaining a Development Permit.

5.5 FRONTAGE ON A STREET

- (a) No Development Permit shall be issued except where the lot has frontage on a street or road. Exceptions are made where specifically provided for in this By-law.

5.6 HEIGHT

- (a) When used with reference to a building or structure, is the vertical distance between the average finished grade and a horizontal plane through either:
- (i) the highest point of the roof in the case of a building with a flat roof;
 - (ii) the average level of a sloped roof, provided that such a roof has a slope of less than 20 degrees, or
 - (iii) the average level between eaves and ridges in the case of a pitched gambrel mansard or hipped roof.



- (b) The height of buildings and structures in the vicinity of airports is regulated by Airport Zoning Regulations. Refer to Section 4.8.

5.7 ONE MAIN BUILDING ON A LOT

- (a) Except where provided for in this By-law, no more than one main building may be placed or erected, and no building or structure may be altered to become a second main building on a lot. Main building means the building in which is carried on the principal purpose or purposes for which the lot is used.

5.8 FRONTAGE ON CURVES

- (a) Where the front lot line of any lot is a curved line or when the sidelines of a lot are not parallel, the minimum front lot line shall be a minimum of 10 metres (33 feet).

5.9 FENCES

- (a) No fences are permitted in residential zones. Fences may be permitted in industrial, airport and community use zones but would be subject to terms and conditions set out by the Council.

5.10 MULTIPLE USES ON A LOT

- (a) In any zone, where any land or building is used for more than one use, all provisions of the By-law related to each use shall be satisfied, except where otherwise provided.

5.11 DISTANCE FROM WATERCOURSES

- (a) No development shall be permitted within 30.48 metres (100 feet) of a navigable waterbody or fish habitat, except subject to terms and conditions of the Hamlet Council.

5.12 PARKING REQUIREMENTS

- (a) Parking shall be required for any use, building or structure in accordance with the following standards, and such parking shall be accessory to a permitted use and located on the same lot as the use:
 - (i) Residential – 1 parking space per dwelling unit
 - (ii) Residential in a non-Residential building – 1 parking space per 2 dwelling units
 - (iii) Commercial (Office, Retail or similar uses) – 1 space per 50 sq.m gross floor area
 - (iv) Light Industrial – 1 per 250 sq. m. gross floor area or 1 per 2 employees, whichever is greater
 - (v) Heavy Industrial – 1 per 500 sq. m. of gross floor area or 1 per 2 employees, whichever is greater
 - (vi) Community Use, Schools – 1 space for every 3 people working on site
 - (vii) Community Use, Other – 1 space per 75 sq.m. gross floor area
 - (viii) Open Space – Discretion of Development Officer or Council.
- (b) Each required parking space shall be 6.0 m (20 feet) in length and 2.7 m (9 feet) wide.
- (c) For a required parking area of more than six spaces, at least one space for every

25 spaces must be a designated disabled space. A disabled space shall be 6.0 m (20 feet) in length and 3.7 m (12 feet) wide.

- (d) When a building, structure or lot accommodates more than one type of use, the parking space requirement shall be the sum of the requirements for the separate parts of the building structure or lot occupied by the separate types of use.
- (e) Notwithstanding Section 5.12 (d), when a building, structure or lot accommodates more than one commercial and/or institutional use, Council may consider opportunities for shared parking if the applicant can successfully demonstrate that the proposed commercial and/or institutional uses on the site will have significantly different peak parking demands throughout the day and/or week. In such cases, Council may authorize a reduction of up to 25% of the total parking requirements on the site. Shared parking is not permitted for any residential uses.
- (f) Notwithstanding the requirements of this section, off-street parking for uses not specifically listed above shall be determined by the Development Officer who shall have due regard to the amenities of the zone, similar types of uses, and the proposed development.

5.13 LOADING SPACE REQUIREMENTS

- (a) Every building or structure in a non-Residential zone involving the frequent receiving, loading or unloading of goods, merchandise and raw materials shall provide off-street space for such vehicles to stand and for loading and unloading.

5.14 SATELLITE DISHES

- (a) Free standing satellite dishes shall not be permitted between the building and the street line.

5.15 DAY CARE FACILITIES

- (a) Where Day Cares are permitted under this By-law, all day care centres or home day cares must comply with Fire Protection Regulations, the *Child Day Care Act*, and the *Child Standards Regulations*, as amended.

5.16 HOME OCCUPATION

- (a) Where a home occupation is permitted under this By-law, a home occupation is subject to the following requirements:
 - (i) does not change the residential character of the lot by creating problems with noise, traffic, open storage, or other nuisance;
 - (ii) does not employ more than two people who do not live in the dwelling;

- (iii) does not show any evidence that there is a business in the dwelling unit, except for a sign no bigger than 0.3 square metres (3 square feet);
- (iv) no more than 25% of the gross floor area of the dwelling shall be used for a home occupation.

5.17 BED AND BREAKFAST

- (a) Where permitted, Bed and Breakfasts shall conform to the following requirements:
 - (i) the bed and breakfast lodging forms part of a single unit dwelling;
 - (ii) the number of bedrooms devoted to the use shall not exceed four in number;
 - (iii) no sign in connection with the use shall exceed .75 square metres in area nor exceed one in number;
 - (iv) on-street parking shall be prohibited;
 - (v) the use should conform to all Building and Fire Codes; and
 - (vi) the use should conform to all Government requirements regarding licensing and operation.

5.18 YARD REGULATIONS

- (a) No person shall keep or permit in any part of the yard in any residential zone:
 - (i) any more than two dismantled motor vehicles for more than six months and such vehicles shall be stored out of public view;
 - (ii) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to adversely affect the amenities of the district; and
 - (iii) any excavation, storage, or piling up of materials required during the construction stage, unless all necessary safety measures are undertaken.
- (b) No person shall keep or permit on any site any buildings, or structures or portions thereof, rubbish or other things that may constitute, in the opinion of the Development Officer, a fire hazard, or hazard to safety or health.

5.19 MINOR VARIANCE

- (a) Where a development does not conform to the site regulations, Council may vary the regulations of development in accordance with the following:

	DEGREE OF RELAXATION	
	Residential Zones	Other Zones
Front Yard	25%	Discretion of Council
Side Yard	25% with prior authorization of the Fire Marshal	10% with prior authorization of the Fire Marshal
Rear Yard	25%	10%

5.20 NON-CONFORMING BUILDING OR USE

- (a) This By-law cannot be used to prevent the use and development of land that had been lawfully established or has a valid Development Permit or was under construction at the time this By-law was enacted. Non-conforming uses are subject to the following regulations:
- (i) the non-conforming use may be transferred to a new owner or occupant;
 - (ii) the non-conforming building may be enlarged up to 20 percent of the gross floor area of the building, as it existed at the date this By-law came into effect, as long as the enlargement does not increase the extent to which the building is non-conforming;
 - (iii) if a non-conforming building or use of land is discontinued for twelve consecutive months, the future use shall conform to this By-law;
 - (iv) if more than 50% of a non-conforming building or use is accidentally destroyed, any new use or building must conform to this By-law.

5.21 COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

- (a) No person shall use any lot in a Residential Zone for the parking or storage of more than one commercial vehicle, including bulldozers, backhoes, high hoes, any pay loaders or one motor vehicle having a gross vehicle weight of more than two tones (2,000 kg).
- (b) Notwithstanding, a second commercial vehicle may be parked on a residential lot, if used by a person who lives in the dwelling. In no case shall the commercial vehicle be stored for a period of time exceeding 48 hours.

5.22 ACCESS

- (a) Access driveways for two-way traffic shall be no less than 6 m wide, but no more than 9 m in width, except for Industrial zones. Separate entrance and exit driveways shall not be less than 3 m in width.

- (b) The minimum distance between two separate driveways on one lot, measured along the lot line, shall be 7 m.
- (c) The minimum distance between a driveway entrance and a street intersection shall be 6 m in Residential zones and 8 m in all other zones.
- (d) An access road for water truck and pump out shall be provided. Service connections shall generally be located in the front of the building or easily accessible. Access road may be shared with an adjacent building or lot, as approved by the Development Officer.
- (e) The access road to residential municipal services must be kept clear of motor vehicles, goods or equipment incidental to the residential occupancy of a lot, and snow allowing municipal vehicle ease of access. The Hamlet will not be responsible for damage resulting from blocked or uncleared access to the services.
- (f) Access driveways and access roads must be constructed with a hard surface material that prevents the raising of dust or loose particles, with provisions for drainage facilities and maintained year round.

5.23 OPEN STORAGE

- (a) Open storage in Community Use, Community Core or Commercial Zones shall only be permitted in rear or interior side yards and shall be enclosed from view through the use of appropriate visual screening (eg. fence, berm).
- (b) Open storage in Industrial or Transportation Zones shall not be permitted within any minimum front, side, or rear yards where these yards abut any Residential or Institutional Zone.

SECTION 6 ZONE REGULATIONS

6.1 RESIDENTIAL (R)

(a) Permitted Uses

Dwelling, Single-Detached
Dwelling, Semi-Detached or Duplex
Dwelling, Rowhouse
Park
Any accessory building, structure or use, subject to Section 5.1.

(b) Conditional Uses

Bed and Breakfast
Craft Studio
Day Care Centre
Dwelling, Multi-Unit
Dwelling, Mini Home
Residential Care Facility
Group Home
Home Occupation
Secondary Suite
Utility Installation

(c) Zone Requirements

(i) The following provisions apply to all development in the Residential Zone:

Yard Setbacks (minimum)

Front	6 metres (20 feet)
Rear	6 metres (20 feet)
Rear, backing onto an OS Zone	2.5 metres (8 feet)
Side (Exterior)	4 metres (13 feet)
Side (Interior)	6 metres (20 feet), or as required by the Fire Marshal

Building Height (maximum)

8.5 metres (28 feet)

(ii) Despite the provisions of Section 6.3(a), for semi-detached dwellings or rowhouse dwellings located on separate, adjacent lots, the side yard where units are attached may be reduced to zero.

(iii) The following provisions will apply to Secondary Suites:

- The suite forms part of a single unit or semi-detached dwelling;

- The suite is structurally attached or located within the principal dwelling; and
- The suite does not exceed a floor area of 25% of the principal dwelling, or 60 m² of gross floor area, whichever is less.

(iv) The following conditions will apply to Conditional Uses:

- The development is of quality, including exterior condition, compatible with the surrounding development;
- The development conforms to the Zone Requirements;
- Only one conditional use will be located on a lot.

6.2 COMMERCIAL (C)

(a) Permitted Uses

Automotive Gas Bar
Bank
Broadcasting Studio
Business Services
Caretaker Unit
Commercial Recreation
Convenience Store
Craft Studio
Custom Workshop
Day Care Centre
Hotel
Medical Facility
Office
Parking lot
Personal Service Establishment
Restaurant
Retail Store
Service shop
Any accessory building, structure or use, subject to Section 5.1.

(b) Conditional Uses

Dwelling unit(s) in a non-residential building provided that the dwelling unit(s) are above the ground floor
Home Occupation
Utility Installation

(c) Zone Requirements

- (i) The following provisions apply to all development in the Commercial Zone:

Yard Setbacks (minimum)

Front	6 metres (20 feet)
Rear	6 metres (20 feet)
Side (Exterior)	4 metres (13 feet)
Side (Interior) the	6 metres (20 feet), or as required by Fire Marshal

<u>Building Height (maximum)</u>	10.7 metres (35 feet)
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- (ii) A covered or screened area for garbage and trade waste is required.

6.3 COMMUNITY USE (CU)**(a) Permitted Uses**

Community Hall or Centre
 Day Care Centre
 Educational Facility
 Emergency and Protective Services
 Government Office
 Group Home
 Health Care Facility
 Place of Assembly
 Place of Worship
 Post Office
 Recreation Facility
 Residential Care Facility
 Any accessory building, utility, structure or use, subject to Section 5.1.

(b) Conditional Uses

Cemetery
 Communications Facility
 Community Freezer
 Utility Installations

(c) Zone Requirements

- (i) The following provisions apply to all development in the Community Use Zone:

Yard Setbacks (minimum)

Front	6 metres (20 feet)
Rear	6 metres (20 feet)
Side (Exterior)	6 metres (20 feet)
Side (Interior)	6 metres (20 feet) or as required by the Fire Marshal

<u>Building Height (maximum)</u>	10.7 metres (35 feet)
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- (ii) A covered or screened area for garbage and trade waste is required.

6.4 COMMUNITY CORE (CC)**(a) Permitted Uses**

Bank
 Commercial recreation
 Convenience Store
 Craft Studio
 Hotel
 Office
 Park
 Parking Lot
 Personal Service Establishment
 Restaurant
 Retail Store
 Uses permitted in the Community Use Zone (CU)

(b) Conditional Uses

Multi-Unit Dwelling
 Dwelling unit(s) in a non-residential building provided that the dwelling unit(s) are above the ground floor.

(c) Zone Requirements

- (i) The following provisions apply to all development in the Community Core Zone:

Yard Setbacks (minimum)

Front	3 metres (10 feet)
Rear	6 metres (20 feet)

Side (Exterior)	4 metres (13 feet)
Side (Interior)	6 metres, (20 feet) or as required by the Fire Marshal

<u>Building Height (maximum)</u>	3 storeys, not to exceed 13 metres (43 feet)
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- (ii) A covered or screened area for garbage and trade waste is required.

6.5 OPEN SPACE (OS)

(a) Permitted Uses

Beach Shacks
 Boat Storage
 Dock
 Monument, cairn or statue
 Park
 Shed to store equipment for traditional, cultural and recreational activities taking place in the Zone
 Snow Fence
 Sports field
 Temporary Outdoor Storage of sealift equipment during sealift
 Washroom facility

(b) Conditional Uses

Communications Facility
 Dog Teams

(c) Zone Requirements

- (i) The following provisions apply to all development in the Open Space Zone:

<u>Gross Floor Area (maximum)</u>	25 square metres
<u>Building Height (maximum)</u>	3.1 metres (10 feet)

- (ii) No building or structure shall be located closer than 10 metres (33 feet) to any lot line or 18 metres (59 feet) for the centerline of the travelled path, whichever is greater.

6.6 LIGHT INDUSTRIAL (M1)

Only those industrial uses that comply with all applicable government standards and are

unlikely to be obnoxious or dangerous by reason of fire, explosion, vibrations, noise, dust, smoke, or odour are permitted in the M1 Zone.

(a) Permitted Uses

Automotive Gas Bar
 Automotive Repair, Sales or Facility
 Broadcasting Studio
 Building Supply or Contractors Shop
 Caretaker Unit
 Communications Facility
 Community Freezer
 Custom Workshop
 Heavy Equipment and Vehicle Yard
 Municipal Garage
 Research and Development Centre
 Service and Repair Shop
 Utility Installation
 Warehouse
 Any accessory building, structure or use, subject to Section 5.1.

(b) Conditional Uses

Barge staging and landing site with associated warehousing
 Fuel Storage Facility
 Outdoor Storage
 Power Generation Facility
 Waste Processing and Transfer Facility (Non-Putrescible)

(c) Zone Requirements

- (i) The following provisions apply to all development in the Light Industrial Zone:

<u>Lot Area (min)</u>	1900 m ²
<u>Lot Frontage (min)</u>	30 m
<u>Yard Setbacks (minimum)</u>	
Front	6 metres (20 feet)
Rear	6 metres (20 feet)
Side (Exterior)	6 metres (20 feet)
Side (Interior)	6 metres, (20 feet) or as required by the Fire Marshal
<u>Building Height (maximum)</u>	13 metres (43 feet)

- (ii) Only one caretaker unit is permitted on a lot.
- (iii) Where an interior or rear yard abuts a Residential, Community Use, Community Core, Commercial or Open Space Zone, the minimum yard requirement shall be a minimum of 10 m.

- (iv) Outdoor storage shall not be permitted within any minimum front or exterior yards.
- (v) Outdoor storage shall be closed to view from any public street or walking trail through the use of appropriate visual screening.

6.7 HEAVY INDUSTRIAL (M2)

Only those industrial uses that comply with all applicable government standards are permitted in the M2 Zone.

(a) Permitted Uses

Commercial Land Farm
 Fuel Storage Facility
 Heavy Equipment and Vehicle Yard
 Manufacturing Plant
 Marshalling Area
 Outdoor Storage
 Utility Installation
 Waste Processing and Transfer Facility
 Any accessory building, structure or use, subject to Section 5.1.

(b) Conditional Uses

(c) Zone Requirements

- (i) The following provisions apply to all development in the Light Industrial Zone:

<u>Lot Area (min)</u>	1900 m ²
<u>Lot Frontage (min)</u>	30 m
<u>Yard Setbacks (minimum)</u>	
Front	6 metres (20 feet)
Rear	6 metres (20 feet)
Side (Exterior)	6 metres (20 feet)
Side (Interior)	6 metres, (20 feet) or as required by the Fire Marshal
<u>Building Height (maximum)</u>	13 metres (43 feet)

- (ii) Only one caretaker unit is permitted on a lot.
- (iii) Where an interior or rear yard abuts a Residential, Community Use, Community Core, Commercial or Open Space Zone, the minimum yard requirement shall be 12 m.

6.8 WASTE DISPOSAL (WD)**(a) Conditional Uses**

Waste Disposal Site
Sewage Disposal Site

(b) Zone Requirements

No residential development or commercial development involving food storage, handling or preparation shall be permitted within 450 metres (1,476 feet) of a Waste Disposal Site.

6.9 HINTERLAND (H)**(a) Permitted Uses**

Dog Team
Temporary Tenting or Camping

(b) Conditional Uses

Beach Shack
Quarry
Cemetery
Commercial Harvesting
Communications Facility
Permanent Hunting and Fishing Cabins or Camps
Resource Exploration and Development
Snow Fence
Tourist Facilities
Wind Turbine
Any accessory building, structure, or use, subject to Section 5.1.

(c) Zone Requirements

(i) The following provisions apply to all development in the Hinterland Zone:

<u>Gross Floor Area (maximum)</u>	25 square metres
<u>Building Height (maximum)</u>	3.1 metres (10 feet)

(ii) No building or structure shall be located closer than 10 metres (33 feet) to any lot line or 18 metres (59 feet) for the centerline of the travelled path, whichever is greater.

(iii) Notwithstanding the foregoing provisions, a Dog Team area shall not be permitted within 500 metres (1,640 feet) of any residence.

(iv) Any development within the Transportation Influence Zone as indicated

on the Land Use Map shall be subject to the approval of NAV Canada.

- (v) No development is permitted within 200 metres (656 feet) downwind of any snow fence without the approval of Council.
- (vi) No development is permitted within 200 metres (656 feet) of a wind turbine.
- (vii) No development is permitted within 100 metres (328 feet) of an Archaeological or Paleontological Site.

6.10 TRANSPORTATION (T)

(a) Permitted Uses

Airport
 Commercial uses related to aircraft services and travel
 Communications Facility
 Docking, loading and off-loading of ships
 Fuel Storage Facility

(b) Zone Requirements

- (i) Any development within the Transportation Influence Zone as indicated on the General Land Use Map shall be subject to the approval of NAV Canada.
- (ii) No development shall occur within 150 metres (492 feet) of the Non-Directional Beacon Site.

6.11 MUNICIPAL RESERVE (MR)

(a) Permitted Uses

The Municipal Reserve Zone identifies lands that may be interesting for future redevelopment. No development is permitted in the MR Zone unless of temporary nature, subject to Council approval.

(b) Zone Requirements

- (i) No development shall be permitted for housing on lands zoned MR in the area of the former East Dump. An amendment to the General Plan, once the site has been remediated to the satisfaction of the Health Officer, will be required prior to rezoning the subject lands to permit development.
- (ii) No development shall be permitted for housing within the 450 metre (1,476 feet) setback to the metal dump site. An amendment to the General Plan, once a reduced setback is approved, will be required prior to rezoning the subject lands to permit development.
- (viii) No development shall be permitted within the 400 metre (1,312 feet)

“Protective Development” setback to the water reservoirs.

SCHEDULE C – FORMS

Form A	Application for Development Permit
Form B	Application for Home Occupation
Form C	Development Permit and Notice of Approval
Form D	Permit - Notice of Refusal
Form E	Notice of Appeal Hearing
Form F	Notice of Appeal Decision
Form G	Stop Work Notice
Form H	Use of Land is in Violation of the Arviat Zoning By-law Notice
Form I	Application for Amendment to the Zoning By-law
Form J	Request for Variance

FORM A
APPLICATION FOR DEVELOPMENT PERMIT

Permit No.: _____

Date: _____

Application Fee: _____
(see Section 3.4 (b))

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

Applicant: _____

P.O. Box No.: _____

Telephone Number: _____

Legal Description of Lot: _____

Lot No: _____ Plan No. _____

Sketch No.: _____

Lessee or Private Landowner: _____

P.O. Box No.: _____

Telephone number: _____

Lease Number: _____

Letter of Permission to Occupy File No.: _____

Describe the proposed development:

Form A – Application for Development Permit

Current Use and Zoning:

Current use of the lot: _____

Current Zoning: _____

Cost and Completion time:

Date of Completion: _____

Estimated cost of the project: _____

Date of Commencement: _____

ZONING REGULATIONS:

Proposed Setbacks:

Front Yard:

Interior Side Yard(s):

Rear Yard:

Exterior Side Yard:

Height of Proposed Building:

Number of Parking Spaces proposed:

Fire Spatial distance from adjacent buildings:

North side:

South side:

East side:

West side:

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

Date: _____

Signature of Applicant: _____

Form A – Application for Development Permit

Development Permit Applications shall be accompanied by the following information:

- 1) Site Plan. See Section No 3.4 (b)(ii)
- 2) A letter from the Fire Marshal's Office approving the project, for all development other than Single Family Dwellings (which respect setbacks).
- 3) Certificate from Nunavut Impact Review Board approving a proposed industrial development.
- 4) Approval from the Water Board if the project requires filling or altering a waterbody.
- 5) Approval from Fisheries and Oceans Canada if the project has potential to impact fish and/or fish habitat.
- 6) Letter from Nunavut Airports approving the project, if the project is near an airport.
- 7) A letter requesting a Variance, if the proposed project does not meet the exact zoning regulations.
- 8) If a Variance or Terms and Conditions are required by the Hamlet Council, a letter from the Applicant will be required stating the adjacent landowners and lessees have been notified of the proposed development.

I certify that I will abide by the above conditions after I have received a Development Permit, knowing that failure to do so will result in cancellation of the Development Permit and possible further action taken by the Hamlet of Arviat.

Signature of Applicant

Date

If the applicant is not the Registered Owner or Lessee of the Property, please submit a letter from the Registered Owner or Lessee granting you permission to use the property for the proposed business.

Signature of Lessee or Private Landowner

(not required if the lessee or landowner is the applicant)

Date

FORM B

APPLICATION FOR HOME OCCUPATION

I/We hereby make application under the provisions of Zoning By-law No. _____ for a Development Permit to operate a Home Occupation.

PLEASE PRINT:

Applicant's Name: _____.

Business Name: _____.

Mailing Address: _____.

Phone Number: _____.

Lot No.: _____ **Plan No.:** _____.

Zoning: _____.

Details:

How many people will you employ? Are these people residents of the Home?:

How many and what kind of vehicles and/or equipment you expect to use in conjunction with the business (indicate number, type and size)?:

Where will the above vehicles and/or equipment be parked?

Lessee of the Property: _____.

(* If the applicant is not the Registered Owner or Lessee of the Property, please submit a letter from the Registered Owner or Lessee granting you permission to use the property for the proposed business.)

Form B – Application for Home Occupation

HOME OCCUPATION: Requirements, Refer to Section 6.1 (c)

Where a home occupation is permitted under this By-law, a home occupation is subject to the following requirements:

- i) Does not change the residential character of the lot by creating problems with noise, traffic, open storage, or other nuisance;
- ii) Does not employ two or more people who do not live in the dwelling;
- iii) Does not show any evidence that there is a business in the dwelling unit except for a sign no bigger than 0.3 square metres (3 square feet); and
- iv) The home business does not take up more than 25% of the dwelling.

I certify that I will abide by the above conditions after I have received a Development Permit for my Home Occupation, knowing that failure to do so will result in cancellation of the Development Permit and possible further action taken by the Hamlet of Arviat.

Signature of Applicant

Date

Permit No.: _____

Date: _____

FORM C

DEVELOPMENT PERMIT – NOTICE OF APPROVAL

POSTED ON SITE AND IN THE HAMLET OFFICE

Development involving: _____

as further described in Application No.: _____ has been:

APPROVED:

APPROVED - subject to conditions (state reasons):

Shall comply with:

- (1) Hamlet Zoning By-law;
- (2) National Building Code, most current;
- (3) National Fire Code, most current; and
- (4) All Federal and Territorial Regulations.

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

Date of decision: _____ Date of issue of Development Permit: _____

Motion Number if Council Approval is required: _____.

Signature of Development Officer: _____.

NOTE:

1. The issuance of a Development Permit, in accordance with the Notice of Decision, is subject to the condition that it does not become effective until 15 days after the date the order, decision or Development Permit is issued;
2. Any person claiming to be affected by a decision of Council may appeal to the Development Appeal Board by submitting a written notice of appeal to the Development Officer within 14 days after notice of the decision is given; and
3. A permit shall become void after two years or if the development has not commenced within six months from the date that the permit was issued.

Permit No.: _____

Date: _____

FORM D

DEVELOPMENT PERMIT – NOTICE OF REFUSAL

POSTED ON SITE AND IN THE HAMLET OFFICE

Development Permit No.: _____

Development involving: _____

as further described in Application No.: _____ has been:

has been **REFUSED** for the following reasons:

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of *Section 4 of this By-law*. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Development Appeal Board (Development Officer) not later than fourteen (14) days following the date of issue of this notice. The notice of appeal shall contain a statement of the grounds of the appeal.

Date of Decision: _____

Date of Notice of Decision: _____

Signature of Development Officer: _____

FORM E

NOTICE OF APPEAL HEARING

Date: _____

This is to notify you that an appeal has been made to the DEVELOPMENT APPEAL BOARD against a decision in respect of Application No.: _____ which involves development described as follows:

This decision was:

APPROVED:

APPROVED - with conditions:

REFUSED:

Reason(s) for this decision is as follows:

Place of Hearing: _____

Time of Hearing: _____ Date of Hearing: _____

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

Date

Secretary of the Development Appeal Board
(Development Officer)

FORM F

NOTICE OF APPEAL DECISION

Date: _____

This is to notify you that an appeal against the:

APPROVAL:

APPROVAL - with conditions:

REFUSAL:

of a Development Permit with regard to the following:

was considered by the DEVELOPMENT APPEAL BOARD on _____ 201_ and the decision of the DEVELOPMENT APPEAL BOARD with regard to the appeal is as follows and for the following reasons:

Date

Secretary, Development Appeal Board

NOTE:

1. A decision of the Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 51 of the *Planning Act*. An application for leave to appeal to the Supreme Court shall be made:
 - (a) to a judge of the Supreme Court; and
 - (b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

FORM G

STOP WORK NOTICE

POSTED ON SITE AND AT THE HAMLET OFFICE

Date: _____

You are hereby notified that your development is in contravention of the Arviat Zoning By-law No. _____ Development Permit by reason of:

You are requested to take remedial action to conform to the By-law/Permit as follows:

Failure to comply with this request within 30 days of receipt of this notice may result in action being taken through the courts to seek remedy under the provisions of the **Planning Act and Hamlets Act.**

Date of Notice

Signature of Development Officer

FORM H

**USE OF LAND IS IN VIOLATION OF
THE ARVIAT ZONING BY-LAW NOTICE**

POSTED ON SITE AND AT THE HAMLET OFFICE

Date: _____

You are hereby notified that your development is in contravention of the Arviat Zoning By-law, No. _____ by reason of:

You are requested to take remedial action to conform to the By-law as follows:

Failure to comply with this request within 30 days of receipt of this notice may result in action being taken through the courts to seek remedy under the provisions of the **Planning Act and Hamlets Act.**

Date of Notice

Signature of Development Officer

FORM I

APPLICATION FOR AMENDMENT TO THE ZONING BY-LAW

Fee: \$250

Date: _____

Zoning Amendments are subject to the provisions of the *Planning Act* Section 29 and Section 3.9 of this By-law.

I/We hereby make application to amend the Zoning By-law.

Applicant: _____ **Tel:** _____

Address: _____

Owner of Land or Lessee: _____ **Tel:** _____

Address: _____

Land Description: **Lot:** _____ **Plan:** _____

Civic Address:

Amendment Proposed:

From: _____ **To:** _____

Reasons in support of Application for Amendment:

Signature of Applicant

Date

FORM J
REQUEST FOR VARIANCE

Fee:

\$75

I/We hereby make a request to vary one or more provisions of the Zoning By-law.

PLEASE PRINT:

Applicant's Name: _____

Business Name: _____

Mailing Address: _____

Phone Number: _____

Lot No.: _____ **Plan No.:** _____

Zoning: _____

Lessee of the Property: _____.

(* If the applicant is not the Registered Owner or Lessee of the Property, please submit a letter from the Registered Owner or Lessee granting you permission to request a variance.)

Describe the variance(s) being requested:

I certify that I will abide by the above conditions for variance after I have received a Development Permit, knowing that failure to do so will result in cancellation of the Development Permit and possible further action taken by the Hamlet of Arviat.

Signature of Applicant

Date