



ARVIAT ZONING BY-LAW

BY-LAW 359

October 2026

ARVIAT ZONING BY-LAW
BY-LAW No.359

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 Zoning By-law, referred to as the "Arviat Zoning By-law", in accordance with the Planning Act;

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

1. Schedules 1 & 2 of this By-law forms 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 By-law No. 225, and all amendments thereto, of the Hamlet of Arviat are hereby repealed.

READ a first time this **5th** day of **October, 2026**.

Mayor
Joe Savikittaq Jr.

Chief Administrative Officer
John Hussey

After due notice and a Public Hearing, READ a second time this ____ day of _____, 2026.

Mayor
Joe Savikittaq Jr.

Chief Administrative Officer
John Hussey

APPROVED by the Minister of Community Services this ____ day of _____, 20__.

Minister, Community Services

READ a third time this ____ day of _____, 20____.

Mayor

Joe Savikittaq Jr.

Chief Administrative Officer

John Hussey

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SECTION 1: READING THIS BY-LAW

Repeal of Existing By-laws

- 1.1 This By-law repeals and replaces all previous zoning by-laws and amendments passed by the Council of the Hamlet of Arviat upon the date that this By-law comes into effect.

Purpose

- 1.2 This By-law:
- (a) divides the Hamlet into zones;
 - (b) specifies the purposes for which buildings and land may be used; and
 - (c) regulates or prohibits the use of land or buildings referred to in clause (b) for any other.

Lands Subject to This By-law

- 1.3 This By-law applies to all lands within the Municipal Boundaries of the Hamlet of Arviat (“the Hamlet”).

Establishment of Zones

- 1.4 For the purpose of this By-law, the Hamlet is divided into zones. The extent and boundaries of all zones are delineated on Schedules 1 and 2; entitled “Land Use and Zoning Map – Community View” and “Land Use and Zoning Map – Municipal Boundary View,” which specify the zoning provisions applying to particular lands.

Scope

- 1.5 No land shall be used, no building or structured shall be constructed, altered or used, and no development shall take place within the Hamlet except in conformity with the provisions of this By-law.
- 1.6 No permit shall be issued by the Hamlet where the said permit is required for a proposed use of land or a proposed development where that use or development is in violation of this By-law.

Validity

- 1.7 If one or more provisions of this by-law are, for any reason, declared to be invalid by the Courts, all remaining provisions remain in full force and effect.

Application of Other By-laws & Legislation

- 1.8 Where any provision of this By-law conflicts with the provisions of any regulation, by-law, or statute of any other government authority, the higher or more stringent standard shall be applied.
- 1.9 Nothing in this By-law shall serve to relieve any person from the obligation to comply with the requirements of the National Building Code Act or any other by-law of the Hamlet, or any statute of the Governments of Nunavut or Canada, in force from time to time, or the obligation to obtain any licence, permit, authority, or approval required by the Hamlet or any other public authority or body.

Interpretation of Zoning Boundaries

- 1.10 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 Zoning Map to determine the boundary line based on the centerline of a public road, a surveyed lot line, or an unsurveyed lease sketch.
- 1.11 Zoning shown outside of the Municipal Boundary on Schedule 2 is depicted for informational purposes only. The Watershed Protection Zone identifies the need for protection of Arviat's water supply. The Cultural Zone recognizes the community and cultural value of the Arvia'juaq and Qikiqta'juaq sites.

Interpretation of Terms

- 1.12 Unless the context requires otherwise, the definitions and interpretations set out in Section 2 of this By-law shall apply.
- 1.13 Where a term or phrase is defined in general terms in this By-law, it shall not be interpreted to mean any other term or phrase which is more specifically defined, unless specifically stated otherwise.
- 1.14 The meaning of the word "shall" or "will" shall be interpreted as being mandatory.
- 1.15 Any act or regulation referred to in this By-law shall include any amendments or revisions made to that act or regulation, or any subsequent act or regulation enacted in its place.

Interpretation of Measurements

- 1.16 All measurements of length, height, area, or parking requirements used in this By-law will be subject to the normal rules of rounding numbers, so that a measurement of 0.5 and above is rounded up to the next whole unit and a measurement of less than 0.5 is rounded down to the next whole unit.

SECTION 2: DEFINITIONS

Interpretation

- 2.1 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 Where a specific use does not conform to the wording of any use definition or generally conforms to the wording of two or more definitions, a Development Officer may use their discretion to determine which definition of use type is most similar in terms of character and purpose.

Definitions

- 2.3 In this By-law:

A

ABANDONED means a failure to proceed with construction work or failure to undertake any construction work after obtaining a development permit, during a continuous 1-year period.

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

ACCESSORY BUILDING means a building that is located on the same lot as and separated from the principal building or structure on the lot. The use of an accessory building must be an **accessory use** to the use of the main building. This term includes garages, workshops, and sheds, and excludes any structure intended for human habitation.

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

ADJACENT means land, lots, or features that are nearby or close to the property in question, including properties separated only by an alley, street, easement, right-of-way, or utility corridor.

AIRPORT means an area of land and water, for which an airport license has been issued, that functions as a facility for the arrival and departure, movement or servicing of aircraft, passengers, and associated cargo. An airport includes any installations, runways, terminals, warehouses, garages, and vehicle, equipment, or open storage associated with aviation and transportation operations.

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 the 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.

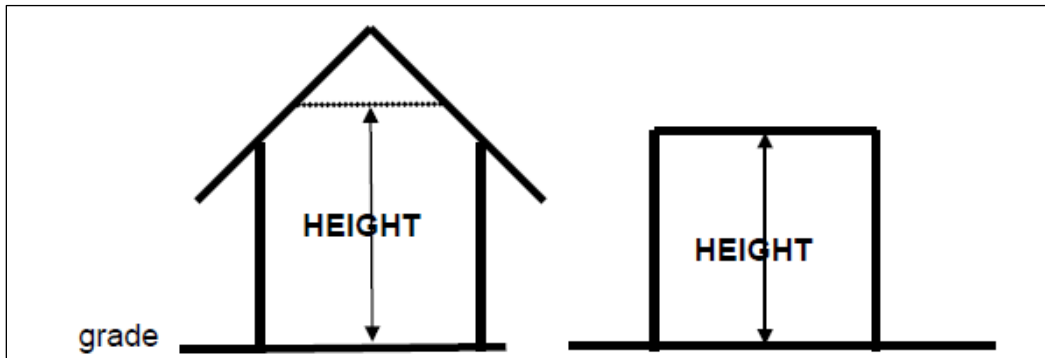
B

BEACH SHACK means a small building that is in or near a beach area and is used for harvesting purposes or other purposes related to the owners' participation in the land-based economy. This term excludes any structure intended for human habitation.

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

BUILDING HEIGHT means the vertical distance between the average finished **grade** and a horizontal plane through:

- (a) for a flat roof, the highest point of the roof;
- (b) for a sloped roof with a slope less than 20°, the average level of the roof; or
- (c) for a hip, gable, shed or gambrel roof, the mid-point between the eaves and ridge.



BUILDING SUPPLY STORE means an establishment engaged in the selling or installing building supplies, including lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning or home improvements.

C

CABIN means an unserviced structure located outside Arviat's populated area that is used seasonally or semi-permanently for land-based activities, including wildlife harvesting, outfitting, healing, recreation, enjoyment, and shared time with family or community. This term excludes any structure intended for long-term human habitation.

CAMPING, SEASONAL means using land as a temporary or seasonal camp for recreational and cultural purposes, including hunting and hiking, and may include erecting a tent or other similar temporary structure.

CAMPGROUND means a site for **seasonal camping** and recreational activities developed and maintained with structures or amenities to support those uses, including tent platforms, shelters, picnic tables, outhouses and/or cultural interpretation facilities.

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

use operating on the site.

CEMETERY means land used for the burial or interment of human remains or ashes, and may include a mausoleum, columbarium, morgue, chapel, maintenance building, or other building or structure accessory to the cemetery.

COMMERCIAL RECREATION AND ENTERTAINMENT means any building, structure or premises with athletic or entertainment facilities for commercial purposes. This term includes gyms, cinemas, billiards halls, bowling alleys, and dance studios.

COMMUNICATIONS FACILITY means a tower, antenna, mast, equipment shelter, or associated infrastructure used to provide wireless communication services. This term includes a microwave or satellite relay tower, cellular telephone tower, aircraft communications tower, and radio or television broadcast tower.

COMMUNITY CENTRE means a multi-purpose facility that offers a variety of programs of a recreational, cultural, day care, social, community service, informational or instructional nature. This term includes an arena, gymnasium, swimming pool, theatre, library, or similar uses.

COMMUNITY FREEZER means a thermally insulated building maintained at a subfreezing temperature to freeze and store food for the community's use.

COMMUNITY PLAN means the Community Plan of the Hamlet of Arviat, as amended periodically.

CONDITIONAL USE means a conditional use listed in a specific zone that may be permitted by Council after consideration of the impact of that use upon adjacent lands and other criteria listed in the specific zone or other sections of this By-law.

CONTRACTOR'S YARD means premises used by any building trade, construction or service contractor as a base of operations and for storage of equipment, materials, and/or vehicles, including heavy equipment and **commercial motor vehicles** but not including derelict motor vehicles. A contractor's yard may include facilities for related maintenance, shop or assembly work and an office as an accessory use.

COUNCIL means the Council of the Municipal Corporation 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.

D

DAYCARE CENTRE means an establishment for the care and supervision of children during the day, but does not include a home-based Daycare, which is defined as a **home-based business**.

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 a developer. 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 Hamlet, 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.

DOG TEAM means three or more dogs trained to be harnessed together and used for recreational or commercial purposes.

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-UNIT** means a separate detached building consisting of one dwelling.
- **DWELLING, DUPLEX** means a building that is divided either vertically or horizontally into 2 dwelling units.
- **DWELLING, MULTI-UNIT ROW** means a building that contains 3 or more dwelling units divided vertically and which have independent exterior access.
- **DWELLING, MULTI-UNIT STACKED** means a building that contains 3 or more dwelling units divided either vertically or horizontally and which may have interior or exterior access.

E

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

ELDERS' FACILITY means a building or part of a building, which is used or intended to be used to provide housing and care for three or more elderly persons who are provided living and sleeping facilities, meal preparation, personal care, supervision, or assistance essential for sustaining the activities of daily living.

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

F

FACTORY 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. This term excludes manufacturing or processing facilities likely to create a nuisance from noise, smells, vibration, dust, or emissions detectable outside the building or structure, which are defined as a **heavy industrial use**.

FENCE shall mean a wall (other than the wall of a building), gate or other barrier constructed of wood, masonry, metal or combination thereof, which is continuous throughout its entire length, save and except for access points.

FENCE, SNOW means a fence erected by the Hamlet or Territorial Government to prevent hazardous snowdrifts from occurring in a specific area.

G

GAS STATION means a place for the sale of gasoline, propane, oil, and similar products for motor vehicles. A gas station may provide light motor vehicle repair services, such as oil changes, lubrications, or similar services, and a convenience store as an accessory use.

GOVERNMENT SERVICE means any buildings or lands from which government services are offered. This term includes fire and police protection, municipal services, government offices, and correctional facilities, but excludes **outdoor storage** or **vehicle & equipment garage**.

GRADE means the average elevation of the finished surface of the ground measured directly beneath all corners of the building footprint.

GREENHOUSE means a building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation, and which may be intended for commercial use or institutional use such as research and education purposes. A greenhouse less than 10 m² is considered an **accessory building**.

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.

H

HAMLET means the Hamlet of Arviat.

HAZARDOUS GOODS STORAGE means the storage of the storage of any item or chemical that can cause harm to people, plants or animals when released into the environment. This includes, but is not limited to, explosives, gases, flammable and combustible liquids, and oxidizing, poisonous or corrosive substances.

HEALTH CARE FACILITY means an establishment used by qualified medical practitioners and staff for the provision of medical and health care. This term includes medical or dental offices, clinics and hospitals, but does not include veterinary services.

HEAVY INDUSTRIAL USE means a place for the manufacturing, assembling, or processing of component parts to produce finished products where the use is likely to create a nuisance from noise, smells, vibration, dust, or emissions detectable outside the building or structure. This term includes an asphalt or concrete batch plant and excludes a factory.

HOME-BASED BUSINESS means a business operated by a resident as secondary and

subordinate uses to a dwelling and includes a home-based daycare.

HOTEL means a building(s) containing at least six (6) rooms or guest suites providing temporary accommodations for travelers or transients on a year-round basis and may include a **restaurant** as an accessory use.

L

LOADING SPACE means an off-street space used for loading or unloading people or objects from a motorized vehicle.

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

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

LOT, INTERIOR means a lot situated between adjacent lots having access to one street.

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

LOT LINE means any boundary line of a lot.

- **LOT LINE, FRONT** means the line dividing the lot from the street or other means of access. For a **through lot** or **corner lot**, the front lot line is either: a) the shorter lot line abutting a street or, b) where the lines abutting a street have the same length, the lot line where the principal access is provided.
- **LOT LINE, REAR** means the lot line furthest from and opposite the front lot line. If the lot has fewer than four (4) lot lines, there shall be deemed to be no rear lot line.
- **LOT LINE, INTERIOR SIDE** means a lot line other than a front or rear lot line that does not abut a public street.
- **LOT LINE, EXTERIOR SIDE** means a lot line other than a front or rear lot line that abuts a public street.

M

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

MINERAL EXPLORATION means the use of land to locate commercially viable concentrations of mineral ores to mine.

N

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.

O

OFFICE means a building, or part thereof, used for administrative, clerical, data processing or management functions or for providing technical or professional services, including legal, engineering, real estate, accounting, or veterinarian services. This term excludes **personal service establishment** or medical/dental clinics.

OUTDOOR STORAGE means the storage of merchandise, goods, inventory, materials or equipment or other items, which are not intended for immediate sale, by locating them on the lot exterior to the building.

OUTPOST CAMP has the same meaning as defined in Article 7 of the Nunavut Agreement.

P

PARK means a park, playground or playfield and may include athletic fields, swimming pools, public gardens, bandstand, outdoor skating rinks, fairgrounds, golf courses, monuments and other cultural interpretive structures, or similar uses. This term excludes **campground**.

PARKING LOT means a parking area on a lot that is not accessory to a permitted use on that lot. A parking lot does not include the storage of derelict or **commercial motor vehicles**.

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

PERMITTED USE means a use permitted by this By-law.

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 associated with personal grooming or health or the maintenance or repair of personal clothing and accessories, such as a hair salon, nail or spa services, sewing shop, shoe repair shop, photographic studio, laundry establishment, or similar use.

PLACE OF WORSHIP shall mean a building or structure designed, used or intended for religious worship and may include a church, mosque, synagogue or temple.

POWER GENERATION FACILITY means a building, structure or lot used to produce energy by combustion, such as gas, coal, or fuel burning plants, or by renewable sources, such as wind, solar, water, or tidal. It does not include a fuel pipeline or small-scale renewable energy facility designed to generate energy primarily for on-site consumption, which are defined as **utility installation**.

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 Hamlet.

Q

QUARRY means the excavation, processing, and stockpiling of gravel, stone, sand, earth,

clay fill, or other similar substances, and may include the storage of vehicles, equipment and materials associated with the quarrying use.

R

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, cafes, lunchrooms, and take-out restaurants.

RESIDENTIAL CARE FACILITY 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.

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 includes minor food processing and packaging in connection with the sale of food products but does not include uses with significant **outdoor storage** or the sale of building materials.

S

SEA CONTAINER or SEA CAN means a container previously used for the transportation of goods by ship and used on land for storage, harvesting, or a workshop. This definition does not apply to sea containers used as the frame of a building, part of a building, or as an accessory building if the container is re-sided.

SEALIFT FACILITY means a facility for the loading and unloading of cargo from vessels that operate in shallow waters and may include a small building or structure. Sea lift facility may include **open storage** as an accessory use.

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.

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

SHELTER means an establishment providing temporary accommodation and food to individuals in immediate need, and may include accessory health care, counseling and social support services.

SHORT TERM RENTAL means the use of all or part of a dwelling unit used to provide temporary sleeping accommodations for compensation for a period of less than 30 consecutive days and includes a bed and breakfast but excludes a **hotel**.

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.

SMALL APPLIANCE REPAIR 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 **factory, vehicle sales & service** or any other use that requires outdoor storage of vehicles, materials or equipment.

STREET or ROAD means the whole and entire right-of-way of every road allowance in the Hamlet.

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.

T

TANK FARM means a site where multiple tanks, containers or enclosures are used for the bulk storage of gas and/or liquid and/or solid fuels.

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

TEMPORARY DEVELOPMENT means a use and/or building maintained or operated for a specific period of time specified by a development permit or for a limited time period where exempted by this by-law from requiring development approval.

U

UTILITY means any component of electrical power, cable television, or telecommunications systems.

UTILITY INSTALLATION means the actual building plant, works, utility line, pipeline, 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. This term includes a small-scale renewable energy facility designed to generate energy primarily for on-site consumption.

V

VEHICLE means an automobile, truck, all-terrain vehicle, snowmobile, or other recreational vehicle, but does not include heavy equipment and vehicles or **commercial vehicles**.

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

VEHICLE SALES & SERVICE means a building used the retail sale, rental or display of vehicles and vehicle accessories to the public or for the servicing, repairing, detailing or maintenance of vehicles for the public. This term includes dealerships, rental agencies, commercial garages, and service stations, and excludes **gas station** and **vehicle & equipment garage**.

VEHICLE & EQUIPMENT GARAGE means a building used by a business or government to store, repair and maintain vehicles and equipment used by that organization to provide a service, including a Hamlet garage.

W

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, and may include treatment facilities such as a sewage lagoon or wetland treatment area.

WASTE PROCESSING & STORAGE FACILITY means a facility where waste, including putrescible waste is sorted, processed and temporarily stored prior to transfer off site and may include a recycling or composting facility.

WATERBODY means any lake, river, stream, ocean, or other body of water.

WATER SUPPLY INFRASTRUCTURE means any infrastructure used for the collection, transmission, and treatment of potable water, including a pumping station, a waterline, a water reservoir, water treatment plant, and fill station.

Y

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 lot line** 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 lot line** to the nearest main wall of any building on the lot.

Z

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

SECTION 3: ROLES

Powers of Council

- 3.1 All development must be approved by Council, unless otherwise stated in this By-law.

Development Officer & Duties

- 3.2 Council shall, by resolution, appoint a Development Officer as an authorized officer of Council.
- 3.3 The Council will authorize the Development Officer to perform the following duties:
- (a) Keep and maintain for inspection by the public during normal office hours the following official records:
 - (i) A copy of this By-law and all the amendments thereto; and
 - (ii) A register of all applications for development, home-based businesses, and amendments and all decisions made regarding all applications.
 - (b) Receive and review applications for development permits, amendments and variances to this By-law;
 - (c) Prepare a report to Council regarding applications for development permits, amendments and variances to this By-law;
 - (d) Approve, approve with conditions, or refuse development permit applications, subject to the authority provided by Council, for:
 - (i) sheds and shacks, or other similar types of accessory buildings;
 - (ii) single-unit dwellings;
 - (iii) duplex dwellings; and
 - (iv) multi-unit row dwellings.
 - (d) Issue notices of decision, development permits and extensions to development permits subject to the provisions of this By-law;
 - (e) Carry out any inspection on lands or premises necessary to enforce this By-law;
 - (f) Exercising, on behalf of Council, the powers of Council under the *Planning Act* to serve notice to require cessation of work or to correct contraventions of this By-law;
 - (g) 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; and
 - (h) Carry out other duties as may be prescribed in this By-law.

Development Appeal Board

- 3.4 In accordance the *Planning Act*, Council shall establish a Development Appeal Board and, by resolution, appoint one (1) Council member and at least two (2) community residents as Board members. The Board will not include employees of the Hamlet.
- 3.5 Board members will be appointed for a 3-year consecutive term.
- 3.6 Anyone claiming to be affected by a decision made by Council or the Development Officer under this By-law may appeal in writing to the Development Appeal Board within 14 days of the mailing or posting of a notice of decision.
- 3.7 Upon receiving in writing an appeal, the Development Appeal Board shall:
- (a) Hold a hearing with a minimum of three (3) Board members within 30 days from the receipt of the appeal, upon determining that the appeal is based on planning grounds;
 - (b) 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;
 - (c) Allow the Development Officer and every person concerned with the opportunity to be heard, to submit evidence and to hear the evidence of others;
 - (d) 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;
 - (e) Confirm, reject or vary the decision appealed and impose such conditions as it considers necessary under the circumstances; and
 - (f) Take minutes of the hearing and render its decision in writing to the parties involved within 60 days of the hearing date.
- 3.8 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*.

SECTION 4: APPROVING DEVELOPMENTS

Development Permit Required

- 4.1 No development shall be undertaken in the Hamlet of Arviat unless an application for the development has been approved, and a development permit issued by the Hamlet.
- 4.2 No development permit shall be issued for development that is in contravention of this By-law.
- 4.3 No building, residential or otherwise, shall be relocated without obtaining a development permit.
- 4.4 Nothing in this By-law shall prevent the strengthening or restoring to a safe condition of any building or structure.
- 4.5 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, and all Federal and Territorial Regulations.
- 4.6 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 Hamlet or to obtain any license, permission, or permit required by municipal, territorial and federal legislation.

Exempted Development

- 4.7 All development requires a development permit except for the following:
 - (a) internal renovations or repair where there is no change in the floor space, height of a building, or change in the use of a building;
 - (b) replacement of water and/or sewage tanks;
 - (c) a temporary building or structure associated with construction, unless it is used for human habitation;
 - (d) the installation, maintenance and repair of public works, services and utilities carried out by the Hamlet on land which is publicly owned or controlled;
 - (e) for grading or landscaping where the cutting or filling is less than 1 m and provided that the drainage of the surrounding area is not affected;
 - (f) cabins and beach shacks as defined by this By-law;
 - (g) accessory buildings not exceeding 10 m² in size;
 - (h) signs, including temporary election campaign signs, not exceeding 1 m² in size;
 - (i) home-based businesses where no client or customer will be served on site;and

- (j) decks or porches in the Residential Zone that meet all provisions of this By-law.

Development Permit Submission Requirements

4.8 Every application for development shall include:

- (a) A complete application form (Form A);
- (b) A letter from the landowner or leaseholder authorizing an agent to make the application if the applicant is not the landowner or leaseholder;
- (c) The required application fee calculated as follows:
 - (i) Residential: \$200 per dwelling unit
 - (ii) Non-residential: \$400, plus \$1/m² for each m² of floor space over 500 m²
 - (iii) Accessory structures, residential additions, ramps, enclosure of steps or deck, changes to site plan: \$50
 - (iv) Change of use or development with no building: \$100
- (d) A site plan drawn to scale in metric units and showing:
 - (i) Legal description of the lot;
 - (ii) Lot dimensions;
 - (iii) North arrow;
 - (iv) Footprints of all existing and proposed buildings and other structures;
 - (v) Proposed front, rear, and side yard setbacks;
 - (vi) Access points to property;
 - (vii) Required parking and/or loading spaces;
 - (viii) Exterior materials;
 - (ix) The location of the fuel tank;
 - (x) The location of water and sewage storage tanks;
 - (xi) The location of water and sewer connections.
- (e) An elevation plan showing, at minimum, building height for any development permit proposing a building or structure;
- (f) Floor plans, if requested by the Development Officer; and
- (g) Any other additional plans, studies, or information requested by the Development Officer to confirm compliance with this By-law.

Minor Variance

- 4.9 Where a development does not conform with the site regulations, Council may approve applications for minor variances where the proposed development:
- (a) meets the policies, general intent and purpose of the Community Plan;
 - (b) does not significantly impact adjacent lots, residents, and the community;
 - (c) is a permitted use or conditional use;
 - (d) is constrained by the features of the lot (e.g., irregular shape, topography) or the needs of the proposed use (e.g., modular construction); and
 - (e) is for the purpose of varying one or more of the following requirements of the Zoning Bylaw:
 - (i) required parking spaces;
 - (ii) permitted projections into yards;
 - (iii) maximum number of bedrooms;
 - (iv) building height, up to 2 additional storeys subject to confirmation of firefighting capacity
 - (v) building gross floor area, excluding gross floor area maximums for secondary suites;
 - (vi) accessory building floor area total for a lot; or
 - (vii) building setbacks, in accordance with the following table.

	DEGREE OF RELAXATION	
	Residential Zones	Other Zones
Front Yard	25%	Discretion of Council
Side Yard	25%	15%
Rear Yard	25%	15%

- 4.10 For a development permit requiring a variance, the request for variance must be submitted and considered separately. The application must contain a complete request for variance form (Form C) and payment of a \$75 application fee.

Notice of Decision

- 4.11 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.

- 4.12 A decision on an application for a development permit shall be made by the Development Officer or Council within 40 days of receipt of the application in its complete and final form. If a decision is not made within 40 days, the application for development permit shall be deemed to be refused.
- 4.13 When an application is approved, the Development Officer will within 3 business 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. The notice shall be in made in the form of the Notice of Approval (Form D).
- 4.14 When a variance has been granted, the Development Officer will within 3 business days of the date of decision send a notice of decision to adjacent property owners.
- 4.15 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.

Development Permit Issuance Conditions

- 4.16 No development permit may be issued where, in the opinion of the Council, satisfactory arrangements have not been made for the supply of electric power, streets or other services or facilities.
- 4.17 Before a Development Permit can be issued on a new undeveloped lot, the owner of the proposed improvements must obtain fee simple title to the land, or a land lease, or a land use permit.
- 4.18 In approving a development permit, council may impose as a condition of approval:
- (a) revision to any submitted plans or studies;
 - (b) completion of a study;
 - (c) execution of a development agreement;
 - (d) conveyance of land for a road-widening to meet a minimum 18 m right-of-way;
 - (e) registration of an easement for existing or planned infrastructure;
 - (f) completion of a survey to establish, consolidate or modify a legal lot; or
 - (g) any other condition required to ensure proper and desirable development.

Development Agreements

- 4.19 The Development Officer may require that, as a condition of development approval, the applicant enter into an agreement with the Hamlet to do any or all of the following:
- (a) implement an approved design, including exterior materials and signage of any proposed building or structure;
 - (b) construct or pay for a road required to give access to the development;

- (c) carry out site grading, drainage works, landscaping, or the moving of buildings;
- (d) provide parking spaces, loading spaces, access driveways, pedestrian walkways, garbage bins, and lighting to serve the development; and
- (e) provide financial security for the implementation of the above-noted matters.

Building Permit

- 4.20 Once the Development Permit has been issued and posted for fourteen (14) days, the Applicant shall forward the approved development permit to the Office of the Chief Building Official (OCBO) as part of the required documentation to obtain a Building Permit.

Expiry of Development Permit

- 4.21 A development permit shall become void if:
- (a) The development has not been commenced after one (1) year of the date of issuance of the notice of decision or within any period of extension granted by the Development Officer; or
 - (b) The development is not completed within three (3) years of the date of notice of decision or within any period of extension granted by the Development Officer.

Revoking a Development Permit

- 4.22 A development permit may be revoked by the Development Officer if:
- (a) the permit was issued on the basis of incorrect information or misrepresentation by the applicant;
 - (b) a contravention of the conditions of the development approval takes place;
 - (c) there is evidence that construction of the development deviates from the plans approved with the development permit application; or
 - (d) the permit was issued in error.

Inspection

- 4.23 The Development Officer shall take reasonable steps to monitor and enforce compliance with the provisions of this By-law or any permit issued under this By-law.
- 4.24 The Development Officer or any other authorized officer of Council may enter and inspect a property at any reasonable time 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.

- 4.25 Prior to completing the inspection, the officer or employee of the Hamlet shall announce the inspection to the occupant and provide proper identification confirming they are operating on behalf of the Hamlet.
- 4.26 No officer or employee of the Hamlet shall enter a premise used in whole or in part as a dwelling unit without the consent of the occupant, except by a warrant issued under the Planning Act. The occupant shall be informed that entry may be refused.

Violations & Penalties

- 4.27 The Development Officer may issue a written notice to require the cessation of any use of a lot or any construction, renovation, demolition or addition to any building or structure that contravene of the provisions of this By-law or any permit issued under this By-law.
- 4.28 Where a person has been served written notice and fails to comply with its requirements, the Hamlet may carry out the work required by the notice and recover the resulting expense from the owner by action.
- 4.29 Any person violating any provision of this By-law or conditions of a Development Permit is guilty of an offence and liable on summary conviction to a fine as specified in the *Planning Act* and *Hamlets Act*. Each day of violation shall constitute an offence.

Zoning By-law Amendments

- 4.30 A person who seeks to have this By-law amended shall submit an application in the prescribed form (Form J) to Council with the following:
 - (a) a copy of their lease or their certificate of leasehold title;
 - (b) a fee of \$400; and
 - (c) any information as may be required by Council.

SECTION 5: COMPLIANCE WITH OTHER REGULATIONS

Airport Zoning Regulations

- 5.1 Any land use should be compliant with Obstacle Limitation Surface for the Arviat Airport as listed in table 4-1 of the TP312E Aerodrome Standards and recommended practices. Before any structure is built, plans should be submitted to Operations and Standards at Nunavut Airports.

Archaeological Sites

- 5.2 Whenever archaeological artifacts are found during construction, construction activities should stop immediately and the find reported immediately to the Development Officer and the Territorial Archaeologist at the Department of Culture and Heritage. All development must comply with the Nunavut 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.

Building Permit

- 5.3 No construction of a new building shall take place without first obtaining a Building Permit from the Office of the Chief Building Official (OCBO).

General Sanitation Regulations

- 5.4 Any land use must be compliant with the General Sanitation Regulations of the Public Health Act. All development proposals for residential uses and uses involving food storage or food preparation proposed within 450 m of an active waste disposal site, require review and approval from the Environmental Health Officer prior to the issuance of a development permit.

Industrial Projects & Impact Review

- 5.5 Any project proposal that not exempted for screening, according to Schedule 12-1 of the Nunavut Agreement, must be submitted to the Nunavut Planning Commission (NPC). The project proponent uses the Nunavut Impact Review Board's (NIRB) Proponent's Guide – NIRB Technical Guide to determine if screening is required.
- 5.6 In accordance with the Nunavut Planning and Project Assessment Act, NPC will subsequently forward project proposals that are identified in the above-noted guide and/or that have negative cumulative impacts.

- 5.7 The project proponent will comply with NIRB's screening process, the proponent will not initiate the project until a Project Certificate is received from NIRB, and the proponent must follow the terms and conditions in the Project Certificate.
- 5.8 The Nunavut Impact Review Board (NIRB) must review the development of new quarries prior to the Hamlet issuing any Quarry Permits for these areas.

Scientific Installations

- 5.9 Development should not interfere with the operation of scientific installations, such as telecommunications, radar, and meteorological stations. All development proposals which could potentially interfere with such installations require review and approval by the appropriate Territorial and Federal Departments.

Utility Corporation

- 5.10 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.

Water & Fish Habitats

- 5.11 The Nunavut Water Board (NWB), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), and Fisheries and Oceans Canada (DFO) must approve projects proposing to use water from or dispose of waste into a waterbody, including proposals to partially or fully fill a waterbody. This requirement applies to waterbodies that are 0.5 hectares or greater and/or waterbodies that are connected to other waterbodies.
- 5.12 DFO must review and approve projects or works proposed in or around waterbodies with the mandate of protecting fish and fish habitat, as required by the Habitat Protection Provisions of the *Fisheries Act*.

SECTION 6: GENERAL PROVISIONS

Accessory Buildings and Uses

- 6.1 Accessory buildings and structures shall be permitted in any zone, subject to meeting all applicable provisions in Sections 6.1 to 6.6.
- 6.2 Sea containers are considered accessory buildings in the Residential and Community/Institutional Zones. The long-term storage of sea containers is considered open storage in all other zones.
- 6.3 Accessory buildings shall not be used for human habitation or the keeping of animals, other than household pets.
- 6.4 The following setbacks apply to accessory buildings:
- (a) not be built closer to the front or exterior side lot line than the minimum distance required for the main building; and
 - (b) not be located closer than 1 metre to any interior side or rear lot line.
- 6.5 The height of an accessory building shall not exceed 5.0 m.
- 6.6 The following maximum gross floor area provisions apply to accessory buildings:
- (a) in the Residential Zone, not exceed 54 m² or 6% of total lot area, whichever is greater;
 - (b) in the Community/Institutional Zone, not exceed 10% of the total lot area; and
 - (c) in all other zones, not exceed 25% of the total lot area.
- 6.7 An accessory use is permitted in any zone where the associated principal use is permitted. A dwelling unit is not considered an accessory use.

Drainage

- 6.8 Culverts with a minimum diameter of 500 mm are required when an access driveway to a lot crosses a municipal drainage ditch, except where the Director of Public Works approves a smaller diameter culvert.
- 6.9 On any portion of a lot where fill is introduced, no ponding of water is permitted and drainage shall be directed towards a municipal drainage ditch located in a public road or in a side or rear yard.

Height Limitations

- 6.10 Where height limitations are set forth in this By-law, such limitations shall not apply to artworks and monuments, aids to navigation or aviation, bulk storage tanks, chimneys, church steeples, clock towers, communications facilities, electrical supply facilities, fire towers, flagpoles, lighting standards, lightning rods, rooftop

mechanical equipment, skylights, solar panels, stacks, water tanks, or wind turbine.

- 6.11 Despite Section 6.11, limitations prescribed by a Federal Ministry or other Authority with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.

Parking, Access & Loading

- 6.12 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.
- 6.13 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:
- (a) Residential – 1 parking space per dwelling unit
 - (b) Residential in a non-Residential building – 1 parking space per 2 dwelling units
 - (c) Industrial – 1 space for every 3 people working on site
 - (d) Educational facility or day care – 1 space for every 3 people working on site
 - (e) Restaurant – 1 per 10 m² of dining area
 - (f) Other Commercial / Institutional Use – 1 space per 75 m² of gross floor area
 - (g) Open Space – Discretion of Development Officer or Council.
- 6.14 Each required parking space shall be 6 m in length and 2.7 m wide.
- 6.15 For a required parking area of more than 6 spaces, at least one space for every 25 spaces must be a designated space for persons with disabilities. A space for persons with disabilities shall be 6 m in length and 3.7 m wide.
- 6.16 A driveway providing access to parking spaces shall have a minimum width of 6.5 m for two-way traffic and a minimum width of 4.0 m for one-way traffic.
- 6.17 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.

Non-Conforming Building or Use

- 6.18 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 that this by-law was enacted. Non-conforming uses are subject to the following regulations:
- (a) The non-conforming use may be transferred to a new owner or occupant;
 - (b) The non-conforming building may be enlarged up to 20% of the gross floor area of the building, as it existed on 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;

- (c) If a non-conforming building or use of land is discontinued for twelve consecutive months, the future use shall conform with this By-law;
- (d) 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.

Permitted Projections into Yards

- 6.19 Despite any other provision to the contrary, the following features and other similar features are permitted to project from a principal building into a required yard in accordance with the following table.

Object	Permitted projection into any required yard	Minimum distance from lot line
Canopies or awnings	1.5 m	3 m
Solar panels, heat pump or similar equipment	1 m	3 m
Unenclosed balconies or stairways, including a fire escape	1.5 m	3 m
Unenclosed porches, decks and steps	3 m	3 m

Temporary Development

- 6.20 At Council's discretion, temporary development may be permitted in all zones and is not subject to zone provisions related to use, setbacks, height or parking.
- 6.21 Council may issue a development permit for a temporary development for a period of up to 5 years, subject to the following:
- (a) the temporary development is compatible with surrounding development with respect to use, character and built form;
 - (b) the applicant is required to cease and remove the temporary development and restore the lot to a condition acceptable to the Development Officer within 30 days of the expiration of the development permit as a condition of approval; and
 - (c) no temporary development is proposed to be used for human habitation.
- 6.22 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, provided that:
- (a) a development permit for the main use has been issued;

- (b) the temporary use is occurring on the same lot as the construction, or an adjacent lot; and
- (c) the temporary use is discontinued and removed within 30 days following completion of construction.

Utilities

- 6.23 Structures or buildings required by the Hamlet or any public utility corporation to provide utility services may be permitted in any zone, provided that such structures or buildings comply with all applicable statutes, regulations, standards, codes and agreements.
- 6.24 Structures such as utility poles, utility lines and pipelines are exempt from the minimum yard setback and maximum building height provisions of this By-law.

Water and Sewage Services

- 6.25 Water and sewage service connections on a building shall be accessed from the front or side yard on a lot, except where the Director of Public Works approves an alternative location.
- 6.26 A dedicated access drive must be provided to the water and sewage service connections, except where the Director of Public Works approves an alternative access.

Waterbody Setback

- 6.27 No development shall be permitted within 30.5 metres of a navigable waterbody except subject to terms and conditions of Council and the Territorial Government.

Yard Regulations

- 6.28 No person shall keep or permit in any part of the yard in any Residential zone:
- (a) any more than two dismantled vehicles for more than six months and such vehicles shall be stored out of public view;
 - (b) any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the district;
 - (c) any excavation, storage, or piling up of materials required during the construction stage unless all necessary safety measures are undertaken; or
 - (d) rubbish or other things that may constitute, in the opinion of the Development Officer, a fire hazard, or hazard to safety or health.
- 6.29 Satellite dishes shall not be permitted in any front or exterior yard in any zone.

SECTION 7: ZONE REGULATIONS

Residential (R) Zone

7.1 Permitted Uses

Dwelling, Single-Unit
Dwelling, Duplex
Dwelling, Multi-Unit Row
Secondary Suite
Utility Installation

7.2 Conditional Uses

Craft Studio
Daycare Centre
Dwelling, Multi-Unit Stacked
Elders Facility
Home-Based Business
Residential Care Facility
Short Term Rental

7.3 Zone Requirements

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

Setbacks (minimum)

Front = 6 m
Rear = 6 m
Rear, backing onto an OS Zone = 3 m
Side (Exterior) = 4 m
Side (Interior) = 6 m

Building Height (maximum)

2 storeys, not to exceed 9.5 metres

- (b) Despite the provisions of Section 7.3(a), for duplex dwellings or multi-unit row or stacked dwellings located on separate, adjacent lots, the side yard where units are attached may be reduced to 0 m.
- (c) Parking or storage of a commercial vehicle having a gross vehicle weight of 4,500 kg or construction equipment including bulldozers, backhoes, high hoes, and pay loaders is not permitted.
- (d) Fences are not permitted, except for a daycare centre.
- (e) Ground-mounted satellite dishes are not permitted.

- 7.4 The following provisions will apply to all **dwelling** types:
- (a) A maximum of 5 bedrooms is permitted in a dwelling unit.
- 7.5 The following provisions will apply to **secondary suites**:
- (a) The suite forms part of a single-unit or duplex dwelling.
 - (b) The suite is structurally attached or located within the principal dwelling.
 - (c) The suite does not exceed a floor area of 80% of the principal dwelling, or 80 m² of gross floor area, whichever is less.
- 7.6 The following provisions will apply to **multi-unit stacked dwellings**:
- (a) Every unit shall be provided an enclosed storage area of at least 2 m² on the lot. The storage area must be accessible from the outside but may be attached to the principal building or in an accessory building.
 - (b) The number of second floor units that share an exterior staircase from a ground floor to an upper floor shall be limited to two (2) units per staircase.
 - (c) Every second-floor unit window must be accessible to Hamlet firefighting equipment.
- 7.7 The following provisions will apply to **home-based businesses**:
- (a) The operator of a home-based business must reside in the dwelling.
 - (b) All home-based businesses in the dwelling do not employ more than two (2) people who do not live in the dwelling.
 - (c) There may be no external display or advertising other than one (1) sign no bigger than 1 m².
 - (d) Outdoor storage associated with a home-based business is not permitted.
 - (e) No mechanical or electrical equipment will be used except what is reasonably consistent with the use of a dwelling or used for carving purposes.
 - (f) The activities of the business must be compatible with surrounding residential uses and will not create or become a nuisance, particularly with regard to noise, odour, vibration, traffic or parking.
 - (g) No more than 25% of the dwelling unit area shall be used for a home-based business, with the exception of a home-based day care, to which no limit applies.
 - (h) A home-based day care may care for up to 8 children, in accordance with the *Child Day Care Act*.
- 7.8 The following provisions apply to **short-term rentals**:
- (a) Short-term rentals shall only be permitted in a primary residence, which is defined as a dwelling unit owned or rented by an individual person, either alone or jointly with others, where the individual person is ordinarily resident.

- (b) Despite the above, a short-term rental is also permitted in a secondary suite.
- (c) The number of guests at one time shall be limited to a maximum of 6.
- (d) Short-term rentals comprising the entire primary residence may only be used as a short-term rental for a maximum of 180 nights per year.
- (a) The short-term rental shall not change the residential character of an existing dwelling unit, including by creating a public nuisance with regard to noise, traffic, parking, light or night-time operation.

Commercial / Institutional (CI) Zone

7.9 Permitted Uses

Commercial Recreation & Entertainment
Communications Facility
Community Centre
Community Freezer
Craft Studio
Daycare Centre
Educational Facility
Elders' Facility
Government Service
Greenhouse
Health Care Facility
Hotel
Office
Personal Service Establishment
Place of Worship
Restaurant
Retail Store
Shelter
Small Appliance Repair
Utility Installation

7.10 Conditional Uses

Dwelling units, provided that the units are above the ground floor
Gas Station
Home-Based Business
Short-Term Rental

7.11 Zone Requirements

- (a) The following provisions apply to all development in the Commercial Zone:
Setbacks (minimum)

Front = 6 m
 Rear = 6 m
 Rear, when backing onto OS Zone = 3 m
 Side (Exterior) = 4 m
 Side (Interior) = 6 m

Building Height (maximum)
 3 storeys, not to exceed 15 metres

- (b) No outdoor storage is permitted.
- (c) Fences are permitted for daycare centres and communications facilities and may be permitted for other uses where fencing is necessary to secure a site, but will be subject to the terms and conditions set out by Council.

7.12 The following provisions will apply to all **dwelling** types:

- (a) A maximum of 5 bedrooms is permitted in a dwelling unit.

7.13 The following provisions will apply to **home-based businesses**:

- (a) The operator of a home-based business must reside in the dwelling.
- (b) All home-based businesses in the dwelling do not employ more than two (2) people who do not live in the dwelling.
- (c) There may be no external display or advertising other than one (1) sign no bigger than 1 m².
- (d) Outdoor storage associated with a home-based business is not permitted.
- (e) No mechanical or electrical equipment will be used except what is reasonably consistent with the use of a dwelling or used for carving purposes.
- (f) The activities of the business must be compatible with surrounding residential uses and will not create or become a nuisance, particularly with regard to noise, odour, vibration, traffic or parking.
- (g) No more than 25% of the dwelling unit area shall be used for a home-based business, with the exception of a home-based day care, to which no limit applies.
- (h) A home-based day care may care for up to 8 children, in accordance with the *Child Day Care Act*.

7.14 The following provisions apply to **short-term rentals**:

- (a) Short-term rentals shall only be permitted in a primary residence, which is defined as a dwelling unit owned or rented by an individual person, either alone or jointly with others, where the individual person is ordinarily resident.
- (b) Despite the above, a short-term rental is also permitted in a secondary suite.

- (c) The number of guests at one time shall be limited to a maximum of 6.
- (d) Short-term rentals comprising the entire primary residence may only be used as a short-term rental for a maximum of 180 nights per year.
- (e) The short-term rental shall not change the residential character of an existing dwelling unit, including by creating a public nuisance with regard to noise, traffic, parking, light or night-time operation.

7.15 Zone Exceptions

- (a) In the case of Lot “A” as shown on Sketch Plan SK-ARV-25-02, the following exceptions apply:
 - (i) Despite Section 7.11 (a), the minimum front yard setback shall be 3.0 m and the building height shall be a maximum of 3 storeys and 16 m.
 - (ii) Despite Section 6.4 (a), the minimum front yard setback for an accessory building shall be 2.0 m.

Open Space (OS) Zone

7.16 Permitted Uses

Cemetery
Park
Snow Fence
Utility Installation

7.17 Conditional Uses

Beach Shack
Campground
Communications Facility
Dog Team

7.18 Zone Requirements

- (a) The following provisions apply to all development in the Open Space Zone:
 - Gross Floor Area (maximum)
25 m²
 - Building Height (maximum)
1 storey, not to exceed 5 metres
- (b) No building or structure shall be located closer than 10 m to any side or rear lot line.
- (c) Dog Teams shall be set back a minimum 300 m from a Residential Zone or Commercial/Institutional Zone.

- (d) Council may identify a Dog Team area by symbol on the maps in Schedule 1 and 2 of this By-law.

Industrial (M) Zone

7.19 Permitted Uses

Building Supply Store
Communications Facility
Contractor's Yard
Craft Studio
Gas Station
Greenhouse
Outdoor Storage
Small Appliance Repair
Utility Installation
Vehicle Sales & Service
Vehicle & Equipment Garage
Warehouse

7.20 Conditional Uses

Caretaker Unit
Factory
Hazardous Goods Storage
Heavy Industrial Use
Power Generation Facility
Tank Farm
Waste Processing & Storage Facility

7.21 Zone Requirements

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

Setbacks (minimum)

Front = 6 m

Rear = 8 m

Side (Exterior) = 6 m

Side (Interior) = 8 m

Building Height (maximum)

2 storeys, not to exceed 12 metres

- (b) Fences are permitted where fencing is necessary to secure a site, and will be subject to the terms and conditions set out by Council.

- (c) A factory, power generation facility, or tank farm must not be located closer than 200 metres to a Residential Zone.
- (d) A waste processing & storage facility, or other heavy industrial use must not be located closer than 400 metres to a Residential Zone.

7.22 The following provisions apply to **caretaker units**:

- (a) Only one (1) caretaker unit is permitted on a lot.
- (b) A caretaker unit shall have a maximum of one (1) bedroom.
- (c) A caretaker unit must not be located closer than 450 metres to a Waste Disposal Zone, unless permission has been obtained in writing from the GN Environmental Health Officer.

Future Development (FD) Zone

7.23 **Permitted Uses**

Utility Installation

7.24 **Conditional Uses**

7.25 **Zone Requirements**

Transportation (T) Zone

7.26 **Permitted Uses**

Airport
Communications Facility
Sealift Facility
Wharf
Utility Installation

7.27 **Conditional Uses**

7.28 **Zone Requirements**

- (a) All development within the areas impacted by the Arviat Airport Zoning Regulations shall comply with those Regulations.
- (b) Any development within 200 metres of the Non-Directional Beacon (NDB) Site shall be subject to the approval of NAV Canada.
- (c) Fences may be permitted, subject to the terms and conditions set out by Council.

Waste Disposal (WD) Zone

7.29 Permitted Uses

- Hazardous Goods Storage
- Utility Installation
- Waste Disposal Site
- Waste Processing & Storage Facility

7.30 Conditional Uses

7.31 Zone Requirements

Nuna (N) Zone

7.32 Permitted Uses

- Cabin
- Camping, Seasonal
- Dog Team
- Beach Shack
- Campground
- Communications Facility
- Mineral Exploration
- Park
- Snow fence
- Utility Installation
- Water Supply Infrastructure

7.33 Conditional Uses

- Hazardous Goods Storage
- Mineral Exploration
- Outpost Camp
- Power Generation Facility
- Quarry

7.34 Zone Requirements

- (a) No development is permitted within 200 m downwind of any snow fence without the approval of council.
- (b) No development is permitted within 100 m of an archaeological or palaeontological site, unless approved by the Territorial Archaeologist from the Department of Culture and Heritage.

Quarry (Q) Zone

7.35 Permitted Uses

Communications Facility
Quarry
Utility Installation

7.36 Conditional Uses

7.37 Zone Requirements

Watershed Protection (WP) Zone

7.38 Permitted Uses

Water Supply Infrastructure
Utility Installation

7.39 Conditional Uses

7.40 Zone Requirements

Cultural (C) Zone

7.41 Permitted Uses

Cabin
Camping, Seasonal
Outpost Camp
Park

7.42 Conditional Uses

Campground

7.43 Zone Requirements

SECTION 8: FORMS

Form A	Application for Development Permit
Form B	Application for Home-Based Business
Form C	Request for Variance
Form D	Notice of Approval & Development Permit
Form E	Notice of Development Application Refusal
Form F	Notice of Appeal Hearing
Form G	Notice of Appeal Decision
Form H	Stop Work Notice
Form I	Zoning By-law Violation Notice
Form J	Application for Amendment to the Zoning By-law

FORM A – Application for Development Permit

Development Permit Application

Permit Number: _____

Date Received: _____

Application Fee: _____
(see Section 4.8c)



Hamlet of Arviat
PO Box 150
Arviat, NU X0C 0E0
(867) 857-2841
lands@arviat.ca

I hereby make application under the provisions of the *Arviat Zoning By-law* for a Development Permit, in accordance with the plans and supporting information that forms part of this application. I acknowledge that this application form must be complete, signed and accompanied by the submission requirements in Section 4.8 of the Zoning By-law to be considered a complete application and reviewed.

1. Lot Information

Legal Description (or sketch number)		
Lot:	Block:	Plan:
Municipal Address (if available)		
Lease Number		
Current Use (existing buildings or land uses)		
Current Zoning (if known)		

2. Applicant Information

Unless otherwise requested, all communications will be sent to Agent.

Lessee / Property Owner Name (legal name of individual or company)	
Agent Name	
Agent Contact Details	
Phone:	Email:
Mailing Address	

3. Development Proposal

Proposed Development or Land Use			
Construction Cost & Timeline			
Start:	Completion:	Cost:	
Gross Floor Area (m^2)			
Existing:	Proposed:	Total:	
Building Height			
Height (m):		Storeys:	
Proposed Setbacks (m)			
Front:	Interior Side(s):	Exterior Side(s):	Rear:
Parking (<i>number of stalls</i>)			
Existing:		Proposed:	

4. Submission Requirements

☐ Complete application form
☐ Payment of application fee
☐ Site Plan , containing the following information:
• Legal description of the lot (Lot, Block, Plan) • Legal dimensions of the lot (download survey plans from https://clss.nrcan-rncan.gc.ca/mb-nc/en/index.html) • North arrow • Footprints of all existing and proposed buildings and other structures • Location of proposed and/or existing buildings • Building setbacks from lot lines • Access driveway(s) to property with culvert to cross municipal drainage ditch (as required) • Location of the fuel tank • Location of the water and sewage storage tanks • Location and dimensions of parking spaces and/or loading spaces
☐ Elevation Plan (for any proposed building or structure)
☐ Floor Plan (if requested by the Development Officer)
☐ Other Plans, Studies, Information (if requested by the Development Officer)

5. Consent & Signatures

Initials

The applicant(s) certify that they have read and understood the terms and conditions listed on this form and are in agreement with them.

The applicant(s) certify that the information they have given in this form is true and correct.

If this application is approved, the applicant(s) understand that failure to comply with any terms and conditions of the development permit will be grounds for cancellation.

If you are an individual applicant, please complete Part A. If you are a corporate applicant, please complete Part B.

Part A: Individual Applicant

Signature

Print Name

Date

Part B: Corporate Applicants *(sign statement of corporate signing authority OR affix corporate seal)*

I, _____, have the authority to bind the corporation.
(name and title)

Signature

Print Name

Date

AUTHORIZATION OF LESSEE/OWNER - If the applicant is not the registered landowner or lessee, the registered owner or lessee must sign below or provide a letter of authorization.

I, _____, am the lessee/owner of the land that is subject of this application, and I authorize _____ to make this application.

Signature

Print Name

Date

FORM B – Application for Home-Based Business

Home-Based Business Application

Permit Number: _____

Date Received: _____

Application Fee: _____
(see Section 4.8c)



Hamlet of Arviat
PO Box 150
Arviat, NU X0C 0E0
(867) 857-2841
lands@arviat.ca

I hereby make application under the provisions of the *Arviat Zoning By-law* for a development permit for a home-based business, in accordance with the supporting information submitted herewith and which form part of this application. I acknowledge that this application form must be complete, signed and accompanied by the submission requirements to be considered a complete application and be reviewed.

1. Lot Information

Legal Description (or sketch number)		
Lot:	Block:	Plan:
Municipal Address (if available)		
Current Use (existing buildings or land uses)		
Current Zoning (if known)		

2. Applicant Information

Lessee / Property Owner Name (legal name of individual or company)	
Applicant's Name (if different from lessee / property owner)	
Home-Based Business Name	
Contact Details	
Phone:	Email:
Mailing Address	

3. Development Proposal

Description of Proposed Business	
Gross Floor Area <i>(portion of the dwelling to be used for business)</i>	
Dwelling (m ²):	Business (m ²):
Employees <i>(individuals expected to work at the business)</i>	
Number	Are they all residents of the dwelling?
Vehicles	
How many and what kind of vehicles and/or equipment will be used on site?	
Where will the above vehicles and/or equipment be parked?	

4. Home-Based Business Conditions

The following conditions apply to all home-based businesses: • The operator of a home-based business must reside in the dwelling. • All home-based businesses in the dwelling do not employ more than two (2) people who do not live in the dwelling. • There may be no external display or advertising other than one (1) sign no bigger than 1 m². • Outdoor storage associated with a home-based business is not permitted. • No mechanical or electrical equipment will be used except what is reasonably consistent with the use of a dwelling or used for carving purposes. • The activities of the business must be compatible with surrounding residential uses and will not create or become a nuisance, particularly with regard to noise, odour, vibration, traffic or parking. • No more than 25% of the dwelling unit area shall be used for a home-based business, with the exception of a home-based day care, to which no limit applies. • A home-based day care may care for up to 8 children, in accordance with the Child Day Care Act.
--

5. Submission Requirements

- ☐ **Complete application form**
- ☐ **Payment of application fee**
- ☐ **Site Plan** (showing, at minimum, lot boundaries, parking, and building footprint)
- ☐ **Floor Plan** (identifying the gross floor area of the dwelling and the proposed business)
- ☐ **Other Information** (if requested by the Development Officer)

6. Consent & Signatures

Initials

The applicant(s) certify that they have read and understood the terms and conditions listed on this form and are in agreement with them.

The applicant(s) certify that the information they have given in this form is true and correct.

If this application is approved, the applicant(s) understand that failure to comply with any terms and conditions of the development permit will be grounds for cancellation.

Signature

Print Name

Date

AUTHORIZATION OF LESSEE/OWNER - If the applicant is not the registered landowner or lessee, the registered owner or lessee must sign below or provide a letter of authorization.

I, _____, am the lessee/owner of the land that is subject of this application, and I authorize _____ to make this application and use the property for the proposed business.

Signature

Print Name

Date

FORM C – Request for Variance

Request for Variance

Permit Number: _____

Date Received: _____

Application Fee: \$75



Hamlet of Arviat
PO Box 150
Arviat, NU X0C 0E0
(867) 857-2841
lands@arviat.ca

I hereby make a request under the provisions of the *Arviat Zoning By-law* for a Variance in accordance with the supporting information submitted with this request and the associated Development Permit application. I acknowledge that this application form must be complete, signed and accompanied by a complete Development Permit application.

1. Lot Information

Legal Description (or sketch number)		
Lot:	Block:	Plan:
Municipal Address (if available)		

2. Applicant Information

Lessee / Property Owner Name (legal name of individual or company)	
Applicant's Name (if different from lessee / property owner)	
Contact Details	
Phone:	Email:
Mailing Address	

3. Variance

Description of Requested Variance (provision being varied, extent of variance, and reason for variance)

7. Consent & Signatures

Initials

The applicant(s) certify that they have read and understood the terms and conditions listed on this form and are in agreement with them.

The applicant(s) certify that the information they have given in this form is true and correct.

If this application is approved, the applicant(s) understand that failure to comply with any terms and conditions of the development permit will be grounds for cancellation.

Signature

Print Name

Date

AUTHORIZATION OF LESSEE/OWNER - If the applicant is not the registered landowner or lessee, the registered owner or lessee must sign below or provide a letter of authorization.

I, _____, am the lessee/owner of the land that is subject of this application, and I authorize _____ to make this application and use the property for the proposed business.

Signature

Print Name

Date

FORM D – Notice of Approval & Development Permit

DEVELOPMENT PERMIT – Notice of Approval



Hamlet of Arviat
PO Box 150
Arviat, NU X0C 0E0
(867) 857-2841
lands@arviat.ca

Notice Posted to the Development Site AND Hamlet Office

THE FOLLOWING DEVELOPMENT HAS BEEN APPROVED:

Development Permit Number		
Development Description		
Legal Description		
Lot:	Block:	Plan:
Municipal Address (if available)		
Date of Notice	Last Day for Appeal	
Date:	Date:	

Any person wishing to appeal this decision under Section 3.6 of the Zoning By-law must do so in writing to the Hamlet of Arviat Development Appeal Board within fourteen (14) days of the date of this notice. For more information, contact the Planning and Lands Administrator by phone at (867) 857-2841 or by email at lands@arviat.ca.

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

Development Officer Signature: _____

DEVELOPMENT PERMIT – Notice of Approval



Hamlet of Arviat
PO Box 150
Arviat, NU X0C 0E0
(867) 857-2841
lands@arviat.ca

Notice to Applicant

Your Development Permit application DP No. _____ has been:

- ☐ APPROVED
- ☐ APPROVED, subject to the attached conditions of approval

This decision is subject to appeal to the Development Appeal Board within fourteen (14) days of the date of this notice of approval. You are authorized to proceed with the specified development provided that:

- all applicable conditions of approval are met, as per attached;
- the development is in accordance with any approved plans and applications; and
- the development complies with the Zoning By-law, the Building Code Act, the Fire Prevention Act and all other applicable municipal, territorial or federal regulations.

The Development Permit issuance shall be effective **fifteen (15) days** after the date of this notice of approval, provided that all attached conditions permit issuance are met, if applicable, and that no appeals are made. **The Development Permit shall become null and void if:**

- An appeal is made against this decision to the Development Appeal Board
- If development has not commenced within one (1) year of permit issuance
- If development has not completed within three (3) years of permit issuance

Decision	
Date:	Motion No. <i>(if applicable)</i> :
Notice of Approval	
Date of Notice:	Development Officer Signature: _____
Development Permit	
Date of Permit Issuance:	Development Officer Signature: _____

FORM E – Notice of Development Application Refusal

DEVELOPMENT APPLICATION – Notice of Refusal



Hamlet of Arviat
PO Box 150
Arviat, NU X0C 0E0
(867) 857-2841
lands@arviat.ca

Notice to Applicant

Development Permit Application No. _____

Development Application Description: _____

This is to notify you that your Development Permit application has been REFUSED.

The **reasons** for this decision are:

-

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Section 3 of this *Arviat Zoning 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 reasons for the appeal.

For more information, contact the Lands Office at the Hamlet by e-mail at lands@arviat.ca or by phone at (867) 857-2841.

Date

Signature of Development Officer:

NOTICE OF APPEAL HEARING



Hamlet of Arviat
PO Box 150
Arviat, NU X0C 0E0
(867) 857-2841
lands@arviat.ca

Date: _____

Development Permit Application No. _____

Development Application Description: _____

This is to notify you that an appeal has been made to the DEVELOPMENT APPEAL BOARD against a decision in respect of the above application.

Hearing Details:

Place of Hearing: _____

Date of Hearing: _____

Time of Hearing: _____

Any persons affected by the proposed development have the right to submit a written statement before the hearing and be present and heard at the hearing. Persons wishing to be heard at the meeting must submit the written statement to the Secretary of the Development Appeal Board (Development Officer) no later than: _____

For more information, contact the Lands Office at the Hamlet by e-mail at lands@arviat.ca or by phone at (867) 857-2841.

Date

Secretary of the Development Appeal Board
(Development Officer)

FORM G – Notice of Appeal Decision

NOTICE OF APPEAL DECISION



Hamlet of Arviat
PO Box 150
Arviat, NU X0C 0E0
(867) 857-2841
lands@arviat.ca

Date: _____

Development Permit Application No. _____

Development Application Description: _____

This is to notify you than an appeal of the decision on the above Development Permit Application was considered by the DEVELOPMENT APPEAL BOARD on _____ 20__.

The decision of the DEVELOPMENT APPEAL BOARD was:

APPROVAL: ☐

APPROVAL - with conditions: ☐

REFUSAL: ☐

The reasons for this decision are as follows:

-

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 to a judge of the Supreme Court within 30 days after the issue of the order, decision, permit or approval sought to be appealed.

For more information, contact the Lands Office at the Hamlet by e-mail at lands@arviat.ca or by phone at (867) 857-2841.

Date

Secretary of the Development Appeal Board
(Development Officer)

STOP WORK NOTICE



Hamlet of Arviat
PO Box 150
Arviat, NU X0C 0E0
(867) 857-2841
lands@arviat.ca

Notice Posted to the Development Site AND Hamlet Office

Date: _____

Legal Description of Lot (Lot, Block, Plan): _____

Development Permit Application No. (if applicable): _____

Development Application Description: _____

You are hereby notified that your development is in contravention of the *Arviat Zoning By-law* and/or your Development Permit for the following reasons:

-

You are requested to take **remedial action** to conform to the *Arviat Zoning By-law* and/or your Development 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

Development Officer

FORM I – Zoning By-law Violation Notice

ZONING BY-LAW VIOLATION NOTICE



Hamlet of Arviat
PO Box 150
Arviat, NU X0C 0E0
(867) 857-2841
lands@arviat.ca

Notice Posted to the Development Site AND Hamlet Office

Date: _____

Legal Description of Lot (Lot, Block, Plan): _____

Development Permit Application No. (if applicable): _____

Development Application Description: _____

You are hereby notified that your development is in contravention of the *Arviat Zoning By-law* and/or your Development Permit for the following reasons:

-

You are requested to take **remedial action** to conform to the *Arviat Zoning By-law* and/or your Development 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

Development Officer

FORM J – Application for Amendment to Zoning By-law

Zoning By-law Amendment

Application Number: _____

Date Received: _____

Application Fee: \$400



Hamlet of Arviat
PO Box 150
Arviat, NU X0C 0E0
(867) 857-2841
lands@arviat.ca

I hereby make application to amend the *Arviat Zoning By-law* in accordance with Section 29 of the *Planning Act*, Section 2.2 of the Community Plan and Section 4.30 of the Zoning By-law. I acknowledge this application must be complete, signed and accompanied by all submission requirements to be deemed complete and reviewed.

1. Lot Information

Legal Description <i>(or sketch number)</i>		
Lot:	Block:	Plan:
Municipal Address <i>(if available)</i>		

2. Applicant Information

Lessee / Property Owner Name <i>(legal name of individual or company)</i>	
Applicant's Name <i>(if different from lessee / property owner)</i>	
Contact Details	
Phone:	Email:
Mailing Address	

3. Amendment

Description of Requested Amendment <i>(existing and proposed zone, reason for amendment)</i>

4. Consent & Signatures

Initials

The applicant(s) certify that they have read and understood the terms and conditions listed on this form and are in agreement with them.

The applicant(s) certify that the information they have given in this form is true and correct.

Signature

Print Name

Date

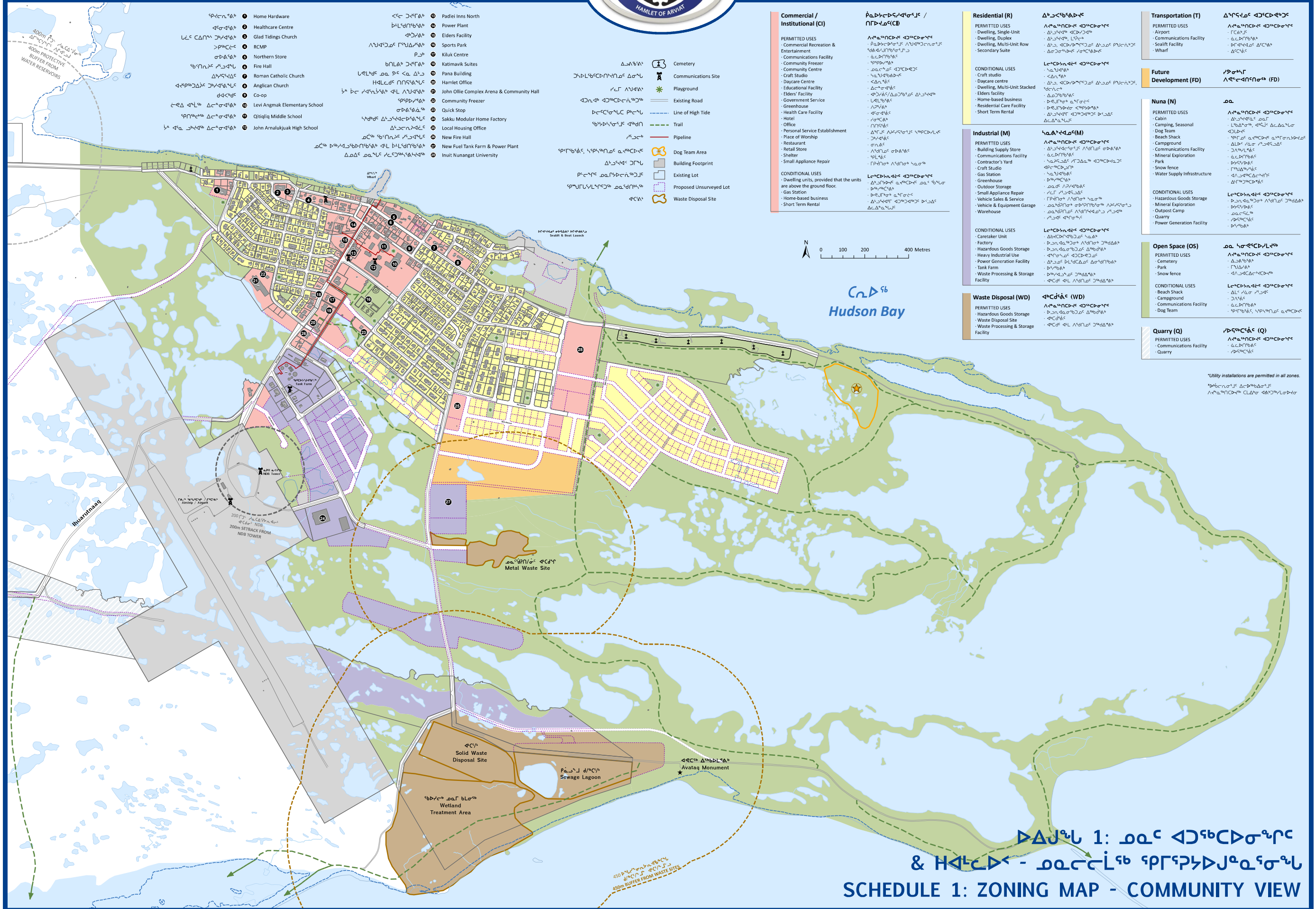
AUTHORIZATION OF LESSEE/OWNER - If the applicant is not the registered landowner or lessee, the registered owner or lessee must sign below or provide a letter of authorization.

I, _____, am the lessee/owner of the land that is subject of this application, and I authorize _____ to make this application and use the property for the proposed business.

Signature

Print Name

Date





ARVIAT ZONING BY-LAW No. 359

