

DRAFT

**SCHEDULE A
HAMLET OF ARVIAT ZONING BY-LAW**

SECTION 1 – PURPOSE AND CONFORMITY

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 use
- (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.

SECTION 2 – DEFINITIONS

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

“ACCESSORY BUILDING” means a building or uses that are secondary to, and normally associated with the main use and located on the same lot and includes garages, workshops and sheds. Accessory uses cannot be used for human habitation. See section 3.6.

“ACCESSORY USE” means a use subordinate and naturally, customarily and normally incidental to and dependent upon a main use of land or building and located on the same lot with such main use.

“ACT” means the Planning Act. RSNWT, 1988 c.P-7 as amended.

“APARTMENT” means, multi-storey, multi-unit dwelling.

"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.

"ARCHEOLOGICAL SITES" means a site or work within the Nunavut Settlement Area of archaeological, ethnographical or historical importance, interest or significance or a place where an archaeological specimen is found, includes explorers' Cairns.

"ARCHEOLOGICAL SPECIMEN" means an object or specimen found in an archaeological site of archaeological, ethnological or historical importance, interest or significance and includes explorers' documents.

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

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

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

"COMMERICAL" means a use and development for the purposes of buying or selling goods and services and supplying services but does not include an industrial use.

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

"COMMUNITY USE" means the use of land, buildings, or structures for religious, educational, health, indoor recreational facilities, community centre, day care facility, and seniors home.

"CONVIENCE 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.

"DAYCARE CENTRE" means an establishment for the provision of care and supervision to children. All daycare centers or home daycares must comply with Fire Regulations, the Child Day Care Act and the Child Standards Regulations. See section 6.14.

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

"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.

"DISTRIBUTION CENTRE" means a building used for the storage, wholesaling and distribution of goods and materials.

"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, and containing one or more dwelling units 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-UNIT" 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, ROWHOUSE" or "MULTIPLE-UNIT" means a building that is divided vertically into three or more dwelling units, each of which is 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" or " ATTACHED BUILDING" means a single unit dwelling attached to another single unit dwelling by a common above grade wall.

"DWELLING, ACCESSORY UNIT" means a dwelling unit which is secondary to the principle dwelling unit.

"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.

"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.

"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.

"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 general public, and may include the sale of convenience items.

"GENERAL PLAN" means the General Plan of the Hamlet of Arviat know as the Arviat Community Plan as adopted by By-law#-_____.

"GROSS FLOOR AREA" means the sum of the area of each floor of a building as measured from the outermost perimeter of the building.

"GROUP HOME" means a building used to provide family like care and / or rehabilitation for mentally or physically disable people for people who for various reasons cannot reside in their own home.

"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

"HINTERLAND" means all the land within the Arviat Municipal Boundary that has not been zoned for another use.

"HOME OCCUPATION" means any occupation, trade, profession or craft carried on by an occupant of a residential building as a secondary use to the residential use of the building. Regulations set out in section 6.15.

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

"INDUSTRIAL USE" means a use or development for the purposes of manufacturing, processing, distribution, repairing or storage of goods.

"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. See section 6.2 for requirements.

"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 or highways provided, however, that if any lot qualifies as being both a corner lot and a through lot as herein before defined, such lot shall be deemed to be a corner lot for the purpose of this By-law.

"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 lot - the shorter boundary line abutting the street shall be deemed to be the front lot line and longer boundary line abutting the street shall be deemed to be the flankage lot line; and where such lot lines are of equal length, the front lot line shall be either of the lot lines and the other lot line shall be the flankage lot line; boundaries dividing the lot from a street shall be deemed to be the front lot line; or

ii) in the case of a lot, which has one of its boundaries 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 the property line of a lot other than a front lot line or rear lot line.

"LOT LINE REAR" means the lot line farthest from or opposite to the front lot line.

"LOT WIDTH" means the average distance between the side boundaries of a lot.

"LOT LINE FLANKAGE" means a side lot line, which abuts the street on a corner lot.

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

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

"MEDICAL AND HEALTH CENTRE" 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, counseling services, chiropractic services and ancillary clinic counseling services, but does not include veterinary services.

"MUNICIPALITY" means the Hamlet of Arviat.

"NON-CONFORMING BUILDING" means a building that is lawfully constructed, or under construction, at the date this By-law is passed, and or does not, or will not, conform to the requirements of the Zoning By-law when it becomes active.

"NON-CONFORMING USE" means any intended or existing legal use of land or building which does not, and will not, conform to the requirements of this by-law. See Section 4.0 (b)

"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 SPACE" means land which are inappropriate for urban development by reason of having inherent or natural hazards such as susceptibility to flood or erosion which, if developed may cause property damage or loss of life.

"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 a lot exterior to a building.

"PARKING LOT" means an open area containing parking spaces, other than a street, for two or more motor vehicles which is available for public use or as an accommodation for clients, customers or residents and which has adjacent access to permit ingress and egress of motor vehicles to a street by means of driveways, aisles or maneuvering area where no parking or storage of motor vehicles is permitted.

"PARKING SPACE" means an area of not less than 13.2 square metres, measuring 2.4 metres by 5.5 for the temporary parking or storage of motor vehicles.

"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.

"PROTECTED DEVELOPMENT" means a land use where no development is permitted. To protect water lakes and cemeteries from urban development.

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

"RESTRICTED 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 states that no building used for habitation, shall be built within 450 metres of a waste disposal ground.

"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.

“SERVICE 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 motor vehicle repair shop.

“SERVICE STATION” means a building or part of a building used for the retail sale of automobile accessories and servicing and general repairing of motorized vehicles and may include vehicle-washing establishments.

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

“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, boardings 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, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structures.

“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.

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

“WAREHOUSE” means a building used primarily for the storage of goods and materials.

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

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

front yard means a yard extending across the full width of a lot between the front lot line and the nearest wall of any main building or structure on the lot.

side yard means a yard extending across the full width of a lot between the rear lot line and nearest wall of any main building or structure on the lot.

rear yard means a yard extending between the front yard and the rear yard between side lot line and the nearest main wall of any building on the lot.

flankage yard means the side yard of a corner lot, which side yard abuts a street and “required flankage yard” or “minimum flankage yard” means the minimum side yard required by this By-law where such yard abuts a streets.

“ZONE” means an area designated on Schedule B for which a specific set of land uses and requirements have been set forth in Section 7.0 this By-law.

SECTION 3 – ZONES, LAND USE MAP and ZONING CHART

3.0 ESTABLISHMENT OF ZONES

(a) For the purpose of this By-law, the Hamlet of ARVIAT is divided into zones as delineated on the plan attached as Schedule “B”, entitled “Arviat Zoning Map”.

(b) The zones mentioned in subsection (a) are classified and referred to as follows:

- | | |
|---------------------------------|-------------------------------|
| (1) R-Residential | (8) RD-Restricted Development |
| (2) C-Commercial | (9) T-Transportation |
| (3) CU-Community Use | (10) H-Hinterland |
| (4) I-Industrial | (11) UR- Urban Reserve |
| (5) OS-Open Space | |
| (6) WF- Waterfront Recreational | |
| (7) PD-Protected Development | |

3.1 ZONING MAP

(a) The extent and boundaries of all zones are shown on Schedule "B" for all such zones the provisions of this By-law shall respectively apply.

(b) The symbols used on Schedule B refer to the appropriate zones established by section 3.0.

3.2 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 Land Use Map to determine the boundary line based on the centerline of a public road, a surveyed lot line or an unsurveyed lease sketch.

3.3 PERMITTED USES

Uses permitted within any zone shall be determined as follows:

If a use is not listed as a use permitted within any zone, it shall be deemed to be prohibited in that zone.

3.4 CONDITIONAL USES or DEVELOPMENT SUBJECT TO TERMS AND CONDITIONS

Any use listed as a Conditional Use shall be permitted subject to fulfilling of conditions or requirements set out by the Hamlet Council.

3.5 SIMILAR USES

In the case where a proposed development is not listed, Council may determine, by resolution that such development is similar in character and purpose to the list of uses prescribed for that zone.

3.6 ACCESSORY BUILDING PERMITTED

Accessory uses, buildings and structures shall be permitted in any zone but shall not:

- 1) Be used for a residential use except where a dwelling is permitted accessory use;
- 2) Be built closer to the front, side, back or flankage lot line than the minimum distance required for the main building.
- 3) Exceed one-half the height of the main building or exceed a height of 4.6 metres in a residential zone.
- 4) Exceed 84 square metres in any Residential Zone; nor
- 5) Be used for the keeping of animals other than household pets.

3.7 TEMPORARY CONSTRUCTION USES PERMITTED

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 mobile home, tool or maintenance shed, trailer, sea container or scaffold, provided that a development permit has been issued and the temporary use is discontinued and removed within 30 days following completion of construction.

3.8 EXCEPTIONS TO ZONING REGULATIONS

a) Minor Variances:

Where a development does not conform with 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%

b) Consolidation of Lots:

When adjacent lots are consolidated by way of lease, the side yard setback from the common lot lines shall be zero (0) metres.

c) Non-conforming Building and Use:

This By-law cannot be used to prevent the use and development of land that had

been lawfully established 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 only up to 20 percent of the gross floor area of the building as it existed at the date this By-law came into effect;
- (iii) if a non-conforming building or use of land is discontinued for twelve consecutive months, the future use shall conform with this By-law.

SECTION 4 – ADMINISTRATION

4.0 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.

4.1 DEVELOPMENT OFFICER

(a) The Hamlet Council of Arviat shall appoint a Development Officer by Resolution of Council. The Development Officer is declared to be an authorized officer of Council. The Council will authorize the Development Officer to perform the following duties:

(b) To exercise, on behalf of the council, the powers of the council under section 20 (Unauthorized Construction) of the Planning Act.

(c) 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;
- ii) a register of all applications for development , home occupations and amendments and all decisions made regarding all applications.

(d) Carry out other duties as may be prescribed in this by-law.

(e) Receive applications for development permits, amendments and variances.

(f) Prepare a report to Council regarding applications for Development Permits, Amendments and Variances.

(g) Where Council approves an application for a development permit, the Development Officer must post a notice of the approval conspicuously on the property for which the application has been approved and at the Hamlet Office. See section 4.6.

4.2 DEVELOPMENT PERMIT

No person shall undertake a development nor shall a development permit be issued unless the proposed development conforms to all provisions of this by-law. All development must comply with the National Building Code, National Fire Code and all Federal and Territorial Regulations.

All development requires a development permit except for the following:

- 1) For grading or landscaping unless the cutting or filling is greater than 1 metre and provided that the drainage of the surrounding area is not affected.
- 2) Traditional and cultural activities including the establishment of a trap line, non-commercial tent camps and cabins in the Hinterland.
- 3) 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.
- 4) Minor repairs or renovations that do not increase the capacity of the building, but does not exempt any one from informing the Fire Marshal's Office of their plans.

4.3 THE FOLLOWING INFORMATION MUST BE SUBMITTED TO THE DEVELOPMENT OFFICER BEFORE AN APPLICATION FOR DEVELOPMENT CAN BE REVIEWED:

(a) A complete application form for a Development Permit must be submitted to the Development Officer.

(b) **A site plan drawn to scale and showing:**

- 1) The location of existing buildings.
- 2) All legal dimensions of the lot(s).
- 3) The location and dimensions of surrounding lots and buildings.
- 4) Plans of the proposed buildings showing dimensions.
- 5) Proposed front, rear, and side yard setbacks.
- 6) Proposed lot coverage.
- 7) Access points to property.
- 8) The location of outdoor fuel storage facilities, and
- 9) The location of water and sewer lines.
- 10) The location of water and sewage storage tanks.

(c) The Development Officer may require additional information.

(d) All site plan measurements must be in metric units.

(e) 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.

(f) A letter of Consent from the appropriate Land Lord is also required.

4.4 DEVELOPMENT PERMIT APPLICATION FEE

No development permit may be issued under this By-law unless a \$25.0 fee is paid.

4.5 DECISION OF APPLICATION FOR DEVELOPMENT

The application shall be considered by Council where required, they shall either approve it, subject to conditions or refuse it and provide written reasons for the conditions of refusal.

A decision on an application for a Development Permit shall be made by 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.

4.6 PUBLIC NOTICE OF APPROVED PERMITS

When a permit has been granted, within 3 days, the Development Officer shall:

Post a Notice of the Decision conspicuously on the lot for which the application has been approved and in the Hamlet Office;
and Where a Variance has been granted, the notice shall be sent to adjacent property owners.

The development permit does not become effective until 15 days after the Notice has been posted or mailed.

4.7 EXPIRY OF DEVELOPMENT PERMIT

A Development Permit shall become void after two years or if the development has not commenced after 6 months.

4.8 ENFORCEMENT

Anyone violating any provision of this By-law or conditions of a Development Permit is liable to a fine of \$500.00 plus \$100.00 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.

4.9 APPEAL BOARD

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 and two community residents, as members of the Development Appeal Board. Members will be appointed for a (3) year consecutive term. The Development Appeal Board will not include employees of the Hamlet.

4.10 APPEALS

a) Anyone claiming to be affected by a decision Council under this By-law may appeal in writing to the Appeal Board within 14 days of the mailing or posting of the decision.

b) Where a decision has not been made on an application within 40 days, the applicant may appeal in writing to the Appeal Board.

c) The appeal Board must hold a hearing within 30 days from the receipt of a written request for an appeal and notify the applicant of the decision in writing within 60 days of the hearing date.

4.11 AMENDMENTS

A person who seeks to have this By-law amended:

- 1) shall submit an application to Council with the following:
- 2) a copy of their lease
- 3) a fee of **twenty five dollars \$25.00**
- 4) any information as may be required by Council.

5.0 SECTION 5 - LICENSES, PERMITS, AND COMPLIANCES WITH OTHER BY-LAWS

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 to obtain any license, permission, 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.

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.

5.1 REVIEW BY FIRE MARSHAL'S OFFICE

The Hamlet Council shall seek the comments of the Fire Marshal Office before approving a development application for the following type of uses:

Residential use –duplexes or multi-unit dwellings or single unit dwellings that do not meet the required setbacks.

Community use

Industrial use

Commercial use

5.2 REVIEW BY NUNAVUT IMPACT REVIEW BOARD

All industrial development within the Municipal Boundaries of Arviat must be approved by Nunavut Impact Review Board before a Development Permit can be issued.

5.3 LEGAL LAND TENURE

Before a development permit can be issued; 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.

5.4 NUNAVUT PLANNING COMMISSION

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.

5.5 AIRPORT ZONING REGULATIONS

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.

5.6 SCIENTIFIC INSTALLATIONS

Notwithstanding the regulations in section 7.0 no use or development shall be permitted which will interfere with the operation of atmospheric monitoring or other scientific installations (eg. 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.

5.7 ARCHEOLOGICAL SITES

Whenever archeological specimens are found during construction, they should be reported immediately to the Development Officer. All development must comply with the Nunavut lands claim agreement, section 33 and 34 and Archeological Sites Regulations.

5.8 RESOURCE EXTRACTION AND/OR FILLING

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.

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.

No Development Permit is required for grading or landscaping unless the cutting or filling is greater than 1 meter.

A Municipal Quarry Permit is required to remove any granular material. Nunavut Impact Review Board must review all Quarry Permits before the Hamlet can issue a Quarry Permit.

SECTION 6 - GENERAL PROVISIONS**6.1 RESTORATION TO A SAFE CONDITION**

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

6.2 BUILDING TO BE MOVED

No building, residential or otherwise, shall be located on a lot within the area covered by this By-law without obtaining a development permit.

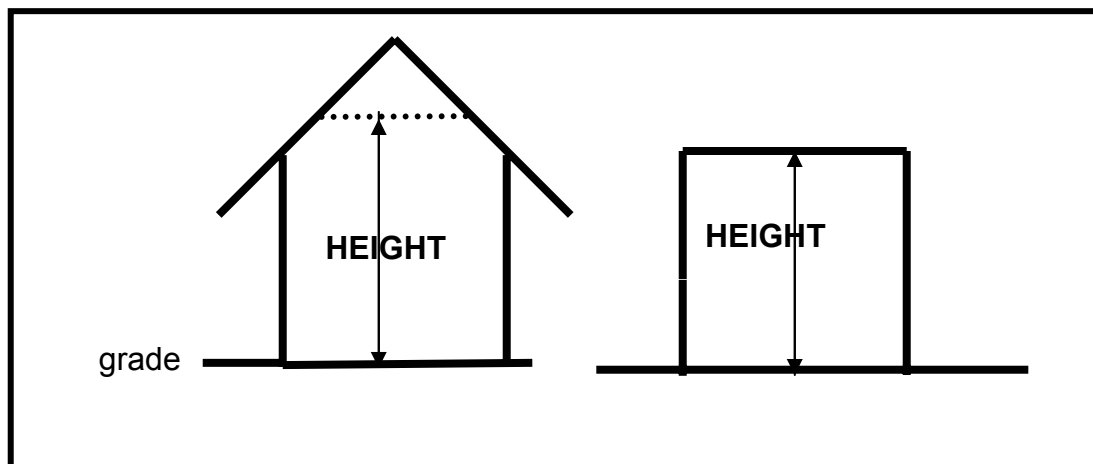
6.3 FRONTAGE ON A STREET

No development permit shall be issued except where the lot is intended to be used, or upon which the building or structure is to be erected, abuts and fronts upon a public street or road except where specified provided for within this By-law.

6.4 HEIGHT

When used with reference to a building or structure, is the vertical distance between the average finished grade and a horizontal plane through either:

- a) the highest point of the roof in the case of a building with a flat roof or deck roof;
- b) the average level of a sloped roof, provided that such a roof has a slope of less than 20 degrees, or;
- c) the average level between eaves and ridges in the case of a pitched gambrel mansard or hipped roof



Land uses in the vicinity of airports are regulated by Airport Zoning Regulations. Refer to section 5.5.

6.5 ONE MAIN BUILDING ON A LOT

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.

6.6 REDUCED FRONTAGE ON CURVES

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 20 metres.

6.7 FENCES

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.

6.8 MULTIPLE USES

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 otherwise provided.

6.9 DISTANCE FROM WATERCOURSES

No development shall be permitted within 30.48 metres of a navigable water body except subject to terms and conditions of the Hamlet Council.

6.10 PARKING REQUIRMENTS

Residential- 1 parking space per unit

Commercial - 1 space per 75m.sq. floor space

Industrial- 1space for every 3 people working on site

Community Use – 1 space per 75m.sq. floor space

Open Space – Discretion of Development Officer or Council.

6.11 YARD SETBACKS ADJACENT TO VACANT LOTS

Required Setbacks from Rear lot lines that are adjacent to lots, zoned for Open Space use or adjacent to unusable lots shall be 2.5 metres or greater.

6.12 LOADING SPACE REQUIREMENTS

The owner of every building, structure or premises used in whole in part for business or commercial purposes involving the use of vehicles for the receipt or the distribution of material or merchandise shall provide and maintain on lands appurtenant to such buildings, structures or premises, off-street spaces for such vehicles to stand and for loading and unloading the same.

6.13 SATELLITE DISHES

Satellite dishes shall not be permitted between the building and the street line.

6.14 DAYCARE FACILITIES

Where Day Cares are permitted under this By-law, all Daycare facilities must comply with the Child Day Care Manual, which includes the Child Day Care Act and Child Day Care Standards and Regulations.

6.15 HOME OCCUPATION

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, outdoor storage, or other nuisance;
- ii) Does not employ 2 people who do not live in the dwelling; and
- 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) The home business does not take up more than 25% of the dwelling.

6.16 BED AND BREAKFAST / TOURIST HOME

Where permitted in Residential Zones, bed and breakfasts shall conform to the following requirements:

The use shall be constructed within the principal single unit residence.

The number of bedrooms devoted to the uses shall not exceed 4 in number;

No sign in connection with the use shall exceed .75 square metres in area nor exceed one in number.

On street parking shall be prohibited

The use should conform to all Building and Fire Codes.

6.17 COMMERCIAL VEHICLES AND CONSTRUCTION EQUIPMENT IN RESIDENTIAL ZONES:

- 1) In a Residential Zone no land shall be used for parking and storage of any vehicles other than a recreation vehicle having a gross mass of 4500kg nor shall any land be used for the parking or storage of construction equipment including bulldozers, backhoes, high hoes, and pay loaders.
- 2) Notwithstanding subsection 1) commercial vehicles are permitted to park on a residential lot when providing a service to the lot, including but not limited to merchandise delivery and pick ups, property or chattel repairs and maintenance.

6.18 YARD REGULATIONS

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.

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.

SECTION 7 - LAND USE ZONES REGULATIONS

7.0 RESIDENTIAL (R)

PERMITTED USES

Single unit dwelling
Duplex, Attached, Semi-detached dwelling
Park and playground
Any accessory building, structure or use, incidental to the permitted main use of the land, building or structure, subject to section 3.6.

DEVELOPMENT SUBJECT TO TERMS AND CONDITIONS (Conditional Uses)

Multi-unit dwelling
Church
Home occupation
In home day care (subject to conditions of the Fire Marshal)
Group home
Elders Facility
Bed and breakfast
Apartment
Mini home or Trailer
Similar Uses, see section 3.5

ZONE REQUIREMENTS

Front Yard Setback of at least 6 metres
Rear Yard Setback of at least 6 metres
Flankage Yard Setback of at least 4 metres
Side Yard Setback of 6 metres or the distance that meets the requirements of the Fire Marshal, which ever is greatest.
No main building shall have a **height** exceeding 28 feet (8.5 metres).
Minimum dwelling unit area of 140 sq. metres.

7.1 COMMERCIAL (C)

PERMITTED USES

Restaurants or other eating establishments
Banks
Stores
Daycare centres
Hotel
Office
Parking lots
Commercial recreation uses
Convenience stores
Gas Bar
Service shop
Automotive repair shop
Craft shops
Any accessory building, structure or use,
incidental to the permitted main use of the
land, building or structure, subject to section
3.6.

DEVELOPMENT SUBJECT TO TERMS AND CONDITIONS(Conditional Uses)

Residential uses combined with a commercial
use provide that the Residential use is above
the ground floor of the establishment and that
such dwelling(s) have direct access to the
outside street level.

Similar Uses, see section 3.5

ZONE REQUIRMENTS

Front Yard Setback of least 6 metres

Rear Yard Setback of least 6 metres

Flankage Yard Setback of least 4 metres

Side Yard Setback of least 6 metres or the
distance that meets the requirements of the
Fire Marshal, which ever is greatest.

No building shall have a **height** exceeding 35
feet. (10.7m)

A covered or screened area for garbage and
trade waste.

7.2 COMMUNITY USE (CU)

PERMITTED USES

Fire Hall
Schools and Educational facility
Post Office
Police Station
Community Hall
Parking Lots
Arena
Health Care Facilities
Elders Facility
Group Homes
Church
Government Offices
Library
any accessory building, structure or use,
incidental to the permitted main use of the
land, building or structure, subject to
section 3.6.

DEVELOPMENT SUBJECT TO TERMS AND CONDITIONS(Conditional Uses)

- (a) Similar Uses, see section 3.5
- (b) cemetery

ZONE REQUIREMENTS

Front Yard Setback of least 8 metres
Rear Yard Setback of least 8 metres
Flankage Yard Setback of least 8
metres
Side Yard Setback of least 8 metres or
the distance that meets the requirements
of the Fire Marshal, which ever is
greatest.
No building shall have a **height**
exceeding 35 feet. (10.7m)
A covered or screened area for garbage
and trade waste.

7.3 OPEN SPACE (OS)

PERMITTED DEVELOPMENT

Public park and playground

Public sports field

Monument, cairn or statue

Shed required to support traditional and cultural activities

Any site that has historic or culture value to the community.

DEVELOPMENT SUBJECT TO TERMS AND CONDITIONS(Conditional Uses)

Similar Uses, see section 3.5

ZONE REQUIREMENTS

No substantial development, structure or habitable building shall be permitted in an Open Space (OS) Zone.

7.4 INDUSTRIAL (I)

PERMITTED DEVELOPMENT

Warehousing or Distribution Centre
Repair, service and parking garage
Storage yard for machinery, trucks, or
building material and non-hazardous
goods and liquids.
Workshop required for trade service such
as plumbing, electrical, carpentry, and
metal work.
Caretaker units
Any accessory building, structure or use,
incidental to the permitted main use of
the land, building, or structure, subject to
section 3.6.

DEVELOPMENT SUBJECT TO TERMS AND CONDITIONS(Conditional Uses)

Tank farm
Power plant
Storage and warehousing of hazardous
goods and liquids
Barge staging and landing site with
associated warehousing
Auto wrecking yard
Similar Uses, see section 3.5

ZONE REQUIREMENTS

Front Yard Setback of least 8 metres
Rear Yard Setback of least 8 metres
Flankage Yard Setback of least 8
metres
Side Yard Setback of least 8 metres, or
the distance that meets the requirements
of the Fire Marshal, which ever is
greatest.
No building shall have a **height**
exceeding 35 feet. (10.7m)
A covered or screened area for garbage
and trade waste.

7.5 WATERFRONT RECREATIONAL (WF)

PERMITTED DEVELOPMENT

Sheds
Storage of marine equipment

DEVELOPMENT SUBJECT TO TERMS AND CONDITIONS(Conditional Uses)

- (a) Playground
- (b) Outdoor recreational facilities
- (c) Similar Uses, see section 3.5

ZONE REQUIREMENTS

No building shall have a height exceeding 10 feet.
No building shall have a floor area larger than 25 sq. metres.

7.6 PROTECTIVE DEVELOPMENT (PD)

DEVELOPMENT SUBJECT TO TERMS AND CONDITIONS(Conditional Uses)

Cemeteries
Water Reservoirs
Source of drinking water

ZONE REQUIREMENTS

No Development shall take place within 100 metres of a Cemetery
No Development shall take place within 400 metres of a Water
Reservoir
No Development shall take place within 500 metres of the water
source.
No Development shall take place within the watershed of a water
source.

7.7 RESTRICTIVE DEVELOPMENT (RD)

DEVELOPMENT SUBJECT TO TERMS AND CONDITIONS(Conditional Uses)

Solid Waste Disposal Site
Sewage Disposal Site

ZONE REQUIREMENTS

No Development shall take place within 450 metres of a Solid Waste Disposal Site or Sewage Disposal Site.

7.8 HINTERLAND (H)

Hinterland is all land within the Municipal Boundary of Arviat that has not been zoned for another use.

PERMITTED USES

Temporary tenting or camping

DEVELOPMENT SUBJECT TO TERMS AND CONDITIONS(Conditional Uses)

Quarry

Telecommunication towers and facilities

Navigational Aids

Cemeteries

Resource development, installations for scientific or archeological research,

Parks, playing fields or recreational area

Environmental reserves for watershed protection

Windmills and accessory buildings

Snow fences

Any accessory building, structure or use, incidental to the permitted main use of the land, building or structure, subject to section 3.6.

Similar Uses, see section 3.5

ZONING REQUIREMENTS

Any development within this zone shall be subject to the policies; regulations and standards established Transport Canada and NAV Canada.

No development is permitted within 200 metres downwind of any snow fence without the approval of council.

No development is permitted within 100 metres of a cemetery.

No development is permitted within 200 metres of a windmill.

No development is permitted within 100 metres of an archeological site.

7.9 TRANSPORTATION (T)

DEVELOPMENT SUBJECT TO TERMS AND CONDITIONS(Conditional Uses)

Uses considered normally part of an airport, subject to consultation with Nunavut Airports.

ZONING REQUIREMENTS

Any development within this zone shall be subject to the policies, regulations and standards established by Transport Canada and NAV Canada.

7.10 URBAN RESERVE (UR)

No Development permitted.

The Urban Reserve Zone refers to land which, by their location adjacent to the built-up portion of the community are suited to community expansion but are affected by significant environmental constraints to development (eg. snowdrifting, unsuitable soil condition, poor drainage, or archeological sites). Development of lands with this zone designation will only be permitted when measures are taken which effectively overcome the particular environment limitation presented by a site. The lands within the zone shall remain undeveloped, reserved for community expansion, until such time that this requirement is met. The primary use of these lands, when developed, shall be for Residential uses. Any development within this zone shall be considered a conditional use.

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

Permit No.: _____

Date: _____

Application Fee: \$25.00

FORM A

APPLICATION FOR DEVELOPMENT PERMIT

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 Land Owner: _____

P.O. Box No.: _____

Telephone number: _____

Lease Number: _____

Letter of Permission to Occupy File No.: _____

Describe the proposed development:

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:

Side Yard:

Rear Yard:

Flankage (second front 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: _____

Development Permit Applications shall be accompanied by the following information:

- ☐ 1) Site Plan. See Section No 4.3
- ☐ 2) A letter from the Fire Marshal's Office approving the project, for all development other than Single Family Dwellings.
- ☐ 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 water body.
- ☐ 5) Letter from Nunavut Airports approving the project, if the project is near an airport.
- ☐ 6) A letter requesting a Variance, if the proposed project does not meet the exact zoning regulations.
- ☐ 7) If a Variance or Terms and Conditions are required by the Hamlet Council, a letter from the Applicant will be required stating the adjacent land owners 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

**Signature of Lessee or Private
Land Owner**

(not required if the lessee or private land
owner is the applicant)

Date

Permit No.: _____

Date: _____

Fee: \$10.00

FORM B

APPLICATION FOR HOME OCCUPATION

I/We hereby make application under the provisions of the 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:

State the number of people you will employ and state whether or not they are residents of the Home:

State the number of vehicles and/or equipment you expect to use in conjunction with the business (indicate size):

Where will these 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

HOME OCCUPATION: Requirements, Refer to Section 6.15

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, outdoor storage, or other nuisance;
- ii) Does not employ 2 people who do not live in the dwelling; and
- 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) 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, 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 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 6 months from the date that the permit was issued.

FORM D

Date:

PERMIT - NOTICE OF REFUSAL

Development Permit No.:

You are hereby notified that your application for a Development Permit with regard to the following:

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

Date:

NOTICE OF APPEAL HEARING

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: ☐

Reasons 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

Date:

NOTICE OF APPEAL DECISION

This is to notify you than 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 _____200__

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 50 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

Date:

STOP WORK NOTICE

POSTED ON SITE AND AT THE HAMLET OFFICE

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

Date:

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

POSTED ON SITE AND AT THE HAMLET OFFICE

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

Date:

Fee: \$50.00

APPLICATION FOR AMENDMENT TO THE ZONING BY-LAW

Zoning Amendments are subject to the provisions of the Planning Act Section 35 and Section 4.11 of this By-law.

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

Applicant: _____ **Telephone:** _____

Address:

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

Address: _____

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

Civic Address:

Amendment Proposed:

From: _____ **To:** _____

Reasons in support of Application for Amendment:

Signature of Applicant

Date