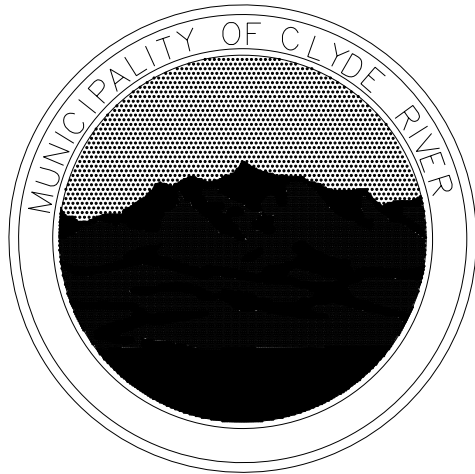


CLYDE RIVER



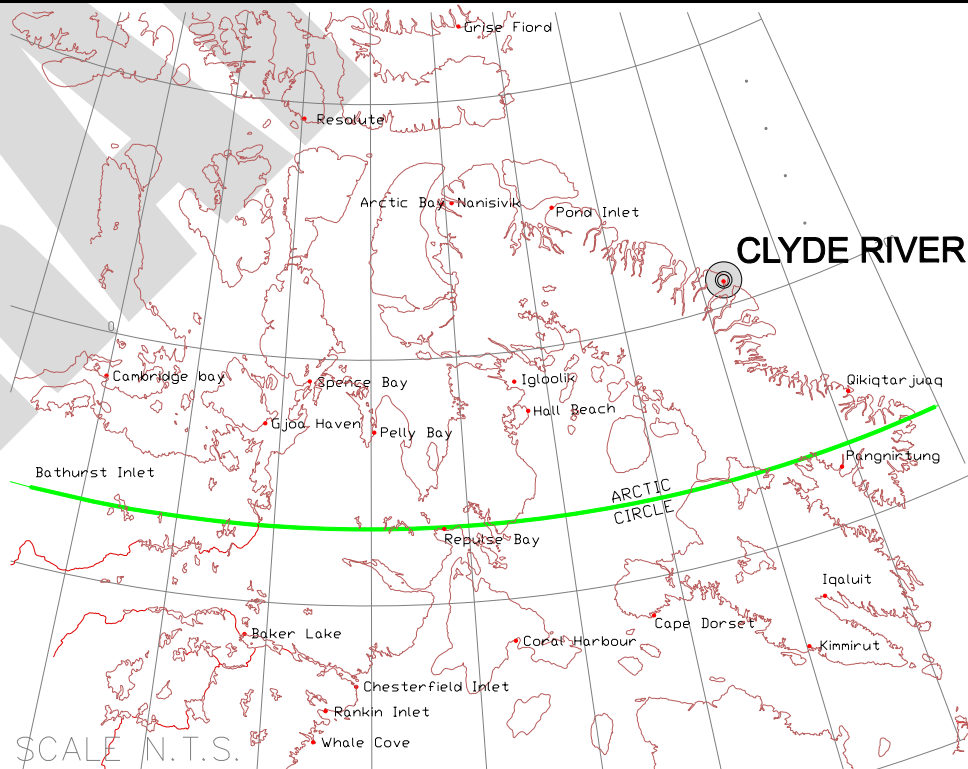
COMMUNITY PLAN & ZONING BY-LAW



LOCATION

LATITUDE 70° 27' N

LONGITUDE 68° 31' W



HAMLET OF CLYDE RIVER COMMUNITY PLAN, SCHEDULE 1

Purpose of the Plan

The purpose of the Hamlet of Clyde River Community Plan (plan) is to guide the development of land within the municipal boundary of the Hamlet of Clyde River. The plan presents a picture of how the residents would like to see the community of Clyde River (community) develop over the next 20 years.

The plan establishes short and long term policies regarding land use and development. The policy statements provide direction to the Council of Clyde River (Council), the Government of Nunavut (government) and the general public on matters regarding current land use and the future growth of the community. The policies ensure that the community develops according to the wishes of its residents.

The plan and its policies provide the basis for Council to:

- * evaluate proposed developments in an informed and consistent manner;
- * determine the rate, type and location of future community growth and redevelopment;
- * determine the design, location and timing of new roads, services, public buildings, schools, recreational facilities and infrastructure;
- * adopt a zoning by-law.

Policies

The Council of Clyde River has adopted the following policies to direct the implementation of By-law No. X, known as the "Clyde River Community Plan". All development shall take place according to the following policies and as shown on Schedule 2, the Land Use Map.

General policies

- * all development proposals shall be submitted to the Hamlet for review and approval;
- * all land applications, subdivision of land and development proposals shall be compatible with this plan;
- * development shall follow the phasing shown on the Land Use Map, Schedule 2 to facilitate orderly and cost efficient growth;
- * a minimum of a one year supply of developed lots shall be maintained;
- * territorial regulations relating to the 450m setback around the current and the old waste disposal sites shall be enforced;
- * development applications for proposals located within the 450m setback of the old waste disposal sites shall be reviewed and approved by the regional Environmental Health Officer with the Department of Health and Social Services before the Hamlet can issue a development permit;
- * under no condition shall an activity which can potentially pollute the community's water source be allowed;
- * granular sites shall be well maintained and restored;
- * all development shall conform to the Fire Marshall's regulations;
- * all development work shall stop if archaeological remains are discovered and the findings shall be reported to the Chief Archaeologist of Nunavut.

For the purpose of this plan, the Hamlet of Clyde River is divided into the following land use areas: Residential, Community Use/Commercial, Industrial, Transportation, Open Space and Hinterland. The areas are shown on the Land Use Map, Schedule 2. The following policies shall guide the development of the each land use area.

Residential

"Residential" areas are to be primarily used for housing. Their function is to provide a safe and pleasant neighborhood for the residents to live in. Uses that are compatible with the primary residential function are acceptable within residential areas.

Specific Policy

1. Submit all development applications for proposals on lots located within the 450m setback of the old waste disposal site #1 to the regional Environmental Health Officer with the Department of Health and Social Services for review and approval. Under no circumstance shall the hamlet approve a development permit for these proposals if it has not received the approval of the health officer.

Community Use/Commercial

"Community Use/Commercial" areas should be concentrated in a central and easily accessible location. They are intended for commercial retail and service type businesses and a wide range of social, cultural, public and administrative services.

Industrial

"Industrial" areas are intended to provide land suitable for uses that typically generate noise, dust, truck traffic, are unsightly and require larger lots. These types of uses can conflict with other types of uses (such as residential) and should be, as much as possible, located in areas separated from the rest of the community.

Specific Policies

1. Offices and caretaker's residential units are acceptable within industrial areas provided they are secondary to the primary use, however, they are not allowed in the 450m setback of the waste disposal site #2.
2. It is recommended to develop lots of varying size in order to accommodate the different needs of light and heavy industry.
3. Heavier industrial uses are to be restricted to the areas furthest from the "Residential" areas.
4. No industrial waste shall be discharged into any water body or dumped in any location in a manner which does not conform to all applicable government standards and regulations, without written approval of the agency having jurisdiction.
5. Where there is the likelihood of air, water or ground pollution from a proposed development, Council may require that the proposed development be referred to the appropriate government agency for study and recommendations.

Transportation

"Transportation" areas are intended for the development of airport facilities such as airstrips, airport terminal buildings, control towers, weather stations and garages.

Specific Policies

1. The integrity of the land reserved for the airport shall be maintained.
2. Any development that may interfere (height, location material composition etc.) with the safe and efficient functioning of the airport shall not be allowed.

Open Space

"Open Space" areas are primarily intended to remain free of development to accommodate the needs of the residents for informal outdoor activities such as gatherings relating to cultural events, for playgrounds and to protect certain natural features such as the shoreline and the banks of streams and lakes.

Specific Policies

1. Create playgrounds for small children in the new residential areas.
2. Promote the development of outdoor recreational facilities such as picnic sites and camp grounds.
3. Restrict development from marshy areas, the banks of streams, the shorelines of lakes and of the sea.
4. Make the waterfront area accessible to all the residents.

Hinterland

Those areas within the municipal boundary of the Hamlet not identified for a specific use on the Land Use Map are designated "Hinterland". Lands within the "Hinterland" areas primarily constitute the community's reserve of land for future expansion. Uses such as municipal infrastructures including water supply facilities, solid waste disposal site, tank farms and telecommunications facilities are acceptable within the Hinterland area.

Specific Policies

1. Preserve, as much as possible, the natural state of the land within the Hinterland area.
2. Promote the creation of historic and cultural sites, tourism facilities, territorial parks and campgrounds.
3. Strictly enforce territorial regulations relating to the 450m setback around the current and the old waste disposal sites.

HAMLET OF CLYDE RIVER
BY-LAW NO. _____
COMMUNITY PLAN

A BY-LAW OF THE HAMLET OF CLYDE RIVER IN
NUNAVUT TO ADOPT A GENERAL PLAN,
PURSUANT TO THE PROVISIONS OF THE PLANNING ACT,
R.S.N.W.T. (1988), C.P.-7, S.4

As the Council of the Hamlet of Clyde River has prepared
a general plan, referred to as the "Clyde River Community
Plan," in accordance with the Planning Act.

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

1. Schedules 1 and 2 of this By-law are declared to form
part of this By-law.
2. The general plan of the Hamlet of Clyde River, known
as the "Clyde River Community Plan," and
Schedule 1, and Schedule 2 of this By-law, is hereby
adopted.
3. This By-law shall come into effect on the date of its
Third Reading.

READ a first time this _____ day of _____, 2005 A.D.

MAYOR SENIOR ADMINISTRATIVE OFFICER

After due notice and a Public Hearing,
READ a second time this _____ day of _____, 200__ A.D.

MAYOR SENIOR ADMINISTRATIVE OFFICER

APPROVED by the Minister of Community And Government Services
this _____ day of _____, 200__ A.D.

MINISTER

READ a third time this _____ day of _____, 200__ A.D.

MAYOR SENIOR ADMINISTRATIVE OFFICER

HAMLET OF CLYDE RIVER
BY-LAW NO. _____
ZONING BY-LAW

A BY-LAW OF THE HAMLET OF CLYDE RIVER IN
NUNAVUT TO ADOPT A ZONING BY-LAW,
PURSUANT TO THE PROVISIONS OF THE PLANNING ACT,
R.S.N.W.T. (1988), C.P.-7, S.4

As the Council of the Hamlet of Clyde River has adopted a
general plan, by By-law No. ____, and

As it is deemed desirable to regulate certain uses of land
and development within the Municipality.

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

1. Schedules 1, 2, and 3 of this By-law are declared to
form part of this By-law.
2. This By-law may be cited as the "Clyde River Zoning
By-law".
3. This By-law shall come into effect on the date of its
Third Reading.

READ a first time this _____ day of _____, 2005 A.D.

MAYOR SENIOR ADMINISTRATIVE OFFICER

After due notice and a Public Hearing,
READ a second time this _____ day of _____, 200__ A.D.

MAYOR SENIOR ADMINISTRATIVE OFFICER

APPROVED by the Minister of Community And Government Services
this _____ day of _____, 200__ A.D.

MINISTER

READ a third time this _____ day of _____, 200__ A.D.

MAYOR SENIOR ADMINISTRATIVE OFFICER

Community Infrastructures

Water Supply
The community obtains water from a lake located approximately 1 km inland from the settlement area. Water is chlorinated and supplied at the truckfill station adjacent to the lake. The lake has sufficient volume to meet the water consumption needs of the community for the next 20 years. The Hamlet operates 2 trucks (2,000 and 1,500 gallon capacity) to distribute water.

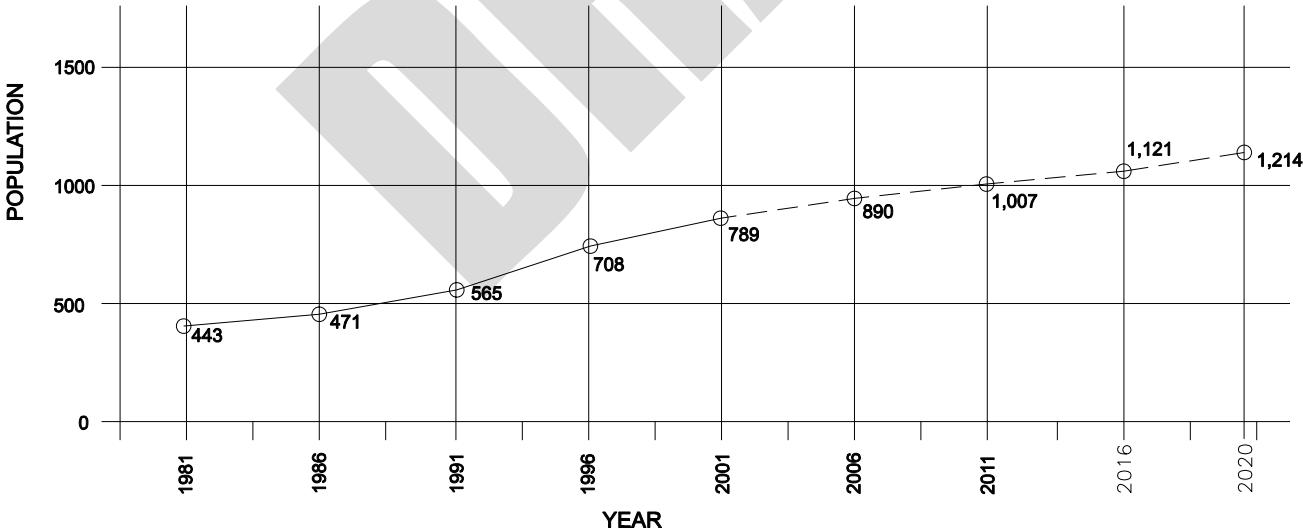
Sewage Disposal
Sewage is disposed of in a 1-cell sewage lagoon having a capacity of 19,500 m3. It is located 1 km west of the hamlet. The lagoon was constructed in 1993 and is reaching its capacity. An additional cell will be constructed in 2004. The Hamlet operates 2 trucks (1,500 gallon and 1,000 gallon capacity) to collect sewage.

Solid Waste Disposal
The solid waste disposal site is located near the sewage lagoon and is accessed by the same road. It was developed in 1992. The site is fenced and garbage is regularly separated, burned, compacted and buried. There is a separate area for bulky wastes. Garbage is collected with 1 truck (8.5 m3 capacity).

Airport
The airport is located 3.2 km east of the community. The primary runway is 1,067m long by 30.5m wide with gravel surface. This airstrip can accommodate a Hawker Siddely 748 and aircrafts with a smaller wing span. The terminal building was built in 2002. The airport is managed by the Government of Nunavut and operated by the Hamlet.

Power
The plant has an installed capacity of 1350Kw with a peak load requirement of 600Kw.

POPULATION GROWTH GRAPH



Source: Northwest Territories Bureau of Statistics
Source: Nunavut Bureau of Statistics

HOUSING REQUIREMENTS

5 YEAR PERIOD (PHASE)	2003-2007	2008-2012	2013-2017	2018-2020
POPULATION PROJECTION	830-913	937-1,082	1050-1,144	1167-1214
HOUSES REQUIRED PER PHASE (3.6 PEOPLE/HOUSE)	23	40	25	13

HAMLET OF CLYDE RIVER ZONING BY-LAW, SCHEDULE 1

Purpose of the Zoning By-law

The purpose of the Hamlet of Clyde River Zoning By-law (zoning-by-law) is to put the Community Plan (by-law No. X) into action. The zoning by-law implements the policies of the Community Plan.

The zoning by-law allows the Hamlet to control land use and development in the community. The control is exercised by requiring that people receive permission from the Hamlet through a development permit before undertaking any development or redevelopment or changing the use of a parcel of land.

The zoning by-law is a legal document with the force of law, therefore, all land use and development requiring a development permit must conform to all its provisions.

Section 1. General

This zoning by-law applies to all the lands within the municipal boundary of the Hamlet of Clyde River.

Should any section, clause or provision of this by-law be held by a court of contempt jurisdiction to be invalid, the remaining provisions and their applications will not be affected and will thereby remain in full force.

Section 2. Interpretation of terms

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

"ACCESSORY" means buildings or uses, such as storage sheds or carver's sheds, which are secondary to and normally associated with the main use and located on the same lot.

"BUILDING" means any structure, stockpile, sign or fixture built or placed on the land.
- Main building means the building serving the principal or primary use for which the lot is intended.
- Temporary building means a building or structure intended for removal or demolition within a prescribed time, not exceeding the time set out in the development permit.

"CONSTRUCTION WORK CAMP" means a temporary facility providing sleeping, eating, food preparation, sanitary conveniences, recreational areas and equipment areas for the people who provide temporary labor services, but not including their dependants.

"COUNCIL" means the Council of the Hamlet of Clyde River.

"DEVELOPMENT" means the carrying out of any construction, excavation, or any operation in, on, over or under the land, or making of any changes in the use or the intensity of use of any land or building and shall include:
- the removal, placement or stockpile of surface material or top soil;
- the use of land for storage or repair of motor vehicles or other machinery or equipment;
- the erection or display of exterior signs greater than one square meter in size;
- the resumption of the use to which land or buildings have been previously put if the use has been discontinued for the period of more than 12 consecutive months; and
- the construction of a building, addition to or replacement of a building, but does not include normal maintenance and repair of a building.

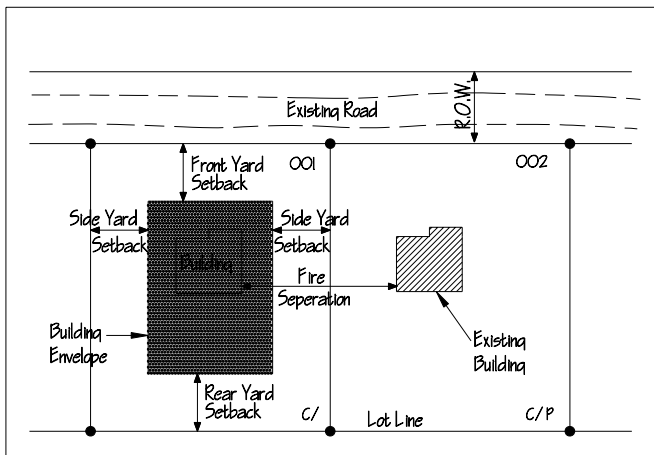
"GRANULAR SITE" means the excavation, processing and stockpile of gravel, stone, sand, fill, clay or other similar substance.

"HOME OCCUPATION" means any business conducted on a residential site or within a housing unit provided the use:
- does not change the residential character of the building or lot by creating problems with noise, traffic or outdoor storage;
- does not employ more than one individual who is not a residence of the dwelling;
- does not show any exterior evidence of the use being carried on, except for a small advertising sign no bigger than 1.0 square meters.

"LOT" means an area of the land that is described on a registered plan, or described on a certificate of title or described by a lease agreement.

"RESIDENTIAL UNIT" means a dwelling with a separate set of living quarters designed or used as a house-keeping unit for one or more people containing cooking, sleeping and sanitary facilities.
- single family residential unit means a separate detached building consisting of one residence;
- multi-family residential unit means a dwelling within a building separated into three or more residences including row-housing and other combinations.

"SETBACK" means the right-angled distance from a lot line.
- For corner lots, only one of the two lines that abut a street is considered the front lot line.



Section 3. Zones and the Zoning Map

3.1 Establishment of Zones

For the purpose of this by-law, the Hamlet of Clyde River is divided into the following zones:

- RESIDENTIAL (R)
- COMMUNITY USE/ COMMERCIAL (C)
- INDUSTRIAL (M)
- TRANSPORTATION (T)
- OPEN SPACE (OS)
- HINTERLAND (H)

3.2 Zoning Map

The location and the boundary of each zone are shown on the Zoning Map, Schedule 2 (zoning map).

3.3 Interpretation of the Zoning Map

If there is any uncertainty as to the location of the boundary of a zone, Council shall interpret the Zoning Map to determine the boundary line based on the edge of the road allowance, surveyed lot lines or unsurveyed lease sketch as shown on the lands map.

3.4 Zoning Chart

Except for otherwise provided in this by-law, the development and redevelopment of all land and buildings in the Hamlet of Clyde River shall conform with zoning regulations shown on Schedule 3, Zoning Chart.

3.5 Exception to the Zoning Regulations

- Minor Variances

Where a proposed development does not conform to the site regulations contained in Schedule 3, Council may vary the regulations having regard for fire safety, service access and the policies of the Community Plan.

- Non-Conforming Use and Building

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 came into effect.

Non-conforming uses are subject to the following regulations:

- the non-conforming use may be transferred to a new owner or occupant;
- the non-conforming building may be enlarged only up to 20 percent of gross floor area of the building as it existed at the date this by-law came into effect;
- if a non-conforming building is damaged or destroyed to an extent greater than 50 percent of the value of the building, it cannot be rebuilt as a non-conforming use but shall comply with this by-law.

Section 4. Administration

4.1 Development Officer

This By-law shall be administered and enforced in accordance with Sections 20, 33, 34 and 35 of the Planning Act. Council shall appoint by resolution a Hamlet employee to serve as Development Officer for the purpose of performing those duties specified in this by-law including authority under Section 20 of the Planning Act to deal with unauthorized construction.

4.2 Development Permit

All developments require a Development Permit except the following:

- an accessory building or use such as a storage shack or carver's shed, provided the building is less than or equal to 8 square meters in size;
- placing fill on a lot for general maintenance or minor improvements provided the drainage of the surrounding area is not affected;
- the addition of a porch to an existing residence;
- traditional and cultural activities in the Hinterland areas, such as the establishment of non-commercial tent camps and cabins.

4.3 Development Permit and Application Fee

Application for a Development Permit shall be made to the Development Officer on a form approved by Council and every application shall be accompanied by the following:
- \$20.00 for the first \$10,000.00 estimated value of the proposed development;
- \$10.00 for every additional \$10,000.00, or part thereof, up to \$100,000.00 estimated value of the development; plus
- \$5.00 for every additional \$10,000.00, or part thereof, up to a maximum fee of \$250.00.

4.4 Decision on the Application for a Development Permit

An application shall be considered by the Development Officer or Council who shall either approve it, approve it subject to conditions or refuse it and provide written reasons for the refusal.

4.5 Public Notice of Approved Permits

When a Development Permit has been granted, the Development Officer shall, within seven days:

- post a notice of decision conspicuously on the lot for which the application has been approved;
- post a notice of the decision in 2 public places.

4.6 Enforcement

Violation of any of the provisions of this by-law or conditions of the development permit is liable of a fine up to \$500.00 plus \$100.00 for every day if the offence continues, as specified in Section 34 of the Planning Act.

4.7 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, each serving a 3-year term as an appeal board member.

4.8 Appeals

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

Where a decision has not been made on the application within 40 days, the applicant may agree in writing to a 14 days extension of the application review.

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.