

Cambridge Bay **Zoning By-law** 2016

Prepared by:

Ehrler Limousin and Associates

In association with:

Northern Futures Planning



**CAMBRIDGE BAY ZONING BY-LAW
BY-LAW No. 289**


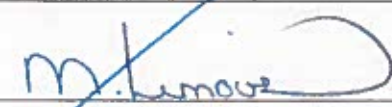
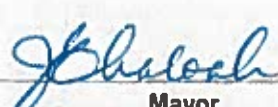

A By-law of the Municipality of Cambridge Bay in Nunavut Territory to adopt a Zoning By-law pursuant to the provisions of the Planning Act, RSNWT, 1988, c. P-7, s.13.

WHEREAS the Council of the Municipality of Cambridge Bay has prepared a Community Plan, and

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

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

1. That the Zoning By-law of the Municipality of Cambridge Bay hereto annexed and marked as Appendix "A" to this By-law, shall hereby constitute the Zoning By-law of the Municipality of Cambridge Bay.
2. This By-law may be cited as the "Cambridge Bay 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 By-law No.222 and all amendments thereto of the Municipality of Cambridge Bay is hereby repealed.

Date of First Reading	(Day) 25	(Month) 07	(Year) 2016
 _____ Mayor		 _____ Senior Administrative Officer	
After due notice and a Public Hearing,			
Date of Second Reading	(Day) 01	(Month) 03	(Year) 2017
 _____ Mayor		 _____ Senior Administrative Officer	
Approved by the Minister of Municipal & Community Affairs	(Day)	(Month)	(Year)
_____ Minister			
Date of Third Reading and Passed	(Day)	(Month)	(Year)
_____ Mayor		_____ Senior Administrative Officer	


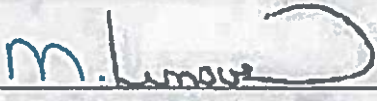


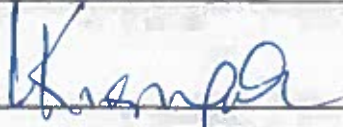

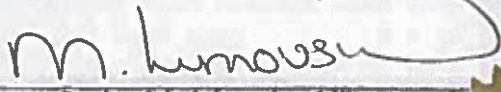
Date of First Reading	(Day) 25	(Month) 07	(Year) 2016
 Mayor	 Senior Administrative Officer		
After due notice and a Public Hearing,			
Date of Second Reading	(Day) 01	(Month) 03	(Year) 2017
 Mayor	 Senior Administrative Officer		
Approved by the Minister of Community and Government Services	60 (Day)	November (Month)	2019 (Year)
 Minister			
Date of Third Reading and Passed	(Day) 09	(Month) 01	(Year) 2019
 Mayor	 Senior Administrative Officer		



Table of Contents

TABLE OF CONTENTS	I
SECTION 1: INTRODUCTION & INTERPRETATION	1
PURPOSE	1
DEFINED AREA	1
SCOPE	1
VALIDITY	1
ESTABLISHMENT OF ZONES	1
INTERPRETATION OF ZONING BOUNDARIES	1
SECTION 2 – DEFINITIONS	2
INTERPRETATION	2
DEFINITIONS	2
SECTION 3 – ADMINISTRATION	12
POWERS OF COUNCIL	12
PLANNING COMMITTEE	12
DEVELOPMENT OFFICER & DUTIES	12
DEVELOPMENT PERMIT	13
AUTHORITY OF DEVELOPMENT OFFICER	14
DEVELOPMENT PERMIT SUBMISSION REQUIREMENTS	14
NOTICE OF DECISION	15
EXPIRY OF DEVELOPMENT PERMIT	16
ENFORCEMENT	16
DEVELOPMENT AGREEMENTS	16
DEVELOPMENT APPEAL BOARD	16
ZONING BY-LAW AMENDMENTS	17
RULES OF INTERPRETATION	17
INSPECTION OF PREMISES	18
VIOLATIONS AND PENALTIES	18
SECTION 4 - COMPLIANCE WITH OTHER REGULATIONS	19
REVIEW BY FIRE MARSHAL'S OFFICE	19
NUNAVUT IMPACT REVIEW BOARD	19
NUNAVUT WATER BOARD AND INDIGENOUS AND NORTHERN AFFAIRS CANADA	19
NUNAVUT PLANNING COMMISSION	19
LEGAL LAND TENURE	20
AIRPORT ZONING REGULATIONS	20
SCIENTIFIC INSTALLATIONS	20
ARCHAEOLOGICAL SITES	20
GRANULAR EXTRACTION	20
UTILITY CORPORATION	20
GENERAL SANITATION REGULATIONS	21
SECTION 5 - GENERAL PROVISIONS	22
ACCESSORY BUILDINGS AND STRUCTURES	22
BUILDINGS TO BE MOVED	22
DAY CARE FACILITIES	22
FENCES	22
FRONTAGE ON A STREET	22
FRONTAGE ON CURVES	23

HEIGHT	23
HOME OCCUPATION	23
LOADING SPACE REQUIREMENTS	24
MINOR VARIANCE	24
NON-CONFORMING BUILDING OR USE	24
PARKING REQUIREMENTS	25
PERMITTED PROJECTIONS INTO YARDS	25
RESTORATION TO A SAFE CONDITION	26
TEMPORARY CONSTRUCTION USES PERMITTED	26
UTILITIES	26
WATERCOURSE SETBACK	26
WATERSHED AREA	26
YARD REGULATIONS	26
SECTION 6 - ZONE REGULATIONS	28
RESIDENTIAL	29
CORE AREA	31
COMMERCIAL & COMMUNITY	33
MAJOR INSTITUTION	34
OPEN SPACE	35
SEASONAL WATERFRONT USE	37
GENERAL INDUSTRIAL	38
RESTRICTED INDUSTRIAL	40
MUNICIPAL RESERVE	41
NUNA	42
TRANSPORTATION	44
SECTION 7 – FEES	45
SECTION 8 – FORMS	47
FORM A – APPLICATION FOR DEVELOPMENT PERMIT	48
FORM B – APPLICATION FOR HOME OCCUPATION	51
FORM C – DEVELOPMENT PERMIT & NOTICE OF APPROVAL	53
FORM D – NOTICE OF DEVELOPMENT PERMIT REFUSAL	54
FORM E – NOTICE OF APPEAL HEARING	55
FORM F – NOTICE OF APPEAL DECISION	56
FORM G – STOP WORK NOTICE	57
FORM H – USE OF LAND IN VIOLATION OF ZONING BY-LAW NOTICE	58
FORM I – APPLICATION FOR AMENDMENT TO ZONING BY-LAW	59
FORM J – REQUEST FOR VARIANCE	60
FORM K – MOVING PERMIT	61

SCHEDULE 1: COMMUNITY LAND USE & ZONING MAP

SCHEDULE 2: MUNICIPAL BOUNDARY MAP

SECTION 1: INTRODUCTION & INTERPRETATION

PURPOSE

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

DEFINED AREA

- 1.2 This By-law applies to all lands within the Municipal Boundaries of the Municipality of Cambridge Bay.

SCOPE

- 1.3 No land shall be used and no development shall take place within the Municipality of Cambridge Bay except in conformity with the provisions of this By-law.

VALIDITY

- 1.4 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.

ESTABLISHMENT OF ZONES

- 1.5 For the purpose of this By-law, the Municipality of Cambridge Bay is divided into zones. The extent and boundaries of all zones are delineated on Schedules 1 and 2; entitled "Community Land Use and Zoning Map" and "Municipal Boundary Map" which specify the zoning provisions applying to particular lands.

INTERPRETATION OF ZONING BOUNDARIES

- 1.6 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 Schedules 1 & 2 to determine the boundary line based on the centerline of a public road, a surveyed lot line, or an unsurveyed lease sketch.



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.

DEFINITIONS

- 2.2 In this By-law:

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

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

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

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

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

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

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

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



"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.

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

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

"CABIN" means a building that is used for recreation and land-based harvesting purposes and may be seasonally occupied for short periods. Cabins are not intended for long-term human habitation.

"CAMPING, TEMPORARY" shall mean using land as a temporary camp for recreational and cultural purposes including hunting and hiking.

"CAMPGROUND" shall mean a permanent site used for seasonal camping, parking of tents and/or picnicking. A Campground may include an accessory building.

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

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

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

"COMMERCIAL USE" means a building from which business may be transacted, a service performed or a consultation given such as a bank, office, hair salon, tailor, dry cleaning, laundry, or veterinary clinic.

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



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

“CONTRACTOR’S YARD” means premises used by any building trade or other construction or service contractor for the purpose of: a) storing equipment, vehicles, or materials and may include construction and heavy equipment and commercial motor vehicles but not including derelict motor vehicles; or b) performing shop work or assembly work; or c) the base of operations for persons who are employed by or associated with the business, including the assembly or rally of such persons for transportation to a work site off the premises.

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

“COMMUNITY PLAN” means the Community Plan of the Municipality of Cambridge Bay, known as the ‘Cambridge Bay Community Plan’

“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.

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

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

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

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



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

"DOG TEAM" means three or more dogs trained to be harnessed together and used for recreational or commercial purposes or in the maintenance of a subsistence lifestyle. Dogs will be tethered on a chain together.

"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, MULTI-UNIT" means a building that contains 3 or more dwelling units divided either vertically or horizontally and which may have independent or combined entranceways.

"DWELLING, 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.

"DWELLING, SEMI-DETACHED" means a building that is divided either vertically or horizontally into 2 dwelling units.

"DWELLING, SINGLE-UNIT" means a separate detached building consisting of one dwelling.

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

"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.



"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.

"GOVERNMENT SERVICE" means any buildings or lands from which government services are offered, including fire and police protection, municipal services, government offices, and correctional facilities, but excludes outside storage or the servicing of machinery and equipment.

"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.

"GREENHOUSE" means a building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation.

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

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

"HAZARDOUS GOODS STORAGE" means any of the following:

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

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



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

"HOTEL" means a permanent 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 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.

"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 manoeuvring areas and which is used for the temporary parking of a commercial motor vehicle while merchandise or materials are being loaded or unloaded from the vehicles.

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

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

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

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

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

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

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

- i) in the case of a corner or through lot – the shorter lot line abutting the street shall be the front lot line, and where such lot lines are of equal length, the lot line where the principal access to the lot is provided shall be the front lot line.



- ii) in the case of a lot, which has one of its boundaries the shoreline of a lake or the bank of a river – the lot facing the access road shall be deemed to be the front lot line.

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

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

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

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

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

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

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

“MUNICIPALITY” means the Municipality of Cambridge Bay.

“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.

“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.

“PARK” means a park, playground or playfield and may include athletic fields, public gardens, bandstand, outdoor skating rinks, fairgrounds, golf courses, or similar uses.

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

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



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

"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 diesel or gas, or large-scale renewable sources, such as hydro-electric, wind turbines or large solar arrays. It does not include small-scale renewable energy facilities (e.g. wind turbine, solar photovoltaic arrays, tidal and ocean current power systems) that have a power rating of 15 kW or less. These small-scale facilities fall under the definition of **"UTILITY INSTALLATION"**.

"PUBLIC STREET" means a road which affords the principal means of access to abutting lots and is open and maintained on a regular, year-round basis by the Corporation.

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

"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 USE" means a building, converted or purpose-built, comprised solely of a dwelling unit or dwelling units, and includes a single unit, multi-unit and/or semi detached dwelling unit.

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

"SEA CONTAINER OR SEA CAN" means a container previously used for the transportation of goods by ship and which is now being used for storage, harvesting, or a workshop; a sea container being used in this way shall be defined as an accessory use for the purposes of this By-law.

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



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

"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.

"SNOW FENCE" means a fence erected to prevent hazardous snowdrifts.

"STREET OR ROAD" means the whole and entire right-of-way of every road allowance in the Municipality of Cambridge Bay.

"STREET LINE" means the boundary line of a street.

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

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

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

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

"VEHICLE SERVICE & REPAIR SHOP" means a place where motor vehicles are fuelled, serviced, repaired, or stored for rental, sale or display.

"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. No flammable products shall be stored on the outside of the building.



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

"WASTE PROCESSING & STORAGE FACILITY" means a facility where non-hazardous waste is sorted, processed and temporarily stored prior to transfer off the site, and may include a composting facility, recycling facility, or soil remediation facility (ie. landfarm).

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

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

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

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

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

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

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



SECTION 3 – ADMINISTRATION

POWERS OF COUNCIL

- 3.1 All development must be approved by Council, unless otherwise stated in this By-law.
- 3.2 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.

PLANNING COMMITTEE

- 3.3 The Planning Committee shall consider and make recommendations to Council on applications to amend the Sections or Schedules of this By-law and such other matters as are referred to it.

DEVELOPMENT OFFICER & DUTIES

- 3.4 The Municipal Council shall appoint a Development Officer as an authorized Officer of Council.
- 3.5 The Council will authorize the Development Officer to perform the following duties:
- (a) Exercise, on behalf of Council, the powers of Council under section 20 (Unauthorized Construction) of the *Planning Act*;
 - (b) 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.
 - (c) Carry out other duties as may be prescribed in this By-law;
 - (d) Receive and review applications for Development Permits, amendments and variances to this By-law;
 - (e) Prepare a report to Council regarding applications for Development Permits, amendments and variances to this By-law;
 - (f) Determine whether an application under this By-law is considered complete;
 - (g) Approve, approve with conditions, or refuse Development Permit applications where authority to approve those applications has been granted by Council in this By-law.
 - (h) Issue Notice of Decisions subject to the provisions of this By-law;
 - (i) 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;
 - (j) Carry out any inspection on lands or premises necessary to enforce this By-law.



DEVELOPMENT PERMIT

- 3.6 No person or agency shall undertake development without a Development Permit.
- 3.7 No Development Permit shall be issued for development that is in contravention of this By-law.
- 3.8 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.
- 3.9 The approval of a Development Permit shall not exempt any person or agency from complying with the requirements of any other by-law in force within the Municipality of Cambridge Bay or to obtain any license, permission, or permit required by municipal, territorial and federal legislation.
- 3.10 All development requires a Development Permit except for the following:
- (a) For grading or landscaping where the cutting or filling is less than 1 metre and provided that the drainage of the surrounding area is not affected;
 - (b) Traditional and cultural activities including non-commercial tent camps and cabins in the Nuna Zone;
 - (c) 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;
 - (d) Minor repairs or renovations that do not increase the floor space of the building, but does not exempt anyone from informing the Fire Marshal's Office of their plans;
 - (e) A temporary building (eg. sea container) or structure associated with construction, unless such building or structure is used for human habitation.
 - (f) The installation, maintenance and repair of public works, services and utilities carried out by the City on land which is publicly owned or controlled;
 - (g) Temporary election campaign signs and signs not exceeding 1 square metre in size;
 - (h) Decks or open porches in the Residential Zone that meet all provisions of this By-law;
 - (i) An accessory building having an area of less than 10m² that meets all other provisions of this By-law;
 - (j) Home Occupation that does not require parking;
 - (k) A change in use to a building where there are no additions or extensions to the building and no changes to the site design (eg. no changes to parking or access).



AUTHORITY OF DEVELOPMENT OFFICER

3.11 After review and approval by the Hamlet Council, the Development Officer shall have the authority to issue Development Permits for the following classes of development, provided that the application does not require a variance:

- (a) Dwelling, Single-Unit
- (b) Dwelling, Semi-Detached
- (c) Dwelling, Multi-Unit
- (d) Dwelling, Secondary Suite
- (e) Home Occupation
- (f) Accessory Building or Structure

3.12 Despite Section 3.11 above, the Development Officer may refer an application for a Development Permit, together with a recommendation to Council for a decision, if there is broad community interest in the application, a conflict of interest and/or if directed by the Senior Administrative Officer. The applicant must be informed that an application is being referred to Council for a decision.

DEVELOPMENT PERMIT SUBMISSION REQUIREMENTS

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

3.14 Every application shall be accompanied by:

- (a) The required application fee as shown in Schedule 7 – Fees.
- (b) Any development where the Municipality will be the owner of that development are exempt from development permit application fees.
- (c) A site plan drawn to scale in metric units and showing:
 - (i) The location of existing buildings;
 - (ii) The front of the building;
 - (iii) All legal dimensions of the lot(s);
 - (iv) The location and dimensions of surrounding lots and buildings;
 - (v) Plans of the proposed buildings showing dimensions;
 - (vi) Proposed front, rear, and side yard setbacks;
 - (vii) Access points to property;
 - (viii) Exterior materials;
 - (ix) The location of outdoor fuel storage facilities, and
 - (x) The location of municipal services on the exterior of buildings such as water fill and sewer pump connection; and garbage access;
 - (xi) The location of water and sewage storage tanks.



- (d) The Development Officer may require the applicant to submit additional information to verify the compliance of the proposed development with the regulations of this bylaw.
- (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) If the person applying for the Development Permit is not the Owner, then a Letter of Consent is required from the Owner indicating that the person is the Owner's duly authorized agent.
- (g) The Development Officer may require a signed copy of a deed, lease or reserve agreement for the land.

3.15 Where the Development Officer determines that an application for a Development Permit is incomplete or contains incorrect information, the applicant shall be notified, and further processing of the application may be suspended until such further information has been provided and/or corrected by the applicant.

NOTICE OF DECISION

3.16 Each application shall be considered by Council or the Development Officer as required by this By-law, and shall be either approved, approved with conditions, or refused. Where an application is refused, written reasons must be provided for the refusal.

3.17 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.

3.18 When an application is approved, the Development Officer will within 3 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 Municipal Office.

3.19 When a Variance has been granted, the Development Officer will within 3 days of the date of decision send a Notice of Decision to adjacent property owners.

3.20 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.



EXPIRY OF DEVELOPMENT PERMIT

- 3.21 A Development Permit shall become void if:
- (a) The development is not completed within 2 years of the date of Notice of Decision or within any period of extension granted by the Development Officer; or
 - (b) The development has not been commenced after 1 year of the date of Notice of Decision or within any period of extension granted by the Development Officer; or
 - (c) If there has been any violation of this By-law or of any conditions in the permit.

ENFORCEMENT

- 3.22 A Stop Work Order will be immediately issued and all structures and or granular material, partial or otherwise shall be removed from the site.
- 3.23 Anyone violating any provision of this By-law or conditions of a Development Permit is liable to a fine of \$500 plus \$100 for every day the offence continues, as specified in Section 34 of the Planning Act and Sections 105,106,107 and 108 of the Hamlets Act.

DEVELOPMENT AGREEMENTS

- 3.24 The Development Officer may recommend that a Development Agreement be required as a condition of approval for a Development Permit. The Development Agreement may contain contractual arrangements as to the following:
- (a) Design, including exterior materials and signage of any proposed building or structure;
 - (b) The provision of site grading, landscaping, fencing, screening materials, location of garbage receptacles, and lighting;
 - (c) The replacement or construction of roads, sidewalks and street lighting associated with the development;
 - (d) The provision of municipal services;
 - (e) The provision of on-site amenities;
 - (f) The provision of parking;
 - (g) The moving of buildings; and,
 - (h) Financial security for the implementation of the above-noted matters.

DEVELOPMENT APPEAL BOARD

- 3.25 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 Municipality.
- 3.26 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 a Notice of Decision.

- 3.27 Upon receiving in writing an appeal, the Development Appeal Board shall:
- (a) Hold a hearing with a minimum of 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.
- 3.28 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.

ZONING BY-LAW AMENDMENTS

- 3.29 A person who seeks to have this By-law amended shall submit an application to Council with the following:
- (a) A copy of their lease or certified true copy of their certificate of leasehold title;
 - (b) A fee as per Section 7 of this By-law;
 - (c) Any information as may be required by Council.
- 3.30 Any development where the Municipality will be the owner of that development are exempt from development permit application fees.

RULES OF INTERPRETATION

- 3.31 Typical uses listed in the definitions as examples are not intended to be exclusive or restrictive. Reference should be made to the intent, impact and definition of the use in determining whether or not the type of use proposed is consistent with the examples listed.
- 3.32 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.

INSPECTION OF PREMISES

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

VIOLATIONS AND PENALTIES

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



SECTION 4 - COMPLIANCE WITH OTHER REGULATIONS

- 4.1 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 Cambridge Bay or to obtain any license, permission, or permit. Authority or approval required by any other by-law of the Municipality of Cambridge Bay or statute and regulations of the Government of Nunavut or the Government of Canada.
- 4.2 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.

REVIEW BY FIRE MARSHAL'S OFFICE

- 4.3 The Municipal Council shall seek the comments of the Fire Marshal's Office before approving a development application for the following type of uses:
- a) Residential uses:
 - i. All semi-detached, or multi-unit dwellings; and
 - ii. Single units that do not meet the required setbacks; and
 - b) All non-residential uses.

Applications for development permits must include proof that the development has been approved by the Fire Marshal's office.

NUNAVUT IMPACT REVIEW BOARD

- 4.4 Industrial development which is subject to screening must be approved by the Nunavut Impact Review Board (NIRB) before a Development Permit can be issued.

NUNAVUT WATER BOARD AND INDIGENOUS AND NORTHERN AFFAIRS CANADA

- 4.5 The Nunavut Water Board (NWB) must approve all projects proposing to use, or dispose of waste into water, including proposals to partially or fully fill a waterbody. Once approved, Indigenous and Northern Affairs Canada (INAC) enforce the licenses. If a waterbody is deemed "navigable," Transport Canada must also approve these activities, pursuant to the Navigable Waters Protection Act (NWPA). If applicable, the project will also be circulated to the Department of Fisheries and Oceans Canada (DFO) for review and approval.

NUNAVUT PLANNING COMMISSION

- 4.6 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.

LEGAL LAND TENURE

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

AIRPORT ZONING REGULATIONS

- 4.8 Any land use or development must be compliant with the Cambridge Bay Airport Zoning Regulations. Any building or structure that may not be compliant with these Regulations should be submitted to Director of Nunavut Airports for review.

SCIENTIFIC INSTALLATIONS

- 4.9 Notwithstanding the Zone Regulations (Section 6), no use or development shall be permitted which will interfere with the operation of atmospheric monitoring or other scientific installations (eg. Telecommunications, radar, seismic array, 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.

ARCHAEOLOGICAL SITES

- 4.10 Whenever archaeological specimens are found during construction, they should be reported immediately to the Development Officer, who must immediately report them to the Chief Archaeologist at the Department of Culture, Language, Elders and Youth. All development must comply with the Nunavut Lands Claim Agreement, Section 33 and 34, and the Nunavut Archaeological and Palaeontological Sites Regulations.

GRANULAR EXTRACTION

- 4.11 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.
- 4.12 The Nunavut Impact Review Board must review all Quarry Permits within the Municipal boundary.

UTILITY CORPORATION

- 4.13 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.



GENERAL SANITATION REGULATIONS

4.14 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 a waste disposal site, require review and approval from the Environmental Health Officer prior to the issuance of a development permit.



SECTION 5 - GENERAL PROVISIONS

ACCESSORY BUILDINGS AND STRUCTURES

- 5.1 Accessory uses, buildings, and structures (which includes sea containers) shall be permitted in any Zone, subject the following provisions:
- (a) The sum of the gross floor area of all accessory buildings on the lot shall not exceed 40 m² in any Residential Zone, Core Area Zone, or Commercial & Community Zone.
 - (b) The number of buildings shall be limited to 2 in the Residential Zone.
 - (c) No more than 1 sea container is permitted on a lot in the Residential Zone, Core Area Zone, or Commercial & Community Zone.
 - (d) The building or structure shall not exceed a height of 5.0 m.
 - (e) The building or structure shall not be located in the front yard or exterior side yard, except in a Residential Zone where the building or structure may be located a minimum of 3.0 m from a front lot line or exterior side lot line.
 - (f) The building or structure shall not be located closer than 1.0 m to any interior side or rear lot line;
 - (g) Not be used for habitation.
 - (h) Not be used for the keeping of animals other than household pets;

BUILDINGS TO BE MOVED

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

DAY CARE FACILITIES

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

FENCES

- 5.4 No fences are permitted in a residential area, except when required for a Day Care Centre, Park or similar use. Fences may be permitted as part of industrial, airport, core area and community use developments but will be subject to terms and conditions set out by Council.

FRONTAGE ON A STREET

- 5.5 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. Where a lot



has frontage on more than one street, the Development Officer may require any building, structure, or accessory building on the lot to maintain a front yard on each street so as to present a consistent street appearance on each street.

FRONTAGE ON CURVES

- 5.6 Where the front lot line of any lot is a curved line or when the sidelines of a lot are not parallel, the minimum front lot line shall be a minimum of 10 m.

HEIGHT

- 5.7 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;
 - (b) the average level of a sloped roof, provided that such a roof has a slope of less than 20°, or;
 - (c) the average level between eaves and ridges in the case of a pitched gambrel mansard or hipped roof.
- 5.8 The height of buildings and structures in the vicinity of airports are regulated by Airport Zoning Regulations. Refer to section 4.8.
- 5.9 Where height limitations are set forth in this By-law, such limitations shall not apply to artworks and cultural structures (i.e. Inukshuks), aids to navigation or aviation, antennae, bulk storage tanks, chimneys, church steeples, clock towers, communication facilities, electrical supply facilities, fire towers, flagpoles, lighting standards, lightning rods, mechanical equipment penthouses, skylights, solar panels, stacks, water tanks, or windmills. Notwithstanding the foregoing, limitations prescribed by a Federal Ministry or other Authority with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.
- 5.10 The height of buildings and structures in the vicinity of airports are regulated by Airport Zoning Regulations. Refer to the Airport Zoning Regulations (Section 4.8) of this By-law.

HOME OCCUPATION

- 5.11 Where a home occupation is permitted under this By-law, a home occupation is subject to the following requirements:
- (a) Does not change the residential character of the lot by creating problems with noise, traffic, outdoor storage, or other nuisance;
 - (b) Does not employ more than 2 people who do not live in the dwelling;
 - (c) Does not show any evidence that there is a business in the dwelling unit except



- for a sign no bigger than 0.3 m²;
- (d) No more than 25% of the gross floor area of the dwelling shall be used for a home occupation.

LOADING SPACE REQUIREMENTS

- 5.12 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.

MINOR VARIANCE

- 5.13 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 use	all other uses
Front Yard	50%	Discretion of Council
Side Yard	25% with prior authorization of the Fire Marshal	15% with prior authorization of the Fire Marshal
Rear Yard	25%	15%
Rear Yard abutting Nuna Zone or Open Space Zone	50%	25%

NON-CONFORMING BUILDING OR USE

- 5.14 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.

PARKING REQUIREMENTS

- 5.15 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) Commercial Use – 1 space per 50 m² of gross floor area
 - (d) Community Use – 1 space per 75 m² of gross floor area
 - (e) Industrial – 1 space for every 2 people working on site
 - (f) School – 1 space for every 3 people working on site
 - (g) Open Space – Discretion of Development Officer or Council.
 - (h) Other uses not specifically listed shall be determined by the Development Officer in considering similar types of uses and the anticipated parking demands of the proposed development.
- 5.16 Each required parking space shall be 6.0m in length and 2.7m wide.
- 5.17 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 6.0 m in length and 3.7 m wide.

PERMITTED PROJECTIONS INTO YARDS

- 5.18 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. This section does not apply to the projection of any structure into the minimum required setback from watercourse or waterbodies.

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



RESTORATION TO A SAFE CONDITION

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

TEMPORARY CONSTRUCTION USES PERMITTED

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

UTILITIES

- 5.21 Structures or buildings required by the Municipality of Cambridge Bay 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. 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.

WATERCOURSE SETBACK

- 5.22 No development shall be permitted within 30.5 m of a navigable waterbody except subject to terms and conditions of the Municipal Council.

WATERSHED AREA

- 5.23 Notwithstanding the permitted and conditional uses of the underlying Zone, on lands subject to the Watershed Area, no residential, commercial or industrial development is permitted.
- 5.24 Despite Section 5.24 above, uses accessory to the supply of water such as a pipeline, a pumping or monitoring station or a road are permitted.

YARD REGULATIONS

- 5.25 No person shall keep or permit in any part of the yard in the Residential Zone, Core Area Zone, or Commercial & Community 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.

5.26 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 or be in contravention of the Property Standards Bylaw.



SECTION 6 - ZONE REGULATIONS



RESIDENTIAL**6.1 Permitted Uses**

Dwelling, Multi-Unit
Dwelling, Semi-Detached
Dwelling, Single-Unit
Park

6.2 Conditional Uses

Bed and Breakfast
Craft Studio
Day Care Centre
Dwelling, Secondary Suite
Elders Facility
Group Home
Home Occupation
Utility Installation

6.3 Zone Requirements

Please note that Council will not grant any variances in setbacks.

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

Setbacks (minimum)

Front=6 m
Rear= 4.5 m
Rear, backing onto an Open Space Zone = 2.5 m
Side (Exterior) = 4 m
Side (Interior) = 4.5 m, or as required by the Fire Marshal

Building Height (maximum)

10 m

(b) Despite the provisions of Section 6.3(a), for **Semi-Detached Dwellings** or **Multi-Unit 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) For any Conditional Use, the development shall be of a quality and character that is compatible with the surrounding development.
- (e) The following provisions will apply to **Secondary Suite Dwelling**:
 - (i) The suite forms part of a Single-Unit Dwelling or Semi-Detached Dwelling;
 - (ii) The suite is structurally attached or located within the principal dwelling;
 - (iii) The suite does not exceed a floor area of 25% of the principal dwelling, or 60 m² of gross floor area, whichever is less.
- (f) The following provisions will apply to a **Bed and Breakfast**:
 - (i) The bed and breakfast lodging forms part of a single unit dwelling;
 - (ii) The number of bedrooms devoted to the use shall not exceed 4 in number;
 - (iii) No sign in connection with the use shall exceed 0.75 m² in area nor exceed one in number;
 - (iv) On-street parking shall be prohibited; and
 - (v) The use should conform to all Building and Fire Codes.



CORE AREA

6.4 Permitted Uses

Commercial Recreation & Entertainment
Commercial Use
Community Centre
Craft Studio
Day Care Centre
Educational Facility
Elders' Facility
Government Service
Group Home
Health Care Facility
Home Occupation
Hotel
Park
Parking Lot
Place of Worship
Restaurant
Retail Store
Service and Repair Shop
Utility Installation

6.5 Conditional Uses

Dwelling Unit(s), in a non-residential building provided that no dwelling units are located on the ground floor

6.6 Zone Requirements

(a) The following provisions applies to all development in the Commercial Zone:

Setbacks (minimum)

Front = 6 m

Rear =4.5 m

Side (Exterior) = 4 m

Side (Interior) =4.5 m, or as required by the Fire Marshal



Building Height (maximum)

11 m

- (b) A covered or screened area for garbage and trade waste is required.



COMMERCIAL & COMMUNITY

6.7 Permitted Uses

- Commercial Use
- Community Centre
- Craft Studio
- Day Care Centre
- Educational Facility
- Elders' Facility
- Group Home
- Health Care Facility
- Home Occupation
- Park
- Place of Worship
- Restaurant
- Retail Store
- Service and Repair Shop
- Utility Installation

6.8 Conditional Uses

Dwelling Unit(s), in a non-residential building provided that no dwelling units are located on the ground floor

6.9 Zone Requirements

- (a) The following provisions applies to all development in the Commercial & Community Zone:

Setbacks (minimum)

- Front =6m
- Rear = 4.5m
- Side (Exterior) = 4 m
- Side (Interior) =4.5 m, or as required by the Fire Marshal

Building Height (maximum)

11 m

- (b) A covered or screened area for garbage and trade waste is required.



MAJOR INSTITUTION

6.10 Permitted Uses

Commercial Use
Dwellings, Multi-Unit
Industrial Use
Outdoor Storage
Research laboratory
Utility Installation
Waste Processing & Storage Facility

6.11 Conditional Uses

Hazardous Goods Storage
Power Generation Facility
Waste Disposal Site

6.12 Zone Requirements

(a) The following provisions applies to all development in the Major Institution Zone:

Setbacks (minimum)

Front = 6 m
Rear = 6 m
Side (Exterior) = 6 m
Side (Interior) = 6 m

Building Height (maximum)

11 m

- (b) When considering a Conditional Use, Council shall consider the following:
- (i) A **Power Generation Facility** or **Hazardous Goods Storage** are located and designed such that there is no risk to public health and safety.
 - (ii) The Conditional Use has been subject to screening and/or review by the Nunavut Planning Commission and/or the Nunavut Impact Review Board in accordance with the *Nunavut Planning and Project Assessment Act*.



OPEN SPACE**6.13 Permitted Uses**

Tent Camping, Temporary
Campground
Cemetery
Monument, cairn or interpretive facilities
Park
Snow Fence
Utility Installation

6.14 Conditional Uses

Beach Shacks
Dog Teams
Heritage Buildings
Outdoor Storage
Cabins for Elders

6.15 Zone Requirements

- (a) The following provisions applies to all development in the Open Space Zone:

Gross Floor Area (maximum)

36 m²

Building Height (maximum)

4 m

- (b) No building or structure shall be located closer than 10 m to any side or rear lot line.
- (c) When considering a Conditional Use, Council shall consider the following:
- (i) A **Dog Team** is not located within 500 m of any residence;
 - (ii) **Outdoor Storage** and **Beach Shacks** are located in a manner that do not obstruct views or access to the sea, or create any other undesirable impacts, and **Outdoor Storage** is appropriately screened;



- (iii) **Beach Shacks** shall not be used for human habitation and shall have permission to occupy the land by the landowner (typically the Commissioner).



SEASONAL WATERFRONT USE**6.16 Conditional Uses**

Cabins
Beach Shacks

6.17 Zone Requirements

- (a) The following provisions applies to all development in the Seasonal Waterfront Use Zone:

Gross Floor Area (maximum)

40 m²

Building Height (maximum)

5 m

- (b) No building or structure shall be located closer than 10 m to any side or rear lot line.
- (c) When considering a Conditional Use, Council shall consider the following:
- (i) **Cabins** shall only be used to support seasonal traditional and recreational activities and may not be used as a primary home.
 - (ii) **Cabins** shall not be constructed with permanent or semi-permanent foundation types.
 - (iii) The use of gravel fill around **Cabins** shall be minimized in order to retain tundra and maintain a natural setting.
 - (iv) New **cabins** must not be sited within the '100-foot strip' which are lands measured 30.5 metres from the Ordinary High Water Mark along the shoreline of the seacoast.
 - (v) **Beach Shacks** are located in a manner that do not obstruct views or access to the sea, or create any other undesirable impacts.
 - (vi) **Beach Shacks** shall not be used for human habitation and shall have permission to occupy the land by the landowner (typically the Commissioner).



GENERAL INDUSTRIAL

6.18 Permitted Uses

Building Supply and Contractor's Shop
Contractor's Yard
Craft Studio
Greenhouse
Outdoor Storage
Service and Repair Shop
Areas for soil remediation
Utility Installation
Vehicle Service & Repair Shop
Warehouse

6.19 Conditional Uses

Caretaker Unit
Hazardous Goods Storage
Power Generation Facility
Waste Processing & Storage Facility

6.20 Zone Requirements

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

Setbacks (minimum)

Front = 6 m
Rear = 4.5 m
Side (Exterior) = 6 m
Side (Interior) = 6 m, or as required by the Fire Marshal

Building Height (maximum)

10.7 m

- (b) Only one **Caretaker Unit** is permitted on a lot.



- (c) A covered or screened area for garbage and trade waste is required.
- (d) When considering a Conditional Use, Council shall consider the following:
 - (i) A **Caretaker Unit** is subject to the General Sanitation Regulations of the Public Health Act and can generally not be located within 450m of a Solid Waste Site or Sewage Treatment Area;
 - (ii) Council is satisfied that the **Caretaker Unit** will be used in accordance with its Zoning By-law definition and will not be used as a rental unit.
 - (iii) A **Power Generation Facility** or **Hazardous Goods Storage** are located and designed such that there is no risk to public health and safety.
 - (iv) The Conditional Use has been subject to screening and/or review by the Nunavut Planning Commission and/or the Nunavut Impact Review Board in accordance with the *Nunavut Planning and Project Assessment Act*.



RESTRICTED INDUSTRIAL

6.21 Conditional Uses

Greenhouse
Utility Installation
Warehouse

6.22 Zone Requirements

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

Setbacks (minimum)

Front = 6 m
Rear = 4.5 m
Side (Exterior) = 6 m
Side (Interior) = 6 m, or as required by the Fire Marshal

Building Height (maximum)

10.7 m

- (b) All Development Permit applications received by the Municipality shall be circulated to Nunavut Airports. No Development Permit shall be issued by the Municipality without a letter from Nunavut Airports confirming non-interference of the development with airport operations.
- (c) A covered or screened area for garbage and trade waste is required.
- (d) Open storage of materials and equipment associated with the Conditional Use will be restricted to areas identified on the approved Site Plan.
- (e) When considering a Conditional Use, Council shall consider the following:
- (i) Nunavut Airports has been circulated on the development proposal and indicated their agreement with the proposal with or without conditions;
 - (ii) Areas where open storage of materials and equipment have been clearly identified on the Site Plan and Council is satisfied that the site will be tidy.



MUNICIPAL RESERVE

6.23 Conditional Uses

Temporary uses
Utility Installation

6.24 Zone Requirements

- (a) Only a Utility Installation or development of a temporary nature that Council believes will not interfere with the future re-designation of the land to accommodate community growth is permitted on lands zoned Municipal Reserve.



NUNA

6.25 Permitted Uses

Campground
Camping, Temporary
Cemetery
Monument, cairn or interpretive facilities
Park
Snow Fence
Utility Installation
Water treatment facility

6.26 Conditional Uses

Beach Shack
Cabin
Commercial harvesting facility
Dog Team
Mineral Exploration
Power Generation Facility
Quarry
Scientific research facility
Waste Disposal Site

6.27 Zone Requirements

(a) The following provisions applies to all development in the Nuna Zone:

Gross Floor Area (maximum)

30 m²

Building Height (maximum)

4 m

- (b) No development is permitted within 200 m downwind of any **Snow Fence**, within 200m of a wind turbine, or within 100m of a **Cemetery** or **Archaeological Site** without the approval of council.
- (c) No development other than development required for water treatment and delivery, shall be permitted within the Watershed Area as shown on Schedules 1



& 2.

- (d) A **Campground or Temporary Camping** uses will not be permitted within the 450 m setback from a Waste Disposal Site or Sewage Treatment Area, as shown on Schedules 1 & 2, unless permission is granted by the GN Environmental Health Officer.
- (e) When considering a Conditional Use, Council shall consider the following:
- (i) A **Dog Team, Waste Disposal Site, Quarry, Mineral Exploration, or Commercial harvesting facility** are not located within 450 m of any residence;
 - (ii) A Waste Disposal Site, Quarry, Mineral Exploration, Commercial harvesting facility, or Power Generation Facility use has been subject to screening and/or review by the Nunavut Planning Commission and/or the Nunavut Impact Review Board in accordance with the Nunavut Planning and Project Assessment Act;
 - (iii) Beach Shacks and Cabins are located in a manner that do not obstruct views or access to the sea, or create any other undesirable impacts;
 - (iv) Beach Shacks shall not be used for human habitation and shall have permission to occupy the land by the landowner (typically the Commissioner);
 - (v) Cabins shall not be used for year round permanent habitation and shall have permission to occupy the land by the landowner (Municipality, Commissioner or Kitikmeot Inuit Association)..



TRANSPORTATION

6.28 Permitted Uses

Airport

Commercial uses related to aircraft and marine services and travel

Dock

Outdoor Storage

Sealift facility

Utility Installation

Warehouse

6.29 Conditional Uses

6.30 Zone Requirements

- (a) No development is permitted within 150 m of the Non-Directional Beacon Site and within 600 m of the VOR/DME Radar Site, as shown on Schedules 1 & 2.



SECTION 7 – FEES

The following fees shall apply for each type of application as noted in the table below:

DEVELOPMENT PERMIT	DRAFT FEES
Residential: 1 to 6 dwelling units	\$300 for the 1 st unit and \$200.00 for each additional unit
Residential: more than 6 dwelling units	\$400 plus \$50 for each additional unit over 6 units
Non-residential: less than 500 m ² (gfa)	\$1000
Non-residential: between 500 m ² (gfa) and 1,000 m ² (gfa)	\$1,500 plus \$2 for each 1m ² over 500m ²
Non-residential: greater than 1,000 m ² (gfa)	\$2,000 plus \$2 for each 1m ² over 500m ²
Dwelling units in a non-residential building	Applicable "non-residential" fee above plus \$150 per unit.
Residential addition (where no existing Development Permit to amend)	\$250
Addition of or enclosure of steps, patio or deck	\$100
Accessory structure, including sign, or building less than 40m ² (gfa)	\$25
Accessory structure or building that requires Council approval	\$500
Change of Use (with no new construction)	\$200
Amendment to Development Permit - (Council Decision)	\$800
Variance Request	\$300
ZONING AMENDMENT	
Zoning Amendment (text and schedules)	\$500
SURVEY APPLICATION	
Resurvey Application – lot line adjustments, merging of lots, or splitting of lots	\$1,500 plus \$150 for each additional lot over 3 existing lots
Survey Application – Creation of new lots	\$1,500 for one lot, plus \$250 for each additional lot
Revision to resurvey application	\$500
Revision to survey application (creation of new lots)	\$500
Extension to subdivision approval	\$400
Extension to a Development Permit	\$150
OTHER FEES	
Demolition Permit	\$100
Moving Permit	\$50
Administration Fee (where an application is withdrawn prior to processing)	\$100
Copy of Community Plan	\$30
Copy of Zoning By-law	\$30
Zoning Compliance Letter - MINOR (residential 1 or 2 units on a lot or less than 500m ² of non-residential development)	\$100
Zoning Compliance Letter - MAJOR (residential 3+ units on	\$100



a lot or more than 500m2 of non-residential development)	
--	--



SECTION 8 – 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 Cambridge Bay Zoning By-law Notice
Form I	Application for Amendment to the Zoning By-law
Form J	Request for Variance
Form K	Moving Permit
Form L	Temporary Land Use Permit



FORM A – Application for Development Permit

APPLICATION FOR DEVELOPMENT PERMIT



Permit No.: _____

Date: _____

Application Fee: _____
(see Section 7)

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: _____

Municipal Street Address: _____

Mailing Address _____

Telephone Number: _____

Legal Description of Lot: _____

Lot No: _____ **Block 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 & ZONING:

Current use of the lot: _____

Current Zoning: _____

COST & COMPLETION TIME:

Date of Completion: _____

Estimated cost of the project: _____

Date of Commencement: _____

ZONING REGULATIONS:

Proposed Setbacks:

Front Yard:

Interior Side Yard(s):

Rear Yard:

Exterior Side Yard:

Height of Proposed Building:

Number of Parking Spaces proposed:

Fire Spatial distance from adjacent buildings:

North side:

South side:

East side:

West side:

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

Date: _____

Signature of Applicant: _____

Development Permit Applications shall be accompanied by the following information:

- 1) Site Plan. See Section No 3.15
- 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 Municipal 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 Municipality of Cambridge Bay.

Signature of Applicant

Date

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

Signature of Lessee or Private Land Owner

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

Date

FORM B – Application for Home Occupation

APPLICATION FOR HOME OCCUPATION



I/We hereby make application under the provisions of the Zoning By-law No. 289 for a Development Permit to operate a Home Occupation.

PLEASE PRINT:

Applicant's Name: _____.

Business Name: _____.

Mailing Address: _____.

Phone Number: _____.

Lot No.: _____, Block No: _____ Plan No.: _____.

Zoning: _____.

Details:

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

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

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

Lessee of the Property: _____.

(* If the applicant is not the Registered Owner or Lessee of the Property, please submit

a letter from the Registered Owner or Lessee granting you permission to use the property for the proposed business)

HOME OCCUPATION: Requirements, Refer to Section 5.11

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 m²
- 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 Municipality of Cambridge Bay.

Signature of Applicant

Date

Permit No.:_____

Date:_____

FORM C – Development Permit & Notice of Approval

DEVELOPMENT PERMIT – NOTICE OF APPROVAL



POSTED ON SITE, IN THE MUNICIPAL OFFICE

Development involving: _____

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

APPROVED:

APPROVED - subject to conditions (state reasons):

Shall comply with:

- (1) Municipal 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.

Permit No.: _____

Date: _____

FORM D – Notice of Development Permit Refusal

DEVELOPMENT PERMIT – NOTICE OF REFUSAL



POSTED ON SITE, IN THE MUNICIPAL OFFICE

Development Permit No.: _____

Development involving: _____

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

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

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Section 3 of this By-law. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Development Appeal Board (Development Officer) not later than fourteen (14) days following the date of issue of this notice. The notice of appeal shall contain a statement of the grounds of the appeal.

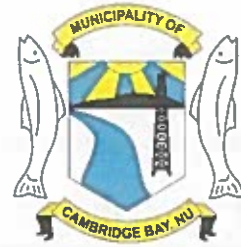
Date of Decision: _____

Date of Notice of Decision: _____

Signature of Development Officer: _____

FORM E – Notice of Appeal Hearing

NOTICE OF APPEAL HEARING



Date: _____

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

—

This decision was:

APPROVED:

APPROVED - with conditions:

REFUSED:

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 – Notice of Appeal Decision



NOTICE OF APPEAL DECISION

Date: _____

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 _____20____
and the decision of the DEVELOPMENT APPEAL BOARD with regard to the appeal is
as follows and for the following reasons:

Date

Secretary, Development Appeal Board

NOTE:

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

FORM G – Stop Work Notice

STOP WORK NOTICE

POSTED ON SITE AND AT THE MUNICIPAL OFFICE



Date: _____

You are hereby notified that your development is in contravention of the Cambridge Bay Zoning By-law, No. 289 Development Permit by reason of:

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

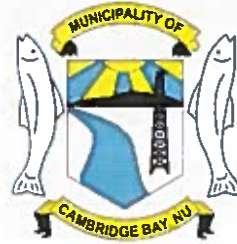
Failure to comply with this request within 30 days of receipt of this notice may result in action being taken through the courts to seek remedy under the provisions of the **Planning Act and Hamlets Act.**

Date of Notice

Signature of Development Officer

FORM H – Use of Land in Violation of Zoning By-law Notice

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



POSTED ON SITE AND AT THE MUNICIPAL OFFICE

Date: _____

You are hereby notified that your development is in contravention of the Cambridge Bay Zoning By-law, No.289 by reason of:

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

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

Date of Notice

Signature of Development Officer

FORM I – Application for Amendment to Zoning By-law



**APPLICATION FOR AMENDMENT TO
THE ZONING BY-LAW**

Fee:
(see Section 7)

Date: _____

Zoning Amendments are subject to the provisions of the Planning Act Section 29 and Section 3.29 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

FORM J – Request for Variance

REQUEST FOR VARIANCE



Fee:
(see Section 7)

Date: _____

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

PLEASE PRINT:

Applicant's Name: _____

Business Name: _____

Mailing Address: _____

Phone Number: _____

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

Zoning: _____

Lessee of the Property: _____

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

Describe the variance(s) being requested:

I certify that I will abide by the above conditions 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 Municipality of Cambridge Bay.

Signature of Applicant
FORM K – Moving Permit

Date

REQUEST FOR TEMPORARY LAND USE PERMIT

Fee:
(see Section 7)

Date: _____

I / We hereby make a request to use land in a non permanent way.

PLEASE PRINT:

Applicant's Name: _____

Business Name: _____

Mailing Address: _____

Phone Number: _____

Location:

Use of Land:

Length of Time of occupation:

I certify that I will abide by the above conditions after I have received a Permit to Move a Structure, knowing that failure to do so will result in cancellation of the Moving Permit and possible further action taken by the Municipality of Cambridge Bay.

Signature of Applicant

Date

