

**GJOA HAVEN
ZONING BY-LAW**

BY-LAW NO. 225

2021-2041

GJOA HAVEN ZONING BY-LAW BY-LAW No. 225

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

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

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

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

1. Schedules: 2 & 3 are declared to form part of this By-law.
2. This By-law may be cited as the "Gjoa Haven Zoning By-law 225".
3. This By-law shall come into full force and effect on the date of its Third Reading.
4. By-law No. 165 of the Hamlet of Gjoa Haven is hereby repealed.

READ a first time this 23rd day of February, 2021


Mayor


Senior Administrative Officer

After due notice and a Public Hearing, READ a second time this 1 day of June, 2021


Mayor


Senior Administrative Officer

APPROVED by the Minister of Community and Government Services this 10th day of November, 2022


Minister

READ a third time this 18 day of July, 2023


Mayor


Senior Administrative Officer

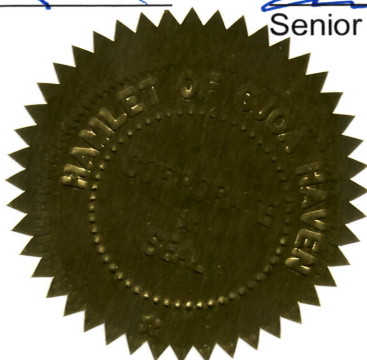


Table of Contents

Table of Contents.....	i
SCHEDULE 2 – ZONING REGULATIONS.....	1
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	8
POWERS OF COUNCIL	8
DEVELOPMENT OFFICER.....	8
DEVELOPMENT PERMIT	9
DEVELOPMENT PERMIT SUBMISSION REQUIREMENTS	10
NOTICE OF DECISION	11
EXPIRY OF DEVELOPMENT PERMIT	12
ENFORCEMENT	12
DEVELOPMENT APPEAL BOARD	12
ZONING BY-LAW AMENDMENTS	13
SECTION 4 - COMPLIANCE WITH OTHER REGULATIONS	13
BUILDING PERMIT	13
NUNAVUT WATER BOARD, CIRNAC, AND DFO.....	14
LEGAL LAND TENURE	14
NUNAVUT PLANNING COMMISSION (NPC) AND NUNAVUT IMPACT REVIEW BOARD (NIRB).....	14
AIRPORT ZONING REGULATIONS	14
SCIENTIFIC INSTALLATIONS.....	15
ARCHAEOLOGICAL SITES	15
GRANULAR RESOURCES	15
SECTION 5 - GENERAL PROVISIONS.....	15
ACCESSORY BUILDING	15
TEMPORARY CONSTRUCTION USES PERMITTED	16
RESTORATION TO A SAFE CONDITION	16
BUILDING TO BE MOVED	16
FRONTAGE ON A STREET	16
HEIGHT	16
FENCES	17
MULTIPLE USES ON A LOT	18
DISTANCE FROM WATERCOURSES	18
PARKING REQUIREMENTS.....	18
LOADING SPACE REQUIREMENTS	18
SATELLITE DISHES	18
DAY CARE FACILITIES	19

HOME OCCUPATION	19
BED AND BREAKFAST	19
YARD REGULATIONS	19
MINOR VARIANCE	20
NON-CONFORMING BUILDING OR USE	20
PERMITTED PROJECTIONS INTO YARDS	21
UTILITIES	21
MULTIPLE ZONES	21
SECTION 6 - ZONE REGULATIONS	22
RESIDENTIAL (R)	22
COMMERCIAL / COMMUNITY USE (CC).....	24
TRANSPORTATION (T).....	29
WASTE DISPOSAL (WD).....	29
DEVELOPMENT CONSTRAINTS.....	30
EROSION CONCERN (EC).....	30
WATERSHED (WS).....	30
ARCHAEOLOGICAL RESERVE OVERLAY	31
SECTION 7 – SCHEDULE 3 - LAND USE MAP	32
SECTION 8 – FORMS	33
FORM A – APPLICATION FOR DEVELOPMENT PERMIT	34
FORM B – APPLICATION FOR HOME OCCUPATION	37
FORM C – DEVELOPMENT PERMIT & NOTICE OF APPROVAL	39
FORM D – NOTICE OF DEVELOPMENT PERMIT REFUSAL.....	40
FORM E – NOTICE OF APPEAL HEARING	41
FORM F – NOTICE OF APPEAL DECISION	42
FORM G – STOP WORK NOTICE.....	43
FORM H – USE OF LAND IN VIOLATION OF ZONING BY-LAW NOTICE	44
FORM I – APPLICATION FOR AMENDMENT TO ZONING BY-LAW	45
FORM J – REQUEST FOR VARIANCE	46

SCHEDULE 2 – ZONING REGULATIONS

SECTION 1 – INTRODUCTION & INTERPRETATION

PURPOSE

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

DEFINED AREA

- 1.2 This By-law applies to all lands within the Municipal Boundaries of the Hamlet of Gjoa Haven.

SCOPE

- 1.3 No land shall be used and no development shall take place within the Hamlet of Gjoa Haven except in compliance 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 Hamlet of Gjoa Haven is divided into zones. The extent and boundaries of all zones are delineated on Schedule 3.

INTERPRETATION OF ZONING BOUNDARIES

- 1.6 (a) If there is any uncertainty as to the location of the boundary of a zone, the Development Officer or the Regional Community Planner shall interpret the Land Use Map to determine the boundary line based on a surveyed lot line.
- (b) If a lot straddles the line between two zones, the zone occupying the

greater portion of the lot will be assumed to apply to the whole lot.

- (c) Where lots are shown on Schedule 3 with alternating zones, they may be used for the full set of uses permitted in each of the zones. Development will be subject to the zone provisions of the zone where the use is permitted.

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. Words that are not defined in this by-law have their standard meaning.

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 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. Accessory uses cannot be used for human habitation. See section 5.1.

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

“AIRPORT” means an area of land or 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 operating certificate has been issued.

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

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

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

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

“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 a 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.

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

“CEMETERY” means land primarily used for interment of human remains.

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

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

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

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

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

“COUNCIL” means the Council of the Hamlet of Gjoa Haven.

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

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

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

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

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

“DWELLING, MULTI-UNIT” means a building other than a Rowhouse Dwelling that contains 3 or more dwelling units divided either vertically or horizontally and which may have independent or combined entranceways.

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

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

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

“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.

“GENERAL PLAN” means the General Plan of the Hamlet of Gjoa Haven known as the Gjoa Haven Community Plan.

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

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

“GROUP HOME” means a residence where persons live under supervision and who, by reason of their

emotional, mental, social or physical condition or legal status, require a group living arrangement for their well being. The home is licensed and/or approved under Territorial Statutes and in compliance with Municipal By-laws.

“HAZARDOUS GOODS” means any of the following:

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

“HEALTH CARE FACILITY” means an establishment used by qualified medical practitioners and staff for the provision of medical and health care on an outpatient basis. This term refers to such uses as medical or dental offices, occupational health and safety offices, physiotherapy services, 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 an accessory use to the residential use of the building.

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

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

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

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

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

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

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

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

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

- i) in the case of a corner or through lot – the shorter lot line abutting the street shall be the front lot line, and where such lot lines are of equal length, the lot line where the principal access to the lot is provided shall be the front lot line.
- ii) in the case of a lot, which has one of its boundaries 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 the principal purpose or purposes for which the lot is used is carried out.

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

“MUNICIPALITY” means the Hamlet of Gjoa Haven.

“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.

“OCBO” – means Office of the Chief Building Official.

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

“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 in the yard.

“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 in a building or garage.

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

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

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

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

“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.

"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.

"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 of one entire face of the addition is attached to the principal dwelling and is architecturally consistent with the principal dwelling, and shall not be considered a second dwelling on the lot for the purposes of this By-law.

"SERVICE 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.

"STREET OR ROAD" means the whole and entire right-of-way of every road allowance in the Hamlet of Gjoa Haven.

"STREET LINE" means the survey line of a road right of way .

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

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

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

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

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

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

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

"WATER RESERVOIR" means the municipal water source.

"YARD" means part of a lot upon which does not have a main building on it

"YARD, FRONT" means the area between the front lot line and the nearest wall of any main

building or structure on the lot

"YARD, REAR" means the area between the rear lot line and the nearest wall of any main building or structure on the lot

"YARD, INTERIOR SIDE" means the area between an interior side lot line and the nearest wall of any main building on the lot.

"YARD, EXTERIOR SIDE" means the area between an exterior side lot line and the nearest wall of any main building on the lot

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

SECTION 3 – ADMINISTRATION

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.

DEVELOPMENT OFFICER

- 3.3 The Hamlet Council shall appoint a Development Officer as an authorized Officer of Council.
- 3.4 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) Approve, approve with conditions, or refuse Development Permit applications, subject to the authority provided by Council as set out in Schedule 3 of this By-law.;
- (g) Issue Notice of Decisions subject to the provisions of this By-law;
- (h) Request Council to revoke or suspend a Development Permit where the permit holder is in breach of this By-law or of conditions of a Development Permit; and,
- (i) Carry out any inspection on lands or premises necessary to enforce this By-law.

DEVELOPMENT PERMIT

- 3.5 No person or agency shall undertake development without a Development Permit.
- 3.6 No Development Permit shall be issued for development that is in contravention of this By-law. Development Permit applications for Permitted Uses may be approved by the Development Officer provided the proposed use of land or building complies with the provisions of this By-law. Development Permit applications for Conditional Uses may be approved by Council based on the merits of each application in accordance with the provisions of the Zoning By-law and the policies of the Community Plan. Where there is a broader public interest, Council may request that any Development Permit applications typically approved by the Development Officer be referred to Council for final approval.
- 3.7 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.
- 3.8 The approval of a Development Permit shall not exempt any person or agency from complying with the requirements of any other by-law in force within the Hamlet of Gjoa Haven or to obtain any license, permission, or permit required by municipal, territorial and federal legislation.
- 3.9 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 the establishment of a trap line, non-commercial tent camps and cabins in the Nuna;
 - (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 Office of the Chief Building Official of their plans, a building permit may be required.;
- (e) A temporary building or structure associated with construction, unless such building or structure is used for human habitation, but does not exempt anyone from informing the Office of the Chief Building Official of their plans, a building permit may be required;
 - (f) The installation, maintenance and repair of public works, services and utilities carried out by the Municipality on land which is publicly owned or controlled; and,
 - (g) Temporary election campaign signs and signs not exceeding 1 square metre in size.

DEVELOPMENT PERMIT SUBMISSION REQUIREMENTS

- 3.10 A complete application form for a Development Permit must be submitted to the Development Officer. The Development Officer may not accept an incomplete application.
- 3.11 Every application shall be accompanied by:
- (a) The required application fee calculated as follows (where development involves more than one type of development the fee shall equal the value of the highest single fee):
 - (i) Residential projects with 4 units or less: \$500 per dwelling unit for proposals of 4 units or less.
 - (ii) Residential projects with more than 4 units: \$2,000 for the first 4 units plus \$200 for each additional dwelling unit.
 - (iii) Non-residential projects of 500 square metres or less: \$1,500.
 - (iv) Non-residential projects over 500 square metres: \$1,500 for the first 500 square metres plus \$2 for every additional square metre to a maximum fee of \$7,500.
 - (v) For any building additions, decks, fences and accessory buildings with a construction value over \$5,000: \$250
 - (vi) For any building additions, decks, fences and accessory buildings with a construction value under \$5,000: \$125
 - (vii) Any sign larger than 1 square metre (1 m²): \$75
 - (viii) Notwithstanding the application fees as set out in Section 3.11, any developments proposed by the Hamlet of Gjoa Haven, or developments that will be owned by the Hamlet are exempt from Development Permit application fees.

- (b) A site plan drawn to scale in metric units and showing:
 - (i) The location of existing buildings;
 - (ii) All legal dimensions of the lot(s);
 - (iii) The location and dimensions of surrounding lots and buildings;
 - (iv) Plans of the proposed buildings showing dimensions;
 - (v) Proposed front, rear, and side yard setbacks;
 - (vi) Access points to property;
 - (vii) The location of outdoor fuel storage facilities;
 - (viii) The location of water and sewer connections; and,
 - (ix) The location of water and sewage storage tanks.
- (c) The Development Officer may require additional information.
- (d) 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.
- (e) A letter of Consent from the appropriate Landlord.
- (f) Signed copies of a deed, lease, or reserve agreement for the land.
- (g) If the person applying for the Development Permit is not the Owner, then documentation is required from the Owner indicating that the person is the Owner's duly authorized agent.

NOTICE OF DECISION

- 3.12 Each application shall be considered by Council or the Development Officer as required, and shall be either approved with or without conditions, or refused, with written reasons provided for the refusal.
- 3.13 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.
- 3.14 When an application is approved, the Development Officer will within 3 days of the date of decision, post a Notice of the Decision conspicuously on the lot for which the application has been approved and in the Hamlet Office.
- 3.15 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, in addition to fulfilling the notice requirement in 3.14 above.
- 3.16 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

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

ENFORCEMENT

- 3.18 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 APPEAL BOARD

- 3.19 In accordance with Sections 21 and 22 of the Planning Act, Council shall establish a Development Appeal Board and by resolution appoint one Council member and two community residents as members of the Development Appeal Board. Members will be appointed for a 3 year consecutive term. The Development Appeal Board will not include employees of the Hamlet.
- 3.20 Anyone claiming to be affected by a decision of Council under this By-law may appeal in writing to the Development Appeal Board within 14 days of the mailing or posting of a Notice of Decision.
- 3.21 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.

3.22 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

3.23 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 of five hundred dollars (\$500.00); and,
- (c) Any information as may be required by Council.

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 Hamlet of Gjoa Haven or to obtain any license, permission, or permit required by any other by-law of the Hamlet of Gjoa Haven 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.

BUILDING PERMIT

- 4.3 Once the Development Permit has been issued and posted for fourteen (14) days, the Applicant shall forward the approved Development Permit, as well as all documentation associated with the development proposal, to the Office of the Chief Building Official, for procurement of a Building Permit. No construction of a new building shall take place without first obtaining a Building Permit.

NUNAVUT WATER BOARD, CIRNAC, and DFO

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

LEGAL LAND TENURE

- 4.5 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.

NUNAVUT PLANNING COMMISSION (NPC) AND NUNAVUT IMPACT REVIEW BOARD (NIRB)

- 4.6 Any project proposal that fits the definition of "project" in the *Nunavut Planning and Project Assessment Act* (NuPPA) must be submitted to the NPC for a conformity review with the Nunavut Land Use Plan. Further criteria and information about the types of projects that must be submitted is provided in the *Proponent's Guide – NIRB Technical Guide Series*, and NPC may be consulted to provide clarification as well. If it is determined that a submission is required, the project proposal is submitted electronically on NPC's website: nunavut.ca.
- 4.7 The NPC may also forward the project proposal to the NIRB for screening of environmental impacts. The screening process, and how NPC determines if a project needs to be screened, is also outlined in the *Proponent's Guide – NIRB Technical Guide Series*. The project proponent will comply with NIRB's screening process, the proponent will not initiate the project until a Project Certificate is received from NIRB, and the proponent must follow the terms and conditions in the Project Certificate.

AIRPORT ZONING REGULATIONS

- 4.8 Any land use must be compliant with the Obstacle Limitation Surface for the Gjoa Haven Airport as listed in Table 4-1 of the TP312E Aerodrome Standards and Recommended Practices. All development proposals adjacent to airport

property, as well as other development proposals that could potentially interfere with airport operations require review and approval by Nunavut Airports.

Therefore before any structure is built, plans must be submitted to Operations and Standards at Nunavut Airports.

SCIENTIFIC INSTALLATIONS

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

ARCHAEOLOGICAL SITES

- 4.10 Whenever archaeological specimens are found during construction, they should be reported immediately to the Development Officer and the Territorial Archaeologist at the Department of Culture and Heritage. All development must comply with the Nunavut Lands Claim Agreement, Articles 33 and 34 and the Nunavut Archaeological and Palaeontological Sites Regulations. Maps on file outlining the municipality's archaeology resource inventory should be consulted prior to initiating development to ensure development does not conflict with recorded archaeological sites.

GRANULAR RESOURCES

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

SECTION 5 - GENERAL PROVISIONS

ACCESSORY BUILDING

- 5.1 Accessory uses, buildings, and structures shall be permitted in any zone but shall not:
- (a) Be used for a residential use except where a dwelling is a permitted

- accessory use;
- (b) Be used for the keeping of animals other than household pets;
- (c) Be built closer to the front or exterior side lot line than the minimum distance required for the main building;
- (d) Locate closer than 2.0 metres to any interior side or rear lot line;
- (e) Exceed one-half the height of the main building or exceed a height of 4.6 metres (15 feet) in a residential zone; and,
- (f) Exceed 10% of the lot area to a maximum of 40 square metres in any Residential Zone.

TEMPORARY CONSTRUCTION USES PERMITTED

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

RESTORATION TO A SAFE CONDITION

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

BUILDING TO BE MOVED

- 5.4 No building, residential or otherwise, shall be relocated without obtaining a Development Permit and verifying if a Building Permit and/or Demolition Permit is required from the Office of the Chief Building Official .

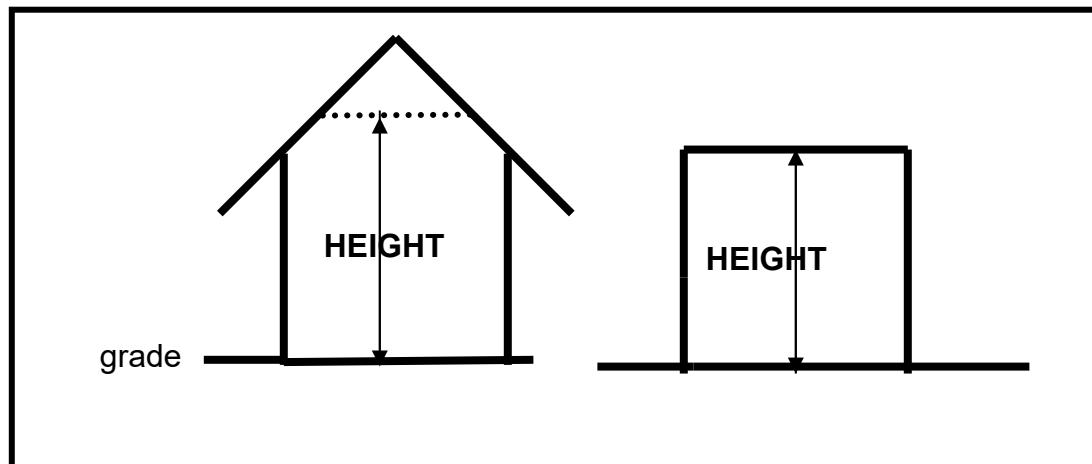
FRONTAGE ON A STREET

- 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.

HEIGHT

- 5.6 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 degrees; or,
- (c) the average level between eaves and ridges in the case of a pitched gambrel, mansard or hipped roof.



- 5.7 The height of buildings and structures in the vicinity of airports are regulated by Airport Zoning Regulations. Refer to section 4.8.
- 5.8 Where height limitations are set forth in this By-law, such limitations shall not apply to artworks and cultural structures (e.g. 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.

FRONTAGE ON CURVES

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

FENCES

- 5.11 Fences may be permitted in any zone but shall require a Development Permit subject to terms and conditions set out by Council.

MULTIPLE USES ON A LOT

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

DISTANCE FROM WATERCOURSES

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

PARKING REQUIREMENTS

- 5.14 A minimum number of parking spaces shall be required for any use, building or structure in accordance with the following standards. 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 – 1 space per 50 square metres gross floor area
 - (d) Industrial – 1 space for every 3 people working on site
 - (e) Community Use, Schools – 1 space for every 2 people working on site
 - (f) Community Use, Other – 1 space per 75 square metres gross floor area
 - (g) Open Space – Discretion of Development Officer or Council.
- 5.15 Each required parking space shall be 6.0 metres in length and 2.7 metres wide.
- 5.16 For a required parking area of more than 6 spaces, at least one space for every 15 spaces must be a designated disabled space. A disabled space shall be 6.0 metres in length and 3.7 metres wide.

LOADING SPACE REQUIREMENTS

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

SATELLITE DISHES

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

Poles must be located at the side or rear and positioned so as to avoid obstructing parking and / or service delivery. Ground-mounted satellite dishes shall not be permitted in the Residential Zone.

DAY CARE FACILITIES

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

HOME OCCUPATION

- 5.20 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 square metres (3 square feet); and,
 - (d) No more than 25% of the gross floor area of the dwelling shall be used for a home occupation.

BED AND BREAKFAST

- 5.21 Where permitted, Bed and Breakfasts shall comply to the following requirements:
- (a) The bed and breakfast lodging forms part of a single unit dwelling;
 - (b) The number of bedrooms devoted to the use shall not exceed 4 in number;
 - (c) No sign in connection with the use shall exceed 0.75 square metres in area nor exceed one in number;
 - (d) On street parking shall be prohibited; and,
 - (e) The use must comply with all Building and Fire Codes.

YARD REGULATIONS

- 5.22 No person shall keep or permit in any part of the yard in any residential zone:
- (a) Any more than two dismantled or inoperative 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; and,
- (c) Any excavation, storage, or piling up of materials required during the construction stage unless all necessary safety measures are undertaken.

5.23 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. Council may pass a Yard Standards By-law to establish further regulations on the visual appearance of lots and the keeping of materials that may constitute a hazard.

MINOR VARIANCE

5.24 Where a development does not comply with the site regulations, Council may vary the regulations of development in accordance with the following:

- (a) The requirements may be relaxed as specified below:

	DEGREE OF RELAXATION	
	Residential Zones	Other Zones
Front Yard	25%	Discretion of Council
Side Yard	25%	10%
Rear Yard	25%	10%

- (b) An application for a Minor Variance is made to the Development Officer accompanied by a non-refundable fee of \$300.
- (c) The development demonstrates compliance with the National Building Code of Canada in force, and National Fire Code of Canada in force, and other municipal, territorial, and federal requirements.

NON-CONFORMING BUILDING OR USE

5.26 This By-law cannot be used to prevent the use and development of land that had been lawfully established or has a valid Development Permit or was under construction at the time this by-law was enacted. Non-conforming uses are subject to the following regulations:

- (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 percent of the

gross floor area of the building, as it existed at the date this By-law came into effect, as long as the enlargement does not increase the extent to which the building is non-conforming;

- (c) If a non-conforming building or use of land is discontinued for twelve consecutive months, the future use shall comply with this By-law; and,
- (d) If more than 50% of a non-conforming building or use is accidentally destroyed, any new use or building must comply with this By-law.

PERMITTED PROJECTIONS INTO YARDS

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

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

UTILITIES

5.28 Structures or buildings required by the Hamlet or any public utility corporation to provide utility services may be permitted in any zone, provided that such structures or buildings comply with all applicable statutes, regulations, standards, codes and agreements. 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. Where public safety concerns exist or arise, solutions such as barriers to prevent reduce danger or risk shall be a requirement of an annual compliance review and enforceable onto the lessee (or owner of the utility).

MULTIPLE ZONES

5.29 If any lot contains multiple zones, the zoning regulations associated with the zone containing the largest area of the lot area shall prevail.

SECTION 6 - ZONE REGULATIONS

RESIDENTIAL (R)

6.1 Permitted Uses

Dwelling, Single-Unit
Dwelling, Semi-Detached or Duplex
Dwelling, Multi-Unit
Dwelling, Rowhouse
Park or Playground
Any accessory building, structure or use, subject to section 5.1

6.2 Conditional Uses

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

6.3 Zone Requirements

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

<u>Lot Size</u>	750 square metres
<u>Front Yard Setback</u>	6 metres
<u>Rear Yard Setback</u>	6 metres
	2.5 metres next to OS or H Zones
<u>Exterior Side Yard Setback</u>	4 metres
<u>Interior Side Yard Setback</u>	6 metres
<u>Building Height (maximum)</u>	8.5 metres (28 feet)
<u>Dwelling unit area</u>	60 square metres

- (b) Parking or storage of a commercial vehicle having a gross vehicle weight of 4500 kilograms or construction equipment including bulldozers, backhoes, high hoes, and pay loaders is not permitted.
- (c) The following provisions will apply to Secondary Suites:
- (a) The suite forms part of a single unit or semi-detached dwelling;

- (b) The suite is structurally attached to or located within the principal dwelling; and,
- (c) The total floor area of all storeys of a secondary suite shall be not more than the lesser of
 - i. 80% of the total *floor area* of all storeys of the other *dwelling unit*, excluding the garage *floor area* and common spaces serving both *dwelling units*, or
 - ii. 80 m².



COMMERCIAL / COMMUNITY USE (CC)

6.4 Permitted Uses

Automotive Gas Bar
Bank
Broadcasting Studio
Caretaker's unit as an accessory use
Church / Place of Worship
Commercial Recreation
Communications Facility
Community Hall or Centre
Convenience Store
Craft Studio
Day Care Centre
Educational Facility
Elders Facility
Firehall
Government Office
Group Home
Health Care Facility
Hotel
Municipal Garage
Office
Parking lot
Personal Service
Police Station
Post Office
Restaurant
Retail Store
Service shop
Any accessory building, structure or use, subject to section 5.1

6.5 Conditional Uses

Caretaker Unit
Cemetery
Community freezer
Dwelling unit(s) in a non-residential building provided that the dwelling unit(s) are above the ground floor

6.6 Zone Requirements

(a) The following minimum provisions apply to all development in the

Commercial / Community Use Zone:

<u>Lot Size</u>	750 square metres
<u>Front Yard Setback</u>	8 metres
<u>Rear Yard Setback</u>	6 metres
<u>Exterior Side Yard Setback</u>	4 metres
<u>Interior Side Yard Setback</u>	6 metres
<u>Building Height (maximum)</u>	10.7 metres (35 feet)

- (b) A covered or screened area for garbage and trade waste is required; and,
- (c) Only 1 caretaker unit is permitted on a lot.

OPEN SPACE (OS)

6.7 Permitted Uses

Beach Shacks
Boat Storage
Dock
Golf course
Monument, cairn, or statue
Park or playground
Recreational trail
Shed to store equipment for traditional, cultural, and recreational activities taking place in the Zone.
Snow Fence
Sports field
Temporary Outdoor Storage of sealifted materials and items
Washroom facility

6.8 Conditional Uses

Any other open space type uses are conditional on Council's approval.

6.9 Zone Requirements

- (a) No substantial development, structure, or habitable building shall be permitted in an Open Space Zone; and,
- (b) No building or structure shall be located closer than 10 metres to any side or rear lot line.
- (c) No development is permitted within 200 metres downwind of any snow fence without the approval of Council.

INDUSTRIAL (M)

6.10 Permitted Uses

Automotive Repair, Sales or Facility
Building Supply or Contractor's Shop
Caretaker's dwelling unit as an accessory use
Communications Facility
Outdoor storage
Rental Shop
Warehouse
Any accessory building, structure or use, subject to section 5.1

6.11 Conditional Uses

Barge staging and landing site with associated warehousing
Communications facility
Community freezer
Hazardous Goods storage
Power plant
Tank farm

6.12 Zone Requirements

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

<u>Lot Size</u>	800 square metres
<u>Front Yard Setback</u>	8 metres
<u>Rear Yard Setback</u>	8 metres
<u>Exterior Side Yard Setback</u>	8 metres
<u>Interior Side Yard Setback</u>	8 metres, or as required by the Fire Marshal.
<u>Building Height (maximum)</u>	10.7 metres (35 feet)

- (b) Only 1 caretaker unit is permitted on a lot.
- (c) A fence will be required to enclose all outdoor storage of goods or materials in any yard.
- (d) An industrial use that generates noise, dust or odour which would be a nuisance to adjacent residential uses will be setback 200 metres from any residential use.

NUNA (N)

6.13 Permitted Uses

Dog Team Staking Area
Heritage buildings, structures or sites
Temporary tenting or camping

6.14 Conditional Uses

Beach Shack
Quarry
Cemetery
Commercial Harvesting
Communications Facility
Permanent hunting and fishing cabins or camps
Resource exploration and development
Snow fence
Solar Array
Tourist facilities
Wind Turbine
Any accessory building, structure, or use, subject to section 5.1

6.15 Zone Requirements

- (a) Any development within the airport Obstacle Limitation Surface Area and the approach and landing path shall be subject to the approval of NAV Canada.
- (b) No development is permitted within 200 metres downwind of any snow fence without the approval of Council.
- (c) No development is permitted within 200 metres of a wind turbine.
- (d) No development is permitted within 100 metres of an Archaeological Site;
- (e) Shacks or cabins are not to exceed 40 square metres and are exempt from a building permit requirement - Nunavut Building Code Act and Regulations 4.(5).

TRANSPORTATION (T)

6.16 Permitted Uses

Airport and related uses
Communications Facility
Marine Transportation and related uses

6.17 Zone Requirements

- (a) Any development within airport Obstacle Limitation Surface Area and the approach and landing path shall be subject to the approval of NAV Canada.

WASTE DISPOSAL (WD)

6.18 Conditional Uses

Waste disposal site

6.19 Zone Requirements

- (a) No residential development or commercial development involving food storage, handling or preparation shall be permitted within a 450 metre peripheral radius of an active waste disposal site.

DEVELOPMENT CONSTRAINTS

EROSION CONCERN (EC)

6.20 Permitted Uses

Permitted Uses in the underlying designation can be permitted by the Development Officer, if the lands and/or the proposed structures are certified to be safe from erosion concerns by a qualified professional engineer

6.21 Conditional Uses

Conditional Uses in the underlying designation can be considered by Council, if the lands and/or the proposed structures are certified to be safe from erosion concerns by a qualified professional engineer.

6.22 Zone Requirements

- (a) All building setbacks must comply with the most restrictive of either this By-law or the Nunavut Building Code Act and Regulations.
- (b) Regulations in compliance with the underlying designation.

WATERSHED (WS)

6.23 Conditional Uses

Water Reservoir

6.24 Zone Requirements

- (a) No development shall take place within the watershed of the water source.
- (b) Uses accessory to the supply of water such as a pipeline, a pumping or monitoring station or a road are permitted.
- (c) Recreational and related uses and operation of motorized vehicles are prohibited within the watershed area.
- (d) Adequate prohibited uses and operation signage to be located at 50m intervals around edge of watershed.
- (e) An officially recognized roadway may permit an exception to the prohibition of motorized vehicles through the watershed.

ARCHAEOLOGICAL RESERVE OVERLAY

6.25 Archaeological Reserve Overlay

- (a) The Archaeological Reserve Overlay sits atop the zone and restricts any development due to the known presence of archeological sites in this area. No development is permitted.

SECTION 7 – SCHEDULE 3 - LAND USE MAP

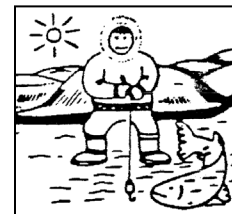
(See Gjoa Haven Community Plan and Zoning By-law poster)

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 Gjoa Haven Zoning By-law Notice
Form I	Application for Amendment to the Zoning By-law
Form J	Request for Variance

FORM A – Application for Development Permit

**APPLICATION FOR
DEVELOPMENT PERMIT**



Permit No.: _____

Date: _____

Application Fee: _____

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

Applicant: _____

P.O. Box No.: _____

Telephone Number: _____

Legal Description of Lot: _____

Lot No: _____ Plan No. _____

Sketch No.: _____

Lessee or Private Land Owner: _____

P.O. Box No.: _____

Telephone number: _____

Lease Number: _____

Letter of Permission to Occupy File No.: _____

Describe the proposed development:

Current Use and Zoning:

Current use of the lot: _____

Current Zoning: _____

Cost and Completion time:

Date of Completion: _____

Estimated cost of the project: _____

Date of Commencement: _____

ZONING REGULATIONS:

Proposed Setbacks:

Front Yard:

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 3.11(b) of the Zoning By-law.
- ☐ 2) Confirmation from the Office of the Chief Building Official if a building permit is required.
- ☐ 3) Certificate from Nunavut Impact Review Board approving a proposed industrial development.
- ☐ 4) Approval from the Water Board if the project requires filling or altering a water body.
- ☐ 5) Letter from Nunavut Airports approving the project, if the project is near an airport.
- ☐ 6) A letter requesting a Variance, If the proposed project does not meet the exact zoning regulations.
- ☐ 7) If a Variance or Terms and Conditions are required by the Hamlet Council, a letter from the Applicant will be required stating the adjacent land owners and lessees have been notified of the proposed development.

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

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. 225 for a Development Permit to operate a Home Occupation.

PLEASE PRINT:

Applicant's Name: _____.

Business Name: _____.

Mailing Address: _____.

Phone Number: _____.

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

Zoning: _____.

Details:

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

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

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

Lessee of the Property: _____.

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

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

HOME OCCUPATION: Requirements, Refer to Section 5.20 of the Zoning By-law

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 more than 2 people who do not live in the dwelling
- iii) Does not show any evidence that there is a business in the dwelling unit except for a sign no bigger than 0.3 square metres (3 square feet)
- iv) The home business does not take up more than 25% of the dwelling
- v) Confirmation from the Office of the Chief Building Official if a building permit is required.

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

Signature of Applicant

Date

Permit No.:_____

Date:_____

FORM C – Development Permit & Notice of Approval

DEVELOPMENT PERMIT & NOTICE OF APPROVAL
POSTED ON SITE, IN THE HAMLET OFFICE

Development involving:

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

APPROVED: ☐

APPROVED - subject to conditions (state reasons): ☐

Shall comply with:

- (1) Hamlet Zoning By-law;
- (2) National Building Code of Canada in force;
- (3) National Fire Code of Canada in force; 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, and where no appeal has been made;
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

PERMIT - NOTICE OF REFUSAL

Development Permit No.:

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

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

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Section 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

Date: _____

NOTICE OF APPEAL HEARING

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

—

This decision was:

APPROVED: ☐

APPROVED - with conditions: ☐

REFUSED: ☐

Reasons for this decision are as follows:

Place of Hearing: _____

Time of Hearing: _____ Date of Hearing: _____

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

Date

Secretary of the Development Appeal Board
(Development Officer)

FORM F – Notice of Appeal Decision

Date: _____

NOTICE OF APPEAL DECISION

This is to notify you than an appeal against the:

APPROVAL: ☐

APPROVAL - with conditions: ☐

REFUSAL: ☐

of a Development Permit with regard to the following:

was considered by the DEVELOPMENT APPEAL BOARD on _____(date)
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

Date: _____

STOP WORK NOTICE

POSTED ON SITE AND AT THE HAMLET OFFICE

You are hereby notified that your development is in contravention of the Gjoa Haven Zoning By-law No. 225 and/or Development Permit No. _____ by reason of:

You are requested to take remedial action to comply 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

Date: _____

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

POSTED ON SITE AND AT THE HAMLET OFFICE

You are hereby notified that your development is in contravention of the Gjoa Haven Zoning By-law by reason of:

You are requested to take remedial action to comply 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

Date: _____

Fee:

APPLICATION FOR AMENDMENT TO THE ZONING BY-LAW

Zoning Amendments are subject to the provisions of the Planning Act
Section 29 and Section 3.23 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

Fee:

REQUEST FOR VARIANCE

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, knowing that failure to do so will result in cancellation of the Development Permit and possible further action taken by the Hamlet of Gjoa Haven.

Signature of Applicant

Date