

Kugluktuk Zoning By-Law No. 291



KUGLUKTUK ZONING BY-LAW
BY-LAW No. 291

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

WHEREAS the Council of the Hamlet of Kugluktuk 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 Kugluktuk, duly assembled, enacts as follows:

1. Schedules 2 and 3 of this By-law form part of this By-law.
2. This By-law may be cited as the "Kugluktuk 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 By-law No .206-2007 of the Hamlet of Kugluktuk is hereby repealed.

READ a first time this 2nd day of June, 2015 A.D.


Mayor


Senior Administrative Officer

After due notice and a Public Hearing, READ a second time this 5th day of June, 2018 A.D.


Mayor


Senior Administrative Officer

APPROVED by the Minister of Community and Government Services this 21st day of September, 2018 A.D.


Minister CGS

READ a third time this 9 day of October, 2018 A.D.


Mayor


Senior Administrative Officer

Schedule 3

HOW TO USE THIS BY-LAW

This By-law explains the rules for using and developing land in plain language. Anyone who is preparing to begin developing land should check with the Planning and Lands Administrator (PLA) before beginning. The PLA will provide an application form, guidance on the process and fees, and offer expertise on the requirements to ensure your application is handled fairly and quickly.

Section 1: Introduction



Purpose

This By-law is about organizing how land and buildings are used to ensure that they benefit everyone and that the environment is taken care of. It also:

1. Lays out the specific ways that the Community Plan will work,
2. Divides the Municipality into Zones,
3. Describes which buildings and ways of using land are allowed in each Zone, and
4. Regulates what can be built and how land can be used.

Where the By-Law Applies

This By-law applies to all lands inside the Municipal Boundaries of the Hamlet of Kugluktuk.

Scope

No land shall be used, and no development shall take place within the Hamlet of Kugluktuk except in compliance with the provisions of this By-law.

What the By-Law Regulates

This By-law regulates the ways land and buildings are used, and the construction of and changes to buildings within Kugluktuk must follow this By-law.

Kugluktuk is divided up into Zones, which are shown on the Zoning Map (Schedule 5). The Zones determine where different types of buildings should be located and how land should be used.

Each Zone has rules for which buildings and land uses are allowed.

If the boundary of a Zone is unclear, the Development Officer or Regional Community Planner should interpret the boundary based on the centreline of a road, a lot line, or a lease sketch.

Validity

Should any section, clause or provision of this By-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the By-law shall not be affected.

Section 2: Definitions



Definitions

ACCESSORY USE & ACCESSORY BUILDING means a use or building that is separate from the main building and is used to support the way that the main building is used. Examples include: garages, workshops, sheds, and shipping containers. Accessory buildings cannot be used as a house, except where this is specifically allowed by this By-law.

AIRPORT means an area of land, water (or ice) used for the arrival, departure, movement or servicing of aircraft. It includes all related buildings, installations or equipment for which an airport license has been issued.

ARCHAEOLOGICAL SITE means a site or work which is important because of archaeological, ethnographical or historical reasons. It also includes a place where an archaeological specimen is found.

AUTOMOTIVE REPAIR, SALES OR RENTAL FACILITY means a place where automotive vehicles are being repaired, serviced, and stored for rental, sale or display.

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

BEACH SHACK means a building near a shoreline that is used for harvesting country food. A Beach Shack cannot be permanently lived-in.

BUILDING means any structure, shack, pile of materials or sign built or placed on land.

BUILDING SUPPLY OR 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, metalworking and carpentry or truck, bulldozer, loader and backhoe operating.

BUSINESS IN A HOME means any occupation, trade, profession, personal service, day care or craft carried on by an occupant of a residential building.

CABIN means a building that is located in the Nuna and is used for recreation and land-based harvesting purposes. Cabins are not intended for long-term human habitation. Cabins must not be larger than 25 m² in floor area.

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.

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.

CRAFT STUDIO means the workplace of an artist or craftsman, such as a carver, painter, or photographer, where fine art goods are produced.

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

COUNCIL means the Council of the Hamlet of Kugluktuk.

DEVELOPMENT means the carrying out of any construction, digging, or any major activity on, over, or under land. It also includes changing the way land is used or how much of it is used.

DEVELOPMENT OFFICER means a Hamlet Official, selected by Council to help Council make sure that this By-law is followed.

DEVELOPMENT PERMIT means a certificate which allows a development to take place. It includes plans and drawings.

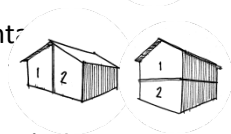
DWELLING means a building or part of a building, occupied or capable of being occupied as a home or residence by one or more persons, but does not include a hotel, a motel, apartment hotel, or hostel.

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 unit.

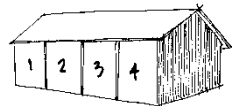


DWELLING, SEMI-DETACHED or DUPLEX means a building that is divided either vertically or horizontally into two (2) dwelling units.

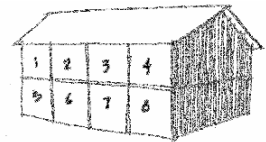


DWELLING, MINI HOME means any dwelling, which is pre-manufactured and designed to be transported to the lot as one integral unit, and for the purposes of this By-law shall include a mobile home.

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



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, and/or assistance essential for sustaining the activities of daily living.

EXISTING means in existence when this By-law was signed (at third reading).

GROUP HOME means a dwelling 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
- other miscellaneous substances of similar nature

HEALTHCARE FACILITY means an establishment used by qualified medical practitioners and staff for the provision of medical and healthcare on an outpatient basis. This term refers to such uses as medical or dental offices, occupational health and safety offices, physiotherapy services, counselling services, chiropractic services and ancillary clinic counselling 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 commercial building or buildings providing temporary accommodations for travellers or transients on a year-round basis, and may have a public dining room.

LOADING SPACE means an area of land which allows the temporary parking of a motor vehicle so that goods can be loaded or unloaded.

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 LINE means a shared line between a lot and the one next to it, the alley, street, or body of water.

LOT LINE, FRONT means the line dividing the lot from the street or other means of access, and where the main access to the lot is provided.

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

LOT LINE, INTERIOR SIDE means a side lot line which is between the main building and a neighbouring lot.

LOT LINE, EXTERIOR SIDE means a side lot line which is between the main building and a road, and where main access to the lot is not provided.

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

MAIN BUILDING means the building where the main purpose of the lot is carried out.

MUNICIPALITY means the Hamlet of Kugluktuk.

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 goods, inventory, materials or equipment or other items, which are not intended for immediate sale, by locating them on a lot exterior to a building.

PARKING LOT means 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.

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

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, cafés, 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.

SECONDARY SUITE means one or more rooms that serve as a separate, independent home within a house. A secondary suite is created by renovating an existing house, or by adding it to the outside of a house.

SETBACK means the distance from a lot line or road to the nearest part of the main building on a 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 right-of-way of a road, not just the gravel portion.

STRUCTURE means anything that is built, either temporary or permanent, that is connected to or built on the ground.

TEMPORARY means a time limit set by the Council for a specific use. In a case where no time limit is set, “temporary” means no more than sixty (60) consecutive days, unless otherwise indicated.

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

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

YARD means part of a lot 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 defined and regulated in this By-law and shown on the zoning map.

Section 3: Using the By-law



Council's Power

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

All new buildings must have vital services like a supply of electric power and road access.

Development Officer

The Hamlet Council must appoint a Development Officer.

The Council will authorize the Development Officer to do the following:

1. Review applications for Development Permits, amendments and variances to this By-law
2. If small projects like sheds and shacks are a permitted use, the Development Officer can grant a Development Permit. For all other projects or where uses are conditional, the Development Officer should make a recommendation to Council, and let Council decide
3. Request Council to revoke a Development Permit where the permit holder violates this By-law or the conditions of a Development Permit
4. Issue Notices and Approvals according to what Council decides

5. Carry out inspections on premises
6. Keep and maintain for inspection by the public the following official records:
 - (i) A copy of this By-law and changes to this By-law
 - (ii) A register of all development applications and decisions
7. Any other responsibilities allowed by the Planning Act

Development Permit

A development permit is required for all development, except:

- Traditional and cultural activities such as setting a trap line, recreational tents and cabins in the Nuna Zone
- Temporary buildings for construction that are not used as a dwelling
- Minor painting, repairs, landscaping or adding a deck or porch
- Minor repairs or renovations that do not increase the floor space of the building
- The installation, maintenance and repair of public works, services and utilities carried out by the Municipality on land which is publicly owned or controlled

Development Permit Approval Process

When a development permit application is submitted, Council will determine if the proposed development is similar in character to the uses listed to determine if the proposal is permitted, conditionally permitted or prohibited based on which Zone it is in. The lists of permitted and conditionally permitted uses in the Zone are a guide for Council to use. If the proposed development doesn't fit into the uses allowed in the Zone, then it is considered prohibited.

A proposed development that is:

Permitted: must be approved by Council, as long as the requirements of the Zone are met and the permit application is complete and valid.

Conditionally permitted: must be reviewed by Council and Council may impose additional terms and conditions on a case-by-case basis. In addition to the requirements for permitted uses, Council may decide to approve it or reject it based on whether or not the development fits into the neighbourhood.

Prohibited: the development is not allowed, and can only occur if the lot is re-zoned.

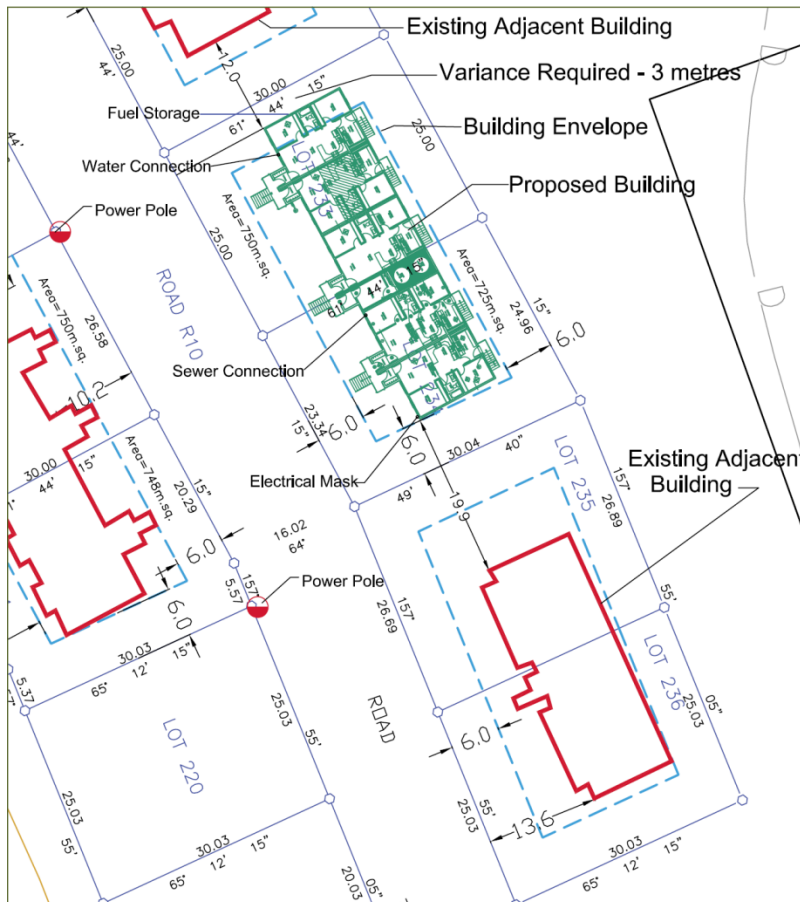
Development Permit Requirements

A complete application form for a Development Permit must be submitted to the Development Officer. The application must include:

1. The fee:
 - a. A new house: \$100
 - b. Additions to a house: \$50
 - c. Multi-plex housing: \$100 per unit for the first four (4) units, then \$40 per unit after
 - d. Non-residential buildings under 500m²(5,380 ft²): \$200
 - e. Non-residential buildings over 500m²(5,380 ft²): \$200 for the first 500m², then \$0.80 for every additional m², to a maximum of \$5,000
 - f. Signs bigger than 1m² (10.75 ft²): \$75
 - g. Minor variance request: \$25

- h. The above fees do not apply to any project proposed by the Hamlet of Kugluktuk, or development which will be owned by the Hamlet. These projects will not be charged a Development Permit fee
2. A site plan drawn to scale which includes the following details (an example is provided in Diagram 1):
 - a. The location of existing buildings
 - b. All legal dimensions of the lot(s)
 - c. The location and dimensions of surrounding lots and buildings
 - d. Plans of the proposed buildings showing dimensions
 - e. Proposed front, rear, and side yard setbacks
 - f. Access points to property
 - g. The location of outdoor fuel storage facilities
 - h. The location of water and sewer connections
 - i. The location of water and sewage storage tanks
 3. A letter of Consent from the Landlord
 4. Signed copies of a deed, lease, or reserve agreement for the land.

Diagram 1: Site Plan Example



Notice of Decision

The Development Officer or Council will review applications for development permits within forty (40) days.

When an application is approved, the Development Officer will post a Notice of the Decision on the lot within three (3) days of Council's decision.

The permit comes into effect fourteen (14) days after being posted.

Expiry of Development Permit

Development must begin within six (6) months after the permit has been granted, and must be completed within two (2) years.

Fees for Breaking the Rules

Anyone violating this By-law or conditions of their Development Permit can be fined \$500 plus \$100 for every day the offence continues.

Appeal Board

Council shall establish a Development Appeal Board with one Council member and two community residents. Members will be appointed for a three (3) year consecutive term. The Development Appeal Board will not include employees of the Hamlet.

Within two weeks of a new development being approved, anyone who is affected by it and disagrees with it can make an appeal to the board.

The appeal board will hear from everyone on the issue, and confirm, reject or vary the decision to approve the development.

Changing the Zoning By-Law

Any person who wants to change this By-law must fill out Application Form A, provide the support materials and pay a fee of \$250. Council may waive the fee if the change is considered to be helpful to the community as a whole.

When the Planning and Lands Administrator receives an application to change this By-law, he/she must:

- Investigate the potential effects of the change,
- Seek input from the neighbours who will be affected,
- Review the change with the applicant, and
- Make a recommendation to the Lands Committee.

The public must be consulted on the changes through public meetings. The changes must be approved by Council after three readings and approved by the Minister of CGS before they come into effect.

Section 4: Fitting in with Other Regulations



Fitting in with Other Regulations

Nothing in this By-law changes the fact that the rules of all other Kugluktuk By-laws, the regulations and laws of Nunavut, and the regulations and laws of Canada must be followed. Examples of some of these regulations are given below.

Review by Fire Marshal's Office

The Hamlet Council must consult the Fire Marshal's Office before approving development applications for residential uses (except single-unit dwellings) that do not meet the required setbacks, and for all non-residential uses.

Nunavut Water Board, INAC and DFO

The Nunavut Water Board, Indigenous and Northern Affairs Canada and the Department of Fisheries and Oceans Canada must approve all projects involving a water body before a Development Permit can be issued.

Land Ownership

Before a Development Permit can be issued on a new undeveloped lot, the developer must lease the land, own the land, or obtain a letter of permission from the owner-to-occupy the land.

Nunavut Planning Commission / Nunavut Impact Review Board

Information about any development with potential impacts outside the Municipal Boundary must be submitted to the Nunavut Planning Commission for review for conformity with the Nunavut Land Use Plan.

Information about any industrial development must be submitted to the Nunavut Planning Commission for review by the Nunavut Impact Review Board.

Airport Zoning Regulations

All developments must comply with the Kugluktuk Airport Zoning Regulations. Development close to airport property, or that could potentially interfere with airport operations, must be approved by Nunavut Airports.

Scientific Buildings, Towers and Instruments

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

Whenever archaeological artifacts are found during construction, construction activities should stop immediately and the find reported immediately to the Development Officer and the Territorial Archaeologist at the Department of Culture and Heritage.

Quarries

Unless this By-law specifically allows it, no person can remove granular material from a lot or other parcel of land.

If there is more granular material than is needed on a construction site, it can be removed for use or sale by the owner.

A Municipal Quarry Permit is required to operate a quarry. The Nunavut Impact Review Board must review Quarry Permit applications for new quarries and for changes to the boundaries of existing quarries before the Hamlet can issue a Quarry Permit.

Section 5: General Rules



Accessory Uses and Buildings

Accessory uses and buildings are allowed in any Zone but *must not*:

- a) Be used as a house, except where this is specifically allowed
- b) Be used to keep animals
- c) Be any closer to the edge of the lot than the main building is allowed to be
- d) Be closer than 1m to the side or back of the lot
- e) Be taller than half the height of the main building or 4.6m (15 ft.) if it is in a Residential Zone
- f) Be larger than 40m² (430 ft²) if it is in a Residential Zone
- g) Be larger than half the size of the main building in terms of floor space

Temporary Construction Buildings

This By-law cannot prevent temporary structures from being built for up to thirty (30) days after construction is complete, as long as they do not block the road sight-lines.

Frontage on a Street

Development permits can only be issued for lots that front onto a street or road, except where specifically provided for in this By-law.

Moving Buildings

A Development Permit is required in order to move all buildings except shacks.

Building Height

Building height is limited by the firefighting capabilities in the community. No building can be built taller than the firefighting capabilities of the Hamlet can protect.

Nunavut Airports must be informed of all buildings built near the airport or airstrip which are larger than one storey tall. All development must conform to the Airport Zoning Regulations.

Fences

Fences are not allowed in Residential Zones.

Fences are allowed in other Zones but must be approved by Council.

Multiple Uses

When there is more than one use on a lot, all rules of this By-law must be followed.

Distance from Water Bodies

No development is allowed within 30.5m (100 ft) of a significant water body except where Council specifically allows it with conditions.

Parking Requirements

All new buildings must provide parking. The minimum number of required spaces is:

- a) Residential: One space per dwelling unit
- b) Dwelling in a non-residential building: One parking space per two dwelling units
- c) Commercial: One space per 75m² (800 ft²) floor space
- d) Industrial: One space for every three people working on site
- e) Schools: One space for every three people working on site
- f) Community Use (excluding schools): One space per 75 m² (800 ft²) floor space
- g) Open space: Will be determined by the Development Officer or Council

Standard parking spaces must be 6.0 m in length and 2.7 m wide. Disabled parking spaces must be 6.0 m in length and 3.7 m wide.

For every six (6) regular spaces in a parking lot, at least one space must be marked as a space for people with disabilities.

Loading Space Requirements

Buildings that receive a lot of traffic from trucks loading and unloading materials must have off-street parking available for those trucks.

Satellite Dishes

Satellite dishes must be attached to the main building on a lot.

Business in a Home

Businesses located in a home must:

- a) Not create problems with noise, traffic, outdoor storage, etc. in the neighbourhood,
- b) Not employ more than two (2) people who do not live in the home
- c) Not look different from a regular house, except for having a sign outside no bigger than 0.28m² (3 ft²)
- d) Not use more than 25% of the floor space of the house

Day Cares

The Hamlet cannot issue a development permit for a day care unless it complies with the Child Day Care standards and regulations.

Bed and Breakfast

Bed and Breakfasts must:

- a) Be a part of a house,
- b) Have no more than four (4) bedrooms,
- c) Have no more than one (1) sign, up to 0.75m² (8 ft²) in size,
- d) Have no on-street parking,
- e) Follow all Building and Fire Codes.

Yard Regulations

Yards must be kept clear of:

- a) Any more than two broken vehicles (including small-engine vehicles) for more than six months (must be stored out of sight)
- b) Unsightly materials or objects which make the neighbourhood worse for others in the opinion of Council
- c) Any storage of materials for construction, unless all necessary safety measures are taken,
- d) Fire hazards

The Development Officer will determine whether or not a yard is considered in violation of these rules.

Reducing Setbacks

Council can reduce the setbacks for developments which generally follow the rules and are good for the neighbourhood. Applicants must submit a completed Setback Reduction application form. The maximum amount that setbacks can be reduced is as follows:

	Residential Zones	Other Zones
Front yard	25%	Discretion of Council
Side yard	25% with approval of Fire Marshal	10% with approval of Fire Marshal
Rear yard	25%	10%

If the following are provided, Council can approve a setback reduction of any amount:

- Fire Marshal approval
- A signed letter from each person or organization leasing the adjacent lots saying that they approve of the setback reduction

When several lots share a boundary and are combined under a single lease, the side yard setback from the shared lot lines will be zero.

Existing Buildings and Uses prior to this By-law

The rules in this By-law about what buildings are allowed to be built or how land can be used only apply to:

- a) New buildings and ways of using land, and
- b) Changes to existing buildings or ways of using land

If an existing building or way of using land is no longer allowed based on this By-law, then the following rules apply to it:

- a) The building can be sold or given to a new owner
- b) The building can be made 20% larger than it was before this By-law
- c) If the building is not used for a year, then any new use of it must follow the rules of this By-law
- d) If more than half of the building is destroyed, then any new use of the land must follow the rules of this By-law

Height Exceptions

Height limitations in this By-law do not apply to artworks and cultural structures, aides to navigation or aviation, antennae, bulk storage tanks, chimneys, church steeples, communication facilities, electrical supply facilities, flagpoles, lighting standards, lightning rods, mechanical equipment penthouses, solar panels, water tanks, or windmills. However, height limitations in the Airport Zoning Regulations must always be followed without exception, even for these buildings and structures.

Outdoor Storage

Outdoor storage in Community Use and Commercial Zones is only allowed in the rear or interior side yards and has to be enclosed from view from any public street or walking trail through with appropriate visual screening (e.g. fence, berm).

Outdoor storage in Industrial or Transportation Zones is not allowed within any minimum front, side, or rear yards where these yards are beside a Residential or Community Use Zone.

Permitted Projections into Yards

Unless otherwise stated by this By-law, the following structures are allowed to project from a lot's main building into a yard according to the following table. Despite the distances listed in this table, no projection of any structure is allowed within the minimum required setbacks from watercourse or water bodies.

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

Utilities

Utility structures or buildings required by the Hamlet of Kugluktuk or any public utility corporation are allowed in all Zones, as long as they meet all applicable statutes, regulations, standards, codes and agreements. Structures such as utility poles, utility lines and pipelines are exempt from the minimum yard setbacks and maximum building heights.

Section 6: Zones



Residential

For houses and playgrounds

Buildings and ways of using land that are permitted:

- Dwelling, Single-Unit
- Dwelling, Semi-Detached or Duplex
- Dwelling, Row house
- Park or Playground

- Any accessory building which is related to the main use or building and follows the rules in Section 5

Buildings and ways of using land that are conditionally permitted:

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

Rules for development in this Zone:

The following rules apply to all development in the Residential Zone:

- a) The minimum distance allowed between the edge of the building and the edge of the lot:
 - Front: 6m
 - Rear: 6m
 - Rear (if backing onto open space or waterfront): 2.5m
 - Side, between the building and the road: 4m
 - Side, between the building and another lot: 6 metres (subject to Fire Marshal requirements)
- b) The building cannot be taller than 8.5 m (28 ft).
- c) The house cannot be smaller than 50 m² (538 ft²).
- d) Parking work vehicles (that weigh more than 4500kg) or construction equipment in parking lots in this Zone is not allowed.

Commercial

For buildings where goods or services are sold, which fit in with a neighbourhood.

Buildings and ways of using land that are permitted:

- Office
 - Restaurant
 - Bank
 - Gas station
 - Convenience Store
 - Retail Store
 - Craft Studio
 - Day Care Centre
 - Hotel
 - Office
 - Personal Service
 - Restaurant
-
- Any accessory building which is related to the main use or building and is allowed in section 5

Buildings and ways of using land that are conditionally permitted:

- Dwelling unit above the ground floor in a non-residential building
- Business in a home
- Accessory dwelling

Rules for development in this Zone:

The following rules apply to all development in the Commercial Zone:

- a) The minimum distance allowed between the edge of the building and the edge of the lot:
 - Front: 6 metres
 - Rear: 6 metres
 - Side, between the building and the road: 4m
 - Side, between the building and another lot: 6m (subject to Fire Marshal requirements)
- b) The building cannot be taller than 10.7 m (35 ft).
- c) A covered or screened area for garbage is required.

Community Use

For buildings where public services are provided, which fit in with a neighbourhood.

Buildings and ways of using land that are permitted:

- Church
 - Communications Facility
 - Community Hall or Centre
 - School or College
 - Elders Facility
 - Fire Hall
 - Government Office
 - Group Home
 - Health Care Facility
 - Parking Lot
 - Police Station
 - Post Office
-
- Any accessory building which is related to the main use or building and is allowed in section 5

Buildings and ways of using land that are conditionally permitted:

- Cemetery
- Accessory dwelling

Rules for development in this Zone:

The following rules apply to all development in the Community Use Zone:

- a) The minimum distance allowed between the edge of the building and the edge of the lot:
 - Front: 8m
 - Rear: 8 m
 - Side, between the building and the road: 8m
 - Side, between the building and another lot: 8m (may be more if the Fire Marshal requires)
- b) The building cannot be taller than 10.7m (35 ft).
- c) A covered or screened area for garbage is required.

Open Space

Space for everyone to enjoy.

Buildings and ways of using land that are permitted:

- Archaeological site
- Monument, cairn, or statue
- Park or playground
- Sports field
- Washroom facility
- Shed to store equipment for traditional, cultural, and recreational activities.

Rules for development in this Zone:

- a) No substantial buildings are allowed in this Zone.
- b) All buildings must be located at least 10m from the sides and back of the lot.

Industrial

For buildings and activities which are loud, busy, or take up a lot of space.

Buildings and ways of using land that are permitted:

- Automotive Repair, Sales, or Rental Facility
- Building Supply or Contractors Shop
- Dwelling unit for a person who is taking care of a nearby building or lot
- Outdoor storage
- Rental Shop
- Warehouse
- Communications facility
- Any accessory building which is related to the main use or building and is allowed in section 5

Buildings and ways of using land that are conditionally permitted:

- Barge staging and landing site with associated warehousing
- Hazardous Goods storage
- Power plant
- Tank farm

Rules for development in this Zone:

a) The following rules apply to all development in the Industrial Zone:

The minimum distance allowed between the edge of the building and the edge of the lot:

- Front: 8m
- Rear: 8m
- Side, between the building and the road: 8m
- Side, between the building and another lot: 8m (may be more if the Fire Marshal requires)

b) The building cannot be taller than 10.7m (35 ft)

c) Only one (1) caretaker unit is allowed on a lot

Nuna

The open land.

Buildings and ways of using land that are permitted:

- Archaeological Site
- Dog Team
- Temporary tenting or camping

Buildings and ways of using land that are conditionally permitted:

- Beach Shack
- Quarry
- Cemetery
- Commercial Harvesting
- Communications Facility
- Permanent hunting and fishing cabins or camps
- Resource exploration and development
- Snow fence
- Tourist facilities
- Wind Turbine
- Any accessory building allowed in section 6

Rules for development in this Zone:

- a) Any development in the Transportation Influence Zone as indicated on the Land Use Map must be approved by NAV Canada.
- b) No development is allowed within 200m downwind of any snow fence without the approval of Council.
- c) No development is allowed within 200m of a wind turbine.
- d) No development is allowed within 100m of an Archaeological Site.
- e) Cabins must be built no closer than 15m from an existing cabin, and no closer than 100m from any other existing building or structure.

Park Reserve

For buildings and activities related to Kugluktuk Territorial Park.

Buildings and ways of using land that are permitted:

- As agreed between Nunavut Parks and Hamlet Council.

Rules for development in this Zone:

Development in the Park Reserve Zone must follow Nunavut Park's Management Plan for the Kugluk Territorial Park.

Transportation

For buildings and activities related to boat and airplane transportation.

Buildings and ways of using land that are permitted:

- Airport and related uses
- Communications Facility
- Marine Transportation and related uses

Rules for development in this Zone:

Any development in the Transportation Influence Zone as indicated on the Land Use Map must be approved by NAV Canada.

Future Development

Space for the community to grow.

Rules for development in this Zone:

The Future Development Zone refers to lands reserved for the future growth of the community and that might have environmental barriers to development. No development is allowed in this Zone.

Development Constraint Overlay

Added restrictions for sensitive areas.

How an Overlay Works

This Zone is intended to show development barriers to development on specified sites. Development Constraint overlays sit “above” Zones and add additional development restrictions. Development in these areas must follow the rules of the overlay(s) and the rules of the Zone underneath.

Archaeological Reserve

To protect Archaeological sites from destruction, no development may occur in this overlay.

Aviation Beacon Setback

A 200m radius setback is established around the Non-Directional Beacon (NDB) towers, as required by Transport Canada regulations. No new buildings are allowed within this overlay.

Formerly, this setback was 150m and a number of existing developments in Kugluktuk adhere to this standard because that was the rule at the time. Therefore, the setback for existing buildings remains 150m.

Quarry Reserve

This overlay contains sites close to the built-up area that have been identified as containing granular resources that must be protected for future extraction.

Buildings and ways of using land that are permitted:

- Pit
- Quarry
- Asphalt Plant

Rules for development in this overlay:

Buildings must be located further than 10m from the edge of the lot.

School Reserve

The School Reserve contains sites that have been identified for a future school. A school is the only permanent allowed use of the site, but temporary parks and recreation facilities are allowed on the site in the interim.

Waste Disposal Setback

Buildings and ways of using land that are conditionally permitted:

- Waste Disposal Site

Rules for development in this overlay:

No houses or commercial buildings where food is stored or prepared is allowed within 450m of a Waste Disposal Site.

Waterfront Reserve

Buildings and ways of using land that are permitted:

- Beach Shacks
- Boat Storage
- Dock
- Temporary Outdoor Storage of sealift equipment during sealift
- Snow Fence

Buildings and ways of using land that are conditionally permitted:

- Communications Facility
- Dog Teams

Rules for development in this overlay:

- a) The following rules apply to all development in the Waterfront Reserve Overlay:
 - The building cannot be taller than 3.1 metres (10 feet).
 - The building cannot be larger than 25 m² (269 ft²).
- b) Dog teams are allowed only in the areas identified on the Land-Use Map.

FORM A – Application for Amendment to Zoning By-law

APPLICATION FOR AMENDMENT TO THE ZONING BY-LAW

Application Fee: _____

Date: _____

Zoning Amendments are subject to the provisions of the Planning Act Section 29 and Section 3 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 B – 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.

Signature of Applicant

Date

Development Permit Applications shall be accompanied by the following information:

- 1) Site Plan. See Section 4
- 2) A letter from the Fire Marshal's Office approving the project, for all development other than Single Family Dwellings.
- 3) Certificate from Nunavut Impact Review Board approving a proposed industrial development.
- 4) Approval from the Water Board if the project requires filling or altering a water body.
- 5) Letter from Nunavut Airports approving the project if the project is near an airport.
- 6) A letter requesting a Variance, if the proposed project does not meet the exact zoning regulations.
- 7) If a Variance or Terms and Conditions are required by the Hamlet Council, a letter from the Applicant will be required stating the adjacent landowners 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 Kugluktuk.

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

Date

Land Owner

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

FORM C – Application for Business in a Home

APPLICATION FOR BUSINESS IN A HOME

I/We hereby make application under the provisions of the Zoning By-law 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

Where a home occupation is permitted under this By-law, a home occupation is subject to the following requirements:

1. Does not change the residential character of the lot by creating problems with noise, traffic, outdoor storage, or other nuisance
2. Does not employ 2 people who do not live in the dwelling
3. 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)
4. The home business does not take up more than 25% of the dwelling

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

Signature of Applicant

Date

Permit No.

Date

FORM D – 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, 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 six (6) months from the date that the permit was issued.

Permit No.

Date

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 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 _____.

Secretary of the Development Appeal Board
(Development Officer)

Date

FORM F – Notice of Appeal Decision

NOTICE OF APPEAL DECISION

Date: _____

This is to notify you that 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:

Secretary, Development Appeal Board

Date

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 – 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 4. of this By-law*. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Development Appeal Board (Development Officer) not later than fourteen (14) days following the date of issue of this notice. The notice of appeal shall contain a statement of the grounds of the appeal.

Date of Decision: _____

Date of Notice of Decision: _____

Signature of Development Officer: _____

FORM H – Stop Work Notice

STOP WORK NOTICE

Date: _____

POSTED ON SITE AND AT THE HAMLET OFFICE

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

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

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

Signature of Development Officer

Date of Notice

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

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

Date: _____

POSTED ON SITE AND AT THE HAMLET OFFICE

You are hereby notified that your development is in contravention of the Kugluktuk Zoning By-law, No. ____by reason of:

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

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

Signature of Development Officer

Date of Notice

FORM J – Application for Minor Variances(s)

APPLICATION FOR MINOR VARIANCE(S)

Application Fee: _____

I/We hereby make a request to vary one or more provisions of the Zoning By-law. Requirements, **refer to Section 5.**

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 setback reduction(s) being requested:

I certify that I will abide by the above conditions for variance 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 Kugluktuk.

Signature of Applicant

Date