

**WHALE COVE
COMMUNITY PLAN
BY-LAW NO. 230**

2019

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A By-law of the Hamlet of Whale Cove in Nunavut Territory to adopt a General Plan pursuant to the provisions of the Planning Act, RSNWT (Nu), 1988, c. P-7, s.4.

WHEREAS the Council of the Hamlet of Whale Cove has prepared a General Plan, referred to as the "Whale Cove Community Plan", in accordance with the Planning Act;

NOW THEREFORE, the Council of the Hamlet of Whale Cove, duly assembled, enacts as follows:

1. Schedules 1, 3 and 4 of this By-law form part of this By-law.
2. This By-law may be cited as the "Whale Cove Community Plan".
3. This By-law shall come into full force and effect on the date of its Third Reading.
4. Hamlet of Whale Cove By-law No. 201 is hereby repealed.

READ a first time this 20th day of February, 2019 A.D.

J. Kallio
Mayor

[Signature]
Senior Administrative Officer

After due notice and a Public Hearing, READ a second time this 4th day of March, 2020 A.D.

J. Kallio
Mayor

[Signature]
Senior Administrative Officer

APPROVED by the Minister of Community and Government Services this ___ day of _____, 20___ A.D.

Minister

READ a third time this ___ day of _____, 20___ A.D.

Mayor

Senior Administrative Officer

**SCHEDULE 1:
LAND-USE POLICIES**

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1. INTRODUCTION

1.1 PURPOSE OF THE PLAN

The purpose of the Whale Cove Community Plan (the Plan) is to outline Council's policies for managing the physical development of the Hamlet for the next 20 years – to 2039 – that reflect the needs and desires of the Community. The Plan was created through a community consultation process. The Community Plan builds on previous plans, while incorporating new challenges, issues and needs identified by the community.

1.2 GOALS OF THE COMMUNITY PLAN

Community Plan policies emerge from the values of a community and its vision of how it would like to grow. The goals established for this Community Plan are:

1. To develop in an orderly fashion creating a healthy, safe, functional, and attractive community that reflects community values and culture.
2. To accommodate an appropriate range and mix of uses to accommodate growth and change in the community.
3. To promote the Plan as a tool for making effective and consistent decisions regarding land use and development in the community.
4. To build upon community values of participation and unity to support community projects and local economic development.
5. To protect the natural beauty of "Nuna", protect viewpoints to the water, and retain waterfront areas for public uses and traditional activities.

1.3 ADMINISTRATION OF THE PLAN

The Community Plan is enacted by By-law. Changes to the Plan can be made by amending the By-laws in accordance with the Nunavut *Planning Act*. The Community Plan should be reviewed and updated every five years as required by the Nunavut *Planning Act*. A Zoning By-law is also being enacted for the purpose of implementing detailed policies based on the Community Plan. All development must follow the intent of the Community Plan and Zoning By-law.

2. COMMUNITY GROWTH & DEVELOPMENT PHASING

The policies of Council are:

Plan for a 2039 population of 670 people and address the current overcrowding situation. This Plan proposes that approximately 4.5 hectares of land for residential development will be needed for this population.

- a) Encourage and facilitate the consolidation, intensification and redevelopment of existing lots within the townsite to conserve land supplies on the periphery of town.
- b) Council will phase development as follows:
 - i. Phase 1: Existing lots on the east side of the airport road;
 - ii. Phase 2: Future subdivision on the airport road opposite the ball diamond;
and,
 - iii. Phase 3: Future subdivision north of the Housing office.
 - iv. Phase 4: Future subdivision northeast of the baseball diamond.

3. GENERAL POLICIES

The following policies of Council apply to development in the Hamlet regardless of land use designation:

- a) The development of lots shall be subject to the following lot development policies:
 - i. All service connections to buildings shall be easily accessed from the front or side yard on all lots.
 - ii. Access to new buildings will avoid, where possible, main entrances on the south side to reduce problems associated with snow drifting.
 - iii. Any building over 500 m² in gross floor area shall consider potential wind impacts on surrounding development. A wind study may be required by the Development Officer.
 - iv. Where culverts are required, they shall be installed at the access points to lots.
 - v. On any portion of a lot where fill is introduced, the lot shall be graded to ensure that drainage is directed towards the public road. Exceptions may be made by the Development Officer. Where possible, drainage ditches shall not be located in Utility Right-of-Ways or Easements.
 - vi. Road widenings may be obtained as required at the time of development or redevelopment of a lot in situations where the road right-of-way is less than 16 metres wide.
- b) The Hamlet will consider adopting a Road Naming By-law.
- c) The Hamlet will pile snow in locations to minimize downwind snow drifting and where spring melt runoff can be properly channeled to drainage ditches or waterbodies.
- d) The Hamlet shall avoid piling snow within at least 30.5 metres (100 feet) of any watercourse.
- e) A minimum setback distance of 30.5 metres (100 feet) of a watercourse shall be maintained, except subject to terms and conditions of the Hamlet Council.
- f) Utilities or communications facilities shall be permitted in any land use designation.
- g) The Hamlet shall protect cemeteries and sites of archaeological, ethnographical or historical significance from disturbance.
- h) The Hamlet shall encourage development that minimizes emissions from fossil fuels, that are energy efficient and that consider alternative energy supply technology.

- i) The Hamlet shall consider strategies to adapt to the impacts of climate change, such as locating development away from low lying coastal areas and protecting existing areas against erosion.
- j) The Hamlet shall work with the Nunavut Planning Commission to ensure that the Whale Cove Community Plan, the Keewatin Regional Land Use Plan (KLURP), and the future Nunavut Land Use Plan are compatible.
- k) To reduce the amount of fill and ground alterations, pile foundation should be considered as an alternative foundation type.

4. LAND USE DESIGNATIONS

4.1 RESIDENTIAL

The Residential designation provides land for primarily residential uses; however, it also permits other small-scale conditional uses subject to the approval of Council. The policies of Council are intended to maintain an adequate supply of land for residential development and to build safe and livable neighbourhoods. The policies of Council are:

- a) The Residential designation will be used primarily for housing with all types of dwelling types permitted. Uses that are residential in nature, such as a special needs home, a home occupation, or a bed and breakfast will also be permitted.
- b) Residential development will be phased so that a target minimum 5-year supply of vacant surveyed land is available at any given time.
- c) Council will look for opportunities for infill lots for new housing within the existing townsite. Council will work with the Nunavut Housing Corporation to identify where existing lots could be consolidated and redeveloped with attached housing forms (eg. 5-plexes).

4.2 COMMERCIAL/COMMUNITY USE

The Commercial/Community Use designation is intended to support local economic development by maintaining an adequate supply of land and easy access to commercial and community uses, and to reserve significant and important locations for these facilities and services. The policies of Council are:

- a) The Commercial/Community Uses designation will be used for:
 - i. Commercial uses such as hotels, restaurants, retail, personal and business services, and offices;
 - ii. Public uses such as social, cultural, religious, or educational centres.
- b) Commercial and Community facilities will be centrally located to ensure safe and convenient access by residents.
- c) Priority Community Use projects that Council will pursue through partnerships with other levels of government include:
 - i. Building a new Fire Hall;
 - ii. Building a new long-term care facility for Elders;
 - iii. Sports facilities for youth, such as a basketball court, pool, and soccer pitch; and
 - iv. Building a new Hamlet Office.

- d) Lands around the cemetery should be protected for future expansion of the cemetery.
- e) Residential uses shall be permitted when located above a ground floor commercial/community use or when they do not occupy more than 50% of the ground floor of a commercial/community building.

4.3 OPEN SPACE

The Open Space designation is intended to protect shoreline environments, maintain access to the sea, and to reserve open spaces within the built-up area for recreational and cultural events. The policies of Council are:

- a) The Open Space designation will be used primarily for parks, walking trails, traditional and recreational uses, such as beach shacks, boat storage, community docks, and temporary storage of sealift equipment during sealift operations.
- b) A playground should be located within a 300metre walking distance from any residence in the community.
- c) A new playground will be installed in the neighbourhood east of the Community Core to meet the above standard.
- d) Owners of development will be required to maintain the development and the surrounding area tidy.
- e) Unless otherwise noted, all Commissioner's Land forming part of the 100-foot strip (30.5 m) along the seashore measured from the ordinary high water mark will be designated Open Space.

4.4 INDUSTRIAL

The Industrial designation is intended to reduce the negative effects and dangers associated with industrial uses, such as noise, dust, truck travel and the storage of potentially hazardous substances. Industrial uses shall be directed to industrial subdivisions away from the centre of town. The policies of Council are:

- a) Permitted uses in the Industrial designation will include all forms of manufacturing, processing, garages, warehousing and storage uses. Power generation plants and fuel storage will also be conditionally permitted.
- b) Council will encourage the relocation of existing warehousing and storage uses to the industrial subdivision.
- c) The Hamlet will consider relocating over time Hamlet garages and maintenance shops to the industrial subdivision.

- d) Council will consider expanding the industrial subdivision on the east side of town as proposed on Schedule 3 of this Plan.
- e) A new industrial subdivision should be considered for the area near any future marine transportation facilities. (i.e. sea lift or deep sea port).

4.5 TRANSPORTATION

The Transportation designation is intended to protect and ensure the safe operation of the airport, related activities such as the NavCanada communications sites, and major marine facilities. The policies of Council are:

- a) Permitted uses in the Transportation designation include all activities related to air traffic and communications, as well as major marine activity. Commercial activities that are accessory to air traffic are also permitted in this designation.
- b) All development within the areas affected by the Whale Cove Airport Zoning Regulations shall comply with those regulations. Development applications shall be referred to Nunavut Airports for review and approval where development is proposed adjacent to the airport and/or where development has the potential to interfere with airport operations.
- c) All development within the 200 metre Influence Zone of aircraft Non-Directional Beacon (NDB) is subject to the approval of NavCanada.

4.6 NUNA

The Nuna designation applies to all unsurveyed land within the Municipal Boundary not designated by another land use and is intended to protect the natural beauty and cultural resources of the land – 'Nuna' – while providing access for traditional, recreational and tourism activities. The policies of Council are:

- a) The Nuna designation generally permits traditional, tourism and recreational uses. Permitted uses also include dog teams, quarrying, commercial harvesting, and infrastructure projects for local economic development.
- b) Council shall ensure that development does not negatively impact wildlife, wildlife habitat and harvesting and is consistent with the guiding principles of Inuit traditional knowledge.
- c) Council will work with local partners and other levels of government to improve ATV and snowmobile access trails to the land and sea in a way that reduces the negative impact of vehicle traffic on the tundra.

4.7 WASTE DISPOSAL

The Waste Disposal designation applies to existing or former waste disposal sites for solid or liquid waste, and uses that are accessory to the operation or remediation of waste disposal sites. The policies of Council are:

- a) The Waste Disposal designation permits no development except uses accessory to the operation or remediation of a waste disposal site.
- b) The Hamlet shall explore remediation options for the former waste disposal site to the northeast of the Community Hall.
- c) The Hamlet shall prohibit the development of residential uses and uses involving food storage or food preparation within the 450-metre setback from any active waste disposal site, pursuant to the *General Sanitation Regulations* of the Public Health Act.

4.8 MUNICIPAL RESERVE

The Municipal Reserve designation is intended to reserve land for the future growth of the community. The policies of Council are:

- a) The Municipal Reserve designation does not permit any development except temporary uses approved by Council.
- b) Municipal Reserve lands shall be redesignated by amendment to this Plan prior to being used for community expansion.
- c) Lands designated Municipal Reserve may be affected by significant environmental constraints to development such as shallow waterbodies and poor drainage. All constraints shall be cleared of environmental constraints prior to the lands being redesignated for development.
- d) The conceptual road network shown on Schedule 1 may need to be changed according to community needs during the subdivision process.

4.9 WATERSHED OVERLAY

The Watershed Overlay identifies the watershed of the Hamlet water source. This overlay is intended to restrict the uses of the underlying designation to prevent contamination of the Hamlet water supply. The policies of Council are:

- a) No development is permitted in the Watershed Overlay unless it can be clearly demonstrated that the development will have no impact on the Hamlet water source.

- b) Despite policy 4.9 a) above, uses accessory to the supply of water such as a pipeline, a pumping or monitoring station or road are permitted.