

KIMMIRUT ZONING BY-LAW

BY-LAW NO. 128-2014

January 2014

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A By-law of the Hamlet of Kimmirut 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 Kimmirut 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 Kimmirut, duly assembled, enacts as follows:

1. Sections 1 to 6, and Schedules 2, 3, and 4 of this By-law are declared to form part of this By-law.
2. This By-law may be cited as the "Kimmirut 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 By-law No.93-2006 and all amendments thereto, of the Hamlet of Kimmirut are hereby repealed.

READ a first time this 23rd day of January, 2014

Mayor

Senior Administrative Officer

After due notice and a Public Hearing, READ a second time this ____th day of _____, 201_

Mayor

Senior Administrative Officer

APPROVED by the Minister of Community and Government Services this ___ day of _____, 201_

Minister

READ a third time this ___ day of _____, 201_

Mayor

Senior Administrative Officer

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SECTION 1 – INTRODUCTION & INTERPRETATION

PURPOSE

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

DEFINED AREA

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

SCOPE

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

VALIDITY

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

ESTABLISHMENT OF ZONES

- 1.5 For the purpose of this By-law, the Hamlet of Kimmirut is divided into zones. The extent and boundaries of all zones are delineated on Schedule 2 – Community Plan and Zoning Map, Schedule 3 – General Land Use Map, and Schedule 4 which specifies the zoning provisions applying to particular lands.

INTERPRETATION OF ZONING BOUNDARIES

- 1.6 If there is any uncertainty as to the location of the boundary of a zone, the Development Officer or the regional Community Planner shall interpret the Land Use Map to determine the boundary line based on the centerline of a public road, a surveyed lot line, or an unsurveyed lease sketch.

SECTION 2 – DEFINITIONS

INTERPRETATION

2.1 Typical uses listed in the definitions as examples are not intended to be exclusive or restrictive. Reference should be made to the Community Plan and the intent or the definition of the use in determining whether or not a use is included within a particular definition.

DEFINITIONS

2.2 In this By-law:

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

“ACCESSORY BUILDING” means a building that is separated from the principal building or structure on the lot and is secondary to, and normally associated with the main use and located on the same lot and includes garages, workshops, sheds, and shipping containers. Accessory uses cannot be used for human habitation. See Section 5.1.

“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. An accessory use must have a gross floor area lesser to the building which houses the main use on the same lot.

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

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

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

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

“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 a site or building where motor vehicles less than 4,500 kg may be repaired, serviced, stored for rental, sale or display.

“BEACH SHACK” 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. Beach Shacks are not to be used for human habitation. Beach Shacks shall not exceed 18 m² (193.7 ft²) in gross floor area.

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

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

“BUILDING SUPPLY AND/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, metal working and carpentry or truck, bulldozer, loader and backhoe operating.

“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 shall not exceed 18 m² (193.7 ft²) in gross 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.

“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. Communications facilities include the antennae or transmit/receive equipment, a support structure or tower, and a small building to shelter equipment.

“COMMUNITY FREEZER” means a thermally insulated building maintained at a subfreezing temperature to freeze and store food for the community’s use.

“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.

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

“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.

“CORRECTIONAL FACILITY” means a place of secure temporary detention and a place of secure custody such as a secure custody group home.

“COUNCIL” means the Council of the Hamlet of KIMMIRUT.

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

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

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

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

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

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

“DOG TEAM” means three (3) or more dogs trained to be harnessed together and used for recreational or commercial purposes or in the maintenance of a subsistence lifestyle.

“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-DETACHED” means a separate detached building consisting of one dwelling.

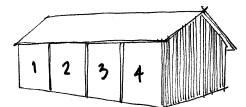


“DWELLING, MINI HOME” means any dwelling, which is pre manufactured and designed to be transported to the lot as one integral unit, and for the purposes of this by-law shall include a mobile home.

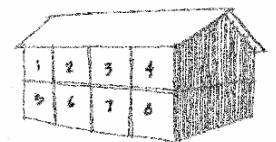
“DWELLING, SEMI-DETACHED” or “DUPLEX” means a building that is divided either vertically or horizontally into 2 dwelling units.



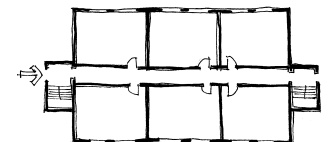
“DWELLING, ROWHOUSE” means a building that is divided vertically into three or more dwelling units, each of which may be located on a separate lot and each of which has independent entrances to a front and rear yard immediately abutting the front and rear walls of the unit.



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



“DWELLING, APARTMENT” means a building other than a Multi-Unit Dwelling or Rowhouse that contains four or more dwelling units, in which all units have a common entrance from street level and are served by a common corridor and the occupants of which units have the right to use in common the corridors, stairs, yards or one or more of them.



“EDUCATIONAL FACILITY” means a place of instruction, including classrooms,

seminar rooms and similar installations, and may include residences.

“ELDERS FACILITY” means a building or part of a building, which is used or intended to be used to provide housing and care for three or more elderly persons who are provided living and sleeping facilities, meal preparation, personal care, supervision, or assistance essential for sustaining the activities of daily living.

“EMERGENCY AND PROTECTIVE SERVICES” means a public facility used by fire, police, ambulance, and others as a base of operations.

“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.

“FUEL STORAGE FACILITY” means a tank, container or enclosure used for the bulk storage of gas and/or liquid and/or solid fuels.

“GENERAL PLAN” means the General Plan of the Hamlet of Kimmirut know as the Kimmirut 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.

“HEAVY EQUIPMENT AND VEHICLE YARD” means premises used for the storage, sale, rental, and servicing of heavy equipment and vehicles.

“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 travelers or transients on a year-round basis, and may have a public dining room.

“LAND FARM” means a facility designed to store and treat contaminated soils, sediments or sludges.

“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 is carried on the principal purpose or purposes for which the lot is used.

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

“MANUFACTURING PLANT” means an establishment primarily engaged in the fabricating, processing, finishing, refinishing or assembly or similar production of various articles and commodities such as custom workshops, factories, mills, industrial shops and production facilities, or other similar uses.

“MOTOR VEHICLE” means an automobile, truck, all-terrain vehicle, snowmobile, or other recreational vehicle, but does not include heavy equipment vehicles.

“MUNICIPALITY” means the Hamlet of Kimmirut.

“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.

“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 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.

“PERMANENT HUNTING AND FISHING CABINS OR CAMPS”. See **“CABIN”** and/or **“BEACH SHACK”**.

“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.

“PUBLIC STREET” means a road which affords the principal means of access to abutting lots and is open and maintained on a regular, year-round basis by the Corporation; it does not include a public lane.

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

manufacturing or vehicle repair shops.

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

"SIGN" means any object or device intended for the purpose of advertising or calling attention to any person, matter, thing, or event and includes posters, notices, panels, boarding and banners.

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

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

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

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

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

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

"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.

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

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

"YARD, REAR" means the area extending across the full width of a lot from the rear lot

line to the nearest wall of any main building or structure on the lot.

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

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

"ZONE" means a land use category as defined and regulated in this By-law and as shown on its 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, for sheds and shacks, or other similar types of accessory buildings.
 - (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;
 - (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.
- 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 Municipality of Kimmirut or to obtain any license, permission, or permit required by municipal, territorial and federal legislation.
- 3.9 Development will be of a consistent quality and character and will follow the lot development standards set out in Section 3a) of the Community Plan.
- 3.10 All development requires a Development Permit except for the following:
 - (a) For grading or landscaping where the cutting or filling is less than (one) 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 Hinterland (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 Fire Marshal's Office of their plans;
 - (e) A temporary building or structure associated with construction, unless such building or structure is used for human habitation.
 - (f) The installation, maintenance and repair of public works, services and utilities carried out by the Hamlet on land which is publicly owned or controlled;
 - (g) Temporary election campaign signs and signs not exceeding 1 square metre in size.
 - (h) Decks or open porches in the Residential Zone that meet all provisions of this By-law.

DEVELOPMENT PERMIT SUBMISSION REQUIREMENTS

- 3.11 A complete application form for a Development Permit must be submitted to the Development Officer.
- 3.12 Every application shall be accompanied by:
- (a) The required application fee calculated as follows (where development involves more than one type of development the fees shall equal the value of the highest and single fee):
 - (i) Residential projects with 4 units or less: \$100 per dwelling unit for proposals of 4 units or less
 - (ii) Residential projects with more than 4 units: \$400 for the first 4 units plus \$40 for each additional unit
 - (iii) Non-residential projects of 500 square metres or less: \$200
 - (iv) Non-residential projects over 500 square metres: \$200 for the first 500 square metres plus \$.80 for every additional square metre to a maximum fee of \$5,000
 - (v) For any building addition, deck, fence or accessory building with a construction value over \$5,000: \$50
 - (vi) For any building addition, deck, fence or accessory building with a construction value under \$5,000: \$25
 - (vii) Any sign larger than 1 square metre (1 m²): \$75
 - (viii) Notwithstanding the application fees as set out in Section 3.12, any development(s) proposed by the Hamlet of Kimmirut, 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) Exterior materials;
 - (viii) The location of outdoor fuel storage facilities;
 - (ix) The location of water and sewer connections;
 - (x) The location of water and sewage storage tanks; and,

- (xi) The location of existing watercourses.
- (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 is also required.

NOTICE OF DECISION

- 3.13 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.
- 3.14 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.
- 3.15 When an application is approved, the Development Officer will within 3 days of the date of decision, post a Notice of Decision conspicuously on the lot for which the application has been approved and in the Hamlet Office.
- 3.16 When a Variance has been granted, the Development Officer will within 3 days of the date of decision, send a Notice of Decision to adjacent property owners.
- 3.17 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

- 3.18 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 1 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

- 3.19 Anyone violating any provision of this By-law or conditions of a Development

Permit is liable to a fine of \$500 plus \$100 for every day the offence continues, as specified in Section 34 of the *Planning Act* and Sections 105,106,107 and 108 of the *Hamlets Act*.

DEVELOPMENT AGREEMENTS

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

DEVELOPMENT APPEAL BOARD

- 3.21 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.
- 3.22 Anyone claiming to be affected by a decision made by Council under this By-law may appeal in writing to the Appeal Board within 14 days of the mailing or posting of a Notice of Decision.
- 3.23 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.

3.24 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

3.25 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 two hundred and fifty dollars (\$250.00);
- (c) Any information as may be required by Council.

RULES OF INTERPRETATION

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

3.27 Where a specific use does not conform to the wording of any use definition or generally conforms to the wording of two or more definitions, a Development Officer may use their discretion to determine which definition of use type is most similar in terms of character and purpose.

INSPECTION OF PREMISES

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

VIOLATIONS AND PENALTIES

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

SECTION 4 - COMPLIANCE WITH OTHER REGULATIONS

- 4.1 Nothing in this By-law shall exempt any person from complying with the requirements of any other by-law in force within the Municipality of Kimmirut or to obtain any license, permission, or permit where authority or approval is required by any other by-law of the Municipality of Kimmirut or any statute or regulation of the Government of Nunavut or the Government of Canada.
- 4.2 Where the provisions in this by-law conflict with those of any other municipal, federal or provisional regulations, by-laws or codes, the higher or more stringent requirement shall prevail.

REVIEW BY FIRE MARSHAL'S OFFICE

- 4.3 The Hamlet Council shall seek the comments of the Fire Marshal's Office before approving a development application for the following type of uses:
- (a) Residential use –
 - a. All semi-detached, duplex, row house, or multi-unit dwellings.
 - b. Single units that do not meet the required setbacks.
 - (b) All non-residential uses.

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

NUNAVUT IMPACT REVIEW BOARD AND AANDC

- 4.4 Industrial development which is subject to screening must be approved by the Nunavut Impact Review Board (NIRB) before a Development Permit can be issued. The screening criteria are identified in the NIRB "Guide to Project Proposals Exempt from Screening" document.

NUNAVUT WATER BOARD AND INAC

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

and approval.

LEGAL LAND TENURE

- 4.6 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

- 4.7 Information on any development or amendments occurring close to the Municipal Boundary or any development with potential impacts outside the Municipal Boundary should be submitted to the Nunavut Planning Commission (NPC) for review and comment.

AIRPORT ZONING REGULATIONS

- 4.8 Any land use must be compliant with the Kimmirut Airport Zoning Regulations. 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, Operations & Safety, prior to construction.

SCIENTIFIC INSTALLATIONS

- 4.9 Notwithstanding the regulation in Section 6.0, no use or development shall be permitted which will interfere with the operation of atmospheric monitoring or other scientific installations (eg. Telecommunications, radar, EMR magnetic observatory, meteorological station). All development proposals which could potentially interfere with such installations require review and approval by the appropriate Territorial and Federal Departments.

ARCHAEOLOGICAL SITES

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

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 the development of new quarries, prior to the Hamlet issuing any Quarry Permits for these areas.

UTILITY CORPORATION

- 4.14 The Customer shall ensure that all required permits, licenses, and authorizations are provided to the Corporation prior to: commencement of Service, or; any change of service requirements at any point of delivery, or; commencement of construction of new service extensions.

SECTION 5 - GENERAL PROVISIONS

ACCESSORY BUILDING, STRUCTURE OR USE

- 5.1 Accessory uses, buildings, and structures shall be permitted in any zone but shall:
- (a) For the total gross floor area of all accessory buildings on the lot, not exceed 50% of the gross floor area of the main building. This total includes both permitted and non-conforming accessory uses.
 - (b) Not be used for a residential use except where a dwelling is a permitted accessory use;
 - (c) Not be used for the keeping of animals other than household pets.
 - (d) Not be built closer to the front or exterior side lot line than the minimum distance required for the main building.
 - (e) Not be located closer than 1.0m to any interior side or rear lot line.
 - (f) Not exceed one-half the height of the main building or exceed a height of 15 feet (4.6 metres) in a residential zone.
 - (g) Not exceed 40 square metres in any Residential Zone.

BED AND BREAKFAST

- 5.2 Where permitted, Bed and Breakfasts shall conform 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 .75 square metres in area nor exceed one in number.
 - (d) On street parking shall be prohibited.
 - (e) The use should conform to all Building and Fire Codes.

BUILDING TO BE MOVED

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

DAY CARE FACILITIES

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

DISTANCE FROM WATERCOURSES

- 5.5 No development shall generally be permitted within 30.48 metres (100 foot strip) along the shoreline of the seacoast, navigable rivers, and navigable lakes measured from the ordinary high water mark.

FENCES

- 5.6 No fences are permitted in residential zones. Fences may be permitted in industrial, airport and community use zones but would be subject to terms and conditions set out by the Council.

FRONTAGE ON A STREET

- 5.7 No Development Permit shall be issued except where the lot has frontage on a street or road. Exceptions are made where specifically provided for in this By-law. Where a lot has frontage on more than one street, the Development Officer may require any building, structure, or accessory building on the lot to maintain a front yard on each street so as to present a consistent street appearance on each street.

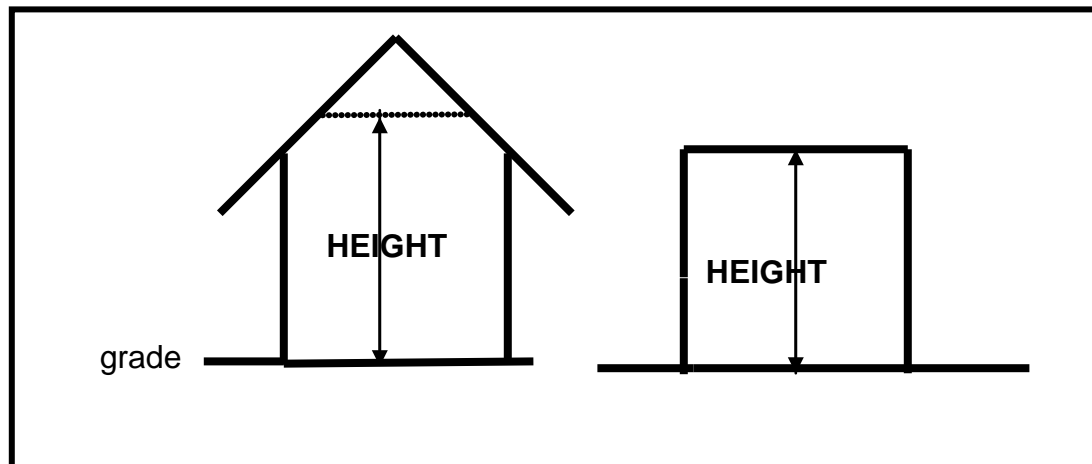
FRONTAGE ON CURVES

- 5.8 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 measured at the distance of the front yard setback.

HEIGHT

- 5.9 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.



HEIGHT EXCEPTIONS

- 5.10 Where height limitations are set forth in this By-law, such limitations shall not apply to artworks and cultural structures (i.e. Inukshuks), aids to navigation or aviation, antennae, bulk storage tanks, chimneys, church steeples, clock towers, communication facilities, electrical supply facilities, fire towers, flagpoles, lighting standards, lightning rods, mechanical equipment penthouses, skylights, solar panels, stacks, water tanks, or windmills. Notwithstanding the foregoing, limitations prescribed by a Federal Ministry or other Authority with respect to height limitations and appropriate lighting in the vicinity of airfields shall prevail.
- 5.11 The height of buildings and structures in the vicinity of airports are regulated by Airport Zoning Regulations. Refer to section 4.8.

HOME OCCUPATION

- 5.12 Where a home occupation is permitted under this By-law, a home occupation is subject to the following requirements:
- Does not change the residential character of the lot by creating problems with noise, traffic, outdoor storage, or other nuisance;
 - Does not employ more than 2 people who do not live in the dwelling;
 - 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);
 - No more than 25% of the gross floor area of the dwelling shall be used for a home occupation.

LOADING SPACE REQUIREMENTS

5.13 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.

LOTS DIVIDED INTO MORE THAN ONE ZONE

5.14 Where a lot has two or more zones, the zone containing the largest area of the lot shall apply.

MINOR VARIANCE

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

	DEGREE OF RELAXATION	
	Residential Zones	Other Zones
Front Yard	25%	Discretion of Council
Side Yard	25% with prior authorization of the Fire Marshal	15% with prior authorization of the Fire Marshal
Rear Yard	25%	15%

MULTIPLE USES ON A LOT

5.16 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.

NON-CONFORMING BUILDING OR USE

5.17 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 conform with this By-law;
- (d) If more than 50% of a non-conforming building or use is accidentally destroyed or knowingly removed, any new use or building must conform to this By-law.

ONE MAIN BUILDING ON A LOT

- 5.18 Except where provided for in this By-law, no more than one main building may be placed or erected, and no building or structure may be altered to become a second main building on a lot.

OUTDOOR STORAGE

- 5.19 Outdoor storage in Community Use, Community Core, Commercial Zones, and Mixed-Use Zones shall only be permitted in rear or interior side yards and shall be enclosed from view from any public street or walking trail through the use of appropriate visual screening (eg. fence, berm).
- 5.20 Outdoor storage in Industrial or Transportation Zones shall not be permitted within any minimum front, side, or rear yards where these yards abut a Residential or Community Use Zone.

PARKING REQUIREMENTS

- 5.21 Parking shall be required for any use, building or structure in accordance with the following standards and such parking shall be accessory to a permitted use and located on the same lot as the use:
- (a) Residential – 1 parking space per dwelling unit
 - (b) Residential in a non-Residential building – 1 parking space per 2 dwelling units
 - (c) Commercial – 1 space per 75 sq. m. gross floor space
 - (d) Industrial – 1 space for every 3 people working on site
 - (e) Community Use, School – 1 space for every 3 people working on site

- (f) Community Use, Other – 1 space per 75 sq. m. gross floor space
 - (g) Open Space – Discretion of Development Officer or Council.
- 5.22 Each required parking space shall be 6.0m in length and 2.7m wide. Parking spaces for residential uses shall be located in the front yard and exterior side yard of the lot, and parking spaces shall be oriented parallel to the side lot lines.
- 5.23 For a required parking area of more than 6 spaces, at least one space for every 25 spaces must be a designated accessible space for vehicles accommodating those with disabilities. An accessible space shall be 6.0m in length and 3.7m wide.
- 5.24 Any development over 1,000 square metres in gross floor area and located in the Community Core Zone shall locate required parking at the side or rear of the building. Any non-residential development with a requirement for three or more parking spaces must do the following:
- (a) Provide a driving aisle with a minimum width of 6.5 m
 - (b) Define the parking area using parking rails, boulders, blocks, bollards, or other material so that the parking does not encroach or cross onto the road allowance or adjacent lots.

PERMITTED PROJECTIONS INTO YARDS

5.25 Despite any other provision to the contrary, the following features and other similar features are permitted to project from a principal building into a required yard in accordance with the following table. This section does not apply to the projection of any structure into the minimum required setback from watercourse or waterbodies.

Object	Permitted projection into any required yard	Minimum distance from lot line
Canopies or awnings	1.5 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

RESTORATION TO A SAFE CONDITION

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

SATELLITE DISHES

- 5.27 Satellite dishes shall not be permitted between the building and the street line. Poles must be to the side or rear and positioned so as to avoid obstructing parking and/or service delivery.

TEMPORARY CONSTRUCTION USES PERMITTED

- 5.28 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.

UTILITIES

- 5.29 Structures or buildings required by the Hamlet of Kimmirut 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.

YARD REGULATIONS

- 5.30 No person shall keep or permit in any part of the yard in any residential zone:
- (a) Any more than two dismantled vehicles for more than six months and such vehicles shall be stored out of public view;
 - (b) Any object or chattel which, in the opinion of the Development Officer is unsightly or tends to adversely affect the amenities of the district;
 - (c) Any excavation, storage, or piling up of materials required during the construction stage unless all necessary safety measures are undertaken.
- 5.31 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.

SECTION 6 - ZONE REGULATIONS

RESIDENTIAL (R)**6.1 Permitted Uses**

Dwelling, single-unit
Dwelling, semi-detached or duplex
Park or playground

6.2 Conditional Uses

Bed and breakfast
Craft studio
Day care centre
Dwelling, rowhouse
Dwelling, multi-unit
Dwelling, apartment
Dwelling, mini home
Elders facility
Group home
Home occupation
Secondary suite

6.3 Zone Requirements

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

Setbacks (minimum)

Front = 6 metres
Rear = 6 metres
Rear, backing onto an OS Zone = 2.5 metres
Side (Exterior) = 4 metres
Side (Interior) = 6 metres, or as required by the Fire Marshal

Building Height (maximum)

8.5 metres (28 feet)

- (b) Despite the provisions of Section 6.3(a), for semi-detached dwellings or rowhouse dwellings located on separate, adjacent lots, the side yard where units are attached may be reduced to zero.

- (c) Parking or storage of a commercial vehicle having a gross vehicle weight of 4,500 kg or more such as construction equipment including bulldozers, backhoes, high hoes, and pay loaders is not permitted.
- (d) The following provisions will apply to Secondary Suites:
 - (i) The suite forms part of a single unit or semi-detached dwelling;
 - (ii) The suite is structurally attached or located within the principal dwelling;
 - (iii) The suite does not exceed a floor area of 25% of the principal dwelling, or 60m² of gross floor area, whichever is less.

COMMERCIAL (C)**6.4 Permitted Uses**

Bank
Broadcasting Studio
Commercial recreation
Communications facility
Convenience store
Craft studio
Day care centre
Hotel
Office
Parking lot
Personal service
Restaurant
Retail store
Service and repair shop

6.5 Conditional Uses

Automotive gas bar
Automotive repair, sales, or rental shop
Dwelling unit(s) in a non-residential building provided that the dwelling unit(s) are above the ground floor.
Contractor's shop
Home occupation
Staff Housing
Uses similar in character and purpose to those listed for this zone

6.6 Zone Requirements

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

Setbacks (minimum)

Front = 6 metres

Rear = 6 metres

Side (Exterior) = 4 metres

Side (Interior) = 6 metres, or as required by the Fire Marshal

Building Height (maximum)

3 storeys, not to exceed 13 metres (42.65 feet)

COMMUNITY USE (CU)

6.7 Permitted Uses

Broadcasting studio
Community freezer
Community hall or centre
Correctional facility
Day care centre
Educational facility
Elders facility
Emergency and protective services
Place of worship
Government office
Group home
Health care facility
Park or Playground
Parking lot
Post office

6.8 Conditional Uses

Cemetery
Staff Housing
Uses similar in character and purpose to those listed for this zone

6.9 Zone Requirements

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

Setbacks (minimum)

Front = 6 metres

Rear = 6 metres

Side (Exterior) = 6 metres

Side (Interior) = 6 metres, or as required by the Fire Marshal

Building Height (maximum)

13 metres (42.65 feet)

OPEN SPACE (OS)**6.10 Permitted Uses**

Archaeological site
Beach shacks
Boat storage
Dock
Monument, cairn, or statue
Park or playground
Shed to store equipment for traditional, cultural, and recreational activities taking place in the Zone.
Snow fence
Sports field
Washroom facility

6.11 Conditional Uses

Communications facility
Dog teams
Temporary outdoor storage of sealift equipment during sealift
Temporary tenting or camping
Uses similar in character and purpose to those listed for this zone

6.12 Zone Requirements

- (a) The following provisions applies to all development in the Open Space Zone:
- Gross Floor Area (maximum)
25 sq.m.
- Building Height (maximum)
3.1 metres (10 feet)
- (b) No building or structure shall be located closer than 10m to any side or rear lot line.
- (c) Dog teams may not be located closer than 30.5m to a waterbody.

INDUSTRIAL (M)**6.13 Permitted Uses**

Automotive gas bar
Automotive repair, sales or facility
Building supply or contractors shop
Caretaker unit
Communications facility
Heavy equipment and vehicle yard
Outdoor storage
Rental shop
Warehouse

6.14 Conditional Uses

Community freezer
Barge staging and landing site with associated warehousing
Food processing facility
Fuel storage facility
Hazardous goods storage
Manufacturing plant
Power generation facility
Uses similar in character and purpose to those listed for this zone

6.15 Zone Requirements

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

Setbacks (minimum)

Front = 6 metres

Rear = 8 metres

Side (Exterior) = 6 metres

Side (Interior) = 8 metres, or as required by the Fire Marshal

Building Height (maximum)

10.7 metres (35 feet)

- (b) Only 1 caretaker unit is permitted on a lot.
- (c) Hazardous goods storage or tank farm uses shall not be permitted within 30.5 metres of any watercourse.

- (d) No commercial development involving food storage, handling or preparation shall be permitted within 450 metres of a waste handling facility.

GRANULAR RESOURCES (ME)

6.16 Conditional Uses

Quarry

6.17 Zone Requirements

WASTE DISPOSAL (WD)

6.18 Conditional Uses

Waste disposal site

Sewage treatment system (lagoon, etc)

6.19 Zone Requirements

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

HINTERLAND (H)

6.20 Permitted Uses

Archaeological site
Dog team
Temporary tenting or camping

6.21 Conditional Uses

Beach shack
Cabin
Quarry
Cemetery
Commercial harvesting
Communications facility
Permanent hunting and fishing cabins or camps
Resource exploration and development
Snow fence
Tourist facilities
Wind turbine
Uses similar in character and purpose to those listed for this zone

6.22 Zone Requirements

- (a) Any development within the Transportation Influence Zone as indicated on the Land Use Map shall be subject to the approval of NAV Canada.
- (b) No development is permitted within 150 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 or Paleontological Site, unless approved by the Territorial Archaeologist or Director of Culture and Heritage from the Department of Culture and Heritage.
- (e) Cabins may not be located closer than 30.5m to a waterbody and/or road (whether it be surveyed or not).

TRANSPORTATION (T)

6.23 Permitted Uses

Airport and related uses
Communications facility
Service shop
Sea lift facility

6.24 Zone Requirements

- (a) Any development within a 4,000 m radius of the airport reference point, as indicated on the Land Use Map, is subject to the Kimmirut Airport Zoning Regulations and shall be subject to the approval of NAV Canada and Nunavut Airports.
- (b) No development shall occur within 150 metres of the Non-Directional Beacon (NDB) Site.

MUNICIPAL RESERVE (MR)

6.25 Zone Requirements

- (a) The Municipal Reserve Zone identifies lands that may be interesting for future redevelopment. No development is permitted in the MR Zone unless of temporary nature, subject to Council approval.

SCHEDULE C – 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 Kimmirut 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: _____
(see Section 3.12a)

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 No 3.12(b).
- 2) A letter from the Fire Marshal's Office approving the project, for all development other than Single Family Dwellings (which respect setbacks).
- 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) Approval from Fisheries and Oceans Canada if the project has potential to impact fish and/or fish habitat.
- 6) Letter from Nunavut Airports approving the project, if the project is near an airport.
- 7) A letter requesting a Variance, if the proposed project does not meet the exact zoning regulations.
- 8) 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.
- 9) Approval from Transport Canada if the project has potential to impact navigation.

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 Kimmirut.

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.128-2014 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 5.12

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 two (2) or more people who do not live in the dwelling; and
- iii) Does not show any evidence that there is a business in the dwelling unit except for a sign no bigger than 0.3 square metres (3 square feet); and
- iv) The home business does not take up more than 25% of the dwelling.

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

Signature of Applicant

Date

Permit No.:_____

Date:_____



FORM C – Development Permit & Notice of Approval

DEVELOPMENT PERMIT – NOTICE OF APPROVAL
POSTED ON SITE AND IN THE HAMLET OFFICE

Development involving: _____

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

APPROVED:

APPROVED - subject to conditions (see attached):

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 6 months from the date that the permit was issued.

Permit No.: _____

Date: _____



FORM D – Notice of Development Permit Refusal

DEVELOPMENT PERMIT – NOTICE OF REFUSAL
POSTED ON SITE, IN THE HAMLET OFFICE

Development Permit No.: _____

Development involving: _____

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

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

You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of Section 3.22 of this By-law. Such an appeal shall be made in writing and shall be delivered either personally or by mail so as to reach the Secretary of the Development Appeal Board (Development Officer) not later than fourteen (14) days following the date of issue of this notice. The notice of appeal shall contain a statement of the grounds of the appeal.

Date of Decision: _____

Date of Notice of Decision: _____

Signature of Development Officer: _____



FORM E – Notice of Appeal Hearing

NOTICE OF APPEAL HEARING

Date: _____

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

This decision was:

APPROVED:

APPROVED - with conditions:

REFUSED:

Reason(s) for this decision is as follows:

Place of Hearing: _____

Time of Hearing: _____ Date of Hearing: _____

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

Date

Secretary of the Development Appeal Board
(Development Officer)



FORM F – Notice of Appeal Decision

NOTICE OF APPEAL DECISION

Date: _____

This is to notify you than an appeal against the:

APPROVAL:

APPROVAL - with conditions:

REFUSAL:

of a Development Permit with regard to the following:

was considered by the DEVELOPMENT APPEAL BOARD on _____ 20__

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

Date

Secretary, Development Appeal Board

NOTE:

1. A decision of the Development Appeal Board is final and binding on all parties and persons subject only to an appeal upon a question of jurisdiction or law pursuant to Section 51 of the Planning Act. An application for leave to appeal to the Supreme Court shall be made:

- (a) to a judge of the Supreme Court; and
- (b) within 30 days after the issue of the order, decision, permit or approval sought to be appealed.



FORM G – Stop Work Notice

STOP WORK NOTICE

POSTED ON SITE AND AT THE HAMLET OFFICE

Date: _____

You are hereby notified that your development is in contravention of the Kimmirut Zoning By-law, No. 128-2014, or Development Permit No. _____ by reason of:

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

Motion Number if Council Approval is required: _____.

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

Date of Notice

Signature of Development Officer



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

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

POSTED ON SITE AND AT THE HAMLET OFFICE

Date: _____

You are hereby notified that your development is in contravention of the Kimmirut Zoning By-law, No. 128-2014 by reason of:

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

Motion Number if Council Approval is required: _____.

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

Date of Notice

Signature of Development Officer



FORM I – Application for Amendment to Zoning By-law

APPLICATION FOR AMENDMENT TO THE ZONING BY-LAW

Fee: \$250

Date: _____

Zoning Amendments are subject to the provisions of the *Planning Act* Section 29 and Section 3.25 of this By-law.

I/We hereby make application to amend the Zoning By-law.

Applicant: _____ Telephone: _____

Address: _____

Owner of Land or Lessee: _____ Telephone: _____

Address: _____

Land Description: Lot: _____ Plan: _____

Civic Address: _____

Amendment Proposed:

From: _____ To: _____

Reasons in support of Application for Amendment:

Signature of Applicant

Date



FORM J – Request for Variance

REQUEST FOR VARIANCE

Fee: \$75

I/We hereby make a request to vary one or more provisions of the Zoning By-law. **Requirements, Refer to Section 5.15.**

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 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 Kimmirut.

Signature of Applicant

Date