

**GJOA HAVEN COMMUNITY PLAN  
BY-LAW No. 164**

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

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

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

1. Schedules 1, 2A and 2B of this By-law form part of this By-law.
2. This By-law may be cited as the "Gjoa Haven Community Plan".
3. This By-law shall come into full force and effect on the date of its Third Reading.
4. By-law No.125 of the Hamlet of Gjoa Haven is hereby repealed.

READ a first time this 6 day of MARCH, 2013 A.D.

  
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Mayor

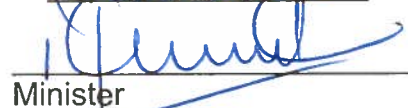
  
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Senior Administrative Officer

After due notice and a Public Hearing, READ a second time this 19 day of MARCH, 2013 A.D.

  
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Mayor

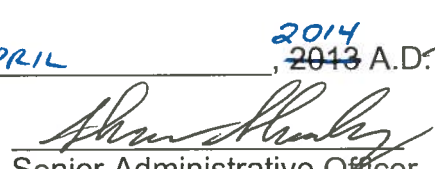
  
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Senior Administrative Officer

APPROVED by the Minister of Community and Government Services this 28 day of November, 2013 A.D.

  
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Minister

READ a third time this 15 day of APRIL, <sup>2014</sup>~~2013~~ A.D. 

  
\_\_\_\_\_  
Mayor

  
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Senior Administrative Officer



## **SCHEDULE 1 – PLAN POLICY TEXT**

### **1. Introduction**

#### ***1.1 Purpose of the Plan***

The purpose of the Gjoa Haven Community Plan is to outline Council's policies for managing the physical development of the Hamlet for the next 20 years 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 and how it wants to protect the environment. The goals established for this Community Plan are:

1. To create a safe, healthy, functional, and attractive community that reflects community values and culture.
2. To promote the Plan as a tool for making effective and consistent decisions regarding land use and development in the community.
3. To ensure an adequate supply of land for all types of uses to support the growth and change of 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" and retain waterfront and hinterland areas for public uses and traditional activities.
6. To ensure that concerns of erosion, steep slopes and snow drifting are addressed for the long-term health and safety of the community.

#### ***1.3 Administration of the Plan***

The Community Plan is enacted by By-law. The Community Plan includes Schedule 1 (Plan Policy Text) and Schedule 2 (Land Use Map).

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 the policies of the Community Plan. All development must follow the intent of the Community Plan and meet the regulations in the Zoning By-law. The Community Plan includes Schedule 1 (Plan Policy Text) and Schedule 2A (Land Use Map).

#### **1.4 Implementation of the Plan**

Any employee of the Hamlet can be designated the duties of the Development Officer as described in the Planning Act. The Development Officer performs multiple functions to ensure that development within the community helps achieve the policies of the Community Plan. These functions include current and long-term planning, the review of site and development plans, and providing technical support to Council.

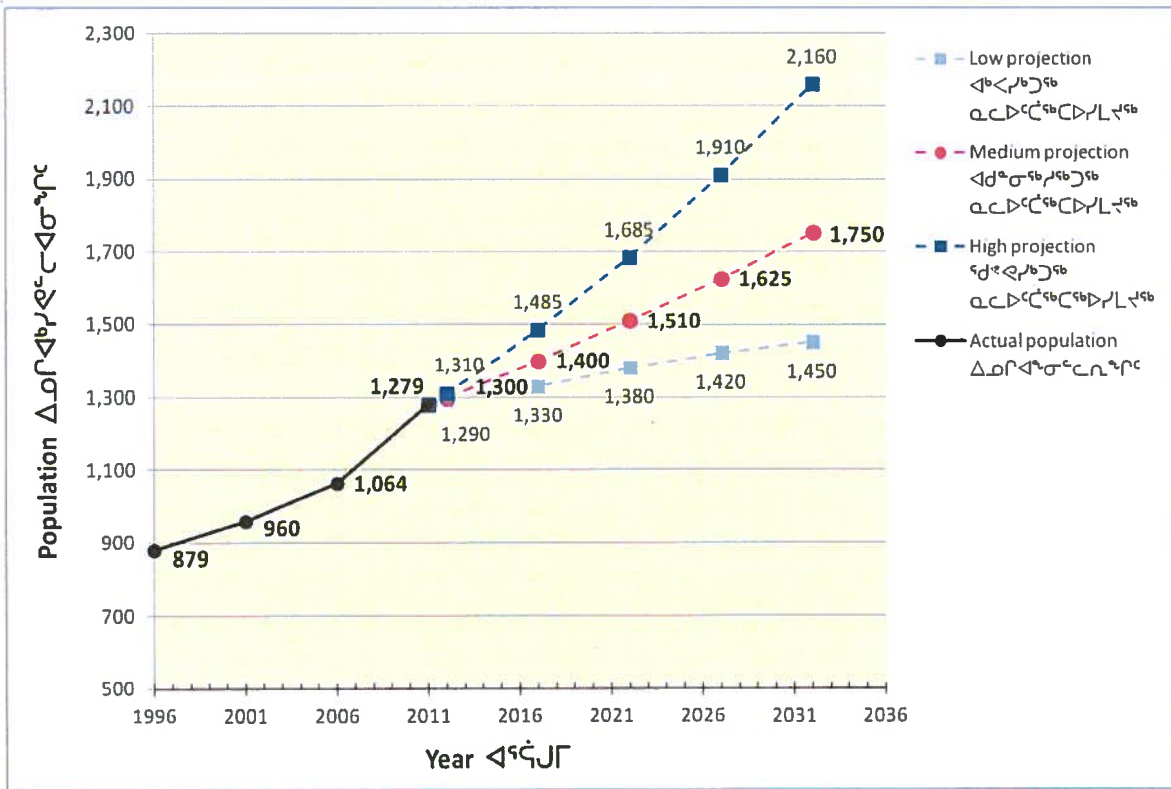
The purpose of the Zoning By-law is to provide specific rules regarding the use of land. Rules pertaining to the character, location, and use of buildings and structures are provided in the Zoning By-law.

A Development Permit application enables the Hamlet to regulate development or redevelopment projects within the community. Through this process, interested developers must apply for permission to undertake a development or redevelopment project.

There are two basic categories of land use permissions. Development permit applications for a "Permitted Use" may be approved by the Development Officer provided the proposed use of land or building conforms to this Plan and complies with the provisions of the Zoning By-law. Development permit applications for a "Conditional Use" must be decided on by Council based on the merits (environmental, economic, social) of each application, conformity to the Community Plan, and compliance with the provisions of the Zoning By-law.

## **2. Basis of the Plan - Population & Housing Projection**

At the time of preparation of this Plan, the population of Gjoa Haven was approximately 1,300 people. This Plan is based on a projected population for Gjoa Haven by 2032 of 1,750 people (medium rate of growth). It is estimated that an additional 152 dwelling units will be required to meet the projected population growth. Other lands are also planned to ensure that the Hamlet has appropriate lands for non-residential uses (commercial, industrial, community use, open space) as it grows.



The policies of Council are:

- a) Plan for a 2032 population of approximately 1,750 people and an additional 152 housing units.
- b) Encourage and facilitate the consolidation, and redevelopment of existing lots within the town site to conserve land supplies.
- c) Support the construction of attached residential units.

### 3. General Policies

#### *3.1 General Development 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 yard on all lots.
  - ii. Buildings shall be sited to respect setbacks identified in the Zoning Chart.
  - iii. Any building over 500m<sup>2</sup> in gross floor area shall consider potential wind impacts on surrounding development. A wind study may be required by the Development Officer.

- iv. On any portion of a lot where fill is introduced, drainage shall be directed towards the public road. Exceptions may be made by the Development Officer.
  - v. To reduce the amount of fill and ground alterations, pile foundation is the preferred foundation type.
  - vi. Where culverts are required, they shall be installed across the driveway access to the lot.
  - vii. 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 15 metres wide.
- b) Utilities or communications facilities shall be permitted in any land use designation. Other than designated Right-of-Ways or Easements for Utility or Communication lines, Easements alongside roadways, marked between the edge of the roadway and lot lines, will be used for distribution lines with a minimum clearance as specified in the Utility Corporation's Joint Use Agreement.
  - c) All heritage features such as cemeteries, old HBC buildings, archaeological sites, and any other features of heritage value shall be protected. If gravel extraction occurs on the old airport runway, a setback of 50 metres around the perimeter of the cemetery shall be established by a fence installed before excavation begins, in order to protect the cemetery from being disturbed by heavy machinery. Once gravel extraction is completed, the fence shall be removed.
  - d) Future road connections are illustrated on the Land Use Map to provide a general concept for the long term development of Gjoa Haven. The location of these future roads is conceptual and should be refined during the appropriate 5-year update of the plan when the lands adjacent to the roads are warranted for development and subdivision layouts are being considered.
  - e) The Hamlet shall avoid piling snow within at least 30.5 metres (100 feet) of any watercourse.
  - f) 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.
  - g) The Hamlet shall encourage development that is energy efficient and that incorporates alternative energy supply technology.
  - h) The Hamlet shall consider strategies to adapt to the future impacts of climate change, such as locating development away from low lying coastal areas and protecting existing areas against erosion.
  - i) The Hamlet shall work with the Nunavut Planning Commission to ensure that the Gjoa Haven Community Plan is consistent with plans that apply outside the municipal boundary.

### **3.2 Community Improvement Policies**

The following policies of Council apply to ensure that specific improvements are implemented in the community to benefit the public:

- a) Any lots containing condemned buildings shall be redeveloped and/or remediated in order to prevent further degradation. Rehabilitated sites will be priority sites for any new development.
- b) The Hamlet will work with the Government of Nunavut to install a snow fence at the north neighbourhood to protect the area from the negative effects of snow drifting. Further development in this area beyond what is planned will require confirmation from a qualified engineer that the development will not be negatively impacted by snow drifting or alter the effectiveness of the future snow fence.
- c) The Hamlet will construct a road to connect the new subdivision in the north end of the community with the Hamlet Centre, and to improve access to the beach sealift area in Petersen Bay. The road will be designed by a qualified engineer with measures to ensure that pedestrians are safe from vehicular traffic, especially where the road crosses the inlet north of the Hamlet Centre. The design may include features such as gates and signage to ensure that the public does not use the road if the lands are flooded.
- d) The Hamlet will develop a clearly-marked trail around Petersen Bay to access the proposed picnic area on the west side of the bay. Since the trail is in the Erosion Concern area, it will be designed by a qualified engineer and include features such as gates and signage to ensure that the public does not use the trail if the lands are flooded. This trail will be designed to maintain the drainage pattern in the area and not create any further erosion problems.
- e) The Hamlet will ensure that a community freezer is provided for the community and will locate the freezer on lands which are central to the majority of residents. Lands designated Community Use or Commercial are considered appropriate lands for the community freezer.
- f) Council will promote the location of a new office building in order to create employment opportunities and sustainable development. The new office building should be located in or close to the Hamlet Centre, on lands designated Community Use (if it is a government office) or Commercial.
- g) The Hamlet will work with the Government of Nunavut and Aboriginal Affairs and Northern Development Canada (AANDC) to analyze the environmental risk of the former dump sites within the municipal boundary and determine if these sites can be remediated or if their negative impacts can be mitigated. The Hamlet wishes to prioritize the remediation of the dump sites closest to the town site for health and safety reasons. In consideration of measures to remediate the sites or to mitigate negative impacts, the Hamlet will request that the Government of Nunavut reduce the 450 metre waste setback for the dump sites. If these sites can not be cleaned-up or its negative effects mitigated, then the Hamlet will work with the Housing Authority to relocate houses out of the setback area.

- h) The Hamlet will work with the Government of Nunavut to ensure that roadway and trail markers such as boulders or posts are installed in order to reduce cut-through traffic of snowmobiles and ATV's in the Hamlet centre, and to ensure that trails remain for the benefit of pedestrians. Where posts are installed along the roadway, they will be spaced to ensure that the water and sewer servicing trucks have adequate access to the lots. If boulders or large rocks are not available locally, then an attractive concrete or wood landscaping feature may be used. The recommended location of roadway markers and boulders is generally shown on the Land Use Map.
- i) Pedestrian access trails shall be identified in new development areas to provide access to parks and open space and to facilitate pedestrian circulation in Gjoa Haven. These pedestrian access trails will be a minimum of 5.0 metres wide and will be protected for pedestrian use by the installation of a boulder, large rocks, or concrete landscaping feature where they meet the roadway. The recommended locations of the pedestrian access trails are shown on the Land Use Map.
- j) The Hamlet will work with the Government of Nunavut to complete the breakwater and small craft harbour facilities in the bay.

### 3.3 *Special Development and Phasing Policies*

The following policies of Council apply to ensure that constraints to overall development are addressed and that development is phased in a logical, cost-effective sequence:

- a) The location and quality of lands currently used for the golf course make these lands suitable for future development. Council will permit the development of the golf course lands in order to meet the demand for residential and non-residential land for Gjoa Haven's growth. Council will relocate the golf course to an alternative location in the Hinterland when the amount land available for the golf course operation is not feasible because the lands have been developed.
- b) Council will recognize that residents are entitled to remain on residential lands in the downtown which are planned for redevelopment to non-residential uses, until such time that there is an established housing unit readily available for the residents to move into. This policy does not apply to housing units which are condemned or deemed to be unsafe due to flooding or erosion impacts.
- c) The priority of lands for major new development are as follows:
  - i. PHASE 1A: Lands in Phase 1A will be available for expansion of commercial and industrial uses. The west side of Phase 1A will be for commercial uses and the east side for industrial uses.
  - ii. PHASE 1B: Lands in the northern subdivision which are not impacted by severe snow drifting will be available for residential, commercial and community uses. The neighbourhood should be filled out to the south of the snow fence reserve and west of Phase 1A;
  - iii. PHASE 2: Lands to the east of the school, since the development is near to existing stores and services;



- iv. PHASE 3: Lands of the golf course on the south side of the road which have few constraints to development and since they would not negatively impact the golf course;
  - v. PHASE 4A/4B: Lands of the golf course on the north side of the road, since these lands have few constraints to development but might require that the golf course be relocated;
  - vi. PHASE 5: Lands proposed for development that fall within the setback areas of the old dump and/or old sewage lagoon, and as such, these lands may not be developed until such time that the setback is reduced by the Minister or other appropriate authority.
  - vii. PHASE 6: Lands within the NAV Tower setback which may be redeveloped in the event that the tower can be relocated;
  - viii. Additional industrial subdivisions for warehousing and equipment storage may be developed south of the airport and near the existing tank farm.
- d) The priority of lands for major new development may be changed if factors such as environmental impacts, erosion, existence of trails, road access, location of stores/services, cost to develop, and/or utility setbacks make certain lands more feasible to develop than others.
  - e) Council may incorporate provisions in the Zoning By-law to put lands on hold from development. Lands may be put on hold if they are planned for development but are constrained due to environmental effects, regulated setbacks, or phasing of development. Lands on hold from development shall be indicated on the Land Use Map with the addition of boundary identifying the lands on hold and the notation “(Holding Provision Applies)”. Lands on hold may only be developed when:
    - a. the Development Officer releases the lands from the holding provision by issuance of a Variance; AND,
    - b. the appropriate authority confirms that the environmental effects have been addressed; OR,
    - c. if documentation is received that confirms that a regulated setback has been reduced; OR,
    - d. if phasing of development has been addressed.

#### **4. Land Use Designations**

##### ***4.1 Residential***

The Residential designation provides land for primarily residential uses, however, 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, to build safe and livable neighbourhoods, and to protect residential areas from incompatible development. 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 group or special needs home, a home occupation, or bed and breakfast will also be permitted.
- b) The Hamlet will work together with the Government of Nunavut and the Nunavut Housing Corporation to ensure that a minimum 3 year supply of vacant surveyed land is available for residential development at any given time.

#### **4.2 Commercial**

The Commercial designation is intended to support local economic development by maintaining an adequate supply of land for commercial uses in various locations with good access from the community. The policies of Council are:

- a) The Commercial designation will be used for commercial uses such as hotels, restaurants, retail, personal and business services, and offices.
- b) Residential uses may be permitted when located above a ground floor commercial use.
- c) Commercial facilities often generate higher volumes of traffic and will therefore be sited in a manner which provides safe, easy access with ample space for parking.
- d) Parking for commercial facilities over 500 m<sup>2</sup> should be located at the side or rear or the building. Parking that backs out directly onto a road will be discouraged.
- e) To provide flexibility in locating commercial and community uses in the Hamlet Centre, a dual Commercial and Community Use designation is applied to select lots. These lots may be used for either commercial or community purposes, subject to the zone provisions that would normally apply to the permitted use.

#### **4.3 Community Use**

The Community Use designation is intended to maintain an adequate supply of land for community uses, to provide residents with easy access to public facilities and services, and to reserve appropriate locations for community uses. The policies of Council are:

- a) The Community Use designation will be used primarily for uses that are public in nature (i.e. social, cultural, religious, or educational).
- b) Community facilities often generate higher volumes of traffic and will therefore be sited in a manner which provides safe, easy access with ample space for parking.
- c) Parking for community use facilities over 500 m<sup>2</sup> should be located at the side or rear or the building. Parking that backs out directly onto a road will be discouraged.
- d) New community facilities are to be located within the existing townsite or next to future development areas.

- e) To provide flexibility in locating commercial and community uses in the Hamlet Centre, a dual Commercial and Community Use designation is applied to select lots. These lots may be used for either commercial or community purposes, subject to the zone provisions that would normally apply to the permitted use.

#### **4.4 Open Space**

The Open Space designation is intended to reserve open spaces within the built-up area for recreational uses, as a gathering space for community events and to preserve significant natural and cultural features within or outside the townsite. The policies of Council are:

- a) The Open Space designation will be used primarily for parks, playgrounds, playing fields, walking and interpretive trails, and the golf course. In general, buildings will not be permitted, except for small Hamlet recreation storage sheds or washroom facilities.
- b) Where land can not be developed due to erosion or steep slopes, the lands will be designated and shall be used as open space.
- c) In new subdivisions, a minimum of 100 square metres of open space (excluding trails) should be provided for every 30 dwellings such that the open space is within 300 metres of each residence.
- d) Trails will be provided throughout the community to ensure that pedestrians can access all areas of the Hamlet. In particular, a trail or pedestrian walkway built in association with a road is required to connect the new subdivision in the north end of the community with the Hamlet Centre; refer to Section 3.2 c) for specific policies relating to this road.
- e) Existing and proposed playgrounds and sports fields will be designated on Schedule 2 with a symbol.

#### **4.5 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. The policies of Council are:

- a) Permitted uses in the Industrial designation will include all forms of manufacturing, processing, warehousing and storage uses. Permitted uses will also include garages, power generation plants, and fuel storage.
- b) Industrial uses shall be located and/or contained fully inside a building to minimize any negative impacts to adjacent non-industrial uses.

#### **4.6 Nuna**

The Nuna designation applies to all other 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, commercial harvesting and quarrying, and infrastructure projects for local economic development.

- b) The Hamlet shall protect any cemeteries, sites of archaeological significance, and any other heritage sites from disturbance.
- c) Commercial or industrial operations which are intrusive to the natural environment, such as resource extraction, will require approval from the Nunavut Impact Review Board.

#### **4.7 Transportation**

The Transportation designation is intended to protect and ensure the safe operation of airport activities and other transportation facilities such as navigation beacons, communications sites, and marine facilities. The policies of Council are:

- a) Permitted uses in the Transportation designation includes all activities related to air traffic, marine facilities and uses accessory to these activities such as communications sites.
- b) All development will comply with the requirements of Transport Canada and NavCanada to minimize any conflicts between the development and the airport, and to ensure safe operation of the airport.

#### **4.8 Waste Disposal**

The Waste Disposal designation is intended to identify existing or former waste disposal sites (e.g. landfill sites, sewage lagoon) and ensure appropriate development setbacks are followed. The policies of Council are:

- a) The Waste Disposal designation permits no development except those uses accessory to the operation or remediation of a waste disposal site or sewage treatment system.
- b) The Hamlet shall prohibit the development of residential uses and uses involving food storage or food preparation within the 450 metre setback from any existing or former waste disposal site, pursuant to the *General Sanitation Regulations* of the *Public Health Act*.
- c) In association with remediation of the old landfill site, Council may apply for an exemption to the *General Sanitation Regulations* of the *Public Health Act* to reduce the required 450 m setback.
- d) The Hamlet shall improve the design and operation of the current waste disposal site to maintain capacity, improve public safety and reduce environmental risks.

#### **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 Watershed Overlay also identifies the Canso Lake

watershed which has been identified as the community's long-term water source. 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.

#### ***4.10 Erosion Concern***

The Erosion Concern overlay is intended to ensure public safety by protecting lands from development which have known concerns related to erosion, steep slope or flooding. The policies of Council are:

- a) Erosion Concern lands may only be used for open recreation uses or for unoccupied public utilities.
- b) Marine facilities and uses accessory to marine activities are permitted on Erosion Concern lands abutting the shoreline.
- c) Other uses may be permitted on Erosion Concerns lands if public safety is protected, as more specifically described in the Zoning By-law.
- d) A study will be required from a qualified professional engineer to certify that the proposed development is safe from issues of erosion, steep slope or flooding before approving the development.
- e) Wherever possible, it is recommended that the development of the lands be staged, such that the foundation is allowed to settle for one year before the building is constructed.

**SCHEDULE 2A & 2B – LAND USE MAP**

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

