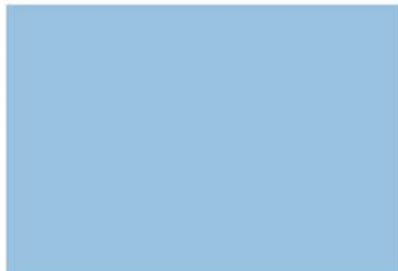




KIMMIRUT COMMUNITY PLAN BY-LAW NO. 127

March 2014



**KIMMIRUT COMMUNITY PLAN
BY-LAW No. 127-2014**

A By-law of the Hamlet of Kimmirut in Nunavut Territory 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 Kimmirut has prepared a General Plan, referred to as the "Kimmirut Community Plan", in accordance with the *Planning Act*,

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

1. Schedules 1, 2, 3 of this By-law form part of this By-law.
2. This By-law may be cited as the "Kimmirut Community Plan".
3. This By-law shall come into full force and effect on the date of its Third Reading.
4. By-laws No.92-2006 of the Hamlet of Kimmirut, and all amendments thereto, are hereby repealed.

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

Mayor

Senior Administrative Officer

After due notice and a Public Hearing, READ a second time this _____th day of _____, 201_ A.D.

Mayor

Senior Administrative Officer

APPROVED by the Minister of Community and Government Services this __ day of _____, 201_ A.D.

Minister

READ a third time this __ day of _____, 201_ A.D.

Mayor

Senior Administrative Officer

SCHEDULE 1

SECTION 1. INTRODUCTION

1.1 Purpose of the Plan

The purpose of the Kimmirut Community Plan is to outline Council's policies for managing the physical development of the Hamlet for the next 20 years – to 2034. The Community Plan was created through a community consultation process and reflects the needs and desires of the Community. The Community Plan builds on previous plans, while incorporating new challenges, issues and needs identified by the Community.

1.2 Goals of the Community Plan

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

1. To develop in an orderly fashion creating a 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", protect viewpoints to the water, and retain waterfront and lakeshore areas for public uses and traditional activities.

1.3 Administration of the Plan

The Community Plan is enacted by By-law. Changes to the Plan can be made by amending the By-laws in accordance with the *Nunavut Planning Act*. The Community Plan should be reviewed and updated every five years as required by the *Nunavut Planning Act*. A Zoning By-law is also being enacted for the purpose of implementing detailed policies based on the Community Plan. All development must follow the intent of the Community Plan and Zoning By-law. The Community Plan includes Schedule 1 (Plan Policy Text), Schedule 2 (Community Plan and Zoning Map) and Schedule 3 (General Land Use Map).

SECTION 2. COMMUNITY GROWTH AND PHASING POLICIES

At the time of preparation of this Plan, the population of Kimmirut was approximately 455 people. This Plan is based on a future population of 591 people by 2034. It is estimated that an additional 67 dwelling units will be required to meet the projected population growth, representing the need for approximately 3 hectares of land for residential development. In addition, an appropriate mix and range of industrial, commercial, and community uses has been proposed to meet long-term needs. The policies of Council are:

- a) Plan for a 2034 population of 591.
- b) Identify sufficient land on the Community Plan to meet the needs of the projected 2034 population.
- c) Review the Community Plan in 5 years, in 2019, to re-assess actual rates of growth and community needs.
- d) Council will generally phase new land development as follows:
 - i.) 2014 - 2019:
 - Develop existing vacant lots within the Arena Subdivision (Phase 1 area).
 - Develop lots in the industrial subdivision near the power plant.
 - ii.) 2019 – 2024
 - Develop Phase 2 area within the Arena Subdivision.
 - Develop lots in the industrial subdivision near the power plant.
 - iii.) 2024 – 2034
 - Develop Phase 3 area within the Arena Subdivision.
- e) Council may change the phasing of development without amendment to this Plan.

SECTION 3. GENERAL POLICIES

The following policies of Council apply to all 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 and grouped together, where possible.
 - ii.) Access to new buildings will avoid, where possible, main entrances on the south-southeast side to reduce problems associated with snow drifting.
 - iii.) Buildings shall be sited to respect setbacks identified on the Zoning Chart.
 - iv.) Any building over 500 m² in gross floor area shall consider potential wind impacts on surrounding development. A wind study may be required by the Development Officer.
 - v.) Culverts are required and shall be installed at the access points to lots.
 - vi.) 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. Where possible, drainage troughs shall not be located in Utility Rights-of-Way or Easements.
 - 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 16 metres wide.
- b) Utilities or communication facilities shall be permitted in any land use designation. Other than designated Rights-of-Way 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) The Hamlet will pile snow in locations to minimize downwind snow drifting and where spring melt run-off can be properly channeled to drainage ditches or waterbodies.
- d) The Hamlet will avoid piling snow within at least 30.5 metres (100 feet) of any watercourse.
- e) No development is generally permitted within 30 metres from the normal high water mark of a waterbody or watercourse.
- f) The Hamlet shall protect any cemeteries and sites of archaeological, ethnographic, palaeontological or historical significance from disturbance. Any development in or near such sites shall follow the *Nunavut Archaeological and Palaeontological Regulations, 2001* of the Nunavut Act (Canada).

- g) The Hamlet shall encourage development that minimizes emissions from fossil fuels, that are energy efficient and that consider alternative energy supply technology.
- h) The Hamlet shall work with the Nunavut Planning Commission to ensure that the Kimmirut Community Plan and the future Baffin Regional Land Use Plan are compatible.

SECTION 4. LAND USE DESIGNATION

4.1 Residential

The Residential designation provides land for primarily residential uses, but 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. Other related residential uses such as a group home, a home occupation, or bed and breakfast will also be permitted.
- b) Residential development will be phased so that a minimum of 4 vacant surveyed lots are available at any given time. Residential areas will be developed with an average residential density of 22 units per hectare and will include a mix of unit types including those for elders.

4.2 Community Use

The Community Use designation is intended to maintain an adequate supply of land for community uses, preferably in significant and important locations so that residents may enjoy easy access to public facilities and services. The policies of Council are:

- a) The Community Use designation will be used primarily for public uses (i.e. social, cultural, religious, or educational) and government services.
- b) Community facilities will be centrally located to ensure safe and convenient access by residents.

4.3 Commercial

The Commercial designation is intended to support local economic development by maintaining an adequate supply of land for commercial uses in a key locations across the Hamlet offering good access for residents and visitors. 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 shall be permitted when located above a ground floor commercial use.
- c) Commercial facilities will be located along main roads, where possible, to provide safe and convenient access by residents.
- d) Council will encourage the re-use or redevelopment of existing commercial sites within the existing townsite.

4.4 Open Space

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

- a) The Open Space designation will be used primarily for parks, walking trails, traditional and recreational uses such as beach shacks, harbour uses, boat storage, dog teams, community docks, temporary storage of sealift materials and equipment during sealift operations, and municipal infrastructure such as a water pump house. All uses are conditional and at the discretion of Council.
- b) A playground should be located within 300 metre walking distance from any residence in the community.
- c) Unless otherwise noted, all Commissioner's Land forming part of the 100-foot strip (30.5 m) along the seashore measured from the ordinary high water mark will be designated Open Space.
- d) No development is generally permitted within 30 metres from the normal high water mark of any river or major creek. Council may consider the filling of a waterbody where it is needed for future development provided that the appropriate approvals are obtained.
- e) Open Space corridors will be protected for trail connections and drainage channels.

4.5 Industrial

The Industrial designation is intended to reduce the negative effects and dangers associated with industrial uses such as noise, dust, odours, truck travel and the storage of potentially hazardous substances by concentrating these uses on the periphery of the townsite. The policies of Council are:

- a) Permitted uses in the Industrial designation will include all forms of manufacturing, processing, warehousing and storage uses as well as uses associated with marine transportation. Permitted uses will also include garages, power generation plants, and fuel storage.
- b) Council will develop new industrial subdivisions near the current landfill site to minimize land use conflicts and to reserve land closer to the townsite for residential and community uses. Council will work with local businesses and government operations to identify opportunities to relocate over time non-conforming industrial uses (eg. garages, warehouses, power plant) to industrial areas.

4.6 Transportation

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

- a) Permitted uses in the Transportation designation includes all activities related to air traffic and uses accessory to these activities such as related commercial activities and communications sites.
- b) All development within the 4km boundary of the airport, as shown on Schedule 3, shall comply with the Kimmirut Airport Zoning Regulations. Development applications shall be referred to Nunavut Airports for review and approval where development is proposed adjacent to the airport and/or where development has the potential to interfere with airport operations.
- c) All development within the Transportation Influence Zone of the communications facility is subject to the approval of NavCanada.
- d) Council will discourage the use of travelled pathways that are not identified as public right-of-ways.

4.7 Hinterland

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

- a) The Hinterland designation generally permits traditional, tourism and passive recreational uses. Permitted uses also include dog teams, quarrying, and infrastructure projects for local economic development.
- b) Council shall ensure that development does not negatively impact wildlife, wildlife habitat and harvesting and is consistent with the guiding principles of Inuit Qaujimajatuqangit (IQ).

4.8 Waste Disposal

The Waste Disposal designation is intended to identify existing or former waste disposal sites and ensure required 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.
- 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) The Hamlet shall prohibit the development of any public road allowance or cemetery within a 90 metre setback from a waste disposal ground, pursuant to the General Sanitation Regulation of the *Public Health Act*.

- d) The Hamlet will evaluate all possible options for an integrated waste management system, including:
 - a. the suitability of the existing landfill site for long-term use;
 - b. the use of an incinerator;
 - c. metal recovery projects; and
 - d. complementary strategies, such as source reduction, reuse, and recycling of waste materials.

4.9 Granular Resources

The Granular Resources designation is intended to protect aggregate deposits for future extraction. The policies of Council are:

- a) The Granular Resources designation does not permit any development except uses accessory to the operation or remediation of a quarry or gravel pit.

4.10 Municipal Reserve

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

- a) The Municipal Reserve designation does not permit any development except temporary uses approved by Council.
- b) Municipal Reserve lands shall be redesignated by amendment to this Plan prior to being used for community expansion.
- c) A conceptual road network may be shown on some of the Municipal Reserve lands which considers connections with existing road network, future land uses, prevailing wind direction, solar orientation, drainage and topography. The concept may need to be changed according to community needs during the detailed subdivision design process.



Municipality of Kimmirut
P.O Box 120
Kimmirut NU,
X0A 0N0
Tel: 867.939.82247
Fax: 867.939.20450

