

**KUGAARUK ZONING BY-LAW  
BY-LAW No. 244**

A By-law of the Hamlet of Kugaaruk 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 Kugaaruk has prepared a General Plan, and

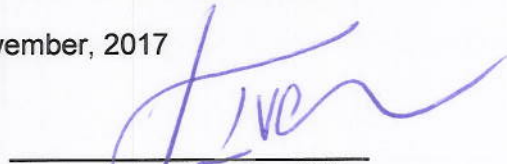
WHEREAS it is deemed desirable to regulate certain uses of land and development within the Municipality,

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

1. That the Zoning By-law of the Hamlet of Kugaaruk hereto annexed and marked as Appendix "A" to this By-law, shall hereby constitute the Zoning By-law of the Hamlet of Kugaaruk.
2. This By-law may be cited as the "Kugaaruk 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 By-law No.152 of the Hamlet of Kugaaruk is hereby repealed.

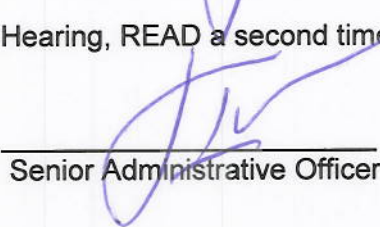
READ a first time this 8th day of November, 2017

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Senior Administrative Officer


After due notice and a Public Hearing, READ a second time this 10<sup>th</sup> day of March, 2017

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Senior Administrative Officer

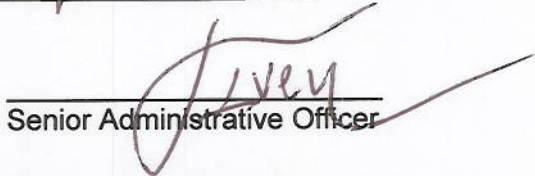
APPROVED by the Minister of Community and Government Services this 10 day of

September, 2017

  
\_\_\_\_\_  
Minister

READ a third time this 28 day of September, 2017

  
\_\_\_\_\_  
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 Kugaaruk (“the Hamlet”).

## **SCOPE**

- 1.3 No land shall be used and no development shall take place within the Hamlet 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 is divided into zones. The extent and boundaries of all zones are delineated on Schedules 2 and 3; entitled “Land Use and Zoning Map – Community View” and “Land Use and Zoning Map – Municipal Boundary View,” which specify 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 3.6.

**“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.

**“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 license 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 SERVICE & SALES”** means any building, structure or premises where, vehicles are fuelled, serviced, repaired, or stored for rental, sale or display.

“**BEACH SHACKS**” 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.

“**BED & BREAKFAST**” means a dwelling in which the resident owner or resident manager, whose primary residence is the dwelling, that 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 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 m<sup>2</sup> in gross floor area.

“**CAMPGROUND**” shall mean a site, comprising land used for seasonal recreational activity as grounds for the camping or parking of tents.

“**CAMP**” shall mean using land as a temporary camp for recreational and cultural purposes including hunting and hiking.

“**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 AND ENTERTAINMENT**” means any building, structure or premises with athletic or entertainment facilities for commercial purposes including gyms, cinemas, billiards halls, bowling alleys, and dance studios.

“**COMMERCIAL USE**” means a building from which business may be transacted, a service performed or a consultation given such as a bank, office, hair salon, tailor, dry cleaning, laundry, or veterinary clinic.

“**COMMUNICATIONS FACILITY**” means an installation which transmits, receives and/or relays

communications such as a microwave or satellite relay tower, cellular telephone tower, aircraft communications tower, radio or television broadcast tower or similar facility. A communications facility includes the antennae or transmit/receive equipment, a support structure or tower, and a small building to shelter equipment.

**“COMMUNITY 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 of the Government of Nunavut, or other organization. This definition includes an arena, gymnasium, swimming pool, theatre, library, or similar uses.

**“CONDITIONAL USE”** 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.

**“CONTRACTOR’S YARD”** means premises used by any building trade or other construction or service contractor for the purpose of: a) storing equipment, vehicles, or materials and may include construction and heavy equipment and commercial motor vehicles but not including derelict motor vehicles; or b) performing shop work or assembly work; or c) the base of operations for persons who are employed by or associated with the business, including the assembly or rally of such persons for transportation to a work site off the premises.

**“COMMERCIAL VEHICLE”** means any vehicle, which is licensed as a commercial carrier as determined by the Registrar of Motor Vehicles.

**“CRAFT STUDIO”** means the workplace of an artist or craftsman, 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 Kugaaruk 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 or more dogs trained to be harnessed together and used for recreational or commercial purposes or in the maintenance of a subsistence lifestyle.

**“DWELLING UNIT”** means a separate set of living quarters designed or used as a housekeeping unit for one or more people and usually containing cooking, sleeping, and sanitary facilities.

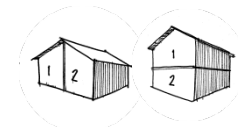
**“DWELLING, SINGLE-UNIT”** means a separate detached building consisting of one dwelling.



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



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



**“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.

**“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.

**“FENCE”** shall mean a wall (other than the wall of a building), gate or other barrier constructed



of wood, masonry, metal or combination thereof, which is continuous throughout its entire length, save and except for access points.

**“GENERAL PLAN”** means the General Plan of the Hamlet of Kugaaruk, known as the Kugaaruk Community Plan.

**“GOVERNMENT SERVICE”** means any buildings or lands from which government services are offered, including fire and police protection, municipal services, government offices, and correctional facilities, but excludes outside storage or the servicing of machinery and equipment.

**“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.

**“GREENHOUSE”** means a building used for the growing of flowers, fruits, vegetables, plants, shrubs, trees and similar vegetation.

**“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 STORAGE”** 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.

**"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.

**"INDUSTRIAL USE"** 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.

**"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 manoeuvring 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.

**“MINERAL EXPLORATION”** means the use of land to locate commercially viable concentrations of mineral ores to mine.

**“MUNICIPALITY”** means the Hamlet of Kugaaruk.

**“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.

**“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 the lot exterior to the building.

**“PARK”** means a park, playground or playfield and may include athletic fields, swimming pools, public gardens, bandstand, outdoor skating rinks, camping areas, fairgrounds, golf courses, or similar uses.

**“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.

**“PERMITTED USE”** means a use permitted by this By-law.

**“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.

**“PLACE OF WORSHIP”** shall mean a building or structure designed, used or intended for religious worship and may include a church, mosque, synagogue or temple.

**“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.

**“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.

**“RESIDENTIAL USE”** means a building, converted or purpose-built, comprised solely of a dwelling unit or dwelling units, and includes a single unit, multi-unit and/or semi detached dwelling unit.

**“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.

**"SNOW FENCE"** means a fence erected by the Hamlet or Territorial Government to prevent hazardous snowdrifts from occurring in a specific area.

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

**"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 Schedules.

## **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 AND DUTIES**

- 3.3 The Hamlet Council shall appoint a Development Officer as an authorized Officer of Council. This appointment shall be enacted by Council resolution.
- 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 or to obtain any license, permission, or permit required by municipal, territorial and federal legislation.
- 3.9 All development requires a Development Permit except for the following:
- (a) For grading or landscaping where the cutting or filling is less than 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 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 porches in the Residential Zone that meet all provisions of this By-law.

### **DEVELOPMENT PERMIT SUBMISSION REQUIREMENTS**

- 3.10 A complete application form for a Development Permit must be submitted to the Development Officer.
- 3.11 Every application shall be accompanied by:
- (a) The required application fee calculated as follows:
    - (i) Residential projects: \$10 application fee plus \$20 for the first \$10,000 of project value, PLUS \$10 for every \$10,000 of project value thereafter to a maximum permit fee of \$250.



- (ii) Non-residential projects: \$10 application fee plus \$20 for the first \$10,000 of project value, PLUS \$10 for every \$10,000 of value thereafter to a maximum permit fee of \$500.
- (iii) All accessory uses: \$25
- (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; and,
  - (x) The location of water and sewage storage tanks.
- (c) The Development Officer may require additional information.
- (d) A letter of Consent from the appropriate Landlord is also required.

## **NOTICE OF DECISION**

- 3.12 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.
- 3.13 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.
- 3.14 When an application is approved, the Development Officer will within 3 business
- 3.15 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 business days of the date of decision send a Notice of Decision to adjacent property owners.
- 3.16 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**

- 3.17 A Development Permit shall become void if:
- (a) The development is not completed within 2 years of the date of Notice of Decision or within any period of extension granted by the Development Officer; or
  - (b) The development has not been commenced after 1 year of the date of Notice of Decision or within any period of extension granted by the Development Officer; or
  - (c) If there has been any violation of this By-law or of any conditions in the permit.

### **ENFORCEMENT**

- 3.18 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**

- 3.19 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**

- 3.20 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.

- 3.21 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.
- 3.22 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.
- 3.23 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**

- 3.24 A person who seeks to have this By-law amended shall submit an application in the prescribed form to Council with the following:
- (a) A copy of their lease or 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**

- 3.25 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.
- 3.26 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**

- 3.27 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**

- 3.28 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.
- 3.29 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.
- 3.30 Any person who undertakes or permits development on land without a Development Permit or without 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 or to obtain any license, permission, or permit. Authority or approval required by any other by-law of the Municipality or statute and regulations 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 uses:
    - i. All semi-detached, or multi-unit dwellings; and
    - ii. Single units that do not meet the required setbacks; and
  - 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**

- 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 INDIGENOUS AND NORTHERN AFFAIRS CANADA**

- 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, Indigenous and Northern Affairs Canada (INAC) enforce the licenses. If a waterbody is deemed "navigable," 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 fee simple title to the land, or a land lease, or a land use permit.

## **NUNAVUT PLANNING COMMISSION**

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

## **AIRPORT ZONING REGULATIONS**

- 4.8 Any land use should be compliant with Obstacle Limitation Surface for the Kugaaruk Airport as listed in table 4-1 of the TP312E Aerodrome Standards and recommended practices. Before any structure is built, plans should be submitted to Operations and Standards at Nunavut Airports.

## **SCIENTIFIC INSTALLATIONS**

- 4.9 Notwithstanding the regulations in Section 6, no use or development shall be permitted which will interfere with the operation of atmospheric monitoring or other scientific installations (e.g. 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 Chief 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

without approval from the Hamlet.

- 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 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.

#### **GENERAL SANITARY REGULATIONS**

- 4.15 Any land use must be compliant with the General Sanitation Regulations of the Public Health Act. All development proposals for residential uses and uses involving food storage or food preparation proposed within 450 m of a waste disposal site, require review and approval from the Environmental Health Officer prior to the issuance of a development permit.

## **SECTION 5 - GENERAL PROVISIONS**

### **ACCESSORY BUILDING**

- 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 habitation 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 metre to any interior side or rear lot line;
  - (f) Not exceed one-half the height of the main building or exceed a height of 5.0 m in a residential zone; and
  - (g) Not exceed 40 m<sup>2</sup> 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 0.75 m<sup>2</sup> in area nor exceed one in number;
  - (d) On-street parking shall be prohibited; and
  - (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 be permitted within 30.5 metres of a navigable waterbody except subject to terms and conditions of the Hamlet Council and the Territorial Government.

## **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**

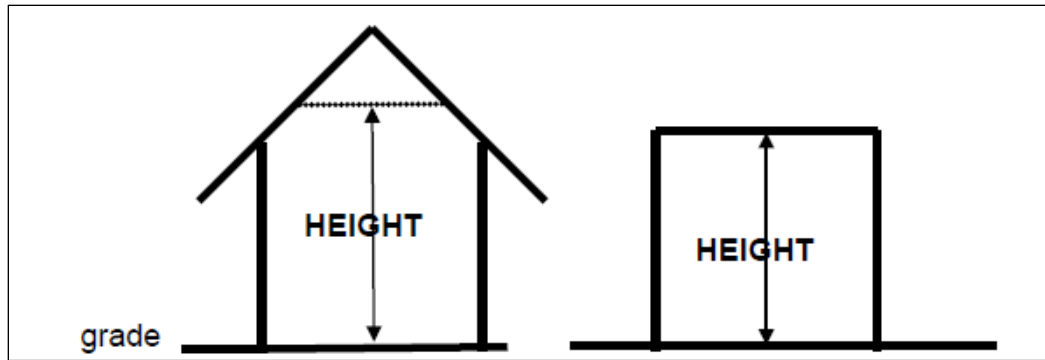
- 5.7 No Development Permit shall be issued except where the lot has frontage on a street or road. Exceptions are made where specifically provided for in this By-law. Where a lot has frontage on more than one street, the Development Officer may require any building, structure, or accessory building on 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 m.

## **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°, or
  - (c) the average level between eaves and ridges in the case of a pitched gambrel mansard or hipped roof.



- 5.10 The height of buildings and structures in the vicinity of airports are regulated by Airport Zoning Regulations. Refer to section 4.8.
- 5.11 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.
- 5.12 The height of buildings and structures in the vicinity of airports are regulated by Airport Zoning Regulations. Refer to the Airport Zoning Regulations (Section 4.8) of this By-law.

### HOME OCCUPATION

- 5.13 Where a home occupation is permitted under this By-law, a home occupation is subject to the following requirements:
- (a) Does not change the residential character of the lot by creating problems with noise, traffic, outdoor storage, or other nuisance;
  - (b) Does not employ more than 2 people who do not live in the dwelling;
  - (c) Does not show any evidence that there is a business in the dwelling unit except for a sign no bigger than 0.3 m<sup>2</sup>;
  - (d) No more than 25% of the gross floor area of the dwelling shall be used for a home occupation.

### LOADING SPACE REQUIREMENTS

- 5.14 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.

### 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%
Rear Yard abutting N or OS Zone	50%	20%

### NON-CONFORMING BUILDING OR USE

5.16 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 that 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% of the gross floor area of the building, as it existed on 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, any new use or building must conform to this By-law.

### ONE MAIN BUILDING ON A LOT

5.17 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.

### **PARKING REQUIREMENTS**

5.18 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 / Community Use – 1 space per 75 m<sup>2</sup> of gross floor area
- (d) Industrial – 1 space for every 3 people working on site
- (e) School – 1 space for every 3 people working on site
- (f) Open Space – Discretion of Development Officer or Council.

5.19 Each required parking space shall be 6.0m in length and 2.7m wide.

5.20 For a required parking area of more than 6 spaces, at least one space for every 25 spaces must be a designated space for persons with disabilities. A space for persons with disabilities shall be 6.0 m in length and 3.7 m wide.

### **PERMITTED PROJECTIONS INTO YARDS**

5.21 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.

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

### **RESTORATION TO A SAFE CONDITION**

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

**SATELLITE DISHES**

5.23 Satellite dishes shall not be permitted between the building and the street line. Poles must be located at the side or rear and positioned so as to avoid obstructing parking and / or service delivery. Ground-mounted satellite dishes shall not be permitted in the Residential Zone.

**TEMPORARY CONSTRUCTION USES PERMITTED**

5.24 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, the temporary use is occurring on the same lot as the construction, or an adjacent lot, and the temporary use is discontinued and removed within 30 days following completion of construction.

**UTILITIES**

5.25 Structures or buildings required by the Hamlet 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.

**WATERSHED OVERLAY**

5.26 Notwithstanding the permitted and conditional uses of the underlying Zone, on lands subject to the Watershed Overlay, no commercial or industrial development which uses or stores hazardous materials are permitted.

5.27 Despite Section 5.22, uses accessory to the supply of water such as a pipeline, a pumping or monitoring station or a road are permitted.

**YARD REGULATIONS**

- 5.28 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.

- 5.29 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, Multi-unit  
Dwelling, Semi-detached  
Dwelling, Single-unit

#### **6.2 Conditional Uses**

Bed and Breakfast  
Craft Studio  
Day Care Centre  
Dwelling, Secondary Suite  
Elders Facility  
Greenhouse  
Group Home  
Home Occupation

#### **6.3 Zone Requirements**

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

Setbacks (minimum)

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

Building Height (maximum)

10.5 m

(b) Despite the provisions of Section 6.3(a), for semi-detached dwellings or multi-unit dwellings located on separate, adjacent lots, the side yard where units are attached may be reduced to 0 m.

(c) Parking or storage of a commercial vehicle having a gross vehicle weight of 4,500 kg or 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 60 m<sup>2</sup> of gross floor area, whichever is less; and,



**COMMUNITY (C)****6.4 Permitted Uses**

Automotive Service & Sales  
Commercial Recreation & Entertainment  
Commercial Use  
Communication Facility  
Community Centre  
Craft Studio  
Day Care Centre  
Educational Facility  
Elders' Facility  
Government Service  
Greenhouse  
Health Care Facility  
Hotel  
Place of Worship  
Restaurant  
Retail Store  
Service and Repair Shop

**6.5 Conditional Uses**

Dwelling units, provided that the units are above the ground floor.  
Home Occupation

**6.6 Zone Requirements**

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

Setbacks (minimum)

Front = 6 m

Rear = 6 m

Side (Exterior) = 4 m

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

Building Height (maximum)

10.7 m

(b) A covered or screened area for garbage and trade waste is required.

## OPEN SPACE (OS)

### 6.7 Permitted Uses

Camp  
Cemetery  
Park  
Snow Fence

### 6.8 Conditional Uses

Beach Shack  
Cabin  
Campground  
Communications Facility  
Dog Teams  
Greenhouse  
Outdoor Storage

### 6.9 Zone Requirements

- (a) The following provisions applies to all buildings located along the waterfront in the Open Space Zone:

Gross Floor Area (maximum)

25 m<sup>2</sup>

Building Height (maximum)

3.1 m

- (b) No building or structure shall be located closer than 10 m to any lot line.

## LIGHT INDUSTRIAL (M1)

### 6.10 Permitted Uses

Automotive Service & Sales  
Building Supply and Contractor's Shop  
Communications Facility  
Contractor's Yard  
Craft Studio  
Greenhouse  
Outdoor Storage  
Service and Repair Shop  
Warehouse

### 6.11 Conditional Uses

Heavy Industrial Use  
Caretaker Unit

### 6.12 Zone Requirements

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

#### Setbacks (minimum)

Front = 8 m  
Rear = 8 m  
Side (Exterior) = 6 m  
Side (Interior) = 8 m, or as required by the Fire Marshal

## HEAVY INDUSTRIAL (M2)

### 6.13 Permitted Uses

Light Industrial Use  
Hazardous Goods Storage  
Power Generation Facility  
Utility Installation  
Waste Disposal Site

### 6.14 Conditional Uses

### 6.15 Zone Provisions

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

#### Setbacks (minimum)

Front = 8 m

Rear = 8 m

Side (Exterior) = 6 m

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

<b>NUNA (N)</b>
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**6.16 Permitted Uses**

Camp  
Dog Team  
Beach Shack  
Cabin  
Campground  
Communications Facility  
Mineral Exploration  
Quarry  
Snow fence

**6.17 Conditional Uses**

Waste Disposal Site

**6.18 Zone Requirements**

- (a) No development is permitted within 200 m downwind of any snow fence without the approval of council.

## **TRANSPORTATION (T)**

### **6.19 Permitted Uses**

Airport  
Communications Facility  
Sealift Facility

### **6.20 Conditional Uses**

Outdoor Storage  
Warehouse

### **6.21 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.

## **SECTION 7 – 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 Zoning By-law Notice.
Form I	Application for Amendment to the Zoning By-law

FORM A – Application for Development Permit

**APPLICATION FOR  
DEVELOPMENT PERMIT**



Permit No.: \_\_\_\_\_

Date: \_\_\_\_\_

**Application Fee:** \_\_\_\_\_  
(see Section 3.11a)

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. \_\_\_\_\_

**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 Separation 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 3.11
- 2) A letter from the Fire Marshal's Office approving the project, for all development other than Single Family Dwellings.
- 3) Certificate from Nunavut Impact Review Board approving a proposed industrial development.
- 4) Approval from the Water Board if the project requires filling or altering a water body.
- 5) Letter from Nunavut Airports approving the project, if the project is near an airport.
- 6) A letter requesting a Variance, if the proposed project does not meet the exact zoning regulations.
- 7) If a Variance or Terms and Conditions are required by the Hamlet Council, a letter from the Applicant will be required stating the adjacent land owners and lessees have been notified of the proposed development.

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

\_\_\_\_\_  
**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.244 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 5.13**

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 2 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 m<sup>2</sup>
- 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.

\_\_\_\_\_  
**Signature of Applicant**

\_\_\_\_\_  
**Date**

**Permit No.:**\_\_\_\_\_

**Date:**\_\_\_\_\_

FORM C – Development Permit & Notice of Approval



**DEVELOPMENT PERMIT –**  
**NOTICE OF APPROVAL**

POSTED ON SITE, IN THE HAMLET OFFICE

Development involving: \_\_\_\_\_

as further described in Application No.: \_\_\_\_\_ has been:

APPROVED:

APPROVED - subject to conditions (state reasons):

Shall comply with:

- (1) Hamlet Zoning By-law;
- (2) Building Code Act, most current;
- (3) Fire Prevention Act, 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 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:

Reasons 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 Kugaaruk Zoning By-law, No. 244 Development Permit by reason of:

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

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

\_\_\_\_\_  
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 KUGAARUK 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 Kugaruuk  
Zoning By-law, No. 244 by reason of:

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---

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

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

\_\_\_\_\_  
Date of Notice

\_\_\_\_\_  
Signature of Development Officer

FORM I – Application for Amendment to Zoning By-law



**APPLICATION FOR  
AMENDMENT TO THE  
ZONING BY-LAW**

Date: \_\_\_\_\_

Zoning Amendments are subject to the provisions of the Planning Act Section 29 and Section 3.24 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.

**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 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.

\_\_\_\_\_

\_\_\_\_\_

**Signature of Applicant**

**Date**