

**KUGLUKTUK COMMUNITY PLAN
BY-LAW NO. 290**

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A By-law of the Hamlet of Kugluktuk in Nunavut Territory to adopt a General Plan pursuant to the provisions of the Planning Act, RSNWT, 1988, c. P-7, s.13.

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

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

1. Schedules 1 and 2 of this By-law form part of this By-law.
2. This By-law may be cited as the "Kugluktuk Community Plan".
3. This By-law shall come into full force and effect on the date of its Third Reading.
4. By-law No. 205 of the Hamlet of Kugluktuk is hereby repealed.

READ a first time this 2nd day of June, 2015 A.D.


Mayor


Senior Administrative Officer

After due notice and a Public Hearing, READ a second time this 5th day of June, 2015 A.D.


Mayor


Senior Administrative Officer

APPROVED by the Minister of Community and Government Services this 21st day of September, 2015 A.D.


Minister CGS

READ a third time this 9 day of October, 2015 A.D.


Mayor


Senior Administrative Officer

Schedule 1

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1. INTRODUCTION

1.1 Purpose of the Community Plan

The Kugluktuk Community Plan contains Council's policies for managing the physical development of the Hamlet of Kugluktuk for the next 15 years – to 2021 – that reflect the needs and wishes of the Community. The Plan was created through a community consultation process. The Community Plan builds on previous Plans, while incorporating new challenges, issues and needs identified by the community.

1.2 Goals of the Community Plan

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

1. To 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 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 – Land Use Policies
- Schedule 2 – Land Use & Zoning Map

2. POPULATION & HOUSING PROJECTION

At the time of preparation of this Plan, the population of Kugluktuk was approximately 1,200 people. This Plan is based on a projected population of 2,000 residents in Kugluktuk by 2036. It is estimated that an additional 100 dwelling units will be required to meet the projected population growth, representing the need for approximately 10.95 hectares of land for development.

3. GENERAL POLICIES

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

- a) The development of lots shall be subject to the following lot development policies:
 - i. All service connections to buildings shall be easily accessed from the front yard on all lots.
 - ii. Buildings shall be sited to respect setbacks identified in the Zoning Chart.
 - iii. Any building over 500 m² (5,380 ft²) in gross floor area shall consider potential wind impacts on surrounding development. A wind study may be required by the Development Officer.
 - iv. Culverts are required and shall be installed at the access points to lots.
 - v. 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.
 - vi. Road widening 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) Consideration should be given to the development of a Drainage Plan for the entire community and the adoption of a snow piling by-law.
- c) Utilities or communications facilities shall be permitted in any land use designation.
- d) The Hamlet will pile snow in locations to minimize downwind snow drifting and where spring melt run-off can be properly channelled to drainage ditches or water bodies.

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) Residential development will be phased so that a target minimum of 1 hectare of vacant surveyed land is available at any given time.
- c) Council will look for opportunities for infill lots for new housing within the existing townsite.
- d) Home-based businesses are encouraged, in order to increase commercial activity.

4.2 Community Use

The Community Use designation is intended to maintain an adequate supply of land for community uses, to provide easy access to public facilities and services, and to reserve significant and important 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 and ample space for parking.
- c) New community facilities are to be located within the existing townsite or adjacent to future development areas.
- d) The old cemetery will be designated protected area. The new cemetery located on the west part of the hamlet will be integrated into the Community Plan and serve community needs.
- e) Churches have significant land in the existing Core District. Council may consider opportunities, in discussion with church representatives, to redevelop a portion of church lands that are surplus to their long-term needs for other community uses or for residential development.
- f) A School reserve Area is designated for the new residential development areas.
- g) The lots between the existing Hamlet building, the antenna and the row houses should be developed for cultural needs of the community. The Hamlet shall do a geological study for the proposed development in order to meet the engineering requirements for the proposed buildings.

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 central location 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 (private and government).
- b) Residential uses shall 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) Council shall designate the area for the Hamlet Office, and a development

project shall be required.

- e) Council will consider widening the road allowances through surveying to permit a widening of roads in the future and ensure adequate development setbacks.

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. In general, buildings will not be permitted, except for small Hamlet recreation storage sheds or washroom facilities.
- b) A minimum of 100 square metres of park space should be provided for every 30 dwellings such that the park is within 300 metres of each residence.
- c) A series of walking trails with heritage significance shall be developed and integrated into the cultural circuit of the community.

The Industrial designation is intended to reduce the negative effects and dangers associated with industrial uses such as noise, dust, truck travel and the storage of potentially hazardous substances, industrial uses shall be concentrated 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. Permitted uses will also include garages, power generation plants, and fuel storage.
- b) The Hamlet will consider the area designation that will accommodate the new lagoon plant and engineering project with all required studies shall be submitted.
- c) The new barge facilities will accommodate the needs of the community.
- d) The Hamlet will work with local businesses and government operations to identify opportunities to relocate non-conforming industrial uses (e.g. garages, warehouses) to the industrial subdivision.

4.6 Transportation

The Transportation designation is intended to protect and ensure the safe operation of airport activities and other transportation facilities such as the NDB (non-directional beacon) communications site and may include marine facilities in the future. 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) Influence zones around lands designated Transportation are indicated on the Land Use Map. No development is permitted within these influence zones without the approval of Nav Canada and Hamlet Council.
- c) Council shall discourage use of motorized vehicles on pathways not intended as public right-of-ways.

4.7 Future Development

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

- a) The Future Development designation does not permit any development except temporary uses.
- b) Future Development lands shall be re-designated by amendment to this Plan prior to being used for community expansion.
- c) Lands designated Future Development may be affected by significant environmental constraints to development such as shallow waterbodies, poor drainage, and possible contamination from a former landfill. All constraints shall be cleared of environmental constraints prior to the lands being re-designated for development.
- d) If Council wishes to develop Future Development land near the suspected former landfill, the following shall occur:
 - (i) an environmental assessment of the former landfill site to determine the

- landfill location, extent of contaminants, and feasibility and cost of remediation;
 - (ii) remediation of the former landfill site in accordance with the environmental assessment;
 - (iii) obtain approval of Department of Health and Social Services and Department of Community and Government Services to permit re-designation of affected lands.
- (e) An archaeological assessment shall be performed prior to developing Future Development areas.

4.8 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, archeological sites and temporary tenting and camping. More intensive activities, especially commercial uses, require council approval.
- b) The Hamlet shall protect any cemeteries and sites of archaeological significance from disturbance.
- c) Dog teams shall only be located in areas indicated on the Land Use Map.
- d) The Hamlet intends to continue the trans-island road project to improve access to the land and to reduce the negative impact of vehicle traffic on the tundra.

4.9 Park Reserve

The Park Reserve designation is intended to guide development in the area of Municipal Land that has been designated by Nunavut Parks for the future establishment of the *Kugluk (Bloody Falls) Territorial Park*. The policies of Council are:

- a) Nunavut Parks, for the Government of Nunavut, will administer the development and use of the land with consultation and direction from Hamlet Council in the planning process for development within those lands.
- b) Nunavut Parks will establish Management Zones and regulate the use and development of the park area for the benefit of the residents of Kugluktuk and visitors to the area.
- c) The Council will consider the opportunity of integrating the *Kugluk (Bloody Falls) Territorial Park* into the tourism circuit.

4.10 Development Constraint Overlay

The Development Constraint Overlay designation identifies sites that development is limited by specific concerns. The Development Constraint Overlay designation includes six types of overlays. These overlays sit "above" other zones because they add additional development restrictions to the existing zone. There are also areas with more than one overlay. Areas with overlays are subject to both the policies of the zone "underneath" and the overlay(s) above. If there is a contradiction between the policies of overlay(s) and the underlying zone, the stronger or more restrictive policy shall prevail.

4.10.1 Archaeological Reserve

The Archaeological Reserve designation protects from destruction sites that contain identified archaeological, paleontological, and cultural heritage significance. The policies of Council are:

- a) No development shall be permitted in the Archaeological Reserve overlay.

4.10.2 Aviation Beacon Setback

The Aviation Beacon Setback overlay is established in areas within a 150 metre radius around the Non-Directional Beacon (NDB) towers. Development is heavily restricted in this radius according to Transport Canada and this overlay is intended to meet these regulatory requirements. The policies of Council are:

- a) No development shall be permitted in the Aviation Beacon Setback overlay without approval from Transport Canada.

4.10.3 Quarry Reserve

The Quarry Reserve overlays is intended to protect sites in the vicinity of the built-up area that have been identified as containing granular resources that must be protected for future extraction or that are currently being extracted. If development other than quarrying were permitted in these areas, the granular resources would become inaccessible for extraction. The policies of Council are:

- a) No development other than quarrying shall be permitted in the Quarry Reserve overlay.

4.10.4 School Reserve

The School Reserve overlay is intended to protect from development a site in the western part of the townsite that has been identified as a good site for a future school. However, this area is currently used as a park, so this shall also be permitted on an interim basis. The policies of Council are:

- a) A school shall be shall the only permanent building permitted in the School Reserve overlay.
- b) Parks and recreation shall also be permitted in the School Reserve overlay on an interim basis. It is acknowledged that a school, once built, will mostly or wholly displace parks and recreation on the site.
- c) Council shall investigate a new site for a school.

4.10.5 Waste Disposal

The Waste Disposal designation is intended to identify existing or former waste disposal sites and ensure appropriate development setbacks. The policies of Council are:

- a) The Waste Disposal overlay permits no development except those accessory to the operation or remediation of a waste disposal site.
- b) The Hamlet shall study the feasibility of remediating the former waste disposal site located by the community arena.
- c) The Hamlet shall prohibit the development of new subdivisions within the 450-metre setback from any existing or former waste disposal site as required by Public Health Act.

4.10.6 Waterfront Reserve

The Waterfront Reserve designation is intended to protect shoreline environments, maintain views to the sea, and reserve access to lakeshore and seashore areas for traditional uses. The policies of Council are:

- a) The Waterfront Reserve designation will be used for traditional and recreational uses such as beach shacks, boat storage, community docks, dog teams and temporary storage of sealift equipment during sealift operations. All uses are conditional and at the discretion of Council.
- b) The siting of any development, including exterior storage of materials during sealift and barge operations and boat storage, shall be at the discretion of Council.
- c) Owners of development will be required to maintain the development and keep the surrounding area tidy.
- d) Dog teams shall only be located in areas indicated by the "Dog Team Holding Area" symbol on the Land Use Map.
- e) Unless otherwise noted, all Commissioners' Land forming part of the 100-foot strip (30.5 m) along the seashore measured from the ordinary high water mark will be designated Waterfront Reserve.
- f) To reduce the risk of flooding, erosion, and damage to fish habitat no development is permitted within 30.5 metres from the normal high water mark of lakes, rivers and creeks.
- g) Council may consider the filling of a water body and/or part of a watercourse, where it is needed, for future development provided that a fish and fish habitat assessment is completed and reviewed by Fisheries and Oceans and appropriate approvals are obtained.