

# Tulita


## Zoning Bylaw #264-19

September 2023



**INCORPORATED HAMLET OF TULITA  
BYLAW NO. 264-19**

READ a first time this 19<sup>th</sup> day of June, 2023.

  
\_\_\_\_\_  
Mayor Douglas Yallee


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

READ a second time this 10<sup>th</sup> day of August, 2023.

  
\_\_\_\_\_  
Mayor Douglas Yallee

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

READ a third time and passed this 18<sup>th</sup> day of September, 2023.

  
\_\_\_\_\_  
Mayor Douglas Yallee

I hereby certify that this bylaw has been made in accordance with the requirements of the *Hamlets Act* and the bylaws of the Hamlet of Tulita.

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





**DILLON**  
CONSULTING

Prepared by Dillon Consulting Limited

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SCHEDULE A

*BYLAW TEXT*

## **1 Part One – Introduction**

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### **1.1 Purpose of the Bylaw**

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Hamlet of Tulita (Hamlet) in a balanced and responsible manner that conforms to the Community Plan and is pursuant to the *Community Planning and Development Act (the Act)*.

### **1.2 Short Title**

This Bylaw may be cited as the “Hamlet of Tulita Zoning Bylaw”.

### **1.3 Application**

The provisions of this Bylaw apply to all development and buildings within the municipal boundary of the Hamlet of Tulita.

### **1.4 Previous Bylaw**

No provisions of any other bylaw with respect to zoning, development control or area development plans shall hereafter apply to any parts of the Hamlet described in this Bylaw, subject to the transitional provisions of this Bylaw.

Any existing use of land, buildings, or structures, which is not listed as a permitted use within the zone shall, because of the passage of this Bylaw, be a legal, non-conforming use at that location. The use of land, buildings or structure at the location shall not be changed except to be in conformity with this Bylaw.

An application for a development, subdivision, or amendment to the Zoning Bylaw which is received in its complete and final form prior to the effective date of this Bylaw shall be issued in accordance with the Hamlet Zoning Bylaw #125-97 as amended, and the regulations thereto, as applicable.

### **1.5 Effective Date**

This Bylaw came into effect upon the date of the third reading by council.

### **1.6 Components of the Bylaw**

- 1) Schedule A, the Bylaw Text;
- 2) Schedule B, the Zoning Bylaw Maps, and,
- 3) Schedule C, the Forms.



### 1.7 Compliance with Other Legislation

Any person applying for, or in possession of a valid Development Permit, is not relieved from the full responsibility for ascertaining, complying with or carrying out development in accordance with:

- 1) *Northwest Territories Community Planning and Development Act*;
- 2) *Northwest Territories Archaeological Sites Act*;
- 3) The requirements of any other relevant federal, territorial or municipal legislation;
- 4) The conditions of any caveat, covenant, easement or other instrument affecting building or land;
- 5) The most recent revisions of the *National Building Code of Canada*;
- 6) The most recent revisions of the *National Fire Code of Canada*; and,
- 7) *The Fire Prevention Act of the Northwest Territories (NWT)*.

### 1.8 Establishments of Zones

The zoning Maps are found in **Schedule ‘B’** of this Bylaw. They divide the Hamlet into zones and specify the zoning provisions applying to particular lands. For the purpose of this Bylaw, the following zones are hereby established:

CC	Community Core
RS	Residential
IN	Industrial
DO	Development Opportunity
OS	Recreation and Open Space
ES	Environmentally Sensitive
HL	Hinterland
AP	Airport

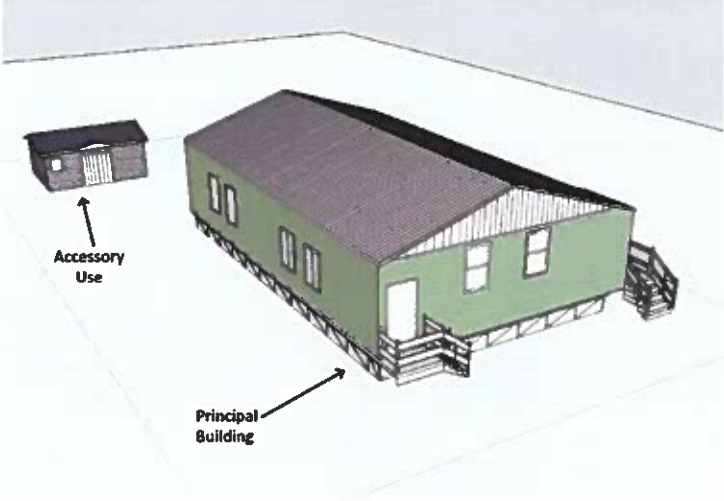
The zone boundaries are defined on the Zoning Maps. Where uncertainty arises as to the precise location of the boundary of any zone, the following rules shall apply:

- 1) Where zone boundaries appear to follow lot lines shown on a plan of subdivision, such lot lines shall be deemed to be the boundary.
- 2) When zones boundaries appear to follow roads, such boundaries shall be deemed to follow the centerline of the road allowance.
- 3) Where zone boundaries appear to follow the shoreline of water bodies, such boundaries shall be deemed to follow the shoreline.
- 4) If un-subdivided land, the zone boundary shall be determined by the use of the scale of the zoning map.

## 2 Part Two – Definitions

### 2.1 Defining Words

This section provides meaning to the words used within this Bylaw. If not defined in this section, words within the Bylaw and expressions shall have the meaning respectively assigned to them in the *Act*.

Term	Meaning in this Bylaw
<p>Accessory use/building</p>	<p>A building, structure or use detached from a principal building, normally accompanying or secondary to the principal building or use but does not include a building or structure used for human habitation unless permitted as a Secondary Dwelling in approved zones. Examples of accessory use/buildings are warehouses, sheds, tipis, garages, arbours, or other similar uses.</p> 
<p><i>Act</i></p>	<p>The <i>Consolidation of the Community Planning and Development Act S.N.W.T. 2011, c. 22</i> as amended.</p>
<p>Agricultural Use</p>	<p>The use of land, building or structures for:</p> <ol style="list-style-type: none"> <li>a. The production of farm products for sale such as market gardens, commercial greenhouses, beekeeping, poultry products, cattle, hogs, sheep, and other animals, grain grasses, vegetable, forestry and horticulture or other crops.</li> <li>b. The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities.</li> <li>c. Accessory uses including packing or storing produce provided that the operation is secondary to that of the normal agricultural activities.</li> <li>d. A caretaker's unit.</li> </ol>

Term	Meaning in this Bylaw
Airport	The use of land, including water, runway, or other facility designed, used, or intended to be used either publicly or by any person or persons for the landing or taking off of aircraft, including all necessary taxiways, aircraft storage, tie-down areas, hangars and other necessary buildings, structures, and open spaces.
Alter	When used in reference to a building or structure or part thereof, means to change any bearing wall or partition, column, beam, girder, or other supporting member of a building or structure, or any increase in the area or cubic contents of a building or structure.
Appellant	A person who, pursuant to the <i>Act</i> , has served notice of appeal to the Development Appeal Board.
Applicant	Any person having a legal or equitable interest in property or a person acting as the authorized representative of such person who has applied under the provisions of this Bylaw for a permit for the development of land.
Arena	A building enclosing an ice surface, seasonal pool, youth drop-in center, fitness facility or community space with toilet facilities, change rooms and concessions.
Barge and boat access and landing	A ramp beside a body of water, constructed to allow boats to be launched or hauled out.
Bed and Breakfast Establishment	A home occupation in a single dwelling providing temporary accommodation for a limited number of guests where the owners reside on the premises.
Board	The Development Appeal Board established under this Bylaw.
Buffer/Screen	Anything which visually, and/or acoustically, shelters, conceals or protects, and which is considered acceptable to the Development Officer or Council. A buffer may include a fence, hedge, berm, or bush or distance between structures.
Building	Any structure whether temporary or permanent, used or built for the shelter, accommodation or enclosure of persons, animals, materials, or equipment.
Bulk Fuel Storage	The use of land, buildings or structures for the storage and distribution of fuels, oils, propane, and other petroleum gases where the storage tank or tanks are above ground and the storage capacity exceeds 22,730 litres of propane, or where the storage capacity exceeds 50,000 litres per tank and the aggregate capacity of all the tanks exceeds 150,000 litres.
Bunkhouse/Camp	A portable building designed or used for the accommodation of temporary workers.
Campground	A site which provides for the temporary location of tents and trailers used by travelers and tourists for overnight accommodation designated for short-term leasing to the same individuals not exceeding (4) consecutive weeks.

Term	Meaning in this Bylaw
Caretakers Unit	Premises used for the accommodation of a person employed as a caretaker, manager, security guard, or superintendent for an agricultural, industrial, or commercial use operating on the site.
Cemetery	Land that is used for the burial of human or animal remains.
Community Garden	Land that is cultivated collectively by a group of community members to raise food for their own consumption or donation.
Community Plan	The Community Plan of the Hamlet of Tulita as adopted by Bylaw.
Commercial	The use of land, buildings or structures for the purpose of buying and selling commodities, and supplying services as distinguished from other industrial uses.
Communication Service	Uses which serve an infrastructure purpose relating to cellular, radio, television and related technology.
Conservation Use	The use of an area of land that is generally in its natural state to preserve, protect and/or improve components of the natural heritage system and may include hiking trails and/or cross-country ski trails, the protection against floods and erosion.
Corner Lot	A lot (site or parcel) located at the intersection of two roadways that has frontage on each roadway.
Day Care Facility	A facility and program for the provision, care and supervision of children in accordance with the <i>NWT Day Care Act and Regulations</i> . The facility is not part of a public school, separate school, private school or children's health centre.
Demolition	The total destruction or substantial modification of a building or structure. Substantial modification includes the demolition of 50% or more of the building.
Development	<p>As defined in the <i>Act</i> means:</p> <ol style="list-style-type: none"> <li>1) The carrying out of:               <ol style="list-style-type: none"> <li>a. Any construction, including the placement or movement of a building,</li> <li>b. Any excavation, or the deposit or movement of soil or other materials, or,</li> <li>c. Other related operations.</li> </ol> </li> <li>2) The product of development, as the term is defined in paragraph (a) such as a building or a developed site;</li> <li>3) The making of any change in the use or intensity of use of any land or building: or,</li> <li>4) Any alterations for the provision of municipal services including water delivery and sewage pump-out.</li> <li>5) The demolition or structural alteration to existing buildings or structures is considered to be development.</li> </ol>
Development Officer	An official of the municipality responsible for administering this Bylaw.
Development Permit	A certificate or document permitting a development.

Term	Meaning in this Bylaw
Director	An Officer of the Government of the Northwest Territories who is charged with the administration of the <i>Act</i> .
Discretionary Use	Any land use which is allowed in a particular zone only at the discretion of and at a location specified by City Council.
Dwelling	<p><b>Single Detached:</b> a residential building containing one dwelling unit, not including a manufactured home.</p>
	<p><b>Secondary Dwelling (Secondary Suite):</b> a dwelling unit that is either attached to the primary residential building or detached in an approved accessory building, that is subordinate to a principal residence while providing complete independent living facilities for one or more persons.</p>
	<p><b>Duplex:</b> a residential building divided horizontally or vertically into two separate dwelling units of approximately equal floor areas, each of which has an independent entrance.</p>
	<p><b>Manufactured Home:</b> a dwelling unit that meets the following criteria is suitable for permanent occupancy, is designed to be transported on its own wheels or by a low-boy transport trailer, and is ready for occupancy except for incidental building operations (i.e., placement on foundation supports and connection to utilities).</p> <ol style="list-style-type: none"> <li>1) Single-wide – a mobile unit designed specifically to be towed or hauled in a single load; and,</li> <li>2) Double-wide – a mobile unit consisting of two (2) sections separately towed or hauled, designed to be joined together into one (1) integral unit.</li> </ol> <p>Commonly referred to as a 'Trailer', however may also be considered mobile home, park model recreational unit or recreational vehicle, these structures frequently remain on a steel chassis with wheels attached for continued mobility.</p>
	<p><b>Modular Home:</b> a prefabricated or factory-built frame or shell which is comprised of the walls or siding of a single dwelling unit. More specifically, a modular unit represents only a section of the modular home. A modular home has no chassis, running gear or wheels, but units may be stacked side by side or vertically and completed to form a dwelling unit. For the purpose of this Bylaw, a new "Ready to Move" (RTM) home is deemed to be a modular home, but it excludes a Manufactured Home, Recreational Vehicle or Recreational Vehicle-Park Model Recreational Unit.</p>

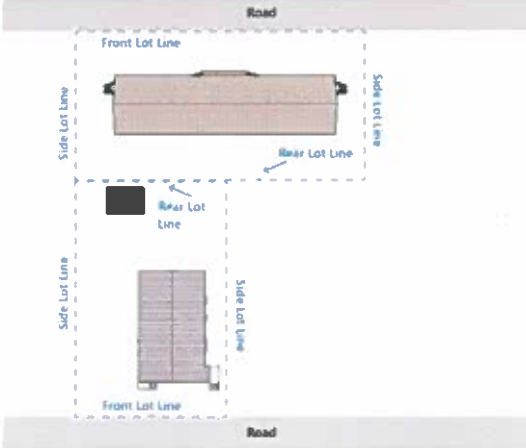
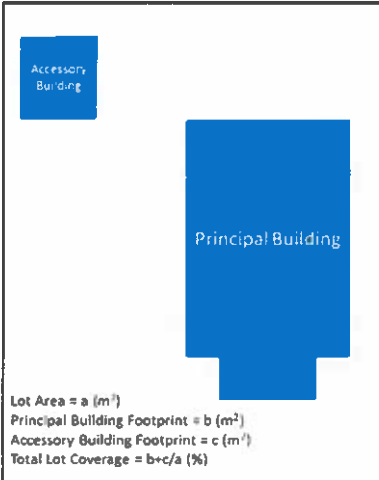
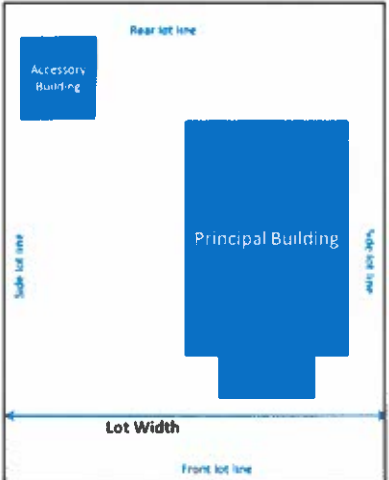
Term	Meaning in this Bylaw
	<p><b>Rowhouse:</b> a building containing a row of three (3) or more dwellings joined in whole or in part at the side, with no dwelling being placed over another in whole or in part. Dwellings shall be separated by vertical party walls which are insulated against sound transmission. Each dwelling shall have separate, individual and direct access to grade.</p> <p><b>Multiple Unit:</b> a residential building containing three or more dwelling units, and means row housing, townhomes, multiplexes, or apartments. These include converted units which appear as a singular separate structure and purpose built which are structures where the original intention was for a multiple unit dwelling.</p>
Dwelling Unit	A building, self-contained portion of a building, or suite of rooms for the use of one or more individuals living as a single housekeeping unit. A dwelling unit contains sleeping, cooking and separate or shared toilet facilities and is intended as a permanent or semi-permanent residence.
Easement	A right-of-way giving individuals, other than the owner, permission to access a property for a specific purpose.
Eating Establishment	Is a development used for eating where prepared food and beverages are offered for sale to the public, for consumption within the premises or off site. Typical uses include restaurants, cafes, take-out, and banquet facilities.
Electrical Power Plant	An industrial facility for the generation of power.
Environmental Assessment	A site assessment conducted by a qualified professional following the <i>Canadian Environmental Assessment Act (CEA)</i> , to determine potential contamination and mitigation.
Fence	An artificially constructed barrier of any material, or combination of materials, erected to enclose or screen areas of land.
Floodplain	<p>The land adjacent to a water course or water body which would be inundated by water in the event of a flood or as a result of an ice jam or storm, to a point referred to as a flood line. Flood modelling completed in Tulita in 1987 used a 100-year flood event to define the floodway and flood fringe. These terms were further defined by:</p> <ol style="list-style-type: none"> <li>1) <i>Floodway:</i> where further development is not permitted.</li> <li>2) <i>Flood fringe:</i> where development is discouraged, however if approved flood proofing of all development is required.</li> </ol>
Floor Area	The total of the floor areas of every room and passageway contained in a building but not including the floor areas of basements, unoccupied attics, attached garages, sheds, or open porches unless they contain habitable rooms.



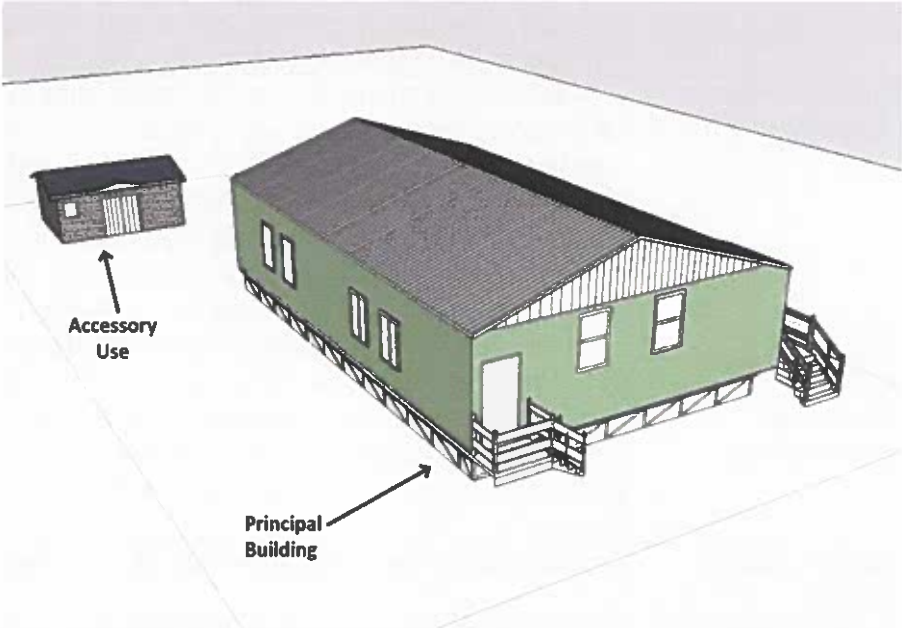
Term	Meaning in this Bylaw
Forestry	The cultivation and harvesting of trees, and without limiting the generality of the foregoing, shall include the harvesting of fuel wood, pulp wood, saw logs (lumber), Christmas trees and other forest products.
Grade	The average of the elevations of all the natural or finished levels of the ground adjoining all the walls of a building.
Grade, Finished	The final elevation of the ground surface after development.
Group Home	A residential facility which provides resident care to individuals who are in need of adult supervision or assistance, and who are provided supervision and services in accordance with their individual needs. May also be identified as Senior Citizen Home or Long Term Care Home.
Greenhouse	A structural frame covered in a translucent or transparent material, and which is intended for growing plan, fruit or vegetables which are destined for personal consumption or sale.
Guest Room	A rented, self-contained habitable space for use as temporary accommodation.
Hamlet	The municipal government of Tulita as defined through the <i>Hamlets Act</i> .
Hard Surfaced	A hard, durable, dust-free surface consisting of compacted $\frac{3}{4}$ inch crushed rock graded for appropriate site drainage, or surfaced with chip seal, asphalt or concrete.
Hazardous Substance or Dangerous Goods	Any of the following: <ul style="list-style-type: none"> <li>a. explosives and pyrotechnics;</li> <li>b. gases (either compressed, deeply refrigerated, liquefied, or dissolved under pressure);</li> <li>c. flammable and combustible liquids;</li> <li>d. flammable solids (including substances liable to spontaneous combustion and substances which, on contact with water, emit flammable gases);</li> <li>e. oxidizing substances and organic peroxides;</li> <li>f. poisonous and infectious substances;</li> <li>g. radioactive material;</li> <li>h. medical or biological waste;</li> <li>i. corrosives; and,</li> <li>j. other miscellaneous substances of similar nature.</li> </ul>
Historical Site	Buildings or locations which preserve natural or cultural features or objects.
Height	When used with reference to a building or structure, is the vertical distance between the average finished grade and the highest point of the roof.
Heliport	A landing and takeoff location designated for helicopters.

Term	Meaning in this Bylaw
Highway	A highway or proposed highway that is described as a <i>primary highway</i> by the <i>Public Highways Act</i> .
Home Occupation	Any occupation, trade, profession, or craft carried out by the occupant of a residential building which is incidental and subordinate to the residential use and which does not change the character thereof.
Hotel	A building or group of buildings containing guest rooms for temporary accommodation, and where each room has a common interior corridor. Shared kitchen, dining and sanitary spaces may be provided, and parking is to be made available as per parking requirements (Section 5.11).
Industrial, Light	A use or development of land for the purpose of processing, warehousing, repairing, distribution or storage of goods and materials and where minimal nuisances are generated.
Industrial, Heavy	A use or development of land for the purposes of manufacturing, processing, warehousing, stockpiling or storage that requires a large track of land and is subject to the generation of off-site nuisances including noise, smoke, ash, dust, toxic gases, glare, heat, or obnoxious odours.
Institutional	The use of land, buildings, or structures for government, religious, charitable, educational, health or welfare purposes, and includes churches, places of worship, public or private schools, day cares, and government facilities.
Kennel	A location for the breeding, keeping, or boarding dogs in return for remuneration or kept for the purposes of sale.
Landscaping	The modification and enhancement of a site through the use of any or all of the following elements: <ul style="list-style-type: none"> <li data-bbox="537 1241 1398 1310">a. Soft Landscaping consisting of vegetation such as trees, shrubs, hedges, grass, and ground cover; and,</li> <li data-bbox="537 1318 1398 1388">b. Hard Landscaping consisting of non-vegetative materials such as brick, stone, concrete and asphalt.</li> </ul>
Library	A building containing printed and pictorial material for public use for purposes of study, reference, and recreation.
Loading space	An area of land which is provided for the temporary parking of one commercial motor vehicle, while merchandise or materials are being loaded or unloaded from such vehicle.
Long Term Care Home	See Group Home.
Lot, Site, or Parcel	An area of land, the boundaries of which are shown on a plan registered in a Land Titles Office, are described in the Certificate of Title, or are the subject to other forms of interest in land under the terms of the <i>Territorial Lands Act and Regulations</i> or the <i>Commissioner's Land Act and Regulations</i> .

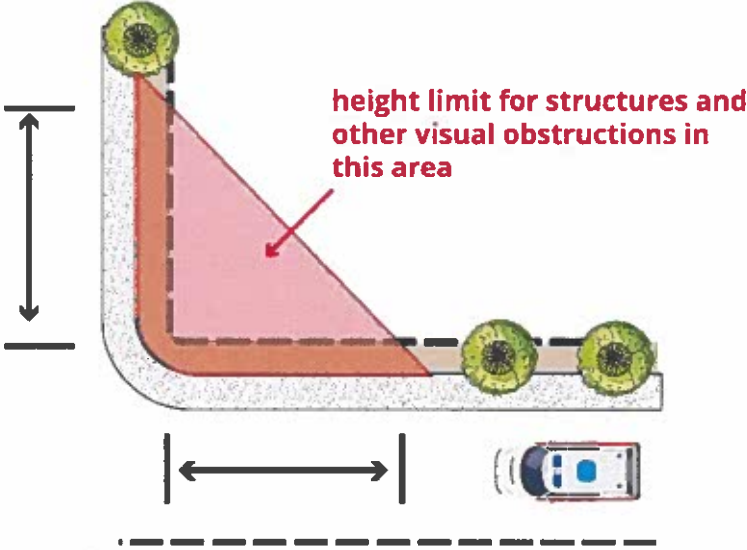


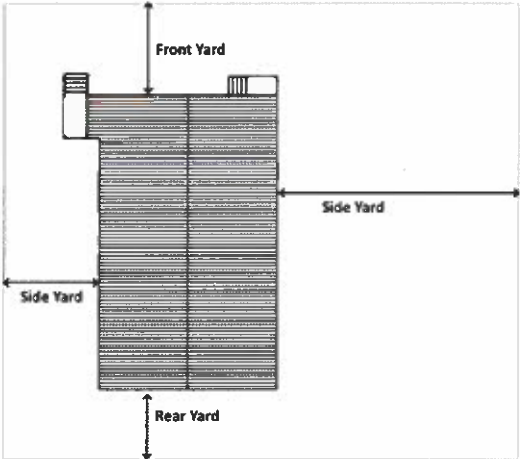
Term	Meaning in this Bylaw
<p>Lot Line</p>	<p><b>Front:</b> the property line separating a lot from an abutting public roadway other than a lane. In the case of a corner lot, the front lot line is the shorter of the property lines abutting a public roadway, other than a lane.</p> <p><b>Rear:</b> the property line which is furthest from and opposite the front lot line.</p> <p><b>Side:</b> the property line of a lot other than a front lot line or rear lot line.</p> 
<p>Lot/Site Coverage</p>	<p>The portion of the total area of a lot or site which may be covered by buildings or structures.</p>  <p>Lot Area = a (m<sup>2</sup>)          Principal Building Footprint = b (m<sup>2</sup>)          Accessory Building Footprint = c (m<sup>2</sup>)          Total Lot Coverage = b+c/a (%)</p>
<p>Lot/Site Width</p>	<p>The distance between the side lot lines of a lot or site.</p> 

Term	Meaning in this Bylaw
Medical and health services	A building where a professional health practitioner(s) provides diagnosis and treatment to the general public.
Motel	A building or group of buildings containing guest rooms designed to provide temporary accommodation, and where each room has its own exterior access which is provided with an adjoining or conveniently located parking space.
Motor Vehicle	Any machine powered by a fuel combustion engine or electric motor system that is designed to carry a driver/passenger.
Motor Vehicle, Repair Garage, Sales and Rental Establishment	A building which is used for the servicing and repairing or equipping essential to the actual operation of motor vehicles or where such vehicles are parked or stored for remuneration, hire or sale
Municipality	The Hamlet of Tulita.
Municipal Services	Services provided by the Hamlet of Tulita, including: 1) Water delivery 2) Solid waste collection 3) Wastewater (sewer) collection
Museum	See Historical Site.
Natural Resource Development	Development for the on-site removal, extraction, and primary processing of raw minerals found on or under a site, or accessible from the site. Typical uses include gravel pits, sandpits, clay pits, oil and gas wells, and stripping of topsoil. Natural resource development does not include the processing of raw materials transported to the site.
Neighbourhood Convenience Store	A building used for small-scale retail or merchandise sales which serves the day to-day living needs of neighbourhood residents and employees, with limited storage.
Non-conforming Building or Use	A building or use that is lawfully constructed, or under construction, at the date this bylaw is passed, and does not, or will not, conform to the requirements of the Zoning Bylaw when it becomes effective.
Non-conforming Use	Any intended or existing legal use of land or building, which does not, and will not, conform to the requirements of this bylaw.
Nuisance	Anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.
Office	A building primarily for the provision of professional management, for uses including but not limited to administrative, consulting, or financial services in an office setting.
Off-street Parking	A designated parking area (i.e., lot) for one (1) or more vehicles. It may be part of a development or, with the approval of the Development Officer, may be separate from the development.
Outside Storage	The storage of equipment, goods, chattels, raw or processed materials outside of any building or structure.
Park	A recreational area owned or controlled by the Hamlet or other public agency.

Term	Meaning in this Bylaw
Parking Space	An off-street area available for the parking of one motor vehicle.
Permitted Use	Any land use which is allowed in a particular zone, provided that the use conforms to the regulations of the particular zone to which the use applies. The Development Authority may also include conditions to the approval of these types of development permits.
Picnic Area	An open space set aside for picnicking.
Pit/Quarry	A place where unconsolidated gravel, stone, sand, earth, clay, fill, mineral or other material is being or has been removed by means of an open excavation to supply material for construction, industrial or manufacturing purposes
Place of Worship	A public or private building or structure used for the collection or assembly of persons for worship, and related accessory and subordinate uses that may include religious study, community outreach, support groups, social programs, and non-profit uses. This does include commercial ventures.
Playground	See Park, however, may include a fenced or enclosed space, at or above finished grade, which is equipped with play facilities and designed for use by children and youth.
Principal Building	<p>A building which:</p> <ol style="list-style-type: none"> <li>1) Occupies the major or central portion of a lot;</li> <li>2) Is the chief or main building on a lot; and,</li> <li>3) Constitutes by reasons of its use, the primary purpose for which the lot is used.</li> </ol> 
Principal Use	The main purpose for which a lot is used.

Term	Meaning in this Bylaw
Public Roadway	Any lane, service road, local street, collector street, major street, or highway corridor.
Public or Quasi-Public Use or Building	Uses and buildings available to the general public for non-commercial public uses and activities which include a public school, arena, community hall, cultural centre, fire hall, police station, cemetery.
Public Utility	<p>Any one or more of the following:</p> <ol style="list-style-type: none"> <li>1) Systems for the distribution of gas, whether artificial or natural;</li> <li>2) Facilities for the storage, transmission, treatment, distribution or supply of potable water;</li> <li>3) Facilities for the collection, treatment, movement or disposal of sanitary sewage;</li> <li>4) Storm sewer drainage facilities;</li> <li>5) Systems for electrical energy generation, including renewable energy, transmission and distribution; and,</li> <li>6) Systems for telephone and telecommunications, including towers or satellite dishes.</li> </ol>
Retail Store	A building where goods, wares, merchandise, substances, articles, or things are offered or kept for sale at retail, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store.
Sawmill	Land, buildings or structures where harvested forest products are cleaned, milled, cut, planed, dried and stored and which are kept for sale to the public or shipment to market.
Scrap Yard/ Junk Yard	A place where discarded or salvaged materials are bought, sold, exchanged, stored, based, cleaned, packed, disassembled, or handled. This includes auto wrecking yards, house wrecking yards, used lumberyards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment, but excluding pawnshops and establishments for the sale, purchase, or storage of used cars in operable condition. The storage of non-operable machinery, equipment, or automobiles for thirty (30) days or longer shall be prima facie evidence the property is a scrap yard.
Seasonal building/use	A building or use that is temporary and used in a particular time of year, often because of the weather conditions, animal migration patterns or natural harvest seasons for plants or fish that allow for the use.
Senior Citizen Home	See <b>Group Home</b> under the definition of dwelling.
Service Station	Premises or the portion thereof used or intended to be used for the servicing of motorized vehicles.

Term	Meaning in this Bylaw
Sewage Disposal Facility	An approved central location where the Hamlet directs sewage to be transported, stored, and treated.
Shipping and Navigational Aids	A marker that aids a traveler in nautical travel. Common types of aids include lighthouses, buoys, and day beacons.
Sign	Any object or device intended for the purpose of advertising or calling attention to any person, matter, thing, or event and includes any word, letter; model, picture, symbol, device or representation used as, wholly, or in part, an advertisement, announcement or direction. Without restricting the generality of the foregoing, a sign includes posters, notices, panels, and banners.
Site Triangle	<p>On a corner lot, the area formed within a corner site by the two corner property lines and a straight line which intersects each of that must be kept clear of obstructions such as hedges or tall fences so that people in one road can see cars approaching on the other – refer to Section 5.10 for more details.</p> 
Solid Waste Site/Disposal Facility	Any property where refuse of a non-hazardous type is deposited.
Sports Field	A field on which sports are played.
Storey	That portion of a building between the upper surface of any floor and the floor next above, except that the topmost storey shall be the portion of a building between the upper surface of the topmost floor and roof line.
Structural Alteration	Any change in or alteration to a structure involving a bearing wall, column, beam, girder, floor or ceiling joists, roof rafters, foundations, piles, retaining walls or similar components.

Term	Meaning in this Bylaw
Structure	Anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include buildings, walls, fences or any sign.
Tank Farm	See bulk fuel storage definition.
Temporary use or building	Such time limit as may be set by the Council. In a case where no time limit is set, "temporary" shall be no more than sixty (60) consecutive days.
Veterinary Clinic	A facility for the medical care and treatment of animals, and includes provision for their overnight accommodation but does not include kennels, outdoor pens, runs or enclosures
Warehouse	A building used primarily for the storage of goods and merchandise, excluding dangerous or hazardous materials, derelict vehicles thereof, or any waste material.
Yard	A part of a parcel upon or over which no structure is erected.
	<p>a. Front Yard means a yard extending across the full width of a parcel from the front lot line of the parcel to the front wall of the principal building situated on the parcel;</p> <p>b. Side Yard means a yard extending from the front wall of the principal building situated on a parcel to the rear wall of the principal building and lying between the side lot line of the parcel and the side wall of the principal building; and,</p> <p>c. Rear Yard means a yard extending across the full width of a parcel from the rear wall to the principal building situated on the parcel to the rear lot line of the parcel.</p>
	
Zone	The category of use of land, buildings, structure, or activities permitted by this Bylaw.



### **3 Part Three – Development Authority**

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#### **3.1 Development Officer**

- 1) The office of the Development Officer is hereby established and shall be filled by a person appointed by resolution of Council established in accordance with Section 52 of the *Act*.
- 2) The Development Officer is authorized to perform the duties specified in Part Four of this Bylaw and has enforcement powers as specified by Council pursuant to Sections 52 through 56 of the *Act*.
- 3) The Development Officer shall:
  - a. Receive and process all Development Permit applications pursuant to this Bylaw.
  - b. Keep and maintain for inspection by the public during normal office hours the following official records:
    - i. a copy of the planning documents and all of the amendments thereto; and,
    - ii. a register of all applications for development, including the decisions therein, and the reasons therefore.
- 4) The Development Officer is hereby declared an official of the municipality and an authorized officer or servant of Council.

#### **3.2 Development Authority**

- 1) The function of Council with respect to this Bylaw shall be to be the Development Authority in accordance with Section 52 of the *Act*.
- 2) Review and render decisions on development applications for all Discretionary Uses and any application presented to it by the Development Officer, having regard for the regulations of this Bylaw and the provisions of the Community Plan.
- 3) Review and render decisions on applications for rezoning and/or other amendments presented to it by the Development Officer.
- 4) Specify the length of time that a permit may remain in effect for a temporary use.
- 5) Carry out other such duties as may be prescribed in this Bylaw.

#### **3.3 Development Appeal Board**

- 1) A Development Appeal Board is hereby established and must consider and determine such appeals as may be referred to under the provisions of the *Act*.
- 2) The Development Appeal Board shall discharge such duties that are given to it in this Bylaw or amendment thereof.
- 3) The Development Appeal Board may meet as frequently as necessary but shall meet within thirty (30) days after an application for an appeal has been made to it.

- 4) Three (3) members of the Development Appeal Board constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Board.
- 5) Only those members of the Development Appeal Board in attendance at a Board meeting shall vote on any matter then before the Board.
- 6) The decision of the majority of the members of the Board present at a meeting duly convened is deemed to be the decision of the whole Board.
- 7) The Chairperson of the Development Appeal Board shall sign all notices of decisions and any other documents on behalf of the Board, relative to any jurisdiction of power of the Board, and any documents so signed shall be deemed to be signed on behalf of, and with the approval of, the Development Appeal Board.
- 8) Where the Chairperson of the Development Appeal Board is absent, any one (1) member may sign any document of the Board, and when so signed, shall have the like effect as though signed by the Chairperson.
- 9) The Board shall be composed of a Chairperson and four (4) other members to be appointed concurrently for three (3) years of office by resolution of Council, and who shall not be dismissed except for just cause.
- 10) The Board shall include no more than one (1) member of Council and shall not include employees of the municipality.
- 11) When retirement or resignation of an Appeal Board member results in a vacancy, the vacant position shall be filled by resolution of Council.

### **3.4 Secretary Development Appeal Board**

- 1) The office of the Secretary of the Development Appeal Board is hereby established and shall be filled by an employee of the Hamlet as appointed by Council, or the Senior Administrative Officer acting on behalf of Council.
- 2) The secretary to the Development Appeal Board shall not be a member of the appeal board nor will the Secretary in any case be the Development Officer.
- 3) The Secretary Shall:
  - a. keep available for public inspection before the commencement of the public hearing all relevant documents and materials respecting an appeal under the *Act*, including the application for the development permit, its refusal and the appeal there from;
  - b. receive and administer all applications for appeal;
  - c. notify members of the Development Appeal Board of the arrangements for the holding of each hearing and other meetings of the Board;
  - d. ensure that reasonable notice of a hearing is given to the appellant and other persons who, in the opinion of the Board, may be affected. Notifications may be given in any or all of the following manners: letter, verbal, newspaper, poster or television notification;



- e. prepare and maintain a file of written minutes of all business transacted at all meetings of the Development Appeal Board, copies of which shall be regularly filed with Council;
- f. serve the appellant and all affected parties a notice of the decision of the Board and the reasons therefore;
- g. notify Council of the decisions of the Board;
- h. within thirty (30) days after the Appeal Board renders its decision, make a complete report of the appeal proceedings to the Director, including all representations made at the hearing; and,
- i. carry out such other administrative duties as the Development Appeal Board may specify.

## 4 Part Four- Development Applications

### 4.1 Control of Development

- 1) Excluding the developments listed in **section 4.3** and **4.4** below, no development shall be undertaken, nor occupancy granted, use commenced, structure moved, building effected or demolished, or utility connection approved without the necessary permits having been obtained pursuant to this Bylaw including but not limited to an approved Development Permit.
- 2) For the purpose of this Bylaw, “Development” shall refer to those considerations listed under the definition of “Development”.
- 3) Nothing in this Bylaw, or in a Development Permit, or other approval issued under this Bylaw or under the *Act*, shall be considered as authorization for the carrying out of any activity that is regulated through Federal or Territorial legislation or other Hamlet bylaws.
- 4) Unless otherwise defined or listed, all development or activities shall be considered as not permitted without further review and approval by the Development Authority.
- 5) In each zone shown on the Zoning Map, permitted or conditional uses of land and buildings are specified in Part 6 of this Bylaw.
- 6) The person to whom a Development Permit is issued shall be responsible for the provision of services, landscaping of site, access, and other requirements such as site drainage, fire protection facilities or equipment and the prevention of seepage of any sort onto adjacent lands.

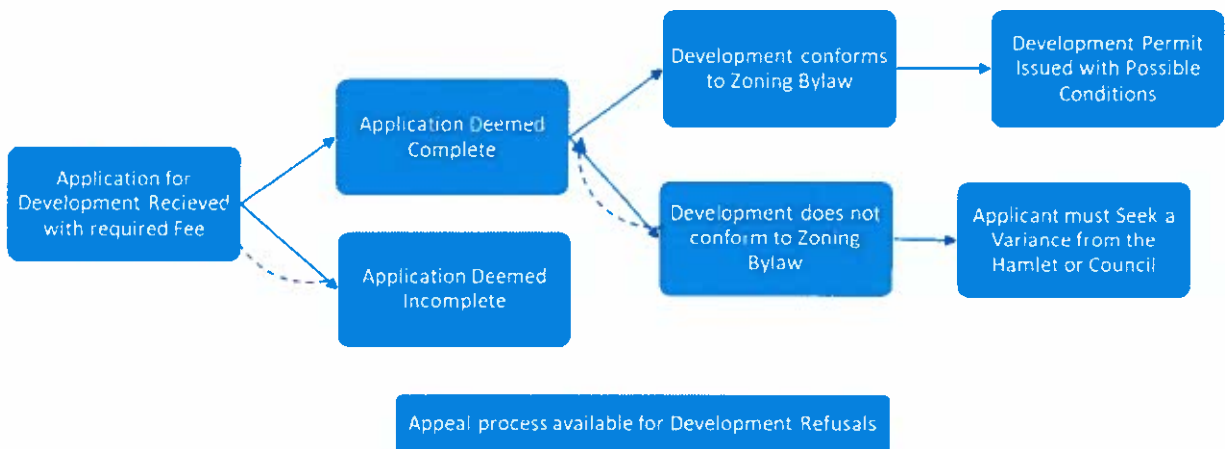


Figure 1: Considerations for Development Approval and Appeal Process

#### **4.2 Development Not Requiring a Permit**

- 1) No development permit is required under this Bylaw for the development listed in this section, provided that such developments comply with all the applicable regulations of this Bylaw. This does not preclude the need for any other applicable permits (e.g., building, electrical, etc.).
- 2) The following is considered development for which no development permit is required:
  - a. construction of buildings, site grading or other related works at the Tulita Airport as under the jurisdiction of the Commissioner's Public Airport Lands Regulations and Tulita Airport Zoning Regulations;
  - b. construction of buildings, works or other accessory structures for municipal uses;
  - c. construction or installation of an accessory building or structure that does not exceed 10 m<sup>2</sup> in area and is not more than 3 metres high;
  - d. landscaping;
  - e. maintenance of any fence or gate;
  - f. maintenance or minor repairs;
  - g. painting or decorating;
  - h. the erection, location or construction of temporary buildings, works, plant or machinery needed in connection with construction operations for which a Development Permit has been issued, for the period of those operations;
  - i. the maintenance and repair of public works, services and utilities carried out by or on behalf of the municipal authority on land which is publicly owned or controlled; and,
  - j. other similar work, at the discretion of Council, provided that no person's health or safety is endangered.

#### **4.3 Non-Conforming Buildings and Uses**

The provisions of this Bylaw shall not apply to or prevent the use and development of land prohibited by the Bylaw if the use and development of land had been lawfully established before this Bylaw came into force and effect. The following considerations relate to non-conforming buildings and uses:

- 1) A non-conforming use of land or a non-conforming use of a building may be continued, but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform to this Bylaw.
- 2) A non-conforming use existing on one part of the lot shall not be extended or transferred in whole or in part to any other part of the lot, and no additional buildings shall be erected upon the lot while the non-conforming use continues.

- 3) A non-conforming building may be extended in an existing building, but the building shall not be enlarged, added to, rebuilt or structurally altered except:
  - a. to make it a conforming building; and,
  - b. for the routine maintenance of the building.
- 4) If there is change in ownership, tenancy or occupancy of lands or a building deemed to be non-conforming its status will not be changed.

#### **4.4 Permission for Development**

- 1) An application for a development permit may only be made by a person with a legal, equitable estate, or interest in the property sought to be developed by a person duly authorized in writing by him/her in this regard.
- 2) An application for a development permit shall be made in writing to the Development Authority by submitting:
  - a. a complete application form (Form “A” as attached to this bylaw), with the signature of the registered owner of the land or an agent authorized by the owner to make the application;
  - b. a statement of ownership of land and interest of the application therein;
    - i. where an applicant is other than the owner, the owner’s written consent must be submitted with the application;
  - c. a site plan at an appropriate scale and with a level of detail sufficient to all the Development Authority to determine whether or not the proposed use or development complies with the Bylaw;
  - d. the estimated commencement and completion dates;
  - e. the estimated cost of the project or contract price; and,
  - f. in the case of a permit for demolition of a structure, the volume of materials and confirmation regarding hazardous waste, in accordance with Section 5.10 of this Plan shall be provided.
- 3) The Development Officer may also require an applicant to submit such additional information as he/she considers necessary to understand the application, its potential impacts and make decisions on the proposed use or development in regard to the regulations of this bylaw.

#### **4.5 Conditions of Approval of Development Permits**

- 1) The Development Officer may impose, with respect to a Permitted Use, conditions to ensure complete compliance with this bylaw.
- 2) The Development Authority shall, with respect to a Discretionary Use, impose such conditions as deemed appropriate to ensure complete compliance with the regulations of this bylaw and the provisions of the Community Plan.
- 3) A condition may impose a time limit on the development or use.

- 4) The Development Officer or Development Authority may, as a condition of issuing a development permit for industrial, commercial, or public multi-residential uses, require the applicant to:
  - a. make satisfactory arrangements for the supply of water, electric power, sewer services, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by applicant;
  - b. provide evidence that an acceptable Fire Safety Plan has been submitted to the Office of the Fire Marshal, and provide a copy of the Fire Safety Plan;
  - c. provide evidence of a site investigation by a qualified professional engineer in areas that are at risk of flooding or erosion to determine the suitability of the site for the intended development;
  - d. provide evidence that a building including its foundation will be designed in accordance with the National Building Code of Canada;
  - e. provide an environmental assessment completed by a qualified professional to identify risks and mitigation measures relevant to the proposed development;
  - f. provide evidence of compliance with any other relevant federal, territorial or municipal legislation; and,
  - g. enter into a development agreement or an interim agreement (which shall be attached to the form part of such development permit) to do any or all of the following:
    - i. prior to occupancy provide proof that inspections have been carried out and the development found to be ready for occupancy by authorities or utility providers;
    - ii. construct or pay for the construction, of a public roadway required to give access to the development;
    - iii. specify locations and number of vehicular and pedestrian access point to sites from public roadways;
    - iv. install, or pay for the installation of utilities necessary to serve the development; and,
    - v. construct, or pay for the construction of, off-street or other parking facilities, or loading and unloading facilities.
- 5) No change in plans, use of site, or methods of construction shall be undertaken unless, and until, such change is approved in writing by the Development Officer.
- 6) The Development Officer or Council may require security in the form of a letter of credit, performance bond, or certified cheque to ensure the development is conducted and completed in compliance with any conditions of a development permit or development agreement.

- 7) Any other conditions that may be used to ensure future compliance with the approved permit.

#### **4.6 Variances**

- 1) The Development Officer may approve a development application notwithstanding that the proposed development does not comply with the provisions of this bylaw:
  - a. if the application is minor in nature;
  - b. if the application is an appropriate and desirable development for the area;
  - c. if the application is in keeping with the purpose and intent of this Zoning Bylaw; and,
  - d. if the application is in keeping with purpose and intent of the Community Plan.
- 2) The Development Officer may grant a variance in any zone provided that:
  - a. such lot was legally registered and existing at the date of commencement of this bylaw;
  - b. the development does not unduly interfere with the amenities of the neighbourhood;
  - c. the development does not detract from the use, enjoyment or value of neighbouring parcels of land;
  - d. that the development is otherwise in accordance with the regulatory requirements of the zone; and,
  - e. the proposed variance does not create or permit an encroachment onto the municipal right of way or another property.

#### **4.7 Decisions on Applications**

- 1) The Development Officer shall promptly process a development permit application with a notice of decision recorded on the application stating that the application has been approved subject to conditions, if any, as may be required (including any zoning regulation relaxation that has been granted) or that has been refused for such reasons as may be specified.
- 2) If a decision is issued for a permitted use, the development permit does not come into effect until fourteen (14) calendar days after the date an order, decision or development permit is publicized and any development proceeded with by the applicant prior to the expiry of this period is done solely at the risk of the applicant.
- 3) All development permits shall be issued by the Development Officer, including permits for Conditional Uses and permits containing relaxations, once they have been approved by the Development Authority.
- 4) The permit holder shall keep copies of the approved plans and specifications so that they are available for inspection on the lot by the Development Officer.

- 5) An application is deemed to be refused if a decision of the Development Officer has not been made within forty (40) calendar days of the official final receipt of the complete application.

#### 4.8 Notice of Decisions

- 1) When a development permit has been granted, the Development Officer shall, as soon as possible:
  - a. clearly post a notice of decision on the lot or structure for which the application has been made; and,
  - b. post a notice of the decision in the municipal office, and any other public location the Development Officer deems necessary.
- 2) For a Discretionary Use or Permitted Use for which a variance has been granted, the Development Officer shall send notice of the decision by regular mail to all owners and lessees of land within 30 metres of the boundary of the subject property, or at the discretion of the Development Officer, to a broader area, stating the nature of the variance and the development, the legal description and/or municipal address.
- 3) The applicant may request confirmation in writing from the Development Officer that their application has been received.
- 4) For all development permit decisions issued by Hamlet Council, a notice of decision shall be provided in writing to the applicant and landowner. The notification shall outline the nature of the application and the decision of Hamlet Council.

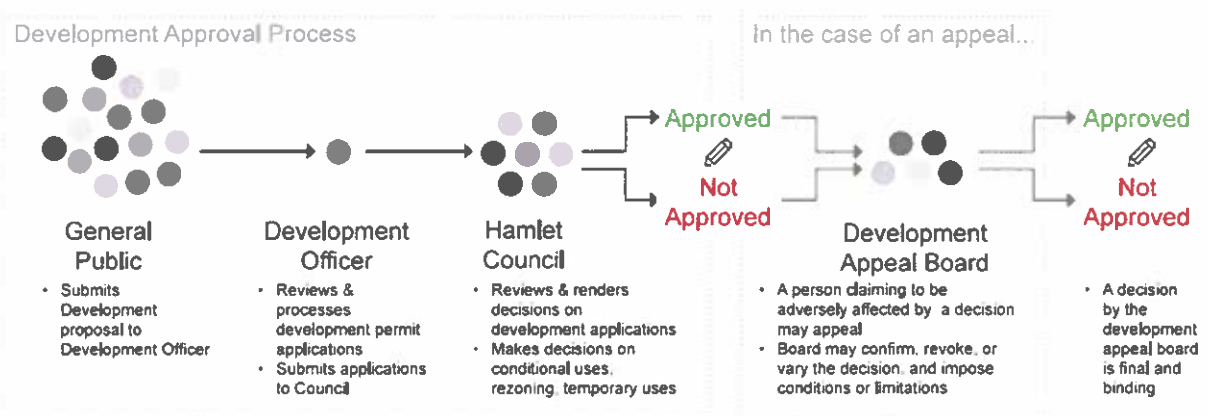


Figure 2: Development Approval Process

#### 4.9 Validity of Permits

- 1) When an application for a development permit has been approved by the Development Officer, the development permit shall not be valid unless and until:
  - a. any conditions of approval, other than those of a continuing nature, have been fulfilled.
- 2) If the Development Appeal Board is served with notice of an application for leave to appeal the decision, subject to *Section 61 and 62 of the Act*, such notice shall suspend the development permit.
- 3) The final determination of an appeal shall reinstate, revoke or amend (as the case may be) a development permit suspended under (2) above.
- 4) A Development Authority may suspend or revoke a development permit when:
  - a. the permit was issued on the basis of incorrect information or misrepresentation by the applicant;
  - b. a contravention of the conditions of the development approval takes place;
  - c. the permit was issued in error; or,
  - d. requested by an applicant or the owner(s) of the land.
- 5) If a development is not being carried out or completed as approved the Development Officer may suspend or revoke the Development Permit. Written notice stating that the development permit has been suspended or revoked will be served in person or sent by registered mail to the owner and/or occupant of the property affected, and to any contractor engaged in the work.

The notice described above will:

  - a. state the grounds for the suspension or revocation; and,
  - b. state the conditions that must be met for a suspended development permit to be reinstated.
- 6) Council, if informed of the contravention of this bylaw, or on its own initiative without such information, may authorize that action be taken to enforce this bylaw. Such action may include an application to the court for an injunction or other Order to restrain the contravention.
- 7) When a development permit is issued for a new principal use in an existing building where a valid development permit has already been issued, it shall invalidate any previous use permit, with the exception of separate units in a multi-use building.



#### **4.10 Expiry of Permits**

- 1) If the development authorized by a development permit is not started within 12 months from the date of its issue, or carried out with reasonable diligence as determined by the Development Authority, the permit shall be declared void unless an extension to this period has previously been granted by the Development Officer and providing that, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed.
- 2) A development, once begun, shall not be abandoned, or left for an extended period of time in what the Development Officer considers to be an unsightly or unsafe condition.
- 3) A development permit shall become void if the development has been discontinued for a period of 180 days or has not been actively carried out for a period of 365 days.
- 4) When a development permit becomes void, a new application for a permit is required before development may proceed. Such an application shall be treated as if it were a first application and there shall be no obligation to approve such application.
- 5) The Development Officer may extend the above periods, at their discretion, upon application for a period of not greater than 180 days. Such a period of extension may only be granted once and thereafter the permit holder shall be required to apply for another development permit.

#### **4.11 Resubmission Interval**

- 1) When an application is refused by the Development Officer (and in the case of an appeal, refused by the Development Appeal Board), another application on the same site for the same use, or having occupancy by the same or any other applicant, shall not be accepted by the Development Officer for at least 180 days after the date of the previous refusal.

#### **4.12 Submission to the Development Appeal Board**

- 1) Pursuant to the Act, any person claiming to be adversely affected by a decision of the Development Officer or Council may appeal by written petition to the Development Appeal Board within fourteen (14) days after notice of decision has been mailed to the applicant; after the approval has been posted conspicuously on the lot.

- 2) The Development Appeal Board shall:
  - a. hold a public hearing within thirty (30) days from the receipt of the notice of appeal;
  - b. by Registered Mail and/or personal delivery ensure that at least seven (7) days' notice of the hearing is given to the appellants and all other persons who, in the opinion of the Board, may be affected; and,
  - c. consider each appeal, having due regard for the circumstances and merits of its case and according to the purpose, scope and intent of the Community Plan and Zoning Bylaws.
- 3) The Development Appeal Board shall hear the Development Officer and any other persons who may contribute to a full and proper hearing.
- 4) The Development Appeal Board may confirm, revoke, or vary the decision under appeal and it may impose any conditions or limitations as it sees fit.
- 5) The Development Appeal Board shall render its decision in writing to the appellant within sixty (60) days from the date the appeal hearing is held.
- 6) A decision of the Development Appeal Board is final and binding on all parties, subject only to appeal under Division B of the *Act*.
- 7) The Development Appeal Board shall, within thirty (30) days of its decision, make a complete report to the Director of Planning (as appointed under section 74 of the *Act*), the Municipality, the appellant, and to each interested person upon their request.

#### **4.13 Enforcement of Penalties**

- 1) Council may exercise its powers for the purposes of enforcing this bylaw and/or may authorize the Development Officer to *Act* on behalf of Council, pursuant to Section 52 through 60 of the *Act* to:
  - a. inspect any land or building for a purpose as stated in the *Act*; and,
  - b. enforce the *Act*, regulations, zoning bylaw or development permit.
- 2) A person who commences a development and fails to obtain a Development Permit; or comply with a condition of a Development Permit granted under this Bylaw, is guilty of an offence under Section 77 of the *Act*, is liable on summary conviction to punishments set out in Section 78 of the *Act* and subject to the fines located in the Hamlet of Tulita Service Fees and Charges Bylaw.

#### **4.14 Right to Enter**

- 1) An application for development permit shall grant permission allowing Hamlet employees or a person appointed by Council to enter upon the land for the purposes of inspecting the property.

- 2) Where a person fails or refuses to comply with an order directed to him/her within the specified time, Council, or a person appointed by Council may, in accordance with Section 54 and 55 of the *Act*, enter upon the land or building and take any necessary action to carry out the order.
- 3) Where a person fails or refuses to comply with an order to permit entry upon the land or building, he/she shall be guilty of an offence as defined under Section 57 of the *Act* and be liable to a fine or to imprisonment.

#### 4.15 Bylaw Amendments

- 1) If the Hamlet administration wants to amend this bylaw, they must put forward a motion to Council. The motion must outline reasons for the change and demonstrate how it meets the criteria listed in this section.
- 2) Any person applying to amend any part of this bylaw shall submit a completed application Form G to the Development Authority containing the following:
  - a. a certificate of land title indicating ownership and other interests retrieved no more than three (3) months prior to the application submission;
  - b. the applicant's name, address and interest in the property;
  - c. a signed statement by the applicant assuming responsibility for all costs incurred by the Hamlet in processing the proposed amendment, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, surveys, planning consultants reports and advertising costs; and,
  - d. a brief written statement by the applicant in support of their application: reasons for applying, and the specifics on how the development would not fully conform with the bylaw.
- 3) All applications to amend any part of this bylaw, except those initiated by the Hamlet, shall be accompanied by a non-refundable fee in accordance with the Hamlet of Tulita Service Fees and Charges Bylaw.
- 1) In reviewing and processing bylaw amendment applications, the Development Officer shall:
  - a. examine the proposed amendment to review the following criteria:
    - i. relationship to and compliance with the Community Plan;
    - ii. relationship to and compliance with authorized plans and schemes in preparation;
    - iii. compatibility with surrounding development in terms of land use function and scale of development;
    - iv. traffic impacts;
    - v. relationship to, or potential impacts upon, services such as water and sewage systems, and other utilities and public facilities such as recreational facilities and schools;

- vi. relationship to municipal land, right of way, or easement requirements;
  - vii. effect on the area's stability (e.g., effort will be made to retain and rehabilitate existing desirable land uses/buildings);
  - viii. necessity and appropriateness of the proposed zone in view of the stated intentions of the applicant; and,
  - ix. documented concerns and opinions of area residents regarding the application.
- b. prepare a written report on the proposed amendment; and,
  - c. advise the applicant in writing and/or in person that the Development Officer:
    - i. is prepared to recommend the amendment to the Council without further investigation; or,
    - ii. is not prepared to recommend the amendment; or,
    - iii. requires further investigation to make a recommendation; or,
    - iv. is prepared to recommend an alternative amendment.
- 2) Upon receiving the advice of the Development Officer, the applicant shall advise the Development Officer if the applicant:
- a. wishes the proposed amendment to proceed to Council, in which case the applicant must prepay the advertising costs and any costs incurred by the Hamlet to this point prior to the amendment proceeding to Council; or,
  - b. does not wish to proceed to Council with the proposed amendment, in which case the application is considered abandoned.
- 3) If requested by the applicant, the Development Officer shall submit the proposed amendment to Council.
- 4) As soon as reasonably convenient, the Development Officer shall submit a recommendation on the proposed amendment to Council, accompanied by the results of their analysis and any other relevant material, and Council shall then consider the proposed amendment.
- 5) The Development Officer, at their discretion, may present for the consideration of Council, any proposed amendments to this bylaw on their own initiative, and the proposed amendment shall be accompanied by the report and recommendation of the Development Officer.
- 6) Council, at its discretion, may initiate any amendment to this bylaw and, prior to the approval of any amendment, shall refer the proposal to the Development Officer for their report and recommendation.
- 7) Amendments proposed by the Hamlet administration must be reviewed by Council. A record of the discussions and considerations must be recorded made public. The amendment must be made through bylaw and requires a public hearing.

- 8) Notwithstanding anything contained in this section, an application for a proposed amendment to any section of this bylaw which has been rejected by Council within the previous 365 days shall not be accepted.

#### **4.16 Notification of Amendment**

- 4) Minor administrative amendments may be made to the Zoning Bylaw without holding a public meeting provided the general intent is maintained and the adjustment or interpretation is approved by bylaw.
- 1) Prior to giving a proposed bylaw amendment first reading, the Development Officer shall (1) place a notice in two separate issues of the local newspaper, describing the pending amendment, and (2) dispatch a notice by ordinary mail to:
  - a. the applicant;
  - b. the owners of the land subject to the proposed rezoning amendment; and,
  - c. neighbouring property owners.
- 2) The official notice shall state:
  - a. the purpose for which Council proposes to pass the amendment;
  - b. the place or places (one of which shall be the office of the municipality), where a copy of the proposed bylaw amendment may be inspected by the public during office hours; and,
  - c. the time and place at which Council will hold a public hearing on the amendment.
- 3) Where, in the opinion of the Development Officer, any proposed amendment is likely to adversely affect other owners of land, they shall notify these property owners.
- 4) Proposed amendments to this bylaw are subject to those same requirements and procedures set out in the *Hamlets Act* regarding enactment of bylaws.

## **5 Part Five – General Provisions**

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The general regulations apply to any development on any site, irrespective of the zone in which it is located. Where these regulations appear to be in conflict with regulations of a specific zone, the General Development Regulations shall take precedence.

### **5.1 Environmental Protection**

- 1) Where there is a potential for air or water pollution resulting from a particular land use, the application for a proposed development may be referred by the municipality to an appropriate Government Agency for study and recommendation and due regard shall be given to such recommendation in dealing with the application.

### **5.2 Soils and Drainage**

- 1) In all cases, lot grades shall be established with the following minimum requirements:
  - a. a minimum 2% gradient for drainage shall be provided.
- 2) All lot grading and drainage shall meet the approval of the Development Officer.

### **5.3 Accessory Buildings**

- 1) Where any building or structure on a site is attached to a principal building, it shall be deemed to be part of the principal building and not an accessory building.
- 2) Lot coverage for accessory buildings shall not exceed 15% of the total lot area.
- 3) Accessory buildings shall be located a minimum of 3 m from the principal building and a minimum of 1 m from a side or rear property line.
- 4) Accessory buildings shall not block the delivery service road and must be a minimum of 1 m from either side of the road.
- 5) Accessory buildings must be constructed to side or behind the principal building.
- 6) Accessory building shall not exceed 6 m in height.

### **5.4 Plan of Subdivision**

- 1) Where the development of land involves a subdivision survey and mapping of land, no Development Permit shall be issued until written evidence has been received by the Development Authority that the necessary subdivision has been approved in accordance with the *Act*.

### **5.5 Lot Servicing**

- 1) Development Permits shall not be issued where, in the opinion of the Development Authority, satisfactory arrangements have not been made with the Hamlet regarding the supply of any or all of the following services: water, electricity, sanitary, street access or other services/facilities, including the payment of costs for installing any such service or facility.

### **5.6 Climate Change**

- 1) Where there is identified land that is sensitive or susceptible to climate change, as identified in the *Community Plan*, no Development Permit shall be issued unless, in the opinion of the Development Authority, satisfactory adaptation methods have been identified.

### **5.7 Archeology Resources and Sacred Sites**

- 1) Any proposed land use that has the potential to impact the surface or subsurface of the ground AND is within a previously undisturbed area OR is within 150 m of a previously recorded archaeological site should be reviewed by the Prince of Wales Northern Heritage Centre (PWNHC). PWNHC shall conduct a review and provide recommendations to the Hamlet within 30 days of receiving a notice.
- 2) A “no development” buffer of at least 30 m will be applied to recorded archaeological site locations, unless alternate recommendations are provided by PWNHC.

### **5.8 Fencing**

- 1) Fences shall not exceed 2 m (6 ft.) in height in all zones.
- 2) Notwithstanding 5.6.1 above, fences shall exceed 0.91 m (3 ft.) in the front yard setback of a residential zone or on corner lots of any zone in accordance with Section 5.10.
- 3) Barbwire fencing may only be permitted in industrial zones.

### **5.9 Lighting**

- 1) Outdoor lighting for any development shall be located and arranged so that no light is directed at adjoining properties, interferes with the use and enjoyment of neighbouring lands, or interferes with the effectiveness of any traffic control devices or the safety of adjacent traffic.

### **5.10 Hazardous Waste**

- 1) Hazardous waste shall not be disposed of in the Hamlet of Tulita's landfill. Disposal must meet the guidelines set in the GNWT Department of Environment and Natural Resource's Guidelines for the *General Management of Hazardous Waste in the NWT*.
- 2) Hazardous waste shall not be removed from its original site and stored on another site within the Hamlet of Tulita unless it is the Hamlet's landfill and proper permission has been given.
- 3) When applying for a development permit for a demolition, evidence of approvals from relevant authorities for the management and disposal of hazardous waste must be provided to the Development Officer as a condition of the development permit.

### **5.11 Protection from Explosive Hazards**

- 1) The location of a liquefied petroleum gas (LPG) storage tank with a water capacity exceeding 9,100 litres shall be in accordance with the requirement of the Development Officer but in no case shall be less than a minimum distance of 120 metres from community use, commercial or residential buildings.
- 2) LPG containers with a water capacity of less than 9,100 litres shall be located in accordance with Territorial Acts and Regulations.
- 3) Flammable liquids storage tanks shall be located in accordance with Territorial Acts and Regulations.
- 4) Evidence of approvals from relevant authorities must be provided to the Development Officer as a condition of the development permit.

### **5.12 Corner Lot Restrictions and Sight Lines at Intersections (Site Triangles)**

- 1) On a corner lot, no building, fence, wall, shrub, tree or any object with a height exceeding 0.91 m (3 ft.) shall be built. These conditions shall apply to the area formed within a corner site by the two corner property lines and a straight line which intersects each of them 7.5 metres (24.5 feet) from the corner where they meet. The area located within the above dimensions shall for the purpose of this bylaw be known as the Site Triangle. (As Seen on the following page)



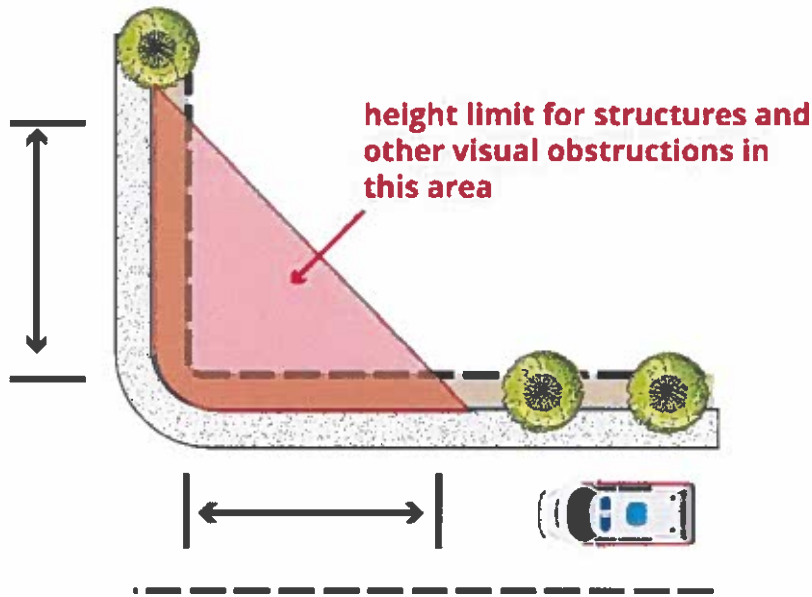


Figure 3: Site Triangle

### 5.13 Parking

- 1) In all zones, user/occupant parking shall be wholly provided for on the same lot as the building to be served unless otherwise approved by the Development Officer or Council.
- 2) In accordance with Section 18 (2) of the *Act*, subject to the approval of Council, a developer may choose to provide the required amount of off-street parking for the development on land other than that to be developed.
- 3) Adequate access to, and egress from, individual parking spaces is to be provided at all times by means of unobstructed maneuvering aisles which meet the approval of the Development Officer.
- 4) Off-street parking spaces shall be provided for commercial and public uses according to the following schedule:

	Land Use	Number of Spaces
a.	Commercial uses (retail store, food take-out, offices, health centre)	One (1) space for every 50 m <sup>2</sup> of gross floor area;
b.	Motel/Hotel	One (1) space per guest room, plus one (1) space per three (3) employees

## **6 Part Six – Zoning District Regulations**

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### **6.1 CC - Community Core**

The Community Core (CC) land use zone provides flexibility within the central portions of the Hamlet to maintain an accessible, vibrant, and compatible mix of residential, institutional, and commercial development.

**1) Permitted Uses:**

- a. Duplex dwelling;
- b. Eating establishment;
- c. Hotel/Motel/Bed and breakfast establishment;
- d. Institutional;
- e. Manufactured dwelling (excluding single width);
- f. Medical and health services;
- g. Modular home;
- h. Neighbourhood Convenience Store;
- i. Office;
- j. Parks and playgrounds;
- k. Public and quasi-public use;
- l. Retail store;
- m. Secondary dwelling (Secondary Suite);
- n. Single detached dwelling;
- o. Temporary or seasonal use; and,
- p. Uses accessory to the above uses.

**2) Discretionary Uses:**

- a. Day Care facility
- b. Multiple unit dwelling;
- c. Public utility use;
- d. Rowhouse; and,
- e. Uses which Council considers as being similar in character and purpose, and which are compatible with permitted uses in the Community Core zone.

3) Dimensions

	Dwelling Type				
	Single Detached	Duplex	Manufactured/ Modular	Row Housing	Multi-Unit
Minimum Site Area	400 m <sup>2</sup>	400 m <sup>2</sup> (one over the other) 450 m <sup>2</sup> (side by side)	400 m <sup>2</sup>	500 m <sup>2</sup>	700 m <sup>2</sup>
Minimum Site Width	12 m	15 m	12 m	7.5 m (exterior units) 6 m (interior units)	30 m
Minimum Front Yard Setback	6 m	6 m	6 m	6 m	7 m
Minimum Rear Yard Setback	7 m	7 m	7 m	7 m	7 m
Minimum Side Yard Setback	3 m	3 m	3 m	3 m	3 m
Maximum Height	10.5 m	10.5 m	10.5m	10.5 m	14 m

	Non Residential Buildings
Minimum Site Area	250 m <sup>2</sup>
Minimum Site Width	7.5 m
Maximum Site Coverage	60%
Minimum Front Yard Setback	6 m
Minimum Rear Yard Setback	7 m
Minimum Side Yard Setback	3 m
Maximum Building Height	10.5 m

- 4) Lot Coverage:
  - a. the maximum lot coverage of all residential structures combined shall not exceed 50% of the total lot area;
  - b. the maximum lot coverage of all commercial structures combined shall not exceed 60% of the total lot area; and,
  - c. the maximum lot coverage of any accessory buildings, as set out in section 5.3 of this bylaw, shall not exceed 12% of the total lot area.
  
- 5) In the case of corner lots, the minimum side yard setback shall be 20% of the lot width, to a maximum of 4.5 for the flanking side of a corner lot.
  
- 6) In the case of duplex units and rowhouses, side yard requirements along the common wall are waived.
  
- 7) All dwelling units and principle use structures must be raised to ensure at a minimum, all openings (i.e., doors and windows) are above potential flood elevations.
  
- 8) All development shall meet the requirements of Part Five and Seven of this Bylaw.

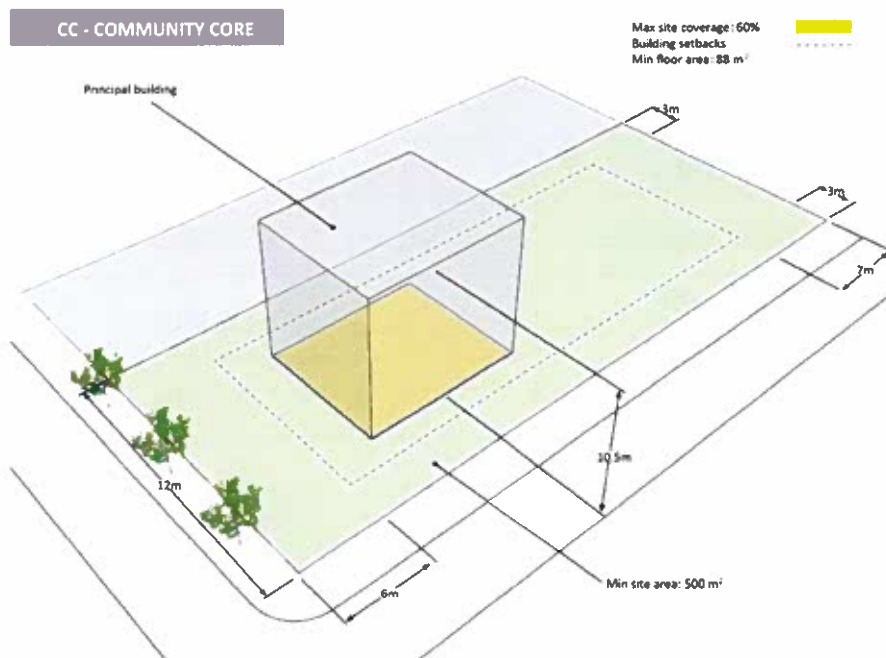


Figure 4. Community Core Zoning Diagram

## 6.2 RS - Residential

The Residential (RS) zone recognizes the locations within the Hamlet where residential uses should remain the primary land use. Additionally, associated with the Residential (RS) zone is a Future Residential (FS) zone which provides direction for future residential development. All development within the FS zone will conform to the existing Residential (RS) zone policies.

### 1) Permitted Uses:

- a. Duplex dwelling;
- b. Group home;
- c. Manufactured dwelling (Single and Double);
- d. Modular dwelling;
- e. Parks and playgrounds;
- f. Public or quasi-public use;
- g. Secondary dwelling (Secondary Suite);
- h. Single detached dwelling; and,
- i. Uses accessory to the above uses.

### 2) Discretionary Uses:

- a. Bed and Breakfast
- b. Day Care Facility
- c. Home occupation;
- d. Multiple unit dwelling;
- e. Neighbourhood convenience store;
- f. Public utility use;
- g. Rowhouse; and,
- h. Uses which Council considers as being similar in character and purpose, and which are compatible with other permitted uses in the Residential zone.

3) Dimensions

	Dwelling Type				
	Single Detached	Duplex	Manufactured / Modular	Row Housing	Multi-Unit
Minimum Site Area	400 m <sup>2</sup>	400 m <sup>2</sup> (one over the other) 450 m <sup>2</sup> (side by side)	400 m <sup>2</sup>	500 m <sup>2</sup>	700 m <sup>2</sup>
Minimum Site Width	12 m	15 m	12 m	7.5 m (exterior units) 6 m (interior units)	30 m
Minimum Front Yard Setback	6 m	6 m	6 m	6 m	10 m
Minimum Rear Yard Setback	7 m	7 m	7 m	7 m	7 m
Minimum Side Yard Setback	3 m	3 m	3 m	3 m	3 m
Maximum Height	10.5 m	10.5 m	10.5 m	10.5 m	14 m

4) Lot Coverage:

- a. the maximum lot coverage of all residential structures combined shall not exceed 50% of the total lot area; and,
- b. the maximum lot coverage of any accessory buildings, as set out in section 5.3 of this bylaw, shall not exceed 12% of the total lot area.

5) In the case of corner lots, the minimum side yard setback shall be 20% of the lot width, to a maximum of 4.5 for the flanking side of a corner lot.

6) In the case of duplex units, side yard requirements along the common wall are waived.

7) All dwelling units and principle use structures must be raised to ensure at a minimum, all openings (i.e., doors and windows) are above potential flood elevations.

8) All development shall meet the requirements of Part Five and Seven of this Bylaw.

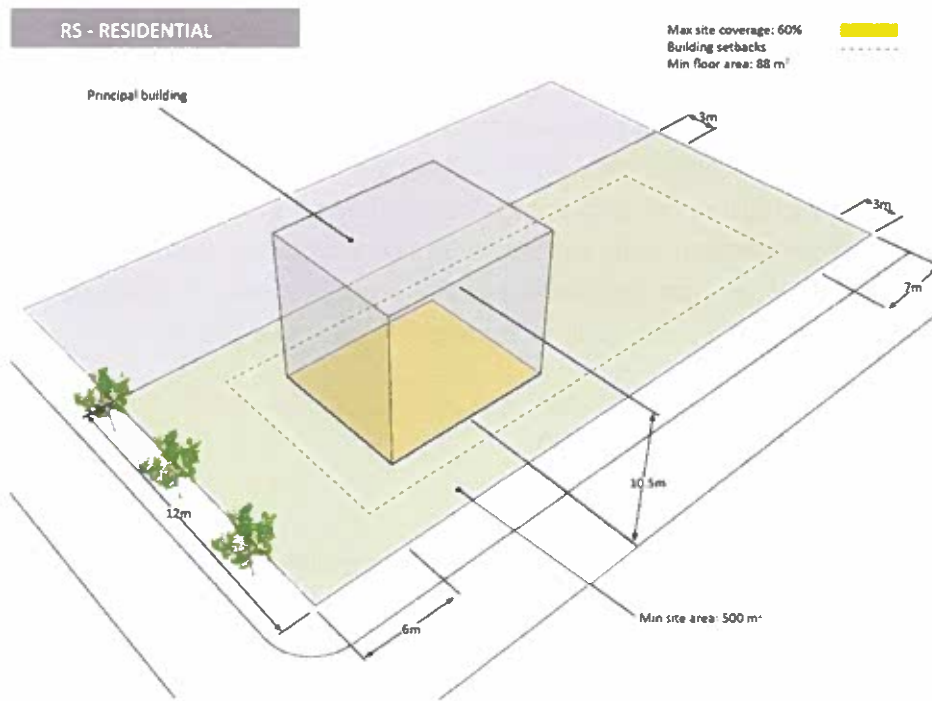


Figure 5: Residential Zoning Diagram

### **6.3 IN – Industrial**

The Industrial (IN) Zone is intended for uses or development of land for the purpose of warehousing, repairing, distribution, stockpiling or storage of goods and materials and where nuisances including noise, smoke, ash, dust, gases, glare, heat or odours may be generated. Setbacks from neighbouring uses should be applied to those industrial uses which by their nature generate frequent and excessive nuisance issues. Additional uses which are considered industrial include the sand pit, Sewage Disposal Facility (SDF), Solid Waste Disposal Facility (SWDF), barge landing and fuel storage facility.

**1) Permitted Uses:**

- a. Barge and boat access and landing;
- b. Quarry/pit (extractive);
- c. Kennel;
- d. Motor vehicle repair garage, sales and rental establishment;
- e. Sawmill;
- f. Outside storage;
- g. Public or quasi-public use or building;
- h. Veterinary Clinic;
- i. Warehouse; and,
- j. Work camp.

**2) Discretionary Uses:**

- a. Electrical power plant;
- b. Heliport;
- c. Scrap yard/junk yard;
- d. Sewage Disposal Facility (SDF);
- e. Solid Waste Disposal Facility (SWDF);
- f. Tank farm/bulk fuel facility; and,
- g. Uses which Council considers as being similar in character and purpose, and which are compatible with permitted uses in the Light Industrial zone.



3) Development Regulations

	Buildings
Minimum Site Area	2000 m <sup>2</sup>
Minimum Site Width	30 m
Maximum Site Coverage	60%
Minimum Front Yard Setback	10 m
Minimum Rear Yard Setback	10 m
Minimum Side Yard Setback	6 m
Maximum Building Height	12 m

- 4) External storage yards are to be designed to allow goods and equipment to be kept in a neat and orderly manner and enclosed by a fence or wall, to the satisfaction of the Development Authority.
- 5) All principle use structures and outside storage must have regard for and ensure hazardous or dangerous materials are stored above potential flood elevations.
- 6) The height of buildings and structures shall not exceed the airport height guidelines established by the Federal or Territorial Governments.

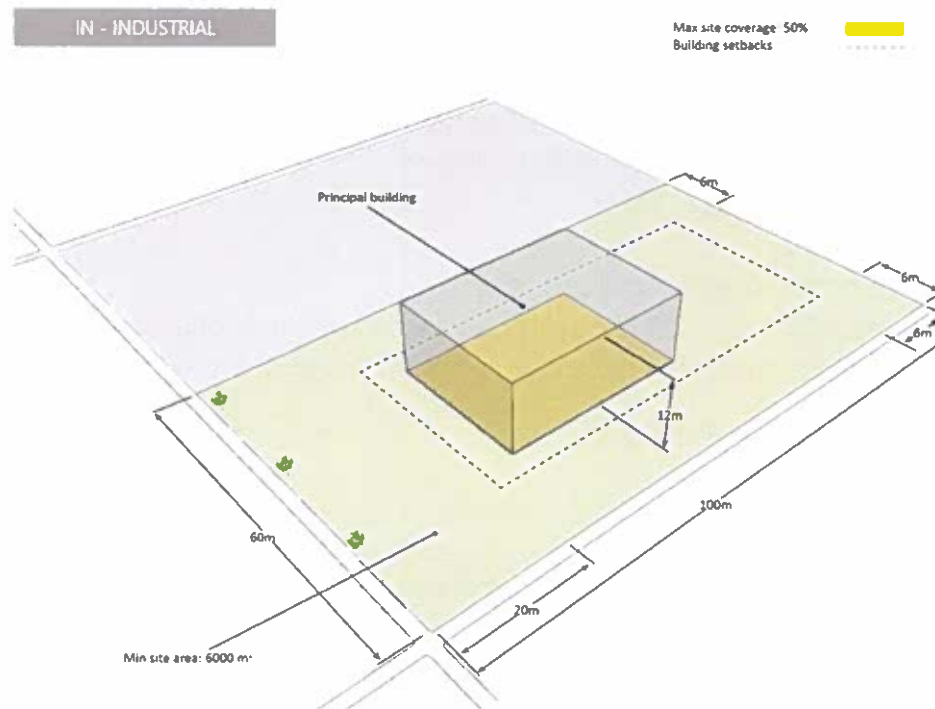


Figure 6: Industrial Zoning Diagram

#### 6.4 DO – Development Opportunity

This zone is intended to identify the use of undeveloped Municipal Land Corporation lands. Development of these lands shall be compatible with permitted uses in adjacent zoning. There are two (2) MU sub areas identified on **Zoning Map, Schedule B**, each with a corresponding list of permitted and discretionary uses.

##### MU Sub-Zone 1 – Community Core Extension

###### 1) Permitted Uses:

- a. Duplex Dwelling;
- b. Eating establishment;
- c. Group home;
- d. Medical and health services;
- e. Modular home;
- f. Neighbourhood Convenience Store;
- g. Office;
- h. Parks and playgrounds;
- i. Public and quasi-public use;
- j. Retail store;
- k. Secondary dwelling (Secondary Suite); and,
- l. Single detached dwelling.

###### 2) Discretionary Uses:

- a. Home occupation;
- b. Hotel/Motel/Bed and breakfast establishment;
- c. Public or quasi-public use or building
- d. Public utility use;
- e. Rowhouse;
- f. Temporary or seasonal use; and,
- g. Uses which Council considers as being similar in character and purpose, and which are compatible with permitted uses in adjacent zoning.

##### MU Sub-Zone 2 – Industrial Extension

###### 1) Permitted Uses:

- a. Kennel;
- b. Motor vehicle repair garage, sales and rental establishment;
- c. Outside storage;
- d. Public Utility;
- e. Veterinary Clinic; and,
- f. Warehouse.

- 2) Discretionary Uses:
  - a. Tank farm/bulk fuel facility; and,
  - b. Uses which Council considers as being similar in character and purpose, and which are compatible with permitted uses in the Light Industrial zone.
- 3) Development Regulations are determined by the Development Authority.
- 4) Where MU lands are adjacent to the airport, the height of buildings and structures shall not exceed the airport height guidelines established by the Federal or Territorial Governments.

## 6.5 OS – Recreation and Open Space

The purpose of the Recreation and Open Space (OS) zone is to set aside limit development within natural and hazard areas, while also providing provide for the development of public facilities of an institutional or community service nature.

- 1) Permitted
  - a. Community garden;
  - b. Conservation use;
  - c. Parks and playground;
  - d. Picnic areas;
  - e. Sports fields;
  - f. Structures supporting traditional and cultural activities; and,
  - g. Uses accessory to permitted development.
  
- 2) Discretionary Uses
  - a. Campground;
  - b. Public and Institutional Uses; and,
  - c. Uses which Council considers as being similar in character and purpose, and which are compatible with permitted uses in the Recreation and Open Space Zone.
  
- 3) Development Regulations are determined by the Development Authority.
  
- 4) All park and playground equipment shall meet or exceed Canadian safety standards.
  
- 5) All developments should meet the requirements of Part Five and Seven of this Bylaw.

## 6.6 ES – Environmentally Sensitive

The purpose of the Environmentally Sensitive (ES) zone is to recognize hazardous lands occurring within the Hamlet along the shorelines of the Mackenzie River, Great Bear River and upstream area of Gordon's Creek. This zoning designation restricts development within areas of known flooding, land subsidence and high groundwater. This zone also protects the natural and cultural features associated with these locations.

- 1) Permitted:
  - a. Conservation uses;
  - b. Picnic areas;
  - c. Trails; and,
  - d. Traditional uses.
  
- 2) Discretionary Uses:
  - a. Uses which Council considers as being similar in character and purpose, and which are compatible with permitted uses in the Environmentally Sensitive zone.
  
- 3) Development shall not be permitted within floodways.
  
- 4) All developments should meet the requirements of Part Five and Seven of this Bylaw.

## **6.7 HL – Hinterland**

The purpose of the Hinterland (HL) zone is to protect those natural areas outside of the built-up area of Tulita for the public benefit of all Tulita residents.

- 1) Permitted Uses:
  - a. Traditional and cultural activities; and,
  - b. Temporary or seasonal use for recreational activities.
  
- 2) Discretionary Uses:
  - a. Shipping and navigational aids;
  - b. Communication service;
  - c. Territorial roadways; and,
  - d. Uses which Council considers as being similar in character and purpose, and which are compatible with permitted uses in the Hinterland zone.
  
- 3) An Environmental Assessment may be required as condition of a development permit.
  
- 4) Council shall be the approval authority for all uses in this zone.

## **6.8 AP – Airport**

The purpose of the Airport (A) zone is to recognize the jurisdiction and authority of the Government of the Northwest Territories and the Government of Canada over public airport lands forming part of the Tulita Airport in the Commissioner's Public Airport Lands Regulations and Tulita Airport Zoning Regulations.

- 1) All uses and developments on those Commissioner's public lands shall be subject only to the approval of the Government of the Northwest Territories. For greater certainty, nothing in this bylaw shall apply to the use or development of those Commissioner's public airport lands.
- 2) Council or the Development Officer, if requested may provide input respecting any proposed development on Commissioner's public airport lands.

## **7 Part Seven – Specific Land Use Regulations**

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The Specific Land Use Regulations apply to the uses included in this section irrespective of the zone in which they are located. Where these regulations appear to be in conflict of the zone regulations (whether for a permitted or conditional use), the Specific Land Use Regulations shall take precedence and shall be applied in addition to the requirements of the zone.

### **7.1 Motels**

- 1) For the purpose of this subsection, a rentable unit means a separate unit or suite of a motel intended for occupancy by one or more persons.
- 2) Unless connected to a continuous roof a minimum of 3.7 m of separation shall be provided between each rentable unit and any other building on the site.
- 3) Motor vehicle access shall be provided by:
  - a. not more than one separated entrance and exit onto a street, each of a minimum width of 7.0 m measured at its minimum dimension, or,
  - b. not more than one combined entrance and exit not less than 9.0 m in width.

### **7.2 Bed and Breakfast**

- 1) The building in which the Bed and Breakfast is located must be the principal residence of the owner of the Bed and Breakfast and their family.
- 2) Any person wishing to operate a bed and breakfast operation shall be required to apply for a development permit.
- 3) Bed and Breakfast operations shall be limited to the residential land use zone and shall be contained in or physically linked with the principal building.
- 4) The maximum number of rental rooms in a Bed and Breakfast is four (4) to be designed for a maximum occupant load of eight (8) persons over and above the owner and their family.
- 5) Applications for a development permit for a Bed and Breakfast must be accompanied by proof that the plans met all requirements of the Office of the Fire Marshal.

### **7.3 Home Occupations**

- 1) Home Occupations shall be limited to those uses which do not interfere with the rights of other residents to quiet enjoyment of a residential neighbourhood.
- 2) Home Occupations shall be incidental and subordinate to the principal residential use.
- 3) Home Occupations shall have a valid business license issued by the Hamlet of Tulita.



- 4) Development permits issued for home occupations shall be revocable at any time by the Council, if in their opinion, the use is or has become detrimental to the amenities of the neighbourhood.

#### **7.4 Caretaker Units**

- 1) A caretaker unit shall be designed as one dwelling unit, to be occupied by no more than five (5) occupants.
- 2) Continued occupancy of the caretakers unit shall only be permitted where the site is in use for a commercial or industrial operation.

#### **7.5 Day Care Facility**

- 1) In addition to conforming with the *GNWT Child Day Care Act* and *Child Day Care Standards and Regulations*, all Day Cares shall be subject to the following regulations:
  - a. the maximum number of children for which care may be provided shall be established by the Development Officer and Council who shall have regard for following:
    - i. the nature of the day care;
    - ii. the location of the use in relation to other uses in the area of the development; proximity to park or other open or recreational areas;
    - iii. isolation of the proposed site from other uses; and,
    - iv. buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents.
  - b. the number of children within a day care established as a secondary use within a single-family dwelling or mobile home shall not exceed 12; and,
  - c. a day care shall not be a principal use of a building within a residential zone.

#### **7.6 Manufactured Homes**

- 1) Manufactured homes shall in all cases:
  - a. be placed on permanent foundations and footings that comply with the requirements of the National Building Code of Canada;
  - b. meet or exceed the provisions of the most recent CSA requirements (C.S.A. Z240.2.1 or newer);
  - c. have a floor area not less than 74.34 m<sup>2</sup> (800 ft<sup>2</sup>);
  - d. enclose the undercarriage with skirting that allows adequate ventilation to maintain permafrost, and complements the dwelling to the extent possible; and,

- e. the undercarriage of each manufactured home shall be completely skirted within 60 days of the placement of the structure.
- 2) All accessory structures such as steps, patios, porches, decks, additions and storage facilities shall be of an equivalent quality to complement the dwelling.

### **7.7 Seasonal Campgrounds**

- 1) Each site shall have a minimum of 150 m<sup>2</sup>, unless the site is restricted to tents only where the minimum shall be 60 m<sup>2</sup>, and shall have its corners clearly marked on the ground.
- 2) Each site shall have direct access to a developed roadway.
- 3) Each trailer coach shall be located at least 4.5 m away from any other trailer coach, and each site shall have dimensions sufficient to allow such locations of trailer coaches.
- 4) Minimum parking requirements for a campground include:
  - a. one parking spot within the boundaries of each campsite; and,
  - b. one RV trailer spot within the boundaries of each campsite.
- 5) The Campground operator shall be responsible to have on-site garbage disposal facilities.

### **7.8 Work Camps**

- 1) Each work camp can accommodate up to 25 workers.
- 2) Facilities must consist of at least one bathroom and not fewer than 2 habitable rooms providing therein living, dining, kitchen, and sleeping accommodation in appropriate individual or combination rooms.

**SCHEDULE B**  
**ZONING BYLAW MAPS**

SCHEDULE C

*FORMS*



# Hamlet of Tulita

Box 9, Tulita NT, X0E 0K0

Phone: (867) 588-4471 Fax: (867) 588-4908

Application No. \_\_\_\_\_

## FORM 'A' APPLICATION FOR A DEVELOPMENT PERMIT

### Applicant Information (Please Print):

Name: _____	Interest: Property Owned <input type="checkbox"/>	Property Leased <input type="checkbox"/>
Telephone: _____	Email: _____	
Mailing Address: _____		

### Owner Information (if different than applicant):

Registered Owner's Name: _____	
Telephone: _____	Email: _____
Mailing Address: _____	
<i>If the applicant is not the registered owner of the property, please submit a letter from the registered owner granting you permission to use the property for the intended use.</i>	

### Property Information:

Address of Property to be Developed: _____		
Zoning: _____ Lot# _____ Block# _____ Plan# _____ or Certificate of Title: _____		
Lot Width: _____ metres	Lot Depth: _____ metres	Lot Area: _____ square metres
Type of Lot (check one): <input type="checkbox"/> Street Facing <input type="checkbox"/> Corner <input type="checkbox"/> Interior <input type="checkbox"/> Other		
Existing Use(s) of Property: _____		
Proposed Use(s) of Property: _____		



# Hamlet of Tulita

Box 9, Tulita NT, X0E 0K0

Phone: (867) 588-4471 Fax: (867) 588-4908

Application No. \_\_\_\_\_

### PROPOSED DEVELOPMENT(S):

*Check all applicable development(s) and submit the completed, corresponding checklist of supporting information with your application.*

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> 1. LAND DEVELOPMENT | <input type="checkbox"/> 2. CONSTRUCTION    | <input type="checkbox"/> 3. EXCAVATION |
| <input type="checkbox"/> 4. ACCESSORY USE    | <input type="checkbox"/> 5. FENCE           | <input type="checkbox"/> 6. RELOCATION |
| <input type="checkbox"/> 7. DEMOLITION       | <input type="checkbox"/> 8. HOME OCCUPATION | <input type="checkbox"/> 9. VARIANCE   |

Estimated Cost of Project: \$ \_\_\_\_\_

*I hereby make application under the provisions of the Zoning Bylaw (\_\_\_\_\_) for a Development Permit in accordance with the supporting information submitted herewith and which form part of this application.*

### SIGNATURE:

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner's Signature (if different than applicant)

\_\_\_\_\_  
Date



## Hamlet of Tulita

Box 9, Tulita NT, X0E 0K0

Phone: (867) 588-4471 Fax: (867) 588-4908

Application No. \_\_\_\_\_

### SUPPORTING INFORMATION

#### 1. LAND DEVELOPMENT

- Site Plan showing:
- development location
  - surrounding roads
  - proposed servicing (water, sewer and fuel truck access, power)
  - proposed site grading and drainage plan(s)
  - proposed culvert locations and sizes
- (Culvert sizes and locations may be specified by the Hamlet as a condition of the permit)
- Area (m<sup>2</sup>) \_\_\_\_\_
- Proposed Lot Fill: \_\_\_\_\_
- Number of Pilings: \_\_\_\_\_
- Proof that notification has been given to all Utility Providers (please attach)
- Development Application Fee (enter amount) \_\_\_\_\_

#### NOTE:

Development Application Fees to be determined in accordance with the **Section 4.7** of this Bylaw.



# Hamlet of Tulita

Box 9, Tulita NT, X0E 0K0

Phone: (867) 588-4471 Fax: (867) 588-4908

Application No. \_\_\_\_\_

## 2. CONSTRUCTION:

- New Construction
- Addition to Existing Building
- 2 sets of site plans showing:
  - Building footprint
  - Legal description of lot
  - Yards and set-backs (front, rear, and side)
  - Provisions for off-street parking, loading, and access and egress points
  - Provisions for landscaping and drainage
- 2 sets of floor plans (minimum 1:100 scale)
- 2 sets of sections (minimum 1:100 scale)
- Front yard set-back \_\_\_\_\_
- Rear yard set-back \_\_\_\_\_
- Side yard set-back \_\_\_\_\_
- Impacts from climate change Yes \_\_\_\_\_ No \_\_\_\_\_ If yes describe the proposed adaptation:  
\_\_\_\_\_  
\_\_\_\_\_
- Archeological Resources or Sacred Sites Yes \_\_\_\_\_ No \_\_\_\_\_
- Proof that notification has been given to all Utility Providers (please attach for gas, electrical, water, sewer etc.)
- For industrial uses, proof that the OFM has received and accepted a Safety Plan in conformance with the National Fire Code.
- Estimated commencement date \_\_\_\_\_
- Estimated completion date \_\_\_\_\_
- Development Application Fee (enter amount) \_\_\_\_\_

Please note that the submission of complete construction documents may be a requirement of the Office of the Fire Marshal of the NWT.

*Note: Development Application Fees to be determined in accordance with the Hamlet of Tulita's Service Fees and Charges Bylaw.*





## Hamlet of Tulita

Box 9, Tulita NT, X0E 0K0

Phone: (867) 588-4471 Fax: (867) 588-4908

Application No. \_\_\_\_\_

### 3. PROPOSED EXCAVATION

- Site plan indicating location of excavation
- Length (in metres) \_\_\_\_\_
- Width (in metres) \_\_\_\_\_
- Depth (in metres) \_\_\_\_\_
- Risk of impacts due to climate change Yes \_\_\_\_\_ No \_\_\_\_\_  
If yes what are the proposed adaptation techniques  
\_\_\_\_\_
- Archeological Resources or Sacred Sites Yes \_\_\_\_\_ No \_\_\_\_\_
- Planned Excavation Start Date \_\_\_\_\_
- Planned Excavation Completion Date \_\_\_\_\_
- Development Application Fee (enter amount) \_\_\_\_\_

#### **NOTE:**

Development Application Fees to be determined in accordance with the Hamlet of Tulita's Service Fees and Charges Bylaw.



## Hamlet of Tulita

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Application No. \_\_\_\_\_

### 4. ACCESSORY USE

- Accessory Use Proposed: \_\_\_\_\_
  
- Site Plan (minimum 1:100 scale) showing:
  - location of existing buildings
  - location of proposed accessory building
  - property dimensions and proposed setback dimensions
  
- Principal building set-back \_\_\_\_\_
- Rear yard set-back \_\_\_\_\_
- Side yard set-back \_\_\_\_\_
  
- Percentage of Lot Occupied: \_\_\_\_\_ Height of Accessory Building: \_\_\_\_\_
  
- Development Application Fee (enter amount) \_\_\_\_\_

### **NOTE:**

Development Application Fees to be determined in accordance with the Hamlet of Tulita's Service Fee and Charges Bylaw.



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Application No. \_\_\_\_\_

### 5. PROPOSED FENCE

- Site plan showing location of proposed fence
- Height (in metres): \_\_\_\_\_
- Width (in metres): \_\_\_\_\_
- Planned Fencing Start Date: \_\_\_\_\_
- Planned Fencing Completion Date: \_\_\_\_\_
  
- Development Application Fee (enter amount) \_\_\_\_\_

#### **NOTE:**

Development Application Fees to be determined in accordance with the Hamlet of Tulita's Service Fees and Charges Bylaw.



## Hamlet of Tulita

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Application No. \_\_\_\_\_

### 6. PROPOSED RELOCATION

- Type of Building or Structure to be Relocated: \_\_\_\_\_
- Building Height \_\_\_\_\_
- Building Footprint (in square meters) \_\_\_\_\_
- From:            Lot# \_\_\_\_\_ Block# \_\_\_\_\_ Plan# \_\_\_\_\_
- To:                Lot# \_\_\_\_\_ Block# \_\_\_\_\_ Plan# \_\_\_\_\_
  
- Proposed Route: \_\_\_\_\_
  
- Planned Date of Move: \_\_\_\_\_
  
- Proof of notification to all service providers (i.e. water, sewer, power, gas)
  
- Development Application Fee (enter amount) \_\_\_\_\_

#### **NOTE:**

Development Application Fees to be determined in accordance with the Hamlet of Tulita's Service Fees and Charges Bylaw.



## Hamlet of Tulita

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Phone: (867) 588-4471 Fax: (867) 588-4908

Application No. \_\_\_\_\_

### 7. PROPOSED DEMOLITION

Type of Building or Structure to be Demolished: \_\_\_\_\_

Demolition Methods to be Used: (describe here or attach description)

Proof that proposed demolition complies with all regulations in *Part 28 Demolition Work* of the NWT and Nunavut's Occupational Health and Safety Regulations.

Proof that all applicable regulatory authorities have been advised of the proposed demolition, and have received and reviewed any required safety plans.

Proof that a hazardous waste management plan has been prepared in accordance with the GNWT's Guidelines for General Management of Hazardous Waste in the NWT and applicable permits and licences have been issued through the Sahtu Land and Water Board.

Proof that hazardous products are handled in a manner that complies with all regulations in *Part 22 Hazardous Products and Workplace hazardous Materials Information System* of the NWT and Nunavut's Occupational Health and Safety Regulations.

Planned Demolition Start Date: \_\_\_\_\_

Planned Demolition Finish Date: \_\_\_\_\_

Development Application Fee (enter amount) \_\_\_\_\_



## Hamlet of Tulita

Box 9, Tulita NT, X0E 0K0

Phone: (867) 588-4471 Fax: (867) 588-4908

Application No. \_\_\_\_\_

*Note: Development Application Fees to be determined in accordance with the Hamlet of Tulita's Service Fees and Charges Bylaw.*

### 8. HOME OCCUPATION

- Type of Home Occupation proposed: \_\_\_\_\_
- Business License Number: \_\_\_\_\_
- Floor plan showing the portion of the residence to be used for the business (attach)
- Description of how this Home Occupation will preserve the character of the residential neighbourhood, and the rights of other residents to quiet enjoyment of the residential neighbourhood:
  
- Planned commencement date: \_\_\_\_\_
- Development Application Fee (enter amount) \_\_\_\_\_

#### **NOTE:**

Development Application Fees to be determined in accordance with the Hamlet of Tulita's Service Fees and Charges Bylaw.



## Hamlet of Tulita

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Application No. \_\_\_\_\_

### 9. REQUEST FOR VARIANCE

Type of variance requested: \_\_\_\_\_

Rationale \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Plan or elevation drawing describing variance (attach)

#### **NOTE:**

Development Application Fees to be determined in accordance with the Hamlet of Tulita's Service Fees and Charges Bylaw.



# Hamlet of Tulita

Box 9, Tulita NT, X0E 0K0  
Phone: (867) 588-4471 Fax: (867) 588-4908

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

## ZONING BYLAW #264-19

### FORM 'B' DEVELOPMENT PERMIT

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

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

- APPROVED
- APPROVED – subject to conditions

Shall comply with:

- Hamlet of Tulita Zoning Bylaw;
- National Building Code (most current);
- National Fire Code (most current);
- Prince of Whales Northern ER; and,
- 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, this Development Permit shall be null and void.**

\_\_\_\_\_  
*Date of Decision*

\_\_\_\_\_  
*Date of Issue of Development Permit*

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

#### **NOTE:**

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 fifteen (15) days after the date the order, decision or Development Permit is issued; **The Zoning Bylaw (#264-19)** provides that any person claiming to be affected by a decision of the Development Officer may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Development Appeal Board within fourteen (14) days after notice of the decision is given; and, A permit issued in accordance with the Notice of Decision is valid for a period of 365 days from the date of issue. If, at the expiry of this period, the development has not been commenced or carried out with reasonable diligence, this permit shall be null and void.





# Hamlet of Tulita

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Phone: (867) 588-4471 Fax: (867) 588-4908

Application No. \_\_\_\_\_

## ZONING BYLAW #264-19

### FORM 'C' NOTICE OF REFUSAL

You are hereby notified that your application for a Development Permit with regard to the following:

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

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You are further notified that you may appeal this decision to the Development Appeal Board in accordance with the provisions of the **Zoning Bylaw (#264-19)**. 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 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*



# Hamlet of Tulita

Box 9, Tulita NT, X0E 0K0  
Phone: (867) 588-4471 Fax: (867) 588-4908

## ZONING BYLAW #264-19

### FORM 'D' NOTICE OF APPEAL HEARING

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:

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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 not later than: \_\_\_\_\_

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*Date*

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*Signature of Secretary Development Appeal Board*



# Hamlet of Tulita

Box 9, Tulita NT, X0E 0K0  
Phone: (867) 588-4471 Fax: (867) 588-4908

Application No. \_\_\_\_\_

## ZONING BYLAW #264-19

### FORM 'E' NOTICE OF APPEAL DECISION

This is to notify you that an appeal against the:

- APPROVAL
- APPROVAL – with conditions
- REFUSAL

Of a Development Permit with regard to the following:

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Was considered by the DEVELOPMENT APPEAL BOARD on \_\_\_\_\_  
\_\_\_\_\_ and the decision of the DEVELOPMENT APPEAL BOARD with regard to the  
appeal is as follows and for the following reasons:

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\_\_\_\_\_

*Date*

\_\_\_\_\_

*Signature of Secretary Development Appeal Board*

#### **NOTE:**

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 50 of the Planning Act**. An application for leave to appeal to the Supreme Court shall be made to a judge of the Supreme Court within thirty (30) days after the issue of the order, decision, permit or approval sought to be appealed.



# Hamlet of Tulita

Box 9, Tulita NT, X0E 0K0  
Phone: (867) 588-4471 Fax: (867) 588-4908

**REGISTERED MAIL or  
SERVED IN PERSON**

## **ZONING BYLAW #264-19**

### **FORM 'F'** **NOTICE OF ZONING BYLAW CONTRAVENTION**

You are hereby notified that your development is in contravention of the:

- Zoning Bylaw
- Development Permit

By reason of:

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You are requested to take remedial action to conform to the bylaw/permit as follows:

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

Should you see reason to appeal this decision, in following **Section 4.10 of the Zoning Bylaw (#264-19)**, you may appeal to the Development Appeal Board through written notice within fourteen (14) days of receiving the notice of decision or a further time as considered by the Chairperson of the Development Appeal Board to be appropriate.

\_\_\_\_\_

*Date of Notice*

\_\_\_\_\_

*Signature of Development Officer*



# Hamlet of Tulita

Box 9, Tulita NT. X0E 0K0  
Phone: (867) 588-4471 Fax: (867) 588-4908

Application No. \_\_\_\_\_

## ZONING BYLAW #264-19

### FORM 'G' APPLICATION FOR AMENDMENT TO THE ZONING BYLAW

**PLEASE PRINT:**

I/We hereby make application to amend the Zoning Bylaw (#264-19).

Applicant: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Owner of Land: \_\_\_\_\_ Telephone: \_\_\_\_\_

Address: \_\_\_\_\_

Land Description: \_\_\_\_\_ Lot: \_\_\_\_\_ Block: \_\_\_\_\_ Plan: \_\_\_\_\_

Civic Address: \_\_\_\_\_

Amendment Proposed: \_\_\_\_\_

Reasons in support of application for amendment: (attach additional pages as required)

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I/We enclose \$ \_\_\_\_\_ being the application fee.

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*Signature of Applicant*

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*Date*

APPENDIX A

*HAMLET OF TULITA DEVELOPMENT FEES AND CHARGES SCHEDULE*

To add Development Fees in SCHEDULE "A"

Each application for a Development Permit shall be accompanied by a fee.

- 1) The fee for a Home Occupation Development Permit shall be \$100. Applicants are also required to obtain a Home Occupation Business License.
- 2) The fee for a Zoning Bylaw or Community Plan amendment shall be \$100.
- 3) Each Application for a Development Permit shall be accompanied by a non-refundable fee according to the following table:

<b>Development Cost</b>	<b>Fee</b>
Development cost is less than \$5,000	\$25
Development cost is between \$5,000 - \$100,000	\$100
Development cost is greater than \$100,000	\$500
Development cost is greater than \$1,000,000	\$1,000 + 1/10 of 1% of any amount exceeding \$1,000,000

- 4) A person who commences a development and fails to obtain a Development Permit; or comply with a condition of a Development Permit granted under this Bylaw, is guilty of an offence under Section 77 of the Act and is liable on summary conviction to punishments set out in Section 78 of the Act:
  - a. In the case of a corporation to a fine not exceeding \$100,000 and to a further fine not exceeding \$5,000 each day or part of a day during which the offence continues; or,
  - b. In the case of an individual to a fine not exceeding \$5,000 and, in addition, to a fine not exceeding \$1,000 for every day the offence continues.

