



Town of Fort Smith

# ZONING BYLAW

April 2025 – DRAFT for COMMITTEE REVIEW



DILLON  
CONSULTING

## Town of Fort Smith Zoning Bylaw

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### Appended Documents

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- B. Zoning Bylaw Maps



## 1.0 Part One - General

PURSUANT TO the regulations of the *Community Planning and Development Act, S.N.W.T. 2001, c.22 (the "Act")* and the Section 70.1(1)(e) of the *Cities, Towns, and Villages Act*, the Council of the Town of Fort Smith (Town), in meeting duly assembled, enacts as follows.

### 1.1 Enactment

- 1.1.1 This Bylaw may be cited as "The Fort Smith Zoning Bylaw".
- 1.1.2 Zoning Bylaw 936, as amended, is hereby rescinded.
- 1.1.3 This Bylaw comes into force and takes effect upon the date of its Third Reading.
- 1.1.4 Parts One to Nine of Schedule "A" inclusive, and Schedule "B" are deemed part of this Bylaw.

### 1.2 Bylaw Purpose

The purpose of this Bylaw is to facilitate and regulate Development and Use of land within the Town of Fort Smith in a balanced and responsible manner in accordance with the *Community Plan and Community Planning and Development Act*.

### 1.3 Applicability

The provisions of this Bylaw apply to all land and buildings within the municipal boundary of the Town of Fort Smith.

The Town acknowledges the Salt River First Nations, Northwest Territories Métis Nation and the Smith's Landing First Nation identify the land in and around the Town of Fort Smith as Traditional Territory. Each has the inherent right to self-government. The Town respects this inherent right and will continue to engage with each as Nation to Nation.

### 1.4 Transition

An application for a Development Permit, Subdivision, or amendment to the Zoning Bylaw commenced prior to the effective date of this Bylaw shall be evaluated under the provisions of Zoning Bylaw 936 as amended.

### 1.5 Zones and Zoning Maps

- 1.5.1 For the purpose of this Bylaw, the Town of Fort Smith is divided into Zones in the manner indicated on the maps marked **Zoning Map** which are **Schedule B** of this Bylaw and are as follows:



Zoning Bylaw  
Part One - General

|    |   |
|----|---|
| R1 | Low Density Residential                   |
| R2 | Medium Density Residential                |
| RC | Residential Country                       |
| TC | Town Centre                               |
| C  | Commercial                                |
| IN | Institutional                             |
| ID | Industrial                                |
| AP | Airport                                   |
| PO | Parks and Open Space                      |
| ES | Environmentally Sensitive Areas           |
| SR | Salt River First Nation Development Lands |
| UR | Urban Reserve                             |

- 1.5.2 All lands within the Town that are not indicated on the Zoning maps as having a specific Zoning designation shall be designated in the Urban Reserve Zone.
- 1.5.3 Where uncertainty exists as to the boundaries of Zones as shown on the Zoning Map, the following requirements shall apply:
- a) where a boundary is shown as following a Street, lane or stream, it shall be deemed to follow the centerline thereof;
  - b) where a boundary is shown as approximately following the Town limits, it shall be deemed to follow the Town limits; and,
  - c) where a boundary is shown as approximately following a Lot Line, it shall be deemed to follow the Lot Line.
- 1.5.4 Where the application of the above rules does not determine the exact location of the boundary of a Zone, Council shall, by resolution, fix the portion of the Zone boundary in doubt or in dispute in a manner consistent with the provisions of this Bylaw and with the degree of detail as to measurements and directions as the circumstances may require.
- 1.5.5 After Council has fixed the Zone boundary, the portion of the boundary so fixed shall not be Altered except by an amendment of this Bylaw.



## Zoning Bylaw

### Part One - General

- 1.5.6 Council shall maintain a record of its decisions with respect to boundaries or portions thereof fixed by it.

#### 1.6 Severability

If any section, sentence, clause or phrase of this Bylaw is, for any reason, held to be invalid by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Bylaw.

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## 2.0 Part Two - Definitions

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### 2.1 Definition Conventions

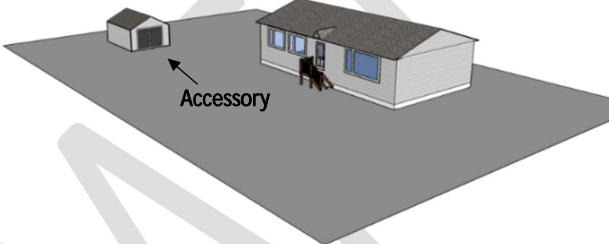
For the purpose of this Bylaw, certain terms or words herein shall be interpreted or defined as follows:

- 2.1.1 “Shall”, “will” and “must” require mandatory compliance except where a Variance has been granted pursuant to this Bylaw.
- 2.1.2 “Should” is not mandatory but is expected to be followed, but allows for Alternative actions to be taken, or if the action is unreasonable or unable to be followed.
- 2.1.3 “May” is interpreted as optional.
- 2.1.4 Where a regulation involves two or more conditions, connected by a conjunction, the following shall apply:
  - a) “And” means all the connected items shall apply in combination; and,
  - b) “Or” means that the connected items may apply singly or in combination.
- 2.1.5 Words, phrases, and terms not defined in this Bylaw may be given their definition in the Government of the *Northwest Territories Community Planning and Development Act*, or the National Building Code of Canada.
- 2.1.6 Words used in the singular shall also mean the plural and vice versa.
- 2.1.7 When in perceived conflict, written regulations take precedence over any diagram or map.
- 2.1.8 The standard measurement system used within this Bylaw is metric. Any reference to imperial measurement is approximate and for convenience only. In the case of any discrepancy between the metric and imperial measurement, the metric measurement shall prevail.



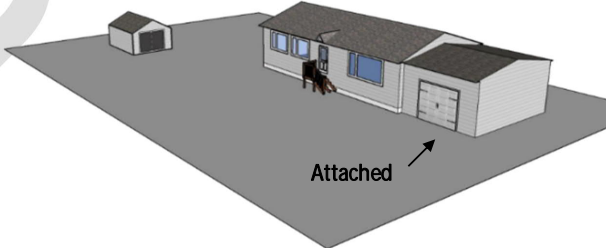
Zoning Bylaw  
Part Two - Definitions

Table 2-1 Definitions

| Term               | Meaning in this Bylaw   |
|--------------------|---|
| <b>Accessory</b>   | <p>A Use of a Building or Structure, that is incidental and subordinate to the Principal Use or Building and located on the same Lot. Includes stand-alone garages, sheds, and Shipping Containers (Sea Cans), teepees, wall tents, smokehouses and other Traditional Use Structures.</p> <p>Any Building or Structure Attached to the Principal Building is not considered Accessory and is instead considered as part of the Principal Building.</p>   |
| <b>Act</b>         | The Consolidation of the <i>Community Planning and Development Act</i> S.N.W.T. 2011, c. 22 as amended.   |
| <b>Agriculture</b> | <p>The Use of the land for Agricultural purposes such as the raising of crops, cultivation of land, application of fertilizers for Agricultural purposes, operation of Agricultural machinery, raising of livestock, and production of foods and animal products (such as fruit, vegetables, eggs, milk, or honey). Agriculture is not a stand-alone Permitted Use in this Bylaw, Permitted Uses include Greenhouse, Commercial and Community Garden. All other Agriculture Uses are regulated by other Town Bylaws.</p> <p>May include Accessory Uses for the packing, treating, or storing of produce. May include Retail sales related to the Principal Use.</p> |
| <b>Airport</b>     | The existing Fort Smith Airport. Includes any Use, Building, Structures or equipment used in connection with the operation of the Airport, including but not limited to taxiways, aircraft storage, tie-down areas, hangers, and Open Spaces.   |



Zoning Bylaw  
Part Two - Definitions

| Term                            | Meaning in this Bylaw   |
|---------------------------------|---|
| <b>Alter</b>                    | <p>In reference to:</p> <ul style="list-style-type: none"> <li>• Building or part thereof: shall mean a change to the dimensions or to change the type of construction of the exterior walls or roof, or any other structural change.</li> <li>• Lot: Shall mean to change the width, depth, or area of any required Yard, Landscaped Open Space or Parking Area, or to change the location of any boundary of the Lot in respect to a Street or private lane, whether such Alteration is made by conveyance, or otherwise.</li> </ul> <p>Altered and Alteration shall have corresponding meanings.</p> |
| <b>Amenity Space</b>            | A space designed for active or passive recreation on the same Lot as the residential Building.  |
| <b>Appellant</b>                | A person who, pursuant to the <i>Act</i> , has served notice of appeal to the Development Appeal Board.   |
| <b>Artisanal Studio</b>         | The use of a Building or Structure, or Accessory Building for the production of arts, crafts, or other finished products.   |
| <b>Applicant</b>                | 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.   |
| <b>Assisted Living Facility</b> | A Use located in a Building or group of Buildings, operated for the purpose of providing live-in accommodation to people. This includes seniors housing, hospice, group homes, transitional housing, or boarding homes. May include on-Site professional or medical support for daily living.   |
| <b>Attached</b>                 | <p>A Building or Structure structurally connected to another Building or Structure. May have a division wall or walls shared in common with adjacent Building or Structures.</p>    |



## Zoning Bylaw

### Part Two - Definitions

| Term  | Meaning in this Bylaw   |
|---|---|
| <b>Balcony</b>  | A platform projecting from the walls of a Building surrounded by a balustrade or barrier and which may be covered by a roof, and which may be supported by columns.   |
| <b>Bed and Breakfast</b>                              | A Use within a residential Dwelling for Temporary accommodations.   |
| <b>Berm</b>   | A level space, shelf, or raised barrier, made of compacted sand or soil that is free of large debris and contoured to the satisfaction of the Development Officer.  |
| <b>Board</b>  | The Town of Fort Smith's Development Appeal Board established under this Bylaw.   |
| <b>Brewery and/or Distillery</b>                      | A Use licensed by the territory for the production and/or Retail sale of alcoholic beverages and other sales related to the Principal Use. May include tasting rooms, Eating, and Drinking Establishments, indoor storage, packaging, bottling, canning, and shipping or Retail sales related to the Principal Use.   |
| <b>Buffer</b>   | Anything which is visually and/or acoustically shelters, conceals or protects and which is considered acceptable to the Development Officer or Council.<br><br>A Buffer may include a Fence, hedge, Berm or bush.   |
| <b>Building</b>                                       | Any permanent or Temporary Structure, placed on, in, over, or under land, used for the shelter, accommodation or enclosure of persons, animals, materials, or equipment.  |
| <b>Bulk Fuel Storage</b>                              | A Use of land, Building or Structure 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. |
| <b>Campground</b>                                     | A Use for Temporary or seasonal accommodation of Recreational Vehicles and tents. May include permanent Structures that support the Campground including outdoor shelters, kitchen facilities, toilet and shower facilities, or outdoor recreation facilities.  |
| <b>Cannabis Production and Manufacturing Facility</b> | A Use federally licensed for the growing, production, testing, destroying, storing, or distribution of cannabis.<br><br>Does not include the growing of cannabis by an individual for personal use and consumption.   |



## Zoning Bylaw

### Part Two - Definitions

| Term                    | Meaning in this Bylaw  |
|-------------------------|--|
| <b>Car Wash</b>         | A Use for the cleaning of vehicles. May include Retail sales related to the Principal Use.   |
| <b>Caretakers Unit</b>  | See Dwelling, Caretakers Unit  |
| <b>Cemetery</b>         | A Use for the entombment or interment of the deceased, and Buildings or activities related to the Principal Use.   |
| <b>Community Garden</b> | Land that is cultivated collectively by a group of community members to raise food for their own consumption, donation or sale.  |
| <b>Community Plan</b>   | A set of policies and proposals adopted by Council for the orderly, economical and convenient development and use of land within Fort Smith.   |
| <b>Council</b>          | The Council of the Town of Fort Smith established by the <i>Act</i> .  |
| <b>Day Care</b>         | A Use for the provision, care, and supervision of children in accordance with the <i>NWT Day Care Act and Regulations</i> . This Use is not part of a public school, separate school, private school, or children's Health Centre.                   |
| <b>Day Home</b>         | The provision, care, and supervision of children in accordance with the <i>NWT Day Care Act and Regulations</i> within a residence. This Use is not part of a Day Care, public school, separate school, private school, or children's Health Centre. |
| <b>Deck or Patio</b>    | An uncovered Structure that is intended for use as an outdoor space. Does not include a Balcony.   |
| <b>Density</b>          | The maximum number of Dwelling units Permitted by this Bylaw based on Lot area.  |



Zoning Bylaw  
Part Two - Definitions

| Term                            | Meaning in this Bylaw  |
|---------------------------------|--|
| <b>Development</b>              | <p>The carrying out of:</p> <ul 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;</li> <li>c) other related operation,</li> <li>d) the product of Development, as defined in a), such as a Building, Structure a developed Site; or,</li> <li>e) the making of any change in the Use or intensity of Use of any land, Building or Structure.</li> </ul> <p>The demolition or Structural Alteration to existing Building or Structures is considered to be Development.</p> <p><i>See Section 4.2 for a list of activities exempted from requiring Development Permits.</i></p> |
| <b>Development Agreement</b>    | <p>A document specifying the manner in which the Town requires a developer to carry out improvements on and off the Site proposed for Development an may include but is not limited to such items as the installation of water/sewer service and provisions of Public Roadways and other infrastructure pursuant to Section 20(1) of the Act.</p>  |
| <b>Development Appeal Board</b> | <p>The Development Appeal Board established by Council in accordance with Section 30 of the Act.</p>   |
| <b>Development Officer</b>      | <p>An official of the Municipality, appointed by Council by Bylaw, responsible for administering this Bylaw.</p>   |
| <b>Development Permit</b>       | <p>A certificate or document Permitting a Development and includes a plan or drawing or set of plans or drawings, specifications or other documents upon which issuance of the Permit is based.</p>  |
| <b>Director</b>                 | <p>the Director of the Government of the Northwest Territories being charged with the administration of the Act.</p>   |
| <b>Discontinued Use</b>         | <p>A Use that has stopped due to abandonment, relocation, closure, or any other reason as determined by the Development Officer in accordance with this Bylaw.</p>   |



## Zoning Bylaw

### Part Two - Definitions

| Term                                      | Meaning in this Bylaw  |
|---|--|
| <b>Discretionary Use</b>                  | A Use which is considered on their individual merits and circumstances by the Council and may be Permitted on a specific Site within a Zone, provided that the use conforms to all regulations of the particular Zone to which the use applies, and provided the Council has given due consideration to adjoining land uses. |
| <b>Dwelling Unit</b>                      | A Use located in a Building or Structure, self-contained portion of a Building, or suite of rooms for the use as a permanent or semi-permanent residence and contains kitchen facilities, living, sleeping, and sanitary facilities.   |
| <b>Dwelling, Caretakers Unit</b>          | A Use for the accommodation of a person employed as a caretaker, janitor, manager, watchman, security guard, or superintendent for an Industrial or commercial Use operating on the Site.<br><br>The Caretaker Unit shall be incidental to the Primary Use.  |
| <b>Dwelling, In-home Secondary Suite</b>  | A self-contained Dwelling Unit that is connected to a Dwelling Unit that has its own entrance.<br><br>Includes but is not limited to basement suites or granny suites.   |
| <b>Dwelling, Detached Secondary Suite</b> | A self-contained Secondary Dwelling Unit located in a separate Building or Structure on a Lot where the Principal Use is a Single Detached Dwelling, Factory Built Dwelling, or Duplex Dwelling.<br><br>Includes but not limited to backyard suites, carriage homes, and tiny homes.   |
| <b>Dwelling, Single Detached</b>          | A detached Building or Structure consisting of one Dwelling Unit, which is physically separate from any other residential building. It may include a Factory Built Dwelling.   |
| <b>Dwelling, Duplex</b>                   | A residential Building or Structure divided horizontally or vertically into two separate Dwelling Units of approximately equal flooring area and each of which has a separate entrance.  |
| <b>Dwelling, Factory Built</b>            | A modular home, or a panelized home with a single or duplex dwelling unit built in a manufacturing plant and transported to its point of installation.<br><br>All Factory Built Dwellings must meet the standards of the Canadian Standards Association (CSA), as amended.<br><br>Does not include Recreational Vehicles.    |



## Zoning Bylaw

### Part Two - Definitions

| Term                                      | Meaning in this Bylaw  |
|---|--|
| <b>Dwelling, Multiple Unit</b>            | <p>A residential Building or Structure containing three or more Dwelling Units separated by common walls, located on a single Lot with each Dwelling Unit having an individual entrance.</p> <p>May include townhouses, rowhouses, triplexes, fourplexes, and apartment Buildings.</p>   |
| <b>Dwelling, Tiny Home</b>                | <p>A Single Detached Dwelling that is permanent, fixed to the ground, non-motorized and less than 47.0 sq. m.</p> <p>All Tiny Homes must meet the same building standards as other Dwelling Units.</p>   |
| <b>Establishment, Eating and Drinking</b> | <p>A Use of a Building or Structure where food is prepared and sold to the public. May include restaurants, cafés, pubs, bakery or take-out windows and may be licensed by the Northwest Territories Liquor Licensing Board.</p>   |
| <b>Establishment, Entertainment</b>       | <p>A Use of a Building, Structure or Lot to provide entertainment in return for a fee. May include arcades, bowling alleys, museums, movie theatres, concert halls, dance and music theatres or other Uses that are, at the discretion of the Development Officer, similar in nature. Does not include casinos.</p> <p>This Use may be licensed by the Northwest Territories Liquor Licensing Board.</p> |
| <b>Establishment, Personal Service</b>    | <p>A Use where a personal services are provided. Includes barber shops, beauty salons, laundry and dry-cleaning services, dressmaker shops, shoe repair shops, tailor shops, photographic studios, or other Similar Uses. May include Retail sales related to the Principal Use.</p>   |
| <b>Environmental Assessment</b>           | <p>A Site assessment conducted by a qualified professional following Canadian Environmental Assessment Act (CEAA), to determine potential contamination and mitigation.</p>  |
| <b>Fence</b>                              | <p>An artificially constructed barrier secured to the ground, of any material or combination of materials erected to enclose or screen areas of land.</p>  |
| <b>Fitness Studio</b>                     | <p>A Use that provides space, equipment, or instruction for personal fitness or physical activity. May include Retail sales related to the Principal Use.</p>  |



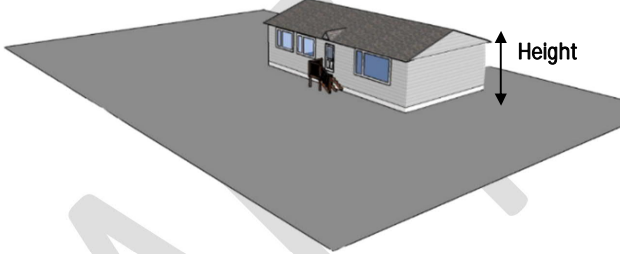
## Zoning Bylaw

### Part Two - Definitions

| Term  | Meaning in this Bylaw   |
|---|---|
| <b>Funeral Parlour</b>                                  | A Use that provides for the arrangement and holding of funerals, or the preparation of the dead for burial or cremation.  |
| <b>Grade</b>  | The average of the elevations of all the natural or finished levels of the ground adjoining all the walls of a Building.  |
| <b>Grade, Finished</b>                                  | The final elevation of the ground surface after Development.  |
| <b>Greenhouse, Commercial</b>                           | <p>A Use containing one or more Buildings and/or Structures that are used primarily for the growing of food or plants, either for commercial or public use. Does not include Cannabis Production and Manufacturing Facilities. May include Retail sales related to the Principal Use.</p> <p>A Greenhouse, under this definition is the Principal Use. If a "Greenhouse" is not the Principal Use, then it is considered an Accessory Use.</p>  |
| <b>Gross Floor Area</b>                                 | The total floor area of a Building measured from the outside surface of the exterior wall and includes all floors totally or partially above Grade. Does not include areas used for parking of motor vehicles or unenclosed porches and Decks.  |
| <b>Hazardous Material, Substance or Dangerous Goods</b> | <p>Any of the following:</p> <ol style="list-style-type: none"> <li>explosives and pyrotechnics;</li> <li>gases (either compressed, deeply refrigerated, liquefied, or dissolved under pressure);</li> <li>flammable and combustible liquids;</li> <li>Flammable solids (including substances liable to spontaneous combustion and substances which, on contact with water, emit flammable gases);</li> <li>oxidizing substances and organic peroxides;</li> <li>poisonous and infectious substances;</li> <li>Radioactive material;</li> <li>Medical or biological waste;</li> <li>Corrosives; and,</li> <li>Other substances of similar nature</li> </ol> |
| <b>Health Care Services</b>                             | A Use that provides medical care and treatment to people, where overnight accommodation is not provided. May include but is not limited to clinics, doctor or dentist Offices, pharmacies, physical or mental therapy services, naturopathic, or holistic services. May include Retail sales related to the Principal Use.  |



Zoning Bylaw  
Part Two - Definitions

| Term   | Meaning in this Bylaw   |
|--|---|
| <b>Health Centre</b>                         | A Use in one or more Buildings on a Site used to provide in-patient and out-patient health care to the public. May include Health Care Services.  |
| <b>Height</b>                                | <p>When used with reference to a Building or Structure, it is the vertical distance between the average finished Grade and the highest point of the roof. Does not include any device or feature not structurally essential to the Building or Structure (chimney, antenna, solar panel, etc.).</p>   |
| <b>Highway</b>                               | A Highway or proposed Highway that is described as a 'primary Highway' by the <i>Public Highways Act</i> .  |
| <b>Home Occupation (Home-Based Business)</b> | <p>A secondary Use of a Principal dwelling, and/or the use of an Accessory Building on the same Lot as the Principal Dwelling, or a combination thereof, by a permanent resident(s) of the Dwelling Unit and limited off Site employee(s) to conduct a business activity or occupation related to any trade, profession, or craft.</p> <p><b>Home Occupation, Minor:</b><br/>A Home Occupation that is lower impact than a Major Home-Based Business. Minor Home-Based Businesses have no external impact on adjacent residential Dwellings and do not require a 'storefront' or is an occupation that does not require in-person visits from patrons. May include businesses where there are no Retail sales, online Retail, consulting services and professional services where in-person consulting is not required, cleaning services, photography, and catering.</p> |

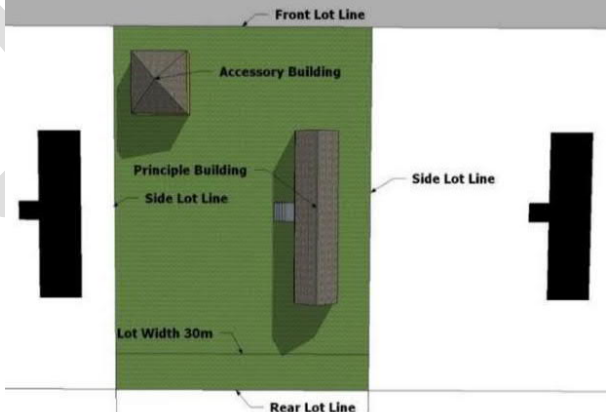


Zoning Bylaw  
Part Two - Definitions

| Term                     | Meaning in this Bylaw   |
|--------------------------|---|
|                          | <p><b>Home Occupation, Major:</b><br/>A Home Occupation that is higher impact than a Minor Home Occupation. Major Home Occupation typically require more deliveries and patron visits than Minor Home-Based Business. May include businesses with Accessory Retail, Personal Service Businesses, consulting, or professional services where in-person services are required.</p> <p>May include businesses with Nuisance effects such as woodworkers, auto-repair etc. Does not include wholesale storage or sales or a Day Home.</p> |
| <b>Hotel and Motel</b>   | A Use for Temporary sleeping accommodation. May include Eating and Drinking Establishment, meeting rooms, or event spaces.  |
| <b>Industrial, Heavy</b> | <p>An industrial Use where such operations have Impacts that would make them incompatible in non-industrial Zones, or when the Industrial Zone is adjacent to a residential or commercial Zone, such as emissions from the building odours, fumes, noise, cinder, vibrations, heat, glare or electrical interference.</p> <p>May include processing of raw or finished materials, production of concrete or asphalt, storage of Hazardous Materials, Substances or Dangerous Goods.</p>   |
| <b>Industrial, Light</b> | <p>A Use of land, Building or Structure for the manufacturing, processing, repairing, fabricating, or assembly of raw materials or goods, warehousing or bulk storage and related Accessory Uses.</p> <p>May include automotive repair, autobody repair, Greenhouse and related activities, contracting, equipment storage sales and parts supplies, contractors, industrial safety supplies and training.</p>  |
| <b>Institution</b>       | A Use which provides public or private instruction, education, or training. Includes but is not limited to public schools, private schools, universities, or research Institutions. Includes Accessory Uses related to the Principal Use.   |
| <b>Kennel</b>            | A space that provides accommodation for the boarding and/or breeding of small animals. Includes activities associated with the shelter and care of animals (e.g., grooming, training, and exercising). May include Retail sales related to the Principal Use.   |

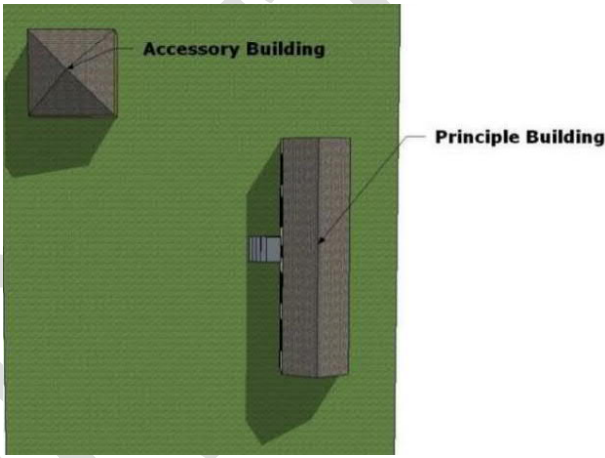


Zoning Bylaw  
Part Two - Definitions

| Term          | Meaning in this Bylaw  |
|---------------|--|
| Landscaping   | <p>Natural or introduced vegetation, natural features, or introduced elements to improve a Site. Does not include driveways, vehicle parking pads, or areas dedicated for vehicle use.</p> <p><b>Hard Landscaping:</b><br/>Any non-vegetation element used to enhance a Lot. May include, but is not limited to pavement, brick, paving stones, tile, shale, sculptures, fountains, or rock.</p> <p><b>Soft Landscaping:</b><br/>Any vegetation used to enhance a Lot. May include, but is not limited to grass, trees, shrubs, flower beds, or ground cover.</p>  |
| Loading Space | An area dedicated to the loading and unloading of a motor vehicle.   |
| Lot Line      | <p><b>Front:</b><br/>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><br/>Either the property line of a Lot which is furthest from and opposite the front Lot Line, or, where there is no such property line, the point of intersection of any property lines other than a front Lot Line which is furthest from and opposite the front Lot Line.</p> <p><b>Side:</b><br/>The property line of a Lot other than a Front Lot Line or Rear Lot Line.</p>  <p>The diagram illustrates a rectangular lot with a green background. At the top, a grey horizontal line is labeled 'Front Lot Line'. At the bottom, a grey horizontal line is labeled 'Rear Lot Line'. On the left and right sides, vertical grey lines are labeled 'Side Lot Line'. Inside the lot, there are two buildings: a larger 'Principle Building' and a smaller 'Accessory Building'. A dimension line at the bottom indicates 'Lot Width 30m'. Two black rectangular shapes are positioned on the left and right sides of the lot, possibly representing parking spaces or setbacks.</p> |

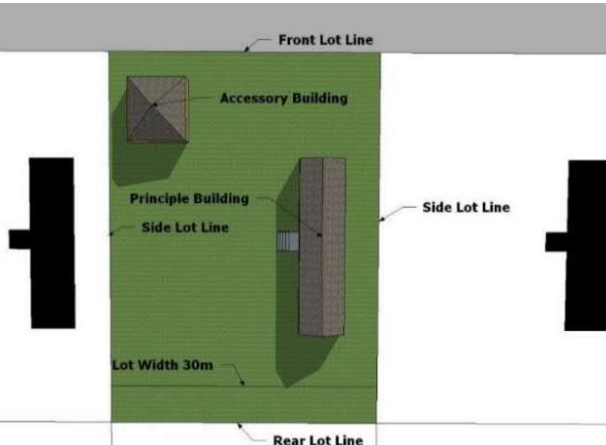


Zoning Bylaw  
Part Two - Definitions

| Term                            | Meaning in this Bylaw   |
|---------------------------------|---|
| <p><b>Lot</b></p>               | <p>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>.</p> <p>Formerly may have been referred to as a parcel.</p>  |
| <p><b>Lot/Site Coverage</b></p> | <p>The portion of the total area of a Lot or Site which may be covered by Buildings or Structures or non-permeable surfaces such as non-permeable pavement.</p>  <p>The diagram illustrates a green rectangular lot. In the upper left corner, there is a small, square, brown structure labeled 'Accessory Building'. In the lower right portion of the lot, there is a larger, rectangular, brown structure labeled 'Principle Building'. A thin grey line connects the 'Principle Building' label to the building. The entire lot is set against a white background with a faint 'DRAFT' watermark.</p> |



Zoning Bylaw  
Part Two - Definitions

| Term                                     | Meaning in this Bylaw  |
|--|--|
| <b>Lot/Site Width</b>                    | <p>The average distance between the Side Lot Lines of a Lot or Site.</p>   |
| <b>Mixed-Use Building or Development</b> | <p>A Building or Development designed to accommodate a mix of Uses, listed in a Zone, on one Lot. May include residential and commercial Uses, where Permitted in a Zone.</p>  |
| <b>Motel</b>                             | <p>See Hotel and Motel</p>   |
| <b>Municipality</b>                      | <p>The corporation of the Town of Fort Smith.</p>  |
| <b>Municipal Service</b>                 | <p>The activity, work or facility undertaken or provided for, on behalf of the Town of Fort Smith.</p>   |
| <b>Natural Resource Development</b>      | <p>The 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, quarries, sandpits, clay pits, and stripping of topsoil. Does not include the processing of raw materials transported to the Site.</p> |
| <b>Non-conforming Building</b>           | <p>A Building or structure that was lawfully constructed or lawfully under construction at the date of this Bylaw coming into force, and does not conform to the requirements of this Bylaw.</p>   |
| <b>Non-conforming Use</b>                | <p>A Use of land or Building/Structure that was lawfully commence before the coming into force of this Bylaw and does not conform to the requirements of this Bylaw.</p>   |



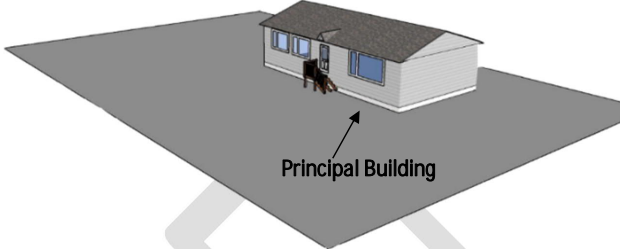
## Zoning Bylaw

### Part Two - Definitions

| Term                       | Meaning in this Bylaw  |
|----------------------------|--|
| <b>Nuisance</b>            | Anything that interferes with the Use or enjoyment of property, endangers personal health or safety, or is offensive to the senses. May include noise, smoke, ash, dust, toxic gases, glare, heat, or obnoxious odours.  |
| <b>Office</b>              | A Building or part of a Building used or intended to be used in the performance and transaction of business including administrative and clerical activities as well as medical and professional Offices.  |
| <b>Open Space</b>          | Any portion of a Lot which is unoccupied by Buildings or Structures above ground level and is open to the sky and may include Landscaped areas.  |
| <b>Outdoor Storage</b>     | A Principal or Accessory Use for the storage of goods, merchandise, or equipment outside of a Building or Structure on a Lot or portion thereof, including such Uses as building-materials supply yards. This definition shall not include the open storage of goods or equipment incidental to a residential Use. |
| <b>Park</b>                | A Use for passive and active forms of recreation by the public. May include playgrounds, picnic areas, outdoor Open Spaces, skateboard Parks, fields, outdoor skating rinks, baseball diamonds, golf courses, Community Gardens, paths and trails, and other similar facilities.                                   |
| <b>Parking Area or Lot</b> | An open area of land, other than a Street or a Building, designed and used for the parking of motor vehicles.  |
| <b>Parking Space</b>       | An Off-Street area available for the parking of one motor vehicle.   |
| <b>Permitted Use</b>       | Those Uses which are provided for in this Bylaw for which a Development Permit shall be issued, with or without conditions, if the proposed Development complies in all respects with this Bylaw.  |
| <b>Places of Worship</b>   | A Use for the purpose of religious or communal activities.   |



Zoning Bylaw  
Part Two - Definitions

| Term                      | Meaning in this Bylaw   |
|---------------------------|---|
| <b>Principal Building</b> | <p>A Building which:</p> <ul style="list-style-type: none"> <li>a) occupies the major or central portion of a Lot;</li> <li>b) is the Principal Building on a Lot; and,</li> <li>c) constitutes by reason of its Use, the primary purpose for which the Lot is used.</li> </ul>   |
| <b>Principal Use</b>      | <p>The Use which constitutes the primary purpose of the Site.</p>   |
| <b>Public Assembly</b>    | <p>A Use where the public can assemble, for education, instruction, culture, or communal activities. May include municipal or government services, libraries, museums, art galleries, Offices or Accessory Buildings related to the Principal Use.</p> <p>May include Offices related to the Principal Use, and Retail sales related to the Principal Use.</p>  |
| <b>Public Roadway</b>     | <p>Any lane, service Road, Street (local or major), or Highway including right of ways.</p>   |
| <b>Public Utility</b>     | <p>Any one or more of the following:</p> <ul style="list-style-type: none"> <li>a) systems for the distribution of gas, whether artificial or natural;</li> <li>b) Facilities for the storage, transmission, treatment, distribution, or supply of potable water;</li> <li>c) facilities for the collection, treatment, movement, or disposal of sanitary sewage;</li> <li>d) storm sewer drainage facilities;</li> <li>e) systems for electrical energy generation, transmission, and distribution; and,</li> <li>f) systems for telephone and telecommunications, including towers or satellite dishes.</li> </ul> <p>May include Buildings or Structures in which the proprietor of the Public Utility maintains or houses any equipment used in connection with the Public Utility.</p> |



Zoning Bylaw  
Part Two - Definitions

| Term                                    | Meaning in this Bylaw   |
|---|---|
| <b>Recreational Facility</b>            | <p>Any Building, Structure or specific area planned for, used for, or related to recreational athletic, and leisure activities. It may include Campgrounds, picnic areas, outdoor shelters, playground areas and equipment, hiking trails, golf courses and associated Buildings, fitness facilities, gyms, public assemblies, and meeting rooms. There may also be Eating and Drinking Establishments, Offices, or Accessory Buildings related to the Principal Use.</p> <p>May include Retail sales related to the Principal Use.</p> |
| <b>Recreational Vehicle</b>             | <p>Any portable accommodation providing Temporary living quarters for recreational purpose in which all facilities are not necessarily self-contained.</p> <p>Recreational Vehicles are not considered Dwelling Units.</p>  |
| <b>Reserve</b>                          | <p>A Lot or area of Land set aside for the Use of the Town or other public authority.</p>   |
| <b>Retail Store</b>                     | <p>A Use for the sale or rental of goods and services. May include repair, or small-scale production of consumer goods and services.</p> <p>Does not include Retail Cannabis or Retail Liquor.</p>  |
| <b>Retail, Cannabis</b>                 | <p>A Use licensed by the Territory for the Retail sale of cannabis and cannabis accessories for off-Site consumption.</p> <p>Does not include the production of cannabis products.</p>  |
| <b>Retail, Liquor</b>                   | <p>A Use licensed by the Northwest Territories Liquor Licensing Board for the sale of alcoholic beverages for off-Site consumption.</p>   |
| <b>Retail, Neighborhood Convenience</b> | <p>A Use located in a Building or part of a Building used primarily for the sale of grocery and confectionery items and incidentally for the sale of other merchandise as is required to fulfill the day to day needs of a surrounding residential area.</p> <p>Does not include Retail Cannabis or Retail Liquor.</p>  |
| <b>Screening</b>                        | <p>The total or partial concealment of an activity, Building or Structure using a Fence, wall, Berm, or Soft Landscaping.</p>   |
| <b>Secondary Suite</b>                  | <p>See Dwelling, Secondary Suite.</p>   |
| <b>Service Station</b>                  | <p>A Use for selling gasoline, diesel, or other automotive fluids. May include on-Site vehicle repairs, or traveler amenities such as Car Wash, Retail, Eating and Drinking Establishments, washrooms or shower facilities, or Retail sales associated with the Principal Use.</p>  |



## Zoning Bylaw

### Part Two - Definitions

| Term                                | Meaning in this Bylaw  |
|-------------------------------------|--|
| <b>Setback</b>                      | The distance that a Development, Building, Structure, or a specified portion of the Building or Structure, must be located from a lot line.  |
| <b>Sewage Disposal Site</b>         | A Site which is licensed or approved for the Use as a disposal Site for sewage by any regulating authority.  |
| <b>Shipping Container (Sea Can)</b> | A sea can or any other form of container that was or could be used for transport of goods by means of rail, truck, or by sea. Shipping Containers are typically rectangular in shape, are generally made of metal and vary in dimensions.  |
| <b>Similar Use</b>                  | A Development deemed by Council to be similar in nature to a Permitted or Discretionary Use that is defined in the Bylaw. The proposed Use is not currently provided for in the definitions section of this Bylaw.   |
| <b>Sign</b>                         | A Structure that may include words, letters, pictures, symbols, or representation, used as an advertisement, announcement, or direction. Without restricting the generality of the foregoing, a Sign includes posters, notices, panels, and banners.   |
| <b>Sign Area</b>                    | The total surface area of a Sign measured to the outside edge of the frame or border of the Sign. In the case of a Sign composed of individual letters or symbols, the Sign Area shall be calculated as the area enclosing the letters or symbols. In the case of a multi-faced Sign, up to two sides of the Sign shall be counted to the Sign Area. |
| <b>Sign, Canopy</b>                 | A Sign placed on a marquee or canopy.  |
| <b>Sign, Fascia</b>                 | A Sign that is Attached to and parallel to an exterior Building wall.  |
| <b>Sign, Freestanding</b>           | A Sign that has independent supports fixed to the ground and is not connected to any other Building or Structure.  |
| <b>Sign, Monument</b>               | A low-profile Sign that has independent supports fixed to the ground and is not connected to any other Building or Structure. Monument Signs typically advertise a business, residential Buildings, or neighbourhoods.   |
| <b>Sign, Projecting</b>             | A Sign that projects outward from the exterior wall of a Building.   |
| <b>Site</b>                         | A single Lot, or continuous group of Lots usually considered a unit for the purpose of Development.  |
| <b>Soil and Fill</b>                | Topsoil, cobbles, boulders, sand, gravel, rock silt, clay, peat or any other substance of which land is naturally composed, above bedrock and does not include other material.   |
| <b>Street or Road</b>               | See Public Roadway.  |



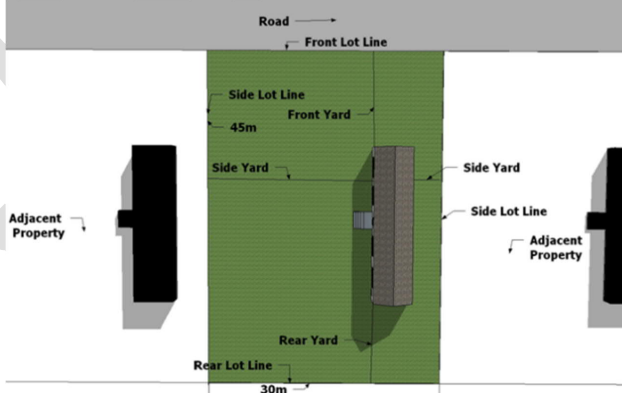
## Zoning Bylaw

### Part Two - Definitions

| Term                                       | Meaning in this Bylaw   |
|--|---|
| <b>Structure</b>                           | Anything that is erected, built, or constructed of parts joined together, or Attached to something that is in, on, over, or under land. May include Buildings, walls, Fences, or any Sign.  |
| <b>Structural Alteration</b>               | 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.  |
| <b>Subdivision</b>                         | A land area subdivided by registered plan, containing Lots for freehold or leasehold tenure.  |
| <b>Temporary Use</b>                       | <p>A Development or Use characterized by a seasonal or short-term nature of which the duration shall not exceed the time period and conditions specified in an approved Development Permit. The foundation or footing of any Building or Structures shall be removed when the designated time period, activity or Use for which the Temporary Structure has ceased.</p> <p>Temporary Use does not include Temporary car shelters, or Shipping Containers.</p> |
| <b>Traditional and Cultural Activities</b> | Any activities, likely to happen within the urban area of the Town of Fort Smith that support the Traditional and Cultural activities of the Indigenous peoples. May include gatherings, cultural activities or events and Temporary Structures.  |
| <b>Use</b>                                 | <p>When used as a noun, means the purpose for which any land, Building, Structure of premises, or part or combination thereof, is arranged, designed or intended to be used and "Uses" shall have corresponding meaning.</p> <p>When used as a verb, or "to use" shall have corresponding meaning.</p>  |
| <b>Variance</b>                            | An Alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Officer, Council or the Development Appeal Board.  |
| <b>Veterinary Clinic</b>                   | A Use for the purposes of the consultation, diagnosis, and treatment of household pets, but shall not include long-term boarding facilities for animals.  |



Zoning Bylaw  
Part Two - Definitions

| Term                            | Meaning in this Bylaw  |
|---------------------------------|--|
| <b>Waste Disposal Site</b>      | <p>A place where ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse is disposed of or dumped.</p> <p>Does not include Sewage Disposal Site or facility for the treatment of sewage.</p>   |
| <b>Workcamp</b>                 | <p>The Temporary accommodation of workers and consisting of at least one bathroom and not fewer than two (2) habitable rooms providing therein living, dining, kitchen and sleeping accommodation in appropriate individual or combination rooms.</p>  |
| <b>Yard (see also Lot Line)</b> | <p>A part of a Lot upon or over which no Structure is erected.</p> <p><b>Front Yard:</b><br/>Means a Yard extending across the full width of a Lot from the Front Lot Line of the Lot to the front wall of the Principal Building situated on the Lot.</p> <p><b>Side Yard:</b><br/>Means a Yard extending from the front wall of the Principal Building situated on a Lot to the rear wall of the Principal Building and lying between the Side Lot Line of the Lot and the side wall of the Principal Building.</p> <p><b>Rear Yard:</b><br/>Means a Yard extending across the full width of a Lot from the rear wall to the Principal Building situated on the Lot to the Rear Lot Line of the Lot.</p>  <p>The diagram illustrates a rectangular lot with a green background. At the top is a grey horizontal bar labeled 'Road'. Below the road is a horizontal line labeled 'Front Lot Line'. The lot is bounded by 'Side Lot Line' on both the left and right sides. A vertical line at the bottom is labeled 'Rear Lot Line'. A vertical grey bar in the center represents a 'Principal Building'. The area between the Front Lot Line and the front wall of the building is labeled 'Front Yard' with a '45m' dimension. The area between the front wall and the rear wall of the building is labeled 'Side Yard'. The area between the rear wall and the Rear Lot Line is labeled 'Rear Yard' with a '30m' dimension. 'Adjacent Property' is shown on both sides of the lot.</p> |
| <b>Zone</b>                     | <p>An area designated for a specific set of land uses and rules which are outlined in this Bylaw.</p>  |



## Zoning Bylaw

### Part Three - Roles and Responsibilities

## 3.0 Part Three - Roles and Responsibilities

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- 3.1 Development Officer
- 3.1.1 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*.
- 3.1.2 The Development Officer is authorized to perform the duties specified in Part Three of this Bylaw and has enforcement powers as specified by Council pursuant to Sections 52 through 56 of the *Act*.
- 3.1.3 The Development Officer shall:
- receive and process all Development Permit applications;
  - keep and maintain for the inspection of the public during all reasonable hours, a copy of this Bylaw obtainable by the public at reasonable charge;
  - keep a register of all applications for Development, including the decision thereon and the reasons therefore;
  - make decisions on all Development Permit applications and all applications requesting a Variance pursuant to **Section 4.9** of this Bylaw;
  - refer all requests to Council for decisions for those Uses listed as Discretionary Uses in the Zone, and all requests for a Variance pursuant to **Section 4.9** of this Bylaw;
  - approve or refuse, pursuant to the *Act* and this Bylaw, all Development Permit applications and state the terms and conditions as authorized by this Bylaw; and
  - post a notice for all Development Permit applications and state terms and conditions as authorized by this Bylaw.
- 3.1.4 The Development Officer is hereby declared to be an official of the Municipality and an authorized officer or servant of Council.
- 3.2 Town Council
- 3.2.1 The function of Council with respect to this Bylaw shall be to:
- review and make a decision on Development applications presented to it by the Development Officer, having regard for the regulations of the *Community Plan* and this Bylaw;
  - review and make a decisions on applications for Development of a Discretionary Use in a Zone and all requests for a Variance pursuant to **Section 4.9** of this Bylaw, having regard for the regulations of this Bylaw and the provisions of the *Community Plan*;



## Zoning Bylaw

### Part Three - Roles and Responsibilities

- c) review and render decisions on applications for rezoning and/or other Bylaw amendments presented by the Development Officer;
- d) specify the length of time that a permit may remain in effect for a Term of Use; and,
- e) carry out other duties as prescribed in this Bylaw.

#### 3.3 Development Appeal Board

- 3.3.1 A Development Appeal Board is hereby established and must consider and determine such appeals as may be referred to it under the provisions of the *Act*.
- 3.3.2 The Development Appeal Board shall discharge such duties that are given to it in this Bylaw or amendment thereof.
- 3.3.3 The Development Appeal Board may meet as frequently as necessary but shall meet within 30 days after an application for an appeal has been made to it.
- 3.3.4 The Development Appeal Board shall:
  - a) be composed of a Chairperson and at least two but no more than four other members to be appointed concurrently for three years of office by resolution of Council, and who shall not be dismissed except for just cause;
  - b) include no more than one Council member; and
  - c) not include employees of the Town.
- 3.3.5 When retirement or resignation of a Development Appeal Board member results in a vacancy, the vacant position shall be filled by resolution of the Council.
- 3.3.6 The Chairperson of the Development Appeal Board shall sign all notices of decisions and other documents on behalf of the Board, relative to any jurisdiction or 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.
- 3.3.7 Where the Chairperson of the Development Appeal Board is absent or disabled, any document of the Board may be signed by any one member, and when so signed shall have the like effect as though signed by the Chairperson.
- 3.3.8 Three 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.
- 3.3.9 Only those members of the Development Appeal Board in attendance at a Board meeting shall vote on any matter then before the Board.



## Zoning Bylaw

### Part Three - Roles and Responsibilities

- 3.3.10 The decision of the majority of the members of the Development Appeal Board present at a meeting duly convened is deemed to be the decision of the whole Board.
- 3.4 Secretary of the Development Appeal Board
- 3.4.1 The office of the Secretary of the Development Appeal Board is hereby established and shall be filled by an employee of the Town of Fort Smith, as appointed by Council, or the Senior Administrative Officer acting on behalf of Council.
- 3.4.2 The secretary to the Development Appeal Board shall not be a member of the Development Appeal Board nor will the Secretary be the Development Officer.
- 3.4.3 The Secretary shall, in accordance with the *Act*:
- a) keep available for public inspection all relevant documents and materials respecting an appeal under the *Act*, including the application for the Development Permit, its refusal, and the decision;
  - b) receive and administer all applications for appeal;
  - c) notify all members of the Development Appeal Board of the arrangements for the holding of each hearing and other meetings of the Board;
  - d) Provide notice two weeks prior of the hearing to:
    - i the Appellant in writing;
    - ii owners and lessees of land within 30.0 metres of the boundary of the land in request of which the appeal relates through registered mail; and,
    - iii the public through online social media platforms, Town website, and community notice boards.
  - e) prepare and maintain a file of written minutes of all meetings of the Development Appeal Board;
  - 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 60 calendar days after the date of the hearing, issue a written decision with reasons, and provide a copy to the Applicant, Appellant, and other parties to the appeal; and,
  - i) carry out such other administrative duties as the Development Appeal Board may specify.



## Zoning Bylaw

### Part Four - Development Permit Process

## 4.0 Part Four - Development Permit Process

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### 4.1 Control of Development

- 4.1.1 Development Permits support the regulation and control of the land Use and Development of land and Buildings in the Town, in accordance with this Bylaw.
- 4.1.2 For the purpose of this Bylaw the Municipality is divided into Zones in the manner indicated on the maps as **Schedule B**.
- 4.1.3 In each Zone shown on the Zoning Maps, Permitted or Discretionary Uses of land and buildings are specified in **Section 9** of this Bylaw.
- 4.1.4 Nothing in this Bylaw, Development Permit approval, or other approval issued under this Bylaw or under the *Act*, shall be construed as authorization for the carrying out of any activity that is regulated through other Municipal Bylaws, or Territorial or Federal legislation.

### 4.2 Development Not Requiring a Development Permit

A Development Permit is not required for the following Developments provided that the proposed Development complies with the applicable regulations of this Bylaw:

- 4.2.1 The completion and/or Use of a Building which is lawfully under construction at the date of approval of this Bylaw, provided that the Building is completed in accordance with the terms of the Permit granted by the Development Officer and subject to the conditions to which that Permit was granted;
- 4.2.2 The use of any such Building as is referred to in **Section 4.2.1** for the purpose which construction was commenced.
- 4.2.3 The carrying out of works involving maintenance, repair, or interior renovations to any Building, if such works do not:
  - a) Alter the Use or intensity of the Use such as:
    - i Residential Use to Commercial Use;
    - ii Commercial to Industrial Use;
    - iii Institutional Use to Mixed Use; or
    - iv any change to the Principal uses
  - b) increase any dimensions of the original Building or Structure; and,
  - c) do not include Structural Alterations.
- 4.2.4 The Development and/or movement of any Building less than 10.0 square meters in area and 3.0 metres in Height.



## Zoning Bylaw

### Part Four - Development Permit Process

- 4.2.5 Landscaping, provided that such work does not Alter the existing Grade or natural surface drainage patterns.
- 4.2.6 Construction or placement of a Temporary Building, for the sole purpose of which is incidental to the erection or Alteration of a building, for which a Development Permit has been issued under this Bylaw.
- 4.2.7 The installation, maintenance and repair of public works, services and utilities carried out by or on behalf of Federal, Territorial and Municipal public authorities on land that is publicly owned or controlled.
- 4.2.8 Development on Airport Lands, as those lands are regulated by the *Fort Smith Airport Zoning Regulations SOR/81-567*.
- 4.2.9 Signs that do not require a Development Permit as per **Section 7.12**.
- 4.3 Non-Conforming Buildings and Uses
  - 4.3.1 A Non-conforming Use may be continued but if that use is discontinued for more than one year, any future use of the land or Building shall conform with the provisions of the Zoning Bylaw then in effect.
  - 4.3.2 A Non-conforming Use of part of a building may be extended throughout the building.
  - 4.3.3 A Non-conforming Use of part of a 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.
  - 4.3.4 A Non-conforming Building may continue to be used but the Building shall not be structurally Altered unless the Alterations will conform with this Bylaw or are to rebuild or repair the building for public safety or to preserve its value.
  - 4.3.5 If a Non-conforming Building is damaged or destroyed such that more than 75 % of the most recently assessed value of the Building above its foundation is affected, the Building shall not be repaired or rebuilt except in accordance with the Zoning Bylaw.
  - 4.3.6 If there is change in ownership, tenancy or occupancy of lands or a Building is deemed to be Non-conforming, its status will not be changed.
- 4.4 Similar Uses
  - 4.4.1 In situations where an application for Development Permit does not align with any of the uses described in this Bylaw, Council may determine that the Use is Similar to another Use defined in this Bylaw.



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### Part Four - Development Permit Process

- 4.4.2 Similar Uses shall only be allowed in a Zone where the proposed Use is similar to the listed permitted or Discretionary Use in that Zone.
- 4.4.3 Similar Uses shall be subject to the same regulations as the Use for which they are similar.
- 4.5 Application for a Development Permit
- 4.5.1 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.
- 4.5.2 Where the Applicant is other than the owner, the owner's written consent must be submitted with the application.
- 4.5.3 An application for a Development Permit shall be made by submitting a completed application form to the Development Officer and shall be accompanied by:
- a) a Site plan showing the:
    - i legal description of the Lot;
    - ii existing or proposed property lines and dimensions;
    - iii Setbacks and dimensions for Front, Rear and Side Yards;
    - iv locations and dimensions of all existing Buildings, Structures or uses on the Lot;
    - v any provisions for Off-street Loading and vehicle Parking Spaces;
    - vi access and exit points to the Site;
    - vii provisions for Landscaping and drainage; and,
    - viii any other Site features requested by the Development Officer.
  - b) professional engineer standard building floor plans including:
    - i total Gross Floor Area;
    - ii elevations drawings;
    - iii building dimensions; and,
  - c) a statement of Uses;
  - d) a statement of ownership of land and interest of the application;
  - e) the estimated commencement and completion dates; and,
  - f) the estimated cost of the project or contract price;
  - g) proof that design documents have been submitted and reviewed by the Office of the Fire Marshal of the NWT for all Development other than Single Dwelling Units and Accessory Uses.
- 4.5.4 At the discretion of the Development Officer, an application for a Development Permit may also require:



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### Part Four - Development Permit Process

- a) a recent copy of the Certificate of Title (within 30 days of the application submission date) indicating ownership and other interests;
  - b) current copies (within 30 days of the application submission date) of any restrictive covenants, caveats, or easements;
  - c) photographs of the Site; and,
  - d) any other drawings that describe the Development;
- 4.5.5 The The Development Officer may require additional information because of the nature and magnitude of a proposed Development or use or the characteristics of the Site proposed for Development. This may include a Phase I Environmental Site Assessment, carried out by a qualified professional according to the standards established under Canadian Standards Association Z768 as revised from time to time.
- 4.5.6 The Development Officer may require additional information to review and properly evaluate a proposed Development including but not limited to:
- a) copies of any Territorial and/or Federal approvals, licenses, or permits;
  - b) environmental impact assessment;
  - c) fire safety plan;
  - d) grading plan;
  - e) lighting plan;
  - f) parking study;
  - g) plot plan;
  - h) remediation plan;
  - i) risk assessment;
  - j) Site servicing plan;
  - k) traffic impact assessment; or,
  - l) any other information deemed necessary by the Development Officer.
- 4.5.7 Where the Development of land involves a Subdivision survey and mapping of land, written evidence that the Subdivision has been approved in accordance with the *Act* shall be required as part of an application for a Development Permit.
- 4.5.8 The application shall not be considered complete until all the requirements described in this Section have been submitted to the satisfaction of the Development Officer.
- 4.6 Referrals
- 4.6.1 Prior to issuing a decision, the Development Officer may circulate a Development Permit application to any Town, Territorial, or Federal department, or any other



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### Part Four - Development Permit Process

- agency or body, including the Indigenous Governments and Authorities in Fort Smith.
- 4.6.2 The Development Officer shall consider any recommendations or comments received by referral agencies.
- 4.6.3 Any proposed Development that may have an effect on Airport or aerodrome operations shall be referred to the specific Airport Commission or Authority, Transport Canada, and NavCanada.
- 4.6.4 Any proposed Development application may be circulated to the Fire Chief, Fire Marshal or other person having jurisdiction to review a Development Permit and identify compliance with the National Fire Code.
- 4.6.5 Development within Highway #5 right-of-way is subject to approval from the GNWT Department of Transportation.
- 4.6.6 Vehicular Road access to and from Highway #5 is subject to approval of the GNWT Department of Transportation.
- 4.7 Decisions of Development Permit
- 4.7.1 The Development Officer shall:
- a) receive, consider, and issue decisions on applications for a Development Permit for uses listed in Part Nine of this Bylaw which constitute Permitted Uses in a Zone and comply with the minimum standards for that Zone;
  - b) receive and refer with their recommendations to Council (acting as the Development Officer) for its consideration and decision, applications for a Development Permit for Uses listed in **Part Nine** of this Bylaw which constitute Discretionary Uses; and,
  - c) receive and refer to Council (acting as the Development Officer), at their discretion, any application which, in their opinion, should be decided by the Council.
- 4.7.2 The Development Officer must make a decision on an application for a Development Permit within 40 days of the official receipt of the application.
- 4.7.3 The Applicant may request confirmation in writing from the Development Officer that their application has been received.
- 4.7.4 The Development Officer, and Applicant, through an agreement in writing, may extend the timeframe to issue a decision on a Development Permit.



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### Part Four - Development Permit Process

- 4.7.5 An application is deemed to be refused if a decision of the Development Officer has not been made within 40 days of the official final receipt of the application and no extension has been agreed to.
- 4.7.6 To allow for time for appeal (**Part Five**) a Development Permit does not come into effect until 15 days after the date a decision is publicized. Any Development proceeded with by the Applicant prior to the expiry of this period is done solely at the risk of the Applicant.
- 4.7.7 The Development Officer must approve a Development Permit application for a Permitted Use that conforms to the provisions of this Bylaw, with or without conditions as provided for in this Bylaw.
- 4.7.8 If a Development Permit application for a Permitted Use does not conform to all provisions of this Bylaw, the Development Officer may:
- Grant a Variance to approve the application, with or without conditions; or,
  - Refuse the application stating reasons.
- 4.7.9 In issuing a decision for a Development Permit for a Discretionary Use, with or without a Variance, the Council may:
- Approve the application, with or without conditions; or,
  - Refuse the application stating reasons.
- 4.8 Compliance
- 4.8.1 An Applicant is responsible for ascertaining and complying with the requirements of assessments, covenants, agreements, the most current Municipal Bylaws, as amended from time to time or Territorial and Federal statutes and regulations. This includes:
- Community Planning and Development Act*
  - National Building Code of Canada
  - National Fire Code of Canada
  - Northern Infrastructure Standardization Initiatives (NISI) Standards
    - Building in Permafrost
    - Dealing with Extreme Weather
    - Community Systems: From Start to Finish
  - Fort Smith Airport Zoning Regulations SOR/81-567
- 4.8.2 The Development Officer may refuse a Development permit if the proposed use or development or the condition of the Site does not comply with an easement, covenant, Municipal Bylaw, or Territorial and Federal statutes or regulations.



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#### 4.9 Variance Powers

4.9.1 Council may approve an application for a Permitted Use or a Discretionary Use notwithstanding that the proposed Use does not comply with the provisions of this Bylaw, if the non-compliance is minor and where, in the opinion of Council, denial of the application for a Development Permit would cause the Applicant unnecessary hardship peculiar to the use. Council can approve such Variances if they do not:

- a) unduly interfere with the amenities of the neighbourhood; or
- b) detract from the Use, enjoyment or value of neighbouring parcels of land.

4.9.2 Subject to **Section 4.9.1** the Development Officer may grant the following Variances for Buildings and Structures:

- a) Front Yard – not more than 0.3 metres;
- b) Side Yard – not more than 0.15 metres, provided that the combined width of both Side Yards is not below the aggregate of the minimum dimensions required for both Yards in which case no Variance shall be granted; and
- c) Rear Yard – not more than 0.3 metres.

4.9.3 In the case of Height of Fences the Development Officer may grant the following Variances for Fences:

- a) residential Zones – not more than 0.3 metres; and
- b) all other Zones – not more than 0.6 metres.

#### 4.10 Fees

Each application for a Development Permit shall be accompanied by a fee as determined in the current *Consolidated Rates and Fees Bylaw* as amended or its successors.

#### 4.11 Notification of Decision

4.11.1 The notice of decision shall include:

- a) decision made by the Development Officer;
- b) date on which the decision was made;
- c) applicable Development appeal body;
- d) deadline for appeal; and,
- e) any conditions.

4.11.2 When a Development Permit has been approved, the Development Officer shall, as soon as possible:

- a) provide a notice of decision to the Applicant;
- b) post a notice of decision on the Site for which the application has been made; and



## Zoning Bylaw

### Part Four - Development Permit Process

- c) post a notice of the decision on the Town's website, stating the location of the Site for which the application has been made and the Use approved for the Lot.
- 4.11.3 When an application for a Development Permit is refused, the notice of decision shall include the reasons for refusal.
- 4.11.4 When the Development Officer refuses an application for a Development Permit, the Development Officer shall, as soon as possible:
  - a) Provide a notice of decision in writing to the Applicant; and,
  - b) Post a notice of the decision on the Town's website, and any other public location the Development Officer deems necessary.
- 4.11.5 In accordance with *Section 14(2) of the Act* the Development Officer must give notice of the application for Development Permits for a Discretionary Use to owners and lessees within 30 metres of the property's boundary.
- 4.12 Conditions
  - 4.12.1 A Development Permit is valid for a period of two years from its date of issue.
  - 4.12.2 Notwithstanding **Section 4.12.1**, if the Development authorized by a Development Permit is not commenced within 12 months from the date of its issue, the Permit is deemed to be void.
  - 4.12.3 The Development Officer may impose, with respect to a Permitted Use, such conditions as are required to ensure complete compliance with this Bylaw.
  - 4.12.4 Council 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*.
  - 4.12.5 A condition for a Discretionary Use may impose a time limit on the Development or Use.
  - 4.12.6 The Development Officer may, as a condition of issuing a Development Permit, require the Applicant to:
    - a) make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by the Applicant;
    - b) provide evidence that a Fire Safety Plan, prepared in accordance with **Section 7.17** (Fire Protection and Access to Fire Suppression Systems) and **Section 7.18** (Wildfire Hazard Protection and Mitigation) has been submitted to the Office of the Fire Marshal, and to provide a copy of the Fire Safety Plan;



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### Part Four - Development Permit Process

- c) provide evidence of Site investigations by a qualified professional engineer to determine the suitability of the Site for the intended Development;
- d) provide evidence that a Building, including its foundations, will be designed in accordance with the National Building Code of Canada and if applicable the NISI Standards;
- e) provide a traffic study completed by a qualified professional;
- f) provide an Environmental Assessment completed by a qualified professional to identify risks and mitigation measures relevant to the proposed Development;
- g) provide evidence of compliance with any other relevant Municipal Bylaws, Federal, or Territorial legislation; or
- h) enter into an agreement or an interim agreement (which shall be Attached to and 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) construct, or pay for the construction of, a pedestrian walkway;
  - iv) specify the location and number of vehicular and pedestrian access points to Sites from Public Roadways;
  - v) install, or pay for the installation of, utilities that are necessary to serve the Development;
  - vi) construct, or pay for the construction of, Off-Street or other Parking Spaces and facilities, or loading and unloading facilities;
  - vii) repair or reinstate, or to pay for the repair or reinstatement to original condition, any infrastructure, Street furniture, curbing, sidewalk, boulevard Landscaping and tree planting which may be damaged, destroyed, or otherwise harmed by Development or building operations upon the Site; or,
  - viii) register a caveat against the title any agreement entered into.

#### 4.13 Development Agreements

4.13.1 As a condition of Development Permit approval, the Development Officer may require that the Applicant enter into a Development Agreement with the Town, which, in addition to other matters, may require the Applicant:

- a) construct or pay for the construction of any or all of:



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### Part Four - Development Permit Process

- i Road required to give Access to the Development;
    - ii pedestrian walkway system to serve the Development or to give Access to an adjacent Development;
    - iii required water, sewer, and power supply;
    - iv bear-proof waste bins;
    - v required Off-Street Parking and loading facilities;
    - vi Street lighting;
    - vii required Landscaping of the Site and any adjoining Site; or,
    - viii required Municipal Services easements to the Site.
  - b) repair or reinstate, to original condition, any Street furniture, curbing, sidewalk, boulevard, Landscaping, or trees which may be damaged, destroyed or otherwise harmed by Development or building operations on a Lot;
  - c) provide an irrevocable letter of credit, or other form of security acceptable to the Development Officer, with a clause specifying automatic term renewal or other form of security acceptable to the Development Officer, to guarantee performance of the conditions of a Development Permit or Development Agreement; and,
  - d) enter into an agreement requiring Subdivision or consolidation of Lots.
- 4.13.2 To ensure compliance with a Development Agreement, the Town may register a Development Agreement as a caveat against the Lot being developed, which shall be discharged upon the terms of the agreement being met.
- 4.14 Extension of Development Permit
- 4.14.1 Where a Development cannot be completed in the timeline required under the Development Permit, the Applicant may make a request for extension to the Development Officer in writing stating reasons for extensions.
- 4.14.2 The Development Officer may extend a Development Permit at their discretion, having regard for:
- a) weather impacts on construction timelines;
  - b) other unforeseen impacts on construction timelines;
  - c) Applicant's intent to complete the Development; and,
  - d) any other factor where, in the opinion of the Development Officer, that has or will impact the ability for the Applicant to complete the Development.
- 4.14.3 Extensions granted by the Development Officer shall be for a maximum of 6 months and may require an additional review fee calculated at 50% of the original application fee for each request. The number of requests granted and the review fee will be at the discretion of the Development Officer.



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### Part Four - Development Permit Process

- 4.14.4 Where a Development cannot be completed in the timeline provided by the extension, the Development Permit shall be considered to have lapsed and the Development Officer shall require a new Development Permit application for any subsequent Development on the Site.
- 4.14.5 If a Development has started, but not completed in the timeline provided and no extension request has been made, the Development Permit will be considered to be in contravention and the Development Officer may issue a written order as per Section 57.(2) of the *Act* and **Section 6.1** of this Bylaw.
- 4.15 Suspending or Revoking a Development Permit
- 4.15.1 The Development Officer may cancel, suspend, or modify an approved Development Permit by written notice to the holder of the Development Permit when:
- the Development application contained a misrepresentation;
  - facts concerning the Development Permit application, or the Development were not disclosed at the time the application was considered;
  - the Development Permit was issued in error;
  - the Development does not match what was approved in the Development Permit or,
  - the owner requests cancellation of the Development Permit in writing.
- 4.15.2 Written notice stating that the Development Permit has been canceled, suspended, or modified shall be sent by registered mail to the owner and/or occupant of the property affected, and to any contractor engaged in Development.
- 4.15.3 Written notice shall state:
- the grounds for the cancellation, suspension, or modification; and,
  - the conditions that must be met for a suspended Development Permit to be reinstated, including appeal.
- 4.16 Amending a Development Permit
- 4.16.1 Where an amendment to a Development Permit application is required as a result of a change in the proposed Development, the Applicant may request an amendment to a Development Permit currently under review by the Development Officer.
- 4.16.2 Requests for revised Development Permits may require an additional review fee calculated at **50%** of the original application fee, at the Discretion of the Development Officer.
- 4.16.3 In considering Requests for revised Development Permits the Development Officer shall consider the



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### Part Four - Development Permit Process

- a) scope of any changes;
  - b) design changes of the proposed Building;
  - c) location of the proposed Building; and,
  - d) any changed Uses.
- 4.16.4 Where changed Developments are considered significant enough to require a complete re-review of the Development Permit, the Development Officer may require a new Development Permit be applied for including a full or partial application fee, at the Discretion of the Development Officer.
- 4.16.5 Where an amendment to an approved Development Permit is required as a result of a change in the proposed Development, the person whose name the Development Permit was issued in, or the landowner, may request an amendment to the approved Development Permit.
- 4.16.6 At the discretion of the Development Officer, applications for amendments to approved Development Permits may require updated or new submissions including a new fee.
- 4.16.7 In considering proposed amendments to an approved Development Permit, the Development Officer shall consider:
- a) if the amendment complies with all applicable regulations of this Bylaw;
  - b) the amendment complies with all applicable Municipal Bylaws, and Territorial or Federal regulations; and,
  - c) the amendment is directly related to the Uses and conditions of the effective Development Permit.
- 4.16.8 Any changes to an approved Development Permit that require a new Variance or a Change in Use require a new Development Permit application.
- 4.16.9 Where a Development does not follow an approved Development Permit and the person whose name the Development Permit was issued in, or the landowner does not request an amendment to the approved Development Permit, the Development will be in contravention according to **Section 6.1.1** of this Bylaw.



## 5.0 Part Five - Appeals

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- 5.1 Appeal Procedure
- 5.1.1 An appeal may be made to the Development Appeal Board by any person affected by an order or decision, where a Development Officer:
- refuses or fails to issue a Development Permit to a person within 40 days of receipt of the application;
  - issues a Development Permit with or without conditions; or,
  - issues an order under *Section 57 of the Act*.
- 5.1.2 In accordance with the *Section 62(1) of the Act*, a person other than an Applicant for a Development Permit may only appeal to the Development Appeal Board in respect of an approval of an application for a Development Permit on the grounds that the person is adversely affected and:
- there was a misapplication of a Zoning Bylaw in the approval of the application;
  - the proposed Development contravenes the Bylaw, the Community Plan, or an Area Development Plan;
  - the Development Permit relates to a use of land or a Building that had been Permitted at the discretion of a Development Officer;
  - the application for the Development Permit had been approved on the basis that the specific use of land or the Building was similar in character and purpose to another use that was included in a Zoning Bylaw for that Zone;
  - the application for the Development Permit had been approved under circumstances where the proposed Development did not fully conform with the Zoning Bylaw; or,
  - the Development Permit relates to a Non-Conforming Building or Non-Conforming Use.
- 5.1.3 An appeal shall be made by serving a written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the day the application for the Development Permit is approved, or the order of the Development Officer is served in person, pursuant to Section 62 and 63 of the *Act*.
- 5.1.4 The notice of appeal must:
- state the reason(s) for appeal;
  - summarize the supporting facts for each reason for appeal;
  - indicate the relief sought; and,



## Zoning Bylaw

### Part Five - Appeals

- d) provide the necessary fee as determined in the current *Consolidated Rates and Fees Bylaw* as amended or its successors.
- 5.1.5 Where an appeal is made, a Development Permit that has been granted shall not come into effect until the appeal has been determined and the permit may be affirmed, modified, or nullified.
- 5.2 Public Hearing
- 5.2.1 Within 30 days of receipt of a notice of appeal, the Board shall hold a public hearing respecting the appeal.
- 5.2.2 The Development Appeal Board shall give at least five days notice in writing of the public hearing to:
- a) the Appellant;
  - b) the Development Officer or Council from whose order, decision or Development Permit the appeal is made;
  - c) owners or lessees of land within 30 metres of the boundary of the land in respect of which the appeal relates;
  - d) any other person who, in the opinion of the Development Appeal Board, are affected by the order, decision, or permit; and,
  - e) any such other persons as the Development Appeal Board specifies.
- 5.2.3 The Development Appeal Board shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the appeal including:
- a) the application for the Development Permit, its disposition (approval, refusal, approval with conditions), and the appeal therefore; or,
  - b) the order of the Development Officer as the case may be.
- 5.2.4 At the public hearing referred to in **Section 5.2.1**, the Development Appeal Board shall hear:
- a) the Appellant or any person acting on his behalf;
  - b) the Development Officer, from whose order, decision or Development Permit the appeal is made, or a person is designated to act on behalf of the Development Officer;
  - c) any other person who was served with notice of the hearing and who wishes to be heard or a person acting on their behalf; and,
  - d) any other person who claims to be affected by the order, decision or permit and that the Development Appeal Board agrees to hear or a person acting on their behalf.



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Part Five - Appeals

5.3 Decision

- 5.3.1 The Development Appeal Board shall give its decision in writing to the Appellant together with reasons for the decision within 60 days of the conclusion of the hearing. No decision shall be incompatible with the *Community Plan*.
- 5.3.2 A decision made under this part of the Bylaw is final and binding on all parties and all persons, subject only to an appeal upon a question of jurisdiction or law pursuant to Sections 69 and 70 of the *Act*.

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## 6.0 Part Six - Enforcement and Administration

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- 6.1 Contravention, Enforcement and Penalties
- 6.1.1 Where a Development or Use of land, Buildings or Structure is not in accordance with this Bylaw a Development Officer may, by written notice either served personally or sent by registered mail to the owner and/or occupant of the property affected, and to any contractor engaged in the work, require the removal, demolition or Alteration of the Structure, the filling in of the excavation, the restoration of the contours and natural features of the site, or the cessation of the work or the use to which the land or Structure is being put, as the case may be.
- 6.1.2 The notice referred to in **Section 6.1.1** shall state:
- a) the grounds on which the removal, demolition, Alteration, filling in, or cessation of work and use is required; and
  - b) that the requirements of the notice be met not more than sixty (60) days from the date of the serving or sending of the notice.
- 6.1.3 Where the owner, occupant or contractor engaged in work on the property to whom the notice is given pursuant to **Section 6.1.2** fails to comply with the requirements of the notice, Council by its official may enter upon the property and carry out or effect such removal, demolition, Alteration, filling in or cessation of use as the notice requires to be done or effected, and may recover the expense thereof from the owner by action.
- 6.1.4 The expense referred to in **Section 6.1.3** until paid by the owner is a charge and lien upon the property in respect of which the notice was given.
- 6.1.5 A Development Permit may be reinstated by the Development Officer where a notice has been served if the permittee gives a guarantee accompanied by bond or certified cheque to assure the Development Officer that the breach will be remedied in such time as the Development Officer may prescribe.
- 6.1.6 A corporation or 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 will be liable on summary conviction:
- 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; and
  - b) in the case of an individual:



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### Part Six - Enforcement and Administration

- i to a fine not exceeding \$5,000 and, in addition, to a fine not exceeding \$1,000 for every day the offence continues
    - ii to imprisonment for a term of not exceeding six months in default of payment of the fine.
  - c) in default of payment of a fine under subsection (a), to imprisonment for a term not exceeding six months.
- 6.1.7 When a person is convicted under the *Act* of having undertaken or Permitted a Development that contravenes any Bylaw or Development Permit, the Council may file a notification of the illegal Development against the title to the affected land in the Land Titles Office.
- 6.1.8 The conviction of a person under this section does not restrict further prosecution under this section for the continued neglect or failure on the part of the person to comply with the Zoning Bylaw, Development Permit, or Subdivision Approval.
- 6.1.9 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 Sections *54 through 58 of the Act*.
- 6.1.10 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.
- 6.2 Right to Enter
  - 6.2.1 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 *Sections 54 through 56 of the Act*, enter upon the land or building and take any necessary action to carry out the order.
  - 6.2.2 Where Council, or a person appointed by Council, carries out an order, Council shall recover any costs incurred in carrying out the order from the owner. Any expenses, until paid by the owner, are a charge and lien upon the property in respect of which the notice was given.
  - 6.2.3 Where a person fails or refuses to comply with an order to permit entry upon the land or building, they shall be guilty of an offence as defined under *Section 56 of the Act* and be liable to a fine or to imprisonment.
  - 6.2.4 A Development Officer or other authorized officer may also enter any land or building to inspect compliance with the Zoning By-law, in accordance with *Section 54 of the Act*.



## Zoning Bylaw

### Part Six - Enforcement and Administration

#### 6.3 Application to Amend Bylaw

- 6.3.1 A person may apply to have this Bylaw amended, by applying in writing, furnishing reasons in support of the application and paying the fee required under the current *Consolidated Rates and Fees Bylaw* as amended or its successors.
- 6.3.2 Council may at any time initiate an amendment to this Bylaw by directing the Development Officer to initiate an application.
- 6.3.3 All applications for amendment to the Zoning Bylaw shall be made in writing to Council on the approved form and accompanied by the following, namely:
  - a) a certificate of title of the land affected or other documents satisfactory to the Development Officer indicating the Applicant's interest in the said land;
  - b) all drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figured, explicit and complete; and,

#### 6.4 Amending Bylaws

All amendments to this Bylaw shall be made by Council by Bylaw and in conformance with *Sections 13, 15, and 17 of the Act*.



## Zoning Bylaw

### Part Seven - Development Standards

## 7.0 Part Seven - Development Standards

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- 7.1 General Development Standards
- 7.1.1 With the approval of the Council, Development may be Permitted in any Zone on a lot which is substandard in terms of width, depth or area, provided that such a lot was legally registered and existing at the time of final adoption of this Bylaw, and provided the Development meets all other requirements of this Bylaw regarding the Zone.
- 7.1.2 All Development must meet the requirements of the most recent editions of the National Building Code, the NISI Standards if applicable, the National Fire Code, the Territorial Fire Prevention Act, the Territorial Fire Marshal's Technical Bulletins, and any engineering standards set by the Town.
- 7.1.3 All Factory Built Dwellings Shall have Canadian Standards Association (CSA) Certification and be installed in accordance with CSA Standards.
- 7.1.4 Where in any Zone a Lot has more than one frontage, the Front Yard requirements for that Zone shall apply to only one front lot line which shall be at the discretion of the Development Officer or Council.
- 7.1.5 Unless otherwise specifically provided for in this Bylaw, no more than one (1) Single Dwelling Unit is Permitted on a single Lot in any Zone.
- 7.1.6 The following features may project into a required Yard:
- a) verandas, porches, eaves, bay windows, chimneys constructed of non-combustible material, sills, balconies, together with any other architectural features which, in the opinion of the Development Officer, are of a similar character, provided such projections do not exceed 0.5 metres, unless otherwise approved by the Development Officer;
  - b) unenclosed steps, without a roof, and fire-escapes;
  - c) an open terrace or patio at grade in any Yard in a residential Zone; and
  - d) any Loading Space required under this Bylaw.
- 7.1.7 Garbage and waste material shall be stored in weatherproof and animal-proof containers. Such containers shall be visually screened from all adjacent Sites and Public Roads.
- 7.1.8 The location of any access onto a lot shall be approved before installation to the satisfaction of the Development Officer to ensure proper drainage is maintained.



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### Part Seven - Development Standards

#### 7.2 Lot Servicing

7.2.1 All new Development Permit applications must demonstrate, to the satisfaction of the Development Officer, adequate:

- a) water supply and distribution;
- b) electricity connections and services;
- c) sanitary sewer collection and disposal;
- d) Street access; and,
- e) any other services and facilities, including the payment of costs for installing any such service or facility.

7.2.2 Water and Sewer services shall be provided in accordance with the current *Water and Sewer Bylaw* as amended or its successors.

#### 7.3 Moving Buildings

A Development Permit shall be required for moving Buildings in accordance with **Section 4.5**.

7.3.1 No person shall move a Building or Structure including Factory Built Dwelling larger than 10.0 square metres (150 square feet.) within, into or out of the Town without an approved Development Permit.

7.3.2 The Development Officer may refuse to issue a Permit for the moving of a Building or Structure if the Building or Structure would fail to conform to the requirements of the Zone in which it is proposed to be moved.

7.3.3 The Development Officer may, as a condition of a Development Permit, require certain renovations and Alterations so that the Building will conform with the requirements of this Bylaw and any other Municipal Bylaws, Territorial or Federal legislation.

7.3.4 The Development Officer may require the Applicant or owner to provide a security to ensure that the move be completed within a specified time period.

7.3.5 Any outdoor lighting for any Development shall be located and arranged so that no direct rays of light are directed onto any adjoining properties, or interfere with any traffic control devices.

#### 7.4 Grade, Soils and Drainage

7.4.1 Lot Grades shall be established with a minimum 2.0% gradient, to the satisfaction of the Development Officer.

7.4.2 All Lot drainage shall meet the satisfaction of the Development Officer.



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### Part Seven - Development Standards

- 7.4.3 No Development shall be Permitted unless the surface and subsoil of the land allows for proper drainage and the stability of the Buildings and Structures to be built can be assured, to the satisfaction of the Development Officer.

#### 7.5 Airport Protection

No Development shall be allowed that jeopardizes the safety or diminishes the current operation and status of the Airport, by reason of smoke, ash, steam, height, or electronic interference with aviation communication and guidance equipment. All Development shall be subject to the policies, regulations, and standards established by the Department of Transportation, Arctic Airports Division, Government of the Northwest Territories, and Transport Canada Regulations.

#### 7.6 Accessory Buildings

- 7.6.1 Where any Building or Structure on a Site is Attached to a Principal Building in any way, it shall be deemed to be part of the Principal Building and not an Accessory Building.
- 7.6.2 Side and Rear Yard provisions for Accessory Buildings are reduced to not less than 1.0 metre providing that overhanging eaves shall not be less than 0.6 metres from any Lot Line and the Accessory Structure shall not be in front of the Principal Building.
- 7.6.3 Accessory Buildings are to be sited a minimum of 3.0 metres from any other Building, including the Principal Building on Site, provided there is not a greater separation distance specified in the National Building Code of Canada.
- 7.6.4 The exterior building materials of the proposed Accessory Building must be similar to the materials of the Principal Building and must meet the standards of the National Building Code and the National Fire Code.
- 7.6.5 Site coverage of all Accessory Buildings shall not exceed 12% of the Site Area.
- 7.6.6 The overall height of an Accessory Building measured to the peak of the roof shall not exceed 10.0 metres or the height of the Principal Building, whichever is less.
- 7.6.7 With the exception of Caretakers Units, no Accessory Building shall be used for human habitation.
- 7.6.8 Shipping Containers (SeaCans) will be Permitted as an Accessory Building in Zones but with restrictions as follows:
- a) a maximum of one (1) Shipping Container no larger than 15.0 square meters and it must be located in the Rear Yard in Lot Zoned R1, R2 or TC;



## Zoning Bylaw

### Part Seven - Development Standards

- b) a maximum of three (3) Shipping Container no larger than 2.4 meters x 12.0 meters each may be placed on a Lot Zoned GC or IS but may not be stacked;
  - c) containers must be sided and included a peaked roof to match the appearance with the Principal Building and maintained in accordance with the current *Unightly Lands Bylaw* as amended or its successors.
- 7.6.9 Shipping Containers (SeaCans) in the do not require a Development Permit in the Industrial Zone.
- 7.7 Mixed-Use Buildings
- 7.7.1 A Mixed-Use Building may be occupied by a combination of one (1) or more Uses listed in a Zone, at the discretion of the Development Officer.
- 7.7.2 Each Use within a Mixed-Use Building shall be considered a separate Use.
- 7.7.3 Dwelling Units in a Mixed-Use Building must be located above or behind the non-residential Use(s).
- 7.7.4 Each individual Dwelling Unit in a Mixed-Use Building shall have an entrance separate from the non-residential Use(s) with each Dwelling Unit having indirect (such as via a hallway) or direct access.
- 7.7.5 Notwithstanding **Section 7.7.4**, Mixed-Use Buildings that consist of Hotels or Motels and Multiple-Dwelling Units may have Dwelling Units located on a separate floor from the Use with access from a private or public elevator or stairwell.
- 7.8 Corner Visibility Triangle
- 7.8.1 Fences, vegetation, Buildings, Signs, or Structures shall not exceed a Height of 1.0 metre within the corner visibility triangle.
- 7.8.2 The corner visibility triangle shall be measured where two Roads meet, typically at a right angle to form a triangle with two equal sides 7.5 metres in length.



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### Part Seven - Development Standards

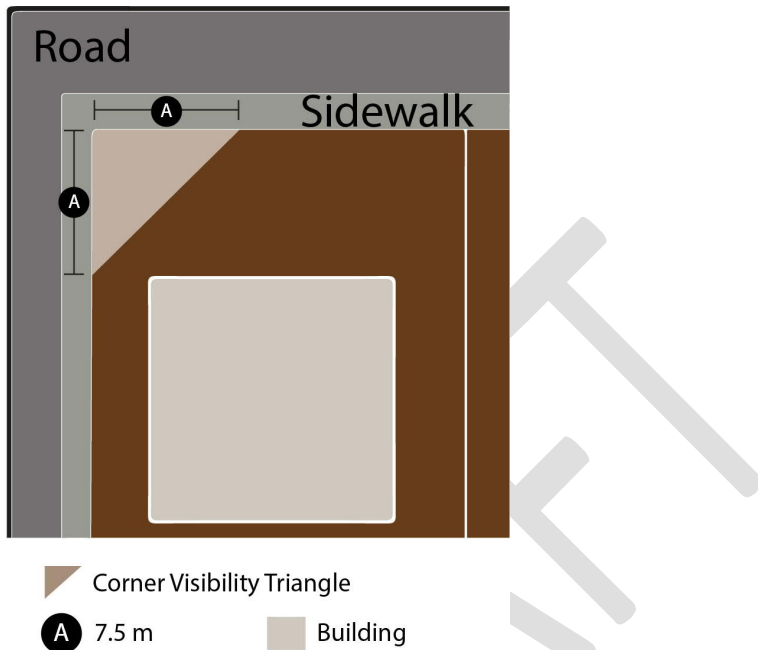


Figure 1: Corner Visibility Triangle

#### 7.9 Fences

7.9.1 All Fences must be constructed on or within the legal boundaries of the property for which it is being constructed.

7.9.2 All Fences must be:

- a) stable;
- b) vertical;
- c) made of materials of good quality that can withstand the weather and consider the northern climate;
- d) suitable for the purpose; and
- e) constructed and supported in a manner corresponding with the design of the entire Fence.

7.9.3 No Fence, or other Screening in a Residential Zone shall be:

- a) higher than 2.0 metres on the Side and Rear Yards to be measured as the average elevation from the ground to top of Fence; or,



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### Part Seven - Development Standards

- b) higher than 1.0 metre in the Front Yards.
- 7.9.4 No Fence or other Screening shall be more than 1.0 metre high within 7.5 metres of the intersection of Streets measured at the Lot Line.
- 7.9.5 No Fence or other Screening will be:
  - a) wholly or partially constructed of barbed wire or any other sharp material;
  - b) made of readily degradable plastics such as tarps, snow Fence or other similar material; and
  - c) contains a device for projecting an electric current.
- 7.9.6 Fences must be maintained in accordance with the current *Unightly Lands Bylaw* as amended or its successors.
- 7.10 Landscaping
  - 7.10.1 Landscaping may consist of hard or soft Landscaping or a combination of both.
  - 7.10.2 As a condition of the Development Permit, and to the satisfaction of the Development Officer, all Landscaping and planting must be carried out (weather permitting) within eighteen months of occupancy or commencement of operation of the proposed Development.
  - 7.10.3 Areas dedicated as Landscaping cannot be used for vehicle parking.
  - 7.10.4 At the discretion of the Development Officer, an area of a Site may be left in its natural state and considered as Landscaping, if it is of the opinion of the Development Officer that the natural stat of the Site would enhance the Development and is in line with FireSmart principles.

Table 7-1: Landscaping Regulations

| Zones | Landscaped Area (minimum)  |
|-------|--|
| R1    | <ul style="list-style-type: none"> <li>a) A minimum 100% of the minimum Front Yard areas shall be Landscaped.</li> <li>b) Required Landscape areas must be covered with either seed/sod, paving stones, walkways or other Landscaping materials.</li> <li>c) Retention and preservation of existing deciduous vegetation is encouraged.</li> <li>d) Landscape areas must follow current FireSmart principles.</li> </ul> |
| R2    | <ul style="list-style-type: none"> <li>a) A minimum 100% of the residual area shall be Landscaped.</li> <li>b) Required Landscape areas must be covered with either seed/sod, paving stones, walkways or other Landscaping materials.</li> <li>c) Retention and preservation of existing deciduous vegetation is encouraged.</li> <li>d) Landscape areas must follow current FireSmart principles.</li> </ul>            |



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| Zones     | Landscaped Area (minimum)  |
|-----------|--|
| <b>RC</b> | <ul style="list-style-type: none"><li>a) Retention and preservation of existing deciduous vegetation is encouraged.</li><li>b) Landscape Areas must follow current FireSmart principles.</li></ul>   |
| <b>TC</b> | <ul style="list-style-type: none"><li>a) A minimum of 10% of the residual area should be Landscaped.</li><li>b) Where the required Landscaping is not viable on the proposed Site, the placement of potted plants, public art, speciality lighting or other items that can be located facing Public Roadways may be considered.</li><li>c) Landscape Areas must follow current FireSmart principles.</li></ul> |
| <b>IS</b> | <ul style="list-style-type: none"><li>a) 100% of the residual area shall be Landscaped with surface coverage which could be grass/sod, or other natural deciduous vegetation.</li><li>b) Landscape Areas must follow current FireSmart principles.</li></ul>   |
| <b>IN</b> | <ul style="list-style-type: none"><li>a) Buffering of the Front Yard and any Side or Rear Yards that face a Public Roadway is required.</li><li>b) Retention of existing natural deciduous vegetation is encouraged.</li><li>c) The Site Area must follow current FireSmart.</li></ul>   |

#### 7.11 Screening

7.11.1 A non-residential Lot that shares a boundary line with a residential Lot shall provide Screening, to the satisfaction of the Development Officer.

7.11.2 Screening requirements may be met through:

- a) Fencing;
- b) Berms;
- c) deciduous trees
- d) hedges or other Landscaping; or,
- e) A combination thereof, to the satisfaction of the Development Officer.

#### 7.12 Sign Regulations

7.12.1 Application for a Development Permit for all signs exceeding 0.4m<sup>2</sup> in area shall be made to the Development Officer. The application shall be:

- a) on the Form provided by the Development Officer; and
- b) supported by two copies of drawings drawn to scale, showing the location of the sign, the overall dimensions of the sign, the size of the letters or letter, the amount of projection from the face of the building, the height of the sign above average ground level at the face of the building, and the manner of illuminating the sign, including any form of animated or intermittent lights.



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### Part Seven - Development Standards

- 7.12.2 No person shall erect or place a sign differing from the sign for which a Development Permit has been issued.
- 7.12.3 No sign shall be Permitted in a public right of way.
- 7.12.4 No sign shall be erected so as to obstruct free and clear vision of vehicular traffic or at any location where it may interfere with, or be confused with, any authorized traffic sign, signal or device.
- 7.12.5 All signs must be maintained in a satisfactory manner or notice will be served to perform the necessary repairs or remove the sign(s) within thirty (30) days.
- 7.12.6 Posters and free-standing portable signs relating specifically to a pending election are exempt, provided that such posters shall be removed within fourteen days after the election.
- 7.12.7 Free-standing portable signs not related to a pending election are exempt, provided that:
- any sign shall be placed wholly within the property lines;
  - the overall height shall not be greater than 2.0 metres above ground level; and
  - the maximum area of the sign shall not exceed 1.0 square metres.
- 7.12.8 Free-standing signs shall only be Permitted in Town Centre, General Commercial, Institutional and Industrial Zoning districts. All free-standing signs shall be erected so that:
- no part of the sign, excluding that portion which is used for support and which is free of advertising, shall be less than 3.0 metres, nor more than 5.0 metres above ground or sidewalk Grade;
  - no part of the sign shall project beyond the property line;
  - the area of the sign shall not exceed a maximum of 8.0 square metres, excluding the support, provided that it is free of advertising;
  - there shall not be more than one free-standing sign for each business.
- 7.12.9 Billboards are prohibited.
- 7.12.10 Fascia signs shall only be Permitted in Town Centre, General Commercial, Institutional, and Industrial Zoning districts. All fascia signs shall be erected so that they:
- do not project more than 0.3 metres above the top of the vertical face of the wall to which they are Attached; and
  - do not exceed in area the equivalent of 25% of the surface area of the wall on which it is Attached.



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- 7.12.11 On commercial and industrial buildings which are Non-conforming uses in areas Zoned residential, fascia signs shall be considered by the Development Officer according to the merits of the individual application.
- 7.12.12 On neighbourhood convenience stores in areas Zoned residential, fascia signs shall be considered by the Development Officer according to the merits of the individual application.
- 7.12.13 Marquee and canopy signs shall be considered as fascia signs according to the provisions of Section 6.6(11) provided that:
- no portion of the sign shall project below the bottom edge, or more than 0.5 metres above the top edge, of the marquee or canopy; and
  - a sign not exceeding 0.3 metres by 1.2 metres in outside dimensions may be suspended below a marquee or canopy provided no part of the sign shall be closer than 2.4 metres to the ground or sidewalk.
- 7.12.14 Roof signs shall be considered as fascia signs according to the provisions of Section 6.6(11), where the following conditions are met:
- no additional supporting wires or stays shall be Attached to the roof; and
  - no portion of a sign shall project more than 0.5 metres above the roof.
- 7.12.15 Projecting signs shall only be Permitted in Zones defined as Town Centre. All projecting signs shall be erected so that:
- no part of the sign shall be less than 3.0 metres above the ground or sidewalk Grade;
  - no part of the sign shall project more than 0.5 metres above the top of the vertical face of the wall to which it is Attached;
  - the space between the sign and supporting Structure shall not be more than 0.6 metres;
  - there shall be only one projecting sign for each business; and
  - the Permitted area of the sign shall be related to the amount of projection from the face of the building, as follows:



## Zoning Bylaw

### Part Seven - Development Standards

Table 7-2: Permitted Sign Projection to Area Ratio

| Amount of Projection | Maximum Area of Sign |
|----------------------|----------------------|
| 1.8 m                | 3.3 sq. m            |
| 1.5 m                | 4.5 sq. m            |
| 1.2 m                | 5.6 sq. m            |
| .09 m or less        | 7.0 sq. m            |

#### 7.13 Parking Requirements

##### 7.13.1 An Off-Street Parking Area:

- a) shall not be located within 1.0 metre of a lot line common to the lot and to a Street;
- b) shall be constructed so that access to and from each stall is to be provided at all times by means of a driveway or maneuvering aisles designed to the satisfaction of the Development Officer;
- c) may be provided on land other than the property being developed, in accordance with *Section 18(2) of Act*; and,
- d) may be provided in whole or part off-Site.

7.13.2 Every Off-Street Parking Space provided and its access shall be hard surfaced if the access is from a Street or lane which is hard surfaced. Where the access Street or lane is not hard surfaced, the Parking Areas must be a gravel mixture as approved by the Council.

7.13.3 The minimum dimensions of a Parking Space shall be 2.6 metres by 5.5 metres.

7.13.4 Each Parking Area shall be so graded and drained as to direct all storm water runoff in accordance with a drainage plan for the Site.

7.13.5 It is the sole responsibility of property owners to construct and maintain Road access between their property line and the traveled portion of the Street right-of-way, to the satisfaction of the Development Officer.

7.13.6 The minimum number of Off-Street Parking Spaces required for each building class shall be as shown in the table below with the following clarifications:

- a) in the case of a use not specifically mentioned, the required number of Off-Street Parking Spaces shall be the same as for a Similar Use as determined by Council.



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### Part Seven - Development Standards

For a Mixed-Use Development, the required number of spaces shall be the sum of the requirements for each use.

- b) where the calculation of Parking Spaces for the Development results in a fractional requirement, the total requirement shall be rounded up to the next whole number.

Table 7-3 Required number of On-Site Parking Spaces

| Use  | Minimum Number of On-Site Parking Stalls Required                             |
|--|---|
| Single Detached and Duplex Dwelling  | 1.0 per Dwelling Unit   |
| Factory-Built Dwellings  | 1.0 per Dwelling Unit   |
| Secondary Suite Dwelling   | 1.0 in addition to the Parking Space required for the Principal Dwelling Unit |
| Multiple Unit Dwelling   | 1.0 per Dwelling Unit   |
| Caretakers Unit Dwelling   | 1.0 per Dwelling Unit   |
| Bed and Breakfast  | 1.0 per each rentable guest room  |
| Retail, Store, Cannabis, Liquor, Neighbourhood Convenience,                        | 1.0 per 40.0 m sq.m of Gross Floor Area                                       |
| Fitness Studio, Personal services Establishment, Offices,                          | 1.0 per 40.0 m sq.m of Gross Floor Area                                       |
| Establishment, Eating and Drinking, Establishment, Entertainment                   | 1.0 per 3 seating spaces  |
| Brewery and/or Distillery  | 1.0 per 40.0 sq. m. of Gross Floor Area                                       |
| Hotels and Motels  | 1.0 per sleeping unit   |
| Day Cares  | 1.0 per 40.0 sq.m. of Gross Floor Area  |
| Places of Worship, Public Assembly, Recreation Facility, Funeral Parlour           | 1.0 per 50 sq.m. of Gross Floor Area  |
| Manufacturing Facility, Cannabis Production, Outdoor Storage Area, Public Utility, | 1.0 per building on Site  |
| Commercial Greenhouse  | 1.0 per 40.0 sq. m. of Gross Floor Area                                       |
| Institution  | 3.0 per classroom   |
| Health Centre, Assisted Living Facilities, Veterinary Clinic                       | 1.0 per 27 sq.m. of Gross Floor Area  |

#### 7.14 Off-Street Loading Spaces

- 7.14.1 Unless otherwise allowed by Council all uses except residential buildings with less than 15 Dwelling Units shall have at least one Off-Street loading and un-Loading Space with a minimum of one space for each loading door.



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### Part Seven - Development Standards

#### 7.14.2 A Development shall:

- a) Provide vehicular access to and exit from a Street or lane such that no backing or turning movements of vehicles going to or from the Site cause interference with traffic in the abutting Streets or lanes.

#### 7.14.3 Loading Spaces shall comply with the following minimum dimensions:

- a) 3.0 metres in width;
- b) 7.6 metres in length; and,
- c) 4.3 metres in Height.

#### 7.15 Queuing Lanes and Spaces

##### 7.15.1 Uses with drive-through facilities shall provide at least five queuing spaces on-Site.

##### 7.15.2 Queuing spaces shall comply with the following minimum dimensions:

- a) 3.0 metres in width; and,
- b) 6.4 metres in length.

##### 7.15.3 Queuing lanes associated with a drive-through Use that borders a residential Lot shall be Screened to the satisfaction of the Development Officer.

##### 7.15.4 Queuing lanes must not interfere with pedestrian crossings, vehicle parking, or access to the Site.

#### 7.16 Temporary Use

Temporary Uses include those activities where there is a Temporary Use or a placement of a Building or Structure, including tents.

##### 7.16.1 Temporary Use activities shall be developed and conducted in accordance with the following standards:

- a) no new permanent Building, Structure or Development shall be Permitted in conjunction with the activities;
- b) all Buildings, Structures or Development put in place for the Temporary Use shall be removed immediately following the end of the activity, completion of the approved time period, or revocation of a Development Permit, whichever occurs first;
- c) all Temporary Uses require a Development Permit, unless they do not require a Development Permit as per **Section 4.2** of this Bylaw.

##### 7.16.2 No Temporary Use, Building or Structure shall occur for a maximum period longer than eight (8) months, unless at the discretion of the Development Officer.



## Zoning Bylaw

### Part Seven - Development Standards

- 7.16.3 If the Temporary Use, Building or Structure lasts longer than eight (8) months, the Temporary Use must be a Permitted or Discretionary Use in the Zone where it the Temporary Use is located.
- 7.16.4 Temporary Use, Buildings or Structures shall not cause permanent damage or Alter natural vegetation or features.
- 7.16.5 The Development Officer may:
- a) attach any condition deemed necessary to ensure that the Temporary Use is removed, and the Lot restored to its pre-activity condition;
  - b) require a Development Agreement and a security deposit to cover the cost of restoring the Lot if the Temporary Use is not properly removed;
  - c) revoke a Development Permit issued for a Temporary Use at any time if it is deemed that the activity is detrimental to the area or Town at large; and
  - d) adjust the time period for a Temporary Use if circumstances warrant an adjustment.
- 7.16.6 A Temporary Use does not include a Temporary Use if circumstances warrant an adjustment.
- 7.17 Fire Protection and Access to Fire Suppression Systems
- 7.17.1 Access and fire protection methods should be provided subject to the satisfaction of the Development Officer with input from the Town's Fire Chief, for new Development that is not connected to the fire suppression system.
- 7.18 Wildfire Hazard Protection and Mitigation
- 7.18.1 All Development occurring in the Town of Fort Smith shall comply with the Fort Smith Community Wildfire Protection Plan or its successor, and shall incorporate current FireSmart principles including:
- a) skirting will be used to enclose any areas under a Building, Structure or Deck with less than 2.0 metres clearance to the ground;
  - b) fire resistant siding materials to be used for all exterior wall finishes;
  - c) all roofing materials shall have a U.L.C. Class C fire rating;
  - d) 1.5 metres fuel free Zone around all Buildings and Structures;
  - e) defensible space for a minimum 10 metres or to Lot boundary; and,
  - f) a minimum clearance of 3.0 metres from combustible vegetation and materials shall be provided around all propane storage tanks.



## Zoning Bylaw

### Part Eight - Specific Use Regulations

## 8.0 Part Eight - Specific Use Regulations

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- 8.1 Bed and Breakfasts
- 8.1.1 Applications for a Bed and Breakfast shall, in addition to the requirements of **Section 4.5** of this Bylaw, include a:
- Floor plan showing the bedroom configurations and bathroom locations;
  - Site plan showing any provisions for vehicle Parking Spaces;
  - Site plan showing the location of any Signage; and,
  - evidence that the design documents have been submitted and reviewed by the Office of the Fire Marshal of the Northwest Territories.
- 8.1.2 A Bed and Breakfast shall only be allowed in a Dwelling Unit.
- 8.1.3 A Bed and Breakfast shall allow for no more than four (4) guest rooms.
- 8.1.4 Bathroom access by guests shall be direct, convenient, and not involve passing through any other private rooms.
- 8.1.5 Specific Bed and Breakfast parking regulations include:
- additional guest Parking Spaces must be accommodated on Site;
  - parking is prohibited in the Front Yard Setback area;
  - parking shall not impede pedestrian access or Public Roadways; and,
  - Parking Areas shall be surfaced with a dust-free material and maintained in good condition.
- 8.1.6 Temporary shelters such, including but not limited to tents, Recreational Vehicles and portable sleeping cabins, shall not be Permitted for use as guest accommodation in conjunction with a Bed and Breakfast operation.
- 8.2 Caretaker Units
- 8.2.1 Caretaker Units shall be designed as one Dwelling Unit, either stand-alone or incorporated within a Building utilized for a non-residential Principal Use.
- 8.2.2 Caretaker Units shall have a separate access from the Principal Use.
- 8.2.3 Only one (1) Caretaker Unit shall be Permitted per Lot.
- 8.2.4 Occupancy of a Caretake Unit is restricted to persons whose primary role is to provide on-Site supervision or maintenance of a property that's Principal Use is for commercial or industrial activities.



## Zoning Bylaw

### Part Eight - Specific Use Regulations

- 8.2.5 Occupancy of the Caretaker Unit shall be conditional to the active commercial or industrial Principal Use on the Lot.
- 8.3 Car Washing Establishments
- 8.3.1 Development Permit applications for carwashes shall describe anticipated water needs and water source.
- 8.3.2 Water or wastewater associated with the Use shall not be allowed to drain off the Site.
- 8.3.3 Water or wastewater associated with the Use shall be retained and disposed of in a manner satisfactory to the Development Officer.
- 8.3.4 The Development Officer shall only approve applications for Carwashes that provide and dispose of water to the satisfaction of the Development Officer.
- 8.4 Day Homes
- 8.4.1 Applications for a Day Home shall, in addition to the requirements of **Section 4.5**
- a) Floor plan showing the floor area allocated for the Day Home Use;
  - b) Site plan showing any provisions for vehicle Parking Spaces;
  - c) Site plan showing the location of any Signage; and,
  - d) Evidence that the design documents have been submitted and reviewed by the Office of the Fire Marshal of the Northwest Territories.
- 8.4.2 All Day Homes shall:
- a) Conform to the *GNWT Child Day Care Act* and Child Day Care Standards and Regulations including the number of children allowed; and,
  - b) Provide valid Day License issued by the *Territorial government*
- 8.4.3 A Day Home shall not be the Principal Use of a Building within a residential Zone.
- 8.4.4 A Day Home may have up to two (2) non-resident employees working on-Site.
- 8.5 Daycares
- 8.5.1 Applications for a Daycare shall, in addition to the requirements of **Section 4.5**, include a:
- a) floor plan showing the bedroom configurations and bathroom locations;
  - b) Site plan showing any provisions for vehicle Parking Spaces;
  - c) Site plan showing the location of any Signage; and,
  - d) evidence that the design documents have been submitted and reviewed by the Office of the Fire Marshal of the Northwest Territories.



## Zoning Bylaw

### Part Eight - Specific Use Regulations

#### 8.5.2 All Daycares shall:

- a) conform to the *GNWT Child Day Care Act* and Child Day Care Standards and Regulations including the number of children allowed; and,
- b) Provide valid Day License issued by the Territorial government.

#### 8.6 Home Occupations

8.6.1 Home Occupations require a business licence issued by the Town and are subject to all conditions included in the current *Business Licencing Bylaw* amended or its successors.

8.6.2 All Home Occupations must comply with applicable Municipal Bylaws and Territorial or Federal legislation and regulations.

8.6.3 The Development Officer, at their discretion, may bring an application for a Development Permit for a Home Occupation to Council for approval.

8.6.4 A Home Occupation may be located in a Dwelling Unit or Accessory Building, including a shed or garage.

8.6.5 A Home Occupation shall be an Accessory Use to the residential use of the Dwelling.

8.6.6 A Home Occupation must be operated and occupied by a resident of the Principal Dwelling Unit and not more than two (2) adults that reside elsewhere shall be Permitted to work in the Home Occupation.

8.6.7 The Floor Area and plans designated for a Home Occupation may be required with the submission of the Development Permit application.

8.6.8 When a Development Permit is issued for a Home Occupation, the Development Permit is valid only for the address stated on the application and is not transferable to a new address; no more than two (2) Home Occupations may be allowed in a given residence.

8.6.9 The Development Officer may impose conditions relating to the hours and days of operation.

The Home Occupation may be carried out only for the period of time the property is occupied by the application for such Permitted Uses.

#### 8.6.10 A Home Occupation shall not:

- a) create Nuisances that negatively impact neighbouring properties; or,
- b) generate excessive pedestrian or vehicular traffic which is uncharacteristic of the neighbourhood.



## Zoning Bylaw

### Part Eight - Specific Use Regulations

- 8.6.11 A Home Occupation may have up to one vehicle associated with the business parked on-Site.
- 8.6.12 Vehicles associated with the Home Occupation (those with a Gross Vehicle Weight Rating of 4,400 kg or more) cannot be parked on-Site for any longer than is necessary to load or unload the vehicle.
- 8.6.13 A Home Occupation is not Permitted to have dedicated on-Street Parking.
- 8.6.14 Any Accessory Building or Structure used as on-Site storage associated with the Home Occupation is limited to one (1) and can be no larger than 5.5 metres x 2.6 metres in size.
- 8.6.15 All activities associated with the Home Occupation must be contained within a Building. No outdoor business activity is Permitted.
- 8.6.16 No commercial equipment or materials associated with the Home Occupation can be stored outdoors in R1 and R2 Zones.
- 8.6.17 Industrial vehicles, equipment and materials associated with the Home Occupation are prohibited in R1 and R2 Zones.
- 8.6.18 The Development Authority maintains the discretion to refuse a Development Permit application for a Home Occupation if the Development Authority determines the proposed Use would unduly impact neighbouring properties.
- 8.6.19 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 neighbourhood.
- 8.7 Factory-Built Dwellings
  - 8.7.1 Factory-Built Dwellings shall be placed on permanent foundations and footings that comply with the requirements of the National Building Code of Canada.
  - 8.7.2 All Factory-Built Dwellings Units shall conform to the current National Building Code and Shall be Canadian Standards Association certified.
  - 8.7.3 Factory-Built Dwellings shall have skirting that allows adequate ventilation and matches the exterior appearance of the Factory-Built Dwellings to the satisfaction of the Development Officer.
  - 8.7.4 The floor area of Porches and additions shall be proportionate to the floor area of the Factory-Build Dwelling and these additions shall not exceed 100% of the Factory-Built Dwellings floor area.



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### Part Eight - Specific Use Regulations

- 8.7.5 Additions to a Factory-Built Dwellings shall require a foundation, skirting, roofing and siding skirting equivalent to that of the existing Factory-Build Dwelling.
- 8.8 Commercial Greenhouse
- 8.8.1 Commercial Greenhouses require a business licence issued by the Town and are subject to all conditions included in the current *Business Licencing Bylaw* amended or its successors.
- 8.8.2 All Commercial Greenhouses must comply with applicable Municipal Bylaws and Territorial or Federal legislation and regulations.
- 8.8.3 Commercial Greenhouses shall conform to the current National Building Code of Canada.
- 8.8.4 In addition to the requirements in **Section 4.5** of this Bylaw a Development Permit applications for a Commercial Greenhouse shall include a Site plan that shows the following:
- a) Fencing/Screening
  - b) location and method for the collection of any wastewater as a result of the activity drain as a result from the anticipated water needs and water source;
  - c) on-Site sales area (if applicable); and,
  - d) Outdoor Storage and irrigation equipment.
- 8.8.5 The Development Officer may also require:
- a) a lighting plan to mitigate the impact of artificial lighting on adjacent properties;
  - b) a plan to connect to Municipal water and sewer services and estimated water usage for the operation; and,
  - c) adequate loading and unloading areas shall be provided on-Site to accommodate the delivery and transportation of vehicles
- 8.8.6 An approved drainage plan is required to prevent contamination related to the effluent of waste.
- 8.8.7 Commercial Greenhouses shall not generate odour, waste, or visual impact beyond what the general characteristics of the Zone in which it is developed.
- 8.9 Multiple Unit Dwellings
- 8.9.1 All Multiple Unit Dwellings shall have provisions for:
- a) Open Space or Parks;
  - b) Enclosed recreation areas;
  - c) Access for emergency vehicles;



## Zoning Bylaw

### Part Eight - Specific Use Regulations

- d) Enclosed garbage and recycling storage; and,
  - e) Shared laundry facilities where not provided within individual units.
- 8.9.2 To the satisfaction of the Development Officer:
- a) Multiple Unit Dwellings shall provide outdoor Amenity Space provided as Open Space or Park. Outdoor Amenity Space may be included in the Landscaping calculation for the Site.
  - b) a minimum of 10% of the Site Area for all Multiple Unit Dwellings shall be Landscaped.
  - c) a Multiple Unit Dwelling shall provide Screening of any outdoor Amenity Space, Parking Areas, and the Site, to the satisfaction of the Development Officer.
  - d) garbage and recycling areas associated with Multiple Unit Dwellings shall be enclosed or screened to the satisfaction of the Development Officer.
- 8.10 In-Home and Detached Secondary Suite Dwellings
- 8.10.1 An In-Home Secondary Suite Dwelling is fully contained within a Single Detached, Factory-Built Single Detached, or Duplex Dwelling Unit.
- 8.10.2 A Detached Secondary Suite Dwelling is fully contained within an Accessory building on the same Lot.
- 8.10.3 Only one (1) In-Home or Detached Secondary Suite Dwelling is Permitted per Site.
- 8.10.4 The external appearance and residential character of the Principal Dwelling in which the In-Home Secondary Suite Dwelling is located shall be maintained.
- 8.10.5 Detached Secondary Suites shall be Accessory and complimentary to the Principal Dwelling and will not be located in the Front Yard of a Lot.
- 8.10.6 Detached Secondary Suites shall adhere to the Accessory Building Yard Setbacks.
- 8.10.7 Access to the Secondary Suite will be the same as Principal Building.
- 8.10.8 Parking requirements must comply with **Section 7.13.6** of this Bylaw.
- 8.10.9 A Secondary Suite shall not include a Bed and Breakfast or Day Home.
- 8.10.10 Secondary Suites shall not exceed a Gross Floor Area of 80.0 sq m.
- 8.10.11 Development standards for Lots containing suites include:
- a) The Accessory Buildings shall be similar and complementary to other Buildings on surrounding Lots;
  - b) In-Home and Detached Secondary Suite Dwellings shall not exceed a Gross Floor Area of 80.0 sq m.



## Zoning Bylaw

### Part Eight - Specific Use Regulations

- c) In-home Secondary Suite Dwelling units must have direct access to the outdoors and at least one window for emergency escape during a fire;  
All Secondary Suite Dwellings shall be serviced with water and sewer services in accordance with the current *Water and Sewer Bylaw* as amended or its successor.

#### 8.11 Storage of Soil or Fill

- 8.11.1 The storage of Soil or Fill for the purpose of commercial sale is only Permitted in the Industrial Zone.
- 8.11.2 In all other Zones, the storage of Soil or Fill is only Permitted as an Accessory Use to support a specific approved Development. Once the Development is complete, excessive Soil or Fill should be removed.



## Zoning Bylaw

### Part Nine - Zoning Regulations

## 9.0 Part Nine - Zoning Regulations

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- 9.1 Land Use Zones
  - 9.1.1 Land Use Zones boundaries are shown on the Land Use Map (**Schedule B**).
  - 9.1.2 The Land Use Map may be amended or replaced by Bylaw from time to time.
  - 9.1.3 The Development Officer shall not allow the Use of land, or a Building/Structure not listed as a Permitted Use or Discretionary Use in the Zones in which it is situated unless it is established as a Similar Use, in accordance with **Section 4.4**



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### Part Nine - Zoning Regulations

#### 9.2 R1 - Low Density Residential

Table 9-1 Permitted and Discretionary Uses

| Permitted Uses                      | Discretionary Uses                |
|-------------------------------------|-----------------------------------|
| Accessory Buildings and Uses        | Assisted Living Facility          |
| Community Garden                    | Bed and Breakfast                 |
| Dwelling, Duplex                    | Day Care                          |
| Dwelling, Factory-Built             | Day Home                          |
| Dwelling, Secondary Suite           | Dwelling, Multiple Unit           |
| Dwelling, Single Detached           | Places of Worship                 |
| Home Occupation, Minor              | Retail, Neighbourhood Convenience |
| Park                                | Similar Use                       |
| Public Utility                      | Temporary Use                     |
| Traditional and Cultural Activities |                                   |

Table 9-2 R1 Development Regulations

| R1 Regulations  | Single Detached Dwelling  | Factory-Built Dwelling   | Duplex Dwelling   |
|---|---|--|---|
| Minimum Lot Width   | 15 m  | 11 m   | 15 m (7.5 subdivided)   |
| <b>Maximum Lot Coverage</b>                                       |   |  |   |
| Total Maximum Lot Coverage  | 40% for all Buildings and Structures<br><br>5% for non-permeable surfaces | 40 % for Buildings and Structures<br><br>5% for non-permeable surfaces | 55% Buildings and Structures<br><br>5% for non-permeable or gravel surfaces |
| Maximum Lot Coverage - Accessory Building                         | 12% of the maximum Lot coverage   | 12% of the maximum Lot coverage  | 12% of the maximum Lot coverage   |
| <b>Minimum Setbacks</b>   |   |  |   |
| Principal Building Front Yard                                     | 6.0 m   | 6.0 m  | 6.0 m   |
| Principal Building Side Yard                                      | 1.5 m   | 1.5m   | 1.5m  |
| Principal Building Side Yard (Corner Lot)                         | 4.6 m Side Yard facing Road   | 4.6 m Side Yard facing Road  | 4.6 m Side Yard facing Road   |
| Principal Building Side Yard Factory-Build Dwelling Entrance Side |   | 2.0 m  |   |



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| R1 Regulations                              | Single Detached Dwelling | Factory-Built Dwelling | Duplex Dwelling |
|---|--------------------------|------------------------|-----------------|
| Principal Building Rear Yard                | 4.0 m                    | 3.0 m                  | 4.0 m           |
| Accessory Building - Lot Line, All Lot Line | 1.0 m                    | 1.0 m                  | 1.0 m           |
| Accessory Building Corner, All Lot Line     | 2.0 m                    | 2.0 m                  | 2.0 m           |
| Accessory Building – Principal Building     | 3.0 m                    | 3.0 m                  | 3.0 m           |
| <b>Maximum Building Height</b>              |                          |                        |                 |
| Principal Building Height                   | 10.5 m                   | 5.0 m                  | 10.5 m          |
| Accessory Building                          | 10.5m                    | 5.0 m                  | 10.5 m          |

#### 9.2.1 Development Regulations

- a) In the case of Duplex Dwelling Units, Side Yard requirements along the common wall are waved.
- b) Only side by side Duplex Dwellings are Permitted in the R1 Zone.
- c) Porches and additions to a manufactured home shall be considered as part of the main building and the external finish of a porch or addition shall match the existing finish on the mobile home.
- d) Accessory Structures, including Shipping Containers, shall have a peaked roof and be sided in a manner that is similar or complimentary to the siding of the Principal Building.

#### 9.2.2 Other Regulations

- a) All Development shall meet the requirements of Part Seven of this Bylaw.
- b) All Development shall meet the requirements of Part Eight of this Bylaw.



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### Part Nine - Zoning Regulations

#### 9.3 R2 - Medium Density Residential

Table 9-3 Permitted and Discretionary Uses

| Permitted Uses                      | Discretionary Uses                |
|-------------------------------------|-----------------------------------|
| Accessory Buildings and Uses        | Artisanal Studio                  |
| Community Garden                    | Assisted Living Facility          |
| Dwelling, Duplex                    | Bed and Breakfast                 |
| Dwelling, Factory Built             | Day Care                          |
| Dwelling, Multiple Unit             | Day Home                          |
| Dwelling, Secondary Suite           | Family Care Facility              |
| Dwelling, Single Detached           | Health Care Services              |
| Home Occupation, Minor              | Places of Worship                 |
| Park                                | Retail, Neighbourhood Convenience |
| Public Utility                      | Similar Use                       |
| Traditional and Cultural Facilities | Temporary Use                     |

Table 9-4 R2 Development Regulations

| R2 Regulations                            | Single Detached Dwelling  | Single Detached Factory-Built Dwelling                                 | Duplex Dwelling   | Multiple Unit Dwelling  |
|---|---|--|---|---|
| Minimum Lot Width                         | 15.0 m  | 11.0 m   | 15 m (7.5 m subdivided)   | 15 m (7.5 m subdivided)   |
| <b>Maximum Lot Coverage</b>               |   |  |   |   |
| Total Maximum Lot Coverage                | 40% for all Buildings and Structures<br><br>5% for non-permeable surfaces | 40 % for Buildings and Structures<br><br>5% for non-permeable surfaces | 55% Buildings and Structures<br><br>5% for non-permeable surfaces | 55% Buildings and Structures<br><br>5% for non-permeable or gravel surfaces |
| Maximum Lot Coverage - Accessory Building | 12% of the maximum Lot coverage   | 12% of the maximum Lot coverage  | 12% of the maximum Lot coverage                                   | 12% of the maximum Lot coverage   |
| <b>Minimum Setbacks</b>                   |   |  |   |   |
| Principal Building Front Yard             | 6.0 m   | 6.0 m  | 6.0 m   | 6.0 m   |
| Principal Building Side Yard              | 1.5 m   | 1.5m   | 1.5m  | 3.0m  |



## Zoning Bylaw

### Part Nine - Zoning Regulations

| R2 Regulations  | Single Detached Dwelling    | Single Detached Factory-Built Dwelling | Duplex Dwelling             | Multiple Unit Dwelling      |
|---|-----------------------------|--|-----------------------------|-----------------------------|
| Principal Building Side Yard (Corner Lot)                         | 4.6 m Side Yard facing Road | 4.6 m Side Yard facing Road            | 4.6 m Side Yard facing Road | 4.6 m Side Yard Facing Road |
| Principal Building Side Yard Factory-Build Dwelling Entrance Side |                             | 2.0 m                                  |                             |                             |
| Principal Building Rear Yard                                      | 4.0 m                       | 4.0 m                                  | 4.0 m                       | 4.0 m                       |
| Accessory Building - Lot Line, All Lot Line                       | 1.0 m                       | 1.0 m                                  | 1.0 m                       | 1.0 m                       |
| Accessory Building Corner, All Lot Line                           | 2.0 m                       | 2.0 m                                  | 2.0 m                       | 2.0 m                       |
| Accessory Building – Principal Building                           | 3.0 m                       | 3.0 m                                  | 3.0 m                       | 3.0 m                       |
| <b>Maximum Building Height</b>                                    |                             |  |                             |                             |
| Principal Building Height   | 10.5 m                      | 10.5 m                                 | 10.5 m                      | 12.0 m                      |
| Accessory Building Height   | 10.5 m                      | 10.5 m                                 | 10.5 m                      | 10.5 m                      |

#### 9.3.1 Development Regulations

- a) Duplex Dwellings are Permitted as be side by side units or stacked on top of each other.
- b) In the case of Duplex Dwellings or Multiple Unit Dwellings, the Side Yard requirement along the common wall is waived.
- c) Porches and additions to a manufactured home shall be considered as part of the main building and the external finish of a porch or addition shall match the existing finish on the mobile home.
- d) Accessory Structures, including Shipping Containers, shall have a peaked roof and be sided in a manner that is similar or complimentary to the siding of the Principal Building.
- e) A Site plan will be appended to the application for any Multiple Unit Dwellings that once approved shall be deemed conditions of approval and shall indicate:



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- i provision for Playgrounds and Open Spaces;
  - ii provisions for Amenity Space;
  - iii access for emergency vehicles;
  - iv provision of access to enclosed garage storage;
  - v provision for laundry facilities;
  - vi Landscaping and Fencing;
  - vii Screening for Dwelling Units in and adjacent to the Development; and
  - viii Orientation of buildings and general appearance of the project.
- f) Fences and Screening shall meet the requirements of Part Seven and:
- i In the case of Duplex or Multi Unit Dwellings in residential areas, a Fence or Screen not less than 1.5 m in Height and not more than 2.0 m in Height, shall be provided along the side property lines, and each units rear outdoor area to the satisfaction of the Development Officer.

#### 9.3.2 Other Regulations

- a) All Development shall meet the requirements of Part Seven of this Bylaw.
- b) All Development shall meet the requirements of Part Eight of this Bylaw.



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### Part Nine - Zoning Regulations

#### 9.4 RC - Country Residential

Table 9-5 Permitted and Discretionary Uses

| Permitted Uses                      | Discretionary Uses              |
|-------------------------------------|---------------------------------|
| Accessory Buildings and Uses        | Accessory, Light Industrial     |
| Artisanal Studio                    | Accessory, Commercial           |
| Bed and Breakfast                   | Campground                      |
| Community Garden                    | Day Home                        |
| Dwelling, Single Detached           | Dwelling, Caretakers Unit       |
| Dwelling, Secondary Suite           | Dwelling, Factory-Built         |
| Greenhouse, Commercial              | Home Occupation, Major          |
| Home Occupation, Minor              | Establishment, Personal Service |
| Park                                | Kennel                          |
| Public Utility                      | Outdoor Storage                 |
| Traditional and Cultural Activities | Similar Use                     |
|                                     | Temporary Use                   |
|                                     | Veterinary Clinic               |

Table 9-6 Development Regulations

| RC Regulations             | All uses |
|----------------------------|----------|
| Minimum Lot Area           | 1.0 ha   |
| Minimum Lot Width          | 35.0 m   |
| Minimum Front Yard Setback | 15.0 m   |
| Minimum Side Yard Setback  | 6.0 m    |
| Minimum Rear Yard Setback  | 15.0 m   |
| Maximum Building Height    | 12.0 m   |

##### 9.4.1 Development Regulations

- a) When considering applications for Commercial Accessory Uses in the Zone, Council may require conditions of approval related to:
  - i the scale of Development proposed in relation to Permitted Uses;
  - ii visual barriers including Fencing and Landscaping;
  - iii Signage; and
  - iv lighting.
- b) Agriculture Uses, must comply with the Town's current *Domestic Animal, Unsanitary and Noise Control* Bylaws as amended or its successors. All other applicable *Bylaws* related to the specific activities also apply.



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### Part Nine - Zoning Regulations

- c) Sanitary facilities shall meet the standards provided by the *Public Health Act* and Regulations.
- d) Sites shall be maintained in accordance with FireSmart principles as per **Section 7.18** of this Bylaw.
- e) Any flammable liquid Storage must comply with the Flammable Liquid Bulk Storage Regulations under the *Canadian Environmental Protection Act* and the Guideline for the General Management of Hazardous Waste in the NWT, under the *Environmental Protection Act*.

#### Other Regulations

- f) All Development shall meet the requirements of Part Seven of this Bylaw.
- g) All Development shall meet the requirements of Part Eight of this Bylaw.



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### Part Nine - Zoning Regulations

#### 9.5 TC - Town Center

Table 9-7 Permitted and Discretionary Uses

| Permitted Uses                      | Discretionary Uses  |
|-------------------------------------|---|
| Accessory Buildings and Uses        | Assisted Living Facility  |
| Artisanal Studio                    | Bed and Breakfast in existing Dwelling Units                    |
| Community Garden                    | Brewery and/or Distillery                                       |
| Day Care                            | Cemetery  |
| Dwelling, Multiple Unit             | Day Home  |
| Establishment, Eating and Drinking  | Dwelling, Caretakes Unit  |
| Establishment, Entertainment        | Dwelling, Secondary Suite in existing Single Detached Dwellings |
| Establishment, Personal Service     | Dwelling, Single  |
| Fitness Studio                      | Funeral Parlour   |
| Home Occupation, Minor              | Health Care Services  |
| Mixed-Use Building or Development   | Health Care Centre  |
| Office                              | Hotel and Motel   |
| Park                                | Recreational Facility   |
| Places of Worship                   | Similar Use   |
| Public Assembly                     | Temporary Use   |
| Public Utility                      | Veterinary Clinic   |
| Retail Store                        |   |
| Retail, Cannabis                    |   |
| Retail, Liquor                      |   |
| Retail, Neighborhood Convenience    |   |
| Traditional and Cultural Activities |   |

Table 9-8 TC Development Regulations

| TC Development Regulations  | Multi -Unit Dwelling         | Hotels and Motels            | All Other Uses               |
|-----------------------------|------------------------------|------------------------------|------------------------------|
| Minimum Lot Width           | 15.0 m (7.5 m subdivided)    | 30.0 m                       | 7.5 m                        |
| <b>Maximum Lot Coverage</b> |                              |                              |                              |
| Total Maximum Lot Coverage  | 55% Buildings and Structures | 50% Buildings and Structures | 60% Buildings and Structures |



## Zoning Bylaw

### Part Nine - Zoning Regulations

| TC Development Regulations                  | Multi -Unit Dwelling                     | Hotels and Motels               | All Other Uses                  |
|---|--|---------------------------------|---------------------------------|
|   | 5% for non-permeable and gravel surfaces |                                 |                                 |
| Maximum Lot Coverage - Accessory Building   | 12% of the maximum Lot coverage          | 12% of the maximum Lot Coverage | 12% of the maximum Lot Coverage |
| <b>Minimum Setbacks</b>                     |  |                                 |                                 |
| Principal Building Front Yard               | 6.0 m                                    | 3.0m                            | 3.0 m                           |
| Principal Building Side Yard                | 3.0m                                     | 0.0 m                           | 0.0 m                           |
| Principal Building Side Yard (Corner Lot)   | 4.6 m Side Yard Facing Road              | 0.0 m                           | 0.0 m                           |
| Principal Building Rear Yard                | 4.0 m                                    | 3.0 m                           | 3.0 m                           |
| Accessory Building - Lot Line, All Lot Line | 1.0 m                                    | 0.0 m                           | 1.0 m                           |
| Accessory Building Corner, All Lot Line     | 2.0 m                                    | 0.0m                            | 0.0 m                           |
| Accessory Building – Principal Building     | 3.0 m                                    | 3.0 m                           | 3.0 m                           |
| <b>Maximum Building Height</b>              |  |                                 |                                 |
| Principal Building Height                   | 12.0 m                                   | 12.0 m                          | 12.0 m                          |
| Accessory Building Height                   | 10.5 m                                   | 10.5 m                          | 10.5 m                          |

#### 9.5.1 Development Regulations

- a) No Side Yards are required except where the Site is abutting a residential Zone and not separated from the Zone by a Roadway or Utility Lot, in which case there shall be a 3.0 m side yard.



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### Part Nine - Zoning Regulations

- b) Off-Street Parking shall be located along the side(s) of the Building or behind the Building, not between the primary Business frontage and the Street.
- c) Retail Stores shall not include Buildings or Yards used for the sale or storage of new or used motor vehicles, or lumber or building supplies.
- d) Where Retail Stores or groups of shops are to be built on one (1) Site, requirements shall be determined by the Council who shall deal with the overall scheme, taking into account buildings, access, Parking Spaces and specific commercial Uses.
- e) In the case of Multiple Unit Buildings, the Side Yard requirement along the common wall is waived.
- f) All Dwelling Units within Mixed-Use Buildings shall have separate entrances either from a shared hallway or with direct access from the exterior of the Building.
- g) Outdoor Storage shall not be Permitted as an Accessory Use in this Zone.
- h) An Artisanal Workshop will be Permitted as an Accessory to a Retail Store provided that:
  - i the Artisanal Workshop is not located at the front of the Retail Store;
  - ii the floor area of the Artisanal Workshop is not greater than 370.0 sq. m.; and
  - iii the manufacture or the treatments of the products in the Artisanal Workshop are essential to the Retail business conducted on the premises.

#### 9.5.2 Design Regulations

- a) All Development shall follow any approved Town Centre specific plans.
- b) Doors and windows shall cover at least 10% of each ground floor wall along Street frontages.

#### 9.5.3 Fencing and Screening Regulation

- a) A non-residential Lot that shares a boundary line with a residential Zone shall provide Screening, to the satisfaction of the Development Officer.
- b) Off-Street Parking Areas shall be screened, to the satisfaction of the Development Officer.
- c) Fences must meet the requirements of **Section 7.9** of this Bylaw and:
  - i Commercial Buildings abutting residential Zones must be screened by a Fence or Buffer of not less than 2.0 metres in Height.
  - ii garbage containers and Outdoor Storage shall be screened and accessible for convenient pickup.

#### 9.5.4 Other Regulations

- a) All Development shall meet the requirements of Part Seven of this Bylaw.
- b) All Development shall meet the requirements of Part Eight of this Bylaw.



## Zoning Bylaw

### Part Nine - Zoning Regulations

#### 9.6 GC - General Commercial

Table 9-9 Permitted and Discretionary Uses

| Permitted Uses                      | Discretionary Uses        |
|-------------------------------------|---------------------------|
| Accessory Buildings and Uses        | Assisted Living Facility  |
| Accessory, Dwelling, Single Unit    | Campground                |
| Artisanal Workshop                  | Cemetery                  |
| Brewery and/or Distillery           | Dwelling, Caretakers Unit |
| Community Garden                    | Dwelling, Multiple Unit   |
| Car Wash                            | Funeral Parlour           |
| Day Care                            | Health Care Services      |
| Establishment, Eating and Drinking  | Health Care Centre        |
| Establishment, Entertainment        | Hotel or Motel            |
| Establishment, Personal Service     | Institution               |
| Fitness Studio                      | Industrial, Light         |
| Office                              | Outdoor Storage           |
| Greenhouse, Commercial              | Public Assembly           |
| Mixed-Use Development               | Recreational Facility     |
| Park                                | Similar Use               |
| Places of Worship                   | Temporary Use             |
| Public Utility                      | Workcamp                  |
| Retail Store                        |                           |
| Retail, Cannabis                    |                           |
| Retail, Liquor                      |                           |
| Retail, Neighbourhood Convenience   |                           |
| Service Station                     |                           |
| Traditional and Cultural Activities |                           |
| Veterinary Clinic                   |                           |



## Zoning Bylaw

### Part Nine - Zoning Regulations

Table 9-10 GC Development Regulations

| GC Regulation                                | Commercial/Institutional | Mixed Use          |
|--|--------------------------|--------------------|
| Minimum Lot Width                            | 30.0 m                   | 30.0 m             |
| <b>Maximum Lot Coverage</b>                  |                          |                    |
| Total Maximum Lot Coverage                   | 40% total coverage       | 40% total coverage |
| <b>Minimum Setbacks</b>                      |                          |                    |
| Principal Building Front Yard                | 6.0 m                    | 6.0 m              |
| Principal Building Front Yard on Highway #5  | 8.0 m                    | 8.0 m              |
| Principal Building Side Yard                 | 3.0 m                    | 3.0 m              |
| Principal Building Side Yard Flanking Street | 4.6 m                    | 4.6 m              |
| Principal Building Rear Yard                 | 3.0 m                    | 3.0 m              |
| Accessory Building - Lot Line, All Lot Line  | 1.0 m                    | 1.0 m              |
| Accessory Building – Principal Building      | 3.0 m                    | 3.0 m              |
| <b>Maximum Building Height</b>               |                          |                    |
| Principal Building Height                    | 12 m                     | 12 m               |
| Accessory Building Height                    | 12 m                     | 12 m               |



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### Part Nine - Zoning Regulations

#### 9.6.1 Development Regulations

- a) No Development may occur that is or will become obnoxious by way of noise, odour, dust or fumes.

#### 9.6.2 Screening and Landscaping Regulations

- a) Development located adjacent to a Residential must provide Landscape and/or Screening, to the satisfaction of the Development Officer.
- b) Sites facing Highway # 5, King Street, or Portage Avenue, shall maintain the existing vegetation in accordance with FireSmart principles as per **Section 7.18** of this Bylaw.
- c) Off-Street Parking Areas shall be screened, to the satisfaction of the Development Officer.
- d) Commercial Greenhouses must provide adequate Screening to reduce Nuisances to adjacent properties as per **Section 8.8** of this Bylaw.
- e) Garbage containers and Outdoor Storage shall be screened and accessible for convenient pickup.
- f) All Outdoor Storage, freightage or trucking yards shall be enclosed or completely Screened by Buildings, Berms, Fences, vegetation or other methods to the satisfaction of the Development Officer.

#### 9.6.3 Use Regulations

- a) Any Caretakers Suite shall be incorporated into the Principal Building and shall not exceed 80.0 sq m in floor area, except for a Hotel or Motel where the floor area of the Caretakers Suite may be determined by the Development Officer.
- b) Residential Dwellings shall be Accessory to the Principal Use.
- c) Service Stations with drive-through services shall provide adequate queuing lanes in accordance with **Section 7.15** of this Bylaw.

#### 9.6.4 Other Regulations

- a) All Development shall meet the requirements of Part Seven of this Bylaw.
- b) All Development shall meet the requirements of Part Eight of this Bylaw.



## Zoning Bylaw

### Part Nine - Zoning Regulations

#### 9.7 IS - Institutional

Table 9-11 Permitted and Discretionary Uses

| Permitted Uses                      | Discretionary Uses           |
|-------------------------------------|------------------------------|
| Accessory Buildings and Uses        | Assisted Living Facility     |
| Community Garden                    | Brewery and/or Distillery    |
| Day Care                            | Cemetery                     |
| Establishment, Drinking and Eating  | Dwelling, Caretakers Unit    |
| Institution                         | Dwelling, Multi-Unit         |
| Office                              | Establishment, Entertainment |
| Park                                | Fitness Studio               |
| Places of Worship                   | Funeral Parlour              |
| Public Assembly                     | Health Care Services         |
| Recreational Facility               | Health Centre                |
| Retail, Neighbourhood Convenience   | Hotel or Motel               |
| Traditional and Cultural Activities | Retail, Store                |
|                                     | Similar Use                  |
|                                     | Temporary Use                |

Table 9-12 IS Development Regulations

| IS Regulations                          | Institutional                           | Commercial |
|---|---|------------|
| Minimum Lot Width                       | Subject to Development Officer Approval |            |
| <b>Maximum Lot Coverage</b>             |   |            |
| Total Maximum Lot Coverage              | 50%                                     | 50%        |
| <b>Minimum Setbacks</b>                 |   |            |
| Principal Building Front Yard           | Subject to Development Officer Approval |            |
| Principal Building Side Yard            |   |            |
| Principal Building Rear Yard            |   |            |
| Accessory Building – Principal Building | 3.0 m                                   | 3.0 m      |
| <b>Maximum Building Height</b>          |   |            |
| Principal Building Height               | 12.0 m                                  | 12.0 m     |
| Accessory Building                      | 10.5 m                                  | 10.5 m     |



## Zoning Bylaw

### Part Nine - Zoning Regulations

#### 9.7.1 Development Regulations

- a) The Site Plan, the relationship between Buildings, Structures and Open Space, and vehicle Access to the shite shall be subject to the approval of the Development Officer.
- b) Pedestrian and other modes of active transportation linkages from the Principal Building to the public sidewalks and Fort Smith trail network are required.

#### 9.7.2 All Other Regulations

- a) All Development shall meet the requirements of Part Seven of this Bylaw.
- b) All Development shall meet the requirements of Part Eight of this Bylaw.



## Zoning Bylaw

### Part Nine - Zoning Regulations

#### 9.8 IN - Industrial

Table 9-13 Permitted and Discretionary Uses

| Permitted Uses                      | Discretionary Uses                             |
|-------------------------------------|--|
| Accessory Buildings and Uses        | Brewery and/or Distillery                      |
| Accessory, Office                   | Bulk Fuel Storage                              |
| Accessory, Retail Store             | Cannabis Production and Manufacturing Facility |
| Community Garden                    | Car Wash                                       |
| Industrial, Light                   | Dwelling, Caretakers Unit                      |
| Industrial, Heavy                   | Greenhouse, Commercial                         |
| Public Utility                      | Kennel   |
| Storage, Soils and Fill             | Outdoor Storage                                |
| Traditional and Cultural Activities | Park   |
|                                     | Service Station                                |
|                                     | Sewage Disposal Site                           |
|                                     | Solid Waste Site                               |
|                                     | Similar Use                                    |
|                                     | Temporary Use                                  |
|                                     | Veterinary Clinic                              |
|                                     | Workcamp                                       |

Commented [MK1]: Added.

Table 9-14 Development Regulations

| In Regulations                               | Light Industrial | Heavy Industrial                             |
|--|------------------|--|
| Minimum Lot Width                            | 30.0 m           | At the discretion of the Development Officer |
| <b>Minimum Setbacks</b>                      |                  |  |
| Principal Building Front Yard                | 6.0 m            | 6.0 m  |
| Principal Building Front Yard on Highway #5  | 8.0 m            | 8.0 m  |
| Principal Building Side Yard                 | 3.0 m            | 7.0m   |
| Principal Building Side Yard Flanking Street | 4.6 m            | 7.0 m  |
| Principal Building Rear Yard                 | 3.0 m            | 7.0 m  |
| Accessory Building - Lot Line, All Lot Line  | 1.0 m            | 3.0 m  |
| Accessory Building – Principal Building      | 3.0 m            | 3.0 m  |
| <b>Maximum Building Height</b>               |                  |  |
| Principal Building Height                    | 12.0 m           | 12.0 m                                       |
| Accessory Building                           | 10.5 m           | 10.5 m                                       |



## Zoning Bylaw

### Part Nine - Zoning Regulations

#### 9.8.1 Development Regulations

- a) In the case of Multiple Unit Buildings, the Side Yard requirement along the common wall is waived.
- b) Heavy Industrial Uses on Industrial Zoned Lots are not Permitted including:
  - i Plan 1397 Lots 1066, 1074
  - ii Plan 1566, Lots 1103,1104,1106,1107,1108
  - iii Plan 1937, Lots 1031, 1032, 1033, 1034, 1035, 1048, 1049, 1050,1051, 1052, 1053, 1054, 1055, 1057, 1058, 1059, 1060,1061, 1062
  - iv Plan 14, Lots 10, 18
  - v Plan 2799, Lots 1562, 1563
  - vi Plan 4390, Lots 1818,
  - vii Plan 1929, Lots 1445, 1446,
  - viii Plan 620, Lots 182-1, 187-2
- c) Storage of Hazardous Materials, Substances or Dangerous Goods must be located at least 450 m from any residential Zone.

#### 9.8.2 Screening and Landscaping Regulations

- a) All Development shall provide Screening, to the satisfaction of the Development Officer.
- b) All vehicle gates shall be set back 6.4 m from the property line to the satisfaction of the Development Officer.
- c) Sites facing Highway # 5, King Street, or Portage Avenue, shall maintain the existing vegetation in accordance with FireSmart principles as per **Section 7.18** of this Bylaw.
- d) Off-Street Parking Areas shall be Screened, to the satisfaction of the Development Officer.

#### 9.8.3 Use Regulations

- a) Any Caretakers Suite shall be incorporated into the Principal Building and shall not exceed 80.0 square metres in floor area.
- b) No Accessory Residential use is Permitted, beyond Caretaker Units for Heavy Industrial Uses.

#### 9.8.4 All other Regulations

- a) All Development shall meet the requirements of Part Seven of this Bylaw.
- b) All Development shall meet the requirements of Part Eight of this Bylaw.



## Zoning Bylaw

### Part Nine - Zoning Regulations

#### 9.9 AP- Airport

In recognition of the jurisdiction and authority of the Government of the Northwest Territories and the Government of Canada over Commissioner's public Airport lands forming part of the Fort Smith Airport, as designated in the Commissioner's Public Airport Lands Regulations and Federal lands within the Airport Zoning District all uses and Development on those Commissioner's public Airport lands and Federal lands shall be subject only to the approval of the Government of the Northwest Territories or the Government of Canada, as appropriate.

For greater certainty, nothing in this Bylaw shall apply to the Use or Development of those Commissioner's public Airport lands and Federal lands within the Airport Zone. However, Council or the Development Officer will request authorities provide notification and offer an opportunity to review any proposed Development on Commissioner's public Airport lands or Federal land within the Airport District.



## Zoning Bylaw

### Part Nine - Zoning Regulations

#### 9.10 PO - Parks & Open Space

Table 9-15 Permitted and Discretionary Uses

| Permitted Uses                      | Discretionary Uses    |
|-------------------------------------|-----------------------|
| Accessory Buildings and Structures  | Cemetery              |
| Campground                          | Recreational Facility |
| Community Garden                    | Public Assembly       |
| Park                                | Similar Use           |
| Public Utility                      | Temporary Use         |
| Traditional and Cultural Activities |                       |

##### 9.10.1 Development Regulations

- a) All Site requirements are subject to approval for Permitted Uses at the discretion of the Development Officer.
- b) All Site requirements are subject to approval for Discretionary Uses at the discretion of the Council.

##### 9.10.2 All other Regulations

- a) All Development shall meet the requirements of Part Seven of this Bylaw.
- b) All Development shall meet the requirements of Part Eight of this Bylaw.



## Zoning Bylaw

### Part Nine - Zoning Regulations

#### 9.11 ES - Environmentally Sensitive Areas

Table 9-16 Permitted and Discretionary Uses

| Permitted Uses                         | Discretionary Uses                  |
|--|-------------------------------------|
| Accessory Buildings and Uses for Parks | Traditional and Cultural Activities |
| Parks                                  | Similar Use                         |
| Public Utility                         | Temporary Use                       |

##### 9.11.1 Development Regulations

- a) Accessory Buildings/Structures and Uses for a Park are only Permitted on the portion of Plan 11, Lots 51 and 52 that is on the southwest side of Marine Drive.
- b) Council may require the submission of an Environmental Impact Statement for any proposed Development in this Zone as part of a Development Permit application.
- c) Recreation infrastructure such as viewing platforms, walking trails, picnic areas or boat ramps are Permitted in the ES Zone.
- d) Any Use involving human habitation or occupancy are not Permitted.

##### 9.11.2 All other Regulations

- a) All Development shall meet the requirements of Part Seven of this Bylaw.
- b) All Development shall meet the requirements of Part Eight of this Bylaw.



## Zoning Bylaw

### Part Nine - Zoning Regulations

- 9.12 SR- Salt River First Nation Development Lands
- 9.12.1 Salt River First Nation Development Lands are lands owned in Fee Simple by the Salt River First Nations. The Salt River First Nations is responsible for regulating the Use and Development of land in this Zone.
- 9.12.2 Nothing in this Bylaw shall apply to the Use or Development of lands within this Zone. However, Council or the Development Officer will request authorities provide notification and offer an opportunity to review any proposed Development.
- 9.12.3 Development in this Zone may include joint Municipal Services Agreements with the Town for responsibilities, expectations, and entitlements of each party; designed to benefit both parties and improve the relationship for mutual advantage.



## Zoning Bylaw

### Part Nine - Zoning Regulations

#### 9.13 UR – Urban Reserve

Table 9-17 Permitted and Discretionary Uses

| Permitted Uses                      | Discretionary Uses |
|-------------------------------------|--------------------|
| Community Gardens                   | Temporary Use      |
| Public Utility                      |                    |
| Traditional and Cultural Activities |                    |
|                                     |                    |

##### 9.13.1 Development Regulations

- a) All approved Uses are interim Uses only and an agreement outline the conditions and duration of the Use must be approved by the Development Officer or Council.
- b) Permanent Development in the UR Zone will require a *Community Plan* and *Zoning Bylaw* Amendment before it can be Permitted.
- c) Interim Land Withdrawals on Commissioner’s Land inside the Town’s municipal boundary are included in the UR Zone. These lands are identified on the Land Use Concept Maps included as Schedule B in the *Fort Smith Community Plan*, as amended and arose from an agreement between the Northwest Territories Metis Nation (NWTMN) and the Government of the Northwest Territories. Interim-land withdrawal protects the land interest while NWTMN continue to negotiate their land claim with the Federal and Territorial Governments. Until the interim land withdrawals are removed, no Development is allowed.



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# Schedule B

Zoning Bylaw Maps



