



Council of the Town of Fort Smith
Tuesday, July 22, 2025 @ 7 PM

AGENDA

1. CALL TO ORDER

- a. Confirmation of Quorum
- b. Acknowledgment of First Nations

2. ADOPTION OF AGENDA

3. DELEGATIONS

- a. RCMP – Monthly Policing Report for June 2025

4. APPROVAL OF MINUTES

The Regular Meeting of Council on June 24th, 2025

5. BUSINESS ARISING FROM THE MINUTES

6. DECLARATION OF FINANCIAL INTEREST

- a. Statement of Disclosure Interest.

7. COUNCIL BUSINESS

- a. Standing Committee Meeting Minutes
 - i. Protective Services Standing Committee July 8th, 2025
 - ii. Corporate Services Standing Committee July 8th, 2025
 - iii. Community Services Standing Committee July 15th, 2025
 - iv. Municipal Services Standing Committee July 15th, 2025
- b. Bylaws and Policies
 - i. First Reading of The Zoning Bylaw # 1063
- c. Administration
 - i. Briefing Note – Anglican Church Cemetery
 - ii. Briefing Note – Waste Water System for Salt River First Nation *Update
- d. Mayor and Council / Board Representatives

8. PROCLAMATIONS

9. ABSENCE OF COUNCIL MEMBERS

10. DATE OF NEXT COUNCIL MEETING

The next Regular Meeting of Council will be on August 5th, 2025

11. EXCUSING OF COUNCILLORS

12. ADJOURNMENT

13. QUESTION PERIOD



Council of the Town of Fort Smith
JUNE 24th, 2025 @ 7:00 PM

MINUTES

The Regular meeting of the Council 06-25 was held on
Tuesday, June 24th, 2025 @ 7 pm within the Town Hall Council Chambers.

Present: Cr. Benwell, Cr. Heaton, Cr. Karasiuk, D/M Keizer, Mayor Fergusson, Cr. Tuckey, Cr. Cox, and Cr. Couvrette
Regrets: Cr. Bathe
Staff Present: Emily Colucci, Director of Community Services (Acting SAO)
Raveena Brown, Executive Secretary

1. CALL TO ORDER

- a. Mayor Fergusson confirms quorum
- b. Mayor Fergusson reads the Acknowledgment of First Nations

2. ADOPTION OF AGENDA

25-140 Moved by: Cr. Couvrette
Seconded by: Cr. Cox

That the agenda be adopted as presented.

PASSED

3. DELEGATIONS

4. APPROVAL OF MINUTES

- a. Regular Meeting of Council 05-25

25-141 Moved by: Cr. Karasiuk
Seconded by: Cr. Cox

That the minutes of the Regular Meeting 05-25 of May 20th, 2025, be adopted as presented.

PASSED

5. BUSINESS ARISING FROM THE MINUTES

- a. Draft Communication Plan

Director Colucci explained that the communication plan being presented was developed in 2023 but was never finalized and remains in draft form. It is being shared with Council for information purposes. While the document provides a starting point, Director Colucci noted that there have likely been developments over the past couple of years that should be reflected in an updated version.

Cr. Karasiuk asked whether the communication plan would be reviewed by the Communications Subcommittee and then brought back to the Council, or if it would be addressed by Council as a whole. Director Colucci explained that the previous approach involved a request from Council as a whole for a communication strategy. The Communications Committee then worked with staff to refine the draft before bringing it back to Council for further review. That same process would apply moving forward.

Director Colucci noted that there is currently no dedicated staff member or budget assigned to this project. The initial work on the communication strategy was undertaken when the Administrative Executive Assistant position included communications as part of



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its role, but that capacity no longer exists. Given this, Council should consider that moving forward with the strategy may require developing a project substantiation and potentially allocating capital funding in the future. It may not be something that can be fully completed in-house and could instead require a phased approach.

Cr. Cox noted that he had not yet had a chance to compare the communication plan with the recent organizational review but expressed interest in seeing how the two align. He suggested that both likely fall under the same category of ongoing work and emphasized the importance of considering both documents in the context of the upcoming budget, as they will likely go hand in hand.

Cr. Couvrette noted that the need for a formal communication strategy was raised two Councils ago, at which time he had advocated for hiring a professional to work with the Communications Committee to develop a comprehensive plan. However, the following Council decided to bring the work in-house. He suggested that, as part of the upcoming budget discussions, Council may wish to revisit the idea of engaging an external consultant to help facilitate the process.

6. DECLARATION OF FINANCIAL INTEREST

- a. Statement of Disclosure of Interest.

7. COUNCIL BUSINESS

- a. Council Business
 - i. Protective Services Standing Committee June 3rd, 2025

PROTECTIVE	# 25-142	Moved by: Cr. Couvrette Seconded: Cr. Cox
	That the Protective Services Standing Committee minutes from June 3 rd , 2025, be adopted as presented.	
	PASSED	

PROTECTIVE	# 25-143	Moved by: Cr. Cox Seconded: Cr. Tuckey
	That DPA-026-25, submitted by Kristielyn Jones, to operate a virtual-based counselling, wellness, consulting, and coaching services - Sweetgrass Healing Centre Inc., from Lot 359, Plan 207, 13 Poppy Cres., Fort Smith, be approved.	
	PASSED	

PROTECTIVE	# 25-144	Moved by: Cr. Heaton Seconded: Cr. Cox
	That DPA-028-25, submitted by Raphael Jeansonne-Gelinas, to operate the production of smoked meats, fish and cured meats and sausages, from Lot 306, Plan 207, 25 McDougal Rd, Fort Smith, be approved.	
	PASSED	



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PROTECTIVE	# 25-145 Moved by: Cr. Benwell Seconded: Cr. Cox That DPA-030-25, submitted by Leah Mercredi, to operate gardening workshops & consulting business, from Lot 20, Plan 14, 56 Pelican St., Fort Smith, be approved. PASSED
ii. Corporate Services Standing Committee June 3rd, 2025	
CORPORATE	# 25-146 Moved by: Cr. Tuckey Seconded by: Cr. Cox That the Corporate Services Standing Committee minutes from June 3 rd , 2025, be adopted as presented. PASSED
CORPORATE	# 25-147 Moved by: Cr. Cox Seconded by: Cr. Benwell That Council authorize Administration to proceed with direct awards under established Standing Offer Agreements for goods and services related to Council-approved capital projects, where the costs fall within the approved project budget, without the need for additional Council approval where such awards exceed the SAO's individual signing authority. PASSED
CORPORATE	# 25-148 Moved by: Cr. Karasiuk Seconded by: Cr. Couvrette That Council approve the direct award of the Riverside Park and Lookout Update Project Management and Design Services to Maskwa Engineering Ltd. under the Town's existing Standing Offer Agreement, and authorize Administration to proceed with the project in accordance with the proposed phased approach. PASSED
CORPORATE	# 25-149 Moved by: Cr. Cox Seconded by: Cr. Couvrette That Council approves the addition of the Streetscape Improvements Project to the 2025 Capital Plan, with a total budget of \$50,000, funded through the municipal capital budget. PASSED
CORPORATE	# 25-150 Moved by: Cr. Benwell Seconded by: Cr. Cox That Council approve the sale of all listed surplus items through the GNWT auction on June 7, 2025. PASSED
CORPORATE	# 25-151 Moved by: Cr. Heaton Seconded by: Cr. Benwell That Administration provide a briefing note on training needs, disposal options, and associated costs related to the trailer stage, including alternatives if the Town no longer retains it. PASSED



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CORPORATE	# 25-152	Moved by: Cr. Karasiuk Seconded by: D/M Keizer
	That Council amend its meeting procedures on a three-month trial basis beginning August 2025, to hold two regular Council meetings per month on the first and third Tuesdays at 7:00 p.m.	
	PASSED	

Cr. Couvrette requested clarification from Administration on whether the Council Procedures Bylaw would need to be amended before the proposed change takes effect. If an amendment is required, he suggested that Council aim to complete all three readings in a single meeting.

iii. Community Services Standing Committee June 10th, 2025

COMMUNITY	# 25-153	Moved by: Cr. Cox Seconded by: Cr. Tuckey
	That the Community Services Standing Committee minutes from June 10 th , 2025, be adopted as presented.	
	PASSED	

COMMUNITY	# 25-154	Moved by: Cr. Karasiuk Seconded by: Cr. Cox
	That Council approve the donation of \$2500 from the Music Festival budget line to the Fireweed Festival. \$1000 of it being put towards the rental of the stage, and \$1500 as a monetary donation.	
	PASSED	

COMMUNITY	# 25-155	Moved by: Cr. Couvrette Seconded by: Cr. Heaton
	That Council approve a \$1500 in-kind donation to Howie Fest to be used towards the rental of the arena, contingent on the organizer providing a youth component.	
	PASSED	

Director Colucci relayed that the organizer does not yet have a set schedule; she expects operating hours to be either 6 p.m. to 1 a.m. or 4 p.m. to 1 a.m., but this is still to be confirmed. She is not planning youth-specific events at this stage and noted that many details remain undecided. Her preference is to offer alcohol service on the rink surface, although she is uncertain how that could be implemented.

Cr. Karasiuk recalled that the previous discussion had been to approve the donation on the condition that there was a youth component included in the schedule. He expressed discomfort with approving the donation if the organizers are now uncertain about that component.

Cr. Benwell expressed concern about the idea of allowing drinking upstairs, citing the risk of individuals falling down the stairs after consuming alcohol when returning to dance or going to the bathroom.

Cr. Couvrette noted that he had raised the importance of including a youth component during the previous discussion. He suggested that the general event area could be open to all ages from 6 p.m. to 10 p.m., with the time from 10 p.m. to 1 a.m. reserved for adults. He expressed concern about approving a donation for an event that would be exclusive to a



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specific age group, emphasizing that it does not meaningfully promote broad community involvement.

He also stressed that this is an opportunity to demonstrate to youth that they are part of the community and are welcome to participate in honoring those the event is meant to recognize. Excluding them, in his view, sends the wrong message. Referring to one of the individuals being remembered—someone whose family includes youth in the community—he stated it is important to include them meaningfully.

Cr. Couvrette proposed an amendment to the motion, suggesting that Council approve the \$1,500 in-kind donation to Howie Fest for arena rental, contingent on organizers ensuring that youth have a dedicated opportunity to take part in the festival.

COMMUNITY	# 25-156	Moved by: Cr. Karasiuk Seconded by: Cr. Heaton	
	That Council allow liquor to be served on the ice rink surface during the adults-only portion of the festival.		
	FOR: CR. BENWELL, CR. HEATON, CR. KARASIUK, D/M KEIZER, CR. TUCKY AND CR. COX OPPOSED: CR. COUVRETTE		
	PASSED		

Cr. Tuckey suggested that, to avoid future issues with similar requests, the Town should adhere to its existing restrictions for certain areas and ensure that everyone is treated equally.

D/M Keizer noted that many individuals in the room have attended events in that facility before changes were made. At the time, having the events on the rink surface seemed logical, especially as it avoided the need to move people up and down staircases. However, he expressed uncertainty about whether the current bylaw remains appropriate. He stated that he would be comfortable revisiting and possibly revising the bylaw when the time comes, as he is not convinced the original decision was the right one based on how the facility has been used over the past 30 years.

Director Colucci explained that the space is currently used most often during the beer gardens and hockey tournaments, where people are regularly going up and down the stairs throughout the day. While the area remains accessible within the facility, it is typically surrounded by people during these events.

Cr. Benwell acknowledged the concerns and agreed that the space should remain a designated area when children are present and running around. However, in this particular case, she noted that no children would be in the space at the time alcohol is being served. Her main concern was ensuring that no accidents occur.

COMMUNITY	# 25-157	Moved by: Cr. Cox Seconded by: Cr. Tuckey	
	That the Community Services Advisory Board Meeting minutes from May 29 th , 2025, be adopted as presented.		
	PASSED		



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iv. Municipal Services Standing Committee June 10th, 2025

MUNICIPAL	# 25-158	Moved by: Cr. Tuckey Seconded by: Cr. Couvrette	That the Municipal Services Standing Committee minutes from June 10 th , 2025, be adopted as presented. PASSED
MUNICIPAL	# 25-159	Moved by: Cr. Cox Seconded by: Cr. Tuckey	That Council approve the implementation of Initiative 3: Single Detached Home Incentive under the Housing Accelerator Fund (HAF), as recommended by the HAF Committee, and direct Administration to proceed with the program rollout, including publication of the associated Program Guidelines and communications materials. PASSED
MUNICIPAL	# 25-160	Moved by: Cr. Couvrette Seconded by: D/M Keizer	That Council approve the award of contract for consultant services related to the Town's Water Licence Renewal Application to AECOM in the amount of \$156,407 plus GST, to be funded through the Town's Community Public Infrastructure (CPI) allocation. PASSED

b. Bylaws and Policies

c. Administration

i. Briefing Note – Second Extension of the SRFN MSA June 2025

#25-161	Moved by: Cr. Heaton Seconded by: D/M Keizer	That Council approve a second extension of the Salt River First Nation Municipal Services Agreement to January 4, 2026, or unless a new agreement is signed before then, and authorize the Mayor and SAO to execute the extension. PASSED

ii. Briefing Note - Recommendation for awarding the Slope Monitoring Contract to WSP

#25-162	Moved by: Cr. Tuckey Seconded by: Cr. Couvrette	The Town of Fort Smith award a contract to WSP E&I Canada Limited to undertake the work required under the Slope Monitoring Project for the sum of \$175,000 and that the funding is to come from the contribution agreement with CIRNAC. PASSED



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- iii. Briefing Note – Approval for Sidewalk Repairs and Improvement Project Management Design Services

#25-163

Moved by: Cr. Cox

Seconded by: Cr. Couvrette

That Council approve the direct award of the Sidewalk Repair and Improvement Project Management and Design Services to Maskwa Engineering Ltd. under the Town's existing Standing Offer Agreement and authorize Administration to proceed with the project in accordance with the proposed phased approach.

PASSED

d. Mayor and Council / Board Representatives

- i. Cr. Tuckey expressed his condolences to families who have lost loved ones. He extended his congratulations to the Indigenous groups and community partners for organizing a very successful and meaningful Indigenous Peoples Day celebration
- ii. Cr. Cox acknowledged the hard work of everyone involved in responding to the Tulip Lake fire. He noted that it can be easy to feel removed from the situation since the fire was across the river and hadn't directly impacted the community so far. He emphasized that Fort Smith has been fortunate, particularly with minimal smoke, but the fire was not far off and could have taken a different path. He thanked all those involved in the response and highlighted the importance of continuing FireSmart efforts, as the risk remains present.
- iii. Cr. Couvrette noted that Councillors Tuckey and Cox had already addressed three of the four points he wanted to raise and thanked them for doing so. He then highlighted recent news that the Power Corporation's rate application has been sent back for revision. He credited this outcome to the significant work and effort put in by the Town and its representatives through their intervention in the process. He emphasized that the matter is far from over, as the Power Corporation is likely to return with a revised approach. The intervention committee will continue to monitor the situation and remain actively involved.
- iv. Cr. Benwell noted that the museum's manager has stepped down and the role has since been assigned to another staff member, who is doing a great job in the position.
- v. Cr. Heaton shared her appreciation for several recent community initiatives. She highlighted the conclusion of Uncle Gabe's Friendship Centre lunch program, which successfully provided hot meals to 30 students, and noted that the program will resume in September. She also assisted with setup and takedown for the Pride Festival and commended the Fort Smith Pride Association for their excellent work. Cr. Heaton remarked on the strong turnout and positive atmosphere at the Indigenous Peoples Day celebration, describing it as extremely busy but filled with fun and a wide range of activities. She also commented on the impressive condition of the community gardens, noting that the well-maintained plots will yield a substantial amount of fresh produce for residents. She expressed gratitude for the many collaborative efforts taking place in the community.
- vi. Cr. Karasiuk shared a few brief comments, starting with a shout-out to the Thebacha Leadership Council for sponsoring the graduation banners displayed around town. He noted that education is particularly meaningful to him, given his background, and said he was impressed by the banners as soon as they went up, calling them a great idea and very well done. He asked that



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appreciation be passed along to the TLC. He also reminded the community that with summer break approaching, there will be more children out and about, and encouraged everyone to stay alert and drive safely. He wished safe travels to all those heading out over the summer.

vii. Cr. Bathe - excused

viii. D/M Keizer shared that he recently had the opportunity to attend the college graduation ceremony on behalf of the Town and present the Duncan McPherson Award. He said the experience was meaningful and well-received, and he enjoyed speaking with many of the graduates. He also mentioned meeting a young man who may be a distant relative, which led to an interesting conversation.

He went on to note that he would be traveling to Yellowknife the following day to attend the NWT Association of Communities meeting, where discussions will focus on insurance plans and upcoming initiatives. He received the meeting package just recently and plans to review it more thoroughly before the next Council meeting, where he hopes to provide further updates.

Lastly, he shared that he was recently promoted to Vice Chair of the Cities, Towns, and Villages Board while in Finland. While he's still learning what the role entails, he looks forward to gaining a better understanding in the coming days

ix. Mayor Fergusson shared that she attended the FCM conference in Ottawa with Councillor Heaton, highlighting the value of connecting with other mayors across Canada who are facing similar challenges like housing and funding gaps. She gave special recognition to EDO Daniel Wiltzen for his strong presentation on behalf of Destination Canada.

She also attended several local events, including Ron Holtorf's celebration of life, the Fort Smith Pride event, Indigenous Peoples Day (where she served as a judge), the Anglican Church logo unveiling, and the PWK High School awards ceremony.

She noted a major success for the community: Aurora College will offer an in-class General Studies program this fall, with 12 students attending in person and 10 online. More updates on college planning with TLC are expected soon. She ended by saying she's looking forward to Canada Day.

8. PROCLAMATIONS

9. ABSENCE OF COUNCIL MEMBERS

25-164

Moved by: Cr. Tuckey

Seconded by: Cr. Couvrette

That Cr. Bathe and Mayor Fergusson be excused from the Community Services Standing Committee meeting on June 10th, 2025.

PASSED



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25-165

Moved by: Cr. Cox
Seconded by: Cr. Tuckey

That Cr. Bathe and Mayor Fergusson be excused from the Municipal Services Standing Committee meeting on June 10th, 2025.

PASSED

10. DATE OF NEXT COUNCIL MEETING

Protective Services Standing Committee	July 8 th , 2025, at 6:30 pm
Corporate Services Standing Committee	July 8 th , 2025, to follow the Protective Services Meeting with a 5-minute break
Community Services Standing Committee	July 15 th , 2025, at 6:30 pm
Municipal Services Standing Committee	July 15 th , 2025, to follow the Community Services Meeting with a 5-minute break
Regular Meeting of Council	July 22 nd , 2025, at 7 pm

11. EXCUSING OF COUNCILLORS

25-166

Moved by: Cr. Couvrette
Seconded by: Cr. Cox

That Cr. Bathe be excused from the Regular Meeting of Council on June 24th, 2025.

PASSED

12. ADJOURNMENT

25-167

Moved by: Cr. Karasiuk
Seconded by: Cr. Cox

That the meeting be adjourned at 7:56 pm.

PASSED

13. QUESTION PERIOD

Minutes adopted this 22nd day of July 2025.

Dana Fergusson
Mayor

Certified Correct by Emily Colucci
Acting Senior Administrative Officer

MONTHLY POLICING REPORT

June 2025

**Fort Smith RCMP
“G” Division
Northwest Territories**



The Fort Smith RCMP Detachment investigated a total of 141 occurrences during the month of June 2025, which is a decrease of 24 occurrences than June 2024.

There has been a 90% decrease in reported drug offences over the same month last year. This is likely due to increased awareness within the community and enforcement actions taken.

Community Policing Priorities:

(1) Road Safety

This initiative is enforcement based – focusing on road safety through targeted enforcement activities (check stops, stopping vehicles leaving licensed establishments, etc.), and by investigating complaints made by members of the public. Police received 2 reports of possible impaired drivers from members of the public during the month of June resulting in charges pending.

Police conducted 2 targeted enforcement actions over the month in which 8 vehicles were stopped with all vehicles being compliant. Targeted enforcement includes monitoring intersections for violations, conducting radar enforcement in reduced speed zones, monitoring vehicles leaving local liquor establishments, and check stops.

(2) Reconciliation/Community Engagement.

This initiative is focused on building and strengthening relationships with our Indigenous Communities. This will be done through activities focusing on Reconciliation, and involvement with youth activities. We are actively seeking input from our community partners on how we can better interact with youth and the community in general, and also what activities we can undertake in the spirit of reconciliation.

- Church Vestry meeting attended by Cst. KLEAMAN.

- Sgt. DOUCET, Cpl BELL and Cst KLEAMAN hosted a detachment by the kindergarten class.

(3) *Harm Reduction*

This initiative is focused on reducing crime by doing regular compliance checks on repeat offenders, proactively seeking individuals who are wanted, making presentations at the schools or in the community on various topics and investigating drug dealers or bootleggers.

Prolific Offenders

To address what causes the greatest harm in the Fort Smith RCMP detachment area, a Prolific Offender Management system was created in an effort to identify and monitor those who are most likely to cause the most significant amount of harm to the community. Harm reduction will tie directly into community policing as a priority, and partner engagement will be critical to

successful outcomes. Patrols will continue to detect and deter illicit behavior.

- Under this initiative the Fort Smith RCMP has in the month of June completed 4 compliance checks resulting in no arrest or charges.

Notable Community Events For The Month:

- Cpl. BELL attended the High School awards ceremony and presented 3 awards sponsored by the local RCMP detachment to deserving grade 12 students.

- Cst. Peelro and Cst. KLEAMAN attended the Sault River First Nation Treaty Day.

Violations	Current Month	Year to Date	Current Month of previous year	Previous Year Total
Assaults (excluding sexual assaults)	11	99	22	239
Sexual Offences	1	8	1	22
Mental Health	6	56	10	134
Wellbeing Checks	5	53	6	102
Drug Offences	1	41	10	68
Impaired Driving	1	9	13	65
Mischief (Property Damage)	3	23	4	58
Possession of Property obtained by crime	0	1	0	2
Break and Enter	0	13	0	19
Theft	6	39	4	93
Disturb the peace and Mischief (Interfere with lawful enjoyment)	36	219	41	462
Other Violations	48	279	69	667
Total Violations	118	840	180	1931
Total Occurrences	141	921	165	1962

JUSTICE REPORTS	Current Month	Year to Date	Current Month of previous year	Previous Year Total
Victim Services Referral - Accepted	0	8	1	24
Victim Services Referral - Declined	8	46	7	86
Victim Services - Proactive Referral	1	4	0	9
Victim Services - Not Available	0	0	0	0
Victim Services Support to RCMP Call for Service (Attendance)	0	0	0	0
Youth Alternative Measures (YCJA Warnings & Cautions)	0	0		
Youth Diversion (Community Justice Referrals)	0	0		
Adult Diversions (Community Justice Referrals)	0	0		
Emergency Protection Orders	2	6	0	18
Emergency Medical Transport of Patients	0	0	0	2
Prisoners Held (On Detachment's Occurrences)	26	126	22	168

First Nation and Inuit Policing Program/ Letter of Collaboration Priorities	Current Month	Year to Date	Current Month of previous year	Previous Year Total
Community Policing Engagements	1	4	0	0
Reconciliation/Cultural Activities	4	8	0	0
Community Leadership Meetings	4	18	0	0
Cultural Awareness Training	0	0	0	0
Activities to Increase Awareness of Policing	2	6	0	0
School Visits/ Presentations	1	5	0	0

If you have any questions or concerns regarding this report and would like to discuss it further, please feel free to contact me via phone, email or in person. Respectfully submitted by:

Sgt. Daniel Doucet

Distribution List:

Fort Smith Mayor and Council
Salt River First Nation
Metis Council
"G" Division Criminal Operations
"G" Division Business Manager
Sgt. James Lai District Officer in Charge
S/Sgt. Tim Williams District Advisory Non-Commissioned Officer



Protective Services Standing Committee Meeting July 8th, 2025

MINUTES

The Protective Services Standing Committee Meeting was held on Tuesday, July 8th, 2025 @ 6:30 pm within the Town Hall Council Chambers.

Present: Cr. Heaton, Cr. Karasiuk, D/M Keizer, Mayor Fergusson, Cr. Tuckey, Cr. Cr. Cox, and Cr. Couvrette
Regrets: Cr. Bathe and Cr. Benwell
Staff Present: Emily Colucci, Acting Senior Administrative Officer
Raveena Brown, Executive Secretary
Adam McNab, Director of Protective Services
Jim Hood, Director of Corporate Services

A. CALL TO ORDER

Mayor Fergusson called the meeting to order at 6:30 pm, confirmed quorum, and handed the Chair to Cr. Couvrette. Cr. Couvrette read the acknowledgement of First Nations.

B. DECLARATION OF FINANCIAL INTEREST

None.

C. REVIEW

a. Agenda

Moved by: Cr. Karasiuk
Seconded by: D/M Keizer

That the agenda be adopted as presented.

PASSED

b. Minutes

Moved by: Cr. Heaton
Seconded by: Cr. Karasiuk

The minutes from the Protective Services Standing Committee Meeting on June 3rd, 2025, be adopted as presented.

c. Vision and Mission

D. DIRECTOR'S REPORT

a. The Protective Services Director Report for June

Director McNab noted that his report was included in the Council package and that there was nothing unusual to highlight this month. Fire and ambulance statistics remain at or above average. While there has been limited new enforcement activity in Lands and Development, several open enforcement matters still require attention. The Joint Occupational Health and Safety Program continues to run well, with strong engagement from staff. He also expressed enthusiasm about working with the new HR manager.

Cr. Heaton asked how the dissolution of the School of Community Government and the Fire Training Fund will be handled. She inquired whether the funding has been fully withdrawn or if there is still a buffer remaining.



Protective Services Standing Committee Meeting July 8th, 2025

Director McNab explained that the situation surrounding fire training funding remains uncertain. At the start of the current GNWT budget cycle, fire training funds allocated to communities across the territory were significantly reduced. Before its dissolution, the School of Community Government advised that Fort Smith would not receive any funding this year for NFPA 1001 or EMR medical training, which marks a notable shift from previous years.

He noted that Fort Smith has been fortunate to have an active fire department capable of administering much of our programming. The original intent was for funding to alternate annually between larger fire departments and smaller communities. While this model had worked well in the past, recent changes mean Fort Smith is no longer receiving funding even in its designated year. As a result, the Town is now running the EMR program independently, without territorial support, which has increased both financial and operational strain.

In addition to delivering training, staff are now responsible for proctoring written exams, conducting practical assessments, and coordinating the entire process, roles previously supported by the School of Community Government. Although there is some indication that the budget may return, the dissolution of the funding has created an additional burden on the department.

Cr. Heaton inquired about the funding source for the large pumps and hoses that were set up along Riverview. She asked where the money to cover those costs is coming from. Director McNab responded that the equipment in question was requested through Alberta Wildfire and that the associated costs will be covered as part of an Alberta Wildfire incident. He also took a moment to acknowledge and thank the Fire and Flood team and others who came up to assist in proactively protecting the community.

E. ADMINISTRATION

a. Briefing Note – DPA-003-25 Home Occupation Pimâtisiwin Designs

Moved by: Cr. Heaton

Seconded by: Cr. Tuckey

That DPA-003-25, submitted by Lida Blesse, to operate the making and selling of traditional crafts - Pimâtisiwin Designs from Lot 654, Plan 319, 100 Whipoorwill Cr., Fort Smith, be approved.

PASSED

b. Briefing Note – DPA-031-25 Home Occupation Larcon

Moved by: Cr. Tuckey

Seconded by: Cr. Heaton

That DPA-031-25, submitted by Larry Benwell, to operate a carpentry construction business, from Lot 607, Plan 319, 4 Wren Cres., Fort Smith, be approved.

PASSED

Cr. Karasiuk expressed some confusion after reading the business description. He was unsure whether the business would simply operate an office from the residence with work taking place off-site, or if actual construction activities would occur at the property itself.

Director McNab clarified that the business is intended to operate primarily as a home office. There may be two vehicles stored on-site, along with some tools kept in an outbuilding. He acknowledged that similar businesses have occasionally expanded beyond their initial scope in the past, but emphasized that the applicant will be made aware that



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their approval is limited to the scope outlined in their application, including storage of supplies.

c. Briefing Note – Variance Request – 25 Portage Ave.

Moved by: Cr. Karasiuk

Seconded by: Cr. Heaton

That Council approve the rear setback of DPA-045-24 be reduced from 3 meters to 1.5 meters at 25 Portage Avenue in the General Commercial Zone as requested, and that Protective Services be requested to send out a 14-day notice to neighboring properties as indicated in the development application procedure.

In Favor: Cr. Heaton, Cr. Karasiuk, D/M Keizer, Mayor Fergusson, and Cr. Cox

Opposed: Cr. Tuckey

PASSED

D/M Keizer asked for clarification on why the original three-meter requirement was included and whether reducing it would significantly impact parking. He noted the original variance must have served a purpose and wants to understand why it's no longer deemed necessary.

Director McNab explained that setbacks are generally in place to ensure proper separation between structures, mainly for fire safety reasons. While such concerns would be more significant in a higher-density residential area, he noted that the adjacent structure is currently a considerable distance from the property line. Given this and the lack of imminent nearby development, he expressed that he is not particularly concerned in this case.

Cr. Cox acknowledged Director McNab's concerns about fire separation and agreed with the importance of maintaining safe distances between structures. While he is open to supporting Council's decision, he noted that lot sizes are generally large enough to allow for adequate separation. However, if variances for reduced setbacks are permitted, he believes the Town should require fire-resistant construction materials—something more robust than vinyl siding or painted plywood—to ensure safety.

Cr. Tuckey requested additional clarification as to what the variance is requested for. Director McNab explained that the variance request is related to parking. The applicant wants to build a garage, shown as the blue box on the map, over an existing paved parking area. They are requesting to shift the structure 1.5 meters closer to the property line near the old Kelly's gas station. He also noted that a small gray structure nearby was previously used as a covered area with picnic tables when Kelly's was operating.

Cr. Tuckey noted that surrounding property owners appear to be complying with existing bylaws and believes they should have a say when variances are requested. He expressed concern that the applicant's request lacks strong justification and does not appear to have a significant impact on parking. Tuckey emphasized that plans and bylaws are in place for a reason, and without a clear and valid reason for the variance, she does not support approving it. He also cautioned against setting a precedent that could lead to more variance requests in the future.

Cr. Karasiuk noted that reviewing and deciding on variance requests is part of Council's role. He disagreed with the idea that approving one would automatically set a precedent, emphasizing that each request should be considered on a case-by-case basis. In this instance, he pointed out that the proposed structure would still be 1.5 meters—or roughly five feet—from the property line, which has been deemed a sufficient fire break. He stressed the importance of evaluating each situation individually rather than taking an all-or-nothing approach.



Protective Services Standing Committee Meeting

July 8th, 2025

Mayor Fergusson noted that during the development process, public notices are posted to inform residents of proposed developments, allowing them the opportunity to voice concerns at that stage. She emphasized that this is part of why Council reviews these matters. She agreed with Councillor Karasiuk, stating that Council is responsible for making decisions like this on a case-by-case basis.

Director McNab confirmed Mayor Fergusson’s statement, explaining that public notice is required when a new development application is submitted. However, in this case, the development has already been approved and construction has not yet begun; the current request is only for a variance, which does not require public notification. That said, if Mayor and Council wish to notify surrounding property owners as part of this variance process, the Town can certainly do so.

Cr. Cox asked for details about the type of construction for the proposed building, including whether it will be built on a foundation or be movable, and what materials—such as vinyl or metal siding—will be used. Director McNab stated that while he doesn't have all the construction details, the building will be a permanent, stick-built structure with a peaked roof. It is expected to be built on poured footings rather than a full foundation. He added that most properties in town fall within the urban interface zone, and under the existing zoning bylaw, buildings are required to follow FireSmart principles—such as using fire-resistant materials like Hardie board or steel, which aligns with what could reasonably be requested in this case.

F. OTHER BUSINESS

G. EXCUSING OF COUNCILLORS

Moved by: Cr. Karasiuk
Seconded by: Cr. Tuckey

That Cr. Bathe and Cr. Benwell be excused from the Protective Services Standing Committee Meeting on July 8th, 2025.

PASSED

H. DATE OF NEXT MEETING

The Protective Services business will be addressed at the next Regular Meeting of Council will be on August 5th, 2025.

I. ADJOURNMENT

Moved by: Cr. Karasiuk
Seconded by: D/M Keizer

That the meeting be adjourned at 7 pm.

PASSED



Corporate Services Standing Committee Meeting

July 8th, 2025

MINUTES

The Corporate Services Standing Committee Meeting was held on Tuesday, July 8th, 2025 @ 7 pm within the Town Hall Council Chambers.

Present: Cr. Heaton, Cr. Karasiuk, D/M Keizer, Mayor Fergusson, Cr. Tuckey, Cr. Cox, and Cr. Couvrette
Regrets: Cr. Bathe and Cr. Benwell
Staff Present: Emily Colucci, Acting Senior Administrative Officer
Raveena Brown, Executive Secretary
Jim Hood, Director of Corporate Services

A. CALL TO ORDER

Mayor Fergusson called the meeting to order at 7:07 pm, confirmed quorum and handed the Chair to Cr. Tuckey.

B. REVIEW

a. Agenda

Moved by: Cr. Heaton
Seconded by: Cr. Couvrette

That the agenda be adopted as presented.

PASSED

b. Minutes

Moved by: Cr. Karasiuk
Seconded by: Cr. Couvrette

That the minutes from the Corporate Services Standing Committee Meeting on June 3rd 2025, be adopted as presented.

PASSED

Cr. Couvrette commented on the recent briefing note regarding the Riverside Park development and related streetscape improvements, such as benches. He expressed support for both projects, noting they are well-deserved. However, he also shared that some residents have raised concerns about the Town's overall strategic direction for park development, especially given the shifting focus between areas like Conibear Park and Riverside Park.

He recalled that during a previous Council term, the Town held community engagement sessions on the future of local parks, which included discussions on Riverside Park, Conibear Park, and Mission Park. Given that time has passed since that engagement, he suggested now would be a good time to revisit the conversation with the public.

Couvrette recommended that Mayor and Council consider hosting a public meeting to gather updated community input. He believes this would help guide current and future park development plans, ensure alignment with public interests, and improve transparency and engagement. He proposed that administration be directed to organize such a session.

Director Colucci explained that the 2018 "Open Spaces Development Plan" took a broad look at community spaces and explored potential developments across the community. The Town now takes a more focused approach, tackling one project at a time with input from dedicated advisory groups, such as the Community Services Advisory Board.

She noted that while broad public consultations can generate valuable input, they can also become too wide-ranging, making it difficult to develop a clear path forward. To manage



Corporate Services Standing Committee Meeting July 8th, 2025

this, the Town has broken down development into specific areas and progressed through them individually.

For the current Riverside Park project, the contractor has already been consulting with key user groups and the advisory board to gather feedback. Director Colucci added that a wider public engagement process could be pursued if Council wishes, but she recommended coordinating that with the project manager.

Couvrette suggested that, as Council prepares to enter the 2026 budget planning process, it would be logical to include funding for public engagement related to the Town's open space plans. He noted that the last round of consultations likely occurred around 2015 or 2016 for the 2018 plan, and it may now be time to revisit that process. He recommended treating it as a budgeted project for 2026 to ensure proper resources are allocated.

Cr. Heaton expressed strong support for increased public engagement, especially around budgeting and understanding what residents want to see in their community. She noted that tools like invitations or online surveys are relatively easy to implement and can offer meaningful input with minimal upfront effort, aside from analyzing the responses. She agreed that the Town needs to do more to involve the community in shaping its future direction.

- c. Vision and Mission
- d. Declaration of Financial Interest – none at this time

C. DELEGATIONS

D. DIRECTOR'S REPORT

- a. The Corporate Services Director's Report for June

Director Hood provided an update that the new Manager of Human Resources began work yesterday and is now based in the upstairs office. She is currently reviewing documents and familiarizing herself with HR files and processes. Over the next month, she plans to meet with directors and supervisors to assess HR needs from their perspectives and will be following a structured work plan.

He also noted that Corporate Services is continuing to explore the development of an online customer portal, which would allow residents to access property tax notices, utility bills, and similar services. Discussions with the software provider are ongoing to update pricing and timelines, with the goal of bringing more information to the next Corporate Services meeting in August.

Additionally, the department is working on improving payroll operations by enabling direct transfers from the Town to employees. This involves coordination with both BMO and the software provider. These projects are being pursued alongside regular day-to-day responsibilities.

Cr. Karasiuk sought information regarding the software that the town uses currently. Director Hood explained that the Town uses a system called iCity, which manages financial functions such as utility billing, property taxes, and accounts receivable. The proposed portal would integrate with iCity, allowing anyone who does business with the Town to access their utility bills, tax notices, and invoices online and pay them directly through the portal.

He added that the portal could potentially support additional services in the future, such as applying for development permits, business licenses, or pet registrations, all through the same platform. These functions would be made available through various add-on modules.



Corporate Services Standing Committee Meeting July 8th, 2025

Director Hood also reminded Council that the Town is currently set up with all major banks, allowing residents to pay utility bills and property taxes through their bank's online services. While this payment option is already available to the public, the proposed portal would go a step further by allowing users to view their utility bills and invoices directly online. Instead of the Town needing to email or mail out these documents, residents would receive a notification when their bills are ready and could access all related information through the portal.

Cr. Heaton noted that she had seen posters from MACA regarding property tax reassessments and asked how this might affect the Town of Fort Smith. Specifically, she inquired whether the reassessments would apply to the Town's 2025 assessment for the 2026 taxation year.

Director Hood explained that the territorial assessors periodically visit the community, typically on a cycle he couldn't recall exactly, to reassess every property and structure. This process updates assessment records and sets a new baseline for property valuations. The current reassessment will apply to the 2026 taxation year.

He noted that while property assessments generally increase following a reassessment, this does not automatically mean property taxes will rise. Taxes are based on the revenue the Town needs to generate, and the mill rate is adjusted accordingly. As a result, even if property values go up, the mill rate may decrease to maintain stable revenue levels.

b. Accounts Payable Report

Cr. Couvrette inquired about cheque #42977, a payment made to the NWT Power Corporation. He referenced a letter received from the Power Corporation several months ago, which indicated the Town might be eligible for reimbursement for equipment damage caused by unstable power supply. He asked whether the Town has made any progress in submitting a claim and if there has been any response regarding compensation.

Director Colucci noted that the SAO has been working on that project and that she would get more information and share it with Council when she does.

Cr. Heaton followed up on a request for information regarding the miscellaneous amount on the financial audit. Director Hood explained that he has been in contact with the auditors to clarify the details behind certain line items in the audited financial statements. He noted that many accounts in the Town's system are consolidated into single line items in the reports presented to Council. He recently received a response from the auditors and will be preparing a follow-up for Council to support further discussion on the matter.

c. Correspondence

Cr. Karasiuk expressed support for conducting a traffic analysis on Conibear Crescent between PWK and JBT, noting that the issue has been raised for years and is a concern of the DEA, particularly regarding safety. He endorsed any steps the Town can take to help move the request forward.

Cr. Heaton asked if the traffic analysis would be conducted by the RCMP or Protective Services, or specifically by an outside contractor.

Director Colucci explained that the Town has already set aside budget for certain improvements in the area, including crosswalk lighting and tree removal to improve



Corporate Services Standing Committee Meeting

July 8th, 2025

sightlines—measures that can be implemented on Town property. She noted that these efforts are part of ongoing work guided by the transportation master plan.

Cr. Karasiuk stated that while there's no commitment yet to include it, Council would benefit from knowing the actual cost of an updated traffic analysis. He requested that this information be brought forward at the next meeting to help guide their decision on how to proceed.

Cr. Cox expressed support for any analysis that could help improve safety in the area. However, he noted that a traffic analysis has already been completed and that the Town is addressing several issues on its end. He emphasized that a significant part of the problem lies with parking on GNWT land, particularly related to student drop-off and pick-up. He suggested that while the Town can assist with street-related concerns, the broader traffic and parking challenges need to be addressed by the school or territorial authorities.

Cr. Karasiuk noted that the DEA initially approached the Department of Infrastructure with their request for a traffic analysis but were directed to bring the matter to the Town instead.

Mayor Fergusson agreed with Councillor Cox's comments, expressing concern that the GNWT appears to be shifting responsibility onto the Town for issues related to its own infrastructure. She noted that if the problem lies with GNWT-owned parking lots and traffic flow, it is their responsibility to address it, comparing the situation to a business owner asking the Town to conduct a traffic analysis to improve access to their private parking lot.

She emphasized that the Town already has a Transportation Master Plan in place that outlines how traffic flows through the community, which serves as a solid reference. She suggested that this issue may be more appropriate for discussion at the Protective Services Committee. She also noted that Director McNab has reached out to the DEA to clarify what the expectations are from both the Town and GNWT regarding their respective properties.

D/M Keizer commented on the recent correspondence regarding beehives, noting it was an interesting read. What stood out to him was the Town's response stating that there is currently nothing in the bylaws prohibiting beekeeping, which he felt could be interpreted as supportive of it.

He raised the question of whether the harvesting and commercial sale of honey should require a business license and whether that aspect is being properly addressed. While he did not expect an immediate answer, he suggested it may be worth looking into whether these operations qualify as businesses that should be licensed in Fort Smith.

E. ADMINISTRATION

F. OTHER BUSINESS

G. EXCUSING OF COUNCILLORS

Moved by: Cr. Karasiuk
Seconded by: D/M Keizer

That Cr. Bathe and Cr. Benwell be excused from the Corporate Services Standing Committee Meeting on July 8th, 2025.

PASSED

H. DATE OF NEXT MEETING



Corporate Services Standing Committee Meeting
July 8th, 2025

That next Corporate Services business will be addressed at the next Regular Meeting of Council on August 5th, 2025.

I. ADJOURNMENT

Moved by: Cr. Karasiuk
Seconded by: Cr. Couvrette

That the meeting be adjourned at 7:36 pm.

PASSED



Community Services Standing Committee Meeting

MINUTES

The Community Services Standing Committee Meeting was held on Tuesday, July 15th, 2025 @ 6:30 pm within the Town Hall Council Chambers.

Present: Cr. Heaton, Cr. Karasiuk, Cr. Bathe, D/M Keizer, Cr. Tuckey, Cr. Cox, and Cr. Couvrette
Regrets: Mayor Fergusson and Cr. Benwell
Staff Present: Emily Colucci, Acting Senior Administrative Officer
Raveena Brown, Executive Secretary
Andrew Grenier, Director of Municipal Services

A. CALL TO ORDER

D/M Keizer called the meeting to order at 6:35 pm and handed the chair to Cr. Heaton. Cr. Heaton read the acknowledgment of First Nations.

B. REVIEW

a. Agenda

Moved by: Cr. Cox
Seconded by: Cr. Tuckey

That the agenda be adopted as presented.

PASSED

b. Minutes

Moved by: Cr. Karasiuk
Seconded by: Cr. Couvrette

That the minutes from the Community Services Standing Committee Meeting on June 10th, 2025, be adopted as presented.

PASSED

- c. Vision and Mission
- d. Declaration of Financial Interest

C. DIRECTOR'S REPORT

a. Community Services Director's Report for June

Director Colucci reported that the department has transitioned to its full summer schedule, with several new programs launched and others set to return in the fall. MACA funding has been received and is supporting recreation activities.

The arena hosted multiple events, including the Frank Gruben Pride Festival, and National Indigenous Peoples Day, which drew over 500 attendees. Two new lifeguards were certified, and the pool is now operating on a full schedule. Library programs continue to serve various age groups, with summer sessions in literacy, cooking, and teen nights seeing strong participation.

Childcare remains in high demand, though a few infant spots are opening up ahead of the fall term. The Town is working collaboratively with ECE to finalize funding and staff payment schedules. The after-school program wrapped up in June, followed by planning ahead of summer camp, which started last week.



Community Services Standing Committee Meeting

The Economic and Tourism Development Officer has been active in community events and online promotion, ensuring the Town’s presence is visible. A capital project update concluded the report.

D/M Keizer inquired whether the Town is continuing to track equipment damage costs related to the NTPC power issues. Director Colucci stated that the SAO has been tracking the equipment damage related to power fluctuations. Staff have been asked to continue forwarding any affected items to her, as she is maintaining the record until the information can be provided to NTPC.

Cr. Couvrette noted that the director's report did not mention any use of the skateboard park. He acknowledged the significant time and effort several local contractors invested in getting it up and running and expressed concern that, after being down for some time, the facility is being actively used and serving its intended purpose as a valuable asset for local youth.

Director Colucci explained that the skateboard park is open and accessible for public use, though usage statistics are not collected since visitors do not enter through the building. While no formal tracking is in place, she confirmed that the park is being used daily.

D/M Keizer asked for an update regarding the outdoor camera system. Director Colucci noted that an initial solution for installing cameras did not work out, as the equipment was not built to withstand local temperatures. Integrating cameras into the existing system would cost over \$20,000, which is not feasible for just a few units. The department is still exploring more affordable alternatives, not only for the skateboard park area but also for the exterior of the building. Recent incidents, including vandalism of a Town truck, have highlighted the need for broader surveillance coverage.

Cr. Heaton shared her recent experience working with Community Services staff on several events, including many activities, Canada Day, the Frank Gruben event, and Howie Fest. She commended the team for their outstanding work and noted they should be proud of their efforts.

D/M Keizer shared that during the Pine Lake Picnic, a group of tourists who learned he was the Deputy Mayor approached him to express their appreciation for the Town staff at the Visitor Information Booth. He relayed that the feedback was overwhelmingly positive, with particular praise for a young staff member who went above and beyond. He thanked the team for their exceptional service and added that staff also did an excellent job at the picnic, noting their consistent dedication.

D. ADMINISTRATION

E. OTHER BUSINESS

F. EXCUSING OF COUNCILLORS

Moved by: Cr. Karasiuk
Seconded by: Cr. Cox

That Mayor Fergusson and Cr. Benwell, be excused from the Community Services Standing Committee Meeting on July 15th.

PASSED

G. DATE OF NEXT MEETING

The next Community Services business will be addressed at the Second Committee of the Whole Meeting, which will be on August 19th, 2025.



Community Services Standing Committee Meeting

H. ADJOURNMENT

Moved by: Cr. Karasiuk

Seconded by: Cr. Cox

That the meeting be adjourned at 6:49 pm.

PASSED



Municipal Services Standing Committee Meeting

MINUTES

The Municipal Services Standing Committee Meeting was held on Tuesday, July 15th, 2025 @ 7:00 pm within the Town Hall’s Council Chambers.

- Present: Cr. Heaton, Cr. Karasiuk, Cr, Bathe, D/M Keizer, Cr. Tuckey, Cr. Cox, and Cr. Couvrette,
- Regrets: Mayor Fergusson and Cr. Benwell
- Staff Present: Emily Colucci, Acting Senior Administrative Officer
Raveena Brown, Executive Secretary
Andrew Grenier, Director of Municipal Services

A. CALL TO ORDER

D/m Keizer called the meeting to order at 7:00 pm and handed the chair to Cr. Cox.

B. REVIEW

a. Agenda

Moved by: Cr. Heaton
Seconded by: D/M Keizer

That the agenda be adopted as amended to include four additional items under Section F. Other Business:

- a) The Barricade
- b) Anglican Church Cemetery
- c) Cemeteries in general
- d) Bears at the landfill

PASSED

b. Minutes

Moved by: Cr. Couvrette
Seconded by: Cr. Tuckey

The minutes from the Municipal Services Standing Committee Meeting on June 10th, 2025, be adopted as presented.

PASSED

- c. Vision and Mission
- d. Declaration of Financial Interest

C. DELEGATION

D. DIRECTOR’S REPORT

a. The Municipal Services Report for June

Director Grenier reported that the department has been focused on updating and maintaining signage throughout the community to ensure compliance with the relevant bylaw. The water plant staff have been busy supporting various capital projects, including work at the main lift station, raw water intake, and pool facilities. Grass cutting is ongoing as time and resources allow, with efforts prioritized around community events.

Public Works has also been concentrating on signage, roadway maintenance, and landfill coverage. The grader is currently undergoing a rebuild, expected to take about four weeks. The rain driver has been assisting with event logistics and hauling materials as needed.



Municipal Services Standing Committee Meeting

Cr. Karasiuk requested an update on the status of the new garbage truck and where the Town is in that process. He also noted that while reviewing the report, he came across the term "jersey barrier" and asked for clarification on what it means.

Director Grenier explained that a jersey barrier refers to a cement block commonly used in parking lots, which comes in various shapes and sizes. He also noted that the purchase of the new garbage truck has been put on hold, as directed by the SAO.

Cr. Karasiuk asked if the Acting SAO could provide any insight into why the process for acquiring the new garbage truck was put on hold. Director Colucci responded that she does not currently have an answer regarding why the garbage truck process was put on hold. She has reached out to request an explanation but has not yet received one.

Cr. Heaton thanked the Facilities team for setting up the jersey barriers at the arena, noting it looks great and has been a frequent community request. She also expressed appreciation for the work involved in setting up and taking down stages for various events. Regarding the pool, she shared that children are excited and enjoying the different programs being offered. She added that the information about the garbage truck tender being put on hold was unexpected and confusing, and she would like to follow up on the matter.

E. ADMINISTRATION

F. OTHER BUSINESS

a. Barricade

Cr. Tuckey shared that he has received significant community feedback opposing the barricade near the power pole, with many residents feeling it poses a safety risk and could lead to an accident. Drawing on his decades of experience in Fort Smith, he recalled two past incidents involving vehicles and power poles, both occurring at intersections, not from direct collisions at pole locations.

He noted that after personally inspecting the barricade and speaking with a former colleague from his time on the line crew, both concluded that the current placement of the barricade increases the risk of an incident. In his view, the Town has shifted the potential danger 45 feet to a more hazardous location, which could expose the Town to liability if an accident were to occur.

Cr. Tuckey reflected on the Council's earlier decision to approve the barricade, suggesting that members may have been overly influenced by the initial framing of the issue as a safety concern. In hindsight, he believes the decision should be reversed and the barricade removed, emphasizing that its presence could cause more harm than it prevents.

Cr. Karasiuk stated that he does not recall Council voting on the installation of the barricade. He remembered it being mentioned in the Director's report as a safety concern, but did not recall any formal motion or vote taking place on the matter. He added that, unless his memory is failing him, he believes no such decision was made by Council.

D/M Keizer acknowledged receiving calls from residents concerned about the barricade and noted that other councillors have heard similar feedback. He explained that, according to the Director of Protective Services, the barricade was included in the *Transportation Master Plan*, a document approved by the previous Council to enhance road safety in Fort Smith.



He emphasized that since the barricade is part of an approved plan, removing it would not be a simple decision. Any changes would require Council to formally review and amend the plan. He questioned whether his understanding was accurate, but stressed that decisions like this should not be made as a reaction to public pressure alone and should follow the proper process.

Cr. Couvrette admitted he has not read the *Transportation Master Plan*, but acknowledged that administration is responsible for implementing approved plans using their best judgment. He suggested that if Council wishes to revisit the barricade issue, they should first request a briefing from administration outlining the reasoning behind its installation. He emphasized the importance of making informed decisions and noted that he does not currently feel fully informed on the matter.

Cr. Karasiuk proposed a motion directing administration to prepare a briefing note on the history and installation of the guardrail, to be presented at the first regular Council meeting in August. He noted that this would help address ongoing public feedback and allow Council to be better informed before determining next steps.

Cr. Tuckey expressed concern that a motion was being introduced before confirming whether discussion had concluded. He stated that his opinion differs from others and emphasized that if something is identified as a potential hazard, it should be removed immediately to avoid risk. He described a possible scenario in which a child could be injured by the guardrail and warned that the Town could be held liable if an accident occurred due to a known safety issue.

He suggested there are alternative ways to protect the power pole, such as using wooden posts and wire barriers around it, which would prevent impact without creating a new hazard. He added that, based on his inspection, there was no evidence of past impacts on the pole and questioned whether the information provided about previous incidents was fully accurate. He concluded by strongly stating that, in his view, the guardrail is unsafe and should be removed.

Moved by: Cr. Karasiuk
Seconded by: D/M Keizer

That Administration prepare a briefing note on the history and installation of the guardrail, to be presented at the first regular Council meeting in August.

PASSED

b. Anglican Church Cemetery

Cr. Tuckey provided background on ongoing concerns raised by members of the Anglican Church regarding the cemetery and its access. After speaking with Father Solberg, he shared the following key points:

Historically, the Town mistakenly believed the church was responsible for maintaining the cemetery, and callers were directed to the church. In reality, the Town collects burial fees and is responsible for maintenance. A separate issue involved access to the cemetery. When renovations were proposed for the church hall, the Town objected due to its proximity to what was considered a road, though it was just a driveway. The original land transfer to the Town included a provision for a dedicated cemetery access road, which had not been built at the time. As a result, the church opposed the Town using their driveway for access if it was being treated as a public road. The Town eventually built a new access route near the prison, as originally intended.



Municipal Services Standing Committee Meeting

However, Cr. Tuckey noted that the original entrance is now blocked with a locked gate and a pile of dirt, which continues to cause confusion and frustration for visitors. Some people are unaware of the new access road and believe they cannot visit their loved ones. He added that using the original entrance is more practical during funeral services, and blocking it gives an unwelcoming appearance to those coming to mourn.

He expressed concern that the situation was not handled collaboratively, particularly regarding the earlier use of building permit pressure, and stated that the Town should be working cooperatively with churches and the community. He believes the locked gate and dirt pile should be removed to restore two access points to the cemetery and indicated his intent to bring forward a motion to that effect.

Director Colucci stated that she is uncertain whether the work being discussed falls within the current cemetery maintenance budget or if it would require additional resources. She noted that it's unclear whether the work could be completed in-house or would need to be contracted out. To clarify these details, she offered to prepare a briefing note outlining the scope, potential costs, and options, and suggested she could also consult with the Director of Municipal Services as part of that process.

Cr. Tuckey expressed frustration over the need for a briefing note in this case, pointing out that no such note was created when the Town chose to block the cemetery entrance with a pile of dirt and a locked gate. He felt that the decision appeared malicious and inappropriate, particularly given that the related building permit issue involved work on the opposite side of the church, unrelated to the access point in question.

He argued that the Town created a problem for the church, especially in terms of funeral access, as mourners now have to take a longer route to reach the cemetery. He emphasized that the church has the right to use the original entrance and that the Town's actions were misguided. He concluded by urging Council to correct the issue promptly and restore the original access.

Cr. Heaton asked if there was a specific reason the gates were locked and a pile of dirt placed at the entrance. She noted that this may have occurred before the current Council's term and wondered if it was related to vandalism or another issue, seeking clarification from anyone with knowledge of the situation.

Moved by: Cr. Tuckey
Seconded by: Cr. Heaton

To direct Administration to have the gate and pile of dirt removed from the Anglican Church Cemetery entrance, allowing them two entrances.

3 IN FAVOR
4 OPPOSED
MOTION DEFEATED

Cr. Couvrette stated that there is no reason a briefing note cannot be prepared and sent to the Mayor and Council before the next meeting in August, so members can come fully informed. He acknowledged the frustration expressed by the Anglican Church and Cr. Tuckey emphasized the importance of understanding why the gate is locked and why a pile of dirt was placed at the entrance. He suggested it may simply be a case of the dirt not being cleared yet, but said the intended purpose should be clarified.

Regarding the second access point, he requested further clarification on whether it crosses church property, which he believes was the original access route. If that is the case, he



Municipal Services Standing Committee Meeting

emphasized the need for formal agreement from the church to allow their property to be used as a public access point to the cemetery. He concluded by noting that having two access points makes sense, but only with the church’s consent.

Moved by: Cr. Couvrette
Seconded by: Cr. Tuckey

That Administration be directed to prepare a briefing note for the July 22nd meeting, outlining the current cemetery maintenance practices and providing the rationale behind the decision to lock the cemetery gate and place a pile of dirt at the entrance.

PASSED

c. Cemeteries in General

Cr. Tuckey expressed concern about the overall condition of both cemeteries, stating that during his visits, he observed piles of garbage and a general lack of care. He emphasized that his comments were not a personal criticism of Director Grenier, acknowledging past conversations and understanding of the current challenges. However, he noted that the ongoing state of disrepair has persisted for years and must be addressed.

He stated that responsibility lies not only with previous councils but also with the current one, and that meaningful change requires Council to take clear action. He stressed that it is Council's role to provide direction through formal motions, not to manage how tasks are executed, but to hold administration accountable for results. He indicated his intent to put forward a motion directing that cleanup and maintenance work be completed—garbage removed, cemetery doors painted, and overall appearance improved—so that the cemeteries are properly maintained and presentable by mid-October.

Director Colucci explained that the materials for the cemetery fence, which were included in a previous tender, have arrived and are currently stored in the municipal area. She noted that the next step involved discussions with leadership on how the installation would proceed. Since the project is not currently included in the capital plan, it would need to be added or funds reallocated from another project to cover installation costs. She added that, to her understanding, the plan had involved seeking support from leadership and other organizations to assist with the installation.

Cr. Couvrette noted that despite past discussions by both the current and previous councils about involving the Leadership Council in the cemetery fence installation, the Leadership Council has never been formally approached to provide input or support for the project. He suggested that administration or the Mayor bring this matter forward to the Leadership Council to begin that conversation.

He emphasized that while the Town may own the cemetery land and have certain responsibilities, the cemetery is a community asset, and its beautification and upkeep should be a shared responsibility. Councillor Couvrette reiterated a previous suggestion to explore forming a “Friends of the Cemetery” group. This group could help with regular maintenance by engaging volunteers, such as students needing community service hours or individuals involved with corrections programs.

He concluded by supporting the idea of moving beyond discussion and taking action, both by engaging the community and by formally involving the Leadership Council in the fence installation process.



Municipal Services Standing Committee Meeting

D/M Keizer asked whether it was appropriate to raise a question to the Director regarding cemetery maintenance, clarifying that he views the maintenance and the fence installation as two separate issues. He specifically inquired about the challenges the Town is facing with basic upkeep tasks such as lawn mowing and garbage pickup around gravesites and headstones, noting that the Director would have better insight into those operational difficulties.

Director Grenier confirmed that it was fair to ask the question and acknowledged that cemetery maintenance is a challenge. He explained that the main issues involve staffing and time constraints, particularly during the summer months when the department is responsible for multiple high-priority tasks across the community. He noted that while efforts are made to maintain the cemetery, limited resources can impact how frequently mowing and garbage pickup occur. Noting that his department only has enough resources to maintain the cemeteries twice a year.

Chair transferred from Cr. Cox to Cr. Tuckey @ 7:45 pm

Cr. Cox expressed concern that the Town is left with the responsibility of managing cemeteries simply because no one else wants to take it on. Ideally, he would prefer to see another group take over that responsibility, though he acknowledged it may not be feasible. He suggested the possibility of creating an advisory committee specifically focused on cemeteries, similar to other advisory groups that work with the Town.

He noted that there appears to be no long-term planning for the cemeteries, such as future land use or what the sites will look like in 50 years. He also pointed out that the tender documents for the new fence lacked detailed guidelines, including the placement of gates and other design elements. Without proper planning, he warned, installing the fence as-is could lead to future issues.

Cox emphasized that more input and direction are needed from those in the community who are passionate about the cemeteries, whether that comes through the Leadership Council or a new advisory group.

Chair transferred back from Cr. Tuckey to Cr. Cox @ 7:46 pm

Cr. Karasiuk acknowledged that regardless of whether the Town should be responsible for the cemeteries, the fact is that it currently is. He emphasized that the Town has a duty to maintain these spaces properly and respectfully, as they are the resting places of former residents who contributed to building the community.

He expressed concern that current maintenance efforts appear limited to grass cutting and garbage pickup, which he felt was inadequate. He called for a reassessment of how resources are allocated and suggested the Town should hold itself to the same standard as residents under the unsightly yard bylaw.

Karasiuk voiced support for Councillor Tuckey's motion, stressing the importance of maintaining the cemeteries with dignity. He added that future discussions could explore options like forming a Friends of the Cemetery group or transferring responsibility, but for now, the Town must fulfill its obligation.

Cr. Tuckey, in closing, suggested that Administration look into potential funding sources by exploring whether the cemetery qualifies as a historical site. She noted that the cemetery is completely detached from the church and may meet the criteria for heritage designation. Tuckey also referenced ongoing reconciliation efforts, including cases involving individuals



Municipal Services Standing Committee Meeting

interred in the cemetery, and suggested that funding may be available through historical site grants or reconciliation-related programs. She encouraged the Town to explore these opportunities as a possible source of support for maintenance and care.

Chair transferred from Cr. Cox to Cr. Tuckey @ 7:49 pm

Cr. Cox indicated he would likely vote against the motion due to the lack of a clear plan or vision for the cemetery. He pointed out that the previous fence tender came back very expensive, which led to it not being installed. Without input from key stakeholders or an overall cemetery plan, he felt it would be premature to move forward.

He acknowledged the idea of seeking external funding but raised concerns about the staff capacity to pursue those opportunities, given the number of responsibilities already placed on them. Cox emphasized that while the work does need to be done eventually, it should be supported by proper planning and adequate resourcing.

Chair transferred back from Cr. Tuckey to Cr. Cox @ 7:51 pm

D/M Keizer agreed with Councillor Cox, stating that combining the fence installation with the cemetery cleanup in a single motion makes it problematic. He believes the fence should be addressed separately, with its own timeline and budget, rather than being tied to a firm deadline.

Keizer expressed concern that if administration is unable to secure the funding or complete the fence by October, it would result in a failed motion. He emphasized that Council's role is to provide direction and leadership, not to place administration in a situation where expectations may not be achievable. In his view, separating the two issues would make the motion more reasonable and effective.

Moved by: Cr. Tuckey
Seconded by: Cr. Heaton

That Administration be directed to complete cleanup and maintenance work at all Town cemeteries, including the removal of garbage, painting of cemetery doors, and general improvements to overall appearance, with the work to be completed by mid-October.

3 IN FAVOR
4 OPPOSED
MOTION DEFEATED

d. Bears at the Landfill

D/M Keizer raised a concern, noting that he had received photos earlier that day showing multiple bears climbing around the landfill. He recalled previous discussions with ECC about issues with maintaining proper bear deterrents and emphasized the need for Council to be kept up to date. He pointed out that the situation is becoming more widely known and suggested it warrants immediate attention.

Director Grenier explained that the landfill fence is functioning as intended, but a few bears have managed to get inside and are now unable to exit. He noted that he has been in ongoing communication with ECC about the situation and is currently working with a local contractor to modify the upper portion of the fence. The adjustment is aimed at improving safety while still allowing necessary access for the public.



Municipal Services Standing Committee Meeting

Cr. Heaton asked whether the bears would be trapped and released or if they were going to be euthanized. Director Grenier noted that he isn't able to say until the decision is made with ECC.

G. EXCUSING OF COUNCILLORS

Moved by: Cr. Karasiuk
Seconded by: Cr. Tuckey

That Mayor Fergusson and Cr. Benwell be excused from the Municipal Services Standing Committee meeting on July 15th, 2025.

PASSED

H. DATE OF NEXT MEETING

The next Municipal Services business will be addressed at the Second Committee of the Whole Meeting, which will be on August 19th, 2025.

I. ADJOURNMENT

Moved by: Cr. Karasiuk
Seconded by: Cr. Heaton

That the meeting be adjourned at 7:56 pm.

PASSED



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1063

A BY-LAW OF THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH IN THE NORTHWEST TERRITORIES, TO ADOPT A ZONING BYLAW PURSUANT TO THE COMMUNITY AND DEVELOPMENT ACT S.N.W.T, 2011, c.22.

PURSUANT TO:

- a) Part 2, Sections 3 to 7 inclusive of the *Community Planning and Development Act*, S.N.W.T., 2011, c.22; and
- b) Due notice to the public, provision for inspection of this by-law and due opportunity for objections thereto to be heard, considered, and determined; and

WHEREAS the Municipal Corporation of the Town of Fort Smith, in the Northwest Territories, has completed a Community Plan under the Community Planning and Development Act, and

WHEREAS the Municipal Corporation of the Town of Fort Smith, in the Northwest Territories, wishes to regulate the use and development of land within the municipality to achieve the orderly and economic development of land;

NOW, THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE TOWN OF FOR SMITH, in regular session, duly assembled, enacts as follows:

- 1. The By-law may be cited as “The Fort Smith Zoning Bylaw”.
- 2. The Community Plan for the Town of Fort Smith, comprised of Schedule “A” Parts 1 – 9, and Schedule “B” attached hereto and forming part of this by-law, is hereby adopted.
- 3. By-law No. 936, as amended, is hereby repealed.
- 4. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ A FIRST TIME THIS ____ DAY OF _____, 2025 A.D.

READ A SECOND TIME THIS ____ DAY OF _____, 2025 A.D.

READ A THIRD TIME THIS ____ DAY OF _____, 2025 A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER

I hereby certify that this bylaw has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the bylaws of the Municipal Corporation of the Town of Fort Smith.

Senior Administrative Officer

“Schedule A Parts 1 - 9”

Town of Fort Smith

ZONING BYLAW

April 2025 – DRAFT for COMMITTEE REVIEW



Town of Fort Smith Zoning Bylaw

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B.	Zoning Bylaw Maps
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Zoning Bylaw

Part One – General

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)(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:
- where a boundary is shown as following a Street, lane or stream, it shall be deemed to follow the centerline thereof;
 - where a boundary is shown as approximately following the Town limits, it shall be deemed to follow the Town limits; and,
 - 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.



Zoning Bylaw

Part Two - Definitions

2.0 Part Two - Definitions

2.1 Definition Conventions

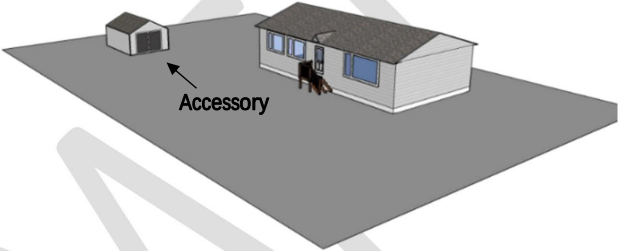
For the purpose of this Bylaw, certain terms or words herein shall be interpreted or defined as follows:

- 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

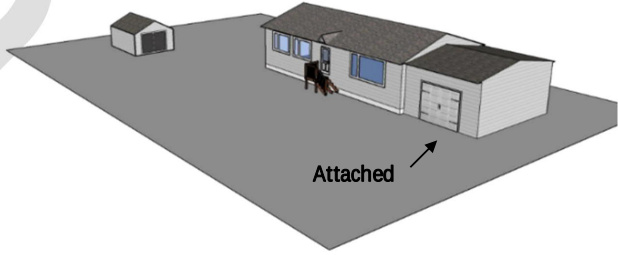
Table 2-1 Definitions

Term	Meaning in this Bylaw
Accessory	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. Any Building or Structure Attached to the Principal Building is not considered Accessory and is instead considered as part of the Principal Building. 
Act	The Consolidation of the <i>Community Planning and Development Act</i> S.N.W.T. 2011, c. 22 as amended.
Agriculture	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. May include Accessory Uses for the packing, treating, or storing of produce. May include Retail sales related to the Principal Use.
Airport	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
Alter	In reference to: • 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. • 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. Altered and Alteration shall have corresponding meanings.
Amenity Space	A space designed for active or passive recreation on the same Lot as the residential Building.
Appellant	A person who, pursuant to the Act, has served notice of appeal to the Development Appeal Board.
Artisanal Studio	The use of a Building or Structure, or Accessory Building for the production of arts, crafts, or other finished products.
Applicant	Any person having a legal or equitable interest in property or a person acting as the authorized representative of such person who has applied under the provisions of this Bylaw for a permit for the Development of land.
Assisted Living Facility	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.
Attached	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. 

Zoning Bylaw

Part Two - Definitions

Term	Meaning in this Bylaw
Balcony	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.
Bed and Breakfast	A Use within a residential Dwelling for Temporary accommodations.
Berm	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.
Board	The Town of Fort Smith's Development Appeal Board established under this Bylaw.
Brewery and/or Distillery	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.
Buffer	Anything which is visually and/or acoustically shelters, conceals or protects and which is considered acceptable to the Development Officer or Council. A Buffer may include a Fence, hedge, Berm or bush.
Building	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.
Bulk Fuel Storage	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.
Campground	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.
Cannabis Production and Manufacturing Facility	A Use federally licensed for the growing, production, testing, destroying, storing, or distribution of cannabis. 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
Car Wash	A Use for the cleaning of vehicles. May include Retail sales related to the Principal Use.
Caretakers Unit	See Dwelling, Caretakers Unit
Cemetery	A Use for the entombment or interment of the deceased, and Buildings or activities related to the Principal Use.
Community Garden	Land that is cultivated collectively by a group of community members to raise food for their own consumption, donation or sale.
Community Plan	A set of policies and proposals adopted by Council for the orderly, economical and convenient development and use of land within Fort Smith.
Council	The Council of the Town of Fort Smith established by the Act.
Day Care	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.
Day Home	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.
Deck or Patio	An uncovered Structure that is intended for use as an outdoor space. Does not include a Balcony.
Density	The maximum number of Dwelling units Permitted by this Bylaw based on Lot area.



Zoning Bylaw

Part Two - Definitions

Term	Meaning in this Bylaw
Development	The carrying out of: a) any construction, including the placement or movement of a Building; b) any excavation, or the deposit or movement of soil or other materials; c) other related operation, d) the product of Development, as defined in a), such as a Building, Structure a developed Site; or, e) the making of any change in the Use or intensity of Use of any land, Building or Structure. The demolition or Structural Alteration to existing Building or Structures is considered to be Development. See Section 4.2 for a list of activities exempted from requiring Development Permits.
Development Agreement	A document specifying the manner in which the Town requires a developer to carry out improvements on and off the Site proposed for Development and 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.
Development Appeal Board	The Development Appeal Board established by Council in accordance with Section 30 of the Act.
Development Officer	An official of the Municipality, appointed by Council by Bylaw, responsible for administering this Bylaw.
Development Permit	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.
Director	the Director of the Government of the Northwest Territories being charged with the administration of the Act.
Discontinued Use	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.



Zoning Bylaw

Part Two - Definitions

Term	Meaning in this Bylaw
Discretionary Use	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.
Dwelling Unit	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.
Dwelling, Caretakers Unit	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. The Caretaker Unit shall be incidental to the Primary Use.
Dwelling, In-home Secondary Suite	A self-contained Dwelling Unit that is connected to a Dwelling Unit that has its own entrance. Includes but is not limited to basement suites or granny suites.
Dwelling, Detached Secondary Suite	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. Includes but not limited to backyard suites, carriage homes, and tiny homes.
Dwelling, Single Detached	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.
Dwelling, Duplex	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.
Dwelling, Factory Built	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. All Factory Built Dwellings must meet the standards of the Canadian Standards Association (CSA), as amended. Does not include Recreational Vehicles.



Zoning Bylaw

Part Two - Definitions

Term	Meaning in this Bylaw
Dwelling, Multiple Unit	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. May include townhouses, rowhouses, triplexes, fourplexes, and apartment Buildings.
Dwelling, Tiny Home	A Single Detached Dwelling that is permanent, fixed to the ground, non-motorized and less than 47.0 sq. m. All Tiny Homes must meet the same building standards as other Dwelling Units.
Establishment, Eating and Drinking	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.
Establishment, Entertainment	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. This Use may be licensed by the Northwest Territories Liquor Licensing Board.
Establishment, Personal Service	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.
Environmental Assessment	A Site assessment conducted by a qualified professional following Canadian Environmental Assessment Act (CEAA), to determine potential contamination and mitigation.
Fence	An artificially constructed barrier secured to the ground, of any material or combination of materials erected to enclose or screen areas of land.
Fitness Studio	A Use that provides space, equipment, or instruction for personal fitness or physical activity. May include Retail sales related to the Principal Use.



Zoning Bylaw

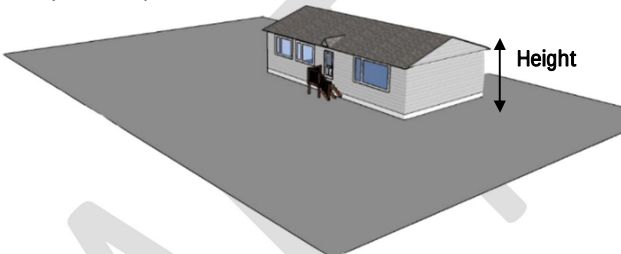
Part Two - Definitions

Term	Meaning in this Bylaw
Funeral Parlour	A Use that provides for the arrangement and holding of funerals, or the preparation of the dead for burial or cremation.
Grade	The average of the elevations of all the natural or finished levels of the ground adjoining all the walls of a Building.
Grade, Finished	The final elevation of the ground surface after Development.
Greenhouse, Commercial	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. A Greenhouse, under this definition is the Principal Use. If a "Greenhouse" is not the Principal Use, then it is considered an Accessory Use.
Gross Floor Area	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.
Hazardous Material, Substance or Dangerous Goods	Any of the following: a) explosives and pyrotechnics; b) gases (either compressed, deeply refrigerated, liquefied, or dissolved under pressure); c) flammable and combustible liquids; d) Flammable solids (including substances liable to spontaneous combustion and substances which, on contact with water, emit flammable gases); e) oxidizing substances and organic peroxides; f) poisonous and infectious substances; g) Radioactive material; h) Medical or biological waste; i) Corrosives; and, j) Other substances of similar nature
Health Care Services	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
Health Centre	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.
Height	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.). 
Highway	A Highway or proposed Highway that is described as a 'primary Highway' by the <i>Public Highways Act</i> .
Home Occupation (Home-Based Business)	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. Home Occupation, Minor: 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.



Zoning Bylaw

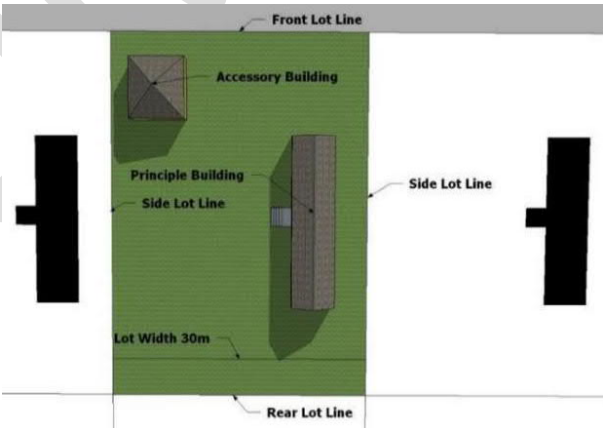
Part Two - Definitions

Term	Meaning in this Bylaw
	Home Occupation, Major: 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. May include businesses with Nuisance effects such as woodworkers, auto-repair etc. Does not include wholesale storage or sales or a Day Home.
Hotel and Motel	A Use for Temporary sleeping accommodation. May include Eating and Drinking Establishment, meeting rooms, or event spaces.
Industrial, Heavy	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. May include processing of raw or finished materials, production of concrete or asphalt, storage of Hazardous Materials, Substances or Dangerous Goods.
Industrial, Light	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. May include automotive repair, autobody repair, Greenhouse and related activities, contracting, equipment storage sales and parts supplies, contractors, industrial safety supplies and training.
Institution	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.
Kennel	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.



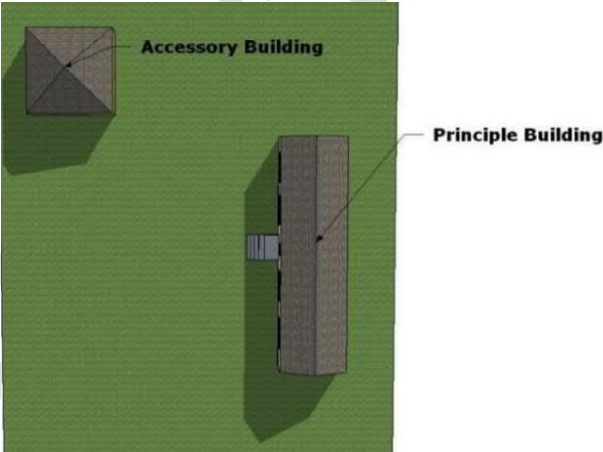
Zoning Bylaw

Part Two - Definitions

Term	Meaning in this Bylaw
Landscaping	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. Hard Landscaping: 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. Soft Landscaping: Any vegetation used to enhance a Lot. May include, but is not limited to grass, trees, shrubs, flower beds, or ground cover.
Loading Space	An area dedicated to the loading and unloading of a motor vehicle.
Lot Line	Front: 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. Rear: 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. Side: The property line of a Lot other than a Front Lot Line or Rear Lot Line.  The diagram illustrates a rectangular lot with a green background. A grey horizontal line at the top is labeled 'Front Lot Line'. A grey horizontal line at the bottom is labeled 'Rear Lot Line'. Two vertical grey lines on the left and right sides are labeled 'Side Lot Line'. Inside the lot, there is a small grey square labeled 'Accessory Building' and a larger grey rectangle labeled 'Principle Building'. The lot is flanked by two black T-shaped structures. A label 'Lot Width 30m' points to the bottom edge of the lot.



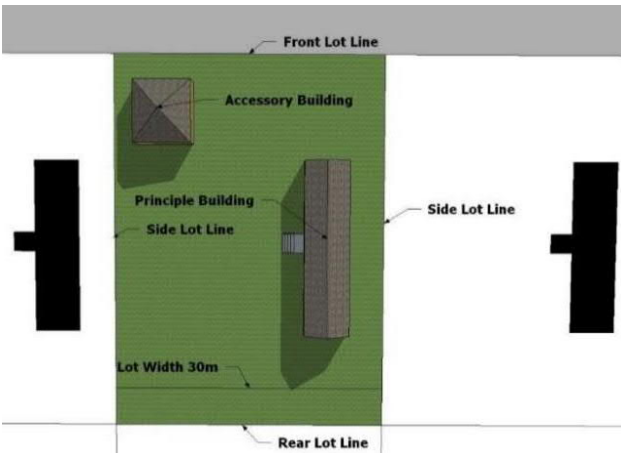
Zoning Bylaw
Part Two - Definitions

Term	Meaning in this Bylaw
Lot	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>. Formerly may have been referred to as a parcel.
Lot/Site Coverage	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. 



Zoning Bylaw

Part Two - Definitions

Term	Meaning in this Bylaw
Lot/Site Width	The average distance between the Side Lot Lines of a Lot or Site. 
Mixed-Use Building or Development	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.
Motel	See Hotel and Motel
Municipality	The corporation of the Town of Fort Smith.
Municipal Service	The activity, work or facility undertaken or provided for, on behalf of the Town of Fort Smith.
Natural Resource Development	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.
Non-conforming Building	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.
Non-conforming Use	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.



Zoning Bylaw

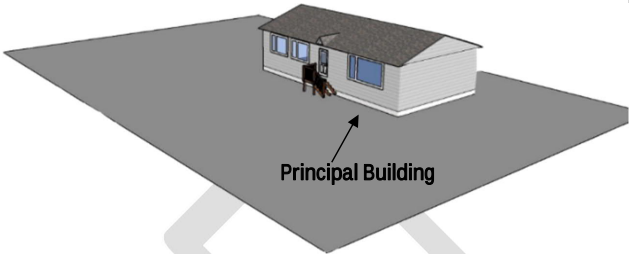
Part Two - Definitions

Term	Meaning in this Bylaw
Nuisance	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.
Office	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.
Open Space	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.
Outdoor Storage	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.
Park	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.
Parking Area or Lot	An open area of land, other than a Street or a Building, designed and used for the parking of motor vehicles.
Parking Space	An Off-Street area available for the parking of one motor vehicle.
Permitted Use	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.
Places of Worship	A Use for the purpose of religious or communal activities.



Zoning Bylaw

Part Two - Definitions

Term	Meaning in this Bylaw
Principal Building	A Building which: - occupies the major or central portion of a Lot; - is the Principal Building on a Lot; and, - constitutes by reason of its Use, the primary purpose for which the Lot is used. 
Principal Use	The Use which constitutes the primary purpose of the Site.
Public Assembly	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. May include Offices related to the Principal Use, and Retail sales related to the Principal Use.
Public Roadway	Any lane, service Road, Street (local or major), or Highway including right of ways.
Public Utility	Any one or more of the following: - systems for the distribution of gas, whether artificial or natural; - Facilities for the storage, transmission, treatment, distribution, or supply of potable water; - facilities for the collection, treatment, movement, or disposal of sanitary sewage; - storm sewer drainage facilities; - systems for electrical energy generation, transmission, and distribution; and, - systems for telephone and telecommunications, including towers or satellite dishes. 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.



Zoning Bylaw

Part Two - Definitions

Term	Meaning in this Bylaw
Recreational Facility	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. May include Retail sales related to the Principal Use.
Recreational Vehicle	Any portable accommodation providing Temporary living quarters for recreational purpose in which all facilities are not necessarily self-contained. Recreational Vehicles are not considered Dwelling Units.
Reserve	A Lot or area of Land set aside for the Use of the Town or other public authority.
Retail Store	A Use for the sale or rental of goods and services. May include repair, or small-scale production of consumer goods and services. Does not include Retail Cannabis or Retail Liquor.
Retail, Cannabis	A Use licensed by the Territory for the Retail sale of cannabis and cannabis accessories for off-Site consumption. Does not include the production of cannabis products.
Retail, Liquor	A Use licensed by the Northwest Territories Liquor Licensing Board for the sale of alcoholic beverages for off-Site consumption.
Retail, Neighborhood Convenience	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. Does not include Retail Cannabis or Retail Liquor.
Screening	The total or partial concealment of an activity, Building or Structure using a Fence, wall, Berm, or Soft Landscaping.
Secondary Suite	See Dwelling, Secondary Suite.
Service Station	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.



Zoning Bylaw

Part Two - Definitions

Term	Meaning in this Bylaw
Setback	The distance that a Development, Building, Structure, or a specified portion of the Building or Structure, must be located from a lot line.
Sewage Disposal Site	A Site which is licensed or approved for the Use as a disposal Site for sewage by any regulating authority.
Shipping Container (Sea Can)	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.
Similar Use	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.
Sign	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.
Sign Area	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.
Sign, Canopy	A Sign placed on a marquee or canopy.
Sign, Fascia	A Sign that is Attached to and parallel to an exterior Building wall.
Sign, Freestanding	A Sign that has independent supports fixed to the ground and is not connected to any other Building or Structure.
Sign, Monument	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.
Sign, Projecting	A Sign that projects outward from the exterior wall of a Building.
Site	A single Lot, or continuous group of Lots usually considered a unit for the purpose of Development.
Soil and Fill	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.
Street or Road	See Public Roadway.



Zoning Bylaw

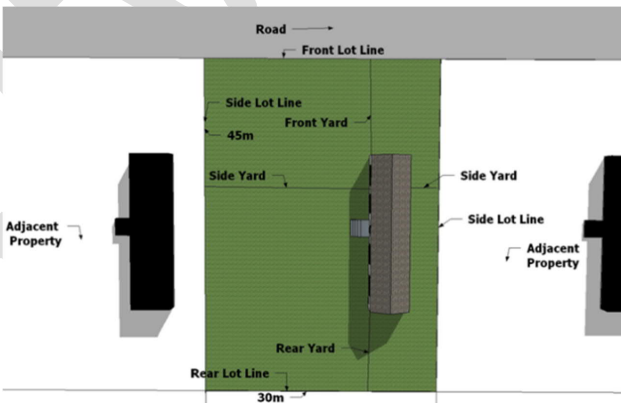
Part Two - Definitions

Term	Meaning in this Bylaw
Structure	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.
Structural Alteration	Any change in or Alteration to a Structure involving a bearing wall, column, beam, girder, floor or ceiling joists, roof rafters, foundations, piles, retaining walls or similar components.
Subdivision	A land area subdivided by registered plan, containing Lots for freehold or leasehold tenure.
Temporary Use	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. Temporary Use does not include Temporary car shelters, or Shipping Containers.
Traditional and Cultural Activities	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.
Use	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. When used as a verb, or "to use" shall have corresponding meaning.
Variance	An Alteration or change to a standard prescribed by this Bylaw that is authorized by the Development Officer, Council or the Development Appeal Board.
Veterinary Clinic	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
Waste Disposal Site	A place where ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse is disposed of or dumped. Does not include Sewage Disposal Site or facility for the treatment of sewage.
Workcamp	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.
Yard (see also Lot Line)	A part of a Lot upon or over which no Structure is erected. Front Yard: 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. Side Yard: 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. Rear Yard: 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. 
Zone	An area designated for a specific set of land uses and rules which are outlined in this Bylaw.



Zoning Bylaw

Part Three – Roles and Responsibilities

3.0 Part Three – Roles and Responsibilities

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:

- a) receive and process all Development Permit applications;
- b) 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;
- c) keep a register of all applications for Development, including the decision thereon and the reasons therefore;
- d) make decisions on all Development Permit applications and all applications requesting a Variance pursuant to **Section 4.9** of this Bylaw;
- e) 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;
- f) 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
- g) 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:

- a) 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;
- b) 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

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.



Zoning Bylaw

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:



Zoning Bylaw

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 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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- 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:
- 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;
 - 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,
 - 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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- 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:
- a) Grant a Variance to approve the application, with or without conditions; or,
 - b) 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:
- a) Approve the application, with or without conditions; or,
 - b) 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:
- a) *Community Planning and Development Act*
 - b) National Building Code of Canada
 - c) National Fire Code of Canada
 - d) Northern Infrastructure Standardization Initiatives (NISI) Standards
 - i Building in Permafrost
 - ii Dealing with Extreme Weather
 - iii Community Systems: From Start to Finish
 - e) 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



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- 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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- 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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- 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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- 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:
 - a) the Development application contained a misrepresentation;
 - b) facts concerning the Development Permit application, or the Development were not disclosed at the time the application was considered;
 - c) the Development Permit was issued in error;
 - d) the Development does not match what was approved in the Development Permit or,
 - e) 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:
 - a) the grounds for the cancelation, suspension, or modification; and,
 - b) 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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- 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

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,



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- 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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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*.



6.0 Part Six – Enforcement and Administration

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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- 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*.



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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*.



7.0 Part Seven – Development Standards

- 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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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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- 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;



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- 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 *Unsightly 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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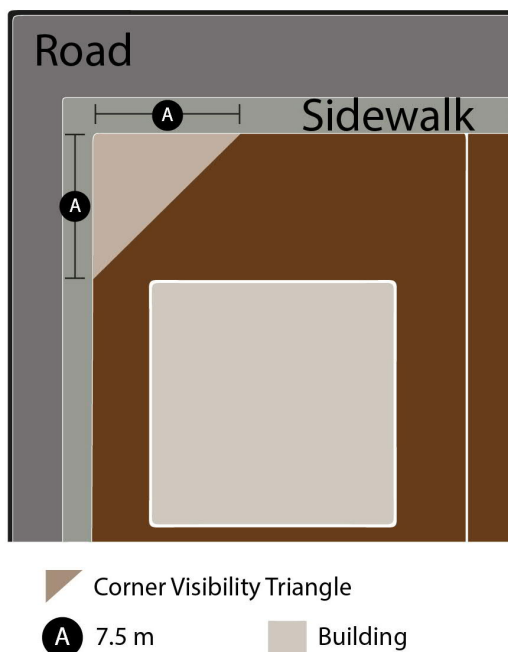


Figure 1: Corner Visibility Triangle

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:
- stable;
 - vertical;
 - made of materials of good quality that can withstand the weather and consider the northern climate;
 - suitable for the purpose; and
 - 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:
- 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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- 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	a) A minimum 100% of the minimum Front Yard areas shall be Landscaped. b) Required Landscape areas must be covered with either seed/sod, paving stones, walkways or other Landscaping materials. c) Retention and preservation of existing deciduous vegetation is encouraged. d) Landscape areas must follow current FireSmart principles.
R2	a) A minimum 100% of the residual area shall be Landscaped. b) Required Landscape areas must be covered with either seed/sod, paving stones, walkways or other Landscaping materials. c) Retention and preservation of existing deciduous vegetation is encouraged. d) Landscape areas must follow current FireSmart principles.



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Zones	Landscaped Area (minimum)
RC	a) Retention and preservation of existing deciduous vegetation is encouraged. b) Landscape Areas must follow current FireSmart principles.
TC	a) A minimum of 10% of the residual area should be Landscaped. 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. c) Landscape Areas must follow current FireSmart principles.
IS	a) 100% of the residual area shall be Landscaped with surface coverage which could be grass/sod, or other natural deciduous vegetation. b) Landscape Areas must follow current FireSmart principles.
IN	a) Buffering of the Front Yard and any Side or Rear Yards that face a Public Roadway is required. b) Retention of existing natural deciduous vegetation is encouraged. c) The Site Area must follow current FireSmart.

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 0.4m² 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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- 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:
- a) any sign shall be placed wholly within the property lines;
 - b) the overall height shall not be greater than 2.0 metres above ground level; and
 - c) 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:
- a) 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;
 - b) no part of the sign shall project beyond the property line;
 - c) 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;
 - d) 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:
- a) do not project more than 0.3 metres above the top of the vertical face of the wall to which they are Attached; and
 - b) 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:
- a) 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
 - b) 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:
- a) no additional supporting wires or stays shall be Attached to the roof; and
 - b) 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:
- a) no part of the sign shall be less than 3.0 metres above the ground or sidewalk Grade;
 - b) 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;
 - c) the space between the sign and supporting Structure shall not be more than 0.6 metres;
 - d) there shall be only one projecting sign for each business; and
 - e) the Permitted area of the sign shall be related to the amount of projection from the face of the building, as follows:



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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:

- shall not be located within 1.0 metre of a lot line common to the lot and to a Street;
- 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;
- may be provided on land other than the property being developed, in accordance with *Section 18(2) of Act*; and,
- 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:

- 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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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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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.



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- 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.



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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:

- 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.

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:

- a) additional guest Parking Spaces must be accommodated on Site;
- b) parking is prohibited in the Front Yard Setback area;
- c) parking shall not impede pedestrian access or Public Roadways; and,
- d) 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.



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- 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.



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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.



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- 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-Built Dwelling and these additions shall not exceed 100% of the Factory-Built Dwellings floor area.



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- 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;



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- 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.



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- 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

- 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**



Zoning Bylaw

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)
Maximum Lot Coverage			
Total Maximum Lot Coverage	40% for all Buildings and Structures 5% for non-permeable surfaces	40 % for Buildings and Structures 5% for non-permeable surfaces	55% Buildings and Structures 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
Minimum Setbacks			
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-Built Dwelling Entrance Side		2.0 m	



Zoning Bylaw

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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
Maximum Building Height			
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

- In the case of Duplex Dwelling Units, Side Yard requirements along the common wall are waved.
- Only side by side Duplex Dwellings are Permitted in the R1 Zone.
- 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.
- 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

- All Development shall meet the requirements of Part Seven of this Bylaw.
- 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)
Maximum Lot Coverage				
Total Maximum Lot Coverage	40% for all Buildings and Structures 5% for non-permeable surfaces	40 % for Buildings and Structures 5% for non-permeable surfaces	55% Buildings and Structures 5% for non-permeable surfaces	55% Buildings and Structures 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
Minimum Setbacks				
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



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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
Maximum Building Height				
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

- Duplex Dwellings are Permitted as be side by side units or stacked on top of each other.
- In the case of Duplex Dwellings or Multiple Unit Dwellings, the Side Yard requirement along the common wall is waived.
- 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.
- 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.
- 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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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, Unsightly* and *Noise Control* Bylaws as amended or its successors. All other applicable *Bylaws* related to the specific activities also apply.



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- 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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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
Maximum Lot Coverage			
Total Maximum Lot Coverage	55% Buildings and Structures	50% Buildings and Structures	60% Buildings and Structures



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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
Minimum Setbacks			
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
Maximum Building Height			
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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- 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.



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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	



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Table 9-10 GC Development Regulations

GC Regulation	Commercial/Institutional	Mixed Use
Minimum Lot Width	30.0 m	30.0 m
Maximum Lot Coverage		
Total Maximum Lot Coverage	40% total coverage	40% total coverage
Minimum Setbacks		
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
Maximum Building Height		
Principal Building Height	12 m	12 m
Accessory Building Height	12 m	12 m



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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	
Maximum Lot Coverage		
Total Maximum Lot Coverage	50%	50%
Minimum Setbacks		
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
Maximum Building Height		
Principal Building Height	12.0 m	12.0 m
Accessory Building	10.5 m	10.5 m



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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.



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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
Minimum Setbacks		
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
Maximum Building Height		
Principal Building Height	12.0 m	12.0 m
Accessory Building	10.5 m	10.5 m



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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.



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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.



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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.



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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.



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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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DRAFT



Schedule B

Zoning Bylaw Maps





Briefing Note

To: Mayor and Council
From: Administration
Date: July 22, 2025
Subject: Anglican Church Cemetery

PURPOSE:

To provide background on the current cemetery maintenance practices and providing the rationale behind the decision to lock the cemetery gate and place a pile of dirt in the entrance.

BACKGROUND:

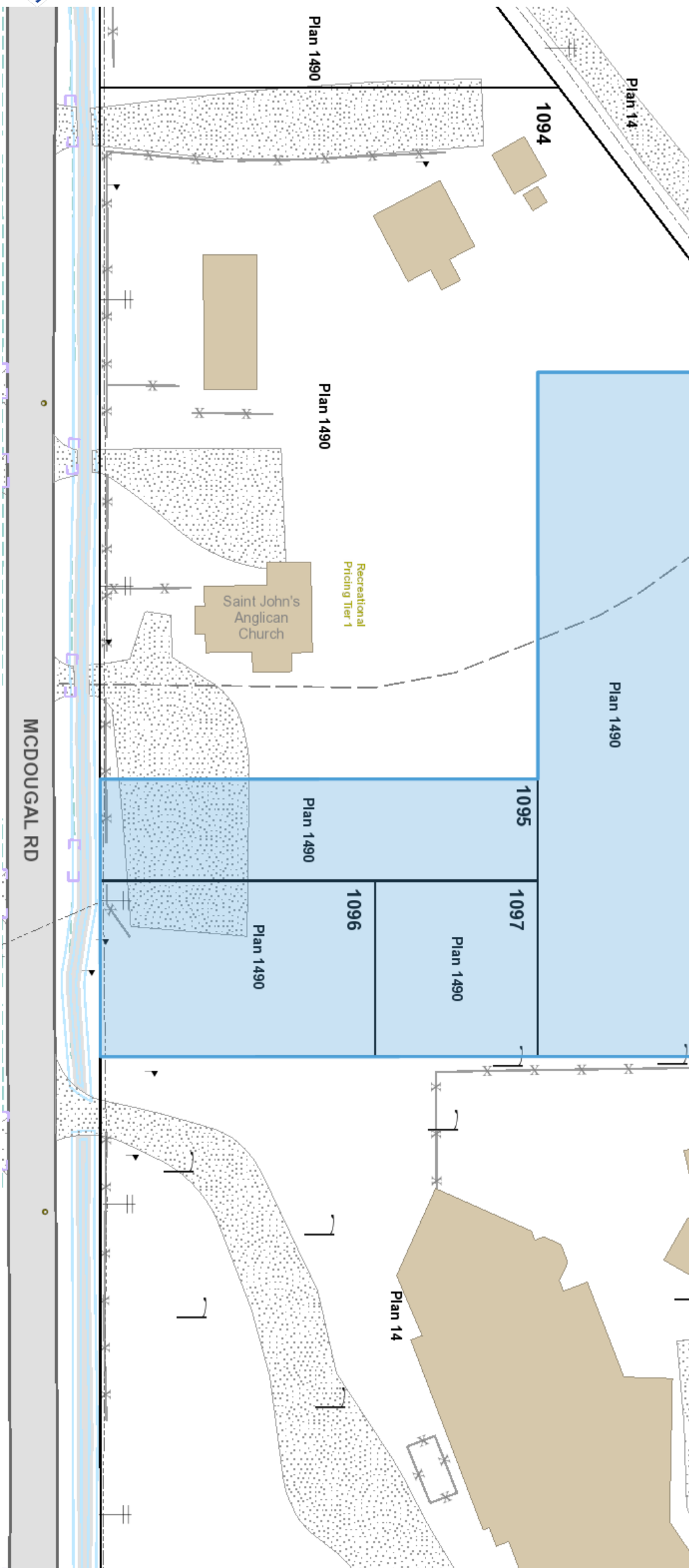
Current cemetery maintenance is budgeted in the work plan for twice in the spring/summer season, once in the spring, and once at the end of the summer. This includes grass mowing, tree trimming and removal, garbage collection, and fence maintenance. Outside of this, graves are dug when requested, and in the winter, snow is removed along the pathways.

The gate to the Anglican Cemetery is not on Town land and does not belong to the Town. During the expansion of the church hall, the previous minister requested that the public access to the cemetery be moved off church property and that the Town create our own access road for the public to our land. They requested that no one use the access through their property.

This was a project that the Director of Protective Services and Municipal Services were able to tie into ongoing FireSmart work to clear an alternate entry to the cemetery from town land. Following this, the minister communicated that the access point from the church property was still being used, and they were told they could close the gate if they wanted to limit access as it was their gate on their land. The Town did not close or lock the gate. The gate isn't locked, it has a threaded chain link closure and could be opened at any time by the representatives of the church for their own use. Since the gate is outside of the Town property line, the church can remove it if desired.

Another request that was made was to separate the two properties clearly, which would see the fence identified for installation running along the property line through the parking area.

The dirt pile was not associated with the closure of the gate. It was requested by community members to maintain the plots of their loved ones, so the Town provided black earth. The placement of the dirt was for convenience and access. As it is no longer being used, the dirt has been removed to be repurposed elsewhere. Included in this briefing note are maps showing where the gate is and where the property lines are, photos of the gate closure, and of the cleared pile of dirt.





Briefing Note





Briefing Note



RECOMMENDATION:

That Mayor and Council accept the information as presented



Briefing Note

To: Mayor and Council
From: Municipal Services
Date: July 22nd, 2025
Subject: Waste Water System for Salt River First Nation *Update

PURPOSE:

To request Council's support to activate the wastewater infrastructure servicing the Salt River First Nation's new development area, in order to address operational concerns, avoid potential damage, and show good faith during ongoing Municipal Service Agreement (MSA) negotiations.

BACKGROUND:

The Town has been working collaboratively with the Salt River First Nation (SRFN) to bring municipal services online for their new development area. This cooperation is part of a broader initiative to establish a Municipal Service Agreement (MSA) that supports long-term intergovernmental collaboration and service delivery.

As part of the servicing preparations, we have been monitoring the newly installed wastewater infrastructure prior to commissioning. During this time, staff observed that the system was filling with water, raising concerns about the potential for excessive infiltration or seepage of groundwater or fresh water into the system.

CURRENT SITUATION:

Concerns were raised regarding the possibility of fresh water entering the wastewater system, which could:

- Dilute and disrupt the biological balance at our wastewater treatment facility, potentially impairing treatment processes;
- Cause undue stress on the infrastructure by allowing the system to remain full of groundwater;
- Lead to possible breakage, increased wear, or unforeseen maintenance issues.

In response, staff undertook a controlled pump-down of the system and conducted calculations to assess the infiltration rate. The results were favorable, indicating that the issue is manageable at this time.

Given the findings, staff recommend activating the wastewater system to allow it to operate as designed. Doing so will:

- Prevent the need for additional pump-outs;
- Maintain system levels within normal operating parameters;
- Mitigate risks of infrastructure damage;
- Support positive relations with SRFN by demonstrating cooperation and goodwill during MSA discussions.

RECOMMENDATION:

That Council approve the immediate activation of the wastewater infrastructure servicing the Salt River First Nation development area, to protect the integrity of the system, support proper wastewater operations, and demonstrate the Town's commitment to a cooperative and respectful relationship with SRFN during ongoing MSA negotiations.