



Council of the Town of Fort Smith
November 4th, 2025 @ 7:00 PM

AGENDA

1. CALL TO ORDER

- a. Confirmation of Quorum and Acknowledgment of First Nations

2. ADOPTION OF AGENDA

3. DELEGATIONS

4. APPROVAL OF MINUTES

Regular Meeting of Council October 21st, 2025

5. BUSINESS ARISING FROM THE MINUTES

6. DECLARATION OF FINANCIAL INTEREST

7. ADMINISTRATION

- a. Protective Services
 - i. Director’s Report
- b. Corporate Services
 - i. Director's Report
 - ii. Accounts Paid List
 - iii. Correspondence
- c. Briefing Note: Policy and Bylaw Review Project – Mid-Project Update
- d. Briefing Note: Christmas Eve Half-Day

8. COUNCIL BUSINESS

- a. Bylaws
 - i. Briefing Note: Land Administration Bylaw No. 1065
 - ii. Third Reading of the Land Administration Bylaw No. 1065
 - iii. Briefing Note: Corporate Seal Bylaw No. 1070
 - iv. First Reading of the Corporate Seal Bylaw No. 1070
 - v. Second Reading of the Corporate Seal Bylaw No. 1070
 - vi. Third Reading of the Zoning Bylaw No. 1063
- b. Mayor and Council / Board Representatives

9. PROCLAMATIONS

10. DATE OF NEXT COUNCIL MEETING

The next Regular Meeting of Council will be held on November 18th, 2025, with Community and Municipal Services reports.

11. EXCUSING OF COUNCILLORS

12. QUESTION PERIOD

13. ADJOURNMENT



Council of the Town of Fort Smith
October 21, 2025 @ 7:00 PM

Minutes

The Regular meeting of the Council was held on
Tuesday, October 21, 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: Adam McNab, Acting Senior Administrative Officer
Raveena Brown, Executive Secretary
Lauren Howes, Director of Community Services
Andrew Grenier, Director of Municipal Services

1. CALL TO ORDER

- a. Mayor Fergusson confirmed quorum and handed the chair to Cr. Heaton, who read the Acknowledgment of First Nations

2. ADOPTION OF AGENDA

# 25-245	Moved by: Cr. Karasiuk Seconded by: Cr. Cox
That the agenda be adopted as presented.	
PASSED	

Cr. Couvrette declared a conflict of interest for section 7(h), Briefing Note: Thebacha Leadership Council (TLC) Continuance Funding 2025.

3. DELEGATIONS

- a. RCMP Monthly Policing Report

Corporal Tyson Richard introduced himself as the new Detachment Commander for the Fort Smith RCMP, noting that he and his family moved from the Yukon in August. With 14 years of policing experience across northern regions, he expressed appreciation for the community’s support and said he looks forward to working collaboratively with local partners. He reported that the detachment now has 10 to 11 members, including several relief officers assisting until February, which is a significant improvement from August when only two members were stationed full-time. In September, the RCMP received 210 calls for service, an increase of 24 from the same month last year. Drug-related offenses increased, while impaired driving, thefts, and property damage were down. The detachment managed five intimate partner violence files, six emergency protection orders, and held 11 prisoners. A new Prolific Offender Management System has also been introduced to monitor offenders released on conditions, helping to reduce repeat offenses.

Cr. Karasiuk commented on the rise in drug-related offenses, asking if the increase was due to more community reporting. Corporal Richard clarified that the statistics reflect reports made, not charges laid, and that “drug offenses” refers to incidents reported rather than confirmed charges. Cr. Cox asked about the acronym “FNIPP,” to which Corporal Richard explained that the First Nations Indigenous Policing Program is a new initiative in the Northwest Territories, with a part-time role focused on community engagement rather than enforcement.



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Mayor Fergusson welcomed Corporal Richard and expressed appreciation for the increased staffing levels. She asked how the Town could help the new members get oriented in the community, suggesting supports such as maps. Corporal Richard said he would welcome a guided tour of Fort Smith, noting that when he first arrived, there were no local members available to show him around, and most officers are still new to the area.

Cr. Couvrette raised concerns about the ongoing issues with the “safe room” at the Health Centre, explaining that it continues to consume significant RCMP time because it does not meet safety standards. He requested that future RCMP reports include an estimate of the additional hours officers spend supervising individuals at the Health Centre due to the inadequate facility. Corporal Richard responded that tracking such time is complex, as officers are required to remain with individuals apprehended under the Mental Health Act until they are assessed by a physician, which often occurs before anyone is placed in a safe room. He said he could look into the matter further but noted that each case varies. Mayor Fergusson added that Council’s concern is that the unsafe conditions in the room require RCMP members to remain on-site, diverting them from community policing. She noted that in some cases, officers have had to leave for higher-priority calls, leaving individuals in crisis unsupervised. She emphasized that Council wishes to quantify the additional RCMP time spent at the Health Centre to support advocacy for facility improvements.

4. APPROVAL OF MINUTES

a. Regular Meeting of Council October 7th, 2025

25-246

Moved by: Cr. Cox

Seconded by: Mayor Fergusson

That the minutes of the Regular Meeting of October 7th, 2025, be adopted as amended.

PASSED

Cr. Karasiuk requested a correction to the minutes, noting that it currently states the additional time before the third reading of the Zoning Bylaw was at the request of the Deputy Mayor. He clarified that he had asked whether there was a time limit for completing the process, and suggested waiting an additional month to allow more time and asked that this clarification be reflected in the record. The error was noted and corrected.

5. BUSINESS ARISING FROM THE MINUTES

6. DECLARATION OF FINANCIAL INTEREST

7. ADMINISTRATION

a. Community Services

i. Director’s Report

Director Howes introduced herself as the new Director of Community Services, noting that she arrived in Fort Smith earlier in the month and has felt very welcomed by the community. She expressed appreciation for the warm reception, which has helped make her transition into the role smooth. She also shared that a new Aquatics Coordinator recently started, marking a period of change and renewal in departmental leadership.

She reported that the pool has been operating smoothly, library programming has increased with the start of the school year, and there has been a noticeable uptick in adult library use. The childcare program continues to run well, with staff doing an excellent job.



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Director Howes highlighted that staff participated in Truth and Reconciliation Day events on September 30 and that the experience prompted suggestions to have culturally informed mental health workers available to debrief with community members during future events. She agreed with this recommendation and noted that overall feedback from the event was very positive.

She also reported progress on capital projects, including the completion of the community entrance and exit signs and near completion of indoor signage at the Recreation Centre. The new signage has improved navigation and appearance, and she encouraged everyone to visit and see the updates.

D/M Keizer noted that while reviewing the recreation statistics, he did not see any data related to the curling surface area. He asked whether usage of the curling rink, including summer activities or rentals, is being tracked, or if that information is currently missing from the reporting. He referenced previous discussions about the curling plant and requested clarification on whether curling-related statistics are being collected.

Director Howes explained that the curling rink is not yet operational. She noted that while previous reports mentioned the space being used for childcare and day camps during the summer, no recent usage data is available. The installation of the ice surface had been scheduled for the previous day but was delayed due to staffing challenges. She added that the work is expected to be completed within the next few days and mentioned that the curling club is holding its annual general meeting that evening.

D/M Keizer referred to staff concerns raised about future plans for Riverside Park, particularly regarding dust and site development. He stated that the concerns were valid and should not be overlooked as planning progresses. He asked how these issues could be captured and carried forward for future planning and budgeting discussions, noting the importance of addressing park use and improvements for the community.

Director McNab explained that when concerns such as those raised about Riverside Park arise, they are typically discussed with the directors during the initial budget planning process. He noted that Administration can present options to Mayor and Council for consideration. He added that there had previously been a budget line for dust suppression, but it was removed during the last budget cycle. The matter can be revisited during upcoming budget discussions to consider reinstating it.

Cr. Couvrette noted that the issue of outdoor signage at the Recreation Centre was first raised during his previous term on Council. He said the intent was to include signage that clearly identifies each facility, such as the William Shaffer Memorial Pool and Pete's Gym, rather than labeling the building only as the Recreation Centre. He recalled that design concepts had been in development under the previous Director and expressed hope that the project will be brought forward in the upcoming capital budget.

Cr. Karasiuk asked for clarification regarding the exterior entrance improvements, noting that he had discussed the matter previously and believed the project included replacement of the seniors' exterior exit door. He expressed concern that the door was not part of the completed work and requested an update on the timeline for repairs, pointing out that the issue has persisted for nearly three years without a functioning exit during the winter months.

Mayor Fergusson noted that she attended the Lawrie Hobart Memorial Tournament at the Rec Center over the weekend and was very impressed with the new interior signage. She commented that the signs clearly identified each area, including the gymnasium, seniors' room, and pool, and that the overall presentation looked professional and well-branded. She also mentioned that several community members shared their appreciation for the improvements at the arena, noting the new banners and signage, and expressed gratitude



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for how great the facility looks. Mayor Fergusson commended staff for their efforts, saying the signage and recognition throughout both the Rec Center and the arena looked excellent.

b. Municipal Services

i. Director's Report

Director Grenier noted that he has been in discussions with Hay River's Public Works regarding their Garbage Collection Program, which operates through a neighborhood contractor. He explained that he is obtaining contact information for their contractor and has also been working with the Canoe Procurement Program to acquire a new garbage truck.

He added that discussions with the supplier are already underway, and through the Canoe Procurement Program, the Town can expedite the purchase without going through a full RFP or tender process, which would otherwise cause delays. Director Grenier mentioned that he may have some positive news to share soon but would prefer to wait until the next meeting before providing details. He confirmed that the garbage truck procurement and budget updates were the two main additions to his report.

Cr. Benwell expressed her relief that a new garbage truck is being considered, noting that she feels for the Public Works staff who currently have to lift heavy bags over high bins. She added that the physical strain could lead to injuries and potential workers' compensation claims, which is a concern.

She also mentioned that an elder had approached her regarding the black poles with lighting near the Recreation Center. The elder commented that while the fixtures are beautiful, some of the lights have burnt out and asked if they could be replaced.

Mayor Fergusson inquired about the Fall Cleanup program, noting that there had been minimal participation. She asked whether the low turnout was due to residents having fewer items to dispose of or if there were other factors that may have contributed to the limited engagement.

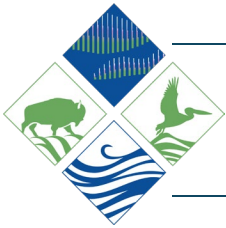
Director Grenier explained that the Spring Cleanup had been very busy, which likely contributed to a lighter Fall Cleanup. He noted that there seemed to be less waste overall throughout the community and that, from his observations while driving around, many yards appeared cleaner with fewer items needing pickup.

Cr. Benwell suggested that the low participation may have been due to limited advertising. She mentioned that she did not see any promotion for the Fall Cleanup on Facebook or elsewhere and noted that some residents she spoke with had items they wanted to dispose of but were unaware the program was taking place.

Mayor Fergusson agreed that the Fall Cleanup may not have been well advertised. She noted that she did not see any posts or notices about it on Facebook or other platforms and mentioned that several residents she spoke with had items they wanted to dispose of but were unaware the program was happening.

Cr. Benwell asked for clarification regarding the situation with the houses on the reserve, noting that it appeared to be related to sewage or water issues. She mentioned that the houses have not yet been occupied and that she had heard there was a delay due to something involving the water intake, but she was unsure of the details and wanted further information.

Director Grenier explained that he has been working with Salt River First Nation on the project goals, along with their contact and other partners involved. He reported



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that the lift station is now operational, which is an important step since a functioning sewage system is required before water services can be activated. He added that the water connection is pending completion of the Municipal Services Agreement (MSA) with Salt River First Nation, and once the agreement is signed, the activation of the water lines can proceed, allowing the project to move forward. Once the final parts come in, the work should be completed by the end of November.

- c. Briefing Note: Request to make Portage Ave and Calder Ave. crossing into a 4-way stop

25-247 **Moved by: Mayor Fergusson**
Seconded by: Cr. Cox

That Council approve the installation of additional stop signs on Portage Avenue at the intersection with Calder Avenue, converting it into a 4-way stop.

PASSED

Cr. Karasiuk asked whether new, highly visible signs such as the bright yellow ones typically used for traffic changes would be installed to ensure that drivers are aware of the change.

Mayor Fergusson asked if there was a specific safety concern that led to the decision to convert the intersection into a four-way stop rather than leaving it as a single through intersection.

Director Grenier confirmed that the change was made in response to community concerns. He explained that with new businesses now operating in the area, traffic volumes have increased. There have also been incidents involving vehicles hitting guardrails and signs. Implementing a four-way stop is expected to help slow down traffic and address these safety issues.

- d. Briefing Note: Request to Change Yield Signs to Stop Signs Throughout the Community

25-248 **Moved by: Cr. Cox**
Seconded by: Cr. Couvrette

That Council approve the replacement of existing yield signs throughout the community with stop signs in line with the recommendations and guidance of the Town of Fort Smith Integrated Master Plan.

PASSED

Cr. Karasiuk asked how many yield signs are currently in place throughout the community. Director Grenier responded that he did not have an exact number but estimated that there are fewer than ten yield signs in the community.

D/M Keizer raised a concern about ensuring that each proposed sign change has clear reasoning behind it rather than making widespread changes all at once. He noted that while the matter may seem simple, it could become contentious if residents feel certain yield signs were removed without proper justification. He emphasized the importance of having sound explanations for each individual change to avoid potential community concerns.

Director Grenier explained that the Integrated Master Plan supports these changes as part of efforts to slow down traffic in the area. He acknowledged that, as D/M Keizer mentioned, there are differing opinions on the matter, but noted that the feedback he has received has been mostly positive. He added that it is difficult to satisfy everyone when implementing community-wide changes.



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- e. Briefing Note: Amendments to Excluded Employee Policy – Clarifications to Sections 1 and 3 and Appendix 1

25-249

Moved by: Mayor Fergusson

Seconded by: Cr. Cox

That Council approve the administrative amendments to the Excluded Employee Policy as outlined in the accompanying briefing note, including the removal of the contradictory clause in Section 3, clarification of language in Section 1 regarding convictions and fairness in hiring, and the addition of the Human Resources Manager pay grid at Level 26 in Appendix 1.

PASSED

Cr. Karasiuk commented on the removal of the sick leave payout clause, noting that during the previous Council meeting, he was informed the clause was included to align with the collective agreement. He expressed concern that its removal may create an inconsistency and wanted to highlight the discrepancy for clarification.

Director McNab thanked Cr. Karasiuk for his comment and clarified that the sick leave payout clause still exists but is no longer included in the grandfathered section. He explained that the clause remains in place to align with the collective agreement and that its removal from the bylaw only affects the section that was originally intended to address grandfathered employees.

- f. Briefing Note: Acting SAO Attendance – Fire Chiefs Association Conference

25-250

Moved by: Cr. Karasiuk

Seconded by: Cr. Cox

That Council, by motion, appoint Andrew Grenier, Director of Municipal Services, as Acting SAO for the period of October 23 -24, 2025.

PASSED

- g. Briefing Note: Council Meeting Cost Savings

25-251

Moved by: Cr. Cox

Seconded by: Cr. Couvrette

That Council receive this briefing note for information, noting that the net projected savings of \$1,600 will be allocated toward additional donation requests for the remainder of the fiscal year.

PASSED

D/M Keizer commented that it was unfortunate the initiative was implemented late in the year, which limited the ability to see the full results. However, based on the data presented in the briefing note, he believed that by next year it would be clear that the decision was a good one. He expressed appreciation that Council took the opportunity to try the approach despite the timing.

- h. Briefing Note: Thebacha Leadership Council (TLC) Continuance Funding 2025

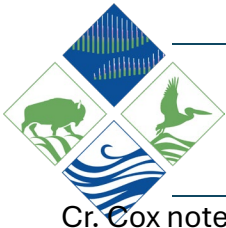
25-252

Moved by: Mayor Fergusson

Seconded by: Cr. Tuckey

That the Town of Fort Smith confirm its continued participation as a partner in the Thebacha Leadership Council and approve a contribution of **up to \$15,000 for 2026** to support the TLC's core operations from July to December 2026, with future funding to be considered during the 2027 budget deliberations.

PASSED



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Cr. Cox noted that there may be other potential funding sources available for the initiative and suggested that the wording could be adjusted to reflect flexibility in funding. He expressed hope that external funding could offset costs, reducing the need for a dedicated budget line. Overall, he stated that it is a good initiative and should be supported.

Cr. Karasiuk asked whether the proposed contribution of up to \$15,000 for 2026 would naturally be addressed during budget discussions, questioning if a separate motion was necessary to create a dedicated line item for it.

Director McNab explained that the motion is intended to show Council’s support in principle, which is what TLC is seeking. He agreed with Cr. Cox’s earlier point that the wording “up to” allows flexibility should other funding sources become available. He added that any final approval of funding would still need to come through a Council motion during budget discussions to confirm the amount and address any remaining funding gaps.

D/M Keizer shared that he was attending the NWT Association of Communities lobbying efforts in Ottawa and had spoken with several federal representatives about the TLC initiative. He reported that the feedback was overwhelmingly positive, with many expressing admiration for Fort Smith’s leadership and innovation in undertaking the project. He also mentioned that he had discussed potential funding opportunities with federal contacts who may explore options to support the initiative. D/M Keizer emphasized that Fort Smith is setting an example for other northern communities and voiced his full support for continuing to back the project.

8. COUNCIL BUSINESS

a. Bylaws and Policies

i. Second Reading of the Land Administration Bylaw No. 1065

# 25-253	Moved by: Cr. Karasiuk Seconded by: Mayor Fergusson
That Bylaw No. 1065, the Land Administration Bylaw, be given second reading.	
PASSED	

ii. Third Reading of the Land Disposal Bylaw No. 1068

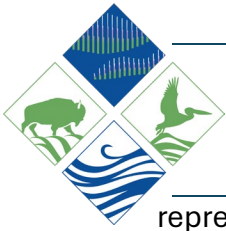
# 25-254	Moved by: Mayor Fergusson Seconded by: Cr. Cox
That Bylaw No. 1068, the Land Disposal Bylaw, be given third reading.	
PASSED	

iii. Third Reading of the Land Acquisition Bylaw No. 1069

# 25-255	Moved by: Cr. Cox Seconded by: Cr. Karasiuk
That Bylaw No. 1069, the Land Acquisition Bylaw, be given third reading.	
PASSED	

b. Mayor and Council / Board Representatives

- i. Cr. Karasiuk expressed appreciation for everyone involved in the recent volleyball tournament, noting it was another energetic and successful weekend for the community. He extended thanks to the Town and Recreation staff for their in-kind support, use of the gym, and provision of extra dumpsters to accommodate the event. He also recognized the contributions of the MRA (Mackenzie Recreation Association) for funding and travel support, Volleyball NWT for sending



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representatives and supplying game balls, and the Hobart family for their financial contributions. He highlighted the efforts of JBT and PWK staff as well, acknowledging the teamwork that made the event possible. Cr. Karasiuk concluded by wishing everyone a safe and enjoyable Halloween.

- ii. Cr. Bathe: excused
- iii. Deputy Mayor: reported that he was in Ottawa attending the NWT Association of Communities lobbying efforts, where a series of meetings were scheduled over three days with federal ministers, deputy ministers, and associate ministers. He shared that one of the meetings was with the Deputy Minister of Infrastructure, where they discussed topics such as water intakes, sewer lagoons, new housing developments, and issues related to asbestos and black mold. He described the discussions as very informative and noted that the meetings provided valuable opportunities to engage with potential federal funders and to hear perspectives from other Northwest Territories communities. He added that he would provide a more detailed summary upon his return.
- iv. Mayor Fergusson: reported that October was a busy and productive month. She highlighted the *Northern Lights* performance brought in by the Northern Arts and Theatre Society, praised local efforts toward food sovereignty with the Future Harvest Partnership and TLC, and shared positive outcomes from her “Word on the Street” community sessions focused on improving communication. She noted upcoming Small Business Week events featuring 20 local participants, where she would be speaking, and commended Town staff for their excellent work during the Lawrie Hobart Memorial Tournament. She also reminded Council of the team-building workshop scheduled for October 28.
- v. Cr. Tuckey noted that he had been away from the community for some time but was pleased to hear positive feedback about the volleyball tournament and how well it went. He also extended his condolences to community members who have recently lost loved ones.
- vi. Cr. Cox noted that the Halloween event at Queen Elizabeth Park was taking place again this year and said that both the Halloween and Christmas events have been very well received in the past. He encouraged anyone interested in participating to get involved.

He reported that while the Housing Accelerator Fund Committee has not met recently, its programs are active, with grants available for multi-family housing, single units, and basement suites. He added that several employment opportunities are currently posted on the Town’s website, including positions for a Housing Accessibility Coordinator, Director of Corporate Services, and Equipment Operator.

Cr. Cox concluded by reminding residents to take extra care as winter conditions set in, particularly by clearing frost from windshields before driving through school zones.
- vii. Cr. Couvrette noted that he has heard great feedback from the community regarding the Volleyball tournament.
- viii. Cr. Benwell reminded residents to be welcoming to all trick-or-treaters this Halloween, noting that even the older kids in the community should be included and not turned away. She also extended condolences to her sister on the recent passing of “Duck Soup,” acknowledging the impact his loss has had on the community, as he was a well-known local cab driver. She concluded by reminding everyone to stay safe on the roads as conditions become slippery.



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- ix. Cr. Heaton reported that she attended the graduation ceremony for the Uncle Gabe's Friendship Centre's "Empowering and Building Better Futures" youth program, which graduated 12 participants through a partnership with Friendship Centres of Canada and Workforce Canada. She congratulated the graduates for their hard work and dedication. She also mentioned helping at the Lawrie Hobart Memorial Tournament by working in the JBT canteen and thanked Quinn Heron for assisting throughout the afternoon.

Cr. Heaton went on to express concern about Alberta's plan to treat and release oil sands water into the Peace-Athabasca Delta, noting that it could have serious impacts on Fort Smith and downstream communities. She urged residents to educate themselves on the issue and suggested that the community consider an official response to oppose the decision, emphasizing the need to protect future generations and the safety of local drinking water.

D/M Keizer added that the issue had also been discussed earlier that day at the national meetings in Ottawa, where it received strong support from communities along the river system, including Yellowknife. He thanked Cr. Heaton for raising the concern and noted that the matter would be brought forward at upcoming federal meetings with Environment officials. He commended her for being proactive on the issue.

Cr. Heaton shared a personal message, expressing that she misses Prescott, Corey, and Jojo and hopes their treatments are going well. She added that she looks forward to seeing them soon. She concluded with a lighthearted note dedicated to her grandmother, saying, "Go Jays."

9. DATE OF NEXT COUNCIL MEETING

Regular Meeting of Council (Protective & Corporate)	November 4 th , 2025 @ 7 pm. To be chaired by Cr. Couvrette
Regular Meeting of Council (Community & Municipal)	November 18 th , 2025, @ 7 pm

10. EXCUSING OF COUNCILLORS

25-256 Moved by: Mayor Fergusson
 Seconded by: Cr. Tuckey

That Cr. Bathe be excused from the Regular Meeting of Council on October 21st, 2025.

PASSED

11. QUESTION PERIOD

12. ADJOURNMENT

25-257 Moved by: Cr. Karasiuk
 Seconded by: Cr. Cox

That the meeting be adjourned at 8:07 pm.

PASSED



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Minutes adopted this 4th day of November 2025.

Dana Fergusson
Mayor

Certified Correct by Tracy Thomas
Senior Administrative Officer

REPORT TO COUNCIL

Department: Protective Services

Date: October 29, 2025

Subject: Monthly Report

RECOMMENDATION:
THAT THE COUNCIL OF THE TOWN OF FORT SMITH ACCEPTS THE PROTECTIVE SERVICES MONTHLY REPORT FOR OCTOBER 2025 AS PRESENTED.

Fire/EMS Response Activities

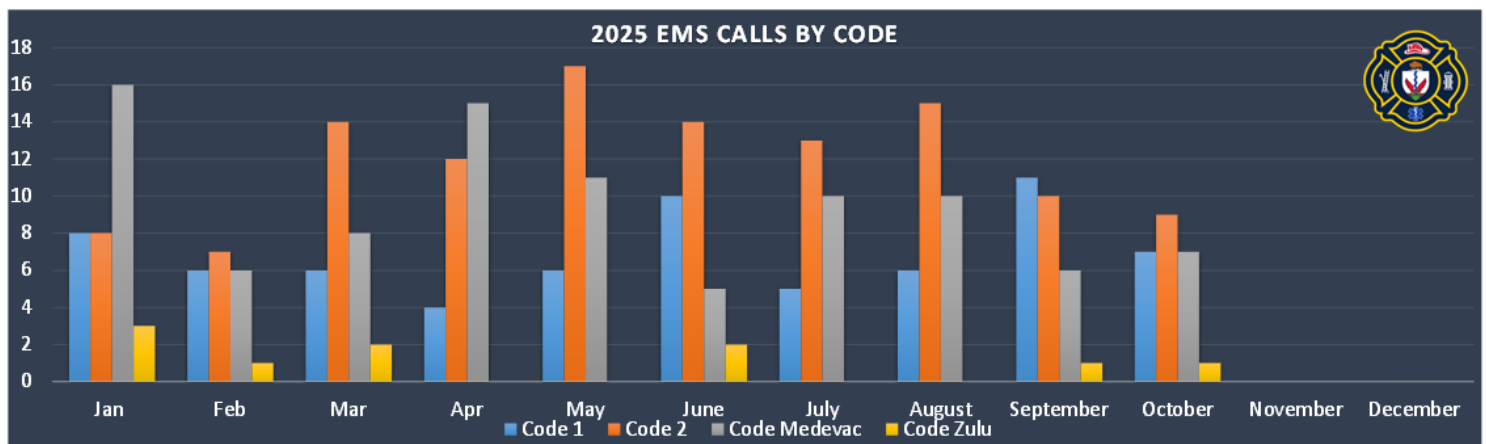
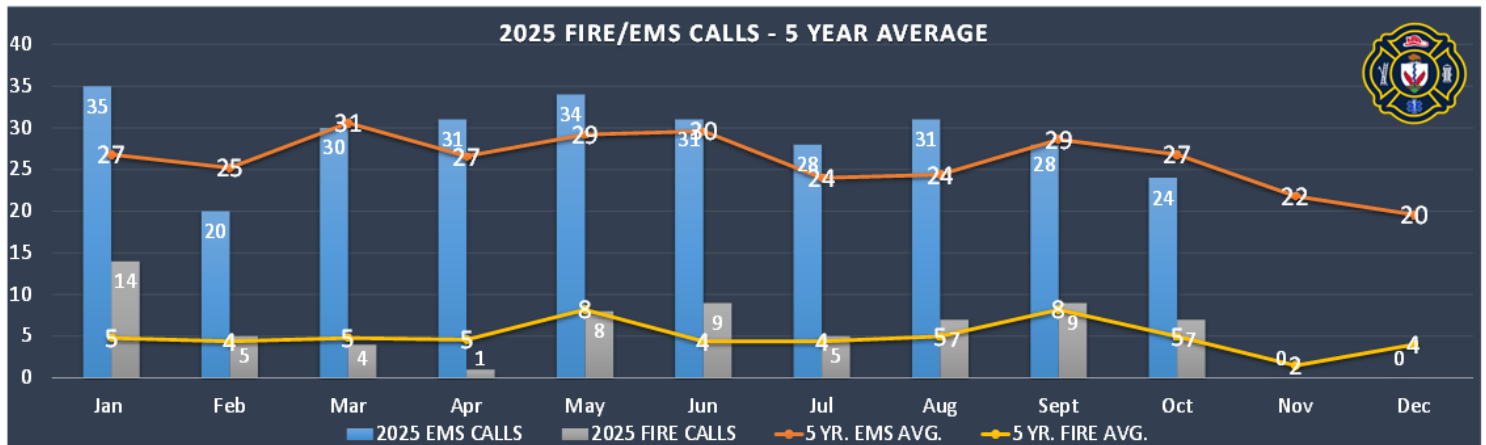
Fort Smith Fire/EMS responded to 31 calls during October 2025, consisting of 7 fire calls and 24 EMS calls. The overall call volume remains consistent with monthly averages.

The department responded to another structure fire within the community this month. The incident was successfully contained to a single compartment of the building thanks to an operational sprinkler system and the prompt response of the Fire Department.

Fire/EMS Training Activities

The NFPA 1001 Structural Firefighter Program was successfully completed, with members performing exceptionally well during the Hay River Hazmat segment.

During October, 12 training sessions and public outreach events were conducted. Fire Prevention Week was a major focus, with members visiting local schools to conduct live fire response drills and classroom presentations. The Fire Department Open House was also well attended, featuring Sparky the Fire Dog, giveaways, interactive activities, and apparatus tours.



REPORT TO COUNCIL

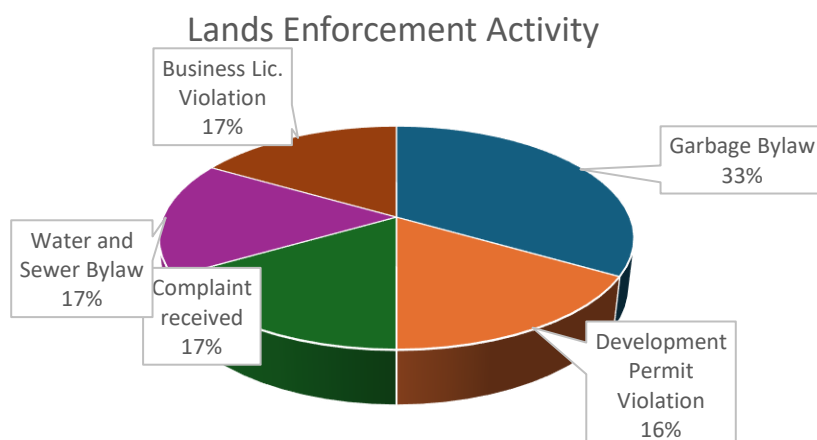
The Fall 2025 Recruitment Drive was a tremendous success. A structured recruitment and onboarding process will continue as the standard approach to streamlining intake and training. By the application deadline, the department received 14 applications. Orientation and initial training will begin in the coming weeks. Those not selected in this intake will be contacted in the spring should additional spaces become available.

Land & Development Summary

Lands and Development Officer Nick Carbery continues to process development permits and business licenses. As expected, the volume of development files decreases during the fall season, allowing time to focus on education and enforcement initiatives.

Several buildings affected by recent structure fires have entered the remediation phase. Coordination with insurers, environmental verification, and contractor engagement are ongoing. While this process can be lengthy, significant progress has been made.

Garbage Bylaw	2
Dev. Permit Violation	1
Complaint received	1
Business Lic. Violations	1
Civic Address	0
Unightly Land	0
Water and Sewer Bylaw	1
Public Engagement	0
TOTAL	6



Licensing Report

<u>Business License Holder</u>	<u>Number</u>	<u>Address</u>	<u>Notes</u>
George Abraham	182	23 Portage Ave.	Abraham Cannabis
Dr. Niz Saab	183	33 Portage Ave.	Fort Smith Chiropractic
Luke LeClair	187	7 Caribou Ct.	Construction / home repair
Raphael Jeanson-Gelinas	188	25 McDougal Rd.	Smoked meats
Mathieu Doucet	189	28 St. Mary's St.	First aid / Life guard training
<u>Development Permit Holder</u>	<u>Number</u>	<u>Address</u>	<u>Notes</u>
Metis Council	DPA-051-25	192 Simpson St.	Construction
Helena Katz	DPA-052-25	10 Eckaloo Dr.	Home occupation
Sean & Chrissy Eld	DPA-053-25	606 Calder Ave.	Construction
NWT Metis Nation	DPA-054-25	183 McDougal Rd.	Construction
<u>Dog Tag Holder</u>	<u>Number</u>	<u>Address</u>	<u>Notes</u>
Zoey & Austin McNab	43	25 Wandering Spirit	Annual
Amber & Nick Carbery	44	91 Pine Cr.	One Time
Amber & Nick Carbery	45	91 Pine Cr.	One Time
Lora & Criag Browne	47	7 Pine Cr.	One Time

REPORT TO COUNCIL

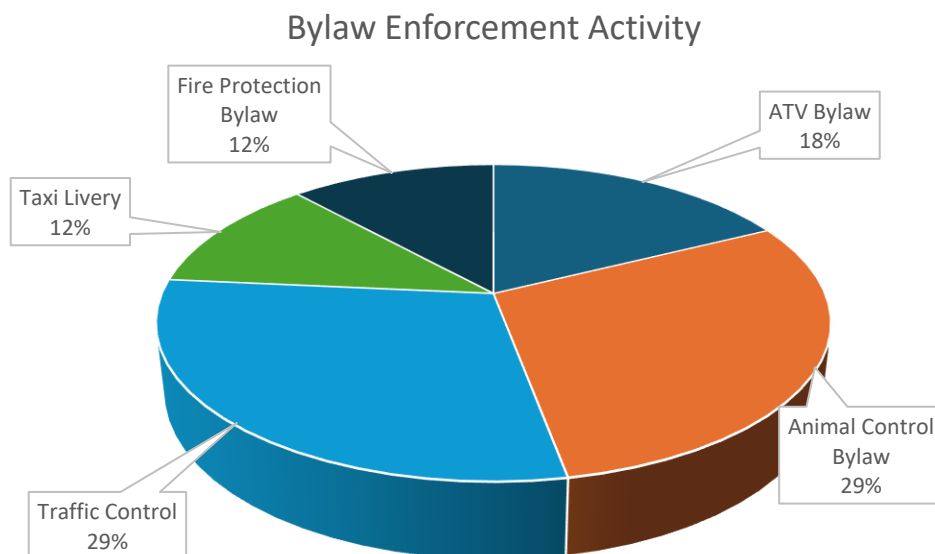
Bylaw Enforcement Summary

With schools back in session, Bylaw Enforcement has maintained a visible presence in school zones to promote student safety. Officers have also distributed helmets and shared bike safety information with students.

Animal control remains a major concern for residents. Bylaw Officers continue proactive patrols and respond to public complaints. The resulting increase in animal control cases has placed pressure on the volunteer-operated animal shelter. The Town may need to consider alternative approaches to support this service sustainably.

The ongoing Bylaw Review Process includes updates to strengthen animal control legislation—reducing uncontrolled breeding and providing stronger enforcement tools. Director McNab and Officer Wright have submitted recommendations to the contractor for future council consideration as part of this review.

ATV Bylaw	3
Animal Control Bylaw	5
Noise Control Bylaw	0
Traffic Control	5
Public Engagement	0
Fire Protection Bylaw	0
Taxi Livery	2
TOTAL	15



Emergency Management

The emergency management plan and associated resources are in place for the remainder of the 2025 wildfire season. Work continues to make improvements as events occur.

The recent downturn in fire weather is a welcome change! We have lifted the

An after-season review will take place as we move into fall and the review process will begin for the 2026 Emergency Management Plan.

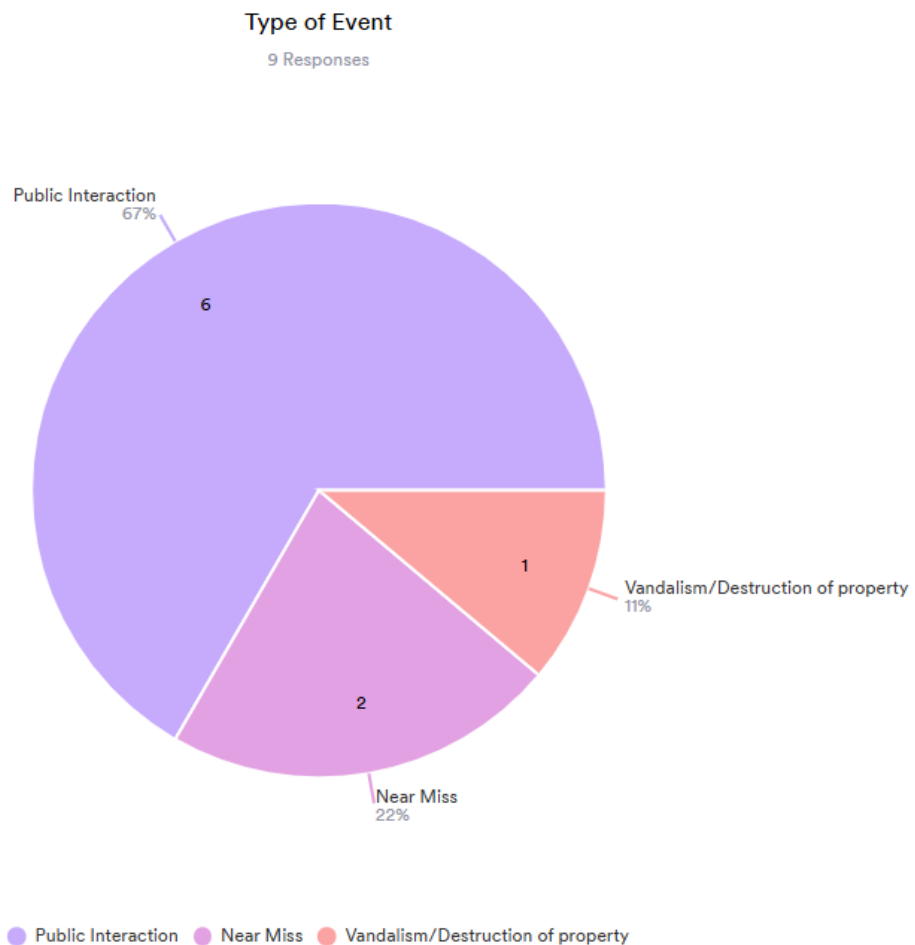
With the support of Council, Director McNab met with partner agencies in Yellowknife last week to discuss priorities and a pathway to create a territorial Wildland Urban Interface program. The meeting allowed all agencies to identify and prioritize key components of a WUI program for the upcoming Fire Season as we build out a more mature program into the future.

REPORT TO COUNCIL

Occupational Health and Safety

The Town Occupational Health and Safety program online app continues to be updated, allowing employees to access the most current safety information from any job site at any time. The Joint Occupational Health and Safety Committee met this week, and the next meeting is scheduled for November 06, 2025.

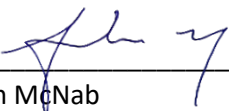
Below are the October OHS incident reporting statistics. This chart shows the incidents' relative volume and the reported categories. All incident reports are forwarded to respective Directors for review and follow-up.



REPORT TO COUNCIL

Capital Projects Update

1. **Emergency Equipment Evergreen** – Equipment including SCBA tanks and structural firefighting hose has been identified for replacement and ordered. New hose has been received. Bunker gear is ordered.
 - a. Bunker gear should be received in the next 45 days.
2. **Fire Hall retrofit** – A scope of work has been created, Maskwa has been chosen as the project manager, and a full quote based on scope of work is being created for Council review.
 - a. Final quote for work is expected in the next week.
3. **New Fire Hall RFP** – A document has been created and is under review. A preferred site location has been identified across from the Fort Smith Health Center. This land is currently owned by House NWT. Discussions are ongoing regarding a potential land swap. Once options have been identified, a briefing note will be brought before Council.
4. **Fire Training grounds** – The GNWT Lands department is being engaged for an update on land transfer process for the new site.
 - a. A needs assessment has been completed for our departments level of service and quotes have been received. Suggest purchasing and storing at the Fort Smith Landfill until a better location is found.
5. **Replacement Ambulance** – Specifications for a replacement ambulance have been drafted. One response has been received. We are working on next steps for this procurement.
6. **Fire Break Maintenance** – A tender was completed to mow firebreaks around the community.
7. **New FireSmart** – Tenders will be put out for the DMAF funding to conduct work outlined in the Community Wildfire Protection Plan. The Town has reached out to all indigenous partners. We are waiting for feedback to our consultation to move this work forward.



Adam McNab
Director of Protective Services

RECOMMENDATION:

THAT THE COUNCIL OF THE TOWN OF FORT SMITH ACCEPTS THE CORPORATE SERVICES MONTHLY REPORT AS PRESENTED.

BACKGROUND

Director Hood has returned as of November 2, which is a welcome development for the team and organization. The past few months have brought some challenges, with several staff members requiring extended absences due to personal circumstances. Despite this, the rest of the Corporate Services team has continued to work collaboratively, maintaining service levels and supporting one another through the busy fall period.

A new Director of Corporate Services has also been hired. Cassandra Gibbons will be joining the Town of Fort Smith effective November 17. She brings nearly two decades of public sector experience in finance, policy development, and organizational leadership, most recently serving in senior management roles with the Government of Newfoundland and Labrador. Cassandra’s strong background in financial oversight, governance support, and team development will be an asset to both our organization and community.

With leadership now re-established, the department’s immediate focus will shift to the 2026 Budget process. Here is the schedule:

- October: Departmental review and internal analysis of current year expenditures and priorities.
- Week of November 10: Preparation of the first complete draft of the operating and capital budgets.
- Mid-November: Presentation of the first draft to Council at a special budget meeting.
- Late November: Council capital priority-setting session and discussion of major operating pressures and revenue projections.
- Early December: Integration of Council direction and preparation of the final budget document.
- December 16: Final budget presentation for adoption at the regular Council meeting.

The Mayor has also requested that a community budget survey be developed and shared publicly to gather input on local priorities. This survey will be released by November 2 with a close date of November 14, and the results will be provided to Council following that.

The department is focused on ensuring a smooth transition, timely completion of the 2026 budget, and continued improvement of internal financial systems and reporting as we move into the new year.



Briefing Note

To: Mayor and Council
From: Administration
Date: November 4th, 2025
Subject: Policy and Bylaw Review Project – Mid-Project Update

PURPOSE:

To provide Council with a mid-project update on the Policy and Bylaw Review Project, summarizing progress to date, explaining adjustments to the project scope, and outlining the work plan and timeline for the remainder of this phase.

BACKGROUND:

In January 2025, the Town issued RFP TFS 2025-02 for a comprehensive review and redevelopment of its policies and bylaws. The goal of the project is to modernize the Town's legislative framework, ensure consistency and legal compliance, and create a centralized, searchable database of governance documents.

PlanIt North was engaged to complete this work. The project was structured in two tracks:

- Track 1 – High Priority (Strategic Planning and Land Use): Bylaws linked to planning needs and Housing Accelerator Fund (HAF) deliverables.
- Track 2 – Governance, Administrative, and Operational: Broader bylaw and policy updates to follow in later phases.

Following the project kickoff in April, the work plan was refined to reflect administrative capacity, realistic timelines, and a focus on the most operationally critical areas.

ANALYSIS:

Progress to Date

PlanIt North has completed significant groundwork, including reconciling and organizing legacy bylaw records, identifying inconsistencies and redundancies, and developing draft updates for a number of high-priority bylaws.

The consultant's proposal anticipated that the first phase would focus on at least one major functional area, with additional drafting to be completed if the budget allowed. For Fort Smith, this focus has been the Protective Services and Municipal Services bylaw suite, reflecting Council and administrative priorities.

Bylaws in Progress

As of October 2025, the following bylaws have been reviewed or are underway:

- Land Administration – third reading complete
- Underutilized Lands – best practice review; drafts 1 and 2 at legal review
- Property Standards (includes unsightly lands, combustible materials, and snow clearing) – best practice review; second draft complete
- Fire Prevention and Fireworks – first draft complete
- Firearms – first draft complete
- Noise – first draft complete
- ATV – first draft complete
- Traffic – first draft in progress
- Animal Control – best practice and first draft in progress
- Water and Sewage – first draft in progress
- Business Licensing – first draft complete



Briefing Note

- Procurement – first draft in progress

Scope Clarification

Several factors have influenced the project scope and deliverables at this stage:

- **Scope Definition:** A significant portion of work involved determining which bylaws remain active, clarifying administrative and Council objectives, and identifying the degree of revision required. This diagnostic step was built into the project rather than defined in advance, which is common for municipal bylaw reviews.
- **Extent of Revisions:** Most bylaws required complete repeal-and-replace versions rather than minor edits. This greatly increased the level of effort per bylaw and underscored how fragmented the Town’s framework had become.
- **Iterative and Diagnostic Process:** The review has relied on iterative discussions among administration, Council, and the consultant to confirm priorities. While time-intensive, it has provided a clear understanding of gaps and inconsistencies across the Town’s legislative framework.
- **Vacant and Underutilized Lands Bylaw:** This proposed “disincentive” bylaw has proven complex and novel within the NWT context. Extensive research and legal consultation were required to develop a defensible model aligned with Town objectives.

Although the number of completed bylaws is lower than originally envisioned, the project has achieved something more fundamental: a clear diagnosis of the Town’s governance framework. The results confirm that the Town’s bylaws are outdated, inconsistent, and in need of staged modernization. The work to date establishes a strong foundation for this continued effort.

Timeline

The project remains aligned with the overall schedule previously approved by Council
BN- Policy and Bylaw Review Project – Workplan Update and Next Steps on May 6th, 2025

- Phase 1 – Kickoff and Priority Clarification: Completed April 2025
- Phase 2 – Comprehensive Review and Internal Bylaw Database: Ongoing, to November 2025
- Track 1 – High Priority Deliverables: Draft revisions, stakeholder engagement, and Council presentations through fall 2025; finalization targeted for November 2025
- Track 2 – Remaining Bylaws and Policies: To be completed under a subsequent phase from late 2025 through early 2026

NEXT STEPS:

By the conclusion of this phase, PlanIt North will have:

- Completed thorough review and redrafting of key bylaws in the Protective Services and Municipal Services areas
- Consolidated and organized all current bylaw records into a single, verifiable reference set;
- Delivered recommendations for improved bylaw management and update processes; and
- Outlined a roadmap for future database development and completion of the remaining bylaw work.

RECOMMENDATION:

That Council receive this mid-project update for information



Briefing Note

To: Mayor and Council
From: Administration
Date: November 4th, 2025
Subject: Christmas Eve Office Closure

PURPOSE:

To request Council's approval to close all Town facilities for the full day on Christmas Eve, December 24, 2025, as a gesture of appreciation for staff. This full-day closure would extend the long-standing practice of providing a half-day, recognizing the exceptional commitment and effort shown by staff throughout the year.

BACKGROUND:

For many years, Town Council has shown appreciation to staff by providing a half-day off on Christmas Eve through a formal motion of Council. This gesture has been well-received as a recognition of the hard work and dedication of staff throughout the year.

In the spirit of continued appreciation and recognition, Administration recommends that Council extend this practice for 2025 by approving a full day closure on Christmas Eve. This small but meaningful gesture would allow staff to spend additional time with their families during the holiday season while maintaining essential coverage as required.

RECOMMENDATION:

That all Town facilities be closed for the full day on Wednesday, December 24, 2025; and
That Town staff, dependent on operational needs, be given the full day off. Should operational requirements necessitate employment on this noted date, the employee be given equivalent time off in lieu at a mutually agreed time.

MOTION:

That all Town facilities be closed for the full day on Wednesday, December 24, 2025.



Briefing Note

To: Mayor and Council
From: Administration
Date: November 4th, 2025
Subject: Land Administration Bylaw No. 1065 – Council Direction on Two Items

PURPOSE:

To present the clean draft of the Land Administration Bylaw No. 1065 for second reading and to seek Council direction on two items raised by the consultant regarding (1) the use and location of the term vacant or underutilized land and (2) the scope of the call for proposals method.

BACKGROUND:

Council gave first reading to the Land Administration Bylaw on October 14, 2025 and directed Administration to bring the bylaw forward for second reading at the October 21, 2025 meeting, with the required public notice to follow prior to third reading. The consultant has now provided a clean draft of the bylaw numbered 1065.

In providing the draft, the consultant identified two items that were not fully addressed at first reading and that would benefit from explicit direction by Council before the bylaw proceeds to third reading. They also advised of minor formatting inconsistencies that can be corrected either by the consultant or in house, depending on Council's preference.

The Cities, Towns and Villages Act requires that a land administration bylaw be advertised for at least two weeks prior to third reading. The intention is to do this following second reading.

ANALYSIS:

1. Use and placement of the term vacant or underutilized land

The draft Bylaw No. 1065 uses the term vacant or underutilized land but does not define it. The related Underutilized Land Bylaw, which will come to Council separately once legal review is complete, uses the following concept: land with no improvements, or improvements valued at less than \$10,000 on the tax roll, and with no active development permit. The consultant has asked whether Council wants the definition to be included directly in the Land Administration Bylaw or whether Council prefers to leave the detailed definition in the separate Underutilized Land Bylaw and simply reference it here.

Option A: Define vacant or underutilized land in Bylaw 1065 now.

This creates a single point of reference in the main land administration bylaw and makes the term clear to the public at the time of adoption. The tradeoff is that any future change to the definition would require amending the Land Administration Bylaw.

Option B: Keep the wording as is in Bylaw 1065 and define the term in the separate Underutilized Land Bylaw.

This gives Council more time to finalize the definition alongside incentives, exemptions, or compliance tools that may be in the underutilized land framework. The tradeoff is that the Land Administration Bylaw will contain an undefined term until the companion bylaw is adopted.



Briefing Note

Administration view: either option is workable. Given that the Underutilized Land Bylaw is already queued for legal review and will be presented shortly, it is reasonable to choose Option B and address the definition there.

2. Use of the call for proposals method

The current draft of Bylaw 1065 only allows property to be sold through a call for proposals (CFP) for certain types of lands (for example, general commercial, industrial, or town centre lots). The consultant recommends that the CFP method be available for all types of land, even if it is not used in every case. Their rationale is that zoning changes over time and restricting CFPs to particular zones can create unnecessary administrative steps or even prevent Council from using a tool that would produce better economic or community outcomes. Retaining the ballot-draw and first-come, first-served method as the default remains possible even if Council authorizes CFPs more broadly.

Administration view: it is practical to broaden the CFP authority to all lands. Doing so does not require Council to use CFPs in every case, but it preserves flexibility to seek higher-value or community-centred proposals when appropriate.

RECOMMENDATION:

That Council give second reading to Land Administration Bylaw No. 1065, confirm that the definition of vacant or underutilized land will be finalized in the separate Underutilized Land Bylaw, and authorize the use of the call for proposals method for all classes of Town land in Bylaw 1065.

Motion:

That Land Administration Bylaw No. 1065 be read a second time, and that Administration adjust the draft to allow calls for proposals for all Town lands and to rely on the Underutilized Land Bylaw for the definition of vacant or underutilized land.



LAND ADMINISTRATION BYLAW NO. 1065

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LAND ADMINISTRATION BYLAW NO. 1065

A BYLAW of the Council of the Municipal Corporation of the Town of Fort Smith in the Northwest Territories authorizing the Municipal Corporation of the Town of Fort Smith to regulate land administration in the Town of Fort Smith, passed pursuant to sections 53, 54, 55 and 70 of the *Cities, Towns and Villages Act*, SNWT 2003, C. 22;

WHEREAS the Council of the Municipal Corporation of the Town of Fort Smith is authorized to purchase, sell, lease or otherwise acquire and dispose of real property;

AND WHEREAS section 55 of the *Cities, Towns and Villages Act*, SNWT 2003, C. 22, requires the Town to adopt a Land Administration Bylaw to provide for policy and procedures relating to the acquisition, holding and disposal of real property;

NOW, THEREFORE, the Council of the Municipal Corporation of the Town of Fort Smith, in regular sessions duly assembled, enacts as follows:

PART A - GENERAL

1. SHORT TITLE

1.1. This Bylaw may be cited as the "Land Administration Bylaw".

2. APPLICATION

2.1. This Bylaw, except as otherwise expressly authorized by Bylaw, applies to all acquisitions, sales, leases, or other disposition of lands by the Town.

3. DEFINITIONS

3.1. In this Bylaw:

- a. “Acquisition of Land” means the purchase, lease, or other means of acquiring land;
- b. “Council” means the Council of a Municipal Corporation and includes the Mayor and/or Councilor(s);
- c. “Developed Land” means land in which the necessary municipal infrastructure has been placed to all improvements to be built or installed thereon;
- d. “Development Costs” means the Town’s direct and indirect costs of developing a lot or another specific area of land for disposition to the public, and which may include:
 - i. land acquisition costs;
 - ii. fees for appraisal, legal services, surveying, planning, and engineering designs and project management;
 - iii. land excavation and filling;
 - iv. roads, lanes, parking areas, curbs, sidewalks, boulevards, and all necessary appurtenances;
 - v. water, sanitary, and storm sewer systems, including service connections and all necessary appurtenances;
 - vi. electrical, street lighting, gas and communication transmission systems, including service connections and all necessary appurtenances;
 - vii. parks and recreational improvements;
 - viii. financing charges, including interest;
 - ix. environmental studies and/or cleanup; and
 - x. administrative costs associated with the acquisition and disposal of land, including the

related salaries and benefits of municipal administrators;

- e. "Disposal of Land" means the sale, lease, or other means of disposing of land;
- f. "Land" means real property or an interest therein, other than an easement or restrictive covenant;
- g. "Lot" means a specific area of land, the boundaries of which are:
 - i. shown on a plan registered in Land Titles Office, or
 - ii. described in the Certificate of Title to the land;
- h. "Market Value" means the value of land based on the amount that a willing buyer would pay to a willing seller. This value will be determined either by a professionally qualified land appraiser, by auction, or by public tender;
- i. "Minister" means the Minister of Municipal and Community Affairs;
- j. "Off-Site Levy" means a surcharge levied by the Town against a person who has acquired land in the Town. The Town uses this levy to pay for all or part of the capital cost of all or any Municipal infrastructure located outside the land being purchased or leased but which is of direct, though not exclusive, benefit to the purchaser or lessee and which may include, but is not limited to:
 - i. new or expanded facilities for the storage, transmission, treatment, or supply of water;
 - ii. new or expanded facilities for the transmission, treatment, or disposal of sewage;
 - iii. new or expanded storm sewer drainage facilities;
 - iv. new or expanded roadways or sidewalks;
 - v. new or expanded electrical, transmission systems, including all necessary appurtenances; and

- vi. land required for, or in connection with, any of the facilities described in sections 3.j.i-v.;
- k. “Quarry” means any work or undertaking in which granular materials are removed from the ground or the land by any method, and includes all ways, work, machinery, plant, building, and premises belonging to or used in connection with the quarry;
- l. “Replacement Cost” means the cost that the Town would incur if it was to develop a lot itself at the time that the Town acquired the lot.
- m. “Senior Administrative Officer” means the Senior Administrative Officer of the Town of Fort Smith appointed by Council pursuant to the *Cities, Towns and Villages Act*, SNWT 2003, C. 22, or their designate, as amended;
- n. “Site-Specific Factors” means factors which may be used, where applicable, in addition to or subtracting from the cost of developed land and which may consist of:
 - i. the size of the parcel;
 - ii. the site conditions;
 - iii. the desirability of location;
 - iv. the existing adjacent land uses; and
 - v. the land’s zoning;
- o. “Town” means the Municipal Corporation of the Town of Fort Smith in the Northwest Territories, established pursuant to the *Cities, Towns and Villages Act*, SNWT 2003, C. 22;
- p. “Town Standard” means the rules, regulations, practices, and codes of the Town, including but not limited to development and design standards, plans, specifications, general provisions, or processes that are documented in writing or have previously been implemented;
- r. “Undeveloped Land” means land which does not have the municipal infrastructure necessary to use the land for its intended purpose.

PART B - APPLICATION

4. ACQUISITION AND DISPOSAL OF LAND

- 4.1. The acquisition or disposition of land will be authorized by Bylaw. Such a Bylaw will contain:
- 4.1.1. a complete legal description of the land to be acquired, sold, leased, or otherwise disposed of;
 - 4.1.2. the minimum consideration to be paid for the acquisition, sale, lease or other disposition of the land; and
 - 4.1.3. in the case of a lease of un-surveyed land, a description of the parcel and sketch sufficient to identify the property to be leased.
- 4.2. No Bylaw for the acquisition, sale, lease or other disposition of land will be passed until:
- 4.2.1. the Senior Administrative Officer has certified the assessed value of the said land and any improvements thereon, and that the zoning requirements relating thereto are appropriate in reference to the proposed sale or other disposition thereof; and
 - 4.2.2. it has been established through a search at the appropriate Land Registry Office, that the town may lawfully acquire, sell, lease, or otherwise dispose of the said land;
 - 4.2.3. an inspection of the said land has been made on behalf of the Town, establishing:
 - 4.2.3.a. the occupancy thereof,
 - 4.2.3.b. the improvements thereon,
 - 4.2.3.c. the easements affecting the same,
 - 4.2.3.d. any circumstances that may delay or prevent the disposition of land; and
 - 4.2.3.e. other pertinent facts relating to the land, if any; and
 - 4.2.4. if the purchaser or lessee is a business, society, or corporation, the purchaser or lessee has provided the Senior Administrative Officer with proof that it is in good standing under the provisions of the *Societies Act*, RSNWT 1988, C. S-11, *Business Corporations Act*, SNWT 1996, C. 19, the Fort Smith Business Licensing Bylaw No. 504, as amended, or other relevant Acts or Bylaws.
- 4.1. Any individual, business, corporation, or society acquiring a leasehold interest in land must maintain public liability insurance with a company licensed and registered to do business in the Northwest Territories, for the land and any improvements to it, in an amount not less than \$2,000,000.00, or such other amount as reasonably directed by the Town from time to time. The individual, business, corporation, or society must provide the Town with documentary evidence of such insurance, in a form satisfactory to the Town, which names the Town as an insured party.

5. ESTABLISHING THE PRICE OF LAND

- 5.1. The price of land developed by the Town will, at minimum, recover the development costs and off-site levies.
- 5.2. The Town may set a price of land developed by the Town that accounts for site-specific factors and the market value of the lot.
- 5.3. The price of land not developed by the Town, but to be disposed of by the Town, will be the greater of the fair market value or the replacement cost of the land and improvements.
- 5.4. If Council is unable to determine the fair market value or the replacement cost of land not developed by the Town, the price will be determined based on the assessed value of the land, including improvements, plus a percentage factor, determined by Council, which would be designated to approximate the fair market value of the land.
- 5.5. Notwithstanding sections 5.1 and 5.2, if the Town is unable to dispose of land that it developed within three years of the initial advertisement for disposal, Council may dispose of the land for a price that is not less than fifty percent (50%) of development costs and off-site levies.
- 5.6. The amounts of capital grants or contributions from the Territorial Government, Federal Government, or other registered non-profit association for the development of land will be deducted from the Town's calculation of development costs.
- 5.7. In determining the amount to be raised by off-site levies for municipal infrastructure, the Town will deduct the amount of any capital grants received from the Territorial or Federal Governments for the completion of any portion of the municipal infrastructure for which the off-site levy is being made.
- 5.8. The annual lease rate for land leased from the Town will not exceed ten percent (10%) of the established price of land.
- 5.9. In determining the development costs or the amounts to be raised by off-site levies, Council may deduct any amounts received from capital grants or contributions from the Territorial, Federal, or Indigenous Governments, or registered charities, for the development of housing and municipal infrastructure in the Town of Fort Smith, if the Town chooses to use that portion of the grants and contributions to offset the price of land.
- 5.10. If Council decides to deduct all or a portion received from capital grants or contributions under section 5.9 from the price of land, Council will disclose in a public meeting, the:
 - 5.10.1 name,
 - 5.10.2 donor,
 - 5.10.3 year, and

5.10.4 amount or proportion

of the grant or contribution that it used.

- 5.11. Council may, by way of resolution, approve a policy for payment over time for the sale of specific lots or land.

6. OFF-SITE LEVIES

- 6.1. The Town may charge off-site levies against land being developed, whether by the Town or by a private developer, to pay for all or part of the capital costs of any municipal infrastructure which is located outside the boundaries of the land being developed.
- 6.2. The Town may designate by Bylaw areas of the town in which off-site levies may be imposed. The amount of the off-site levy may be a fixed amount payable for each lot or may be an amount per unit basis on some measurable criteria such as the frontage, area, or fair market value of a lot.

7. TERMS AND CONDITIONS OF LAND DISPOSAL

- 7.1. In disposing of land, the Town will initiate one of the following methods of land disposal:
- 7.1.1. Ballot Draw, or
 - 7.1.2. A Call for Proposals, in the case of General Commercial, Industrial, or Town Centre Lots, as defined in the Zoning Bylaw, as amended.
- 7.2. If, after the completion of a ballot draw or a call for proposal process, the Town has not disposed of a lot, the lot will be disposed of on a first-come, first-serve basis. A lot disposed of on a first-come, first-serve basis will be:
- 7.2.1. listed in the land bank register; and
 - 7.2.2. disposed of to the first person to enter into a completed sale or lease agreement with the Town.
- 7.3. Notwithstanding section 7.2, Council may refuse to dispose of land to a person who owns one or more vacant or underutilized properties in the Town.
- 7.4. The Town will conduct an additional ballot draw or an auction for lots if the Town sets a price that is lower than development costs and off-site levies, in accordance with section 5.5 of this Bylaw and procedures determined by the Town from time to time.
- 7.5. Anyone wishing to purchase or lease land from the Town will submit an application to the Senior Administrative Officer. Applications to the Town must:
- 7.5.1. be in writing and in a format which is acceptable to the Town.

- 7.5.2. indicate the applicant's proposed use of the Land, and, in the case of vacant Land, the improvements proposed to be constructed or placed by the applicant on the Land if the purchase is approved.
 - 7.5.3. include a refundable payment of ten percent (10%) of the value of the land.
- 7.6. If a person pays some amount to the Town in their application to purchase or lease land, but is not selected to purchase or lease the land, the Town will refund the amount paid by that person in its entirety, except for an administrative fee as prescribed in the Consolidated Rates and Fees Bylaw No. 1045, as amended.
- 7.7. A person who acquires vacant and underutilized land from the Town will be required to commence development, add a specific amount of value to, or quarry the Land within twenty-four months of purchase; otherwise, the land will, in accordance with the terms of the agreement dealing with the disposition, revert to the Town.
- 7.8. No lands will be sold by the Town to a tax-exempt institution unless an the Town first makes an agreement with the purchaser, and that agreement requires that subject lands will revert back to the Town for no more than the original purchase price should the institution no longer require the lands.
- 7.9. If a private developer wishes to purchase undeveloped land from the Town and to build or install municipal infrastructure to develop the land, then, before approving the disposal to the private developer, the Town will:
 - 7.9.1. obtain from the private developer a cost estimate establishing the cost at which the private developer will be able to develop and sell lots;
 - 7.9.2. require the private developer to provide a letter from a financial institution confirming that the private developer has sufficient financial resources to complete the development of the subject land;
 - 7.9.3. require the private developer to enter into an agreement with the Town requiring the private developer to dispose of vacant land by way of an auction, ballot draw, or call for proposals, unless a building has been constructed or installed on the land and the building is sold with the land;
 - 7.9.4. require that the developer complete development of the municipal infrastructure within a reasonable period of time to ensure an adequate supply of serviced land is maintained in the Town;
 - 7.9.5. specify by agreement with the private developer any requirements for the development of the land pursuant to the *Planning Act*, RSNWT 1988, C. P-7, including any restrictions on the use of the lands; and
 - 7.9.6. transfer title to the private developer, subject to a caveat to ensure compliance with sections 7.9.2 to 7.9.5, if applicable.

8. PUBLIC NOTICE OF SALE

- 8.1. The Town will not dispose of any land until such time as the land has been advertised for a minimum period of three weeks in the Town Office and three prominent locations within the community, and:
- 8.1.1. in a locally circulated newspaper; or
 - 8.1.2. on the Town's website, on its home page.
- 8.2. An advertisement for sale will include, but not be limited to, the following:
- 8.2.1. date of posting;
 - 8.2.2. closing date of posting;
 - 8.2.3. legal description of land;
 - 8.2.4. a sketch or survey of the land;
 - 8.2.5. location of the land;
 - 8.2.6. price of land;
 - 8.2.7. the zone of the land per the Zoning Bylaw; and
 - 8.2.8. local improvement charge and/or off-site levies, if any;
 - 8.2.9. the process for the disposal of the land, and how participants can participate in it; and
 - 8.2.10. contact information to obtain more information about the property.
- 8.3. Sections 7.1 to 7.6 and 8.1 to 8.2 will not apply to the disposal of land to:
- 8.3.1. the Federal Government or the Territorial Government;
 - 8.3.2. be used for the installation of electric power, telephone, or other communication utilities, if the utility company is a Crown corporation or government regulated monopoly;
 - 8.3.3. be consolidated with adjoining land when the land being disposed of does not comply with the minimum lot size requirements as the Town's Zoning Bylaw;
 - 8.3.4. a person or persons with a leasehold interest who wish to purchase the freehold interest in the same land; or
 - 8.3.5. an assignment of an existing lease.

9. LAND SALE REGISTER

- 9.1. A register of all land which has been approved for disposal by the Town will be maintained. The information in the register will include:
- 9.1.1. a sketch, identifying the size and location of the land;
 - 9.1.2. the full legal description, if any;
 - 9.1.3. the price of the land;
 - 9.1.4. conditions of disposal; and
 - 9.1.5. a record of pending disposals.
- 9.2. The register will be open for inspection by the public at the Town Office during normal business hours.

10. LAND DEVELOPMENT FUND

- 10.1. All revenues from the disposal of land and off-site levies will be held in the Land Development Fund.
- 10.2. The Land Development Fund is managed and operated in accordance with the Financial Administration Bylaw No. 972, as amended.

11. QUARRY MANAGEMENT

- 11.1. Where the Town manages quarries, it will be in accordance with the Statutes of the Governments of the Northwest Territories and Canada.
- 11.2. The acquisition and disposal of land for quarry purposes will be subject to the requirements of this Bylaw.
- 11.3. Subject to authorization by Bylaw, the Town may apply for quarry permits and land use permits from senior governments for quarry purposes, and issue quarry permits to other parties.
- 11.4. Any agreement executed by the Town to lease or sell land for quarry purposes will require the purchaser or lessee from the Town to restore the land at their own expense in accordance with the policies and guidelines established by the Government of the Northwest Territories and any other requirements of the Town.
- 11.5. Before executing a lease agreement or transfer for quarry lands, the Town will require the lessee or purchaser to deliver and deposit security with the Town to ensure complete restoration of the site. The terms and amount of this security will be determined by Council.

This security will consist of cash or an Irrevocable Letter of Credit issued by a Chartered Bank or a Surety Company.

12. BYLAW ADMINISTRATION

- 12.1. Council may adopt standard forms, agreement, fees, and procedures required for the administration of this Bylaw.
- 12.2. The Senior Administrative Officer may make such minor amendments to any such standard forms of agreement or procedures as may be necessary to adapt the agreement to the requirements of any particular transaction.

13. SEVERABILITY

- 13.1. Each provision of this Bylaw is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this Bylaw will remain valid and enforceable, and the Bylaw will be interpreted as such.

PART C – REPEALS AND EFFECT

14. REPEAL

- 14.1. Bylaw No. 862 is hereby repealed.

15. EFFECT

- 15.1. That this Bylaw will come into effect upon receiving Third Reading and otherwise meets the requirements of sections 53, 54, 55 and 70 of the *Cities, Towns and Villages Act*, SNWT 2003, C. 22.

READ A FIRST TIME THIS _____ DAY OF _____, 202_, A.D.

READ A SECOND TIME THIS _____ DAY OF _____, 202_, A.D.

READ A THIRD TIME THIS _____ DAY OF _____, 202_, A.D.

MAYOR

SENIOR ADMINISTRATIVE OFFICER



Briefing Note

To: Mayor and Council
From: Administration
Date: November 4th, 2025
Subject: Corporate Seal Bylaw

PURPOSE:

To present the Corporate Seal Bylaw to Council for approval, as requested by the Department of Municipal and Community Affairs (MACA).

BACKGROUND:

MACA is currently reviewing each municipality's list of bylaws to ensure all required foundational bylaws are in place. In Fort Smith's case, MACA was unable to locate a Corporate Seal Bylaw. Despite Administration's review of historical records, no such bylaw was found. This bylaw should have been enacted at the time the Town was incorporated, and its absence appears to be an administrative oversight.

ANALYSIS:

A corporate seal is an official emblem used by municipalities to authenticate legal documents such as bylaws, agreements, and formal correspondence. It serves as the municipality's official signature and confirms that a document has been properly authorized by Council.

The attached bylaw adopts the design shown in Schedule A as the official corporate seal of the Town of Fort Smith. It also designates the Senior Administrative Officer as the custodian of the seal, responsible for ensuring it is affixed to documents where required. These provisions are standard across the Northwest Territories and satisfy MACA's legislative expectations.

RECOMMENDATION:

That Council approve the attached Corporate Seal Bylaw.

Motion:

That Council approve the Corporate Seal Bylaw as presented.



THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1070

A BY-LAW OF THE COUNCIL OF THE MUNICIPAL CORPORATE OF THE TOWN OF FORT SMITH IN THE NORTHWEST TERRITORIES, TO ADOPT A CORPORATE SEAL PURSUANT TO PROVISIONS OF THE CITIES, TOWNS, AND VILLAGES ACT, SNWT 2011,C.7,SCH.B,S.3.

AS the Town of Fort Smith desires to adopt a corporate seal for the municipal corporation;

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

SHORT TITLE

- 1. The By-law may be cited as the Corporate Seal Bylaw.

GENERAL PROVISIONS

- 2. The design depicted in Schedule A, attached to and forming part of this bylaw, is adopted as the deal of the Town of Fort Smith.
- 3. The Senior Administrative Officer is responsible for maintaining custody of the corporate seal and shall cause it to be affixed to any documents where required.

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 _____, 20 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



**THE MUNICIPAL CORPORATION OF THE TOWN OF FORT SMITH
BY-LAW 1070**

“Schedule A”



Town of Fort Smith

ZONING BYLAW

Bylaw #1063 – v. Second Reading, September 2025



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B. Zoning Bylaw Maps



1.0 Part One – General

PURSUANT TO the regulations of the *Community Planning and Development Act, S.N.W.T. 2001,c.22 (the “Act”)* and the Section 70.(1)(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.

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 the Development and Use of land within the Town of Fort Smith in a balanced and responsible manner in accordance with the Community Plan and the *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 Tthebatthi Dënésuḡiné 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 foster strong Indigenous-Municipal relationships within the community.

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 #1063

Part One – General

R1	Low Density Residential
R2	Medium Density Residential
RC	Residential Country
TC	Town Centre
C	Commercial
IS	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 UR- 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;
 - where a boundary is shown following the Indigenous lands, the federal survey will be followed; 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.



Zoning Bylaw #1063

Part One – General

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.

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.



2.0 Part Two - Definitions

2.1 Definition Conventions

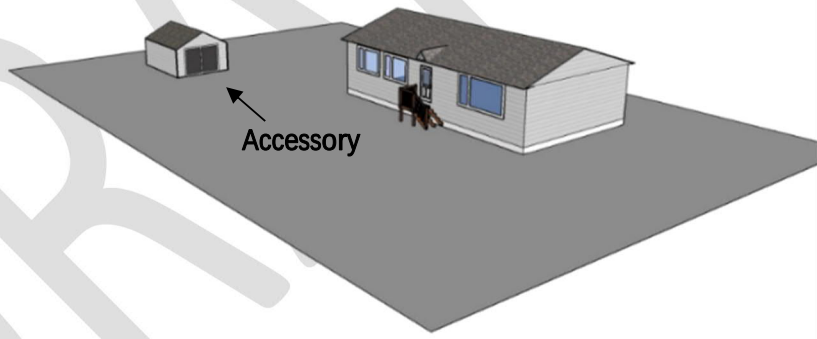
For the purpose of this Bylaw, certain terms or words herein shall be interpreted or defined as follows:

- 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 #1063

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). Any Building or Structure Attached to the Principal Building is not considered Accessory and is instead considered as part of the Principal Building. Teepees, wall tents, smokehouses and other structures that support Traditional and Cultural Use and may be incidental to the Principal Use or Building, are not considered Accessory Buildings or Structures under this definition. They are considered Traditional and Cultural Use as defined. 
Act	The Consolidation of the <i>Community Planning and Development Act</i> S.N.W.T. 2011, c. 22 as amended.

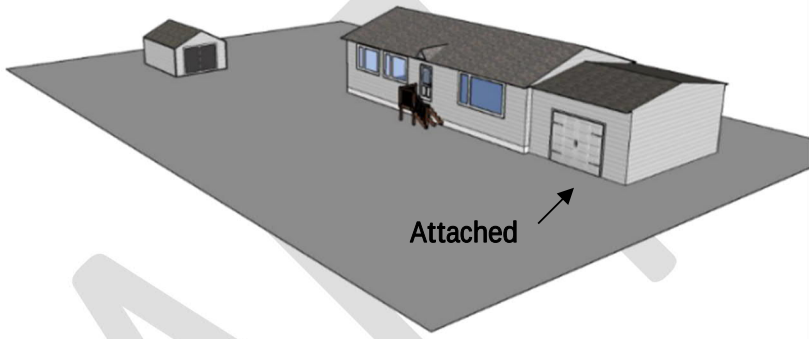
Zoning Bylaw #1063

Part Two - Definitions

Term	Meaning in this Bylaw
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, hangars, and Open Spaces.
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 or entity having a legal or equitable interest in property, or an individual or entity acting as the authorized representative of such person or entity, who has applied under the provisions of this Bylaw for a permit for the Development of land.

Zoning Bylaw #1063

Part Two - Definitions

Term	Meaning in this Bylaw
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. 
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.

Zoning Bylaw #1063

Part Two - Definitions

Term	Meaning in this Bylaw
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.
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 <i>Act</i> .
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.



Zoning Bylaw #1063

Part Two - Definitions

Term	Meaning in this Bylaw
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.
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 that exceeds 75 cubic metres; 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.

Zoning Bylaw #1063

Part Two - Definitions

Term	Meaning in this Bylaw
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 <i>Act</i> .
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.
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.

Zoning Bylaw #1063

Part Two - Definitions

Term	Meaning in this Bylaw
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.
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.



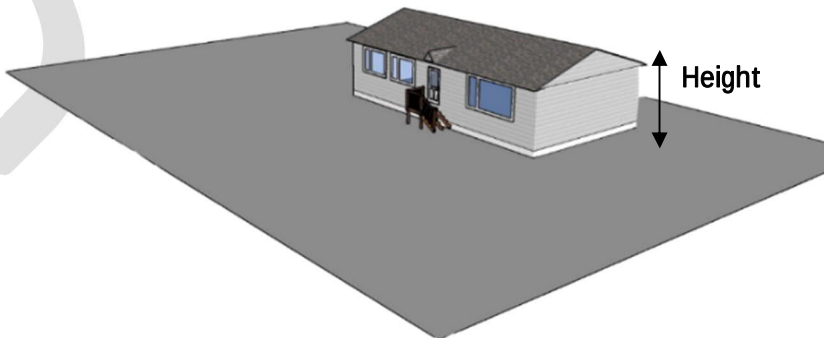
Zoning Bylaw #1063

Part Two - Definitions

Term	Meaning in this Bylaw
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.
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.
Hard Surfaced	A durable, dust-free and all-weather surface such as asphalt, concrete, paving stones, or another equivalent material approved by the Development Officer and meeting applicable Town engineering standards.

Zoning Bylaw #1063

Part Two - Definitions

Term	Meaning in this Bylaw
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.
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> .

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Part Two - Definitions

Term	Meaning in this Bylaw
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. Shall not have staff, parking, or visitors/patrons. Online Retail is permitted. May also include businesses where there are no Retail sales, consulting services and professional services where in-person consulting is not required, cleaning services, photography, and catering. 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 ID-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.



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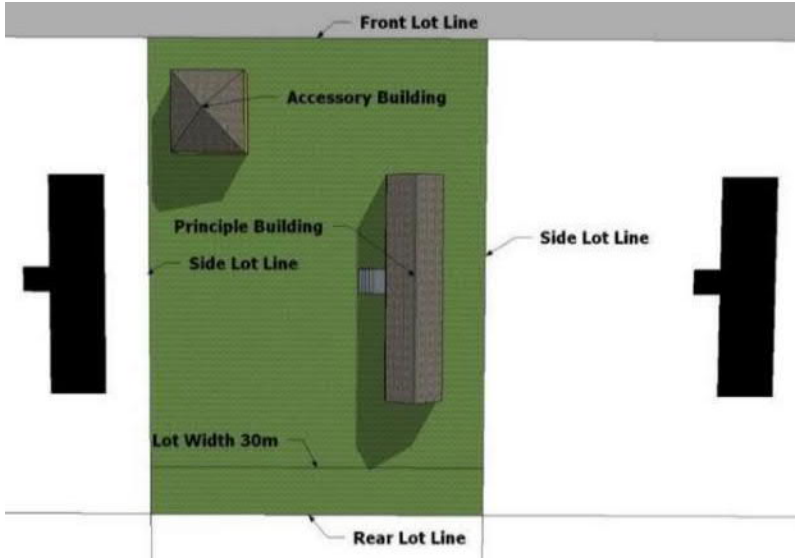
Part Two - Definitions

Term	Meaning in this Bylaw
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.
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, garden 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.



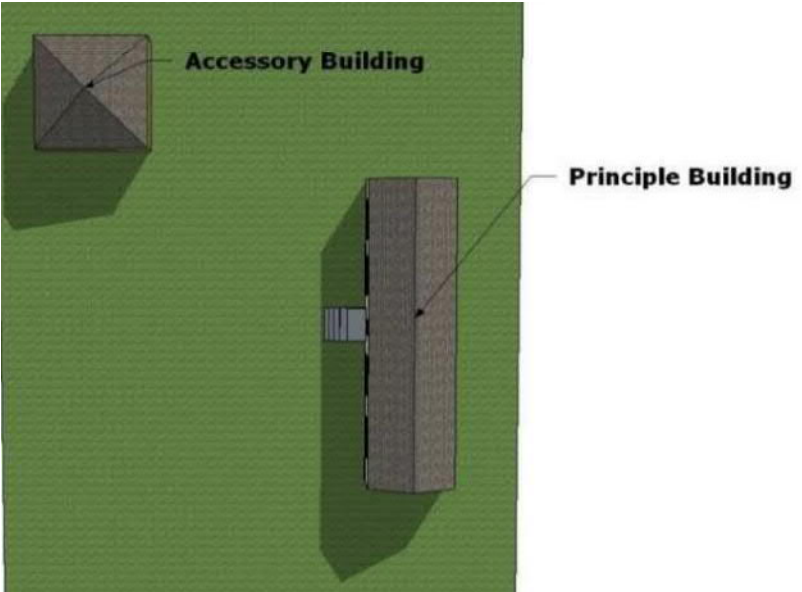
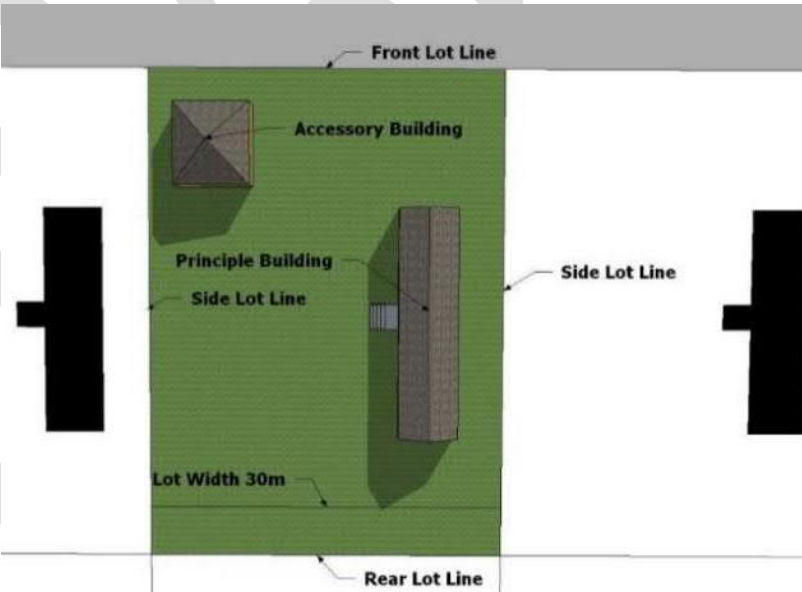
Zoning Bylaw #1063

Part Two - Definitions

Term	Meaning in this Bylaw
	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. At the top is a grey horizontal line labeled 'Front Lot Line'. At the bottom is a grey horizontal line labeled 'Rear Lot Line'. On the left and right sides are black vertical lines labeled 'Side Lot Line'. Inside the lot, there is a small grey square labeled 'Accessory Building' and a larger grey rectangle labeled 'Principle Building'. A label 'Lot Width 30m' points to the bottom side of the lot. The lot is flanked by two black vertical shapes representing adjacent lots.
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.

Zoning Bylaw #1063

Part Two - Definitions

Term	Meaning in this Bylaw
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. 
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.

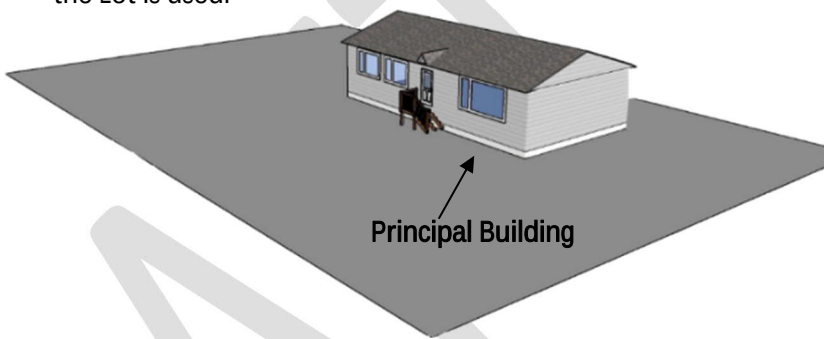
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Part Two - Definitions

Term	Meaning in this Bylaw
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 confirm 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.
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.

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Part Two - Definitions

Term	Meaning in this Bylaw
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.
Principal Building	A Building which: a) occupies the major or central portion of a Lot; b) is the Principal Building on a Lot; and, c) 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.

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Part Two - Definitions

Term	Meaning in this Bylaw
Public Utility	Any one or more of the following: a) systems for the distribution of gas, whether artificial or natural; b) Facilities for the storage, transmission, treatment, distribution, or supply of potable water; c) facilities for the collection, treatment, movement, or disposal of sanitary sewage; d) storm sewer drainage facilities; e) systems for electrical energy generation, transmission, and distribution; and, f) 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.
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.



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Part Two - Definitions

Term	Meaning in this Bylaw
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.
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.

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Part Two - Definitions

Term	Meaning in this Bylaw
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.
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 a 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 Structure 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 Use	Any activity or Use, including Temporary Use, likely to happen within the urban area of the Town of Fort Smith that supports Traditional and Cultural Use and activities. May include gatherings, cultural activities or events, teepees, wall tents, smokehouses and/or other Structures that support Traditional and Cultural activities.

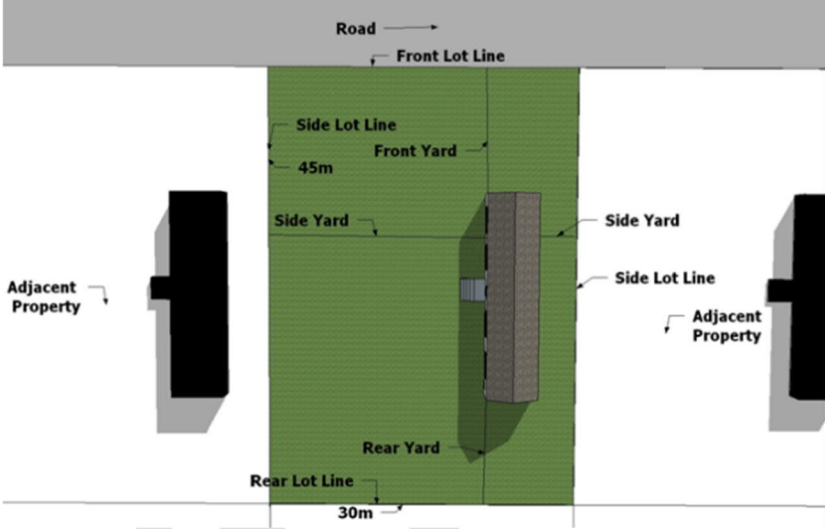
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Part Two - Definitions

Term	Meaning in this Bylaw
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.
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.

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Part Two - Definitions

Term	Meaning in this Bylaw
	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.  The diagram illustrates a rectangular lot with a building situated on it. The lot is bounded by a road at the top, which is labeled 'Road'. The front boundary of the lot is marked as the 'Front Lot Line'. The rear boundary is marked as the 'Rear Lot Line'. The side boundaries are marked as 'Side Lot Line'. The area between the front lot line and the building is labeled 'Front Yard'. The area between the side lot lines and the building is labeled 'Side Yard'. The area between the building and the rear lot line is labeled 'Rear Yard'. Dimensions are provided: '45m' for the front yard and '30m' for the rear yard. Adjacent properties are shown on either side of the lot, labeled 'Adjacent Property'.
Zone	An area designated for a specific set of land uses and rules which are outlined in this Bylaw.

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 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 decision on applications for the 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*;

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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 the 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.



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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 to 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 which the appeal relates through registered mail; and,
 - iii the public through online social media platforms, the 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 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.



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 for 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 metres in area and 3.0 metres in Height.

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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 Construction or placement of Structures for the purpose of Traditional or Cultural Use, providing that the Structure is 1.0 metre from a lot line, a minimum of 3.0 metres from any other Building, including the Principal Building on Site, and follows the Fort Smith Wildfire Protection Plan.
- 4.2.8 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.
- 4.2.9 Development on Airport Lands, as those lands are regulated by the *Fort Smith Airport Zoning Regulations SOR/81-567*.
- 4.2.10 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 a change in ownership, tenancy or occupancy of lands or a Building is deemed to be Non-conforming, its status will not be changed.



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Part Four - Development Permit Process

4.4 Similar Uses

- 4.4.1 In situations where an application for a 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.
- 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 elevation (height) of proposed Development;
 - v locations and dimensions of all existing Buildings, Structures or uses on the Lot;
 - vi any provisions for Off-street Loading and vehicle Parking Spaces;
 - vii access and exit points to the Site;
 - viii provisions for Landscaping and drainage; and,
 - ix any other Site features requested by the Development Officer.
 - b) a statement of Uses;
 - c) a statement of ownership of land and interest in the application;
 - d) the estimated commencement and completion dates; and,
 - e) the estimated cost of the project or contract price;
- 4.5.4 At the discretion of the Development Officer, an application for a Development Permit may also require:



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Part Four - Development Permit Process

- a) a recent copy of the Certificate of Title (within 30 days of the application submission date) indicating ownership and other interests;
 - b) current copies (within 30 days of the application submission date) of any restrictive covenants, caveats, or easements;
 - c) photographs of the Site;
 - d) professional engineer standard building floor plans, including:
 - i total Gross Floor Area;
 - ii building dimensions; and,
 - e) 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, because of the size, complexity, location or potential environmental or community impacts. Additional information may include but is 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.



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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 agency or body, including the Indigenous Governments and Authorities in Fort Smith where, due to scale, location or potential environmental, infrastructure, or heritage impacts, additional technical review is advisable to ensure compliance with applicable legislation and plans.
- 4.6.2 The Development Officer shall consider any recommendations or comments received by referral agencies.
- 4.6.3 Any proposed Development that may have an effect on Airport or aerodrome operations shall be referred to the specific Airport Commission or Authority, Transport Canada, and NavCanada.
- 4.6.4 Any proposed Development application may be circulated to the Fire Chief, Fire Marshal or other person having jurisdiction to review a Development Permit and identify compliance with the National Fire Code.
- 4.6.5 Development within Highway #5 right-of-way is subject to approval from the GNWT Department of Transportation.
- 4.6.6 Vehicular Road access to and from Highway #5 is subject to approval of the GNWT Department of Transportation.

4.7 Decisions of Development Permit

- 4.7.1 The Development Officer shall:
 - a) receive, consider, and issue decisions on applications for a Development Permit for uses listed in Part Nine of this Bylaw which constitute Permitted Uses in a Zone and comply with the minimum standards for that Zone;
 - b) receive and refer with their recommendations to Council (acting as the Development Officer) for its consideration and decision, applications for a Development Permit for Uses listed in **Part Nine** of this Bylaw which constitute Discretionary Uses; and,
 - c) receive and refer to Council (acting as the Development Officer), at their discretion, any application which, in their opinion, should be decided by the Council.
- 4.7.2 The Development Officer must make a decision on an application for a Development Permit within 40 days of the official receipt of the application.

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- 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.
- 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



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- 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.
- 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;



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- 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
 - 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:



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- 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 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.
- c) 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;
- d) provide evidence of Site investigations by a qualified professional engineer to determine the suitability of the Site for the intended Development;
- e) 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;
- f) provide a traffic study completed by a qualified professional;
- g) provide an Environmental Assessment completed by a qualified professional to identify risks and mitigation measures relevant to the proposed Development;
- h) provide evidence of compliance with any other relevant Municipal Bylaws, Federal, or Territorial legislation; or
- i) 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 is 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,



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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 of 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:
 - 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:

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- 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.
- 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 cancelled, 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 the Development.
 - 4.15.3 Written notice shall state:
 - a) the grounds for the cancellation, suspension, or modification; and,
 - b) the conditions that must be met for a suspended Development Permit to be reinstated, including appeal.



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Part Four - Development Permit Process

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
- 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 changes to Developments are considered significant enough to require a complete re-review of the Development Permit, the Development Officer may require a new Development Permit to 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.



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- 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:

- a) refuses or fails to issue a Development Permit to a person within 40 days of receipt of the application;
- b) issues a Development Permit with or without conditions; or,
- c) issues an order under *Section 57 of the Act*.

5.1.2 In accordance with *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:

- a) there was a misapplication of a Zoning Bylaw in the approval of the application.
- b) the proposed Development contravenes the Bylaw, the Community Plan, or an Area Development Plan;
- c) the Development Permit relates to the Use of land or a Building that had been Permitted at the discretion of a Development Officer;
- d) 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;
- e) the application for the Development Permit had been approved under circumstances where the proposed Development did not fully conform with the Zoning Bylaw; or,
- f) 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 Sections 62 and 63 of the *Act*.

5.1.4 The notice of appeal must:

- a) state the reason(s) for appeal;
- b) summarize the supporting facts for each reason for appeal;
- c) indicate the relief sought; and,

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Part Five – Appeals

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



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Part Five – Appeals

5.3 Decision

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



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 a 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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Part Six – Enforcement and Administration

6.3 Application to Amend Bylaw

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

6.4 Amending Bylaws

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



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 may 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 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.

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;

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- 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 is 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 The finished Lot Grades shall slope negatively away from the Structure, generally equivalent to a minimum of 2% where practical, to direct surface water away from the foundation.

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

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.



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Part Seven – Development Standards

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 metres, 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 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 Caretaker 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 (SeaCans) no larger than 2.35 metres x 6.0 square metres (20 ft Container), and it must be located in the Rear Yard in Lot Zoned R1- Low Density Residential, or R2- Medium Density Residential;
 - b) a maximum of two (2) Shipping Containers (SeaCans) no larger than 2.35 meters x 12.0 metres (20 ft Container). The Shipping Containers must be located in the Rear Yard in Lot Zoned RC -Country Residential, and shall not be stacked;



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- c) a maximum of three (3) Shipping Container (SeaCans) no larger than 2.35 metres x 12.0 metres (40 ft container) on Lots Zoned GC- General Commercial or ID- Industrial. The Shipping Containers shall not be stacked;
 - d) containers must be maintained in accordance with current Town bylaws as amended or its successors.
- 7.6.9 Shipping Containers (SeaCans) do not require a Development Permit in the IN- Industrial Zone.
- 7.6.10 Shipping Containers (SeaCans) are not Permitted in the TC-Town Centre 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.



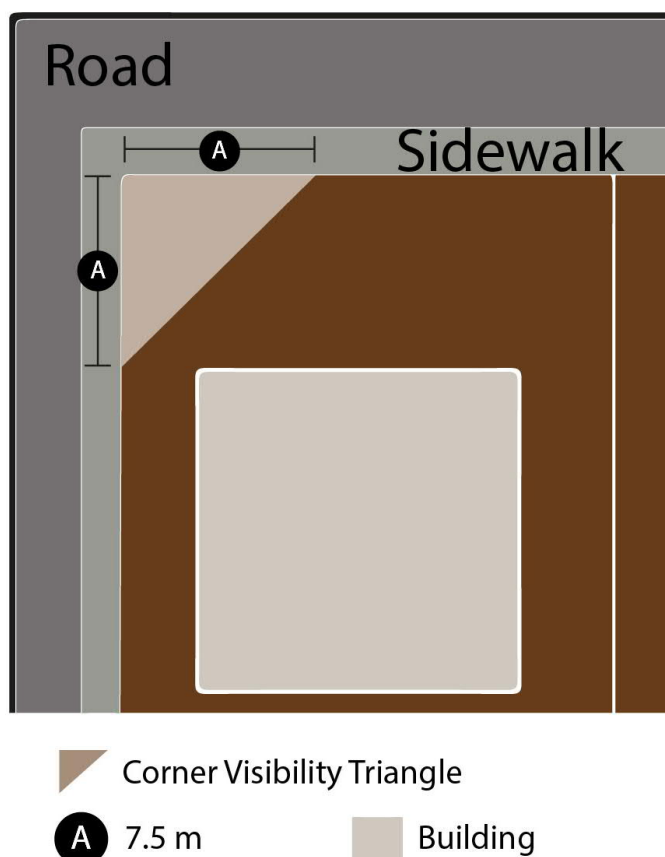


Figure 1: Corner Visibility Triangle

7.9 Fences

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

7.9.2 All Fences must be:

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

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

- a) higher than 2.0 metres on the Side and Rear Yards to be measured as the average elevation from the ground to the top of the 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. This does not apply to the CR-Country Residential Zone.
- 7.9.6 Fences must be maintained in accordance with the current *Unsightly 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 state of the Site would enhance the Development and is in line with FireSmart principles.

Table 7-1: Landscaping Regulations

Zones	Landscaped Area (minimum)
R1- Low-Density Residential	a) A minimum of 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- Medium-Density Residential	a) A minimum of 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.



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Zones	Landscaped Area (minimum)
	c) Retention and preservation of existing deciduous vegetation is encouraged. d) Landscape areas must follow current FireSmart principles.
RC- Country Residential	a) Retention and preservation of existing deciduous vegetation is encouraged. b) Landscape Areas must follow current FireSmart principles.
TC- Town Centre	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, specialty lighting or other items that can be located facing Public Roadways may be considered. c) Landscape Areas must follow current FireSmart principles.
IS- Institutional	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.
ID- Industrial	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 principles.

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 0.4 square meters 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

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average ground level at the face of the building, and the manner of illuminating the sign, including any form of animated or intermittent lights.

- 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 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 TC- Town Centre, GC-General Commercial, IS-Institutional, and ID- Industrial Zones. 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 TC- Town Centre, GC-General Commercial, IS-Institutional, and ID- Industrial Zones. 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



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- b) do not exceed in area the equivalent of 25% of the surface area of the wall on which it is Attached.
- 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 the TC- Town Centre and GC- General Commercial Zones. Projecting signs do not require a Development Permit, but 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:

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

7.13.2 Every Off-Street Parking Space provided and its access for institutional, and commercial Use, as well as all access in the TC Zone 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 in accordance with any applicable Town engineer standards.

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 travelled portion of the Street right-of-way, to the satisfaction of the Development Officer.

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

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



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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,	the greater of 3.0 spaces or 1.0 per 35.0 m sq.m of Gross Floor Area
Fitness Studio, Personal services Establishment, Offices,	the greater of 3.0 spaces or 1.0 per 35.0 m sq.m of Gross Floor Area
Establishment, Eating and Drinking, Establishment, Entertainment	the greater of 3.0 spaces or 1.0 per 35.0 m sq.m of Gross Floor Areaspaces
Brewery and/or Distillery	the greater of 3.0 spaces or 1.0 per 35.0 m sq.m of Gross Floor Area
Hotels and Motels	1.0 per sleeping unit
Day Cares	the greater of 3.0 spaces or 1.0 per 35.0 m sq.m of Gross Floor Area
Places of Worship, Public Assembly, Recreation Facility, Funeral Parlour	the greater of 3.0 spaces or 1.0 per 35.0 m sq.m of Gross Floor Area
Manufacturing Facility, Cannabis Production, Outdoor Storage Area, Public Utility,	1.0 per building on Site
Commercial Greenhouse	the greater of 3.0 spaces or 1.0 per 35.0 m sq.m of Gross Floor Area
Institution	3.0 per classroom
Health Centre, Assisted Living Facilities, Veterinary Clinic	the greater of 3.0 spaces or 1.0 per 35.0 m sq.m of Gross Floor Area



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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 unloading Space with a minimum of one space for each loading door.

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 the 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



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- 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.
- 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 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 Town's fire suppression system (hydrant 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;



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- 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 10.0 metres or to the 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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8.0 Part Eight - Specific Use Regulations

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 five (5) 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 Caretaker Unit is restricted to persons whose primary role is to provide on-Site supervision or maintenance of a property whose 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 the 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 a 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 a 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, Minor must be operated and occupied by a resident of the Principal Dwelling Unit.

8.6.7 A Home Occupation, Major 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.

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

8.6.9 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.

8.6.10 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.

8.6.11 A Home Occupation shall not:

- a) create Nuisances that negatively impact neighbouring properties; or,



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- b) generate excessive pedestrian or vehicular traffic which is uncharacteristic of the neighbourhood.
- 8.6.12 A Home Occupation may have up to one vehicle associated with the business parked on-Site.
- 8.6.13 Vehicles associated with the Home Occupation (those with a Gross Vehicle Weight Rating of 5,500 kg or more) cannot be parked on-Site for any longer than is necessary to load or unload the vehicle.
- 8.6.14 A Home Occupation is not Permitted to have dedicated on-Street Parking.
- 8.6.15 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.
- 8.6.16 All activities associated with the Home Occupation must be contained within a Building. No outdoor business activity is Permitted.
- 8.6.17 No commercial equipment or materials associated with the Home Occupation can be stored outdoors in the R1- Low Density Residential and R2-Medium Density Residential Zones.
- 8.6.18 Industrial vehicles, equipment and materials associated with the Home Occupation are prohibited in the R1- Low Density Residential and R2-Medium Density Residential Zones.
- 8.6.19 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.
- 8.6.20 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.



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- 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 Dwelling's floor area.
- 8.7.5 Additions to a Factory-Built Dwelling shall require a foundation, skirting, roofing and siding equivalent to that of the existing Factory-Built Dwelling.
- 8.8 Multiple Unit Dwellings
- 8.8.1 All Multiple Unit Dwellings shall have provisions for:
- a) Open Space or Parks;
 - b) Enclosed recreation areas;
 - c) Access for emergency vehicles;
 - d) Enclosed garbage and recycling storage; and,
 - e) Shared laundry facilities where not provided within individual units.
- 8.8.2 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.
- 8.9 In-Home and Detached Secondary Suite Dwellings
- 8.9.1 An In-Home Secondary Suite Dwelling is fully contained within a Single Detached, Factory-Built Single Detached, or Duplex Dwelling Unit.
- 8.9.2 A Detached Secondary Suite Dwelling is fully contained within an Accessory building on the same Lot.
- 8.9.3 Only one (1) In-Home or Detached Secondary Suite Dwelling is Permitted per Site.
- 8.9.4 The external appearance and residential character of the Principal Dwelling in which the In-Home Secondary Suite Dwelling is located shall be maintained.
- 8.9.5 Detached Secondary Suites shall be Accessory and complementary to the Principal Dwelling and will not be located in the Front Yard of a Lot.
- 8.9.6 Detached Secondary Suites shall adhere to the Accessory Building Yard Setbacks.
- 8.9.7 Access to the Secondary Suite will be the same as the Principal Building.
- 8.9.8 Parking requirements must comply with **Section 7.13.6** of this Bylaw.



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- 8.9.9 A Secondary Suite shall not include a Bed and Breakfast or Day Home.
- 8.9.10 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 Secondary Suite Dwelling units must have direct access to the outdoors and at least one window for emergency escape during a fire;
 - c) 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.
- 8.10 Commercial Greenhouse
- 8.10.1 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.
- 8.10.2 All Commercial Greenhouses must comply with applicable Municipal Bylaws and Territorial or Federal legislation and regulations.
- 8.10.3 Commercial Greenhouses shall conform to the current National Building Code of Canada.
- 8.10.4 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.
- 8.10.5 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
- 8.10.6 An approved drainage plan is required to prevent contamination related to the effluent of waste.
- 8.10.7 Commercial Greenhouses shall not generate odour, waste, or visual impact beyond what the general characteristics of the Zone in which it is developed.



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Part Eight - Specific Use Regulations

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 GC- General Commercial and ID- 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.



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**

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Part Nine - Zoning Regulations

9.2 R1 - Low-Density Residential

Table 9-1 Permitted and Discretionary Uses

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

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-Build Dwelling Entrance Side		2.0 m	



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R1 Regulations	Single Detached Dwelling	Factory-Built Dwelling	Duplex Dwelling
Principal Building Rear Yard	4.0 m	3.0 m	4.0 m
Accessory Building - Lot Line, All Lot Line	1.0 m	1.0 m	1.0 m
Accessory Building Corner, All Lot Line	2.0 m	2.0 m	2.0 m
Accessory Building – Principal Building	3.0 m	3.0 m	3.0 m
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

- a) In the case of Duplex Dwelling Units, Side Yard requirements along the common wall are waived.
- b) Only side-by-side Duplex Dwellings are Permitted in the R1 – Low Density Residential Zone.
- c) Porches and additions to a manufactured home shall be considered as part of the main building, and the external finish of a porch or addition shall match the existing finish on the mobile home.
- d) Accessory Structures shall be developed in accordance with **Section 7.6**

9.2.2 Other Regulations

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



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Part Nine - Zoning Regulations

9.3 R2 – Medium-Density Residential

Table 9-3 Permitted and Discretionary Uses

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

Table 9-4 R2 Development Regulations

R2 Regulations	Single Detached Dwelling	Single Detached Factory-Built Dwelling	Duplex Dwelling	Multiple Unit Dwelling
Minimum Lot Width	15.0 m	11.0 m	15 m (7.5 m subdivided)	15 m (7.5 m subdivided)
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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Part Nine - Zoning Regulations

R2 Regulations	Single Detached Dwelling	Single Detached Factory-Built Dwelling	Duplex Dwelling	Multiple Unit Dwelling
Principal Building Side Yard (Corner Lot)	4.6 m Side Yard facing Road	4.6 m Side Yard facing Road	4.6 m Side Yard facing Road	4.6 m Side Yard Facing Road
Principal Building Side Yard Factory-Build Dwelling Entrance Side		2.0 m		
Principal Building Rear Yard	4.0 m	4.0 m	4.0 m	4.0 m
Accessory Building - Lot Line, All Lot Line	1.0 m	1.0 m	1.0 m	1.0 m
Accessory Building Corner, All Lot Line	2.0 m	2.0 m	2.0 m	2.0 m
Accessory Building – Principal Building	3.0 m	3.0 m	3.0 m	3.0 m
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 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 shall be developed in accordance with **Section 7.6**.
- 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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Part Nine - Zoning Regulations

- 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 metres in Height and not more than 2.0 metres in Height shall be provided along the side property lines, and each unit's rear outdoor area to the satisfaction of the Development Officer.

9.3.2 Other Regulations

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



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Part Nine - Zoning Regulations

9.4 RC - Country Residential

Table 9-5 Permitted and Discretionary Uses

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

Table 9-6 Development Regulations

RC Regulations	All uses
Minimum Lot Area	1.2 ha
Minimum Lot Width	45.0 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.
- c) Sanitary facilities shall meet the standards provided by the *Public Health Act* and Regulations.



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- 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 Use	

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.

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 Use	
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 8.10** 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.



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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 Use	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 site 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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Part Nine - Zoning Regulations

9.8 ID - 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 Use	Park
	Service Station
	Sewage Disposal Site
	Solid Waste Site
	Similar Use
	Temporary Use
	Veterinary Clinic
	Workcamp

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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Part Nine - Zoning Regulations

9.8.1 Development Regulations

- a) In the case of Multiple Unit Buildings, the Side Yard requirement along the common wall is waived.
- b) Heavy Industrial Uses on Industrial Zoned Lots, as shown on Schedule B – Zoning Bylaw Maps are not Permitted. The Lots include:
 - i Plan 14, Lots 10, 18
 - ii Plan 620, Lots 182-1, 187-2
 - iii Plan 1397 Lots 1032, 1034, 1035, 1048, 1049, 1050, 1051, 1052, 1053, 1054, 1055, 1056, 1057, 1058, 1059, 1060, 1061, 1062, 1066, 1074, 1075
 - iv Plan 1566, Lots 1103, 1104, 1105, 1106, 1107, 1108
 - v Plan 1929, Lots 1445, 1446,
 - vi Plan 2799, Lots 1562, 1563
 - vii Plan 4390, Lots 1818,
- 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.

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.

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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 that 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 Use	

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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Part Nine - Zoning Regulations

9.11 ES – Environmentally Sensitive Areas

Table 9-16 Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
Accessory Buildings and Uses for Parks	Traditional and Cultural Use
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 is Permitted in the ES Zone.
- d) Any Use involving human habitation or occupancy is 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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Part Nine - Zoning Regulations

9.12 SR- Salt River First Nation Development Lands

- 9.12.1 Salt River First Nation Development Lands are Federal Lands that are reserved lands for 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 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 Use	

9.13.1 Development Regulations

- a) All approved Uses are interim Uses only, and an agreement outlining the conditions and duration of the Use must be approved by the Development Officer or Council.
- b) Permanent Development in the UR- Urban Reserve 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- Urban Reserve 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.



DRAFT



Schedule B

Zoning Bylaw Maps





Town of Fort Smith Zoning By-Law

Zoning By-Law - Overview Figure 1

Zoning Designation

- R1 - Low Density Residential
- R2 - Medium Density Residential
- RC - Residential Country
- TC - Town Centre

- C - Commercial
- IS - Institutional
- ID - Industrial
- AP - Airport
- PO - Parks and Open Space

- ES - Environmentally Sensitive Areas
- SR - Salt River First Nation Development Lands
- UR - Urban Reserve
- Heavy Industrial Activities Not Permitted

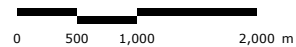
Base Data

- Municipal Boundary
- Highway
- Road
- Winter Road

- Territorial Boundary
- Water
- Surveyed Parcel



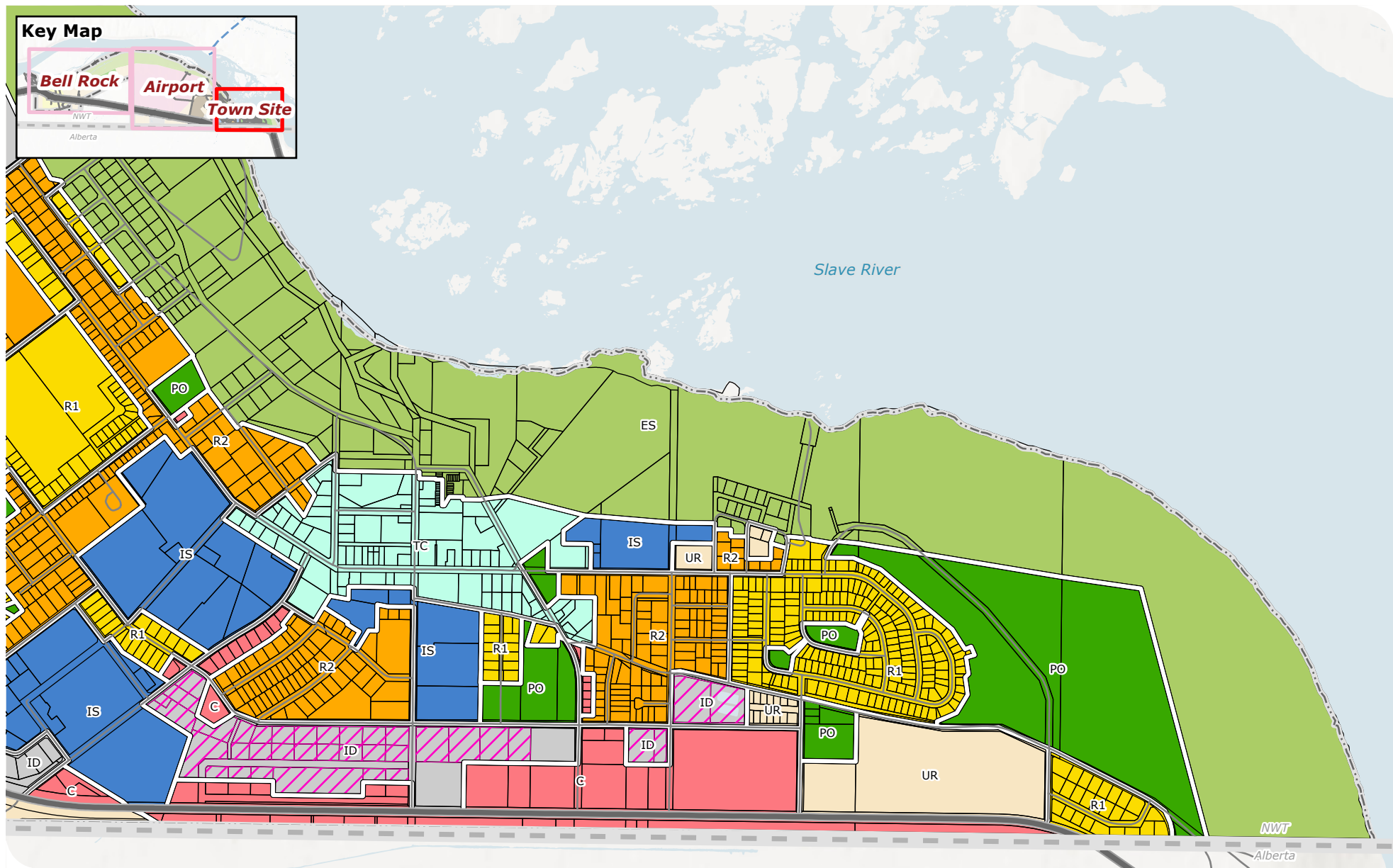
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MAP CREATED BY: LK
MAP CHECKED BY: MK
MAP PROJECTION:
NAD 1983 UTM Zone 12N

MAP DRAWING INFORMATION:
DATA PROVIDED BY: GNWT,
Town of Fort Smith,
Esri, USGS, FEMA, Esri, USGS

PROJECT: 24-7407
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DATE: 2025-09-19



Town of Fort Smith Zoning By-Law

Zoning By-Law - Town Site

Figure 2

Zoning Designation

- R1 - Low Density Residential
- R2 - Medium Density Residential
- RC - Residential Country
- TC - Town Centre

- C - Commercial
- IS - Institutional
- ID - Industrial
- AP - Airport
- PO - Parks and Open Space

- ES - Environmentally Sensitive Areas
- SR - Salt River First Nation Development Lands
- UR - Urban Reserve

- Heavy Industrial Activities Not Permitted

Base Data

- Municipal Boundary
- Surveyed Parcel
- Water
- Territorial Boundary

- Highway
- Road
- Winter Road



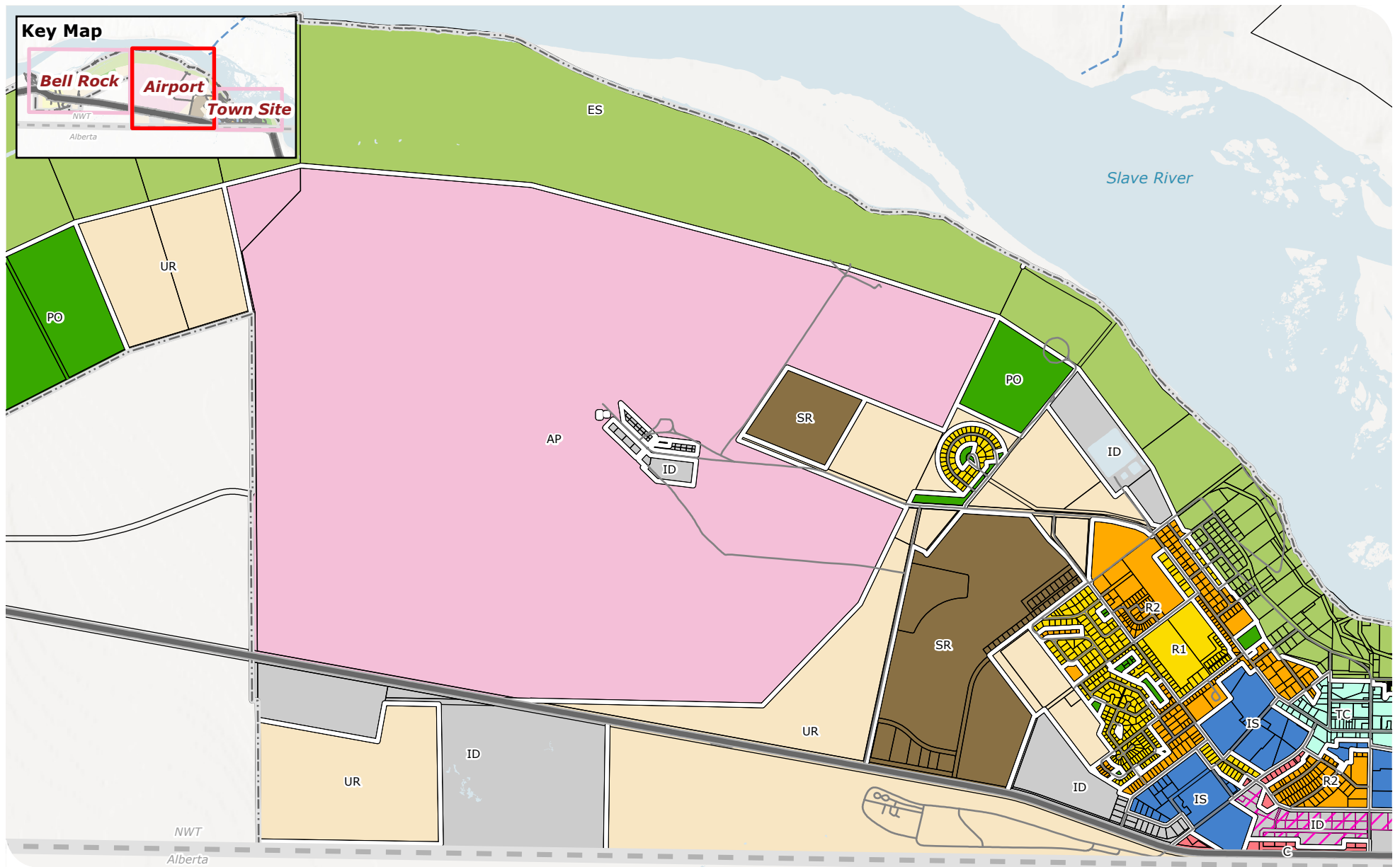
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MAP PROJECTION:
NAD 1983 UTM Zone 12N

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Town of Fort Smith Zoning By-Law

Zoning By-Law - Airport Figure 3

Zoning Designation

- R1 - Low Density Residential
- R2 - Medium Density Residential
- RC - Residential Country
- TC - Town Centre

- C - Commercial
- IS - Institutional
- ID - Industrial
- AP - Airport
- PO - Parks and Open Space

- ES - Environmentally Sensitive Areas
- SR - Salt River First Nation Development Lands
- UR - Urban Reserve

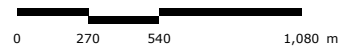
- Heavy Industrial Activities Not Permitted

Base Data

- Municipal Boundary
- Surveyed Parcel
- Water
- Territorial Boundary
- Highway
- Road
- Winter Road



Scale 1:28,700

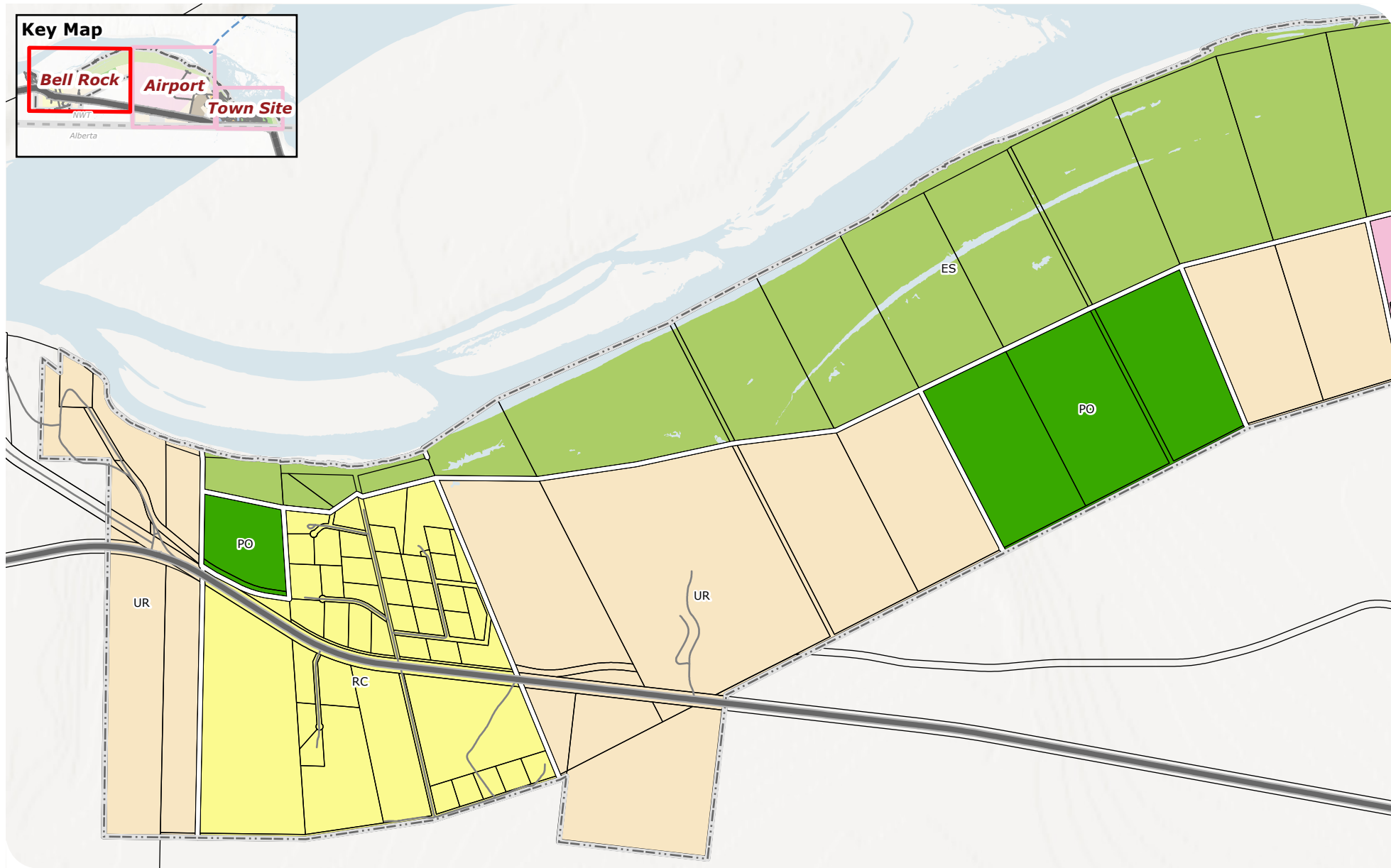
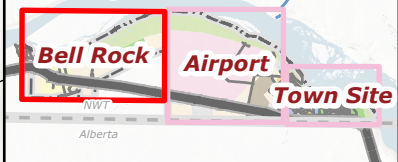


MAP CREATED BY: LK
MAP CHECKED BY: MK
MAP PROJECTION:
NAD 1983 UTM Zone 12N

MAP DRAWING INFORMATION:
DATA PROVIDED BY: GNWT,
Town of Fort Smith,
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Key Map



Town of Fort Smith Zoning By-Law

Zoning By-Law - Bell Rock

Figure 4

Zoning Designation

- R1 - Low Density Residential
- R2 - Medium Density Residential
- RC - Residential Country
- TC - Town Centre

- C - Commercial
- IS - Institutional
- ID - Industrial
- AP - Airport
- PO - Parks and Open Space

- ES - Environmentally Sensitive Areas
- SR - Salt River First Nation Development Lands
- UR - Urban Reserve

- Heavy Industrial Activities Not Permitted

Base Data

- Municipal Boundary
- Surveyed Parcel
- Water
- Territorial Boundary

- Highway
- Road
- Winter Road



Scale 1:22,950



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NAD 1983 UTM Zone 12N

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