

INCORPORATED HAMLET OF FORT MCPHERSON

BY-LAW # 47

BEING A BY-LAW OF THE HAMLET OF FORT MCPHERSON IN THE NORTHWEST
TERRITORIES TO ADOPT A ZONING BY-LAW TO REGULATE CERTAIN USES OF
LAND AND DEVELOPMENT IN THE HAMLET OF FORT MCPHERSON.

PURSUANT TO the provisions of the Planning Act, R.S.N.W.T. 1988,
c.P-8, s13.


WHEREAS The Council of the Hamlet of Fort McPherson has adopted a
General Plan, By-Law No. 47;

NOW THEREFORE, The Council of the Hamlet Of Fort McPherson in the
Northwest Territories, duly assembled, enacts as follows:

1. Schedule "A", "B", "C", of this By-Law are declared to form part of this By-Law.
2. The Zoning By-Law of the Hamlet Of Fort McPherson, known as the "Fort McPherson Zoning By-Law", and attached as Schedule "A", "B", and "C" of this By-Law, is hereby passed.
3. This By-Law comes into effect on the day in which it is signed by the Hamlet of Fort McPherson.

READ A FIRST TIME THIS 30th DAY OF July . 1991

SECOND READING AMENDED THIS 31st MARCH 1992
READ A SECOND TIME THIS 28th DAY OF October . 1991 *φ*

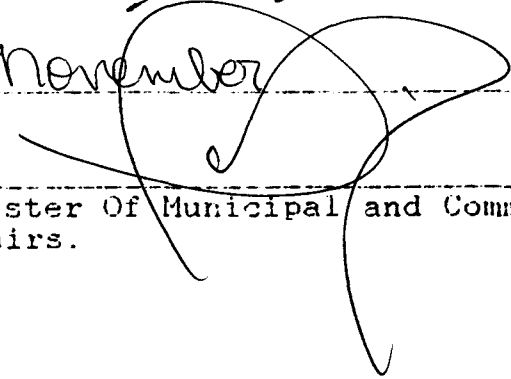


Mayor



Senior Administrative Officer

APPROVED THIS 23 DAY OF November . 1992



Minister Of Municipal and Community
Affairs.

READ A THIRD TIME AND FINALLY PASSED BY A MAJORITY OF THOSE
PRESENT THIS 11 DAY OF January, 1994B

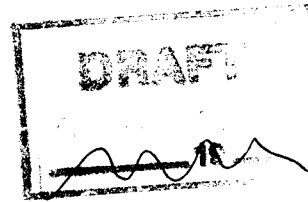
Raymond Neypson
Mayor

L. J. Behe
Senior Administrative Officer

FORT MCPHERSON ZONING BY-LAW

BY-LAW # 47

SCHEDULE "A"



SECTION 1 - GENERAL STATEMENTS:

- 1.1 Schedules "A", "B" and "C" of By-Law # 47 are known as the "Fort McPherson Zoning By-Law".
- 1.2 This By-Law applies to all lands within the boundaries of the Hamlet Of Fort McPherson.
- 1.3 No land shall be used and no development shall take place within the Hamlet of Fort McPherson except in conformity with the provisions of this By-Law.
- 1.4. Should any section, clause or provision of this By-Law be held by a Court of competent jurisdiction be invalid, the validity of the remainder of the By-Law shall not be affected.

SECTION 2 - DEFINITION OF WORDS AND TERMS USED :

All words or phrases used in this By-Law have their normal meaning except where they are changed, modified or expanded by the definitions of this section:

- 2.1 ACCESSORY - means the use or development that is secondary to, normally associated with and solely devoted to a main use or development and that is located on the same lot as the main use or development. This shall include, but is not limited to, such use or development as private garages, storage sheds, smokehouses, off-street parking areas, storage areas, and tents.
- 2.2 ACCESSORY BUILDINGS AND STRUCTURES - Accessory buildings and structures shall:
 - a) not be permitted to be constructed within a front yard.
 - b) be located entirely upon the lot associated with the use or development.
 - c) not interfere with the provision of water, sewer, and fuel servicing to the building.
- 2.3 BUILDING - means any structure, stockpile, sign or fixture built or placed on land.
- 2.4 COUNCIL - means the Municipal Council of the Hamlet Of Fort McPherson.

2.5. DEVELOPMENT - means the carrying out of any construction, excavation, or other operation in, on, over or under land, in the making of any change in the use or in the intensity of use of any land or building, and shall include the following:

- a) the removal, placement, or stockpile of surface material or topsoil;
- b) the use of the land for the storage or repair of motor vehicles or other machinery or equipment;
- c) the erection or display of exterior signs greater than one square meter in size;
- d) the resumption of the use to which the land or buildings have been previously put if that use has been discontinued for a period of more than twelve (12) months; and
- e) the construction of a building, addition to, or a placement of a building, but it does not include normal maintenance and repair of buildings.

2.6 DEVELOPMENT APPEAL BOARD - means an independent board appointed by resolution of Council to review and decide on Development Appeals. The Development Appeal Board shall be appointed in accordance with the provisions of the Planning Act, R.S.N.W.T. 1988, c.P-8, S.21.

2.7 DEVELOPMENT OFFICER - means that person appointed by Council and declared to be the Development Officer of the Municipality.

2.8 CARETAKERS RESIDENCE - means a single family dwelling ONLY, not to be used as crew quarters or a bunk house.

2.9 LOT - means an area of land having fixed boundaries, and which is described by or on a registered plan, a certificate of title, a lease agreement.

2.10 NON-CONFORMING - means when used to describe a use or building shall mean a use or building that does not comply with the provisions of this by-law for the zone in which the development is situated.

2.11 OFF STREET LOADING SPACE - describes an area which is to be located entirely upon a building lot and is to be of sufficient size to accommodate a vehicle used for the loading or unloading of goods, materials or products from a use in a zone.

2.12 PARKING SPACE - describes a rectangular area having a minimum width of 3.0 meters and a minimum length of 6.0 meters located totally on a building lot. All off street parking spaces shall be used solely for the purpose of parking vehicles and not for the storage of debris, derelict vehicles, garbage containers or any object that impedes the parking of vehicles.

2.13 RESIDENCE - A SINGLE FAMILY DWELLING UNIT - means a separate detached building consisting of one residence usually containing cooking, sleeping and sanitary facilities, and occupied by one or more persons living as a single and non-profit housekeeping unit.

2.14 RESIDENCE - A MULTI FAMILY DWELLING UNIT - means a building divided into two or more separate dwelling units, including row-housing and other combinations.

SECTION 3 - ZONES AND ZONING MAP:

3.1 ESTABLISHMENT OF ZONES:

For the purpose of this By-Law, the Hamlet of Fort McPherson is divided into the following zones:

<u>ZONE NAMES</u>	<u>MAP SYMBOLS</u>
Housing (Residential)	H
Community Use	CU
Industrial Use	I
Open Space	OS
Hinterland	HI

3.2 ZONING DEFINITIONS:

- a) HOUSING (RESIDENTIAL) ZONE defines an area designated for the location of housing units. Permitted uses are single family dwelling units, accessory buildings and structures to the permitted use, and play areas. Conditionally permitted uses shall be similar in character and purpose to those listed in this zone such as multi family dwelling units, parks and playgrounds. Required parking facility is one space for every housing unit.
- b) COMMUNITY USE ZONE defines an area designated for the location and operation of commercial, institutional, recreational, and community uses. Permitted uses are

parks and playgrounds, indoor community recreation facilities, public day care and accessory buildings and structures to the uses permitted in this zone. Conditionally permitted uses which require Council's approval include stores, hotels, motels, restaurants, bars/lounges, offices, financial institutions, library, museum, health care facilities, police station, public utilities, power plant, hamlet garage, firehall, post office, school, church, cemetery, residential use combined with any other use permitted, accessory buildings and uses similar in purpose and character to those allowed in this zone. Required parking facility is 1.5 spaces for every 90m of building area.

- c) INDUSTRIAL ZONE USE is designated for the location and operation of industry. Permitted uses are warehousing, workshops, open storage yards for sand, gravel, petroleum and building materials, construction yards, garages and repair shops, trucking facilities, kennels, caretakers residences, and accessory buildings and structures to the uses permitted in this zone. Conditionally permitted uses include manufacturing industries, automobile wrecking/storage yards, accessory buildings and uses that are similar in character and purpose to those permitted in this zone. Required parking facility is 1.5 space for every 90m of building area.
- d) OPEN SPACE ZONE is designated for passive recreational use. Permitted uses are walking and snowmobile trails, picnic and play areas. Conditionally permitted uses are seasonal tents, landscaping elements and uses that are similar in character and purposes to those listed for this zone.
- e) HINTERLAND ZONE defines the area within the Hamlet boundary which is not occupied by another zone. Permitted uses are hunting, trapping and fishing activities and tents and cabins. Conditionally permitted uses are airstrips and airport related facilities, quarry, disposal sites, recreation and tourist facilities, communication tower, fuel storage and uses that are similar in character and purpose to those listed for this zone.

3.3 THE ZONING MAP

The location and boundaries of the zones are shown on "Schedule C - the Zoning Map".

3.4 INTERPRETATION OF THE ZONING MAP

Should there be any uncertainty as to the location of the boundary of a Zone, Council shall interpret the Zoning Map to determine the boundary line based on:

- a) the approximate centre line of a public road; or
- b) the surveyed lot line; or
- c) an unsurveyed lease sketch; or
- d) the flood risk line.

as shown on the official Lands map or on the official Flood Risk Map.

3.5 THE ZONING CHART AND SUPPLEMENTAL PROVISIONS

Except as otherwise provided for in this By-Law, the development or re-development of all land and buildings in the Hamlet of Fort McPherson, shall conform with the regulations shown on "Schedule B - the Zoning Chart", or as stated in "Section 4 - Supplementary Provisions".

3.6 EXCEPTIONS TO THE ZONING CHART AND SUPPLEMENTARY PROVISIONS

1) MINOR VARIANCES

Where a development does not conform with the site regulations referred to either in the Zoning Chart or Supplementary Provisions, Council may vary these regulations having due regard for fire safety, service access, the Policies of the Community Plan, and the guidelines for development as stated in the Beautification and Improvement Scheme.

2) NON CONFORMING BUILDINGS AND USES

This By-Law cannot be used to prevent the use and development of land that has been lawfully established or was under construction at the time this By-Law was enacted. Non-conforming uses are subject to the following regulations:

- a) The non-conforming use may be transferred to a new owner or occupant;
- b) The non-conforming building may be enlarged only up to 20 percent of the gross floor area of the building existing at the date this By-Law came into effect;

- c) If a non-conforming building or use of land is discontinued for a period greater than twelve consecutive months the future use shall conform to this By-Law; and
- d) A non-conforming building damaged or destroyed to an extent greater than 50 percent of the value of the building, cannot be repaired or rebuilt as a non-conforming use, but must comply with this By-Law.

SECTION 4 - SUPPLEMENTARY PROVISIONS

4.1 DEVELOPMENT PERMITTED IN ALL ZONES

Notwithstanding anything contained in this By-Law, nothing shall prevent the use or development of land for the following:

- a) public roads and highways;
- b) traditional activities including the establishment of traplines, tent camps, seasonal campsites and hunting and fishing.

4.2 REGULATIONS PERTAINING TO A HOUSING ZONE

No person shall keep on any part of the lot in any Housing Zone;

- a) any commercial vehicle in excess of 1,000 kg. (1 ton), including dumptrucks, transport trucks and trailers, trailers, backhoes, loaders etc. This type of vehicle may remain on site only for a period of time as is reasonably necessary to load or unload such a vehicle.
- b) any dismantled or wrecked vehicle for more than 30 consecutive days. Where there is just cause, the Development Officer may provide no more than two extensions of no more than 14 days each;
- c) any object or chattel which, in the opinion of the Development Officer, is unsightly or tends to affect adversely the amenities of the Zone;
- d) any excavation, storage or piling up of materials required during construction stages unless all safety measures are undertaken. The owner of such material or excavations shall assume full responsibility and shall

not allow the situation to prevail any longer than is reasonably necessary to complete a stage of construction work.

SECTION 5 - ADMINISTRATION

5.1 DEVELOPMENT OFFICER

This By-Law shall be administered and enforced in accordance with Sections 21, 34 and 35 of the Planning Act. By resolution, Council shall appoint a Hamlet Employee to serve as Development Officer to perform the duties specified in this By-Law, including authority under Section 20 of the Planning Act to deal with unauthorized construction.

5.2 LOCAL DEVELOPMENT COMMITTEE

- 1) The Local Development Committee of the Hamlet of Fort McPherson is hereby established.
- 2) The Committee shall consist of six (6) members as follows:
 - a) Three (3) members of the Municipal Council;
 - b) Two (2) members from the Tetlit Gwich'in Council; and
 - c) One (1) member of the Fort McPherson Metis Local #58.
- 3) The terms of appointment shall be for two (2) consecutive years.
- 4) A vacancy caused by the retirement or resignation of a member shall be filled by appointment by the respective body i.e., Municipal Council, Tetlit Gwich'in Council or Metis Local.
- 5) The Committee shall elect a Chairperson and may appoint a Secretary from within the Committee but not the Development Officer.
- 6) The Committee shall meet as often as is required.
- 7) The Committee shall perform such functions as are assigned to it under this By-Law including;
 - a) Conducting public meetings to discuss applications for development permits for conditionally

permitted uses in a zone; land applications; and amendments to the Community Plan and the Zoning By-Law;

- b) The review and recommendation ^{to} (by) the Municipal Council for decision regarding development permits for conditionally permitted uses in a zone; land applications; and amendments to the Community Plan and Zoning By-Law.
- c) Any other matter the Municipal Council directs the Committee to deal with.

8) A quorum shall consist of a majority of members.

9) Members shall be appointed by resolution of the Municipal Council and there shall be no dismissal without just cause.

5.3 SECRETARY OF THE LOCAL DEVELOPMENT COMMITTEE

The secretary shall:

- 1) notify all Committee members of the arrangements for the holding of meetings of the Committee;
- 2) ensure that sufficient notice is given to the Committee members and the applicants of the date of the scheduled meeting;
- 3) Prepare and maintain a file of written minutes of the business transacted at all meetings of the Committee;
- 4) Issue to the Municipal Council a notice of the recommendations of the Committee and the reasons thereof;
- 5) Issue to the applicant a notice of the decision of the Municipal Council;
- 6) Carry out such other duties as the Committee may direct.

5.4 DEVELOPMENT PERMITS

All development requires a development permit except for the following:

- 1) those activities indicated in Section 4.1;

- 2) an accessory building for use in a Housing Zone provided the building is less than 25 square meters in size;
- 3) the addition of a porch to an existing house.

5.5 DEVELOPMENT PERMIT APPLICATION FEE

Applications for Development Permits shall be accompanied by a non-refundable application fee calculated as follows:

- 1) If the construction cost of the development is less than \$5,000.00 the fee shall be \$12.50;
- 2) If the construction cost of the development is between \$5,000.00 and \$250,000.00 the fee shall be \$50.00;
- 3) If the construction cost of the development is between \$250,000.00 and \$1,000,000.00 the fee shall be \$1,000.00;
- 4) If the construction cost is greater than \$1,000,000.00 the fee shall be \$2,000.00 plus 2/10 of 1% of any amount exceeding \$1,000,000.00.

5.6 PROCESS

- 1) PERMITTED USES in a zone shall be dealt with and processed directly by the Development Officer;
- 2) CONDITIONALLY PERMITTED USES in a zone requires the Local Development Committee's recommendation for Municipal Council's approval. Other considerations such as the requirements of the Fort McPherson Community Plan and Beautification Scheme may also have to be satisfied.

5.7 PROCEDURE FOR DEVELOPMENT PERMIT APPLICATION

- 1) An application for a Development Permit shall be made on the appropriate form to the Development Officer and shall be accompanied by the following information:
 - a) A site plan showing:
 - the legal description;
 - set backs and lot lines;

- location of off street loading and vehicle parking where applicable;
 - access and egress points to the site;
 - the position and distance of all existing buildings in relationship to the proposed development.
- b) Lot grading or foundation elevation;
- c) Such other information as may be required by the Development Officer or the Local Development Committee.
- d) Each application shall be accompanied by a non-refundable development permit application fee.

5.8 DECISION ON APPLICATIONS FOR DEVELOPMENT PERMIT

- 1) An application for development permit for permitted uses in a zone shall be considered by the Development Officer who shall either approve it, approve it subject to conditions, or refuse it and set out in writing the reasons for the conditions or refusal.
- 2) Applications for conditionally permitted uses in a zone shall be considered by the Municipal Council, upon recommendation by the Local Development Committee, who shall either approve it, approve it subject to conditions, or refuse it and set out in writing the reasons for the conditions or refusal.
- 3) A decision must be made within 40 days of the receipt of an application, in its complete and final form, for a development permit

5.9 PUBLIC NOTICE OF APPROVED PERMITS

When a permit has been granted, the Development Officer shall, within 7 days:

- 1) Post a notice in a conspicuous place on the lot for which an application has been approved;
- 2) Post a notice of the decision in two public places;

5.10 ENFORCEMENT

Anyone violating the provisions of this By-Law or conditions of a Development Permit is liable to a fine up to \$100.00

for every day the offence continues, as specified in Sections 33 and 34 of the Planning Act and Section 182 of the Hamlets Act.

5.11 DEVELOPMENT APPEAL

- 1) Anyone claiming to be affected by a decision of the Development Officer or the Municipal Council under this By-Law may appeal in writing to the Development Appeal Board WITHIN 14 DAYS of the mailing or posting of the decision.
- 2) Where a decision has not been made on an application WITHIN 40 DAYS, the applicant may appeal in writing to the Appeal Board as though a refusal has been issued.
- 3) The Development Appeal Board must hold a hearing WITHIN 30 DAYS from the receipt of a written request for an appeal, and notify the applicant in writing of their decision WITHIN 60 DAYS of the hearing date.

5.12 DEVELOPMENT APPEAL BOARD

- 1) The Development Appeal Board of the Hamlet of Fort McPherson is hereby established.
- 2) The Board shall consist of seven (7) members, three (3) the Municipal Council and four (4) from the Tetlit Gwich'in Council.
- 3) The term of appointment shall be for three (3) consecutive years.
- 4) A vacancy caused by retirement or resignation of a member shall be filled by appointment from the respective body i.e., Municipal Council or the Tetlit Gwich'in Council.
- 5) The Board shall elect its own Chairperson.
- 6) The Board shall meet as frequently as is necessary but it shall meet within 30 days after an application for an Appeal has been made to it.
- 7) The Board shall appoint a Secretary who may be a member of the Board but not the Development Officer.

- 8) A member of the Board cannot also be a member of the Local Development Committee.
- 9) A quorum shall consist of a majority of members.
- 10) Members shall be appointed by resolution of the Municipal Council and there shall be no dismissal without just cause.

5.13 SECRETARY OF THE DEVELOPMENT APPEAL BOARD

The Secretary shall:

- 1) Notify all members of the Board of the arrangements for the holding of hearings and other meetings of the Board;
- 2) Ensure that at least ten (10) days (excluding Saturday, Sunday and holidays) notice of a hearing is given as required by the Act;
- 3) Prepare and maintain a file of written minutes of the business transacted at all meetings of the Board;
- 4) Issue to the appellant a notice of the decision of the Board;
- 5) Notify the Municipal Council of the decisions of the Board;
- 6) Carry out such other duties as the Board may specify.