

ZONING BY-LAW



**Village of Fort Simpson, NWT
July, 2008**

VILLAGE OF FORT SIMPSON
ZONING BYLAW

BYLAW NUMBER 675

July, 2008

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Schedule A – Island Zoning District Map

Schedule B – Mainland Zoning District Map

1 PART ONE - GENERAL

1.1 Enactment

- (1) This By-law shall be known as the Zoning By-law of the Village of Fort Simpson.
- (2) Zoning By-law 295 as amended, is hereby repealed
- (3) This by-law comes into force and takes effect upon the date of its Third Reading
- (4) This by-law includes Parts One through Eight of this text as well as the following attached maps:
 - a. Schedule A – Island Development Zoning Districts; and
 - b. Schedule B - Mainland Development Zoning Districts.

1.2 Purpose of the By-law

The purpose of this By-law is to facilitate the orderly, economic and convenient development of the Village of Fort Simpson by controlling the development and use of land, and for that purpose, among other things:

- (1) To divide the Village into districts;
- (2) To prescribe and regulate for each district the purposes for which buildings and land may be used;
- (3) To prescribe and regulate standards for related development matters such as landscaping, parking, signage and others, in the interests of amenity and safety.

1.3 Application

The provisions of this by-law apply to all land and buildings within the municipal boundary of the Village of Fort Simpson.

1.4 Transition

An application for a development permit, subdivision, or amendment to the Zoning By-law commenced prior to the effective date of this by-law shall be evaluated under the provisions of Zoning By-law 295 as amended.

1.5 Zones and Zoning Map

For the purpose of this By-law, the Village of Fort Simpson is divided into the following districts as indicated on the maps marked “Zoning Map” which are Schedules “A” and “B” of this By-law and as follows:

U-R	Urban Reserve
I	Institutional
PR	Park & Recreation
R1	Single Detached and Duplex Residential
R2	Multiple Unit Residential
R3	Country Residential
R4	Mobile Home
C1	Village Commercial
C2	Highway Commercial
M1	Light Industrial
M2	General Industrial
MR	Restricted Industrial
A	Airport

- (1) Where uncertainty exists as to the location of boundaries of districts as shown on the Zoning Map, the following conventions shall apply:
 - a. Where a boundary is shown as following a street, lane, etc., it shall be deemed to follow the centre line of the right-of-way.
 - b. Where a boundary is shown as approximately following the municipal limits, it shall be deemed to follow the municipal limits.
 - c. Where a boundary is shown as approximately following a lot line, it shall be deemed to follow the lot line.

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- d. In circumstances not covered by these conventions, the location of the district boundary shall be determined:
 - i. Where the dimensions are set out on the Zoning Map, by the dimensions so set out; or
 - ii. Where no dimensions are set out on the Zoning Map with respect to such boundary, by measurement of and use of the scale shown on the Zoning Map.
 - e. Where the application of the above guideline does not determine the exact location of the boundary of a district, Council, either on its own motion or upon written application being made to it by any person requesting the determination of the exact location of the boundary, shall fix the portion of the district boundary in doubt or in dispute in a manner consistent with the provisions of this By-law and with the degree of detail as to measurements and directions as the circumstances may require.
 - f. After Council has fixed the district boundary, the portion of the boundary so fixed shall not be thereafter altered except by an amendment of this By-law.
- (2) Council shall maintain a record of its decision with respect to district boundaries or portions thereof fixed by it.

1.6 Definitions

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

- a) Words used in the present tense include the future tense;
- b) The singular includes the plural;
- c) The word “person” includes a corporation as well as an individual;
- d) The word “lot” includes the word “plot” or “parcel”;
- e) The term “shall” is always mandatory; and
- f) The word “used” or “occupied” as applied to any land or building shall be constructed to include the words “intended, arranged or designed to be used or occupied”.

ACCESSORY, when used to describe a use or building, means a use or building naturally and normally incidental, subordinate and exclusively devoted to the principal use or building and located on the same lot or site including garages and sheds.

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ACCOMMODATION when used to describe a use includes hotels or any building containing either sleeping or dwelling units, or a combination of both, occupied and equipped to be occupied as a temporary abode for tourists or transients

ACT means the Planning Act, being Chapter P-7 of the Revised Statutes of the Northwest Territories, as amended.

AIRSTRIP OR AIRPORT means an area of land or water designed to accommodate the arrival or departure of aircraft for which an airport license has been issued by the Federal Ministry of Transport.

AMENITY AREA means required space indoor or outdoor, provided and intentionally designed for the active or passive recreation and enjoyment of the occupants of a residential development, which may be for private or communal use and owned individually or in common.

APPELLANT means a person who has served a notice of appeal on the Development Appeal Board.

BASEMENT means that portion of a building that is partly or wholly underground.

BOARD means the Development Appeal Board as established under this By-law and pursuant to Section 22 of the Planning Act.

BUFFER means an area or strip of land created as a zone of transition or protection between two non-complementary or incompatible uses. Its dimensions and purpose will vary with the specifics of each situation.

BUILDING means any structure, erection, stockpile, sign or fixture built or placed upon land.

BULK FUEL STORAGE means the use of land, buildings or structures for the storage and distribution of fuels, oils, propane and other petroleum gases where the storage tank or tanks are above ground and the storage capacity exceeds 22,730 litres of propane, or where the storage capacity exceeds 50,000 litres per tank and the aggregate capacity of all the tanks exceeds 150,000 litres.

CARETAKER UNIT means premises used for the accommodation of a person employed as a caretaker, janitor, manager, watchman, security guard, or superintendent by a licensed industrial or commercial use operating on the site. The caretaker unit shall be incidental to that industrial or commercial use.

CLINIC means an establishment in which medical, dental or other professional healing treatment is given.

COUNCIL means the Council of the Village of Fort Simpson.

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COVERAGE means the ratio of the horizontally projected area of a building or structure, at grade and including all attachments, compared to the area of the lot.

DAY CARE means the use of a non-residential building for child care and where the total number of children exceeds eight.

DAY HOME means a home based business providing child care but the total number of children including those living in the residences does not exceed eight or that number allowed by NWT Child Care regulations.

DEVELOPMENT means:

- a) The carrying out of any construction or excavation or other operation, in, on, over or under land including the demolition of existing development; or
- b) The making of any change in the use or intensity of use of any land or building.

DEVELOPMENT OFFICER means the officer appointed under this By-law.

DEVELOPMENT PERMIT means a certificate or document allowing a development and includes a plan or drawing, or set of plans or drawings, specifications or other documents upon which the permit is issued.

DIRECTOR means the Director in the Government of the Northwest Territories for the time being charged with the administration of the *Planning Act*.

DISCRETIONARY USES are those uses which are specified within zoning districts for consideration on their individual merits and circumstances by the Council.

DISTRICT means a defined geographic area of the municipality as set out in this By-law and shown on the Zoning Map.

DRIVE-IN SERVICES mean developments used for retail and personal service businesses which are provided in a manner that allows rapid customer service where the customer typically remains within his vehicle.

DWELLING UNIT means a building or portion thereof designed or used exclusively as permanent living quarters (construed as including sleeping, cooking and toilet facilities).

DWELLING, SINGLE DETACHED means a detached building consisting of one dwelling unit and occupied as a permanent home or residence and includes manufactured or modular units.

DWELLING, DUPLEX means a building containing only two dwellings side by side or above and below but with separate access.

DWELLING, ROW housing means a building containing more than two (2) dwelling units, side by side at grade and with separate access.

DWELLING, APARTMENT means a building containing three (3) or more dwelling units with shared entrance facilities.

DWELLING, MANUFACTURED means a prefabricated or factory built residential building containing one dwelling unit that is constructed on a permanent chassis with or without wheels, and is specifically designed with the capacity to be moved from one location to another for year-round residential occupancy when placed on a foundation and connected to utilities, but this definition does not include recreational vehicles or modular homes. For the purposes of this definition, manufactured dwellings are described under the following categories:

- a) single wide means a manufactured dwelling with or without additions arriving on site in a single section.
- b) double wide means a manufactured dwelling with or without additions, arriving on site in two sections designed to be joined together into one integral unit.

EXISTING means existing at the effective date of this By-law.

FAMILY CARE FACILITY means a facility which provides resident service in a private residence to six or fewer individuals who are not related to the resident household. These individuals are handicapped, aged, disabled, or in need of adult supervision and are provided service and supervision in accordance with their individual needs.

FLOOD PLAIN means the area adjoining a watercourse which has been and may be covered by flood water.

FLOODPROOFING means a combination of structure changes or adjustments incorporated into the basic design or construction of individual buildings, structures, or properties subject to flooding so as to reduce or eliminate flood damage.

FLOODWAY means the area of a Flood Plain that is required for the safe passage of flood flow or the area where flood depths or velocities pose a potential threat to life or property.

FRONTAGE means the width of a lot or a site where it abuts a street excluding a lane.

GARAGE, PRIVATE means an accessory building or a part of the principal building designed and used primarily for the storage of motor vehicles and includes a carport.

GARAGE, PUBLIC means a building or part of a building other than a private garage used for the storage, care, repair, servicing or equipping of motor vehicles, including the sale of fuels, oils and accessories, or where such vehicles are kept for remuneration, hire, sale or display.

HAZARDOUS SUBSTANCE OR DANGEROUS GOODS means any product, substances or organism included in any classes of the following:

- a) Explosives;
- 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) Corrosives; and
- i) Other miscellaneous substance of similar nature.

HEAVY INDUSTRIAL means processing and manufacturing uses which cannot be classified as light industrial uses as defined herein.

HEIGHT means the vertical distance between existing grade and the highest point on the building or structure, exclusive of chimneys, antennae or other such accessories.

HIGHWAY means a highway or proposed highway that is so designated by the Federal, Territorial or Municipal Governments.

HOME OCCUPATION means any occupation, trade, profession or craft carried on by an occupant of a residential building or property as a use secondary to the residential use of the building or land and which does not change the character thereof.

HOTEL means a building containing either sleeping or dwelling units, or a combination of both, occupied and equipped to be occupied as a temporary abode for tourists or transients, and also containing a general kitchen and dining or other public rooms.

KENNEL means accommodation for the purposes of breeding, showing, grooming or keeping of more than two (2) dogs by the occupant of the property, owned or otherwise and regardless of whether or not a charge is imposed.

LANDSCAPING means the modification and enhancement of a site through the use of any or all of the following elements:

- a) Soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass and ground cover; and
- b) Hard landscaping consisting of non-vegetative materials such as brick, stone, concrete and asphalt.

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LANE means a public thoroughfare not exceeding 9.0 metres in width, which provides a secondary means of access to a lot (site).

LIGHT INDUSTRY means processing and manufacturing uses, provided that they do not create unusual fire, explosion or safety hazards, noise in excess of average intensity of street and traffic noises in the area in question; they do not emit smoke, dust, dirt, toxic or offensive odours or gas and there is no production of heat or glare perceptible from any site line of the site on which the use is located.

LOADING SPACE means an open area used to provide free access for vehicles to a loading door, platform or bay.

LOT means an area of land, the boundaries of which are shown on a plan registered in the Land Titles Office, or are described in the Certificate of Title to the land, and that has not been divided into smaller areas by any plan or instrument subsequently registered in the Land Titles Office.

LOT, CORNER means a lot located at the intersection or junction of two (2) or more streets.

LOT, INTERIOR means any lot other than a corner lot.

LOT, THROUGH means a lot other than a corner lot with frontage on more than one street.

LOT LINES means the legally defined limits of any lot.

LOT LENGTH means the distance between the front and rear lot lines measured along the median between the side lot lines.

LOT WIDTH means the horizontal measurement between the side lot lines measured at a point 6.0 metres perpendicularly distant from the front boundary of the lot, or the mean horizontal measurement of irregular-shaped lot.

MOBILE HOME see “Dwelling, Manufactured”.

MOBILE HOME PARK means a planned development specifically designed for manufactured dwellings..

MOTEL means a group of attached or detached buildings containing sleeping units with sanitary facilities designed to be used temporarily by tourists or transients, and with parking spaces convenient to each unit.

MUNICIPALITY means the geographic area over which the municipal corporation has jurisdiction.

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NATURAL AREA means an area of land left in its natural and undeveloped state so as to protect environmental, historical and cultural values or to prevent hazardous conditions from arising.

NON-CONFORMING BUILDING means a building:

- a) That is lawfully constructed or lawfully under construction and for which a valid development permit has been issued on the date that this By-law or any amendment thereof affecting the building or land on which the building is situated becomes effective; and
- b) That does not, or when constructed will not, comply with this By-law.

NON-CONFORMING USE means a lawful specific use:

- a) Being made of land or a building, or intended to be made of a building lawfully under construction, or use for which a valid development permit has been issued on the date that this By-law or any amendment thereof affecting the land or building becomes effective; and
- b) That does not, or in the case of a building under construction will not, comply with this By-law.

PARKING AREA OR LOT means an open area of land, other than a street or a building, designed and used for the parking of a number of vehicles.

PERMITTED USES are those uses which may be approved by the Development Officer in a particular district, provided that the use conforms to the regulations of the particular district to which the use applies and all other regulations of this By-law.

PERSONAL SERVICES means businesses providing services to customers rather than merchandise or products.

PRINCIPAL BUILDING means a building which:

- a) Occupies the major or central portion of a lot;
- b) Is the chief or main building on a lot; or
- c) Constitutes, by reasons of its use, the primary purpose for which the lot is used.

PRINCIPAL USE means the main purpose for which a lot is used.

PUBLIC THOROUGHFARE means any lane, service road, local street, collector street, major or arterial street, or highway.

PUBLIC UTILITY means a system, works, plant, equipment or service, whether owned or operated by or with or under a franchise from the municipal corporation or under a

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Federal or Territorial statute, which furnishes services and facilities available at approved rates to or for the use of residents.

RETAIL STORE means a building where goods, wares, merchandise, substances, articles or things are offered for sale.

SCREENING means the total or partial concealment of a building or activity by a fence, wall, berm or soft landscaping.

SERVICE STATION means the premises or portion thereof, used or intended to be used, for the servicing and repairing of motor vehicles and for the sale of fuel, oils and accessories for motor vehicles.

SIGN includes a display board, screen, structure or material having characters; letters or illustrations applied thereto or displayed thereon in any manner, and includes the posting or painting of an advertisement or notice on a building or structure.

STREET means a public thoroughfare which affords the principal means of access to fronting property.

TEMPORARY means within such time limits as set by the Development Officer or the Council.

TOURIST TRAILER PARK OR CAMPGROUND means a site which provides for the temporary location of tents and trailers used by travelers and tourists for overnight accommodation and shall not be used for permanent residence.

VARANCE means an alteration or change to a standard prescribed by this bylaw.

YARD means a part of a lot upon or over which no building or structure is erected.

YARD, FRONT means a yard extending across the full width of a lot and situated between the front line and the nearest portion of the building.

YARD, REAR means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the building.

YARD, SIDE means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the building.

All other words and expressions have the meanings respectively assigned to them in the Planning Act.

2 PART TWO – DEVELOPMENT AUTHORITY

2.1 Development Officer

- (1) The office of the Development Officer is hereby established and shall be filled by a person appointed by resolution of Council.
- (2) The Development Officer is hereby declared to be an authorized officer or servant of Council.
- (3) In the performance of his duties, the Development Officer shall:
 - a. Receive all applications for development pursuant to this By-law;
 - b. Keep and maintain, for inspection by the public during normal office hours a copy of this By-law and all amendments thereto;
 - c. Keep and maintain a register of all applications for development, including the decisions thereon and the reasons therefore;
 - d. Keep and maintain a record of Council resolutions establishing boundaries of zoning districts;
 - e. Carry out such other duties as may be prescribed in this By-law;
 - f. Ensure that copies of this By-law are obtainable by the public a reasonable charge; and
 - g. Carry out such other administrative duties as the Council may specify from time to time.

2.2 Council

- (1) The function of Council with respect to this By-law shall be to:
 - a. review and render decisions on development applications presented to it by the Development Officer, having regard for the regulations of this By-law and the provisions of the General Plan;
 - b. review and render decisions on applications for development of a Discretionary Use, having regard for the regulations of this By-law and the provisions of the General Plan;
 - c. review and render decisions on applications for rezoning and/or other amendments presented to it by the Development Officer;
 - d. specify the length of time that a permit may remain in effect for a temporary use; and
 - e. carry out other such duties as may be prescribed in this By-law.

2.3 Development Appeal Board

- (1) The Development Appeal Board of the Village of Fort Simpson is hereby established.
- (2) The Board shall consist of four (4) members.
- (3) Members shall be appointed by resolution of Council for a term of two (2) consecutive years and there shall be no dismissal without just cause.
- (4) A vacancy caused by retirement or resignation of a member shall be filled by resolution of Council.
- (5) The Board shall elect its own Chairman.
- (6) The Board may meet as frequently as is necessary but it shall meet within thirty (30) days after an application for an Appeal has been made to it.
- (7) A member of the Board cannot also be an employee of the municipality, and the majority of the Board shall be persons other than members of Council.
- (8) A quorum shall consist of three (3) members and only those members of the Development Board in attendance at a Board meeting shall vote on any matter.

2.4 Secretary of Development Appeal Board

- (1) The office of Secretary of the Development Appeal Board is hereby established and shall be filled by an employee of the Village of Fort Simpson, as appointed by Council or the Senior Administrative Officer acting on behalf of Council.
- (2) The Secretary shall:
 - a. keep available for public inspection before the commencement of the public hearing all relevant documents and materials respecting an appeal under the *Planning Act*, including the application for the development permit, its refusal and the appeal there from;
 - b. receive and administer all applications for appeal;
 - c. notify all members of the Development Appeal Board of the arrangements for the holding of hearings and other meetings of the Board;
 - d. ensure that reasonable notice of a hearing is given as required by the Act;
 - e. prepare and maintain a file of written minutes of the business transacted at all meetings of the Board;
 - f. issue to the appellant a notice of the decision of the Board;
 - g. notify Council of the decisions of the Board and the reasons therefore; and
 - h. carry out such other duties as the Board may specify.

3 PART THREE DEVELOPMENT APPLICATION

3.1 Control of Development

- (1) No development other than that designated in Part Seven shall be undertaken within the municipality unless an application for it has been approved and a Development Permit has been issued.
- (2) For the purposes of this By-law the municipality is divided into zones in the manner indicated on the Zoning Maps.
- (3) In each zone shown on the Zoning Maps, permitted or discretionary uses of land and buildings are specified in Part Seven.

3.2 Development Not Requiring a Development Permit

The following shall not require a development permit:

- (1) The carrying out of works of maintenance or repair to any building, if such works do not include structural alteration;
- (2) Any building less than 10 sq. m. in area;
- (3) The completion of a building which is lawfully under construction or for which a valid Development Permit has been issued prior to the date of approval of this By-law, provided that:
 - a. The building is completed in accordance with the terms of the permit granted in respect of it, and subject to the conditions to which that permit was granted, and;
 - b. The building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the date of adoption of this By-law; and
- (4) The use of such building for the purpose for which construction was commenced;
- (5) The erection or construction of gates, fences, walls or other means of enclosure less than 1.2 metres in height;
- (6) The erection or construction of buildings, works, plants or machinery needed in connection with the development for which a permit has been issued, for the period required for completion of that development;
- (7) The maintenance and repair of public works, services and utilities carried out, by or on behalf of Federal, Territorial, Municipal or Public authorities on land which is publicly owned or controlled;
- (8) The use of a building or part thereof as a temporary polling station, returning officer's headquarters, candidate's campaign office, and any other official

temporary use in connection with a federal, provincial or municipal election, referendum or census; or

- (9) The erection of signs less than 0.6 square metres in area and not illuminated.

3.3 Non-Conforming Uses and Buildings

- (1) A non-conforming use of land or building may be continued; but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform to the provisions of this By-law.
- (2) A non-conforming use of part of a building may be extended throughout the building but the building, whether or not it is a non-conforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
- (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) A non-conforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
 - a. As may be necessary to make it a conforming building; or
 - b. As the Development Officer considers necessary for the routine maintenance of the building.
- (5) If a non-conforming building is damaged or destroyed to the extent of more than seventy-five (75) percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this By-law.
- (6) The use of land or the use of a building is not affected by reason only of a change of ownership or tenancy of the land or building.

3.4 Development Permit Application

- (1) An application for Development Permit shall be made in writing and in duplicate on the appropriate form to the Development Officer and shall be accompanied by the following information in duplicate:
 - a. a site plan in duplicate showing the legal description of the lot and the proposed front, rear, and side yards, if any, and any provision for off-street loading and vehicle parking, access and exit points to the site, the location of fences or signs, and provision for landscaping and drainage;
 - b. floor plans, elevations, and sections of buildings;
 - c. a statement of uses;
 - d. a statement of ownership of land and interest of the applicant therein;
 - e. the estimated commencement and completion dates; and
 - f. the estimated cost of the project or contract price.
 - g. proof that design documents have been submitted and reviewed by the Office of the Fire Marshal of the NWT for all development other than single dwelling units
 - h. streets, water bodies, woodlots, shelterbelts and other physical features of the land to be developed and on all properties adjoining such land including buildings;
 - i. lot grading or foundation elevation; and
 - j. such other information as may be required by the Development Officer or Council.
- (2) The Development Officer may require any additional information required by the nature and magnitude of a proposed development or use or by 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.

3.5 Fees

- (1) The fee for a Home Occupation Development Permit shall be \$100.00. Applicants are also required to obtain a Home Occupation Business License.
- (2) Each application for a Development Permit shall be accompanied by a fee calculated according to the following table:

Cost of Project or Contract Price	Fee
0 to \$25,000.00	\$100.00
\$25,001 to \$50,000.00	\$200.00
\$50,0001 to \$150,000.00	\$300.00
Over \$150,000.00	\$400.00

3.6 Development Permits and Notices

- (1) The Development Officer shall receive and consider all applications for a Development Permit and shall:
 - a. Issue a Development Permit for those applications which constitute permitted uses in a district and comply with the minimum standards for that district;
 - b. Refer to Council any application which constitutes a permitted use if, in his opinion, utility services are not readily available to the land or the proposed development will detract from the character or appearance of the general development in the area;
 - c. Refer to Council, together with any recommendations which he may wish to make, all applications which constitute discretionary uses;
 - d. Refer to Council those applications for development not specified in the list of permitted or discretionary uses in the district in which the development is proposed, but appear, in the opinion of the applicants, to be similar in character and purpose to other Permitted or Discretionary Uses in the said district;
 - e. Refer to Council any application for development which is not within the intent of this By-law or which, falls outside the powers delegated to him by this By-law; and
 - f. Refuse all other applications.
- (2) The Development Officer or Council may refer any application for development of permitted or discretionary uses to any municipal officer or department for comment;

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- (3) In making a decision the Development Officer or Council may approve the application unconditionally, impose conditions having due regard to the scope and intent of this By-law and the General Plan, or refuse the permit.
- (4) Where a proposed use is of a temporary nature, in its opinion and at its discretion, Council may issue a temporary Development Permit, conditional that the municipality not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period and that the developers post acceptable security guaranteeing its cessation or removal;
- (5) An application for a Development Permit shall be deemed to be refused when a decision is not made on it by the Development Officer within 40 days after receipt of the completed application, as specified in section 3.4 (1) of this By-law, and the person claiming to be affected may appeal in writing as though it has received a refusal, or the applicant may wait for a decision for a further period of time prior to lodging an appeal.
- (6) Upon issuance of all Development Permits the Development Officer shall cause a notice to be posted in a conspicuous place on the property for which the application has been approved, indicating the use for which the permit was issued and the legal description of the property;
- (7) A Development Permit does not become effective until fourteen (14) days after the date of issue of the notice of decision.
- (8) Where an appeal is made by a person claiming to be affected by the approval of an application for development, a Development Permit which has been granted shall not come into effect until the appeal has been dealt with and the permit confirmed, modified or nullified thereby.
- (9) In the case where an application for a Development Permit has been refused, the submission of another application for a permit on the same parcel of land and for the same or similar use of the land by the same or any other applicant may not be accepted by the Development Officer for at least six (6) months after the date of the previous refusal.
- (10) A Development Permit shall be void if:
 - a. Development is not commenced and carried on with reasonable diligence within twelve (12) months from the date of its issue or within such extended period that may be granted by the Development Officer; or
 - b. At any time the development has been discontinued for a period of six (6) months or has not been actively carried on for a period of six (6) months.
- (11) When a Development Permit becomes void, a new application for a permit is required before development may proceed. Such application shall be dealt with as if it were a first application and there shall be no obligation to approve such application on the basis that a previous application had been approved for that development.

4 PART FOUR – APPEALS

4.1 Right of Appeal

- (1) Any decision of the Development Officer or Council pursuant to this by-law may be appealed.

4.2 Appeal Procedure

- (1) Each written notice of appeal shall be accompanied by a fee of twenty-five dollars (\$25.00).
- (2) A person desiring to appeal to the Board shall file with the Secretary written notice of his intention to appeal within fourteen (14) days of the date of issuance or refusal to issue a Development Permit or within such further time not exceeding forty-six (46) days as the Chairman may allow.

4.3 Public Hearing

- (1) The Board shall fix a day for the hearing of the appeal which shall not be later than thirty (30) days after the date of the filing of the notice of intention to appeal.
- (2) The Board shall give at least five (5) days notice, in writing, of the public hearing to:
 - a. The appellant;
 - b. The owner of the property when the owner and appellant are not the same person;
 - c. The Development Officer; and
 - d. Any other person or persons that the Development Appeal Board considers to be affected by the appeal.
- (3) The Board shall make available for public inspection prior to the public hearing all relevant documents and materials respecting the appeal.
- (4) The Board shall post notice of the appeal on the site of the development.
- (5) In accordance with the Act, the Board shall hear:
 - a. The appellant or any person acting on his behalf;
 - b. The Development Officer or any person acting on his behalf;
 - c. Any other person wishing to be heard who was served with notice of the hearing or any person acting on his behalf; and
 - d. Any person who claims to be affected and that the Board agrees to hear or any person acting on his behalf.

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- (6) The Board shall:
 - a. Make and keep written record of its proceedings which may be in the form of a summary of the evidence presented to it at the hearing; and
 - b. Give its decision in writing to the appellant together with reasons for the decision within sixty (60) days of the conclusion of the hearing.
- (7) The Chairman may administer oaths, affirmations or declarations.
- (8) Where a member of the Board has an interest in the matter before the Board, he is not entitled to vote thereon. He shall, as soon as practicable after the commencement of the meeting, disclose his interest and the extent and nature thereof. Furthermore, he shall not take part in any consideration or discussion with respect to the matter in question or attempt in any way to influence the voting on such matter.
- (9) The Board shall not grant an appeal in respect of the use of property.
- (10) The Board may affix such conditions to the granting of an appeal as in its opinion will preserve the purpose and intent of this By-law and the General Plan.

4.4 Decision

- (1) A decision concurred in by a majority of the whole Board is a decision of the Board.
- (2) The decision of the Board shall be based on the facts and merits of the case and shall be in writing, setting forth the reasons for the decisions and signed by the Chairman the Secretary. A copy of the decision shall be sent by the Secretary by registered mail to the Director, the Council and the Appellant within fifteen (15) days of the date on which the decision was rendered and to each interested person upon his request.
- (3) An appeal granted by the Board shall not become effective until the expiration of thirty (30) days from the date on which the decision is made or, if conditions are affixed, until such time as the conditions have been complied with, whichever is the later.
- (4) A decision of the Board is final and binding on all parties, subject only to an appeal upon a question of jurisdiction or law to the Supreme Court.

5 PART FIVE – ENFORCEMENT AND ADMINISTRATION

5.1 Revocation, Suspension or Modification of Development Permit

- (1) If, in the opinion of the Development Officer, it appears that a Development Permit has been obtained by fraud or misrepresentation, he may suspend, revoke or modify the Development Permit.

5.2 Unauthorized Construction

- (1) Where the use, occupancy, erection, construction, enlargement, alteration, repair, removal or demolition of a building or any excavation or work is carried out on any land or a building and is not in accordance with:
 - a. This By-law; or
 - b. The development scheme as approved; or
 - c. The Development Permit as issued.
- (2) Council, by written notice prepared by the Development Officer and either served personally or sent by registered mail to the owner of the property affected and to any contractor engaged in the work, may require the removal, demolition or alteration of the building, the filling in of the excavation, or the cessation of the work or the use to which the land or building is being put, as the case may be. Any notice served shall state:
 - a. The grounds on which the removal, demolition, alteration, filling in, or cessation of work or use is required; and
 - b. The conditions under which removal, demolition, or alteration of the building, the filling in of the excavation, or the cessation of the work or the use of the land or building, as the case may be, shall be carried out or effected within a period stated in the notice, which shall be not more than two (2) months from the date of the serving or sending of the notice.
- (3) Where an owner of property to whom notice is given fails to comply with the requirements of the notice, Council or its designated representatives 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 affected, and may recover any expense thereof from the owner by action, and such expense is a charge and lien upon the property in respect of which the notice was given, until paid by the owner.

5.3 Contravention

- (1) The Village may choose at any time to exercise its rights to enforce any provision of this bylaw with a court order in accordance with Section 33 of *The Planning Act*.

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- (2) A person is guilty of an offence who undertakes or permits a development on any land and who fails to:
 - a. Obtain a Development Permit; or
 - b. Comply with the conditions of the Development Permit;
- (3) A person guilty of an offence is liable on summary conviction to a fine not exceeding five hundred dollars (\$500.00) for such offence and, in addition, to a fine not exceeding one hundred dollars (\$100.00) for every day the offence continues. If such person is in default of payment of any such fine, he may be subject to imprisonment for a term not exceeding thirty (30) days.
- (4) When a person is convicted of having undertaken or allowed a development that contravenes this By-law or the Development Permit, Council may file a notification of the illegal development against the title in the Land Title Office.
- (5) A conviction does not constitute an exclusion to further prosecution for the continued neglect or failure to comply with this By-law.

5.4 Amendment to By-law

- (1) Any person applying to have this By-law amended shall apply in writing to Council furnishing reasons in support of the application.
- (2) Notwithstanding anything contained in this By-law, a proposed amendment which has been rejected by Council within the previous twelve (12) months shall not be reconsidered unless Council otherwise directs.
- (3) A person making an application to Council for an amendment to this By-law for a purpose other than the clarification of an existing provision of this By-law shall:
 - a. Pay an application fee of two hundred dollars (\$200.00).
 - b. Authorize in writing the right of entry by an officer of Council to such lands or buildings as may be required for investigation of the proposed amendment; and
 - c. Provide a certificate of title of the land affected or other documents satisfactory to the Council, including the applicant's interest in the said land.
- (4) Upon receipt of an application to amend this By-law, the Development Officer shall:
 - a. Initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment;
 - b. Prepare a detailed report for Council on the proposed amendment; and

- c. Submit a copy of the report, maps and all material relevant thereto to Council.
- (5) The Development Officer shall examine the proposed amendment for content and advise the applicant that:
 - a. It is prepared to recommend the amendment to Council without further investigations; or
 - b. It is not prepared to recommend the amendment; or
 - c. It is prepared to recommend an alternative amendment either at once or after due investigation.
- (6) As soon as reasonably convenient Council shall consider the proposed amendment.
- (7) Council may, at any time on its own motion, initiate an amendment to this By-law. However, prior to first reading of any proposed amendment, the proposal shall be referred to the Development Officer for their reports and recommendations.
- (8) Proposed amendments to this By-law are subject to those requirements and procedures set out in the Act regarding the enactment of By-laws.

5.5 Variances

- (1) Notwithstanding variations allowed because of the physical limitations of a site, other variations of the regulations of this by-law may be granted but for variations larger than 10%, the Development Officer or Council's decision shall be circulated to the adjacent property owners and to other property owners in the vicinity, who in the opinion of the Development Officer or Council may be affected by the variation.
- (2) Any variations granted must satisfy the following criteria:
 - a. the general environment, amenity, convenience, character, and value of the adjoining properties and the community as a whole shall not be adversely affected: and
 - b. increased to the number of dwelling units per hectare shall not be granted; and
 - c. decreases to parking requirements shall not exceed 10%.

6 PART SIX – DEVELOPMENT STANDARDS

6.1 Rules Applicable to all Districts

- (1) Permitted and Discretionary Uses are established herein, however, where any proposed use is not specifically identified, but appears to be similar in character and purpose to one shown as permitted or discretionary, application for its approval may be made to Council.
- (2) With the approval of the Development Officer or Council as applicable, development may be permitted in any district on a lot which is substandard in terms of width, depth or area, provided that:
 - a. Such a lot was legally registered and existing at the time of final passage of this By-law; or
 - b. Such a lot was previously approved by Council as part of a subdivision application or redistricted application; or
 - c. Such a lot was approved by the Director, as part of a subdivision application; and
 - d. The development meets all other requirements of this By-law regarding that district.
- (3) Any and all development must meet the requirements of any engineering standards that may be set by the municipality from time to time pertaining to roads, sidewalks, or water and sewer infrastructure.
- (4) No private development shall be allowed on utility easements unless specifically approved by Council and the utility company under which the easement is held.
- (5) Any application for the erection of a building or addition to an existing building may be approved with conditions by the Development Officer or Council as applicable if, after considering the size, external design and finish of the proposed building or addition, it is felt that the proposal will detract from the appearance or character of existing or proposed development in the surrounding area unless such conditions are met.
- (6) Where in any district, a lot has more than one (1) frontage, the front yard requirements for that district shall apply to only one front lot line, which shall be at the discretion of the Development Officer or Council as applicable.
- (7) Notwithstanding any other provision contained in this By-law, a person using a corner site in any district shall comply with all the restrictions, limitations and conditions relating to visibility approaching road intersections as may be required by the Development Officer or Council.
- (8) Where a Development Permit has been issued for the relocation of a building on the same site or from another site, the applicant may be required to provide

an irrevocable letter of credit or other acceptable security to ensure completion of any renovations to a relocated building are completed within one (1) year of the issuance of the Development Permit.

- (9) Council, under Discretionary Uses, may increase the minimum yard requirements of the Zoning By-law if they could be detrimental to the preservation of natural features, including for example rivers, major drainage courses, lakes, permanent bodies of water, contributory creeks, etc.
- (10) The Development Officer or Council, at their discretion, may request that the applicant provide an environmental or social impact analysis to assure compatibility with existing or proposed development on adjacent lands.

6.2 Accessory Buildings

- (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.
- (2) Side and Rear Yard provisions for accessory buildings are reduced to not less than 1 metre providing that overhanging eaves shall not be less than 0.6 metres from any lot line and the accessory structure shall not be in front of the principal building
- (3) Accessory buildings are to be sited a minimum of 3.0 metres from any other building, including the principal or main building on site, provided there is not a greater separation distance specified in the National Building Code of Canada, most recent edition.
- (4) Site coverage of all accessory buildings shall not exceed 12% of the site area.
- (5) The overall height of an accessory building measured to the peak of the roof shall not exceed 5 metres.
- (6) With the exception of caretaker's units and granny suites, no accessory building shall be used for human habitation.

6.3 Parking Requirements

- (1) In any district and when any new development is proposed, including a change of use of existing development, or when any existing development is substantially enlarged or increased in capacity, provision shall be made for off-street vehicular parking.
- (2) Where the number of parking spaces is determined by reference to a unit such as the number of seats or floor area, or the like, the next higher number shall be taken where the calculation results in a fractional number of parking spaces.
- (3) In case of different uses or mixed uses on the same site, off street parking shall be determined as the sum of the requirements for the uses, as computed separately.
- (4) Off-street parking facilities for one use shall not be considered as providing required facilities for any other use.
- (5) The minimum dimensions of a parking space shall be 2.6 metres in width by 5.5 metres in length.
- (6) Adequate access to and exit from individual parking spaces shall be provided at all times by means of unobstructed maneuvering aisles.
- (7) Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the parking area only and not on any adjoining properties.
- (8) Parking spaces and wheelchair ramps shall be provided for barrier free access as required by the Development Officer or Council and for the following:
 - a. Public and quasi-public buildings;
 - b. Places of public assembly, education, recreation or entertainment with or without a charge for admission;
 - c. Business or commercial establishment; and
 - d. Transportation terminals or depots.

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- (9) Provision shall be made for off-street parking for any development in any district as follows:

<i>Use of Building or Development</i>	<i>Minimum Number of Parking Stalls</i>
Single and duplex dwellings	2.0 per dwelling unit
Other residential	1.5 per dwelling unit
Bed and Breakfast establishments	1.0 per rentable guest room
Retail, personal services, offices, shops, banks and convenience stores	1 per 40.0 sq.m. of gross floor area
Restaurants, cocktail lounge and taverns	1 per 5 seating spaces and one space per 3 employees.
Hotels and motels	0.75 per sleeping unit
Day Cares	1.0 per 34.0 sq. m. of gross floor area
Places of public assembly including: Auditoriums, churches, halls, clubs, theatres and other amusement or recreation places	1 space per 10 seating spaces or 1 per 10 sq. m. of gross floor area, whichever is greater
Manufacturing and industrial plants, warehousing, storage yards, servicing and repair establishments and public utility buildings	1 per 100 sq. m. of gross floor area or 1 per employee on shift, whichever is greater.
Elementary and Junior High Schools	1 per classroom
Colleges and High Schools	1 per classroom plus 1 for every 20 student the building is intended to hold.
Hospitals and Nursing Homes	1 per 100 sq. m. of gross floor area, or 1 per 4 beds or dwelling unit and one for every 2 employees on maximum shift.

6.4 Off Street Loading Spaces

- (1) With the exception of residential buildings with less than 15 units, all uses shall have at least one off-street loading and unloading space with a minimum of one space per loading door, unless otherwise permitted by Council.
- (2) All loading spaces shall be located on the site.
- (3) Access shall be so arranged that no backing or turning movements or vehicles going to or from the premises or site cause interference with traffic on the adjoining or abutting streets, lanes, sidewalks or boulevards.

- (4) Loading spaces shall be of adequate size to accommodate the types of vehicles which will be used, without those vehicles projecting into a public thoroughfare.
- (5) In no case shall a loading space be less than 28 square metres, or less than 3.0 metres wide, or have less than 3.7 metres overhead clearance.

6.5 Signs

- (1) Except as otherwise provided in this By-law, a Development Permit must be obtained before a sign is erected, enlarged, altered or relocated.
- (2) Application for a Development Permit shall be made to the Development Officer. The application shall be:
 - a. on the Form provided by the Development Officer; and
 - b. supported by two copies of drawings drawn to scale, showing the location of the sign, the overall dimensions of the sign, the size of the letters or letter, the amount of projection from the face of the building, the height of the sign above average ground level at the face of the building, and the manner of illuminating the sign, including any form of animated or intermittent lights.
- (3) A Development Permit is not required for an addition to an existing sign which conforms to this By-law, provided the maximum standards established are not exceeded and the addition does not violate any condition of the original Development Permit for the existing sign.
- (4) The following signs do not require a Development Permit but shall nevertheless comply with the requirements of this By-law:
 - a. Real estate signs advertising the sale, lease or rental of a property or building unit, providing such signs are erected only on the property or building;
 - b. Construction signs identifying a construction or demolition project for which a Development Permit has been issued;
 - c. Signs, notices, placards or bulletins erected by or by order of duly constituted government body or organization for the following purpose:
 - i. Identifying a political campaign, such signs to be displayed for up to thirty (30) days prior to an election or referendum and removed within fourteen (14) days following the election or referendum;
 - ii. Advertising a campaign or drive which has been approved by Council, such signs to be posted for a maximum period of fourteen (14) days;
 - iii. Identifying any establishments, public service or public utility operated by a government agency or utility company;

- iv. Controlling vehicular movements for the purposes of enforcing traffic regulations and public safety, and without any area or height limitations.
 - d. On-site safety, warning, traffic, parking or other directional signs regulating the use of property, provided the total sign area does not exceed 1.0 square metres;
 - e. Civic address signs displayed on buildings or dwellings, provided the total copy area does not exceed 1.0 square metres;
 - f. Memorial signs, tablets and plaques denoting historical information;
 - g. Flags, pennants, banners and insignias identifying charitable or fraternal or similar organizations, provided the total sign area does not exceed 1.0 square metres;
 - h. Fascia signs giving the civic address and/or name of the building, occupants, and hours of operation, provided the total sign area does not exceed 0.28 square metres in the case of a residential dwelling and 1.2 square metres for a non-residential dwelling;
- (5) No sign shall be erected so as to obstruct free and clear vision of vehicular traffic or be located, or display a light intensity of color where it may interfere with, or be confused with any authorized traffic sign, signal or device and in so doing create a traffic hazard.
- (6) The design and location of signs shall not conflict with the general character of the surrounding streetscape and buildings in the district within which it will be situated.
- (7) A thirty (30) day removal-relocation letter signed by the owner of the property or authorized agent is required if the proposed sign, including any projection beyond the property line, is not to be located entirely on the owner's property.
- (8) All sign supports shall be placed on private property. Where an application for a Development Permit is made for a sign which will overhang a sidewalk or other municipal property, the owners of the property and sign shall:
- a. Indemnify and hold harmless the municipality for any claim related to the construction and maintenance of the sign; and
 - b. Furnish a public liability insurance policy of such an amount satisfactory to the Council naming the municipality as co-insured.
- (9) All signs shall be constructed and maintained in compliance with all applicable building standards.
- (10) When a sign or sign structure no longer fulfills its function under the terms of an approved Development Permit, the municipality may order the removal of the sign and the lawful owner of the sign, or where applicable the owner, shall:

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- a. Remove the sign and related structural components within thirty (30) days of receipt of notice;
 - b. Restore the immediate area around the sign; and
 - c. Bear all costs related to such removal and restoration.
- (11) Any sign placed in or on a required off-street parking or loading area shall be placed so as not to reduce the required number of off-street parking or loading spaces.
- (12) Within residential districts, only one (1) sign per premises or site will be allowed and may be a free-standing sign or fascia sign meeting the following requirements:
- a. Not to exceed 3.0 square metres in area;
 - b. Not to project within 0.6 metres of the property line;
 - c. No to exceed 3.5 metres in height.
- (13) Within non-residential districts, up to two (2) advertising or identification signs may be allowed per premises or site.
- (14) For free-standing signs within non-residential districts, the maximum height shall be 10.0 metres and the total area shall not exceed 9 square metres. Sign shall not project within 0.6 metres of the property line.
- (15) For fascia signs within non-residential districts, total area of all signs proposed for the building shall not exceed twenty (20) percent of the face of the building or bay to which the sign is attached.

6.6 Landscaping

- (1) Where a landscaping plan is required for development, the species, size and location of all planting and planting material shall be appropriate for the region and the location on the site.
- (2) Outdoor lighting shall be located and arranged so that no rays of light are directed at any adjoining properties or interfere with the effectiveness of any traffic control devices.
- (3) Garbage containers shall be visually screened from all adjacent sites and public thoroughfares.

6.7 Projections into Yards

- (1) eaves, shade projections, awnings, bay or oriel windows, chimney breasts or parts of chimneys that are constructed of non-combustible material, belt courses, sills, balconies, together with any other architectural features which are of a similar nature may project up to 0.6 metres into prescribed yards.
- (2) Unenclosed steps, with or without a landing but without a roof are allowed.
- (3) In residential districts, open, hard-surfaced and uncovered terraces or patios are allowed in any prescribed yard if completely unenclosed except by a guard rail or parapet wall not exceeding the maximum height permissible for a fence in the same location.
- (4) No verandas, porches, terrace or patio shall project into any required front yard more than 2.5 metres. The provision of an awning or similar temporary covering shall be allowed.
- (5) Any loading space required under the provision of this By-law may be constructed and maintained within any prescribed yard.
- (6) An unenclosed exterior fire escape, not more than 1.0 metres in width, shall be allowed except within front yard without the prior approval of the Development Officer or Council.
- (7) Ornaments, flagpoles, or the like shall be allowed within prescribed yards.

6.8 Fences

- (1) In residential areas no fence, wall, vegetation or any combination thereof shall be permitted that is higher than the following, as measured from the ground level:
 - a. 1.2 metres in the front yard;
 - b. 2.0 metres in the side and back yards;
 - c. In the case of corner lots, front yard condition applying to both fronting sides.

7 PART SEVEN – ZONING DISTRICT REGULATIONS

7.1 UR – URBAN RESERVE

- (1) Uses:
 - a. Interim uses such as market gardens or agricultural applications may be permitted at the discretion of Council.
- (2) An agreement outlining the conditions and duration of use is required for all interim or discretionary uses approved by Council.
- (3) No development or subdivision or transfer of land for any uses shall be permitted that may adversely affect the economical subdivision or servicing of the land for future urban uses, at the discretion of Council.
- (4) The siting, site coverage, yards and height of building shall be at the discretion of Council.
- (5) A reclassification of land from Urban Reserve District into any other land use district shall be undertaken concurrently with the approved development scheme or subdivision plan.
- (6) No land shall be reclassified from Urban Reserve District into any other land use district unless the development of same land shall constitute an orderly and economic development, having due regard for the General Plan.

7.2 I - INSTITUTIONAL

(1) Uses:

<i>Permitted Uses</i>	<i>Discretionary Uses</i>
Schools	Public Parks
Hospitals	Public Playgrounds
Public utility uses and installations	Public recreational facilities including arenas, curling rinks, roller or ice skating rinks, swimming pools
Fire Halls	Sports fields
Police Stations	Open space
Churches	Any other use which, in the opinion of council is of a similar nature
Libraries	
Museums	
Accessory buildings and uses	

(2) Dimensions:

- a. Minimum site area shall be as required by Council.
- b. Minimum yard requirements shall be as required by Council.
- c. Maximum height of buildings shall not exceed 10.0 metres unless otherwise allowed by Council.
- d. Churches shall conform to the requirements set out in Part Eight.
- e. Off-street parking shall conform to the requirements set out in Part Six.
- f. Signs shall conform to the requirements set out in Part Six.

7.3 PR – PARK AND RECREATION

(1) Uses:

<i>Permitted Uses</i>	<i>Discretionary Uses</i>
Public Parks	Campsites
Public Playgrounds	Golf courses
Public recreational facilities including arenas, curling rinks, roller or ice skating rinks, swimming pools	Temporary uses for community cultural or recreational events
Sports fields	Schools
Open space	Cemeteries
	Commercial recreational uses
	Community garden plots
	Public utility uses
	Any other use which, in the opinion of Council, is of a similar nature

(2) Dimensions:

- a. Minimum site area shall be as required by Council.
- b. Minimum yard requirements shall be as required by Council.
- c. Maximum height of buildings shall not exceed 10.0 metres unless otherwise allowed by Council.
- d. Off-street parking shall conform to the requirements set out in Part Five, Section 10.
- e. Signs shall conform to the requirements set out in Part Five, Section 14.

7.4 R1 – SINGLE DETACHED AND DUPLEX RESIDENTIAL

(1) Uses

<i>Permitted Uses</i>	<i>Discretionary Uses</i>
Dwellings, single detached	Churches
Dwellings, manufactured	Duplex dwellings
Dwellings, duplex	Day cares
Accessory buildings and uses	Day Homes
Parks	Home occupation
	Public utility uses and installations
	Rooming and boarding houses
	Any other use which, in the opinion of Council, is of a similar nature

(2) Dimensions:

	<i>Principal Building</i>	<i>Corner Lots</i>
Minimum lot width	15 m	16.5 m
Minimum Front Yard Setback:	6.0 m	same
Minimum Side Yard Setback:	1.5 m	same
Minimum Rear Yard Setback:	7.5 m	4.5 m
Maximum Building Height:	10 m	same

- (3) Accessory buildings, landscaping, parking, fences, projections into yards and signs shall meet the requirements in Part Six.
- (4) A garage or carport not attached to the side of the dwelling shall be considered an accessory building and the requirements of Part Six apply.
- (5) All garages and carports shall have a minimum setback of 6.0 metres from the property line to the doors of the garage or entrance to carport.
- (6) The distance from garage doors or front of carport to the property line shall not be less than the required front yard of the main building.
- (7) Discretionary uses shall conform to the applicable requirements set out in Part Eight.

7.5 R3 – MULTIPLE UNIT RESIDENTIAL

- (1) Uses:

<i>Permitted Uses</i>	<i>Discretionary Uses</i>
Dwellings, row houses	Churches
Dwellings, apartments	Dwellings, duplex
Accessory buildings and uses	Family care facilities
Senior citizen or nursing homes	Public utility uses and installations
	Rooming and boarding houses
	Any other use which, in the opinion of Council, is of a similar nature

- (2) Dimensions:

	Row Housing	Apartments
minimum lot width	n/a	n/a
minimum front yard	6 m	6 m
minimum side yard	3 m	4.5 m
minimum rear yard	7.5 m	7.5 m
maximum building height	10.5 m	13.5 m
maximum density	30 units per hectare	60 units per hectare

- (3) All multiple unit residential developments shall conform to the requirements set out in Part Eight.
- (4) Accessory buildings, landscaping, parking, fences, projections into yards and signs shall meet the requirements set out in Part Six.
- (5) A garage or carport not included incorporated into the principal building shall be considered an accessory building and the requirements of Part Six apply.
- (6) All garages and carports shall have a minimum setback of 6.0 metres from the property line to the doors of the garage or entrance to carport.
- (7) Discretionary uses shall conform to the applicable requirements set out in Part Eight.

7.6 R4 – COUNTRY RESIDENTIAL

(1) Uses:

<i>Permitted Uses</i>	<i>Discretionary Uses</i>
Dwellings, single detached	Home occupations
	Public utility uses
Accessory buildings and uses	Kennels
	Recreational uses
	Any other use which, in the opinion of Council, is of a similar nature

(2) Dimensions:

	<i>Site</i>
Minimum Site Area	0.2 hectares
Maximum Site Area	4.0 hectares
Maximum Lot Coverage	n/a
Minimum Front Yard Setback	7.5 m
Minimum Side Yard Setback	7.5 m
Minimum Rear Yard Setback	10.5 m
Maximum Building Height	10 m

- (3) Country residence must be provided with sanitary facilities meeting the requirements of the health authorities having jurisdiction.
- (4) Home occupations shall conform to the requirements set out in Part Eight
- (5) Signs shall conform to the requirements set out in Part Six.

7.7 R 5 – MOBILE HOME

- (1) Uses:

<i>Permitted Uses</i>	<i>Discretionary Uses</i>
Mobile homes	Home occupations
Mobile home parks	Institutional and public uses
Accessory buildings and uses	Any other use which, in the opinion of Council, is of a similar nature

- (2) Dimensions:

	Mobile Homes	Mobile Home Park
minimum site area	400 sq. m.	2.0 hectares
minimum lot width	n/a	
minimum lot depth	30 m	
minimum front yard	3 m	
minimum side yard	1.5 m	
minimum rear yard	3 m	
maximum building height	5 m	
maximum density	n/a	25 units per hectare

- (3) Porches and additions to a mobile 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.
- (4) The floor area of the porches and additions shall be proportionate to the floor area of the mobile home or manufactured home and these additions shall not exceed 100% of the mobile home floor area.
- (5) A mobile home shall be skirted and adequately insulated from the floor level to the ground level and skirting shall complement the existing external finish of the mobile home or manufactured home.
- (6) All development shall meet the requirements of Part Six of this Bylaw.
- (7) Mobile home parks shall conform to the requirements of Part Eight.

7.8 C1 – VILLAGE COMMERCIAL

(1) Uses:

<i>Permitted Uses</i>	<i>Discretionary Uses</i>
Hotels and motels	Bus terminals
Offices	Institutional uses
Restaurants and coffee shops	
Personal services	Private clubs and lodges
Retail stores	Public utility uses and installations
Dwelling units combined with commercial uses	Service stations
Dwellings, row housing	Veterinary clinic for the treatment of small animals
Dwellings, apartment	
Accessory buildings and uses	Any other use which, in the opinion of Council, is of a similar nature

(2) Dimensions:

	permitted uses except hotels and motels	hotels and motels
minimum site area	235sq. m.	1,100 sq. m.
minimum lot width	7.5 m	30 m
minimum front yard	none	none
minimum rear yard	3 m	3 m
maximum building height	13.5 m	13.5 m

- (3) Where the site is abutting a residential district and not separated from that district by a street or utility lot, there shall be a 3.0 metres side yard abutting the residential district.
- (4) All multiple unit residential developments shall conform to the requirements set out in Part Eight.
- (5) Accessory buildings, landscaping, parking, fences, projections into yards and signs shall meet the requirements set out in Part Six.
- (6) Discretionary uses shall conform to the applicable requirements set out in Part Eight.

7.9 C2 – HIGHWAY COMMERCIAL

(1) Uses:

<i>Permitted Uses</i>	<i>Discretionary Uses</i>
Automobile body shops	Car wash
Drive in services	Coffee shop or restaurant
Service station	Caretaker residence
Vehicle sales and rentals	
Veterinary clinics	
Accessory buildings and uses	Any other use which, in the opinion of Council, is of a similar nature

(2) Dimensions:

	all uses
minimum site area	900 sq. m.
minimum lot width	7.5 m
minimum front yard	none
minimum rear yard	3 m
site coverage	60%
maximum building height	13.5 m

- a. A smaller site area and lot width than that required by this by-law may be accepted by Council provided that ample space is allowed for vehicular circulation and parking.
- (3) Access to sites from Highways shall conform to the requirements of the highway authority having jurisdiction and may necessitate the provision of service roads.
- (4) All storage areas and parking lots shall be screened from any adjacent residential district to the satisfaction of the Development Officer or Council.
- (5) Drive-in services and service stations shall conform to the requirements set out in Part Five, Section 8.
- (6) Off-street parking and loading, landscaping and signs shall conform to the requirements set out in Part Six.

7.10 M1 – LIGHT INDUSTRIAL

(1) Uses:

<i>Permitted Uses</i>	<i>Discretionary Uses</i>
Light manufacturing, assembling and processing	Manufacturing, commercial, recreational or public service uses unlikely to restrict the district for light industrial use.
Light industrial uses not noxious or hazardous	Bulk fuel storage
Recycling depots	Helicopter bases and service
Repair and service shops	
Storage and/or sale of building materials	Public utility uses and installations
Repair and service shops	Construction crew camps
Caretaker unit	
Accessory buildings and uses	
Any uses permitted in Highway Commercial	Any other use which, in the opinion of Council, is of a similar nature

(2) Dimensions:

	all uses
minimum site area	900 sq. m.
minimum lot width	7.5 m
minimum front yard	6 m
minimum side yard	3 m
minimum rear yard	4 m
site coverage	60%
maximum building height	13.5 m

- a. Rear yards may be reduced to 1.2 metres where there is a rear lane.
 - b. Rear yards shall not be less than 7.5 metres where the rear boundary abuts a residential district.
- (3) A soft landscaped buffer with a minimum width of 3.0 metres shall be provided in any yard abutting a street, or Parks and Recreation zone.
 - (4) Side yards beyond those areas for soft landscaping may be used for the parking of motor vehicles.

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- (5) Where side or rear yards abut any district other than an industrial district, fencing at least 2.0 metres in height shall be provided.
- (6) When the development fronts on a Highway, the minimum front yard shall be landscaped.
- (7) Where the likelihood of air or water pollution is concerned, the Development Officer or the Council may refer the development to the appropriate authority having jurisdiction for study and recommendation.
- (8) Any industrial operation, including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following prevailing standards for noise, smoke, dust and ash, smell, glare or heat, and toxic gases, etc.
- (9) The onus of proving to the satisfaction of the Development Officer or the Council that a proposed development does and will comply with these standards rests with the developer and/or operator.
- (10) No wastes shall be discharged into any municipal sewer which does not conform to the engineering standards established from time to time by the Village.
- (11) Goods or materials shall be kept in a neat and orderly manner or suitable enclosed by a fence, screen or wall to the satisfaction of the Council.
- (12) The Development Officer or Council may prescribe screening or a buffer area for uses which involve extensive outdoor storage or goods, machinery, vehicles, building materials, waste materials and other similar uses.
- (13) All front yards shall be landscaped and maintained.
- (14) All undeveloped portions of the street right-of-way shall be soft landscaped and maintained by the fronting property owner.
- (15) All storage, freight or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features or fences, or a combination thereof to provide effective visual barrier from the ground to a height of 2.0 metres.
- (16) Off-street parking and loading shall conform to the requirements set out in Part Six.
- (17) Signs shall conform to the requirements set out in Part Six.

7.11 M2 – GENERAL INDUSTRIAL

(1) Uses:

<i>Permitted Uses</i>	<i>Discretionary Uses</i>
Any use permitted in Light Industrial	Incinerators
Bulk fuel storage	Sewage treatment plant
General contractor	Caretaker residence
Heavy equipment storage, repairs or servicing	Public utilities and installations
Truck depots	Construction crew camps
Industrial uses not noxious or hazardous	
Electrical generating plant	
Warehousing, storage, supply depot	
Recycling depots	
Accessory buildings and uses	Any other use which, in the opinion of Council, is of a similar nature

(2) Dimensions:

	all uses
minimum site area	As required by Council
minimum lot width	7.5 m
minimum front yard	6 m
minimum side yard	4 m
minimum rear yard	4.5 m
site coverage	60%
maximum building height	13.5 m

- a. When the development fronts on a highway, the minimum front yard shall be 7.5 metres from the service road right-of-way
 - b. The rear and side yard requirements of any discretionary use may be increased if the proposed development is not compatible with existing or planned adjacent land uses.
- (3) Where the likelihood of air or water pollution is concerned, the Development Officer or the Council may refer the development to the appropriate authority having jurisdiction for study and recommendation.

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- (4) Any industrial operation, including production, processing, cleaning, testing, repairing, storage or distribution of any material shall conform to the following prevailing standards for noise, smoke, dust and ash, smell, glare or heat, and toxic gases, etc.
- (5) The onus of proving to the satisfaction of the Development Officer or to the Council that a proposed development does and will comply with these standards rests with the developer and/or operator.
- (6) No wastes shall be discharged into any municipal sewer which does not conform to the engineering standards established from time to time by the Village.
- (7) Goods or materials shall be kept in a neat and orderly manner or suitably enclosed by fence, screen or wall to the satisfaction of the Council.
- (8) The Development Officer or Council may prescribe screening or a buffer area for uses which involve extensive outdoor storage of goods, machinery, vehicles, building materials, waste materials and other similar uses.
- (9) Off-street parking and loading, landscaping and signs shall conform to the requirements set out in Part Six.

7.12 MR – RESTRICTED INDUSTRIAL

- (10) The purpose of this district is to protect those existing industries within areas that should be redeveloped for other uses.
- (11) All uses shall be at the discretion of Council.
- (12) All site requirements shall be at the discretion of Council.
- (13) Maintenance and general repair is allowed for existing industrial developments.
- (14) No expansion of existing industrial development shall be permitted.
- (15) All industrial development shall meet the performance standards set out in the Light Industrial District.
- (16) Council may require that any development meet those pertinent regulations set out in Part Eight Special Provisions.

7.13 AIRPORT

- (1) The purpose of this district is to provide an area for the location of industrial and commercial operations which due to the nature of the operation requires close proximity to the Fort Simpson Airport.
- (2) In recognition of the jurisdiction and authority of the Government of the Northwest Territories and Government of Canada over Commissioner's public airport lands, forming part of the Fort Simpson Airport, all uses and developments on these 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.
- (3) For greater certainty, nothing in this by-law shall apply to the use or development of those Commissioner's public airport lands and Federal lands within the Airport district. However, Council or the Development Officer may provide input respecting any proposed development on Commissioner's public airport lands or Federal land with the Airport zoning district.

8 PART EIGHT – SPECIAL PROVISIONS

8.1 Flood Risk Requirements

- (1) All development shall conform to the requirements of the floodway and floodway fringe areas as defined under the Canada-Northwest Territories Flood Damage Reduction Program.
- (2) No permanent structures or buildings are permitted in the floodway.
- (3) New residential development may be permitted in the flood plain outside of the floodway provided flood proofing measures have been designed by Engineer licensed to practice in the Northwest Territories and documents bearing the stamp of the Engineer are submitted as part of the application for a development permit.

8.2 Multiple Unit Residential Standards

- (1) The following requirements are applicable to all multiple unit residential development including terraced or row housing, townhouses, and apartments.
- (2) Where two or more buildings are on one site, there shall be a minimum separation of 3.0 metres unless otherwise required by the Development Officer or Council.
- (3) A site plan will be appended to the application for any multiple unit residential development including terraced or row housing, townhouses, and walkup apartments that, once approved, shall be as deemed conditions of approval and shall indicate:
 - a. provision of playgrounds and open space;
 - b. provision of enclosed recreation areas;
 - c. access for emergency vehicles;
 - d. provision of access to enclosed garbage storage;
 - e. provision of laundry facilities;
 - f. landscaping and fencing;
 - g. privacy for dwelling units in and adjacent to the development; and
 - h. orientation of buildings and general appearance of project.

8.3 Mobile Home Parks

- (1) At least two (2) legal road rights of ways shall be provided to the mobile home park.
- (2) Internal roads shall allow for proper vehicular access and circulation, taking into account off-site as well as on-site traffic movements.
- (3) Each mobile home site shall be clearly marked on the ground by permanent stakes, markers or other means shall be clearly defined with a site number or other address system.
- (4) A park layout sign shall be provided at the entrance which clearly identifies the location of sites, internal road layout, guest parking and common facilities.
- (5) Each mobile home shall be set back:
 - a. A minimum of 7.5 metres from the mobile home park boundary;
 - b. A minimum of 1.5 metres from any internal access road, parking area or other common area;
 - c. A minimum of 1.5 metres from any other internal mobile home park feature.
- (6) Fire hydrants and other fire fighting equipment shall be provided as deemed necessary by the fire protection authority having jurisdiction.
- (7) A site plan will be appended to the application for any mobile home park that, once approved, shall be as deemed conditions of approval and shall indicate:
 - a. playgrounds and open space;
 - b. vehicle access, circulation and parking;
 - c. location of water, sewer, and electrical services;
 - d. access routes for emergency vehicles;
 - e. any central service buildings or common storage areas
 - f. access to enclosed garbage storage;
 - g. landscaping and fencing;
 - h. privacy for dwelling units in and adjacent to the development; and
 - i. orientation of buildings and general appearance of project
 - j. location of water, sewer and electrical services

8.4 Home Occupations

- (1) A resident who intends to operate a home occupation, where permitted under this By-law, shall make application for the following:
 - a. a development permit that shall be in effect for the period the home occupation is operated; and
 - b. a business license that shall be in effect in accordance with the current Village of Fort Simpson Business License Bylaw
- (2) No person other than the occupant(s) of the dwelling shall be engaged in the home occupation.
- (3) There shall be no outdoor business activity, or outdoor storage of materials and equipment associated with the occupation.
- (4) No variation from the external appearance and residential character of land or building shall be allowed.
- (5) There shall be no exterior display or advertisement, other than a permitted sign measuring 45.7 cm x 60.9 cm.
- (6) The occupation shall not generate pedestrian or vehicular traffic, or parking in excess of that which is characteristic of the zone within which it is located.
- (7) Except with the approval of the Development Officer, where prohibited by signs posted on the property, no commercial vehicle of a capacity of more than 4400 kilograms gross vehicle weight shall be parked or maintained on or about the property.
- (8) No offensive noise, vibration, smoke, dust, odour, heat or glare shall be produced by the use.
- (9) There shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwellings.
- (10) All permits issued for home occupation shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Development Officer, the use is or has become detrimental to the amenities of the neighbourhood.
- (11) At all times the privacy of the adjacent dwellings shall be preserved and the use shall not unduly offend the surrounding residents by way of excessive lightening, late calling of clients or an unreasonable number of clients, excessive noise, traffic congestion, or other similar activity likely to disturb the amenities of the neighborhood.

8.5 Bed and Breakfast Establishments

- (1) In addition to all other provisions and requirements of the Zoning By-law the following additional requirements shall apply to home occupations in the form of bed and breakfast operations:
 - a. Persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit.
 - b. A bed and breakfast operation shall be limited to four rooms and shall be contained entirely within the principal building.
 - c. A bed and breakfast operation shall be required and limited to serve one meal provided on a daily basis to registered guest only, with such a meal being prepared in one common kitchen and served in one common room.
 - d. Parking requirements for the bed and breakfast shall be in addition to the off street parking requirements for the dwelling/dwelling unit itself.

8.6 Churches

- (1) Church sites shall be located on corner lots or in such a way that they will not adversely affect the adjacent development.
- (2) The site shall be of such a size that allows adequate parking and landscaping.
- (3) In the case of manse, rectory, parsonage or other building used for a residence related to the church on the same site, an additional 400 square metres of site area shall be required.
- (4) For the purpose of computing the height of a church with respect to the maximums permitted within the district the height of any steeple above the principal structure shall be excluded.
- (5) The front, side and rear building lines shall be those allowed within the district in which the site is located, provided the structure is less than 7.5 metres in height, excluding steeple.
- (6) Any structure above 7.5 metres in height shall have side yards no less than ten (10) percent of the width of the lot.

8.7 Drive-in Services

- (1) Sites shall be preferably located at the intersection of two (2) or more public thoroughfares, excluding a lane and provided that the site may be located between intersections where there is a service road.
- (2) For establishments where the customer normally remains in the vehicle for service, the minimum site area shall be 930 square metres with a minimum building area of 40 square metres.

- (3) All parts of the site to which vehicles have access shall be hard-surfaced and drained to provide a durable surface.
- (4) Proper site drainage shall be provided.
- (5) Any lighting proposed to illuminate off-street parking areas shall be located and arranged to that all direct rays of light are directed upon the site only and not on any adjoining properties.
- (6) Adequate fencing shall be maintained around the boundaries of the site, other than on street frontage. The fence shall not be less than 0.8 metres in height and designed so as to contain rubbish or debris.

8.8 Service Stations

- (1) Sites for service stations shall be located at the intersection of two (2) or more public thoroughfares, excluding a lane and provided that the site may be located between intersections where there is a service road.
- (2) The minimum site area shall be based on a ratio of 0.6 square metres of open site area for each 0.1 square metre of building-occupied site area.
- (3) The minimum site area and coverage for a gas bar as an independent development shall be determined on the basis of 60 square metres of open site area for each fuel pump.
- (4) In the case of substantially rectangular sites, the minimum length of property shall be 40.0 metres on one (1) side and 30.0 metres on the other.
- (5) All pump islands shall be located at least 6.0 metres from any boundary of the site, parking area on the side, or laneways intended to control traffic circulation on the site.
- (6) All parts of the site to which vehicles may have access shall be hard-surfaced and drained to provide a durable, dust-free surface.
- (7) Proper site drainage shall be provided.
- (8) Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the site only and not on any adjoining properties.
- (9) The owner, tenant, operator or person in charge of a service station shall at all times:
 - a. be prohibited from the conducting of the business as a parking garage provided that this shall not prevent the use of garage space available on an authorized service station for storage;
 - b. be prohibited from any activity which is obnoxious or offensive, or which may constitute a nuisance or any annoyance to persons occupying lands in the immediate vicinity of the site of a service station by reason of dust, noise, gases, odor, smoke or vibration.