

THE CORPORATION OF THE CITY OF IQALUIT

BY-LAW # 899

ZONING BY-LAW (2020)

A By-law of the City of Iqaluit in Nunavut to adopt a Zoning By-law, pursuant to the provisions of the *Planning Act, R.S.N.W.T. 1988, c. P-7 s.24*

WHEREAS the Council of the City of Iqaluit has prepared a zoning by-law, referred to as the “City of Iqaluit Zoning By-law” in accordance with the *Planning Act*.

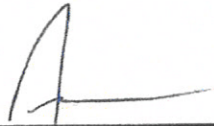
NOW THEREFORE the Council of the City of Iqaluit, in a regular session duly assembled, enacts as follows:

1. The zoning by-law of the City of Iqaluit, known as the “*City of Iqaluit Zoning By-law*” and the attached Schedule A, Schedule B, Schedule B1, Schedule B2, Schedule B3, and Schedule B4 of this by-law, are hereby adopted.
2. Schedule A, Schedule B, Schedule B1, Schedule B2, Schedule B3, and Schedule B4, form part of this by-law.
3. This By-law shall come into effect on the date of its third reading.
4. By-law No. 704, as amended, is hereby repealed.

READ a first time this 25 day of August 2020.



Kenny Bell
Mayor



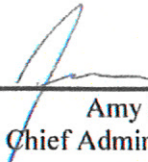
Amy Elgersma
Chief Administrative Officer

After due notice and a Public Hearing held on March 9, 2021.

READ a second time this 9th day of March 2021.



Kenny Bell
Mayor



Amy Elgersma
Chief Administrative Officer

APPROVED by the Minister of Community and Government Services this 15 day of November 2021.

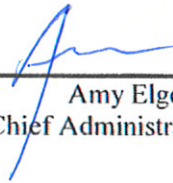


Minister, Community and Government Services
Honourable Jeannie Ehaloak

READ a Third and Final time this 30th day of November 2021.



Kenny Bell
Mayor



Amy Elgersma
Chief Administrative Officer





City of Iqaluit
ZONING BY-LAW
By-law 899





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PART 1

GENERAL REQUIREMENTS

SECTION 1 – INTRODUCTION

TITLE

- 1.1 This By-law shall be known as the "Iqaluit Zoning By-law 2010" or By-law No.899 of the City of Iqaluit.

COMPONENTS OF THE BY-LAW

- 1.2 There are three components to this by-law:
- a) Text of the by-law
 - b) Zoning By-law maps (Schedule A, B, B1, B2, B3, B4)
 - c) Voluntary Payment Schedule (Schedule C)

EFFECTIVE DATE

- 1.3 This By-law comes into full force and effect on the day it is given a third reading by Council.

REPEAL OF EXISTING BY-LAWS

- 1.4 Zoning By-law No. 704, as amended is hereby repealed upon the date that this By-law comes into force.

DEFINED AREA

- 1.5 The provisions of this By-law apply to all lands within the incorporated limits of the City of Iqaluit.

VALIDITY

- 1.6 If one or more provisions of this by-law are, for any reason, declared to be invalid by the Courts, all remaining provisions remain in full force and effect.



INTERPRETATION

1.7 In this by-law:

- a) Provisions will be considered minimum requirements except where the word "maximum" is used, in which case the maximum requirement shall apply;
- b) The word 'shall' is mandatory;
- c) Words in the singular include the plural and words in the plural include the singular;
- d) Words are gender-neutral: any reference to one gender includes the other. Definitions are intended to aid in understanding and implementing the spirit, intent and meaning of the by-law;
- e) In a situation not covered by a specific regulation, the provisions of this by-law shall apply by analogy, to ensure implementation of the provisions and purpose of the by-law; and,
- f) Where two or more regulations are equally applicable, all provisions must be complied with; where it is not possible to comply with all applicable provisions, the most restrictive provisions must be complied with.

ZONING MAPS

- 1.8 Zoning Maps are found on Schedule "A", "B", "B1", "B2", "B3", "B4" of this by-law. They divide the City of Iqaluit into zones and specify zoning provisions that apply to particular areas.

ZONING BOUNDARIES

- 1.9 Zone boundaries are delineated on the Zoning Maps. In the case of uncertainty as to the precise location of the boundary of any zone, the boundaries on the Zoning Maps shall be interpreted as follows:

- a) Where a boundary follows a public roadway, lane, power line, water course, right- of-way or easement, it follows the centerline, unless clearly indicated on the Zoning Map;
- b) Where a boundary is shown as approximately following the municipal boundary, it follows the municipal boundary;
- c) Where a boundary is shown as approximately following a lot line, it follows the lot line;



- d) Where a boundary is shown as being generally parallel to or an extension of any of the above features, it shall be so; and,
- e) In circumstances not covered above, the boundary shall be determined by the original scale of the zoning map.



SECTION 2 – AUTHORIZATION AND ADMINISTRATION

DEVELOPMENT OFFICER

- 2.1 This Zoning By-law shall be administered by the Development Officer or other person appointed by Council. The Development Officer shall:
- a) Receive and review all requests or applications for Development Permits, Zoning By-law amendments, General Plan amendments and variances to the Zoning By-law;
 - b) Approve, approve with conditions, or refuse Development Permit applications, subject to the authority provided by Council;
 - c) Interpret the policies of the General Plan and the provisions of the Zoning By-law as required, to ensure that they are implemented effectively;
 - d) Issue Notice of Decisions and Development Permits subject to this By-law;
 - e) Maintain this By-law and all amendments thereto available for public review;
 - f) Maintain a record of each application for a Development Permit approved or disapproved, including records of decisions taken and reasons for the decisions;
 - g) Carry out the inspections necessary to enforce this By-law with support of the by-law officer's department;
 - h) Exercise powers vested in him by the *Planning Act*, as periodically amended;
 - i) Identify when an application is complete; and,
 - j) Serve notice to require cessation of work or to correct contraventions of this By-law, and to enter on the property and carry out the work required by the notice.

DEVELOPMENT REQUIRING A DEVELOPMENT PERMIT

- 2.2 No person or agency shall commence development without a Development Permit.
- 2.3 No change shall be made in the type of use of any land, building or structure within any zone covered by this By-law, without first obtaining written confirmation from the City that the proposed use conforms to this By-law as well as any required development permits.
- 2.4 A Development Permit is not required where the development consists of:



- a) Minor repairs such as painting, decorating, landscaping, drainage ditches, berms or fences;
- b) An accessory building having an area of less than 10 m² that meets all other provisions of this By-law;
- c) A temporary building or structure associated with construction, unless it is used for human habitation. Signs as specifically exempted in Section 7.3;
- d) Internal renovations where there is no significant change to the exterior of the building, or change in use of the building;
- e) Decks in the R1 or R1A Zone that meet all other provisions of this By-law;
- f) Temporary camping structures in the OR or MR Zones;
- g) The maintenance and repair of public works, services and utilities carried out by the City on land which is publicly owned or controlled;
- h) Utility poles and power lines approved by the City.
- i) Utility installation where no building is proposed;
- j) Replacement of water and sewage tanks if overall capacity is not increasing;
- k) Home-based businesses where no client or customer will be attended or served on site; and,
- l) Minor changes to an approved Site Plan (e.g. landscaping or parking configuration).

AUTHORITY OF COUNCIL

- 2.5 Council shall consider Development Officer and Planning and Development Committee recommendations on all undelegated planning applications and decide to approve (conditionally or unconditionally), refuse or refer the application back to the Development Officer.

AUTHORITY OF THE DEVELOPMENT OFFICER

- 2.6 The Development Officer shall have the delegated authority to approve (conditionally or unconditionally) or refuse Development Permits for the following classes of development, including conditional uses:
- a) Single detached dwelling;
 - b) Semi-detached dwelling;
 - c) Duplex dwelling;
 - d) Triplex dwelling;
 - e) Fourplex dwelling;
 - f) Row dwellings (up to six units);
 - g) An addition to a dwelling;
 - h) Home-based business;



- i) Secondary suite;
 - j) Non-residential uses (including boarding house and residential care facility) not exceeding 1,000 m² gross floor area of new construction;
 - k) Mixed-use development with a maximum commercial gross floor area of 300 m² and a maximum of 2 dwelling units in a non-residential building;
 - l) Amendments to Development Permits where the increase in gross floor area is less than 100 m², and/or where three (3) or fewer dwelling units are added (not increasing a total of six (6) dwelling units in total);
 - m) Accessory buildings and structures;
 - n) Utility installations; and,
 - o) Signs with an area of less than 4 m².
- 2.7 Notwithstanding Provision 2.6, any development permit application requiring a Request for Variance requires Council approval.
- 2.8 Notwithstanding Provision 2.6 above, the Development Officer may refer an application for a Development Permit, together with a recommendation to Council for a decision, if there is broad community interest in the application, a conflict of interest and/or if directed by the Chief Administrative Officer. The applicant must be informed that an application is being referred to Council for a decision.
- 2.9 The Development Officer shall have the authority, to determine when an application is complete in accordance with Provisions 2.13 to 2.17.
- 2.10 The Development Officer shall have the authority to approve minor revisions to conditions of a Development Permit.
- 2.11 The Development Officer shall have the authority to deem a Development Permit application void two (2) years from the date of the application in accordance with Provision 2.30.
- 2.12 The Development Officer shall have the authority to deem a Development Permit void in accordance with Provisions 2.29 to 2.30.

APPLICATION PROCEDURE FOR OBTAINING A DEVELOPMENT PERMIT

- 2.13 An application for a Development Permit shall be made on the application form adopted by Council and filed with the Development Officer.
- 2.14 Every application shall be accompanied by:
- a) The required application fee;
 - b) Site Plan – Scale of 1:500 or greater (PDF 11 x 17 format):



- Legal description of the property
 - North arrow
 - Footprints for all existing and proposed buildings, fences and other structures
 - Lot dimensions
 - Setback distances for all buildings to property lines
 - Vehicle access (e.g. driveways), parking and loading facilities
 - Existing and proposed drainage ditches, culverts (including length and diameter) and the direction of positive drainage
 - Utility installations (e.g. oil tanks, electricity/light poles, access vaults and sewer/water pipes) and garbage enclosures
 - Areas of tundra retention or generation vs. gravel fill
 - Snow Piling Areas (only required for developments greater than 500 m²)
 - Landscaping Detail (only required for developments greater than 6 dwelling units or 1,000 m²)
- c) Elevation Plans – Scale of 1:100 or greater (PDF 11 x 17 format)
- Width, depth and height of each building façade
 - Gap beneath the building
 - Positions and size of window and door openings
 - Roof lines, projections and floor elevations
 - Location of affixed lighting (if applicable)
- d) Floor Plans – Scale of 1:100 or greater (PDF 11 x 17 format) (not required for accessory buildings or porch/deck additions)
- Layout of each level, including the use of each room
 - Gross floor area (GFA) for each use (non-residential) and/or each dwelling unit (residential)
- 2.15 Notwithstanding Provision 2.14, for Site Plans, Elevation Plans and Floor Plans for residential developments with 3 or fewer dwelling units and non-residential development with a gross floor area of less than 300 m², plans may be submitted as a PDF or in hardcopy, may not be to scale and may be hand drawn, as long as all requested information is provided.
- 2.16 Additional plans, studies and information that may be requested by the Development Officer include:
- a) 3-D Rendering – required for developments greater than 1,000 m² in the Core Area;
 - b) Grading & Drainage Plan – typically required for developments greater than 1,000 m² or where there are significant slopes on the site;



- c) Snow & Wind Study – typically required for developments greater than 1,000 m²;
 - d) Servicing Study – typically required for developments on piped services that are greater than 1,000 m² but will be at the discretion of the Director of Public Works & Engineering, or delegate;
 - e) Traffic Study – typically required for developments greater than 2,000 m² and/or where significant traffic impacts are anticipated;
 - f) Crime Prevention Through Environmental Design (CEPTED) Study – may be required for developments greater than 3,000 m²;
 - g) Plan of Survey – typically required where an addition or new building is close to the minimum setback requirement or a lot line; and,
 - h) Environmental Site Assessment – required where land is potentially contaminated.
- 2.17 The Development Officer shall not identify an application as complete until all submission requirements have been met, including any additional plans, studies or information requested by the Development Officer in the preliminary comments provided to the applicant.
- 2.18 An application for a sign permit shall be subject to the provisions of Section 7.

NOTICE OF DECISION

- 2.19 The Development Officer will issue and forward the Notice of Decision on the form adopted by resolution of Council by registered mail or, if the applicant is a local person, hand delivery within five (5) days of the date of decision.
- 2.20 If an application is refused, the reasons for refusal will be stated.
- 2.21 When an application is approved, the Development Officer will, within three (3) days of the date of decision, post a legible copy of the Notice of Decision, with a minimum size of 8½" x 11", in a conspicuous place on the lot to which the Notice of Decision applies.
- 2.22 The decision on the Development Permit may be appealed by any person claiming to be affected by the decision. Said person will file written Notice of Appeal, stating the reasons for the appeal, with the Development Appeal Board, within fourteen (14) days of the date the Notice of Decision was given or posted.
- 2.23 A Development Permit will only be issued fourteen (14) days after the Notice of Decision has been posted on the lot for



which it applies, where no appeal of the decision has been filed, and where the conditions of development approval have been met.

- 2.24 If a decision on a Development Permit application is appealed, the Permit will be issued only after the appeal is heard and subjected to decision and modifications determined by the Development Appeal Board.

ISSUANCE OF A DEVELOPMENT PERMIT

- 2.25 An application shall be approved, and a permit issued if it complies with the General Plan, all provisions of this and other By-laws adopted by Council.
- 2.26 No development permit shall be issued for a proposed use of land, building or structure that is in contravention of any provision of this By-law.
- 2.27 The issuing of a Development Permit shall not exempt the permit holder from constructing in accordance with the National Building Code, the National Fire Code, Arctic Airports Zoning Regulations and other standards and regulations that may be required and revised periodically. No approval given by the Development Officer or Council will be considered an indication that such standards and regulations have been met.
- 2.28 A Development Permit authorizes the holder to execute the work or action defined in said permit in accordance with the approved application. No changes to the development will be permitted without prior approval in writing from the Development Officer.

DEVELOPMENT PERMIT DEEMED NULL AND VOID

- 2.29 Where a Development Officer determines that there has been a breach of this By-law or conditions applicable to a Development Permit, they may revoke or suspend the Development Permit and will notify the permit holder of this action.
- 2.30 A Development Permit will become null and void under the following conditions, unless the Development Officer has authorized an extension if:
- a) The development is not commenced, or authorized actions are not undertaken within one (1) year of the date of issue;
 - b) Development has been discontinued for a period in excess of one (1) year; and,
 - c) Development is not completed within two (2) years of the date of issue.



- 2.31 A new application and fee are required to obtain development approval where:
- a) The conditions of a development approval have not been met within one (1) year of the Notice of Decision (or within a period of extension granted by the Development Officer); or
 - b) Where a Development Permit has become null and void.

DEVELOPMENT AGREEMENTS

- 2.32 The Development Officer may recommend that a Development Agreement be a condition of approval for a Development Permit. The Development Agreement may contain contractual arrangements as to the following:
- a) Design, including exterior materials and signage of any proposed building or structure;
 - b) The provision of site grading, landscaping, fencing, screening materials, location of garbage receptacles, and lighting;
 - c) The replacement or construction of roads, sidewalks and street lighting associated with the development;
 - d) The provision of municipal services;
 - e) The provision of on-site amenities;
 - f) The provision of parking;
 - g) The moving of buildings; and,
 - h) Financial security for implementation of the above.

DEVELOPMENT APPEAL BOARD

- 2.33 Council shall, by resolution, appoint a Development Appeal Board.
- 2.34 The Development Appeal Board will comprise a minimum of five (5) members appointed concurrently for a three (3) year term of office.
- 2.35 Council will appoint one (1) member of the Development Appeal Board chairperson who will vote only in the case of a tie.
- 2.36 Of the five members on the Development Appeal Board, at least one (1) will be a member of Council and the remainder members of the community at large. The majority shall be other than members of Council. The Development Appeal Board will not include employees of the City of Iqaluit.
- 2.37 No member of the Development Appeal Board shall be dismissed except for cause.



- 2.38 Upon the receipt, in writing, of a notice of appeal, the Development Appeal Board shall:
- a) Determine whether or not there are grounds for appeal and whether it should hear the case;
 - b) Upon determining that it will hear the case, hold a public hearing with a minimum of three (3) Board members within thirty (30) days of receiving the appeal;
 - c) Ensure that reasonable notice of the hearing is given to the applicant and all persons who, in the opinion of the Board, may be affected;
 - d) Afford the Development Officer and every person concerned the opportunity to be heard, to submit evidence, hear evidence, and cross-examine others;
 - e) Consider appeals with due regard to the circumstances and merits of each case, the purpose, scope and intent of the General Plan, and the provisions of this By-law;
 - f) Confirm, reject or vary the decision appealed and impose conditions it considers necessary under the circumstances; and,
 - g) Take minutes of the hearing and render its decision in writing to the parties involved by registered mail or fax, within sixty (60) days of from the date of the hearing.
- 2.39 If a member of the Development Appeal Board has an interest in an application for a Development Permit being appealed, s/he shall be subject to the provisions of the Conflict of Interest Act.
- 2.40 The decision of the Development Appeal Board shall consider the General Plan and any other By-law adopted by Council in force at the time of appeal.
- 2.41 The authority of the Development Appeal Board shall be in accordance with the authorities granted in Section 21 of the Planning Act.

GOVERNMENT OF NUNAVUT BUILDING OFFICIAL

- 2.42 The Government of Nunavut Building Official will review and issue Building Permits, Demolition Permits and Occupancy Permits, as required and in accordance with the Building Code Act, as amended.

INSPECTION OF PREMISES

- 2.43 The Development Officer, or his or her delegate, may enter and inspect a property if there is reason to believe that the land, building or structure has been erected, altered, enlarged or used in violation of any of the provisions of this By-law.

**VIOLATIONS AND PENALTIES**

- 2.44 In the case of any lot being used, any building or structure being erected, altered, reconstructed, demolished, extended or part thereof in contravention of any provision of this By-law, or a permit issued under this By-law, the Development Officer, by written notice, may require the cessation of such contravention.
- 2.45 Where a person has been served written notice and fails to comply with its requirements, the Development Officer or designated officials, may enter the property and carry out the work required by the notice and recover the resulting expense from the owner by action.
- 2.46 Any person who undertakes or permits development on land without a development permit or complying with conditions of a development permit is guilty of an offence and liable on summary conviction to a fine. Each day of violation shall constitute an offence. Refer to Schedule "C" – Voluntary Payment Schedule – Penalties.

AMENDMENTS TO THIS BY-LAW

- 2.47 Any changes which will alter the intent and/or provisions of this By-law shall necessitate an amendment to this By-law pursuant to the Planning Act, as amended periodically.
- 2.48 Where an amendment to this Zoning By-law is requested, the proponent shall complete and submit to the City:
- a) An application form for Amendment to the Zoning By-law;
 - b) The required application fee; and,
 - c) Any supporting information required by the Development Officer. Refer to Provisions 2.14 – 2.16 for examples of the types of plans and studies that may be required.
- 2.49 Schedule "C" by way of Council resolution can be changed without an amendment to the Zoning By-law No. 899.



SECTION 3 – DEFINITIONS

DEFINITIONS

3.1 In this By-law:

A

ABANDONED means failure to proceed with construction work or failure to undertake any construction work during a continuous one (1) year period.

ACCESSORY used to describe a building or structure, means a building or a structure that is separated from the principal building or structure on the lot, and is normally incidental, subordinate and exclusively devoted to a permitted use. It shall include a shipping container (“sea can”) but exclude a garbage enclosure or fuel tank.

Any building or structure attached to a building will not be considered accessory for the purposes of this By-law.

ACCESSORY USE means the use of a building or a lot which is normally subordinate and incidental to the principal use of the building or lot.

ACT means the *Planning Act* as adopted by the Government of Nunavut.

AIRPORT means any area of land and water that functions as a facility for the arrival, departure, movement and servicing of aircraft, passengers and associated cargo, and includes any associated buildings, installations, open space, and equipment. This may include the short-term accommodation of passengers and crew.

ANIMAL HOSPITAL means a building or part of a building used by a veterinary surgeon where companion domestic animals (household pets) and birds are kept for treatment, including surgery, and where veterinary drugs and other related products, including pet food, may be sold.

AUTOMOTIVE VEHICLE means an automobile, truck, all-terrain vehicle, snowmobile, or other recreational vehicle, but does not include heavy equipment and vehicles.



AUTOMOTIVE SERVICE GARAGE means a building used for the servicing, repair, washing and/or repainting of automotive vehicles and which may also include retail sale of fuel and other automotive products and the sale of motor vehicles in association with the automotive service garage.

AUTOMOTIVE GAS BAR means a place used for the sale of automotive fuel, oils, propane, automotive fluids; it may include convenience store products as an accessory use.

AUTOMOTIVE SALES OR RENTAL ESTABLISHMENT means a place where automotive vehicles are parked or stored for rental, sale or display; it does not include an automotive gas bar.

B

BANK means a place that provides a range of financial services, and includes a trust company or other financial institution

BAR means a licensed drinking establishment, the principal business of which is to serve any sort of alcoholic beverage to the public for consumption on the premises, and includes a pub or brew pub.

BEACH SHACK means a building in or close to a beach area used for harvesting purposes or other uses related to the owners' participation in the land-based economy.

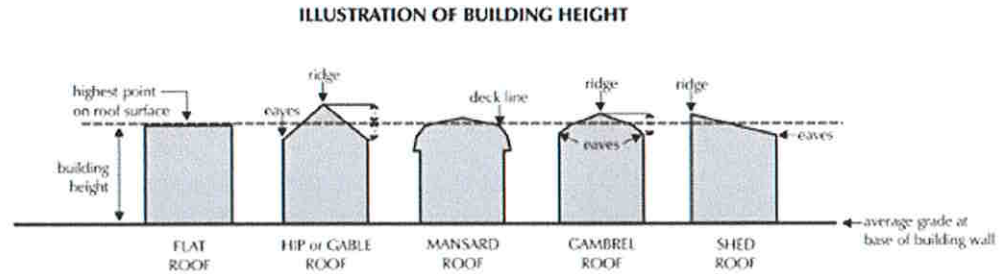
BOARDING HOUSE means a building containing four or more rooming units. A rooming unit means a room or suite that constitutes separate, independent occupancy in which a person sleeps, and which may have a kitchen or a washroom, but not both; A boarding house does not include short term rental hotel or shelter.

BROADCASTING STUDIO means a radio or television studio.

BUILDING means a structure that has a roof, walls and a floor that stands more or less permanently in one place.

BUILDING HEIGHT means the vertical distance between the average finished grade at the base of the façade containing the building's main entrance and

- a) In case of a flat roof, the highest point of the roof surface;
- b) In case of a mansard roof, the deck line;
- c) In case of a hip, gable, shed or gambrel roof, the mid-point between the eaves and the ridge;
- d) In all other cases, the highest point of the building or structure.



BUILDING CONTRACTOR'S SHOP means a place of business for persons employed in building trades such as painting, plumbing, electrical work, masonry, metal working and carpentry or truck, bulldozer, loader and backhoe operating. Such a place of business may be used for the storage of equipment, materials and vehicles used on construction sites and may include related uses such as office space, or maintenance facilities. It may also include an accessory retail or sales counter that occupies less than 25% of the building's gross floor area.

BUILDING SUPPLY CENTRE means an establishment engaged in selling or installing building supplies such as lumber, millwork, siding, roofing, plumbing, electrical, heating, air conditioning or home improvements. This definition shall not include any establishment otherwise defined herein or specifically named elsewhere in this By-law.

BUSINESS SERVICES mean establishments providing services for businesses or membership organizations, such as professional, technical, educational and research services, printing supply and reproduction services.

C

CAMPING STRUCTURES, TEMPORARY means a tent or similar structure that is erected seasonally and is temporary in nature.

CANNABIS ESTABLISHMENT means any use of land, building or structure or part thereof for the retail sale, consumption or distribution of cannabis or any product or substance produced in whole or part from cannabis.

CANNABIS PRODUCTION FACILITY means the use of land, building or structure for the cultivation, processing, research, testing, destruction, packaging and/or wholesale distribution of cannabis.



CEMETERY means an area of land set aside for burial of human bodies or ashes, including a crematorium or mausoleum.

COMMERCIAL LAND FARM means an area used for storage and remediation of contaminated soils.

COMMUNITY CENTRE means a multi-purpose facility that offers a variety of programs of a recreational, cultural, day care, social, community service, informational or instructional nature. It may include, in part, a theatre or medical facility.

CONDITIONAL USE means a conditional use listed in a specific zone that may be permitted by Council or the Development Officer, where delegated, after consideration of criteria listed in the specific zone and in other relevant sections of this By-law.

CORPORATION means the Municipal Corporation of the City of Iqaluit.

CORRECTIONAL FACILITY means a place of secure temporary detention or custody.

COUNCIL means the Council of the Municipal Corporation of the City of Iqaluit.

CULTURAL INTERPRETATION CENTRE means a building and/or other facility dedicated to interpretation and education about cultural resources such as archaeological, cultural, and burial sites, remains of historical and architectural value, and districts or landscapes of historic and scenic interest.

CUSTOM WORKSHOP means a building or part thereof where individual custom production of goods or materials is made; it does not include any establishment involving mass production or assembly line manufacture of goods.

D

DAY CARE CENTRE means an establishment providing temporary care for any individual for a continuous period not exceeding twenty-four hours.

DENSITY means the ratio of the number of dwelling units to a defined area of land.

DEVELOPMENT means the carrying out of any construction, landscaping, excavation, demolition, removal, relocation, repair or renovation work, in, on, over or under land, or the making of any



change in the use or the intensity of use of any land or building, including, but not limited to:

- a) The deposit of debris, waste material, refuse or unsightly material on any land, including land already being used for that purpose if the area or the height of any existing deposit is increased;
- b) The removal of topsoil or rock material; and,
- c) The use for storage purposes, or for the repair of motor vehicles or other type of machinery, of land that was previously unused.

DEVELOPMENT AGREEMENT means a binding contract between the City of Iqaluit and the proponent of a development. Development Agreements may only be used where the *Planning Act* permits a Council, an approving authority or Development Appeal Board to impose limitations or requirements as a condition of issuing a permit. The agreement requires observance of limitations or requirements on the development of the land and is considered a covenant running with the land.

DEVELOPMENT OFFICER means the officer or employee of the Corporation charged with the duty of enforcing the provisions of this By-law.

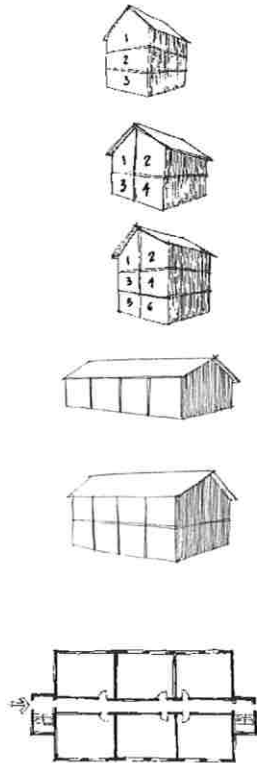
DEVELOPMENT PERMIT means an approval for the carrying out of a development under the provisions of this By-law.

DOG AREA means an area where dog teams are tied, chained or kenneled.

DWELLING means a building used or intended to be used for human habitation and in which all usual domestic functions may be carried on; it does not include a mobile home.

- a) **DWELLING UNIT** means a residential unit consisting of a self-contained set of rooms located in a building, used or intended to be used as residential premises, containing kitchen and bathroom facilities intended for the use of that unit only.
- b) **SINGLE-DETACHED** means one completely detached dwelling unit designed, used or intended for occupancy by not more than one household.
- c) **SEMI-DETACHED** means a building divided vertically into two dwelling units, each of which has an independent entrance directly from the outside.
- d) **DUPLEX** means a building divided horizontally into two separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.





- e) TRIPLEX means a building divided horizontally into three separate dwelling units, each of which has an independent entrance directly from the outside or through a common vestibule.
- f) FOURPLEX means a building divided both vertically and horizontally by common walls into four separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.
- g) SIXPLEX means a Triplex divided vertically with one other Triplex, for a total of six dwelling units.
- h) ROW DWELLING means a dwelling connected vertically with two or more other dwelling units, each of which has an independent entrance directly from the outside.
- i) STACKED ROW DWELLING means a Row Dwelling connected horizontally with additional units stacked partially or totally above one or more ground floor row dwelling units, and where each stacked unit has an independent entrance directly from the outside.
- j) APARTMENT means a building that contains four or more dwelling units which have a common entrance from street level and are served by a common corridor. The occupants have the right to use in common the corridors, stairs, yards or one or more of them. An "APARTMENT DWELLING" does not include a fourplex dwelling, a row dwelling, or any other dwelling otherwise defined herein.

DWELLING UNIT AREA means the habitable area within the outside walls of a dwelling unit, excluding any private garage, carport, porch, verandah, unfinished attic, or sunroom (unless such sunroom is habitable in all seasons of the year); and excluding public or common halls or areas, stairways and the thickness of outside walls.

E

EDUCATIONAL FACILITY means a place of instruction, including classrooms, seminar rooms and similar installations, and may include residences.

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

EMERGENCY AND PROTECTIVE SERVICES means a public facility used by fire, police, ambulance, and others as a base of operations.



F

FIRING RANGE means a specialized outdoor recreational facility with targets for rifle and handgun practice.

FLOOR AREA, GROSS means the total area of all of the floors of all building(s) on a lot measured from the exterior face of the exterior walls of the building, excluding: any part of the building or structure which is used for mechanical, servicing, electrical and heating equipment, motor vehicle parking, steps and landings, loading facilities, common laundry facilities, common play areas, the space at the main entrance of a building located between an outside and inside set of doors, living quarters for a caretaker and enclosed malls when used as a common area between stores.

FOOD AND BEVERAGE PROCESSING means a facility that transforms raw agricultural commodities and semi-processed food products into a broad range of food and beverage products ready for consumption or for further processing.

FUEL STORAGE FACILITY means a tank, container or enclosure used for the bulk storage of gas and/or liquid and/or solid fuels.

G

GENERAL PLAN means the General Plan of the City of Iqaluit, as amended periodically.

GROUND-ORIENTED HOUSING means housing which provides a private principal entry to each unit from the outside either by direct access from the ground or by means of stairways. For the purposes of this definition, ground-oriented housing includes single-detached, semi-detached, duplex, triplex, fourplex, sixplex, row dwellings, and stacked row dwellings and may include other housing forms that meet the ground-oriented definition but does not include a mobile home.

H

HAZARDOUS MATERIAL STORAGE means the storage of any item or chemical that can cause harm to people, plants or animals when released into the environment.

HEAVY EQUIPMENT AND VEHICLE YARD means premises used for the storage, sale, rental, and servicing of heavy equipment and vehicles.



HOME BASED BUSINESS means one or more businesses operated by a resident as secondary and subordinate uses to a dwelling and includes a home-based day care.

HOTEL means a place used for temporary accommodation for tourists or transients; it includes a motel and an apartment hotel and may include permanent staff accommodation as an accessory use.

K

KENNEL means a building or structure where dogs and cats are raised, boarded or trained, given medical treatment or housed for similar purposes for personal use or as a commercial service to the general public and shall include a Humane Society shelter or pound.

L

LAND includes land under water.

LANDSCAPING means maintaining, modifying, or adding to the original natural features of a site to produce an aesthetic effect appropriate for the use of the site and zone in which it is situated. Landscaping includes retaining walls less than 1 m in height but does not include areas of the site used for parking, storage, driveways or garbage containment.

LEACHATE RETENTION POND means a constructed basin to collect storm water runoff and leachate emitted from a Waste Disposal Site.

LOADING SPACE means an off-street space or berth used for loading or unloading people or things from a motorized vehicle.

LOT means all contiguous land under one leaseholder. Specific lot types include the following:

- a) **CORNER LOT** means a lot situated at the intersection of two or more streets having an angle of not more than one hundred and thirty-five (135) degrees.
- b) **INTERIOR LOT** means a lot situated between adjacent lots having access to one street.
- c) **THROUGH LOT** means a lot (bounded on two opposite sides by streets) having street frontage on two parallel or approximately parallel streets, provided that if any lot qualifies as both a through lot and a corner lot, such lot is considered to be a corner lot for the purposes of applying the zoning by-law.



LOT DEPTH means the horizontal distance measured between the midpoint of the front lot line and the midpoint of the rear lot line.

LOT FRONTAGE means the horizontal distance between the side lot lines. Where the side lot lines are not parallel it shall be the width of a lot measured between the intersections of the side lot lines with a line six (6) metres back from and parallel to the front lot line.

LOT LINE means any boundary line of a lot.

- a) **FRONT LOT LINE** means, in the case of an interior lot, the line dividing the lot from the street. In the case of a through lot or a corner lot, the shorter lot line abutting a street shall be the front lot line. In the case of a corner lot or a through lot where the lot lines abutting a street have the same length, the lot line where the principal access to the lot is provided shall be deemed to be the front lot line.
- b) **REAR LOT LINE** means, in the case of a lot having four (4) or more lot lines, the lot line furthest from and opposite the front lot line. If the lot has fewer than four (4) lot lines, there shall be deemed to be no rear lot line.
- c) **SIDE LOT LINE, INTERIOR** means a lot line other than a front or rear lot line that does not abut a public street.
- d) **SIDE LOT LINE, EXTERIOR** means a lot line other than a front or rear lot line that abuts a public street.

M

MANUFACTURING PLANT (LIGHT) means an establishment primarily engaged in the fabricating, processing, finishing, refinishing or assembly or similar production of various articles and commodities such as custom workshops, factories, mills, industrial shops and production facilities, or other similar uses that do not generate any detrimental impact, health or safety hazard or nuisance beyond the boundaries of the lot. Does not include food and beverage processing.

MANUFACTURING PLANT (HEAVY) means an establishment primarily engaged in the fabricating, processing, finishing, refinishing or assembly or similar production of various articles and commodities such as custom workshops, factories, mills, industrial shops and production facilities, or other similar uses that may generate a detrimental impact, health and safety hazard or nuisance beyond the boundaries of the lot. Does not include food and beverage processing.

MEDICAL FACILITY means a place where a medical doctor, dentist or other legally qualified health care practitioner has his or her practice; it includes a hospital and a medical or dental laboratory.



MOBILE HOME means a residential building containing one dwelling unit designed to be movable (or which, by virtue of being relocated, is considered to be mobile), which arrives at a site ready for occupancy when placed upon foundation supports and connected to services. This definition shall not include a recreational vehicle or a travel trailer.

MUNICIPALITY means the Corporation of the Municipality of Iqaluit.

N

NEIGHBOURHOOD CONVENIENCE STORE means a small retail store where a range of day-to-day items such as newspapers, confections, foodstuffs, sundries and other household items are sold in small quantities.

NON-CONFORMING means a use, building or structure which, on the effective date of this By-law, was not a permitted use in the zone or did not conform to the zone provisions where such lawful use, building or structure is located.

NON-RESIDENTIAL BUILDING means a building where the most visible uses on the main floor of the building as seen from the main road are non-residential.

O

OFFICE means a building or part of a building used or intended to be used in the performance and transaction of business, including administrative and clerical activities.

OPEN SPACE means any portion of a lot unoccupied by buildings or structures above ground level and open to the sky; it shall include Landscaped Open Space.

OPEN STORAGE means the storage of goods, merchandise or equipment on a lot, which may or may not be accessory to another use on the lot. It does not include outdoor display of a limited number of samples of goods, merchandise or equipment for the purpose of sales and advertisement. This definition shall not include open storage of goods or equipment incidental to the residential occupancy of a lot.

P

PARK means a "neighbourhood park" as defined in the General Plan and includes, playgrounds, sports fields, outdoor courts or rinks, picnic



areas and, public gathering spaces. It may also include accessory buildings or structures such as a wind shelter, maintenance shed, washroom, monument, or stage used to support traditional, cultural and passive recreational activities.

PARKING LOT means a parking area on a lot that is not accessory to a permitted use on that lot.

PARKING SPACE means a space with minimum dimensions prescribed, exclusive of any aisles, entrances or exits, for the temporary parking or storage of motor vehicles.

PERMITTED USE means a use permitted in this By-law.

PERSONAL SERVICES ESTABLISHMENT means a business associated with personal grooming or health or the maintenance or repair of personal wardrobe articles and accessories, such as a barber shop, beauty parlour, dressmaking shop, tailor shop, shoe repair shop, photographic studio, self-service laundry, dry cleaning establishment or similar use.

PLACE OF ASSEMBLY means a place designed and used to accommodate gatherings of people such as clubs, reception halls, concert halls, theatres, conference centres, legion halls, assembly halls and lodges, and used for events such as trade shows, banquets, and political or other conventions.

PLACE OF WORSHIP means a building dedicated to religious worship. It may include a church, temple, church hall, church auditorium, convent, parish hall or religious institution as well as accessory residences on the same lot.

PUBLIC LANE means a public right-of-way that provides a secondary means of access from a public street to abutting lots.

PUBLIC STREET means a road which affords the principal means of access to abutting lots and is open and maintained on a regular, year-round basis by the Corporation; it does not include a public lane.

R

RECREATION FACILITY means a building designed and equipped with recreation facilities such as a swimming pool, arena, curling rink, outdoor rink, indoor courts, gymnasias, and exercise rooms.



RESEARCH AND DEVELOPMENT CENTRE means a place used for systematic research, data collection and manipulation, or technical or scientific development of information or new products. It may include a research laboratory; but excludes industrial and manufacturing operations other than those required as part of the research.

RESIDENTIAL CARE FACILITY means a place providing supervised or supportive in-house care for those who need assistance with daily living. It may also provide ongoing medical or nursing care or counseling, social support, medical and personal services.

RESIDENTIAL ZONE means a zone intended for primarily residential uses and includes the R1, R1A, R2, R3, S and RC zones.

RESOURCE CENTRE means a place providing various social services aimed at addressing the special needs of people or families who's well-being is at risk. This use may include overnight accommodation.

RESTAURANT means a building or part of a building where food and beverages are offered for sale to the public, for on or off-site consumption. This includes full-service restaurants, cafes, fast-food or take-out restaurants and lunchrooms but does not include bars and pubs.

RETAIL STORE means a place where consumer goods are displayed for sale or rent or sold directly to the public for the purchaser's own use. Storage of limited quantities of merchandise is permitted in a retail store as an accessory use provided that the storage is secondary to the main retailing function of the store.

S

SEA CONTAINER ('SEA CAN') means a container previously used for the transportation of goods by ship and used on land for storage, harvesting, or a workshop; it shall be defined as an accessory use for the purposes of this By-law. This definition does not apply to shipping containers used as the frame of a building (or part of a building) if the container is re-sided or otherwise used to create an innovative, aesthetically appropriate building design.

SECONDARY SUITE means a self-contained dwelling unit created either by interior renovation within the existing home, or exterior addition to the house, provided that one entire face of the addition is attached to and architecturally consistent with the principal dwelling. It shall not be considered a second dwelling on the lot for the purposes of this By-law.



SERVICE AND REPAIR SHOP means a place where personal effects and household goods and appliances are repaired; it does not include the repair of large equipment such as motor vehicles, heavy equipment or heavy motors.

SETBACK (please see **YARD SETBACK**)

SEWAGE DISPOSAL SITE means a site licensed or approved for disposal of sewage; it includes a sewage treatment plant or sewage lagoon.

SHELTER means an establishment providing temporary accommodation and food to individuals in immediate need; it may include accessory health care, counseling and social support services.

SHOPPING PLAZA means a group of commercial and service establishments or uses, related in size and type, designed, developed and managed as a unit by a single owner, a group of owners or tenants acting in collaboration.

SHORT TERM RENTAL means all or part of a dwelling unit used to provide sleeping accommodations for any rental period that is less than 30 consecutive days in exchange for payment and includes a bed and breakfast but does not include a boarding house, hotel or shelter.

SIGHT TRIANGLE means the triangular space on a corner lot formed by measuring 3 metres back from the point of intersection of the front lot line and side lot line abutting the street and then drawing a line across the corner of the lot. Where the front lot line and exterior yard lot line do not intersect at a point, the point of intersection of these lines shall be deemed to be the intersection of the projection of the lot lines.

SIGN means a name, identification, description, device, display or illustration affixed to or represented directly or indirectly upon a building, structure or lot which directs attention to an object, product, place, activity, person, institute, organization or business and which does not contravene any By-law of the Corporation or any Regulation of the Governments of Nunavut or Canada.

STOREY means the portion of a building between the surface of any floor and the surface of the floor, ceiling or roof next above it.

- a) **FIRST STOREY** means the storey of a building in which the floor does not exceed 1.8m above grade elevation.
- b) **HALF-STOREY** means the portion of a building situated wholly or in part within a sloping roof and in which there is sufficient space to provide a height, between finished floor and finished ceiling, of at least 2.28 m over a floor area equal to at least 50% of the area of the floor next below. For the purpose of



compliance with maximum building height provisions, a half-storey will not counted as a storey provided maximum building height in metres for that zone is not exceeded.

STRUCTURE means anything constructed or erected, either permanent or temporary, the use of which requires location on the ground, or attachment to something having location on or in the ground.

STUDIO means the workplace of an artist or craftsman, including a painter, a sculptor, or a photographer, where small personal goods such as jewelry or fine art such as portraits or sculptures are produced in small quantity or to special order, for sale at retail from the premises.

T

TAXI DISPATCH ESTABLISHMENT means a building or part of a building used to dispatch taxi cabs for service to the public; it may include an accessory office and/or vehicle storage yard.

TEMPORARY DEVELOPMENT means a use and/or building maintained or operated for a specific period of time specified by a development permit or for a limited time period where exempted by this by-law from requiring development approval.

TRAILER means any vehicle designed to be towed by a motor vehicle.

U

UNDERTAKER'S ESTABLISHMENT means any premises used for preparation of human bodies for interment or cremation, viewing of deceased persons and the holding of funeral services.

USE means a use of land for any purpose; "used," "using", and other forms of the word have a corresponding meaning.

UTILITY means an entity operating within a regulated industry that has been given the express right or subsequent legal duty to supply the general public with a product, commodity, or service such as electricity, water, wastewater, sewer, telephone, telecommunication or internet service.

UTILITY INSTALLATION means the actual building plant, works, utility line, tower, transmitter, relay, receiver, pedestal or other equipment used to make or deliver a utility product, commodity or service.



W

WAREHOUSE means a building used for the storage and distribution of goods and equipment, including self-storage facilities.

WASTE DISPOSAL SITE means a place where ashes, garbage, refuse, domestic waste, sewage sludge, industrial waste or municipal refuse is disposed of or dumped. This definition shall not include a sewage treatment plant or lagoon.

WASTE PROCESSING AND TRANSFER FACILITY means a facility where waste, including putrescible waste is sorted, processed and temporarily stored prior to transfer off site and may include a recycling or composting facility.

WASTE PROCESSING AND TRANSFER FACILITY (NON-PUTRESCIBLE) means a facility where non-putrescible waste is sorted, processed and temporarily stored prior to transfer off site and may include a recycling facility.

Y

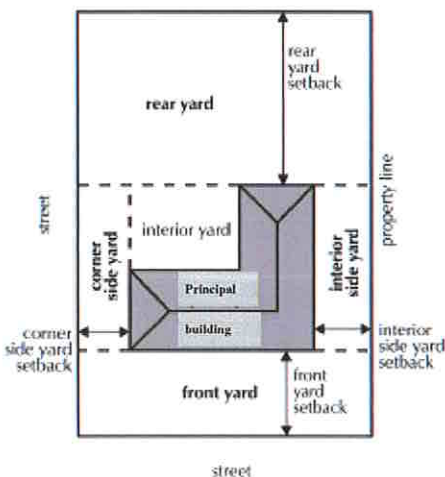
YARD means an area of a lot abutting a building, and includes a:

FRONT YARD which means that yard which extends across the full width of the lot between a front lot line and the nearest point of the main building, not including a projection permitted under Section 4.26.

REAR YARD which means that yard which extends across the full width of the lot between a rear lot line and the nearest point of the main building, not including a projection permitted under Section 4.26.

INTERIOR SIDE YARD which means that yard not abutting a public street that extends from the front yard to the rear yard between an interior side lot line and the nearest point of the main building, not including a projection permitted under Section 4.26.

EXTERIOR SIDE YARD which means that yard abutting a public street that extends from the front yard to the rear yard between an exterior side lot line and the nearest point of the main building, not including a projection permitted under Section 4.26.





YARD SETBACK means the distance required by this By-law between a lot line and a building, and includes:

FRONT YARD SETBACK which means the shortest distance between the front lot line and any part of a building, not including a projection permitted under Section 4.26.

REAR YARD SETBACK which means the shortest distance between the rear lot line and the nearest point of the main building, not including a projection permitted under Section 4.26.

INTERIOR SIDE YARD SETBACK which means the shortest distance between the interior side lot line and any part of a building between the front and rear yards, not including a projection permitted under Section 4.26.

EXTERIOR SIDE YARD SETBACK which means the shortest distance between the exterior side lot line and any part of a building between the front and rear yards, not including a projection permitted under Section 4.26.

Z

ZONE:

- a) means a land use category as defined and regulated in this By-law; or
- b) means a designated area of land use shown on the Schedule of this By-law.
- c) includes exception zones.



SECTION 4 – GENERAL PROVISIONS

ACCESSORY BUILDINGS OR STRUCTURES

- 4.1 Accessory buildings or structures shall be permitted in any zone and shall not:
- a) Locate within any front yard or exterior side yard in the B1, B2, B3, CD, R3, RC & P zones;
 - b) Locate closer than 3.0m to any front or exterior side lot line;
 - c) Locate closer than 1.0 m to any interior side or rear lot line; and,
 - d) Exceed 4.0 m in height, except where described in Section 4.12.
- 4.2 The sum of the area of all accessory buildings in a front yard or exterior side yard in the R1, R1A, R2 or S zones shall not exceed 12 m² gross floor area.
- 4.3 The sum of the area of all accessory buildings on a lot shall not exceed:
- a) 10% of the total lot area to a maximum gross floor area of 40 m² in the R1, R1A, R2 or S zones; or,
 - b) 10% of the total lot area in all other zones.
- 4.4 Shipping containers (“sea cans”) shall conform to the provisions for accessory buildings and shall not:
- a) Locate on a lot in the CD, B1, B2 and R3 Zones;
 - b) Locate on a lot within the Core Area designation, as identified on Figure ‘B’ of the City of Iqaluit General Plan;
 - c) Locate within any front yard; and,
 - d) Exceed one sea can per dwelling unit.
- 4.5 Retaining walls exceeding 1.0 m in height are considered accessory structures and must be certified by a professional engineer.

AUTOMOTIVE VEHICLE STORAGE

- 4.6 No person shall allow an automotive vehicle without current license plates to be parked outside on a lot except when associated with an automotive service garage or automotive sales or rental establishment. Further exceptions include snowmobiles and all-terrain vehicles.

**BUILDINGS TO BE MOVED**

- 4.7 No building or structure shall be moved within, or into the City of Iqaluit without a Development Permit. The Development Officer shall issue a Development Permit only where the building conforms to the requirements of this by-law and other standards and regulations as may be required periodically.

CONFLICTING STANDARDS

- 4.8 Where any provision of this By-law conflicts with the provisions of any regulation, By-law or statute of any other government authority, the higher or more stringent standard shall prevail.

DESIGN GUIDELINES

- 4.9 The design and architectural appearance and landscaping of developments in the Core Area, as defined in the General Plan, shall be in keeping with the Urban Design Guidelines set out in the General Plan, and with any other document or plan that the General Plan makes reference to.

DEVELOPMENT ON TRUCKED OR PARTIAL SERVICES

- 4.10 Notwithstanding the permitted and conditional uses list in each zone, the following shall apply to development proposed in trucked or partial service area uses that are anticipated to require more than 2,000 litres of treated water or to generate more than 2,000 litres of wastewater per day shall not be permitted.

FRONTAGE ON PUBLIC STREET

- 4.11 No person shall erect a building or structure on a lot unless it has at least 3 m of unobstructed frontage along a public street. This requirement does not apply to unsurveyed Commissioner Lands, existing lots of record without frontage (i.e. landlocked), parks, utility installations, gravel pits, quarries, waste disposal sites and waste transfer stations.

HEIGHT EXCEPTIONS

- 4.12 The maximum height limits in this by-law do not apply to the structures listed below or to similar structures that may require



a height in excess of maximum height limits in order to serve their intended purpose, unless otherwise specified in the by-law:

- a) water tank/tower;
 - b) flagpole;
 - c) lightning rod or utility installation (not including buildings);
 - d) penthouse for electrical/mechanical equipment or elevator
 - e) chimney;
 - f) solar panel or collector;
 - g) clocktower, church spire or steeple; and,
 - h) ornamental dome, skylight, parapet or similar architectural feature.
- 4.13 Despite the foregoing provision, height limitations prescribed by Iqaluit Airport or NAV Canada shall prevail.

LANDSCAPING

- 4.14 Any part of a yard not functionally required for the permitted use, an accessory building or structure, required parking or access to it, or access to servicing shall be retained in its natural state, landscaped, or aesthetically improved.

LOTS DIVIDED INTO MORE THAN ONE ZONE

- 4.15 Where a lot has two or more zones, the zone containing the largest area of the lot shall apply. Where the area of a lot is divided equally in two or more zones, the Development Officer shall determine which zone applies.

NON-CONFORMING USES

- 4.16 Nothing in this by-law shall prevent the use or continued maintenance of any lands or buildings lawfully used, constructed or under construction prior to the passing of this zoning by-law. Where such lands or buildings do not conform to the provisions of this by-law, they shall be referred to as "non-conforming uses".
- 4.17 In the event that a development permit was issued prior to the date of passage of this zoning by-law for a use or structure that does not conform to this by-law, nothing in this by-law shall prevent the construction, maintenance or use for such purposes



- provided that construction is commenced within twelve (12) months of the date of permit issue.
- 4.18 Lots created prior to the passing of this by-law that do not meet the minimum lot area or frontage requirements of their zone shall be considered non-conforming lots for the purposes of this by-law.
- 4.19 A non-conforming use shall only be changed to a use permitted in the applicable zone.
- 4.20 An extension or addition to a non-conforming use shall be permitted provided that the addition or extension meets all currently applicable zoning by-law provisions.
- 4.21 Where a non-conforming use is damaged or demolished, the non-conforming rights are not extinguished provided that:
- a) The damage or demolition was accidental.
 - b) A development permit is granted within 12 months of the damage or destruction and construction is completed within 2 years. The construction completion may be extended to a maximum of 3 years when the following conditions are met:
 - i) Resolution by Council approving the extension; and
 - ii) The City approves and executes a development agreement which includes a final date for completion of construction.
 - c) The building continues to be used for the same purpose as it was prior to the damage or demolition.
- 4.22 Nothing in this by-law shall prevent the rebuilding or repair of a non-conforming building or structure in accordance with 4.21 above provided that:
- a) The external dimensions of the original building or structure are not increased;
 - b) The use of the building or structure is not altered; and,
 - c) A Development Permit is obtained.
- 4.23 In the event that a legally existing lot, building or structure no longer meets applicable zoning by-law provisions due to a road widening or expropriation, the existing lot, building or structure shall be deemed to be non-conforming for the purposes of this by-law.

OCCUPANCY RESTRICTIONS

- 4.24 No human habitation or activity conducted for gain or profit, unless specifically permitted elsewhere in this By-law, shall be permitted in the following buildings, structures or parts thereof:
- a) Any private garage, sea container, or other building that is accessory to a residential use;



- b) Any truck, bus, or coach whether or not it is mounted on wheels;
- c) Any trailer or recreational vehicle;
- d) Any temporary building or structure, unless a camping structure specifically permitted elsewhere in this By-law.

ONE LOT FOR ZONING PURPOSES

- 4.25 All contiguous land under one leaseholder shall be considered one lot for zoning and planning application purposes.

PERMITTED PROJECTIONS INTO REQUIRED YARDS

- 4.26 Notwithstanding the minimum yard requirements of a zone, the following projections shall be permitted as follows:

Object	Permitted projection into any required yard	Minimum distance from lot line
Canopy or awning	1.5 m	0.5 m
Unenclosed balcony fire escape stairway porch or, deck	3 m	0.5 m
Solar panel, heat pump or similar equipment	1.5 m	0.5 m
Ornamental architectural features such as bay windows, eaves, sill, belt course, chimney, cornice, gutter, parapet, and pilaster	1 m	0.5 m

OPEN STORAGE

- 4.27 Open storage in Institutional or Commercial Zones shall be permitted only in rear or interior side yards and shall be closed to view from any public street or walking trail through the use of appropriate visual screening (e.g., fence, berm).
- 4.28 Open storage in Industrial or Transportation Zones shall not be permitted within any minimum front, side, or rear yards where these yards abut Residential or Institutional Zone.



SIGHT TRIANGLES

- 4.29 An area within a sight triangle shall be kept free and clear of buildings, structures, fencing, and vehicular parking in order to provide for unobstructed views at intersections.

SPECIAL AIRPORT PROVISIONS

- 4.30 Any application for development that could potentially impact airport operations shall be referred to the Airport Manager, Iqaluit International Airport.

THROUGH LOTS

- 4.31 In the case of a through lot, the front yard setback of the applicable zone and other applicable provisions related to front yards (e.g. parking) shall be applied to the yards abutting both streets.
- 4.32 In the case of a corner lot that is also a through lot, the front yard setback of the applicable zone and other applicable provisions related to front yards (e.g. parking) shall be applied to any rear yard abutting a street.

WATERCOURSE SETBACKS

- 4.33 No development is permitted within 30.5 metres of the high watermark of lakes, or where there is a defined bank, 15 metres from the top of the bank. For streams and rivers, the setback will be 30.5 metres from the centreline of the stream or river. Exceptions to the required setback will be considered in accordance with Sections 5.6.8 and 5.6.9 of the General Plan.



SECTION 5 – SPECIAL PROVISIONS

AUTOMOTIVE GAS BARS

- 5.1 Automotive gas bars shall be permitted in the T zone and in some commercial and industrial zones. Where permitted, they shall comply with the following:
- a) Notwithstanding the zone provisions, the minimum lot frontage shall be 30 metres; and the minimum lot area shall be 1,050 m²;
 - b) Gasoline pump islands shall be located at least 4.0 metres from any property line, parking areas, or laneways intended to control traffic circulation on the site;
 - c) The width of any entrance or exit driveway shall not exceed 9 metres and there shall be no more than two driveways per lot; and,
 - d) The automotive gas bar shall meet all other provisions of the zone in which it is located.

DAY CARE CENTRES

- 5.2 Day care centres shall be permitted in all residential zones, the P zone and some commercial zones. Where permitted, they shall comply with the following:
- a) A day care centre shall not provide care for more than four (4) children without a license in accordance with provisions of the *Child Day Care Act*;
 - b) A day care centre shall meet the provisions of the zone in which it is located;
 - c) A day care centre operated within a single-detached home is permitted provided that:
 - i. No more than five (5) children are provided with care in a given day; and,
 - ii. All provisions of Section 5.3 of this By-law are met.

HOME-BASED BUSINESSES

- 5.3 Home-based businesses are permitted in any dwelling unit in all residential, commercial and institutional zones or in an accessory building in a residential zone. Where permitted, they shall comply with the following:



- a) The operator(s) of the home-based business must reside in the dwelling;
- b) No more than two persons, other than the permanent residents of the premises, shall be engaged in the business;
- c) No more than two businesses are allowed at any given residence;
- d) No more than 25% or 40 m² of the gross floor area of the dwelling, whichever is the lesser, shall be used for a home-based business;
- e) There shall be no external display or advertising other than a sign measuring no more than 0.3 m² indicating that a part of the dwelling house or dwelling unit is being used for a purpose other than residential;
- f) There shall be no goods, wares or merchandise, other than arts and crafts produced on the premises, offered or exposed for sale or rent on the premises or outside the premises;
- g) The home-based business shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling unit;
- h) The activity shall not create or become a nuisance, particularly with regard to noise, odour, vibration, traffic or parking;
- i) No mechanical or electrical equipment shall be used except what is reasonably consistent with the use of a dwelling or used for carving purposes; and,
- j) A Home-based business shall meet the provisions of the zone in which it is located.

MOBILE HOMES

- 5.4 Mobile homes shall be permitted in limited commercial and residential zones. Where permitted, they shall comply with the following:
- a) Have a gross floor area greater than 60 m²; and,
 - b) Meet the provisions of the zone in which it is located.

RESIDENTIAL CARE FACILITY

- 5.5 Residential care facilities shall be permitted in the P zone and in all residential zones with the exception of the RC zone. Where permitted, they will comply with the following:
- a) A residential care facility shall meet the provisions of the zone in which it is located; and,



- b) Vehicular traffic or parking in excess of that which is characteristic of the zone will not be generated.

SECONDARY SUITES

- 5.6 Secondary suites shall be permitted as a conditional use in limited residential zones. Where permitted, they shall comply with the following:
- a) The suite shall form part of a single detached or semi-detached dwelling;
 - b) The suite shall be structurally attached to or located within the principal dwelling;
 - c) The suite shall not exceed a floor area of 40% of the principal dwelling, or 50m² of gross floor area, whichever is less;
 - d) The suite may either share a combined entranceway with the principal dwelling, or have an independent ground floor entrance from the outside, provided that the independent entrance is located on the side or rear building facade and has adequate pedestrian access; and,
 - e) The suite shall meet the provisions of the zone in which it is located.

SHORT-TERM RENTAL

- 5.7 Short-term rentals shall be permitted in any dwelling unit in any residential or commercial zone subject to the following:
- a) Short-term rentals shall only be permitted in a primary residence, which is defined as a dwelling unit owned or rented by an individual person, either alone or jointly with others, where the individual person is ordinarily resident;
 - b) Notwithstanding the above, a short-term rental may be permitted in a secondary suite that is accessory to a primary residence;
 - c) The number of guests shall be limited to a maximum of six;
 - d) Short-term rentals comprising the entire primary residence may only be used as a short-term rental for a maximum of 180 nights per year;
 - e) The short-term rental shall not change the residential character of an existing dwelling unit; and,
 - f) A short-term rental shall meet the provisions of the zone in which it is located.



TEMPORARY DEVELOPMENT

- 5.8 A temporary building or structure erected at a construction site is permitted in all zones until the work is either completed or abandoned.
- 5.9 Council may issue a development permit for a period of up to 5 years, specified in a temporary development permit.
- 5.10 The temporary development permit shall include the following conditions:
- a) the City will not be liable for any costs involved in the cessation or removal of any use or development upon the expiry of the permit;
 - b) the applicant shall cease or remove the use or development after the expiration of the development permit;
and may include the following additional conditions:
 - c) the applicant shall post a security guaranteeing the cessation or removal of the use or development at the end of the specified period of time;
 - d) the applicant may request to extend the validity of the development permit for a specified period of time; and,
 - e) others as deemed appropriate.
- 5.11 Temporary development must be compatible with surrounding development with respect to use, character and built form.
- 5.12 At the discretion of Council, temporary development may be permitted in all zones, despite permitted uses in the zone, and may not comply with the applicable setback provisions.
- 5.13 Despite Sections 5.8 to 5.12, no temporary building or structure shall be used for human habitation.

UTILITY INSTALLATION

- 5.14 A utility installation is permitted in all zones other than ME, MR(1) and MR(2) subject to the following provisions:
- a) the form and appearance of any building containing a utility installation must blend in with surrounding development and comply with zone setback provisions;
 - b) no offices, maintenance uses, or indoor or outdoor storage facilities are permitted, except where otherwise allowed in the zone; and,
 - c) no dust, smoke, noise odour or other nuisance of detrimental impact may be produced.
- 5.15 Despite Section 5.14, utility installations subject to the requirements of an environmental assessment are permitted in all zones and are not subject to the provisions of this Section.



- 5.16 Despite Section 5.14, major communications facilities that support airport and marine communications shall be permitted only in the Transportation Zone.
- 5.17 A utility installation that generates a detrimental impact, health or safety hazard or nuisance beyond the boundaries of the lot may only be located in the Heavy Industrial Zone.
- 5.18 A utility installation need not comply with the minimum lot area or frontage in the zone where it is located.
- 5.19 Hydro distribution and transmission, telecommunications towers, and wind turbines may exceed the height limit applicable to the zone but must be no higher than is necessary to operate effectively and safely.



SECTION 6 – PARKING AND LOADING REQUIREMENTS

PARKING REQUIREMENTS

- 6.1 Parking shall be required for any use, building or structure in accordance with the following standards; it shall be accessory to a permitted use and located on the same lot as the use:

<u>Use of Building or Development</u>	<u>Minimum Number of Parking Spaces</u>
a) Residential	
R1A	1 per dwelling unit and an access driveway for pump out. Access driveway may be shared with an adjacent dwelling unit or lot, as approved by the Development Officer.
Single Detached, in a zone other than R1A Semi Detached, in a zone other than R1A Duplex Dwellings	1 per dwelling unit
Multiple family dwelling in a R2, RC or S Zone outside the Core Area	1 per dwelling unit plus 1 visitor space per 6 dwelling units.
Multiple family dwelling in an R3 Zone outside the Core area	1 per dwelling unit plus 1 visitor space per 10 dwelling units
Dwelling Units in a B1, B2, B3 or P Zone outside the Core Area	1 per 2 dwelling units plus 1 visitor space per 10 dwelling units.
Dwelling units in a R2, R3, S, B1, CD or P Zone located in the Core Area	1 per 2 dwelling units plus 1 visitor space per 15 dwelling units.
Dwelling Units in a B1, CD or P Zone in the Core Area, as defined by the General Plan	1 per 2 dwelling units plus 1 visitor space per 20 dwelling units.



Residential care facility	1 per 8 units or rooms, plus 1 per 2 employees.
b) Commercial	
Office, retail store, personal service, business services, bank, neighbourhood convenience stores or similar uses	1 per 50 m ² of gross floor area
Restaurant and bars	1 per 10 m ² of gross floor area of dining area and drinking establishment
Hotels	1 per 8 units or rooms
c) Institutional	
Community centre	1 per 50 m ² of gross floor area
Correctional facility	1 per 200 m ² of gross floor area
Day care	1 per 50 m ² of gross floor area
Place of assembly	1 per 20 m ² of gross floor area of assembly
Place of worship	1 per 15 m ² of gross floor area of assembly
Educational facility (elementary)	1.5 per classroom
Educational facility (high school, college, or similar)	2.5 per classroom
Medical facility	1 per 200 m ² of gross floor area
Libraries and museums	1 per 150 m ² of gross floor area
Recreation facility	4 per ice sheet or court plus 5 per 100m ² of



common or assembly area

d) Industrial

Warehouse, open storage or yards or similar uses 1 per 500 m² of gross floor area

Manufacturing plant, service and repair shops, building supply centre, automotive sales or rental establishment, automotive service garage or bar, or similar uses 1 per 250 m² of gross floor area

Accessory retail uses 1 per 100 m² of retail gross floor area

e) Notwithstanding the requirements of this section, off-street parking for uses not specifically addressed shall be determined by the Development Officer with due regard to the amenities of the zone, similar types of uses, and the proposed development.

6.2 Where parking calculations in Section 6.1 result in requirements for a fraction of a parking space after calculating the total for all uses, the requirement will be rounded down to the nearest whole number.

ACCESSIBLE PARKING

6.3 In the case of high density Residential (i.e., apartment dwellings and row dwellings) Commercial, Institutional/Public and Industrial Uses, parking for people with disabilities shall be provided in accordance with the following table:

Total Parking Spaces Required	Accessible Parking Spaces Required (min)
0 - 5	0
6 - 25	1
26 - 50	2
51 - 75	3
76 - 100	4
101 - 150	5
151 - 200	6



Over 200

3% of total

DIMENSIONS OF PARKING AREAS

6.4 Each required off-street parking space and parking aisle shall have the following minimum dimensions:

Type of space	Parking Space		Aisle Width	Vertical clearance
	Length	Width		
Perpendicular parking	6.0m	2.7m	6.5m	2.2m
Parallel parking	6.7m	2.7m	3.6m	2.2m
Angled parking (45°)	5.2m	3.7m	3.7m	2.2m
Angled parking (60°)	5.6m	3.0m	5.2m	2.2m
Accessible parking	6.0m	3.66m	-	2.2m
Loading space	7.5m	3.0m	-	4.0m

PARKING AREA SURFACE

6.5 In the case of developments within the R3, B1, B2, CD, P, M1, M2, and T Zones, each parking area and driveway connecting it with a street shall be surfaced with concrete, asphalt, crushed stone or other material that prevents the raising of dust or loose particles, with provision for drainage facilities.

MORE THAN THREE PARKING SPACES ON LOT

- 6.6 For developments requiring or providing more than three (3) parking spaces, no parking space may access a road directly by pulling in or backing out (i.e. must be accessed via driveway and aisle).
- 6.7 Notwithstanding Section 6.6, no parking space may access a Collector Road directly by pulling in or backing out (i.e. must be accessed via driveway and aisle) in any B2 Zone or in the CD, B1, or P Zones in the Core Area, as defined by the General Plan.
- 6.8 A parking area containing more than three (3) parking spaces shall provide a landscaped open space strip with a minimum width of 1 m along the lot line(s) adjoining the road.

**ACCESS**

- 6.9 Access driveways designated for two-way traffic shall be no less than 6.5 m wide. Separate one-way entrance and exit driveways shall be no less than 3.0 m wide. No driveway shall exceed a width of 9 m, except for in industrial zones.
- 6.10 The maximum width of any abutting driveway along a common lot line, measured along the lot line, shall be 9 m, except for Industrial Zones.
- 6.11 The minimum distance between two separate driveways on one lot, measured along the lot line, shall be 7 m.
- 6.12 The minimum distance between a driveway entrance and a street intersection shall be 6 m in Residential zones and 8 m in all other zones.
- 6.13 The minimum angle of intersection between a driveway and a lot line shall be 60 degrees.
- 6.14 Access to parking areas for Commercial or Industrial uses shall not pass through a Residential Zone.

MORE THAN ONE USE ON A LOT

- 6.15 When a building, structure or lot accommodates more than one type of use, the parking space requirement shall be the sum of the requirements for the separate parts of the building structure or lot occupied by the separate types of use.
- 6.16 Notwithstanding Section 6.15, when a building, structure or lot accommodates more than one commercial and/or institutional use, Council may consider opportunities for shared parking if the applicant can successfully demonstrate that the proposed commercial and/or institutional uses on the site will have significantly different peak parking demands throughout the day and/or week. In such cases, Council may authorize a reduction of up to 25% of the total parking requirements on the site. Shared parking is not permitted for any residential use(s).

ADDITIONS AND CHANGES OF USE

- 6.17 The parking space requirements shall not apply to non-conforming buildings or structures. However, if a change of use or an addition to a non-conforming building results in a requirement for additional parking spaces (as a result of the addition or the new use), parking shall be provided in accordance with this By-law.

**USE OF PARKING SPACE AND AREAS**

- 6.18 Off-street parking shall only be used for:
- The parking of automotive vehicles bearing a valid motor vehicle license plate, except for snowmobiles, all-terrain vehicles, and vehicles associated with an automotive service garage, automotive sales or rental establishment, and a heavy equipment and vehicle yard; and,
 - Vehicles used in operations incidental to the permitted uses.

COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

- 6.19 No person shall use any lot in a residential zone for the parking or storage of a commercial vehicle having a gross vehicle weight of more than two (2.0) tons.
- 6.20 No person shall use any lot, building or structure in any residential zone for the parking or storage of more than one commercial vehicle.

PARKING AREA LOCATION ON LOT

- 6.21 In each zone, surface parking areas shall be permitted in yards as follows:

Zone	Yard in which a parking area is permitted
CD, B1, B2, RC	Side and rear yard
R1, R2, R3, S	All yards
R1A	All yards, where at least one parking space is provided directly in front of the service connection
B3, P, M1, M2, other	All yards provided that no part of any parking area, other than a driveway, is located closer than 1 m to any lot line or 2 m to a residential zone

- 6.22 Where parking spaces are required or provided for a home-based business, two (2) of the parking spaces may be provided one behind the other within a driveway, as long as the required parking space dimensions are met.

**OFF-SITE PARKING SPACES**

- 6.23 The provision of required parking spaces shall be permitted off-site in the CD, B1, and B2 Zones subject to the approval of Council and under the following conditions:
- a) The off-site parking area shall be located a maximum distance of 75 metres from the lot boundary where the building or use is located;
 - b) The number of off-site parking spaces shall not exceed 25% of the total required number of parking spaces; and,
 - c) The off-site parking area must be landscaped in accordance with Development Permit requirements and the provisions of Section 6.8.

LOADING SPACE REGULATIONS

- 6.24 Every building or structure in a commercial, industrial, Institutional or transportation zone involving the frequent receiving, shipping, loading or unloading of goods, wares, merchandise or raw materials shall provide loading facilities or spaces in accordance with the following requirements:
- a) All loading spaces shall be provided on the same lot and may be located in any yard;
 - b) A loading space located in a front yard shall be set back an appropriate distance from the front of the building;
 - c) Where a loading space is located in a yard that abuts a residential zone, it shall be screened from the residential zone; and,
 - d) Driveways, loading and unloading spaces shall be maintained with a hard surface material that is the same as the material used for the parking area on the same lot.



SECTION 7 – SIGN PROVISIONS

SIGNS REQUIRING PERMITS

- 7.1 Unless exempted by Section 7.3, the erection, display, alteration, replacement or relocation of a sign requires a development permit.
- 7.2 An application shall be made in writing to the Development Officer along with drawings to scale that indicate:
- a) The location of the sign on the site or building;
 - b) The dimensions of the sign; and,
 - c) The type of illumination, if any.

SIGNS NOT REQUIRING PERMITS

- 7.3 The following signs do not require a development permit:
- a) Signs that are not visible from a public road;
 - b) Property identification signs, not to exceed 1 m² in size;
 - c) Advertisements on street furniture under contract to, or approved by the City;
 - d) Identification signs for professional, corporate, or trade name plates identifying the occupant(s) if the sign does not exceed 1 m² in size, except in the case of a day care centre or home-based business, which shall not exceed 0.3 m² in size;
 - e) Real estate and contractor signs, provided that the sign is not illuminated and is limited to the duration of the activity to which it refers;
 - f) Temporary election campaign signs, provided they are removed no more than 14 days following the election;
 - g) Community event signs, provided they are erected for not more than 21 days and removed immediately following the event;
 - h) Flags and emblems;
 - i) Memorial plaques;
 - j) Public signage such as street signs, information signs and public utility signage;
 - k) Wall murals which do not include commercial advertising in Business zones; and,
 - l) Normal maintenance including painting, repair or replacement of existing signs.



PROHIBITED SIGNS

- 7.4 The following signs are prohibited in the City of Iqaluit:
- a) Roof signs;
 - b) Signs which, by reason of location, shape, colour or method of illumination create a hazard to the safe and efficient movement of vehicular and pedestrian traffic;
 - c) Signs attached to or located on any parked vehicle not normally used in the daily activity of the business; and,
 - d) Signs on balloons or other inflatable signs, except to advertise a special community or business event and not to exceed a period of 21 days.



PART 2 ZONES

SECTION 8 – LOW DENSITY RESIDENTIAL ZONE – FULL SERVICES (R1)

PERMITTED USES

- 8.1 The following uses shall be permitted in the R1 Zone:
- Single-detached dwelling
 - Semi-detached dwelling
 - Duplex dwelling
 - Home based business, *See Section 5.3*
 - Short term rental, *See Section 5.7*
 - Utility installation, *See Section 5.14*

CONDITIONAL USES

- 8.2 The following uses are conditional uses in the R1 Zone:
- Boarding house
 - Day care centre, *See Section 5.2*
 - Mobile home, *See Section 5.4*
 - Residential care facility, *See Section 5.5*
 - Secondary suite, *See Section 5.6*

CONDITIONAL USE CRITERIA

- 8.3 In approving a conditional use in a R1 Zone, the following conditions shall be considered:
- a) The development is consistent with the character and typology of surrounding development; and
 - b) In the case of a **residential care facility**, a maximum of 10 persons, excluding staff, may live at the facility.

ZONE PROVISIONS

- 8.4 The following provisions shall apply to **single-detached dwellings, residential care facilities, day care centres, boarding houses and, mobile homes**:



Lot Area (min)	270 m ²
Lot Frontage (min)	10 m
Yard Requirements (min)	
Front	6 m
Rear	6 m
Rear, when rear lot line adjacent to an OR Zone	1 m
Interior Side	2 m
Exterior Side	3 m
Building Height (max)	10 m
Dwelling Unit Area (min)	60 m ²
Dwelling Units Per Lot	1

- 8.5 The provisions for single-detached dwellings shall apply to **duplex** dwellings, except in the case of the following:

Lot Area (min)	410 m ²
Lot frontage (min)	18 m
Yard, Interior Side (min)	3 m
Dwelling Units Per Lot	2

- 8.6 The foregoing provisions shall apply to **semi-detached** dwellings, except in the case of the following:

Lot Area (min)	440 m ²
Lot frontage (min)	18 m
Yard, Interior Side (min)	3 m
Dwelling Units Per Lot	2

- 8.7 In the case of a **semi-detached** dwellings located **on separate, adjacent lots**, the provisions for single-detached dwellings shall apply, except in the case of the following:

Lot Area (min)	180 m ²
Lot frontage (min)	8 m / unit.
Yards, Side (min)	one side may be reduced to 0, the other 3 m

SPECIAL EXCEPTION ZONE

- 8.8 Notwithstanding Permitted Uses in Section 8.1, on lands zoned R1(1), only a **single-detached dwelling** or **home-based business** shall be permitted.
- 8.9 Notwithstanding Conditional Uses in Section 8.2, on lands zoned R1(1), only **secondary suites** shall be permitted.
- 8.10 Notwithstanding Zone Provisions in Section 8.4, on lands zoned R1(1), the minimum lot area shall be 245 square metres, the



minimum lot frontage shall be 9 metres, and the maximum building height shall be 11 metres.



SECTION 9 – LOW DENSITY RESIDENTIAL ZONE – TRUCKED SERVICES (R1A)

The following uses are permitted or conditionally permitted subject to Section 4.10:

PERMITTED USES

9.1 The following uses shall be permitted in the R1A Zone:

- Single-detached dwelling
- Semi-detached dwelling
- Duplex dwelling
- Home based business. *See Section 5.3*
- Short term rental, *See Section 5.7*
- Utility installation, *See Section 5.14*

CONDITIONAL USES

9.2 The following uses are conditional uses in the R1A Zone:

- Boarding house
- Day care centre, *See Section 5.2.*
- Mobile home, *See Section 5.4.*
- Residential care facility, *See Section 5.5.*
- Secondary suite, *See Section 5.6.*

CONDITIONAL USE CRITERIA

- 9.3 In approving a conditional use in a R1A Zone, the following conditions shall be considered:
- a) The development is consistent with the character and typology of surrounding development; and
 - b) In the case of a **residential care facility**, a maximum of 10 persons, excluding staff, may live at the facility.

ZONE PROVISIONS

9.4 The following provisions shall apply to **single-detached dwellings, residential care facilities, day care centres, boarding houses and, mobile homes:**

Lot Area (min)	500 m ²
Lot Frontage (min)	18 m



Yard Requirements (min)	
Front	6 m
Rear	6 m
Rear, when rear lot line adjacent to an OR Zone	1 m
Interior Side	3 m
Exterior Side	4 m
Building Height (max)	10 m
Dwelling Unit Area (min)	60 m ²
Dwelling Units Per Lot	1

- 9.5 The provisions for single-detached dwellings shall apply to **duplex** dwellings, except in the case of the following:

Lot Area (min)	550 m ²
Lot frontage (min)	22 m
Yard, Interior Side (min)	3 m
Dwelling Units Per Lot	2

- 9.6 The provisions for single-detached dwellings shall apply to **semi-detached** dwellings, except in the case of the following:

Lot Area (min)	600 m ²
Lot Frontage (min)	24 m
Dwelling Units Per Lot	2

- 9.7 In the case of a **semi-detached** dwellings located **on separate, adjacent lots**, the provisions for single-detached dwellings shall apply, except in the case of the following:

Lot Area (min)	220 m ²
Lot frontage (min)	10 m / unit.
Yards, Side	

One side yard setback may be reduced to zero and the other shall be a minimum of 3 m.

SPECIAL EXCEPTION ZONE

- 9.8 Notwithstanding the permitted and conditional uses in Section 9.1 and 9.2, only the following conditional uses will be permitted on lands zoned R1A(1): **single-detached** dwelling, **home based business**, and **secondary suite**. In addition to the Conditional Use Criteria listed in Section 9.3, additional criteria shall be considered in approving a conditional use on lands zoned R1A(1):

- a) The siting of the development and building form responds to the physical characteristics of the lot;



- b) The design, scale and massing of the development, including landscaping, is sensitive to the historic Hudson Bay buildings situated southwest of the site; and,
 - c) No outdoor storage is permitted on the lot.
- 9.9 Notwithstanding the permitted conditional uses in Section 9.1 and 9.2 regarding the uses permitted in the (R1A) zone, on lands zoned R1A (2), an animal hospital shall be permitted as a conditional use, subject to the Conditional Use Criteria listed in Section 9.3 and subject to the gross floor area of the animal hospital not exceeding 170 m².
- 9.10 Despite Zone Provisions in Section 9.4, on lands zoned R1A(3), the minimum lot area shall be 400 square metres and the minimum lot frontage shall be 12 metres.



SECTION 10 – MEDIUM DENSITY RESIDENTIAL ZONE – (R2)

PERMITTED USES

10.1 The following uses shall be permitted in the R2 Zone:

- Semi-detached dwelling
- Duplex dwelling
- Triplex dwelling
- Fourplex dwelling
- Row dwelling
- Home based business, *See Section 5.3*
- Short term rental, *See Section 5.7*
- Utility installation, *See Section 5.14*

CONDITIONAL USES

10.2 The following uses are conditional uses in the R2 Zone:

- Boarding house
- Day care centre, *See Section 5.2*
- Residential care facility, *See Section 5.5*
- Sixplex
- Stacked row dwelling

CONDITIONAL USE CRITERIA

10.3 In approving a conditional use in a R2 Zone, the following conditions shall be considered:

- a) The development is consistent with the character and typology of surrounding development;
- b) The scale and massing of the development considers the existing or proposed development on adjacent lots;
- c) In the case of a residential care facility, a maximum of 10 persons, excluding staff, may live at the facility.
- d) Grouped parking areas and shared building services (e.g. garbage pick-up and oil delivery) are used as much as possible.

ZONE PROVISIONS

10.4 The zone provisions described in the R1 Zone for **single-detached dwellings, residential care facilities, day care**



centres, boarding houses, semi-detached dwellings, and duplex dwellings Zone shall apply to the R2 Zone.

- 10.5 The zone provisions for **triplex** and **fourplex** dwellings are as follows:

Lot Area (min)	200 m ² /unit
Lot Frontage (min)	30 m
Yard Requirements (min)	
Front	6 m
Rear	6 m
Rear, when rear lot line adjacent to an OR Zone	3m
Interior Side	3 m
Exterior Side	3 m
Building Height (max)	10.5 m
Dwelling Unit Area (min)	60 m ²

- 10.6 The zone provisions for **row dwellings** are as follows:

Lot Area (min)	150 m ² /unit
Lot Frontage (min)	5 m per unit
Yard Requirements (min)	
Front	6 m
Rear	6 m
Rear, when rear lot line adjacent to an OR Zone	3m
Interior Side	3 m
Exterior Side	4 m
Building Height (max)	10.5 m
Dwelling Unit Area (min)	60 m ²
Density	For row dwellings, the maximum density will be established on the basis of 60 dwelling units per net hectare.
Units in a row (max)	6 units

- 10.7 In the case of a **row dwelling** located on **separate, adjacent lots**, the provisions for row dwellings shall apply, except in the case of the following:

Lot Area (min)	100 m ²
Lot frontage (min)	5 m / unit
Yards, Side	



Side yard setbacks may be reduced to zero, or, in the case of an end unit, an interior side yard shall be a minimum of 3 m and an exterior side yard a minimum of 4 m.

10.8 The zone provisions for **stacked row dwellings** are as follows:

Lot Area (min)	75 m ² /unit
Lot Frontage (min)	5 m per ground floor unit
Yard Requirements (min)	
Front	6 m
Rear	6 m
Rear, when rear lot line adjacent to an OR Zone	3m
Interior Side	3 m
Exterior Side	4 m
Building Height (max)	10.5 m
Dwelling Unit Area (min)	60 m ²
Density	For row dwellings, the maximum density will be established on the basis of 70 dwelling units per net hectare.
Units in a row (max)	6 units

10.9 The zone provisions for a **sixplex** are as follows:

Lot Area (min)	150 m ² /unit
Lot Frontage (min)	30 m
Yard Requirements (min)	
Front	6 m
Rear	6 m
Interior Side	3 m
Exterior Side	4 m
Building Height (max)	10.5 m
Dwelling Unit Area (min)	60 m ²
Density	For sixplexes, the maximum density will be established on the basis of 70 dwelling units per net hectare.
Units in a row (max)	6 units

**SPECIAL EXCEPTION ZONE**

- 10.10 Notwithstanding the Zone Provisions in Sections 10.5 and 10.8, on lands zoned R2(1), the minimum lot frontage requirement shall be 42 metres, the front yard requirement shall be 3 metres, the exterior side yard requirement shall be 1.8 metres and the maximum density shall be 105 dwelling units per net hectare. For **stacked row dwellings**, the maximum building height shall be 12.2 metres and the maximum units in a row shall be 8 units.
- 10.11 Notwithstanding the Zone Provisions of Section 10.6, for lands zoned R2(2) the minimum rear yard shall be 5 metres and the minimum front yard shall be 4 metres. For the purpose of this Special Exception zone, the front lot line shall be the line abutting Nirukittug Crescent and the exterior lot line shall be the line abutting Qaujisarvik Road.
- 10.12 Notwithstanding the Zone Provisions in Sections 10.4 to 10.9, on lands zoned R2(3), the minimum lot frontage shall be 30 metres.
- 10.13 Notwithstanding the Zone Provisions in Sections 10.4 to 10.9, on lands zoned R2(4), the maximum density shall be 80 dwelling units per net hectare.
- 10.14 Notwithstanding the Permitted and Conditional Uses in Sections 10.1 and 10.2, only the following conditional uses may be approved on lands zoned R2(5): **Row dwelling, Stacked row dwelling, Boarding house, Day care centre, and Residential care facility**. In addition to the Conditional Use Criteria in Section 10.3, the following additional criterion shall apply:
- a) A snow and wind study shall be required as part of the development permit process to ensure the design of the main building(s) on the site mitigate snow drifting effects on the subject lot, the road, and surrounding lots due to the rocky hill to the north.
- 10.15 Notwithstanding the Zone Provisions in Sections 10.4 to 10.9, on lands zoned R2(5), the minimum building height shall be 2 storeys.



SECTION 11 – HIGH DENSITY RESIDENTIAL ZONE – (R3)

PERMITTED USES

11.1 The following uses shall be permitted in the R3 Zone:

- Fourplex dwelling
- Row dwelling
- Sixplex
- Stacked row dwelling
- Apartment dwelling
- Day care centre, *See Section 5.2*
- Home based business, *See Section 5.3*
- Residential care facility, *See Section 5.5*
- Short Term Rental, *See Section 5.7*
- Utility Installation, *See Section 5.14*

CONDITIONAL USES

11.2 The following uses are conditional uses in the R3 Zone:

- Boarding house

CONDITIONAL USE CRITERIA

11.3 In approving a conditional use in a R3 Zone, the following conditions shall be considered:

- a) The development is consistent with the character and typology of surrounding development;
- b) The scale and massing of the development considers the existing or proposed development on adjacent lots;
- c) Grouped parking areas and shared building services (e.g. garbage pick-up and oil delivery) are used as much as possible.

ZONE PROVISIONS

11.4 The zone provisions described in the R1 Zone for **residential care facilities, day care centres, and boarding houses**, shall apply to the R3 Zone.

11.5 The zone provisions described in the R2 Zone for **fourplex dwellings** shall apply to the R3 Zone.



- 11.6 The zone provisions described in the R2 Zone for **row dwellings, stacked row dwellings and sixplex dwellings** shall apply to the R3 Zone.
- 11.7 The following provisions shall apply to **apartment** dwellings:
- | | |
|---|---|
| Lot Area (min) | 230.0 m ² per unit for the first four (4) units, plus 45.0 m ² for each additional unit in excess of four (4) |
| Lot Frontage (min) | 35 m |
| Yard Requirements (min) | |
| Front | 6 m |
| Rear | 8 m |
| Interior Side | 3 m |
| Exterior Side | 4 m |
| Landscaped Open Space (min) | 25% |
| Dwelling Unit Area (min) | |
| - for a bachelor dwelling | 37 m ² |
| - for a dwelling unit containing 1 bedroom | 46 m ² |
| - for a dwelling unit containing 2 bedrooms | 60 m ² |
| - for a dwelling unit containing 3 bedrooms | 75 m ² |
| - for a dwelling unit containing more than 3 bedrooms | 75 m ² plus 9 m ² for each bedroom in excess of three |
| Building Height (max) | 4 storeys, not to exceed 15 metres |
| Density | For apartment dwellings, the maximum density will be established on the basis of 150 dwelling units per net hectare. |



SPECIAL EXCEPTION ZONE

- 11.8 Notwithstanding the Zone Provisions in Section 11.7, on lands zoned R3(1), the front yard setback requirement shall be 3m, the rear yard setback requirement shall be 6m, the exterior side yard requirement shall be 3m, and the interior side yard setback requirement shall be 2m.
- 11.9 Notwithstanding the Zone Provisions in Section 11.7, on lands zoned R3(2) the minimum lot frontage requirement shall be 11.7m.



SECTION 12 – CLUSTER RESIDENTIAL ZONE – (RC)

The following uses are conditionally permitted subject to Section 4.10:

CONDITIONAL USES

12.1 The following uses are conditional uses in the RC Zone:

- Ground-oriented housing
- Home-based business, *See Section 5.3*
- Studio
- Day care centre, *See Section 5.2*
- Secondary suite, *See Section 5.6*
- Short Term Rental, *See Section 5.7*

CONDITIONAL USE CRITERIA

12.2 In approving a conditional use or uses in a RC Zone, the development proposal shall be reviewed in relation to the following criteria:

- a) A comprehensive plan that clearly articulates the purpose and relationships of uses;
- b) The siting of development and building form responds to the physical characteristics of the site;
- c) The scale and massing of the development considers the existing or proposed development on adjacent lots;
- d) The development may include shared amenity spaces, either indoor (e.g. workshop, studio, meeting room, day care, etc.) or outdoor (e.g. sitting area, active play area, etc.);
- e) Each ground floor unit shall have an enclosed storage area either as part of the principal dwelling or as a dedicated space within a communal storage accessory building;
- f) The design, siting and relationship of buildings on the lot considers wind and snow drifting patterns such that on-site and downwind off-site impacts are minimized;
- g) Opportunities for solar exposure of active spaces in each dwelling unit (i.e. living room & kitchen) are maximized;
- h) Opportunities for views (e.g. to the sea, public spaces, natural features) from each dwelling unit are maximized;



- i) Grouped parking areas and shared building services (e.g. garbage pick-up and oil delivery) are used as much as possible;
- j) Buildings with walk-up dwelling units located above the first floor are designed to minimize the visual impact of access stairways; and
- k) Landscaping on the site generally defines movement areas and spaces.

ZONE PROVISIONS

- 12.3 The **sum of all development** on a lot in an RC Zone shall meet the following provisions:

Yard Requirements (min)	
Front	3 m
Rear	3 m
Rear, when rear lot line adjacent to an OR Zone	3 m
Interior Side	3 m
Exterior Side	3 m
Building Height (max)	10.5 m
Landscaped open space (min)	20%
Lot Area (min)	1,000 m ²
Lot Frontage (min)	40 m
Density (min)	35 units / ha
Density (max)	80 units / ha

- 12.4 The zoning provisions for **row dwellings** are as follows:

Maximum Unit Footprint	6 units
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- 12.5 The zoning provisions for a **studio** are as follows:

Gross Floor Area (max)	100 m ²
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SPECIAL EXCEPTION ZONE

- 12.6 Notwithstanding the Zone Provisions in Section 12.3, on lands zoned RC(1), the interior side yard requirement shall be 6 metres for the southerly 30 metres of interior side lot line. The remaining interior side yard requirement shall be 3 metres.
- 12.7 Notwithstanding the Zone Provisions in Section 6.21, on lands zoned RC(2) parking is permitted in all yards.



- 12.8 Notwithstanding the Zone Provisions in Section 12.3, on lands zoned RC(3), the minimum lot frontage shall be 30 metres and the maximum density shall be 90 units per hectare.



SECTION 13 – SIJJANGA ZONE (S)

The following uses are permitted or conditionally permitted subject to Section 4.10:

PERMITTED USES

13.1 The following uses shall be permitted in the S Zone:

- Single-detached dwelling
- Semi-detached dwelling
- Duplex dwelling
- Triplex dwelling
- Fourplex dwelling
- Row dwelling
- Home based business, *See Section 5.3*
- Short term rental, *See Section 5.7*
- Studio
- Utility Installation, *See Section 5.14*

CONDITIONAL USES

13.2 The following uses are conditional uses in the S Zone:

- Boarding house
- Day care centre, *See Section 5.2*
- Neighbourhood convenience store
- Residential care facility, *See Section 5.5*
- Restaurant
- Secondary suite, *See Section 5.6*
- Uses permitted in the Public/Institutional P Zone

CONDITIONAL USE CRITERIA

13.3 In approving a conditional use in an S Zone, the following shall be considered:

- a) The development is consistent with the character of typology of surrounding development;
- b) The use will not generate vehicular traffic or parking in excess of that which is characteristic of the zone in which it is located;
- c) In the case of a residential care facility, a maximum of 10 persons, excluding staff, may live at the facility.

**ZONE PROVISIONS**

- 13.4 The following provisions shall apply to **all** development in the S Zone:

Yard Requirements (min)	
Front	6 m
Rear	6 m
Rear, when rear lot line adjacent to a beach OR Zone	8 m
Interior Side	3 m
Exterior Side	3 m
Building Height (max)	2 storeys, to a max. of 9 m
Dwelling Unit Area (min)	75 m ²

- 13.5 In addition to the provisions in Section 13.4, the following provisions shall apply to **single-detached** dwellings, **residential care facilities**, **day care centres** and, **boarding houses**:

Lot Area (min)	380 m ²
Lot Frontage (min)	15 m
Dwelling Units Per Lot	1

- 13.6 The provisions for single-detached dwellings shall apply to **duplex** dwellings, except in the case of the following:

Lot Area (min)	410 m ²
Lot frontage (min)	18 m
Dwelling Units Per Lot	2

- 13.7 The zoning provisions for **semi-detached** dwellings are as follows:

Lot Area (min)	440 m ²
Lot Frontage (min)	20 m

- 13.8 In the case of a **semi-detached** dwellings being located on **separate, adjacent lots**, the provisions for single-detached dwellings shall apply, except in the case of the following:

Lot Area (min)	180 m ²
Lot frontage (min)	8 m / unit.
Yards, Side (min)	one side may be reduced to 0, the other 3 m;



- 13.9 The zoning provisions for **triplex** and **fourplex** dwellings are as follows:

Lot Area (min)	200 m ² /unit
Lot Frontage (min)	30 m

- 13.10 The zoning provisions for **row dwellings** are as follows:

Lot Area (min)	150 m ² /unit
Lot Frontage (min)	5 m per unit
Lot Frontage (max)	40 m
Density	For row dwellings, the maximum density will be established on the basis of 40 dwelling units per net hectare.
Units in a row (max)	4 units

- 13.11 The zoning provisions for **public or institutional uses** are as follows:

Gross Floor Area (max)	500 m ²
Lot Area (min)	1,000 m ²
Lot Frontage (min)	35 m

- 13.12 The zoning provisions for **restaurants** are as follows:

Gross Floor Area (max)	75 m ²
Lot Area (min)	500 m ²
Lot Frontage (min)	25 m

- 13.13 The zoning provisions for a **studio** or **neighbourhood convenience store** are as follows:

Gross Floor Area (max)	150 m ²
Lot Area (min)	500 m ²
Lot Frontage (min)	25 m

SPECIAL EXCEPTION ZONE

- 13.14 In addition to the uses permitted in the S Zone, on lands zoned S(1), an office will be a permitted use, subject to the gross floor area of the office use being no greater than 150m² and subject to the provisions in Section 13.4 of the Zoning By-law.



- 13.15 In addition to the uses permitted in the S Zone, on lands zoned S(2), a **business service** use will be permitted subject to the provisions in Section 15.3 of the Zoning By-law.
- 13.16 Notwithstanding Section 13.4 of this By-law, on lands zoned S(3), the rear yard setback shall be 6 metres.



SECTION 14 – CAPITAL DISTRICT ZONE – (CD)

The following uses are permitted or conditionally permitted subject to Section 4.10:

PERMITTED USES

14.1 The following uses shall be permitted in the CD Zone:

- City Hall building
- Community centre
- Court house
- Educational facility
- Home based business, *See Section 5.3*
- Hotel
- Office
- Place of assembly
- Recreational facility
- Research and development centre
- Short Term rental, *See Section 5.7*
- Utility installation, *See Section 5.14*

CONDITIONAL USES

14.2 The following uses are conditional uses in the CD Zone:

- Bank
- Bar
- Business services
- Day care centre, *See Section 5.2*
- Dwelling unit(s) in a Non-Residential building
- Personal services establishment
- Restaurant
- Retail store

CONDITIONAL USE CRITERIA

14.3 In approving a conditional use in a CD Zone, the following conditions shall be considered:

- a) The use must be located within the same building as any one or more of the uses permitted in Section 14.1;
- b) A bar shall not be permitted on a lot abutting a residential zone;



- c) **Dwelling units** are permitted only in a non-residential building where 100% of the main floor is dedicated to a non-residential use, and the dwelling units may not occupy more than 50% of the gross floor area of a building.
- d) All conditional uses, other than **dwelling units**, shall be located only on the ground floor of a building.

ZONE PROVISIONS

14.4 The following provisions shall apply in the CD Zone:

Lot Area (min)	500 m ²
Lot Frontage (min)	20 m
Lot Frontage (max)	120 m
Yard Requirements (min)	
Front	6 m
Rear	6 m
Interior Side	6 m when abutting a lot in a Residential Zone, 2 m in all other cases
Exterior Side	3 m
Building height (max)	Maximum of 4 storeys, not to exceed 16 metres

14.5 On lands zoned CD (1), the following exceptions shall apply:

- (a) Notwithstanding the Permitted Uses in Section 14.1 and Conditional Uses in 14.2, an Educational Facility will be a permitted use on Plan 4150, Block 70, Lot 2.



SECTION 15 – CENTRAL BUSINESS ZONE – (B1)

The following uses are permitted or conditionally permitted subject to Section 4.10:

PERMITTED USES

15.1 The following uses shall be permitted in the B1 Zone:

- Automotive gas bar, *See Section 5.1*
- Bank
- Boarding House
- Business services
- Community centre
- Custom workshop, ancillary to a permitted use
- Day care centre, *See Section 5.2*
- Educational facility
- Emergency and protective services
- Home-based business
- Hotel
- Medical facility
- Office
- Parking lot
- Personal service establishment
- Place of assembly
- Research and development centre
- Restaurant
- Retail store
- Shelter
- Short term rental, *See Section 5.7*
- Studio
- Undertaker's establishment
- Utility installations, *See Section 5.14*

CONDITIONAL USES

15.2 The following use are conditional uses in the B1 Zone:

- Bar
- Dwelling unit

**CONDITIONAL USE CRITERIA**

- 15.3 A bar shall not be permitted on a lot abutting a residential zone.
- 15.4 In approving a Dwelling unit in the B1 Zone, the following shall be considered:
- a) The dwelling unit shall be located in a non-residential building; and,
 - b) When located on the ground floor, the dwelling unit shall not front on the street and shall not exceed 60 % of the gross floor area of the building's ground floor.

ZONE PROVISIONS

- 15.5 The following provisions shall apply in the B1 Zone:

- (a) Dwelling Unit in a portion of a Non-Residential Building

In accordance with the minimum dwelling unit area provisions of 11.7 hereof. All other provisions of 15.2 (b) below shall apply.

- (b) Non-Residential Uses

Lot Area (min)	500 m ²
Lot Frontage (min)	15 m
Yard Requirements (min)	
Front	3 m
Rear	6 m
Interior Side	6 m when abutting a lot in a Residential Zone, 2 m in all other cases, or as required by the Fire Marshall
Exterior Side	3 m
Building height (max) [32]	Maximum of 8 storeys, not to exceed 32 metres (By-law No. 741)
Building height (max) [h16]	Maximum of 4 storeys, not to exceed 16 metres
Building height (max) [h13]	Maximum of 3 storeys, not to exceed 13 metres

**SPECIAL EXCEPTION ZONE**

- 15.6 Notwithstanding the permitted uses listed in Section 15.1, on lands zoned B1(1)[h13], a semi-detached dwelling is a permitted use. The minimum dwelling unit area shall be 60 m² and the maximum height shall be 13 metres.
- 15.7 Notwithstanding the Zone Provisions in Section 15.3 (b), development existing on lands zoned B1(2) as of December 9, 2015, requires a 3-metre interior side yard setback when abutting a Residential zone.
- 15.8 Notwithstanding the Permitted Uses in Section 15.1, on lands zoned B1(3), a bar is only permitted if it is integrated within a restaurant.
- 15.9 In approving a restaurant on lands in the B1(3) Zone, the following conditional use criteria must be met:
- a) the maximum gross floor area of the restaurant shall be 600m²;
 - b) a designated outdoor smoking area is required whose design considers noise mitigation to surrounding Residential Zones; and,
 - c) outdoor seating may only be located in the front yard and the design must consider noise mitigation to surrounding Residential Zones.
- 15.10 Notwithstanding the definition of "Lot line" in Section 3.1, and in the case of all lands zoned B1(3) being developed as one "Lot" on lands zoned B1(3): the "Front lot line" shall be Natsiq Street; the "Rear lot line" shall be Fred Coman Street; the "Side lot line, exterior" shall be Aviq Street; and the "Side lot line, interior" shall be the southerly lot lines of Lot 90 and 100, Plan 674.
- 15.11 Notwithstanding the Zone Provisions in Section 15.3(b), on lands zoned B1(3), the minimum rear yard requirement shall be 3 metres and the maximum building height shall be 2 storeys, not to exceed 11 metres.
- 15.12 Notwithstanding the Parking Area Location on Lot Provisions in Section 6.22, on lands zoned B1(3), required parking is only permitted in the front yard and side yards.
- 15.13 On lands zoned B1(4), the following exceptions shall apply:
- a) Notwithstanding the Zone Provisions in Section 15.3(b), the minimum rear yard requirement shall be 1.2 metres.
 - b) Notwithstanding the Permitted Projections into Required Yards Provisions in Section 4.22, the minimum distance



from the lot line of unenclosed decks/steps shall be 0 metres.

- c) Notwithstanding the Parking Area Location on Lot Provisions in Section 6.21, two (2) parking spaces shall be permitted to encroach in the front yard when the spaces form part of the main parking area.
- d) Notwithstanding the Dimensions of Parking Areas in Section 6.4, one (1) perpendicular parking space shall be permitted to have a reduced aisle width of 6.3 metres.



SECTION 16 – DISTRICT COMMERCIAL ZONE – (B2)

The following uses are permitted or conditionally permitted subject to Section 4.10:

PERMITTED USES

16.1 The following uses shall be permitted in the B2 Zone:

- Animal hospital
- Automotive gas bar, *See Section 5.1*
- Automotive sales or rental establishment
- Bank
- Boarding House
- Broadcasting studio
- Business services
- Custom workshop
- Day care centre, *See Section 5.2*
- Educational facility
- Emergency and protective services
- Home-based business, *See Section 5.3*
- Hotel
- Medical facility
- Office
- Parking lot
- Personal service establishment
- Place of assembly
- Research and development centre
- Restaurant
- Retail store
- Shelter
- Shopping plaza
- Short term rental, *See Section 5.7*
- Taxi dispatch establishment
- Undertaker's establishment
- Utility Installation, *See Section 5.14*

CONDITIONAL USES

16.2 The following uses are conditional uses in the B2 Zone:

- Bar
- Dwelling unit



CONDITIONAL USE CRITERIA

- 16.3 A bar shall not be permitted on a lot abutting a residential zone.
- 16.4 In approving a dwelling unit in the B2 Zone, the following shall be considered:
- The dwelling unit shall be located in a non-residential building; and,
 - The dwelling shall be located above the first storey.

ZONE PROVISIONS

- 16.5 The following provisions shall apply in the B2 Zone:

- a) Dwelling Unit in a Non-Residential Building

In accordance with the minimum dwelling unit area provisions of Section 11.7 hereof. All other provisions of 16.2 (b) below shall apply.

- (b) Non-Residential Uses

Lot Area (min)	600 m ²
Lot Frontage (min)	20 m
Yard Requirements (min)	
Front	3 m
Rear	6 m
Interior Side	3 m
Exterior Side	3 m
Building height (max)	Maximum of 4 storeys, not to exceed 16 m

SPECIAL EXCEPTION ZONE

- 16.6 In addition to the uses permitted in the B2 Zone, on lands zoned B2(1), a **mobile home** and a **single-detached dwelling** will be permitted uses, subject to the provisions in Section 9.4.
- 16.7 In addition to the uses permitted in the B2 Zone, on lands zoned B2(2), an **automotive commercial garage** will be a permitted use.
- 16.8 Notwithstanding the permitted use in Section 16.1, the following additional uses will be permitted on lands zoned B2(3):



Single-detached dwelling
Semi-detached dwelling
Duplex dwelling
Fourplex dwelling
Row dwelling
Sixplex
Stacked row dwelling
Apartment dwelling
Dwelling unit(s) as an accessory use
Bank
Bar
Business services
Community centre
Day care centre
Home-based business
Hotel
Medical facility
Office
Personal service establishment
Place of assembly
Recreational facility
Residential care facility
Restaurant
Retail store
Shelter
Shopping Plaza
Short term rental

- 16.9 Notwithstanding the zone provisions in Section 16.2, on lands zoned B2(3), the maximum building height shall be 8 storeys, not to exceed 32 metres.
- 16.10 Notwithstanding the zone provisions in Section 16.2, on lands zoned B2(3), zone provisions for residential uses (single-detached dwelling, semi-detached dwelling, duplex, fourplex dwelling, row dwelling, sixplex, stacked row dwelling, apartment dwelling) shall be pursuant to the zone provisions in Section 11, with the exception of the maximum height and density provisions.
- 16.11 In addition to the uses permitted in the B2 Zone, on lands zoned B2(4), a **mobile home** and a **single-detached dwelling** will be permitted uses, subject to the provisions in Section 9.4.



- 16.12 Notwithstanding provision 4.10, on lands zoned B2(4), a restaurant is permitted on a partially-serviced or trucked-serviced lot.
- 16.13 Notwithstanding the zone provisions in Section 16.2 (b) and Section 4.22 on lands zoned B2(5) the following zone provisions apply:
- minimum lot frontage of 17.21 m
 - minimum front yard setback of 1.22 m
 - unenclosed deck/steps (including ramp) is permitted to project up to the lot line.



SECTION 17 – NEIGHBOURHOOD BUSINESS ZONE – (B3)

The following uses are permitted or conditionally permitted subject to Section 4.10:

PERMITTED USES

17.1 The following uses shall be permitted in the B3 Zone:

Day care centre, *See Section 5.2*
Dwelling unit(s) in a None-Residential building
Neighbourhood convenience store
Home-based business, *See Section 5.3*
Office
Personal service establishment
Restaurant
Short term rental, *See Section 5.7*
Studio
Utility Installation, See Section 5.14

ZONE PROVISIONS

17.2 The following provisions shall apply in the B3 Zone:

Lot Area (min)	450 m ²
Lot Frontage (min)	15 m
Yard Requirements (min)	
Front	6 m
Rear	8 m
Interior Side, fully serviced	2 m, or as required by the Fire Marshall
Interior Side, trucked service	5 m
Exterior Side	3 m
Building Height (max)	Maximum of 2 storeys, not to exceed 10 metres

17.3 The zoning provisions for office are as follows:

Gross Floor Area (max)	500 m ²
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17.4 The zoning provisions for neighbourhood convenience store are as follows:

Gross Floor Area (max)	175 m ²
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SPECIAL EXCEPTION ZONE

17.5 Notwithstanding the Zone Provisions in Section 17.2, on lands zoned B3(1), the interior side yard requirement shall be 3.9 metres, and the rear yard requirement shall be 5.4 metres.

17.6 Notwithstanding the Zone Provisions in Section 17.2, development existing as of October 9, 2018 on lands zoned B3(2), require a 3-metre front yard setback.



SECTION 18 – PUBLIC/INSTITUTIONAL ZONE – (P)

The following uses are permitted or conditionally permitted subject to Section 4.10:

PERMITTED USES

18.1 The following uses shall be permitted in the P Zone:

- Dwelling unit(s) in a Non-Residential building provided that they are located above the first storey
- Boarding house
- Cemetery
- Community centre
- Community greenhouse
- Day care centre, *See Section 5.2*
- Educational facility
- Emergency and protective services
- Home based business, *See Section 5.3*
- Medical facility
- Parking lot
- Place of assembly
- Place of worship
- Park
- Recreation facility
- Residential care facility
- Resource centre
- Shelter
- Short term rental, *See Section 5.7*
- Utility Installation, *See Section 5.14*

ZONE PROVISIONS

18.2 The following provisions shall apply in the P Zone:

Lot Area (min)	600 m ²
Lot Frontage (min)	20 m
Yard Requirements (min)	
Front	6 m
Rear	6 m
Interior Side, fully serviced	2 m
Interior Side, trucked services	5 m
Exterior Side	2 m



Building Height (max)

Maximum of 3
storeys, not to
exceed 13 m**SPECIAL EXCEPTION ZONES**

- 18.3 In addition to the uses permitted in the P Zone, on lands zoned P(1), a **boarding house** will be a permitted use.

Notwithstanding the Zone Provisions in Section 18.2, on lands zoned P(1), the front yard requirement shall be 5 metres, the rear yard requirement shall be 3 metres, and the maximum building height shall be a maximum of 3 storeys, not to exceed 15 metres.

- 18.4 Notwithstanding the Zone Provisions in Section 18.2, on lands zoned P(2), the required frontage shall be 4.8 metres, and the rear yard requirement shall be 3 metres.

- 18.5 In addition to the uses permitted in the P Zone, on lands zoned P(3), a **correctional facility** will be permitted.



SECTION 19 – LIGHT INDUSTRIAL ZONE – (M1)

The following uses are permitted or conditionally permitted subject to Section 4.10:

PERMITTED USES

- 19.1 Only those industrial uses that comply with all applicable government standards and are unlikely to be obnoxious or dangerous by reason of fire, explosion, vibrations, noise, dust, smoke, or odour are permitted in the M1 Zone.
- 19.2 Subject to the above-noted qualification, the following uses are permitted in the M1 Zone:
- Accessory dwelling unit up to 80 m² in area, as may be required for a facility manager
 - Accessory retail store
 - Automotive gas bar, *See Section 5.1*
 - Automotive sales or rental establishment
 - Automotive service garage
 - Broadcasting studio
 - Building contractors shop
 - Building supply centre
 - Custom workshop
 - Food and beverage processing
 - Heavy equipment and vehicle yard
 - Kennel
 - Manufacturing plant (light)
 - Open storage
 - Service and repair shop
 - Taxi dispatch establishment
 - Utility installation, *See Section 5.14*
 - Warehouse
 - Waste processing and transfer facility (non-putrescible)

CONDITIONAL USES

- 19.3 An accessory **retail store** and **restaurant** are conditional uses permitted in the M(1) Zone provided that:
- a) the use is accessory to one of the permitted uses listed in Section 19.2; and,



- b) the total gross floor area does not exceed 25% of the gross floor area of the primary permitted use.

ZONE PROVISIONS

19.4 The following provisions shall apply in the M1 Zone:

Lot Area (min)	1900 m ²
Lot Frontage (min)	30 m
Yard Requirements (min)	
Front	6 m
Rear	6 m
Interior Side	3 m, or as required by Fire Marshal
Exterior Side	6 m
Building Height (max)	Maximum of 4 storeys, not to exceed 16 m

19.5 Where an interior side or rear yard abuts a Residential, Commercial or Open Area Zone, the minimum yard requirement shall be a minimum of 10 m.

SPECIAL EXCEPTION ZONE

19.6 In addition to the uses permitted in the M1 Zone, on lands zoned M1(1), uses permitted in the B1 Zone shall also be permitted.

19.7 Notwithstanding provision 4.10, on lands zoned M1(2) a boarding house is permitted on a partially serviced.

19.8 In addition to the uses permitted in the M1 Zone, on lands zoned M1(2), uses permitted in the B1 Zone shall also be permitted.



SECTION 20 – HEAVY INDUSTRIAL ZONE – (M2)

The following uses are permitted or conditionally permitted subject to Section 4.10:

PERMITTED USES

- 20.1 Only those industrial uses that comply with all applicable government standards are permitted in the M2 Zone.
- 20.2 Subject to the above-noted qualification, the following uses are permitted in the M2 Zone:
- Commercial land farm
 - Fuel storage facility
 - Hazardous material storage
 - Heavy equipment and vehicle yard
 - Manufacturing plant (heavy)
 - Open storage
 - Utility installation, *See Section 5.14*
 - Water treatment facility
 - Waste processing and transfer facility

ZONE PROVISIONS

- 20.3 The following provisions shall apply in the M2 Zone:

Lot Area (min)	1900 m ²
Lot Frontage (min)	30 m
Yard Requirements (min)	
Front	6 m
Rear	6 m
Interior Side	3 m, or as required by Fire Marshal
Exterior Side	6 m
Building Height (max)	Maximum of 4 storeys, not to exceed 16 metres

- 20.4 Where an interior side or rear yard abuts a Residential, Commercial or Open Area Zone, the minimum yard requirement shall be a minimum of 12 m.
- 20.5 An accessory retail store is permitted within the M2 Zone provided that:



- a) the use is accessory to any one of the permitted uses listed in section 20.2; and
- b) the total gross floor area occupied by the retail use does not exceed 25% of the gross floor area of the primary permitted use.

SPECIAL EXCEPTION ZONES

- 20.6 Notwithstanding the permitted uses in Section 20.2, on lands zoned M2(1), only the **processing and stockpiling of aggregate resources** and a **commercial land farm** will be permitted.
- 20.7 In addition to the uses permitted in Section 20.2 and notwithstanding Section 4.10, on lands zoned M2(2), the following uses will be permitted on a truck-serviced lot:
- **Food and beverage processing;**
 - An **accessory dwelling unit** up to 72 m² in gross floor area, as may be required for a facility manager or employee; and,
 - An **accessory** tasting room up to 70 m² in gross floor area.
- 20.8 Notwithstanding the Permitted Uses in Section 20.2, on lands zoned M2(3), an “Emergency and Protective Services” use, as defined by the By-law, shall also be permitted.



SECTION 21 – MINERAL RESOURCE and EXTRACTION ZONE (ME)

PERMITTED USES

21.1 Permitted uses in the ME Zone shall be limited to:

- Granular processing/stockpiling
- Pit
- Quarry
- Asphalt plant

ZONE PROVISIONS

21.2 No building shall be located closer than 10 m to any lot line.



SECTION 22 – OPEN AREA ZONE – (OR)

PERMITTED USES

22.1 The following uses shall be permitted in the OR Zone:

- Cultural interpretation centre
- Dog area
- Park
- Beach shack
- Camping structures, temporary
- Utility installation, *See Section 5.14*

22.2 Notwithstanding the above, a beach shack and a dog area are not permitted uses in Sylvia Grinnell Territorial Park.

ZONE PROVISIONS

22.3 No building shall be located closer than 10m to any lot line.

22.4 Notwithstanding the foregoing provisions, the following shall apply to **beach shacks**:

Building height (max)	3 m
Gross floor area (max)	15 m ²
Yard requirements (min)	
All yards	3 m

22.5 Notwithstanding the foregoing provisions, a **dog area** shall not be permitted within 500 metres of any residence.

SPECIAL EXCEPTION ZONES

22.6 Notwithstanding the Zone Provisions in Section 22.1, on lands zoned OR(1) only a **firing range** will be a permitted use, subject to the following provisions:

- a) The firing range is not located within 500 metres of any residential or commercial use zone;
- b) The firing range complies with any applicable environmental standards; and,
- c) The firing range must have conspicuous signs and/or fencing on all sides and along any adjacent roads and trails to prevent unwanted access.



- 22.7 Notwithstanding the Zone Provisions in Section 22.1, only the following conditional uses will be permitted on lands zoned OR(2): **single-detached dwelling; bar; business services; custom workshop; day care centre; educational facility; hotel; medical facility; office; place of assembly; retail store; research and development centre; and restaurant.** In approving these conditional uses, the following criteria shall be applied:
- a) No new buildings or structures are permitted;
 - b) No additions to existing buildings/structures are permitted;
 - c) Notwithstanding the provisions in Section 2.4, a Development Permit is required for any alterations to the land or existing buildings/structures, including minor repairs (painting, decorating, landscaping, fences, berms, etc.); and,
 - d) Approval of a Development Permit for alterations to the land or existing buildings/structures requires that the heritage character of the property is respected and preserved.
- 22.8 Notwithstanding the Parking Requirements in Section 6.1, on lands zoned OR(2), no parking shall be required for any use, building or structure.



SECTION 23– WASTE DISPOSAL SITE ZONE – (WD)

PERMITTED USES

23.1 Permitted uses within WD zones are limited to:

- Leachate retention pond
- Sewage disposal site
- Utility installation, *See Section 5.14*
- Utility installation
- Waste disposal site
- Waste processing and transfer facility

ZONE PROVISIONS

N/A



SECTION 24 – MUNICIPAL RESERVE ZONE (MR)

PERMITTED USES

24.1 Permitted uses within the MR Zone are limited to:

- Beach shacks
- Camping structures, temporary
- Cultural interpretation centre
- Park

ZONE PROVISIONS

N/A

SPECIAL EXCEPTION ZONE

- 24.2 Notwithstanding the provisions of Section 24.1 no development shall be permitted on lands zoned MR(1). Lands zoned MR(1) represent Former Waste Disposal sites identified in the General Plan. An amendment to the General Plan to remove the Former Waste Disposal Site symbol is required prior to rezoning MR(1) lands to permit development.
- 24.3 Notwithstanding the provisions of Section 24.1, no development shall be permitted on lands zoned MR(2). Land zoned MR(2) represents the Watershed Protection Area identified in the General Plan.

SECTION 25 – TRANSPORTATION ZONE (T)

The following uses are permitted or conditionally permitted subject to Section 4.10:

PERMITTED USES

- 25.1 The following uses shall be permitted in the T Zone:
- Airport
 - Automotive gas bar
 - Commercial uses related to aircraft services and travel
 - Docking, loading and off-loading of ships
 - Fuel storage facility
 - Hotel
 - Utility installation, *See Section 5.14*

ZONE PROVISIONS

- 25.2 The following provisions shall apply in the T Zone:
- | | |
|-------------------------|--|
| Yard Requirements (min) | |
| Front | 6 m |
| Rear | 6 m |
| Interior Side | 3 m |
| Exterior Side | 6 m |
| Building Height (max) | Maximum of 4 storeys, not to exceed 15 m |

SPECIAL EXCEPTION ZONE

- 25.3 In addition to the uses permitted in the T Zone, on lands zoned T(1), a maximum of two accessory **dwelling units** is permitted, subject to the provisions in Sections 25.2, and subject to the units being occupied only during sealift operations and only by staff involved in sealift operations.
- 25.4 In addition to the uses permitted in the T Zone, on lands zoned T(2), a **bar, restaurant,** and a **retail store** shall also be permitted uses.
- 25.5 Despite the Permitted Uses and Zone Provisions in Sections 25.1 and 25.2 respectively, on lands zoned T(3), permitted uses shall be limited to “small craft harbour and associated parking and loading/off-loading areas” and any proposed building must conform with the Accessory Buildings provisions in Section 4.1

of the By-law. In addition, sea containers are prohibited on lands zoned T(3).

ZONING SCHEDULE "A"

ZONING SCHEDULE “B”

ZONING SCHEDULE “B1”

ZONING SCHEDULE “B2”

ZONING SCHEDULE “B3”

ZONING SCHEDULE “B4”

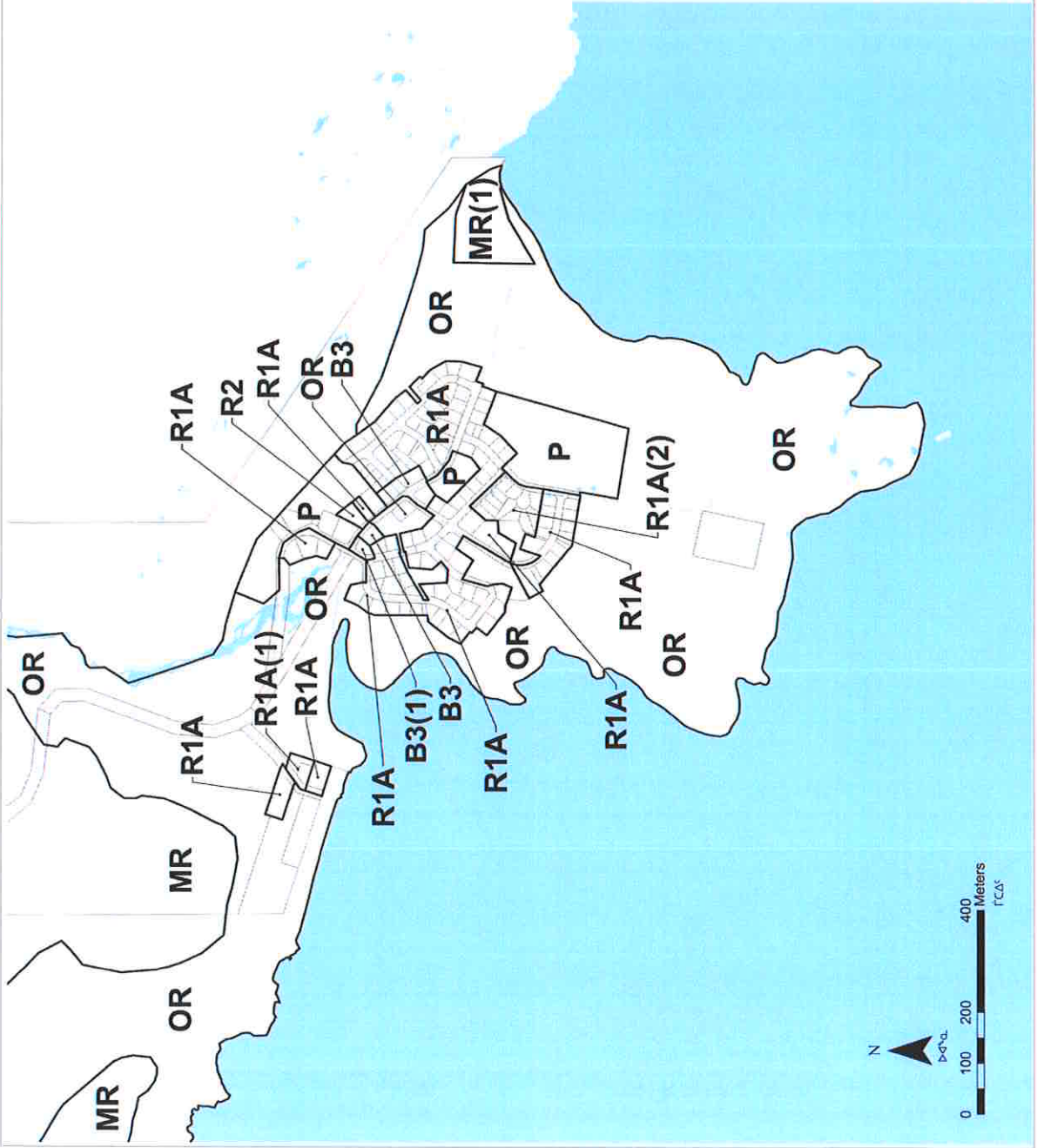
MAP 4 ወደ ህግ 899

SCHEDULE B
POPULATED AREA
ZONING MAP

ZONING BY-LAW No. 899

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- R1 Low Density Residential Zone - Fully Serviced
- R1A Low Density Residential Zone - Trucked Services
- R2 Medium Density Residential Zone
- R3 High Density Residential Zone
- RC Cluster Residential Zone
- CD Capital District Zone
- B1 Central Business Zone
- B2 District Commercial Zone
- B3 Neighborhood Business Zone
- P Public / Institutional
- M1 Light Industrial Zone
- M2 Heavy Industrial Zone
- ME Mineral Resource and Extraction Zone
- T Transportation Zone
- OR Open Area Zone
- WD Waste Disposal Zone
- MR Municipal Reserve Zone
- S Sitinga Zone
- (#) Denotes Exception Zone
- [h#] Denotes Height Limit (metres)



ZONING SCHEDULE “C”

VOLUNTARY PAYMENT SCHEDULE

“PENALTIES”

**SCHEDULE "C" VOLUNTARY PAYMENT SCHEDULE
"PENALTIES"**

Schedule "C" shall apply to any contravention of the Zoning By-Law No. 899.

FOR INDIVIDUALS:

A reference to a second offence or subsequent offence shall apply if the same individual has one or more convictions or has made one or more voluntary payments for the same offence under the bylaw within the preceding 12 -month period.

First Offence - \$500.00 Second Offence - \$1,000.00

Each subsequent Offence - \$2,500.00

FOR CORPORATIONS:

A reference to a second offence or subsequent offence shall apply if the same corporation has one or more convictions or has made one or more voluntary payments for the same offence under the bylaw within the preceding 12 -month period.

First Offence - \$2,500.00 Second Offence - \$5,000.00

Each subsequent Offence - \$10,000.00