



City of Iqaluit
ZONING BY-LAW

By-law 704

October 2010

(Consolidated November 2014)





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Prepared for:

Planning and Lands Department
City of Iqaluit

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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.704 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)

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- 1.4 Zoning By-law No. 572, as amended is hereby repealed upon the date that this By-law comes into force.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" 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 centreline, 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 officers 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.

AUTHORITY OF THE DEVELOPMENT OFFICER

- 2.5 The Development Officer shall have the authority to issue Development Permits for the following classes of development, including conditional uses, provided that they do not exceed two storeys in height:
- a) Single detached dwelling;
 - b) Semi-detached dwelling;
 - c) Duplex dwelling;
 - d) Fourplex dwelling;
 - e) Row dwellings (up to six units);
 - f) Non-residential uses not exceeding 1,000 square metres gross floor area of new construction; and
 - g) Uses accessory to the foregoing.
- 2.6 Notwithstanding Provision 2.5 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.
- 2.7 The Development Officer shall have the authority, where delegated, to determine when an application is complete.

**APPLICATION PROCEDURE FOR OBTAINING A DEVELOPMENT PERMIT**

- 2.8 An application for a Development Permit shall be made on the application form adopted by Council and filed with the Development Officer.
- 2.9 Every application shall be accompanied by:
- a) The required application fee;
 - b) Three copies of a site plan to a scale of not less than 1:500, or the equivalent scale in imperial measurements showing:
 - The legal description of the property;
 - A north arrow;
 - The location of the proposed buildings, accessory buildings, fences and other structures;
 - Lot dimensions and the setback of front, rear and side yards of all buildings and structures;
 - The location of gravel pads, paving and other hard surfaces;
 - Areas where the natural tundra will remain undisturbed and where it will be regenerated ;
 - Location of snow piling;
 - Location of lighting;
 - Loading areas and vehicle parking;
 - Access and egress points at the site;
 - Positive drainage away from buildings and abutting properties;
 - The location of existing utilities, and
 - The location and description of buildings on abutting lots.
 - c) Three copies of elevation plans, or, in the case of development permit applications for residential buildings exceeding six (6) units and all non-residential uses exceeding 300 m², schematic design plans of the proposed development shall be included. The scale of plans must be no less than 1:100, or the equivalent scale in imperial measurement, with sufficient notes and dimensions to describe:
 - The width, depth and height of all buildings;
 - The position and size of window and exterior door openings;
 - Roof lines, projections and floor elevations; and
 - The location of lighting affixed to buildings, as applicable.
 - d) For buildings or expansions over 1,000 m² in the Core Area, a three dimensional (3-D) rendering or photo simulation or model of the project



- e) Such additional information as the Development Officer may require in keeping with the intent of the General Plan;
- f) The Development Officer shall not deem an application complete until all submission requirements have been fulfilled.

ISSUANCE OF A DEVELOPMENT PERMIT

- 2.10 An application for a sign permit shall be subject to the provisions of Section 7.
- 2.11 A decision on an application for a Development Permit shall be made by the Development Officer or Council within forty (40) days of receipt of the application in its complete and final form.
- 2.12 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.
- 2.13 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.
- 2.14 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.
- 2.15 A Development Permit authorizes the holder to execute the work or action defined in said permit in accordance with the final application; no changes will be permitted without prior approval in writing from the Development Officer.
- 2.16 Upon completion of the work or action defined in the Development Permit, an Occupancy Permit will be issued prior to occupancy of the development upon compliance with inspection by an architect or engineer with stamp. No Occupancy Permit will be issued without the authority of the Development Officer. An occupancy permit is required for alterations greater than 25% of the original building or 1,000 m².
- 2.17 Where a Development Officer determines that there has been a breach of this By-law or conditions applicable to a Development Permit, he may revoke or suspend the Development Permit and will notify the permit holder of this action.
- 2.18 A Development Permit will become null and void if:
 - a) The development is not commenced or authorized actions are not undertaken within one (1) year of the



- date of issue or within any period of extension granted by the Development Officer;
- b) Development has been discontinued for a period in excess of one (1) year;
 - c) Development is not completed within two (2) years of the original date of issue; and
 - d) There has been any violation of this By-law, of any conditions in the permit, or of any changes authorized by the Development Officer.
- 2.19 Where the conditions of a development approval have not been met within one (1) year of issuing the Notice of Decision, or where a Development Permit has become null and void, a new application and fee is required to obtain development approval.

NOTICE OF DECISION

- 2.20 The Development Officer will issue and forward the Notice of Decision on the form adopted by resolution of Council by fax, registered mail or, if the applicant is a local person, hand delivery within five (5) days of the date of decision.
- 2.21 If an application is refused, the reasons for refusal will be stated.
- 2.22 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.
- 2.23 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.
- 2.24 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.
- 2.25 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.

**DEVELOPMENT AGREEMENTS**

- 2.26 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

- 2.27 Council shall, by resolution, appoint a Development Appeal Board.
- 2.28 The Development Appeal Board will comprise a minimum of five (5) members appointed concurrently for a three (3) year term of office.
- 2.29 Council will appoint one (1) member of the Development Appeal Board chairperson who will vote only in the case of a tie.
- 2.30 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.
- 2.31 No member of the Development Appeal Board shall be dismissed except for cause.
- 2.32 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.
- 2.33 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*.
- 2.34 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.
- 2.35 The authority of the Development Appeal Board shall be in accordance with the authorities granted in Section 21 of the *Planning Act*.

INSPECTION OF PREMISES

- 2.36 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

- 2.37 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.
- 2.38 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.
- 2.39 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.

AMENDMENTS TO THIS BY-LAW

- 2.40 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.
- 2.41 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.



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

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.

BED AND BREAKFAST means a private home where accommodation and meals are provided to the traveling public; it does not include a boarding house or hotel.

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 a bed and breakfast or hotel.

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 a main wall of the building 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 shall not include a wholesale or retail business, or a sales counter.

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 means 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.

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 the impact of that use upon neighbouring land and other criteria listed in the specific zone or other sections of this By-law.

CORPORATION means the Municipal Corporation of the City of Iqaluit.



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;
- 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 a building containing only one dwelling unit.



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.



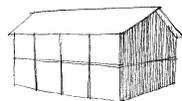
f) **FOURPLEX** means a building divided both vertically and horizontally by common walls into four separate dwelling units, each of which has an independent entrance either directly from the outside or through a common vestibule.



g) **SIXPLEX** means a Triplex divided vertically with one other Triplex, for a total of six dwelling units.

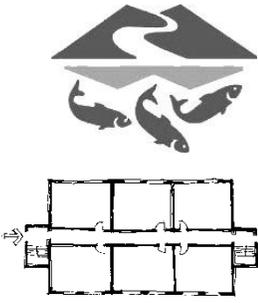


h) **ROW DWELLING** means a dwelling connected vertically with two or more other dwelling units, each of which has an independent entrance directly from the outside.



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

EATING OR DRINKING ESTABLISHMENT means a building or part of a building where foods and beverages are offered for sale to the public, for on or off-site consumption. This includes bars, pubs, full-service restaurants, cafes, fast-food or take-out restaurants, or lunchrooms,

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.

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

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 but it 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 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.

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 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.

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 retail store not exceeding 175 m² of gross floor area 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

OCCUPANCY PERMIT means a permit issued by the Development Officer or an appointee which indicates that the use of land or any building or structure on such land is in conformity with this By-law.

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 “tot lot” or “neighbourhood park” as defined in the General Plan, other playground, sports field, outdoor court or rink, picnic area, or public gathering space. 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.

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.

POWER GENERATION FACILITY means a building, structure or lot used to produce energy by combustion such as gas, coal, or fuel burning plants, by hydro-electric means, or nuclear generation. It does not include small-scale renewable energy facilities (eg. wind turbine, solar photovoltaic arrays, tidal and ocean current power systems) that



have a power rating of 15 kW or less. These small-scale facilities fall under the definition of UTILITY INSTALLATION.

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.

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.

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.

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.

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, waste water, 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 but does not include a power generation facility as defined in this By-law. The definition of utility installation includes renewable energy generation systems with a power rating of 15 kW or less.

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 4.25.

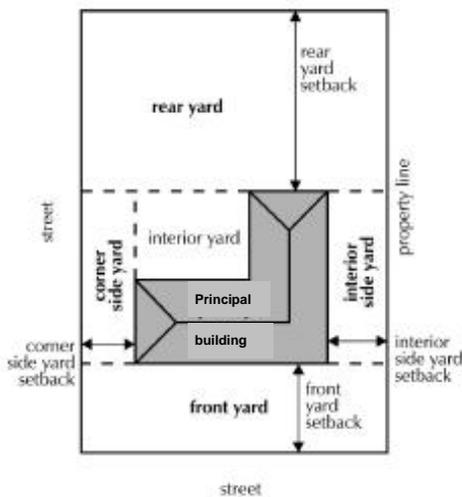
REAR YARD which means that yard which extends across the full width of the lot between a rear lot line and the nearest point of the main building, not including a projection permitted under Section 4.22.

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 4.22.

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 4.22.

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 4.22.





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 4.22.

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 4.22.

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 4.22.

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) Exceed 12m² gross floor area when located in a front yard or exterior side yard in the R1, R1A, R2 and S Zones.
 - d) Locate closer than 1.0 m to any interior side or rear lot line;
 - e) Have greater coverage than 10% of the total lot area to a maximum area of 40m² gross floor area; and,
 - f) Exceed 4.0 m in height, except where described in Section 4.9.
- 4.2 Shipping containers (“sea cans”) shall conform to the provisions for accessory buildings and shall not:
- a) Locate in the CD, B1, B2 and R3 Zones;
 - b) Locate within any front yard;
 - c) Exceed one sea can per dwelling unit.
- 4.3 Retaining walls exceeding 1.0 m in height must be certified by a professional engineer.

AUTOMOTIVE VEHICLE STORAGE

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

BUILDINGS TO BE MOVED

- 4.5 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**

- 4.6 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

- 4.7 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.

FRONTAGE ON PUBLIC STREET

- 4.8 No person shall erect a building or structure unless the lot fronts upon a street and has unobstructed vehicular access at least 3.0 m in width. Notwithstanding, this provision shall not apply to unsurveyed Commissioner Lands, existing lots without frontage (i.e. landlocked), parks and/or utility installations.

HEIGHT EXCEPTIONS

- 4.9 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. These structures may be erected only to the height or area necessary to fulfill their function: water tanks/towers, flagpoles, lightning rods, electrical/mechanical equipment or penthouses, elevator penthouses, chimneys, and solar panels or collectors.
- 4.10 Despite the foregoing provision, height limitations prescribed by Iqaluit Airport or NAV Canada shall prevail.

LANDSCAPING

- 4.11 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**

- 4.12 Where a lot has two or more zones, the zone containing the largest area of the lot shall apply.

NON-CONFORMING USES

- 4.13 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, notwithstanding that the use or construction does not conform to the provisions of this by-law. Such uses shall be referred to as "legal non-conforming uses".
- 4.14 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 six (6) months of the date of permit issue.
- 4.15 Lots created before the passing of this by-law which are less than the minimum lot area requirements of their zone shall be considered conforming lots for the purposes of this by-law.
- 4.16 A non-conforming use shall only be changed to:
- a) a use permitted in the applicable zone; or
 - b) a use that is similar to the purpose for which it was used on the day the by-law was passed.
- 4.17 An extension or addition to a non-conforming use shall be permitted provided that the extent of non-compliance with the provisions of the applicable zone is not increased.
- 4.18 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) For developments listed in section 2.5, the building is repaired and re-occupied before the expiry of 18 months. For all other developments, a development permit is granted within 12 months of the damage or destruction and construction is completed within 2 years. The construction completion period of 2 years for all developments not listed in section 2.5 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 it was prior to the damage or demolition.
- 4.19 Nothing in this by-law shall prevent the rebuilding or repair of a non-conforming building or structure in accordance with 4.18 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.
- 4.20 In the event that a legally existing lot, building or structure becomes non-conforming due to a road widening or expropriation, the existing lot, building or structure shall be deemed to be in compliance for the purposes of this by-law.

OCCUPANCY RESTRICTIONS

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

PERMITTED PROJECTIONS INTO REQUIRED YARDS

- 4.22 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
Canopies or awnings	1.5 m	0.5 m
Unenclosed balconies or stairways, including a fire escape	1.5 m	0.5 m
Unenclosed porches, decks/steps	3 m	0.5 m
Solar panels, heat pump or similar equipment	1 m	0.5 m
Ornamental architectural features such as bay windows, eaves, sills,	1 m	0.5 m



Object	Permitted projection into any required yard	Minimum distance from lot line
belt courses, chimneys, cornices, eaves, gutters, parapets, and pilasters		

OPEN STORAGE

- 4.23 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).
- 4.24 Open storage in Industrial or Transportation Zones shall not be permitted within any minimum front, side, or rear yards where these yards abut any Residential or Institutional Zone.

SIGHT TRIANGLES

- 4.25 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

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

THROUGH LOTS

- 4.27 The front yard requirement of the applicable zone shall be applied to the yards abutting both streets for a through lot.

WATERCOURSE SETBACKS

- 4.28 No development is permitted within 30.5 metres of the high water mark 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 Where automotive gas bars are permitted in this By-law, the following provisions shall apply:
- a) The minimum lot frontage shall be 30 metres;
 - b) The minimum lot area shall be 1,050 m²;
 - c) All 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; and,
 - d) The width of any entrance or exit driveway on the site shall not exceed 9 metres and there shall be no more than two driveways per lot.

BED AND BREAKFAST

- 5.2 A Bed and breakfast shall comply with the following:
- a) The bed and breakfast forms part of a single detached or semi-detached dwelling;
 - b) A new bed and breakfast shall meet the provisions of the zone in which it is located;
 - c) A bed and breakfast shall be operated by a live-in owner with a maximum of four (4) accommodation units in any Residential or Commercial Zone (outside the Capital District); and,
 - d) A bed and breakfast shall not change the residential character of an existing dwelling unit.

DAY CARE CENTRES

- 5.3 A day care centre 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) Day care centres are permitted as a main or accessory use to a permitted main use in Residential Zones (R1, R1A, R2, R3, RC and S), an Institutional Zone (P) and in some Commercial Zones (B1, B2, and CD).
 - 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.
- ii) All provisions of Section 5.5 of this By-law are met.

RESIDENTIAL CARE FACILITY

- 5.4 Residential care facilities shall be permitted in the R1, R1A, R2, R3, P and S Zones provided that:
- a) All provisions of the zone in which the facility is located are met.
 - b) Vehicular traffic or parking in excess of that which is characteristic of the zone will not be generated.
 - c) Where a residential use building located in a residential zone is converted to a residential care facility, the residential care facility must occupy the whole of the building.

HOME-BASED BUSINESSES

- 5.5 A home-based business is permitted in any dwelling unit or accessory building, subject to the provisions in the applicable zone and the following:
- a) No more than two persons, other than the permanent residents of the premises, shall be engaged in the business;
 - b) No more than two businesses are allowed at any given residence;
 - c) 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;
 - d) 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;
 - e) 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;
 - f) The home-based business shall be clearly secondary to the main residential use and shall not change the residential character of the dwelling unit;
 - g) The activity shall not create or become a nuisance, particularly with regard to noise, odour, vibration, traffic or parking; and,



- h) No mechanical or electrical equipment is used except what is reasonably consistent with the use of a dwelling or used for carving purposes.

MOBILE HOMES

- 5.6 Mobile homes shall be a permitted use only in the District Commercial Special Exception 1 (B2(1)) Zone and a conditional use in the R1 and R1A Zones, and shall:
 - a) Have a gross floor area greater than 60 m²; and
 - b) Have skirting from the base of the building to the ground made from non-opaque material that harmonizes visually with the exterior of the unit.

SECONDARY SUITES

- 5.7 Secondary Suites shall be permitted only as a conditional use in the R1, R1A and S Zones, and shall comply with the following provisions:
 - a) The suite forms part of a single detached or semi-detached dwelling;
 - b) The suite is structurally attached to or located within the principal dwelling;
 - c) The suite does not exceed a floor area of 40% of the principal dwelling, or 50m² of gross floor area, whichever is less; and,
 - 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 face and has adequate pedestrian access.

TEMPORARY BUILDINGS AND STRUCTURES

- 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 Other types of temporary buildings or structures may be permitted subject to Council approval of a time-limited Development Permit.
- 5.10 Despite Section 5.8 and 5.9, no temporary building or structure shall be used for human habitation.

**UTILITY INSTALLATION**

- 5.11 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 or odour likely to be dangerous or obnoxious may be produced.
- 5.12 Despite Section 5.11, 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.
- 5.13 Despite Section 5.11, major communications facilities that support airport and marine communications shall be permitted only in the Transportation Zone.
- 5.14 A utility installation need not comply with the minimum lot area in the zone where it is located.
- 5.15 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.
- 5.16 Despite Section 5.11, poles, pedestals, drop lines, cables, pipelines, kiosks, cabinets and similar equipment used to provide services from a utility installation to a use, building or structure are not considered utility installation and are not subject to the provisions of this Section.



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 road for pump out. Access road 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 m² of gross
floor area

Eating or drinking establishments 1 per 10 seats or 1 per
10 m² of dining area,
whichever is greater

Hotels 1 per 8 units or rooms

c) Institutional

Community centre 1 per 50 m² of gross
floor area

Place of assembly 1 per 15 seating spaces
or 5 per 100m² of
common or assembly
area, whichever is
greater

Place of worship, 1 per 15 seating spaces

Educational facility (elementary) 1 per 2 employees

Educational facility (high school, college, or
similar) 1 per 2 employees plus
1 for every 35 students

Medical facility 1 per 200 m² of gross
floor area

Libraries and museums 1 per 150 m² of gross
floor area

Recreation facility 4 per ice sheet or court
plus 5 per 100m² of
common or assembly
area



d) Industrial

Warehouse, open storage or yards or similar uses	1 per 500 m ² of gross floor area or 1 per 2 employees, whichever is greater
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 m ² of gross floor area or 1 per 2 employees, whichever is greater
Accessory retail uses	1 per 100 m ² 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, the requirement will be rounded down to the nearest whole number.

DISABLED 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 the physically disabled shall be provided in accordance with the following table:

Total Parking Spaces Required	Disabled 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
Disabled 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 lots fronting on a Collector Road, as defined in the General Plan, a maximum of three (3) parking spaces may access the Collector Road directly by backing out.
- 6.7 Notwithstanding the above, no parking spaces may access a Collector Road directly by backing out in any B2 Zone or in the CD, B1, and P Zones in the Core Area, as defined by the General Plan.
- 6.8 Any non-residential development with frontage on a Local Road and required parking greater than three (3) spaces shall not have back-out parking spaces in the CD, B1, and P Zones in the Core Area, as defined by the General Plan.
- 6.9 A required parking area of more than three (3) parking spaces shall provide a landscaped open space strip with a minimum width of 1 m along the lot line adjoining the street. The strip shall be continuous except for driveways required for access to the parking area.

**ACCESS**

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

MORE THAN ONE USE ON A LOT

- 6.16 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.
- 6.17 Notwithstanding Section 6.16, 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 uses.

ADDITIONS AND CHANGES OF USE

- 6.18 The parking space requirements shall not apply to any building or structure that does not meet the current parking requirements and was in existence as of the effective date of this By-law. If a change of use or an addition to a building or structure is made which increases the floor area, parking spaces for the addition or new use shall be provided as required by this By-law.

**USE OF PARKING SPACE AND AREAS**

- 6.19 Off-street parking shall only be used for:
- a) 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
 - b) Vehicles used in operations incidental to the permitted uses.

COMMERCIAL VEHICLES IN RESIDENTIAL ZONES

- 6.20 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) tonnes.
- 6.21 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

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

Zone	Yard in which required parking area 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 any Residential Zone

**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 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 off-site parking area shall not exceed 25% of the required parking; and
 - c) The off-site parking area is to be landscaped in accordance with Development Permit requirements and the provisions of Section 6.9.

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 such Residential Zone; and
 - d) Driveways, loading and unloading spaces shall be maintained with a hard surface material the same as that of a parking lot on the same lot and treated, if necessary, to prevent the raising of dust or loose particles.



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;
 - 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
 - Bed and breakfast
 - Home based business

CONDITIONAL USES

- 8.2 The following uses are conditional uses in the R1 Zone:
- Boarding house
 - Day care centre
 - Mobile home
 - Residential care facility
 - Secondary suite
 - Utility installation

CONDITIONAL USE CRITERIA

- 8.3 In approving a conditional use in a R1 Zone, the following conditions shall be considered:
- a) The development is of quality, including exterior condition, consistent with the surrounding development;
 - b) The development conforms to the R1 Zone provisions;
 - c) Only one conditional use will be located on a lot;
 - d) In the case of a **residential care facility**, a maximum of 10 persons, excluding staff, may live at the facility.
 - e) The development conforms to any special provisions described in Section 5 of this By-law.

**ZONE PROVISIONS**

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

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; notwithstanding Conditional Uses in Section



8.2, on lands zoned R1(1), only **secondary suites** shall be permitted; and 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)

PERMITTED USES

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

- Single-detached dwelling
- Semi-detached dwelling
- Duplex dwelling

CONDITIONAL USES

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

- Boarding house
- Bed and breakfast
- Day care centre
- Home based business
- Mobile home
- Residential care facility
- Secondary suite
- Utility installation

CONDITIONAL USE CRITERIA

9.3 In approving a conditional use in a R1A Zone, the following conditions shall be considered:

- a) Water use does not exceed 2,000 litres per day;
- b) The development is of a quality, including exterior condition, consistent with the surrounding development;
- c) The development conforms to the R1A Zone provisions;
- d) Only one conditional use will be located on a lot, except for a home based business;
- e) In the case of a **residential care facility**, a maximum of 10 persons, excluding staff, may live at the facility.
- f) The development conforms to any special provisions described in Section 5 of this By-law.

**ZONE PROVISIONS**

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

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.



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
- Bed and breakfast

CONDITIONAL USES

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

- Boarding house
- Day care centre
- Residential care facility
- Sixplex
- Stacked row dwelling
- Utility installation

CONDITIONAL USE CRITERIA

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

- a) The development is of a quality, including exterior condition, consistent with the surrounding development;
- b) The development conforms to the R2 Zone provisions;
- c) Only one conditional use will be located on a lot;
- d) The development conforms to any special provisions described in Section 5 of this By-law;
- e) The scale and massing of the development considers the existing or proposed development on adjacent lots;
- f) In the case of a **residential care facility**, a maximum of 10 persons, excluding staff, may live at the facility.
- g) 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 **residential care facilities, day care centres, boarding houses, bed and breakfasts, semi-detached** dwellings, and **duplex** dwellings 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.



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
- Home based business
- Residential care facility

CONDITIONAL USES

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

- Boarding house
- Utility installation

CONDITIONAL USE CRITERIA

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

- a) The development is of a quality, including exterior condition, consistent with the surrounding development;
- b) The development conforms to the R3 Zone provisions;
- c) Only one conditional use will be located on a lot;
- d) The development conforms to any special provisions described in Section 5 of this By-law;
- e) The scale and massing of the development considers the existing or proposed development on adjacent lots;
- f) 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)
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Lot Frontage (min)	35 m
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Yard Requirements (min)	
Front	6 m
Rear	8 m
Interior Side	3 m
Exterior Side	4 m

Landscaped Open Space (min)	25%
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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
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Density	For apartment dwellings, the
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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)

CONDITIONAL USES

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

- Ground-oriented housing
- Home-based business
- Studio
- Day care centre
- Secondary suite
- Utility installation

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 snowdrifting 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;
- k) Landscaping on the site generally defines movement areas and spaces;
- l) Total water use, for all uses reliant on trucked services, does not exceed 2,000 litres per day;
- m) In the case of a **secondary suite, home-based business, or day care centre**, the use conforms to special provisions for each respective use in Section 5 of this By-law.

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 6.22, on lands zoned RC(2) parking is permitted in all yards.



SECTION 13 – SIJJANGA ZONE (S)

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
- Bed and breakfast
- Home based business
- Studio

CONDITIONAL USES

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

- Boarding house
- Day care centre
- Eating or drinking establishment
- Neighbourhood convenience store
- Residential care facility
- Secondary suite
- Uses permitted in the Public/Institutional (P) Zone
- Utility installation

CONDITIONAL USE CRITERIA

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

- a) Water use, for those uses reliant on trucked services, does not exceed 2,000 litres per day;
- b) The development is of a quality, including exterior condition, consistent with the surrounding development;
- c) The development conforms to the S Zone provisions;
- d) Only one conditional use will be located on a lot;
- e) The use will not generate vehicular traffic or parking in excess of that which is characteristic of the zone in which it is located;
- f) In the case of a **residential care facility**, a maximum of 10 persons, excluding staff, may live at the facility.



- g) The development conforms to any special provisions described in Section 5 of this By-law.

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, boarding houses and bed and breakfasts**:

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 m² /unit
Lot Frontage (min) 30 m

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

Lot Area (min) 150 m² /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 m²
Lot Area (min) 1,000 m²
Lot Frontage (min) 35 m

13.12 The zoning provisions for **eating or drinking establishments** are as follows:

Gross Floor Area (max) 75 m²
Lot Area (min) 500 m²
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 m²
Lot Area (min) 500 m²
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.



SECTION 14 – CAPITAL DISTRICT ZONE – (CD)

PERMITTED USES

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

- City Hall building
- Community centre
- Court house
- Home based business
- Hotel
- Office
- Place of assembly
- Recreational facility
- Research and development centre

CONDITIONAL USES

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

- Bank
- Business services
- Day care centre
- Dwelling unit(s) in a Non-Residential building
- Eating or drinking establishment
- Personal services establishment
- Retail store
- Utility installation

CONDITIONAL USE REQUIREMENTS

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

- a) They must be located within the same building as any one or more of the uses permitted in Section 14.1;
- b) **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.
- c) 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



SECTION 15 – CENTRAL BUSINESS ZONE – (B1)

PERMITTED USES

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

- Automotive gas bar
- Bank
- Business services
- Community centre
- Custom workshop, ancillary to a permitted use
- Day care centre
- Eating or drinking establishment
- Educational facility
- Emergency and protective services
- Home-based business
- Hotel
- Office
- Parking lot
- Personal service establishment
- Place of assembly
- Research and development centre
- Retail store
- Shelter
- Studio
- Undertaker's establishment

CONDITIONAL USES

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

- Dwelling unit(s) in a Non-Residential building provided that, when located on the ground floor, they do not front on the street and do not exceed 60% of the gross floor area of the main floor of the building
- Utility installation

ZONE PROVISIONS

15.3 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
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

- 15.4 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.



SECTION 16 – DISTRICT COMMERCIAL ZONE – (B2)

PERMITTED USES

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

Dwelling unit(s) in a Non-Residential building provided that they are located above the first storey
Animal hospital
Automotive gas bar
Automotive sales or rental establishment
Bank
Broadcasting studio
Business services
Custom workshop
Day care centre
Eating or drinking establishment
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
Retail store
Shelter
Shopping plaza
Taxi dispatch establishment
Undertaker's establishment
Utility installation

ZONE PROVISIONS

16.2 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

16.3 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.

16.4 In addition to the uses permitted in the B2 Zone, on lands zoned B2(2), an **automotive commercial garage** will be a permitted use.

16.5 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
- Bed and breakfast
- Business services
- Community centre
- Day care centre
- Eating or drinking establishment
- Home-based business
- Hotel
- Medical facility
- Office
- Personal service establishment
- Place of assembly
- Recreational facility



Residential care facility
Retail store
Shelter
Shopping Plaza
Utility installation

- 16.6 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.
- 16.7 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.
- 16.8 In addition to the uses permitted in the B2 Zone, on lands zoned B2(4), an **educational facility** will be a permitted use.



SECTION 17 – NEIGHBOURHOOD BUSINESS ZONE – (B3)

PERMITTED USES

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

- Day care centre
- Eating or drinking establishment
- Neighbourhood convenience store
- Home-based business
- Office
- Personal service establishment
- Studio
- Dwelling unit(s) in a Non-Residential building
- Utility installation

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)	500m ²
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SPECIAL EXCEPTION ZONE

17.4 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.



SECTION 18 – PUBLIC/INSTITUTIONAL ZONE - (P)

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
- Educational facility
- Emergency and protective services
- Medical facility
- Parking lot
- Place of assembly
- Place of worship
- Park
- Recreation facility
- Residential care facility
- Shelter
- Utility installation

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
Dwelling Units per Lot (max)	1

**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.



SECTION 19 – LIGHT INDUSTRIAL ZONE – (M1)

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:
- Automotive gas bar
 - Automotive sales or rental establishment
 - Automotive service garage
 - Broadcasting studio
 - Building contractors shop
 - Building supply centre
 - Custom workshop
 - Heavy equipment and vehicle yard
 - Kennel
 - Open storage
 - Service and repair shop
 - Taxi dispatch establishment
 - Utility installation
 - Warehouse
 - Waste processing and transfer facility (non-putrescible)
 - Accessory dwelling unit up to 80 m² in area, as may be required for a facility manager
 - Accessory retail store
- 19.3 An **accessory retail store** and an **eating and drinking establishment** are also permitted within the M1 Zone provided that:
- a) The use is accessory to any one of the permitted uses listed in Section 19.2, and
 - b) The total gross floor area that the retail use occupies 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.



SECTION 20 – HEAVY INDUSTRIAL ZONE – (M2)

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
 - Heavy equipment and vehicle yard
 - Manufacturing plant
 - Open storage
 - Power generation facility
 - Utility installation
 - 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
Dwelling Units per Lot (max)	1

- 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 A retail use 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.



- 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.



SECTION 21 – MINERAL RESOURCE and EXTRACTION ZONE (ME)

PERMITTED USES

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

- 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

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.



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
- Waste disposal site
- Waste processing and transfer facility

ZONE PROVISIONS



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
- Utility installation

ZONE PROVISIONS

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)

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

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), an **eating and drinking establishment** and a **retail store** shall also be permitted uses.

ZONING SCHEDULE “A”

ZONING SCHEDULE “B”