



AGENDA

PUBLIC INPUT

1. CALL TO ORDER

2. ADOPTION OF AGENDA

3. DECLARATION OF INTEREST

4. ANNOUNCEMENTS, AWARDS, CEREMONIES & PRESENTATIONS

5. ADMINISTRATIVE ENQUIRIES

6. NEW BUSINESS

- a. Public Works Monthly Report for June – page 2-6
- b. Emergency Services Monthly Report for June – page 7-11
- c. Municipal Enforcement Monthly Report for June – page 12-15
- d. Tourism and Economic Development Report for June – page 16-20
- e. Recreation and Community Services Report for May/June – 21-27
- f. Solid Waste Landfill Operations – page 28-30
- g. Flood Recovery Spend Approval – page 31-34
- h. Social Issues Committee Terms of Reference Update – page 35-40
- i. Excused Absence - page 41
- j. Zoning and Building Bylaw Update -page 42-273

7. NOTICE OF MOTIONS

8. BYLAW

- a. Bylaw 2444-22 – Zoning and Building Bylaw – First Reading – page 274-464

9. IN CAMERA

- a. **Matters under Consideration** - pursuant to Cities, Towns & Villages Act, S.N.W.T. 2003 c. 22, Section 23. (3), (e)

10. ADJOURNMENT



REPORT TO COUNCIL

DEPARTMENT: Public Works

DATE: July 12th, 2022

SUBJECT: Public Works Monthly Report for June 2022

RECOMMENDATION:

THAT THE COUNCIL OF THE TOWN OF HAY RIVER accepts the Public Works Monthly Report for June 2022.

BACKGROUND:

Capital Projects 2022:

A list of 2022 Capital Projects along with a brief update of the status of these projects is included in the chart below.

2022 Capital Projects	
Project	Update
New Town Hall	Discussions have occurred with Town's engineering partner on preliminary building designs to support funding applications. Administration investigating funding opportunities.
Old Town Hall Demolition	Deferred to 2023.
New Lift Station	Pump testing completed, other system testing on going. Commissioning and staff training to take place in July.
Fraser Place Development	Grubbing and stockpiling of organic materials started, material to be used for landfill cover. Start date of July 25 th
Caribou Crescent Water Sewer and Drainage	Substantial Completion has been granted for roadway and underground utilities. Yard remediation has started.
Beaver Crescent Water, Sewer, and Drainage	Concrete curb and gutter completed, install of base aggregate to be completed in July,
Riverview Drive Upgrade	Riverside ditch clean up in progress as well as driveway culverts and drainage work. Addition of subbase aggregate ongoing. Remaining watermain and service hook up on south end to be completed in July.
Waste Diversion Project - Tire Recycling	RFP has been awarded to Kavanaugh Construction, project to start in July/August 2022
Hazardous Waste Removal Project	MACA led project. RFP for work closed July 4, 2022. RFP under MACA review.



REPORT TO COUNCIL

DEPARTMENT: Public Works

DATE: July 12th, 2022

SUBJECT: Public Works Monthly Report for June 2022

Capital Drive Watermain	Tender has been awarded, start up meeting has been completed. Awaiting traffic management plan and temporary water plan. Project to start mid July.
Paradise Road Realignment	Paradise Road work being managed by the Department of Infrastructure and is completed Re alignment portion is not required as the road has been re located.
Sewer line Re lining	Areas inspected, project to start August 2022
Industrial Drive	Tender has been awarded, start up meeting has been completed. Awaiting traffic management plan and temporary water plan. Project to start mid July.
Water Treatment Plant Feasibility Study and Preliminary Design	The WTP feasibility study status: the technology review is complete and the feasibility study is near completion. A public presentation is tentatively scheduled for late August/early September before moving on to preliminary engineering.

Solid Waste Facility Operations:

RFP for Collection Services is currently under review.
RFP for Landfill Management is currently under review

Cover material from Dean Dr. lots being hauled to landfill and cover material laid out on construction and domestic refuse. Anticipation of stock piling cover materials at landfill from various Town Projects for future use.

Water Licence Activities:

Regular monitoring programs continue as per the requirements of the Town's water licence. Testing work was performed as required and Town staff have now taken a portion of this work in-house to reduce costs and increase efficiency.

Water license reporting requirements for 2021 are near completion. Reviewed and accepted documents submitted by the Town includes the annual report, the post fire monitoring report, WTP



REPORT TO COUNCIL

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O&M plan, SWDF O&M plan, SDF O&M Plan, hydrocarbon contaminated soil treatment facility O&M plan, and ground water monitoring plan. Ongoing weekly, monthly, and quarterly sampling continues for 2022 reporting.

The Department of Environment and Natural Resources completed annual spring inspections. Awaiting report.

Public Works Daily Operations:

- Water Treatment Plant, lagoon and sewage lift stations daily operation and inspections, particular attention to Lift Station #1 as it is running at limited capacity pending 2nd pump installation
- Sewer manhole and pipe inspections for sewer lining work this summer
- Lagoon brushing and tree removal
- Water meter reads and planning for bleeder shut down and household inspections of bleeder systems
- asphalt patching and sidewalk repair areas volumes being calculated for Tender/RFQ documents
- Road maintenance and limited repairs of flood impacted sections
- street sweeping on going
- Road watering and blading for dust suppressant application for July 18th
- Servicing and repairs of grader, backhoe and sweeper
- Axle replacement of trailer and water pump servicing, misc. light vehicle repairs
- Replace treated water pump seals at Water Treatment Plant
- Visitor Centre Building repairs and sign installation
- Start Cemetery clean up and grave leveling, to be completed after Annual Clean up



REPORT TO COUNCIL

DEPARTMENT: Public Works

DATE: July 12th, 2022

SUBJECT: Public Works Monthly Report for June 2022

Development and Building Permits

- 17 Development Permits and 3 Building Permits have been approved for June 2022. In the month of June 2021, we had 11 Development Permits and 3 Building Permits signed out.

DATE	DEV #	CIVIC ADDRESS	DESC. OF WORK
June 02/22	D22-032	Lot 1075 Dean Drive	Set up Temporary Camp for 6 Month Flood Remediation Work.
June 03/22	DH22-033	42 Dean Drive	A1 Firearms Training (Firearms Safety Training).
June 03/22	DH22-034	47 Wright Crescent	Straight Arrow Safety (Community Safety Programs, Services).
June 06/22	D22-035, B22-011	87 Woodland Drive	Construct New Rear Deck Handrails and Stairs.
June 10/22	D22-037	Town of Hay River	Re-Instate power to Fisherman's Wharf Pavilion, Porritt Landing Boat Launch and Main Ball Parks.
June 10/22	D22-038	24 Garden Road	Re-Instate Temporary Power for flood remediation and Re-Build.
June 10/22	DH22-039	28 rose Hill	Rosehill Day home (Day home).
June 15/22	D22-040	32 Cranberry Crescent	Re-Instate Power.
June 17/22	D22-041	47 Pine Crescent	Demolish old 16'X72' Mobile Home and Shed.
June 17/22	D22-042, B22-012	17-102 nd . Street	Set up new Mobile Home.
June 22/22	D22-043	48019 Back Road	Re-Instate Power
June 24/22	D22-044	1-9 Ptarmigan Crescent	JLE Janitorial and General Contracting Services (Janitorial/Cleaning).
June 24/22	D22-045, B22-013	15 Swallow Drive	Set up Manufactured Home.
June 28/22	D22-046	9-66 Woodland Drive	Re-Instate Power.
June 29/22	D22-047	14 Riverbend Road	New rear yard 6' high Wooden Fence.
June 29/22	D22-048	47081 Back Road	Re-Instate Power.
June 29/22	D22-049	23 Riverview Drive	Temporary Power Hookup for Lot Development and new Duplex.



REPORT TO COUNCIL

DEPARTMENT: Public Works

DATE: July 12th, 2022

SUBJECT: Public Works Monthly Report for June 2022

COUNCIL POLICY / STRATEGY OR GOAL:

N/A

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:

- Mackenzie Valley Land and Water Board Town of Hay River License #MV2009L3-0005
- Bylaw 1812 Zoning and Building Bylaw

FINANCIAL IMPLICATIONS:

N/A

ALTERNATIVES TO RECOMMENDATIONS:

N/A

ATTACHMENTS:

N/A

Prepared by:
Earle Dumas
Acting Director of Public Works
July 7, 2022, 2022

Reviewed by:



REPORT TO COUNCIL

DEPARTMENT: PROTECTIVE SERVICES

DATE: July 12th, 2022

SUBJECT: EMERGENCY SERVICES MONTHLY REPORT

RECOMMENDATION:

That the Council of the Town of Hay River approves the Emergency Services Activity Report for June 2022 as presented.

BACKGROUND:

Summary:

The Protective Services Department had a busy month, responding to a total of 62 EMS Responses. We also had 1 fire and 4 false alarm calls.

In June, the Protective Services Director focused on Debriefing with different groups involved in this year's break up season. To date we have debriefed with the river monitoring team, Fire Department, Coast Guard Auxiliary, Town EMO planning group and also with Arctech on the monitoring sites and equipment. There has been a lot of good lessons learned and we will be working to summarize the debriefs and provide an after-action review in the coming months.

The department has also been working to get the fire department back into a state of readiness by replenishing and repairing equipment that was used during break up. We also had a look at our damaged monitoring site out at Paradise Gardens to see what was needed for a replacement.

On June 25th the department hosted the annual bike rodeo at the fire hall in conjunction with Arctic Energy Alliance and the Soaring Eagle Friendship Centre. We had 45 kids participate and a total attendance of more than 100 people. We had an obstacle course set up for the kids along with a bike inspection and helmet check. We served hot dogs and handed out prizes along with raffling off 4 bikes donated by the Friendship Centre. Arctic Energy Alliance let adults demo their electric bikes and signed people up for home energy inspections. Overall, the event was a success. The fire department has been back to regular meetings this month and has trained on ground ladders, RIT Training, as well as conducting a Flood debrief. We also currently have 13 members signed up for an EMR course that trains every Wednesday over a zoom session with the instructor. We will be wrapping up the course in July with 2 weekends of face-to-face training.

Upcoming Goals



REPORT TO COUNCIL

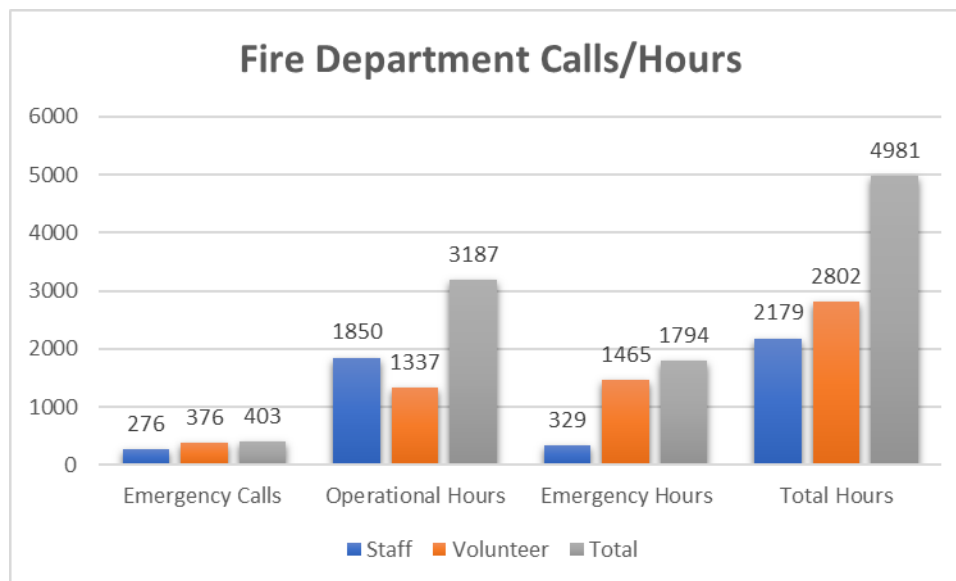
DEPARTMENT: PROTECTIVE SERVICES

DATE: July 12th, 2022

SUBJECT: EMERGENCY SERVICES MONTHLY REPORT

The Protective Services Department will be working on a setting up a few more debriefs for the 2022 break up. We will also be working to summarize the debriefs into an after-action review that we can use to develop a plan to address gaps in preparation for next year's event. We will also be working to get repairs done on the burn tower so it can get up and running for training this summer. Once EMR is completed we will be looking to finalize the remaining training plan for the quarter and for the year.

STATISTICS



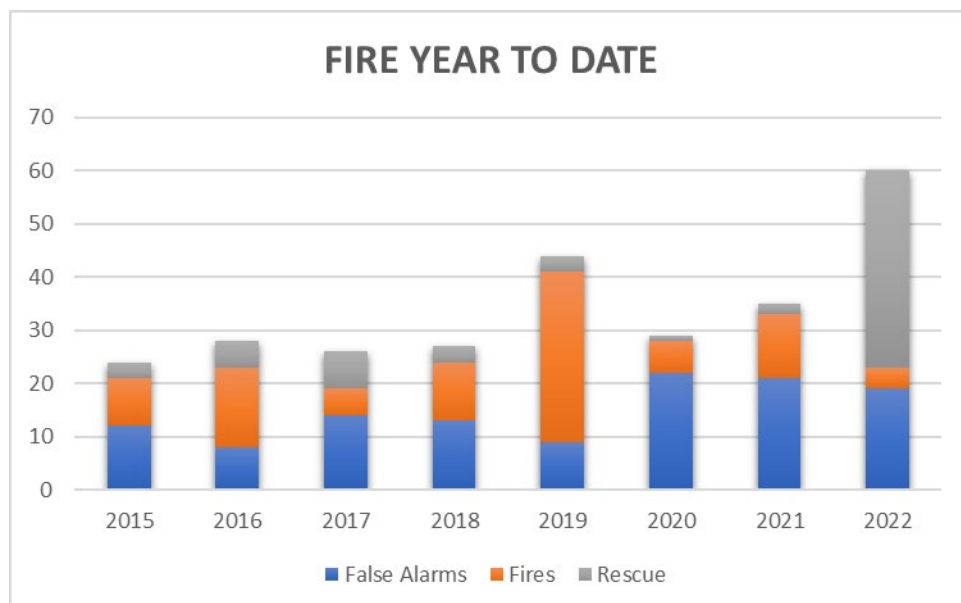
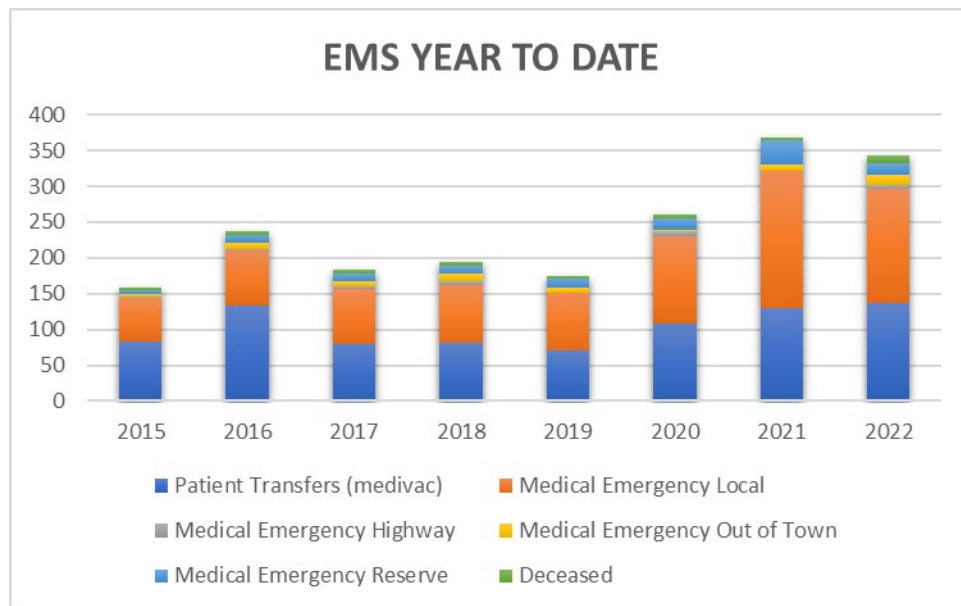


REPORT TO COUNCIL

DEPARTMENT: PROTECTIVE SERVICES

DATE: July 12th, 2022

SUBJECT: EMERGENCY SERVICES MONTHLY REPORT





REPORT TO COUNCIL

DEPARTMENT: PROTECTIVE SERVICES

DATE: July 12th, 2022

SUBJECT: EMERGENCY SERVICES MONTHLY REPORT



MAINTENANCE

1. All daily/weekly/monthly maintenance activities were completed.

COUNCIL POLICY / STRATEGY OR GOAL:

N/A

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:

Fire Prevention Bylaw

FINANCIAL IMPLICATIONS:

N/A

ALTERNATIVES TO RECOMMENDATIONS:

N/A



REPORT TO COUNCIL

DEPARTMENT: PROTECTIVE SERVICES

DATE: July 12th, 2022

SUBJECT: EMERGENCY SERVICES MONTHLY REPORT

ATTACHMENTS:

None

Prepared by:

Travis Wright
Director Protective Services/Fire Chief
Date: July 7th, 2022

Reviewed By:

Glenn Smith
Senior Administrative Officer
Date: July 7th, 2022



REPORT TO COUNCIL

DEPARTMENT: PROTECTIVE SERVICES

DATE: July 12th, 2022

SUBJECT: MUNICIPAL ENFORCEMENT REPORT

RECOMMENDATION:

THAT THE COUNCIL OF THE TOWN OF HAY RIVER accepts the Municipal Enforcement Report for June 2022 as presented.

BACKGROUND

The Fraser Development Area was inspected and individuals were approached about property and vehicles parked on the area that needed to be removed so that construction and development of the area could continue without obstructions. Compliance from owners was very good. Due to the effects of flooding on people's homes, there has been an increase in temporary parking of trailers on roadways, some in higher traffic safety sensitive areas. These owners have been contacted to have them moved to different areas for the safety of themselves and other motorists. Unsightly yards and properties are starting to be investigated and addressed. Compliance in this area is getting better. Construction and other summer activities has brought several noise complaints and safety concerns that are being addressed and dealt with to help keep it under control. Animal activity is higher with the warm weather, which has resulted in more animal related complaints.

School Safety

The Protective Services Specialist continued to monitor and patrol the school zones during peak times to ensure motorists are compliant of regulations to ensure the safety of school zones. School is now out for the summer, but patrols through the area will still be done to ensure that motorists are still keeping speeds down to ensure children using playground areas during the summer months are still safe. The patrols times have been modified to peak playground activity times.

Upcoming Goals

Continue to address and find solutions for unsightly property in to the summer months so that we can get some movement and compliance from homeowners on getting properties cleaned up before the winter. Currently looking into courses for further operational development training is underway.

Emergency Services



REPORT TO COUNCIL

DEPARTMENT: PROTECTIVE SERVICES

DATE: July 12th, 2022

SUBJECT: MUNICIPAL ENFORCEMENT REPORT

EMR refresher course is underway and will be wrapping up mid July. This is helping solidify skills and understanding updated protocols to help Ambulance response be more effective. On site training will be commencing over the next few weekends. SCBA management program is now set up and all the packs have been labeled. A database has been created which will help keep track of repairs and organizes things to be easily referenced.

COUNCIL POLICY / STRATEGY OR GOAL:	
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Strategy:

Goal:

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:
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All applicable Bylaws and Territorial Legislation

FINANCIAL IMPLICATIONS:

N/A

ALTERNATIVES TO RECOMMENDATIONS:

N/A

ATTACHMENTS:



REPORT TO COUNCIL

DEPARTMENT: PROTECTIVE SERVICES

DATE: July 12th, 2022

SUBJECT: MUNICIPAL ENFORCEMENT REPORT

OFFENCE	INQUIRY	INVESTIGATED (NO SUBSTANTIATION)	WARNINGS (VERBAL, LETTER OR VISUAL)	FINES / ENFORCEMENT	OTHER ACTION
Animal Control Bylaw					
Animal Abuse/Welfare	5	2	2	0	1
Barking Dogs	6	5	0	0	1
Dog Attack	2	0	1	1	0
Dog Bites	3	0	0	0	3
Loose Cat/Dog	37	5	13	0	18
Miscellaneous	9	2	2	0	4
Business License					
No Business License	2	0	2	1	0
Operating business not as permitted	1	0	0	0	1
Traffic Bylaw					
Vehicle/Trailer Parking	23	5	12	0	6
ATV/Snow Machine	2	0	1	0	1
Fail to Stop (Sign or Light)	3	0	2	0	1
No Seat Belt	1	0	0	0	1
Speeding	17	0	14	0	3
Speeding (School/Construct/Industrial)	1	0	1	0	0
Suspected Impaired Driver	1	1	0	0	0
Miscellaneous	1	0	0	0	1
Unightly Bylaw					
Overgrown Trees	1	0	0	0	1
Long Grass & Weeds	4	1	3	0	0
Garbage	4	1	2	0	1
Miscellaneous	4	1	0	0	3
Taxi Bylaw					
Taxi Not Available	1	1	0	0	0
No Brokerage/ Business Licence	1	0	1	0	0
Fail to carry/No Taxi/Chauffer Permit	3	0	3	0	0
Noise Abatement Bylaw					
Noise Complaint	7	3	3	0	1
Fire Prevention Bylaw					
Miscellaneous	3	0	0	0	3
Unsafe/Hazardous Behaviour					
Miscellaenous	4	0	1	1	3
Intoxicated- Unable to care for self	9	0	0	0	9
TOTAL	166	19	62	3	48

Prepared by:
Jonathan Wallington

Reviewed By:
Travis Wright



REPORT TO COUNCIL

DEPARTMENT: PROTECTIVE SERVICES

DATE: July 12th, 2022

SUBJECT: MUNICIPAL ENFORCEMENT REPORT

Protective Services Specialist
Date: July 7th, 2022

Director, Protective Services
Date: July 7th, 2022



REPORT TO COUNCIL

DEPARTMENT: TOURISM AND ECONOMIC DEVELOPMENT **DATE:** July 12, 2022

SUBJECT: TOURISM AND ECONOMIC DEVELOPMENT REPORT

RECOMMENDATION:

THAT THE COUNCIL OF THE TOWN OF HAY RIVER accepts the Tourism and Economic Development Report for the month of June.

BACKGROUND:

Tourism Activity

- The Potable Water and Sewer Dump Station have been hooked up and are available for tourists and locals to use.
- Revamping of the Visitor Information Centre is underway. The walls have been washed and the addition and bathroom have been painted in town colors to promote our branding initiatives. The floors and showcases have been polished up and are currently showcasing vendor consignment products.
- The VIC chain link fence is in dire need of repairs and paint, so we have chosen colors to start the process of refinishing the perimeter fence. We will also be staining any of the untreated signs and posts, possibly the front steps if time allows.
- Flowers have been planted for the beautification initiatives.
- Repairs to the building have been addressed.
- VIC Opening Day was Monday June 13th, 2022 with summer hours being 8:00 AM - 8:00 PM Monday through Sunday until Aug 31, 2022. The VIC was open initially on May 13, 2022 but the flood circumstances put us behind about a month. Traffic flow is being analyzed to consider adjusting open hours.
- VIC Consignment Vendors have been contacted and we have 35 artisans signed up to sell their products.
- The tourists coming in are most interested in buying Northern Art while visiting Hay River.
- A Flag Raising Ceremony took place on June 21, 2022 and was a success to recognize National Indigenous Peoples Day.
- The Hay River Metis Government, Soaring Eagle Friendship Centre, Hay River Royal Canadian Legion, K'atl'odeeche First Nation and West Point First Nation were contacted to see if they were interested in partnering and cost sharing for Canada Day festivities. To our delight West Point First Nation, The Soaring Eagle Friendship Centre & The Hay River Metis Government were onboard with partnering.. Working with our partners has been an awesome experience and we can't wait to join forces again in the future.
- The VIC has changed out the point-of-sale system at the VIC to match the booking program currently used at the Recreation Centre. All inventory has been entered, and the staff is finding it easy to navigate.
- 3 Students have now been hired and training is underway.
- Hay River Golf Club and RV sites have officially opened June 3, 2022, for locals and visitors traveling into the NWT.
- The VIC now has Cold Beverages available to purchase as well as a self-serve Coffee, Tea Hot Chocolate & station complete with a few Bistro Tables.



REPORT TO COUNCIL

DEPARTMENT: TOURISM AND ECONOMIC DEVELOPMENT **DATE:** July 12, 2022

SUBJECT: TOURISM AND ECONOMIC DEVELOPMENT REPORT

- Tourist response has been very enthusiastic about visiting Hay River and viewing the Natural attractions such as the numerous Waterfalls, The Great Slave Lake, The Hay River, local Beaches and Campgrounds.

Economic Development

- The Fisherman's Wharf Pavilion has been assessed and repaired by contractors, the property inspector and Insurance adjuster and has been cleared to be in operation. Growing Together has the contract to run the Fisherman's Wharf summer market.
- An hourly and daily rental agreement was finalized for the Fisherman's Wharf Pavilion to promote use of the facility.
- The GNWT Campgrounds are now currently all open. Visitors have been directed to The GNWT Park, The Hay River Golf Course, Castaways Cottages and Campgrounds as well as GNWT Louise Falls Campground and the GNWT Kakisa Campground which are all now open.
- The Town of Hay River promotional wear has been received and is available to purchase at the VIC.
- The 2022 Northwest Territories Tourism AGM & Conference is planned to take place in Hay River on Oct 25-27, 2022. The booking process and detailed planning has started on this project.
- The Expense Report to NWTAC for the Vaccine Promotion Fund in the amount of \$9775.25 has been submitted.
- Up Here Magazine has interviewed me concerning the "Farmers Markets in the North" article. This will be published sometime in May/June.
- Our Town of Hay River Tourism advertisement has been finalized and the proofs have been approved for the 2022 Visitor Guide in the NNSL, Northern News Services. This includes an advertisement along with Mayor's message publication
- ITI Tourism Product Diversification Marketing Program funding proposal for a *Wayfinding Signage Plan* was approved.
- Meetings held with Outcrop to discuss tourism branding image. Outcrop has sent a sample of the New Tourism Web Page format for review.



REPORT TO COUNCIL

DEPARTMENT: TOURISM AND ECONOMIC DEVELOPMENT DATE: July 12, 2022

SUBJECT: TOURISM AND ECONOMIC DEVELOPMENT REPORT

Other Activity

- ENR's GNWT Environment & Natural Resources Free Tree Seedling project is now underway and white Birch and White Spruce Seedlings are available for pick up at the VIC Centre.
- Hay River Golf Club and RV sites have officially opened June 3, 2022, for locals and visitors traveling into the NWT..

Key Performance Indicators

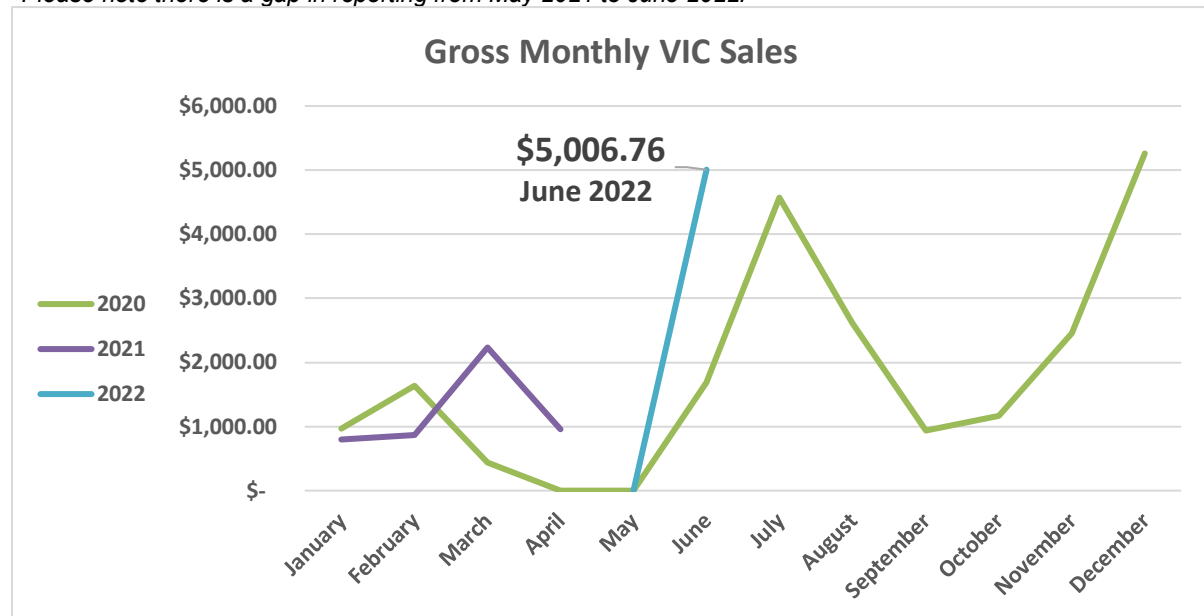
External Funding Success – Will be provided at next Regular Council Meeting

Visitor Information Centre Visitation

The Tourists are happy to be allowed back into the Northwest Territories. Some of them stated that they have been waiting patiently for over 2 years to visit the NWT and see the numerous Waterfalls and Great Slave Lake to tick these tremendous views off their bucket list.

Gift Shop Sales

**Please note there is a gap in reporting from May 2021 to June 2022.*



Visitor Satisfaction

Visitors this month were Tourists coming from all over the world and seem very happy with the service they are receiving. The most interest was in the Hay River breakup/flood, The Great Slave Lake, The Waterfall Route Alexandra, Louise Falls(Trail Between them), Escarpment Creek, McNallie Creek and



REPORT TO COUNCIL

DEPARTMENT: TOURISM AND ECONOMIC DEVELOPMENT **DATE:** July 12, 2022

SUBJECT: TOURISM AND ECONOMIC DEVELOPMENT REPORT

Lady Evelyn Falls. Fisherman's Wharf, Local Campgrounds and events, along with the Trail Systems, restaurants, shopping for Northern crafts & wares. Most are heading on to Yellowknife or up the Liard & Dempster Highways toward the Yukon.

**Please note there is a gap in reporting from September 2020 to June 2022.*





REPORT TO COUNCIL

DEPARTMENT: TOURISM AND ECONOMIC DEVELOPMENT **DATE:** July 12, 2022

SUBJECT: TOURISM AND ECONOMIC DEVELOPMENT REPORT

Business License Sales, Type and Number

Business licenses run from April 30 to March 31. Numbers will be provided at the Council meeting in August.

COUNCIL POLICY / STRATEGY OR GOAL:

N/A

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:

N/A

FINANCIAL IMPLICATIONS:

N/A

ALTERNATIVES TO RECOMMENDATIONS:

N/A

ATTACHMENTS:

N/A

Prepared by:

Jill Morse
Tourism and Economic Development Coordinator
Date: July 6, 2022

Reviewed by:

Patrick Bergen
ASAO Town of Hay River
Date: July 6, 2022



REPORT TO COUNCIL

DEPARTMENT: RECREATION & COMMUNITY SERVICES DATE: July 12th, 2022

SUBJECT: RECREATION & COMMUNITY SERVICES ACTIVITY REPORT

RECOMMENDATION:

THAT THE COUNCIL OF THE TOWN OF HAY RIVER accepts the report entitled "Recreation and Community Services Monthly Report" for May and June 2022 as presented.

BACKGROUND:

Recreational Programming

Department of Recreation programs and services were interrupted and/or reduced for several weeks in May and June, due to severity of the 2022 river breakup and flooding of several areas within the community. Several programs were postponed during and post river breakup to provide evacuee support services at Community Centre.

Most youth and aquatics programs and services resumed in June and summer programming has returned similar to previous years. Fitness programming will resume in July. Attendance at May and June programming was likely affected by residents' being impacted by flooding and/or supporting the cleanup and recovery efforts.

Flood remediation and recovery efforts are ongoing, which has slowed seasonal startup and weekly maintenance activities of the Maintenance Division. The Director of Recreation also remains involved in flood recovery reporting and remediation planning.

May and June reports have been combined given that Department staff were heavily involved in evacuation services and initial recovery efforts.

Youth Programming

After-School Club: May and June attendance statistics decreased from previous months, with an average of 7 participants attending daily. Lower attendance is normal in spring, as the school year ends, but daily averages were likely even lower in 2022 due to the flood. Fridays remain the most popular day with 15 or more participants attending the half-day program. The program is on hiatus during summer months and will resume in September when school resumes.

PD Day Programming: Full-day programming was offered June 27th to 30th for youths ages 5-12. The program was very successful with 18-20 participants each day.

Supervised Multi-Sport Drop-In: Attendance at the supervised multi-sport drop-in was lower than average, but with a small group of youth attending daily.

Summer Heat: Summer Heat registrations are complete with most weeks being at capacity with a waitlist for all but 3 weeks. Forty spots are available for each week of the 8-week program. The program starts on July 4th and ends August 26th.



REPORT TO COUNCIL

DEPARTMENT: RECREATION & COMMUNITY SERVICES **DATE:** July 12th, 2022

SUBJECT: RECREATION & COMMUNITY SERVICES ACTIVITY REPORT

Fitness Programming

Note that fitness program statistics and average attendance are limited and for short periods in May and June, due to evacuation centre services provided by the Department staff.

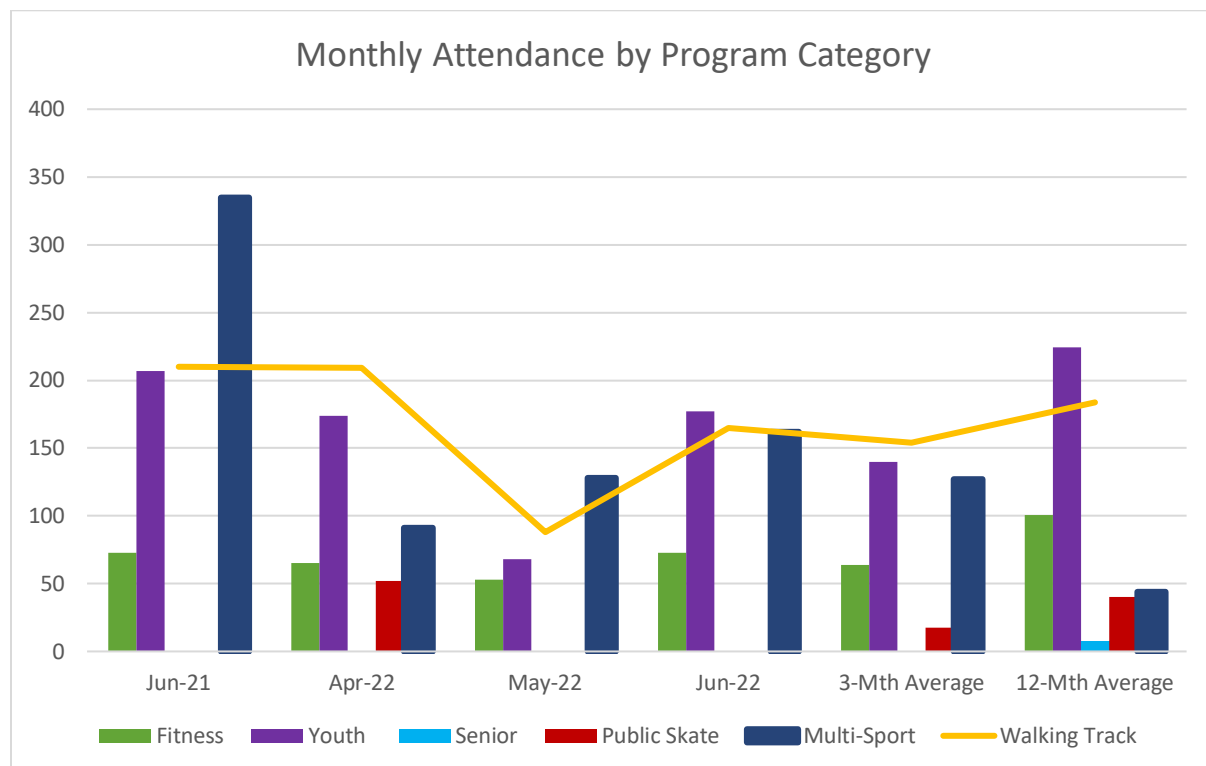
May Programming: Fitness program attendance increased with spin class average attendance increasing to 4.16 from 1.5 in previous months. Wellness classes increased similarly, with average attendance going from 1.5 to 4 participants per class.

June Programming: Fitness program attendance decreased with spin having an average of 2.64 and wellness classes having an average of 2 participants per class. High intensity classes remained at an average of 2.6 in May but grew to 4.5 average attendance in June.

ParticipAction Grant: All fitness classes were free in June, thanks to the Participaction grant. Attendance was high in the beginning of the month, but attendance dropped in subsequent weeks because the Recreation Programmer was on holidays and all programming was virtual.

Senior Yoga: Senior yoga classes were well received by the community, and well attended. The instructor is leaving the community at the end of the summer, but a new instructor has been secured and the program will resume this fall.

Recreation Programming Statistics

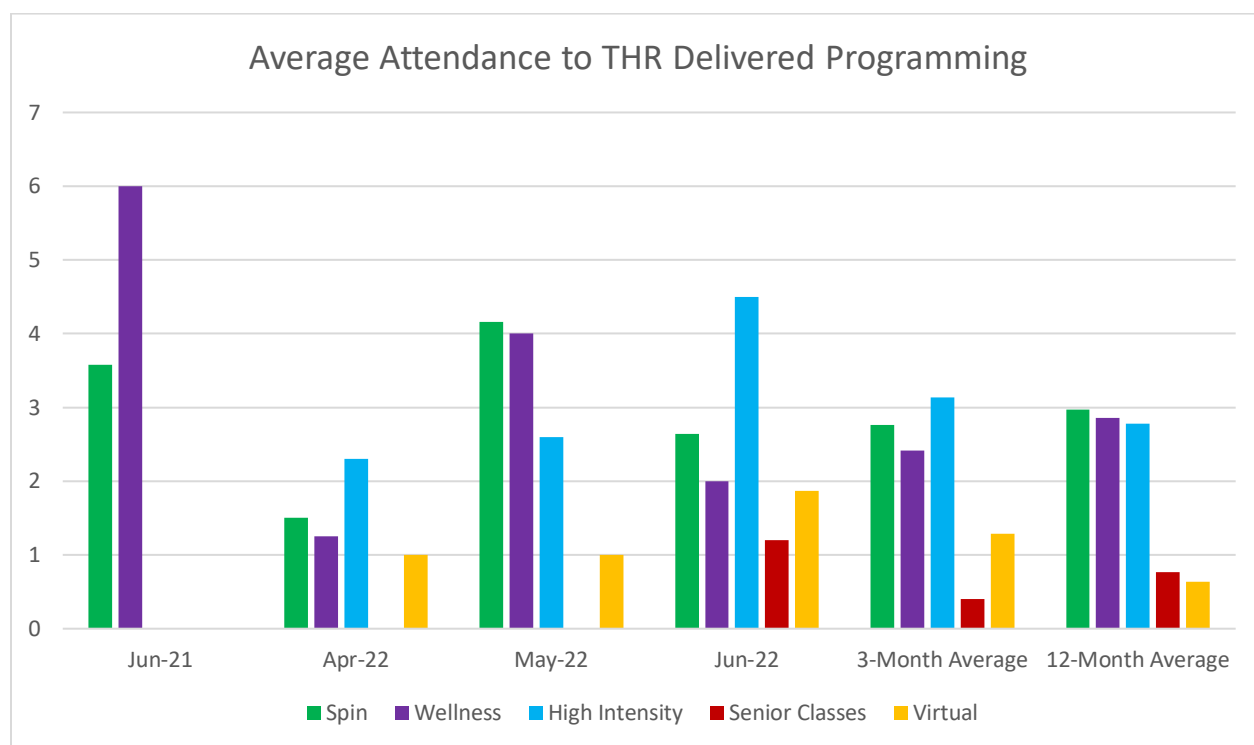




REPORT TO COUNCIL

DEPARTMENT: RECREATION & COMMUNITY SERVICES DATE: July 12th, 2022

SUBJECT: RECREATION & COMMUNITY SERVICES ACTIVITY REPORT



Aquatics

Operations and programming at the Don Stewart Aquatic Centre continue to operate smoothly and consistently. There were no major mechanical or water quality issues in May and June. Water quality and pool conditions remain consistent, though there were minor repairs needed to the steam room. There was also a pool fouling incident in June which resulted in the closure of the pool for 2 days. The local Environmental Health Officer was satisfied that proper procedures were followed, and the aquatic centre reopened without further incident or concern.

Preparations are underway for the annual maintenance shut down of the aquatic centre in late August. This year's shutdown will include conversion of the current gaseous chlorination system to a dry chemical hopper system, which is safer and more efficient.

Staffing

Don Stewart Aquatic Centre regular operations continue to rely heavily on casual staff for evening and weekend programming, although both full-time Senior Lifeguard positions are filled through the summer. Most casual staff are expected to be available in the fall, one Senior Lifeguard is expected to remain on staff and recruitment is ongoing for the Senior Lifeguard 2 position.



REPORT TO COUNCIL

DEPARTMENT: RECREATION & COMMUNITY SERVICES **DATE:** July 12th, 2022

SUBJECT: RECREATION & COMMUNITY SERVICES ACTIVITY REPORT

First Aid, Bronze Medallion and Bronze Cross courses are being planned for late July or early August. Local youth have expressed interest in the training and the possibility of becoming lifeguards. Fort Simpson staff have also reached out seeking training opportunities for their staff.

A Swim Instructor course will also be offered run in early fall to certify more staff to teach swimming lessons.

The Aquatics Supervisor attended a strategic planning session with the NWT Recreation and Parks Association as a member of their board of directors in early May. The Supervisor was also recently nominated to the board of directors for the Canadian Parks & Recreation Association (CPRA) and has represented the Department and NWT at the CPRA's most recent virtual meeting.

Regular Programming

Attendance in May was low (667 swimmers) mainly due to the aquatic centre closure May 12th-23rd for evacuee support and flood relief efforts. There was also a slow return by the general public after the aquatic centre reopened. That said, total attendance increased to 1499 swimmers June, largely due to school groups and daycare programs resuming use of the pool now that Covid-19 restrictions have been lifted. The total number of swimmers was bested only by July 2021 and March 2022 statistics.

Swim Club: The Hay River Swim Club was a regular fixture at the pool with 7 kids regularly attending practices. They are confident those swimmers will return next season and they hope to increase their membership.

Swimming Lessons: Swim lessons were postponed during the flood and recovery efforts but resumed the last week of May. The session was extended and concluded the week of June 27th. There were 81 children registered, which is a significant increase from the previous session which had 38 swimmers registered. There were also two Parent & Tot classes this session, with 15 family groups registered. Success rate remains consistent at approximately 62-63% for youth swimming lessons.

Special Programming

AquaFit Classes: There is still interest from community members to have aquafit classes however certification of current staff is incomplete. Department staff will explore a potential opportunity to contract a local community member with the necessary qualifications.

Beach Attendant Program: The Beach Attendant Program was discussed with the GNWT Department of Industry Tourism and Investment in April and early May. There was an agreement in principle, unfortunately resources and funds have been reprioritized toward flood recovery efforts. The Beach Attendant Programs has been cancelled for the 2022 season.

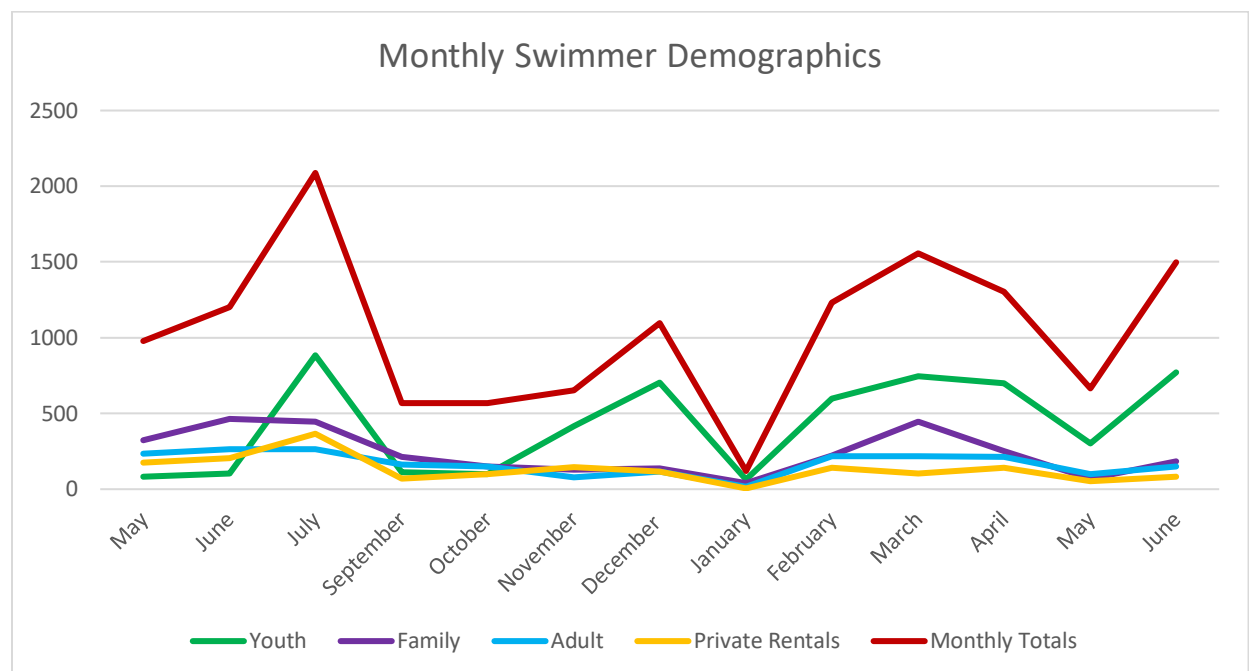
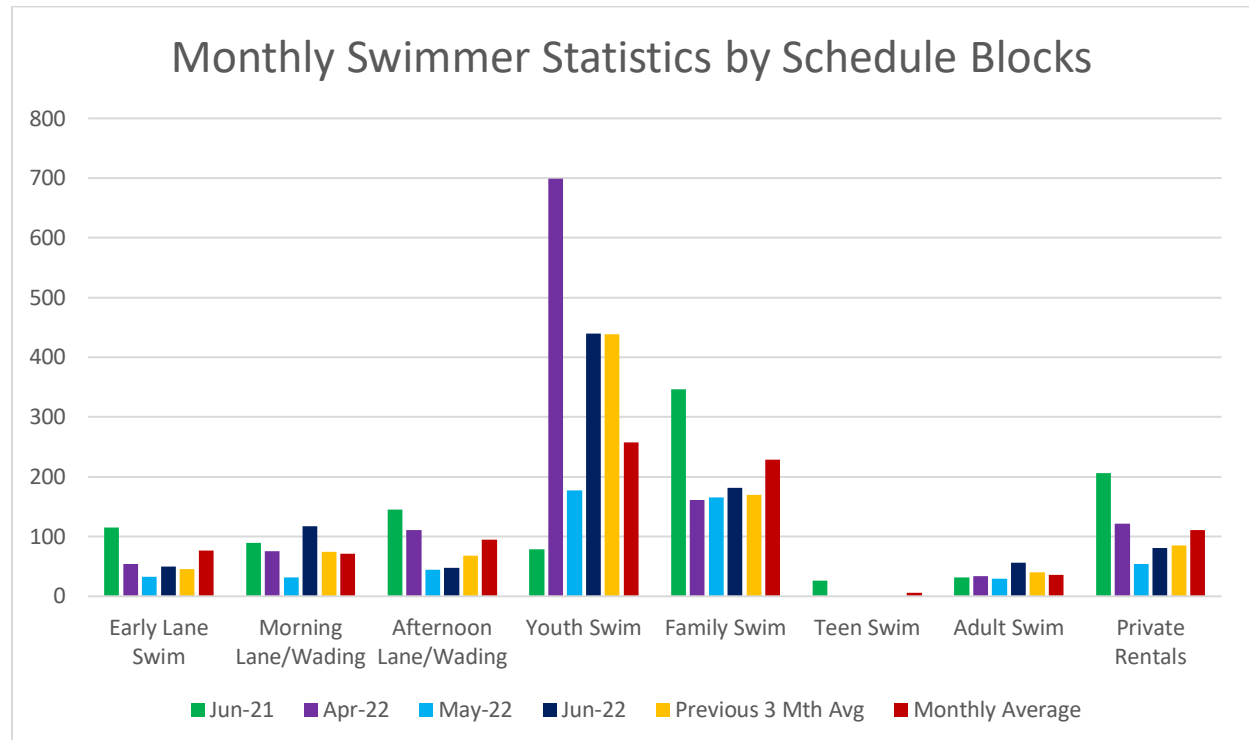


REPORT TO COUNCIL

DEPARTMENT: RECREATION & COMMUNITY SERVICES DATE: July 12th, 2022

SUBJECT: RECREATION & COMMUNITY SERVICES ACTIVITY REPORT

Don Stewart Aquatic Centre Statistics





REPORT TO COUNCIL

DEPARTMENT: RECREATION & COMMUNITY SERVICES **DATE:** July 12th, 2022

SUBJECT: RECREATION & COMMUNITY SERVICES ACTIVITY REPORT

Facilities and Maintenance

Recreation and Aquatic Centre:

- Community Centre used as evacuation centre for most of the month of May.
- Janitorial contract ongoing with positive feedback from contractor and TOHR staff.
- Ongoing building inspections, preventative maintenance, and snow removal.
- Monthly fire extinguisher and safety checks.
- Maintenance and adjustments to HVAC systems as per weather conditions.
- Inspect and repair rental tables and chairs.
- Hiring and on boarding of summer student staff.
- Canada Day celebration setup and support of activities.

Parks and Greenspaces:

- Maintenance: Garbage downtown and other areas emptied regularly.
- Regular litter pickup and weekly checks of Town sites and assets in the downtown core.
- Initial safety inspections and clean up of playgrounds and greenspaces.
- Initial safety inspections and status updates of trails and trailheads.
- Greenspace mowing, maintenance and weekly inspections.
- Outhouses deployed at local parks and greenspaces.
- Benches and bike racks deployed on
- Deployment of Canada flags and hanging baskets.
- Season opening of Porritt Landing on June 15th.
- Season opening of Fishermen's Wharf Pavilion on July 2nd.

Outdoor sport fields and assets:

- Several greenspaces and outdoor assets were impacted by flooding – remediation began as soon as possible as per prioritization established during initial assessments.
- Snow removal at Ray Benoit Rink to prevent snow melt impacting residential properties.
- Street sweeping of Community Centre parking lot.
- Conversion of passenger van for summer use by sports fields crew.
- Initial safety inspection and clean up of skate park.
- Initial safety inspections and clean up of ball diamonds.
- Initial safety inspections and status updates of trails and trailheads.
- Ball diamonds maintained and prepared for league play three days per week.



REPORT TO COUNCIL

DEPARTMENT: RECREATION & COMMUNITY SERVICES **DATE:** July 12th, 2022

SUBJECT: RECREATION & COMMUNITY SERVICES ACTIVITY REPORT

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:

N/A

FINANCIAL IMPLICATIONS:

N/A

ALTERNATIVES TO RECOMMENDATIONS:

N/A

ATTACHMENTS:

Prepared by:

Stephane Millette

Director Recreation and Community Services

Date: July 7th, 2022

Reviewed by:

Glenn Smith

Senior Administrative Officer

Date: July 7th, 2022



REPORT TO COUNCIL

DEPARTMENT: Office of SAO

DATE: July 12, 2022

SUBJECT: SOLID WASTE MANAGEMENT LANDFILL OPERATION

RECOMMENDATION:

THAT THE COUNCIL OF THE TOWN OF HAY RIVER directs Administration to transition operation of the solid waste landfill from the contractor to a town-operated facility and authorizes the purchase of necessary landfill equipment for up to \$120,000.

BACKGROUND:

The Town of Hay River is currently without a solid waste management and garbage collection agreement.

The Town has normally issued a contract for the waste management of the landfill and the garbage collection as a single contract. The most recent contract was signed with Hay River Disposals in 2006 and was a 5-year contract to 2011 with an option to renew for five years (to 2016).

To address the operational risks associated with the expired contract and test the market for qualified business interest, in 2021 the Town initiated preparation of two RFP packages for the solid waste services – one for Landfill Operations; one for Garbage Collection. The RFP documents were developed through consultation with Sonnevera International Corporation and Tetra Tech. The scope of work for the proposals was developed in consideration of the Town's water license requirements, MACA guidelines for waste management, and industry practices.

The RFP for Garbage Collection Services was advertised in April 2022 and closed in May 2022. RFP documents and submissions were managed through the Town's standard online tendering system – bidsandtenders.ca. 5 plan takers registered for the RFP. 1 proposal was submitted by Hay River Disposals Ltd. in partnership with Kavanaugh Brothers Ltd. The garbage collection services proposal is still under review by Administration.

The RFP for Landfill Operations Services was advertised in April 2022 and closed, through an extension, in June 2022. RFP documents and submissions were managed through bidsandtenders.ca. 10 plan takers registered for the RFP. 1 proposal was submitted by Northern Waste Solutions and Consulting.



REPORT TO COUNCIL

DEPARTMENT: Office of SAO

DATE: July 12, 2022

SUBJECT: SOLID WASTE MANAGEMENT LANDFILL OPERATION

In June 2022, the Town was given notice by the current landfill operations services contractor, Hay River Disposals, that it would be ceasing its operations at the Hay River landfill effective July 31, 2022.

Administration has completed a review of the proposal submitted by Northern Waste Solutions and Consulting and a cost and scenario analysis that considers current contracted operations and the potential for in-house operations of the landfill. A summary of the analysis was presented to the Finance Committee July 6, 2022.

The analysis considered expenses pertaining to labour (Gatehouse operations, supervision, equipment operation, accounting, etc), equipment operation and amortization (compaction, dozer, fire suppression, excavation, etc), and other management expenses (insurance, administration, etc). The analysis also considered the risks and opportunities to the Town of Hay River associated with the options.

While Northern Waste Solutions has exhibited through its proposal competency in operational experience and technical capabilities, pricing for operations was determined to not be feasible for the requested services. Pricing submitted was ~150% over estimated current cost of landfill operation and ~160% over projected in-house operations.

Under a scenario of operating the landfill in-house (with some as and when contracted equipment usage), several benefits in addition to cost efficiency have been identified:

- Tipping fees – tipping fees would be collected as revenue for the Town. Currently the contractor receives all tipping fees. Contractor collection does create an unfair competitive leverage for bidding on larger demolition type projects.
- Waste Control – increased ability of the Town to control materials entering the landfill. Increased flexibility in change of facility and waste management operations.
- Liability - The Town is ultimately responsibly for anything that happens at the landfill site. The reporting and inspections of the various regulatory boards is the responsibility of the Town. There is a risk of having a third party operate its landfill given the Town is ultimately responsible for the environmental compliance.
- Installed Capacity – 1.5 Full Time Equivalent staff would be hired for gatehouse operation provides greater flexibility for other Public Works needs. Currently



REPORT TO COUNCIL

DEPARTMENT: Office of SAO

DATE: July 12, 2022

SUBJECT: SOLID WASTE MANAGEMENT LANDFILL OPERATION

installed finance, management and operations staff will be able to provide associated services for landfill management.

- Installed Competency – Waste management is a core function of the Town. The Town would benefit from an increased understanding and management of its waste through direct, installed operation of the facility. With aspirations to improve waste management practices in the community through an eventual new landfill, recycling and waste diversion, it is important that the Town better understand this function.

In consideration of the substantial variance in the submitted proposal versus current costing and the in-house estimates as well as consideration of qualitative advantages of in-house operations, it is recommended by Administration and the Finance Committee to transition to in-house operation of the landfill for August 1, 2022. As part of this transition, it is also recommended that the Town purchase necessary equipment and facilities for \$120,000.

COUNCIL POLICY / STRATEGY OR GOAL:

N/A

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:

N/A

FINANCIAL IMPLICATIONS:

\$120,000 increase to Capital Budget (funded through 2021 budget surplus)
Net \$30,000 annual benefit to O&M costs

ALTERNATIVES TO RECOMMENDATIONS:

Enter into agreement with Northern Waste Solutions for landfill management at an increase to current operating budget by ~\$150,000 / year

ATTACHMENTS:

N/A

Prepared by:

Glenn Smith
SAO
July 8, 2022



REPORT TO COUNCIL

DEPARTMENT: Finance Committee

Date: July 12, 2022

SUBJECT: Flood Recovery Spend Approval

RECOMMENDATION:

THAT THE COUNCIL OF THE TOWN OF HAY RIVER approves the unbudgeted O&M and Capital spend of \$1,072,000 for unbudgeted flood response and high priority repair or replacement of flood damaged Town of Hay River assets as recommended by the Finance Committee of Council.

BACKGROUND:

The Town of Hay River incurred major damage to its infrastructure during the flood of 2022. Since the middle of May work has been undertaken to assess damage to these assets, and in some cases, undertake preliminary repair work to resume basic level of restoration.

On June 28, 2022, Council approved as information a damage assessment report that provided a preliminary summary of assets that had been damaged. Rough order estimates on costs to repair or replace damaged assets were included in the report as well as potential funding sources to cover these costs. The total cost estimate for Town infrastructure repairs and replacements related to the flood was \$22 million.

On July 6, 2022 Council's Finance Committee met to review flood recovery and response costs incurred to date and to discuss repair and replacement of damaged assets as well as mitigation activities ahead of securing third party funding. To date the Town has incurred approximately \$440,000 of unbudgeted asset repair/replacement expenses and \$97,000 of unbudgeted response costs for a total of \$537,000 of expenses. These expenses have been incurred through necessity to ensure effective emergency response, basic operation of essential Town services, and to protect the safety of residents.

Through the meeting, the Finance Committee has identified an additional \$535,000 worth of higher priority and/or opportune recovery/repair and mitigation work that is recommended to be undertaken in 2022 ahead of securing third party funding. This work considers operational need, public safety, recreational demand, and timeliness of work. There are several additional recovery/repair and mitigation opportunities that are being explored for third party coverage that are not included in the \$535,000 recommendation due to high cost risk (ie. West Channel Berm repairs, Water Treatment Plant Road raising).

Administration continues to advance discussions with potential funders, but more time is required to secure agreements through and beyond the 2022 construction season.

The combined total for flood response and recovery type expenses recommended for approval in 2022 is \$1,072,000. Any expenses that are not covered through secured funding agreements will be covered through the unbudgeted 2021 O&M surplus.



REPORT TO COUNCIL

DEPARTMENT: Finance Committee

Date: July 12, 2022

SUBJECT: Flood Recovery Spend Approval

COUNCIL POLICY / STRATEGY OR GOAL:

N/A

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:

FINANCIAL IMPLICATIONS:

Up to \$1,072,000 impact to O&M/ Capital budgets if Town does not receive third party response, recovery, and mitigation funds.

ALTERNATIVES TO RECOMMENDATIONS:

NA

ATTACHMENTS:

High Priority Flood Response, Recovery and Mitigation Expenses

Prepared by:

Glenn Smith

SAO

July 7, 2022

2022 Town of Hay River Flood Response With Funding

05-Jul-22

Department	Function	Activity	Fund	Amount
Rec	Evacuation	Transportation	DAP	\$9,000
Rec	Evacuation	Food Services	UnitedWay	\$15,000
Rec	Evacuation	Food Services Building	DAP	\$3,000
Rec	Evacuation	Outhouses / Showers	DAP	\$3,500
Rec	Evacuation	Supplies	DAP	\$2,000
Rec	Evacuation	Staffing	DAP	\$20,000
Rec	Control	Pavilion Barriers	DAP	\$2,500
PS	Monitoring	Air Surveillance	DAP	\$3,000
PS	Monitoring	Monitoring Equipment	DAP	\$5,000
PS	Rescue	Fox Farm Rescue	DAP	\$6,000
PS	Response	Paid on Call HRFD	DAP	\$22,000
PS	Response	Pumper Maintenance	DAP	\$2,000
Admin	Recognition	Volunteer Recognition	GNWT	\$3,000
Admin	Recognition	Volunteer Recognition	DAP	\$12,000
PWS	Control	Water Control - Gravel	DAP	\$5,000
PWS	Response	Temporary Bridge - WTP Ro	DAP	\$15,000
PWS	Evacuation	Staffing	DAP	\$10,000
Total				\$138,000
* Included in 2022 O&M budget				\$41,000
Unbudgeted Total				\$97,000

2022 Town of Hay River Flood Damage Assessment With Funding

High Priority Filter

06-Jul-22

Dept	Asset	Activity	Targetted		Priority	THR	Advance
			Fund	Amount		Incurred to Date- Estimate	Ahead of Secured Funding
Rec	Bob McMeekin Park	Repair	DAP	\$44,000	A	4000	0
Rec	Glenn Smith Ball Diamond	Repair	DAP	\$10,000	A	0	10000
Rec	Rotary Trail	Repair	DAP	\$161,000	A	25000	0
Rec	Old Town Connector Trail	Repair	DAP	\$205,000	A	50000	0
Rec	Porritt Landing Marina	Repair	DAP	\$20,000	A	8000	0
Rec	Fisherman's Wharf Pavilion	Repair	DAP	\$10,000	A	10000	
Rec	West Channel Playground	Repair	DAP	\$105,000	A	5000	0
PWS	Industrial Area Roads & WTP Road	Repair	DAP	\$130,000	A	50000	25000
PWS	Vale Island / West Channel Roads	Repair	DAP	\$75,000	A	3000	0
PWS	Riverview Drive	Repair	DAP	\$200,000	A	8000	0
PWS	Riverview Drive	Mitigation	DAP	\$200,000	A	0	300000
PWS	Lift Station 1	Assessment	Insurance	\$40,000	A	0	40000
PWS	Lift Station 1	Repair	Insurance	\$1,600,000	A	75000	10000
PWS	Lift Station - Beaver Cres	Repair	Insurance	\$25,000	A	2000	0
PWS	Manholes sewer pumping	repair	DAP	\$45,000	A	45000	0
PWS	Paradise Road - Temporary	Repair	DAP	\$100,000	A	50000	50000
PWS	Landfill Waste Collection	Repair	GNWT	\$60,000	A	10000	5000
PWS	Dewatering Ravine Lift Station 1	Repair	DAP	\$100,000	A	50000	0
PWS	Road Silt Removal	Repair	DAP	\$3,000	A	3000	0
PWS	Water Treatment Plant Operation	Repair	DAP	\$80,000	A	40000	40000
Admin	Town Hall Contents	Replace	Insurance	\$5,000	A	0	5000
PS	Water Monitoring Equipment	Replace	DAP	\$50,000	B	0	50000
Total				\$3,268,000		\$438,000	\$535,000
High Risk Cost Recovery						\$145,000	\$340,000

**Fund through 2021 surplus if required*



REPORT TO COUNCIL

DEPARTMENT: Administration

DATE: July 12, 2022

SUBJECT: Social Issues Committee Terms of Reference

RECOMMENDATION:

THAT THE COUNCIL OF THE TOWN OF HAY RIVER approves the Terms of Reference for the Social Issues Committee of Council

BACKGROUND:

On March 7, 2022, Council passed a resolution “That the Town of Hay River strike a sub committee of Council to take the place of the former interagency group.”

Council recognized that there may be gaps in the coordination of community social services program delivery and enforcement. The coordination gaps are thought to limit the potential collective value and alignment of social priorities within the community. All levels of government have departments with defined roles and interests in improving social wellbeing of the community. In addition, local businesses, NGOs, and residents have invested interest and insight into social wellbeing. The committee of Council (Social Issues Committee) would serve to coordinate these organizations and execute public engagement practices to develop and implement measurable plans that target specific community social health issues.

In accordance with the Town of Hay River's Council Procedures Bylaw No. 2285/GEN/12 and its terms around Committee governance, a Terms of Reference document for the Social Issues Committee has been drafted for approval.

COUNCIL POLICY / STRATEGY OR GOAL:

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:

- Bylaw No. 2285/GEN/12 – Council Procedures
- Cities, Towns and Villages Act

FINANCIAL IMPLICATIONS:

N/A

ALTERNATIVES TO RECOMMENDATIONS:

N/A

ATTACHMENTS:

- Terms of Reference – Social Issues Committee

Prepared by:

Glenn Smith

Senior Administrative Officer

July 10, 2022



TERMS OF REFERENCE

Social Issues Committee

Whereas, pursuant to Council Procedures By-law No. 2420 Council may establish a special committee to investigate and consider any matter; Hay River Town Council hereby establishes a Special Committee to be known as the “**Social Issues Committee**” (Committee) with the following terms of reference:

INTRODUCTION

1. The Town of Hay River has identified that there may be gaps in the coordination of community social services program delivery and enforcement. The coordination gaps are thought to limit the potential collective value and alignment of social priorities within the community. All levels of government have departments with defined roles and interests in improving social wellbeing of the community. In addition, local businesses, NGOs, and residents have invested interest and insight into social wellbeing. The Committee serves to coordinate these organizations and execute public engagement practices to develop and implement measurable plans that target specific community social health issues.

SCOPE

1. The Committee will develop and implement collective community plan(s) to provide a strategic and defined approach to improving identified social issues within Hay River.
2. The Committee will, collectively or individually, without breach of committee confidentiality, solicit input from various sectors within the community (government, non-profit, and/or the business sector) or the public at large.
3. The responsibility of the Committee members is to:
 - a. Recommend, suggest, or bring awareness of opportunities for developing community social health;
 - b. Advise on effective strategies and initiatives regarding social programs;
 - c. Hear and consider requests from any delegation of citizens with respect to social issues;
 - d. Assist with implementation of social programs and developed community plans;
 - e. Conduct surveys and carry out other forms of research.

MEMBERSHIP

Composition:

4. The Social Issues Committee shall consist of eight (8) to ten (10) members appointed at pleasure by Council and shall include the following:
 - a. The Mayor of the Town of Hay River (voting)
 - b. One (1) Member of Town Council
 - c. The Director of Protective Services
 - d. One (1) representative from Hay River Health and Social Services
 - e. One (1) representative from Housing NWT
 - f. One (1) representative from the RCMP
 - g. Three (3) representatives from the Public at Large.
5. The Public at Large members of the Social Issues Committee shall be from such organizations representing:
 - a. Local Indigenous Government or Organization
 - b. Non-Government Organization
 - c. Youth Organization
 - d. Seniors Society
 - e. District Education Authority
6. Desired qualifications for the Committee members. Knowledge or experience in the following areas would be an asset:
 - a. Substance Abuse / Addictions
 - b. Difficult to House / Homelessness, Public Housing
 - c. Law Enforcement
 - d. Recreational Services
 - e. Mental Health
 - f. Analysis and Planning
 - g. Leadership experience
7. A member of Town Administration shall provide administrative support to the Social Issues Committee.
8. The Member of Town Council shall be the Chair of the Committee.
9. If a Member is unable or unwilling to continue to serve on the Committee, for whatever reason, the Committee will inform Town Administration of the vacancy so that it can commence the process to have a new member appointed by Town Council.
10. If any Member misses three (3) consecutive meetings without approval of the Committee, the Member shall be struck from Committee membership and replaced by Council.
11. Council may remove any member of the Committee.
12. Public at Large Members must be in good financial standing with the Town of Hay River.
13. Members shall be appointed for approximately a three (3) year term with the term expiring on the

31st day of December following each municipal election.

MEETINGS

14. The Committee shall meet every second month to perform the duties of the Committee
15. Special meetings of the Committee may be called at the request of the Chair.
16. A quorum of the Committee shall consist of a majority of the Members. Vacant positions do not count towards quorum.
17. The Committee may, in accordance with the Town of Hay River Council Procedures By-law, conduct all or a portion of any meeting during an in camera session to discuss issues that fall within the permitted categories as set out in Council Procedures By-law No. 2420, if it is determined, by resolution, to be in the public interest to do so.
18. The motion to move to an in camera session must identify the general nature of the topics to be discussed during the in camera session.
19. Regular and Special meetings are to be advertised publicly a minimum of 48 hours ahead of meeting
20. The Chair may cancel any scheduled meeting of the Committee if it is felt that a quorum will not be achieved or if there are no items for the agenda.
21. All decisions of the Committee shall be in the form of resolutions duly passed by a majority of its Members present.

REMUNERATION

22. The Members of the Committee, including the Chair, shall serve in a volunteer capacity only, with no remuneration.

FINANCE, ADMINISTRATION AND TECHNICAL SUPPORT

23. The Committee shall have no authority to expend or commit financial resources of the Town of Hay River.
24. Town Administration shall, in cooperation with the Chair, prepare all meeting agendas and distribute them to Committee Members at least five (5) days in advance of the meeting or as soon thereafter as is possible.
25. Administration shall prepare minutes of all meetings of the Committee and distribute them within one week to the Committee members.
26. Administration shall forward all original approved minutes and recommendations of the Committee to the Council Administrator for retention and forwarding to the appropriate Standing

Committee of Council.

COMMUNICATIONS

27. Town Committees are Committees appointed by the Town of Hay River (through Council motion) and represent the Town of Hay River.
28. Committee chairs are the spokespeople for Town committees. Media responses are to be coordinated through the Senior Administrative Officer.
29. Any advertising must adhere to the Town's branding guidelines and be approved by the Senior Administrative Officer.

REPORTING RELATIONSHIPS

30. The Committee shall make recommendations through the appropriate Standing Committee of Council.

DUTIES

31. The Chair's responsibilities will be as follows:
 - a. Chair meetings;
 - b. Assist with agenda/meeting preparation in conjunction with the secretary;
 - c. Monitor attendance; contact members as necessary re: absences;
 - d. Vote in the case of a tie;
 - e. Represent the Committee when presenting recommendations to the appropriate Standing Committee of Council.
32. The Committee Members' responsibilities will be as follows:
 - a. To attend all regular meetings of the Committee;
 - b. To discuss issues pertaining to the Committee without breach of confidentiality; and
 - c. Where it deems advisable, to make recommendations, reached by the majority of its membership, to the appropriate Standing Committee of Council.

CONFIDENTIALITY

33. Committee members are responsible for maintaining the confidentiality of all proprietary or privileged information that they are privy to while serving as a Committee member.

TIMELINE

34. This is an ongoing Committee with no identified timeline for completion at this time.

TERMINATION

35. The Committee shall be considered dissolved upon completion of their term or being otherwise

dissolved by resolution of Council.

36. Notwithstanding the above, Council may, by resolution, dissolve the Committee at any time, or amend these Terms of Reference.

Revision History				
#	Revised Section	Revision Description	Revised By	Issue Date
1	All	TOR created	Glenn Smith	
2				



REPORT TO COUNCIL

DEPARTMENT: ADMINISTRATION

DATE: July 12th, 2022

SUBJECT: EXCUSED ABSENCE

RECOMMENDATION:

THAT THE COUNCIL OF THE TOWN OF HAY RIVER excuses Councillor Willows from the Regular Meeting of Council, Tuesday, July 12th, 2022.

BACKGROUND:

Councillor Willows has asked to be excused from the Regular Meeting of Council, Tuesday, July 12th, 2022

COUNCIL POLICY / STRATEGY OR GOAL:

N/A

APPLICABLE LEGISLATION, BYLAWS, STUDIES, PLANS:

N/A

FINANCIAL IMPLICATIONS:

N/A

ALTERNATIVES TO RECOMMENDATIONS:

N/A

ATTACHMENTS:

N/A

Prepared by:
Stacey Barnes
Council Administrator
Date: July 11th, 2022

Reviewed by:



REPORT TO COUNCIL

COMMITTEE: POLICY AND BYLAW

DATE: July 12, 2022

SUBJECT: Hay River Zoning and Building Bylaw Update

RECOMMENDATION:

THAT THE COUNCIL OF THE TOWN OF HAY RIVER accepts the report and presentation on Bylaw No. 2444-22 – Zoning and Building Bylaw

BACKGROUND:

In accordance with the 2019-2023 Town of Hay River Strategic Plan, an update to the Town's Zoning and Building bylaw was initiated in 2021. The update serves to increase affordability of development and housing, increase development flexibility, and improve governance and application processing. Through an RFP process Stantec Architecture was identified as the consultant to support the bylaw update.

Through discussions with staff, stakeholders, the public, First Nation governments, Mayor and Council and through an analysis of the online survey results, challenges with the current Zoning and Building Bylaw were identified. The edits proposed in the Draft Bylaw and maps, were developed to address these challenges. Also, as the current Bylaw was adopted nearly 20 years ago, a series of changes are recommended to bring the regulations up to modern standards and to implement relevant best practices.

The attached report and presentation deck prepared by Stantec summarizes the engagement process to date and the updates recommended to Council. After first reading of the proposed bylaw, a public hearing will be held to review and gain any subsequent feedback from the public.

ALTERNATIVES TO RECOMMENDATIONS:

- Changes to the proposed bylaw

ATTACHMENTS:

- Hay River Zoning and Building Bylaw Update – Summary of Updates
- Town of Hay River Zoning Bylaw Update – Recommended Updates Presentation
- Annotated Bylaw Changes

Prepared by:

Glenn Smith

SAO

July 8, 2022



Hay River Zoning and Building Bylaw Update

Summary of Updates

Prepared for
Town of Hay River

Prepared by
Stantec Architecture Ltd.

Date: July 2022



Design with
community in mind

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1.0 INTRODUCTION

This document provides a summary of the proposed updates shown in the Draft Zoning and Building Bylaw for Hay River. Through discussions with staff, stakeholders, the public, First Nation governments, Mayor and Council and through our analysis of the online survey results, challenges with the current Zoning and Building Bylaw were identified. The edits proposed in the Draft Bylaw and maps, were developed to address these challenges. Also, as the current Bylaw was adopted nearly 20 years ago, a series of changes are recommended to bring the regulations up to modern standards and to implement best practices.

This is not intended to be a complete list of draft edits to the Bylaw, but rather focuses on the recommended updates that we feel will make the biggest impact and thus should be understood by the Town administration and leadership, and the public.

2.0 GENERAL UPDATES

A number of general updates have been made to the Draft Zoning Bylaw, to ensure the document is current, accurate and as clear as possible. This includes:

- Additional and improved figures
- New colour maps
- Updated references to new legislation
- Incorporating all Zoning amendments
- Removing gender specific language
- Clarifying roles of Development Officer, Town Council and Development Appeal Board
- Adding updated definitions and better aligning permitted uses with definitions
- Organizational changes to improve the document
- Fees removed and instead the Fees and Charges bylaw is referenced
- Remove duplication with Planning and Development Act



3.0 MINIMUM DWELLING SIZE

The Draft Zoning Bylaw shows reduced minimum dwelling sizes in most residential zones.

- Reducing minimum dwelling size supports smart growth, housing affordability and provides alternative housing options for people at different stages of life.
- Survey respondents are generally in favour of reducing minimum dwelling size; (56% support or strongly support while 22% do not support or strongly do not support). This was also supported by developers that we spoke with, the NWT Housing Corporation and the Senior's Society.
- Many municipalities have moved away from setting minimum dwelling sizes in their zoning bylaws in order to give flexibility.
- Allowing for smaller dwelling units can make homes more affordable.
- The National Building Code (NBC) does not set minimum sizes for residential dwelling units. However, the NBC does set requirements for what a dwelling unit must include.

Proposed Update

The table below show the current dwelling size minimums along with the proposed new minimum. The current regulations include different minimums for single story, two story, and split-level units. The Draft recommends simplifying this regulation by removing different minimum sizes for various unit types.



HAY RIVER ZONING AND BUILDING BYLAW UPDATE

Zone	Housing type	Current Minimum	Recommended New Minimum
R1A	Single Family	120 m ² (1291 sq. ft)	75 m ² (807 sq. ft)
R1B	Single Family	93 m ² (1001 sq. ft)	70 m ² (753 sq. ft)
	Duplex (per unit)	90 m ² (968 sq. ft)	60 m ² (645 sq. ft)
R1C	Single Family	79 m ² (850 sq. ft)	70 m ² (753 sq. ft)
	Duplex	79 m ² (850 sq. ft)	60 m ² (645 sq. ft)
R2 – Five Mile	Single Family	75 m ² (807 sq. ft)	65 m ² (700 sq. ft)
R3 – West Channel	Single Family	75 m ² (807 sq. ft)	60 m ² (645 sq. ft)
R4 – Multiple Family	Duplex or Row House	79 m ² (850 sq. ft)	60 m ² (645 sq. ft)
	Unit		35 m ² (377 sq. ft) for a bachelor unit, with an additional 11 m ² (118 sq. ft) for each bedroom
RC – Country Residential	Single Family	75 m ² (807 sq. ft)	65 m ² (700 sq. ft)

4.0 DISCRETIONARY USE

The Draft Zoning Bylaw makes living suites, garden suites, home occupations, day care facilities and duplexes permitted rather than discretionary uses. It also clarifies that Council will approve all discretionary uses.

- There are many uses that are listed as discretionary in the Zoning Bylaw.
- Survey respondents want to see the Zoning Bylaw applied fairly.
- The discretionary use approval process introduces uncertainty and may leave residents with the perception that the rules are not being applied fairly.
- There is a lack of clarity around which discretionary uses need to go to Council and which can be approved by the Development Officer.

Proposed Update

1. Clarify that it is Council who makes the decision on approval discretionary uses. Permitted uses are approved by the Development Officer.
2. Make living suites, garden suites, home occupations, day care facilities and duplexes permitted rather than discretionary uses.



HAY RIVER ZONING AND BUILDING BYLAW UPDATE

3. Provide a list of what issues will be reviewed when a discretionary use permit is being considered by Council.

Issue	Consideration
Design and character	Compatibility of the proposed use with existing uses and the character of the surrounding area. Similarity of size and design to neighbouring properties and uses.
Parking and traffic	Provision of off-street parking or increase in traffic volume or change in traffic makeup.
Impact on neighbouring properties	<ul style="list-style-type: none">• Effect on airborne emissions, odors, smoke• Noise and light impacts• Other health and safety impacts• Sun shadow and wind effects• Hours of operation, compared to existing neighbouring uses• Impact on existing and potential developments in surrounding area• Effect on the amenity of the surrounding area, including views, general atmosphere• Social and economic impact on the community• Benefits to the surrounding area including providing services and Amenities
Mitigation of impacts	Provision of landscaping, screening, buffer zones or other methods to mitigate potential impacts.
Capacity of infrastructure	Ability of infrastructure to support the proposed use, including vehicle and active transportation infrastructure, waste collection, water and sewer, electricity and communications infrastructure, parks, schools, school buses, community facilities.
Plans and policies	<ul style="list-style-type: none">• Consistency with intent and policies of Community Plan.• Compatibility with the general intent of the Zoning Bylaw and the purpose statement for the specific zone.• Compatibility with any other Town of Hay River plans or policies.
Public submissions	Input from individual residents, groups, and other orders of government.

5.0 LIVING SUITES AND GARDEN SUITES

The Draft Zoning Bylaw makes it easier to permit living suites and allows suites to be in a separate unit (called garden suites).

- Allowing living suites as a permitted use provides more housing options, creates affordable housing, and is an efficient and effective way to add density to existing neighbourhoods.
- Survey respondents are generally in favour of allowing living suites; 73% supported or strongly supported living suites and 60% supported or strongly supported garden suites.



- Many municipalities are making it easier for property owners to add living suites and/or garden suites to their homes. This usually means removing size or configuration restrictions, permitting living suites as a permitted use, and or allowing them in more zones.
- Public safety is important; living suites should require a development permit and meet the standards as set out in the National Building Code for dwelling units.

Proposed Update

1. In R1B, R1C, R2, and R3 Zone, allow living suites and/or garden suites as a permitted use, rather than a discretionary use. (Note: no changes to R1A).
1. Add a section with regulations for garden suites, including specific setbacks, design requirements, and height regulations.

6.0 SETBACKS IN RC- COUNTRY RESIDENTIAL ZONE

The Draft Zoning Bylaw reduces the setbacks in the RC – Country Residential Zone to give property owners more flexibility.

- The setbacks in the RC zone are very large. Relaxing the front, rear and side yard setback to 7.5 meters still provides privacy and distance but will allow for more flexibility for property owners to develop on their lots while having limited impact on their neighbours.
- The proposed reduction still allows for ample clearance for emergency vehicles.

Proposed Update

1. Reduce front yard and rear yard setbacks in the RC zone from 15 m (49.5 ft) to 7.5 m (25 ft).
2. Reduce the side yard setback in the RC zone from 10 m (33 ft) to 7.5 m (25 ft).

7.0 SETBACKS FOR WATERFRONT LOTS

The Draft Zoning Bylaw recommends a small change to the front yard setbacks for garages on waterfront lots. This change will mean that, on waterfront lots, the garage can be 7.5 m (25 ft) from the front property line, with the home set further back, closer to the water.

- In the RC, R1A and R2 zones, there are lots that have waterfront access. The front yard setback in these zones is 7.5 m (25 ft).



HAY RIVER ZONING AND BUILDING BYLAW UPDATE

- Currently, garages in this zone are required to be no closer to the front lot line than the house.
- For riverfront properties, people want the flexibility to orientate the front of the house to the river and the back of the house and accessory structures such as garages, to the road.
- Currently the Development Officer has the discretion to vary the building setbacks for corner and double fronting lots with the requirement to ensure the flood protection section (4.4) is applied.
- The Town has given permission to several property owners to build garages that are set back 7.5 m (25 ft) from front property line, with the house being set back further back, closer to the water.

Proposed Update

Update the Zoning for the R2, R1A, and RC Zones to the following regulations:

Garages and accessory buildings shall be located:

- *a minimum of 1.0 m (3.3 ft.) from the dwelling;*
- *no closer than the front line of the principal building; except for lots that back onto the river, where garages shall be a minimum of 7.5 m (25 ft) from the front lot line;*
- *a minimum of 1.0 m (3.3 ft.) from the side lot line;*
- *a minimum of 1.0 m (3.3 ft.) from the rear lot line; and*
- *to provide a minimum of 5.0 m (16.5 ft.) from the garage doors to any side lot line.*

8.0 PARADISE GARDENS UNDERSIZED LOTS

The Draft Zoning and Building Bylaw recommends a set of changes to legitimize 13 undersized lots in Paradise Gardens and provide reduces set backs that will make these lots easier to develop.

- In the RC zone, lots must be between 1.2 ha and 2 ha in size. In Paradise Gardens there are 13 undersized lots. They are listed in the table below.

Lot 552-1 Group 814 LTO 1225 = 0.43 ha	Lot 549-1 Group 814 LTO 1225 = 0.4 ha
Lot 552-2 Group 814 LTO 1225 = 0.40 ha	Lot 549-2 Group 814 LTO 1225 = 0.4 ha
Lot 552-3 Group 814 LTO 1225 = 0.76 ha	Lot 549-3 Group 814 LTO 1225 = 0.25 ha
Lot 552-4 Group 814 LTO 1224 = 0.93 ha	Lot 549-4 Group 814 LTO 1225 = 0.96 ha
Lot 552-5 Group 814 LTO 1225 = 0.37 ha	Lot 549-5 Group 814 LTO 1225 = 0.60 ha
	Lot 549-6 Group 814 LTO 1225 = 0.87 ha



	Lot 549-7 Group 814 LTO 1225 = 0.38 ha
	Lot 549-8 Group 814 LTO 1225 = 0.13 ha

- In the RC Zone, the draft shows the front, side and rear yard setbacks at 7.5 m. These setbacks may make it difficult to develop on these undersized lots.
- Some of the existing homes on these lots are non-conforming, which can be a problem.
- The existing setbacks are very large even if they are reduced, this will leave ample clearance for emergency access.

Proposed Update

1. Add a section that specifically lists these undersized lots and zone them as RCx, with a note that they are allowed to be undersized.
2. For these lots reduce the setbacks as follows:
 - Front yard setback = 7.5 m
 - Rear yard setback = 5 m
 - Side yard setback = 2 m
 - Garages and accessory buildings can be a minimum of 1 m the rear or side lot line

9.0 LANDSCAPING REQUIREMENTS

The Draft Zoning Bylaw recommends a specific requirement for landscaping in the C1, C2, and C3 zones.

- Requiring landscaping for all new developments within the Downtown will work to support an aesthetically appealing downtown core.
- Of survey respondents, 66% support implementing landscaping requirements in the Downtown.

Proposed Update

1. Create a section with landscaping requirements for new development Downtown in the C1, C2 and C3 zones.
2. The required landscape planting area in square metres is calculated based on 2.5 m x total public road frontage of the property in metres. A landscaping area that is 2.0 m wide is required with one tree planted per 25 m² landscape planting area or one shrub planted per 15 m² landscape planting area, or any combination of trees and shrubs to meet the standard. For example, on a 16 m wide lot, this would mean 1.6 trees or 3 shrubs.
3. Add a requirement for watering and add some information about the type of plants to be allowed.



10.0 MAP EDITS

Several edits have been recommended to the zoning maps. They are explained below and shown on the attached maps.

Map Note #	Proposed Change	Explanation
1.	RR to P	To bring zoning in line with Community Plan.
2.	RR and UR to H	To bring zoning in line with Community Plan.
3.	UR to I	To reflect the new hospital.
4.	C4 to R3	This was the only lot zoned C4. Current use does not reflect C4 zoning.
5.	M1 to RC	To reflect the residential use of these lots.



1. Changed from RR Rural Resource to P Parks and Open Space to reflect the Official Community Plan

2. Changed from RR Rural Resource and H Hinterland to UR Urban Reserve to reflect the Official Community Plan

3. Changed from M1 Restricted Industrial and UR Urban Reserve to I Institutional to reflect the new hospital

4. Changed from C4 to R3 to reflect current use.

5. Changed from M1 Restricted Industrial to RC Country Residential to reflect the transition of lots to residential use
-
- Current Zone

Single Family Residential (Class A) (R1A)

Single Family Residential (Class B) (R1B)

Single Family Residential (Class C) (R1C)

Mile 5 Residential (R2/R2x)

West Channel Village Residential (R3)

Multi-Family Residential (R4)

Mobile Home Park (RM)

Country Residential (RC/RCx)

Core Area Commercial (C1)

Highway / Service Commercial (C2)

Mixed Use Commercial (C3)

Convenience Commercial (C4)

Restricted Industrial (M1)

General Industrial (M2)

Transportation District (T)

Utility District (U/Ux)

Institutional (I)

Parks and Open Space (P)

Market Gardening (MG/MGx)

Urban Reserve (UR)

Rural Resource (RR)

West Point First Nation (WPFN)

Road

Water Course

Lot Line

Municipal Boundary

Waterbody

Current Land Use - Overview

Map 1 of 2

144903141-0005 REVA

Client: Hay River

Project: Land Use

Project Location

Hay River

Northwest Territories

Prepared by CES on 2022-07-07

TR by ES on 2022-07-07

IR Review by ZM on 2022-07-07

Stantec

Notes

1. Coordinate System: NAD 1983 UTM Zone 11N

2. Data Sources: Canvec, Government of Northwest Territories, Stantec

3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

N

0

500

1,000

1,500

metres

(At original document size of 22x34)

1:20,000

Disclaimer: This document has been prepared based on information provided by others as cited in the Notes section. Stantec has not verified the accuracy and/or completeness of this information and shall not be responsible for any errors or omissions which may be incorporated herein as a result. Stantec assumes no responsibility for data supplied in electronic format, and the recipient accepts full responsibility for verifying the accuracy and completeness of the data.

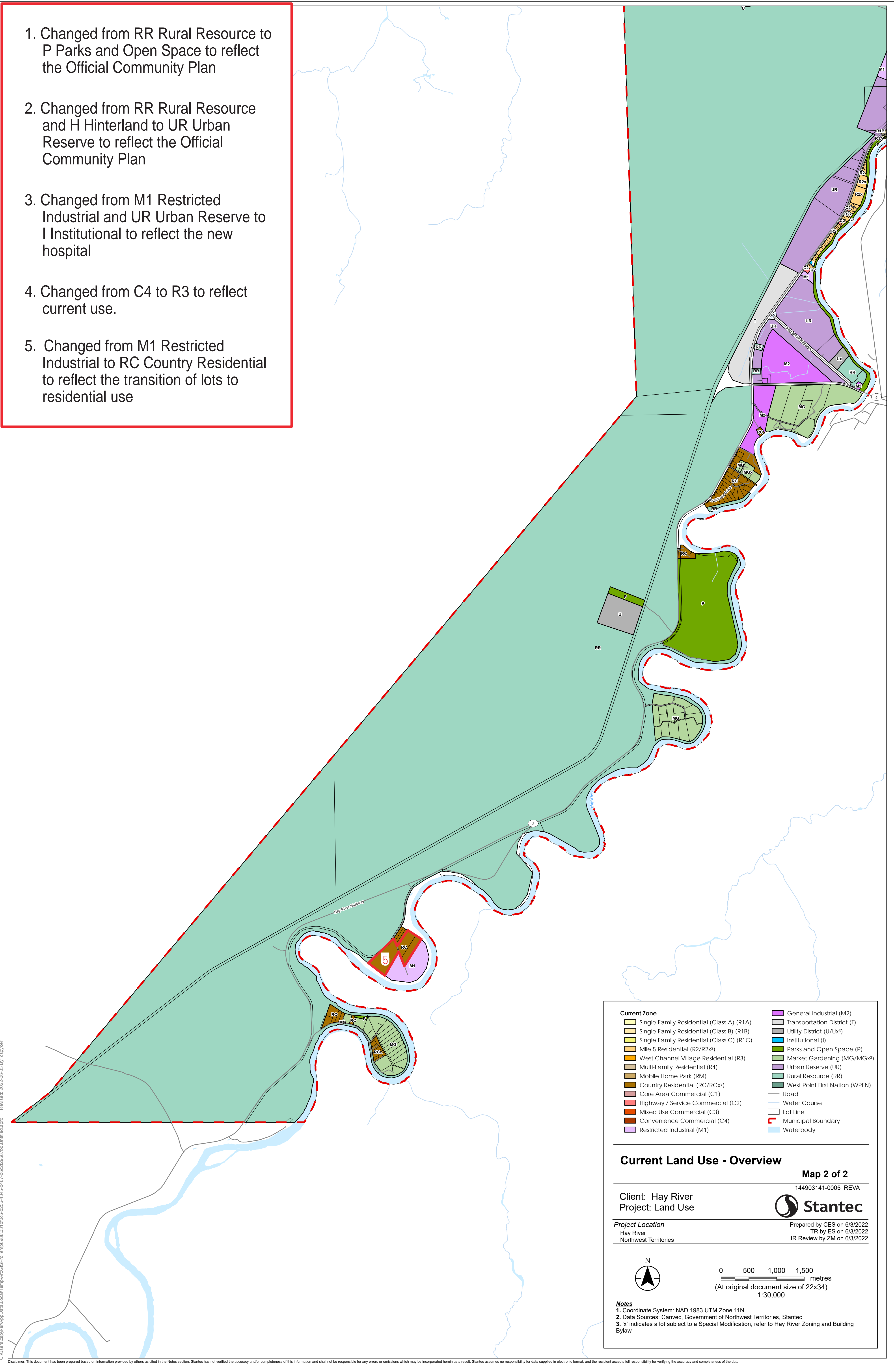
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4. Changed from C4 to R3 to reflect current use.

5. Changed from M1 Restricted Industrial to RC Country Residential to reflect the transition of lots to residential use





Town of Hay River
Zoning Bylaw Update

Recommended
Updates



Agenda

1. Public Engagement
2. General Updates
3. Specific Updates
4. Map Edits



Public Engagement

- Public engagement period Aug 6 to 20, 2021
- Activities included lunch with developers, public in person and online meetings, pop-ups
- Online survey completed by 75 people
- Meetings with Hay River Senior's Society, Housing NWT, team working on the Housing Strategy
- Reached out to West Point First Nation, K'at'l'odeeche First Nation and Hay River Metis Government



What We Heard

- Support for:
 - smaller housing
 - living suites and garden suites
 - more multi-family downtown
 - more affordable housing and more housing options
 - increased landscaping requirements
 - gradual changes to Vale Island
 - applying/enforcing bylaws in a way that is fair and transparent
- No or low support for:
 - smaller lots
 - reduced parking requirements

General Updates

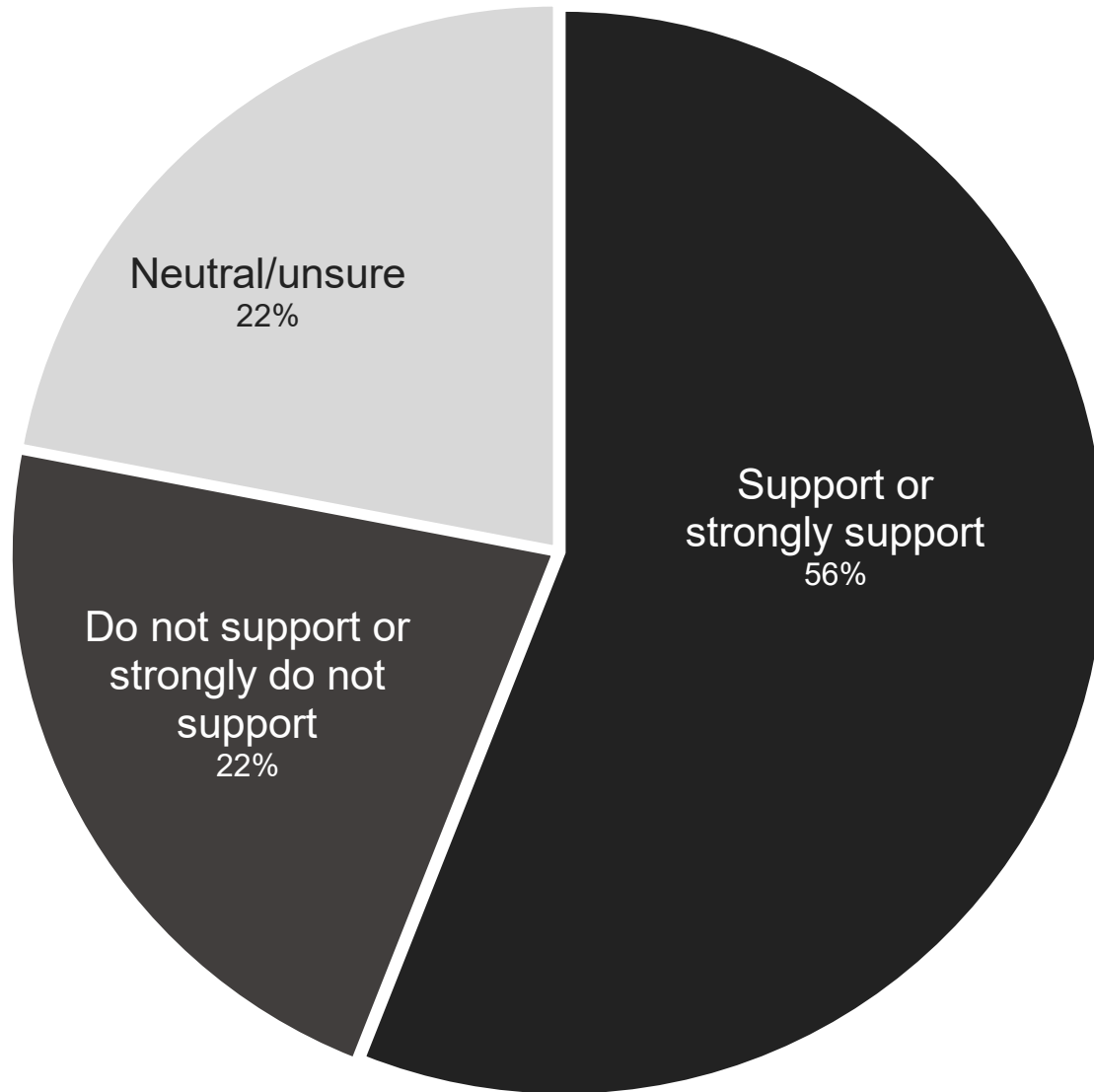


General Updates

- Additional and improved diagrams
- New colour maps
- Updated references to new legislation
- Incorporating all past zoning amendments
- Removing gender specific language
- Clarified roles of Development Officer, Council and the Development Appeal Board
- Added updated definitions and better alignment of permitted uses with definitions
- Organizational changes to improve the document
- Fees removed and referenced in the Fees and Charges
- Remove duplication with Planning and Development Act

Minimum Dwelling Size

Minimum Dwelling Size



- Developers and Senior's Society expressed support
- Many municipalities no longer have minimum dwelling sizes
- The National Building Code does not set minimum sizes for residential

Minimum Dwelling Size

- The current regulations include different minimums for single story, two story, and split-level units.
- The recommended Bylaw includes simplifying this regulation by removing different minimum sizes for various unit types.
- Current best practice to allow flexibility.

Zone	Housing type	Old Minimum	New Minimum
R1A	Single Family	120 m² (1291 sq. ft)	75 m² (807 sq. ft)
R1B	Single Family	93 m² (1001 sq. ft)	70 m² (753 sq. ft)
	Duplex (per unit)	90 m² (968 sq. ft)	60 m² (645 sq. ft)
R1C	Single Family	79 m² (850 sq. ft)	70 m² (753 sq. ft)
	Duplex	79 m² (850 sq. ft)	60 m² (645 sq. ft)
R2 – Five Mile	Single Family	75 m² (807 sq. ft)	65 m² (700 sq. ft)
R3 – West Channel	Single Family	75 m² (807 sq. ft)	60 m² (645 sq. ft)
R4 – Multiple Family	Duplex or Row House	79 m² (850 sq. ft)	60 m² (645 sq. ft)
	Unit		35 m² (377 sq. ft) for a bachelor unit, with an additional 11 m² (118 sq. ft) for each bedroom
RC – Country Residential	Single Family	75 m² (807 sq. ft)	65 m² (700 sq. ft)

Discretionary Use

Discretionary Use

- Many uses listed as discretionary in the current Zoning Bylaw.
- Survey respondents want Zoning Bylaw applied fairly.
- Discretionary use approval adds uncertainty and may lead to perception of unfairness.
- Lack of clarity about which discretionary uses go to Council and which are approved by Development Officer.



Discretionary Use

The Draft Zoning Bylaw makes

- living suites
- garden suites
- home occupations
- day care facilities
- duplexes

permitted rather than **discretionary** uses in most zones.

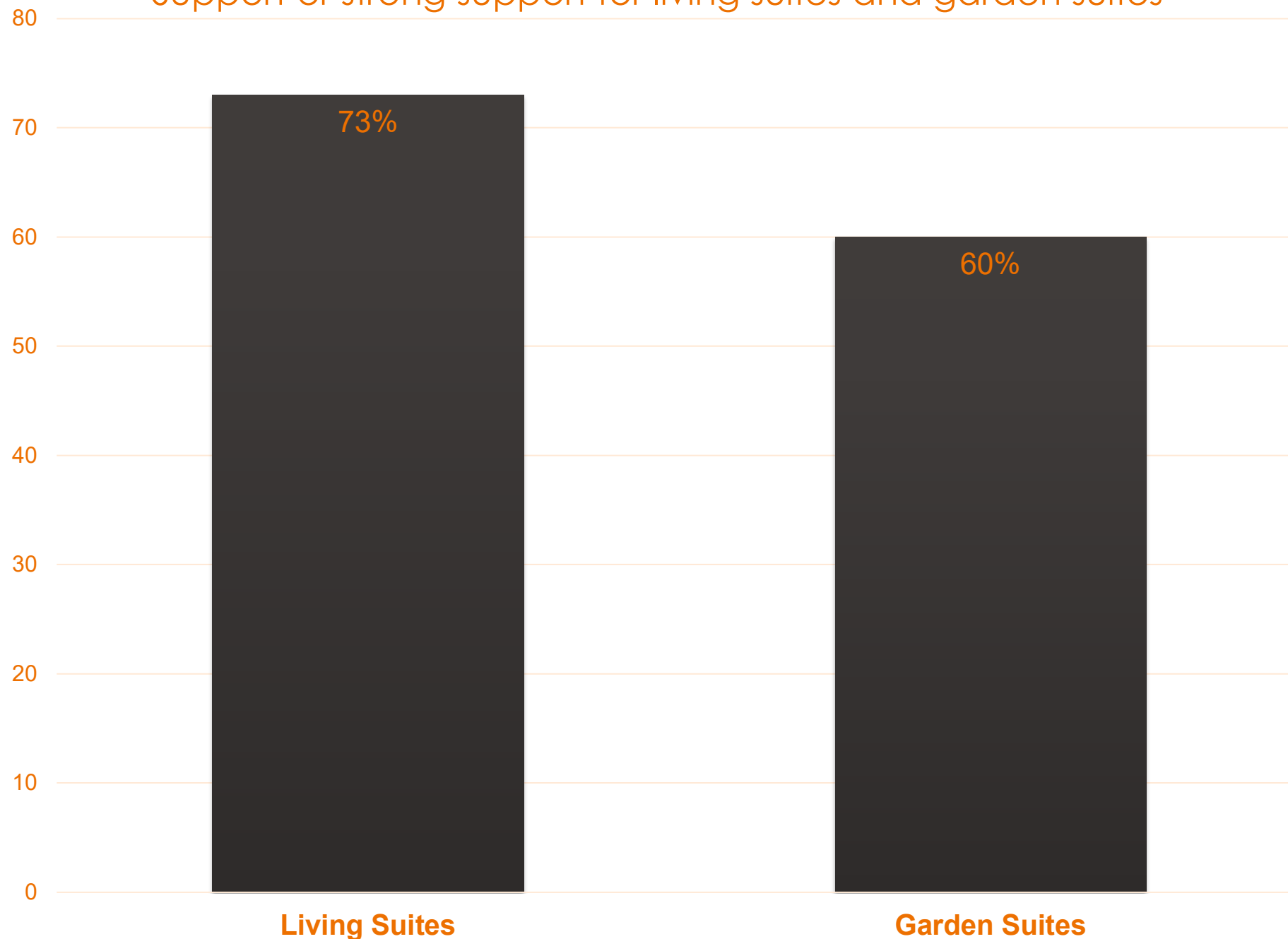
It also clarifies that Council will approve all discretionary uses.

Recommended Changes

1. Clarify that it is Council who makes the decision on approval of discretionary uses; whereas permitted uses are approval by the Development Officer.
2. Make living suites, garden suites, home occupations, day care facilities and duplexes permitted uses rather than discretionary uses.
3. Provide a list of what issues will be reviewed when a discretionary use permit is being considered by Council.

Living Suites and Garden Suites

Support or strong support for living suites and garden suites



Allowing living suites as a permitted use provides more housing options, creates affordable housing, and is an **efficient and effective way to add density.**



Living and Garden Suites

- Many municipalities are making it easier for property owners to add living suites and/or garden suites to their homes.
- This usually means removing size or configuration restrictions, making living suites a permitted use, and/or allowing them in more Zones.



Public safety is important; living suites should require a development permit and meet National Building Code standards.

Recommended Update

- In R1B, R1C, R2, and R3 allow living suites and/or garden suites as a permitted use, rather than a discretionary use. (Note no changes to R1A).
- Add a section with regulations for garden suites, including specific setbacks, design requirements, and height regulations.

Setbacks

Setback in RC - Country Residential

The recommended Zoning Bylaw reduces the setback requirements in the RC Zone to give property owners more flexibility.

- The current setbacks in the RC zone are very large.
- Relaxing the front and side yard setback to 7.5 meters (24.6 ft) still provides privacy and distance but will allow more flexibility.
- The proposed reduction still allows for ample clearance for emergency vehicles.



Recommended Changes

	Old Bylaw	Recommended New Bylaw
Front yard	15 m (49.5 ft)	7.5 m (25 ft)
Rear yard	15 m (49.5 ft)	7.5 m (25 ft)
Side yard	10 m (33 ft)	7.5 m (25 ft)

Setbacks - Waterfront Lots

- RC, R1A and R2 zones have some waterfront lots.
- The front yard setback in these zones is 7.5 m (25ft).
- Currently, garages must be set back further than the house.
- People want the flexibility to orient the front of the house to the river.
- Town has permitted several garages that are set back 7.5 m (25 ft) from front property line, with the house set back further, closer to the water.

Recommended Changes

Garages and accessory buildings shall be located:

- a minimum of 1.0 m (3.3 ft.) from the dwelling;
- no closer than the front line of the principal building; **except for lots that back onto a river or lake, where garages shall be a minimum of 7.5 m (25 ft) from the front lot line;**
- a minimum of 1.0 m (3.3 ft.) from the side lot line;
- a minimum of 1.0 m (3.3 ft.) from the rear lot line; and,
- provide a minimum of 5.0 m (16.5 ft.) from the garage doors to any side lot line.

Paradise Gardens Undersized Lots

Paradise Gardens Undersized Lots

- In the RC zone, lots must be between 1.2 ha and 2 ha.
- Paradise Gardens has 13 undersized lots, between 0.25 ha and 0.93 ha.
- In the RC Zone, setbacks are large, making development difficult.
- Some of the existing homes on these lots are non-conforming, which can be a problem.
- Reduced setbacks will leave clearance for emergency access.

Lot 549-1 Group 814 LTO 1225 = 0.4 ha
Lot 549-2 Group 814 LTO 1225 = 0.4 ha
Lot 549-3 Group 814 LTO 1225 = 0.25 ha
Lot 549-4 Group 814 LTO 1225 = 0.96 ha
Lot 549-5 Group 814 LTO 1225 = 0.60 ha
Lot 549-6 Group 814 LTO 1225 = 0.87 ha
Lot 549-7 Group 814 LTO 1225 = 0.38 ha
Lot 552-1 Group 814 LTO 1225 = 0.43 ha
Lot 552-2 Group 814 LTO 1225 = 0.40 ha
Lot 552-3 Group 814 LTO 1225 = 0.76 ha
Lot 552-4 Group 814 LTO 1224 = 0.93 ha
Lot 552-5 Group 814 LTO 1225 = 0.37 ha

Recommended Changes

1. List undersized lots and zone them as RCx, with a note that they are allowed to be undersized.
2. For these lots reduce the setbacks as follows:
 - Front yard setback = 7.5 m
 - Rear yard setback = 5 m
 - Side yard setback = 2 m
 - Garages and accessory buildings can be a minimum of 1 m from the rear or side lot line

Landscaping Requirements



Recommended Updates

The Zoning Bylaw recommends landscaping requirements in the C1, C2, and C3 zones.

- Requiring landscaping for all new developments within the Downtown will improve the look of the area.
- Of survey respondents, 66% support implementing landscaping requirements in the Downtown.

Recommended Update

1. A section on landscaping requirements has been added.
2. The required landscape planting area in square metres is calculated based on 2.5 m x total public road frontage of the property in metres.
3. A requirement for watering has been included.
4. For lots along the Highway, landscaping will be required on both the front and back of the lot. No fencing required.



A landscaping area that is 2.0 m wide is required with one tree planted per 25 m² landscape planting area or one shrub planted per 15 m² landscape planting area, or any combination of trees and shrubs to meet the standard. For example, on a 16 m wide lot, this would mean 1.6 trees or 3 shrubs.

Driveway Storage

Recommended Update

- **Issue:** Storage of recreation vehicles in the front yard.
- **Added Policies**
 - Storage for goods or materials normally associated residential property is permitted only in the rear and interior side yards.
 - Between the period of October 31st and May 1st, recreational vehicles, utility trailers, and boats shall be stored in the rear or side yard or may be stored in a front yard driveway, provided they do not project further than 2 m into a front yard. At all other times of the year, recreational vehicles, utility trailers, and boats may be stored in a front yard driveway.
 - Corner lots treated differently.

Map Edits

5. Changed from M1 Restricted Industrial to RC Country Residential to reflect the transition of lots to residential use





Thank You!





**Draft Zoning and Building Bylaw
Marked-Up Version for Council
Review**

April 19, 2022

Prepared for:

Town of Hay River

Prepared by:

Stantec Whitehorse

Style Definition: Z-Numbers



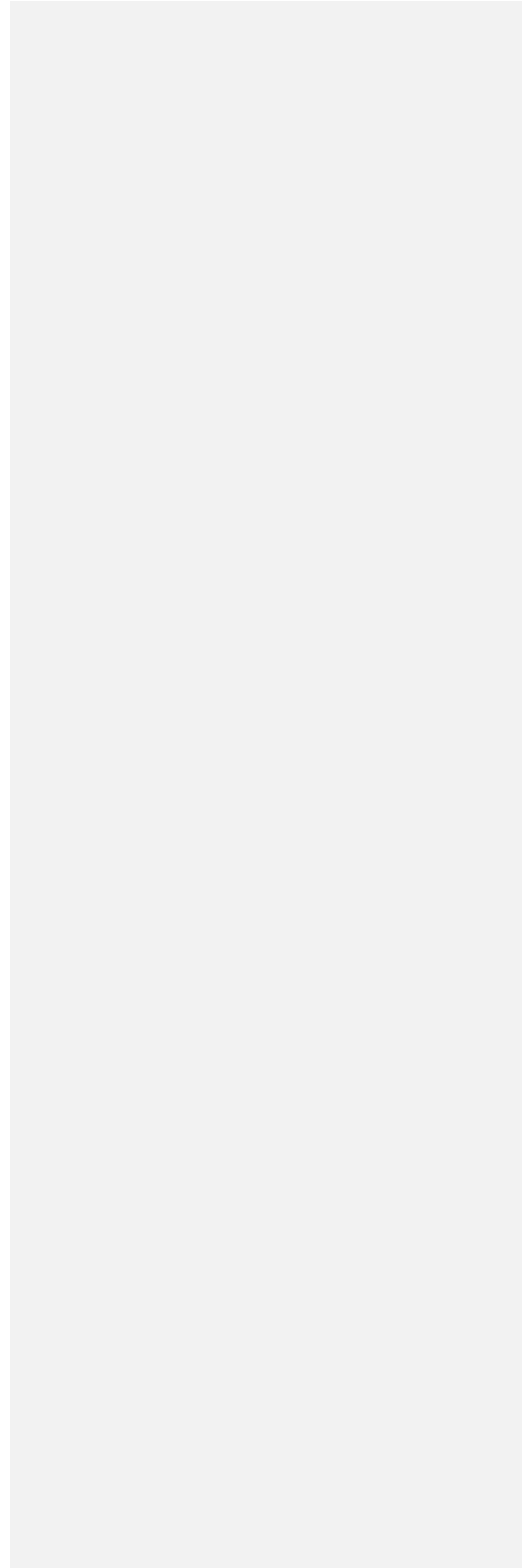


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DRAFT ZONING AND BUILDING BYLAW

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DRAFT ZONING AND BUILDING BYLAW

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General Conditions

1.0 GENERAL CONDITIONS

1.1 TITLE AND COMPONENTS

1. This bylaw shall be known as the Hay River Zoning and Building Bylaw ~~No XXX. No-1812-~~
2. The components of the Bylaw shall include:
 - a) Schedule 1, the Bylaw Text; and
 - b) Schedule ~~2~~ **3**, the Zoning Maps 1 to 32.
 - ~~c) Schedule 2, the Forms; and~~
3. Notwithstanding any other provision of this bylaw or any other bylaw passed by Council to the contrary, headings and titles within this bylaw shall be deemed to form a part of the text of this bylaw.
4. In this bylaw, The **Community Planning and Development Act SNWT 2011** ~~Planning Act RSNWT 1988~~ shall be referred to as the "Planning Act".
- ~~5. The following forms shall be included in Schedule 2 and may be amended in the same manner as any other part of this bylaw.~~
 - ~~a) Form "A" – Application for Development Permit~~
 - ~~b) Form "B" – Notice of Decision/Development Permit~~
 - ~~c) Form "C" – Application for Building Permit/Building Permit *~~
 - ~~d) Form "D" – Application for Amendment to Bylaw~~
 - ~~e) Form "E" – Development Permit – Occupancy~~
 - ~~f) Form "F" – Development Permit – Moving~~
 - ~~g) Form "G" – Development Permit – Utility~~
 - ~~h) Form "H" – Development Permit – Demolition~~
 - ~~i) Form "I" – Application for Development Permit – Sign~~

~~* Application for this permit must be accompanied by a valid development permit or an application for a development permit.~~

1.2 PURPOSE OF THE BYLAW

1. The purpose of this bylaw is to facilitate the orderly, economic and convenient development of the Town of Hay River by controlling the development and use of land for the purpose of, among other things:



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General Conditions

- a) dividing the Town into zones;
 - b) prescribing and regulating for each zone the purposes for which buildings and land may be used;
 - c) prohibiting the use of land or buildings for any other purposes;
 - d) regulating the construction and maintenance of buildings and structures;
 - e) establishing the office of the development officer;
 - f) establishing the development appeal board;
 - g) establishing a method of making decisions on applications for development permits including the issuing of development, building, and moving permits; and
 - h) prescribing a procedure to notify owners of land likely to be affected by the issuance of a development permit;
2. The regulations of this bylaw apply throughout the entire municipality of the Town of Hay River (Section 5).
 3. The regulations of this bylaw apply to specific types of land use regardless of where they may be located (Section 6).
 4. The regulations of this bylaw apply to geographically defined Zones shown on the Zoning Map in Schedule 2.
 5. The regulations established herein may be relaxed in special extenuating circumstances (Section 3.9).
 6. The regulations of this bylaw apply to the provision of parking and loading facilities (Section 8).
 7. The regulations of this bylaw apply to the construction and placement of signs (Section 9).

1.3 PREVIOUS LEGISLATION

1. Bylaw No. ~~1515~~ 1812, The Zoning and Building Bylaw of the Town of Hay River, as amended, is hereby repealed.
2. No provision of any other bylaw with respect to zoning, development control, or development schemes shall hereafter apply to any parts of the Town described in this bylaw, subject to the transitional provisions of this bylaw.
3. Within any zone, any existing use of land, building or structure which is listed as a discretionary use with the zone shall not, as a result of the passage of this bylaw, be non-conforming but shall be a permitted use at that location. The use of land, building or structure at the location shall not be changed except in conformity with this bylaw.



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General Conditions

1.4 COMPLIANCE WITH OTHER LEGISLATION

1. A person applying for, or in possession of, a valid Development Permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:
 - a) the requirements of any other appropriate federal, territorial or municipal legislation;
 - b) the Hay River Airport Zoning Regulations, Plan E 1180;
 - c) the conditions of any caveat, covenant, easement or other instrument affecting a building or land;
 - d) the most recent revision of the National Building Code of Canada, which is herein adopted by reference to be part of this bylaw; and
 - e) the most recent revision of the National Fire Code of Canada, which is herein adopted by reference to be part of this bylaw.

1.5 SEVERABILITY

1. If any Section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portion of this bylaw.

~~SIMILAR USES~~

- ~~2.—Council or the Development Officer may determine whether or not a specific use of land or a building that is not provided for in the bylaw with respect to any zone is similar in character and purpose to another use of land or a building that is included in the list of uses presented for that zone. Any such similar use shall be considered a discretionary use.~~

1.6 THE ZONING MAPS

1. The Zoning Maps are Schedule 2 of this bylaw. They divide the Town of Hay River into zones and specify the zoning provisions applying to particular lands.
2. For the purpose of this bylaw the following Zones are hereby established:

R1A	Low Density Residential (Class A)	M1	Restricted Industrial
R1B	Medium Density Residential (Class B)	M2	General Industrial
R1C	Higher Density Residential (Class C)	T	Transportation District
R2	Mile 5 Residential	U	Utility District
R3	West Channel Village Residential	EX	Resource Extraction



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R4	Multi-Unit Residential	I	Institutional
RM	Mobile Home Park	P	Parks and Open Space
RC	Country Residential	MG	Market Gardening
C1	Core Area Commercial	UR	Urban Reserve
C2	Highway/Service Commercial	RR	Rural Resource
C3	Mixed Use Commercial	H	Holding Zone
C4	Convenience Commercial	WPFN	West Point First Nation

3. The zone boundaries are delineated on the Zoning Map. Where uncertainty arises as to the precise location of the boundary of any zone, the following rules shall apply:
 - a) a zone boundary shown approximately at a lot, street or lane is at the boundary of the lot, street or lane;
 - b) a zone boundary shown approximately at the centreline of a street or lane is at the centreline of the street or lane;
 - c) a zone boundary shown within a lot, unless specifically noted, is fixed by the scale of the zoning map;
 - d) a zone boundary shown following approximately a shoreline or the centreline of a creek, stream or channel follows the shoreline or centreline and moves with any change in such shoreline;
 - e) where a zone boundary falls along a lot line, the zoning map shall indicate the lot numbers between which the boundary falls, but the zoning map need not show the lot boundary; and
 - f) in unsubdivided land, the zone boundary shall be determined by the use of the scale of the zoning map.
4. For greater certainty, as required, the Development Officer shall establish the boundaries of the Floodway Risk Area and the Floodway Fringe Risk Area by scaling measurements from the 1:2000 Flood Risk Maps.
5. For greater certainty, as required, the Development Officer shall scale dimensions from the Airport Zoning Regulations Map.



DRAFT ZONING AND BUILDING BYLAW

Roles and responsibilities

2.0 ROLES AND RESPONSIBILITIES

2.1 DEVELOPMENT OFFICER

1. According to Section ~~52~~ ~~16.1~~ of the [Community Development and Planning Act](#), Council shall appoint a Development Officer.
2. The Development Officer is hereby responsible for the administration and enforcement of this bylaw pursuant to [Part 4 Section 16.2](#) of the Community Planning and Development Act and has the authority
3. In the performance of ~~his/her~~ [their](#) duties the Development Officer shall:
 - a) receive and process all Development and Building Permit applications pursuant to this bylaw;
 - b) issue all Development and Building Permits pursuant to the procedures outlined in this bylaw;
 - c) carry out all necessary site and structure inspections with regard to the issuance of Development and Building Permits or appoint a qualified agent to carry out such inspections;
 - d) approve and issue permits that satisfy the regulations for a permitted use;
 - e) post a Notice of Decision on all applications;
 - f) ~~The Development Officer, or an agent appointed by the Development Officer and/or Council, shall~~ act as the Town Building Inspector and perform such duties as required by this bylaw; and
 - g) carry out other such duties as may be prescribed in this bylaw.
4. The Development Officer may relax the development regulations of this bylaw in accordance with Section 3.9.
5. The Development Officer shall keep and maintain for inspection by the public ~~during normal office hours~~ the following official documents:
 - i. a copy of the bylaw and all amendments thereto,
 - ii. a register of all applications for development, including the decisions therein and the reasons therefore,
 - iii. a copy of the Aeronautics Act and the Hay River Airport Zoning Regulations ~~PC1976-1123~~, and
 - iv. a copy of the detailed, up to date, 1:2,000 flood risk mapping; and



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Roles and responsibilities

- ~~6. The Development Officer may grant a further relaxation of 2% to the development regulation of this bylaw, subsequent to all other relaxations and variances contained in this bylaw being applied and notwithstanding the regulations of Section 3.8 of this bylaw. The Development Officer shall not grant any further variance to the regulations pertaining to yard requirements, other than those regulations outlined in Section 3.8.2. When applying the 2% variance to development regulations of lot coverage, the Development Officer shall only apply the variance to the calculated area and not the percentage value.~~
- ~~7. The Development Officer, or an agent appointed by the Development Officer, shall post a Notice of Decision in accordance with Section 3.10.5 of this bylaw.~~
- ~~8. The Development Officer, or an agent appointed by the Development Officer and/or Council, shall act as the Town Building Inspector and perform such duties as are required by this bylaw.~~

2.2 TOWN COUNCIL

1. The function of the Town Council with respect to this bylaw shall be to:
 - a) appoint a Development Officer;
 - b) make decisions and recommend conditions on Discretionary Uses;
 - c) review and make decisions on applications for rezoning and/or other amendments to this Bylaw; and
 - d) review and render decisions on development applications presented to it by the Development Officer, keeping in mind the regulations of this bylaw and the General Plan.
- ~~1. review and render decisions on development applications presented to it by the Development Officer, having regard for the regulations of this bylaw and the provisions of the General Plan;~~
- ~~2. review and render decisions on applications for rezoning and/or other amendments presented to it by the Development Officer;~~
- ~~3. specify the length of time that a permit may remain in effect for a temporary use; and~~
- ~~4. carry out other such duties as may be prescribed in this bylaw.~~



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Roles and responsibilities

2.3 DEVELOPMENT APPEAL BOARD

1. The Development Appeal Board will hear appeals regarding the decisions of a Development Officer or Council.
2. Council shall appoint a Development Appeal Board in accordance with the provisions of Section 30 24 of the Community Planning and Development Act. The following applies:
 - i. The Board shall consist of at least five members.
 - ii. No more than one Council member shall be appointed to the board
 - iii. No employee of the Municipality, official or servant of Council shall be appointed a member.
 - iv. One member shall be elected to be a Chairperson.
 - v. A Council member who participated in a decision made by Council as a development authority or subdivision authority may not hear an appeal of that matter.
3. Three members present at a meeting shall constitute a quorum. Notwithstanding a vacancy on the Board, the remaining members may exercise and perform duties of the Board, provided a quorum is maintained.
4. The Board may meet as frequently as is necessary but it shall meet within 30 days after an application for appeal has been made to it.
- ~~5. Any member of the Development Appeal Board who should, subsequent to their appointment to the Board, attain an elected position on Town Council, shall be deemed to have resigned their position on the Development Appeal Board.~~
- ~~6. The Board shall ensure that reasonable notice of the hearing is given to the appellant, owners and lessees of land within 30 m of the boundary of land that the appeal is related to, and all persons who, in the opinion of the Board, may be affected.~~
- ~~7. The Board shall consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of the General Plan that is under preparation or adopted and to this bylaw.~~
- ~~8. The Board may confirm, reverse or vary the decision appealed from and it may impose such conditions or limitations as it considers proper and desirable in the circumstances.~~
- ~~9. The Board shall render its decision in writing to the appellant within 60 days from the date the hearing is held.~~



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Roles and responsibilities

2.4 SECRETARY TO THE DEVELOPMENT APPEAL BOARD

1. The office of the Secretary to the Development Appeal Board is hereby established, which, unless otherwise appointed by resolution of Council, shall be the Senior Administration Officer of the Town of Hay River.
2. The Secretary to the Development Appeal Board shall not be a member of the appeal board nor will the Secretary in any case be the Development Officer.
3. The Secretary, under the direction of the Development Appeal Board, shall be responsible for ensuring that appeal applications are managed according to the Planning and Development Act. This will include administering applications, communicating with the Board, maintaining records, preparing notices, managing hearings, and any other duties deemed necessary by the Development Appeal Board.
4. ~~The Secretary shall:~~
 - a) ~~keep available for public inspection before the commencement of the public hearing all relevant documents and materials respecting an appeal under the Act, including the application for the development permit, its refusal, and the appeal therefrom;~~
 - b) ~~receive and administer all applications for appeal;~~
 - c) ~~notify all members of the Board of the holding of each hearing and other meetings of the Board;~~
 - d) ~~ensure that reasonable notice is given to the appellant, owners and lessees of land within 30 m of the boundary of land that the appeal is related to, and all other persons who in the opinion of the Board may be affected;~~
 - e) ~~prepare and maintain a file of the minutes of business transacted at all meetings of the Board and transmit copies of the minutes to Council;~~
 - f) ~~prepare and maintain a written record of the proceedings of the Board which shall include:~~
 - i. ~~a summary of the evidence presented at the hearing,~~
 - ii. ~~the decision of the Development Officer,~~
 - iii. ~~the Notice of Appeal for the Notice of Hearing of the Appeal,~~
 - iv. ~~the Board's decision on each appeal,~~
 - v. ~~the reasons for the Board's decision on each appeal, and~~
 - vi. ~~a list of names and addresses of persons who leave their names and addresses with the Secretary in accordance with this bylaw;~~
 - g) ~~serve the appellant and all affected parties a notice of the decision of the Board and the reasons therefore;~~



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Roles and responsibilities

- ~~h) within 15 days after the board renders its decision, submit a complete report of the appeal proceedings to the Director, including all representations made at the proceeding; and~~
- ~~i) carry out administrative duties as the Board may specify.~~



DRAFT ZONING AND BUILDING BYLAW

General Administrative Clauses

3.0 GENERAL ADMINISTRATIVE CLAUSES

3.1 EFFECTIVE DATE OF BYLAW

1. This bylaw shall come into effect upon third reading thereof.

Application in Process

2. An application for a development or building permit which is received in its complete and final form prior to the effective date of this bylaw shall be processed and any permit issued shall be in accordance with Bylaw No. 1812 4545, as amended, and the regulations thereto, as applicable.
3. An application to amend Bylaw No. 1812 4545, which has been received by the Development Officer in a complete and final form in accordance with the requirements of Bylaw No. 1812 4545, prior to the effective date of this bylaw; may, notwithstanding any additional application or procedural requirements of this bylaw, be considered and adopted ~~by Council~~, without reapplication or reconsideration as an application to zone to the equivalent zone of this bylaw.

3.2 APPROVAL REQUIRED FOR DEVELOPMENT

1. For the purpose of this bylaw, "Development" shall refer to those considerations listed under the definition of "Development".
2. Excluding the developments listed in Section 3.3 below, no development shall be undertaken, occupancy granted, use commenced, structure moved, building erected or demolished, or utility connection approved without the necessary permits having been obtained pursuant to this bylaw.

3.3 DEVELOPMENT PERMIT EXEMPTIONS

1. No development permit is required under this bylaw for the developments listed in this section provided that such developments shall comply with all other regulations of this bylaw which are applicable.
2. The following is considered permitted development for which no permit is required:
 - a) the carrying out of works of maintenance or repair to any building, if such works do not increase any dimensions of the original building or structure;
 - b) the completion and/ or use of a building which is lawfully under construction at the date of approval of this bylaw provided that the building is completed in accordance with the terms of the permit granted by the Development Officer, ~~Council or Board in respect of it,~~ and subject to the conditions to which that permit was granted;



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General Administrative Clauses

- c) the erection, location, or construction of temporary buildings, works, plant or machinery needed in connection with construction operations for which a Development Permit has been issued, for the period of those operations;
- d) the maintenance and repair of public works, services and utilities carried out by or on behalf of the municipal authority on land which is publicly owned or controlled;
- e) the keeping of animals in a residential lot subject to the provisions of Section 6.13 Animal Regulations; and
- f) the landscaping, or similar work, on any property provided that such work is not within a ~~Site~~ Sight Triangle as described in Section 5.5.

3.4 SIMILAR USES

1. ~~Council or~~ The Development Officer may determine whether or not a specific use of land or a building that is not provided for in the bylaw with respect to any zone is similar in character and purpose to another use of land or a building that is included in the list of uses presented for that zone. Any such similar use shall be considered a discretionary use and will be approved by Council.

3.5 NON-CONFORMING BUILDINGS, STRUCTURES, AND USES

1. Non-conforming uses of land or of a building may be continued, pursuant to Sections 26, 27, 28 and 29 of the Planning and Development Act.
2. A non-conforming use of buildings or land may be continued but if that use is discontinued for a period of ~~one year~~ six months or more the future use shall conform to this bylaw.
3. If a non-conforming building is damaged or destroyed to the extent of more than ~~75%~~ 50% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the approved Zoning and Building Bylaw.
4. A non-conforming use of part of a building may be extended throughout the building, but the building, whether or not it is a non-conforming building shall not be enlarged, moved, or added to.
5. A non-conforming use is not affected by a change of ownership, tenancy or occupancy of the land or building.

~~6.—Pursuant to the Act, when~~

- ~~a) on or before the day on which this bylaw or any bylaw for the amendment of it comes into effect, a development permit has been issued, and~~
 - ~~b) the enactment of the bylaw would render the development in respect of which the permit was issued, a non-conforming use or non-conforming building.~~
- ~~the development permit continues in effect notwithstanding the enactment of the bylaw referred to in subsection 1(b).~~



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~~7. A non-conforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the non-conforming use continues.~~

~~8. A non-conforming building may continue to be used, but the building shall not be enlarged, added to, rebuilt or structurally altered except:~~

~~a) as may be necessary to make it a conforming building; or~~

~~b) as the Development Officer considers necessary for the routine maintenance of the building.~~

3.6 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

1. An application for a permit may only be made by a person with a legal or equitable estate or interest in the property sought to be developed or a person duly authorized by him/her in that regard.
2. Where an applicant is other than the owner, the owner's written consent must be submitted with the application.
3. An application for a development permit shall be made by submitting the appropriate forms ~~to the completed Form "A"~~ to the Development Officer, which shall be subject to any minor amendments the Development Officer may make.
4. Every application for a development permit shall:
 - a) provide a detailed statement of the proposed uses for the property and buildings in question;
 - b) include site plans in duplicate at a scale not less than ~~1:1000~~ ~~one to one thousand~~ showing any or all of the following, if applicable:
 - i. all legal dimensions of the lot(s)
 - ii. the location and dimensions of all existing buildings, structures, or uses on the lot(s);
 - iii. a site plan showing the location, dimensions, and yard setbacks of all surrounding lots, buildings, and/ or structures;
 - iv. A site grade plan to ensure adequate drainage so that there will be no free flow of water onto adjacent properties (other than through a drain, ditch, or swale) and showing the location of all proposed structures to manage drainage including connections to existing storm mains, ditches, rock sumps, design elevations and or/storm water interceptors.
 - v. plans and elevations of all proposed buildings showing dimensions with specifications and notes of materials used;



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- vi. proposed front, rear, and side yard setbacks;
 - vii. proposed lot coverage, lot areas, and floor areas;
 - viii. proposed servicing scheme and its relationship to the Town of Hay River's existing and/ or proposed servicing plans if relevant;
 - ix. the location and dimensions of any existing or proposed driveways, entrances and exits, parking areas (showing individual stalls), on-site loading areas, pedestrian walks, and landscaping;
 - x. the location of outdoor fuel storage facilities;
 - xi. the location of any easements affecting the site;
 - xii. a landscaping plan;
 - xiii. anticipated scheduling and sequence of development; and
 - xiv. mechanisms by which conformance to the bylaw will be ensured such as normally achieved through a combination of caveats, easements, service agreements and performance bonds.
5. The Development Officer may also require any of the following:
- a) a reclamation plan for aggregate extraction or other major surface disturbance;
 - b) a level one and/ or level two environmental site assessment conducted according to Canadian Standards Association (CSA) guidelines to determine potential contamination and mitigation.
 - c) a level one and/ or level two environmental site assessment conducted according to Canadian Standards Association (CSA) guidelines to determine potential contamination and mitigation; or
 - d) [an assessment of the agricultural classification of the land.](#)

3.7 DEVELOPMENT PERMIT APPLICATION FEES

1. All applications for a Development Permit will be accompanied by non-refundable fees in accordance with the Fees and Charges Bylaw No. 2431, as amended or replaced from time to time.
- ~~2. All applications for a Development Permit will be accompanied by non-refundable fees in the amount~~
 - ~~a) \$25.00 for development that is designated in the zone as a Permitted Use;~~
 - ~~b) \$50.00 for development that is designated in the zone as a Discretionary Use.~~



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General Administrative Clauses

3.8 CONDITIONS OF APPROVAL FOR DEVELOPMENT PERMITS

1. The Development Officer may impose, with respect to a Permitted Use, such conditions as are required to ensure complete compliance with this bylaw.
2. Council will review all Discretionary Use applications and may impose conditions that are deemed appropriate to ensure complete compliance with the regulations of this bylaw and the provisions of the [Community Plan](#).~~General Plan.~~
3. A condition may impose a time limit on the development or use.
4. The Development Officer ~~or Council~~ may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by the applicant.
5. The Development Officer ~~or Council~~ may, as a condition of issuing a development permit, require the applicant to provide evidence of compliance with any other relevant federal, territorial, or municipal legislation.
6. The Development Officer ~~or Council~~ may, as a condition of issuing a development permit require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
 - a) to construct, or pay for the construction of, a public roadway required to give access to the development;
 - b) to construct, or pay for the construction of a pedestrian walkway;
 - c) to specify the location and number of vehicular and pedestrian access points to sites from public roadways;
 - d) to install, or pay for the installation of, utilities that are necessary to serve the development;
 - e) to construct or pay for the construction of, off-street or other parking facilities, or loading and unloading facilities; or
 - f) to repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.
7. The Development Officer may require any agreement entered into pursuant to Section 3.8(6) above to be caveated against the title.
8. The Development Officer may stipulate that ~~he~~ [they](#) will inspect the development at certain stages of construction, in which case the permittee shall not proceed with the next stage until the preceding stage is inspected and approved.



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9. No change in plans, use of site, or methods of construction shall be undertaken unless and until such change is approved in writing by the Development Officer.

3.9 RELAXATION OF REGULATIONS

1. The Development Officer may approve a development application that does not fully conform with this bylaw by granting a variance to relax the regulations.

~~The Development Officer may approve a development application notwithstanding that the proposed use does not comply with the provisions of this bylaw, if the non-compliance is minor and where, in the opinion of the Development Officer, denial of the application would cause the applicant unnecessary hardship unique to the use.~~

2. A relaxation may be granted as long as the Development Officer is satisfied that the development will not detract from the use, enjoyment or value of neighbouring lands and that denying the variance application would cause the applicant unnecessary hardship unique to this site.
3. A relaxation shall be considered only in cases of unnecessary hardship or practical difficulties unique to the use, character, or situation of land or a building which are not generally common to other land in the same zone.
4. A relaxation may be granted if, in the opinion of Development Officer or Council:
- a) ~~the site has irregular lot lines or is a size or shape that presents challenges to development;~~
 - b) ~~the terrain, topography or grade make it difficult to adhere to the regulations of this bylaw;~~
 - c) ~~the site has natural features such as rock outcrops or vegetation that make development difficult; or~~
 - d) ~~an error has occurred in the siting of a structure during construction.~~
5. A relaxation shall not be granted to building height, ~~floor-area-ratio,~~ density regulations and parking requirements unless otherwise stated in this bylaw.
6. To be approved, a relaxation must conform to the general purpose of the zone and the policies of the ~~Community Plan. General Plan.~~
7. The Development Officer may relax regulations of development in accordance with the following:

DEGREE OF RELAXATION		
	RESIDENTIAL ZONES	OTHER ZONES
Front Yard	10%	No Relaxation
Side Yard	20%	10%



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Rear Yard	10%	10%
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8. Any further relaxation, greater than the allowances identified above, shall only be granted by Council.
9. The Development Officer may permit a development in any zone on a lot which is substandard with respect to width, depth, or area provided that:
 - a) such lot was legally registered and existing at the date of commencement of this bylaw; and
 - b) that the development is otherwise in accordance with the regulatory requirements of the zone.

3.10 BUILDING PERMIT SUBMISSION REQUIREMENTS

1. An application for a building permit shall be made using the appropriate form ~~Form "C"~~ for the construction, repair, reconstruction, addition to, or structural alteration of any building, structure or use described in the National Building Code of Canada.
2. All applications for a building permit for buildings, structures or uses described in Part 9 of the National Building Code of Canada, shall be accompanied by drawings that include the following:
 - a) The proposed floor plans of all buildings or structures;
 - b) A site plan detailing all legal dimensions;
 - c) The location and dimensions of all existing buildings, structures or uses on the lot;
 - d) Elevations showing finish materials of all buildings and associated structures;
 - e) Building sections showing construction assemblies, materials, and dimensions; and
3. All applications for a building permit for buildings, structures or uses described in Part 3 of the National Building Code of Canada, shall be accompanied by a complete set of construction documents including drawings and specifications certified by a Professional Engineer or Architect licensed to practice in the Northwest Territories as to conformance with the National Building Code.
4. Every application for a building permit shall be accompanied by a fee related to the building area and type of construction.
- ~~5.—In case of construction, repair, reconstruction, addition to or structural alteration of any building, an application for a building permit shall be made on the appropriate form, in triplicate in the form of Form "C".~~
- ~~6.—All applications for a building permit shall be accompanied by the following:~~
- ~~7.—the proposed floor plans of all buildings;~~



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- ~~8. a site plan detailing all legal dimensions;~~
- ~~9. the location and dimensions of all existing buildings, structures or uses on the lot;~~
- ~~10. elevation and architectural treatment of all buildings and associated structures; and~~
- ~~11. all yard setbacks, lot coverage, lot areas, floor areas, number of parking stalls.~~
- ~~12. In all cases where the National Building Code applies, the drawings shall be certified by a professional engineer or architect as to the safety of construction, for protection, and other structural considerations, except for single family dwellings which may be reviewed by the Development Officer where no certificate has been submitted.~~
- ~~13.5. Every application for a building permit shall be accompanied by a fee related to the estimated value of the building construction. See Schedule 4 for Building Permit Fees.~~

3.11 DECISIONS ON APPLICATIONS

1. An application shall, at the option of the applicant, be deemed to be refused if a decision of the **Development Officer, with respect to a Permitted Use, or Council, with respect to a Discretionary Use**, has not been made within forty days of the receipt of the application.
2. The applicant may request confirmation in writing from the Development Officer or **designate** that the application has been received.
3. The Development Officer shall within **thirty days** ~~expeditiously~~ process such application for a development permit and issue a notice of decision stating that the application has been approved subject to such conditions, if any, as may be required (including any zoning regulation relaxation that has been granted), or that it has been refused for such reasons as may be specified.
4. All permits shall be issued by the Development Officer, including permits for discretionary uses and permits containing relaxations once they have been approved by Council.
5. The permittee shall keep copies of the approved plans and specifications available for inspection on the lot by the Development Officer.
6. When making a decision about a Discretionary Use, the criteria in the following table will be considered. The table is not meant as an exhaustive list, and other criteria not listed in the table may be considered.

Issue	Consideration
Design and character	Compatibility of the proposed use with existing uses and the character of the surrounding area. Similarity of size and design to neighbouring properties and uses.
Parking and traffic	Provision of off-street parking or increase in traffic volume or change in traffic makeup.



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Impact on neighbouring properties	<ul style="list-style-type: none">• Effect on airborne emissions, odors, smoke• Noise and light impacts• Other health and safety impacts• Sun shadow and wind effects• Hours of operation, compared to existing neighbouring uses• Impact on existing and potential developments in surrounding area• Effect on the amenity of the surrounding area, including views, general atmosphere• Social and economic impact on the community• Benefits to the surrounding area including providing services and Amenities
Mitigation of impacts	Provision of landscaping, screening, buffer zones or other methods to mitigate potential impacts.
Capacity of infrastructure	Ability of infrastructure to support the proposed use, including vehicle and active transportation infrastructure, waste collection, water and sewer, electricity and communications infrastructure, parks, schools, school buses, community facilities.
Plans and policies	<ul style="list-style-type: none">• Consistency with intent and policies of Community Plan.• Compatibility with the general intent of the Zoning Bylaw and the purpose statement for the specific zone.• Compatibility with any other Town of Hay River plans or policies.
Public submissions	Input from individual residents, groups, and other orders of government.

~~7. An application shall, at the option of the applicant, be deemed to be refused if a decision of the Development Officer has not been made within forty days of the receipt of the application.~~

~~8. The applicant may request confirmation in writing from the Development Officer that the application has been received.~~

~~9. The Development Officer and Council shall expeditiously determine such application for a development permit, with a notice of decision inscribed on the application stating that the application has been approved subject to such conditions, if any, as may be required (including any zoning regulation relaxation that has been granted), or that it has been refused for such reasons as may be specified.~~

~~10. The Development Officer shall by Registered Mail or personal service, provide the applicant with two copies of the application and notice of decision within three days of decision.~~

~~11. When a development permit has been granted the Development Officer shall, as soon as possible:~~

~~a) post a notice of decision conspicuously on the lot or structure for which the application has been made; and~~

~~b) post a notice of the decision in the municipal office.~~



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~~12. A person claiming to be affected by a decision of the development officer or council made under this bylaw may appeal to the appeal board by serving written notice of appeal within:~~

- ~~a) 14 days after notice of the decision has been mailed to the applicant or posted pursuant to Section 3.10.5; or~~
- ~~b) a further time, not exceeding an additional 46 days, that the chairperson of the appeal board, for just cause, may allow.~~

3.12 VALIDITY OF PERMIT

1. When an application for a development or building permit has been approved by the Development Officer, the development permit shall not be valid unless and until:
 - a) any conditions of approval, other than those of a continuing nature, have been fulfilled; and
 - b) no notice of appeal from such approval has been served on the Development Appeal Board within the 14-day appeal period pursuant to Section 61(4) in the Planning and Development Act. ~~period specified in the Act.~~
2. Where an appeal is made to the Development Appeal Board, the Development Permit shall not come into effect until the Board has made a decision to confirm, reverse or vary the decision of the Development Officer, pursuant to Section 69 of the Act.
3. When an application for a development permit has been approved by the Development Appeal Board, it shall not be valid unless and until:
 - a) the Board has adopted the minutes of its meeting at which the application was approved; and
 - b) any conditions of approval, other than those of a continuing nature, have been fulfilled.
4. If the Development Appeal Board is served with notice of an application for leave to appeal its decision, subject to Section 50 of the Planning and Development Act, such notice shall suspend the development permit.
5. The final determination of an appeal shall reinstate, revoke, or amend as the case may be, a development permit suspended under subsection (3), above.

3.13 EXPIRY OF PERMIT

1. A development permit shall become void if the development has been discontinued for a period of twelve months or has not been actively carried on for a period of twelve months.
2. If development authorized by a development permit is not commenced, and thereafter carried out with reasonable diligence, within twelve months from the date of its issue, such permit ceases to be valid, provided that, if the permit holder is unable to proceed



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pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed.

3. A building permit is valid for the period of time during which the site has a valid development permit.
4. If construction authorized by a building permit is not commenced, and thereafter carried out with reasonable diligence, within three months from the date of its issue, such permit ceases to be valid, provided that, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed.
5. The Development Officer may extend the above periods, at ~~their~~ ~~his/her~~ discretion, upon application for a period of not greater than six months. Such a period of extension may only be granted once and thereafter the permittee shall be required to apply for another development or building permit.
6. Where a development permit is issued for a site where any other valid development permit has been issued, it shall invalidate any previous permit if the physical aspects of the developments conflict, or both could not occur simultaneously upon the site in conformity with the regulations of this bylaw.
7. When a development permit becomes void, a new application for a permit is required before development may proceed. Such application shall be dealt with as if it were a first application and there shall be no obligation to approve such application.

3.14 CONDITIONS OF OCCUPANCY

1. No building shall be occupied or put to the use for which the development and building permit is issued unless and until the final inspection is carried out and a Development Permit - Occupancy for the building or premises has been authorized by the Development Officer.
2. For all buildings, structures or uses described in Part 9 of the National Building Code of Canada, the final inspection shall be carried out, as per the terms of the building permit, by the ~~Development Officer~~ ~~or~~ Building Inspector.
3. All other buildings, structures or uses, as described in the National Building Code of Canada, shall require the final inspection to be carried out by a Professional Engineer registered to practice in the NWT, under the terms of the building permit.

3.15 RESUBMISSION INTERVAL

1. When an application is refused by the Development Officer, and in the case of an appeal, refused by the Development Appeal Board, another application on the same site for the same use or occupancy and by the same or any other applicant shall not be



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accepted by the Development Officer for at least six months after the date of the previous refusal.

3.16 SUBMISSIONS TO DEVELOPMENT APPEAL BOARD

1. A person whose application for a Development Permit is refused, or who is approved for a Development Permit subject to a condition that they consider to be unreasonable, may appeal the refusal or the condition to the Development Appeal Board pursuant to Section 61 of the Planning and Development Act.
2. The Planning and Development Act sets out the timelines, submission requirements, notice requirements, hearing process and decision-making process for the Development Appeal Board.
- ~~3. A person claiming to be affected by a decision of the Development Officer or Council made under this By-law may appeal to the Development Appeal Board pursuant to Section 62 of the Act, by serving written notice of appeal to the Secretary of the Development Appeal Board within 14 days after the day the application for the Development Permit is approved.~~
- ~~4. Pursuant to the Act, a person claiming to be affected by a decision of the Development Officer or Council may appeal by written petition to the Development Appeal Board within fourteen days after notice of decision has been mailed to the applicant or the approval has been posted conspicuously on the lot, or within such further time not exceeding an additional forty-six days, as the Chairman of the Development Appeal Board, for just cause, may allow.~~
- ~~5. Filing for an appeal must include the information listed in Section 65 (1) of the Act.~~
- ~~6. Pursuant to Section 66 of the Act, the Development Appeal Board shall:~~
 - ~~a) hold a public hearing within thirty days from the receipt by it of notice of appeal;~~
 - ~~b) by Registered Mail, ensure that at least seven days of notice, of the hearing is given to the appellants, owners and lessees of land within 30 m of the boundary of land that the appeal is related to, owners and any property owner within 61 metres (200 feet) of the site, and all other persons who in the opinion of the Board may be affected; and~~
- ~~7. Pursuant to Section 69 of the Act, the decision of the Board must not conflict with a zoning bylaw, subdivision bylaw, community plan or area development plan. The Board shall consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of the General Community Plan that is under preparation or adopted and to this bylaw.~~
- ~~8. The Board may confirm, reverse or vary the decision appealed from and it may impose such conditions or limitations as it considers proper and desirable in the circumstances.~~



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- ~~9. Pursuant to Section 69 of the Act, the Board shall render its decision in writing to the appellant within 60 days from the date the hearing is held and provide a copy of the decision to the appellant and other parties to the appeal.~~
- ~~10. Pursuant to Section 68 of the Act, the Development Appeal Board shall hear the appellant, the owners and lessees of land within 30 m (99 ft), the Development Officer and such other persons that it considers necessary for full and proper hearing.~~
- ~~11. A decision of the Development Appeal Board is final and binding on all parties and there is no right to appeal the decision under Section 70 of the Act, subject only to appeal under Section 50 of the Act.~~
- ~~12. The Development Appeal Board shall within fifteen days after its decision, make a complete report to the Director of Planning as appointed under Section 49 of the Act, the Municipality and the appellant, and to each interested person upon their his/her request.~~

3.17 ENFORCEMENT AND PENALTIES

1. Pursuant to Section 77 of the Planning and Development Act, a person who undertakes or allows development without a Development Permit, or fails to comply with conditions of a Development Permit is guilty of an offence and is liable, on summary conviction, to a fine.
2. Pursuant to Section 78 of the Planning and Development Act, a person who is guilty of an offence and is liable on summary conviction is subject to a fine as following:
 - a) *in the case of a corporation, to a fine not exceeding \$100,000 and to a further fine not exceeding \$5,000 each day or part of a day during which the offense continues; and*
 - b) *in the case of an individual, a fine not exceeding \$5,000 and to a further fine not exceeding \$1,000 each day or part of a day during which the offence continues, or*
 - c) *to imprisonment for a term not exceeding six months in default of payment of the fine.*
3. The Planning and Development Act Sections 77 and 78 provide more information about offences and punishment.

~~4. A person who commences a development of any land and fails or neglects to:~~

- ~~a) obtain a Development Permit; or~~
- ~~b) comply with a condition of a Development Permit granted under this bylaw;~~

~~is guilty of an offence under Sections 33 and 34 of the Act and liable on summary conviction:~~



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- ~~c) to a fine not exceeding \$500 and, in addition, to a fine not exceeding \$100 for every day the offence continues; and~~
- ~~d) in default of payment of a fine under subsection (c), to imprisonment for a term not exceeding 30 days.~~
- ~~2. When a person is convicted under subsection (1) of having undertaken or permitted a development that contravenes any bylaw or permit, the Council may file a notification of the illegal development against the title to the affected land in the Land Titles Office.~~
- ~~3. The conviction of a person under this section does not operate as a bar to further prosecution under this section for the continued neglect or failure on the part of the person to comply with a zoning bylaw in force pursuant to this bylaw, or with the conditions of a building permit issued in accordance with this bylaw.~~
- ~~4. Council may exercise any powers elsewhere conferred on it for the purposes of enforcing this bylaw and/or may authorize the Development Officer to act on behalf of Council, pursuant to Section 20 of the Act.~~
- ~~5. If the Development Officer determines:~~
 - ~~a) that a development does not comply with this bylaw, with the conditions specified in the Development Permit, or with the plans as submitted and approved; and~~
 - ~~b) that the permittee has refused, failed or neglected to rectify within a reasonable time such discrepancies as have been brought to his/her attention by the Development Officer;~~~~he/she shall issue a "Stop Work Order" in writing to suspend the development or building permit and shall promptly notify the Council of such action and the reasons therefore.~~
- ~~6. Where a Stop Work Order has been issued, the development permit may be reinstated by Council and the order cancelled if the permittee gives such guarantees accompanied by bond or certified cheque as may assure the Council in its discretion that the breach will be remedied in such time as Council may prescribe.~~
- ~~7. Council, if informed of the contravention of this bylaw, or on its own initiative without such information, may authorize that action be taken to enforce this bylaw, which action may include an application to the Court for an Injunction or other Order to restrain the contravention.~~

3.18 RIGHT TO ENTER

1. Pursuant to Section 54 of the Act, a Development Officer may, for the purposes of inspection in relation to compliance with the Planning and Development Act, the regulations, or this Bylaw, may enter any land or building at any reasonable time to carry out the inspection. The Development Officer shall not enter the occupied portion of a dwelling without the consent of the occupier or the authority of a warrant.

~~Where a person fails or refuses to comply with an order directed to him within the time specified, Council or a person appointed by it may, in accordance with Section 32 of the~~



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~~Planning Act, enter upon the land or building and take such action as is necessary to carry out the order.~~

~~Where Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be recovered from the owner by action. The expense, until paid by the owner, is a charge and lien upon the property in respect of which the notice was given.~~

2. Where a person fails or refuses to comply with an order to permit entry upon the land or building, ~~they~~ ~~he/she~~ shall be guilty of an offence as defined under [Section 57](#) of the Planning and Development Act and be liable to a fine or to imprisonment.

3.19 SUSPENDING OR REVOKING A DEVELOPMENT PERMIT

1. If a development is not being carried out or completed as approved then the Development Officer may suspend or revoke the Development Permit. Written notice stating that the development permit has been suspended or revoked will be served in person or sent by registered mail to the owner and/or occupant of the property affected, and to any contractor engaged in the work.
2. The notice must comply with Section 57 of the Planning and Development Act and should:
 - a) state the grounds for the suspension or revocation; and
 - b) state the conditions that must be met for a suspended development permit to be reinstated.
3. Council, if informed of the contravention of this by-law, or on its own initiative without such information, may authorize that action be taken to enforce this bylaw. Such action may include an application to the court for an injunction or other Order to restrain the contravention.

~~If the Development Officer determines:~~

- ~~a) that a development does not comply with this bylaw, with the conditions specified in the Development Permit, or with the plans as submitted and approved; and~~
- ~~b) that the permittee has refused, failed, or neglected to rectify within a reasonable time such discrepancies as have been brought to his/her attention by the Development Officer;~~

~~they shall issue a "Stop Work Order" in writing to suspend the development or building permit and shall promptly notify the Council of such action and the reasons therefore.~~

- ~~4. Where a Stop Work Order has been issued, the development permit may be reinstated by Council and the order cancelled if the permittee gives such guarantees accompanied by bond or certified cheque as may assure the Council in its discretion that the breach will be remedied in such time as Council may prescribe.~~



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5. ~~Council, if informed of the contravention of this bylaw, or on its own initiative without such information, may authorize that action be taken to enforce this bylaw, which action may include an application to the Court for an Injunction or other Order to restrain the contravention.~~

~~Where a person fails or refuses to comply with an order directed to him within the time specified, Council or a person appointed by it may, in accordance with Section 54 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.~~

6. ~~Where Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be recovered from the owner by action. The expense, until paid by the owner, is a charge and lien upon the property in respect of which the notice was given.~~

~~Any person who commences a development of any land and fails or neglects to obtain a Development Permit, or comply with a condition of a Development Permit granted under this bylaw, is guilty of an offence under the Act and liable on summary conviction to:~~

- ~~a) A fine not exceeding \$500 and, in addition,~~
- ~~b) To a fine not exceeding \$100 for every day the offence continues; and~~
- ~~c) To imprisonment for a term not exceeding 30 days where in default of payment of a fine under subsection (a).~~

~~A person who commences a development of any land and fails or neglects to:~~

- ~~d) obtain a Development Permit; or~~
- ~~e) comply with a condition of a Development Permit granted under this bylaw;~~

7. ~~is guilty of an offence under Sections 33 and 34 of the Act and liable on summary conviction:~~

- ~~a) to a fine not exceeding \$500 and, in addition, to a fine not exceeding \$100 for every day the offence continues; and~~
- ~~b) in default of payment of a fine under subsection (c), to imprisonment for a term not exceeding 30 days.~~

8. ~~Council may exercise any powers elsewhere conferred on it for the purposes of enforcing this bylaw and/ or may authorize the Development Officer to act on behalf of Council, pursuant to Section 20 of the Act.~~

9. ~~If the Development Officer determines:~~

- ~~a) that a development does not comply with this bylaw, with the conditions specified in the Development Permit, or with the plans as submitted and approved; and~~
- ~~b) that the permittee has refused, failed, or neglected to rectify within a reasonable time such discrepancies as have been brought to his/her attention by the Development Officer;~~



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- ~~10. he/she shall issue a "Stop Work Order" "Notice" in writing to suspend the development or building permit and shall promptly notify the Council of such action and the reasons therefore.~~
- ~~11. Where a Stop Work Order Notice has been issued, the development permit may be reinstated by Council and the order cancelled if the permittee gives such guarantees accompanied by bond or certified cheque as may assure the Council in its discretion that the breach will be remedied in such time as Council may prescribe.~~
- ~~12. Council, if informed of the contravention of this bylaw, or on its own initiative without such information, may authorize that action be taken to enforce this bylaw, which action may include an application to the Court for an Injunction or other Order to restrain the contravention.~~
- ~~13. Where a person fails or refuses to comply with an order directed to him within the time specified, Council or a person appointed by it may, in accordance with Section 54 of the Act, enter upon the land or building and take such action as is necessary to carry out the order.~~
- ~~14. Where Council or a person appointed by it carries out an order, Council shall cause the costs and expenses incurred in carrying out the order to be recovered from the owner by action. The expense, until paid by the owner, is a charge and lien upon the property in respect of which the notice was given.~~

3.20 BYLAW AMENDMENTS

1. Any person applying to amend any part of this bylaw shall apply in writing to the Development Officer, furnishing reasons in support of the application, requesting that the Development Officer submit the application to Council. All applications to amend this bylaw shall require the completion of the [appropriate form Form "D"](#) and be accompanied by shall be accompanied by a fee that shall be charged and collected in accordance with [the Fees and Charges Bylaw No. 2431, as amended or replaced from time to time.](#)
2. All applications to amend any part of this bylaw, except those initiated by Council or the Development Officer, shall be accompanied by a non-refundable fee which shall be charged and collected in accordance with the [Fees and Charges Bylaw No. 2431.](#) ~~shall be accompanied by a non-refundable fee of \$250.00.~~
3. If a person applies to Council, in any manner, for an amendment to this bylaw, Council shall require him to submit his application to the Development Officer in accordance with the provisions of this section before it considers the amendment proposed by such person.
4. Notwithstanding anything contained in this section an application for a proposed amendment to any section of this bylaw which has been rejected by Council within the previous 12 months shall not be accepted.



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Zoning Amendments

5. Any person applying to amend the bylaw shall submit a completed application ~~form~~ **Form "D"** to the Development Officer containing the following:
 - a) a recent certificate of title indicating ownership and other interests;
 - b) the applicant's name, address and interest in the property;
~~a signed statement by the applicant stating that he is willing to pay for all costs incurred by the Town in processing the proposed amendment, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, surveys, planning consultants reports and advertising costs;~~
 - c) the appropriate application fee required; and
 - d) a brief written statement by the applicant in support of his application, and his reasons for applying.
6. Upon receipt of an application for a rezoning amendment, the Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development under the proposed zone. In this regard, the Development Officer shall seek the opinion of a Professional Community Planner. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed zone and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following factors:
 - a) relationship to and compliance with the Community Plan and Council policies;
 - b) relationship to and compliance with authorized plans and schemes in preparation;
 - c) compatibility with surrounding development in terms of land use function and scale of development;
 - d) traffic impacts;
 - e) relationship to, or impacts on, services such as water and sewage systems and other utilities and public facilities such as recreational facilities and schools;
 - f) relationship to municipal land, right-of-way or easement requirements;
 - g) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - h) necessity and appropriateness of the proposed zone in view of the stated intentions of the applicant;
 - i) relationship to the documented concerns and opinions of area residents regarding the application; and
 - j) the suitability of the land for the proposed zone.

Amendment Process

7. In reviewing and processing amendment applications the Development Officer shall:



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- a) examine the proposed amendment;
- b) prepare a written report on the proposed amendment; and
- c) advise the applicant in writing that the Development Officer:
 - i. is prepared to recommend the amendment to the council without further investigation, or
 - ii. is not prepared to recommend the amendment, or
 - iii. requires further investigation to make a recommendation, or
 - iv. is prepared to recommend an alternative amendment.
8. Upon receiving the advice of the Development Officer, the applicant shall advise the Development Officer if the applicant:
 - a) wishes the proposed amendment to proceed to Council, in which case he must prepay the advertising costs and any costs incurred by the Town to this point prior to the amendment proceeding to Council; or
 - b) does not wish to proceed to Council with the proposed amendment, in which case the application is considered abandoned.
9. If requested by the applicant, the Development Officer shall submit the proposed amendment to Council, accompanied by the report of the Development Officer, including the comments of the Professional Community Planner.
10. As soon as reasonably convenient, the Development Officer shall submit his recommendation on the proposed amendment to Council, accompanied by the results of his analysis and any other relevant material, if any, and Council shall then consider the proposed amendment.

~~All amendments to this bylaw must receive approval from the Minister of Municipal and Community Affairs and thereafter, third and final reading by the Hay River Town Council to be considered approved.~~
11. The Development Officer, in his discretion, may present for the consideration of Council any proposed amendments to this bylaw on his own initiative, and the proposed amendment shall be accompanied by the report and recommendation of the Development Officer.
12. Council in its discretion, may initiate any amendment to this bylaw, and prior to the approval of any amendment, Council shall refer the proposal to the Development Officer for his report and recommendation.

Notification of Amendments

13. After giving a proposed bylaw amendment first reading and before giving it second reading, Council shall, in compliance with the [Section 129 of the Cities, Towns and](#)



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[Villages Act](#), direct the Development Officer to prepare at public notice describing the pending amendment.

14. The public notice shall be shared according to Section 165 of the Cities, Towns and Villages Act. The notice can be shared at least once in a local newspaper normally circulating within the Town, advertised on the radio for three consecutive days, posted in five public locations, or mailed to each of the municipality's residents.
15. The notice shall also be dispatch by ordinary mail to:
 - a) the applicant;
 - b) the owners of the land subject to the proposed rezoning amendment; and
 - c) each assessed owner of land, wholly or partially within a distance of 60 m (200 ft) of the boundaries of the site which is the subject of the amendment.
16. During any cessation of ordinary mail delivery, the notice to those described in subsection 14 (a) and (b) shall be given by such other alternative means as the Development Officer may specify, and the notice to those described in subsection 14 (c) shall be provided in the newspaper only.
17. The official notice described in Section 3.17(14) shall state:
 - a) the purpose for which Council proposes to pass the amendment;
 - b) the place or places, one of which shall be the office of the municipality, where a copy of the proposed bylaw amendment may be inspected by the public during office hours; and
 - c) the time and place at which Council will hold a public hearing on the amendment, which shall not be less than 10 days after the posting or the last publication of the official notice, as the case may be.
18. Where, in the opinion of the Development Officer, any proposed amendment is likely to affect other owners of land, they shall notify owners of land beyond 60 m (200 ft) at such additional distance and direction from the site as, in his opinion, may experience any impact attributable to any development allowed under the proposed zone.
19. Proposed amendments to this bylaw are subject to the requirements and procedures set out in Sections [77 to 80 of the Cities, Towns and Villages Act](#).



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DEFINITIONS

4.0 DEFINITIONS

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

ABATTOIR means an establishment where animals are slaughtered and/ or processed within an enclosed building. This definition does not include a feed lot or other intensive forms of livestock holding and feeding.

“ABUT” OR “ABUTTING” means immediately contiguous to, or physically touching, and when used with respect to lots or sites, means two that share a common property line or border.

ACCESSORY BUILDING means any building which is separated from the principal building on the lot on which both are located and the use of which is normally subordinate and incidental to that of the principal building, and without restricting the generality of the foregoing includes a “private garage”.

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

ACT means the [Community Planning and Development Act of the NWT 2011](#) and as amended.

AMENITY means an aesthetic or other physical characteristic or facility that enhances the desirability of an environment. Amenity may include recreational or cultural facilities, a unified building design, views, landscaping, tree preservation or generally attractive site design.

AMENITY AREA, PRIVATE OUTDOOR means an amenity area which shall be provided subject to regulations of this bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling and which immediately adjacent to and directly accessible from the dwelling unit it is intended to serve.

~~AMUSEMENT ESTABLISHMENT OR ARCADE means any building or place or part thereof containing a group of more than four amusement game machines.~~

APIARY means a place where [hives, parts of hives, or bee containers are kept, for the purpose of keeping](#) bees for the cultivation of honey.

AUCTIONEERING ESTABLISHMENT means development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.

~~AUTOMOBILE SERVICE STATION OR SERVICE STATION means a building or portion thereof and land use for supplying motor vehicle fuel directly into the vehicle fuel tanks and accessories at retail or wholesale, for making general servicing or running repairs on vehicles and ancillary uses.~~



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DEFINITIONS

~~AUTOMOBILE AND TRAILER SALES means a private open area used for the display, sale and rental of new and used automobiles and trailers, and where no repair work is done except minor incidental repair of automobiles to be displayed, sold or rented. This can include an accessory office or sales building.~~

AVIATION BULK FUEL STORAGE means lands, buildings and structures for the storage and distribution of fuels, oils, propane and other petroleum for use in aircraft and associated vehicles.

~~BACHELOR SUITE means a dwelling in which the sleeping and living areas are combined and which, in the opinion of the Development Officer, is not reasonably capable of being developed as a unit containing one or more bedrooms.~~

BASEMENT

- a) means the portion of the building or structure which is wholly or partially below grade, having above grade no more than 6 feet of its clear height which lies below the finished level of the floor directly above.
- b) means storey or stories of a building located below the first storey.

BED AND BREAKFAST means a minor and ancillary/subordinate commercial use of a residence where accommodation is provided for periods of fourteen days or less in three or fewer guest rooms.

BREWERIES AND DISTILLERIES, MAJOR means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume. The public tasting and retail sale of alcoholic product is limited to that which is produced on-site. This also includes Breweries and Distilleries, Minor.

BREWERIES AND DISTILLERIES, MINOR means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume. The public tasting and retail sale of alcoholic product is limited to that which is produced on-site. All processes, functions, and mechanical equipment associated with the use must be contained indoors, and are limited to production activities which are not deemed to be noxious or offensive to adjacent properties or the general public.

BUILDING means any structure, erection, stockpile, sign or fixture, that may be built or placed on land.

BUILDING PERMIT means a certificate or document authorizing construction on a building project to begin.

CANNABIS means any part of a cannabis plant or related substances as regulated by the Cannabis Act of Canada and Cannabis Products Act of the Northwest Territories.

CANNABIS PRODUCTION means to obtain cannabis by any method or process as defined by the Cannabis Act of Canada which includes manufacturing; synthesis; altering its chemical or physical properties by any means; or cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained.



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CANNABIS SALE means to offer cannabis for sale, expose for sale, or have in possession for sale.

CANOPY means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun.

CANOPY SIGN see SIGN, CANOPY.

CARPORT means a roofed structure used for storing or parking of not more than two private vehicles which has less than 40% of its total perimeter open and unobstructed.

~~**CAR WASH** means a building used for the purpose of washing motor vehicles.~~

CARETAKER UNIT means a single residential unit forming part of a development and used solely to accommodate an employee or a person or household persons related as a family whose official function is to provide surveillance, maintenance and/or security for a development provided for in the land use districts in which caretaker units are listed as a discretionary use.

CHANNEL is defined as a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. The top of the banks form the dividing lines between the channel and the flood plain.

CHATEL means a movable item of personal property.

COLD STORAGE LOCKER means a building in which space in individual lockers is rented or otherwise made available for the storage of frozen food.

COMMON AREA means the part of the mobile home park that is used by all residents, such as streets, playground, walkways, and other areas for public use.

COMMERCIAL SCHOOL means a development for instruction and education which is not maintained at public expense and which may or may not offer courses equivalent to those offered at publicly supported education facilities or private instruction as a home occupation.

~~**CONVENIENCE RETAIL STORE** means a development used for the retail sale goods required by the area residents or employees on a day-to-day basis from premises which do not exceed 279 square metres (3000 sq. ft.) in gross floor area. Typical uses include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware, or printed matter.~~

CORNER LOT see LOT, CORNER.

CORRECTIONAL FACILITY means the confinement or safe custody of persons so confined as the result of legal process. Includes detention centres.

COUNCIL means the Council of the Town of Hay River.



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CROP, CEREAL means the growing of grain suitable for food.

CROP, FORAGE means the growing of fodder suitable for consumption by farm animals.

DAY CARE FACILITY means a facility where day care is provided not within the private residence of the operator; as licensed by the Government of NWT and regulated under the Child Care Act.

DENSITY means a quantitative measure of the average number of persons, families or dwelling units per unit of area.

DESIGN FLOOD is defined as:

- a) a 100 year flood;
- b) a flood having a return period greater than 100 years;
- c) a recorded flood having water surface elevations equal to or exceeding those of the 100 year flood; or
- d) a flood what would result from a specified input yielding water surface elevations equal to or exceeding those of the 100 year flood.

DESIGN FLOOD LEVEL is defined as the elevation at which the design flood for each site not less than the 1 in 100 year event, as determined by the Flood Damage Reduction Program's Technical Committee. It may also be referred to as the flood protection level.

DEVELOPER means an owner, agent or any person, firm or company required to obtain or having a development permit.

DEVELOPMENT means the carrying out of construction, excavation, demolition, moving or other operations in, on, over or under land, or the making of any change in the use or in the intensity of use of any land, building or premises and for the avoidance of doubt and without restricting the generality of the foregoing includes:

- a) in a building or on a lot used for dwelling purposes, any occupancy of the building or on the lot;
 - i. in a building or on a lot used for dwelling purposes, any increase in the number of families occupying and living in the building or on the lot, and any alterations or additions which provide for an increase in the number of dwelling units within the building or on the lot;
 - ii. in a building or on a lot used for other than dwelling purposes, any alterations or additions which increase the capacity of the building or parcel or which provide for an increase in the intensity of use of the building or lot;
 - iii. in a building or on a lot used for dwelling or other purposes, any installation or connection of public utilities;



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- iv. the deposit of debris, waste material from building or mining operations or other refuse or unsightly material on any land, including land already being used for that purpose if the surface area or height of any existing deposit is thereby extended;
- v. the removal of topsoil;
- vi. the recommencement of the use to which land or buildings have been previously put if that use has been discontinued for a period of more than six months;
- vii. the use for storage purposes, or for the repair of motor vehicles or other types of machinery, of land that was hitherto not used at all;
- viii. the use of or the more intensive use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed on foundations or affirmed to the land in any way; and
- ix. any other change in use whatsoever including the demolition of any existing structures.

DEVELOPMENT APPEAL BOARD means the Development Appeal Board appointed by resolution of Council to fulfil the duties of this bylaw.

DEVELOPMENT OFFICER means any person appointed as such by resolution of Council and responsible for the administration of this bylaw, and shall also include any person acting as such from time to time appointed by Council.

DEVELOPMENT PERMIT means a certificate or document authorizing a specified development and includes, where applicable, a plan or drawing or set of plans or drawings, specifications or other documents. This permit is separate and distinct from a Building Permit.

DISCRETIONARY USE means a use of land or buildings provided for in this bylaw, for which a development permit may be issued by Council with or without conditions.

DRIVE-IN BUSINESS means an establishment which services customers travelling in motor vehicles driven onto the site where such business is carried on, where the customer normally remains in the vehicle for service.

DWELLING means any building used primarily for human habitation. ~~and which is supported on a permanent foundation extending below ground level and includes modular or prefabricated homes; multiple family housing structures; apartments; horizontal multiple dwellings; but does not include mobile homes.~~



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DWELLING UNIT means a building or portion thereof designed for or used exclusively as a residence or living quarters (usually containing constructed as including eating, sleeping, cooking, and toilet sanitary facilities) for one household.

~~MOBILE HOME means a transportable dwelling which meets CSA Z240 standards, is suitable for permanent occupancy, designed to be transported on its own wheels or by a low-boy transport trailer, and which is, upon its arrival at the site where it is to be located, ready for occupancy except for incidental building operations such as placement on foundation supports and connection to utilities.~~

~~MOBILE HOME, DOUBLE WIDE means a mobile home consisting of two separate units designed to be joined on site to form one mobile home dwelling.~~

~~MOBILE HOME, SINGLE WIDE means a mobile home consisting of a single unit designed to be towed or carried in a single load.~~

~~MOBILE HOME STAND means that part of a mobile home lot that has been reserved for the direct placement of the mobile home.~~

~~DUPLEX HOUSING means inclusive of both up and down and side-by-side duplex housing.~~

EATING AND DRINKING ESTABLISHMENTS means ~~development~~ a retail food or drink establishment where prepared foods and beverages, including alcoholic beverages, are offered for sale to the public, for consumption ~~on or off~~ within the premises ~~or off the site~~. This includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch ~~counters~~ rooms, ~~refreshment stands~~, and take-out restaurants. This does not include drive-thru ~~in food~~ services.

EATING AND DRINKING ESTABLISHMENTS, DRIVE-THRU means an eating or drinking establishment that serves patrons directly to motor vehicles through a service window; and as such require a driveway to accommodate vehicle stacking.

EMERGENCY SHELTER means a facility that provides transitional housing or temporary accommodation for people in need of shelter as its primary use. Supportive uses may also include offering health, education, or food services. Emergency shelters may be used to assist a range of populations including but limited to those experiencing domestic violence or homelessness; they also may include sobering facilities but do not include health care facilities for addictions treatment.

EQUAL DEGREE OF ENCROACHMENT is defined as a standard applied in determining the location of encroachment limits so that the flood plain lands on all sides of a watercourse/waterbody are capable of conveying/storing a proportionate share of the flood water. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a watercourse or along the shoreline of a waterbody for a significant reach. In flood risk areas designated on the Flood Risk Map, the maximum encroachment permissible is defined as that which will cause a 30 cm rise in the elevation of



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the design flood were the flood plain was not developed. Equal degree of encroachment is necessary to provide an equal opportunity for owners of flood prone land to develop their property.

EXCAVATION means any breaking of ground, except common household gardening and ground care.

EXISTING refers to uses, structures, or other items that were approved and lawfully constructed or under construction means existing at the effective date of this bylaw.

~~FAMILY means a single person occupying a dwelling unit; or two or more persons related by heredity, marriage, a common law relationship or adoption who together are occupying a dwelling unit; or not more than 5 unrelated persons occupying a dwelling unit as a housekeeping unit.~~

FAMILY DAY HOME means a day care facility where the day care is provided within the private residence of the operator; as licensed by the Government of NWT and regulated under the Child Care Act. These are considered a home occupation.

FARMING means the extensive cultivation of land, which may include including the keeping of animals, including horse, cattle, sheep, hog, and poultry but does not include intensive farms or horticulture 'market gardening'.

FARMS, INTENSIVE means farming that includes the rearing and feeding of livestock for commercial or experimental purposes and market gardening, without restricting the generality of the foregoing includes feedlots, livestock operations, fish farms, fur farms, plant nurseries, and beekeeping.

FARMS, NON-COMMERCIAL means development for small-scale, non-commercial agricultural pursuits ancillary to country residential uses. This shall be developed so that it will not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only.

FARMS, NON-INTENSIVE means farming that development for agricultural pursuits that does not include the rearing and feeding of livestock for commercial or experimental purposes.

FENCE means a vertical barrier constructed for the purposes of limiting visual intrusion, sound abatement and to prevent unauthorized access.

FILL is defined as soil, rock, rubble, industrial waste such as slag, organic material or a combination of these that is transported and placed on the natural surface of a soil or rock or organic terrain. It may or may not be compacted.

FINANCIAL INSTITUTION refers to the premises of a bank, trust company, finance company, mortgage company, or investment company.

FIRST STOREY means the uppermost storey having its floor level not more than 2 m above grade. In case of a split level, both floors above grade will be considered the first storey.



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FLOOD is defined as a temporary rise in the water level that results in the inundation of areas not ordinarily covered by water.

FLOOD FREQUENCY is defined as the average frequency, statistically determined, for which it is expected that a specific flood level or discharge may be equalled or exceeded.

FLOOD PLAIN is defined as the relatively flat area or low lands adjoining the channel or a watercourse or waterbody which has been or may be covered by flood water.

FLOOD RISK AREA is defined as the area that would be inundated by the design flood.

FLOOD STAGE ELEVATION is defined as the elevation at which overflow of the natural banks of a watercourse or waterbody begins.

FLOODPROOFING is defined as any combination of structural and non-structural additions, changes or adjustments to structures or land which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents to the level of the freeboard elevation.

FLOODWAY is defined as a waterbody or the channel of a watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge or contain the design flood. In the floodway water depths are in excess of 1 m (3.3 ft) and velocities are greater than 1 m/second, or where evidence of significant ice shove has been documented.

FLOODWAY FRINGE is defined as that portion of the flood risk area not lying within a floodway which may hereafter be covered by flood waters up to the design flood level. Development of this land will not create an excessive hindrance to the hydraulic efficiency of the watercourse. Water depths in the floodway fringe are generally less than 3 feet and water velocities are 3 feet per second or less.

FLOOR AREA of a building means the total floor areas of every room and passageway contained in a building but not including the floor areas of basements, attics, sheds, open porches and breezeways. Basement and attic floor areas shall be included when they contain habitable rooms.

FORESTRY refers to the management, development, and cultivation of timber for commercial or non-commercial purposes.

FREEBOARD is defined as a factor of safety usually expressed in metres above a design flood level; that is, it is the difference between the freeboard elevation and the design flood level. Freeboard is required to compensate for many unknown factors that could contribute to flood stage elevations greater than those calculated for the design flood level. Such factors include but are not limited to ice jamming, wave action, floodway obstructions, and the hydrological effects of urbanization of the watershed.

FREEBOARD ELEVATION is defined as the elevation of the design flood level plus a freeboard of 3 m (10 ft) to the bottom of floor joists or equivalents, and 0.3 m (1 ft) to the top of the first floor level.



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FRONTAGE means the length of a street boundary along the front lot line. On double fronting lots, all sides of a lot adjacent to streets shall be considered frontage.

FUNERAL HOME means a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

GARAGE, PRIVATE means a building or part of a building designed or used for storage of motor vehicles and which is erected and used as an accessory to a dwelling.

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

GARDEN SUITE means a secondary dwelling unit located on a lot where the principal use is single detached housing.

GAS BAR means development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories.

GOLF COURSE means a public or private area operated for the purpose of playing golf and may include an accessory office, retail pro shop, eating and drinking establishment, banquet facilities, driving range, and golf academy. This does not include miniature golf.

~~GOVERNMENT SERVICES means development providing municipal, territorial or federal government services directly to the public. Typical uses include taxation offices, courthouses, postal distribution offices, manpower and employment offices, social service offices and airport terminals.~~

GRADE, BUILDING means ground level established for the purposes of regulating the number of storeys and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building.

GRADE, DRAINAGE means the ground elevations established in a drainage plan for a lot attached to the application for a development permit as approved by the Development Officer or Council for the purpose of controlling the flow of surface water on the lot.

GRADE PLAN means a site drainage plan to ensure lot grading for adequate drainage so that there will be no free flow of water onto adjacent properties (other than through a drain, ditch or swale) and showing the location of all proposed structures to manage drainage including connections to existing storm mains, ditches, rock sumps, design elevations and or/storm water interceptors.

GRADE means,



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- a) the average elevation of the finished surface of the ground at ground level, excluding an artificial embankment or excavation at the perimeter of a building, measured on any side of a building;
- b) the elevation of the ground surface in its natural state, before man-made alterations; or
- c) on sloping or irregular sites, the angled plane determined by the Development Officer in relation to the above.

GREENHOUSE, COMMERCIAL a building for the growing of flowers, plants, shrubs, trees, vegetables, fruits, and similar vegetation for commercial purposes.

GREENHOUSE, NON-COMMERCIAL a building for the growing of flowers, plants, shrubs, trees, vegetables, fruits, and similar vegetation for non-commercial purposes.

~~GROUP HOMES means the use of a building as a facility which is authorized, licensed or certified by a public authority to provide room and board for foster children or disabled persons, or for persons with physical, mental, social or behavioural problems, and which may be for the personal rehabilitation of its residents either through self-help or professional care, guidance and supervision.~~

HEIGHT means, when used with reference to a building or structure, the vertical distance between the horizontal plane through the average grade at the front of the building or structure and a horizontal plane through:

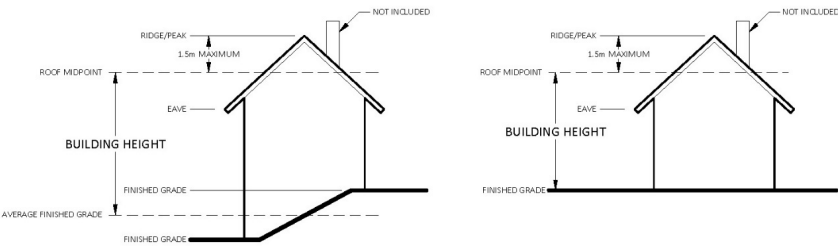
- d) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and
- e) the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.5 m or 5 ft above the maximum permitted building height of the Zone.



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Roof Slope More that 20 degrees (more than 4:12)



Roof Slope Less that 20 degrees (less than 4:12)

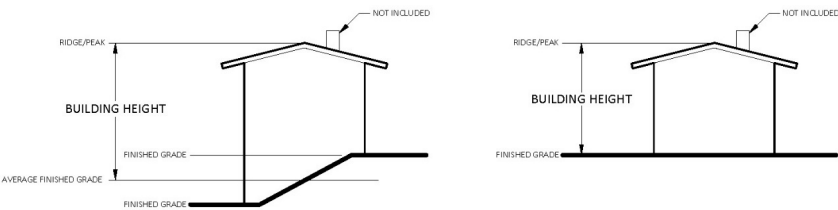


Figure 4.1 - Measuring the height of a roof



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HEALTH SERVICES means those outlined in the NWT Hospital Insurance and Health and Social Services Administration Act of NWT which may include: services for the protection, promotion, and maintenance of physical and mental health (e.g., counselling); services for the prevention, diagnosis, and treatment of illness, disease, and injury (e.g., doctors office, dentist, optometrist, audiology clinic, chiropractic clinic); palliative services (e.g., hospice care); rehabilitative care services (e.g., addictions treatment, physical therapy); insured services (e.g., massage therapy); services in respect to health surveillance (e.g., blood testing lab, imaging clinics).

HIGHWAY includes any common or public road, street, avenue, parkway, driveway, square, bridge, viaduct, trestle or other passageway designed for and intended for use by the general public for the passage of vehicles, but specifically excludes private rights-of-way on private property.

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

HOSPITAL means a facility that provides one or more health services to in-patients and outpatients.

HOTELS means development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory eating and drinking establishments, meeting rooms, and personal services shops.

HOUSEHOLD REPAIR SERVICES means repair to goods, equipment and small appliances normally found within the home, including radio, television and appliance repair, furniture refinishing and upholstery shops, but excluding personal services shops.

HOUSING means any residential use consisting of at least one individual dwelling unit.

HOUSING, DUPLEX means a residential building containing two dwelling units of approximately equal floor area each with individual and separate entrances.

HOUSING, MULTIPLE UNIT means a residential building containing three or more dwelling units having shared entrance facilities, in which the dwelling units are arranged in any horizontal or vertical configuration. Multiple housing includes apartments, cottage clusters, and townhouses. Multiple housing can consist of modular type construction.

HOUSING, ROW HOUSING means development consisting of a building containing a row of two three or more dwellings joined in whole or in part at the side only with no dwelling being placed over another in whole or in part. Each dwelling shall be separated from the one adjoining, where they are adjoining, by a vertical party wall which is insulated against sound transmission. ~~Adjoining rooms may or may not be habitable rooms.~~ Each dwelling shall have separate, individual, and direct access to grade.



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HOUSING, SINGLE DETACHED means development consisting of one detached permanent dwelling, which is separate from any other dwelling or building and for the use of a single household. This definition includes modular or prefabricated housing but does not include mobile homes.

~~HOUSING, ALTERNATE means detached single family housing development with unit sizes smaller than standard single family housing. Alternate Housing units will be no less than 720 square feet in size and will have one or two bedrooms. Typically, affordable, or subsidized housing shall constitute Alternate Housing if the development meets all the requirements of this bylaw. All units built as Alternate Housing shall meet or exceed the standards set out in the most recent revision of the National Building Code of Canada.~~

~~HOUSING, APARTMENT HOUSING means a residential single building containing comprised of three or more dwelling units with shared entrance facilities, in which the dwelling units are arranged in any horizontal or vertical configuration, and where none of the dwelling units are made available rented or are available for rent or occupation for periods of less than 30 days.~~

~~HOUSING, ROW HOUSING STACKED means a residential building containing three or more dwelling units joined in whole or in part in which at least one dwelling unit is located totally or partially above another dwelling unit. Each dwelling unit shall have separate, individual, and direct access to grade. Does not include single family housing with secondary suites.~~

~~HOUSING, SEMI-DETACHED HOUSING means a residential building containing two dwelling units located side-by-side that are joined by a common wall. Each dwelling shall have a separate, individual, and direct access to grade and duplex housing with each unit shall be on its own titled lot.~~

HYDRODYNAMIC PRESSURE is defined as the pressure in a fluid column due to the movement of the fluid.

HYDROSTATIC PRESSURE is defined as the perpendicular pressure to which a submerged plan surface is exposed as a consequence of the weight of a fluid.

INDUSTRY means a use providing for the co-generation, manufacturing, processing, assembling, fabricating, testing, servicing, or repair of materials. May include an ancillary office to administer the industrial use on the lot, and includes wholesaling provided that the merchandise being sold is distributed from the lot, but excludes the processing of livestock.

INDUSTRY, LIGHT refers to an industry use which is wholly enclosed within the building except for parking and loading facilities, and outside storage accessory to the permitted uses, and which in its operation does not ordinarily result in emission from the building of odours, fumes, noise, cinder, vibrations, heat, glare, or electrical interference.

INTERIOR LOT see LOT, INTERIOR.



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INTENSIVE LIVESTOCK OPERATION means any confinement livestock facility capable of the confining, rearing, or feeding of a type and quantity of livestock at a given density over a minimum length of time. As defined by the Government of NWT's Guideline for Agricultural Waste Management, intensive livestock facilities are further defined as feedlots or covered facilities of significant investment or permanence, capable of confining a minimum number of livestock at a housing density of not more than 1,000 lbs (455 kg) of live weight per 184 m² (2,000 ft) for growing or finishing for market, dairying, or egg production.

MANURE STORAGE FACILITY means a structure, reservoir, lagoon, catch basin, cistern, gutter, tank, deep pit or bermed area for temporarily containing livestock wastes, until they can be used or properly disposed of.

KENNEL Any premises on which four or more dogs over four months of age are kept. Excludes a veterinary clinic.

LANDSCAPING means to preserve or change the natural features of a site by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscaping architecture.

LAND TREATMENT FACILITY means a facility designed and operated for the purpose of restoring and rehabilitating contaminated soil, sediment, snow or other contaminated matter, but excluding medical waste.

LANE means a public roadway not exceeding 9.5 m in width, which provides a secondary means of access, to an abutting lot.

LIVING SUITE refers to a self-contained dwelling unit located within a single detached dwelling, where both dwelling units are registered under the same land title. Secondary suites are further described in Section 6.10 Living Suites.

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

LOT means an area of land, having fixed boundaries described in either the Certificate of Title, a survey plan registered in the Land Titles Office or a lease document approved by the GNWT and the Town of Hay River and has not been divided into smaller areas by any plan or instrument registered in the Land Titles Office.

LOT AREA means the total area of a lot.

LOT, CORNER means a lot at the intersection or junction of two abutting streets.

LOT COVERAGE means the combined area of all buildings or structures on a lot as a percentage of the total lot area, measured at the level of the lowest storey above grade, including all porches, verandas,



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decks and balconies whether open or covered but excluding open and enclosed terraces or patios at grade, steps, cornices, eaves and similar projections.

LOT DEPTH means the average horizontal distance between the front and rear lot lines of a lot.

LOT, DOUBLE FRONTING means a corner lot which abuts two public streets, (except alleys or lanes) which are parallel or nearly parallel where abutting the lot.

LOT, FLANKING means a corner lot on which a side boundary is abutting onto a street and where only one front yard setback is required.

LOT, INTERIOR means a lot which is bounded by only one street.

LOT LINES means the legally defined limits of any lot.

LOT WIDTH means the average horizontal distance between the side boundaries or lot lines of a lot.

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

MANUFACTURED HOME – Means a transportable one-storey building providing a single dwelling unit only, constructed in a factory in one or more modules in conformance with CSA Z240 MH Series and is ready for occupancy on completion of installation on a foundation, connection of services, and other set-up in accordance with the manufacturer's installation instructions. Manufactured Homes are sometimes referred to as Mobile Homes or Trailers.

MANUFACTURED HOME PARK – Means a lot under single ownership which is managed by an operator and which has been designed for the placement of manufactured homes or manufacture home park lots for non-transient use.

MANUFACTURED HOME PARK LOT – means a leasable or rentable portion of land within a manufactured home park that has been reserved for the placement of one manufactured home and its occupants.

MARINA a building, structure, or place containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired, or kept for sale; and where facilities for the sale of marine fuels and lubricants may be provided.

MARKET GARDENING means the cultivation of land for horticultural crops including flowers, plants, shrubs, trees, vegetables, fruits, and similar vegetation but does not include cereal or forage crops ~~grown for the purpose of feeding livestock or cereal or forage crops~~, except for the purpose of crop rotation.

~~MEDICAL CLINIC means a development used for the provision of privately owned physical and mental health services on an out-patient basis.~~



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MIXED-USE BUILDING means the use of a building for more than one type of land use. Typical mixed-use buildings include a combination of residential and commercial uses.

MIXED-USE DEVELOPMENT means the use of a lot ~~building designed~~ for more than one type of land use ~~on the same lot~~. Typical mixed-use development include residential and commercial uses, or commercial and industrial uses on the same lot. ~~such as residential and retail development, residential, office and retail development and office warehouse development.~~

MOBILE HOME – A movable home that originally included its own running gear and was superseded by the modern-day manufactured home in the early 90's.

MOBILE HOME means ~~a factory built single or multiple section single detached dwelling unit designed to be transportable on its own chassis that conforms to the CSA Z240 Manufactured Home Series of Standards.~~

MOBILE HOME PARK means ~~land that provides sites for two or more manufactured homes on a single commonly-owned parcel, under single ownership which has been planned and improved for the placement of mobile home for non-transient use.~~

MOBILE HOME SITE means ~~a specific area parcel of land within a mobile manufactured home park for the exclusive use of one mobile manufactured home and its occupants. These sites are typically leased to the manufactured home owner.~~

MODULAR HOME means a factory built single or multiple section single detached dwelling unit constructed to the National Building Code of Canada CAN/CSA-A277 standard, as amended from time to time. Modular homes are designed to be transported to the site and fitted together structurally, mechanically and electrically to form a single structure placed on a permanent foundation.

MOTEL means a group of attached or detached buildings containing individual sleeping or living units, rooms, or cabins designed for or used temporarily by tourists or transients with parking spaces provided conveniently near to each unit and includes also an auto court, tourist court, and a motor lodge. Each unit usually has its own exterior access. An eating or drinking establishment is an accessory use.

MULTI-FAMILY HOUSING means ~~residential building development consisting of a dwelling containing three or more dwelling units.~~

MUNICIPALITY means the Town of Hay River.

NATURAL AREA refers to undeveloped or minimally-developed lands intended for the preservation of environmentally-sensitive areas.

NATURAL RESOURCE EXTRACTION DEVELOPMENT ~~means development for~~ refers to the on-site removal, extraction, and primary processing of raw minerals found ~~on or under the site,~~ or accessible from the site. Typical uses include gravel pits, sandpits, clay pits, oil and gas wells, coal mining, and stripping of topsoil. This does not include the processing of raw materials transported to the site.



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NATURAL RESOURCE MANAGEMENT ACTIVITY refers to the management, cultivation, harvesting, extraction, and primary processing of fish (commercial), wildlife (hunting and trapping), or wild vegetation (e.g., berries, mushrooms).

NON-CONFORMING BUILDING OR STRUCTURE means a building or structure that was lawfully constructed or under construction at the date of the coming into effect of this bylaw and that does not or will not conform to the requirements of this bylaw.

NON-CONFORMING USE means a use that was lawfully made of land or a building or intended to be made of a building lawfully constructed or under construction at the date of the coming into effect of this bylaw and that does not or will not conform to the requirements of this bylaw.

NUISANCE means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

OCCUPANCY means the use or intended use of a building or part thereof for the shelter or support of persons or property.

OCCUPANCY PERMIT means a permit allowing for occupancy.

OFFENSIVE OR OBJECTIONABLE means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particulate matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; humidity or glare or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of the Development Officer may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure.

OFFICE means a building or part thereof, designed, intended, or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, health service, financial institution, or place of amusement.

OBSTRUCTION is defined as any dam, wall, wharf, embankment, levee, dyke, pile, abutment, projection, excavation, channel, rectification, bridge conduit, culvert, building, wire, fence, rock/gravel, refuse, fill, structure, road, or matter in, along, across, or projecting into any flood risk area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream/ inland to the damage of life or property.



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OUTDOOR STORAGE refers to the storage of equipment, goods, chattels, raw or processed materials outside of any building, or structure. For the purpose of this by-law the overnight parking of vehicles shall not be deemed to be outside storage.

PARCEL see LOT.

PARK developed or undeveloped open space for recreational use by the public or the preservation of natural areas.

PARKING FACILITY means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area.

PARKING SPACE, OFF-STREET means an off-street area available for the parking of one motor vehicle.

PARKING SPACE, RESIDENTIAL means the space set aside for the parking of one vehicle on a residential lot and includes garages, carports and driveways.

PARKING STALL means a space set aside for the parking of one vehicle.

PARKING STRUCTURE means a structure designed for the parking of motor vehicles in tiers or floors.

PERMITTED USE is a development or use which is permitted in terms of this bylaw.

PERSONAL SERVICE SHOPS means development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This includes: barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This does not include health services.

PLACE OF ENTERTAINMENT a privately owned commercial uses that are entertainment-based in nature. Typical uses include: movie or other theatre, music halls or auditorium, billiard or pool room, bowling alley, indoor or miniature golf, virtual reality or video game establishment, axe-throwing, or shooting range. These uses may or may be combined with food and drink establishments. This does not include recreation facilities such as arenas, swimming pools, or golf courses.

PLAYGROUND means an area of landscaped open space equipped with play or exercise equipment such as slides, swings, or water features.

PRINCIPAL BUILDING means a building which occupies the major portion of a lot, is the chief or main building on a lot, or constitutes, by reason of its use, the primary purpose for which the lot is used.

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

~~LOCAL UTILITY SERVICE means a development which is part of the infrastructure of a principal utility development which is necessary for the local distribution of utility services. Typical uses include:~~

~~a) ——— collection and disposal of drainage, sewage, garbage, and other waste;~~



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- b) ~~delivery or furnishing of water, gas, or electricity to the public at large;~~
- c) ~~communication services;~~
- d) ~~electrical power transformers;~~
- e) ~~underground water reservoirs and wells.~~

PRIVATE CLUB means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations, excluding on-site residences.

PUBLIC UTILITY INFRASTRUCTURE, MAJOR-IMPACT-UTILITY-SERVICES means ~~development for public-utility infrastructure purposes;~~ that is likely to have a major impact on the environment or adjacent uses by virtue of their potential emissions, ~~traffic generation, noise generation, attraction of wildlife, effects;~~ or appearance. Typical uses include: sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, district heating plants, incinerators, and waste recycling plants.

PUBLIC UTILITY INFRASTRUCTURE, MINOR IMPACT-UTILITY-SERVICES means ~~development for public-utility infrastructure purposes;~~ that is likely to have ~~relatively minor some~~ impact on the environment or adjacent land uses by virtue of their potential emissions, ~~traffic generation, noise generation, attraction of wildlife, effects;~~ or appearance. Typical uses include ~~subsurface pipelines; overhead powerlines;~~ communication towers; vehicle, equipment and material storage yards for utilities and services; ~~telephone exchanges; wire centres; switching centres;~~ snow dumping sites; depots and transfer facilities; surface reservoirs or stormwater lakes; water towers; water treatment plants; power terminal and distributing substation; and gate stations for natural gas distribution.

PUBLIC UTILITY SERVICE refers to the collection, distribution, treatment, or support of a service that is used by the public at large either locally or elsewhere. These services include but are not limited to those associated with power, water, sanitation, stormwater, waste, or communication.

PROTECTIVE AND EMERGENCY SERVICES means development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of emergency equipment and vehicles. Typical uses include police stations, fire stations and ancillary training facilities.

PUBLIC USE means a development which is publicly owned, supported or subsidized involving public assembly or use. Public uses typically may include such uses as: public schools, parks, libraries, arenas, museums, art galleries, hospitals, health services, cemeteries, tennis courts, swimming pools, and other indoor and outdoor recreational facilities.

REACH is defined as the longitudinal segments of a watercourse or shore of a waterbody. A reach may include the segment of the flood risk area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a watercourse or waterbody between two consecutive cross-sections would typically constitute a reach.



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RECREATIONAL VEHICLE means a structure that provides temporary accommodation for short-term or seasonal use. These structures are often used while travelling or vacationing and are generally designed to be towed behind a motor vehicle, or are self-propelled, and includes such things commonly known as: travel trailers, campers, fifth wheels, motorhomes, pop-up or tent campers, travel vans, or other similar structures.

RELIGIOUS ASSEMBLY means development owned by a religious organization used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This use class does not include Private Education Services, Public Education Services and Commercial Schools, even as accessory uses.

RETAIL STORE means a development used for the retail sale of a wide variety of consumer goods including such things as groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionary, pharmaceutical and personal care items, office supplies, stationary etc., but does not include any retail outlet otherwise classified or defined in this bylaw.

RETAIL STORES, CONVENIENCE means development used for the retail sale of those goods required by area residents or employees on a day-to-day basis, from ~~business~~ premises which do not exceed 279 m² (3003 sq. ft) in gross floor area. Typical uses include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

RIDING STABLE means land and buildings used to house horses and for their exercise and training may include a school, boarding stables, tack shop, or other related uses.

SECOND STOREY means the storey located above the first storey.

~~**SEMI-PUBLIC USE** means a development which is used for the meeting, social or recreational activities of its members, which may or may not include the general public. Typical semi-public uses include private schools excluding commercial schools, indoor and outdoor recreational facilities, hospitals, lodges and clubs, cemeteries, galleries, museums, Religious Assembly and places of worship, and libraries.~~

SENIOR HOUSING refers to residential development intended for occupation limited to seniors only.

SHOPPING CENTRE means two or more commercial establishments planned, developed and managed as a unit on a lot or lots and served by off street parking, and includes the total area upon which the buildings are located.

SIGN means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event.



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SIGN, BILLBOARD means a sign supported by one or more uprights, braces, or pylons, which stands independently of a building and may or may not contain advertising copy related to the development within the lot upon which the billboard sign is located.

SIGN, CANOPY means a canopy or awning which projects from a structure or building and displays the building or proprietor's advertising or identification.

SIGN, FASCIA means a sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached, but in no case does its vertical dimensions exceed 1.5 m (5 ft).

SIGN, FREESTANDING means a sign supported by one or more uprights, braces or pylons and which stands independently of buildings.

SIGN, OFF-SITE means a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is located. Such a sign is not located on the site of the goods, products, services, or facilities advertised.

SIGN, PORTABLE means a sign with a total area on one face of greater 3.0 m² (32.3 sq. ft) mounted on a frame or on a trailer, stand or similar support and which together with the support can be relocated to another location, and may include copy that can be changed manually through the use of detachable characters.

SIGN, PROJECTING means a sign other than a canopy or awning sign which projects at right angles from a structure or a building face or wall. This does not include a sign attached to the ground.

SIGN, ROOF means any sign erected upon, against or directly above a roof or on top of or above the parapet wall of a building.

SIGN, TEMPORARY means a sign which may or may not be portable in nature and which is located on a lot for a limited or specified period of time.

SIGN, UNDER-CANOPY means a sign which is attached to the bottom face of a canopy.

SIGN, WALL means a sign that is attached to or placed flat against the exterior wall or surface of any structure of any building, no portion of which projects more than 0.1 m from the wall and which does not project above the roof or parapet.



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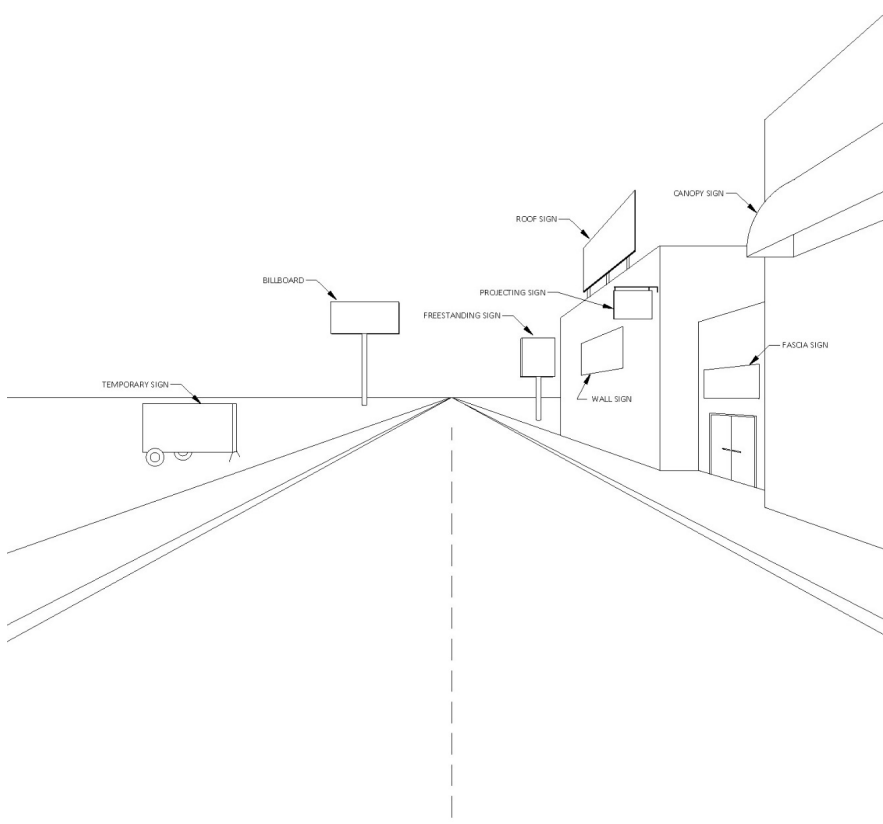


Figure 4.2 - Types of signs

SITE means one or more lots for which an application for a development permit is made, and may include streets, lanes, walkways, and any other land surface upon which development is proposed.



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SITE AREA means the total area of a site.

SITE BOUNDARIES means those boundaries which bound the site as determined by the Development Officer.

SITE, CORNER means a site at the intersection or junction of two abutting streets.

SITE COVERAGE means the combined area of all buildings or structures on a site as a percentage of the total site area, measured at the level of the lowest storey above grade, including all porches, verandas, decks and balconies whether open or covered but excluding open and enclosed terraces or patios at grade, steps, cornices, eaves and similar projections.

SITE DEPTH means the average horizontal distance between the front and rear site boundaries or lot lines of a site.

SITE, FLANKING means a corner site on which a side boundary is abutting onto a street and where only one front yard setback is required.

SITE, INTERIOR means a site which is bounded by only one street.

SITE WIDTH means the average horizontal distance between the side boundaries or lot lines of a site.

~~SPLIT LEVEL means a dwelling unit of single family housing that has three or more separate living areas, each separated from the next by a ½ storey, not including the basement.~~

~~STOP WORK NOTICE ORDER~~ means an order, in writing, requiring the person or persons responsible for any contravention of this bylaw to stop the development or use of land or building in whole or in part as directed by the order.

STOREY means that portion of the building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above it, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.8 m (6 ft) above grade, such basement shall be considered a storey for the purpose of this bylaw.

STOREY, HALF means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 2 feet above the floor of such storey.

STREET means a thoroughfare 9.5 m wide or more which is used by the general public and which affords the principal means of access to abutting property. Streets shall be designated as either local, for neighbourhood traffic, or collectors for heavier volumes. This does not include private roads in condominium developments or mobile home parks.

STREET, FLANKING means a street abutting the side yard of a lot or site.



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STREET, FRONTING means a street abutting the front yard of a lot or site.

STRUCTURE means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include buildings, walls, fences, billboards, and poster panels.

SUPPORTED LIVING FACILITY refers to a facility that is licensed to provide 24-hour personal care or supervision to those who have physical and/ or mental health challenges but do not need nursing support.

TEMPORARY DEVELOPMENT means a development for which a development permit has been issued for a limited time only (See Section 3.7.3).

TEMPORARY SHELTER SERVICES means the provision of communal, transient accommodation sponsored or supervised by a public authority or nonprofit agency intended to provide basic lodgings for persons requiring immediate shelter and assistance for a short period of time.

TOURIST CAMPSITE means a site which provides for the temporary location of tents and trailers used by travellers and tourists for overnight accommodation.

TOURIST LODGE means a building, with or without smaller ancillary buildings or cabins, providing rooms for temporary tourist lodging which does not normally exceed 14 days.

~~TOWNHOUSING see ROW HOUSING.~~

TRAILER, VACATION means any portable accommodation providing temporary living quarters for persons vacationing or travelling.

USE means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

VEHICLE SALES AND SERVICE means the premises where motor vehicles may be repaired, equipped, parked or stored for remuneration, sale, or display, including vehicle washing facilities as an ancillary use, but excluding gas bars, recreation vehicles or heavy equipment sales/rentals.

VEHICLE, DISMANTLED OR WRECKED means a motorized vehicle that is not legally registered with the Territorial Government and is in a condition of disrepair rendering it immobile and/or it is not considered structurally safe to operate on a public roadway. Subject to Sections 178 and 180 of the Cities, Towns and Villages Act, Council may, by bylaw, provide for the removal and disposal of vehicles that:

- a) are inoperable, wrecked or dismantled;
- b) are not located in a building; and
- c) do not form part of a business lawfully operated on the premises.



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VETERINARY CLINIC means development used for the care and treatment of animals where the veterinary services may involve inpatient and outpatient care and medical procedures involving hospitalization. This use includes animal hospitals and shelters, pet clinics and veterinary offices.

WAREHOUSE SALES refers to a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, or articles and may include facilities for a wholesale or retail commercial outlet. This includes the sale of bulky items such as furniture, carpet, major appliances, and home building supplies.

WAREHOUSE, PERSONAL STORAGE refers to a compartmentalized warehouse facility or complex, designed for rental of separate storage areas usually for the storage of personal property.

WATERBODY is defined as a lake, a pond, or a reservoir either naturally or artificially created which periodically or continuously contains water.

WATERCOURSE is defined as an open defined channel, river, drain, or ditch either naturally or artificially created which intermittently or continuously contains moving water.

YARD means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this bylaw.

YARD, FRONT means that portion of the lot extending across the full width of the lot from the front property boundary of the lot to the exterior wall of the building.

YARD, REAR means that portion of the lot extending across the full width of the lot from the rear property boundary of the lot to the exterior wall of the building.

YARD, SIDE means that portion of the lot extending from the front yard to the rear yard and lying between the side property boundary of the lot and the nearest portion of the exterior wall of the building.

YARD, SIDE (Flanking) means a side yard abutting a street on a corner lot.

ZERO LOT LINE means a zero side yard along the common property line of two semi-detached units.

ZONE means a defined area or district of the Town as set out in Schedule 1 of this bylaw and shown on the Zoning Map and is used to regulate the use and development of land.

ZONING MAP means the map forming part of this bylaw delineating the boundaries of the zones set out in this bylaw and marked Zoning Bylaw Map.



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General Regulations

5.0 GENERAL REGULATIONS

5.1 APPLICABILITY OF GENERAL DEVELOPMENT REGULATIONS

1. The General Development Regulations apply to any development on any site, irrespective of the zone in which it is located. Where these Regulations appear to be in conflict with regulations of a specific zone, the General Development Regulations shall take precedence.

5.2 ARCHITECTURAL CONTROLS

1. The purpose of this section is to provide the Town of Hay River with controls and guidance so that aesthetically attractive and compatible development is provided throughout the municipality.
2. The design, siting, external finish, and architectural appearance of all land, buildings, including any accessory buildings or structures and signs, shall be to the satisfaction of the Development Officer for a permitted use; and of Council for a Discretionary Use. This is done so ~~in order~~ that there shall be general conformity in such matters with respect to adjacent buildings and that there may be adequate protection afforded to the amenities of adjacent lot.
3. Pursuant to Sections 5.2(1) and (2), the Development Officer or Council shall consider all of the following when reviewing development proposals in all zones:
 - a) the design, character, and appearance of all buildings must be compatible with any other buildings existing in the vicinity unless the building is setting a new standard of design and character for the land use zone or a particular location within it;
 - b) the design of the building must be consistent with the purpose and intent of the land use zone in which it is located;
 - c) the siting of buildings must conform with the prescribed setback requirements;
 - d) the height, coverage, size, and shape of the buildings should be consistent relative to existing adjacent buildings;
 - e) the external finish of the principal and accessory buildings should be reviewed for consistency with respect to colour, finish, and texture;
 - f) the impact of a proposed building on the existing streetscape should be considered to maintain conformity of sight lines, and to reduce any extreme and distracting variations;
 - g) the use of landscaping should be encouraged to enhance the appearance of a development;
 - h) the existing trees and natural features should be preserved in new subdivisions and developments; and



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- i) the building or structure shall comply with any provisions which set out specific guidelines as to the design, character, appearance, or building materials to be used within a zone or area, or any architectural control guidelines adopted by Council.
- 4. Further to Section 5.2(3), the Development Officer or Council shall consider, but not be limited to, the following criteria when evaluating the design, character, and appearance of development proposals:
 - a) Guidelines for Commercial and Industrial Development:
 - i. The harsh contrasts of very large buildings mixed with small buildings can be softened by using similar sizes and shapes of massing elements like roof lines, exterior design, and treatment.
 - ii. Blank, unfinished walls give a very bland appearance to the streetscape. Particular attention should be given to reduce large vacant spaces between buildings which are left open to the public view.
 - iii. Rooftop mechanical equipment should be hidden from view from public streets and from adjacent buildings.
 - iv. Utility installations and buildings should be located in such a manner so as to be compatible with adjacent buildings and development. This may be achieved by placing utility installations within buildings wherever possible or developing utility buildings which blend into the surrounding area.
 - v. Natural features are an important part of the urban environment and should be given a high priority in developing a site. This may be achieved by, for example, preserving existing trees wherever possible.
 - vi. Corner sites at the intersection of major streets should be given special consideration. Sight lines for drivers and more pedestrian space are features which should be incorporated into the design of buildings on corner sites.
 - vii. Buildings should provide weather protective overhangs at outdoor pedestrian areas and at building entrances. The overhangs can be achieved through the use of cantilevers, awnings and canopies.
 - viii. Long buildings along the street front should include a public route through the building which can be used by pedestrians to access parking areas or simply to avoid having to walk around the building.
 - ix. Pedestrian areas in parking lots should be designed for safety and at a pedestrian scale. The combination of landscaping and pedestrian walkway connections from the parking area to the shopping area can act as a windbreak, slow the traffic in the parking area and soften the harsh visual impact of large asphalt areas.



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- x. Illumination of commercial and industrial lots should not shine into residential windows.
 - xi. On-site parking, loading, and shipping areas are less attractive elements of a streetscape and should be hidden from public roadways by buildings, screening and landscaping.
 - xii. Outdoor storage and garbage collection areas are generally unsightly and undesirable elements from public roadways and should be screened or hidden behind buildings. Existing storage and garbage collection areas should be screened from roadways by using berms, walls, and landscaping.
 - xiii. Signage on the building facade should be integrated with signage in the immediate vicinity and the zone as a whole to avoid the creation of visual cluttering, clashing or detracting from the appearance of the area or street.
- b) Guidelines for Residential Development:
- i. Visual privacy of internal living space and areas should be maintained in new and existing developments. The use of berms, landscaping and the orientation of the dwellings and the living space windows can improve the visual privacy between developments.
 - ii. Identical or similar housing styles, models, designs and colours should be discouraged. The same housing colour, design or treatment should not be used for any more than three adjacent dwellings.
 - iii. The intensity of colours should be restricted while encouraging the use of earth tone and pastel colours with natural finishes like wood and brick.
- ~~Houses on corner lots should generally be of lower elevation.~~
- iv. Any accessory building built on a lot, such as a detached garage or garden shed, should be similar to the principal building in terms of proportional mass, roof line, and exterior treatment.
 - v. Developments should be encouraged to possess good proportion in the front elevations through the use of such elements as dormers, bay windows, shutters, brickwork, roof lines and variations of window sizes.
5. Further to the above sections, Council may adopt more detailed architectural control guidelines where Council wishes to achieve a higher standard of design and appearance within a specific development, subdivision or neighbourhood.
6. Where Council adopts architectural control guidelines for a specific subdivision or neighbourhood, the following elements shall be contained in the document in order to ensure the aesthetic and functional quality of development:
- a) the compatibility of lot grading and drainage requirements within the lot;



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- b) the placement of the structure/building on the site to ensure proper utilization of the land and compatibility with surrounding structures/ buildings;
 - c) the styling and type of structure/building to ensure compatibility with surrounding structures/buildings; and
 - d) the compatibility of exterior finish and coordination of colour relationships.
7. Where Council adopts architectural control guidelines, the Development Officer shall ensure the controls are adhered to using, but not limited to, the regulations and mechanisms contained in Sections 3 and 5.2 of this bylaw.
8. The Town of Hay River may require that the developer register a Restrictive Covenant against the lot or subdivision in order to ensure ongoing conformance with the architectural control guidelines.

5.3 LANDSCAPING REQUIREMENTS

1. In residential zones, the maximum width of the driveway entrance at the street is 8 m (26 ft). The remaining area of the front yard will be landscaped. The landscape area must be covered with a landscape material, such as, but not limited to, turf-seeded, turf-sodded, weed barrier fabric, mulch, decorative pavers, washed gravel, shale or similar treatments and/or flower beds.
2. On-site landscape plantings are required for new developments in all commercial zones and for multiple-unit and institutional buildings in any zone.
3. Where lots back onto the Highway, landscaping will be required both in the front and the rear of the property.
4. New landscape plantings shall consist of perennial herbaceous and/or woody plant species known to be hardy in the Hay River area. Where possible, to provide winter interest, evergreen shrubs and trees and/or deciduous shrubs and trees that have interesting bark, fruit, or form shall be used. Existing healthy woody plants (trees, shrubs) can count towards the landscaping requirements.
5. The required landscape planting area in square metres is calculated based on 2.5 m (8.2 sq. ft) multiplied by the total public road frontage of the property in metres. One tree planted per 25 m² (269 sq. ft) landscape planting area or one shrub planted per 15 m² (162 sq. ft) landscape, with numbers rounded. Where the calculation of the total number of trees or shrubs required results in a fractional number, the total number of trees and shrubs required shall be the next highest whole number.
6. In the C2 and C3 zones, the planting area must be at least 2 m (6.6 sq. ft) wide. In C1 zones, there is no minimum width of the planting area.
7. The minimum size of deciduous trees is 60 mm caliper. The minimum height of coniferous trees is 1.75 m (5.74 ft) as measured from ground level. The minimum size of



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shrubs is #2 pot (7.57 l / 2 gallon) or 1 m (3.3) height balled-and-burlapped as measured from ground level.

8. Adequate means of routine watering of plant materials shall be provided on site. These means may take the form of automatic sprinkler systems, low-emission, drip or trickle irrigation, weeping hoses, gravity feed systems, hose and sprinkler systems, or other means as approved by the Development Officer. Particular attention is to be paid to adequate watering during the establishment phase to optimize survival of newly planted materials.
9. Screening of storage areas is required in all commercial zones and shall be located to the rear or side of the principal building and shall be screened from view from any street and from adjacent sites in a residential zone.
10. The ground of the landscape area must be covered with a landscape material, such as, but not limited to, turf-seeded, turf-sodded, weed barrier fabric, mulch, decorative pavers, washed gravel, shale or similar treatments and/or flower beds. A Development Officer may require a combination of different landscape ground cover treatments for the purpose of increasing the diversity and appeal of the landscape area. In no instances shall non-organic material be used as the sole landscape ground cover on a site. In the case where gravel, shale, mulch, or a similar loose material is used for landscaping, suitable containment must be implemented to the satisfaction of the Development Officer, to ensure that the material is maintained on private property and does not migrate on to public streets, sidewalks, etc.

5.4 BUILDING FOR PUBLIC USE

1. All buildings proposed for public use, including apartments, religious assemblies, commercial and industrial buildings, must, conform to the National Building Code of Canada and have the approval of the health authorities of the Northwest Territories and the NWT Fire Marshall.
2. All buildings proposed for public use shall provide ~~handicapped~~-accessible facilities conforming to the latest revision of the National Building Code of Canada.

5.5 CORNER LOTS

1. In addition to the specific lot regulations of this bylaw, any development involving a corner site in any zone shall comply with all the restrictions, limitations, and conditions relating to visibility approaching road intersections as may be required by the Development Officer or Council.
2. These conditions shall apply to the area formed within a corner site by the two street property lines and a straight line which intersects each of them 7.5 m (25 ft) from the corner where they meet.



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3. The area located within the above noted dimensions shall provide un-obstructed visibility and for the purpose of this bylaw be known as the Site Sight Triangle.
4. In residential zones, a site abutting onto two streets shall have front and side yard requirements in accordance with this bylaw based on the following:
 - a) the longer of the yards abutting a street on a corner lot shall be referred to as the flanking side yard; and
 - b) the shorter of the yards abutting a street on a corner lot shall be referred to as the front yard.



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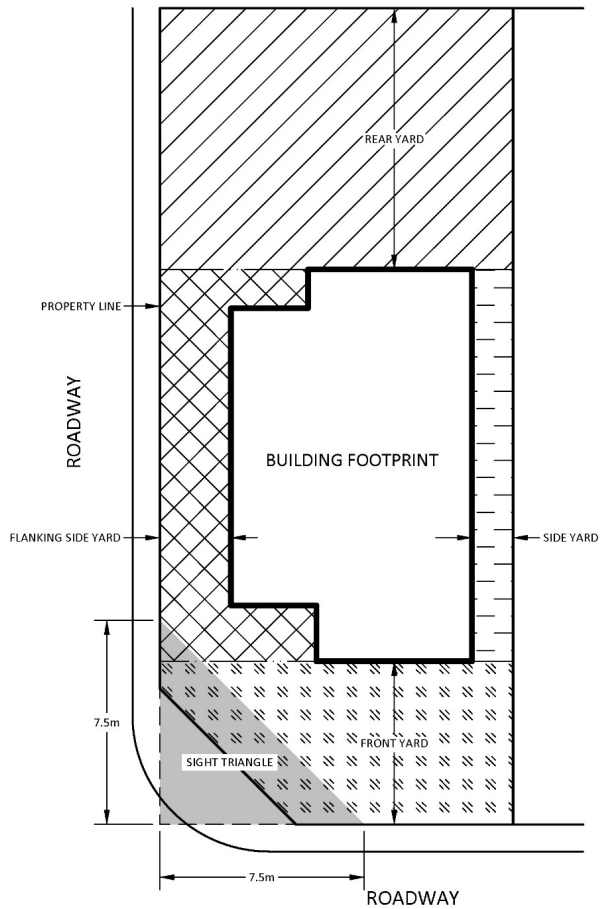


Figure 5.1 - Flanking side yard



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5.6 AIRPORT VICINITY

1. When a proposed development occurs within the vicinity of the Hay River Airport, the development shall conform to the Hay River Airport Zoning Regulations passed pursuant to the Aeronautics Act, ~~by Order-in-Council numbered P.C. 1976-1123 and filed in the Land Titles Office on January 24, 1977 Day Book No. 17510.~~

5.7 PROXIMITY TO PIPELINES, POWER LINES, FIRE HYDRANTS AND RIGHTS-OF-WAY

1. Where any distribution pipeline carrying highly pressurized gas or volatile liquid crosses, or is situated in the vicinity of, land which is proposed for development, no habitable building shall be sited closer than 15.5 m (51 ft) to the centre line of the pipeline right-of-way or the pipeline, whichever is closest.
2. The following distances shall be considered the minimum amount of separation required between overhead power transmission lines and buildings, signs, bridges, light standards, antennas or other objects:

OVERHEAD EQUIPMENT OR CONDUCTOR	SEPARATION DISTANCE	
	HORIZONTAL	VERTICAL
0-750 V insulated	300 mm (11.81 in)	300 mm (11.81 in)
Above 750 V insulated	1.0 m (3.28 ft)	3.0 m (9.84 ft)
0-2 2 kV *	3.0 m (9.84 ft)	5.0 m (16.40 ft)
ABOVE 22 kV *	3.0 m (9.84 ft) Plus 10 mm (0.39 in) / kV in excess of 22 kV	5.0 m (16.40 ft) Plus 10 mm (0.39 in) / kV in excess of 22 kV
* Bare, exposed, or non-rated insulation		



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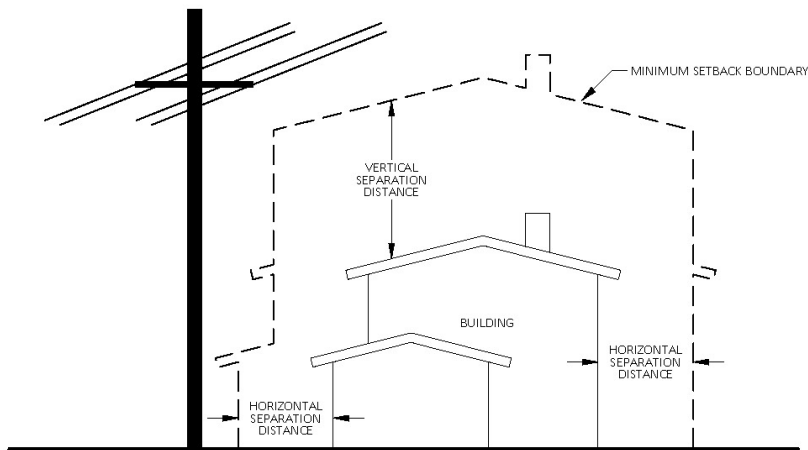


Figure 5.2 - Power line clearances

3. No development shall be allowed over or above an existing underground gas pipe or gas service line unless the Development Officer has been advised in writing by the operator of such public utility that satisfactory arrangements have been made for the relocation of such piping or service line.
4. Development shall not be permitted within the right-of-way of an operating railway or the right-of-way of a designated highway under the Public Highways Act.
5. Additional set-back distances may be required for developments which are in close proximity to railway crossings if, in the opinion of the Development Officer, such development may pose safety concerns with regard to sighting distances.
6. The Development Officer shall ensure that all development immediately adjacent to a public highway shall be in conformance with all the relevant regulations and policies of the Government of the Northwest Territories.
7. Fences, landscaping and other obstructions shall be located a minimum of 1.5 m from any fire hydrant. Property owners are responsible for ensuring that fire hydrants abutting their property are kept clear of debris and are visible at all times.



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5.8 ACCESS AND UTILITIES

1. When a proposed development adjoins a highway, a service roadway of not less than 20 m (66 ft) in width shall be provided adjacent and parallel to the highway.
2. No residential or commercial development shall be allowed unless there is access to an all-weather public roadway for use by emergency vehicles.
3. Development permits shall not be issued where in the opinion of the Development Officer or Council satisfactory arrangements have not been made with the Town as to the supply to the required subdivision of any or all of the following services: water, electricity, sanitary sewer, street access, or other services or facilities, including the payment of costs of installing any such service or facility.
4. Any development which cannot be served by a public sewer and public water system shall have private sewer and water systems that are approved by Council and have such site areas as may be required by Council. In determining such site area Council shall refer the proposed development to local health authorities and shall give due consideration to the recommendations of those authorities in relation to the nature of the site.

5.9 SOILS AND DRAINAGE

1. No development shall be allowed unless the nature of the surface and subsoil of the land is such that good drainage, and the stability of the buildings and structures, can be assured.
2. The Development Officer may specify, as a condition of the development permit, the requirement that work relating to drainage and soil stability be carried out.
3. In all cases, lot grades shall be established with the following minimum requirements:
 - a) the centre of the lot shall be 18" higher than the centre line of the roadway onto which it fronts; and
 - b) a minimum 2% gradient for drainage shall be provided.
4. All lot grading shall be to the satisfaction and/ or discretion of the Development Officer.

5.10 EXCAVATION AND CONSTRUCTION WORK

1. As a condition of approving a permit, the Development Officer shall require that all necessary safety measures will be taken and that the excavations, storage or piling up of materials required during the construction stage shall not continue any longer than reasonably necessary to complete the particular stage of the construction work.



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2. The person to whom the permit has been granted shall be fully responsible for any loss or injury incurred by any person or damage to any property caused by excavations, storage, or piling up of material.

5.11 MOVING BUILDINGS

1. No person shall move a building, structure, or mobile home larger than 14 m² (151 sq. ft) within, into or out of the municipality unless he has first obtained a Development Permit – Moving.
2. The Development Officer may refuse to issue a permit for the moving of a building, structure, or mobile home if:
 - a) there are any taxes or other charges due to the Town with respect to the building or the lot on which it is situated, unless arrangements satisfactory to the Senior Administration Officer have been made for payment of such taxes or other charges; or
 - b) the building would fail to conform to the requirements of the zone into which it is proposed the building be moved.
3. The Development Officer shall require the owner of a building that has been moved to acquire a Development Permit - Utility before power services are connected at the new location.
4. The Development Officer may, as conditions of a permit for the moving of a building, require such renovations and alterations as may be necessary so that the building will conform with the current requirements of the following:
 - a) The zone into which the building is moved;
 - b) The National Building Code of Canada;
 - c) The National Fire Code of Canada;
 - d) The NWT Fire Marshall;
 - e) The Hay River Office of the [Hay River Community Health Board](#) ~~Mackenzie Regional Health Services~~; and
 - f) The Regulations for Construction in Flood Fringe Areas.
5. The Development Officer may require the owner of a building that is to be moved to post a performance bond that shall be held to ensure any renovations or alterations required in subsection 5.11 (4) be completed within a specified time period.
6. No Development Permit - Occupancy shall be granted until all renovations and alterations required in subsection 5.11 (4) have been completed to the satisfaction of the Development Officer.
7. No Development Permit - Occupancy shall be granted until all moved buildings have been inspected by the Town Building Inspector as appointed by the Development Officer.



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8. The Development Officer or Council may make conditions as to the time and the manner in which the building may be moved so as to avoid or minimize damage to streets and power or telephone lines, and to ensure the safe and expedient flow of traffic while moving operations are in progress.

5.12 FENCES IN RESIDENTIAL ZONES

1. A person shall not construct a fence on a site in a residential zone that is higher, measured from the general ground level 30.5 cm (1 ft) back of the property line on whichever side of the fence is lower, than:
 - a) 1.98 m (6.5 ft) for the portion of the fence that does not extend beyond the foremost portion of the principal building on the site. The Development Officer may allow a fence to be erected up to 2.44 m (8.0 ft) in height upon the written consent of the owners of the property adjacent to such a fence where, in his opinion, it would not adversely affect the amenities of the area;
 - b) 1 m (3.3 ft) for the portion of the fence that does extend beyond the foremost portion of the principal building on the site, provided that the Development Officer may allow a fence to be erected to not more than 1.83 m (6.0 ft) in height if, in his opinion, it will not prejudice the amenities of the zone; and
 - c) in the case of corner lots, the foremost portion of the principal building referred to in (a) and (b) of this subsection 1 shall apply to both faces of the building fronting onto each street.
2. There shall be no obstruction to vision, at an intersection, by fences over the height of 1.0 m (3.3 ft) above established grades and streets, and within the area defined as the Sight Site Triangle under Section 5.5 of this bylaw which is formed on a corner site by the two street property lines and a straight line which intersects each of them 7.5 m (24.5 ft) from the corner where they meet.



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1. No person shall keep in any part of a yard in the R1 (A, B, C), R2, R3, R4, RM, and RC zones:
 - a) any commercial vehicle loaded or unloaded of a maximum weight in excess of 4,082 kilograms (9,000 lbs.) other than for temporary loading and unloading;
 - b) the storage of any dismantled or wrecked vehicle for more than seven days without the written permission of the Development Officer;



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- c) the storing of objects or chattels which are unsightly or tend to affect adversely the amenities of the zone; and
 - d) the excavation, storage or piling up of materials required during the construction stage, pursuant to Section 5.10 of this bylaw.
2. In accordance with the Town of Hay River Garbage Bylaw (as amended), garbage shall be stored in weather-proof containers screened from adjacent sites and public streets to the satisfaction of the Development Officer and shall be in a location easily accessible for pickup.
3. Storage areas for goods or materials normally associated with the enjoyment of residential property is permitted only in the rear and interior side yards of any lot in a residential zone. In the case of a corner lot, such storage is not permitted within the front or exterior side yard setback.
4. Between the period of October 31st and May 1st, recreational vehicles, utility trailers, and boats shall be stored in the rear or side yard or may be stored in a front yard driveway, provided they do not project further than 2 m into a front yard. In the case of a corner lot, recreational vehicles, utility trailers, and boats may be stored in an exterior side yard provided that the area is screened from view with either fencing or landscaping. At all other times of the year, recreational vehicles, utility trailers, and boats may be stored in a front yard driveway.
5. Outside storage areas shall be screened from adjacent sites and streets.

5.14 RESIDENTIAL SUBDIVISION DEVELOPMENT

1. Any development covering an unsubdivided area of 0.5 ha or more in extent and which will result in the erection of a multiple number of commercial, residential or industrial units shall be submitted, notwithstanding the other provisions of this bylaw, to the Council for its approval and Council may establish additional standards and requirements to ensure that the area is developed to the highest standards or use and amenity. The application for a development permit shall be accompanied by an overall plan and shall state whether the development is to be completed in one continuous operation or in defined stages.

5.15 FLOOD RISK REGULATIONS

Purpose

1. The Purpose of the Regulations in this section is to regulate the development of flood hazard areas in Hay River so as to promote the public health, safety and general welfare and to minimize the adverse effects of periodic inundation including but not limited to loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare. Accordingly, the provisions contained herein are so designed to:



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- a) restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood-stage elevations or water velocities;
- b) require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction; and
- c) protect individuals from buying lands which are unsuited for intended purposes because of flood risk.

Warning and Disclaimer of Liability

- 2. The degree of flood protection intended to be provided by this bylaw is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These Regulations do not imply that areas outside the flood risk area boundaries will always be totally free from flooding or flood damages. Nor shall these regulations create a liability on the part of, or be a cause of, action against the Town of Hay River or any officer or employee thereof for any flood damages that may result from reliance on these regulations.

Non-Conforming Structures

- 3. Any existing structures that do not meet the required flood proofing standards equal to or above the National Building Code of Canada and/or the Canada Mortgage and Housing Corporation Technical Builders Bulletin or that the first floor is not equal or above the level of freeboard elevation shall be considered non-conforming until such time as the structure may be brought up to meet the standards.

Fill and Dredging

- 4. The Development Officer or Council may require an evaluation of any fill or dredging activities on flood carrying capacity and the extent of the flood risk area. This material shall be referred to the appropriate federal agency having jurisdiction for review and comment as to acceptability of these proposed actions before a decision is rendered by the Development Officer or Council.

Flood Risk Areas

- 5. The flood risk areas to which these regulations are applicable have been divided into two areas, a Floodway Area and a Floodway Fringe Area. For greater certainty, the Town of Hay River 1:2000 Flood Risk Maps should be consulted.

Floodway Area

- 6. No use shall adversely affect the efficiency or unduly restrict the conveyance/storage capacity of the Floodway or of any tributary to the main watercourse or waterbody, drainage ditch or any other drainage facility.



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7. The conveyance/storage capacity of the floodway shall not be diminished so as to cause excessive increases in flood stage elevations or in water velocities during a flood event. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach either on both sides of the watercourse or along the shoreline of a waterbody.
8. Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve the purposes, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill or other materials shall be protected against erosion by rip-rap, compacting, bulkheading, or some other approved method of preventing erosion.
9. The storage or processing of materials that are, in time of flooding buoyant, flammable, explosive, toxic or that could be injurious to human, animal or plant life, is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent floatation or readily removable from the area within the time available after flood warning.

Floodway Fringe Area

10. The purpose of the Floodway Fringe Area is to reduce the flood vulnerability of uses and structures located in that portion of the flood risk area so designated by requiring that all further undertakings be flood proofed, and to minimize the threat to public safety, health and welfare that may occur during a flood event of a frequency equal to or higher than that of the design flood event. The Floodway Fringe is generally characterized by water velocities of less than 1 m (3.3 ft) per second and flood stage elevations of less than 1 m (3.3 ft).
11. Only structures that are flood proofed by raising their first floor to the level of freeboard elevation or that are designed and constructed as to be watertight and have sufficient structural integrity to withstand the hydrostatic and hydrodynamic pressures and other factors associated with inundation to the freeboard elevation including but not limited to the impact of water-borne debris floating in water flowing at a rate of 1 m (3.3 ft) per second. The National Building Code of Canada and/or the regulations of the Canada Mortgage and Housing Corporation shall serve as the minimum design and construction requirements for flood proofing.
12. Notwithstanding subsection 11 above, the Council may, upon consulting the Development Officer, authorize the location of uses at an elevation below the level of freeboard elevation if such uses will not be subject to flood damage and which will not cause flood damage to other lands. Such uses shall not be eligible for flood-damage compensation.
13. Any use which presents a hazard to life and property either before, during or after a flood event shall be prohibited from the flood risk area unless adequate safeguards can be developed so as to render the hazard impotent.



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14. Upon receiving an application for development within the area identified as the Floodway Fringe, the Development Officer or Council shall, prior to rendering a decision thereof:
- a) require the applicant to furnish the following information which may be deemed necessary by the Development Officer or Council for determining the suitability of the particular site for the proposed use:
 - i. plans drawn to a scale of 1:2000 showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the floodway, and the floodway fringe, where applicable, and the design flood elevation,
 - ii. a typical valley cross-section showing the channel/ shoreline of the watercourse/ waterbody, elevation of land areas adjoining the channel/ shoreline, cross-sectional areas to be occupied by the proposed development, and high-water information,
 - iii. plan (surface view) showing contours of the ground with at least a 1 m (3.3 feet) interval; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; locations and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information,
 - iv. profile showing the slope of the bottom of the watercourse,
 - v. specifications for building construction and materials, flood proofing, filling, grading, storage of materials, water supply and sanitary facilities, and
 - vi. a contingency plan outlining emergency action to be undertaken in the event of a flood and/or of failure of the flood proofing techniques adopted;
 - b) one copy of the information described in Section 5.15(14)(a) above may be transmitted to a designated professional engineer or other expert or agency having jurisdiction for technical assistance, where necessary, in evaluating the proposed project in relation to flood-stage elevations and water velocities; the seriousness of flood damage to the use, the adequacy of the plans for flood-damage mitigation and other technical matters;
 - c) based upon the technical evaluation carried out pursuant to Section 5.15(14)(b) above, the Development Officer or Council shall determine the specific flood risk at the site and shall evaluate the suitability of the proposed use in relation to the flood risk; and
 - d) in reviewing such an application, the Development Officer and Council shall consider all relevant factors specified in other sections of this bylaw; and
 - i. the danger to life and property owing to increased flood stage elevations or velocities caused by encroachments,
 - ii. the danger that materials may be swept on to other lands or downstream to the injury of others,



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- iii. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions during a flood,
- iv. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,
- v. the importance of the services provided by the proposed facility to the community,
- vi. the requirements of the facility for a waterfront location,
- vii. the availability of alternative locations not subject to flooding for the proposed use,
- viii. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future,
- ix. the relationship of the proposed use to the general plan and flood plain management program for the area, if in existence,
- x. the safety of access to the property in times of flood for ordinary and emergency vehicles,
- xi. the expected flood-stage elevations, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site, and
- xii. such other factors which are relevant to the purposes of this bylaw.

15. Conditions Attached to Development Permits for Uses in Flood Risk Area:

- a) upon consideration of the factors listed above and the purposes of this By-law, the Development Officer or Council may attach such conditions to the granting of Development Permits for uses in the flood risk areas as it deems necessary to further the purposes of this bylaw. Such conditions may include:
 - i. modification of waste disposal and water supply facilities,
 - ii. limitations on periods of use and operation,
 - iii. imposition of operational controls, sureties, and deed restrictions,
 - iv. purchase of easements or first option, and
 - v. submission of a plan or document certified by a professional engineer/architect that the flood proofing measures are consistent with the freeboard elevation and associated flood factors for the particular area. The flood proofing measures as outlined in the National Building Code of Canada and/ or the Regulations of the Canada Mortgage and Housing Corporation shall apply.



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5.16 REQUIREMENTS FOR CONSTRUCTION IN FLOODWAY FRINGE AREAS

Scope of Application

1. This section applies to buildings of all types located within the flood risk area or the floodway within a flood plain which has been designated jointly by the Federal Ministers of the Environment and Indian and Northern Affairs, and the Commissioner of the Northwest Territories.
2. Flood proofing requires the raising of structures above the Design Flood Level, as described on the Flood Risk Map, and the requirements presented herein are described in detail in the Canadian Mortgage and Housing Corporation's Technical Builders' Bulletin. A certificate stating that the foundations meet the Design Flood Guidelines shall be issued by an Engineer or Surveyor and submitted as a Building Inspection Report before occupancy will be granted.
3. The requirements in this Section allow for the continued occupancy of the dwelling unit during the early stages of a flood.
4. For the purpose of this Section "habitable portions of the building" means rooms or spaces required and intended for residential occupancy, during the early stages of a flood, and includes facilities for heating, air-conditioning, electrical, hot water supplies and plumbing waste connections.
5. For the purpose of this Section "design flood level" means the level at which the design flood, not less than the 1-in-100 year event, reaches within the inundated area. The "design flood level" may also be referred to as "flood protection level".

Surveyor's Certificate

6. Site plans, indicating the elevation of the design flood level, the lot elevations, and the top of foundations, shall be submitted with the application for a development permit. They shall be certified by a professional surveyor or professional engineer licensed to practice in the NWT and submitted as part of the application for a development permit.

Filled Ground

7. The use of stable fill to raise the lowest portion of a building permanently above the design flood level shall be an acceptable alternative to the other requirements in this Section.
8. No buildings constructed on filled ground shall be raised to a height that is, in the opinion of the Development Officer, not in keeping with the character of the area and location relative to surrounding buildings.



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Footings and Foundations

9. Foundations shall be designed in conformance with Section 4.2 of the current National Building Code of Canada.
10. In buildings with basements, footings and foundation walls shall be cast-in-place concrete. The interior surfaces of basement or cellar walls and floors shall not have any finishing materials covering the concrete.
11. Footings, foundation walls and floor slabs-on-ground shall be designed to resist all loads and influences that may be expected including hydrostatic pressure, and shall satisfy the requirements of Part 4 of the current National Building Code of Canada. Foundation insulation shall be applied on the exterior and be fastened to prevent detachment during flooding.
12. The designer shall be a professional engineer or architect skilled in such design and licensed to practice in accordance with the appropriate territorial legislation.
13. The clear height from the top of the basement concrete slab-on-ground to the underside of first storey floor system including the beam shall be not less than 1.93 m (6.33 ft).
14. Basement or cellar walls shall be provided with at least two openable windows located on opposite sides of the building. The top of the windowsills shall not be less than 150 mm (6 in) below grade to allow flood water into the basement to counteract the hydrostatic pressure.
15. The interior surfaces of basement or cellar walls and floors shall not have any finishing materials covering the concrete.
16. Basements shall not contain habitable space nor be used for storage of immovable materials or hazardous materials that are buoyant, flammable, explosive, or toxic.

Backfill

17. Backfill material shall be placed in accordance with Subsection 9.12.3 of the National Building Code of Canada.
18. Backfill material shall be graded at least up to the design flood level at the exterior of the foundation wall.
19. Backfill material shall be graded away from the foundation at a slope not exceeding 1-in-3 for a minimum distance of 4.5 m (15 ft). From this point the slope may be increased to 1-in-4 slope until the original grade level is reached.



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Other Support Systems

20. The use of piles or other support systems to raise the lowest portion of a building above the design flood level is an acceptable alternative to other requirements in this section.
21. The system shall be designed to resist all loads and influences that may be expected and shall satisfy the requirements of Part 4 of the current National Building Code of Canada.
22. The designer shall be a professional engineer or architect licensed to practice and skilled in such design.

Floor Construction

23. The area enclosed by the foundation walls shall be covered by a concrete slab not less than 75 mm (3 in) thick exclusive of concrete topping. When concrete topping is provided, it shall be not less than 20 mm (0.78 in).
24. The top of a structural slab-on-ground supporting habitable portions of a building shall be minimum 300 mm (11.8 in) above the design flood level.
25. Load-bearing floor slabs-on-ground shall be designed as required in subsections 4.14(9) and 4.14(10) of this Section.
26. The underside of floor joists and sill plates supporting habitable portions of a building shall be minimum 300 mm (11.8 in).
27. The underside of wood beams supporting floors shall be minimum 300 mm (11.8 in) above the design flood level.
28. Any wooden substructure must be a minimum of 300 mm (11.8 in) above the design flood level, and floor elevations must be a minimum of 500 mm (19.1 in) above the design flood level.
29. Columns supporting floor loads shall be steel columns as required in Subsection 9.17.3 of the current National Building Code of Canada.
30. Load-bearing walls constructed below the design flood level shall be cast-in-place concrete.

Anchorage

31. Wood and steel frame buildings shall be anchored to the foundation or piles to prevent the unit from floating off the foundation should the design flood level be exceeded.
32. Exterior walls built on floor slab-on-ground shall be anchored as required in Article 9.23.6 of the current National Building Code of Canada.



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33. First floor joists shall either have the ends embedded in the concrete foundation or the header joist mechanically fastened to the sill plate anchor bolts, or any system providing equivalent protection.

Basement or Cellar Drainage System

34. A covered sump pit with an automatic submersible pump shall be provided in all basements or cellars.
35. The outflow pipe shall discharge above the design flood level.
36. A separate, electrical circuit shall be provided for the sump pump with the operating switch located above the design flood level.
37. Granular material under the basement or cellar slabs shall be graded so the entire area is drained towards the sump pit.
38. Basements or cellars shall have a floor drain connected to the sump pit.
39. Basement or cellar slabs shall have a positive slope to the floor drain.
40. Floor drains or sump pumps shall not discharge to municipal sanitary sewage systems, but may discharge to municipal storm sewage systems when a backwater valve is installed.

Measures for Continued Occupancy

41. Casings for vented drilled wells shall extend to a point at least 150 mm (6 in) above the design flood level or be capped.
42. Waste connections for plumbing fixtures shall not be made below the design flood level except as permitted in Section 4.15.
43. Central heating units, such as oil, gas or electric forced air furnaces including all ductwork and service water heaters, shall not be installed below the design flood level.
44. Electrical service panels shall not be located below the design flood level. Electrical circuits servicing areas below the design flood level shall be on separate circuits and be capable of disconnection.
45. Sewage storage tanks shall be designed to resist damage or leakage by floodwater or ground water conditions.

5.17 HEIGHT

1. In determining whether a development conforms to the maximum height permissible in any zone, the following regulations shall apply:



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- a) in any zone other than a residential zone, the following features shall not be considered for the purpose of height determination: chimney stacks, steeples, belfries, domes or spires, monuments, elevator housings, roof stairway entrances, water or other tanks, ventilating equipment, skylights, fire walls, parapet walls, receiving or transmitting structures, masts, flag poles, clearance markers, or other erections which are considered to be similar by the Development Officer; and
 - b) in any residential zone, those features specified in clause (a) shall not be considered for the purpose of height determination, except that receiving or transmitting structures, other than those which may be normally required by adequate local television reception, shall be considered.
2. notwithstanding (a) and (b) above, any developments shall comply with the requirements contained in the Hay River Airport Zoning Regulations governing the height of buildings and structures.

5.18 LIGHTING OF SITES

1. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties or interfere with the effectiveness of any traffic control devices.

5.19 PROJECTIONS INTO YARDS

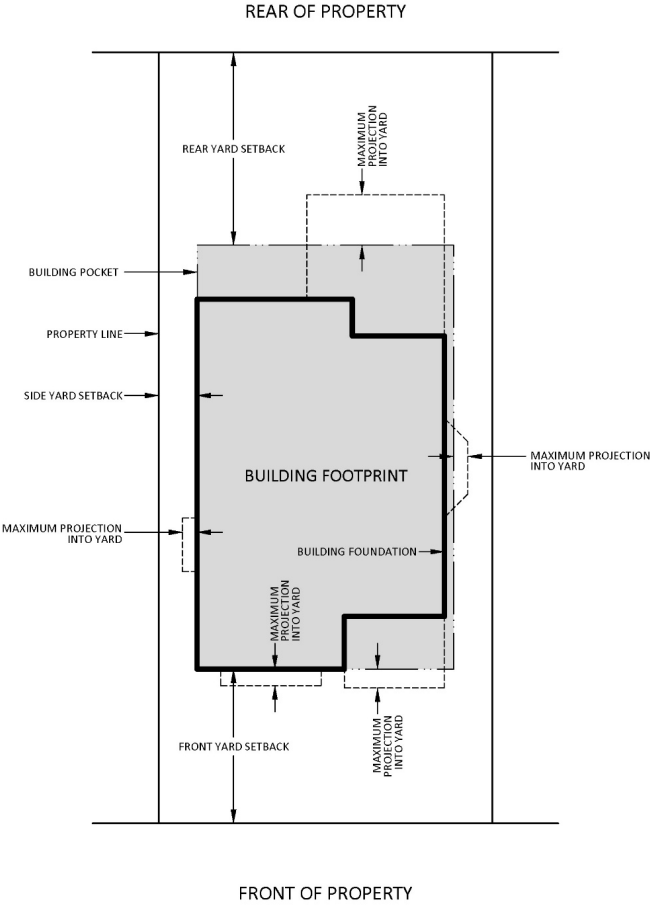
1. The following features may project into a required yard as provided for below:
 - a) Bay, oriel or similar windows, porches, eaves, shade projections, unenclosed steps, chimneys or parts of a chimney, belt courses, sills, together with any other built features which, in the opinion of the Development Officer, are of a similar character;
 - b) Balconies, decks, verandas together with any other built features which, in the opinion of the Development Officer, are of a similar character; and
 - c) An open, hard surfaced and uncovered terrace or patio in any yard in a residential zone, if such terrace is completely unenclosed except by a guard rail or parapet wall which do not exceed the maximum height permissible for a fence in the same location, or a temporary covering such as an awning.
2. Features may project into yards as provided for in the illustration below and the table on the following page.

If the required yard setback is:	Maximum Projection Allowed	
	Windows, porches and other features listed in a)	Balconies, decks and verandas and similar features listed in b)
Less than 1.22 m	0.46 m	0.46 m
1.22 m to 3.66 m	0.61 m	0.61 m
More than 3.66 m	0.61 m	1.88 m



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Figure 5.4 - Projections into yards

- a) ~~balconies, porches, decks, terraces, verandas, eaves, shade projections, unenclosed steps, chimney-breasts or parts of a chimney, belt courses, sills, together with any other architectural features which, in the opinion of the Development Officer, are of a similar character, provided such projections do not exceed 0.61 metres (2.0 feet) in the case of required yards 1.22 metres (4.0 feet) and over, and 0.46 metres (1.5 feet) for required yards less than 1.22 metres (4.0 feet);~~
- b) ~~bay, oriel, or similar windows provided that such projections do not exceed 0.61 metres (2.0 feet) in the case of required yards 1.22 metres (4.0 feet) and over, and 0.46 metres (1.5 feet) for required yards less than 1.22 metres (4.0 feet);~~
- c) ~~balconies, provided with such projections do not exceed 1.88 metres (6.2 feet) into yards with a depth of at least 3.66 metres (12.0 feet) and 0.61 metres (2.0 feet) for yards less than 3.66 metres (12.0 feet); and~~
- d) ~~an open, hard surfaced and uncovered terrace or patio in any yard in a residential zone, if such terrace is completely unenclosed except by a guard rail or parapet wall which do not exceed the maximum height permissible for a fence in the same location. No such terrace shall project into any required front yard more than 2.44 metres (8.0 feet). The provision of an awning or similar temporary covering for such a terrace shall be permitted.~~

5.20 ARCHAEOLOGICAL RESOURCES

1. The Culture and Heritage Division of GNWT's Department of Education, Culture and Employment, located at the Prince of Wales Northern Heritage Centre (PWNHC) manages archaeological sites on all lands and waters in the NWT other than those under the administration and control of the federal government. Archaeological sites are protected by law (under *Archaeological Sites Regulations*, pursuant to the *Archaeological Sites Act*), and as such, potential impacts to archaeological sites must be evaluated whenever a development project is proposed.
2. There are often recorded and unknown archaeological sites within community boundaries. Archaeological sites are extremely sensitive to impacts and can be drastically altered through various types of land uses. Any activities that have the potential to disturb the surface or subsurface of the ground can negatively impact an archaeological site.
3. Any proposed land use that has the potential to impact the surface or subsurface of the ground and is within a previously undisturbed area or is within 150 m of a previously recorded archaeological site should be reviewed by PWNHC. PWNHC shall conduct a review and provide recommendations to the Town within 30 days of receiving a notice.
- 3.4. A "no development" buffer of at least 30 m will be applied to recorded archaeological site locations, unless alternate recommendations are provided by PWNHC



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6.0 SPECIAL LAND USE REGULATIONS

6.1 APPLICABILITY OF SPECIAL LAND USE REGULATIONS

1. The Special Land Use Regulations apply to the uses listed irrespective of the zone in which they are located. Where these regulations appear to be in conflict with the zone regulations in which the use is either a Permitted or a Discretionary Use, the Special Land Use Regulations shall take precedence and shall be applied in addition to the requirements of the zone.

6.2 MULTIPLE UNIT HOUSING DEVELOPMENT

1. For all residential developments excepting single detached and duplex housing, the Development Officer shall not issue a development permit for a multiple unit housing development unless the following conditions have been satisfied: ~~he/she is they are satisfied as to the following:~~
 - a) provision of recreational areas and open spaces ~~on the property~~;
 - b) access for fire department vehicles and other emergency vehicles;
 - c) provisions of access to garbage storage; storage to be suitably enclosed;
 - d) provisions of clothes lines or alternate means of handling laundry;
 - e) landscaping according to ~~Section 5.3 and fences according to Section 5.12~~;
 - f) lighting between buildings;
 - g) orientation of buildings and general appearance of ~~buildings project~~;
 - h) privacy of dwelling units in and adjacent to the development;
 - i) safe pedestrian access to and from the public sidewalk fronting the site; and
 - j) any other matter the Development Officer or Council reasonably consider necessary to the residential environment.

6.3 MANUFACTURED ~~MOBILE~~ HOMES

1. ~~Manufactured Mobile~~ Homes shall in all cases:
 - a) be placed on permanent foundations and footings as specified in the National Building Code of Canada;
 - b) comply with all provisions of the regulations concerning ~~manufactured trailers or mobile homes~~;
 - c) meet or exceed the provisions of CSA Z240;
 - d) not be less than 74 m² (797 ft);
 - e) meet all safety and fire regulations as may be specified by the municipality;



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- f) have skirtings to screen the undercarriage; this skirting shall be factory prefabricated or of a quality equivalent thereof so that design and construction will complement the home; and
 - g) be subject to any subsequent regulations the Town may incorporate.
- 2. All accessory structures such as patios, porches, decks, additions, and storage facilities shall be factory prefabricated units, or of a quality equivalent thereof so that design and construction will complement the mobile home.
- 3. In cases of an irregularly shaped lot or a **manufactured** ~~mobile~~ home that is too long to allow for normal setbacks, the Development Officer may permit setbacks at the front and back respectively, which are less than the required setbacks but in no case less than 3 m (10 ft), provided this does not adversely affect the amenities of the residential area.

6.4 DAY CARE FACILITIES

- 1. In addition to conforming with the GNWT Child Day Care Act and Child Day Care Standards and Regulations, all Day Cares shall be subject to the following regulations:
 - ~~a) the maximum number of children for which care may be provided shall be established by the Development Officer and Council who shall have regard for the nature of the day care, the density of the zone in which it is located, potential increases in traffic and the location of the use in relation to other uses in the area of the development;~~
 - ~~b) the number of children within a day care established as a secondary use within a single family dwelling or mobile home shall not exceed 12;~~
 - a) a day care shall not be a principal use of a building within a residential zone; and
 - b) the Development Officer or Council shall, in deciding whether to approve or refuse a day care, consider, among other matters, if the development would be suitable for the location proposed, taking into account, among other matters, potential traffic generation, proximity to park or other open or recreational areas, isolation of the proposed site from other uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.
- 2. Family Day Homes are permitted as a home occupation in residential zones.

6.5 SUPPORTED LIVING FACILITY

- 1. A **supported living facility** ~~group home~~ shall comply with the following regulations:
 - a) the maximum number of residents shall be established by Council who shall have regard for the nature of the supported living facility and/or the nature of the zone in which it is located;
 - b) the maximum number of residents shall be consistent with the general population density of the zone in which it is located;



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- c) the supported living facility shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the zone in which it is located; and
 - d) all development regulations of the zone in which the supported living facility is located shall apply.
2. All applications to develop a supported living facility shall be accompanied by the report of a professional Community Planner, indicating that a detailed planning analysis of the proposed development has been carried out.

6.6 HOME OCCUPATIONS

1. A home occupation shall not be permitted in a residence if, in the opinion of the Development Officer it would be more appropriately located in a Commercial or Industrial zone.
2. A resident who intends to operate a home occupation, where permitted under this bylaw, shall make application for the following:
 - a) a development permit that shall be in effect for the period the home occupation is operated; and
 - b) a business license that shall be in effect for the period of one year, requiring annual renewal to continue the home occupation.
3. All home occupations, if given approval, shall comply with the following provisions:
 - a) there shall be no outdoor business activity, storage of materials, or equipment associated with the office;
 - b) the office shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the zone within which it is located;
 - c) the number of employees shall not exceed one at any one time;
 - d) Council may set a limit to the number of customers that may be in attendance at any one time;
 - e) there shall be no exterior display or advertisement, other than a permitted sign measuring 45.7 cm x 60.9 cm (18"x 24");
 - f) there shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwellings;
 - g) the office shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling involved; and
 - h) a person deemed by the Development Officer to be providing a service or instruction in arts and crafts, shall not permit more than six students or customers to be in attendance at any one time.
4. In addition to all other provisions and requirements of this section, the following additional requirements shall apply to home occupations in the form of bed and breakfast operations, as defined in Section 4 of this bylaw:



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- a) persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit;
- b) a bed and breakfast operation shall be limited to residential land use zones and shall be ~~contained entirely within the principal building;~~ within the principal building or in a garden suite.
- c) a bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only, with such a meal being prepared in one common kitchen and served in one common room; and
- d) in addition to the off-street parking requirements for the dwelling/dwelling unit itself, as stipulated in Section 8.3(2)(a) of this bylaw, one off street parking space per rented guest room shall be required for a bed and breakfast operation.

6.7 RELIGIOUS ASSEMBLY

- 1. All sites for religious assembly shall comply with the following special provisions:
 - a) the site shall have a frontage of a least 30 m (100 ft) and an area of at least 929 m² (10,000 sq. ft); and
 - b) where a manse, rectory, parsonage, or other building of residence associated with the religious assembly is to be erected on the site, the combined area of the site shall not be less than 1300 m² (13,993 sq. ft).

6.8 INSTITUTIONAL USES

- 1. All facilities within the I - Institutional zone shall comply with the following:
 - a) no facility shall derive more than 10% of its total revenues from commercial activities, which are not directly related to the operation of the facility; and
 - b) all facilities shall have direct access to a collector street.

6.9 CARETAKER UNITS

- 1. In land use zones where caretaker units are permitted as a discretionary use under this bylaw, an application for a development permit will be considered by the Development Officer and may be approved by Council for a maximum of one caretaker unit per lot. All applications must be accompanied by proof of a valid business license, issued by the Town of Hay River, for the location of the intended caretaker unit. If approval for the caretaker unit is given, the following provisions will be adhered to:
 - a) the application is with regard to an Industrial, Transportation or Highway/ Service Commercial zone;
 - b) where the caretaker unit is attached to the principal building on a site by a roof, wall, an open or enclosed structure, a floor, or a foundation, it is considered to be an integral part of the principal building and must meet all the requirements set out in the National Building Code of Canada and the National Fire Code of Canada;



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- c) where the caretaker unit is an integral part of the principal building, any walls or doors between the caretaker unit and the principal building must have a fire rating as required by the National Fire Code of Canada and be constructed of materials which are set out in the National Building Code of Canada to achieve this rating;
- d) the maximum area of the living space for a caretaker unit which forms an integral part of the principal building must not be greater than 93 m² (1,001 sq. ft).
~~the Development Permit for a caretaker unit will be valid for a period of one year. Upon expiry of the development permit, the applicant may continually apply to the Town for one year extensions of the development permit. Applications for validity extensions, to the original development permit, will be processed by Town administration and will not require approval of Council;~~
- 2. Caretaker units that are not an integral part of the building will only be considered for the Industrial and Transportation zones. These units must be mobile homes as defined in this bylaw and meet the standards of mobile homes as set out in this bylaw.
- 3. Applicants will be required to substantiate their need to retain the use of a non-permanent caretaker unit by annually re-applying for continuation of the approval.
- 4. A change in land/ building use or ownership shall require a new application to establish a caretaker unit to be submitted to Council for consideration.

6.10 LIVING SUITES ~~BASEMENT APARTMENTS~~

- 1. The following conditions shall apply when developing a living suite ~~basement apartment~~ in a single family dwelling unit:
 - a) ~~livings suites~~ shall be allowed only within a single detached dwelling;
~~living suites must be limited to no more than a floor area of 111 m² (753 sq. ft) and not less than 39 m² (420 sq. ft);~~
 - b) ~~living suites~~ shall not exceed the total floor area of the primary dwelling unit in which it is located;
 - c) ~~living suites~~ must be limited to no more than two bedrooms;
 - d) ~~living suites~~ must be fully self-contained with their own ~~direct access to the outdoors~~;
 - e) construction of ~~living suites~~ must comply to the requirements of the National Building Code and Territorial fire regulations; and
 - f) ~~living suites basement units~~ must have approved smoke detectors.
- 2. A development permit shall be obtained prior to development of any living suites. ~~basement units.~~
- 3. Development permits for living suites must identify the availability of parking for its occupants in accordance with the regulations outlined in Section 8.0 Parking and Loading Regulations.



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4. In making its decision on a living suite application, the development authority shall not consider the condition of the property or the behaviour of the occupants of the property, as these matters are enforced through the Unsightly Land bylaw and other legislation.
5. Living suites are not allowed where a garden suite has been permitted.

6.11 GARDEN SUITES

1. Garden suites, when permitted, shall:
 - a) be separate from the principal dwelling;
 - b) be located only a lot where the principal use is a single detached dwelling;
 - c) have unimpeded pedestrian access to a street or land frontage with a minimum width of 1 m;
 - d) have a maximum gross floor area of 60 m² (650 sq. ft), including basement floor area, and have a maximum height of 7 m (23 ft), except in the RC zone where the maximum gross floor area is 75 m² (807 sq. ft) and the maximum height allowed is 8 m (26 ft);
 - e) be located in the rear yard, except in the RC zone, where they may also be located in the front and side yards;
 - f) provide private or shared amenity areas equal to 10% of the net rentable area of the garden suite;
 - g) shall be service with water and sewer services, where these services exist;
 - h) be limited to one garden suite per lot;
 - i) have a minimum setback of 3 m (10 ft) from the principal building; and
 - j) be limited to 60 m² (646 sq. ft) gross floor area when located on the second storey of an accessory building.
2. Garden suites shall be designed, sited, constructed, finished, and sided in a manner that is visually compatible, in the opinion of the Development Officer, with the residential character of the principal residence.
3. Garden suites are subject to the development regulations applicable to principal uses in each zone (i.e. buildings are not to be regulated as an accessory building/structure).

6.12 ACCESSORY USES AND BUILDINGS

1. A use may be accessory to a permitted or discretionary use, if such use complies with the definition of accessory in this bylaw.
2. Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is a part of the



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principal building and is not an accessory building and shall therefore adhere to the development regulations as specified in the land use zones.

3. Accessory uses and buildings are permitted in a zone when accessory to a principal use which is a permitted use in that same zone and for which a development permit has been issued.
4. Accessory uses and buildings are discretionary in a zone when accessory to a principal use which is a discretionary use in that same zone and for which a development permit has been issued.
5. The construction of an Accessory Building 14 m² (151 sq. ft) or greater in size shall require an approved development and building permit.

Accessory Buildings in Non-Residential Zone

6. In any zone other than a residential zone, an accessory building or structure is subject to the development regulations for that zone.

Accessory Buildings in Residential Zone

7. The number of accessory buildings on one lot shall be at the discretion of the Development Officer.
8. An accessory building or structure shall not be used as a dwelling.
9. An accessory building or structure shall not exceed 4.6 m (15 ft) in height. Accessory buildings with a suite on the second floor, can have a maximum height of 7 m (23 ft), except in RC zones, where the maximum height allowed is 8 m (26 ft).
10. Accessory buildings and structures shall be located on an interior lot as follows:
 - a) a minimum of 1 m (3.3 ft) from the dwelling;
 - b) no closer than the front lot line of the principal building, except where the lot fronts onto a river or lake;
 - c) not less than 1 m (3.3 ft) from the side lot line, except where it is a mutual garage erected on the common property line to the satisfaction of the Development Officer, or where the accessory building does not exceed the permitted fence height;
 - d) not less than 1 m (3.3 ft) from the rear lot line if the structure exceeds 2 m (6.6 ft) in height (subject to clause E below); and
 - e) where the accessory building is a detached garage, to provide a minimum of 5.0 m (16.4 ft) from the garage doors to any property line.
11. Accessory buildings and structures shall be located on a corner site as follows:
 - a) on a corner site, in addition to the above provisions and subject to clause (b) below, the distance between an accessory building and any public roadway other than a lane



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flanking the site, shall be not less than the side yard required for the principal building;
and

- b) where an accessory building is a detached garage, and where the vehicle doors of the detached garage face any flanking public roadway other than a lane, the distance between the garage and the flanking public roadway shall not be less than 5.0 m (16.4 ft).

6.13 ANIMAL REGULATIONS

1. The keeping of animals on any residential lot shall be in accordance with the following without the need to obtain a development permit:
- a) on any lot, not more than 4 **domestic** household pets, not to include more than 2 dogs, which must be confined to the property;
- b) on any lot less than 0.8 ha (2.0 ac) no animals except as provided for in subsection (a); and
- c) on lots of 0.8 ha or more, the following shall apply.

ANIMAL UNITS ON RESIDENTIAL LOTS GREATER THAN 0.8 ha (2.0 ac)	
LOT SIZE	NUMBER OF ANIMAL UNITS
0.8-1.2 ha/ 2.0-3.0 ac.	1 Animal Units
1.2-1.6 ha/ 3.0-4.0 ac.	2 Animal Units
1.6-2.0 ha/ 4.0-5.0 ac.	3 Animal Units
2.0-2.4 ha/ 5.0-6.0 ac.	4 Animal Units
2.4-2.8 ha/ 6.0-7.0 ac.	5 Animal Units
2.8-3.2 ha/ 7.0-8.0 ac.	6 Animal Units
3.2-3.6 ha/ 8.0-9.0 ac.	7 Animal Units
3.6-4.0 ha/ 9.0-10.0 ac.	8 Animal Units
4.0-4.4 ha/ 10.0-11.0 ac.	9 Animal Units
4.4-4.8 ha/ 11.0-12.0 ac.	10 Animal Units
4.8-5.2 ha/ 12.0-13.0 ac.	11 Animal Units
5.2-5.6 ha/ 13.0-14.0 ac.	12 Animal Units
5.6-6.0 ha/ 14.0-15.0 ac.	13 Animal Units
6.0-6.4 ha/ 15.0-16.0 ac.	14 Animal Units
6.4-6.8 ha/ 16.0-17.0 ac.	15 Animal Units
for every 0.4 hectare (1.0 acre) thereafter, add one more animal unit.	

2. For the purpose of this section "One animal unit" means:
- a) 1 horse over one year old; or
- b) 2 foals up to one year old; or
- c) 1 cow over one year old; or



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- d) 2 calves up to one year old; or
 - e) 30 chickens; or
 - f) 10 ducks, turkeys, or geese; or
 - g) 5 sheep or goats; or
 - h) 20 rabbits; or
 - i) 3 pigs;
3. other animals or combination of animals shall be calculated to conform to the intent of the above list.
4. The keeping of animals not in accordance with Section 6.13(1) above shall require a development permit at the discretion of Council having due regard to the adjoining land use in order to avoid adverse land use impacts.
5. Pigs shall only be allowed in the MG-Market Gardening zone in accordance with the regulations of Section 6.13(1).
6. Offspring, up to 3 months, dependent on their mother for nursing are exempted from the limits on animal units.
7. The construction of any structure for the accommodation of any livestock, poultry or other animals is permitted, subject to compliance with Section 3.2 of this bylaw.

6.14 INTENSIVE LIVESTOCK OPERATIONS

1. The development of intensive livestock operations shall be permitted subject to the requirements of the Development Officer and Council.
2. The development of an intensive livestock operation shall not proceed unless and until an Environmental Impact Assessment has been conducted and the results submitted to the appropriate Municipal, Territorial, and Federal government agencies. Such assessment shall be conducted at the expense of the applicant.
3. Prior to commencing operation, all requirements, as determined by the Environmental Health Officer, must be met and the operator shall request inspection from the Hay River office of the Mackenzie Regional Health Services in regards to the entire operation.
4. For the purposes of this section, livestock includes farm animals and poultry listed in the following table, and any other animals reared for commercial purposes.

Animal Unit Equivalents		
Kind of Animal		No. of Animals = 1 Animal Unit
Cattle	Cows or bulls	1
	Feeder cattle	1.5



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	Replacement heifers	2
	Calves	4
Hogs	Boars or sows (includes gilts)	3
	Gilts	4
	Feeder hogs (54 kg avg.)	6
	Weanling hogs (20 kg)	20
Poultry	Hens, cockerels, lapons	100
	Chicks, broiler chickens	200
	Turkeys, geese, or ducks	50
Sheep	Rams or ewes	7
	Lambs	14
Goats		7
Horses	Colts or ponies	2
	Other than colts or ponies Horses	1
Bison and muskoxen	Cows or bulls	1
	Calves	4
Fallow deer	Fallow deer	8
	Fallow deer fawns	32
Domestic Indigenous	Elk	5
	Elk calved	20
	White tail deer	8
	White tail deer fawns	32
	Mule deer	8
	Mule deer fawns	32
Miscellaneous	Mink	80
	Rabbits	40

5. Intensive livestock operation shall meet the following minimum distances from residential uses.

Minimum Separation Distances from Residential Uses						
Residential Population	Number of Animal Units					
	10 - 50	50 - 300	300 - 500	500 - 2,000	2,000 - 5,000	>5000
Single Rural Residence	300 m	300 m	400 m	800 m	1200 m	1600 m
<100	400 m	400 m	800 m	1200 m	1600 m	2000 m



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100 - 500	400 m	800 m	1200 m	1600 m	2400 m	2400 m
500 - 5,000	800 m	1200 m	1600 m	2400 m	3200 m	3200 m
> 5,000	800 m	1600 m	2400 m	3200 m	4800 m	3200 m

6. The minimum distances stated in Section 6.14(5) shall be measured from the nearest edge of the livestock enclosure and/ or manure storage area.
7. The minimum distances in Section 6.14(5) shall also apply to the spreading of manure in the proximity of residences not occupied by the intensive livestock operation operator. These distances shall not apply if the manure is injected into the soil.
8. The minimum distances in Section 6.14(5) shall not apply if liquid manure storage facilities are present; minimum distances required for liquid manure storage facilities are outlined in the Government of NWT Guideline for Agricultural Waste.
9. At the discretion of the Development Officer and Council, relaxations in the minimum distances may be permitted if the proponent obtains written consent from adjacent affected landowners.
10. No intensive livestock operation shall be located less than 1.6 km (1 mile) from a national, territorial, or municipal park or recreation area.
11. No intensive livestock operation shall be located less than 0.8 km (0.5 mile) from either side of a primary highway.
12. No intensive livestock operation shall be located less than 152 m (499 ft) from a water body or water course unless the water source is entirely surrounded by the lot of land containing the intensive livestock operation.
13. All intensive livestock operations shall be developed in accordance with the following:
 - a) no run-off water can directly enter any waterbody, watercourse, groundwater, irrigation system, or public roadway ditch or highway ditch;
 - b) there is provision for adequate waste treatment, temporary waste facilities and arrangements for waste disposal on the operator's own land, in accordance with standards set by the local health unit; and
 - c) the maximum number of animals shall be established, by condition, on the development permit.

~~6.15 ALTERNATIVE HOUSING PROGRAM~~

- ~~1. Alternate Housing shall refer to residential housing development in which structures have a total floor area in the range of 720 sq.ft. (67 m²) to 799 sq.ft. (74 m²).~~
- ~~2. Alternate Housing shall be permitted as a discretionary use in the following zones:~~



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- a) ~~R3 West Channel Village Residential;~~
 - b) ~~RC Country Residential; and~~
 - c) ~~MG Market Gardening zone.~~
3. ~~Alternate Housing development shall meet all the minimum requirements of the intended zones in which it is located, excepting those dimensions with regard to minimum total floor area.~~
4. ~~Alternate Housing shall meet all the requirements for housing set out in the most recent revision of the National Building Code of Canada.~~
5. ~~Development of Alternate Housing on lots with existing houses under 720 sq.ft. (67 m²) in size shall only occur where the development is being undertaken to upgrade or completely redevelop the existing house to bring it into conformance with this bylaw.~~
6. ~~Before an application for a Development Permit will be considered by Council, Council may request that all residences within 1,000 feet (305 m) of an Alternate Housing Development be notified.~~



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REGULATIONS BY LAND USE ZONE

7.0 REGULATIONS BY LAND USE ZONE

7.1 R1A – LARGE LOT RESIDENTIAL (CLASS A)

1. General Purpose
2. This zone is generally intended to accommodate single detached dwellings in areas where lots larger than those normally provided are proposed. The regulations of this land use zone are such that a minimum size of dwelling is required in a setting which allows for and protects larger homes.
3. Permitted Uses
 - a) Day Cares Facility
 - b) Duplex
 - c) Home Occupations
 - d) Housing, Single Detached ~~One Single Family Housing unit per lot~~
 - e) Parks
 - f) Playgrounds
 - g) Accessory buildings and uses accessory to the above
4. Discretionary Uses
 - a) ~~Local~~ Public Utility Services
 - b) Religious Assembly
 - c) Supported Living Facility
 - ~~d) Accessory buildings and uses accessory to the above~~
 - ~~e) Group homes~~
5. Development Regulations

Development Regulations for R1A – Residential (Class A)		
Lot Dimensions		
Minimum Lot Width	Internal lots	18.5 m (61 ft)
	Corner double fronting lots	20 m (66 ft)
	Irregular and pie-shaped lots	As above, measured 6 m (20 ft) back from the front yard property line



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Lot Depth Minimum		30 m (99 ft)
Lot Area Minimum		557 m ² (5996 sq. ft)
Building Dimensions		
Lot Coverage Maximum	All structures combined	40%
	Principal building	28%
	Where a garage is designed as part of the house and therefore considered part of the principal building	40%
	Accessory buildings, as set out in section 6.12 of this bylaw	12%
Floor Area Minimum for principal building		75 m ² (807 sq ft) 120 m² (1,291 sq ft)
Building Height Maximum		10 m (33 ft) or 2.5 storeys
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	Interior lots	7.5 m (25 ft)
	Corner lots	4.5 m (15 ft)
Side Yard Minimum	Single-storey dwellings	1.5 m (5 ft)
	Two-story dwellings	2 m (6.6 ft)
	Corner lot - flanking side yard	20% of the lot width, to a maximum of 4.5 m (15 ft)
	Lot without a rear lane, except where an attached garage or carport is provided	3 m (10 ft) for one side yard
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling; except waterfront lots, where the garages shall be set back 7.5 m (25 ft)



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REGULATIONS BY LAND USE ZONE

Minimum distance between garage and side lot line	1 m (3.3 ft)
Minimum distance between garage and rear lot line	1 m (3.3 ft)
Minimum distance between garage doors and any lot line	5 m (16.4 ft)

6. Development Regulations for Discretionary Uses

- a) Religious Assembly - Section 6.7
- b) Day Cares - Section 6.4
- c) [Supported Living Facility](#) - Section 6.5
- d) Home Occupations - Section 6.6
- e) Public Utility Services - Sections 5.7 & 5.8
- f) Accessory Uses and Buildings - Section 6.12

7. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.2 R1B – LOW DENSITY ~~SINGLE FAMILY~~ RESIDENTIAL (CLASS B)

1. General Purpose
2. This land use zone is intended to establish areas of single detached housing comprised of standard lots and dwellings.
3. Permitted Uses
 - a) Day cares ~~Facility~~
 - b) Garden Suites
 - c) Home Occupations
 - d) Housing, Duplex
 - e) Housing, Single Detached ~~One Single Family Housing unit per lot~~
 - f) Living Suites
 - g) ~~Parks and Playgrounds~~
 - h) ~~Playground~~
 - i) ~~Accessory~~ Buildings and uses ~~accessory to the above~~
4. Discretionary Uses
 - a) Religious Assembly
 - b) Housing, Row Housing
 - c) ~~Local~~ ~~Public~~ Utility Services
 - d) Supported Living Facility
 - e) ~~Semi-Detached Housing~~
 - f) ~~Basement Apartments~~
5. Development Regulations

Development Regulations for R1B – Residential (Class B)		
Lot Dimensions		
Lot Width Minimum	Internal lots	15 m (49 ft)
	Corner double-fronting lots	18 m (59 ft)
	Irregular and pie-shaped lots	As above, measured 6.0 m (20 ft) back from the front yard property line
	semi-detached and Duplex housing (with each unit on a separate lot)	7.5 m (25 ft)



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Lot Depth Minimum		30 m (99 ft)
Lot Area Minimum	Duplex housing (with each unit on a separate lot)	250 m ² (2691 sq. ft)
	All other uses	464 m ² (4995 sq. ft)
Building Dimensions		
Lot Coverage Maximum	All structures combined	50%
	Principal building	28%
	Where a garage is designed as part of the house and therefore considered part of the principal building	40%
	Accessory buildings, as set out in section 6.12 of this bylaw	12%
Floor Area Minimum for principal building	Single detached unit	70 m ² (753 sq ft) 93 m² (1,001 sq ft)
	Duplex unit (per unit)	60 m ² (645 sq ft) 90 m² (968 sq ft)
Building Height Maximum		10 m (33 ft) or 2.5 storeys.
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	Interior lots	7.5 m (25 ft)
	Corner lots	4.5 m (15 ft)
Side Yard Minimum	Single-storey dwellings	1.5 m (5 ft)
	Two-story dwellings	2 m (6.5 ft)
	Corner lot - flanking side yard	20% of the lot width, to a maximum of 4.5 m (15 ft)
	Lot without a rear lane, <i>except where an attached garage or carport is provided</i>	3 m (10 ft) for one side yard
	Duplex housing	As above with 0.0 m (0.0 ft) along the common wall



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REGULATIONS BY LAND USE ZONE

Garage and Accessory Building Placement	
Minimum distances between garage and dwelling	1 m (3.3 ft)
Minimum distance between garage and front lot line	No closer to the front lot line than the principal dwelling; except waterfront lots, where the garages shall be set back 7.5 m (25 ft)
Minimum distance between garage and side lot line	1 m (3.3 ft)
Minimum distance between garage and rear lot line	1 m (3.3 ft)
Minimum distance between garage doors and any lot line	5 m (16.4 ft)

6. Development Regulations for Discretionary Uses
 - a) **Living Suites** ~~Basement Apartments~~ - Section 5.10
 - b) Religious Assembly - Section 6.7
 - c) Day Care ~~s~~ **Facility** - Section 6.4
 - d) **Supported Living Facility** - Section 6.5
 - e) Home Occupations ~~s~~ - Section 6.6
 - f) **Public** ~~Local~~ Utility Services ~~s~~ - Sections 5.7 & 5.8
 - g) Accessory Uses and Buildings - Section 6.12
7. Other Provisions
 - a) General Regulations - Section 5
 - b) Special Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.3 R1C – MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL (CLASS C)

1. General Purpose

This land use zone is to apply to residential areas and generally intended for single detached and duplex dwellings at a slightly higher density.

2. Permitted Uses

- a) Day Cares Facility
- b) Garden Suites
- c) Home Occupations
- d) Housing, Duplex Duplex Housing
- e) Housing, Single Detached One Single Family Housing unit per lot
- f) Living Suites
- g) Mobile Homes
- h) Parks and Playgrounds
- i) Playground
- j) Accessory buildings and uses accessory to the above

3. Discretionary Uses

- a) Public Local Utility Services
- b) Religious Assembly
- c) Supported Living Facilities Accessory buildings and uses accessory to the above
- d) Boarding or Lodging Houses
- e) Semi-Detached Housing
- f) Basement Apartments

4. Development Regulations

Development Regulations for R1C – Residential (Class C)		
Lot Dimensions		
Lot Width Minimum	Internal lots	12 m (40 ft) 15.0 m (50.0 ft.)
	Corner double fronting lots	18 m (59 ft)



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REGULATIONS BY LAND USE ZONE

	Irregular and pie-shaped lots	As above, measured 6 m (20 ft) back from the front yard property line
	semi-detached and Duplex housing (with each unit on a separate lot)	7.5 m (25 ft)
Lot Depth Minimum		24 m (80 ft) 30.0 m (100 ft)
Lot Area Minimum	Duplex housing (with each unit on a separate lot)	250 m ² (2,691 sq. ft)
	All other uses	297 m² (3,200 sq. ft) 464 m² (4995 sq. ft)
Building Dimensions		
Lot Coverage Maximum	All structures combined	50%
	Principal building	28%
	Where a garage is designed as part of the house and therefore considered part of the principal building	40%
	Accessory buildings, as set out in section 6.12 of this bylaw	42%
Floor Area Minimum for principal building	Single detached unit	70 m ² (753 sq ft) 79 m² (850 sq ft)
	Duplex unit (per unit)	60 m ² (645 sq ft) 79 m² (850 sq ft)
Building Height Maximum		10 m (33 ft) or 2.5 storeys
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	6 m (20 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	Interior lots	7.5 m (25 ft)
	Corner lots	4.5 m (15 ft)
Side Yard Minimum	Single-storey dwellings	1.5 m (5 ft)
	Two-story dwellings	2 m (6.5 ft)
	Corner lot - flanking side yard	20% of the lot width, to a maximum of 4.5 m (15 ft)
	Lot without a rear lane, except where an attached garage or carport is provided	3 m (10 ft) for one side yard



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	Duplex housing	As above with 0.0 m (0.0 ft) along the common wall
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)
Minimum distance between garage doors and any lot line		5 m (16.4 ft)

5. Development Regulations for Discretionary Uses
 - a) **Living Suites** ~~Basement Apartments~~ - Section 6.10
 - b) Mobile Homes ~~s~~ - Section 6.3
 - c) Religious Assembly - Section 6.7
 - d) Day Cares ~~s~~ - Section 6.4
 - e) Supported Living Facilities - Section 6.5
 - f) Home Occupations ~~s~~ - Section 6.6
 - g) **Public** ~~Local~~ Utility Services ~~s~~ - Sections 5.7 & 5.8
 - h) Accessory Uses and Buildings - Section 6.12
6. Other Provisions
 - a) General Regulations - Section 5
 - b) Special Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.4 R2 - MILE 5 RESIDENTIAL

1. General Purpose

To establish a zone intended for single detached dwellings on large lots, some of which may lack urban services. This zone shall maintain the integrity of the existing Mile 5 area which provides for transition to housing within a more rural atmosphere.

2. Permitted Uses

- a) Day Care Facilities
- b) Housing, Duplex
- c) Housing, Single Detached
- d) Living Suites
- e) Garden Suites
- f) Home Occupations
- g) Accessory buildings and uses accessory to the above

3. Discretionary Uses

- a) Religious Assembly
- b) Supported Living Facility
- c) Local Public Utility Services
- d) Accessory buildings and uses accessory to the above
- e) Mobile Homes
- f) Semi-Detached Housing
- g) Basement Apartments
- h) Government Services

4. Development Regulations

Development Regulations for R2 – Five Mile Residential		
Lot Dimensions		
Lot Width Minimum	semi-detached and Duplex housing (with each unit on a separate lot)	11.5 m (38 ft)
	All other uses	23 m (76 ft)
Lot Depth Minimum	Set by lot width and lot area	
Lot Area Minimum	Duplex housing (with each unit on a separate lot)	720 m ² (7,750 sq. ft)



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REGULATIONS BY LAND USE ZONE

	All other uses	1,400 m ² (15,070 sq. ft)
Building Dimensions		
Lot Coverage Maximum	All structures combined	40%
	Principal building	28%
	Where a garage is designed as part of the house and therefore considered part of the principal building	40%
	Accessory buildings, as set out in section 6.12 of this bylaw	12%
Floor Area Minimum for principal building		65 m ² (700 sq.ft.) 75 m ² (807 sq.ft.)
Building Height Maximum		10 m (33 ft) or 2.5 storeys
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	All lots	10.5 m (34.5 ft)
Side Yard Minimum	Duplex housing	Same as other uses in the zone, with 0.0 m (0.0 ft) along the common wall
	All other uses	2 m (6.6 ft)
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling; except waterfront lots, where the garages shall be set back 7.5 m (25 ft)
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)
Minimum distance between garage doors and any lot line		5 m (16.4 ft)

5. Special Modifications



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REGULATIONS BY LAND USE ZONE

- a) Mile-5 parcels Lot 1683 Plan 2830 (218 Miron Drive) and Lot 633 Plan 572 (156 Miron Drive) are designated R2x - Five Mile, the special condition being that offices are allowed at these locations.
- 6. Development Regulations for Discretionary Uses
 - a) Mobile Homes - Section 6.3
 - b) Religious Assembly - Section 6.7
 - c) Day Cares - Section 6.4
 - d) Supported Living Facility - Section 6.5
 - e) Basement Apartments - Section 6.10
 - f) Home Occupations - Section 6.6
 - g) Public Local Utility Services - Sections 5.7 & 5.8
 - h) Accessory Uses and Buildings - Section 6.12
- 7. Other Provisions
 - a) General Regulations - Section 5
 - b) Special Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.5 R3 - WEST CHANNEL VILLAGE RESIDENTIAL

1. General Purpose

To maintain the integrity of the existing West Channel Village area. This zone shall recognize the lack of urban services, the potential for flooding and the desirable, primarily residential character, but allowing a broader range of accessory uses than in other residential areas.

2. Permitted Uses

- a) Day Cares ~~Facility~~
- b) ~~Garden Suites~~
- c) Home Occupations
- d) ~~Housing; Single Detached One Single Family Housing unit~~
- e) ~~Living Suites~~
- f) Mobile Homes, ~~alternate~~
- g) ~~Parks~~
- h) ~~Playgrounds~~
~~Accessory buildings and uses~~

3. Discretionary Uses

- a) ~~Outdoor storage of materials for fishing only and equipment used by residents, for the purpose of fishing~~
- b) ~~Local~~ ~~Public~~ Utility Services
- c) Religious Assembly
- d) ~~Alternate Housing~~

4. Development Regulations

Development Regulations for R3 – West Channel Village		
Lot Dimensions		
Lot Width Minimum – All uses		23 m (76 ft)
Lot Depth Minimum	Set by lot width and lot area	
Lot Area Minimum		800 m ² (8,611 sq. ft)



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REGULATIONS BY LAND USE ZONE

Building Dimensions		
Lot Coverage Maximum	All structures combined	40%
	Principal building	28%
	Where a garage is designed as part of the house and therefore considered part of the principal building	40%
	Accessory buildings, as set out in section 6.12 of this bylaw	12%
Floor Area Minimum for principal building		60 m ² (645 sq.ft.) 75.0 m² (807 sq. ft.)
Building Height Maximum		10 m (33 ft) or 2.5 storeys
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	6 m (20 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	4.5 m (15 ft)
Side Yard Minimum		2 m (6.6 ft)
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling; except waterfront lots, where the garages shall be set back 6 m (20 ft)
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)
Minimum distance between garage doors and any lot line		5 m (16.4 ft)

5. Development Regulations for Discretionary Uses

- a) Mobile Homes - Section 6.3
- b) Religious Assembly - Section 6.7



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REGULATIONS BY LAND USE ZONE

- c) Day Care~~s~~ ~~Facility~~ - Section 6.4
 - d) Home Occupations~~s~~ - Section 6.6
 - e) ~~Public~~ ~~Local~~ Utility Services~~s~~ - Sections 5.7 & 5.8
 - f) Accessory Uses and Buildings - Section 6.12
 - g) ~~Alternate Housing~~—~~Section 5.14~~
6. Other Provisions
- a) General Regulations - Section 5
 - b) Special Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.6 R4 – MULTIPLE UNIT RESIDENTIAL

1. General Purpose

This zone is intended to provide for multiple family housing types.

2. Permitted Uses

- a) Day Cares Facility
- b) Home Occupations
- c) Housing, Duplex
- d) Housing, Multiple Unit
- e) Housing, Row Housing
- f) Playgrounds
- g) Parks
- h) ~~Apartment Housing~~
- i) ~~Row and Town Housing~~
- j) Accessory buildings and uses ~~accessory to the above~~

3. Discretionary Uses

- a) Accessory buildings and uses ~~accessory to the above~~
- b) ~~Public Local~~ Utility Services
- c) Supported Living Facility
- d) ~~Semi-Detached Housing~~

4. Development Regulations

Development Regulations for R4 – Multiple Family Housing		
Lot Dimensions		
Lot Width Minimum	Duplex (with each unit on a separate lot)	7.5 m (25 ft)
	All other uses	11 m (36 ft)
Lot Depth Minimum		34 m (112 ft)
Lot Area Minimum	Duplex (with each unit on a separate lot)	250 m ² (2,691 sq. ft)



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	Row housing	800 m ² (8,611 sq. ft)
	All other	375 m ² (4,037 sq. ft)
Density		
Row housing		Density shall not exceed 60 units per hectare (24 units per acre)
All other multiple family housing		Density shall not exceed 120 units per hectare (48 units per acre)
Building Dimensions		
Lot Coverage Maximum	All structures combined	40%
	Principal building	28%
	Accessory buildings, as set out in section 6.12 of this bylaw	12%
Floor Area Minimum for each dwelling unit	Multiple Unit Building (per unit)	35 m ² (377 sq. ft)
	Duplex or row House (per unit)	60 m ² (645 sq. ft) 79.0 m² (850 sq.ft.)
Building Height Maximum		15 m (49 ft)
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	4.5 m (15 ft)
Side Yard Minimum	Duplex housing	3 m (10 ft), with 0.0 m (0.0 ft) along the common wall
	Buildings less than 10 m (33 ft)	3 m (10 ft)
	Buildings more than 10 m (33 ft)	5 m (16.4 ft)
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling.



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Minimum distance between garage and side lot line	1 m (3.3 ft)
Minimum distance between garage and rear lot line	1 m (3.3 ft)
Minimum distance between garage doors and any lot line	5 m (16.4 ft)

5. Development Regulations for Discretionary Uses

- a) Day Care~~s~~ Facility - Section 6.4
- b) Supported Living Facility - Section 6.5
- c) Home Occupations~~s~~ - Section 6.6
- d) Public Local Utility Services~~s~~ - Sections 5.7 & 5.8
- e) Accessory Uses and Buildings - Section 6.12
- f) ~~Alternate Housing – Section 5.14~~

6. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.7 RM – MANUFACTURED ~~MOBILE~~ HOME PARK

1. General Purpose

The general purpose of this zone is to permit the development of residential mobile home lots available to mobile home owners on a lease or rental basis, with the possibility, at the discretion of the Council, of some uses which are compatible with the permitted uses.

2. Permitted Uses

- a) Day Cares Facility
- b) Home Occupations
- c) Manufactured ~~Mobile~~ Homes
- d) ~~Parks and Playgrounds~~
- e) Playgrounds
- f) Accessory buildings and uses ~~accessory to the above~~

3. Discretionary Uses

- a) Public ~~Local~~ Utility Services
- b) Accessory buildings and uses ~~accessory to the above~~

4. Development Regulations

Development Regulations for RM – Mobile Home Park		
Lot Dimensions		
Site Width Minimum	Single wide mobile homes	11.5 m (38 ft)
	Double wide mobile homes	15 m (49 ft)
Site Depth Minimum		30 m (99 ft)
Site Area Minimum	Single wide mobile home	345 m ² (3,714 sq. ft)
	Double wide mobile home	450 m ² (4,844 sq. ft)
Density		
The maximum density shall not exceed 25 mobile homes per gross hectare (10 per gross acre)		
There shall not be more than one mobile home on any site.		
Floor Area Minimum for principal building		45 m ² (484 sq ft)



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Building Dimensions		
Building Height Maximum		One storey
Yard Setbacks		
Front Yard Minimum		4 m (13.1 ft)
Rear Yard Minimum		3.2 m (10.5 ft)
Side Yard Minimum	Not less than	1 m (3.3 ft)
	To adjacent mobile home	4.5 m (15 ft)
	At least one side yard will be at least	3.2 m (10.5 ft)
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)

5. Performance Standards and Regulations

(1) DESIGN CRITERIA

- a) The design of the mobile home park shall:
 - i. consider the existing topography, vegetation and drainage and attempt to maintain the natural environment where possible;
 - ii. provide at least 2 legal access points;
 - iii. provide for proper traffic circulation taking into account off-site as well as on-site traffic movement; and
 - iv. provide convenient access to common facilities and services and provide for practical and efficient operation and maintenance of all facilities and common areas.
- b) Outdoor lighting in the park, including street lighting shall be integrated in design and appearance and conform to the existing residential standards.
- c) The owner of the mobile home park, or the person responsible for the maintenance of the mobile home park shall at all times:



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- i. maintain the park and the common buildings, structures and improvements therein in a clear, neat, tidy and attractive condition; and
 - ii. be responsible for the removal of snow from all common areas, internal streets and walkways.
- d) Design and street pattern shall be compatible with existing municipal street and utility system standards and shall:
- i. be laid out so as to provide proper access to individual lots, common areas and services;
 - ii. be privately owned and maintained by the mobile home park owner and be considered part of the common area;
 - iii. provide convenient circulation by use of properly located minor and collector streets, based on the following:
 - a minor street services 50 m or less lots if one-way, and 100 m or less lots if two-way and is less than 150 m in length, and
 - a collector street serves up to 200 lots and has no length limitation;
 - iv. have a minimum turning radius of 12.2 m (40 ft) if they are designed as cul-de-sacs or dead end streets; and
 - v. be durable and dust free with the following minimum widths:
 - collectors 11 m (36 ft) where there is guest parking
 7.30 m (24 ft) where there is no parking,
 - minor streets 6.10 m (20 ft) with no parking.

(2) PEDESTRIAN ACCESS

- e) Safe, convenient walkways shall be provided for access to individual mobile homes, streets and common areas, such as parks and laundry areas.
- f) All walkways shall have a minimum width of 1.22 m (4 ft) and shall have a durable, dust free all-weather surface.

(3) RECREATION AND LANDSCAPING

- a) Areas for recreation shall be provided at a ratio of 5% of the mobile home park area.
- b) Recreation areas shall be located so as to be convenient to all park residents and free from traffic hazards.
- c) Recreation areas shall not be included in areas designed as buffer strips.
- d) Recreation areas shall be landscaped and properly equipped with facilities.
- e) Adequate fencing or screening shall be provided between recreational and other areas.



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- f) All areas of the mobile home park not occupied by mobile homes and their additions, internal roads, walkways, driveways, or any other development facility shall be landscaped and kept landscaped.
- g) Adequate screening in the form of trees or other plantings shall be provided between the mobile home park and adjacent uses where these uses are incompatible with the residential character of the mobile home park.
- h) Adequate screening in the form of trees or shrubs or fencing shall be provided where necessary around laundry areas, service buildings and refuse collecting points and other common areas.

(4) COMMON AREAS

- a) There shall be no outdoor storage of any furniture, domestic equipment or seasonally used equipment.
- b) Adequately covered storage facilities shall be provided, either on individual lots or in common storage facilities.
- c) Common storage facilities shall be located in a permanent building conveniently located to all park residents.
- d) Adequately screened storage components shall be provided, for large trucks, campers, travel trailers, snow-mobiles and boats to the satisfaction of the Development Officer.
- e) Where heating fuel is provided by a local distribution system such as propane, container space shall be provided for, in an inconspicuous location and to the approval of the Fire Chief.
- f) Where laundry and toilet facilities are provided for, they shall conform to the applicable National Building Code standards, and any disposal system for these facilities shall be approved by the Environmental Health Officer as appointed under the Public Health Act of the Northwest Territories.
- g) All services and other common buildings shall be accessible by an internal street, or walkway connected to an internal street.
- h) All service and other common buildings shall be of a permanent type and construction.

(5) ADDITIONAL SITE REQUIREMENTS

- a) Each mobile home site shall be clearly marked on the ground by permanent stakes, markers or other means and shall be clearly defined with a lot number or other address system.
- b) Any permanent addition such as patios, porches, garages or other structural additions:
 - i. are considered to be part of the mobile home and require a building permit prior to construction;
 - ii. may not exceed in area 25% of the mobile home unit, or 30% of the lot area clear of the unit; and
 - iii. shall be constructed so that it will be of a design similar to the finish of the mobile home unit and will harmonize with the exterior of the unit.



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- c) Mobile homes shall be separated by a minimum distance of 4.5 m (15 ft) and any porch or addition to the mobile home shall be regarded as part of the mobile home in determining this distance.
- d) Each mobile home shall be set back:
 - i. a minimum of 4.5 m (15 ft) from the mobile home park boundary;
 - ii. a minimum of 3 m (10 ft) from any internal access road, parking area or other common area;
 - iii. a minimum of 1 m (3.3 ft) from any other mobile home lot boundary.
- e) Each mobile home site shall be provided with a permanent foundation or stand in the form of a hard compacted gravel or concrete pad at the original ground level.
- f) The park owners shall provide pads of concrete or other material that may be placed on the mobile home stand to provide a sound base for the blocking and levelling of the mobile home.
- g) All mobile home units shall provide skirting around the base of the unit that is of a manufactured or similar type to harmonize with the unit. Construction of this skirting shall permit the circulation of air beneath the unit and be completed within 30 days of placement of the mobile home.
- h) There shall be at least two parking stalls provided for each mobile home lot. At least one of the stalls must be provided on the mobile home lot.

(6) UTILITIES AND SERVICES

- a) All mobile home units shall be connected to the municipal sanitary and storm sewer, water supply and electric power systems.
- b) All utility lines shall be underground and meet the requirements of the municipal regulations regarding such installations.
- c) The park owner shall provide proper garbage containers on each lot and a screened garbage disposal area at a point convenient for collection.
- d) The park owner shall provide fire hydrants where necessary and any other fire protection equipment or facilities as deemed necessary by the Fire Chief.

(7) FAILURE TO COMPLY WITH PERFORMANCE STANDARDS

- a) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until the performance standards are complied with. Prior to the issue of any license under the Business License Bylaw of the Town of Hay River, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.

6. Development Regulations for Discretionary Uses



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- a) Day Care~~s~~ Facility - Section 6.4
 - b) Home Occupation~~s~~ - Section 6.6
 - c) Public Local Utility Services~~s~~ - Sections 5.7& 5.8
 - d) Accessory Uses and Buildings - Section 6.12
7. Other Provisions
- a) General Regulations - Section 5
 - b) Special Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



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7.8 RC - COUNTRY RESIDENTIAL

1. General Purpose

This zone is generally intended to provide for single family housing in a rural setting, generally without the provision of the full range of urban utility services.

2. Permitted Uses

- a) Day Cares Facility
- b) Garden Suites
- c) Home Occupations
- d) Housing, Single Detached ~~One Single Family Housing unit per lot~~
- e) Living Suites
- f) Mobile Homes
- g) Accessory buildings and uses ~~accessory to the above~~

3. Discretionary Uses

- a) Farming, Non-Intensive ~~Domestic Gardens~~
- b) Farming, Non-Commercial Farms
- c) Public Local Utility Services ~~and Installations~~
- d) Supported Living Facility
- e) ~~Alternate Housing~~

4. Development Regulations

Development Regulations for RC – Country Residential		
Lot Dimensions		
Lot Width Minimum– All uses		30 m (99 ft)
Lot Depth Minimum	Set by lot width and lot area	
Lot Area Minimum		1.2 ha (3 ac)
Lot Area Maximum		2 ha (5 ac)
Building Dimensions		
	All structures combined	40%



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Lot Coverage Maximum	Principal building	28%
	Where a garage is designed as part of the house and therefore considered part of the principal building	40%
	Accessory buildings, as set out in section 6.12 of this bylaw	12%
Floor Area Minimum for principal building		75 m ² (807 sq. ft.) 65 m ² (700 sq. ft.)
Building Height Maximum		10 m (33 ft) or 2.5 storeys
Yard Setbacks		
Front Yard Minimum		7.5 m (25 ft) 15.0 m (49.5 ft.)
Rear Yard Minimum		7.5 m (25 ft) 10.0 m (33.0 ft.)
Side Yard Minimum		6 m (20 ft) 10.0 m (33.0 ft.)
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling; except waterfront lots, where the garages shall be set back 7.5 m (25 ft)
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)
Minimum distance between garage doors and any lot line		5 m (16.4 ft)

5. Special Modifications

- a) The lots listed below are zoned RCx and are existing undersized lots. For these lots, the minimum front yard setback is 7.5 m, the minimum side yard setback is 2 m and the minimum rear yard setback is 5 m. New lots that are less than 1.2 ha will not be approved in the RC zone.

Lot 552-1 Group 814 LTO 1225 = 0.43 ha	Lot 549-1 Group 814 LTO 1225 = 0.4 ha
Lot 552-2 Group 814 LTO 1225 = 0.40 ha	Lot 549-2 Group 814 LTO 1225 = 0.4 ha
Lot 552-3 Group 814 LTO 1225 = 0.76 ha	Lot 549-3 Group 814 LTO 1225 = 0.25 ha
Lot 552-4 Group 814 LTO 1224 = 0.93 ha	Lot 549-4 Group 814 LTO 1225 = 0.96 ha
Lot 552-5 Group 814 LTO 1225 = 0.37 ha	Lot 549-5 Group 814 LTO 1225 = 0.60 ha
	Lot 549-6 Group 814 LTO 1225 = 0.87 ha



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	Lot 549-7 Group 814 LTO 1225 = 0.38 ha
	Lot 549-8 Group 814 LTO 1225 = 0.13 ha

6. Development Regulations for Discretionary Uses

- a) Mobile Home~~s~~ - Section 6.3
- b) Day Care~~s~~ Facility - Section 6.4
- c) Supported Living Facility - Section 6.5
- d) Home Occupation~~s~~ - Section 6.6
- e) Public Local Utility Services~~s~~ - Sections 5.7 & 5.8
- f) Accessory Uses and Buildings - Section 6.12
- g) ~~Alternate Housing – Section 5.14~~

7. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9



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7.9 C1 - CORE AREA COMMERCIAL

1. General Purpose

To establish a Zone to provide for those commercial uses which are appropriate to the Central Business District of Hay River.

2. Permitted Uses

- a) Eating and Drinking Establishments
- b) ~~Financial Institution~~ Banks
- c) ~~Health services~~ Medical and Dental Clinics
- d) Hotel
- e) ~~Home~~ occupations
- f) Day Care ~~s~~ Facility
- g) ~~Offices~~
- h) Parks ~~s~~
- i) Personal Service ~~Establishments~~ Shops
- j) ~~Place of Entertainment~~ Theatres
- k) Playground
- l) Retail Stores ~~s~~, not including drive-in businesses
- m) ~~Professional, Financial and Office and Business Support Services~~

3. Discretionary Uses

- a) ~~Accessory~~ buildings and uses ~~accessory to the above~~
- b) Auction ~~eering~~ Establishment
- c) Funeral ~~Parlour~~ Home
- d) ~~Emergency~~ shelter
- e) ~~Housing, Multiple Family, as part of a mixed-use development~~
- f) ~~Household Repair Services~~ ~~Repair Service Establishment~~
- g) Motel
- h) Parking Facility
- i) ~~Public~~ ~~Local~~ Utility Services
- j) Public ~~Use~~
- k) ~~Private~~ Club



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- l) Religious Assembly
 - m) Repair Service Shops
 - n) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the zone
 - o) ~~Semi-Public Use~~
 - p) ~~Bowling Alley~~ [Covered in Place of Entertainment]
 - q) ~~Bakeries~~ [Covered in Retail Store]
 - r) ~~Amusement Arcades~~ [Covered in Place of Entertainment]
 - s) ~~Photography Studios~~ [Covered in Retail Store]
 - t) ~~Private Clubs and Lodge, Private~~
 - u) ~~Laundry and Dry-Cleaning Shop~~ [Covered in Personal Service Shops]
 - v) ~~Hardware and Home Improvement Centres~~ [Covered in Retail Store]
4. Development Regulations Lot Dimensions

Development Regulations for C1 – Core Area Commercial		
Lot Dimensions		
Lot Width Minimum	Hotels	30.0 m (99.0 ft.)
	All other uses	7.5 m (25 ft)
Lot Depth Minimum	Set by lot width and lot area	
Lot Area Minimum	Hotels	1,115 m² (12,002 sq.ft.)
	All other uses	278 m ² (2,992 sq. ft)
Building Dimensions		
Lot Coverage Maximum	The maximum lot coverage for all buildings shall be 100% of the lot area, provided that adequate provision, in accordance with the regulations of this bylaw, is made for parking and loading, garbage facilities and landscaping where required.	
Building Height Maximum	13 m (43 ft), however, if a sprinkler system is provided then the building height shall be at the discretion of the Development Officer	



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Yard Setbacks		
Front Yard Minimum	Regular shaped lots	Shall be at the discretion of the development officer, considering development or potential development on adjacent lot
	Corner lots	Shall comply with Section 5.4.
Rear Yard Minimum	A 6 m (20 ft) parking and loading zone shall be provided	
Side Yard Minimum	Adjacent to a residential zone	3 m (10 ft)
	All other areas	2.5 m (8.2 ft)
	Side yard setbacks must comply with Section 5.5	

5. Performance Standards and Regulations

- a) The placement and maintenance of any propane storage tank that:
 - i. is a temporary, semi-permanent or permanent fixture; or
 - ii. exceeds 20 lbs and is connected to a building in any way; is prohibited within Zone C1.
- b) This provision is not to apply to portable, temporary, freestanding propane storage tanks, such as propane cylinders for barbecues or construction site heating and other similar uses, with a single tank capacity of less than or equal to 200 lbs. and an aggregate capacity of less than 1000 lbs.

6. Development Regulations for Discretionary Uses

- a) Religious Assembly - Section 6.7
- b) Day Care Facility - Section 6.4
- c) Public-Local Utility Services - Sections 5.7 & 5.8
- d) Accessory Uses and Buildings - Section 6.12

7. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section



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7.10 C2 - HIGHWAY/ SERVICE COMMERCIAL

1. General Purpose

To provide a zone for highway and service oriented commercial uses that provide ~~services to residents and the travelling public and are generally vehicle-oriented. more appropriately located here than in any other commercial or industrial zone.~~

2. Permitted Uses

- a) ~~Car Washes~~
- b) ~~Caretaker Units~~
- c) Drive-in ~~Restaurants and~~ Businesses
- d) Gas Bar
- e) Hotel
- f) Kennel
- g) Motel
- h) ~~Retail Store~~, Convenience ~~Retail Stores~~
- i) ~~Vehicle Sales and Service~~
- j) Veterinary Clinic
- k) ~~Accessory~~ buildings and uses ~~accessory to the above~~
- l) ~~Hardware/Building Supply Sales and Storage~~
- m) ~~Automobile and Trailer Sales, Vehicle, Farm Equipment, Mobile Home and Recreational Equipment Sales and Service~~

3. Discretionary Uses

- a) Eating and Drinking Establishments
- b) ~~Emergency shelter~~
- c) Public Use
- d) ~~Public Local~~ Utility Services
- e) Retail Stores
- f) Tourist related industry dependent on close proximity to a highway for trade
- g) ~~Semi-Public Uses~~
- h) Warehouse Sales
- i) Wholesale and retail of the following:
 - i. plumbing or heating equipment and supplies;



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- ii. general machinery;
- iii. manufactured homes and trailers.
- j) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this zone

4. Development Regulations

Development Regulations for C2 – Service/Highway Commercial		
Lot Dimensions		
Lot Width Minimum		15 m (50 ft)
	Highway-oriented hotels and motels, and motor hotels	46 m (151 ft)
	All other highway-oriented uses	30 m (99 ft)
	Non-highway-oriented hotels and motels, and motor hotels	30 m (99 ft)
	All other non-highway-oriented uses	7.5 m (25 ft)
Lot Depth Minimum	Set by lot width and lot area	
Lot Area Minimum		700 m ² (7,535 sq ft)
	Highway-oriented hotels and motels, and motor hotels	1,300 m² (1,3993 sq. ft)
	All other highway-oriented uses	1,162 m² (12,508 sq. ft)
	Non-highway-oriented hotels and motels, and motor hotels	1,115 m² (12,002 sq. ft)
	All other non-highway-oriented uses	550 m² (5,920 sq. ft)
Building Dimensions		
Lot Coverage Maximum	The maximum lot coverage shall not exceed 60% of the total lot area Yard Requirements.	
Building Height Maximum		13 m (43 ft)
Yard Setbacks		
Front Yard Minimum	Highway oriented hotels and motels	15 m (49 ft)
	All other highway-oriented uses	10 m (33 ft)



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	All non-highway-oriented uses	6 m (20 ft)
	Corner lots	Shall comply with Section 5.4.
Rear Yard Minimum		3 m (10 ft)
Side Yard Minimum	All areas	3 m (10 ft)
	Side yard setbacks must comply with Section 5.5	

5. Performance Standards and Regulations

- a) Prior to issuance of a building permit a site plan indicating location of buildings, landscaping, parking, accesses and driveways proposed lighting and signs, and any fence or screening shall be approved by the Development Officer. The access from the premises to the highway or major streets shall be allowed only at the points as established by the Development Officer. The building setbacks shall allow for the planned widening of streets and/or provision of service roads where required by Council. The building setbacks shall provide for the front yards as established by these regulations in addition to the setbacks needed for the aforementioned widening.
 - b) Where development fronts on a designated highway pursuant to the Public Highways Act a service roadway of not less than 15 m (50 ft) in width shall be required adjacent and parallel to the highway. Council may require a service road of not less than 15 m (50 ft) in width on all highways within the Town.
 - c) All buildings shall be of good architectural design as required by Council, so as not to interfere with or detract from the standards of the zone and the amenities of the neighbourhood.
 - d) All yards abutting the highway or roadway shall be landscaped and the entire lot and all buildings maintained in a neat, tidy manner including the trimming and upkeep of areas and the removal of debris and unsightly objects.
 - e) All storage, freightage or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features, or fences or a combination thereof.
 - f) All outdoor storage areas shall be enclosed with a suitable fence and the outdoor storage and display of equipment, machinery, building materials, lumber or other materials shall be kept in a clean and orderly condition at all times.
6. On C2 Zoned lots that are on the west side of the Hay River Highway and accessed from Industrial Drive, Industrial Light uses may be permitted as long as adequate landscaping and/or screening are provided at the rear of the lot so that industrial uses and outdoor storage are not visible from the Highway.

7. Development Regulations for Discretionary Uses

- a) Caretaker Units - Section 6.9



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- b) ~~Public~~ ~~Local~~ Utility Services - Sections 5.7 & 5.8
- c) Accessory Uses and Buildings - Section 6.12
- 8. Other Provisions
 - a) General Regulations - Section 5
 - b) Specific Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



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7.11 C3 - MIXED USE COMMERCIAL

1. General Purpose

This zone is intended to make provisions for commercial, residential, institutional, educational, and recreational uses in the core area of the New Town.

2. Permitted Uses

- a) Eating and Drinking Establishments
- b) Financial Institution Banks
- c) Health Services Medical and Dental Clinics
- d) Hotel
- e) Housing, Multiple Unit, as part of a Mixed-Use Development
- f) Mixed-Use Building Office or Retail and Commercial uses combined with Residential uses
- g) Motel
- h) Day Cares Facility
- i) Offices
- j) Parks and Playgrounds
- k) Place of Entertainment Theatres
- l) Playground
- m) Personal Service Shops Establishments
- n) Retail Stores, not including Drive-In Businesses
- o) Professional, Financial and Office and Business Support Service

3. Discretionary Uses

- a) Accessory buildings and uses accessory to the above
- b) Commercial Schools, not including schools using heavy and industrial equipment
- c) Religious Assembly
- d) Parking Facility
- e) Private Clubs
- f) Public Local Utility Services
- g) Public Use
- h) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this zone
- i) Community Recreation [Included in Public Use]



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- j) ~~Government Services~~
- k) ~~Public and Private Education Services~~ [Included in Public Use]
- l) ~~Public Libraries~~ [Included in Public Use]
- m) ~~Semi-Public Uses~~

4. Development Regulations

Development Regulations for C3 – Mixed Use Commercial		
Lot Dimensions		
Lot Width Minimum		7.5 m (25 ft)
Lot Depth Minimum		30 m (99 ft)
Lot Area Minimum		325 m² (3498 sq. ft)
Building Dimensions		
Lot Coverage Maximum	Commercial uses	100%
	Mixed uses and residential uses	100%
	All other uses	40%
	In all instances, adequate provision, in accordance with the regulations of this bylaw, shall be made for parking and loading, garbage facilities and landscaping where required.	
Building Height Maximum	All buildings	13 m (43 ft)
	If a sprinkler system is provided then the building height shall be at the discretion of the Development Officer.	
Density		
Residential Buildings	Row housing	60 units per hectare (24 per acre)
	All other multiple family	120 units per hectare (48 per acre)
Mixed Use Buildings	Row housing	50 units per hectare (20 per acre)
	All other multiple family	100 units per hectare (40 per acre)



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Yard Setbacks		
Front Yard Minimum	Regular shaped lots	Shall be at the discretion of the development officer, considering development or potential development on adjacent lot
	Corner lots	Shall comply with Section 5.4.
Rear Yard Minimum		6 (20 ft)
Side Yard Minimum	Adjacent to a residential zone	3 m (10 ft)
	All other areas	2.5 m (8.2 ft)
	Side yard setbacks must comply with Section 5.5	

5. Performance Standards and Regulations

- a) There shall be no outside storage of goods, products, materials, or equipment permitted within this zone which pertains to a commercial business.
- b) The placement and maintenance of any propane storage tank that:
 - i. is a temporary, semi-permanent or permanent fixture; or
 - ii. exceeds 20 lbs and is connected to a building in any way; is prohibited within Zone C3.
- c) This provision is not to apply to portable, temporary, freestanding propane storage tanks, such as propane cylinders for barbecues or construction site heating and other similar uses, with a single tank capacity of less than or equal to 200 lbs. and an aggregate capacity of less than 1000 lbs.

6. Development Regulations for Discretionary Uses

- a) Multiple Family Housing Development - Section 6.2
- b) Day Care~~s~~ - Section 6.4
- c) Religious Assembly - Section 6.7
- d) ~~Public Local~~ Utility Services~~s~~ - Sections 5.7 & 5.8
- e) Accessory Uses and Buildings - Section 6.12

7. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 4
- c) Parking and Loading Regulations - Section 8



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d) Sign Regulations - Section 9



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~~C4 – CONVENIENCE COMMERCIAL~~

~~8. General Purpose~~

~~This zone is generally intended to provide lots for the development of retail and service outlets which serve the need of the residents in the immediate area.~~

~~9. Permitted Uses~~

- ~~a) Eating and Drinking Establishments Retail Store, Convenience Retail Store~~
- ~~b) Day Cares Facility~~
- ~~c) Minor~~
- ~~d) Personal Service Shops Establishments~~
- ~~e) Accessory buildings and uses accessory to the above~~

~~10. Discretionary Uses~~

- ~~a) Individual business premises for a permitted use having a gross floor area over 279 m² (3003 sq. ft)~~
- ~~b) Gas Bars~~
- ~~c) Public Local Utility Services~~
- ~~d) Religious Assembly~~
- ~~e) Retail Stores~~
- ~~f) Shopping Centre~~
- ~~g) Accessory buildings and uses accessory to the above~~

~~11. Development Regulations~~

Development Regulations for C4 – Retail Convenience		
Lot Dimensions		
Lot Width Minimum Lot		15 m (49 ft)
Lot Depth Minimum		30 m (99 ft)
Lot Area	Minimum	465 m ² (5005 sq. ft)
	Maximum	1 hectare (2.47 acres)
Building Dimensions		
Lot Coverage Maximum		40%



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Building Height Maximum		10 m (33 ft) nor 2.5 storeys.
Maximum Gross Floor Area	Any individual business premise for a permitted use shall	279 m ² (3,003 sq. ft.)
	Any individual business premise for a discretionary use	930 m ² (10,010 sq. ft.)
	Discretionary uses in shopping centres (retail and commercial)	1,858 m ² (19,999 sq. ft.)
The maximum floor area ratio shall 1.0		
Yard Setbacks		
Front Yard Minimum	Regular lots	3 m (10 ft)
	Corner lots	Shall comply with Section 5.5.
	Where the lot has street frontage contiguous with that of a residential zone, the minimum building setback shall be equal to that required for the residential zone.	
Rear Yard Minimum		3 m (10 ft)
Side Yard Minimum	All lots	3 m (10 ft)
	Corner lots	Shall comply with Section 5.5.

a) ~~Minimum Lot Width~~

- i. ~~not less than 15.0 m (49.5 ft.)~~

b) ~~Minimum Lot Depth~~

- i. ~~not less than 30.0 m (99.0 ft.)~~

c) ~~Lot Area~~

- i. ~~not less than 465 m² (5003 sq. ft.)~~
- ii. ~~not more than 1.0 hectare (2.47 acres)~~

Building Dimensions

d) ~~Lot Coverage~~

- i. ~~the maximum lot coverage shall not exceed 40%~~



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~~e) Floor Areas~~

- ~~i. the maximum gross floor area of any individual business premise for a permitted use shall not exceed 279 m² (3000 sq. ft.)~~
- ~~ii. the maximum gross floor area of any individual business premise for a discretionary use shall not exceed 930 m² (10007 sq. ft.)~~
- ~~iii. the maximum floor area of discretionary uses in shopping centres (retail and commercial) shall not exceed 1858 m² (19992 sq. ft.)~~
- ~~iv. the maximum floor area ratio shall 1.0~~

Yard Requirements

~~f) Minimum Front Yard~~

- ~~i. not less than 3.0 m (10.0 ft.)~~
- ~~ii. where the lot has street frontage contiguous with that of a residential zone, the minimum building setback shall be equal to that required for the residential zone~~
- ~~iii. front yard setbacks must comply with Section 4.4 of this bylaw~~

~~g) Minimum Rear Yard~~

- ~~i. not less than 3.0 m (10.0 ft.)~~

~~h) Minimum Side Yard~~

- ~~i. not less than 3.0 m (10.0 ft.)~~
- ~~ii. side yard setbacks must comply with Section 4.4 of this bylaw~~

Height

- ~~i) The maximum height shall not exceed 10.0 m (33.0 ft.) nor 2.5 storeys.~~

~~12. Performance Standards and Regulations~~

- ~~a) No parking, loading, storage, trash collection, outdoor service or display area shall be permitted within a required yard. Loading, storage and trash collection areas shall be located to the rear or sides of the principal building and shall be screened from view from any adjacent lots or public roadways. If the rear or sides of a lot are used for parking, an outdoor service or display area or both, and abut a residential district, they shall be screened to the satisfaction of the development officer.~~

~~13. Development Regulations for Discretionary Uses~~

- ~~a) Religious Assembly – Section 6.7~~
- ~~b) Day Cares Facility – Section 6.4~~
- ~~c) Public Local Utility Services – Sections 5.7 & 5.8~~



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~~d) Accessory Uses and Buildings – Section 6.12~~

~~14. Other Provisions~~

~~a) General Regulations – Section 5~~

~~b) Specific Land Use Regulations – Section 6~~

~~c) Parking and Loading Regulations – Section 8~~

~~d) e) Sign Regulations – Section 9~~



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7.12 M1 - RESTRICTED INDUSTRIAL

1. General Purpose

To establish a Zone for industrial uses where there will be minimal nuisance and such that the Zone is compatible with any adjacent non-industrial Zone.

2. Permitted Uses

- a) Cold Storage Lockers
- b) ~~Caretaker Units~~
- c) ~~Community Garden~~
- d) ~~Household Repair Services~~
- e) ~~Industry, Light~~
- f) ~~Land Treatment Facility~~
- g) Modular/Manufactured Home and Trailer Construction
- h) ~~Outdoor Storage~~
- i) Receiving and Distributing Depots
- j) ~~Warehouse Sales Warehousing/ Storage~~
- k) ~~Warehouse, Personal Storage~~
- l) Workshops
- m) ~~Vehicle Sales and Service~~
- n) ~~Accessory~~ buildings and uses ~~accessory to the above~~
- o) ~~Wholesale or Retail of Electrical and Plumbing Equipment and Supplies~~
- p) ~~Automobile Sales Industrial Vehicles, Automobiles, Recreational, Construction and Farm Equipment Sales, Rentals and Service Establishments~~
- q) ~~Storage and/or Sale of Building Materials, Lumber or Machinery~~

3. Discretionary Uses

- a) ~~Auctioneering Establishments~~
- b) ~~Correctional Facilities~~
- c) ~~Eating and Drinking Establishments~~
- d) ~~Gas Bar Storage and/or Sale of Bulk Oil, Propane Gas~~
- e) ~~Public Use, Commercial, Manufacturing and Recreation uses that are unlikely to restrict the use of the zone for industry.~~
- f) ~~Manufacturing, Commercial, Recreational or Public Service uses unlikely to restrict the use of the zone for industry~~



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- g) ~~Public-Local~~ Utility Services ~~and Installations~~
- h) ~~Automobile Service Stations~~
- i) ~~Semi-Public Use~~
- j) ~~Accessory~~ buildings and uses ~~accessory~~ to the above
- k) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the Zone.

4. Development Regulations

Development Regulations for M1 – Restricted Industrial		
Lot Dimensions		
Lot Width Minimum		30 m (99 ft)
Lot Depth Minimum		At the discretion of the Development Officer
Lot Area Minimum		At the discretion of the Development Officer
Building Dimensions		
Lot Coverage Maximum		60%
Building Height Maximum		10 m (33 ft)
Yard Setbacks		
Front Yard Minimum	Regular lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.
Rear Yard Minimum	Regular lots	5 m (16.4 ft)
	Where the rear boundary abuts a residential zone	7.5 m (25 ft)
Side Yard Minimum	All lots	4.5 m (15 ft)
	Corner lots	Shall comply with Section 5.5.
Notwithstanding the minimum yard requirements above, where it is deemed impractical to conform with these requirements due to obvious physical limitations, all yards shall be at the discretion of the Development Officer who shall have regard for the amenities of the district and adjoining lots.		

5. Performance Standards and Regulations

- a) Where the likelihood of air or water pollution is concerned, it may be required that the proposed development be referred by the municipality to an appropriate Government



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Agency for study and recommendation, and due regard shall be given to such recommendation in dealing with the application.

- b) Any industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of a material shall conform to the following standards:
 - i. noise - emit no noise of industrial production audible at any point of the boundary of the lot on which the operation takes place;
 - ii. smoke - no process involving the use of solid fuel is permitted, save the use of waste disposal incinerators of a design approved by Council;
 - iii. dust and ash - no process involving the emission of dust fly-ash or other particulate matter is permitted;
 - iv. odour - the emission of any odorous gas or other odorous matter is prohibited;
 - v. toxic gases, etc. - the emission of any toxic gases or other toxic substances is prohibited;
 - vi. glare or heat - no industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot concerned;
 - vii. external storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the Development Officer or Council, as the case may be; and
 - viii. industrial wastes - no wastes shall be discharged into any sewer which does not conform to the standards established by the Town of Hay River.
- c) The onus of proving to the Development Officer's satisfaction that a proposed development does and will comply with these requirements rests with the developer.
- d) In considering the application, the Development Officer or Council shall have regard to the intent of this section, which is to establish use on the basis of:
 - i. appropriate performance standards;
 - ii. the methods, equipment and techniques of the applicant; and
 - iii. the use of neighbouring lands and zones and the compatibility of the proposed use with neighbouring lands and zones.
- e) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until the performance standards are complied with. Prior to the issue of any license under the Business License bylaw of the Town of Hay River, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development



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Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.

6. Development Regulations for Discretionary Uses
 - a) ~~Caretaker Units – Section 5.10~~
 - b) ~~Public Local~~ Utility Services - Sections 5.7 & 5.8
 - c) Accessory Uses and Buildings - Section 6.12
7. Other Provisions
 - a) General Regulations - Section 5
 - b) Specific Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



DRAFT ZONING AND BUILDING BYLAW

REGULATIONS BY LAND USE ZONE

7.13 M2 - GENERAL INDUSTRIAL

1. General Purpose

To establish a Zone for those industrial uses which generally carry out a portion of their activities outdoors and are of such a nature they may not meet the requirements of the M1 Zone.

2. Permitted Uses

- a) Commercial ventures directly related to industrial or manufacturing activities
- b) ~~General~~ Industry
- c) Industrial Warehouse and Storage Facilities
- d) ~~Public Utility Infrastructure, Major Impact Sewage Treatment and Disposal Plants~~
- e) ~~Accessory~~ buildings and uses ~~accessory to the above~~
- f) ~~Manufacturing, Processing, Packaging or Assembly of Goods or Materials~~
- g) ~~Manufacturing and Processing of Chemical Products~~
- h) ~~Manufacturing and Processing of Agricultural Products~~
- i) ~~Industrial Storage Facilities~~

3. Discretionary Uses

- a) Abattoir
- b) ~~Accessory~~ buildings and uses ~~accessory to the above~~
- c) Automobile Salvage Establishments
- d) ~~Caretaker Units~~
- e) ~~Public Use, Commercial, Agricultural or Recreation uses, provided that it is unlikely to restrict the use of the zone for industry.~~
- f) ~~Public Local Utility Services and Installations~~
- g) ~~Commercial, Agricultural, Recreational and Municipal or Public Buildings and uses~~
- h) ~~The Storage and Handling of Dangerous Goods~~
- i) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the zone

4. Development Regulations

Development Regulations for M2 – General Industrial	
Lot Dimensions	
Lot Width Minimum	30 m (99 ft)



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Lot Depth Minimum		At the discretion of the Development Officer
Lot Area Minimum		At the discretion of the Development Officer
Building Dimensions		
Lot Coverage Maximum		60%
Building Height Maximum		10 m (33 ft)
Yard Setbacks		
Front Yard Minimum	Regular lots	10 m (33 ft)
	Corner lots	Shall comply with Section 5.5.
	The front yard setback may be varied at the discretion of the Development Officer who shall have regard for the general intent of the zone and the adjoining properties.	
Rear Yard Minimum	Regular lots	6 m (20 ft)
	The rear yard setback may be varied at the discretion of the Development Officer who shall have regard for the general intent of the zone and the adjoining properties	
Side Yard Minimum	All lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.
	The side yard setback may be varied at the discretion of the Development Officer who shall have regard for the general intent of the zone and the adjoining properties.	

5. Performance Standards and Regulations

- a) Where the likelihood of air or water pollution is concerned, it may be required that the proposed development be referred by the municipality to an appropriate Government Agency for study and recommendation, and due regard shall be given to such recommendation in dealing with the application.
- b) Any industrial operation including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to the following standards:
 - i. smoke, dust, ash, odour, toxic gases, etc. shall only be released to the atmosphere in such amounts and under such conditions and safeguards as shall have been approved in writing by Council after consultation with the appropriate Government Agency;



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- ii. glare or heat - no industrial operation shall be carried out which would produce glare or heat so as to be offensive beyond the property line of the lot concerned;
 - iii. industrial wastes - no industrial wastes shall be discharged into any sewer which does not conform to the standards established from time to time bylaw of the Town of Hay River;
 - iv. odour - the emission of any odorous gas or other odorous matter is prohibited;
 - v. toxic gases, etc. - the emission of any toxic gases or other toxic substances is prohibited; and
 - vi. external storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the Development Officer or Council, as the case may be.
- c) Abattoir Development shall conform to the following:
- i. No abattoir shall be located within 200 m (660 ft) of any habitable structure;
 - ii. Feed lots shall not be operated in accordance with an abattoir;
 - iii. Any live animals kept on lot shall be for a short duration prior to processing (maximum 4 days); and
 - iv. All livestock storage areas shall be designed so as to minimize any possible odours. In this regard, outdoor staging area shall be designed and sloped for easy cleaning.
- d) The onus of proving to the Development Officer's satisfaction that a proposed development does and will comply with these requirements rests with the developer.
- e) In considering the application, the Development Officer or Council shall have regard to the intent of this section, which is to establish use on the basis of:
- i. appropriate performance standards;
 - ii. the methods, equipment and techniques of the applicant; and
 - iii. the use of neighbouring lands and zones and the compatibility of the proposed use with neighbouring lands and zones.
- f) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until the performance standards are complied with. Prior to the issue of any license under the Business License Bylaw of the Town of Hay River, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development



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Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.

6. Development Regulations for Discretionary Uses
 - a) Caretaker Units - Section 6.10
 - b) ~~Public~~ ~~Local~~ Utility Services - Sections 5.7 & 5.8
 - c) Accessory Uses and Buildings - Section 6.12
7. Other Provisions
 - a) General Regulations - Section 5
 - b) Specific Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.14 T - TRANSPORTATION DISTRICT

1. General Purpose

To provide a Zone that designates areas for the transportation industry and transportation related uses, particularly because of their location relative to airports, railways, highways, the Hay River, and Great Slave Lake.

2. Permitted Uses

- a) Aerial Survey Services and other similar uses
- b) Aircraft Repair Establishments
- c) Aircraft Sales/ Rentals
- d) Air Freight Terminals
- e) Airplane Hangars
- f) Aviation Schools
- g) Railway Yards and Freight Terminals
- h) Receiving and Distribution Facilities
- i) Servicing and Repair Establishment accessory to above uses
- j) Water Transportation Services
- k) **Accessory** buildings and uses ~~accessory to the above~~

3. Discretionary Uses

- a) Aircraft and Aircraft Parts Manufacturing
- b) Aviation Research and Testing Labs
- c) Aviation Bulk Fuel Storage
- d) Caretaker Units
- e) Cold Storage Lockers
- f) Household Repair Shops
- g) **Industry**
- h) Manufactured Home and Trailer Construction
- i) **Outdoor** Storage
- j) **Public Utility Infrastructure, Major Impact**
- k) **Public Utility Infrastructure, Minor Impact**
- l) Residential Facilities for transient workers ancillary to permitted or discretionary uses
- m) Trucking Terminals and related uses
- n) **Vehicle Sales and Service**



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- o) Warehouse Sales
- ~~p) Workshops~~
- ~~q) Public Utility Structures~~
- ~~r) Wholesale or Retail of Electrical and Plumbing Equipment and Supplies~~
- ~~s) Industrial Vehicles, Automobiles, Recreational, Construction and Farm Equipment Sales, Rentals and Service Establishments~~
- ~~t) and/or sale of Building Materials, Lumber or Machinery~~
- ~~u) Manufacturing, Processing, Packaging or Assembly of Goods or Materials~~
- ~~v) Manufacturing and Processing of Chemical Products~~
- ~~w) Manufacturing and Processing of Agricultural Products~~
- ~~x) Commercial Ventures directly related to Industrial or Manufacturing Activities~~
- ~~y) The Storage and Handling of Dangerous Goods~~
- ~~z) Sewage Treatment and Disposal Plants~~
- ~~aa) Warehousing/Storage Facilities~~
- ~~bb) Local Utility Services and Installations~~

4. Development Regulations

Development Regulations for T – Transportation		
Lot Dimensions		
Lot Width Minimum		30 m (99 ft)
Lot Depth Minimum		At the discretion of the Development Officer
Lot Area Minimum		At the discretion of the Development Officer
Building Dimensions		
Lot Coverage Maximum		60%
Building Height Maximum		Shall not exceed the height allowable under the Hay River Airport Zoning Regulations.
Yard Setbacks		
Front Yard Minimum	Regular lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.



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	The front yard setback may be varied at the discretion of the Development Officer who shall have regard for the general intent of the zone and the adjoining properties.	
Rear Yard Minimum		1 m (3.3 ft)
Side Yard Minimum	All lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.

5. Performance Standards and Regulations

- a) No industrial operation shall be carried out that would produce smoke, dust, ash or glare that could interfere with the safe operation of aircraft.
- b) The onus of proving to the Development Officer's or Council's satisfaction that a proposed development does and will comply with these requirements rests with the developer.
- c) In considering the application, the Development Officer or Council shall have regard to the intent of this section, which is to establish use on the basis of:
 - i. appropriate performance standards;
 - ii. the methods, equipment and techniques of the applicant; and
 - iii. the use of neighbouring lands and zones and the compatibility of the proposed use with neighbouring lands and zones.
- d) All development related to the waterfront must conform to the requirements of the following Acts:
 - i. Canada Water Act;
 - ii. Canada Shipping Act;
 - iii. Navigable Inland Waters Act; and
 - iv. Northern Inland Waters Act.
- e) Any disposal system for garbage, sewer or industrial wastes shall be approved by the local Environmental Officer as appointed under the Public Ordinance of the Northwest Territories.
- f) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until the performance standards are complied with. Prior to the issue of any license under the Business License Bylaw of the Town of Hay River, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development



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Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.

6. Development Regulations for Discretionary Uses
 - a) Caretaker Units - Section 6.0
 - b) ~~Public Local~~ Utility Services - Sections 5.7 & 5.8
 - c) Accessory Uses and Buildings - Section 6.12
7. Other Provisions
 - a) General Regulations - Section 5
 - b) Specific Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.15 U - UTILITY DISTRICT

1. General Purpose

To provide a zone for public and private utility installations, services, and facilities.

2. Permitted Uses

- a) ~~Public Minor Impact~~ Utility Services
- b) ~~Public Utility Infrastructure, Minor Impact~~
- c) Protective and Emergency Services
- d) ~~Accessory~~ buildings and uses ~~accessory to the above~~

3. Discretionary Uses

- a) ~~Public Utility Infrastructure, Major Impact~~ ~~Utility Services~~
- b) ~~Accessory~~ buildings and uses ~~accessory~~ to the above

4. Development Regulations

Development Regulations for U – Utility		
Lot Dimensions		
Lot Width Minimum	All uses	30 m (99 ft)
	Aviation Bulk Fuel Storage Facilities	12 m (39.4 ft)
Lot Depth Minimum		At the discretion of the Development Officer
Lot Area Minimum		At the discretion of the Development Officer
Building Dimensions		
Lot Coverage Maximum		60%
Yard Setbacks		
Front Yard Minimum	Regular lots	6 m (20 ft)
	Aviation Bulk Fuel Storage Facilities	3 m (10 ft)
	Corner lots	Shall comply with Section 5.5.
Rear Yard Minimum		7.5 m (25 ft)
Side Yard Minimum	All lots	4.5 m (15 ft)



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	Corner lots	Shall comply with Section 5.5.
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5. Performance Standards and Regulations

- a) Except as provided for in Clause (g), developments in this zone shall comply with the industrial performance standards applicable to the M1 zone.
- b) If this zone is located in the interior of an industrial area abutting the M2 Zone and does not abut any residential zone, it shall comply with the performance standards applicable to the M2 Zone.
- c) If, in the opinion of the Development Officer, it is unreasonable for a development to comply with these development regulations because of characteristics fundamental to the provision of infrastructure services, he may recommend that Council relax specific requirements provided the development complies with all other minimum performance standards of the M2 Zone. In such cases, a permitted use shall become discretionary Use.
- d) In all cases, proposed development shall minimize objectionable impacts and incompatibility, to the satisfaction of the Development Officer, through its design, siting, landscaping, screening, and buffering.

6. Special Modifications

The Town Landfill Site is zoned Tx, located Lot 2089 Plan 4372, with the special condition being that the treatment of hydrocarbon contaminated soils by land farming is allowed.

7. Development Regulations for Discretionary Uses

- a) ~~Public Local~~ Utility Services - Sections 5.7 & 5.8
- b) Accessory Uses and Buildings - Section 6.12

8. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

EX -- RESOURCE EXTRACTION

~~9. General Purpose~~

~~This zone is generally intended to accommodate renewable and non-renewable resource extraction activities.~~

~~10. Permitted Uses~~

- ~~a) Natural Resource Development Quarrying of Sand, Loam, Clay, Gravel, or General Fill Material~~
- ~~b) Forestry Timber Harvesting~~
- ~~c) Extraction of Peat~~
- ~~d) Any Building, Plant, Installation or Facility used in conjunction with the above~~
- ~~e) Public Local Utility Services and Installations~~
- ~~f) Public Utility Building~~
- ~~g) Accessory buildings and uses accessory to the above~~

~~11. Discretionary Uses~~

- ~~a) Those uses which, in the opinion of the Development Officer, are similar to a permitted use, and which conform to the general purpose and intent of the zone~~
- ~~b) Accessory buildings and uses accessory to the above~~

~~12. Development Regulations~~

~~Lot Dimensions~~

- ~~a) Minimum Lot Width
 - ~~i. to be established by the Development Officer~~~~
- ~~b) Minimum Lot Depth
 - ~~i. to be established by the Development Officer~~~~
- ~~c) Minimum Lot Area
 - ~~i. to be established by the Development Officer~~~~

~~Building Dimensions~~

- ~~d) Lot Coverage
 - ~~i. the maximum lot coverage shall be established by the Development Officer Yard Requirements~~~~
- ~~e) Minimum Front Yard~~



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i. ~~to be established by the Development Officer~~

f) ~~Minimum Rear Yard~~

i. ~~to be established by the Development Officer~~

g) ~~Minimum Side Yard~~

i. ~~to be established by the Development Officer~~

Height

h) ~~The maximum height shall not exceed 15.0 m (49.5 ft.).~~

i) ~~Development Regulations for Discretionary Uses~~

j) ~~Accessory Uses and Buildings – Section 5.11~~

~~13. Other Provisions~~

a) ~~General Regulations – Section 4~~

b) ~~Specific Land Use Regulations – Section 5~~

c) ~~Parking and Loading Regulations – Section 7~~

d) ~~Sign Regulations – Section 8~~



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REGULATIONS BY LAND USE ZONE

7.16 I - INSTITUTIONAL

1. General Purpose

To provide a zone for public and privately owned facilities of an institutional or community service nature.

2. Permitted Uses

- a) Day Care Facility
- b) ~~Offices~~
- c) ~~Parks~~
- d) ~~Playground~~
- e) ~~Public Use Community Recreation~~
- f) Religious Assembly
- g) ~~Government Services~~
- h) ~~Public and Private Education Services~~ [Included in Public Use]
- i) ~~Public Libraries~~ [Included in Public Use]
- j) ~~Accessory~~ buildings and uses ~~accessory to the above~~

3. Discretionary Uses

- a) ~~Cemeteries~~
- b) ~~Health Services Hospitals~~
- c) ~~Private Clubs~~
- d) Protective and Emergency Services
- e) ~~Public Local Utility Services~~
- f) Senior ~~Citizen~~ Housing
- g) Supported Living Facility
- h) ~~Indoor Recreation Facilities~~
- i) ~~Outdoor Recreation Facilities~~
- j) ~~Museums, Heritage Sites and Interpretive Centres~~
- k) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the Zone.

4. Development Regulations



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REGULATIONS BY LAND USE ZONE

Development Regulations for I – Institutional		
Lot Dimensions		
Lot Width Minimum		30 m (99 ft)
Lot Depth Minimum		At the discretion of the Development Officer
Lot Area Minimum		At the discretion of the Development Officer
Building Dimensions		
Lot Coverage Maximum		60%
Building Height Maximum		10 m (33 ft)
Yard Setbacks		
Front Yard Minimum	Regular lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.
Rear Yard Minimum		7.5 m (25 ft)
Side Yard Minimum	All lots	4.5 m (15 ft)
	Corner lots	Shall comply with Section 5.5.

5. Development Regulations for Discretionary Uses
 - a) Supported Living Facility - Section 6.5
 - b) ~~Public Local~~ Utility Services - Sections 5.7 & 5.8
 - c) Accessory Uses and Buildings - Section 6.12
6. Other Provisions
 - a) General Regulations - Section 5
 - b) Specific Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.17 P - PARKS AND OPEN SPACE

1. General Purpose

To establish an area of private and public land for active and passive recreational uses and landscaped buffers, and to preserve natural areas and parkland along the river, creeks and ravines and other designated areas for active and passive recreational uses and environment protection.

2. Permitted Uses

- a) ~~Public Parks~~
- b) ~~Playgrounds~~
- c) Open Reserve Areas for Environmental Protection
- d) ~~Accessory~~ buildings and uses ~~accessory~~ to the above

3. Discretionary Uses

- a) ~~Accessory~~ buildings and uses ~~accessory~~
- b) Cemetery~~ies~~
- c) ~~Eating and Drinking Establishment Restaurants and Refreshment Facilities.~~
- d) Golf Course
- e) ~~Public Local~~ Utility Services
- f) ~~Marinas.~~
- g) Museums, Heritage Sites and Interpretive Centres
- h) ~~Place of Entertainment Archery Ranges.~~
- i) ~~Private Club~~
- j) Public Use Tourist Campsites ~~and other facilities intended for the tourist industry~~
- k) Riding Stables
- l) Tourist Lodges
- m) ~~Arena and Curling Rinks.~~
- n) ~~Gun Clubs.~~
- o) ~~Ski and toboggan run~~ [Included in Park]
- p) ~~Swimming and Wading Pools.~~ [Included in Public Use]
- q) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the Zone

4. Development Regulations



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REGULATIONS BY LAND USE ZONE

Development Regulations for I – Institutional		
Lot Dimensions		
Lot Width Minimum		At the discretion of the Development Officer
Lot Depth Minimum		At the discretion of the Development Officer
Lot Area Minimum		At the discretion of the Development Officer
Building Dimensions		
Lot Coverage Maximum		At the discretion of the Development Officer
Building Height Maximum		10 m (33 ft)
Yard Setbacks		
Front Yard Minimum	Regular lots	7.5 m (25 ft)
	Corner lots	Shall comply with Section 5.5.
Rear Yard Minimum		7.5 m (25 ft)
Side Yard Minimum	All lots	4.5 m (15 ft)
	Corner lots	Shall comply with Section 5.5.

5. Development Regulations for Discretionary Uses
 - a) ~~Public Local~~Utility Services - Sections 5.7 & 5.8
 - b) Accessory Uses and Buildings - Section 6.12
6. Other Provisions
 - a) General Regulations - Section 5
 - b) Specific Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.18 MG - MARKET GARDEN

1. General Purpose

This zone is generally intended to accommodate small land holding for the growing of market gardening.

2. Permitted Uses

- a) Animals in accordance with Section 5.12 of this bylaw
- b) Apiaries
- c) Market Gardening
- d) Crop, Cereal
- e) Crop, ~~or~~ Forage ~~crops~~
- f) Fish Farms
- g) Home Occupations
- h) Greenhouse, Commercial Mushroom Farms
- i) Housing, Single Detached
- j) ~~Municipal and~~ Public Utility Service Installations
- k) Accessory buildings and uses accessory to the above
- l) ~~Sod Farming~~ [Included in Market Garden]
- m) Greenhouses and Plant Nurseries [Included in Market Garden]
- n) ~~Tree Nurseries~~ [Included in Market Garden]

3. Discretionary Uses

- a) Tourist Lodges
- b) Public Utility Service
- c) Any other use which, in the opinion of Council is similar to a use listed in this zone
- d) ~~Alternate Housing~~

4. Development Regulations

Development Regulations for MG – Market Garden	
Lot Dimensions	
Lot Width Minimum	At the discretion of the Development Officer



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Lot Depth Minimum		At the discretion of the Development Officer
Lot Area Minimum		2 ha (5 ac)
Building Dimensions		
Lot Coverage Maximum		At the discretion of the Development Officer
Building Height Maximum		10 m (33 ft)
Yard Setbacks		
Front Yard Minimum	Regular lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.
Rear Yard Minimum		6 m (20 ft)
Side Yard Minimum	All lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.

5. Special Modifications:
 - a) Lots 593 and 584, Group 814, Plan 437 Delancey Estates are zoned MGx, the special condition being that a commercial scale poultry operation is allowed.
6. Development Regulations for Discretionary Uses
 - a) Home Occupation - Section 6.6
 - b) Public Local-Utility Services - Sections 5.7 & 5.8
 - c) Accessory Uses and Buildings - Section 6.12
7. Other Provisions
 - a) General Regulations - Section 5
 - b) Specific Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.19 UR - URBAN RESERVE

1. General Purpose

This zone is intended to reserve those areas of the municipality which are rural in character or land use for urban development other than industrial until such time as a subdivision plan has been approved. Development of these lands shall be consistent with the Community Plan and require the rezoning of any land to a designation appropriate for the proposed development.

2. Permitted Uses

- a) None

3. Discretionary Uses

- a) Recreational, Agricultural and Public Utility Services which are not prejudicial to future development for residential, commercial or similar urban uses

4. Development Regulations

- a) All siting, lot coverage, densities, yard setbacks and height of buildings shall be at the discretion of the Development Officer and Council.
- b) Only such subdivision or transfer of land for the discretionary uses shall be permitted as will not prejudice the future economical subdivision or servicing of the land on a neighbourhood or community basis.
- c) Water supply and sewage disposal shall be provided in accordance with the Public Act.
- d) All uses are to be considered on their individual merit and Council and the Development Officer shall set out the minimum standards to which individual developments must comply.

5. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9



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REGULATIONS BY LAND USE ZONE

7.20 RR - RURAL RESOURCE

1. General Purpose

To establish a zone for a variety of resource development purposes, of which agriculture shall be a significant use. It is the intent of this zone to prevent premature or scattered subdivision. The Rural Resource zone shall include all lands within the jurisdiction of this bylaw not otherwise designated on the Hay River Zoning Map.

2. Permitted Uses

a) Farming ~~Agricultural Uses such as:~~

- i. animal and poultry raising;
- ii. dairy farming;
- iii. field crops;
- iv. grazing; and
- v. other similar uses customarily carried out in agriculture.

b) Home Occupations

c) Housing, Single Detached one per lot ~~Family Housing Unit or Mobile Home per lot.~~

d) Mobile Home, one per lot

e) Accessory buildings and uses ~~accessory~~

3. Discretionary Uses

a) Additional Dwelling Units or Mobile Homes as per demonstrated need

b) Apiaries

c) Fish Farms

d) Forestry Greenhouse, Commercial ~~Greenhouses and Plant Nurseries~~

e) Installations for Scientific Research

f) Intensive Livestock Operations

g) Kennel ~~Small Animal Breeding and Boarding Establishment~~

h) Market Gardening

i) Natural Resources ~~Development~~ Extraction and Management Activity

j) ~~Public~~ Parks

k) Public Use ~~Community Recreation Services and Facilities~~

l) Public Utility Infrastructure, Minor Impact ~~Utility Services~~



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- m) ~~Public Utility Infrastructure, Major Impact Sanitary landfill and other municipal or public utilities~~
- n) ~~Public Local~~ Utility Services
- o) Storage on leased land as permitted by council
- p) ~~Tourist Campsite Temporary camps~~ where provision is made for the provision of water, waste disposal, transportation, and other services
- q) Tourist Lodges
- r) Trapping
- s) ~~Tree Nurseries~~ [Included in Market Gardening]
- t) ~~Sod Farms~~ [Included in Market Gardening]
- u) ~~Mushroom Farms~~ [Included in Greenhouse, Commercial]
- v) ~~Quarries~~ [Included in Natural Resource Extraction]
- w) ~~Timber Harvesting~~
- x) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this zone

4. Development Regulations

Development Regulations for RR – Rural Resource	
Lot Dimensions	
Lot Area Minimum	20 ha (49.5 ac)
Building Dimensions	
Building Height Maximum	10 m (33 ft) – except for accessory buildings on a farm
Yard Setbacks	
Front Yard Minimum	7.5 m (25 ft)
Rear Yard Minimum	7.5 m (25 ft)
Side Yard Minimum	4.5 m (15.0 ft)

5. Performance Standards and Regulations

- a) The development of any Intensive Livestock Operation must conform with the regulations set forth in Section 6.13 of this bylaw.
- b) The Development Officer or Council may consider the agricultural location guidelines of other jurisdictions in considering a permit for intensive agricultural uses to protect adjacent property from any potential adverse effect.



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- c) Water supply and sewage disposal shall be provided in accordance with the Public Health Act regulations.
- d) In considering discretionary uses, Council shall not approve any uses that would be prejudicial to the future economical subdivision and servicing of such lands, as may be required in the future.

6. Special Modification

The land that lies south of the centre line of Territorial Highway No. 2 and north of the ordinary high water mark of the Hay River, between kilometre marker 18.93 and kilometre marker 20.90 of Territorial Highway No. 2, containing 121 hectares, more or less, is zoned RRx, the special condition being that a commercial scale port operation is allowed.

7. Development Regulations for Discretionary Uses

- a) ~~Public~~Local-Utility Services - Sections 5.7 & 5.8
- b) Home Occupations - Section 6.6
- c) Animal Regulations - Section 6.13
- d) Intensive Livestock Operations - Section 6.14
- e) Accessory Uses and Buildings - Section 6.12

8. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9



DRAFT ZONING AND BUILDING BYLAW

REGULATIONS BY LAND USE ZONE

7.21 H - HOLDING ZONE

1. General Purpose

This zone is intended to reserve an area, designated H - Holding Zone, until such time as formal discussions [with First Nations about](#) the land use and land ownership issues have been completed.

2. Permitted Uses

a) None.

3. Discretionary Uses

a) None.

4. Development Regulations

a) There shall be no development of any kind in this zone.

5. Other Provisions

a) General Regulations - Section 5

b) Specific Land Use Regulations - Section 6

c) Parking and Loading Regulations - Section 8

d) Sign Regulations - Section 9



DRAFT ZONING AND BUILDING BYLAW

REGULATIONS BY LAND USE ZONE

7.22 WPFN – WEST POINT FIRST NATION

1. General Purpose

To create a site specific zone to cover all lands presently occupied by the West Point First Nation. This zone shall recognize the First Nation view of land that is communal rather than individualistic.

2. Permitted Uses

- a) None

3. Discretionary Uses

- a) Accessory buildings and uses
- b) Day Cares
- c) Home Occupations
- d) Housing, Single Family
- e) Mobile Homes
- f) Public Utility Services
- g) Religious Assembly
- h) Retail Store, Convenience
- i) Storage of materials and equipment used, by residents, for the purpose of fishing
- j) ~~Alternate Housing~~
- k) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the zone.

4. Development Regulations

The application of development regulations will be at the discretion of the Development Officer. The general intent for the application of development regulation will be on a permit specific basis, and the use identified on the Development Permit Application. The development regulations will be referenced to the standards for similar uses within the Town's existing zones.



DRAFT ZONING AND BUILDING BYLAW

REGULATIONS BY LAND USE ZONE

Development Regulations for WPFN – West Point First Nation	
Lot Dimensions	At the discretion of the development officer
Building Dimensions	
Minimum dwelling area	65 m ² (700 sq.ft.) 75 m² (807 sq.-ft.)
Building Heights	At the discretion of the development officer
Lot Coverage	At the discretion of the development officer
Yard Setbacks	At the discretion of the development officer
Garages and Accessory Buildings	At the discretion of the development officer

5. Development Regulations for Discretionary Uses

- a) Mobile Homes - Section 6.3
- b) Religious Assembly - Section 6.7
- c) Day Cares - Section 6.4
- d) Home Occupations - Section 6.6
- e) Local Utility Services - Sections 5.7 & 5.8
- f) Accessory Uses and Buildings - Section 6.12
- g) ~~Alternate Housing – Section 5.14~~

6. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9



DRAFT ZONING AND BUILDING BYLAW

Parking and Loading Regulations

8.0 PARKING AND LOADING REGULATIONS

8.1 GENERAL REGULATIONS

1. In all zones parking shall be wholly provided for on the same lot as the building to be served unless otherwise approved by the Development Officer. ~~or Council.~~
2. Parking surfaces shall be of a durable, dust-free, hard surface constructed of concrete, asphalt, or similar pavement.
3. All parking area accesses shall be subject to prior approval of the Development Officer or Council.
4. Parking facilities shall be designed and located so as to minimize any disruption to the continuity of the pedestrian system of sidewalks and on-site pedestrian spaces.
5. All off-street parking facilities shall be so constructed that:
 - a) a standard design landscaped boulevard and/or sidewalk shall separate the off-street parking facility from the street;
 - b) the width and location of curb cuts, necessary to access the parking facility, shall meet the approval of the Development Officer;
 - c) necessary curb cuts are located and flared to the satisfaction of the Development Officer;
 - d) every off-street parking space provided, and the access thereto shall be hard surfaced; and
 - e) grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to drain onto streets or cross any sidewalk or site boundary without the approval of the Development Officer.
6. Unless otherwise permitted by the Development Officer, no parking spaces shall be located in a front yard.
7. Lots without rear lanes shall provide vehicular access from the front street, with the parking spaces being constructed adjacent to a side lot line.
8. The Town shall credit the developer for the difference in parking spaces between angle and parallel parking in cases where angle parking decreases the site available for development, due to the increased width of the street.
9. Parking facilities used at night shall have adequate lighting for the entire facility. Such lighting shall be directed away from any adjacent properties.



DRAFT ZONING AND BUILDING BYLAW

Parking and Loading Regulations

10. Adequate access to and egress from individual parking spaces is to be provided at all times by means of unobstructed maneuvering aisles and to the satisfaction of the Development Officer.
11. In accordance with Section 18(2) of the Planning Act, subject to the approval of Council, a person may provide the required off-street parking on land other than that to be developed.
12. Where a required parking area is not located on the same lot where the building or use is located, the owner shall covenant with the Municipality by an agreement, that the lot on which the parking is located shall be used for such purposes as long as it is required under this bylaw.
13. The next higher number shall be taken where the calculation results in a fractional number of parking spaces.
14. A minimum of one parking space for each twenty spaces required under Section 8.3 shall be required for the physically handicapped. These handicapped spaces shall be located close to the building entrance to the satisfaction of the Development Officer. These spaces shall be developed in accordance with Section 8.2, with the exception that the minimum space width shall be 4 m (13.1 ft). A minimum of one handicapped parking space shall be provided with the development of any on-site parking facilities unless the total number of required stalls is less than ten.

8.2 MINIMUM PARKING FACILITY DIMENSIONS

1. The minimum dimensions of maneuvering aisles and parking stalls shall be in accordance with the following regulations.

A - Parking Angle in Degrees

B - Width of Space (in metres/ feet)

C - Depth of Space Perpendicular to Maneuvering Aisle (in metres/ feet)

D - Width of Space Parallel to Maneuvering Aisle (in metres/ feet)

E - Width of Maneuvering Aisle (in metres/ feet)

A	B	C	D	E
0	2.7 m (9 ft)	2.7 m (9 ft)	7 m (23 ft)	3.6 m (11.8 ft)
45	2.6 m (8.5 ft)	5.2 m (17 ft)	3.7 m (12 ft)	3.6 m (11.8 ft)
60	2.6 m (8.5 ft)	5.6 m (18.5 ft)	3 m (10 ft)	5.5 m (18 ft)
90	2.6 m (8.5 ft)	5.5 m (18 ft)	2.6 m (8.5 ft)	7 m (23 ft)

2. Where the side of a parking stall is against any permanent structure greater than 0.2 m (0.66 ft) in height, then that stall shall be a minimum of 2.7 m (9 ft) wide.



DRAFT ZONING AND BUILDING BYLAW

Parking and Loading Regulations

3. A parking stall shall have a minimum width of 3 m (10 ft) whenever it is an end space that abuts a physical barrier along an entire side.
4. Where there are structural elements along parts of both sides of a parking stall, then that stall shall have a minimum width of 3 m (10 ft).



DRAFT ZONING AND BUILDING BYLAW

Parking and Loading Regulations

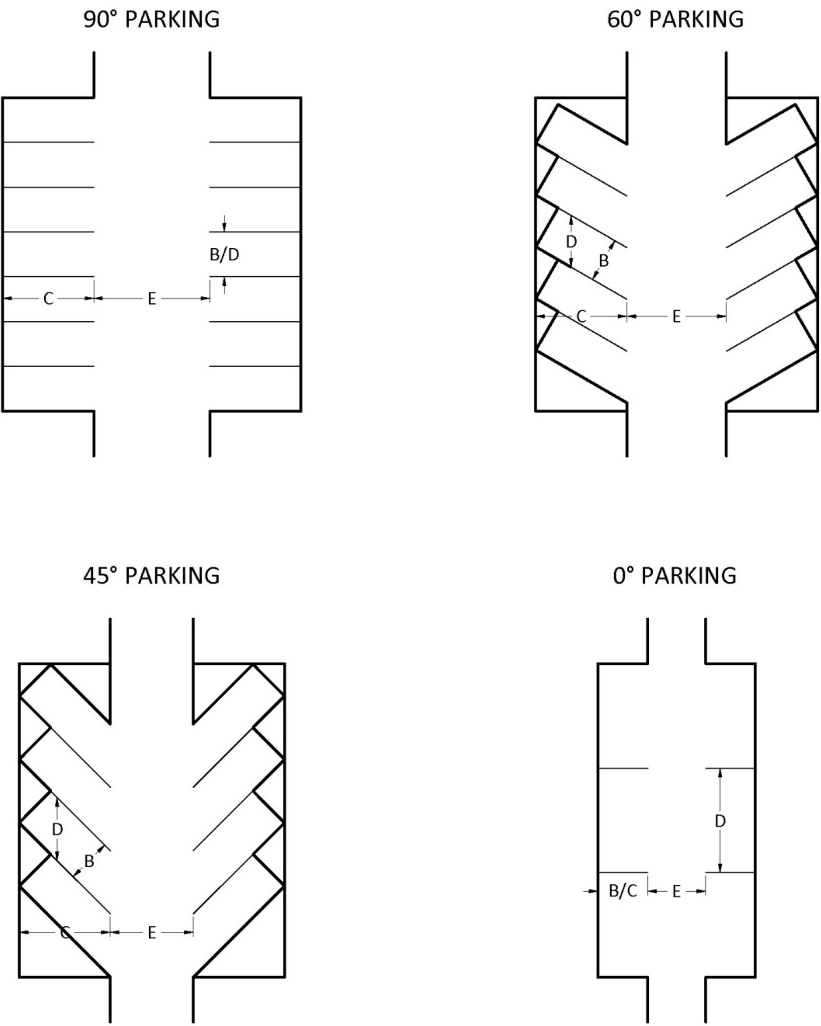


Figure 8.1 - Types of parking stalls



DRAFT ZONING AND BUILDING BYLAW

Parking and Loading Regulations

8.3 OFF-STREET PARKING STALLS REQUIRED

1. Where a building is enlarged, altered or a change in the use occurs in such a manner as to cause a more intensive use of that building, provisions shall be made for the additional parking spaces required under the parking provisions of this bylaw. The calculations shall be based on the number of additional parking spaces required as a result of the enlargement, alteration or change in the use of the building, in addition to parking spaces that may have been removed due to the enlargement or alteration.
2. The minimum number of off-street parking stalls required for each use of building or development shall be as follows:
- a) Residential Uses
- | | |
|--|--|
| Single detached dwellings or duplexes one and two family dwellings unless otherwise determined by the Development Officer | 2 per dwelling unit |
| Living suites or garden suites basement suites | 1 per unit |
| Multiple family housing, apartment buildings and , rowhousing, or row housing ownhousing | 1 per dwelling unit
plus 1 for every four dwelling units to serve as visitor parking; this may be lowered to one per six units at the discretion of the Development Officer |
| Mobile homes mobile homes dwellings or alternative housing | 1 per dwelling unit |
| Boarding and lodging houses | 1.0 per every two beds which are lawfully accommodated |
| Bed and breakfasts | 1 per rented guest room |
- b) Commercial
- | | |
|--|---|
| Business, administrative, and professional offices | 1 per 50 m ² of gross leaseable area |
| Retail commercial uses and personal service shops area for retail purposes | 1 per 35 m ² of gross leaseable area |
| Eating and drinking establishments | 1 per five seating spaces or 1 per every 5 m ² of seating area, whichever number of parking stalls is greatest |
| Take-out restaurants | 1 per 13 m ² of public area |
| Cocktail bars and lounges | 1 per four seats or every 5 m ² (54 sq. ft) of seating area |



DRAFT ZONING AND BUILDING BYLAW

Parking and Loading Regulations

Hotels, including motor hotels	1 per three guest rooms and 1 for every three employees on maximum shift
Motels	1 per sleeping unit and 1 for every three employees on maximum shift
Gas bars	1 per 47 m ² of floor area used for business purposes
c) Places of Public Assembly Auditoriums, religious assembly, halls, theatres, gymnasiums, ball parks, sports arenas, other recreational or amusement places, private clubs	1 per ten seating spaces or 1 per 9.3 m ² (100 sq. ft) used by the public, whichever number of parking stalls is greatest
d) Schools Elementary and junior high schools	1 per classroom plus 5 spaces
Senior high schools	1 per classroom plus 1 for every 20 students; or 1 space per 10 seating spaces used for assembly in an auditorium, whichever is greatest
Post-secondary institutions	1 space for each classroom plus 1 space for every 20 students
e) Industrial All uses in the M1 and M2 zones	1 spaces for every four employees on maximum working shift
f) Health Services and Similar Uses Health services, hospitals and similar uses	1 per 100 m ² of gross floor area and 1 space per three employees on maximum shift
Senior citizens lodges and nursing homes	1 space per four units
g) Day Care Facilities Day care facilities	1 space per 34.0 m ² (366 sq. ft) of gross floor area

3. Unless otherwise provided for in this section, or in any other section of this bylaw, all parking requirements for employees are included in the regulations outlined herein.



DRAFT ZONING AND BUILDING BYLAW

Parking and Loading Regulations

4. Where a development on a lot falls within more than one type of use, the required number of spaces shall be the sum of the requirements for each of the uses as specified in subsection 2.
5. In the case of a use not specified in subsection 2, the number of stalls provided shall be the same as for a similar use as determined by the Development Officer.

8.4 OFF-STREET LOADING REQUIREMENTS

1. Where a proposed development will from time to time, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.
2. The person providing any parking or loading space under this section shall design, locate, and construct it so that:
 - a) it is accessible to a vehicle intended to be accommodated in it;
 - b) it can be properly maintained; and
 - c) it is of a size, shape, location, and construction that it is appropriate having regard to the nature and frequency of vehicles using it.
3. Off-street loading spaces shall:
 - a) have overhead clearance of not less than 4.3 m (14.2 ft) above grade;
 - b) have dimensions of not less than 3 m (10 ft) in width and 7.5 m (25 ft) in depth;
 - c) have vehicular access to and exit from a street or lane either directly or by a clearly defined traffic aisle;
 - d) be situated on the premises so that no street or lane is obstructed when the loading space is being used;
 - e) be sited at an elevation or elevations convenient to a major floor level in the building or to a utility elevator serving each major floor level;
 - f) be so graded and drained as to dispose of all surface water. In no case shall grades be established that would permit drainage to drain onto streets or cross lot boundaries or sidewalks without the approval of the Development Officer;
 - g) be of a durable, dust-free, hard surface constructed of concrete, asphalt, or similar pavement;
 - h) have adequate lighting to the satisfaction of the Development Officer; and
 - i) be screened on each side adjoining or fronting on any property in a residential zone by a wall, fence, earth berm or hedge of not less than 2 m (6.6 ft) in height, to the satisfaction of the Development Officer.
4. The required number of off-street loading spaces shall be:
 - a) one loading space for each loading door provided for all uses within commercial, industrial, and institutional zones, excluding offices, financial and personal services;



DRAFT ZONING AND BUILDING BYLAW

Parking and Loading Regulations

- b) one space required for each building containing 15 or more dwelling units; and
- c) determined by the Development Officer for any other building or use.



DRAFT ZONING AND BUILDING BYLAW

Sign Regulations

9.0 SIGN REGULATIONS

9.1 GENERAL REGULATIONS

1. All signs shall require a sign permit unless otherwise specified under this bylaw. Applications for Development Permit - Sign shall be in the prescribed form.
2. No sign permit is required for the following signs:
 - a) sign posted or exhibited in a building;
 - b) sign posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
 - c) a statutory or official notice or notice of a function of the Town of Hay River;
 - d) traffic and directional signs authorized by the Town's Engineer;
 - e) the erection of campaign signs for federal, territorial, municipal, or school board elections on private properties for no more than thirty days, or such other time as regulated under territorial or federal legislation provided that:
 - i. such signs are removed within ten days of the election date, and
 - ii. the consent of the property owner or occupant is obtained, and
 - iii. such signs do not obstruct or impair vision or traffic, and
 - iv. such sign are not attached to utility poles, and
 - v. such signs indicate the name and address of the sponsor and the person responsible for removal;
 - f) no sign permit is required for a sign that is posted or exhibited solely for the identification of the land or building on which it is displayed including signs for professional, corporate or trade name plates identifying the occupants, if the sign:
 - i. does not exceed 1 m² (10.76 sq. ft) in size, and
 - ii. is posted only at each entrance from which access from a public roadway to the building is provided;
 - g) no sign permit is required for a sign that is posted or exhibited for sale, lease or rental of land or a building if the sign:
 - i. is not capable of being illuminated, and
 - ii. is 4 m² (43 sq. ft) or less in size, and



DRAFT ZONING AND BUILDING BYLAW

Sign Regulations

- iii. is posted only on each side of the building or land facing a different public roadway; and
 - h) signs in commercial developments provided they are inside the window or inside the building.
- 3. All signs shall require a sign permit unless otherwise specified under this bylaw.
- 4. The Development Officer may require the removal of any sign which in his opinion is, or has become unsightly, or is in such a state of disrepair as to constitute a hazard.
- 5. Minimum yard requirements shall be observed for any sign located on a lot and, at the discretion of the Development Officer, the sign shall not be further than 30 m (99 ft) from the principal building. No sign shall be of such size or design as to, in the opinion of the Development Officer, obstruct the vision of persons using roads abutting the lot.
- 6. Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Officer.
- 7. Except as otherwise specified in this bylaw, the maximum area of any sign shall be 35 m² (377 sq. ft).
- 8. Where in the opinion of the Development Officer, a proposed sign in a commercial or industrial zone might be objectionable to a resident in an adjacent residential zone, the Development Officer may impose such other regulations as he feels would protect the interests of the residents.
- 9. Flashing, animated or interiorly illuminated signs shall not be permitted in residential zones where in the opinion of the Development Officer they might:
 - a) affect residents in adjacent housing, or residential zones; or
 - b) interfere with or obstruct a motor vehicle driver's vision or interpretation of oncoming traffic signs or traffic signal lights.
- 10. No person shall erect or place a sign so that it would be considered, in the opinion of the Development Officer, to be a traffic hazard, or obstruct the vision of vehicular traffic.
- 11. The area around sign structures shall be kept clean and free of overgrown vegetation, and free from refuse material.
- 12. Signs which are located off-site shall require written permission from the owner of the property, prior to approval of a sign permit application.
- 13. No sign shall be permitted that, in the opinion of the Development Officer, portrays illegal activities or conveys a message which is offensive, discriminatory, libelous or obscene.



DRAFT ZONING AND BUILDING BYLAW

Sign Regulations

9.2 FREESTANDING SIGNS

1. Freestanding signs shall be permitted in all land use zones, excepting residential zones, where freestanding signs may be permitted under the following special provisions:
 - a) within a residential zone, one identification freestanding sign may be allowed to identify the name of an apartment, multi-family complex, mobile home park or a subdivision, and which does not:
 - i. exceed 2 m² (21.5 sq. ft) in size, or
 - ii. project within 0.6 m (2 ft) from the property line, or
 - iii. exceed 3.5 m (11.5 ft) in height; and
 - b) freestanding signs identifying the name of the community, neighbourhood or subdivision shall blend in with the architecture or development theme of the surrounding area.
2. Within all land use zones, excepting residential zones, one freestanding sign may be allowed per lot as follows:
 - a) where a lot has in excess on 90 m (297 ft) of frontage, one additional freestanding sign may be erected for each additional 90 m (297 ft) or portion thereof, of street frontage abutting the development portion of the said lot; or
 - b) where a lot is considered to be double fronting by the Development Officer, each frontage may have a freestanding sign provided that the signs are no closer than 90 m (297 ft) apart;
 - c) the maximum height of any freestanding sign shall not exceed 9.1 m (30.0 ft) from grade. No part of any sign that is highway oriented and within 200 m (660 ft) of the edge of the pavement shall be more than 9.1 m (30 ft) above the grade of the highway or 15 m (49.2 ft) above the grade of the lot of the sign, whichever is lowest;
 - d) the total sign area of a freestanding sign shall not exceed 0.3 m² (3.2 sq. ft) in area for each metre of street frontage of the developed lot, to a maximum of 17 m² (~~56.0~~183 sq. ft) for each sign;
 - e) the freestanding sign shall not project within 0.6 m (2.0 ft) from the property line, or within 2 m (6.6 ft) of overhead utility lines; and
 - f) freestanding signs may rotate at no more than six revolutions per minute.

9.3 BILLBOARD SIGNS

1. Billboard signs may be allowed in C2, UR and PR zones as follows:
 - a) the design, character, location, and construction of a billboard sign shall be to the satisfaction of the Development Officer, who shall take into consideration the following:
 - i. compatibility with the general architectural lines and forms of the nearby buildings and the character of the streetscape or area within which it is to be located,



DRAFT ZONING AND BUILDING BYLAW

Sign Regulations

- ii. the restriction of natural light to the surrounding buildings,
 - iii. wall mounted billboards shall not extend vertically above either the roofline, for flat roofed buildings, or the eave line for all other buildings, and
 - iv. the billboard sign shall be positioned so that it does not severely obstruct the horizon line when it is viewed from vehicular traffic travelling past it in any direction;
- b) the face of the billboard sign shall not exceed a vertical dimension of 4.8 m (15.8 ft) by a horizontal dimension of 10 m (33 ft);
 - c) a billboard sign shall not be located within a minimum distance of 150 m (495 ft) from any other billboard sign located on the same side of the road;
 - d) a billboard sign shall not project within 5 m (16.4 ft) from the property line; and
 - e) no part of any billboard sign that is highway oriented and within 200 m (656 ft) of the edge of pavement shall be more than 7.5 m (25 ft) above the grade of the highway or 15.0 m (49.5 ft) above the grade of the site of the sign, whichever is lowest.

9.4 PROJECTING SIGNS

1. Projecting signs shall be permitted in the C1, C3, M1 and M2 zones.
2. The maximum area for a projecting sign shall be 4 m² (43 sq. ft).
3. No part of a projecting sign shall:
 - a) extend more than 2 m (6.6 ft) above the parapet of the building;
 - b) extend more than 2 m (6.6 ft) from the face of the building; and
 - c) be less than 3 m (10 ft) above ground or sidewalk grade.
4. Projecting signs shall be placed at right angles to the building face, except when they are located at the corner of the building, at which time the sign shall be placed at equal angles to the building faces.

9.5 CANOPY SIGNS

1. Canopy signs shall be permitted in all commercial and industrial zones.
2. The canopy sign shall have a clearance of not less than 3 m (10 ft) between the bottom of the canopy and the sidewalk, walkway or ground level.
3. In commercial zones where the front portion of the building extends out to the front property line, the canopy sign shall not project more than 2 m (6.6 ft) over the sidewalk.



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Sign Regulations

9.6 OFF-SITE SIGNS

1. Notwithstanding other sections in this bylaw and at the discretion of the Development Officer, off-site signs may be erected on ground, roof or wall locations in commercial or industrial zones (but in no case shall be allowed in residential zones) subject to the following conditions:
 - a) signs shall not be placed closer together than 90 m (295 ft);
 - b) the maximum size shall not exceed 28 m² (301 sq. ft);
 - c) the sign shall be neat and clean in appearance as shall the area surrounding the sign;
 - d) no part of any sign that is highway oriented and within 200 m (660 ft) of the edge of the pavement shall be more than 7.5 m (25 ft) above the grade of the highway or 15 m (49.5 ft) above the grade of the site of the sign, whichever is lowest; and
 - e) no part of the sign shall be located any closer to the street line than the front line of the nearest buildings.

9.7 ROOF SIGNS

1. Roof signs shall be permitted in the C1, C2, M1 and M2 zones.
2. Roof signs shall be manufactured in such a way that they appear as an architectural feature, and shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself;
3. No portion of a sign shall overhang the roof on which it is located;
4. No supporting structures shall be visible to the public unless finished in an aesthetically pleasing manner to the discretion of the Development Officer.

9.8 WALL AND FASCIA SIGNS

1. Wall and fascia signs shall be permitted in all land use zones excepting residential zones.
2. One fascia sign only will be permitted to indicate the name and nature of the occupancy for each occupancy within the development. The sign shall not exceed a height of 1.5 m (5 ft) and a horizontal dimension greater than the length of the bay which the proprietor's sign identifies. In no case, however, shall the fascia sign exceed 30% of the building face or bay which the sign identifies.
3. Notwithstanding subsection 2, developments which are considered to be double fronting may apply for a fascia sign permit for the second fronting building face.
4. A wall sign on commercial or industrial buildings shall not exceed an area of more than 4% of the wall to which it is attached.



DRAFT ZONING AND BUILDING BYLAW

Sign Regulations

5. A wall sign shall not extend beyond the limits of the wall to which it is attached.
6. Notwithstanding subsections 2 and 4, fascia and wall signs for a commercial or industrial building containing more than one bay, shall maintain the same character and size of the sign throughout the building face and from bay to bay.
7. Any identification wall signs with non-illuminated letters not exceeding 19 cm (7.5 in.) in height, nor 0.4 m² (4.3 sq. ft) in area, are not restricted and may be permitted in addition to regular signs.

9.9 TEMPORARY SIGNS

1. Temporary signs shall be permitted in all zones excepting residential zones
2. The Development Officer may grant one sign permit per lot to a person announcing a special event, sale or other function.
3. A sign granted under subsection 2 shall specify the period of time during which the sign is permitted to be exhibited but shall not exceed:
 - a) 60 days from the date the permit is issued; or
 - b) 2 days after the event occurs, whichever is the shorter period.
4. No person shall:
 - a) locate a temporary sign so that it causes a traffic hazard or conflicts with parking, loading or walkway areas;
 - b) in any zone where temporary signs are permitted, locate a temporary sign within 6 m (20 ft) of the curb of a double fronting or corner lot unless otherwise permitted by the Development Officer; and
 - c) locate a sign within roadway rights-of-way or on public property, unless consent is given by the municipality.
5. Inflatable temporary signs shall be securely grounded and a minimum of 10 m (33 ft) away from utility lines and road rights-of way.



DRAFT ZONING AND BUILDING BYLAW

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APPENDIX/DIVIDER TITLE

Appendix Subtitle



The Town of Hay River

Northwest Territories



Bylaw No. 2444-22

Zoning and Building Bylaw

TOWN OF HAY RIVER - ZONING AND BUILDING BYLAW

Bylaw No. 2444-22

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TOWN OF HAY RIVER - ZONING AND BUILDING BYLAW

Bylaw No. 2444-22

A BYLAW of the Municipal Corporation of the Town of Hay River in the Northwest Territories, Authorizing the Municipal Corporation of the Town of Hay River to adopt a Zoning Bylaw for the Town of Hay River.

PURSUANT TO:

- a) Sections 12 to 32 of the *Community Planning and Development Act*, S.N.W.T., 2011, c.22; and
- b) Section 129 of the *Cities, Towns and Villages Act*, S.N.W.T., 2003, c.22.

WHEREAS the Municipal Corporation of the Town of Hay River deems it desirable to adopt a Zoning Bylaw;

NOW, THEREFORE, The Council of the Municipal Corporation of the Town of Hay River hereby enacts as follows:

1. SHORT TITLE

- 1.1. The By-law may be cited as the Zoning and Building Bylaw No. 2444-22.

2. APPLICATION

- 2.1. The Zoning Bylaw for the Town of Hay River comprised of Schedule "A" attached hereto and forming part of this bylaw, is hereby adopted.

3. REPEALS

- 3.1. Zoning Bylaw No. 1812, as amended, is hereby repealed.

4. EFFECT

- 4.1. That this bylaw shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

TOWN OF HAY RIVER - ZONING AND BUILDING BYLAW

Bylaw No. 2444-22

READ A FIRST TIME this _____ day of _____, 2022

Mayor

READ A SECOND TIME this _____ day of _____, 2022

Mayor

READ A THIRD AND FINAL TIME this _____ day of _____, 2022

Mayor

CERTIFIED that this bylaw has been made in accordance with the requirements of the Cities, Towns and Villages Act, S.N.W.T., 2003, c.22 and bylaws of the Municipal Corporation of the Town of Hay River this _____ day of _____, 2022.

Senior Administrative Officer

TOWN OF HAY RIVER - ZONING AND BUILDING BYLAW

Bylaw No. 2444-22

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**TOWN OF HAY RIVER
ZONING AND BUILDING BYLAW
BYLAW NO. 2444-22
SCHEDULE 1: BYLAW TEXT**

TOWN OF HAY RIVER - ZONING AND BUILDING BYLAW

Bylaw No. 2444-22
Schedule 1
General Conditions

1.0 GENERAL CONDITIONS

1.1 TITLE AND COMPONENTS

1. This bylaw shall be known as the Hay River Zoning and Building Bylaw No. 2444-22
2. The components of the Bylaw shall include:
 - a) the Bylaw Text; and
 - b) Schedule 1, the Zoning Maps.
3. Notwithstanding any other provision of this bylaw or any other bylaw passed by Council to the contrary, headings and titles within this bylaw shall be deemed to form a part of the text of this bylaw.
4. In this bylaw, The Community Planning and Development Act SNWT 201 shall be referred to as the "Planning Act".

1.2 PURPOSE OF THE BYLAW

1. The purpose of this bylaw is to facilitate the orderly, economic and convenient development of the Town of Hay River by controlling the development and use of land for the purpose of, among other things:
 - a) dividing the Town into zones;
 - b) prescribing and regulating for each zone the purposes for which buildings and land may be used;
 - c) prohibiting the use of land or buildings for any other purposes;
 - d) regulating the construction and maintenance of buildings and structures;
 - e) establishing the office of the development officer;
 - f) establishing the development appeal board;
 - g) establishing a method of making decisions on applications for development permits including the issuing of development, building, and moving permits; and
 - h) prescribing a procedure to notify owners of land likely to be affected by the issuance of a development permit;
2. The regulations of this bylaw apply throughout the entire municipality of the Town of Hay River (Section 5).
3. The regulations of this bylaw apply to specific types of land use regardless of where they may be located (Section 6).

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4. The regulations of this bylaw apply to geographically defined Zones shown on the Zoning Map in Schedule 1.
5. The regulations established herein may be relaxed in special extenuating circumstances (Section 3.9).
6. The regulations of this bylaw apply to the provision of parking and loading facilities (Section 8).
7. The regulations of this bylaw apply to the construction and placement of signs (Section 9).

1.3 PREVIOUS LEGISLATION

1. Bylaw No. 1812, The Zoning and Building Bylaw of the Town of Hay River, as amended, is hereby repealed.
2. No provision of any other bylaw with respect to zoning, development control, or development schemes shall hereafter apply to any parts of the Town described in this bylaw, subject to the transitional provisions of this bylaw.
3. Within any zone, any existing use of land, building or structure which is listed as a discretionary use with the zone shall not, as a result of the passage of this bylaw, be non- conforming but shall be a permitted use at that location. The use of land, building or structure at the location shall not be changed except in conformity with this bylaw.

1.4 COMPLIANCE WITH OTHER LEGISLATION

1. A person applying for, or in possession of, a valid Development Permit is not relieved from full responsibility for ascertaining and complying with or carrying out development in accordance with:
 - a) the requirements of any other appropriate federal, territorial or municipal legislation;
 - b) the Hay River Airport Zoning Regulations, Plan E 1180;
 - c) the conditions of any caveat, covenant, easement or other instrument affecting a building or land;
 - d) the most recent revision of the National Building Code of Canada, which is herein adopted by reference to be part of this bylaw; and
 - e) the most recent revision of the National Fire Code of Canada, which is herein adopted by reference to be part of this bylaw.

1.5 SEVERABILITY

1. If any Section, subsection, sentence, clause or phrase of this bylaw is, for any reason, held to be invalid by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portion of this bylaw.

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1.6 THE ZONING MAPS

1. The Zoning Maps are Schedule 2 of this bylaw. They divide the Town of Hay River into zones and specify the zoning provisions applying to particular lands.
2. For the purpose of this bylaw the following Zones are hereby established:

R1A	Large Lot Residential (Class A)	M1	Restricted Industrial
R1B	Lower Density Residential (Class B)	M2	General Industrial
R1C	Medium Density Residential (Class C)	T	Transportation District
R2	Mile 5 Residential	U	Utility District
R3	West Channel Village Residential	I	Institutional
R4	Multi-Unit Residential	P	Parks and Open Space
RM	Mobile Home Park	MG	Market Gardening
RC	Country Residential	UR	Urban Reserve
C1	Core Area Commercial	RR	Rural Resource
C2	Highway/Service Commercial	H	Holding Zone
C3	Mixed Use Commercial	WPFN	West Point First Nation

3. The zone boundaries are delineated on the Zoning Map. Where uncertainty arises as to the precise location of the boundary of any zone, the following rules shall apply:
 - a) a zone boundary shown approximately at a lot, street or lane is at the boundary of the lot, street or lane;
 - b) a zone boundary shown approximately at the centreline of a street or lane is at the centreline of the street or lane;
 - c) a zone boundary shown within a lot, unless specifically noted, is fixed by the scale of the zoning map;
 - d) a zone boundary shown following approximately a shoreline or the centreline of a creek, stream or channel follows the shoreline or centreline and moves with any change in such shoreline;
 - e) where a zone boundary falls along a lot line, the zoning map shall indicate the lot numbers between which the boundary falls, but the zoning map need not show the lot boundary; and
 - f) in unsubdivided land, the zone boundary shall be determined by the use of the scale of the zoning map.
4. For greater certainty, as required, the Development Officer shall establish the boundaries of the Floodway Risk Area and the Floodway Fringe Risk Area by scaling measurements from the 1:2000 Flood Risk Maps.

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5. For greater certainty, as required, the Development Officer shall scale dimensions from the Airport Zoning Regulations Map.

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Schedule 1

Roles and responsibilities

2.0 ROLES AND RESPONSIBILITIES

2.1 DEVELOPMENT OFFICER

1. According to Section 52 of the Community Development and Planning Act, Council shall appoint a Development Officer.
2. The Development Officer is hereby responsible for the administration and enforcement of this bylaw pursuant to Part 4 of the Community Planning and Development Act and has the authority
3. In the performance of their duties the Development Officer shall:
 - a) receive and process all Development and Building Permit applications pursuant to this bylaw;
 - b) issue all Development and Building Permits pursuant to the procedures outlined in this bylaw;
 - c) carry out all necessary site and structure inspections with regard to the issuance of Development and Building Permits or appoint a qualified agent to carry out such inspections;
 - d) approve and issue permits that satisfy the regulations for a permitted use;
 - e) post a Notice of Decision on all applications;
 - f) act as the Town Building Inspector and perform such duties as required by this bylaw; and
 - g) carry out other such duties as may be prescribed in this bylaw.
4. The Development Officer may relax the development regulations of this bylaw in accordance with Section 3.9.
5. The Development Officer shall keep and maintain for inspection by the following official documents:
 - a) a copy of the bylaw and all amendments thereto,
 - b) a register of all applications for development, including the decisions therein and the reasons therefore,
 - c) a copy of the Aeronautics Act and the Hay River Airport Zoning Regulations; and,
 - d) a copy of the detailed, up to date, 1:2,000 flood risk mapping.

2.2 TOWN COUNCIL

1. The function of the Town Council with respect to this bylaw shall be to:
 - a) appoint a Development Officer;
 - b) make decisions and recommend conditions on Discretionary Uses;
 - c) review and make decisions on applications for rezoning and/or other amendments to this Bylaw; and

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- d) review and render decisions on development applications presented to it by the Development Officer, keeping in mind the regulations of this bylaw and the General Plan.

2.3 DEVELOPMENT APPEAL BOARD

1. The Development Appeal Board will hear appeals regarding the decisions of a Development Officer or Council.
2. Council shall appoint a Development Appeal Board in accordance with the provisions of Section 30 of the Community Planning and Development Act. The following applies:
 - a) The Board shall consist of at least five members.
 - b) No more than one Council member shall be appointed to the board
 - c) No employee of the Municipality, official or servant of Council shall be appointed a member.
 - d) One member shall be elected to be a Chairperson.
 - e) A Council member who participated in a decision made by Council as a development authority or subdivision authority may not hear an appeal of that matter.
3. Three members present at a meeting shall constitute a quorum. Notwithstanding a vacancy on the Board, the remaining members may exercise and perform duties of the Board, provided a quorum is maintained.
4. The Board may meet as frequently as is necessary but it shall meet within 30 days after an application for appeal has been made to it.

2.4 SECRETARY TO THE DEVELOPMENT APPEAL BOARD

1. The office of the Secretary to the Development Appeal Board is hereby established, which, unless otherwise appointed by resolution of Council, shall be the Senior Administration Officer of the Town of Hay River.
2. The Secretary to the Development Appeal Board shall not be a member of the appeal board nor will the Secretary in any case be the Development Officer.
3. The Secretary, under the direction of the Development Appeal Board, shall be responsible for ensuring that appeal applications are managed according to the Planning and Development Act. This will include administering applications, communicating with the Board, maintaining records, preparing notices, managing hearings, and any other duties deemed necessary by the Development Appeal Board.

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3.0 GENERAL ADMINISTRATIVE CLAUSES

3.1 EFFECTIVE DATE OF BYLAW

1. This bylaw shall come into effect upon third reading thereof.

Application in Process

2. An application for a development or building permit which is received in its complete and final form prior to the effective date of this bylaw shall be processed and any permit issued shall be in accordance with Bylaw No. 1812, as amended, and the regulations thereto, as applicable.
3. An application to amend Bylaw No. 1812, which has been received by the Development Officer in a complete and final form in accordance with the requirements of Bylaw No. 1812, prior to the effective date of this bylaw; may, notwithstanding any additional application or procedural requirements of this bylaw, be considered and adopted without reapplication or reconsideration as an application to zone to the equivalent zone of this bylaw.

3.2 APPROVAL REQUIRED FOR DEVELOPMENT

1. For the purpose of this bylaw, “Development” shall refer to those considerations listed under the definition of “Development”.
2. Excluding the developments listed in Section 3.3 below, no development shall be undertaken, occupancy granted, use commenced, structure moved, building erected or demolished, or utility connection approved without the necessary permits having been obtained pursuant to this bylaw.

3.3 DEVELOPMENT PERMIT EXEMPTIONS

1. No development permit is required under this bylaw for the developments listed in this section provided that such developments shall comply with all other regulations of this bylaw which are applicable.
2. The following is considered permitted development for which no permit is required:
 - a) the carrying out of works of maintenance or repair to any building, if such works do not increase any dimensions of the original building or structure;
 - b) the completion and/ or use of a building which is lawfully under construction at the date of approval of this bylaw provided that the building is completed in accordance with the terms of the permit granted by the Development Officer, and subject to the conditions to which that permit was granted;
 - c) the erection, location, or construction of temporary buildings, works, plant or machinery needed in connection with construction operations for which a Development Permit has been issued, for the period of those operations;

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- d) the maintenance and repair of public works, services and utilities carried out by or on behalf of the municipal authority on land which is publicly owned or controlled;
- e) the keeping of animals in a residential lot subject to the provisions of Section 6.13 Animal Regulations; and
- f) the landscaping, or similar work, on any property provided that such work is not within a Sight Triangle as described in Section 5.5.

3.4 SIMILAR USES

1. The Development Officer may determine whether or not a specific use of land or a building that is not provided for in the bylaw with respect to any zone is similar in character and purpose to another use of land or a building that is included in the list of uses presented for that zone. Any such similar use shall be considered a discretionary use and will be approved by Council.

3.5 NON-CONFORMING BUILDINGS, STRUCTURES, AND USES

1. Non-conforming uses of land or of a building may be continued, pursuant to Sections 26, 27, 28 and 29 of the Planning and Development Act.
2. A non-conforming use of buildings or land may be continued but if that use is discontinued for a period of one year or more the future use shall conform to this bylaw.
3. If a non-conforming building is damaged or destroyed to the extent of more than 75% of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with the approved Zoning and Building Bylaw.
4. A non-conforming use of part of a building may be extended throughout the building, but the building, whether or not it is a non-conforming building shall not be enlarged, moved, or added to.
5. A non-conforming use is not affected by a change of ownership, tenancy or occupancy of the land or building.

3.6 DEVELOPMENT PERMIT APPLICATION REQUIREMENTS

1. An application for a permit may only be made by a person with a legal or equitable estate or interest in the property sought to be developed or a person duly authorized by him/her in that regard.
2. Where an applicant is other than the owner, the owner's written consent must be submitted with the application.
3. An application for a development permit shall be made by submitting the appropriate forms to the Development Officer, which shall be subject to any minor amendments the Development Officer may make.
4. Every application for a development permit shall:

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- a) provide a detailed statement of the proposed uses for the property and buildings in question;
 - b) include site plans in duplicate at a scale not less than 1:1000 showing any or all of the following, if applicable:
 - i. all legal dimensions of the lot(s)
 - ii. the location and dimensions of all existing buildings, structures, or uses on the lot(s);
 - iii. a site plan showing the location, dimensions, and yard setbacks of all surrounding lots, buildings, and/ or structures;
 - iv. A site grade plan to ensure adequate drainage so that there will be no free flow of water onto adjacent properties (other than through a drain, ditch, or swale) and showing the location of all proposed structures to manage drainage including connections to existing storm mains, ditches, rock sumps, design elevations and or/storm water interceptors.
 - v. plans and elevations of all proposed buildings showing dimensions with specifications and notes of materials used;
 - vi. proposed front, rear, and side yard setbacks;
 - vii. proposed lot coverage, lot areas, and floor areas;
 - viii. proposed servicing scheme and its relationship to the Town of Hay River's existing and/ or proposed servicing plans if relevant;
 - ix. the location and dimensions of any existing or proposed driveways, entrances and exits, parking areas (showing individual stalls), on-site loading areas, pedestrian walks, and landscaping;
 - x. the location of outdoor fuel storage facilities;
 - xi. the location of any easements affecting the site;
 - xii. a landscaping plan;
 - xiii. anticipated scheduling and sequence of development; and
 - xiv. mechanisms by which conformance to the bylaw will be ensured such as normally achieved through a combination of caveats, easements, service agreements and performance bonds.
5. The Development Officer may also require any of the following:
- a) a reclamation plan for aggregate extraction or other major surface disturbance;

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- b) a level one and/ or level two environmental site assessment conducted according to Canadian Standards Association (CSA) guidelines to determine potential contamination and mitigation.
- c) a level one and/ or level two environmental site assessment conducted according to Canadian Standards Association (CSA) guidelines to determine potential contamination and mitigation; or
- d) an assessment of the agricultural classification of the land.

3.7 DEVELOPMENT PERMIT APPLICATION FEES

1. All applications for a Development Permit will be accompanied by non-refundable fees in accordance with the Fees and Charges Bylaw No. 2431, as amended or replaced from time to time.

3.8 CONDITIONS OF APPROVAL FOR DEVELOPMENT PERMITS

1. The Development Officer may impose, with respect to a Permitted Use, such conditions as are required to ensure complete compliance with this bylaw.
2. Council will review all Discretionary Use applications and may impose conditions that are deemed appropriate to ensure complete compliance with the regulations of this bylaw and the provisions of the Community Plan
3. A condition may impose a time limit on the development or use.
4. The Development Officer may, as a condition of issuing a development permit, require the applicant to make satisfactory arrangements for the supply of water, electric power, sewer service, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility by the applicant.
5. The Development Officer may, as a condition of issuing a development permit, require the applicant to provide evidence of compliance with any other relevant federal, territorial, or municipal legislation.
6. The Development Officer may, as a condition of issuing a development permit require that an applicant enter into an agreement or an interim agreement, which shall be attached to and form part of such development permit, to do all or any of the following:
 - a) to construct, or pay for the construction of, a public roadway required to give access to the development;
 - b) to construct, or pay for the construction of a pedestrian walkway;
 - c) to specify the location and number of vehicular and pedestrian access points to sites from public roadways;
 - d) to install, or pay for the installation of, utilities that are necessary to serve the development;
 - e) to construct or pay for the construction of, off-street or other parking facilities, or loading and unloading facilities; or

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- f) to repair or reinstate, or to pay for the repair or reinstatement, to original condition, any street furniture, curbing, sidewalk, boulevard landscaping and tree planting which may be damaged or destroyed or otherwise harmed by development or building operations upon the site.
- 7. The Development Officer may require any agreement entered into pursuant to Section 3.8(6) above to be caveated against the title.
- 8. The Development Officer may stipulate that they will inspect the development at certain stages of construction, in which case the permittee shall not proceed with the next stage until the preceding stage is inspected and approved.
- 9. No change in plans, use of site, or methods of construction shall be undertaken unless and until such change is approved in writing by the Development Officer.

3.9 RELAXATION OF REGULATIONS

- 1. The Development Officer may approve a development application that does not fully conform with this bylaw by granting a variance to relax the regulations.
- 2. A relaxation may be granted as long as the Development Officer is satisfied that the development will not detract from the use, enjoyment or value of neighbouring lands and that denying the variance application would cause the applicant unnecessary hardship unique to this site.
- 3. A relaxation shall be considered only in cases of unnecessary hardship or practical difficulties unique to the use, character, or situation of land or a building which are not generally common to other land in the same zone.
- 4. A relaxation may be granted if, in the opinion of Development Officer or Council:
 - a) the site has irregular lot lines or is a size or shape that presents challenges to development;
 - b) the terrain, topography or grade make it difficult to adhere to the regulations of this bylaw;
 - c) the site has natural features such as rock outcrops or vegetation that make development difficult; or
 - d) an error has occurred in the siting of a structure during construction.
- 5. A relaxation shall not be granted to building height, density regulations and parking requirements unless otherwise stated in this bylaw.
- 6. To be approved, a relaxation must conform to the general purpose of the zone and the policies of the Community Plan.
- 7. The Development Officer may relax regulations of development in accordance with the following:

DEGREE OF RELAXATION		
	RESIDENTIAL ZONES	OTHER ZONES
Front Yard	10%	No Relaxation

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Side Yard	20%	10%
Rear Yard	10%	10%

8. Any further relaxation, greater than the allowances identified above, shall only be granted by Council.
9. The Development Officer may permit a development in any zone on a lot which is substandard with respect to width, depth, or area provided that:
 - a) such lot was legally registered and existing at the date of commencement of this bylaw; and,
 - b) that the development is otherwise in accordance with the regulatory requirements of the zone.

3.10 BUILDING PERMIT SUBMISSION REQUIREMENTS

1. An application for a building permit shall be made using the appropriate form for the construction, repair, reconstruction, addition to, or structural alteration of any building, structure or use described in the National Building Code of Canada.
2. All applications for a building permit for buildings, structures or uses described in Part 9 of the National Building Code of Canada, shall be accompanied by drawings that include the following:
 - a) The proposed floor plans of all buildings or structures;
 - b) A site plan detailing all legal dimensions;
 - c) The location and dimensions of all existing buildings, structures or uses on the lot;
 - d) Elevations showing finish materials of all buildings and associated structures; and
 - e) Building sections showing construction assemblies, materials, and dimensions.
3. All applications for a building permit for buildings, structures or uses described in Part 3 of the National Building Code of Canada, shall be accompanied by a complete set of construction documents including drawings and specifications certified by a Professional Engineer or Architect licensed to practice in the Northwest Territories as to conformance with the National Building Code.
4. Every application for a building permit shall be accompanied by a fee related to the building area and type of construction.

3.11 DECISIONS ON APPLICATIONS

1. An application shall, at the option of the applicant, be deemed to be refused if a decision of the Development Officer, with respect to a Permitted Use, or Council, with respect to a Discretionary Use, has not been made within forty days of the receipt of the application.
2. The applicant may request confirmation in writing from the Development Officer or designate that the application has been received.

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3. The Development Officer shall within thirty days process such application for a development permit and issue a notice of decision stating that the application has been approved subject to such conditions, if any, as may be required (including any zoning regulation relaxation that has been granted), or that it has been refused for such reasons as may be specified.
4. All permits shall be issued by the Development Officer, including permits for discretionary uses and permits containing relaxations once they have been approved by Council.
5. The permittee shall keep copies of the approved plans and specifications available for inspection on the lot by the Development Officer.
6. When making a decision about a Discretionary Use, the criteria in the following table will be considered. The table is not meant as an exhaustive list, and other criteria not listed in the table may be considered.

Issue	Consideration
Design and character	Compatibility of the proposed use with existing uses and the character of the surrounding area. Similarity of size and design to neighbouring properties and uses.
Parking and traffic	Provision of off-street parking or increase in traffic volume or change in traffic makeup.
Impact on neighbouring properties	<ul style="list-style-type: none">• Effect on airborne emissions, odors, smoke• Noise and light impacts• Other health and safety impacts• Sun shadow and wind effects• Hours of operation, compared to existing neighbouring uses• Impact on existing and potential developments in surrounding area• Effect on the amenity of the surrounding area, including views, general atmosphere• Social and economic impact on the community• Benefits to the surrounding area including providing services and Amenities
Mitigation of impacts	Provision of landscaping, screening, buffer zones or other methods to mitigate potential impacts.
Capacity of infrastructure	Ability of infrastructure to support the proposed use, including vehicle and active transportation infrastructure, waste collection, water and sewer, electricity and communications infrastructure, parks, schools, school buses, community facilities.
Plans and policies	<ul style="list-style-type: none">• Consistency with intent and policies of Community Plan.• Compatibility with the general intent of the Zoning Bylaw and the purpose statement for the specific zone. Compatibility with any other Town of Hay River plans or policies.
Public submissions	Input from individual residents, groups, and other orders of government.

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3.12 VALIDITY OF PERMIT

1. When an application for a development or building permit has been approved by the Development Officer, the development permit shall not be valid unless and until:
 - a) any conditions of approval, other than those of a continuing nature, have been fulfilled; and
 - b) no notice of appeal from such approval has been served on the Development Appeal Board within the 14-day appeal period pursuant to Section 61(4) in the Planning and Development Act.
2. Where an appeal is made to the Development Appeal Board, the Development Permit shall not come into effect until the Board has made a decision to confirm, reverse or vary the decision of the Development Officer, pursuant to Section 69 of the Act.
3. When an application for a development permit has been approved by the Development Appeal Board, it shall not be valid unless and until:
 - a) the Board has adopted the minutes of its meeting at which the application was approved; and
 - b) any conditions of approval, other than those of a continuing nature, have been fulfilled.
4. If the Development Appeal Board is served with notice of an application for leave to appeal its decision, subject to Section 50 of the Planning and Development Act, such notice shall suspend the development permit.
5. The final determination of an appeal shall reinstate, revoke, or amend as the case may be, a development permit suspended under subsection (3), above.

3.13 EXPIRY OF PERMIT

1. A development permit shall become void if the development has been discontinued for a period of twelve months or has not been actively carried on for a period of twelve months.
2. If development authorized by a development permit is not commenced, and thereafter carried out with reasonable diligence, within twelve months from the date of its issue, such permit ceases to be valid, provided that, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed.
3. A building permit is valid for the period of time during which the site has a valid development permit.
4. If construction authorized by a building permit is not commenced, and thereafter carried out with reasonable diligence, within three months from the date of its issue, such permit ceases to be valid, provided that, if the permit holder is unable to proceed pending a court decision involving the proposed development, time shall not run until such proceedings are finally completed.
5. The Development Officer may extend the above periods, at their discretion, upon application for a period of not greater than six months. Such a period of extension may only be granted once

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and thereafter the permittee shall be required to apply for another development or building permit.

6. Where a development permit is issued for a site where any other valid development permit has been issued, it shall invalidate any previous permit if the physical aspects of the developments conflict, or both could not occur simultaneously upon the site in conformity with the regulations of this bylaw.
7. When a development permit becomes void, a new application for a permit is required before development may proceed. Such application shall be dealt with as if it were a first application and there shall be no obligation to approve such application.

3.14 CONDITIONS OF OCCUPANCY

1. No building shall be occupied or put to the use for which the development and building permit is issued unless and until the final inspection is carried out and a Development Permit - Occupancy for the building or premises has been authorized by the Development Officer.
2. For all buildings, structures or uses described in Part 9 of the National Building Code of Canada, the final inspection shall be carried out, as per the terms of the building permit, by the Development Officer or Building Inspector.
3. All other buildings, structures or uses, as described in the National Building Code of Canada, shall require the final inspection to be carried out by a Professional Engineer registered to practice in the NWT, under the terms of the building permit.

3.15 RESUBMISSION INTERVAL

1. When an application is refused by the Development Officer, and in the case of an appeal, refused by the Development Appeal Board, another application on the same site for the same use or occupancy and by the same or any other applicant shall not be accepted by the Development Officer for at least six months after the date of the previous refusal.

3.16 SUBMISSIONS TO DEVELOPMENT APPEAL BOARD

1. A person whose application for a Development Permit is refused, or who is approved for a Development Permit subject to a condition that they consider to be unreasonable, may appeal the refusal or the condition to the Development Appeal Board pursuant to Section 61 of the Planning and Development Act.
2. The Planning and Development Act sets out the timelines, submission requirements, notice requirements, hearing process and decision-making process for the Development Appeal Board.

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3.17 ENFORCEMENT AND PENALTIES

1. Pursuant to Section 77 of the Planning and Development Act, a person who undertakes or allows development without a Development Permit, or fails to comply with conditions of a Development Permit, is guilty of an offence and is liable, on summary conviction, to a fine.
2. Pursuant to Section 78 of the Planning and Development Act, a person who is guilty of an offence and is liable on summary conviction is subject to a fine as following:
 - a) in the case of a corporation, to a fine not exceeding \$100,000 and to a further fine not exceeding \$5,000 each day or part of a day during which the offense continues; and
 - b) in the case of an individual, a fine not exceeding \$5,000 and to a further fine not exceeding \$1,000 each day or part of a day during which the offence continues, or
 - c) to imprisonment for a term not exceeding six months in default of payment of the fine.
3. The Planning and Development Act Sections 77 and 78 provide more information about offences and punishment.

3.18 RIGHT TO ENTER

1. Pursuant to Section 54 of the Act, a Development Officer may, for the purposes of inspection in relation to compliance with the Planning and Development Act, the regulations, or this Bylaw, may enter any land or building at any reasonable time to carry out the inspection. The Development Officer shall not enter the occupied portion of a dwelling without the consent of the occupier or the authority of a warrant.
2. Where a person fails or refuses to comply with an order to permit entry upon the land or building, they shall be guilty of an offence as defined under Section 57 of the Planning and Development Act and be liable to a fine or to imprisonment.

3.19 SUSPENDING OR REVOKING A DEVELOPMENT PERMIT

1. If a development is not being carried out or completed as approved then the Development Officer may suspend or revoke the Development Permit. Written notice stating that the development permit has been suspended or revoked will be served in person or sent by registered mail to the owner and/or occupant of the property affected, and to any contractor engaged in the work.
2. The notice must comply with Section 57 of the Planning and Development Act and should:
 - a) state the grounds for the suspension or revocation; and
 - b) state the conditions that must be met for a suspended development permit to be reinstated.
3. Council, if informed of the contravention of this by-law, or on its own initiative without such information, may authorize that action be taken to enforce this bylaw. Such action may include an application to the court for an injunction or other Order to restrain the contravention.

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3.20 BYLAW AMENDMENTS

1. Any person applying to amend any part of this bylaw shall apply in writing to the Development Officer, furnishing reasons in support of the application, requesting that the Development Officer submit the application to Council. All applications to amend this bylaw shall require the completion of the appropriate form and be accompanied by a fee that shall be charged and collected in accordance with the Fees and Charges Bylaw No. 2431, as amended or replaced from time to time.
2. All applications to amend any part of this bylaw, except those initiated by Council or the Development Officer, shall be accompanied by a non-refundable fee which shall be charged and collected in accordance with the Fees and Charges Bylaw No. 2431.
3. If a person applies to Council, in any manner, for an amendment to this bylaw, Council shall require him to submit his application to the Development Officer in accordance with the provisions of this section before it considers the amendment proposed by such person.
4. Notwithstanding anything contained in this section an application for a proposed amendment to any section of this bylaw which has been rejected by Council within the previous 12 months shall not be accepted.

Zoning Amendments

5. Any person applying to amend the bylaw shall submit a completed application form to the Development Officer containing the following:
 - a) a recent certificate of title indicating ownership and other interests;
 - b) the applicant's name, address and interest in the property;
 - c) the appropriate application fee required; and
 - d) a brief written statement by the applicant in support of his application, and his reasons for applying.
6. Upon receipt of an application for a rezoning amendment, the Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development under the proposed zone. In this regard, the Development Officer shall seek the opinion of a Professional Community Planner. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed zone and not on the merits of any particular development proposal. The analysis shall, among other things, consider the following factors:
 - a) relationship to and compliance with the Community Plan and Council policies;
 - b) relationship to and compliance with authorized plans and schemes in preparation;
 - c) compatibility with surrounding development in terms of land use function and scale of development;
 - d) traffic impacts;

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- e) relationship to, or impacts on, services such as water and sewage systems and other utilities and public facilities such as recreational facilities and schools;
- f) relationship to municipal land, right-of-way or easement requirements;
- g) effect on stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
- h) necessity and appropriateness of the proposed zone in view of the stated intentions of the applicant;
- i) relationship to the documented concerns and opinions of area residents regarding the application; and
- j) the suitability of the land for the proposed zone.

Amendment Process

7. In reviewing and processing amendment applications the Development Officer shall:
 - a) examine the proposed amendment;
 - b) prepare a written report on the proposed amendment; and
 - c) advise the applicant in writing that the Development Officer:
 - i. is prepared to recommend the amendment to the council without further investigation, or
 - ii. is not prepared to recommend the amendment, or
 - iii. requires further investigation to make a recommendation, or
 - iv. is prepared to recommend an alternative amendment.
8. Upon receiving the advice of the Development Officer, the applicant shall advise the Development Officer if the applicant:
 - a) wishes the proposed amendment to proceed to Council, in which case he must prepay the advertising costs and any costs incurred by the Town to this point prior to the amendment proceeding to Council; or
 - b) does not wish to proceed to Council with the proposed amendment, in which case the application is considered abandoned.
9. If requested by the applicant, the Development Officer shall submit the proposed amendment to Council, accompanied by the report of the Development Officer, including the comments of the Professional Community Planner.
10. As soon as reasonably convenient, the Development Officer shall submit his recommendation on the proposed amendment to Council, accompanied by the results of his analysis and any other relevant material, if any, and Council shall then consider the proposed amendment.

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11. The Development Officer, in his discretion, may present for the consideration of Council any proposed amendments to this bylaw on his own initiative, and the proposed amendment shall be accompanied by the report and recommendation of the Development Officer.
12. Council in its discretion, may initiate any amendment to this bylaw, and prior to the approval of any amendment, Council shall refer the proposal to the Development Officer for his report and recommendation.

Notification of Amendments

13. After giving a proposed bylaw amendment first reading and before giving it second reading, Council shall, in compliance with the Section 129 of the Cities, Towns and Villages Act, direct the Development Officer to prepare at public notice describing the pending amendment.
14. The public notice shall be shared according to Section 165 of the Cities, Towns and Villages Act. The notice can be shared at least once in a local newspaper normally circulating within the Town, advertised on the radio for three consecutive days, posted in five public locations, or mailed to each of the municipality's residents.
15. The notice shall also be dispatch by ordinary mail to:
 - a) the applicant;
 - b) the owners of the land subject to the proposed rezoning amendment; and
 - c) each assessed owner of land, wholly or partially within a distance of 60 m (200 ft) of the boundaries of the site which is the subject of the amendment.
16. During any cessation of ordinary mail delivery, the notice to those described in subsection 14 (a) and (b) shall be given by such other alternative means as the Development Officer may specify, and the notice to those described in subsection 14 (c) shall be provided in the newspaper only.
17. The official notice described in Section 3.17(14) shall state:
 - a) the purpose for which Council proposes to pass the amendment;
 - b) the place or places, one of which shall be the office of the municipality, where a copy of the proposed bylaw amendment may be inspected by the public during office hours; and
 - c) the time and place at which Council will hold a public hearing on the amendment, which shall not be less than 10 days after the posting or the last publication of the official notice, as the case may be.
18. Where, in the opinion of the Development Officer, any proposed amendment is likely to affect other owners of land, they shall notify owners of land beyond 60 m (200 ft) at such additional distance and direction from the site as, in his opinion, may experience any impact attributable to any development allowed under the proposed zone.
19. 20. Proposed amendments to this bylaw are subject to the requirements and procedures set out in Sections 77 to 80 of the Cities, Towns and Villages Act.

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4.0 DEFINITIONS

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

ABATTOIR means an establishment where animals are slaughtered and/ or processed within an enclosed building. This definition does not include a feed lot or other intensive forms of livestock holding and feeding.

ABUT OR ABUTTING means immediately contiguous to, or physically touching, and when used with respect to lots or sites, means two that share a common property line or border.

ACCESSORY BUILDING means any building which is separated from the principal building on the lot on which both are located and the use of which is normally subordinate and incidental to that of the principal building, and without restricting the generality of the foregoing includes a "private garage".

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

ACT means the Community Planning and Development Act of the NWT 2011 and as amended.

AMENITY means an aesthetic or other physical characteristic or facility that enhances the desirability of an environment. Amenity may include recreational or cultural facilities, a unified building design, views, landscaping, tree preservation or generally attractive site design.

AMENITY AREA, PRIVATE OUTDOOR means an amenity area which shall be provided subject to regulations of this bylaw but which must be developed for the active or passive recreation and enjoyment of the residents of a specific dwelling and which immediately adjacent to and directly accessible from the dwelling unit it is intended to serve.

APIARY means a place where hives, parts of hives, or bee containers are kept, for the purpose of keeping bees for the cultivation of honey.

AUCTIONEERING ESTABLISHMENT means development specifically intended for the auctioning of goods and equipment, including temporary storage of such goods and equipment.

AVIATION BULK FUEL STORAGE means lands, buildings and structures for the storage and distribution of fuels, oils, propane and other petroleum for use in aircraft and associated vehicles.

BASEMENT

- a) means the portion of the building or structure which is wholly or partially below grade, having above grade no more than 6 feet of its clear height which lies below the finished level of the floor directly above.
- b) means storey or stories of a building located below the first storey.

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BED AND BREAKFAST means a minor and ancillary/subordinate commercial use of a residence where accommodation is provided for periods of fourteen days or less in three or fewer guest rooms.

BREWERIES AND DISTILLERIES, MAJOR means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume. The public tasting and retail sale of alcoholic product is limited to that which is produced on-site. This also includes Breweries and Distilleries, Minor.

BREWERIES AND DISTILLERIES, MINOR means the brewing or distilling of alcoholic beverages or alcoholic products with alcoholic content exceeding 1% by volume. The public tasting and retail sale of alcoholic product is limited to that which is produced on-site. All processes, functions, and mechanical equipment associated with the use must be contained indoors, and are limited to production activities which are not deemed to be noxious or offensive to adjacent properties or the general public.

BUILDING means any structure, erection, stockpile, sign or fixture, that may be built or placed on land.

BUILDING PERMIT means a certificate or document authorizing construction on a building project to begin.

CANNABIS means any part of a cannabis plant or related substances as regulated by the Cannabis Act of Canada and Cannabis Products Act of the Northwest Territories.

CANNABIS PRODUCTION means to obtain cannabis by any method or process as defined by the Cannabis Act of Canada which includes manufacturing; synthesis; altering its chemical or physical properties by any means; or cultivating, propagating or harvesting it or any living thing from which it may be extracted or otherwise obtained.

CANNABIS SALE means to offer cannabis for sale, expose for sale, or have in possession for sale.

CANOPY means a projection extending from the outside wall of a building normally for the purpose of shielding a part of the building from the sun.

CANOPY SIGN see SIGN, CANOPY.

CARPORT means a roofed structure used for storing or parking of not more than two private vehicles which has less than 40% of its total perimeter open and unobstructed.

CARETAKER UNIT means a single residential unit forming part of a development and used solely to accommodate an employee or a person or household whose official function is to provide surveillance, maintenance and/or security for a development provided for in the land use districts in which caretaker units are listed as a discretionary use.

CHANNEL is defined as a natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. The top of the banks form the dividing lines between the channel and the flood plain.

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CHATTEL means a movable item of personal property.

COLD STORAGE LOCKER means a building in which space in individual lockers is rented or otherwise made available for the storage of frozen food.

COMMON AREA means the part of the mobile home park that is used by all residents, such as streets, playground, walkways, and other areas for public use.

COMMERCIAL SCHOOL means a development for instruction and education which is not maintained at public expense and which may or may not offer courses equivalent to those offered at publicly supported education facilities or private instruction as a home occupation.

CORNER LOT see LOT, CORNER.

CORRECTIONAL FACILITY means the confinement or safe custody of persons so confined as the result of legal process. Includes detention centres.

COUNCIL means the Council of the Town of Hay River.

CROP, CEREAL means the growing of grain suitable for food.

CROP, FORAGE means the growing of fodder suitable for consumption by farm animals.

DAY CARE FACILITY means a facility where day care is provided not within the private residence of the operator; as licensed by the Government of NWT and regulated under the Child Care Act.

DENSITY means a quantitative measure of the average number of persons, families or dwelling units per unit of area.

DESIGN FLOOD is defined as:

- a) a 100 year flood;
- b) a flood having a return period greater than 100 years;
- c) a recorded flood having water surface elevations equal to or exceeding those of the 100 year flood; or
- d) a flood what would result from a specified input yielding water surface elevations equal to or exceeding those of the 100 year flood.

DESIGN FLOOD LEVEL is defined as the elevation at which the design flood for each site not less than the 1 in 100 year event, as determined by the Flood Damage Reduction Program's Technical Committee. It may also be referred to as the flood protection level.

DEVELOPER means an owner, agent or any person, firm or company required to obtain or having a development permit.

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DEVELOPMENT means the carrying out of construction, excavation, demolition, moving or other operations in, on, over or under land, or the making of any change in the use or in the intensity of use of any land, building or premises and for the avoidance of doubt and without restricting the generality of the foregoing includes:

- e) in a building or on a lot used for dwelling purposes, any occupancy of the building or on the lot;
 - i. in a building or on a lot used for dwelling purposes, any increase in the number of families occupying and living in the building or on the lot, and any alterations or additions which provide for an increase in the number of dwelling units within the building or on the lot;
 - ii. in a building or on a lot used for other than dwelling purposes, any alterations or additions which increase the capacity of the building or parcel or which provide for an increase in the intensity of use of the building or lot;
 - iii. in a building or on a lot used for dwelling or other purposes, any installation or connection of public utilities;
 - iv. the deposit of debris, waste material from building or mining operations or other refuse or unsightly material on any land, including land already being used for that purpose if the surface area or height of any existing deposit is thereby extended;
 - v. the removal of topsoil;
 - vi. the recommencement of the use to which land or buildings have been previously put if that use has been discontinued for a period of more than six months;
 - vii. the use for storage purposes, or for the repair of motor vehicles or other types of machinery, of land that was hitherto not used at all;
 - viii. the use of or the more intensive use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks or any other type of portable building whatsoever whether or not the same has been placed on foundations or affirmed to the land in any way; and
 - ix. any other change in use whatsoever including the demolition of any existing structures.

DEVELOPMENT APPEAL BOARD means the Development Appeal Board appointed by resolution of Council to fulfil the duties of this bylaw.

DEVELOPMENT OFFICER means any person appointed as such by resolution of Council and responsible for the administration of this bylaw, and shall also include any person acting as such from time to time appointed by Council.

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DEVELOPMENT PERMIT means a certificate or document authorizing a specified development and includes, where applicable, a plan or drawing or set of plans or drawings, specifications or other documents. This permit is separate and distinct from a Building Permit.

DISCRETIONARY USE means a use of land or buildings provided for in this bylaw, for which a development permit may be issued by Council with or without conditions.

DRIVE-IN BUSINESS means an establishment which services customers travelling in motor vehicles driven onto the site where such business is carried on, where the customer normally remains in the vehicle for service.

DWELLING means any building used primarily for human habitation.

DWELLING UNIT means a building or portion thereof designed for or used exclusively as a residence or living quarters (usually containing constructed as including eating, sleeping, cooking, and toilet sanitary facilities) for one household.

EATING AND DRINKING ESTABLISHMENTS means a retail food or drink establishment where prepared foods and beverages, including alcoholic beverages, are offered for sale to the public, for consumption on or off the premises. This includes neighbourhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunch counters and take-out restaurants. This does not include drive-thru services.

EATING AND DRINKING ESTABLISHMENTS, DRIVE-THRU means an eating or drinking establishment that serves patrons directly to motor vehicles through a service window; and as such require a driveway to accommodate vehicle stacking.

EMERGENCY SHELTER means a facility that provides transitional housing or temporary accommodation for people in need of shelter as its primary use. Supportive uses may also include offering health, education, or food services. Emergency shelters may be used to assist a range of populations including but limited to those experiencing domestic violence or homelessness; they also may include sobering facilities but do not include health care facilities for addictions treatment.

EQUAL DEGREE OF ENCROACHMENT is defined as a standard applied in determining the location of encroachment limits so that the flood plain lands on all sides of a watercourse/waterbody are capable of conveying/storing a proportionate share of the flood water. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a watercourse or along the shoreline of a waterbody for a significant reach. In flood risk areas designated on the Flood Risk Map, the maximum encroachment permissible is defined as that which will cause a 30 cm rise in the elevation of the design flood were the flood plain was not developed. Equal degree of encroachment is necessary to provide an equal opportunity for owners of flood prone land to develop their property.

EXCAVATION means any breaking of ground, except common household gardening and ground care.

EXISTING refers to uses, structures, or other items that were approved and lawfully constructed or under construction at the effective date of this bylaw.

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FAMILY DAY HOME means a day care facility where the day care is provided within the private residence of the operator; as licensed by the Government of NWT and regulated under the Child Care Act. These are considered a home occupation.

FARMING means the extensive cultivation of land, which may include including the keeping of animals, including horse, cattle, sheep, hog, and poultry but does not include intensive farms or horticulture 'market gardening'.

FARMS, INTENSIVE means farming that includes the rearing and feeding of livestock for commercial or experimental purposes and market gardening, without restricting the generality of the foregoing includes feedlots, livestock operations, fish farms, fur farms, plant nurseries, and beekeeping.

FARMS, NON-COMMERCIAL means development for small-scale, non-commercial agricultural pursuits ancillary to country residential uses. This shall be developed so that it will not unduly interfere with the general enjoyment of adjacent property. Animals shall be kept for the use or enjoyment of the householder only.

FARMS, NON-INTENSIVE means farming that development for agricultural pursuits that does not include the rearing and feeding of livestock for commercial or experimental purposes.

FENCE means a vertical barrier constructed for the purposes of limiting visual intrusion, sound abatement and to prevent unauthorized access.

FILL is defined as soil, rock, rubble, industrial waste such as slag, organic material or a combination of these that is transported and placed on the natural surface of a soil or rock or organic terrain. It may or may not be compacted.

FINANCIAL INSTITUTION refers to the premises of a bank, trust company, finance company, mortgage company, or investment company.

FIRST STOREY means the uppermost storey having its floor level not more than 2 m above grade. In case of a split level, both floors above grade will be considered the first storey.

FLOOD is defined as a temporary rise in the water level that results in the inundation of areas not ordinarily covered by water.

FLOOD FREQUENCY is defined as the average frequency, statistically determined, for which it is expected that a specific flood level or discharge may be equaled or exceeded.

FLOOD PLAIN is defined as the relatively flat area or low lands adjoining the channel or a watercourse or waterbody which has been or may be covered by flood water.

FLOOD RISK AREA is defined as the area that would be inundated by the design flood.

FLOOD STAGE ELEVATION is defined as the elevation at which overflow of the natural banks of a watercourse or waterbody begins.

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FLOODPROOFING is defined as any combination of structural and non-structural additions, changes or adjustments to structures or land which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents to the level of the freeboard elevation.

FLOODWAY is defined as a waterbody or the channel of a watercourse and those portions of the adjoining flood plains which are reasonably required to carry and discharge or contain the design flood. In the floodway water depths are in excess of 1 m (3.3 ft) and velocities are greater than 1 m/second, or where evidence of significant ice shove has been documented.

FLOODWAY FRINGE is defined as that portion of the flood risk area not lying within a floodway which may hereafter be covered by flood waters up to the design flood level. Development of this land will not create an excessive hindrance to the hydraulic efficiency of the watercourse. Water depths in the floodway fringe are generally less than 3 feet and water velocities are 3 feet per second or less.

FLOOR AREA of a building means the total floor areas of every room and passageway contained in a building but not including the floor areas of basements, attics, sheds, open porches and breezeways. Basement and attic floor areas shall be included when they contain habitable rooms.

FORESTRY refers to the management, development, and cultivation of timber for commercial or non-commercial purposes.

FREEBOARD is defined as a factor of safety usually expressed in metres above a design flood level; that is, it is the difference between the freeboard elevation and the design flood level. Freeboard is required to compensate for many unknown factors that could contribute to flood stage elevations greater than those calculated for the design flood level. Such factors include but are not limited to ice jamming, wave action, floodway obstructions, and the hydrological effects of urbanization of the watershed.

FREEBOARD ELEVATION is defined as the elevation of the design flood level plus a freeboard of 3 m (10 ft) to the bottom of floor joists or equivalents, and 0.3 m (1 ft) to the top of the first floor level.

FRONTAGE means the length of a street boundary along the front lot line. On double fronting lots, all sides of a lot adjacent to streets shall be considered frontage.

FUNERAL HOME means a building designed for the purpose of furnishing funeral supplies and services to the public and includes facilities intended for the preparation of the dead human body for internment or cremation.

GARAGE, PRIVATE means a building or part of a building designed or used for storage of motor vehicles and which is erected and used as an accessory to a dwelling.

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

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GARDEN SUITE means a secondary dwelling unit located on a lot where the principal use is single detached housing.

GAS BAR means development used for the retail sale of gasoline, other petroleum products, and incidental auto accessories.

GOLF COURSE means a public or private area operated for the purpose of playing golf and may include an accessory office, retail pro shop, eating and drinking establishment, banquet facilities, driving range, and golf academy. This does not include miniature golf.

GRADE, BUILDING means ground level established for the purposes of regulating the number of storeys and the height of a building. The building grade shall be the level adjacent to the walls of the building if the finished grade is level. If the ground is not entirely level the grade shall be determined by averaging the elevation of the ground for each face of the building.

GRADE, DRAINAGE means the ground elevations established in a drainage plan for a lot attached to the application for a development permit as approved by the Development Officer or Council for the purpose of controlling the flow of surface water on the lot.

GRADE PLAN means a site drainage plan to ensure lot grading for adequate drainage so that there will be no free flow of water onto adjacent properties (other than through a drain, ditch or swale) and showing the location of all proposed structures to manage drainage including connections to existing storm mains, ditches, rock sumps, design elevations and or/storm water interceptors.

GRADE means,

- f) the average elevation of the finished surface of the ground at ground level, excluding an artificial embankment or excavation at the perimeter of a building, measured on any side of a building;
- g) the elevation of the ground surface in its natural state, before man-made alterations; or
- h) on sloping or irregular sites, the angled plane determined by the Development Officer in relation to the above.

GREENHOUSE, COMMERCIAL a building for the growing of flowers, plants, shrubs, trees, vegetables, fruits, and similar vegetation for commercial purposes.

GREENHOUSE, NON-COMMERCIAL a building for the growing of flowers, plants, shrubs, trees, vegetables, fruits, and similar vegetation for non-commercial purposes.

HEIGHT means, when used with reference to a building or structure, the vertical distance between the horizontal plane through the average grade at the front of the building or structure and a horizontal plane through:

- i) the highest point of the roof in the case of a building with a flat roof or a roof having a slope of less than 20 degrees; and

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- j) the average level between eaves and ridges in the case of a pitched, gambrel, mansard or hipped roof, or a roof having a slope of more than 20 degrees; provided that in such cases the ridge line of the roof shall not extend more than 1.5 m or 5 ft above the maximum permitted building height of the Zone.

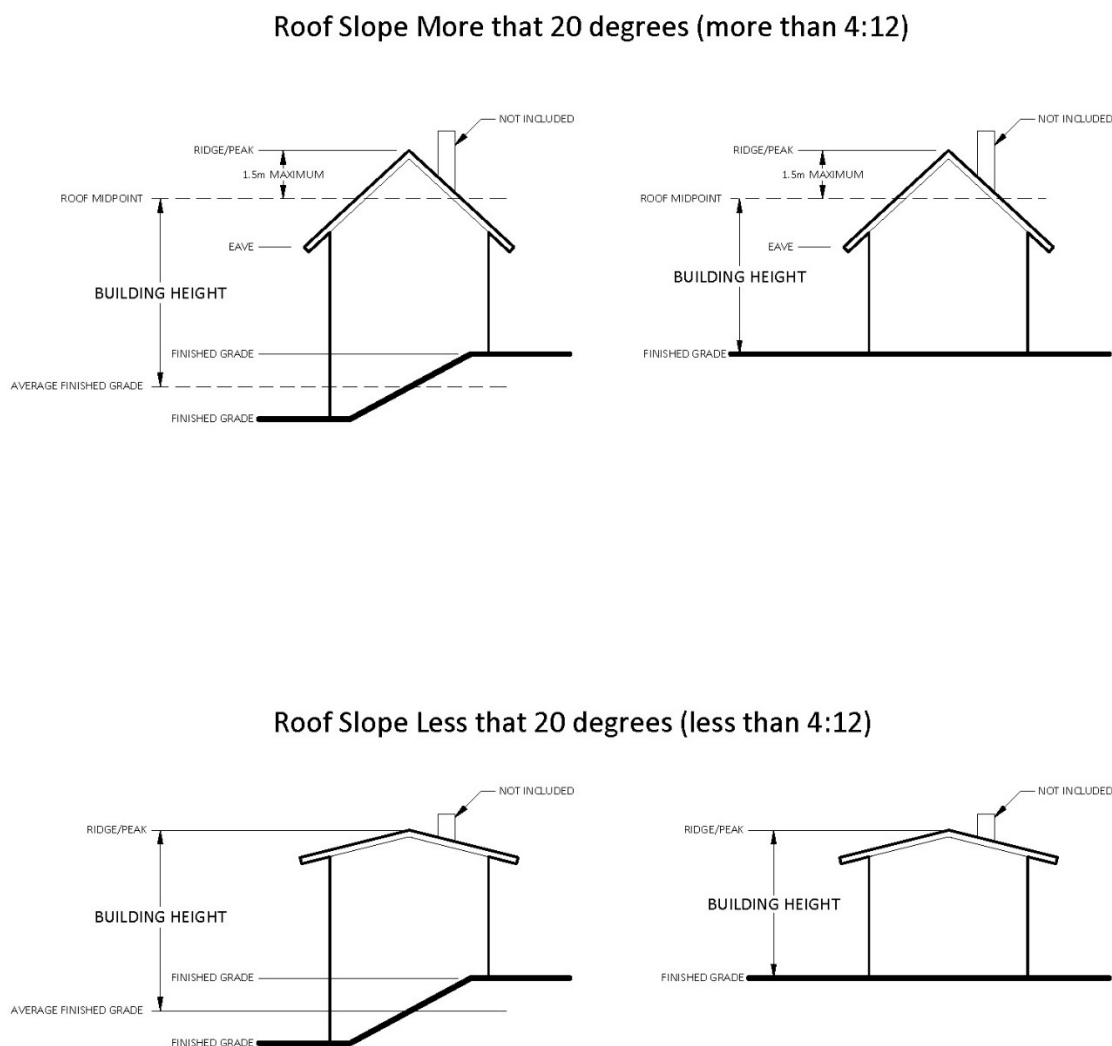


Figure 4.1 - Measuring the height of a roof

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HEALTH SERVICES means those outlined in the NWT Hospital Insurance and Health and Social Services Administration Act of NWT which may include: services for the protection, promotion, and maintenance of physical and mental health (e.g., counselling); services for the prevention, diagnosis, and treatment of illness, disease, and injury (e.g., doctors office, dentist, optometrist, audiology clinic, chiropractic clinic); palliative services (e.g., hospice care); rehabilitative care services (e.g., addictions treatment, physical therapy); insured services (e.g., massage therapy); services in respect to health surveillance (e.g., blood testing lab, imaging clinics).

HIGHWAY includes any common or public road, street, avenue, parkway, driveway, square, bridge, viaduct, trestle or other passageway designed for and intended for use by the general public for the passage of vehicles, but specifically excludes private rights-of-way on private property.

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

HOSPITAL means a facility that provides one or more health services to in-patients and outpatients.

HOTELS means development used for the provision of rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor and are not equipped with individual kitchen facilities. Hotels may include accessory eating and drinking establishments, meeting rooms, and personal services shops.

HOUSEHOLD REPAIR SERVICES means repair to goods, equipment and small appliances normally found within the home, including radio, television and appliance repair, furniture refinishing and upholstery shops, but excluding personal services shops.

HOUSING means any residential use consisting of at least one individual dwelling unit.

HOUSING, DUPLEX means a residential building containing two dwelling units of approximately equal floor area each with individual and separate entrances.

HOUSING, MULTIPLE UNIT means a residential building containing three or more dwelling units having shared entrance facilities, in which the dwelling units are arranged in any horizontal or vertical configuration. Multiple housing includes apartments, cottage clusters, and townhouses. Multiple housing can consist of modular type construction.

HOUSING, ROW HOUSING means development consisting of a building containing a row of two three or more dwellings joined in whole or in part at the side only with no dwelling being placed over another in whole or in part. Each dwelling shall be separated from the one adjoining, where they are adjoining, by a vertical party wall which is insulated against sound transmission. Each dwelling shall have separate, individual, and direct access to grade.

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HOUSING, SINGLE DETACHED means development consisting of one detached permanent dwelling, which is separate from any other dwelling or building and for the use of a single household. This definition includes modular or prefabricated housing but does not include mobile homes.

HYDRODYNAMIC PRESSURE is defined as the pressure in a fluid column due to the movement of the fluid.

HYDROSTATIC PRESSURE is defined as the perpendicular pressure to which a submerged plan surface is exposed as a consequence of the weight of a fluid.

INDUSTRY means a use providing for the co-generation, manufacturing, processing, assembling, fabricating, testing, servicing, or repair of materials. May include an ancillary office to administer the industrial use on the lot, and includes wholesaling provided that the merchandise being sold is distributed from the lot, but excludes the processing of livestock.

INDUSTRY, LIGHT refers to an industry use which is wholly enclosed within the building except for parking and loading facilities, and outside storage accessory to the permitted uses, and which in its operation does not ordinarily result in emission from the building of odours, fumes, noise, cinder, vibrations, heat, glare, or electrical interference.

INTERIOR LOT see LOT, INTERIOR.

INTENSIVE LIVESTOCK OPERATION means any confinement livestock facility capable of the confining, rearing, or feeding of a type and quantity of livestock at a given density over a minimum length of time. As defined by the Government of NWT's Guideline for Agricultural Waste Management, intensive livestock facilities are further defined as feedlots or covered facilities of significant investment or permanence, capable of confining a minimum number of livestock at a housing density of not more than 1,000 lbs (455 kg) of live weight per 184 m² (2,000 ft) for growing or finishing for market, dairying, or egg production.

MANURE STORAGE FACILITY means a structure, reservoir, lagoon, catch basin, cistern, gutter, tank, deep pit or bermed area for temporarily containing livestock wastes, until they can be used or properly disposed of.

KENNEL Any premises on which four or more dogs over four months of age are kept. Excludes a veterinary clinic.

LANDSCAPING means to preserve or change the natural features of a site by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, driveways or other structures and materials as used in modern landscaping architecture.

LAND TREATMENT FACILITY means a facility designed and operated for the purpose of restoring and rehabilitating contaminated soil, sediment, snow or other contaminated matter, but excluding medical waste.

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LANE means a public roadway not exceeding 9.5 m in width, which provides a secondary means of access, to an abutting lot.

LIVING SUITE refers to a self-contained dwelling unit located within a single detached dwelling, where both dwelling units are registered under the same land title. Secondary suites are further described in Section 6.10 Living Suites.

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

LOT means an area of land, having fixed boundaries described in either the Certificate of Title, a survey plan registered in the Land Titles Office or a lease document approved by the GNWT and the Town of Hay River and has not been divided into smaller areas by any plan or instrument registered in the Land Titles Office.

LOT AREA means the total area of a lot.

LOT, CORNER means a lot at the intersection or junction of two abutting streets.

LOT COVERAGE means the combined area of all buildings or structures on a lot as a percentage of the total lot area, measured at the level of the lowest storey above grade, including all porches, verandas, decks and balconies whether open or covered but excluding open and enclosed terraces or patios at grade, steps, cornices, eaves and similar projections.

LOT DEPTH means the average horizontal distance between the front and rear lot lines of a lot.

LOT, DOUBLE FRONTING means a corner lot which abuts two public streets, (except alleys or lanes) which are parallel or nearly parallel where abutting the lot.

LOT, FLANKING means a corner lot on which a side boundary is abutting onto a street and where only one front yard setback is required.

LOT, INTERIOR means a lot which is bounded by only one street.

LOT LINES means the legally defined limits of any lot.

LOT WIDTH means the average horizontal distance between the side boundaries or lot lines of a lot.

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

MANUFACTURED HOME – Means a transportable one-storey building providing a single dwelling unit only, constructed in a factory in one or more modules in conformance with CSA Z240 MH Series and is ready for occupancy on completion of installation on a foundation, connection of services, and other set-up in accordance with the manufacturer's installation instructions. Manufactured Homes are sometimes referred to as Mobile Homes or Trailers.

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MANUFACTURED HOME PARK – Means a lot under single ownership which is managed by an operator and which has been designed for the placement of manufactured homes or manufacture home park lots for non-transient use.

MANUFACTURED HOME PARK LOT – means a leasable or rentable portion of land within a manufactured home park that has been reserved for the placement of one manufactured home and its occupants.

MARINA a building, structure, or place containing docking facilities and located on a navigable waterway, where boats and boat accessories are stored, serviced, repaired, or kept for sale; and where facilities for the sale of marine fuels and lubricants may be provided.

MARKET GARDENING means the cultivation of land for horticultural crops including flowers, plants, shrubs, trees, vegetables, fruits, and similar vegetation but does not include cereal or forage crops, except for the purpose of crop rotation.

MIXED-USE BUILDING means the use of a building for more than one type of land use. Typical mixed-use buildings include a combination of residential and commercial uses.

MIXED-USE DEVELOPMENT means the use of a lot for more than one type of land use. Typical mixed-use development include residential and commercial uses, or commercial and industrial uses on the same lot.

MOBILE HOME – A movable home that originally included its own running gear and was superseded by the modern-day manufactured home in the early 90's.

MODULAR HOME means a factory built single or multiple section single detached dwelling unit constructed to the National Building Code of Canada CAN/CSA-A277 standard, as amended from time to time. Modular homes are designed to be transported to the site and fitted together structurally, mechanically and electrically to form a single structure placed on a permanent foundation.

MOTEL means a group of attached or detached buildings containing individual sleeping or living units, rooms, or cabins designed for or used temporarily by tourists or transients with parking spaces provided conveniently near to each unit and includes also an auto court, tourist court, and a motor lodge. Each unit usually has its own exterior access. An eating or drinking establishment is an accessory use.

MUNICIPALITY means the Town of Hay River.

NATURAL AREA refers to undeveloped or minimally-developed lands intended for the preservation of environmentally-sensitive areas.

NATURAL RESOURCE EXTRACTION refers to the on-site removal, extraction, and primary processing of raw minerals found under or accessible from the site. Typical uses include gravel pits, sandpits, clay pits, oil and gas wells, coal mining, and stripping of topsoil. This does not include the processing of raw materials transported to the site.

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NATURAL RESOURCE MANAGEMENT ACTIVITY refers to the management, cultivation, harvesting, extraction, and primary processing of fish (commercial), wildlife (hunting and trapping), or wild vegetation (e.g., berries, mushrooms).

NON-CONFORMING BUILDING OR STRUCTURE means a building or structure that was lawfully constructed or under construction at the date of the coming into effect of this bylaw and that does not or will not conform to the requirements of this bylaw.

NON-CONFORMING USE means a use that was lawfully made of land or a building or intended to be made of a building lawfully constructed or under construction at the date of the coming into effect of this bylaw and that does not or will not conform to the requirements of this bylaw.

NUISANCE means anything that interferes with the use or enjoyment of property, endangers personal health or safety, or is offensive to the senses.

OCCUPANCY means the use or intended use of a building or part thereof for the shelter or support of persons or property.

OCCUPANCY PERMIT means a permit allowing for occupancy.

OFFENSIVE OR OBJECTIONABLE means, when used with reference to a development, a use which by its nature, or from the manner of carrying on the same, creates or is liable to create by reason of noise; vibration; smoke; dust or other particulate matter; odour; toxic or non-toxic matter; radiation hazards; fire or explosive hazards; heat; humidity or glare or unsightly storage of goods, materials, salvage, junk, waste or other materials, a condition which in the opinion of the Development Officer may be or become hazardous or injurious as regards health or safety, or which adversely affects the amenities of the neighbourhood, or interferes with or may interfere with the normal enjoyment of any land, building or structure.

OFFICE means a building or part thereof, designed, intended, or used for the practice of a profession, the carrying on of a business, the conduct of public administration, or, where not conducted on the site thereof, the administration of an industry, but shall not include a retail commercial use, any industrial use, health service, financial institution, or place of amusement.

OBSTRUCTION is defined as any dam, wall, wharf, embankment, levee, dyke, pile, abutment, projection, excavation, channel, rectification, bridge conduit, culvert, building, wire, fence, rock/gravel, refuse, fill, structure, road, or matter in, along, across, or projecting into any flood risk area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream/ inland to the damage of life or property.

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OUTDOOR STORAGE refers to the storage of equipment, goods, chattels, raw or processed materials outside of any building, or structure. For the purpose of this by-law the overnight parking of vehicles shall not be deemed to be outside storage.

PARCEL see LOT.

PARK developed or undeveloped open space for recreational use by the public or the preservation of natural areas.

PARKING FACILITY means the area set aside for the storage and parking of vehicles and includes parking stalls, loading spaces, aisles, entrances and exits to the area.

PARKING SPACE, OFF-STREET means an off-street area available for the parking of one motor vehicle.

PARKING SPACE, RESIDENTIAL means the space set aside for the parking of one vehicle on a residential lot and includes garages, carports and driveways.

PARKING STALL means a space set aside for the parking of one vehicle.

PARKING STRUCTURE means a structure designed for the parking of motor vehicles in tiers or floors.

PERMITTED USE is a development or use which is permitted in terms of this bylaw.

PERSONAL SERVICE SHOPS means development used for the provision of personal services to an individual which are related to the care and appearance of the body, or the cleaning and repair of personal effects. This includes: barbershops, hairdressers, beauty salons, tailors, dressmakers, shoe repair shops, and dry cleaning establishments and laundromats. This does not include health services.

PLACE OF ENTERTAINMENT a privately owned commercial uses that are entertainment-based in nature. Typical uses include: movie or other theatre, music halls or auditorium, billiard or pool room, bowling alley, indoor or miniature golf, virtual reality or video game establishment, axe-throwing, or shooting range. These uses may or may be combined with food and drink establishments. This does not include recreation facilities such as arenas, swimming pools, or golf courses.

PLAYGROUND means an area of landscaped open space equipped with play or exercise equipment such as slides, swings, or water features.

PRINCIPAL BUILDING means a building which occupies the major portion of a lot, is the chief or main building on a lot, or constitutes, by reason of its use, the primary purpose for which the lot is used.

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

PRIVATE CLUB means a development used for the meeting, social or recreational activities of members of non-profit, philanthropic, social service, athletic, business or fraternal organizations, excluding on-site residences.

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PUBLIC UTILITY INFRASTRUCTURE, MAJOR means infrastructure that is likely to have a major impact on the environment or adjacent uses by virtue of their potential emissions, traffic generation, noise generation, attraction of wildlife, or appearance. Typical uses include: sanitary land fill sites, sewage treatment plants, sewage lagoons, sludge disposal beds, garbage transfer and compacting stations, power generating stations, cooling plants, district heating plants, incinerators, and waste recycling plants.

PUBLIC UTILITY INFRASTRUCTURE, MINOR means infrastructure that is likely to have relatively minor impact on the environment or adjacent land uses by virtue of their potential emissions, traffic generation, noise generation, attraction of wildlife, or appearance. Typical uses include subsurface pipelines; overhead powerlines; communication towers; vehicle, equipment and material storage yards for utilities and services; snow dumping sites; depots and transfer facilities; surface reservoirs or stormwater lakes; water towers; water treatment plants; power terminal and distributing substation; and gate stations for natural gas distribution.

PUBLIC UTILITY SERVICE refers to the collection, distribution, treatment, or support of a service that is used by the public at large either locally or elsewhere. These services include but are not limited to those associated with power, water, sanitation, stormwater, waste, or communication.

PROTECTIVE AND EMERGENCY SERVICES means development which is required for the public protection of persons and property from injury, harm or damage together with the incidental storage of emergency equipment and vehicles. Typical uses include police stations, fire stations and ancillary training facilities.

PUBLIC USE means a development which is publicly owned, supported or subsidized involving public assembly or use. Public uses typically may include such uses as: public schools, parks, libraries, arenas, museums, art galleries, hospitals, health services, cemeteries, tennis courts, swimming pools, and other indoor and outdoor recreational facilities.

REACH is defined as the longitudinal segments of a watercourse or shore of a waterbody. A reach may include the segment of the flood risk area where flood heights are influenced by a man-made or natural obstruction. In an urban area, the segment of a watercourse or waterbody between two consecutive cross-sections would typically constitute a reach.

RECREATIONAL VEHICLE means a structure that provides temporary accommodation for short-term or seasonal use. These structures are often used while travelling or vacationing and are generally designed to be towed behind a motor vehicle, or are self-propelled, and includes such things commonly known as: travel trailers, campers, fifth wheels, motorhomes, pop-up or tent campers, travel vans, or other similar structures.

RELIGIOUS ASSEMBLY means development owned by a religious organization used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, classrooms, dormitories and other buildings. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents and monasteries. This use class does not include Private Education Services, Public Education Services and Commercial Schools, even as accessory uses.

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RETAIL STORE means a development used for the retail sale of a wide variety of consumer goods including such things as groceries and beverages, electronic goods, furniture and appliances, hardware and home improvement supplies, household goods, printed matter, confectionary, pharmaceutical and personal care items, office supplies, stationary etc., but does not include any retail outlet otherwise classified or defined in this bylaw.

RETAIL STORE, CONVENIENCE means development used for the retail sale of those goods required by area residents or employees on a day-to-day basis, from premises which do not exceed 279 m² (3003 sq. ft) in gross floor area. Typical uses include small food stores, drug stores, and variety stores selling confectionary, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter.

RIDING STABLE means land and buildings used to house horses and for their exercise and training may include a school, boarding stables, tack shop, or other related uses.

SECOND STOREY means the storey located above the first storey.

SENIOR HOUSING refers to residential development intended for occupation limited to seniors only.

SHOPPING CENTRE means two or more commercial establishments planned, developed and managed as a unit on a lot or lots and served by off street parking, and includes the total area upon which the buildings are located.

SIGN means an object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event.

SIGN, BILLBOARD means a sign supported by one or more uprights, braces, or pylons, which stands independently of a building and may or may not contain advertising copy related to the development within the lot upon which the billboard sign is located.

SIGN, CANOPY means a canopy or awning which projects from a structure or building and displays the building or proprietor's advertising or identification.

SIGN, FASCIA means a sign, plain or illuminated, running parallel for its whole length to the face of the building to which it is attached, but in no case does its vertical dimensions exceed 1.5 m (5 ft).

SIGN, FREESTANDING means a sign supported by one or more uprights, braces or pylons and which stands independently of buildings.

SIGN, OFF-SITE means a sign that advertises goods, products, services or facilities or directs persons to a different location from where the sign is located. Such a sign is not located on the site of the goods, products, services, or facilities advertised.

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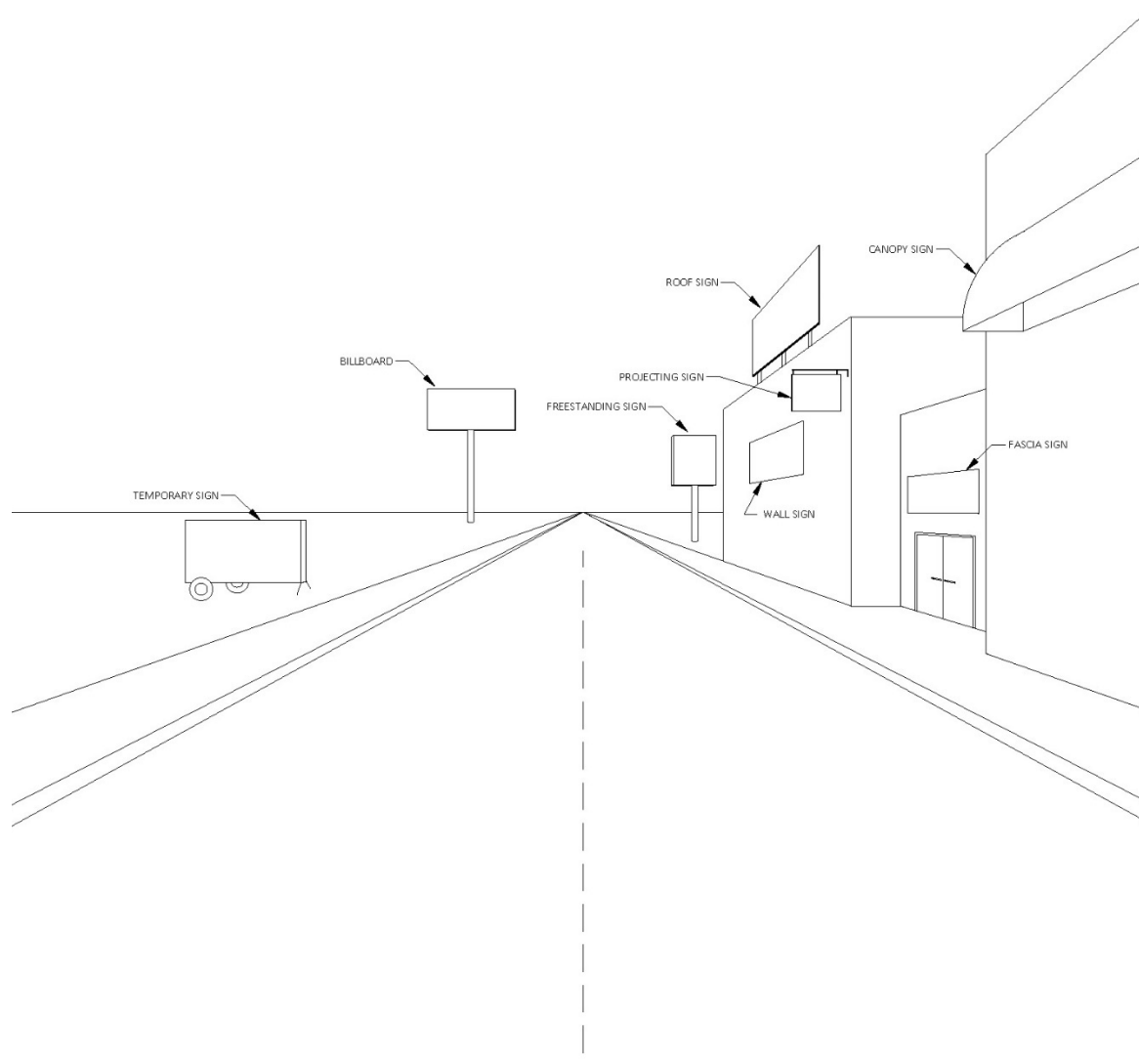


Figure 4.2 - Types of signs

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SIGN, PORTABLE means a sign with a total area on one face of greater 3.0 m² (32.3 sq. ft) mounted on a frame or on a trailer, stand or similar support and which together with the support can be relocated to another location, and may include copy that can be changed manually through the use of detachable characters.

SIGN, PROJECTING means a sign other than a canopy or awning sign which projects at right angles from a structure or a building face or wall. This does not include a sign attached to the ground.

SIGN, ROOF means any sign erected upon, against or directly above a roof or on top of or above the parapet wall of a building.

SIGN, TEMPORARY means a sign which may or may not be portable in nature and which is located on a lot for a limited or specified period of time.

SIGN, UNDER-CANOPY means a sign which is attached to the bottom face of a canopy.

SIGN, WALL means a sign that is attached to or placed flat against the exterior wall or surface of any structure of any building, no portion of which projects more than 0.1 m from the wall and which does not project above the roof or parapet.

SITE means one or more lots for which an application for a development permit is made, and may include streets, lanes, walkways, and any other land surface upon which development is proposed.

SITE AREA means the total area of a site.

SITE BOUNDARIES means those boundaries which bound the site as determined by the Development Officer.

SITE, CORNER means a site at the intersection or junction of two abutting streets.

SITE COVERAGE means the combined area of all buildings or structures on a site as a percentage of the total site area, measured at the level of the lowest storey above grade, including all porches, verandas, decks and balconies whether open or covered but excluding open and enclosed terraces or patios at grade, steps, cornices, eaves and similar projections.

SITE DEPTH means the average horizontal distance between the front and rear site boundaries or lot lines of a site.

SITE, FLANKING means a corner site on which a side boundary is abutting onto a street and where only one front yard setback is required.

SITE, INTERIOR means a site which is bounded by only one street.

SITE WIDTH means the average horizontal distance between the side boundaries or lot lines of a site.

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STOP WORK NOTICE means an order, in writing, requiring the person or persons responsible for any contravention of this bylaw to stop the development or use of land or building in whole or in part as directed by the order.

STOREY means that portion of the building which is situated between the top of any floor and the top of the floor next above it. If there is no floor above it, the storey is the portion of the building which is situated between the top of any floor and the ceiling above it. If the top of the floor directly above a basement is more than 1.8 m (6 ft) above grade, such basement shall be considered a storey for the purpose of this bylaw.

STOREY, HALF means a storey under a gable, hip, or gambrel roof, the wall plates of which, on at least two opposite walls, are not more than 2 feet above the floor of such storey.

STREET means a thoroughfare 9.5 m wide or more which is used by the general public and which affords the principal means of access to abutting property. Streets shall be designated as either local, for neighbourhood traffic, or collectors for heavier volumes. This does not include private roads in condominium developments or mobile home parks.

STREET, FLANKING means a street abutting the side yard of a lot or site.

STREET, FRONTING means a street abutting the front yard of a lot or site.

STRUCTURE means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground. Structures include buildings, walls, fences, billboards, and poster panels.

SUPPORTED LIVING FACILITY refers to a facility that is licensed to provide 24-hour personal care or supervision to those who have physical and/ or mental health challenges but do not need nursing support.

TEMPORARY DEVELOPMENT means a development for which a development permit has been issued for a limited time only (See Section 3.7.3).

TEMPORARY SHELTER SERVICES means the provision of communal, transient accommodation sponsored or supervised by a public authority or nonprofit agency intended to provide basic lodgings for persons requiring immediate shelter and assistance for a short period of time.

TOURIST CAMPSITE means a site which provides for the temporary location of tents and trailers used by travellers and tourists for overnight accommodation.

TOURIST LODGE means a building, with or without smaller ancillary buildings or cabins, providing rooms for temporary tourist lodging which does not normally exceed 14 days.

TRAILER, VACATION means any portable accommodation providing temporary living quarters for persons vacationing or travelling.

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USE means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

VEHICLE SALES AND SERVICE means the premises where motor vehicles may be repaired, equipped, parked or stored for remuneration, sale, or display, including vehicle washing facilities as an ancillary use, but excluding gas bars, recreation vehicles or heavy equipment sales/rentals.

VEHICLE, DISMANTLED OR WRECKED means a motorized vehicle that is not legally registered with the Territorial Government and is in a condition of disrepair rendering it immobile and/or it is not considered structurally safe to operate on a public roadway. Subject to Sections 178 and 180 of the Cities, Towns and Villages Act, Council may, by bylaw, provide for the removal and disposal of vehicles that:

- k) are inoperable, wrecked or dismantled;
- l) are not located in a building; and
- m) do not form part of a business lawfully operated on the premises.

VETERINARY CLINIC means development used for the care and treatment of animals where the veterinary services may involve inpatient and outpatient care and medical procedures involving hospitalization. This use includes animal hospitals and shelters, pet clinics and veterinary offices.

WAREHOUSE SALES refers to a building or part of a building used for the storage and distribution of goods, wares, merchandise, substances, or articles and may include facilities for a wholesale or retail commercial outlet. This includes the sale of bulky items such as furniture, carpet, major appliances, and home building supplies.

WAREHOUSE, PERSONAL STORAGE refers to a compartmentalized warehouse facility or complex, designed for rental of separate storage areas usually for the storage of personal property.

WATERBODY is defined as a lake, a pond, or a reservoir either naturally or artificially created which periodically or continuously contains water.

WATERCOURSE is defined as an open defined channel, river, drain, or ditch either naturally or artificially created which intermittently or continuously contains moving water.

YARD means a required open space unoccupied and unobstructed by any structure or portion of a structure above the general ground level of the graded lot, unless otherwise permitted in this bylaw.

YARD, FRONT means that portion of the lot extending across the full width of the lot from the front property boundary of the lot to the exterior wall of the building.

YARD, REAR means that portion of the lot extending across the full width of the lot from the rear property boundary of the lot to the exterior wall of the building.

YARD, SIDE means that portion of the lot extending from the front yard to the rear yard and lying between the side property boundary of the lot and the nearest portion of the exterior wall of the building.

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YARD, SIDE (Flanking) means a side yard abutting a street on a corner lot.

ZERO LOT LINE means a zero side yard along the common property line of two semi-detached units.

ZONE means a defined area or district of the Town as set out in Schedule 1 of this bylaw and shown on the Zoning Map and is used to regulate the use and development of land.

ZONING MAP means the map forming part of this bylaw delineating the boundaries of the zones set out in this bylaw and marked Zoning Bylaw Map.

5.0 GENERAL REGULATIONS

5.1 APPLICABILITY OF GENERAL DEVELOPMENT REGULATIONS

1. The General Development Regulations apply to any development on any site, irrespective of the zone in which it is located. Where these Regulations appear to be in conflict with regulations of a specific zone, the General Development Regulations shall take precedence.

5.2 ARCHITECTURAL CONTROLS

1. The purpose of this section is to provide the Town of Hay River with controls and guidance so that aesthetically attractive and compatible development is provided throughout the municipality.
2. The design, siting, external finish, and architectural appearance of all land, buildings, including any accessory buildings or structures and signs, shall be to the satisfaction of the Development Officer for a permitted use; and of Council for a Discretionary Use. This is done so that there shall be general conformity in such matters with respect to adjacent buildings and that there may be adequate protection afforded to the amenities of adjacent lot.
3. Pursuant to Sections 5.2(1) and (2), the Development Officer or Council shall consider all of the following when reviewing development proposals in all zones:
 - a) the design, character, and appearance of all buildings must be compatible with any other buildings existing in the vicinity unless the building is setting a new standard of design and character for the land use zone or a particular location within it;
 - b) the design of the building must be consistent with the purpose and intent of the land use zone in which it is located;
 - c) the siting of buildings must conform with the prescribed setback requirements;
 - d) the height, coverage, size, and shape of the buildings should be consistent relative to existing adjacent buildings;
 - e) the external finish of the principal and accessory buildings should be reviewed for consistency with respect to colour, finish, and texture;
 - f) the impact of a proposed building on the existing streetscape should be considered to maintain conformity of sight lines, and to reduce any extreme and distracting variations;
 - g) the use of landscaping should be encouraged to enhance the appearance of a development;
 - h) the existing trees and natural features should be preserved in new subdivisions and developments; and
 - i) the building or structure shall comply with any provisions which set out specific guidelines as to the design, character, appearance, or building materials to be used within a zone or area, or any architectural control guidelines adopted by Council.
4. Further to Section 5.2(3), the Development Officer or Council shall consider, but not be limited to, the following criteria when evaluating the design, character, and appearance of development proposals:

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- a) Guidelines for Commercial and Industrial Development:
- i. The harsh contrasts of very large buildings mixed with small buildings can be softened by using similar sizes and shapes of massing elements like roof lines, exterior design, and treatment.
 - ii. Blank, unfinished walls give a very bland appearance to the streetscape. Particular attention should be given to reduce large vacant spaces between buildings which are left open to the public view.
 - iii. Rooftop mechanical equipment should be hidden from view from public streets and from adjacent buildings.
 - iv. Utility installations and buildings should be located in such a manner so as to be compatible with adjacent buildings and development. This may be achieved by placing utility installations within buildings wherever possible or developing utility buildings which blend into the surrounding area.
 - v. Natural features are an important part of the urban environment and should be given a high priority in developing a site. This may be achieved by, for example, preserving existing trees wherever possible.
 - vi. Corner sites at the intersection of major streets should be given special consideration. Sight lines for drivers and more pedestrian space are features which should be incorporated into the design of buildings on corner sites.
 - vii. Buildings should provide weather protective overhangs at outdoor pedestrian areas and at building entrances. The overhangs can be achieved through the use of cantilevers, awnings and canopies.
 - viii. Long buildings along the street front should include a public route through the building which can be used by pedestrians to access parking areas or simply to avoid having to walk around the building.
 - ix. Pedestrian areas in parking lots should be designed for safety and at a pedestrian scale. The combination of landscaping and pedestrian walkway connections from the parking area to the shopping area can act as a windbreak, slow the traffic in the parking area and soften the harsh visual impact of large asphalt areas.
 - x. Illumination of commercial and industrial lots should not shine into residential windows.
 - xi. On-site parking, loading, and shipping areas are less attractive elements of a streetscape and should be hidden from public roadways by buildings, screening and landscaping.
 - xii. Outdoor storage and garbage collection areas are generally unsightly and undesirable elements from public roadways and should be screened or hidden

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behind buildings. Existing storage and garbage collection areas should be screened from roadways by using berms, walls, and landscaping.

- xiii. Signage on the building facade should be integrated with signage in the immediate vicinity and the zone as a whole to avoid the creation of visual cluttering, clashing or detracting from the appearance of the area or street.

b) Guidelines for Residential Development:

- i. Visual privacy of internal living space and areas should be maintained in new and existing developments. The use of berms, landscaping and the orientation of the dwellings and the living space windows can improve the visual privacy between developments.
 - ii. Identical or similar housing styles, models, designs and colours should be discouraged. The same housing colour, design or treatment should not be used for any more than three adjacent dwellings.
 - iii. The intensity of colours should be restricted while encouraging the use of earth tone and pastel colours with natural finishes like wood and brick.
 - iv. Any accessory building built on a lot, such as a detached garage or garden shed, should be similar to the principal building in terms of proportional mass, roof line, and exterior treatment.
 - v. Developments should be encouraged to possess good proportion in the front elevations through the use of such elements as dormers, by windows, shutters, brickwork, roof lines and variations of window sizes.
5. Further to the above sections, Council may adopt more detailed architectural control guidelines where Council wishes to achieve a higher standard of design and appearance within a specific development, subdivision or neighbourhood.
6. Where Council adopts architectural control guidelines for a specific subdivision or neighbourhood, the following elements shall be contained in the document in order to ensure the aesthetic and functional quality of development:
- a) the compatibility of lot grading and drainage requirements within the lot;
 - b) the placement of the structure/building on the site to ensure proper utilization of the land and compatibility with surrounding structures/ buildings;
 - c) the styling and type of structure/building to ensure compatibility with surrounding structures/buildings; and
 - d) the compatibility of exterior finish and coordination of colour relationships.
7. Where Council adopts architectural control guidelines, the Development Officer shall ensure the controls are adhered to using, but not limited to, the regulations and mechanisms contained in Sections 3 and 5.2 of this bylaw.

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8. The Town of Hay River may require that the developer register a Restrictive Covenant against the lot or subdivision in order to ensure ongoing conformance with the architectural control guidelines.

5.3 LANDSCAPING REQUIREMENTS

1. In residential zones, the maximum width of the driveway entrance at the street is 8 m (26 ft). The remaining area of the front yard will be landscaped. The landscape area must be covered with a landscape material, such as, but not limited to, turf-seeded, turf-sodded, weed barrier fabric, mulch, decorative pavers, washed gravel, shale or similar treatments and/or flower beds.
2. On-site landscape plantings are required for new developments in all commercial zones and for multiple-unit and institutional buildings in any zone.
3. Where lots back onto the Highway, landscaping will be required both in the front and the rear of the property.
4. New landscape plantings shall consist of perennial herbaceous and/or woody plant species known to be hardy in the Hay River area. Where possible, to provide winter interest, evergreen shrubs and trees and/or deciduous shrubs and trees that have interesting bark, fruit, or form shall be used. Existing healthy woody plants (trees, shrubs) can count towards the landscaping requirements.
5. The required landscape planting area in square metres is calculated based on 2.5 m (8.2 sq. ft) multiplied by the total public road frontage of the property in metres. One tree planted per 25 m² (269 sq. ft) landscape planting area or one shrub planted per 15 m² (162 sq. ft) landscape, with numbers rounded. Where the calculation of the total number of trees or shrubs required results in a fractional number, the total number of trees and shrubs required shall be the next highest whole number.
6. In the C2 and C3 zones, the planting area must be at least 2 m (6.6 sq. ft) wide. In C1 zones, there is no minimum width of the planting area.
7. The minimum size of deciduous trees is 60 mm caliper. The minimum height of coniferous trees is 1.75 m (5.74 ft) as measured from ground level. The minimum size of shrubs is #2 pot (7.57 l / 2 gallon) or 1 m (3.3) height balled-and-burlapped as measured from ground level.
8. Adequate means of routine watering of plant materials shall be provided on site. These means may take the form of automatic sprinkler systems, low-emission, drip or trickle irrigation, weeping hoses, gravity feed systems, hose and sprinkler systems, or other means as approved by the Development Officer. Particular attention is to be paid to adequate watering during the establishment phase to optimize survival of newly planted materials.
9. Screening of storage areas is required in all commercial zones and shall be located to the rear or side of the principal building and shall be screened from view from any street and from adjacent sites in a residential zone.
10. The ground of the landscape area must be covered with a landscape material, such as, but not limited to, turf-seeded, turf-sodded, weed barrier fabric, mulch, decorative pavers, washed

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gravel, shale or similar treatments and/or flower beds. A Development Officer may require a combination of different landscape ground cover treatments for the purpose of increasing the diversity and appeal of the landscape area. In no instances shall non-organic material be used as the sole landscape ground cover on a site. In the case where gravel, shale, mulch, or a similar loose material is used for landscaping, suitable containment must be implemented to the satisfaction of the Development Officer, to ensure that the material is maintained on private property and does not migrate on to public streets, sidewalks, etc.

5.4 BUILDING FOR PUBLIC USE

1. All buildings proposed for public use, including apartments, religious assemblies, commercial and industrial buildings, must, conform to the National Building Code of Canada and have the approval of the health authorities of the Northwest Territories and the NWT Fire Marshall.
2. All buildings proposed for public use shall provide accessible facilities conforming to the latest revision of the National Building Code of Canada.

5.5 CORNER LOTS

1. In addition to the specific lot regulations of this bylaw, any development involving a corner site in any zone shall comply with all the restrictions, limitations, and conditions relating to visibility approaching road intersections as may be required by the Development Officer or Council.
2. These conditions shall apply to the area formed within a corner site by the two street property lines and a straight line which intersects each of them 7.5 m (25 ft) from the corner where they meet.
3. The area located within the above noted dimensions shall provide un-obstructed visibility and for the purpose of this bylaw be known as the ~~Site~~ Sight Triangle.
4. In residential zones, a site abutting onto two streets shall have front and side yard requirements in accordance with this bylaw based on the following:
 - a) the longer of the yards abutting a street on a corner lot shall be referred to as the flanking side yard; and
 - b) the shorter of the yards abutting a street on a corner lot shall be referred to as the front yard.

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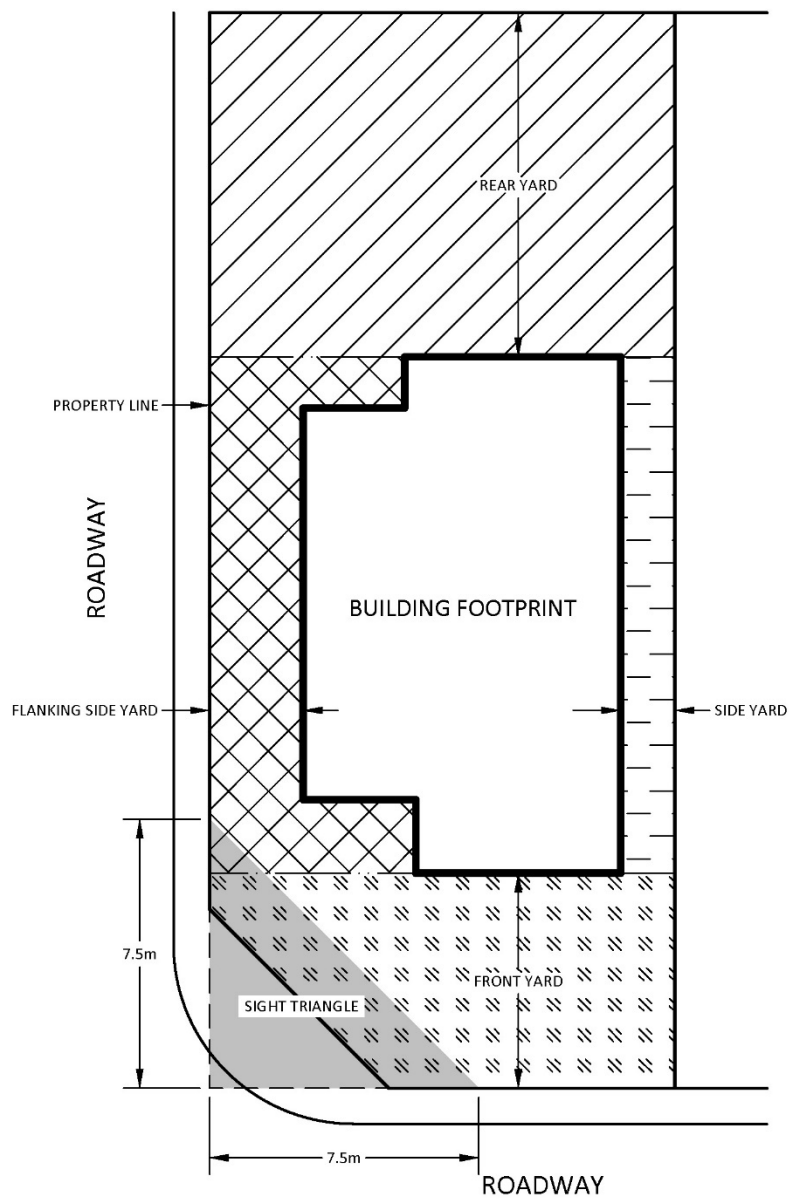


Figure 5.1 - Flanking side yard

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5.6 AIRPORT VICINITY

1. When a proposed development occurs within the vicinity of the Hay River Airport, the development shall conform to the Hay River Airport Zoning Regulations passed pursuant to the Aeronautics Act.

5.7 PROXIMITY TO PIPELINES, POWER LINES, FIRE HYDRANTS AND RIGHTS-OF-WAY

1. Where any distribution pipeline carrying highly pressurized gas or volatile liquid crosses, or is situated in the vicinity of, land which is proposed for development, no habitable building shall be sited closer than 15.5 m (51 ft) to the centre line of the pipeline right-of-way or the pipeline, whichever is closest.
2. The following distances shall be considered the minimum amount of separation required between overhead power transmission lines and buildings, signs, bridges, light standards, antennas or other objects:

OVERHEAD EQUIPMENT OR CONDUCTOR	SEPARATION DISTANCE	
	HORIZONTAL	VERTICAL
0-750 V insulated	300 mm (11.81 in)	300 mm (11.81 in)
Above 750 V insulated	1.0 m (3.28 ft)	3.0 m (9.84 ft)
0-2 2 kV *	3.0 m (9.84 ft)	5.0 m (16.40 ft)
ABOVE 22 kV *	3.0 m (9.84 ft) Plus 10 mm (0.39 in) / kV in excess of 22 kV	5.0 m (16.40 ft) Plus 10 mm (0.39 in) / kV in excess of 22 kV
* Bare, exposed, or non-rated insulation		

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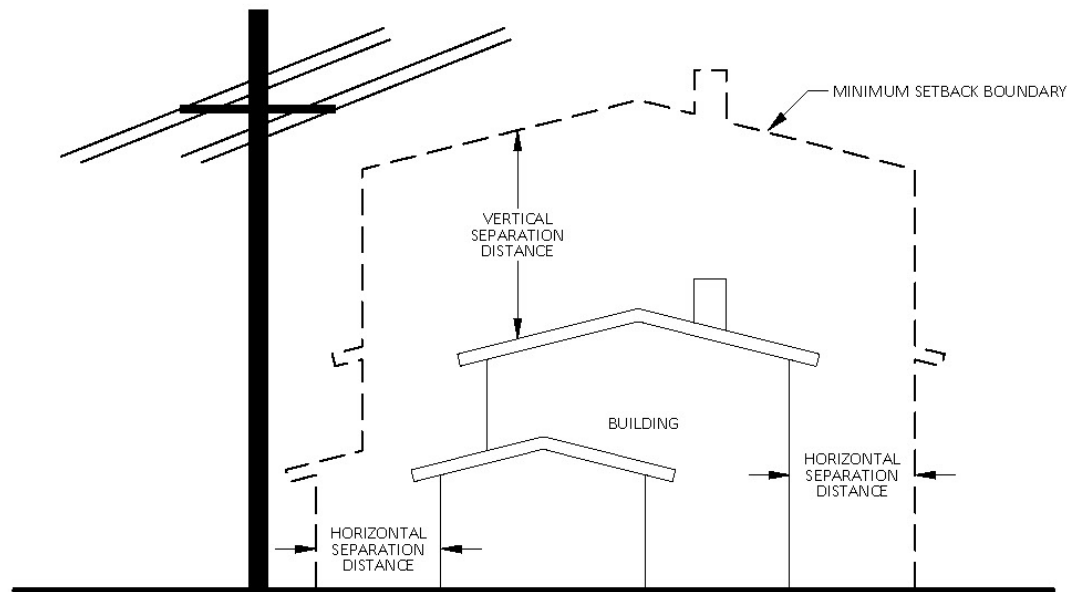


Figure 5.2 - Power line clearances

3. No development shall be allowed over or above an existing underground gas pipe or gas service line unless the Development Officer has been advised in writing by the operator of such public utility that satisfactory arrangements have been made for the relocation of such piping or service line.
4. Development shall not be permitted within the right-of-way of an operating railway or the right-of-way of a designated highway under the Public Highways Act.
5. Additional set-back distances may be required for developments which are in close proximity to railway crossings if, in the opinion of the Development Officer, such development may pose safety concerns with regard to sighting distances.
6. The Development Officer shall ensure that all development immediately adjacent to a public highway shall be in conformance with all the relevant regulations and policies of the Government of the Northwest Territories.
7. Fences, landscaping and other obstructions shall be located a minimum of 1.5 m from any fire hydrant. Property owners are responsible for ensuring that fire hydrants abutting their property are kept clear of debris and are visible at all times.

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5.8 ACCESS AND UTILITIES

1. When a proposed development adjoins a highway, a service roadway of not less than 20 m (66 ft) in width shall be provided adjacent and parallel to the highway.
2. No residential or commercial development shall be allowed unless there is access to an all-weather public roadway for use by emergency vehicles.
3. Development permits shall not be issued where in the opinion of the Development Officer or Council satisfactory arrangements have not been made with the Town as to the supply to the required subdivision of any or all of the following services: water, electricity, sanitary sewer, street access, or other services or facilities, including the payment of costs of installing any such service or facility.
4. Any development which cannot be served by a public sewer and public water system shall have private sewer and water systems that are approved by Council and have such site areas as may be required by Council. In determining such site area Council shall refer the proposed development to local health authorities and shall give due consideration to the recommendations of those authorities in relation to the nature of the site.

5.9 SOILS AND DRAINAGE

1. No development shall be allowed unless the nature of the surface and subsoil of the land is such that good drainage, and the stability of the buildings and structures, can be assured.
2. The Development Officer may specify, as a condition of the development permit, the requirement that work relating to drainage and soil stability be carried out.
3. In all cases, lot grades shall be established with the following minimum requirements:
 - a) the centre of the lot shall be 18" higher than the centre line of the roadway onto which it fronts; and
 - b) a minimum 2% gradient for drainage shall be provided.
4. All lot grading shall be to the satisfaction and/ or discretion of the Development Officer.

5.10 EXCAVATION AND CONSTRUCTION WORK

1. As a condition of approving a permit, the Development Officer shall require that all necessary safety measures will be taken and that the excavations, storage or piling up of materials required during the construction stage shall not continue any longer than reasonably necessary to complete the particular stage of the construction work.
2. The person to whom the permit has been granted shall be fully responsible for any loss or injury incurred by any person or damage to any property caused by excavations, storage, or piling up of material.

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5.11 MOVING BUILDINGS

1. No person shall move a building, structure, or mobile home larger than 14 m² (151 sq. ft) within, into or out of the municipality unless he has first obtained a Development Permit – Moving.
2. The Development Officer may refuse to issue a permit for the moving of a building, structure, or mobile home if:
 - a) there are any taxes or other charges due to the Town with respect to the building or the lot on which it is situated, unless arrangements satisfactory to the Senior Administration Officer have been made for payment of such taxes or other charges; or
 - b) the building would fail to conform to the requirements of the zone into which it is proposed the building be moved.
3. The Development Officer shall require the owner of a building that has been moved to acquire a Development Permit - Utility before power services are connected at the new location.
4. The Development Officer may, as conditions of a permit for the moving of a building, require such renovations and alterations as may be necessary so that the building will conform with the current requirements of the following:
 - a) The zone into which the building is moved;
 - b) The National Building Code of Canada;
 - c) The National Fire Code of Canada;
 - d) The NWT Fire Marshall;
 - e) The Hay River Office of the Hay River Community Health Board; and,
 - f) The Regulations for Construction in Flood Fringe Areas.
5. The Development Officer may require the owner of a building that is to be moved to post a performance bond that shall be held to ensure any renovations or alterations required in subsection 5.11 (4) be completed within a specified time period.
6. No Development Permit - Occupancy shall be granted until all renovations and alterations required in subsection 5.11 (4) have been completed to the satisfaction of the Development Officer.
7. No Development Permit - Occupancy shall be granted until all moved buildings have been inspected by the Town Building Inspector as appointed by the Development Officer.
8. The Development Officer or Council may make conditions as to the time and the manner in which the building may be moved so as to avoid or minimize damage to streets and power or telephone lines, and to ensure the safe and expedient flow of traffic while moving operations are in progress.

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5.12 FENCES IN RESIDENTIAL ZONES

1. A person shall not construct a fence on a site in a residential zone that is higher, measured from the general ground level 30.5 cm (1 ft) back of the property line on whichever side of the fence is lower, than:
 - a) 1.98 m (6.5 ft) for the portion of the fence that does not extend beyond the foremost portion of the principal building on the site. The Development Officer may allow a fence to be erected up to 2.44 m (8.0 ft) in height upon the written consent of the owners of the property adjacent to such a fence where, in his opinion, it would not adversely affect the amenities of the area;
 - b) 1 m (3.3 ft) for the portion of the fence that does extend beyond the foremost portion of the principal building on the site, provided that the Development Officer may allow a fence to be erected to not more than 1.83 m (6.0 ft) in height if, in his opinion, it will not prejudice the amenities of the zone; and
 - c) in the case of corner lots, the foremost portion of the principal building referred to in (a) and (b) of this subsection 1 shall apply to both faces of the building fronting onto each street.
2. There shall be no obstruction to vision, at an intersection, by fences over the height of 1.0 m (3.3 ft) above established grades and streets, and within the area defined as the Sight ~~Site~~ Triangle under Section 5.5 of this bylaw which is formed on a corner site by the two street property lines and a straight line which intersects each of them 7.5 m (24.5 ft) from the corner where they meet.

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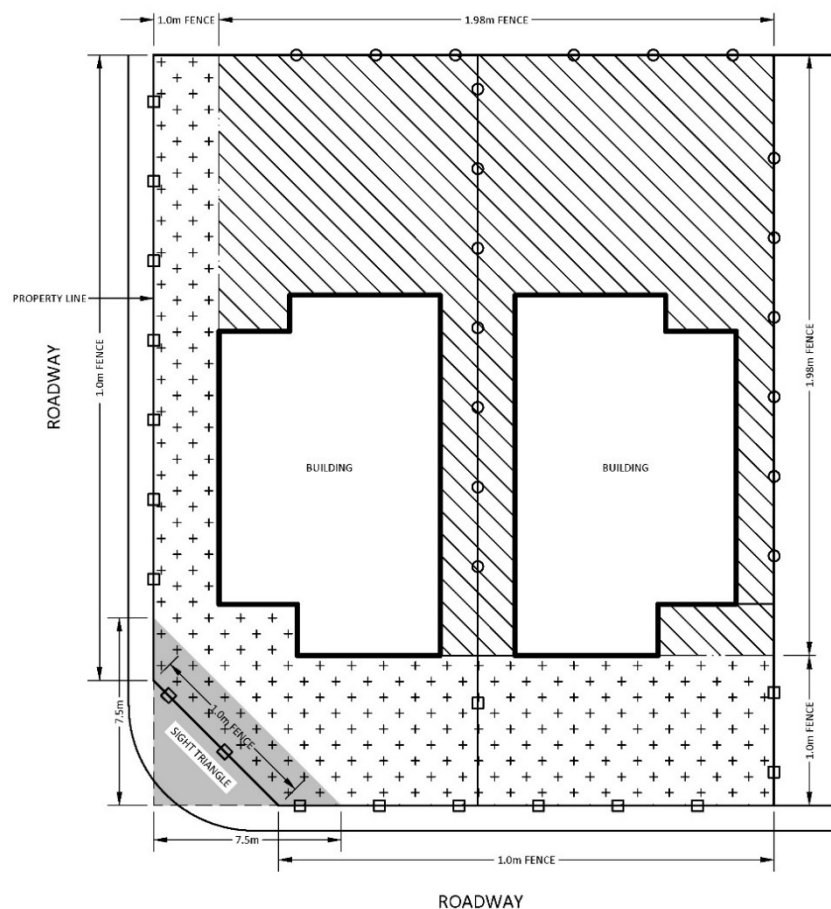


Figure 5.3 - Fence heights

5.13 OBJECTS PROHIBITED OR RESTRICTED IN RESIDENTIAL ZONES

1. No person shall keep in any part of a yard in the R1 (A, B, C), R2, R3, R4, RM, and RC zones:
 - a) any commercial vehicle loaded or unloaded of a maximum weight in excess of 4,082 kilograms (9,000 lbs.) other than for temporary loading and unloading;
 - b) the storage of any dismantled or wrecked vehicle for more than seven days without the written permission of the Development Officer;
 - c) the storing of objects or chattels which are unsightly or tend to affect adversely the amenities of the zone; and
 - d) the excavation, storage or piling up of materials required during the construction stage, pursuant to Section 5.10 of this bylaw.

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2. In accordance with the Town of Hay River Garbage Bylaw (as amended), garbage shall be stored in weather-proof containers screened from adjacent sites and public streets to the satisfaction of the Development Officer and shall be in a location easily accessible for pickup.
3. Storage areas for goods or materials normally associated with the enjoyment of residential property is permitted only in the rear and interior side yards of any lot in a residential zone. In the case of a corner lot, such storage is not permitted within the front or exterior side yard setback.
4. Between the period of October 31st and May 1st, recreational vehicles, utility trailers, and boats shall be stored in the rear or side yard or may be stored in a front yard driveway, provided they do not project further than 2 m into a front yard. In the case of a corner lot, recreational vehicles, utility trailers, and boats may be stored in an exterior side yard provided that the area is screened from view with either fencing or landscaping. At all other times of the year, recreational vehicles, utility trailers, and boats may be stored in a front yard driveway.
5. Outside storage areas shall be screened from adjacent sites and streets.

5.14 SUBDIVISION DEVELOPMENT

1. Any development covering an unsubdivided area of 0.5 ha or more in extent and which will result in the erection of a multiple number of commercial, residential or industrial units shall be submitted, notwithstanding the other provisions of this bylaw, to the Council for its approval and Council may establish additional standards and requirements to ensure that the area is developed to the highest standards or use and amenity. The application for a development permit shall be accompanied by an overall plan and shall state whether the development is to be completed in one continuous operation or in defined stages.

5.15 FLOOD RISK REGULATIONS

Purpose

1. The Purpose of the Regulations in this section is to regulate the development of flood hazard areas in Hay River so as to promote the public health, safety and general welfare and to minimize the adverse effects of periodic inundation including but not limited to loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base all of which adversely affect the public health, safety and general welfare. Accordingly, the provisions contained herein are so designed to:
 - a) restrict or prohibit uses which are dangerous to health, safety, or property in times of flood or which cause excessive increases in flood-stage elevations or water velocities;
 - b) require that uses vulnerable to floods, including public facilities which serve such uses, be protected against flood damage at the time of initial construction; and
 - c) protect individuals from buying lands which are unsuited for intended purposes because of flood risk.

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Warning and Disclaimer of Liability

2. The degree of flood protection intended to be provided by this bylaw is considered reasonable for regulatory purposes and is based on historical records and engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood height may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. These Regulations do not imply that areas outside the flood risk area boundaries will always be totally free from flooding or flood damages. Nor shall these regulations create a liability on the part of, or be a cause of, action against the Town of Hay River or any officer or employee thereof for any flood damages that may result from reliance on these regulations.

Non-Conforming Structures

3. Any existing structures that do not meet the required flood proofing standards equal to or above the National Building Code of Canada and/or the Canada Mortgage and Housing Corporation Technical Builders Bulletin or that the first floor is not equal or above the level of freeboard elevation shall be considered non-conforming until such time as the structure may be brought up to meet the standards.

Fill and Dredging

4. The Development Officer or Council may require an evaluation of any fill or dredging activities on flood carrying capacity and the extent of the flood risk area. This material shall be referred to the appropriate federal agency having jurisdiction for review and comment as to acceptability of these proposed actions before a decision is rendered by the Development Officer or Council.

Flood Risk Areas

5. The flood risk areas to which these regulations are applicable have been divided into two areas, a Floodway Area and a Floodway Fringe Area. For greater certainty, the Town of Hay River 1:2000 Flood Risk Maps should be consulted.

Floodway Area

6. No use shall adversely affect the efficiency or unduly restrict the conveyance/storage capacity of the Floodway or of any tributary to the main watercourse or waterbody, drainage ditch or any other drainage facility.
7. The conveyance/storage capacity of the floodway shall not be diminished so as to cause excessive increases in flood stage elevations or in water velocities during a flood event. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach either on both sides of the watercourse or along the shoreline of a waterbody.
8. Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount thereof not greater than is necessary to achieve the purposes, as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions of the proposed fill or other materials. Such fill or other materials

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shall be protected against erosion by rip-rap, compacting, bulkheading, or some other approved method of preventing erosion.

9. The storage or processing of materials that are, in time of flooding buoyant, flammable, explosive, toxic or that could be injurious to human, animal or plant life, is prohibited. Storage of other material or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent floatation or readily removable from the area within the time available after flood warning.

Floodway Fringe Area

10. The purpose of the Floodway Fringe Area is to reduce the flood vulnerability of uses and structures located in that portion of the flood risk area so designated by requiring that all further undertakings be flood proofed, and to minimize the threat to public safety, health and welfare that may occur during a flood event of a frequency equal to or higher than that of the design flood event. The Floodway Fringe is generally characterized by water velocities of less than 1 m (3.3 ft) per second and flood stage elevations of less than 1 m (3.3 ft).
11. Only structures that are flood proofed by raising their first floor to the level of freeboard elevation or that are designed and constructed as to be watertight and have sufficient structural integrity to withstand the hydrostatic and hydrodynamic pressures and other factors associated with inundation to the freeboard elevation including but not limited to the impact of water-borne debris floating in water flowing at a rate of 1 m (3.3 ft) per second. The National Building Code of Canada and/or the regulations of the Canada Mortgage and Housing Corporation shall serve as the minimum design and construction requirements for flood proofing.
12. Notwithstanding subsection 11 above, the Council may, upon consulting the Development Officer, authorize the location of uses at an elevation below the level of freeboard elevation if such uses will not be subject to flood damage and which will not cause flood damage to other lands. Such uses shall not be eligible for flood-damage compensation.
13. Any use which presents a hazard to life and property either before, during or after a flood event shall be prohibited from the flood risk area unless adequate safeguards can be developed so as to render the hazard impotent.
14. Upon receiving an application for development within the area identified as the Floodway Fringe, the Development Officer or Council shall, prior to rendering a decision thereof:
 - a) require the applicant to furnish the following information which may be deemed necessary by the Development Officer or Council for determining the suitability of the particular site for the proposed use:
 - i. plans drawn to a scale of 1:2000 showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures, and the relationship of the above to the location of the floodway, and the floodway fringe, where applicable, and the design flood elevation,

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- ii. a typical valley cross-section showing the channel/ shoreline of the watercourse/ waterbody, elevation of land areas adjoining the channel/ shoreline, cross-sectional areas to be occupied by the proposed development, and high-water information,
 - iii. plan (surface view) showing contours of the ground with at least a 1 m (3.3 feet) interval; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; locations and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream and downstream, soil types, and other pertinent information,
 - iv. profile showing the slope of the bottom of the watercourse,
 - v. specifications for building construction and materials, flood proofing, filling, grading, storage of materials, water supply and sanitary facilities, and
 - vi. a contingency plan outlining emergency action to be undertaken in the event of a flood and/or of failure of the flood proofing techniques adopted;
- b) one copy of the information described in Section 5.15(14)(a) above may be transmitted to a designated professional engineer or other expert or agency having jurisdiction for technical assistance, where necessary, in evaluating the proposed project in relation to flood-stage elevations and water velocities; the seriousness of flood damage to the use, the adequacy of the plans for flood-damage mitigation and other technical matters;
- c) based upon the technical evaluation carried out pursuant to Section 5.15(14)(b) above, the Development Officer or Council shall determine the specific flood risk at the site and shall evaluate the suitability of the proposed use in relation to the flood risk; and
- d) in reviewing such an application, the Development Officer and Council shall consider all relevant factors specified in other sections of this bylaw; and
- i. the danger to life and property owing to increased flood stage elevations or velocities caused by encroachments,
 - ii. the danger that materials may be swept on to other lands or downstream to the injury of others,
 - iii. the proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions during a flood,
 - iv. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner,
 - v. the importance of the services provided by the proposed facility to the community,
 - vi. the requirements of the facility for a waterfront location,

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- vii. the availability of alternative locations not subject to flooding for the proposed use,
- viii. the compatibility of the proposed use with existing development and development anticipated in the foreseeable future,
- ix. the relationship of the proposed use to the general plan and flood plain management program for the area, if in existence,
- x. the safety of access to the property in times of flood for ordinary and emergency vehicles,
- xi. the expected flood-stage elevations, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site, and
- xii. such other factors which are relevant to the purposes of this bylaw.

15. Conditions Attached to Development Permits for Uses in Flood Risk Area:

- a) upon consideration of the factors listed above and the purposes of this By-law, the Development Officer or Council may attach such conditions to the granting of Development Permits for uses in the flood risk areas as it deems necessary to further the purposes of this bylaw. Such conditions may include:
 - i. modification of waste disposal and water supply facilities,
 - ii. limitations on periods of use and operation,
 - iii. imposition of operational controls, sureties, and deed restrictions,
 - iv. purchase of easements or first option, and
 - v. submission of a plan or document certified by a professional engineer/architect that the flood proofing measures are consistent with the freeboard elevation and associated flood factors for the particular area. The flood proofing measures as outlined in the National Building Code of Canada and/ or the Regulations of the Canada Mortgage and Housing Corporation shall apply.

5.16 REQUIREMENTS FOR CONSTRUCTION IN FLOODWAY FRINGE AREAS

Scope of Application

1. This section applies to buildings of all types located within the flood risk area or the floodway within a flood plain which has been designated jointly by the Federal Ministers of the Environment and Indian and Northern Affairs, and the Commissioner of the Northwest Territories.

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2. Flood proofing requires the raising of structures above the Design Flood Level, as described on the Flood Risk Map, and the requirements presented herein are described in detail in the Canadian Mortgage and Housing Corporation's Technical Builders' Bulletin. A certificate stating that the foundations meet the Design Flood Guidelines shall be issued by an Engineer or Surveyor and submitted as a Building Inspection Report before occupancy will be granted.
3. The requirements in this Section allow for the continued occupancy of the dwelling unit during the early stages of a flood.
4. For the purpose of this Section "habitable portions of the building" means rooms or spaces required and intended for residential occupancy, during the early stages of a flood, and includes facilities for heating, air-conditioning, electrical, hot water supplies and plumbing waste connections.
5. For the purpose of this Section "design flood level" means the level at which the design flood, not less than the 1-in-100 year event, reaches within the inundated area. The "design flood level" may also be referred to as "flood protection level".

Surveyor's Certificate

6. Site plans, indicating the elevation of the design flood level, the lot elevations, and the top of foundations, shall be submitted with the application for a development permit. They shall be certified by a professional surveyor or professional engineer licensed to practice in the NWT and submitted as part of the application for a development permit.

Filled Ground

7. The use of stable fill to raise the lowest portion of a building permanently above the design flood level shall be an acceptable alternative to the other requirements in this Section.
8. No buildings constructed on filled ground shall be raised to a height that is, in the opinion of the Development Officer, not in keeping with the character of the area and location relative to surrounding buildings.

Footings and Foundations

9. Foundations shall be designed in conformance with Section 4.2 of the current National Building Code of Canada.
10. In buildings with basements, footings and foundation walls shall be cast-in-place concrete. The interior surfaces of basement or cellar walls and floors shall not have any finishing materials covering the concrete.
11. Footings, foundation walls and floor slabs-on-ground shall be designed to resist all loads and influences that may be expected including hydrostatic pressure, and shall satisfy the requirements of Part 4 of the current National Building Code of Canada. Foundation insulation shall be applied on the exterior and be fastened to prevent detachment during flooding.

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12. The designer shall be a professional engineer or architect skilled in such design and licensed to practice in accordance with the appropriate territorial legislation.
13. The clear height from the top of the basement concrete slab-on-ground to the underside of first storey floor system including the beam shall be not less than 1.93 m (6.33 ft).
14. Basement or cellar walls shall be provided with at least two openable windows located on opposite sides of the building. The top of the windowsills shall not be less than 150 mm (6 in) below grade to allow flood water into the basement to counteract the hydrostatic pressure.
15. The interior surfaces of basement or cellar walls and floors shall not have any finishing materials covering the concrete.
16. Basements shall not contain habitable space nor be used for storage of immovable materials or hazardous materials that are buoyant, flammable, explosive, or toxic.

Backfill

17. Backfill material shall be placed in accordance with Subsection 9.12.3 of the National Building Code of Canada.
18. Backfill material shall be graded at least up to the design flood level at the exterior of the foundation wall.
19. Backfill material shall be graded away from the foundation at a slope not exceeding 1-in-3 for a minimum distance of 4.5 m (15 ft). From this point the slope may be increased to 1-in-4 slope until the original grade level is reached.

Other Support Systems

20. The use of piles or other support systems to raise the lowest portion of a building above the design flood level is an acceptable alternative to other requirements in this section.
21. The system shall be designed to resist all loads and influences that may be expected and shall satisfy the requirements of Part 4 of the current National Building Code of Canada.
22. The designer shall be a professional engineer or architect licensed to practice and skilled in such design.

Floor Construction

23. The area enclosed by the foundation walls shall be covered by a concrete slab not less than 75 mm (3 in) thick exclusive of concrete topping. When concrete topping is provided, it shall be not less than 20 mm (0.78 in).
24. The top of a structural slab-on-ground supporting habitable portions of a building shall be minimum 300 mm (11.8 in) above the design flood level.

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25. Load-bearing floor slabs-on-ground shall be designed as required in subsections 4.14(9) and 4.14(10) of this Section.
26. The underside of floor joists and sill plates supporting habitable portions of a building shall be minimum 300 mm (11.8 in).
27. The underside of wood beams supporting floors shall be minimum 300 mm (11.8 in) above the design flood level.
28. Any wooden substructure must be a minimum of 300 mm (11.8 in) above the design flood level, and floor elevations must be a minimum of 500 mm (19.1 in) above the design flood level.
29. Columns supporting floor loads shall be steel columns as required in Subsection 9.17.3 of the current National Building Code of Canada.
30. Load-bearing walls constructed below the design flood level shall be cast-in-place concrete.

Anchorage

31. Wood and steel frame buildings shall be anchored to the foundation or piles to prevent the unit from floating off the foundation should the design flood level be exceeded.
32. Exterior walls built on floor slab-on-ground shall be anchored as required in Article 9.23.6 of the current National Building Code of Canada.
33. First floor joists shall either have the ends embedded in the concrete foundation or the header joist mechanically fastened to the sill plate anchor bolts, or any system providing equivalent protection.

Basement or Cellar Drainage System

34. A covered sump pit with an automatic submersible pump shall be provided in all basements or cellars.
35. The outflow pipe shall discharge above the design flood level.
36. A separate, electrical circuit shall be provided for the sump pump with the operating switch located above the design flood level.
37. Granular material under the basement or cellar slabs shall be graded so the entire area is drained towards the sump pit.
38. Basements or cellars shall have a floor drain connected to the sump pit.
39. Basement or cellar slabs shall have a positive slope to the floor drain.
40. Floor drains or sump pumps shall not discharge to municipal sanitary sewage systems, but may discharge to municipal storm sewage systems when a backwater valve is installed.

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Measures for Continued Occupancy

41. Casings for vented drilled wells shall extend to a point at least 150 mm (6 in) above the design flood level or be capped.
42. Waste connections for plumbing fixtures shall not be made below the design flood level except as permitted in Section 4.15.
43. Central heating units, such as oil, gas or electric forced air furnaces including all ductwork and service water heaters, shall not be installed below the design flood level.
44. Electrical service panels shall not be located below the design flood level. Electrical circuits servicing areas below the design flood level shall be on separate circuits and be capable of disconnection.
45. Sewage storage tanks shall be designed to resist damage or leakage by floodwater or ground water conditions.

5.17 HEIGHT

1. In determining whether a development conforms to the maximum height permissible in any zone, the following regulations shall apply:
 - a) in any zone other than a residential zone, the following features shall not be considered for the purpose of height determination: chimney stacks, steeples, belfries, domes or spires, monuments, elevator housings, roof stairway entrances, water or other tanks, ventilating equipment, skylights, fire walls, parapet walls, receiving or transmitting structures, masts, flag poles, clearance markers, or other erections which are considered to be similar by the Development Officer; and
 - b) in any residential zone, those features specified in clause (a) shall not be considered for the purpose of height determination, except that receiving or transmitting structures, other than those which may be normally required by adequate local television reception, shall be considered.
2. notwithstanding (a) and (b) above, any developments shall comply with the requirements contained in the Hay River Airport Zoning Regulations governing the height of buildings and structures.

5.18 LIGHTING OF SITES

1. Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at any adjoining properties or interfere with the effectiveness of any traffic control devices.

5.19 PROJECTIONS INTO YARDS

1. The following features may project into a required yard as provided for below:

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- a) Bay, oriel or similar windows, porches, eaves, shade projections, unenclosed steps, chimneys or parts of a chimney, belt courses, sills, together with any other built features which, in the opinion of the Development Officer, are of a similar character;
 - b) Balconies, decks, verandas together with any other built features which, in the opinion of the Development Officer, are of a similar character; and
 - c) An open, hard surfaced and uncovered terrace or patio in any yard in a residential zone, if such terrace is completely unenclosed except by a guard rail or parapet wall which do not exceed the maximum height permissible for a fence in the same location, or a temporary covering such as an awning.
2. Features may project into yards as provided for in the illustration below and the table on the following page.

	Maximum Projection Allowed	
If the required yard setback is:	Windows, porches and other features listed in a)	Balconies, decks and verandas and similar features listed in b)
Less than 1.22 m	0.46 m	0.46 m
1.22 m to 3.66 m	0.61 m	0.61 m
More than 3.66 m	0.61 m	1.88 m

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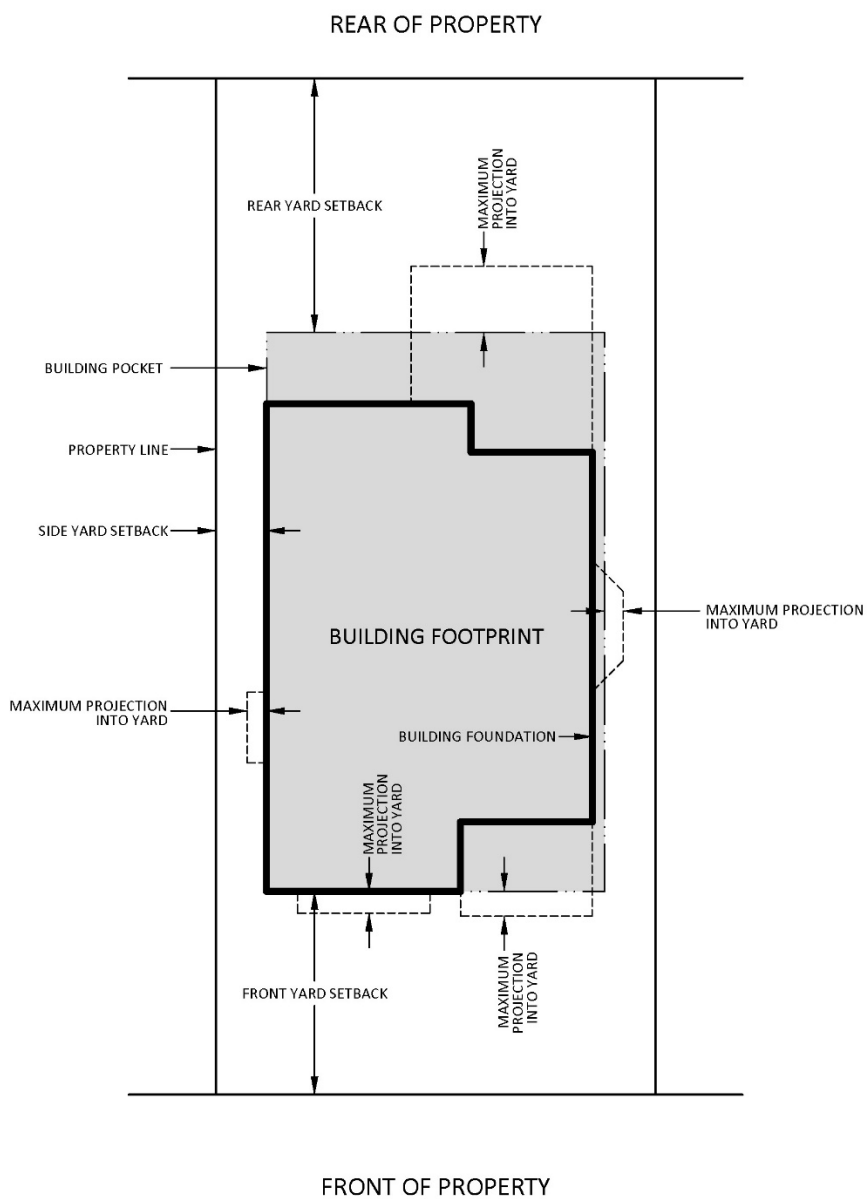


Figure 5.4 - Projections into yards

5.20 ARCHAEOLOGICAL RESOURCES

1. The Culture and Heritage Division of GNWT's Department of Education, Culture and Employment, located at the Prince of Wales Northern Heritage Centre (PWNHC) manages archaeological sites on all lands and waters in the NWT other than those under the administration and control of the federal government. Archaeological sites are protected by law (under *Archaeological Sites Regulations*, pursuant to the *Archaeological Sites Act*), and as such, potential impacts to archaeological sites must be evaluated whenever a development project is proposed.
2. There are often recorded and unknown archaeological sites within community boundaries. Archaeological sites are extremely sensitive to impacts and can be drastically altered through various types of land uses. Any activities that have the potential to disturb the surface or subsurface of the ground can negatively impact an archaeological site.
3. Any proposed land use that has the potential to impact the surface or subsurface of the ground and is within a previously undisturbed area or is within 150 m of a previously recorded archaeological site should be reviewed by PWNHC. PWNHC shall conduct a review and provide recommendations to the Town within 30 days of receiving a notice.
4. A "no development" buffer of at least 30 m will be applied to recorded archaeological site locations, unless alternate recommendations are provided by PWNHC

6.0 SPECIAL LAND USE REGULATIONS

6.1 APPLICABILITY OF SPECIAL LAND USE REGULATIONS

1. The Special Land Use Regulations apply to the uses listed irrespective of the zone in which they are located. Where these regulations appear to be in conflict with the zone regulations in which the use is either a Permitted or a Discretionary Use, the Special Land Use Regulations shall take precedence and shall be applied in addition to the requirements of the zone.

6.2 MULTIPLE UNIT HOUSING DEVELOPMENT

1. For all residential developments excepting single detached and duplex housing, the Development Officer shall not issue a development permit for a multiple unit housing development unless the following conditions have been satisfied:
 - a) provision of recreational areas and open spaces on the property;
 - b) access for fire department vehicles and other emergency vehicles;
 - c) provisions of access to garbage storage; storage to be suitably enclosed;
 - d) provisions of clothes lines or alternate means of handling laundry;
 - e) landscaping according to Section 5.3 and fences according to Section 5.12;
 - f) lighting between buildings;
 - g) orientation of buildings and general appearance of buildings;
 - h) privacy of dwelling units in and adjacent to the development;
 - i) safe pedestrian access to and from the public sidewalk fronting the site; and
 - j) any other matter the Development Officer or Council reasonably consider necessary to the residential environment.

6.3 MANUFACTURED HOMES

1. Manufactured Homes shall in all cases:
 - a) be placed on permanent foundations and footings as specified in the National Building Code of Canada;
 - b) comply with all provisions of the regulations concerning manufactured homes;
 - c) meet or exceed the provisions of CSA Z240;
 - d) not be less than 74 m² (797 ft);
 - e) meet all safety and fire regulations as may be specified by the municipality;
 - f) have skirtings to screen the undercarriage; this skirting shall be factory prefabricated or of a quality equivalent thereof so that design and construction will complement the home; and
 - g) be subject to any subsequent regulations the Town may incorporate.

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2. All accessory structures such as patios, porches, decks, additions, and storage facilities shall be factory prefabricated units, or of a quality equivalent thereof so that design and construction will complement the mobile home.
3. In cases of an irregularly shaped lot or a manufactured home that is too long to allow for normal setbacks, the Development Officer may permit setbacks at the front and back respectively, which are less than the required setbacks but in no case less than 3 m (10 ft), provided this does not adversely affect the amenities of the residential area.

6.4 DAY CARE FACILITIES

1. In addition to conforming with the GNWT Child Day Care Act and Child Day Care Standards and Regulations, all Day Cares shall be subject to the following regulations:
 - a) a day care shall not be a principal use of a building within a residential zone; and
 - b) the Development Officer or Council shall, in deciding whether to approve or refuse a day care, consider, among other matters, if the development would be suitable for the location proposed, taking into account, among other matters, potential traffic generation, proximity to park or other open or recreational areas, isolation of the proposed site from other uses, buffering or other techniques designed to limit any interference with other uses or the peaceful enjoyment of their properties by nearby residents, and consistency in terms of intensity of use with other development in the area.
2. Family Day Homes are permitted as a home occupation in residential zones.

6.5 SUPPORTED LIVING FACILITY

1. A supported living facility shall comply with the following regulations:
 - a) the maximum number of residents shall be established by Council who shall have regard for the nature of the supported living facility and/or the nature of the zone in which it is located;
 - b) the maximum number of residents shall be consistent with the general population density of the zone in which it is located;
 - c) the supported living facility shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the zone in which it is located; and
 - d) all development regulations of the zone in which the supported living facility is located shall apply.
2. All applications to develop a supported living facility shall be accompanied by the report of a professional Community Planner, indicating that a detailed planning analysis of the proposed development has been carried out.

6.6 HOME OCCUPATIONS

1. A home occupation shall not be permitted in a residence if, in the opinion of the Development Officer it would be more appropriately located in a Commercial or Industrial zone.

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2. A resident who intends to operate a home occupation, where permitted under this bylaw, shall make application for the following:
 - a) a development permit that shall be in effect for the period the home occupation is operated; and
 - b) a business license that shall be in effect for the period of one year, requiring annual renewal to continue the home occupation.
3. All home occupations, if given approval, shall comply with the following provisions:
 - a) there shall be no outdoor business activity, storage of materials, or equipment associated with the office;
 - b) the office shall not generate pedestrian or vehicular traffic, or parking, in excess of that which is characteristic of the zone within which it is located;
 - c) the number of employees shall not exceed one at any one time;
 - d) Council may set a limit to the number of customers that may be in attendance at any one time;
 - e) there shall be no exterior display or advertisement, other than a permitted sign measuring 45.7 cm x 60.9 cm (18"x 24");
 - f) there shall be no mechanical or electrical equipment used which creates noise, or visible and audible interference in radio or television reception in adjacent dwellings;
 - g) the office shall be operated as a secondary use only, and shall not change the principal character or external appearance of the dwelling involved; and
 - h) a person deemed by the Development Officer to be providing a service or instruction in arts and crafts, shall not permit more than six students or customers to be in attendance at any one time.
4. In addition to all other provisions and requirements of this section, the following additional requirements shall apply to home occupations in the form of bed and breakfast operations, as defined in Section 4 of this bylaw:
 - a) persons wishing to operate a bed and breakfast operation shall be required to apply for a development permit;
 - b) a bed and breakfast operation shall be limited to residential land use zones and shall be within the principal building or in a garden suite.
 - c) a bed and breakfast operation shall be limited to one meal provided on a daily basis to registered guests only, with such a meal being prepared in one common kitchen and served in one common room; and
 - d) in addition to the off-street parking requirements for the dwelling/dwelling unit itself, as stipulated in Section 8.3(2)(a) of this bylaw, one off street parking space per rented guest room shall be required for a bed and breakfast operation.

6.7 RELIGIOUS ASSEMBLY

1. All sites for religious assembly shall comply with the following special provisions:

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- a) the site shall have a frontage of a least 30 m (100 ft) and an area of at least 929 m² (10,000 sq. ft); and
- b) where a manse, rectory, parsonage, or other building of residence associated with the religious assembly is to be erected on the site, the combined area of the site shall not be less than 1300 m² (13,993 sq. ft).

6.8 INSTITUTIONAL USES

1. All facilities within the I - Institutional zone shall comply with the following:
 - a) no facility shall derive more than 10% of its total revenues from commercial activities, which are not directly related to the operation of the facility; and
 - b) all facilities shall have direct access to a collector street.

6.9 CARETAKER UNITS

1. In land use zones where caretaker units are permitted as a discretionary use under this bylaw, an application for a development permit will be considered by the Development Officer and may be approved by Council for a maximum of one caretaker unit per lot. All applications must be accompanied by proof of a valid business license, issued by the Town of Hay River, for the location of the intended caretaker unit. If approval for the caretaker unit is given, the following provisions will be adhered to:
 - a) the application is with regard to an Industrial, Transportation or Highway/ Service Commercial zone;
 - b) where the caretaker unit is attached to the principal building on a site by a roof, wall, an open or enclosed structure, a floor, or a foundation, it is considered to be an integral part of the principal building and must meet all the requirements set out in the National Building Code of Canada and the National Fire Code of Canada;
 - c) where the caretaker unit is an integral part of the principal building, any walls or doors between the caretaker unit and the principal building must have a fire rating as required by the National Fire Code of Canada and be constructed of materials which are set out in the National Building Code of Canada to achieve this rating;
 - d) the maximum area of the living space for a caretaker unit which forms an integral part of the principal building must not be greater than 93 m² (1,001 sq. ft).
2. Caretaker units that are not an integral part of the building will only be considered for the Industrial and Transportation zones. These units must be mobile homes as defined in this bylaw and meet the standards of mobile homes as set out in this bylaw.
3. Applicants will be required to substantiate their need to retain the use of a non-permanent caretaker unit by annually re-applying for continuation of the approval.
4. A change in land/ building use or ownership shall require a new application to establish a caretaker unit to be submitted to Council for consideration.

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6.10 LIVING SUITES

1. The following conditions shall apply when developing a living suite:
 - a) living suites shall be allowed only within a single detached dwelling;
 - b) living suites shall not exceed the total floor area of the primary dwelling unit in which it is located;
 - c) living suites must be limited to no more than two bedrooms;
 - d) living suites must be fully self-contained with their own direct access to the outdoors;
 - e) construction of living suites must comply to the requirements of the National Building Code and Territorial fire regulations; and
 - f) living suites must have approved smoke detectors.
2. A development permit shall be obtained prior to development of any living suites.
3. Development permits for living suites must identify the availability of parking for its occupants in accordance with the regulations outlined in Section 8.0 Parking and Loading Regulations.
4. In making its decision on a living suite application, the development authority shall not consider the condition of the property or the behaviour of the occupants of the property, as these matters are enforced through the Unsightly Land bylaw and other legislation.
5. Living suites are not allowed where a garden suite has been permitted.

6.11 GARDEN SUITES

1. Garden suites, when permitted, shall:
 - a) be separate from the principal dwelling;
 - b) be located only a lot where the principal use is a single detached dwelling;
 - c) have unimpeded pedestrian access to a street or land frontage with a minimum width of 1 m;
 - d) have a maximum gross floor area of 60 m² (650 sq. ft), including basement floor area, and have a maximum height of 7 m (23 ft). except in the RC zone where the maximum gross floor area is 75 m² (807 sq. ft) and the maximum height allowed is 8 m (26 ft);
 - e) be located in the rear yard, except in the RC zone, where they may also be located in the front and side yards;
 - f) provide private or shared amenity areas equal to 10% of the net rentable area of the garden suite;
 - g) shall be service with water and sewer services, where these services exist;
 - h) be limited to one garden suite per lot;
 - i) have a minimum setback of 3 m (10 ft) from the principal building; and
 - j) be limited to 60 m² (646 sq. ft) gross floor area when located on the second storey of an accessory building.

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2. Garden suites shall be designed, sited, constructed, finished, and sided in a manner that is visually compatible, in the opinion of the Development Officer, with the residential character of the principal residence.
3. Garden suites are subject to the development regulations applicable to principal uses in each zone (i.e. buildings are not to be regulated as an accessory building/structure).

6.12 ACCESSORY USES AND BUILDINGS

1. A use may be accessory to a permitted or discretionary use, if such use complies with the definition of accessory in this bylaw.
2. Where any building or structure on a site is attached to a principal building on the site by a roof, an open or enclosed structure above grade, a floor or a foundation which is above grade, or any structure below grade allowing access between the buildings such as a parking garage or a corridor or passageway connecting the buildings, it is a part of the principal building and is not an accessory building and shall therefore adhere to the development regulations as specified in the land use zones.
3. Accessory uses and buildings are permitted in a zone when accessory to a principal use which is a permitted use in that same zone and for which a development permit has been issued.
4. Accessory uses and buildings are discretionary in a zone when accessory to a principal use which is a discretionary use in that same zone and for which a development permit has been issued.
5. The construction of an Accessory Building 14 m² (151 sq. ft) or greater in size shall require an approved development and building permit.

Accessory Buildings in Non-Residential Zone

6. In any zone other than a residential zone, an accessory building or structure is subject to the development regulations for that zone.

Accessory Buildings in Residential Zone

7. The number of accessory buildings on one lot shall be at the discretion of the Development Officer.
8. An accessory building or structure shall not be used as a dwelling.
9. An accessory building or structure shall not exceed 4.6 m (15 ft) in height. Accessory buildings with a suite on the second floor, can have a maximum height of 7 m (23 ft), except in RC zones, where the maximum height allowed is 8 m (26 ft).
10. Accessory buildings and structures shall be located on an interior lot as follows:
 - a) a minimum of 1 m (3.3 ft) from the dwelling;

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- b) no closer than the front lot line of the principal building, except where the lot fronts onto a river or lake;
- c) not less than 1 m (3.3 ft) from the side lot line, except where it is a mutual garage erected on the common property line to the satisfaction of the Development Officer, or where the accessory building does not exceed the permitted fence height;
- d) not less than 1 m (3.3 ft) from the rear lot line if the structure exceeds 2 m (6.6 ft) in height (subject to clause E below); and
- e) where the accessory building is a detached garage, to provide a minimum of 5.0 m (16.4 ft) from the garage doors to any property line.

11. Accessory buildings and structures shall be located on a corner site as follows:

- a) on a corner site, in addition to the above provisions and subject to clause (b) below, the distance between an accessory building and any public roadway other than a lane flanking the site, shall be not less than the side yard required for the principal building; and
- b) where an accessory building is a detached garage, and where the vehicle doors of the detached garage face any flanking public roadway other than a lane, the distance between the garage and the flanking public roadway shall not be less than 5.0 m (16.4 ft).

6.13 ANIMAL REGULATIONS

1. The keeping of animals on any residential lot shall be in accordance with the following without the need to obtain a development permit:

- a) on any lot, not more than 4 domestic household pets, not to include more than 2 dogs, which must be confined to the property;
- b) on any lot less than 0.8 ha (2.0 ac) no animals except as provided for in subsection (a); and
- c) on lots of 0.8 ha or more, the following shall apply.

ANIMAL UNITS ON RESIDENTIAL LOTS GREATER THAN 0.8 ha (2.0 ac)	
LOT SIZE	NUMBER OF ANIMAL UNITS
0.8-1.2 ha/ 2.0-3.0 ac.	1 Animal Units
1.2-1.6 ha/ 3.0-4.0 ac.	2 Animal Units
1.6-2.0 ha/ 4.0-5.0 ac.	3 Animal Units
2.0-2.4 ha/ 5.0-6.0 ac.	4 Animal Units
2.4-2.8 ha/ 6.0-7.0 ac.	5 Animal Units
2.8-3.2 ha/ 7.0-8.0 ac.	6 Animal Units
3.2-3.6 ha/ 8.0-9.0 ac.	7 Animal Units
3.6-4.0 ha/ 9.0-10.0 ac.	8 Animal Units
4.0-4.4 ha/ 10.0-11.0 ac	9 Animal Units
4.4-4.8 ha/ 11.0-12.0 ac.	10 Animal Units
4.8-5.2 ha/ 12.0-13.0 ac	11 Animal Units
5.2-5.6 ha/ 13.0-14.0 ac	12 Animal Units

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5.6-6.0 ha/ 14.0-15.0 ac.	13 Animal Units
6.0-6.4 ha/ 15.0-16.0 ac.	14 Animal Units
6.4-6.8 ha/ 16.0-17.0 ac	15 Animal Units
for every 0.4 hectare (1.0 acre) thereafter, add one more animal unit.	

2. For the purpose of this section “One animal unit” means:
 - a) 1 horse over one year old; or
 - b) 2 foals up to one year old; or
 - c) 1 cow over one year old; or
 - d) 2 calves up to one year old; or
 - e) 30 chickens; or
 - f) 10 ducks, turkeys, or geese; or
 - g) 5 sheep or goats; or
 - h) 20 rabbits; or
 - i) 3 pigs;
3. other animals or combination of animals shall be calculated to conform to the intent of the above list.
4. The keeping of animals not in accordance with Section 6.13(1) above shall require a development permit at the discretion of Council having due regard to the adjoining land use in order to avoid adverse land use impacts.
5. Pigs shall only be allowed in the MG-Market Gardening zone in accordance with the regulations of Section 6.13(1).
6. Offspring, up to 3 months, dependent on their mother for nursing are exempted from the limits on animal units.
7. The construction of any structure for the accommodation of any livestock, poultry or other animals is permitted, subject to compliance with Section 3.2 of this bylaw.

6.14 INTENSIVE LIVESTOCK OPERATIONS

1. The development of intensive livestock operations shall be permitted subject to the requirements of the Development Officer and Council.
2. The development of an intensive livestock operation shall not proceed unless and until an Environmental Impact Assessment has been conducted and the results submitted to the appropriate Municipal, Territorial, and Federal government agencies. Such assessment shall be conducted at the expense of the applicant.

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3. Prior to commencing operation, all requirements, as determined by the Environmental Health Officer, must be met and the operator shall request inspection from the Hay River office of the Mackenzie Regional Health Services in regards to the entire operation.
4. For the purposes of this section, livestock includes farm animals and poultry listed in the following table, and any other animals reared for commercial purposes.

Animal Unit Equivalents		
Kind of Animal		No. of Animals = 1 Animal Unit
Cattle	Cows or bulls	1
	Feeder cattle	1.5
	Replacement heifers	2
	Calves	4
Hogs	Boars or sows	3
	Gilts	4
	Feeder hogs (54 kg avg.)	6
	Weanling hogs (20 kg)	20
Poultry	Hens, cockerels, lapons	100
	Chicks, broiler chickens	200
	Turkeys, geese, or ducks	50
Sheep	Rams or ewes	7
	Lambs	14
Goats		7
Horses	Colts or ponies	2
	Other than colts or ponies	1
Bison and muskoxen	Cows or bulls	1
	Calves	4
Fallow deer	Fallow deer	8
	Fallow deer fawns	32
Domestic Indigenous	Elk	5
	Elk calved	20
	White tail deer	8
	White tail deer fawns	32
	Mule deer	8
	Mule deer fawns	32
Miscellaneous	Mink	80
	Rabbits	40

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Special Land Use Regulations

5. Intensive livestock operation shall meet the following minimum distances from residential uses.

Minimum Separation Distances from Residential Uses						
Residential Population	Number of Animal Units					
	10 - 50	50 - 300	300 - 500	500 - 2,000	2,000 - 5,000	>5000
Single Rural Residence	300 m	300 m	400 m	800 m	1200 m	1600 m
<100	400 m	400 m	800 m	1200 m	1600 m	2000 m
100 - 500	400 m	800 m	1200 m	1600 m	2400 m	2400 m
500 - 5,000	800 m	1200 m	1600 m	2400 m	3200 m	3200 m
> 5,000	800 m	1600 m	2400 m	3200 m	4800 m	3200 m

6. The minimum distances stated in Section 6.14(5) shall be measured from the nearest edge of the livestock enclosure and/ or manure storage area.
7. The minimum distances in Section 6.14(5) shall also apply to the spreading of manure in the proximity of residences not occupied by the intensive livestock operation operator. These distances shall not apply if the manure is injected into the soil.
8. The minimum distances in Section 6.14(5) shall not apply if liquid manure storage facilities are present; minimum distances required for liquid manure storage facilities are outlined in the Government of NWT Guideline for Agricultural Waste.
9. At the discretion of the Development Officer and Council, relaxations in the minimum distances may be permitted if the proponent obtains written consent from adjacent affected landowners.
10. No intensive livestock operation shall be located less than 1.6 km (1 mile) from a national, territorial, or municipal park or recreation area.
11. No intensive livestock operation shall be located less than 0.8 km (0.5 mile) from either side of a primary highway.
12. No intensive livestock operation shall be located less than 152 m (499 ft) from a water body or water course unless the water source is entirely surrounded by the lot of land containing the intensive livestock operation.
13. All intensive livestock operations shall be developed in accordance with the following:
- no run-off water can directly enter any waterbody, watercourse, groundwater, irrigation system, or public roadway ditch or highway ditch;
 - there is provision for adequate waste treatment, temporary waste facilities and arrangements for waste disposal on the operator's own land, in accordance with standards set by the local health unit; and
 - the maximum number of animals shall be established, by condition, on the development permit.

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Regulations by Land Use Zone

7.0 REGULATIONS BY LAND USE ZONE

7.1 R1A - LARGE LOT RESIDENTIAL (CLASS A)

1. General Purpose

This zone is generally intended to accommodate single detached dwellings in areas where lots larger than those normally provided are proposed. The regulations of this land use zone are such that a minimum size of dwelling is required in a setting which allows for and protects larger homes.

2. Permitted Uses

- a) Day Care Facility
- b) Duplex
- c) Home Occupation
- d) Housing, Single Detached
- e) Parks
- f) Playgrounds
- g) Accessory Buildings and Uses

3. Discretionary Uses

- a) Public Utility Service
- b) Religious Assembly
- c) Supported Living Facility

4. Development Regulations

Development Regulations for R1A – Residential (Class A)		
Lot Dimensions		
Minimum Lot Width	Internal lots	18.5 m (61 ft)
	Corner lots	20 m (66 ft)
	Irregular and pie-shaped lots	As above, measured 6 m (20 ft) back from the front yard property line
Lot Depth Minimum		30 m (99 ft)
Lot Area Minimum		557 m ² (5996 sq. ft)

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Building Dimensions		
Lot Coverage Maximum		40%
Floor Area Minimum for principal building		75 m ² (807 sq ft)
Building Height Maximum		10 m (33 ft) or 2.5 storeys
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	Interior lots	7.5 m (25 ft)
	Corner lots	4.5 m (15 ft)
Side Yard Minimum	Single-storey dwellings	1.5 m (5 ft)
	Two-story dwellings	2 m (6.6 ft)
	Corner lot - flanking side yard	20% of the lot width, to a maximum of 4.5 m (15 ft)
	Lot without a rear lane, except where an attached garage or carport is provided	3 m (10 ft) for one side yard
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling; except waterfront lots, where the garages shall be set back 7.5 m (25 ft)
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)
Minimum distance between garage doors and any lot line		5 m (16.4 ft)

5. Development Regulations for Discretionary Uses

- a) Religious Assembly - Section 6.7
- b) Day Cares - Section 6.4

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- c) Supported Living Facility - Section 6.5
- d) Home Occupations - Section 6.6
- e) Public Utility Services - Sections 5.7 & 5.8
- f) Accessory Uses and Buildings - Section 6.12

6. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.2 R1B - LOWER DENSITY RESIDENTIAL (CLASS B)

1. General Purpose

This land use zone is intended to establish areas of single detached housing comprised of standard lots and dwellings.

2. Permitted Uses

- a) Day Care Facility
- b) Garden Suites
- c) Home Occupation
- d) Housing, Duplex
- e) Housing, Single Detached
- f) Living Suites
- g) Park
- h) Playground
- i) Accessory Buildings and Uses

3. Discretionary Uses

- a) Religious Assembly
- b) Housing, Row Housing
- c) Public Utility Services
- d) Supported Living Facility

4. Development Regulations

Development Regulations for R1B – Residential (Class B)		
Lot Dimensions		
Lot Width Minimum	Internal lots	15 m (49 ft)
	Corner lots	18 m (59 ft)
	Irregular and pie-shaped lots	As above, measured 6.0 m (20 ft) back from the front yard property line
	Duplex housing (with each unit on a separate lot)	7.5 m (25 ft)
Lot Depth Minimum		30 m (99 ft)
Lot Area Minimum	Duplex housing (with each unit on a separate lot)	250 m ² (2691 sq. ft)

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	All other uses	464 m ² (4995 sq. ft)
Building Dimensions		
Lot Coverage Maximum		50%
Floor Area Minimum for principal building	Single detached unit	70 m ² (753 sq ft)
	Duplex unit (per unit)	60 m ² (645 sq ft)
Building Height Maximum		10 m (33 ft) or 2.5 storeys.
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	Interior lots	7.5 m (25 ft)
	Corner lots	4.5 m (15 ft)
Side Yard Minimum	Single-storey dwellings	1.5 m (5 ft)
	Two-story dwellings	2 m (6.5 ft)
	Corner lot - flanking side yard	20% of the lot width, to a maximum of 4.5 m (15 ft)
	Lot without a rear lane, <i>except where an attached garage or carport is provided</i>	3 m (10 ft) for one side yard
	Duplex housing	As above with 0.0 m (0.0 ft) along the common wall
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling; except waterfront lots, where the garages shall be set back 7.5 m (25 ft)
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)
Minimum distance between garage doors and any lot line		5 m (16.4 ft)

5. Development Regulations for Discretionary Uses

a) Living Suites - Section 5.10

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- b) Religious Assembly - Section 6.7
- c) Day Care Facility - Section 6.4
- d) Supported Living Facility - Section 6.5
- e) Home Occupation - Section 6.6
- f) Public Utility Service - Sections 5.7 & 5.8
- g) Accessory Uses and Buildings - Section 6.12

6. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.3 R1C - MEDIUM DENSITY RESIDENTIAL (CLASS C)

1. General Purpose

This land use zone is to apply to residential areas and generally intended for single detached and duplex dwellings at a slightly higher density.

2. Permitted Uses

- a) Day Care Facility
- b) Garden Suites
- c) Home Occupation
- d) Housing, Duplex
- e) Housing, Single Detached
- f) Living Suites
- g) Mobile Home
- h) Park
- i) Playground
- j) Accessory Buildings and Uses

3. Discretionary Uses

- a) Public Utility Service
- b) Religious Assembly
- c) Supported Living Facilities

4. Development Regulations

Development Regulations for R1C – Residential (Class C)		
Lot Dimensions		
Lot Width Minimum	Internal lots	12 m (40 ft)
	Corner lots	18 m (59 ft)
	Irregular and pie-shaped lots	As above, measured 6 m (20 ft) back from the front yard property line
	Duplex housing (with each unit on a separate lot)	7.5 m (25 ft)
Lot Depth Minimum		24 m (80 ft)
Lot Area Minimum	Duplex housing (with each unit on a separate lot)	250 m ² (2,691 sq. ft)

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	All other uses	297 m ² (3,200 sq. ft)
Building Dimensions		
Lot Coverage Maximum		50%
Floor Area Minimum for principal building	Single detached unit	70 m ² (753 sq. ft)
	Duplex unit (per unit)	60 m ² (645 sq. ft)
Building Height Maximum		10 m (33 ft) or 2.5 storeys
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	6 m (20 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	Interior lots	7.5 m (25 ft)
	Corner lots	4.5 m (15 ft)
Side Yard Minimum	Single-storey dwellings	1.5 m (5 ft)
	Two-story dwellings	2 m (6.5 ft)
	Corner lot - flanking side yard	20% of the lot width, to a maximum of 4.5 m (15 ft)
	Lot without a rear lane, except where an attached garage or carport is provided	3 m (10 ft) for one side yard
	Duplex housing	As above with 0.0 m (0.0 ft) along the common wall
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)
Minimum distance between garage doors and any lot line		5 m (16.4 ft)

5. Development Regulations for Discretionary Uses

a) Living Suites - Section 6.10

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- b) Mobile Home - Section 6.3
- c) Religious Assembly - Section 6.7
- d) Day Care - Section 6.4
- e) Supported Living Facilities - Section 6.5
- f) Home Occupation - Section 6.6
- g) Public Utility Service - Sections 5.7 & 5.8
- h) Accessory Uses and Buildings - Section 6.12

6. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.4 R2 - MILE 5 RESIDENTIAL

1. General Purpose

To establish a zone intended for single detached dwellings on large lots, some of which may lack urban services. This zone shall maintain the integrity of the existing Mile 5 area which provides for transition to housing within a more rural atmosphere.

2. Permitted Uses

- a) Day Care Facilities
- b) Housing, Duplex
- c) Housing, Single Detached
- d) Living Suites
- e) Garden Suites
- f) Home Occupation
- g) Accessory Buildings and Uses

3. Discretionary Uses

- a) Religious Assembly
- b) Supported Living Facility
- c) Public Utility Service

4. Development Regulations

Development Regulations for R2 – Mile 5 Residential		
Lot Dimensions		
Lot Width Minimum	Duplex housing (with each unit on a separate lot)	11.5 m (38 ft)
	All other uses	23 m (76 ft)
Lot Depth Minimum	Set by lot width and lot area	
Lot Area Minimum	Duplex housing (with each unit on a separate lot)	720 m ² (7,750 sq. ft)
	All other uses	1,400 m ² (15,070 sq. ft)
Building Dimensions		
Lot Coverage Maximum		40%
Floor Area Minimum for principal building		65 m ² (700 sq. ft.)

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Building Height Maximum		10 m (33 ft) or 2.5 storeys
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	All lots	10.5 m (34.5 ft)
Side Yard Minimum	Duplex housing	Same as other uses in the zone, with 0.0 m (0.0 ft) along the common wall
	All other uses	2 m (6.6 ft)
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling; except waterfront lots, where the garages shall be set back 7.5 m (25 ft)
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)
Minimum distance between garage doors and any lot line		5 m (16.4 ft)

5. Special Modifications

- a) Mile-5 parcels Lot 1683 Plan 2830 (218 Miron Drive) and Lot 633 Plan 572 (156 Miron Drive) are designated R2x - Five Mile, the special condition being that offices are allowed at these locations.

6. Development Regulations for Discretionary Uses

- a) Mobile Home - Section 6.3
- b) Religious Assembly - Section 6.7
- c) Day Care - Section 6.4
- d) Supported Living Facility - Section 6.5
- e) Basement Apartment - Section 6.10
- f) Home Occupation - Section 6.6
- g) Public Utility Service - Sections 5.7 & 5.8
- h) Accessory Uses and Building - Section 6.12

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7. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.5 R3 - WEST CHANNEL VILLAGE RESIDENTIAL

1. General Purpose

To maintain the integrity of the existing West Channel Village area. This zone shall recognize the lack of urban services, the potential for flooding and the desirable, primarily residential character, but allowing a broader range of accessory uses than in other residential areas.

2. Permitted Uses

- a) Day Care Facility
- b) Garden Suites
- c) Home Occupation
- d) Housing; Single Detached
- e) Living Suites
- f) Mobile Home
- g) Parks
- h) Playgrounds
- i) Accessory Buildings and Uses

3. Discretionary Uses

- a) Outdoor Storage of Materials for Fishing Only
- b) Public Utility Service
- c) Religious Assembly

4. Development Regulations

Development Regulations for R3 – West Channel Village		
Lot Dimensions		
Lot Width Minimum – All uses		23 m (76 ft)
Lot Depth Minimum	Set by lot width and lot area	
Lot Area Minimum		800 m ² (8,611 sq. ft.)
Building Dimensions		
Lot Coverage Maximum		40%
Floor Area Minimum for principal building		60 m ² (645 sq. ft.)

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Building Height Maximum		10 m (33 ft) or 2.5 storeys
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	6 m (20 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	4.5 m (15 ft)
Side Yard Minimum		2 m (6.6 ft)
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling; except waterfront lots, where the garages shall be set back 6 m (20 ft)
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)
Minimum distance between garage doors and any lot line		5 m (16.4 ft)

5. Development Regulations for Discretionary Uses

- a) Mobile Home - Section 6.3
- b) Religious Assembly - Section 6.7
- c) Day Care Facility - Section 6.4
- d) Home Occupation - Section 6.6
- e) Public Utility Service - Sections 5.7 & 5.8
- f) Accessory Uses and Buildings - Section 6.12

6. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.6 R4 - MULTIPLE UNIT RESIDENTIAL

1. General Purpose

This zone is intended to provide for multiple family housing types.

2. Permitted Uses

- a) Day Care Facility
- b) Home Occupation
- c) Housing, Duplex
- d) Housing, Multiple Unit
- e) Housing, Row Housing
- f) Playgrounds
- g) Parks
- h) Accessory Buildings and Uses

3. Discretionary Uses

- a) Accessory Buildings and Uses
- b) Public Utility Service
- c) Supported Living Facility

4. Development Regulations

Development Regulations for R4 – Multiple Family Housing		
Lot Dimensions		
Lot Width Minimum	Duplex (with each unit on a separate lot)	7.5 m (25 ft)
	All other uses	11 m (36 ft)
Lot Depth Minimum		34 m (112 ft)
Lot Area Minimum	Duplex (with each unit on a separate lot)	250 m ² (2,691 sq. ft)
	Row housing	800 m ² (8,611 sq. ft)
	All other	375 m ² (4,037 sq. ft)
Density		
Row housing		Density shall not exceed 60 units per hectare (24 units per acre)

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All other multiple family housing		Density shall not exceed 120 units per hectare (48 units per acre)
Building Dimensions		
Lot Coverage Maximum		40%
Floor Area Minimum for each dwelling unit	Multiple Unit Building (per unit)	35 m ² (377 sq. ft)
	Duplex or row House (per unit)	60 m ² (645 sq. ft)
Building Height Maximum		15 m (49 ft)
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	Shall conform to the provisions of Section 5.5 of this bylaw but may be varied at the discretion of the Development Officer
Rear Yard Minimum	Regular shaped lots	7.5 m (25 ft)
	Corner lots	4.5 m (15 ft)
Side Yard Minimum	Duplex housing	3 m (10 ft), with 0.0 m (0.0 ft) along the common wall
	Buildings less than 10 m (33 ft)	3 m (10 ft)
	Buildings more than 10 m (33 ft)	5 m (16.4 ft)
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling.
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)
Minimum distance between garage doors and any lot line		5 m (16.4 ft)

5. Development Regulations for Discretionary Uses

- a) Day Care Facility - Section 6.4
- b) Supported Living Facility - Section 6.5
- c) Home Occupation - Section 6.6
- d) Public Utility Service - Sections 5.7 & 5.8
- e) Accessory Uses and Buildings - Section 6.12

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6. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.7 RM - MANUFACTURED HOME PARK

1. General Purpose

The general purpose of this zone is to permit the development of residential mobile home lots available to mobile home owners on a lease or rental basis, with the possibility, at the discretion of the Council, of some uses which are compatible with the permitted uses.

2. Permitted Uses

- a) Day Cares Facility
- b) Home Occupations
- c) Manufactured Homes
- d) Park
- e) Playgrounds
- f) Accessory buildings and uses

3. Discretionary Uses

- a) Public Utility Service
- b) Accessory buildings and uses

4. Development Regulations

Development Regulations for RM – Mobile Home Park		
Lot Dimensions		
Site Width Minimum	Single wide mobile homes	11.5 m (38 ft)
	Double wide mobile homes	15 m (49 ft)
Site Depth Minimum		30 m (99 ft)
Site Area Minimum	Single wide mobile home	345 m ² (3,714 sq. ft)
	Double wide mobile home	450 m ² (4,844 sq. ft)
Density		
The maximum density shall not exceed 25 mobile homes per gross hectare (10 per gross acre)		
There shall not be more than one mobile home on any site.		
Floor Area Minimum for principal building		45 m ² (484 sq ft)

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Building Dimensions		
Building Height Maximum		One storey
Yard Setbacks		
Front Yard Minimum		4 m (13.1 ft)
Rear Yard Minimum		3.2 m (10.5 ft)
Side Yard Minimum	Not less than	1 m (3.3 ft)
	To adjacent mobile home	4.5 m (15 ft)
	At least one side yard will be at least	3.2 m (10.5 ft)
Garage and Accessory Building Placement		
Minimum distances between garage and dwelling		1 m (3.3 ft)
Minimum distance between garage and front lot line		No closer to the front lot line than the principal dwelling
Minimum distance between garage and side lot line		1 m (3.3 ft)
Minimum distance between garage and rear lot line		1 m (3.3 ft)

5. Performance Standards and Regulations

(1) DESIGN CRITERIA

- a) The design of the mobile home park shall:
 - i. consider the existing topography, vegetation and drainage and attempt to maintain the natural environment where possible;
 - ii. provide at least 2 legal access points;
 - iii. provide for proper traffic circulation taking into account off-site as well as on-site traffic movement; and
 - iv. provide convenient access to common facilities and services and provide for practical and efficient operation and maintenance of all facilities and common areas.
- b) Outdoor lighting in the park, including street lighting shall be integrated in design and appearance and conform to the existing residential standards.
- c) The owner of the mobile home park, or the person responsible for the maintenance of the mobile home park shall at all times:

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- i. maintain the park and the common buildings, structures and improvements therein in a clear, neat, tidy and attractive condition; and
 - ii. be responsible for the removal of snow from all common areas, internal streets and walkways.
- d) Design and street pattern shall be compatible with existing municipal street and utility system standards and shall:
 - i. be laid out so as to provide proper access to individual lots, common areas and services;
 - ii. be privately owned and maintained by the mobile home park owner and be considered part of the common area;
 - iii. provide convenient circulation by use of properly located minor and collector streets, based on the following:
 - a minor street services 50 m or less lots if one-way, and 100 m or less lots if two-way and is less than 150 m in length, and
 - a collector street serves up to 200 lots and has no length limitation;
 - iv. have a minimum turning radius of 12.2 m (40 ft) if they are designed as cul-de-sacs or dead end streets; and
 - v. be durable and dust free with the following minimum widths:
 - collectors 11 m (36 ft) where there is guest parking
 7.30 m (24 ft) where there is no parking,
 - minor streets 6.10 m (20 ft) with no parking.

(2) PEDESTRIAN ACCESS

- e) Safe, convenient walkways shall be provided for access to individual mobile homes, streets and common areas, such as parks and laundry areas.
- f) All walkways shall have a minimum width of 1.22 m (4 ft) and shall have a durable, dust free all-weather surface.

(3) RECREATION AND LANDSCAPING

- a) Areas for recreation shall be provided at a ratio of 5% of the mobile home park area.
- b) Recreation areas shall be located so as to be convenient to all park residents and free from traffic hazards.
- c) Recreation areas shall not be included in areas designed as buffer strips.
- d) Recreation areas shall be landscaped and properly equipped with facilities.
- e) Adequate fencing or screening shall be provided between recreational and other areas.

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- f) All areas of the mobile home park not occupied by mobile homes and their additions, internal roads, walkways, driveways, or any other development facility shall be landscaped and kept landscaped.
- g) Adequate screening in the form of trees or other plantings shall be provided between the mobile home park and adjacent uses where these uses are incompatible with the residential character of the mobile home park.
- h) Adequate screening in the form of trees or shrubs or fencing shall be provided where necessary around laundry areas, service buildings and refuse collecting points and other common areas.

(4) COMMON AREAS

- a) There shall be no outdoor storage of any furniture, domestic equipment or seasonally used equipment.
- b) Adequately covered storage facilities shall be provided, either on individual lots or in common storage facilities.
- c) Common storage facilities shall be located in a permanent building conveniently located to all park residents.
- d) Adequately screened storage components shall be provided, for large trucks, campers, travel trailers, snow-mobiles and boats to the satisfaction of the Development Officer.
- e) Where heating fuel is provided by a local distribution system such as propane, container space shall be provided for, in an inconspicuous location and to the approval of the Fire Chief.
- f) Where laundry and toilet facilities are provided for, they shall conform to the applicable National Building Code standards, and any disposal system for these facilities shall be approved by the Environmental Health Officer as appointed under the Public Health Act of the Northwest Territories.
- g) All services and other common buildings shall be accessible by an internal street, or walkway connected to an internal street.
- h) All service and other common buildings shall be of a permanent type and construction.

(5) ADDITIONAL SITE REQUIREMENTS

- a) Each mobile home site shall be clearly marked on the ground by permanent stakes, markers or other means and shall be clearly defined with a lot number or other address system.
- b) Any permanent addition such as patios, porches, garages or other structural additions:
 - i. are considered to be part of the mobile home and require a building permit prior to construction;
 - ii. may not exceed in area 25% of the mobile home unit, or 30% of the lot area clear of the unit; and
 - iii. shall be constructed so that it will be of a design similar to the finish of the mobile home unit and will harmonize with the exterior of the unit.

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- c) Mobile homes shall be separated by a minimum distance of 4.5 m (15 ft) and any porch or addition to the mobile home shall be regarded as part of the mobile home in determining this distance.
- d) Each mobile home shall be set back:
 - i. a minimum of 4.5 m (15 ft) from the mobile home park boundary;
 - ii. a minimum of 3 m (10 ft) from any internal access road, parking area or other common area;
 - iii. a minimum of 1 m (3.3 ft) from any other mobile home lot boundary.
- e) Each mobile home site shall be provided with a permanent foundation or stand in the form of a hard compacted gravel or concrete pad at the original ground level.
- f) The park owners shall provide pads of concrete or other material that may be placed on the mobile home stand to provide a sound base for the blocking and levelling of the mobile home.
- g) All mobile home units shall provide skirting around the base of the unit that is of a manufactured or similar type to harmonize with the unit. Construction of this skirting shall permit the circulation of air beneath the unit and be completed within 30 days of placement of the mobile home.
- h) There shall be at least two parking stalls provided for each mobile home lot. At least one of the stalls must be provided on the mobile home lot.

(6) UTILITIES AND SERVICES

- a) All mobile home units shall be connected to the municipal sanitary and storm sewer, water supply and electric power systems.
- b) All utility lines shall be underground and meet the requirements of the municipal regulations regarding such installations.
- c) The park owner shall provide proper garbage containers on each lot and a screened garbage disposal area at a point convenient for collection.
- d) The park owner shall provide fire hydrants where necessary and any other fire protection equipment or facilities as deemed necessary by the Fire Chief.

(7) FAILURE TO COMPLY WITH PERFORMANCE STANDARDS

- a) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until the performance standards are complied with. Prior to the issue of any license under the Business License Bylaw of the Town of Hay River, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.

6. Development Regulations for Discretionary Uses

- a) Day Care Facility - Section 6.4

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- b) Home Occupation - Section 6.6
- c) Public Utility Service - Sections 5.7& 5.8
- d) Accessory Uses and Buildings - Section 6.12

7. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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7.8 RC - COUNTRY RESIDENTIAL

1. General Purpose

This zone is generally intended to provide for single family housing in a rural setting, generally without the provision of the full range of urban utility services.

2. Permitted Uses

- a) Day Care Facility
- b) Garden Suites
- c) Home Occupation
- d) Housing, Single Detached
- e) Living Suites
- f) Mobile Home
- g) Accessory buildings and uses

3. Discretionary Uses

- a) Farming, Non-Intensive
- b) Farming, Non-Commercial
- c) Public Utility Service
- d) Supported Living Facility

4. Development Regulations

Development Regulations for RC – Country Residential		
Lot Dimensions		
Lot Width Minimum– All uses		30 m (99 ft)
Lot Depth Minimum	Set by lot width and lot area	
Lot Area Minimum		1.2 ha (3 ac)
Lot Area Maximum		2 ha (5 ac)
Building Dimensions		
Lot Coverage Maximum		40%
Floor Area Minimum for principal building		65 m ² (700 sq. ft)

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Building Height Maximum	10 m (33 ft) or 2.5 storeys
Yard Setbacks	
Front Yard Minimum	7.5 m (25 ft)
Rear Yard Minimum	7.5 m (25 ft)
Side Yard Minimum	6 m (20 ft)
Garage and Accessory Building Placement	
Minimum distances between garage and dwelling	1 m (3.3 ft)
Minimum distance between garage and front lot line	No closer to the front lot line than the principal dwelling; except waterfront lots, where the garages shall be set back 7.5 m (25 ft)
Minimum distance between garage and side lot line	1 m (3.3 ft)
Minimum distance between garage and rear lot line	1 m (3.3 ft)
Minimum distance between garage doors and any lot line	5 m (16.4 ft)

5. Special Modifications

- a) The lots listed below are zoned RCx and are existing undersized lots. For these lots, the minimum front yard setback is 7.5 m, the minimum side yard setback is 2 m and the minimum rear yard setback is 5 m. New lots that are less than 1.2 ha will not be approved in the RC zone.

Lot 552-1 Group 814 LTO 1225 = 0.43 ha	Lot 549-1 Group 814 LTO 1225 = 0.4 ha
Lot 552-2 Group 814 LTO 1225 = 0.40 ha	Lot 549-2 Group 814 LTO 1225 = 0.4 ha
Lot 552-3 Group 814 LTO 1225 = 0.76 ha	Lot 549-3 Group 814 LTO 1225 = 0.25 ha
Lot 552-4 Group 814 LTO 1224 = 0.93 ha	Lot 549-4 Group 814 LTO 1225 = 0.96 ha
Lot 552-5 Group 814 LTO 1225 = 0.37 ha	Lot 549-5 Group 814 LTO 1225 = 0.60 ha
	Lot 549-6 Group 814 LTO 1225 = 0.87 ha
	Lot 549-7 Group 814 LTO 1225 = 0.38 ha
	Lot 549-8 Group 814 LTO 1225 = 0.13 ha

6. Development Regulations for Discretionary Uses

- a) Mobile Home - Section 6.3
- b) Day Care Facility - Section 6.4
- c) Supported Living Facility - Section 6.5

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- d) Home Occupation - Section 6.6
- e) Public Utility Service - Sections 5.7 & 5.8
- f) Accessory Uses and Buildings - Section 6.12

7. Other Provisions

- a) General Regulations - Section 5
- b) Special Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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7.9 C1 - CORE AREA COMMERCIAL

1. General Purpose

To establish a Zone to provide for those commercial uses which are appropriate to the Central Business District of Hay River.

2. Permitted Uses

- a) Eating and Drinking Establishments
- b) Financial Institution
- c) Health services
- d) Hotel
- e) Home occupations
- f) Day Care Facility
- g) Offices
- h) Park
- i) Personal Service Shops
- j) Place of Entertainment
- k) Playground
- l) Retail Store, not including drive-in businesses

3. Discretionary Uses

- a) Accessory Buildings and Uses
- b) Auctioneering Establishment
- c) Funeral Home
- d) Emergency shelter
- e) Housing, Multiple Family, as part of a mixed-use development
- f) Household Repair Services
- g) Motel
- h) Parking Facility
- i) Public Utility Service
- j) Public Use
- k) Private Club
- l) Religious Assembly
- m) Repair Service Shops

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- n) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the zone

4. Development Regulations Lot Dimensions

Development Regulations for C1 – Core Area Commercial		
Lot Dimensions		
Lot Width Minimum		7.5 m (25 ft)
Lot Depth Minimum		Set by lot width and lot area
Lot Area Minimum		278 m ² (2,992 sq. ft)
Building Dimensions		
Lot Coverage Maximum	The maximum lot coverage for all buildings shall be 100% of the lot area, provided that adequate provision, in accordance with the regulations of this bylaw, is made for parking and loading, garbage facilities and landscaping where required.	
Building Height Maximum		13 m (43 ft), however, if a sprinkler system is provided then the building height shall be at the discretion of the Development Officer
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	Shall be at the discretion of the development officer, considering development or potential development on adjacent lot
	Corner lots	Shall comply with Section 5.4.
Rear Yard Minimum	A 6 m (20 ft) parking and loading zone shall be provided	
Side Yard Minimum	Adjacent to a residential zone	3 m (10 ft)
	All other areas	2.5 m (8.2 ft)
	Side yard setbacks much comply with Section 5.5	

5. Performance Standards and Regulations

- a) The placement and maintenance of any propane storage tank that:
- is a temporary, semi-permanent or permanent fixture; or

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- ii. exceeds 20 lbs. and is connected to a building in any way; is prohibited within Zone C1.
 - b) This provision is not to apply to portable, temporary, freestanding propane storage tanks, such as propane cylinders for barbecues or construction site heating and other similar uses, with a single tank capacity of less than or equal to 200 lbs. and an aggregate capacity of less than 1000 lbs.
- 6. Development Regulations for Discretionary Uses
 - a) Religious Assembly - Section 6.7
 - b) Day Care Facility - Section 6.4
 - c) Public Utility Service - Sections 5.7 & 5.8
 - d) Accessory Uses and Buildings - Section 6.12
- 7. Other Provisions
 - a) General Regulations - Section 5
 - b) Special Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
 - d) Sign Regulations - Section

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7.10 C2 - HIGHWAY/ SERVICE COMMERCIAL

1. General Purpose

To provide a zone for highway and service oriented commercial uses that provide services to residents and the travelling public and are generally vehicle-oriented.

2. Permitted Uses

- a) Caretaker Unit
- b) Drive-in Business
- c) Gas Bar
- d) Hotel
- e) Kennel
- f) Motel
- g) Retail Store, Convenience
- h) Vehicle Sales and Service
- i) Veterinary Clinic
- j) Accessory Buildings and Uses

3. Discretionary Uses

- a) Eating and Drinking Establishments
- b) Emergency shelter
- c) Public Use
- d) Public Utility Service
- e) Retail Stores
- f) Tourist related industry dependent on close proximity to a highway for trade
- g) Warehouse Sales
- h) Wholesale and retail of the following:
 - i. plumbing or heating equipment and supplies;
 - ii. general machinery;
 - iii. manufactured homes and trailers.
- i) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this zone

4. Development Regulations

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Development Regulations for C2 – Service/Highway Commercial		
Lot Dimensions		
Lot Width Minimum		15 m (50 ft)
Lot Depth Minimum		Set by lot width and lot area
Lot Area Minimum		700 m ² (7,535 sq ft)
Building Dimensions		
Lot Coverage Maximum	The maximum lot coverage shall not exceed 60% of the total lot area Yard Requirements.	
Building Height Maximum		13 m (43 ft)
Yard Setbacks		
Front Yard Minimum	Highway oriented hotels and motels	15 m (49 ft)
	All other highway-oriented uses	10 m (33 ft)
	All non-highway-oriented uses	6 m (20 ft)
	Corner lots	Shall comply with Section 5.4.
Rear Yard Minimum		3 m (10 ft)
Side Yard Minimum	All areas	3 m (10 ft)
	Side yard setbacks much comply with Section 5.5	

5. Performance Standards and Regulations

- a) Prior to issuance of a building permit a site plan indicating location of buildings, landscaping, parking, accesses and driveways proposed lighting and signs, and any fence or screening shall be approved by the Development Officer. The access from the premises to the highway or major streets shall be allowed only at the points as established by the Development Officer. The building setbacks shall allow for the planned widening of streets and/or provision of service roads where required by Council. The building setbacks shall provide for the front yards as established by these regulations in addition to the setbacks needed for the aforementioned widening.
- b) Where development fronts on a designated highway pursuant to the Public Highways Act a service roadway of not less than 15 m (50 ft) in width shall be required adjacent and parallel to the highway. Council may require a service road of not less than 15 m (50 ft) in width on all highways within the Town.

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- c) All buildings shall be of good architectural design as required by Council, so as not to interfere with or detract from the standards of the zone and the amenities of the neighbourhood.
 - d) All yards abutting the highway or roadway shall be landscaped and the entire lot and all buildings maintained in a neat, tidy manner including the trimming and upkeep of areas and the removal of debris and unsightly objects.
 - e) All storage, freightage or trucking yards shall be enclosed or completely screened by buildings, trees, landscaped features, or fences or a combination thereof.
 - f) All outdoor storage areas shall be enclosed with a suitable fence and the outdoor storage and display of equipment, machinery, building materials, lumber or other materials shall be kept in a clean and orderly condition at all times.
- 6. On C2 Zoned lots that are on the west side of the Hay River Highway and accessed from Industrial Drive, Industrial Light uses may be permitted as long as adequate landscaping and/or screening are provided at the rear of the lot so that industrial uses and outdoor storage are not visible from the Highway.
- 7. Development Regulations for Discretionary Uses
 - a) Caretaker Unit - Section 6.9
 - b) Public Utility Service - Sections 5.7 & 5.8
 - c) Accessory Uses and Buildings - Section 6.12
- 8. Other Provisions
 - a) General Regulations - Section 5
 - b) Specific Land Use Regulations - Section 6
 - c) Parking and Loading Regulations - Section 8
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7.11 C3 - MIXED USE COMMERCIAL

1. General Purpose

This zone is intended to make provisions for commercial, residential, institutional, educational, and recreational uses in the core area of the New Town.

2. Permitted Uses

- a) Eating and Drinking Establishment
- b) Financial Institution
- c) Health Services
- d) Hotel
- e) Housing, Multiple Unit, as part of a Mixed-Use Development
- f) Mixed-Use Building
- g) Motel
- h) Day Care Facility
- i) Offices
- j) Park
- k) Place of Entertainment
- l) Playground
- m) Personal Service Shops
- n) Retail Store, not including Drive-In Businesses

3. Discretionary Uses

- a) Accessory buildings and uses
- b) Commercial School, not including schools using heavy and industrial equipment
- c) Religious Assembly
- d) Parking Facility
- e) Private Clubs
- f) Public Utility Service
- g) Public Use
- h) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this zone

4. Development Regulations

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Development Regulations for C3 – Mixed Use Commercial		
Lot Dimensions		
Lot Width Minimum		7.5 m (25 ft)
Lot Depth Minimum		30 m (99 ft)
Lot Area Minimum		325 m² (3498 sq. ft)
Building Dimensions		
Lot Coverage Maximum	Commercial uses	100%
	Mixed uses and residential uses	100%
	All other uses	40%
	In all instances, adequate provision, in accordance with the regulations of this bylaw, shall be made for parking and loading, garbage facilities and landscaping where required.	
Building Height Maximum	All buildings	13 m (43 ft)
	If a sprinkler system is provided then the building height shall be at the discretion of the Development Officer.	
Density		
Residential Buildings	Row housing	60 units per hectare (24 per acre)
	All other multiple family	120 units per hectare (48 per acre)
Mixed Use Buildings	Row housing	50 units per hectare (20 per acre)
	All other multiple family	100 units per hectare (40 per acre)
Yard Setbacks		
Front Yard Minimum	Regular shaped lots	Shall be at the discretion of the development officer, considering development or potential development on adjacent lot
	Corner lots	Shall comply with Section 5.4.
Rear Yard Minimum		6 (20 ft)
Side Yard Minimum	Adjacent to a residential zone	3 m (10 ft)

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	All other areas	2.5 m (8.2 ft)
	Side yard setbacks much comply with Section 5.5	

5. Performance Standards and Regulations

- a) There shall be no outside storage of goods, products, materials, or equipment permitted within this zone which pertains to a commercial business.
- b) The placement and maintenance of any propane storage tank that:
 - i. is a temporary, semi-permanent or permanent fixture; or
 - ii. exceeds 20 lbs. and is connected to a building in any way; is prohibited within Zone C3.
- c) This provision is not to apply to portable, temporary, freestanding propane storage tanks, such as propane cylinders for barbecues or construction site heating and other similar uses, with a single tank capacity of less than or equal to 200 lbs. and an aggregate capacity of less than 1000 lbs.

6. Development Regulations for Discretionary Uses

- a) Multiple Family Housing Development - Section 6.2
- b) Day Care - Section 6.4
- c) Religious Assembly - Section 6.7
- d) Public Utility Service - Sections 5.7 & 5.8
- e) Accessory Uses and Buildings - Section 6.12

7. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 4
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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7.12 M1 - RESTRICTED INDUSTRIAL

1. General Purpose

To establish a Zone for industrial uses where there will be minimal nuisance and such that the Zone is compatible with any adjacent non-industrial Zone.

2. Permitted Uses

- a) Cold Storage Lockers
- b) Caretaker Units
- c) Community Garden
- d) Household Repair Services
- e) Industry, Light
- f) Land Treatment Facility
- g) Modular/Manufactured Home and Trailer Construction
- h) Outdoor Storage
- i) Receiving and Distributing Depots
- j) Warehouse Sales
- k) Warehouse, Personal Storage
- l) Workshops
- m) Vehicle Sales and Service
- n) Accessory Buildings and Uses

3. Discretionary Uses

- a) Auctioneering Establishment
- b) Correctional Facilities
- c) Eating and Drinking Establishments
- d) Gas Bar
- e) Public Use, Commercial, Manufacturing and Recreation uses that are unlikely to restrict the use of the zone for industry.
- f) Public Utility Service
- g) Accessory buildings and uses to the above
- h) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the Zone.

4. Development Regulations

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Development Regulations for M1 – Restricted Industrial		
Lot Dimensions		
Lot Width Minimum		30 m (99 ft)
Lot Depth Minimum		At the discretion of the Development Officer
Lot Area Minimum		At the discretion of the Development Officer
Building Dimensions		
Lot Coverage Maximum		60%
Building Height Maximum		10 m (33 ft)
Yard Setbacks		
Front Yard Minimum	Regular lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.
Rear Yard Minimum	Regular lots	5 m (16.4 ft)
	Where the rear boundary abuts a residential zone	7.5 m (25 ft)
Side Yard Minimum	All lots	4.5 m (15 ft)
	Corner lots	Shall comply with Section 5.5.
Notwithstanding the minimum yard requirements above, where it is deemed impractical to conform with these requirements due to obvious physical limitations, all yards shall be at the discretion of the Development Officer who shall have regard for the amenities of the district and adjoining lots.		

5. Performance Standards and Regulations

- a) Where the likelihood of air or water pollution is concerned, it may be required that the proposed development be referred by the municipality to an appropriate Government Agency for study and recommendation, and due regard shall be given to such recommendation in dealing with the application.
- b) Any industrial operation including production, processing, cleaning, testing, repairing, storage or distribution of a material shall conform to the following standards:
 - i. noise - emit no noise of industrial production audible at any point of the boundary of the lot on which the operation takes place;
 - ii. smoke - no process involving the use of solid fuel is permitted, save the use of waste disposal incinerators of a design approved by Council;

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- iii. dust and ash - no process involving the emission of dust fly-ash or other particulate matter is permitted;
 - iv. odour - the emission of any odorous gas or other odorous matter is prohibited;
 - v. toxic gases, etc. - the emission of any toxic gases or other toxic substances is prohibited;
 - vi. glare or heat - no industrial operation shall be carried out that would produce glare or heat discernible beyond the property line of the lot concerned;
 - vii. external storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the Development Officer or Council, as the case may be; and
 - viii. industrial wastes - no wastes shall be discharged into any sewer which does not conform to the standards established by the Town of Hay River.
 - c) The onus of proving to the Development Officer's satisfaction that a proposed development does and will comply with these requirements rests with the developer.
 - d) In considering the application, the Development Officer or Council shall have regard to the intent of this section, which is to establish use on the basis of:
 - i. appropriate performance standards;
 - ii. the methods, equipment and techniques of the applicant; and
 - iii. the use of neighbouring lands and zones and the compatibility of the proposed use with neighbouring lands and zones.
 - e) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until the performance standards are complied with. Prior to the issue of any license under the Business License bylaw of the Town of Hay River, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.
6. Development Regulations for Discretionary Uses
- a) Public Utility Service - Sections 5.7 & 5.8
 - b) Accessory Uses and Buildings - Section 6.12
7. Other Provisions
- a) General Regulations - Section 5
 - b) Specific Land Use Regulations - Section 6

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- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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7.13 M2 - GENERAL INDUSTRIAL

1. General Purpose

To establish a Zone for those industrial uses which generally carry out a portion of their activities outdoors and are of such a nature they may not meet the requirements of the M1 Zone.

2. Permitted Uses

- a) Commercial ventures directly related to industrial or manufacturing activities
- b) Industry
- c) Industrial Warehouse and Storage Facilities
- d) Public Utility Infrastructure, Major Impact
- e) Accessory Buildings and Uses

3. Discretionary Uses

- a) Abattoir
- b) Accessory buildings and uses
- c) Automobile Salvage Establishments
- d) Caretaker Unit
- e) Public Use, Commercial, Agricultural or Recreation uses, provided that it is unlikely to restrict the use of the zone for industry.
- f) Public Utility Service
- g) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the zone

4. Development Regulations

Development Regulations for M2 – General Industrial	
Lot Dimensions	
Lot Width Minimum	30 m (99 ft)
Lot Depth Minimum	At the discretion of the Development Officer
Lot Area Minimum	At the discretion of the Development Officer
Building Dimensions	
Lot Coverage Maximum	60%
Building Height Maximum	10 m (33 ft)

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Yard Setbacks		
Front Yard Minimum	Regular lots	10 m (33 ft)
	Corner lots	Shall comply with Section 5.5.
	The front yard setback may be varied at the discretion of the Development Officer who shall have regard for the general intent of the zone and the adjoining properties.	
Rear Yard Minimum	Regular lots	6 m (20 ft)
	The rear yard setback may be varied at the discretion of the Development Officer who shall have regard for the general intent of the zone and the adjoining properties	
Side Yard Minimum	All lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.
	The side yard setback may be varied at the discretion of the Development Officer who shall have regard for the general intent of the zone and the adjoining properties.	

5. Performance Standards and Regulations

- a) Where the likelihood of air or water pollution is concerned, it may be required that the proposed development be referred by the municipality to an appropriate Government Agency for study and recommendation, and due regard shall be given to such recommendation in dealing with the application.
- b) Any industrial operation including production, processing, cleaning, testing, repair, storage or distribution of any material shall conform to the following standards:
 - i. smoke, dust, ash, odour, toxic gases, etc. shall only be released to the atmosphere in such amounts and under such conditions and safeguards as shall have been approved in writing by Council after consultation with the appropriate Government Agency;
 - ii. glare or heat - no industrial operation shall be carried out which would produce glare or heat so as to be offensive beyond the property line of the lot concerned;
 - iii. industrial wastes - no industrial wastes shall be discharged into any sewer which does not conform to the standards established from time to time bylaw of the Town of Hay River;
 - iv. odour - the emission of any odorous gas or other odorous matter is prohibited;
 - v. toxic gases, etc. - the emission of any toxic gases or other toxic substances is prohibited; and

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- vi. external storage - external storage of goods or material is permitted if kept in a neat and orderly manner or suitably enclosed by a fence or wall to the satisfaction of the Development Officer or Council, as the case may be.
- c) Abattoir Development shall conform to the following:
 - i. No abattoir shall be located within 200 m (660 ft) of any habitable structure;
 - ii. Feed lots shall not be operated in accordance with an abattoir;
 - iii. Any live animals kept on lot shall be for a short duration prior to processing (maximum 4 days); and
 - iv. All livestock storage areas shall be designed so as to minimize any possible odours. In this regard, outdoor staging area shall be designed and sloped for easy cleaning.
- d) The onus of proving to the Development Officer's satisfaction that a proposed development does and will comply with these requirements rests with the developer.
- e) In considering the application, the Development Officer or Council shall have regard to the intent of this section, which is to establish use on the basis of:
 - i. appropriate performance standards;
 - ii. the methods, equipment and techniques of the applicant; and
 - iii. the use of neighbouring lands and zones and the compatibility of the proposed use with neighbouring lands and zones.
- f) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until compliance with performance standards. Prior to the issue of any license under the Business License Bylaw, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.

6. Development Regulations for Discretionary Uses

- a) Caretaker Units - Section 6.10
- b) Public Utility Service - Sections 5.7 & 5.8
- c) Accessory Uses and Buildings - Section 6.12

7. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8

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d) Sign Regulations - Section 9

7.14 T - TRANSPORTATION DISTRICT

1. General Purpose

To provide a Zone that designates areas for the transportation industry and transportation related uses, particularly because of their location relative to airports, railways, highways, the Hay River, and Great Slave Lake.

2. Permitted Uses

- a) Aerial Survey Services and other similar uses
- b) Aircraft Repair Establishments
- c) Aircraft Sales/ Rentals
- d) Air Freight Terminals
- e) Airplane Hangars
- f) Aviation Schools
- g) Railway Yards and Freight Terminals
- h) Receiving and Distribution Facilities
- i) Servicing and Repair Establishment accessory to above uses
- j) Water Transportation Services
- k) Accessory Buildings and Uses

3. Discretionary Uses

- a) Aircraft and Aircraft Parts Manufacturing
- b) Aviation Research and Testing Labs
- c) Aviation Bulk Fuel Storage
- d) Caretaker Units
- e) Cold Storage Lockers
- f) Household Repair Shops
- g) Industry
- h) Manufactured Home and Trailer Construction
- i) Outdoor Storage
- j) Public Utility Infrastructure, Major Impact
- k) Public Utility Infrastructure, Minor Impact
- l) Residential Facilities for transient workers ancillary to permitted or discretionary uses
- m) Trucking Terminals and related uses

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n) Vehicle Sales and Service

o) Warehouse Sales

4. Development Regulations

Development Regulations for T – Transportation		
Lot Dimensions		
Lot Width Minimum		30 m (99 ft)
Lot Depth Minimum		At the discretion of the Development Officer
Lot Area Minimum		At the discretion of the Development Officer
Building Dimensions		
Lot Coverage Maximum		60%
Building Height Maximum		Shall not exceed the height allowable under the Hay River Airport Zoning Regulations.
Yard Setbacks		
Front Yard Minimum	Regular lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.
	The front yard setback may be varied at the discretion of the Development Officer who shall have regard for the general intent of the zone and the adjoining properties.	
Rear Yard Minimum		1 m (3.3 ft)
Side Yard Minimum	All lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.

5. Performance Standards and Regulations

- a) No industrial operation shall be carried out that would produce smoke, dust, ash or glare that could interfere with the safe operation of aircraft.
- b) The onus of proving to the Development Officer's or Council's satisfaction that a proposed development does and will comply with these requirements rests with the developer.
- c) In considering the application, the Development Officer or Council shall have regard to the intent of this section, which is to establish use on the basis of:
 - i. appropriate performance standards;

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Regulations by Land Use Zone

- ii. the methods, equipment and techniques of the applicant; and
 - iii. the use of neighbouring lands and zones and the compatibility of the proposed use with neighbouring lands and zones.
- d) All development related to the waterfront must conform to the requirements of the following Acts:
 - i. Canada Water Act;
 - ii. Canada Shipping Act;
 - iii. Navigable Inland Waters Act; and
 - iv. Northern Inland Waters Act.
- e) Any disposal system for garbage, sewer or industrial wastes shall be approved by the local Environmental Officer as appointed under the Public Ordinance of the Northwest Territories.
- f) The granting of permission to develop in this zone is subject to compliance and continued compliance with the performance standards set out herein. The failure to comply with these performance standards shall be considered a contravention of this bylaw. Council may prohibit the continued use of the premises until the performance standards are complied with. Prior to the issue of any license under the Business License Bylaw of the Town of Hay River, the Senior Administrative Officer shall ensure that the performance standards set out in this bylaw have been met, to the satisfaction of the Development Officer, and it shall further be a condition of the issue of such license that it is of effect only for so long as these performance standards are in fact met.

6. Development Regulations for Discretionary Uses

- a) Caretaker Units - Section 6.0
- b) Public Utility Services - Sections 5.7 & 5.8
- c) Accessory Uses and Buildings - Section 6.12

7. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.15 U - UTILITY DISTRICT

1. General Purpose

To provide a zone for public and private utility installations, services, and facilities.

2. Permitted Uses

- a) Public Utility Service
- b) Public Utility Infrastructure, Minor Impact
- c) Protective and Emergency Service
- d) Accessory buildings and Uses

3. Discretionary Uses

- a) Public Utility Infrastructure, Major Impact
- b) Accessory buildings and uses to the above

4. Development Regulations

Development Regulations for U – Utility District		
Lot Dimensions		
Lot Width Minimum	All uses	30 m (99 ft)
	Aviation Bulk Fuel Storage Facilities	12 m (39.4 ft)
Lot Depth Minimum		At the discretion of the Development Officer
Lot Area Minimum		At the discretion of the Development Officer
Building Dimensions		
Lot Coverage Maximum		60%
Yard Setbacks		
Front Yard Minimum	Regular lots	6 m (20 ft)
	Aviation Bulk Fuel Storage Facilities	3 m (10 ft)
	Corner lots	Shall comply with Section 5.5.
Rear Yard Minimum		7.5 m (25 ft)
Side Yard Minimum	All lots	4.5 m (15 ft)

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	Corner lots	Shall comply with Section 5.5.
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5. Performance Standards and Regulations

- a) Except as provided for in Clause (g), developments in this zone shall comply with the industrial performance standards applicable to the M1 zone.
- b) If this zone is located in the interior of an industrial area abutting the M2 Zone and does not abut any residential zone, it shall comply with the performance standards applicable to the M2 Zone.
- c) If, in the opinion of the Development Officer, it is unreasonable for a development to comply with these development regulations because of characteristics fundamental to the provision of infrastructure services, he may recommend that Council relax specific requirements provided the development complies with all other minimum performance standards of the M2 Zone. In such cases, a permitted use shall become discretionary Use.
- d) In all cases, proposed development shall minimize objectionable impacts and incompatibility, to the satisfaction of the Development Officer, through its design, siting, landscaping, screening, and buffering.

6. Special Modifications

The Town Landfill Site is zoned Tx, located Lot 2089 Plan 4372, with the special condition being that the treatment of hydrocarbon contaminated soils by land farming is allowed.

7. Development Regulations for Discretionary Uses

- a) Public Utility Service - Sections 5.7 & 5.8
- b) Accessory Uses and Buildings - Section 6.12

8. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.16 I - INSTITUTIONAL

1. General Purpose

To provide a zone for public and privately owned facilities of an institutional or community service nature.

2. Permitted Uses

- a) Day Care Facility
- b) Offices
- c) Park
- d) Playground
- e) Public Use
- f) Religious Assembly
- g) Accessory Buildings and Uses

3. Discretionary Uses

- a) Health Services
- b) Private Clubs
- c) Protective and Emergency Service
- d) Public Utility Service
- e) Senior Housing
- f) Supported Living Facility
- g) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the Zone.

4. Development Regulations

Development Regulations for I – Institutional	
Lot Dimensions	
Lot Width Minimum	30 m (99 ft)
Lot Depth Minimum	At the discretion of the Development Officer
Lot Area Minimum	At the discretion of the Development Officer
Building Dimensions	
Lot Coverage Maximum	60%
Building Height Maximum	10 m (33 ft)

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Yard Setbacks		
Front Yard Minimum	Regular lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.
Rear Yard Minimum		7.5 m (25 ft)
Side Yard Minimum	All lots	4.5 m (15 ft)
	Corner lots	Shall comply with Section 5.5.

5. Development Regulations for Discretionary Uses

- a) Supported Living Facility - Section 6.5
- b) Public Utility Service - Sections 5.7 & 5.8
- c) Accessory Uses and Buildings - Section 6.12

6. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.17 P - PARKS AND OPEN SPACE

1. General Purpose

To establish an area of private and public land for active and passive recreational uses and landscaped buffers, and to preserve natural areas and parkland along the river, creeks and ravines and other designated areas for active and passive recreational uses and environment protection.

2. Permitted Uses

- a) Park
- b) Playgrounds
- c) Open Reserve Areas for Environmental Protection
- d) Accessory Buildings and Uses

3. Discretionary Uses

- a) Cemetery
- b) Eating and Drinking Establishment
- c) Golf Course
- d) Public Utility Service
- e) Marina
- f) Museums, Heritage Sites and Interpretive Centres
- g) Place of Entertainment-
- h) Private Club
- i) Public Use Tourist Campsite
- j) Riding Stables
- k) Tourist Lodge
- l) Those uses which, in the opinion of the Development Officer, are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the Zone

4. Development Regulations

Development Regulations for I – Institutional	
Lot Dimensions	
Lot Width Minimum	At the discretion of the Development Officer
Lot Depth Minimum	At the discretion of the Development Officer

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Lot Area Minimum		At the discretion of the Development Officer
Building Dimensions		
Lot Coverage Maximum		At the discretion of the Development Officer
Building Height Maximum		10 m (33 ft)
Yard Setbacks		
Front Yard Minimum	Regular lots	7.5 m (25 ft)
	Corner lots	Shall comply with Section 5.5.
Rear Yard Minimum		7.5 m (25 ft)
Side Yard Minimum	All lots	4.5 m (15 ft)
	Corner lots	Shall comply with Section 5.5.

5. Development Regulations for Discretionary Uses

- a) Public Utility Service - Sections 5.7 & 5.8
- b) Accessory Uses and Buildings - Section 6.12

6. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.18 MG - MARKET GARDEN

1. General Purpose

This zone is generally intended to accommodate small land holding for the growing of market gardening.

2. Permitted Uses

- a) Animals in accordance with Section 5.12 of this bylaw
- b) Apiaries
- c) Market Garden
- d) Crop, Cereal
- e) Crop, Forage
- f) Fish Farms
- g) Home Occupation
- h) Greenhouse, Commercial
- i) Housing, Single Detached
- j) Public Utility Service
- k) Accessory Buildings and Uses

3. Discretionary Uses

- a) Tourist Lodge
- b) Public Utility Service
- c) Any other use which, in the opinion of Council is similar to a use listed in this zone

4. Development Regulations

Development Regulations for MG – Market Garden	
Lot Dimensions	
Lot Width Minimum	At the discretion of the Development Officer
Lot Depth Minimum	At the discretion of the Development Officer
Lot Area Minimum	2 ha (5 ac)
Building Dimensions	
Lot Coverage Maximum	At the discretion of the Development Officer
Building Height Maximum	10 m (33 ft)

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Regulations by Land Use Zone

Yard Setbacks		
Front Yard Minimum	Regular lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.
Rear Yard Minimum		6 m (20 ft)
Side Yard Minimum	All lots	6 m (20 ft)
	Corner lots	Shall comply with Section 5.5.

5. Special Modifications:

Lots 593 and 584, Group 814, Plan 437 Delancey Estates are zoned MGx, the special condition being that a commercial scale poultry operation is allowed.

6. Development Regulations for Discretionary Uses

- a) Home Occupation - Section 6.6
- b) Public Utility Service - Sections 5.7 & 5.8
- c) Accessory Uses and Buildings - Section 6.12

7. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.19 UR - URBAN RESERVE

1. General Purpose

This zone is intended to reserve those areas of the municipality which are rural in character or land use for urban development other than industrial until such time as a subdivision plan has been approved. Development of these lands shall be consistent with the Community Plan and require the rezoning of any land to a designation appropriate for the proposed development.

2. Permitted Uses

- a) None

3. Discretionary Uses

- a) Recreational, Agricultural and Public Utility Services which are not prejudicial to future development for residential, commercial or similar urban uses

4. Development Regulations

- a) All siting, lot coverage, densities, yard setbacks and height of buildings shall be at the discretion of the Development Officer and Council.
- b) Only such subdivision or transfer of land for the discretionary uses shall be permitted as will not prejudice the future economical subdivision or servicing of the land on a neighbourhood or community basis.
- c) Water supply and sewage disposal shall be provided in accordance with the Public Act.
- d) All uses are to be considered on their individual merit and Council and the Development Officer shall set out the minimum standards to which individual developments must comply.

5. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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7.20 RR - RURAL RESOURCE

1. General Purpose

To establish a zone for a variety of resource development purposes, of which agriculture shall be a significant use. It is the intent of this zone to prevent premature or scattered subdivision. The Rural Resource zone shall include all lands within the jurisdiction of this bylaw not otherwise designated on the Hay River Zoning Map.

2. Permitted Uses

a) Farming

- i. animal and poultry raising;
- ii. dairy farming;
- iii. field crops;
- iv. grazing; and
- v. other similar uses customarily carried out in agriculture.

b) Home Occupation

c) Housing, Single Detached one per lot

d) Mobile Home, one per lot

e) Accessory Buildings and Uses

3. Discretionary Uses

a) Additional Dwelling Units or Mobile Homes as per demonstrated need

b) Apiaries

c) Fish Farm

d) Forestry Greenhouse, Commercial

e) Installations for Scientific Research

f) Intensive Livestock Operation

g) Kennel

h) Market Gardening

i) Natural Resource Extraction and Management Activity

j) Parks

k) Public Use

l) Public Utility Infrastructure, Minor Impact

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Regulations by Land Use Zone

- m) Public Utility Infrastructure, Major Impact
- n) Public Utility Services
- o) Storage on leased land as permitted by council
- p) Tourist Campsite where provision is made for the provision of water, waste disposal, transportation, and other services
- q) Tourist Lodge
- r) Trapping
- s) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of this zone

4. Development Regulations

Development Regulations for RR – Rural Resource	
Lot Dimensions	
Lot Area Minimum	20 ha (49.5 ac)
Building Dimensions	
Building Height Maximum	10 m (33 ft) – except for accessory buildings on a farm
Yard Setbacks	
Front Yard Minimum	7.5 m (25 ft)
Rear Yard Minimum	7.5 m (25 ft)
Side Yard Minimum	4.5 m (15.0 ft)

5. Performance Standards and Regulations

- a) The development of any Intensive Livestock Operation must conform with the regulations set forth in Section 6.13 of this bylaw.
- b) The Development Officer or Council may consider the agricultural location guidelines of other jurisdictions in considering a permit for intensive agricultural uses to protect adjacent property from any potential adverse effect.
- c) Water supply and sewage disposal shall be provided in accordance with the Public Health Act regulations.
- d) In considering discretionary uses, Council shall not approve any uses that would be prejudicial to the future economical subdivision and servicing of such lands, as may be required in the future.

6. Special Modification

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Regulations by Land Use Zone

The land that lies south of the centre line of Territorial Highway No. 2 and north of the ordinary high water mark of the Hay River, between kilometre marker 18.93 and kilometre marker 20.90 of Territorial Highway No. 2, containing 121 hectares, more or less, is zoned RRx, the special condition being that a commercial scale port operation is allowed.

7. Development Regulations for Discretionary Uses

- a) Public-Utility Service - Sections 5.7 & 5.8
- b) Home Occupation - Section 6.6
- c) Animal Regulations - Section 6.13
- d) Intensive Livestock Operations - Section 6.14
- e) Accessory Uses and Buildings - Section 6.12

8. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.21 H - HOLDING ZONE

1. General Purpose

This zone is intended to reserve an area, designated H - Holding Zone, until such time as formal discussions with First Nations about the land use and land ownership issues have been completed.

2. Permitted Uses

- a) None.

3. Discretionary Uses

- a) None.

4. Development Regulations

- a) There shall be no development of any kind in this zone.

5. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Regulations by Land Use Zone

7.22 WPFN - WEST POINT FIRST NATION

1. General Purpose

To create a site specific zone to cover all lands presently occupied by the West Point First Nation. This zone shall recognize the First Nation view of land that is communal rather than individualistic.

2. Permitted Uses

- a) None

3. Discretionary Uses

- a) Accessory Buildings and Uses
- b) Day Care Facility
- c) Home Occupations
- d) Housing, Single Family
- e) Mobile Homes
- f) Public Utility Services
- g) Religious Assembly
- h) Retail Store, Convenience
- i) Storage of materials and equipment used, by residents, for the purpose of fishing
- j) Those uses which, in the opinion of the Development Officer are similar to the permitted or discretionary uses, and which conform to the general purpose and intent of the zone.

4. Development Regulations

The application of development regulations will be at the discretion of the Development Officer. The general intent for the application of development regulation will be on a permit specific basis, and the use identified on the Development Permit Application. The development regulations will be referenced to the standards for similar uses within the Town's existing zones.

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Regulations by Land Use Zone

Development Regulations for WPFN – West Point First Nation	
Lot Dimensions	At the discretion of the development officer
Building Dimensions	
Minimum dwelling area	65 m ² (700 sq.ft.)
Building Heights	At the discretion of the development officer
Lot Coverage	At the discretion of the development officer
Yard Setbacks	At the discretion of the development officer
Garages and Accessory Buildings	At the discretion of the development officer

5. Development Regulations for Discretionary Uses

- a) Mobile Homes - Section 6.3
- b) Religious Assembly - Section 6.7
- c) Day Cares - Section 6.4
- d) Home Occupations - Section 6.6
- e) Local Utility Services - Sections 5.7 & 5.8
- f) Accessory Uses and Buildings - Section 6.12

6. Other Provisions

- a) General Regulations - Section 5
- b) Specific Land Use Regulations - Section 6
- c) Parking and Loading Regulations - Section 8
- d) Sign Regulations - Section 9

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Parking and Loading Regulations

8.0 PARKING AND LOADING REGULATIONS

8.1 GENERAL REGULATIONS

1. In all zones parking shall be wholly provided for on the same lot as the building to be served unless otherwise approved by the Development Officer.
2. Parking surfaces shall be of a durable, dust-free, hard surface constructed of concrete, asphalt, or similar pavement.
3. All parking area accesses shall be subject to prior approval of the Development Officer or Council.
4. Parking facilities shall be designed and located so as to minimize any disruption to the continuity of the pedestrian system of sidewalks and on-site pedestrian spaces.
5. All off-street parking facilities shall be so constructed that:
 - a) a standard design landscaped boulevard and/or sidewalk shall separate the off-street parking facility from the street;
 - b) the width and location of curb cuts, necessary to access the parking facility, shall meet the approval of the Development Officer;
 - c) necessary curb cuts are located and flared to the satisfaction of the Development Officer;
 - d) every off-street parking space provided, and the access thereto shall be hard surfaced; and
 - e) grades and drainage shall dispose of surface water. In no case shall grades be established that would permit surface drainage to drain onto streets or cross any sidewalk or site boundary without the approval of the Development Officer.
6. Unless otherwise permitted by the Development Officer, no parking spaces shall be located in a front yard.
7. Lots without rear lanes shall provide vehicular access from the front street, with the parking spaces being constructed adjacent to a side lot line.
8. The Town shall credit the developer for the difference in parking spaces between angle and parallel parking in cases where angle parking decreases the site available for development, due to the increased width of the street.
9. Parking facilities used at night shall have adequate lighting for the entire facility. Such lighting shall be directed away from any adjacent properties.
10. Adequate access to and egress from individual parking spaces is to be provided at all times by means of unobstructed maneuvering aisles and to the satisfaction of the Development Officer.
11. In accordance with Section 18(2) of the Planning Act, subject to the approval of Council, a person may provide the required off-street parking on land other than that to be developed.

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12. Where a required parking area is not located on the same lot where the building or use is located, the owner shall covenant with the Municipality by an agreement, that the lot on which the parking is located shall be used for such purposes as long as it is required under this bylaw.
13. The next higher number shall be taken where the calculation results in a fractional number of parking spaces.
14. A minimum of one parking space for each twenty spaces required under Section 8.3 shall be required for the physically handicapped. These handicapped spaces shall be located close to the building entrance to the satisfaction of the Development Officer. These spaces shall be developed in accordance with Section 8.2, with the exception that the minimum space width shall be 4 m (13.1 ft). A minimum of one handicapped parking space shall be provided with the development of any on-site parking facilities unless the total number of required stalls is less than ten.

8.2 MINIMUM PARKING FACILITY DIMENSIONS

1. The minimum dimensions of maneuvering aisles and parking stalls shall be in accordance with the following regulations.

A - Parking Angle in Degrees

B - Width of Space (in metres/ feet)

C - Depth of Space Perpendicular to Maneuvering Aisle (in metres/ feet)

D - Width of Space Parallel to Maneuvering Aisle (in metres/ feet)

E - Width of Maneuvering Aisle (in metres/ feet)

A	B	C	D	E
0	2.7 m (9 ft)	2.7 m (9 ft)	7 m (23 ft)	3.6 m (11.8 ft)
45	2.6 m (8.5 ft)	5.2 m (17 ft)	3.7 m (12 ft)	3.6 m (11.8 ft)
60	2.6 m (8.5 ft)	5.6 m (18.5 ft)	3 m (10 ft)	5.5 m (18 ft)
90	2.6 m (8.5 ft)	5.5 m (18 ft)	2.6 m (8.5 ft)	7 m (23 ft)

2. Where the side of a parking stall is against any permanent structure greater than 0.2 m (0.66 ft) in height, then that stall shall be a minimum of 2.7 m (9 ft) wide.
3. A parking stall shall have a minimum width of 3 m (10 ft) whenever it is an end space that abuts a physical barrier along an entire side.
4. Where there are structural elements along parts of both sides of a parking stall, then that stall shall have a minimum width of 3 m (10 ft).

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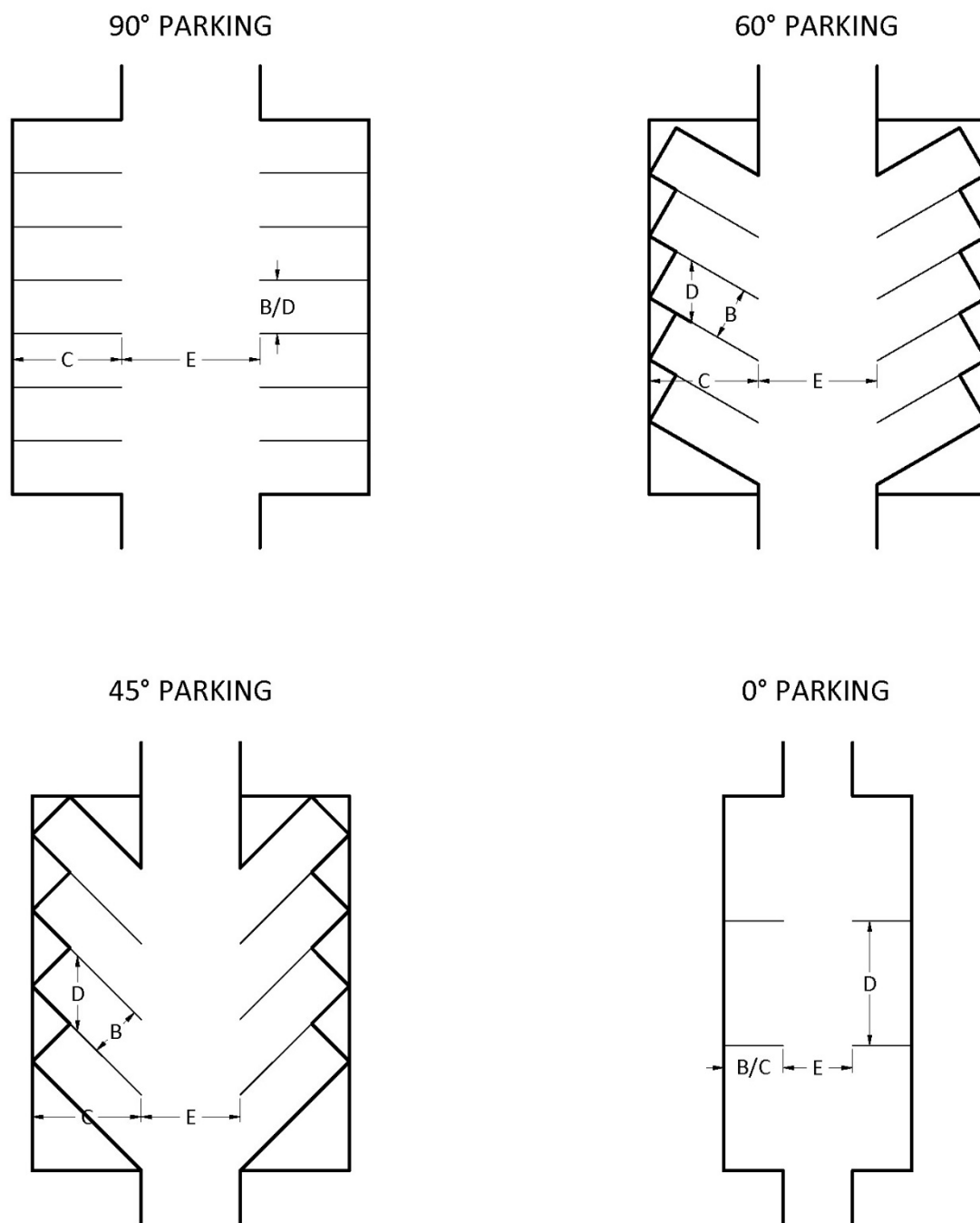


Figure 8.1 - Types of parking stalls

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Parking and Loading Regulations

8.3 OFF-STREET PARKING STALLS REQUIRED

1. Where a building is enlarged, altered or a change in the use occurs in such a manner as to cause a more intensive use of that building, provisions shall be made for the additional parking spaces required under the parking provisions of this bylaw. The calculations shall be based on the number of additional parking spaces required as a result of the enlargement, alteration or change in the use of the building, in addition to parking spaces that may have been removed due to the enlargement or alteration.
2. The minimum number of off-street parking stalls required for each use of building or development shall be as follows:
 - a) Residential Uses

Single detached dwellings or duplexes unless otherwise determined by the Development Officer	2 per dwelling unit
Living suites or garden suites	1 per unit
Multiple family housing, apartment, or row housing.	1 per dwelling unit plus 1 for every four dwelling units to serve as visitor parking; this may be lowered to one per six units at the discretion of the Development Officer
Mobile homes	1 per dwelling unit
Bed and breakfasts	1 per rented guest room
 - b) Commercial

Business, administrative, and professional offices	1 per 50 m ² of gross leaseable area
Retail commercial uses and personal service shops area for retail purposes	1 per 35 m ² of gross leaseable area
Eating and drinking establishments	1 per five seating spaces or 1 per every 5 m ² of seating area, whichever number of parking stalls is greatest
Take-out restaurants	1 per 13 m ² of public area
Cocktail bars and lounges	1 per four seats or every 5 m ² (54 sq. ft) of seating area
Hotels	1 per three guest rooms and 1 for every three employees on maximum shift

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Motels	1 per sleeping unit and 1 for every three employees on maximum shift
Gas bars	1 per 47 m ² of floor area used for business purposes
c) Places of Public Assembly	
Auditoriums, religious assembly, halls, theatres, gymnasiums, ball parks, sports arenas, other recreational or amusement places, private clubs	1 per ten seating spaces or 1 per 9.3 m ² (100 sq. ft) used by the public, whichever number of parking stalls is greatest
d) Schools	
Elementary and junior high schools	1 per classroom plus 5 spaces
Senior high schools	1 per classroom plus 1 for every 20 students; or 1 space per 10 seating spaces used for assembly in an auditorium, which ever is greatest
Post-secondary institutions	1 space for each classroom plus 1 space for every 20 students
e) Industrial	
All uses in the M1 and M2 zones	1 spaces for every four employees on maximum working shift
f) Health Services and Similar Uses	
Health services, hospitals and similar uses	1 per 100 m ² of gross floor area and 1 space per three employees on maximum shift
Senior citizens lodges and nursing homes	1 space per four units
g) Day Care Facilities	
Day care facilities	1 space per 34.0 m ² (366 sq. ft) of gross floor area
3. Unless otherwise provided for in this section, or in any other section of this bylaw, all parking requirements for employees are included in the regulations outlined herein.	
4. Where a development on a lot falls within more than one type of use, the required number of spaces shall be the sum of the requirements for each of the uses as specified in subsection 2.	

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5. In the case of a use not specified in subsection 2, the number of stalls provided shall be the same as for a similar use as determined by the Development Officer.

8.4 OFF-STREET LOADING REQUIREMENTS

1. Where a proposed development will from time to time, require pick-up or delivery of commodities, adequate space for the loading and unloading of same shall be provided and maintained on the site.
2. The person providing any parking or loading space under this section shall design, locate, and construct it so that:
 - a) it is accessible to a vehicle intended to be accommodated in it;
 - b) it can be properly maintained; and
 - c) it is of a size, shape, location, and construction that it is appropriate having regard to the nature and frequency of vehicles using it.
3. Off-street loading spaces shall:
 - a) have overhead clearance of not less than 4.3 m (14.2 ft) above grade;
 - b) have dimensions of not less than 3 m (10 ft) in width and 7.5 m (25 ft) in depth;
 - c) have vehicular access to and exit from a street or lane either directly or by a clearly defined traffic aisle;
 - d) be situated on the premises so that no street or lane is obstructed when the loading space is being used;
 - e) be sited at an elevation or elevations convenient to a major floor level in the building or to a utility elevator serving each major floor level;
 - f) be so graded and drained as to dispose of all surface water. In no case shall grades be established that would permit drainage to drain onto streets or cross lot boundaries or sidewalks without the approval of the Development Officer;
 - g) be of a durable, dust-free, hard surface constructed of concrete, asphalt, or similar pavement;
 - h) have adequate lighting to the satisfaction of the Development Officer; and
 - i) be screened on each side adjoining or fronting on any property in a residential zone by a wall, fence, earth berm or hedge of not less than 2 m (6.6 ft) in height, to the satisfaction of the Development Officer.
4. The required number of off-street loading spaces shall be:
 - a) one loading space for each loading door provided for all uses within commercial, industrial, and institutional zones, excluding offices, financial and personal services;
 - b) one space required for each building containing 15 or more dwelling units; and
 - c) determined by the Development Officer for any other building or use.

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Schedule 1
Sign Regulations

9.0 SIGN REGULATIONS

9.1 GENERAL REGULATIONS

1. All signs shall require a sign permit unless otherwise specified under this bylaw. Applications for Development Permit - Sign shall be in the prescribed form.
2. No sign permit is required for the following signs:
 - a) sign posted or exhibited in a building;
 - b) sign posted or exhibited in or on an operating motor vehicle if the vehicle is not temporarily or permanently parked solely for the purpose of displaying the sign;
 - c) a statutory or official notice or notice of a function of the Town of Hay River;
 - d) traffic and directional signs authorized by the Town's Engineer;
 - e) the erection of campaign signs for federal, territorial, municipal, or school board elections on private properties for no more than thirty days, or such other time as regulated under territorial or federal legislation provided that:
 - i. such signs are removed within ten days of the election date, and
 - ii. the consent of the property owner or occupant is obtained, and
 - iii. such signs do not obstruct or impair vision or traffic, and
 - iv. such sign are not attached to utility poles, and
 - v. such signs indicate the name and address of the sponsor and the person responsible for removal;
 - f) no sign permit is required for a sign that is posted or exhibited solely for the identification of the land or building on which it is displayed including signs for professional, corporate or trade name plates identifying the occupants, if the sign:
 - i. does not exceed 1 m² (10.76 sq. ft) in size, and
 - ii. is posted only at each entrance from which access from a public roadway to the building is provided;
 - g) no sign permit is required for a sign that is posted or exhibited for sale, lease or rental of land or a building if the sign:
 - i. is not capable of being illuminated, and
 - ii. is 4 m² (43 sq. ft) or less in size, and
 - iii. is posted only on each side of the building or land facing a different public roadway; and

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- h) signs in commercial developments provided they are inside the window or inside the building.
- 3. All signs shall require a sign permit unless otherwise specified under this bylaw.
- 4. The Development Officer may require the removal of any sign which in his opinion is, or has become unsightly, or is in such a state of disrepair as to constitute a hazard.
- 5. Minimum yard requirements shall be observed for any sign located on a lot and, at the discretion of the Development Officer, the sign shall not be further than 30 m (99 ft) from the principal building. No sign shall be of such size or design as to, in the opinion of the Development Officer, obstruct the vision of persons using roads abutting the lot.
- 6. Quality, aesthetic character and finishing of sign construction shall be to the satisfaction of the Development Officer.
- 7. Except as otherwise specified in this bylaw, the maximum area of any sign shall be 35 m² (377 sq. ft).
- 8. Where in the opinion of the Development Officer, a proposed sign in a commercial or industrial zone might be objectionable to a resident in an adjacent residential zone, the Development Officer may impose such other regulations as he feels would protect the interests of the residents.
- 9. Flashing, animated or interiorly illuminated signs shall not be permitted in residential zones where in the opinion of the Development Officer they might:
 - a) affect residents in adjacent housing, or residential zones; or
 - b) interfere with or obstruct a motor vehicle driver's vision or interpretation of oncoming traffic signs or traffic signal lights.
- 10. No person shall erect or place a sign so that it would be considered, in the opinion of the Development Officer, to be a traffic hazard, or obstruct the vision of vehicular traffic.
- 11. The area around sign structures shall be kept clean and free of overgrown vegetation, and free from refuse material.
- 12. Signs which are located off-site shall require written permission from the owner of the property, prior to approval of a sign permit application.
- 13. No sign shall be permitted that, in the opinion of the Development Officer, portrays illegal activities or conveys a message which is offensive, discriminatory, libelous or obscene.

9.2 FREESTANDING SIGNS

- 1. Freestanding signs shall be permitted in all land use zones, excepting residential zones, where freestanding signs may be permitted under the following special provisions:

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- a) within a residential zone, one identification freestanding sign may be allowed to identify the name of an apartment, multi-family complex, mobile home park or a subdivision, and which does not:
 - i. exceed 2 m² (21.5 sq. ft) in size, or
 - ii. project within 0.6 m (2 ft) from the property line, or
 - iii. exceed 3.5 m (11.5 ft) in height; and
 - b) freestanding signs identifying the name of the community, neighbourhood or subdivision shall blend in with the architecture or development theme of the surrounding area.
2. Within all land use zones, excepting residential zones, one freestanding sign may be allowed per lot as follows:
- a) where a lot has in excess on 90 m (297 ft) of frontage, one additional freestanding sign may be erected for each additional 90 m (297 ft) or portion thereof, of street frontage abutting the development portion of the said lot; or
 - b) where a lot is considered to be double fronting by the Development Officer, each frontage may have a freestanding sign provided that the signs are no closer than 90 m (297 ft) apart;
 - c) the maximum height of any freestanding sign shall not exceed 9.1 m (30.0 ft) from grade. No part of any sign that is highway oriented and within 200 m (660 ft) of the edge of the pavement shall be more than 9.1 m (30 ft) above the grade of the highway or 15 m (49.2 ft) above the grade of the lot of the sign, whichever is lowest;
 - d) the total sign area of a freestanding sign shall not exceed 0.3 m² (3.2 sq. ft) in area for each metre of street frontage of the developed lot, to a maximum of 17 m² (183 sq. ft) for each sign;
 - e) the freestanding sign shall not project within 0.6 m (2.0 ft) from the property line, or within 2 m (6.6 ft) of overhead utility lines; and
 - f) freestanding signs may rotate at no more than six revolutions per minute.

9.3 BILLBOARD SIGNS

1. Billboard signs may be allowed in C2, UR and PR zones as follows:
- a) the design, character, location, and construction of a billboard sign shall be to the satisfaction of the Development Officer, who shall take into consideration the following:
 - i. compatibility with the general architectural lines and forms of the nearby buildings and the character of the streetscape or area within which it is to be located,
 - ii. the restriction of natural light to the surrounding buildings,
 - iii. wall mounted billboards shall not extend vertically above either the roofline, for flat roofed buildings, or the eave line for all other buildings, and

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- iv. the billboard sign shall be positioned so that it does not severely obstruct the horizon line when it is viewed from vehicular traffic travelling past it in any direction;
- b) the face of the billboard sign shall not exceed a vertical dimension of 4.8 m (15.8 ft) by a horizontal dimension of 10 m (33 ft);
- c) a billboard sign shall not be located within a minimum distance of 150 m (495 ft) from any other billboard sign located on the same side of the road;
- d) a billboard sign shall not project within 5 m (16.4 ft) from the property line; and
- e) no part of any billboard sign that is highway oriented and within 200 m (656 ft) of the edge of pavement shall be more than 7.5 m (25 ft) above the grade of the highway or 15.0 m (49.5 ft) above the grade of the site of the sign, whichever is lowest.

9.4 PROJECTING SIGNS

1. Projecting signs shall be permitted in the C1, C3, M1 and M2 zones.
2. The maximum area for a projecting sign shall be 4 m² (43 sq. ft).
3. No part of a projecting sign shall:
 - a) extend more than 2 m (6.6 ft) above the parapet of the building;
 - b) extend more than 2 m (6.6 ft) from the face of the building; and
 - c) be less than 3 m (10 ft) above ground or sidewalk grade.
4. Projecting signs shall be placed at right angles to the building face, except when they are located at the corner of the building, at which time the sign shall be placed at equal angles to the building faces.

9.5 CANOPY SIGNS

1. Canopy signs shall be permitted in all commercial and industrial zones.
2. The canopy sign shall have a clearance of not less than 3 m (10 ft) between the bottom of the canopy and the sidewalk, walkway or ground level.
3. In commercial zones where the front portion of the building extends out to the front property line, the canopy sign shall not project more than 2 m (6.6 ft) over the sidewalk.

9.6 OFF-SITE SIGNS

1. Notwithstanding other sections in this bylaw and at the discretion of the Development Officer, off-site signs may be erected on ground, roof or wall locations in commercial or industrial zones (but in no case shall be allowed in residential zones) subject to the following conditions:
 - a) signs shall not be placed closer together than 90 m (295 ft);

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- b) the maximum size shall not exceed 28 m² (301 sq. ft);
- c) the sign shall be neat and clean in appearance as shall the area surrounding the sign;
- d) no part of any sign that is highway oriented and within 200 m (660 ft) of the edge of the pavement shall be more than 7.5 m (25 ft) above the grade of the highway or 15 m (49.5 ft) above the grade of the site of the sign, whichever is lowest; and
- e) no part of the sign shall be located any closer to the street line than the front line of the nearest buildings.

9.7 ROOF SIGNS

1. Roof signs shall be permitted in the C1, C2, M1 and M2 zones.
2. Roof signs shall be manufactured in such a way that they appear as an architectural feature, and shall be finished in such a manner that the visual appearance from all sides makes them appear to be part of the building itself;
3. No portion of a sign shall overhang the roof on which it is located;
4. No supporting structures shall be visible to the public unless finished in an aesthetically pleasing manner to the discretion of the Development Officer.

9.8 WALL AND FASCIA SIGNS

1. Wall and fascia signs shall be permitted in all land use zones excepting residential zones.
2. One fascia sign only will be permitted to indicate the name and nature of the occupancy for each occupancy within the development. The sign shall not exceed a height of 1.5 m (5 ft) and a horizontal dimension greater than the length of the bay which the proprietor's sign identifies. In no case, however, shall the fascia sign exceed 30% of the building face or bay which the sign identifies.
3. Notwithstanding subsection 2, developments which are considered to be double fronting may apply for a fascia sign permit for the second fronting building face.
4. A wall sign on commercial or industrial buildings shall not exceed an area of more than 4% of the wall to which it is attached.
5. A wall sign shall not extend beyond the limits of the wall to which it is attached.
6. Notwithstanding subsections 2 and 4, fascia and wall signs for a commercial or industrial building containing more than one bay, shall maintain the same character and size of the sign throughout the building face and from bay to bay.
7. Any identification wall signs with non-illuminated letters not exceeding 19 cm (7.5 in.) in height, nor 0.4 m² (4.3 sq. ft) in area, are not restricted and may be permitted in addition to regular signs.

TOWN OF HAY RIVER - ZONING AND BUILDING BYLAW

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9.9 TEMPORARY SIGNS

1. Temporary signs shall be permitted in all zones excepting residential zones
2. The Development Officer may grant one sign permit per lot to a person announcing a special event, sale or other function.
3. A sign granted under subsection 2 shall specify the period of time during which the sign is permitted to be exhibited but shall not exceed:
 - a) 60 days from the date the permit is issued; or
 - b) 2 days after the event occurs, whichever is the shorter period.
4. No person shall:
 - a) locate a temporary sign so that it causes a traffic hazard or conflicts with parking, loading or walkway areas;
 - b) in any zone where temporary signs are permitted, locate a temporary sign within 6 m (20 ft) of the curb of a double fronting or corner lot unless otherwise permitted by the Development Officer; and
 - c) locate a sign within roadway rights-of-way or on public property, unless consent is given by the municipality.
5. Inflatable temporary signs shall be securely grounded and a minimum of 10 m (33 ft) away from utility lines and road rights-of way.

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Bylaw No. 2444-22

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**TOWN OF HAY RIVER
ZONING AND BUILDING BYLAW
BYLAW NO. 2444-22
SCHEDULE 2: ZONING MAPS**

TOWN OF HAY RIVER - ZONING AND BUILDING BYLAW

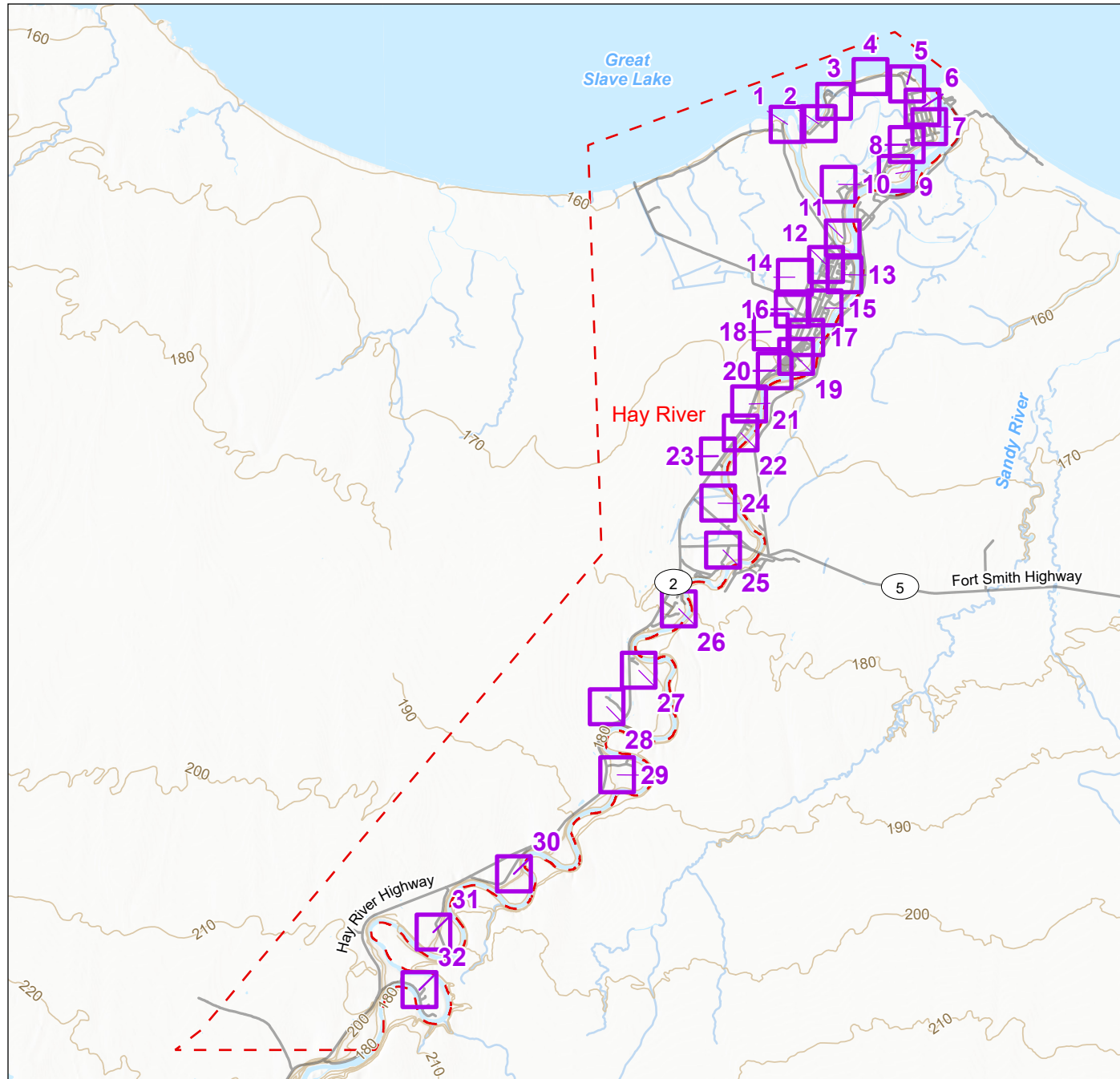


Figure No.

INDEX

Title

Hay River Zoning Bylaw Map Index

Client/Project

144903141-0003

Client: Town of Hay River

Project: Zoning Bylaw

Project Location

Town of Hay River

Northwest Territories

Prepared by CES on 2021-08-10

TR by HW on 2021-08-10

IR Review by ZM on 2021-08-10



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Map Page

Municipal Boundary

Contour (10 m)

Watercourse

Waterbody



Notes

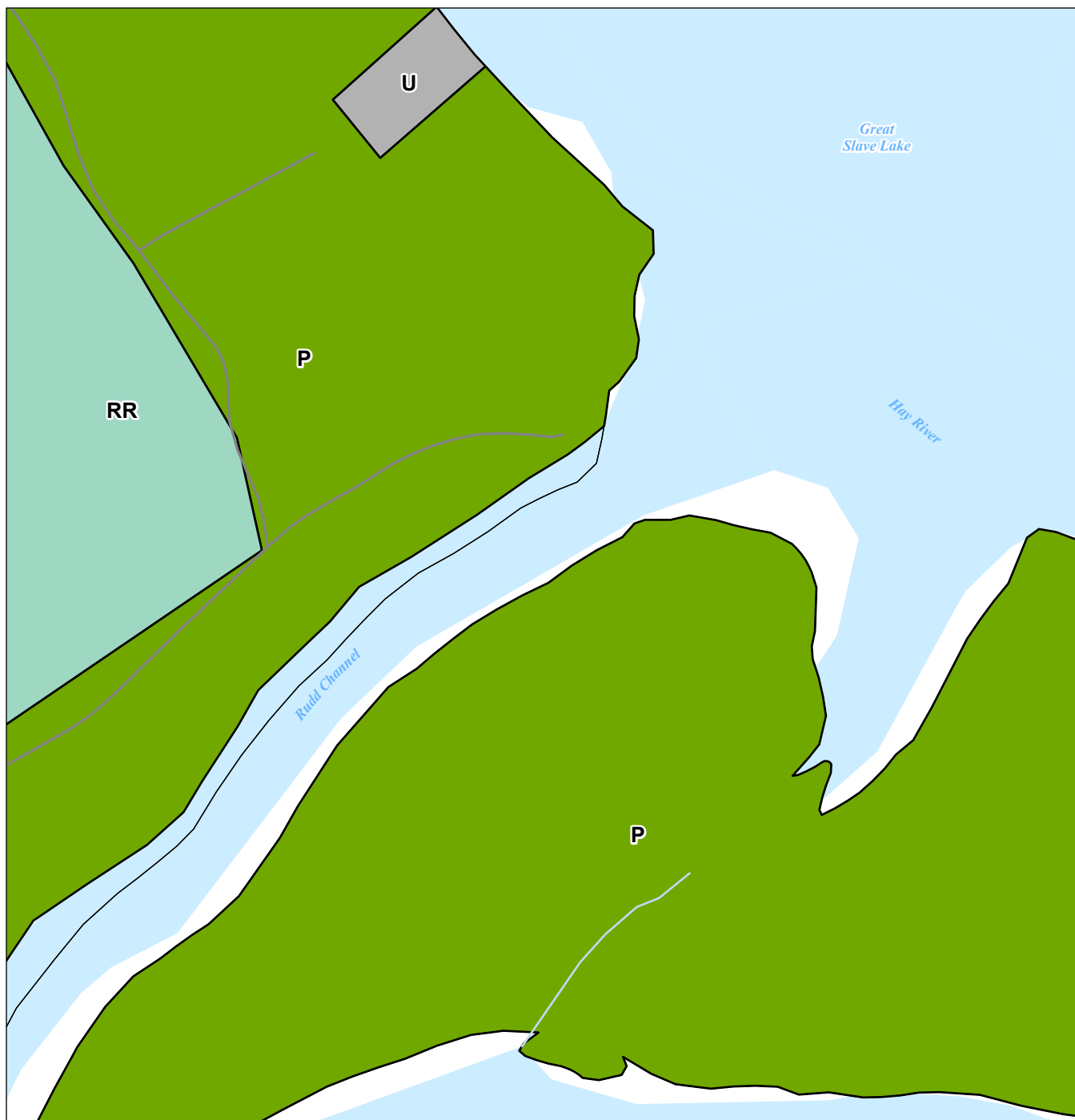
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2. Data Sources: Canvec, Government of Northwest Territories, Stantec

3. Background: Northwest Territories, Esri, HERE, Garmin, FAO, NOAA, USGS, EPA, NRCAN, Parks Canada, Esri, USGS



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Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
- Utility District (U/Ux³)
- Institutional (I)
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- Market Gardening (MG/MGx³)
- Urban Reserve (UR)
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- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

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(At original document size of 8.5x11)
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Project Location
Town of Hay River
Northwest Territories

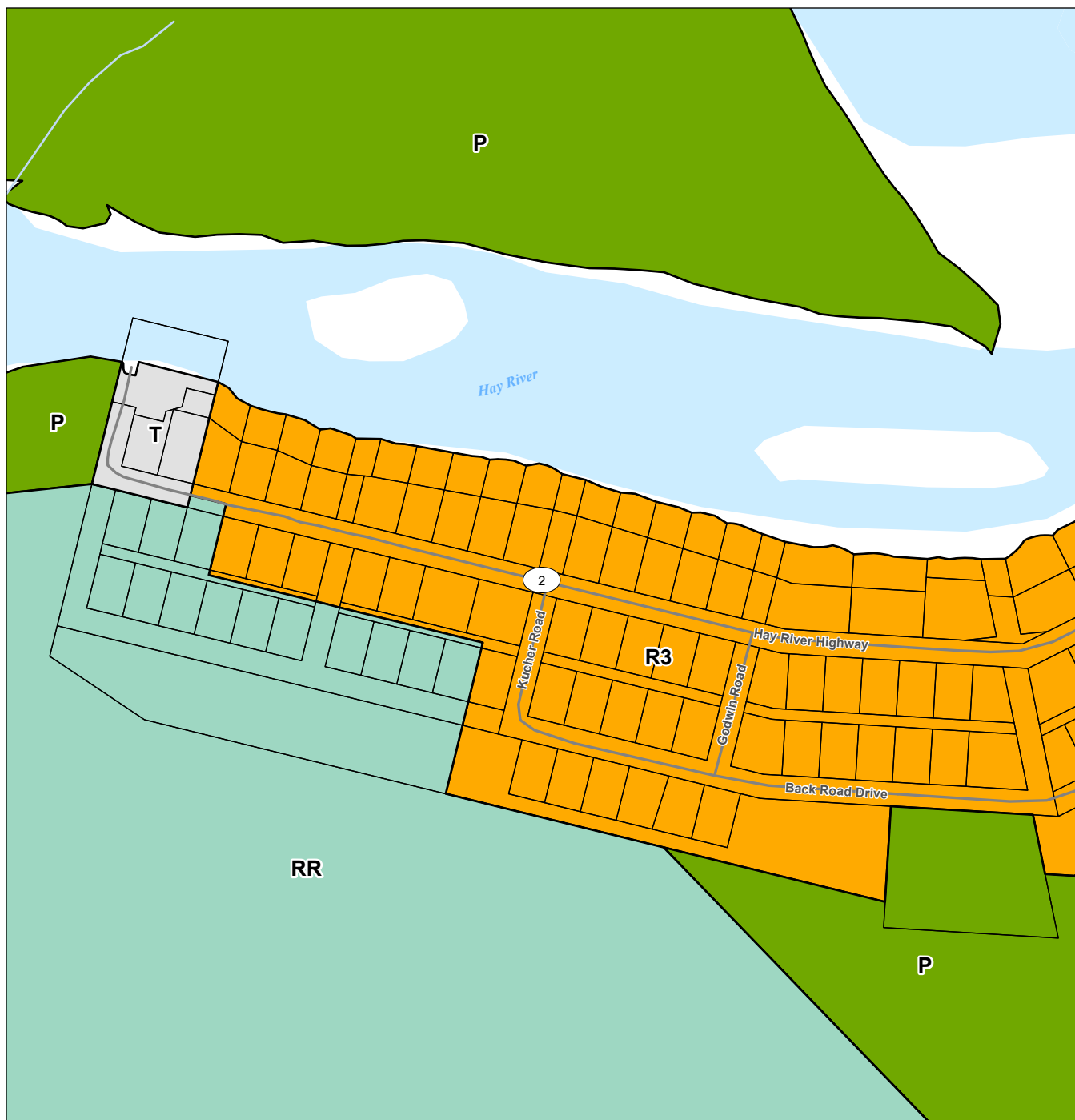
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IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 1

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
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- Core Area Commercial (C1)
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Project Location
Town of Hay River
Northwest Territories

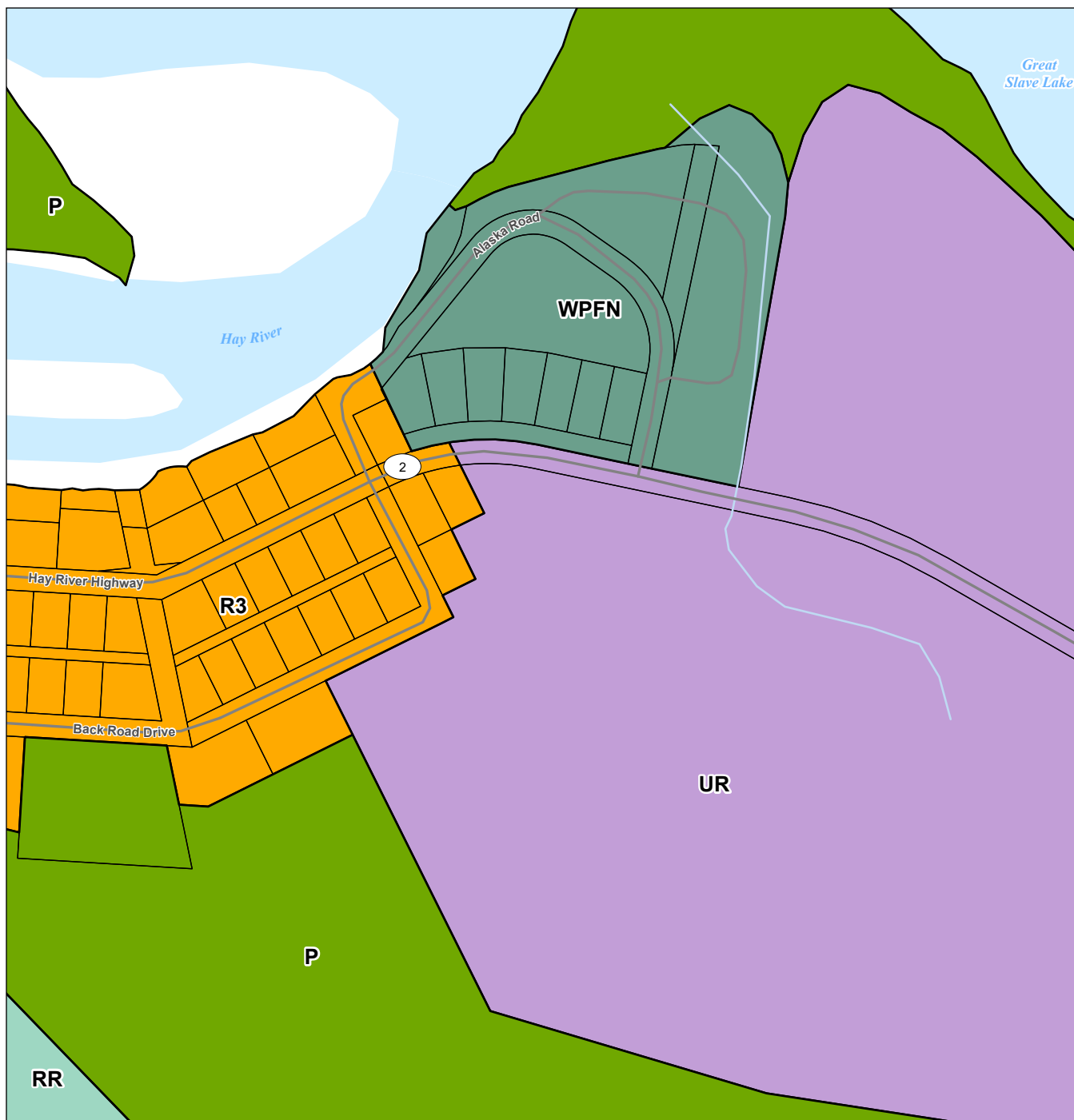
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TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 2

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
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Project Location
Town of Hay River
Northwest Territories

Prepared by CES on 2022-03-07
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IR Review by ZM on 2022-03-07

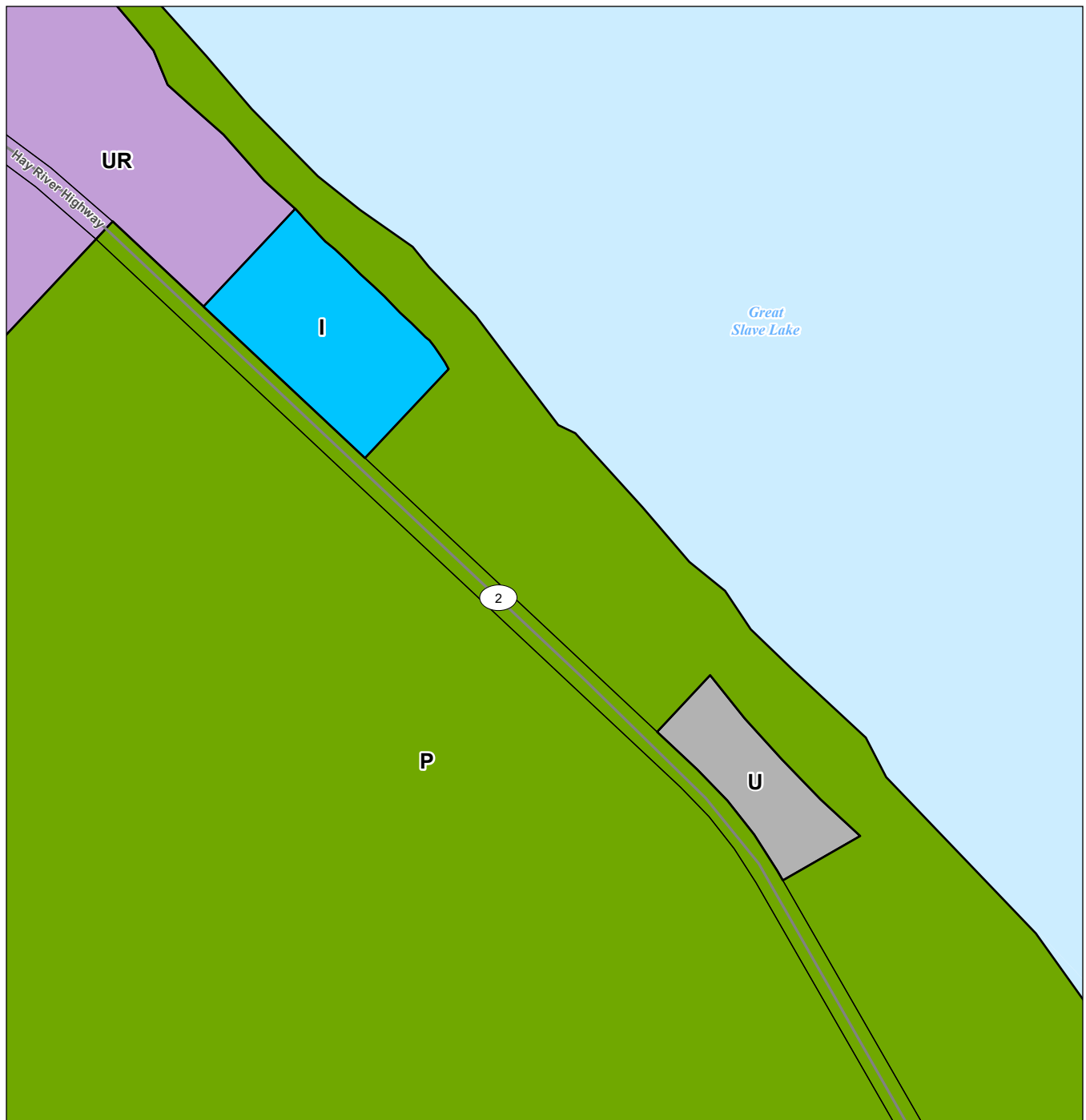
Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 3

Title
Hay River Zoning Bylaw Map





Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x3)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx3)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
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- Convenience Commercial (C4)
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0 50 100 Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

Prepared by CES on 2022-07-07
TR by HW on 2022-07-07
IR Review by ZM on 2022-07-07

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 4

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
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- Lot Line
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- Waterbody

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Project Location
Town of Hay River
Northwest Territories

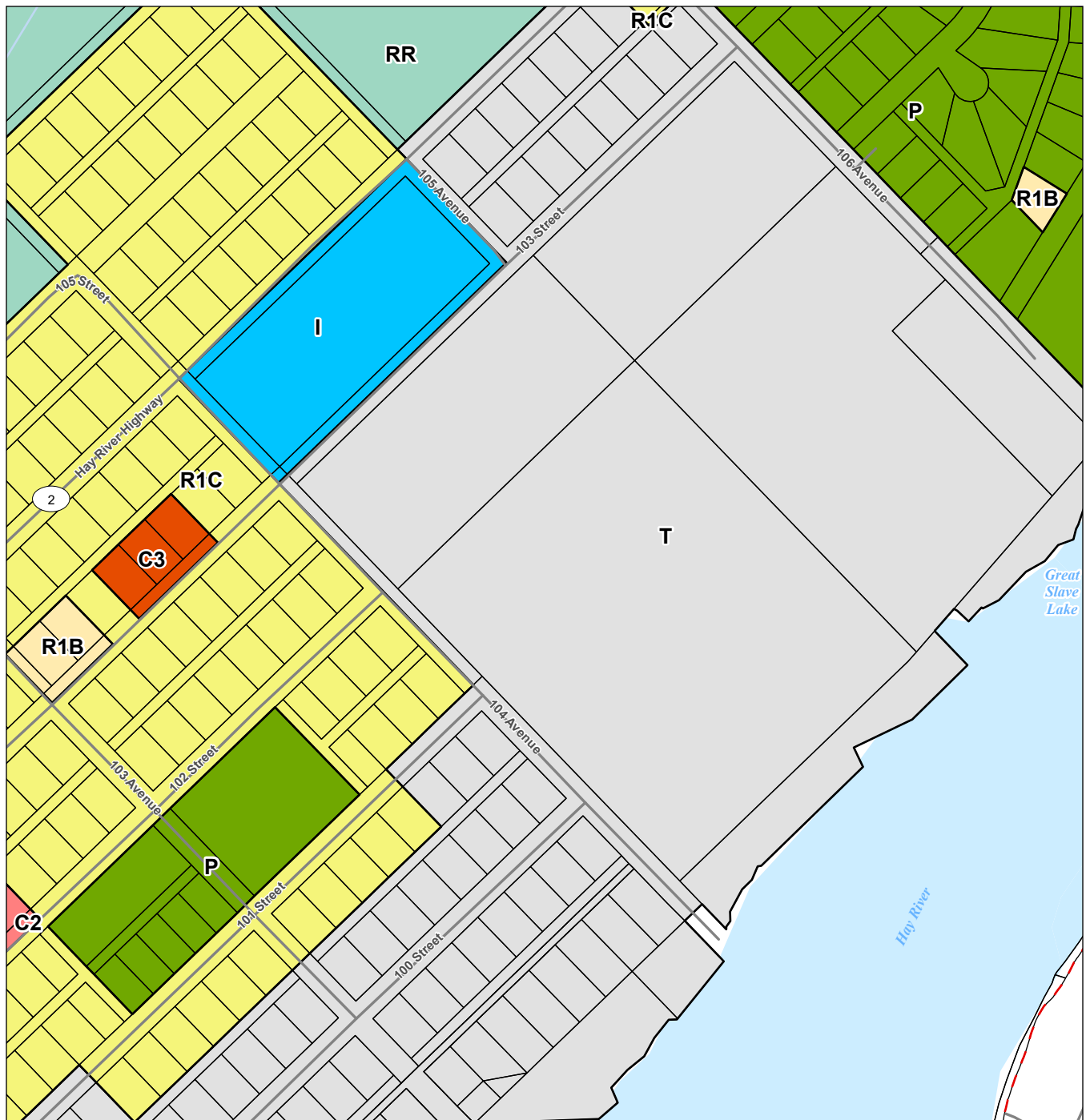
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TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 5

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x3)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx3)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
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- Utility District (U/Ux3)
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(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client/Project
144903141

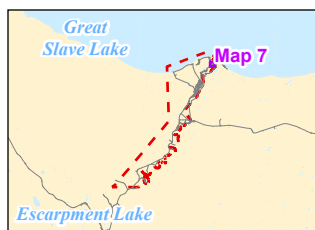
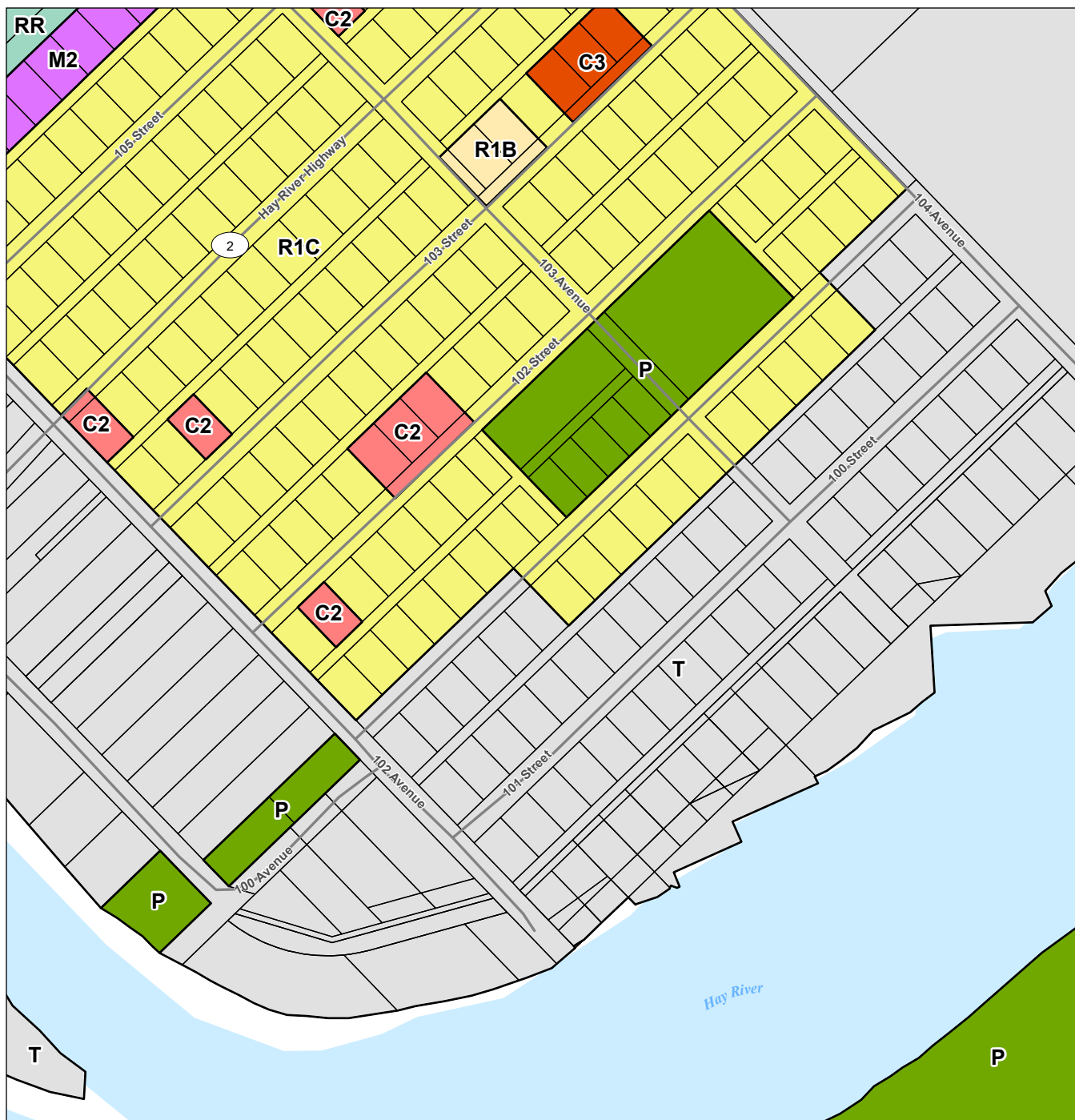
Client: Town of Hay River
Project: Zoning Bylaw

Figure No.

Map 6

Title

Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
- Utility District (U/Ux³)
- Institutional (I)
- Parks and Open Space (P)
- Market Gardening (MG/MGx³)
- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

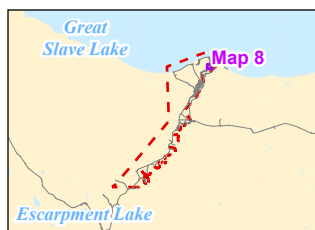
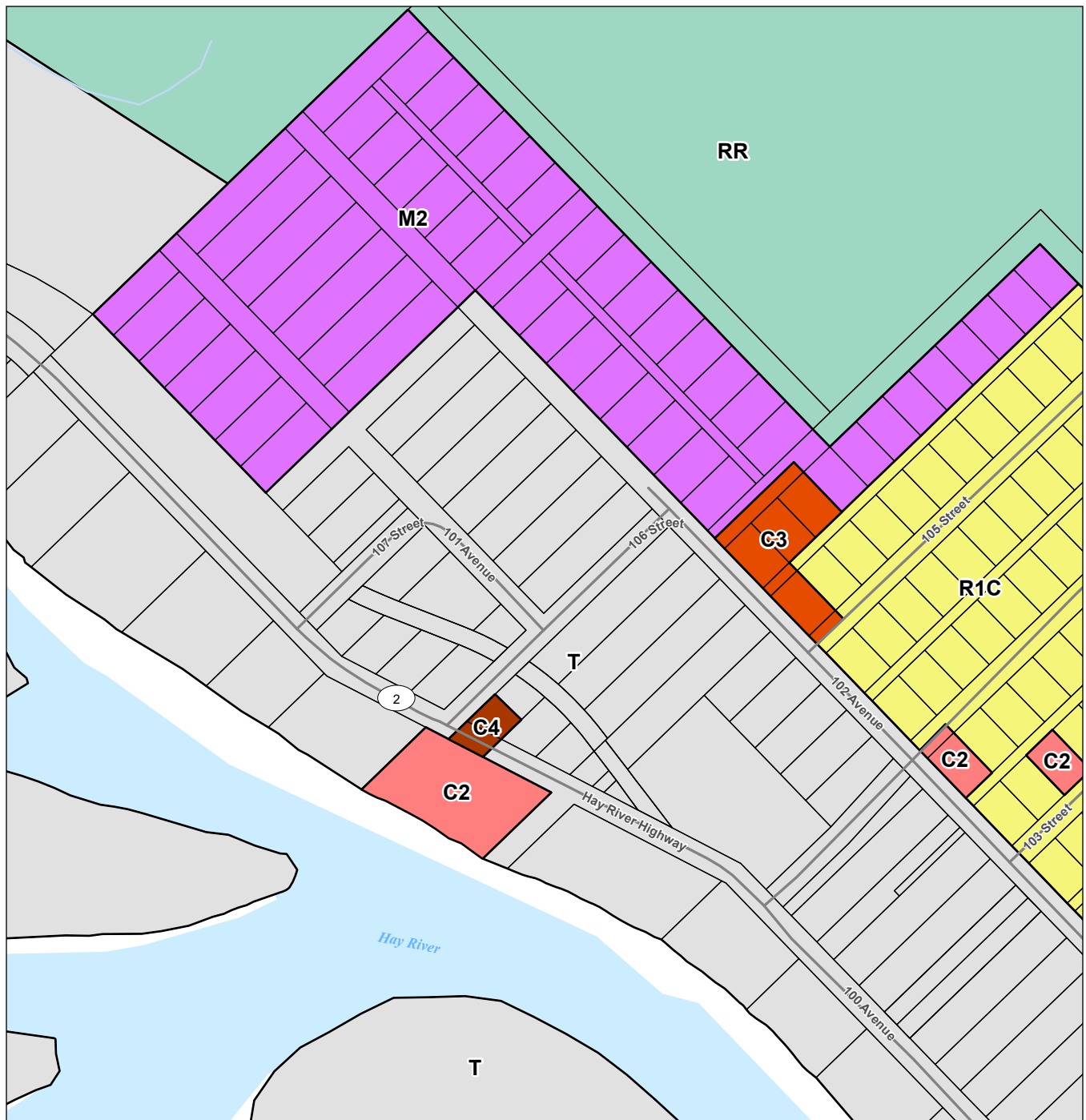
Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 7

Title
Hay River Zoning Bylaw Map





Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
- Utility District (U/Ux³)
- Institutional (I)
- Parks and Open Space (P)
- Market Gardening (MG/MGx³)
- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

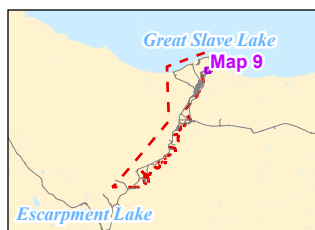
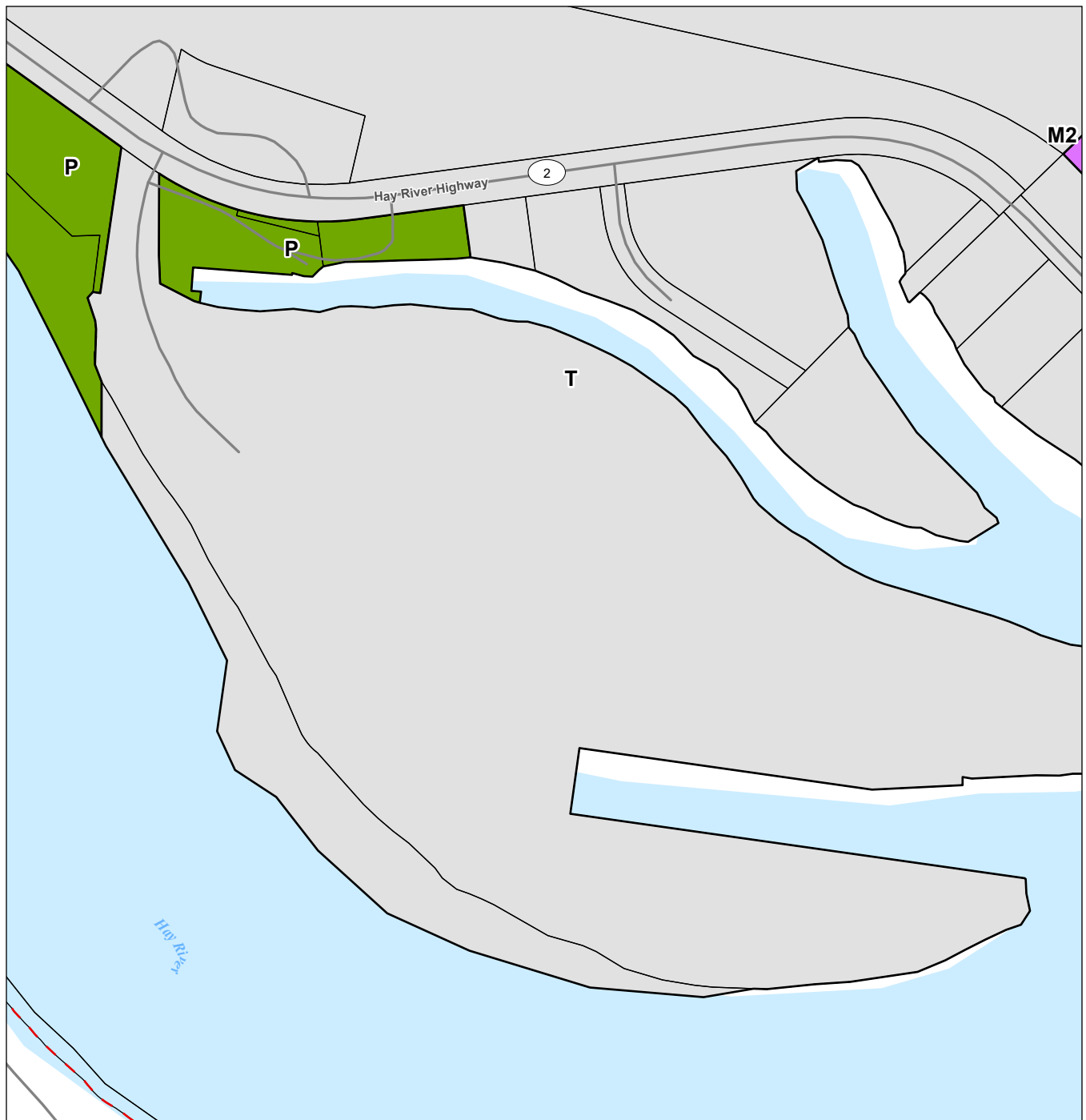
Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 8

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
- Utility District (U/Ux³)
- Institutional (I)
- Parks and Open Space (P)
- Market Gardening (MG/MGx³)
- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

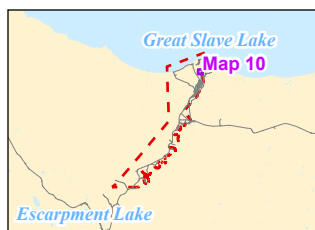
Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 9

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
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- Parks and Open Space (P)
- Market Gardening (MG/MGx³)
- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100
Metres
(At original document size of 8.5x11)
1:10,000



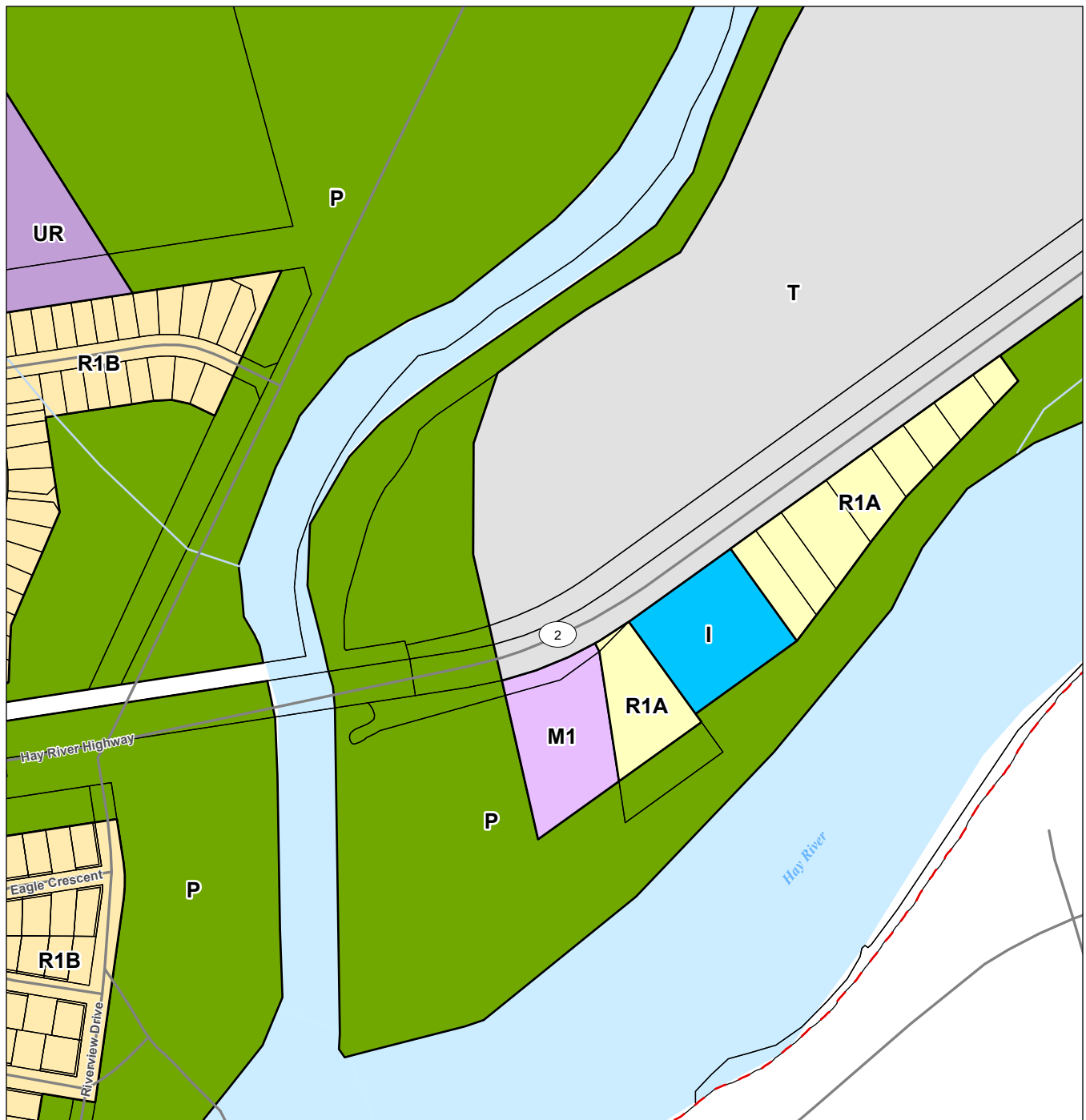
Project Location
Town of Hay River
Northwest Territories
Client/Project
Town of Hay River
Zoning Bylaw
Figure No.
Map 10
Title
Hay River Zoning Bylaw Map

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 10

Title
Hay River Zoning Bylaw Map





Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x3)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx3)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
- Utility District (U/Ux3)
- Institutional (I)
- Parks and Open Space (P)
- Market Gardening (MG/MGx3)
- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

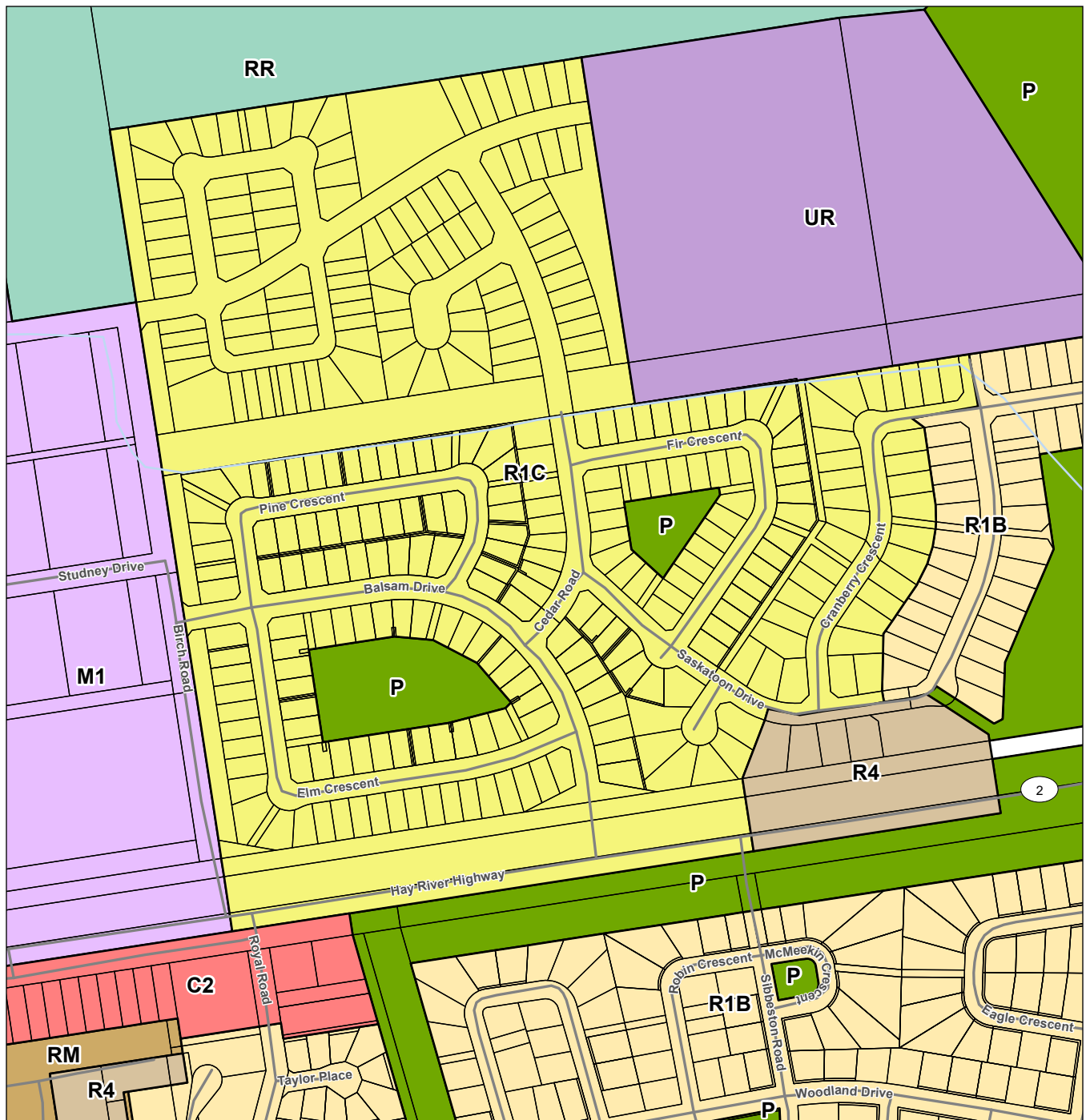
Client/Project
144903141

Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 11

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
- Utility District (U/Ux)
- Institutional (I)
- Parks and Open Space (P)
- Market Gardening (MG/MGx)
- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000

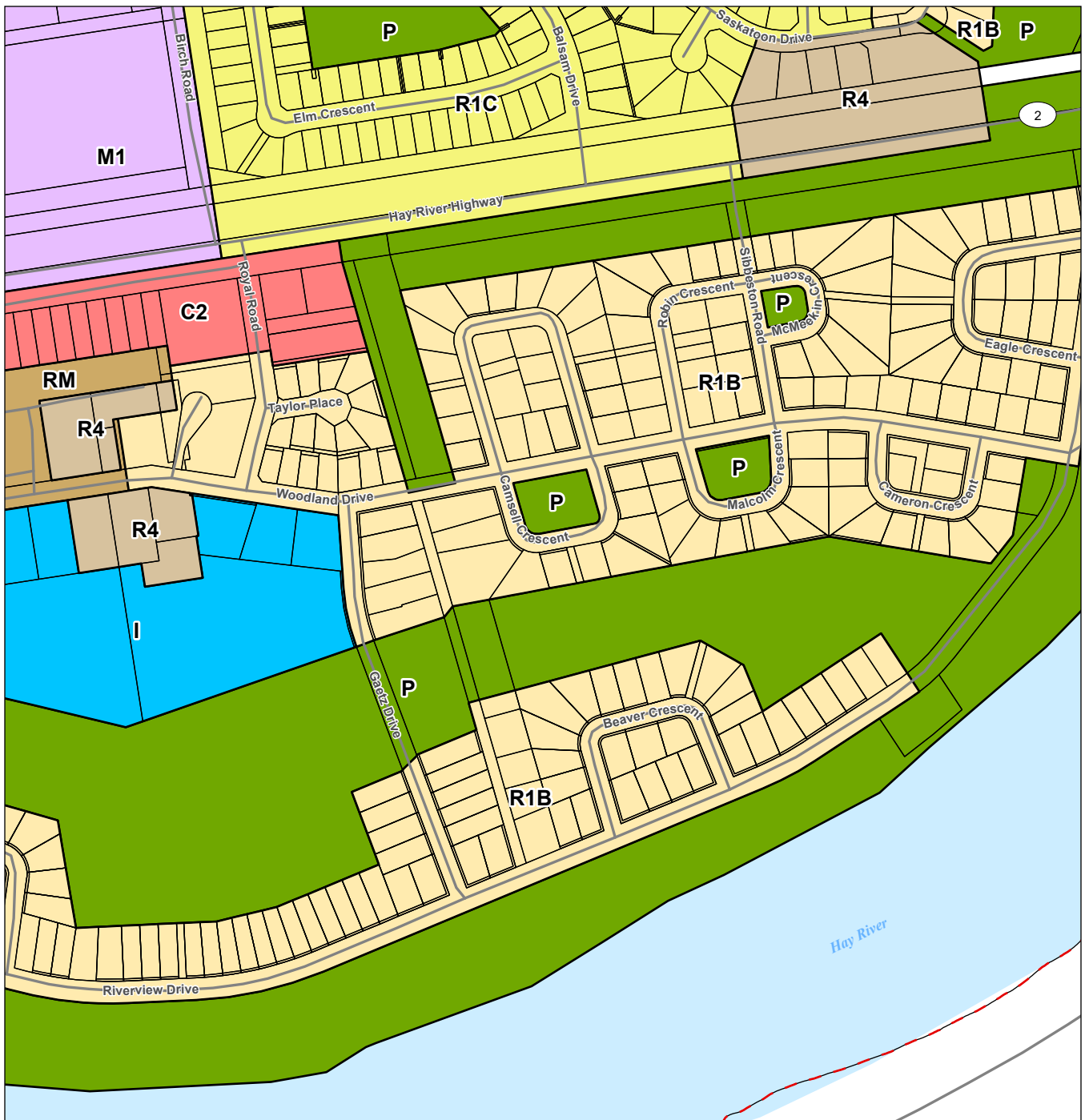


Project Location: Town of Hay River, Northwest Territories
Prepared by CES on 2022-06-02
TR by HW on 2022-06-02
IR Review by ZM on 2022-06-02
Client/Project: 144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 12

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x3)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx3)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
- Utility District (U/Ux3)
- Institutional (I)
- Parks and Open Space (P)
- Market Gardening (MG/MGx3)
- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000

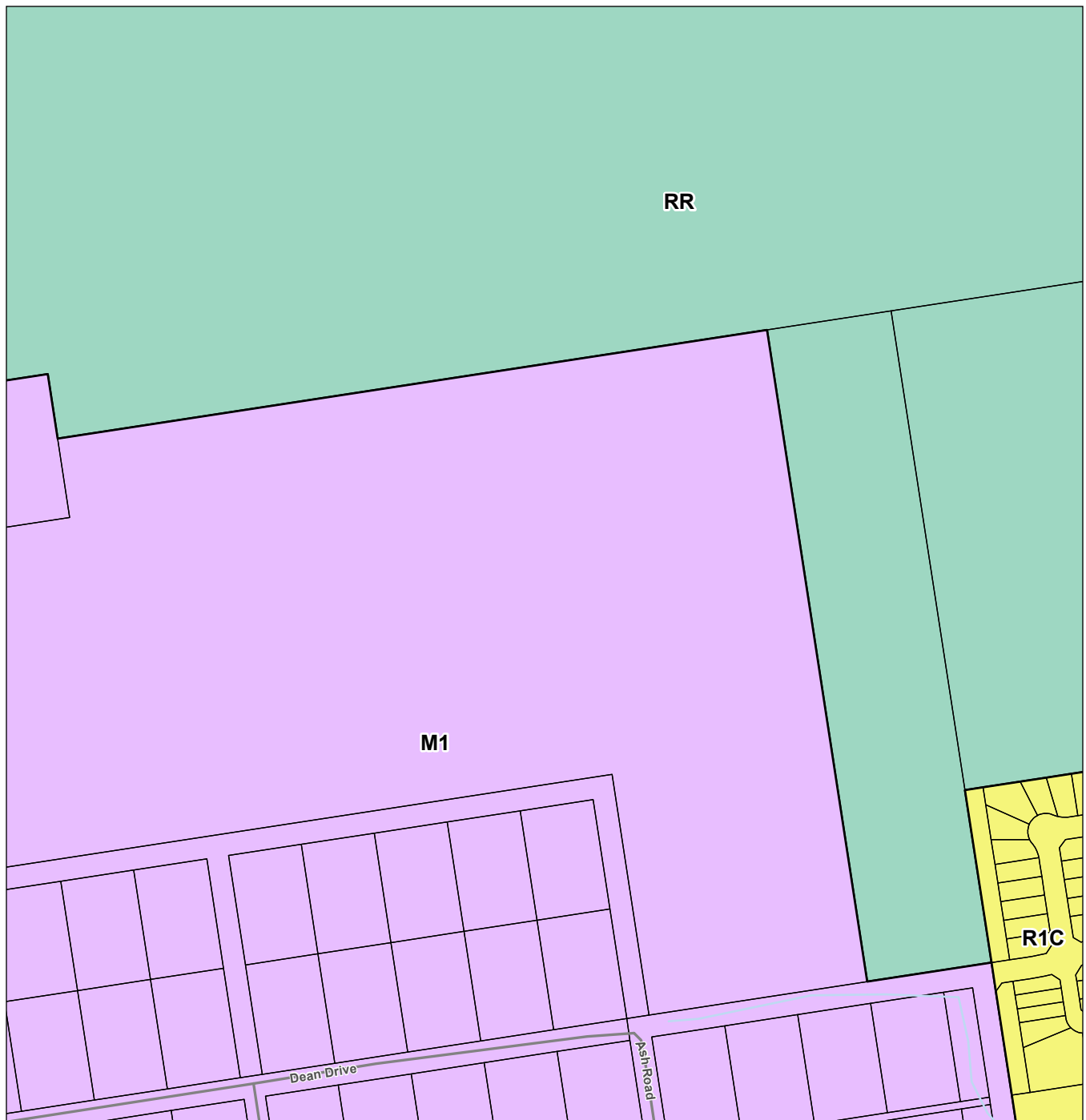


Project Location: Town of Hay River, Northwest Territories
Prepared by CES on 2022-06-02
TR by HW on 2022-06-02
IR Review by ZM on 2022-06-02
Client/Project: 144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 13

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
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- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

Client/Project
Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 14

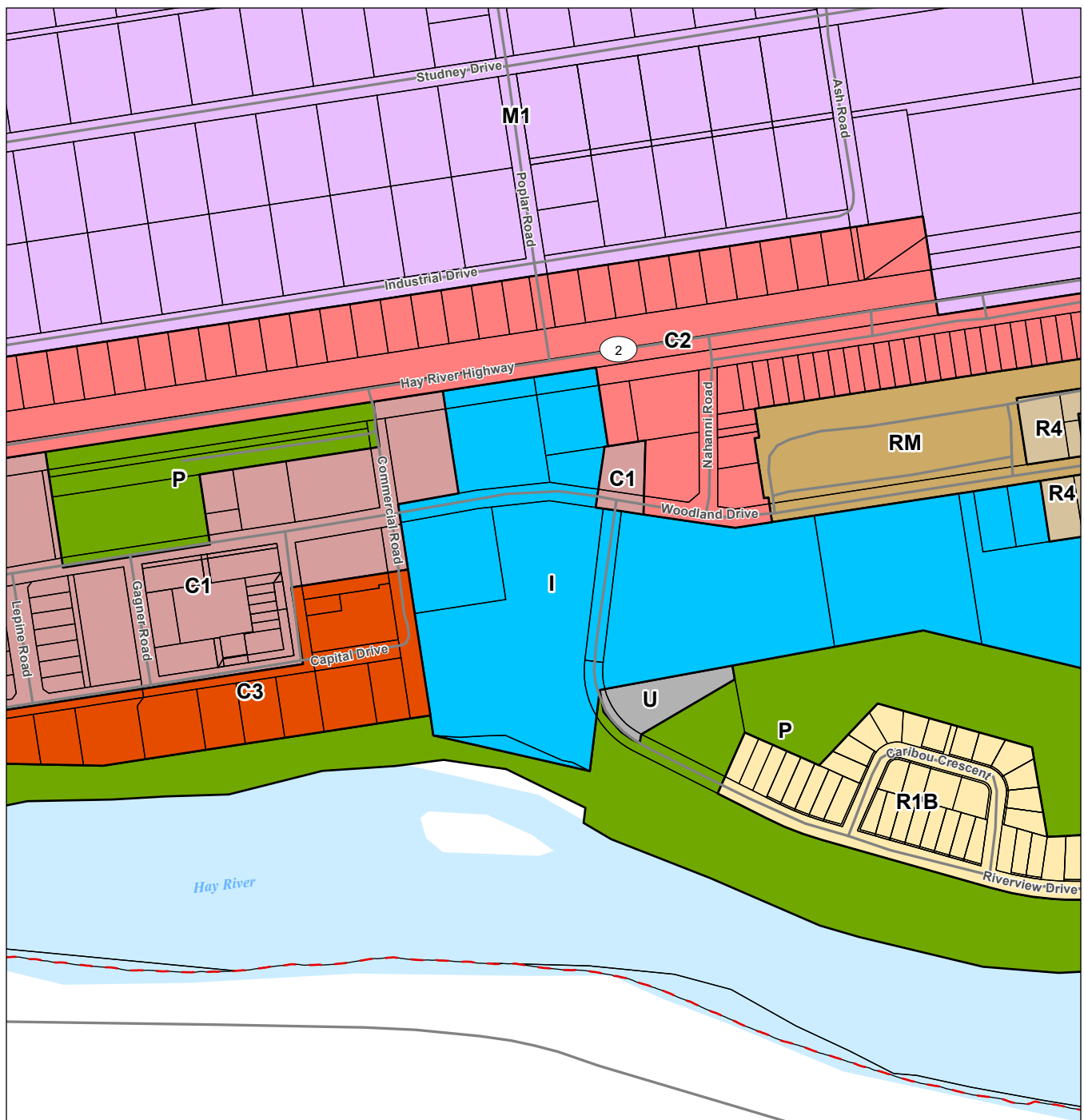
Title
Hay River Zoning Bylaw Map

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 14

Title
Hay River Zoning Bylaw Map





Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
- Utility District (U/Ux³)
- Institutional (I)
- Parks and Open Space (P)
- Market Gardening (MG/MGx³)
- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:6,000

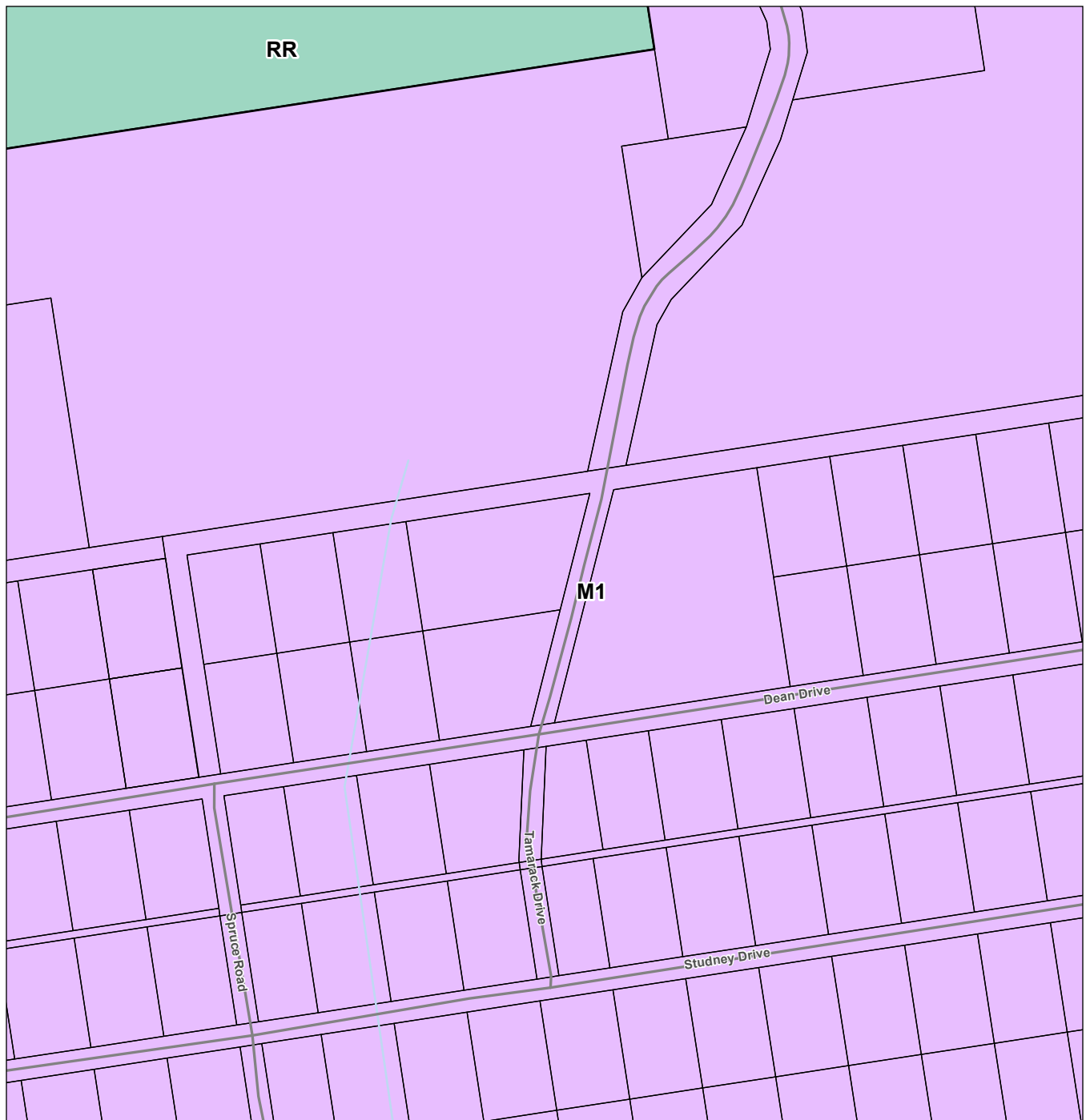


Project Location: Town of Hay River, Northwest Territories
Prepared by CES on 2022-06-02
TR by HW on 2022-06-02
IR Review by ZM on 2022-06-02
Client/Project: 144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 15

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
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- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

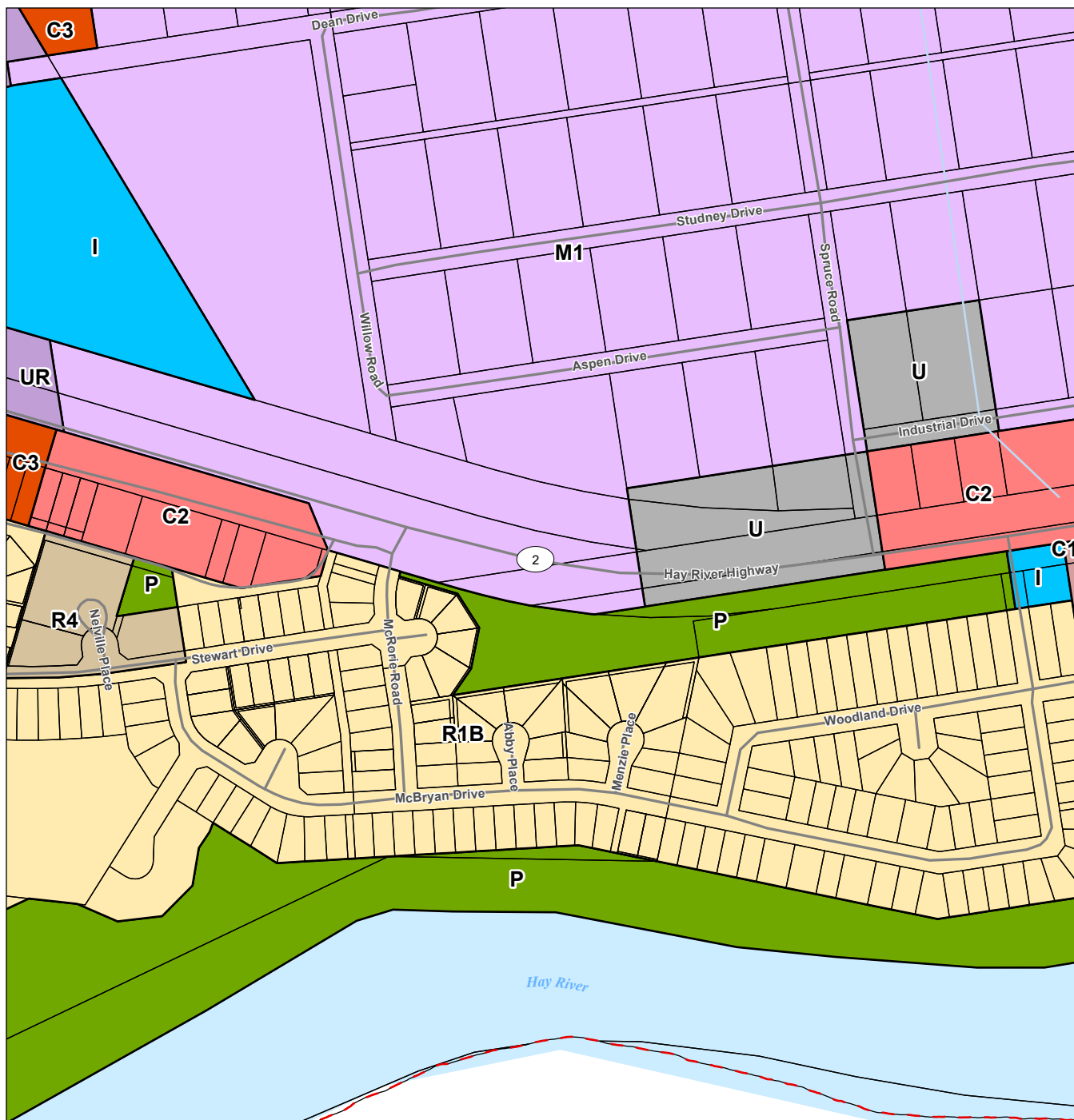
Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 16

Title
Hay River Zoning Bylaw Map





Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
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- Convenience Commercial (C4)
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- Road
- Watercourse
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- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000

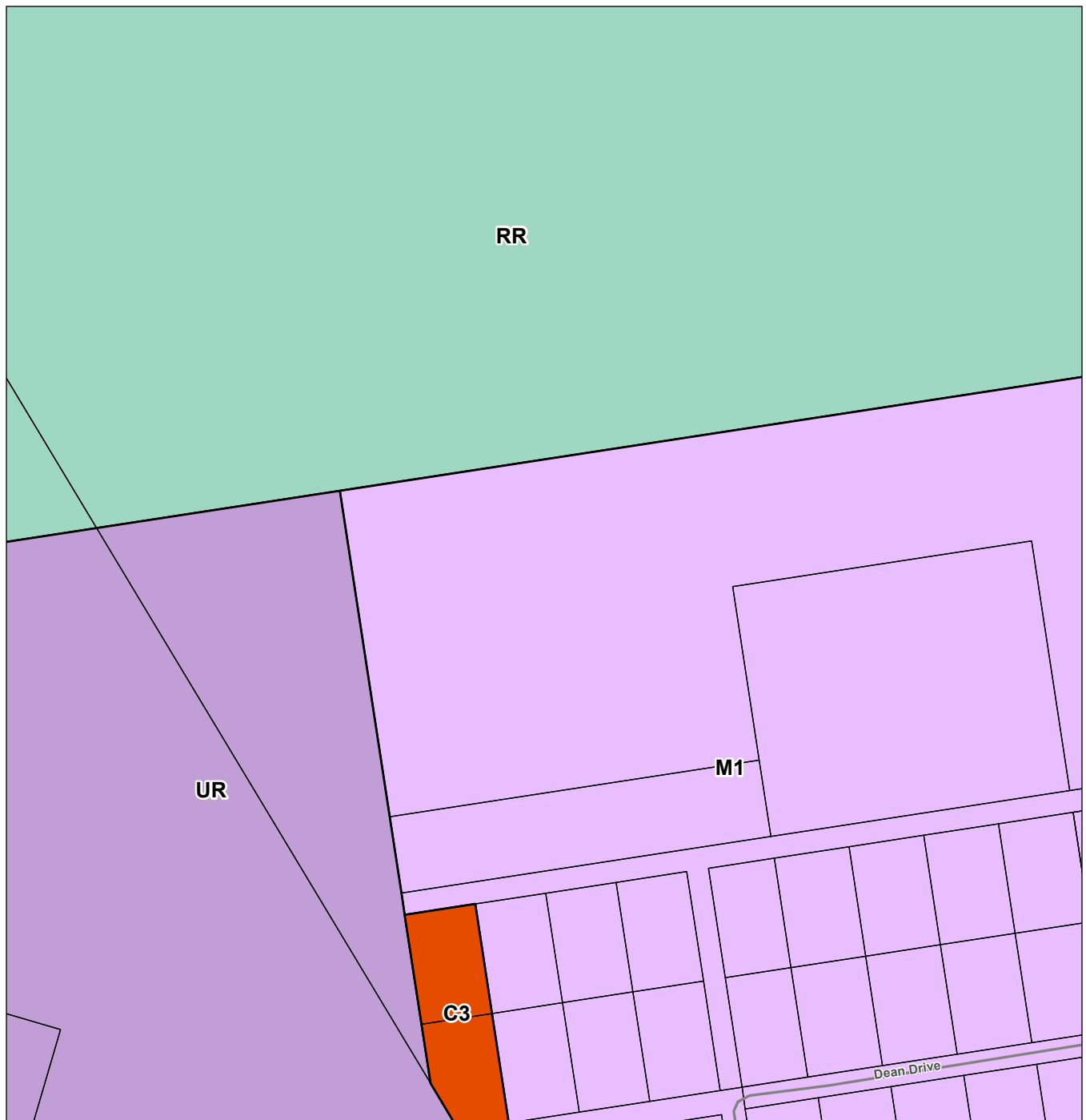


Project Location: Town of Hay River, Northwest Territories
Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25
Client/Project: 144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 17

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
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- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
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- Market Gardening (MG/MGx³)
- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100
Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

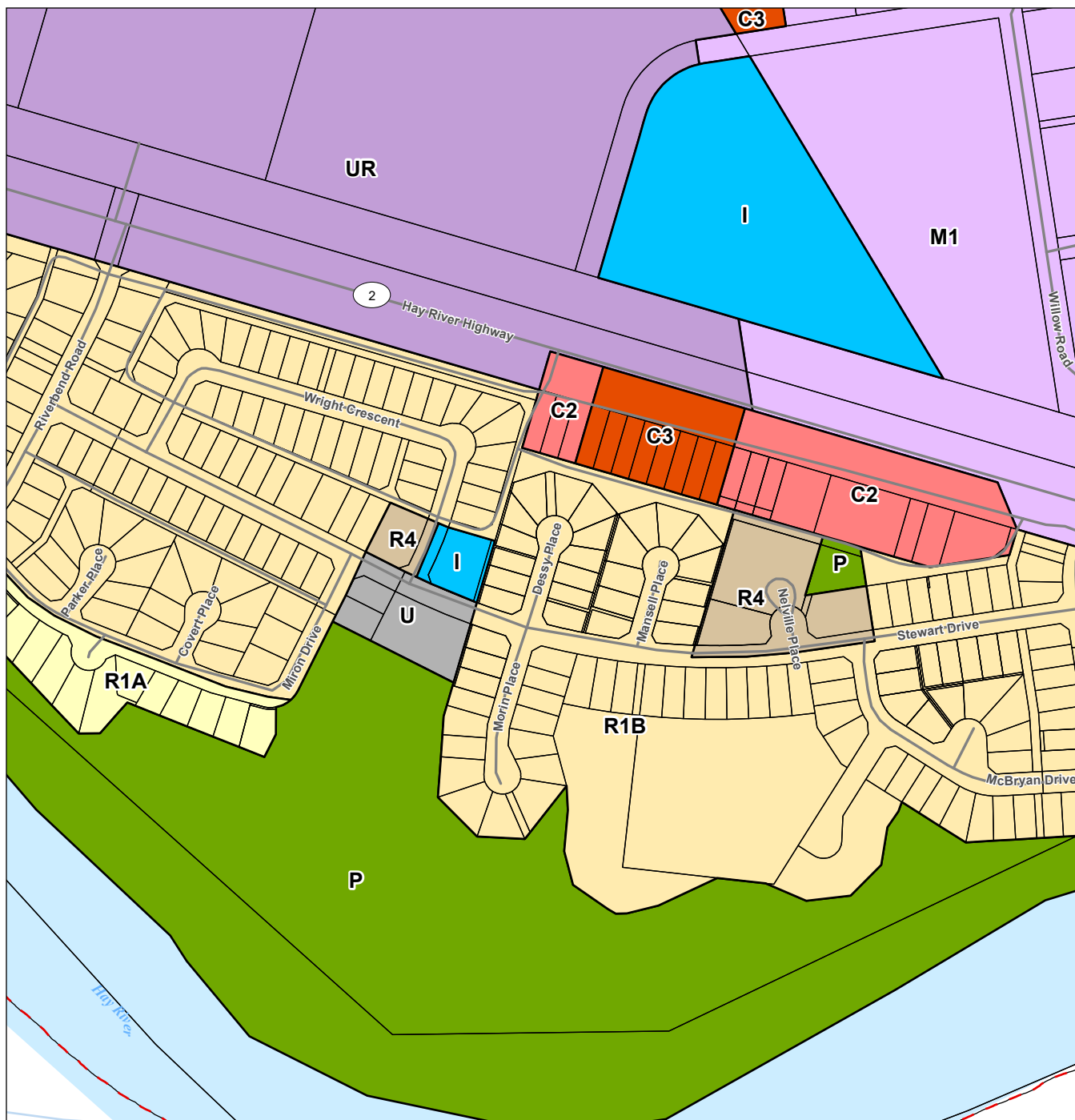
Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 18

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x3)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx3)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
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- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
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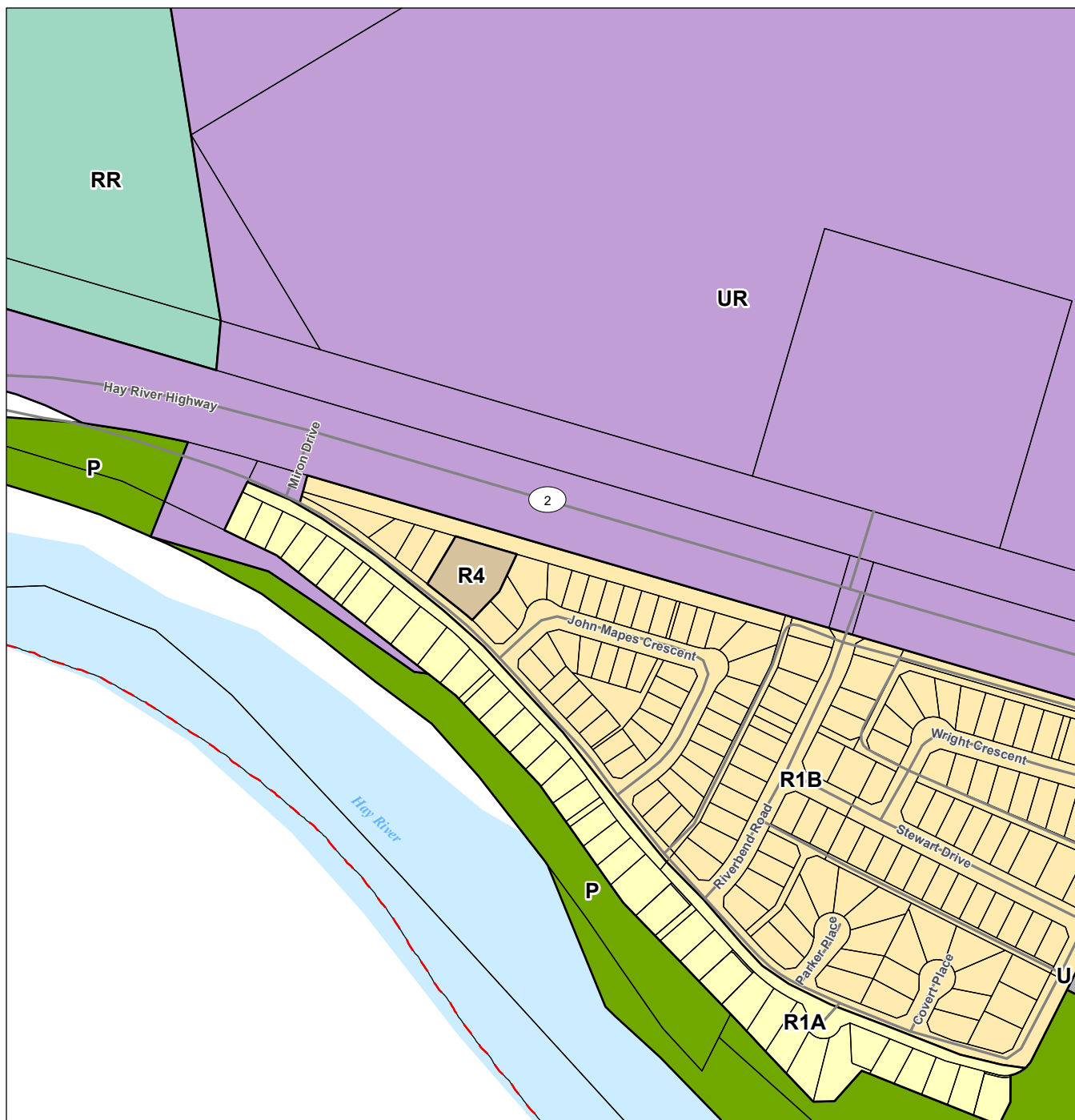


Project Location: Town of Hay River, Northwest Territories
Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25
Client/Project: 144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 19

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
- Utility District (U/Ux³)
- Institutional (I)
- Parks and Open Space (P)
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- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
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- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

Client/Project
144903141

Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 20

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
- Transportation District (T)
- Utility District (U/Ux³)
- Institutional (I)
- Parks and Open Space (P)
- Market Gardening (MG/MGx³)
- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
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Project Location
Town of Hay River
Northwest Territories

Prepared by CES on 2022-03-07
TR by HW on 2022-03-07
IR Review by ZM on 2022-03-07

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 21

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
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- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

Prepared by CES on 2022-03-07
TR by HW on 2022-03-07
IR Review by ZM on 2022-03-07

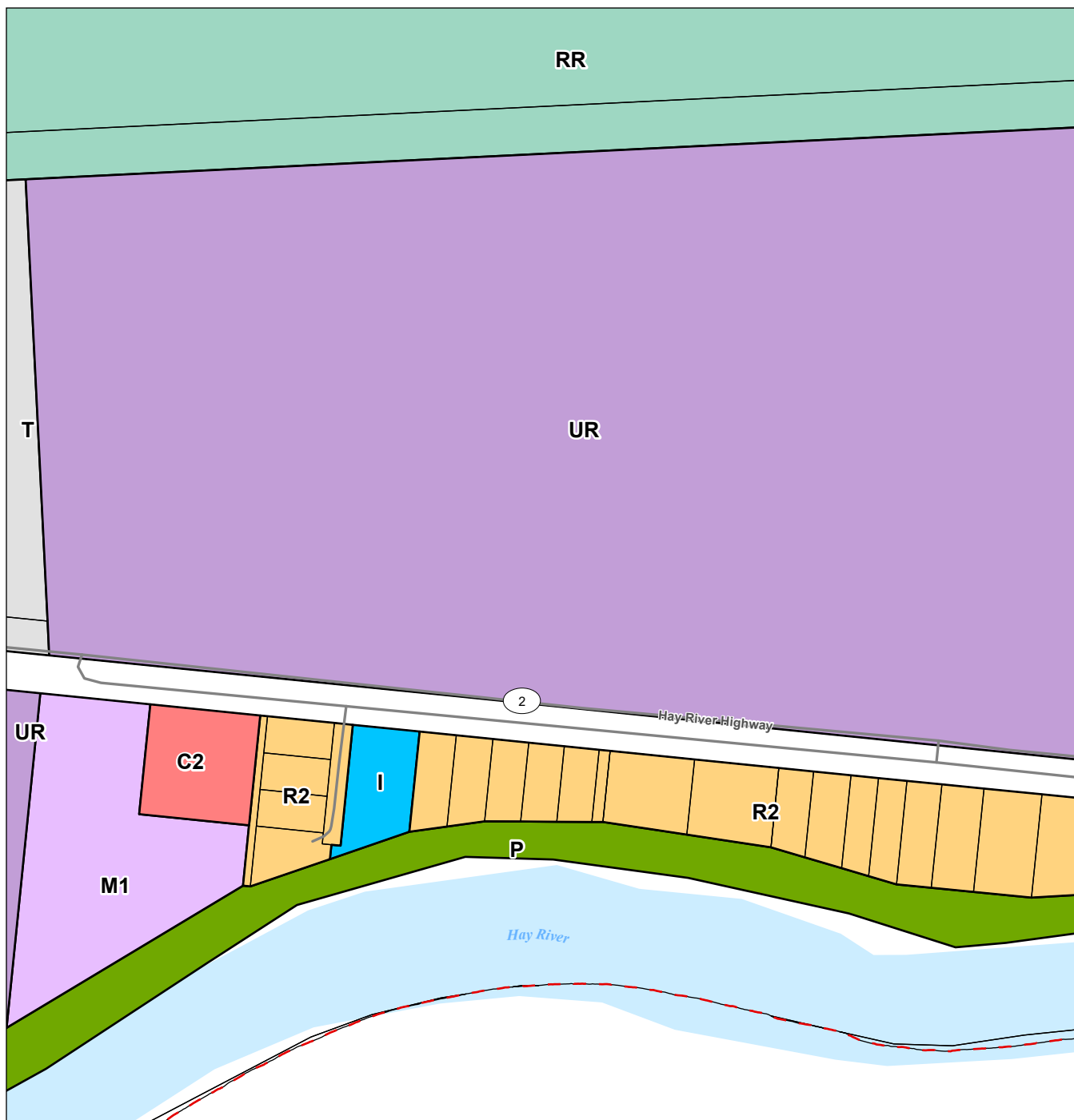
Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 22

Title
Hay River Zoning Bylaw Map

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Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
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- Multi-Family Residential (R4)
- Mobile Home Park (RM)
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- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

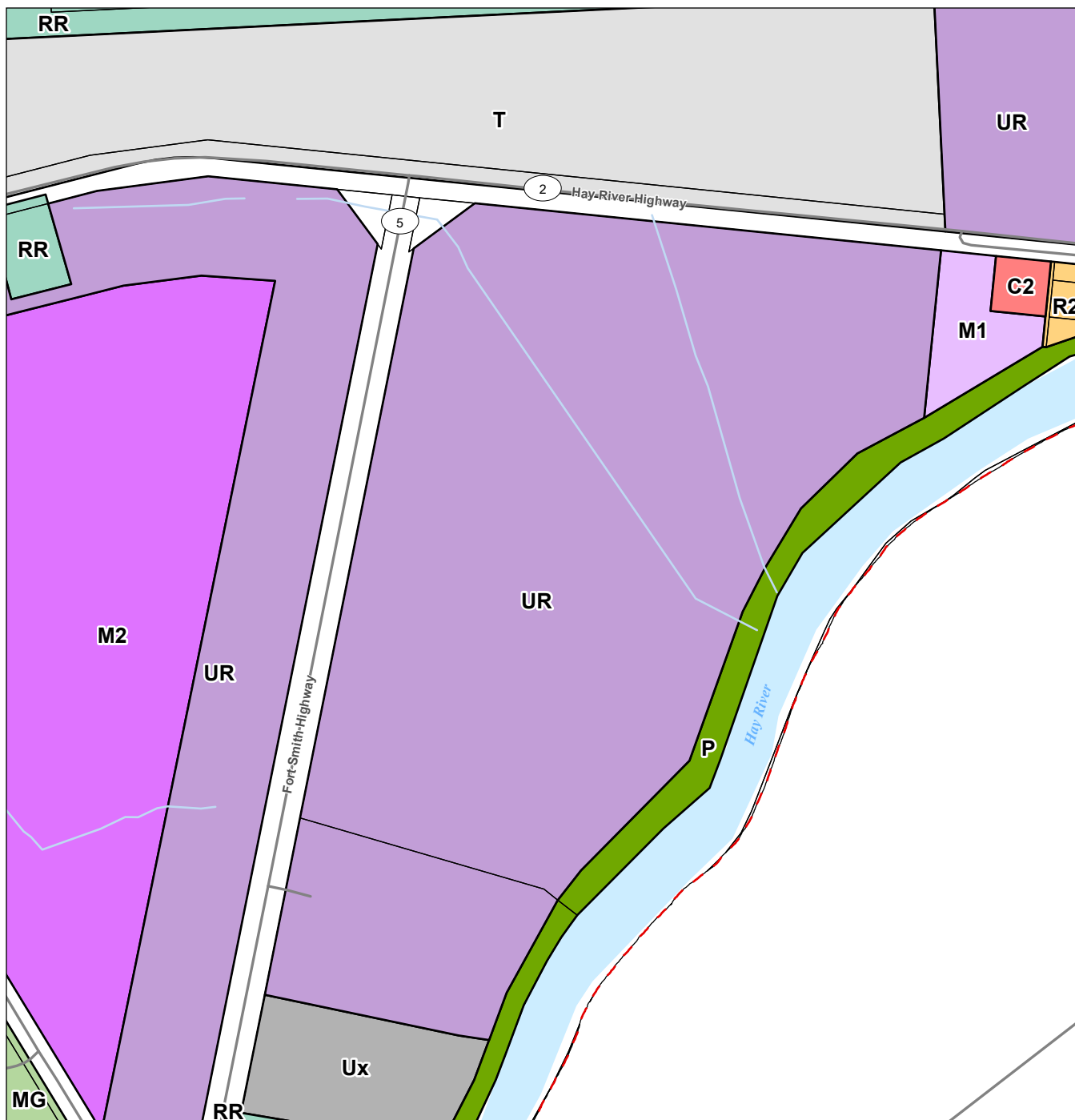
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TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 23

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
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- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
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- Parks and Open Space (P)
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- Road
- Watercourse
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- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:10,000



Project Location
Town of Hay River
Northwest Territories

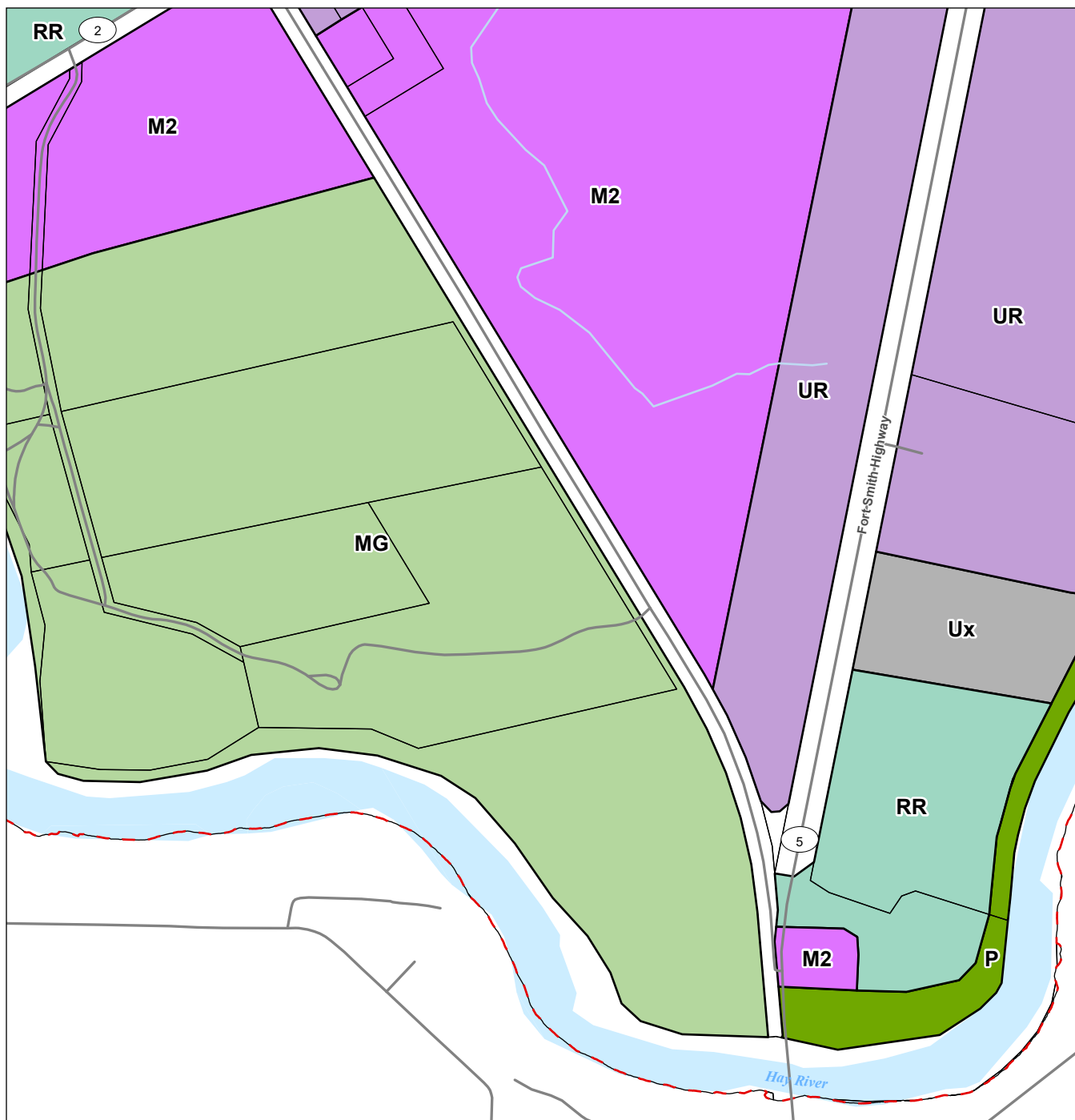
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IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 24

Title
Hay River Zoning Bylaw Map



Notes
 1. Coordinate System: NAD 1983 UTM Zone 11N
 2. Data Sources: Canvec, Government of Northwest Territories, Stantec
 3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

- General Industrial (M2)
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- Parks and Open Space (P)
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- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

0 50 100 Metres
 (At original document size of 8.5x11)
 1:10,000



Project Location
 Town of Hay River
 Northwest Territories

Client/Project
 Town of Hay River
 Project: Zoning Bylaw

Figure No.
Map 25

Title
Hay River Zoning Bylaw Map

Prepared by CES on 2021-11-25
 TR by HW on 2021-11-25
 IR Review by ZM on 2021-11-25

144903141



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

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- Institutional (I)
- Parks and Open Space (P)
- Market Gardening (MG/MGx³)
- Urban Reserve (UR)
- Rural Resource (RR)
- West Point First Nation (WPFN)
- Road
- Watercourse
- Lot Line
- Municipal Boundary
- Waterbody

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Metres
(At original document size of 8.5x11)
1:10,000



Project Location
Town of Hay River
Northwest Territories

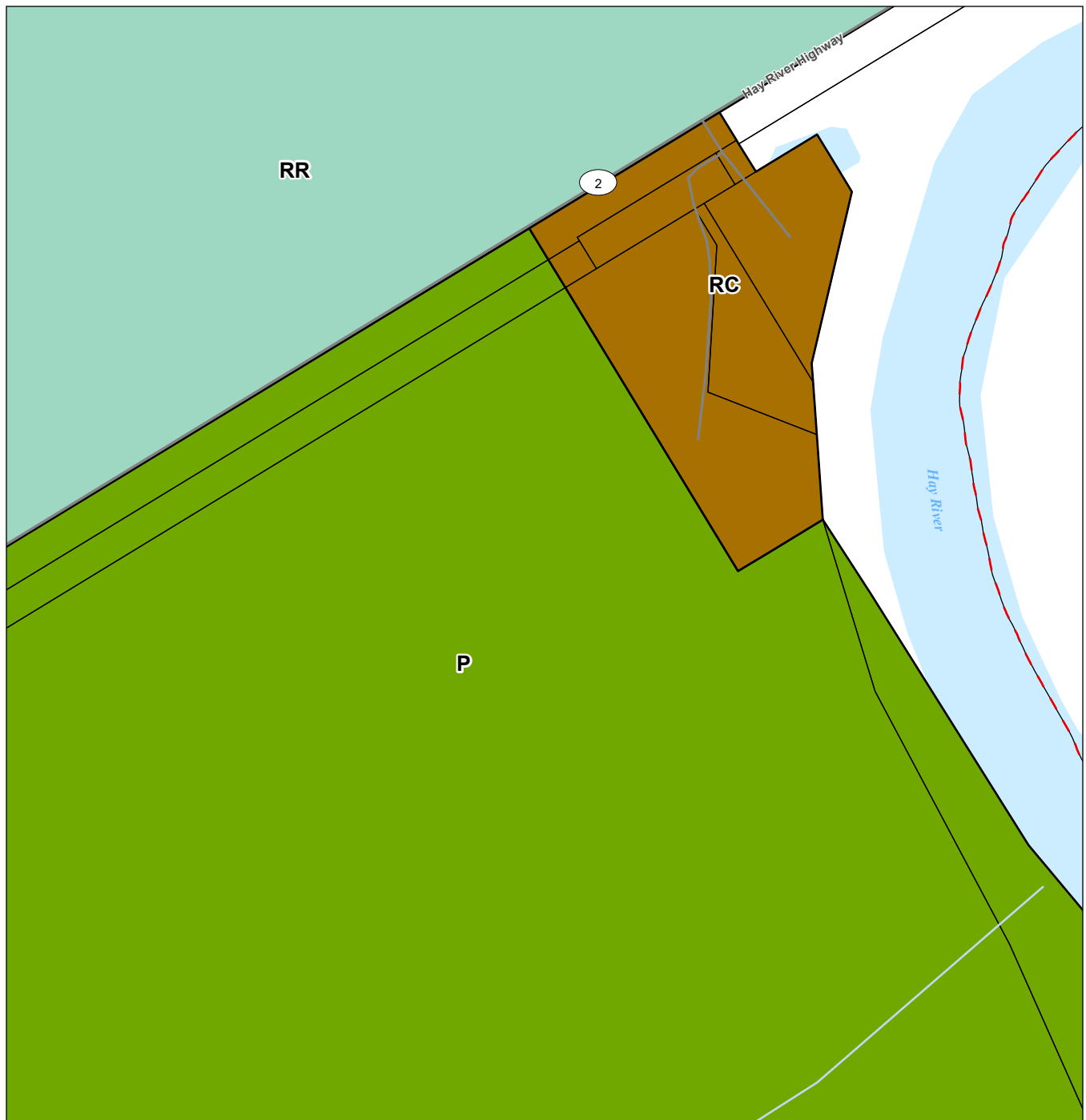
Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 26

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx³)
- Core Area Commercial (C1)
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- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:5,000



Project Location
Town of Hay River
Northwest Territories

Client/Project
Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 27

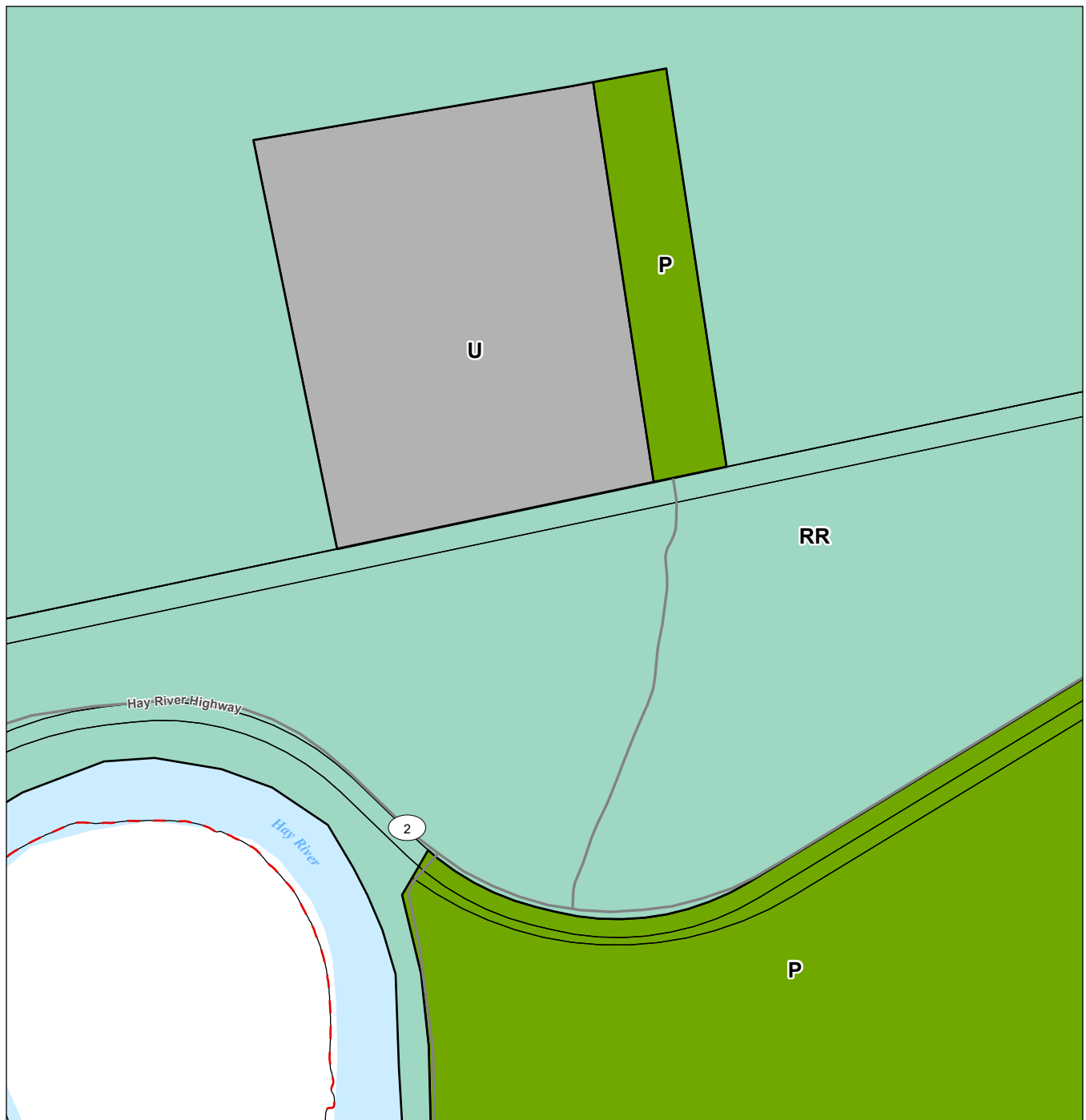
Title
Hay River Zoning Bylaw Map

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 27

Title
Hay River Zoning Bylaw Map





Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x3)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
- Country Residential (RC/RCx3)
- Core Area Commercial (C1)
- Highway / Service Commercial (C2)
- Mixed Use Commercial (C3)
- Convenience Commercial (C4)
- Restricted Industrial (M1)

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- Municipal Boundary
- Waterbody

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Metres
(At original document size of 8.5x11)
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Project Location
Town of Hay River
Northwest Territories

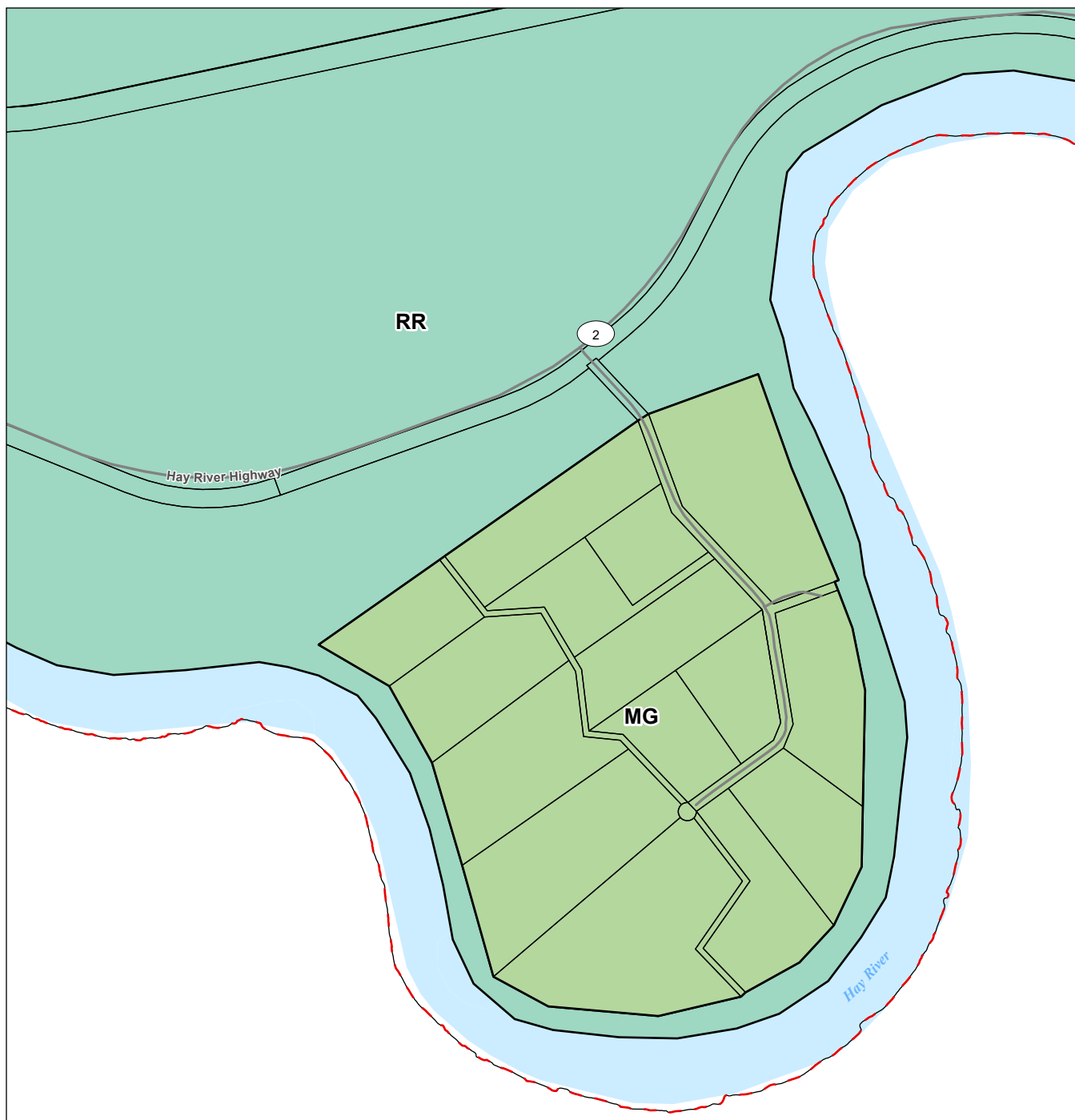
Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 28

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
- Single Family Residential (Class B) (R1B)
- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
- West Channel Village Residential (R3)
- Multi-Family Residential (R4)
- Mobile Home Park (RM)
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- Core Area Commercial (C1)
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- Restricted Industrial (M1)

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- Municipal Boundary
- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:10,000



Project Location
Town of Hay River
Northwest Territories

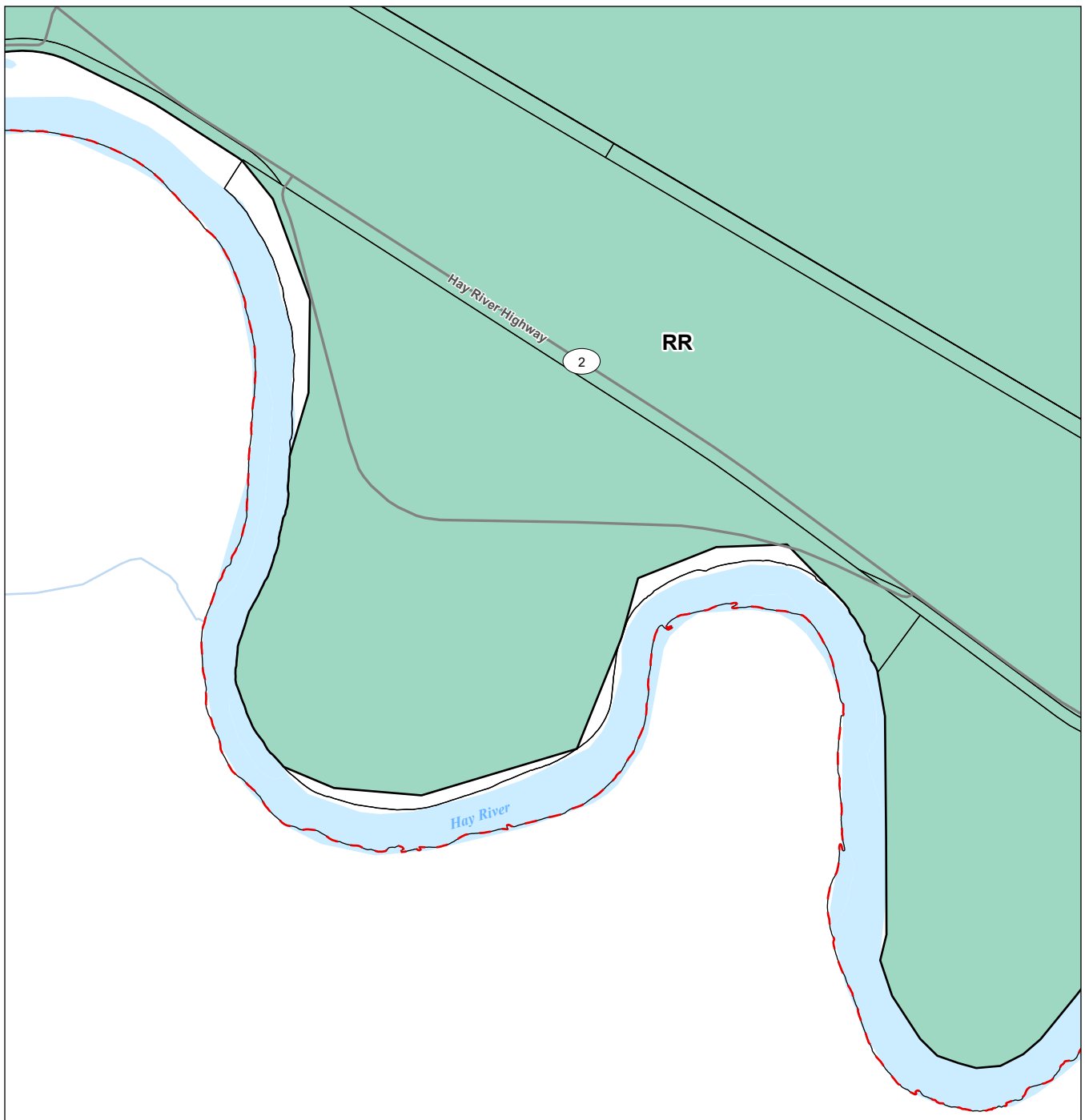
Client/Project
144903141

Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 29

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
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- Single Family Residential (Class C) (R1C)
- Mile 5 Residential (R2/R2x³)
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- Lot Line
- Municipal Boundary
- Waterbody

0 50 100
Metres
(At original document size of 8.5x11)
1:15,000



Project Location
Town of Hay River
Northwest Territories

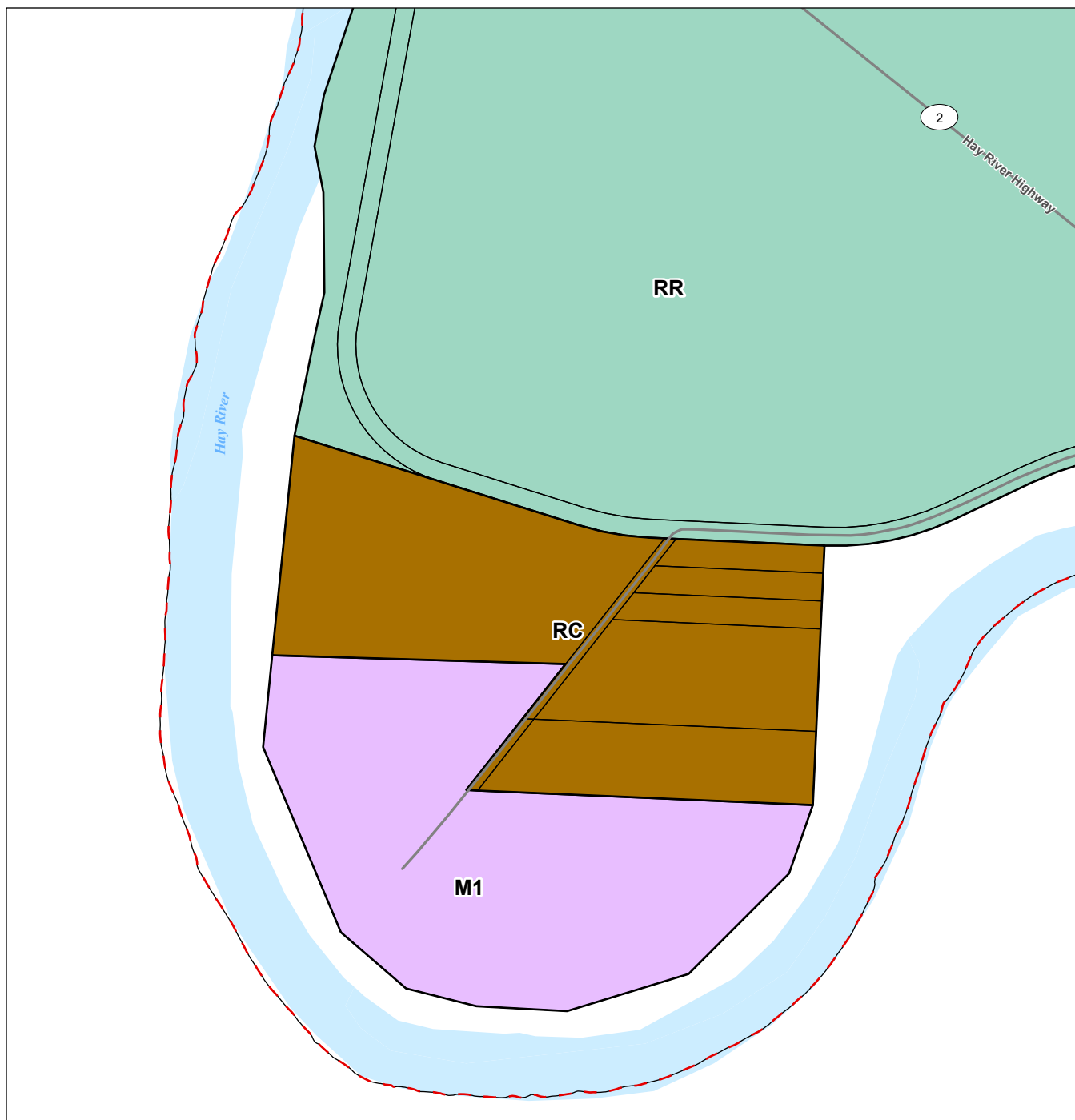
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TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 30

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

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- Mobile Home Park (RM)
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0 50 100 Metres
(At original document size of 8.5x11)
1:10,000



Project Location
Town of Hay River
Northwest Territories

Prepared by CES on 2021-11-25
TR by HW on 2021-11-25
IR Review by ZM on 2021-11-25

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 31

Title
Hay River Zoning Bylaw Map



Notes
1. Coordinate System: NAD 1983 UTM Zone 11N
2. Data Sources: Canvec, Government of Northwest Territories, Stantec
3. 'x' indicates a lot subject to a Special Modification, refer to Hay River Zoning and Building Bylaw

Current Zone

- Single Family Residential (Class A) (R1A)
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- Waterbody

0 50 100 Metres
(At original document size of 8.5x11)
1:10,000



Project Location
Town of Hay River
Northwest Territories

Client/Project
144903141

Client: Town of Hay River
Project: Zoning Bylaw

Figure No.
Map 32

Title
Hay River Zoning Bylaw Map

