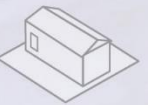
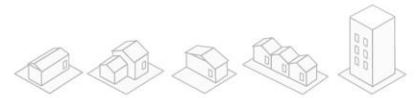


Village of Haines Junction

Zoning Bylaw



Bylaw No. ###



THE CORPORATION OF THE VILLAGE OF HAINES JUNCTION

ZONING BYLAW **DRAFT APRIL 2024**

A Bylaw to provide zoning for orderly, economic, social, and environmentally sensitive development in the Village of Haines Junction

WHEREAS, the Village of Haines Junction has adopted an Official Community Plan pursuant to the Municipal Act, Chapter 119, R.S.Y.T., 2002;

WHEREAS, it is desirable and expedient to enact a zoning bylaw which is applicable to the Official Community Plan; and

THEREFORE, the Council for the Municipality of the Village of Haines Junction, in open meeting duly assembled, ENACTS AS follows:

Short Title

1. This Bylaw shall be cited as the Village of Haines Junction Zoning Bylaw.

Repeal of Existing Legislation

2. Bylaw # 104-96, as amended, is hereby repealed as of the date of commencement of this Bylaw.

Enactment

3. This Bylaw shall come into force and effect on the final passage thereof.

Read a first time on the ____ day of ____, 2024.

Read a second time on the ____ day of ____, 2024.

Read a third time and adopted on the ____ day of ____, 2024.

Bruce Tomlin, Mayor

David Fairbank, Chief Administrative Officer



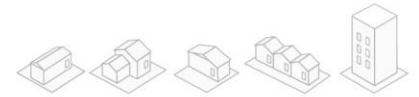


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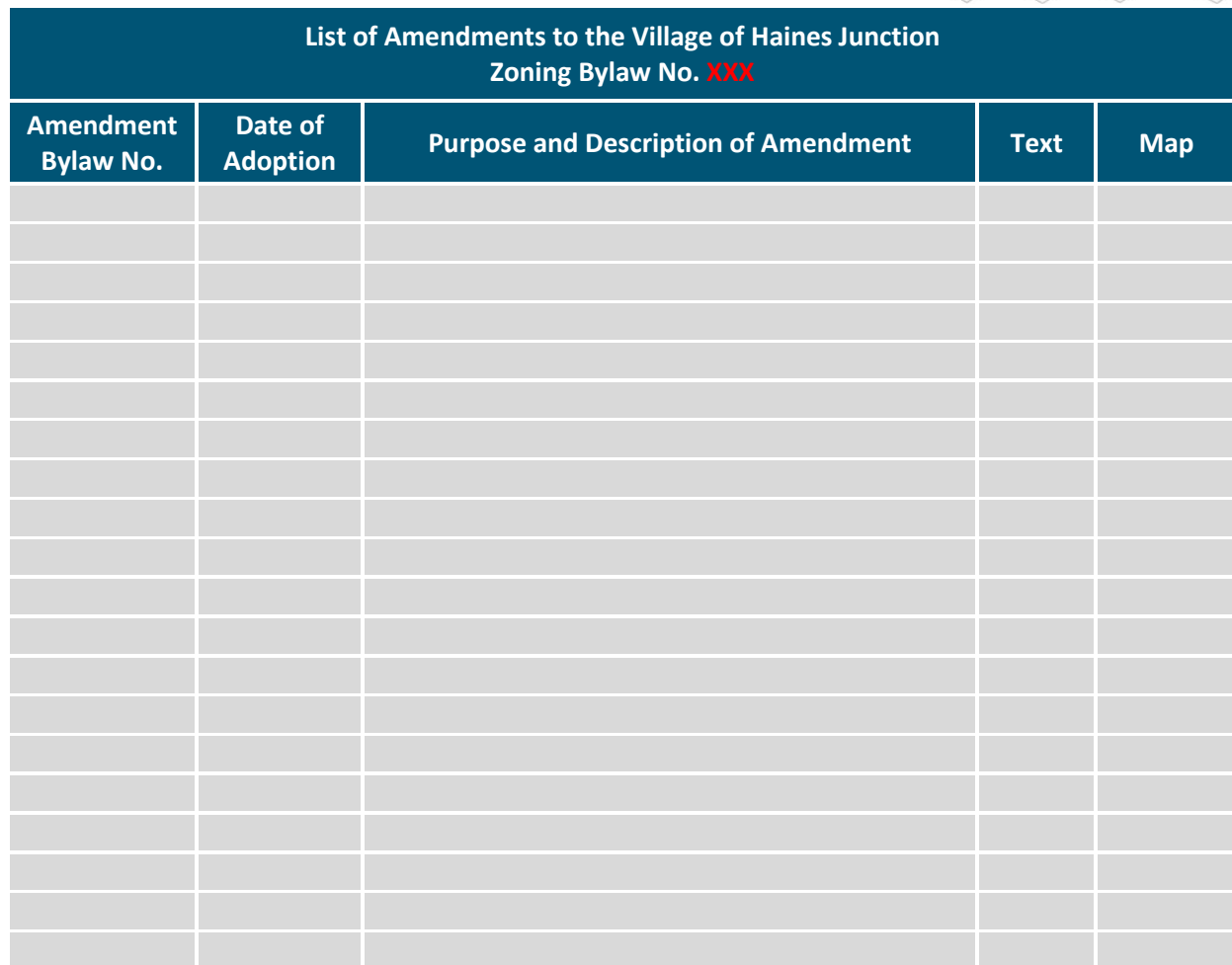
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A – ZONING MAP

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PART I - ADMINISTRATION

I.1 TITLE

- 1.1.1 This bylaw is called “The Village of Haines Junction Zoning Bylaw” and includes Schedules A and B.

I.2 PURPOSE OF THE BYLAW

- 1.2.1 This bylaw provides the regulatory framework for orderly, economic, and environmentally responsible development within the Village of Haines Junction by:
- (a) Implementing the goals and objectives of the Official Community Plan;
 - (b) Establishing land use zones and associated regulations to control the use, location, type, and level of development allowed to occur on a parcel of land within the Village of Haines Junction;
 - (c) Setting out rules and procedures information requirements, and processes to be followed to permit the consistent review and timely decision-making on an application to undertake a development, rezone a parcel, or file a development appeal; and
 - (d) Maintaining and enhancing the unique character and history of Haines Junction.

I.3 ENABLING LEGISLATION

- 1.3.1 This bylaw has been passed in conformance with the *Municipal Act*.

I.4 COMPLIANCE WITH OTHER LEGISLATION

- 1.4.1 In addition to complying with this bylaw, a person applying for a development permit or change of use is responsible for ascertaining and complying with the requirements of any other applicable municipal, territorial, or federal legislation, without limiting the generality of the foregoing, health, fire and building standards
- 1.4.2 The issuance of a permit does not relieve the property owner from complying with any easement, covenant, lease, scheme, or development agreement that affects the development.

I.5 CONFORMITY

- 1.5.1 No land, building, or structure shall be used, and no development in the entire geographical area of the Municipality of Haines Junction is permitted for any purpose, except in conformity with this bylaw.

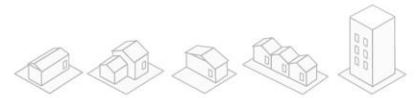
I.6 SEVERABILITY

- 1.6.1 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 of competent jurisdiction, the invalid portion shall be severed from the bylaw and such decision shall not affect the validity of the remaining portions of this bylaw.

I.7 APPLICATION OF REGULATIONS

- 1.7.1 Wherever the requirements of this bylaw are at variance with the requirements of other bylaws, regulations, statutes, deed restrictions or covenants, the more restrictive or that imposing the higher standard shall govern;
- 1.7.2 Where this bylaw sets out both general and specific regulations that could apply to a situation, the specific regulation shall apply.





I.8 DEVELOPMENT OFFICER

- 1.8.1 The position of Development Officer is established to administer this bylaw. One or more employees of the Village shall be appointed to fulfill the duties of this position.
- 1.8.2 The Development Officer shall receive completed applications for a development permit, an amendment to this bylaw, or a Certificate of Zoning Compliance.
- 1.8.3 The duties of the Development Officer include:
- a) receiving, reviewing, and making recommendations to Council on any application to amend the text of this bylaw or Schedule A, the Zoning Map;
 - b) approving, rejecting, or approving development permits with conditions as the case may be, and issuing Certificates of Zoning Compliance;
 - c) referring an application to any federal or territorial department, the Champagne and Aishihik First Nation or any other agency or body deemed appropriate for advice and comment;
 - d) creating standard application forms and maintaining a current copy of this bylaw for inspection or purchase at a reasonable cost by the public during normal office hours;
 - e) maintaining a public register of all development permit and rezoning applications received, including the decisions made;
 - f) exercising discretion in relaxing yard setbacks of up to 5% of the requirements of this bylaw, provided there will be no detrimental impact on adjacent properties or the neighbourhood and the density is not increased by virtue only of the variance; and
 - g) performing such other duties as described or implied by this bylaw.

I.9 FEES, FORMS, AND RECORDS

- 1.9.1 Council shall periodically review and update by resolution a standard fee schedule for the application and administration of this bylaw.
- 1.9.2 Council shall adopt by resolution a standard set of forms to be used for the administration of this bylaw with such forms available in hard copy and electronic form.





PART 2 - ZONES AND ZONE REGULATIONS

2.1 ZONING MAPS

- 2.1.1 The Village of Haines Junction is divided into land use zones and the boundaries of those zones are shown on the zoning map, attached as Schedule A, forming part of this bylaw.

2.2 ZONE BOUNDARIES

The boundaries on the zoning maps shall be interpreted as follows:

- 2.2.1 Where a zone boundary is shown as following a highway or road right-of-way or watercourse, the centre line of the right-of-way or watercourse shall be the zone boundary;
- 2.2.2 Where the zone boundary does not follow a legally defined line, and where the distances are not specifically indicated, the location of the zone boundary shall be determined by referencing topographic and scaling information from the zoning maps;
- 2.2.3 When any public roadway is closed, the roadway lands have the same zoning as the abutting land. Where different zones govern abutting lands, the centre of the roadway is the zone boundary unless the boundary is shown clearly following the edge of the roadway.

2.3 LIST OF ZONES

- 2.3.1 For the purpose of this Zoning Bylaw, the Village of Haines Junction is divided into the following zones:

(a)	Single Family and Duplex Residential	R-1
(b)	Multiple Family Residential	R-2
(c)	Mobile Home Residential	RM
(d)	Country Residential	RC
(e)	Tourist Commercial	CT
(f)	Mixed Commercial	CM
(g)	Light (Service) Industrial	M-1
(h)	Public Use Community	PD
(i)	Airport	AP
(j)	Parks & Recreation Community	PR
(k)	Greenbelt Community	GB
(l)	Open Space	OS
(m)	Agriculture General	AG
(n)	Future Development	FD





2.4 SINGLE FAMILY RESIDENTIAL ZONE (R-1)

2.4.1 Zone Intent:

- (a) This zone is to provide for low and medium density residential development and residential related uses.

2.4.2 Permitted Uses¹

- (a) Dwelling, Attached²
- (b) Parks / Playgrounds
- (c) Single Family Dwellings³

2.4.3 Accessory Uses

- (a) Bed and Breakfasts
- (b) Family Day-Homes
- (c) Home-Based Businesses
- (d) Minor Agriculture Pursuits as per the Animal Control Bylaw
- (e) Secondary Suites⁴

2.4.4 Regulations

- (a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Current	Proposed
Minimum Lot Size	Single: 4,843.76 Ft ²	4,305.56 Ft ²
	Dwelling, Attached: N/A when each unit is sited on its own titled property	3,229.17 Ft ²
Maximum Number of Dwelling Units	One	Two on lots 4,305.56 Ft ² or larger
	One	One on lots under 4,305.56 Ft ²
Minimum Size of Dwelling ⁵	753.47 Ft ² (300 Ft ² on Spruce Street)	256 Ft ²
Maximum Height	Principal building: 32.81 Ft.	32.81 Ft.
	Accessory building with dwelling: 16.40 Ft.	24.60 Ft. ⁶
	Accessory building: 16.40 Ft.	16.40 Ft.
Minimum Principal Building Yards ⁷		

¹ Child Care Centres, Civic Uses & Home Industry are former Discretionary Uses no longer allowed in R-1.

² Zone now permits all sizes of attached row housing and not solely duplexes.

³ Single detached dwellings definition will include modular homes that meet 2020 National Building Code.

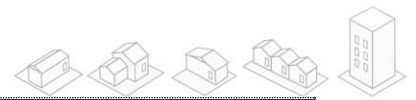
⁴ Secondary suite definition to now include garden suite

⁵ City of Dawson Zoning Bylaw reference (16x16 Ft.). Consider purposes and if any minimum size is required (Carmacks)?

⁶ Is 24.6 ft sufficient to allow a typical accessory building with a secondary suite on the 2nd storey?

⁷ Front and rear setbacks reduced to allow room for secondary suites, but side yards maintained to minimize conflicts.





Minimum/Maximum Requirements	Current	Proposed
Front Yard (min)	15.09 Ft.	10 ft
Side Yard (min)	8.20 Ft.	8.20 Ft.
Rear Yard (min)	15.09 Ft.	5ft
Minimum Accessory Building Yards		
Front Yard (min)	15.09 Ft.	10 ft
Side Yard (min)	3.28 Ft.	3.28 Ft.
Rear Yard (min)	3.28 Ft.	3.28 Ft.

2.4.5 Other Regulations

- (a) No accessory buildings or uses will be permitted until the principal unit is under construction, unless approval is granted by the Development Officer.
- (b) All accessory buildings, additions, porches, decks, patios or other structural additions shall be of equivalent quality and appearance to the principal dwelling unit and shall harmonize with the exterior of the unit.⁸

⁸ Community values – is this necessary or over-regulation that inhibits design and development over time?





2.5 MULTIPLE FAMILY RESIDENTIAL ZONE (R-2)

2.5.1 Zone Intent:

- (a) This zone is to provide for medium to high-density residential development and residential related uses.

2.5.2 Permitted Uses⁹

- (a) Care Facilities, Group
- (b) Care Facilities, Seniors
- (c) Multiple Family Housing¹⁰

2.5.3 Accessory Uses

- (a) Family Day-Homes
- (b) Home-Based Businesses
- (c) Minor Agriculture Pursuits as per the Animal Control Bylaw
- (d) Parks / Playgrounds

2.5.4 Regulations

- (a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Current	Proposed
Minimum Lot Size ¹¹	1,200.00 m ²	400 m ²
Minimum Density ¹²¹³	One home	25 homes/ha.
Maximum Height	Dwellings: 49.21 Ft.	49.21 Ft.
	Accessory building with dwelling: 16.40 Ft.	24.60 Ft. ¹⁴
	Accessory building: 16.40 Ft.	16.40 Ft.
Minimum Principal Building Yards ¹⁵		
Front Yard (min)	20.01 Ft	10 ft
Side Yard (min)	13.12 Ft.	8.20 Ft.
Rear Yard (min)	24.61 Ft.	5ft
Minimum Accessory Building Yards		

⁹ Child Care Centres, Civic Uses, Neighbourhood Stores, Places of Worship & Bed and Breakfasts are former Discretionary Uses no longer allowed in R-2.

¹⁰ Multiple Family Housing definition will mean any physical arrangement of three or more dwelling units intended to be occupied by separate households. No need to inhibit development by prescribing the building forms.

¹¹ Allows owners of small properties to build 4-plex if wish but only after amendment to this zoning.

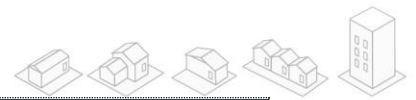
¹² Minimum density replaces previous complex array of regulations by building form

¹³ No minimum dwelling unit size to be applied in this zone.

¹⁴ Is 24.6 ft sufficient to allow a typical accessory building with a secondary suite on the 2nd storey?

¹⁵ All setbacks reduced to allow for small multi-residential infill on smaller lots e.g. 4-plexes if R-2 zoning applied.





Minimum/Maximum Requirements	Current	Proposed
Front Yard (min) ¹⁶	15.09 Ft.	10 ft
Side Yard (min)	3.28 Ft.	3.28 Ft.
Rear Yard (min)	3.28 Ft.	3.28 Ft.

2.5.5 Other Regulations

- (a) No accessory buildings or uses will be permitted until the principal unit is under construction, unless approval is granted by the Development Officer.
- (b) All accessory buildings, additions, porches, decks, patios or other structural additions shall be of equivalent quality and appearance to the principal buildings and shall harmonize with the exterior of the buildings.

¹⁶ Reduced to match with principal buildings





2.6 MOBILE HOME RESIDENTIAL ZONE (RM)¹⁷

2.6.1 Zone Intent:

- (a) This zone is to provide for low-density Mobile Home residential development and residential related uses.

2.6.2 Permitted Uses¹⁸

- (a) Mobile Homes
- (b) Parks/Playgrounds
- (c) Single Family Dwellings¹⁹

2.6.3 Accessory Uses

- (a) Bed and Breakfasts
- (b) Family Day-Homes
- (c) Home-Based Businesses
- (d) Minor Agriculture Pursuits as per the Animal Control Bylaw
- (e) Secondary Suites²⁰

2.6.4 Regulations

- (a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Current	Proposed
Minimum Lot Size ²¹	Single: 4,843.76 Ft ²	4,305.56 Ft ²
	Mobile: 5,381.96 Ft ²	4,305.56 Ft ²
Maximum Number of Dwelling Units	One	Two
Minimum Size of Dwelling ²²	753.47 Ft ²	256 Ft ²
Maximum Height	Principal building: 32.81 Ft.	32.81 Ft.
	Accessory building with dwelling: 16.40 Ft.	24.60 Ft. ²³
	Accessory building: 16.40 Ft.	16.40 Ft.
Minimum Principal Building Yards ²⁴		
Front Yard (min)	15.09 Ft.	10 ft

¹⁷ Consider if the RM zone is still required as now almost identical and new CSA standard mobile homes with northern energy standards are not dissimilar from a 'single detached dwelling'.

¹⁸ Child Care Centres & Civic Uses are former Discretionary Uses no longer allowed in RM.

¹⁹ Single detached dwellings definition will include modular homes that meet 2020 National Building Code and could be included in this zone to enable development and encourage transition over time.

²⁰ Secondary suite definition to now include garden suite

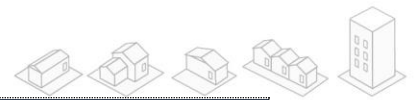
²¹ Reduce minimum for both single dwellings and mobile homes to match R-1 zone unless a purpose to differentiate.

²² Reduce to match R-1 zone.

²³ Is 24.6 ft sufficient to allow a typical accessory building with a secondary suite on the 2nd storey?

²⁴ Front and rear setbacks reduced to allow room for secondary suites, but side yards maintained to minimize conflicts.





Minimum/Maximum Requirements	Current	Proposed
Side Yard (min)	8.20 Ft.	8.20 Ft.
Rear Yard (min)	15.09 Ft.	5ft
Minimum Accessory Building Yards		
Front Yard (min)	15.09 Ft.	10 ft
Side Yard (min)	3.28 Ft.	3.28 Ft.
Rear Yard (min)	3.28 Ft.	3.28 Ft.

2.6.5 Other Regulations

- (a) Every mobile home placed on a lot shall be identified by an attached Canadian Standards Association metal label stating that its construction meets CSA standards.
- (b) The underside of each mobile home shall be completely screened from view by the foundation, skirting or other means that is of a manufactured or similar type to harmonize with the unit within 30 days of placement on the lot.
- (c) No accessory buildings or uses will be permitted until the principal unit is under construction, unless approval is granted by the Development Officer.
- (d) All accessory building, additions, porches, decks, patios or other structural additions shall be of equivalent quality and appearance to the principal dwelling unit and shall harmonize with the exterior of the unit.²⁵

²⁵ Community values – is this necessary or over-regulation that inhibits design and development over time?





2.7 COUNTRY RESIDENTIAL ZONE (RC)

2.7.1 Zone Intent:

- (a) This zone is to provide for larger residential lots in a rural setting.

2.7.2 Permitted Uses²⁶

- (a) Duplexes
- (b) Parks/Playgrounds
- (c) Single Family Dwellings²⁷

2.7.3 Accessory Uses

- (a) Bed and Breakfasts
- (b) Family Day-Homes
- (c) Home-Based Businesses
- (d) Home Industries
- (e) Minor Agriculture Pursuits as per the Animal Control Bylaw
- (f) Secondary Suites²⁸

2.7.4 Regulations

- (a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Current	Proposed
Minimum Lot Size	2.47 acres	2.47 acres
Maximum Number of Dwelling Units	One	Two
Minimum Size of Gross Floor Area	753.47 Ft ²	753.47 Ft ²
Maximum Height	Principal building: 32.81 Ft.	32.81 Ft.
	Accessory building: 22.97 Ft.	24.60 Ft. ²⁹
Minimum Principal Building Yards		
Front Yard (min)	24.61 Ft.	24.61 Ft.
Side Yard (min)	15.09 Ft.	15.09 Ft.
Rear Yard (min)	24.61 Ft.	24.61 Ft.
Minimum Accessory Building Yards		
Front Yard (min)	24.61 Ft.	24.61 Ft.
Side Yard (min)	15.09 Ft.	15.09 Ft.
Rear Yard (min)	24.61 Ft.	24.61 Ft.

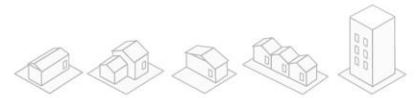
²⁶ Child Care Centres & Civic Uses are former Discretionary Uses no longer allowed in RC.

²⁷ Single detached dwellings definition will include modular homes that meet 2020 National Building Code.

²⁸ Secondary suite definition to now include garden suite

²⁹ Is 24.6 ft sufficient to allow a typical accessory building with a secondary suite on the 2nd storey?





2.7.5 Other Regulations

- (a) No accessory buildings or uses will be permitted until the principal unit is under construction, unless approval is granted by the Development Officer.
- (b) All accessory buildings, additions, porches, decks, patios or other structural additions shall be of equivalent quality and appearance to the principal dwelling unit and shall harmonize with the exterior of the unit.³⁰

DRAFT

³⁰ Community values – is this necessary or over-regulation that inhibits design and development over time?





2.8 TOURIST COMMERCIAL ZONE (CT)

2.8.1 Zone Intent:

- (a) The purpose of this zone is to permit a range of commercial uses that provide service to the local industry and / or highway tourism and service needs. Multiple Family Housing and accessory residential uses in this zone are permitted, though the area remains predominantly a service commercial zone.

2.8.2 Permitted Uses

- (a) Agricultural Supply and Sales
- (b) Animal Clinics/Hospitals
- (c) Bake Shops
- (d) Broadcasting and Recording
- (e) Bus Terminals
- (f) Car Washes
- (g) Child Care Centres
- (h) Commercial and Residential Mixed Uses
- (i) Commercial Recreation
- (j) Drive in or Drive-Thru Businesses
- (k) General Contractor Services
- (l) Greenhouses
- (m) Licensed Premises pursuant to the Liquor Act
- (n) Multiple Family Housing³¹
- (o) Offices
- (p) Outdoor Storage
- (q) Overnight Accommodations
- (r) Personal Service Establishments
- (s) Places of Worship
- (t) Public Buildings
- (u) R.V. Campgrounds
- (v) Restaurants
- (w) Retail Stores

³¹ Multiple Family Housing definition will mean any physical arrangement of three or more dwelling units intended to be occupied by separate households. No need to inhibit development by prescribing the building forms.





- (x) Service Stations
- (y) Utility Infrastructure
- (z) Vehicle Sales, Rental and Services

2.8.3 Accessory Uses

- (a) Bed and Breakfasts
- (b) Home-Based Business
- (c) Secondary Suites
- (d) Temporary Retail Sales
- (e) Temporary Uses

2.8.4 Regulations

- (a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Metric Measurement	Imperial Measurement (For Reference Only)
Minimum Lot Size	464.00 m ²	4,994.45 Ft. ²
Maximum Number of Dwelling Units ³²	N/A	N/A
Minimum Size of Gross Floor Area	As per Building Code	
Maximum Height	Principal building: 15.00 m	49.21 Ft.
	Accessory building: 5.00	16.40 Ft.
Minimum Principal Building Yards		
Front Yard (min)	None	N/A
Side Yard (min)	2.50 m	8.20 Ft.
Rear Yard (min)	4.60 m	15.09 Ft.
Minimum Accessory Building Yards		
Front Yard (min)	None	N/A
Side Yard (min)	1.00 m	3.28 Ft.
Rear Yard (min)	1.00 m	3.28 Ft.

2.8.5 Other Regulations

- (a) All storage areas and parking lots shall be screened from any adjacent residential zone by a fence not less than 2.00 metres high.

³² Remove maximum dwelling units and permit Multiple Family Housing





2.9 MIXED COMMERCIAL ZONE (CM)

2.9.1 Zone Intent:

- (a) The purpose of this zone is to provide for a mixture of commercial and residential uses and to promote a vibrant commercial core.

2.9.2 Permitted Uses

- (a) Animal Clinics/Hospitals
- (b) Bake Shops
- (c) Broadcasting and Recording
- (d) Child Care Centres
- (e) Commercial Recreation
- (f) Commercial and Residential Mixed Uses
- (g) Licensed Premises pursuant to the Liquor Act
- (h) Multiple Family Housing³³**
- (i) Offices
- (j) Overnight Accommodations
- (k) Personal Service Establishments
- (l) Public Buildings
- (m) Parks / Playgrounds
- (n) Restaurants
- (o) Retail Stores

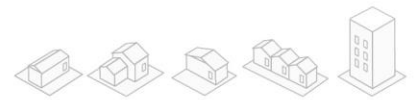
2.9.3 Accessory Uses

- (a) Bed and Breakfasts
- (b) Home-Based Businesses
- (c) Secondary Suites
- (d) Single Family Dwellings³⁴**
- (e) Temporary Retail Sales
- (f) Temporary Uses

³³ Multiple Family Housing definition will mean any physical arrangement of three or more dwelling units intended to be occupied by separate households. No need to inhibit development by prescribing the building forms.

³⁴ Single family dwelling permitted only as accessory to the principal use.





2.9.4 Regulations

(a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements ³⁵	Metric Measurement	Imperial Measurement (For Reference Only)
Minimum Lot Size	464.00 m ²	4,994.45 Ft. ²
Maximum Number of Dwelling Units	N/A	
Minimum Size of Gross Floor Area	As per Building Code	
Maximum Height	Principal building: 15.00 m	49.21 Ft.
	Dwelling Unit: 10.00 m	32.81 Ft.
	Accessory building: 5.00 m	16.40 Ft.
Minimum Principal Building Yards		
Front Yard (min)	Commercial/Mixed Use: None Residential 4.60 m	Residential 15.09 Ft.
Side Yard (min)	2.50 m	8.20 Ft.
Rear Yard (min)	4.60 m	15.09 Ft.
Minimum Accessory Building Yards		
Front Yard (min)	Commercial/Mixed Use: None Residential 4.60 m	Residential 15.09 Ft.
Side Yard (min)	1.00 m	3.28 Ft.
Rear Yard (min)	1.00 m	3.28 Ft.

2.9.5 Other Regulations

- (a) All storage areas and parking lots shall be screened from any adjacent residential zone by a fence not less than 2.00 metres high.

³⁵ Review if separate dwelling restrictions are required.





2.10 LIGHT (SERVICE) INDUSTRIAL ZONE (M-I)

2.10.1 Zone Intent:

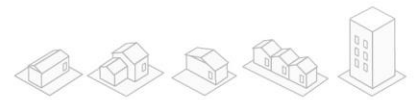
- (a) This zone is to provide for the development of light industrial activities that provide light manufacturing, storage, industrial services, and other commercial services. Permitted residential uses in this district are secondary to the principal industrial use.

2.10.2 Permitted Uses³⁶

- (a) Agricultural Supply and Sales
- (b) Alcohol Productions
- (c) Animal Clinics/Hospitals
- (d) Animal Shelters
- (e) Auction Facilities
- (f) Boarding or Breeding Facilities
- (g) Broadcasting and Recording
- (h) Car Washes
- (i) Commercial Vehicle Sales, Rental and Services
- (j) Equipment Sales, Service and Rentals
- (k) General Contractor Services
- (l) Greenhouses
- (m) Hazardous Goods Storage
- (n) Offices
- (o) Outdoor Storage
- (p) Outdoor Storage, Truck
- (q) Processing, Light
- (r) Public Buildings
- (s) R. V. Campgrounds
- (t) Recycling Depots
- (u) Retail Stores
- (v) Service Stations
- (w) Utility Infrastructure
- (x) Vehicle Sales, Rental and Services

³⁶ Review if list of uses appropriate after merging of discretionary uses





(y) Warehouse Facilities

2.10.3 Accessory Uses

(a) Restaurants

(b) Secondary Suites

(c) Shipping Containers

(d) Single Family Dwelling

(e) Temporary Retail Sales

(f) Temporary Uses

2.10.4 Regulations

(a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Metric Measurement	Imperial Measurement (For Reference Only)
Minimum Lot Size	0.20 hectares	0.49 acres
Maximum Site Coverage	60%	
Maximum Number of Dwelling Units	One	
Minimum Size of Gross Floor Area	As per Building Code	
Maximum Height	Principal building: 15.00 m	49.21 Ft.
	Dwelling Unit: 10.00 m	32.81 Ft.
	Accessory building: 5.00 m	16.40 Ft.
Minimum Principal Building Yards		
Front Yard (min)	4.60 m	15.09 Ft.
Side Yard (min)	4.60 m	15.09 Ft.
Rear Yard (min)	4.60 m	15.09 Ft.
Minimum Accessory Building Yards		
Front Yard (min)	1.00 m	3.28 Ft.
Side Yard (min)	1.00 m	3.28 Ft.
Rear Yard (min)	1.00 m	3.28 Ft.

2.10.5 Other Regulations³⁷

(a) Shipping containers shall not be stacked in any M-1 zone.

(b) Only one living unit may be located on an M-1 site either as a separate residence or caretaker suite within the principal building and the residential component cannot be built or occupied until the principal industrial unit is complete or operational.

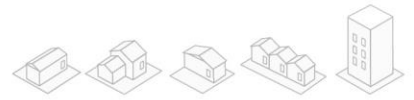
³⁷ Review if all screening requirements practical & necessary in community context to foster business with limited expense.





- (c) The portion of the lot used for residential purposes, including the dwelling unit, shall constitute no greater than 30% of the gross lot area.
- (d) Outdoor storage must be located only in side and/or rear yards, and must be screened appropriately.
- (e) In all industrial zones, a minimum of 10% of the lands shall be landscaped.
- (f) Outdoor storage must be screened from view from any public roadway, by fencing, berms, or landscape materials, or a combination of these to the satisfaction of the Development Officer.
- (g) All outdoor manufacturing / processing activities must be completely enclosed and secured by a 2.50 m solid fence or a transparent fence with continuous hedging, or to the satisfaction of the Development Officer.
- (h) Recycling and refuse bins can be located in any yard, as long as the bins are adequately screened from view.
- (i) A Solid Waste Management Plan may be required with the submission of a Development Permit application at the discretion of the Development Officer, which will depend on the use and nature of the proposed facility.
- (j) A Water Demand Estimation report may be required with the submission of a Development Permit application at the discretion of the Development Officer, which will depend on the proposed operations to occur at the proposed facility.
- (k) Water, sanitary, and storm servicing will be assessed at the time of application, subject to the discretion of the Development Officer. A Stormwater Management Plan may be required with the submission of a Development Permit application
- (l) Fencing and screening shall be between 1.80 and 2.50 m in height. All fencing and screening above 2.50 m in height shall be at the discretion of the Development Officer.
- (m) Where a permitted development abuts a non-industrial use or land use district, the Development Officer may require mitigation of potential development impacts on adjacent land use, including but not limited to:
 - (i) Provision of noise attenuating walls;
 - (ii) Increased landscaping, including a landscaped buffer;
 - (iii) Relocation of parking areas, walkways, business entrances or other high activity areas from residential property lines;
 - (iv) Screening or relocating on-site lighting to avoid spillage onto residential sites;
 - (v) Restricting the location of outdoor speakers;
 - (vi) Changing the proposed structure to mitigate noise, light, or glare impacts.
- (n) The Development Officer shall require a site plan to be provided that indicates the landscape treatment, screening, and location of parking, loading outside operation / storage areas, waste / recycling receptacles, fencing, and accessory buildings. The Development Officer shall ensure that the locations of these facilities are accessible to service vehicles as necessary, and do not disrupt onsite circulation and are appropriately fenced or screened.





- (o) Any permitted accessory use, such as office, administrative, or retail operations shall not exceed 33% of the total floor area of the building(s) devoted to the principal use.
- (p) The Development Officer may require an applicant to submit an environmental impact statement for any use or development that may result in significant noise, air, or water emissions or create a fire or explosive hazard that would extend beyond the permitter of the site.
- (q) A description of the type and nature of business operations will be required upon application of a Development Permit. Factoring in the location of the site, adjacent uses, related traffic operations (deliveries, pickups, etc.) and impacts of business operations, the Development Officer may place restrictions on hours of operation of the proposed facility.

DRAFT





2.11 PUBLIC USE COMMUNITY ZONE (PD)

2.11.1 Zone Intent:

- (a) This zone is to provide for the development of institutional, educational, community service, and recreational uses and facilities.

2.11.2 Permitted Uses

- (a) Assembly
- (b) Band Stands
- (c) Care Facilities, Clinic
- (d) Care Facilities, Group
- (e) Care Facilities, Medical
- (f) Care Facilities, Seniors
- (g) Cemeteries and Funeral Services
- (h) Childcare Centres
- (i) Education Facilities
- (j) Maintenance Facilities
- (k) Parks/Playgrounds
- (l) Places of Worship
- (m) Private Clubs and Lodges
- (n) Public Buildings
- (o) Utility Infrastructure
- (p) Aviation-Restricted
- (q) Civic Uses

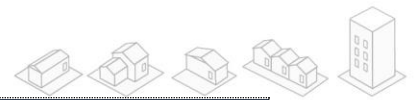
2.11.3 Accessory Uses

- (a) Gardens
- (b) Greenhouses
- (c) Restaurants
- (d) **Secondary Suites**
- (e) Temporary Sales
- (f) Temporary Uses

2.11.4 Regulations

- (a) Minimum and Maximum Requirements:





Minimum/Maximum Requirements	Metric Measurement	Imperial Measurement (For Reference Only)
Minimum Lot Size	464.00 m ²	4,994.45 Ft. ²
Maximum Number of Dwelling Units	a Secondary Suite complimentary with the principal building or use	
Minimum Size of Gross Floor Area	As per Building Code	
Maximum Height	Principal building: 15.00 m	49.21 Ft.
	Dwelling Unit: 10.00 m	32.81 Ft.
	Accessory Building: 5.00 m	16.40 Ft.
Minimum Principal Building Yards		
Front Yard (min)	N/A	
Side Yard (min)	4.60 m	15.09 Ft.
Rear Yard (min)	6.00 m	19.69 Ft.
Minimum Accessory Building Yards		
Front Yard (min)	N/A	
Side Yard (min)	1.00 m	3.28 Ft.
Rear Yard (min)	1.00 m	3.28 Ft.

2.11.5 Other Regulations

- (a) No accessory buildings or uses will be permitted until the principal unit is under construction.
- (b) Where the site abuts a residential zone, the property shall be fenced and/or screened with landscaping to the satisfaction of the Development Officer having regard to the nature of the use, the potential impacts on the use on the normal use and enjoyment of the neighbouring properties and security.





2.12 AIRPORT ZONE (AP)

2.12.1 Zone Intent:

- (a) This zone is to provide for development of Airports and Aviation related facilities.

2.12.2 Permitted Uses

- (a) Aviation
- (b) Aviation-Restricted
- (c) Bulk Fuel Storage
- (d) Maintenance Facilities
- (e) Offices
- (f) Public Buildings
- (g) Utility Infrastructure
- (h) Other compatible uses as deemed by the Development Officer

2.12.3 Accessory Uses

- (a) Temporary Uses

2.12.4 Regulations

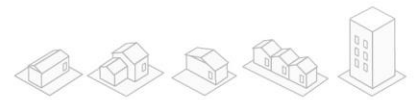
- (a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Metric Measurement	Imperial Measurement (For Reference Only)
Minimum Lot Size	464.00 m ²	4,994.45 Ft ²
Minimum Size of Gross Floor Area	As per Building Code	
Maximum Height	20.00 m	65.62 Ft.

2.12.5 Other Regulations

- (a) All uses within the Airport Zone shall be aviation related or intended to service airport uses.
- (b) All uses in the Airport Zone shall comply with the Federal Ministry of Transport Aeronautics Act and any other relevant federal and provincial regulations.
- (c) All development applications for land abutting the Airport Zone shall be referred to the Government of Yukon and other applicable agencies for comment.





2.13 PARKS AND RECREATION COMMUNITY ZONE (PR)

2.13.1 Zone Intent:

- (a) This zone is to provide for the development of active and passive recreational areas.

2.13.2 Permitted Uses

- (a) Band Stands
- (b) Cemeteries and Funeral Services
- (c) Fairgrounds
- (d) Golf Courses
- (e) Greenbelts
- (f) Minor Agricultural Pursuits
- (g) Outdoor Amphitheatre
- (h) Parks/Playgrounds
- (i) Public Buildings

2.13.3 Accessory Uses

- (a) Temporary Sales
- (b) Temporary Uses

2.13.4 Regulations

- (a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Metric Measurement	Imperial Measurement (For Reference Only)
Minimum Size of Gross Floor Area	As per Building Code	
Maximum Height	15.00 m	49.21 Ft.
Minimum Principal Building Yards		
Front Yard (min)	3.00 m	9.84 Ft.
Side Yard (min)	3.00 m	9.84 Ft.
Rear Yard (min)	3.00 m	9.84 Ft.
Minimum Accessory Building Yards		
Front Yard (min)	1.00 m	3.28 Ft.
Side Yard (min)	1.00 m	3.28 Ft.
Rear Yard (min)	1.00 m	3.28 Ft.

2.13.5 Other Regulations

- (a) Consideration will be given to public safety and wildlife prior to any development.
- (b) All parcel and development regulations shall be at the discretion of the Development Officer.





2.14 AGRICULTURAL GENERAL ZONE (AG)

2.14.1 Zone Intent:

- (a) This zone is to provide for a range of agricultural pursuits in a rural setting.

2.14.2 Permitted Uses

- (a) Agricultural Supply and Sales
- (b) Animal Clinics/Hospitals
- (c) Apiary as per the Animal Control Bylaw
- (d) Boarding or Breeding Facilities as per the Animal Control Bylaw
- (e) Child Care Centres
- (f) Civic Uses
- (g) Farms
- (h) Farm Sales
- (i) Gardens
- (j) Greenhouses
- (k) Holding Pens
- (l) Horticulture
- (m) Keeping of Animals and Livestock as per the Animal Control Bylaw
- (n) Landscaping Operations
- (o) Nurseries
- (p) Parks/Playgrounds
- (q) Private Riding Facilities and Stables
- (r) Rodeo Facilities
- (s) Single Family Dwellings

2.14.3 Accessory Uses

- (a) Bed and Breakfasts
- (b) Family Day-Homes
- (c) Home-Based Businesses
- (d) Home Industries
- (e) Secondary Suites**
- (f) Temporary Uses

2.14.4 Regulations





(a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Metric Measurement	Imperial Measurement (For Reference Only)
Minimum Lot Size	4.00 hectares	9.88 acres
Maximum Number of Dwelling Units	1 Principal, 1 Secondary Suite, and 1 Garden Suite	
Minimum Size of Gross Floor Area	70.00 m ²	753.47 Ft. ²
Maximum Height	Principal Building: 15.00 m	49.21 Ft.
	Accessory Building: 10.00 m	32.81 Ft.
Minimum Principal Building Yards		
Front Yard (min)	15.00 m	49.21 Ft.
Side Yard (min)	15.00 m	49.21 Ft.
Rear Yard (min)	15.00 m	49.21 Ft.
Minimum Accessory Building Yards		
Front Yard (min)	7.50 m	24.61 Ft.
Side Yard (min)	4.60 m	15.09 Ft.
Rear Yard (min)	7.50 m	24.61 Ft.

2.14.5 Other Regulations

- (a) Appropriate fencing shall be in place on all properties for any livestock, animals, horses, poultry, pigs, etc. and shall include overhead fencing when necessary.
- (b) No accessory buildings /uses will be permitted until the principal use is established, unless approval is granted by the Development Officer.
- (c) The nature of agricultural use and intensity of development may be restricted if, in the option of the Development Officer, the use would:
 - (i) attract migratory birds or potentially create human/wildlife conflicts, and
 - (ii) potentially create noise, odour, traffic, dust or related conflicts that would interfere with the use and enjoyment of neighbouring properties in the same or adjacent land zones.





2.15 GREENBELT COMMUNITY ZONE (GB)

2.15.1 Zone Intent:

- (a) This zone is to protect environmentally sensitive areas and/or lands that is not suitable for development, while providing access to the public in a manner that programs and preserves the land in its natural state.

2.15.2 Permitted Uses

- (a) Greenbelts
- (b) Parks

2.15.3 Accessory Uses

- (a) None

2.15.4 Regulations

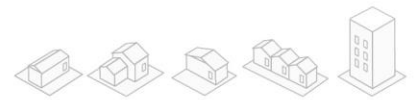
- (a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Metric Measurement	Imperial Measurement (For Reference Only)
Minimum Lot Size	N/A	
Maximum Number of Dwelling Units	N/A	
Minimum Size of Gross Floor Area	N/A	
Maximum Height	N/A	
Minimum Principal Building Yards		
Front Yard (min)	N/A	
Side Yard (min)	N/A	
Rear Yard (min)	N/A	
Minimum Accessory Building Yards		
Front Yard (min)	N/A	
Side Yard (min)	N/A	
Rear Yard (min)	N/A	

2.15.5 Other Regulations

- (a) Consideration will be given to public safety and wildlife prior to any development.
- (b) All parcel and development regulations shall be at the discretion of the Development Officer and shall proceed in a manner to minimize impacts on the natural environment.
- (c) In addition to the regulations listed above, other general regulations in this Bylaw may also apply.





2.16 OPEN SPACE ZONE (OS)

2.16.1 Zone Intent:

- (a) This zone contains land which for which no use has been allocated. No use is permitted until an appropriate use has been determined and allocated by bylaw.

2.16.2 Permitted Uses

- (a) None

2.16.3 Accessory Uses

- (a) None

2.16.4 Regulations

- (a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Metric Measurement	Imperial Measurement (For Reference Only)
Minimum Lot Size	N/A	
Maximum Number of Dwelling Units	N/A	
Minimum Size of Gross Floor Area	N/A	
Maximum Height	N/A	
Minimum Principal Building Yards		
Front Yard (min)	N/A	
Side Yard (min)	N/A	
Rear Yard (min)	N/A	
Minimum Accessory Building Yards		
Front Yard (min)	N/A	
Side Yard (min)	N/A	
Rear Yard (min)	N/A	

2.16.5 Other Regulations

- (a) Consideration will be given to public safety and wildlife prior to any development.
- (b) All parcel and development regulations shall be at the discretion of the Development Officer.
- (c) Any building, structure, and/or infrastructure on-site shall be temporary to ensure the proposed development does not limit future planning and orderly development of lands.
- (d) The Development Officer may impose such temporal and use conditions as necessary to ensure the proposed development does not limit future planning and orderly development.





2.17 FUTURE DEVELOPMENT ZONE (FD)

2.17.1 Zone Intent:

- (a) This zone is to protect land in a generally undeveloped and natural state until such time as comprehensive planning has occurred to determine appropriate zoning.

2.17.2 Permitted Uses

- (a) Farms
- (b) Farm Sales
- (c) Horticulture
- (d) Minor Agricultural Pursuits
- (e) Parks
- (f) Temporary Uses

2.17.3 Regulations

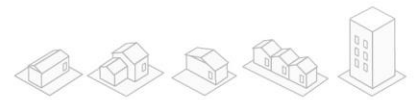
- (a) Minimum and Maximum Requirements:

Minimum/Maximum Requirements	Metric Measurement	Imperial Measurement (For Reference Only)
Minimum Lot Size	N/A	
Maximum Number of Dwelling Units	N/A	
Minimum Size of Gross Floor Area	N/A	
Maximum Height	N/A	
Minimum Principal Building Yards		
Front Yard (min)	N/A	
Side Yard (min)	N/A	
Rear Yard (min)	N/A	
Minimum Accessory Building Yards		
Front Yard (min)	N/A	
Side Yard (min)	N/A	
Rear Yard (min)	N/A	

2.17.4 Other Regulations

- (a) Consideration will be given to public safety and wildlife prior to any development.
- (b) Any building, structure, and/or infrastructure on-site shall be temporary to ensure the proposed development does not limit future planning and orderly development of lands.
- (c) The Development Officer may impose such temporal and use conditions as necessary to ensure the proposed development does not limit future planning and orderly development.
- (d) The Development Officer may require the applicant to enter into a Development Agreement for any proposed use within this zone to limit encumbrances to the future planning and orderly development of lands.





PART 3 - GENERAL PROVISIONS

3.1 USES PERMITTED IN ALL ZONES

- 3.1.1 The following uses shall be permitted in any zone providing they conform to the regulations of this bylaw:
- (a) Public Utility services and underground or submarine utility systems, the installations of which may be sited on any portion of a lot.
 - (b) Public parks and playgrounds.
 - (c) Trails and active transportation routes.
 - (d) Accessory buildings and structures.
 - (e) Signs, when confirming with the requirements outlined in Subsection 3.20.
 - (f) Home office in any permitted dwelling unit.
 - (g) Solar energy system as an accessory use, except in the Open Space (OS) zone and Community Green Belt (GB) zone.
 - (h) Required minimum parking areas.

3.2 TEMPORARY USES

- 3.2.1 A temporary use, other than a temporary residence, may be authorized where it is in the public interest to do so and:
- (a) It conforms to the regulations of this bylaw;
 - (b) It is seasonal or temporary in nature and provides a service in the public interest;
 - (c) It is an interim land use with a defined lifespan of less than one year;
 - (d) Impacts associated with the proposed use will be mitigated; and
 - (e) The site will be restored suitable to an intended future use.
- 3.2.2 A Mobile Home or Recreation Vehicle is permitted as a temporary residence in all residential zones providing that:
- (a) A building permit has been issued for a dwelling;
 - (b) The term of the temporary residence does not exceed 24 months; and
 - (c) The temporary residence will be removed from the parcel within 30 days of the first residential occupancy of the dwelling on-site.
- 3.2.3 An extension of the temporary residence may be considered by if the dwelling construction has been proceeding with a reasonable diligence during the term of the stay.

3.3 SECONDARY SUITES

- 3.3.1 A secondary suite, where permitted, shall be treated as an accessory use in the zone in which it is located. It shall not exceed 60% of the total floor area of the principal use building.





- 3.3.2 Notwithstanding 3.3.1, if the applicant demonstrates that a principal commercial or industrial use is complete and operational without the requirement of a principal commercial or industrial building, the 60% total floor area restriction of 3.3.1 will not apply until such time as a principal commercial or industrial building is developed.

3.4 BED AND BREAKFASTS

- 3.4.1 A Bed and Breakfast, when permitted in any zone, shall be subject to the following regulations:

- (a) The primary residence of the property owner must be located on the property.
- (b) The Bed and Breakfast shall not change the principal residential character or external appearance of the property involved.
- (c) Each room shall be a minimum of 10.00 m² in area.
- (d) A maximum of two (2) rooms and the associated amenity areas shall be used for such an operation.
- (e) The length of stay for a lodger shall not exceed 14 consecutive days.

3.5 HOME OFFICE

- 3.5.1 A home office, when permitted in any zone, shall be subject to the following regulations:

- (a) Only residents living on the property may work in the home office.
- (b) The home office shall not change the residential character of the site and there shall be no change in the outside appearance of the dwelling unit or accessory building.
- (c) There shall be no audible, visible or other evidence of the conduct of a home office.
- (d) There shall be no business-related visits on-site, or additional parking needs generated.

3.6 HOME BUSINESS

- 3.6.1 A home business, when permitted in any zone, shall be subject to the following regulations:

- (a) Only residents living on the property and up to two other persons who are not residents may work in the home business on the property. Additional employees may work off site.
- (b) The use of a property for a home business shall be incidental and subordinate to its use for residential purposes and shall have no visible change in the outside appearance of the dwelling unit or accessory building, other than one sign.
- (c) There shall be no more than 4 business-related visits on-site per day.
- (d) The home business shall not
 - i) Change the residential character of the site;
 - ii) Create visual, audible or other interference off the property;
 - iii) Use or store equipment which creates noise, vibration, glare, fumes, odours, smoke or electrical interference;
 - iv) Store or keep goods, materials or commodities other than in the dwelling and/or in an accessory building, except in the AG and RC zones;





- v) Park or maintain a commercial vehicle of a capacity of more than 5,000 kg on the property, except in the AG and RC zones;

vi) Operate between the hours of 8:00 pm to 8:00 am

- (e) Retail sales shall not be permitted in a home business except for:
 - (i) Sales where the customer does not enter the premises;
 - (ii) Products incidental to a service being provided; and
 - (iii) Products produced on the site.
- (f) Any need for parking generated by the conduct of a home business shall be met on-site.

3.7 HOME INDUSTRY

3.7.1 A home industry, when permitted in any zone, shall be subject to the following regulations:

- (a) Only residents living on the property and up to four other persons who are not residents may work in the home business on the property. Additional employees may work off site.
 - (b) The use of a property for a home industry shall be incidental and subordinate to its use for residential purposes and shall have no visible change in the outside appearance of the dwelling unit or accessory building, other than one sign.
 - (c) The home industry shall be carried out wholly within a building, which may be either the dwelling and/or an accessory building, except where the home industry is of a horticultural nature.
 - (d) There shall be no more than 10 business-related visits on-site per day.
 - (e) The home industry shall not
 - (i) Change the residential character of the site;
 - (ii) Create visual, audible or other interference off the property;
 - (iii) Use or store equipment which creates noise, vibration, smoke, dust, odour, glare, fumes, electrical interference, litter, and/or other factors that cause a nuisance to adjacent residents;
 - (iv) salvage or store derelict vehicles and equipment, used building materials, products, and/or similar discarded materials; or
- v) Operate between the hours of 8:00 pm to 8:00 am
- (f) Only goods and materials directly related to the home industry may be stored on-site, and shall be:
 - (i) Essential to the operation of the home industry;
 - (ii) Stored in the dwelling and/or in an accessory building;
 - (iii) Screened from view from adjacent properties, if stored outside;
 - (iv) In a volume consistent with the residential character of the property; and



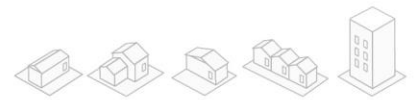


- (v) Stored in a safe and organized manner so as not to pose any hazard or nuisance to the surrounding area.
- (g) Retail sales shall not be permitted in a home industry except for:
 - (i) Sales where the customer does not enter the premises;
 - (ii) Products incidental to a service being provided; and
 - (iii) Products produced on the site.
- (h) Any need for parking generated by the conduct of a home industry shall be met on-site.

3.8 BOARDING OR BREEDING FACILITY

- 3.8.1 The Development Officer may, when issuing a development permit, determine the maximum number of animals that may be kept at any one time by the operator. In determining the maximum number of animals, the Development Officer shall take into account:
 - (a) the size of the property;
 - (b) the use of adjacent properties;
 - (c) the setback distances to any property line or residential dwelling on an adjacent property; and
 - (d) noise attenuation measures.
- 3.8.2 In determining the number of animals, animals less than 6 months of age shall not normally be included.
- 3.8.3 The setback distances specified in the district in which a boarding or breeding facility is located shall apply to all structures or facilities used in the boarding operation, regardless of size or function of the structure or facility. The Development Officer may vary the required setback distance if deemed necessary.
- 3.8.4 No buildings, pens, rooms, exercise runs or holding stalls used to accommodate the animals shall be allowed within 300.00 m of an existing dwelling located on an adjacent lot.
- 3.8.5 The Development Officer may require visual screening of the facility, which may include fencing, landscaping and berming.
- 3.8.6 Pens, rooms, exercise runs, and holding stalls shall be adequately soundproofed, if deemed necessary by the Development Officer who shall base their decision on the recommendations of a noise study, the number of animals to be kept at the facility, the proximity of the facility to other uses or other facilities, and the possibility that noise from the facility may adversely affect the amenities of the area.
- 3.8.7 The Development Officer may require animals to be kept indoors between the hours of 8:00 p.m. to 8:00 a.m., except when on leashed walks.
- 3.8.8 Where boarding or breeding facilities are to be located near known wildlife corridors or habitat areas, there shall be strict measures incorporated into the design of the development and operating procedures to ensure that the animals are securely restrained at all times.
- 3.8.9 Boarding and breeding facilities shall be operated in accordance with Yukon health regulations and, in particular, faeces and similar wastes shall be disposed of in a manner acceptable to the public health





authority. In no case shall such waste be disposed of in the municipal waste collection system without the written consent of the municipality.

- 3.8.10 A development permit issued for a boarding or breeding facility may be issued for a period up to 5 years and is subject to immediate revocation if the boarding or breeding facility is not developed or operated in accordance with the conditions of approval or if the boarding or breeding facility is deemed by the Development Officer to be having an adverse effect on the amenities of the area or nearby properties.

3.9 ACCESSORY BUILDINGS, PRIVATE GARAGES AND GREENHOUSES

- 3.9.1 Accessory uses and accessory buildings or structures are permitted in all zones where a permit has been issued for a principal use.
- 3.9.2 Unless otherwise specified in this bylaw, accessory buildings and structures are not permitted on any parcel unless the principal use is active and/or the principal building has already been erected or will be erected simultaneously.
- 3.9.3 A private garage or carport attached to and forming part of a principal building or structure shall be considered to be part of the principal building or structure.
- 3.9.4 A greenhouse larger than 10m² is considered an accessory building.

3.10 SHIPPING CONTAINERS

- 3.10.1 All Shipping Containers are considered an accessory building and shall meet the minimum required setbacks for accessory buildings.
- 3.10.2 Shipping Containers shall not be placed on a lot or parcel in a manner that the containers exceed the maximum height restriction specified in the zoning regulations.

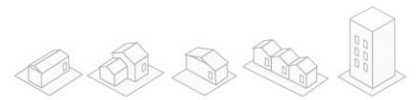
3.10.3 Shipping containers used for storage shall be vented to lessen the risk of combustion.

3.10.4 Shipping containers shall be placed in a manner that the doors are facing away from the principal residence.

3.11 FENCES AND SCREENING OF OUTDOOR STORAGE AREAS

- 3.11.1 In all zones, fences are permitted in front, rear or side yards.
- 3.11.2 In any residential zone, a fence must:
- (a) Not exceed a height of 1.22 metres in any required front yard; and
 - (b) Not exceed a height of 1.83 metres in any side or rear yard.
- 3.11.3 In any commercial or industrial zone, fencing and screening shall be between 1.8 and 2.5 metres in height, with the exception of fencing for the purposes of securing outdoor manufacturing / processing activities as described in Subsection 6.4.4. All fencing and screening above 2.5 metres in height shall be at the discretion of the Development Officer.
- 3.11.4 All outdoor manufacturing / processing activities must be completely enclosed and secured by a 2.5 meter solid fence or a transparent fence with continuous hedging, or to the satisfaction of the Development Officer.





- 3.11.5 Uses which involve the outdoor storage of goods, machinery, vehicles, building materials, equipment, waste materials, and other similar objects, shall be screened from adjacent sites and roads, through the use of fences, berms, landscaping, or a combination therefore, to the satisfaction of the Development Officer.
- 3.11.6 To increase the chance of survival, landscaping for screening purposes shall be at least 1.8 m high at planting and trees shall be placed at regular intervals.

3.12 SOLID WASTE AND RECYCLING

- 3.12.1 Solid waste and recycling management facilities which are suitable for the intended land use may be required by the Development Officer and shall be:
- (a) Stored in animal proof and weatherproof containers designed to prevent the spread of waste materials;
 - (b) Screened from adjacent sites and public roads in an aesthetically pleasing manner at the discretion of the Development Officer; and
 - (c) Designed and placed in a location that is easily accessible for waste disposal and pickup.
- 3.12.2 Where any proposed development requires collective waste disposal facilities, the location, manner of storage and screening shall be indicated on the site plan submitted with the Development permit application.
- 3.12.3 Collective waste disposal facilities are not permitted within the front or side yard setbacks.

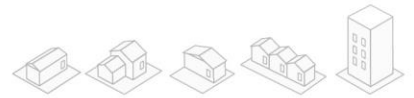
3.13 HEIGHT EXCEPTIONS

- 3.13.1 The maximum height regulations of this bylaw do not apply to the following:
- (a) Chimney stacks
 - (b) Elevator housings
 - (c) Flagpoles
 - (d) Parapet walls
 - (e) Roof stairway entrances
 - (f) Skylights
 - (g) Steeples
 - (h) HVAC equipment
 - (i) Any other items deemed by the Development Officer to be of a similar nature to those noted above.

3.14 YARDS AND ALLOWABLE ENCROACHMENT

- 3.14.1 No development shall be permitted in any yard other than the erection of a gate, fence, wall, or other means of enclosure referred to in Subsection 3.11.
- 3.14.2 In all zones, the allowable encroachments are permitted as follows:





- (a) Chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, steps, door canopies, or other similar features, may encroach up to 0.61 metres (2 feet) into front, side, and rear yards.
- (b) Encroachments of steps, eaves, canopies, decorative overhangs, balconies, or porches, are permitted:
 - (i) Up to 1.22 metres (4 feet) into a required front, rear, or exterior side yard.
 - (ii) Up to 0.61 metres (2 feet) into a required interior side yard.
- (c) Encroachments of steps, ramps, or boardwalks required for safe access to a permitted primary or accessory structure due to parcel grade.
- (d) Encroachments of uncovered patios or sundecks, provided that they:
 - (i) Meet any fence requirements of this bylaw.
 - (ii) Do not project more than 2.44 metres (8 feet) into a required front yard.
- (e) Wheelchair ramps are permitted to encroach into any required yard setback, at the discretion of the Development Officer, provided that the ramp:
 - (i) Does not impede fire access to or around the building; and
 - (ii) Is complimentary to and well integrated into the existing building.

3.15 VISIBILITY AT INTERSECTIONS

- 3.15.1 No landscaping, screening, building, or structure shall be planted or erected at a height greater than 0.91 metres (3 feet) above the established grade within the shaded space, as illustrated in Figure 11. This shaded space spans 6.10 metres (20 feet) in either direction from the corner of a parcel.

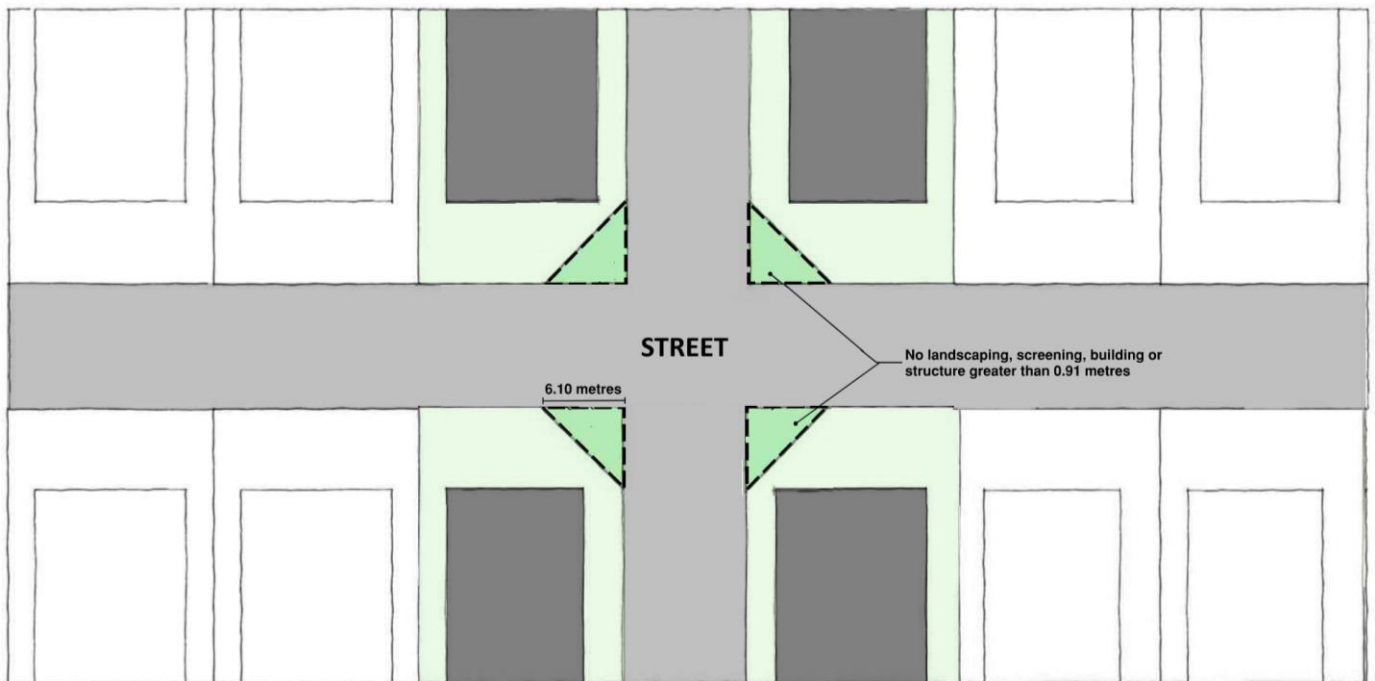


Figure 1 – Visibility at Intersections, Area that landscaping, screening, building, or structures are prohibited over 0.91 metres in height





3.16 OFF- STREET PARKING SPACE REGULATIONS

- 3.16.1 The Development Officer may require all developments in non-residential zones to provide as a minimum, a durable, gravel surfaced parking area with sufficient slope to ensure proper drainage.
- 3.16.2 When land or a building or structure is used for any purpose, there shall be, **provided on the lot or an alternate site**, the number of parking spaces and commercial vehicle off-street loading and parking areas as specified in Table 2.

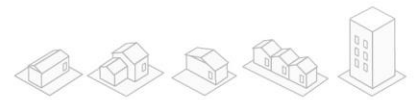
Table 1 – Minimum Parking Requirements

MINIMUM PARKING REQUIREMENTS		
TYPE OF DEVELOPMENT / USE	PARKING SPACES	LOADING SPACES
Single Family Dwelling	2 per dwelling unit	
Multiple Family Dwelling (Duplex, Fourplex, Etc.)	1 per dwelling unit	
Secondary Suites, Bed and Breakfast, Home-based Business	1 per suite in addition to the number required for the principal dwelling unit	
Senior citizen housing, regardless of type	1 per 2 dwelling units plus 1 per 3 staff	1
Hotels, motels	1 per sleeping area	1
Offices, business and personal service establishments, and retail stores	1 per 50 m ² of gross floor area	1
Service station	3 per service bay	1
Industrial uses	1 per 4 employees per shift, minimum of 4	1 space per loading dock / loading door
Eating and drinking establishments	1 per 5 seats	1
Schools – Kindergarten and Elementary	1 per classroom	1 per building
Schools – Middle Years / High School / Other	1 per classroom, 1 per each staff member, and 1 per 10m ² of public area	1 per building
Indoor Recreation Facilities, Clubs, Assembly Halls	1 per 10m ² of public area	1
Theatre, Arena, Auditorium, Church	1 per 6 seats	1

*Public Area means an area used by the public such as a gymnasium, swimming pool, auditorium, etc.

- 3.16.3 Where any development comprises uses in several of the categories mentioned in Table 2, the parking requirement is that of the category requiring the highest number of parking spaces.





- 3.16.4 When the calculation of the required off-street parking spaces or loading spaces results in a fraction, the calculation shall be rounded up.
- 3.16.5 No person shall keep a vehicle having a maximum gross weight in excess of 18,000 kg on a lot, site or street in a residential zone for longer than is reasonably necessary to load or unload a vehicle.
- 3.16.6 No person shall keep a dismantled or wrecked vehicle for more than fourteen (14) days on a lot, site or street unless authorized under the provisions of this bylaw.
- 3.16.7 In any zone, when any new development is proposed including a change in use of existing development, or when any existing development is in the opinion of the Development Officer substantially enlarged or increased in capacity, then provision shall be made for off-street parking or garage spaces in accordance with the regulations and standards contained in this bylaw.

3.17 PARKING AND MANEUVERING DESIGN

- 3.17.1 All parking space access points, parking and loading areas shall be specified to the satisfaction of the Development Officer having due regard to the use proposed, the type of traffic expected to be generated, roadway function and visibility, emergency vehicle movement and the needs of the elderly and disabled.
- 3.17.2 All off-street parking areas shall conform to the following requirements in Table 3 and conform with the Parking Design Standards as per Figure 12.

Table 3 – Parking Design Standards, Minimum Requirements

PARKING DESIGN STANDARDS				
A	B	C	D	E
PARKING ANGLE IN DEGREES	WIDTH OF STALL METERS	DEPTH OF STALL PERPENDICULAR TO MANEUVERING AISLE IN METERS	WIDTH OF STALL PARALLEL TO MANEUVERING AISLE IN METERS	WIDTH OF MANEUVERING AISLE IN METERS
0	2.6	2.6	6.7	One way 3.0
30	2.6	4.9	5.2	One way 3.5
45	2.6	5.5	3.6	One way 3.5
60	2.6	5.8	2.8	One way 5.8
90	2.6	6.0	2.6	One way 6.0

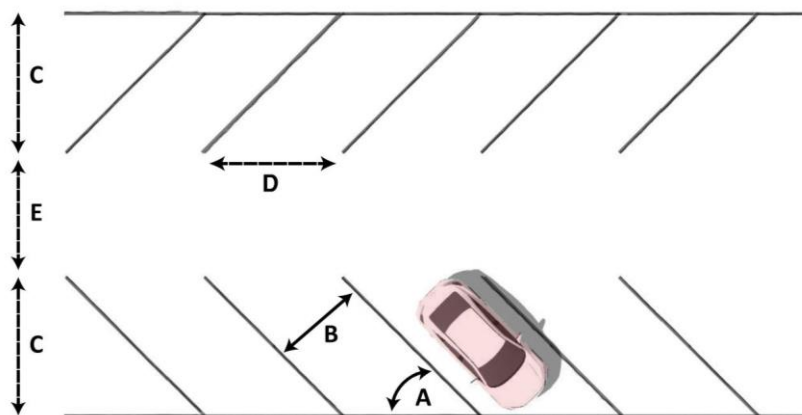


Figure 2 - Parking Design Standards





3.18 LOADING SPACE REGULATIONS

- 3.18.1 The number of commercial off-street loading spaces provided for a development must conform with Table 2.
- 3.18.2 Loading spaces must be no less than 3.00 metres in width, 7.60 metres in length, and 4.30 metres in height.
- 3.18.3 Loading spaces must be designed to:
- (a) Provide vehicular access to and from a street or land such that no backing or turning movements of vehicles going to and from the site causes interference with traffic in the abutting streets or lanes; and
 - (b) Be sited at an elevation or elevations convenient to a major floor level in the building or to a utility serving each major floor level.

3.19 DRIVEWAY ACCESS

- 3.19.1 For any development, driveway access shall be designed in such a way as to minimize the number of entrances and exits.
- 3.19.2 The width of a driveway providing access from a road to any type of development, may not exceed:
- (a) 6.00 m where the lot width is less than 12.00 m,
 - (b) 50% of the lot width where the lot width is between 12.00 m and 20.00 m, and
 - (c) 10.00 m where the lot width is greater than 20.00 m
- 3.19.3 For residential developments, driveway access widths must provide adequate width and turning radii for emergency vehicle access, as well as a slope no greater than 8%, to the satisfaction of the Development Officer.

3.20 SIGNS

- 3.20.1 Signs are permitted in all zones, on sites where a permit has been issued for a principal use.
- 3.20.2 The operator of a home office, home business or home industry may attach only one nonilluminated fascia sign to the principal residence advertising the business, or in the case of the country residential zone, at the entrance to the driveway.
- 3.20.3 All signs shall be related to the principal use or uses of the site and serve to identify the name of the business and the products and services available.
- 3.20.4 Where a sign is found to identify a use incorrectly or is in an overall state of disrepair, the Development Officer may, by written notice, order a sign owner or person responsible for the sign, to alter, refurbish or remove the sign within the time specified in the notice.
- 3.20.5 Only businesses holding a Village business license may apply to erect billboards along the Alaska Highway and Haines Road within municipal boundaries, except that other businesses may advertise at designated rest areas intended to provide an orientation to regional attractions and other communities.





- 3.20.6 No sign shall be attached to any object in a public place except a kiosk or bulletin board erected by the Village for that purpose. Temporary political campaign signs are exempted from this but must be removed within 5 days after the corresponding election date.
- 3.20.7 No part of any sign shall project beyond the property line.
- 3.20.8 No sign shall by reason of its location, colour, shape, format or content imitate an official traffic sign.

3.21 LIGHTING

- 3.21.1 Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at adjoining properties.
- 3.21.2 The Development Officer, in keeping with the principles of crime prevention through environmental design, may require such additional site lighting as is necessary to encourage pedestrian safety and allow casual surveillance from adjacent buildings and abutting streets of parking areas and walkways.
- 3.21.3 All development shall adhere to the philosophy of the International Dark Sky Association and strive to preserve the night environment through the reduction of light pollution by the provision of quality outdoor lighting, while ensuring safety and security, see Figure 3.



Figure 3 – Illustration of Examples of Lighting that is compliant with the philosophy of the International Dark Sky Association

3.22 SATELLITE DISHES, ANTENNAS, TELECOMMUNICATION FACILITIES AND UTILITY TOWERS

- 3.22.1 All utility towers, facilities and visible accessory equipment shall meet the minimum setback requirements of the district in which it is located. Guy wires and other supporting structures shall be a setback a minimum of 2.00 m from any lot line.
- 3.22.2 An applicant for a communication tower and facility shall consider the impact of the development on the local surroundings, including the physical appearance and height of the tower. Whereas high, lattice-type towers can accommodate many antennas and co-location opportunities, they often pose serious visual impacts. The Development Officer may limit tower height or design based on these considerations.
- 3.22.3 All utility towers and facilities shall be designed to blend in with the surrounding environment, except where prevented by aeronautical safety requirements.
- 3.22.4 The applicant shall demonstrate that consideration has been given to minimize the risks to birds, including that new towers should be located away from wetlands or other known areas of high bird concentrations or along bird migratory routes; tower heights should be kept as low as possible to avoid lighting requirements; placing daytime visual markers on guy wires; and selecting lighting that has been shown to be less of an attractant to birds.
- 3.22.5 Where communication towers and facilities are approved, the owners should consider providing the opportunity for qualified professionals to undertake research on the site that may ultimately result in recommendations for reducing adverse effects of communication towers and facilities on birds and other wildlife.



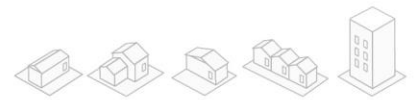


- 3.22.6 All buildings, structures and visible equipment accessory to utility towers and facilities should be architecturally compatible with the surrounding environment. Use of appropriate vegetation and screening is encouraged.
- 3.22.7 Satellite dishes, antennas and all structural supports shall be located on the same site as the intended signal user.
- 3.22.8 No equipment or process shall be used which creates visual or audible electrical interference in any radio or television receiver off the premises, or which causes fluctuations in line voltage off the premises.
- 3.22.9 Except in the Industrial Zone, no advertising shall be allowed on a satellite dish nor shall the antenna be illuminated.
- 3.22.10 A satellite dish that is larger than 0.90 m (3.00 ft) in diameter shall not be located on a roof except for multiple-unit residential and non-residential buildings, subject to the discretion of the Development Officer.
- 3.22.11 When communication towers and facilities become obsolete and / or damaged and unrepaired, they shall be immediately removed, and the development site reclaimed.

3.23 WATER, SANITARY SEWER FACILITIES, AND UTILITY SERVICES

- 3.23.1 All new residential, commercial, and industrial development shall be required to connect to municipal utilities, when municipal servicing infrastructure is available.
- 3.23.2 Each unit of an attached dwelling shall be individually and directly connected to the water and sanitary lines located in the public right-of-way.
- 3.23.3 A utility connection to municipal infrastructure must be inspected and approved by the municipality.
- 3.23.4 The design, installation and setback of a private wastewater system shall be in accordance with current legislation and approval of Environmental Health Services.
- 3.23.5 Where piped municipal sanitary sewer service is not available, the owner or authorized agent shall provide a private water supply and sewage disposal system approved by Environmental Health Services and in accordance with relevant Territorial and Federal regulations.
- 3.23.6 Where a building is not connected to a municipal wastewater system, the Development Officer shall require, as a condition of issuing a development permit that:
 - (a) In the case of a new building, that the developer provides the municipality with evidence that a permit from an accredited agency has been obtained by the developer for the installation of a private wastewater system in accordance with current legislation and standards, prior to commencement of any construction; or
 - (b) In the case of an addition to an existing building, that the developer provides either a permit referenced in Subsection 6.17.7(a), or documentation showing that the existing system was sized to accommodate additional capacity, or a statement signed and sealed from a qualified professional that the existing wastewater system operates properly and is capable of handling the additional wastewater expected to be generated as a result of the addition, prior to the commencement of any construction; and
 - (c) In the case of the construction of a new building or the addition to an existing building, proof that the building or addition does not cover existing or proposed wastewater systems.





- 3.23.7 The Development Officer may require that a developer provide evidence that an inspection of a private wastewater system was undertaken by the accredited agency that issued the permit for the wastewater system and that the inspection showed the system to have been properly installed.
- 3.23.8 A person shall not begin the excavation for the foundation nor commence the development until provision has been made for utility services or facilities to the satisfaction of the Development Officer.

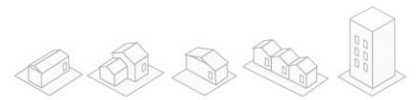
3.24 FLOOD CONTROL, ENVIRONMENTAL PROTECTION AND AQUIFER PROTECTION

- 3.24.1 Notwithstanding any other provisions of this bylaw, no building or any part thereof shall be constructed, reconstructed, moved or extended nor shall any mobile home or unit, modular home or structure be located within 30 metres of the natural boundary of Pine Creek and/or Dezadeash River.
- 3.24.2 No development shall be permitted on any lot that falls within lands designated as susceptible to a 1:200 year flood as outlined on the Dezadeash River and Pine Creek Buffer Map (Schedule B), unless the applicant can demonstrate an acceptable method of flood proofing the proposed development and completes a flood hazard waiver that acknowledges the risk and indemnifies the municipality against any future loss.
- 3.24.3 Where a proposed development involves land filling, the Development Officer may require the applicant to submit a drainage plan and include provision for drainage easements.
- 3.24.4 In all zones, all driveways crossing roadside drainage ditches require a culvert.
- 3.24.5 Development that could cause an impact on groundwater may not be allowed unless:
- (a) It can be proven by adequate engineering or hydro-geological investigation that the proposed activity will not cause pollutions of the groundwater supply; or
 - (b) Appropriate remedial measures have been or will be taken to sufficiently mitigate the risk of endangering the potability of the groundwater supply.
- 3.24.6 Land use and development activities that have a high pollution risk and the potential to contaminate groundwater within **regulatory Well Protection Zones, as per the Village's Aquifer and Wellhead Protection Plan**, will be restricted. These land uses can include, but are not limited to, chemical fertilization storage, disposal fields, fuel tanks, waste disposal, and wastewater treatment facilities. In instances where restriction is not possible, the following considerations must be met:
- (a) The proponent shall prove, through adequate engineering or hydro-geological investigation, that the proposed activity will not cause pollution of the public drinking water supply; and/or
 - (b) Appropriate precautionary measures are taken to sufficiently mitigate risk of endangering the public drinking water supply.

3.25 PARKS, GREENBELTS, AND ENVIRONMENTAL RESERVE

- 3.25.1 Environmentally sensitive lands including wetlands, lands along the Pine Creek and/or Dezadeash River, and lands of spiritual and cultural significance to the Champagne and Aishihik First Nations shall be protected from development and inappropriate use through restricted access, setbacks, buffers and such similar means as Council deems appropriate.
- 3.25.2 Development that improves public access to and along the Pine Creek and/or Dezadeash River shall be permitted where such development enhances the visitor experience (i.e. interpretative signage) and limits the impacts of users on the environment (i.e. boardwalks).





3.26 STORAGE OF MATERIALS

- 3.26.1 During the period a Development permit is in effect, temporary storage of building materials shall be permitted in any yard of any lot, in all zones.
- 3.26.2 In any residential zone, no person shall keep, store or permit to accumulate outside and unscreened, any objects, **chattels, goods or materials for a period of one hundred eighty (180) days or more**, which, in the opinion of the Development Officer, are unsightly, out of character with the residential character of the zone, or by their nature and location, diminish the reasonable use and enjoyment of neighbouring properties.
- 3.26.3 No person shall permit to accumulate, stockpile, keep or store on any lot, or in any building or structure, rubbish, building materials, fluids, machinery or other goods and chattels, in such quantities that in the opinion of the Development Officer, they pose a potential fire risk, nuisance or hazard to the physical health and safety of adjoining property owners or the public at large.

3.27 STORAGE FACILITIES FOR HAZARDOUS GOODS

- 3.27.1 All above-ground storage vessels for liquified petroleum gases and flammable liquids shall:
- (a) Be considered as an Accessory Use to a primary use within an industrial site;
 - (b) Obtain a storage permit from the Yukon Government;
 - (c) Notwithstanding the setbacks as outlined in the specific industrial land use district, be a minimum of 3.00 m from all side and rear lot lines.
- 3.27.2 The Development Officer may require a above-ground storage vessel for liquified petroleum gases and flammable liquids to be adequately screened from view of adjacent properties or roads through the use of vegetation, berming, or fencing.

3.28 TEMPORARY STRUCTURES

- 3.28.1 A temporary building or structure may be erected on a lot that is being developed for a period of time that does not exceed the duration of the construction process, or the length of time provided in the Development permit, whichever is less, for the purposes of storage or as a temporary dwelling.

3.29 MOVING OF STRUCTURES

- 3.29.1 No person shall move a building, structure or a **non-CSA approved mobile home** off or onto a lot without obtaining a development permit.
- 3.29.2 Any relocated building or structure must be brought up to current National Building Code standards upon relocation.
- 3.29.3 All shipping containers shall be properly maintained or screened of public view to the satisfaction of the Development Officer.**

3.30 SUBDIVISION

- 3.30.1 Where the development of land involves a subdivision of Land, no development permit shall be issued until the proposed subdivision has been approved in accordance with the Subdivision Act and Regulations thereto.





3.31 LANDSCAPING

- 3.31.1 The Development Officer may require a site landscaping and screening plan to be included in a development permit application for multiple family housing, commercial, industrial and institutional developments.
- 3.31.2 Plant materials shall be hardy to the region and to the location of the site in which they are planted.
- 3.31.3 Existing trees and large shrubs on a site shall be preserved, protected or replaced where possible.
- 3.31.4 Any area required to be landscaped may, at the discretion of the Development Officer, be left in its natural state or be landscaped with a combination of hard and soft landscaping materials to enhance and complement the appearance of the development.
- 3.31.5 Where a landscaping plan is required, no landscaping work shall be commenced until the landscaping plan is approved by the Development Officer; and shall include the following:
- (a) Boundaries and dimensions of the site;
 - (b) Adjacent land uses;
 - (c) Location and name of adjacent roads, lanes, driveway entrances, sidewalks and trails;
 - (d) Footprint and dimensions of all buildings;
 - (e) Location of any utilities or right-of-ways;
 - (f) Pedestrian circulation and open space systems;
 - (g) Location and description of any existing or proposed physical features such as fences, berms, retaining walls, outdoor furniture, decorative paving, water features;
 - (h) Location and description of any hard landscaping materials such as rocks or mulching;
 - (i) Location and description of any existing or proposed plant materials, identifying plant common and botanical name, quantity and size at planting; and
 - (j) Site area proposed to be landscaped, and percent of site coverage.
- 3.31.6 At the discretion of the Development Officer, a landscaping plan may be required to be stamped by a registered Landscape Architect.
- 3.31.7 The Development Officer may require as a condition of a Development permit or development agreement that the developer provides a landscaping security deposit, and that the security deposit shall only be returned in full to the developer upon completion of the landscaping according to the approved plan, to the satisfaction of the Development Officer.
- 3.31.8 The owner of a property, or any successors or assignees, shall be responsible for landscaping and proper maintenance for the life of the development. In the event that planting materials in an approved landscaping plan fail to survive, the Development Officer may require or approve alternate planting materials.





PART 4 - DEVELOPMENT PERMITS

4.1 DEVELOPMENT PERMIT REQUIRED

4.1.1 Except as provided for below, no person shall commence and undertake any development unless:

- (a) A Development permit has been first issued pursuant to this bylaw; and
- (b) The development is proceeded with in accordance with the terms and conditions of the Development permit.

4.1.2 In addition to Subsection 6.1.1, a Development permit is required for:

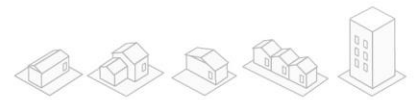
- (a) The removal of topsoil, gravel and other surface materials for the preparation of a lot for development;
- (b) The cutting of and/or removal of trees by individuals prior to those individuals having title to the property in question, or where such work is a prelude to construction that would require a development or building permit;
- (c) Excavation for the purposes to accommodate construction, and drainage work, driveways and the placement of culvert materials; and
- (d) Any developments requiring a variance, such as a setback requirement, building height, etc.

4.2 DEVELOPMENT PERMIT NOT REQUIRED

4.2.1 No development permit is required for the following developments provided that such developments comply with all provisions of this bylaw and other applicable legislation:

- (a) Routine maintenance, minor repairs, and/or alterations to any building or structure provided that such work does not change the use or intensity of use of the building or structure;
- (b) Residential construction for which there is no change in use or intensity of use;
- (c) Additions to existing dwellings that do not create a new dwelling unit;
- (d) Construction of accessory buildings and structures in residential zones that do not include a dwelling unit;
- (e) Commercial uses in non-residential zones for which there is no change in use or intensity of use;
- (f) Erection of any fence, wall or gate not exceeding the height specified in the applicable zone, or any canopy or awning not overhanging public property;
- (g) Use of premises as a temporary polling station, Returning Officer's headquarters, candidate's campaign office and any other official temporary use in connection with a Federal, Territorial, School Council, or Village election, referendum or census;
- (h) Erection, repair and replacement of television and other minor communication related structures such as aerials, towers and satellite receivers/dishes in non-residential districts;
- (i) Installation, maintenance or repair of public infrastructure;





- (j) Erection of temporary structures incidental to construction, maintenance or alteration of a building or structure for which a development permit has been issued;
- (k) Landscaping, including private walkways, pathways and driveways, where the existing grade and surface drainage pattern is not materially altered and will not create off-site impacts;
- (l) Demolition of a building or structure under 10 m², except a designated heritage structure;
- (m) Construction, maintenance and repair of private walkways, pathways and driveways;
- (n) Completion of a building which was lawfully under construction at the date on which this bylaw came into full force and effect provided that the building is completed in accordance with the terms of any permit granted by the Village and the building is completed within 24 months of the date on which this bylaw came into full force and effect; and
- (o) Erection and use of signs that are specified by section XXX of this bylaw as being exempt from development permit requirements.

4.3 APPLICATION

- 4.3.1 Every application for a development permit shall be made in writing on the form prescribed by the Development Officer and signed by the registered owner of the affected property or their authorized agent.
- 4.3.2 An applicant for a development permit shall pay a non-refundable processing fee, as set by Council.
- 4.3.3 Every application shall include:
 - (a) The legal description of the property and municipal address if available;
 - (b) A statement of the existing and proposed uses;
 - (c) An illustration acceptable to the Development Officer, showing at a minimum:
 - (i) lot lines with dimensions;
 - (ii) location of existing and proposed buildings or structures;
 - (iii) location of any existing and proposed on-site water and wastewater systems including wells, septic tanks and disposal fields;
 - (iv) location of any existing and proposed utility connections including power, water and wastewater systems;
 - (v) location of any existing and proposed access and parking areas; and setbacks and site coverage
- 4.3.4 The Development Officer may require the following additional information to make an informed decision:
 - (a) A detailed site plan specifying the location of existing and proposed site features (e.g., fences, buildings, accessory structures, power poles, trees, slopes and watercourses), parking and loading areas, building heights and dimensions and existing and proposed building and lot grades;
 - (b) Floor plans of each level and elevation drawings of each side of proposed buildings, including building height measurements and number of storeys;





- (c) A geotechnical evaluation of the site to confirm slope stability; appropriate top-of-bank, lakeshore, and watercourse setbacks;
- (d) Evidence of site suitability for on-site septic sewage disposal;
- (e) Evidence of access to the property from a legal right-of-way;
- (f) A drainage plan illustrating site topography and drainage details including directions of discharge, percentage of grades, swales, ditches and connections to storm mains;
- (g) A landscape plan showing existing and proposed physical features including turf areas, trees, shrubs, planting beds, walls, fences, signage, site furnishing, and hard surfaces; site grading, areas of fill and drainage, existing and future tree locations, and related features to improve the appearance of the development (or screen its activities);
- (h) A landscape reclamation plan where the nature of the proposed development will significantly alter the landscape, or the proposed use has a limited life span;
- (i) An environmental impact assessment where the magnitude or type of use may have off-site implications of a short or long-term duration by virtue of the nature of the activity proposed;
- (j) Written confirmation that satisfactory arrangements have been made for access, the supply of services such as water, electricity or sewage disposal and garbage pick-up;
- (k) Comments from the Yukon Government, regarding any development within 1 kilometre of the Airport Zone (AP).
- (l) A surveyor's certificate; and
- (m) Any other technical report that may be requested by the Development Officer to adequately evaluated the application.

4.3.5 An application for a Development permit shall not be considered complete until all the requirements of this section of the bylaw have been met to the satisfaction of the Development Officer.

4.3.6 If the Development Officer determines that the application is incomplete, a notice shall be issued to the applicant advising of any missing requirements. If these requirements are not submitted within 3 months the application shall expire.

4.4 DECISION

4.4.1 Upon receipt of a complete development permit application, the Development Officer shall within 30 days:

- (a) Approve the application;
- (b) Approve the application subject to imposing conditions considered appropriate or necessary; or
- (c) Refuse the application, stating the reasons for the refusal.

4.4.2 Where a Development permit application has been referred to external authorities or agencies for comments, the Development Officer may defer a decision until all comments have been received.





- 4.4.3 The Development Officer shall approve all applications for a permitted use upon the application conforming in all respects to the provision of this bylaw and may impose conditions to ensure compliance with this bylaw.
- 4.4.4 A permit application shall be refused when it is determined by the Development Officer that:
- (a) Property taxes or other municipal fees and charges associated with the property are overdue;
 - (b) There is no access to the property from a legal right-of-way that is necessary for the proper operation of the development;
 - (c) Power, water and wastewater systems necessary for the proper operation of the development are not available; or
 - (d) The proposed development requires a subdivision of land.
- 4.4.5 When an application is refused by the Development Officer, another application on the same site for the same or similar use as that previously applied for, shall not be accepted from the same or any applicant until at least six (6) months after the date of refusal or final appeal, as the case may be.
- 4.4.6 Subsection 6.4.5 shall not apply in the case of an application for a Development permit if the new application is for a use that complies with the regulations of this bylaw.
- 4.4.7 An application for a development permit that is received in its complete and final form prior to the effective date of this bylaw shall be decided upon within 90 days of this bylaw coming into effect, and no time extension shall be granted to any development permit issued under this section for which development has not commenced within 12 months.
- 4.4.8 As per the *Municipal Act*, within 5 working days after a decision on a Development permit application, the Development Officer shall send a notice of the decision by regular mail to the applicant. In the case of a refusal, the notice of decision shall state the reasons for refusal and advise the applicant on the process and the right to appeal.

4.5 CONDITIONS

- 4.5.1 When a development permit has been approved, the development permit shall not be valid until the decision is issued in writing by the Development Officer.
- 4.5.2 A development permit is not valid where an appeal is made to Council until a decision has been made on the appeal to allow the permit as approved.
- 4.5.3 When issuing a permit, the Development Officer may impose any conditions required to ensure compliance with this bylaw including satisfactory arrangements for the supply of necessary power, water and wastewater systems.
- 4.5.4 When a development permit has been issued, the permit shall not be valid until the conditions of the permit, save those of a continuing nature, have been fulfilled.
- 4.5.5 If the development authorized by the development permit is not commenced within twelve months from the date of issue, or any associated construction not carried out with reasonable diligence, the permit is deemed void.
- 4.5.6 Notwithstanding Subsection 6.5.2, the applicant may request an extension prior to the expiry date by notifying the Development Officer in writing indicating the reasons for the extension request. The





Development Officer may grant, reject or approve the extension with conditions based on the merits of the case. Such an extension may only be granted once.

- 4.5.7 When a development permit expires, a new application is required. Such application shall be deal with as a first application and the development approving authority shall be under no obligation to approve it on the basis that a previous permit had been issued.
- 4.5.8 The person to whom a development permit has been issued shall, during construction, keep in a conspicuous place on the site a copy of the approved development permit, including a copy of all approved drawings and specifications for inspection by the Development Officer.

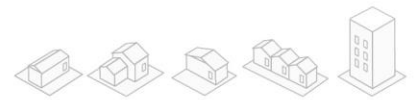
4.6 APPEALS

- 4.6.1 Any person who is aggrieved by a decision of the Development Officer or the Board of Variance as the case may be under this bylaw, may appeal in writing to Council within thirty (30) days of that decision by filing a written notice of appeal using the form provided and paying the applicable processing fee.
- 4.6.2 Council shall schedule a hearing of the appeal within thirty (30) days of filing following the procedures set out in the *Municipal Act*. The decision of Council is final and binding on all parties.

4.7 VARIANCES

- 4.7.1 A Board of Variance is established in accordance with the *Municipal Act*. The Board of Variance shall consist of not less than three (3) members, none of whom are members of Council, to review and make decisions on applications made to it.
- 4.7.2 The Chairperson of the Board of Variance shall be selected by its members. The Chairperson shall sign all notices of decision and other documents on behalf of the Board. In their absence, such documents may be signed by one of the members present at the hearing to which they apply.
- 4.7.3 A majority of the members of the Board of Variance shall constitute a quorum. Only those members present may vote and a majority decision of the members present constitutes the decision of the Board.
- 4.7.4 Pursuant to the *Municipal Act*, a person may apply to the Board of Variance for a variance or exemption from an Official Community Plan or Zoning Bylaw if there are practical difficulties or unnecessary hardships in meeting the requirements of the Official Community Plan or Zoning Bylaw because of the exceptional narrowness, shortness, shape, topographic features, or any other unusual condition of the property.
- 4.7.5 Within thirty (30) days of receipt of a completed application, the Board of Variance shall hold a hearing respecting the variance request and approve, disapprove or approve with conditions an application that in its opinion will preserve the purposes and intent of the Official Community Plan and Zoning Bylaw.
- 4.7.6 The Board of Variance shall give at least fourteen (14) days notice of the public hearing date, in writing to the applicant, the Development Officer, all land owners within 30m (98.4 feet) of the development and other such persons as the Board of Variance specifies.
- 4.7.7 The Development Officer shall act as Secretary to the Board of Variance and perform the following duties:
 - (a) organizing the public hearing within thirty (30) days of receipt of filing of an application and payment of a non-refundable processing fee;
 - (b) publicly posting notice on the municipal office bulletin board and other prominent locations within the community the date of the public hearing at least fourteen (14) days in advance;
 - (c) notifying property owners within a 30m (98.4 feet) radius of the affected location; and





- (d) preparing and maintaining a written record of the proceedings and issuing a Notice of Decision to the affected parties and all interveners outlining the Board's decision and rationale within 5 working days of the public hearing.

4.7.8 The Board of Variance shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the variance.

4.7.9 At the public hearing, the Board of Variance shall hear:

- (a) the person requesting the variance or any person acting on their behalf;
- (b) the Development Officer or a person designated to act on their behalf;
- (c) any other person who was served with notice of this public hearing and who wishes to be heard or a person acting on his/her behalf; and
- (d) any other person that the Board of Variance agrees to hear or a person acting on their behalf.

4.7.10 The Board of Variance shall give its decision in writing together with the reasons for the decision within five (5) days of the conclusion of the public hearing. In determining a decision, the Board of Variance shall not approve an application for a variance if:

- (a) the unusual condition is the result of the applicant's or the property owner's action;
- (b) the adjustment requested would constitute a special privilege inconsistent with the restrictions on the neighbouring properties in the same district;
- (c) the variance or exemption would be contrary to the purposes and intent of the Official Community Plan or Zoning Bylaw and injuriously affect the neighbouring properties; or
- (d) the variance or exemption would allow a change to a use that is not similar to a permissible use in the area.

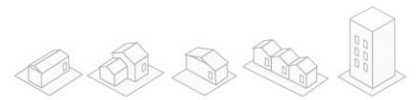
4.8 DEVELOPMENT AGREEMENTS

4.8.1 The Development Officer, or Council in the case of an appeal, may require the applicant to enter into a Development Agreement with the Village to cover the terms and conditions set out in the Development permit that are deemed necessary to ensure compliance with this bylaw, the Official Community Plan, and the *Municipal Act*.

4.8.2 A Development Agreement may contain contractual arrangements as to any, or all, of the following:

- (a) The use of the lot in relation to any existing or proposed buildings or structures including the preservation of buildings and structures;
- (b) Any requirements for flood-proofing, environmental setbacks or waivers of municipal liability relating to known potential hazards;
- (c) Land dedicated for public use, in compliance with the *Yukon Municipal Act*;
- (d) The timing and nature of development including such matters as siting, drainage, grading, building height and dimensions, facade treatment, landscaping, screening, parking and access;
- (e) The extension, construction, or replacement, in whole or in part, of roads, sidewalks, street lighting, storm drainage, water supply distribution, garbage and sewage disposal;
- (f) The provision of on-site recreation or other amenities to serve the development; and





- (g) The levying of a fee in lieu of otherwise providing for any of the matters mentioned in the sub-clauses above.

4.8.3 Pursuant to the *Municipal Act*, Council may require the Development Agreement to be registered in the Land Titles Office, and any agreement as registered shall have the force and effect of a restrictive covenant running with the land.

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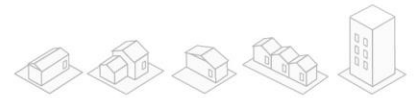


PART 5 - AMENDMENT

5.1 PROCEDURE

- 5.1.1 Council may initiate any text or map amendments to this bylaw.
- 5.1.2 Any person may apply for an amendment to the text of this bylaw by submitting the required application to the Development Officer in writing along with the required fee and submitting a written statement that describes and justifies the proposed amendment.
- 5.1.3 A property owner, or their authorized agent, may apply to make a zoning amendment to their property by submitting the required application to the Development Officer in writing along with the required fee and providing:
- (a) Documentation of ownership or authority to act on behalf thereof; a written statement of justification including a location map showing the proposed change in the context of adjacent land;
 - (b) Permission for the Development Officer to enter onto and inspect the property; and such other information as the Development Officer deems necessary to prepare an evaluation of the request with a recommendation to Council.
- 5.1.4 Upon receipt of a completed application for a text amendment or map amendment, a Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development under the proposed zone. The analysis shall be based on 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.
- 5.1.5 The analysis shall, among other factors, consider the following criteria:
- (a) Relationship to, and compliance with, the OCP and other approved municipal plans and Council policies;
 - (b) Relationship to, and compliance with, municipal plans 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), utilities, and public facilities (such as recreational facilities and schools);
 - (f) Relationship to municipal land, rights of way, or easement requirements;
 - (g) Effect on the stability, retention, and rehabilitation of desirable existing uses, buildings, or both in the area
 - (h) Necessity and appropriateness of the proposed text amendment or re-zoning according to the stated intentions of the applicant;
 - (i) Analysis of any documented concerns and opinions of area residents and land owners regarding the application.
- 5.1.6 Subsequently, the Development Officer shall:





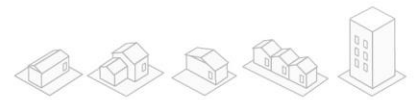
- (a) Prepare a report on the proposed amendment; and
- (b) Submit a copy of the application and the Development Officer's recommendation and report to Council for decision.

5.1.7 Before approving a text, map or site rezoning amendment request, Council shall comply with those requirements and notification procedures set out in the *Municipal Act*.

5.1.8 When an application for an amendment to this bylaw has been refused by Council, another application for the same, or substantially the same, amendment shall not be submitted within 12 months of the date of refusal unless Council directs otherwise.

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PART 6 - ENFORCEMENT

6.1 GENERAL

- 6.1.1 A Development Officer or the Chief Administrative Officer may enforce the provisions of this bylaw.
- 6.1.2 All enforcement activities of a Development Officer as provided pursuant to the Municipal Act, this section, or any other section of this bylaw, may be commenced simultaneously.

6.2 OFFENCES

- 6.2.1 Any person who contravenes, causes, or permits a contravention of this bylaw, commits an offence.
- 6.2.2 Any person who owns, occupies, or uses land, constructs a building or structure or makes an addition or alteration thereto for which a development permit is required but has not been issued; or is in contravention of a condition of a development permit issued under this bylaw, commits an offence.

6.3 RIGHT OF ENTRY

- 6.3.1 After reasonable notice to the owner or occupant, a Development Officer or any other authorized Village representative may enter onto any land or into any building or structure at any reasonable time in order to conduct an inspection to ascertain compliance with this bylaw.
- 6.3.2 No person shall interfere with or obstruct the entry of a Development Officer or any authorized Village representative onto any land or into any building or structure to which entry is made or attempted pursuant to the provisions of this bylaw.
- 6.3.3 Where entrance into or upon any property within the Village is refused, a Judge, upon application made on behalf of council, may by order require the occupier of the property to admit a Development Officer or any authorized Village representative into or upon the property for the purpose of an inspection under section 7.3.1.
- 6.3.4 An order made by a Judge under this section continues in force until the purpose for which it was made has been fulfilled.

6.4 NOTICES

- 6.4.1 Once a Development Officer has found a violation of this bylaw, a Development Officer or the Chief Administrative Officer may notify the owner of the property, the person in possession of the land or development, and/or the person responsible for the violation, by:
 - (a) delivering either in person, by ordinary mail or fax a Notice of Violation; and
 - (b) posting the notice in a conspicuous location on the site.
- 6.4.2 Such Notice of Violation shall state:
 - (a) the nature of the violation of this bylaw;
 - (b) the scope of the corrective measures required to comply with this bylaw; and
 - (c) the time limit within which such corrective measures must be performed.
- 6.4.3 A Development Officer is not required to issue a Notice of Violation before commencing any other enforcement action under the Municipal Act or this bylaw.





6.5 REFUSAL, SUSPENSION OR REVOCATION OF PERMIT

- 7.5.1 A Development Officer may refuse to issue, suspend, or revoke a development permit where:
- (a) the applicant fails to comply with the conditions of the issuance of the permit;
 - (b) any person undertakes or causes or allows any development on a site contrary to the terms or conditions of a permit;
 - (c) any person fails to complete the corrective measures described in a Notice of Violation issued pursuant to section 7.4; or
 - (d) the permit was issued in error.
- 6.5.1 If at any time it appears to the Development Officer that a development is not being carried out according to the terms of the permit, or that a development permit has been obtained by fraud or misrepresentation, the Development Officer may stop the development and may revoke, suspend or modify the original Development permit.

6.6 OFFENCE TICKETS

- 7.6.1 Where a person has contravened a provision of this bylaw, or if the corrective measures described in a Notice of Violation issued pursuant to section 7.4 are not completed within the specified time, or if development continues after a permit has been revoked, the person to whom the Notice of Violation was issued may be issued an offence ticket by a Development Officer or the Chief Administrative Officer in the amount specified in section 7.10.2.
- 7.6.2 The offence ticket shall specify the alleged offence committed, the person to whom the offence ticket is issued, and require payment of the penalty by a specified date.
- 7.6.3 The offence ticket shall be served personally or by registered mail on the person identified in section 7.4.1.
- 7.6.4 A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.
- 7.6.5 Any person who contravenes the same provision of this bylaw within twelve months after the date of the first contravention is liable to the specified penalties for such second or subsequent offence in the amount set out in section 7.11.

6.7 REPORT TO COUNCIL

- 7.7.1 Where a Development Officer is satisfied that there is a continued contravention of this bylaw, a Development Officer may elect to report such a contravention to Council in a timely manner if it appears the contravention will not be corrected in a timely manner.
- 7.7.2 Council may, on finding that any development or use of land or buildings is in contravention of this bylaw:
- (a) direct the Development Officer to act on the matter in accordance with section 7.8;
 - (b) suspend or revoke a development permit with respect to the contravention; and
 - (c) apply to the court for an injunction to restrain the contravention.





6.8 ORDERS

- 7.8.1 A Development Officer or the Chief Administrative Officer may issue to the owner of the property, the person in possession of the land or buildings, or the person responsible for the contravention, a written order to comply with the provisions of this bylaw.
- 7.8.2 The order may:
- (a) direct a person to stop doing something or to change the way in which the person is doing it;
 - (b) direct a person to take any action or measure necessary to remedy the contravention of the Act or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw and, if necessary, to prevent a reoccurrence of the contravention;
 - (c) state a date and time by which the person must comply with the directions;
 - (d) state that if the person does not comply with the directions within the specified time, the municipality will take the action or measure at the expense of the person; and
 - (e) state that a person who receives a written order may request that Council review the order within 14 days after the date the order is received. After reviewing the order, Council may confirm, vary, substitute, or cancel the order.
- 7.8.3 This order shall be delivered by registered mail or be personally served on the person described in section 7.4.1.

6.9 MUNICIPALITY REMEDYING CONTRAVENTION

- 7.9.1 Where a person fails or refuses to comply with the order issued under section 7.8, a Development Officer may take such action as is necessary to enforce the order.
- 7.9.2 The costs and expenses incurred by the Village in carrying out an order shall be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on the land.

6.10 PENALTIES

- 7.10.1 Any person who commits an offence under section 7.2 is, upon summary conviction, liable to a fine as specified in the Summary Convictions Act.
- 7.10.2 Any person who commits an offence under this bylaw is, in addition to any other punishment, liable on summary conviction to:
- (a) a voluntary fine issued pursuant to Section 20 of the Summary Convictions Act and in respect of an offence specified in section 7.11; or
 - (b) a fine not exceeding ten thousand dollars (\$10,000.00) or to imprisonment for six months or both where proceedings are commenced pursuant to the summary convictions provisions of the Criminal Code of Canada; or
 - (c) a fine not exceeding five hundred dollars (\$500.00) or to imprisonment for six months or both where proceedings are commenced pursuant to section 9(1) of the Summary Convictions Act of the Yukon.





- 7.10.3 Where a person fails or refuses to comply with an Order pursuant to sections 7.2 and 7.8, that person is liable on summary conviction to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
- 7.10.4 In addition to the penalties provided for under section 7.10.2, a person convicted of an offence pursuant to section 7.2 in respect to the use of land or buildings or development carried out in contravention of this bylaw, may be ordered to remove such development and reclaim the site at that person's own expense.
- 7.10.5 Should any person owning or occupying real property within the Village refuse or neglect to pay any penalties that have been levied pursuant to this bylaw, the Development Officer may inform such person in default that, if these charges are unpaid on the thirty-first day of December on the same year, these shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

6.11 SCHEDULE OF FINES

- 7.11.1 A voluntary fine under section 20 of the Summary Convictions Act RSY 2002, Chapter 210, issued in respect of an offence, shall be increased for second and subsequent offences as specified herein:

Description of Offence	Penalty
Fail to comply with Zoning Bylaw regulations*	\$250.00
Fail to comply with Zoning Bylaw regulations (2nd or subsequent offence)*	\$500.00
Fail to obtain development permit	\$250.00
Fail to obtain development permit (2nd or subsequent offence)	\$500.00
Fail to comply with an Order*	\$250.00
Fail to comply with an Order (2nd or subsequent offence)*	\$500.00
Fail to comply with permit conditions	\$250.00
Fail to comply with permit conditions (2nd or subsequent offence)	\$500.00
Fail to comply with Notice of Violation	\$250.00
Fail to comply with Notice of Violation (2nd or subsequent offence)	\$500.00
Fail to grant right of entry	\$250.00
Fail to grant right of entry (2nd or subsequent offence)	\$500.00



PART 7 - DEFINITIONS

7.1 RULES OF INTERPRETATION

Words used in the present tense shall include the future tense. The singular includes the plural, the word 'person' includes a corporation as well as an individual. The term 'shall' is always mandatory. The word 'used' or 'occupied' as applied to any land or building shall be construed to include the words 'intended, arranged, or designed to be used or occupied'.

Typical uses listed as examples in the definitions are not intended to be exclusive or restrictive. Intent, impact, and definition of the use, among others, will be considered when determining whether a use is permitted.

When a specific use does not conform to the wording of any use definition, or generally conforms to the wording of two or more definitions, the Development Officer will use discretion to deem that the use conforms to, and is included in, that use which is considered to be most appropriate in character and purpose.

7.2 GENERAL DEFINITIONS

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

ABUT means to have a common boundary, to border on.

ACCESSORY when used to describe a use, building, or structure means a building, structure or use of which is ancillary or subordinate to that of the principal use on the lot and exclusively devoted to the principal use or building and located on the same lot or site.

ADJACENT means contiguous or would be contiguous if not for an easement, right-of-way, road, and/or natural features.

AGRICULTURAL SUPPLY AND SALES means the use of land and premises for retail sale of lawn and garden equipment, furnishing, nursery materials and supplies.

AGRICULTURE PROCESSING means a use for storage and upgrading of agricultural products for distribution or sale through value added processes such as mixing, drying, canning, fermenting; applying temperature, chemical, biological or other treatments to plant matter, the cutting, smoking, aging, wrapping and freezing of meat, or similar production methods. This use does not include Agriculture (Intensive or Regulated), Cannabis Cultivation or Cannabis Processing.

ALCOHOL PRODUCTION means a use where beer, spirits and other alcoholic beverages are manufactured that may have a private hospitality area where products made on the premises are provided to private groups for tasting and consumption as a Special Event and are sold to the public for consumption on the premises and that may include the retail sale of products. Typical uses include breweries, distilleries, wineries, and meaderies.

ANIMAL CLINIC/HOSPITAL means a use where the principal use is to provide medical treatment and/or hospitalization to animals/livestock. Boarding services may be provided on-site.

ANIMAL means animal as defined in the Animal Control Bylaw and amendments thereto.

ANIMAL SHELTER means the use of land or premises for the temporary care of lost, abandoned, or neglected animals.

APIARY means facility for keeping bees.

ASSEMBLY means a use providing for the assembly of persons for religious, charitable, philanthropic, cultural, rehabilitative, private recreational or private educational purposes. Typically, assembly would occur at auditoriums, youth centres, social halls and group camps.

AVIATION means an aerodrome/airport and includes hangars, storage and maintenance facilities, aviation service facilities, terminal buildings and heliports.

AVIATION-RESTRICTED means a helipad and related emergency response activities, including fire suppression and pre fire suppression.

BAKE SHOP means a facility where bread, pies, cakes or other bakery goods are produced for wholesale to retail outlets and includes the retail outlets where such products are sold.

BAND STANDS means circular, semicircular or polygonal structure designed to accommodate bands performing musical concerts.

BED AND BREAKFAST means an accessory use of an owner-occupied residence in which temporary overnight accommodation and breakfast is provided for commercial purposes.

BOARD OF VARIANCE means the Village of Haines Junction Board of Variance, established in accordance with the *Municipal Act*.

BOARDING OR BREEDING FACILITY means land and premises used for the business of breeding, buying, selling, or boarding of animals, excluding livestock.

BROADCASTING AND RECORDING means the production and / or broadcasting of audio or visual programming typically associated with radio, television, and motion picture studios.

BUILDING HEIGHT means the maximum vertical distance as measured from the average ground level elevation from the base of the exterior wall at that point, to the highest point of the building. The calculation of building height excludes a roof stairway entrance, an elevator housing, heating or ventilation equipment, flush-mounted solar collectors, a skylight, a steeple, a chimney, a smokestack, a flagpole, a firewall, guardrail, or similar feature or device not structurally essential to the building that is less than 1.0 metre, see Figure 1.

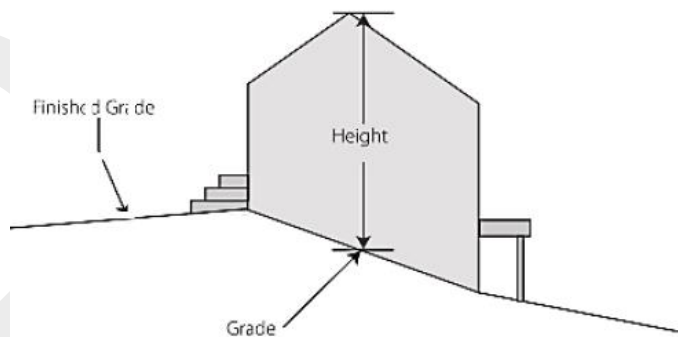


Figure 4 – Building Height Calculation

BUILDING means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels.

BULK FUEL STORAGE means the premises used for the storage, sales, and distribution of bulk fuel products mainly for commercial and / or industrial purposes.

BUS TERMINAL means a facility where buses, that are mainly transporting people, and goods associated with those people, arrive and depart.

CAMP-SITE means a site occupied and maintained, or intended to be occupied and maintained, for the temporary accommodation of tourists, or temporary and / or seasonal workers, in trailers, or tents, which is operated for the purposes of financial gain, but does not include a motel, hotel or hostel.

CAR WASH means a building or part of a building used for the washing of motor vehicles.

CARE FACILITY, CLINIC means a use where the principal use is to provide medical and health care services on an outpatient basis only. Typical uses include medical and dental offices, health care clinics, pre-natal clinics and counseling services.

CARE FACILITY, GROUP means a use where individuals who are either disabled or in need of supervision reside on a temporary or long-term basis, in accordance with their individual needs. Typical uses include foster or boarding homes for children, group homes, family homes and long-term care facilities.

CARE FACILITY, MEDICAL means a development providing room, board, and surgical or other medical treatment for the sick, injured, or infirm including out-patient services and accessory staff residences. Typical facilities would include hospitals, sanitariums, convalescent homes, psychiatric hospitals, auxiliary hospitals, and detoxification centres.

CARE FACILITY, SENIORS means a use where accommodation with moderate care provisions for residents in a congregate setting. Residents do not require continuous access to professional services or on-site professional services. Room and board services, light housekeeping services, twenty-four (24) hour availability of assistance and oversight with personal care and social and recreation support may be provided. Typical uses include lodges and senior homes.

CEMETERIES AND FUNERAL SERVICES means development for the burial of the deceased and may include such facilities as crematories, cineraria, columbaria, mausoleum, memorial parks, burial grounds, cemeteries, and gardens of remembrance.

CHILD CARE CENTRE means a facility for the provision of a child care centre program pursuant to the Child Care Act and current amendments thereto.

CIVIC USE means a use providing for public functions under the auspices of government body. It includes offices, municipal offices, public schools and colleges, education facilities, public hospital, community centres, libraries and archives, museums, police stations, fire stations, correctional institutions, jails and prisons, and courts of law.

COMMERCIAL AND RESIDENTIAL MIXED USE means a building that has commercial uses located on the ground floor and residential dwelling units located on the upper floors or on the ground floor behind commercial uses.

COMMERCIAL means for trade or financial gain.

COMMERCIAL RECREATION means a recreation facility that is privately operated for the purposes of financial gain, that also operates indoors. This could include facilities such as pool halls, arcades, private clubs, bingo halls, theatres, miniature golf, a driving range, go carts, etc.

CORNER LOT means a lot at the intersection of two or more roads and/or highways.

COUNCIL means the Municipal Council of the Village of Haines Junction.

DECK means a structure more than 0.6 m above grade without a roof or walls, except for visual partitions and railings, used as an outdoor amenity area.

DENSITY means the number of Dwelling Units on a site expressed in units per hectare (uph).

DEVELOPMENT means the carrying on of any construction or any other operation in, on, over or under any land or the making of any change in the use of the land, building or premises.

DEVELOPMENT OFFICER means a person appointed by Council to administer and enforce this bylaw.

DEVELOPMENT PERMIT means a certificate to allow development and includes the documents on the basis of

DRIVE-IN OR DRIVE-THRU BUSINESS means a facility providing on-site service to customers while in their motor vehicles or the use of land and premises to park their vehicles for a short period for the purpose of doing business on-site.

DUPLEX means a building that is divided horizontally or vertically into two separate dwelling units, as shown in Figure 7. The units may or may not be registered on the same title. Each dwelling unit has its own independent entrance.

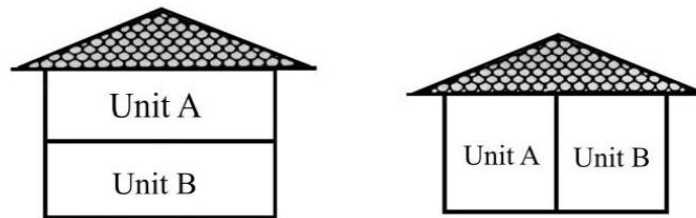


Figure 5 - Illustration of a Duplex

DWELLING UNIT means one or more rooms for the use of one household as a residence containing cooking, living, sleeping and sanitary facilities.

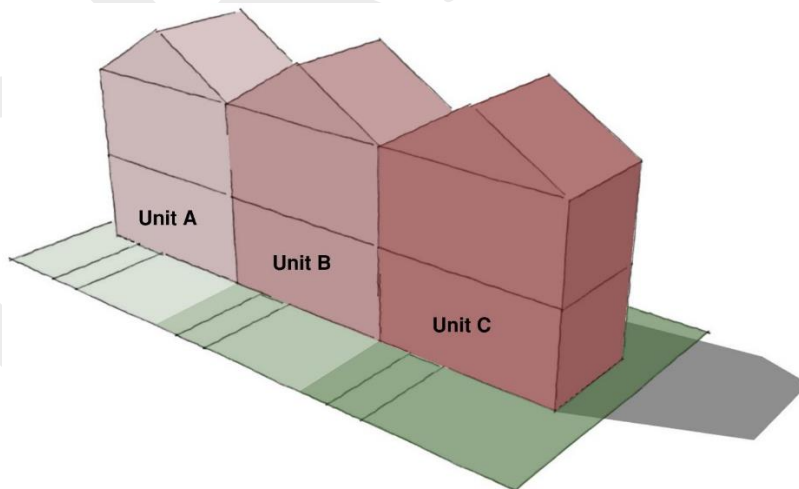


Figure 6 - Illustration of Attached Dwelling, 3-Unit Rowhouse / Townhouse on Separate Lots

DWELLING, ATTACHED means a building designed and built to contain two or more Dwelling Units separated from each other by a fire rated wall, with each having separate entrances, and for the purposes of this Bylaw, each is located on a separate titled lot.

EDUCATION FACILITY means any facility where education is dispensed, as defined by the Education Act and Yukon College University Act and current amendments thereto.

ENCLOSURE means an area screened from view by the surrounding streets and buildings. Enclosed spaces are either within a structure or behind a screen of landscaping, perforated masonry, metal, or other materials.

EQUIPMENT SALES, SERVICE AND RENTALS means the use of premises for the sales, repair or rental of equipment, and/or machinery typically used in building roadway, pipeline, public works, and mining construction. This excludes vehicle rentals.

EXHIBITION AND CONVENTION FACILITIES means a development that provides spaces for meetings, seminars and conventions, product and trade fairs, and other exhibitions.

EXISTING means at the time of the passage of this bylaw.

FAIRGROUNDS means an open space or exhibition facility that provides permanent facilities for activities such as entertainment, amusement facilities, educational displays, the barter and sale of goods, and exhibitions, often competitive, of farm, household, international, and manufactured products.

FAMILY DAY-HOME means a facility for the provision of a family day home program pursuant to the Child Care Act and current amendments thereto.

FARM means one or more parcels of land owned by or leased by a farmer, used for the purposes of agriculture, and which may or may not be continuous. This use does not include Cannabis Cultivation or Cannabis Processing.

FARM SALES means a use where the sale of farm products which are produced in the same farming operation takes place.

FENCE means an artificially constructed barrier erected to enclose or screen a property or use.

GARAGE OR CARPORT means an accessory building or structure, or a part of the principal building, designed and used primarily for the storage of motor vehicles of the occupants of the premises.

GARDEN means the use of land for cultivating or growing plants. This use does not include Cannabis Cultivation or Cannabis Processing.

GENERAL CONTRACTOR SERVICES means premises used for the provision of building and general construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing, or similar services of a construction nature which require on-site storage and warehouse space and includes any sales, display, office or technical support service areas.

GOLF COURSE means a public or private area operated for the purpose of playing golf and includes tees, greens, fairways, cart paths, driving range, open space, public trails and parks., clubhouse facilities and maintenance and storage facilities.

GRADE means the ground elevation established for the purpose of regulating the number of storeys and the height of a building. If the ground is not entirely level, the grade is to be determined by averaging the elevation of the ground for the four elevations.

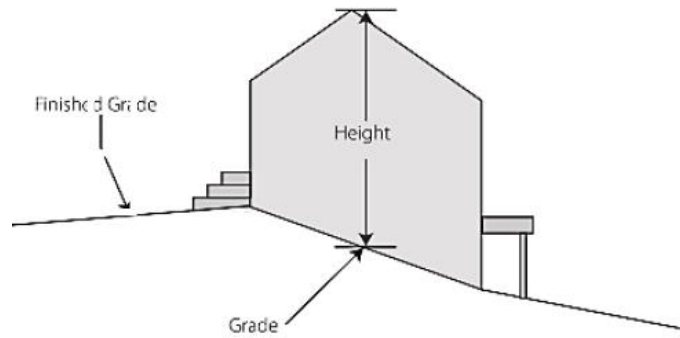


Figure 7 - Illustration of Grade Calculation

GREENBELT means an area of non-developed land that is generally left in a natural state that may be used for passive or active recreation, trails, or buffers.

GREENHOUSE means a building and/or structure used to grow plants and utilizes transparent covering to heat the air and provide a more hospitable environment for growth. This use does not include Cannabis Cultivation or Cannabis Processing.

GROSS FLOOR AREA (GFA) means the total floor area of a building within the exterior walls. This does not include basement areas, parking areas below grade, and areas devoted exclusively to mechanical or electrical equipment servicing the development.

HAZARDOUS GOODS STORAGE means a premise for the storage of chemicals in the Transportation of Dangerous Goods Act.

HIGHWAY includes a street, road, lane, bridge, viaduct and any other way open to the use of motor vehicles but does not include a private right-of-way on private property.

HOLDING PENS means a facility for the temporary keeping of animals in transit.

HOME-BASED BUSINESS means a use where business is conducted in a principal dwelling and/or its accessory building(s) by an occupant for the purpose of financial gain. The home-based business is a secondary use of a dwelling unit and does not change the residential appearance of the land and buildings with limited visits and employees on-site.

HOME INDUSTRY means a trade of a small-scale industrial nature, which is clearly accessory to the use of a dwelling unit, such as but not limited to fabricating, light manufacturing, servicing and repairing, distribution, assembly, wholesaling, and testing.

HOME OFFICE means an occupation, trade, profession or craft carried on by an occupant for the purposes of financial gain which is a secondary use of a dwelling unit or to the residential use of a lot occupied by a dwelling. The home office does not change the residential character of the site.

HORTICULTURE means the growing, producing and harvesting of fruit, vegetables, trees, shrubs and flowers but does not include animals or animal products, for the purpose of financial gain. This use does not include Cannabis Cultivation or Cannabis Processing.

INDUSTRIAL, SALVAGE means the use of land and premises for collection, demolition, dismantlement, salvage, storage, recycling or sale of waste materials including scrap metal, abandoned vehicles, machinery and other discarded materials. Typical uses are auto wreckers and junk yards.

LANDSCAPING means to change or modify the natural features of a site by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives, or other similar structures and materials.

LANDSCAPING OPERATION means a facility for growing materials for landscaping services including the provision of such services and a plant nursery.

LICENSED PREMISES PURSUANT TO THE LIQUOR ACT means a facility that sells alcohol as regulated by *The Liquor Act*, such as a liquor store or a beer vendor.

LIVESTOCK means livestock as defined in the Animal Control Bylaw and amendments thereto.

LOADING SPACE means an on-site parking space directly accessible from a street reserved for temporary parking for the purpose of loading and unloading goods and materials.

LOT LINE means a line which marks the legal boundary of a lot (see Figure 3) and, in particular:

- a. **Front Lot Line** means the lot line that divides the lot from a highway, excluding a lane. In the case of a corner lot, the shorter lot line that abuts the highway shall be deemed to be the front lot line. In the case of a through lot, the lot lines abutting two parallel or approximately parallel highways shall be considered as front lot lines.
- b. **Rear Lot Line** means the lot line opposite to and most distant from the front lot line or, where the rear portion of the lot is bounded by intersecting side lot lines, it shall be the point of such intersection.
- c. **Side Lot Line** means a lot line other than a front or rear lot line.

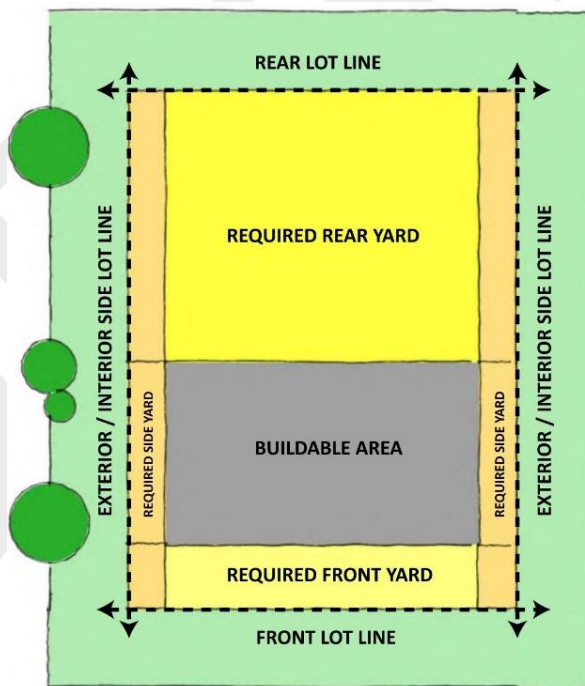


Figure 8 - Illustration of Lot Lines

LOT means the smallest unit as shown on the records of the Land Titles Office or which are described in a certificate of title of land in which land is held or which land is subdivided. The words 'site' and 'parcel' shall have the same meaning as the word 'lot'.

LOT WIDTH means the width of a lot where it abuts a highway except in the case of an irregular shaped lot where the lot width shall be the width of the lot along the front yard setback, see Figure 4.

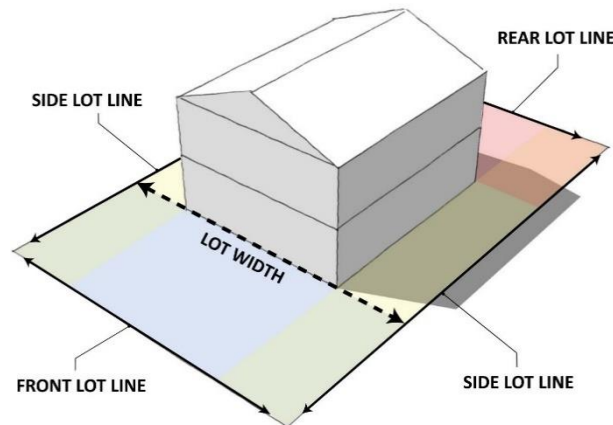


Figure 9 - Illustration of Lot Width

MAINTENANCE FACILITY means a facility for the servicing and repairing of commercial vehicles and equipment, including vehicles and equipment used for public works.

MAINTENANCE means the upkeep of a building or property that does not involve structural change, the change of use, or the change of intensity of use.

MINOR AGRICULTURAL PURSUITS means a horticulture or agriculture operation which is for the personal use and consumption by the residents and adheres to the Animal Control Bylaw.

MOBILE HOME means a transportable dwelling unit which has or had a self-contained chassis, meeting current CSA standards or equivalent, suitable for long-term occupancy and which, upon arriving at the lot or site for location, is apart from the incidental operations such as placement on foundation supports and connection to utilities, ready for occupancy; it does not include modular home or prefabricated dwelling, meeting current CSA standards or equivalent.

MOBILE HOME PARK means a parcel of land under one (1) ownership which has been planned, divided into mobile home plots and improved for the placement of mobile homes for permanent residential use. The minimum plot size for a mobile home shall be 200 square metres.

MULTIPLE FAMILY HOUSING means any physical arrangement of three or more dwelling units intended to be occupied by separate households.

MUNICIPAL ACT means the *Yukon Municipal Act* and amendments thereto.

NATURAL RESOURCE DEVELOPMENT means the onsite removal, exploration, extraction, and primary processing of raw materials that are found on or under the site or that are accessible from the site. Typical uses include clay pits, gravel pits, placer mining, sandpits, bitumen, and topsoil stripping.

NON-CONFORMING BUILDING OR USE means any lawful building or use existing at the time of the adoption of this Bylaw which does not or will not conform to all the provisions of this Bylaw.

NURSERIES means a building or structure where plants are propagated and grown to a desired size. This use does not include Cannabis Cultivation or Cannabis Processing.

OFFENSIVE OR OBJECTIONABLE when used with reference to any use of any land, building or structure, means

a use which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or noxious matter, radiation hazards, fire or explosive hazards, heat, humidity or glare, or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other materials, a condition which, in the opinion of Council or Board of Variance (as the case may be), 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 normal enjoyment of any land, building or structure.

OFFICE means a facility for the provision of professional, management, administrative, consulting or financial services, such as offices for clerical, secretarial, employment, and similar office support services; offices for *Care Facility, Clinic* is not included.

OFFICIAL COMMUNITY PLAN means the Official Community Plan adopted by bylaw by the Municipality of Haines Junction, and amendments thereto.

OUTDOOR AMPHITHEATRE means open-air venue used for entertainment, performances, and recreation purposes.

OUTDOOR STORAGE means the storing, stock piling or accumulating of products, goods, equipment, vehicles, or material in an area that is open or exposed to the natural elements; this does not include the outdoor storage of commercial trucks and truck trailers.

OUTDOOR STORAGE, TRUCK means an industrial area of land set aside for the outdoor storage of commercial trucks and truck trailers.

OVERNIGHT ACCOMMODATION means a facility where overnight accommodation is provided to the travelling public and which may also contain commercial uses and such additional facilities or services as a restaurant, a dining room, room service or public convention rooms. This could include hotels, hostels, or motels.

OWNER means the person who has the beneficial ownership of land and includes a lessee or purchaser by way of Agreement of Sale.

PARK means an area of land consisting largely of open space which may include a recreational area, playground, play field or similar use. Typically, parks are owned and maintained by the Municipality or another public authority.

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

PARKING SPACE, OFF-STREET means an off-street area available for the parking of one motor vehicle, exclusive of driveway, ramps, columns and office or work areas.

PERMITTED USE means the use of land, buildings, or structures for which an approval shall be obtained with or without conditions where the use applied for conforms with this bylaw.

PERSONAL SERVICE ESTABLISHMENT means uses which provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects.

PLACES OF WORSHIP means a development owned by a religious organization used for worship and related religious, philanthropic or social activities including accessory rectories, classrooms, and auditoriums. Typical uses include churches, chapels, mosques, temples, synagogues, parish halls, convents, and monasteries.

PLAYGROUND means a non-commercial outside recreational facility for non-organized recreational use.

PRINCIPAL BUILDING means a building which contains the chief or main use on a lot and constitutes, by reason of its uses, the primary purposes for which the lot is used.

PRINCIPAL USE means the chief or main use of the land, buildings and structures on a lot.

PRIVATE CLUBS AND LODGES means a facility used for the meeting, social or recreation activities of members of non-profit, charitable, social services, athletic, business, or fraternal organization, with/without on-site residences. Private clubs and lodges may include rooms for eating, drinking and assembly.

PRIVATE RIDING FACILITIES AND STABLES means a private facility for the training, exercising, and boarding of horses. The arena shall not be used for horse shows, rodeos, or similar events to which there is a fee to participate in or to use the facilities.

PROCESSING, LIGHT means the use of land or facilities for construction, creation, of assembling of products and equipment, or the testing, refining, sampling, or preparing raw materials that do not produce significant nuisance or environmental factors such as noise, appearance, or odour that may interfere with the use of any contiguous lot.

PUBLIC BUILDING means a building owned or occupied by a Municipal, First Nations, Territorial or Federal governmental agency, which may or may not be accessible to the general public.

R.V. CAMPGROUND means a site occupied and maintained or intended to be occupied by recreational vehicles being used by the transient public.

RECREATIONAL VEHICLE (R.V.) means a portable structure intended as a temporary accommodation for travel, vacation or recreational use and includes travel trailers, motorized home, slide-in camper, chassis-mounted campers, and tent trailers but not including mobile homes.

RECYCLING DEPOT means a facility that buys, sorts, and/or stores bottles, cans, newspapers, and similar household goods for reuse. All storage is contained within an enclosed building or screened area.

RESIDENTIAL means the use of a building or part thereof as a dwelling unit.

RESTAURANT means a development where prepared foods and beverages are offered for sale to the public, or consumption within the premises or off the site. This includes neighborhood pubs, licensed restaurants, cafes, delicatessens, tea rooms, lunchrooms, refreshment stands, take-out restaurants, and food vendors. This does not include drive-thru businesses or mobile catering food services.

RETAIL STORE means a building where goods, wares or merchandise are offered or kept for retail sale and includes storage on or about the store premises of limited quantities of such goods, wares or merchandise sufficient only to service such store.

RODEO FACILITY means buildings, shelters, fences, corrals, holding pens, or other structures used for commercial rodeo events.

SCREENING means a fence, earth berm, row of trees, hedge, or established shelterbelt used to visually and/or physically separate areas or functions.

SECONDARY SUITE means a self-contained, accessory dwelling unit in any physical arrangement and includes garden suites.

SERVICE STATION means a business intended for the sale of fuel, alternative energy/fuels, lubricating oils, automotive fluids, may include a car wash, convenience store, electric vehicle charging stations, and a restaurant as accessory uses.

SETBACK means the distance that the development must be set back from a front, side, and/or rear lot lines or any physical feature of a site as specified by this Bylaw.

SHIPPING CONTAINER means a large metal container with suitable strength for the shipping, handling and storage of goods. Shipping Containers are also known as 'sea cans' or 'intermodal containers'.

SIGHT TRIANGLE means the triangle formed by two intersecting highway right-of-way boundaries and two points on those boundaries six metres from the point of intersection, see Figure 5.

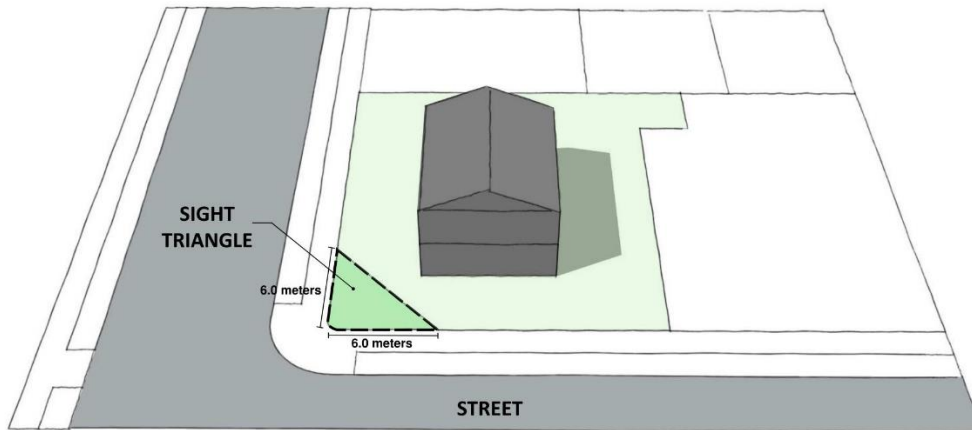


Figure 10 - Illustration of Sight Triangle

SIGN means a letter, numeral word, picture or attention-drawing devise, excluding traffic control devises, displayed out of doors in such a manner as to be visible from a highway but does not include any signs regulated by the Yukon Government Private and Community Highway Signs Regulations.

SIGN, POLITICAL means a temporary sign erected during a Federal, Territorial, First Nation, or Municipal election to promote voting for a political candidate, political party, or cause.

SIGN, TRAFFIC CONTROL means a sign erected within the public right-of-way identifying restrictions on travel. Examples of traffic control signs include stop signs, one-way signs, and speed limit signs. These signs can either be fixed, freestanding, or temporary.

SINGLE FAMILY DWELLING means a free-standing building that contains one primary dwelling unit and includes modular homes that meet *National Building Code* standards.

STRUCTURE means a construction of any kind whether fixed to or supported by or sunk into land, including stadiums, sheds, fences, platforms, signs, tanks, poles, towers, pools, etc.

TEMPORARY RETAIL SALES means sales carried out over a period not to exceed five (5) months in a twelve (12) month period.

TEMPORARY USE means a use or development established for a fixed period of time with the intent to discontinue the activity upon the expiration of the time period specified. Temporary uses may include fairs, special events, use of land for material or equipment storage, or a site office while construction is in progress.

TRAILS means a path or track used for recreational purposes that provides a visibly apparent route to follow through the landscape, including any structures associated with the path such as bridges, boardwalks or viewing decks.

USE means the purpose or function to which land, buildings, or structures are designed or intended.

UTILITY INFRASTRUCTURE means any structure, facility or related infrastructure necessary for the operation of a utility, such as power lines, communication towers, telephone transformers, lift stations, pumping stations, water and sewage treatment plants, waste disposal areas, electrical and similar services where such use is established by one of the levels of government, a Crown corporation, or by a company regulated by a government commission.

VARIANCE means a variation, relaxation, or waiver of a development regulation and/or other requirements of this Bylaw.

VEHICLE SALES, RENTAL AND SERVICE means the premises for the sale, rental, lease, service, or restoration of personal, recreational, commercial and / or industrial vehicles, and the retail sales of parts, petroleum products and alternative fuels for these types of vehicles.

WAREHOUSE FACILITY means a facility for the transportation, storing, distribution and sale of goods.

YARD means a portion of a lot upon or over which no structure or building shall be erected, unless otherwise permitted in this Bylaw.

YARD, FRONT means that portion of the lot extending across the full width from the front lot line to the nearest exterior wall of the Principal Building and shall be measured at right angles to the front property boundary, see Figure 6.

YARD, REAR means that portion of the lot extending across the full width from the rear lot line to the nearest exterior wall of the Principal Building and shall be measured at right angles to the rear property boundary, see Figure 6.

YARD, SIDE means that portion of the lot situated between the front yard and the rear yard, which extends from the side property boundary to the nearest exterior wall of the Principal Building and shall be measured at right angles to the side property boundary, see Figure 6.

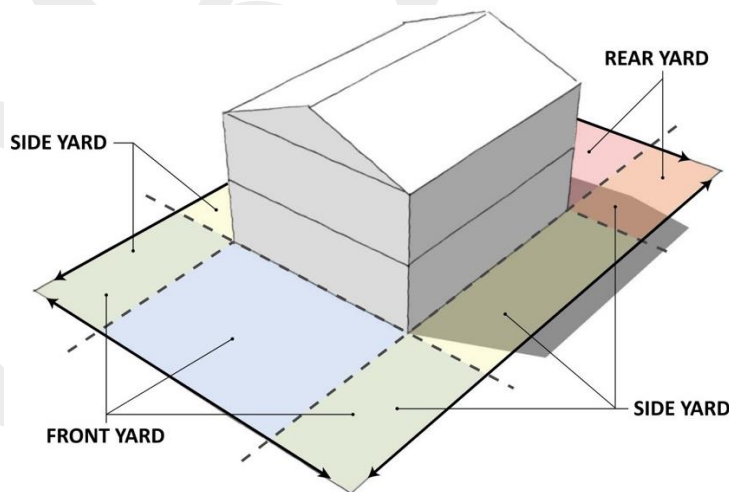


Figure 11 - Illustration of Yards

ZONE means a defined area of the Village as set out in this Bylaw and as shown on the Zoning Map.

ZONING MAP means the map delineating out the boundaries of the zones as set out in this bylaw within the Municipality of Haines Junction and attached as Schedule A.