

**VILLAGE OF HAINES JUNCTION ZONING BYLAW #411-24  
APPLICATION FOR A DEVELOPMENT PERMIT**

I/We hereby make application for Development Permit under the provisions of the Zoning Bylaw in accordance with the plans and supporting information submitted herewith and which form part of this application.

<b>Applicant Information</b>			
Applicant name			
Mailing address			
Telephone No.		E-mail	
Interest of Applicant if not owner of property			
<b>Location of property on which development to be affected</b>			
Civic Address			
Block	Quad or Subdivision	Lot	LTO Plan or Lease No.
<b>Proposed Development</b>			
Estimated commencement date		Estimated completion date	
Existing use of land or building		Proposed use of land or building	
<input type="checkbox"/> New building	<input type="checkbox"/> Alteration	<input type="checkbox"/> Addition	
<input type="checkbox"/> Change of use	<input type="checkbox"/> Change in intensity of use		
<input type="checkbox"/> Lot preparation	<input type="checkbox"/> Cutting and/or removal of trees	<input type="checkbox"/> Excavation	
Description of proposed development			
<b>Proposed Measurements (please fill in individual measurements)</b>			
Front yard	Rear yard	Side yard (left)	Side yard (right)
Driveway width			
No. of off-street parking spaces		No. of off-street loading spaces	
<b>Additional Information</b>			
<input type="checkbox"/> Scaled drawing attached (see Bylaw #411-24 Section 4.3.3(c) for requirements)			
Description of other supporting material attached			
Application date		Applicant signature	
Fee		Receipt No.	

<b>Notice of Decision/Permit</b>	
<input type="checkbox"/> The above application has been APPROVED Subject to the following conditions	
<input type="checkbox"/> The above application has been REFUSED For the following reasons	
Decision date	Development Officer name
Development Officer signature	
NOTE: If approved, this form and Notice of Decision/Permit becomes the Development Permit. Bylaw #411-24 Section 4.5.5 If the development authorized by the development permit is not commenced within 12 months from the date of issue, or any associated construction not carried out with reasonable diligence, the permit is deemed void.	

## **Development Permit Application Guidance**

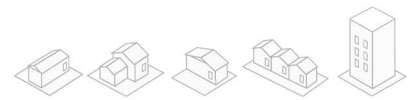
DEVELOPMENT means the carrying on of any construction or any other operation in, on, over or under any land or the making of any change in the use of the land, building or premises.

### **Location of property on which development to be affected**

- Civic address
  - Information can be found by consulting the Yukon civic address maps (<https://yukon.ca/en/housing-and-property/home-and-property-maintenance/find-your-civic-address>)
- Block, Quad (ie. 115A/13) or Subdivision (ie. Willow Acres or Bear Berry Meadow), Lot, Land Titles Office Plan Number (ie. 2011-0196) or Lease Number
  - Information can be found by consulting property taxes, Certificate of Title or GeoYukon (<https://mapservices.gov.yk.ca/geoyukon/?&LayerTheme=Land%20and%20Property>)

### **Proposed Development Types**

- New building
- Alteration – alteration to existing building
- Addition – addition to existing building
- Change of use – change in use of land, building or premises from one permitted or accessory use to another
- Change in intensity of use – change in the intensity of use of land, building or premises
- Lot preparation – The removal of topsoil, gravel and other surface materials for the preparation of a lot for development
- Cutting and/or removal of trees – 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;
- Excavation – Excavation for the purposes to accommodate construction, and drainage work, driveways and the placement of culvert materials



**2.4 URBAN 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 on smaller lots with municipal services i.e. water and sewer.

2.4.2 Permitted Uses

- a) Dwelling, Attached
- b) Single Family Dwellings
- c) Mobile Homes
- d) Short Term Rental Accommodations

2.4.3 Accessory Uses

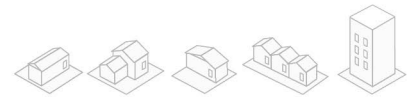
- a) Bed and Breakfasts
- b) Family Day-Homes
- c) Home Businesses
- d) Minor Agricultural Pursuits
- e) Secondary Suites

2.4.4 Regulations

- a) Minimum and Maximum Requirements:

Requirements		
Minimum Lot Size	Single	400.00 m <sup>2</sup> (4,305.56 ft <sup>2</sup> )
	Dwelling, Attached	300.00 m <sup>2</sup> (3,229.17 Ft <sup>2</sup> )
	(when each unit is sited on its own titled property)	
Maximum Lot Size		750.00 m <sup>2</sup> (8,072.93 ft <sup>2</sup> )
Maximum Number of Dwelling Units	Lots 400 m <sup>2</sup> or larger	Two
	Lots under 400 m <sup>2</sup>	One
Maximum Site Coverage		50%
Minimum Size of Dwelling (GFA)		20.00 m <sup>2</sup> (215.28 ft <sup>2</sup> )
Dwelling	Height (max)	10.00 m (32.81 ft)
	Front Yard (min)	3.00 m (9.84 ft)
	Side Yard (min)	2.50 m (8.20 ft)
	Rear Yard (min)	1.50 m (4.92 ft)
	With abutting lot at rear	Rear Yard (min)
Accessory Building (without dwelling)	Height (max)	5.00 m (16.4 ft)
	Front Yard (min)	3.00 m (9.84 ft)
	Side Yard (min)	1.00 m (3.28 ft)
	Rear Yard (min)	1.00 m (3.28 ft)

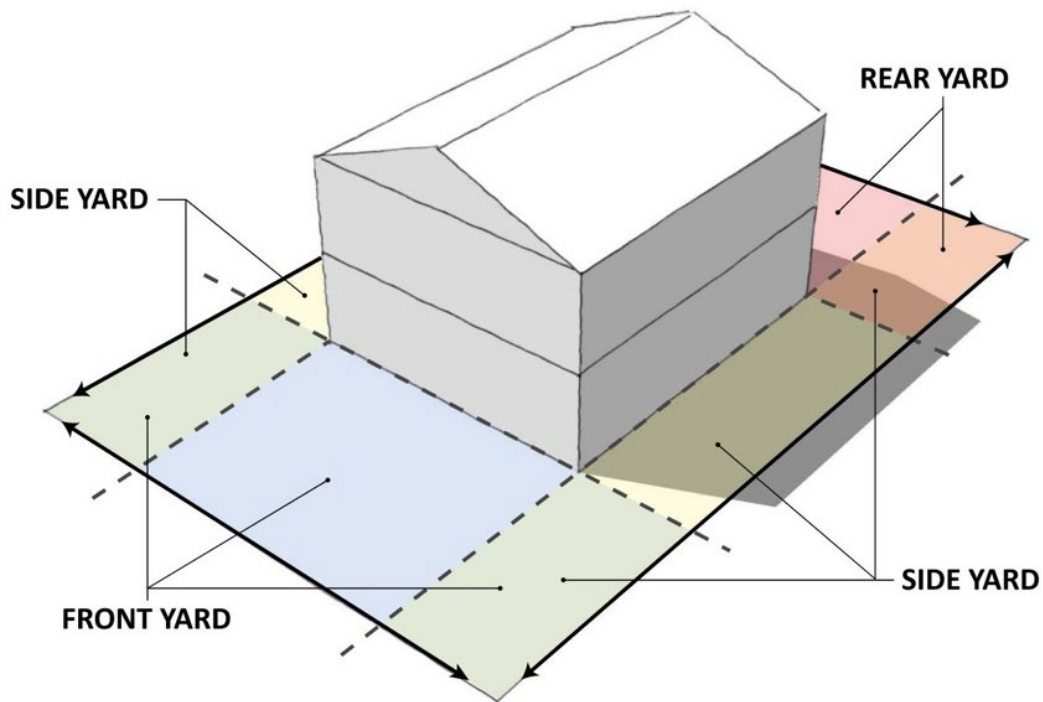


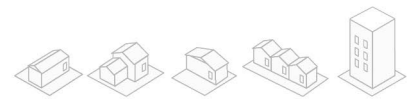


## 2.4.5 Other Regulations

- a) No accessory buildings or uses will be permitted until the first dwelling is completed, unless approval is granted by the Development Officer.
- b) Every mobile home placed on a lot shall be identified by an attached Canadian Standards Association (C.S.A.) metal label stating that its construction meets C.S.A. standards.
- c) New placement of mobile homes on a lot is restricted to homes no older than ten years old, unless approval is granted by the Development Officer.
- d) 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.

*Illustration of Yards*





## 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 4.1.1, a development permit is required for:

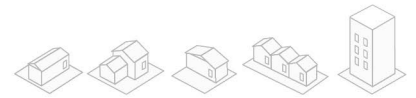
- a) The removal of topsoil, gravel and other surface materials for the preparation of a lot for development;
- b) The cutting of and/or removal of trees by individuals prior to those individuals having title to the property in question, or where such work is a prelude to construction that would require 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) Commercial uses in non-residential zones for which there is no change in use or intensity of use;
- d) 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;
- e) 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;
- f) Erection, repair and replacement of television and other minor communication related structures such as aerials, towers and satellite receivers/dishes in non-residential zones;
- g) Installation, maintenance or repair of public infrastructure;
- h) Erection of temporary structures, except dwelling units, incidental to construction, maintenance or alteration of a building or structure for which a development permit has been issued;
- i) 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;
- j) Demolition of a building or structure under 10.00 m<sup>2</sup> (107.64 ft<sup>2</sup>) GFA, except a designated heritage structure;



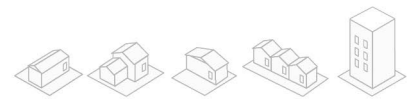


- k) Construction, maintenance and repair of private walkways, pathways and driveways;
- l) Completion of a building which was lawfully under construction at the date on which this bylaw came into full force and effect provided that the building is completed in accordance with the terms of any permit 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
- m) Erection and use of signs.

### 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 civic 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
    - (vi) 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 an on-site wastewater system;
  - 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 wastewater disposal and garbage pick-up;
- k) Comments from the Yukon Government, regarding any development within 1 kilometre of the airport.
- 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 necessary; or
- c) Refuse the application, stating the reasons for the refusal.

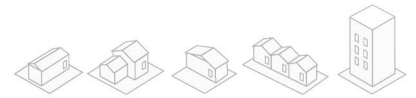
4.4.2 Where a Development permit application has been referred to external authorities or agencies for comments, the Development Officer may defer a decision beyond 30 days.

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.





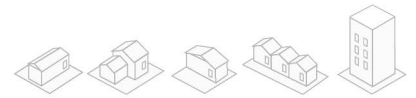
- 4.4.5 When an application is refused by the Development Officer, another application on the same site for the same or similar use as that previously applied for, shall not be accepted from the same or any applicant until at least six months after the date of refusal or final appeal, as the case may be.
- 4.4.6 Subsection 4.4.5 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 five working days after a decision on a development permit application, the Development Officer shall send a notice of the decision 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 the Development Officer has approved the permit as directed by Council.
- 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 12 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 4.5.5, 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 dealt 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.







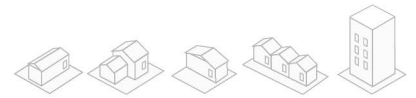
## 4.6 APPEALS

- 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 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 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 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 30 days of receipt of a completed application and payment of the non-refundable processing fee, as set by Council, 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 14 days notice of the public hearing date, in writing to the applicant, the Development Officer, all landowners within 30.00 m (98.40 ft) 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 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 14 days in advance;
  - c) notifying property owners within a 30.00 m (98.40 ft) 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 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.

