



ZONING BYLAW



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Bylaw #277-22
March 2022

VILLAGE OF CARMACKS
Bylaw No. 277-22

A BYLAW FOR THE VILLAGE OF CARMACKS IN THE YUKON TERRITORY
TO ADOPT THE ZONING BYLAW

WHEREAS the Council of the Village of Carmacks wishes to repeal its current Zoning Bylaw, as amended, and wishes to adopt a new Zoning Bylaw, pursuant to the *Municipal Act* (RSY 2002 c.154).

NOW THEREFORE the Council of the Village of Carmacks, in an open meeting duly assembled, hereby ENACTS AS FOLLOWS:

1. This Bylaw shall be cited as “The Village of Carmacks Zoning Bylaw”
2. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Village of Carmacks Zoning Bylaw:
 - (a) Schedule A (Zoning Bylaw Text);
 - (b) Schedule B (First Nation Lands);
 - (c) Schedule C (Zoning Map); and
 - (d) Schedule D (Zoning Map Inset).
3. 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 reversed and the decision that it is invalid shall not affect the validity of the remainder.
4. The Village of Carmacks Zoning Bylaw No. 277-22, and all amendments thereto, are hereby repealed.
5. This bylaw shall come into full force and effect upon its final passing.

FIRST READING:	February 1, 2022
PUBLIC NOTICE:	February 7 and 14, 2022
PUBLIC HEARING:	February 23, 2022
SECOND READING:	March 15, 2022
THIRD READING and ADOPTION:	April 5, 2022

Lee Bodie, Mayor

Tracy Thomas, CAO

A rustic wooden fence made of dark, weathered logs runs across the foreground. The fence is set against a backdrop of a rocky, grassy hillside under a clear blue sky. The overall scene is rural and natural.

SCHEDULE A

Zoning Bylaw Text

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1.0 General Administration

1.1 Title

1.1.1 This bylaw is called “The Village of Carmacks Zoning Bylaw” and also includes Schedules B, C and D.

1.2 Purpose

1.2.1 This Zoning Bylaw provides the regulatory framework for orderly, economic, and environmentally responsible development within the Village by:

- a) implementing the direction contained within 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 municipality’s jurisdiction; and
- c) setting out rules of procedure including the forms, 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.

1.2.2 Council shall not consider or pass a zoning bylaw, consider any amendment thereto or issue a Development Permit for a use or development that is contrary to the provisions of the Official Community Plan unless and until the Official Community Plan has been amended.

1.3 Enabling Legislation

1.3.1 This bylaw has been passed in conformance with the *Yukon Municipal Act RSY 2002 Chapter 154* and amendments thereto.

1.4 Jurisdiction & Relationship to Little Salmon/Carmacks First Nation Self-Government Agreement

1.4.1 This bylaw applies to all land within the municipal boundary of the Village of Carmacks including those lands shown on the map entitled Schedule B: First Nation Lands and listed in Appendix B, Part 1 of the *Little Salmon/Carmacks First Nation Self-Government Agreement*. This bylaw is subject to section 13.3 of the Self-Government Agreement under which the First Nation may enact “laws of a local or private nature which includes planning, zoning and land development” with respect to the land selections listed in Appendix A of the Self-Government Agreement. If such laws are enacted, this bylaw will cease to apply to those lands.

1.4.2 In the interests of clarity, Schedule B identifies:

- a) three parcels of land that are specifically excluded from within the municipal boundary;
- b) those land selections within the municipality where the First Nation may, under section 13.3 of the Self-Government Agreement enact “laws of a local or private nature which includes planning, zoning and land development”; and

- c) thirty (30) parcels of fee simple lands within the Village, as listed in Part 1 of Appendix B to the Self-Government Agreement, where, notwithstanding section 1.4.1, this Zoning Bylaw applies as a law of general application.

1.5 Compliance with Other Legislation

- 1.5.1** A person applying for a Development Permit or a change of use is responsible for determining and complying with the requirements of other applicable municipal, territorial, First Nation and federal legislation and the issuance of a permit does not relieve the owner or applicant from complying with any easement, covenant, lease or legal agreement that affects the development of land.
- 1.5.2** If the Government of Yukon chooses to enact height and obstacle clearance restrictions affecting lands in the vicinity of Carmacks airport at some future date, then a person applying for a development or change of use after the date on which the regulation takes effect must comply with those restrictions and they shall take precedence over this bylaw.

1.6 Measurement

- 1.6.1** In this bylaw, where a measurement is given in both the metric and imperial systems, the metric measurement shall be applied, and the imperial measurement shall have no effect. Approximate imperial units are provided for convenience only, in brackets and are rounded to the nearest full unit measure.
- 1.6.2** No existing development shall be deemed to be non-conforming with this bylaw simply because of the conversion of previously existing imperial measurements to their approximate metric equivalent, which form the basis for measurement used herein.

1.7 Severability

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

1.8 Availability

- 1.8.1** A copy of this bylaw and the Zoning Map, as amended from time to time, shall be available for inspection in the Village office and may be purchased for the fee set by Council.

2.0 Development Permits

2.1 Development Permit Required

2.1.1 Except as provided in Section 2.2, no person shall initiate any development or commence any use in the Village unless the Development Officer has issued a Development Permit.

2.1.2 No person shall authorize or do any construction that is at variance with the description, specifications or plans that were the basis for the issuance of a Development Permit, unless the variation has been reviewed and authorized in writing by the Development Officer.

2.2 Development Permit Exemptions

2.2.1 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) alterations and minor repairs to any building or structure provided that such work does not change the use or intensity of use of the building or structure;
- b) the construction of a single storey accessory building or structure not greater than 10m² (107.6 ft²) in floor area;
- c) erection of any fence, wall or gate not exceeding the height specified in the applicable zone, or any canopy or awning;
- d) erection and use of signs related to the permitted principal use or uses of the 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 municipal 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;
- g) installation, maintenance and repair of public utilities and municipal services in public road rights-of-way and legally surveyed utility easements;
- h) erection of temporary structures incidental to construction, maintenance or alteration of a building or structure for which a Development Permit has been issued;
- i) landscaping, 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 10m² (107.6 ft²) in floor area, except a designated heritage structure;
- k) construction, maintenance and repair of private walkways, pathways and driveways; and
- 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 12 months of the date on which this bylaw came into full force and effect.

3.0 Land Use Zones

3.1 Zones

3.1.1 For the purpose of this Bylaw, the Village is hereby divided into the following land use classification zones graphically represented on the Zoning Map, drawn to scale, which is attached as Schedule C to this bylaw.

CR Country Residential	UR Urban Residential	CU Community Use
C Commercial	VH Village Hub	I Industrial
A Airport	P Parkland	H Hinterland
FD Future Development		

3.2 Undesignated Lands

3.2.1 Any lands within the Village that are not identified on the Zoning Map as having a specific zoning designation shall be included in the Hinterland (H) Zone.

3.3 Interpretation of Uses

3.3.1 Typical uses listed as permitted principal uses and secondary accessory uses, as well as those included in the definitions as examples, are not intended to be exclusive or restrictive. Reference should be made to the intent, impact and definition of the use in determining whether or not the type of use proposed is consistent with the examples listed.

3.3.2 Where 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 may use their discretion to determine which definition of use type is most similar in terms of character and purpose.

3.4 Country Residential – (CR)

To provide land for larger residential lots with basic services including power and municipally maintained roads but where the owner is responsible for sewage disposal and water supply.

3.4.1 Permitted Principal Uses

- a) Single family dwelling
- b) Duplex dwelling
- c) Parks and playgrounds

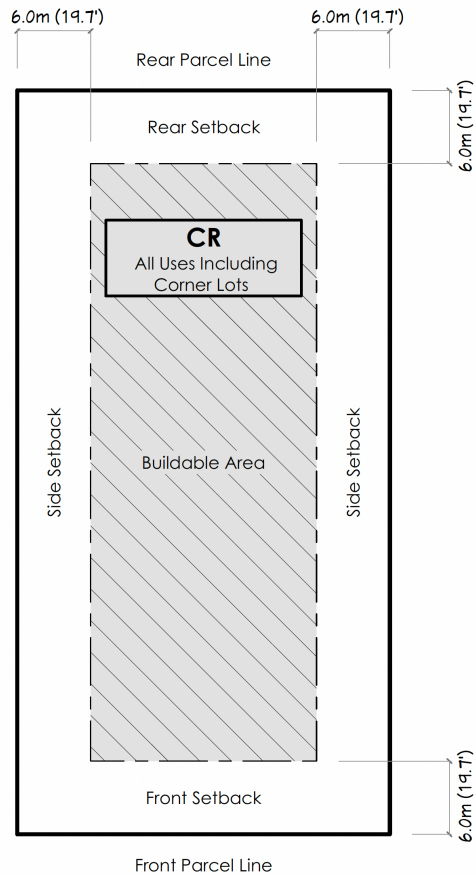
3.4.2 Secondary Accessory Uses

- a) Secondary suite
- b) Home occupations
- c) Home-based business – major
- d) Minor agricultural pursuits
- e) Bed & breakfast lodging
- f) Day home

3.4.3 Regulations

- a) The minimum lot size is 0.4 ha (1 acre) and the maximum site coverage is 35%.
- b) An accessory structure may not exceed 60% of the size of the principal building.
- c) No building shall exceed 11m (36.0 feet) in height.
- d) The minimum parking requirements and maximum fence heights are set out in Table 4.6.6 and Table 4.10.4 respectively.
- e) No more than one single family detached dwelling or duplex building shall be erected on an individual lot. As the First Nation land selections listed in Appendix A of the Self-Government Agreement cannot be legally subdivided, this restriction does not apply to these land selections.
- f) Outside storage areas shall be setback three metres (3m or 9.8 feet) from the property line and screened from adjacent properties. No outside storage is permitted within the front yard setback except for an enclosed garbage bin.
- g) The minimum building yard setbacks are as follows:

Use	Front	Side	Rear
All uses including corner lots	6.0m (19.7')	6.0m (19.7')	6.0m (19.7')
Accessory buildings & structures	Not permitted	6.0m (19.7')	6.0m (19.7')



3.5 Urban Residential – (UR)

To provide smaller residential lots with municipal services (i.e., sewer, water) or potential for future servicing in higher density.

3.5.1 Permitted Principal Uses

- a) Single family dwellings
- b) Duplex dwellings
- c) Multiple family housing
- d) Parks and playgrounds

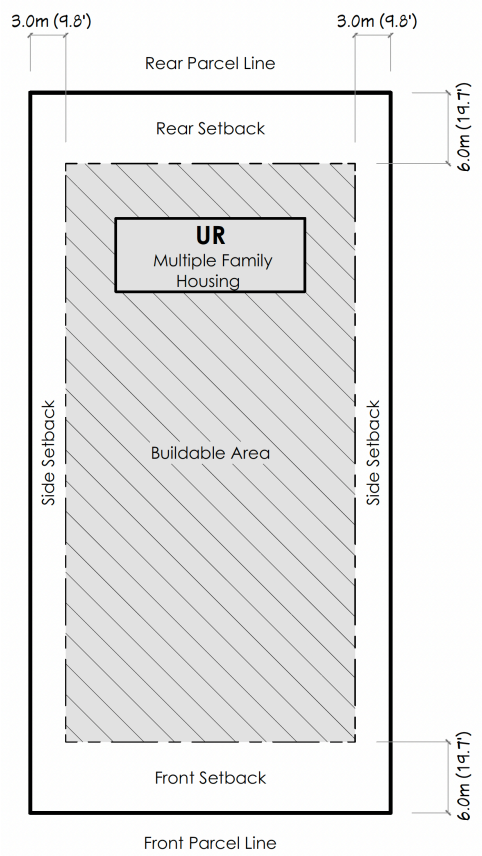
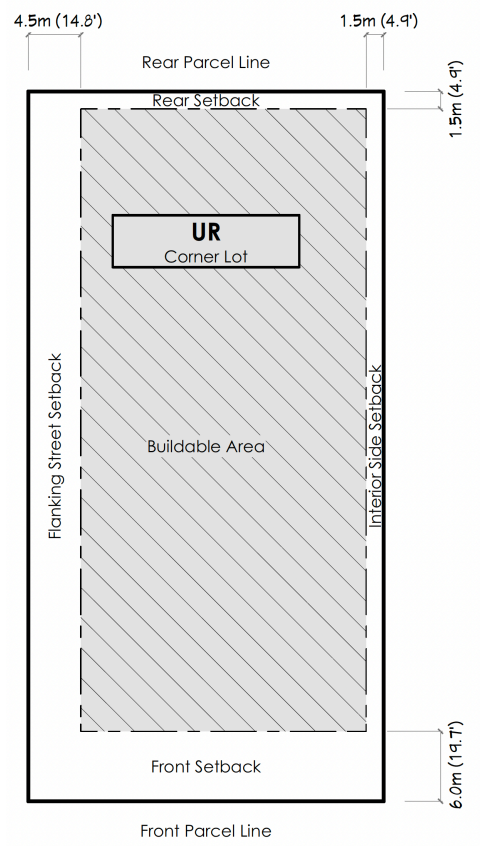
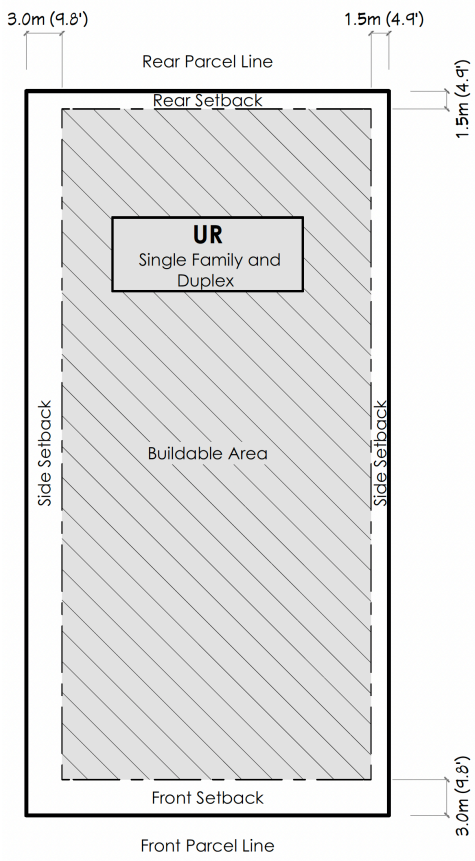
3.5.2 Secondary Accessory Uses

- a) Secondary suite
- b) Home occupations
- c) Bed & breakfast lodging
- d) Day home
- e) Group homes

3.5.3 Regulations

- a) The minimum lot size is 446m² (4,800 ft²).
- b) The maximum site coverage is 45% for single family and duplex housing units and 50% for multiple family housing developments, including accessory buildings/structures.
- c) No building shall exceed eleven metres (11m or 36.0 feet) in height.
- d) The minimum parking requirements and maximum fence heights are set out in Table 4.6.6 and Table 4.10.4 respectively. Multiple family housing parking areas are permitted within the front yard.
- e) No more than one single family detached dwelling or duplex building shall be erected on an individual lot. As the First Nation land selections listed in Appendix A of the Self-Government Agreement cannot be legally subdivided, this restriction does not apply to these land selections.
- f) Outside storage areas shall be set back and screened from adjacent properties. No outside storage is permitted within the front yard setback except for an enclosed garbage receptacle.
- g) For a multiple family housing development, a site plan shall be provided that shows the landscape treatment, screening, and location of parking, amenity areas, outside storage, garbage receptacles and fencing, all to the satisfaction of the Development Officer having regard to the density of the development and the potential impacts on the normal use and enjoyment of the neighbouring properties.
- h) The minimum yard setbacks are as follows:

Use	Front	Side	Rear
Single family and duplex	3.0m (9.8')	1.5m (4.9') on one side and 3.0m (9.8') on the other	1.5m (4.9')
Corner Lot	6.0m (19.7')	1.5m (4.9') on the interior side and 4.5m (14.8') on the flanking street	1.5m (4.9')
Multiple family housing	6.0m (19.7')	3.0m (9.8') on both sides	6.0m (19.7')
Accessory buildings & structures	Not permitted	3.0m (9.8')	1.5m (4.9')



3.6 Community Use – (CU)

To provide lands for a variety of community uses including public buildings, cemeteries, churches and related institutional uses such as special use buildings for police, emergency response, recreation and public utilities.

3.6.1 Permitted Principal Uses

- a) Cemetery
- b) Government administrative offices
- c) Public schools
- d) Museums and designated existing heritage buildings
- e) Parks and recreational facilities including arenas, pools and playgrounds
- f) Emergency and protective services
- g) Tourist information centre
- h) Group homes and child care facilities
- i) Public utility installation
- j) Sewage Treatment Facility, only in an enclosed building

3.6.2 Secondary Accessory Uses

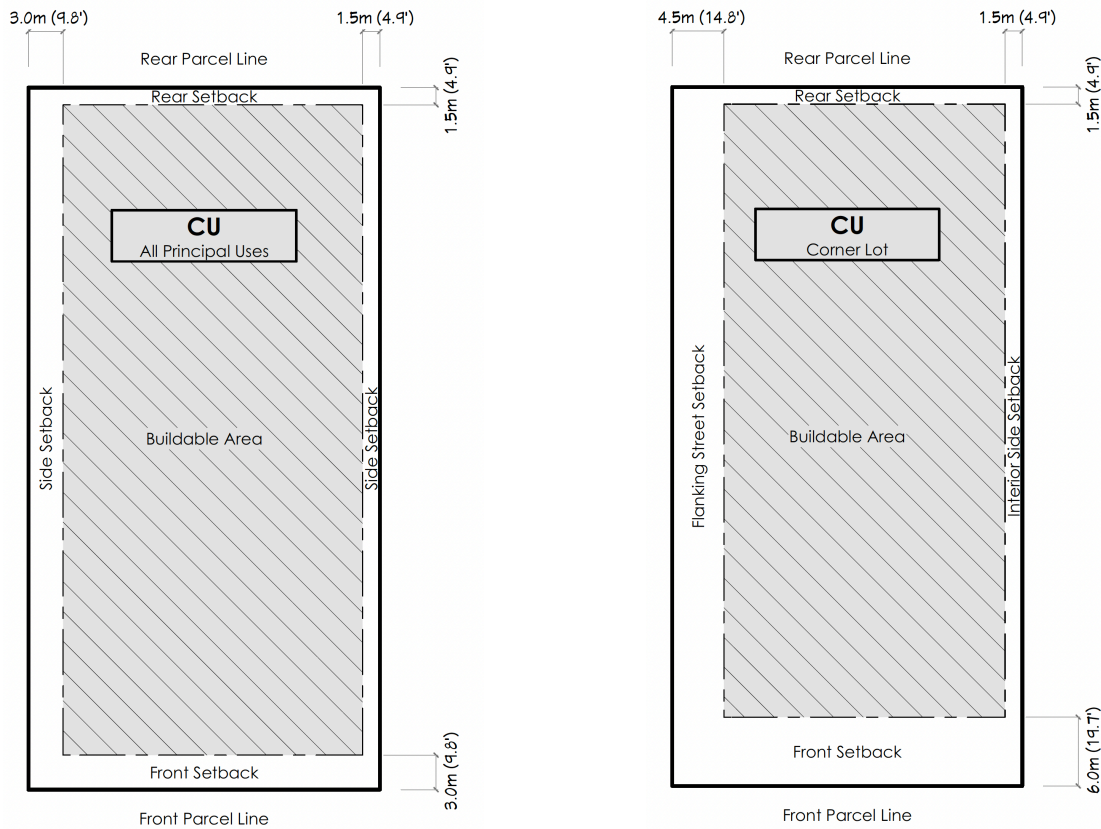
- a) Secondary suite
- b) Docks, change rooms, picnic shelters and other structures incidental to and related to the function of the principal use
- c) Public washrooms
- d) Portable food or retail outlets of a seasonal nature

3.6.3 Regulations

- a) The minimum lot size is 446m² (4,800 ft²) and maximum site coverage is 50%.
- b) Where a community use abuts a residential area, the property boundary shall be fenced and screened to the satisfaction of the Development Officer having regard to the nature of the use, the potential impacts on the normal use and enjoyment of the neighbouring properties, and security.
- c) The minimum parking requirements and maximum fence heights are set out in Table 4.6.6 and Table 4.10.4 respectively. Required parking shall be provided onsite.
- d) No building or structure abutting a residential property shall exceed eleven metres (11m or 36.1 feet) in height.

- e) The Development Officer may require a site plan to be provided that shows the landscape treatment, screening, and location of parking, loading areas, amenity areas, outside storage, garbage receptacle, fencing and accessory buildings. The Development Officer shall ensure that the locations of these facilities are accessible to service vehicles as necessary, do not disrupt onsite circulation and are appropriately fenced or screened.
- f) The minimum building yard setbacks are as follows:

Use	Front	Side	Rear
All Principal Uses	3.0m (9.8')	1.5m (4.9') on one side and 3.0m (9.8') on the other	1.5m (4.9')
Corner Lot	6.0m (19.7')	1.5m (4.9') on the interior side and 4.5m (14.8') on the flanking street	1.5m (4.9')
Accessory buildings & structures	Not permitted	3.0m (9.8')	1.5m (4.9')



3.7 Commercial – (C)

To provide lands in accessible locations for retail, office, multi-family residential, highway commercial and related types of sales, service and mixed uses.

3.7.1 Permitted Principal Uses

- a) Amusement arcade
- b) Multiple family housing
- c) Bunkhouses or staff quarters
- d) Business support services and offices
- e) Campgrounds
- f) Community recreation facilities and parks
- g) Eating and drinking establishments
- h) Emergency and protective services
- i) Exhibition, convention, museum, visitor reception facilities
- j) Financial and health related services
- k) Grocery and convenience stores
- l) Group homes and child care facilities
- m) Hotels and motels
- n) Institutional services
- o) Laundries and related personal care establishments
- p) Mixed use development
- q) Municipal and utility installations
- r) Public utility installation
- s) Retail stores
- t) Service and repair facilities
- u) Service stations and gas bars
- v) Theatres
- w) Veterinary clinics

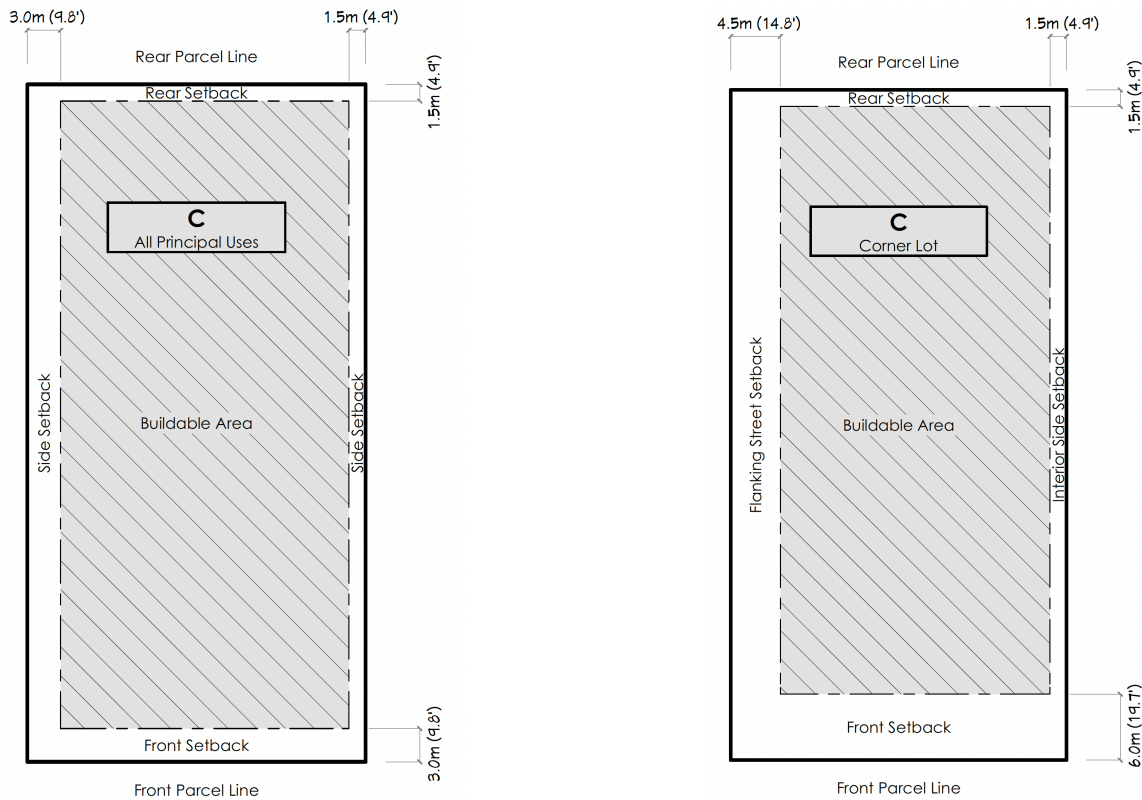
3.7.2 Secondary Accessory Uses

- a) Secondary suite
- b) Parking lots
- c) Portable food or retail outlets of a seasonal nature

3.7.3 Regulations

- a) The minimum lot size is 446 m² (4,800ft²) and the maximum site coverage is 60%.
- b) Where a commercial use abuts a residential area, the property boundary shall be fenced and screened to the satisfaction of the Development Officer having regard to the nature of the use, the potential impacts on the normal use and enjoyment of the neighbouring properties, and security.
- c) The minimum parking requirements and maximum fence heights are set out in Table 4.6.6 and Table 4.10.4 respectively. Required parking shall be provided onsite.
- d) The maximum building height is eleven (11m or 36.1 feet) in height except that a building containing a fire sprinkler system may be thirteen (13m or 46.7 feet) in height.
- e) The Development Officer may require a site plan to be provided that shows the landscape treatment, screening, and location of parking, loading areas, amenity areas, outside storage, garbage receptacle, fencing and accessory buildings. The Development Officer shall ensure that the locations of these facilities are accessible to service vehicles as necessary, do not disrupt onsite circulation and are appropriately fenced or screened.
- f) The minimum building yard setbacks are as follows:

Use	Front	Side	Rear
All Principal Uses	3.0m (9.8')	1.5m (4.9') on one side and 3.0m (9.8') on the other	1.5m (4.9')
Corner Lot	6.0m (19.7')	1.5m (4.9') on the interior side and 4.5m (14.8') on the flanking street	1.5m (4.9')
Accessory buildings & structures	Not permitted	3.0m (9.8')	1.5m (4.9')



3.8 Village Hub – (VH)

To provide land for a comprehensive mixed-use development that functions as a vibrant node for parks and recreation, small-scale commercial, visitor services, residential and community uses in alignment with a site master plan.

3.8.1 Permitted Principal Uses

- a) Child care facilities
- b) Community indoor and outdoor recreation facilities, parks, plazas and support services
- c) Eating and drinking establishments including associated outdoor decks/patios
- d) Entertainment, convention, museum, visitor reception facilities
- e) Health services
- f) Laundries
- g) Mixed use development
- h) Multiple family housing
- i) Offices
- j) Personal care establishments

- k) Portable food or retail outlets of a seasonal nature
- l) Public washrooms
- m) Retail stores

3.8.2 Secondary Accessory Uses

- a) Secondary suites and staff quarters
- b) Accessory buildings and structures
- c) Fascia, canopy, projecting, freestanding business identification signage related to the property and goods and services provided therein

3.8.4 Regulations

- a) No Development Permit shall be issued for any development in this zone prior to the approval of a Village Hub zone master plan by Council, with the exception of any reclamation and/or remediation work.
- b) Council shall develop a Village Hub zone master plan to provide guidance on how development in the zone should proceed to reinforce the downtown core as the hub of community life.
- c) Council may apply or remove such specific terms and conditions on how a development should proceed in a manner that is consistent with the direction in the master plan.
- d) A development proponent may negotiate modifications to the master plan terms and conditions, which if agreed to by Council, will be ratified by entering into a Development Agreement between the Parties.
- e) The minimum lot and building size, maximum site coverage, and minimum building yard setbacks shall be consistent with the direction set out in the zone master plan.
- f) Up to 25% of the area of the zone may be allocated to residential uses and associated development (access, parking, landscaping, etc.) The master plan will determine the appropriate levels of density within those portions of the zone allocated for housing.
- g) Access and parking for multiple family housing and the residential portion of mixed use development shall be separate from access and parking for recreational and/or commercial uses to the extent possible.
- h) Parking areas shall be of a durable surface and provided onsite, with the amount, type and location in accordance with the direction set out in the zone master plan.
- i) Where a commercial use abuts a residential use, fencing and screening shall be required to the satisfaction of the Development Officer having regard to the nature of the commercial use, and the potential impacts on the adjacent residential use.
- j) Residential dwelling units in a mixed-use building shall be consistent with the zone master plan with due consideration given to a mix of unit sizes, local need, and affordability.

- k) The maximum building height is eleven (11m) in height except that a building containing a fire sprinkler system may be thirteen (13m) in height.
- l) In siting and approving built development, careful consideration should be given to minimizing adverse shadowing and view impacts on public spaces such as parks and plazas, as well as neighbouring buildings.
- m) Development Permit applications shall include a set of dimensional drawings including a site plan with proposed setbacks, building elevations and façade treatments, drainage, parking, loading areas, amenity areas, outside storage, accessory buildings, landscaping, signage, fencing and screening, garbage handling and exterior lighting as well as such additional information that the Development Officer in their judgement feels is necessary to evaluate compatibility with the zone master plan. The Development Officer shall ensure that the locations of these facilities are accessible to service vehicles as necessary, do not disrupt onsite circulation and are appropriately fenced or screened.
- n) Development Permit applications shall further include documentation on how the minimum requirements for universal accessibility and barrier free design set out in the zone master plan will be achieved.

3.9 Airport – (A)

To identify and reserve sufficient land for the development and operation of a public airport including industrial or commercial uses that may be associated directly with or are compatible with airport operations.

3.9.1 Permitted Principal Uses

- a) Airport
- b) Aircraft sale/service and fuelling facilities
- c) Bulk fuel depots
- d) Bunkhouses or staff quarters
- e) Campgrounds
- f) Commercial indoor and outdoor storage
- g) Emergency and protective services
- h) Exhibition grounds
- i) Highway maintenance camps
- j) Public utility installation
- k) Transportation and communication facilities and services
- l) Vehicle rentals
- m) Visitor information facilities

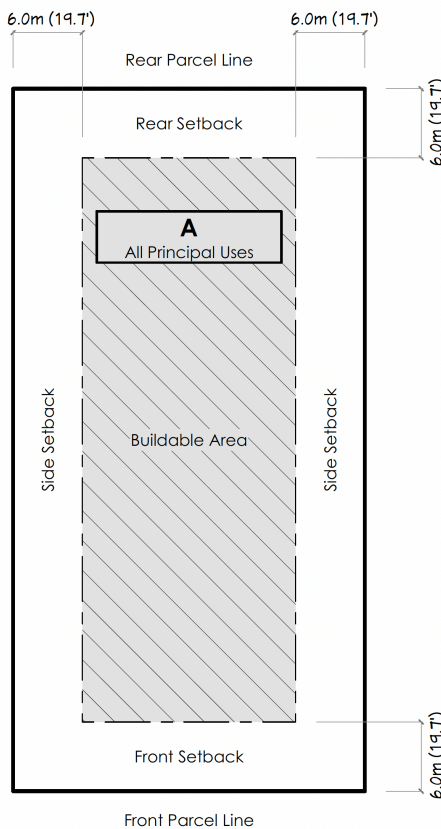
3.9.2 Secondary Accessory Uses

- a) Secondary suite

3.9.3 Regulations

- a) The minimum lot size is 446m² (4,800ft²) and the maximum site coverage is 60%.
- b) No use or activity shall be permitted that by its very nature may produce electrical disturbance, generate smoke, or attract bird and other wildlife that may detract from the safe operation of the airport.
- c) The maximum permitted building height is eleven metres (11m or 36.1 feet).
- d) The minimum parking requirements and maximum fence heights are set out in Table 4.6.6 and Table 4.10.4 respectively. Required parking shall be provided onsite. Fence heights and material used may be referred to the Government of Yukon department having jurisdiction to ensure compliance with Transport Canada security requirements.
- e) The minimum building yard setbacks are:

Use	Front	Side	Rear
All Principal Uses	6.0m (19.7')	6.0m (19.7') on both sides	6.0m (19.7')
Accessory buildings & structures	Not permitted	6.0m (19.7') on both sides	6.0m (19.7')



3.10 Industrial - (I)

To provide lands for a broad range of industrial uses that may involve manufacturing, interior and exterior storage, construction, prefabrication, equipment repair or similar activities including resource extraction.

3.10.1 Permitted Principal Uses

- a) Animal shelters, pounds, boarding kennels, veterinary clinics, and related services
- b) Auto wrecking and junk yards
- c) Bulk fuel depots
- d) Bulk outdoor storage including aggregate materials and forest products
- e) Commercial storage and warehousing facilities
- f) Communication towers
- g) Concrete and asphalt batch plants
- h) Equipment and vehicle rentals
- i) General contractor services
- j) Hazardous goods storage
- k) Heavy equipment sales and services
- l) Indoor manufacturing and assembly
- m) Kennels and stables
- n) Mining and wood processing facilities
- o) Natural resource extraction
- p) Public utility infrastructure
- q) Service stations and vehicle repair services
- r) Transportation and communication facilities

3.10.2 Secondary Accessory Uses

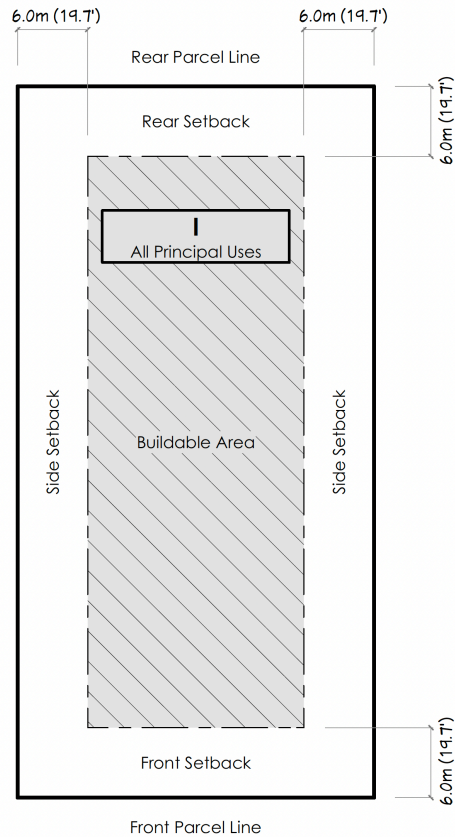
- a) Single family dwelling
- b) Secondary suite
- c) Bunkhouses or staff quarters

3.10.3 Regulations

- a) The minimum lot size is 0.4ha and the maximum site coverage is 60%.
- b) The maximum building height is eleven metres (11m or 36.1 feet)
- c) No dwelling on an industrial site will be occupied until the principal industrial use is complete and operational.

- d) Bunkhouses or staff quarters on an industrial lot are only permitted to provide temporary accommodation to workers of the principal use, or as a permitted temporary use to service a major construction project for a fixed time period.
- e) The minimum parking requirements and maximum fence heights are set out in Table 4.6.6 and Table 4.10.4 respectively. Parking shall be provided onsite.
- f) All outside storage areas abutting the Klondike and Campbell highways shall be screened from direct view from the adjacent highway.
- g) The Development Officer may require a site plan to be provided that shows the landscape treatment, screening, and location of parking, loading areas, amenity areas, outside storage, garbage receptacle, fencing and accessory buildings. The Development Officer shall ensure that the locations of these facilities are accessible to service vehicles as necessary, do not disrupt onsite circulation and are appropriately fenced or screened.
- h) Where the proposed industrial development by its nature, may generate noise, dust, or significant traffic or poses a potential environmental risk by virtue of the equipment and goods stored onsite or the nature of the manufacturing process used, the Development Officer may impose such additional conditions as they deem appropriate to ensure the impact of such uses are minimized and do not restrict or unduly constrain the operation of adjacent businesses.
- i) The minimum building yard setbacks are:

Use	Front	Side	Rear
All Principal Uses	6.0m (19.7')	6.0m (19.7') on both sides	6.0 m (19.7')
Accessory buildings & structures	Not permitted	6.0m (19.7') on both sides	6.0 m (19.7')



3.11 Parkland – (P)

To identify those lands most appropriately reserved for parks and recreation or to be protected from development for environmental and aesthetic reasons.

3.11.1 Permitted Principal Uses

- a) Buffers, boardwalks, greenbelts and trails
- b) Campgrounds
- c) Cemeteries
- d) Conservation and environmental protection areas
- e) Historic, scientific and cultural heritage sites and interpretive exhibits
- f) Indoor and outdoor recreation facilities
- g) Museums and nature reserves
- h) Municipal and public utility infrastructure
- i) Parks and playgrounds
- j) Public washrooms

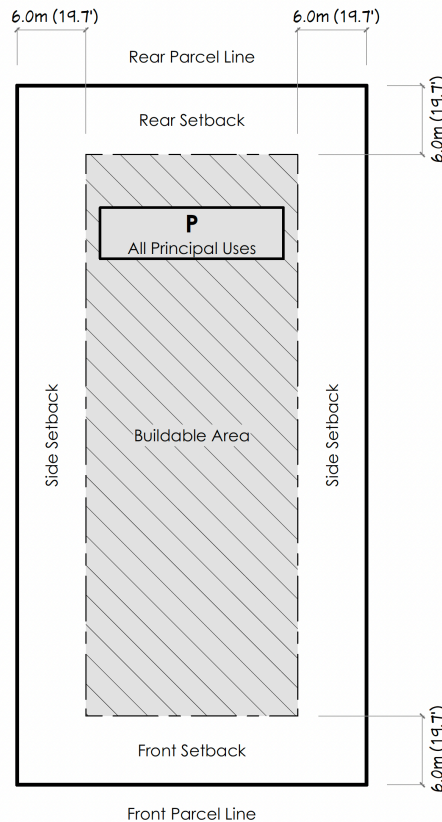
3.11.2 Secondary Accessory Uses

- a) Docks and public boat launches

3.11.3 Regulations

- a) The minimum lot size is 446m² (4,800ft²).
- b) The minimum parking requirements and maximum fence heights are set out in Table 4.6.6 and Table 4.10.4 respectively. Parking shall be provided onsite.
- c) No permanent buildings or structures shall be located within the 1:200-year flood line of any watercourse or within a 30m (98.4 feet) setback from the Ordinary High Water Mark (OHWM) of any river or lake.
- d) The minimum building yard setbacks are:

Use	Front	Side	Rear
All Principal Uses	6.0m (19.7')	6.0m (19.7') on both sides	6.0m (19.7')
Accessory buildings & structures	Not permitted	6.0m (19.7') on both sides	6.0m (19.7')



3.12 Hinterland – (H)

To identify those lands for which no particular future land use need has been identified within the forecasted life of the community plan and which are largely left in their natural state.

3.12.1 Permitted Principal Uses

- a) Agriculture
- b) Community wood lots
- c) Environmental protection areas
- d) Parks and recreation facilities
- e) Public utility infrastructure
- f) Rest areas and viewpoints
- g) Trap lines
- h) Temporary uses of a similar nature to those listed above

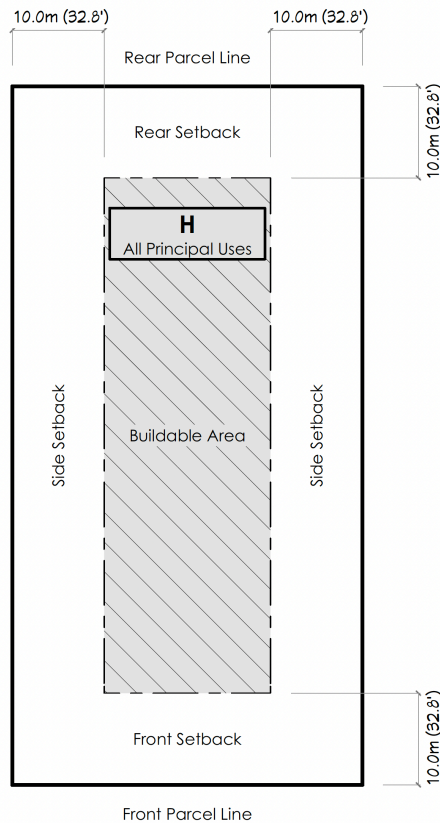
3.12.2 Secondary Accessory Uses

- a) Temporary uses of a similar nature to those listed above

3.12.3 Regulations

- a) The minimum lot size is 0.4ha (1.0 acre).
- b) The Development Officer may impose such temporal and use conditions as are necessary to ensure the proposed development does not limit future development options.
- c) The Development Officer may require an 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 these lands.
- d) The minimum building yard setbacks are:

Use	Front	Side	Rear
All Principal Uses	10.0m (32.8')	10.0m (32.8') on both sides	10.0m (32.8')
Accessory buildings & structures	Not permitted	10.0m (32.8') on both sides	10.0m (32.8')



3.13 Future Development – (FD)

To identify significant parcels of land that have long term development potential for a variety of residential, commercial or industrial land uses.

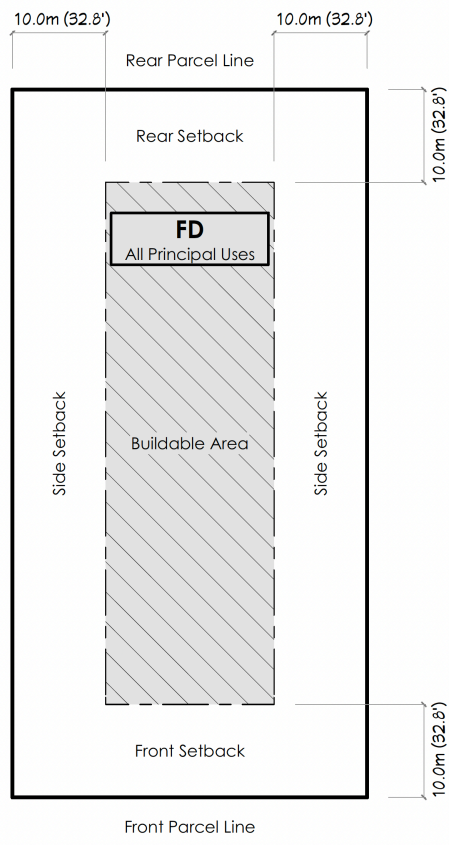
3.13.1 Permitted Principal Uses

- a) Community wood lots
- b) Trap lines
- c) Agricultural including market gardening and domestic livestock grazing
- d) Kennels and stables including commercial dog-mushing facilities
- e) Natural resource extraction
- f) Parks and recreation facilities including exhibition ground
- g) Public utility infrastructure
- h) Rest areas and viewpoints
- i) Temporary uses of a similar nature to those listed above

3.13.2 Regulations

- a) The minimum lot size is 0.4ha (1.0 acre).
- b) The Development Officer may impose such temporal and use conditions as are necessary to ensure the proposed development does not limit future development options.
- c) The Development Officer may require an 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 these lands.
- d) Applications for natural resource extraction shall include a land reclamation plan that identifies the intended future land use after reclamation.
- e) The minimum building yard setbacks are:

Use	Front	Side	Rear
All Principal Uses	10.0m (32.8')	10.0m (32.8') on both sides	10.0m (32.8')
Accessory buildings & structures	Not permitted	10.0m (32.8') on both sides	10.0m (32.8')



3.14 Zoning Map & Boundary Determination

3.14.1 Pursuant to the *Municipal Act*, zone boundaries shall be interpreted as follows:

- a) Where a boundary follows a public roadway, lane, utility right-of-way or easement, it follows the centre line unless clearly shown to the contrary on the Zoning Map;
- b) Where a boundary is shown as approximately following the municipal boundary, it follows that boundary;
- c) Where a boundary is shown as approximately following the edge or shoreline of a river, wetland or other water body, it follows the Ordinary High Water Mark (OHWM);
- d) Where a boundary is shown as approximately following a property line, it follows that property line;
- e) Where a boundary is shown as following a geographic feature such as a top-of-bank topographic contour, it follows that line; and
- f) In circumstances not covered above, the boundary shall be determined by measuring the Zoning Map.

3.14.2 When any public roadway is closed, the roadway lands shall assume the same zoning as the abutting land. When abutting lands are zoned differently and the road allowance is consolidated with an adjoining parcel, the zone boundary shall reflect the zoning of the consolidated lot.

3.14.3 Where a boundary of a zoning district coincides with a lot or lease boundary line and the existing surveyed lot or lease is resurveyed to accommodate a lot size change, the boundary of the zoning district shall, on registration of the change in the Land Titles Office, be considered to follow the boundary of the new survey.

3.14.4 Where Council adopts an amendment to the boundary of any land use zone, the change shall be reflected in an amendment to the Zoning Map with the bylaw number and date of revision recorded on the drawing.

4.0 General Provisions

The following general provisions apply in all zones except where otherwise stated.

4.1 Secondary Suites

- 4.1.1** 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 single detached dwelling, commercial, institutional, or industrial building.
- 4.1.2** Notwithstanding 4.1.1, 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 4.1.1 will not apply until such time as a principal commercial or industrial building is developed.
- 4.1.3** Only one secondary suite shall be permitted in a commercial or industrial building.

4.2 Home Occupations & Major Home-Based Business

- 4.2.1** Home occupations are an accessory use and include the following types of uses and activities:
 - a) Personal services such as hairdressing, tailoring and individual instruction;
 - b) Professional offices such as consulting, accounting, medical and dental practices;
 - c) Artist studios, including the manufacture of handicrafts and souvenirs;
 - d) Building trade offices and shops where the shop is either part of the principal building or part of an accessory garage;
 - e) Horticulture and market gardening, whether in the open or a greenhouse;
 - f) Bed & breakfast lodgings and licensed day care facilities; and
 - g) Such other similar uses as may be approved by Council from time to time on the advice of the Development Officer.
- 4.2.4** A home occupation shall not be engaged in by anyone other than the family living in the dwelling whereas a major home-based business may employ up to two (2) persons who are not residents of the household.
- 4.2.5** The outside appearance of the dwelling or accessory building housing the home occupation will not detract from the residential character of the area.
- 4.2.6** Any need for parking generated by the conduct of a home occupation or major home-based business shall be provided on-site.
- 4.2.7** No equipment or process shall be used in a home occupation or major home-based business that creates levels of noise, vibration, smoke, dust, glare, fumes or odour inconsistent with the residential nature of the area, or by virtue of the hours of operation, type and level of activity impairs the use and enjoyment of neighbouring residential properties.

- 4.2.8** Only goods and materials directly related to the home business activity may be stored on-site in a principal or accessory building. The Development Officer may permit outside storage and impose such conditions as are required to ensure that:
- a) the storage area is screened from adjacent properties;
 - b) the volume of goods and materials stored is consistent with the residential character of the property;
 - c) the goods and materials stored are essential to the operation of the business activity; and
 - d) the goods and materials are stored in a safe, organized manner so as not to pose a hazard or nuisance to neighbouring properties.

4.3 Bed & Breakfast Lodgings

- 4.3.1** The owner-operator must live on-site.
- 4.3.2** A bed & breakfast lodging must comply with all the regulations applicable to a major home-based business.
- 4.3.3** A bed & breakfast may not be used as a boarding house.
- 4.3.4** A maximum of four (4) units are allowed in the country residential zone and up to two (2) units are allowed in the urban residential zone.
- 4.3.5** The applicant for a Development Permit wishing to operate a bed & breakfast lodging must provide proof from the appropriate government health inspection authority confirming the premises are suitable from a health and sanitation purpose.

4.4 Minor Agricultural Pursuits, Kennels & Stables

- 4.4.1** Small scale gardening and vending is allowed in all zones.
- 4.4.2** Minor agricultural pursuits shall not interfere with the use and enjoyment of neighbouring properties.
- 4.4.3** In reviewing an application for a minor agricultural use, kennel or stable, the Development Officer may recommend such additional conditions with respect to the placement of buildings, erection of fences, manner of waste disposal and numbers housed to ensure the development is compatible with abutting land uses and does not create a nuisance.
- 4.4.4** Commercial and recreational dog mushing operations involving dog yards containing six (6) or more animals are restricted to leases in the Hinterland zone (H).

4.5 Water & Sewer Facilities

- 4.5.1** Where piped municipal sanitary sewer service is available, no building on any lot in any zone requiring provision for sanitary sewer service shall be constructed or used for any purpose without proper connections to the municipal sanitary sewer service.

4.5.2 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 in accordance with the relevant territorial regulations if the use requires them.

4.5.3 All dwellings require the provision of a water supply and sewage disposal system.

4.6 Off Street Parking & Loading

4.6.1 The minimum required off-street vehicle parking for uses in all zones should be as follows:

Table 4.6.6 Parking Requirements	
Type of Development or Use	Parking Spaces
Single detached housing, duplexes	1 per dwelling. The spaces may be in tandem.
Multiple family housing	1 per 1 bedroom/studio; 1.5 per 2 bedroom; 2 per 3 bedroom plus 1 space per 7 dwelling units for guest parking.
Secondary suites, bed & breakfast lodging, home-based business	1 per suite in addition to number required for a single detached dwelling
Senior citizen housing, regardless of type	1 per 2 dwelling units plus 1 per 3 staff
Hotels, motels	1 per 1.5 sleeping units plus 1 bus space per 20 sleeping units.
Offices, business and personal service establishments, retail stores, industrial uses	2 per 100m ² (1076ft ²) of gross floor area
Service stations, wholesale and drive-in businesses	5 per 100m ² (1076ft ²) of gross floor area with a minimum of 3 in-bound and 2 outbound queuing spaces
Eating and drinking establishments	1 per 5 seats
Schools	1 per employee plus 2 guest parking or 1 space per 10 seats in a gymnasium plus 2 queuing stalls for buses.
Tourist services including museums	1 per employee plus 3 per 100m ² (1076ft ²) of gross floor area and one bus space
Institutional	1 per employee plus 1 per 100m ² (1076ft ²) of gross floor area
Community recreation services, churches	1 per employee plus 1 per 8 seating spaces up to a maximum of 50 spaces

4.6.2 All required parking areas in non-residential zones must be of a durable, gravel surface with sufficient slope to ensure proper drainage.

4.6.3 Parking stalls are to be a minimum of 2.5m (8.2 feet) wide and 5.5m (18.0 feet) deep. Complex parking areas involving more than five (5) parking stalls, aisles or angled parking shall be provided as a component of a detailed site plan for review and approval by the Development Officer.

4.6.4 All highway commercial and tourist service uses shall provide parking of sufficient length and width to accommodate the range of vehicle types and traffic typically associated with that type of use.

4.6.5 All parking space dimensions, 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.

4.6.6 One loading space is required for any building in a non-residential zone.

4.6.7 Notwithstanding any other provision of this bylaw, no Person shall store a Vehicle upon a Highway, and where a Vehicle is left standing for more than 14 consecutive days, it shall be deemed to have been stored by the owner of the Vehicle contrary to this bylaw unless it can be shown that the Vehicle was taken without the owner's consent.

4.7 Off Street Garbage & Recycling

4.7.1 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.

4.7.2 Collective waste disposal facilities are not permitted within the front or side yard setbacks.

4.8 Lighting

4.8.1 Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at adjoining properties.

4.8.2 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.

4.9 Landscaping

4.9.1 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.

4.10 Fences, Hedges & Buffers

4.10.1 Fences, hedges and vegetated buffers may be constructed on any lot in any zone except as specifically prohibited by this bylaw.

4.10.2 The Development Officer may require any development in any zone to be fenced where the proposed use may pose a public safety risk. The height of fencing required for any recreational activity shall be consistent with the requirements of that sport or activity.

4.10.3 The owner of a corner lot in any zone shall not at the intersection of the two streets grow or allow the growth of any hedge, or build or maintain a solid fence or other solid structure, which exceeds a height of 1.0 m (3.3 feet) above the adjacent street level and which falls within a triangle of land, formed by the intersecting streets and a line connecting the points on the side property lines 7.5m (24.7 feet) from the intersection of the property lines.

4.10.4 Notwithstanding the exceptions set out in 4.10.2 and 4.10.3, the maximum height for fences, hedges and buffers shall be as follows:

Table 4.10.4 Fencing Requirements			
ZONE	FRONT LOT LINE	SIDE LOT LINE(s)	REAR LOT LINE
CR	1.2m (3.9')	2.0m (6.6')	2.0m (6.6')
UR	1.2m (3.9')	2.0m (6.6')	2.0m (6.6')
CU	1.2m (3.9')	2.0m (6.6')	2.0m (6.6')
C	1.2m (3.9')	2.0m (6.6')	2.0m (6.6')
I	2.0m (6.6')	2.5m (8.2')	2.5m (8.2')
P	1.2m (3.9')	2.0m (6.6')	2.0m (6.6')
H	2.0m (6.6')	2.5m (8.2')	2.5m (8.2')
A	2.0m (6.6')	2.5m (8.2')	2.5m (8.2')
FD	2.0m (6.6')	2.5m (8.2')	2.5m (8.2')
VH	TBD	TBD	TBD

4.10.5 The fence material used in any zone shall be consistent with the character of the zone in which it is located. Barbed wire may only be permitted as a fence top in industrial zones or to surround public utility facilities where restricted access is essential for public protection.

4.11 Screening & Outside Storage

4.11.1 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.

4.11.2 Long term storage of garden equipment, boats, trailers, campers, or similar recreational equipment and other such goods normally associated with the enjoyment of residential property shall not impair the normal use and enjoyment of neighbouring properties.

4.11.3 The Development Officer may, given the nature of the proposed use, require fencing, screening, and/or landscaping to conceal outside storage areas from any adjacent street.

4.11.4 Where a permitted development requiring outside storage abuts a residential zone, the storage area shall be screened from the adjacent residential uses.

4.11.5 No person shall park or store outside on a lot in a residential zone more than one dismantled vehicle while the vehicle is being restored to roadworthy condition, for a period of more than 120 days in the case of a wrecked vehicle being used for parts or 180 days, in the case of a dismantled vehicle being restored to roadworthy condition. No such vehicles must be, in the opinion of the Development Officer, 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.

4.11.6 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.

4.11.7 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.

4.12 Signage

4.12.1 Signs are permitted in all zones, on sites where a permit has been issued for a principal use.

4.12.2 The operator of a home occupation or major home-based business may attach only one non-illuminated fascia sign to the principal residence advertising the business, or in the case of the country residential zone, at the entrance to the driveway.

4.12.3 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.

4.12.4 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.

4.12.5 Only businesses holding a Village business license may apply to erect billboards along the Klondike and Campbell highways within municipal boundaries, except that other businesses may advertise at designated rest areas intended to provide an orientation to regional attractions and other communities.

4.12.6 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.

4.12.7 No part of any freestanding sign shall project beyond the property line.

4.12.8 No sign shall by reason of its location, colour, shape, format or content imitate an official traffic sign.

4.13 Parks, Greenbelts and Environmental Reserves

4.13.1 Parks, greenbelts and environmental reserve lands may be located in any zone.

4.13.2 To protect the integrity of environmentally sensitive lands including wetlands, and lands along the Yukon and Nordenskiöld rivers, the minimum setback from these in all zones shall be 30m (98.4 feet) from the Ordinary High Water Mark (OHWM).

4.13.3 Notwithstanding section 4.13.2, Council may relax the minimum setback or enter into an alternative legal arrangement where an applicant can demonstrate the merits of a reduced setback and the relaxation does not compromise the environmental integrity of the area or unduly restrict public access to the shore.

4.13.4 Development that improves public access to and along a riverbank or around a lakeshore may be permitted where such development enhances the visitor experience (e.g., interpretative signage) and the nature of development (e.g., boardwalk) limits the impacts of users on the environment, especially where such opportunities are consistent with the Official Community Plan:

4.13.5 With the exception of section 4.13.4 above and developments such as docks and municipal works (e.g., water intakes and sewer outfalls, irrigation lines), lands within 30 m (98.5 feet) of the Ordinary High Water Mark (OHWM) of the Nordenskiold and Yukon rivers, wetlands, lakes and ponds will be left in their natural state to the extent possible.

4.14 Trails and Active Transportation Routes

4.14.1 Trails and active transportation routes may be located in any zone.

4.15 Public Utilities

4.15.1 Any expansion, enlargement or relocation of public utility infrastructure which may affect an abutting land use, requires a Development Permit.

4.15.2 Individual parcels for public utility facilities are exempt from minimum parcel area requirements.

4.16 Natural Resource Extraction

4.16.1 Natural resource extraction (e.g., forestry, gravel extraction) may be permitted in the Industrial (I) and Hinterland (H) zones as an interim land use subject to conditions. The applicant shall include in the Development Permit application: information on the timeframe of intended operation, volume and composition of the material to be removed; the associated environmental consequences of development; the type and manner of extraction, processing and storage; the method of reclamation; and subsequent utility of the land for future use.

4.17 Land Use Within the Vicinity of the Airport

4.17.1 Land use within the vicinity of the Carmacks aerodrome shall comply with the building height and any aerodrome zoning restrictions.

4.17.2 The Development Officer will refer all development applications for land abutting the aerodrome to the Government of Yukon department having jurisdiction for comment.

4.18 Lands Subject to Flooding

- 4.18.1** 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 Zoning Map (Schedule C), 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.
- 4.18.2** Where a proposed development involves land filling, the Development Officer may require the applicant to submit a drainage plan endorsed by an engineer registered in the Yukon and include provision for drainage easements in the proposed development.
- 4.18.3** In all zones, all driveways crossing roadside drainage ditches require a culvert.

4.19 Siting, Building Height and Grading

- 4.19.1** Steps, eaves, chimneys, door canopies, bay windows, roof overhangs, and similar building features may project into the required yard setback provided the projection does not exceed one metre (1m or 3.3 feet).
- 4.19.2** Where a lot has frontage on more than one street, the Development Officer may require any building, structure, or accessory building on the lot to maintain a front yard on each street so as to present a consistent street appearance on each street.
- 4.19.3** Chimney stacks, ventilation equipment, elevator housings, parapet walls and flag poles are not included in calculating the maximum height permitted in any zone.
- 4.19.4** Proposed building grades should, to the extent possible, respect the natural contour of the land, minimize the necessity to use retaining walls and ensure drainage away from abutting properties.

4.20 Accessory Development

- 4.20.1** Accessory uses and accessory buildings or structures are permitted in all zones where a permit has been issued for a principal use.
- 4.20.2** Accessory buildings or structures shall not be located in the front yard or, in the case of a corner lot, any unscreened, exterior side yard in any residential zone.
- 4.20.3** An accessory building or structure shall not exceed the maximum permitted height in any zone.

4.21 Relocation of Buildings and Structures

- 4.21.1** No person shall move a building, structure or a non-CSA approved mobile home off or onto a lot without obtaining a Development Permit.
- 4.21.2** Any relocated building or structure must be brought up to current *National Building Code* standards upon relocation.

4.22 Non-conforming Buildings & Uses

- 4.22.1** Non-conforming uses will be dealt with according to the provisions of the *Municipal Act*. A non-conforming use may be continued, but if that use is discontinued for twelve (12) months or more, any subsequent use of the land or building shall conform to the provisions of the Official Community Plan and Zoning Bylaw then in effect.
- 4.22.2** A non-conforming building or structure may not be enlarged, added to or substantially altered except to increase its conformity.
- 4.22.3** Repairs, maintenance, decoration or installations that do not alter the size of the building or other structure or involve the rearrangement or replacement of structural supporting elements shall not be considered to be structural alterations and are permitted.
- 4.22.4** The lawful non-conforming use of a portion of the land, building or structure may be extended throughout the rest of the site, building or structure provided there are no structural alterations or construction of additional buildings and structures.
- 4.22.5** The non-conforming use of land or a building is not affected by a change of ownership, tenancy or occupancy of the land or building except as limited by the conditions set out in section 4.22.4.
- 4.22.6** If a non-conforming building or structure is destroyed by fire or damaged to an extent of 75% of the assessed value of the building, it may not be rebuilt or repaired except in conformity with the Official Community Plan and Zoning Bylaw then in effect.

4.23 Lots Less than Minimum Size

- 4.23.1** Lots created before the approval of this bylaw that are less than the minimum dimensions required of the zone they are in, shall be considered to be conforming lots for the purposes of this bylaw.
- 4.23.2** All lots that are shown on a registered plan prior to the passage of this bylaw which have an area less than the minimum lot size required for the zone in which they are situated, shall be allowed to develop the uses permitted in that particular zone provided that all other requirements of this bylaw are complied with. Rear and side yard setbacks may be reduced proportionately by the same percentage that the lot is less than the minimum for that zone.

5.0 Procedures

5.1 Development Permit Application

- 5.1.1** 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.
- 5.1.2** An applicant for a Development Permit shall pay a non-refundable processing fee, as set by Council from time to time.
- 5.1.3** Every application shall include the legal description of the property, the nature of the proposed development and an illustration acceptable to the Development Officer. The illustration must show, at a minimum: lot dimensions; setbacks; site coverage; the location of all existing and proposed services on the property; and the location of access.
- 5.1.4** 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 (in metric) and existing and proposed building and lot grades;
 - b) A geotechnical evaluation of the site to confirm: slope stability; appropriate top-of-bank, lakeshore, and watercourse setbacks; and site suitability for on-site septic sewage disposal;
 - c) A landscape plan showing existing and proposed 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);
 - d) 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;
 - e) 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; and
 - f) 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.
- 5.1.5** The Development Officer may refuse to accept a Development Permit application that would otherwise comply with the requirements of this bylaw until proof of access to the lot from a legal road right-of-way is provided.

5.2 Development Permit Decisions

- 5.2.1** The Development Officer shall make a decision within fifteen (15) business days on a development application in a zone where the proposed development is listed as a permitted or secondary use.

- 5.2.2** The Development Officer shall:
- a) approve an application for a Development Permit where the use proposed is listed as permitted in that zone and the application complies with all other applicable requirements of that zone; or
 - b) refuse an application that does not comply with the requirements of this bylaw.
- 5.2.2** The Development Officer may impose such conditions as may be required to ensure compliance with the Official Community Plan and this Zoning Bylaw, or as deemed necessary to preserve the purposes and intent of the Official Community Plan and Zoning Bylaw.
- 5.2.3** Decisions shall be in writing with the reasons listed and sent to the applicant.
- 5.2.5** A Development Permit approval becomes effective on the date that any conditions, except those of a continuing nature, are fulfilled.
- 5.2.6** Where a Development Permit is approved and an appeal is subsequently filed within the required time limits, the Development Permit is not effective until a decision has been made on the appeal, at which point the permit may be affirmed, modified or nullified.
- 5.2.7** If the development authorized by the Development Permit is not commenced within twelve (12) months from the date of issue, or any associated construction not carried out with reasonable diligence, the permit is deemed void.
- 5.2.8** Notwithstanding section 5.2.7, 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.
- 5.2.9** The granting of a Development Permit or review of any accompanying drawings and specifications shall not relieve the applicant from responsibility to acquire such other permits as are necessary to carry out the development in a lawful manner.
- 5.2.10** 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.
- 5.2.11** Where the proposed development requires a subdivision of land, no Development Permit shall be issued until the proposed subdivision has been approved in accordance with the *Municipal Act or Subdivision Act and Regulations*, as the case may be.
- 5.3 Resubmission Interval**
- 5.3.1** When an application is refused by the Development Officer, the Board of Variance, or Council on appeal, 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.
- 5.3.2** Section 5.3.1 shall not apply in the case of an application for a Development Permit or Certificate of Zoning Compliance if the new application is for a use that complies with the regulations of this bylaw.

5.4 Application in Progress

5.4.1 An application for a Development Permit or rezoning, which is received in its complete form prior to the effective date of this bylaw, shall be decided upon in accordance with the regulations in effect at the time of receipt.

5.5 Certificate of Zoning Compliance

5.5.1 Where an applicant's proposed use or change of use is permitted within any zone and it complies with every other section of this bylaw, the Development Officer may issue a Certificate of Zoning Compliance in lieu of a Development Permit to facilitate acquisition of a building permit or property title transfer.

5.5.2 The Development Officer may, at the request of an applicant, provide a Certificate of Zoning Compliance confirming the development has been completed in accordance with a valid Development Permit and complies with this bylaw.

5.5.3 Every application for a Certificate of Zoning Compliance shall be made in writing on the form prescribed by the Development Officer.

5.6 Text and Map Amendments

5.6.1 Council may initiate any text or map amendment to this bylaw. Any such amendment shall be reviewed in accordance with section 6.4.

5.6.2 Any person may apply for an amendment to the text of this bylaw by submitting the required application to Council in writing along with the required fee and a written statement describing and justifying the amendment request.

5.6.3 A property owner, or their authorized agent, may apply to rezone the property by providing: documentation of ownership or authority to act on behalf thereof; a written statement of justification including a map showing the proposed change in the context of adjacent land; 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.

5.6.4 Any person making an application for a zoning change, at the time of such application, shall pay a non-refundable application fee as set by Council from time to time.

5.7 Development Agreements

5.7.1 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*.

5.7.2 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 *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.

5.7.3 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.

5.8 Fees, Forms & Records

5.8.1 Council shall periodically review and update by resolution a standard fee schedule for the application and administration of this bylaw.

5.8.2 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/or electronic form.

6.0 Duties & Responsibilities

6.1 Development Officer

6.1.1 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.

6.1.2 The Development Officer shall receive completed applications for a Development Permit, rezoning, or a Certificate of Zoning Compliance.

6.1.3 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 C, 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 Little Salmon/ Carmacks 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.

6.2 Board of Variance

6.2.1 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.

6.2.2 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.

6.2.3 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.

6.2.4 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.

- 6.2.5** 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.
- 6.2.6** 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.
- 6.2.7** 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.
- 6.2.8** 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.
- 6.2.9** 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.
- 6.2.10** 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.

6.3 Appeals to Council

- 6.3.1** 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.
- 6.3.2** 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.

6.4 Amendment

- 6.4.1** Upon receipt of a completed application for a text or zoning map amendment, the Development Officer shall undertake an investigation and analysis of the potential impacts of the proposed amendment. The analysis shall be based on the full development potential of uses permitted under the proposed zone rather than the merits of any particular development proposal.
- 6.4.2** The analysis shall, among other factors, consider the following:
- a) relationship to and compliance with the Official Community Plan, federal and territorial land use policies, and government's obligations under the Little Salmon/Carmacks First Nation Final and Self Government agreements;
 - b) compatibility with surrounding development in terms of land use function and scale of development;
 - c) the impacts on municipal services, utilities, and public facilities such as schools;
 - d) the potential need for municipal land, right-of-way, or easement requirements;
 - e) effect on the stability, retention, and rehabilitation of desirable existing uses and buildings;
 - f) the documented input of affected residents and land owners with regard to the proposal; and
 - g) the necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant.
- 6.4.3** 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*.
- 6.4.4** Where 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 twelve (12) months of the date of refusal unless Council otherwise directs.

7.0 Enforcement

7.1 General

- 7.1.1** A Development Officer or the Chief Administrative Officer may enforce the provisions of this bylaw.
- 7.1.2** 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.

7.2 Offences

- 7.2.1** Any person who contravenes, causes, or permits a contravention of this bylaw, commits an offence.
- 7.2.2** 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.

7.3 Right of Entry

- 7.3.1** 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.
- 7.3.2** 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.
- 7.3.3** 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.
- 7.3.4** An order made by a Judge under this section continues in force until the purpose for which it was made has been fulfilled.

7.4 Notices

- 7.4.1** 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.
- 7.4.2** 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.

7.4.3 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.

7.5 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; or
- b) any person undertakes or causes or allows any development on a site contrary to the terms or conditions of a permit; or
- a) any person fails to complete the corrective measures described in a Notice of Violation issued pursuant to section 7.4.

7.6 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.

7.7 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.

7.8 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.

7.9 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.

7.10 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
- a) 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.

7.11 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

8.0 Definitions

8.1 Rules of Interpretation

8.1.1 In this bylaw, all words or phrases shall have their normal or common meaning except where this is changed, modified or expanded by the definitions set forth under section 8.2.

8.2 General Definitions

In this bylaw:

A

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

“ACCESSORY BUILDING/STRUCTURE” means a separate, second, non-residential building or structure located on the same lot. Typical accessory structures include satellite dishes, garden and storage sheds, propane/fuel/oil tanks, television and radio masts, greenhouses, garages and similar structures which are incidental and subordinate to the principal use of the site.

“ACCESSORY USE” means a use or activity that is customarily, and normally incidental and subordinate to the principal use of the land or building.

“AGRICULTURE” means the raising of crops and livestock, animal pasturage, horticulture, apiculture, market gardening, nurseries and similar agricultural pursuits.

“AIRPORT” means an area of land or water designated in this bylaw for the take-off or landing of aircraft including associated taxiways, aircraft storage, tie-down, fuel storage, navigation, terminal and support facilities.

“ALTER” means:

- a) any structural change to a building or part thereof that increases or decreases the external dimensions of the structure and involves a material change to a bearing wall, foundation support beam, column or girder;
- b) any change in the area, frontage, depth or width of a lot that affects the required yard, landscaped open space, or parking requirements of this bylaw; or
- c) to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

“AMENITY AREA” means an area comprised of on-site common or private, indoor or outdoor, space designed for active or passive recreational use.

“AMUSEMENT ARCADE” means a building or part thereof, where the principal business is providing video, pinball or computer games for use by the general public.

“ANIMAL SHELTER” means a lot, or building, or part thereof, used for the temporary care of lost, abandoned or neglected animals.

B

“BALCONY” means a platform attached to and projecting from the face of a building above the first storey, surrounded by a railing and used as an outdoor porch or sundeck.

“BASEMENT” means that part of a building fully located below ground or, in the case of a sloped lot, that part of the building below the first storey.

“BED AND BREAKFAST LODGING” means an accessory use of an owner-occupied residence that is used to provide temporary overnight accommodation and breakfast to visitors.

“BOARD OF VARIANCE” means the Board established by this bylaw in accordance with the *Municipal Act*.

“BUFFER” means a landscaped or natural area intended to visibly separate and screen one use from another to improve land use compatibility and environmental quality by reducing noise, lighting glare and other nuisances, or facilitating natural drainage and wildlife movement.

“BUILDING” means a temporary or permanent structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, materials, chattels and equipment.

“BUILDING GRADE” means the average of the finished ground adjacent to each face of the building taken at the centre of the wall.

“BUILDING HEIGHT” means the vertical distance measured from: the average elevation of the finished grade along the front of the building to the highest point of the roof surface or any parapet thereon, if a flat roof; to the deck line of a mansard roof; and to the highest point of the ridge for a gable, hip or gambrel roof.

“BULK FUEL DEPOT” means lands, buildings and structures for the storage and distribution of petroleum products and may include key lock retail sales.

“BUNKHOUSE” means a purpose-built accommodation containing shared eating and washroom spaces that is used for the temporary accommodation of workers, provided such accommodation does not serve as the principal place of residence of an occupant. A bunkhouse does not provide accommodation to transient visitors.

“BUSINESS” means the carrying on of a commercial or industrial undertaking of any kind or nature, or the provision of professional, personal, or other service for gain or profit.

C

“CAMPGROUND” means an area of public or private land zoned and managed as a unit, with associated washroom, recreation, and service support facilities to provide travellers using tents, tent and travel trailers, recreational vehicles, truck campers, and the like, temporary overnight accommodation.

“CANOPY” means a cantilevered roof free of enclosing walls intended to shelter a portion of the sidewalk in front of the premises to which it is attached such as a building entrance, and includes a marquee, awning, and a free-standing or attached shelter over gasoline pump islands.

“CARPORT” means a roofed accessory structure normally attached to the principal building that is not enclosed on the front and one side to shelter parked vehicles. A carport is considered part of the principal building to which it is attached when calculating requirements.

“CEMETERY” means lands permanently set aside for the internment of the dead.

“CERTIFICATE OF TITLE” means a certificate issued by the Land Titles Office identifying the owner of a particular parcel of land.

“CHILD CARE FACILITY” means an establishment licensed under the *Yukon Child Care Act* intended to provide care, educational services, and supervision for children for a period of less than 24 consecutive hours.

“COMMERCIAL STORAGE” means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods, or a facility used exclusively to store bulk goods of a non-hazardous nature.

“COMMERCIAL USE” means an occupation, employment, or enterprise that is carried on for profit by the owner, lessee or licensee.

“COMMUNITY USE” means the use of land, a building, or structure for recreation, education, public-safety, social, or community use purposes. Typical uses include: nursing stations, public works facilities, government offices, schools, community halls, non-profit social clubs and churches.

“COMPATIBLE” means that the activities or use of land, a building, or structure is capable of existing and operating in harmony with adjacent buildings and land uses within the same zone, and impacts of activities undertaken do not extend beyond the boundaries of the property on which they are situated such that they restrict the use and enjoyment of neighbouring properties by virtue of noise, dust, odour and hours of operation.

“CONFORMING” means a use that falls within the uses permitted in and conforms to all the regulations set out in this bylaw for the zone in which the use or development is located.

“COUNCIL” means the Council of the Village of Carmacks.

D

“DAY HOME” means the secondary use of a dwelling in which the operator resides and licensed under the *Yukon Child Care Act* to provide care, educational services and supervision for children for less than 24 consecutive hours.

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

“DESIGNATED HERITAGE STRUCTURE” means any structure designated as a National Historic Site of Canada or as a Municipal or Yukon Historic Site under the *Historic Resources Act*.

“DEVELOPMENT” means:

- a) a change in the use or intensity of use of any land, a building, or structure;
- b) the carrying out of any construction, excavation, erection, demolition, repair and similar alteration that takes place on, over and below land within the municipality; or
- c) the subdivision and severance of land or a building.

“DEVELOPMENT AGREEMENT” means a legal agreement between the developer and the Village setting out their respective rights, obligations and fiscal commitments in respect to a proposed development.

“DEVELOPMENT APPROVING AUTHORITY” means a Development Officer, Board of Variance or Council as the context requires.

“DEVELOPMENT OFFICER” means the Chief Administrative Officer or other municipal official appointed to interpret, administer and enforce the provisions of the Zoning Bylaw.

“DEVELOPMENT PERMIT” means a document authorizing a development issued pursuant to this bylaw by the Development Officer.

“DWELLING” means one or more rooms permitted to be occupied under *National Building Code* standards as a residence by one household, with each dwelling having independent living, sleeping, toilet and kitchen facilities. Types of dwelling units include:

- a) “SINGLE FAMILY” meaning a detached building containing one dwelling unit occupied by one household on one lot;
- b) “DUPLEX” meaning a building designed to accommodate two households living independently in separate dwelling units either side by side or above and below each other;
- c) “TOWNHOUSE” meaning a building designed to accommodate three or more separate dwelling units with one or more common party walls, each unit having individual and separate access to the dwelling unit at grade;
- d) “MULTIPLE FAMILY HOUSING” means any physical arrangement of three or more dwelling units intended to be occupied by separate households; and
- e) “SECONDARY SUITE” means a self-contained, accessory dwelling unit.

E

“EATING AND DRINKING ESTABLISHMENT” means development where prepared foods and beverages are offered for sale to the public for consumption within the premises or off site. This includes bars and restaurants, cafes, delicatessens, and refreshment stands.

“EMERGENCY AND PROTECTIVE SERVICES” means a public facility used by fire, police, ambulance and other related services as a base of operations.

“ENVIRONMENTAL PROTECTION AREAS” means those areas intended, because of their inherent natural features or hazards, to remain in their natural state. Passive recreation such as trails and interpretative activities are permitted.

“EXISTING” means physically existing as a building, structure, or use as of the date of the passing of this bylaw.

F

“FACADE” means the exterior face of a building wall or structure exposed to public view from a street.

“FENCE” means a structure used as an enclosure or screening around all or part of a lot or site, and shall include hedges and similar landscaping features.

“FLOODPLAIN” means the area adjoining the channel of a river, stream, or watercourse that has been or may be covered by floodwater during a regional flood or a one-in-two-hundred year flood.

“FLOOR AREA RATIO” means the quotient arrived at by dividing the gross floor area of a building by the lot area, excluding below grade areas and areas used exclusively for storage or service to the building.

“FRONTAGE” means the minimum straight-line distance between the intersection of the side lot lines and the lot line fronting on the street.

G

“GARAGE” means an accessory building or structure such as a carport that is part of the principal building, designed and used primarily for the storage of motor vehicles of the occupants of the premises.

“GAS BAR” means a development used for the sale of motor fuel, lubricating oils, automotive fluids, and associated convenience store products. The gas bar may be a self-service, full service, key lock, card lock or other similar operation and may include vehicle-washing facilities as an accessory use.

“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.

“GRADE” means,

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

“GROUND FLOOR AREA” means the greatest horizontal area of the first storey of the principal building above grade within the outside surface of the exterior wall. This includes all attached structures having a foundation such as attached garages, decks and steps.

“GROUP HOME” means the use of a dwelling as a social care facility which is licensed or authorized by a public authority to provide room and board for children or adults with physical, mental, social, foster care or behavioural problems that require professional care, guidance and supervision.

H

“HEALTH SERVICES” means development used for the provision of physical and mental health services on an outpatient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.

“HOME OCCUPATION” means the provision of a service or carrying out of a profession, trade or craft in a residential zone by only the owner or resident occupant of the land and premises. The business use is accessory and subordinate to the principal residential function of the land and premises, and there are no visible external signs of the business activity taking place.

“HOME-BASED BUSINESS, MAJOR” means a home occupation undertaken in a residential zone by the owner or resident occupant where the business use is conducted within the principal residence or a related accessory structure and the business activity does not change the residential character of the site, and any outside storage areas are screened from public view. The business use remains secondary and subordinate to the principal residential function and may include not more than two employees who are not residents of the land and premises.

“HOTEL” means a building or part thereof with a common entrance lobby and shared corridors which provides sleeping accommodation or dwelling units for transient visitors. A hotel may include public facilities such as restaurant, banquet, beverage, meeting and convention rooms, recreation facilities and commercial services for the convenience of guests and staff quarters.

“HOUSEHOLD” means one or more persons occupying the same dwelling unit.

I

“INDUSTRIAL” means a development involving one or more of the following activities: the processing of raw materials; manufacture or assembly of unfinished products; cleaning, servicing, repair, salvage, or testing of materials, goods, and equipment; and the bulk storage and distribution of petroleum products, building materials and related goods where the nature of such uses may create impacts that would make their presence incompatible with non-industrial uses.

J

“JUNK YARD” means a parcel of land or building for which a Development Permit has been issued for the collection, demolition, dismantlement, storage, salvage recycling, or sale of waste materials including scrap metal, abandoned vehicles, machinery and other discarded materials except hazardous wastes.

K

“KENNELS AND STABLES” means premises used for the business of breeding, buying, selling, or boarding of animals including individual dogs, sled dog teams, cats, horses or other domesticated animals excluding livestock.

L

“LANDSCAPING” means to change, modify, or enhance the visual appearance of a site by: reshaping the earth; planting lawns, shrubs or trees; preserving the original natural vegetation; and/or adding walks, fencing, patios and other ornamental features for the purpose of beautifying or screening the appearance of a lot.

“LANE” means a public thoroughfare not over nine (9) metres in width that affords secondary access to a lot.

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

“LOT” means a parcel of land, including Crown land, which is legally defined either by registered plan or description.

“LOT AREA” means the total horizontal area within the boundaries of a lot.

“LOT COVERAGE” means that percentage of the total area of the lot that will be covered by buildings or structures.

“LOT DEPTH” means the average horizontal distance between the front and rear lot lines.

“LOT LINE” means the legally defined limit of any lot.

“LOT LINE, FRONT” means:

- a) In the case of an interior lot, a line separating the lot from the street;
- b) In the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; or
- c) In the case of a lot extending between two parallel streets, a line determined by prior common practice in the area.

“LOT LINE, REAR” means the lot line opposite to, and most distant from, the front lot line.

“LOT LINE, SIDE” means any lot boundary line not a front or rear lot line.

“LOT WIDTH” means the width of a lot where it abuts the street except in the case of an irregularly shaped lot, where the width shall be the horizontal distance between the side lot lines at the minimum front yard setback. For a lot that narrows towards the rear lot line, the lot width is the average horizontal distance between the side lot lines at the minimum rear yard setback.

“LOT, CORNER” means a lot situated at the intersection of two or more streets, or a lot that has two adjoining boundaries abutting a street.

M

“MARINA AND FLOAT PLANE DOCK” means a facility where boats or floatplanes can be berthed, stored, fuelled, and serviced.

“MINOR AGRICULTURAL PURSUIT” means agricultural activity conducted at a scale that is accessory to the principal use of the zone in which it is located, such as the keeping of animals for personal use, and includes market gardening and nurseries but not commercial kennels and stables.

“MIXED USE DEVELOPMENT” means a building designed as a single unit containing a mixture of commercial and residential floor space and the amenities associated with such uses

“MOBILE CATERING FOOD SERVICES” means the delivery and sale of food to the public using a fleet of vehicles.

“MOBILE HOME PARK” means a parcel of land under single ownership that has been planned and improved for the placement of two or more mobile homes.

“MOTEL” means a building or group of buildings divided into self-contained sleeping or dwelling units, each with a separate exterior entrance and convenient access to on-site parking. Motels may include an on-site restaurant, recreation facilities and staff quarters.

“MUNICIPALITY” means the Village of Carmacks.

N

“NATURAL RESOURCE EXTRACTION” includes the extraction, processing, removal, and off-site sale of sand, gravel, earth, mineralized rock, groundwater, timber or other similar natural materials.

“NON-ACCESSORY PARKING” means development providing vehicular parking that is not primarily intended for the use of residents, employees, or clients of a particular development. Typical uses include commercial surface parking lots and parking structures located above or below grade.

“NON-CONFORMING” means a use, building, or structure, including a structure lawfully under construction that on the date the Zoning Bylaw, or any amendment thereto, becomes effective, no longer complies with the permitted uses or development requirements in the zone in which it is situated.

“NUISANCE” means an activity or use that endangers personal or community health or safety and includes uses or activities that are out of character with the zone in which they are situated resulting in noise, dust, odour, the excessive accumulation of junk or similar impacts that affect the use and enjoyment of neighbouring properties.

O

“OFFICES” means a space within a development accessible to the public reserved for the provision of professional, management, administrative, consulting and financial services. Typical uses include the offices of lawyers, accountants, real estate and insurance firms, clerical, secretarial, banks, doctors, dentists, non-profit and government agencies.

“OFFICIAL COMMUNITY PLAN” means the Official Community Plan as has been adopted and amended by Council pursuant to the *Municipal Act*.

“OPEN SPACE” means that portion of a lot not occupied by buildings, accessible to and suitable for gardens, landscaping and recreational use by building tenants or residents.

“OUTSIDE STORAGE” means the accessory storage of equipment, goods and materials in the open air on a lot.

“OWNER” means the person, persons, or corporation who has, by law, the management, control or custody of the lot or use.

P

“PARK” means any public outdoor area or lot set aside specifically for passive or active recreation including tot-lots, playgrounds, walkways, trails, greenbelts, buffers, nature interpretation, environmental protection areas and similar land uses.

“PARKING LOT” means a lot or part of a lot or a building available to be used for the temporary parking of more than one vehicle by customers, employees and the public at large.

“PARKING SPACE” means an off-street space exclusive of driveways, aisles, ramps or obstructions of sufficient size and dimension to park one vehicle.

“PARTY WALL” means a wall jointly owned and erected upon the property line between two lots.

“PATIO” means any solid structure meant for support of people or materials out of doors and less than 0.6 m in height.

“PERSONAL RECREATION SPACE” means recreational space inside or outside a building located adjacent to and directly accessible from a dwelling unit which is provided for the exclusive use of the occupants of the dwelling unit, and includes a private patio, courtyard, garden terrace or balcony.

“PORCH” means a roofed open structure projecting from the exterior wall of a building with walls that are open or screened to facilitate use as an outdoor living area.

“PREMISES” means an area of land, including a lot or parcel of land with or without buildings.

“PRINCIPAL USE” means the main purpose for which land, buildings or structures are ordinarily used.

“PERMITTED USE” means those uses of land or a building identified in the land use zones in this bylaw for which a Development Permit shall be issued on submission of an application, provided the application is complete and meets all the requirements of the Zoning Bylaw applicable to such uses.

“PUBLIC UTILITIES” means infrastructure owned or operated by, or for, the Village to provide the community with services such as: the storage and provision of potable water; disposal of garbage, storm water and sewage; transmission of energy; and delivery of telecommunications.

R

“RECREATION SPACE, COMMON” means that portion of a lot or building provided for collective tenant recreational use.

“RECREATIONAL VEHICLE” means a transportable structure intended as a temporary accommodation for travel and recreational use and includes travel trailers, motorized homes, slide-in campers, chassis-mounted campers and tent trailers, but does not include mobile homes.

“REGISTERED PLAN” means a plan registered in the Yukon Land Titles Office.

“REGULATION” means any of the general development, specific use, sign and any other regulation contained in any zone of this bylaw.

“RELIGIOUS ASSEMBLY” means a building wherein people regularly assemble for religious worship that is maintained and controlled by a religious body organized to sustain public worship.

“REMEDIATION” means the treatment of material to lower the concentration of contaminants to levels below those specified in the Yukon *Environment Act* and Yukon *Contaminated Sites Regulations*, as amended from time to time.

“RENOVATION” means the repair and restoration of a building to a structurally sound condition, including the levelling and strengthening of foundations, but not its replacement.

“RETAIL STORE” means development used for the retail sale of goods, merchandise and services required by community residents and visitors on a day-to-day basis.

“RETAINING WALL” means a structure constructed to hold back, stabilize or support an earthen bank as a result of differences in lot grades.

S

“SATELLITE DISH/RECEIVER” means an accessory structure either freestanding or attached, designed in the shape of a dish or cone to send and receive telecommunication signals from a satellite.

“SCIENTIFIC AND CULTURAL EXHIBITS” means development for the collection, preservation, interpretation, and display of literary, artistic, musical, cultural, or natural objects. Typical uses include libraries, museums, and public art galleries.

“SECONDARY USES” are those uses that must be in conjunction with a principal use and require development approval as a separate use unless otherwise exempted from a Development Permit by this bylaw. For example, a home-based business would be a secondary, versus principal, use in a residential zone, whereas a garden shed would be an accessory use to the single family residence containing the home-based business.

“SERVICE STATION” means premises or a portion thereof used or intended to be used for the servicing and repair of motor vehicles combined with the sale of fuel, oils and accessory parts for motor vehicles.

“SIGHT TRIANGLE” means that triangle formed by a straight line drawn between two points 25.0m back of the mid-point of the intersection of two road rights-of-way.

“SIGN” means any lettering, words, picture, logos, or symbols that identify, describe, illustrate, or advertise a product, place, activity, business, service or institution. A sign includes banners, placards, and painted messages, but not flags and interior window displays. Murals or other works of art that do not include a commercial message are not considered signs.

“SITE” means any lot or parcel of land. A site may include more than one lot.

“SITE COVERAGE” means the percentage of the horizontal area of a lot that may be built upon, including accessory buildings or structures but excluding steps, eaves, cornices and similar projections, courtyards, terraces or patios, driveways, aisles and parking stalls.

“SLEEPING UNIT” means one or more rooms that together are equipped to be used for sleeping and sitting purposes and may include an attached washroom.

“STABLES” means a building that is divided into separate stalls for individual animals.

“STAFF ACCOMMODATION/CARETAKER FACILITIES” means a building or portion of a building used to provide on-site accommodation by the employer for persons employed on the property, or a residence for the site caretaker.

“STOREY” means that part of a building excluding the basement between the surface of one floor and the ceiling of the floor or roof above.

“STOREY, FIRST” means the uppermost storey having its floor level not more than 2m above grade.

“STOREY, HALF” means a storey under a sloping roof, the wall plates of which, on at least two opposite walls, are not more than 0.6m above the finished floor of such a storey.

“STREET” means a public thoroughfare having a right-of-way over 9 m in width, which affords the principal means of access to abutting properties.

“STREET LEVEL” means the elevation of the centreline of the street opposite the lot line abutting the street.

“STRUCTURE” means a construction of any kind whether fixed to or supported by or sunk into land or water including towers, flag poles, sheds, docks, signs, tanks and the like.

“STUDIO” means a building, or part thereof where designing, creating, manufacturing, exhibition and sales are performed by artists and/or skilled trades people. Such uses may include potters, art painters, sculptors, furniture makers and other types of artists.

“SURVEYORS CERTIFICATE” means a site plan certified by a registered Canada Land Surveyor showing the locations of improvements on a lot relative to the lot lines.

T

“TEMPORARY SHELTER SERVICES” means the provision of communal, transient accommodation sponsored or supervised by a public authority or non-profit agency intended to provide basic lodgings for persons requiring immediate shelter and assistance for a short period of time. Typical uses include hostels, safe houses and overnight shelters.

“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 permitted fixed time period. Temporary uses may include fairs or special events. Temporary uses may also include the use of land to service a major construction project in progress including for any or all of, storage of materials or equipment, a site office, or a bunkhouse for the major construction project workers.

“TOP OF BANK” means a naturally occurring point, slope edge or setback line determined from topographic maps or by geo-technical study, where significant landform change can be detected.

“TOURIST SERVICES” means those facilities and uses intended to attract and serve visitors such as museums, botanical gardens, visitor reception centres, golf courses, riding stables, ski facilities and the like.

U

“USE” means the purposes for which land or a building is arranged or intended to be used, or for which either land or building is, or may be, occupied and maintained.

“UTILITY LOT” means a parcel of land designated to carry utilities above or below ground and is registered in the name of the municipality or operator of the utility.

V

“VARIANCE” means a relaxation of the requirements specified in this bylaw as permitted by the *Municipal Act*.

“VEHICLE” means any motor vehicle as defined in the *Yukon Motor Vehicles Act*.

“VEHICLE SALES AND SERVICE” means a use of a land and/or buildings where motor vehicles may be repaired, equipped, parked, or stored for remuneration, hire, sale or display.

“VETERINARY CLINIC” means those premises where pets, animals, and birds are treated and kept for medical or surgical purposes and are directly or indirectly under the care of a veterinarian.

W

“WALKWAY” means a public right-of-way or easement designed to provide safe and convenient passage for pedestrians, cyclists and other specified users.

“WATER SETBACK” means the horizontal distance between the side lot lines of a waterfront lot measured at right angles from the Ordinary High Water Mark (OHWM) of a watercourse, such as a river, lake or wetland.

“WAREHOUSE” means a building other than a wholesale or retail store, used exclusively for the internal storage of goods and material.

“WRECKED VEHICLE” means a vehicle that has not been in use for 120 days, is unlicensed and not roadworthy in its present condition without visible signs of effort to restore it to running order.

Y

“YARD, SETBACK” means the minimum distance between the property line and the nearest point which can be occupied by the principal building or structure.

“YARD, FRONT” means the area extending across the full width of the lot between side lot lines extending from the front property line to the nearest permitted building or structure.

“YARD, REAR” means the portion of a lot which extends across the full width of the lot between the rear property line and the nearest permitted principal building or structure.

“YARD, SIDE” means that part of the lot which extends from a front yard to the rear yard between the side lot line and the nearest permitted principal building or structure.

Z

“ZONING MAP” means Schedule C - the map that delineates the boundaries of the zones set out in this bylaw.

SCHEDULE B

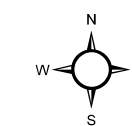
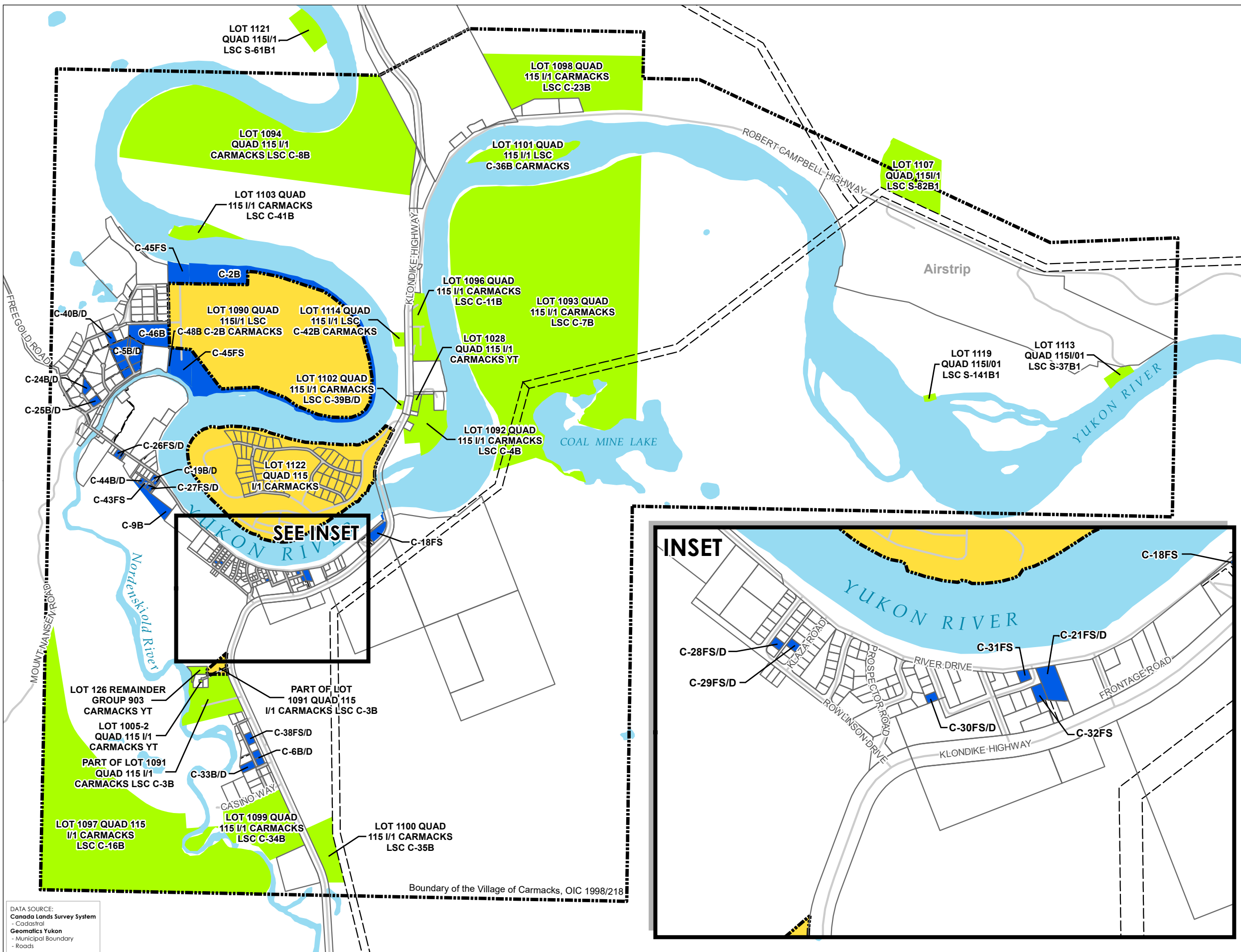
First Nation Lands





LEGEND

- FIRST NATION LANDS
- FN LANDS EXCEPTED FROM MUNICIPALITY
- FN LANDS SUBJECT TO OCP
- EASEMENT
- VILLAGE OF CARMACKS BOUNDARY



Scale: 1:30,000



MARCH 2022

Village of Carmacks - Schedule B
Zoning Bylaw No. 277-22

Schedule B First Nation Lands

DATA SOURCE:
Canada Lands Survey System
- Cadastral
Geomatics Yukon
- Municipal Boundary
- Roads

SCHEDULE C

Zoning Map



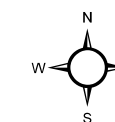


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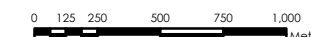
- FIRST NATION LANDS
- FN LANDS EXCEPTED FROM MUNICIPALITY
- FN LANDS SUBJECT TO OCP
- EASEMENT
- VILLAGE OF CARMACKS BOUNDARY
- 100-YEAR FLOOD LEVEL

ZONES

- A** AIRPORT
- C** COMMERCIAL
- CU** COMMUNITY USE
- CR** COUNTRY RESIDENTIAL
- FD** FUTURE DEVELOPMENT
- H** HINTERLAND
- I** INDUSTRIAL
- P** PARKLAND
- UR** URBAN RESIDENTIAL
- VH** VILLAGE HUB



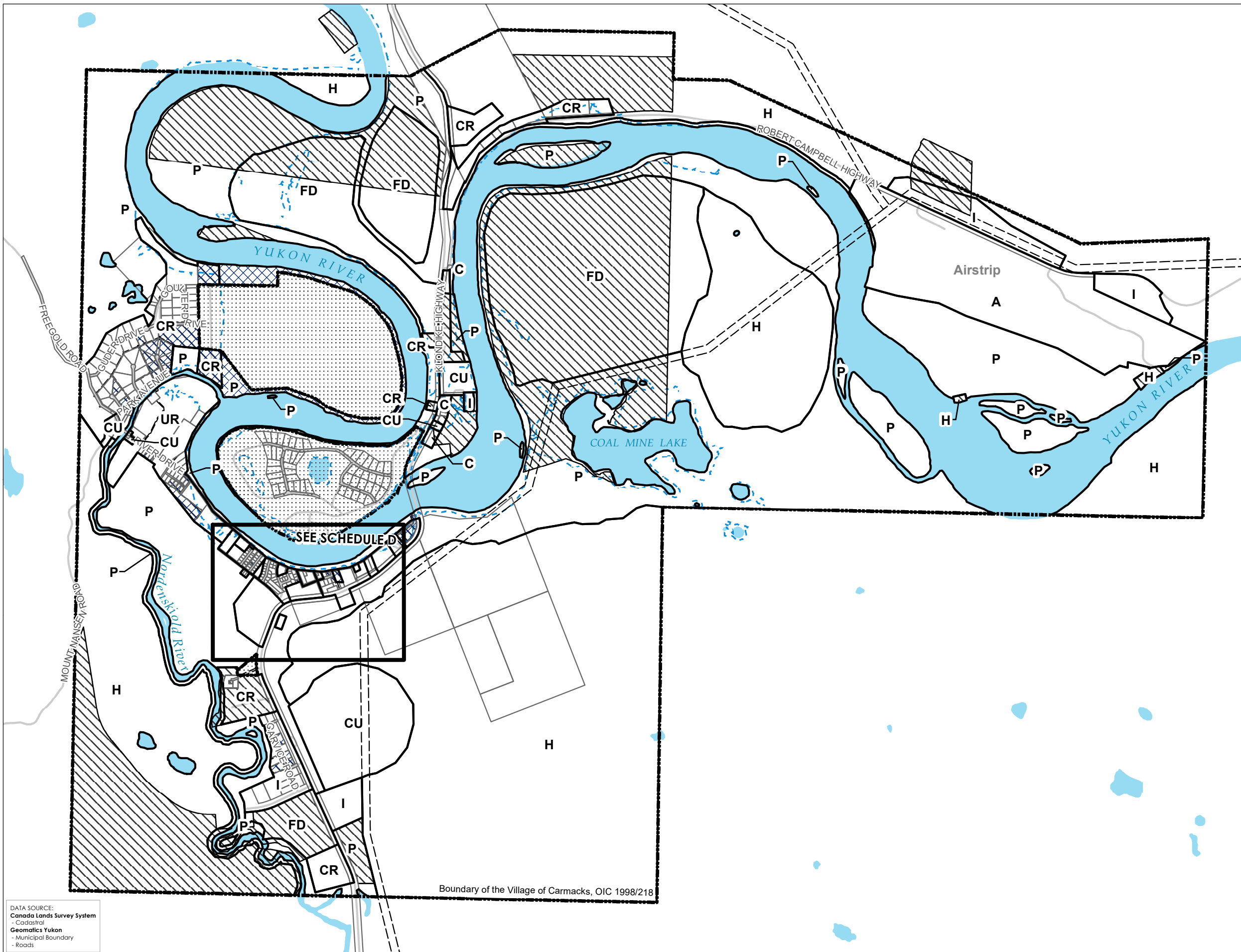
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MARCH 2022

Village of Carmacks - Schedule C
Zoning Bylaw No. 277-22

Schedule C Zoning



DATA SOURCE:
Canada Lands Survey System
- Cadastral
Geomatics Yukon
- Municipal Boundary
- Roads

Boundary of the Village of Carmacks, OIC 1998/218







SCHEDULE D

Zoning Map Inset



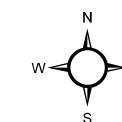


LEGEND

-  FIRST NATION LANDS
-  FN LANDS EXCEPTED FROM MUNICIPALITY
-  FN LANDS SUBJECT TO OCP
-  EASEMENT
-  VILLAGE OF CARMACKS BOUNDARY
-  100-YEAR FLOOD LEVEL

ZONES

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- VH** VILLAGE HUB



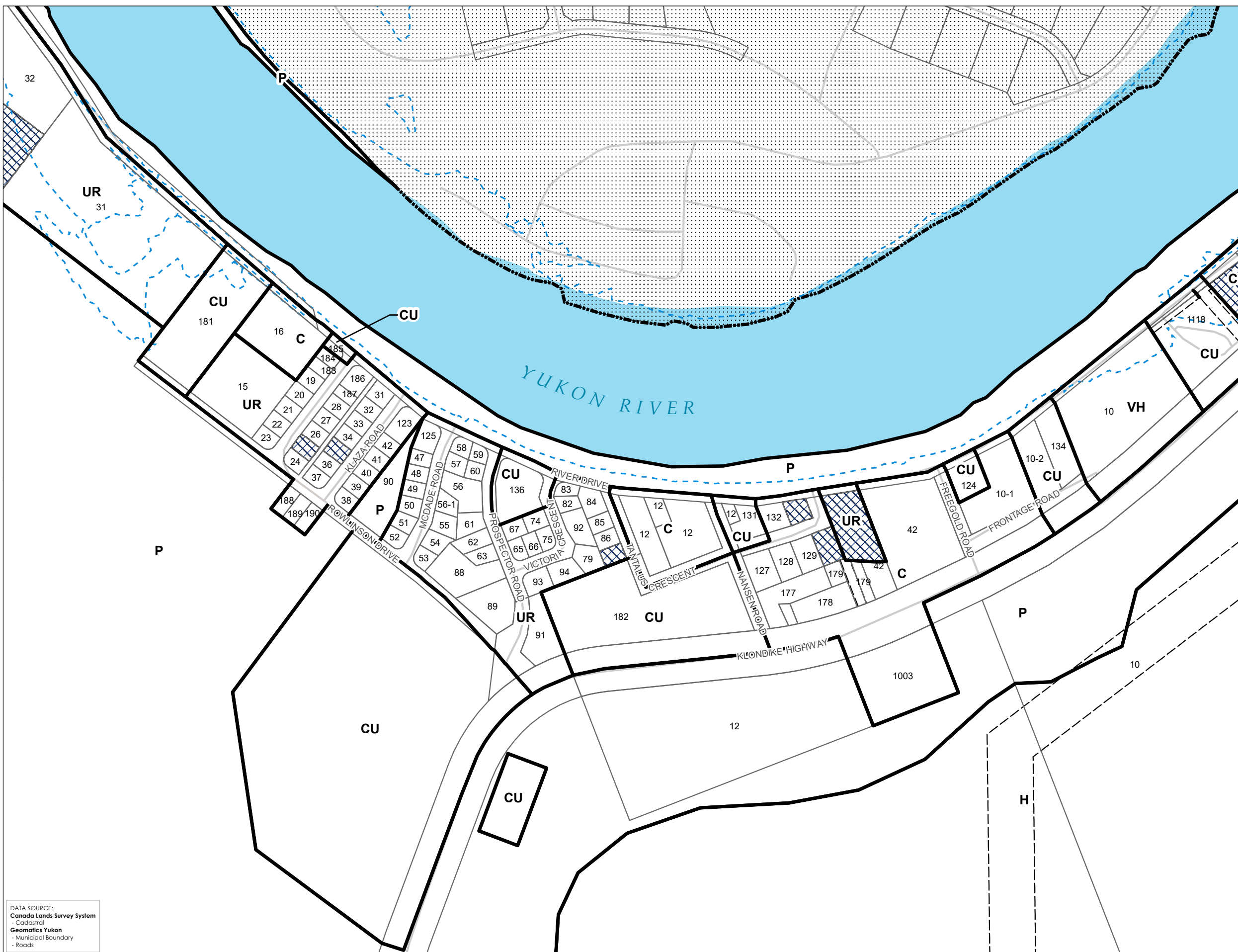
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MARCH 2022

Village of Carmacks - Schedule D
Zoning Bylaw No. 277-22

**Schedule D
Zoning Inset**



DATA SOURCE:
Canada Lands Survey System
- Cadastral
Geomatics Yukon
- Municipal Boundary
- Roads

Z:\Active Clients\Groundwell Planning\22-###_Carmacks Zoning update\4_GIS\2_Original.mpk - with revisions\ELAC Schedule D - Land Use Map Inset.mxd Last updated by sdenny on March-24-22 at 10:08:50 PM