

## **Section 3.0 Development Principles**

### **1) Permitted Uses**

No land shall be used and no building or structures shall be erected, altered, enlarged or used within the Town except in conformity with the provisions of this Zoning By-law.

### **2) Permitted Number of Buildings**

No lot shall have constructed or placed upon it by the owner, occupier or any other person more buildings or structure of any kind that that specified for the zone in which it is located as set out in this by-law

### **3) Temporary Use**

- a. The temporary use of a building or part thereof as a polling station for government elections, referenda, or census for a time period not to extend 60 days is permitted in all zones.
- b. The temporary use of a building or part thereof for campaign headquarters for political candidates for a time period not to exceed 60 days is permitted in all zones.
- c. Temporary structures of buildings which are erected for the purpose of providing temporary office space or storage of materials for the construction or maintenance of any private or public utility, or building or structure for which a requirement Development Permit has been obtained, shall be permitted provided such structure or building is removed within 30 days of completion of such utility, building or structure.
- d. Sea Cans, for the purpose of storage, will be permitted in any zone not longer than 6 months (168 days).
- e. Other temporary uses at the discretion of council.

#### **4) Utilities**

- a. The following uses, buildings and structures shall be allowed in all zones:
  - i. Municipal and public utilities
  - ii. Public roads
- b. Where a developer proposes to develop a subdivision in any zone and where water and sewer utilidors or natural gas are available on any surrounding streets, these utilities shall be installed by the developer at no cost to the municipality. The municipality may retain ownership of the said utilities as well as the appropriate right-of-way.

#### **5) Siting, Size and Shape of Buildings and Structures**

No building or structure shall be constructed, reconstructed, altered, moved or extended by the owner, occupier or any other persons so that contravenes the requirements for the zone in which it is located as set out in this by-law as requirement by an Development Permit.

#### **6) Siting Exceptions and Projections into Side yards**

Notwithstanding any other provision in this by-law, the following structures or portion of structures shall conform to the following provisions:

- a. Fireplaces, chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, and ornamental features may project 0.6 meters beyond the yard requirements of this by-law which otherwise apply to the building of which they are a part.
- b. Eaves and sunlight control devices may project 1.2 metres beyond the yard requirements of this by-law which otherwise apply to the building of which they form a part.
- c. Unenclosed steps with or without a landing, but without a roof and not more than 1 metre above ground level.

- d. An open, unenclosed deck or patio at ground level in any yard in a residential development if such deck is completely unclosed except by a guard rail or parapet wall not exceeding the maximum height permissible for a fence in the same location, but no such deck shall project into any required yard more than 2.5 metres or have a surface level more than 0.6 metres above finished ground at any point. The provision of an awing or similar temporary covering for such a deck shall be permitted.

## **7) Height Exceptions**

Height restrictions of this by-law do not apply to church spires, monuments, fire and observation towers, radio, television and telephone broadcasting and receiving towers, flag poles, aerials, water tanks, chimneys and industrial cranes.

Any new structures exceeding height restrictions shall be approved by Transport Canada prior to their construction to ensure height compliance with regulations.

## **8) Non-conforming uses and buildings**

- a. The provisions of this by-law shall not apply to prevent the use and development of land prohibited by the by-law if the use and development of land had been lawfully established before this by-law came into force and effect.
- b. A non-conforming use of buildings may be continued but if that use is discontinued for a period of six months or more the future use shall conform to this by-law
- c. A non-conforming use may only be enlarged, if the building is being converted to a use permitted in this by-law.
- d. A non-conforming building destroyed by fire or otherwise damaged by other means to an extent of 50 percent or more of the appraised value of the building shall not be rebuilt or repaired except in conformance with this by-law.

## 9) Building Regulations

- a. All development shall conform to the regulations contained within the National Building Code of Canada and the Building Code for the North, as amended.
- b. Notwithstanding subsection (a) in areas where water and sewer services are to be provided by truck the tank size must be sufficient of a maximum of two deliveries/pickups per week. The following shall apply to the size of the holding tanks:
  - i. Residential zones water tank minimum: 2,300 litres
  - ii. Residential zones sewer tank minimum: 3,500 litres
  - iii. All other zones: at the discretion of the Development Officer depending upon the nature of the proposed development and it's anticipated rate of water consumptions
- c. Applications for wooden block foundation must be in accordance with the Codes referred to in subsection (a). Applicants may be required to submit stamped engineered drawings to confirm code compliance.

## 10) Fencing

- a. Barbed wire shall not be used for fencing in any residential zone and may only be used for fencing for public safety and security reasons in zones other than residential zones.
- b. Single strand wire fences shall not be allowed in any zone.
- c. The maximum and/or minimum height requirements for fences are specified in each zone.
- d. Fences shall be maintained in good condition to the satisfaction of the Development Officer.
- e. The Council may require the installation of a fence to act as a visual screen.
- f. Fences may only be installed on the property lines with the written approval of adjacent land owners.
- g. Development permits are not required for construction or maintenance of any fence, wall or gate combination not exceeding 1.2 metres in height in the front of the structure and 1.8 metres elsewhere on the site, unless this construction is within a corner lot and there in that case the fence cannot exceed 1.0 metres in height as per Section 3(14) of this By-law "corner sight lines".

## **11) Accessory Uses**

Accessory buildings or structures shall be permitted in any zone in accordance with the following provisions and any additional provisions included elsewhere in this By-law:

- a. In a Residential Zone or in any lot used for residential purposes, accessory buildings and structures shall not be located within any minimum front yard or minimum exterior side yard, except as specifically permitted in this By-law. In all other zones, accessory buildings and structures shall conform to the requirements of the particular zone.
- b. In a Residential Zone or in any lot used for residential purposes, accessory buildings or structures shall not be located closer than 1.0 m to any interior side or rear lot line.
- c. In a Residential Zone or in any lot used for residential purposes, the total coverage of all accessory buildings and structures shall not be greater than 10% of the total lot area.
- d. In a Residential Zone or in any lot used for residential purposes, accessory buildings and structures shall not exceed 4.5 m in height.
- e. Any building or structure which is attached to the main building will not be considered accessory for the purposes of this By-law.
- f. In the Mobile Home Subdivision Zone all accessory structures, additions, porches, and skirting shall be of a quality and appearance equivalent to the mobile home and shall match and complement it.
- g. In the Mobile Home Subdivision Zone accessory uses such as garages or storage sheds shall not be located in the front yard setback, shall have a minimum rear yard setback of 1 metre, and shall have a minimum side yard setback of 1 metre.

## **12) Buildings to be Moved**

No building or structure shall be moved within the limits of the Town of Norman Wells or shall be moved into the Town unless the building or structure is to be used for a permitted purpose and satisfies all of the requirements of the zone in which it is to be located and then only after a permit has been obtained from the Development Officer. Liability insurance must be provided by the person or persons moving said structure or building.

### **13) Conflicting Standards**

Where there are any conflicting requirements in this By-law, the more restrictive standards shall apply unless specifically stated otherwise.

### **14) Corner Lot Sight Lines**

Notwithstanding any provisions of this By-law to the contrary, within any area defined as a sight triangle, the following uses shall be prohibited:

- a. a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- b. a fence or tree, hedge, bush or other vegetation, the top of which exceeds 1.0 m in height above the elevation of the centre lines of abutting streets; and
- c. a parking area.

### **15) Landscaping**

Any part of a yard in a residential zone which is not functionally required for the permitted use, an accessory building or structure, the required parking or access to the required parking, shall be retained in its natural state, landscaped or aesthetically improved.

A landscaping plan shall be included with all development permit application

Zoning By-Law Prepared for Public Hearing and 2<sup>nd</sup> Reading

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Town of Norman Wells

for development from Raven Road to Junkers Road (between the Mackenzie River and Canol Drive).

#### **16) Lots Divided into More Than One Zone**

Where a lot is divided into more than one zone, the zone containing the largest area of the lot shall apply.

#### **17) Use of Undersized Lots**

Where a lot having less than the minimum lot area or frontage required by this By-law, exists on the date of passing of this By-law or is increased in area or frontage but still does not meet the minimum area or frontage requirements of this By-law, such lot may be used for a purpose permitted in the zone in which it is located provided that all other applicable provisions in this By-law are met.

#### **18) Expropriation and/or Road Widening**

If any legally existing lot, building, or structure would become non-complying as a result of a road widening or an expropriation, by having its front lot area, frontage, front yard, and/or side yards reduced, the said existing lot shall be deemed to be complying for the purposed of this By-law.

#### **19) Strengthening Permitted**

Nothing in this By-law shall prevent the strengthening to a safe condition of a non-conforming building or structure, provided that the external dimensions of the original building or structure are not increased and the use of the building or structure is not altered, unless altered to a permitted use.

## **20) Noxious Uses**

No use shall be permitted which from its nature or the materials used therein, is declared to be a noxious trade, business or manufacture by any Territorial or Federal Statute.

## **21) Occupancy Restrictions**

No human habitation nor an occupation or activity conducted for gain or profit unless specifically permitted elsewhere in this By-law shall be permitted in the following buildings, structures or parts thereof:

- a. any private garage or other building which is accessory to a residential use;
- b. any automobile or truck whether or not the same is mounted on wheels.

## **22) Outdoor Illumination**

Outdoor illumination of buildings, structures, or yards, including parking areas, shall be permitted providing the fixtures are so designed and installed that the light is directed downward and is directed away from adjacent lots or streets.

## **23) Signs**

All outdoor overhead signage must be self-supporting and must be fastened securely to the face of the building or may be suspended perpendicularly from a building.

Signs may overhang from a building by up to 1 metre provided that

the bottom of the sign is no less than 2.4 metres from the ground.

A sketch of the sign showing measurements and design, as well as lettering must be provided with the application.

## **24) Through Lots**

Where a lot is a through lot, the requirements for front yards contained in this By-law shall apply to each yard abutting a street.

## **25) Protection of the Natural Environment & Riverbanks**

- a. Measures shall be taken to preserve existing wooded areas and natural features (i.e., slopes, bodies of water).
- b. No building, structure or part thereof shall be constructed within 30 metres horizontally of the ordinary high water mark of any river, lake or other watercourse unless approved by Council.
- c. No building structure or part thereof shall be constructed within 2 metres vertically of the ordinary high water mark or a river, lake or other watercourse unless approved by Council.

## **26) Home Occupations**

1. A Home Occupation shall not employ any person on-site other than a full time resident of the dwelling. There can be no employees or business partners working at the residence who do not live at the residence.
2. If a Home Occupation is to be operated from a leased residence, a letter from the owner of the residence acknowledging and permitting the Home Occupation is required.
3. A Home Occupation shall not change the principal character or external appearance of the dwelling. The business should not be visible for the outside of the residence other than one identification plaque of sign a maximum of 20 cm x 30.5 cm in size.

4. The Home Occupation cannot generate traffic to and from the residence that is uncharacteristic of the neighbourhood.
5. There shall be no outdoor business activity, or outdoor storage of material, goods or equipment associated with the Home Occupation.
6. The Home Occupation cannot create any kind of nuisance by way of dust, noise, odour, smoke, bright light or anything objectionable, as determined by the Development Officer.
7. There shall be no mechanical or electrical equipment used that creates external noise, or visible and audible interference with home electronics equipment in adjacent dwellings.
8. No vehicles over 4000 kilograms gross vehicle weight associated with the business can be parked at or near the residence.
9. The Home Occupation and residents operating the business must comply with all licensing and health and safety regulation of that business.

[Note to Town: permitting more than one home occupation seems contrary to the premise of a home occupation, which is supposed to be ancillary to the residential use; unless you add a provision that indicates that a home occupation can not occupy more than 25% of the gross floor area of the dwelling unit, then you should not allow for more than one home occupation.]

## **27) Note on developing land adjacent to airport land**

The Town of Norman Wells has a large portion of municipal land located adjacent to airport land. These areas clearly are in a different situation from Airport Land, and are controlled by other factors.

Aviation related issues such as Airport Zoning Regulations, Aviation Noise and Land Use in the Vicinity of the Airports are contained in the Government of Canada and Transport Canada documents.

See Aeronautics Act

- TP 312

- TP 1247

These sections in the Act pertain to aviation matters beyond the actual Airport Land property. This land use, beyond the items required by legislation, is normally controlled by the jurisdiction of the municipality in accordance with the aviation requirements identified in the Transport Canada documents.

There are normally restrictions of land use beyond the demands and priority of the aviation related uses, as contained in legislation or recommended land use guidelines. Normally there is a requirement to comply with municipal land use controls, plus National Building Code and municipal building requirements related to structure integrity, power and utility servicing.

The town should refer to these regulations when making planning decisions for land adjacent to airport lands.