

HAMLET OF ENTERPRISE

BYLAW #2023-146

“ZONING BYLAW”

Approved: October 10, 2023
Resolution: #2023-436

**HAMLET OF ENTERPRISE
ZONING BYLAW 2023-146**

This is a Bylaw of the Municipal Corporation of the Hamlet of Enterprise in the Northwest Territories to amend the Zoning Bylaw 2017-75, pursuant to the provisions of the *Community Planning and Development Act, S.N.W.T. 2011*, and the *Hamlets Act, S.N.W.T. 2003, c.22*.

WHEREAS the Council of the Hamlet of Enterprise enacted the Zoning Bylaw 2017-75;

AND WHEREAS it is now deemed desirable to amend the Zoning Bylaw 2017-75;

NOW THEREFORE the duly assembled Council of the Hamlet of Enterprise hereby enacts that:

A. Repeal

1. Bylaw 2017-75 is hereby repealed;

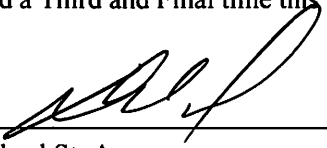
B. Adoption

2. The document entitled "Hamlet of Enterprise Zoning Bylaw" dated November 2021, attached to this Bylaw as "Schedule A", is hereby adopted as the Zoning Bylaw for the Hamlet of Enterprise.

Read a First time this 16th day of **November, 2021**.

Read a Second time this 3rd day of **August, 2023**.

Read a Third and Final time this 10th day of **October, 2023**.



Michael St. Amour
Mayor



Blair Porter
Senior Administrative Officer

As per Section 77(1)(d) of the Hamlets Act, I hereby certify that this bylaw has been made in accordance with the requirements of Hamlets Act and the bylaws of the Municipal Corporation of Hamlet of Enterprise.

Certified this 11th day of **October, 2023**.



Blair Porter
Senior Administrative Officer



Schedule A
Bylaw

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1 Part One – Introduction

1.1 Purpose

The purpose of this Bylaw is to regulate and control the use and development of land and buildings within the Hamlet of Enterprise (the Hamlet) in a manner that conforms to the Community Plan pursuant to the *Community Planning and Development Act* (the "Act").

1.2 Short Title

This Bylaw may be cited as the "Hamlet of Enterprise Zoning Bylaw".

1.3 Application

Land Claims – Lands of Interest

In recognition of the ongoing Indigenous land claim processes, lands of interest have been identified on the maps attached in Schedule "C". These lands are currently subject to rights-based negotiations and are not to be transferred or developed pending the outcome of the negotiations process. The Hamlet will be kept informed of the status and outcome of negotiations as they proceed.

1.4 Components of the Bylaw

- 1) Schedule A, the Bylaw text;
- 2) Schedule B, the Development Permit Application; and
- 3) Schedule C, the Zoning Bylaw maps.

1.5 Forms

All forms other than the Development Permit Application may be created and amended as necessary by the Development Officer, to be approved by Council motion.

1.6 Establishment of Zones

The Zoning Maps are found in Schedule C of this Bylaw. They divide the Hamlet into zones and specify the zoning provisions applying to particular lands. For the purpose of this Bylaw, the following zones are hereby established:

R	Residential	ES	Environmentally Sensitive Area
C	Commercial	OS	Open Space, Parks and Recreation

HC	Highway Commercial	H	Hinterland
LI	Light Industrial	LC	Land Claims – Lands of Interest
HI	Heavy Industrial		

The zone boundaries are delineated on the Zoning Maps. Where uncertainty arises as to the precise location of the boundary of any zone, the following rules shall apply:

- 1) Where zone boundaries appear to follow lot lines shown on a plan of subdivision, such lot lines shall be deemed to be the boundary.
- 2) When zone boundaries appear to follow roads, such boundaries shall be deemed to follow the centerline of the road allowance.
- 3) Where zone boundaries appear to follow the shoreline of water bodies, such boundaries shall be deemed to follow the shoreline.
- 4) If unsubdivided land, the zone boundary shall be determined by the use of the scale of the zoning map.

1.7 Previous Legislation

No provision of any other bylaw with respect to zoning, development control or development schemes shall hereafter apply to any parts of the Hamlet described in this Bylaw, subject to the transitional provisions of this Bylaw.

An application for a development, subdivision, or amendment to the Zoning Bylaw which is received in its complete and final form prior to the effective date of this Bylaw update shall be issued in accordance with the Hamlet’s Zoning Bylaw 2017-75 as amended, and the regulations thereto, as applicable.

1.8 Compliance with Other Legislation

- 1) A person applying for, or in possession of a valid Development Permit, is not relieved from the full responsibility for ascertaining, complying with or carrying out development in accordance with the:
 - a. Northwest Territories Community Planning and Development Act;
 - b. Conditions of any caveat, covenant, easement or other instrument affecting a building or land;
 - c. Most recent revision of the National Building Code of Canada;
 - d. Most recent revision of the National Fire Code of Canada;
 - e. Most recent version of the Fire Prevention Act of the Northwest Territories; and
 - f. The requirements of any other relevant federal, territorial or municipal legislation.

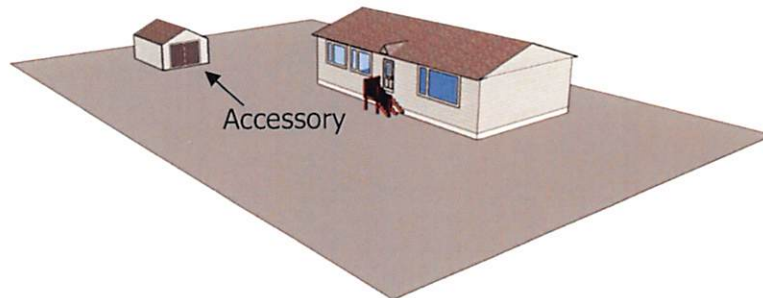
1.9 Severability

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

2 Part Two – Definitions

Note: All diagrams are for illustrative purposes only and are not part of the Bylaw.

Term	Meaning in this Bylaw
Accessory Building	Means a building or structure that is customarily incidental and subordinate to the main building and located on the same lot as the main building. Any building or structure attached to the main building will not be considered accessory for the purpose of this Bylaw.



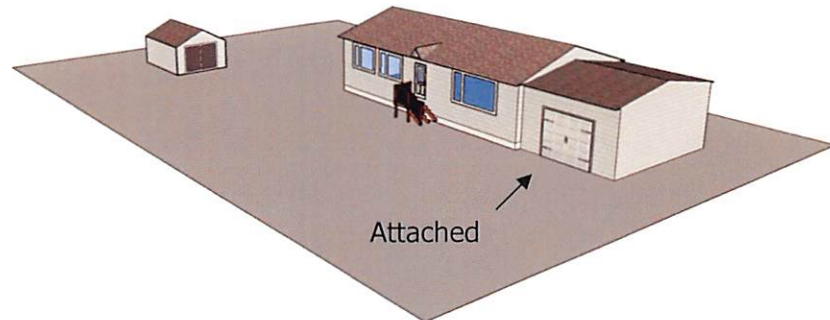
Accessory Use	Means a use that is customarily incidental and subordinate to the primary use of the property and that is located on the same parcel of land with the primary use. This includes signs.
Act	The Consolidation of the <i>Community Planning and Development Act</i> S.N.W.T. 2011, c. 22 as amended.
Agricultural Use	The use of land, building or structures for: <ol style="list-style-type: none">1) The production of farm products for sale such as market gardens, commercial greenhouses, grain grasses, vegetable, forestry and horticulture or other crops;2) The use and storage of all forms of equipment or machinery needed to accomplish the foregoing activities;

- 3) Accessory uses including packing or storing produce provided that the operation is secondary to that of the normal agricultural activities; or a Caretaker's Unit; but
- 4) Excludes Livestock Operations (see **Livestock Operations**).
- 5) The growth and cultivation of cannabis may be undertaken in the Industrial District only.

Appellant A person who, pursuant to the *Act*, has served notice of appeal to the Development Appeal Board.

Applicant Any person having a legal or equitable interest in property or a person acting as the authorized representative of such person who has applied, under the provisions of this Bylaw, for a permit for the development of land or a building.

Attached A building or structure otherwise complete in itself, which depends for structural support, or complete enclosure, upon a division wall or walls shared in common with adjacent building or structures.



Automotive Sales and Service Station A development intended for the sale of gasoline and other products necessary for the operation of motor vehicles. May include automotive service repair shops, gas bars, and car lots. Does not include bulk fuel.

Bed and Breakfast Establishment A residential dwelling with sleeping rooms without cooking facilities that are offered for short-term paid accommodation and usually include breakfast dining and where guest rooms form part of the proprietor's residence.

Board The Development Appeal Board established under this Bylaw.

Bulk Fuel	A use in which gasoline or diesel is stored and may be sold. Does not include Automotive Sales and Service Stations.
Caretaker's Unit	Premises used for the accommodation of a person employed as a caretaker, manager, security guard, or superintendent for an agricultural, industrial or commercial use operating on the site.
Car Wash	A building where motor vehicles are washed and may contain one or more wash bays and provide vehicle parking spaces on site.
Caterer	A use in which food and beverages are prepared for consumption off the premises, and are not served to customers on the premises, includes commercial kitchens.
Cemetery	Land set aside for the purpose of the interment of human remains and includes a mausoleum, columbarium or other structures intended for the interment of human remains.
Community Plan	The Community Plan of the Hamlet of Enterprise as adopted by Bylaw.
Council	The Council of the Hamlet of Enterprise.
Day Care Facility	A facility and program for the provision, care, and supervision of children in accordance with the <i>Child Day Care Act</i> and <i>Child Day Care Standards Regulations</i> of the Northwest Territories. The facility is not part of a school or health centre. The facility may function as an independent commercial business or a home occupation.

Development	<p>As defined in the <i>Act</i>, means:</p> <ol style="list-style-type: none"> 1) The carrying out of <ol style="list-style-type: none"> a. any construction, including the placement or movement of a building; b. any excavation, or the deposit or movement of soil or other materials; or c. other related operations. 2) The product of development, as the term is defined in paragraph (a) such as a building or a developed site; or 3) The making of any change in the use or intensity of use of any land or building. <p>For further clarity, the demolition of or alteration to existing buildings or structures is considered to be development.</p>
Development Authority	<p>As defined in the <i>Act</i>, means either Council or a development officer appointed under section 52 of the <i>Act</i>, or both, responsible for:</p> <ol style="list-style-type: none"> 1) Making decisions on applications for each type of Development Permit; and 2) Other powers and duties of a development authority under the <i>Act</i>, <i>the Regulations</i> and the zoning bylaw that relate to the use and development of land and buildings.
Development Officer	<p>An official of the municipality, appointed by Council, under section 52 of the <i>Act</i>, responsible for administering this Bylaw and other responsibilities as outlined under "Development Authority". The Development Officer is responsible for the approval of Permitted Use Development Permits.</p>
Director of Planning	<p>The Director of Planning appointed by the Minister under section 74 of the <i>Act</i>.</p>
Discretionary Use	<p>A use of land or buildings that may be authorized at the discretion of the Development Authority.</p>
Dwelling	<p>A dwelling means a use that includes rooms designed to be used as a residence by one or more persons and that includes cooking, living, sleeping and sanitary facilities.</p>
Dwelling Unit	<p>A building, self-contained portion of a building, or suite of rooms for the use of one or more individuals living as a single housekeeping unit. A dwelling unit contains sleeping, cooking and separate or shared toilet facilities and is intended as a permanent or semi-permanent residence.</p>

Eating Establishment	A development used for eating where food and beverages are offered for sale to the public, for consumption within the premises or off-site. Typical uses include restaurants, cafes, take-outs, drive-throughs, convenience stores, and banquet facilities.
Environmental Assessment	A site assessment conducted by a qualified professional following the <i>Canadian Environmental Assessment Act (CEAA)</i> , to determine existing contamination at a site or potential contamination that could come from development, and mitigation measures that can be utilized to reduce the environmental impact of development.
Equipment Sales and Service	The assembly, sales, rental, and service of any heavy equipment including heavy vehicles or recreational trailers used in commercial, industrial, or agricultural activities.
Facade	The face or faces of a building having frontage on a public road.
Floor Area	The total of the floor areas of every room and passageway contained in a building but not including the floor areas of basements, unoccupied attics, attached garages, sheds, or open porches unless they contain habitable rooms.
Forestry	The use of land, building or structures for: <ol style="list-style-type: none"> 1) The sustainable harvesting, including replanting, of trees and/or wood fibre for sale; and 2) The use and storage of all forms of equipment or machinery needed to accomplish the forestry activities.
Grade	The average of the elevations of all the natural or finished levels of the ground adjoining all the walls of a building.
Grade, Finished	The final elevation of the ground surface after development.
Greenhouse	<p>Community: Public or Private land or building that is dedicated to collective cultivation by a group of community members to grow plants for personal consumption or donation. The sale of food or plants is not allowed/authorized.</p> <p>Personal: Private or leased land or building that is dedicated to local cultivation to grow plants for personal use, not for profit or offsite consumption.</p>

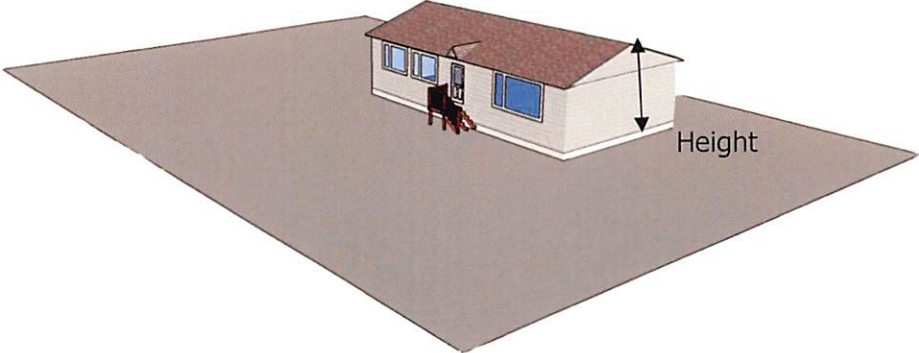
Commercial: Private or leased land or building that is dedicated to commercial cultivation to grow plants primarily for wholesale or retail sale.

Hamlet The Hamlet of Enterprise.

Hazardous
Substance or
Dangerous
Goods Includes the storage of any of the following:

- 1) explosives and pyrotechnics;
- 2) gases (either compressed, deeply refrigerated, liquefied, or dissolved under pressure);
- 3) flammable and combustible liquids;
- 4) flammable solids (including substances liable to spontaneous combustion and substances which, on contact with water, emit flammable gases);
- 5) oxidizing substances and organic peroxides;
- 6) poisonous and infectious substances;
- 7) radioactive material;
- 8) medical or biological waste;
- 9) corrosives; or
- 10) other substances of similar nature.

Height When used with reference to a building or structure, is the vertical distance between the average finished grade and the highest point of the roof.



Highway A highway or proposed highway that is designated as a *primary highway* under the *Public Highways Act*.

Home
Occupation Any occupation, trade, profession or craft carried out by an occupant of the primary dwelling which is incidental and subordinate to the residential use and which does not change the character of the property thereof and

creates minimal traffic for both deliveries and on-site parking. This definition includes Day Care Facilities, Personal Workshops and Catering Businesses. No outdoor storage associated with the home occupation is allowed.

Industrial Use **Light:** A use or development of land for the purpose of processing, warehousing, repairing, distribution, manufacturing, mechanical shop, construction, or storage warehouse of goods and materials and where minimal nuisances are generated and industrial activity occurs primarily indoors. May include an office as an accessory use.

Heavy: A use or development of land for the purpose of mechanical shops, construction, manufacturing including wood pellet plants, logistics, processing, cannabis growth, warehousing, stockpiling or storage that requires a large tract of land and/or is subject to the generation of off-site nuisances including noise, smoke, ash, dust, toxic gases, glare, heat or noxious odors. May include an office as an accessory use.

Institutional Use Publicly or privately owned and operated activities including:

- 1) hospitals, care facilities, nursing homes;
- 2) museums, public libraries, arenas, art galleries, tennis courts, swimming pools, indoor and outdoor recreational facilities;
- 3) churches and other religious organizations; and
- 4) other nonprofit, educational, or philanthropic activities not considered to be residential, commercial, or industrial uses.

Kennel **Indoor:** The use of land for the purpose of boarding, breeding, raising, or training of animals in an enclosed building.

Outdoor: The use of land for the purpose of boarding, breeding, raising, or training of animals in an outdoor enclosure (includes dog lots).

Landfill A restrictive area used for the controlled placement of refuse for waste management purposes, subject to regulations imposed through the Mackenzie Valley Land and Water Board.

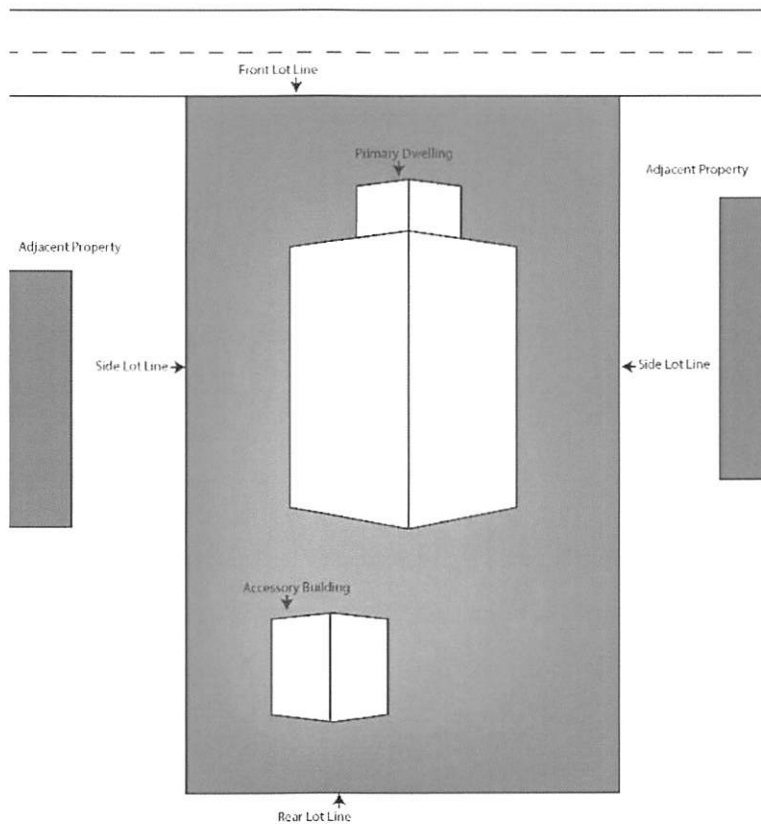
Laydown Yard A fenced outdoor area where tools, materials, equipment, vehicles, etc. are stored until they need to be used.

Livestock Operations

Any facility capable of being used for the rearing and feeding of livestock on a continuous basis for commercial purposes. Without restricting the generality of the foregoing this definition includes feed lots, and poultry or fowl operations.

Lot Line

The legal boundary of a parcel of land shown as a line on the applicable survey plan or on a real property report.



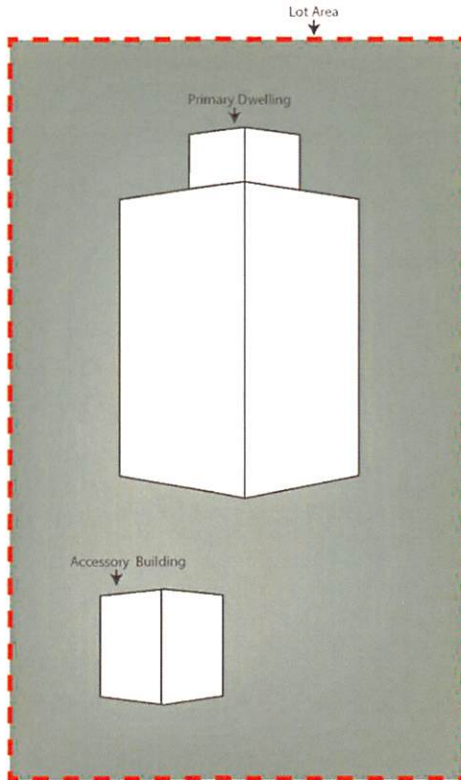
Lot

An area of land, the boundaries of which are shown on a plan registered in the Land Titles Office for the Northwest Territories Registration District, are described in the Certificate of Title, or are the subject to other forms of interest in land under the terms of the *Northwest Territories Lands Act* and *Regulations* or the *Commissioner's Land Act* and *Regulations*.

Lot Coverage

The portion of the total area of a lot, site or parcel which may be covered by buildings or structures. Lot/site/parcel coverage is equal to the area

primary building footprint plus the area of all accessory building footprints divided by the total lot area.



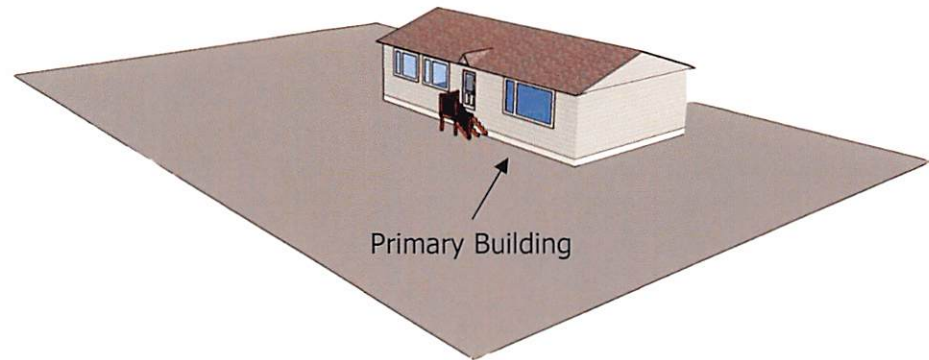
Medical and Health Services	A building where a professional health practitioner provides diagnosis and treatment to patients.
Mobile Food Vendor	A vendor who prepares and/or sells food and beverages from a mobile food truck or cart, while parked in a legal parking space.
Motel/Hotel	A building containing sleeping units, used as a temporary abode for tourists or transients, providing sanitary facilities, and may also include kitchen facilities, a dining room, and other public rooms.
Nuisance	Any off-site impacts from a development that may be or may become hazardous, injurious, or which may affect the amenities of the neighborhood or may interfere with the normal enjoyment of any land,

building or structure, including but not limited to the creation of smoke, noise, ash, dust, toxic gases, glare, heat or noxious odors.

Office	A building or part of a building used or intended to be used in the performance and transaction of business including bureaucratic, professional, administrative and clerical activities.
Open Space	Any portion of a lot which is unoccupied by buildings or structures above ground level and is open to the sky and shall include landscaped Open Space.
Outdoor Storage	The storage of goods, merchandise or equipment outside of a building or structure on a lot or portion thereof, including such uses as building materials supply yards. This definition shall not include the open storage of goods or equipment incidental to a residential use. Does not include a Scrap Yard.
Owner	<ol style="list-style-type: none">1) In the case of land owned by the Commissioner of the Northwest Territories or the Crown in right of Canada, the Commissioner or Minister of the Crown having the administration of the land; or2) In the case of any other land, any person, firm or corporation having any right, title, estate or interest in the property in question, and any agents, contractors, attorneys, trustees, successors, assignees, or executors thereof, as the case may be, but does not include a mere occupant or mortgagee.
Park	An area of land consisting largely of open space which may include a recreational area, playground, play field or similar use. A public park shall mean a park owned and maintained by the Hamlet or other public authority.
Permitted Use	A use which is allowed in a particular zone.
Personal Services	A business that provides services to an individual which are related to personal care and appearance or the cleaning and repair of personal effects including barbershops, hairdresser, beauty salons, tanning salons, tailors, dressmakers, shoe repair shops.

Primary Building A building which:

- 1) Occupies the major or central portion of a Lot;
- 2) Is the chief or main building on a Lot; and
- 3) Constitutes by reason of its use, the primary purpose for which the Lot is used.



Primary Use The main purpose for which a Lot is used.

Public Building or Quasi-public Building A building which is available to the general public for non-commercial public uses and activities. See also **Institutional Use**.

Public Land/Use Land and/or a building that is owned and operated by the Government (whether municipal, territorial or federal) for the use and enjoyment of the community. May include public institutional uses and open space.

Recreational Facility Any building or structure or specific area planned for, used for or related to recreational activities and shall include seasonal campgrounds, picnic areas, outdoor shelters, playground areas and equipment, sports fields, skating rinks and the like. Also includes recreational vehicle water fill and dumping facilities (Sani dumps).

Recreational Use An activity relating to the active or passive enjoyment of the natural environment, which shall include parks, trails for non-motorized or motorized users, conservation areas, campsites, traditional activities, and the like.

Reserve A parcel of land set aside for the use of the Hamlet or other public authority.

Convenience Store	A building or part of a building used primarily for the sale of grocery and confectionery items and incidentally for the sale of other merchandise as is required to fulfill the day to day needs of a surrounding residential area.
Retail Store	A building where goods, wares, merchandise, substances, articles or things are offered or kept for sale, including storage of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such a store. May include clothing stores, gift shops, convenience stores, grocery stores, liquor stores, marijuana sales, hardware stores and the like.
Right-of-Way	An agreed-upon allowance which permits another party to access a portion of a property for a specific reason, typically related to linear utilities, and places restrictions on the use of that land.
Scrap Yard & Recycling Facility	A place where discarded or salvaged materials are bought, sold, exchanged, stored, based, cleaned, packed, disassembled or handled, or recycled. May include auto wrecking yards, house wrecking yards, used lumber yards, and places or yards for use of salvaged house wrecking and structural steel materials and equipment, but excluding pawn shops and establishments for the sale, purchase or storage of used cars in operable condition.
Screened	Totally or partially concealed from adjacent uses by a fence, wall, berm or soft landscaping.
Sewage Disposal Site	A site which is licensed or approved for use as a disposal site for sewage by any regulating authority.
Sign	Any object or device intended for the purpose of advertising or calling attention to any person, matter, thing or event and includes any word, letter, model, picture, symbol, lights, digital display, device or representation used as, wholly, or in part, an advertisement, announcement or direction. Without restricting the generality of the foregoing, a sign includes posters, notices, panels, and banners. Signs are considered accessory uses.

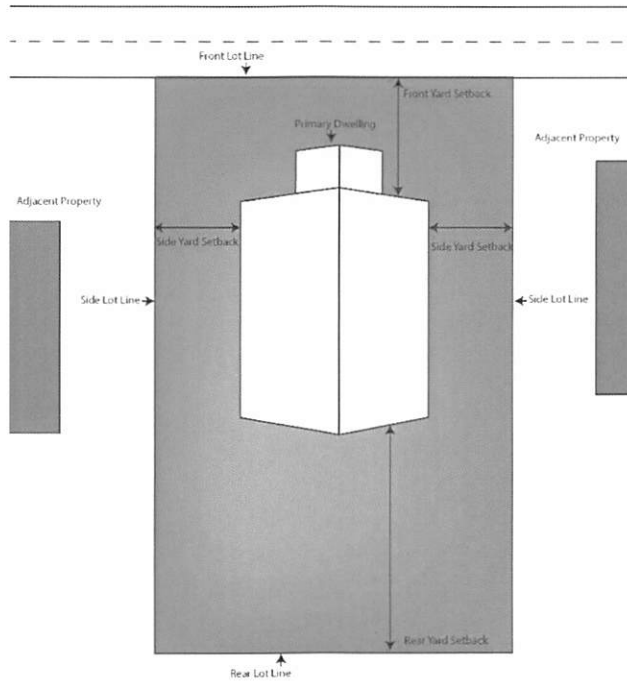
Community Sign: A sign containing advertisement which provides direction to or information on community or quasi-public facilities or short-term events.

Fascia Sign: A sign placed flat and parallel for its whole length to the face of the building so that no part projects more than thirty (30) centimetres from the building to which it is attached.

Storage Facility	A building or series of buildings for the indoor storage of personal or commercial goods excluding dangerous or hazardous materials. May include outdoor storage as an accessory use.
Storage Facility, Hazardous Substances and Dangerous Goods	A building or buildings for the indoor and fully contained storage of Hazardous Substance or Dangerous Goods subject to all Territorial and Federal requirements including but not limited to the National Fire and Building Code.
Structure	Anything that is erected, built or constructed of parts joined together with a fixed location on the ground, or attached to something having a fixed location in or on the ground and shall include buildings, walls, fences or any sign.
Subdivision	A land area subdivided by a Plan of Survey registered at the Land Titles Office for the Northwest Territories Registration District, containing lots for freehold or leasehold tenure.
Temporary Use	A use intended to only be operational for a prescribed time, as determined by the Development Authority. Temporary uses may occupy existing buildings or vacant sites. Temporary uses shall not create long-term impacts to a site or building. May include mobile street vendors and mobile food vendors.
Trailer Coach	Any portable accommodation providing temporary living quarters in which all facilities are not necessarily self-contained.
Truck Stop	A use that may combine one or multiple of the following: 1) truck depot with overnight parking area; 2) gas bar; 3) automobile service station; or

- 4) restaurant, and/or convenience food store to cater both to the traveling public and commercial truck traffic.

Use	The purpose for which any land, building, structure or any combination thereof is designed, arranged, occupied or maintained.
Variance	A minor deviation or relaxation from the existing Zoning Bylaw requirements.
Veterinary Clinic	A facility for the medical care and treatment of animals, and includes provision for their overnight accommodation but does not include kennels, outdoor pens, runs or enclosures.
Warehouse	A building or portion of a building used or intended to be used for the bulk storage of goods, commodities, wares, merchandise or materials.
Workshop, Artisanal	A commercial use in which goods are manufactured or repaired to be sold on or offsite. Activities may include woodworking, metal working, pottery, or other similar artisanal businesses.
Yard Setback	<p>The minimum distance the exterior of a building can be located from an adjacent property line. Each land use zone has specific setbacks established for each lot line and building type. Setbacks are put in place to ensure compliance with building codes.</p> <ol style="list-style-type: none">1) Front Yard Setback means a yard extending across the full width of a parcel from the front lot line of the parcel to the front wall of the primary building situated on the parcel.2) Side Yard Setback means a yard extending from the front wall of the primary building situated on a parcel to the rear wall of the primary building and lying between the side lot line of the parcel and the side wall of the primary building.3) Rear Yard Setback means a yard extending across the full width of a parcel from the rear wall of the primary building situated on the parcel to the rear lot line of the parcel.



Zone The area of land designated as a zone in this Bylaw in accordance with the *Act*.

All other words and expressions have the meaning respectively assigned to them in the *Act*.

3 Part Three – Development Authority

3.1 Development Officer

- 1) The Development Officer is hereby established as the Development Authority responsible for the following:
 - a. the duties specified in Section 4 of this Bylaw; and
 - b. enforcement as specified by Council pursuant to Sections 52 through 60 of the *Act*.
- 2) A Development Officer shall:
 - a. receive and process all Development Permit applications pursuant to this Bylaw;
 - b. keep and maintain for inspection by the public during normal office hours the following official records:
 - i. a copy of the planning documents and all of the amendments thereto; and
 - ii. a register of all applications for development, including the decisions therein and the reasons therefore.
 - c. refer all Discretionary Use Development Permit Applications to Council.
- 3) The Development Officer is the Senior Administrative Officer or the Senior Administrative Officer's delegate
- 4) For Development Permit Applications for Permitted Uses:
 - a. the Development Officer may:
 - i. approve with conditions;
 - ii. approve without conditions; or
 - iii. refuse with written reasons.
 - b. the Development Officer may approve an amendment to a valid development permit where the amendment is deemed to be minor pursuant to Section 4.4(1) of this Bylaw. It shall be at the discretion of the Development Authority whether to approve the amendment or require a new development permit application.
 - i. the application for a minor development permit amendment shall be made in a form satisfactory to the Development Authority and shall be accompanied by such information as the Development Authority requires necessary to appropriately review the application.

3.2 Hamlet Council

Council is the Development Authority for all discretionary uses.

The function of Council with respect to this Bylaw shall be to:

- 1) Review and render decisions on applications for development of a Discretionary Use;
- 2) Review and render decisions on applications for rezoning and/or other amendments presented to it by the Development Officer;
- 3) Specify the length of time that a permit may remain in effect for a temporary use; and
- 4) Carry out other such duties as may be prescribed in this Bylaw.

3.3 Development Appeal Board

- 1) A Development Appeal Board is hereby established and must consider and determine such appeals as may be referred to under the provisions of the *Act*.
- 2) The Development Appeal Board shall discharge such duties that are given to it in this Bylaw or any amendment thereof.
- 3) The Development Appeal Board may meet as frequently as necessary but shall commence its hearing on an appeal within 30 days after an application for an appeal has been made to it.
- 4) The Board shall be composed of a Chairperson and two other members to be appointed concurrently for three years of office by resolution of Council.
- 5) The Board shall include no more than 1 member of Council, but a majority of the Board shall be persons other than members of Council and the Board shall not include employees of the Hamlet.
- 6) If the member of Council appointed to the Development Appeal Board participates in the decision of the appealed development as a Development Authority, they must abstain from participating in the hearing.
- 7) When retirement or resignation of an Appeal Board member results in a vacancy, the vacant position shall be filled by resolution of Council.
- 8) The Chairperson of the Development Appeal Board shall sign all notices of decisions and any other documents on behalf of the Board, relative to any jurisdiction or power of the Board, and any documents so signed shall be deemed to be signed on behalf of, and with the approval of, the Development Appeal Board.
- 9) Where the Chairperson of the Development Appeal Board is absent or disabled, any document of the Board may be signed by any 1 member, and when so signed, shall have the like effect as though signed by the Chairperson.
- 10) 3 members of the Development Appeal Board constitute a quorum for the making of all decisions and for doing any action required or permitted to be done by the Board.
- 11) Only those members of the Development Appeal Board in attendance at a Board meeting shall vote on any matter then before the Board.

- 12) The decision of the majority of the members of the Board present at a meeting duly convened is deemed to be the decision of the whole Board unless there is a tie vote, in which case the vote of the Chairperson shall be deemed to be the decision of the Board.

4 Part Four – Development Application

4.1 Control of Development

- 1) No Development shall be undertaken within the Hamlet unless an application for the Development has been approved and a Development Permit has been issued.
- 2) Nothing in this Bylaw, or in a Development Permit, or other approval issued under this Bylaw or under the *Act*, shall be construed as authorization for the carrying out of any activity that is regulated through Federal or Territorial legislation or other Hamlet bylaws.
- 3) Excluding the developments listed in Section 4.2 below, no Development shall be undertaken, nor occupancy granted, use commenced, structure moved, building erected or demolished, or utility connection approved without the necessary permits having been obtained pursuant to this Bylaw.
- 4) In each zone shown on the Zoning Maps, Permitted or Discretionary Uses of land and buildings are specified in Section 6 of this Bylaw.
- 5) The person to whom a Development Permit is issued shall be responsible for the provision of services to the site, landscaping of the site, access and other requirements such as site drainage, fire protection facilities or equipment and the prevention of seepage of any sort onto adjacent lands.

4.2 Development Not Requiring a Permit

- 1) Notwithstanding Section 4.1(1) above, provided that such developments comply with all other regulations of this Bylaw which are applicable, the following are considered developments for which a Development Permit is not required:
 - a. painting or decorating;
 - b. maintenance or minor repairs (non-structural);
 - c. erection and maintenance of any fence or gate;
 - d. the erection, location or construction of temporary buildings, works, plants or machinery needed in connection with construction operations for a Development for which a Development Permit has been issued, for the period of the construction operations;
 - e. Home Occupations, subject to having a valid Business License renewed annually that shall be required to be in effect for the period the Home Occupation is operated;

- f. Mobile Food Vendors, and Mobile Street Vendors, subject to having a valid Business License renewed annually that shall be required to be in effect for the period the Mobile Vendor is in operation;
- g. the maintenance and repair of public works, services and utilities and roads carried out by or on behalf of the municipal authority on land which is publicly owned or controlled;
- h. construction or installation of an accessory structure that does not exceed 10 m² in area and is not more than 3 metres in height;
- i. gardens, for the personal or community consumption of local produce;
- j. the development and maintenance of a personal or community greenhouse less than 10 m² and not more than 3 metres in height, unless the greenhouse operates for commercial purposes;
- k. other similar work, at the discretion of Council, provided that no person's health or safety is endangered; and
- l. signs, as exempted in Section 5 of this Bylaw.

4.3 Development Permit Application Procedure

- 1) Development Permit Applications will only be accepted from the Owner or a person who provides written consent of the Owner.
- 2) An application for a development permit shall be made in writing to the Development Authority by submitting:
 - a. a complete application form ("Form 1" as found in Schedule B of this Bylaw);
 - b. a site plan with information about existing and proposed development activities, drawn to scale at no less than 1:1000 scale;
 - c. an authorization letter from all registered owners, if applicable, and if the registered owner is a corporation, a corporate search is required to be provided;
 - d. in the case of a permit for demolition of a building, the volume of materials and confirmation regarding hazardous waste;
 - e. Proof of approval from the Fire Marshall's office with respect to the National Building Code and National Fire Code, if applicable; and
 - f. any other information required by the Development Authority to make a decision.

4.4 Amending Minor Development Permits

- 1) All applications for a minor amendment to an approved development permit application are made at the discretion of the Development Authority. The following criteria are intended as a guide for review of minor changes to approved Development Permits:

- a. the amendment does not require any new development variances or increase approved variances;
 - b. the amendment does not increase the level specified for density and site coverage beyond what is defined in the applicable zoning district.
 - c. an amendment that requests a change in the siting of a building or structure does not encroach into the setback of the applicable zoning district;
 - d. the amendment does not affect the overall building or site planning of the proposed development;
 - e. approved open space and amenity areas are maintained and proposed changes to landscaping are of equivalent value to approved plans;
 - f. the amendment does not involve modifications to the basic form and character of a development and impact adjacent properties;
 - g. the amendment does not require additional conditions be added to the approved development permit; and
 - h. proposed changes to the location and configuration of vehicle access and parking areas are limited to:
 - i. slight variations to the approved location, size, width and length of accesses.
 - ii. slight variations to the approved location, number and configuration of parking.
- 2) Multiple amendments requested as part of a Minor Development Permit Amendment shall be reviewed subject to the merits of each individual amendment by the Development Authority. The Development Authority may:
- a. approve one, any or all amendments proposed with a Minor Development Permit Amendment; or
 - b. require a new Development Permit Application for one, any or all amendments found to exceed the above criteria in Section 4.4(1).
- 3) Every application for a Minor Development Permit Amendment shall include a revised site plan showing all required modifications from the original Development Permit submission at the permit review stage, to allow the total impact of proposed changes to be assessed. This assessment is not intended for approval of modifications which have already been constructed.
- 4) Notwithstanding Section 4.4(3) above, the Development Authority may also require an applicant to submit such additional information as they consider necessary to verify the compliance of the amendment with the regulations of this Bylaw.
- 5) The Development Permit Amendment is deemed to be refused if a decision of the Development Authority has not been made within 20 days of the official receipt of the application, and the pre-existing approved Development Permit remains in effect.

4.5 Notice of Application

- 1) For any uses of land or buildings that may be permitted at the discretion of the Development Authority, the Development Authority must give notice of an application for a development permit for such use to owners and lessees of land within 30 metres of:
 - a. the boundary of the land in respect of which an application for a use of land relates; or
 - b. the boundary of the land on which a building is situated, in respect of an application for a use of a building.

4.6 Development Permit Fees

- 1) Each application for a Development Permit shall be accompanied by a fee, as stipulated in the Hamlet's Fees, Charges, and Fines Bylaw #2023-145. No application will be accepted unless said fee is paid in full.
 - a. if a requested amendment to an existing development permit is deemed minor in nature by the Development Authority, the requirement for a new development permit application may be waived by the Development Officer.

4.7 Decision on Development Permits

- 1) A Development Authority shall, subject to any applicable conditions, approve an application for a development permit for a use specified in this bylaw as a permitted use of land or of a building if the development authority is satisfied that the applicant meets all the requirements of this bylaw.
- 2) A Development Authority may, subject to any applicable conditions, approve an application for a development permit for a use of land or a building specified in this bylaw as a use that may be permitted at the discretion of the development authority if the development authority is satisfied that all the requirements of the bylaw are met.
- 3) A Development Authority may, subject to any applicable conditions, approve an application for a development permit in respect of a development that does not fully conform with this bylaw, or an application that relates to a non-conforming use, if such application is allowed in this bylaw.
- 4) A decision of a Development Authority on an application for a development permit must be in writing and a copy of it must be given to the applicant, and must be made within 40 days of receiving the development permit application.
- 5) If a Development Authority refuses an application for a development permit, the decision must include reasons for the refusal.

4.8 Conditions of Approval of Development Permits

- 1) The Development Authority may impose, with respect to an approved development permit application any conditions to ensure complete compliance with this Bylaw.
- 2) The conditions that the Development Authority may impose on an approved permit are:
 - a. Enter into a development agreement as outlined in Section 20 of the Act;
 - b. proof that satisfactory arrangements for the supply of water, electric power, sewer services, vehicular and pedestrian access, or any of them, including payment of the costs of installation or constructing any such utility or facility have been obtained by the applicant;
 - c. evidence that an acceptable Fire Safety Plan has been submitted to the Office of the Fire Marshal, and provide a copy of the Fire Safety Plan to the Development Authority;
 - d. provide evidence of a site investigation by a qualified professional engineer in areas that are at risk of flooding or erosion to determine the suitability of the site for the intended development;
 - e. provide evidence that a building including its foundation will be designed in accordance with the National Building Code of Canada; and
 - f. any other appropriate planning conditions
- 3) No change in plans, use of site, or methods of construction shall be undertaken unless, and until, such change is approved in writing by the Development Authority.

4.9 Variances and Relaxation of Regulations

- 1) The Development Authority may approve an application for a development permit in respect of a proposed development that does not fully conform with the bylaw, if the development authority is satisfied that the proposed development would not:
 - a. Unduly interfere with the amenities of the neighborhood; or
 - b. Detract from the use, enjoyment or value of neighboring parcels of land.

4.10 Notice of Decision

- 1) When a development permit has been granted, the Development Officer shall, as soon as possible:
 - a. send a notice of approved decision in writing to the applicant and landowner;
 - b. clearly post a notice of decision on the lot or structure for which the application has been made;
 - c. post a notice of the decision in the municipal office, and any other public location the Development Officer deems necessary;

- d. a Development Permit does not come into effect until 15 days after the date notice is given of the decision as required by this Bylaw. Any development that proceeds prior to the Development Permit coming into effect is done solely at the risk of the Applicant;
- e. for a Development Permit for which a variance has been granted, the Development Officer shall send notice of the decision by regular mail to all owners and lessees of land within 30 metres of the boundary of the subject property, or at the discretion of the Development Officer, to a broader area, stating the nature of the variance and the development, the legal description and/or municipal address; and
- f. notice of decision for all applications will be provided in writing. Where refused the notice will include a reason for decision.

4.11 Validity of Permits

- 1) No Development Permit shall be valid until:
 - a. it has been approved by the Development Authority; and
 - b. unless/until any condition or the approval (other than those of a continual nature) have been fulfilled.
- 2) If no development has begun on a Development Permit within twelve months of the date the Development Permit being issued, the Development Permit is deemed refused.

4.12 Suspension/Cancellation of Permit

- 1) When a Development Permit has been approved, a Development Authority may suspend or cancel the development permit in such situation where:
 - a. the permit was issued on the basis of incorrect information on the application or misrepresentation by the applicant;
 - b. conditions of the development approval are not being followed;
 - c. works are not being carried out with reasonable diligence as determined by the Development Authority;
 - d. the permit was issued in error; or
 - e. requested by an applicant or the owner(s) of the land.

4.13 Resubmission of Development Permit Application

- 1) When an application is refused by the Development Authority and in the case of an appeal, refused by the Development Appeal Board, another application with respect to the lot or other parcel on which the development would have been carried out may

not be made by the applicant, or another applicant, for the same or a similar use, until 180 days after the date of the previous refusal.

- 2) Council may, at its sole discretion, waive the condition in Section 4.13(1).

4.14 Application to Amend Bylaw

- 1) Any person applying to amend any part of this Bylaw shall apply in writing to the Development Officer providing reasons to support the application, and requesting that the Development Officer submit the application to Council. All applications to amend this Bylaw shall complete the required application form.
- 2) All applications to amend any part of this Bylaw, except those initiated by Council or the Development Officer, shall be made in writing and accompanied by the following:
 - a. an application fee as specified in the Hamlet's Fees, Charges, and Fines Bylaw #2023-145 plus the requisite development permit application costs;
 - b. a current certificate of land title indicating ownership and other interests;
 - c. the applicant's name, address and interest in the property;
 - d. a security deposit to be determined on a case-by-case basis for all costs incurred by the Hamlet in processing the proposed amendment, whether it be enacted or not, including, but not limited to, all mapping, printing, reproduction, surveys, planning consultants, reports and advertising costs; and
 - e. all drawings required to be submitted shall be drawn on standard drafting material to the satisfaction of the Development Officer and shall be fully dimensioned, accurately figured, explicit and complete.
- 3) Notwithstanding anything contained in this section, an application for a proposed amendment to any section of this Bylaw which has been rejected by Council within the previous 365 days shall not be accepted.
- 4) Council may, at its sole discretion, waive the condition in Section 4.14(3).

4.15 Appeals

- 1) A Person whose development permit application is refused or whose application was approved subject to conditions that he or she considers to be unreasonable may appeal the refusal or the condition to the appeal board in writing within 28 days after the day the application for the development permit is approved or refused.
- 2) A person other than the applicant claiming to be adversely affected by a decision of the Development Authority made under this Bylaw on the grounds specified in Section 62 of the Act may appeal to the Development Appeal Board by serving written notice of appeal within 28 days after the day the application for the development permit is approved.
- 3) The Development Appeal Board shall:

- a. hold a public hearing in accordance with the Council Procedures bylaw, as amended;
- b. tie votes shall be decided by a vote by a resolution of Council;
- c. all proceedings will be recorded and the minutes will approved by the Development Appeal Board.

4.16 Enforcement and Penalties

- 1) The Development Officer is hereby authorized, for the purposes of enforcing this bylaw pursuant to Section 52 through 60 of the *Act*, to:
 - a. inspect any land or building for a purpose as stated in the *Act*; and
 - b. enforce the *Act*, regulations, zoning bylaw or development permit.
- 2) A person who commences a development and fails to obtain a Development Permit, or who fails to comply with a condition of a Development Permit granted under this Bylaw, is guilty of an offence under Section 77 of the *Act*, is liable on summary conviction to punishments set out in Section 78 of the *Act* and subject to the fines specified in the Hamlet's Fees, Charges, and Fines Bylaw #2023-145.
- 3) An application for development permit shall grant permission allowing Hamlet employees or a person appointed by Council to enter upon the land for the purposes of inspecting the property.
- 4) Where it has been determined that a development, or use of land or of a building contravenes this Bylaw, the Development Officer is authorized to issue an order pursuant to Section 57 of the *Act*.
- 5) If the person fails or refuses to comply with an order directed to them within the specified time, the Hamlet may apply to the Supreme Court for an order directing compliance, pursuant to Section 58(1) of the *Act*.
- 6) If the Supreme Court issues an order and a person does not comply, the Hamlet may, on notice, enter and take any action necessary to carry out the Order, pursuant to Section 58(4) of the *Act*.

5 Part Five – General Development Regulations

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

5.1 Accessory Buildings

- 1) All accessory buildings shall be of a quality and appearance equivalent to the primary structure.

- 2) No accessory buildings shall be used for human habitation, unless otherwise approved by the Development Authority.
- 3) Side and Rear Yard Setback provisions for accessory buildings are to be not less than one metre from the property line, providing that overhanging eaves shall not be less than 0.6 metres from any lot line.
- 4) The accessory buildings shall not be in front of the primary structure and shall be located a minimum of 3 metres from the primary structure.

5.2 Agricultural Uses

- 1) The Development Authority may impose any conditions it deems necessary to reduce noise, dust, odour, and vibrations.
- 2) The Development Authority shall consider the environmental impact of any proposed development. The Development Authority may refer the proposal to a relevant territorial government department for comment on the nature of the operation if there is environmental concern.

5.3 Archaeological Resources

In this Section, Archaeological Resources means any proposed land use that has the potential to impact the surface or subsurface of the ground and is within a previously undisturbed area or is within 150 metres of a previously recorded archaeological site that is to be reviewed by Prince of Wales Northern Heritage Centre (PWNHC).

- 1) A “no development” buffer of at least 30 metres will be applied to recorded archaeological site locations, unless alternate recommendations are provided by PWNHC.

5.4 Automotive Sales and Service Stations

- 1) Points of access and egress shall be provided to the satisfaction of the Development Authority.
- 2) All parts of the site which may be accessed by vehicles shall be surfaced and drained to the satisfaction of the Development Authority.

5.5 Bed and Breakfast Establishments

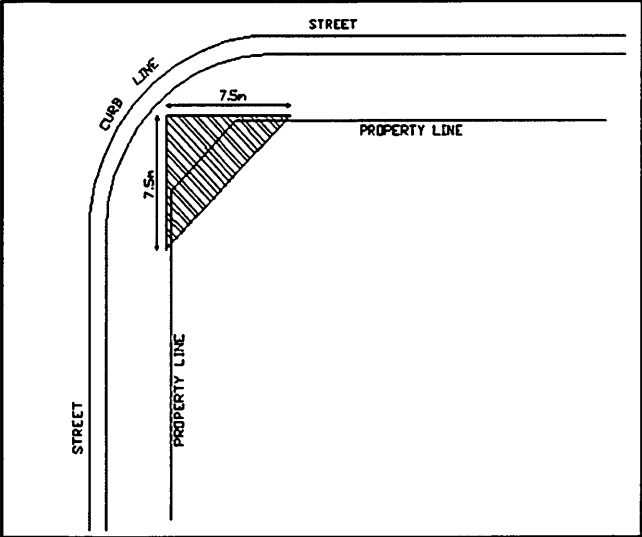
- 1) An applicant who intends to operate a Bed and Breakfast Establishment, shall make application for a Development Permit.
- 2) Proof of a valid business licence is a condition of approval.

- 3) A Bed and Breakfast Establishment shall be limited to a maximum of 4 rooms with a maximum occupancy load of 8 guests and shall be contained entirely within the primary building.

5.6 Caretakers Unit

- 1) A Caretaker's Unit shall be designed to be occupied by no more than 5 occupants.
- 2) Continuous occupancy of the Caretaker's Unit shall only be permitted where the Site is in use for a commercial, agricultural or industrial operation.
- 3) A Caretaker's Unit shall be an accessory to the primary use of the Site.
- 4) The Caretaker's unit shall be located in the rear yard or strategically located where it is the least visible to public roadways.

5.7 Corner Lots

- 1) On a corner lot, no building, fence, wall, shrub, tree or any object shall have a height exceeding 0.91 metres (3 feet). These conditions shall apply to the area formed within a corner site by the two corner property lines and a straight line which intersects each of them 7.5 metres (24.6 feet) from the corner where they meet. The area located within the above dimensions shall for the purpose of this bylaw be known as the Site Triangle.
- 2) In the case of corner lots, the setbacks for fence height restrictions shall apply to the yards adjacent to both faces of the building that front onto a street.

5.8 Day Care Facility

- 1) All Day Care Facilities shall be subject to the following regulations:
 - a. a Day Care Facility shall not be the primary use of a building within a residential zone; and
 - b. the Development Authority shall, in considering a proposed Day Care Facility, consider (among other matters) whether or not the development would be suitable for the proposed location, taking into account such things as anticipated

traffic generation, proximity to parks or other open spaces or recreational areas, isolation of the proposed site from other uses, and buffering or other techniques that could be used to limit any interference with other uses (i.e. to retain peaceful enjoyment of private property).

5.9 Environmental Protection

- 1) Where there is a potential for air or water pollution resulting from a particular land use, the application for a proposed development may be referred by the Hamlet to an appropriate Government Agency for study and recommendation and due regard shall be given to such recommendation in dealing with the application.

5.10 Fencing

- 1) Fences constructed on a site in a residential zone, when measured from the average grade level 30.5 centimetres back from the property line (on whichever side of the fence is lower), can be no higher than:
 - a. 1.98 metres (6.5 feet) for any portion of a fence located in a rear yard, or that portion of a side yard not extending beyond the foremost portion of the primary building on the site. The Development Officer may allow a fence to be erected up to 2.44 metres (8.0 feet) in height conditional upon the written consent of the owners of the neighbouring properties, and provided such a fence would not in the opinion of the Development Officer adversely affect the amenities of the zone; and
 - b. 1 metre (3.3 feet) for any portion of a fence in a front yard, or that portion of a side yard extending beyond the foremost portion of the primary building on the site. The Development Officer may allow a fence to be erected up to not more than 1.83 metres (6.0 feet) in height if, in their opinion it will not adversely affect the amenities of the zone.
- 2) Commercial buildings abutting residential areas shall be screened by a privacy fence of not less than 2 metres in height.

5.11 Waste Storage

- 1) Organic waste materials produced by personal or community greenhouses may be disposed of in on-site or off-site compost facilities.
- 2) Compost facilities must be developed and constructed to reduce wildlife attraction and may include the use of appropriate deterrents.
- 3) Provisions shall be made for waste storage facilities in accordance with standards set by the territorial government.

5.12 Greenhouse (Community)

- 1) Where a Community Greenhouse is permitted, the following provisions apply:
 - a. the produce grown shall be for the personal use and consumption of the individuals working in the Community Greenhouse, and shall not be for resale in a commercial operation;
 - b. no equipment, building, or structure of any sort, including an arbour or other such supporting structure shall be permitted within 1.5 metres of a public roadway.

5.13 Home Occupations

- 1) Home occupations shall be subject to the following regulations:
 - a. include any occupation, trade, profession or craft carried out by the occupant of the primary residential building which is incidental and subordinate to the residential use; and where associated commercial activity may include an accessory building and some storage of equipment associated with the business.
 - b. no home occupation shall create undue noise, dust, odour, or vibration that has the potential to disturb neighbouring properties.
 - c. Home Occupation applications where the Development Officer determines the use will create off-site noise, dust, odor, or vibration which cannot be managed through on-site mitigation tools shall not be approved.

5.14 Kennel, Outdoor

- 1) All Kennel uses where animals are kept in an open outdoor location shall comply with the following standards:
 - a. areas where animals are kept must have a drainage plan approved by the Development Authority to prevent soil and water table contamination.
 - b. Where fifteen or more animals are to be kept on a site, an opaque fence of 2 metres in height shall be required to screen the kennel area.

5.15 Landscaping

- 1) Development shall minimize the removal of natural vegetation and landforms.
- 2) Native vegetation shall be retained to provide required buffers wherever possible.
- 3) A natural vegetation buffer of at least 20 metres (65.6 feet) shall be provided between all residential and industrial zones.
- 4) A natural vegetation buffer of at least 15 metres (49.2 feet) shall be provided between all residential areas and the railway line.

- 5) Any new commercial zone or use shall provide a minimum 10 metres (32.80 feet) landscaped buffer to residences when adjacent to a residential zone.
- 6) In situations of redevelopment within existing commercial zones adjacent to a residential zone where there is a landscaping buffer less than 10 metres (32.80 feet) where the buffer cannot increase in size, the existing buffer shall be preserved.

5.16 Lot Servicing

- 1) Development Permits shall not be issued where, in the opinion of the Development Officer, satisfactory arrangements have not been made with the Hamlet regarding the supply of any or all of the following services: electricity, street access or delivery of water and septic removal, including the payment of costs for installing any such service or facility.
- 2) New lots will be developed to facilitate access by service delivery vehicles and the ability for future connection to services.

5.17 Motel/Hotel

- 1) Unless connected by a continuous roof, a minimum of 3.7 metres of separation shall be provided between any rentable unit and any other building on the site.
- 2) Motor vehicle access shall be provided by:
 - a. Not more than one entrance and one exit onto a street, each of a minimum width of 7 metres measured at their minimum dimension; or
 - b. Not more than one combined entrance and exit not less than 9 metres in width measured at its minimum dimension.

5.18 Moving Buildings

- 1) No building or structure shall be moved within the Hamlet nor shall be moved into the Hamlet unless a Development Permit has been issued for the development, which may include a requirement to move along a specific route and provide proof of insurance for the relocation.

5.19 Multiple Unit Dwelling

- 1) For all residential developments containing more than 2 dwelling units, the following must be provided:
 - a. appropriate road infrastructure that meets the standards of applicable legislation;
 - b. drainage and ditching that connects to the existing drainage plan in the Hamlet; and
 - c. designated walking trails that connect to the existing trail network in the Hamlet.

- 2) All new residential developments that include more than 10 dwelling units, shall include a park adjacent to or within 100 metres of the development. The developer shall be responsible for all costs associated with developing the park(s). The standard minimum park size for a neighbourhood park is 0.8 hectares.
- 3) Where a Multiple Unit Dwelling is in the form of rowhouses, Dwelling Units shall be separated by vertical party walls which are insulated against sound transmission. Each Dwelling Unit shall have separate, individual and direct access to grade.

5.20 Permitted Number of Buildings

- 1) No Lot shall have constructed or placed upon it by the owner, occupier or any other person more buildings or structures than is permitted based on the maximum lot coverage for that zone set in this Bylaw.
- 2) Only 1 principal building is permitted unless as part of a commercial planned development.

5.21 Plans of Subdivision

- 1) All subdivision proposals for land within the Hamlet should be submitted to Council for review and input. Final approval shall be obtained from the Government of Northwest Territories Director of Planning.
- 2) Where the development of land involves a subdivision of land, no Development Permit shall be issued until the subdivision application has been submitted to the Director and an approved sketch has been received by the Development Officer indicating the subdivision has been approved by the Government of Northwest Territories Director of Planning.

5.22 Seasonal Campgrounds (Recreational Facility)

- 1) Each site shall have a minimum area as established in Hamlet policy by resolution of Council and shall have its corners clearly marked on the ground.
- 2) Each site shall have direct access to a developed roadway.
- 3) Each trailer coach shall be located at least 4.5 metres away from any other trailer coach, and each site shall have dimensions sufficient to allow such locations of trailer coaches.
- 4) Minimum parking requirements for a campground include:
 - a. 1 parking spot within the boundaries of each campsite; and
 - b. 1 RV trailer spot within the boundaries of each campsite.
- 5) The campground operator shall be responsible to have on-site garbage disposal facilities.

5.23 Signs

- 1) The following signs shall be exempted from requiring a Development Permit on lands within the Hamlet of Enterprise:
 - a. election signs as long as they do not pose a safety risk to the general public and are removed 1 day after the election.
 - b. any sign required to be displayed under the provisions of federal, territorial, or municipal legislation.
 - c. statutory and official notices.
 - d. functional advertisements of local authorities.
 - e. traffic and directional signs authorized by the Hamlet.
 - f. notices relating to the sale, lease or rental of the building or land to which they are attached so long as the notice does not exceed 0.25 m² in size, are not illuminated, are kept in good repair and removed in a timely manner.
 - g. community signs that are not larger than 7 m² and are installed on Hamlet land.
 - h. advertisements of building contractors relating to construction in progress on the land on which the development is occurring, provided that they are not illuminated, are kept in good repair and removed within 14 days of occupancy;
 - i. such advertisements shall not exceed 7 m², and
 - ii. one such advertisement for each property boundary which fronts onto a public street;
 - i. fascia signs whose surface area is less than 25% of the ground floor frontage area on the side of the structure to which the Sign is to be attached; and
 - j. advertisements displayed on door plates, door bars or kick plates.
- 2) For the purpose of this Bylaw, all signs other than those exempted in Section 5.23(1) shall be considered an Accessory Use, the Development Officer may approve a sign as part of a development permit application for which the sign is accessory to a principal use, so long as they are satisfied that all required information has been provided.
- 3) Unless specifically exempted from the requirements to obtain a development permit as detailed in this Bylaw, all signs, structures for signs, as well as any alteration or relocation of an existing sign shall require a development permit.
- 4) Applications for a sign shall be made under a Development Permit Application to the Development Officer along 2 scaled copies of drawings indicating:
 - a. the location of the sign by elevation drawing or site plan;
 - b. the overall dimensions of the sign;
 - c. the size of the letter or letters;
 - d. the amount of projection from the face of the building;
 - e. the amount of projection over public property;
 - f. the height of the sign above a public street or sidewalk or the height above the average ground level at the face of the building; and
 - g. the manner of illuminating the sign.

- 5) Location of signs:
 - a. signs shall be permitted only in non-residential zones except for those that are exempted from requiring a development permit.
 - b. signs shall not be permitted on Hamlet sidewalks or walking trails.
 - c. signs shall not be attached to a fence, pole, tree or any other object in a public street or place.
 - d. signs shall not be attached to or stand on the ground in any public street or place.
 - e. signs shall not be located so as to obstruct free and clear vision of vehicular traffic, or located where they may interfere with, or be confused with, any authorized traffic sign, signal or device.
 - f. portable signs shall not be placed on Hamlet owned property, except with the permission of the Development Officer.
- 6) Community Signs:
 - a. community signs shall be removed within 14 days after the conclusion of the event.
 - b. community signs shall not be placed in the following areas:
 - i. on Hamlet property.
 - ii. within 3 metres of a fire hydrant.
 - iii. in areas that obstruct or otherwise interferes with sight lines or movement of motor vehicles, pedestrians, cyclists or any other highway traffic.
- 7) The Development Officer, shall not approve an application for the installation of a sign that in the Development Officer's opinion poses a safety risk to the public such as blocking sightlines on roads, blocking access to a building or access point, being improperly secured, or any other aspect that creates a safety risk.

5.24 Soils and Drainage

- 1) No development shall be permitted where the stability of buildings and structures cannot be assured due to subsoil conditions.
- 2) All lots shall be graded to allow for a minimum 2% gradient for drainage away from structures towards community drainage ditches.
- 3) All crossings of drainage courses shall have a culvert installed, the size to be determined by the Development Officer.

5.25 Uses Permitted in all Zones

- 1) The following uses, buildings and structures shall be permitted in all zones:
 - a. municipal and public utilities; and
 - b. public roads.

- 2) Temporary uses shall be discretionary in all zones.

5.26 Wildfire Protection

- 1) All development occurring at the wildland/urban interface, or in areas with high or extreme hazard rating as identified by the Government of the Northwest Territories Fire Map, shall incorporate the following mitigation measures:
 - a. fire resistant siding materials shall be used for all exterior wall finishes;
 - b. allowance should be made for defensible space for a minimum of 10 metres, or to the lot boundary, around structures; and
 - c. there shall be a minimum of 3 metres between combustible vegetation and materials around all propane storage tanks.

6 Part Six – Zoning District Regulations

6.1 R – Residential

- 1) Purpose
The purpose of this zone is to accommodate a variety of residential developments and complementary uses.
- 2) Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
Accessory Building to Permitted Use	Institutional Use
Accessory Uses to Permitted Residential Use	Retail Convenience Store
Bed and Breakfast Establishment	Special Care Facility
Greenhouse, Community	Home Occupation
Dwelling: <ul style="list-style-type: none"> • Duplex; • Manufactured Home; • Modular Home; • Multiple Unit; • Secondary Dwelling/Secondary Suite; • Seniors Housing Facility; and • Single Detached; 	Temporary Use
Park	

- 3) General Development Regulations:
 - a. Dimensions - Dwellings:

Dimension	Dwelling Type		
	Single Detached, Manufactured Home, Modular Home	Duplex	Multiple Unit
Minimum Site Area	350 m ²	670 m ²	800 m ²
Maximum Site Coverage			
Main Dwelling	50%	50%	40%
Accessory	12%	12%	12%
Minimum Floor Area			
Main Dwelling	78 m ²	56 m ²	50 m ²
Secondary Dwelling	37 m ²	--	--
Minimum Front Yard Setback			
Main Dwelling	6 m	6 m	6 m
Accessory	6 m	6 m	6 m
Minimum Rear Yard Setback			
Main Dwelling	4 m	4 m	4 m
Accessory	1 m	1 m	1 m
Minimum Side Yard Setback			
Main Dwelling	4 m	4 m	4 m
Accessory	1 m	1 m	1 m
Maximum Building Height			
Main Dwelling	10.5 m	10.5 m	10.5 m
Accessory	4.5 m	4.5 m	4.5 m

b. Dimensions – other permitted and discretionary uses:

Dimension	Measurement
Minimum Site Area	350 m ²
Maximum Site Coverage	
Main Building	50%
Accessory	12%
Minimum Front Yard Setback	
Main Building	6 m
Accessory	6 m
Minimum Rear Yard Setback	
Main Building	4 m
Accessory	1 m
Minimum Side Yard Setback	
Main Building	4 m

Accessory	1 m
Maximum Building Height	
Main Building	4 m
Accessory	1 m

- c. proposed developments must comply with all relevant provisions contained in Section 5 of this Bylaw.

6.2 CR – Country Residential

1) Purpose

The purpose of this zone is to provide for large residential lots that may include agricultural and other complementary uses. This zone is not intended for commercial or industrial uses as a primary use. Commercial or industrial uses may be permitted as an accessory use to the primary residential use.

2) Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
Accessory Buildings	Institutional Use
Accessory Uses to Permitted Residential Uses	Kennel, Outdoor
Agricultural Use	Special Care Facility
Bed and Breakfast Establishment	Temporary Use
Dwelling: <ul style="list-style-type: none"> • Manufactured Home; • Modular Home; • Secondary Dwelling/Secondary Suite; • Seniors Housing Facility; and • Single Detached 	
Home Occupation	
Park	
Workshop, Artisanal	

3) General Development Regulations:

a. Dimensions:

Dimension	Measurement
Minimum Site Area	1.5 acres
Maximum Site Coverage All buildings	35%
Minimum Front Yard Setback Main Building Accessory	6 m 15 m
Minimum Rear Yard Setback Main Building Accessory	6 m 6 m
Minimum Side Yard Setback Main Building Accessory	6 m 6 m
Maximum Building Height Main Building Accessory	6 m 6 m

b. proposed developments must comply with all relevant provisions contained in Section 5 of this Bylaw.

6.3 C – Commercial

1) Purpose

The purpose of this zone is to provide for areas suitable for commercial use. These areas may act as a buffer between larger commercial parcels along the highway.

2) Permitted and Discretionary Uses

Permitted Uses	Discretionary Uses
Accessory Buildings	Dwelling, Multiple Unit
Accessory Uses to Permitted Commercial Uses	Special Care Facility
Eating Establishment	Temporary Use
Caterer	Veterinary Clinic
Day Care Facility	
Dwelling as secondary use: <ul style="list-style-type: none"> Seniors Housing Facility; Single Detached; and Secondary Dwelling/Secondary Suite 	
Greenhouse, Community	
Institutional Use	
Home Occupation	
Medical and Health Service	

Motel/Hotel	
Office	
Park	
Personal Service	
Public Utility	
Retail Convenience Store	
Service Station	
Workshop	

3) General Development Regulations:

a. Dimensions:

Dimensions	Measurement
Minimum Site Area	450 m ²
Minimum Site Depth	30 m
Minimum Site Width	15 m
Maximum Site Coverage	To be established by the Development Authority
Minimum Front Yard Setback	6 m
Minimum Rear Yard Setback	7 m
Minimum Side Yard Setback	6 m
Maximum Building Height	12 m

- b. a minimum 3 metre-wide buffer on the commercial property shall be provided between commercial and adjacent residential uses.
- c. a workshop combined with a retail outlet shall:
 - i. be ancillary to the retail use; and
 - ii. be essential to the retail business conducted on the premises.
- d. all development must comply with all relevant provisions contained in Section 5 of this Bylaw.

6.4 HC – Highway Commercial

1) Purpose

The purpose of this zone is to provide for areas suitable for a variety of commercial uses concentrated along the corridor of Highway 1.

2) Permitted and Discretionary Uses

Permitted Use	Discretionary Use
Accessory Buildings	Bulk Fuel
Agricultural Use	Car Wash
Automotive Sales and Service Station	Caretaker's Unit

Caterer	Dwelling Unit as an accessory use to a commercial business
Eating Establishment	Greenhouse, Community as a temporary use
Equipment Sales and Service	Outdoor Storage
Institutional Use	Temporary Use
Medical and Health Services	
Motel/Hotel	
Office	
Park	
Personal Services	
Public Utility	
Retail Store	
Service Station	
Workshop, Artisanal	
Veterinary Clinic	

3) General Development Regulations:

a. Dimensions:

Dimension	Measurement
Minimum Site Area	450 m ²
Minimum Site Depth	30 m
Minimum Site Width	15 m
Maximum Site Coverage	To be established by the Development Authority
Minimum Front Yard Setback	6 m
Minimum Rear Yard Setback	7 m
Minimum Side Yard Setback	6 m
Maximum Building Height	12 m

- b. a minimum 3 metre-wide buffer on the commercial property shall be provided between commercial and adjacent residential properties.
- c. an Artisanal Workshop combined with a retail outlet shall:
 - i. be ancillary to the retail use; and
 - ii. be essential to the retail business conducted on the premises.
- d. all outdoor storage areas or yards used for commercial operations shall be enclosed and screened from view through the use of buildings, landscaping, fences or a combination thereof to the satisfaction of the Development Officer unless such storage is for the display of goods for sale.
- e. all development must comply with all relevant provisions contained in Section 5 of this Bylaw.

6.5 LI – Light Industrial

1) Purpose

The purpose of this zone is to provide for areas for a variety of light industrial uses with smaller lot sizes, as well as complimentary activities.

2) Permitted and Discretionary Uses

Permitted Use	Discretionary Use
Accessory Buildings	Caterer
Accessory Uses to Permitted Industrial Uses	Car Wash
Agricultural Use	Greenhouse, Community as a temporary use
Automotive Sales and Service Station	Kennel, Outdoor
Bulk Fuel	Laydown Yard
Caretaker's Unit	Open Storage as an accessory use
Eating Establishment	Temporary Use
Equipment Sales and Service	
Industrial Use, Light	
Kennel, Indoor	
Public Utility	
Truck Stop	
Veterinary Clinic	
Workshop, Artisanal	

3) General Development Regulations:

Dimension	Measurement
Minimum Site Area	2000 m ²
Minimum Site Depth	40 m
Minimum Site Width	30 m
Maximum Site Coverage	To be established by the Development Authority
Minimum Front Yard Setback	10 m
Minimum Rear Yard Setback	6 m
Minimum Side Yard Setback	6 m
Maximum Building Height	10 m

- a. a landscaped buffer shall be provided between the Lot and any public roadway within any yard adjacent to a public roadway.
- b. a minimum 3 metre-wide buffer on the industrial property shall be provided between industrial and adjacent non-industrial properties.
- c. all outdoor storage areas, including freight, trucking or laydown yards, shall be enclosed and screened from view through the use of buildings, landscape

features or fences or a combination thereof to the satisfaction of the Development Authority.

- d. all developments must comply with all relevant provisions contained in Section 5 of this Bylaw.

6.6 HI – Heavy Industrial

1) Purpose

The purpose of this zone is to provide for areas for large lot heavy industrial uses, as well as complimentary activities. Given the nature of these uses, they are typically located away from residential areas, and have direct access to transportation corridors.

2) Permitted and Discretionary Uses

Permitted Use	Discretionary Use
Accessory Buildings	Car Wash
Accessory Uses to Permitted Industrial Uses	Forestry
Agricultural Use	Industrial Use, Light
Automotive Sales and Service Station	Laydown Yard
Bulk Fuel	Livestock Operation
Caretaker’s Unit	Outdoor Storage
Equipment Sales and Service	Quarry
Industrial Use, Heavy	Scrap Yard and Recycling Facility
Public Utility	Storage Facility, Hazardous Substances and Dangerous Goods
Truck Stop	
Warehouse	

3) General Development Regulations:

Dimension	Measurement
Minimum Site Area	2000 m ²
Minimum Site Depth	40 m
Minimum Site Width	30 m
Maximum Site Coverage	To be established by the Development Authority
Minimum Front Yard Setback	10 m
Minimum Rear Yard Setback	6 m
Minimum Side Yard Setback	6 m
Maximum Building Height	10 m

- a. a landscaped buffer shall be provided between the Lot and any public roadway within any yard adjacent to a public roadway.
- b. a minimum 3 metre-wide buffer on the industrial property shall be provided between industrial and adjacent non-industrial properties.

- c. all outdoor storage areas, including freight, trucking or laydown yards, shall be enclosed and screened from view through the use of buildings, landscape features or fences or a combination thereof to the satisfaction of the Development Authority.
 - d. outdoor storage may be considered as an accessory use to a permitted industrial use.
 - e. all developments must comply with all relevant provisions contained in Section 5 of this Bylaw.
- 4) Scrap Yards and Recycling Facilities
- a. scrap yards shall not be situated near naturally occurring sources of water, be it seasonal or permanent, including but not limited to lakes, rivers, streams, ponds and creeks.
 - b. scrap yards shall not be situated within 200 metres of any residential property line.
 - c. every scrap yard shall have opaque privacy screening on all property lines consisting of a fence of at least 4 metres in height from grade and which shall be equipped with lockable access gates.
 - d. driveways, gateways and road accesses to scrapyards must be at least 10 metres wide throughout and not barricaded by anything other than a functional gate.
- 5) Storage of Hazardous Substances and Dangerous Goods
- a. the applicant is responsible to ensure that:
 - i. all storage of Hazardous Substances and Dangerous Goods must comply with Territorial and Federal regulations; and
 - ii. all Hazardous Substances and Dangerous Goods are stored in a safe and secure manner
 - iii. a drainage plan is submitted with the application that adequately shows how drainage is controlled to prevent spills or leaks and to prevent run-off from entering the site
 - iv. all Hazardous Substances and Dangerous Goods are segregated in alignment with the National Fire Code.
 - v. the proper disposal of Hazardous Substances and Dangerous Goods occurs and no such material is disposed of in the Hamlet's landfill.

6.7 CU – Community Use

1) Purpose

The purpose of this zone is to provide for areas within the community core for a range of public, quasi-public and government uses.

2) Permitted and Discretionary Uses

Permitted Use	Discretionary Use
Accessory Buildings	Cemetery
Accessory Use to Permitted Community Uses	Temporary Use
Education Facility	Those other uses, which are considered by Council, to be similar in character and purpose to uses listed above as part of the Community Use Zone.
Greenhouse, Community	
Institutional Use	
Park	
Public/Quasi Public buildings	
Public Utility	
Recreational Facility	
Recreational Use	

3) Regulations

a. Development Regulations

Dimension	Measurement
Minimum Site Area	450 m ²
Maximum Site Coverage	
Main Building	60%
Accessory	12%
Minimum Front Yard Setback	
Main Building	6 m
Accessory	6 m
Minimum Rear Yard Setback	
Main Building	4 m
Accessory	1 m
Minimum Side Yard Setback	
Main Building	4 m
Accessory	1 m
Minimum Lot Width	15 m
Minimum Lot Depth	30 m
Maximum Building Height	10 m

- b. a landscaped buffer shall be provided between any yard and an adjacent public roadway.
- c. suitable landscaping shall be provided for all facilities and developments shall be integrated with the community trail system wherever possible.
- d. proposed developments must comply with all relevant provisions contained in Section 5 of this Bylaw and must, in the opinion of the Development Authority, support the Goals and Objectives of the Community Plan.

6.8 ES – Environmentally Sensitive Area

1) Purpose

The purpose of this zone is to regulate development and protect the natural landscape in areas with sensitive environmental conditions.

2) Permitted and Discretionary Uses

Permitted Use	Discretionary Use
Public Utility	Park
	Recreational Use

6.9 OS – Open Space, Parks and Recreation

1) Purpose

The purpose of this zone is to provide for areas to be used for a variety of recreational and tourism pursuits, including community parks and playgrounds.

2) Permitted and Discretionary Uses

Permitted Use	Discretionary Use
Accessory Uses to Permitted Open Space, Parks and Recreation Uses	Recreational Facility
Parks	Temporary Use
Public Utility	Those other uses, which are considered by Council, to be similar in character and purpose to uses listed above as part of the Community Use Zone.
Recreational Use	

3) Regulations Applicable to All Uses

- a. all uses in this zone shall be reviewed by Council.
- b. all discretionary uses shall be considered on their individual merits taking into consideration any relevant standards or regulations that may apply to the proposed development.
- c. proposed developments must comply with all relevant provisions contained in Section 5 of this Bylaw.

6.10 H – Hinterland

1) Purpose

The purpose of this zone is to maintain the area in its natural state and protect it from development activity until such a time that Council changes the zoning for other uses.

Recreational uses that do not damage or permanently alter the landscape are permitted.

2) Permitted and Discretionary Uses

Permitted Use	Discretionary Use
None	Caretaker's Unit
	Recreational Use
	Public Utility
	Forestry
	Quarry
	Those uses which, in the opinion of Council, do not detract from the existing use of the area, and any nearby uses.

3) Regulations Applicable to All Uses:

- a. no subdivision or development other than for the above uses shall proceed without a corresponding amendment to the Community Plan and the land use concept map in the Community Plan.
- b. all development in this zone requires an agreement outlining the conditions and duration of use.
- c. a reclassification of land from Hinterland into any other land use district shall be undertaken concurrently with an approved area development plan, development scheme, and/or subdivision plan.

6.11 LC – Land Claims – Lands

1) Purpose

These land parcels are currently subject to rights-based negotiations and are not to be transferred or developed pending the outcome of the negotiations process.

2) Permitted and Discretionary Uses

Permitted Use	Discretionary Use
None	None

Schedule B
Forms



Note: This application is prepared pursuant to the Hamlet of Enterprise Zoning Bylaw (In-Principle). 2023-146

CHECKLIST FOR DEVELOPMENT PERMIT APPLICATIONS

Each application for a Development Permit shall be accompanied by a fee calculated in accordance with the Hamlet's Fees, Charges, and Fines Bylaw #2023-145.

Application must include:

- Completed application form
- Site plan drawn to scale at no less than 1:1000 scale
- Authorization letter from all registered owners, if applicable, and if the registered owner is a corporation, a corporate search is required to be provided.
- In the case of a permit for demolition of a building, the volume of materials and confirmation regarding hazardous waste
- Proof of approval from the Fire Marshall's office with respect to the National Building Code and National Fire Code, if applicable

Site plan must include:

- Legal description
- Site boundaries
- Structures already existing to scale and correctly located on the site, with dimensions
- Water and sewage service locations
- Fuel tanks
- Yard (front, rear, and sides)
- Current provisions for off-street loading, parking, and access and egress points, if applicable
- Current provisions for landscaping, grading for drainage, and culverts
- Plans and elevations of proposed structures or lot fill drawn to scale with dimensions and specifications, including materials to be used
- Proposed signage showing measurements, design, and lettering
- Any other information as required by the Development Officer

Instructions for Development Permit Applications

- 1) Once approved, the development must comply with the approved plans. Any changes to the plans, specifications, or uses requires the submission of a new Application for Development Permit.
- 2) Failure to complete this form fully and to supply the required information and plans may mean that this application will not be considered or may cause delays in the processing of the application.
- 3) Any Development Permit issued on the basis of incorrect information contained in the application shall be cancelled.

If you have questions, please contact:
Hamlet Office
Phone: (867)984-3491



Note: This application is prepared pursuant to the Hamlet of Enterprise Zoning Bylaw (In-Principle). 2023-146

APPLICATION FOR DEVELOPMENT

1. APPLICANT INFORMATION

Applicant Information (Please Print):

Name: _____ Interest (if not owner): _____

Telephone: _____ Email: _____

Mailing Address: _____

Owner Information (if different than applicant):

Registered Owner(s) Name: _____

Telephone: _____ Email: _____

Mailing Address: _____

2. LOCATION INFORMATION

Address of Property to be Developed: _____

Zoning: _____ Lot: _____ Block: _____ Plan: _____

Lot: Width: _____ metres Depth: _____ metres Area: _____ metres

Existing Use of Property: _____

Proposed Use of Property: _____

Existing Utilities: _____

Accessory Uses: _____

3. OTHER DETAILS

Estimated Cost of the Project: _____

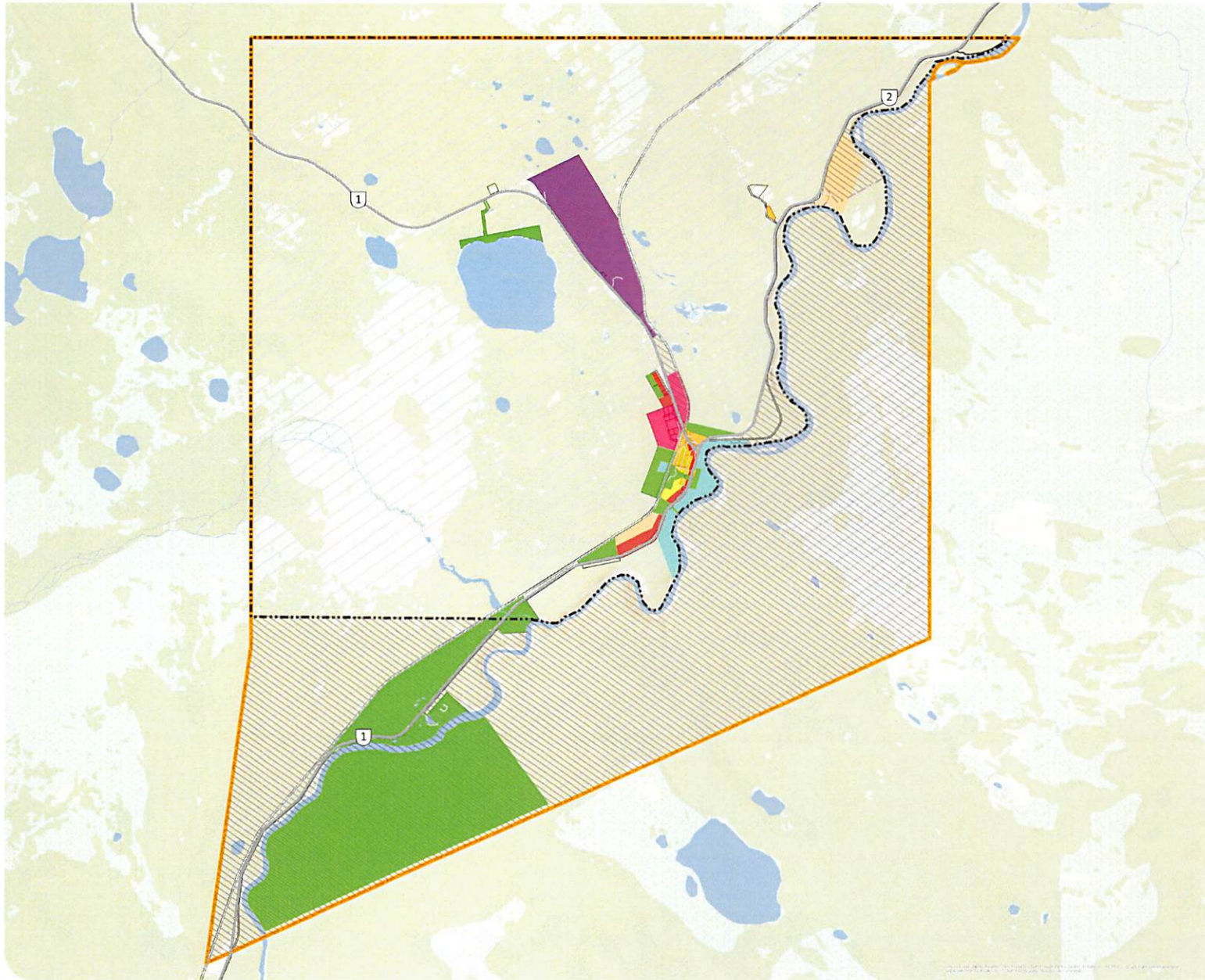
Estimated Commencement Date: _____ Estimated Completion Date: _____

Signature of Applicant

Date of Application

I consent to communicating about this application by email: _____
Initials

Schedule C
Zoning Bylaw Maps



TOWN OF ENTERPRISE
ENTERPRISE ZONING BYLAW

CONCEPTUAL LAND USE DISTRICTS

- Enterprise Boundary - Current
- Enterprise Boundary - Proposed Adjustment
- Railway
- Highway
- Road
- Land Claims – Lands of Interest
- Surveyed Parcel

Zoning

- Commercial
 - Highway Commercial
 - Community Use
 - Heavy Industrial
 - Light Industrial
 - Residential
 - Country Residential
 - Environmentally Sensitive Area
 - Open Space, Parks, and Recreation
- Hinterland

SCALE 1:80,000

0 875 1,750 3,500 m

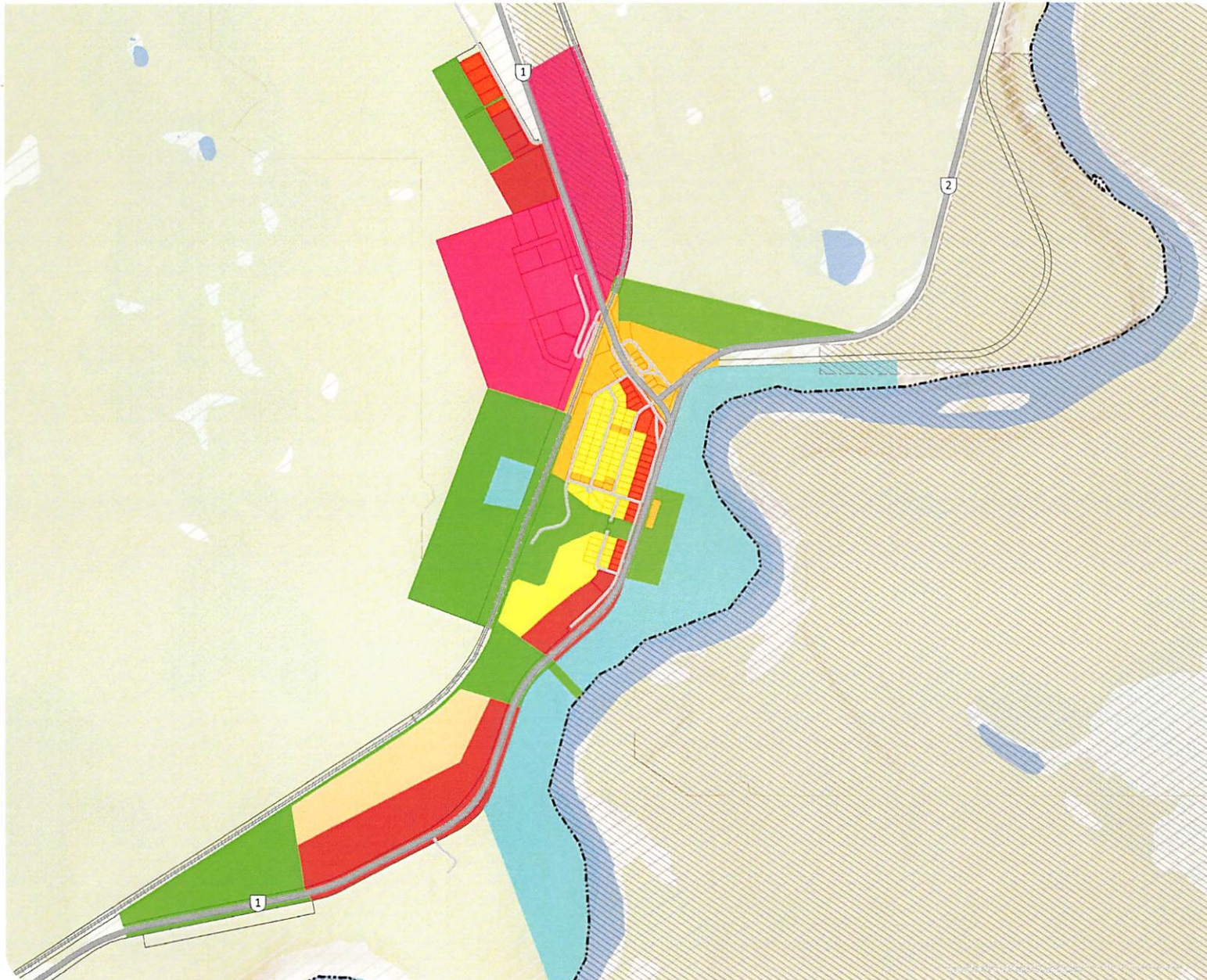


MAP DRAWING INFORMATION:
 DATA PROVIDED BY GNWT, ANCAN, TOWN OF ENTERPRISE, KFN LANDS,
 RESOURCES, AND NEGOTIATIONS DEPT.

MAP CREATED BY: LK
 MAP CHECKED BY: KH
 MAP PROJECTION: NAD 1983 UTM Zone 11N



PROJECT: 21-1542
 STATUS: DRAFT
 DATE: 2023-07-24



TOWN OF ENTERPRISE
ENTERPRISE ZONING BYLAW

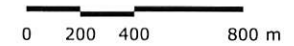
CONCEPTUAL LAND USE DISTRICTS

- Enterprise Boundary - Current
- Enterprise Boundary - Proposed Adjustment
- Railway
- Highway
- Road
- Land Claims – Lands of Interest
- Surveyed Parcel

Zoning

- Commercial
- Highway Commercial
- Community Use
- Heavy Industrial
- Light Industrial
- Residential
- Country Residential
- Environmentally Sensitive Area
- Open Space, Parks, and Recreation
- Hinterland

SCALE 1:17,500



MAP DRAWING INFORMATION:
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