



Town of Watson Lake

Zoning Bylaw

Bylaw 2023-05

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1. ADMINISTRATION

1.1. Title

This bylaw may be referred to as the “Town of Watson Lake Zoning Bylaw” or the “Zoning Bylaw”.

1.2. Purpose

This bylaw provides for orderly, efficient, economic, and environmentally sensitive development in the Town of Watson Lake (the Town), by:

- a) implementing the goals and objectives of the *Official Community Plan*;
- b) establishing land use zones and associated regulations to control the use, location, type, and level of development allowed to occur on a parcel of land within the Town; and
- c) setting out rules and procedures including the forms, costs, information requirements and processes to be followed to regulate land use and development in the Community.

1.3. Jurisdiction

- a) This bylaw applies to all land within the municipal boundary of the Town.
- b) No land or building shall be used for any purpose except as permitted by this bylaw.
- c) In interpreting and applying this bylaw the provisions shall be held to be the minimum requirements for the promotion of public health, safety, comfort, and general welfare.

1.4. Enabling Legislation

This bylaw has been passed in accordance with the *Yukon Municipal Act*.

1.5. Compliance with Other Legislation

In addition to this bylaw, a person is responsible for complying with the requirements of all other applicable municipal bylaws, or Territorial or Federal statutes and regulations.

1.6. Applications in Progress

A completed application for a Development Permit, which is received prior to the effective date of this Bylaw, shall be processed in accordance with Town of Watson Lake Zoning Bylaw 07-15 unless the applicant provides a written request that their application be considered under this bylaw.

Such applications shall be approved or rejected within 12 months of this bylaw coming into effect and, if rejected, any future development must comply with this bylaw.

1.7. Availability

A copy of this bylaw and the Zoning Maps, as amended from time to time, shall be available for inspection in the Town office and may be purchased for a fee set by Council.

1.8. Severability

If any section, paragraph or phrase in this bylaw is for any reason held to be invalid by a decision of a Court of competent jurisdiction, that section, paragraph or phrase may be severed, and such a decision will in no way affect the validity of the remaining portions of this bylaw.

1.9. Uses and Regulations

Except where otherwise allowed by this bylaw, land and lots within the Town are subject to the permitted uses and restrictions of the zone in which it is located.

1.10. Non-conforming Uses or Structures

Non-conforming uses will be dealt with according to the provisions of the *Municipal Act*.

2. ZONING AMENDMENTS

2.1. Text Amendments and Map Amendments

- a) Council may initiate any text and/or map amendments to this bylaw.
- b) Any person may apply for an amendment to the text and/or maps of this bylaw by paying the application fee as specified in this bylaw and submitting a written statement to describe and justify the proposed amendment.

2.2. Rezoning Applications

- a) An owner of land in the Town, or an authorized agent of an owner, may apply to have the zoning designation of the land amended to another zoning designation.
- b) An application for a rezoning shall be made in writing to the Development Officer using the form provided and accompanied by the following:
 - i. Documentation of ownership.
 - ii. A written statement to describe and justify the proposal.
 - iii. A map showing the proposed change in the context of adjacent land.
 - iv. The necessary fees and set out in the Town of Watson Lake *Fees and Charges Bylaw*.
 - v. Permission for right-of-entry onto the land by Town staff for reasonable inspection.
 - vi. A site plan showing lot dimensions; easements; parking areas; access for vehicles and pedestrians; location and dimensions of existing and proposed buildings; the size and location of signs; and the location of lights, hydro-poles and others services.
 - vii. Any of the following as required by the Development Officer:
 - Floor plans and elevation drawings of all proposed buildings;
 - A geotechnical evaluation of the site to confirm slope stability, appropriate top-of-bank setbacks, and suitability for on-site sewage disposal;
 - A landscaping plan to show site grading, drainage, retaining walls, existing and future tree locations, species list, and open space landscape treatment;
 - An assessment of any short- or long-term impacts of the development; or
 - Other planning and engineering information such as environmental site assessment report approval of on-site septic systems and traffic studies.

2.3. Resubmission Interval

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

2.4. Review Process

- a) Upon receipt of a completed application for a text or map rezoning, the Development Officer shall undertake an investigation and analysis of the potential impacts of the proposed change. The analysis shall be based on the full development potential of uses permitted under the proposed zone rather than the merits of any particular development proposal.

- b) The analysis shall, among other factors, consider the following:
 - i. Relationship to and compliance with the Official Community Plan, federal, territorial land use policies and other approved municipal plans and council policy;
 - ii. Compatibility with surrounding development in terms of land use function and scale of development;
 - iii. The impacts on municipal services, utilities and public facilities such as schools;
 - iv. The potential need for municipal land, right-of-way or easement requirements;
 - v. Effect on the stability, retention and rehabilitation of desirable existing uses and buildings;
 - vi. the documented concerns of affected residents and land owners to the proposal;
- c) Before approving a text, map or site rezoning amendment request, Council shall comply with those requirements and notification procedures set out in the *Yukon Municipal Act*.

2.5. Public Hearing and Notification

- a) Before a second reading of a bylaw proposing amendments to the Zoning Bylaw is heard, Council shall hold a public hearing to hear and consider all submissions respecting the proposed amendments.
- b) The public hearing shall be held no earlier than seven days after the last date of publication of the notice.
- c) Prior to the public hearing, a notice must be circulated, in the method approved by Council, once a week for two successive weeks, on days that are four days apart or more. Methods of circulation may include the Town website, local newspapers, community bulletin boards and written notification letters.
- d) The notice shall describe the area affected by the proposed zoning bylaw amendment; state the date, time and place for the public hearing respecting the proposed zoning bylaw amendment; and include a statement of the reasons for the amendment and an explanation of it.
- e) Written notification letters produced by the Development Officer describing the area affected by the proposed amendment, stating the date, time and place for the public hearing and the reasons for the amendment and an explanation of it shall be mailed to all properties within 100 m of the property.
- f) The proponent of the amendment may be required to host one or more public meetings in order to provide information on the proposed rezoning. The Council following First Reading shall determine the necessity of a public meeting.

2.6. Security Deposits

- a) The Development Officer may recommend to Council that, as a condition of issuing a Development Permit, the owner enter into a Development Agreement with Council to provide a guaranteed security deposit to ensure:
 - i. Landscaping and drainage requirements are met;
 - ii. The removal of permitted temporary structures;
 - iii. Municipal services are protected and/or built to Town standards;
 - iv. Hardsurfacing requirements are met; and/or
 - v. Other requirements as recommended by the Development Officer and determined by Council.
- b) If taken for landscaping purposes, the Security Deposit shall be 125% of the estimated cost of all landscaping associated with the development. The applicant shall calculate the cost. If, in the opinion of the Development Officer the estimated cost is too low the Development Officer may recalculate and the Development Officer's cost shall be determinative.
- c) If taken for the purposes of ensuring the removal of a temporary structure, the Security Deposit shall

be the estimated cost of removal of the temporary structure and any site rehabilitation. The applicant shall calculate the estimated cost. If, in the opinion of the Development Officer the estimated cost is too low the Development Officer may recalculate and the Development Officer's cost shall be determinative.

- d) If taken for the installation and/or protection of municipal services the Development Officer, with the assistance of the Director of Operations, shall determine an appropriate figure in consultation with the applicant. The Development Officer's cost shall be determinative.
- e) If taken for the purposes of hardsurfacing, the Security Deposit shall be 125% of the estimated cost of hardsurfacing. The applicant shall calculate the cost. If, in the opinion of the Development Officer the estimated cost is too low the Development Officer may recalculate and the Development Officer's cost shall be determinative.
- f) If taken for other purposes the Development Officer shall work with the applicant to determine an appropriate and fair cost for the Security Deposit.
- g) If cash is offered as the security, it shall be held by the Town in a non-interest bearing account until the Development Officer is satisfied the conditions of the Development Agreement in which the security deposit was taken to ensure have been met.
- h) If a Letter of Credit is offered as the security, it shall be in a form satisfactory to the Development Officer. The Letter of Credit shall be held by the Town until the Development Officer is satisfied the conditions of the Development Agreement, in which the security deposit was taken to ensure, have been met.
- i) In the event that the owner does not complete the required work as detailed in the Development Agreement the Town shall complete the work and issue an accounting of how the proceeds of the Letter of Credit or cash were applied within 60 days of the Town applying the Security Deposit. In the event that the Letter of Credit or the cash do not cover the total costs of the work the Town may issue an invoice to the applicant for the additional costs which is payable within 60 days.

3. INTERPRETATION

3.1. Rules of Interpretation

- a) Any enactments referred to herein refer to an enactment of the Government of Yukon and regulations thereto, as amended, revised, consolidated, or replaced from time to time.
- b) Any bylaw referred to herein refer to an enactment of the Council of the Town of Watson Lake, as amended, revised, consolidated, or replaced from time to time.
- c) The headings given to sections, paragraphs, and sub-sections in this bylaw are for convenience of reference only. They do not form part of this bylaw and will not be used in the interpretation of this bylaw.
- d) The Schedules and Appendices attached to this bylaw form part of this bylaw.

3.2. Interpretation of Land Uses

- a) Typical uses listed as examples in the definitions are not intended to be exclusive or restrictive. Reference should be made to the intent, impact, and definition of the use in determining whether or not a use is included within a particular use.
- b) Where a specific use does not conform to the wording of any use definition or generally conforms to the wording of two or more definitions, a Development Officer or Council may use discretion to deem that the use conforms to and is included in that use which is considered to be most appropriate in character and purpose.
- c) If a use is not listed as permitted, it is interpreted as being prohibited.

3.3. Zoning Boundaries

- a) The Town is divided into land use zones graphically represented on the Zoning Maps attached as Schedule A to this bylaw.
- b) The boundaries on the Zoning Maps shall be interpreted as follows:
 - i. Where a boundary follows a public roadway, lane, railway, pipeline, power line, utility right-of-way or easement, it follows the centre line, unless otherwise clearly indicated on the Zoning Maps;
 - ii. Where a boundary is shown as approximately following the Town boundary or a property line, it follows that boundary;
 - iii. Where a boundary is shown as approximately following the edge or shoreline of a river or other water body, it follows the Ordinary High Water Mark (OHWM);
 - iv. Where a boundary is shown as being generally parallel to or as an extension of any of the features listed above, it shall be so;
 - v. Where a boundary follows the Alaska Highway, it shall include all existing uses encroaching onto the Alaska Highway; and
 - vi. In circumstances not covered above, the boundary shall be determined by measuring the Zoning Maps.
- c) When any public roadway is closed, the roadway lands shall assume the same zoning as the abutting land. When abutting lands are zoned differently, and the road allowance is consolidated with an adjoining parcel, the zone boundary shall reflect the zoning of the consolidated lot.
- d) When any lot is enlarged, as long as the use is consistent with the Official Community Plan and Zoning Bylaw, the zone boundaries should reflect the zoning of the enlarged lot when registered at the Land Titles Office.

4. GENERAL DEFINITIONS

In this bylaw:

A

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

ACCESSORY BUILDING/STRUCTURE means a separate building or structure, normally ancillary, incidental, subordinate, exclusively devoted to and located on the same lot as the main building or structure but does not include a building or structure used as a residence. Typical accessory structures include garages, gazebos, garden sheds, greenhouses, kennels, satellite dishes, storage sheds, stables, television and radio masts, shipping container/sea can and similar structures which are incidental and subordinate to the principal use of the site.

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

ACT means the *Yukon Municipal Act*, as amended from time to time.

ADJACENT means land that is contiguous to, and accessible from a site and includes land that would be contiguous if not for a public road, lane, walkway, utility lot, underground pipeline, power line, drainage ditch or similar feature but does not include land separated by a stream, river, railway or highway.

AGRICULTURE, MAJOR IMPACT means agricultural activity such as the raising of crops and livestock, animal pasturage, horticulture, apiculture, market gardening, nurseries, and similar agricultural pursuits for commercial use, but excluding the raising of crops, pasturing of animals, and production of cannabis

AGRICULTURE, MINOR IMPACT means agricultural activity that is secondary to the residential nature of the lot, including nurseries, greenhouses, market gardens, apiculture and the keeping of livestock for personal use. Operations shall have minimal impacts on the use and enjoyment of neighbouring properties.

AIRPORT means any area of land and water to function as a facility for the arrival, departure, movement, or servicing of aircraft and associated cargo; and includes any associated buildings, installations, open space, and equipment.

ALTER means any structural change to a building bearing wall, foundation support beam, internal partition, column, or girder that results in an increase or decrease in the area or the cubic contents of the structure; any change in the area frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this bylaw; and to discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

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

APARTMENT means three or more individual dwelling units in a single building sharing a common entrance, corridor, or lobby.

B

BASEMENT means a storey or storeys of a building located below the first storey.

BED AND BREAKFAST LODGING means an accessory use of an owner-occupied property in which temporary overnight accommodation and breakfast is provided to tourists and visitors, with units located within the main dwelling and/or in a separate dwelling.

BOARD OF VARIANCE means the Board established by bylaw of the Town according to the *Municipal Act*.

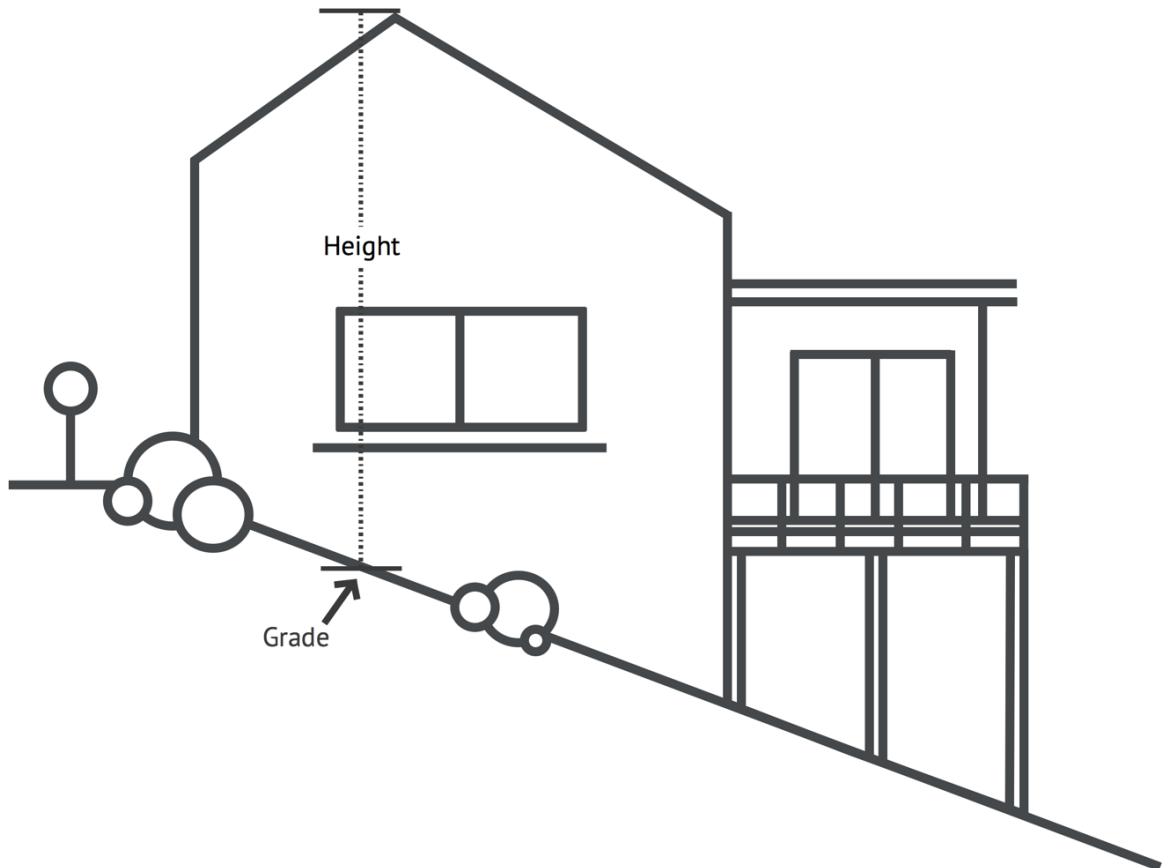
BUILDING means a temporary or permanent structure having a roof supported by columns or walls for the

shelter or enclosure of persons, animals, materials, chattels and equipment.

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

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

Figure 3.1 – Illustration of Height and Grade



C

CAMPGROUND means an area of land, managed as a unit, providing short-term accommodation for tents, tent trailers, travel trailers, recreational vehicles and campers, and include camps sponsored by non-profit organizations.

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

CARETAKER RESIDENCE means a building or portion of a building used to provide on-site accommodation for the owner/employer or for persons employed on the property, including clergy.

CERTIFICATE OF ZONING COMPLIANCE means a certificate, issued by the Development Officer, which confirms that uses and structures on a property complies with this bylaw.

CHILDCARE CENTRE means an establishment licensed under the *Child Care Act*, intended to provide care, educational services, and supervision for children for a period of less than 24 consecutive hours.

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

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

COMMUNITY RECREATION SERVICES means development for recreation, social or multi-purpose use primarily intended for local community purposes. Typical uses include community halls, non-profit social clubs and community centres and may be operated by a local association.

COMPATIBLE means a building, structure, activity or use that visually blends with, conforms to the intent of, and respects the surrounding environment.

CONCRETE AND ASPHALT PLANTS means those resource processing and manufacturing uses for the manufacture of concrete, asphalt, and similar construction products.

CONDITIONAL USE means a permitted use of any lot if such use has been approved by Council in accordance with this bylaw.

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

CONTAMINATED MATERIAL means soil, sediment, snow or other similar media that is contaminated with hydrocarbons or other permitted organic compounds and excludes surface water, groundwater, air, animals and plants.

COUNCIL means the Council of the Town of Watson Lake.

D

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

DERELICT VEHICLE means any vehicle which is not new or unused, and: is not in operating condition; is unregistered and not licensed in accordance with the *Motor Vehicle Act*; has been abandoned; is being kept primarily for the purposes of salvaging or selling parts therefrom, or for scrap metal.

DESIGNATED HERITAGE STRUCTURE means any structure, building, or exterior or interior part of a structure or building that has sufficient historic significance to warrant protection and preservation.

DEVELOPMENT means the carrying out of any activity involving a material change to any use on, over or under the land or buildings on the land that results, or is likely to result, in a change of use or intensity of use and includes site clearing or excavation, dumping or filling, mining, remediation of contaminated material, construction, renovation or demolition.

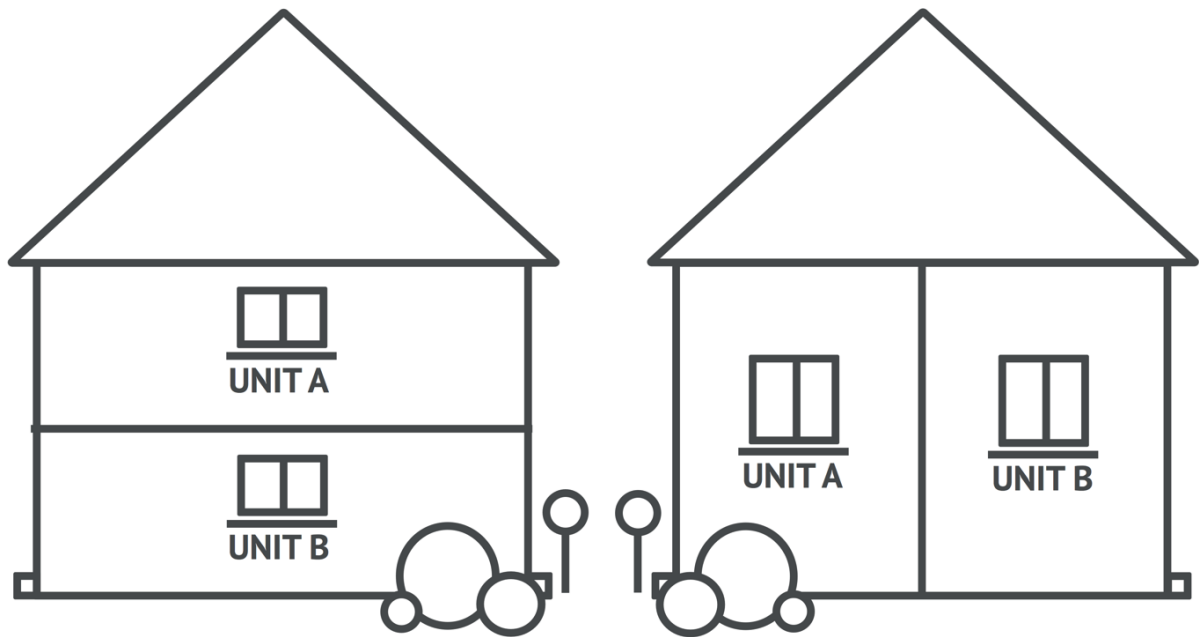
DEVELOPMENT AGREEMENT means a legal agreement between the developer and Town setting out their respective rights, obligations, and fiscal commitments in respect to a proposed development.

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

DEVELOPMENT ASSESSMENT means a process that evaluates the potential beneficial and adverse environmental effects of a project or development; carried out in accordance with the applicable legislation and/or bylaws governing the permitting of the project or development.

DEVELOPMENT OFFICER means a Town official appointed by Council to interpret, administer, and enforce the provisions of the Town Zoning Bylaw. The Chief Administrative Officer, the Development Officer, Director of Public Safety, and the Bylaw Officer would generally be appointed as Officers under this bylaw.

DEVELOPMENT PERMIT means a document authorizing a development issued pursuant to this bylaw.



DUPLEX DWELLING means a building designed exclusively to accommodate two households living independently in separate dwelling units side by side or above and below each other.

DWELLING means one or more rooms intended to be used as a residence by one household, each dwelling having independent living, sleeping, toilet facilities, and not more than one kitchen.

Figure 3.2 – Illustration of Duplex

E

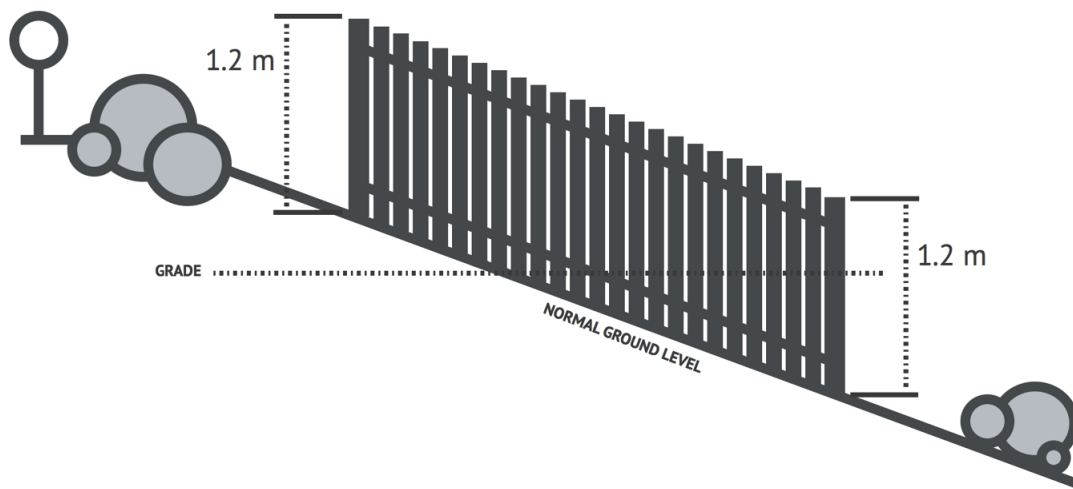
EXISTING NON CONFORMING means legally existing as of the date of passage of this bylaw and shall be dealt with according to the provisions of the *Municipal Act*.

F

FAMILY DAY HOME means an establishment licensed under the Yukon *Child Care Act* that is intended to provide care, educational services, and supervision for children during a period of less than 24 consecutive hours. Unlike childcare centres, family day homes are located in dwelling units and are secondary to a residential use.

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

Figure 3.3 – Illustration of a Fence Height



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

FINANCIAL SERVICES means the provision of financial and investment services by a bank, trust company, investment dealer, mortgage broker or related business.

FLOOR AREA means the sum of the horizontal areas of each storey of the building measured from the exterior faces of the exterior walls providing that in the case of a wall containing windows, the glazing line of the windows may be used. The floor area measurement excludes attached garages, attics, balconies, breezeways, carports, porches, and terraces.

FRONTAGE means the minimum straight-line distance between the intersection of the side lot lines and the front lot line.

G

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

GARDEN SUITE means a secondary dwelling unit located on a lot where the principal use is a single detached dwelling unit.

GRADE means,

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

GROUP HOME means the use of a dwelling as a social care facility which is licensed or authorized by a public authority to provide room and board for between 4 and 8 children or adults with physical, mental, social, foster care or behavioural problems that require professional care, guidance, and supervision.

H

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

HEAVY EQUIPMENT STORAGE means premises used for the storage of heavy vehicles, machinery or equipment typically used in building, roadway, pipeline and mining construction

HOME OCCUPATION means development consisting of the use of an approved dwelling unit or accessory building by a resident of that dwelling for one or more businesses which does not generally generate traffic. The business must be secondary to the residential use of the building and no aspects (such as sounds, light, noise, odours or storage or workings) of the business operations shall be detectable from outside the property.

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

HOUSEHOLD means one or more persons occupying a single dwelling unit, as distinguished from, hotel, club, or an institutional building.

I

INDOOR PARTICIPANT RECREATION SERVICES means facilities within an enclosed building for sports, games, active recreation and performing and cultural arts where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include amusement arcades, athletic clubs, health and fitness clubs, swimming pools, rifle and pistol ranges, bowling alleys, and racquet clubs.

INDUSTRIAL means development used principally for one or more of the following activities:

- the processing of raw materials (e.g. sawmills);
- the manufacturing or assembling of semi-finished or finished goods, products or equipment;
- the cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial, business or household use, where such operations have impacts that would make them incompatible in non-industrial zones;
- terminals for the indoor or outdoor storage or transshipping of materials, goods and equipment;
- the distribution and sale of materials, bulk goods and equipment to institutions, industrial or commercial businesses for their direct use, or to general retail stores or other uses for resale to individual customers;
- the training of personnel in general industrial operations. Any indoor administrative support, display, office, retail sale, or technical operations shall be accessory to the general industrial uses listed above. The floor area devoted to such accessory activities shall not exceed 40% of the gross floor area of the building(s) devoted to the general industrial use.

INDUSTRIAL, GENERAL means industrial development that produces no smoke, smell, toxic fumes, air and water contaminants, fire or explosive hazards, vibration, electrical or electronic interference, or noise that may in any way interfere with the use of any contiguous lot for industrial use.

INDUSTRIAL, HEAVY means industrial development that may produce smoke, smell, toxic fumes, air and water contaminants, fire or explosive hazards, vibration, electrical or electronic interference, or noise that may interfere with the use of any contiguous lot. Typical uses are refineries, sawmills and industrial salvage areas, including scrap metal, abandoned vehicles, machinery, recycling centers and other discarded materials.

INSTITUTIONAL SERVICES means the use of land, buildings or structures for public or non-profit purpose, and without limiting the generality, may include such uses as public schools, recreation facilities, community centres, visitor and tourist information centres, and government buildings.

K

KENNELS means land and premises used for the business of breeding, buying, selling, or boarding of animals including but not limited to cats, dogs, sled dog teams, or other domesticated animals, excluding livestock.

L

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

LAND TREATMENT FACILITY means a facility designed and operated for the purpose of restoring and rehabilitating contaminated soil, sediment, snow or other similar material.

LIVESTOCK means an animal that is traditionally used or raised on a farm and includes, but is not limited to, asses, cattle, horses, mules, sheep, and swine.

LIVING SUITE means a self-contained, accessory dwelling unit located within a single detached dwelling

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

LODGING FACILITY means a lodging facility that has buildings or structures which may be dismantled and removed from the site from time to time. Typical uses include seasonal camps and can include ATCO style camp trailers. The lodging facility should be to the CSA A277 standard.

LOT means a parcel of land, including public land, which is legally defined by registered plan or description.

LOT AREA means the total horizontal area within the lot lines of a lot.

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

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

LOT LINE means the legally defined limit of any lot.

LOT LINE, FRONT means,

- in the case of an interior lot, a line separating the lot from the street;
- in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street not including a corner cut; or
- in the case of a lot extending between two parallel streets, the front lot line shall be determined by prior common practice in the area.

LOT LINE, REAR means the lot line opposite to or most distant from, the front lot line. In the case of an irregular shaped lot, a line three metres in length within the lot, parallel to and at the maximum distance from the front lot line, shall be considered to be the rear lot line for the purpose of determining the rear yard.

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

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

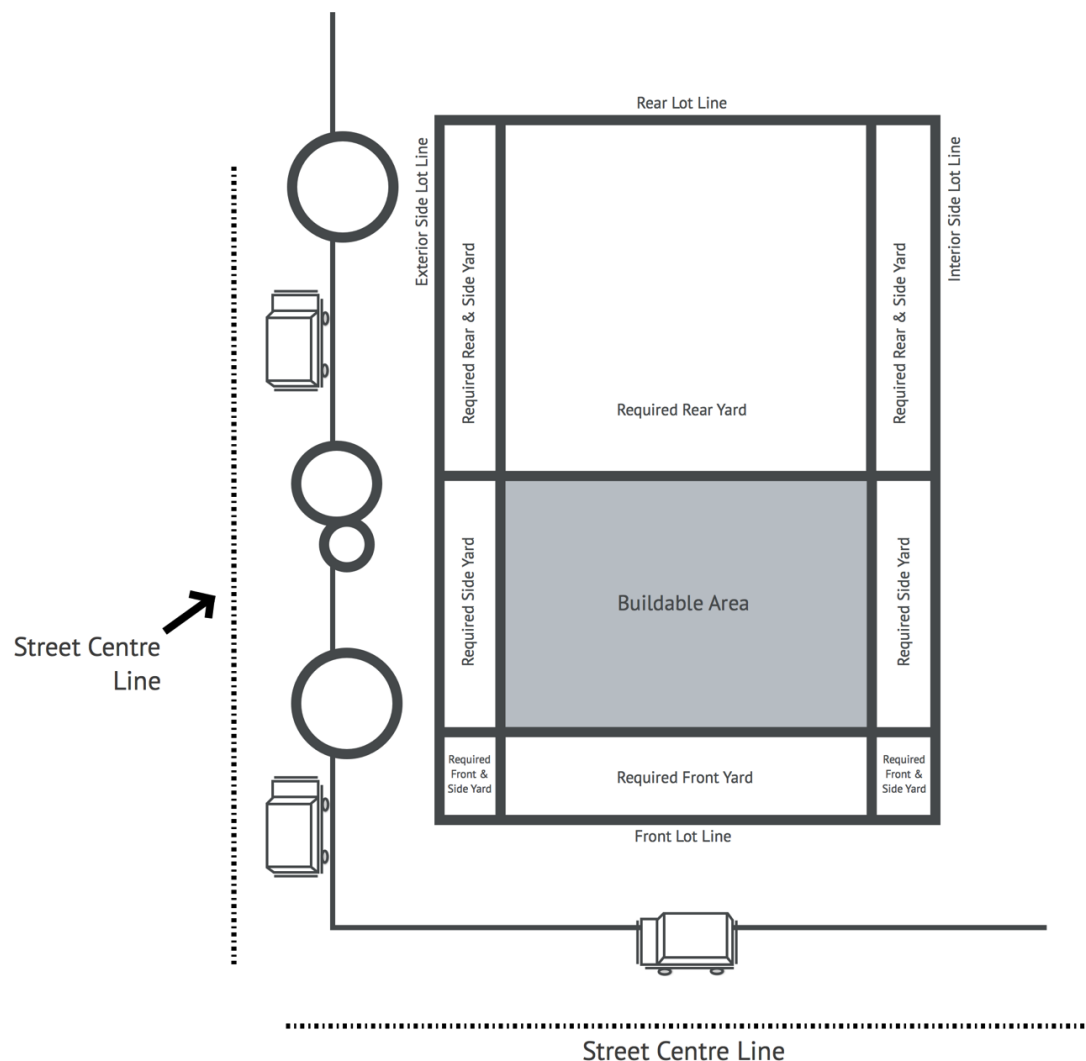


Figure 3.4 – Illustration of Lot Lines

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

LOT, INTERIOR means a lot other than a corner lot.

M

MOBILE HOME means a factory built single or multiple section single unit dwelling unit designed to be transportable on its own chassis that conforms to the CSA Z240 Manufactured home Series of Standards.

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

MODULAR HOME means a factory built single or multiple section single unit dwelling unit constructed to the National Building Code of Canada CAN/CSAA277 standard that is designed to be transported to the site and fitted together structurally, mechanically and electrically to form a single structure placed on a permanent foundation.

MOTEL means a building or group of buildings divided into self-contained sleeping or dwelling units, each

with a separate exterior entrance and convenient access to on-site parking. Motels may include on-site restaurant and recreation facilities.

MULTIPLE HOUSING means any physical arrangement of three or more dwelling units intended to be occupied by separate households. Multiple housing includes apartments, triplex, fourplex, townhouse and apartment housing types and does not include mobile home parks.

N

NATURAL RESOURCE EXTRACTION includes the quarrying, mining, processing, removal and off-site sale of sand, gravel, earth, mineralized rock, water, or other similar natural materials.

O

OFFICES means development primarily for the provision of professional, management, administrative, consulting, and financial services in an office setting.

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

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

OUTDOOR PARTICIPANT RECREATION SERVICES means facilities that are available to the public at large for sports and active recreation conducted outdoors. Typical uses include ski hills, golf courses, ball fields and riding stables.

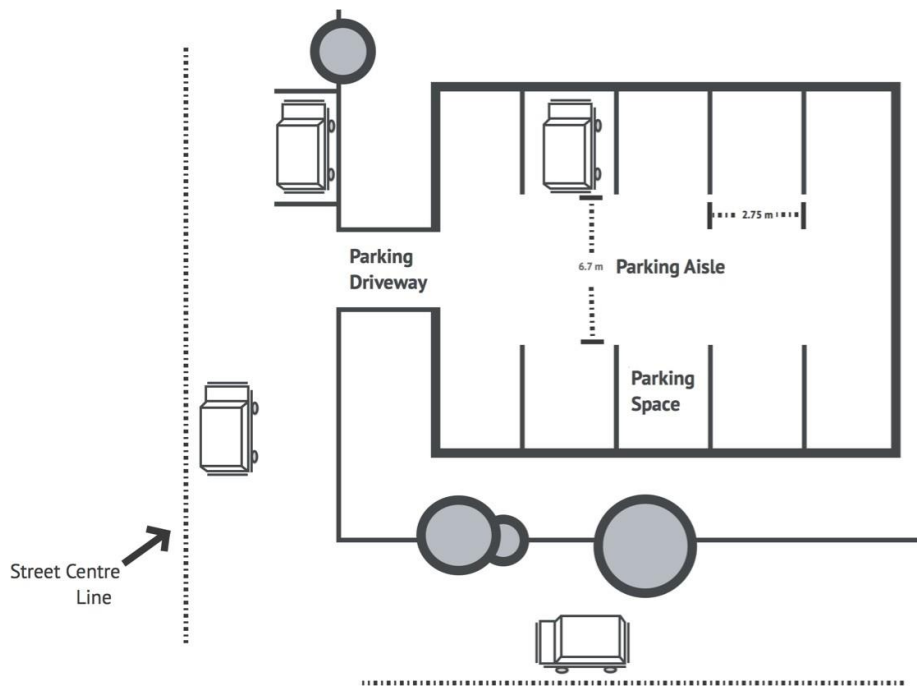
OUTSIDE STORAGE means the accessory storage of equipment, goods and materials in the open air on a lot.

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

P

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

Figure 3.5 - Illustration of Parking



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

PERSONAL SERVICE ESTABLISHMENT means uses that provide personal services to an individual which are related to the care and appearance of the body or the cleaning and repair of personal effects. This includes such uses as barbershops, dressmakers, dry cleaning establishments, hairdressers, laundries, manicurists, massage therapists, tailors, and shoe repair shops.

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

PRODUCTION, RESTRICTED means the production of cannabis through cultivation, propagation, or harvesting, for either commercial or medical use, and which are required to comply with Federal and Territorial regulations. Any applications and/or approval documents from the appropriate government agency must be submitted to the Town once issued.

PRINCIPAL USE means the use of land, buildings or structures that is provided for in the schedule of zones of this bylaw for which a permit when applied for, shall be granted with or without conditions, where the use applied for conforms to the requirements of this bylaw. As the context requires, it means the main purpose for which land, buildings or structures are ordinarily used.

PRIVATE CLUB means a development used for the meeting, social, or recreational activities of members of a non-profit, philanthropic, social service, and athletic, business or fraternal organization. Private clubs may include rooms for eating, drinking and general assembly.

R

RECLAMATION means the process of reconvertng disturbed land to its former or other productive uses.

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

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

RESTAURANT means development where prepared foods and beverages are offered for sale to the public for consumption within the premises or off the site. This includes bars, neighbourhood pubs, licensed restaurants, cafes, delicatessens, tearooms, lunchrooms, refreshment stands, and take-out restaurants. This use does not include drive-in food services or mobile catering food services.

RETAIL SERVICES, RESTRICTED means all retail services for the private retail of non-medical cannabis, which are required to comply with Federal and Territorial regulations. Any applications and/or approval documents from the appropriate government agency must be submitted to the Town once issued. Retail Services, Restricted may be sold in the same locations as liquor or tobacco outlets.

RETAIL STORE, CONVENIENCE means development used for the retail sale of those goods required by area residents, tourists or employees on a day-to-day basis.

RETAIL STORE, GENERAL means premises where goods, merchandise, other materials, and personal services are offered for sale at retail to the general public and includes limited on-site storage to support that store's operations. Typical uses include grocery, department stores, hardware, pharmaceutical, appliance and sporting goods stores.

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

S

SEA CAN see shipping container.

SECONDARY USES are those uses that must be in conjunction with a principal use and require development approval as a separate use unless otherwise exempted from a Development Permit by this bylaw. For example, a home-based business may be a secondary use, not a principal use. A garden shed would be an accessory use to a single detached dwelling.

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

SHIPPING CONTAINER means an industrial intermodal shipping or cargo container being a standardized steel storage container or box which can be easily transferred between different modes of transportation and constructed for the transportation of goods by rail, ship or truck.

SHOPPING CENTRE means one or more buildings containing a number of retail stores and other businesses planned, developed, and managed as a unit sharing common services, parking and other facilities on one or more lots.

SIGN means,

- any visual medium, including its structure and other component parts;
- any banner, illuminated or non-illuminated, which is visible from any public street; or
- any lettering, words, picture, logos, or symbols, which identify, describe, illustrate, or advertise a product, place, activity, business, service, or institution.

Without limiting the generality, sign includes banners, placards, and painted messages, but not flags, interior window displays of merchandise, or signs painted on or attached to a motor vehicle. Sign does not include murals or other works of art that do not include a commercial message provided they are not erected above the roofline.

SINGLE DETACHED DWELLING means a detached building containing only one dwelling unit, designed exclusively for occupancy by one household. This may also include modular homes that are a minimum of 12 metres wide with a pitched roof, but excludes mobile homes.

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

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

SOLAR ENERGY SYSTEM means a device with the primary purpose of gathering, storing, and distributing solar energy for electricity generation, space heating, space cooling, or water heating.

SOLAR ENERGY SYSTEM, ROOF-MOUNTED means a solar energy system that is structurally mounted to the roof of a building or structure.

SOLAR ENERGY SYSTEM, GROUND-MOUNTED means a solar energy system that is structurally mounted to the ground and is not roof-mounted.

SOLAR ENERGY SYSTEM, COMMERCIAL means a commercial facility that converts sunlight into electricity for the principal purpose of wholesale sales of generated electricity.

SOURCE WATER PROTECTION AREA is the watershed that supplies the municipal drinking water system.

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

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

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

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

STREET means a public thoroughfare, which affords the principal means of access to abutting properties.

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

T

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

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

TOWNHOME means three or more side-by-side dwellings sharing a common interior wall, each unit being self-contained, having a private ground-oriented entrance.

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

U

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

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

UTILITY SERVICES, MAJOR IMPACT means development for utility infrastructure purposes which is likely to have an impact on the environment and adjacent land uses. Such uses may include but are not limited to landfills and waste treatment facilities, sewage treatment facilities, water treatment facilities, pump houses, reservoirs, electrical generation facilities and high voltage power transmission lines.

UTILITY SERVICES, MINOR IMPACT means development for utility infrastructure purposes which is likely to have only minor impact on the environment or adjacent land uses by virtue of its appearance, noise, size, traffic generation or operational characteristics. Such uses include but are not limited to telephone exchanges, wire centres, switching centres, surface reservoirs or storm water lakes including adjacent landscaping and walkways, minor pump houses, stations for natural gas distribution, and transit terminals.

V

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

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

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

W

WALKWAY means a public right-of-way or easement designed for use by pedestrian and/or bicycle traffic.

Y

YARD, EXTERIOR means a side yard immediately adjoining a public street.

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

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

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

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

5. VARIANCES

5.1. Duties of Development Officer

- a) The position of Development Officer to administer this bylaw is established.
- b) The following positions are appointed as Development Officers: Chief Administrative Officer, Director of Public Safety, Development Officer and Bylaw Officer of the Town of Watson Lake.
- c) The Development Officer shall receive completed applications for a Development Permit, rezoning and Certificate of Zoning Compliance.
- d) The duties of the Development Officer include:
 - i. Receiving, reviewing, and making recommendations to Council on any application to amend this bylaw;
 - ii. Approving, rejecting or approving Development Permits with conditions as the case may be, and issuing Certificates of Zoning Compliance;
 - iii. Referring applications for conditional uses to Council;
 - iv. Referring an application to any Federal or Territorial department or any other agency or body deemed appropriate for advice and comment;
 - v. Publicly posting on the municipal office bulletin board, the affected site and such other prominent locations within the community notice of receipt of an application for a conditional use permit;
 - vi. The Development Officer shall give written notice to property owners within 100 metres of the location to which a conditional use permit application applies, and provide fourteen days for comment prior to making a decision;
 - vii. Creating standard application forms and maintaining a current copy of this bylaw, for inspection or purchase at a reasonable cost by the public during normal office hours;
 - viii. Maintaining a public register of all Development Permit and rezoning applications received including the decisions made;
 - ix. Exercising discretion in granting allowance in height, setbacks, or floor area, beyond the requirements of this bylaw provided there would be no detrimental impact on adjacent properties or the neighbourhood. Allowances shall be no greater than 5%; and
 - x. Performing such other duties as described or implied by this bylaw.

5.2. Board of Variance

- a) A Board of Variance shall be established in accordance with the *Yukon Municipal Act*.
- b) The Board of Variance shall consist of not less than three members, none of whom are members of Council or employees of the Town, to review and make decisions on applications made to it.
- c) The Chairperson of the Board of Variance shall be selected from amongst its members. The Chairperson shall sign all notices of decision and other documents on behalf of the Board or, in absence of the Chairperson, such documents may be signed by one of the members present at the hearing to which they apply.
- d) The Secretary of the Board of Variance shall be appointed by the Council and shall not be a member of Council or the Development Officer.
- e) A majority of the board shall represent a quorum.

5.3. Variance Procedures

- a) A person may apply to the Board of Variance for a variance or exemption from an Official Community Plan or Zoning Bylaw if there are practical difficulties or unnecessary hardships in meeting the requirements because of exceptional or unusual conditions of the property. Applicants must pay a fee, as outlined in the Town of Watson Lake *Fees and Charges Bylaw*.
- b) The Board of Variance shall give at least fourteen days notice of the public hearing date, in writing to:
 - i. The applicant and the Development Officer;
 - ii. All adjacent land owners within 100 metres of the development, and those others who, in the opinion of the Board of Variance, may be affected by the variance request; and
 - iii. Any other persons or agencies that the Board deems affected by the request.
- c) The Board of Variance shall make available for public inspection before the public hearing all relevant documents and materials respecting the variance including the original application for the Development Permit, the Development Officer's decision, and the variance application.
- d) At the public hearing, the Board of Variance shall hear:
 - i. The person requesting the variance or any person acting on their behalf;
 - ii. The Development Officer, or a person designated to act on their behalf;
 - iii. Any other person who was served with notice of this public hearing and who wishes to be heard or a person acting on his/her behalf; and
 - iv. Any other person that the Board of Variance agrees to hear or a person acting on their behalf.
- e) The Secretary will also read and provide to the Board copies of any written submissions received prior to the opening of the Public Hearing.
- f) Within thirty days of receipt of a completed application, the Board of Variance shall hold a hearing respecting the variance request and approve, disapprove, or approve with conditions an application that in its opinion will preserve the purposes and intent of the Official Community Plan and Zoning Bylaw.
- g) The Board of Variance shall give its decision in writing together with the reasons for the decision within five days of the conclusion of the public hearing and within the thirty days of receipt of the completed application. In determining an appeal, the Board of Variance shall not approve an application for a variance if:
 - i. The unusual condition is the result of the applicant's or the property owner's action;
 - ii. The adjustment requested would constitute a special privilege inconsistent with the restrictions on the neighbouring properties in the same district;
 - iii. The variance or exemption would be contrary to the purposes and intent of the Official Community Plan or Zoning Bylaw and injuriously affect the neighbouring properties; or
 - iv. The variance or exemption would allow a change to a use that is not similar to a permissible use in the area.

5.4. Appeals to Council

- a) Any person, who claims to be aggrieved by a decision of the Development Officer or Board of Variance, may appeal in writing to Town Council within thirty days of that decision by filing a written notice of appeal using the form provided and paying the applicable processing fee as listed in the Town of Watson Lake *Fees and Charges Bylaw*.
- b) Council shall schedule a hearing of the appeal within thirty days of filing following the procedures set out in the *Municipal Act*.
- c) The decision of Council is final and binding on all parties.

6. DEVELOPMENT PROCESS

6.1. Development Permit Required

Unless otherwise exempted by this bylaw, no person shall initiate any development or commence any use in the Town unless authorized by a valid and subsisting Development Permit.

6.2. Development Permit Exemptions

No Development Permit shall be required for the following activities provided that such developments comply with all applicable provisions of this bylaw and other legislation:

- a) Alterations and minor repairs to any building or structure provided the work does not change the use or intensity of use or the building footprint;
- b) The construction of a single storey accessory building or structure not greater than 12m² in floor area;
- c) The erection of fences, wall or gate not exceeding the height specified for the applicable zone;
- d) The construction of walkways, driveways and landscaping, where the existing grade and surface drainage pattern is not materially altered and the manner of development does not obscure traffic sight-lines or create similar off-site impacts;
- e) The temporary use of a building or part thereof, in relation to an election, census or referendum including candidate campaign offices;
- f) The erection, repair and replacement of television and minor communication related structures such as aerials, towers and satellite dishes;
- g) Demolition of a building under 12m², except a designated heritage structure;
- h) The installation, maintenance or repair of public utility structures and municipal services by the Town, senior levels of government or their contractors;
- i) The completion of a building or structure which was lawfully under construction at the date on which this bylaw came into force and effect provided that the building or structure is completed in accordance with the permit granted;
- j) A temporary structure which is incidental to a project for which a Development Permit has been issued is underway; and
- k) Construction of a private dock.

6.3. Fees

- a) Fees are listed in the Town of Watson Lake *Fees and Charges Bylaw*.
- b) Development Permit fees shall be non-refundable.
- c) All required fees must be included with the submission of the Development Permit Application and applications without fees shall not be accepted.
- d) There are fees for the following:
 - v. Zoning amendment application
 - vi. Development permit
 - vii. Development permit amendment or extension
 - viii. Development permit (conditional use)
 - ix. Certificate of Zoning Compliance
 - x. Board of Variance application
 - xi. Appeals to Council

- xii. Authorization to extract natural resources
- xiii. Printed copy of the Zoning Bylaw

6.4. Certificate of Zoning Compliance

- a) The Development Officer at the request and receiving the payment of the fee from the applicant shall provide a Certificate of Zoning Compliance confirming development has been completed in accordance with a valid Development Permit and complies with the bylaw of the day.
- b) Every application for a Certificate of Zoning Compliance shall be made in writing on the form prescribed by the Development Officer and include the fee as set out in the Town of Watson Lake *Fees and Charges Bylaw*.
- c) Where an applicant's proposed use or change of use is permitted within any zone and it complies with every other section of this bylaw, the Development Officer may issue a Certificate of Zoning Compliance.

6.5. Development Permit Application

- a) Every application for a Development Permit shall be made in writing using the form provided.
- b) Applications should:
 - i. Include the completed form signed by the registered owner or authorized agent;
 - ii. include the legal description and property address;
 - iii. state the current, proposed use and occupancy of all parts of the lot and buildings;
 - iv. describe the size of the proposed development with respect to gross floor area, lot coverage, building or structure height, amount and location of parking and loading areas;
 - v. include the fees as set out in the Town of Watson Lake *Fees and Charges Bylaw*;
 - vi. be accompanied by a site plan showing
 - a. A north arrow and scale;
 - b. The legal property description
 - c. lot dimensions and other reference features such as the location of easements, existing buildings, fences relative to property lines, and existing and proposed grades
 - d. The location of all existing and proposed improvements on the lot including site access and egress, front, side and rear yard
 - e. Dimensions, location and size of required parking, loading and garbage collection areas;
 - f. The location of any trees, shrubbery or natural features to be retained;
 - g. The location of public sidewalks, hydro poles, light standards, boulevard trees, fire hydrants and other related features;
 - h. Floor plans and elevation drawings of all proposed buildings, and structures including any additions;
 - i. The location, size, and placement of signs and future signs in all commercial, institutional and industrial zones;
 - j. The location of all existing and proposed services on the property;
 - k. A site drainage plan that ensures positive site drainage to ensure lot grading for adequate drainage so that there will be no free flow of water onto adjacent properties (other than through a drain, ditch or swale) and that

shows the location of all proposed structures to manage drainage including connections to existing storm mains, ditches, rock sumps, design elevations and or/storm water interceptors.

- l. Fire smart plan in country and rural residential areas; and
 - m. Any other information required by the Development Officer.
- vii. The Development Officer shall not accept an application for a Development Permit where an applicant has not provided sufficient details of the proposed development. An application shall not be deemed complete until all required details have been submitted to the Development Officer.

6.6. Decisions – Permitted

- a) The Development Officer shall:
 - i. Approve applications for a Development Permit where the use proposed is listed as permitted in that zone and the application complies with all other applicable requirements of that zone;
 - ii. Consider all written submissions received in support or against a conditional use application prior to rendering a decision and may approve, reject or impose such conditions as the Development Officer considers appropriate; and
 - iii. Refuse applications that do not comply with the requirements of this bylaw.
- b) The Development Officer shall make a decision within 30 business days on a development application in a zone where the proposed development is listed as a permitted or accessory use.
- c) The Development Officer shall make a decision within 45 business days on a development application in a zone where the proposed development is listed as a conditional use requiring notification of affected property owners.
- d) Decisions shall be in writing with the reasons listed and sent to the applicant or in the case of a conditional use, to all interveners or property owners previously notified.
- e) A Development Permit approval becomes effective on the date that any conditions, except those of a continuing nature, are fulfilled.
- f) Where a Development Permit is approved and an appeal is subsequently filed within the required time limits, the Development Permit is not effective until a determination has been made on the appeal.
- g) If the development authorized by the Development Permit is not commenced within twelve months from the date of issue the permit is deemed void.
- h) The applicant may request an extension prior to the expiry date by notifying the Development Officer in writing indicating the reasons for the extension request. The Development Officer may grant, reject or approve the extension, and may impose any conditions deemed necessary. Payment of a fee established by Council may also be required
- i) The granting of a Development Permit shall not relieve the applicant from responsibility to acquire such other permits or approvals required to authorize the development.
- j) The person to whom a Development Permit has been issued, shall, during construction, post in a conspicuous location on the site a copy of the approved development and building permits.
- k) Where the proposed development requires a subdivision of land, no Development Permit shall be issued until the proposed subdivision has been registered.

6.7. Decisions – Conditional Uses

- a) Upon receipt of a complete application for a development permit for a conditional use or development, a Development Officer shall:
 - i. Mail a Notice of Proposed Development to all assessed property owners within 100 metres of the proposed development at least 14 days prior to the public input session. The Development Officer and/or Council may increase the radius for notification.
 - ii. Publish a Notice of Proposed Development at least once in a newspaper, at four community locations, on the website and on social media, prior to the public input session, stating where the application may be examined, and stating the time and place of the public input session.

OR Circulate a Notice of Proposed Development prior to the public input session. Methods of circulation may include the Town website, local newspapers, community bulletin boards and written notification letters.
 - iii. Ensure a Notice of Proposed Development is available for public examination.
- b) A Notice of Proposed Development may include:
 - i. The location of the proposed use of the building or site;
 - ii. A general description of the proposed use or development;
 - iii. A map showing the proposed development in relation to the lot, the street and the abutting properties;
 - iv. The date on which the public input session to Council will be held; and
 - v. The name, address, and contact phone number of the applicant and Development Officer where further information can be obtained.
- c) Council shall hold a public hearing to receive written or verbal submissions regarding the proposed development.
- d) Council, having received and considered any verbal or written submissions received at the public input session and having considered the recommendations of the Development Officer and any other concerned public officials, shall determine the issuance of the Development Permit.
- e) Council may approve, deny, or approve with conditions applications for development permits for conditional uses.
- f) Council may add such conditions to ensure compliance with this bylaw, other Town bylaws, the Official Community Plan, the Act and to address concerns raised by the public.
- g) When considering conditional uses, especially in the H – Hinterland zone, Council should consider the Source Water Protection Plan and should not approve uses that could negatively impact the drinking water supply.
- h) Council may require the applicant enter into a Development Agreement. The Development Agreement may be registered as caveat on title.

6.8. Development Agreements

- a) The Development Officer or Council may require the applicant to enter into a Development Agreement with the Town to cover the terms and conditions set out in a Development Permit that are deemed necessary to ensure compliance with this bylaw and the Official Community Plan.
- b) A Development Agreement may contain contractual arrangements as to any or all of the following:
 - i. The use of the lot in relation to any existing or proposed buildings or structures including the preservation of buildings and structures;

- ii. Any requirements for fire smarting, flood-proofing, environmental setbacks or waivers of municipal liability relating to known potential hazards;
 - iii. The timing and nature of development including such matters as siting, drainage, grading, building height and dimensions, facade treatment, landscaping, hardsurfacing, screening, parking and access;
 - iv. The extension, construction or replacement, in whole or in part, of roads, sidewalks, street lighting, storm drainage, water supply distribution, garbage and sewage disposal;
 - v. The provision of on-site recreation or other amenities to serve the development;
 - vi. The levying of a fee in lieu of otherwise providing for any of the matters mentioned in the sub-clauses above; and
 - vii. The collection of a security deposit to ensure compliance with landscaping, hardsurfacing, municipal services, temporary structures, demolition and/or other provisions of a Development Permit as determined by Council.
- c) Council may require the Development Agreement be registered in the Land Titles Office, and any agreement as registered shall have the force and effect of a restrictive covenant running with the land.

6.9. Resubmission Interval

- a) When an application for a Development Permit is refused by a Development Officer or Council, another application on the same site for the same use or similar use as that being applied for, shall not be accepted from the same or any other applicant until at least six months after the date of refusal.
- b) The above shall not apply in the case of an application for a Development Permit if the new application is for a principal use that complies with the regulations of this bylaw.

6.10. Suspension, Revocation or Expiration of Permit

- a) The Development Officer may suspend or revoke a Development Permit where:
 - i. The applicant fails to comply with the conditions of the issuance of the permit; or
 - ii. Any person undertakes or causes or allows any development on a site contrary to the terms or conditions of a permit.
- b) Works authorized by a Development Permit must be completed within 3 years of the date of issuance or the Development Officer may deem the permit expired.

7. ENFORCEMENT

7.1. General

- a) The Development Officer, Bylaw Enforcement Official and the Chief Administrative Officer are authorized to enforce provisions of this bylaw as appointed Development Officers.

7.2. Offences

- a) Any person who contravenes, causes, or permits a contravention of this bylaw commits an offence.
- b) Any person who constructs a building or structure or makes an addition or alteration thereto for which a Development Permit is required but has not been issued; or is in contravention of a condition of a Development Permit issued under this bylaw, commits an offence.

7.3. Right of Entry

- a) After reasonable notice to the owner or occupant, a Development Officer or any other authorized Town representative may enter onto a land or into any building or structure at any reasonable time in order to conduct an inspection to ascertain compliance with this bylaw.
- b) No person shall interfere with or obstruct the entry of a Development Officer or any authorized Town representative onto any land or into a building or structure to which entry is made or attempted pursuant to the provisions of this bylaw.
- c) Where entrance into or upon any property within the Town is refused, a judge, upon application made on behalf of council, may by order require the occupier of the property to admit a Development Officer or any authorized Town representative into or upon the property for the purpose of an inspection under Section 7.3.a.
- d) An order made by a Judge under this section continues in force until the purpose for which it was made has been fulfilled.

7.4. Notices

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

7.5. Refusal, Suspension or Revocation of Permit

- a) A Development Officer may refuse to issue, suspend, or revoke a development permit where:
 - i. the applicant fails to comply with the conditions of the issuance of the permit; or
 - ii. any person undertakes or causes or allows any development on a site contrary to terms or conditions of a permit; or
 - iii. any person fails to complete the corrective measures described in Notice of Violation issued pursuant to Section 7.4.

7.6. Offence Tickets

- a) Where a person has contravened a provision of this bylaw, or if the corrective measures described in a Notice of Violation issued pursuant to Section 7.4, are not completed within the specified time, or if development continues after a permit has been revoked, the person to whom the Notice of Violation was issued may be issued an offence ticket by a Development Officer in the amount specified in Section 7.10 (Schedule of Fines).
- b) The offence ticket shall specify the alleged offence committed, the person to whom the offence ticket is issued, and require payment of the penalty by a specified date.
- c) The offence ticket shall be served personally or by registered mail on the person identified in Section 7.4.a.
- d) A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.
- e) Any person who contravenes the same provision of this bylaw within twelve months after the date of the first contravention is liable to the specified penalties for such second or subsequent offence in the amount set out in Section 7.10 (Schedule of Fines).

7.7. Report to Council

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

7.8. Orders

- a) A Development Officer may issue to the owner of the property, the person in possession of the land or buildings, or the person responsible for the contravention, a written order to comply with the provisions of this bylaw
- b) The order may:
 - i. Direct a person to stop doing something or to change the way in which the person is doing it;
 - ii. Direct a person to take any action or measure necessary to remedy the contravention of the Act, Official Community Plan or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw and, if necessary, to prevent a reoccurrence of the contravention;
 - iii. State a date and time by which the person must comply with the directions;
 - iv. State that if the person does not comply with the direction within the specified time, the Town will take action or measure at the expense of the person; and
 - v. State that a person who received a written order may request that Council review the order with 14 days after the date the order is received. After reviewing the order, Council may confirm, vary, substitute or cancel the order.
- c) This order shall be delivered by registered mail or be personally served on the person described in Section 7.4.a.

7.9. Penalties

- a) Any person who commits an offense under this bylaw is, upon summary conviction, liable to a fine as specified in the *Summary Convictions Act*;
- b) Any person who commits an offense under this bylaw is, in addition to any other punishment, liable on summary conviction to:
 - i. a voluntary fine issued pursuant to Section 20 of the *Summary Convictions Act* and in respect of an offence specified in Section 7.10 (Schedule of Fines); or
 - ii. A fine not exceeding ten thousand dollars (\$10,000.00) and the costs of prosecution or to imprisonment for six months or both where proceedings are commenced pursuant to the summary convictions provisions of the *Criminal Code of Canada*; or
 - iii. A fine not exceeding five hundred dollars (500.00) or to imprisonment for six months or both where proceedings are commenced pursuant to Section 9(1) of the *Summary Convictions Act*.
- c) Where a person fails or refuses to comply with an Order pursuant to Sections 7.2 and 7.8, that person is liable on summary conviction to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
- d) In addition to the penalties provided for under section 7.9.b, a person convicted of an offence pursuant to Section 7.2 in respect to the use of land or buildings or development carried out in contravention of this bylaw, may be ordered to remove such development and reclaim the site at that person's own expense.
- e) Should any person owning or occupying real property within the Town refuse or neglect to pay any penalties that have been levied pursuant to this bylaw, the Development Officer may inform such person in default that, if these charges are unpaid on the thirty-first day of December on the same year, these shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

7.10. Schedule of Fines

A voluntary fine under Section 20 of the *Summary Convictions Act*, RSY 2002, Chapter 2010, issued in respect of an offence, shall be increased for second and subsequent offences as specified herein:

Table 7.1 – Offences and Penalties

DESCRIPTION OF OFFENSE	PENALTY
Fail to comply with Zoning Bylaw regulations	\$200.00
Fail to comply with Zoning Bylaw regulations (2nd and subsequent offence)	\$400.00
Fail to obtain development permit	\$200.00
Fail to obtain development permit (2nd or subsequent offence)	\$400.00
Fail to comply with development permit	\$200.00
Fail to comply with development permit (2nd or subsequent offence)	\$400.00
Fail to comply with Notice of Violation	\$200.00
Fail to comply with Notice of Violation (2nd or subsequent offence)	\$400.00
Fail to grant right of entry	\$200.00
Fail to grant right of entry (2nd or subsequent offence)	\$400.00

8. GENERAL DEVELOPMENT REGULATIONS

8.1. Accessory Development

- a) Accessory uses and accessory buildings or structures are only permitted on properties where a permit has been issued for a principal use.
- b) Accessory buildings or structures shall not be located in the front yard or any exterior side yard of any property in a residential zone, including corner lots.
- c) Accessory buildings must be located a minimum of 1.0 m away from any principal structure.
- d) Comply with all applicable setback and height requirements in commercial, institutional, or industrial zones.
- e) Accessory buildings and structures are included in the maximum site coverage for a lot.
- f) In a residential zone, a satellite dish larger than 1.0 m in diameter, or a radio or television mast shall not:
 - i. be in a front yard setback; or
 - ii. be higher than the height permitted for any structure in that zone.

8.2. Cannabis Sales

- a) To ensure compliance with other Territorial regulations, Retail Services, Restricted, may not be within 150 metres of an Elementary or Secondary School, or licenced childcare centres from building to building, or within 150 metres of any playground with play structures.
- b) Only one retail services outlet shall be permitted for every 200 people as per Yukon Statistics.

8.3. Height and Grade

- a) In determining whether a development conforms to the maximum height permitted in any zone, structures such as chimney stacks, aerials, antennae, water towers, wind machines, monuments, observation and transmission towers, farm silos, steeples, elevator housings, roof stairway entrances, ventilating equipment, skylights, or flagpoles for federal, provincial, or municipal flags shall not be considered for the purpose of determining the height.
- b) Proposed building grades should, to the extent possible, respect the natural contour of the land, minimize the necessity to use retaining walls, avoid steps that restrict barrier-free access, and ensure drainage away from abutting properties.
- c) Building grades must be in compliance with any drainage or grading plan approved for the site and area and must not create drainage problems for neighbouring properties by way of directing additional drainage off site or use of retaining walls. On-site mitigation of run-off is encouraged.

8.4. Lighting

- a) Any outdoor lighting for any development shall be located and arranged so that light rays are deflected downward to minimize impact on surrounding development and no direct rays of light are directed at any adjoining properties or interfere with the effectiveness of any traffic control device.
- b) Site areas with public access shall be lit in keeping with the principles of crime prevention through environmental design and require site lighting as is necessary to encourage pedestrian safety and allow casual surveillance from adjacent buildings and streets of parking areas and walkways.

8.5. Natural Resource Extraction

- a) Natural resource extraction may be permitted in the H-Holding zone as an interim, conditional land use with Council approval, with any conditions of extraction as required by Council.

- b) In addition to the standard Development Permit requirements, the applicant will be required to present information on the project timeline, project phasing, total volume of material to be removed, any environmental impacts, any information regarding materials processing or storing, a comprehensive reclamation plan and any other information deemed to be required by Council.

8.6. Parks, Greenbelts and Environmental Reserve

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

8.7. Relocation of Buildings and Structures

- a) No person shall move a building, structure or a non-CSA approved mobile home within or into the Town without a Development Permit.
- b) In making a decision on the moving of a building within the Town, the Development Officer shall:
 - i. require such renovations and alterations as may be necessary for the building to conform to the requirements of the zone into which the building is proposed to be moved;
 - ii. refuse to issue a permit where the building fails to conform to the requirements of this bylaw
- c) The Development Officer may require either a Security Deposit to be posted or a certified cheque in the amount of the established cost relocating and completing the structure, in accordance with this bylaw.
- d) If the applicant and/or owner of the development fails to complete the required renovations within 12 months of issuance of the Development Permit, the Town may use the funds posted to have the required renovations completed. If the subsequent renovation completion costs are in excess of those funds posted, the balance of the cost may be charged against the property as an extra levy.

8.8. Secondary Uses

- a) Where permitted under this bylaw, secondary uses may only be undertaken on properties where there is a permitted or conditional use occurring.
- b) Where the permitted or conditional use ceases, the secondary use must be discontinued within 90 days of the cessation of the primary use.

8.9. Shipping Containers

Shipping containers are permitted and regulated as accessory structures under the following conditions:

- a) Shipping containers are not permitted in the front and side yards or any areas required for landscaping or off-street parking.
- b) Shipping containers in the residential and commercial zones shall have an exterior look and finish compatible with the principal building.
- c) No more than one shipping container may be placed on a single lot in residential, commercial or institutional zones.
- d) Notwithstanding Section 8.9 a), b) and c) shipping containers may be permitted as temporary structures during the construction of a building or structure on the condition that they are removed prior to the completion of the building and issuance of occupancy.

8.10. Undersized Lots

- a) Lots created before the approval of this bylaw that are less than the minimum dimensions required of the zone they are in, are considered to be conforming lots for the purposes of this bylaw.
- b) A principal or secondary use is permitted on a lot less than the minimum lot size in that zone provided

that the development otherwise complies with all the regulations of this bylaw.

- c) Unless otherwise prescribed by this bylaw, rear yard and side yard setbacks may be reduced by the same percentage that the lot is less than the minimum for the zone.

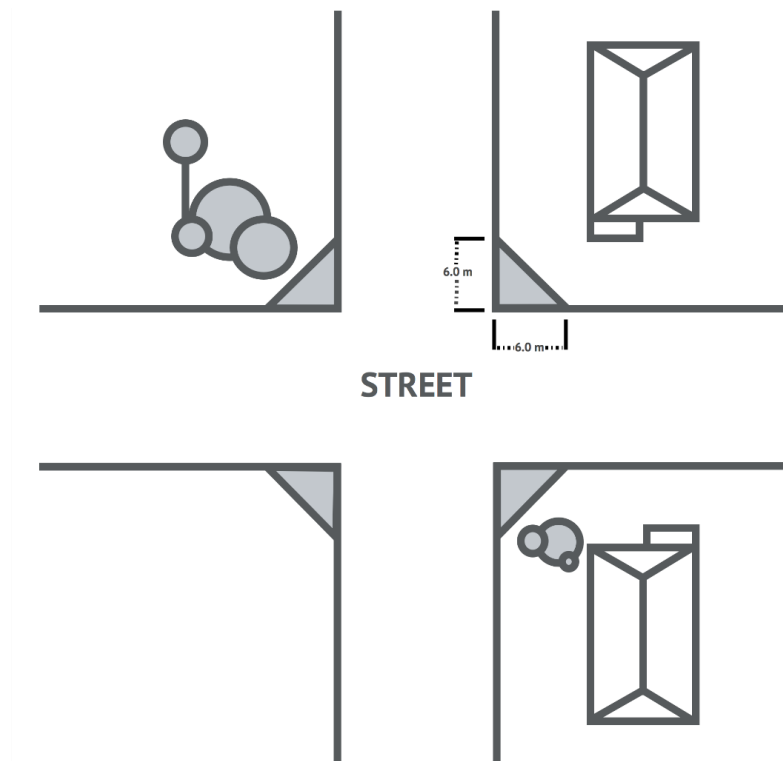
8.11. Utilities

- a) Utility services, minor impact are allowed in all zones.
- b) Individual parcels for public utility facilities (Utility services, minor and major impact) are exempt from minimum lot area requirements.

8.12. Visual Clearance at Intersections

In all zones, no fence, wall or structure is to be erected to a height greater than 1.0 m and no hedge, bush, shrub and or other growth will be maintained or allowed to grow so as to obstruct vision in the area bounded by the intersecting parcel lines at a street, lane or roadway corner, or driveway corner and a line joining points along the parcel line edge 6.0 m from their point of intersection as illustrated below.

Figure 5.1 – Visual Clearance



8.13. Yards and Setbacks

- a) Steps, eaves, chimneys, door canopies, bay windows, roof overhangs, and similar building features may project into the required yard setback provided the projection does not exceed one metre.
- b) Where a lot has frontage on more than one street, the Development Officer may require any building, structure, or accessory building on the lot to maintain a front yard on each street so as to present a consistent street appearance on each street.

9. LANDSCAPING AND AESTHETICS

9.1. Garbage and Recycling

- a) When any development is proposed, provisions for garbage storage, recycling and collection shall be provided on the same site as the development.
- b) All site refuse and recycling bins, including all other large receptacles used for the temporary storage of materials, require opaque screening from adjacent lots and streets.

9.2. Screening and Outdoor Storage

- a) Long term storage of garden equipment, boats, trailers, campers or similar recreational equipment, fuel wood and other such goods normally associated with the enjoyment of residential property shall only be permitted in the rear and interior side yards of any lot in a residential zone.
- b) Outdoor storage yards in all other zones shall be securely fenced. The Development Officer may, given the nature of the proposed use, require additional screening, and/or landscaping to conceal the storage area from any adjacent street.
- c) Where a permitted development requiring outside storage abuts a residential zone, the storage area shall be screened in a manner deemed acceptable to the Development Officer, from the adjacent residential uses.
- d) No owner or occupier of real property in the Town shall cause or permit the storage, collection or accumulation of more than three derelict vehicles, unless such vehicles are stored on a premises licensed under the Business License Bylaw.
- e) Derelict vehicles cannot be stored or located in the front yard of a residential property unless such vehicles are stored on the premises, permitted under the Business License Bylaw.
- f) All derelict vehicles on residential property shall be covered or screened from view.
- g) In any residential zone, no person shall keep, store or permit to accumulate outside and unscreened, any objects, chattels, goods or materials for a period of one hundred eighty days or more, which, in the opinion of Council, are unsightly, out of character with the residential character of the zone, or by their nature and location, diminish the reasonable use and enjoyment of neighbouring properties.
- h) No person shall permit to accumulate, stockpile, keep or store on any lot, or in any building or structure, rubbish, building materials, fluids, machinery or other goods and chattels, in such quantities that in the opinion of the Development Officer, they pose a potential fire risk, nuisance or hazard to the physical health and safety of adjoining property owners or the public at large.

9.3. Signage

- a) All signs shall be indicated on the plans submitted with the Development Permit application.
- b) No part of any freestanding sign shall project beyond the property line.
- c) All signs shall be related to the principal use or uses of the site and serve to identify the name of the business and the products and services available.
- d) All fascia, canopy/awning, freestanding and projecting signs shall maintain a minimum clearance of two point five metres above grade.
- e) No sign shall be attached to any fence, utility pole, tree, garbage receptacle or any object in a public street or place except a kiosk or bulletin board erected by the Town for that purpose.
- f) Vehicles with signage posted on the side shall not be parked in a public place as an alternative to permanent signage without permission from the Development Officer.
- g) Where a sign is found to identify a use incorrectly or is in an overall state of disrepair, the

Development Officer may, by written notice, order a sign owner or person responsible for the sign, to alter, refurbish or remove the sign within the time specified in the notice.

9.4. Fences and Buffering

- a) Fences, hedges and vegetated buffers may be constructed on any lot in any zone except as specifically provided for in this bylaw.
- b) Fence and buffer materials shall be consistent with the character of the zone in which they are to be located.
- c) Barbed wire may only be permitted as a fence top in the M1, M2 and M3 zones or to surround public utility facilities where restricted access is essential for public protection.
- d) The Development Officer may require any development in any zone to be fenced where the proposed use may pose a public safety risk.
- e) The height of fencing required for any recreational activity shall be consistent with the requirements of that sport or activity.
- f) Maximum fence heights in a zone are listed in the table below.

Table 9.1 – Maximum Fence Heights Allowed

Zone	Front Lot Line	Side Lot Line	Rear Lot Line
RC, R1, RM and RMH	1.5 m	2.5 m	2.5 m
RR	2.0m	2.5m	2.5 m
CM and CD	1.5 m	2.5 m	2.5 m
M1, M2 and M3	2.5 m	2.5 m	2.5 m
I	2.5 m	2.5 m	2.5 m
A and AP	2.5 m	2.5 m	2.5 m
PR	2.0 m	2.5 m	2.5 m

9.5. Landscaping

- g) A site landscaping and screening plan shall be included in all Development Permit applications for multiple housing, commercial, industrial and institutional developments and all developments in the CM – Commercial Mixed Use Zone. The landscaping plan will indicate areas and scope of landscaping features and treatment to be installed within one year of completion of the principal structure.
- h) In the CM – Commercial Mixed-Use and CD – Commercial Downtown zones and for all multiple housing, commercial and institutional development there are minimum landscaping requirements. The required landscape planting area in square metres is calculated based on 2.5 m x total public road frontage of the property in metres. A landscaping area that is 2.0 m wide is required with one tree planted per 25 m² landscape planting area or one shrub planted per 15 m² landscape planting area, or any combination of trees and shrubs to meet the standard.
- i) The required landscape planting area may be exempted by Council or the Development Officer for smaller housing units, such as duplexes, triplexes and fourplexes on a case by case basis.

- j) Adequate means of routine watering of plant materials shall be provided on site. These means may take the form of automatic sprinkler systems, low-emission, drip or trickle irrigation, weeping hoses, gravity feed systems, hose and sprinkler systems, or other means as approved by the Development Officer. Particular attention is to be paid to adequate watering during the establishment phase to optimize survival of newly planted materials.
- k) Existing healthy woody plants (trees, shrubs) should be preserved and protected in all zones unless removal is demonstrated to be necessary to efficiently accommodate the proposed development, or if the vegetation poses a safety hazard. Trees and shrubs preserved on the site may, at the discretion of the Development Officer, be credited to the total landscaping requirement. In considering this credit, the Development Officer may consider the location, size, health and appearance of trees and shrubs.
- l) Where landscaping is required as part of a Development Permit for a commercial, industrial, multiple-residential, commercial/residential mix or institutional use, the Development Officer may require that a Security Deposit be taken in accordance with Section 2.6 of this bylaw.

10. PARKING AND LOADING REQUIREMENTS

10.1. Parking

- a) All developments in institutional zones must provide as a minimum, a durable, hard surfaced parking area with sufficient slope to ensure proper drainage.
- b)
- c) Aisles shall be a minimum of 6.7 m wide for 90° parking, 5.5m wide for 60° parking, and 3.6 m wide for 45°, 30°, and parallel parking.
- d) Each required off-street parking space should have a minimum area of (16.5 m²), with a minimum stall width of 2.75 m, exclusive of access driveways and aisles. Such spaces shall have a vertical clearance of 2.2 m.
- e) All highway commercial and tourist service uses shall provide parking of sufficient length and width to accommodate a range of vehicle types: including buses, tractor trailer trucks and motor homes consistent with the type of traffic typically associated with that type of use.
- f) The minimum dimensions of a bus parking space shall be 12.2 m long, 3.6 m wide with a minimum vertical clearance of 4.6 m.
- g) Cash in lieu for off-site parking requirements may be determined by Council
- h) All access points, parking and loading areas shall be located to the satisfaction of the Development Officer having due regard to the use proposed, the type of traffic expected to be generated, roadway function and visibility, emergency vehicle movement and the needs of the elderly and barrier-free access.
- i) Access and driveways in institutional zones must be hard-surfaced.
- j) The minimum required off-street vehicle parking for uses is as shown in the table below.

Table 10.1 – Parking Requirements

Use	Parking Spaces	Loading Spaces
Residential Uses		
Bed and breakfast lodging	1 per room	
Garden suite or living suite	1 per suite	
Multi-family, triplexes, townhouses, apartments	2 spaces/dwelling unit	
Mobile home parks	2 spaces/dwelling unit	
Seniors homes and lodges	1 space/unit plus 1 space/employee	
Single family and duplex units	2 spaces/dwelling unit	
Institutional Uses		
Churches	1 space/4 patrons	
Clinics	1 space/40m ²	
Clinics	1 space/40m ²	
Libraries or museum	1 space/40m ²	
Hospitals	Greater of 1/3 beds or 1/100m ²	2
Police station	1 space/40m ²	
Schools – elementary and junior high	1 space/classroom plus 1 space/ employee	1
Schools – high school and college	4 spaces/classroom + 1 space/ employee	1
Commercial Uses		
Childcare Centre	1 space/staff member	1
Hotels and motels	1 space / guest unit	
Liquor Stores/Post Offices	10 spaces or 1 space/37m ² plus 1 / employee	1
Offices, business services, professional services, banks	1 space/40m ²	

Use	Parking Spaces	Loading Spaces
Commercial Uses Continued		
Pool halls, private clubs, lodges, and fraternal orders	1 space/40m ²	
Restaurants, diner, coffee shop, beer parlour, cocktail lounge	1 space / 4 patron seats plus 1 space / employee	1
Retail stores and shops, repair shops, personal services	1 space/40m ² plus 1 space / employee	1
Services stations, garages	3 per service bay plus 2 additional	
Shopping centres, strip malls	1 space/40m ²	1
Theatres	1 space / 5 seats	
Industrial Uses		
Lumber Yards and Home Improvement Centres	4 spaces/hectare of site area plus 1 space/40m ² of retail store area	1
Light Manufacturing Plants, Mills, Shops, etc.	Greater of 1 space/50m ² or 1 space/employee	1
Heavy Manufacturing Plants, Mills, Shops, etc.	Greater of 1 space/90m ² or 1 space/employee	1
Warehouse	1 space /60 m ² plus 1 space/employee	1

10.2. Accessible Parking

- a) Accessible parking shall be provided as follows:
 - i. At least 1 space for parking lots with 11 to 20 spaces;
 - ii. At least 2 spaces for parking lots with 21 to 39 spaces; and
 - iii. One additional space shall be provided for each additional 20 required parking spaces.
- b) Each accessible parking space located within a parking lot shall be:
 - i. Clearly marked with a sign on each edge of the parking stall;
 - ii. Located as close to the building entrance as possible on a level non-skid surface to facilitate movement; and
 - iii. Developed in accordance with Section 10.1 except that the minimum perpendicular width shall be 4.0 m.
- c) Circulation routes adjacent to all parking spaces shall be part of the barrier-free path of travel to buildings or facility entrances and shall be obstacle-free and include accessible curb ramps. Accessible routes should not oblige persons with disabilities to pass behind vehicles that may be backing out.

11. SPECIFIC USE REGULATIONS

11.1. Bed and Breakfast Lodging

- a) The owner/operator of a bed and breakfast lodging must live on site.
- b) A bed and breakfast lodging must comply with all the regulations applicable to a home occupation.
- c) A bed and breakfast lodging can have a maximum of two rooms in the R1 or RMH Zones and up to four rooms in the RC or RR Zones. Rooms may be in the main residence and/or a stand alone building.
- d) The applicant for a Development Permit wishing to operate a bed and breakfast lodging must provide proof from the appropriate government health inspection authority confirming the premises are suitable from a health and sanitation purpose for the intended use, including sufficient well and septic capacity for the proposed number of rooms.
- e) All parking must be provided on the property, as outlined in Section 10.1. No street parking associated with the use is permitted.

11.2. Home occupation

- a) Home occupation is an accessory use and includes the following types of uses and activities:
 - i. Personal services such as hairdressing, tailoring, individual instruction;
 - ii. Professional offices such as accounting, medical and dental practices;
 - iii. Artist studios, including the manufacture of handicrafts, souvenirs;
 - iv. Building trade offices and shops where the shop is either part of the principal building or part of an accessory garage;
 - v. Horticulture and market gardening, whether in the open or a greenhouse;
 - vi. Bed and breakfast lodging and licensed childcare centres; and
 - vii. Such other similar uses as may be approved by Council from time to time on the advice of the Development Officer.
- b) A home occupation shall not be engaged in by anyone other than members of the family living in the dwelling and one other person.
- c) The home occupation shall be subordinate to the use of a home for residential purposes, and not take up more than 25% of the total floor area of the dwelling unit.
- d) There shall be no change in the outside appearance of a dwelling or other visible evidence of a home occupation in it other than one non-illuminated sign not exceeding 2.0 m² in area mounted flat against an exterior wall of the dwelling.
- e) In the RM zone, in multiple housing or in an apartment, a home occupation shall be conducted solely within the dwelling.
- f) In the RC, RR, R1, and RMH zones, a home occupation may be conducted within an accessory building.
- g) Any need for parking generated by the conduct of a home occupation or major home-based business shall be provided on-site, and outside of the front yard.
- h) No equipment or process shall be used in a home occupation or major home-based business that creates levels of noise, vibration, smoke, dust, glare, fumes, or odour, inconsistent with the residential nature of the area, or by virtue of the hours of operation, type and level of activity impairs the use and enjoyment of neighbouring residential properties.
- i) No equipment or process shall be used in a home occupation, which creates visual or audible electrical interference in one radio or to: television receiver off the premises or which causes fluctuations in line voltage off the premises.

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

11.3. Kennels, Stables or Agricultural Pursuits

- k) In reviewing an application for a kennel, stable or agricultural use, the Development Officer may recommend such additional conditions with respect to the placement of buildings, erection of fences, manner of waste disposal and numbers housed to ensure the development is compatible with abutting land uses and does not create a nuisance.
- l) Commercial and recreational dog mushing operations involving dog yards containing six or more animals are restricted to sites in the H Holding Zone.

11.4. Living Suites and Garden Suites

- a) A living suite or garden suite is only allowed on a lot where the principal use is a single detached dwelling. Only one secondary suite (either living suite or garden suite) is allowed per property; except for lots over 1.5 ha where both a living suite and a garden suite are allowed.
- b) A suite can be upstairs from a separate or attached garage.
- c) A living suite or garden suite shall require 1 additional parking space per dwelling unit. All parking must be provided on the property. No street parking associated with the use is permitted.
- d) A garden suite is only allowed on a lot that is bigger than 540 m² and must be located at least 3 m from the principal residence. It must comply with the setbacks for the principal dwelling, and be designed and finished in a manner that is visually compatible with the principal residence, in the opinion of the Development Officer.
- e) In the R1 and RMH Zone, garden suites must be located in the rear yard. In the RC and RR Zone they may also be located in the side or front yard.
- f) Garden suites have a maximum gross floor area of 100 m², including basement floor area, except in the RC and RR zones where the maximum gross floor area is 150 m². Where the suite is located on the second storey of an accessory building, the maximum gross floor area is 60 m².
- g) Garden suites have a maximum height of 7.0 m, except in the RC and RR zones, where the maximum height is 8.0 m.

11.5. Solar Energy Systems

- a) Maximum height of roof-mounted solar energy systems shall not exceed the maximum permitted height of the structure type by more than 1.2 metres.
- b) A solar energy system that is that is mounted on a roof shall not extend beyond the outermost edge of that roof.
- c) A solar energy system that is mounted on a wall may project a maximum of 0.6 metres from the surface of that wall and must be located a minimum of 2.4 metre above grade.
- d) Maximum height of ground-mounted solar energy systems in residential zones shall not exceed 4 metres and shall adhere to the same setbacks and applicable restrictions for secondary/accessory

buildings in the zone in which the installation is situated.

- e) Ground-mounted solar energy systems are only allowed in the rear yard of residential zones.
- f) Ground-mounted solar energy systems are subject to the maximum site coverage denoted in the specific zone.

10.5.1. Commercial Solar energy systems

- g) Commercial solar energy systems are subject to the height and setback requirements of the zones in which they are situated and shall not exceed 12 metres in height.
- h) All on-site power and communication lines shall be buried underground on premise.
- i) If the solar energy system is the principal use of the property, and it is built on a permeable surface, site coverage constraints do not apply to the solar panels.
- j) A durable, low maintenance fence of no less than 2.5 metres high shall securely enclose the facility
- k) A decommissioning plan shall be submitted and approved by the Development Officer prior to the beginning of construction.

11.6. Temporary Uses

- a) The Development Officer may issue a Development Permit for a temporary use or structure.
- b) It shall be a condition of the Development Permit that the temporary use cease or temporary structure be removed at the end of a period of time established by the Development Officer.
- c) It shall be a condition of the Development Permit that the Town shall not be held liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period.
- d) The Development Officer may require that a developer post a security deposit, guaranteeing the cessation of temporary uses or removal of temporary structures at the expiration of the permitted period.
- e) Temporary uses or structures may not be located within any property line setbacks.

12. RESIDENTIAL ZONES

12.1. R1 - Residential, Single and Two Unit

12.1.1. Purpose

To provide a zone for single detached and duplex dwellings with access to municipal services.

12.1.2. Principal Uses

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

12.1.3. Secondary Uses

- a) Accessory buildings and structures
- b) Garden suite
- c) Home occupation
- d) Living suite
- e) Solar energy system, roof-mounted

12.1.4. Conditional Uses

- a) Bed and breakfast lodging
- b) Childcare centre
- c) Family day home
- d) Group home
- e) Townhomes

12.1.5. Development Regulations

Table 12.1 – Regulations – R1 Residential, Single and Two-Unit

Lot size	Minimum lot size – single family	540 m ²
	Minimum lot size – duplex and townhomes	720 m ²
	Minimum lot width	18 m
	Minimum lot depth	30 m
Setbacks	Front yard setback	6 m
	Side yard setback (except 5 m from an exterior lot line on a corner lot)	2.4 m
	Rear yard setback (except 1 m for accessory buildings)	7.5 m
Buildings	Maximum building height	Lesser of 2.5 storeys or 10 m
	Maximum site coverage	50%

12.2. RC- Residential, Country

12.2.1. Purpose

To provide a zone for residential development, and complementary uses, on larger lots in a rural setting.

12.2.2. Principal Uses

- a) Parks and playgrounds
- b) Single detached dwelling

12.2.3. Secondary Uses

- a) Accessory buildings and structures
- b) Agriculture minor impact, excluding personal livestock
- c) Garden suite
- d) Home occupation
- e) Living suite
- f) Solar energy system, roof-mounted

12.2.4. Conditional Uses

- a) Agriculture minor impact, including personal livestock
- b) Bed and breakfast lodging
- c) Childcare centre
- d) Duplex dwelling
- e) Family day home

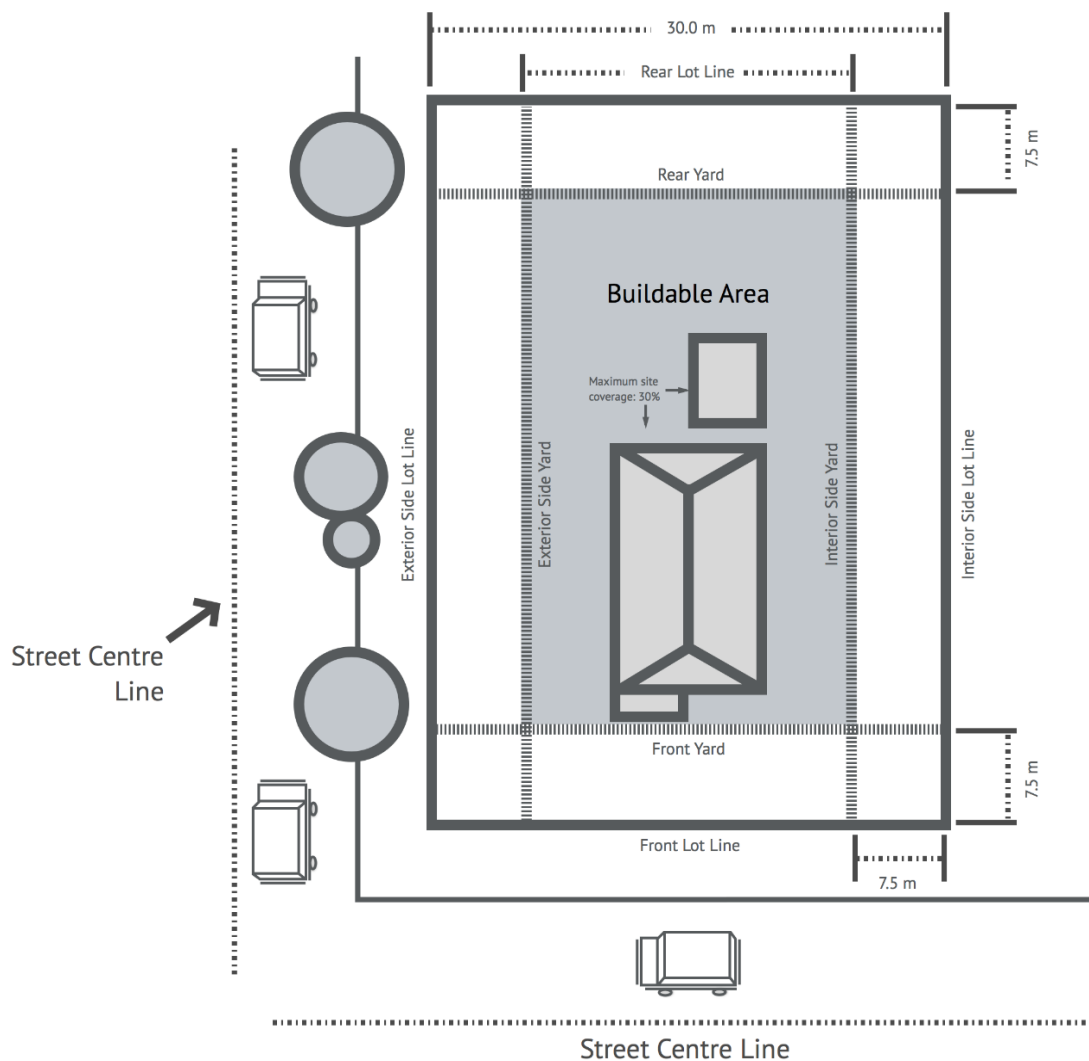
12.2.5. Development Regulations

Table 12.2 – Regulations for RC – Residential, Country

Lot size	Minimum lot size	0.3 ha
	Maximum lot size	1 ha
	Minimum lot width	30 m
	Minimum lot depth	30 m
Setbacks	Front yard setback	7.5 m
	Side yard setback	7.5 m
	Rear yard setback	7.5 m
	Accessory buildings setback from all lot lines	1 m
	All setbacks for lots less than 0.3 ha	3 m
Buildings	Maximum building height	Lesser of 2.5 storeys or 10 m
	Maximum site coverage	30%

- a) The following lots are **Lakeshore Lots**: Lots 1-21, 1-20, 1-19, 1-18, 1028, 1029, 1030(rem), 1118 (rem), 1059, 1139, 1138, 1137, 1136, 1060, 1076, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32A, 133, 1117, 1-36, 1-37, 1-38, 1-39, 1-40, 1-41, 1-42-1, 1-43A, 1-44, 1-45, 1-46, 1085, 1-49, 1-50-1, 1111, 1-52-1, 1-53-1, 1-54-1, 1-55-1, 1-56-1, 1-57-1, 1-57-1, 1-58-1, 1-59-1, 1-60-1, 1-61-1, 1-62-1, 1-62-1, 1-63-1, 1-64-1, 1-65-1, 1-54-2, 1-55-2, 1-58-2, 1-59-2, 1-60-2, 1-61-02, 1-62-2, 1-63-2, 2010-1021 and Lot 1-65-2, known as the lakeshore lots, are designated as RCX recognizing that some of these lots are smaller than minimum size and that the preferred orientation of the lots maybe towards the lake rather than the road.
- b) The following lots along Adela Trail are undersized: Lot 40, Group 757.
- c) The front, side and rear setbacks can be reduced to three metres on all undersized lots. The development regulations of Section 8.10 shall apply to undersized lots.
- d) **Docks** are considered accessory structures. Applicants are required to obtain any required permits for water lot leases from Yukon Government.

Figure 12.1 - RC - Residential, Country



12.3. RM - Residential, Multi-Unit

12.3.1. Purpose

To provide a zone for higher density housing in the form of multiple dwelling units in areas with access to municipal services.

12.3.2. Principal Uses

- a) Duplex dwelling
- b) Multiple housing
- c) Parks and playgrounds

12.3.3. Secondary Uses

- a) Accessory buildings and structures
- b) Home occupation
- c) Solar energy system, roof-mounted

12.3.4. Conditional Uses

- a) Bed and breakfast lodging
- a) Childcare centre
- b) Family day home
- c) Group home

12.3.5. Development Regulations

Table 12.3 – Regulations for RM – Residential, Multi-Unit

Lot size	Minimum lot size for apartments	750 m ²
	Minimum lot size for duplexes or townhomes	720 m ²
	Minimum lot width	18 m
	Minimum lot depth	30 m
Setbacks	Front yard setback (may be reduced but then all parking must be located at the rear of the building)	6 m
	Side yard setback (except 5 m from an exterior lot line)	2.4 m
	Rear yard setback (except 1 m for an accessory building)	7.5 m
Buildings	Maximum building height (for duplexes or townhomes)	lesser of 10 m or 2.5 storeys
	Maximum site coverage	50%

- a) For a side-by-side duplex that are on separate lots, the minimum side yard may be reduced to zero for the shared lot line. The setbacks for accessory buildings may be reduced to one metre for the rear and side interior lot lines.
- b) **Multiple housing units** will not be approved unless there is:
 - i. adequate access for fire and other emergency vehicles;

- ii. adequate access for garbage removal and deliveries;
- iii. adequate provision for the storage of garbage; and
- iv. adequate protection for the privacy of residents of adjacent dwellings.

12.4. RMH - Residential, Mobile Home

12.4.1. Purpose

To provide a zone for mobile homes, modular homes and single detached dwellings on smaller serviced lots.

12.4.2. Principal Uses

- a) Mobile and modular homes
- b) Parks and playgrounds
- c) Single detached dwelling

12.4.3. Secondary Uses

- a) Accessory buildings and structures
- b) Garden suite
- c) Home occupation
- d) Living suite
- e) Solar energy system, roof-mounted

12.4.4. Conditional Uses

- a) Bed and breakfast lodging
- b) Childcare centre
- c) Family day home
- d) Group home

12.4.5. Development Regulations

Table 12.4 – Regulations for RMH – Residential, Mobile home

Lot size	Minimum lot size	540 m ²
	Minimum lot width	18 m
	Minimum lot depth	36 m
Setbacks	Front yard setback	6 m
	Side yard setback (except 5 m from an exterior lot line and 1 m for an accessory structure)	2 m
	Rear yard setback (except 1 m for an accessory structure)	3 m
Buildings	Maximum building height	lesser of 10 m or 2.5 storeys
	Maximum site coverage	50%
	Minimum floor area	52 m ²

- a) Only one mobile home is permitted on a lot.
- b) A mobile home shall be fitted with skirting manufactured of materials and to a standard of quality similar to that of the mobile home to which the skirting is attached prior to occupancy.
- c) A mobile home shall be placed on footings/foundations/pad to the satisfaction of the building

inspector and/or Development Officer.

- d) An addition or porch shall be of materials and of a quality equivalent to the materials of which the mobile home is made.
- e) A mobile home park shall comply with the standards set out in the Canadian Standards Association Standard Z240.7.1-1972 as amended.
- f) A mobile home park shall be bounded on all sides by a buffer strip not less than 10.0 m. wide, planted with appropriate shrubs and trees, so as to provide a dense visual landscape barrier between the mobile home park and the adjacent lot.
- g) ATCO style camp trailers are not allowed in this zone.

12.5. RR - Residential, Rural

12.5.1. Purpose

To provide a zone for large lot rural residential development and complementary uses.

12.5.2. Principal Uses

- a) Agriculture minor impact
- b) Parks and playgrounds
- c) Single detached dwelling

12.5.3. Secondary Uses

- a) Accessory buildings and structures
- b) Shipping Containers
- c) Agriculture major impact, including pasturing of animals
- d) Garden suite
- e) Home occupation
- f) Living suite
- g) Sale of agriculture products produced on property
- h) Solar energy system, ground-mounted
- i) Solar energy system, roof-mounted

12.5.4. Conditional Uses

- a) Bed and breakfast lodging
- b) Freestanding accessory sign
- c) Kennel
- d) Telecommunications, television or radio broadcast or receiving station

12.5.5. Development Regulations

Table 12.5 – Regulations for RR – Rural Residential

Lot size	Minimum lot size	2 ha
	Minimum lot width	40 m
	Minimum lot depth	40 m
Setbacks	Front yard setback	7.5 m
	Side yard setback (except 1 m for accessory buildings)	7.5 m
	Rear yard setback (except 3 m for accessory buildings)	7.5 m
Buildings	Maximum building height	10 m
	Maximum site coverage	30%

12.5.6. Other Regulations

- a) The removal of soil from a lot is not permitted without a development permit. At least 300 mm of cultivatable soil shall remain or be replaced on the surface of the lot.

13. COMMERCIAL ZONES

13.1. CD – Commercial, Downtown

13.1.1. Purpose

To provide a zone of mixed uses to support the Town's downtown.

13.1.2. Principal Uses

- a) Apartments
- b) Animal Clinics
- c) Drugstores and pharmacies
- d) Filling stations and service stations
- e) Financial services
- f) Health care services
- g) Hotels and motels
- h) Indoor commercial entertainment facilities
- i) Indoor participant recreation services
- j) Laundromats
- k) Libraries
- l) Liquor stores or outlets
- m) Museum/cultural facilities
- n) Offices
- o) Parks
- p) Personal service establishments
- q) Recreational vehicle parks
- r) Rental shops and stores
- s) Restaurants
- t) Retail store
- u) Tourist services

13.1.3. Secondary Uses

- a) Accessory buildings and structures
- b) Solar energy system, roof-mounted

13.1.4. Conditional Uses

- a) Freestanding accessory sign
- b) Retail services, restricted

13.1.5. Development Regulations

Table 13.1 – Regulations for CD – Commercial, Downtown

Lot size	Minimum lot size	370 m ²
	Minimum lot width	12 m
	Minimum lot depth	30 m
Setbacks	Front yard setback (except for filling or service stations, where it is 7 m)	0 m
	Side yard setback (increased to 3 m for a side yard abutting a wall other than masonry or fire-retardant structural material)	0 m
	Rear yard setback (except 1 m for an accessory structure)	3 m
Buildings	Maximum building height	12 m
	Maximum site coverage	90%

- a) Development must follow the applicable regulations in Section 9 – Landscaping and Aesthetics.
- b) At a service station, filling station or public garage, a canopy over fuel pumps may extend to within one metre of a property boundary.

13.2. CM - Commercial, Mixed Use

13.2.1. Purpose

To provide a zone for a mix of commercial, light industrial and residential uses along the highway.

13.2.2. Principal Uses

- a) Animal Clinics
- b) Automobile dealership
- c) Commercial storage
- d) Filling stations and service stations
- e) Financial services
- f) Indoor commercial entertainment facilities
- g) Indoor participant recreation services
- h) Laundromats
- i) Light manufacturing
- j) Liquor stores or outlets
- k) Offices
- l) Personal service establishments
- m) Rental shops and stores
- n) Restaurants
- o) Retail store
- p) Sale of automotive parts and accessories
- q) Sale of building materials from within a building
- r) Sales and rental of boats, recreational and other vehicles, and accessories and replacement parts
- s) Trucking depots
- t) Vehicle repair and servicing
- u) Warehousing and sales, both retail and wholesale

13.2.3. Secondary Uses

- a) Accessory buildings and structures
- b) Campground
- c) Caretaker residence
- d) Solar energy system, roof-mounted

13.2.4. Conditional Uses

- a) Freestanding accessory sign
- b) Multiple housing
- c) Retail services, restricted
- d) Telecommunications, television or radio broadcast or receiving station

13.2.5. Development Regulations

Table 13.2 – Regulations for CM – Commercial, Mixed Use

Lot size	Minimum lot size	1,800 m ²
	Minimum lot width	30 m
	Minimum lot depth	30 m
Setbacks	Front yard setback (except for filling or service stations, where it is 7 m)	0 m
	Side yard setback	4.5 m
	Rear yard setback (except 1 m for an accessory structure)	3 m
Buildings	Maximum building height	12 m
	Maximum site coverage	40%

- a) Freestanding **signage** shall not exceed 12 metres in height.
- b) At a service station, filling station or public garage, a **canopy over fuel pumps** may extend to within one metre of a property boundary.
- c) The **outside storage or sale of goods** must be to the satisfaction of the Development Officer.

14. INDUSTRIAL ZONES

14.1. M1 - Industrial, Light

14.1.1. Purpose

To provide a zone for light industrial activities.

14.1.2. Principal Uses

- a) Caretaker residence
- b) Commercial storage
- c) Electrical generating station, radio and television receiving and broadcasting station, telecommunications received and transmitting equipment: and facilities
- d) Heliport
- e) Light manufacturing
- f) Sale of automotive parts and accessories
- g) Trucking depots
- h) Vehicle repair and servicing, including vehicle body repair shops, including the storage of wrecked or partially dismantled vehicles
- i) Warehousing and sales, both retail and wholesale

14.1.3. Secondary Uses

- a) Accessory buildings and structures
- b) Solar energy system, roof-mounted

14.1.4. Conditional Uses

- a) Freestanding accessory sign
- b) Kennel
- c) Mines, quarries or gravel pits
- d) Production, restricted
- e) Solar energy system, commercial

14.1.5. Development Regulations

Table 14.1 – Regulations for M1 – Industrial, Light

Lot size	Minimum lot size	450 m ²
	Minimum lot width	15 m
	Minimum lot depth	30 m
Setbacks	Front yard setback	7.5 m
	Side yard setback	3 m
	Rear yard setback (except 3 m for accessory dwellings)	6 m
Buildings	Maximum building height	12 m
	Maximum site coverage	50%

- a) The **caretaker residence** may be a mobile home, modular home or single detached dwelling. An additional parking space over and above the parking requirements of this bylaw must be provided for the use of the occupant of the caretaker residence.
- b) A durable low maintenance **fence** of no less than 2.5 metres high shall securely enclose all outdoor storage areas.

14.2. M2 - Industrial, General

14.2.1. Purpose

To provide a zone for heavy industrial activities.

14.2.2. Principal Uses

- a) Any principal use permitted in the M1 zone, except caretaker residence
- b) Bulk storage of oil, gas and petroleum products, propane, butane and other similar flammable materials, auto wreckers and junkyards
- c) Concrete or asphalt plant
- d) Depots, maintenance yards, workshops, and garages of public works and similar government agencies including related office development
- e) Heavy equipment storage
- f) Lodging facility
- g) Manufacture and sale of construction and building materials
- h) Metal and plumbing workshop
- i) Transportation terminals, including heliports and expediting bases
- j) Such other uses of a similar nature as the council may approve by resolution

14.2.3. Secondary Uses

- a) Accessory buildings and structures
- b) Caretaker residence
- c) Solar energy system, roof-mounted

14.2.4. Conditional Uses

- a) Derelict vehicle storage
- b) Freestanding accessory sign
- c) Gravel pits
- d) Gravel quarries
- e) Kennel
- f) Mines
- g) Production, restricted
- h) Sawmills
- i) Scrap yard
- j) Solar energy system, commercial
- k) Storage of explosives, radioactive substances and volatile fluids
- l) Telecommunications, television or radio broadcast or receiving station

14.2.5. Development Regulations

Table 14.2 – Regulations for M2 – Industrial, General

Lot size	Minimum lot size	1,800 m ²
	Minimum lot width	30 m
	Minimum lot depth	30 m
Setbacks	Front yard setback	7.5 m
	Side yard setback	3 m
	Rear yard setback	3 m
Buildings	Maximum building height	12 m
	Maximum site coverage	60%

- a) The **caretaker residence** may be a mobile home, a modular home or a single detached dwelling. An additional parking space over and above the parking requirements of this bylaw must be provided for the use of the occupant of the caretaker residence.
- b) A durable low maintenance **fence** of no less than 2.5 metres high shall securely enclose all outdoor storage areas.

14.3. M3 – Industrial, Land Treatment Facility

14.3.1. Purpose

To provide a zone for land treatment activities and other industrial uses.

14.3.2. Principal Uses

- a) Any principal use permitted in the M1 or M2 zones, except caretaker residence
- b) Land treatment facility

14.3.3. Secondary Uses

- a) Accessory buildings and structures
- b) Solar energy system, roof-mounted

14.3.4. Conditional Uses

- a) Derelict vehicle storage
- b) Freestanding accessory sign
- c) Kennel
- d) Scrap yard
- e) Solar energy system, commercial
- f) Storage of explosives, radioactive substances and volatile fluids
- g) Telecommunications, television or radio broadcast or receiving station

14.3.5. Development Regulations

Table 14.3 – Regulations for M3 – Industrial, Land Treatment Facility

Lot size	Minimum lot size	1,800 m ²
	Minimum lot width	30 m
	Minimum lot depth	30 m
Setbacks	Front yard setback	7.5 m
	Side yard setback	3 m
	Rear yard setback	3 m
Buildings	Maximum building height	12 m
	Maximum site coverage	60%

- a) A durable low maintenance **fence** of no less than 2.5 metres high shall securely enclose all outdoor storage areas.

15. OTHER USES

15.1. Institutional

15.1.1. Purpose

This zone provides for institutional and indoor community uses

15.1.2. Principal Uses

- a) Churches, chapels and buildings for religious purposes, including accommodation for those living secluded under religious vows
- b) Community halls and recreation centres
- c) Emergency service buildings and structures, including police stations, fire halls and ambulance depots
- d) Government buildings and institutions that are not normally included in commercial or industrial zones and are not permitted in other zones
- e) Hospitals, and nursing stations
- f) Medical and dental clinics
- g) Public utility structures and buildings, excluding maintenance or storage yards and depots
- h) Schools and educational establishments
- i) Senior citizens and nursing homes
- j) Tourist information centre or visitor reception centre

15.1.3. Secondary Uses

- a) Accessory buildings and structures
- b) Caretaker residence
- c) Parks and Playgrounds
- d) Solar energy system, roof-mounted

15.1.4. Conditional Uses

- a) Freestanding accessory sign
- b) Telecommunications, television or radio broadcast or receiving station

15.1.5. Development Regulations

Table 15.1 – Regulations for I – Institutional

Lot size	Minimum lot size	1,500 m ²
	Minimum lot width	15 m
	Minimum lot depth	30 m
Setbacks	Front yard setback	7.5 m
	Side yard setback	3 m
	Rear yard setback	6 m
Buildings	Maximum building height	12 m
	Maximum site coverage	60%

15.2. PE – Environmental Protection

15.2.1. Purpose

To provide a zone for the protection of environmentally sensitive areas, wildlife habitat, and other natural areas.

15.2.2. Principal Uses

- a) Outdoor participant recreation facilities accessible to the public and not operated for profit
- b) Public parks and trails

15.2.3. Secondary Uses

- a) Accessory buildings and structures
- b) Solar energy system, roof-mounted

15.2.4. Development Regulations

- a) This zone is for outdoor principal uses. Secondary/accessory uses that may require buildings will be regulated under the Institutional Zone Development Regulations of this bylaw as amended.

15.3. PR - Parks and Recreation

15.3.1. Purpose

To provide a zone for outdoor parks and community recreation activities.

15.3.2. Principal Uses

- a) Environmental protection areas

15.3.3. Secondary Uses

- a) Nature interpretation areas (including signage, benches, etc)

15.3.4. Conditional Uses

- a) Outdoor participant recreation facilities accessible to the public and not operated for profit
- b) Public parks and trails

15.3.5. Development Regulations

- a) No development in this area should be permitted without a site master plan and an assessment of the impacts of development.

15.4. PU – Public Utility

15.4.1. Purpose

To provide a zone for public utility installations and facilities with major impacts such as landfills, sewage lagoons or similar uses that may generate nuisance impacts for adjacent land.

15.4.2. Principal Uses

- a) Utility services, major impact

15.4.3. Secondary Uses

- a) Accessory building/structure
- b) Caretaker residence

15.4.4. Development Regulations

Table 15.3 – Regulations for PU – Public Utility

Setbacks	Front yard setback	7.5 m
	Side yard setback	3 m
	Rear yard setback	3 m
Buildings	Maximum building height	20 m

15.4.5. Other Regulations

Design, siting, landscaping, screening, and buffering shall make best efforts to minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting zones.

15.5. A - Airport

15.5.1. Purpose

To provide a zone for airport uses.

15.5.2. Principal Uses

- a) Airports
- b) Buildings and structures required for the safe operation of the airport, including but not limited to navigational, meteorological and communications equipment, air terminal building, airport maintenance buildings and equipment and flight service station
- c) Buildings and structures of commercial or industrial operations requiring unimpeded direct access to aircraft including aircraft sales, maintenance and fuel supply facilities
- d) Accommodation of flight and maintenance crew
- e) Land base facilities for a water airport
- f) Parking areas or hangars for the storage or maintenance of aircraft

15.5.3. Secondary Uses

- a) Accessory buildings and structures
- b) Parking lot or public garage
- c) Solar energy system, roof-mounted

15.5.4. Other Regulations

- a) No building or structure may be located within 7.5 m of the boundary of an airport.
- b) All buildings must comply with the requirements of the National Building Code.
- c) No person shall permit excessive emissions of steam or smoke within the zone or permit the accumulation of any material or waste within the zone that is edible or attractive to birds or other wildlife.
- d) In addition to the regulations listed above, general development regulations listed in Section 8 apply as well as Federal/Territorial Aeronautics Legislation and Regulations, *Watson Lake Airport Zoning Regulations*, which are the regulations made by the Minister of Transport on November 25, 1954, pursuant to Section 6 of the *Aeronautics Act*, approved by Her Excellency the Governor General under number P.C. 1984-3970 and as amended.

15.6. AP- Airport Periphery

15.6.1. Purpose

To provide a zone to ensure that lands around airports are developed in a manner that does not conflict with regular airport use.

15.6.2. Special Note

- a) The AP - Airport Periphery zone is a supplementary zone that may overlay any other zone in this bylaw and may further restrict the use of land; buildings and structures in the underlying zone, beyond the regulations of the underlying zone.
- b) Where there is a conflict between the regulations of this zone and an underlying zone, the regulations of this zone shall prevail.

15.6.3. Prohibited Uses

Where a land falls within the Airport Periphery Zone, the following development is prohibited:

- a) Electric generating plant
- b) Garbage disposal area, dump, sanitary landfill, sewage treatment plant or lagoon
- c) Bulk oil or petroleum products or explosives storage or sales
- d) Concrete or asphalt plant
- e) Sawmill (where sawdust is burned)

15.6.4. Prohibited Activities

Within the AP - Airport Periphery zone, no use that would create a hazard to aircraft by:

- a) Causing excessive emission of steam or smoke within the zone
- b) Permitting the accumulation of any material or waste that is edible by or attractive to birds

15.6.5. Height Restrictions

- a) No building or structure may exceed the maximum height allowable at the location of the building or structure as set out in the description of the approach surface, transitional surface, or the outer surface.
- b) No natural growth shall be permitted to exceed the maximum height allowable at the location of such natural growth as set out in the description of the approach surface, transitional surface, or the outer surface.
- c) Where natural growth is permitted by the owner of the land to exceed the maximum allowable height mentioned above the Development Officer may enter upon the land and remove any excessive growth.
- d) Where the Development Officer removes the excessive growth from natural growth, the cost of such removal shall be added to and form part of the taxes on the land.

15.6.6. Other Regulations

- a) In this section 'airport reference point', 'approach surface', 'outer surface', 'strip' and 'transitional surface' have the meaning ascribed to them in the *Watson Lake Airport Zoning Regulations*, which are the Regulations made by the Minister of Transport on November 25, 1954, pursuant to Section 6 of the *Aeronautics Act*, approved by Her Excellency the Governor General under number P.C. 1984-3970 and as amended.

15.7. H – Holding

15.7.1. Purpose

To provide a zone to designate land that is being held for future planning.

15.7.2. Principal Uses

- a) No permanent building or structure shall be erected, nor any permanent change in the use of land shall be permitted.
- b) Temporary uses authorized by Land Use Permit under the *Territorial Lands (Yukon) Act* or by authorization of the Director of Lands and Housing under the *Yukon Lands Act*, are permitted but only by resolution of Council in each case.

15.7.3. Conditional Uses

- a) Derelict vehicle storage
- b) Kennel
- c) Freestanding accessory sign
- d) Municipal landfill
- e) Quarry
- f) Scrap yard
- g) Sewage lagoon
- h) Solar energy system, commercial
- i) Storage of explosives, radioactive substances and volatile fluids
- j) Telecommunications, television or radio broadcast or receiving station
- k) Water reserve