



HAMLET OF FORT LIARD BYLAW NUMBER 139

A by-law of the Municipal Corporation of the Hamlet of Fort Liard in the Northwest Territories to regulate the use and development of land, pursuant to the provisions of the Planning Act, R.S.N.W.T 1988, C. P-7, s. 13.

WHEREAS the Council of the Hamlet of Fort Liard deems it is necessary to make rules and regulate use of buildings, structures, and land within the municipal boundaries;

NOW, THEREFORE, THE COUNCIL OF THE HAMLET OF FORT LIARD, at a duly convened meeting, enacts as follows:

SHORT TITLE

1. This By-law may be sited as the "Fort Liard Zoning By-law".

APPLICATION

2. The provisions of this by-law shall apply to all lands within the boundaries of the Hamlet of Fort Liard.

SCOPE

3. No lands shall be used and no development shall take place within the Hamlet of Fort Liard.

VALIDITY

4. Should any action, clause or provision of this by-law be held by a court of competent jurisdiction to be invalid, the validity of the remainder of the by-law shall not be affected.

INTERPRETATION

5. In this by-law:

"Accessory"	means a use or development that is secondary to, normally associated with and solely devoted to a main use and is located on the same lot.
"Building"	means any structure, used for the shelter or accommodation of persons, animals or goods.
"Commercial"	means a use or development for the purposes of buying or selling goods and supplying services but does not include an industrial use.
"Conditionally Permitted Development"	means development that may be allowed provided that the development conforms to the regulations of the by-law and the policies of the Community Plan.

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- "Construction Work Camps" means a facility providing sleeping, eating, food preparation, sanitary conveniences and recreational areas and equipment for persons who provide temporary labour services, but not including their dependants.
- "Council" means the Council of the Hamlet.
- "Development" means the carrying out of any construction, excavation, or other operation in, on, over or under land, or the making of change in the use or in the intensity of use of any land or building and shall include:
- The removal, placement, or stockpile of surface material or topsoil;
 - The use of land for the storage or repair of motor vehicles or other machinery or equipment;
 - The erection or display of signs greater than one square meter in size;
 - The resumption of the use to which land or buildings have been previously put if that use has been discontinued for a period of more than six (6) months; and
 - Constructing a building, but does not include normal maintenance and repair of buildings.
- "Dwelling Unit" means a separate set of living quarters occupied or intended to be occupied by one or more persons living as a single and non-profit housekeeping unit including non-paying guests and having at least one room with separate cooking, sleeping and toilet facilities.
- "Dwelling - One Family" means a separate building occupied or intended to be occupied by one or more persons living as a single and non-profit housekeeping unit but does not include a mobile home.
- "Dwelling - Duplex" means a building divided into not more than two dwelling units within the same exterior walls.
- "Dwelling -" means a building divided into three or more dwelling units within Duplex the same exterior walls.
- "Home Occupation" means any business conducted entirely within a dwelling unit provided the use:
- Does not change the residential character of the lot by creating problems with noise, traffic, parking or outdoor storage;
 - Does not employ more than one individual who is not a resident of the dwelling unit, and

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- Does not show any exterior evidence of the use being carried on except for a small advertising sign, no bigger than 0.5 square meters in area.

"Industrial"	means a use or development for the purposes of manufacturing, processing, distribution, repairing or storage of goods.
"Lot"	means an area of land that is described on a registered plan, or described on the certificate of title to the land, or the subject of a lease arrangement or other form of interest in land.
"Mobile Home"	means a factory built dwelling unit designed as a one family dwelling, capable of being transported on its own chassis and wheels and designed to be placed on a permanent foundation.
"Non-Conforming"	means when used to describe a use or building shall mean a use or building that does not comply with the provisions of this By-law for the zone in which the development is situated.
"Person"	means any individual, association, firm, partnership, incorporated company, government or public agency.
"Permitted Development"	means development that shall be allowed, provided that the development conforms to the regulations of the by-law.
"Public Use"	means the use or development of land for governmental, religious, educational, charitable or medical purposes where such activities are primarily for social or public purposes.
"Quarrying"	means the use of land or buildings for the removal of gravel, stone, sand, earth, clay, fill or other similar substances for commercial, industrial or manufacturing purposes, but does not include the removal of material from a man-made stockpile.
"SAO"	means the Senior Administrative Officer of the Hamlet.
"Setback"	means the right-angled distance from a lot line or street boundary to the nearest part of a main building on the lot . Fire Setback is the minimum distance between buildings permitted by fire code regulations.
"Traditional Use"	means a residential lot that allows additional accessory uses, such as smokehouses, tanning structures, campfire areas, and other traditional uses. Lots are larger than single-family residential lots and where possible, has buffer zones between adjacent lots for privacy.
"Yard"	means any open, uncovered, unoccupied space beside a building, and in determining yard measurements, the minimum horizontal measurement shall be used.

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- "Yard - Front" means a yard extending across the full width of the lot between the lot line adjacent to the road and the nearest part of any building or structure on the lot.
- "Yard - Rear" means a yard extending across the full width of the lot between the rear lot line and the nearest part of any building or structure on the lot.
- "Yard - Side" means a yard extending from the front yard to the rear yard between the side lot line and the nearest part of any building or structure on the lot.

DEVELOPMENT CONTROL AGENCIES

6. Development Officer:

6.1 The office of the Development Officer is hereby established and shall be filled by a person appointed by resolution of Council.

6.2 For the purposes of the Planning Act, the Development Officer is hereby declared to be an authorized officer or servant of Council.

6.3 In the performance of his/her duties, the Development Officer shall:

- a) Receive all applications for development pursuant to this Bylaw;
- b) Keep and maintain, for inspection by the public during normal office hours, the following official records:
 - i) a copy of this Bylaw and all amendments thereto;
 - ii) a register of all applications for development, including the decisions thereon and the reasons therefore;
 - iii) a record of Council resolutions establishing boundaries of zoning districts.
- c) Carry out such other duties as may be prescribed in this Bylaw;
- d) Ensure that copies of this Bylaw are obtainable by the public at a reasonable charge; and,
- e) Carry out such other administrative duties as Council may specify from time to time.

7 Municipal Planning Committee:

7.1 The Municipal Planning Committee of the Hamlet of Fort Liard is hereby established.

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- 7.2 The Committee shall consist of six (6) members as follows:
- Two (2) members of Fort Liard Hamlet Council;
 - Two (2) members of Acho Dene Koe Band;
 - Two (2) members of Fort Liard Metis Local 67.
- 7.3 The term of appointment shall be for two (2) consecutive years.
- 7.4 A vacancy caused by the retirement or resignation of a member shall be filled by appointment from the respective body, i.e. Council, Acho Dene Koe Band, or Metis Local.
- 7.5 The Committee shall elect a chairperson or may appoint a Secretary who may be a member of the Committee but not the Development Officer.
- 7.6 The Committee shall meet as often as required.
- 7.7 The Committee shall perform such functions as are assigned to it under this Bylaw.
- 7.8 A quorum shall consist of a majority of members and at least one (1) member from each representative body.
- 7.9 Members shall be appointed by resolution of Council and there shall be no dismissal without just cause.
8. Development Appeal Board:
- 8.1 The Development Appeal Board of the Hamlet of Fort Liard is hereby established.
- 8.2 The Board shall consist of three (3) members,
- One (1) members of Fort Liard Hamlet Council;
 - One (1) members of Acho Dene Koe Band;
 - One (1) members of Fort Liard Metis Local 67.
- 8.3 The term of appointment shall be for three (3) consecutive years.
- 8.4 A vacancy caused by retirement or resignation of a member shall be filled by appointment from the respective body, i.e. Council, Acho Dene Koe Band, or Metis Local.
- 8.5 The Board shall elect its own Chairperson.
- 8.6 The Board may meet as frequently as it is necessary but it shall meet within thirty (30) days after an application for an appeal has been made to it.
- 8.7 The Board shall appoint a Secretary who may be a member of the Board but not the Development Officer.

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- 8.8 A member of the Board cannot also be a member of the Committee.
- 8.9 A quorum shall consist of two (2) members.
- 8.10 Members shall be appointed by resolution of Council and there shall be no dismissal without just cause.
9. Secretary of Development Appeal Board:
- 9.1 The Secretary shall:
- a) Notify all members of the Board of the arrangements for the holding of hearings and other meetings of the board;
 - b) Ensure that at least than (10) days (excluding Saturday, Sunday, and holidays) notice of a hearing is given as required by the Act;
 - c) Prepare and maintain a file of written minutes of the business transacted at all meetings of the Board;
 - d) Issue to the appellant a notice of the decision of the Board;
 - e) Notify Council of the decision of the Board;
 - f) Notify Council of the decisions of the Board and reasons therefore; and,
 - g) Carry out requirements of the Planning Act Section 21 (2) and such other duties as the Board may specify.

NON CONFORMING USES AND BUILDINGS

10. Where on or before the day on which this Bylaw or any amendment thereto comes into force and when a Development Permit has been issued the enactment of the Bylaw would render the development in respect of which the permit was issued, a non-conforming use or non-conforming building; the Development Permit continues in effect notwithstanding.
11. Where a nonconforming use of land or building may be continued; but if that use is discontinued for a period of six (6) consecutive months or more, any future use of the land or building shall conform with the provisions of this Bylaw.
12. Where A nonconforming use of part of a building may be extended throughout the building but the building, whether or not it is a nonconforming building, shall not be enlarged or added to and no structural alterations shall be made thereto or therein.
13. Where a nonconforming use of part of a lot shall not be extended or transferred in whole or in part to any other part of the lot and no additional buildings shall be erected upon the lot while the nonconforming use continues.

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14. Where a nonconforming building may continue to be used but the building shall not be enlarged, added to, rebuilt or structurally altered except:
- 14.1 As may be necessary to make it a conforming building; or
- 14.2 As the Development Officer considers necessary for the routine maintenance of the building.
15. If a nonconforming building is damaged or destroyed to the extent of more than seventy-five (75) percent of the value of the building above its foundation, the building shall not be repaired or rebuilt except in accordance with this Bylaw.
16. The use of land or the use of a building is not affected by reason only of a change of ownership or tenancy or the land or building.

EXEMPTIONS FOR DEVELOPMENT PERMIT

17. No approval pursuant to this Bylaw is required for any development described in the following situations unless the undertaking of such development would be in breach of or constitute a variation of any condition imposed by any permit which may have been granted respecting the building or site involved and provided that any such development shall be in accordance with the provisions of this bylaw.
- 17.1 The carrying out of works of maintenance or repair to any building, if such works do not include structural alterations.
- 17.2 The completion of a building which is lawfully under construction or for which a valid Development Permit has been issued prior to the date of approval of this Bylaw, provided that:
- a) The building is completed in accordance with the terms of the permit granted in respect of it, and subject to the conditions to which that permit was granted; and
 - b) The building, whether or not a permit was granted in respect of it, is completed within a period of twelve (12) months from the date of adoption of this Bylaw; and,
 - c) The use of such building for the purpose for which construction was commenced.
- 17.3 The construction of private driveways in all residential zones.
- 17.4 The erection or construction of gates, fences, walls or other means of enclosure (other than on corner lots or where abutting on a public thoroughfare) less than 2.0 meters (6.6 feet) in height, and the maintenance, improvement or other alterations of any gates, fences, walls or other means of enclosure.
- 17.5 The erection or construction of buildings, works, plants or machinery needed in

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connection with the development for which a permit has been issued, for the period required for completion of that development.

- 17.6 The maintenance and repair of public works, services and utilities carried out, by or on behalf of Federal, Territorial, municipal or public authorities on land which is publicly owned or controlled.
- 17.7 The use of building or part thereof as a temporary polling station, returning officer's headquarters, candidates campaign office, and any other official temporary use in connection with a federal, territorial or municipal election, referendum or census;
- 17.8 The erection or signs less than 0.6 square meters (6.0 square feet) in area and non-illuminated.

PROCEDURES FOR DEVELOPMENT PERMIT APPLICATION

18. An application for a Development Permit shall be made in writing and in duplicate on the appropriate form to the Development Officer and shall be accompanied by the following information in duplicate:
- 18.1 A site plan at a scale of not less than 1:2000 showing:
- a) The legal description;
 - b) Setbacks and yards;
 - c) Location of off-street loading and vehicle parking;
 - d) Access and egress points to the site;
 - e) The position and distances of all existing buildings in relationship to the proposed development;
 - f) If required by the Development Officer or Committee, streets, water bodies, woodlots, shelterbelts and other physical features of the land to be developed and on all properties adjoining such land including buildings; and,
 - g) Lot grading or foundation elevation.
- 18.2 Any additional information which may be required by the Development Officer or Committee.
- 18.3 A fee of ten dollars (\$10.00) shall accompany each application for a Development Permit.
19. The Development Officer shall receive and consider all applications for a Development Permit and shall:

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- 19.1 Issue a Development Permit for those applications which constitute permitted uses in a district and comply with the minimum standards for that district;
- 19.2 Issue a Development Permit with appropriate conditions for those applications which, although constituting permitted uses in that district, do not comply with the minimum standards for that district but may be made to comply by conforming with the conditions;
- 19.3 Refer to the Committee any application which constitutes a permitted use if, in his opinion, utility services are not readily available to the land or the proposed development will detract from the character or appearance of the general development in the area;
- 19.4 Refer to the Committee, together with any recommendations which he/she may wish to make, all applications which constitute discretionary uses;
- 19.5 Refer to the Committee those applications for development not specified in the list of permitted or discretionary uses in the district in which the development is proposed, but appear, in the opinion of the applicants, to be similar in character and purpose to other Conditionally Permitted Development in the said zone;
- 19.6 Refer to the Committee any application for development which is not within the intent of this by-law or which, falls outside the powers designated to him by this bylaw;
- 19.7 Refuse all other applications;
- 19.8 Upon issuance of all Development Permits cause a notice to be posted in a conspicuous place on the property for which the application has been approved, indicating the use for which the permit was issued and the legal description of the property; and,
- 19.9 Where a proposed use is of a temporary nature, in its opinion and at its discretion, issue a temporary Development Permit, conditional that the municipality not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period and that the developers post acceptable security guaranteeing its cessation or removal.
20. The Municipal Planning Committee shall receive and consider all applications for Development Permit referred to it and shall:
- 20.1 Either approve, conditionally approve or refuse the application, having due regard to the scope and intent of this Bylaw and the Community Plan;
- 20.2 At its discretion, refer any application for development of permitted or discretionary uses to any municipal officer or department for comment;
- 20.3 At its discretion, limit the period of time that a discretionary use may be allowed and establish conditions under which it shall be terminated or discontinued;
- 20.4 Where a proposed use is of a temporary nature, in its opinion and at its

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discretion, issue a temporary Development Permit, conditional that the municipality not be liable for any costs involved in the cessation or removal of any development at the expiration of the permitted period and that the developers post acceptable security guaranteeing its cessation or removal;

- 20.5 Prohibit the erection of a building on any site where it would otherwise be permitted when, in its opinion, satisfactory arrangements have not been made for the supply of water, sewer, electric power, street access or other services or facilities including the payment of the costs of installing any such services or facilities;
- 20.6 At its discretion, refuse or approve with conditions any development if the proposed development detracts from the character or appearance of the general development in the area;
- 20.7 Where any use is proposed which is not specifically shown in any district, but is similar in character and purpose to other uses of land and buildings permitted by this Bylaw in the district in which such use is proposed, that the proposed use may be treated as a Discretionary Use in the district in which it is proposed.
21. When an application for a Development Permit is approved by the Committee, the Secretary shall mail a notice in writing immediately to all persons who made representations on the application to the Committee.
22. When an application is approved by the Committee, the Development Officer shall forthwith issue a Development Permit in conformity with the Committee's decision and post a notice on the property for which the application has been approved.
23. An application for a Development Permit shall be deemed to be refused when a decision thereon is not made on it by the Development Officer or the Committee within forty (40) days after receipt of the application in its complete and final form by the Development Officer, and the person claiming to be affected may appeal in writing as though he had received refusal at the end of this period.
24. A Development Permit does not become effective until fifteen (15) days after the date of issue of the notice of decision.
25. Where an appeal is made by a person claiming to be affected by the approval of an application for development, a Development Permit which has been granted shall not come into effect until the appeal has been dealt with and the permit confirmed, modified or nullified thereby.
26. In the case where an application for a Development Permit has been refused, the submission of another application for a permit on the same parcel of land and for the same or similar use of the land by the same or any other applicant may not be accepted by the Development Officer for a least six (6) months after the date of the previous refusal.
27. A Development Permit shall be void if:

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- 27.1 Development is not commenced and carried on with reasonable diligence within twelve (12) months from the date of its issue or within such extended period that may be granted by the Development Officer; or
- 27.2 At any time the development has been discontinued for a period of six (6) months or has not been actively carried on for a period of six (6) months.
28. When a Development Permit becomes void, a new application for a permit is required before development may proceed. Such application shall be dealt with as if it were a first application and there shall be no obligation to approve such application on the basis that a previous application had been approved for that development.

RIGHT TO APPEAL

29. The person applying for the permit or affected by the order, as the case may be, may appeal to the Development Appeal Board.
- 29.1 Where a Development Officer or Committee:
- a) Refuses or fails to issue a Development Permit; or
 - b) Issues a Development Permit subject to conditions; or
 - c) Issues an order under the Act.
30. A fee of twenty-five dollars (\$25.00) shall accompany each written notice of appeal.

APPEAL PROCEDURE

31. A person desiring to appeal to the Board shall file with the Secretary written notice of his intention to appeal within fourteen (14) days of the date of issuance or refusal to issue a Development Permit or within such further time not exceeding forty-six (46) days as the Chairperson may allow.
32. The Board shall fix a day for the hearing of the appeal, which shall not be later than thirty (30) days after the date of the filing of the notice of intention to appeal.
33. The Board shall give at least five (5) days notice, in writing, of the public hearing to:
- a) The appellant;
 - b) The owner of the property when the owner and appellant are not the same person;
 - c) The Development Officer;

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- d) The Municipal Planning Committee;
 - e) Any other person or persons that the Development Appeal Board considers to be affected by the appeal.
34. The Board shall make available for public inspection prior to the public hearing all relevant documents and materials respecting the appeal.
35. The Board shall post notice of the appeal on the site of the development.

HEARING AND DECISION

36. In accordance with the Act, the Board shall hear:
- 36.1 The appellant or any person acting on his/her behalf;
 - 36.2 The Development Officer or any person acting on his/her behalf;
 - 36.3 Any other person wishing to be heard who was served with notice of the hearing or any person acting on his/her behalf;
 - 36.4 Any person who claims to be affected and that the Board agrees to hear or any person acting his/her behalf.
37. The Board shall:
- 37.1 Make and keep written record of its proceedings which may be in the form of a summary of the evidence presented to it at the hearing; and
 - 37.2 Give its decision in writing to the appellant together with reasons for the decision within sixty (60) days of the conclusion of the hearing.
38. The Chairperson may administer oaths, affirmations or declarations.
39. Where a member of the Board has an interest in the matter before the Board, he/she is not entitled to vote thereon. He/she shall, as soon as practicable after the commencement of the meeting, disclose his/her interest and the extent and nature thereof. Furthermore, he/she shall not take part in any consideration or discussion with respect to the matter in question or attempt in any way to influence the voting on such matter.
40. The Board shall not grant an appeal in respect of the use of property.
41. The Board may affix such conditions to the granting of an appeal as in its opinion will preserve the purpose and intent of this Bylaw and the Community Plan.
42. A decision concurred in by a majority of the whole Board is a decision of the Board.
43. The decision of the Board shall be based on the facts and merits of the case and shall

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be in writing, setting forth the reasons for the decision and signed by the Chairperson and the Secretary. A copy of the decision shall be sent by the Secretary by registered mail to the Director, the Council and the Appellant within fifteen (15) days of the date on which the decision was rendered and to each interested person upon his request.

44. An appeal granted by the Board shall not become effective until the expiration of thirty (30) days from the date on which the decision is made or, if conditions are affixed, until such time as the conditions have been complied with, whichever is the latter.
45. A decision of the Board is final and binding on all parties, subject only to an appeal upon a question of jurisdiction or law to the Supreme Court.

AMENDMENT OF BYLAW

46. Any person applying to have this Bylaw amended shall apply in writing to the Municipal Planning Committee, furnishing reasons in support of the application and requesting that the Committee submit the application to the Council.
47. If a person applies to Council in any manner for an amendment to this Bylaw, Council shall require him/her to submit his/her application to the Committee before it considers the proposed amendment.
48. Notwithstanding anything contained in this Bylaw, a proposed amendment which has been rejected by Council within the previous twelve (12) months shall not be reconsidered unless Council otherwise directs.
49. A person making an application to the Committee for an amendment to this Bylaw for a purpose other than the clarification of an existing provision of this Bylaw shall:
 - 49.1 Pay an application fee of fifty dollars (\$50.00);
 - 49.2 Undertake in writing to be liable for and to pay on demand all expenses made necessary by the processing of the proposed amendment, whether it be enacted or not, including, but not limited to, map printing or reproduction costs, surveys and advertising charges;
 - 49.3 Authorize in writing the right of entry by an officer of Council to such lands or buildings as may be required for investigation of the proposed amendment; and,
 - 49.4 Provide a certificate of search of the land affected or other documents satisfactory to the Committee, including the applicant's interest in the said land.
50. If it appears that the proposed amendment is one which is applicable to and for the benefit of the municipality at large, or most of the persons affected in one area or in one district, then Council may direct that the application fee be returned to the applicant and that the municipality pay the expenses incurred.
51. Unless Council directs that the additional expense of a proposed amendment, whether it be enacted or not, be borne by the municipality, the applicant shall, upon receipt of an account for the same, pay to the municipality those expenses for which he has

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undertaken to be liable.

52. Upon receipt of an application to amend this Bylaw, the Development Officer shall:
 - 52.1 Initiate or carry out any necessary investigation or analysis of the problems involved in or related to the amendment;
 - 52.2 Prepare a detailed report for the Committee on the proposed amendment;
 - 52.3 Submit a copy of the report, maps and all material relevant thereto to the Municipal Planning Committee.
53. The Municipal Planning Committee shall:
 - 53.1 Examine the proposed amendment for content;
 - 53.2 Advise the applicant that:
 - a) It is prepared to recommend the amendment to Council without further investigations; or
 - b) It is not prepared to recommend the amendment; or
 - c) It is prepared to recommend an alternative amendment either at once or after due investigation;
 - 53.3 Not be bound to consider an application made to it unless an application fee and an undertaking to pay the associated expenses accompany it.
54. As soon as reasonably convenient, the Committee shall submit the proposed amendment as originally submitted, or as alternatively chosen by the applicant as the case may be, to Council, accompanied by its recommendation, the report of the Development Officer and other relevant material as applicable, and Council shall then consider the proposed amendment.
55. The Committee may, at any time on its own motion, present for the consideration of Council any proposed amendment to this Bylaw, and the proposed amendment shall be accompanied by the reports and recommendations of the Committee and the Development Officer.
56. Council may, at any time on its own motion, initiate an amendment to this Bylaw. However, prior to first reading of any proposed amendment, the proposal shall be referred to the Committee and to the Development Officer for their reports and recommendations.
57. Proposed amendments to this Bylaw are subject to those requirements and procedures set out in the Act regarding the enactment of bylaws.

ENFORCEMENT

58. If, in the opinion of the Development Officer, it appears that a Development Permit has been obtained by fraud or misrepresentation, he/she may suspend, revoke or modify the Development Permit.
59. Where the use, occupancy, erection, construction, enlargement, alteration, repair, removal or demolition of a building or any excavation or work is carried out on any land or a building and is not in accordance with:
- a) This Bylaw; or
 - b) The development scheme as approved; or
 - c) The Development Permit as issued.
60. Council, by written notice prepared by the Development Officer and either served personally or sent by registered mail to the owner of the property affected and to any contractor engaged in the work, may require the removal, demolition or alteration of the building, the filling in of the excavation, or the cessation of the work or the use to which the land or building is being put, as the case may be.
61. Any notice served shall state:
- 61.1 The grounds on which the removal, demolition, alteration, filling in, or cessation of work or use is required; and
 - 61.2 The conditions under which removal, demolition, or alteration of the building, the filling in of the excavation, or the cessation of the work or the use of the land or building, as the case may be, shall be carried out or effected within a period stated in the notice, which shall not more than two (2) months from the date of the serving or sending of the notice.
62. Where an owner of property to whom notice is given fails to comply with the requirements of the notice, Council or its designated representatives may enter upon the property and carry out or effect such removal, demolition, alteration, filling in or cessation of use as the notice requires to be done or effected, and may recover any expense thereof from the owner by action, and such expense is a charge and lien upon the property in respect of which the notice was given, until paid by the owner.

ENFORCEMENT OF THE BYLAW

63. This Bylaw may be enforced and anything done in contravention of any provisions contained herein may be restrained by order of a judge upon action brought by Council whether or not any penalty has been imposed for the contravention.
64. A person who undertakes or permits a development on any land and who fails or neglects to obtain a Development Permit; or comply with the conditions of the Development Permit; is guilty of an offence and liable on summary conviction to a fine not exceeding five hundred dollars (\$500.00) for such offence and, in addition, to a fine

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not exceeding one hundred dollars (\$100.00) for every day the offence continues. If such person is in default of payment of any such fine, he may be subject to imprisonment for a term not exceeding thirty (30) days.

- 65. When a person is convicted of having undertaken or allowed a development that contravenes this Bylaw or the Development Permit, Council may file a notification of the illegal development against the title in the Land Titles Office.
- 66. A conviction does not constitute an exclusion to further prosecution for the continued neglect or failure to comply with this Bylaw.

ATTACHMENTS

- 69. Attached Schedules, Forms, and Appendix form part of this bylaw.

EFFECTIVE DATE

- 70. This bylaw is effective upon third and final reading.

Read a first time this 14th day of September 2000.




Joanne Deneron
MAYOR



John W. McKee
SENIOR ADMINISTRATIVE OFFICER

After Notice and Public Hearing held on 26th day of October 2000.

Read a second time this 26th day of 2000.



Joanne Deneron
MAYOR



John W. McKee
SENIOR ADMINISTRATIVE OFFICER

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Approved by the Minister of Municipal and Community Affairs this 11 th day of March 2001



Read a third time and finally passed this 26 th day of April 2001.



Joanne Deneron
MAYOR



John W. McKee
SENIOR ADMINISTRATIVE OFFICER

**Schedule "A"
ZONING DISTRICTS**

ESTABLISHMENT OF ZONES

For the purpose of this by-law the Hamlet of Fort Liard is divided into the following areas called zones.

<u>ZONE NAME</u>	<u>SYMBOL</u>
Single-Family Residential	R1
Mobile Home Residential	R2
Traditional Use Residential	R3
Neighbourhood Commercial	C1
Airport	A
Industrial	M1
Public/Community Use (Health, Religious, Education, Administration)	P
Open Space (Recreation)	OS
Protected Areas (Tree buffers, Sacred Areas)	PA
Hinterland	H

INCORPORATION OF ZONING MAP

The location and boundaries of the zones established are as shown in the Appendix on the Zoning Map, Schedules A and B which form part of this by-law.

If there is uncertainty as to the location of the boundary of a zone, the following provisions shall apply:

- 1) Where zone boundaries appear to follow lot lines shown on a plan of subdivision, such lot lines shall be deemed to be the boundary.
- 2) When zone boundaries appear to follow roads, such boundaries shall be deemed to follow the centreline of the road allowance.
- 3) Where zone boundaries appear to follow the shoreline of water bodies, such boundaries shall be deemed to follow the shoreline.
- 4) Where a zone boundary is left uncertain after the application of Section 3.3(a), (b) and (c), then the boundary line shall be determined by the Council according to the scale on the Zoning Map.

All areas within the municipal boundary not shown on Schedule A or B shall be deemed to be in the Hinterland.

Schedule "B"
ZONE REQUIREMENTS

•SINGLE-FAMILY RESIDENTIAL (R1) ZONE

PERMITTED DEVELOPMENT

One family dwelling,
Duplex dwelling,
Parks and playground,
Accessory uses.

CONDITIONALLY PERMITTED DEVELOPMENT

Multiple family dwelling,
Church,
School,
Home occupation.

SITE REGULATIONS

Front yard - 6 meters

Side yard - 3.5 meters minimum or one-half of the fire separation distance outlined in the National Building Code of Canada whichever is greater.

Rear yard - 6 meters.

Dwellings using trucked sewer and/or water shall have service connections located in either the front or side yard.

Lots within Residential zones shall be limited to one primary dwelling.

•MOBILE HOME RESIDENTIAL (R2) ZONE

PERMITTED DEVELOPMENT

Single-family mobile homes,
Double mobile homes,
Parks and playgrounds,
Accessory use.

CONDITIONALLY PERMITTED DEVELOPMENT

Church,
School,
Home occupation,
Additions.

SITE REGULATIONS

Front yard - 6 meters

Side yard - 3.5 meters minimum or one-half of the fire separation distance outlined in the National Building Code of Canada whichever is greater.

Rear yard - 6 meters.

Dwellings using trucked sewer and/or water shall have service connections located in either the front or side yard.

Lots within Residential zones shall be limited to one primary dwelling.

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• **TRADITIONAL USE RESIDENTIAL (R3) ZONE**

PERMITTED DEVELOPMENT

Single-family dwelling,
Duplex dwelling,
Smoke house,
Parks and playgrounds,
Accessory use.

CONDITIONALLY PERMITTED DEVELOPMENT

Church,
School,
Home occupation.

SITE REGULATIONS

Lots must be a minimum size of 1000 square meters,
Buffer zones between lots.

• **NEIGHBORHOOD COMMERCIAL (C1) ZONE**

PERMITTED DEVELOPMENT

Commercial Uses:
Stores,
Banks,
Offices,
Restaurants,
Hotels.

Parking lots,
Residential uses accessory to a permitted commercial use,
Use accessory to permitted development.

CONDITIONALLY PERMITTED USES

Automobile service stations,
Garage,
Use accessory to conditionally permitted development.

SITE REGULATIONS

Side yard 6 meters

• **AIRPORT (A) ZONE**

All development shall conform to the Fort Liard Airport Zoning Regulations

• **INDUSTRIAL (M1) ZONE**

PERMITTED DEVELOPMENT

Warehousing,
Garages,
Storage yards,
Construction and work camps,

CONDITIONALLY PERMITTED DEVELOPMENT

Electrical power plants,
Tank farms,
Water reservoir and water supply facilities,

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Heliports.

•**PUBLIC/COMMUNITY USE (P) ZONE**

PERMITTED DEVELOPMENT

Public and community uses including:
Federal, territorial, municipal or band office,
Church,
Cemetery,
Post office,
School,
Nursing station,
Library,
Firehall,
Police station,
Arena,
Community hall,
Curling rink,
Development accessory to a permitted development,
Parks and playground,
Sports field.

CONDITIONALLY PERMITTED DEVELOPMENT

Maintenance garage,
Tank farm,
Generating station,
Cable services,
Airstrip subject to Federal regulations.

SITE REGULATIONS

Front yard - 6 meters
Side yard - 6 meters or one-half the fire separation distance as outlined in the
National Building Code of Canada

•**OPEN SPACE (OS) ZONE**

PERMITTED DEVELOPMENT

Parks and Playgrounds,
Sports field,
Ski trails,
Buildings and structures accessory to permitted development excepting sheds or storage
warehouses in the Petitot River community recreation area,
Cemetery.

CONDITIONALLY PERMITTED DEVELOPMENT

Telecommunications tower,
Public dock,
Erosion protection structures,
Marinas,
Golf course,
Development accessory to a conditionally permitted development.

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•**PROTECTED AREAS (PA)**

PERMITTED DEVELOPMENT

Access roads.

•**HINTERLAND (H)**

PERMITTED DEVELOPMENT

Storage shed, family camp or cabin (no permit required).

CONDITIONALLY PERMITTED DEVELOPMENT

Recreation camp site,

Communications,

Quarry,

Construction work camp,

Waste disposal site,

Geophysical survey,

Development accessory to a permitted development.

Schedule "C" SPECIAL PROVISIONS

Flood Risk Requirements

No development in the floodway zone

All development shall conform to the requirements of the floodway fringe areas as defined under the Canada-Northwest Territories Flood Damage Reduction Program and shown on the Zoning Map must be constructed to flood design standards.

Airport Vicinity Protection Requirements

All development shall conform to the Airport Vicinity Protection Requirements of Transport Canada.

Residential Standards

No person shall keep in any part of the yard in any residential district:

A commercial vehicle, loaded or unloaded, in excess of 3,000 kilograms (6,600 pounds) gross vehicle weight, providing that such vehicle may remain on site for such a period of time as is reasonable necessary to load or unload such a vehicle;

Any dismantled or wrecked vehicle for more than seven (7) successive days;

Any object or chattel, including household appliances or a vehicle which, in the opinion of the Development Officer or the Committee, is unsightly or tends to affect adversely the amenities of the district,

An excavation, storage or pile of materials required during construction unless all safety measures are undertaken and the owner of such materials or excavations assumes full responsibility and the situation does not prevail any longer than reasonably necessary to complete the work;

Any livestock, poultry or animals, with the exception of two (2) dogs or two (2) cats or two (2) other such usual pets, providing always that domestic pets are kept under conditions where they do not act as a nuisance and reduce the amenities for other residents. No pets or domestic animals shall be kept on a commercial basis.

A previous residential dwelling on the same lot for more than thirty (30) successive days after a new house is constructed and functioning. The former structure must be disassembled and materials removed from the lot within thirty (30) days.

Multiple Unit Residential Standards

The following requirements are applicable to all multiple unit residential development including terraced or row housing, townhouses, walk-up apartments, and high-density apartments.

Any multiple unit residential development shall satisfy the Development Officer or the Committee as to:

Provision for local playgrounds and open spaces;

Provision for enclosed recreation areas;

Access for fire fighting equipment and other emergency vehicles;

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Provision for access to garbage storage complete with suitable enclosure;
Landscaping and fencing;
Privacy for dwelling units in and adjacent to the development;
Orientation of buildings and general appearance of the project.

Mobile Home Standards

Mobile homes shall meet all requirements for setback, yards and accessory uses prescribed for single detached dwellings.

Mobile homes shall be placed on proper foundations subject to approval by the Development Officer or the Committee.

Mobile homes shall have skirting to screen the undercarriage, such skirting to be factory-prefabricated or of a quality equivalent thereof so that the design and construction will complement the unit.

Mobile homes shall meet all safety and fire regulations enforced by the Hamlet.

All accessory structures such as patios, porches, additions and storage facilities shall be factory-prefabricated units, or of a quality equivalent thereof so that the design and construction will complement the mobile home.

Home Occupations

No person other than the occupant of the dwelling shall be engaged in such occupations.

The use shall not involve the sale or display of goods upon the premises, but goods may be stored subject to the approval of the Development Officer or the Committee.

No variation from the external appearance and residential character of land or buildings shall be allowed.

Advertising sign shall not exceed 0.6 square meters and not be illuminated.

The use shall not generate traffic problems within the district.

Except with the approval of the Development Officer, where prohibited by signs posted on the property, no commercial vehicle of a capacity of more than one-half ton shall be parked or maintained on or about the property.

No offensive noise, vibration, smoke, dust, odours, heat or glare shall be produced by the use.

All permits shall be issued for no longer than a period of twelve (12) months, at which time the permit may be renewed at the discretion of the Development Officer.

The home occupation use shall only be applicable for the period of time the property is occupied by the applicant.

All permits issued for home occupation shall be subject to the condition that the permit may be revoked at any time if, in the opinion of the Development Officer, the use is or has become detrimental to the amenities of the neighbourhood.

Where a person desires to use his/her house for an office or other such use, such activities shall be limited to an individual practice with only that staff to be employed as is necessary to the single

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practice. This will exclude clinics, partnerships, or any other combination of individuals to the intent that such a use as will be permitted shall be a privilege to be enjoyed only by a resident of the dwelling, and only upon explicit permission of the Committee.

At all times the privacy of the adjacent dwellings shall be preserved and the use shall not unduly offend the surrounding residents by way of excessive lighting, late calling or clients or an unreasonable number of clients, excessive noise, traffic congestion, or other similar activity likely to disturb the amenities of the neighbourhood.

Churches

Church sites shall be located on corner lots or in such a way that they will not adversely affect the adjacent development. In no instance shall a church be approved for a site in the interior of a block unless at least one (1) of the adjacent developments is other than residential.

The site shall be of such a size that allows adequate parking and landscaping.

In the case of a manse, rectory, parsonage or other building used for a residence related to the church on the same site, an additional 400 square meters (4300 square feet) of site area shall be required.

Service Stations

Sites for service stations shall be located at the intersection of two (2) or more public thoroughfares, excluding a lane and provided that the site may be located between intersections where there is a service road.

All pump islands shall be located at least 6.0 meters (19.7 feet) from any boundary of the site, parking area on the site, or laneways intended to control traffic circulation on the site.

All parts of the site to which vehicles may have access shall be hard-surfaced and drained to provide a durable, dust-free surface.

Proper site drainage shall be provided.

Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the site only and not on any adjoining properties.

The owner, tenant, operator, or person in charge of a service station shall at all times:

Be prohibited from the conducting of the business as a parking garage provided that this shall not prevent the use of garage space available on an authorized service station for storage;

Be prohibited from any activity which is obnoxious or offensive, or which may constitute a nuisance or any annoyance to persons occupying lands in the immediate vicinity of the site of a service station by reason of dust, noise, gases, odour, smoke or vibration.

**Appendix "A"
FORT LIARD LAND USE MAP**

**FORM "A"
APPLICATION FOR DEVELOPMENT PERMIT**



FORM "A"
ZONING BYLAW 139

APPLICATION FOR DEVELOPMENT PERMIT

I/WE HEREBY MAKE APPLICATION FOR A DEVELOPMENT PERMIT UNDER THE PROVISIONS OF THE ZONING BYLAW IN ACCORDANCE WITH THE PLANS AND SUPPORTING INFORMATION SUBMITTED HERewith AND FORMING PART OF THIS APPLICATION.

APPLICANT _____

MAILING ADDRESS _____ TELEPHONE NUMBER _____

_____ POSTAL CODE _____

LOCATION OF PROPOSED DEVELOPMENT LOT _____ BLOCK _____

REGISTERED OWNER OF THE LAND _____

EXISTING USE OF LAND OR BUILDING ON PROPERTY

PROPOSED USE OF LAND OR BUILDING ON PROPERTY

ESTIMATED START DATE _____ COMPLETION DATE _____

DATE _____ SIGNATURE OF APPLICANT _____

VOLUNTARY WAIVER CLAUSE

IT IS UNDERSTOOD THAT IF THIS APPLICATION IS APPROVED IT MAY BE APPEALED TO THE DEVELOPMENT APPEAL BOARD TO SECTION 23 OF THE PLANNING ACT AND SECTION 31 OF THE ZONING BYLAW, IF SUCH APPEAL IS RECEIVED WITHIN 14 DAYS OF THE DECISION BEING POSTED, MAILED, OR OTHERWISE PUBLISHED PURSUANT TO THIS BYLAW.

UNDER THE ZONING BYLAW SECTION 24, A DEVELOPMENT PERMIT, IF GRANTED SHALL NOT COME INTO EFFECT UNTIL 15 DAYS AFTER THE DATE OF A DECISION, AND ANY DEVELOPMENT PROCEEDING PRIOR TO THE EXPIRY OF THIS PERIOD IS DONE SOLELY AT THE RISK OF THE OWNER.

I/WE INTEND TO COMMENCE DEVELOPMENT AS SOON AS THE DEVELOPMENT PERMIT IS ISSUED, AND IN CONSIDERATION OF THE APPROVAL OF THE DEVELOPMENT PERMIT, THE APPLICANT HEREBY WAIVE ALL CLAIMS OR RIGHTS TO COMPENSATION, AND RELEASE AND DISCHARGE THE MUNICIPAL CORPORATION OF THE HAMLET OF FORT LIARD, ITS AGENTS, AND SERVANTS OF ALL CLAIMS, DEMANDS, DAMAGES, ACTIONS, OR CAUSES OF ACTION ARISING OR TO ARISE BY REASON OF PROCEEDING ON ANY DEVELOPMENT ON THE PROPERTY DESCRIBED HEREIN BEFORE THE EXPIRY OF THE APPEAL PERIOD, SHOULD AN APPEAL RESULT IN THE DEVELOPMENT PERMIT BEING MODIFIED OR REVOKED.

HAVING READ THE FOREGOING I/WE HEREBY EXECUTE THIS WAIVER CLAUSE FULLY AWARE OF THESE APPLICATIONS THE APPLICANT AGREE TO COMPLY WITH THE TERMS THEREOF.

DATED AT THE HAMLET OF FORT LIARD THIS ____ DAY OF _____.

WITNESS _____ APPLICANT _____

**FORM "B"
NOTICE OF DECISION**



FORM "B"
ZONING BYLAW 139

NOTICE OF DECISION

DEVELOPMENT PERMIT APPLICATION NUMBER _____

DATED THE _____ DAY OF _____ 200 .

FOR DEVELOPMENT TAKING PLACE AT THE FOLLOWING LOCATION

LOT _____ LTO _____

HAS BEEN REFUSED FOR THE FOLLOWING REASONS:

HAS BEEN APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

DATE OF ISSUE OF THIS NOTICE OF DECISION _____

DEVELOPMENT OFFICER

NOTICE:

THE ZONING BYLAW PROVIDES THAT ANY PERSON WHOSE APPLICATION HAS BEEN REFUSED OR ANY PERSON CLAIMING TO BE AFFECTED BY THIS DECISION OF THE DEVELOPMENT OFFICER MAY APPEAL TO THE DEVELOPMENT APPEAL BOARD BY SERVING WRITTEN NOTICE OF APPEAL ADDRESSED TO THE DEVELOPMENT APPEAL BOARD. THIS NOTICE MUST BE RECEIVED BY _____.

**FORM "C"
DEVELOPMENT PERMIT**

DEVELOPMENT PERMIT

ZONING BYLAW 139
[FORM "C"]

LOCATION OF PROPERTY LOT ____ LTO ____

THE DEVELOPMENT INVOLVING _____

AS FURTHER DESCRIBED IN APPLICATION # _____ IS HEREBY

1) APPROVED

2) APPROVED - SUBJECT TO THE FOLLOWING CONDITIONS:

YOU ARE HEREBY AUTHORIZED TO PROCEED WITH DEVELOPMENT SPECIFIED, PROVIDED THAT THE CONDITIONS STATED ABOVE ARE COMPLIED WITH; THAT DEVELOPMENT IS IN ACCORDANCE WITH ANY APPROVED PLANS AND THE APPLICATION FOR DEVELOPMENT PERMIT.

DATE OF ISSUE OF NOTICE OF DECISION: _____

EFFECTIVE DATE: _____

SIGNATURE OF DEVELOPMENT OFFICER

IMPORTANT NOTICE:

1. This is **NOT A BUILDING PERMIT**.
2. The Issuance of a Development Permit in accordance with the Notice of Decision is expressly subject to the condition of the permit does not become effective until 15 days after the date the Notice of Decision is issued.
3. The Zoning Bylaw provided that any person claiming to be affected by a decision of the Development Officer may appeal to the Development Appeal Board by serving written notice of appeal within 14 days after Notice of the decision is issued.
4. Should you proceed on this development before the effective date of this permit you do so entirely at your own risk as an appeal may cause this permit to become null and void.
5. This permit is valid for a period of twelve (12) months from the date of issue. If at the expiry of this period the development has not been commenced or carried out with reasonable diligence this permit shall be null and void.



STATUTORY DECLARATION

I, John McKee, of the Hamlet of Fort Liard in the Northwest Territories, do solemnly declare that:

1. I am Senior Administrative Officer of the Hamlet of Fort Liard.
2. That a Public Notice was posted in the Fort Liard Hamlet Office on September 18, 2000 stating that the proposed Zoning Bylaw had been given first reading and that a public meeting would be held in the Hamlet Council Chambers on 7 PM October 26, 2000. Copies of the proposed bylaw were put on predominant display.
3. That an information meeting was held with the Acho Dene Koe to review the proposed bylaw that the process and advise councillors of the proposed public meeting.
4. That date and time of the public meeting was posted in two consecutive issues of the local newsletter produced by the hamlet during the ten days prior to the public meeting.
5. That a Notice of the Public Meeting was posted in the Liard Valley General Store ten days prior to the public meeting.
6. That a Public Meeting was held October 26, 2000 in the Hamlet Council Chambers and that no oral or written submissions were made prior or at the Public Hearing. Record of this meeting is recorded in Minutes 00-09.

And I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath by virtue of the Canada Evidence Act.

Declared before me at Fort Liard Northwest Territories
This 2nd day of November 2000.

 41636


John W. McKee November 2, 2000

A member of the Royal
Canadian Mounted Police in
the Northwest Territories