



Town of Faro

BYLAW #2017-01

Town of Faro Zoning Bylaw

WHEREAS, pursuant to Section 279(1) of the Municipal Act (the "Act"), the Town of Faro adopted an Official Community Plan to address the future development and use of land in the municipality; and,

WHEREAS Section 288 of the Act requires the Town to adopt a Zoning Bylaw applicable to the land affected by the Official Community Plan; and,

WHEREAS Section 289 of the Act enables the Town, by passing a zoning bylaw conforming to the Official Community Plan, to prohibit, regulate, and control the use and development of lands and buildings in the Town; and,

WHEREAS Section 290 of the Act enables a zoning bylaw to, among other things, establish zones and provide for a system of development and use permits, temporary uses, and establishment of a board of variance; and,

NOW THEREFORE the Council of the Town of Faro hereby ENACTS AS FOLLOWS:

1. TITLE

1.1. This bylaw may be cited as the "**Zoning Bylaw**".

2. ADOPTION

2.1. The document titled Town of Faro Zoning Bylaw 2017-01, attached hereto and forming part of this Bylaw, is hereby adopted.

3. REPEAL

3.1. Bylaw 1996-06, including all amendments thereto, is hereby repealed.

4. COMING INTO FORCE

4.1. This Bylaw shall come into force and have effect from and after the date of third and final reading thereof.

FIRST READING: **January 10, 2017**

PUBLIC HEARING NOTICE: **January 13 and 20, 2017**

PUBLIC HEARING: **February 14, 2017**

SECOND READING: **November 7, 2017**

THIRD READING AND FINALLY ENACTED: **March 6, 2018**


John Bowers, Mayor


Ian Dunlop, CAO





Zoning Bylaw 2017-01



Table of Contents

A USER'S GUIDE TO THE ZONING BY-LAW	iv
PART 1. GENERAL PROVISIONS	1
1.1. PURPOSE	1
1.1. INTERPRETATION	1
1.2. METRICATION	2
1.3. APPLICATION, SCOPE AND EFFECT OF THIS BYLAW	2
1.4. ZONING MAP AND ZONE BOUNDARIES	2
PART 2. DUTIES AND RESPONSIBILITIES.....	4
2.1. DEVELOPMENT OFFICER.....	4
2.2. BOARD OF VARIANCE	4
2.3. COUNCIL	5
PART 3. DEVELOPMENT PERMIT PROCESS.....	6
3.1. DEVELOPMENT REQUIRING A DEVELOPMENT PERMIT	6
3.2. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT	6
3.3. APPLICATION PROCEDURE FOR A DEVELOPMENT PERMIT	7
3.4. ISSUANCE OF A DEVELOPMENT PERMIT	8
3.5. MODIFICATION OF APPLICATION	9
3.6. DEVELOPMENT OFFICER DECISION	9
3.7. BOARD OF VARIANCE DECISION	10
3.8. APPEAL OF DECISION	11
3.9. CONDITIONS AND DUTIES WHERE PERMIT ISSUED	12
PART 4. AMENDMENTS TO THE BYLAW.....	14
4.1. GENERAL	14
4.2. PROCEDURE FOR APPLICATION TO AMEND THE BYLAW	14
4.3. COUNCIL INITIATED AMENDMENT TO THE BYLAW	15
4.4. REVIEW PROCESS.....	15
PART 5. NON-CONFORMING USES	16
5.1. YUKON MUNICIPAL ACT PROVISIONS REGARDING NON-CONFORMING USES	16
5.2. STRUCTURAL ALTERATIONS AND NEW CONSTRUCTION	16
5.3. CHANGE OF OWNERSHIP, TENANCY OR OCCUPANCY	16
5.4. CONFORMANCE WITH THIS BYLAW	16
PART 6. ENFORCEMENT	17
6.1. GENERAL	17
6.2. OFFENCES	17
6.3. RIGHT OF ENTRY FOR INSPECTION	17
6.4. NOTICES	17
6.5. REFUSAL, SUSPENSION OR REVOCATION OF PERMIT	18
6.6. OFFENCE TICKETS	18
6.7. REPORT TO COUNCIL	18
6.8. ORDERS	19
6.9. MUNICIPALITY REMEDYING CONTRAVENTION	19
6.10. PENALTIES	19

PART 7. GENERAL DEVELOPMENT REGULATIONS	21
7.1. ACCESSORY BUILDINGS, INCLUDING GARAGES AND GREENHOUSES.....	21
7.2. BED AND BREAKFAST OR GUESTHOUSE.....	21
7.3. CANNABIS-RELATED BUSINESS.....	22
7.4. COOPS.....	22
7.5. EXCAVATION AND REMOVAL OF TOPSOIL	22
7.6. HOME OCCUPATIONS.....	23
7.7. MICRO ENERGY GENERATION SYSTEMS	23
7.8. OFF-STREET LOADING.....	24
7.9. PARKING	24
7.10. PLACES OF WORSHIP AND ASSEMBLY HALLS	25
7.11. SERVICE STATIONS AND CARD LOCKS.....	25
7.12. SIGNS.....	26
7.13. SUBDIVISION OF LAND.....	27
7.14. YARDS.....	28
PART 8. ZONE REGULATIONS	29
8.1. USE ZONES.....	29
8.2. COMMERCIAL - C.....	30
8.3. COMMUNITY USE – CU.....	32
8.4. ENVIRONMENTAL RESERVE - ER.....	33
8.5. FUTURE COUNTRY RESIDENTIAL - FCR	33
8.6. HINTERLAND - H	34
8.7. INDUSTRIAL COMMERCIAL - IC.....	35
8.8. MIXED USE - MU	37
8.9. PARKS AND OPEN SPACE – P	38
8.10. RESIDENTIAL - SINGLE - Rs	39
8.11. RESIDENTIAL - MULTIPLE - Rm.....	41
8.12. RESIDENTIAL - COUNTRY - Rc.....	43
8.13. URBAN RESERVE - UR.....	44
PART 9. DEFINITIONS.....	45
PART 10. SCHEDULES	57
10.1. Schedule “A” – Zone Maps	57
10.2. Schedule “B” – Fee Schedule	65
10.3. Schedule “C” – Forms	66

A USER'S GUIDE TO THE ZONING BY-LAW

Zoning By-law 2017-01 applies to all lands within the boundaries of the Town of Faro. This introduction is intended to make the By-law easier to understand and reference, and to outline how to use the By-law to find basic zoning information. All Yukon municipalities are required under the Municipal Act to have a Zoning Bylaw. Zoning separates land uses that are thought to be incompatible. The main types of land use are residential, industrial, commercial and open space. Specific regulations and guidelines for each type of land use are set out through zoning.

The wording of the Zoning Bylaw may sometimes seem a bit severe, but please don't let the language intimidate you. A bylaw is a legal document, which must be written the same way as any law or legislation. The intent of the wording is to make it clear what is, and what is not, permissible for new development. Development can mean building something entirely new, expanding/altering something that already exists, or changing how land is being used.

If you have any questions about the content, how to interpret this By-law, or to discuss whether or not a project you would like to do requires a Development Permit, please contact the Town Office.

What is the purpose of a Zoning Bylaw?

A zoning by-law is a "rule book" that controls building and development. Zoning by-laws regulate how land and buildings are used, the location of buildings, minimum lot sizes and dimensions, building heights, and other provisions necessary to ensure proper development.

The zoning by-law implements the community vision and policies for future growth and development expressed in the Town's Official Community Plan, Forever Faro. The zoning by-law puts the Forever Faro vision and policies into terms, permissions, and numbers that can be measured. Forever Faro was adopted by Council on March 4, 2014. While the Official Community Plan is a guide for development of the town, the Zoning Bylaw is the control for development, based on the principles of that guide.

Zoning Bylaw 2017-01 replaces the previous Zoning Bylaw 1996-06

The Zoning Bylaw is not something that is new in Faro. Faro's first Zoning Bylaw as enacted in 1973. This 2017 version replaces the last one, which was adopted in 1996 and has been revised several times since then. The 1996 bylaw was based on an earlier official community plan, and put in place prior to the mine closure. Since then, a lot has changed in Faro, although many attributes remain the same. The passing of the new Official Community Plan in 2014 initiated the requirement for a new Zoning Bylaw based on its guiding principles.

How to Use this By-law

The following four steps describe how to identify what uses can be undertaken and the size and location of buildings that can be erected on a specific property:

1. Start with the maps in Schedule A of the By-law to determine the zone of your property.
2. Turn to Part 7 to identify general development regulations that apply in all zones.
3. Turn to the zone corresponding to your property in Part 8 for the use permissions and building regulations applying in your zone.

4. Turn to Part 9 to find definitions of specific terms used in the bylaw regulations.

Are you planning a development?

If you are planning to build something new, such as a new house, an addition, a fence, a garage, or carport, or to start a new business, Part 3 describes the Development Permit application process, and whether or not you require a Development Permit for what you are planning to do.

Development permits and building permits

A Development Permit is not the same as a building permit. A Development Permit is issued by the Town and ensures that a proposed development is allowed under the Zoning Bylaw regulations. A Development Permit may be required in order to obtain a building permit for new construction or exterior renovations. Building permits are issued by the Building Safety and Standards branch of Yukon Government to ensure that a proposed development complies with the building code and other safety regulations.

What if an existing building or use does not comply with the new Zoning Bylaw?

Older buildings might not meet all of the current zoning bylaw requirements. If the building was constructed prior to those zoning regulations, but in compliance with regulations in effect at the time, the development is considered to be legally “non-conforming” as long as the situation continues. However, renovation or expansion of such a building, or a change in land use, needs to comply with the current bylaw requirements. Please see Part 5 for further information.

Development approval and changes to the Zoning Bylaw

Proposed developments are evaluated by the Development Officer to ensure that they comply with the zoning bylaw. See Part 3 for the development approval process.

If a proposed development does not comply with the zoning bylaw, the Development Officer cannot issue a Development Permit. If the development is desirable and meets the Official Community Plan guidelines, there are three options that can be pursued to get the development approved.

1. The development may be revised so that it meets the existing zoning requirements.
2. An application can be made for a minor variance to the bylaw. The application will be heard by an independent Board of Variance made up of citizens appointed by Council. The board will decide if the proposed development meets the intent of the bylaw regulations. Please see Part 3.
3. An application can be made for a zoning change. Site specific, or “spot” zoning can be introduced for individual properties to address unique circumstances, subject to the approval of Council. Please see Part 4.

A decision of the Development Officer or the Board of Variance can be appealed to Council, who will then have the final say on whether or not a Development Permit can be issued.

The Zoning Bylaw is a living document that can be amended by Council, as long as any changes to it retain the principles of the Official Community Plan.

PART 1. GENERAL PROVISIONS

1.1. PURPOSE

The purpose of this Bylaw is to implement the development control provisions of the Official Community Plan of the Town of Faro, and for that purpose, among others:

- a. To divide the Town into zones;
- b. To prescribe and regulate, for each zone, the purposes for which buildings and land may be used;
- c. To prohibit the use of such land or buildings for any other purposes; and,
- d. To prescribe and regulate standards for outdoor commercial advertising, parking and industrial performance in the interests of the amenity and safety of the Town's residents.

1.1. INTERPRETATION

- 1.1.1 Certain terms or words have specific meanings in the context of this bylaw and will therefore be interpreted as defined in the definitions under Part 9 of this Bylaw.
- 1.1.2 Typical uses listed as examples with the definitions are not intended to be exclusive or restrictive. The intent, impact, and definition of the use, among others, will be considered in determining whether or not a use is permitted.
- 1.1.3 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 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.
- 1.1.4 If a use is not listed as permitted, it will be considered prohibited.
- 1.1.5 Unless otherwise specified:
 - a. A word used in the present tense shall include the future tense.
 - b. The singular includes the plural.
 - c. The word **person** includes a partnership, association, or corporation as well as an individual or joint-owners.
 - d. The terms **shall**, **will**, or **must** mean something that is mandatory.
 - e. The terms **may**, **can** or **should** mean something that is discretionary.
 - f. The word **used** or **occupied**, as applied to any land or building, shall be construed to include the words "intended, arranged, or designed to be" used or occupied.
- 1.1.6 The following are included herein for the purpose of explanation, clarification and convenience only, but are not operative parts of this Bylaw:
 - a. Illustrations and their descriptions;
 - b. *Italicized text* at the beginning of certain parts of this Bylaw; and,

c. The section titled "A User's Guide to the Zoning Bylaw."

1.2. METRICATION

- 1.2.1 The units of measure in this Bylaw are in Metric.
- 1.2.2 The abbreviations **m** means **metres** and **m²** means **square metres**.
- 1.2.3 Existing developments shall not be deemed to be non-conforming with this Bylaw by reason only of the conversion of previously existing imperial regulations to their approximate metric equivalent.

1.3. APPLICATION, SCOPE AND EFFECT OF THIS BYLAW

- 1.3.1 A Development Permit issued under the provisions of this Bylaw will be required for any development in the Town, unless the development is exempt under Section 3.2.
- 1.3.2 Any use of land, buildings or structures, and development for any purpose, will only be permitted if in conformity with this Bylaw.
- 1.3.3 Public infrastructure, Fire Smart projects, reclamation of former mine sites and remediation of land containing contaminated material shall be permitted in any zone subject to the approval of the government having jurisdiction (paragraphs 1.4.1 and 1.4.2 notwithstanding).
- 1.3.4 No person shall authorize or do any construction that is at variance with the description, specifications or plans that were the basis for the issuance of a Development Permit or a Building Permit, unless the variation has been reviewed and authorized in writing by the Development Officer or, where applicable, the Building Inspector.
- 1.3.5 No Development shall be permitted which would violate any applicable Federal, Territorial, Municipal Act, other Town Bylaw, or Regulation.
- 1.3.6 Any section or provision of this Bylaw deemed to be invalid by the Courts shall not affect the validity of any other part of this Bylaw which can be given effect without such invalid section or provision.
- 1.3.7 In the event of any inconsistency in this Bylaw, or disagreement of any provision or requirement of this Bylaw with that of any other Bylaw of the Town, the stricter of the provisions or regulations shall prevail.
- 1.3.8 Council may, by resolution, amend the Fee Schedule in "Schedule B" forming part of this Bylaw in respect of any fine, offence, permit, or other fees contemplated under this Bylaw from time to time, including adding or removing fee categories.
- 1.3.9 Council may, by resolution, amend, add or remove any of the Forms in "Schedule C" forming part of this Bylaw from time to time.

1.4. ZONING MAP AND ZONE BOUNDARIES

- 1.4.1 The Town is divided into land use zones and the boundaries of those zones are

shown on the Zoning Maps attached as Schedule "A" and forming part of this bylaw.

1.4.2 The boundaries on the Zoning Maps shall, unless otherwise clearly indicated on the Zoning Maps, be interpreted as follows:

- a. where a boundary follows a public roadway, lane, railway, pipeline, powerline, utility or easement, it follows the centre line;
- b. 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);
- c. where a boundary is shown as approximately following a property line, it follows the property line;
- d. where a boundary is shown as approximately following a geographic feature such as a top-of-bank contour line, it follows that line;
- e. 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.

PART 2. DUTIES AND RESPONSIBILITIES

This part of the Bylaw defines the duties and responsibilities of the Development Officer, the Board of Variance and Council. Pursuant to the procedures outlined in Parts 3 and 4 of this Bylaw, these three authorities provide a due process for Development Permit applications, decisions and appeals, and amendments to this Bylaw.

2.1. DEVELOPMENT OFFICER

- 2.1.1 The position of Development Officer is hereby established and such position may be filled by a person appointed by resolution of Council.
- 2.1.2 In the absence of a person so appointed by Council, the Chief Administrative Officer shall be designated as the Development Officer.
- 2.1.3 The Development Officer shall:
 - a. administer this Bylaw and decide on all Development Permit applications;
 - b. keep a publicly accessible copy of this Bylaw and all amendments thereto, and ensure that copies of same are available to the public at a reasonable charge;
 - c. keep a register of all applications made under this Bylaw, for public inspection during office hours, together with their applicable decisions;
 - d. receive and consider all applications made under this Bylaw, and provide reasons for decisions rendered;
 - e. approve all applications that are in conformity with this Bylaw and the Official Community Plan;
 - f. impose conditions to approval that are authorized by this Bylaw;
 - g. shall receive, review, refer and make recommendations on any application to amend the text of this bylaw or the Zoning Map to Council;
 - h. make, or arrange for, such inspections as are necessary for the proper administration of this Bylaw and enforcement of the conditions of Development Permits, and;
 - i. collect fees according to a Fee Schedule to be established by resolution of Council.

2.2. BOARD OF VARIANCE

- 2.2.1 The Board of Variance (Board) is hereby established by council, pursuant to paragraph 290(5) and section 306 of the Act, to:
 - a. hear Development Permit applications involving a variance or exception from this Bylaw or the Official Community Plan.
- 2.2.2 The Board shall consist of three (3) members who are not members of Council.
- 2.2.3 Council shall appoint members to the Board for the current term of Council or on an ad hoc basis.

- 2.2.4 The chairperson of the Board shall be selected by the Board from its members.
- 2.2.5 The secretary of the Board may be appointed by Council, and shall not be a member of Council.
- 2.2.6 A minimum of two (2) Board members shall be required for quorum.
- 2.2.7 If an application to the Board is received, and either Council has not appointed members to the Board, or a quorum of Board members is not available, Council shall appoint members to the Board at their next regular meeting or call a special meeting so that the Board will be assembled to hear the application within the time limit specified.

2.3. COUNCIL

- 2.3.1 Council shall:
 - a. hear appeals to decisions of the Development Officer or the Board of Variance;
 - b. consider Development Permit applications for Discretionary Uses; and,
 - c. consider amendments to this Bylaw or the Official Community Plan.

PART 3. DEVELOPMENT PERMIT PROCESS

This part of the bylaw outlines the Development Permit application and approval process, and the specific circumstances under which a Development Permit is not required. This section also outlines the appeal procedure if an application for a Development Permit is denied, or if a permit is issued with conditions that the applicant does not agree to. The Board of Variance can hear permit applications for minor variances or exceptions to this Bylaw that would otherwise be denied.

3.1. DEVELOPMENT REQUIRING A DEVELOPMENT PERMIT

- 3.1.1 All development undertaken, or use commenced, shall require that a Development Permit be obtained by following the procedure under Section 3.3, unless the development or use is permitted without a permit under Section 3.2.
- 3.1.2 A Development Permit shall not be valid unless it conforms to this Bylaw and the provisions of the Act.

3.2. DEVELOPMENT NOT REQUIRING A DEVELOPMENT PERMIT

- 3.2.1 The following developments are permitted in any zone without a Development Permit provided that such developments comply with all provisions of this Bylaw or other applicable legislation:
 - a. the carrying out of routine maintenance or repair of any building or structure, which does not include structural alterations, major renovation, or a change in the use or intensity of use of the building or structure;
 - b. the use of any building or land attached to or used in conjunction with a dwelling for any purpose incidental to its enjoyment as a residence, excluding a home occupation;
 - c. the completion of a development that is lawfully under construction at the date when this Bylaw comes into effect in accordance with the terms of the Development Permit and zoning regulations under which it was granted;
 - d. the erection, construction, or alteration of a gate, fence, wall or other means of enclosure, subject to the Yard provisions in Part 7;
 - e. landscaping, where the existing grade and surface drainage pattern is not materially altered and will not create off-site impacts;
 - f. the construction or erection of an accessory building in a residential zones of less than 10 m² in gross floor area, subject to the Accessory Building provisions in Part 7;
 - g. erection of temporary structures incidental to construction, maintenance or alteration of a building or structure for which a development permit has been issued;
 - h. the maintenance and repair of public works, services and utilities carried out on behalf of Federal, Territorial, Municipal or other public authorities on land which is publically controlled.

- i. the extension, alteration, or repair of industrial buildings is permitted where the original buildings had been constructed under a Development Permit if the extension does not increase the cubic content (length x width x height) of the original building by more than 10%;
- j. construction, maintenance and repair of private walkways, pathways and driveways;
- k. greenbelts, buffer strips and walkways.

3.3. APPLICATION PROCEDURE FOR A DEVELOPMENT PERMIT

- 3.3.1 An application for a Development Permit shall be made to the Development Officer on the application form attached to this Bylaw in Schedule C.
- 3.3.2 The application shall be signed by the owner of the lot or their authorized agent, include the legal description of the lot and the civic address, and be accompanied by the application fee.
- 3.3.3 The following documents and written statements relating to the proposed development may be required at the discretion and satisfaction of the Development Officer:
 - a. a site plan or survey, with scale and north arrow showing the legal description, the front, rear, and side yards, the provision for off-street vehicle loading and parking (if applicable) and egress to the site;
 - b. floor plans, elevations, and sections;
 - c. statement of existing and proposed uses;
 - d. copy of the land title certificate;
 - e. a surveyor's certificate;
 - f. a sketch clearly showing location and distances to property lines of all existing and proposed buildings, structures, utility poles, fences, retaining walls, trees, landscaping, and any other details requested by the Development Officer;
 - g. location of sidewalks, curbs, edge of street;
 - h. existing and proposed utilities shown in streets, avenues, and lanes;
 - i. all easements shown and labelled;
 - j. description of exterior finishing materials, proposed landscaping and drainage works;
 - k. estimated commencement and completion dates;
 - l. a statement providing any additional information required by the Development Officer;
- 3.3.4 A Development Officer may refuse to accept a Development Permit application if the information, in their opinion, it is incomplete, inaccurate, or of inadequate quality to properly evaluate the application.

3.3.5 A Development Officer may refuse to accept an application for a Development Permit for a proposed development that would otherwise comply with the requirements of this bylaw if:

- a. there is no access to a lot from a legally surveyed road; or,
- b. the utility services necessary for the proper operation of the proposed development are not available.

3.3.6 A Development Officer may request any of the following additional information to be submitted as part of the application depending on the location, use, type and complexity of development proposed, if applicable:

- a. a geo-technical evaluation of the site to confirm soil and slope stability, detect the presence of permafrost, designate top-of-bank setbacks, and assess site suitability for on-site septic sewage disposal;
- b. a landscaping plan to show site grading, drainage, retaining walls, existing and future tree locations, and open space landscape treatment;
- c. a development impact assessment where the magnitude or type of use may have off-site implications of short or long term duration by virtue of the nature of the development proposed. Typical impact considerations would include the physical, social, and economic consequences, impacts on municipal services and infrastructure, adjacent land uses, noise, emissions, and future site rehabilitation;
- d. an environmental site assessment report detailing the existing contamination level present in soil, groundwater, and surface water;
- e. a digital drawing of the proposed development in a format compatible with Town software;
- f. as-built drawings for any infrastructure, servicing, or other site elements;
- g. proof of approval of the proposed on-site sewage disposal system by the authority having jurisdiction on lots not serviced by a municipal sewage system;
- h. evidence of compliance with any applicable Federal, Territorial, and Municipal laws, bylaws, and other enactments;
- i. any other information, such as proposed on-site drainage, and traffic studies required by the Development Officer; and
- j. confirmation of consultation with utility providers, including but not limited to, Yukon Energy and NorthwesTel Inc., on servicing options for the proposed development (for commercial and multiple residential developments only).

3.3.7 A Development Officer may inform adjacent property owners of the application in writing or require the applicant to do so.

3.4. ISSUANCE OF A DEVELOPMENT PERMIT

3.4.1 Where an application is in complete compliance with this Bylaw applicable to the

lot or site, the Development Officer shall issue a Development Permit and may inform adjacent property owners in writing or require the applicant to do so.

3.5. MODIFICATION OF APPLICATION

3.5.1 Where an application does not meet the requirements of this Bylaw, and cannot readily be modified to meet the requirements of this Bylaw, the Development Officer shall not issue a Development Permit.

3.5.2 Where an application does not meet the requirements of this Bylaw, and the proposed development may be modified to meet the requirement of this Bylaw, the Development Officer may:

- a. issue a Development Permit subject to such reasonable conditions as may be necessary to bring the development into compliance with this Bylaw;
- b. require the applicant to obtain the written support of adjacent property owners for the application.

3.5.3 The Development Officer shall not issue a Development Permit where a condition of issuance would be to order that the use of the land, a building, or structure be changed in order to comply with this Bylaw.

3.6. DEVELOPMENT OFFICER DECISION

3.6.1 In rendering a decision, the Development Officer, having regard for the Official Community Plan and this Bylaw, may:

- a. approve an application unconditionally if the application fully conforms with this Bylaw and the Official Community Plan;
- b. approve an application conditionally if the application does not fully conform with this Bylaw but the proposed development or use can be reasonably made to conform by meeting the specified conditions, permanently or for a limited period of time;
- c. approve a temporary use permit if the application otherwise conforms to this bylaw but is seasonal or temporary in nature, the impacts associated with the proposed use will be mitigated, and the site restored after the use has ceased;
- d. exercise discretion in granting an allowance, where such allowance is desirable and there will be no detrimental impacts on neighboring properties:
 - (i) in height, setbacks or floor area no greater than 10% beyond the requirements of this Bylaw; or,
 - (ii) where the setbacks generally conform to the requirements of this Bylaw but the lot is irregularly shaped.
- e. refer an application to Council where the application is for a Discretionary Use, together with a report containing a recommendation for approval or denial;
- f. refer an application to the Board of Variance where the application involves a variance or exception from this Bylaw or the Official Community Plan, together

with a report containing a recommendation for approval or denial;

- g. refer an application to another municipal officer, legal counsel, professional planning consultant, territorial or federal department or agency for comment or advice prior to making a decision, after informing the applicant of costs the applicant may be responsible to bear for such referral, however such comment or advice shall not be binding on the Development Officer;
- h. refuse an application if the proposed development or use does not meet the requirements of this bylaw; or,
- i. refuse an application that otherwise meets the requirements of this Bylaw but, in the opinion of the Development Officer, the utility services necessary for the proper operation of the proposed development are not available to the proposed development.

3.6.2 Where a specific use does not conform to the wording of any use definition or generally conforms to the wording of two or more definitions, a Development Officer may use discretion to deem that the use conforms to and is included in the use that is considered to be most appropriate in character and purpose.

3.6.3 A decision of the Development Officer on an application for a development shall:

- a. be in writing and a copy shall be immediately mailed or delivered to the applicant and any other person who expressed an interest in the application; and,
- b. contain reasons for the approval, conditional approval, or refusal.

3.6.4 Where a Development Permit application has been refused by the Development Officer and no appeal is requested within 30 days of the decision, or where the Council has refused the appeal, submission of another application for a Development Permit on the same property of the same or similar use of the land or buildings by the same or any other applicant may not be accepted by the Development Officer for at least six months after the date of the previous refusal.

3.7. BOARD OF VARIANCE DECISION

3.7.1 The Board of Variance, having regard for Section 307 of the Act,:

- a. shall hear the Development Permit application for a variance or exemption from this Bylaw or the Official Community Plan;
- b. may make an order or decision to issue a Development Permit, with or without conditions, notwithstanding that the proposed development does not comply with this Bylaw if, in the Board's opinion, the variance or exemption granted:
 - (i) would not unduly interfere with the amenities of the neighbourhood, or materially interfere with, or affect the use, enjoyment, or value of neighbouring properties; and,
 - (ii) is within the general intent and use prescribed for that land in this Bylaw and the Official Community Plan.

3.7.2 The Board of Variance shall give its decision in writing, together with reasons for the decision, within 15 days of the conclusion of the public hearing;

3.8. APPEAL OF DECISION

3.8.1 Within 30 days of a decision by the Development Officer or Board of Variance, an appeal to Council may be filed by the applicant or any person aggrieved by the decision (the “appellant”) where:

- a. an application has been refused;
- b. a decision has not been rendered within 30 days of acceptance of the application, unless the application has been referred under sub-paragraphs 3.6.2 (e), (f), or (g);
- c. a Development Permit is issued subject to conditions; or,
- d. a variance or exception to this Bylaw has been granted.

3.8.2 A fee for appeal as set out in Schedule B shall be paid by the appellant upon the filing of an appeal.

3.8.3 Within 30 days of receipt of a Notice of Appeal, the Council shall hold a public hearing respecting the appeal.

3.8.4 Council shall give at least ten days’ notice of the public hearing in writing to the appellant, adjoining land owners, and any other persons that Council considers affected by the matter.

3.8.5 All relevant documents and materials respecting the appeal including the application for the Development Permit will be available for public inspection before the commencement of the public hearing.

3.8.6 At the public hearing, the Council shall hear:

- a. the appellant, or any other person acting on their behalf;
- b. the Development Officer, or a person designated to act on behalf of the Development Officer;
- c. any other person who was served with notice of the public hearing and who wishes to be heard or a person acting on their behalf; and
- d. any other person who claims to be affected by the order, decision, or application or a person acting on their behalf that Council agrees to hear.

3.8.7 Council shall render their decision in writing within 30 days of the hearing to:

- a. confirm, revoke, or vary a decision of the Development Officer or Board of Variance;
- b. add or alter any a condition attached to a Development Permit;
- c. make or substitute an order;
- d. issue a Development Permit of its own; or,

- e. dismiss the appeal.
- 3.8.8 A decision of Council under Paragraph 3.8.7 shall not invalidate, weaken or amend any section or provision of this Bylaw, the Official Community Plan, or any Bylaw of the Town, except to provide such variance as explicitly stated in the decision for the exceptional circumstance of the appeal.
- 3.8.9 A copy of the decision will be mailed or personally delivered to the appellant within 10 days of the decision.
- 3.8.10 Within 10 days of Council's decision authorizing the development to occur, or after the last day of appeal of a decision by the Board of Variance authorizing the development to occur if no further appeal is filed, the Development Officer shall issue the Development Permit including any conditions, time limits or things imposed in such decision.
- 3.8.11 The decision of Council shall be final and binding.

3.9. CONDITIONS AND DUTIES WHERE PERMIT ISSUED

- 3.9.1 Every Development Permit shall be deemed to be issued upon the following conditions unless otherwise stated thereon:
 - a. the development must start within 12 months from the date on which the Development Permit is issued;
 - b. the principal building, if any, must be erected first and clad to weather within a specified time; and,
 - c. the development must not be suspended or discontinued for a period of more than 12 months.
- 3.9.2 If development commences prior to the end of the appeal period, such development shall be entirely at the risk and liability of the applicant, and if an appeal is filed, no development can occur until the appeal is heard and a decision issued.
- 3.9.3 A Development Permit issued for any proposed development that also requires a building permit under the Yukon Building Standards Act shall not be acted upon until a building permit is obtained.
- 3.9.4 The applicant, the owner and any other person having authority over the development shall permit the Development Officer, Building Inspector or any public official who has a duty or power of inspection in relation to the development to enter and inspect the development at any reasonable time for the purpose of administering or enforcing this Bylaw or any other pertinent law.
- 3.9.5 The applicant, personally or by agent, shall notify the Development Officer when the work has reached stages of completion specified on the Development Permit and, upon completion of the development, before going into occupancy.
- 3.9.6 During the period of carrying out the development, the applicant shall keep posted,

in a conspicuous place on the site, a copy of the Development Permit and shall keep a copy of the drawings and specifications available on the site for inspection by the Development Officer or any other public official.

- 3.9.7 If at any time it appears to the Development Officer that a development is not being carried out according to the terms of the permit, or that a Development Permit has been obtained by fraud or misrepresentation, the Development Officer may stop the development and may revoke, suspend or modify the original Development Permit.

PART 4. AMENDMENTS TO THE BYLAW

This Part of the Bylaw outlines how the regulations, zones or maps of the Bylaw are amended. There are two types of amendments: changes to the text (wording) of the Bylaw, or changes to the zoning designation of land (maps), which is also referred to as a "re-zoning". Amendments to the Bylaw can be either initiated by a person who would like to proceed with a development that does not comply with the current zoning regulations for the land, or can be initiated by Council. Amending the Bylaw must follow a process including a public hearing and notification as set out under the Act.

4.1. GENERAL

- 4.1.1 Any person may apply to have this Bylaw amended by applying, in writing, to the Development Officer stating reasons in support of the application.
- 4.1.2 A proposed amendment which has been rejected by Council within the previous 12 months shall not be reconsidered by Council unless otherwise resolved.
- 4.1.3 Amendment of the Bylaw shall be subject to the requirements, notices, and procedures as set out in the Act.
- 4.1.4 An amendment to this Bylaw must conform to any existing Official Community Plan that affects the land.
- 4.1.5 Council may approve, by resolution, editorial amendments to this Bylaw, such as correcting spelling, punctuation, grammar, or formatting provided those changes do not alter the meaning of the Bylaw.

4.2. PROCEDURE FOR APPLICATION TO AMEND THE BYLAW

- 4.2.1 An application to amend this Bylaw shall be accompanied by:
 - a. a current copy of the Certificate of Title for the subject lot;
 - b. the applicant's name, address and interest in the property;
 - c. a statement of reasons in support of the application;
 - d. an application fee as specified in the Fee Schedule; and
 - e. the application shall be signed by the registered owner of the land.
- 4.2.2 Upon receipt of an application to amend this Bylaw, in addition to the Review Process in Section 4.4, the Development Officer shall:
 - a. request any additional information, studies, plans or reports from the applicant to carry out an investigation or analysis;
 - b. advise the applicant if a referral of the application to legal counsel or professional planning consultant will be required that the applicant may bear the costs associated with the referral.
- 4.2.3 Council shall:
 - a. examine the proposed amendment along with the Development Officer's report; and

- b. advise the applicant, in writing, within ten days from the date of the Council meeting where the application was examined that:
 - (i) Council is prepared to approve the amendment without further investigation;
 - (ii) Council rejected the amendment;
 - (iii) Council requires further investigation and shall direct the Development Officer to carry out such investigations; or,
 - (iv) Council is prepared to approve an alternative amendment at once or after due investigation.

4.2.4 Where Council rejects the proposed amendment, the applicant may request in writing to Council that Council proceed with further investigation of either the proposed amendment or an alternative amendment, failing which the proposed amendment will be considered abandoned.

4.2.5 In rendering a decision to approve the amendment, Council may require that the Development Officer issue a Development Permit to the applicant establishing the conditions of approval for the proposed development.

4.3. COUNCIL INITIATED AMENDMENT TO THE BYLAW

4.3.1 Council, at its discretion, may initiate an amendment to this Bylaw.

4.4. REVIEW PROCESS

- 4.4.1 Upon receipt of a completed application to amend the Bylaw, or Council initiated amendment to the Bylaw, the Development Officer shall carry out any necessary investigations, which may include but are not limited to:
- a. analysis of the potential impacts of the proposed amendment;
 - b. referral of the proposed amendment to legal counsel, professional planning consultant, territorial or federal department or agency for a report, comment or advice prior to making a recommendation,
 - c. confirming compliance with the Official Community Plan;
 - d. preparing an administrative report on the proposed amendment along with their recommendations; and,
 - e. submitting a copy of the report, maps and all material relevant thereto, to the Council.

PART 5. NON-CONFORMING USES

Non-conforming uses include developments and uses of land that were in place prior to approval of this Bylaw. Provided that the developments occurred, or the uses were established, in compliance with an earlier Zoning Bylaw or other regulations that were in place at the time, these non-conforming uses are considered legal and may continue even if they are not in compliance with this Bylaw. However, if the land is redeveloped or the use is changed, the non-conforming status no longer applies.

5.1. YUKON MUNICIPAL ACT PROVISIONS REGARDING NON-CONFORMING USES

5.1.1 In addition to any provision for non-conforming uses in this bylaw, such uses, land, buildings, or structures are subject to the provisions of Division 4 of the Act.

5.2. STRUCTURAL ALTERATIONS AND NEW CONSTRUCTION

5.2.1 This Bylaw shall not prevent the maintenance, renovation, or redecoration of a building or structure that was non-conforming as of the date of adopting this bylaw, and the use of the building or structure may be temporarily discontinued for the purpose of doing the renovation or redecoration work.

5.2.2 The lawful use of land or a building or other structure existing at the date of the approval of this Bylaw, that does not conform to this Bylaw, may be continued, but if the non-conforming use is discontinued for a period of 18 months or more, then any subsequent use of the land, building or structure must conform to this bylaw.

5.3. CHANGE OF OWNERSHIP, TENANCY OR OCCUPANCY

5.3.1 The use of land or the use of a building is not affected by reason only of a change in ownership, tenancy, or occupancy of the land or building.

5.4. CONFORMANCE WITH THIS BYLAW

5.4.1 Lots created before the approval of this bylaw that are less than the minimum area or dimensions required of the lot's zone shall be considered to be conforming lots for the purposes of this bylaw.

5.4.2 Buildings legally constructed before the approval of this bylaw that have less than the minimum side yard setbacks required of the lot's zone shall be considered to be in conformance with this bylaw if the use of the building is a permitted use of the zone.

5.4.3 Notwithstanding Paragraph 7.13.3, Council may, by Bylaw, authorize the subdivision of existing residential lots containing multiple dwellings constructed prior to 1985 to establish separate lots for the existing buildings or dwelling units and such development shall be deemed to be in conformance with this Bylaw.

5.4.4 The minimum setback for any expansion to a building falling under Paragraph 5.4.2 or 5.4.3 shall be the minimum as set out in this bylaw for that zone.

PART 6. ENFORCEMENT

Enforcement of this Bylaw is necessary when a person commences development illegally, either without, or contrary to, a Development Permit, or when land or a structure is being used in a way that is not permitted in that zone or is contrary to a regulation in this Bylaw. The action the Development Officer can take varies with the individual situation, but usually begins with a letter or visit to the person in violation to inform them of the regulations. But depending on the severity of the violation, or unwillingness of the person to cooperate, these provisions of the Bylaw enable escalating levels of the enforcement, including orders, fines, remedies and court action.

6.1. GENERAL

- 6.1.1 The Development Officer, a Bylaw Enforcement Officer, or other Officer so designated by Council, may enforce the provisions of this bylaw.
- 6.1.2 All enforcement activities of the Development Officer or Bylaw Enforcement Officer as provided pursuant to the Municipal Act, this Part, or any other section of this bylaw, may be commenced simultaneously.

6.2. OFFENCES

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

6.3. RIGHT OF ENTRY FOR INSPECTION

- 6.3.1 After reasonable notice to the owner or occupant, the Development Officer or any other authorized representative of the Town may enter onto any land or into any building or structure at any reasonable time in order to conduct an inspection to ascertain compliance with this bylaw.
- 6.3.2 No person shall interfere with or obstruct the entry of the Development Officer or authorized representative onto any land or into any building or structure to which entry is made or attempted pursuant to the provisions of this bylaw.
- 6.3.3 Where entrance into or upon any property within the Town is refused, a Justice may, upon application made on behalf of Council, by order require the occupier of the property to admit the Development Officer or any authorized representative into or upon the property for the purpose of an inspection under paragraph 6.3.1.
- 6.3.4 An order made by a Judge under this Section continues in force until the purpose for which it was made has been fulfilled.

6.4. NOTICES

- 6.4.1 Once the Development Officer has found a violation of this bylaw, the Development Officer or Bylaw Enforcement Officer may notify the owner of the property, the person in possession of the land or development, and/or the person

responsible for the violation, by:

- a. delivering, either in person, by ordinary mail or fax, a Notice of Violation; and,
- b. posting the notice in a conspicuous location on the site.

6.4.2 Such Notice of Violation shall state:

- a. the nature of the violation of this bylaw;
- b. the scope of the corrective measures required to comply with this bylaw; and,
- c. the time limit within which such corrective measures must be performed.

6.4.3 The Development Officer is not required to issue a Notice of Violation before commencing any other enforcement action under the Municipal Act or this bylaw.

6.5. REFUSAL, SUSPENSION OR REVOCATION OF PERMIT

6.5.1 The Development Officer may suspend, or revoke or refuse to issue a Development Permit where:

- a. the applicant fails to comply with the conditions of the issuance of the permit;
or,
- b. any person undertakes or causes or allows any development on a site contrary to the terms or conditions of a permit; or,
- c. any person fails to complete the corrective measures described in a Notice of Violation issued pursuant to Section 6.4.

6.6. OFFENCE TICKETS

6.6.1 Where a person has contravened a provision of this bylaw, or if the corrective measures described in a Notice of Violation issued pursuant to Section 6.4 are not completed within the specified time, or if development continues after a permit has been revoked, the person to whom the Notice of Violation was issued may be issued an offence ticket by a Development Officer or Bylaw Enforcement Officer in the amount specified in paragraph 6.10.2.

6.6.2 The offence ticket shall specify the alleged offence committed, the person to whom the offence ticket is issued, and require payment of the penalty by a specified date.

6.6.3 The offence ticket shall be served personally or by registered mail on the person identified in paragraph 6.4.1.

6.6.4 A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.

6.6.5 Any person who contravenes the same provision of this bylaw within twelve months after the date of the first contravention is liable to double the amount of the specified penalties set out in the Fee Schedule for such second or subsequent offence.

6.7. REPORT TO COUNCIL

6.7.1 Where a Development Officer is satisfied that there is a continued contravention of

this bylaw, a Development Officer may elect to report such a contravention to council in a timely manner if it appears the contravention will not be corrected in a timely manner.

- 6.7.2 Council may, on finding that any development or use of land or buildings is in contravention of this bylaw:
- a. direct the Development Officer to act on the matter in accordance with section 6.8;
 - b. suspend or revoke a Development Permit with respect to the contravention; and,
 - c. apply to the court for an injunction to restrain the contravention.

6.8. ORDERS

6.8.1 A Development Officer or Bylaw Enforcement 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.

6.8.2 The order may:

- a. direct a person to stop doing something or to change the way in which the person is doing it;
- b. direct a person to take any action or measure necessary to remedy the contravention of the Act or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw and, if necessary, to prevent a reoccurrence of the contravention;
- c. state a date and time by which the person must comply with the directions;
- d. state that if the person does not comply with the directions within the specified time, the municipality will take the action or measure at the expense of the person; and,
- e. state that a person who receives a written order may request that Council review the order within 14 days after the date the order is received. After reviewing the order, Council may confirm, vary, substitute, or cancel the order.

6.8.3 This order shall be delivered by registered mail or be personally served on the person described in paragraph 6.4.1.

6.9. MUNICIPALITY REMEDYING CONTRAVENTION

6.9.1 Where a person fails or refuses to comply with the order issued under section 6.8, the Development Officer may take such action as is necessary to enforce the order.

6.9.2 The costs and expenses incurred by the Town in carrying out an order shall be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on the land.

6.10. PENALTIES

- 6.10.1 Any person who commits an offence under section 6.2 is, upon summary conviction, liable to a fine in accordance with the Summary Convictions Act.
- 6.10.2 Any person who commits an offence under this bylaw is, in addition to any other punishment, liable on summary conviction to:
- a. a voluntary fine issued pursuant to Section 20 of the Summary Convictions Act and in respect of an offence up to the amount specified in Schedule B; and
 - (i) in the case of a continuing offence, to a further fine for each day during which the offence continues; or,
 - b. a fine not exceeding ten thousand dollars (\$10,000.00) or to imprisonment for six months or both where proceedings are commenced pursuant to the summary convictions provisions of the Criminal Code of Canada; or
 - c. a fine not exceeding five hundred dollars (\$500.00) or to imprisonment for six months or both where proceedings are commenced pursuant to section 9(1) of the Summary Convictions Act of the Yukon.
- 6.10.3 Where a person fails or refuses to comply with an Order pursuant to sections 6.2 and 6.8, 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.
- 6.10.4 In addition to the penalties provided for under section 6.10.2, a person convicted of an offence pursuant to section 6.2 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.
- a. 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.

PART 7. GENERAL DEVELOPMENT REGULATIONS

These regulations are common to any zone to which the use or development applies. For example, if you are interested in running a business from your home, you will find the regulations for Home Occupations in this section.

7.1. ACCESSORY BUILDINGS, INCLUDING GARAGES AND GREENHOUSES

- 7.1.1 No accessory building shall be erected within 2.5 m of any part of a principal building or structure.
- 7.1.2 No accessory building shall be built in a front yard, except that such development may be approved in a front yard where:
 - a. the depth of the front yard is greater than 20 m; and,
 - b. the design and size of the structure is harmonious with the principal building or structure.
- 7.1.3 A Development Permit for carport in a front yard may be permitted to replace an existing legal non-conforming carport provided the proposed carport is open on all sides.
- 7.1.4 A garage or carport attached to and forming part of a principal building or structure shall be considered to be part of the principal building or structure.
- 7.1.5 A detached garage shall be built so that the doors of the garage are not facing closer than 3.0 m to property boundary abutting a street or 2.0 m to any other facing property boundary.
- 7.1.6 An accessory building may be erected in a residential zone without a Development Permit, provided the accessory building is:
 - a. less than 10 m² in gross floor area;
 - b. setback a minimum of 1 m from the property line, or at the discretion of the Development Officer, a lesser setback provided the applicant submits written authorization from the adjacent property owner;
 - c. located a minimum of 2 m from other accessory buildings;
 - d. anchored to the ground, if of metal construction; and,
 - e. in compliance with paragraphs 7.1.1. and 7.1.2.

7.2. BED AND BREAKFAST OR GUESTHOUSE

- 7.2.1 In the case of a bed and breakfast:
 - a. the owner/operator must live on site; and,
 - b. must comply with all the regulations applicable to a home occupation.
- 7.2.2 The maximum total overnight occupancy of a bed and breakfast or guesthouse is 10 persons, including any persons who normally reside in the dwelling.
- 7.2.3 The person wishing to operate a bed and breakfast or guesthouse must:

- a. provide proof from the appropriate government health authority confirming the premises are suitable from a health and sanitation purpose for the intended use, if applicable.
- b. install and maintain a smoke detector, carbon monoxide detector and fire extinguisher on each storey of the dwelling.

7.3. CANNABIS-RELATED BUSINESS

- 7.3.1 The establishment of a cannabis-related business shall, prior to the issuance of any license or approval by another authority having jurisdiction, require approval of an application to amend this bylaw and establish spot zoning for the property on which the cannabis-related business would operate.
- 7.3.2 If approved by Council, the spot zoning regulations shall specify the type of cannabis-related business permitted and may include conditions to:
 - a. specify hours of operation, building design, lighting, security, or other requirements deemed appropriate for the use and location;
 - b. include a time limit or probationary period;
 - c. limit or restrict other uses that would otherwise be permitted in the previous zone regulations; and,
 - d. lapse and revert back to the previous zone regulations if:
 - (i) the use is discontinued for a period of 12 months; or,
 - (ii) the license for the cannabis-related business is terminated.
- 7.3.3 Council may arbitrarily refuse approval of any cannabis-related business spot zoning.
- 7.3.4 Council may enact a bylaw to control, limit or prohibit cannabis-related business within the Town, and such legislation shall have precedence over this section and any spot zoning previously approved.

7.4. COOPS

- 7.4.1 In addition to being subject to the requirements of an accessory structure, a coop must also conform to the requirements of the Animal Control Bylaw.

7.5. EXCAVATION AND REMOVAL OF TOPSOIL

- 7.5.1 No person shall commence or continue removal of topsoil or excavation on a lot to be developed without first obtaining a Development Permit.
- 7.5.2 A minimum topsoil coverage of 0.15m shall be provided upon occupancy and the affected area shall be landscaped.
- 7.5.3 No excavation or grading shall occur during development that would alter the natural course or flow of drainage from the lot.
- 7.5.4 Erosion control measures shall be taken to prevent erosion of bare soil during excavation, grading or clearing of a lot and such measures shall remain in place

until natural vegetation or development has stabilized the ground.

7.6. HOME OCCUPATIONS

- 7.6.1 Home occupations are an accessory use in residential zones and must conform to all provisions of this Bylaw.
- 7.6.2 A home occupation shall not use more than 25% of the total floor area of a dwelling.
- 7.6.3 A home occupation may use up to 100% of the floor area of an accessory building that conforms to all accessory building regulations in this bylaw.
- 7.6.4 A home occupation shall be run by those living in the dwelling and may employ up to two persons who are not residents of the household.
- 7.6.5 There shall be no change in the outside appearance of the dwelling or accessory building housing the home occupation that would detract from the residential character of the area.
- 7.6.6 Any need for parking generated by the home occupation should be provided on site.
- 7.6.7 No equipment or process shall be used in a home occupation or 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.
- 7.6.8 Only goods and materials directly related to the home occupation activities may be stored on-site in a principal or accessory building. The Development Officer may permit outside storage and impose conditions as required to ensure that:
 - a. the storage area is screened from adjacent properties;
 - b. the volume of goods and material stored is consistent with the residential character of the property;
 - c. the goods and materials stored are essential to the operation of the business activity;
 - d. the goods and materials are stored in a safe, organized manner so as not to pose a fire hazard or nuisance to neighbouring properties.
- 7.6.9 More than one home occupation may be on the same lot provided that the aggregate area devoted to home occupation activities does not exceed 25% of the dwelling gross floor area for all home occupations.
- 7.6.10 A Development Permit or business license for a home occupation may be revoked at any time if, in the opinion of the Development Officer, the use is or has become detrimental, a nuisance to the neighbourhood or otherwise does not comply with any provision of this bylaw.

7.7. MICRO ENERGY GENERATION SYSTEMS

- 7.7.1 A development permit is required for the erection, construction or installation of a micro energy generation system other than solar panels attached to a building.
- 7.7.2 Micro energy generation systems must be constructed and operated in a manner that minimizes any adverse visual, auidial, safety and environmental impacts.
- 7.7.3 Stand-alone solar panels must meet the requirements of an accessory structure.
- 7.7.4 Establishment of wind energy systems with a rated capacity of more than 5 KW shall require the approval of Council and are not permitted in a Rs or Rm zone.
- 7.7.5 The minimum setback for a wind energy system shall be twice the height of the turbine, no wall or roof mounted turbine shall be higher than 2 m above the building height, and guy wire anchors must meet the minimum yard setback requirements.

7.8. OFF-STREET LOADING

- 7.8.1 In an industrial or commercial area, a loading area must be provided so that, while loading or unloading, no portion of a commercial vehicle:
 - a. extrudes on to a public roadway; or,
 - b. blocks access to parking areas, main entrances, or pedestrian movement.

7.9. PARKING

- 7.9.1 Where land or a building or structure is used for any purpose, parking shall be provided entirely on the lot or site as follows:
 - a. in residential zones, a minimum of 1 parking space per dwelling unit;
 - b. in commercial or industrial zones, a minimum of;
 - (i) 1 parking space per 50 m² of gross floor area; or,
 - (ii) 1 parking space per table in an eating or drinking establishment; and,
 - (iii) 1 parking space per 4 employees.
 - c. for each hotel, guesthouse, bed and breakfast, or boarding and rooming house, a minimum of;
 - (i) 1 parking space, plus additional parking spaces based on 0.33 parking spaces per bedroom or sleeping unit, rounded up to the next whole number.
 - d. in commercial zones, the required parking may be provided on an abutting municipally owned and maintained parking lot.
- 7.9.2 Any vehicle extruding out into, or parked within, the right of way of a public road shall be deemed to be parked on a public road.
- 7.9.3 No person shall keep a partially dismantled or wrecked vehicle on a lot or site in a residential zone for more than 14 days.
- 7.9.4 No person shall keep, on a lot or street within a residential zone for longer than is

reasonably necessary to load or unload, a vehicle that is considered to be:

- a. a commercial vehicle of class 1, 2, or 3;
- b. heavy or construction equipment; or,
- c. in excess of 12,000 kg gross vehicle weight.

7.10. PLACES OF WORSHIP AND ASSEMBLY HALLS

7.10.1 A site proposed for a place of worship, or assembly hall shall be subject to the following provisions:

- a. the site shall be located on a corner lot or sited in such a way that it will not adversely affect the adjacent developments;
- b. the site shall be such a size that would allow adequate parking and landscaping;
- c. the front, side and rear setbacks shall be those permitted within the zone in which the site is located, provided the structure is less than 7.6m in height. Any structure above 7.6m in height (excluding steeple) shall have side yards in excess of 10% of the width of the lot and of such width as will protect the privacy and the sunlight to the adjacent developments to the satisfaction of the Development Officer;
- d. each building shall be such appearance with respect to its design, proportion, and exterior treatment as, in the opinion of the Development Officer, will complement the existing design fabric of the neighbourhood; and

7.11. SERVICE STATIONS AND CARD LOCKS

7.11.1 A site for a service station or card lock, shall comply with the following special provisions:

- a. such sites shall have two separate accesses from a public road to allow orderly ingress, egress and circulation to fuel pumps from either direction;
- b. site coverage, exclusive of pump islands, shall not exceed 30%;
- c. the minimum frontage of the lot shall be 30.0m; and,
- d. 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;

7.11.2 The owner, tenant, operator or person in charge of a service station shall, at all times be responsible for the proper, safe and orderly operation thereof and of motor vehicles using said service station or being repaired or serviced, and without restricting the generality of the foregoing, shall ensure that operators of motor vehicles:

- (i) do not obstruct the sidewalks and boulevards abutting or adjacent to the service station, and
- (ii) enter and leave the service station only at the entrances and exits provided

for such purposes.

7.12. SIGNS

- 7.12.1 Regulations provide standards for outdoor commercial signs in the interest of amenity and traffic safety and having consideration to the number, size and location of advertisements insofar as the signs are likely to affect:
- a. the appearance and character of any building or locality frequented by the public; and
 - b. the concentration of the motoring public and its ability to define authorised traffic signs.
- 7.12.2 No signs, including temporary commercial advertising signs, shall be erected within the Town of Faro except those signs provided for in this Bylaw.
- 7.12.3 Signs may be luminous, reflecting or illuminated, but not oscillating.
- 7.12.4 No sign shall be erected that interferes with traffic or the visibility of a traffic control device.
- 7.12.5 The following signs shall be permitted under the following conditions in all Zones of the Town:
- a. Real Estate - Maximum area - 0.6m^2 . The notices shall not be illuminated, and there shall be a limit of one notice for each side of the land or buildings on different streets.
 - b. Community Activity
 - c. Warning
 - d. Political posters relating specifically to a pending election shall be removed within 14 days of the election.
 - e. Public Building Maximum 3m^2 . There shall be a limit of one notice for each side of the land or buildings on different streets.
 - f. Construction notices. Maximum 6.5m^2 . Such notices shall be removed within 14 days of occupancy or completion of construction and there shall be a limit of one notice for each side of land or buildings on different streets.
 - g. Prohibition
 - h. Home Identification - Maximum 0.1m^2 .
 - i. Directory
 - j. Directional
- 7.12.6 Signs specified in this Part are deemed permitted and may be erected without a Development Permit, provided that the permission hereby granted in respect of any such signs specified below shall be subject to all other orders, Bylaws, and regulations affecting such signs:
- a. statutory and official notices and functional advertisements of local authorities

- and public transport undertakers;
- b. traffic and directional signs authorised by Council;
- c. notices of identification, including the advertisement of retail services and products, in respect of the land or buildings on which the signs are displayed, and professional business or trade name plates relating to the occupants of the land or buildings on which the signs are displayed, provided that:
 - (i) each notice or name plate shall not exceed 0.6m²; and
 - (ii) there shall be a limit of one notice for each occupant or each firm or company represented within the building, at one entrance on each different street.
- d. temporary advertisements referring to sales which are displayed upon the premises upon or within which such sales will be or are being conducted, provided that:
 - (i) the advertisements shall not be illuminated and shall be constructed of paper, canvas, cardboard, or other light materials or painted on glass and intended to be displayed for a short period of time only; and
 - (ii) such advertisements shall not be erected more than seven days before the start of the sale to which the signs refer, and shall be removed within four days of the completion of the sale.

7.12.7 Applications for a Development Permit made to the Development Officer shall include a drawing that indicates:

- a. the location of the sign,
- b. the overall dimensions of the sign,
- c. the height of the sign above a public street or sidewalk or the height above the average ground level at the face of the building, the least distance that the sign will be erected from an intersection of one street with another;

7.12.8 No person shall perform any work of erection or of placing a sign differing from or enlarging the work for which a Development Permit has been issued.

7.12.9 A Development Permit shall not be required to clean, repair or repaint any sign.

7.13. SUBDIVISION OF LAND

7.13.1 Where the development of land involves the subdivision of land, no Development Permit shall be issued until the proposed subdivision has been approved by the approving officer for the Government of Yukon.

7.13.2 Application for subdivision or lot adjustment made to approving officer for the Government of Yukon shall require the approval of Council.

7.13.3 No lot shall be reduced in area so that it does not meet the requirements of this Bylaw.

7.14. YARDS

7.14.1 No yard or other open space about any building or structure shall be considered to provide a yard or required open space for a building or structure on another lot.

7.14.2 No development shall be permitted in any yard other than:

- a. the erection of a gate, fence, wall or other means of enclosure referred to in paragraph 3.2.1(d);
- b. the construction of an accessory structure, roof overhang, sills, cornices, or chimneys, which may project no closer to the property boundary than 0.5 m;
or,
- c. an Accessory Building pursuant to paragraph 7.1.6.

PART 8. ZONE REGULATIONS

This part specifies the uses that are permitted in each of the land use zones, along with the development regulations and special provisions that are applicable to them. Most of the permitted uses are defined in the Definitions section (Part 9) to provide clarity on what specific words and uses mean in the context of this bylaw. If a specific use is not listed under the permitted uses for a zone, it is not allowed in that zone. If a use is listed as discretionary, the development will require the approval of Council. If a use is neither listed nor defined in this bylaw, but is similar (a “like use”) to one that is already permitted, there is some discretion to allow the development but it may require approval from the Board of Variance. For proposed development that does not fit into the regulations or uses for these zones, an amendment to the bylaw or spot zoning may be considered by Council (see Part 4).

8.1. USE ZONES

8.1.1 For the propose of this Zoning Bylaw, the Town of Faro is divided into the following zones:

C	Commercial
CU	Community Use
ER	Environmental Reserve
FCR	Future Country Residential
H	Hinterland
IC	Industrial Commercial
MU	Mixed Use
P	Parks and Open Space
Rs	Residential - Single
Rm	Residential - Multiple
Rc	Residential - Country
UR	Urban Reserve

8.2. COMMERCIAL - C

8.2.1 Purpose: To provide a zone for a mix of business and commercial uses, including those that are vehicle oriented.

8.2.2 Permitted Uses:

- a. Accessory Buildings & Uses
- b. Amusement Establishments
- c. Auditoriums
- d. Business Support Services
- e. Catering Establishments
- f. Eating and Drinking Establishments
- g. Funeral Homes
- h. Government Services
- i. Health Services
- j. Hotels and Motels
- k. Liquor Stores
- l. Offices
- m. Outdoor Markets
- n. Personal Service Offices and Stores
- o. Physical Fitness Centres
- p. Post Offices
- q. Private Clubs and Lounges
- r. Public Utilities and Uses
- s. Rental Shops
- t. Repair Shops
- u. Retail Shops and Services
- v. Shopping Centres
- w. Veterinary Clinics

8.2.3 Discretionary Uses

- a. Bus Terminals
- b. Emergency and Protective Services
- c. Greenhouses
- d. RV Parks

8.2.4 Development Regulations:

- a. Maximum Development Density – As Required by the Development Officer
- b. Minimum Lot Sizes – Frontage 10.5 m and 420 m² in lot area
- c. Minimum Yard Requirements
 - (i) Front: 0.0m
 - (ii) Side: 0.0m
 - (iii) Rear: 0.0m
- d. Maximum Height – 13.5m
- e. Site Coverage – 75% Of Site Area
- f. Maximum Floor Area Ratio – 1.0

8.2.5 Special Provisions:

- a. In the case of a building containing both residential and non-residential uses: there shall be no dwelling units on the main floor but all dwelling units shall have direct access to the outside street level.
- b. Retail services shall not include buildings or yards used for the sale or storage of construction or heavy industrial machinery or equipment, or lumber or building supplies, or new or used motor vehicles, including campers and recreational vehicles.
- c. Prior to issuance of a Development Permit, a site plan indicating location, height, and external finish, including accessory buildings, proposed lighting, landscaping, parking, access and driveways and signs and any fencing or screening shall be approved by the Development Officer.
- d. All storage areas and parking shall be screened from any adjacent residential zone by a fence not less than 2.0 m high.
- e. In the case of Lots 101, 103 (commonly known as the "The Solar Complex") and lots 43, 237 and 404 the existing site coverage shall be deemed to conform to this bylaw.
- f. The minimum yard requirement adjacent to a non-Commercial zone shall be 3 m.
- g. The Development Officer may require a uniform roof line in case of two or more abutting buildings, a uniform line of canopy or projections, and a uniform height from sidewalk to display windows.
- h. The design, siting, external finish and height of principal and accessory buildings and structures shall be to the satisfaction of the Development Officer where it is appropriate to maintain a consistent architectural character.

8.3. COMMUNITY USE – CU

8.3.1 Purpose: To provide a zone that allows uses that may be enjoyed by the broader community.

8.3.2 Permitted uses:

- a. Parks
- b. Day Care Center
- c. Education Facility
- d. Emergency And Protective Services
- e. Government Offices
- f. Health Services
- g. Institutional Facility
- h. Places of Worship
- i. Private Clubs and Lodges
- j. Services Club, Legion & Union Halls
- k. Golf Courses
- l. Public Utilities
- m. Studios
- n. Accessory Buildings and Structures
- o. Campgrounds
- p. Trails
- q. Community Gardens/Greenhouses

8.3.3 Development Regulations:

- a. Maximum Development Density – N/A
- b. Maximum Lot Sizes – N/A
- c. Minimum Yard Requirements -
 - (i) Front: 7.5m
 - (ii) Side: 3 m
 - (iii) Rear: 7.5m
- d. Maximum Height – 10.5m
- e. Maximum Site Coverage – As determined by the Development Officer

8.4. ENVIRONMENTAL RESERVE - ER

8.4.1 Purpose: To provide a zone where development is restricted due to hazard lands and for protection of the environment.

8.4.2 Permitted Uses:

- a. Forestry
- b. Nature Interpretation Facilities
- c. Public Utilities and Uses
- d. Trails

8.4.3 Development Regulations: As required by Development Officer.

8.5. FUTURE COUNTRY RESIDENTIAL - FCR

8.5.1 Purpose: To provide a holding zone for future development as Residential – Country. Until such time as Council deems appropriate for such development to occur pursuant to the Official Community Plan, these lands shall have the same development restrictions as Environmental Reserve.

8.5.2 Permitted Uses:

- a. Forestry
- b. Nature Interpretation Facilities
- c. Public Utilities and Uses
- d. Trails

8.5.3 Development Regulations: As required by Development Officer.

8.6. HINTERLAND - H

8.6.1 Purpose: To provide a rural zone that is largely undeveloped.

8.6.2 Permitted Uses:

- a. Accessory Buildings and Uses
- b. Agriculture - Major
- c. Aircraft Sales/Services/Rentals
- d. Airport
- e. Campground
- f. Cemeteries
- g. Communication Installations
- h. Forestry
- i. Float Plane Base
- j. Natural Resource Extraction
- k. Nature Interpretation Facilities
- l. Outdoor Recreation Guides and Outfitters
- m. Parks
- n. Public Utilities and Uses
- o. Trails

8.6.3 Development Regulations:

- a. as required by the Development Officer.

8.6.4 Special provisions:

- a. No use shall be carried on which would produce a nuisance factor, including noise, odour or air contaminants beyond the site boundary wherein the use is located.
- b. No use shall be carried on which would impair the use and enjoyment of adjoining lands.
- c. Any development in Hinterland must be self-contained with its own water and sewage systems and must meet all environment regulations.

8.7. INDUSTRIAL COMMERCIAL - IC

8.7.1 Purpose: To provide a zone for large-scale industrial, commercial and other uses that may have large land requirements or nuisance effects on adjacent uses.

8.7.2 Permitted Uses:

- a. Accessory Buildings and Uses
- b. Bottle Depot
- c. Building Supplies
- d. Commercial Vehicle Garages
- e. Vehicle Sales And Service
- f. Car Washing Establishments
- g. Contractors & Service Establishments
- h. Emergency and Protective Services
- i. Equipment Rentals/Sales
- j. Greenhouses
- k. Junkyards
- l. Light Manufacturing
- m. Non-Noxious Industrial Uses
- n. Public Utilities and Uses
- o. Retail Shops and Services
- p. Service Stations and Card Locks
- q. Warehousing, Storage, Supply Depots
- r. Wholesale Sales
- s. Workshops

8.7.3 Discretionary Uses:

- a. Any other Manufacturing, Commercial, or Public Service uses unlikely to restrict use of the zone for Industrial & Commercial Uses
- b. Caretaker Residence
- c. Batch Plant
- d. Bulk Fuel Facility

8.7.4 Development Regulations:

- a. Maximum Development Density – As Required by the Development Officer
- b. Minimum Lot Size – As Required by the Development Officer
- c. Minimum Yard Requirements
 - (i) Front: 6.0m
 - (ii) Side: 1.0m
 - (iii) Rear: 4.0m
- d. For Discretionary Uses, as required by the Development Officer
- e. Maximum Height – 13.5m
- f. Maximum Site Coverage and Floor Area Ratio:
 - (i) 50% coverage or 0.5 FAR for lots within 100 metres of a fire hydrant.
 - (ii) 33% coverage or 0.33 FAR for lots greater than 100 metres from a fire

hydrant.

8.7.5 Special Provisions:

- a. No industrial operation, including production, cleaning, testing, repairing, storage, or distribution of material shall be carried on which, in the opinion of the Development Officer, will or does violate the following standards: emits offensive noise audible at any point on the lot boundary, emits dust, fly ash, noxious smoke, or any other particulate matter, emits any odorous gas or odorous matter, produces glare or heat discernable beyond the lot boundary, external storage is permitted if kept in a neat and orderly manner.
- b. Junkyards shall be visually screened from the street fronting the lot by landscaping, berm or fence. No junkyard shall be permitted on a lot fronting on to McQuesten Road between Campbell Street and Ross Road.
- c. All yards and buildings shall be developed and maintained in a manner that, in the opinion of the Development Officer, is appropriate to such a zone, and which will not visually detract from the use and enjoyment of surrounding properties.
- d. The relationship of the buildings to each other, to the site, and adjacent properties and the architectural appearance, provision of adequate light, air, privacy and landscaping shall be fully shown on the site plans for the whole development and shall be to the satisfaction of the Development Officer.
- e. The principal building on a lot shall be connected to the municipal water and sewer system if those services are available on the street fronting the lot.

8.8. MIXED USE - MU

8.8.1 Purpose: To provide a zone for a compatible mix of commercial and residential use.

8.8.2 Permitted Uses:

- a. Accessory Buildings and Uses
- b. Apartments
- c. Dwellings, Multiple
- d. Eating and Drinking Establishments
- e. Guesthouse
- f. Health Services
- g. Hotels
- h. Indoor Theatres and Cinemas
- i. Institutional Facility
- j. Offices
- k. Public Utilities and Uses
- l. Retail Services
- m. Studios

8.8.3 Development Regulations:

- a. Maximum Development Density – As Required by the Development Officer
- b. Maximum Lot Sizes – As Required by the Development Officer
- c. Minimum Yard Requirements – As Required by the Development Officer
- d. Maximum Height – As Required by the Development Officer
- e. Maximum Site Coverage – 33% of Site Area
- f. Maximum Floor Area Ratio – 0.5
- g. General Regulations – As required by Development Officer

8.8.4 Special Provisions:

- a. For multi-storey buildings, Retail Services shall only be on the ground level and offices or residential units may be situated on the upper levels.
- b. Eating and Drinking Establishments shall be on the ground level only.

8.9. PARKS AND OPEN SPACE – P

8.9.1 Purpose: To provide for recreation activities for all community members and visitors.

8.9.2 Permitted Uses:

- a. Parks
- b. Public Playgrounds
- c. Accessory Buildings and Structures
- d. Recreation Facility
- e. Golf Courses
- f. Public Utilities and Uses
- g. Band Shells
- h. Campground
- i. Trails
- j. Interpretive Kiosk/Centres

8.9.3 Development Regulations – As required by the Development Officer

8.10. RESIDENTIAL - SINGLE - Rs

8.10.1 Purpose: To provide a primarily residential zone that encourages the retention of the neighbourhood's single detached character, but allows for slightly higher development density.

8.10.2 Permitted Uses:

- a. Accessory Buildings and Uses
- b. Bed and Breakfast
- c. Duplexes
- d. Dwelling, Single-Detached
- e. Education Facilities
- f. Family Care Facilities
- g. Family Day Home
- h. Home Occupations
- i. Living Suite
- j. Places of Worship
- k. Public Parks and Playgrounds
- l. Public Utilities and Uses
- m. Senior Citizens and Nursing Homes

8.10.3 Discretionary Uses:

- a. Mobile, Modular or Tiny Homes
- b. Community Garden/Greenhouse
- c. Guesthouse

8.10.4 Development Regulations:

- a. Maximum Development Density – As Required by the Development Officer
- b. Minimum Lot Sizes
 - (i) Dwelling, Single-Detached – 15.0m wide; 34.0m deep
 - (ii) Duplex – 18.0m wide; 34.0m deep
 - (iii) Dwelling, Semi-Detached – 9.0m wide; 34.0m deep
- c. Minimum Yard Requirements
 - (i) Dwelling, Single-Detached – Front: 6.0 m; Side: 1.5 m; Rear: 7.5 m
 - (ii) Duplex – Front : 6.0 m; Side : 2.0 m; Rear: 7.5 m;
 - (iii) Accessory Building – Front: N/A; Side: 1 m; Rear: 1 m
- d. Maximum Height
 - (i) The lesser of 10.5 m or 2.5 storeys
 - (ii) Accessory Building – 5 m
- e. Site Coverage – 40%

8.10.5 Special Provisions

- a. All multi-family developments shall include common amenity areas for recreational purposes and landscaping to the satisfaction of the Development Officer.
- b. Semi-detached dwelling units may be divided through a common roof by a

shared lot line and the minimum required side yard for the common lot line may be reduced to 0.0m. This provision also applies to shared carports and duplex garages.

- c. The minimum lot size shall not apply to Mobile or Tiny Homes.

8.11. RESIDENTIAL - MULTIPLE - Rm

8.11.1 Purpose: To provide a zone for low to medium density housing on urban lots with a range of related uses.

8.11.2 Permitted Uses:

- a. Accessory Buildings and Uses
- b. Bed and Breakfast
- c. Duplex
- d. Dwellings, Multiple
- e. Dwelling, Single Detached
- f. Dwelling, Semi-Detached
- g. Education facility
- h. Family Day Homes
- i. Guesthouse
- j. Home Occupations
- k. Parks
- l. Places of Worship
- m. Playground
- n. Public Utilities and Uses
- o. Senior Citizen and Nursing Homes
- p. Studios
- q. Townhouses

8.11.3 Discretionary Uses:

- a. Community Garden/Greenhouse
- b. The following commercial uses on the ground floor of a 3 storey residential building subject to the same provisions as a home occupation except that paragraph 7.5.4 need not apply:
 - (i) Offices
 - (ii) Health services
 - (iii) Cafés or Catering Establishments
 - (iv) Personal Service Offices and Stores
- c. Mobile Home Parks
- d. Apartment Buildings

8.11.4 Development Regulations:

- a. Maximum Development Density – As Required by the Development Officer
- b. Minimum Lot Sizes
 - (i) Dwelling, Single-Detached – 15.0 m wide; 34.0 m deep
 - (ii) Duplex – 18.0 m wide; 34.0 m deep
 - (iii) Dwelling, Semi-Detached – 9.0m wide x 34.0 m deep
 - (iv) Dwellings, Multiple – As Required by the Development Officer
- c. Minimum Yard Requirements
 - (i) Dwelling, Single-Detached – Front: 6.0 m; Side: 1.5 m; Rear: 7.5 m
 - (ii) Duplex – Front: 6.0 m; Side: 2.0 m; Rear: 7.5 m;

- (iii) Townhouses – Front: 6.0 m; Side: 3.0 m; Rear: 7.5 m
- (iv) Multiple – As Required by the Development Officer
- d. Accessory Building – Front: N/A; Side: 1.0 m; Rear: 1.0 m
- e. Maximum Height
 - (i) Single Detached and Duplex dwellings – the lesser of 10.5 m or 2.5 storeys
 - (ii) Multiple – 10.5 m or 3 storeys
 - (iii) Accessory Building – 5.0 m
- f. Site Coverage – 33%

8.11.5 Special Provisions:

- a. Where two or more buildings are on the same site, a minimum separation of 3.0m is required.
- b. Where duplex or townhouse dwelling units are divided through a shared roof by a common lot line the minimum required side yard for the common lot line is reduced to 0.0 m. Accessory structures, other than shared carports, must maintain the 1.0m side yard requirement from the common lot line. Townhouse dwelling units may be connected by a duplex garage.
- c. The minimum lot size for an apartment building shall be 1,000 m².
- d. All multi-family developments without private rear yards for each dwelling shall include common amenity areas for recreational purposes and landscaping to the satisfaction of the Development Officer.
- e. Discretionary commercial uses must have an entrance separate from the dwelling, and Council may specify limits the hours of operation, signs, types of products or services offered, or any other thing to maintain compatibility with the neighbouring residential dwellings.

8.12. RESIDENTIAL - COUNTRY - Rc

8.12.1 Purpose: To provide a single detached housing zone for a rural lifestyle of a permanent nature on larger lots, without the provision of full utility services.

8.12.2 Permitted Uses:

- a. Accessory Buildings and Uses
- b. Agriculture, Hobby
- c. Bed and Breakfast
- d. Family Day Home
- e. Guest Cabin
- f. Home Occupations
- g. Mobile, Modular or Tiny Homes
- h. Dwelling, Single-Detached

8.12.3 Development Regulations:

- a. Maximum Lot Size – 3.0 Hectares
- b. Minimum Yard Requirements
 - (i) Dwelling, Single Detached - Front: 7.5 m; Side: 7.5 m; Rear: 7.5 m
 - (ii) Accessory Building - Front: 7.5 m; Side: 3.0 m; Rear: 3.0 m
 - (iii) Accessory buildings housing animals shall not be located within 10 m of any lot line.

8.12.4 Maximum Height – The lesser of 10 m or 2.5 storeys

8.12.5 Site Coverage – N/A

8.12.6 Special Provisions

- a. Only one principal building is permitted per lot.

8.13. URBAN RESERVE - UR

8.13.1 Purpose: To provide a zone for agriculture, recreational and utility uses, and to set aside land for future development subject to the land use designations of the Official Community Plan.

8.13.2 Permitted Uses:

- a. Agriculture, Major
- b. Public Utilities and Uses
- c. Recreation Trails

8.13.3 Discretionary Uses:

- a. Construction Camp
- b. Recreational Facility

8.13.4 Development Regulations:

- a. Maximum Development Density – N/A
- b. Maximum Lot Sizes – N/A
- c. Minimum Yard Requirements – As Required by the Development Officer
- d. Maximum Height – As Required by the Development Officer
- e. Site Coverage – As Required by the Development Officer

8.13.5 Special Provisions:

- a. No development or subdivision or transfer of land for any use shall be allowed that may be detrimental to the future development of the land.
- b. No land shall be rezoned from UR - Urban Reserve unless the development of the land constitutes an orderly, sustainable and economic development that is in conformity with the Official Community Plan.

PART 9. DEFINITIONS

In this bylaw:

A

“ACCESSORY BUILDING” means a separate building is normally ancillary, incidental, subordinate, exclusively devoted to, and located on the same lot as the principal building. An accessory building may not be used as a dwelling unit except in the case of a Caretaker Residence. Examples of accessory buildings include garages, garden sheds, carports, coops, gazebos, greenhouses, storage sheds, and similar buildings.

“ACCESSORY STRUCTURE” means a structure that is attached to the principal building or an accessory building. Examples of accessory structures include decks, awnings, porches, verandahs, steps, door canopies, light wells to basement windows and doors, satellite dishes, masts, and similar structures.

“ACT” means the Yukon Municipal Act, as amended from time to time, unless otherwise specified.

“AGRICULTURE, HOBBY” means small-scale, non-crop based agricultural activity such as the raising of livestock, horticulture, greenhouses, apiculture and market gardening, all of which must be accessory to a principal use.

“AGRICULTURE, MAJOR” means non-crop based agricultural activity such as the raising of livestock, orchards, horticulture, greenhouses, apiculture, aquaculture, market gardening, and nurseries where the majority of cleared land on the lot is used for such endeavour.

“AIRPORT” means any area of land and water that functions as a facility for the arrival, departure, movement, or servicing of aircraft and associated cargo; and includes any associated buildings, installations, runways and adjacent open space, equipment, parking and waiting areas for passengers and crew.

“ANIMAL SHELTER” means the use of land or premises for the temporary care of lost, abandoned, or neglected animals.

“APARTMENT” means a dwelling unit in a single building containing three or more dwelling units, each of which has its principal access from a common entrance.

“APARTMENT BUILDING” means a building comprised of three or more apartments that is no more than three storeys high, with a density not exceeding 85 units per hectare.

B

“BASEMENT” means the portion of a building that is partially underground and has a ceiling that is less than 1.8m above grade.

“BATCH PLANT” means a facility that is temporarily erected for the manufacturing of asphalt or concrete and the incidental onsite storage of required materials and equipment.

“BED AND BREAKFAST” means a secondary use to a dwelling unit whereby short-term, overnight accommodation is offered to tourists and visitors, and where the first meal of the day is provided by the dwelling owner, who must reside in the dwelling.

“BOARD OF VARIANCE” means the board established by Council in accordance with the Act that shall hear applications for minor variances to this Bylaw and appeals to decisions of the Development Officer.

“BOTTLE DEPOT” means a facility for the collection and handling of materials under the beverage container or designated materials refund program and other non-refundable recyclable materials.

“BOULEVARD” means the land between the property line of a commercial or residential property and the

curb, and if there is no curb, to the edge of the travelled portion of the roadway, lane or alley that is immediately contiguous to the property.

“BUILDABLE AREA” means that portion of the lot remaining after required yard setbacks have been provided.

“BUILDING” means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals, 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:

- a) the highest point of the roof surface or any parapet thereon if a flat roof;
- b) a deck line of a mansard roof; or,
- c) the highest point of a ridge for a gable, hip or gambrel roof.

Solar panels, chimney stacks, elevator housings, flagpoles, guardrails, roof stairway entrances, skylights, steeples, or ventilating equipment shall not be considered for the purpose of determining height.

“BUILDING INSPECTOR” means an official appointed to administer and enforce the provisions of the Yukon Building Standards Act.

“BUILDING PERMIT” means the document issued by a Building Inspector pursuant to the National Building Code authorizing the carrying out of any work. A Building Permit different and distinct from a Development Permit.

“BULK FUEL FACILITY” means a premise used for the storage, sales and distribution of bulk fuel products.

“BUSINESS SUPPORT SERVICES” means support services to businesses and by means of (without limitation) the use of minor mechanical equipment for printing, duplicating, binding; secretarial services; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair, or servicing of office equipment, furniture and machines.

C

“CAFÉ” means an eating and drinking establishment offering light meals and snacks or baked goods.

“CAMPGROUND” means the provision of space for tents or recreational vehicles intended to be occupied primarily by the travelling public for short-term overnight accommodation.

“CAR WASHING ESTABLISHMENT” means an indoor or outdoor facility for cleaning vehicles.

“CANNABIS-RELATED BUSINESS” means a business or person carrying on of activity where:

- a) cannabis, products containing cannabis, or paraphernalia used in the consumption of cannabis, are sold or otherwise provided to persons for any purpose;
- b) cannabis is grown and/or stored for a purpose of sale or distribution.

“CARD LOCK” means a facility for the self-serve sale of motor fuel, including pumps, fuel storage, and related control equipment.

“CARETAKER RESIDENCE” means an accessory building, or separate part of a principal building, used to provide on-site accommodation for the owner/employer of, or persons employed by, the business use

primary to the lot.

“CARPORT” means a permanent, unenclosed, roofed accessory building to shelter parked vehicles that is adjacent to a principal building.

“CATERING” means a place where food and beverages are prepared for consumption off-site, but are not served on the premises or for take-out;

“CEMETERY” means land that is set aside for the burial of human remains, excluding crematoria, mausoleums, and mortuaries.

“CHILD CARE CENTRE” means an establishment that provides a licensed “child care centre program,” as defined and regulated under the Child Care Act at a place other than a family day home.

“COMMERCIAL VEHICLE GARAGE” means a building used for the storage and maintenance of buses or trucks.

“COMMUNITY GARDEN/GREENHOUSE” means the use of a building or land by the Town, a community organization such as a community association, condominium / strata corporation, or non-profit group for cultivating or growing plants primarily for their own consumption or sale within the community.

“CONSTRUCTION CAMP” means buildings or structures erected and arranged for the accommodation of workers employed in construction or mine reclamation.

“CONTAMINATED MATERIAL” means soil, water, sediment, snow or other similar media considered contaminated pursuant to any Federal, Territorial, or Municipal Enactment.

“COOP” means a structure intended for the keeping of hens.

“COUNCIL” means the Council of the Town of Faro.

D

“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.

“DEVELOPMENT OFFICER” means the officer appointed under Section 2.1.

“DEVELOPMENT PERMIT” means a permit for development applicable to this bylaw.

“DISCRETIONARY USES” are those uses that are considered on their own individual merits and circumstances by Council, and may be permitted, with or without conditions, on a site-specific basis within a zone provided that the discretionary use is similar to or compatible with, those already permitted in the zone, conforms to all other regulations of the zone, and provided due consideration is given to adjoining land uses.

“DRIVEWAY” means a vehicular access to at least one off-street parking space on a lot.

“DUPLEX GARAGE” means a garage joining two dwelling units that straddles a common lot line.

“DUPLEX” means a building that is divided horizontally or vertically into two separate dwelling units. Each dwelling has its own independent entrance and utility connections. A duplex does not include secondary suites.

“DWELLING UNIT” means a building or portion of a building operated as a single housekeeping unit, used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities.

“DWELLING, SEMI-DETACHED” means a duplex divided through a shared roof by a common lot line.

“DWELLING, SINGLE-DETACHED” means a building consisting of one dwelling unit, and occupied or intended to be occupied as a permanent home or residence, but does not include a mobile home.

“DWELLINGS, MULTIPLE” means any physical arrangement of three or more dwelling units. Additionally, one or more dwelling units located in a mixed use development may also be considered as multiple housing. Multiple housing may consist of modular type construction, apartments, townhouse, and triplex housing types.

E

“EATING AND DRINKING ESTABLISHMENT” means the use of land and premises for preparing and offering foods and beverages for sale to the public for the consumption within the premises or taken or delivered off-site. Such establishments may include bars, neighbourhood pubs, licensed and unlicensed restaurants, cafés, delicatessens, refreshment stands, and take-out restaurants.

“EDUCATION FACILITY” means a public school or college.

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

“EQUIPMENT SALES/RENTALS” means a premise used for sale, repair, or rental of heavy vehicles and light equipment, machinery, or equipment typically used in building, roadway, pipe-line and mining construction. Light equipment sales/rentals are also permitted, excluding motor vehicle rentals.

F

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

“FEE SCHEDULE” means the schedule of fees and charges attached hereto and forming part of this Bylaw.

“FENCE” means an artificially constructed barrier erected to enclose or screen a lot. Fence height is the vertical distance between the normal ground level and the top of the fence at any given point.

“FIRE SMART” means a project sanctioned by the territorial government that helps reduce the threat posed by wildfire. Projects may include removing deadfall and forest fuels, thinning trees, species conversion, creating firebreaks and making roadways more accessible for fire-fighting equipment.

“FLOAT PLANE BASE” means an area adjacent to a body of water with a dock used for the storage and movement of float planes.

“FLOOR AREA” means the sum of the horizontal floor areas for each storey of the building or structure, measured to the exterior walls and contained within the exterior and basement walls.

“FLOOR AREA RATIO” means the floor area of all buildings and structures on a lot divided by the lot area, as shown in Figure 4 below.

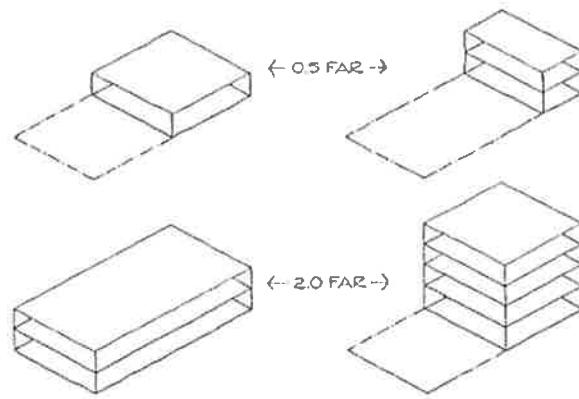


Illustration of Floor Area Ratio (FAR)

“FORESTRY” means sustainable wood harvesting subject to a license or permit issued under the Forest Resources Act.

“FRONTAGE” means the lot line abutting a public street. If a lot abuts more than one public street, the frontage shall be the lot line towards which the front entrance of the primary building is oriented, or the shorter of the lot lines if the lot is undeveloped.

G

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

“GOLF COURSE” means a recreational use that includes a driving range and related accessory buildings and structures.

“GRADE” means, as applicable,

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

“GREENBELT” means an area that is left in a generally natural state that may be used for passive or active recreation, trails, or buffers between adjacent lots.

“GREENHOUSE” means a commercial horticulture operation with the majority of products of the operation intended for export out of the community, excluding a Cannabis-Related Business.

“GUEST CABIN” – means a use that provides temporary tourist or visitor accommodation in an accessory building containing sleeping facilities and optional cooking and sanitary facilities.

“GUESTHOUSE” means a dwelling primarily used for the short-term overnight accommodation of tourists and visitors, with a common entry, kitchen, living room, and sanitary facilities, and where the first meal of the day may be provided by the business owner.

H

“HAZARD LANDS” means an area of land that is within a floodplain, wetland or classified as high risk on the Hazards Classification Map, whereupon development shall be restricted.

“HEALTH SERVICES” means 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, Hospitals, and counselling services.

“HEN” means a female domesticated chick or chicken.

“HOME OCCUPATION” means a secondary use of a dwelling unit or an accessory building for one or more businesses operated by the dwelling occupant that do not generally generate traffic, offensive noise or odours.

“HOTEL” means a building containing commercial sleeping units for guest accommodation accessed by a common corridor. Hotels may also contain accessory uses such as a restaurant, licensed drinking facilities, liquor sales, retail sales, indoor recreation and meeting rooms.

“HOUSEHOLD” means one or more persons sharing a dwelling unit.

I

“INSTITUTIONAL FACILITY” means the use of land and premises for public or non-profit purpose including municipal services, recreation facilities, community centres, libraries, places of worship, museums and visitor and tourist information centres.

“INTERIM PROTECTED LANDS” means land set aside for future Ross River Dena Council settlement land, whereupon development shall be restricted.

J

“JUNKYARD” means any building or land used for the wrecking, salvaging, dismantling or disassembly of vehicles, vehicle parts, vehicle frames or vehicle bodies.

“JUSTICE” means a Justice of the Peace or a Judge of the Territorial Court.

L

“LANDSCAPING” means to change, modify or enhance the visual appearance of a site by reshaping the ground, 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.

“LANE” means a public right-of-way, less than 9.0m wide that provides a second access to a lot at the side or rear.

“LIGHT MANUFACTURING” means fabrication, manufacturing, assembly or processing of materials that are in refined form and that do not in their transformation create excessive smoke, gas, odor, dust, noise, or vibration.

“LIVESTOCK” means an animal that is traditionally used or raised on a farm including asses, cattle, horses, mules, sheep, swine and fur-bearing animals.

“LIVING SUITE” means a separate, self-contained, designated area within a dwelling containing toilet, bathroom, sleeping and living areas, and cooking facilities.

“LOT” means any parcel of land, block or other area in which land is held or into which it is subdivided, but does not include a highway, street or lane.

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

“LOT LINE” the legally defined boundary of any lot.

M

“MICRO ENERGY GENERATION SYSTEM” means a small-scale wind, solar, or biomass energy generation system.

“MIXED USE DEVELOPMENT” means one or more buildings on a lot containing commercial and residential uses and amenities associated with such uses.

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

“MOBILE HOME PARK” means the use of land and facilities for placement of two or more mobile homes that is subject to the regulations of the Mobile Home Park Bylaw as amended or successor legislation.

“MODULAR HOME” means a factory built single- or multiple-section building 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-detached dwelling placed on a permanent foundation.

“MOTEL” means a building or group of Buildings divided into self-contained sleeping units, each with a separate exterior entrance and convenient access to on-site parking.

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.

“NATURE INTERPRETATION FACILITIES” means passive nature appreciation, wildlife viewing activities, guided walks, and the related structures including viewing decks or platforms, elevated boardwalks, towers, shelters, and interpretive signs or panels and may include associated parking.

“NON-CONFORMING USE” means, where land or a building was being lawfully used or had been constructed on or before the date of adoption of this bylaw in such a way that does not conform to this bylaw, that such use may legally continue subject to Division 4 of the Act and Part 5 of this bylaw.

“NON-NOXIOUS INDUSTRIAL USES” means an industry not involved in the manufacturing or production of any explosive, flammable, hazardous or toxic chemical, waste, by-product, pollutant, contaminant, compound, product or substance, including without limitation any liquid, solid or gaseous material for which the manufacturing, production, disposal or remediation is prohibited, controlled or regulated under federal or territorial law.

O

“OFFICE” means the use of premises for professional, management, administrative, consulting, contracting and financial services in an office setting.

“OUTDOOR MARKET” means a specific area set aside by the Town for the sale of locally produced plants and vegetables, baked goods, arts and crafts by licensed businesses, hawkers and peddlers on dates and times as designated by the Town.

“OUTDOOR RECREATION GUIDES AND OUTFITTERS” means a base of operation for trail riding, hunting, outfitting and guided tours.

“OUTSIDE STORAGE” means the storing of equipment, goods and materials in the open air on a portion of a lot ancillary to a principal use.

P

“PARK” means any public outdoor area or lot set aside specifically for passive or active recreation including buffers, arboretum, environmental protection areas, greenbelts, nature interpretation areas, playgrounds,

trails, tot-lots, walkways, and similar uses.

“PARKING LOT” means the use of land and premises consisting of parking spaces for the temporary parking of more than one vehicle by customers, employees and visitors.

“PARKING SPACE” means an area of land that is a minimum of 2.5 m wide by 5.5 m deep, graded, well drained, surfaced with asphalt or gravel, and easily accessible from a public road that is intended for parking a vehicle.

“PATIO” means any solid structure meant for support of people or materials outdoors and less than 0.6m above grade.

“PERMITTED USES” are those uses which are allowed in a zone, to the exclusion of other uses, provided that the use conforms to the regulations of this Bylaw.

“PERSONAL SERVICE OFFICES AND STORES” means activities encompassing a wide range of professions including barber, hairdresser, seamstress, massage therapist, law, finance, fitness, health and wellness, training, and consulting services and sales.

“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.

“PRINCIPAL BUILDING” means a building that contains floor space, the majority of which is used for the permitted principal use(s) on a lot.

“PRINCIPAL USE” means the main purpose for which the lot, building or structure is used.

“PUBLIC AREA” means an area used by the public such as a gymnasium, swimming pool, auditorium, school field, etc.

“PUBLIC UTILITIES AND USES” means buildings, facilities, or equipment, whether owned or operated by the Town or by a corporation or commission under agreement with or under franchise from the Town or under a Territorial or Federal statute, which furnishes services and facilities available to or for the use of all the inhabitants of the Town, including but not limited to landfills and waste treatment facilities, sewage treatment facilities, lines and towers, pump houses and stations, water treatment plants, and electrical production facilities.

R

“RECLAMATION” means the process of converting disturbed land to its former or other productive uses.

“RECREATION FACILITY” means a structure or public area that includes but is not limited to arenas, athletic fields, squash court, outdoor rinks, stadiums and tennis courts.

“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.

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

“RENOVATION” means the repair and restoration or alteration of a building or a structure including the levelling and strengthening of foundations, but does not include replacement of a building or structure.

“RETAIL SERVICES/STORES” 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 department, appliance, clothing, grocery, hardware, pharmaceutical 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.

“RV PARK” means a parcel of land used to temporarily accommodate recreational vehicles on serviced sites.

S

“SENIOR CITIZEN OR NURSING HOME” means a multiple dwelling residence for the aged and, in the case of a nursing home, in which food, nursing or similar care and treatment are provided.

“SERVICE STATION” means a facility for any combination of fuel sales, automotive repairs and servicing, car wash and detailing, and travel convenience services.

“SIGHT TRIANGLE” means that triangle formed by a straight line drawn between two points 26.0 m back of the mid-point of the intersection of two road rights-of way.

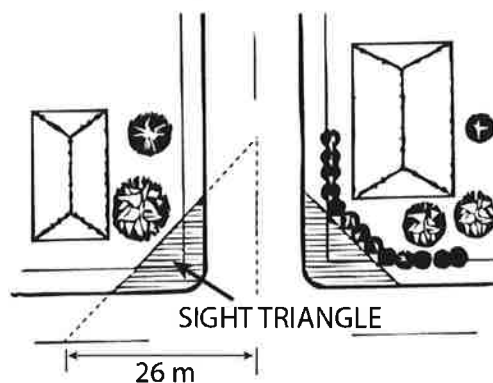


Illustration of Sight Triangle

“SIGN” means,

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

Without limiting the foregoing, sign includes designs, devices, displays, elements of external design of a building, or a structure, banners, placards, and painted messages, but not flags, interior window displays of merchandise. Sign does not include murals or other works of art that do not include a commercial message provided the sign is not erected above the roofline of a building.

“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.

“SITE DENSITY” means a measure of density of population calculated as the number of dwellings per total lot area in units per hectare. If the result of a density calculation results in a fraction, maximum density will be rounded up to the next whole number.

“SLEEPING UNIT” means a room or set of habitable rooms with bathing facilities used for the lodging of a person or persons.

“SPOT ZONING” means the rezoning of a lot to a different zone from that of neighboring lots to permit

uses or regulate development in a way that is unique to the lot but remains compatible with the adjacent land uses and the Official Community Plan.

“STREET” means a public thoroughfare having a minimum surveyed width of 9m, which affords the principal means of access to abutting properties.

“STRUCTURE” means any construction fixed to, supported by, or sunk into land or water, but does not include concrete or asphalt paving or similar surfacing.

“STUDIO” means the use of premises for design, creation, manufacture, exhibition, and sales performed by artists and/or skilled trades people. Typical uses may include potters, art painters, sculptors, furniture makers, and other types of artists.

“SUBDIVISION” means the subdividing of land into lots to facilitate development.

T

“TEMPORARY” means a period of two years or less.

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

“TINY HOME” means a residential building containing a single dwelling unit intended for year-round use, with a maximum floor area of 40 m². These may be constructed on a chassis or placed a foundation subject to building code requirements.

“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. Trails may be motorized, non-motorized or multi-use.

“TOWNHOUSE” means a building divided into three or more dwelling units located side by side under one roof with private entrances to each dwelling from the exterior of the building and with each dwelling sharing at least one common wall.

V

“VARIANCE” means a relaxation of the requirements specified in this bylaw as permitted by the Act and subject to the approval of the Board of Variance.

“VEHICLE SALES AND SERVICE” means the premises where motor vehicles may be repaired, equipped, parked or stored for remuneration, sale, or display, including vehicle washing facilities as an ancillary use, but excluding gas bars, recreation vehicles or heavy equipment sales/rentals.

“VETERINARY CLINIC” means 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. Veterinary clinics also include non-medical uses such as pet grooming and daytime pet boarding. Non-medical clinics are restricted from overnight boarding.

W

“WALKWAY” means a public path designed for use by pedestrian and/or bicycle traffic.

“WHOLESALE SALES” means a business primarily buying and storing merchandise for resale to retailers or to industrial, commercial, institutional, business users or other wholesalers rather than for sale to the general public.

“WORKSHOP” means a place of business for skilled trades including but not limited to metal, plumbing or carpentry work.

Y

“YARD, FRONT” means the area extending across the frontage 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 the portion of a lot which extends from a front yard to the rear yard between the side lot line and the nearest permitted principal building or structure.

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

“YARD, SIDE, INTERIOR” means a side yard immediately adjoining another lot or a lane.

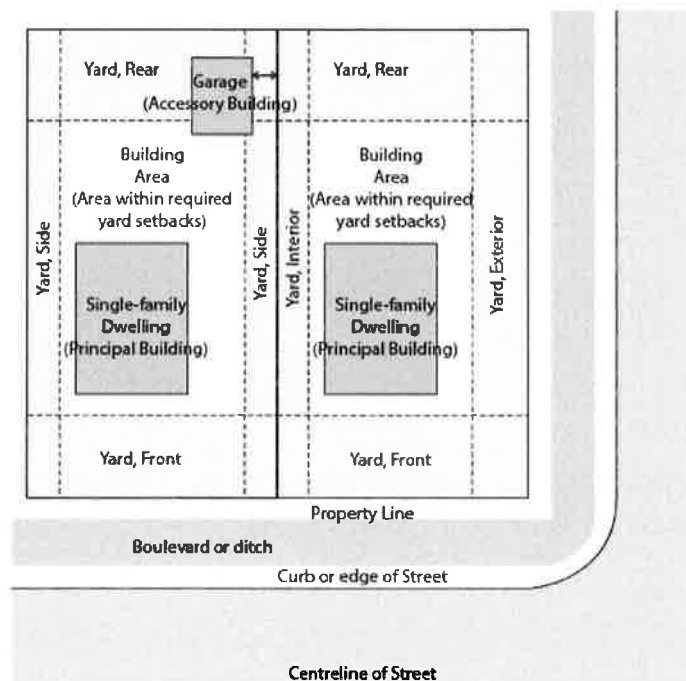


Illustration of required Yards setbacks. The area within the required Yards is the buildable area for the principal building. The actual Yard is measured from the nearest point on the face of the building to the property line.

Z

“ZONING MAP” means a map that delineates the boundaries of the zones set out in this bylaw, attached hereto as Schedule A.

All other words and expressions shall have the meanings respectively assigned to them in the Act if defined therein.

PART 10. SCHEDULES

10.1. Schedule "A" – Zone Maps

**TOWN OF FARO
BYLAW 2017-01
Zoning Bylaw**

"SCHEDULE A"

ZONE MAPS

Zone Map 1 (Upper Bench)

Zone Map 2 (Middle and Lower Bench)

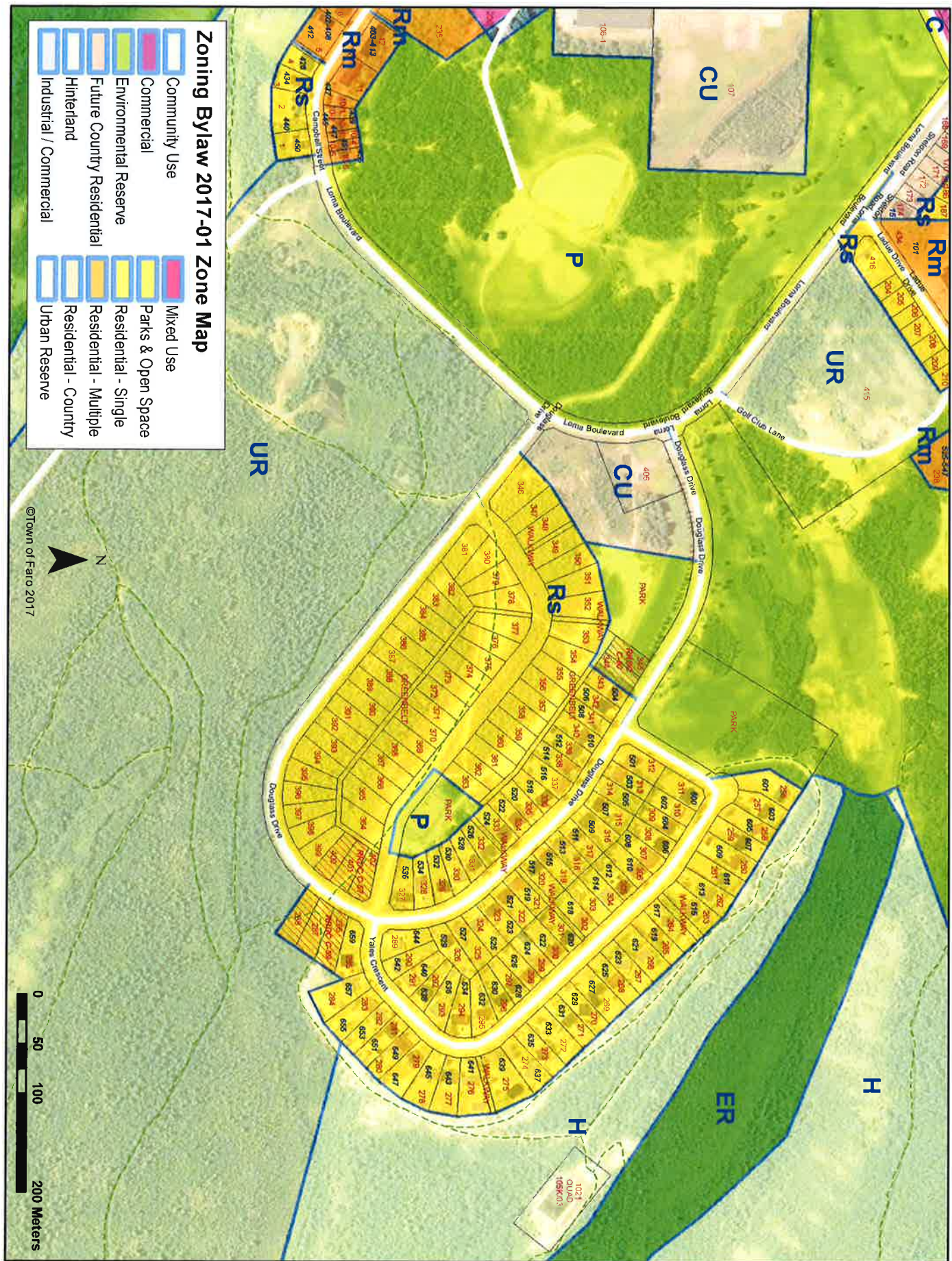
Zone Map 3 (Ladue and Industrial Area)

Zone Map 4 (Townsite)

Zone Map 5 (Mitchell Road, Tintina and Airport Area)

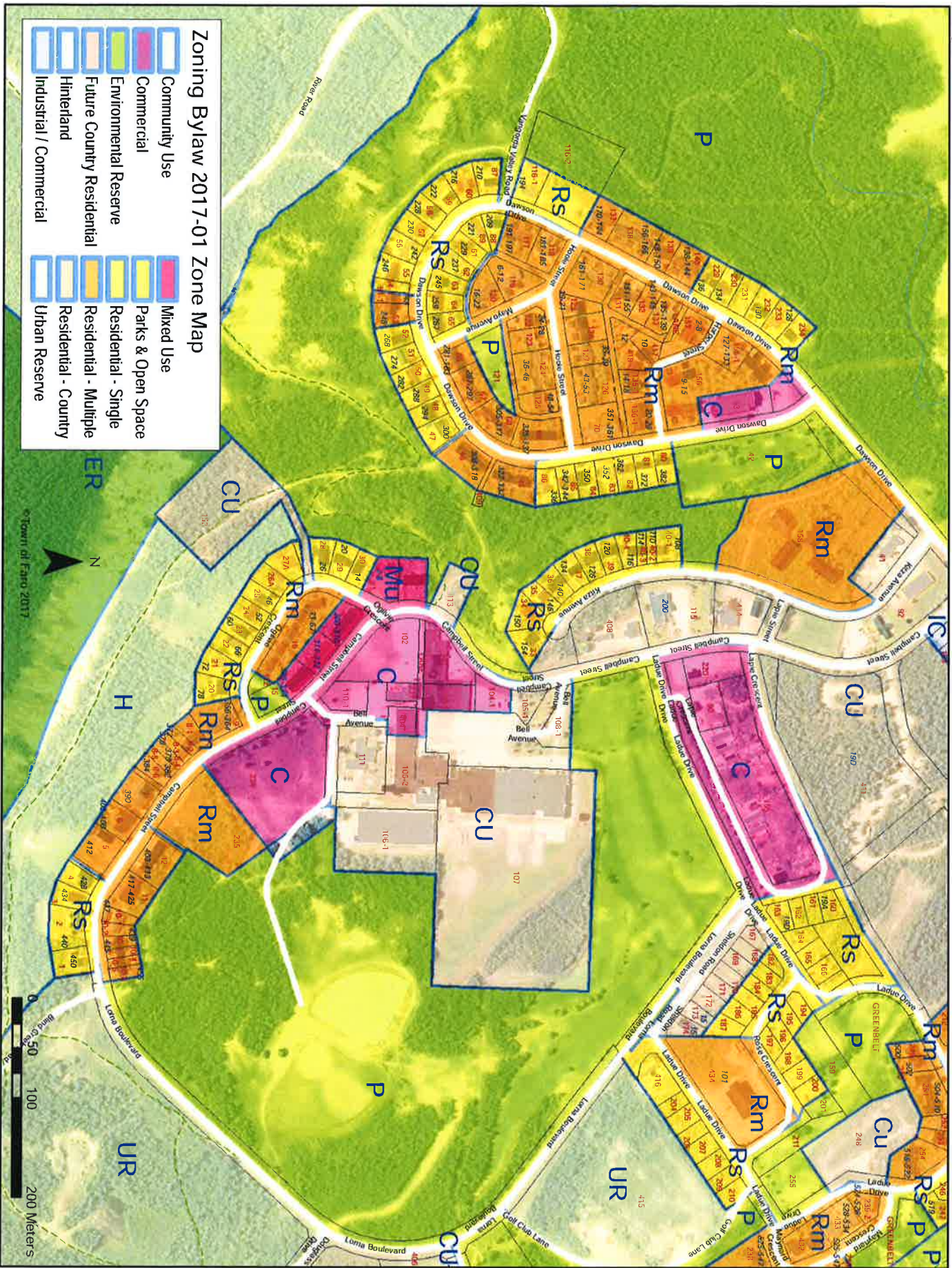
Zone Map 6 (Rural Area)

Hazard Land Map (Townsite)

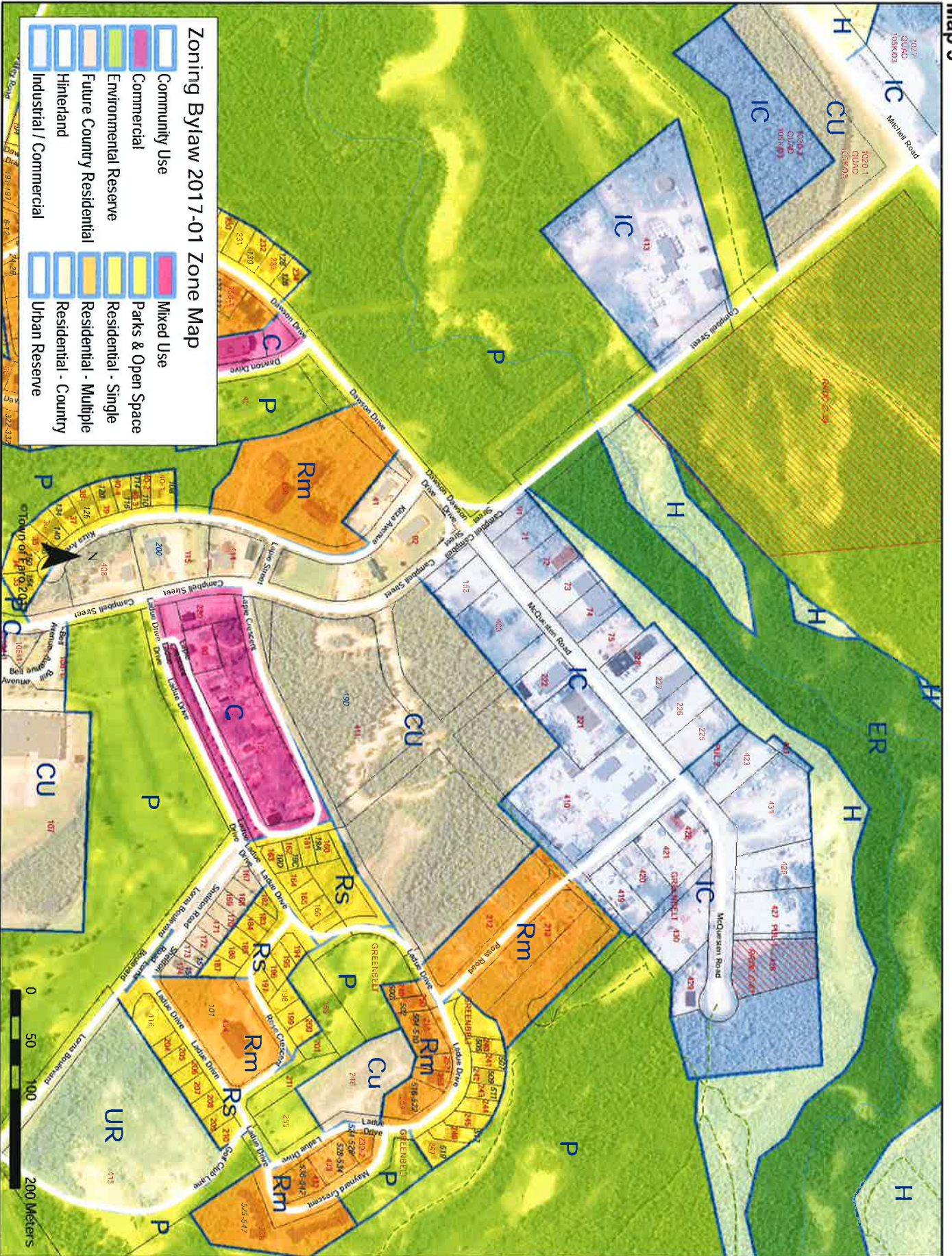


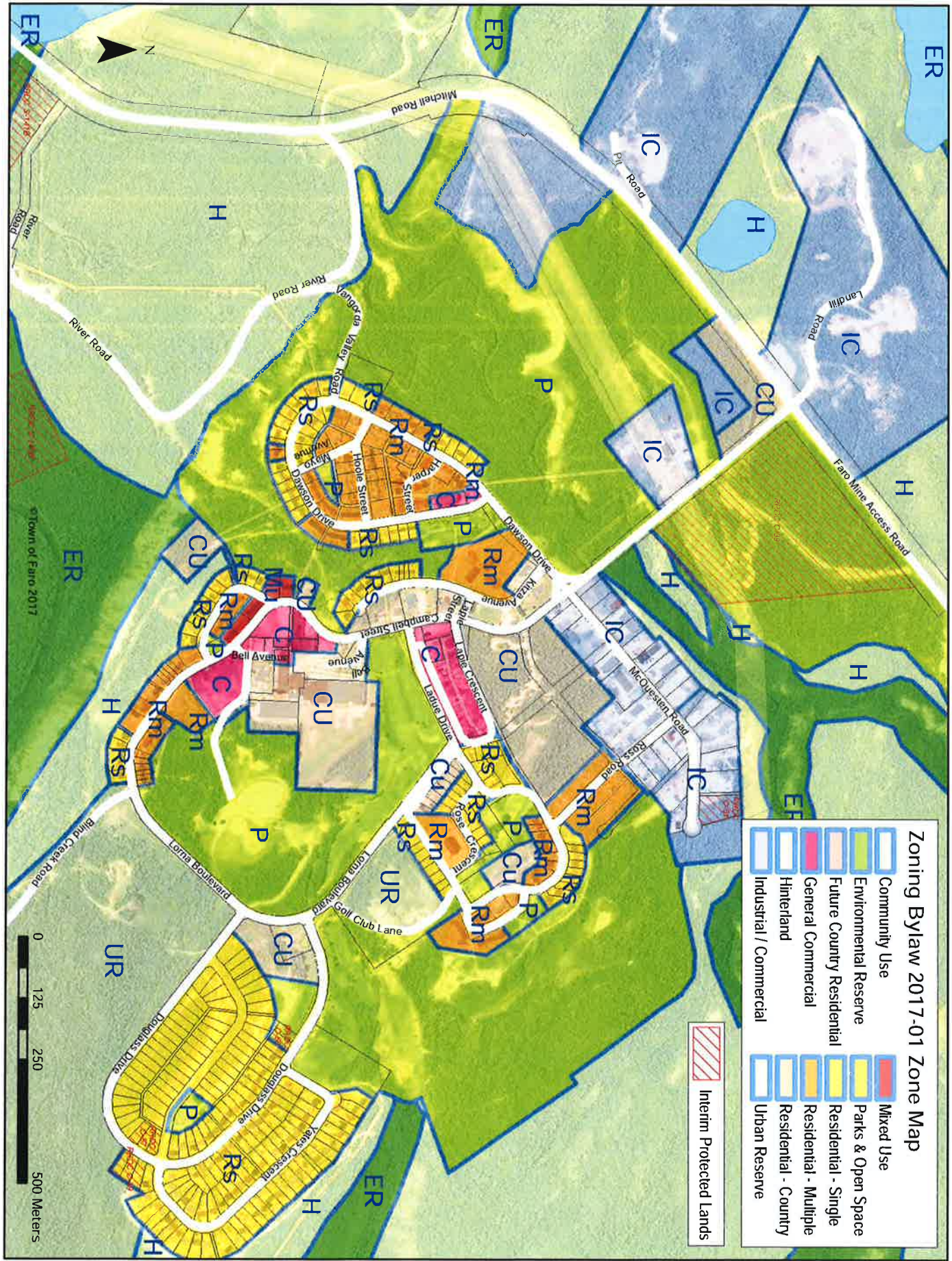
Zoning Bylaw 2017-01 Zone Map

- Community Use
- Commercial
- Environmental Reserve
- Future Country Residential
- Hinterland
- Industrial / Commercial
- Mixed Use
- Parks & Open Space
- Residential - Single
- Residential - Multiple
- Residential - Country
- Urban Reserve



©Town of Ferno 2017





Zoning Bylaw 2017-01 Zone Map

- Community Use
- Environmental Reserve
- Future Country Residential
- General Commercial
- Hinterland
- Industrial / Commercial
- Mixed Use
- Parks & Open Space
- Residential - Single
- Residential - Multiple
- Residential - Country
- Urban Reserve

Interim Protected Lands





0 125 250 500 Meters



©Town of Faro 2017

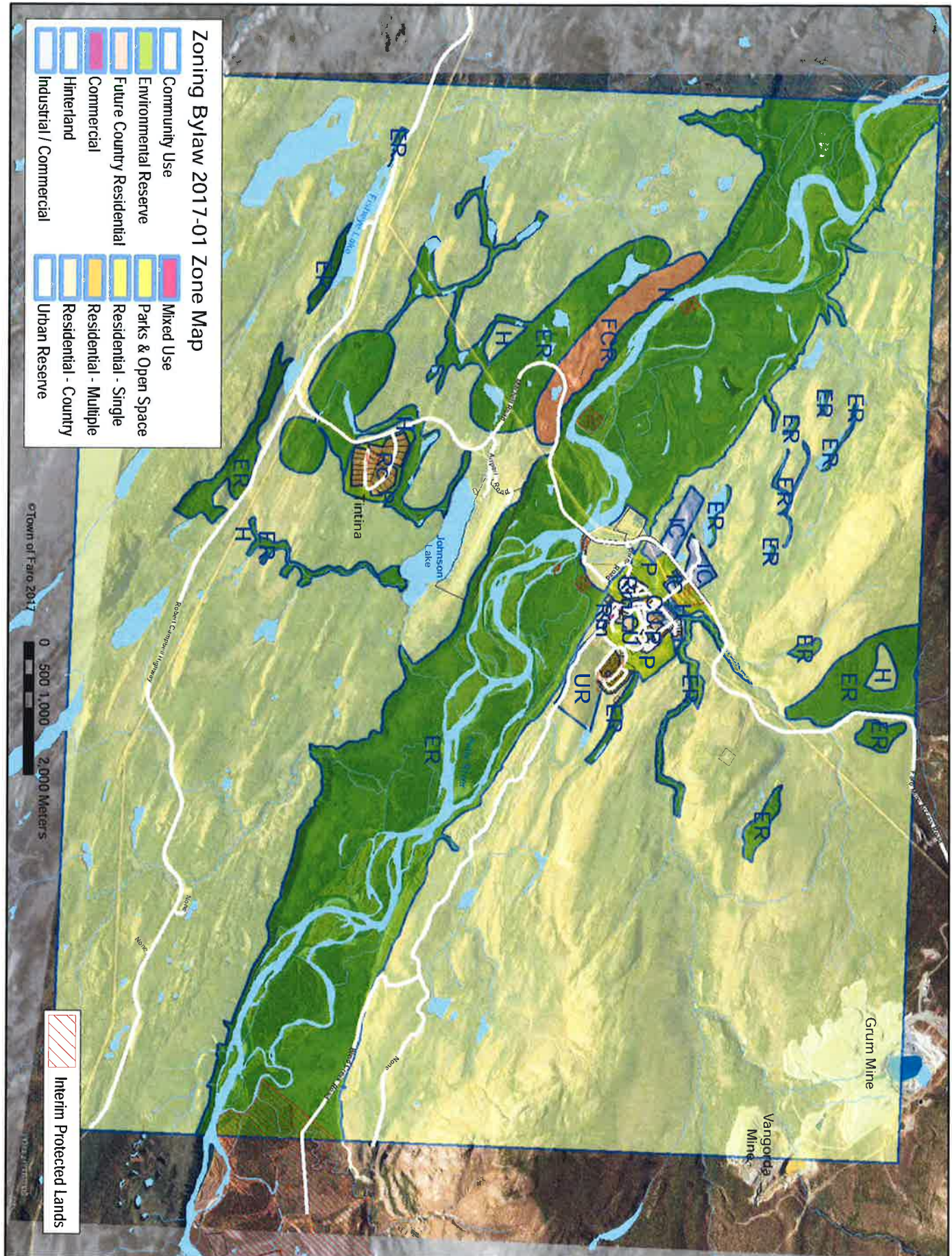


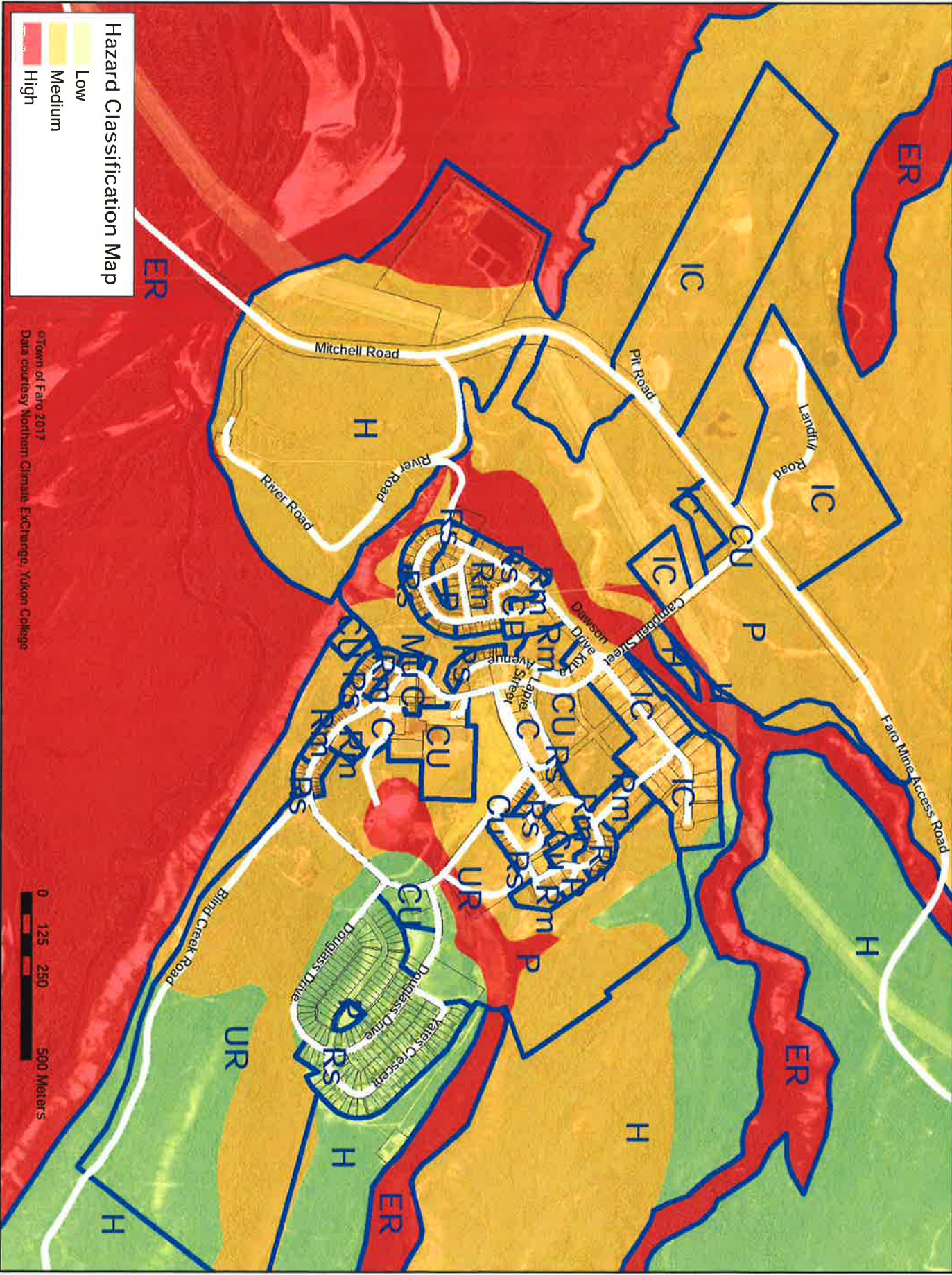
Zoning Bylaw 2017-01 Zone Map

	Community Use		Mixed Use
	Environmental Reserve		Parks & Open Space
	Future Country Residential		Residential - Single
	Commercial		Residential - Multiple
	Hinterland		Residential - Country
	Industrial / Commercial		Urban Reserve

 Interim Protected Lands

©Town of Faro 2017





10.2. Schedule "B" – Fee Schedule

TOWN OF FARO
BYLAW 2017-01
Zoning Bylaw

"SCHEDULE B"

FEE SCHEDULE

APPLICATION FEES		
Reference	Applicable To	Fee
Section 3	Development Permit - Principal Building or Use	\$50.00
Section 3	Development Permit - Accessory Building or Structure	\$25.00
Section 3	Development Permit - Signs or Other	\$25.00
Section 3	Board of Variance	\$100.00
Section 3	Appeal to Council	\$100.00
Section 4	Bylaw Amendment	\$500.00

VOLUNTARY FINES		
Reference	Applicable To	Fee
Section 6.2	Fail to obtain a Development Permit	Up to \$250.00
Section 6.2	Fail to comply with Development Permit Conditions	Up to \$250.00
Section 6.4	Fail to grant right of entry	Up to \$250.00
Section 6.3	Fail to comply with a Notice of Violation	Up to \$250.00
Section 7.7	Parking a vehicle contrary to the bylaw	\$20.00

10.3. Schedule "C" – Forms

**TOWN OF FARO
BYLAW 2017-01
Zoning Bylaw**

"SCHEDULE C"

DEVELOPMENT PERMIT FORMS



TOWN OF FARO
ZONING BYLAW 2017-01

Application for Development Permit: Form 1 – Contact Information and Owner Authorization

Development Property									
Municipal Address:		#:		Street:			Postal Code:		
Legal Description:		Lot:		Plan:			Tax Roll #:		
Property Owner/Agent Contact Information									
Name:									
Phone Number:		Work/Home:			Cell:			Fax:	
E-mail Address:									
Mailing Address:		#:		Street:			Postal Code:		
Applicant Contact Information (If Different From Owner)									
Name:									
Phone Number:		Work/Home:			Cell:			Fax:	
E-mail Address:									
Mailing Address:		#:		Street:			Postal Code:		
Proposed Development									
Proposed Development: (Check Those Which Apply and Fill Out the Corresponding Forms) <input type="checkbox"/> Permanent <input type="checkbox"/> Temporary (up to 2 years)		<input type="checkbox"/> New Construction (Principal Structure)			<input type="checkbox"/> New Construction (Accessory)			<input type="checkbox"/> New Business or Land Use Change	
		<input type="checkbox"/> Relocation / Demolition of a Structure			<input type="checkbox"/> B&B / Guesthouse			<input type="checkbox"/> Sign	
		<input type="checkbox"/> Home Occupation			<input type="checkbox"/> Discretionary Use			<input type="checkbox"/> Other	
Estimated Commencement and Completion Date:		Commencement:					Completion (if applicable): <input type="checkbox"/> N/A		
		D:	M:	Y:	D:	M:	Y:		
Authorization of Proposed Development									
I hereby certify that I am the registered owner, or authorized agent of the owner, and hereby make application for a Development permit subject to the provisions to the Town of Faro Zoning Bylaw in accordance with the plans and supporting information submitted herewith and which forms part of this application.									
Signature of Owner/Agent:						Date:			
Signature of Applicant:						Date:			
Administrative Information (Office Use Only)									
Permit Fee:		Paid: <input type="checkbox"/> Yes <input type="checkbox"/> No		Permit Number:			Received By:		
Received Date:				D.O. Acceptance Date:			D.O. Decision Date:		
D:	M:	Y:	D:	M:	Y:	D:	M:	Y:	
Development Officer signature:									



TOWN OF FARO
ZONING BYLAW 2017-01

Application for Development Permit: Form 2 – Project Information (for new construction)

Project Description	
Use this space or attach a letter to provide the details of the proposed development. The Development Officer may request additional information, as listed in Section 3.3 of the Bylaw, if needed.	
Development Criteria	Development Proposal
ZONE: The zone designation of the land as defined in the Zoning Bylaw.	
USE: The main purpose for which the land or buildings are to be used.	
LOT AREA: The total horizontal area within the lot lines of a lot.	
LOT FRONTAGE: The total distance along the property line adjacent to a public road or street.	
LOT DPETH: The distance from the front to rear property lines measured along the longest side of the property.	(for irregularly shaped lots, please provide the distance along both sides)
YARD, FRONT: The distance from the front property line to the nearest permitted principal building or structure.	
YARD, SIDES: The distance from each side property line to the nearest permitted principal building or structure.	(please provide the measurements for each side yard)
YARD, REAR: The distance from the rear property line to the nearest permitted principal building or structure.	
SITE COVERAGE: The percentage (%) of the area of a lot that will be covered by primary and accessory buildings or structures but <i>excluding steps, eaves, cornices and similar projections, courtyards, terraces or patios, driveways or parking spaces.</i>	
GROSS FLOOR AREA: The sum of the horizontal areas of each storey of the building measured from the exterior faces of the exterior walls. (For construction of primary structures)	
BUILDING HEIGHT: 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.	
ACCESSORY BUILDING OR STRUCTURE: Dimensions, height, materials, location, distances from property lines and principal structure (if applicable)	
PARKING: The number of parking spaces provided on the property.	
SIGNS: Description, type, size and content of signage (if applicable)	
<p><input type="checkbox"/> Attach a site plan or sketch, showing the property lines, lot dimensions, location of existing and proposed buildings, structures and additions, fences, power poles/lines, driveways, paths, drainage, fire hydrants and any other utilities and related features, along with floor plans and drawings of all buildings and structures proposed, including any additions.</p> <p>Please be as detailed and accurate as possible, so that the Development Officer has the necessary information needed to evaluate the application, or acceptance of the application may be delayed.</p>	



TOWN OF FARO
ZONING BYLAW 2017-01

Application for Development Permit: Form 3 – Declaration

Declaration:

(please check each box to confirm you understand and agree to the following statements)

- I/we hereby make application for a Development Permit under the provision of the Town of Faro's Zoning Bylaw #2017-01 in accordance with the plans and supporting information submitted herewith and which form part of this application.
- I/we have read and understand the information on the reverse side of this form regarding the Development Permit application process.
- I hereby declare that all the information provided in this application for development and contained in the supporting documents are to the best of my belief true and correct in all respects.
- I hereby acknowledge that all the information provided is considered public information and available for public viewing and distribution.
- I hereby acknowledge any change to the plans outlined within this application will result in the issuance of a development permit, building permit or business license based on the information provided in this application to be null and void.
- I hereby confirm that the proposed development, as outlined in the application for Development Permit, complies with any easements, caveats or contracts which affect development of the site.

Signature of Applicant: _____ Print Name: _____

Date: _____

Signature of Registered Land Owner: _____ Print Name: _____
(if different from applicant)

Date: _____



Application for Development Permit: Development Permit Guide

Please refer to **part 3** of the zoning bylaw for complete details and requirements on applying for a development permit.

HERE IS A SUMMARY OF THE PROCESS:

1. Subject to the provisions of the Town of Faro Zoning Bylaw 2017-01, the term "Development" includes the making of any change in the use of buildings or land.
2. Although the Development Officer is in a position to advise on the principle or details of any proposals, such advice must not be taken in connection with the formal application. It must be clearly understood that any action taken by the applicant before a development permit is received is at their own risk.
3. Plans and drawings submitted must be in sufficient detail to enable adequate consideration of the application and should be on a scale appropriate to the development.
4. Construction undertaken subsequent to approval of this Development Permit application may be regulated by the **Yukon Building Standards Act (RSYT)** and require a Building Permit or other permissions.
5. An application for a Development Permit shall be Made in writing to the Development Officer on the application form provided by the Town and shall:
 - a. Be signed by the registered owner or their agent where a person other than the owner is authorized by the owner to make the application;
 - b. Include site plans in duplicate at a scale satisfactory of the Development Officer, showing any or all of the following: the size and shape of the lot, the front, rear and side yards, any provisions for off-street loading and vehicle parking, access to the site, location of existing and proposed municipal and private local improvements, principal building and other structures including accessory building, garages, carports, fences, paved area;
 - c. On a vacant parcel in a residential district, the suggested location for a future driveway and garage, carport, if the application itself does not include such building as part of the proposal;
6. The non-refundable application fee must accompany each application for a Development Permit.
7. The Development Officer may require a Surveyor's Certificate or other information relating to a site or building which is the subject of a Development Permit Application.
8. The Development Officer may refer any application for a permitted or discretionary use to any municipal, territorial or federal department or agency for comment.
9. Failure to complete the application form fully and supply the required information, plans and fee will cause delays in acceptance of the application.
10. The Development Officer may refuse to accept a Development Permit Application where the information required has not been supplied or where the quality of such information is inadequate to properly evaluate the application.
11. A Development Permit shall come into effect once issued by the Development Officer unless an appeal is made.
 - a. If an appeal is made, the Development Permit is suspended until the date the outcome of the appeal is finally determined.
 - b. The outcome of an appeal may cause the Development Permit to be revoked or modified.
 - c. If development commences prior to the end of the appeal period, it is done so at the entire risk and liability of the applicant in the event an appeal is filed. If the Permit is revoked or modified, corrective measures will be at the expense of the applicant.
12. A Development Permit may be suspended or canceled by the Development Officer if:
 - a. The application for the Development Permit contains misrepresentation; or
 - b. Facts concerning the application or the development were not disclosed which should have been disclosed at the time the application was considered; or
 - c. The Development Permit was issued in error.
13. If a decision on a Development Permit is not made within 30 days after receipt of a completed application by the Development Officer, and the application has not been referred to another agency, department for advice, an appeal may be filed in writing to Council accompanied by the applicable filing fee.
14. Any person who is aggrieved by a decision of the Development Officer or Board of Variance under this Bylaw may appeal in writing within thirty (30) days of the decision to Council, complete with applicable filing fee.

A DEVELOPMENT PERMIT IS NOT A BUILDING PERMIT