



Vuntut Gwitchin Government

OLD CROW ZONING BYLAW

BYLAW # 02-2014

A Bylaw which is a statement of objectives and policies to guide planning and land use management decisions within the community of Old Crow, in accordance with the provisions of the *Vuntut Gwitchin First Nation Final Agreement*.

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As authorized by the Vuntut Gwitchin First Nation Final Agreement (VGFNFA):

"5.5.1 Subject to its Settlement Agreement, each Yukon First Nation, as owner of Settlement Land, may exercise the following powers of management in relation to its

Settlement Land:

- 5.5.1.1 to enact bylaws for the use of and occupation of its Settlement Land; [and]
- 5.5.1.2 to develop and administer land management programs related to its Settlement Land;"

The Chief and Council of the Vuntut Gwitchin First Nation (VGFN) may, by bylaw, adopt a Zoning Bylaw. In accordance with the VGFN *Final Agreement*, the Council has undertaken the appropriate consultations and other steps for adoption of a new zoning bylaw.

This Bylaw is adopted under the procedures set out in the Vuntut Gwitchin First Nation Government Act, May 8 2012.

By this authority, the Council of the VGFN, in open meeting assembled, enacts as follows:

1. This bylaw, number 02-2013, is cited as the *Zoning Bylaw, 2013*.
2. The regulation titled *The Old Crow Zoning Bylaw 2013* set out in Schedule A to this bylaw is adopted and designated as the zoning bylaw for the Community of Old Crow.
3. The Map Entitled 'Old Crow Zoning Bylaw' is an integral part of, and forms Schedule 'B' of, this Bylaw.

This bylaw may be cited for all purposes as the "OLD CROW ZONING BYLAW, NO. 02-2013"

READ A FIRST TIME this 17th day of September, 2013.

READ A SECOND TIME, RECONSIDERED AND ADOPTED this nd day of, 2013.

Chief Joe Linklater

A/Director of Natural Resources Erika Tizya

Certified a true copy of "OLD CROW ZONING BYLAW, NO. 02- 2013".

Chief Administrative Officer, Allan Steel

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SCHEDULE 'A' OLD CROW ZONING BYLAW

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1 Purpose

1.1 Mandate

The principal purpose of this bylaw is to regulate development in an orderly, economic, and environmentally responsible manner within the community of Old Crow by:

- a. Promoting health, safety, convenience, and welfare of the public;
- b. Preventing the overcrowding of land;
- c. Preserving the amenities peculiar to any zone;
- d. Securing adequate light, air, and access;
- e. Recognizing the value of the land and the nature of its present and prospective use and occupancy; and
- f. Recognizing the character of each zone, the character of the buildings already erected, the peculiar suitability of the zone for particular uses and the particular densities for particular zones.

1.2 Constraint

VGFN Council shall not consider or pass a zoning bylaw, consider any amendment thereto or issue a Development Permit for a use or development that is contrary to the provisions of an existing official community plan (OCP) unless and until said OCP has been amended.

1.3 Jurisdiction & Relationship to the VGFN Self-Government Agreement

This bylaw is authorized by the VGFNFA and applies to all land within the municipal boundary of the Old Crow including those First Nation lands listed in Appendix B, Part 1 of the *Vuntut Gwitchin/ Old Crow First Nation Self-Government Agreement*.

It is recognized that non-settlement lands in Old Crow, which are owned by the Governments of Yukon or Canada, are not under the legal authority of this plan. However, in the interests of coordinated community-wide decision-making, and in recognition of the consultation with government agents that has occurred, it is anticipated that the aforementioned governments will voluntarily work with and through the provisions of this bylaw.

2 Administration and Enforcement

2.1 Preamble: Traditional Conflict Management

This Bylaw recognizes traditional practices of conflict management and dispute resolution, including but not limited to guidance and wisdom of Elders, Chief, Council, and the Justice Committee. The purpose of this Bylaw is not to supplant these practices in any way, but to clarify the land uses and community form that are felt to be in the collective best interest, without unduly affecting individual self-determination, or imposing cultural norms in an unreasonable fashion.

The Vuntut Gwitchin Government, including Council and staff, are, to the extent possible, directed to seek to resolve any and all land use conflicts that may arise, including violations of this bylaw, through traditional means, formal and informal. This includes the power to form unwritten contracts with community leaders and/or Elders to act as mediators or arbitrators, to seek advice from community leaders and/or Elders verbally or in writing, and to undertake other such actions that are considered culturally appropriate.

Staff and Council are required, however, to fully document, in the form of a diary or chronological record, any and all efforts, and include these records in the permanent file on the land parcel in question.

As a general principle, formal legal enforcement of this bylaw shall commence only after all traditional conflict resolution mechanisms have been exhausted to a degree where there is clear, reasonable, and justifiable reason or reasons to believe that no other option is available; OR if there is an immediate and significant health or safety risk which must be addressed in the immediate future to prevent loss of life, limb, or property.

2.2 Zoning Map & Boundary Determination

The community of Old Crow is divided into land use zones graphically represented on the Zoning Map, drawn to scale, which is attached as Schedule B to this bylaw.



Where Council adopts an amendment to the boundary of any land use zone, the change shall be reflected in an amendment to the Zoning Map with the bylaw number and date of revision recorded on the drawing.

Zone boundaries shall be interpreted as follows:

- Where a boundary follows a public roadway, lane, utility right-of-way or easement, it follows the centre line unless clearly shown to the contrary on the Zoning Map;
- Where a boundary is shown as approximately following the municipal boundary, it follows that boundary;
- Where a boundary is shown as approximately following the edge or shoreline of a river, wetland or other water body, it follows the Ordinary High Water Mark (OHWM);
- Where a boundary is shown as approximately following a property line, it follows that property line;
- Where a boundary is shown as following a geographic feature such as a top-of-bank topographic contour, it follows that line; and

In circumstances not covered above, the boundary shall be determined by measuring the Zoning Map.

Where a boundary of a zoning district coincides with a lot or lease boundary line and the existing surveyed lot or lease is resurveyed to accommodate a lot size change, the boundary of the zoning district shall, on registration of the change, be considered to follow the boundary of the new survey.

2.3 Compliance with Other Legislation

A person applying for a Development Permit or a change of use is responsible for determining and complying with the requirements of other applicable, legislation and the issuance of a permit does not relieve the owner or applicant from complying with any easement, covenant, lease or legal agreement that affects the development or land.

Until such time as the VGFN adopts a Subdivision Bylaw, all subdivisions shall be regulated by the Yukon Subdivision Act.

If the Governments of Yukon or of Canada choose to change the height and obstacle clearance restrictions affecting lands in the vicinity of Old Crow airport at some future date, then a person applying for a development or change of use after the date on which the regulation takes effect, must

comply with those restrictions and they shall take precedence over this bylaw.

2.4 Development Process

2.4.1 Development Officer

Upon passage of this bylaw, Council shall appoint by resolution an individual or individuals to act as Development Officer (DO) for the Vuntut Gwitchin Government (VGG). The DO shall be responsible to develop a thorough understanding of both the Community Plan and the Zoning Bylaw as well as the procedures used by VGG to implement them, and to recommend to Council (or a Planning & Lands Committee created by Council) approval or denial of all rezoning, subdivision, and development applications and issuance of development permits.

For clarity, the DO position cannot and will not be responsible for building permits, or building inspections, although the DO may be the same person as the Building Inspector or Housing Officer.

The Development Officer may not be a Councilor.

2.4.2 Development Permits

If approved by Council, the DO shall be responsible for issuance and enforcement of development permits (DP's).

The DO may not prepare DP's for his or her own properties.

2.4.3 Prohibitions

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, unless the variation has been reviewed and authorized in writing by the Development Officer or, where applicable, the Building Inspector.



2.5 Availability

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

3 Application

No land, water surface, building or structure shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, moved, altered or enlarged, unless in conformity with this Bylaw, except as otherwise provided for in this Bylaw or in other legislation which trumps this Bylaw.

3.1 Measurements

All measurements in the by-law are expressed in the Standard International Units (SI) system.

3.2 Basic Provisions

- a) No person shall erect, construct, locate, alter, reconstruct, or maintain any building or locate or carry on any industry, business, trade or calling, or use any land, building, structure, or water surface contrary to the provision of this bylaw.
- b) No land, water surface, building or structure in any zone shall be used for any purpose except as specifically permitted in the zone in which the land, water, building, or structure is located as set out in Schedule 'A' of this bylaw.
- c) Nothing contained in this bylaw shall relieve any person from the responsibility to seek and comply with other legislation applicable to their undertaking.
- d) Every use of land, building and structure permitted in each zone shall conform to all of the regulations of the applicable zone and all other regulations in the bylaw.
- e) Discretionary uses require Council approval before a development permit can be issued.

3.3 Legal Non-Conformity

When an existing land use is in effect, at the time of the adoption of this bylaw, that is not in conformity with this bylaw, that land use shall be

deemed to be in a legal non-conformity. When and if improvements on a lot are destroyed, new development must then be in conformity.

3.4 Variances

The distance regulations in this bylaw may be relaxed by up to 50% through a variance, which may be issued only by Council, and may be issued only with cause. The variance must be as small as possible given the circumstances.

Examples of legitimate variances include such situations as:

- a) Reducing a front yard setback because of a steep slope in the back yard of a property;
- b) Reducing the setback from a side yard lot line because the proposed house is offset from neighbouring houses, so no walls will directly face other walls.
- c) Allowing a 3rd storey on a house in a 2-storey zone because of an unusually small lot size, and the aerodrome regulations permit a higher building.

Where a variance is issued, the variance will specify:

- The dimension of the variance.
- The rationale for the variance.
- The time limit on the applicability of the variance.
- Any other terms and conditions applicable to the circumstances of the variance.

3.5 Inspection

Any Development Officer duly appointed by Chief and Council is hereby authorized to enter, at all reasonable times, with a minimum of 24 hours advance written notice, any day of the week, on any property that is subject to regulations under this bylaw to ascertain whether the provisions of this bylaw are being adhered to.

3.6 Violation

Every person who:

- a) violates any of the provisions of this bylaw;
- b) causes or permits any act or thing to be done in contravention or violation of any of the provisions of this bylaw;
- c) neglects or omits to do anything required under this bylaw;
- d) carries out, causes or permits to be carried out any development in a manner prohibited by or contrary to any of the provisions of this bylaw;



- e) fails to comply with an order, direction or notice given under this bylaw; or
 - f) prevents or obstructs, or attempts to prevent or obstruct, the authorized entry of an officer onto property;
- shall be deemed to be guilty upon summary conviction of an offence under this bylaw.

3.7 Offence

Each day's continuance of an offence under Section 3.4 constitutes a new and distinct offence.

3.8 Penalty

Every person who commits an offence under this bylaw is liable on summary conviction to a fine of not less than \$10 and not more than \$5000 plus the costs of prosecution. Council shall prepare a list of fineable penalties with amounts, within 1 year of adoption of this bylaw, and this list will be updated from time to time as needed.

3.9 Severability

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

4 Definitions

In this Bylaw, the Official Community Plan, and all bylaws dealing with land use and regulations, the meaning of the following terms is as follows:

Abut or Abutting:

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

Accessory Building/ Structure:

Means a detached building, the use or intended use of which is ancillary to that of the principle building on the same lot. It will be adjacent to the primary structure, and must have the same architectural theme as the main building. For clarity, accessory buildings include sheds, garages, and greenhouses. Any building higher than 1 metre shall be considered an accessory building.

Accessory Use:

Means a use or activity that is customarily and normally incidental and subordinate to the principal use of the land or building.

Airport:

Means an area of land or water designated in this bylaw for the take-off or landing of aircraft including associated taxiways, aircraft storage, tie-down, fuel storage, navigation, terminal and support facilities.

Alter:

- Any structural change to a building or part thereof that increases or decreases the external dimensions of the structure and involves a material change to a bearing wall, foundation support beam, column, or girder;
- Any change in the area, frontage, depth, or width of a lot that affects the required yard, landscaped open space, or parking requirements of this bylaw;
- To discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

Bachelor Home:

See Guest Cottage.

Bed And Breakfast:

Means temporary tourist accommodation, which is incidental and subordinate to a single-family dwelling or duplex and may include the service of breakfast to guests utilizing the accommodation.



Buffer Strip:

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

Buildable Area:

Means that portion of the lot remaining after required yard setbacks have been provided.

Building:

Means a temporary or permanent structure having a roof supported by columns or walls for the shelter or enclosure of persons, animals, materials, chattels and equipment.

Building Grade:

Means the average of the finished ground adjacent to each face of the building taken at the centre of the wall.

Building Height:

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

Building Inspector:

Means the official appointed or authorized by Council to administer and enforce the provisions of the *Yukon Building Standards Act*, *National Building Code*, and any construction provisions described in other acts and/or bylaws passed by VGFN.

Building Permit:

Means the document authorizing the carrying out of any development, alteration or other work that is in accordance with this bylaw and requires a permit under the *Yukon Building Standards Act*.

Building Width:

Means the lesser of the two horizontal dimensions of a building or structure.

Building Setbacks:

Means the closest distance that any exterior portion of a building or structure can be to a designated lot line.

Bulk Fuel Storage:

Refers to the transportation (import), storage, and distribution of all petroleum products in Old Crow over 1,200 litres and all associated lands, buildings and structures.

Business Services:

Means businesses, which produce or service specialized goods or provide specialized services to commercial or industrial customers, but not to the general public.

Bylaw Enforcement Officer:

Refers to the officials of the VGFN authorized by Council to enforce the bylaws of the VGG.

Canopy:

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

Certificate of Title:

Means a certificate issued by the Land Department of VGG and/or the Government of Yukon identifying the owner of a particular parcel of land.

Child Care Program:

Means family day care, group day care, specialized day care, nursery school, child-minding and out of school care, established pursuant to the *Community Care Facility Act* and having a capacity of (8) children, and which uses do not indicate from the exterior that the building is being utilized for any purpose other than residential.

Community Care Facility

Means a facility licensed pursuant to the Community Care and Assisted Living Act.

Commercial Use:

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

Community Use:

Means the use of land, a building or structure for recreation, education, public-safety, social or community use purpose. Typical uses include: nursing stations, public works facilities, government offices, schools, community halls, non-profit social clubs and churches.



Compatible:

Means that the activities or use of land, a building or structure is capable of existing and operating in harmony with adjacent buildings and land uses within the same zone, and impacts of activities undertaken do not extend beyond the boundaries of the property on which they are situated such that they restrict the use and enjoyment of neighbouring properties by virtue of noise, dust, odour and hours of operation.

Conditional Use:

Means those uses of land, buildings or structures for which Development Permits may only be issued at the discretion of Council following due consideration of the merits of the individual proposal. The proponent must demonstrate the use of a specific site within a particular zone is compatible with adjoining land uses, complies with the intent of the standards for operation in that zone, and is consistent with the Official Community Plan.

Condominium:

Means a multiple family residential strata title development consisting of individual dwelling units.

Conforming:

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

Council:

Means the Council of the VGFN.

Designated Vehicle Storage Area:

Refers to an area that Council may choose to establish, near the western end of the community, for storage of motorized vehicles. This area would likely have designated stalls, which would be rented to community members for a fee. Each stall would likely have an impervious geotechnical liner in order to prevent groundwater contamination. See *Section 7: Parking*.

Development:

1. A change in the use or intensity of use of any land, a building or structure;
2. The carrying out of any construction, excavation, erection, demolition, repair and similar alteration that takes place on, over and below land within the VGG; and
3. The subdivision and severance of land or a building.

Development Agreement:

Means a legal agreement between the developer and the Community of Old Crow setting out their respective rights, obligations, and fiscal commitments in respect to a proposed development.

Development Approving Authority:

Means a Development Officer, Board of Variance, or Council as the context requires

Development Officer:

Means the municipal official appointed by Council to interpret, administer, and enforce the provisions of the Zoning Bylaw.

Development Permit:

Means a document authorizing a development issued pursuant to this bylaw by the Development Officer.

Discretionary Use:

See Conditional Use

Dog:

Means a canine of any breed, large or small.

Duplex:

Means a building that contains two dwelling units.

Dwelling Unit

Means a self-contained set of rooms capable of occupancy by one or more persons, including provisions for living, sleeping, cooking and sanitation; containing not more than one kitchen, with a direct entrance to the open air or to a common hallway or corridor, without passing through any other dwelling unit, and used or capable of being occupied as a permanent residence for one family. Does NOT include recreational vehicles, tents, buses, travel trailers, or other vehicles.

- “SINGLE FAMILY” meaning a detached building containing one dwelling unit occupied by one household on one lot;
- “DUPLEX” meaning a building designed to accommodate two households living independently in separate dwelling units either side by side or above and below each other.
- “TOWNHOUSE” meaning a building designed to accommodate three or more separate dwelling units with one or more common party walls; each unit having individual and separate access to the dwelling unit at grade;
- “APARTMENT” meaning a building containing three or more dwelling units that share a common building entrance, internal



hallway, stairs and other facilities such as laundry, garbage and common parking area.

Elders Housing:

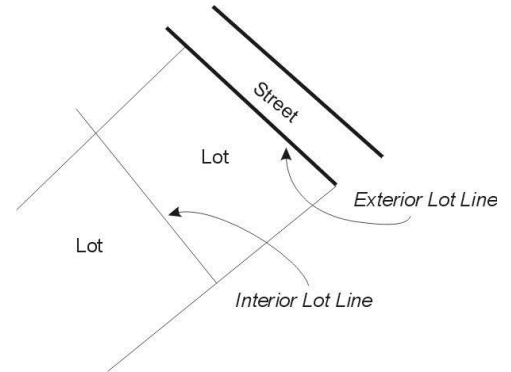
Means housing units providing for the accommodation of persons 65 years of age or over, as stipulated under the terms of a Housing Agreement with the Community, and can be in the form of duplexes, apartments, condominiums or townhouses.

Exterior Lot Line:

Means the lot line or lines common to the parcel and an abutting roadway, other than the front line.

Existing:

Means physically existing as a building, structure or use as of the date of the passing of this bylaw.



Façade:

Means the exterior face of a building wall or structure exposed to public view from a street.

Fence:

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

Finished Grade:

Means the elevation of the surface of the ground at any point on the site of a completed development.

First Nation Lands:

Means lands identified in the Vuntut Gwitchin/ Old Crow First Nation Land Claims Agreement.

Floodplain:

Means the area adjoining the channel of a river, stream or watercourse that has been or may be covered by floodwater during a regional flood or a one-in-one-hundred year flood.

Floor Area Ratio:

Means the figure obtained when the gross floor area of all buildings on a parcel is divided by the area of the parcel. See also "Gross Floor Area".

Food Cache:

Means the accessory storage of equipment, food, goods and/or materials in a heated or unheated building, structure, or pit.

Front Lot Line:

Means the boundary line of the lot and the street on which the lot abuts. In the case of a corner lot, a lot line abutting a street shall be considered a front lot line if the adjacent lots front on the same street. In the case of a through lot, the lot lines abutting two parallel or approximately parallel streets or the street and the waterway shall both be considered as front lot lines.

Front Yard:

Means the area between the primary structure and the front lot line.

Frontage:

Means that length of a parcel boundary, which abuts a highway along the front property line.

Gross Floor Area:

Means the total area of all floors of all the buildings on a lot, measured to the exterior walls of the building, including dwelling units, all areas giving access thereto, enclosed balconies, enclosed porches, elevator shafts, and accessory buildings, except those used for parking.

Garage:

Means a detached accessory building or a portion of a principle building used solely for the parking or temporary storage of private motor vehicles and where there are no facilities for repairing or servicing of such vehicles.

Guest Cottage, Guest House, Bachelor Home, or Laneway Home:

Means a secondary and totally separate dwelling located on a lot as the long-term residence for the land owner, which may be used for guest accommodation or a bed & breakfast. Such a cottage must be built on a full and continuous foundation and must comply with all relevant requirements and standards of the Yukon Building Code. A cottage may contain cooking facilities and may only exist as an accessory building to principle dwelling.

Height of Building:

Means the vertical distance from the curb level to the highest point of the roof surface if a flat gable, hip or gambrel roof; and, the deck-line of a mansard-roofed building. When a building is situated on ground, above or below the curb level, such height shall be measured from the average elevation of the natural grade of the lot along the perimeter of the building.



Health Services Facility:

Means any facility intended to provide medical or dental services, including dental offices and doctor's clinics.

Home Based Business:

Means an occupation, business, craft, or profession conducted for revenue generation, which is carried on as an *accessory use* in a *dwelling unit* or *accessory building* to the *dwelling unit* and which generates little or no traffic, noise or impact upon the nature of a residential *dwelling*.

Hotel:

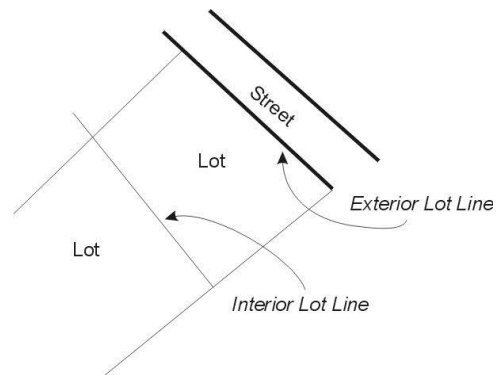
Means a building or group of buildings providing three or more separate sleeping units with separate entrances to a common hallway or walkway. A hotel is intended to be occupied primarily by the traveling public, and may include cooking facilities, indoor and outdoor recreation facilities, restaurants and a pub/lounge.

Indoor Recreation Space:

Means an area of a building that is located on the site of a multiple family residential development and is typically used by the residents of the development for recreational, cultural, social, and leisure activities.

Interior Lot Line:

Means the lot or lines common to the parcel and another parcel or lane, provided that such a line is not already designated as a rear lot line.



Landscaping:

Means any combination of trees, bushes, plants, flowers, lawns, bark mulch, decorative boulders and gravel, decorative paving, planters, foundations, sculptures, fences, and the like arranged and maintained so as to enhance the appearance of a property, or where necessary, to effectively screen a lot, site or storage yard. Landscaping does not include parking areas, sidewalks, and uncleared undergrowth or weed growth.

Land Use Permit:

Means the permission of the VGFN to use Community -owned land for a specific permitted use for a specified period of time.

Land Treatment Facility:

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

Lane:

Means a road, which affords only a secondary means of access to a parcel of land.

Laneway Home:

See Guest Cottage.

Legal Non-Conforming:

Means a lawful use of premises existing prior to the adoption of this Bylaw, although such use does not conform to the provisions of the Bylaw. Should the primary structure on a legal non-conforming lot be destroyed, demolished, and/or require repairs and/or renovations equal to or greater than 50% of the tax assessed value of the property, the use of the property must be changed to conform with the bylaw.

Light Industry:

Means the use of land, buildings or structures for manufacturing, wholesale trade, warehousing, servicing and maintenance of an article, substance, material, fabric or compound, and includes artisan and manufacturing shops and retail sales accessory to the principle use. For clarity, this land use is not closely associated with oil & gas or mineral exploration logistics, and is associated with the construction of significant factory and warehouse buildings.

Loading Space:

Means a space for the loading and unloading of a vehicle, either outside or inside a building or structure, but specifically excludes maneuvering isles and other areas providing access for the space.

Lot:

Means the same as a parcel. The words 'lot' and 'parcel', in the context of this bylaw, are used inter-changeably.

Lot Area:

Means the total horizontal area within the boundaries of a lot.

Lot Coverage:

Means that percentage of the total area of the lot that will be covered by buildings or structures.



Lot Depth:

Means the average horizontal distance between the front and rear lot lines.

Lot Line:

Means the legally defined line or lines bounding any parcel.

Lot Line, Front:

1. In the case of an interior lot, a line separating the lot from the street;
2. In the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; or
3. In the case of a lot extending between two parallel streets, the front lot line shall be determined by prior common practice in the area.

Lot Line, Rear:

Means the lot line opposite to, and most distant from, the front lot line

Lot Line, Side:

Means any lot boundary line not a front or rear lot line.

Lot Width:

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

Lot, Corner:

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

Minimum Lot Size:

Means the smallest area into which a parcel may be subdivided.

Mixed Commercial/Residential:

Means a combination of commercial and residential uses within the same building that are otherwise permitted within the zoning.

Marina and Float Plane Dock:

Means a facility where boats or float-planes can be berthed, stored, fuelled, and serviced. See *Designated Vehicle Storage Area*.

Minor Agricultural Pursuit:

Means agricultural activity conducted at a scale that is accessory to the principal use of the zone in which it is located such as the keeping of

animals for personal use and includes market gardening and nurseries but not commercial kennels and stables.

Mixed Use Development:

Means a building designed as a single unit containing a mixture of commercial, residential floor space and the amenities associated with such uses.

Modular Home:

Means a dwelling unit built in sections at a factory. The sections are transported to the building site to be joined together. They must conform to the Yukon Building code and have a label to show they were built in a certified factory. Modular homes are not to exceed 5 years of age at the time of permit application.

Multiple Family Dwelling:

Means a building or buildings containing three or more dwelling units on a parcel and includes row housing, townhouses, and apartment uses.

Natural Resource Extraction:

Includes the extraction, processing, removal and off-site sale of sand, gravel, earth, mineralized rock, groundwater, timber or other similar natural materials.

Non-Conforming:

Means a use, building, or structure including a structure lawfully under construction, that on the date the Zoning Bylaw or any amendment thereto becomes effective, no longer complies with the permitted uses or development requirements in the zone in which it is situated.

Nuisance:

Means an activity or use that endangers personal or community health or safety and includes uses or activities that are out of character with the zone in which they are situated resulting in noise, dust, odour, the excessive accumulation of junk or similar impacts that affect the use and enjoyment of neighbouring properties.

Office:

Means the occupancy or use of a building for the purpose of carrying out business, financial or professional activities, and includes accessory retail;

Off-Site Parking:

~~Occurs when parking for a place occurs off of the parcel on which that place is located. Usually, this means street side parking or parking in an allocated parking lot.~~



Off-Street or On-Site Parking:

Occurs when parking for a place occurs on of the parcel on which that place is located. Usually, this means parking on the lot, immediately adjacent to the building, or underneath the building.

Official Community Plan:

Means the Official Community Plan (OCP) as has been adopted and amended by Council pursuant to the *Final Agreement*.

Open Space:

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

Owner:

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

Parcel:

Means the smallest area of land, which is registered or shown on record.

Parcel Depth:

Means the distance between the front lot line and the most distant part of the rear lot line of a parcel.

Park:

Means any public outdoor area or lot set aside specifically for passive or active recreation including tot-lots, playgrounds, walkways, trails, greenbelts, buffers, nature interpretation, environmental protection areas, and similar land uses.

Party Wall:

Means a wall jointly owned and erected upon the property line between two lots.

Patio:

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

Place of Worship:

Means a building, including a church, used by any religious organization for worship or other ecclesiastical functions and may include accessory or ancillary uses which shall include, but not be limited to, an assembly hall, auditorium, rectory, day nursery and educational or recreational uses.

Permafrost Layer:

Means the level beneath the surface at which the ground is permanently frozen.

Premises:

Means an area of land, including a lot or parcel of land with or without buildings.

Principal Use:

Means the main purpose for which land, buildings or structures are ordinarily used.

Permitted Use:

Means those uses of land or a building identified in the land use zones in this bylaw for which a Development Permit shall be issued on submission of an application provided the application is complete and meets all the requirements of the Zoning Bylaw applicable to such uses.

Primary Structure:

Means the structure on a property that is both the largest structure on the lot and fulfils the primary use or uses of the lot.

Public Assembly Use:

Means the use of land, buildings or structures to accommodate exhibits, special events, or meetings and includes an auditorium, church, museum, community hall, fraternal lodge, youth centre, theatre, and senior citizens complex.

Public Utilities:

Means infrastructure owned or operated by, or for the VGFN , to provide the community with services such as the storage and provision of potable water, disposal of garbage storm water and sewage, transmission of energy, and delivery of telecommunications.

Rear Lot Line:

Means the lot line furthest from, and opposite to, the front lot line.

Rear Yard:

Means the area between the primary structure and the rear lot line.

Registered Plan:

Means a plan registered in the Yukon Land Titles Office and with the VGG Lands Department.



Regulation:

Means any of the general development, specific use, sign and any other regulation contained in any zone of this bylaw.

Remediation:

Means the treatment of material to lower the concentration of contaminants to levels below those specified in the Yukon *Environment Act* and Yukon *Contaminated Sites Regulations*, as amended from time to time

Renovation:

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

Residential:

Means the occupancy or use of a building or part thereof as a dwelling unit, as a residence of a person or family who intend to return when absent, and excludes vacation rental and other temporary accommodation uses.

Retail Store:

Means a premise used for the purposes of selling commodities to the general public for personal or household consumption.

Retaining Wall:

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

Row House:

Means a building comprised of three or more dwelling units, each having an entrance from the exterior, with no dwelling unit sharing an exterior entrance corridor or stair with more than one other dwelling unit, where none of the dwelling units are rented or available for rent or occupation for periods of less than 30 days.

Scientific and Cultural Exhibits:

Means development for the collection, preservation, interpretation, and display of literary, artistic, musical, cultural, or natural objects. Typical uses include libraries, museums, and public art galleries.

Secondary Suite

Means an *accessory dwelling unit* not exceeding 90m² in floor area, capable of being occupied year round with living facilities, including provision for sleeping, cooking, sanitation, food storage and preparation, contained within a *single family dwelling*;

Secondary Uses:

Are those uses that must be in conjunction with a principal use and require development approval as a separate use unless otherwise exempted from a Development Permit by this bylaw. For example, a home-based business would be a secondary use in a residential zone, not a principal use, whereas a garden shed would be an accessory use to the single family residence containing the home-based business.

Setback:

Means the required minimum distance between a building, use or natural boundary and each of the respective property lines taken from the exterior wall of a building.

Side Yard:

Means the area between the primary structure and the interior or exterior lot line.

Single Family Dwelling:

Means a detached residential building consisting of one dwelling, which is occupied or intended to be occupied as a residence of one family. It may contain a bed and breakfast accommodation.

Sign:

Means any lettering, words, picture, logos, or symbols that identify, describe, illustrate, or advertise a product, place, activity, business, service, or institution. A sign includes banners, placards, and painted messages, but not flags, and interior window displays. Murals or other works of art that do not include a commercial message are not considered signs.

Storage or Wrecking Yard:

Means land or buildings used for an automobile wrecking yard or premises, the keeping and/or storing, of used building products, waste paper, rags, bottles, bicycles, automobile tires, old metal, other scrap material or salvage and where such materials are bought, sold, exchanged, baled, packed, or handled for further use. See *Designated Vehicle Storage Area*.

Surveyors Certificate:

Means a site plan certified by a registered Canada Land Surveyor showing the locations of improvements on a lot relative to the lot lines.

Temporary:

Means a use or development established for a fixed period of time with the intent to discontinue the activity upon the expiration of the time period. Temporary uses may include fairs, special events, use of land for storage of



materials or equipment or a site office while construction work is in progress. Unless stated otherwise in the licensure, temporary means a period less than 4 consecutive weeks.

Townhouse:

Means the residential use of a building or buildings, which contains three or more dwelling units, with each dwelling unit having its principle access from a separate ground oriented access.

Use:

Means the purposes for which land or a building is arranged or intended to be used, or for which either land or building is, or may be, occupied and maintained.

Utility Lot:

Means a parcel of land designated to carry utilities above or below ground and is registered in the name of the VGG or operator of the utility.

Variance:

Means a legal process whereby Council may permit a development or activity not permitted in this Zoning Bylaw as permitted by the Municipal Act.

Veterinary Clinic:

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

Water Setback:

Means the horizontal distance between the side lot lines of a waterfront lot measured at right angles from the ordinary high water mark (OHWM) of a watercourse, such as a river, lake or wetland.

Warehouse:

Means a building other than a wholesale or retail store, used exclusively for the internal storage of goods and material.

Wrecked Vehicle or Derelict Vehicle

Means a vehicle, including automobiles, snowmobiles, and ATVs that has not been in use for six (6) months, is unlicensed and not roadworthy in its present condition without visible signs of effort to restore it to running order. See *Designated Vehicle Storage Area*.

Yard:

Means that portion of a lot that is defined by the minimum setback requirements.

Zone:

Means an area established by the current Zoning and Development Bylaw for the community of Old Crow and amendments thereto.

Zoning Map:

Means Schedule 2 - the map that delineates the boundaries of the zones set out in this bylaw.



5 General Regulations

5.1 *Applicability*

Except as otherwise specified in this bylaw, this section applies to all zones established under this bylaw.

5.2 *New Construction*

- a) For any lot line fronting another lot that is not zoned OS, 6.5 metre minimum setbacks from the interior side lot line are mandatory, for ALL new primary building construction.
- b) ALL new structures will be a minimum 10m from existing structures.
- c) Steel, brick, concrete, or other fire-retardant material WILL be utilized on sides of the building facing other buildings if a 10m setback cannot be realized.
- d) ALL works and changes in use in Old Crow as referred to in this Bylaw shall comply in all respects with the provisions of the Yukon Building Standards Act.
- e) Excavation of aggregate, stone or soil will not be permitted in any zone unless a geotechnical report is first prepared by a qualified geotechnical engineer, and a development permit is issued by VGG which considers such conditions as deemed appropriate with due regard for location, type and manner of excavation, and subsequent site reclamation.
- f) Although in general a minimal disturbance to native mature vegetation will be permitted in new construction areas, in all cases except egress, two to three metres minimum of native old growth vegetation must be left around the perimeter of all greenfield lots.
- g) The bottom of new buildings must be at minimum elevation of 246.5 metres ASL, in order to minimize damage from future floods.

5.3 *Aerodrome Overlay*

ALL areas are within the airport overlay, and MUST adhere to the Aeronautics Act, pursuant to section 5.5 (R.S.C., 1985, c. A-2). These Regulations apply to all land, including a public road allowance, which is adjacent to or in the vicinity of the airport, which land is more particularly described as per the zoning schedule.

No person shall erect or construct on any land to which these Regulations apply, any building, structure or object or any addition to any existing building, structure or object, the highest point of which will exceed in elevation at the location of that

point. All vegetation is similarly subject to height trimming in order to adhere to the Aeronautics Act.

This height restriction, at the time of writing, is calculated by establishing a 1:7 slope from a line 45 metres from, and parallel to, each side the centerline of the runway, measured horizontally at right angles to the centre line and projected centre line of the strip, extending upward and outward from the lateral limits of the strip and its approach surfaces to an intersection with the outer surface. The elevation of the centerline is considered to be 246.7m ESL. To this is added a 1:40 slope, measured horizontally at 12.5 degrees to both ends of the runway surface measured from the corner of the runway strip, extending upward and outward from the lateral limits of the strip and its approach surfaces to an intersection with the outer surface.

Where the 1:7 and 1:40 slopes meet, the 1:40 slope shall prevail. A map showing the application of the Aerodrome Regulations to Old Crow in 2013 has been prepared and is held by VGG.

Changes to the Aeronautics Act will automatically carry forward to this Bylaw.

5.4 Permafrost

ALL areas outside of the existing development zones must have geotechnical approval prior to construction.

ALL new heated construction must be stamped by a professional civil engineer to show that heat intrusion into the permafrost will not occur due to the development.

5.5 Bulk Fuel Storage

Notwithstanding recommendations from professional fuel storage specialists, bulk fuel storage shall in all cases be as far from residential or commercial areas as possible, and never within 250m.

In the commercial zones, service station use will require that:

- Gasoline service pumps or pump islands must be located not closer than 4.5m to any property line.
- All servicing and servicing equipment, other than that normally carried out on a pump island, must be located on a site that is ground impermeable.



5.6 Location and Siting of Buildings

- a) No principal building shall be located in any required front, side or rear yard.
- b) No accessory building shall be located in any required front, side or rear yard, except as provided in the "Setback Exceptions" of this bylaw.
- c) Air intakes on buildings may not be placed on the northeast side of the building, due to the likelihood of being iced over during winter winds.
- d) All new buildings shall take into consideration solar orientation, so the south and southwest facing sides of the building must have larger windows, to capture solar heat.
- e) New buildings must have double-door main entries, with an unheated weatherproof area between the two doors large enough that a person may completely close one door before opening the second.
- f) Wherever a lot can be accessed from a side road, it must be. Direct connection from a building onto an arterial road (as defined in the community plan) shall only occur if the lot does not border on a side road.

5.7 Relocation of Buildings and Structures

- a) No person shall move a building, structure or a non-CSA approved mobile home off or onto a lot without obtaining a Development Permit.
- b) Any relocated building or structure must be brought up to current National Building Code standards upon relocation.

5.8 Land Filling

- a) Where a proposed development involves land filling, the Development Officer may require the applicant to submit a drainage plan endorsed by an engineer registered in the Yukon and include provision for drainage easements in the proposed development.

5.9 Parks, Greenbelts and Environmental Reserves

- a) Parks, greenbelts and environmental reserve lands may be located in any zone.
- b) Developments such as docks, municipal works (e.g. water intakes and sewer outfalls, irrigation lines), lands within 30 m of the ordinary high water mark (OHWM) of the Porcupine River, wetlands, and ponds will be left in their natural state to the extent possible.

5.10 *Setback Exceptions*

- a) No features shall project into the setback required by this bylaw, except the following:
 - i. Steps, eaves and gutters, cornices, sills, belt courses, bay windows, pop outs, chimneys, or other similar features may project no more than 1.5m into a setback.

Provided that

- i. The foundations or supports do not project into the required side yard, front yard or rear yard;
 - ii. The bay window, pop out, chimney or other feature does not comprise more than 20% of the area of the exterior wall in which it is located; and
 - iii. The projection does not result in more than 7.5m² of building floor area extending into the required side yard, front yard or rear yard.
- c) Accessory buildings, limited in gross floor area as per zone-specific regulations in Sections 8-18.
- d) Open porches, decks and canopies, provided that such projections do not exceed 50% of the width of a required side yard or rear yard.
- e) Balconies and sun shades, provided that such projections do not exceed 1.5m or 50% of the width of a required side yard.
- f) A patio that may be open or enclosed, in any yard in an R zone subject to the limitation for fence height as specified in this bylaw.
- g) Where a common wall shared by two or more dwelling within a building for residential use, commercial use, or industrial use coincides with an interior side parcel line of a parcel or of a strata parcel shown on a registered strata plan, the setbacks for the principal building specified in this bylaw with respect to the side parcel line shall not apply.

5.11 *Height Exceptions*

Notwithstanding height restrictions relating to Old Crow Airport which apply to all features, the maximum height regulations of this bylaw do not apply to the following:

- a) chimney, smoke stack;
- b) dome, cupola;
- c) hose and fire alarm tower;
- d) industrial cranes;
- e) mechanical appurtenance on rooftops, including satellite dishes or other telecommunications apparatus used for domestic or commercial purposes;
- f) monument, sculpture;
- g) pole, flood light;
- h) radio and television tower or antenna;



- i) spire, steeple, belfry;
- j) transmission tower; and
- k) water tanks.

5.12 Parcel Area and Width

The parcel area and parcel width requirements of this bylaw will not apply to any parcel which has an area or width less than that required by this bylaw if such a parcel was described on the official records on file in the Land Registry Office on or before the effective date of this bylaw.

Allocation of lots, and choice of buildings on lots, shall take into consideration the size of lot vis-à-vis the size of the building to be constructed. In general, 15-20% primary building coverage on a greenfield lot is considered an appropriate goal.

5.13 Public Utilities

Public utility facilities for transmission of electrical power, telephone, natural gas, cable television and other similar services (but not including electrical substations) are permitted in all zones and individual parcels for the facilities are exempt from minimum parcel area requirements.

5.14 Accessory Buildings

No accessory building, structure or use shall be permitted on any parcel unless the principal building to which the building, structure or use is an accessory has been erected or will be erected simultaneously with the accessory building, structure or use.

Two (2) parcels may not be joined together at rear parcel lines in an R zone for the purpose of using one parcel for an accessory building.

Other regulations on accessory buildings are located in the sections relating to particular zone types.

5.15 Home Based Business

A home based business is subject to the following regulations:

- 1) A home based business must be licensed by the VGFN for the dwellings where they are carried on.

- 2) A home based business is an accessory use that must only be conducted within the principal single-detached dwelling and within up to one accessory building.
- 3) A home based business must not occupy more than 25% of the floor area of the principal building or 75 m², whichever is less, and in no case will the combined area of the principal building used for the business and an accessory building used for the business exceed 75 m².
- 4) The home based business must not be operated in a manner that routinely generates more than five client visits at any one time.
- 5) No more than one person in addition to the residents of the principal residence where the standard home based business is being operated must work on the parcel in which the stand home based business is located.
- 6) A home based business:
 - a) Must not create a hazardous or dangerous condition for the neighbourhood or the environment;
 - b) Must not generate sound from machinery at the parcel line of the parcel on which the home based business is located;
 - c) Must not produce odour, smoke or dust;
 - d) Must not produce interference with radio, television, telephone or other electronic or communications device, where the interference is detectable on such an electronic or communications device located beyond the parcel line of the parcel on which the home occupation is located; and
 - e) Must not be permitted to have a commercial vehicle exceeding 5 tonnes (11,000 lbs) gross vehicle weight, located outside of an unenclosed building.
 - f) A home-based business is not permitted to utilize materials or processes that produce flammable explosive vapours or gases under ordinary temperatures.
 - g) A home-based business that requires delivery of materials or commodities in bulk quantity to and from the residence by commercial vehicles or trailers shall not be permitted.
 - h) No home-based business shall be conducted between the hours of 9:00 pm and 8:00 am.
- 7) Subject to Item 13) below, a home-based business includes the following:
 - a) The office of a professional person;
 - b) the office or studio of an artist, draftsman, barber, beautician, naturopath, massage therapist, chiropractor, picture framer, tailor, dressmaker, music or dance teacher, photographer, writer, or of persons engaged in home crafts or hobbies;
 - c) locksmiths and electronic instrument repair;
 - d) the keeping of not more than 2 boarders;
 - e) the operation of a daycare or pre-school for not more than 8 preschool or school-aged children;
 - f) welding shop;
 - g) carpentry shop;
 - h) micro-scale food preparation and retail sales



- i) metal working shop; and,
 - j) small-scale automotive repair.
- 8) No exterior storage of materials associated with the standard home-based business will be permitted.
- 9) Retail sales must not be permitted in a standard home based business except for:
- a) Products incidental to a service being provided;
 - b) Mail order sales;
 - c) Telephone sales or sales where the customer does not enter the premises to inspect or pick-up goods;
 - d) Direct distributorships where customers do not enter the premises to inspect, purchase or pick-up goods;
 - e) Products produced on site; and
 - f) A Bed and Breakfast
- 10) A home based business use must not include:
- a) The repair and painting of larger vehicles, trailers, boats, commercial equipment and industrial equipment; and
 - b) Spray painting or spray coating operations.

5.16 *Bed and Breakfast*

A bed and breakfast accommodation is subject to the following regulations:

- 1) A bed and breakfast accommodation must be an accessory use;
- 2) No more than 2 guest rooms are permitted in a bed and breakfast accommodation;
- 3) No guest room in the bed and breakfast accommodation must have an area of more than 30m²; a separate or ensuite washroom are not included as part of the area of the guest room;
- 4) No exterior evidence of the bed and breakfast accommodation must be visible from outside the parcel on which the bed and breakfast accommodation is located, except for a permitted sign and the required parking;
- 5) Signs for a bed and breakfast must be tasteful and modest in character; and
- 6) One parking space per guest room is required in addition to those required for the principal dwelling.

5.17 *Secondary Suites*

Secondary suites must comply with the following regulations:

- 1) No more than one secondary suite is permitted per principal single-detached dwelling. The secondary suite is permitted within the single detached dwelling or within an accessory building on the same parcel as a single-detached dwelling.
- 2) A secondary suite is not permitted within a duplex, on a parcel containing a duplex, or within an accessory building on the same parcel as a duplex.

- 3) A secondary suite is not permitted in conjunction with the keeping of boarders or the operation of a bed and breakfast.
- 4) The maximum floor area of a secondary suite must not exceed the lesser of 90m², or 40% of the gross floor area of the principal building.
- 5) One parking space must be provided on the parcel for the secondary suite.
- 6) A secondary dwelling unit shall be located in buildings and on a parcel which forms a single real estate entity. No strata titling is permitted.
- 7) The principal single-detached dwelling on the parcel containing the secondary suite must be occupied by the owner of the principal single detached dwelling.

5.18 Garages

In a residential zone, the following regulations apply to attached garages:

- The attached garage must not exceed the height of the dwelling to which it is attached.
- The parcel coverage of the attached garage must not exceed the parcel coverage of the dwelling to which it is attached.
- The parcel coverage of the dwelling and the attached garage combined with any other forms of parcel coverage must not exceed the maximum parcel coverage for the zone in which they are located.
- The attached garage must meet the setback requirements for the principal building.

5.19 Accessibility

All developments larger than 500m² in the commercial and residential zones, shall make provision for access and mobility by the elderly, the disabled, and the handicapped.

5.20 Screening and Landscaping Requirements for Existing Development

- a) No area of forested land larger than 100m² may be cleared without special permit issued by VGG.
- b) For the C, P, I and R zones, outdoor garbage bins and outdoor storage must be maintained in a tidy and orderly state.
- c) During the period a Building Permit is in effect, temporary storage of building materials shall be permitted in any yard of any lot, in all zones.
- d) Wherever possible, long term storage of garden equipment, boats, trailers, campers or similar recreational equipment, fuel wood and other such goods normally associated with the enjoyment of residential property shall only be permitted in the rear and interior side yards of any lot in a residential zone.



- e) In any residential zone, no person shall keep, store or permit to accumulate outside and unscreened, any objects, vehicles, chattels, goods or materials for a period of sixty (60) days or more, which, in the opinion of Council, are unsightly, out of character with the residential character of the zone, or by their nature and location, diminish the reasonable use and enjoyment of neighbouring properties.
- f) No person shall permit to accumulate, stockpile, keep or store on any lot, or in any building or structure, rubbish, building materials, fluids, machinery or other goods and chattels, in such quantities that in the opinion of the Development Officer, they pose a potential fire risk, nuisance or hazard to the physical health and safety of adjoining property owners or the public at large.

5.21 Minor Agricultural Pursuits, Kennels and Stables

- a) Minor agricultural pursuits includes the raising of animals or fowl for personal consumption and similar activities shall not interfere with the use and enjoyment of neighbouring properties.
- b) In reviewing an application for a kennel, stable or minor agricultural use, the Development Officer may recommend such additional conditions with respect to the placement of buildings, erection of fences, manner of waste disposal and numbers housed to ensure the development is compatible with abutting land uses and does not create a nuisance.
- c) All dog mushing operations involving dog yards containing six (6) or more animals are restricted to leases in the Open Space zone (OS) or by special permission by Council with reason.

5.22 Vision Clearance Requirements at Intersections

- a) No fence, wall, structure, hedge, bush, shrub, tree or other growth shall be maintained or allowed to grow so as to obstruct vision clearance at intersections within the community.

5.23 Regulations Concerning Fences

- a) The height of a fence or wall shall be determined by a measurement from the grade level.
- b) Subject to the vision clearance provisions of these regulations, the following height limitations shall apply to fences, walls, or hedges:
 - a. in Industrial zones, fences or hedges no greater than 2.4m in height may be located on any lot to the rear of a required front yard;

- b. in Residential zones, fences or walls not greater than 2m in height may be located on the rear or sides of any lot, while fences not greater than 1m (non-visible material or 1.5m for see-through materials, may be located in a front yard);
- c. in Residential zones, where the rear line of a lot abuts the side line of an adjoining lot, the height of fences or walls on such rear lot lines shall not be greater than the height permitted on the side line of an adjoining lot at the point of abutment.
- d. Shall not apply to open mesh or chain-link fences erected on cemetery, public playground, park and open space, playfield, or elementary, and in Industrial zones. In these cases, no such fence shall exceed the height of 4.0m.

Barbed wire shall not be used in any fencing in any zone.

6 Aesthetics and Design

This section is not legally binding but lists factors strongly encouraged.

6.1 *Accessibility*

Use of elements that accommodate those residents and visitors with visual impairments or those who use mobility aides is strongly encouraged.

6.2 *Sustainable Design*

- 1) Where possible and within the existing block pattern, new buildings should be designed (oriented and sited) to take maximum advantage of passive solar energy.
- 2) Where feasible, reuse of local materials or materials retrieved from older buildings, or environmentally sourced materials is encouraged both inside and outside of the building.
- 3) Natural ventilation for buildings should be utilized as much as possible and energy efficient windows should be installed.
- 4) Rooflines and water systems in all new buildings should be built ready to accept photovoltaic water heating and electric power systems.
- 5) These factors should be considered in all new development plans:
 - a. Composting toilets.
 - b. Brownwater re-use systems
 - c. LEED or R2000 certification
 - d. A requirement for work-live spaces
 - e. Water conservation features
 - f. Energy conservation features



6.3 Lighting

Encourage minimal over-spill illumination of any adjacent residential properties or green spaces. All lighting should be designed to minimize the effect of lighting the night sky as light pollution.

6.4 Amenities

- 1) Public amenities (such as landscaping, public art, or material treatments) at the street level may be required in commercial, mixed use, and multi-family developments.
- 2) Every opportunity for inclusion of soft landscaping should be explored as options for softening building facades, framing doorways, parking lot islands, berming and ground covers.
- 3) Inclusion of child-friendly areas in new developments is encouraged.

7 Parking

- Council may choose, by resolution, to delay enforcement of Section 7 until such time as a suitable junk yard has been established in industrial areas, with suitable protections installations against groundwater contamination.
- No person shall park or store a commercial vehicle or truck, construction equipment or dismantled or wrecked vehicle in the out of doors
- Notwithstanding point a) above, a person may store the following on an individual parcel in a residential zone:
 - a) One truck or commercial vehicle not exceeding four (4) tonnes rated capacity;
 - b) Trucks, commercial vehicles, or equipment required for the construction, repair, and servicing or maintenance of the premises;
 - c) Any dismantled or wrecked vehicle for a period of not more than six (6) consecutive months; and
 - d) One vacation trailer or camper.
- Vehicles, trucks, trailers, or equipment permitted under Clause b) above shall not be stored in any setback area other than a rear parcel line setback in the residential zones.
- No parcel, except for a common parcel which may be designated by Council, shall be used for the wrecking or storage of derelict vehicles or as a junkyard, and any vehicle which has not been licensed for a period of

one (1) year and which is not housed in a garage or carport is deemed to be a derelict vehicle, and be removed by VGG.

8 Establishment of Zones

1. The area within the boundaries of Old Crow is hereby divided into the following zones:

Zone	Description
R	Residential
C	Commercial
I & I-L	Industrial & Light Industrial
G	Government/Public Institutional
OS	Recreation/Open Space/ Parks/Traditional Economy/Cultural Activities
T	Airport/Transportation
WM	Waste Management
FD-RC	Future Residential or Commercial Development
FD-G	Future Institutional or Government Development
FD-I	Future Industrial Development

2. The boundaries of those zones are shown on the Zoning Map, which is attached as Schedule B to this Bylaw.
3. Any lands within Old Crow that are not identified on the Zoning Map as having a specific zoning designation shall be included in the Recreation/ Open Space (OS) Zone.



8.1 ZONE R –RESIDENTIAL

8.1.1 Permitted Uses

The following uses and no others are permitted on each parcel in an R zone:

- i. Single family dwelling, duplex, triplex, or fourplex*
- ii. Multi family dwelling;
- iii. One (1) home-based business per dwelling (see Sec. 4.7)
- iv. Modular Home
- v. Accessory building and structures
- vi. Single food cache per dwelling unit
- vii. Parks and playgrounds
- viii. Minor agricultural pursuits excluding animal husbandry

NOTE that the size and shape of the lot, will determine the ideal size and configuration of residences to be contained therein.

8.1.2 Discretionary Uses

- i. Bed and Breakfast
- ii. Home based business- major
- iii. Daycare
- iv. Secondary Suites
- v. Duplex dwelling
- vi. Multiple food caches per dwelling unit
- vii. Minor agricultural pursuits involving animal husbandry
- viii. Guest House if lot size is adequate to maintain 13m from all other buildings and setback lines.

For clarity, a manufactured or mobile home is not permitted in Old Crow. Also, any modular or other home to be placed on a R zone must be less than five years old at the date of installation.

If a duplex, triplex, or fourplex is built on a R lot, all units shall have an entrance facing the front lot line.

Dog yard is a discretionary usage to be determined by council on a case-by-case basis.

Food caches shall be relegated to the back yard unless special allowance is granted by council.

Surface treatments should be made so as to prevent the pooling and stagnation of water on property.

8.1.3 Regulations

On a parcel located in an area zoned as R, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

ZONE R (RESIDENTIAL) REGULATIONS

Maximum number of dwellings per lot	2 per parcel
Minimum parcel size	20m road frontage by 20m depth. Where oddly-shaped lots must be created, no parcel shall be less than 500m ² .
Maximum Parcel Coverage	The gross floor area of all buildings on a parcel shall not exceed forty percent (40%) of the parcel area.
On any parcel in an "R" Zone, the total combined gross floor area of accessory buildings and access structures shall not exceed 70m ² per dwelling.	
Maximum <i>primary</i> building height	11m <u>or</u> 3 storeys
Maximum <i>accessory</i> building height	5 m
Width of primary building	Minimum width of 5m.
Minimum setback of principal building from:	
front parcel line	3.5m
interior side parcel line	6.5m
exterior side parcel line	3.5m
rear parcel line	4m
Any lot line facing an OS lot	1.5m
Minimum setback of accessory building from:	
front parcel line	3.5m
interior side parcel line	1.5m
exterior side parcel line	2m
rear parcel line	1.5m
Any lot line facing an OS lot	0.5m
Minimum Unit Sizes in a multi-family building, guest house, or secondary suite	
Bachelor Unit	37m ²
1-Bedroom	46m ²
2-Bedroom	60m ²
3-Bedroom	80m ²
Maximum Lot Size for Primary Building Type (this section prevents construction of small buildings on larger lots)	
Bachelor Unit	400m ²
1-Bedroom	1000m ²
2-Bedroom	1500m ²
3-Bedroom	No limit
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this by-law.	

8.2 ZONE C – COMMERCIAL

8.2.1 Permitted Uses

The following uses and no others are permitted on each parcel in a C1 zone:

On the FIRST storey:

- | | |
|-----------------------------------|-----------------------------|
| i. Amusement Arcade or Games Room | ix. Grocery Store |
| ii. Automobile Services | x. Health Services Facility |
| iii. Coffee Shop | xi. Hotel |
| iv. Convenience Store | xii. Restaurant |
| v. Commercial Entertainment | xiii. Produce Market |
| vi. Food Catering Facility | xiv. Retail Store |
| vii. Financial Institution | xv. Service Station |
| viii. Food Catering Facility | xvi. Taxidermy Shop |
| | xvii. Fitness Centre |

On the SECOND or THIRD storey (if applicable)

- | | |
|------------------------------|---------------------------|
| i. Business Services | viii. Public Assembly Use |
| ii. Health Services Facility | ix. Private School |
| iii. Theatre | x. Motel |
| iv. Service Industry | xi. Office |
| v. Hotel | xii. Staff Housing |
| vi. Restaurant | xiii. Fitness Centre |
| vii. Place of Worship | |

Accessory Buildings are permitted if lot size is adequate.

8.2.2 Discretionary Uses

- i. Home occupation
- ii. Bed and Breakfast
- iii. Senior's Residences
- iv. Medical or Nursing Facilities
- v. Daycare
- vi. Multiple food caches per dwelling unit
- vii. Minor agricultural pursuits involving animal husbandry



8.2.3 Regulations

On a parcel located in an area zoned as C, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

ZONE C (COMMERCIAL) REGULATIONS

Minimum number of dwellings per parcel	0
Minimum parcel size	20m road frontage by 20m depth. Where oddly-shaped lots must be created, no parcel shall be less than 500m ² .
Maximum Parcel Coverage	The gross floor area of all buildings on a parcel shall not exceed fifty percent (50%) of the parcel area.
Maximum <i>primary</i> building height	20m <u>or</u> 4 storeys
Maximum <i>accessory</i> building height	8.5m
Minimum setback of principal building from:	
interior side parcel line	6.5m
exterior side parcel line	3m
rear parcel line <u>OR</u> where there is a rear lane, minimum distance from the middle of the lane	7m
Minimum setback of accessory building from:	
front parcel line	6.5m
interior side parcel line	3m
exterior side parcel line	3m
rear parcel line	6.5m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this by-law.	

8.3 ZONE I& I-L -INDUSTRIAL & LIGHT INDUSTRIAL

To provide a zone to accommodate a range of industrial uses involving the manufacture, assembly, distribution, service, repair and storage of materials

8.3.1 Permitted Uses: Light Industrial

The following uses and no others are permitted on each parcel in an I-L zone:

- i. Animal Hospital or Kennel
- ii. Automobile services
- iii. Commercial storage and warehousing facilities
- iv. Indoor manufacturing and assembly
- v. Public utility infrastructure
- vi. Ambulance or Fire Station
- vii. Miscellaneous light industry, including plumbing, sheet metal workshop, welding shop, electronic equipment manufacturing and assembly shop, furniture manufacturing, storage and repair, automotive sales centre, and woodworking shop.
- viii. Retail ONLY where the area used for retail sales is 20% or less of the total building area and/or lot area, whichever is less, AND where 60% or more of the retail area is used to sell products created on the same lot.
- ix. Parking facilities
- x. Housing for temporary or transient staff
- xi. Mini-Storage, including frozen food locker
- xii. Warehouse and wholesale establishment
- xiii. Commercial-sized solar panels

Accessory buildings and structures are permitted.

8.3.2 Permitted Uses: Industrial

The following uses and no others are permitted on each parcel in an I zone:

- i. All uses permitted in an I-L zone, in addition to:
- ii. Building supply and lumber yard
- iii. Bulk outdoor storage including aggregate materials and forest products
- iv. Heavy equipment sales and services
- v. Mining and wood processing facilities
- vi. Bulk fuel storage
- vii. Tire shop, retreading and rebuilding



- viii. Primary Processing
- ix. Oil and Gas Support Services
- x. Heavy Equipment Display
- xi. General contractor services
- xii. Windmills
- xiii. Outdoor Sales
- xiv. Land Treatment Facility

8.3.3 Discretionary Uses

- i. Resource and Aggregate Extraction, on I lots only
- ii. Derelict vehicle storage area, scrap yard, or junkyard, on I lots only. Before Council approves such a land use, it must be confident that the terms and conditions of the development permit include an adequately detailed plan to protect groundwater, and adequate monitoring and enforcement will be undertaken.

8.3.4 Regulations

- a) All areas of fuel transfer or storage, including fueling of large machines or vehicles, must have a buried impervious liner placed under the area, and be bermed in such a way that normal fuel spills will be contained. "Normal" is defined as a spill that would be equal in volume to the size of fuel tanks that are normally used on-site.
- b) Where the proposed industrial development by its nature, may generate noise, dust, significant traffic generation or poses a potential environmental risk by virtue of the equipment and goods stored onsite or the nature of the manufacturing process used, the Development Officer may impose such additional conditions as s/he deems appropriate to ensure the impact of such uses are minimized and do not restrict or unduly constrain the operation of adjacent businesses.
- c) No accessory building or secondary uses will be permitted until the principal building is under construction.
- d) The Development Officer may impose such temporal and use conditions as are necessary to ensure the proposed development does not limit future development options
- e) The Development Officer may require an applicant to enter into a Development Agreement for any proposed use within this zone to limit encumbrances to the future planning and orderly development of these lands.

- f) Applications for natural resource extraction shall include a land reclamation plan that identifies the intended future land use after reclamation.

ZONE I (INDUSTRIAL) REGULATIONS

Minimum parcel size	900m ²
Maximum Parcel Coverage	The gross floor area of all buildings on a parcel shall not exceed ninety percent (90%) of the parcel area.
Maximum <i>primary</i> building height	15m
Maximum <i>accessory</i> building height	8.5m
Minimum setback of principal building from:	
front parcel line	6.5m
interior side parcel line	6.5m
exterior side parcel line	6.5m
rear parcel line <u>OR</u> where there is a rear lane, minimum distance from the middle of the lane	6.5m
rear parcel line, where a rear property line adjoins a residential zone	6.5m
Minimum setback of accessory building from:	
front parcel line	6.5m
interior side parcel line	6.5m
exterior side parcel line	6.5m
rear parcel line	6.5m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this by-law.	



8.4 ZONE G – GOVERNMENT/ PUBLIC INSTITUTIONAL

8.4.1 Permitted Uses

The following uses and no others are permitted on each parcel in a G zone:

- i. Church and other place of worship
- ii. Library
- iii. Government Office
- iv. Community Office/Use
- v. Museum
- vi. Fire Hall
- vii. Ambulance Station
- viii. Daycare
- ix. Police Station
- x. Post Office
- xi. Public Utility Use
- xii. Tourist Information Centre
- xiii. Hospital
- xiv. School
- xv. Cemeteries
- xvi. Recreation or Fitness Centre

8.4.2 Regulations

All developments in the G zone shall strive to achieve universal accessibility.

On a parcel located in an area zoned as G, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

ZONE G (PUBLIC AND INSTITUTIONAL) REGULATIONS

Minimum parcel size	800m ²
Maximum Parcel Coverage	The gross floor area of all buildings on a parcel shall not exceed fifty percent (50%) of the parcel area.
Maximum building height	18 metres <u>or</u> 3 storeys
Minimum setback of principal building from:	
front parcel line	7m
interior side parcel line	6.5m
exterior side parcel line	1.5m
rear parcel line <u>OR</u> where there is a rear lane, minimum distance from the middle of the lane	9m
Minimum setback of accessory building from:	
front parcel line	7m
interior side parcel line	1.5m
exterior side parcel line	1.5m
rear parcel line	1.5m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this by-law.	



8.5 ZONE OS – RECREATION/ OPENSOURCE/ PARKS/ TRADITIONAL ECONOMY/ CULTURAL ACTIVITIES

8.5.1 Discretionary Uses

Subject to Regulations, particularly consideration of use of hazard lands, no uses are automatically permitted in this zone. All uses are discretionary and must be approved by Council.

The following uses and no others may be considered on each parcel in an OS zone:

- i. Parks
- ii. Cultural Facilities
- iii. Traditional Practice and Education
- iv. Conservation Areas
- v. Gazebo
- vi. Food Cache
- vii. Unheated Storage Shed or Accessory Building
- viii. Campground
- ix. Picnic Area
- x. Exterior Sports Field
- xi. Recreation Trail
- xii. Conservation Areas
- xiii. Cultural and Recreational Facilities
- xiv. Playgrounds
- xv. Cemeteries
- xvi. Parking
- xvii. Storage, feeding, or kenneling of sled dogs
- xviii. Storage of boats, snowmobiles, sleds, or other equipment used for traditional pursuits
- xix. Spiritual or cultural pursuits or facilities of a temporary or semi-permanent nature.

Accessory buildings and structures may be considered, but must be deemed, in the opinion of Council, to be consistent in form and character with the site.

8.5.2 Regulations

All OS lots will be treated as Hazard lands, subject to permafrost erosion, land slumping, landslides, and/or flooding. As such, only very limited development will be approved, and must be both vetted by a geotechnical engineer and consistent with the OCP

All developments in the OS zone shall strive to achieve universal accessibility.

On a parcel located in an area zoned as OS, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

ZONE OS (OPEN SPACE/RECREATION) REGULATIONS

Minimum parcel size	n/a
Maximum Parcel Coverage	The gross floor area of all buildings on a parcel shall not exceed two percent (2%) of the parcel area.
Maximum accessory building height	6m
Minimum setback of accessory building from:	
front parcel line	7m
interior side parcel line	6.5m
exterior side parcel line	1.5m
rear parcel line	9m
Minimum setback of accessory building from:	
front parcel line	7m
interior side parcel line	1.5m
exterior side parcel line	1.5m
rear parcel line	1.5m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this bylaw.	



8.6 ZONE T – AIRPORT/ TRANSPORTATION

8.6.1 Permitted Uses

The following uses and no others are permitted on each parcel in a T1 zone:

- i. Airport Facilities
- ii. Accessory buildings and structures
- iii. Bulk fuel depots
- iv. Commercial indoor and outdoor storage
- v. Emergency and protective services
- vi. Transportation and communication facilities and services
- vii. Moorage
- viii. Visitor information services

8.6.2 Regulations

On a parcel located in an area zoned as T, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

No use or activity shall be permitted that by its very nature may produce electrical disturbance, generate smoke or attract bird and other wildlife that may detract from the safe operation of the airport.

Fence heights and material used may be referred to the Yukon Government Department having jurisdiction to ensure compliance with Transport Canada security requirements.

ZONE T (TRANSPORTATION) REGULATIONS

Maximum building height	5 m
Maximum Parcel Coverage	The floor area of all buildings on a parcel shall not exceed twenty percent (20%) of the parcel area.
Minimum setback of building from:	
front parcel line	6.5m
interior side parcel line	6.5m
exterior side parcel line	6.5m
rear parcel line	3m
Minimum setback of accessory building from:	
front parcel line	3m
interior side parcel line	6m
exterior side parcel line	6m
rear parcel line	3m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this by-law.	



8.7 ZONE WM – WASTE MANAGEMENT

8.7.1 Permitted Uses

The following uses and no others are permitted on each parcel in a WM zone:

- i. Waste Storage & Management Facility
- ii. Holding Ponds
- iii. Incinerators
- iv. Land Treatment Facility
- v. Bulk Fuel Storage

Accessory buildings and structures are permitted.

8.7.2 Regulations

On a parcel located in an area zoned as WM, no building or structure shall be constructed, located or altered, and no plan of subdivision approved which contravenes the regulations set out in the table below in which the left column sets out the matter to be regulated and the right column sets out the regulations.

Controlled by VGFN for use by the VGFN, standard protocols will actively evolve, improve and adapt to meet changing environmental goals and technological capabilities.

ZONE WM (WASTE MANAGEMENT) REGULATIONS

Minimum parcel size	n/a
Maximum Parcel Coverage	The gross floor area of all buildings on a parcel shall not exceed fifty percent (50%) of the parcel area.
Maximum <i>primary</i> building height	15m <u>or</u> 3 storeys
Maximum <i>accessory</i> building height	7.5m
Minimum setback of principal building from:	
front parcel line	100m
interior side parcel line	100m
exterior side parcel line	100m
rear parcel line <u>OR</u> where there is a rear lane, minimum distance from the middle of	100m

the lane	
Minimum setback of accessory building from:	
front parcel line	7.5m
interior side parcel line	3.5m
exterior side parcel line	4.5m
rear parcel line	3.5m
Permafrost conventions shall be upheld in accordance with the regulations of the General Regulations of this by-law.	

8.8 ZONES ~~FD-RC, FD-G, and FD-I~~ FUTURE DEVELOPMENT

To ensure lands identified in the Official Community Plan as most suited for future development are reserved for that general purpose with the minimum number of encumbrances and can be developed at an appropriate future date in an orderly and economic manner.

No building construction, and no storage, is permitted in any FD-RC, ~~FD-G,~~ ~~or FD-I~~ zone.

VGFN will construct public roads only after completion of a neighbourhood master plan and subdivision of the applicable FD lot.

8.8.1 Conditional Uses

The following uses and no others are based on conditional usage on each parcel in an FD zone:

- i. Public utility infrastructure
- ii. Rest areas and viewpoints