VILLAGE OF MAYO
BYLAW NO. 228

A bylaw respecting the provisions of zones of such number, shape and area as may be deemed best suited to promote the health, safety, convenience and general welfare of the public by regulating the nature of present and prospective uses and occupancy of land, including the location and use of buildings and structures located thereon.

WHEREAS the Village of Mayo is updating its Official Community Plan pursuant to Section 278 of the Municipal Act, RSY 2002, and

WHEREAS Section 288 of the Municipal Act requires that a municipality adopt a zoning bylaw applicable to the land affected by the Official Community Plan, and

WHEREAS it is deemed desirable and expedient to enact a zoning bylaw which is applicable to the Official Community Plan,

NOW THEREFORE the Council for the Village of Mayo, in open meeting assembled, **HEREBY ENACTS AS FOLLOWS**:

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

2. The Zoning Bylaw is hereby adopted as Schedule A to this bylaw.

3. This bylaw shall come into full force and effect upon final passing thereof.

Read a first and second time this 2nd day of November 2005.

Public hearing held this 28 day of November 2005

Read a third and final time this 3 day of May 2006

Mayor

Chief Administrative Officer

October 28, 2005

Village of Mayo Zoning Bylaw 2005

Prepared by:

INUKSHUK PLANNING & DEVELOPMENT

October 18, 2005

Village of Mayo Zoning Bylaw

Table of Contents

Section 1: General Administration 1
1.1 Title 1
1.2 Purpose 1
1.3 Enabling Legislation 1
1.4 Jurisdiction & Relationship to Nacho Nyak Dun First Nation Self-Government Agreement 1
1.5 Zoning Map & Boundary Determination 1
1.6 Compliance with Other Legislation 2
1.7 Application in Progress 2
1.8 Severability 2
1.9 Prohibitions 2
1.10 Availability 2
1.11 Conversion to Metric Measure 3
Section 2: Definitions 3
2.1 Rules of Interpretation 3
2.2 General Definitions 3
A 3
B 4
C 5
D 6
E 6
F 7
G 7
H 8
I 8
J 8
L 8
M 9
N 10
O 10
P 11
R 11
S 12
T 15
U 15
V 15
W 15
Y 15
Z 16
Section 3: Duties & Responsibilities 16
3.1 Development Officer 16
3.2 Board of Variance 16
3.3 Appeals to Council 18

Section 4: Development Permits 18
4.1 Development Permit Required 18
4.2 Development Permit Exceptions 18
4.3 Certificate of Zoning Compliance 19
4.4 Development Permit Application 19
4.5 Development Permit Decisions 20
4.6 Development Agreements 21
4.7 Resubmission Interval 21
Section 5: Enforcement 22
5.1 Offence 22
Section 6: Administration & Amendment 23
6.1 Text and Map Amendments 23
6.2 Rezoning Applications 23
6.3 Review Process 23
6.4 Fees, Forms & Records 24
Section 7: General Provisions 24
7.1 Non-conforming Buildings & Uses 24
7.2 Siting, Building Height and Grading 24
7.3 Relocation of Buildings and Structures 25
7.4 Lands Subject to Flooding 25
7.5 Parks, Greenbelts and Environmental Reserves 25
7.6 Screening & Outside Storage 25
7.7 Fences, Hedges & Buffers 26
7.8 Water & Sewer Facilities 26
7.9 Public Utilities 27
7.10 Accessory Development 27
7.11 Lighting 27
7.12 Landscaping 27
7.13 Off Street Parking & Loading 27
7.14 Off Street Garbage & Recycling 28
7.15 Signage 29
7.16 Float Plane Base Use on the Stewart River 29
7.17 Lots Less than Minimum Size 29
7.18 Home Occupations & Major Home Based Business 29
7.19 Bed & Breakfast Lodgings 30
7.20 Living Suites 31
Section 8: Land Use Zones 31
8.1 Zones 31
8.2 Urban Residential (UR) 31
8.3 Community Use (CU) 33
8.4 Commercial (C) 34
8.5 Industrial (I) 36
8.6 Park (P) 37
8.7 Open Space (OS) 38
8.8 Future Development (FD) 39

Village of Mayo Zoning Bylaw

Section 1: General Administration

1.1 Title

1.1.1 This bylaw is called the "*Village of Mayo Zoning Bylaw*" and includes Schedules 1 and 2.

1.2 Purpose

1.2.1 This Zoning Bylaw provides the regulatory framework for orderly, economic, and environmentally responsible development within the Village of Mayo by:

a) Implementing the direction contained in the Village's *Official Community Plan*;

b) Establishing land use zones and associated regulations to control the use, location, type and level of development allowed to occur on a parcel of land within the municipality's jurisdiction; and

c) Setting out rules of procedure including the forms, information requirements and processes to be followed to permit the consistent review and a timely decision on an application to undertake a development, apply for rezoning and/or file a development appeal.

1.2.2 Village 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 unless and until the Official Community Plan has been amended.

1.3 Enabling Legislation

1.3.1 This bylaw has been passed in conformance with the *Yukon Municipal Act RSY 2002 Chapter 154* and amendments thereto.

1.4 Jurisdiction & Relationship to Nacho Nyak Dun First Nation Self-Government Agreement

1.4.1 This bylaw applies to all land within the municipal boundary of the Village of Mayo including those First Nation lands shown on the map entitled Schedule 1: First Nation Lands and listed in Appendix B, Part 1 of the *Nacho Nyak Dun First Nation Self-Government Agreement.*

1.5 Zoning Map & Boundary Determination

1.5.1 The municipality is divided into land use zones graphically represented on the Zoning Map, drawn to scale, which is attached as Schedule 2 to this bylaw.

1.5.2 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, Schedule 2 with the bylaw number and date of revision recorded on the drawing.

1.5.3 When any public roadway is closed, the roadway lands shall assume the same zoning as the abutting land. When abutting lands are zoned differently, and the road allowance is consolidated with an adjoining parcel, the zone boundary shall reflect the zoning of the consolidated lot.

1.5.4 Pursuant to the *Municipal Act (sec.290.4)*, zone boundaries shall be interpreted as follows:

a) 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;

b) Where a boundary is shown as approximately following the municipal boundary, it follows that boundary;

c) 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);

d) Where a boundary is shown as approximately following a property line, it follows that property line;

e) Where a boundary is shown as following a geographic feature such as a top-of-bank topographic contour, it follows that line; and

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

1.5.5 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 in the Land Titles Office, be considered to follow the boundary of the new survey.

1.6 Compliance with Other Legislation

1.6.1 A person applying for a development permit or a change of use is responsible for determining and complying with the requirements of other applicable Municipal, Territorial, First Nation and Federal 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.

1.7 Application in Progress

1.7.1 An application for a development permit or rezoning, which is received in its complete form prior to the effective date of this bylaw, shall be decided upon in accordance with the regulations currently in effect.

1.8 Severability

1.8.1 If one or more provisions of this bylaw are, for any reason, declared to be invalid by the Courts, all remaining provisions remain in force and effect

1.9 Prohibitions

1.9.1 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.

1.10 Availability

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

1.11 Conversion to Metric Measure

1.11.1 No existing development shall be deemed to be non-conforming with this bylaw simply because of the conversion of previously existing imperial regulations to their approximate metric equivalent, which form the basis for measurement used herein.

Section 2: Definitions

2.1 Rules of Interpretation

2.1.1 Typical uses listed in the definitions are examples and are not intended to be exclusive or restrictive. Reference should be made to the intent, impact and definition of the use in determining whether or not the type of use proposed is consistent with the examples listed.

2.1.2 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 their discretion to determine which definition of use type is most similar in terms of character and purpose.

2.1.3 Words used in the present tense shall include the future tense. The singular includes the plural. The word "owner" includes a corporation as well as an individual. The term "shall" is always mandatory. 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".

2.2 General Definitions

In this bylaw:

A

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

"ACCESSORY BUILDING/STRUCTURE" means a separate, second, non-residential building or structure located on the same lot. Typical accessory structures are satellite dishes, garden and storage sheds, propane/fuel oil tanks, television and radio masts, greenhouses, garages, and similar structures, which are incidental and subordinate to the principal use of the site.

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

"ADVERTISEMENT" means any sign, structure, symbol or representation intended, whether illuminated or not, in the nature of, and employed wholly or in part for the purpose of advertisement, announcement or direction.

"AGRICULTURE" means the raising of crops and livestock, animal pasturage, horticulture, apiculture, market gardening, nurseries, and similar agricultural pursuits.

"ALTER" means:

a) 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;

b) 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;

c) To discontinue or change the principal use of the site or building with a use defined as being distinct from the discontinued use.

"AMENITY AREA" means an area comprised of on-site common or private, indoor or outdoor space, designed for active or passive recreational use.

"AMUSEMENT ARCADE" means a building or part thereof, where the principal business is providing video, pinball or computer games for use by the general public.

"ANIMAL SHELTER" means a lot /or building or part thereof, used for the temporary care of lost, abandoned, or neglected animals.

B

"BALCONY" means a platform, attached to and projecting from the face of a building above the first storey, surrounded by a railing and used as an outdoor porch or sundeck.

"BASEMENT" means that part of a building fully located below ground or, in the case of a sloped lot, that part of the building below the first storey.

"BED AND BREAKFAST LODGING" means an accessory use of an owner-occupied residence that is used to provide temporary, overnight accommodation and breakfast to visitors.

"BOARD OF VARIANCE" means the Board established by this bylaw in accordance with the *Municipal Act.*

"BOARDING KENNEL" means any premises where domestic pets are kept, boarded or bred as a commercial service.

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

"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 by Council to administer and enforce the provisions of the *Yukon Building Standards Act* and *National Building Code.*

"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.*

"BULK FUEL DEPOT" means lands, buildings and structures for the storage and distribution of petroleum products and may include key lock retail sales.

"BUSINESS" means the carrying on of a commercial or industrial undertaking of any kind or nature, or the provision of professional, personal, or other service for gain or profit.

"BYLAW ENFORCEMENT OFFICER" means the official(s) of the Village of Mayo authorized by Council to enforce the bylaws of the municipality.

C

"CAMPGROUND" means an area of public or private land zoned and managed as a unit, with associated washroom, recreation and service support facilities to provide travellers using tents, tent and travel trailers, recreational vehicles, truck campers, and the like, temporary overnight accommodation.

"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.

"CARPORT" means a roofed accessory structure normally attached to the principal building that is not enclosed on the front and one side to shelter parked vehicles. A carport is considered part of the principal building to which it is attached when calculating requirements.

"CEMETERY" means lands permanently set aside for the internment of the dead.

"CERTIFICATE OF TITLE" means a certificate issued by the Land Titles Office identifying the owner of a particular parcel of land.

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

"CLINIC" means an establishment in which medical, dental, veterinary or other professional healing treatment is provided.

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

"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 are: 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*.

"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 VILLAGE OF MAYO.

D

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

"DEVELOPMENT" means:

a) A change in the use or intensity of use of any land, a building or structure;

b) The carrying out of any construction, excavation, erection, demolition, repair and similar alteration that takes place on, over and below land within the municipality; and

c) The subdivision and severance of land or a building.

"DEVELOPMENT AGREEMENT" means a legal agreement between the developer and the Village of Mayo 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 Chief Administrative Officer or other 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.

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

a) "SINGLE FAMILY" meaning a detached building containing one dwelling unit occupied by one household on one lot;

b) "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.

c) "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;

d) "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.

E

"EATING AND DRINKING ESTABLISHMENT" means development where prepared foods and beverages are offered for sale to the public, for consumption within the premises or off site. Examples are: bars and restaurants, cafes, delicatessens, tearooms, and refreshment stands.

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

"ENVIRONMENTAL PROTECTION AREAS' means those areas intended, because of their inherent natural features or hazards, to remain in their natural state. Passive recreation such as trails and interpretative activities are permitted.

"ERECT" means to build, construct, reconstruct, place or relocate and shall include:

a) Preliminary site clearing, excavation, filling or draining; and

b) Altering an existing building or structure by an addition, enlargement, reduction or extension.

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

F

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

"FAMILY DAY HOME" means the secondary use of a dwelling, in which the operator resides, licensed under the *Yukon Child Care Act* to provide care, educational services, and supervision for children for less than 24 consecutive hours.

"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.

"FIRST NATION LANDS" means lands identified in the *Nacho Nyak Dun First Nation Land Claims* and *Self-Government Agreements* located within municipal boundaries,

"FLOODPLAIN" means the area adjoining the channel of the Mayo and Stewart rivers, and any stream or intermittent 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 quotient arrived at by dividing the gross floor area of a building by the lot area, excluding below grade areas and areas used exclusively for storage or service to the building.

"FRONTAGE" means the minimum straight-line distance between the intersection of the side lot lines and the lot line fronting on the street.

G

"GARAGE" means an accessory building or structure such as a carport that is part of the principal building, designed and used primarily for the storage of motor vehicles of the occupants of the premises.

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

"GENERAL CONTRACTOR SERVICES" means premises used for the provision of building and general construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site storage and warehouse space and includes any sales, display, office or technical support service areas.

"GRADE" means,

a) The average elevation of the finished surface of the ground at ground level 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 or Building Inspector in relation to (a) or (b) above.

"GROUND FLOOR AREA" means the greatest horizontal area of the first storey of the principal building above grade within the outside surface of the exterior wall. This includes all attached structures having a foundation such as attached garages, decks, and steps.

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

H

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

"HOME OCCUPATION" means the provision of a service, the carrying out of a profession, trade or craft in a dwelling unit located in a residential zone by only the owner or resident occupant of the dwelling unit. The business use is accessory and subordinate to the residential function of the land and premises, and there are no visible external signs of the business activity taking place.

"HOME BASED BUSINESS, MAJOR" means a home occupation undertaken by the owner or occupant of a dwelling unit in a residential zone where the business use is conducted within the principal residence or a related accessory structure and the business activity does not change the residential character of the site. Any outside storage areas are also screened from public view. The business use remains secondary and subordinate to the residential function and may include not more than two employees who are not residents of the household.

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

"HOUSEHOLD" means one or more persons occupying the same dwelling unit.

I

"INDUSTRIAL" means a development involving one or more of the following activities: the processing of raw materials; manufacture or assembly of unfinished products; cleaning, servicing, repair, salvage or testing of materials, goods and equipment; the bulk storage and distribution of petroleum products, building materials and related goods where the nature of such uses may create impacts that would make their presence incompatible with non-industrial uses.

J

"JUNK YARD" means a parcel of land or building for which a development permit has been issued, for the collection, demolition, dismantlement, storage, salvage recycling or sale of waste materials including scarp metal, abandoned vehicles, machinery and other discarded materials except hazardous wastes.

L

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

"LAND USE PERMIT" means the permission of the Village of Mayo to use Village-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 public thoroughfare not over 9 m in width that affords secondary access to a lot.

"LIVING SUITE" means a self-contained, accessory dwelling unit located within a single detached house in a residential zone, or, in the case of a commercial or industrial zone, a dwelling unit reserved for the exclusive use of an on-site caretaker.

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

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

"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 limit of any lot.

"LOT LINE, FRONT" means,

a) In the case of an interior lot, a line separating the lot from the street;

b) In the case of a corner lot, a line separating the narrowest street frontage of the lot from the street; or

c) 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.

M

"MANUFACTURED HOME" means,

a) A factory built single or multiple section single family dwelling unit constructed to the *National Building Code of Canada CAN/CSA-A277* standard that is designed to be transported to the site for installation on a permanent foundation; or

b) A factory built single or multiple section single-family dwelling unit designed to be transportable on its own chassis that conforms to the *CSA Z240 Manufactured Home Series of Standards.*

"MARINA AND FLOAT PLANE DOCK" means a facility where boats or float-planes can be berthed, stored, fuelled, and serviced.

"MINOR AGRICULTURAL PURSUIT" means agricultural activity conducted at a scale that is accessory to a principal use in 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

"MOBILE CATERING FOOD SERVICES" means the delivery and sale of food to the public using a fleet of vehicles.

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

"MOTEL" means a building or group of buildings divided into self-contained sleeping or dwelling units, each with a separate exterior entrance and convenient access to on-site parking. Motels may include an on-site restaurant, recreation facilities and staff quarters.

"MUNICIPALITY" means the Village of Mayo

"MULTIPLE HOUSING" means any physical arrangement of three or more dwelling units intended to be occupied by separate households.

"MULTIPLE OCCUPANCY COMMERCIAL & INDUSTRIAL USE" means a building that is occupied by two or more tenants, businesses or uses.

N

"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-ACCESSORY PARKING" means development providing vehicular parking that is not primarily intended for the use of residents, employees, or clients of a particular development. Typical uses are: commercial surface parking lots and parking structures located above or below grade.

"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.

O

"OFFICES" means a space within a development accessible to the public reserved for the provision of professional, management, administrative, consulting, and financial services. Typical uses are: professional services offices (e.g. lawyers, accountants, doctors, dentists, clerical and secretarial), banks, and government agencies.

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

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

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

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

P

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

"PARKING LOT" means a lot or part of a lot or a building available to be used for the temporary parking of more than one vehicle by customers, employees and the public at large.

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

"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.

"PERMITTED PRINCIPAL USE" means those uses that are unconditionally allowed in a particular zone. Provided they conform to the regulations of that zone to which the use applies.

"PERSONAL RECREATION SPACE" means recreational space inside or outside a building located adjacent to and directly accessible from a dwelling unit, which is provided for the exclusive use of the occupants of the dwelling unit, such as a private patio, courtyard, garden terrace or balcony.

"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.

"POSITIVE DRAINAGE" means drainage by gravity without ponding

"PREMISES" means an area of land, 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.

"PUBLIC UTILITIES" means infrastructure owned or operated by, or for the Village, 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.

R

"RECREATION SPACE, COMMON" means that portion of a lot or building provided for collective tenant recreational use.

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

"REGISTERED PLAN" means a plan registered in the Yukon Land Titles Office.

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

"RELIGIOUS ASSEMBLY" means a building wherein people regularly assemble for religious worship that is maintained and controlled by a religious body organized to sustain public worship.

"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 levelling and strengthening of foundations but does not include its replacement.

"RETAIL STORE" means development used for the retail sale of goods, merchandise and services required by community residents and visitors on a day-to-day basis. .

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

S

"SATELLITE DISH/RECEIVER" means an accessory structure either freestanding or attached, designed in the shape of a dish or cone to send and receive telecommunication signals from a satellite.

"SCIENTIFIC AND CULTURAL EXHIBITS" means development for the collection, preservation, interpretation, and display of literary, artistic, musical, cultural, or natural objects. Typical uses are: libraries, museums, and public art galleries.

"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.

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

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

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

"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.

"SIGN, ABANDONED" means any sign that no longer correctly identifies a business or the products and services offered on the premises where the sign is located, or any sign that is not in a readable state.

"SIGN, ADVERTISING" means a canopy, fascia, free-standing or projecting on-premise sign advertising the nature of the use or business, service or product available on-site.

"SIGN ANIMATED or FLASHING" means a sign that produces steady movement mechanically or electrically or a sign that creates the effect of intermittent movement by flashing on and off, blinking or varying light intensity.

"SIGN, AWNING" means a non-illuminated sign painted or stencilled on the fabric surface of a shelter supported entirely from an exterior building wall and designed to be collapsible, retractable or capable of being folded against the wall of the supporting building.

"SIGN, BILLBOARD" means a general advertising, freestanding sign that advertises goods, products, facilities and services, or directs viewers to a different location from where the sign has been installed.

"SIGN, BUSINESS IDENTIFICATION" means an advertising sign identifying the name, dealer, franchise association, primary function, product or service of the commercial activity conducted on the premises, and may include changeable copy.

"SIGN, CANOPY OR MARQUEE" means a sign attached to, intentionally constructed as part of, suspended from, or installed upon the face of a building canopy.

"SIGN, CHANGEABLE COPY" means any sign on which message copy can be changed electronically or through use of attached letters and numerals and includes public service information displays and any sign that features automatic switching.

"SIGN, COMMUNITY ACTIVITY" means a temporary, freestanding or fascia sign erected to announce or advertise community initiatives, public construction projects, and special events of limited duration.

"SIGN, CONSTRUCTION CONTRACTOR" means a temporary sign erected for the duration of construction by the contractor listing the project name and firms involved in the construction.

"SIGN, COPY AREA" means the entire area of a sign on which copy could be placed, including any frame or embellishment that forms an integral part of the display.

"SIGN, DIRECTIONAL" means a freestanding sign erected by the Village or other competent jurisdiction to provide direction to public facilities, areas of public interest, or warn of dangers or hazards to health.

"SIGN, DIRECTORY" means a sign containing multiple business identification listings in a common format.

"SIGN, FASCIA" means a wall sign displayed on the surface of a building.

"SIGN, FREE STANDING" means a self-supporting sign permanently fixed to the ground and visibly separated from a building.

"SIGN, HOME BASED BUSINESS means a fascia or free-standing sign containing only the name, address and occupation of a permitted home occupation.

"SIGN, INTERPRETATIVE" means a sign erected by a public agency as a public service to inform, educate and interpret the natural and cultural heritage of the community.

"SIGN, LOGO" means a readily identifiable symbolic representation or trademark used exclusively by an individual company or individual to simplify product or business recognition, without additional advertising content.

"SIGN, OFFICIAL" means a sign required by, or erected pursuant to the provisions of Federal, Territorial, or Municipal statute, regulation, or bylaw.

"SIGN, PAINTED WALL" means any sign painted upon the outside wall of a building visible from a street.

"SIGN, POLITICAL" means a temporary sign erected during a Federal, Territorial, First Nation or Municipal election to promote voting for a political candidate, political party, or cause

"SIGN, PORTABLE" means any readily transportable sign that can easily be relocated to another location or temporarily set-up and removed from a site, including a sandwich board not permanently attached to the ground or a building, and any inflatable object or sky sign to which advertising is attached. Portable signs do not include signage attached to a vehicle unless that vehicle is normally parked in a manner to operate as a sign.

"SIGN, PROJECTING" means any self-supporting sign other than a wall sign which is attached to or projects more than 45 cm from the face of structure or building wall with no visible guy-wires, braces or secondary supports.

"SIGN, PUBLIC FACILITY" means a free-standing, fascia or projecting sign located on the property of a public building such as a religious assembly, school, or museum to identify the name and purpose of the facility.

"SIGN, REAL ESTATE" means a temporary, free-standing or fascia sign indicating that the property on which it is located is for sale or rent along with the name of the agent, contact or owner offering the property.

"SIGN, ROOF" means a sign erected on the roof or parapet of a building, the entire face of which is situated above the roof level of the building to which it is attached, and which is wholly or partially supported by said building.

"SIGN, ROTATING" means any sign or portion thereof, designed to move in any manner, and if revolving, does not exceed 6 revolutions per minute.

"SIGN, SANDWICH BOARD" means a temporary portable sign designed to be placed daily.

"SIGN, TEMPORARY" means a portable sign erected for a specified period of time announcing or advertising an event of limited duration.

"SIGN, WINDOW" means any sign either painted on, attached to, or installed inside a window intended to be viewed by persons passing by outside the premises and does not include merchandise located in the window for display purposes.

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

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

"SLEEPING UNIT" means one or more rooms that together are equipped to be used for sleeping and sitting purposes and may include an attached washroom.

"STAFF ACCOMMODATION/CARETAKER FACILITIES" means a building or portion of a building used to provide on-site accommodation by the employer for persons employed on the property, or a residence for the site caretaker.

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

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

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

"STREET" means a public thoroughfare having a right-of-way over 9 m in width, which affords the principal means of access to abutting properties.

"STREET LEVEL" means the elevation of the centreline of the street opposite the lot line abutting the street.

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

"STUDIO" means a building, or part thereof where designing, creating, manufacturing, exhibition and sales are performed by artists and/or skilled trades people. Typical studio space users are potters, art painters, sculptors, crafts and furniture makers.

"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.

T

"TEMPORARY SHELTER SERVICES" means the provision of communal, transient accommodation sponsored or supervised by a public authority or non-profit agency intended to provide basic lodgings for persons requiring immediate shelter and assistance for a short period of time. Examples of such uses are: hostels, safe houses and over-night shelters.

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

"TOP OF BANK" means a naturally occurring point, slope edge or setback line determined from topographic maps or by geo-technical study, where significant landform change can be detected.

"TOURIST SERVICES" means those facilities and uses intended to attract and serve visitors such as museums and visitor reception centres and the like.

U

"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 municipality or operator of the utility.

V

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

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

"VEHICLE SALES AND SERVICE" means a use of a land and/or buildings where motor vehicles may be repaired, equipped, parked or stored for remuneration, hire, sale or display.

"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.

W

"WALKWAY" means a public right-of-way or easement designed to provide safe and convenient passage for pedestrians, cyclists and other specified users.

"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" means a vehicle that has not been in use for 120 days, is unlicensed and not roadworthy in its present condition without visible signs of effort to restore it to running order.

Y

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

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

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

Z

"ZONE" means a defined, geographic area of the municipality as set out in this Bylaw and shown on the Zoning Map.

"ZONING MAP" means Schedule 2 - the map that delineates the boundaries of the zones set out in this bylaw.

Section 3: Duties & Responsibilities

3.1 Development Officer

3.1.1 The position of Development Officer ~~to administer this~~ bylaw is ~~established~~. One or more employees of the Village of Mayo shall be appointed by Council to fulfil the duties of this position.

3.1.2 The Development Officer shall receive completed applications for a *Development Permit*, R*ezoning* and *Certificate of Zoning Compliance.*

3.1.3 The duties of the Development Officer include:

a) Receiving, reviewing, and making recommendations to Council on any application to amend the text of this bylaw or Schedule 2, the Zoning *Map;*

b) Approving, rejecting or approving development permits with conditions as the case may be, and issuing *Certificates of Zoning Compliance.*

c) Referring an application to any Federal or Territorial department, the Nacho Nyak Dun First Nation and any other agency or body deemed appropriate for advice and comment;

d) Publicly posting on the municipal office bulletin board, the affected site and other such prominent locations within the community, notice of receipt of an application for a conditional use permit. The Development Officer shall give written notice to affected property owners within 100m of the location to which the application applies and provide fourteen (14) days for comment prior to making a decision;

e) Creating standard application forms and maintaining a current copy of this bylaw, for inspection or purchase at a reasonable cost by the public during normal office hours.

f) Maintaining a public register of all development permit and rezoning applications received including the decisions made;

g) Exercising discretion in granting variances of up to 5% of the requirements of this bylaw provided there will be no detrimental impact on adjacent properties or the neighbourhood and the density is not increased by virtue only of the variance; and

h) Performing such other duties as described or implied by this bylaw.

3.2 Board of Variance

3.2.1 A Board of variance shall be established in accordance with the *Municipal Act (sections 306,307*). The Board of Variance shall consist of not less than three (3) members, none of whom are members of Council, to review and make decisions on applications made to it.

3.2.2 The Chairperson of the Board of Variance shall be selected from amongst its members. The Chair shall sign all notices of decision and other documents on behalf of the Board or, in their absence, such documents may be signed by one of the members present at the hearing to which they apply.

3.2.3 The Secretary of the Board of Variance shall be appointed by the Council, and shall not be a member of Council or the Development Officer. The Secretary shall perform the following duties:

a) Organizing a hearing within 30 days of receipt of filing of an application and payment of a non-refundable processing fee;

b) Publicly posting notice on the municipal office bulletin board and such other prominent locations within the community the date of the hearing at least fourteen (14) days in advance;

c) Notify property owners within a 100m radius of the affected location; and

d) Preparing and maintaining a written record of the proceedings and issuing a Notice of Decision to the affected parties and all interveners outlining the Board's decision and rationale within five (5) working days.

3.2.4 A majority of the Board of Variance shall constitute a quorum. Only those Board members present may vote and a majority decision of the members present constitutes the decision of the Board.

3.2.5 Pursuant to section 307 of the Municipal Act, a person may apply to the Board of Variance for a variance or exemption from an Official Community Plan or Zoning Bylaw if there are practical difficulties or unnecessary hardships in meeting the requirements of the Official Community Plan or Zoning Bylaw because of the exceptional narrowness, shortness, shape, topographic features, or any other unusual condition of the property.

3.2.6 The Board of Variance shall give at least fourteen (14) days notice of the public hearing date, in writing to:

a) The applicant and the Development Officer;

b) All adjacent land owners within 100m of the development, and those others who, in the opinion of the Board of Variance, may be affected by the variance request; and

c) Such other persons as the Board of Variance specifies.

3.2.7 The Board of Variance shall make available for public inspection before the commencement of the public hearing all relevant documents and materials respecting the variance including the original application for the development permit, the Development Officer's decision, and the variance application.

3.2.8 At the public hearing, the Board of Variance shall hear:

a) The person requesting the variance or any person acting on their behalf;

b) The Development Officer, or a person designated to act on their behalf;

c) Any other person who was served with notice of this public hearing and who wishes to be heard or a person acting on his/her behalf; and

d) Any other person that the Board of Variance agrees to hear or a person acting on their behalf.

3.2.9 Within thirty (30) days of receipt of a completed application, the Board of Variance shall hold a hearing respecting the variance request and approve, disapprove, or approve with conditions an application that in its opinion will preserve the purposes and intent of the Official Community Plan and Zoning Bylaw.

3.2.10 The Board of Variance shall give its decision in writing together with the reasons for the decision within five (5) days of the conclusion of the public hearing. In determining an appeal, the Board of Variance shall not approve an application for a variance if:

a) The unusual condition is the result of the applicant's or the property owner's action;

b) The adjustment requested would constitute a special privilege inconsistent with the restrictions on the neighbouring properties in the same district;

c) The variance or exemption would be contrary to the purposes and intent of the Official Community Plan or Zoning Bylaw and injuriously affect the neighbouring properties; or

d) The variance or exemption would allow a change to a use that is not similar to a permissible use in the area.

3.3 Appeals to Council

3.3.1 Any person, who is aggrieved by a decision of the Development Officer or Board of Variance as the case may be under this bylaw, may appeal in writing to Village Council within thirty (30) days of that decision by filing a written notice of appeal using the form provided and paying the applicable processing fee.

3.3.2 Council shall schedule a hearing of the appeal within thirty (30) days of filing following the procedures set out in the *Municipal Act (section 308)*. The decision of Council is final and binding on all parties.

Section 4: Development Permits

4.1 Development Permit Required

4.1.1 Except as provided in Section 4.2, no person shall initiate any development or commence any use in the Village of Mayo unless the Development Officer has issued a Development Permit.

4.2 Development Permit Exceptions

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

a) Alterations and minor repairs to any building or structure provided the work does not change the use or intensity of use;

b) The construction of a single storey accessory building or structure not greater than 10m² in floor area;

c) The erection of fences, construction of walkways and driveways, and landscaping, where the existing grade and surface drainage pattern is not materially altered and the manner of development does not obscure traffic sight-lines or create similar off-site impacts;

d) The temporary use of a building or part thereof, in relation to an election, census or referendum including candidate campaign offices;

e) The erection, repair and replacement of television and minor communication related structures;

f) Demolition of a building under 10m², except a designated heritage structure;

g) The completion of a building or structure which was lawfully under construction at the date on which this bylaw came into force and effect provided that the building or structure is completed in accordance with the permit granted;

h) The installation of a temporary construction shed on the site for use by the contractor as a project office, tool storage or similar function while the project for which a development permit has been issued is underway; and

i) Construction of a private dock subject to approval of the authority having jurisdiction.

4.3 Certificate of Zoning Compliance

4.3.1 Where an applicant's proposed use or change of use is permitted within any zone and it complies with every other section of this bylaw, the Development Officer may issue a *Certificate of Zoning Compliance* in lieu of a *Development Permit* to facilitate acquisition of a building permit or property title transfer.

4.3.2 The Development Officer may, at the request of an applicant, provide a *Certificate of Zoning Compliance* confirming the development has been completed in accordance with a valid development permit and complies with this bylaw.

4.3.3 Every application for a *Certificate of Zoning Compliance* shall be made in writing on the form prescribed by the Development Officer.

4.4 Development Permit Application

4.3.4 Every application for a *Development Permit* shall be made in writing on the form prescribed by the Development Officer and signed by the registered owner of the affected property or their authorized agent.

4.3.5 An applicant for a *Development Permit* shall pay a non-refundable processing fee as set by Council from time to time, to the Village of Mayo.

4.3.6 Every application shall include: the legal description and property address; nature of the proposed development and be accompanied by a site plan drawn to scale in metric, illustrating: lot dimensions, setbacks and site coverage; the location of existing and proposed site features (e.g. fences, buildings, accessory structures, power poles, trees, slopes and watercourses); the location of access, parking and loading areas; building heights and dimensions; existing and proposed building and lot grades.

4.3.7 The Development Officer may require the following additional information to make an informed decision:

a) A geotechnical evaluation of the site to confirm slope stability, appropriate top-of-bank, riverbank and watercourse setbacks and site suitability for on-site septic sewage disposal;

b) A landscape plan showing existing and proposed site grading, areas of fill and drainage, existing and future tree locations, and related features to improve the appearance of the development or screen its activities;

c) A landscape reclamation plan where the nature of the proposed development will significantly alter the landscape or the proposed use has a limited life span;

d) An environmental impact statement where the magnitude or type of use may have off-site implications of a short or long-term duration by virtue of the nature of the activity proposed; and

e) Written confirmation that satisfactory arrangements have been made for access, the hook-up or supply of services such as water and electricity, sewage disposal and garbage pick-up.

4.3.8 The Development Officer may refuse to accept a development permit application that would otherwise comply with the requirements of this bylaw until proof of access to the lot from a legal road right-of-way is provided.

4.3.9 Upon receipt of a completed application for a conditional use, the Development Officer shall:

a) Deliver by hand or regular mail a Notice of Proposed Development to all assessed property owners within 100m of the proposed development describing the proposed use, it's location on a map showing the proposed development in relation to the lot, street and abutting properties; the name of the applicant and Development Officer where further information may be obtained; and the deadline for comments;

b) Provide a minimum of 14 days for comments after distribution of the *Notice of Proposed Development* before making a decision.

4.5 Development Permit Decisions

4.5.1 The Development Officer shall:

a) Approve applications for a *Development Permit* where the use proposed is listed as permitted in that zone and the application complies with all other applicable requirements of that zone;

b) Consider all written submissions received in support or against a conditional use application prior to rendering a decision and may approve, reject or impose such conditions as the Development Officer considers appropriate to mitigate concerns and ensure the development is consistent with the intent and character of the zone in which the proposed conditional use will be situated; and

c) Refuse applications that do not comply with the requirements of his bylaw.

4.5.2 The Development Officer shall make a decision within fifteen (15) business days on a development application in a zone where the proposed development is listed as a permitted or accessory use. In the case of a conditional use requiring notification of affected property owners, a decision shall be rendered within thirty (30) working days of receipt.

4.5.3 Decisions shall be in writing with the reasons listed and be sent to the applicant or in the case of a conditional use to all interveners or property owners previously notified.

4.5.4 A development permit approval becomes effective on the date that any conditions, except those of a continuing nature are fulfilled.

4.5.5 Where a *Development Permit* is approved and an appeal is subsequently filed within the required time limits, the *Development Permit* is not effective until a determination has been made on the appeal, at which point the permit may be affirmed, modified or nullified.

4.5.6 If the development authorized by the *Development Permit* is not commenced within twelve (12) months from the date of issue, or any associated construction not carried out with reasonable diligence, the permit is deemed void.

4.5.7 Notwithstanding section 4.5.6, the applicant may request an extension prior to the expiry date by notifying the Development Officer in writing indicating the reasons for the extension request. The Development Officer may grant, reject or approve the extension with conditions based on the merits of the case.

4.5.8 The granting of a *Development Permit*, review of any accompanying drawings and specifications shall not relieve the applicant from responsibility to acquire such other permits as are necessary to carry out the development in a lawful manner.

4.5.9 The person to whom a *Development Permit* has been issued, shall, during construction, keep in a conspicuous place on the site, a copy of the approved development and building permits including a copy of all approved drawings and specifications for inspection by the Development Officer.

4.5.10 Where the proposed development requires a subdivision of land, no *Development Permit* shall be issued until the proposed subdivision has been approved in accordance with the *Municipal Act* or *Subdivision Act and Regulations* as the case may be.

4.6 Development Agreements

4.6.1 The Development Officer (or Council in the case of an appeal) may require the applicant to enter into a *Development Agreement* with the Village of Mayo to cover the terms and conditions set out in the *Development Permit* that are deemed necessary to ensure compliance with this bylaw, the *Official Community Plan*, and the *Act*.

4.6.2 A Development Agreement may contain contractual arrangements as to any, or all of the following:

a) The use of the lot in relation to any existing or proposed buildings or structures including the preservation of buildings and structures;

b) Any requirements for flood-proofing, environmental setbacks or waivers of municipal liability relating to known potential hazards;

c) The timing and nature of development including such matters as siting, drainage, grading, building height and dimensions, facade treatment, landscaping, screening, parking and access;

d) The extension, construction or replacement, in whole or in part, of roads, sidewalks, street lighting, storm drainage, water supply distribution, garbage and sewage disposal;

e) The provision of on-site recreation or other amenities to serve the development; and

f) The levying of a fee in lieu of otherwise providing for any of the matters mentioned in the sub-clauses above.

4.6.3 Pursuant to section 326(3) of the *Municipal Act*, Council may require the *Development Agreement* to be registered in the Land Titles Office, and any agreement as registered shall have the force and effect of a restrictive covenant running with the land.

4.7 Resubmission Interval

4.7.1 When an application is refused by the Development Officer, the Board of Variance or Council on appeal, another application on the same site for the same or similar use as that previously applied for, shall not be accepted from the same or any applicant until at least six (6) months after the date of refusal or final appeal as the case may be.

4.7.2 Section 4.7.1 shall not apply in the case of an application for a *Development Permit* or *Certificate of Zoning Compliance*, if the new application is for a use that complies with the regulations of this bylaw.

Section 5: Enforcement

5.1 Offence

5.1.1 Any person, who contravenes, causes or permits a contravention of this bylaw to occur, commits an offence,

5.1.2 Where the Development Officer receives a complaint that a *Development Permit* may have been obtained by fraud or misrepresentation, or that the development is not being carried out or has not been completed in accordance with the approved permit, the Development Officer shall investigate and may revoke, suspend or modify the original approval.

5.1.3 Where a development or use of land or buildings is being undertaken without a *Development Permit*, or the development and use are in contravention of the *Municipal Act*, the *Official Community Plan*, this bylaw or the terms and conditions of the *Development Permit*, the Development Officer shall prepare a *Notice of Violation*, stating the nature of the violation, the scope of corrective measures required and the time limit for compliance. The written notice may be served in person, posted in a conspicuous location on the site or sent by registered mail to the property owner, the tenant, or the person in possession of the land and/or buildings carrying out the activity that is in contravention.

5.1.4 Council may, on finding that a contravention of this bylaw has occurred: direct the Development Officer to take such actions as are necessary to stop the contravention by suspending or revoking a *Development Permit* or applying to the Court for an injunction to restrain the contravention from continuing.

5.1.5 The Development Officer may order all or any of persons described in section 5.1.2 to:

a) Stop work and apply for the required permit(s);

b) Stop work and obtain a variance;

c) Stop the development or use of the land and buildings in whole or in part;

d) Demolish, remove, replace or repair the structure that is not in compliance; or

e) Take such other measures as specified in the notice to bring the development into compliance.

5.1.6 Where a person fails or refuses to comply with an order issued by the Development Officer under section 5.1.3 or an order of the Board of Variance within the time specified, Council may take such action as is necessary to enforce the order with the costs and expenses incurred by the Village placed on the tax roll for the property in question to be collected in the same manner as taxes on the land.

5.1.7 Council may, by resolution, order the demolition and/or removal of any materials or structures constructed or placed in contravention of the provisions of this bylaw.

5.1.8 Council may, by resolution, order the removal of any fire or explosive hazards; unsightly storage of goods, salvage, junk, waste or other materials which may become hazardous or injurious to the health or safety of the community, or which adversely affects the amenities of the neighbourhood, or interfere with the normal enjoyment of any abutting land, building or structure on the basis that such circumstances represent a contravention of the intent of the *Official Community Plan* and the provisions of this bylaw.

Section 6: Administration & Amendment

6.1 Text and Map Amendments

6.1.1 Council may initiate any text and/or map amendment to this bylaw. Any such amendment shall be reviewed in accordance with section 6.3

6.1.2 Any person may apply for an amendment to the text and/or map of this bylaw by submitting the required application fee along with a written statement describing and justifying the amendment request.

6.2 Rezoning Applications

6.2.1 Any person applying for a change in zoning shall apply in writing to Council furnishing reasons in support of the application. The applicant shall provide the Development Officer with documentation of ownership or authority to act on behalf thereof; a written statement of justification including a map showing the proposed change in the context of adjacent land; permission for Village staff to enter onto and inspect the property; and such other information as the Development Officer deems necessary to prepare an evaluation of the request with a recommendation to Council.

6.2.2 Any person making an application for a zoning change, at the time of such application shall pay to the Village of Mayo a non-refundable application fee as set by Council from time to time.

6.3 Review Process

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

6.3.2 The analysis shall, among other factors, consider the following:

a) Relationship to and compliance with the *Official Community Plan*, federal, territorial land use policies and government's obligations under the *Nacho Nyak Dun First Nation Land Claim and Self Government* agreements;

b) Compatibility with surrounding development in terms of land use function and scale of development;

c) The impacts on municipal services, utilities and public facilities such as schools;

d) The potential need for municipal land, right-of-way or easement requirements;

e) Effect on the stability, retention and rehabilitation of desirable existing uses and buildings;

f) The documented concerns of affected residents and land owners to the proposal; and

g) The necessity and appropriateness of the proposed amendment in view of the stated intentions of the applicant.

6.3.3 Before approving a text, map or site rezoning amendment request, Council shall comply with those requirements and notification procedures set out in the *Municipal Act*.

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

6.4 Fees, Forms & Records

6.4.1 Council shall periodically review and update by resolution a standard fee schedule for the application and administration of this bylaw.

6.4.2 Council shall adopt by resolution a standard set of forms to be used for the administration of this bylaw with such forms available in hard copy or electronic form.

Section 7: General Provisions

The following general provisions apply in all zones except where otherwise stated.

7.1 Non-conforming Buildings & Uses

7.1.1 Non-conforming uses will be dealt with according to the provisions of the *Municipal Act* (sections 301-305). A non-conforming use may be continued, but if that use is discontinued for twelve (12) months or more, any subsequent use of the land or building shall conform to the provisions of the *Official Community Plan* and *Zoning Bylaw* then in effect.

7.1.2 A non-conforming building or structure may not be enlarged, added to or substantially altered except to increase its conformity.

7.1.3 Repairs, maintenance, decoration or installations that do not alter the size of the building or other structure or involve the rearrangement or replacement of structural supporting elements shall not be considered to be structural alterations and are permitted.

7.1.4 The lawful use of a portion of the land, building or structure may be extended throughout the rest of the site, building or structure provided there are no structural alterations or construction of additional buildings and structures.

7.1.5 The use of land or a building is not affected by a change of ownership, tenancy or occupancy of the land or building except as limited by the conditions set out in section 7.1.4.

7.1.6 If a non-conforming building or structure is destroyed by fire or damaged to an extent of 75% of the assessed value of the building, it may not be rebuilt or repaired except in conformity with the *Official Community Plan* and *Zoning Bylaw* then in effect.

7.1.7 Lots created before the approval of this bylaw that are less than the minimum dimensions required of the zone they are in, shall be considered to be conforming lots for the purposes of this bylaw.

7.2 Siting, Building Height and Grading

7.2.1 Steps, eaves, chimneys, door canopies, bay windows, roof overhangs, and similar building features may project into the required yard provided the projection does not exceed one (1) metre.

7.2.2 Where a lot has frontage on more than one street, the Development Officer may require any building, structure, or accessory building on the lot to maintain a front yard on each street so as to present a consistent street appearance on each street.

7.2.3 Chimney stacks, ventilation equipment, elevator housings, parapet walls and flag poles are not included in calculating the maximum height permitted in any zone.

7.2.4 Proposed building grades should, to the extent possible, respect the natural contour of the land, minimize the necessity to use retaining walls, avoid steps that restrict handicapped access, and ensure drainage away from abutting properties.

7.3 Relocation of Buildings and Structures

7.3.1 No person shall move a building, structure or a non-CSA approved mobile home off or onto a lot without obtaining a *Development Permit*.

7.3.2 Any relocated building or structure must be brought up to current *National Building Code* standards upon relocation.

7.4 Lands Subject to Flooding

7.4.1 No development shall be permitted on any lot that falls within lands designated as susceptible to a 1:100 year flood, unless the applicant can demonstrate an acceptable method of flood proofing the proposed development and completes a flood hazard waiver that acknowledges the risk and indemnifies the municipality against any future loss.

7.4.2 For greater certainty, existing development on Lots 1062 and 1063 that are located along the Mayo River outside the dyke shall be treated as non-conforming uses.

7.4.3 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.

7.4.4 All driveways, in all zones containing roadside ditches, require culverts of a minimum size of 300 mm diameter x 4.8 m long.

7.5 Parks, Greenbelts and Environmental Reserves

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

7.5.2 To protect the integrity of environmentally sensitive lands including wetlands, lands along the Stewart and Mayo rivers, and lands of spiritual and cultural significance to the Nacho Nyak Dun First Nation, the minimum setback shall be 30m from the ordinary high water mark.

7.5.3 Notwithstanding section 7.5.2, Council may relax the minimum setback or enter into an alternative legal arrangement where an applicant can demonstrate the merits of a reduced setback and the relaxation does not compromise the environmental integrity of the area or unduly restrict public access to the shore.

7.5.4 Development that improves public access to and along a riverbank or around a lakeshore may be permitted where such development enhances the visitor experience (e.g. interpretative signage) and the nature of development (e.g. boardwalk) limits the impacts of users on the environment.

7.5.5 With the exception of section 7.5.4 above and 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 Mayo and Stewart rivers, wetlands, lakes and ponds will be left in their natural state to the extent possible.

7.6 Screening & Outside Storage

7.6.1 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.

7.6.2 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.

7.6.3 Outdoor storage yards in all other zones shall be securely fenced. The Development Officer may, given the nature of the proposed use, require additional screening, and/or landscaping to conceal the storage area from the street.

7.6.4 Where a permitted development requiring outside storage abuts a residential zone, the storage area shall be screened from the adjacent residential uses.

7.6.5 In any residential zone, no person shall park or store outside more than one dismantled vehicle being restored to roadworthy condition, nor shall they keep, store or permit to accumulate any objects, chattels, goods or materials for a period of one hundred twenty (120) 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.

7.6.6 No person shall permit to accumulate, stockpile, keep or store on any lot in any zone, 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, pose a potential fire risk, nuisance or hazard to the physical health and safety of adjoining property owners or the public at large.

7.7 Fences, Hedges & Buffers

7.7.1 Fences, hedges and buffers may be constructed on any lot in any zone except as specifically provided for in this bylaw.

7.7.2 The Development Officer may require any development in any zone to be fenced where the proposed use may pose a public safety risk. The height of fencing required for any recreational activity shall be consistent with the requirements of that sport or activity.

7.7.3 The owner of a corner lot in any zone shall not at the intersection of the two streets grow or allow the growth of any hedge, or build or maintain a solid fence or other solid structure, which exceeds a height of 1.0 m above the adjacent street level and which falls within a triangle of land, formed by the intersecting streets and a line connecting the points on the side property lines 7.5 metres from the intersection of the property lines.

7.7.4 The fence material used in any zone shall be consistent with the character of the zone in which it is located. Barbed wire may only be permitted as a fence top in industrial zones or to surround public utility facilities where restricted access is essential for public protection. The maximum height for fences, hedges and buffers shall be as follows:

Table 7.7.4 Fencing Requirements

ZONE	FRONT LOT LINE	SIDE LOT LINE(s)	REAR LOT LINE
UR	1.2m	2.0m	2.0m
C	1.2m	2.0m	2.0m
CU	1.2m	2.0m	2.0m
P	1.2m	2.0m	2.0m
I	2.0m	2.5m	2.5m

7.7.5 Notwithstanding the fencing guidelines in section 7.7.4, an applicant may request the Development Officer to vary the maximum fence height or fencing material used, where they can demonstrate the additional height and change in fence material is in the public interest provides enhanced screening and/or security, and is supported by adjacent property owners.

7.8 Water & Sewer Facilities

7.8.1 Where piped municipal sanitary sewer service is available, no building on any lot in any zone requiring provision for sanitary sewer service shall be constructed or used for any purpose without proper connections to the sanitary sewer service.

7.8.2 Where such systems do not abut properties, the owner or authorized agent shall provide a private water supply and sewage disposal system approved in accordance with the relevant Territorial Regulations.

7.9 Public Utilities

7.9.1 Any expansion, enlargement or relocation of public utility infrastructure, which may affect an abutting land use, requires a development permit.

7.10 Accessory Development

7.10.1 Accessory uses and accessory buildings or structures are permitted in all zones where a permit has been issued for a principal use.

7.10.2 Accessory buildings or structures shall not be located in the front yard or, in the case of a corner lot, any unscreened, exterior side yard of any residential zone without prior approval by the Development Officer.

7.10.3 An accessory use shall not exceed the maximum permitted height in any zone.

7.10.4 An accessory building may be erected to facilitate the construction of a principal building but shall not be used as the principal building.

7.11 Lighting

7.11.1 Any outdoor lighting for any development shall be located and arranged so that no direct rays of light are directed at adjoining properties.

7.11.2 The Development Officer, in keeping with the principles of crime prevention through environmental design, may require such additional site lighting as is necessary to encourage pedestrian safety and allow casual surveillance from adjacent buildings and abutting streets of parking areas and walkways.

7.12 Landscaping

7.12.1 A site landscaping and screening plan shall be included in all *Development Permit* applications for multiple housing, commercial, industrial and institutional developments.

7.13 Off Street Parking & Loading

7.13.1 All developments in non-residential zones must provide as a minimum, a durable, gravel surfaced parking area with sufficient slope to ensure proper drainage and one loading space.

7.13.2 Aisles shall be a minimum of 6.7m wide for 90° parking, 5.5m wide for 60° parking, and 3.6m wide for 45°, 30°, and parallel parking.

7.13.3 Each required off-street vehicle parking space shall have a minimum area of 16.5^2, with a minimum stall width of 2.75m, exclusive of access driveways and aisles. Such spaces shall have a minimum vertical clearance of 2.2m.

7.13.4 All highway commercial and tourist service uses shall provide parking spaces of sufficient length and width to accommodate a range of vehicle types: including buses, tractor trailer trucks and motor homes consistent with the type of traffic typically associated with that type of use.

7.13.5 The minimum dimensions of a bus parking space shall be 12.2m long, 3.6m wide with a minimum vertical clearance of 4.6m.

7.13.6 The minimum required off-street vehicle parking spaces for uses in all zones shall be as follows:

Table 7.13.6 Parking Requirements	
Type of Development or Use	**Parking Spaces**
Single detached housing, duplexes	1 per dwelling unit.
Multiple housing	1 per dwelling unit plus 1 additional space for every 4 units for guest parking
Living suites, bed & breakfast lodging, home based business	1 per suite in addition to number required for a single detached dwelling
Senior citizen housings, regardless of type	1 per 3 dwelling units plus I per 4 staff
Hotels, motels,	1 per 1.5 sleeping units plus 1 bus space
Offices, business and personal service establishments, retail stores, industrial uses	1 per 100m² of gross floor area
Service stations, wholesale and drive-in businesses	2 per 100m² of gross floor area with a minimum of 3 in-bound and 2 outbound queuing spaces
Eating and drinking establishments	1 per 6 seats
Schools	1 per employee plus 2 guest parking or 1 space per 10 seats in a gymnasium plus 2 queuing stalls for buses.
Tourist services including museums	1 per employee plus 2 per 100m² of gross floor area and one bus space
Institutional	1 per employee plus 1 per 100m² of gross floor area
Community recreation services, churches	1 per employee plus 1 per 10 seating spaces

7.13.7 Notwithstanding section 7.13.6 above, Council may relax the minimum-parking requirement where the applicant can demonstrate that the nature of the use proposed, circumstances of the site and/or location would not constitute a special privilege and relaxation of the standard does not materially affect the use and enjoyment of neighbouring properties.

7.13.8 All access points, parking and loading areas shall be located to the satisfaction of the Development Officer having due regard to the use proposed, the type of traffic expected to be generated, roadway function and visibility, emergency vehicle movement and the needs of the elderly and handicapped.

7.13.9 Notwithstanding the guidelines in section 7.13.6, an applicant may apply for a relaxation of the minimum parking standard where the applicant can demonstrate that sufficient off-street parking exists in the immediate area, the nature of the use proposed does not generate sufficient traffic to warrant the level of parking required or there are special circumstances unique to the site where imposition of the standard would be an unnecessary hardship. In evaluating the variance request, Council shall consider the advice of the Development Officer, the impact of the variance on adjoining properties, the need for consistency in rule interpretation and the individual merits of the applicant's request. Reasons for granting or denying the request shall be provided in writing.

7.14 Off Street Garbage & Recycling

7.14.1 Where any proposed development requires collective waste disposal facilities, the location, manner of storage and screening shall be indicated on the plans submitted with the *Development Permit* application.

7.15 Signage

7.15.1 All signs shall be regulated as accessory structures and their intended location indicated on the plans submitted with the *Development Permit* application.

7.15.2 No part of any freestanding sign shall project beyond the property line.

7.15.3 All signs shall be related to the principal use or uses of the site and serve to identify the name of the business and the products and services available.

7.15.4 All fascia, canopy/awning, freestanding and projecting signs shall maintain a minimum clearance of 2.5m above grade.

7.15.5 The operator of a home occupation or major home based business may attach one non-illuminated fascia sign to a maximum of 0.3 m^2 to the principal residence advertising the business, or in the case of the country residential zone, at the entrance to the driveway.

7.15.6 Where a sign is found to identify a use incorrectly or is in an overall state of disrepair, the Development Officer may, by written notice, order a sign owner or person responsible for the sign, to alter, refurbish or remove the sign within the time specified in the notice.

7.15.7 No sign shall be attached to any fence, utility pole, tree, garbage receptacle or any object in a public street or place except a kiosk or bulletin board erected by the Village for that purpose.

7.15.8 No sign shall by reason of its location, colour, shape, format or content imitate an official traffic sign.

7.16 Float Plane Base Use on the Stewart River

7.16.1 The Development Officer will refer all development applications for land abutting the Stewart River for floatplane base usage to the Government of Yukon Department having jurisdiction for comment.

7.17 Lots Less than Minimum Size

7.17.1 All lots that are shown on a registered plan prior to the passage of this bylaw which have an area less than the minimum lot size required for the zone in which they are situated, shall be allowed to develop the uses permitted in that particular zone provided that all other requirements of this bylaw are complied with. To encourage innovative infill development, rear and side yard setbacks may be reduced proportionately by the same percentage that the lot is less than the minimum for that zone.

7.17.2 No lot shall be reduced in area by subdivision so that it does not comply with the requirements of this bylaw.

7.18 Home Occupations & Major Home Based Business

7.18.1 Home occupations are an accessory use and include the following types of uses and activities:

a) Personal services such as hairdressing, tailoring, individual instruction;

b) Professional offices such as accounting, medical and dental practices;

c) Artist studios, including the manufacture of handicrafts, souvenirs;

d) Building trade offices and shops where the shop is either part of the principal building or part of an accessory garage;

e) Horticulture and market gardening, whether in the open or a greenhouse;

f) Bed & breakfast lodgings and licensed day care facilities; and

g) Such other similar uses as may be approved by Council from time to time on the advice of the Development Officer.

7.18.2 A home occupation shall not use more than 20% of the total floor area of the dwelling or accessory building in which it is located except in the case of a greenhouse where the size of the greenhouse shall not exceed 40% of the area of the principal dwelling.

7.18.3 Notwithstanding section 7.18.2, a major home-based business may use up to 35% of the total floor area of the dwelling or accessory building in which it is located.

7.18.4 A home occupation shall not be engaged in by anyone other than the family living in the dwelling whereas a major home-based business may employ up to two (2) persons who are not residents of the household.

7.18.5 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.

7.18.6 Any need for parking generated by the conduct of a home occupation or major home-based business shall be provided on-site.

7.18.7 No equipment or process shall be used in a home occupation or major home-based business that creates levels of noise, vibration, smoke, dust, glare, fumes, or odour, inconsistent with the residential nature of the area, or by virtue of the hours of operation, type and level of activity impairs the use and enjoyment of neighbouring residential properties.

7.18.8 Only goods and materials directly related to the home business activity may be stored on-site in a principal or accessory building. The Development Officer may permit outside storage and impose such conditions as are required to ensure that:

a) The storage area is screened from adjacent properties;

b) The volume of goods and materials 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; and

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.

7.18.9 A person may operate more than one home occupation from the same residence provided that the aggregate area devoted to home based business activities does not exceed 20% of the gross floor area for home occupations and 35% for a major home based business.

7.19 Bed & Breakfast Lodgings

7.19.1 The owner/operator must live onsite.

7.19.2 A bed & breakfast lodging must comply with all the regulations applicable to a major home-based business.

7.19.3 A bed & breakfast may not be used as a boarding house.

7.19.4 A maximum of two (2) rooms of a minimum size of 7.4m² each, or 35% of the gross floor area of the building may be devoted to this purpose.

7.19.5 The applicant for a *Development Permit* wishing to operate a bed & breakfast lodging must provide proof from the appropriate government health inspection authority confirming the premises are suitable from a health and sanitation purpose for the intended use.

7.20 Living Suites

7.20.1 A living suite, where permitted, shall be treated as an accessory use in the zone in which it is located. It shall not exceed 20% of the total floor area of a single detached dwelling, commercial or industrial building.

7.20.2 Only one living suite shall be permitted in a commercial or industrial building as a caretaker suite. In a residential zone, only one living suite is permitted as either an in-law or rental suite.

Section 8: Land Use Zones

8.1 Zones

For the purpose of this Bylaw, the Village of Mayo is hereby divided into the following land use classification zones indicated on the map marked "Zoning Map" which is Schedule 2 of this Bylaw.

UR Urban Residential

CU Community Use

C Commercial

I Industrial

P Parkland

OS Open Space

FD Future Development

8.2 Urban Residential (UR)

To provide a residential housing zone that permits a full range of housing options with a range of municipal services

8.2.1 Permitted Principal Uses

a) Single family dwellings

b) Duplex dwellings

c) Parks and playgrounds

8.2.2 Secondary Accessory Uses

a) Accessory buildings and structures

b) Home occupations

c) In-law or rental living suite

d) Sign - Home-based Business

8.2.3 Conditional Uses

a) Apartments & townhouse

b) Bed & breakfast Lodging

c) Day care facilities

d) Group homes

e) Home based business – major

8.2.4 Regulations

a) The minimum lot size for a single family, duplex or fourplex dwelling unit is 446m² (4,800 ft²). The minimum size for a townhouse or apartment building containing more than 4 units is 892m² (9,600 ft²).

b) Where an individual lot is less than the minimum size and cannot be consolidated with an adjoining parcel, it may only be developed as a single-family residence under the provisions of section 7.17.1 and must be connected to the municipal water and sewer system.

c) The maximum site coverage is 35% for single family, duplex and fourplex housing unit and 45% for townhouse and apartment buildings including accessory buildings/structures.

d) No building shall exceed 11m or two and one half storeys without prior approval of the Development Officer.

e) The minimum size of residential dwelling units in a multi-family dwelling shall be:

Bachelor Unit	37m²	Two Bedroom	60m²
One Bedroom	46m²	Three Bedroom	80m²

f) The minimum parking requirements and maximum fence heights are set out in Table 7.13.6 and Table 7.7.4 respectively. Townhouse and apartment parking areas are not permitted within the front yard.

g) Only a home occupation is permitted as an accessory use in townhouses or apartment building.

h) Manufactured homes are permitted if they are ay least 3.6m wide, and meet the minimum lot size.

i) Outside storage areas and garbage receptacles shall be setback and screened from adjacent properties. No outside storage is permitted within the front yard-building setback.

j) In addition to the site area, yard setbacks and minimum unit size, a landscape, screening and fencing plan shall be provided that shows the location of parking and amenity areas, landscape treatment and how outside storage, parking and garbage receptacles will be screened to maintain the privacy of unit residents and adjacent property owners.

k) No accessory buildings or secondary uses will be permitted until the principal dwelling unit is constructed.

l) The minimum building setbacks are as follows:

Use	Front	Side	Rear
Single family, duplex and fourplex	3.0m	1.5m on one side and 3.0m on the other	6.0m
Corner Lot	6.0m	1.5m on the interior side and 4.5m on the flanking street	6.0m
Townhouse, apartment building with more than 4 units	6.0m	3.0m on both sides	6.0m
Accessory buildings & structures	Not permitted	3.0m	6.0m

m) Notwithstanding 8.2.4 (l) above, the Development Officer may vary the minimum setback: of any principal or accessory use in this zone to improve landscaping, building placement and/or parking provided that such modifications are consistent with the appearance of the street and the change does not materially affect the use and enjoyment of neighbouring properties.

8.3 Community Use (CU)

To provide a public infrastructure zone for those administrative, institutional, public utility or recreational uses that serve the community at large.

8.3.1 Permitted Principal Uses

a) Cemetery

b) Education facility

c) Government administrative offices

d) Museums and designated heritage buildings

e) Parks and recreational facilities including arenas, pool and playgrounds

f) Protective service facilities (e.g. RCMP, Fire, Nursing Station)

8.3.2 Secondary Accessory Uses

a) Accessory buildings and structures including site and building identification signs

b) Docks, change rooms, picnic shelters and other structures incidental to and related to the function of the principal use

c) Live-in or caretaker suite

d) Signs – Freestanding, fascia or canopy, public facility and interpretative signs

8.3.3 Conditional Uses

a) Government liquor store

b) Group homes and day care facilities

c) Portable food or retail outlets of a seasonal nature

d) Public utility installation

e) Seasonal staff bunkhouse or staff quarters

f) Tourist information centre

8.3.4 Regulations

a) Where a community use abuts a residential area, the property boundary shall be fenced and screened to the satisfaction of the Development Officer having regard to the nature of the use, the potential impacts on the use on the normal use and enjoyment of the neighbouring property and security. (See Table 7.7.4 fencing requirements).

b) Parking shall be provided onsite, in accordance with Table 7.13.6.

c) The maximum site coverage is 35% for single family, duplex and fourplex housing units, 45% for townhouse and apartment buildings including accessory buildings/structures and 60% for public buildings.

d) No building or structure abutting a residential property shall exceed 11m or two and one half storeys.

e) The minimum size of residential dwelling units used as staff quarters shall be:

Bachelor Unit	37m²	Two Bedroom	60m²
One Bedroom	46m²	Three Bedroom	80m²

f) The minimum parking requirements and maximum fence heights are set out in Table 7.13.6 and Table 7.7.4 respectively.

g) Outside storage areas and garbage receptacles shall be setback and screened from adjacent properties. No outside storage is permitted within the front yard-building setback.

h) The minimum building setbacks are as follows:

Use	Front	Side	Rear
All Principal Uses	6.0m	3.0m on both sides	6.0m
All Conditional Uses	6.0	3.0m on both sides	6.0m
Corner Lot	6.0m	1.5m on the interior side and 4.5m on the flanking street	6.0m
Accessory buildings & structures	Not permitted	3.0m	6.0m

i) Notwithstanding 8.3.4 (h) above, the Development Officer may vary the minimum setback: of any principal or accessory use in this zone to improve landscaping, building placement and/or parking provided that such modifications are consistent with the appearance of the street and the change does not materially affect the use and enjoyment of neighbouring properties.

8.4 Commercial (C)

To provide for a variety of commercial uses including mixed use buildings and vehicle oriented developments at strategic, visible locations to meet the needs of the local community and serve the travelling public.

8.4.1 Permitted Principal Uses

a) Amusement arcade

b) Apartments

c) Business support services and offices

d) Campgrounds and recreation vehicle parks

e) Community recreation facilities and parks

f) Eating and drinking establishments

g) Emergency and protective services

h) Exhibition, convention, museum, visitor reception facilities

i) Financial and health related services

j) Grocery and convenience stores

k) Hotels and motels

l) Institutional services

m) Laundries and related personal care establishments

n) Mobile home parks

o) Municipal and utility installations

p) Retail stores

q) Private clubs & lodges

r) Service, storage and repair facilities

s) Service stations and gas bars

t) Theatres

8.4.2 Secondary Accessory Uses

a) Accessory buildings and structures including site and building identification signs

b) Fascia, Canopy, Projecting, Freestanding business identification and advertising signs that relate to the property and the goods and services provided therein

c) Live-in or caretaker suite

d) Parking lots

8.4.3 Conditional Uses

a) Freestanding billboards and third party advertising

b) Group homes and day care facilities

c) Mixed commercial/residential buildings

d) Portable food or retail outlets of a seasonal nature

e) Public utility installation

f) Seasonal staff bunkhouse or staff quarters within the principal building

g) Veterinary clinics

8.4.4 Regulations

a) Where a commercial use abuts a residential area, the property boundary shall be fenced to a height of 2m and screened to the satisfaction of the Development Officer having regard to the nature of the use, the potential impacts on the use on the normal use and enjoyment of the neighbouring property and security. (See Table 7.7.4 fencing requirements).

b) Parking areas shall be hard surfaced and provided onsite, in accordance with Table 7.13.6.

c) Residential use may comprise up to 50% of a mixed-use commercial residential building.

d) The minimum size of residential dwelling units in a mixed-use building shall be:

Bachelor Unit	37m²	Two Bedroom	60m²
One Bedroom	46m²	Three Bedroom	80m²

e) The maximum building height is 11m or two and a half storeys except that a building containing a fire sprinkler system may be 13m or three storeys high.

f) The maximum site coverage is 60% and the minimum lot size 420 m²

g) The location of required loading, outdoor storage, accessory building and garbage storage facilities shall be identified on the drawings submitted with the development permit. The Development Officer shall ensure that the locations of these facilities are accessible to service vehicles, do not disrupt onsite circulation and are appropriately fenced or screened.

h) No accessory buildings or uses will be permitted until the principal building is under construction.

i) The minimum building setbacks are as follows:

Use	Front	Side	Rear
All Principal Uses	6.0m	3.0m on both sides	6.0m
All Conditional Uses	6.0	3.0m on both sides	6.0m
Corner Lot	6.0m	1.5m on the interior side and 4.5m on the flanking street	6.0m
Accessory buildings & structures	Not permitted	3.0m	6.0m

j) Notwithstanding 8.4.4 (i) above, the Development Officer may vary the minimum setback: of any principal or accessory use in this zone to improve landscaping, building placement and/or parking provided that such modifications are consistent with the appearance of the street and the change does not materially affect the use and enjoyment of neighbouring properties.

8.5 Industrial (I)

To provide a zone to accommodate a limited range of service industrial uses

8.5.1 Permitted Principal Uses

a) Commercial storage and warehousing facilities

b) Equipment and vehicle rentals

c) General contractor services

8.5.2 Secondary Accessory Uses

a) Accessory buildings and structures

b) Caretaker suite or property owner residence

c) Communication towers

d) Fascia, Canopy, Projecting, Freestanding business identification and advertising signs that relate to the property and the goods and services provided therein.

8.5.3 Conditional Uses

a) Bunkhouse for seasonal employee use

b) Campgrounds

c) Heavy equipment sales and services

d) Indoor manufacturing and assembly

e) Public utility infrastructure

f) Service stations and vehicle repair services

g) Transportation and communication facilities

8.5.4 Regulations

a) The minimum lot size is 1,100m² and the maximum site coverage 50%.

b) The maximum building height is 11m or two and half storeys.

c) Only one living unit may be located on an industrial site either as a separate residence or caretaker suite within the principal building and the residential component cannot be built or occupied until the principal industrial use is complete and operational.

d) The minimum parking requirements and maximum fence heights are set out in Table 7.13.6 and Table 7.7.4 respectively. Parking shall be provided onsite.

e) All outside storage areas shall be screened from direct view from adjacent properties. All storage, freight or trucking yards shall be enclosed or completely screened by buildings, trees, landscape features, fences or combination thereof to provide effective screening from the ground to a height of 2m.

f) Where the proposed industrial development is located next to a residential area or is surrounded by residential uses, the Development Officer may impose such additional conditions as they deem appropriate to minimize operational noise, control dust, and limit traffic generation.

g) No accessory building or secondary uses will be permitted until the principal building is under construction.

h) All yards and buildings shall be developed and maintained in a manner that in the opinion of the Development Officer does not audibly or visually detract from the use and enjoyment of surrounding properties.

i) The minimum building setbacks are:

Use	Front	Side	Rear
All Principal and Conditional Uses	6.0m	1.5m on both sides	4.0 m
Accessory buildings & structures	Not permitted	1.5m on both sides	4.0 m

j) Notwithstanding 8.5.4 (i) above, the Development Officer may vary the minimum setback: of any principal or accessory use in this zone to improve landscaping, building placement and/or parking provided that such modifications are consistent with the appearance of the street and the change does not materially affect the use and enjoyment of neighbouring properties.

8.6 Park (P)

To provide a zone for areas of public land for indoor and outdoor active and passive recreational uses including the protection of environmentally sensitive lands.

8.6.1 Permitted Principal Uses

a) Buffers, boardwalks, greenbelts and trails

b) Campgrounds

c) Conservation and environmental protection areas

d) Historic, scientific and cultural heritage sites and interpretive exhibits

e) Indoor and outdoor recreation facilities

f) Museums and nature reserves

g) Municipal and public utility infrastructure

h) Parks and playgrounds

i) Public washrooms

8.6.2 Secondary Accessory Uses

a) Accessory buildings and structures

b) Signs – Freestanding, fascia or canopy, public facility and interpretative signs

8.6.3 Conditional Uses

a) Cemeteries

b) Docks and public boat launches

8.6.4 Regulations

a) The minimum parking requirements and maximum fence heights are set out in Table 7.13.6 and Table 7.7.4 respectively. Parking shall be provided onsite.

b) No permanent buildings or structures shall be located within the 30m setback from the ordinary high water mark (OHWM) and 1:200 flood line of any watercourse.

c) The minimum building setbacks are:

Use	Front	Side	Rear
All Principal Uses	6.0m	6.0m on both sides	6.0m
Accessory buildings & structures	Not permitted	6.0m on both sides	6.0m

d) Notwithstanding 8.6.4 (c) above, the Development Officer may vary the minimum setback: of any principal or accessory use in this zone to improve landscaping, building placement and/or parking provided that such modifications are consistent with the appearance of the street and the change does not materially affect the use and enjoyment of neighbouring properties.

8.7 Open Space (OS)

To ensure lands identified in the *Official Community Plan* as unsuited for permanent development are identified and protected while allowing for limited recreational use where the nature of the activity is generally compatible with the environmental protection objectives.

8.7.1 Permitted Principal Uses

a) Community trails, boardwalks

8.7.2 Secondary Accessory Uses

a) Interpretative displays

8.7.3 Conditional Uses

a) Campgrounds

b) Float plane bases

c) Parks and recreation facilities without permanent buildings

d) Pedestrian bridges

e) Public utility infrastructure

f) Rest areas and viewpoints

g) Temporary uses of a similar nature to those listed above

8.7.4 Regulations

a) Council on the advice of the Development Officer may impose such temporal and use conditions as are necessary to ensure the proposed development does not compromise the environmental features present (e.g. wildlife habitat)

b) Council may require an applicant to enter into a Development Agreement for any proposed use within this zone to limit public liability and any potential environmental risks associated with the nature of the development.

c) There is no minimum lot size. Lot size will be dictated by the use and location by the Development Officer.

d) In addition to the regulations listed above, other general regulations listed in section 7 may also apply.

8.8 Future Development (FD)

To identify and protect those lands that require additional planning to be effectively utilized in an orderly and economic manner.

8.8.1 Permitted Principal Uses

a) None

8.8.2 Secondary Accessory Uses

a) None

8.8.3 Conditional Uses

a) Temporary uses without permanent buildings

b) Parks and recreation facilities without permanent buildings

c) Temporary outside storage

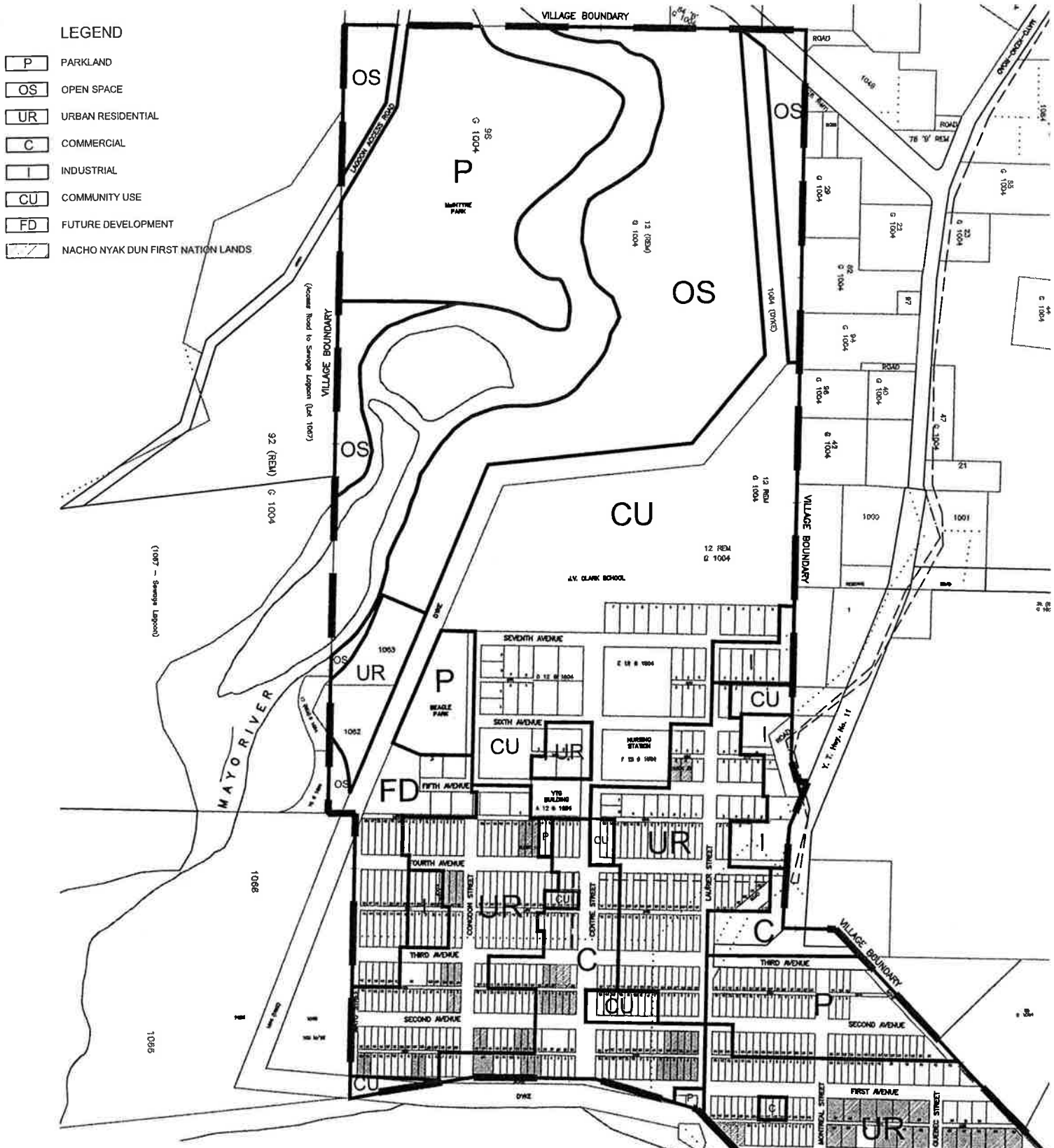
8.8.4 Regulations

a) Council on the advice of the Development Officer may impose such temporal and use boundary conditions as are necessary to ensure the proposed development does not compromise the efficient re-plotting of lots to meet the minimum size requirements and nature of land use deemed appropriate in the future.

b) Council may require an applicant to enter into a Development Agreement for any proposed use within this zone to limit public liability and any potential environmental risks associated with the nature of the development.

c) There is no minimum lot size. Lot size will be dictated by the use and location by the Development Officer.

d) In addition to the regulations listed above, other general regulations listed in section 7 may also apply.



VILLAGE OF MAYO
ZONING BYLAW MAP

FEBRUARY 2006

REVISIONS

DATE	DESCRIPTION	INITIALS
14 October 05	Revision 1	MLB
02 February 06	Lots 20-26 Block 47	MLB

NOT TO SCALE

N