

TOWN OF FARO
BYLAW 96-06

A Bylaw to establish a Zoning Bylaw for the Town of Faro

WHEREAS the Council of the Town of Faro adopted an amended Faro Official Community Plan hereby known as Bylaw 96-05 as required by Section 306 of the Municipal Act (RSYT).

AND WHEREAS Section 309 of the Municipal Act (RSYT) requires the adoption of a Zoning Bylaw applicable to the land affected by the Official Community Plan.

AND WHEREAS the Council of the Town of Faro desires to control the development of the municipality in accordance with the Official Community Plan.

NOW THEREFORE, the Council of the Town of Faro, in the Yukon Territory, in open meeting assembled, hereby enacts the following Bylaw to be known as "The Town of Faro Zoning Bylaw".

Bylaw 91-17, as amended, is repealed as of the Date of Commencement of this Bylaw.

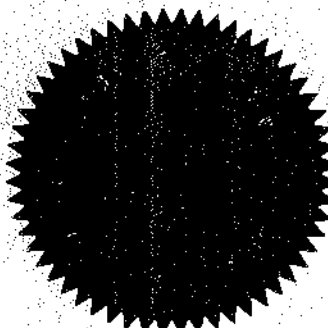
The Bylaw comes into full force and effect upon final passing thereof.

READ and first and second time this 3rd day of June, 1996.

PUBLIC HEARING held the 23rd day of September, 1996.

APPROVED by the Executive Council member of the Yukon Territory, this 3rd day of October, 1996.

READ a third time, PASSED and ADOPTED this 7th day of October, 1996.


J.R. MacLellan
Mayor

Olga J. Payne
Clerk

BYLAW ROUTING SLIP

Municipal and Community Affairs

MUNICIPALITY NAME AND BYLAW NUMBER Town of Faro 96-06
BYLAW TITLE Town of Faro zoning Bylaw
Date Received at Community Services Branch 960612

Authority is given to Municipal Council to proceed to Third Reading with this Bylaw:

Approval/Rejection <u>Am</u>	<u>[Signature]</u> Director, Community Services	<u>96.09.26</u> Date
Approval/Rejection <u>Am</u>	<u>[Signature]</u> Assistant Deputy Minister, M&CA	<u>96/9/26</u> Date
Approval/Rejection <u>conditional</u>	<u>[Signature]</u> Deputy Minister, C&TS	<u>96.10.03</u> Date
Approval/Rejection <u>conditional</u>	<u>Bill Brewster</u> Minister	<u>96/10/3</u> Date

COMMENT TO MUNICIPALITY: approval is subject to Faro Council passing OCP Bylaw before approving this Bylaw.

Date Returned to Municipality: Oct. 4/96 By: [Signature]

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TOWN OF FARO ZONING BYLAW

BYLAW 96-06



1996

CERTIFIED
Of Date 96-06-06
TRUE COPY

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PART ONE - GENERAL

1.1 PURPOSE OF THE BYLAW

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

- (1) To divide the Town into zones;
- (2) To prescribe and regulate for each zone the purposes for which buildings and land may be used;
- (3) To prohibit the use of such land or buildings for any other purposes; and
- (4) To prescribe and regulate standards for outdoor commercial advertising, off-street parking, and industrial performance in the interests of the amenity and safety of the Town's residents.

1.2 NAME OF THE BYLAW

This Bylaw shall be known as the Town of Faro Zoning Bylaw.

1.3 PREVIOUS LEGISLATION

Bylaw 91-17, as amended, is hereby repealed

1.4 METRICATION

- (1) The regulations shown in this Zoning Bylaw are in metric (SI measure).
- (2) No existing development shall be deemed to be non-conforming with this Bylaw by reason only of the conversion of previously existing imperial regulations to their approximate metric equivalent.

1.5 DEFINITIONS

For the purpose of this Bylaw, certain terms or works herein shall be interpreted or defined as follows:

Words used in the present tense shall include the future tense. The singular includes the plural. The word "person" 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 constructed to include the words "intended, arranged, or designed to be used or occupied".

ACCESSORY, when used to describe a use or building, means a use or building naturally and normally incidental, subordinate and exclusively devoted to the principal use or building and located on the same lot or site.

ACT means the Municipal Act, 1986, as amended, of the Yukon Territory.

ARCADE means a commercial entertainment service where the principal business function is providing amusement machines for use by the general public.

ARTERIAL ROAD means a public roadway, the function of which is to carry large volumes of traffic between principal areas or traffic generators and to collect and distribute traffic to and from controlled access highways.

BASEMENT means that portion of the building having a floor and ceiling which is partially located below building grade. A basement shall be considered as a storey if the finished floor level directly above a basement is more than 1.8 metres above said building grade.

BED AND BREAKFAST LODGING means a dwelling in which a maximum of two (2) rooms (10.0 square meters minimum each) are used for temporary overnight accommodation for a maximum of four (4) guests, and in which breakfast is provided for tourists and visitors.

BOARDING OR LODGING HOUSE means a building (other than a hotel or motel) containing a maximum of five (5) sleeping rooms where meals and / or lodging are provided for compensation on an on-going basis pursuant to previous arrangements or agreements.

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

BUILDING GRADE means the lowest of the average levels of finished ground adjoining each exterior wall of a building.

BUILDING HEIGHT means the distance measured from the mean elevation of the proposed building grade at the front of the building to the highest point of the roof for flat roofs, and to the mean height between eaves and ridge for all other roofs.

CAR WASHING ESTABLISHMENT means a public garage or other establishment for washing or cleaning motor vehicles for gain.

CLINIC means an establishment in which medical, dental, or other professional healing treatment is given to human beings.

COUNCIL means the Council of the Town of Faro.

COVERAGE means, in the case of a residential building or structure, the combined area of all buildings or structures on the lot, measured at the level of the lowest storey containing habitable rooms, and in the case of a non-residential building or structure, the combined area of all buildings or structures upon the lot, measured at the level of the lowest storey above grade, including in both cases all porches and verandas, open or covered, but excluding open and enclosed terraces at grade, steps, cornices, eaves, and similar projections; such area shall include air wells, and all other space within a building.

DAY CARE FACILITY means a facility defined as such in the *Day Care Act (RSYT)*.

DEVELOPMENT means the carrying out of any building, engineering, mining or other operations in, on or over land or the making of any material change in the use or in the intensity of use of any building or land, and for the avoidance of doubt and without restricting the generality of the foregoing includes:

- a) In a building or on a parcel used for dwelling purposes, any increase in the number of families occupying and living in the building or on the parcel, and any alterations or additions which provide for an increase in the number of dwelling units within the building or on the parcel;
- b) In a building or on a parcel used for other than dwelling purposes, any alterations or additions which increase the size of the building or parcel or which increases the intensity of the use of the building or parcel;
- c) The display of advertisements on the exterior of any building or on any land;
- d) The deposit of debris, waste material from building or mining operations or other refuse or unsightly material on any land, including land already being used for that purpose if the surficial area or height of any existing deposit is thereby extended;
- e) The removal of topsoil, trees and shrubs from any land;
- f) The re-commencement of the use to which land or buildings have been previously put if that use has been discontinued or a period of more than twelve (12) months;
- g) The use or more frequent use for storage purposes, or for the repair of motor vehicles or other types of machinery, of land that was hitherto either not used at all or not used so frequently for such purposes;

- h) The continuation of the use of land or of a building for any purpose for which it is being used unlawfully at the time this Bylaw comes into effect; and
- i) The use or increase in frequency or intensity of use of land for the parking of trailers, bunk houses, portable dwellings, skid shacks or any other type of portable building whatsoever affixed to the land in any way.

DEVELOPMENT OFFICER means the officer appointed under *Section 2.1*.

DISCRETIONARY USES are those which are considered on their own individual merits and circumstances by the Council, and may be permitted, with or without conditions, on a specific site within a zone provided that the use conforms to all regulations of the particular zone to which the use applies and provided Council has given due consideration to adjoining land uses.

DRIVE-IN BUSINESS shall mean an establishment with facilities for attracting and servicing customers normally travelling in motor vehicles which are driven onto the site where such business is carried on, and where normally the customer either remains in the vehicle for service or parks his vehicle for a short period for the purpose of doing business at the premises, but shall not include Car Washing Establishments or Service Stations.

DWELLING UNIT means a building or portion thereof designed or used exclusively as living quarters, construed as including sleeping, cooking and toilet facilities.

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

DWELLING, DUPLEX means a building divided into two (2) dwelling units, one above the other.

DWELLING, SEMI-DETACHED means a building containing two (2) dwelling units side by side, sharing a common wall.

DWELLING, ROW OR TERRACED means a building designed for or occupied as three (3) or more dwelling units side by side, and each unit having a separate front and rear entrance, having a density not exceeding sixty (60) units per hectare.

DWELLING, WALK-UP APARTMENT means a building designed for four (4) or more dwelling units which is no more than four stories high, having a density not exceeding eighty-five 85 units per hectare.

DWELLING, HIGH RISE APARTMENT means a building designed for four (4) or more dwelling units and which is more than four (4) stories in height, having a density not exceeding one hundred and twenty-five 125 units per hectare..

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

- a) Preliminary physical operations such as excavating, filling or draining;
- b) Altering any existing building or structure by an addition, enlargement, extension or reduction.

EXISTING means existing at the date of commencement of this Bylaw.

FAMILY means either:

- a) one (1) or more persons all related to one another by blood, marriage, adoption, or foster parenthood; or
- b) a maximum of three (3) unrelated individuals living together as a household.

For the purposes of this definition, two (2) people living together in a common-law relationship shall be deemed to be in a marriage relationship and each of the blood relatives of the parties to a common-law relationship shall be considered to be related to the partners and to the blood relatives thereof. This definition excludes roomers and boarders.

FAMILY CARE FACILITY means a facility which provides the resident service to individuals residing in the household. These individuals may be handicapped, disabled, aged, or otherwise in need of adult supervision and are provided service in accordance with their individual needs. This does not include treatment homes for drug or alcohol addiction.

FAMILY DAY-HOME means a facility established and regulated under the *Day Care Act* (RSYT) Chapter 40, and amendments thereto.

FLOOR AREA means the sum of the horizontal areas of each storey of the building measured from the exterior faces of the exterior walls, but is exclusive of areas of basements, unfinished attics, attached garages, carports, breeze-ways, enclosed and unenclosed porches, balconies and terraces.

GARAGE, PARKING means a building other than a private garage, designed or used primarily for the storage of motor vehicles.

GARAGE, PRIVATE means an accessory building or a part of the principal building designed and used primarily for the storage of motor vehicles including a carport.

GARAGE, PUBLIC means a building or part of a building other than a private garage used for storage, care, repair, servicing, or equipping of motor vehicles or heavy equipment, including the sale of fuels, oils and accessories, or where such vehicles are kept for remuneration hire, sale or display.

HOME OCCUPATION means any occupation, trade, profession or craft carried on by an occupant of a residential building as a use secondary to the residential use of the building and which does not change the character thereof or have any exterior evidence of such secondary use other than as may be expressly permitted in this Bylaw and other than a small name plate, not exceeding 2,000 square centimetres in area. In connection with a home occupation, inventories shall not be kept for resale in their unmodified state.

HOTEL means a building containing either sleeping or dwelling units, or a combination of both, occupied or equipped to be occupied as a temporary abode for tourists or transients, and also containing a general kitchen and dining or other public rooms but does not include a motel.

LANDSCAPING means to change or modify the natural features of a site by adding lawns, trees, shrubs, ornamental plantings, fencing, walks, drives or other structures and materials as used in modern landscape architecture.

LANE means a public roadway not exceeding 9 metres in width, which provides a secondary means of access to a lot (site).

LAUNDROMAT means a building in which the business of laundry cleaning is carried on by means of one (1) or more washers, not exceeding thirty (30) kilograms capacity each, and drying, ironing, finishing, and incidental equipment:

- a) in which only water, soaps, and detergents are or can be used;
- b) which emit no fumes, noise, or vibration causing a nuisance within or without the premises; and
- c) where in connection with the business, only a neighbourhood retail service is provided by the proprietor and includes the business where only washing or ironing is done, a self-service laundry and laundry receiving depot.

LOADING SPACE means an open area used to provide free access for vehicles to a loading door, platform or bay.

LOT means an area of land, the boundaries of which are shown on a plan registered in the Land Titles Office for the Yukon Land Registration District or which are described in a certificate of title to the land, and that has not been divided into smaller areas by any plan or instrument registered in the Land Titles Office. The words "site" and "parcel" shall have the same meaning as the word "lot".

LOT, CORNER means a lot located at the intersection or junction of two (2) or more streets.

LOT LINES means the legally defined limits of any lot.

LOT LENGTH means the horizontal distance between the front and rear lot lines measured along the mid-line between the side lot lines.

LOT WIDTH means the horizontal measurement between the side lot lines measured at a point 6 metres back from the mid-point of the front boundary of the lot.

MOBILE HOME means a transportable, factory-built, single-family dwelling meeting the requirements of CSA Z240, designed to be transported on its own wheels and chassis to the mobile home lot or plot and may be supported on wood blocking, concrete piers or a permanent foundation and is designed to be connected to service utilities so as to be suitable for year-round, long-term occupancy.

- a) Single-Wide - A mobile home unit designed specifically to be towed in a single load.
- b) Double-Wide - A mobile home unit consisting of two or more sections separately towable, designed to be joined together into one integral unit.

MOBILE HOME PARK means a parcel of land under one (1) ownership which has been planned, divided into mobile home plots and improved for the placement of mobile homes for permanent residential use.

MOBILE HOME SUBDIVISION means an area subdivided by registered plan, containing lots for freehold or leasehold tenure and used for mobile homes.

MODULAR HOME means a single structure composed of separate pre-manufactured components which have no chassis for transportation and which, when transported to a site, are fitted together structurally, mechanically and electrically to form a single structure.

MOTEL means a group of attached or detached buildings containing sleeping units with sanitary facilities and/or kitchens designed to be used temporarily by tourists or transients with parking spaces convenient to each unit and includes an auto court, a tourist court and a motor lodge, but does not include a hotel.

NON-CONFORMING BUILDING means a building that was lawfully constructed or lawfully under construction or for which all required permits for construction had been issued at the date of commencement of this Bylaw, and that has not or will not conform to the requirements of this Bylaw.

NON-CONFORMING USE means a lawful specific use made of land or a building or intended to be made of a building lawfully under construction at the date of commencement of this Bylaw, but that does not or will not conform to the requirements of this Bylaw.

OFFENSIVE OR OBJECTIONABLE when used with reference to any use of any land, building or structure, means a use which, from its nature or from the manner of carrying on same, creates or is liable to create, by reason of noise, vibration, smoke, dust or other particulate matter, odour, toxic or noxious matter, radiation hazards, fire or explosive hazards, heat, humidity or glare, or unsightly storage of goods, wares, merchandise, salvage, junk, waste or other materials, a condition which, in the opinion of the Council or Board of Variance (as the case may be), may be or become hazardous or injurious as regards health or safety or which adversely affects the amenities of the neighbourhood or interferes with or may interfere with normal enjoyment of any land, building or structure.

PARCEL - See "Lot".

PARKING AREA OR LOT means an open area of land other than a street or a building designed and used for the parking of a number of vehicles.

PARKING SPACE, OFF-STREET means of off-street area of 28 square or more available for the parking of one motor vehicle, exclusive of driveway, ramps, columns and office or work areas.

PERMITTED USES are those uses which are unconditionally allowed in a particular zone, provided that the use conforms to the regulations of the particular zone to which the use applies.

PRINCIPAL BUILDING means a building which:

- a) Occupies the major or central portion of a lot;
- b) Is the chief or main building on a lot; or
- c) Constitutes, by reason of its uses, the primary purposes for which the lot is used.

PRINCIPAL USE means the main purpose for which a lot or building is being used.

PRIVATE CLUB means an athletic, social or recreational organisation not operated for profit, and includes the premises of a fraternal organisation.

PUBLIC OR QUASI-PUBLIC BUILDING includes places of worship and any building which is used by the public for the purpose of assembly, instruction, cultural enlightenment or for a communal activity, but does not include a school, or a place of public entertainment for which an admission fee is customarily charged.

PUBLIC UTILITY means a system, works, plant, equipment or service, whether owned or operated by or for the Town, or by a corporation under agreement with or under a franchise from the Town or under a Federal or Yukon statute or act, which furnishes services and facilities available at approved rates to or for the use of all the inhabitants of the Town, including but not limited to:

- a) Communication by way of telephone, telegraph or cable television;
- b) Public transportation;
- c) Production, transmission, delivery or furnishing of water, gas or electricity to the public at large;
- d) Collection and disposal of sewage, garbage and other waste.

RETAIL STORE means a building where goods, wares, merchandise, substances, articles or things are stored, offered or kept for sale at retail, and includes storage on or about the store premises of limited quantities of such goods, wares, merchandise, substances, articles or things, sufficient only to service such store, but does not include any retail outlet otherwise classified or defined by this Bylaw.

SERVICE STATION means premises or the portion thereof used or intended to be used for the servicing and repairing of motor vehicles and for the sale of fuel, oil and accessories for motor vehicles.

SIGNS means any device, erection or structure used for the display of advertisements and without, in any way, restricting the generality of the foregoing, includes posters, notices, panels, boardings and banners.

SIGN, ADVERTISING means any word, letter, model, picture, symbol, device or representation, whether illuminated or not, used wholly or in part for the purposes of advertisement, announcement or direction.

SIGN, DIRECTIONAL means a sign which indicates the distance or direction, or both, to a place or business or other premises indicated on the sign.

SIGN, FLASHING means a sign which by means of electrical devices gives the effect of intermittent movement, or changes to give two (2) or more visual effects, or alternates with a lit and unlit effect.

SIGN, FREE-STANDING means a sign or standard column permanently attached to the ground and which is not connected in any way to any building or other structure.

SIGN, GENERAL ADVERTISING means a sign which refers to goods and/or services other than those produced, offered for sale or obtainable at the premises on which the sign is displayed.

SIGN, IDENTIFICATION means a sign which contains no advertising and is limited to the name, address and number of a building, institution, or occupation of a person and to the activity carried on in the building or institution.

SIGN, LOCAL ADVERTISING means a sign which refers only to the goods and/or services produced, offered for sale, or obtainable at the premises on which the sign is displayed.

STOREY means that portion of the building which is situated between the top of the floor above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

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

STRUCTURAL ALTERATIONS means any change or addition to the supporting members of a building or structure, such as foundations, bearing walls, rafters, columns, beams and girders.

STRUCTURE means anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, walls, fences, billboards and poster panels.

TOURIST TRAILER PARK OR CAMPSITE means a site which provides for the temporary location of tents, trailers and other recreational vehicles used by travellers and tourists for overnight accommodation.

TOWN means the Town of Faro.

TOWNSITE means that portion of the land contained within the boundaries of the Town of Faro that can be considered to be developed.

TRAILER, VACATION means any portable accommodation providing temporary living quarters in which all facilities are not necessarily self-contained.

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

WALKWAY means a public roadway designed for use by pedestrian traffic.

YARD means a part of a lot upon or over which no building or structure other than a boundary fence is erected unless otherwise hereinafter permitted.

YARD, FRONT means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal building.

YARD, REAR means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building.

YARD, SIDE means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building.

