

DEVELOPMENT APPEAL BOARD AGENDA

200-D1-H1-20

Wednesday, August 5, 2020

<u>Item No.</u>	<u>Description</u>
1.	Introduction of the Board.
2.	Review by the City Development Officer of issuance of Development Permit No. PL-2019-0379.
3.	Presentation from the Appellant.
4.	Presentation from the Developer.
5.	Final summation by the Appellant.
6.	Final summation by the Developer.
7.	Final summation by the Development Officer.

Background Documentation

ANNEX A

8. Letter from the Appellant, Kevin Mindus, serving notice of appeal – written submission.

ANNEX B

9. Report from the Development Officer, City of Yellowknife Planning and Lands Division regarding the Appeal.

ANNEX C

Letter from the Secretary of the Development Appeal Board to the Appellant, Kevin Mindus, with respect to the scheduling of a hearing on August 5, 2020.

ANNEX D

10. Letter from the Secretary of the Development Appeal Board to the Developer, Milan Mrdjenovich, with respect to the scheduling of a hearing on August 5, 2020.

Development Appeal Board
c/o City Clerk's Office City of Yellowknife
4807-52 Street, (City Hall)
P.O.Box 580,
Yellowknife, NT X1A 2N4

I am writing to register my appeal for the development application of the proposed West Bay development planned for the corner of School Draw Avenue, adjacent Tin Can Hill.

I am submitting this appeal for: A) the reasons listed below, which demonstrate the adverse effects this development would have on the safety of my family and the value of my property; B) because, as it states in the appeal board process criteria, "the proposed development contravenes the zoning bylaw, the community plan or an area development plan,"; and C) because, as it states in the appeal board process criteria, "the application for the development permit had been approved on the basis that the specific use of land or the building was similar in character and purpose to another use that was included in a zoning bylaw for that zone."

A) My main objectives to the West Bay development are as follows:

- Blocked sunlight: A three-storey building, located a few metres from the south side of my property would obstruct the sunlight my property receives. The development will be situated right next to our private, outdoor deck, which my young family makes frequent use of during our all-too-brief summers.
- Overlooking/Loss of privacy: Numerous units are designed to be located just metres from my home, looking directly onto my private deck and into my bedroom window.
- Adequacy of parking: Vehicles are already lined up along both sides of the street on School Draw Avenue. Adding 24 more units, and possibly even more vehicles than that from future tenants, will only exacerbate the issue.
- Traffic generation/Road access: The street traffic is already busy and with only one (1) public road entrance on School Draw Avenue, the increase of traffic in front of my property from new residents and their guests has a potential to pose public safety risks for the neighbourhood and city residents who use the Tin Can Hill trail facilities.
- Noise and disturbance resulting from use: There will be a general increase in noise to the neighbourhood from adding so many new residents in this area. This will be particularly felt by my family, as one of the complexes essentially backs onto my property, with multiple household's located just metres away.
- Loss of trees: In recent years, the lot was zoned green space and then it went to multi-family before the City allowed more units on this lot than a multi-family lot would normally permit. I have lost most of the benefits of the green space from the construction work that has already taken place.
- Building does not fit with surrounding: Adding two (2) three-storey complexes next to a row of single houses does not fit with established neighbourhood aesthetics and some buffering should be provided.
- Loss of Property Value: Due to the loss of our visual and residential amenity for the many reasons already stated, the value of my house will decrease significantly.

- Chimney smoke: With the proximity, orientation and height of the building, my chimney smoke will be going right into some of the apartments causing health and safety issues.
- B) In all, the West Bay development would directly contradict at least five (5) of the City's Intensification Compatibility points from the general plan (see attached Intensification-Compatibility document): Building height and massing; Pattern of surrounding community; Traffic and vehicular access; Parking, loading and serving area; and Shadowing and wind. In the appeal board process criteria, which states "the proposed development contravenes the zoning bylaw, the community plan or an area development plan."
- C) When a variance for the lot in question was proposed in 2016 to allow for more units, a set of considerations were listed that needed to be met in order for it to be granted (See attached Special Municipal Services Committee Report – 02092016). It stated, "A variance may only be granted if, in the opinion of the Development Officer or Council: a) The proposed variance would not result in a development that will: ... ii. materially interfere with or affect the use, enjoyment or value of neighboring parcels of land."
- The plans for proposed development at the time in 2016 included a perpendicular orientation and a buffer zone of 16 metres from my property. The West Bay development will be located much closer to my property and orientated parallel with the length of my property, which materially interferes with or affects the use, enjoyment or value of neighbouring parcels of land. For this reason, I am also including an appeal of the West Bay development based on item (d) in the appeal board process criteria, that "the application for the development permit had been approved on the basis that the specific use of land or the building was similar in character and purpose to another use that was included in a zoning bylaw for that zone."

We are not the only household that has concerns about this development's impact on our neighbourhood. Specifically the increased traffic generation is a major concern for residents on and around School Draw that I have talked to. If development must occur in the lot, a more appropriate option should be considered, such as transitional housing consistent with the townhouse development across from the lot. At the very least, moving the building's footprint away from my property edge and changing the orientation should be automatic.

Thank you for your consideration,

Kevin Mindus

Also included in letter of appeal

Please see Tab 3 for Intensification Compatibility – YK General Plan

Please see Tab 4 for Special Municipal Services Committee Report – August 2, 2016

1

Written Submission for Appeal

2

Photos of Development

3

Intensification Compatibility - Yk General Plan

4

Special Municipal Service Committee Report - August 2, 2016

5

Consolidation of zoning By-Law No. 4404

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Development Appeal Board
c/o City Clerk's Office City of Yellowknife
4807-52 Street, (City Hall)
P.O.Box 580,
Yellowknife, NT X1A 2N4

Written submission for Appeal of Development Permit No. PL-2019-0379

The home on 4825 School Draw Avenue has been a part of my wife's family for more than 40 years. Our family, which includes my two young daughters, have enjoyed the benefits of living next to the green space at the base of Tin Can Hill. This was our sliding hill, our playground, our slice of nature. In short, we really appreciated this piece of green space.

Still, we understood it obviously belonged to the city. We recognize the pressures the city has to develop land near the downtown in order to generate money from sales and property taxes. We were open-minded concerning the possibility of development in the hopes that the city would have some consideration for my family, our property and the rest of the community on School Draw. However, it is our opinion that the West Bay development falls way short on this.

We are appealing for the reasons listed below, which A) demonstrate the adverse effects this development would have on the safety of my family and the value of my property; B) because, as it states in the appeal board process criteria, "the proposed development contravenes the zoning bylaw, the community plan or an area development plan,"; and C) because, as it states in the appeal board process criteria, "the application for the development permit had been approved on the basis that the specific use of land or the building was similar in character and purpose to another use that was included in a zoning bylaw for that zone."

A) My main objectives to the West Bay development, as it pertains to the safety of my family and the value of my property, are as follows:

- **Blocked sunlight:** A three-storey building, located metres from the south side of my property would obstruct the sunlight my property receives. The development will be situated right next to our private, outdoor deck, which my young family makes frequent use of during our all-too-brief summers. No adequate shadow study has been undertaken or even asked for of the developer.
- **Overlooking/Loss of privacy:** With the building designed to stand parallel to the property boundary and with a minimal set back on the property line, we will have numerous units located just metres from my home, looking directly onto my private deck and into my bedroom window.
- **Adequacy of parking:** Vehicles are already lined up along both sides of the street on School Draw Avenue because of the use of Tin Can hill, and the parking limitations for developments already located on School Draw. Adding 24 more units with only 24 parking stalls (with possibly even more than 24 vehicles if future tenants have more than one car or truck, not to mention visitors parking) will only exacerbate the issue. Giving approval to a development that only intends to include the minimum allowable parking in this area seems short-sighted.

- **Traffic generation/Road access:** Street traffic is already busy in our neighbourhood. With only one (1) public road entrance on School Draw Avenue, the increase in traffic in front of my property from new residents and their guests has the potential to pose public safety risks for the neighbourhood and city residents who use the Tin Can Hill trail facilities. The last traffic survey conducted on this road was in 2010, before Copper Sky and the new road on Tin Can Hill were constructed. I would suggest the information the city has is currently outdated and it may be time for a new traffic study to assess the impacts this development would have on public safety.
- **Noise and disturbance resulting from use:** There will be a general increase in noise to the neighbourhood from adding so many new residents. This will be particularly felt by my family, as one of the complexes essentially backs onto my property, with multiple household's located just metres away.
- **Loss of trees:** The developer has sufficiently eliminated the green space that we had next to our house. The developer commenced grading and excavating the lot in the fall of 2019, to a depth of more than .6 m (see attached photos), which contravenes By-Law 3.2 (1) (g). I made multiple inquiries with the development officer about this, but nothing was done.
- **Building does not fit with surrounding:** Adding two (2) three-storey complexes next to a row of single-detached houses does not fit with established neighbourhood aesthetics and some buffering should be provided.
- **Loss of Property Value:** Due to the loss of our visual and residential amenity for the many reasons already stated, the value of my house will decrease significantly.
- **Chimney smoke:** With the proximity, orientation and height of the West Bay development, along with Tin Can hill as a barrier, my chimney smoke will be going right into some of the apartments, causing health and safety issues. No specific emissions test has taken place or been asked for by the developer.

B) In all, the West Bay development would directly contradict at least five (5) of the City's Intensification Compatibility points from the general plan (see attached Intensification-Compatibility document): Building height and massing; Pattern of surrounding community; Traffic and vehicular access; Parking, loading and serving area; and Shadowing and wind. The appeal board process criteria states an appeal can be made on a development permit if "the proposed development contravenes the zoning bylaw, the community plan or an area development plan."

C) When a variance for the lot in question was proposed in 2016 to allow for more units, a set of considerations needed to be met in order for it to be granted (See attached Special Municipal Services Committee Report – 02092016). It stated, "A variance may only be granted if, in the opinion of the Development Officer or Council: a) The proposed variance would not result in a development that will: ... ii. materially interfere with or affect the use, enjoyment or value of neighboring parcels of land." Which is By- Law 4404 3.5 (4). For this reason, I am also including an appeal of the West Bay development based on the appeal board process criteria, which states that "the application for the development permit had been approved on the basis that the specific use of land or the building was similar in character and purpose to another use that was included in a zoning bylaw for that zone."

The West Bay development is not the same development that was approved in 2016. At the time, the plans for the development in 2016 included one (1) building orientated parallel to School Draw, a buffer zone of 16 metres from my property, which included a fire lane, and parking (29 stalls) adjacent to my house. The West Bay development will be located much closer to my property, with a parallel orientation to the length of my property, which "materially interferes with or affects the use, enjoyment or value of neighbouring parcels of land."

Furthermore, the variance that allowed the developer to increase the number of units in the proposed building from 21 to 24 in 2016 was noted in the August 2, 2016 Committee report and by the development officer that no development permit were pulled for that build. With no such development permit a variance to the lot could not be approved as per the consolidated By-Law 4404, 3.5 (6) which states "All variance shall be approved through a development permit...". If a development permit had been pulled, it has been almost four (4) years since that variance was granted. Section 3.9 (7) of By-Law 4404 states "If a development authorized by an approved permit is not commenced within 12 months from the date issued... the development permit shall be void".

Given this original variance, which was approved by a previous council, would have lapsed, as well as a complete change from the original design of the development. It is reasonable to expect that the developer would need to re-apply for a variance for this development and if granted the hope would be a design that does not materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

We are not the only household that has concerns about the West Bay development's impact on our neighbourhood. Specifically, the increased traffic generation is a major concern of residents all along School Draw Avenue. The community surrounding this development share many of my similar concerns, such as parking issues, shadowing, noise generation, and feeling like the amount of units is not appropriate for the area. If development must occur in the lot, a more appropriate option should be considered, such as a transition from single households to multi-family units consistent with the townhouse development across from the lot. At the very least, some consideration to neighbors would be appreciated. Specific to our case, moving the building's footprint away from my property edge and changing the orientation should be automatic, but furthermore the number of units should be returned to the 21-unit limit mandated by city by-law.

Thank you for your consideration,

Kevin and Megan Mindus

Photos of development of West Bay lot.



November 13, 2019 – Excavation and grading start



July 19, 2020 – Build up of pad, over .6 m



July 9, 2020 – Excavation and grading over .6 m



July 15, 2020 – Over-all site clearing



May 9, 2020 – View with no leaves



March 30, 2020 – View looking onto house



November 10, 2019 – View of lot before the excavation

INTENSIFICATION COMPATIBILITY

YELLOWKNIFE GENERAL PLAN UPDATE 2011

Intensification introduces new development into existing areas and requires a sensitive approach and consideration of the area's established characteristics. Attention to urban design and ensuring the compatibility of new development with existing community character can assist in building acceptance of intensification.

Character

New development should take advantage of opportunities to improve the character and quality of an area. Development in Character Areas must be consistent with Design Guidelines.



Building height & massing

New buildings should have regard for the height and massing of adjacent buildings. Transitions may be desirable when placing taller buildings next to lower built forms.



Pattern of surrounding community

Proposed development should consider the character of surrounding buildings (e.g. scale and architectural design)



Traffic & vehicular access

Roads should have adequate capacity to serve the development. Vehicle entrances should consider pedestrian activity and effects on other lots. (e.g. noise, glare, privacy).



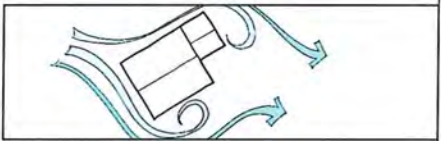
Parking, loading & serving areas

Adequate parking should be provided on site. Loading and servicing areas should be designed to avoid visual impacts on surrounding developments.



Shadowing & Wind

Developments should be designed to avoid excessive shadowing and adverse wind and snowdrifting conditions on surrounding streets and public / private amenity spaces.



Heritage

Development on or next to heritage resources must follow the Heritage Resources Policies.



Compatible development means development that, although it is not necessarily the same as, or similar to, existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties.



City of Yellowknife
Planning & Development Department





CITY OF YELLOWKNIFE

SPECIAL MUNICIPAL SERVICES COMMITTEE REPORT

Tuesday, August 2, 2016 at 12:05 p.m.

Report of a meeting held on Tuesday, August 2, 2016 at 12:05 p.m. in the City Hall Council Chamber.
The following Committee members were in attendance:

Chairman: D/Mayor A. Bell,
Councillor R. Alty,
Councillor L. Bussey,
Councillor S. Morgan, and
Councillor J. Morse.

The following members of Administration staff were in attendance:

D. Kefalas,
J. Dalley,
D. A. Gillard,
C. Greencorn,
D. Hurley,
W. Yu, and
D. M. Gillard.

<u>Item</u>	<u>Description</u>
1.	(For Information Only) There were no disclosures of pecuniary interest.
2.	(For Information Only) Committee heard a report from the RCMP regarding monthly statistics.
3.	(For Information Only) Committee heard a report from the Municipal Enforcement Division regarding monthly statistics.
4.	(For Information Only) Committee heard a presentation from Doug Tenney, Vice President Northern Development of ATCO Electric, regarding the Electrical Utility Industry and the overcharging of Yellowknife



customers. Mr. Tenney provided a copy of his presentation to Council and noted the historical rate increases of both NTPC and Northland Utilities Ltd. (NUL) (an ATCO and Denendeh Company) advising that NTPC's rates increase substantially more than NUL's between 2010 and 2016. Mr. Tenney further stated that NTPC has been overcharging customers in Yellowknife and Hay River for power so as to subsidize power in communities solely served by NTPC, such as Fort Smith and Fort Resolution. ATCO and NUL believe that the GNWT and NTPC want to expropriate NUL at the end of Yellowknife's franchise agreement under the guise of being able to respond to the RFP at a lower rate. Mr. Tenney warned that NTPC will continue to overcharge Yellowknife for years to use as an unequal ploy to buy NUL and that Yellowknife will continue to subsidize power for other communities. Mr. Tenney noted that Yellowknife's franchise agreement expires in 2020 and advised that they would like to work cooperatively with NTPC and the GNWT to provide electricity to Yellowknife at a fair and equitable rate.

5. **Committee read a memorandum regarding whether to dispose of several lots to Habitat for Humanity NWT as part of the long-term partnership arrangement to support affordable housing.** Committee noted that Council's Goals and Objectives 2013-2016 include determining the City's option in affordable housing as an action item (Action Item 1.16). This has partly been addressed through increased development provisions for a diverse range of housing types (i.e. secondary suites and potential small lot options). However these do not address the non-market housing options which exist in many other cities.

In 2009 Council adopted the "*Creating Housing Affordability*" report which identified "tools" to promote affordable housing. These tools, which include a Housing Fund, a Housing Organization, Partnerships, Inclusionary Zoning, and Resale Price Restrictions, can be used to facilitate non-market housing options. Despite the relevance of these "tools" and several attempts by the City of Yellowknife (City) to facilitate non-market housing, the effort based on developer support and available administrative resources was not able to make much progress in developing non-market housing units. Since 2009 it became apparent that Habitat for Humanity NWT (Habitat), which is active in more than 300 communities across Canada, has established expertise to serve this very purpose.

In 2014 Council directed Administration to establish a partnership agreement with Habitat, which helps utilize the range of housing affordability "tools" and alleviate the need for the City's direct involvement in administering a non-market affordable housing program. Habitat has since built two dwelling units and its ReStore facility.

In June 2016 Habitat submitted a request to the City for provision of two identified lots at no cost to them, through the partnership arrangement, for additional home construction in 2017 and 2019.

Committee noted that Council's policies, resolutions or goals include:

Objective 1(c) Emphasize Fairness, Value and Transparency in Financial Decisions, Program Delivery and Land Administration.



- Action 1.16 Determine the City's option in Affordable Housing.
- Objective 2(a) Maintain, Respect, Preserve and Enhance the Natural Environment, Natural Heritage and Green Space.
- Objective 2(d) Promote a Range of Commercial, Residential and Institutional Development and Revitalization Opportunities.

Motion #0278-14 That the City enter a partnership arrangement with Habitat for Humanity NWT for a 10 year period, entailing provisions for the construction of one single-family or duplex dwelling approximately every two years consisting of either:

- a. A single family lot per every thirty (30) single family lots which the City is able to bring to market within a twenty-four (24) month or greater period; or
- b. Funding equal to 3.5% of City residential land sales within a twenty-four (24) month or greater period to a maximum of an average priced single-family lot (up to 800 square metres) within the City's residential land inventory.

Committee noted that applicable legislation, by-laws, studies or plans include:

1. *N.W.T. Cities Towns and Villages Act*;
2. *N.W.T. Community Planning and Development Act*;
3. General Plan By-law No. 4656, as amended;
4. Land Administration By-law No. 4596, as amended;
5. Zoning By-law No. 4404, as amended; and
6. *Creating Housing Affordability for Yellowknife*.

Committee noted that the disposal of land in municipalities is governed by the Government of Northwest Territories *Cities, Towns and Villages Act* and the City of Yellowknife Land Administration By-law No. 4596, as amended. Pursuant to the legislation, the disposal of land must be authorized by a by-law specific to the subject land.

Section 11 of the Land Administration By-law No. 4596, as amended, describes the means by which the City can dispose of land. This includes ballot draw; call for development proposals; and public advertisement. Section 7 of the Land Administration By-law requires that land be disposed of based on the appraised value or at Council discretion below the appraised value or development cost. However, notwithstanding these paragraphs, Section 9 (b) states that Council may at its sole discretion provide residential land or funding to the Habitat for Humanity NWT regardless of the value of land for development.

Habitat has identified two lots for their home construction. The zoning for Site 1 is R2 – Residential Low Density; permitted dwellings include single detached and duplex dwellings. The zoning for Site 2 is R5 – Residential Manufactured Dwelling; permitted dwellings include single detached and manufactured dwellings. Habitat for Humanity has indicated that it intends to construct a single detached dwelling on each site. Pursuant to the Zoning By-law No. 4404, as amended, a Development Permit will be required for each site.



Location of Lots Identified by Habitat for Humanity:



Site 1. Lot 7, Block 73



Site 2. No legal description (Identified as 13-6 in Hordal Bagon Subdivision design drawings)

According to the Land Administration By-law, the City can dispose of land by ballot draw, call for development proposals, or public advertisement. The City in the past received informal inquiries about Site 1 (Lot 7 Block 73) and has publicly advertised Lot 7 Block 73 for sale since early July 2016. No formal offer to purchase has been received. Council Gave First Reading to Disposal By-law No. 4908, authorizing the City to dispose of Lot 7, Block 73 on July 11, 2016. As per Council request, neighbours within 30m were notified about the



potential land disposal to Habitat for residential development. No comments have been received to date. Second and Third Reading of the by-law is scheduled for the next Council meeting after July 11. Site 2 is located in the Hordal Bagon subdivision area. A ballot draw will be conducted once the subdivision survey is complete, disposal by-law for the entire 26 lots in Hordal Bagon is adopted, and the lots are ready for sale.

Should Council wish to consider the Habitat's request for lands, it may authorize current land disposal of Lot 7, Block 73 to Habitat, since the lot has been publicly advertised, and future disposal of a Hordal Bagon lot once the ballot draw is complete. Administration recommends that instead of 26, up to 25 ballots be drawn from submitted ballots; at least one lot will be available after the ballot draw. Habitat would be able to acquire a lot, however, depending on the number of ballots submitted and the ballot draw results, the lot may not be the same lot as pre-identified.

According to its 2015 Strategic Plan, Habitat aims to accomplish the following by 2020: 1) complete a third build, 2) house between four and six families, 3) establish a Yellowknife ReStore, and 4) establish a new community affiliate in the NWT. To date, Habitat for Humanity has completed two dwelling units in Niven Lake, as well as opening its ReStore at the City's Solid Waste Management facility in April 2016. Their timeline for construction of Lot 7, Block 73 involves site preparation in late 2016, and construction in 2017. Construction for the Hordal Bagon lot would take place in 2019.

The conditions for the provision of land or funds for housing to Habitat are indirectly associated with the overall residential market conditions and performance of the City's Land Development Fund. Lot prices within a municipal subdivision are typically based on the higher of development costs and appraised values. Pursuant to Section 9 (b) of the Land Administration By-law and the Partnership Agreement, the City may provide land or funding to Habitat, approximately every two years, either a) one lot per 30 single family lots brought to market by the City, or b) funding equal to 3.5% of a two-year or greater period City residential land sales to a maximum of an average priced single-family lot. The proposed two lots are in keeping with this commitment, given the 31 residential lots in Grace Lake and 26 residential lots in Hordal Bagon being brought to market between 2014 and 2017.

The *Creating Housing Affordability for Yellowknife* report was completed by consultants following multiple consultations with housing experts and the public at large. It identifies Partnerships as one of the tools to facilitate non-market housing development. Further for the provision of the two residential lots for additional home construction under the Partnership arrangement with Habitat, all departments are consulted through regular meetings of senior administration.

Committee noted that addressing the challenges to housing affordability requires multiple strategies. Following Council's direction in 2014 the City entered a 10-year partnership with Habitat for Humanity to provide non-market housing options. Provision of the two residential lots to Habitat for affordable housing development allows continued implementation of the partnership arrangement.



In response to questions from Committee, Mr. Dave Brothers, a representative for Habitat for Humanity NWT, advised that they plan to build in Old Town in 2017 and in the Hordal/Bagon subdivision in 2019. Mr. Brothers further advised that they do not feel that the lot in Old Town is suitable for a duplex.

Committee recommends that Council direct Administration to dispose of Lot 7, Block 73, Plan 4505 (the vacant lot adjacent to 3906 50th Avenue to the north) and a lot in the Hordal Bagon subdivision, for \$1.00 each to Habitat for Humanity NWT for the City’s long-term partnership with Habitat for Humanity NWT in support of affordable housing.

MOVE APPROVAL

(For Information Only)

6. Committee read a memorandum regarding whether to promote the sale of the School Draw property (legally known as Lot 9, Block 203, Plan 4460) by allowing a variance to the minimum site area per dwelling unit (site density). Committee noted that following Council direction to rezone Lot 9, Block 203 (shown in Figure 1) from GM – Growth Management to R3 – Residential Medium Density (By-law No. 4682) and dispose the subject property (By-law No. 4683), the property has been on the market since the third quarter of 2012. There have been multiple expressions of interest in the property since 2012; however, due the financial and environmental challenges, no agreement has fully transpired.

In June 2016, the City received another expression of interest from a developer to purchase and construct either a 24-unit or 26-unit multi-family dwelling. Figures 2 and 3 illustrate the preliminary site plan and elevation plan. The proposed development requires a variance to the site density (site area per dwelling unit) under the Zoning By-law No. 4404, as amended, regulations and Council approval to permit the proposed 24-units or 26-units.

Figure 1: Context Map for Subject Land





Figure 2: Preliminary Site Plan for Multi-family Dwelling



Figure 3: Preliminary Elevation Plan for Multi-family Dwelling (West)



The site density variance is required to increase the feasibility of developing the property. The Developer's offer to purchase is contingent on the allowance for the site density increase as well as favourable results from the geotechnical survey and Phase 1 (and 2) environmental site assessment to confirm suitable development conditions.

- Committee noted that Council's policies, resolutions or goals include:
- Council Objective #1(c) Emphasize Fairness, Value and Transparent in Financial Decisions, Program Delivery, and Land Administration.
 - Council Goal #2 Stewards of our Natural and Built Environment.
 - Council Objective #1(c) Promote a Range of Commercial, Residential and Institutional Development and Revitalization Opportunities.



Committee noted that applicable legislation, by-laws, studies or plans include:

1. *Community Planning and Development Act*, S.N.W.T. 2011;
2. *Cities, Towns and Villages Act*, S.N.W.T. 2003;
3. Land Administration By-law No. 4596, as amended;
4. Smart Growth Development Plan;
5. General Plan By-law No. 4656, as amended; and,
6. Zoning By-law No. 4404, as amended.

Committee noted that the City's Land Administration By-law No. 4596, as amended, allows the City to acquire and dispose of real property pursuant to the *Cities, Towns and Villages Act*. As per Section 7 of the Land Administration By-law, the price of land for fee simple disposition by the City shall be the appraised value.

The appraisal report completed in June 2012 determined a market value of \$585,000 for the R3 zoned subject property. With the proposed three or five additional units, an updated appraisal will be prepared pursuant to the Land Administration By-law. The cost of the appraisal will occur at the expense of the purchaser.

Section 3.5(4) of Zoning By-law No. 4404, as amended, lists the considerations for a variance to be granted. It states that:

"A variance may only be granted if, in the opinion of the Development Officer or Council:

- a) *The proposed variance would not result in a development that will:
 - i. unduly interfere with the amenities of the neighbourhood; or
 - ii. materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.*
- b) *The subject site has irregular lot lines or is a size and shape that presents challenges to development.*
- c) *The subject site has physical limitations relating to terrain, topography or grade that may create difficulties in meeting the zoning regulations as prescribed in this by-law.*
- d) *The subject site has natural features such as rock outcrops or vegetation that may create difficulties in meeting the zoning regulations as prescribed in this by-law.*
- e) *An error has occurred in the siting of a structure during construction.*
- f) *The proposed development conforms to the uses prescribed in this by-law."*

The proposed Multi-family Dwelling is a Permitted Use under Section 10.9(2) R3 – Residential – Medium Density. Site challenges are known in the School Draw area due to geotechnical conditions, in particular with the depth of the bedrock and presence of permafrost. The site density variance will increase the viability of developing the subject property. It is noted that the developer is proposing a low profile (i.e. 3-storey) multi-family building with a buffer (strip of landscaping and fire access route) of approximately 10 metres from the northern property line and approximately 16 metres from the low density



residential area (i.e. single family dwelling units). As the 26 unit dwelling option only requires minor modifications to the floor area of each unit, the external appearance will be the same for both the 24 unit and 26 unit dwelling options. In the opinion of the Development Officer, a variance of up to 19.4% for the 26 units or 12.8% for the 24 units to the minimum site area per unit would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. After discussions with the Developer and examination of the preliminary design plans, no other provisions under Zoning By-law No. 4404, such as building setbacks, building height, landscaping, and parking are expected to require a variance. In addition, the Developer will still be responsible for connections to municipal services, curbs, gutters, sidewalks along the frontage of the property, restoration of asphalt, and trail connection(s) to Tin Can Hill where applicable.

A traffic study was conducted in 2010 for the proposed School Draw Avenue Extension and Coppersky residential development across from the subject property (Lots 6-8, Block 203). The traffic study determined the peak volume of traffic to be 45 vehicles per hour and that the vehicle trip generation results were not significant from a traffic engineering point of view.

A main concern received from the neighbours regarding the proposed 26-unit multifamily building is additional traffic generated in the area. It is noted that the site is zoned R3 and intended for medium density residential development with up to 21 units. Additional 5 units are proposed through the density variance request. The traffic volumes generated from the 26-unit development are not considered significant as it is one-third in scale of the 81-unit Coppersky development in terms of dwelling units.

A common trigger in North America for a traffic impact assessment is when there are 100 or more trips generated during the peak hour. The proposed 26-unit development is not anticipated to warrant a traffic study. However, a transportation study may still be conducted at the discretion of Council and added as a requirement for the Development Permit.

As the proposed 24-unit or 26-unit development provides 2-bedroom and 3-bedroom units in the form of compact development, it supports the following Smart Growth principles as established in the Smart Growth Development Plan:

- Housing – Provide housing choices that suit different age groups, income and household sizes, and tastes to allow people to remain in the same neighbourhood through different stages and discourage outmigration due to affordability issues.
- Development Form – Apply creative planning approaches to develop a greater number of compact (medium density) mixed use developments which reduce impacts on natural areas, minimize infrastructure investment and decrease reliance on motorized vehicular transportation.

The subject parcel is designed “Residential Community” under General Plan By-law No. 4656, as amended. Residential infilling (i.e. the development of vacant or underutilized land within the built-up area) is encouraged under the designation. As municipal servicing



infrastructure currently extends to subject property, the development of the vacant lot will make better use of the existing infrastructure.

The subject property is zoned R3 – Residential Medium Density. The site area per dwelling unit requirement in the R3 zone is a minimum of 125m² of site area per dwelling unit. The site area is 2,619m² and the proposed option of 24 units would result in a total of 109m² of site area per dwelling unit (12.8% variance to site density provision). The other option of 26 units would result in a total of 101m² of site area per dwelling unit (19.4% variance). Section 3.5(3) of Zoning By-law No. 4404, as amended states:

“Upon application by the property owner or agent, Council may consider allowing a variance in regard to site density provisions.”

Notification regarding the variance will occur in accordance with Section 23(2)(b) of the Community Planning and Development Act which requires that the development authority *“give notice of the application to owners and lessees of land within 30 metres of the boundary of the land”*. The Zoning By-law also requires written notification on or before the date of the notice of decision for the development permit.

Letters were hand-delivered to the 36 neighbours within 30 metres of the subject property advising them of the site density variance being considered by Council and inviting them to submit any comments to the Planning and Lands Division or attend the Municipal Services Committee meeting on August 2, 2016. To date the main concern received is increased traffic, this has been discussed in the Traffic section. Other concerns raised include blasting and drainage, increase of garbage, increased noise levels and building aesthetics. Considering multi-family dwelling with up to 21 units is a permitted use in the R3 zone on the subject site, and site drainage, garbage collection, the overall site plan and building layout will be reviewed at the development permit review stage to ensure compliance with the Zoning By-law; no significant impacts are anticipated due to the proposed density increase from 21 units to 26 units.

That Council:

1. Approve a 12.8% variance to site area per dwelling unit (site density) at Lot 9, Block 203, Plan 4460 located at the southern end of School Draw Avenue to allow for the development of a 24-unit multi-family dwelling subject to conditions as required by the Development Officer at the Development Permit stage; or,
2. Direct Administration to continue to market the School Draw property with no density adjustments.

Committee noted that the development challenges associated with the subject property has been demonstrated with the subject property having been on the market since 2012. The proposed site density variance is required to increase the feasibility for development. The sale of the land will contribute revenue to the Land Development Fund and development of the land will generate tax revenue and make better use of the existing municipal servicing infrastructure.



Mr. Robert Findlay, the Developer, was in attendance and advised that he is currently focused on developing sustainable homes and that they are looking for more density on this development as the price of the land is quite high. Mr. Findlay stated that he met with the City to understand what the neighborhood concerns might be and as a result have pushed the building more toward Tin Can Hill and moved their parking lot behind the building. Mr. Findlay further stated that current traffic concerns in the area have to do with everyone parking at Tin Can Hill from the adjacent development or those using Tin Can Hill and do not pertain to the proposed development. They are proposing 26 units and will have 29 parking stalls. Mr. Findlay noted that the property could accommodate more than 26 units and that the project complies with every by-law except with respect to density. Mr. Findlay stated that they would like to start development this year, as such did not want to apply for rezoning to R4. In response to questions from Committee, Mr. Findlay stated that if they were to reduce the number of units they would not be able to provide a variety of 1, 2 and 3 bedroom units.

Committee recommended that Council approve a 19.4% variance to site area per dwelling unit (site density) at Lot 9, Block 203, Plan 4460 located at the southern end of School Draw Avenue to allow for the development of a 26-unit multi-family dwelling subject to conditions as required by the Development Officer at the Development Permit stage.

Committee noted that this matter will be considered at that evening's Council meeting.

- 7. Committee read a memorandum regarding whether to begin consultations on options regarding public access to Grace Lake North, park node locations and the overall trail system in Grace Lake North.** Committee noted that consultations regarding the details of the Grace Lake Development Scheme began in 2011 and concluded in 2012, with the adoption of the Grace Lake Waterside Residential Development Scheme By-law No. 4676 and R0 zoning By-law No. 4677. There were concerns raised about exclusive private access to Grace Lake; as a compromise, provisions to ensure public access were included in the Development Schemes, most notably through the inclusion of a boardwalk anchored to the shore of Grace Lake and extending approximately 200 m along the end of development lots. This is detailed in Table 1.

At the November 9, 2015 Municipal Services Committee meeting, Administration was requested to prepare a chronology of events leading up to the creation of the Development Scheme and provide members of Council with an information package.

Date	Event
September 2011	Public consultations on amendments to the General Plan, including Grace Lake – General Plan consultations on the Grace Lake Residential subdivision identify a desire from the public to ensure public access to waterfront areas in Grace Lake.
December 2011	Boardwalk with node access to waterfront included in proposed Development Scheme concept – This represents a “pilot project” to accommodate water access to owners of Residential Waterfront-zoned (R0) lots while maintaining public waterfront access.



March 2012	Adoption of General Plan By-law No. 4656 – The Parks, Trails, and Open Space Network map in the General Plan includes a strip of land around Grace Lake for public access, indicated as a proposed trail.
April 2012	Public Hearings held for Grace Lake Waterside Residential Development Scheme By-law No. 4676 and R0 zoning By-law No. 4677 – Opinions expressed on these occasions were mixed, and highlight the importance of striking a balance between public and private use.
June 2012	Sales of lots in the Grace Lake Residential Development Area included a municipal access easement for the purposes of shoreline maintenance and improvements, including but not limited to the construction, installation, anchoring, and maintenance of the seasonal floating boardwalk.
November 2015	Municipal Services Committee reviewed the memo regarding the issue of cost and feasibility of a floating boardwalk as described in the Grace Lake Waterside Residential Development Scheme By-law No. 4676. Background information and further options were requested.

Table 1: Events and Discussion on Trails and Parks in Grace Lake North

Committee noted that Council’s policies, resolutions or goals include:

- 1(c) Emphasize Fairness, Value and Transparency in Financial Decisions, Program Delivery and Land Administration.
- 2(a) Maintain, Respect, Preserve and Enhance the Natural Environment, Natural Heritage and Green Space.
- 2(d) Promote a Range of Commercial, Residential and Institutional Development and Revitalization Opportunities.

Municipal Services Committee, November 9, 2015: Administration was requested to prepare a chronology of events leading up to the creation of the Development Scheme and provide members of Council with an information package.

Committee noted that applicable legislation, by-laws, studies or plans include:

1. N.W.T. *Community Planning and Development Act*;
2. General Plan By-law No. 4656, as amended;
3. Land Administration By-law No. 4596, as amended;
4. Zoning By-law No. 4404, as amended;
5. Grace Lake Development Scheme By-law No. 4676.

Committee noted that the Grace Lake Development Scheme By-law No. 4676 includes the amenities featured in Figure 1. In the event additional public consultations result in significant changes to this plan, a By-law revising this Development Scheme By-law will be required.

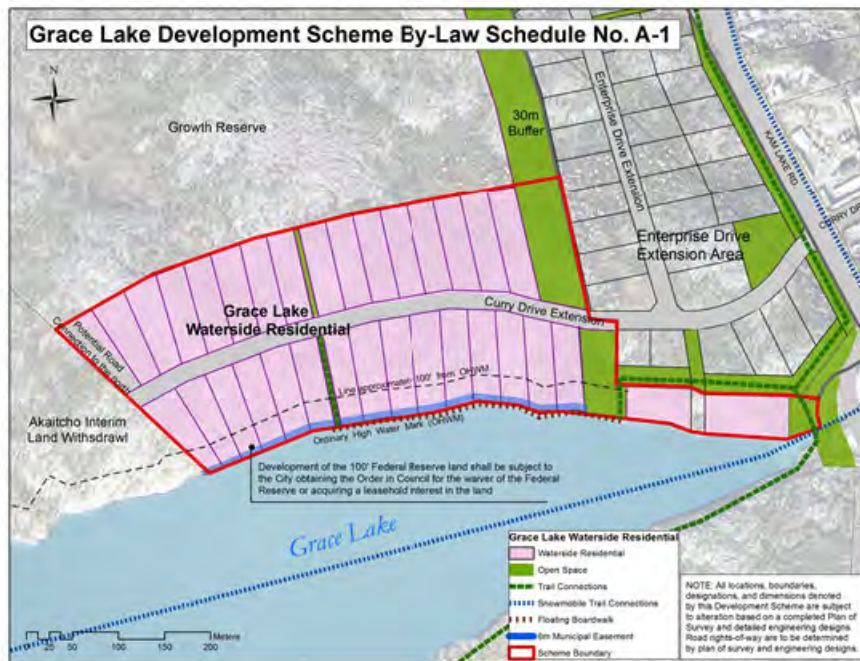


Figure 1: Original Grace Lake North Residential Area Development Scheme

While extensive public consultation was included in the development of Grace Lake Development Scheme, Council may wish to modify the Scheme based on continued input from residents and the public. There has been discussion and comments from the public on how best to plan public amenities to meet the needs of residents of the Grace Lake Area, and all Yellowknifers. Further topics to address through public consultation include, but are not limited to:

- Maintaining and/or providing public access to Grace Lake via an existing public right-of-way;
- Potential removal of the boardwalk;
- Prioritizing park node locations for public investment;
- The overall trail system in the Grace Lake neighbourhood; and
- Exploring a dock licensing program on Grace Lake.

Some of these issues are illustrated in the figure below.

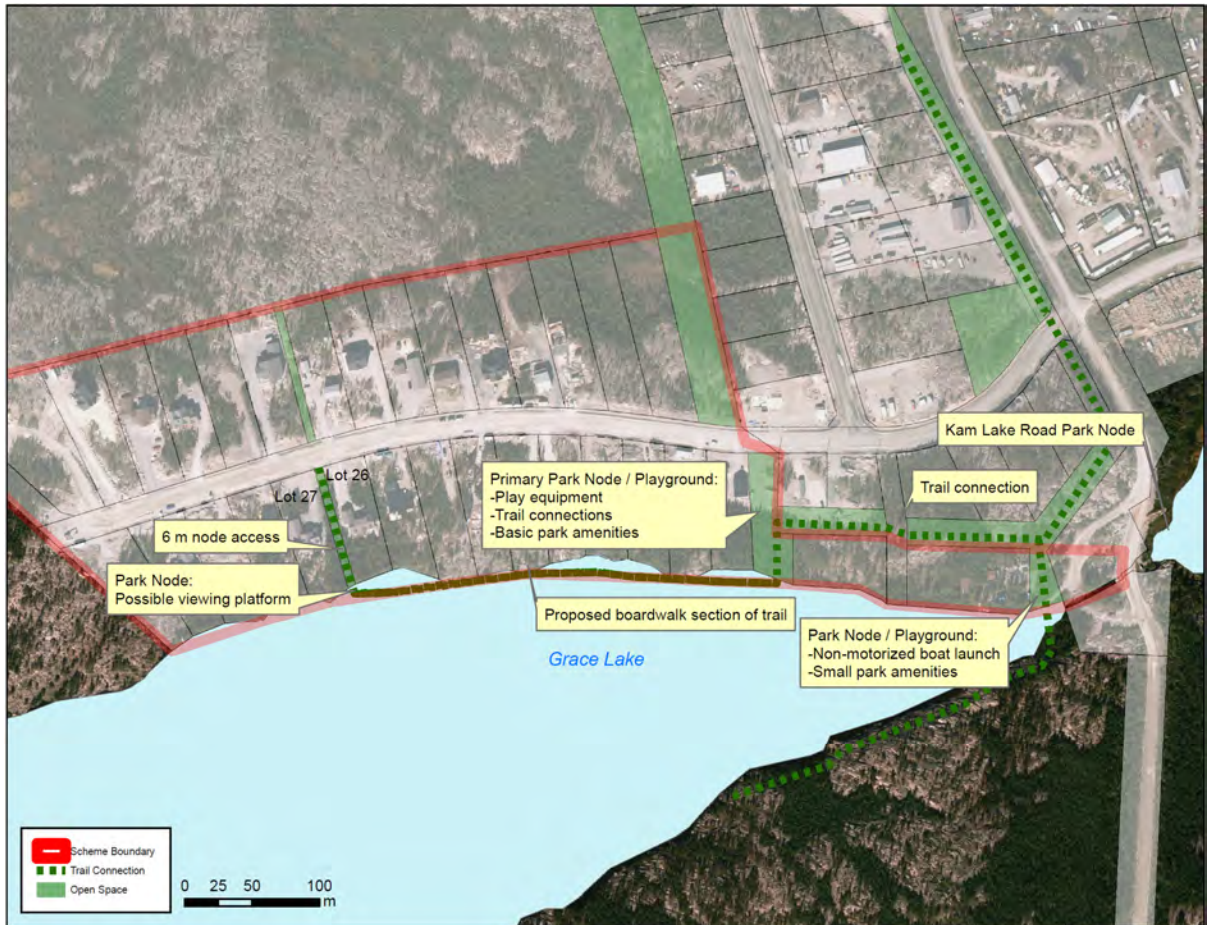


Figure 2: Locations of Possible Public Amenities in Grace Lake Residential Area Development Scheme

In June of 2016, City staff met with the residents to consult on the details of the primary park node for Grace Lake Boulevard. It was evident from residents that this park is the priority development which all seem to agree is needed. Approximately 12-15 residents attended this meeting. As a result of consultations, the playground proposal was modified. The playground is designed for children 2 to 12 in age, and will cost approximately \$150,000 for site preparation and installation of equipment. The contract to install the playground was awarded to a Yellowknife company and is slated for completion in late summer 2016.

At the playground consultation, additional questions regarding public access to Grace Lake, park node locations and the overall trail system around Grace Lake were raised. This feedback highlighted the importance of additional consultation to ensure that future investments in public amenities meet the needs of both Yellowknife residents as well as the Grace Lake Neighbourhood. Additional consultation may take the form of online survey, neighbourhood meeting and public open house.

Committee noted that additional public consultations will address details that were not included in the initial Development Scheme, and will provide opportunities for current residents to play a greater role in the evolution of the Grace Lake area.



In response to questions from Committee, Administration undertook to provide them with a drawing of the proposed park nodes as well as information with respect to costs associated with the development and upkeep of the proposed park nodes and trail system.

Committee recommends that Council direct Administration to begin consultations on options regarding public access to Grace Lake North, park node locations and the overall trail system in Grace Lake North.

MOVE APPROVAL

(For Information Only)

8. Committee read a memorandum regarding whether to amend By-law No. 4834 with the legal description for the property. Committee noted that Council gave Third Reading to disposal By-law No. 4834 on April 13, 2015. The By-law pertained to the disposal of fee simple title in Commissioner's Land described as Lot 28, Block 61, Plan 140 (4903 Matonabee Street) as outlined in blue on Figure 1 (the "Subject Land"). On Plan 140, Lot 28 is a remainder lot described as Lot 28 Rem. Remainder lots are no longer accepted as a valid legal description. A new plan of survey for Lot 28 Rem was registered on April 22, 2016. Therefore, an amendment to the disposal by-law is required to include the new legal description Lot 36 Block 61 Plan 4671.

The Commissioner received application No. YK15-068 from the City on March 31, 2015 to acquire Lot 28 Rem, Block 61. After the sixty day consultation period the City was advised that the legal description inclusive of Lot 28 Rem would not be accepted by the Land Titles Office. The Commissioner will transfer the fee simple title of the Subject Land to the City once the change of the legal description is complete and reflected in the By-law. The City intends to add the Subject Land to the City's land inventory and conduct land disposal for residential development in accordance with the Land Administration By-law after the fee simple title is transferred.

Figure 1: Context Map of the Subject Land





Committee noted that Council's policies, resolutions or goals include: Council Objective #1(c) Emphasize Fairness, Value and Transparency in Financial Decisions, Program Delivery, and Land Administration.

Committee noted that applicable legislation, by-laws, studies or plans include:

1. *Cities, Towns and Villages Act*, S.N.W.T. 2003; and,
2. Land Administration By-law No. 4596, as amended.

Committee noted that Pursuant to Section 54 of the *Cities, Towns and Villages Act* and Section 5 of the Land Administration By-law No. 4596, as amended, the disposal of land must be authorized by a by-law specific to the subject land.

Pursuant to Section 5 of Land Administration By-law No. 4596, as amended,

"A by-law for the acquisition or disposal of land shall include the legal description of the land to be acquired".

Committee noted that the amendment to the by-law is required to conform to the Land Administration By-law No. 4596, as amended, and to complete the land acquisition process between the Commissioner and the City.

Committee recommended that By-law No. 4911, a by-law amending By-law No. 4834 for disposal of fee simple title of Lot 28, Block 61, Plan 140 (4903 Matonabee Street), by deleting the old legal description and replacing therewith Lot 36 Block 61 Plan 4671, be presented for adoption.

(For Information Only)

9. Committee accepted for information a memorandum regarding Councillor Adrian Bell and Councillor Julian Morse's attendance at the Business Improvement Areas of British Columbia (BIABC) Conference held April 10 - 13, 2016, in Vancouver, British Columbia.

(For Information Only)

10. Committee accepted for information a memorandum regarding Mayor Mark Heyck, Councillor Rebecca Alty, Councillor Linda Bussey, and Councillor Julian Morse's attendance at the Northwest Territories Association of Communities (NWTAC) Annual General Meeting, held May 5 - 8, 2016 in Yellowknife, Northwest Territories.

(For Information Only)

11. Committee accepted for information a memorandum regarding Mayor Mark Heyck and Councillor Linda Bussey's attendance at the Federation of Canadian Municipalities (FCM) Conference held June 2 - 5, 2016, in Winnipeg, Manitoba.

(For Information Only)

12. Committee accepted for information the minutes of the Combative Sports Commission meeting for July 12, 2016.



(For Information Only)

13. Committee accepted for information the minutes of the Social Issues Committee meeting of July 7, 2016.
14. The meeting adjourned at 1:20 p.m.



CITY OF YELLOWKNIFE

CONSOLIDATION OF ZONING BY-LAW NO. 4404

Adopted December 15, 2008

AS AMENDED BY

By-law No. 4510 – July 27, 2009	By-law No. 4762 – December 9, 2013
By-law No. 4516 – September 14, 2009	By-law No. 4765 – January 27, 2014
By-law No. 4517 – July 27, 2009	By-law No. 4751 – February 10, 2014
By-law No. 4520 – September 14, 2009	By-law No. 4775 – February 24, 2014
By-law No. 4533 – November 9, 2009	By-law No. 4787 – March 24, 2014
By-law No. 4541 – January 11, 2010	By-law No. 4788 – March 24, 2014
By-law No. 4536 – March 8, 2010	By-law No. 4801 – September 8, 2014
By-law No. 4553 – April 12, 2010	By-law No. 4805 – September 8, 2014
By-law No. 4563 – May 25, 2010	By-law No. 4812 – September 22, 2014
By-law No. 4566 – June 28, 2010	By-law No. 4815 – November 10, 2014
By-law No. 4567 – June 28, 2010	By-law No. 4816 – November 10, 2014
By-law No. 4587 – October 25, 2010	By-law No. 4814 – January 12, 2015
By-law No. 4588 – October 25, 2010	By-law No. 4824 – March 9, 2015
By-law No. 4597 – November 22, 2010	By-law No. 4826 – March 9, 2015
By-law No. 4601 – November 22, 2010	By-law No. 4830 – March 9, 2015
By-law No. 4614 – March 14, 2011	By-law No. 4841 – May 4, 2015
By-law No. 4612 – March 28, 2011	By-law No. 4846 – June 23, 2015
By-law No. 4626 – June 27, 2011	By-law No. 4859 – August 24, 2015
By-law No. 4630 – June 27, 2011	By-law No. 4862 – August 24, 2015
By-law No. 4646 – September 12, 2011	By-law No. 4877 – October 26, 2015
By-law No. 4625 – October 11, 2011	By-law No. 4869 – November 9, 2015
By-law No. 4607 – December 12, 2011	By-law No. 4879 – November 9, 2015
By-law No. 4528 – January 9, 2012	By-law No. 4892 – March 29, 2016
By-law No. 4668 – June 11, 2012	By-law No. 4907 – July 11, 2016
By-law No. 4674 – June 11, 2012	By-law No. 4912 – October 24, 2016
By-law No. 4677 – June 11, 2012	By-law No. 4913 – October 24, 2016
By-law No. 4590 – August 13, 2012	By-law No. 4921 – November 28, 2016
By-law No. 4639 – September 10, 2012	By-law No. 4922 – November 28, 2016
By-law No. 4682 – September 10, 2012	By-law No. 4932 – April 24, 2017
By-law No. 4701 – September 10, 2012	By-law No. 4938 – June 26, 2017
By-law No. 4654 – October 22, 2012	By-law No. 4949 – February 26, 2018
By-law No. 4717 – May 13, 2013	By-law No. 4956 – March 26, 2018
By-law No. 4718 – May 13, 2013	By-law No. 4958 – April 9, 2018
By-law No. 4726 – July 22, 2013	By-law No. 4973 – June 25, 2018
By-law No. 4739 – September 23, 2013	By-law No. 4965 – July 23, 2018
By-law No. 4740 – November 12, 2013	By-law No. 4981 – October 22, 2018
By-law No. 4741 – November 12, 2013	By-law No. 5001 – August 26, 2019
By-law No. 4754 – November 25, 2013	By-law No. 5002 – August 26, 2019
By-law No. 4758 – November 25, 2013	By-law No. 5013 – February 24, 2020

(This Consolidation is prepared for convenience only. For accurate reference, please consult the City Clerk's Office, City of Yellowknife)

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**CITY OF YELLOWKNIFE
BY-LAW NO. 4404**

PURSUANT TO the provisions of the *Community Planning and Development Act* and the *Cities, Towns, and Villages Act*, the Council of the City of Yellowknife, in meeting duly assembled, enacts as follows.

Part One ENACTMENT AND INTERPRETATION

1.1 Title

This by-law shall be known as the "*Yellowknife Zoning By-law*".

1.2 Purpose of the By-law

The purpose of this by-law is to regulate the use and development of land and buildings within the City of Yellowknife in a balanced and responsible manner pursuant to the *Community Planning and Development Act* and applicable General Plan.

1.3 Application

The provisions of this by-law apply to land and buildings within the municipal boundary of the City of Yellowknife.

1.4 Zones and Zoning Map

- (1) The zones shall be referred to by the symbols and titles as described in Part 10.
- (2) Schedule #1 - the Zoning Map, attached hereto and forming part of this by-law divides the City into zones and delineates the boundary of each zone and overlay zone, subject to section 1.4(3) to 1.4(5).
- (3) Where uncertainty exists as to the boundaries of the zones as shown on the Zoning Map, the following applies:
 - (a) a boundary which follows a street, right-of-way, lane, or stream shall be deemed to follow the centre line thereof;
 - (b) a boundary which approximately follows a lot line shall be deemed to follow the lot line;

-
- (c) a boundary which approximately follows the municipal boundary shall be deemed to follow the municipal boundary;
 - (d) in circumstance not covered in this section, the location of the zone boundary shall be determined:
 - (i) by the dimensions set out on the Zoning Map,

or
 - (ii) by the measurement of and use of the scale shown on the Zoning Map;
 - (4) The uses, restrictions and regulations of the zones shall not be extended to public roadways, streets, lanes or other right-of-ways unless these are legally closed and a lot or a parcel is created.
 - (5) Unless another zone specifically designates the shoreline of a particular water-body, and is delineated on Schedule #1 - the Zoning Map, the shore of any water-body (including islands) is deemed to be zoned NP - Nature Preservation. The outer limit of this NP - Nature Preservation zone is deemed to extend on land 50 metres from the shore and/or natural boundary of the said water-body.

as amended by By-law No. 4639 September 10, 2012

- (6) For all zones where an overlay is applicable in accordance with Part 11 - Special Overlay Zones and Schedule 1, the provisions of the underlying zones shall apply.

1.5 Rules of Interpretation

- (1) Words used in the present tense include the other tenses and derivative forms. Words in the singular include the plural and vice versa. Words have the same meaning whether they are capitalized or not.
- (2) The words *shall* and *must* require mandatory compliance except where a variance has been granted pursuant to this By-law.

- (3) Words, phrases and terms not defined in this part may be given their definition in the *Community Planning and Development Act*. Other words shall be given their usual and customary meaning.

1.6 Definitions

In this by-law,

as amended by By-law No. 4625 October 11, 2011

"accessory deck" means an open, unroofed, or uncovered platform elevated from the ground typically including stairs and abutting a house or other building. May also be referenced as a terrace, veranda, or balcony;

as amended by By-law No. 4625, October 11, 2011

"accessory use, building or structure" means a use, building or structure naturally and normally incidental, subordinate and primarily devoted to the legally developed principal use or building and located on the same lot or site. Without restricting the generality of the foregoing, the term "accessory" applies to among other things fuel storage tanks, sheds, detached garages, satellite receiver dishes, fences, parking, and other outside uses associated with the principal use;

"airport use" in reference to the boundaries of the Yellowknife Airport Reserve, means any area of land used either in whole or in part for the arrival and departure or servicing of aircraft or helicopter, and any building, installation or equipment used in connection with the operation of the airport;

"amenity area or space" means a covered or uncovered outdoor, ground level area, on-site, common or private, designed for pedestrian-oriented use;

As amended by By-law No. 4814, January 12, 2015

"animal services" means development for the purpose

of treatment, grooming or temporary shelter of animals including retail sales of associated products. This may include such uses as veterinary clinics, pet grooming salons and dog daycares, but this definition does not include kennels or animal shelters;

As amended by By-law No. 4814, January 12, 2015

"animal shelter"

means a facility that provides short-term shelter and care for homeless, lost, or abandoned animals; mostly dogs and cats

"apartment hotel"

means a single building comprised of three or more dwelling units with shared entrance facilities, where all or a portion of the dwelling units are rented or are available for rent or occupation for periods of less than 30 days, and which does not include such facilities or services as restaurants, dining rooms, room service or public convention rooms;

as amended by By-law No. 4625 October 11, 2011

"architectural features"

means any building element not intended for occupancy and which extends beyond the face of an exterior wall of a building. Such features include eaves, awnings, bay windows, chimney breasts or parts of chimney, sills, bay windows, cornices and any other architectural features which, in the opinion of the Development Officer, are of a similar character

as amended by By-law No. 4913 October 24, 2016

"area development plan"

means a statutory planning document pursuant to Section 8 of

the *Community Planning and Development Act*;

as amended by By-law No. 4444 April 23, 2007

"automobile service station" means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs, and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor running repairs essential to the actual operation of motor vehicles are executed or performed. This does not include a car/truck wash establishment;

as amended by By-law No. 4444 April 23, 2007

"automotive equipment repair and service" means the servicing, mechanical repair and storage of automobiles, light trucks, and utility vehicles, motorcycles, snowmobiles, and similar vehicles and the sale, installation, servicing or storage of related accessories and parts. This includes transmission shops, muffler shops, tire shops, body shops, automotive glass shops and upholstery shops;

as amended by By-law No. 4444 April 23, 2007

"automotive wrecker" means a development used for the storing, junking, dismantling, wrecking or crushing of 3 or more motor vehicles, not in running condition, or parts of them, and may include the sale of parts of such vehicles;

"bed and breakfast" means a home based business whereby temporary accommodation to

a maximum of four rooms, with or without meals, is provided for compensation to members of the public;

as amended by By-law No. 4533 November 9, 2009

"bike rack element" the rack element is part of the bike rack that supports one bicycle;

"bike rack" a rack is one or more elements joined on any common based or arranged in a regular array and fastened to a common mounting surface;

"bike rack area" the rack area is a bicycle parking lot where racks are separated by aisles;

"bike rack area site" the rack area site is the relationship of the rack area to a building entrance and approach;

as amended by By-law No. 4639 September 10, 2012

"blank wall" means an exterior wall containing no windows, doors or other similar openings;

as amended by By-law No. 4444 April 23, 2007

"brewing establishment" means a commercial establishment where equipment, materials and instruction are made available to customers for the purposes of brewing and bottling alcoholic beverages which are usually not consumed on the premises;

"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;

as amended by By-law No. 4639 September 10, 2012

"building articulation" means the division of a building

façade into distinct sections; the materials, patterns, textures, and colours that add visual interest to a building or façade;

"bulk fuel storage"

means the use of land, buildings or structures for the storage and distribution of fuels, oils, propane and other petroleum gases where the storage tank or tanks are above ground and the storage capacity exceeds 22,730 litres of propane, or where the storage capacity exceeds 50,000 litres per tank and the aggregate capacity of all the tanks exceeds 150,000 litres;

as amended by By-law No. 4788 March 24, 2014

"car sharing space"

means a parking space used to park a motor vehicle provided by a car-sharing service;

as amended by By-law No. 4788 March 24, 2014

"car sharing service"

means a service that provides motor vehicles solely for the shared use of members of that service, and does not include an automobile rental establishment or automobile dealership;

as amended by By-law No. 4788 March 24, 2014

"car share vehicle"

means a vehicle that is owned and operated by an organization providing vehicle sharing services to its members, and may include commercial, cooperative, governmental or non-profit organizations;

as amended by By-law No. 4444 April 23, 2007

"car/truck wash facility"

means any commercial facility for washing vehicles;

as amended by By-law No. 4444 April 23, 2007

"card lock facility"	means one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards;
"casino"	means a facility for patrons to participate in gaming opportunities as a principal or accessory use, and includes a bingo hall;
"child"	means a person who is or, in the absence of evidence to the contrary, appears to be under the age of 12 years;
"child care"	means the care, instruction and supervision of five or more children in the absence of parents or guardians of those children for a period of more than four consecutive hours, and is provided for compensation to the public;
"child care home"	means a home based business providing child care but the total number of children including those living in the residence shall not exceed eight;
"child care facility"	means the use of a non-residential building for child care providing supervision outside the home of the parents;
"City Heritage Committee"	means the City Heritage Committee appointed by Council;
"City of Yellowknife" or "City"	means the Corporation of the City of Yellowknife;

as amended by By-law No. 4913 October 24, 2016

<i>Community Planning and Development Act</i>	means the <i>Community Planning and Development Act</i> , S.N.W.T. 2011,
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c.22, as amended;

as amended by By-law No. 4444 April 23, 2007

"commercial storage" means a self-contained building or group of buildings containing lockers available for rent for the storage of goods;

"commercial use" means the use of land, buildings or structures for the purpose of buying and selling commodities or supplying of services, but does not mean government offices, industrial uses, transportation facilities, food/beverage service, motor vehicle sales service or repair, commercial entertainment, commercial recreation, outside storage, or outside display;

"commercial use (minor)" means the use of land, buildings or structures for the purpose of buying and selling commodities or supplying services, but does not mean government offices, industrial uses, transportation facilities, food/beverage service, motor vehicle sales, service or repair, commercial entertainment, commercial recreation, outside storage, or outside display, and such development is limited to a floor area of a maximum of 200% of the site area;

"commercial entertainment use" means the use of land, buildings or structures wherein a fee is charged to the public for the provision of a performance which may be accompanied with the sale of any items, food or beverage, and without limiting the generality of the foregoing may include movies, live theatre, dancing and musicals;

"commercial recreation use"	means the use of land, buildings or structures wherein a fee is charged to the public for the participation in a recreational activity, and without limiting the generality of the foregoing may include amusement arcades, billiard or pool halls, bowling alleys, fairs, racquet courts, roller skating, gymnasiums and simulated golf;
"Committee of Council"	means a standing committee of Council duly appointed in accordance with the Council Procedures By-law;
"communications tower"	means a structure affixed to the ground or a building used for the reception or transmission of radio or visual information or entertainment;
as amended by By-law No. 4741 November 12, 2013	
"community garden"	means a parcel of public land used by a non-profit society to produce edible and ornamental plants for the personal use of society members, for donation of produce to other non-profit organizations, and/or for sale by society members whereby the resulting revenues are used solely to develop and improve their community garden;
as amended by By-law No. 4588 - October 25, 2010	
"Computer-aided design"	means using computer software to assist in the production of technical drawings, such as a site plan or elevation drawings.
"conditionally permitted use"	means a use listed in a conditionally permitted use table that may be permitted by Council after due consideration is given to the impact of that use upon

neighboring land and other lands in the City, subject to section 3.4;

"condominium"

means a building or lot containing bare land units or other units as defined under the *Condominium Act*;

as amended by By-law No. 4444 April 23, 2007

"contractor, general"

means a development used for commercial and industrial service support and construction. Typical uses include industrial support services, cleaning and maintenance contractors, building construction, surveying, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, mobile equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use;

as amended by By-law No. 4444 April 23, 2007

"contractor, limited"

means a development used for the provision of electrical, plumbing, heating, painting, catering and other contractor services and the accessory sales of goods normally associated with the contractor services where all materials are kept within an enclosed building, and no fleet storage of more than four vehicles or pieces of mobile equipment;

"convenience store"

means the use of land, buildings or structures limited to the

selling of commodities required by area residents on a day-to-day basis in an enclosed building which does not exceed 250 m² in gross floor area. Typical uses include small food stores, video sales and rentals, variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter, but does not include a food/beverage service;

"convention center"

means a permanent facility used for the holding of conventions, seminars, workshops or similar activities, and may include dining, and compatible accessory facilities;

"Council"

means the Council of the City of Yellowknife;

"dating and escort service"

means any business activity that offers to provide or does provide introductions from a person or persons to another person or persons for a period of companionship of short duration, for which service or introduction a fee is charged or imposed for each occasion that companionship is provided or an introduction is made;

as amended by By-law No. 4541 January 11, 2010

"Designated Heritage Resource"

means any Heritage Resource that is designated by a by-law of Council;

as amended by By-law No. 4765 January 27, 2013

"Detached Secondary Suite"

means a secondary dwelling unit located in a separate building on a lot where the principal use is Single Detached Dwelling,

Manufactured Dwelling or Duplex;

"development" means the carrying out of any construction or excavation or other operations in, on, over or under land, or the making of any change in the use or the intensity of use of any land or building;

"Development Agreement" means a document specifying the manner in which the City requires a developer to carry out improvements on property and may include but is not limited to such items as the installation of water/sewer service and provision of public roadways and other infrastructure;

As amended by By-law No. 4913 October 24, 2016

"Development Appeal Board" or "Board" means the Development Appeal Board established by Council in accordance with Section 30 of the *Community Planning and Development Act*;

"Development Officer" means a person appointed pursuant to Section 2.2 of this by-law;

"development permit" means a document authorizing a development issued pursuant to this by-law;

"Development Scheme" deleted by By-law No. 4913 October 24, 2016

"diamond facility" means the use of land, buildings, or structures for the purpose of processing, storing, or the distribution of diamonds;

As amended by By-law No. 4938, June 26, 2017

As amended by By-law No. 4814, January 12, 2015

"Dog Daycare" means the temporary shelter and care of dogs. Outdoor, overnight shelter in dog houses or runs is not permitted. This definition

does not include kennels.

"dwelling unit"

means a building or portion thereof designed or used as the living quarters (construed as including sleeping, cooking and toilet facilities) for one household;

as amended by By-law No. 4765 January 27, 27, 2014

"dwelling"

"single detached" means a residential building containing one dwelling unit, but this definition does not include a manufactured dwelling;

"duplex" means a residential building containing two dwelling units of approximately equal floor area with the dwelling units being placed side by side or one over the other, and with individual and separate entrances to each dwelling, but this does not include either a single detached dwelling with an in-home secondary suite, or a manufactured dwelling.

"float home" means a dwelling unit built or located on and/or in a floatation system, device or vessel which may or may not be intended for, or useable in, navigation;

"manufactured" means a prefabricated or factory built residential building, arriving on site in a single section ready for occupancy, and containing one dwelling unit. A manufactured dwelling is specifically designed with the capacity to be portable and used for year round residential occupancy when placed on a foundation and connected to

utilities;

"multi-attached" means a residential building containing three or more dwelling units side by side or stacked each having a separate access to ground level;

"multi-family" means a building or portion of a building containing three or more dwelling units with shared entrance facilities;

as amended by By-law No. 5002 August 26, 2019

"Effective Development Permit" means a development permit which has passed the mandatory appeal period pursuant to this by-law and is currently in effect as per conditions stated on the development permit;

as amended by By-law No. 4553 April 12, 2010

"elevation plane" means the vertical street-facing exterior portion of a building wall;

as amended by By-law No. 4444 April 23, 2007

"equipment rental & repair" means a development used for the rental and repair of tools, appliances, recreational craft, office machines, furniture, home appliances, light construction equipment, or similar items, but does not include the rental or repair of motor vehicles or industrial equipment;

"facade" means the exterior wall or walls of a building exposed to public view or that wall viewed by persons not within the building;

"fence" means a structure continuous in length including gates, which is used to prevent or restrict passage, to provide visual

screening, sound attenuation, protection from dust or the elements, or to mark a boundary;

as amended by By-law No. 4444 April 23, 2007

"fleet service" means a development using a fleet of vehicles for the delivery of people, goods, or services, where such vehicles are not available for sale or long-term lease;

"float plane base" means any area of land and water, including a frozen surface thereof, used either in whole or in part for the arrival and departure or servicing of aircraft, and any building, installation or equipment used in connection with the operation of the float plane base;

"floor area" means the total floor area of the building or structure, contained within all the floors and basement. The floor area does not include areas used exclusively for storage or mechanical/electrical service to the building;

"floor area ratio" means the numerical value obtained by dividing the floor area of all buildings on a site by the total area of the site;

"food/beverage service" means a facility in which food and/or beverages are prepared to be sold for consumption on the premises or for take-out, and without limiting the generality of the foregoing, may include such facilities as restaurants, drive-in food establishments, taverns, bars, cocktail lounges and catering services, but does not include fast foods sold by a convenience store;

"food/beverage
service (minor)"

means a facility in which food and/or beverages are prepared to be sold for consumption on the premises or for take-out, and without limiting the generality of the foregoing, may include such facilities as restaurants, drive-in food establishments, taverns, bars, cocktail lounges and catering services, and such facilities are limited to a maximum floor area of 465 square metres;

as amended by By-law No. 4563 May 25, 2010

"funeral home"

means a facility used for the preparation of the deceased for final disposition and for offering or providing funeral products and services to the public, but shall not include a crematorium;

as amended by By-law No. 4553 April 12, 2010

"garage"

means an accessory building (detached) or a part of the principal building (attached) designed and used for the storage of motor vehicles of the occupants of the premises;

"government office"

means development that provides for federal, territorial (including related boards and agencies) or municipal or aboriginal administrative functions and associated public assembly functions;

"grade"

means the elevation of finished ground surface, excluding an artificial embankment, at any point immediately adjacent to the building;

as amended by By-law No. 4444 April 23, 2007

"greenhouse" means development for the growing, acclimating, propagating, harvesting, displaying and selling of bedding, household, and ornamental plants and may include accessory uses related to the storing, displaying, and selling of gardening, nursery and related products;

"habitable room" means any room or space intended primarily for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms, and dens: excluding bathrooms and storage rooms;

"hazardous nature" means materials or goods that present a risk or danger to be stored in a structure or on a property. This includes, but is not limited to, potential explosives and toxins;

as amended by By-law No. 4553 April 12, 2010

"height" means the vertical distance measured from the average level of the proposed finished grade to the highest point of a building or structure. In calculating height, features such as steeples, flagpoles, radio transmitters, cupolas, antennae, chimney and ventilation equipment shall not be included;

Definition "Heritage Site"

deleted by By-law No. 4541 January 11, 2010

as amended by By-law No. 4541 January 11, 2010

"Heritage Resource" means a place, building, structure, or work which may be of interest because of their prehistoric, historic, cultural, natural or aesthetic value, and

whether or not designated as such under the Heritage By-law;

"home based business"

means the secondary use of a principal dwelling, its accessory buildings and site, or combination thereof, by at least one permanent resident of the dwelling, to conduct a business activity or occupation which does not change the residential character of the buildings and site. It does not include:

- a) a commercial entertainment or commercial recreational use;
- b) motor vehicle and power sports equipment sales, rental, storage, service or repair;
- c) a dating or escort service;
- d) animal services and kennels.

as amended by By-law No. 4892 March 29, 2016

"home office"

means a home based business office within a dwelling used exclusively for personal use. This definition does not include home based business offices with any customers on-site or home based business-related vehicle(s). The home office shall:

- a) Be an office within a dwelling used exclusively for personal use;
- b) Be located where a home based business is a permitted use;
- c) Be staffed by no person other than a resident of the home and not more than two adult residents of the home;
- d) Store any goods and articles associated with the home based business within approved structures on the lot and not

-
- be of a hazardous nature;
- e) Require no variation from the external appearance and residential character of land and buildings;
 - f) Preserve the privacy and quiet enjoyment of adjacent dwellings;
 - g) Generate no traffic or parking problems;
 - h) Have no commercial vehicle(s) or vehicle(s) exceeding 4,400 kilograms gross vehicle weight used in conjunction with the home based business; and
 - i) Have no customers or patrons in attendance at any given time.

"hotel"

means a building containing rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor, and which may also contain meeting rooms and recreational facilities;

"household"

means an individual or two or more persons related by blood, marriage or adoption, or a group of not more than four persons who need not be related by blood or marriage, all living together as a single housekeeping unit and using common cooking facilities, and including bona fide servants or not more than four persons who receive their lodging, board or both for compensation with or without separate accommodation;

as amended by By-law No. 4639 September 10, 2012

"indoor public space"

means an area, located on the ground floor of an office building, devoted to the provision of amenities, including, but not limited to; benches, tables and chairs, fountains, monuments and

public art. The intent of the indoor public space is to stimulate activity between the public and private realm where the ground floor commercial has been determined to be unviable.

as amended by By-law No. 4444 April 23, 2007

"industrial, general"

means the following activities:

- (a) The processing of raw or finished materials;
- (b) The manufacturing or assembly of goods, products or equipment;
- (c) The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;
- (d) The training of personnel in general industrial operations. It may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial uses. A general industrial development shall not adversely affect surrounding non-industrial uses through the generation of emissions, noise, odours, vibrations, heat, bright light, or dust;

"industrial use"

means the use of land, building or structures for the manufacturing,

processing, repairing,
fabricating, or assembly of raw
materials or goods, warehousing or
bulk storage of goods and related
accessory uses, but does not mean
bulk fuel storage;

as amended by By-law No. 4765 January 27, 2013

"In-Home Secondary Suite" means a separate dwelling unit
located within a Single Detached
Dwelling, Manufactured Dwelling,
Duplex, or other unit type as
approved by Council;

"kennels" means the use of land for the
purpose of boarding, breeding,
raising, or training of animals;

as amended by By-law No. 4444 April 23, 2007

"laboratory" means a building, or part thereof,
used for scientific, medical
and/or research purposes;

"lake use" means the use of Great Slave Lake
and/or its natural boundary for
water related recreation,
commercial fisheries, float plane
bases, marina-commercial,
transportation and trans-shipment
purposes, including accessory
wharfs and structures;

"landscaping" means the modification and
enhancement of a site, subject to
Section 7.1(2) of this by-law,
through the use of any or all of
the following elements:

- 1) Soft landscaping consisting
of vegetation such as trees,
shrubs, hedges, grass and
ground cover;
- 2) Hard landscaping consisting
of non-vegetative materials
such as brick, stone,
concrete, metal, tile and

wood, excluding monolithic concrete and asphalt.

as amended by By-law No. 4588 - October 25, 2010

"legal non-conforming Structure"	means a building or structure that was lawfully constructed or lawfully under construction at the date of this by-law coming into force, and does not conform to the requirements of this by-law;
"legal non-conforming use"	means a use of land or a structure that was lawfully commenced before the coming into force of this by-law;
"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 filed on a plan registered in the Land Titles Office;
"lot, corner"	means a lot located at the intersection or junction of two or more streets;
"lot, interior"	means any lot other than a corner lot;
"lot lines"	means the legally defined limits of any lot;
"lot length"	means the horizontal distance between the front and rear lot lines and measured along the median between the side lot lines;
"lot width"	means the horizontal distance between the side lot lines measured along a straight line setback from the front lot line at a distance equal to the minimum required front yard for the zone and approximately parallel to the

street line;

as amended by By-law No. 4444 April 23, 2007

- "manufactured homes sales and storage" means a site exclusively used for the storage, staging, or shipping of manufactured homes and related materials and may include accessory sales uses and structures;
- "marina" means a facility, building and/or structure with onshore and offshore components that accommodate a combination of over-water uses and land uses by providing anchoring, mooring, launching and parking areas and other uses;
- "marina-residential" means a marina primarily used for float homes;
- "marina-commercial" means a marina primarily used for commercial water uses such as float planes, large boats, barges, pleasure crafts including the sale, repair and servicing of water craft;
- "mixed use" means the use of a building or buildings involving two or more permitted or conditionally permitted uses of the zone, and where one use shall be a residential use;
- "modular home" means a prefabricated or factory built residential building consisting of two or more sections, neither of which comprises a dwelling unit, that may be attached side-by-side or above and below to form one or more complete dwelling units for year round residential occupancy, but this definition does not

	include recreational vehicles or manufactured dwellings, with additions;
"monument"	means a work of art, sculpture, religious symbol, cultural symbol, historic artefact, or other similar pieces that constitutes a visual and physical presence on a site either as an accessory or principal structure or use;
"moor"	means to make fast or secure with or as with cables, lines, or anchors;
"moorage area"	means the area of a water body which surrounds the offshore use related to a marina or lake use, and it is bound by the ordinary high water mark and the offshore extension of a quadrilateral bounded on one end by a moorage reference line, see Schedule #5 for an illustrative diagram;
"moorage reference line"	means a straight line established by means of a survey on land beyond the ordinary high water mark the ends of which are specified distant from the ordinary high watermark, and all moorage reference lines are subject to the development permit approval process, see Schedule #5 for an illustrative diagram;
"moorage space"	means a portion of moorage area that is used to moor a float home, boat, barge or float plane, see Schedule #5 for an illustrative diagram;
"motel"	means a building or group of buildings containing rooms or suites designed to provide

temporary accommodation, and where each room or suite has its own exterior access which is provided with an adjoining or conveniently located parking stall;

as amended by By-law No. 4444 April 23, 2007

"motor vehicle sales"

means the sale and storage of motor vehicles. This may include an accessory motor vehicle service use, but does not include a car/truck wash facility or a automobile service station;

"motor vehicle sales,
service or repair"

means the sales, servicing and repair of motor vehicles, including service stations, car washes and gas bars;

"natural boundary"

means the ordinary high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual as to mark upon the shore of a lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the shore itself;

"natural resource
extraction"

means the mining, quarrying, removal and/or excavation of any mineral, ore body, stratum, rock, earth, clay, sand, gravel, black dirt, peat, or other natural resources to supply material for construction, manufacturing, industrial, landscaping and other commercial activities. This definition does not include any excavation or work incidental to the development of a building, structure, or use for which a development permit has been

issued;

"office" means development that provides professional, management, administrative, consulting, financial service, and similar office and business support services, and includes the provision of out-patient health care and related office support services;

"office (Minor)" means development that provides professional, management, administrative, consulting, financial service, and similar office and business support services, and includes the provision of out-patient health care and related office support services, and such development is limited to a floor area of a maximum of 200% of the site area;

"open space" means an undeveloped site characterized by the bedrock outcrops, the water-bodies, the indigenous vegetation and any other natural feature, or any combination of these;

"overlay zone" means the application of regulations specific to any zone, which for the purpose of this by-law include, but are not limited to, density, building heights, heritage protection and watershed protection;

as amended by By-law No. 4444 April 23, 2007

"outdoor storage facility" means a site exclusively utilized for the storage of goods or materials or equipment. Un-serviced buildings or structures are considered accessory buildings;

as amended by By-law No. 4626 June 27, 2011

"outdoor wood pellet boiler" means a heating system located outside of the building(s) to be heated, using wood pellets as heating source. It typically comprises a storage unit, a boiler, and a piping network connecting to the building(s) to be heated. A wood pellet boiler heating system is considered accessory to the principal building(s) it serves on the same lot or site;

"outside display" means the outdoor display of goods, vehicles or equipment in operable condition which are intended to be sold or rented;

"outside storage" means the area of a site used for the storage of any goods, merchandise, junk, vehicles, or equipment associated with the approved use of the site;

"owner" means:

- a) in the case of land owned by the Commissioner of the Northwest Territories or the Crown in right of Canada, the Commissioner or Minister of the Crown having the administration of the land;
- or*
- b) in the case of any other land the registered owner, the owner's agent, or an authorized representative;

"parking 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, and where parking is the principal use of

	the site;
"parking space"	means an off-street area available for the parking of one motor vehicle;
"parking structure"	means a structure designed for the parking of motor vehicles in tiers or floors;
"parks and recreation"	means a development for use by the public for both passive and active forms of recreation;
"permitted uses"	means a use listed in a permitted use table that shall be approved with or without conditions provided the requirements and regulations of this by-law are satisfied;
As amended by By-law No. 4814, January 12, 2015	
"Pet Grooming Salon"	means a facility where pets are provided with hygienic and/or aesthetic care. Overnight shelter is not permitted.
"physical limitations"	when used in reference to considering a modification of lot or yard sizes, setbacks, and parking shall refer to the existing terrain and topography of the site, unique vegetation, geometry of a particular lot or the location of existing structures which may be a limitation to the type of development that characterizes a particular zone;
"planned development"	means the grouping on a site of two or more permitted or conditionally permitted uses in a zone subject to Section 7.1(8) where applicable;

"Planning Act" deleted by By-law No. 4913 October 24, 2016

"Planning Administrator" means an employee or his designee appointed by the Senior Administrative Officer of the City of Yellowknife to administer, coordinate, and promote planning related documents, policies, and by-laws such as the general plan, the area development plans, the zoning by-law, and other planning documents that have been adopted by Council plus the appropriate sections of the *Community Planning and Development Act*;

as amended by By-law No. 4625 October 11, 2011

"porch" means an exterior appendage to a building forming a covered or uncovered approach or vestibule to a doorway;

"power sports equipment" means snow machines, watercraft, motorcycles and all terrain vehicles;

"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 use the primary purpose for which the lot is used;

"principal use" means the main purpose for which a building or site is used;

as amended by By-law No. 4590 August 13, 2012

"public or quasi-public use" means development used by the public for assembly, instruction, culture, religion, or enlightenment for a communal activity, or a place of public entertainment or recreation, and

without limiting the generality of the foregoing may include libraries, museums, churches, schools and public restrooms, and shall include associated residential buildings or dwelling units that are ancillary to and located on the same lot or consolidated lots as a development that provides educational services which lead to a college diploma or university degree;

"public utility uses and structures"

means a system, works, plant, equipment, or service, whether owned or operated by or for the City or by a corporation, which furnishes services and facilities available at approved rates to or for the use of the inhabitants of the City, including but not limited to communication systems, transportation, municipal services, and the supply of electricity;

"reclamation"

means development that restores or attempts to restore the ecological and natural characteristics of a site or area;

as amended by By-law No. 4541 January 11, 2010

"Recognized Heritage Resource" means any Heritage Resource that is not designated by a by-law of Council but is acknowledged as 'Recognized' through a motion of the Heritage Committee;

as amended by By-law No. 4444 April 23, 2007

"recycling depot" means a development used for the temporary storage of bottles, cans, tetrapaks, newspapers and similar goods for reuse where all storage is contained within an enclosed building or site;

"rehabilitative and corrective facility"	means a development to hold, confine or to provide regulated or temporary residential facilities for minors or adults either awaiting trial on criminal charges or as part of the disposition of criminal charges. Typical uses are a remand centre or jail;
as amended by By-law No. 4444 April 23, 2007	
"research and development facility/laboratory"	means a building or group of buildings in which are located facilities for scientific research, investigations, testing or experimentation;
"residential building"	means a building which is designed or used for one or more dwelling units;
"residual area"	means all of that area of a site not covered by structures, parking, loading and access/egress to roadways;
"screening"	means the total or partial concealment of a building, structure or activity by a fence, wall, berm or soft landscaping;
"separation space, building"	means the exterior, perpendicular distance from a wall of a dwelling unit and this space shall not contain any communal or public activity other than landscaping;
"separation space, privacy"	means the exterior, perpendicular distance from a wall containing an entrance, a principal living room window, or a habitable room window of a dwelling unit, and this space shall not contain any communal or public activity other than landscaping;
"shore"	means the land or area immediately adjacent and directly associated

to a water-body;

"similar use" means development deemed by Council to be similar in nature to a permitted or conditionally permitted use;

"site" means a lot or an area of land or water-body;

as amended by By-law No. 4625 October 11, 2011

"site coverage" means the ratio of the ground floor area of all principal and accessory buildings or structures on a site measured from the exterior walls, in relation to the total lot area. This definition does not include: accessory decks and porches;

"special care facility" means a building or portion thereof wherein specialized care is provided to occupants in the form of supervisory, nursing, medical, counselling, home making services, or other services related thereto, but this does not include a child care facility;

as amended by By-law No. 4444 April 23, 2007

"storage yard" means a portion of a site utilized for the storage of retail/wholesale goods or materials or equipment. The use shall be accessory to and incidental to the principle use of the site. This does not include an Outdoor Storage Facility;

"storey" means that portion of the building which is situated between the top of any floor and the top of the floor next above or below it, and if there is no floor above that portion then between the top of

	such floor and the ceiling above it;
"storey, first"	means the lowest storey having its ceiling more than two metres above grade;
"street"	means a public thoroughfare which affords the principal means of access to the abutting sites;
"streetscape"	means all those elements that constitute the physical makeup of a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, awnings, marquees, signs, monuments, and lighting;
"structure"	means anything located, constructed, or erected with a fixed location on or to land, or attached to something having a fixed location on or to land including land that is underwater;
"subdivision"	means the division of a parcel of land into one or more smaller parcels by means of a plan or survey or other instrument, and this shall include the consolidation of parcels into a single parcel;
as amended by By-law No. 4830 March 9, 2015	
"temporary activity"	"means the development characterized by a seasonal or short term nature of which the duration shall not exceed the time period and conditions specified in an approved development permit. This definition does not include "Workers' Accommodation;"
"tourist trailer park"	means a site which provides for

or campsite"	the temporary location of tents and recreational vehicles used by travellers and tourists for overnight accommodation;
"transportation facility"	means the use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers, buses and boats;
as amended by By-law No. 4907 July 11, 2016	
"temporary work camp"	means a facility constructed to provide accommodations for workers who are associated with a specific large-scale project with a construction value of no less than \$250,000,000 for a determinate period of time. The facility shall be removed from the site upon the predetermined end date;
as amended by By-law No. 4444 April 23, 2007	
"used building"	means a building which has been relocated from a property where it formed part of a development to a new property with a different civic address;
"utility lot"	means a piece of land designed to carry utilities above or below the ground and which is registered in the name of the municipality or a licensed utility company;
"variance"	means an alteration or change to a standard prescribed by this by-law that is authorized by the Development Officer, Council or the Board;
as amended by By-law No. 4758 November 25, 2013	
"veterinary clinic"	means any building, structure, or premises in which animals are

treated for medical reasons,
hospitalized or groomed.

as amended by By-law No. 4625 October 11, 2011

"wall" means one of the sides of a room
or building, connecting floor and
ceiling or foundation and roof;

as amended by By-law No. 4444 April 23, 2007

"warehousing and distribution" means the storage and distribution
of raw materials, processed or
manufactured goods, and
establishments providing for those
services;

"water-body" means any bay, lake, or water
course;

"watercourse" means any natural or manmade
stream, river, creek, ditch,
channel, canal, culvert, drain,
waterway, gully, ravine, or wash
where water flows in a definite
direction or course, either
continuously or intermittently,
and which has a definite channel,
bed and banks and includes any
area adjacent thereto subject to
inundation by reason of overflow
or flood water;

"water front lot" means a lot or site which has all
or a portion of its boundary
abutting a water-body or the 100'
reserve as defined by the
Territorial Lands Act (R.S.N.W.T)
1988, C. T-7;

as amended by By-law No. 4830 March 9, 2015

"workers accommodation" means a facility constructed to
provide housing for workers in the
form of complete dwelling units,
typically for related businesses
for an appropriate project, term
or seasonal purpose.

- "yard" means a part of a lot upon or over which no building or structure other than a boundary fence is erected unless otherwise herein 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;
- "zone" means a zone of land and/or water established under this by-law.

Part Two DEVELOPMENT AUTHORITY

2.1 Development Authority

- (2) The authority to plan and control development is established by this by-law. The authority to plan and control development shall be exercised by Council, the Planning Administrator and the Development Officer. Council, the Planning Administrator and the Development Officer shall exercise development control, subdivision and condominium review, and by-law amendment duties on behalf of the municipality as specified by this by-law.

2.2 Development Officer

- (1) The office of the Development Officer is established by this by-law.
- (2) The person or persons to fill the office of the Development Officer shall be appointed by resolution of Council.
- (3) The Development Officer shall:
- (a) Receive and process all development permit applications;
 - (b) Keep and maintain for inspection by the public during office hours, a copy of this by-law, as amended, and ensure that copies are available to the public at a reasonable charge;
 - (c) Keep a register of all development permit applications, decisions thereon and rationale;
 - (d) Make decisions on all development permit applications for those uses listed as Permitted Uses;
 - (e) Make decisions on any application for home based businesses pursuant to the provisions of Section 7.2(6);

- (f) Refer all applications for Conditionally Permitted Uses, and all applications requesting a variance in accordance with Sections 3.5 to Council for decision;
 - (g) Refuse an Application for a Development Permit for a use or development that is not listed as a Permitted or Conditionally Permitted Use;
 - (h) Refer to the Capital Area Development and Program Committee, all development permit applications in accordance with Capital Area Development Scheme By-law No. 3934;
 - (i) Be the authority for all purposes of this by-law and the *Community Planning and Development Act*, except where responsibility is given to the Planning Administrator or Council;
 - (j) As authorized by this by-law, issue decisions and post a notice for all development permit applications and state terms and conditions as authorized by this by-law.
- (4) The Development Officer may:
- (a) Refer any development permit application to Council, and;
 - (b) Refer any other development matter to Council for its review, support or advice.

2.3 Planning Administrator

- (1) The Planning Administrator shall:
- (a) Review and make recommendations on applications for plans of subdivision and condominium;
 - (b) Provide notice to the Department of Municipal and Community Affairs that an application is supported, conditionally or unconditionally,

including the conditions under which the application is supported;

- (c) Provide notice to the Department of Municipal and Community Affairs that an application is not supported and the reasons therefore;
- (d) Receive and make recommendations to the Committee of Council, all applications for an amendment to this by-law;
- (e) Receive and make recommendations on all referrals for amendment to this by-law from Council.

As amended by By-law No. 5002 August 26, 2019

- (f) Receive and make decisions on applications regarding Amending an Effective Development Permit.
- (2) The Planning Administrator may refer any subdivision and condominium application to Council.

2.4 Council

- (1) Council shall:
 - (a) Make decisions and state any terms and conditions for development permit applications for those uses listed as Conditionally Permitted Uses;
 - (b) Make decisions and state any terms and conditions, as authorized by this by-law, for those uses listed as Permitted Uses which the Development Officer refers to it;
 - (c) Make decisions and state any terms and conditions, as authorized by this by-law, for those uses listed as Permitted Uses and Conditionally Permitted Uses requiring a variance;
 - (d) Recommend approval and state any terms and conditions, as authorized by this by-law, for subdivision applications;

- (e) Approve, add any specific provision, or deny all applications for an amendment to this by-law, and;
- (f) Consider and state any terms and conditions on any other planning, subdivision or development matter referred to it by the Development Officer or Planning Administrator, or with respect to which it has jurisdiction under this by-law.

Part Three DEVELOPMENT APPLICATION

3.1 Control of Development

- (1) Except as provided in Section 3.2, no person shall commence a development in the City unless:
 - (a) a development permit has first been issued pursuant to this by-law;
 - (b) the development is in accordance with the terms and conditions of the development permit; and
 - (c) the effective date of an approved development permit has been reached.
- (2) The erection of a building on any lot or site is prohibited, if in the opinion of the Development Officer, satisfactory arrangements have not been made by the developer for the supply to the building of services for water, electricity, sewage and street access, or any of them including payment of the costs of installing or constructing any such utility by the developer.
- (3) No use, structure or obstruction shall be permitted within a road right-of-way or other similar City owned parcels other than those related to pedestrian and vehicular circulation or municipal services or utilities unless otherwise permitted in this by-law or by agreement with the City of Yellowknife.
- (4) In addition to meeting the requirements of this by-law, it is the responsibility of an applicant to obtain all other approvals or licenses that may be required by the City, Territorial or Federal departments or agencies.

3.2 When a Development Permit is Not Required

Section 3.2(1) amended by By-law No. 4588 - October 25, 2010

- (1) A Development Permit is not required for the following developments provided that the proposed development complies with the applicable regulations of this by-law:

Section 3.2(1)(a) as amended by By-law No. 4588 - October 25, 2010

- (a) Maintaining or repairing any building, provided there is no increase in the dimensions of the original building. This does not include replacement of the building;
- (b) Pursuant to Section 7.1(4), the construction or maintenance of a fence not exceeding 0.9 metres (3 ft.) in height in front yards, and not exceeding 2.0 metres (6.6 ft.) in height in side and rear yards;
- (c) A temporary building not to be used for residential purposes, such as a construction trailer, where the sole purpose of the building is incidental to the erection or alteration of a permanent building for which a permit has been issued under this by-law, or the temporary use of a building where such use is normally associated with and incidental to the approved use of the building;
- (d) Construction or installation of an accessory structure that does not exceed 10 square metres (108 square feet) in area or 3 metres in height and is not permanently attached to the ground, subject to 7.2(5);
- (e) Internal alteration to a residential building as long as the alterations do not result in an increase in the number of dwelling units;
- (f) The maintenance and repair of public works, services or utilities carried out by, or on behalf of, federal, territorial or municipal authorities;
- (g) Site excavation or filling where such works do not alter the ground level in excess of 0.6 metres;

Section 3.2 (1) (h) as amended by By-law No. 4718 May 13, 2013

Section 3.2 (1) (h) as amended by By-law No. 4625 October 11, 2011

- (h) Construction of an accessory deck:
 - (i) Construction of an accessory deck not higher than 0.6 meters above ground level provided a yard setback is not reduced by more than 40% as per section 7.1(4);
 - (ii) Construction of an accessory deck more than 0.6 meters in height, provided a yard setback is not reduced by more than 40% as per section 7.1(4). Any property information required, from time to time, by the Development Officer shall be provided. The City reserves the right to require a Development Permit at the discretion of the Development Officer.
- (i) Erection of towers, flagpoles and other poles not exceeding 4.57 metres (15 ft.) in height from grade in any residential zone;
- (j) The installation of electrical power infrastructure pursuant to any franchise agreement in place;
- (k) Installation of additional insulation on an existing building;
- (l) Replacement of a residential accessory use, building, or structure previously approved by Development Permit, if such works do not increase any dimensions of the original;
- (m) Erection of temporary tents and other structures for the purpose of cultural, recreational, medical or similar public or quasi-public purposes held on land to which the City of Yellowknife has tenure.

Sections 3.2 (1)(n) and (o) as added by By-law No. 4718 May 13, 2013

- (n) Additions to existing single-detached dwellings and duplexes that do not create a new dwelling unit, provided the use is permitted and complies with all applicable height and setback requirements. Any property information required, from time to time, by the Development Officer shall be provided. The City reserves the right to require a Development Permit at the discretion of the Development Officer.
- (o) Construction of a shed or detached garage that does not exceed 75 square metres (807 square feet) in area, provided the use is permitted and complies with all applicable height and setback requirements. Any property information required, from time to time, by the Development Officer shall be provided. The City reserves the right to require a Development Permit at the discretion of the Development Officer.

Section 3.2 (1)(p) as added by By-law No. 4892 March 29, 2016

- (p) A home office as per Section 1.6 of this By-law for a home based business which does not contravene the requirements under Section 7.2(6) Home Based Business.

3.3 Application for a Development Permit

- (1) An Application for a Development Permit shall be made to the Development Officer on the prescribed form and shall be signed by the applicant or his agent.

Section 3.3(2) as amended by By-law No. 4588 - October 25, 2010

- (2) In addition to the completed application form, the following are required:

Section 3.3(2)(a) as amended by By-law No. 4718 - May 13, 2013

- (a) One copy of the site plan, in metric, indicating the following information:

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- i) North arrow;
 - ii) Scale of Plan;
 - iii) Legal description of property;
 - iv) Municipal address;
 - v) Lot lines shown with dimensions;
 - vi) All required yards shown with dimensions;
 - vii) Location and dimensions of existing structures on site;
 - viii) Location and dimensions of proposed structures on site;
 - ix) Site topography and drainage patterns;
 - x) Location of curbs and sidewalks;
 - xi) Location of existing and proposed service connections;
 - xii) Location of registered utility easements and rights-of-way;
 - xiii) Location of structures dimensioned to lot lines;
 - xiv) Retaining walls, landscaping, trees and other physical features both existing and proposed on a site and adjoining rights-of-way;
 - xv) Dimension layout of existing and proposed parking areas, entrances and exits abutting streets and lanes;
 - xvi) Location and dimension of outdoor fuel storage facilities.
- (b) Floor plans and elevations of all proposed structures including a description of the

exterior finishing materials and colours.

- (c) All required Development Permit Application drawing submissions shall be drawn using computer aided design, except if development is a residential accessory building or structure.
- (d) Proposed final grades and the lowest elevation of the top of the ground level floor or the lowest footings of the foundation.

Section 3.3(2) as amended by By-law No. 4597 - November 22, 2010

- (e) The quality and type of fill to be employed and the method proposed to control erosion for all the proposed infilling of a water body.
 - (f) Written confirmation that the proposed development complies with any easement, covenant, agreement or contract affecting the site.
- (3) The Development Officer may also require any of the following:
- (a) Drawings which indicate, to the satisfaction of the Development Officer, how the form, mass and character of the proposed development will relate to neighboring properties;
 - (b) Drawings which indicate, to the satisfaction of the Development Officer, how the design, materials and finish of the principal façade of the proposed development will relate to neighboring properties;
 - (c) A level one environmental site assessment, a level two environmental site assessment, or both, prepared by a qualified professional to determine potential contamination and mitigation;
 - (d) A traffic impact analysis prepared by a qualified professional which shall address, but not be limited to, impact on adjacent public roadways, pedestrian circulation on and off site, vehicular movements circulation on and off site, turning

radius diagrams for large truck movements on and off site, and any other similar information required by the Development Officer;

- (e) Written confirmation from the power utility company that services can be provided to the proposed development in accordance with the Canadian Electrical Code;
 - (f) Provision for the supply of water, sewer and street access, including payment or provision of security of the costs for installing such utility;
 - (g) A site plan indicating existing contours and natural features and specifying any proposed modification of the contours and natural features;
 - (h) A report showing the effect of wind and sun shadow produced by the proposed development, and;
 - (i) A reclamation plan for sand, gravel or topsoil extraction.
- (4) The Development Officer may waive any of the required information or material if, in the opinion of the Development Officer, a decision can be properly made on the application without such information.

Section 3.3(5) as added by By-law No. 4597 - November 22, 2010

- (5) No Development Permit for infilling of a water body shall be issued unless the application for a Development Permit is for an acceptable land use. Applications requesting permission to fill a water body without an identified end use will not be accepted the City.

3.4 Discretion

- (1) In making a decision on an Application for a Development Permit for a Permitted Use, the Development Officer:
 - (a) Shall approve, with or without conditions, the application if the proposed development conforms with this by-law, or;
 - (b) Shall refuse the application if the proposed development does not conform to this by-law, unless a variance has been authorized pursuant to Section 3.5.
- (2) In making a decision on an Application for a Development Permit for a Conditionally Permitted Use, Council:
 - (a) May approve the application if the proposed development meets the requirements of this by-law, with or without conditions, based on the merits of the application, the *Community Planning and Development Act*, by-law or approved plan or policy affecting the site, or;
 - (b) May refuse the application even though it meets the requirements of this by-law, or;
 - (c) Shall refuse the application if the proposed development does not conform to this by-law, unless a variance has been granted pursuant to Section 3.5.
- (3) In reviewing an Application for a Development Permit for a Conditionally Permitted Use, Council shall have regard to:
 - (a) The circumstances and merits of the application, including, but not limited to:
 - i) The impact on properties in the vicinity of such factors as airborne emissions, odors,

smoke, traffic and noise, sun shadow and wind effects;

ii) The design, character and appearance of the proposed development, and in particular whether it is compatible with and complementary to the surrounding properties, and;

iii) The treatment provided to site considerations including landscaping, screening, parking and loading, open spaces, lighting and signs.

As amended by By-law No. 4913 October 24, 2016

(b) The purpose and intent of the General Plan and the applicable Area Development Plan adopted by the City.

(c) The purpose and intent of any non-statutory plan or policy adopted by the City.

Section 3.4(3)(d)(ii) amended by By-law No. 4938, June 26, 2017

As amended by By-law No. 4814, January 12, 2015

(d) The following information submitted by the applicant as part of the application for an animal services use:

i) number of animals;

ii) hours of operation;

iii) design layout of the operation;

iv) adjacent land uses;

v) arrangements for the keeping and/or exercising of animals to include and not be limited to whether it is indoor or outdoor and on-site or off-site;

vi) potential impacts and mitigation measures; and

vii) any other factors deemed necessary by the Development Officer for Council review.

Council may attach any condition to ensure compatibility with the surrounding area.

- (4) Notwithstanding any provisions or requirements of this by-law, Council may establish a more stringent standard for a Conditionally Permitted Use when Council deems it necessary to do so.
- (5) A development permit may be issued on a temporary basis for a period specified by the Development Officer or Council as required by this by-law.
- (6) For the purposes of this section, if a proposed use of land or building is not listed as a Permitted or Conditionally Permitted Use in this by-law, Council may determine that such a use is similar in character and purpose to a use permitted in that zone and may allow the development as a Conditionally Permitted Use.

Section 3.4 (7) as amended by By-law No. 4914 October 24, 2016

- (7) An application for a Development Permit shall, at the option of the applicant, be deemed to be refused when the Development Officer does not make a decision within 40 days after receipt of the application in its complete and final form.

Section 3.5 (1) as amended by By-law No. 4612 March 28, 2011

Section 3.5

as amended by By-law No. 4553 April 12, 2010

3.5 Variance Authority

- (1) Upon application by the property owner or agent, the Development Officer may allow a variance in regard to site coverage; building height; front, side and rear yard setbacks; landscaping; parking; lot depth and width; floor area; and site area.

Section 3.5(2) deleted by By-law No. 4612 March 28, 2011

(2)

- (3) Upon application by the property owner or agent, Council may consider allowing a variance in regard to site density provisions.

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- (4) A variance may only be granted if, in the opinion of the Development Officer or Council:
- (a) The proposed variance would not result in a development that will:
 - i) unduly interfere with the amenities of the neighbourhood; or
 - ii) materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.
 - (b) The subject site has irregular lot lines or is a size and shape that presents challenges to development.
 - (c) The subject site has physical limitations relating to terrain, topography or grade that may create difficulties in meeting the zoning regulations as prescribed in this by-law.
 - (d) The subject site has natural features such as rock outcrops or vegetation that may create difficulties in meeting the zoning regulations as prescribed in this by-law.
 - (e) An error has occurred in the siting of a structure during construction.
 - (f) The proposed development conforms to the uses prescribed in this by-law.
- (5) In considering a variance, the Development Officer and Council shall:
- (a) Not grant a variance which would infringe on Airport zoning regulations.
 - (b) Have regard to the purpose and intent of the zone and the nature of developments on adjoining properties.
- (6) All variances shall be approved through a development permit and the Development Officer shall specify the

nature of the variance in the development permit approval.

- (7) Variance approval is subject to the notice provisions under Section 3.9.

3.6 Fees

The fees to be charged by the City on all applications and other matters arising under this by-law are set forth in accordance with By-law No. 4436 or any successor by-law.

3.7 Development Permit Process

- (1) The Development Officer may refer an Application for a Development Permit to any City department, external agency or adjacent landowner for comment and advice. Where an adjacent landowner is referred an Application for a Development Permit for a Permitted Use, it shall be with the approval of the applicant.

Section 3.7(2) as amended by By-law No. 4914 October 24, 2016

- (2) Upon receipt of a complete Application for a Development Permit for a use listed as a Conditionally Permitted Use, the Development Officer shall require the applicant to send a written notice to all owners and lessees of land within 30 metres of the boundary of the subject property, or to a greater circulation area specified by the Development Officer. The notice shall indicate the location and nature of the development proposal, copies of relevant drawings and a location and date to submit comments.
- (3) After 15 days from the date of referral to any City department or external agency, the Development Officer or Council may deal with the application whether or not the comments or recommendations have been received.

3.8 Development Permit Conditions

- (1) As a condition of development permit approval, the Development Officer may require that the applicant enter into a Development Agreement with the City

which, in addition to other matters, may require the applicant:

- (a) To construct or pay for the construction of any or all of:
 - i) a road required to give access to the development;
 - ii) a pedestrian walkway system to serve the development or to give access to an adjacent development;
 - iii) required water, sewer and power supply;
 - iv) required off-street parking and loading facilities; or
 - v) required landscaping of the site and any adjoining property.
 - (b) To repair or reinstate, to original condition, any street furniture, curbing, sidewalk, boulevard, landscaping or trees which may be damaged, destroyed or otherwise harmed by development or building operations on a site;
 - (c) To provide an irrevocable letter of credit, or other form of security acceptable to the Development Officer, to guarantee performance of the conditions of a Development Permit or Development Agreement.
 - (d) To enter into an agreement requiring consolidation of properties.
- (2) The Mayor and the Senior Administrative Officer of the Municipal Corporation of the City of Yellowknife, or lawful deputy of either of them, are authorized in the name and on behalf of the City to execute all such Development Agreements, and other documents as may be necessary to give effect to this by-law and to affix thereto the corporate seal of the Municipal Corporation of the City of Yellowknife as the act and

deed thereof, subscribing their names in attestation of such execution.

- (3) To ensure compliance with a Development Agreement, the City may register a caveat against the property being developed which shall be discharged upon the terms of the agreement being met.
- (4) Subject to this by-law, the *Community Planning and Development Act*, and any statutory plan approved pursuant to the Act, Council may attach whatever conditions it considers appropriate to a development permit for a Conditionally Permitted Use, including but not limited to the following:
 - i) Noise attenuation;
 - ii) Smoke and odor attenuation;
 - iii) Special parking provisions;
 - iv) Location, appearance and character of building;
 - v) Retention of natural terrain and vegetation features, and
 - vi) Ensuring that the proposed development is compatible with surrounding land uses.

3.9 Notice of Decision

- (1) A decision of the Development Officer or Council on an Application for a Development Permit shall be in writing and sent to the applicant.
- (2) If An Application for a Development Permit is refused, the reason for the refusal shall be stated in the decision.
- (3) An official of the City shall conspicuously post a notice of decision on the prescribed form, of an approved Application for a Development Permit, on the property for which the application has been approved.
- (4) A notice of any decision on an Application for a Development Permit may be published in the City's

weekly newsletter, the City's website, or both, stating the location of the property for which the application has been made and the use approved for the site.

Section 3.9 (5) as amended by By-law No. 4913 October 24, 2016

Section 3.9 (5) as amended by By-law No. 4553 April 12, 2010

- (5) If a decision is issued for a Permitted Use or Conditionally Permitted Use for which a variance has been granted, the Development Officer shall:

Section 3.9 (5)(a) as amended by By-law No. 4913 Oct 24, 2016

- (a) On or before the date a notice of decision appears in the City's weekly newsletter and/or the City's website, send notice of the decision by regular mail to all owners and lessees of land within 30 metres of the boundary of the subject property, or at the discretion of the Development Officer, to a broader area, stating the nature of the variance and the development, the legal description and/or municipal address.
- (6) A development permit issued does not come into effect until 14 days after the date of notice of decision.
- (7) If the development authorized by an approved permit is not commenced within 12 months from the date of its issue, or the applicant has not obtained an approved Building Permit within 12 months from the date of its issue, the development permit shall be deemed to be void, unless the applicant advises the Development Officer that an extension is required. In such a case, the Development Officer may grant an extension of up to six months.
- (8) If a Development Permit has been refused, either by the Development Officer, Council or the Development Appeal Board, the Development Officer will not accept another application for a permit for the same property, for the same or similar use, by the same or any other applicant, during the period of six months after the date of refusal, unless the applicant can demonstrate, to the satisfaction of the Development

Officer, that the new application addresses the reasons for the refusal.

3.10 Development Appeal Process

Section 3.10

Section 3.10 (1)(a) as amended by By-law No. 4913 Oct 24, 2016

- (1) (a) A person whose application for a development permit is refused or who is approved for a development permit subject to a condition that he or she considers to be unreasonable, may appeal the refusal or the condition to the Development Appeal Board pursuant to Section 61 of the *Community Planning and Development Act*, by serving written notice of appeal to the Secretary of the Board within 14 days after the day the application for the development permit is approved or refused;
- (b) A person claiming to be affected by a decision of the Development Officer or Council made under this by-law may appeal to the Development Appeal Board pursuant to Section 62 of the *Community Planning and Development Act*, by serving written notice of appeal to the Secretary of the Board within 14 days after the day the application for the development permit is approved

Section 3.10 (2) as amended by By-law No. 4913 October 24, 2016

- (2) Where an appeal is made, a development permit shall not come into effect until the appeal has been determined and the decision confirmed, reversed or varied.
- (3) An appeal must be heard by a quorum of the Development Appeal Board, and a quorum shall consist of at least 2 members and the Chairperson or an Acting Chairperson.
- (4) Hearing procedures are as follows:
 - (a) the appellant and any other interested party shall, not later than ten days before the day fixed for the hearing of the appeal, file with

the Secretary of the Board all maps, plans, drawings and written material that they intend to submit to the Board or use at the hearing;

- (b) the Development Officer or Council shall, if required by the Board to do so, transmit to the Secretary of the Board, before the day fixed for the hearing of the appeal, the original or true copies of maps, plans, drawings and written material in its possession relating to the subject matter of the appeal;
- (c) all maps, plans, drawings and written material, or copies thereof, filed or transmitted pursuant to this section shall, unless otherwise ordered by the Board, be retained by the Board and be part of its permanent records; but, pending the hearing of the appeal, all the material shall be made available for the inspection of any interested person;
- (d) where a member of the Board has a conflict of interest in the matter before the Board, that member is not entitled to participate, deliberate, or vote thereon;
- (e) in determining an appeal, the Board shall not:
 - i) approve development that is not permitted or conditionally permitted by this by-law in the zone in which the development is situated, or
 - ii) approve development in a manner that is incompatible with the General Plan;
- (f) a decision concurred with by a majority of the Board present at the hearing is the decision of the Board;

Section 3.10(4)(g) as amended by By-law No. 4914 Oct 24, 2016

- (g) The decision of the Board shall be based on the facts and merits of the case and shall be in the form of a written report, including a summary of

all representations made at the hearing and setting forth the reasons for the decision and signed by the Chairperson or, in their absence, the acting Chairperson, and the Secretary and a copy of the decision shall be sent by the Secretary to the City and the appellant within 15 days of the date in which the decision was rendered plus all parties on whose behalf representations have been made, and to each interested person upon their request; and;

Section 3.10(4)(h) as amended by By-law No. 4913 Oct 24, 2016

(h) a decision of the Board is final and binding on all parties and is not subject to appeal.

3.11 Development Appeal Board

Section 3.11 (1) as amended by By-law No. 4913 Oct 24, 2016

(1) The Development Appeal Board is hereby established in accordance with the Section 30 of the *Community Planning and Development Act*.

(2) The Development Appeal Board shall:

- (a) be composed of at least 3 persons and not more than seven, and one shall be a member of Council, but shall not include employees of the City;
- (b) elect a chairperson;
- (c) hold a hearing within 30 days after an appeal has been received;

Section 3.11(2)(d) as amended by By-law No. 4913 Oct. 16, 2016

(d) Ensure that reasonable notice of the hearing is given to the appellant, all owners and lessees of land within 30 metres of the boundary of the land in respect of which the appeal relates, and all other persons who in the opinion of the Board may be affected;

Section 3.11(2)(e) as amended by By-law No. 4913 Oct. 16, 2016

(e) consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of the General Plan, Area Development Plan, and any Council approved

plans or policies, and to this by-law;

- (f) where an appeal is heard, hear the appellant or the appellant's agent, the Development Officer and any other persons that it considers necessary for a full and proper hearing;
- (g) render its decision in writing to the appellant within 60 days after the date on which the hearing is held;

Section 3.11(2)(h) deleted by By-law No. 4913 Oct. 16, 2016 and subsections renumbered accordingly

(h)

- (i) conduct a hearing pursuant to Section 3.10 of this by-law.

(3) The Development Appeal Board may:

- (a) in determining an appeal, confirm, reverse or vary the decision appealed from and may impose conditions or limitations that it considers proper and desirable in the circumstances; and
- (b) appoint the City Clerk to act as Secretary for the Board.

(4) The Secretary for the Board shall:

- (a) ensure that reasonable notice of the hearing is given to the appellant and all persons who in the opinion of the Board may be affected;
- (b) prepare and maintain a file of the minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with Council;
- (c) issue to the appellant and all affected parties a notice of the decision of the Board and the reasons therefore;

Section 3.11(4)(d) as amended by By-law No. 4913 Oct 26, 2016

- (d) Notify the City of the decisions of the Board and the reasons therefore; and
- (e) carry out administrative duties as the board may specify.

Section 3.12 added as per By-law No. 5002 August 26, 2019

3.12 Amending an Effective Development Permit

- (1) An Effective Development Permit may be amended by the Planning Administrator provided that:
 - (a) The request complies with all applicable regulations of this by-law;
 - (b) The amendment is directly related to the uses and conditions of the Effective Development Permit;
 - (c) There is no change in use.
- (2) All changes that do not meet the criteria set out in subsection (1) require a new development permit, pursuant to Part 3 of this By-law.
- (3) All amendments to Effective Development Permits must be provided in writing and sent to the applicant.

Part Four SUBDIVISION AND CONDOMINIUM REQUIREMENTS

Part Four - Subdivision and Condominium Requirements as deleted and replaced by By-law No. 4597 - November 22, 2010

4.1 Review of Subdivision and Condominium Application

- (1) When an application for a proposed subdivision or condominium is forwarded to the City by the Department of Municipal and Community Affairs of the Government of the Northwest Territories, it shall be submitted to the Planning Administrator. The Planning Administrator may require an applicant to submit such additional information as the Planning Administrator considers necessary to verify the compliance of the proposed subdivision or condominium with the regulations of this by-law.
- (2) The Planning Administrator may circulate the application to any City department and to any external agency, or to any property owner in the vicinity who in the opinion of the Planning Administrator may be affected by the application.
- (3) Where an application for subdivision proposes the creation of residential, commercial or industrial subdivisions in excess of four lots or one hectare in area, the proposal shall be forwarded to Council for review and recommendation. The subdivision proposal shall be circulated in two issues of the City's weekly newsletter and/or on the City's website, stating the location and nature of the proposed subdivision.
- (4) The Planning Administrator and Council may recommend approval of a subdivision plan or condominium plan if:
 - (a) each proposed lot has access onto an acceptable public roadway and municipal services;
 - (b) the subdivision, in the opinion of the Planning Administrator or Council, will result in sites which can reasonably be expected to be used for the purposes for which the lands are intended to be used under this by-law and within a reasonable

time after the plan or other instrument affecting the subdivision is registered;

Section 4.1.(4)(c) as amended by By-law No. 4913 Oct 24, 2016

- (c) the proposed subdivision conforms to the General Plan, any applicable Area Development Plan, and any Council approved plans or policies, and this by-law, however the Planning Administrator or Council may vary:
 - (i) the development standards of the lots in terms of their width, depth, or area as may be required due to physical limitation of this site having due regard to the amenities of the area and adjoining property; and
 - (ii) the road and lot layout, grading or any other feature having due regard for the contours and natural features and the modifications of the contours and features;
- (d) the applicant provides for the installation and construction at the applicant's own expense, all necessary public improvements which may include but is not limited to public roadways, sidewalks, curbs, culverts, drainage ditches, utility systems, landscaping, parks, trails and other public facilities as may be required;

Section 4.1(4)(e) as amended by By-law No. 4913 Oct 26, 2016

- (e) The applicant has made provisions for roadways, utility parcels, and reserves in accordance with Section 49 of the Community Planning and Development Act; and
 - (f) there are no outstanding taxes owed to the City and no outstanding orders from the City affecting the property.
- (5) All subdivision applications for the conversion of an existing or proposed residential rental development to a condominium development shall be reviewed subject to the following criteria:
- (a) The dwelling units subject to the proposed

subdivision must be contained within either a Legal Conforming or a Legal Non-conforming building(s) as defined herein.

- (b) For all unoccupied dwelling units, a Development Permit must have been approved for the subject building(s) and development must be proceeding in accordance with that Permit.
- (c) For all occupied dwelling units, the subdivision applicant must provide statistical information acceptable to the Planning Administrator demonstrating one of the following criteria have been met:
 - (i) there is a vacancy rate of two percent (2%) or greater among similar rental dwelling units in the city, and a minimum of sixty-six percent (66%) approval from tenants in the subject development or a one (1) year notice to current tenants and immediate notice of the proposed conversion to all new tenants; or
 - (ii) there is a vacancy rate of less than two percent(2%) among similar rental dwelling units in the city, and a minimum of eighty percent (80%) approval from tenants in the subject development or a two (2) year notice to current tenants and immediate notice of the proposed conversion to all new tenants.
- (d) All tenants shall be notified in writing of the proposed condominium subdivision as follows:
 - (i) That the conversion of the units into condominiums is being proposed;
 - (ii) What the potential implications of the conversion may involve, including, but not limited to, projected selling price of individual dwelling units, the vaulting(s) compliance or non-compliance with the Zoning and Building By-laws, the identification of

any known structural, or infrastructure deficiencies, and the identification of any known outstanding legal actions or encumbrances on the title;

(iii) That the tenants must respond in writing either for or against the proposed conversion, and that their response is to be forwarded directly to the Planning Administrator;

(iv) That only one representation shall be accepted on behalf of each dwelling unit;

(v) That all responses received by the Planning Administrator be held in confidence by the City although the general content of the responses may be made available to the proponent and to the tenants;

(vi) That the tenants have a minimum period of one month and a maximum period of two months in which to respond; and

(vii) After the response period has lapsed any tenants who have not responded will be considered to be in support of the application.

(e) For all notification to tenants, the Planning Administrator must approve of the wording employed by the proponent prior to their contacting the tenants, and the Planning Administrator may request that additional items be included in the proponent's written contact. The proponent must also provide the Planning Administrator with evidence that the tenants have been contacted. The Planning Administrator may also contact tenants directly at any time after receiving the request for comments.

(6) Where an application meets the requirements of this section, the Planning Administrator shall inform the Department of Municipal and Community Affairs that the

application is either unconditionally supported by the City, conditionally supported by the City, or not supported by the City. Where conditionally supported, the Planning Administrator shall indicate under what conditions the application is supported.

4.2 Subdivision and Condominium Conditions

- (1) When an applicant is required under this section to install or construct any public improvements, the Planning Administrator may also, as a condition of approval for the subdivision or condominium, require that the applicant enter into a Development Agreement with the City. The agreement may include but is not limited to:
 - (a) the standards to which the improvements must be installed or constructed;
 - (b) a work schedule;
 - (c) the terms and conditions of the transfer of any or all of the improvements to the City;
 - (d) security deposit or performance bond acceptable to the City of Yellowknife; and
 - (e) any other relevant matter.
- (2) The development agreement shall be a covenant running with the land.
- (3) Where an application does not meet the requirements of this section, the Planning Administrator shall inform the Department of Municipal and Community Affairs and the applicant that the application is not supported by the City and the reasons therefore.

Part Five **AMENDING THE BY-LAW**

5.1 By-law Amendments

- (1) Any person applying to have this by-law amended shall apply in writing on a form prescribed by the Planning Administrator, and may furnish additional materials in support of the application.
- (2) Notwithstanding anything contained in this section, a proposed amendment which has been rejected by Council within the previous 12 months shall not be reconsidered unless Council otherwise directs by resolution.
- (3) A person making an application to the Planning Administrator for an amendment to this by-law shall pay the City an application fee established in accordance with By-law No. 4436 or any successor by-law.
- (4) The Planning Administrator may return the application fee if:
 - (a) it appears that the proposed amendment is one which is applicable to and for the benefit of the City at large, or most of the persons affected in one area or in one zone or class of zones;
 - (b) Council does not give first reading to the proposed amendment, or;
 - (c) the purpose of the application is to seek clarification of an existing provision of the by-law.
- (5) The City is not bound to consider an application unless it is accompanied by an application fee.

5.2 By-law Amendment Process

- (1) Upon receipt of an application to amend this by-law the Planning Administrator shall:

- (a) initiate or carry out any necessary research on the proposed amendment which may include seeking input from neighboring property owners, City departments, government agencies etc.;
 - (b) review with the applicant the Departmental recommendation;
 - (c) submit to the Committee of Council a memorandum on the proposed amendment, if the applicant wishes to pursue the amendment.
- (2) In addition to publishing the official notice in accordance with Section 165 of the *Cities, Towns and Villages Act*, Council may at First Reading, by resolution, require the applicant to post a sign, of the amendment on the subject property. The Development Officer will provide to the applicant a sample of the information to be posted on the sign, including a map indicating the location(s) to be posted. The information shall be a maximum height above ground of 3 metres and at the discretion of the Development Officer, the sign shall have a minimum area of 1.5 square metres and a maximum area of and 5.9 square metres; and contain the following information;
- i) identify the present and proposed land use zones;
 - ii) identify the total area of the site to be rezoned and;
 - iii) Provide contact information with the location and phone number of the City's Planning & Development Department,
- (3) The Committee of Council shall submit its recommendation on the proposed amendment to Council for consideration.
- (4) Committee of Council may at any time on its own motion, present for consideration by Council amendments to this by-law.

- (5) Council may, at any time, initiate an amendment to this by-law, but the proposal shall be referred to the Committee of Council and the Planning Administrator for their review and recommendations before First Reading.

Section 5.2(6) as amended by By-law No. 4913 Oct 24, 2016

- (6) An amendment to this by-law shall be consistent with any existing or proposed General Plan, Area Development Plan, and any Council approved plans or policies that affects or will affect the land.

Part Six CONTRAVENTION AND ENFORCEMENT

6.1 Enforcement Notice

- (1) Where a development or use of land or structure is not in accordance with this by-law, a Development Officer may, by written notice either served personally or sent by registered mail to the owner and/or occupant of the property affected, and to any contractor engaged in the work, require the removal, demolition or alteration of the structure, the filling in of the excavation, the restoration of the contours and natural features of the site, or the cessation of the work or the use to which the land or structure is being put, as the case may be.
- (2) The notice referred to in Section 6.1 shall state:
 - (a) the grounds on which the removal, demolition, alteration, filling in, or cessation of work or use is required; and
 - (b) that the removal, demolition, or alteration of the structure, the filling in of the excavation, or the cessation of the work or the use of the land or structure, as the case may be, shall be carried out or effected in a period stated in the notice, which shall be not more than sixty (60) days from the date of the serving or sending of the notice.
- (3) Where the owner, occupant or contractor engaged in work for property to whom the notice is given pursuant to Section 6.1(2) fails to comply with the requirements of the notice, Council, by its officials, may enter upon the property and carry out or effect such removal, demolition, alteration, filling in or cessation of use as the notice requires to be done or effected, and may recover the expense thereof from the owner, occupant or contractor by action.
- (4) The expense referred to in Section 6.1(3), until paid by the owner, is a charge and lien upon the property in respect of which the notice was given.

6.2 Suspending or Revoking of a Development Permit

- (1) If development is not being carried out or completed as approved then the Development Officer may suspend or revoke the development permit. The Development Officer shall provide written notice, either served personally or sent by registered mail to the owner and/or occupant of the property affected and to any contractor engaged in the work, stating that the development permit has been suspended or revoked.
- (2) A development permit issued in error or on the basis of incorrect information contained in the application may be deemed invalid by the Development Officer who may suspend or revoke the development permit in accordance with Section 6.2(1).
- (3) The notice described in Section 6.2(1) shall:
 - (a) state the grounds on which the development permit was suspended or revoked;
 - (b) require that any development or work being undertaken or any unauthorized use being made of land or of a structure shall be discontinued on issuance of the notice and shall not resume until a development permit for that purpose has been issued or reinstated, and;
 - (c) state the conditions that must be met in order for a suspended development permit to be reinstated.

6.3 Penalties

- (1) Any person who:
 - (a) undertakes or allows development without a development permit;
 - (b) fails to comply with conditions of a development permit;

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- (c) fails to comply with any notice or order issued under this by-law; or,
 - (d) fails to comply with any decision, direction of order of the Development Appeal Board;

all in accordance with this by-law, is guilty of an offence and is liable on summary conviction to a fine not exceeding:

- (i) five hundred dollars (\$500) and, in addition, to a fine not exceeding \$100 for every day the offence continues, and;
 - (ii) in default of payment of a fine under Section 6.3(2), to imprisonment for term not exceeding 30 days.
- (2) Pursuant to Section 6.3(1) of this by-law, a Development Officer or duly appointed officer of the City may issue a Summary Offence Ticket Information in the form prescribed by the *Summary Conviction Procedures Act and Regulations*, to any person who violates any provision of this by-law and such person may, in lieu of prosecution, pay the City the voluntary penalty set out in Section 6.3(3) for the offence, prior to the court date specified on the ticket.

(3) Voluntary Penalties

	First Day	Second and each subsequent day
i.	Individual	\$25.00 \$50.00
ii.	Corporation	\$50.00 \$100.00

- (4) Any violation of the by-law is a continuing offence and separate offence for each day the offence continues, and the penalties provided for in this by-law shall apply for each day the offence continues.

Section 6.3(5) amended by By-law No. 4913 Oct 24, 2016

- (5) Notwithstanding Part Six, the City may choose at any time to exercise its right to enforce any provision of this by-law with a court order in accordance with Section 58 of the Community Planning and Development Act, or may rely upon any other remedies available to it at law to compel compliance with this by-law.

- (6) The conviction of a person under Part Six does not operate as a bar to further prosecution for the continued neglect or failure on the part of the person to comply with this by-law.

Part Seven DEVELOPMENT STANDARDS

7.1 Rules Applicable to All Zones

(1) Site Planning

In reviewing development permit and subdivision applications, the Development Officer and Council will apply the following development principles. The principles are not to be regarded as inflexible, but are intended to encourage a high standard and quality of development.

- (a) Representative natural landscape features on a site are encouraged to be retained, but where the landscape is altered, it shall be replaced, excluding building footprint and required parking areas, in accordance with Section 7.1(2). All landscaped open space shall be designed to enhance the visual amenities of the area;
- (b) Applicants are encouraged to incorporate natural terrain, topographic features and views into the design of buildings;
- (c) Vehicular access/egress points to public roadways, as well as interior driveways, parking lots and circulation areas, are to be in accordance with accepted transportation standards, subject to Section 7.1(5);
- (d) Proposed developments are encouraged to provide pedestrian access points to public roadways, public transit and any adjoining trails and open space areas;
- (e) Proposed development shall incorporate proper site surface drainage so that the removal of surface waters will not adversely affect adjacent properties or the public storm drainage system. Storm water shall be removed from all buildings and paved areas and carried away in a manner acceptable to the Development Officer. Surface water in all paved areas shall be collected at

intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create standing water in the paved areas or walkways. Approved site surface drainage shall be maintained for the life of the development;

- (f) Electrical and telephone and cable lines shall be underground where possible. Any such utility installations remaining above ground shall be located to reduce the visual impact on the site and adjacent properties;
- (g) The size, location, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the adjacent properties;
- (h) Outdoor lighting sufficient only to provide for safety, security, display or attraction for any development shall be arranged so that no direct rays of light are projected to adjacent properties or interfere with the effectiveness of any traffic control device;
- (i) Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and structures and similar accessory uses and structures shall be subject to such setbacks or screening methods as are reasonably required to prevent negative impacts on adjacent properties and the environment;
- (j) All open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police or other emergency personnel and equipment;
- (k) the removal or disruption of heritage, historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties; and

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- (1) Any proposed development, subdivision, or lease of any site on, adjacent, or near a water-body shall be designed and constructed so as to prevent any discharge or drainage of any contaminant, excrement, refuse, toxic or deleterious substance into the water-body. For the purposes of this clause the definitions of the terms "contaminant", "discharge", and "substance" shall be the same as the definitions in the *Environmental Protection Act, R.S.N.W.T. 1988. C.E-7* as amended and requirements of the *Fisheries Act*.

(2) Landscaping Requirements

- (a) Where landscaping is required pursuant to Part 10, and where the required landscape area exceeds 500 square metres (5,385 ft²), the Development Officer shall require the submission of a detailed landscape plan prepared by a landscape architect or landscape technologist.
- (b) Where landscaping is required pursuant to Part 10, and where the required landscape area is less than 500 square metres (5,385ft²), the applicant may incorporate landscaping on the site plan required pursuant to Section 7.1(2).
- (c) The detailed landscape plan or site plan shall include landscaping of adjacent public lands within a road right-of-way to the existing or proposed curb edge or sidewalk and shall provide the following information:
- i) common botanical names;
 - ii) location of trees and shrubs;
 - iii) number of trees and shrubs;
 - iv) landscape details specifying the mixture of coniferous and deciduous trees and shrubs designed to provide landscape enhancement for year round effect, and;

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- v) required landscape areas not covered by seed/sod which may include mulch beds, paving stones, walkways, amenity areas or raised planters.
- (d) Any portion of a site not occupied by buildings or parking and vehicular circulation areas that is maintained in its natural state will be considered as fulfilling landscape requirements.
- (e) All landscaped areas shall be designed to facilitate effective surface drainage.
- (f) Trees shall be provided at the rate of one tree for every 25 m² (269 ft²) of the required landscape area. A minimum of one coniferous tree shall be planted for every three deciduous trees. Shrubs shall be provided at the rate of two shrubs for every 25 m² (269 ft²) of the required landscape area. A minimum of one coniferous shrub shall be planted for every three deciduous shrubs. Minimum tree and shrub size specifications at the time of tree planting shall be:
- i) Coniferous trees - 1.0m (3.3 ft) high;
 - ii) Deciduous trees - 2.0m (6.6 ft) high;
 - iii) Coniferous shrubs - 0.4m (1.31 ft) height or spread;
 - iv) Deciduous shrubs - 0.6 (2.0 ft) height or spread;
- (g) All plant material used shall be capable of healthy growth in Yellowknife, grown from a northern stock, and with certification that the plants are grown north of 54 degrees latitude. The Development Officer may also require compliance of plant material with the Canadian Standards for Nursery Stock.

- (h) Decks may be considered as part of the required landscape area, but shall not exceed 25% of the required landscape area.
- (i) In the event that seasonal conditions prohibit the completion of landscaping, the applicant shall be required to complete all landscaping by September 30 of the following growing season.
- (j) The quality and extent of the landscaping established on a site shall be the minimum standard to be maintained on the site for the life of the development.
- (k) Where a landscape area proposed exceeds 500 square metres in area, the Development Officer shall require submission of an Irrevocable Letter of Credit as security to ensure completion of landscaping. Such security shall be released, upon written request, once an inspection of the site demonstrates to the satisfaction of the Development Officer that the landscaping has been well maintained and is in a healthy condition two growing seasons after completion of the landscaping.

Section 7.1 (3) as amended by By-law No. 4625 October 11, 2011

(3) Projections into Yards

Unless otherwise regulated, architectural features may project into a required yard:

- i) 0.6 metres into a required side yard setback of 1.5 metres; or
- ii) 1.2 metres into a required yard setback where the yard setback exceeds 3.0 metres.

Section 7.1 (4) added by By-law No. 4625 October 11, 2011 and subsections renumbered accordingly

(4) Reduced Yard Setbacks

Required yard setbacks may be reduced by the following:

- i) An accessory deck above 0.6 metres from ground level may be developed with a 40% reduced front or rear yard setback provided it is completely un-enclosed except by a guard rail or parapet wall.
- ii) An accessory deck at or below 0.6 metres from ground level may be developed with a 40% reduced front yard setback and the rear yard setback may be reduced to 1 metre provided it is completely un-enclosed except by a guard rail or parapet wall which does not exceed the maximum height permissible for a fence in the same location.
- iii) An uncovered porch or unenclosed steps may be developed with a 40% reduced yard setback from required.
- iv) The Development Officer may approve a greater reduced yard setback at their discretion based on safety, adjacent land uses, privacy of neighbouring properties, irregular site configuration, access, grade, or other factor(s) at the Development Officer's discretion.

The following subsections have been renumbered accordingly as per By-law No. 4625, October 11, 2011

(5) Fences

- (a) In residential zones the maximum height of a fence as measured from general ground level 30cm back of the fence on whichever side of the fence the ground level is higher shall be:
 - i) 2 metres for that portion of the fence which does not extend beyond the front portion of the principle building on the lot;

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- ii) 0.9 metres for that portion of the fence which extends beyond the front portion of the principle building on the lots; and
 - iii) In the case of corner lots, 0.75 metres within the triangular area 7.5 metres back of the intersecting front property lines, regardless of whether a corner cut has been taken.
- (b) Notwithstanding Section 7.1(5)(a), the Development Officer may approve, upon application for a development permit, a higher fence in residential zones. Where the height exceeds 10% of the specified standard, the Development Officer shall request the receipt of approval by an adjoining property owner or condominium association for a fence exceeding the requirements of Section 7.1(5)(a).
 - (c) Notwithstanding Section 7.1(5)(a), within non-residential zones, the Development Officer may approve, upon application for a development permit, a higher fence, or a fence with barbed wire or other security features for public safety, security or buffering reasons.
 - (d) Where terrain contours vary significantly over the length of a fence, the Development Officer may permit sections of a fence to exceed the maximum allowable height, but the height of the fence shall follow the general contour of the site along the length of the fence.

(6) Vehicular Access and On-site Traffic

Vehicular access to and from public roadways must adhere to the following criteria:

- (a) at street intersections, driveways shall be setback from the lot boundaries which form the intersection a distance which is considered necessary by the Development Officer to ensure that the safety and efficiency of movement of

existing or planned traffic volumes are improved or maintained;

- (b) driveways shall be separated by a distance which is considered necessary by the Development Officer to ensure that the safety and efficiency of movement of existing or planned traffic volumes are improved or maintained;
- (c) queuing of vehicles for drive-thru activities shall not occur or have any impact on public roadways and shall be designed to enhance on-site vehicular circulation and parking;
- (d) driveway access to streets and lanes will not be approved, where in the opinion of the Development Officer, the safe and efficient movement of existing or planned traffic may be unduly affected, unless alternative access is unavailable;
- (e) Vehicular access and circulation on a site shall be acceptable to the Director of Public Works & Engineering, Director of Public Safety, and;
- (f) driveways and on-site parking must have positive surface drainage to the roadway and the grade of driveway and on-site parking shall not exceed 8%.

(7) Temporary Activities

Temporary activities include those activities where there is temporary placement of any building or structure, including tents, and such activities shall be developed and conducted in accordance with the following standards:

- (a) no new permanent building, structure or development shall be permitted in conjunction with the activities;
- (b) all buildings, structures or development put in place for the activities shall be removed immediately following the cessation of the

activity, completion of the approved time period, or revocation of a permit, which ever occurs first;

- (c) all temporary activities require development permit approval;
- (d) in zones where the temporary activity is not similar to a permitted or conditionally permitted use the time period shall be restricted to 30 days;
- (e) permanent damage to natural vegetation or features shall be avoided;
- (f) the Development Officer may:
 - i) attach any condition deemed necessary to ensure that the temporary activity is removed and the site restored to its pre-activity condition;
 - ii) require an agreement and an irrevocable letter of credit to cover the cost of restoring the site if the temporary activity is not properly removed;
 - iii) revoke a permit issued for a temporary activity at anytime if it is deemed that the use is detrimental to the area or City at large; and
 - iv) adjust the time period for a temporary activity if circumstances warrant an adjustment.
- (g) A temporary activity does not include the temporary use of an approved building for an event incidental to the duly approved use of the building.

(8) Legal Non-conforming Uses, Structures and Sites

Section 7.1(8)(a) amended by By-law No. 4913 October 24, 2016

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- (a) A non-conforming use may be continued but, where that use is discontinued for any reason for a period of more than one year, any future use of the land or building is to conform to the Zoning By-law.

Section 7.1(8)(b) amended by By-law No. 4913 October 24, 2016

- (b) A non-conforming use of a part of a building or lot may be extended throughout the building or lot.

Section 7.1(8)(c) amended by By-law No. 4913 October 24, 2016

- (c) If a non-conforming use is extended to other parts of a building, including a building that conforms to the Zoning By-law, the building may not be enlarged, added to, or structurally altered, except.

- i) In the case of a non-conforming building, to make it conform with the by-law; or
- ii) To rebuild part of the building or to repair it, if the Development Officer considers it necessary for public safety or to preserve the value of the building;

Section 7.1(8)(d) deleted by By-law No. 4913 October 24, 2016

(9) Planned Development

- (a) Notwithstanding any other provisions of this by-law, where a planned development involves the grouping of two or more residential dwelling types, they shall be subject to the following regulations:
- i) the site area of the planned group of residential dwellings shall be equal to or greater than the total of the minimum site area otherwise required for each dwelling unit and shall not exceed the provisions of the applicable Density Overlay zone;
- ii) the site coverage of the planned group of residential dwellings shall not exceed the

maximum lot coverage of the applicable residential zone, and;

iii) privacy and building separation spaces shall be provided in accordance with Section 7.3(3).

(b) Notwithstanding any other provision of this by-law, a Planned Development shall be subject to the approval of the Planning Administrator, or when Conditionally Permitted Uses are being considered, it shall be subject to the approval of Council.

Section 7.1(10) as amended by By-law No. 4765 January 27, 2014

(10) In-Home and Detached Secondary Suites

The construction of an In-Home or Detached Secondary Suite shall always require a Development Permit regardless of suite size. The Development Officer may allow for the development of an In-Home or Detached Secondary Suite provided that the following regulations are met:

In-Home and Detached Secondary Suites	
(a) Permitted Use:	In-Home and Detached Secondary Suites are permitted on all lots where the principal residential use is a single detached dwelling or duplex and the single detached dwelling or duplex has been legally permitted pursuant to the Zoning By-law.
(b) Conditionally Permitted Use:	At the discretion of Council, through a Conditionally Permitted Use process, an In-Home Secondary Suite may be permitted in a multi-attached dwelling.
(c) Maximum per lot:	Only one (1) In-Home or Detached Secondary Suite is permitted on a property.
(d) Floor Area:	<u>In-Home</u> The total floor area of all storeys of an In-Home Secondary Suite shall not be more than the lesser of a) 80% of the total floor area of all storeys of the other dwelling unit or b) 80 square metres (860.8 square feet). There is no minimum

	<p>suite size provided that it includes sleeping, cooking, bathroom and toilet facilities.</p> <p><u>Detached</u> A Detached Secondary Suite must be subordinate in size and appearance to the principal dwelling. The floor area of Detached Secondary Suites shall be regulated by Site Coverage, Setbacks, and Building Height regulations (No maximum or minimum).</p>
(e) Maximum Height:	<p><u>In-Home</u> In-Home Secondary Suites are subject to the regulations applicable to the principal dwelling and the zone which they reside.</p> <p><u>Detached</u> Detached Secondary Suite height shall be a maximum of 8.0 metres for a suite above a garage and 5 metres for a suite not above a garage subject to the character of surrounding neighbourhood and height of principal dwelling, at the discretion of the Development Officer.</p>
(f) Site Area:	<p>An In-Home or Detached Secondary Suite approved on a property is exempt from the required site area per dwelling unit, provided that the principal dwelling complies with the Zoning By-law.</p>
(g) Setbacks:	<p><u>In-Home</u> In-Home Secondary Suites are subject to the regulations applicable to the principal dwelling.</p> <p><u>Detached</u> Detached Secondary Suites shall be a minimum of 1 metre from all property lines and a minimum of 1 metre from all existing and adjacent structures consistent with</p>

	Section 7.2(5). Where a side entry is adjacent to a property line, a minimum of 2.4 metres is required.
(h) Site Coverage:	A 10% increase to the site coverage of the zone where the In-Home or Detached Secondary Suite resides is permitted subject to the character of surrounding neighbourhood, at the discretion of the Development Officer.
(i) Design Standards:	Design standards of the zone where the In-Home or Detached Secondary Suite resides shall apply. Additional standards include: (i) Detached Secondary Suites shall be subordinate and complementary to the principal dwelling, to the satisfaction of the Development Officer; and (ii) In-Home Secondary Suites shall maintain the external appearance and residential character of a single detached dwelling or duplex, to the satisfaction of the Development Officer.
(j) Street access and Public Safety:	In-Home suites must have direct access to the outdoors and at least one window for emergency escape during a fire. Detached Secondary Suites shall provide an unimpeded pedestrian/emergency access to a street or lane frontage with a minimum width of 1 metre. Emergency access to detached suites must be approved by the Department of Public Safety to obtain a Development Permit.
(k) Siting:	Detached Secondary Suites are not permitted in the front yard of a property unless the proposed structure meets the conditions of Zoning By-law No. 4404, as amended, Section 7.2(5)(g).

<p>(l) Ownership:</p>	<p>In-Home or Detached Secondary suites may not be subdivided or converted into a condominium and sold in fee simple title as a separate property.</p> <p>A secondary suite must be registered as a caveat (interest) by the City on the certificate of title to property.</p>
<p>(m) Water and Sewer Servicing:</p>	<p>The water and sewer servicing plan for all In-Home and Detached Secondary Suites shall receive City Public Works approval before a Development Permit is issued.</p> <p>The property owner, with the assistance of a municipal engineer, will determine the servicing requirements for the suite. The cost to extend services would be at the owner's expense. Water/sewer services to the property cannot be impeded by additional structures erected on the property (i.e. structures must not be built on top of the existing service). As per the Water and Sewer By-law, areas with access to piped services must use these.</p> <p>The City would not be responsible to supply service connections to detached secondary suites.</p> <p>Tankage arrangements for trucked services will be determined, with the assistance of a municipal engineer, on a case-by-case basis. Adequate access for service trucks must be provided.</p> <p>Freeze protection for all services must be provided in accordance with the City's Water and Sewer By-law. Metering requirements will be determined on a case-by-case basis.</p>

(11) Monuments

- (a) Monuments may be allowed in any zone subject to Council's approval.
- (b) Council may approve a monument if:
 - (i) the proposed monument, at the size and intensity contemplated and at the proposed location, will provide a development that is compatible with the neighborhood, the community, and the general environment;
 - (ii) the proposed monument will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including but not limited to:
 - (a) the nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures, and
 - (b) the treatment given to such aspects as aesthetics, landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

(12) Canopies

- (a) a canopy is a projection outward from the face of a building constructed as an integral part of the building, primarily designed to provide permanent or temporary protection from climatic elements.
- (b) canopies shall be considered as accessory to the principal structure to which they are attached.

-
- (c) canopies may project off site and over public property in areas zoned DT, subject to an encroachment agreement with the City.
 - (d) a canopy over public property shall provide no less than 2.5 metres of clear space between the lowest portion of the canopy and the ground surface below any portion of the canopy unless in the opinion of the Development Officer a greater clear space is required.
 - (d) a canopy shall not project over any public lands employed in the movement of vehicular traffic.

Section 7.1(12) has been renumbered to Section 7.1(13) as per By-law No. 4625, October 11, 2011

Section 7.1 (12)* (*now 7.1(13)) as amended by By-law No. 4626 - June 27, 2011

(13) Outdoor Wood Pellet Boiler Heating Systems

- (a) Location
 - i. A proposed outdoor wood pellet boiler heating system shall not be located in any front yard or a side yard abutting a flanking street on a corner lot.
 - ii. Setbacks from the property lines, for an outdoor wood pellet boiler heating system, shall comply with applicable site regulations listed in each zone, provided that where the setback requirement is less than 2 metres, a minimum of 2 metres shall apply.
 - iii. Where the proposed outdoor wood pellet boiler heating system is accessory to single detached, duplex, and multi-attached dwellings with no more than four units, the required side and rear yard setbacks shall be a minimum of 2 metres.
 - iv. Building separation space between a detached boiler enclosure and a principal building

shall be a minimum of 3 metres unless otherwise required by the Office of the Fire Marshal.

- (b) Fire access shall be provided to the satisfaction of the City of Yellowknife Fire Division.
- (c) Storage Unit
The wood pellets shall be stored in a building-like structure sided with similar materials as the principal building(s). Silos may be permitted with the exception of corrugated metal sheet silos. The storage structure or silo shall be in compatible colour(s) with the principal building(s).
- (d) Boiler Enclosure
The boiler shall be housed in a building-like structure which shall be sided with similar materials as the principal building(s) and in compatible colour(s).
- (e) Piping Network
Pipes shall be placed underground unless otherwise approved by the Department of Public Works.
- (f) Where the proposed structure is located in a parking lot and safety barriers are required around the storage silo, vegetative hedge in planters, decorative metal barriers, poured concrete curbing with fill materials or other kinds of aesthetically pleasing barriers, acceptable to the Development Officer, shall be used; Jersey Barriers shall not be permitted.

7.2 Rules Applicable To All Residential Zones

as amended by By-law No. 4541 January 11, 2010

(1) Principal Building and Uses

- (a) Within the R1, R2, R5 and R6 zones, there shall be one principal building and one principal use on a site, unless the development is approved as

a planned development, or is approved by Council in accordance with Section 11.2(3)(e) (Heritage Overlay zone) and the Heritage By-law.

(2) Vehicle Storage

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

- (a) a commercial vehicle, loaded or unloaded, of a maximum weight in excess of 4,400 kg provided that such vehicle may remain on site for such a period of time as is reasonably necessary to load or unload such a vehicle; and
- (b) any dismantled or wrecked vehicle, or any partially dismantled or partially wrecked vehicle for more than seven successive days.

(3) Communication Towers

- (a) On any residential site, a communication tower shall be accessory to a principal residential use.
- (b) Communication towers shall not exceed the maximum permitted height of the zone.
- (c) Communication towers shall not be located in the front or side yard of the principal building and shall not overhang adjoining properties.
- (d) Notwithstanding Section 7.2(3)(b), the Development Officer may approve a communication tower exceeding the maximum permitted height of the zone. The Development Officer may request receipt of approval by adjoining property owners for a communications tower exceeding the requirements of Section 7.2(3)(b).

(4) Sight Distance at Road Intersection

Vision at an intersection between 0.75 metres and 3 metres above the grade of a street or lane shall not

be obstructed with fences or landscaping within the area described as corner visibility triangle. The corner visibility triangle is a triangular area formed on a corner site by the two property lines and a straight line which intersects them at 7.5 metres from the corner where they meet as illustrated in Diagram #1.

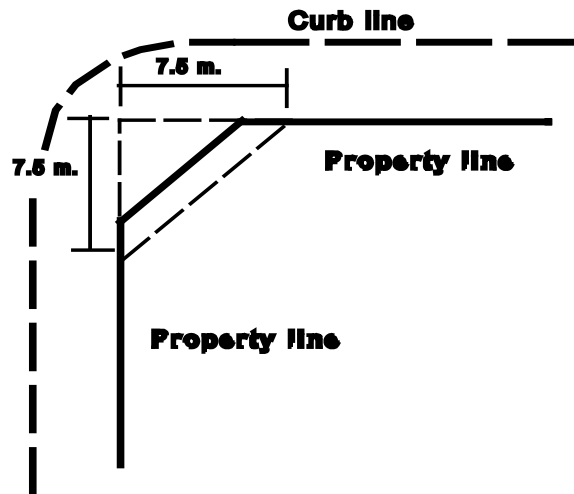


Diagram #1

Title Paragraph of Section 7.2 (5) amended by By-law No. 4626
June 27, 2011

(5) Additional Yard Requirements

"In addition to the minimum yard requirements, the following shall apply to single detached, duplex and multi-attached dwellings, except for the development of an outdoor wood pellet boiler heating system, which shall be subject to Section 7.1 (12):"

- (a) a minimum side yard of two metres on the flanking street side of a corner lot;
- (b) a minimum distance of one metre between accessory buildings and/or detached garages from the principal building;

Section 7.2 (5)(c)

amended by By-law No. 4625 October 11, 2011

- (c) for accessory structures and detached garages, the side and rear yard provisions are reduced to not less than one metre provided that overhanging eaves shall not be less than 0.6 metres from any lot line. An accessory structure, excluding accessory decks, parking, fences, and detached garages subject to 7.2.5(g), shall not be sited in front of the principal building. The yard requirements for accessory decks are regulated under Reduced Yard Setbacks, Section 7.1 (4);

Section 7.2(5)(d)

As amended by By-law No. 4765 January 27, 2014

- (d) Accessory structures and detached garages shall not exceed an overall height, measured to the peak of the roof, of 5.0 metres. Where a Detached Secondary Suite is being located on a property above a detached garage, the overall height of the detached garage and the Detached Secondary Suite above shall be subject to Section 7.1(10)(e) and shall not exceed 8.0 metres or the height limit of the zone in which the Detached Secondary Suite resides, whichever is lesser.
- (e) when a garage or carport is attached to the side of the dwelling, it shall be considered as part of the principal building and the required set backs shall not be less than those required for the dwelling; and,

Section 7.2 (5)(f)(g)

amended by By-law No. 4553 April 12, 2010

- (f) notwithstanding Section 7.2(5)(e), for either attached or detached garages, there shall be a minimum of 6.0 metres distance measured perpendicular from the face of the garage door to any property line which is adjacent to a public right-of-way except in the case of a rear property line adjacent to a laneway where this distance shall be minimum 6.0 metres or 1.0

metre.

Section 7.2 (5)(g)
amended by By-law No. 4765 January 27, 2014

- (g) notwithstanding Section 7.2(5)(c), the Development Officer may allow a detached garage or detached secondary suite to be sited in front of the principal building, provided that ALL of the following requirements have been met:
- (i) the subject site has irregular lot lines, size, or shape that presents a challenge to siting the detached garage beside or behind the principal building;
 - (ii) the subject site has not been previously blasted except for the footprint of the principal building;
 - (iii) the subject site has physical limitations relating to terrain, topography or grade that presents a challenge to siting the detached garage beside or behind the principal building;
 - (iv) the proposed siting of the detached garage allows a natural landscaping feature, such as bedrock or existing full-growth vegetation, to be retained on the property;
 - (v) the proposed siting of the detached garage conforms to the uses prescribed in this by-law;
 - (vi) the proposed siting of the detached garage does not unduly interfere with the amenities of the neighbourhood;
 - (vii) the proposed siting of the detached garage does not materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land;
 - (viii) exterior building materials of the proposed detached garage must be similar to the materials of the principal building; for greater certainty, portable car shelters are not permitted under Section 7.2.5 (g); and

-
- (ix) the length of the street-facing facade of the proposed detached garage shall not exceed 6 metres.

(6) Home Based Business

Home Based Businesses are subject to the following:

- (a) applications for home based business shall be made on a form prescribed by the Planning Administrator;
- (b) the home based business shall not be staffed by any person other than a resident of the home and not more than two adult residents of the home shall be permitted to work in the home based business except in the case of a "child care home" one of these two adults may reside elsewhere;
- (c) no more than two home based businesses may be allowed at any given residence;

Section 7.2 (6)(d) as amended by By-law No. 4625 October 11, 2011

- (d) retail sales by home based businesses shall be limited to goods and articles directly related to the business. Goods and articles sold may include mail-order telephone sales, articles produced elsewhere, or on-site. If goods and articles are to be stored on-site, the storage shall: be within approved structures on the lot, not be of a hazardous nature, and not contravene conditions (e), (f) or any other conditions herein;
- (e) no variation from the external appearance and residential character of land or buildings shall be permitted;
- (f) the home based business shall not generate traffic or parking problems within the district;
- (g) except with the approval of the Development Officer only one commercial vehicle may be used

in conjunction with the home based business and the said vehicle shall not exceed 4400 kilograms gross vehicle weight.

- (h) the home based business may be carried on only for the period of time the property is occupied by the applicant for such permitted uses;
- (i) the privacy and quiet enjoyment of adjacent dwellings shall be preserved;
- (j) where a person performs a service, offers consulting services, or instruction of arts and/or crafts, the Development Officer may set a limit to the number of students or customers that may be in attendance at any one time, and if in the opinion of the Development Officer the residential character of the neighborhood is compromised by the activities of these students or customers, the Development Officer may reduce the number of students or customers that may be in attendance at any one time; and
- (k) All permits issued for home based businesses shall be subject to the condition that the permit may be revoked by the Development Officer at any time if conditions (b) to (j) are contravened, or where the use is or has become detrimental to the amenities of the neighborhood.

7.3 Rules Applicable To All Multi-Attached or Multi-Family Dwellings

(including mixed use buildings containing multi-family dwellings)

(1) Essential Components of Development

Any multi-attached and multi-family development shall provide:

- (a) access for emergency vehicles;
- (b) access to enclosed garbage storage;

- (c) fencing, if required by the Development Officer;
- (d) light between buildings;
- (e) pedestrian access to and from the public sidewalk serving the building; and
- (f) flood lighting and parking light standards sufficient to provide for safety and security and that have a minimal impact to adjacent residential development.

(2) Provision of Recreation Space

For developments containing more than 20 dwelling units, an indoor or outdoor recreation space suitable for the intended occupants shall be provided to the satisfaction of the Development Officer. Outdoor areas shall provide suitable landscaping, fencing and surface treatment to the satisfaction of the Development Officer. Any recreation space provided is to be maintained for the life of the development. Outdoor parks and recreation areas in close proximity (i.e. within 250 metres) may be considered as fulfillment of this requirement.

(3) Provision of Privacy and Building Separation Spaces

In the case of a group of two or more residential buildings the relationship of the buildings to each other and to the total site, in particular with respect to appearance, lighting, air, privacy fencing and landscaping shall be to the satisfaction of the Development Officer notwithstanding the following minimum requirements:

- i) privacy separation space 8.0m in depth;
- ii) building separation space 3.0m in depth;
- iii) these minimum separation spaces shall be applied along the full length and height of the exterior wall; and

-
- iv) in the case where buildings are not parallel or where diagonal views between opposing units become critical the separation requirements may be varied by the Development Officer.

7.4 Shoreline Development Standards

- (1) All permanent over-water structures and uses shall require the approval of the agencies having jurisdiction over the bed of the water-body that is directly beneath the moorage area and the structure or use. Such development shall be sensitive to critical fish habitat and public health.
- (2) The planning and location of over-water structures and uses shall be coordinated with the adjacent on-shore development or use so development on both land and water are mutually compatible.
- (3) Each moorage space for water craft or vessels used as living quarters shall have access to a potable water source and a sewage disposal system, each of these is subject to approval by the Development Officer.
- (4) If required by the development, the provision of public utilities and services shall be acceptable to the Development Officer. These utilities and services include:
 - i) electrical power,
 - ii) piped or trucked potable water supply for domestic use,
 - iii) fire protection and emergency services,
 - iv) municipal sewage system or a sewage disposal in a manner approved by the appropriate Medical Health Authority, and
 - v) garbage and solid waste collection.

(5) Moorage Area

All moorage areas shall provide:

- i) Open water access of sufficient size to allow safe and ready accessibility to navigable water;
 - ii) Shoreline access in the form of a marina, wharf or launching area.
- (6) Moorage space: all moorage spaces shall be of sufficient size to allow safe docking and open water access.
- (7) The height of over-water structures is subject to the Development Officer's approval and shall not exceed 6.0 metres above the natural boundary.

7.5 Outdoor Storage and Maintenance

- (1) Where the outdoor storage of raw materials, finished or partially finished products, fuel, salvage material, or waste is permitted on a site, such storage shall be concealed from sight from abutting sites, streets or lanes by a fence or wall of appropriate design, and sufficient dimension and position so that such materials are not visible, where practical, from any point 2.0 m or less above the grade on any adjacent site, street or lane. Fencing and screening are subject to approval by the Development Officer.
- (2) This section shall not limit the customary display of any commodities or goods intended and permitted to be sold on the site, or the storage of fuel, oil or gas in tanks connected to a heating plant on the premises.
- (3) Storage of any materials as cited in this section shall not be permitted in the required front yard setback of any site.

as amended by By-law No. 4740 November 12, 2013

as amended by By-law No. 4639 September 10, 2012

- (4) No storage of any kind shall be permitted in the minimum side yard of a site in the CS zone or the side yard of a site in the DT zone.

7.6 Industrial Performance Standards

The purpose of the Industrial Performance Standards is to identify potential nuisances and hazards and to ensure that proposed development will provide methods to protect adjoining property owners and the community from such nuisances and hazards.

(1) Industrial Performance Standard I

All industrial uses approved under Industrial Performance Standard I shall not:

- (a) cause or create air or water contaminants, visible emissions or particulate emissions

including air borne particulate matter from open storage or use areas;

- (b) cause or create the emission of odorous matter or vapor and/or toxic matter;
- (c) cause or create excessive or objectionable industrial production noise, or:
- (d) involve a use, operation or process which stores, manufactures or utilizes hazardous quantities of flammable or explosive material; but
- (e) notwithstanding clauses 7.6(1)(a)-(d) emissions and discharges normally associated with the occupation of a building are allowed.

(2) Industrial Performance Standard II

All industrial uses approved under Industrial Performance Standard II are those uses which may:

- (a) cause or create air or water contaminants, visible emissions or particulate emissions including air borne particulate matter from open storage or use areas;
- (b) cause or create the emission of odorous matter or vapor and/or toxic matter;
- (c) cause or create excessive or objectionable industrial production noise, or
- (d) involve a use, operation or process which stores, manufactures or utilizes hazardous quantities of flammable or explosive material; but

which have utilized mechanical, chemical, physical and/or electronic measures to mitigate the effects of these emissions, contaminants, or hazards in accordance with City requirements and the regulations of any other government agency having jurisdiction.

(3) Burden of Proof

- (a) The onus of proving to the Development Officer's satisfaction that proposed development does and will comply with the requirements of the respective standard rests with the applicant.

(4) Additional Site Considerations

The Development Officer may require an applicant to submit verification that the conditions of any other government agency having jurisdiction over any performance standard contained herein have been met.

Section 7.6(4)

as amended by By-law No. 4510 July 27, 2009

Subsection 7.6(4)(a)

as amended by By-law No. 4510 July 27, 2009

- (a) the minimum front yard of a site in the I and LI zones may be used only for:
- i) landscaped areas and pedestrian walkways which, together, unless otherwise provided in the regulations shall comprise not less than 40 per cent of the area of the minimum front yard;
 - ii) driveways having access to a street or streets at locations to be approved by the Development Officer;
 - iii) subject to the approval of the Development Officer, loading and parking areas having a combined area not exceeding 60 percent of the area of the said minimum front yard, provided that vehicles can enter and leave the site without reversing or maneuvering on the right of way of a registered street;
 - iv) display purposes provided that the display is not located within the minimum required landscaped area of the front yard, subject to the approval of the Development Officer,

and;

Subsection 7.6(4)(b)

as amended by By-law No. 4510 July 27, 2009

(b) any portions of a site in any industrial district, excluding the minimum Front Yard setback, not covered by buildings and not used for open storage, shall be:

- i) paved or graveled and maintained in a neat dust-free condition to the satisfaction of the Development Officer for the life of the development, or;
- ii) landscaped suitably and maintained to the satisfaction of the Development Officer for the life of the development, or;
- iii) a combination of (i) and (ii) hereof.

Part Eight DESIGN STANDARDS

8.1 Design Standards for Niven Lake

In addition to all other requirements of this by-law, all development within the boundaries of the applicable Niven Lake Development Scheme By-law shall be subject to the following design standards:

- (a) Acceptable exterior finishes are vinyl, brick, pre-finished and embossed metal, cedar, hardboard and stucco. Each development is limited to two exterior finishing materials. The intent is to provide variety on the street through the use of different materials but at the same time ensure that a quality of development is reflected throughout the development area.
- (b) The width of the parking area in front of the principal building (other than for a multi-family development) shall be limited to no more than two car widths. The intent is to limit the street frontage devoted to parking.
- (c) The driveway and onsite parking area shall have positive drainage, but have a grade no greater than eight percent (8%). The intention is to ensure that driveways do not pond and are functional.
- (d) All street sides of residential buildings shall contain windows (or similar architectural features) for each level of the building on each side of the building that is either greater than 2.5 metres (8.2 feet) in height or, as determined by the Development Officer, where such a feature is necessary to comply with the intent of this standard. This requirement shall include foundation walls. The intent is to punctuate large surfaces of buildings and improve the presentation of a building to the street.
- (e) Pilings shall not be exposed. While encasement in a suitable finish may be acceptable, the goal is to enclose the space underneath structures in an attractive and proper fashion.

- (f) The exterior finish shall extend down the foundation wall as far as practically possible. The intent is to ensure good quality of finish to all surfaces of buildings.
- (g) Landscaping shall be provided in accordance with Section 7.1(2).
- (h) Development (construction of buildings and the landscaping of lots) shall comply with the plan of storm water drainage for the Niven Lake area. The intent is to ensure that individual development matches the overall plan for storm water drainage of the Niven Lake area.
- (i) The development of similarly designed single and two unit residential buildings on adjacent lots is not permitted. The intent is to promote a variety of housing designs. The application of criteria to determine a variety of housing designs is specified under the Niven Lake Residential Design Standards Policy.
- (j) The sitting of a permanent garbage bin or similar structure in front of the principal building shall not be permitted.

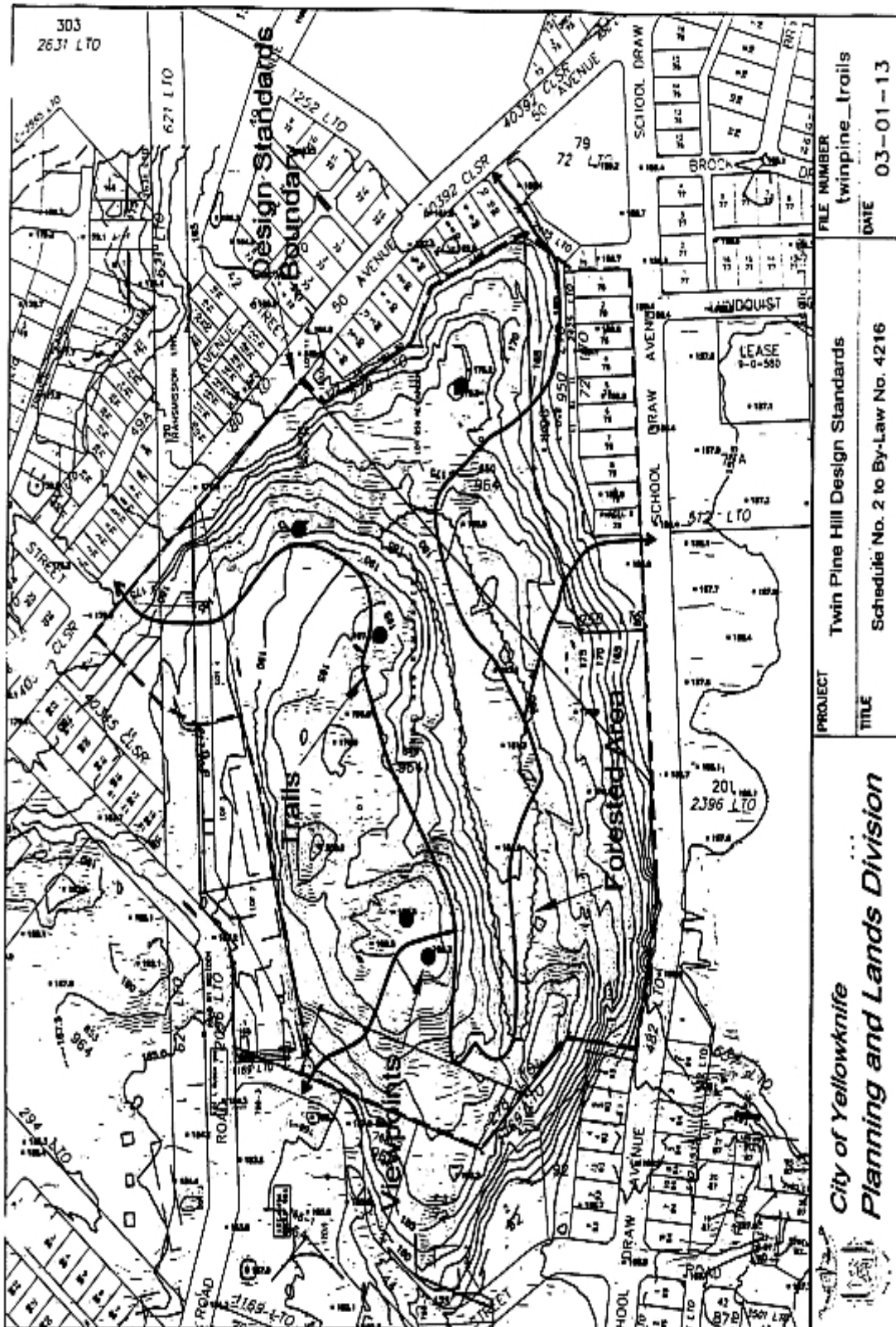
8.2 Design Standards for Twin Pine Hill

In addition to all other requirements of this by-law, all development within the boundaries of Twin Pine Hill, as described in attached Schedule No. 2 to By-law No. 4216, shall be subject to the following design standards:

- (a) Buildings shall be designed to blend in to the natural landscape by minimizing terrain disturbance, and shall utilize natural features identified in the referenced Schedule No. 2.
- (b) Streets developed to access the site shall be located so as to minimize terrain disturbance, and shall be constructed to meet minimum vehicular circulation standards. Street and parking area lighting shall be

used to minimize the height of overhead lighting, and to ensure lighting is directed with as narrow a downward band as possible. Lighting specifications in terms of the intensity of light are to be the minimum required to provide for safety and security.

- (c) A sidewalk shall be developed in conjunction with street development. The sidewalk may form part of a multi-purpose trail system for the area. A 4 metre landscaped buffer strip between the street and sidewalk shall be utilized where possible.
- (d) Any proposed development shall incorporate linkages to the trail system outlined in the referenced Schedule No. 2.
- (e) The forested area outlined in the referenced Schedule No. 2 shall not be removed or broken into smaller areas through the development of buildings or structures.
- (f) Any structure or roadway which is developed on, or disrupts the values of the trails or viewpoints identified in the referenced Schedule No. 2, shall provide in compensation, a public trail or viewing area within the building envelope or development area to the satisfaction of the Development Officer.
- (g) For any hotel development, the off street parking requirements shall be one stall for every 2.5 rooms.
- (h) Parking lots shall be developed in smaller groupings to minimize terrain disturbance, but no individual parking lot may exceed 40 parking stalls.
- (i) No building shall have exposed mechanical or ventilation equipment.
- (j) All loading and garbage areas shall be enclosed or screened.
- (k) Natural trees and shrubs shall be retained outside of a 2 metre perimeter around the footprint of any building, structure or parking area.



8.3 Design Standards for Greenfield Sites

In addition to all other requirements of this by-law, development determined by the Development Officer to be undertaken on a Greenfield Site shall be subject to the following design standards. A Greenfield Site is defined as a site of no less than 10,000 square metres in area (1 hectare), where at least 50% of the vegetation and/or contour of the lot remains in a natural state. In addition, the Design Standards for Greenfield Sites shall be applied only to those developments where residential, commercial or public institutional or recreational uses (or any combination of such uses) are proposed. The Development Officer shall not apply Design Standards for Greenfield Sites to those lots zoned "I", "LI", "CS", "A" and "GM".

Design Standards for Greenfield Sites are as follows:

- (a) Buildings shall be designed and sited to take advantage of natural contour features by minimizing grade changes.
- (b) Buildings shall be setback a minimum of 10 metres from any adjacent site(s) where existing structures are located. Otherwise, setbacks as specified pursuant to Part Ten apply.
- (c) Storm water and drainage patterns shall be designed to ensure the healthy growth of existing and transplanted vegetation and landscaping on a site.
- (d) Subject to Development Officer approval, the retention of natural vegetation and contour features within the residual area of a site is required. The Development Officer shall exercise discretion in favour of the retention of natural vegetation and contour features.
- (e) The Development Officer shall request an inventory of natural vegetation and contour features, historic or cultural features, or any other natural features of a Greenfield Site to identify and evaluate the occurrence of such features and how such features have been incorporated into site design and development.

- (f) Subject to Development Officer approval, landscaping on a site shall consist of native vegetation, defined as those species found within a 100 kilometre radius of Yellowknife. The Development Officer shall exercise discretion in favour of the retention of native vegetation.
- (g) Development shall provide separate pathways for pedestrian circulation to access and egress a site.
- (h) The Development Officer may require the review and consideration by adjoining property owners of a proposal to develop a Greenfield Site prior to review and issuance of development approval.

Part Nine PARKING AND LOADING FACILITIES

9.1 General Regulations

as amended by By-law No. 4533 November 9, 2009

- (a) Unless otherwise specified, "parking" in Part Nine applies to motor vehicle parking and bicycle parking.
For clarification purposes, bicycle parking requirements shall apply to all new development, building expansions, additions, change of use or re-zoning, as well as any developments requiring development permits or variances (permit).
- (b) Required parking facilities shall be wholly provided on the same site as the buildings to be served unless otherwise approved by the City.
- (c) Where required parking is located on the same site but a different lot from where the building or use is located, the owner shall covenant with the City by an agreement registered against the title, that the site on which the parking space is located shall be used for such purpose as long as it is required under this by-law.
- (d) Parking facilities shall be designed and located so as to minimize any disruption to the continuity of the pedestrian system of sidewalks and on-site pedestrian spaces.
- (e) Every off-street parking space provided or required in any commercial or residential zone and the access thereto, including the whole area contained within the municipal land required for access, shall be hard-surfaced if the number of parking spaces exceeds two and if access thereto is from a street or lane which is hard-surfaced.
- (f) Hard-surfacing must be completed within one year of occupancy of the development unless there is an engineering reason for a delay.

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- (g) Hard-surfacing shall mean the construction of a durable, dust-free, hard surface constructed of concrete, asphalt or similar pavement for the life of the development.
 - (h) Adequate provision for site drainage must be incorporated into plans for hard-surfacing.
 - (i) Curbs, rails, and/or fences shall be provided to protect adjacent rails, fences, walls, boulevards, sidewalks, landscaped areas or buildings on the site or adjacent sites.
 - (j) Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the parking area only and not on any adjacent properties. Lighting specifications in terms of the intensity of light are to be the minimum required to provide for safety and security.
 - (k) Adequate access to and egress from individual parking spaces is to be provided at all times by means of unobstructed maneuvering aisles.
 - (l) The next higher number shall be taken where the calculation of required parking results in a fractional number of parking spaces.
 - (m) Where parking spaces are located with access directly off a lane, the required width of the maneuvering aisle may be reduced by the width of the lane, but the entire parking space must be provided on site.

as amended by By-law No. 4740 November 12, 2013

as amended by By-law No. 4639 September 10, 2012

- (n) Where a parking area consists of ten (10) or more parking spaces, the area shall include landscaping in accordance with an approved landscape plan or site plan. In order to preserve large mature trees of 10 cm in diameter or greater in the DT zone, the Development Officer may vary the parking requirement if it provides

for the survival of such a tree. In such cases the parking requirement may be reduced by a maximum of 10% or less subject to the Development Officer's approval.

- (o) Emergency vehicle access shall be provided to the satisfaction of the Development Officer.
- (p) All curb crossings, entrances and exits shall be subject to the prior approval of the Development Officer.

**as amended by By-law No. 4788 March 24, 2014
as amended by By-law No. 4740 November 12, 2013
as amended by By-law No. 4639 September 10, 2012**

9.2 Off-site Parking Requirements, Cash-in-lieu of Parking Requirements, and Land Contribution in the DT zone

Required parking in the DT zone may be provided in whole or part through off-site parking, cash-in-lieu of parking, or through a land-equivalent-to parking contribution, subject to the approval of the Planning Administrator and/or Council, and the following provisions:

as amended by By-law No. 4639 September 10, 2012

- (a) the required parking, in whole or part, may be provided on a site other than where the building or use is located, provided that:
 - i) the owner of the land shall covenant with the City by an agreement registered against the title of both the building site and parking lot, that the site on which the parking is located shall be used for such purpose as long as it is required under this or subsequent by-laws; and

as amended by By-law No. 4788 March 24, 2014

- ii) The off-site parking area shall be located within the DT zone.
- iii) In the DT and CT zone only, any property

owner required to have bicycle parking may elect to establish a shared bicycle parking facility with other property owners within the same block to meet these requirements.

(b) The required parking may be provided by cash-in-lieu of parking, provided that;

i) at least one on-site loading area, if required, is provided on site except for existing buildings where, in the opinion of the Development Officer, there is no opportunity to provide a loading area on site;

as amended by By-law No. 4788 March 24, 2014

as amended by By-law No. 4533 November 9, 2009

ii) The amount paid for motor vehicle required parking shall be equal to one (1) times the value of the land and construction costs (including paving) for providing an equivalent amount of parking on the affected site on the basis of 31.0 square metres per parking stall (this being an average area for a typical parking stall and maneuvering space);

as amended by By-law No. 4788 March 24, 2014

as amended by By-law No. 4533 November 9, 2009

iii) The amount paid for bicycle parking shall be equal to one and one (1) times the market value of the bike element and installation;

as amended by By-law No. 4788 March 24, 2014

iv) where new buildings are proposed, cash-in-lieu of parking shall not replace more than 50 percent of the required parking;

v) where, because of a new development permit, an existing building is subject to a requirement for parking, cash-in-lieu of parking shall not replace more than 50 percent of the required parking; and

vi) all costs incurred by the City in establishing the value of the parking to be provided by cash-in-lieu of parking shall be the responsibility of the applicant and no development permit may be issued until the City is fully reimbursed for those costs.

Subsection (c) and (d) added by By-law No. 4788 March 24, 2014

(c) Subject to Council's approval, the required parking may be provided through a contribution of land in the "Downtown - DT" district to the City, (transfer of fee simple title from the applicant to the City), whereby the area of the land contributed to the City is equivalent to the area of land required for parking pursuant to Section 9.3, and whereby such land shall be developed by the City as public parking or used to assemble additional land for a parking structure in accordance with the development standards herein;

(d) Subject to Council's approval, developments with surface parking previously approved may apply to transfer the required parking to a parking structure in the Downtown zone.

9.3 Off-street Parking Requirements

1. Provision shall be made for off-street vehicular parking for all development in accordance with the following standards.

as amended by By-law No. 4740 November 12, 2013

Sections 9.3(1)(f)(h)(j)(k)(s) as amended by By-law No. 4639 September 10, 2012

as amended by By-law No. 4563 May 25, 2010

as amended by By-law No. 4533 November 9, 2009

	Use	Motor Vehicles Parking Requirement	Bicycle Parking Requirement Class II 100%
(a)	Auditoriums including theatres, convention halls and public	One space per 3.5 seating spaces for the public	1 per 100m ² of first floor area.

	assembly auditoriums		
(b)	Bowling alley and curling rinks	Two spaces per lane or sheet of ice	1 per 2 alleys or sheets
(c)	Child care facility	One space per 8 children	1 per 80m ² of floor area.
(d)	Churches and Funeral Homes	One space per 10 seating	1 per 50 members
(e)	Colleges, business and technical schools	One space for each classroom plus one space for every 20 students	1 per 5 students
(f)	Commercial	1.5 spaces per 100m ² of gross floor area in the DT and CT zones, and two spaces per 100m ² in other zones.	1 per 250m ² of floor area.
(g)	Dwelling unit (single detached dwelling/duplex dwelling)	One space per unit	N/A
(h)	Multi-family and multi-attached	One space per unit, except for multi-family dwellings in the DT zone, the requirement is one space per two dwelling units.	6 space element at entrance site to building or within a common parking area and one additional space for every 15 units
(i)	Elementary and Junior High schools	One space per classroom plus 5 spaces	1 per 8 students
(j)	Food/beverage service	1.5 spaces per 100m ² of gross floor area in the DT zone, and one space for every four seats in other zones.	1 per 250m ² of floor area.
(k)	Gymnasium, private clubs and other Recreational Facilities	One space per 100m ² of floor area in the DT zone, and three spaces per every 100m ² of floor	1 per 80m ² of first floor area. For courts, field and/or playgrounds

		area in other zones.	the area is defined by useable recreational space.
(l)	High Schools	Either one space for each classroom plus one space for every 33 students, or one space per 3.5 seating spaces used for assembly in an auditorium, whichever is greater.	1 per 8 students
(m)	Hospitals, convalescent homes	One space per 100m ² of floor area.	1 per 500m ²
(n)	Hotel and Motel	Hotel - one space for every two guest rooms. Motel - one space for each guest room.	1 per 15 rooms. In addition, when hotel/motel is greater than 75 rooms, 6 space visitor element shall be provided.
(o)	Industrial	A minimum of five spaces, or one space per 100m ² of floor area plus one additional space for each subsequent 500m ² , whichever is the greater requirement.	1 per 950m ² of floor area
(p)	Lake use	One space for every two (2) moorage spaces unless otherwise approved by Council base on a parking impact report.	6 space element
(q)	Libraries and Museums	One space per 100m ² of floor area.	1 per 100m ² of floor area
(r)	Motor vehicle sales, service, repairs	Three spaces per 100m ² of floor area.	1 per 250m ² of floor area.

(s)	Office	One space per 100m ² of gross floor area in the DT zone, and three spaces per 100m ² of floor area in other zones.	1 per 250m ² of floor area.
(t)	Racquet and tennis courts	One space per court	1 per 80m ² of floor area
(u)	Senior citizen facilities	One space per four units.	6 space rack at entrance site to building or within a common parking area and 1 additional per 15 dwellings
(v)	Notwithstanding the requirements of this section, off-street parking for uses not specifically addressed shall be determined by the Development Officer who shall have due regard to the amenities of the zone, similar types of uses, and the proposed development.		

as amended by By-law No. 4533 November 9, 2009

2. i) Bike Racks shall be located near an entrance, in sight of windows, near well-used pedestrian routes, and to be unscreened by vegetation.
- ii) Bike Racks shall be placed on level asphalt or concrete base to which they can be bolted. Adequate area must be provided around the rack to allow for easy access, and to ensure bicycles do not intrude into walkways.
- iii) The bike rack element must:
- Support the bike upright by its frame in two places;
 - Prevent the wheel of the bicycle from tipping over;
 - Enable the frame and one or both wheels to be secured;
 - Allow front-in parking: A U-lock should be able to lock the front of the wheel and down tube of an upright bicycle; and
 - Allow back-in parking: A U-lock should be able to lock the rear wheel and seat tube of the bicycle.
- iv) The bike rack element dimensions must adhere to the following guidelines:
- Inverted "U" bike rack elements mounted in a row should be placed on .762 m centres;
 - The separation between aisles should be between 1.2 m, as measured from tip of bike tires across the bike rack spaces. In high traffic areas where many users park or retrieve bikes at the same time, such as a school, the recommended minimum aisle width is 1.8 m;
 - 1.8 m of depth should be allowed for each row of parked bicycles;
 - The rack area shall be located immediately adjacent to the entrance it services, unless otherwise approved by the City;

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- Racks shall not be placed so that they block the entrance, load or fire lanes, or inhibit pedestrian flow in or out of the building;
 - The rack area shall be located along a major building approach line and clearly visible from the approach;
 - The rack area shall be no more than 37 m from the entrance it serves; and
 - A rack area shall be as close or closer than the nearest car parking space
- v) Site plan must indicate all dimensions, model, style and make of the rack. Clearance dimensions around the racks must be indicated on site plans. Adequate clearance is required around racks to give cyclists room to maneuver, and to prevent conflicts with pedestrians and parked cars. Racks must not block access to building entrances or fire hydrants.

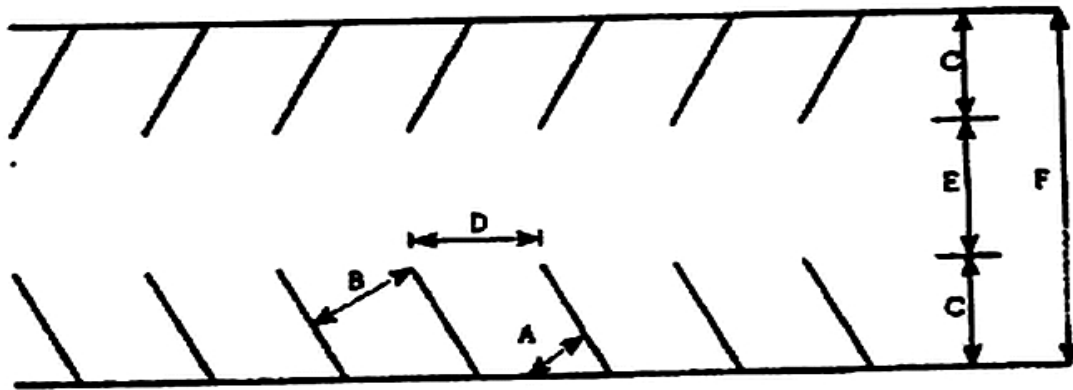
9.4 Off-Street Loading Requirements

- (b) All uses except residential buildings with fewer than 15 dwelling units shall have at least one off-street loading and unloading space with a minimum of one space for each loading door.
- (c) Off-street loading spaces shall have minimum dimensions of 3.0 metres by 9.0 metres and a minimum vertical clearance of 4.2 metres, but if the loading space is to be employed by tractor trailers, then the minimum dimensions are enlarged to a minimum of 3.0 metres by 16.0 metres, with at least 4.2 metres of vertical clearance.
- (d) Whenever possible access to a loading space shall be from a lane, and the access shall be arranged to prevent backing or turning movements of vehicles going to or from the site, from causing interference with traffic on the adjoining or abutting streets or lanes.

9.5 Minimum Parking Area Standards

(a) Parking areas shall be developed in accordance with the following minimum area standards:

A	B	C	D	E	F
0	2.7	2.7	7.0	3.6	9.0
45	2.6	5.2	3.7	3.6	14.0
60	2.6	5.6	3.0	5.5	16.7
90	2.6	5.5	2.6	7.0	18.0



Column Definitions

- A - Parking Angle in Degrees
- B - Width of Space (in metres)
- C - Depth of Space Perpendicular to Maneuvering Aisle (in metres)
- D - Width of Space Parallel to Maneuvering Aisle (in metres)
- E - Width of Maneuvering Aisle (in metres)
- F - Overall Depth (in metres)

as amended by By-law No. 4740 November 12, 2013
as amended by By-law No. 4639 September 10, 2012

(b) In the DT zone, and for office land uses, stacked parking may be allowed, provided that:

- i) the area of each parking space shall be in accordance with the requirements for ninety

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- (90) degree parking as detailed in section 9.5(a), and
 - ii) stacked parking shall be no more than two rows in depth before a seven (7.0) metre maneuvering aisle is required.
- (c) Where there is a structural element alongside of a parking space that would interfere with the opening of a vehicle door, then the width of parking shall be no less than 3.0 metres.
 - (d) A minimum of one parking space for each twenty (20) spaces required under Section 9.3 shall be clearly designated for the handicapped and be located close to the building entrance to the satisfaction of the Development Officer. These spaces shall be developed in accordance with Section 9.5, with the exception that the minimum width (B) of such spaces shall be four metres.
- (4) A minimum of one handicapped parking space shall be provided unless the total number of required stalls is less than ten (10).

9.6 Traffic Flow Within a Parking Area

- (a) The flow of traffic in maneuvering aisles shall be one-way with the exception of parking laid out at ninety (90) degrees in which case traffic flow may be two-way.
- (b) Parking structures with a controlled entrance shall include adequate queuing space on-site.
- (c) The design of the parking area and the flow of the traffic within the parking area shall embody the site planning principles of Section 7.1(1).

9.7 Shared Parking

- (a) For multiple use development, the off-street parking requirement, including off-street loading spaces, shall be the sum of the requirements of the uses calculated

separately unless the applicant can demonstrate that there is a reduction in the total requirement.

- (b) For unrelated developments where each creates a demand for parking and where the timing of each individual parking demand is not coincidental with each other and the demand for parking is obviously staggered, the accumulative total parking requirement for the developments involved may be reduced by the Development Officer. A parking agreement between the owners of the subject developments and the City maybe required and this agreement shall be registered against the subject properties.
- (c) In consideration of a request for a reduction in the total parking requirement, the Development Officer may consider the following criteria:
 - i) that the uses which are proposed to share parking facilities are located in proximity to one another and, if on separate sites, are no more than a combined distance of 150 metres from the parking facilities;
 - ii) that the hours of operation and parking demand, or the uses which are proposed to share parking spaces, are sufficiently different so as to not require the use of parking spaces at the same time; and
 - iii) that the uses which are proposed to share parking spaces are expected to remain in place and the sharing of parking spaces can be expected to continue for the foreseeable future.

Section 9.8 added by By-law No. 4788 March 24, 2014
Section 9.8 amended by By-law No. 5001 August 26, 2019

9.8 Car Sharing

- (a) In all zones, for multi-attached, multi-family

residential or mixed-use development, the parking requirement may be met through a car sharing service where:

- i) in the Downtown zone one car share vehicle shall be provided per eight residential units;
 - ii) in all other zones one car share vehicle shall be provided per six residential units.
- (b) When parking is provided through a car sharing service, the owner shall covenant with the City by an agreement registered against the title that both the car share parking space and car share vehicle/service shall be maintained for the life of the development or until an alternative parking arrangement is approved pursuant to this by-law.

Part Ten ZONING DISTRICTS AND ZONE REGULATIONS

10.1 A - Airport Environs

In recognition of the jurisdiction and authority of the Government of the Northwest Territories and the Government of Canada over Commissioner's public airport lands forming part of the Yellowknife Airport, as designated in the Commissioner's Public Airport Lands Regulations, R-020-2006, and Federal lands within the 'A Airport Environs' zone, all uses and developments on those Commissioner's public airport lands and Federal lands shall be subject only to the approval of the Government of the Northwest Territories or the Government of Canada, as appropriate. For greater certainty, nothing in this by-law shall apply to the use or development of those Commissioner's public airport lands and Federal lands within the 'A Airport Environs' zone. However, Council or the Development Officer, if requested, may provide input respecting any proposed development on Commissioner's public airport lands or Federal lands within the 'A Airport Environs' zone."

(1) General Purpose

To provide for aviation and related development at the Yellowknife Airport.

Section 10.1(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Airport use,
Diamond facility,
Food/beverage service,
Commercial uses subject to Section 10.1(6),
Industrial uses, subject to Section 7.6 &
10.1(6),
Parks and recreation,
Transportation facility,
Planned development subject to Section 7.1(9),

Public utility uses and structures, and
Accessory structures and uses,

(b) Conditionally Permitted Uses are:

Bulk fuel storage, and
Commercial entertainment.

(3) Regulations

(a) In addition to the following regulation any
development on sites abutting NWT Highway No. 3
and abutting Old Airport Road is subject to
Section 10.1(5) Special Provisions;

(c) Floor Area: a maximum of 100% of site area;

(d) Site Coverage: a maximum of 35%;

(e) Height: a maximum of 19 m;

(f) Front Yard: a minimum of 7.5 m;

(g) Side Yard: a minimum of 3 m;

(h) Rear Yard: a minimum of 3 m;

(i) Lot Width: a minimum of 30 m;

(j) Site Area: a minimum of 1000 m²;

(k) Landscape Area: a minimum of 40% of the minimum
front yard;

(l) Parking and loading: subject to Part Nine.

(4) Site Development

(a) The site plan, the relationship between
buildings, structures and open space, the
architectural treatment of buildings, the
provision of landscaping, the parking layout, and
emergency vehicle access shall be subject to
approval by the Development Officer.

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- (5) Special Provisions for Development Abutting NWT Highway No. 3 and Old Airport Road:
- (a) Outside display of vehicles, machinery, equipment or construction materials may be allowed in front of the principal building or on a flanking street side of the principal building and subject to the following conditions:
 - (i) the display area must be hard surfaced;
 - (ii) the area around the display area must be enhanced through the provision of landscaping;
 - (iii) no lighting of the display area may be employed which directs light off of the display area; and
 - (iv) all advertisement copy must be static and employ no amplified sounds.
 - (b) Outside storage and trash collection areas shall be located to the rear or side (other than a flanking street side) of the principal buildings and shall be screened from the public view by a solid fence or other similar screening.
 - (c) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the buildings, or concealed by incorporating it within the building roof.
 - (d) Any development will require a 20 metre landscaped buffer area between it and the right of way of NWT Highway No. 3 and Old airport Road.
 - (e) All of that area of a site fronting onto NWT Highway No. 3 and Old Airport Road and not covered with buildings or parking development shall be landscaped in accordance with Section 7.1(2).

- (6) For the purpose of Section 10.1:
- (a) Commercial uses shall only be permitted where the applicant can demonstrate that a proposed development will be engaged in the buying and selling of commodities or supplying of services that are directly related to, or in support of, the aviation industry, airport operation, or to the traveling public utilizing flight services provided by the aviation industry;
 - (b) Industrial uses shall only be permitted where the applicant can demonstrate that a proposed development will be engaged in the manufacturing, processing, repairing, fabrication or assembly of raw materials and goods, that is directly related to, or in support of, the aviation industry or airport operation; and,
 - (c) Commercial or industrial uses shall not be permitted based upon the occasional or incidental use of services provided by the aviation industry in the operation of such a commercial or industrial use.

10.2 GM - Growth Management

(1) Purpose

To control and regulate land use so that future development may proceed in an orderly and well planned manner in keeping with the intent of the General Plan and applicable Area Development Plan By-law.

Section 10.2(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Parks and recreation,
Public or quasi-public use,
Public utility uses and structures,
Temporary activity subject to Section 7.1(6),
Accessory structures and uses.

Section 10.2(2)(b) as amended by By-law No. 4814 Jan. 12, 2015

(b) Conditionally Permitted Uses are:

Animal services,
Animal shelter,
Commercial recreation,
Industrial use subject to Section 7.6,
Kennel,
Natural resource extraction - subject to Section 7.6,
Marina,
Single detached dwelling,
Home based business,
Transportation facility,
Planned development subject to Section 7.1(9),
Bulk fuel storage; and
Similar use.

(c) Any development on a site legally existing or legally approved prior to the passing of this By-law is deemed to be an approved conditionally permitted use for that site.

(3) Regulations

- (a) In addition to the following regulations, any development on sites abutting Highway #3 and abutting Old Airport Road is subject to Section 10.2(5), Capital Area Development Regulations;
- (b) Site coverage: subject to Development Officer approval;
- (c) Height: maximum of 10 m;
- (d) Front Yard: minimum of 15 m;
- (e) Side Yard: minimum of 7.5 m;
- (f) Rear Yard: minimum of 7.5 m;
- (g) Landscaping: subject to Development Officer approval;
- (h) Lot width: subject to Development Officer approval;
- (i) Site area: subject to Development Officer approval; and
- (j) Parking and loading: subject to Part Nine.

(4) Special Provisions

(a) Site Development

Notwithstanding Section 10.2(3), the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.

Section 10.2(3)(b) as amended by By-law No. 4913 Oct 24, 2016

(b) Site Location

The location of the site to be developed within this zone, and the relationship of the site to the surrounding area shall be subject to approval by the Planning Administrator, and shall comply with the General Plan and an applicable Area Development Plan for the subject area.

(c) The development, subdivision, or lease of any site adjacent to a waterbody shall not be within 50 metres of the shore or the natural boundary of the said waterbody but this requirement may be varied by the Development Officer provided that:

i. the Development Officer approves a site plan showing public access to the shore or natural boundary of the said waterbody, and

ii. the public access is protected by way of a reserve dedication pursuant to the *Community Planning and Development Act*, or an easement agreement registered on the property.

(d) Trees shall not be cut, felled, or removed without prior written approval of the Development Officer, or pursuant to an approved Development Permit.

(5) Capital Area Development Regulations

(a) Outside display of vehicles, machinery, equipment, or construction materials, may be allowed in front of the principal building or on a flanking street side of the principal building subject to the following conditions:

i. the display area must be hard surfaced;

ii. the area around the display area must be enhanced through the provision of landscaping;

- iii. no lighting of the display may be employed which directs light off of the display area, and;
 - iv. all advertisement copy must be static and employ no amplified sounds.
- (b) Outside storage and trash collection areas shall be located to the rear or side (other than a flanking street side) of the principal building(s) and shall be screened from the public view by a solid fence or other similar screening.
 - (c) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the buildings, or concealed by incorporating it within the building roof.
 - (d) Any development shall have a minimum 20 metre landscaped buffer between it and the right of way of NWT Highway #3 and of Old Airport Road.
 - (e) All of the area of a site fronting onto NWT Highway #3 and/or Old Airport Road and not covered with buildings or parking development shall be landscaped in accordance with Section 7.1(2).

10.3 NC - Ndilo Community

(1) Purpose

This zone recognizes Yellowknives Dene First Nation authority over Ndilo.

(2) Uses

All uses and developments proposed under this designation shall be subject to approval of the Yellowknives Dene First Nation. Council or the Development Officer may provide input regarding any proposed development.

10.4 NP - Nature Preservation

(1) Purpose

To preserve and maintain the natural characteristics of an area, and to allow for limited public outdoor facilities to enhance public use and enjoyment of the natural characteristics of an area for future generations, by restricting development.

(2) Uses

(a) Permitted Uses are:

Open space.

(b) Conditionally Permitted Uses are:

Accessory structures & uses subject to Section 10.4(4)(b),
Public utility uses and structures - subject to Section 10.4(4)(c) and,
Reclamation;

(c) Prohibited Uses:

Natural resource extraction.

(3) Regulations

All structures are subject to the Development Officer's approval.

(4) Special Provisions and Regulations

(a) Trees shall not be cut, felled or removed without prior approval of the Development Officer;

(b) For the purposes of Section 10.4 "accessory structures and uses" shall be limited to that which enables the public to experience the open space while being sensitive to the natural characteristics of the area, and such "accessory structures and uses" may include trails,

interpretive and directional signage, benches, tables, litter receptacles, shelters, and other related access facilities. All such "accessory structures and uses" shall be designed and developed to achieve the least possible amount of disruption to the natural setting with section 10.4(1) being the first and foremost design parameter; and

- (c) The design and development of "public utility uses and structures" shall be environmentally sensitive having due regard to the natural characteristics and aesthetics of the site. During construction the natural features not directly affected by the development shall be protected from any damage which may result from construction. The Development Officer shall require restoration of any disturbance to the natural characteristics of a site or area resulting from the installation of public utility uses and structures.

10.5 PR - Parks and Recreation

(1) Purpose

To provide for parks, recreation uses and facilities for the use and enjoyment of the public.

Section 10.5 (2) as amended by By-law No. 4741 November 12, 2013

Section 10.5(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Community Garden,
Open space,
Parks and recreation,
Temporary activity subject to Section 7.1(6), and
Accessory structures and uses.

Section 10.5 (b) as amended by By-law No. 4775 February 24, 2014

(b) Conditionally Permitted Uses are:

Cemetery,
Commercial recreation use,
Commercial use,
Lake use,
Marina,
Public utility uses and structures,
Tourist trailer park or campsite, and
Similar use.

(3) Regulations

- (a) Site Coverage: subject to Development Officer approval;
- (b) Height: subject to Development Officer approval;
- (c) Front Yard: minimum of 15 m;
- (d) Side Yard: minimum of 15 m from any street, otherwise 7.5 m;

- (e) Rear Yard: minimum of 15 m from any street, otherwise 7.5 m;
- (f) Landscaping: 100% of the residual area, subject to Section 7.1(2);
- (g) Parking: subject to Part Nine;
- (h) Loading: subject to approval of Development Officer;
- (i) Site Area: subject to Development Officer approval;
- (j) Lot width: subject to Development Officer approval.

(4) Special Provision

(a) Site Development

Notwithstanding Section 10.4(3) the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.

(b) Site Location

The location of a site to be developed within this zone and the relationship of the site to the rest of the City and surrounding area shall be subject to approval by the Planning Administrator.

- (c) No craft moored in a marina in this zone shall be used as living quarters or a dwelling unit or any form of habitation unless the marina is approved for overnight use.

10.6 PS - Public Service

(1) General Purpose

To provide for major institutional services that are public or quasi-public in nature.

Section 10.6(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Parks and recreation,
Public utility uses and structures,
Public or quasi-public use,
Government office,
Accessory structures and uses,
Temporary activity subject to Section 7.1(6),
Child care facility.

(b) Conditionally Permitted Uses are:

Rehabilitative and corrective facility,
Similar use, and
Special care facility.

(3) Regulations

Note: In addition to the following regulations any development on Blocks 50, 51, 52, 53, and 65 and Lot 1054, Quad 85J/8 is subject to Section 10.6(5):

(a) Floor area: subject to Development Officer approval;

(b) Height: maximum of 15 m;

(c) Front Yard: subject to Development Officer approval;

(d) Side Yard: subject to Development Officer approval;

- (e) Rear Yard: subject to Development Officer approval;
 - (f) Landscape Area: 100% of the residual area subject to Section 7.1(2);
 - (g) Parking: subject to Part Nine;
 - (h) Loading: subject to Development Officer approval;
 - (i) Site Area: subject to Development Officer approval;
 - (j) Lot width: subject to Development Officer approval;
 - (k) Site Coverage: maximum of 60%.
- (4) Site Development
- (a) Notwithstanding Section 10.6(3) the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.
- (5) Capital Area Development Regulations
- (a) Notwithstanding Section 10.6(3) for development on Blocks 50, 51, 52, 53, and 65, and Lot 1054, Quad 85J/8, the building height shall not exceed 15 metres and all development is subject to the Capital Area Development Scheme.

10.7 R1 - Residential - Single Detached Dwelling

(1) General Purpose

To provide an area for low density residential development on larger lots in the form of single detached dwellings and compatible uses as herein listed.

Section 10.7(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Single detached dwelling,
Home based business,
Parks and recreation,
Public utility uses and structures,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Duplex dwelling,
Child care facility,
Convenience store,
Planned development subject to Section 7.1(9),
Public or quasi-public use,
Special care facility, and
Similar use.

(3) Regulations

**Section 10.7 (3)(a)
deleted by By-law No. 4787 March 24, 2014**

(a)

;

(b) Site coverage: maximum of 35%;

Section 10.7 (3)(c)

amended by By-law No. 4553 April 12, 2010

- (c) Height: maximum of 10 m;
 - (d) Front yard: minimum of 6 m;
 - (e) Side yard - subject to Section 7.2(5):
Single detached and duplex dwelling: minimum of 2.5 m, and for other uses, subject to the Development Officer's approval;
 - (f) Rear yard: minimum of 8 m;
 - (g) Lot depth: minimum of 30 m;
 - (h) Lot width:
Single detached and duplex dwellings a minimum of 18 m, and for other uses, subject to the Development Officer's approval;
 - (i) Site area:
Single detached and duplex dwellings: a minimum of 540 m², and for other uses, subject to the Development Officer's approval;
 - (j) Landscaping: 100% of the front yard, subject to Section 7.1(2).
 - (k) Parking:
Single detached and duplex dwellings require 2 spaces per dwelling unit. For single detached dwellings, driveways shall not exceed two car widths. For duplex dwellings, driveways shall not exceed two car widths without being separated by landscaping features satisfactory to the Development Officer. Other uses are subject to Part Nine.
- (4) Special Regulations
- (a) Site Development

Notwithstanding Section 10.7(3) the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.

- v) Any single detached or duplex dwelling legally existing or approved on a site prior to the passing of this by-law is deemed to be a duly approved and conforming to regulations on that site.

10.8 R2 - Residential - Low Density

(1) General Purpose

To provide an area for low density residential development in the form of single detached and duplex dwellings and compatible uses as herein listed.

Section 10.8(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Single detached dwelling,
Duplex dwelling,
Parks and recreation,
Public utility uses and structures,
Home based business,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child care facility,
Convenience store,
Multi-attached dwelling subject to Section 7.3,
Public and quasi-public use,
Planned development subject to Section 7.1(9),
Special care facility, and
Similar use.

(3) Regulations

Section 10.8 (3)(a)

deleted by By-law No. 4787 March 24, 2014

(a)

(b) Site Coverage: maximum of 35%;

Section 10.8 (3)(c)

amended by By-law No. 4553 April 12, 2010

(c) Height: maximum of 10 m;

-
- (d) Front Yard: minimum of 6 m;
- (e) Side Yard - subject to Section 7.2(5):
Single detached dwelling: minimum of 1.5 m;

Duplex dwelling: without a side entry a minimum of 1.5 m is required or with a side entry a minimum of 2.4 m, and

Other uses: minimum of 3 m;
- (f) Rear Yard: minimum of 6 m;
- (g) Lot Depth: minimum of 25 m;
- (h) Lot Width:
Single detached Dwelling: minimum of 12 m,

Duplex dwelling: minimum of 7.6 m per unit,
and

Other uses are subject to Development Officer approval.
- (i) Site Area:
Single detached dwelling: minimum of 334 m²;

Duplex dwelling: minimum of 225 m² per unit;

Multi-attached dwelling: minimum of 225 m² per unit.
- (j) Landscaping: 100% the front yard, subject to section 7.1(2).
- (k) Parking:
Single detached and duplex dwellings require 2 spaces per dwelling unit. For single detached dwellings, driveways shall not exceed two car widths. For duplex dwellings, driveways shall not exceed two car widths without being separated by landscaping features satisfactory to the Development Officer. Other uses are subject to Part

Nine.

(4) Special Regulations

(a) Site Development

Notwithstanding Section 10.8(3) for multi-attached dwellings and planned development the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.

(b) Any single detached or duplex dwelling legally existing or approved on a site prior to the passing of this by-law is deemed to be a duly approved and conforming to regulations for that site.

(c) Notwithstanding Section 10.8(2)(a) and (b), duplex and multi-attached dwellings are prohibited within Lots 2-19, Block 302 and Lots 2-4, 8-28 and 30, Block 303 (address #'s 100 - 150 Niven Drive).

10.9 R3 - Residential - Medium Density

(1) General Purpose

To provide areas for medium density residential development with a mixture of residential buildings.

Section 10.9(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Single detached dwelling,
Duplex dwelling,
Multi-family dwelling - subject to Section 7.3,
Multi-attached dwelling - subject to Section 7.3,
Parks and recreation,
Planned development subject to Section 7.1(9),
Public utility uses and structures,
Home based business,
Accessory structures and uses,
Temporary activity subject to Section 7.1(6),
Child care facility.

Section 10.9(2)(b) as amended by By-law No.4765 January 27, 2014

(b) Conditionally Permitted Uses are:

Apartment hotel,
Convenience store,
In-Home Secondary Suite for multi-attached
dwelling
Special care facility,
Public and quasi-public use, and
Similar use.

(3) Regulations

Section 10.9 (3)(a)

deleted by By-law No. 4787 March 24, 2014

(a)

(b) Site Coverage: a maximum of 40%;

Section 10.9 (3)(c)
amended by By-law No. 4553 April 12, 2010

(c) Height:

Multi-family dwelling: a maximum of 15m;

Other uses: a maximum of 12m;

(d) Front Yard: minimum of 6 m subject to Section 7.3(3);

(e) Side Yard - subject to Section 7.2(5):
Single detached dwelling: a minimum of 1.5 m,

Duplex dwelling (without side entry): a minimum of 1.5 m,

Duplex dwelling (with side entry): a minimum of 2.4 m,

Multi-attached dwelling (without side entry): minimum of 1.8 m subject to Section 7.3(3),

Multi-attached dwelling (with side entry): minimum of 2.4 m subject to Section 7.3(3),

Multi-family dwelling: a minimum of 3 m subject to Section 7.3(3), and

Other Uses: minimum of 3 m;

(f) Rear Yard: a minimum of 6 m, with the exception that where there is rear lane access, an attached or detached garage may be sited in accordance with Section 7.2(5)(f);

(g) Lot Depth: a minimum of 25 m;

- (h) Lot Width:
Single detached dwelling: a minimum of 12 m,

Duplex dwelling: a minimum of 7.6 m per dwelling unit, and

Other Uses: subject to Development Officer approval;
- (i) Site Area: minimum of 125 m² per dwelling unit.
- (j) Landscaping: 100% of the residual area subject to Section 7.1(2).
- (k) Parking: Single detached and duplex dwellings require two spaces per dwelling unit. Other uses are subject to Part Nine.

(4) Special Provisions

(a) Site Development

Notwithstanding Section 10.9(3), the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.

(b) Site Location

Notwithstanding Section 10.9(3) a site shall not be located or developed so as to leave significant portions of the site that cannot accommodate future medium density development.

Section 10.9(4)(c)
as amended by By-law No. 4520 September 14, 2009
as amended by By-law No. 4553 April 12, 2010

- (c) Notwithstanding subsections 10.9(3)(c) and (f), on Lots 19U, 41, and 42 in Block 62 (#'s 5602 and 5604 Franklin Avenue), the maximum permitted height shall be 12.5 metres and the principal building shall be set back a minimum of 7.5 metres from Lot 15, Block 62 (#4916 Matonabee Street).

Section 10.9(4)(d)(iii)
as amended by By-law No. 4639 September 10, 2012

- (d) The following Special Provisions shall apply specifically to Lot 3, Block 68A, Plan 473 (#4504 49th Avenue):
- (i) Offices are a Permitted Use;
 - (ii) A maximum of 50% of the floor area on site may be used as office space;
 - (iii) the off-street and off-site parking requirements of the "DT" - Downtown zone shall apply to the office use of Lot 3, Block 68A.

10.10 R3-1 - Residential - Medium Density - Multi-Attached Dwelling

(1) General Purpose

To provide an area for medium density residential development specifically designated for multi-attached residential buildings.

Section 10.10(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Multi-attached dwelling subject to Section 7.3,
Child care facility,
Home based business,
Parks and recreation,
Public utility uses and structures,
Temporary activity subject to Section 7.1(6),
Accessory structures and uses.

Section 10.10(2)(b) as amended by By-law No. 4765 January 27, 2014

(b) Conditionally Permitted Uses are:

Convenience store,
In-Home Secondary Suite for multi-attached dwelling,
Public and quasi-public use,
Special care facility, and
Similar use.

(3) Regulations

**Section 10.10 (3)(a)
deleted by By-law No. 4787 March 24, 2014**

(a) ;

(b) Site Coverage: a maximum of 40%;

Section 10.10 (3)(c)

Amended by By-law No. 4553 April 12, 2010

- (c) Height: maximum of 12 m;
- (d) Front Yard: a minimum of 6 m subject to Section 7.3(3);
- (e) Side Yard: Multi-attached dwellings(without side entry): a minimum of 1.8m, subject to Section 7.3(3); Multi-attached dwellings (with side entry): a minimum of 2.4m, subject to section 7.3(3):

Other Uses: a minimum of 3 m;
- (f) Rear Yard: a minimum of 6 m;
- (g) Lot width and depth: subject to Development Officer approval;
- (h) Site Area: a minimum of 125 m² per dwelling unit;
- (i) Landscaping: 100% of the residual area subject to Section 7.1(2);
- (j) Parking: Subject to Part Nine.

(4) Special Provisions

(a) Site Development

Notwithstanding Section 10.10(3), the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.

10.11 R4 - Residential - High Density

(1) General Purpose

To provide an area for high and medium density multi-family residential development, and compatible uses.

Section 10.11(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Apartment hotel,
Multi-family dwelling subject to Section 7.3,
Parks and recreation,
Public utility uses and structures,
Multi-attached dwelling subject to Section 7.3,
Planned development subject to Section 7.1(9),
Home based business,
Accessory structures and uses,
Temporary activity subject to Section 7.1(6),
Child care facility.

Section 10.11(2)(b) as amended by By-law No.4765 January 27, 2014

(b) Conditionally Permitted Uses are:

Special care facility,
Single detached dwelling,
Duplex dwelling,
In-Home Secondary Suite for multi-attached dwelling,
Convenience store,
Commercial uses within a multi-family building, subject to Section 10.11(4)(a),
Public and quasi-public use, and
Similar use.

(3) Regulations

**Section 10.11 (3)(a)
deleted by By-law No. 4787 March 24, 2014**

- (a)
 - (b) Site Coverage: a maximum of 40%;
 - (c) Height: a maximum of 45 metres, but the height shall not in any case exceed 245 metres above sea level;
 - (d) Front Yard: a maximum of 6 m subject to Section 7.3(3);
 - (e) Side Yard:
 - Multi-attached dwelling without side entry: a minimum of 1.8m subject to Section 7.3(3),
 - Multi-attached dwelling with side entry: a minimum of 2.4 m subject to Section 7.3(3),
 - Multi-family dwelling: a minimum of 3 m subject to Section 7.3(3), and; other uses: a minimum of 3m;
 - (f) Rear Yard: a minimum of 6 m;
 - (g) Lot Depth: a minimum of 25 m;
 - (h) Lot Width:
 - Multi-attached dwelling: a minimum of 16.5 m, and; Multi-family dwelling: a minimum of 19m;
 - (i) Site Area: a minimum of 50 m² per dwelling unit;
 - (j) Landscaping: 100% of the residual area subject to Section 7.1(2);
 - (k) Parking: Single detached and duplex dwellings require two spaces per dwelling unit, and; other uses are subject to Part Nine.
- (4) Special Provisions
- (a) A multi-family and apartment hotel building may contain commercial uses, professional offices,

medical and dental clinics, and commercial recreational facilities provided that these non-residential uses:

- (i) are restricted to the first and second floors of the building;
 - (ii) are not in any free-standing structures separate from the building;
 - (iii) have a maximum floor area that is not greater than 20% of the total floor area of the residential uses.
- (b) Site Development
- (i) Notwithstanding Section 10.11(3), the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.
 - (ii) Notwithstanding the minimum site area requirements of subsection 10.11(3)(i), when an area has a density designation in accordance with Section 11.1, the minimum site area is subject to approval of the Development Officer.
- (c) Site Location
- Notwithstanding Section 10.11 (3) a site shall not be located or developed so as to leave significant portions of the site that cannot accommodate future high density residential development.

10.12 R5 - Residential - Manufactured Dwelling

(1) General Purpose

To provide an area for low density single family residential development in the form of manufactured dwellings and single detached dwellings, and compatible uses as herein listed.

Section 10.12(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory decks,
Single detached dwelling,
Manufactured dwelling,
Home based business,
Parks and recreation,
Planned development subject to Section 7.1(9),
Public utility uses and structures, and
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child care facility,
Convenience store,
Duplex dwelling,
Special care facility,
Similar use, and
Public and quasi-public buildings.

(3) Regulations

**Section 10.12 (3)(a)
deleted by By-law No. 4787 March 24, 2014**

(a) ;

(b) Site coverage: a maximum of 40%;

**Section 10.12 (3)(c)
amended by By-law No. 4553 April 12, 2010**

-
- (c) Height: maximum of 7.5 m;
 - (d) Front Yard: a minimum of 6 m, subject to 10.12(4)(d);
 - (e) Side Yard: a minimum of 2.4 m on the entrance side, and 1.5 m on the other side;
 - (f) Rear Yard: a minimum of 6 m subject to 10.12(4)(d);
 - (g) Lot Width:
 - Manufactured or single detached dwelling: a minimum of 11 m, and
 - Other uses are subject to Development Officer approval.
 - (h) Site Area:
 - Manufactured or single detached dwelling: a minimum of 350 m², and
 - Other uses are subject to Development Officer approval;
 - (i) Landscaping: 100% of the front yard area, subject to Section 7.1(2);
 - (j) Parking:
 - Single detached, duplex and manufactured dwellings: a minimum two spaces per dwelling unit. For single detached and manufactured dwellings, driveways shall not exceed two car widths. For duplex dwellings, driveways shall not exceed two car widths without being separated by landscaping features satisfactory to the Development Officer. Other uses are subject to Part Nine.

(4) Special Regulations

- (a) All manufactured dwelling units shall be skirted from the base thereof to the ground with material similar to that of the siding material. Painted

plywood shall not be permitted as skirting.

- (b) All manufactured dwelling units shall conform to the current National Building Code and shall be Canadian Standards Association certified.
- (c) Any manufactured, single detached or duplex dwelling legally existing or approved prior to the passing of this by-law is deemed to be a duly approved and conforming to the regulations of this by-law.
- (d) In Franklin Trailer Park, Trails End Trailer Park, Forrest Park, Northlands Trailer Park, and R5 zoned lots on Bigelow Crescent and Williams Avenue, the front and rear yard minimum setback shall be 3.0 metres.

10.13 R6 - Residential - Low Density - Design Control

(1) General Purpose

To provide for low density residential development in the form of single detached dwellings, duplex dwellings and compatible uses, subject to residential design standards.

Section 10.13(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory decks,
Single detached dwelling, subject to Section
10.13(3)(1),
Duplex dwelling,
Parks and recreation,
Public utility uses and structures,
Home based business, and
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child care facility,
Public and quasi-public use,
Special care facility, and
Similar use.

(c) Prohibited Uses are:

Manufactured dwelling.

(3) Regulations

**Section 10.13 (3)(a)
deleted by By-law No. 4787 March 24, 2014**

(a)

(b) Site Coverage: maximum of 35%;

Section 10.13(3)(c)

amended by By-law No. 4553 April 12, 2010

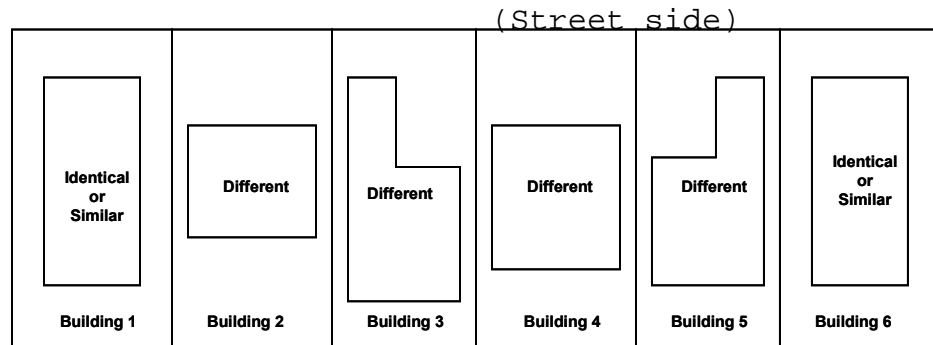
- (c) Height: maximum of 10 m;
- (d) Front Yard: minimum of 6.0 m;
- (e) Side Yard - subject to Section 7.2(5):
 - Single detached dwelling: minimum of 1.5 m is required or with a side entry a minimum of 2.4m;
 - Duplex dwelling: a minimum of 1.5 m is required or with a side entry a minimum of 2.4 m, and
 - Other uses: minimum of 3 m;
- (f) Rear Yard: minimum of 6 m;
- (g) Lot Depth: minimum of 30 m;
- (h) Lot Width:
 - Single detached dwelling: minimum of 16 m,
 - Duplex dwelling unit: minimum of 8 m per unit, and
 - Other uses are subject to Development Officer approval;
- (i) Site Area:
 - Single detached dwelling: minimum of 450 m²;
 - Duplex dwelling: minimum of 225 m² per unit.
- (j) Landscaping: 100% of the front yard, subject to section 7.1(2);
- (k) Parking:
 - Single detached and duplex dwellings require two spaces per dwelling unit. For single detached dwellings, driveways shall not exceed two car widths. For duplex dwellings, driveways shall not exceed two car widths

without being separated by landscaping features satisfactory to the Development Officer. Other uses are subject to Part Nine.

- (1) No used single detached or duplex dwellings may be sited on a lot.

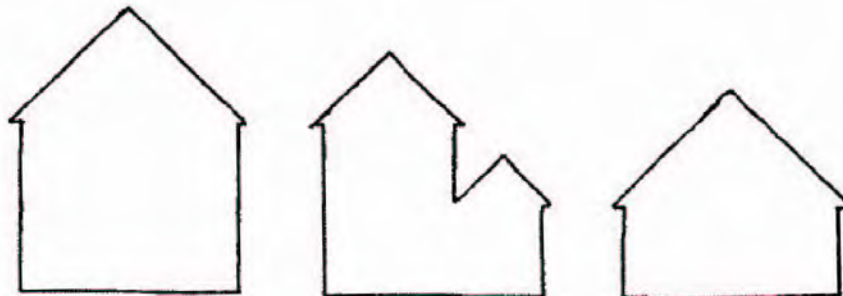
- (4) Residential Design Standards
 - (a) Within the "R6" zone, the Development Officer shall require that buildings along the same side of a street or adjacent to one another within a cul-de-sac be designed to provide a varied street scene and to eliminate the reuse of identical or similar buildings in close proximity to one another.

 - (b) Identical or similar buildings may not be repeated more frequently than every sixth building along the same side of a street or adjacent to one another within a cul-de-sac.



Every sixth building may be identical or similar.

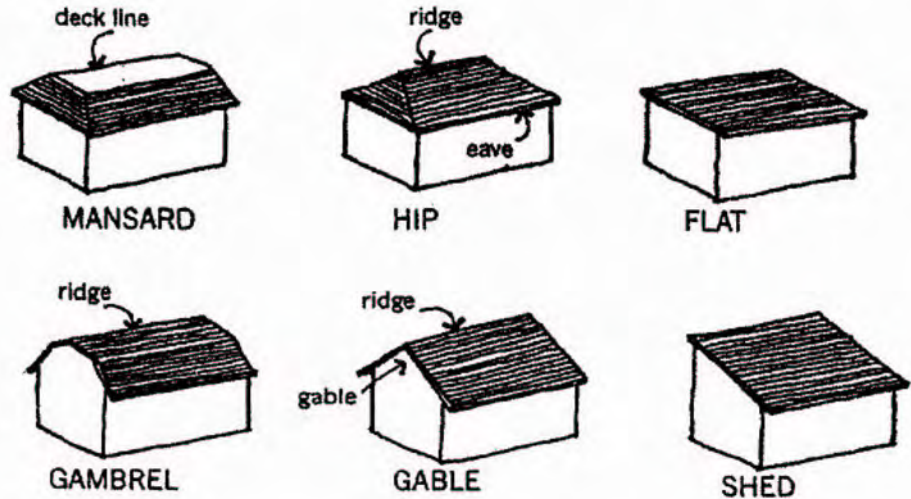
- (c) Buildings shall be considered similar if they have similar building mass and building form. Building mass is the outline of the structure, which is determined by its height, width and depth. Building form is the style of the home such as ranch (one level), split level, two storey or three storey.



All of these structures differ in mass and form.

- (d) Where the Development Officer determines that building mass and form are similar, then the street facing portion(s) are required to meet two out of three of the following building variation requirements to be considered different. The three building variation possibilities are:

- (i) Different roof types which may consist of mansard; full-hipped; partial hipped; gambrel; flat; gable (front to back truss); gable (side to side truss), and; shed;

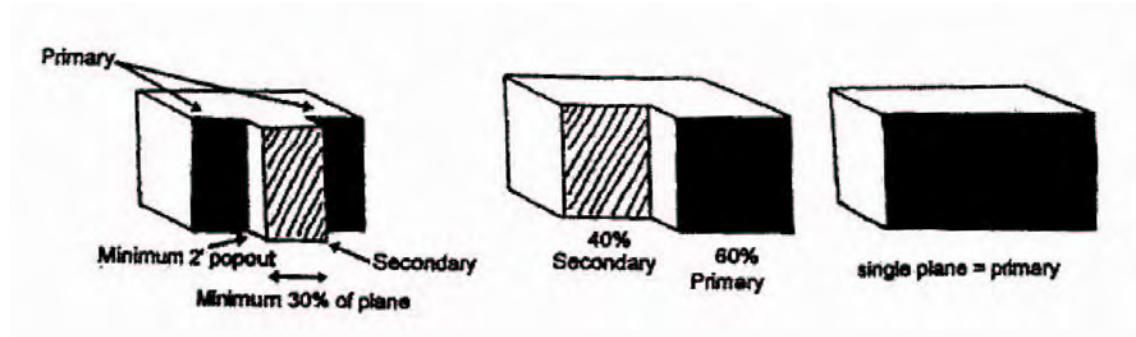


A full-hipped roof is considered to be substantially different from a partial hip, or clip.



Gables with side-to-side trusses are substantially different than gables with front-to-back trusses.

- (ii) Variation in elevation plane, identified as the exterior wall(s) of the structure facing the street. For an elevation plane to be considered different, the secondary plane must project at least two feet from the primary plane and make up at least 30 percent of the entire elevation; and



(iii) Variation in exterior surfaces including vinyl, brick, pre-finished and embossed metal, hardboard, cedar and stucco, and which may include variation in the combination of exterior surfaces, and/or in the color of exterior surfaces.

Section 10.14 as amended by By-law No. 4439 May 23, 2007

10.14 R7 - Low Density Restricted Residential

(1) General Purpose

To provide an area for low density residential development, including detached dwellings and duplexes.

Section 10.14(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Detached Dwellings;
Duplex Dwellings;
Parks and recreation;
Public Utility uses and structures;
Home based business; and,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child Care facility;
Multi-attached;
Public and quasi-public uses;
Planned development subject to section 7.1(9);
Special care facilities; and,
Similar uses.

(3) Regulations

Section 10.14(3)(a)
deleted by By-law No. 4787 March 24, 2014

(a)

(b) Site Coverage: Maximum of 35%.

Subsection 10.14(3)(c)
as amended by By-law No. 4517 July 27, 2009
as amended by By-law No. 4553 April 12, 2010

- (c) Height: Maximum of 8 m.
- (d) Front Yard: 4.5 m minimum, excepting garages which are subject to 7.2 (5)(f).
- (e) Side Yard: Minimum 2 m, subject to section 7.2(5).
- (f) Rear Yard: Minimum 6.0 m.
- (g) Lot Depth: Minimum of 25 m.
- (h) Lot Width: Detached dwelling: minimum of 12 m.
Duplex unit: minimum of 7.6 m per unit.

Other uses subject to Development Officer approval.
- (i) Site Area: Detached dwelling: minimum of 334m².

Duplex unit: minimum of 225m² per unit.

Other uses subject to Development Officer approval.
- (j) Landscaping: 100% of the Front yard, subject to section 7.1(2).

A minimum of 15% of the rear yard and 10% of the front yard of a site shall be maintained with original vegetation and natural contours, subject to the Development Officer's approval of drainage patterns that do not

impact negatively on adjacent properties.

- (k) Parking: Detached and duplex dwellings, and other uses are subject to the requirements of Sections 9.3 and 8.1 of this By-law, however no dwelling unit shall exceed two outdoor parking spots. Exceptions may be provided where the front of the principal structure must be setback more than 12 metres in order to meet the yard requirements of this By-law. In such instances the Development Officer may exercise the following discretion:

- (i) lanes developed in order to access outdoor parking areas will not be considered a parking stall under Section 9.3 and the lane shall not be more than 3 meters wide.

(4) Design Regulations - General

- (a) All street facing walls must have at least 2 windows or doors per storey. If the street facing wall is oriented +/-30 degrees from north this requirement applies only to the ground level floor.
- (b) Within the R7 zone the Development Officer shall require that buildings along the same side of a street or adjacent to one another within a cul-de-sac be designed to provide a varied street scene and to eliminate the reuse of identical or similar buildings in close proximity to one another.
- (c) Identical or similar buildings may not be repeated more often than every 6th building on the

same side of the street and every 4th building on the adjacent side of the street.

(i.) Where a building is determined by the Development Officer to be similar it shall be required to meet at least two of the following to be considered different:

1. Variation in roof style or pitch as per section 10.14(4)(e);
2. Variation in Elevation Plane as per section 10.13(4)(d)(ii)
3. Different fenestration and main entranceway placement as per section 10.14(4)(f);
4. Different massing as per section 10.13(4)(c).

(d) For the purpose of determining an identical building all modular homes shall be considered as being identical despite meeting any of the requirements of section 10.14(4)(c)(i), unless otherwise determined by the Development Officer.

(e) The Development Officer shall determine variation in roof style or pitch as follows:

(i) Variation in roof styles as under section 10.13(4)(d)(i);

(ii) Variation in pitch of similar roof types is determined as a minimum 20% difference in the rise of the longest runs (longest sloped portion of a roof) of two buildings, unless otherwise determined by the Development Officer.

(f) Difference in fenestration and main entranceway placement may be distinguished, at the discretion of the Development Officer, by one or more of the following:

- (i) Difference in fenestration can include one of the following:
 - 1. A minimum difference of 15% overall width of windows in an Elevation Plane;
 - 2. Number of windows in an Elevation Plane;
 - 3. A minimum difference of 15% in the overall area of the windows in an Elevation Plane;
 - 4. A difference in the spacing between windows in an Elevation Plane.

- (ii) Difference in main entranceway placement can include one or more of the following:
 - 1. Entranceway access is from the centre, right, or left side of a building Elevation Plane;
 - 2. Entranceway is located at the side of a building;
 - 3. Entranceway is a different elevation (a minimum difference of 0.6 metres),
 - 4. The entranceway incorporates a porch, landing, or deck.

Subsection 10.14(5)(b)

as amended by By-law No. 4517 July 27, 2009

as amended by By-law No. 4553 April 12, 2010

(5) Design Regulations - Garages and Parking

- (a) Where a double-bay garage attached to a principal structure faces the street no more than 3 metres of garage wall may be exposed to the street.

- (b) When there is a garage attached to the principal structure the associated driveway may not exceed the width of the garage at the street.
- (c) Driveways shall be hard surfaced. Permeable hard surfacing is acceptable.
- (d) Driveways shall be setback at least 0.5 metres from a side property line to ensure drainage patterns are maintained.

Section 10.14(6)
as deleted by By-law No. 4553 April 12, 2010

**Section 10.15 (Centertown)
as amended by By-law No. 4639 September 10, 2012**

10.15 DT - Downtown

(1) General Purpose

To define the downtown area and recognize this as a unique area within the city as the principal office, commercial and entertainment district, while providing for supportive medium and higher density residential uses

Section 10.15(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Apartment Hotel,
Child care facility,
Commercial entertainment,
Commercial recreational,
Commercial use (minor),
Commercial use,
Diamond Facility
Food/beverage service (minor),
Food/beverage service,
Home Based Business,
Hotel,
Mixed Use
Multi-attached dwelling,
Multi-family dwelling,
Office (minor),
Office,
Parks and recreation
Planned development subject to Section 7.1(9),
Public and quasi-public use,
Public utility uses and structures,
Accessory structures and uses, and
Temporary activity, subject to Section 7.1(5).

Section 10.15(2)(b) as amended by By-law No. 4814 Jan. 12, 2015

(b) Conditionally Permitted Uses are:

Animal Services,
 Parking structure subject to Section 10.15(4)(a),
 Special care facility, and
 Similar use.

(3) Regulations

(a) Ground Floor Retail / Indoor Public Space

	Street Name	Provision
Ground Floor Retail Rank 1	Franklin Avenue	Office buildings with a building footprint of 800 m ² , or greater, and a minimum of 4 storeys, shall include on the ground floor, one of the following uses: <ul style="list-style-type: none"> • commercial use • commercial entertainment • commercial recreational • food/beverage service.
Ground Floor Retail Rank 2	Other Downtown Streets	Office buildings with a building footprint of 800 m ² , or greater, and a minimum of 4 storeys, shall include on the ground floor, one of the following uses: <ul style="list-style-type: none"> • commercial use • commercial entertainment • commercial recreational • food/beverage service. OR, subject to the

		discretion of the Development Officer, may provide Indoor Public Space.
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- (b) In determining the requirement to provide either ground floor retail or indoor public space in accordance with Section 10.15(3)(a), the Development Officer may forward the development permit application to relevant public interest groups for review in part.
- (c) Where residential uses are combined with other uses within a building, the residential use shall not be permitted at or below the street level of the building.
- (d) Height:
 - i) Multi-attached dwellings: a maximum of 15 m;
 - ii) All other uses: a maximum 45 metres, but the height shall not in any case exceed 245 metres above sea level.
- (e) Minimum Yard Setbacks:

Use	Front	Side	Rear
Multi-attached dwelling*	6m	2m	6m
All other uses*	0m	0m	0m

*Subject to Design Regulations, Section 10.15 (5)

- i) There shall be no side or rear yard setback requirements for all uses except multi-attached dwellings, unless the side or rear yard abuts an existing residential development in an adjoining zone, in which case the rear and side yard setbacks shall be 2.0 metres, subject to Design Regulations, Section 10.15 (5);
- (f) Site Area: A minimum of 232 m²;

-
- (g) Lot Width: a minimum of 7.5 m;

Section 10.15(3)(h)
as amended by By-law No. 4787 March 24, 2014

- (h) Floor Area: a minimum of 50% of the site area for non-residential uses.

Section 10.15(3)(h)(iii)
deleted by By-law No. 4787 March 24, 2014

iii) ;

Section 10.15(3)(h)(iv)
deleted by By-law No. 4787 March 24, 2014

iv) ;

- v) All other uses: a minimum of 50% of the site area

- (i) Site Coverage: a maximum of 100%, subject to applicable yard setbacks

- (j) In addition to the above regulations, any development within Block 301 is subject to the following Capital Area Development Regulations:

i) The maximum building height shall be 15 metres;

ii) The front yard setback shall be a minimum of 20 metres, and the minimum required landscaping shall be 100% of the front yard.

(4) Site Development

- (a) Parking Lot and Parking Structure Design Standards:

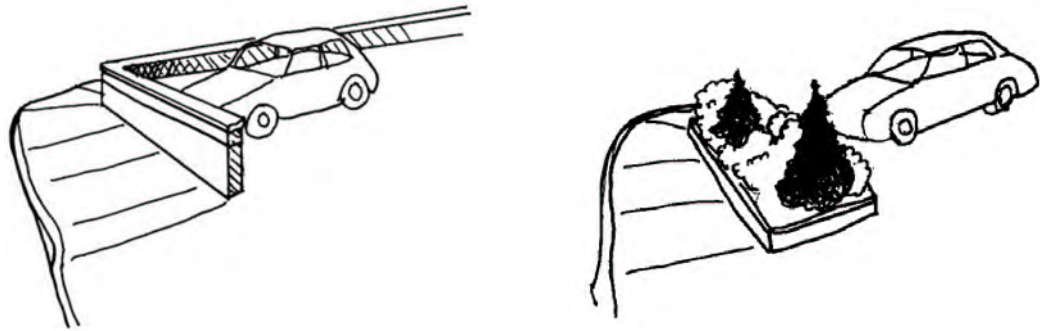
i) Parking and loading spaces: subject to Part Nine;

ii) Parking lot landscaping subject to Section 7.1(2);

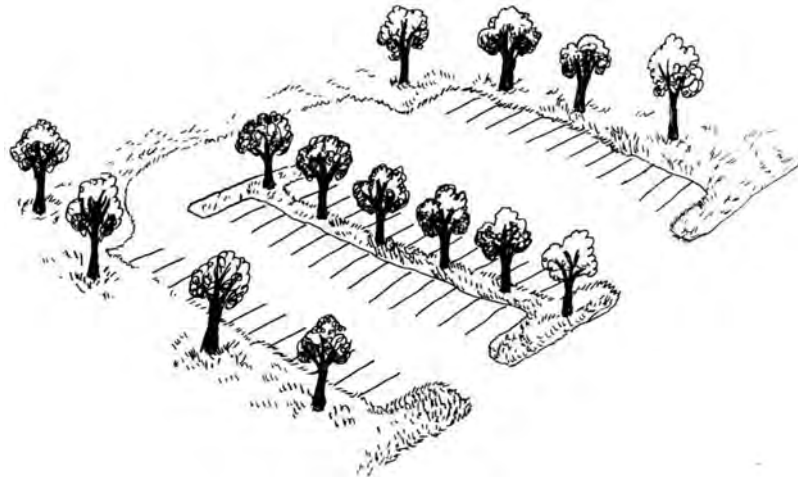
iii) Parking lots and free standing parking structures abutting Franklin Avenue are not

permitted.

- iv) Surface parking lots, loading and trash collection areas are not permitted in front of, or on the flanking street side of the principal building.
- v) Parking spaces for all multi-attached development shall be provided in the rear yard, accessed from the lane. For all other development, wherever possible, laneways shall be the point of access to parking, loading and trash collections areas.
- vi) In the "DT" zone, off-street parking requirements, Section 9.3, are deemed to be fulfilled for any change of use within an existing building. The new use will not result in an increase or decrease in the parking provided for the existing use.
- vii) All trash collection receptacles shall be screened from view on three sides by a solid fence or wall of a minimum height of 2.0 metres. Materials used shall be at the discretion of the Development Officer.
- viii) Surface parking lots are to be screened from the street by walls, solid fences or similar barriers at a height of between 1 and 1.5 metres, subject to the requirement to retain sight lines at corner properties. Chain link fencing is not considered an appropriate screening material. Where parking lots are required with an adjoining structure, wall or solid fence materials are encouraged to complement building materials of the adjoining structure. Screening walls, solid fences or similar barriers associated with a surface parking lot may be substituted by a minimum 1.0 metre setback area from the property line. The setback area shall be landscaped.



- ix) Parking lots exceeding 464 square metres in area shall employ landscaping and site planning techniques to break large paved surface areas into a series of smaller surface areas.



- x) Parking lots and landscaping shall be designed to incorporate mature trees where possible. The Development Officer may vary the parking requirements if it provides for the survival of large mature trees on a site.
- (b) Pedestrian linkages: All development shall recognize the importance of maintaining pedestrian linkages by connecting to all sidewalks and trails where applicable.
- (c) Landscaping: Shall be in accordance with Section 7.1(2), subject to Design Regulations, Section

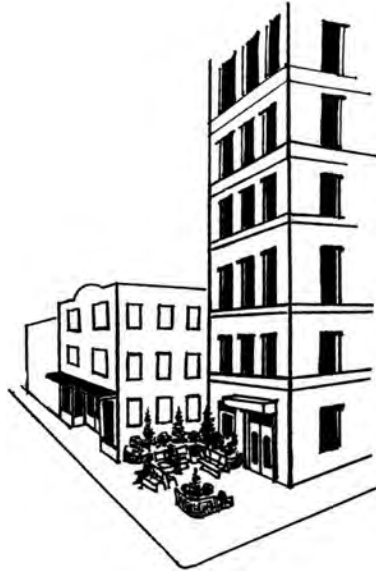
10.15 (5)

(5) Design Regulations

In addition to all other requirements of this by-law, all development within the "DT" - Downtown zone shall be subject to the following design standards. The objective of the Design Regulations is to strive for visually interesting and appealing buildings and a pedestrian oriented street environment. The applicant shall refer to the "Yellowknife Downtown Façade Improvement Guidelines" for examples of appropriate building façade treatment. The Guidelines shall be applied at the discretion of the Development Officer, who may also refer plans to relevant public interest groups for review in part.

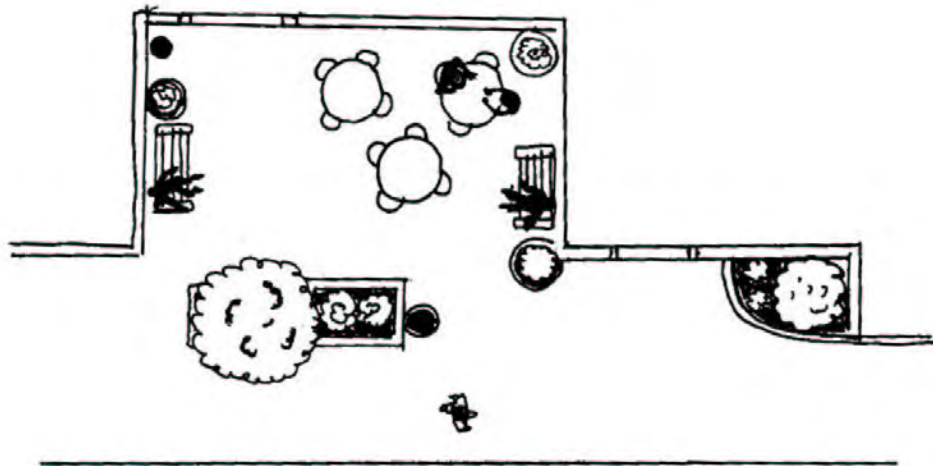
(a) Amenity Space

- i) New development with any one portion of the building exceeding 35 metres horizontal wall dimension along a public street, and where the building is 4 storeys or greater, shall provide outdoor amenity space. Those buildings located on corner lots shall only be required to provide one amenity space, with the longest horizontal wall dimension along a public street being used to calculate the amenity space requirement. A minimum of 50 m² of amenity space shall be provided with an additional 5 m² of amenity space provided for each additional 10 metres of lineal frontage.



ii) Where amenity spaces are required or provided in conjunction with a development, they shall be designed in such a manner as to provide for the comfort, visual interest and safety of the pedestrian. In substitution for the landscaping provisions of Part 8, amenity areas may include, but are not limited to, the following elements:

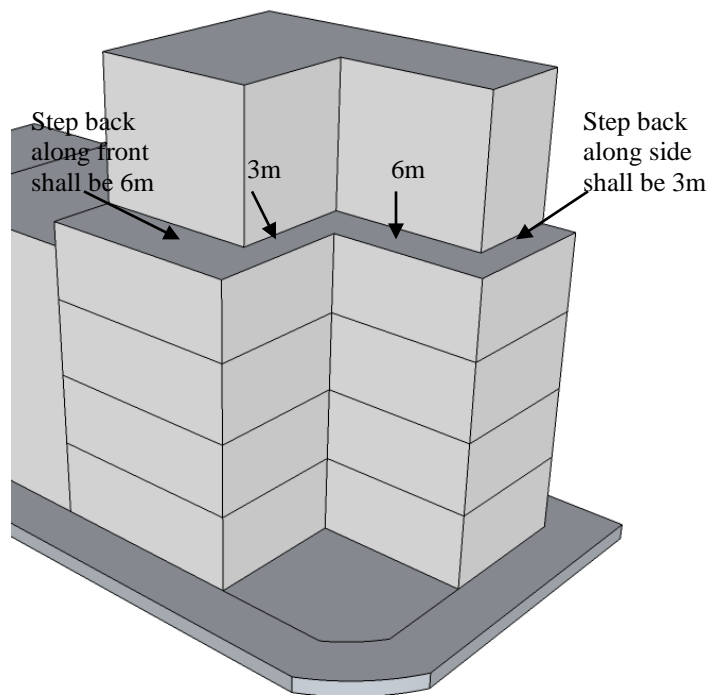
- widening of sidewalks to accommodate public gathering spaces;
- landscaping, including trees, shrubs and planters;
- benches, ledges or broad stairs;
- monuments and/or public art;
- public information displays, and;
- related street furniture.



- iii) Amenity spaces are encouraged to be at the same grade as the adjacent sidewalk area in order to extend the public sidewalk environment. Amenity space must be outdoors and publicly accessible.
 - iv) Amenity spaces shall provide for the continuity of pedestrian movement. The Development Officer may consider railings and barriers to an amenity space only where it is to be used for food/beverage service purposes.
 - v) Landscaping provided within an amenity space shall incorporate plant species capable of surviving the winter season, in accordance with Section 7.1(2)(g).
 - vi) Existing trees shall be incorporated into amenity spaces where possible.
- (b) Massing
- Notwithstanding Section 10.15(3):
- a. For those buildings along Franklin Avenue with greater than 4 storeys, a step back shall be employed for that portion of the building extending beyond the 4th storey and abutting a street. The step back shall be at

least 6 metres for the portion of the building along Franklin Avenue, and at least 3 metres for the portion along the side.

- b. For all other buildings with greater than 4 storeys and abutting the street, the step back shall be 6 metres for the portion of the building fronting the street, and 3 metres for the portion along the side, subject to the discretion of the Development Officer. This discretion shall be employed for considerations related to the Design Regulations, Section 10.15(5), contained herein.



(c) Building Articulation

- i) To promote a high degree of design and increase the quality of the pedestrian realm, articulation of buildings is required. This may be achieved in a variety

of ways, including changes in both materials and material treatments.

- ii) All buildings will be designed in such a way as to have a base, middle and top:



Base: To be within the first 4 storeys, the base shall be clearly defined as it will have the most interaction with the pedestrian environment.

Middle: That portion of the building extending beyond the base, the middle section has the potential to be the largest section of the building, and so should contribute positively to the overall streetscape through the employment of varied architectural treatments.

Top: The roof design shall compliment the rest of the building. All mechanical equipment, including roof mechanical units, shall be concealed by screening, or incorporated into the architecture.

(d) Facades and Materials

- i) Colour
Colour schemes shall be complementary to existing context and adjacent developments, at the discretion of the Development Officer. A minimum of two colours,

excluding roof colour visible from the street, are required for each building.

ii) Material

Building materials shall be functional and aesthetic. Durable, high quality materials shall be used on all building faces.

a. A minimum of two major exterior materials, excluding fenestration, shall be used on each elevation. These materials must be complementary to achieve a unified building image;

b. Brick, stone, or other appropriate quality material shall be used for the base of the building. Metal should only be used as a complimentary finish.

c. Finished exterior surfaces shall extend to no less than 15 centimetres above the finished grade level.

iii) Entryway

For those buildings located along Franklin Avenue, the front entrance shall be located on Franklin Avenue. Entryways shall be well defined and emphasized. A main entrance fronting a public road must include a minimum of two design elements, such as the following:

a. a canopy or portico;

b. a roof overhang;

c. a horizontal recess or projection;

d. a varied roof form;

e. architectural tilework or moldings integrated into the building design; and

f. other architectural design elements subject to the Development Officer.

iv) Fenestration

The design and placement of windows shall

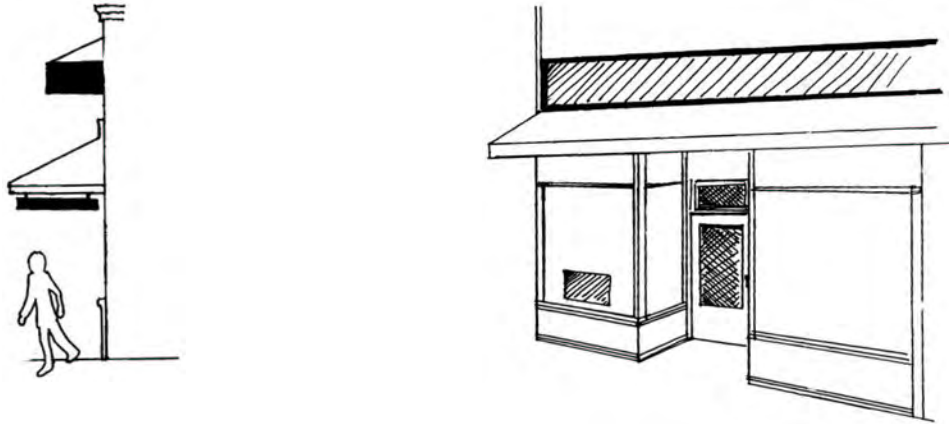
enhance the pedestrian streetscape as follows:

- a. eliminating blank walls along street frontages;
- b. for all commercial and food/beverage service uses, 50% of the horizontal dimension of a ground floor street facing façade shall have windows;
- c. darkly tinted and reflective glass is prohibited.

- v) Architectural Detailing
Further architectural details and design features providing visual enhancement and variety may be required by the Development Officer, taking into consideration the "Yellowknife Downtown Façade Improvement guidelines" and/or the Smart Growth Implementation Committee review comments. The further required architectural features are subject to the Development Officer's approval.

(e) Signage

- i) Signage shall be designed to enhance the appearance of the downtown and add interest and comfort to the pedestrian environment, subject to Schedule 2 - Sign Regulations.
- ii) Projecting and marquee or canopy signs are encouraged for all commercial and food/beverage service uses.



iii) All signs shall be in accordance with the provisions set forth in Schedule 2 of this Zoning By-law.

(f) Wind Protection

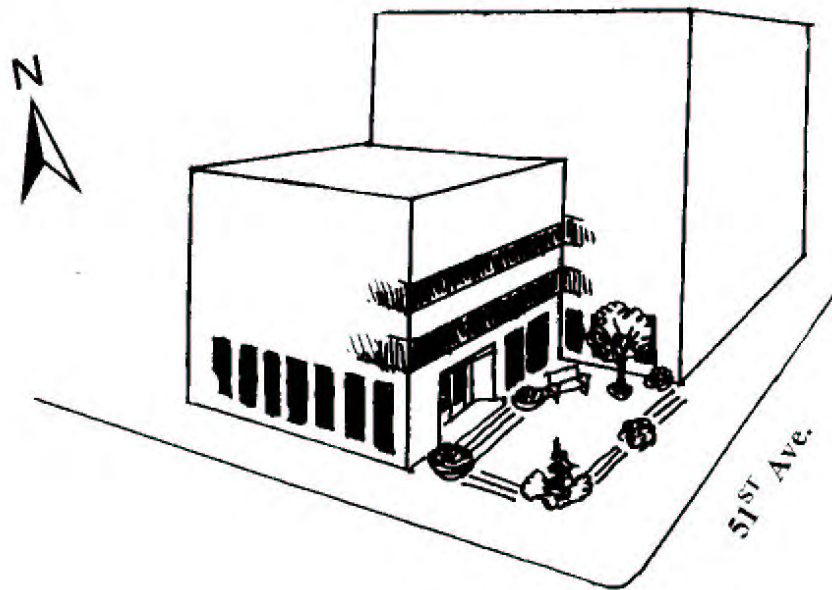
i) For those buildings which exceed 4 stories in height above grade, and exceed 1,500 square metres of floor area, the Development Officer shall require as part of a development permit, a preliminary wind impact statement, or a detailed wind impact study, or both. Such information shall be prepared by a recognized wind consultant and shall indicate how the massing of a proposed development has been arranged to minimize wind speed impacts at the pedestrian level.

(g) Sun Penetration

i) For those buildings which exceed 4 stories in height above grade, the Development Officer shall require as part of a development, a sun shadow impact study. Such information shall be prepared by a qualified architect or engineer, and shall indicate design alternatives to minimize shadows cast on adjoining streets and properties. Shadow cast models of adjoining development shall also be provided where appropriate. Shadow cast models shall be provided to indicate

those shadows cast by a proposed development at 8:30 a.m., 12:30 p.m., and 4:30 p.m, Mountain Standard Time (MST) on March 21, June 21 and September 21.

- ii) For those developments providing an amenity space, the amenity space shall be oriented on a site such that it is provided with the greatest potential for sun penetration. For a typical site, this would require that an amenity space be provided with a southern and/or western orientation.



10.16 CC - Core Area Commercial (Deleted by By-law No. 4740 Nov
12/13)

10.17 CS - Commercial Service

(1) General Purpose

To provide for commercial areas outside the downtown core and along the major transportation corridors for uses that require large sites and a high degree of accessibility to these corridors.

Section 10.17(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Diamond facility,
Commercial use,
Hotel,
Motel,
Office subject to Section 10.17(5)(a),
Motor vehicle sales, service or repair,
Planned development subject to Section 7.1(9),
Public and quasi-public use,
Public utility uses and structures,
Commercial entertainment,
Commercial recreational,
Temporary activity, subject to Section 7.1(6),
Accessory structures and uses.

Section 10.17(2)(b) as amended by By-law No. 4814 Jan. 12, 2015

(b) Conditionally Permitted Uses are:

Animal Services,
Child care facility,
Food/beverage service,
Industrial use subject to Section 7.6,
Transportation facility,
Parking lot,
Parking structure, and
Similar use.

(3) Regulations

-
- (a) Floor Area: a maximum of 100% of site area;
 - (b) Site Coverage: a maximum of 35% of site area;
 - (c) Height: a maximum of 14 m;
 - (d) Front Yard: a minimum of 7.5 m;
 - (e) Side Yard: a minimum of 3 m;
 - (f) Rear Yard: a minimum of 3 m;
 - (g) Lot Width: a minimum of 30 m;
 - (h) Site Area: a minimum of 900 m²;
 - (i) Landscape Area: a minimum of 40% of the minimum front yard, however, if it is determined by the Development Officer that landscaping is required elsewhere on the site, then 15% of the site area may be required to be landscaped;
 - (j) Parking and loading: subject to Part Nine;
- (4) Site Development
- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles, and emergency vehicle access shall be subject to approval by the Development Officer. In this zone for developments where the parking area exceeds 20 spaces the Development Officer may require the development of pedestrian-oriented amenity areas or linkages from the principal building to the public transit system.
 - (b) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

(5) Special Provisions

(a) Floor Area

The floor area of office uses shall not exceed 100% of the ground floor area.

(b) Sites for outside display of vehicles, machinery, equipment or construction materials, may be allowed in front of the principal building or on a flanking street side of the principal building and subject to the following conditions:

(i) the display area must be hard surfaced;

(ii) the area around the display area must be enhanced through the provision of landscaping;

(iii) lighting of the display area is sufficient only to provide for display or attraction and does not direct light off of the display area or to adjacent properties; and

(iv) all advertisement copy must be static and employ no amplified sounds.

(c) Outside storage and trash collection areas shall be located to the rear or side (other than a flanking street side) of the principal buildings and shall be screened from the public view by a solid fence or other similar screening.

(d) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the buildings, or concealed by incorporating it within the building roof.

10.18 OM - Old Town Mixed Use

Section 10.18(1) as amended by By-law No. 4973 June 25, 2018

(1) General Purpose

To provide areas for a mix of commercial and residential uses.

Section 10.18(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory decks,
Commercial use,
Office,
Single detached dwelling subject to Section 10.18(5)(a),
Duplex dwelling subject Section to 10.18(5)(a),
Mixed use,
Child care facility,
Multi-attached dwelling subject Section to 10.18(5)(a),
Planned development subject to Section 7.1(9),
Home based business,
Temporary activities subject to Section 7.1(6),
Accessory structures and uses.

Section 10.18(2)(b) as amended by By-law No. 4973 June 25, 2018

(b) Conditionally Permitted Uses are:

Diamond facility,
Food/beverage service,
Hotel,
Industrial use subject to Section 7.6,
Motel,
Lake use,
Parks and recreation,
Public and quasi-public uses,
Public utility uses and structures,
Special care facility, and

Similar use.

(c) Prohibited Uses are:

Outside storage as a principal use.

(6) Regulations

NOTE: All development on sites that abut the natural boundary of Great Slave Lake or occur on a portion of Great Slave Lake shall be subject to Section 7.4 and Section 10.18(6) in addition the following regulations of this Section 10.18(3).

- (a) Site Coverage: a maximum of 40%;
- (b) Height: a maximum of 10 m subject to Section 7.4(7);
- (c) Front Yard: a minimum of 6 m;
- (d) Side Yard: a minimum of 2 m;
- (e) Rear Yard: a minimum of 6 m;
- (f) Lot Depth: a minimum of 30 m;
- (g) Lot Width: a minimum of 15 m;
- (h) Site Area: a minimum of 450 m²;
- (i) Landscape Area: a minimum of 40% of the minimum front yard;
- (j) Parking and loading: subject to Part Nine;

(4) Site Development

- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development

Officer.

- (b) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

(5) Special Provisions

Section 10.18(5)(a)
as amended by By-law No. 4787 March 24, 2014

- (a) Notwithstanding the minimum requirements of this zone, single detached, duplex and multi-attached dwellings shall be developed in accordance with the provisions of Section 10.8.

Section 10.18(5)(b) deleted by By-law No. 4973 June 25, 2018

(b) deleted

(6) Special Provisions for Sites abutting or on Great Slave Lake

Notwithstanding Section 10.18(3) where a lot, site, approved subdivision plan or proposed subdivision plan abuts a water body creating access from both the waterbody and a road the Development Officer may:

- (a) further establish and specify the yard requirements, site coverage, site area, landscape area and any other site development regulation.

10.19 I - Industrial

(1) General Purpose

To provide areas for industrial and commercial activities.

Section 10.19 (2)(a) as amended by By-law No. 4815 Nov 10, 2014

Section 10.19(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory decks,
Animal service,
Commercial use,
Diamond facility,
Dwelling unit subject to Section 10.19(5)(b),
Industrial use subject to Section 7.6(1),
Planned development subject to Section 7.1(9),
Public utility uses and structures,
Temporary activity subject to Section 7.1(6),
Transportation facility, and
Accessory structures and uses.

Section 10.19(2)(b) as amended by By-law No. 4814 Jan. 12, 2015

(b) Conditionally Permitted Uses are:

Animal shelter,
Bulk fuel storage,
Commercial recreation,
Food/beverage service,
Kennel,
Industrial use subject to Section 7.6(2),
Natural resource extraction,
Office subject to Section 10.19(5)(c), and
Similar use.

(3) Regulations

(a) Site Coverage: a maximum of 60%;

(b) Height: a maximum of 15 m;

- (c) Front Yard: a minimum of 6 m;
 - (d) Side Yard: a minimum of 6 m on one side and 1.5 on the other side;
 - (e) Rear Yard: a minimum of 3 m;
 - (f) Lot Width: a minimum of 30 m;
 - (g) Site Area: a minimum of 929 m²;
 - (h) Landscape Area: a minimum of 40% of the minimum front yard;
 - (i) Parking and Loading: subject to Part Nine;
- (4) Site Development
- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, and provision of landscaping, the parking layout, and the emergency vehicle access shall be subject to approval by the Development Officer.

Section 10.19 (5)(b) as amended by By-law No. 4815 Nov 10, 2014

(5) Special Provision

- (a) Auto wrecking yards shall be completely enclosed by a solid wall or uniformly painted or colored fence not less than two metres high.
- (b) A dwelling unit shall:
 - (i) have direct and separate access to the outside ground level,
 - (ii) be limited to one dwelling unit per site,
 - (iii) be serviced with municipal water and sewer,
 - (iv) not exceed 140 m² of floor area,

- (v) shall only provide accommodation for an owner, operator and/or caretaker,
 - (vi) demonstrate evidence of an established animal services, industrial or commercial use operating on site in the form of a structure having a minimum enclosed floor area of 93 m²; and
 - (vii) only be permitted as long as the said site is being used for the operation of a permitted or conditionally permitted use within this zone.
- (c) Office uses shall be related and accessory to the principal use and shall not exceed 20% of the floor area of the total development.

10.20 LI - Limited Industrial

(1) General Purpose

To provide an area for limited industrial and commercial land uses intended to minimize impacts on established land uses in the area.

Section 10.20(2)(a) as amended by By-law No. 4830 Mar 9, 2015

Section 10.20(2)(a) as amended by By-law No. 4815 Nov 10, 2014

Section 10.20(2)(a) as amended by By-law No. 4815 Nov 10, 2014

Section 10.20(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory decks,
Accessory structures and uses,
Industrial use subject to Section 7.6(1),
Commercial use,
Commercial recreation,
Diamond facility,
Dwelling unit subject to Section 10.20(5),
Food/beverage service subject to Section 10.20(5),
Home Based Business,
Industrial use subject to Section 7.6 (1),
Office, and
Public utility uses and structures,

Section 10.20(2)(b) as amended by By-law No. 4830 Mar 9, 2015

Section 10.20(2)(b) as amended by By-law No. 4814 Jan. 12, 2015

(b) Conditionally Permitted Uses are:

Animal Services
Transportation facility, and
Similar use.

Section 10.20(3)(b) as amended by By-law No. 4830 Mar 9, 2015

(3) Regulations

(a) Site Coverage: a maximum of 40%;

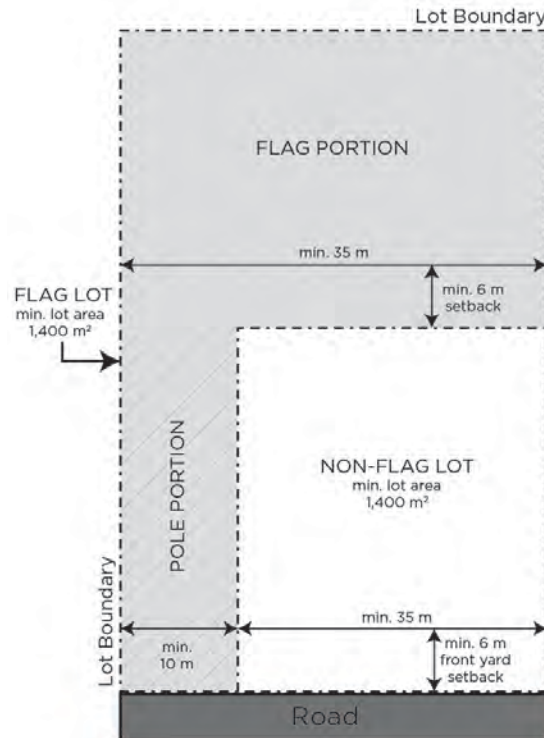
(b) Height: Dwelling unit: a maximum of 10m;

Other uses: a maximum of 15 m;

- (c) Front Yard: a minimum of 6 m;
- (d) Site Yard: a minimum of 6 m on one side and 1.5 m on the other side;
- (e) Rear Yard: a minimum of 6 m;

Section 10.20(3)(f) as amended by By-law No. 4830 Mar 9, 2015

- (f) Lot Width: a minimum of 35 m, except for flag lot a minimum of 10 m for the Pole Portion and a minimum 35 m for the Flag Portion;



- (g) Site Area: a minimum of 1400 m²;
- (h) Parking and loading: subject to Part Nine.

(4) Site Development

This site plan, the relationship between buildings;

structures and open space, provision of fencing, screening and/or similar buffering techniques, provision of landscaping, parking layout, access to roads, access to trucked water/sewer points, and access to emergency vehicles shall all be at the discretion of the Development Officer who shall consider site topography and the amenities of the adjoining properties and surrounding areas in the application of any such discretion.

Section 10.20(5) as amended by By-law No. 4830 Mar 9, 2015

Section 10.20(5)(c) as amended by By-law No. 4815 Nov 10, 2014

(5) Special Provisions

- (a) Notwithstanding the provisions of Section 7.5(3), outside storage shall only be permitted in the rear yard of a site and may not comprise more than 50% of the total site area. Such outside storage shall not limit the customary display of any commodities or goods intended and permitted to be sold on the site, or the storage of fuel, oil or gas in tanks connected to a heating plant on the premises. The Development Officer may require fencing, screening and/or similar buffering techniques from that portion of a site utilized as outside storage and the adjoining properties and surrounding area.
- (b) When reviewing applications for food/beverage service or dwelling unit development for more than two units, special considerations should be given to water supply for firefighting purposes, fire suppression system for the building, and compatibility with surrounding land uses.
- (c) Permitted dwelling unit types include Single Detached Dwelling, Manufactured Dwelling, Duplex Dwelling, Secondary Suite and dwelling unit attached to an approved building. All dwelling units shall comply with the following:
 - (i) If a dwelling unit is attached to an approved building, it shall have direct and separate access to the outside ground level;

- (ii) All dwelling units shall be serviced with municipal water and sewer;
- (iii) Only one of the permitted dwelling unit type shall be permitted on each site except that a Secondary Suite to an approved Single Detached Dwelling, Manufactured Dwelling or Duplex unit may be permitted;
- (iv) No dwelling unit shall be permitted unless the applicant demonstrates evidence of an established industrial or commercial use operating on site in the form of a structure having a minimum enclosed floor area of 93 m². In the case of a duplex development, an established industrial or commercial use operating on site in the form of a structure having a minimum enclosed floor area of 93 m² is required for each duplex unit;
- (v) All manufactured dwelling units shall be skirted from the base thereof to the ground with material similar to that of the siding material. Painted plywood shall not be permitted as skirting;

10.21 SS - Site Specific

(1) Purpose

The purpose of this zone is to allow Council to provide for specific development controls for sites that require regulations unavailable in other zones. This zone is not intended to be used in substitution of any other zones in this by-law that could be used to achieve the same result.

(2) Permitted Uses and Development Standards

All re-zoning requests shall be evaluated on their merits by Council which will establish the permitted uses and the development standards.

(3) The Effect of a Site Specific Zone

Where a site is or has been at any time zoned Site Specific, the uses and standards approved by Council at the time of such designation shall continue to apply notwithstanding any requirement of this by-law to the contrary.

10.21 SS1 - Site Specific Zone #1

(1) General Purpose

To provide an area for a mixture of commercial, residential, and mixed use type development along a portion of Woolgar Avenue.

Section 10.21 SS1(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory decks,
Commercial use,
Commercial entertainment,

Commercial recreational,
Office,
Food/beverage service,
Mixed use,
Motor vehicle sales, service or repair,
Planned development subject to Section 7.1(9),
Public and quasi-public use,
Public utility uses and structures,
Temporary activity, subject to Section 7.1(6),
and
Accessory structures and uses.

Section 10.21 as amended by By-law No. 4758 November 25, 2013

(b) Conditionally Permitted Uses are:

Animal Services
Child care facility.

(3) Regulations

- (a) Floor Area: a maximum of 100% of site area;
- (b) Site Coverage: a maximum of 35%;
- (c) Height: a maximum of 14 m;
- (d) Front Yard: a minimum of 7.5 m;
- (e) Side Yard: a minimum of 3 m;
- (f) Rear Yard: a minimum of 3 m;
- (g) Lot Width: a minimum of 30 m;
- (h) Site Area: a minimum of 900 square metres;
- (i) Landscape Area: a minimum of 40% of the minimum front yard, however, if it is determined by the Development Officer that landscaping is required elsewhere on the site, then 15% of the site area may be required to be provided;
- (j) Parking and loading: subject to Part Nine.

(4) Site Development

- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.
- (b) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

(5) Special Provisions

(a) Floor Area

- (i) the floor area of a building shall not exceed the area of the site on which the building is located;
- (ii) the floor area of office uses shall not exceed 100% of the ground floor area.

- (b) Sites for outside display of vehicles, machinery, equipment or construction materials, may be allowed in front of the principal building or on a flanking street side of the principal building and subject to the following conditions:

- (i) the display area must be hard surfaced;
- (ii) the area around the display area must be enhanced through the provision of landscaping;
- (iii) lighting of the display area is sufficient only to provide for display or attraction and does not direct light off of the display area or to adjacent properties; and

- (iv) all advertisement copy must be static and employ no amplified sounds.
- (k) Outside storage and trash collection areas shall be located to the rear or side (other than a flanking street side) of the principal buildings and shall be screened from the public view by a solid fence or other similar screening.
- (l) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the buildings, or concealed by incorporating it within the building roof.

10.21 SS2 - Site Specific Zone #2

(1) General Purpose

To provide for the existing uses located at the intersection of Franklin Avenue and Forrest Drive.

Section 10.21 SS2 (2)(a) as amended by By-law No. 4956 March 26, 2018

(2) Uses

(a) Permitted Uses are:

Accessory Uses and Structures.
Convenience store.

(b) Conditionally Permitted Uses are:

Commercial use,
Commercial entertainment,
Office,
Mixed use,
Public and quasi-public use, and
Public utility uses and structures.

(3) Regulations

- (a) Floor Area: a maximum of 100% of site area;
- (b) Site Coverage: a maximum of 35%;
- (c) Height: a maximum of 10 m;
- (d) Front Yard: a minimum of 7.5 m;
- (e) Side Yard: a minimum of 3 m;
- (f) Rear Yard: a minimum of 3 m;
- (g) Lot Width: a minimum of 30 m;
- (h) Site Area: a minimum of 900 m²;

- (i) Landscape Area: a minimum of 40% of the minimum front yard, however, if it is determined by the Development Officer that landscaping is required elsewhere on the site, then 15% of the site area may be required to be provided;
 - (j) Parking and loading: subject to Part Nine.
- (4) Site Development
- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.
 - (b) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

10.21 SS3 - Site Specific Zone #3

Section 10.21(1) as amended by By-law No. 4587 - October 25, 2010

(1) General Purpose

To provide for a neighborhood node development in the Niven Lake residential subdivision.

Section 10.21 SS3(2)(a) as amended by By-law No. 4718 May 13, 2013

Section 10.21(2)(a) as amended by By-law No. 4587 - October 25, 2010

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Public or quasi-public use,
Convenience store,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Mixed use

(3) Regulations

- (a) Floor Area: a maximum of 100% of site area;
- (b) Site Coverage: a maximum of 35%;
- (c) Height: a maximum of 10 m;
- (d) Front Yard: a minimum of 6 m;
- (e) Side Yard: a minimum of 3 m;
- (f) Rear Yard: a minimum of 6 m;
- (g) Lot Width: a minimum of 30 m;
- (h) Site Area: a minimum of 900 m²;

- (i) Landscape Area: 100% of residual area, subject to Section 7.1(2);
 - (j) Parking and loading: subject to Part Nine.
- (4) Site Development
- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.
 - (b) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

Section 10.21 SS4 deleted by By-law No. 4841 - May 4, 2015
as amended by By-law No. 4590 - August 13, 2012

10.21 SS4 - Site Specific Zone #4

10.21 SS5 - Site Specific Zone #5

(1) General Purpose

Section 10.21(1) as amended by By-law No. 4801 September 8, 2014

To provide for a multi-family dwelling and hotel use on Lot 13, Block 162.

Section 10.21(2)(a) as amended by By-law No. 4718 May 13, 2013

Section 10.21(2)(a) as amended by By-law No. 4801 September 8, 2014

(2) Uses

(a) Permitted Uses are:

Accessory decks,
Multi-family dwelling subject to Section 7.3,
Commercial use,
Hotel,
Office,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child care facility,
Public and quasi-public uses.

(3) Regulations

Section 10.21(3)(a) deleted by By-law No. 4801 September 8, 2014

- (a) Deleted by By-law No. 4801, September 8, 2014;
- (b) Site Area: a minimum of 105 m² per dwelling unit;
- (c) Site Coverage: a maximum of 40%;
- (d) Height: a maximum of 15 m;
- (e) Front Yard: a minimum of 7.5 m;
- (f) Side Yard: a minimum of 3 m;
- (g) Rear Yard: a minimum of 3 m;

-
- (h) Landscape Area: 100% of residual area subject to 7.1(2);
 - (i) Parking and loading: subject to Part Nine.
- (4) Site Development
- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles, and emergency vehicle access shall be subject to approval by the Development Officer. The Development Officer shall require pedestrian linkages from the principal building to the public transit system;
 - (b) Outside storage and trash collection areas shall be located to the rear or side of the principal building and shall be screened from view by a solid fence or other similar screening;
 - (c) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building, or concealed by incorporating such equipment within the building roof;
 - (d) All fill created slopes at the perimeter of the site shall be provided with a finished landscape treatment to the satisfaction of the Development Officer, and;
 - (e) The boulevard areas adjacent to Lot 13, Block 162 shall be provided with a finish landscape treatment to the satisfaction of the Development Officer.

Section 10.21 SS6 as amended by By-law No. 4501 November 24, 2008

10.21 SS6 - Site Specific Zone #6

Section 10.21(1) as amended by By-law No. 4973 June 25, 2018

(1) General Purpose:

To provide an area for a mix of commercial and residential uses on Lot 22, Block 1.

Section 10.21 SS6 (2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses:

(a) Permitted Uses are:

Accessory decks,
Commercial uses,
Child care facility,
Special care facility,
Offices,
Detached dwelling subject to Section 10.21(SS6)(5)(a),
Duplex subject to Section 10.21(SS6)(5)(a),
Industrial subject to Section 7.6(1),
Mixed Use,
Planned development subject to Section 7.1(9),
Homed based business,
Temporary activities subject to Section 7.1(6),
and
Accessory structures and uses.

(b) Conditional uses are:

Diamond facility,
Food/beverage service,
Parks and recreation,
Public and quasi-public uses,
Public utility uses and structures, and
Similar uses.

(c) Prohibited uses are:

Outside storage as a principal use.

(3) Regulations:

- (a) Site Coverage: 46% maximum or 175m² building footprint inclusive of principal building, accessory structures and any decks exceeding 600mm above grade;
- (a) Height: a maximum of 10m subject to Section 7.4(7);
- (b) Front Yard: a minimum of 5.1m subject to Section 10.21(SS6)(4)(b);
- (c) Side Yard: a minimum of 1.7m subject to Section 10.21(SS6)(4)(b);
- (d) Rear Yard: a minimum of 5.1m subject to Section 10.21(SS6)(4)(b);
- (e) Lot Width: a minimum of 15m;
- (f) Lot Depth: a minimum of 23m;
- (g) Site Area: a minimum of 375m²;
- (h) Landscape Area: a minimum of 40% of the minimum front yard shall be landscaped, however, if it is determined by the Development Officer that landscaping is required elsewhere on the site, then 15% of the site area may be required to be provided;
- (i) Parking: subject to Section 9;
- (j) Loading space: subject to Section 9.

(4) Site Development:

- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the

provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.

- (b) If the requirements of Section 10.21(SS6)(3) detrimentally affect a harmonious relationship between buildings, structures and open space on the site and adjoining property, the Development Officer may vary the requirements of Section 10.21(SS6)(3), subject to Section 3.5.
- (c) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

(5) Special Provision:

Section 10.21(SS6)(5)(a)
as amended by By-law No. 4787 March 24, 2014

- (a) Notwithstanding the minimum requirements of this zone, detached and duplex dwellings shall be developed in accordance with the provisions of Section 10.8.

(6) Other Requirements:

- (a) There shall be no landscaping, trees, buildings, or other improvements exceeding 1.0m in height within the Line of Sight Area on the northwest corner.

Section 10.22 as amended by By-law No. 4444 April 23, 2007

10.22 BI - Business Industrial

1) Purpose

To provide an area for lower impact industrial uses that have a related limited commercial businesses requiring outdoor storage, that are suited to high visibility along a primary road corridor.

Section 10.22 (2)(a) as amended by By-law No. 4912 Oct 24, 2016

Section 10.22 (2)(a) as amended by By-law No. 4718 May 13, 2013

Section 10.22(2)(a) as amended by By-law No. 4614 March 14, 2011

2) Uses

a) Permitted Uses:

Accessory Decks,
Accessory Building or Use
Accessory office use (less than 20% of total floor space)
Animal Services
Automotive Equipment, repair and storage
Automotive Service Station
Car/Truck Wash
Card Lock
Commercial storage
Contractor, limited
Contractor, general
Diamond facility
Equipment rental and repair
Greenhouse
Laboratory
Manufactured home sales
Motor Vehicle Sales
Public utility uses and structures
Research and Development
Transportation Facility
Storage yard
Food/Beverage Services minor (subject to Section 10.22(4))
Brewery Establishment

Section 10.22(2)(b) as amended by By-law No. 4814 Jan. 12, 2015

b) Conditional Uses:

Accessory Office use (greater than 20%)
Animal Shelter
Similar Uses

Subsection 10.22(3)(c)

as amended by By-law No. 4510 July 27, 2009

3) Regulations

a)	Site Coverage	40% maximum
b)	Height	10 metres maximum
c)	Front Yard*	8.0 metres minimum
d)	Side Yard	3.0 metres minimum
e)	Rear Yard	7.5 metres minimum
f)	Lot Width	20 metres minimum
g)	Lot Depth	30 metres minimum
h)	Site Area	0.5 hectares minimum

*Front yards are those which front the internal roadway network.

Subsection 10.22(4)(b)

as amended by By-law No. 4614 March 14, 2011

4) Food and Beverage Service

- a) Any approved Food/Beverage Service use shall be unlicensed.
- b) No food/beverage service (minor) use shall be permitted within 100 metres from any approved bulk fuel storage. This 100-metre distance shall be measured from the boundary of the bulk fuel storage lot, OR, the perimeter of the bulk fuel storage tanks as determined by the Development Officer.

Subsection 10.22(5)(a)

as amended by By-law No. 4510 July 27, 2009

5) On-Site Parking and Loading

- a) Parking shall be provided in accordance with Part 9.
- b) Parking areas with 10 spaces or more shall be required to provide a landscaped area or areas, determined as 15% of total parking area including maneuvering aisles, to enhance appearance and avoid large barren parking areas.
- c) Paved surfaces for on-site traffic maneuvering shall be at the minimum width necessary to accommodate traffic in a safe and efficient manner.

**Subsection 10.22(5)(3)
as amended by By-law No. 4510 July 27, 2009**

- d) Loading, storage (as an accessory use) and trash collection shall be located to the rear or sides of the principal building.

**Section 10.22(6)
as amended by By-law No. 4510 July 27, 2009
as amended by By-law No. 4567 June 28, 2010**

6) Used Buildings

Used buildings may form part of a non-temporary development in accordance with the following:

- (a) Used buildings must meet the National Building Code regulations for which proof of review and approval by a City Building Inspector must be provided during the Development Permit process.
- (b) Used buildings must meet all Territorial regulations of the Office of the Fire Marshal, and all regulations of the City of Yellowknife Fire Department, for which proof of review and approval must be provided during the Development Permit process.
- (c) Used buildings shall not show any exterior damage, wear, or tear including, but not limited to, rust, dents, peeling of paint, or building material deterioration.

- (d) All finished exterior surfaces of the used building shall extend to no less than 15 centimetres above the finished grade level.
- (e) All existing and new signage on the used building must adhere to the Zoning By-law or any superseding by-law.

7) Drainage

- a) A site drainage plan shall be required for any development to ensure positive drainage, compliance with a Drainage Plan or on-site mitigation of run-off. Maintenance of existing site contours is encouraged.

Section 10.22(8)

as amended by By-law No. 4510 July 27, 2009

8) Landscaping Requirements

- a) All landscaping must be approved as part of either a landscape plan or a site plan, whichever is required as per Section 7.1(2).
- b) All landscaping to be undertaken as per the requirements of this section shall also meet the requirements of Section 7.1(2), excluding Section 7.1(2)(d), of this By-law.
- c) The preservation and retention of existing natural vegetation and bedrock as the primary method of landscape buffering is encouraged.
- d) 100% of required Front Yard setbacks shall be landscaped with a landscape buffer in accordance with the following:
 - (i) At the Development Officer's discretion, any natural vegetation or bedrock contained within the minimum Front Yard setback may serve to fulfill the landscape requirements.
 - (ii) Trees shall be planted in rows following the lot line, 4.5 metres on centre, with rows of shrubbery planted 1.5 metres on centre.

-
- (iii) At the Development Officer's discretion, alternative methods of landscape buffers that achieve a similar buffering effect may be permitted.
 - e) If the Side Yard and/or Rear Yard property lines abut a public right-of-way (including the primary arterial road), a public trail, or a public open space, either a landscape buffer or a screen shall be required and shall meet the following requirements:
 - (i) At the Development Officer's discretion, any natural vegetation or bedrock contained within the minimum Side Yard and/or Rear Yard setbacks, whichever is applicable, may serve to fulfill the landscape buffer requirements.
 - (ii) Landscape buffers shall consist of, at a minimum, a single row of trees following the lot line planted 4.5 metres on centre with a row of shrubbery planted 1.5 metres on centre.
 - (iii) The landscape buffer or screen must effectively block or limit the public's view of any parking or loading areas, trash collection areas, storage areas, or any other use on site as determined by the Development Officer.
 - (iv) Screening may include one or more of the following:
 - a. A decorative fence, meaning solid or semi-solid fencing, but excluding chain-link, barbed-wire, razor-wire, or snow fencing. Corrugated metal, sheet metal and tarps are also excluded from this reference.
 - b. Screen fences and walls shall compliment design and materials of the principal structure and be consistent with the quality of building design and materials of the principal structure.
 - c. All fences used for screening purposes must be a minimum height of 1.5m.
 - (v) At the Development Officer's discretion, alternative methods of landscape buffers or

-
- screens that achieve a similar buffering or screening effect may be permitted.
- f) As per Section 3.5, setback variance requests are subject to Development Officer and/or Council approval and may require that required setback area landscaping be provided elsewhere on site.
 - g) At the discretion of the Development Officer on those properties fronting the Primary Arterial Roadway a landscaped berm a minimum of 1.5 metres in height is required.

Section 10.22(9)
deleted by By-law No. 4510 July 27, 2009

10) Design Criteria

- a) A minimum of one side of the building (façade) shall include the following in order to enhance the visual appeal of the subdivision.
 - (i) A minimum of 10% of the façade shall be windows;
 - (ii) A minimum of 25% of the façade, exclusive of window area, shall be finished with one of the following: brick, stone, cedar, hardboard, or stucco.

11) Signage

- a) Where signage will form part of a development the Development Officer shall consider the following in addition to Schedule No. 2 of By-law No. 4404:
 - (i) One illuminated company or business fascia sign shall be allowed per instance of business frontage as defined in Schedule No. 2. The maximum dimensions of such a sign shall not exceed 3 metres in vertical and horizontal directions, parallel to the façade of the building, nor exceed a depth of 0.3 metres.
 - (ii) One illuminated business name per instance of business frontage as defined in Schedule No. 21 shall be allowed. The illuminated business name shall not exceed 15% of the

-
- area of the façade of the building and shall in no case exceed 10 square metres.
- (iii) Where individual letters are required in accordance with the provisions above, the letters shall be fixed directly to the building without sign backing panel, or mounted by an architecturally compatible method.
 - (iv) Where more than one business occupies a building, additional signage should be located in accordance with a comprehensive signage package prepared for the building and approved by an architect.
- b) Freestanding signs are prohibited unless they are:
- (i) No greater in height than the lesser of 3 metres or the height of the principal structure;
 - (ii) Constructed of similar or complimentary cladding materials as the principal structure to ensure architectural compatibility and enhancement; and,
 - (iii) Monument based.
- c) Portable signs are prohibited.

Section 10.22(12)
as amended by By-law No. 4510 July 27, 2009

12) Site Access

- a) Direct access from the by-pass road is prohibited unless no alternative exists.
- b) Access driveways shall have a maximum width of 10.0m.
- c) No more than two driveways shall be permitted per primary use, building, or structure and this shall refer to those primary uses, buildings, or structures wholly contained within one lot and those primary uses, buildings, or structures which act to consolidate more than one lot through development.
- d) Only individual lots or lots consolidated through

development, with a front yard wider than 50.0m
may apply for said second driveway.

Section 10.23 as amended by By-law No. 4444 April 23, 2007

10.23 GI - General Industrial

1) General Purpose:

To provide an area for intensive industrial uses as well as those intensive industrial uses requiring large outdoor storage areas.

Section 10.23 (3)(a) as amended by By-law No. 4718 May 13, 2013

Section 10.23(3)(a) as amended by By-law No. 4614 March 14, 2011

2) Uses

a) Permitted Uses are:

Accessory Decks,
Accessory Building or Use
Accessory office use (less than 20% of total floor space)
Bulk Fuel Storage (subject to Section 10.23 (12))
Fleet service
Industrial, general
Outdoor storage facility
Public utility uses and structures
Recycling Depot
Transportation facility
Warehousing and distribution

Section 10.23(2)(b) as amended by By-law No. 4814 Jan. 12, 2015

b) Conditional uses are:

Animal Shelter
Kennels
Similar Uses

Subsection 10.23(4)(c)

as amended by By-law No. 4510 July 27, 2009

3) Regulations

- | | |
|------------------|-------------------|
| a) Site Coverage | 60% maximum |
| b) Height | 17 metres maximum |

c) Front Yard*	10.0 metres minimum
d) Side Yard	4.0 metres minimum (subject to 8.0 (a))
e) Rear Yard	4.0 metres minimum (subject to 8.0 (a))
f) Lot Width	30 metres minimum
g) Lot Depth	30 metres minimum
h) Site Area	1 hectare minimum

**Section 10.23(5)
as amended by By-law No. 4510 July 27, 2009**

5) Landscape Requirements

- a) All landscaping must be approved as part of either a landscape plan or a site plan, whichever is required as per Section 7.1(2).
- b) All landscaping to be undertaken as per the requirements of this section shall also meet the requirements of Section 7.1(2), excluding Section 7.1(2)(d), of this By-law.
- c) The retention and preservation of existing natural vegetation and bedrock as the primary method of landscape buffering is encouraged.
- d) 100% of required Front Yard setbacks shall be landscaped with a landscape buffer in accordance with the following:
 - i) At the Development Officer's discretion, any natural vegetation or bedrock contained within the minimum Front Yard setback may serve to fulfill the landscape buffer requirements.
 - ii) Trees shall be planted in rows following the lot line, 4.5 metres on centre, with rows of shrubbery planted 1.5 metres on centre.
 - iii) At the Development Officer's discretion, alternative methods of landscape buffers that achieve a similar buffering effect may be permitted.
- e) If the Side Yard and/or Rear Yard property lines abut a public right-of-way (including the primary arterial road), a public trail, or a public open space, either a landscape buffer or a screen shall be required and shall meet the following requirements:
 - i) At the Development Officer's discretion, any natural vegetation of bedrock contained

within the minimum Side Yard and/or Rear Yard setbacks, whichever is applicable, may serve to fulfill the landscape buffer centre.

- ii) Landscape buffers shall consist of, at a minimum, a single row of trees following the lot line planted 4.5 metres on centre with a row of shrubbery planted 1.5 metres on centre.
- iii) The landscape buffer or screen must effectively block or limit the public's view of any parking or loading areas, trash collection areas, storage areas, or any other use on site as determined by the Development Officer.
- iv) Screening may include one or more of the following:
 - a. A decorative fence, meaning solid or semi-solid fencing, but excluding chain-link, barbed-wire, razor-wire, or snow fencing. Corrugated metal, sheet metal and tarps are also excluded from this reference.
 - b. Screen fences and walls shall compliment design and materials of the principal structure and be consistent with the quality of building design and materials of the principal structure.
 - c. All fences used for screening purposes must be a minimum height of 1.5m.
- v) At the Development Officer's discretion, alternative methods of landscape buffering or screens that achieve a similar buffering or screening effect may be permitted.
- f) As per Section 3.5, setback variance requests are subject to Development Officer and/or Council approval and may require that required setback area landscaping be provided elsewhere on site.

Section 10.23(6)
deleted by By-law No. 4510 July 27, 2009

7) On-site Parking and Loading

**Subsection 10.23(7)(a)
as amended by By-law No. 4510 July 27, 2009**

- a) Parking shall be provided in accordance with Part 9 of this by-law.

**Subsection 10.23(7)(b)
as amended by By-law No. 4510 July 27, 2009**

- b) Loading, storage (as an accessory use) and trash collection shall be located to the rear or sides of the principal building.
- c) Parking areas with 10 spaces or more shall be required to provide a landscaped area or areas, determined as 15% of total parking area including maneuvering aisles, to enhance appearance and avoid large barren parking areas.
- d) Paved surfaces for on-site parking maneuvering shall be at the minimum width necessary to accommodate traffic in a safe and efficient manner.

**Section 10.23(8)
as amended by By-law No. 4567 June 28, 2010**

8) Used Buildings

Used buildings may form part of a non-temporary development in accordance with the following:

- (a) Used buildings must meet the National Building Code regulations for which proof of review and approval by a City Building Inspector must be provided during the Development Permit process.
- (b) Used buildings must meet all Territorial regulations of the Office of the Fire Marshal, and all regulations of the City of Yellowknife Fire Department, for which proof of review and approval must be provided during the Development Permit process.

-
- (c) Used buildings shall not show any exterior damage, wear, or tear including, but not limited to, rust, dents, peeling of paint, or building material deterioration.
 - (d) All finished exterior surfaces of the used building shall extend to no less than 15 centimetres above the finished grade level.
 - (e) All existing and new signage on the used building must adhere to the Zoning By-law or any superseding by-law."

9) Drainage

- a) A site drainage plan shall be required to ensure positive drainage to a public right-of-way, compliance with a Drainage Plan or on-site mitigation of run-off.
- b) Maintenance of existing natural contours is encouraged.

Section 10.23(10)(a)(ii)(v)

Amended by By-law No. 4567 June 28, 2010

10) Operational Standards

- a) All Kennel uses where dogs will be kept in an open outdoor location shall comply with the following standards:
 - (i) Yard requirements are increased as follows:
 - Side Yard: 10 metres minimum
 - Rear Yard: 10 metres minimum
 - (ii) Areas where dogs are kept must have positive drainage to a public right-of-way.
 - (iii) An approved drainage plan is required in order to prevent contamination of land.
 - (iv) If more than 15 dogs are to be maintained on a site an opaque fence of 2 metres shall be required to screen the kennel area from view of neighbouring properties and public rights-of-way or trails. A 4 metre landscaped area shall be provided between this screen and any public right-of-way or trail in accordance with section 10.23(4).

- (v) Cleaning and sanitizing shall be carried out daily, including the removal of fecal matter.

11) Site Access

- a) Access driveways shall have a maximum width of 10.0m.
- b) No more than two driveways shall be permitted per primary use, building, or structure and this shall refer to those primary uses, buildings, or structures wholly contained within one lot and those primary uses, buildings, or structures which act to consolidate more than one lot through development.
- c) Only individual lots or lots consolidated through development, with a front yard wider than 50.0m may apply for said second driveway.

12) Bulk fuel storage

- a) A bulk fuel storage use shall be located further than 100 metres away from any approved food/beverage service

**Section SS7 - Site Specific Zone #7
as amended by By-law No. 4563 May 25, 2010**

10.24 SS7 - Site Specific Zone #7

(1) General Purpose

To provide a site for churches, places of worship, and funeral homes within an established residential neighbourhood.

Section 10.24 SS7(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Accessory decks,
Single detached dwelling,
Duplex dwelling,
Parks and recreation,
Public and quasi-public uses,
Funeral home,
Home based business,
Public utility uses and structures,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child care facility,
Convenience store,
Multi-attached dwelling subject to Section 7.3,
Planned development subject to Section 7.1(9),
Special care facility, and
Similar use.

(3) Regulations

**Section 10.24(3)(a)
deleted by By-law No. 4787 March 24, 2014**

(a)

(b) Site Coverage: maximum of 35%;

(c) Height: maximum of 10 m;

(d) Front Yard: minimum of 6 m;

(e) Side Yard:

Single detached dwelling: minimum of 1.5 m;

Duplex dwelling: without a side entry a minimum of 1.5 m is required or with a side entry a minimum of 2.4 m; and

Other uses: subject to Development Officer approval.

(f) Rear Yard: minimum of 6 m;

(g) Lot Depth: minimum of 25 m;

(h) Lot Width:

Single detached Dwelling: minimum of 12 m;

Duplex dwelling: minimum of 7.6 m per unit; and

Other uses: subject to Development Officer approval.

(i) Site Area:

Single detached dwelling: minimum of 334 m²;

Duplex dwelling: minimum of 225 m² per unit;

Multi-attached dwelling: minimum of 225 m² per unit.

(j) Landscaping:

Single detached and duplex dwellings: 100% of the front yard, subject to Section 7.1(2); and

Other uses: 100% of residual area.

(k) Parking:

Single detached and duplex dwellings require 2 spaces per dwelling unit. For single detached dwellings,

driveways shall not exceed two car widths. For duplex dwellings, driveways shall not exceed two car widths without being separated by landscaping features satisfactory to the Development Officer.

Other uses: subject to Part Nine.

Section 10.25 as amended by By-law No. 4674 June 11, 2012

10.25 KL - Kam Lake Light Industrial/Commercial Mix

(1) General Purpose

To provide an area for commercial, light industrial and compatible uses with accessory residential use.

(2) Uses

Section 10.25(2)(a) as amended by By-law No. 4830 Mar 9, 2015

Section 10.25(2)(a) as amended by By-law No. 4815 Nov 10, 2014

Section 10.25(2)(a) as amended by By-law No. 4718 May 13, 2013

(a) Permitted Uses are:

Accessory Decks,
Accessory Structures and uses;
Commercial Use;
Commercial recreation,
Diamond Facility;
Dwelling unit subject to Section 10.25 (5);
Food/beverage service subject to Section 10.25(5);
Home Based Business;
Industrial use subject to Section 7.6(1);
Office; and
Public utility uses and structures.

Section 10.25(2)(b) as amended by By-law No. 4814 Jan. 12, 2015

(b) Conditionally Permitted Uses are:

Animal Services,
Transportation facility; and
Similar use.

(3) Regulations

(a) Site Coverage: a maximum of 40%;

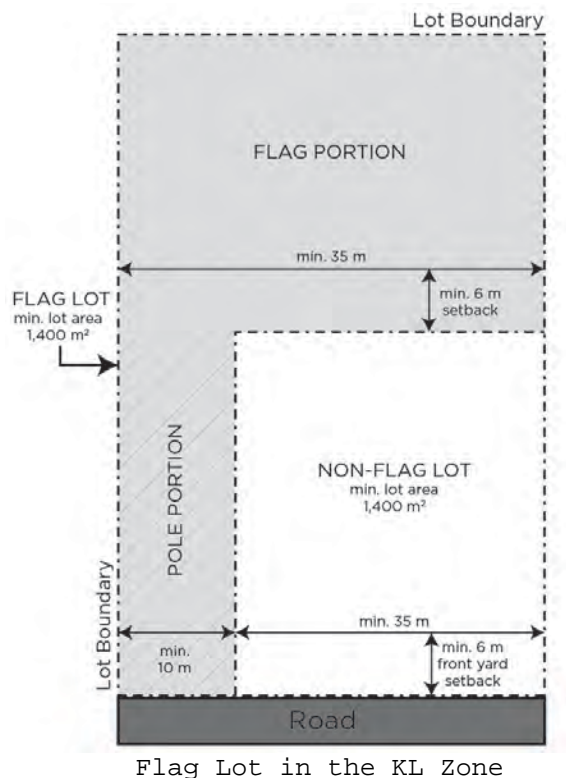
Section 10.25(3)(b) as amended by By-law No. 4830 Mar 9, 2015

(b) Height: Dwelling unit: a maximum of 10 m,
Other uses: a maximum of 15 m;

- (c) Front Yard: a minimum of 6 m;
- (d) Side Yard: a minimum of 6 m on one side and 1.5 m on the other side;
- (e) Rear Yard: a minimum of 6 m;

Section 10.25(3)(f) as amended by By-law No. 4830 Mar 9, 2015

- (f) Lot Width: a minimum of 35 m, except for flag lot a minimum of 10 m for the Pole Portion and a minimum 35 m for the Flag Portion



- (g) Site Area: a minimum of 1400 m²;
- (h) Landscape area:
 - a minimum of 40% of the minimum front yard subject to Section 7.1(2);
- (i) Parking and loading: subject to Part Nine.

(4) Site Development

- (a) The site plan, the relationship between buildings; structures and open space, provision of fencing, screening and/or similar buffering techniques, provision of landscaping, parking layout, access to roads, access to trucked water/sewer points, and access to emergency vehicles shall all be at the discretion of the Development Officer who shall consider site topography and the amenities of the adjoining properties and surrounding areas in the application of any such discretion.

Section 10.25(5) as amended by By-law No. 4830 Mar 9, 2015

Section 10.25(5)(c) amended by By-law No. 4815 Nov 10, 2014

Section 10.25(5)(d) deleted, as amended by By-law No. 4815 Nov 10, 2014, and remaining sections renumbered accordingly

(5) Special Provisions

- (a) Notwithstanding the provisions of Section 7.5(3), outside storage shall only be permitted in the rear yard of a site and may not comprise more than 50% of the total site area. Such outside storage shall not limit the customary display of any commodities or goods intended and permitted to be sold on the site, or the storage of fuel, oil or gas in tanks connected to a heating plant on the premises. The Development Officer may require fencing, screening and/or similar buffering techniques from that portion of a site utilized as outside storage and the adjoining properties and surrounding area.
- (b) When reviewing applications for food/beverage service or dwelling unit development for more than two units, special considerations should be given to water supply for firefighting purposes, fire suppression system for the building, and compatibility with surrounding land uses.
- (c) Permitted dwelling unit types include Single Detached Dwelling, Manufactured Dwelling, Duplex Dwelling, Secondary Suite and dwelling unit attached to an approved building. All dwelling units shall comply with the following:

- i. If a dwelling unit is attached to an approved building, it shall have direct and separate access to the outside ground level;
- ii. All dwelling units shall be serviced with municipal water and sewer;
- iii. Only one of the permitted dwelling unit type shall be permitted on each site except that a Secondary Suite to an approved Single Detached Dwelling, Manufactured Dwelling or Duplex unit may be permitted;
- iv. No dwelling unit shall be permitted unless the applicant demonstrates evidence of an established industrial or commercial use operating on site in the form of a structure having a minimum enclosed floor area of 93 m². In the case of a duplex development, an established industrial or commercial use operating on site in the form of a structure having a minimum enclosed floor area of 93 m² is required for each duplex unit.
- v. All manufactured dwelling units shall be skirted from the base thereof to the ground with material similar to that of the siding material. Painted plywood shall not be permitted as skirting.

Section 10.25 SS8 deleted by By-law No. 4841 - May 4, 2015

Section 10.25 SS8 as amended by By-law No. 4590 - Aug. 13, 2012

10.25 SS8 - Site Specific Zone #8

Section 10.26 as amended by By-law No. 4677 June 11, 2012

10.26 RO - Waterside Residential - Low Density

(1) General Purpose

To provide an area for low density residential dwellings, outside the built-up area, that has an immediate access to outdoor and water recreation.

Section 10.26(2) as amended by By-law No. 4726 July 22, 2013

Section 10.26(2)(a) as amended by By-law No. 4718 May 13, 2013

(2) Uses

(a) Permitted Uses are:

Single detached dwelling;
Home based business subject to Section 7.2(6);
Parks and recreation;
Accessory structures and uses.

(3) Regulations

- (a) Site Coverage: a maximum of 35%;
- (b) Site Area: a minimum of 2000 m²;
- (c) Lot Width: a minimum of 30 m;
- (d) Height: a maximum of 10 m;
- (e) Front Yard: a minimum of 6 m subject to Section 10.26 (5) (a);
- (f) Side Yard: a minimum of 3 m subject to Section 10.26 (5) (a);
- (g) Rear Yard: a minimum of 6 m subject to Section 10.26 (5) (a);
- (h) Parking: Single detached dwellings require two spaces per dwelling unit. Other uses are subject to Part Nine.

- (i) Landscape area: 100% of front yard area, subject to Section 7.1(2). All areas on lot except those used for buildings, driveway access, or outdoor amenity areas shall be retained in its natural state and shall limit the disturbance of the natural area as much as possible.

Section 10.26(4)(b) deleted as amended by By-law No. 4726 July 22, 2013

(4) Special Provisions

- (a) The single detached dwelling legally existing or approved on Lots 3 and 4, Block 568, Plan 4155 prior to the passing of this by-law is deemed to be duly approved and conforming to regulations for that site.

(5) Site Development

- (a) Where a lot is adjacent to the water the minimum waterfront setback requirement shall be 10 m to the Ordinary High Water Mark (OHWM).
- (b) Waterside Residential Lots shall abide by the regulations detailed in section 3.4.3 of the General Plan By-Law No. 4656, and the Grace Lake Development Scheme.

Section 10.27 as amended by By-law No. 4754 November 25, 2013

10.27 SS9 - Site Specific #9

(1) General Purpose

To provide parking for the commercial and residential tenants of 5004 54th Street (Lot 30, Block 60).

(2) Uses

(a) Permitted Uses are:

Parking structure subject to Section 10.15(4)(a), and Similar use.

(3) Site Development

(a) Parking Lot and Parking Structure Design Standards:

i) Parking and loading spaces: subject to Part Nine;

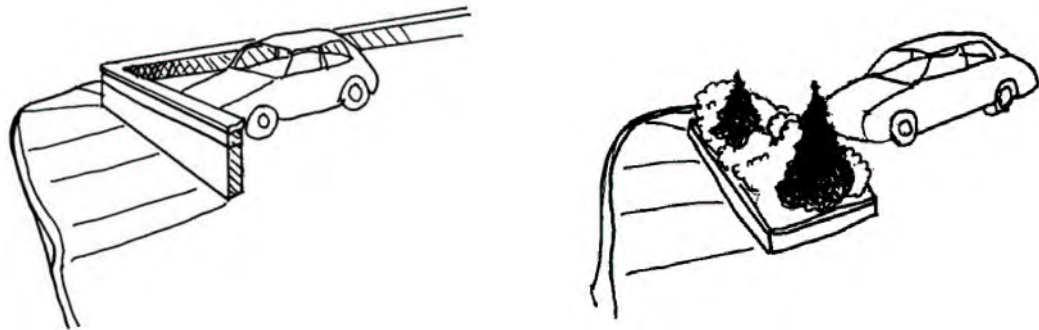
ii) Parking lot landscaping subject to Section 7.1(2);

iii) Parking spaces shall be accessed from the lane.

iv) All trash collection receptacles shall be screened from view on three sides by a solid fence or wall of a minimum height of 2.0 metres. Materials used shall be at the discretion of the Development Officer.

vi) Surface parking lots are to be screened from the street by walls, solid fences or similar barriers at a height of between 1 and 1.5 metres, subject to the requirement to retain sight lines at corner properties. Chain link fencing is not considered an appropriate screening material. Where parking lots are required with an adjoining structure, wall

or solid fence materials are encouraged to complement building materials of the adjoining structure. Screening walls, solid fences or similar barriers associated with a surface parking lot may be substituted by a minimum 1.0 metre setback area from the property line. The setback area shall be landscaped.



vi) Parking lots and landscaping shall be designed to incorporate mature trees where possible.

(b) Landscaping: Shall be in accordance with Section 7.1(2), subject to Design Regulations, Section 10.15 (5)

Section 10.28 as amended by By-law No. 4805 September 8, 2014

10.28 SS10 - Site Specific #10

(1) General Purpose

To provide an area near the landfill for a retail store selling donated items.

(2) Uses

- (a) Permitted Uses are:
Accessory Structures and uses;
Commercial Use;
Public utility uses and structures.

(3) Regulations

- (a) Site Coverage: a maximum of 40%;
- (b) Height: a maximum of 14 m.
- (c) Yard regulations: subject to Development Officer's approval.
- (d) Landscape area:

a minimum of 40% of the minimum front yard, however, if it is determined by the Development Officer that landscaping is required elsewhere on the site, then 15% of the site area may be required to be landscaped.
- (e) Parking and loading: subject to Part Nine.

(4) Site Development

- (a) The site plan, the relationship between buildings; structures and open space, provision of fencing, screening and/or similar buffering techniques, provision of landscaping, parking layout, access to roads, access to trucked water/sewer points, and access to emergency vehicles shall all be at the discretion of the

Development Officer who shall consider site topography and the amenities of the adjoining properties and surrounding areas in the application of any such discretion.

Section 10.29 as amended by By-law No. 4816 November 10, 2014

10.29 SS11 - Site Specific #11

(1) General Purpose

To provide an area with regulations appropriate for the Stanton Territorial Hospital redevelopment.

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Parks and recreation,
Public utility uses and structures,
Public or quasi-public use,
Government office,
Accessory structures and uses,
Temporary activity subject to Section 7.1(6),
Child care facility.

(b) Conditionally Permitted Uses are:

Rehabilitative and corrective facility,
Similar use, and
Special care facility.

(3) Regulations

- (a) Floor area: subject to Development Officer approval;
- (b) Height: maximum of 25 m;
- (c) Front Yard: subject to Development Officer approval;
- (d) Side Yard: subject to Development Officer approval;
- (e) Rear Yard: subject to Development Officer approval;
- (f) Landscape Area: 100% of the residual area subject to Section 7.1(2);
- (g) Parking: subject to Part Nine;
- (h) Loading: subject to Development Officer approval;
- (i) Site Area: subject to Development Officer approval;

- (j) Lot width: subject to Development Officer approval;
 - (k) Site Coverage: maximum of 60%.
- (4) Site Development
- (a) Notwithstanding Section 10.27(3) the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.
- (5) Capital Area Development Regulations
- (a) All development is subject to the Capital Area Development Scheme.

Section 10.30 as amended by By-law No. 4907 July 11, 2016

10.30 SS12 - Site Specific #12

(1) General Purpose

To provide an area with the regulations appropriate for the continued operation of the Fieldhouse and Multiplex sports facilities, as well as the installation of a Temporary Work Camp for the duration required for the construction of the new Stanton Territorial Hospital upon adoption of By-law No. 4907.

(2) Uses

(a) Permitted Uses are:

Accessory Decks,
Parks and recreation,
Public utility uses and structures,
Public or quasi-public use,
Government office,
Accessory structures and uses,
Temporary activity subject to Section 7.1(6), and
Child care facility.

(b) Conditionally Permitted Uses are:

Temporary Work Camp, and
Similar uses.

(3) Regulations

(a) Permitted Uses are:

- a) Floor area: Subject to Development Officer Approval;
- b) Height: maximum of 15 m;
- c) Front Yard: Subject to Development Officer Approval;
- d) Side Yard: Subject to Development Officer Approval;
- e) Rear Yard: Subject to Development Officer Approval;

- f) Landscape Area: Subject to Development Officer Approval;
- g) Parking: Subject to Part Nine;
- h) Loading: Subject to Development Officer Approval;
- i) Site area: Subject to Development Officer Approval;
- j) Lot width: Subject to Development Officer Approval; and
- k) Site coverage: Maximum of 60%.

(4) Site Development

The site plan, the relationship between buildings; structures and open space, provision of fencing, screening and/or similar buffering techniques, provision of landscaping, parking layout, access to roads, access to utility services, and access to emergency vehicles shall all be at the discretion of the Development Officer who shall consider site topography and the amenities of the adjoining properties and surrounding areas in the application of any such discretion.

Part 11 Special Overlay Zones

11.1 Density - Dwelling Units Per Hectare

(1) General Purpose

The general purpose of this Special Overlay Zone is to establish the maximum number of dwelling units permitted on residential site.

(2) Method of Application

- (a) The maximum number of dwelling units permitted per hectare in a Special Overlay Zone is indicated by the number following the letters "DU" on the site in the zoning map.

Example for illustration purposes only:

R3.DU40 means R3 uses are permitted to a maximum of 40 dwelling units per hectare.

- (b) If a density designation has not been established for a site, the maximum permitted density of development shall be determined by the regulations in the applicable zone.

11.2 HP - Heritage Preservation

Section 11.2 (1)

as amended by By-law No. 4541 January 11, 2010

(1) General Purpose

To establish a Special Overlay Zone which will support, maintain, and encourage heritage resource preservation and provide a system for designating a Heritage Resource.

(2) Uses

- (a) Permitted Uses are

Those uses listed as permitted uses in the underlying zone.

(b) Conditionally Permitted Uses are

Those uses listed as conditionally permitted in the underlying zone plus those uses which in the opinion of Council will adhere to the general purpose of this zone.

**Sections 11.2 (3) (a) (b) (c) (d) (e) (f)
as amended by By-law No. 4541 January 11, 2010**

(3) Regulations

- (a) A heritage resource may become designated by passing a by-law in accordance with Part 5 of this by-law.
- (b) A designated Heritage Resource shall be numbered and listed in Section 11.2(4) and shall be noted on the Zoning Map with an HP#__ designation. The site may be identified by civic address, legal description, metes and bounds or by other such means as the Development Officer considers sufficient to provide ample notice that the place, area, district, building, or work is designated.
- (c) Application for a development permit on a designated Heritage Resource shall be submitted to the Heritage Committee and reviewed in accordance with the process outlined in the Heritage By-law.
- (d) On a designated Heritage Resource, the natural terrain, buildings, or structures shall not be developed, demolished, added to, structurally altered, or the exterior renovated unless a development permit has been reviewed by the Heritage Committee in accordance with the process outlined in the Heritage By-law.

-
- (e) Notwithstanding the specific requirements of any underlying zone, Council may by way of a development permit authorize more than one residential unit per lot on a designated Heritage Resource.
 - (f) Council may by way of a development permit authorize on a designated Heritage Resource development which would not otherwise comply with this By-law.

Section 11.2 (4) as amended by By-law No. 4427 Jan 8, 2007
Section 11.2 (4) as amended by By-law No. 4541 Jan 11, 2010
Section 11.2 (4) as amended by By-law No. 4958 Apr 9, 2018

(4) Designated Heritage Resource

#1 Wildcat Café	By-law No. 3635
#2 Canadian Pacific Float Base	By-law No. 3636
#3 Weaver & Devore	By-law No. 3637
#4 Hudson Bay Warehouse	By-law No. 3726
#5 Back Bay Cemetery	By-law No. 3924
#6 Fireweed Studio	By-law No. 3925
#7 Old Log School House	By-law No. 4035
#8 Bank of Toronto Building	By-law No. 4079
#9 Yellowknife Post Office	By-law No. 4427
#10 Bristol Freighter	By-law No. 4958

11.3 WSP - Watershed Protection

(1) General Purposes

To establish additional development performance standards for land abutting and adjacent to the Yellowknife River in order to protect the City's water source

(2) Regulations

In addition to the regulations of the underlying zone no person shall, within the watershed zone:

- (a) construct improvements to land or upgrade existing improvements without approval in

writing;

- (b) discharge into any lake, river, creek or other body of water any human waste, garbage, refuse, petroleum products, herbicide, pesticide or any other toxic substance;
- (c) store more than 400 litres of petroleum products without the written permission of the Development Officer or store any petroleum products within 300 m of any body of water; and
- (d) construct any residence or other building within 300 m of any body of water.

(3) Special Provisions

- (a) The following sites are exempt from clauses 11.3(2)(c) and 11.3(2)(d) but the storage of petroleum products shall be developed in a manner that will contain and prevent any spillage from discharging into the Yellowknife River:

- Lot 901, Group 964, Plan 883;
- Lot 902, Group 964, Plan 883;
- Lease # 11382T;
- Lot 3, Block 800, Plan 2078;
- Lot 4, Block 800, Plan 2336; and
- Lot 5, Block 800, Plan 2336.

Amended by By-law No. 4566 June 28, 2010

11.4 Con and Rycon Trailer Park Area

(1) General Purposes

To establish a Special Overlay Zone which will provide site-specific development requirements for the Con and Rycon Trailer Park Area regarding landscaping and site excavation restrictions to maintain the site remediation over the existing arsenic contamination.

Section 11.4(2) amended by By-law No. 4772 February 24, 2014

(2) Regulations

In addition to the regulations of the underlying R5 zone and PR zone, the following regulations shall apply to the Con and Rycon Trailer Park Area.

- (a) Notwithstanding Section 10.12 (3)(i) under R5 zone regulations, there is no landscaping requirement for this Special Overlay Zone.
- (b) Site Excavation: Maximum 0.3 m.
Any site excavation greater than 0.3 m requires a development permit. The disturbance of the 0.3 m site remediation on the surface layer shall be replaced with similar remediation measures. For any new remediation, a certification/compliance letter from the Department of Environment and Natural Resources, Government of the Northwest Territories, stating that the remediation is in compliance with the residential standard for arsenic in soils in Yellowknife shall be obtained upon completion.

Section 11.5

As amended by By-law No.4639 September 10, 2012

11.5 DT Single Detached and Duplex Dwelling Overlay

(1) General Purpose

To facilitate revitalization of the downtown while recognizing the existing character by allowing for the continuation and rebuilding of existing single detached and duplex dwellings in the "DT" - Downtown zone which are in transition.

(2) Uses

(a) Permitted Uses are:

Single Detached Dwelling,
Duplex Dwelling,
Home Based Business

(3) Regulations

- (a) Single detached and duplex dwellings are permitted only upon those lots where the existing approved use is a single detached or duplex dwelling. Lots previously approved as other permitted uses may not be approved as a single detached or duplex dwelling;
- (b) All development other than single detached and duplex dwellings shall be in accordance with the provisions of the underlying zone;

Section 11.15(3)(c)

deleted by By-law No. 4787 March 24, 2014

- (c)
- (d) Site Coverage: a maximum of 40%;
- (e) Height: a maximum of 10 m;
- (f) Front Yard: a minimum of 3 m;
- (g) Side Yard: a minimum of 2 m;
- (h) Rear Yard: minimum of 6 m, with the exception that an attached or detached garage may be sited in accordance with Section 7.2(5)(f);
- (i) Landscaping: subject to Section 7.1 (2);
- (j) Parking: subject to Part Nine

Section 11.6 amended by By-law No. 4830 March 9, 2015

Section 11.6 added by By-law No. 4815 November 10, 2014

11.6 Kam Lake Residential Overlay

(1) General Purpose

To allow for mixed use development including low density residential in the 'I - Industrial' zone within the Kam Lake area.

(2) Uses

Notwithstanding the uses listed in the underlying zone, the following shall apply to the overlay zone.

(a) Permitted Uses are:

Accessory decks,
Accessory structures and uses,
Commercial use,
Commercial recreation,
Diamond facility,
Dwelling unit subject to Section 11.6 (4),
Food/beverage service subject to Section 11.6 (4),
Home based business,
Industrial use subject to Section 7.6 (1),
Office,
Planned development subject to Section 7.1 (9),
Public utility uses and structures, and
Temporary activity subject to Section 7.1 (6).

(b) Conditionally Permitted Uses are:

Animal services,
Transportation facility,
Workers' accommodation up to eight units subject to
Section 11.6 (4), and
Similar use.

(3) Regulations

In addition to the regulations of the underlying zone, the following shall apply:

(a) Height:

Dwelling unit: a maximum of 10 m,

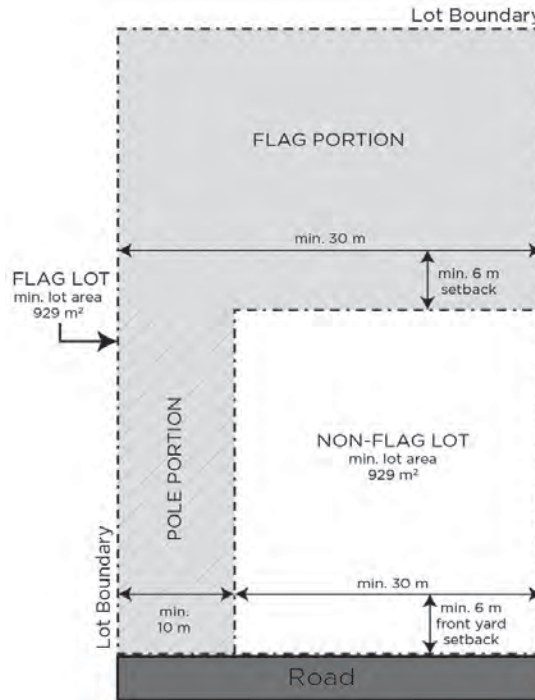
Other uses: a maximum of 15 m;

(b) Rear Yard:

Dwelling unit: a minimum of 6 m,

Other uses: a minimum of 3 m;

(c) Lot Width: a minimum of 30 m, except for flag lot a minimum of 10 m for the Pole Portion and a minimum 30 m for the Flag Portion.



Flag Lot in the Kam Lake Residential Overlay zone

(4) Special provision

- (a) When reviewing applications for food/beverage service, dwelling unit development for more than two units or workers' accommodation, special considerations should be given to water supply for firefighting purposes, fire suppression system for the building, and compatibility with surrounding land uses.
- (b) Permitted dwelling unit types include Single Detached Dwelling, Manufactured Dwelling, Duplex Dwelling, Secondary Suite, and dwelling unit attached to an approved building. All dwelling units shall comply with the following:
 - i) If a dwelling unit is attached to an approved building, it shall have direct and separate access to the outside ground level;
 - ii) All dwelling units shall be serviced with municipal water and sewer;
 - iii) Only one of the permitted dwelling unit type is permitted on each site except that a Secondary Suite to an approved Single Detached Dwelling, Manufactured Dwelling or Duplex unit may be permitted;

-
- iv) No dwelling unit shall be permitted unless the applicant demonstrates evidence of an established industrial or commercial use operating on site in the form of a structure having a minimum enclosed floor area of 93 m². In the case of a duplex development, an established industrial or commercial use operating on site in the form of a structure having a minimum enclosed floor area of 93 m² is required for each duplex unit.
 - v) All manufactured dwelling units shall be skirted from the base thereof to the ground with material similar to that of the siding material. Painted plywood shall not be permitted as skirting.

Section 11.7 added by By-law No. 4862 August 24, 2015

11.7 Old Airport Road Mixed Use Zone

(1) General Purpose

To facilitate a mix of commercial and residential uses along a portion of Old Airport Road.

(2) Conditionally Permitted Uses:

Mixed-Use,
Multi-family dwelling - subject to Section 7.3, and
Multi-attached dwelling - subject to Section 7.3.

(3) Regulations

In addition to the regulations of the underlying CS zone, the following regulations shall apply to Multi-family dwellings, Multi-attached dwellings and Mixed-Use Buildings in the Old Airport Road Mixed-Use Zone:

(a) Height:

- (i) Mixed-use and Multi-family dwellings: a maximum of 15m;
- (ii) Other uses: Subject to Section 10.17;

(b) Minimum Yard Setback:

Use	Front	Side	Rear
Multi-attached dwelling and Multi-family dwelling	6m	3m	3m
Mixed-Use Building	7.5m	3m	3m

(c) Site Area: a minimum of 105 m² per dwelling unit.

(4) Site Development

(a) Landscaping: 100% of the residual area subject to Section 7.1 (2);

(b) Parking Lot and Parking Structure Design Standards:

(i) Parking and loading spaces: subject to Part Nine;

(ii) Parking lot landscaping subject to Section 7.1 (2);

(c) Loading and trash collection are not permitted in front of, or on the flanking street side of the principle building;

(d) All trash collection receptacles shall be screened from view on three sides by a solid fence or wall of a minimum height of 2.0 metres, provided the walls provided sufficient access for collection. Materials used shall be at the discretion of the Development Officer. Trash collection receptacles may be painted as an alternative to fencing requirements, subject to approval by the Development Officer;

(e) Parking spaces for all residential development shall be encouraged to be located in the side or rear yard. If located in the side yard, parking areas shall be screened from adjacent properties by a landscape buffer. Landscape buffers shall consist of, at a minimum, a single row of trees following the lot line planted 4.5 metres on centre with a row of shrubbery planted 1.5 metres on centre.

- (f) Parking lots shall employ landscaping and site planning techniques to break large paved surface areas into a series of smaller surface areas, at the discretion of the Development Officer;

- (g) Pedestrian linkages: All development shall recognize the importance of maintaining pedestrian linkages by connecting to all sidewalks and trails where applicable.

Section 11.8 added by By-law No. 4913 October 24, 2016

11.8 Community Engagement Overlay

(1) General Purpose

To establish a Special Overlay Zone to ensure meaningful community dialogue and involvement in the future planning for lands which may be of particular interest for development beyond the 10-year time horizon of the General Plan.

(2) Regulations:

The Community Engagement Overlay commits the City to the following minimum actions prior to proceeding with development:

- (a) Conducting consultations with area residents and other stakeholders to determine the suitability and development capacity of the lands, as well as the terms of reference for continued community engagement;
- (b) conducting an inclusive and participatory design charrette to plan the detailed layout of land uses, roads, public facilities, trails and natural areas;
- (c) Presenting a preliminary development cost analysis for all development options resulting from the design charrette; and
- (d) The preparation and formal adoption of Area Development Plan for the lands, which synthesizes all input received from technical and community stakeholders.

Part 12 Commencement and Transition

12.1 Effective Date

This by-law comes into force and takes effect upon the date of its Third Reading.

12.2 Repeal

Zoning By-law No. 4024, as amended, is hereby repealed.

12.3 Transition

An application for a development permit, subdivision, or amendment to the Zoning By-law commenced prior to the effective date of this by-law shall be evaluated under the provisions of Zoning By-law No. 4024, as amended.

12.4 Severability

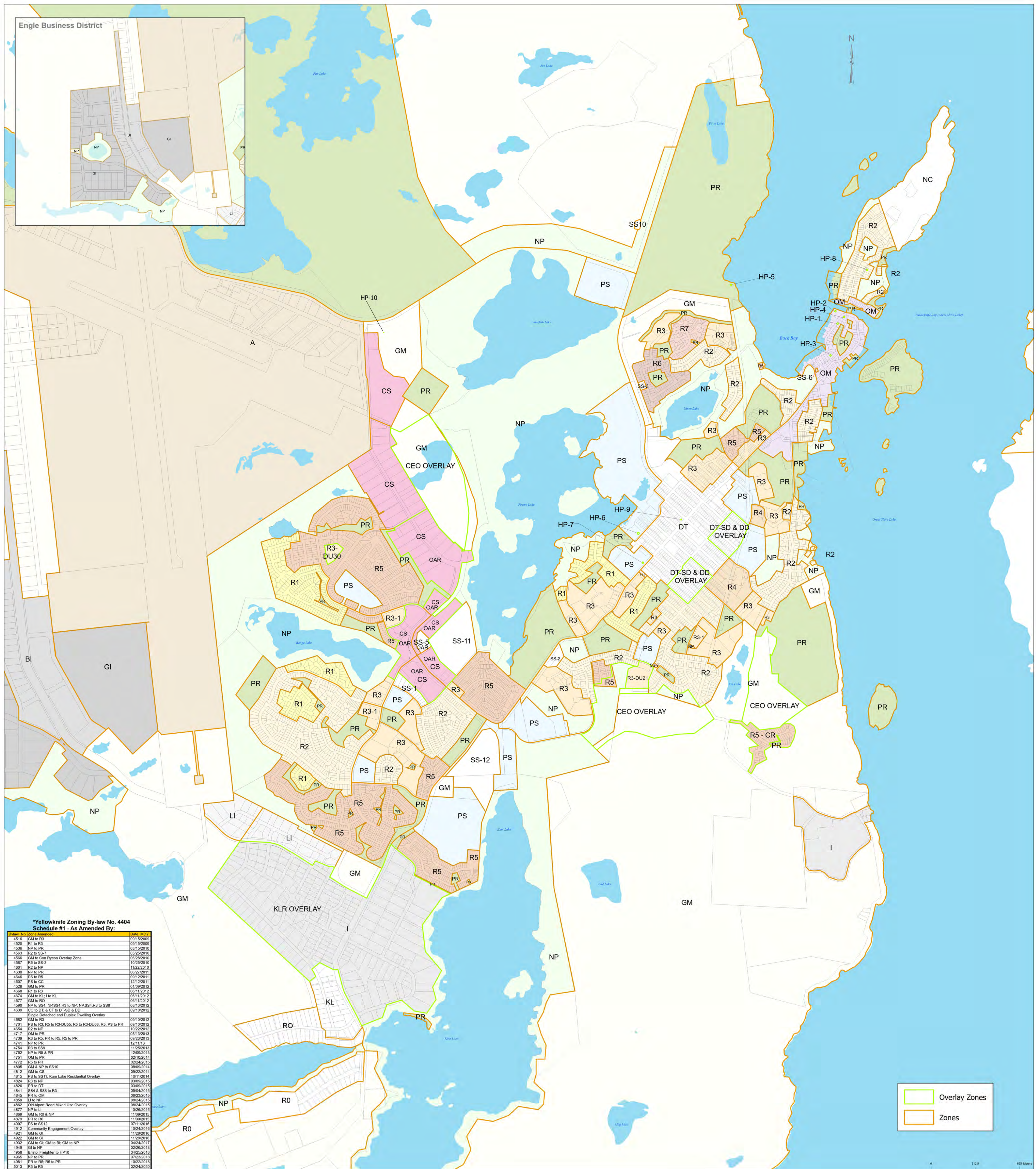
Each provision of this by-law is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this By-law shall remain valid and enforceable, and the By-law shall be interpreted as such.

Schedules

Schedule 1 - Zoning Map
(see attached)

Amended by By-law No. 4516 September 14, 2009
Amended by By-law No. 4520 September 14, 2009
Amended by By-law No. 4536 March 8, 2010
Amended by By-law No. 4563 May 25, 2010
Amended by By-law No. 4566 June 28, 2010
Amended by By-law No. 4587 October 25, 2010
Amended by By-law No. 4601 November 22, 2010
Amended by By-law No. 4630 June 27, 2011
Amended by By-law No. 4646 September 12, 2011
Amended by By-law No. 4607 December 12, 2011
Amended by By-law No. 4528 January 9, 2012
Amended by By-law No. 4668 June 11, 2012
Amended by By-law No. 4674 June 11, 2012
Amended by By-law No. 4677 June 11, 2012
Amended by By-law No. 4590 August 13, 2012
Amended by By-law No. 4639 September 10, 2012
Amended by By-law No. 4682 September 10, 2012
Amended by By-law No. 4701 September 10, 2012
Amended by By-law No. 4654 October 22, 2012
Amended by By-law No. 4717 May 13, 2013
Amended by By-law No. 4739 September 23, 2013
Amended by By-law No. 4741 November 12, 2013
Amended by By-law No. 4754 November 25, 2013
Amended by By-law No. 4762 December 9, 2013
Amended by By-law No. 4751 February 10, 2014
Amended by By-law No. 4772 February 24, 2014
Amended by By-law No. 4805 September 8, 2014
Amended by By-law No. 4812 September 22, 2014
Amended by By-law No. 4815 November 10, 2014
Amended by By-law No. 4824 March 9, 2015
Amended by By-law No. 4826 March 9, 2015
Amended by By-law No. 4841 May 4, 2015
Amended by By-law No. 4846 June 23, 2015
Amended by By-law No. 4859 August 24, 2015
Amended by By-law No. 4862 August 24, 2015
Amended by By-law No. 4877 October 26, 2015
Amended by By-law No. 4869 November 9, 2015
Amended by By-law No. 4879 November 9, 2015
Amended by By-law No. 4913 October 24, 2016
Amended by By-law No. 4921 November 28, 2016
Amended by By-law No. 4922 November 28, 2016

Amended by By-law No. 4932 April 24, 2017
Amended by By-law No. 4949 February 26, 2018
Amended by By-law No. 4958 April 9, 2018
Amended by By-law No. 4965 July 23, 2018
Amended by By-law No. 4981 October 22, 2018
Amended by By-law No. 5013 February 24, 2020



Revised on: February 24, 2020

City of Yellowknife

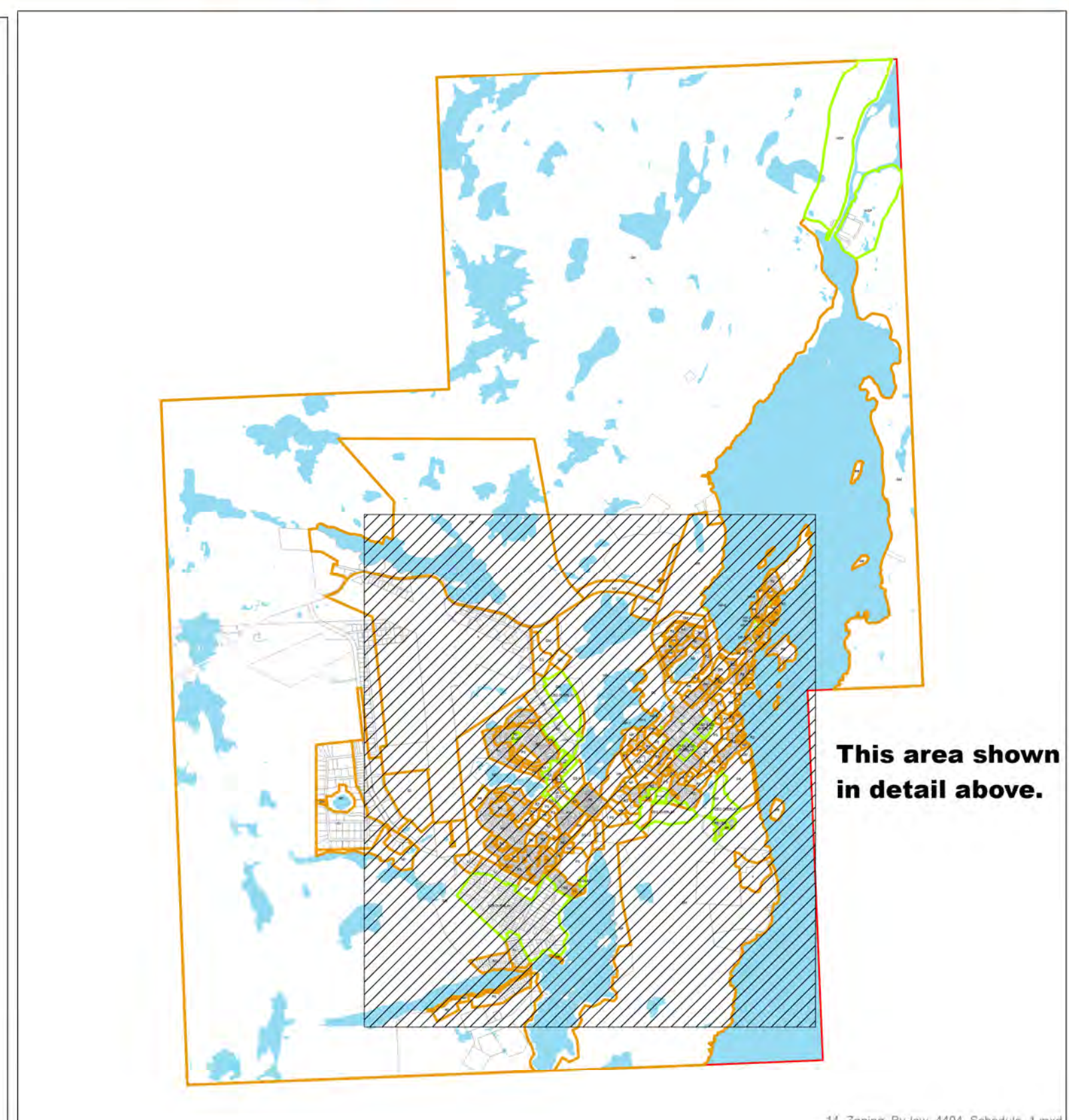
Yellowknife Zoning By-Law No. 4404 Schedule #1

Land Use Zones

- A - Airport Environs**
- GM - Growth Management**
- NC - N'Dilo Community**
- NP - Nature Preservation**
- PR - Parks and Recreation**
- PS - Public Service**
- R1 - Residential - Single Detached**
- R2 - Residential - Low Density**
- R3 - Residential - Medium Density**
- R3-1 Residential - Medium Density Multi-Attached Dwelling**
- R4 - Residential - High Density**
- R5 - Residential - Manufactured Dwelling**
- R6 - Residential - Limited Manufactured Dwelling**
- R7 - Residential - Low Density Restricted Residential**

- CS - Commercial Service**
 - DT - Downtown**
 - OM - Old Town Mixed Use**
 - I - Industrial**
 - LI - Limited Industrial**
 - GI - General Industrial**
 - BI - Business Industrial**
 - KL - Kam Lake Light Industrial/Commercial Mix**
 - RO - Waterside Residential**
 - SS - Site Specific**
- Special Overlay Zones**
- DU - Density (Units per Hectare)**
 - HP - Heritage Preservation**
 - WSP - Watershed Protection**
 - R5-CR - Con & Rycon Trailer Park Area**
 - DT-SD & DD - DT Single Detached & Duplex Dwelling Overlay**
 - KLR - Kam Lake Residential Overlay**
 - OAR - Old Airport Road Mixed Use Overlay**

* Note: Shorelines of waterbodies and Islands are deemed to be zoned 'NP' unless otherwise indicated.



Schedule 2 - Sign Regulations

1. Purpose of Regulations

To provide standards for signs, specifically the location, number, size and character of signage in relation to their surroundings.

2. Definitions

In this By-law, unless the context requires otherwise:

"advertisement" means any word, letter, model, picture, symbol, device or representation, whether illuminated or not, in the nature of and employed wholly, or in part, for the purpose of advertisement, announcement or direction;

"architectural projection" means any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building but does not include signs;

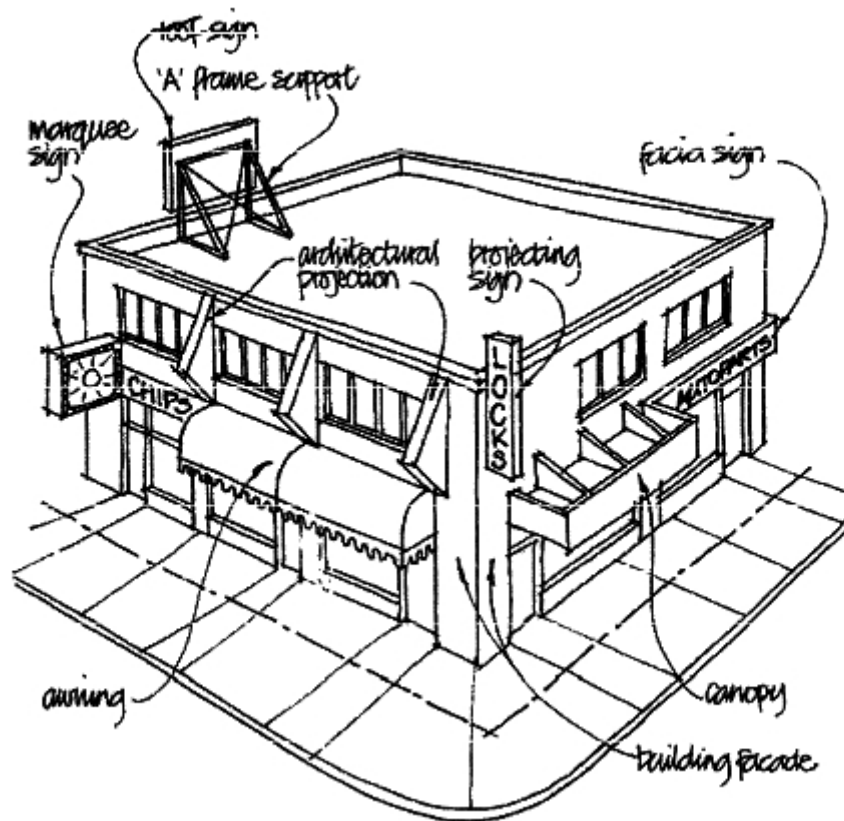
"area of a sign" means the entire surface area of the sign upon which copy could be placed. In calculating sign area, only that face or faces of a sign which can be seen from any one direction at one time shall be counted;

"awning" means a projection supported solely from the building, constructed with a fabric or plastic skin stretched over a frame used for shelter from the weather;

"billboard" means a sign directing attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the site where the sign is located;

"business frontage" means any side of a site or building which faces a road, lane, or parking area;

"canopy " means a projection outward from the face of a building constructed as an integral part of the building, primarily designed to provide shelter from the weather;



"canopy sign" means a sign attached to canopy;

"community sign" means a sign containing advertisement which provides direction to or information on community or quasi-public facilities or short-term events

-
- "fascia sign" means a sign placed flat and parallel for its whole length to the face of the building so that no part projects more than 30 centimetres from the building to which it is attached;
- "free-standing sign" means a sign supported by one or more columns permanently attached to the ground and which is not connected in any way to any building or other structure;
- "free-standing portable sign" means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;
- "identification sign" means a sign which contains no advertisement but is limited to the name, address and number of a building, institution or person and the activity carried on in the building or institution or the occupation of the person, and is placed on the premises which it identifies;
- "marquee sign" means a solid projection extending horizontally from the front of a building between the first and second stories thereof;
- "merchandising aid" means a device for the display and/or sale of merchandise and related advertising material;
- "on-site advertisement" means a sign which relates to a business, commodity, service or entertainment conducted, sold or offered on the site where the sign is located;
- "off-site advertisement" means a sign which relates to a business, commodity, service or entertainment conducted, sold or

offered elsewhere than upon the site where the sign is located;

"projecting sign" means a sign which is attached to a building or structure so that part of the sign projects more than 30 centimetres from the business frontage of the building or structure;

"roof sign" means a sign that is erected on or above the roof or parapet wall of a building and which is wholly or partially supported by the said building;

"sign" means any structure, device or light used to identify, advertise or attract attention to any object, place, product, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business and which is intended to be seen from off the premises or from a parking lot;

3. Exemptions

The following shall be exempted from the provisions of these regulations:

- a. Advertisements displayed on enclosed land where they are not readily visible to the public.
- b. Advertisements displayed within a building.
- c. Advertisements displayed in or on an operational vehicle.
- d. Advertisements displayed on door plates, door bars or kick plates.

4. Permitted Development

The following advertisements are permitted without an application for a development permit, but such advertisements shall be subject to all other orders, by-laws and regulations affecting such advertisements:

- a. Statutory and official notices and functional advertisements of local authorities and public transport undertakers;
- b. Traffic and directional signs authorized by the City;
- c. Notices of identification in respect of the land or buildings on which they are displayed, and professional business and trade name plates relating to the occupants of the land or building on which they are displayed, provided that:
 - i. each notice or name plate shall not exceed 0.25 square metres in area; and
 - ii. there shall be a limit of one notice for each occupant or each firm or company represented within the building, at one entrance on each different street;
- d. Notices relating to the sale, lease or rental of the building or land to which they are attached, provided that:
 - i. the notices shall not be illuminated;
 - ii. each notice shall not exceed one square metre in area; and
 - iii. there shall be a limit of one notice for each side of the land or building on a different street;
- e. Posters relating specifically to a pending election, provided that such posters and any supporting mechanisms, structures or devices shall be removed within 7 days after the election;

-
- f. Notices on land or structures used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, and related to the use or occupants of the land or structures on which they are displayed, provided that:
 - i. each notice shall not exceed two square metres in area; and
 - ii. there shall be a limit of one notice for each side of the land or structure on a different street;
 - g. Advertisements of building contractors relating to construction in progress on the land on which such advertisements are erected, provided that:
 - i. such advertisements shall be removed within 14 days of occupancy; and
 - ii. such advertisements shall be limited in size to a maximum of seven square metres, and in number to one advertisement for each boundary of the property under construction which fronts onto a public street; and
 - h. Fascia Signs whose surface area is less than twenty-five percent (25%) of the ground floor frontage area on the side of the structure to which the Sign is to be attached.

5. Details of Application

- a. Applications for a Development Permit for a sign shall be made to the Development Officer along with two scaled copies of drawings indicating:
 - i. the location of the sign by elevation drawing or site plan;
 - ii. the overall dimensions of the sign;
 - iii. size of the letter or letters;

-
- iv. the amount of projection from the face of the building;
 - v. the amount of projection over public property;
 - vi. the height of the sign above a public street or sidewalk or the height above the average ground level at the face of the building; and
 - vii. the manner of illuminating the sign.

6. General Provisions

- a. For the purposes of this By-law, all signs shall be considered as Accessory Uses.
- b. All proposed signs shall require a Development Permit except for those listed in clauses 3 and 4 of this Schedule.
- c. All proposed signs shall be permitted only in non-residential zones except for those listed in clauses 3 and 4 of this Schedule.
- d. Billboards are not permitted, except with the agreement or consent of Council.
- e. Sandwich board type or "A" board signs are not permitted on City sidewalks, boulevards or center medians.
- f. Signs shall not be attached to a fence, pole, tree or any other object in a public street or place.
- g. Signs shall not be attached to or stand on the ground in any public street or place.
- h. Signs shall not be located so as to obstruct free and clear vision of vehicular traffic, or located where they may interfere with, or be confused with, any authorized traffic sign, signal or device.

-
- i. Illumination of signs will be considered according to the merits of each individual application. Due regard shall be given to the amenities of the district and to possible interference with traffic signal lights and signs.

7. Awning Signs

- a. Awning advertisement shall be tightly stretched over a rigid metal frame in order to prevent sagging and to minimize snow and dirt accumulation.
- b. No part of an awning shall project over any public lands employed in the movement of vehicular traffic.
- c. No part of an awning shall be less than 2.5 metres above sidewalk level.

8. Fascia Signs

In all non-residential zones, fascia signs shall be erected so that they:

- a. do not project more than one metre above the top of the vertical face of the wall to which they are attached;
- b. are located on the business frontage, and;
- c. shall not be less than 2.5 metres above ground or sidewalk grade.

9. Marquee and Canopy Signs

Marquee and canopy signs shall be considered as fascia signs and shall be subject to the provisions of clause 8 of this Schedule, provided that:

- a. they shall be attached to the edge of the marquee or canopy; and
- b. no portion of the sign shall project below the bottom edge or more than one metre above the top of the marquee and canopy.

10. Roof Signs

- a. Roof signs shall not exceed the height above a roof equal to the average height of the elevation of the building upon which the sign is located, however, in no case shall a roof sign exceed 5 metres in height from the top of the building façade to the top of the sign.
- b. No roof sign shall exceed 25 square metres in area, and;
- c. No roof sign shall project beyond any portion of the exterior walls of any building, nor shall the roof sign exceed the maximum height in the zone where they are to be sited.

11. Projecting Signs

- a. For building frontages located less than six metres from the property line, only one projecting sign may be erected per business frontage.
- b. No part of a projecting sign shall:
 - i. extend more than two metres above the parapet of the building;
 - ii. extend more than two metres from the face of the building;
 - iii. be less than three metres above ground or sidewalk grade, and;
 - iv. make use of any type of visible framework or supporting device.
- c. Projecting signs shall be placed at right angles to the building face to which they are attached; except when they are located at the corner of the building at which time the sign shall be placed at equal angles to the building faces that form the corner.

12. Free-standing Signs

- a. No free-standing signs shall project beyond a property line.
- b. Only one free-standing sign shall be allowed upon each site.
- c. The height of a free standing sign shall not exceed 8 metres.
- d. No free standing sign shall exceed 25 square metres in area.

13. Free Standing Portable Signs

- a. No portable signs shall exceed 10 square metres in area.
- b. Portable signs shall not be placed on City owned property, except with the consent or agreement of Council.
- c. Only one portable sign shall be permitted on each site.

14. Community Signs

- a. Community signs may be located as either "on-site" or "off-site" advertising. Community signs whether located on either public or private lands shall:
 - i. Be adjacent to either a local collector or arterial road;
 - ii. Have their copy face onto the local collector or arterial road;
 - iii. Be compatible with the general architectural lines and forms of nearby buildings and the character of the streetscape or area within which it is located, and, as far as possible, shall not compromise the natural lines and forms of nearby development;

- iv. Not exceed the maximum height allowed in the zone where they will be sited;
- v. Not be lit by flashing, animated or intermittent source(s) of light but may be illuminated by a constant source(s) of light;
- vi. Not adversely affect neighbouring properties through their lighting or orientation; and
- vii. Be separated from other community signs by a minimum of fifty (50) metres.

15. Variance

Where it is deemed that a particular sign will neither detract from the appearance of a structure or neighbourhood, nor interfere with traffic, the Planning Administrator may allow a variance from the regulations in this Schedule, having due regard to the general intent thereof.

16. Removal of signs

When a sign no longer fulfills its function under the terms of an approved Development Permit, a Development Officer may order the removal of such a sign, and the lawful owner of the sign or, where applicable, the property owner, shall:

- a. remove the sign and all related structural components within no more than 30 days from the date of receipt of the notice;
- b. restore the immediate area around the sign, including the ground or any structure to which the sign was attached, as close as possible to its original form prior to the installation of the sign; and
- c. bear all the costs related to such removal and restoration.

Schedule 3 - Compliance Certificate

Schedule 3 as amended by By-law No. 4588 - October 25, 2010

1. For the purpose of this Schedule, Compliance Certificate means a document which may be issued by a Development Officer, upon written request and payment of the required fee, confirming compliance with the regulations of this By-law. A Compliance Certificate shall not operate as a Development Permit nor shall it approve any variance to the yard regulations of this By-law not previously approved.
2. A Certificate of Compliance will be issued provided that:
 - i. The building has been located on site in accordance with the yards specified in Development Permits which may have been issued for the site; and
 - ii. The development has taken place in conformance with the issued Development Permit and all conditions of approval, if any, have been fully complied with.
3. Buildings will be considered legal non-conforming as per Section 1.6 of this By-law, "legal non-conforming buildings and structures". For greater clarity, this means the building has met all conditions of the Development Permits issued for the site, but the yard requirements do not conform to those set out in this By-law. A Certificate of Compliance can be issued for such buildings with "legal non-conforming" indicated on the Certificate.
4. Every request for a *Certificate of Compliance* shall be in writing and shall include sufficient information to determine conformance with this By-law, including:
 - Legal description and property address;
 - Use and occupancy of all parts of the lot and buildings;
 - Signature of the registered owner or authorized agent;
 - The applicable application fee as set out in accordance with By-law No. 4436 or any successor by-law.

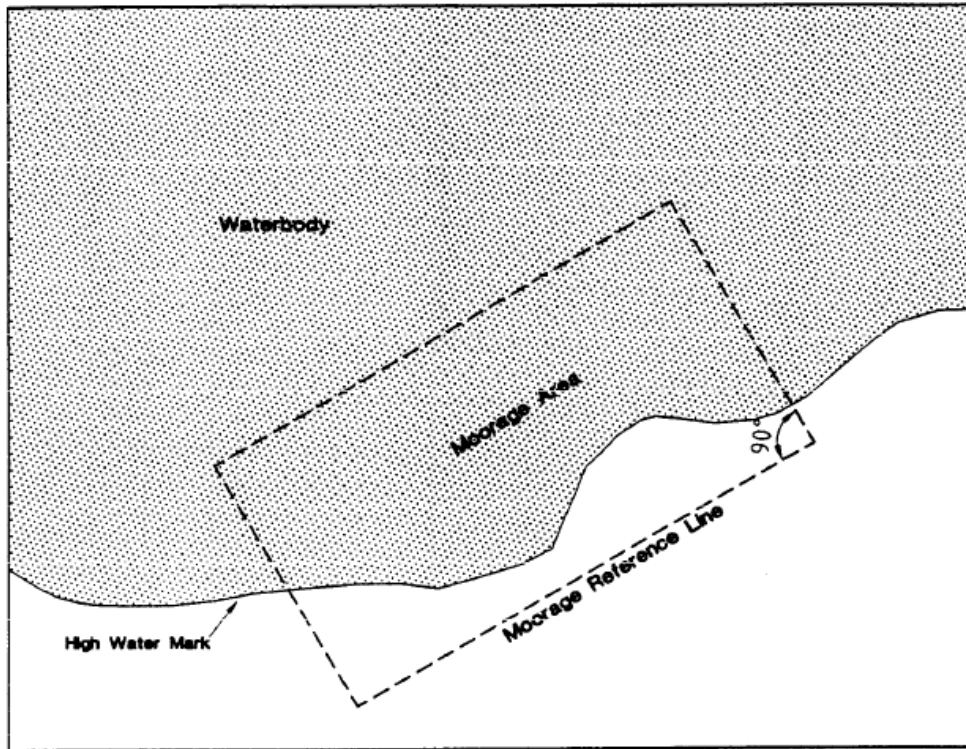
- A Real Property Report prepared by a Canada Land Surveyor, in duplicate at an appropriate metric scale, showing details of development and the relation to property boundaries so that compliance with regulations may be determined.
5. Where a Real Property Report submitted is in excess of one year old, an Affidavit or Statutory Declaration must be submitted stating the accuracy of the survey as representative of the current situation on the property, and that there are no changes since the date of the original survey.
 6. A Development Officer shall not approve an application for a *Certificate of Compliance* if necessary details of the development have not been included with the application. The application shall be deemed not to be complete until all required information has been submitted.
 7. Where a request for a *Certificate of Compliance* is approved, the Real Property Report will be stamped as complying and a Letter of Compliance will be issued. The *Certificate of Compliance* is issued solely on the information shown on the Real Property Report and on the information contained in the files of the Planning and Lands Division.

Schedule 4 - Fees

Repealed by Fees and Charges By-law No. 4436

Schedule 5 - Zoning Diagrams

**Moorage Area
For Shoreline Uses**



Scale NTS



City of Yellowknife

PROJECT

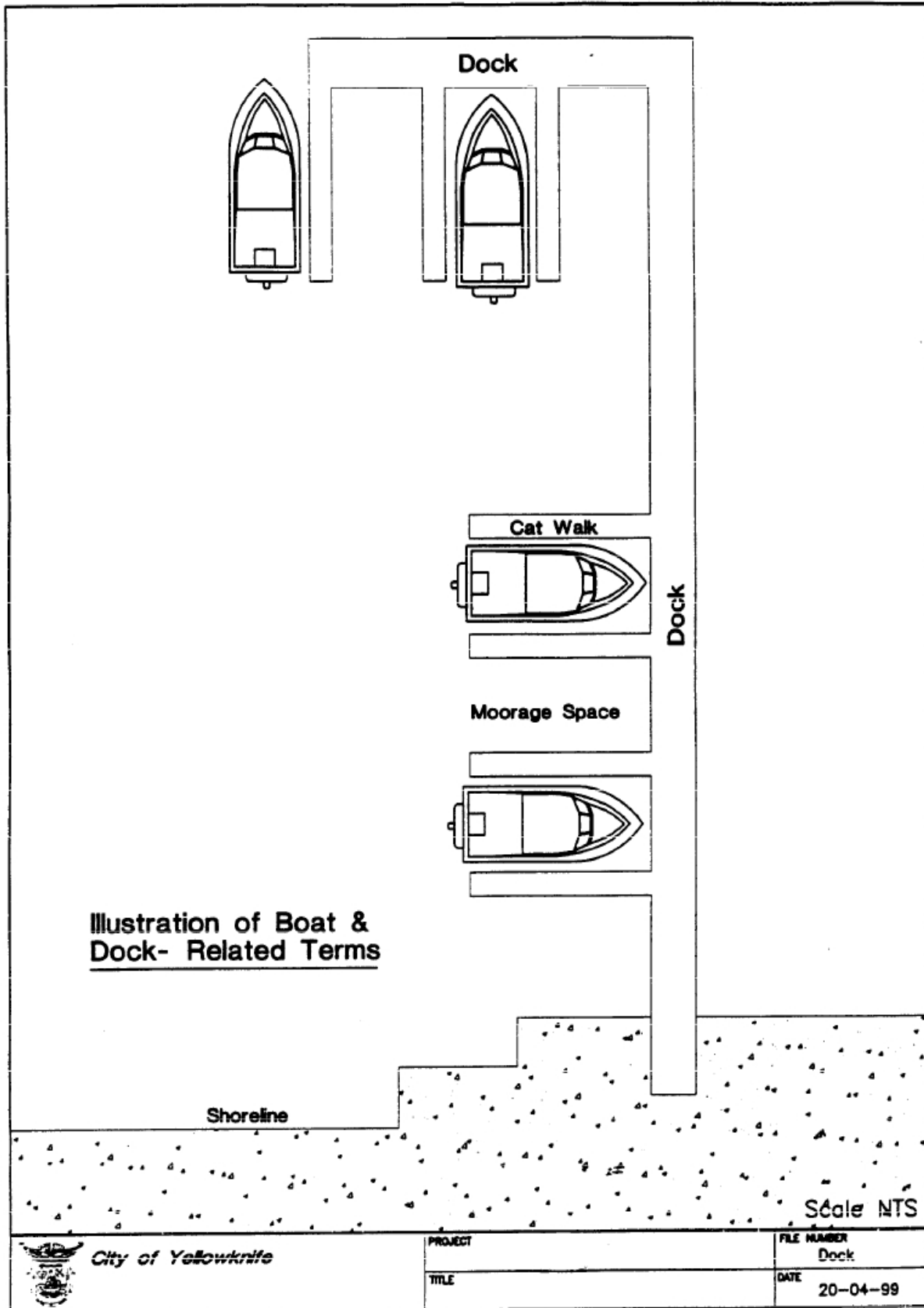
FILE NUMBER

Dock

TITLE

DATE

20-04-99



DEVELOPMENT OFFICER'S REPORT

(PRESENTATION)



TABLE OF CONTENTS

- The Issue
 - Context
 - Approved Site Plan
 - Timeline
 - 2010-2016 History of the Site
 - 2019-2020 History of the Proposed Development
 - Relevant Legislation
 - General Plan
 - Zoning By-law
 - Appellant Concerns
-

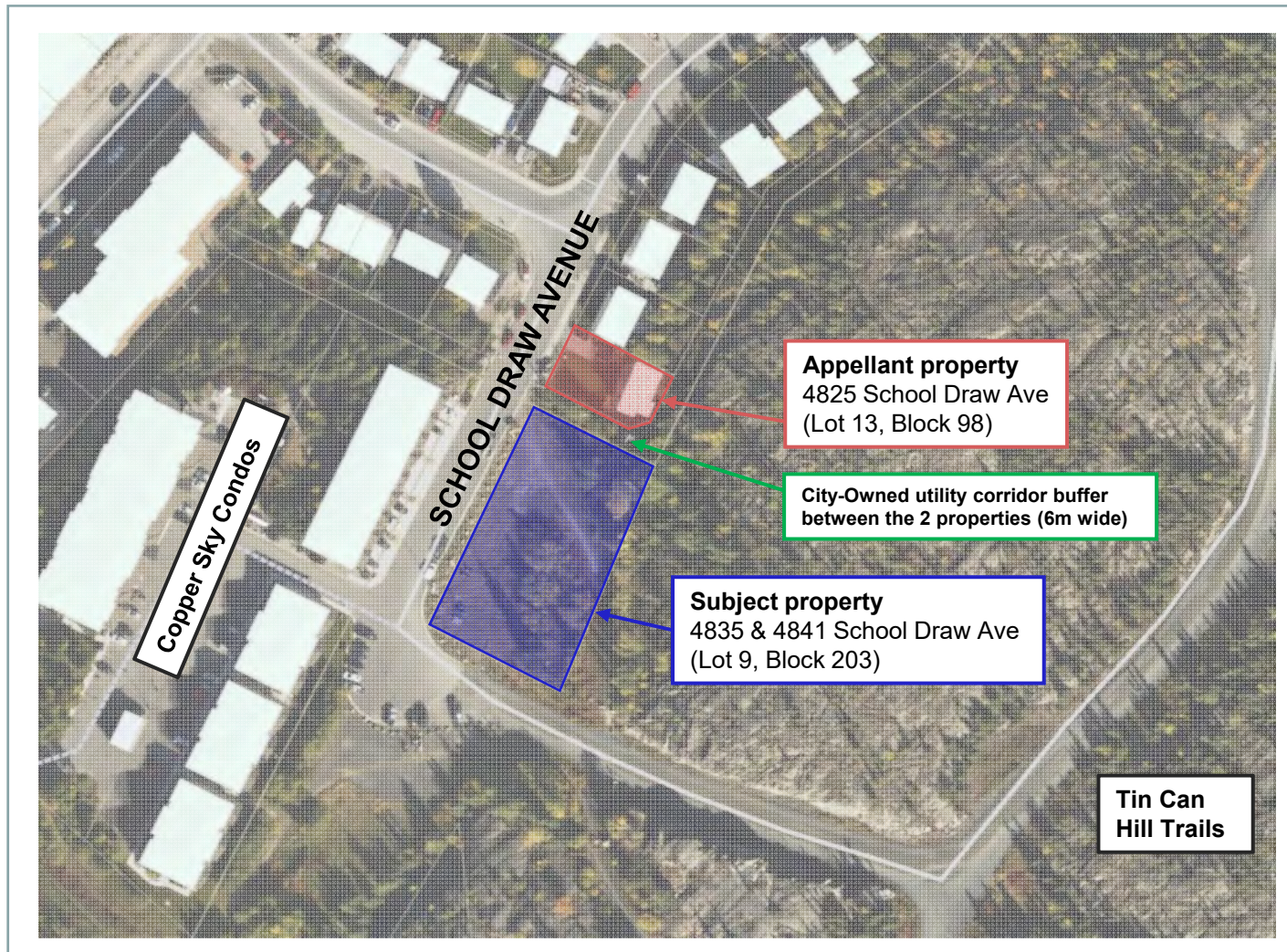
THE ISSUE

An appeal against the decision of the Development Officer to issue development permit PL-2019-0379:

Multi-Family Residential Development for 24 units across 2 buildings (12 units per building) at 4835 & 4841 School Draw Avenue (Lot 9 Block 203).



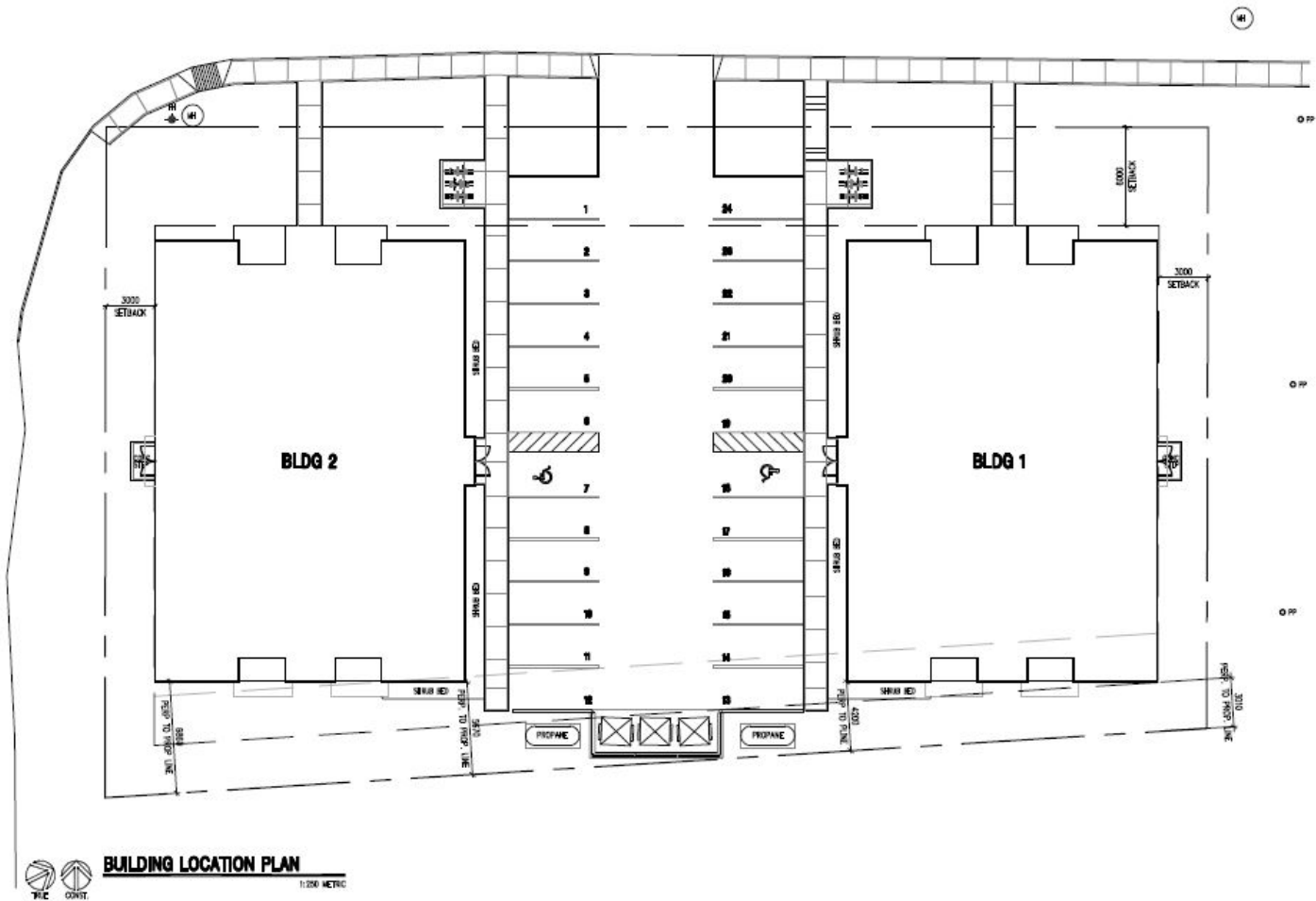
CONTEXT



Location of
Development
Permit Appeal

APPROVED SITE PLAN

SCHOOL DRAW AVENUE

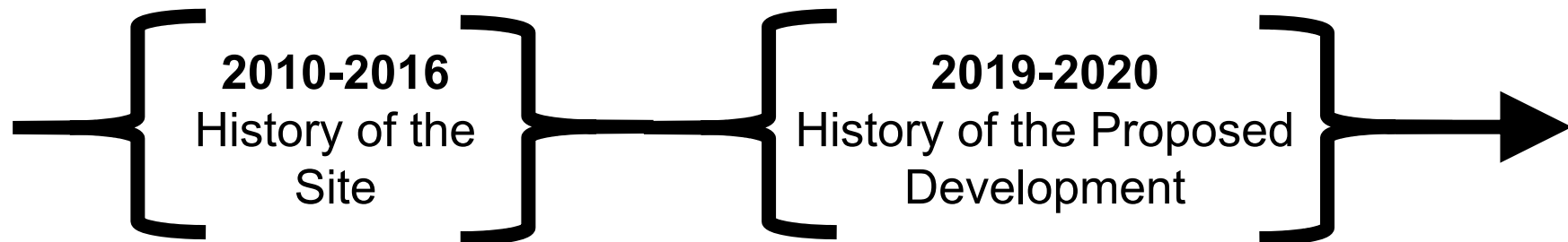


BUILDING LOCATION PLAN

1:200 METRIC

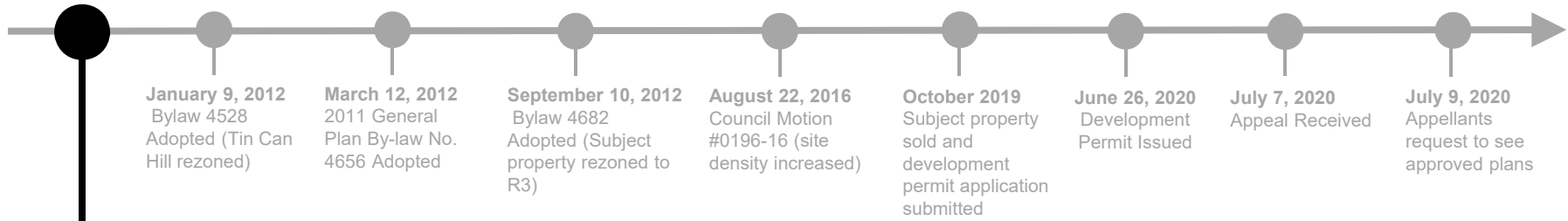
TIMELINE

The history of the subject property spans across a decade. Past Council decisions and public engagement have directly influenced what is permitted on the subject property.



TIMELINE

2010-2016
History of the Site



July 26, 2010
Council Motion #0198-10 (Natural Area Preservation Strategy adopted)

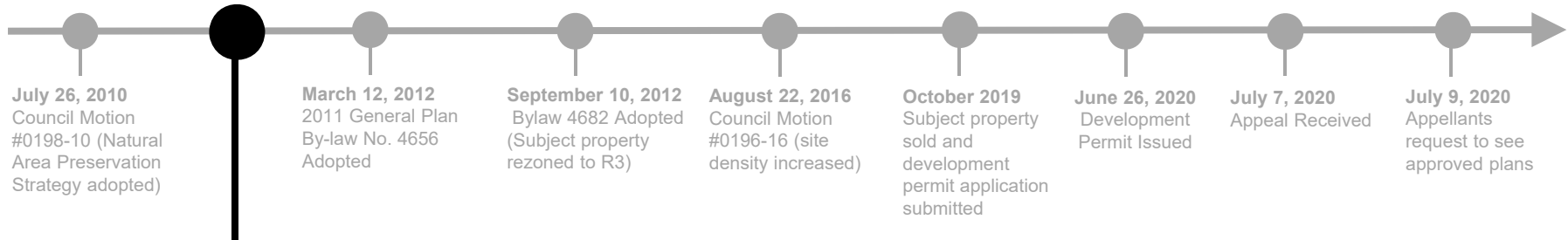


- The Natural Area Preservation Strategy identified and recommended that **Site #22 Tin Can Hill be considered for development** - (pg. 42, 2011 General Plan)

**At the time of the Natural Preservation Strategy, the subject property was not yet subdivided and the lands were zoned GM – Growth Management.

TIMELINE

2010-2016
History of the Site

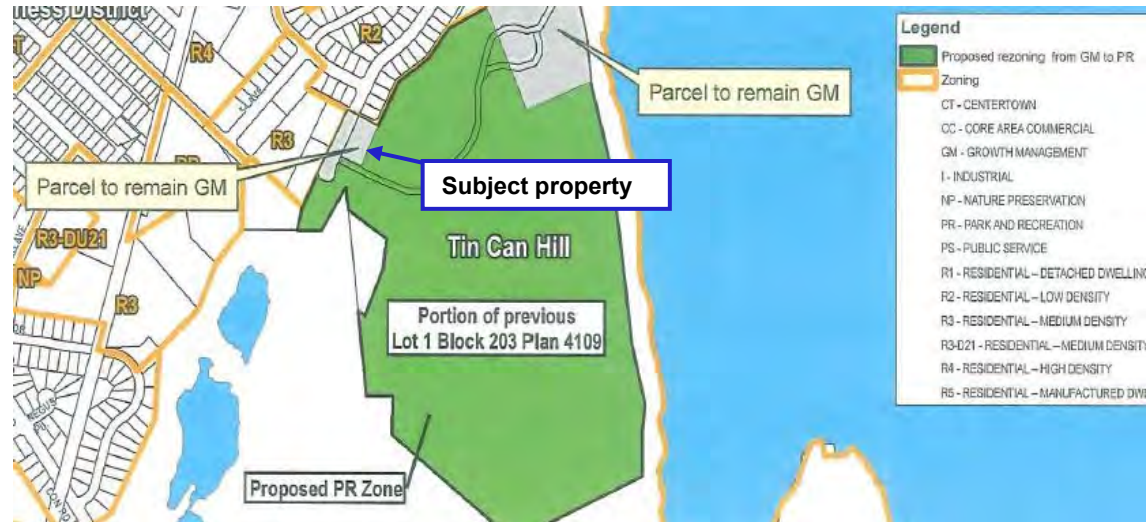


January 9, 2012
Council adopted By-law 4528 (To rezone Tin Can Hill)

The GM - Growth Management zone is an “interim” zone.”

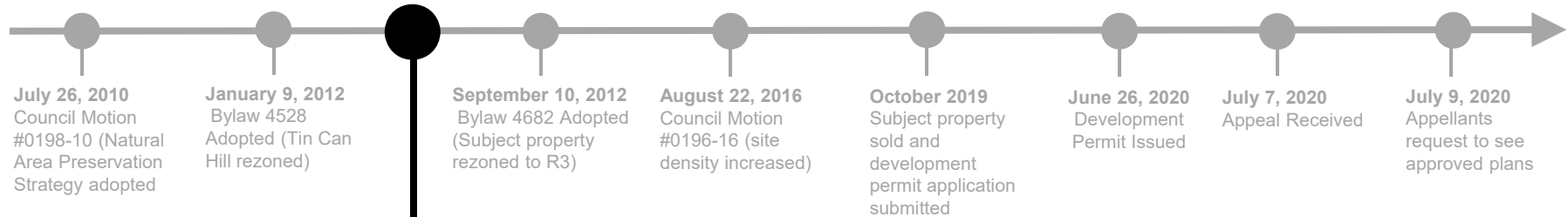
By-law 4538 intentionally zoned some areas for PR - Parks and Recreation, and left other areas as GM - Growth Management.

Subject property was intentionally left as GM – Growth Management.



TIMELINE

2010-2016
History of the Site



March 12, 2012
2011 General Plan By-law No. 4656, as amended, is adopted by Council.

The 2011 General Plan supports infilling at the end of School Draw Avenue for future growth.

1.2 General Plan Review Process

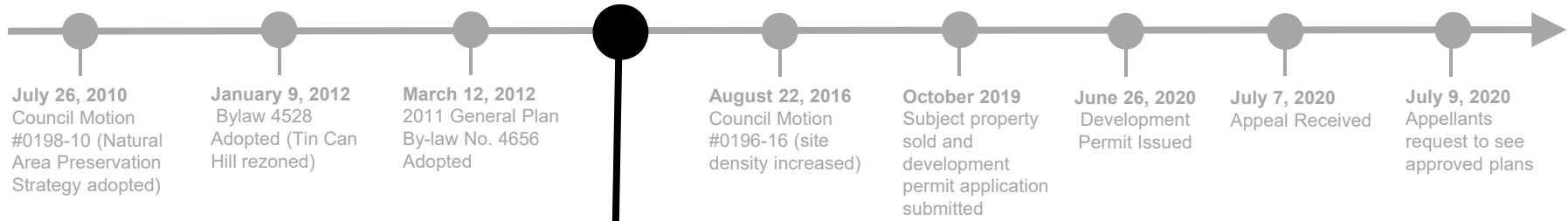
“ The 2011 General Plan review process drew upon the extensive public consultation carried out over a two year period (2008 to 2010) [...]. The consultation processes for these Plans together drew the participation of over 2,000 citizens in events and activities where ideas were shared, discussed, and then translated into policy directions and proposals. The consultation methods included questionnaire surveys, focus groups, open houses, the MetroQuest visioning tool, and a community design charrette. The General Plan draws upon the results of this extensive public consultation which created an integrated framework that can address the City’s growth and development challenges over the next several decades. ”

Table 1: Definition of Growth Scenario Development Areas A, B, & C

	Households	Jobs
A Intensification Target Areas	Downtown Old Airport Road Old Town	Downtown / City Centre Old Airport Road / Capital Area West Old Town
B Existing Development Areas	Niven Lake Range Lake North Range Lake South Taylor Road (Con Mine North) <u>Tin Can Hill (includes Con/Rycon + School Draw Extension)</u> Kam Lake (East & South)	Niven Lake Range Lake North Range Lake South Con Mine / Tin can Hill / Negus Point Airport Kam Lake Engle Business District
C Outlying Areas	Negus Point Highway 4 North Grace Lake Kam Lake East (south of Con Mine) East Shore (Dettah) City West End (West of Engle Business District)	Long Lake North / West Highway 4 North Grace Lake / Engle West Kam Lake East (south of Con Mine) East Shore (Dettah) Giant Mine

TIMELINE

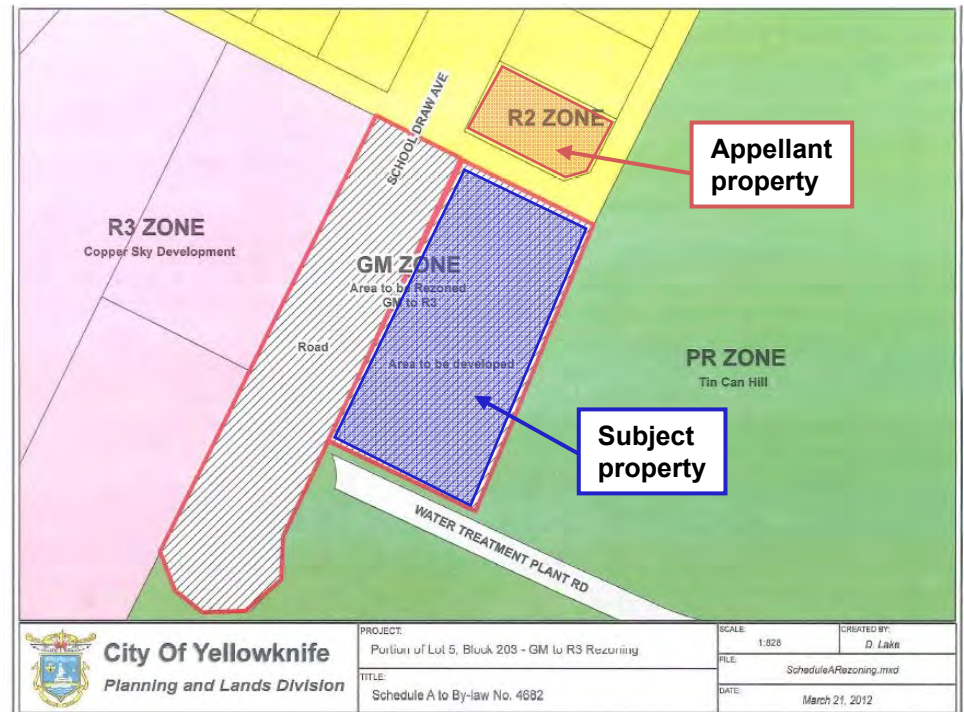
2010-2016
History of the Site



September 10, 2012
Bylaw 4682 Adopted (Subject Property Re-zoned to R3)

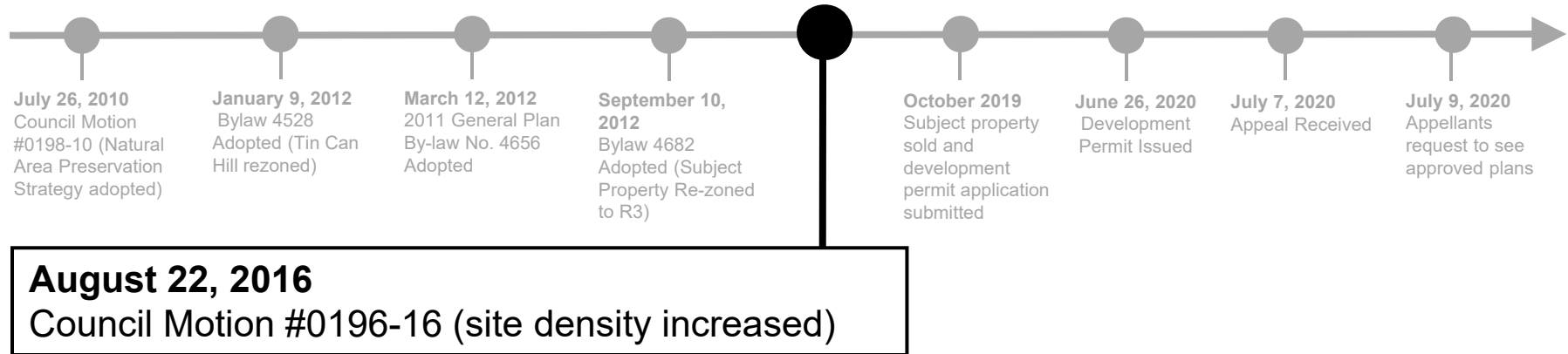
Council Motion #0285-12:
Third Reading of By-law No. 4682
(A by-law to rezone a portion of [Lot 9, Block 203, Plan 4460] from the current GM – Growth Management zone to the R3 – Residential Medium Density zone).

The subject property was intentionally not zoned PR – Parks and Recreation in January 2012. The same year, September 2012, the subject property was intentionally zoned R3 – Residential Medium Density.



TIMELINE

{ 2010-2016
History of the Site }



Council Motion #0196-16:

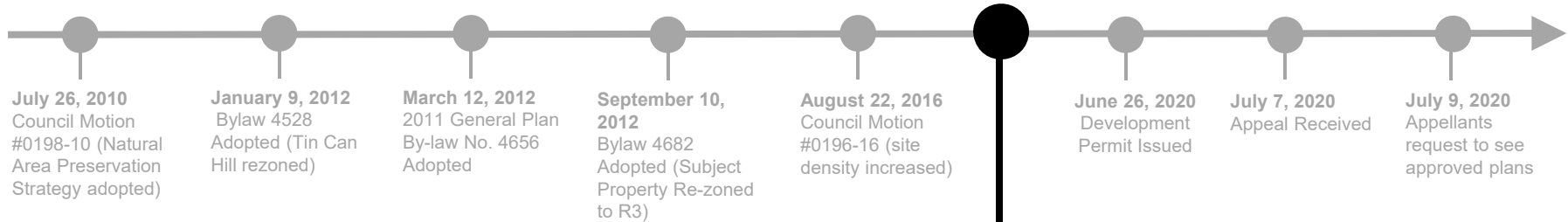
“That Council approve a 19.4% variance to site area per dwelling unit (site density) at Lot 9, Block 203, Plan 4460 located at the southern end of School Draw Avenue to allow for the development of a 26-unit multi-family dwelling subject to conditions as required by the Development Officer at the Development Permit stage.”

- The Zoning By-law permits 21 units to be developed on the lot. Council granted a variance to allow up to 26 units (5 additional units) in order to promote the sale of the lot.
- The property was on the market since the third quarter of 2012. A developer demonstrated interest in purchasing the lot in 2016. Ultimately the developer did not purchase the lot and no development permit application was ever made.
- Although Council granted the density variance in 2016, it took until 2019 for the land to be sold and for the variance to be associated with a development permit (due process is being followed).

The variance granted by Council was to facilitate the sale of the land, and not for a specific development or design.

TIMELINE

2019-2020
History of the Proposed Development

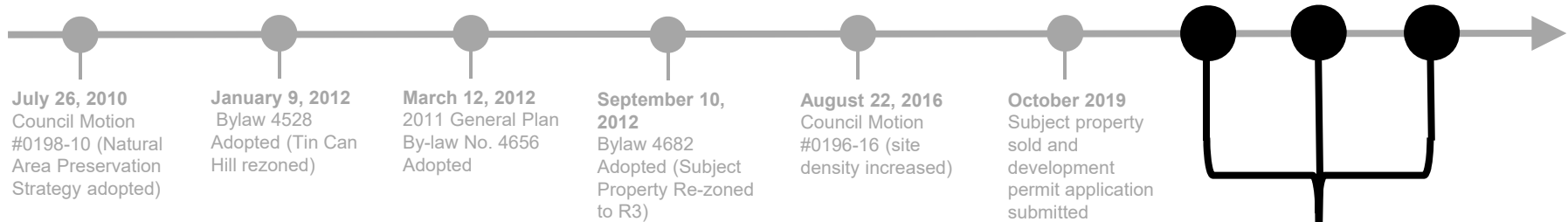


October 2019
The Developer purchased the subject property (now private property) and submitted a development permit application for 2 multi-family buildings.



TIMELINE

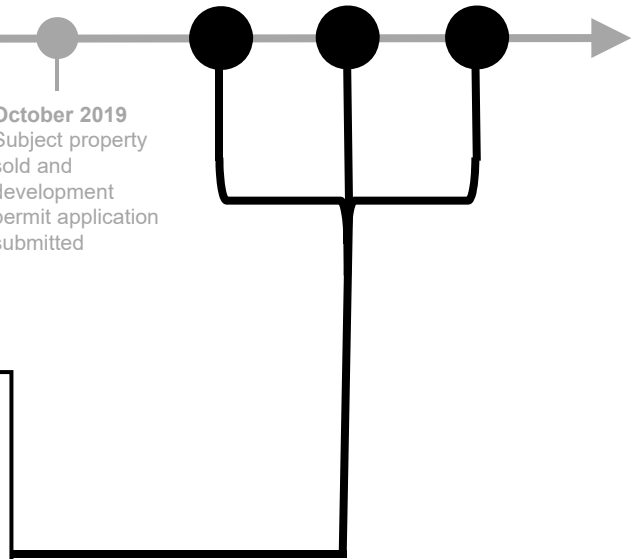
2019-2020
History of the Proposed Development



June 26, 2020
Development Permit Issued

July 7, 2020
Appeal Received

July 9, 2020
Appellants request to see approved plans and reviewed the plans with the Development Officer.



RELEVANT LEGISLATION

2011 General Plan By-law No. 4656, as amended

Purpose:

- Set vision for future growth and development
- Provide policy direction

Zoning By-law No. 4404, as amended

Purpose:

- Regulate use and development of land and buildings
-

RELEVANT LEGISLATION

2011 GENERAL PLAN

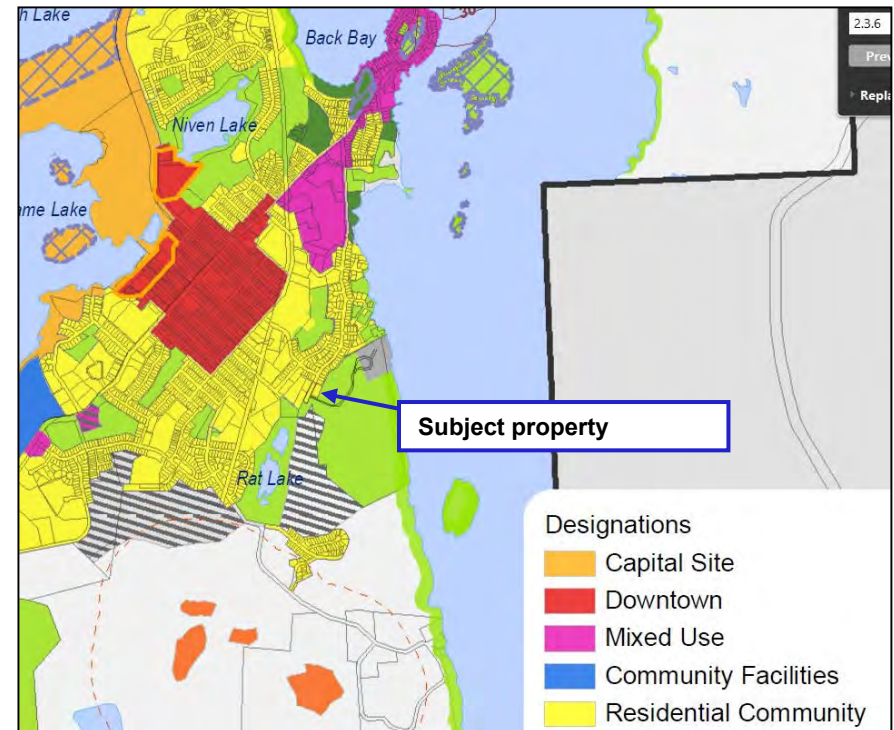
Land Use Designations set broad policies regarding the development of land, which are then implemented through the Zoning By-law.

The subject property has a Residential Community Land Use Designation.

3.4.2 Residential Community Designation Relevant Policies:

- *Lands designated Residential Community are shown on **Map 1** and will be used primarily for housing with a range of dwelling types and densities. [...]*
- *Lands designated Residential Community will be zoned Residential (R1 to R7) according to the proposed housing form [...]*
- *The evaluation of development applications will be in accordance with community design policies, pursuant to Section 4.1 [Intensification Compatibility which will be discussed later][...].*

(2011 General Plan pg. 36)



Portion of Map 1 from the 2011 General plan, demonstrating the Land Use Designations

RELEVANT LEGISLATION

2011 GENERAL PLAN

The 2011 General Plan supports infilling at the Subject Property for future growth.

Table 1: Definition of Growth Scenario Development Areas A, B, & C

	Households	Jobs
A Intensification Target Areas	Downtown Old Airport Road Old Town	Downtown / City Centre Old Airport Road / Capital Area West Old Town
B Existing Development Areas	Niven Lake Range Lake North Range Lake South Taylor Road (Con Mine North) <u>Tin Can Hill (includes Con/Rycon + School Draw Extension)</u> Kam Lake (East & South)	Niven Lake Range Lake North Range Lake South Con Mine / Tin can Hill / Negus Point Airport Kam Lake Engle Business District
C Outlying Areas	Negus Point Highway 4 North Grace Lake Kam Lake East (south of Con Mine) East Shore (Dettah) City West End (West of Engle Business District)	Long Lake North / West Highway 4 North Grace Lake / Engle West Kam Lake East (south of Con Mine) East Shore (Dettah) Giant Mine

“Area B identifies lands where infilling and extensions to existing developed areas are possible. For example, lands include Phase 8 of Niven Lake, lands south of Taylor Road, Tin Can Hill, future phases of Engle Business District, and extensions to Kam Lake.[...] Table 1 provides a complete list of development areas defined for each Area.”

- 2011 General Plan (pgs. 5-7)

Table 1 of the 2011 General Plan

RELEVANT LEGISLATION

2011 GENERAL PLAN

Other sections of the 2011 General Plan were analyzed and assessed to determine whether the proposed development was compatible in the neighbourhood:

- 2.2.2 Compact Growth Scenario
- 4.1 Intensification Compatibility (will be elaborated on later)
- 5.1 Active Transportation
- 6.2 Water and Sewer Services

Further detail can be found in the Technical Review Document.

RELEVANT LEGISLATION

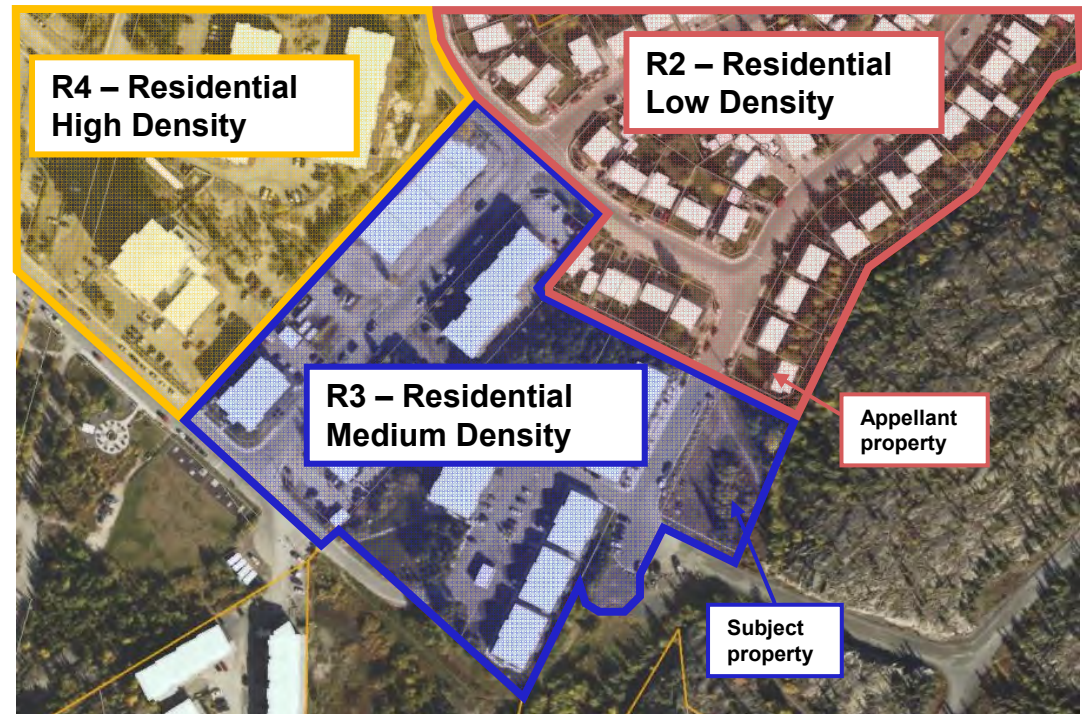
ZONING BY-LAW NO. 4404

The subject property is zoned R3 – Residential – Medium Density. The proposed development is a multi-family development.

Section 10.9 (2)(a) describes the Permitted Uses in the R3 zone:

- Accessory Decks,
- Single detached dwelling,
- Duplex dwelling,
- **Multi-family dwelling** - subject to Section 7.3,
- Multi-attached dwelling - subject to Section 7.3,
- Parks and recreation,
- Planned development subject to Section 7.1(9),
- Public utility uses and structures,
- Home based business,
- Accessory structures and uses,
- Temporary activity subject to Section 7.1(6),
- Child care facility.

Multi-family development is a Permitted Use in the R3 Zone.



RELEVANT LEGISLATION

ZONING BY-LAW NO. 4404

Section 10.9 R3 – Residential Medium Density

Regulation	Requirement in Zoning By-law	Proposed
Building Height	Maximum of 15m	Met (12.46m per building)
Setbacks	Minimum 3m side yard setback	Met (3m)
	Minimum 6m front yard setback	Met (6m)
	Minimum 6m rear yard setback	Variance of 50% requested
Density	125 sq m / dwelling unit (21 units)	109.13 sq m / dwelling unit (24 units proposed) Council approved density increase in 2016. *Council Motion #0196-16 (August 2016) : "That Council approve a 19.4% variance to site area per dwelling unit (site density) at Lot 9, Block 203, Plan 4460 located at the southern end of School Draw Avenue to allow for the development of a 26-unit multi-family dwelling subject to conditions as required by the Development Officer at the Development Permit stage."
Site Coverage	Maximum of 40%	Met (39.66%)
Parking	Vehicular Parking: 24 spaces (2 accessible)	Met (24 spaces, including 2 accessible)
	Bike parking: 12 spaces	Met (12 spaces)
Landscaping	Minimum 25 trees and 50 shrubs	Exceeded: 27 trees, 56 shrubs, and 80 perennials

RELEVANT LEGISLATION

ZONING BY-LAW NO. 4404

The proposed development is also subject to the following:

- Part 7 – Development Standards
- Section 7.1 Rules Applicable to All Zones
- Section 7.2 Rules Applicable to All Residential Zones
- Section 7.3 Rules Applicable to All Multi-Attached or Multi-Family Dwellings

The Development Officer's Development Permit Technical Review outlines each of these sections in detail.

All relevant provisions within the Zoning By-law have been adhered to or exceeded, with the exception of two variances:

- 1) Decrease to minimum rear yard setback granted by the Development Officer on June 26, 2020
 - 2) Increase to site density granted by Council on August 22, 2016 to facilitate the sale of the lot (Council Motion #0196-16)
-

RELEVANT LEGISLATION

ZONING BY-LAW NO. 4404

3.5 Variance Authority

- (4) A variance may only be granted if, in the opinion of the Development Officer or Council:
- (a) The proposed variance would not result in a development that will:
 - i) **unduly interfere** with the amenities of the neighbourhood; or
 - ii) **materially interfere with** or affect the use, enjoyment or value of neighboring parcels of land.
 - (b) The subject site **has irregular lot lines** or is a size and shape that presents challenges to development.
 - (c) The subject site has physical limitations relating to terrain, topography or grade that may create difficulties in meeting the zoning regulations as prescribed in this by-law.
 - (d) The subject site has natural features such as rock outcrops or vegetation that may create difficulties in meeting the zoning regulations as prescribed in this by-law.
 - (e) An error has occurred in the siting of a structure during construction.
 - (f) The proposed development **conforms to the uses** prescribed in this by-law.
- (5) In considering a variance, the Development Officer and Council shall:
- (b) Have regard to the purpose and intent of the zone and the nature of developments on adjoining properties.
- (6) All variances shall be approved through a development permit and the Development Officer shall specify the nature of the variance in the development permit approval.

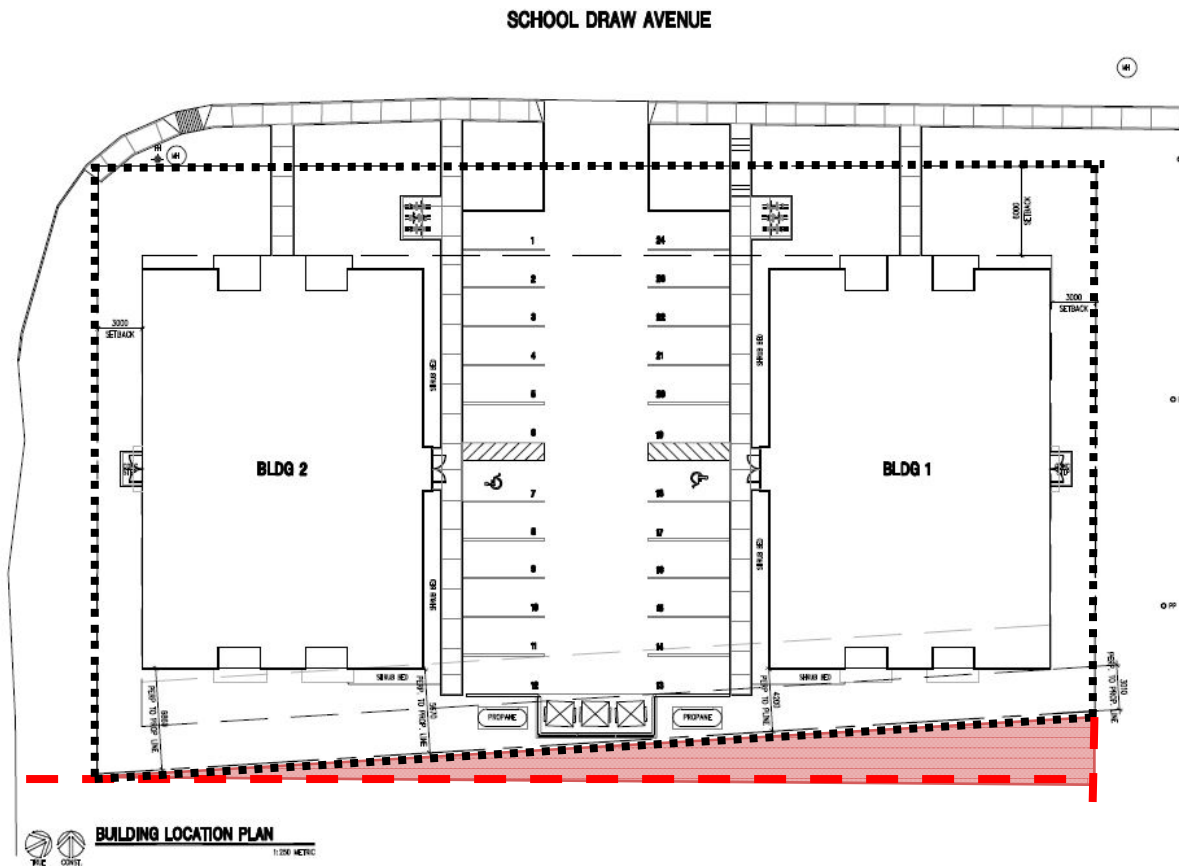
Variance section applies **only to the variances** granted by the Development Officer and Council

- 1) Minimum rear yard setback
 - 2) Site density
-

RELEVANT LEGISLATION

ZONING BY-LAW NO. 4404

Variance to Minimum Rear Yard Setback



RELEVANT LEGISLATION

ZONING BY-LAW NO. 4404

Variance to Site Density

(a) The proposed variance would not result in a development that will:

i) unduly interfere with the amenities of the neighbourhood; or

The presence of 3 additional dwelling units will not unduly (i.e. excessively) interfere with the amenities of the neighbourhood. Density is not tied to building form: the proposed development could have the same building form and be 3 less units (by removing building walls), and exceed minimum parking requirements.

ii) materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

- Use: The multi-family use is a residential use and appropriate for the residential R3 zone.

- Enjoyment: The side yard setbacks and the 6m City-owned utility corridor buffer provide over 12m of buffer for enjoyment.

- Value: "There is no empirical evidence to suggest that value of neighbouring parcels will be negatively impacted by denser development. Market and property value does not get affected by denser development, because land for single detached dwelling units is at a premium" (information provided by Darcy Beck, Municipal Assessor).

(f) The proposed development conforms to the uses prescribed in this by-law.

The subject property is zoned R3. The proposed development is multi-family development. Multi-family development is a **permitted** use in the R3 zone. The use conforms.

The variance granted by Council was not for a specific development or design, but to facilitate the sale of the lot. Although Council granted the density variance in 2016, it took until 2019 for the land to be sold and for the variance to be associated with a development permit. Neighbours within a 30m buffer were notified of Council's decision when the permit was issued (due process followed).

APPELLANT CONCERNS

A. Main Objections to the Development

1. Blocked sunlight
2. Overlooking/loss of privacy
3. Adequacy of parking
4. Traffic generation/road access
5. Noise and disturbance from resulting use
6. Loss of trees
7. Building does not fit with surrounding
8. Loss of property value
9. Chimney smoke

B. Contradiction of the General Plan's Intensification Compatibility points from the General Plan

C. Concerns regarding the density variance that Council granted in 2016

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

BLOCKED SUNLIGHT

Zoning By-law Section 3.3(h) states that a Development Officer **may** require:

“A report showing the effect of wind and sun shadow produced by the proposed development”

Considerations to conduct a sun shadow study include:

- Requiring a height variance
- Requiring a side yard setback variance (encroaching next to neighbour)
- Exceeding 4 storeys in the Downtown Zone

No sun shadow study was required because:

- Development is under the maximum height allowance for the R3 zone (height maximum is 15m, the building height is 12.46m)
 - The building does not encroach into the minimum side yard setback and is not encroaching next to the neighbor
 - 6m utility corridor buffer between the two properties
-

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

LOSS OF PRIVACY



APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

ADEQUACY OF PARKING

As per Part 9 of the Zoning By-law:

USE	VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT
Multi-family and multi-attached	One space per unit	6 space element at entrance to building or within a common parking area and one additional space for every 15 units.

- 24 parking stalls required, 24 parking stalls proposed
- 12 bicycle parking spaces required, 12 bicycle parking spaces provided

The Development meets the parking requirements from the Zoning By-law.

The Zoning By-law **does not require** developers to provide guest parking in addition to the minimum requirement. Developers are not responsible for individuals choosing to park on public property (along the side of School Draw Avenue)

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

TRAFFIC GENERATION AND ROAD ACCESS

1. No Traffic Impact Study was required in 2016 when Council increased density to 26 units
 2. The proposed development is 24 units (3 units more than the Zoning By-law requirement)
 3. During the Development Permit review process, the drawings were referred to the Department of Public Works and Engineering to see if a Traffic Impact Study would be required; it was not.
-

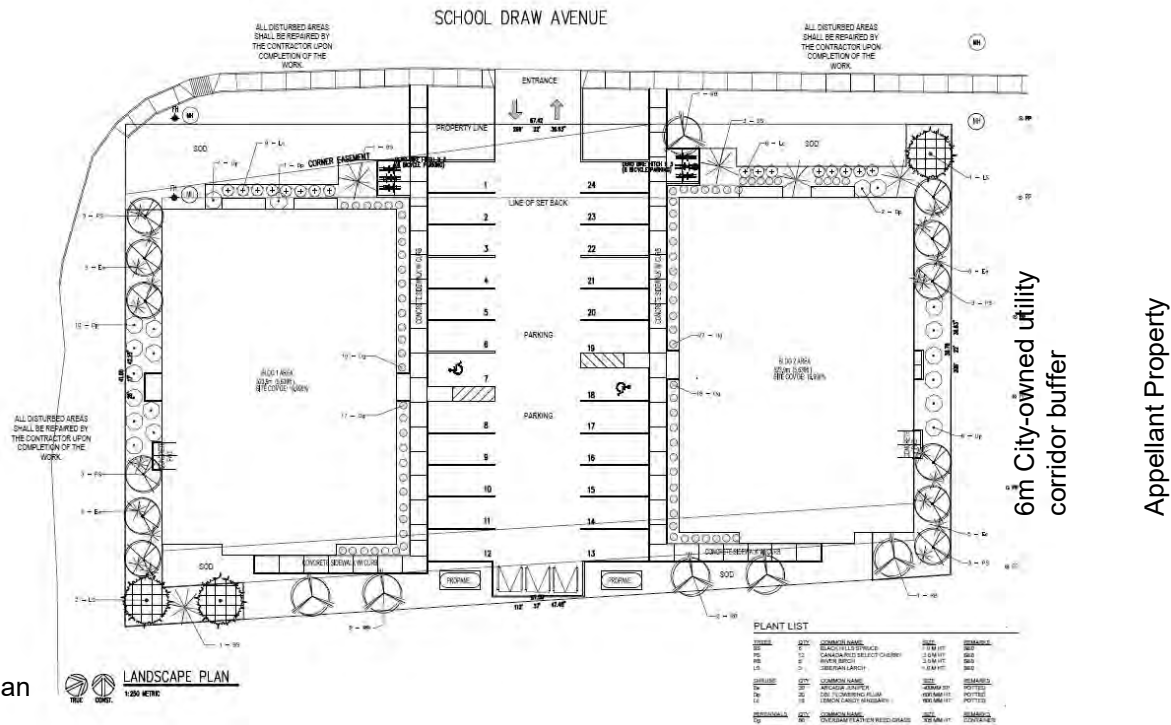
**NOISE AND DISTURBANCE FROM
RESULTING USE**

1. The proposed development is two multi-family buildings. The subject lands are zoned R3. Multi-family buildings are a permitted use in the R3 zone.
 2. Denser development has been permitted on this lot since the lands were re-zoned from GM to R3 in 2012.
 3. **The Zoning By-law does not regulate the noise levels of individuals living in their homes.**
-

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

LOSS OF TREES

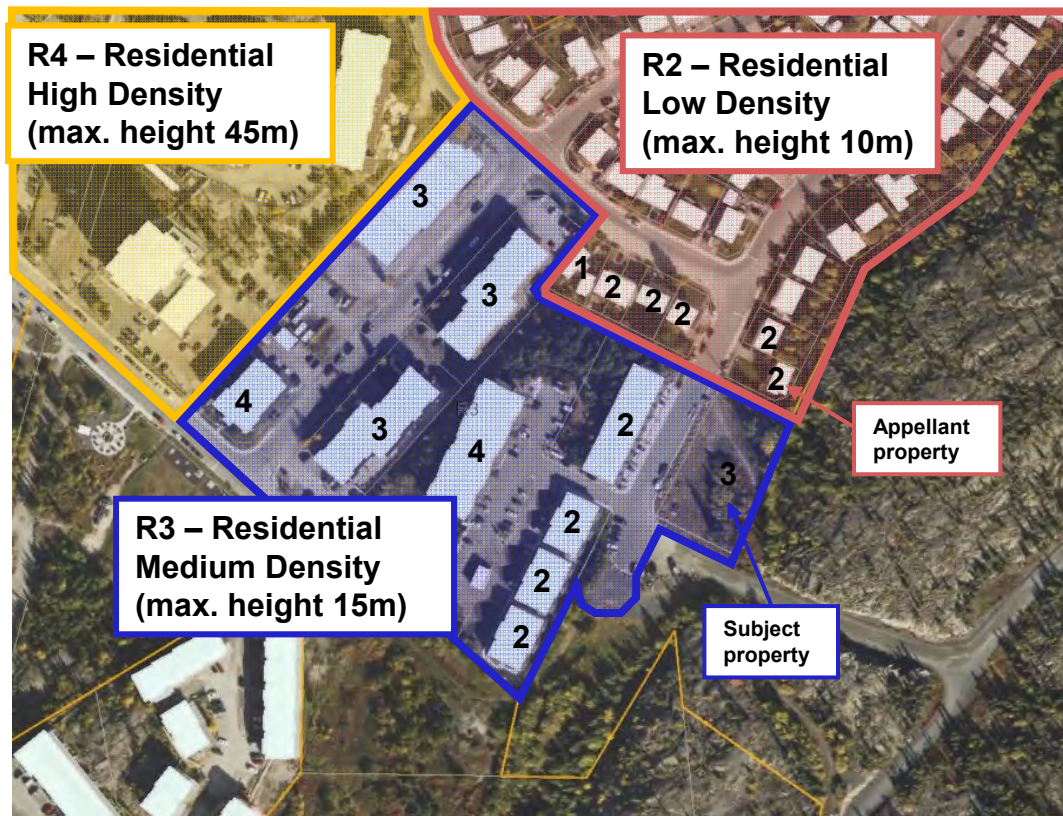
1. The subject lands are private property and were sold in October 2019. A landowner has the ability to landscape their lot provided that the development conforms to the Zoning By-law.
2. The proposed landscaping is compliant with, and exceeds the minimum landscaping requirements of the Zoning By-law.
3. Trees will be added to the subject property.



Approved Landscaping Plan

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

BUILDING DOES NOT FIT WITH SURROUNDINGS



Proposed Development is 3 storeys (height = 12.46m)

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT
LOSS OF PROPERTY VALUE

“There is no empirical evidence to suggest that land will sell for less due to the proximity to multi residential development. Land is at such a premium within the City of Yellowknife that historically we do not see this type of occurrence within the market place.”

- Darcy Beck, Municipal Assessor

CHIMNEY SMOKE

The Zoning By-law does not regulate the chimney smoke from individual dwelling units.

2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY

“Intensification introduces new development into existing areas and requires a sensitive approach and consideration of the area’s established characteristics [...].

Compatible development means development that, although it is not necessarily the same as, or similar to, existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties.”

- Section 4.1 of the 2011 General Plan

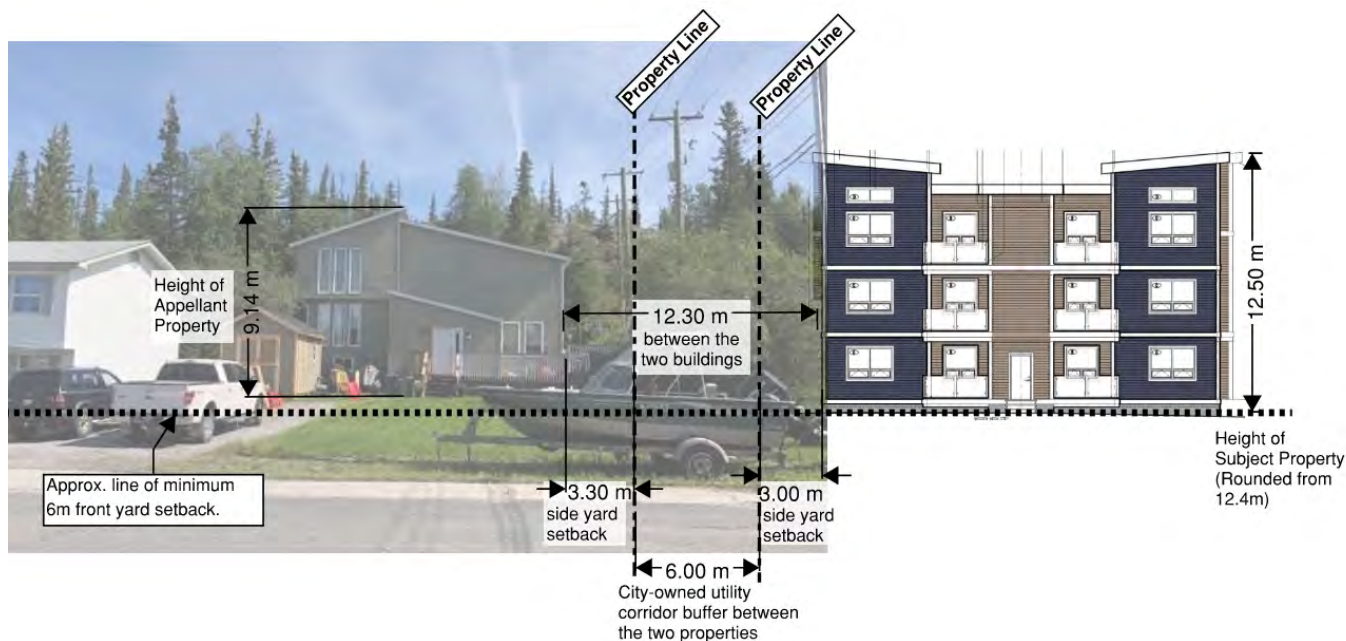
Policies of concern:

- Building height and massing
 - Pattern of surrounding community
 - Traffic
 - Vehicular access
 - Parking
 - Loading and servicing areas
 - Shadowing
 - Wind
-

B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:**BUILDING HEIGHT AND MASSING**

“New buildings should have regard to the height and massing of adjacent buildings. Where a variation in height or massing is proposed, a transition in building height and form may be desirable.”

1. The proposed development are two three-storey buildings (height = 12.46m). The R3 zone allows a maximum height of 15m. The surrounding neighbourhood is a mix of two, three, and four storey buildings.
2. The adjacent property is a two storey building, and has a height of approximately 9.14m (30ft).
3. The minimum yard setbacks prescribed by the Zoning By-law are to function as buffers. The minimum side yard setback functions as buffers between properties. The Development is compliant with the minimum side yard setback requirements of the Zoning Bylaw.
4. A 6m (~20ft) right-of-way exists between the two properties, and there is over 12m of buffer between the buildings (40ft)



B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:

PATTERN OF SURROUNDING COMMUNITY

“Proposed development should consider the character of the surrounding buildings, including scale, rhythm, and architectural design.”



B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:

TRAFFIC

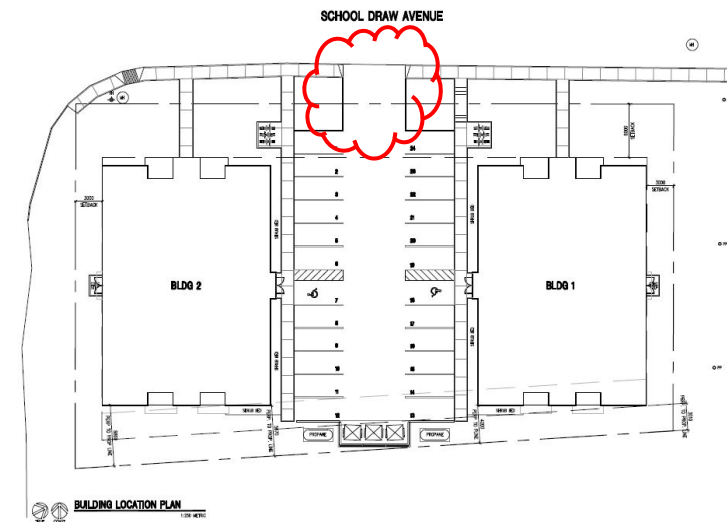
“Roads should adequately serve the development, with sufficient capacity to accommodate the anticipated traffic generated.”

- Collector road, meant for higher volume of traffic, higher density development appropriate because road width is appropriate width
- No Traffic Impact Study was required.

VEHICULAR ACCESS

“The location and orientation of vehicular access should consider potential conflicts with pedestrian activity and take into account impacts on adjacent properties including noise, glare, and loss of privacy”

- The vehicular access point (driveway) is between the two multi-family buildings and will not impact the appellant’s property.



B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:

PARKING

“Adequate on-site parking should be provided, with minimal impact on adjacent uses”

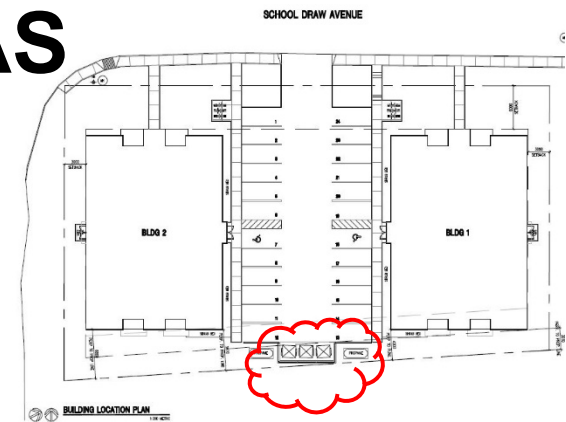
Zoning By-law Section 9.3 – Off-Street Parking Requirements

USE	VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT
Multi-family and multi-attached	One space per unit	6 space element at entrance to building or within a common parking area and one additional space for every 15 units.

- 24 parking stalls required, 24 parking stalls proposed
- 12 bicycle parking spaces required, 12 bicycle parking spaces provided

LOADING AND SERVICE AREAS

“The operational and visual appearance of loading and service areas, including garbage and outdoor storage areas, should be designed to mitigate adverse effects on adjacent properties”



B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:

SHADOWING

“Developments should be designed to minimize shadowing on surrounding streets, and private/public amenity spaces.”

Considerations to conduct a sun shadow study include :

- Requiring a height variance
- Requiring a side yard setback variance (encroaching next to neighbour)
- Exceeding 4 storeys in the Downtown Zone

No Sun shadow study was required because:

- Development is under the maximum height allowance for the R3 zone (height maximum is 15m, the building height is 12.46m)
 - The building does not encroach into the minimum side yard setback and is not encroaching next to the neighbor
 - 6m right-of-way buffer between the two properties
-

B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:

WIND

“Developments should be designed to minimize adverse effects related to wind on surrounding streets, and private/public amenity spaces.”

Adverse wind effects are typically tied to dense city areas, such as downtowns, where buildings are higher than 4-6 storeys. Zoning Bylaw requirement for when a wind study is required:

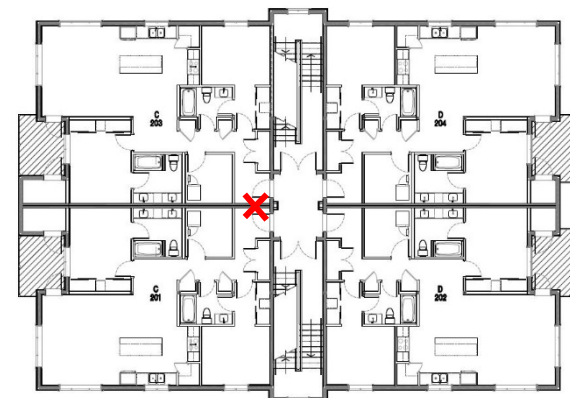
Section 10.15(5)(f): “For those buildings which exceed 4 stories in height above grade, and exceed 1,500 square metres of floor area, the Development Officer shall require as part of a development permit, a preliminary wind impact statement, or a detailed wind impact study, or both. Such information shall be prepared by a recognized wind consultant and shall indicate how the massing of a proposed development has been arranged to minimize wind speed impacts at the pedestrian level.”

The proposed development has a height of 3 storeys. Adverse wind effects are not anticipated.

C) CONCERNS REGARDING DENSITY VARIANCE GRANTED BY COUNCIL IN 2016

- The Zoning By-law allows 21 units. Council approved a density increase to 26 units. The development is 24 units
 - (a) The proposed variance would not result in a development that will:
 - ii) **materially interfere with** or affect the use, enjoyment or value of neighboring parcels of land.
 - Use: The multi-family use is a residential use and appropriate for the residential R3 zone.
 - Enjoyment: The purpose of side yard minimums between buildings is to provide a buffer. The side yard setbacks and the 6m City-owned utility corridor buffer provide over 12m of buffer for enjoyment.
 - Value: “There is no empirical evidence to suggest that value of neighbouring parcels will be negatively impacted by denser development. Market and property value does not get affected by denser development, because land for single detached dwelling units is at a premium” (information provided by Darcy Beck, Municipal Assessor).

Density is not tied to a single building form; it can look differently.



SECOND FLOOR PLAN

QUESTIONS

City of Yellowknife



Development Officer's Report

Development Appeal Board (August 5, 2020)

DEVELOPMENT OFFICER'S REPORT (PRESENTATION)



TABLE OF CONTENTS

- The Issue
 - Context
 - Approved Site Plan
 - Timeline
 - 2010-2016 History of the Site
 - 2019-2020 History of the Proposed Development
 - Relevant Legislation
 - General Plan
 - Zoning By-law
 - Appellant Concerns
-

THE ISSUE

An appeal against the decision of the Development Officer to issue development permit PL-2019-0379:

Multi-Family Residential Development for 24 units across 2 buildings (12 units per building) at 4835 & 4841 School Draw Avenue (Lot 9 Block 203).



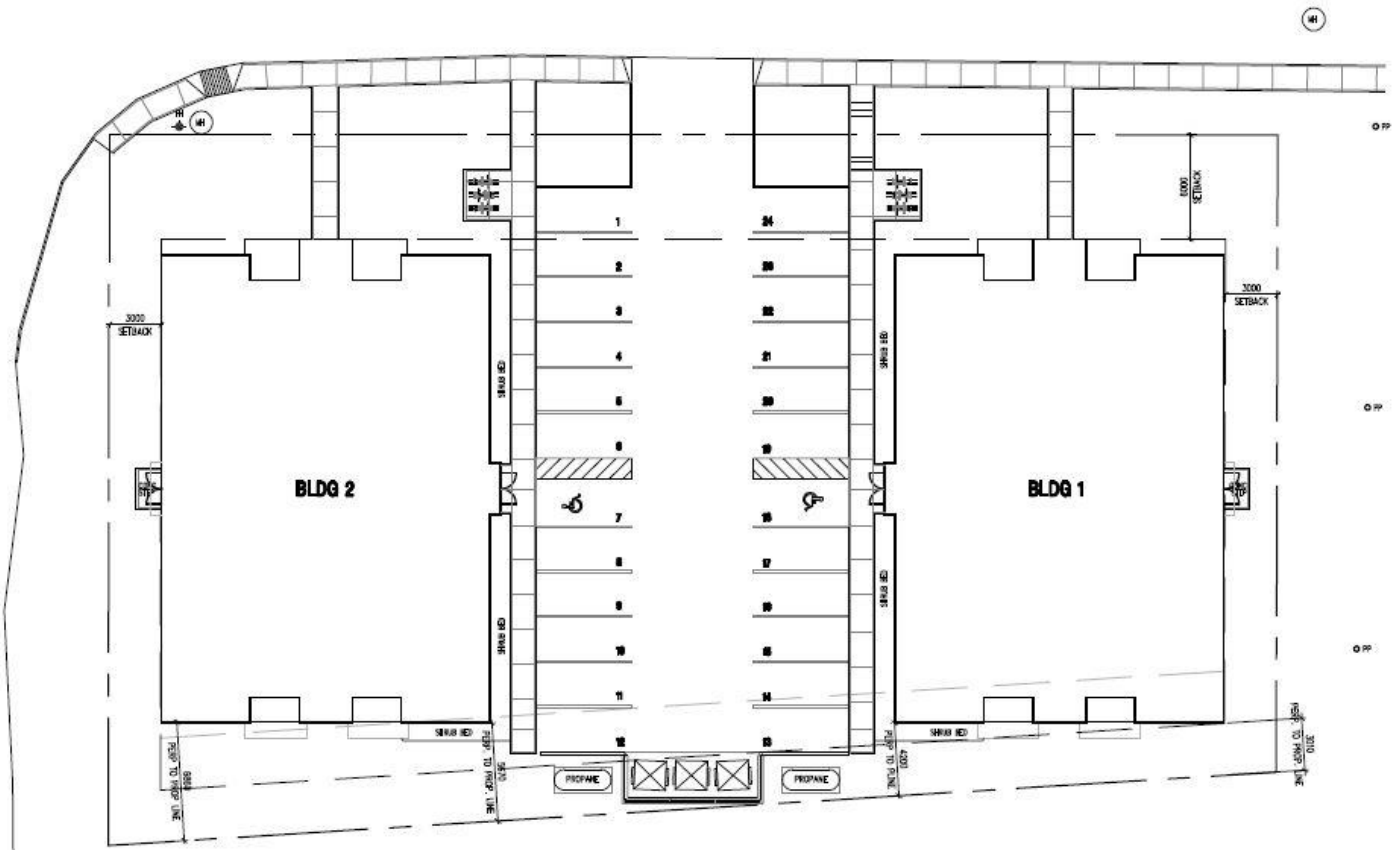
CONTEXT



Location of
Development
Permit Appeal

APPROVED SITE PLAN

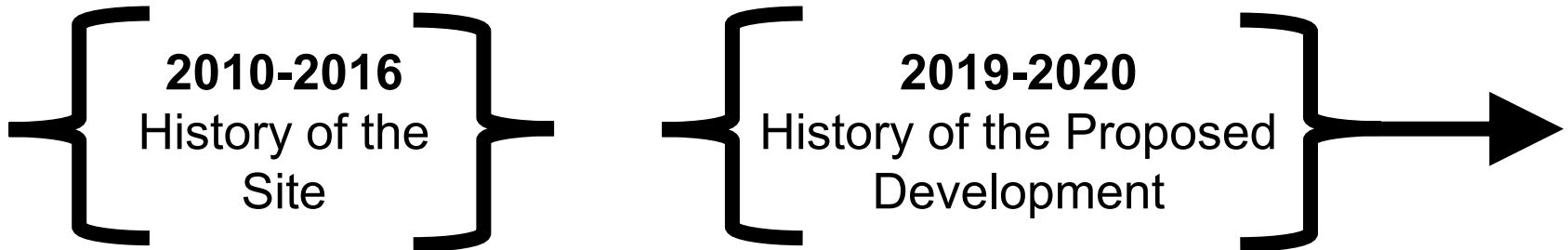
SCHOOL DRAW AVENUE




BUILDING LOCATION PLAN
 1:1250 METRIC

TIMELINE

The history of the subject property spans across a decade. Past Council decisions and public engagement have directly influenced what is permitted on the subject property.



2010-2016

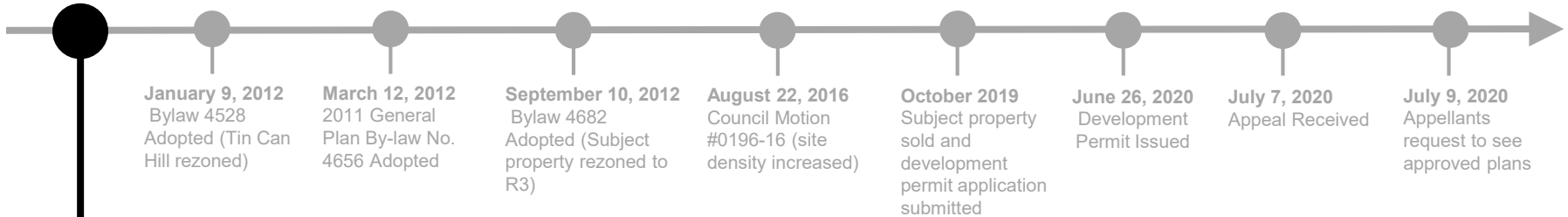
History of the
Site

2019-2020

History of the Proposed
Development

TIMELINE

2010-2016
History of the Site



July 26, 2010
 Council Motion #0198-10 (Natural Area Preservation Strategy adopted)

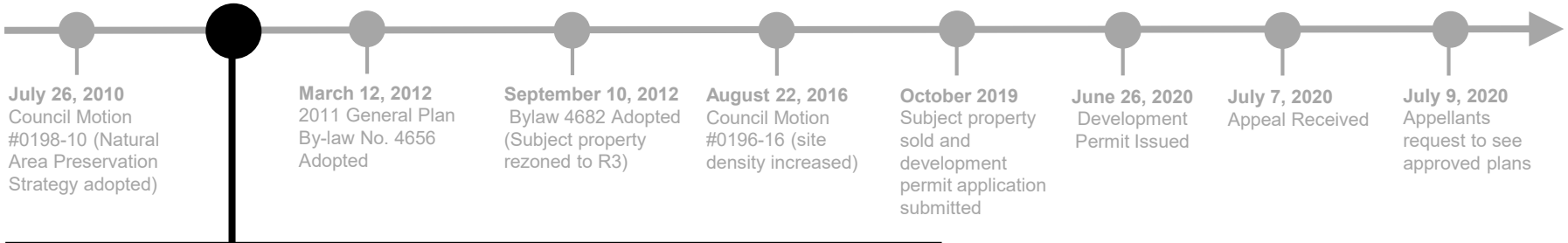


- The Natural Area Preservation Strategy identified and recommended that **Site #22 Tin Can Hill be considered for development** - (pg. 42, 2011 General Plan)

**At the time of the Natural Preservation Strategy, the subject property was not yet subdivided and the lands were zoned GM – Growth Management.

TIMELINE

{ 2010-2016
History of the Site }

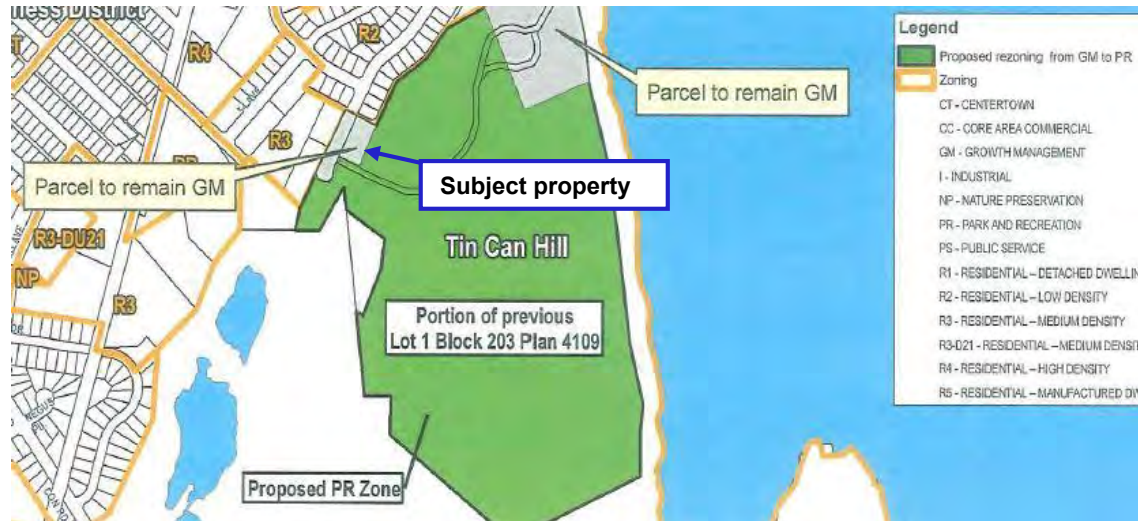


January 9, 2012
Council adopted By-law 4528 (To rezone Tin Can Hill)

The GM - Growth Management zone is an “interim” zone.”

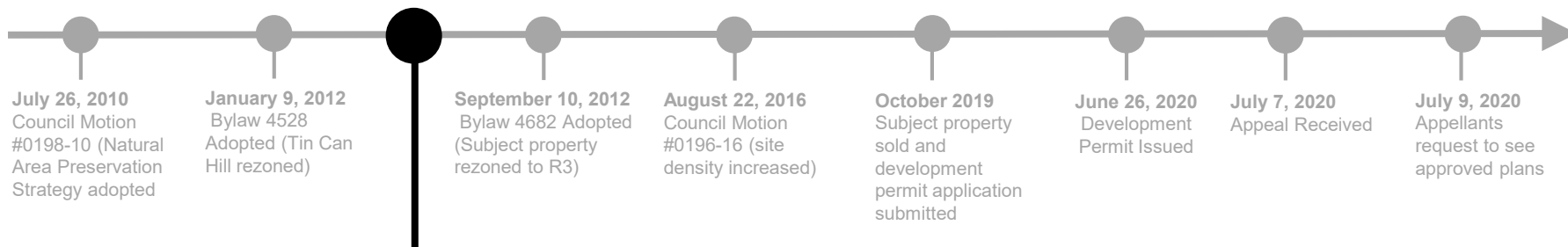
By-law 4538 intentionally zoned some areas for PR - Parks and Recreation, and left other areas as GM - Growth Management.

Subject property was intentionally left as GM – Growth Management.



TIMELINE

2010-2016
History of the Site



March 12, 2012
2011 General Plan By-law No. 4656, as amended, is adopted by Council.

The 2011 General Plan supports infilling at the end of School Draw Avenue for future growth.

1.2 General Plan Review Process

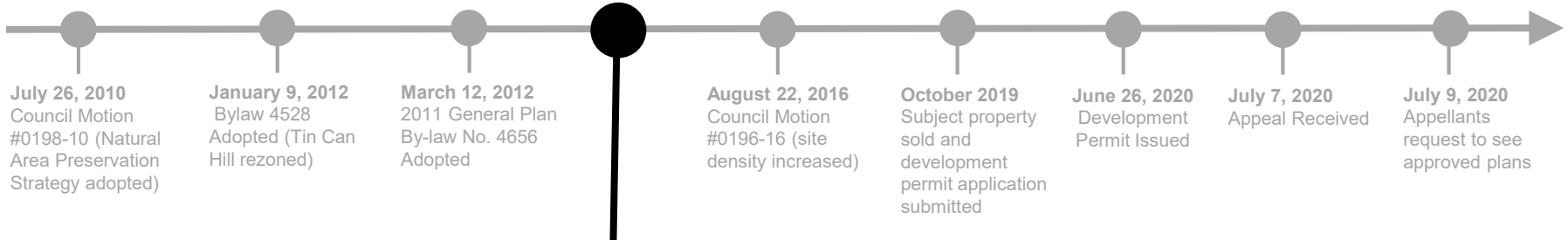
“ The 2011 General Plan review process drew upon the extensive public consultation carried out over a two year period (2008 to 2010) [...]. The consultation processes for these Plans together drew the participation of over 2,000 citizens in events and activities where ideas were shared, discussed, and then translated into policy directions and proposals. The consultation methods included questionnaire surveys, focus groups, open houses, the MetroQuest visioning tool, and a community design charrette. The General Plan draws upon the results of this extensive public consultation which created an integrated framework that can address the City’s growth and development challenges over the next several decades. ”

Table 1: Definition of Growth Scenario Development Areas A, B, & C

	Households	Jobs
A Intensification Target Areas	Downtown Old Airport Road Old Town	Downtown / City Centre Old Airport Road / Capital Area West Old Town
B Existing Development Areas	Niven Lake Range Lake North Range Lake South Taylor Road (Con Mine North) <u>Tin Can Hill (includes Con/Rycon + School Draw Extension)</u> Kam Lake (East & South)	Niven Lake Range Lake North Range Lake South Con Mine / Tin can Hill / Negus Point Airport Kam Lake Engle Business District
C Outlying Areas	Negus Point Highway 4 North Grace Lake Kam Lake East (south of Con Mine) East Shore (Dettah) City West End (West of Engle Business District)	Long Lake North / West Highway 4 North Grace Lake / Engle West Kam Lake East (south of Con Mine) East Shore (Dettah) Giant Mine

TIMELINE

{ 2010-2016
History of the Site }

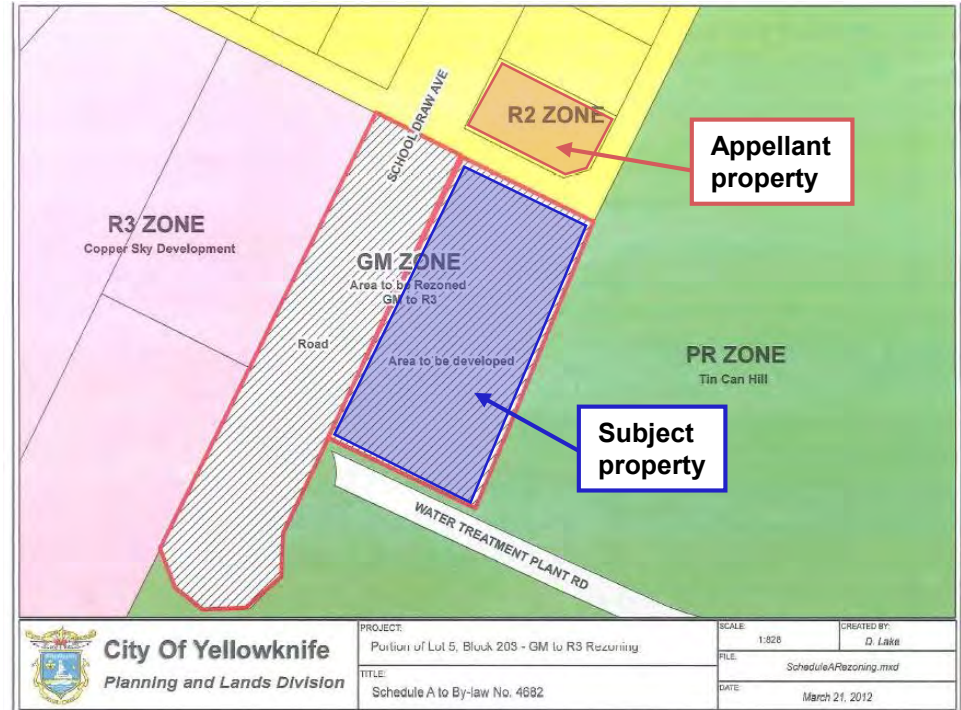


September 10, 2012
Bylaw 4682 Adopted (Subject Property Re-zoned to R3)

Council Motion #0285-12:

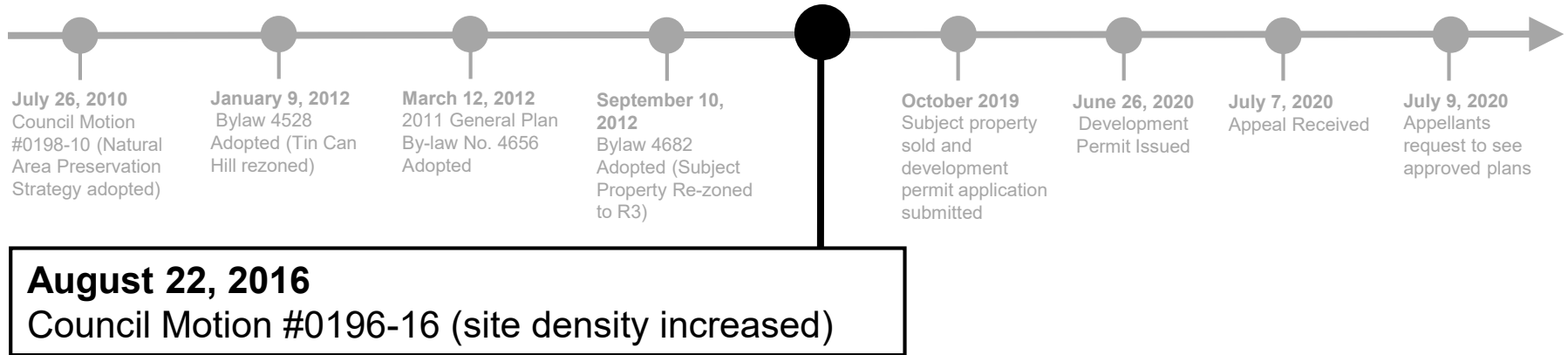
Third Reading of By-law No. 4682
(A by-law to rezone a portion of [Lot 9, Block 203, Plan 4460] from the current GM – Growth Management zone to the R3 – Residential Medium Density zone.

The subject property was intentionally not zoned PR – Parks and Recreation in January 2012. The same year, September 2012, the subject property was intentionally zoned R3 – Residential Medium Density.



TIMELINE

{ 2010-2016
History of the Site }



Council Motion #0196-16:

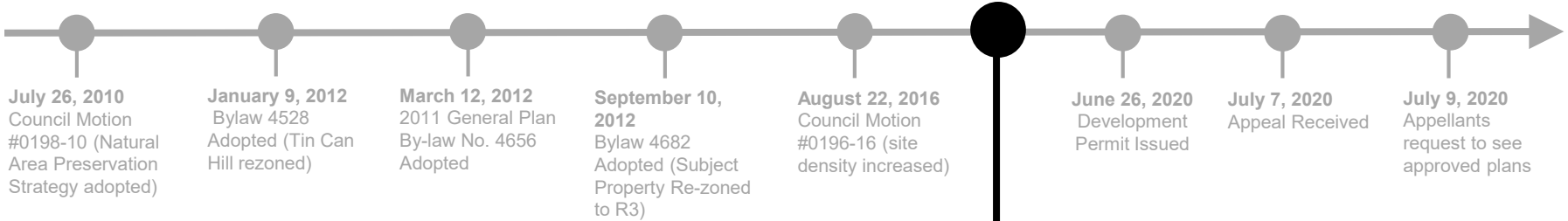
“That Council approve a 19.4% variance to site area per dwelling unit (site density) at Lot 9, Block 203, Plan 4460 located at the southern end of School Draw Avenue to allow for the development of a 26-unit multi-family dwelling subject to conditions as required by the Development Officer at the Development Permit stage.”

- The Zoning By-law permits 21 units to be developed on the lot. Council granted a variance to allow up to 26 units (5 additional units) in order to promote the sale of the lot.
- The property was on the market since the third quarter of 2012. A developer demonstrated interest in purchasing the lot in 2016. Ultimately the developer did not purchase the lot and no development permit application was ever made.
- Although Council granted the density variance in 2016, it took until 2019 for the land to be sold and for the variance to be associated with a development permit (due process is being followed).

The variance granted by Council was to facilitate the sale of the land, and not for a specific development or design.

TIMELINE

2019-2020
History of the Proposed Development

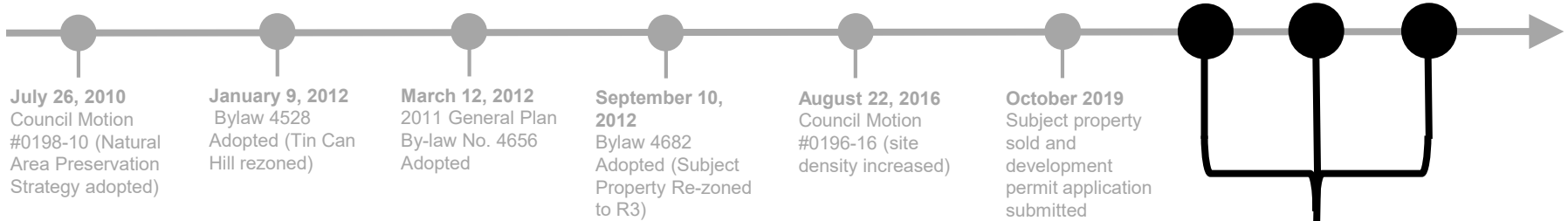


October 2019
The Developer purchased the subject property (now private property) and submitted a development permit application for 2 multi-family buildings.



TIMELINE

{ **2019-2020**
History of the Proposed Development }



June 26, 2020
Development Permit Issued

July 7, 2020
Appeal Received

July 9, 2020
Appellants request to see approved plans and reviewed the plans with the Development Officer.

RELEVANT LEGISLATION

2011 General Plan By-law No. 4656, as amended

Purpose:

- Set vision for future growth and development
- Provide policy direction

Zoning By-law No. 4404, as amended

Purpose:

- Regulate use and development of land and buildings
-

RELEVANT LEGISLATION

2011 GENERAL PLAN

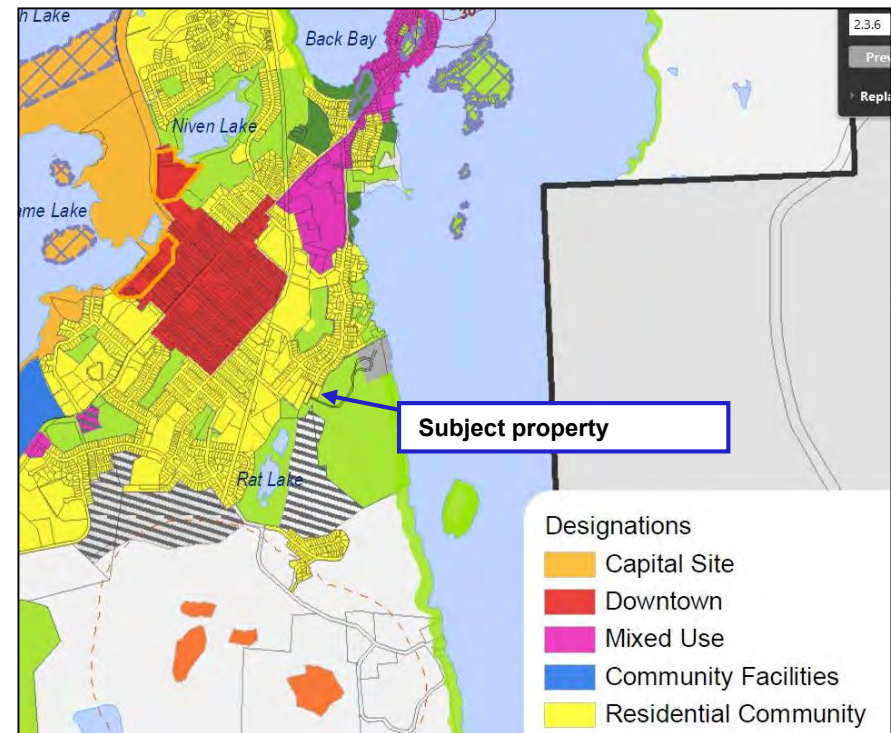
Land Use Designations set broad policies regarding the development of land, which are then implemented through the Zoning By-law.

The subject property has a Residential Community Land Use Designation.

3.4.2 Residential Community Designation Relevant Policies:

- *Lands designated Residential Community are shown on **Map 1** and will be used primarily for housing with a range of dwelling types and densities. [...]*
- *Lands designated Residential Community will be zoned Residential (R1 to R7) according to the proposed housing form [...]*
- *The evaluation of development applications will be in accordance with community design policies, pursuant to Section 4.1 [Intensification Compatibility which will be discussed later][...].*

(2011 General Plan pg. 36)



Portion of Map 1 from the 2011 General plan, demonstrating the Land Use Designations

RELEVANT LEGISLATION

2011 GENERAL PLAN

The 2011 General Plan supports infilling at the Subject Property for future growth.

Table 1: Definition of Growth Scenario Development Areas A, B, & C

	Households	Jobs
A Intensification Target Areas	Downtown Old Airport Road Old Town	Downtown / City Centre Old Airport Road / Capital Area West Old Town
B Existing Development Areas	Niven Lake Range Lake North Range Lake South Taylor Road (Con Mine North) Tin Can Hill (includes Con/Rycon + School Draw Extension) Kam Lake (East & South)	Niven Lake Range Lake North Range Lake South Con Mine / Tin can Hill / Negus Point Airport Kam Lake Engle Business District
C Outlying Areas	Negus Point Highway 4 North Grace Lake Kam Lake East (south of Con Mine) East Shore (Dettah) City West End (West of Engle Business District)	Long Lake North / West Highway 4 North Grace Lake / Engle West Kam Lake East (south of Con Mine) East Shore (Dettah) Giant Mine

“Area B identifies lands where infilling and extensions to existing developed areas are possible. For example, lands include Phase 8 of Niven Lake, lands south of Taylor Road, Tin Can Hill, future phases of Engle Business District, and extensions to Kam Lake.[...] Table 1 provides a complete list of development areas defined for each Area.”

- 2011 General Plan (pgs. 5-7)

Table 1 of the 2011 General Plan

RELEVANT LEGISLATION

2011 GENERAL PLAN

Other sections of the 2011 General Plan were analyzed and assessed to determine whether the proposed development was compatible in the neighbourhood:

- 2.2.2 Compact Growth Scenario
- 4.1 Intensification Compatibility (will be elaborated on later)
- 5.1 Active Transportation
- 6.2 Water and Sewer Services

Further detail can be found in the Technical Review Document.

RELEVANT LEGISLATION

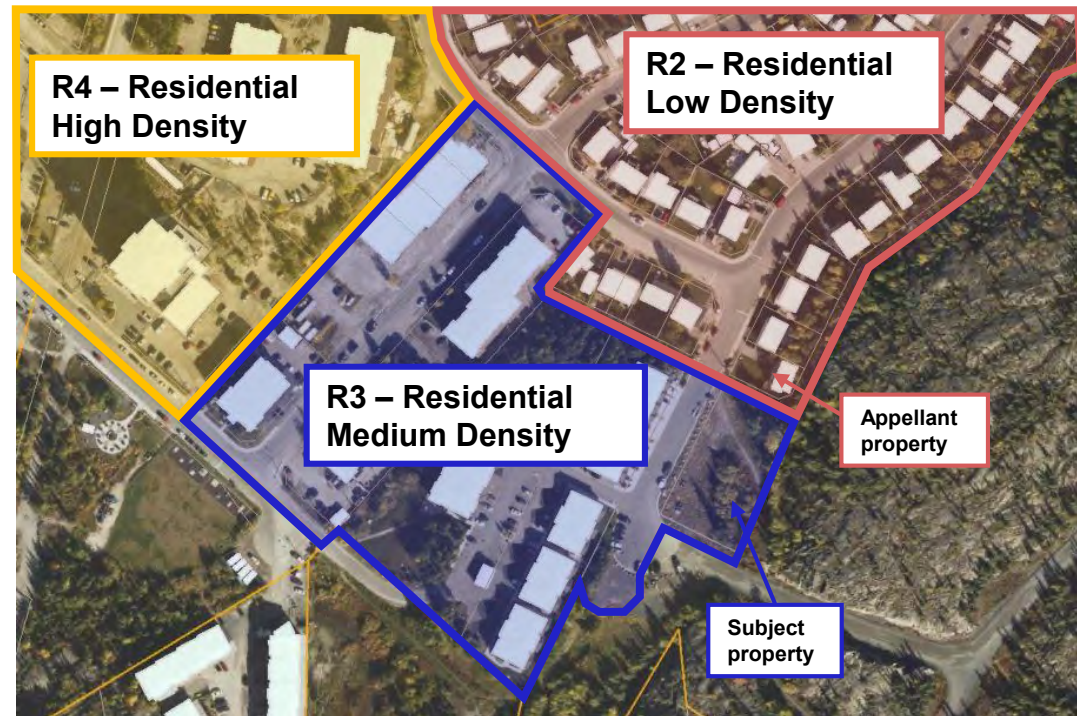
ZONING BY-LAW NO. 4404

The subject property is zoned R3 – Residential – Medium Density. The proposed development is a multi-family development.

Section 10.9 (2)(a) describes the Permitted Uses in the R3 zone:

- Accessory Decks,
- Single detached dwelling,
- Duplex dwelling,
- **Multi-family dwelling** - subject to Section 7.3,
- Multi-attached dwelling - subject to Section 7.3,
- Parks and recreation,
- Planned development subject to Section 7.1(9),
- Public utility uses and structures,
- Home based business,
- Accessory structures and uses,
- Temporary activity subject to Section 7.1(6),
- Child care facility.

Multi-family development is a Permitted Use in the R3 Zone.



RELEVANT LEGISLATION

ZONING BY-LAW NO. 4404

Section 10.9 R3 – Residential Medium Density

Regulation	Requirement in Zoning By-law	Proposed
Building Height	Maximum of 15m	Met (12.46m per building)
Setbacks	Minimum 3m side yard setback	Met (3m)
	Minimum 6m front yard setback	Met (6m)
	Minimum 6m rear yard setback	Variance of 50% requested
Density	125 sq m / dwelling unit (21 units)	109.13 sq m / dwelling unit (24 units proposed) Council approved density increase in 2016. *Council Motion #0196-16 (August 2016) : "That Council approve a 19.4% variance to site area per dwelling unit (site density) at Lot 9, Block 203, Plan 4460 located at the southern end of School Draw Avenue to allow for the development of a 26-unit multi-family dwelling subject to conditions as required by the Development Officer at the Development Permit stage."
Site Coverage	Maximum of 40%	Met (39.66%)
Parking	Vehicular Parking: 24 spaces (2 accessible)	Met (24 spaces, including 2 accessible)
	Bike parking: 12 spaces	Met (12 spaces)
Landscaping	Minimum 25 trees and 50 shrubs	Exceeded: 27 trees, 56 shrubs, and 80 perennials

RELEVANT LEGISLATION

ZONING BY-LAW NO. 4404

The proposed development is also subject to the following:

- Part 7 – Development Standards
- Section 7.1 Rules Applicable to All Zones
- Section 7.2 Rules Applicable to All Residential Zones
- Section 7.3 Rules Applicable to All Multi-Attached or Multi-Family Dwellings

The Development Officer's Development Permit Technical Review outlines each of these sections in detail.

All relevant provisions within the Zoning By-law have been adhered to or exceeded, with the exception of two variances:

- 1) Decrease to minimum rear yard setback granted by the Development Officer on June 26, 2020
 - 2) Increase to site density granted by Council on August 22, 2016 to facilitate the sale of the lot (Council Motion #0196-16)
-

RELEVANT LEGISLATION

ZONING BY-LAW NO. 4404

3.5 Variance Authority

(4) A variance may only be granted if, in the opinion of the Development Officer or Council:

(a) The proposed variance would not result in a development that will:

i) **unduly interfere** with the amenities of the neighbourhood; or

ii) **materially interfere with** or affect the use, enjoyment or value of neighboring parcels of land.

(b) The subject site **has irregular lot lines** or is a size and shape that presents challenges to development.

(c) The subject site has physical limitations relating to terrain, topography or grade that may create difficulties in meeting the zoning regulations as prescribed in this by-law.

(d) The subject site has natural features such as rock outcrops or vegetation that may create difficulties in meeting the zoning regulations as prescribed in this by-law.

(e) An error has occurred in the siting of a structure during construction.

(f) The proposed development **conforms to the uses** prescribed in this by-law.

(5) In considering a variance, the Development Officer and Council shall:

(b) Have regard to the purpose and intent of the zone and the nature of developments on adjoining properties.

(6) All variances shall be approved through a development permit and the Development Officer shall specify the nature of the variance in the development permit approval.

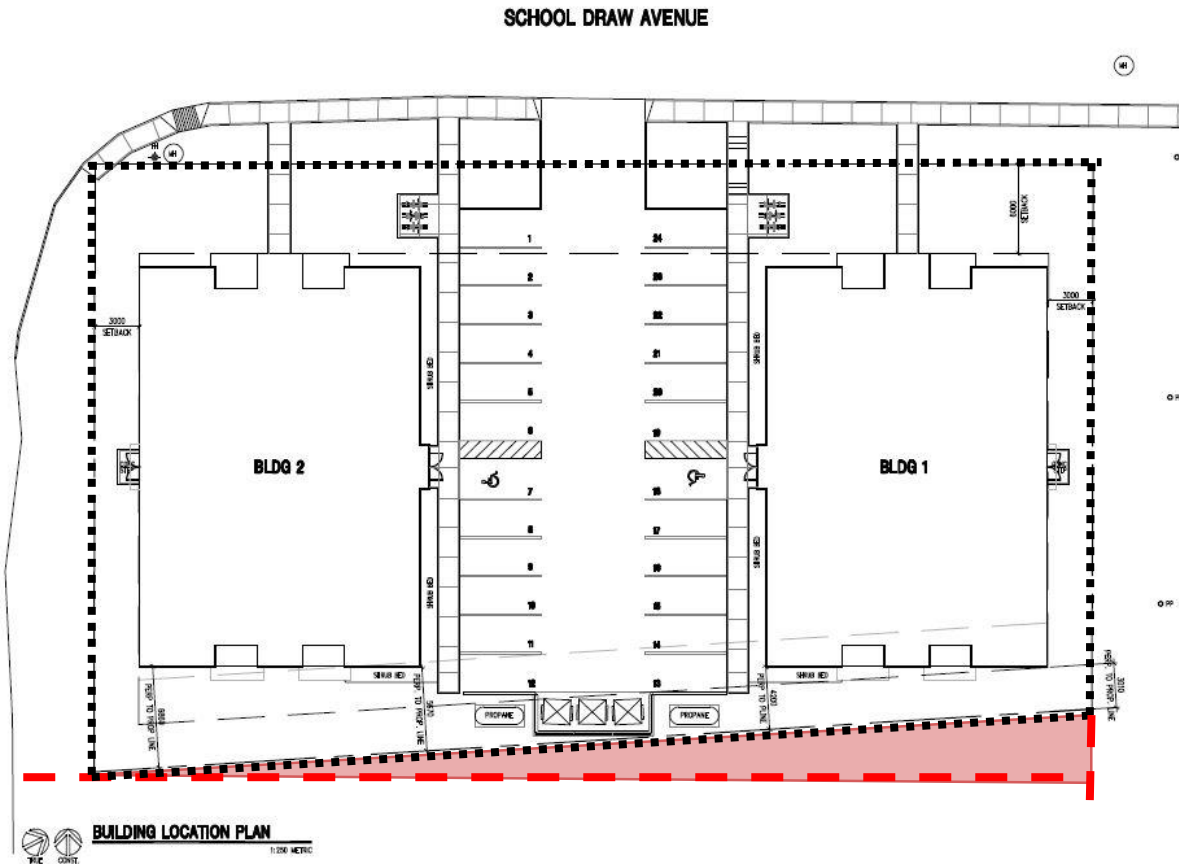
Variance section applies **only to the variances** granted by the Development Officer and Council

- 1) Minimum rear yard setback
 - 2) Site density
-

RELEVANT LEGISLATION

ZONING BY-LAW NO. 4404

Variance to Minimum Rear Yard Setback



RELEVANT LEGISLATION

ZONING BY-LAW NO. 4404

Variance to Site Density

- (a) The proposed variance would not result in a development that will:
- i) unduly interfere with the amenities of the neighbourhood; or

The presence of 3 additional dwelling units will not unduly (i.e. excessively) interfere with the amenities of the neighbourhood. Density is not tied to building form: the proposed development could have the same building form and be 3 less units (by removing building walls), and exceed minimum parking requirements.

- ii) materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.

- Use: The multi-family use is a residential use and appropriate for the residential R3 zone.
- Enjoyment: The side yard setbacks and the 6m City-owned utility corridor buffer provide over 12m of buffer for enjoyment.
- Value: “There is no empirical evidence to suggest that value of neighbouring parcels will be negatively impacted by denser development. Market and property value does not get affected by denser development, because land for single detached dwelling units is at a premium” (information provided by Darcy Beck, Municipal Assessor).

- (f) The proposed development conforms to the uses prescribed in this by-law.

The subject property is zoned R3. The proposed development is multi-family development. Multi-family development is a **permitted** use in the R3 zone. The use conforms.

The variance granted by Council was not for a specific development or design, but to facilitate the sale of the lot. Although Council granted the density variance in 2016, it took until 2019 for the land to be sold and for the variance to be associated with a development permit. Neighbours within a 30m buffer were notified of Council’s decision when the permit was issued (due process followed).

APPELLANT CONCERNS

A. Main Objections to the Development

1. Blocked sunlight
2. Overlooking/loss of privacy
3. Adequacy of parking
4. Traffic generation/road access
5. Noise and disturbance from resulting use
6. Loss of trees
7. Building does not fit with surrounding
8. Loss of property value
9. Chimney smoke

B. Contradiction of the General Plan's Intensification Compatibility points from the General Plan

C. Concerns regarding the density variance that Council granted in 2016

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

BLOCKED SUNLIGHT

Zoning By-law Section 3.3(h) states that a Development Officer **may** require:

“A report showing the effect of wind and sun shadow produced by the proposed development”

Considerations to conduct a sun shadow study include:

- Requiring a height variance
- Requiring a side yard setback variance (encroaching next to neighbour)
- Exceeding 4 storeys in the Downtown Zone

No sun shadow study was required because:

- Development is under the maximum height allowance for the R3 zone (height maximum is 15m, the building height is 12.46m)
 - The building does not encroach into the minimum side yard setback and is not encroaching next to the neighbor
 - 6m utility corridor buffer between the two properties
-

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

LOSS OF PRIVACY



APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

ADEQUACY OF PARKING

As per Part 9 of the Zoning By-law:

USE	VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT
Multi-family and multi-attached	One space per unit	6 space element at entrance to building or within a common parking area and one additional space for every 15 units.

- 24 parking stalls required, 24 parking stalls proposed
- 12 bicycle parking spaces required, 12 bicycle parking spaces provided

The Development meets the parking requirements from the Zoning By-law. The Zoning By-law **does not require** developers to provide guest parking in addition to the minimum requirement. Developers are not responsible for individuals choosing to park on public property (along the side of School Draw Avenue)

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

TRAFFIC GENERATION AND ROAD ACCESS

1. No Traffic Impact Study was required in 2016 when Council increased density to 26 units
 2. The proposed development is 24 units (3 units more than the Zoning By-law requirement)
 3. During the Development Permit review process, the drawings were referred to the Department of Public Works and Engineering to see if a Traffic Impact Study would be required; it was not.
-

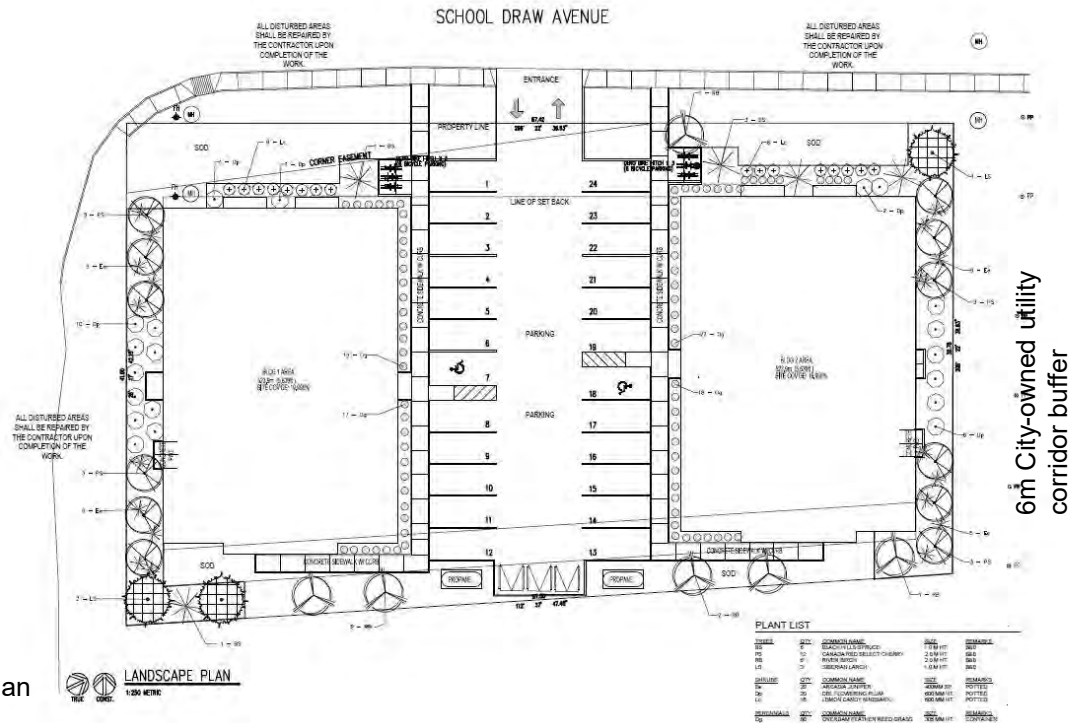
NOISE AND DISTURBANCE FROM RESULTING USE

1. The proposed development is two multi-family buildings. The subject lands are zoned R3. Multi-family buildings are a permitted use in the R3 zone.
 2. Denser development has been permitted on this lot since the lands were re-zoned from GM to R3 in 2012.
 3. **The Zoning By-law does not regulate the noise levels of individuals living in their homes.**
-

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

LOSS OF TREES

1. The subject lands are private property and were sold in October 2019. A landowner has the ability to landscape their lot provided that the development conforms to the Zoning By-law.
2. The proposed landscaping is compliant with, and exceeds the minimum landscaping requirements of the Zoning By-law.
3. Trees will be added to the subject property.

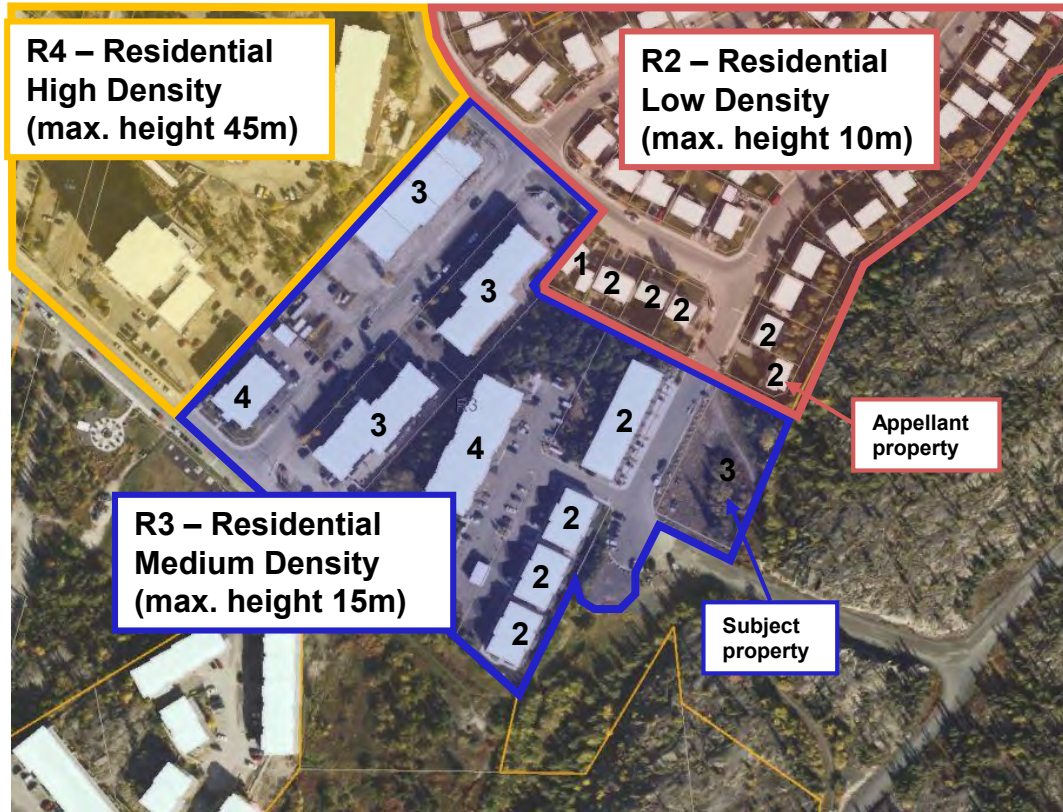


Approved Landscaping Plan

Appellant Property

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT

BUILDING DOES NOT FIT WITH SURROUNDINGS



Proposed Development is 3 storeys (height = 12.46m)

APPELLANT CONCERNS – A) MAIN OBJECTIONS TO THE DEVELOPMENT
LOSS OF PROPERTY VALUE

“There is no empirical evidence to suggest that land will sell for less due to the proximity to multi residential development. Land is at such a premium within the City of Yellowknife that historically we do not see this type of occurrence within the market place.”

- Darcy Beck, Municipal Assessor

CHIMNEY SMOKE

The Zoning By-law does not regulate the chimney smoke from individual dwelling units.

2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY

“Intensification introduces new development into existing areas and requires a sensitive approach and consideration of the area’s established characteristics [...].

Compatible development means development that, although it is not necessarily the same as, or similar to, existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties.”

- Section 4.1 of the 2011 General Plan

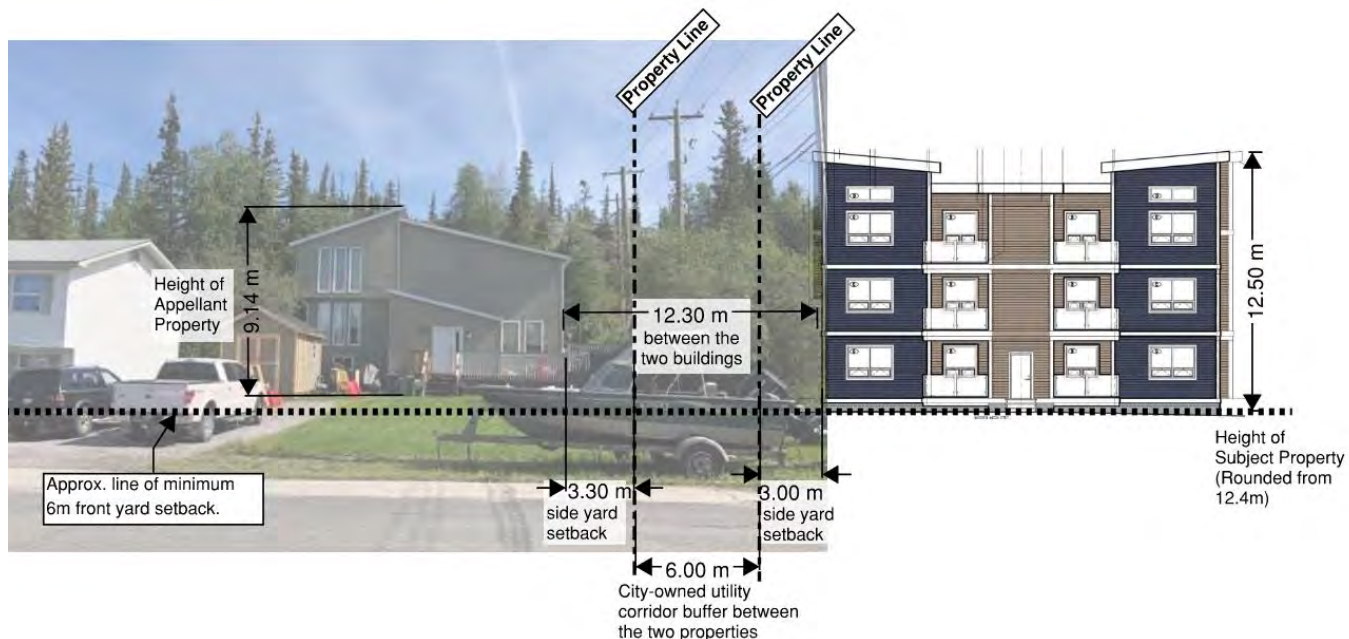
Policies of concern:

- Building height and massing
 - Pattern of surrounding community
 - Traffic
 - Vehicular access
 - Parking
 - Loading and servicing areas
 - Shadowing
 - Wind
-

B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:**BUILDING HEIGHT AND MASSING**

“New buildings should have regard to the height and massing of adjacent buildings. Where a variation in height or massing is proposed, a transition in building height and form may be desirable.”

1. The proposed development are two three-storey buildings (height = 12.46m). The R3 zone allows a maximum height of 15m. The surrounding neighbourhood is a mix of two, three, and four storey buildings.
2. The adjacent property is a two storey building, and has a height of approximately 9.14m (30ft).
3. The minimum yard setbacks prescribed by the Zoning By-law are to function as buffers. The minimum side yard setback functions as buffers between properties. The Development is compliant with the minimum side yard setback requirements of the Zoning Bylaw.
4. A 6m (~20ft) right-of-way exists between the two properties, and there is over 12m of buffer between the buildings (40ft)



B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:

PATTERN OF SURROUNDING COMMUNITY

“Proposed development should consider the character of the surrounding buildings, including scale, rhythm, and architectural design.”



B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:**TRAFFIC**

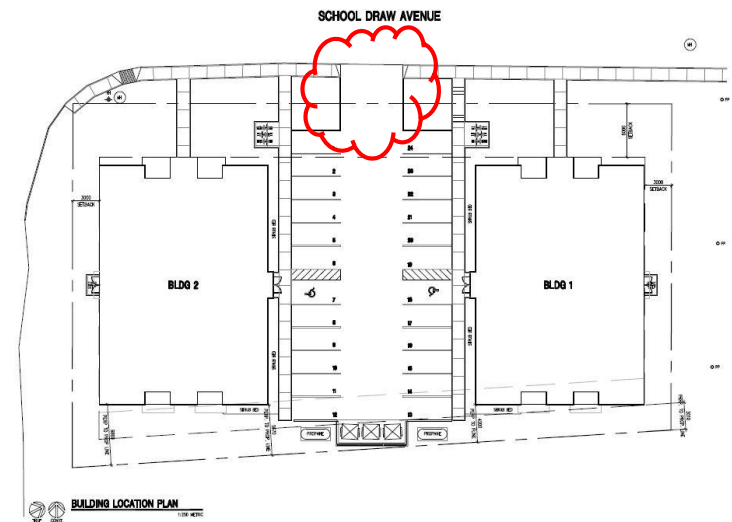
“Roads should adequately serve the development, with sufficient capacity to accommodate the anticipated traffic generated.”

- Collector road, meant for higher volume of traffic, higher density development appropriate because road width is appropriate width
- No Traffic Impact Study was required.

VEHICULAR ACCESS

“The location and orientation of vehicular access should consider potential conflicts with pedestrian activity and take into account impacts on adjacent properties including noise, glare, and loss of privacy”

- The vehicular access point (driveway) is between the two multi-family buildings and will not impact the appellant’s property.



B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:

PARKING

“Adequate on-site parking should be provided, with minimal impact on adjacent uses”

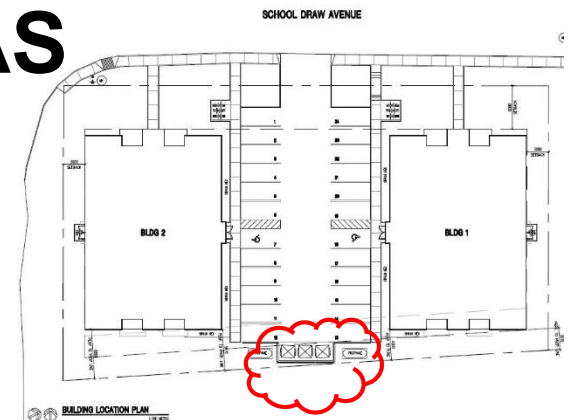
Zoning By-law Section 9.3 – Off-Street Parking Requirements

USE	VEHICLE PARKING REQUIREMENT	BICYCLE PARKING REQUIREMENT
Multi-family and multi-attached	One space per unit	6 space element at entrance to building or within a common parking area and one additional space for every 15 units.

- 24 parking stalls required, 24 parking stalls proposed
- 12 bicycle parking spaces required, 12 bicycle parking spaces provided

LOADING AND SERVICE AREAS

“The operational and visual appearance of loading and service areas, including garbage and outdoor storage areas, should be designed to mitigate adverse effects on adjacent properties”



B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:

SHADOWING

“Developments should be designed to minimize shadowing on surrounding streets, and private/public amenity spaces.”

Considerations to conduct a sun shadow study include :

- Requiring a height variance
- Requiring a side yard setback variance (encroaching next to neighbour)
- Exceeding 4 storeys in the Downtown Zone

No Sun shadow study was required because:

- Development is under the maximum height allowance for the R3 zone (height maximum is 15m, the building height is 12.46m)
 - The building does not encroach into the minimum side yard setback and is not encroaching next to the neighbor
 - 6m right-of-way buffer between the two properties
-

B) CONCERNS WITH 2011 GENERAL PLAN INTENSIFICATION COMPATIBILITY:

WIND

“Developments should be designed to minimize adverse effects related to wind on surrounding streets, and private/public amenity spaces.”

Adverse wind effects are typically tied to dense city areas, such as downtowns, where buildings are higher than 4-6 storeys. Zoning Bylaw requirement for when a wind study is required:

Section 10.15(5)(f): “For those buildings which exceed 4 stories in height above grade, and exceed 1,500 square metres of floor area, the Development Officer shall require as part of a development permit, a preliminary wind impact statement, or a detailed wind impact study, or both. Such information shall be prepared by a recognized wind consultant and shall indicate how the massing of a proposed development has been arranged to minimize wind speed impacts at the pedestrian level.”

The proposed development has a height of 3 storeys. Adverse wind effects are not anticipated.

C) CONCERNS REGARDING DENSITY VARIANCE GRANTED BY COUNCIL IN 2016

- The Zoning By-law allows 21 units. Council approved a density increase to 26 units. The development is 24 units

(a) The proposed variance would not result in a development that will:

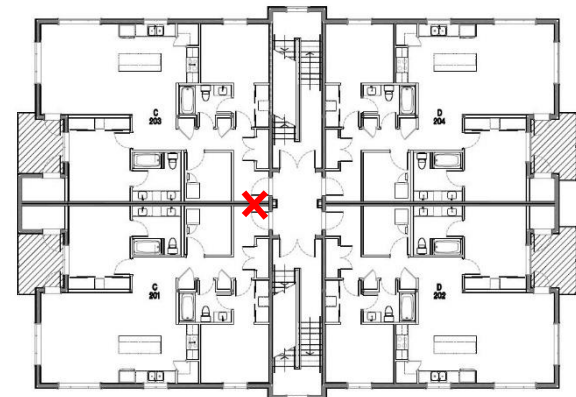
ii) **materially interfere with** or affect the use, enjoyment or value of neighboring parcels of land.

- Use: The multi-family use is a residential use and appropriate for the residential R3 zone.

- Enjoyment: The purpose of side yard minimums between buildings is to provide a buffer. The side yard setbacks and the 6m City-owned utility corridor buffer provide over 12m of buffer for enjoyment.

- Value: "There is no empirical evidence to suggest that value of neighbouring parcels will be negatively impacted by denser development. Market and property value does not get affected by denser development, because land for single detached dwelling units is at a premium" (information provided by Darcy Beck, Municipal Assessor).

Density is not tied to a single building form; it can look differently.



QUESTIONS

Attachment A:

Technical Review Document

Residential Zones (R1 – R7)

Development Permit Technical Review Report

Planning and Development Department, City of Yellowknife

Permit # PL-2019-0379



Required Sign-Offs for all Development Permits:

Title	Technical Review Criteria	Date	Signature
Development Officer	All development permits requiring a review of site regulations (*not Checklists*)		
Peer Review (Planner)	All residential uses, discretions, and variances		
Manager, Planning & Lands	All residential uses, discretions, and variances		
Director, Planning & Development	Multi-unit (> 4 units) dwellings, discretions, variances, and conditionally permitted uses		
Director or Manager, Public Works	Grading, site servicing, traffic, vehicular access, and new driveways		

The Development Officer used Cityview to complete the assessment for the development permit. All required sign-offs listed above were completed. Below is a screen-shot of the sign-offs on Cityview:

Select Applicable Reviews	Sarah Bercu	Routine	10/23/2019	Complete	06/26/2020
Zoning Review	Sarah Bercu	Routine	10/29/2019	Complete	12/03/2019
Site Regulations	Sarah Bercu	Routine	10/29/2019	Complete	02/26/2020
Development Agreement and P	Sarah Bercu	Routine	10/29/2019	Complete	06/26/2020
Public Works and Engineering	Wendy Alexander	Routine	10/29/2019	Complete	01/29/2020
Variance	Sarah Bercu	Routine	11/14/2019	Complete	02/25/2020
Verify All Reviews Completed	Sarah Bercu	Routine	02/26/2020	Complete	06/26/2020
Peer Review	Libby Macphail	Routine	03/04/2020	Complete	06/25/2020
Departmental Reviews	Greg Littlefair	Routine	03/04/2020	Complete	06/26/2020
Building Inspections	Greg Littlefair	Routine	03/25/2020	Complete	03/18/2020
Departmental Reviews	Rob Lok	Routine	07/03/2020	Complete	06/25/2020

Development Permit Application Recommendation:

Decision	Further explanation including reasons and conditions to be met
Refuse	
Approve with conditions	<ol style="list-style-type: none"> The minimum rear yard setback has been reduced from 6m to 3m (50% Variance) Council Motion #0285-12 received Third Hearing of By-law no. 4682 to rezone the lands from GM Growth Management to R3 Residential Medium Density (MOTION CARRIED).

Residential Zones (R1 – R7)

Development Permit Technical Review Report

Planning and Development Department, City of Yellowknife



Permit # PL-2019-0379

	<p>3. Council Motion #0196-16 approved an increase in site density to 26 units for Lot 9 Block 203 (MOTION CARRIED). The proposed development is a total of 24 units.</p> <p>4. Landscaping shall be completed by September 30th, 2023 and maintained for the life of the development, as indicated in the stamped approved plans and Development Agreement.</p> <p>5. Plants used for landscaping shall be of capable healthy growth in Yellowknife, grown from northern stock, with certification that the plants are grown north of 54 degrees latitude.</p> <p>6. On-site and Off-site Improvements shall be completed as indicated in the stamped approved plans and Development Agreement.</p> <p>7. A surveyor's Real Property Report shall be submitted to the City prior to occupancy. The Real Property Report must indicate i) all permanent features on site and ii) finished grades at all corners of the lot and buildings and periodic grades every 20m;</p> <p>8. The property owner is responsible for freeze protection of water lines during construction;</p> <p>9. Outdoor lighting on the proposed development shall be sufficient only to provide for safety, security, display or attraction for any development shall be arranged so that no direct rays of light are projected to adjacent properties or interfere with the effectiveness of any traffic control device;</p> <p>10. The owner shall delineate all parking spaces on the property.</p> <p>11. The owner shall delineate and identify with visual indicators a minimum of 2 accessible parking spaces on the property.</p> <p>12. A Water Connect Permit will be required for the water and sewer services to each building. Permit application must include Plan and Profile drawings for the servicing that are signed and stamped by an Engineer registered with NAPEG. For information on the permit contact construction@yellowknife.ca.</p> <p>13. The Development shall comply with all stamped approved plans and with the executed Development Agreement.</p>
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Applicant Information:

Permit Number	PL-2019-0379					
Application Date	October 11, 2019					
Legal Description	Lot:	9	Block:	203	Plan:	4460
Zoning	R3 – Residential – Medium Density					
Civic Address	4835 & 4841 School Draw Avenue (across from Copper Sky Condos)					
Applicant Name	Milan Mrdjenovich					
Property Owner	507391 N.W.T. LTD.					

Residential Zones (R1 – R7)

Development Permit Technical Review Report

Planning and Development Department, City of Yellowknife

Permit # PL-2019-0379



Development Permit Application Technical Review (Regulated by Zoning By-law No. 4404)

1) Application Compliance:

Application Requirements	Submitted? (Please check ✓)		
	Yes	No	Waived or N/A
Use of prescribed form	✓		
Fee Paid	✓		
Three copies of all required information			✓
Proof of plan circulation (for conditionally permitted uses)			✓ (N/A)
Site Planning			
All dimensions in metric	✓		
Location and dimensions of all existing structures or use	✓		
Location and dimensions of proposed structure or use	✓		
Setbacks (front, side, rear)	✓		
Lot lines	✓		
Street Names	✓		
Landscaping	✓		
Existing and proposed driveways	✓		
Drainage showing gradient	✓		
Location of outdoor fuel storage facilities	✓		
Location of any easements affecting the site	✓		
Form, mass, and character of development	✓		
Building façade and materials	✓		
Floor plan (except detached dwellings)	✓		
Elevation drawings and exterior dimensions	✓		
Grading (existing, proposed, spot elevations)	✓		
Confirmation of Services			
Services can be provided to proposed development	✓		
Proposed development does not infringe on easements	✓		
Satisfactory arrangement for supply of municipal services	✓		
Satisfactory arrangement for street access	✓		

Residential Zones (R1 – R7)

Development Permit Technical Review Report

Planning and Development Department, City of Yellowknife

Permit # PL-2019-0379



2) Zoning Review

Using the requirements for the zone of the proposed development, describe the existing and proposed development. Include any additional information as required.

Existing Development	Vacant lot
Proposed Development	2 multi-family residential buildings, 12 units in each building (24 units total).
Permitted/Conditionally Permitted/Not Permitted?	<u>Permitted</u>
Surrounding Neighbourhood	Mix of R4 (high density), R3 (medium density), and R2 (low density) development, neighbouring Tin Can Hill trail access.
Proposed addresses comply with the Municipal Address By-law? (check with the Geomatics Officer)	Yes.
Additional Information	By-law 4683 adopted to re-zone the lands from GM (Growth Management) to R3 Residential Medium density. (Council Motion #0285-12).

For all Conditionally Permitted Uses, proof of plan circulation to affected neighbours must be included with the Development Permit Application. **N/A in this case, use is Permitted.**

3) Site Regulations:

Regulations	Required	Proposed	% variance from required
Lot width	Subject to Development Officer approval	>60m	N/A
Lot depth	25m	>30m	N/A
Site area per dwelling unit (density)	125m ² per dwelling unit (21 units permitted) (2619 total site area m ² / 125m ² = 20.9 = 21 units)	109.13m ² per dwelling unit (24 units)	12.7% Note: Council Motion #0196-16 approved a 19.4% variance to site area per dwelling unit (up to 26 units)
Site coverage of	Maximum 40%	39.66%	N/A

Residential Zones (R1 – R7)

Development Permit Technical Review Report

Planning and Development Department, City of Yellowknife



Permit # PL-2019-0379

principle/accessory building			
Floor area	N/A	N/A	N/A
Building height	Maximum 15m	12.46m	N/A
Front yard setback	6m	6m	N/A
Side yard setback	3m	3m	N/A
Rear yard setback	6m	3m	50%
Off-street parking	Vehicular: 24 parking spaces Bicycle: 12 parking spaces	Vehicular: 24 parking spaces Bicycle: 12 parking spaces	N/A

4) Landscaping:

Formula for Calculation	Result
Zone landscaping requirement	100% of residual area
Residual area* = Total site area – Developed site area	623m ²
Required trees = Residual area / 25 m ²	623/25 = 24.92 = 25 trees
Additional calculations:	50 shrubs required.

Landscaping	Required	Proposed		
Landscaped area (m ²)	623m ²	623m ²		
Number of trees	25	27		
Shrubbery	50	56		
General Landscaping Requirements	Yes	No	N/A	
Development Officer is satisfied that the quality and extent of landscaping will be maintained on the site for the life of the development	✓ (condition of permit)			
Adequate means for maintaining the landscaping is provided	✓			
Confirmation that plant material is capable of healthy growth in Yellowknife	✓ (condition of permit)			

Residential Zones (R1 – R7)

Development Permit Technical Review Report

Planning and Development Department, City of Yellowknife

Permit # PL-2019-0379



5) Vehicular Access and On-Site Traffic:

Requirements	Yes	No	N/A
Grade of parking area or driveway is not greater than 8%	✓		
At street intersections, driveways are set back from lot boundaries to ensure safety and efficiency of existing or planned traffic volumes	✓		
Driveways are separated by necessary distance to ensure safety and efficiency of existing or planned traffic volumes			✓ (only one vehicular access point)
Queuing of vehicles does not impact public roadways and will be designed to enhance on-site vehicular circulation and parking.			✓
Driveways and on-site parking have positive surface drainage to the roadway	✓		

6) Variance(s):

Variance	Yes	No	Explanation
Greater than 10%?	✓		For both variances
Greater than 25%?	✓		Only for rear yard setback variance
Notification (Y/N)	Date	Distance	Explanation
Yes	June 26, 2020	30m	Two variances granted: 1. Development Officer reduced the minimum required rear yard setback from 6m to 3m (50% variance) 2. Council increased the density on-site from 21 units to 26 units (19.4% variance) on August 22, 2016 – Council Motion #0196-16. The proposed development is 24 units.
Type of Variance	Yes	No	Explanation

Residential Zones (R1 – R7)

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Planning and Development Department, City of Yellowknife

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(a)(i) Amenities of Neighbourhood	✓		<ol style="list-style-type: none">1. Rear yard variance A rear yard setback provides a buffer between a property and the property behind it. Behind the subject property is City-owned property (Tin Can Hill). There is no development abutting the subject property from the rear, so the variance does not unduly (i.e. excessively) affect the amenities of the neighbourhood.2. Density variance The presence of 3 additional dwelling units will not unduly (i.e. excessively) interfere with the amenities of the neighbourhood. Density is not tied to building form: the proposed development could have the same building form and be 3 less units (by removing building walls), and exceed minimum parking requirements.
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Residential Zones (R1 – R7)

Development Permit Technical Review Report

Planning and Development Department, City of Yellowknife



Permit # PL-2019-0379

<p>(a)(ii) Use or Value of Neighbours</p>	<p>✓</p>		<ol style="list-style-type: none"> 1. Rear yard variance A rear yard setback provides a buffer between a property and the property behind it. Behind the subject property is City-owned property (Tin Can Hill). There is no development abutting the subject property from the rear, so the variance does not unduly (i.e. excessively) or materially affect the use or value of neighbouring parcels 2. Density variance There is no empirical evidence to suggest that value of neighbouring parcels will be negatively impacted by denser development. Market and property value does not get affected by denser development, because land for single detached dwelling units is at a premium (information provided by Darcy Beck, Municipal Assessor). <p>The use is also residential.</p> <p>The presence of 3 additional dwelling units will not unduly (i.e. excessively) interfere with the use or value of neighbouring parcels. Density is not tied to building form: the proposed development could have the same building form and be 3 less units (by removing building walls), and exceed minimum parking requirements.</p>
<p>(b) Irregular Lot Lines</p>	<p>✓</p>		<ol style="list-style-type: none"> 1. Rear yard variance . The subject site is of a shape that presents a challenge to develop due to the tapering inwards of the rear property line. Lot depth at the southern end of the lot is ~41m whereas lot depth at the northern end is ~36.8m (measured using the City's CityExplorer mapping tool).

Residential Zones (R1 – R7)

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(c) Physical Limitations		✓	N/A
(d) Natural		✓	N/A
(e) Error in Siting		✓	N/A
(f) Use Conforms	✓		The subject property is zoned R3. The proposed development is multi-family development. Multi-family development is a permitted use in the R3 zone. The use conforms.

7) Analysis:

Provide your analysis, using the City's regulatory documents, of the following issues (use additional pages if required). Include variances, alternatives to requirements, recommendations, justifications, and any other pertinent information.

Drainage and grading	Drainage and grading meet the Zoning by-law requirements. 2% drainage away from the buildings.
Landscaping	Landscaping exceeds the Zoning By-law's minimum requirements.
Parking and driveways	Parking minimums are met.
Architecture	Not a Zoning By-law requirement, but a comment on the building design: The first floor of both buildings is wheelchair-accessible, including the interior of the units.
Design standards	The subject property is not located within a Character Area as designated in Section 4.2 of the 2011 General Plan.
Site development	The proposed development will include completing the sidewalk, and therefore contributing the pedestrian/active transportation sidewalk network.
Variance(s)	Only Council has the ability to grant a density variance. The rationale behind granting the variance was to facilitate the sale of the lot , and Council's decision was not tied to a development permit or design. The Zoning By-law requires that variances be attached to a development permit (Section 3.5(6)). The subject property was eventually sold in October 2019, and the associated development permit application PL-2019-0379 was received by the City in October 2019.

Residential Zones (R1 – R7)

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Permit # PL-2019-0379

	<p>Due process was followed for Council’s 2016 density variance. Notice of the Development Officer’s decision to approve the development with conditions included notice of:</p> <ul style="list-style-type: none">- the rear yard setback variance- Council’s decision in 2016 to increase density <p>This notice of decision was advertised in the City’s weekly newsletter, was posted as a development permit on-site. Further, the notice of decision was sent to all owners and tenants within a 30m buffer of the subject property the day the permit was issued (June 26, 2020)</p>
<p>Other (explain):</p>	<p>2011 General Plan</p> <p>2.2.2 <u>Compact Growth Scenario</u></p> <p>The General Plan was guided by the Compact growth scenario as the preferred vision for community growth. The compact growth scenario implies an increased focus on infilling and intensification. The benefits of the compact growth scenario include:</p> <ul style="list-style-type: none">• Providing a wider variety of housing choices for residents;• Providing more affordable housing;• Protecting parks, trails and natural area networks;• Revitalizing the downtown core;• Promoting walkable and dynamic neighbourhoods and mixed residential/commercial developments;• Increasing opportunities for active transportation;• Promoting transit use and transit-oriented development nodes;• Reducing infrastructure deficit;• Increasing tax income for the City; and• Improving community sustainability. <p>The proposed development incorporates several benefits of the compact smart growth scenario including:</p> <ul style="list-style-type: none">• Providing a wider variety of housing choices for residents;• Promoting walkable and dynamic neighbourhoods and mixed residential/commercial developments;• Increasing opportunities for active transportation;• Reducing infrastructure deficit;• Increasing tax income for the City; and• Improving community sustainability. <p>2.3.6 <u>Land Use Designations and Overlays</u></p> <p>The General Plan is implemented through numerous Land Use Designations which dictate the type of land use that is permitted in each area of the City. Land Use designations set broad policies</p>

Residential Zones (R1 – R7)

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	<p>regarding the development of land, which are then implemented through the Zoning Bylaw.</p> <p><i>The subject property has a Residential Community Land Use Designation</i></p> <p><u>3.4.1 General Residential Policies</u></p> <ul style="list-style-type: none">- <u>Residential uses include all types of dwellings intended for human habitation</u> and may generally be attached to other uses such as commercial and institutional uses- <u>Residential uses will be permitted in the Residential Community, DT, OT, and Mixed-use Designations.</u> Residential uses will also be permitted in a more limited way on lands designated Kam Lake.- <u>Residential infilling and intensification is encouraged,</u> particularly in the DT, OT, and MU land use designations. Residential intensification development proposals must demonstrate consistency with the Community Design policies in Section 4. <p><u>3.4.2 Residential Community Designation</u></p> <ul style="list-style-type: none">o Lands designated Residential Community are shown on Map 1 and will <u>be used primarily for housing with a range of dwelling types and densities [...]</u>o Lands designated Residential Community will be zoned Residential (R1 to R7) according to the proposed housing form [...] <p>(Proposed development is zoned R3).</p> <ul style="list-style-type: none">o The evaluation of development applications will be in accordance with community design policies, pursuant to Section 4.1 (Intensification Compatibility) and Section 4.2 (Character Areas – not relevant to this site; it is not located in a defined Character Area). <p><u>4.1 Intensification Compatibility</u></p> <p>Intensification introduces new development into existing areas and requires a sensitive approach and consideration of the area's established characteristics [...]. Compatible development means development that, although it is not necessarily the same as, or similar to, existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties.</p> <p>Policies:</p> <ul style="list-style-type: none">o Building height and massing: new buildings should have regard to the height and massing of adjacent buildings.
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	<p>Where a variation in height or massing is proposed, a transition in building height and form may be desirable.</p> <p>The proposed development, while a higher density development, demonstrates appropriate height and massing. No height variance was required; the height of the proposed development is under the R3 Zone's 15m maximum height. The massing of two smaller buildings, instead of one long wall, is appropriate given that the property is adjacent to an R2 Residential Low Density zone.</p> <ul style="list-style-type: none">○ Pattern of surrounding community: proposed development should consider the character of the surrounding buildings, including scale, rhythm, and architectural design. <p>The surrounding community consists of buildings that are 2, 3, and 4 storeys tall. The massing of two smaller buildings, instead of one long wall, is appropriate given that the property is adjacent to an R2 Residential Low Density zone. This provides appropriate rhythm to the development.</p> <p style="text-align: center;"><u>5 Transportation & 5.1 Active Transportation</u></p> <p>The proposed development will extend the sidewalk, creating a safer experience for residents walking, cycling, and using other modes of transportation. The proximity of the subject property to the Downtown (approximately 10-15 minutes walk) may encourage residents to choose to use active transportation to enjoy the amenities of Downtown instead of driving.</p> <p style="text-align: center;"><u>6.2 Water and Sewer Services</u></p> <p>The Smart Growth Development Plan concept of compact growth will help lessen the tax burden on residents by focusing development in areas where piped services are already available and by ensuring full cost recovery of services extended to new development areas.</p> <p>The proposed development exists along existing water/sewer infrastructure. The compact growth will help lessen the tax burden on residents.</p> <p>Zoning By-law No. 4404</p> <p><u>Section 7.1 – Rules Applicable to All Zones</u></p> <p style="padding-left: 20px;"><i>3. Site Planning</i></p> <p>The proposed development is compliant with the regulations set out in Section 7.1(1).</p> <p style="padding-left: 20px;"><i>4. Landscaping Requirements</i></p> <p>The proposed development compliant with the minimum landscaping requirements. The landscaping section in the technical review document reflects the requirements of Section 7.1(2).</p>
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Permit # PL-2019-0379

(6) Vehicular Access and On-site Traffic

The proposed development is compliant with the regulations set out in Section 7.1(6), which are listed in the vehicular access & on-site traffic section of this Technical review document.

Section 7.2 – Rules Applicable to All Residential Zones

5. Principal Building and Uses

6. Within the R1, R2, R5 and R6 zones, there shall be one principal building and one principal use on a site, unless the development is approved as a planned development, or is approved by Council in accordance with Section 11.2(3)(e) (Heritage Overlay zone) and the Heritage By-law.

R3 Zone exclusion indicates that more than one principle building is permitted on the site, and does not need to be approved as a “Planned Development”

Section 7.3 – Rules Applicable to All Multi-Attached or Multi-Family Dwellings

7. Essential Components of Development

Any multi-attached and multi-family development shall provide:

- (a) access for emergency vehicles;
- (b) access to enclosed garbage storage;
- (c) fencing, if required by the Development Officer;
- (d) light between buildings;
- (e) pedestrian access to and from the public sidewalk serving the building; and
- (f) flood lighting and parking light standards sufficient to provide for safety and security and that have a minimal impact to adjacent residential development.

The proposed development is compliant with every provision listed above.

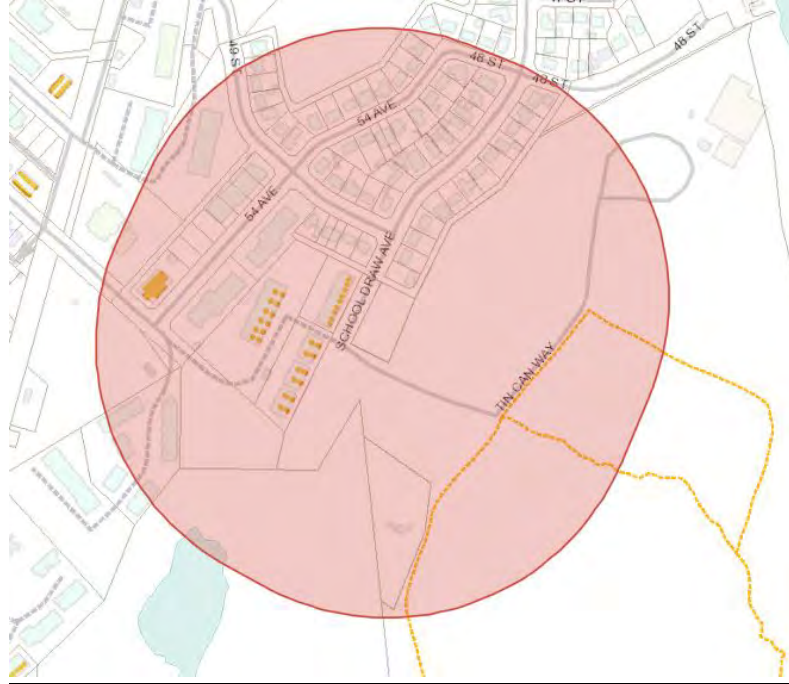
8. Provision of Recreation Space

For developments containing more than 20 dwelling units, an indoor or outdoor recreation space suitable for the intended occupants shall be provided to the satisfaction of the Development Officer. Outdoor areas shall provide suitable landscaping, fencing and surface treatment to the satisfaction of the Development Officer. Any recreation space provided is to be maintained for the life of the development. Outdoor parks and recreation areas in close proximity (i.e. within 250 metres) may be



considered as fulfillment of this requirement.

The proposed development is within 250m of an outdoor recreation area (Tin Can Hill trails and Olexin Park).



9. *Provision of Privacy and Building Separation Spaces*

In the case of a group of two or more residential buildings the relationship of the buildings to each other and to the total site, in particular with respect to appearance, lighting, air, privacy fencing and landscaping shall be to the satisfaction of the Development Officer notwithstanding the following minimum requirements:

10. privacy separation space 8.0m in depth;
11. ii) building separation space 3.0m in depth;
12. iii) these minimum separation spaces shall be applied along the full length and height of the exterior wall; and
13. in the case where buildings are not parallel or where diagonal views between opposing units become critical the separation requirements may be varied by the Development Officer.

This section of the Zoning By-law pertains to instances when 2 or more buildings are developed on the same site. The R3 zone permits more than one principle building on a site. The two multi-family buildings of the proposed development meet the minimum privacy and building separation

Residential Zones (R1 – R7)

Development Permit Technical Review Report

Planning and Development Department, City of Yellowknife



Permit # PL-2019-0379

	spaces. The buildings are over 10m apart from each other.
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Attachment B:

**Development Permit &
Approved Plans**

property.

12. A Water Connect Permit will be required for the water and sewer services to each building. Permit application must include Plan and Profile drawings for the servicing that are signed and stamped by an Engineer registered with NAPEG. For information on the permit contact construction@yellowknife.ca.
13. The Development shall comply with all stamped approved plans and with the executed Development Agreement.

DATE of Issue of this Notice of Decision: June 26, 2020

EFFECTIVE DATE: July 11, 2020

Development Officer

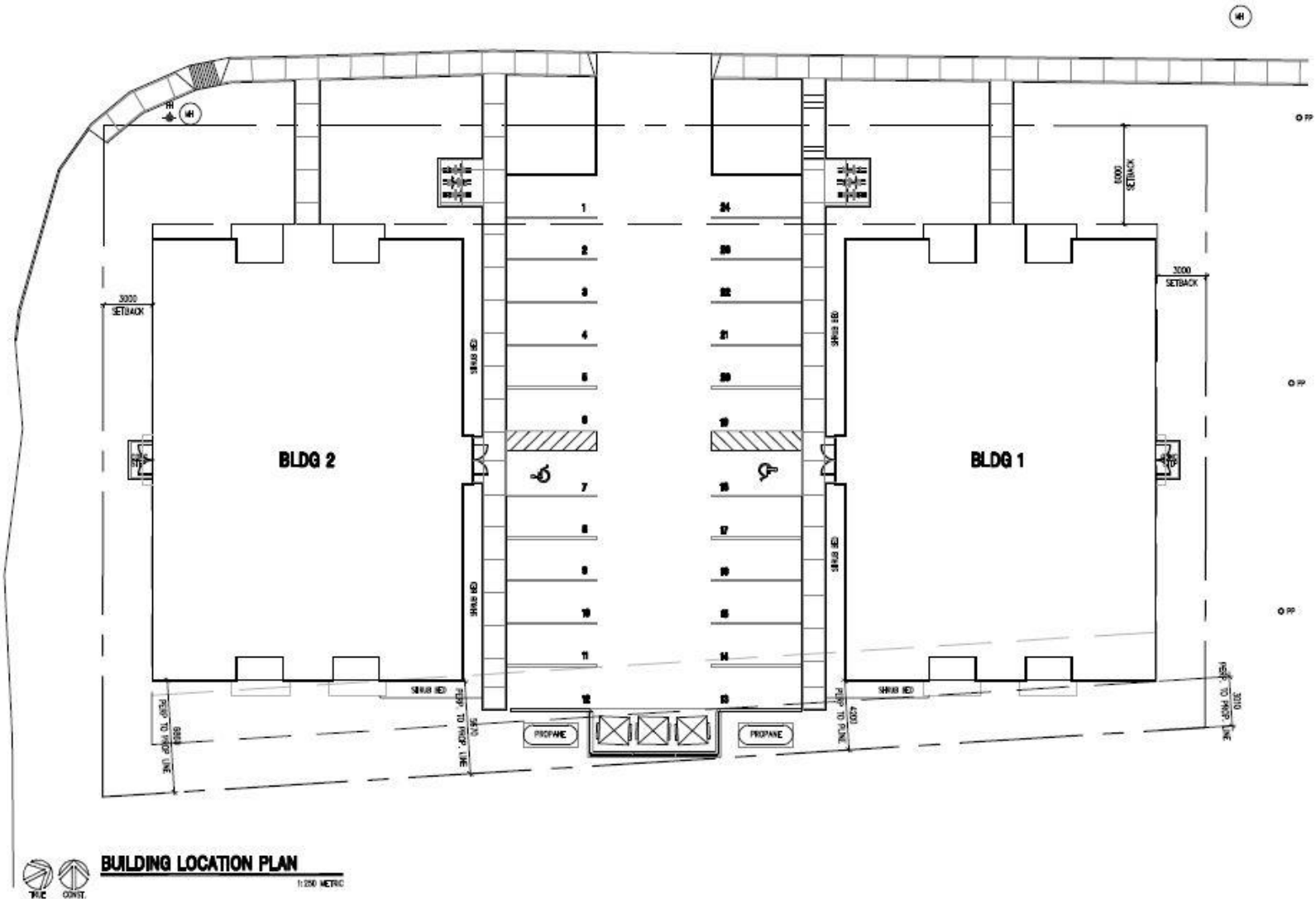
NOTICE:

Any persons claiming to be adversely affected by the development may, in accordance with the *Community Planning and Development Act*, appeal to the Development Appeal Board, c/o City Clerk's Office, tel. 920-5646, City of Yellowknife, P.O. Box 580, Yellowknife, NT X1A 2N4. Please note that your notice of appeal must be in writing, comply with the *Community Planning and Development Act*, include your contact information and include the payment of the \$25 appeal fee (the appeal fee will be reimbursed if the decision of the Development Officer is reversed). The appeal must be received on or before 4:30 p.m. on the _____ day of _____, A.D., 20____.

AFTER THE EFFECTIVE DATE OF THIS PERMIT, THE OWNER OF THE SUBJECT PROPERTY IS AUTHORIZED TO REMOVE THIS NOTICE. ALL OTHER PERSONS FOUND REMOVING THIS NOTICE WILL BE PROSECUTED.

Approved Site Plan

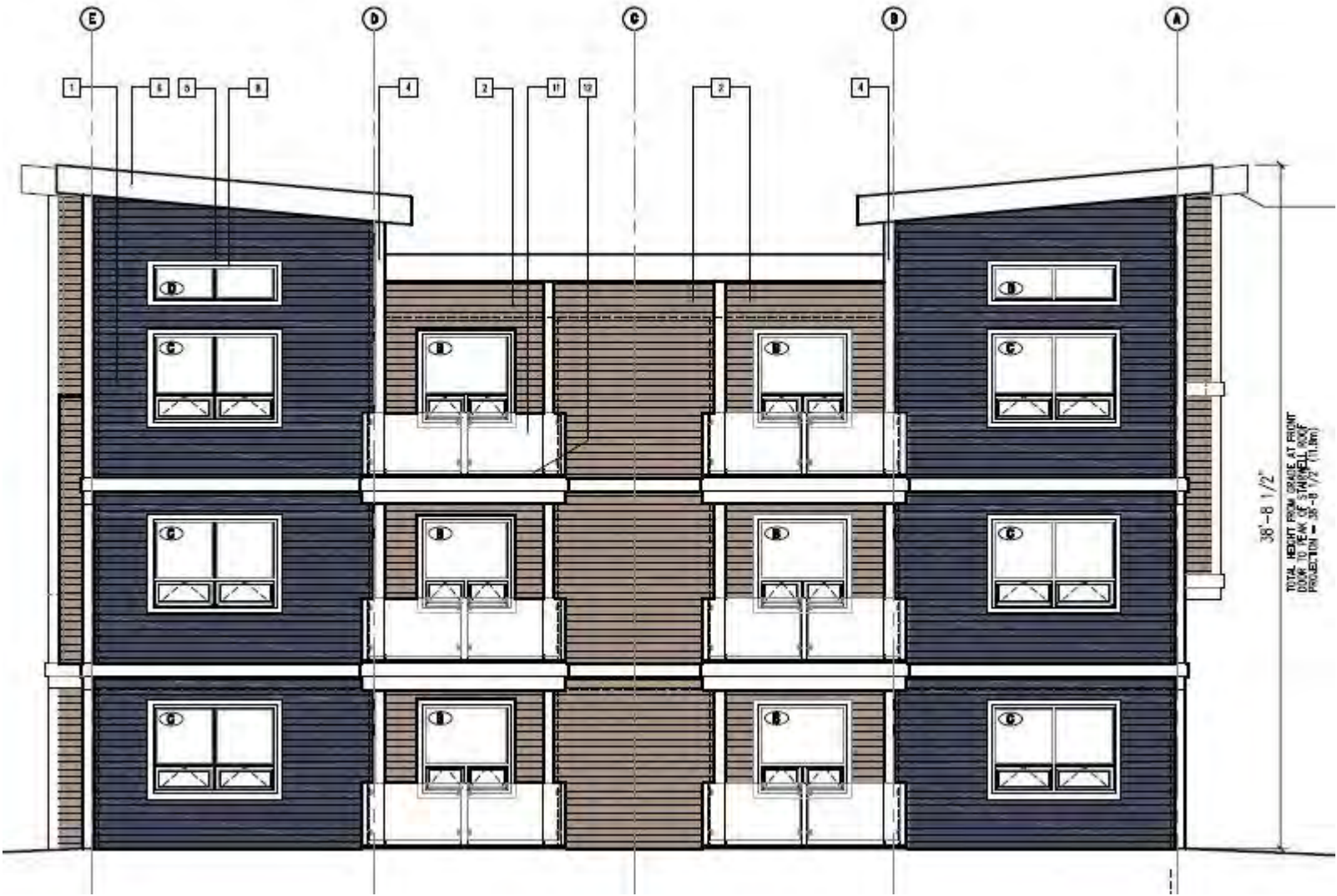
SCHOOL DRAW AVENUE



Approved Elevation (North, Building 2)



Approved Elevation (South, Building 2)



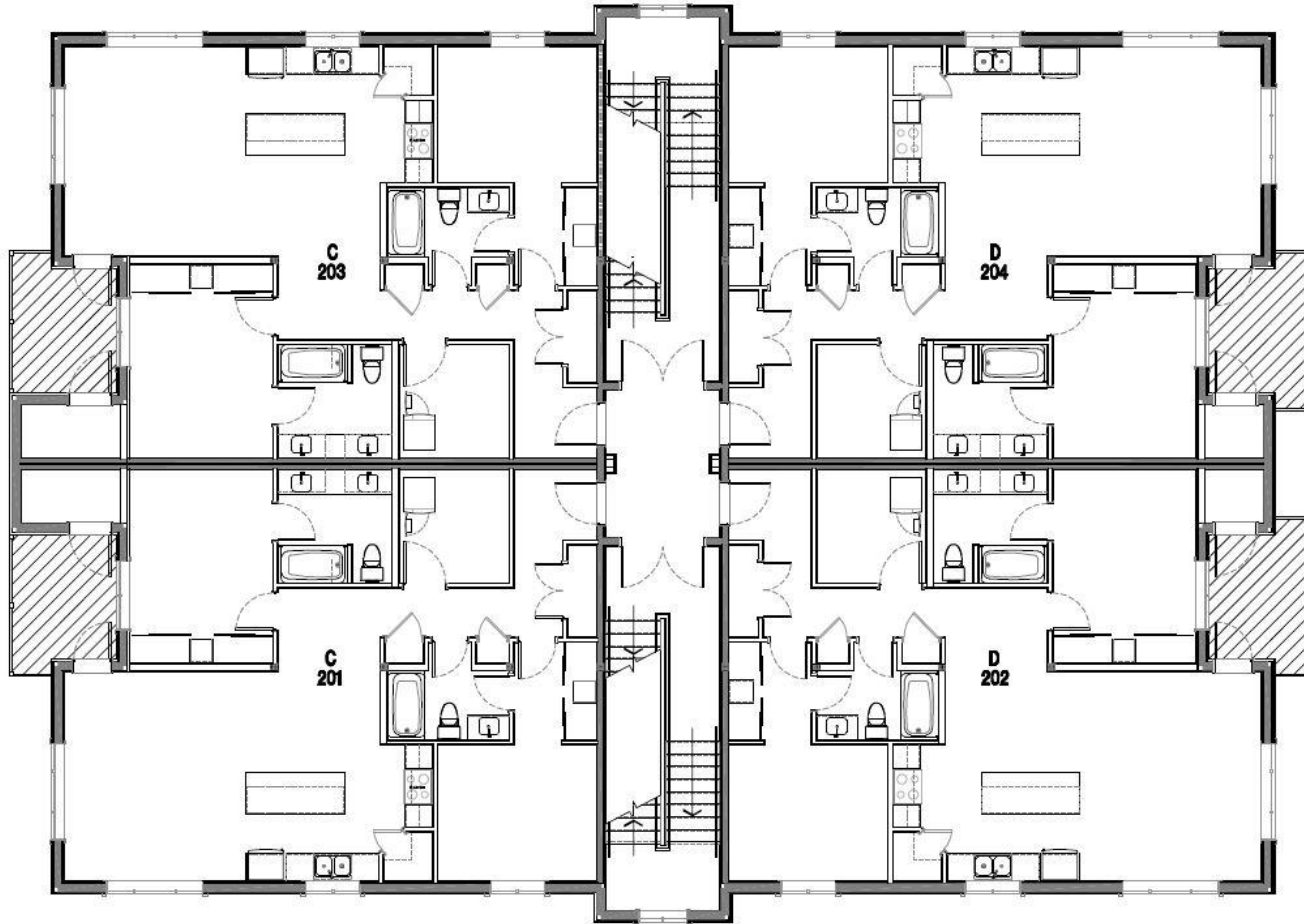
Approved Elevation (East, Building 2)



Approved Elevation (West, Building 2)



Example Floor Plan – Second Floor



Attachment C:

**Letter from the
Appellant**

Development Appeal Board
c/o City Clerk's Office City of Yellowknife
4807-52 Street, (City Hall)
P.O.Box 580,
Yellowknife, NT X1A 2N4

I am writing to register my appeal for the development application of the proposed West Bay development planned for the corner of School Draw Avenue, adjacent Tin Can Hill.

I am submitting this appeal for: A) the reasons listed below, which demonstrate the adverse effects this development would have on the safety of my family and the value of my property; B) because, as it states in the appeal board process criteria, "the proposed development contravenes the zoning bylaw, the community plan or an area development plan,"; and C) because, as it states in the appeal board process criteria, "the application for the development permit had been approved on the basis that the specific use of land or the building was similar in character and purpose to another use that was included in a zoning bylaw for that zone."

A) My main objectives to the West Bay development are as follows:

- Blocked sunlight: A three-storey building, located a few metres from the south side of my property would obstruct the sunlight my property receives. The development will be situated right next to our private, outdoor deck, which my young family makes frequent use of during our all-too-brief summers.
- Overlooking/Loss of privacy: Numerous units are designed to be located just metres from my home, looking directly onto my private deck and into my bedroom window.
- Adequacy of parking: Vehicles are already lined up along both sides of the street on School Draw Avenue. Adding 24 more units, and possibly even more vehicles than that from future tenants, will only exacerbate the issue.
- Traffic generation/Road access: The street traffic is already busy and with only one (1) public road entrance on School Draw Avenue, the increase of traffic in front of my property from new residents and their guests has a potential to pose public safety risks for the neighbourhood and city residents who use the Tin Can Hill trail facilities.
- Noise and disturbance resulting from use: There will be a general increase in noise to the neighbourhood from adding so many new residents in this area. This will be particularly felt by my family, as one of the complexes essentially backs onto my property, with multiple household's located just metres away.
- Loss of trees: In recent years, the lot was zoned green space and then it went to multi-family before the City allowed more units on this lot than a multi-family lot would normally permit. I have lost most of the benefits of the green space from the construction work that has already taken place.
- Building does not fit with surrounding: Adding two (2) three-storey complexes next to a row of single houses does not fit with established neighbourhood aesthetics and some buffering should be provided.
- Loss of Property Value: Due to the loss of our visual and residential amenity for the many reasons already stated, the value of my house will decrease significantly.

- Chimney smoke: With the proximity, orientation and height of the building, my chimney smoke will be going right into some of the apartments causing health and safety issues.
- B) In all, the West Bay development would directly contradict at least five (5) of the City's Intensification Compatibility points from the general plan (see attached Intensification-Compatibility document): Building height and massing; Pattern of surrounding community; Traffic and vehicular access; Parking, loading and serving area; and Shadowing and wind. In the appeal board process criteria, which states "the proposed development contravenes the zoning bylaw, the community plan or an area development plan."
- C) When a variance for the lot in question was proposed in 2016 to allow for more units, a set of considerations were listed that needed to be met in order for it to be granted (See attached Special Municipal Services Committee Report – 02092016). It stated, "A variance may only be granted if, in the opinion of the Development Officer or Council: a) The proposed variance would not result in a development that will: ... ii. materially interfere with or affect the use, enjoyment or value of neighboring parcels of land."
- The plans for proposed development at the time in 2016 included a perpendicular orientation and a buffer zone of 16 metres from my property. The West Bay development will be located much closer to my property and orientated parallel with the length of my property, which materially interferes with or affects the use, enjoyment or value of neighbouring parcels of land. For this reason, I am also including an appeal of the West Bay development based on item (d) in the appeal board process criteria, that "the application for the development permit had been approved on the basis that the specific use of land or the building was similar in character and purpose to another use that was included in a zoning bylaw for that zone."

We are not the only household that has concerns about this development's impact on our neighbourhood. Specifically the increased traffic generation is a major concern for residents on and around School Draw that I have talked to. If development must occur in the lot, a more appropriate option should be considered, such as transitional housing consistent with the townhouse development across from the lot. At the very least, moving the building's footprint away from my property edge and changing the orientation should be automatic.

Thank you for your consideration,

Kevin Mindus

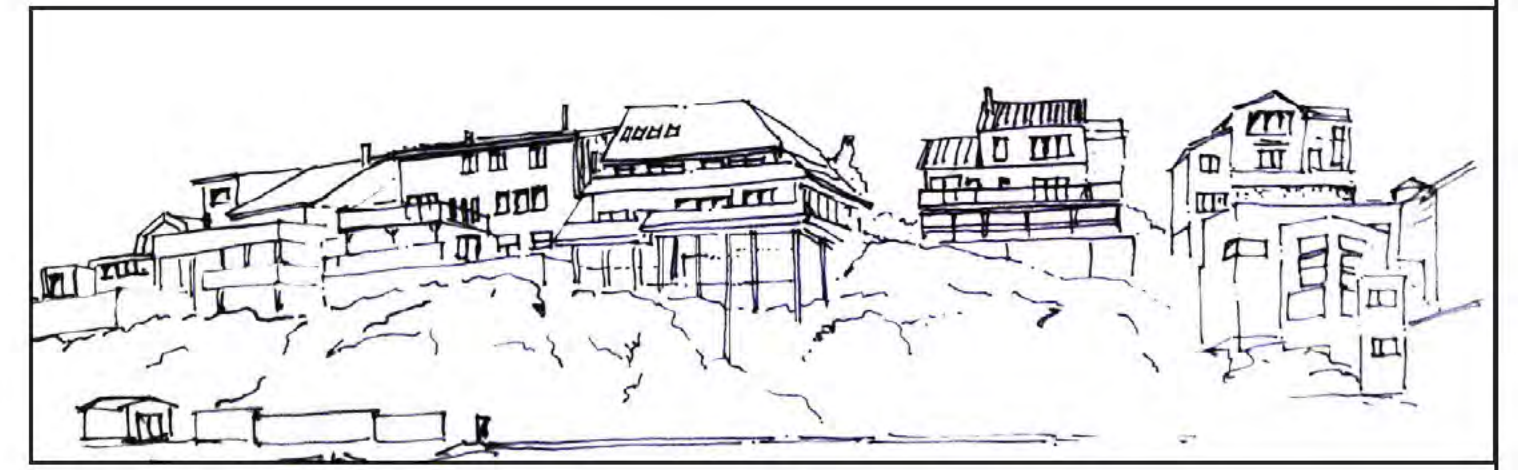
INTENSIFICATION COMPATIBILITY

YELLOWKNIFE GENERAL PLAN UPDATE 2011

Intensification introduces new development into existing areas and requires a sensitive approach and consideration of the area's established characteristics. Attention to urban design and ensuring the compatibility of new development with existing community character can assist in building acceptance of intensification.

Character

New development should take advantage of opportunities to improve the character and quality of an area. Development in Character Areas must be consistent with Design Guidelines.



Building height & massing

New buildings should have regard for the height and massing of adjacent buildings. Transitions may be desirable when placing taller buildings next to lower built forms.



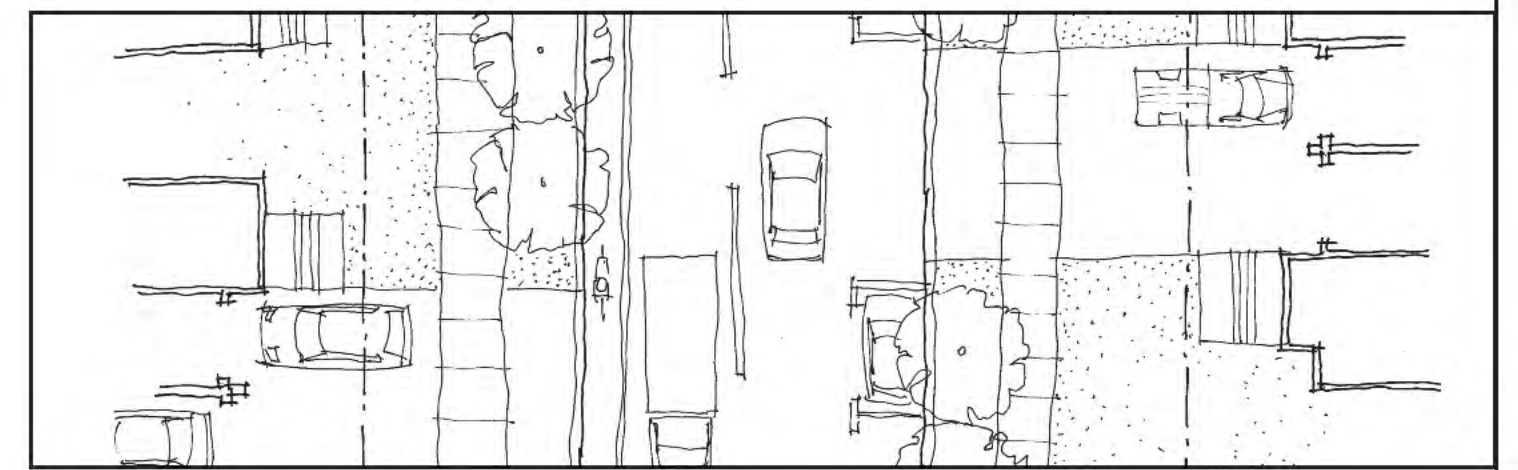
Pattern of surrounding community

Proposed development should consider the character of surrounding buildings (e.g. scale and architectural design)



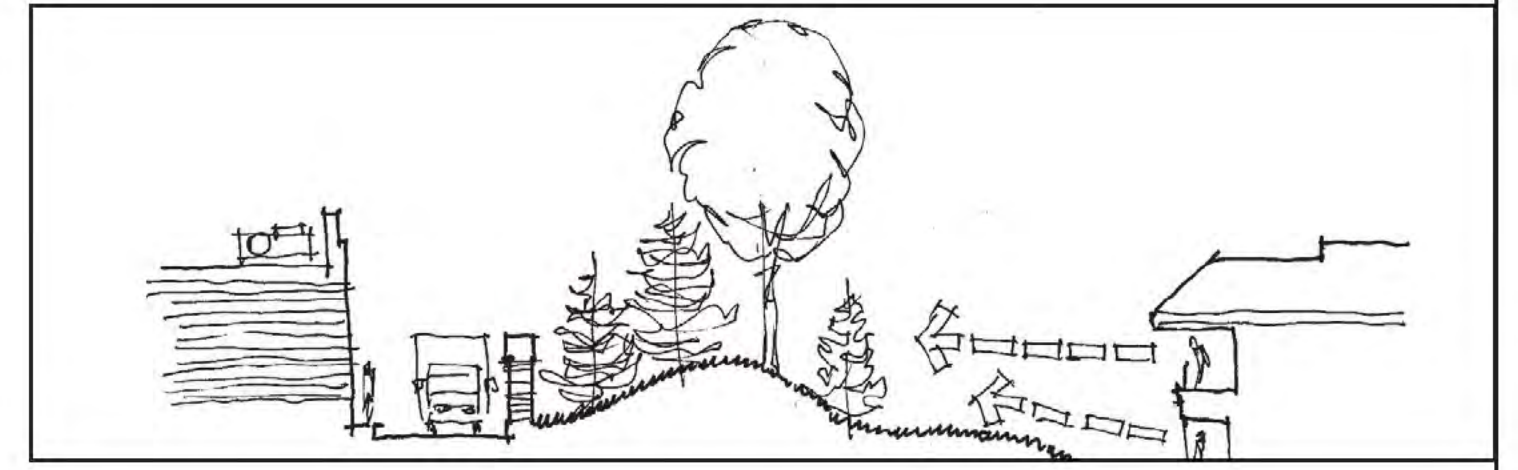
Traffic & vehicular access

Roads should have adequate capacity to serve the development. Vehicle entrances should consider pedestrian activity and effects on other lots. (e.g. noise, glare, privacy).



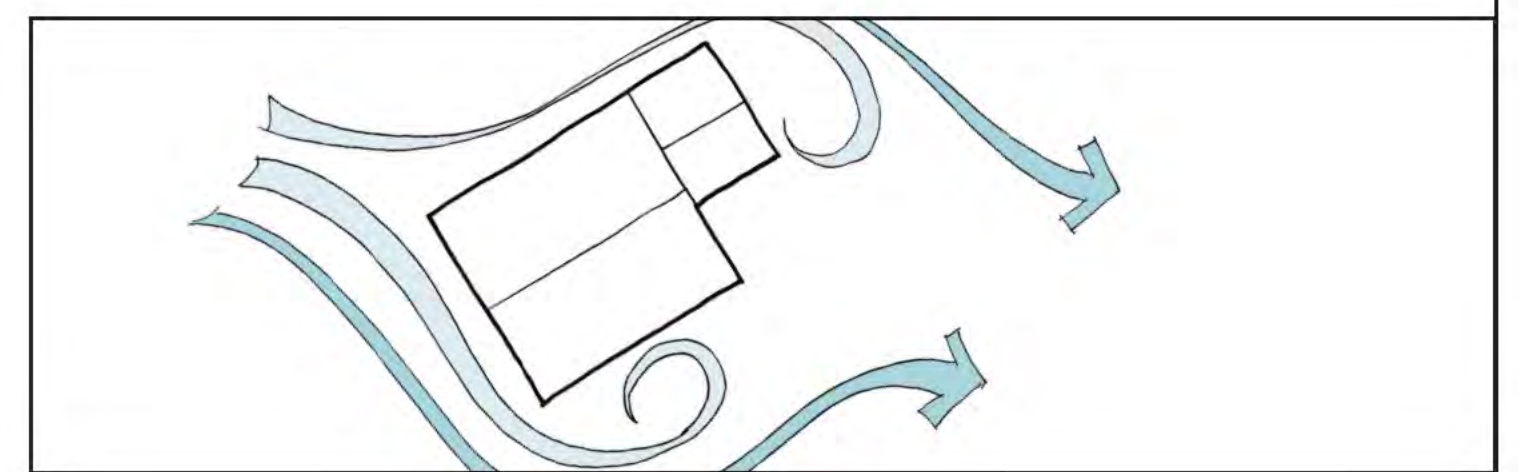
Parking, loading & serving areas

Adequate parking should be provided on site. Loading and servicing areas should be designed to avoid visual impacts on surrounding developments.



Shadowing & Wind

Developments should be designed to avoid excessive shadowing and adverse wind and snowdrifting conditions on surrounding streets and public / private amenity spaces.



Heritage

Development on or next to heritage resources must follow the Heritage Resources Policies.



Compatible development means development that, although it is not necessarily the same as, or similar to, existing buildings in the vicinity, nonetheless enhances an established community and coexists with existing development without causing undue adverse impact on surrounding properties.

Attachment D:

Memorandum to Committee

**(April 10, 2012 – Rezoning of the
Subject Property from GM to R3)**

MUNICIPAL SERVICES COMMITTEE AGENDA
Tuesday, April 10, 2012 at 12:05 p.m.

Page 1

Chairman: Mayor G. Van Tighem,
Councillor L. Bardak,
Councillor B. Brooks,
Councillor P. Falvo,
Councillor M. Heyck,
Councillor A. Mallon,
Councillor S. Montgomery,
Councillor C. Vanthuyne, and
Councillor D. Wind.

<u>Item</u>	<u>Page No.</u>	<u>Description</u>
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- | | | |
|----|--|--|
| 1. | | Approval of the agenda. |
| 2. | | Disclosure of pecuniary interest and the general nature thereof. |

ANNEX A

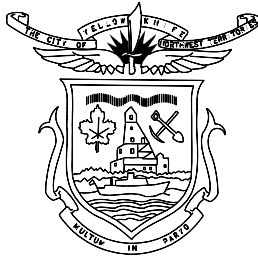
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|----|--|--|
| 3. | | A memorandum regarding whether to adopt By-law No. XXXX, a by-law to rezone a portion of Lot 5, Block 203, Plan 4297 from the current GM - Growth Management zone to the R3 - Residential Medium Density zone; and whether to adopt By-law No. YYYY, a by-law to dispose of fee simple interest in a portion of Lot 5, Block 203, Plan 4297 through a Request for Proposals (RFP) process. |
| 4. | | A report from Mayor Van Tighem regarding weekly activities. |

ADDITIONAL COUNCIL ITEMS

ANNEX B

- | | | |
|----|--|---|
| 5. | | A memorandum regarding whether to award the 2012 Water and Sewer Upgrade, Project No. 12-002, to RTL Robinson Enterprises Ltd. for \$2,106,891.15 (plus GST). |
|----|--|---|

The City of Yellowknife is transitioning toward paperless agendas. All annexes to this agenda may be viewed on the City's website www.yellowknife.ca or by contacting the City Clerk's Office at 920-5602.



MEMORANDUM TO COMMITTEE

COMMITTEE: Municipal Services

DATE: April 10, 2012

DEPARTMENT: Planning and Development

ISSUE:

Whether to adopt By-law No. XXXX, a by-law to rezone a portion of Lot 5, Block 203, Plan 4297 (as identified in red on Schedule A to By-law No. XXXX) from the current GM – Growth Management zone to the R3 – Residential Medium Density zone; and

Whether to adopt By-law No. YYYY, a by-law to dispose of fee simple interest in a portion of Lot 5, Block 203, Plan 4297 (as identified in red on Schedule A to By-law No. YYYY) through a Request for Proposals (RFP) process.

RECOMMENDATION:

That:

1. By-law No. XXXX, a by-law to rezone a portion of Lot 5, Block 203, Plan 4297 (as identified in red on Schedule A to By-law No. XXXX) from the current GM – Growth Management zone to the R3 – Residential Medium Density zone, be presented for adoption; and
2. By-law No. YYYY, a by-law to dispose of fee simple interest in a portion of Lot 5, Block 203, Plan 4297 (as identified in red on Schedule A to By-law No. YYYY), be presented for adoption.

BACKGROUND:

Tin Can Hill (Lot 5, Block 203, Plan 4297) was rezoned from GM – Growth Management to PR – Parks & Recreation through By-law No. 4528 given 3rd reading by Council January 9, 2012 (see Attachment 3 - Schedule A to By-law 4528).

The portion of Lot 5, Block 203 (the “subject parcel”) proposed to be rezoned in this memorandum was not included in the PR rezoning of Tin Can Hill and was intentionally left as GM – Growth Management for its residential infill potential. The subject parcel is approximately 2,593m² in area (0.64 acres) and would be subject to an appraisal and survey before development takes place. Figure 1 below outlines the portion of Lot 5, Block 203 that is proposed to be rezoned GM to R3 and disposed of for development.

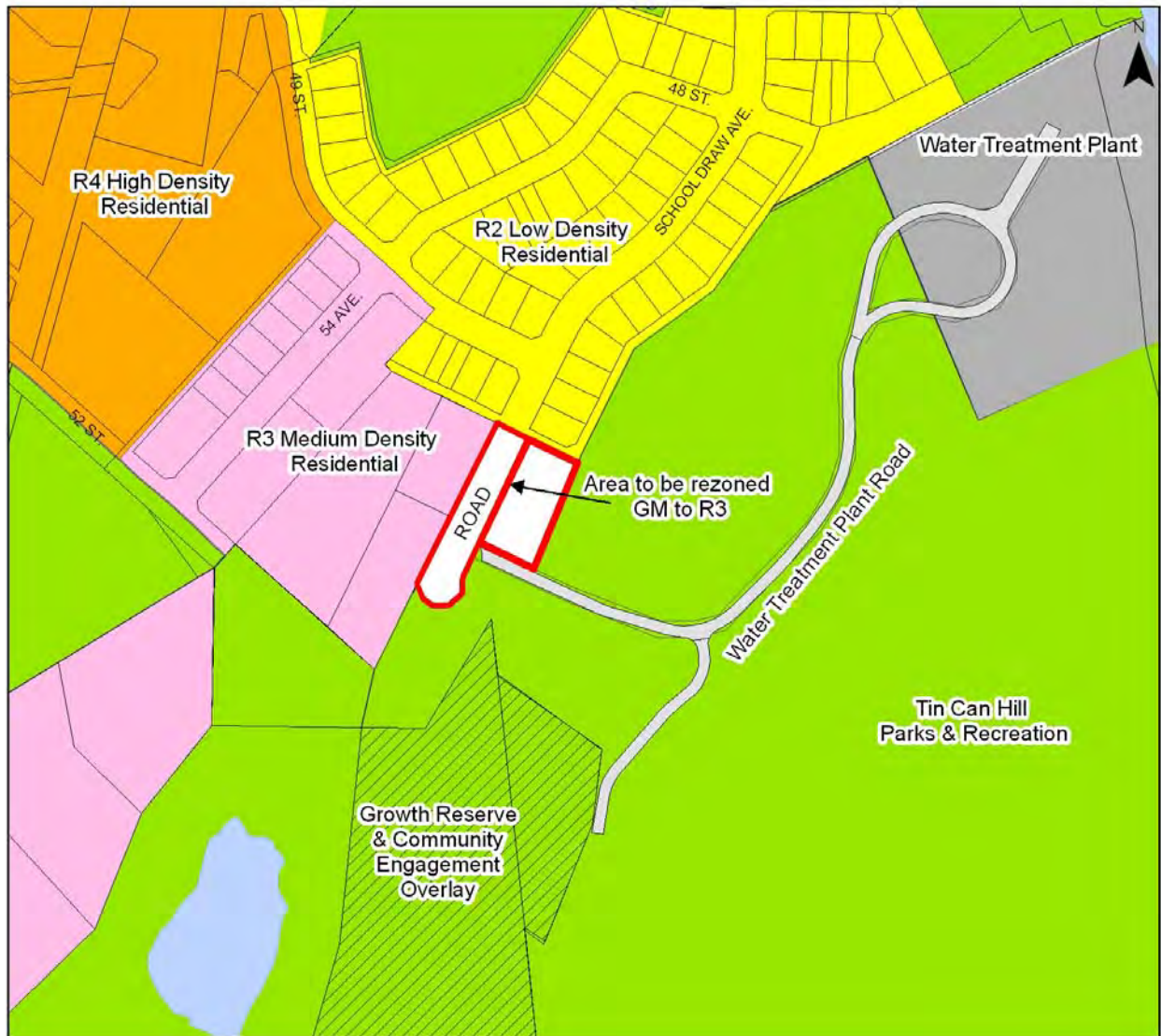


Figure 1: Context Map - Portion of Lot 5, Block 203, Plan 4294

COUNCIL POLICY / RESOLUTION OR GOAL:

Council Goal #1 Affordability.
Council Goal #2 Enhancing our Built Environment.
Council Goal #4 Continuous Improvement.

APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:

1. *NWT Cities, Towns, and Villages Act*;
2. *NWT Planning Act*;
3. Land Administration By-law No. 4596;
4. Smart Growth Development Plan (2010);
5. City of Yellowknife General Plan By-law No. 4656 (2012); and
6. Zoning By-law No. 4404, as amended.

CONSIDERATIONS

Cities, Towns, and Villages Act

Section 5(c) of the Land Administration By-law No. 4596 refers to the *Cities, Towns and Villages Act*, stating that the Corporation of the City of Yellowknife has the authority to dispose of land owned by the City – the acquisition and disposal of land by purchase, lease or other means to another party by the City shall be authorized by by-law. Section 53 of the *Cities, Towns and Villages Act* states: that a municipality must approve the appropriate by-law authorizing the acquisition and disposal of real land.

NWT Planning Act

The City of Yellowknife is granted the authority to control land uses by way of a Zoning By-law under Section 13 of the *NWT Planning Act*.

Land Administration By-law No. 4596

Section 5(a) of Land Administration By-law No. 4596 states the City may dispose of fee simple interest in lands that are not required for municipal purposes where the intended land use is in accordance with the City's General Plan and Zoning By-law. The base price of land to be disposed of by the City shall be appraised value and all development costs and off-site levies will be recovered by the City (in accordance with Sections 7(a) and 8 of Land Administration By-law No. 4596).

Smart Growth Development Plan

Ten Yellowknife Smart Growth principles have been established to guide long-term growth and change within the City. Relevant to the rezoning and disposal of a portion of Lot 5, Block 203 are the following:

- Housing – Provide housing choices that suit different age groups, income and household sizes, and tastes to allow people to remain in the same neighbourhood through different stages and discourage outmigration due to affordability issues.
- Development Form – Apply creative planning approaches to develop a greater number of compact (medium density) mixed use developments which reduce impacts on natural areas, minimize infrastructure investment and decrease reliance on motorized vehicular transportation.

Based on the Smart Growth Development Plan process, the compact growth scenario was selected as the preferred vision for community growth. The benefits of the compact growth scenario include:

- Providing a wider variety of housing choices for residents;
- Providing more affordable housing;
- Protecting parks, trails and natural area networks;
- Promoting walkable and dynamic neighbourhoods;
- Increasing opportunities for active transportation;
- Promoting transit use and transit-oriented development nodes;
- Reducing infrastructure deficit;
- Increasing tax income for the City; and
- Improving Community Sustainability.

2012 City of Yellowknife General Plan, By-law No. 4656

General Plan By-law No. 4656 was adopted by Council on March 12, 2012. Along with the above noted Smart Growth principles and support for further infill development, Section 4: Community Design and Heritage outlines policies applicable to the proposed rezoning of a portion of Lot 5, Block 203. During the development review process, consideration will be given to the following ‘Intensification and Compatibility’ criteria listed in Section 4.1. These criteria provide a general frame of reference for ‘compatible development’ throughout the City.

- Character;
- Building height and massing;
- Pattern of surrounding community;
- Traffic;
- Vehicular access;
- Parking and Loading;
- Shadowing and Wind; and
- Heritage.

Housing Choice and Affordability

The proposed rezoning will enable development on the subject property (add additional units to the City housing supply) and contribute to lowering the overall cost of housing in Yellowknife. Additionally, Section 2.3.3: Housing Choice and Affordability of the City of Yellowknife General Plan (2012) states that “the City shall create inclusive and mixed neighbourhoods by working to provide a diversity of housing types within each neighbourhood that ensures housing is accessible to a wide range of people of different age groups, abilities, needs, family types and incomes.”

Zoning By-law No. 4404, as amended

Any development on a portion of Lot 5, Block 203 would be subject to the provisions of Section 10.9 – Residential – Medium Density of Zoning By-law No. 4404, as amended. If disposed of through a Request for Proposals process additional design considerations, a density overlay, community consultation, or other site specific measures could be incorporated into the development process.

Departmental Consultation

The recommendation herein is supported through consultation with the Department of Public Works and Engineering. Issues pertaining to access, drainage and grading will be addressed through the development permit process.

Adjacent Land Owner Consultation

Consultation with adjacent land owners and the wider community will be a requirement of the Rezoning Process (through a Public Hearing) as well as the Development Permit process.

Financial Considerations

Disposal of the subject parcel will not incur any expense for the City and will contribute to the City’s Land Development Fund. The sale price will be the market value, established by appraisal, cost of which will be incorporated into the final sale price. The sale of under-utilized infill parcels of municipal land benefits the City by:

- adding revenue to the City’s Land Development Fund;
- increasing the value of general property assessments, thereby generating additional property tax revenues for the City’s General Fund;
- creating parcels which can support additional development, thereby leading to even higher property assessments and tax revenues; and
- reducing the City’s servicing costs.

**CITY OF YELLOWKNIFE
BY-LAW NO. 4682**

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, authorizing the Municipal Corporation of the City of Yellowknife to amend City of Yellowknife Zoning By-law No. 4404, as amended.

PURSUANT TO:

- a) Section 25 to 29 inclusive of the *Planning Act*, R.S.N.W.T., 1988, c. P-7;
- b) Due notice to the public, provision for inspection of this by-law and due opportunity for objections thereto to be heard, considered and determined; and
- c) The approval of the Minister of Municipal and Community Affairs, certified hereunder.

WHEREAS the Municipal Corporation of the City of Yellowknife has enacted Zoning By-law No. 4404, as amended;

AND WHEREAS the Municipal Corporation of the City of Yellowknife wishes to amend Zoning By-law No. 4404, as amended;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

APPLICATION

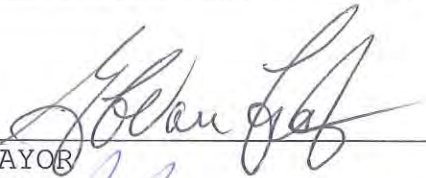
1. That By-law No. 4404, as amended of the Municipal Corporation of the City of Yellowknife, is hereby amended by:
 - A) Rezoning a portion of Lot 5, Block 203, Plan 4297 from GM - Growth Management to R3 - Residential - Medium Density as shown in red on Schedule A attached hereto and forming part of this by-law; and

- B) Amending Schedule No.1 to Zoning By-law No. 4404, as amended, in accordance with Schedule No. A attached hereto and forming part of this by-law.

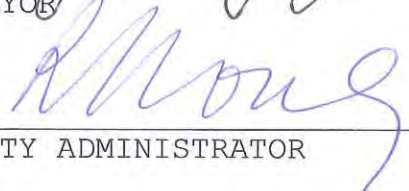
EFFECT

- 2. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ a First Time this 23 day of APRIL, A.D. 2012.

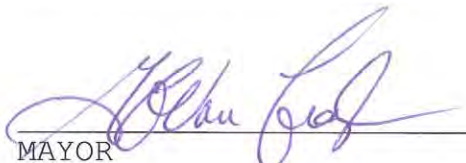


 MAYOR



 CITY ADMINISTRATOR

READ a Second Time this 14 day of MAY, A.D. 2012.

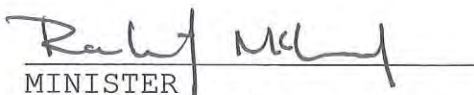


 MAYOR



 CITY ADMINISTRATOR

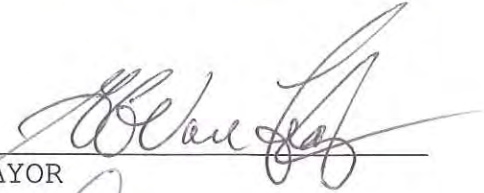
APPROVED by the Minister of Municipal and Community Affairs of the Northwest Territories this 23 day of August, A.D. 2012.

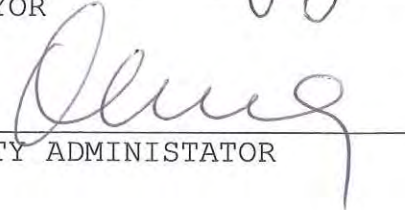


 MINISTER


MUNICIPAL AND COMMUNITY AFFAIRS

READ a Third Time and Finally Passed this 10 day of SEPTEMBER A.D., 2012.


MAYOR

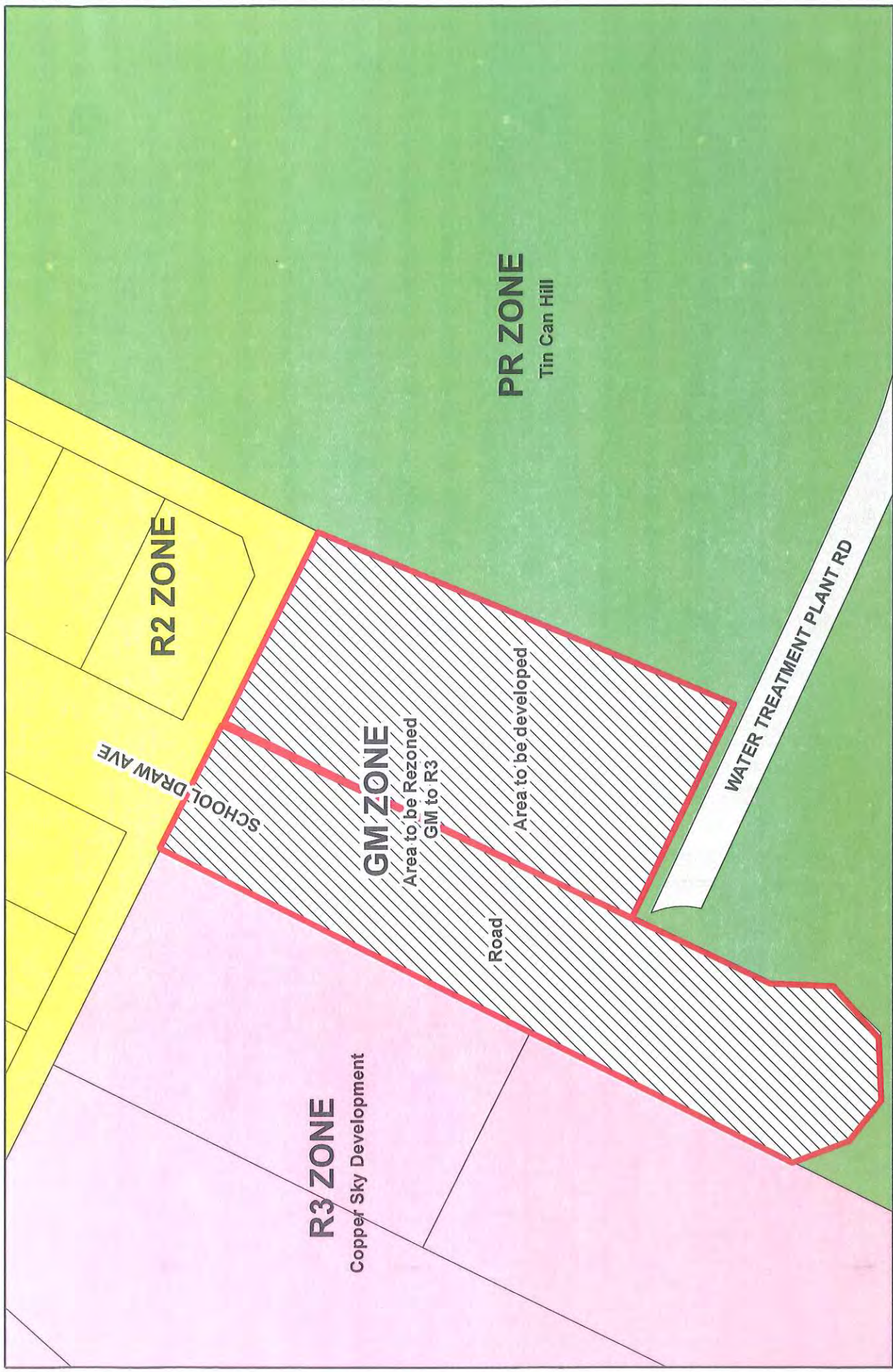

CITY ADMINISTRATOR

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.


CITY ADMINISTRATOR

Docs #300586





SCALE:	1:828	CREATED BY:	D. Lake
FILE:	ScheduleARezoning.mxd		
DATE:	March 21, 2012		

PROJECT:	Portion of Lot 5, Block 203 - GM to R3 Rezoning
TITLE:	Schedule A to By-law No. 4682



City of Yellowknife
 Planning and Lands Division

Attachment E:

Memorandum to Committee

**(August 2, 2016 – To promote the sale
of the subject property by allowing a
variance to site density)**



CITY OF YELLOWKNIFE

PUBLIC NOTICE

Special Municipal Services Committee Meetings

Tuesday, August 2, 2016 at 12:05 p.m.

Public notice is hereby given that the Council of the Municipal Corporation of the City of Yellowknife will hold special meetings of the Municipal Services Committee at 12:05 p.m. on August 2, 2016 at City Hall.

The purpose of this special meeting is to:

- Hear a report from the RCMP regarding monthly statistics.
- Hear a report from the Municipal Enforcement Division regarding monthly statistics.
- Hear a presentation from Northland Utilities Ltd. regarding the Electrical Utility Industry.
- Consider a memorandum regarding whether to amend By-law No. 4834 with the legal description for the property.
- Consider a memorandum regarding whether to dispose of several lots to Habitat for Humanity NWT as part of the long-term partnership arrangement to support affordable housing.
- Consider a memorandum regarding whether to begin consultations on options regarding public access to Grace Lake North, and prioritize key park locations for public investment and the overall trail system.
- Consider a memorandum regarding Councillor Adrian Bell and Councillor Julian Morse's attendance at the Business Improvement Areas of British Columbia (BIABC) Conference held April 10 - 13, 2016, in Vancouver, British Columbia.
- Consider a memorandum regarding Mayor Mark Heyck, Councillor Rebecca Alty, Councillor Linda Bussey, and Councillor Julian Morse's attendance at the Northwest

Territories Association of Communities (NWTAC) Annual General Meeting, held May 5 - 8, 2016 in Yellowknife, Northwest Territories.

- Consider a memorandum regarding Mayor Mark Heyck and Councillor Linda Bussey's attendance at the Federation of Canadian Municipalities (FCM) Conference held June 2 - 5, 2016, in Winnipeg, Manitoba.
- Consider a memorandum regarding the minutes of the Combative Sports Commission Meeting of July 12, 2016.
- Consider a memorandum regarding the minutes of the Social Issues Committee Meeting of July 7, 2016.
- Consider a memorandum regarding whether to promote the sale of the School Draw property (legally known as Lot 9, Block 203, Plan 4460) by allowing a variance to the minimum site area per dwelling unit (site density).

This Special Meeting has been called by the City Administrator of the City of Yellowknife pursuant to Section 27 of the *Cities, Towns and Villages Act* of the Northwest Territories and Section 118 of By-law No. 4250, the Council Procedures By-law.

Dated this 28th day of August, 2016.



Jeff Humble
A/City Administrator





CITY OF YELLOWKNIFE

SPECIAL MUNICIPAL SERVICES COMMITTEE AGENDA

Tuesday, August 2, 2016 at 12:05 p.m.

Chairman: Mayor M. Heyck,
Councillor R. Alty,
Councillor A. Bell,
Councillor L. Bussey,
Councillor N. Konge,
Councillor S. Morgan,
Councillor J. Morse,
Councillor S. Payne, and
Councillor R. Silverio.

<u>Item</u>	<u>Description</u>
1.	Approval of the agenda.
2.	Disclosure of pecuniary interest and the general nature thereof.
ANNEX A	
3.	A report from the RCMP regarding monthly statistics.
ANNEX B	
4.	A report from the Municipal Enforcement Division regarding monthly statistics.
5.	A presentation from Northland Utilities Ltd. regarding the Electrical Utility Industry.
ANNEX C	
6.	A memorandum regarding whether to dispose of several lots to Habitat for Humanity NWT as part of the long-term partnership arrangement to support affordable housing.
ANNEX D	
7.	A memorandum regarding whether to begin consultations on options regarding public access to Grace Lake North, park node locations and the overall trail system in Grace Lake North.
ANNEX E	
8.	A memorandum regarding whether to amend By-law No. 4834 with the legal description for the property.



<u>Item No.</u>	<u>Description</u>
ANNEX F 9.	(For Information Only) A memorandum regarding Councillor Adrian Bell and Councillor Julian Morse's attendance at the Business Improvement Areas of British Columbia (BIABC) Conference held April 10 - 13, 2016, in Vancouver, British Columbia.
ANNEX G 10.	(For Information Only) A memorandum regarding Mayor Mark Heyck, Councillor Rebecca Alty, Councillor Linda Bussey, and Councillor Julian Morse's attendance at the Northwest Territories Association of Communities (NWTAC) Annual General Meeting, held May 5 - 8, 2016 in Yellowknife, Northwest Territories.
ANNEX H 11.	(For Information Only) A memorandum regarding Mayor Mark Heyck and Councillor Linda Bussey's attendance at the Federation of Canadian Municipalities (FCM) Conference held June 2 - 5, 2016, in Winnipeg, Manitoba.
ANNEX I 12.	(For Information Only) A memorandum regarding the minutes of the Combative Sports Commission Meeting of July 12, 2016.
ANNEX J 13.	(For Information Only) A memorandum regarding the minutes of the Social Issues Committee Meeting of July 7, 2016.

ADDITIONAL COUNCIL ITEMS

ANNEX K 14.	A memorandum regarding whether to promote the sale of the <u>School Draw property (legally known as Lot 9, Block 203, Plan 4460)</u> by allowing a variance to the minimum site area per dwelling unit (site density).
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CITY OF YELLOWKNIFE

MEMORANDUM TO COMMITTEE

COMMITTEE: Municipal Services/Council

DATE: August 2, 2016

DEPARTMENT: Planning and Development

ISSUE: Whether to promote the sale of the School Draw property (legally known as Lot 9, Block 203, Plan 4460) by allowing a variance to the minimum site area per dwelling unit (site density).

RECOMMENDATION:

That Council approve a 19.4% variance to site area per dwelling unit (site density) at Lot 9, Block 203, Plan 4460 located at the southern end of School Draw Avenue to allow for the development of a 26-unit multi-family dwelling subject to conditions as required by the Development Officer at the Development Permit stage.

BACKGROUND:

Following Council direction to rezone Lot 9, Block 203 (shown in Figure 1) from GM – Growth Management to R3 – Residential Medium Density (By-law No. 4682) and dispose the subject property (By-law No. 4683), the property has been on the market since the third quarter of 2012. There have been multiple expressions of interest in the property since 2012; however, due the financial and environmental challenges, no agreement has fully transpired.

In June 2016, the City received another expression of interest from a developer to purchase and construct either a 24-unit or 26-unit multi-family dwelling. Figures 2 and 3 illustrate the preliminary site plan and elevation plan. The proposed development requires a variance to the site density (site area per dwelling unit) under the Zoning By-law No. 4404, as amended, regulations and Council approval to permit the proposed 24-units or 26-units.

Figure 1: Context Map for Subject Land



Figure 2: Preliminary Site Plan for Multi-family Dwelling

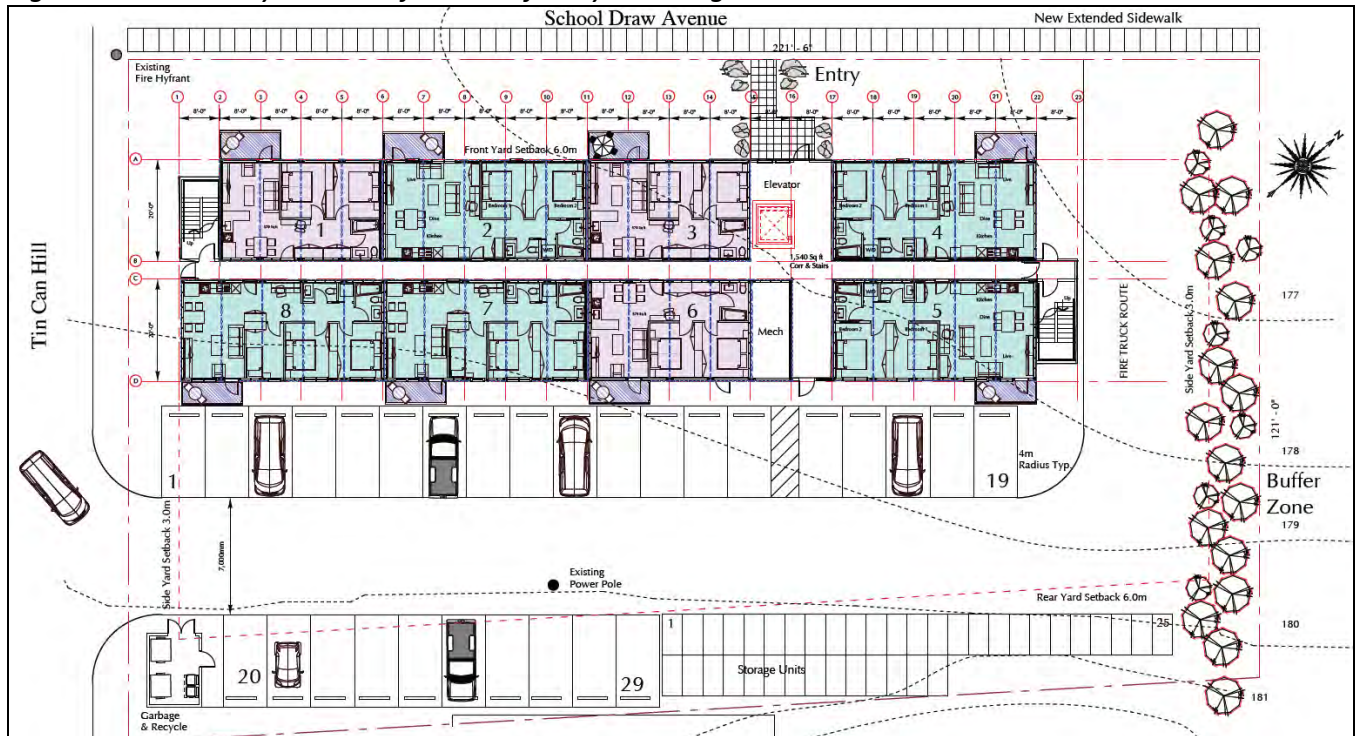


Figure 3: Preliminary Elevation Plan for Multi-family Dwelling (West)



The site density variance is required to increase the feasibility of developing the property. The Developer's offer to purchase is contingent on the allowance for the site density increase as well as favourable results from the geotechnical survey and Phase 1 (and 2) environmental site assessment to confirm suitable development conditions.

COUNCIL POLICY / RESOLUTION OR GOAL:

- Council Objective #1(c) Emphasize Fairness, Value and Transparent in Financial Decisions, Program Delivery, and Land Administration.
- Council Goal #2 Stewards of our Natural and Built Environment.
- Council Objective #1(c) Promote a Range of Commercial, Residential and Institutional Development and Revitalization Opportunities.

APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:

1. *Community Planning and Development Act*, S.N.W.T. 2011;
2. *Cities, Towns and Villages Act*, S.N.W.T. 2003;
3. Land Administration By-law No. 4596, as amended;
4. Smart Growth Development Plan;
5. General Plan By-law No. 4656, as amended; and,
6. Zoning By-law No. 4404, as amended.

CONSIDERATIONS:

Legislative

The City's Land Administration By-law No. 4596, as amended, allows the City to acquire and dispose of real property pursuant to the *Cities, Towns and Villages Act*. As per Section 7 of the Land Administration By-law, the price of land for fee simple disposition by the City shall be the appraised value.

Appraisal

The appraisal report completed in June 2012 determined a market value of \$585,000 for the R3 zoned subject property. With the proposed three or five additional units, an updated appraisal will be

prepared pursuant to the Land Administration By-law. The cost of the appraisal will occur at the expense of the purchaser.

Rationale for Site Density Variance

Section 3.5(4) of Zoning By-law No. 4404, as amended, lists the considerations for a variance to be granted. It states that:

“A variance may only be granted if, in the opinion of the Development Officer or Council:

- a) The proposed variance would not result in a development that will:
 - i. unduly interfere with the amenities of the neighbourhood; or*
 - ii. materially interfere with or affect the use, enjoyment or value of neighboring parcels of land.**
- b) The subject site has irregular lot lines or is a size and shape that presents challenges to development.*
- c) The subject site has physical limitations relating to terrain, topography or grade that may create difficulties in meeting the zoning regulations as prescribed in this by-law.*
- d) The subject site has natural features such as rock outcrops or vegetation that may create difficulties in meeting the zoning regulations as prescribed in this by-law.*
- e) An error has occurred in the siting of a structure during construction.*
- f) The proposed development conforms to the uses prescribed in this by-law.”*

The proposed Multi-family Dwelling is a Permitted Use under Section 10.9(2) R3 – Residential – Medium Density. Site challenges are known in the School Draw area due to geotechnical conditions, in particular with the depth of the bedrock and presence of permafrost. The site density variance will increase the viability of developing the subject property. It is noted that the developer is proposing a low profile (i.e. 3-storey) multi-family building with a buffer (strip of landscaping and fire access route) of approximately 10 metres from the northern property line and approximately 16 metres from the low density residential area (i.e. single family dwelling units). As the 26 unit dwelling option only requires minor modifications to the floor area of each unit, the external appearance will be the same for both the 24 unit and 26 unit dwelling options. In the opinion of the Development Officer, a variance of up to 19.4% for the 26 units or 12.8% for the 24 units to the minimum site area per unit would not unduly interfere with the amenities of the neighbourhood or materially interfere with or affect the use, enjoyment or value of neighbouring parcels of land. After discussions with the Developer and examination of the preliminary design plans, no other provisions under Zoning By-law No. 4404, such as building setbacks, building height, landscaping, and parking are expected to require a variance. In addition, the Developer will still be responsible for connections to municipal services, curbs, gutters, sidewalks along the frontage of the property, restoration of asphalt, and trail connection(s) to Tin Can Hill where applicable.

Traffic

A traffic study was conducted in 2010 for the proposed School Draw Avenue Extension and Coppersky residential development across from the subject property (Lots 6-8, Block 203). The traffic study determined the peak volume of traffic to be 45 vehicles per hour and that the vehicle trip generation results were not significant from a traffic engineering point of view.

A main concern received from the neighbours regarding the proposed 26-unit multifamily building is additional traffic generated in the area. It is noted that the site is zoned R3 and intended for medium

density residential development with up to 21 units. Additional 5 units are proposed through the density variance request. The traffic volumes generated from the 26-unit development are not considered significant as it is one-third in scale of the 81-unit Coppersky development in terms of dwelling units.

A common trigger in North America for a traffic impact assessment is when there are 100 or more trips generated during the peak hour. The proposed 26-unit development is not anticipated to warrant a traffic study. However, a transportation study may still be conducted at the discretion of Council and added as a requirement for the Development Permit.

Smart Growth Development Plan

As the proposed 24-unit or 26-unit development provides 2-bedroom and 3-bedroom units in the form of compact development, it supports the following Smart Growth principles as established in the Smart Growth Development Plan:

- Housing – Provide housing choices that suit different age groups, income and household sizes, and tastes to allow people to remain in the same neighbourhood through different stages and discourage outmigration due to affordability issues.
- Development Form – Apply creative planning approaches to develop a greater number of compact (medium density) mixed use developments which reduce impacts on natural areas, minimize infrastructure investment and decrease reliance on motorized vehicular transportation.

General Plan

The subject parcel is designed “Residential Community” under General Plan By-law No. 4656, as amended. Residential infilling (i.e. the development of vacant or underutilized land within the built-up area) is encouraged under the designation. As municipal servicing infrastructure currently extends to subject property, the development of the vacant lot will make better use of the existing infrastructure.

Zoning

The subject property is zoned R3 – Residential Medium Density. The site area per dwelling unit requirement in the R3 zone is a minimum of 125m² of site area per dwelling unit. The site area is 2,619m² and the proposed option of 24 units would result in a total of 109m² of site area per dwelling unit (12.8% variance to site density provision). The other option of 26 units would result in a total of 101m² of site area per dwelling unit (19.4% variance). Section 3.5(3) of Zoning By-law No. 4404, as amended states:

“Upon application by the property owner or agent, Council may consider allowing a variance in regard to site density provisions.”

Neighbourhood Notification

Notification regarding the variance will occur in accordance with Section 23(2)(b) of the *Community Planning and Development Act* which requires that the development authority “give notice of the application to owners and lessees of land within 30 metres of the boundary of the land”. The Zoning By-law also requires written notification on or before the date of the notice of decision for the development permit.

Letters were hand-delivered to the 36 neighbours within 30 metres of the subject property advising them of the site density variance being considered by Council and inviting them to submit any comments to the Planning and Lands Division or attend the Municipal Services Committee meeting on August 2, 2016. To date the main concern received is increased traffic, this has been discussed in the Traffic section. Other concerns raised include blasting and drainage, increase of garbage, increased noise levels and building aesthetics. Considering multi-family dwelling with up to 21 units is a permitted use in the R3 zone on the subject site, and site drainage, garbage collection, the overall site plan and building layout will be reviewed at the development permit review stage to ensure compliance with the Zoning By-law; no significant impacts are anticipated due to the proposed density increase from 21 units to 26 units.

ALTERNATIVES TO RECOMMENDATION:

That Council:

1. Approve a 12.8% variance to site area per dwelling unit (site density) at Lot 9, Block 203, Plan 4460 located at the southern end of School Draw Avenue to allow for the development of a 24-unit multi-family dwelling subject to conditions as required by the Development Officer at the Development Permit stage; or,
2. Direct Administration to continue to market the School Draw property with no density adjustments.

RATIONALE:

The development challenges associated with the subject property has been demonstrated with the subject property having been on the market since 2012. The proposed site density variance is required to increase the feasibility for development. The sale of the land will contribute revenue to the Land Development Fund and development of the land will generate tax revenue and make better use of the existing municipal servicing infrastructure.

ATTACHMENTS:

Notification letter to adjacent neighbours (DM# 465943).

Prepared: July 6, 2016 MN

Revised: July 28, 2016 MN/wy

Development Appeal Board
CITY OF YELLOWKNIFE

P.O. BOX 580,
YELLOWKNIFE, NT
X1A 2N4

Tel (867) 920-5646
Fax (867) 920-5649

July 10, 2020

200-D1-H1-20

REGISTERED MAIL

Kevin Mindus

Dear Mr. Mindus:

Re: Appeal of Development Permit No. PL- 2019-0379

Receipt is hereby acknowledged of your letter appealing the decision of the Development Officer to issue a Development Permit for Multi-Family Development on Lot 9, Block 203, Plan 4460 (adjacent 4825 School Draw Avenue - lot across from Copper Sky Condos).

This letter is to confirm that a hearing of the City of Yellowknife Development Appeal Board, to consider your appeal, has been scheduled for Wednesday, August 5, 2020 at 7:00 p.m. The hearing will take place via GoTo meeting.

On the advice of the Chief Public Health Officer concerning gatherings, this meeting will be accessible to the public via webcast.

Please note that the Development Appeal Board will consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of the General Plan and to the Zoning By-law. Please be advised that you should file all of your grounds for appeal with the Secretary to the Board prior to the hearing so that the respondents have an opportunity to address those. Please note that additional evidence may not be considered at the hearing.

With respect to the submission of written documentation for the Appeal Board's consideration, you are hereby informed that, pursuant to section 3.10(4)(a) of the Yellowknife Zoning By-law, all maps, plans, drawings and written material that you intend to submit in support of your appeal must be filed with the Secretary of the Appeal Board no later than ten days before the day fixed for the appeal. You have until 4:30 p.m. on Friday, July 24, 2020 to submit your documentation to the Secretary of the Appeal Board at City Hall.

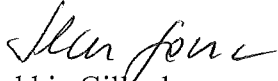
Enclosed are copies of the sections of the *Community Planning and Development Act* of the Northwest Territories and the City of Yellowknife Zoning By-law that describe the Appeal Board's composition and procedures.

200-D1-H1-20
July 10, 2020

Page 2

Please contact me should you have any questions with respect to the appeal.

Yours truly,



for Debbie Gillard
Secretary,
Development Appeal Board

DG/sj

Enclosure

DM#617215

Officer, that the new application addresses the reasons for the refusal.

3.10 Development Appeal Process

Section 3.10

Section 3.10 (1) (a) as amended by By-law No. 4913 Oct 24, 2016

- (1) (a) A person whose application for a development permit is refused or who is approved for a development permit subject to a condition that he or she considers to be unreasonable, may appeal the refusal or the condition to the Development Appeal Board pursuant to Section 61 of the *Community Planning and Development Act*, by serving written notice of appeal to the Secretary of the Board within 14 days after the day the application for the development permit is approved or refused;
- (b) A person claiming to be affected by a decision of the Development Officer or Council made under this by-law may appeal to the Development Appeal Board pursuant to Section 62 of the *Community Planning and Development Act*, by serving written notice of appeal to the Secretary of the Board within 14 days after the day the application for the development permit is approved

Section 3.10 (2) as amended by By-law No. 4913 October 24, 2016

- (2) Where an appeal is made, a development permit shall not come into effect until the appeal has been determined and the decision confirmed, reversed or varied.
- (3) An appeal must be heard by a quorum of the Development Appeal Board, and a quorum shall consist of at least 2 members and the Chairperson or an Acting Chairperson.
- (4) Hearing procedures are as follows:
 - (a) the appellant and any other interested party shall, not later than ten days before the day fixed for the hearing of the appeal, file with

the Secretary of the Board all maps, plans, drawings and written material that they intend to submit to the Board or use at the hearing;

- (b) the Development Officer or Council shall, if required by the Board to do so, transmit to the Secretary of the Board, before the day fixed for the hearing of the appeal, the original or true copies of maps, plans, drawings and written material in its possession relating to the subject matter of the appeal;
- (c) all maps, plans, drawings and written material, or copies thereof, filed or transmitted pursuant to this section shall, unless otherwise ordered by the Board, be retained by the Board and be part of its permanent records; but, pending the hearing of the appeal, all the material shall be made available for the inspection of any interested person;
- (d) where a member of the Board has a conflict of interest in the matter before the Board, that member is not entitled to participate, deliberate, or vote thereon;
- (e) in determining an appeal, the Board shall not:
 - i) approve development that is not permitted or conditionally permitted by this by-law in the zone in which the development is situated, or
 - ii) approve development in a manner that is incompatible with the General Plan;
- (f) a decision concurred with by a majority of the Board present at the hearing is the decision of the Board;

Section 3.10(4)(g) as amended by By-law No. 4914 Oct 24, 2016

- (g) The decision of the Board shall be based on the facts and merits of the case and shall be in the form of a written report, including a summary of

all representations made at the hearing and setting forth the reasons for the decision and signed by the Chairperson or, in their absence, the acting Chairperson, and the Secretary and a copy of the decision shall be sent by the Secretary to the City and the appellant within 15 days of the date in which the decision was rendered plus all parties on whose behalf representations have been made, and to each interested person upon their request; and;

Section 3.10(4) (h) as amended by By-law No. 4913 Oct 24, 2016

- (h) a decision of the Board is final and binding on all parties and is not subject to appeal.

3.11 Development Appeal Board

Section 3.11 (1) as amended by By-law No. 4913 Oct 24, 2016

- (1) The Development Appeal Board is hereby established in accordance with the Section 30 of the *Community Planning and Development Act*.

- (2) The Development Appeal Board shall:

- (a) be composed of at least 3 persons and not more than seven, and one shall be a member of Council, but shall not include employees of the City;
- (b) elect a chairperson;
- (c) hold a hearing within 30 days after an appeal has been received;

Section 3.11(2) (d) as amended by By-law No. 4913 Oct. 16, 2016

- (d) Ensure that reasonable notice of the hearing is given to the appellant, all owners and lessees of land within 30 metres of the boundary of the land in respect of which the appeal relates, and all other persons who in the opinion of the Board may be affected;

Section 3.11(2) (e) as amended by By-law No. 4913 Oct. 16, 2016

- (e) consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of the General Plan, Area Development Plan, and any Council approved

plans or policies, and to this by-law;

- (f) where an appeal is heard, hear the appellant or the appellant's agent, the Development Officer and any other persons that it considers necessary for a full and proper hearing;
- (g) render its decision in writing to the appellant within 60 days after the date on which the hearing is held;

Section 3.11(2)(h) deleted by By-law No. 4913 Oct. 16, 2016 and subsections renumbered accordingly

(h)

- (i) conduct a hearing pursuant to Section 3.10 of this by-law.

(3) The Development Appeal Board may:

- (a) in determining an appeal, confirm, reverse or vary the decision appealed from and may impose conditions or limitations that it considers proper and desirable in the circumstances; and
- (b) appoint the City Clerk to act as Secretary for the Board.

(4) The Secretary for the Board shall:

- (a) ensure that reasonable notice of the hearing is given to the appellant and all persons who in the opinion of the Board may be affected;
- (b) prepare and maintain a file of the minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with Council;
- (c) issue to the appellant and all affected parties a notice of the decision of the Board and the reasons therefore;

Section 3.11(4)(d) as amended by By-law No. 4913 Oct 26, 2016

-
- (d) Notify the City of the decisions of the Board and the reasons therefore; and
 - (e) carry out administrative duties as the board may specify.

Section 3.12 added as per By-law No. 5002 August 26, 2019

3.12 Amending an Effective Development Permit

- (1) An Effective Development Permit may be amended by the Planning Administrator provided that:
 - (a) The request complies with all applicable regulations of this by-law;
 - (b) The amendment is directly related to the uses and conditions of the Effective Development Permit;
 - (c) There is no change in use.
- (2) All changes that do not meet the criteria set out in subsection (1) require a new development permit, pursuant to Part 3 of this By-law.
- (3) All amendments to Effective Development Permits must be provided in writing and sent to the applicant.

Use and development restricted

- (2) On the registration of a caveat,
 - (a) the order binds the heirs, executors, administrators, assigns, transferees and successors in title of the owner of the land affected by the order; and
 - (b) until the caveat is withdrawn, no use or development of the land or buildings located on it may take place except in accordance with the order.

- (2) Dès l'enregistrement de l'opposition :
 - a) d'une part, l'ordonnance lie, à l'égard du propriétaire du bien-fonds touché, ses héritiers, exécuteurs, administrateurs, cessionnaires et destinataires du transfert;
 - b) d'autre part, jusqu'au retrait de l'opposition, aucun usage ou aménagement du bien-fonds ou des bâtiments situés sur celui-ci n'est possible si ce n'est conformément à l'ordonnance.

Usage et aménagement restreints

Withdrawal

(3) A municipal corporation shall withdraw the caveat when the order of the Supreme Court has been complied with.

(3) La municipalité retire l'opposition lorsque l'ordonnance de la Cour suprême est respectée.

Retrait

Debt owed to municipal corporation

60. Any expenses and costs of an action taken by a municipal corporation under subsection 58(4) to carry out an order of the Supreme Court are a debt owing to the municipal corporation by the person required by the order to comply, and may be recovered from the person in default by civil action for debt, or by charging it against real property of which the person is the owner in the same manner as arrears of property taxes under the *Property Assessment and Taxation Act*.

60. Les dépenses et les frais d'une action que prend la municipalité en vertu du paragraphe 58(4), en vue d'exécuter une ordonnance de la Cour suprême, constituent une créance de la municipalité à l'égard de la personne visée dans l'ordonnance, qui peut être recouvrée auprès de la personne en défaut soit en intentant une poursuite civile, soit en constituant une charge sur le bien réel dont la personne est le propriétaire évalué comme s'il s'agissait d'arriérés d'impôt foncier visés par la *Loi sur l'évaluation et l'impôt fonciers*.

Créance de la municipalité

DIVISION B - APPEALS

DIVISION B - APPELS

Development Appeals

Appels en matière d'aménagement

Appeal of refusal or conditions

61. (1) A person whose application to a development authority for a development permit is refused, or who is approved for a development permit subject to a condition that he or she considers to be unreasonable, may appeal the refusal or the condition to the appeal board.

61. (1) La personne dont la demande de permis d'aménagement a été refusée par l'autorité d'aménagement ou dont le permis d'aménagement est assorti d'une condition qu'elle estime déraisonnable peut en appeler du refus ou de la condition à la commission d'appel.

Appel du refus ou des conditions

Exception

(2) A condition that is required by a zoning bylaw to be on a development permit is not subject to appeal under subsection (1).

(2) La condition obligatoirement assortie au permis d'aménagement en vertu d'un règlement de zonage ne peut faire l'objet d'un appel en vertu du paragraphe (1).

Exception

Application deemed refused

(3) For the purposes of subsection (1), an application to a development authority for a development permit is, at the option of the applicant, deemed to be refused if the decision of the development authority is not made within 40 days after the day the application is received in its complete and final form.

(3) Aux fins du paragraphe (1), la demande de permis d'aménagement auprès d'une autorité d'aménagement est, au choix de son auteur, réputée refusée si la décision de l'autorité d'aménagement n'est pas prise dans un délai de 40 jours à compter de la date de réception de la demande sous forme finale.

Demande réputée refusée

Commencing development appeal

(4) An appeal under subsection (1) must be commenced by providing a written notice of appeal to the appeal board within 14 days after the day the application for a development permit is approved or refused.

(4) L'appel en vertu du paragraphe (1) se forme au moyen d'un avis d'appel écrit donné à la commission d'appel au plus tard 14 jours après la date d'approbation ou de refus de la demande de permis d'aménagement.

Formation de l'appel en matière d'aménagement

Appeal of development permit

62. (1) A person other than an applicant for a development permit may only appeal to the appeal board in respect of an approval of an application for a development permit on the grounds that the person is adversely affected and

62. (1) Toute personne à l'exception de l'auteur d'une demande de permis d'aménagement peut en appeler à la commission d'appel concernant l'approbation d'une demande de permis d'aménagement au motif qu'elle est lésée et que, selon le cas :

Appel d'un permis d'aménagement

- (a) there was a misapplication of a zoning bylaw in the approval of the application;
- (b) the proposed development contravenes the zoning bylaw, the community plan or an area development plan;
- (c) the development permit relates to a use of land or a building that had been permitted at the discretion of a development authority;
- (d) the application for the development permit had been approved on the basis that the specific use of land or the building was similar in character and purpose to another use that was included in a zoning bylaw for that zone;
- (e) the application for the development permit had been approved under circumstances where the proposed development did not fully conform with a zoning bylaw; or
- (f) the development permit relates to a non-conforming building or non-conforming use.

- a) il y a eu une erreur dans l'application du règlement de zonage lors de l'approbation de la demande;
- b) le projet d'aménagement contrevient au règlement de zonage, au plan directeur ou à un plan d'aménagement régional;
- c) le permis d'aménagement vise un usage d'un bien-fonds ou d'un bâtiment qui avait été permis à la discrétion d'une autorité d'aménagement;
- d) la demande de permis d'aménagement avait été approuvée sur le fondement que l'usage particulier du bien-fonds ou du bâtiment était semblable quant à sa nature et à son but à un autre usage prévu dans le règlement de zonage à l'égard de cette zone;
- e) la demande de permis d'aménagement avait été approuvée à l'égard d'un projet d'aménagement qui ne respectait pas en tous points le règlement de zonage;
- f) le permis d'aménagement vise un bâtiment dérogatoire ou un usage non conforme.

Restriction

(2) For greater certainty, an appeal respecting the approval of an application for a development permit for a use specified in a zoning bylaw as a permitted use of land or a building, as referred to in subparagraph 14(1)(c)(i) or (ii) of this Act, may only be made if there is an alleged misapplication of the bylaw in the approval of the application.

(2) Il est entendu qu'un appel portant sur l'approbation d'une demande de permis d'aménagement visant un usage qu'un règlement de zonage précise comme usage permis d'un bien-fonds ou d'un bâtiment, visé aux sous-alinéas 14(1)c)(i) ou (ii) de la présente loi, n'est possible qu'en présence d'erreur présumée dans l'application du règlement de zonage lors de l'approbation de la demande.

Restriction

Commencing appeal of permit

(3) An appeal under subsection (1) must be commenced by providing a written notice of appeal to the appeal board within 14 days after the day the application for the development permit is approved.

(3) L'appel en vertu du paragraphe (1) se forme au moyen d'un avis d'appel écrit donné à la commission d'appel au plus tard 14 jours après la date d'approbation de la demande de permis d'aménagement.

Formation de l'appel du permis

Appeal of Order

Appel d'un ordre

Appeal to appeal board	63. (1) A person who is subject to an order issued by a development officer under subsection 57(1) of this Act, or under a zoning bylaw, may appeal the order to the appeal board.	63. (1) La personne visée dans un ordre de l'agent d'aménagement en vertu du paragraphe 57(1) de la présente loi ou d'un règlement de zonage peut en appeler de l'ordre à la commission d'appel.	Appel à la commission d'appel
Commencing appeal of order	(2) An appeal under subsection (1) must be commenced by providing a written notice of appeal to the appeal board within 14 days after the day the order of the development officer is served on the person.	(2) L'appel en vertu du paragraphe (1) se forme au moyen d'un avis d'appel écrit donné à la commission d'appel au plus tard 14 jours après la date à laquelle l'ordre de l'agent d'aménagement a été signifié à la personne qu'il vise.	Formation de l'appel d'un ordre

Subdivision Appeals

Appels en matière de lotissement

Appeal of refusal of application	64. (1) A person whose application under subsection 43(1) to a municipal subdivision authority for approval of a proposed subdivision is refused, may appeal the refusal to the appeal board.	64. (1) La personne dont la demande visant un projet de lotissement présentée à l'autorité de lotissement municipale en vertu du paragraphe 43(1) est refusée peut en appeler du refus à la commission d'appel.	Appel du refus d'une demande
Appeal of rejection of plan	(2) A person whose plan of subdivision, submitted to a municipal subdivision authority under section 46, is rejected, may appeal the rejection to the appeal board.	(2) La personne dont le plan de lotissement présenté à l'autorité de lotissement municipale en vertu de l'article 46 est rejeté peut en appeler du rejet à la commission d'appel.	Appel du rejet d'un plan
Commencing subdivision appeal	(3) An appeal under subsection (1) or (2) must be commenced within 30 days after the day an application for approval of a proposed subdivision is refused or a plan of subdivision is rejected.	(3) L'appel en vertu des paragraphes (1) ou (2) doit être interjeté au plus tard 30 jours après la date du refus d'une demande d'approbation d'un projet de lotissement ou du rejet d'un plan de lotissement.	Formation de l'appel en matière de lotissement

Appeal Board Procedure, Evidence and Hearing

Règles de procédure, présentation de la preuve et audition de l'appel

Notice of appeal	65. (1) A notice of appeal to the appeal board must (a) state the reasons for the appeal; (b) summarize the supporting facts for each reason; (c) indicate the relief sought; and (d) if applicable, be submitted with the filing fee required by the zoning bylaw.	65. (1) L'avis d'appel à la commission d'appel doit, à la fois : a) indiquer les motifs d'appel; b) résumer les faits à l'appui des allégations; c) préciser le redressement demandé; d) être accompagné des droits de dépôt prévus dans le règlement de zonage, s'il y a lieu.	Avis d'appel
Person adversely affected	(2) A notice of appeal by a person appealing the approval of an application for a development permit under subsection 62(1) must state how he or she is adversely affected.	(2) La personne qui interjette appel de l'approbation d'une demande de permis d'aménagement en vertu du paragraphe 62(1) doit préciser les motifs pour lesquels elle se sent lésée.	Personne lésée
Hearing within 30 days	66. (1) The appeal board shall commence hearing an appeal within 30 days after the day the notice of appeal is received, and shall complete the hearing as soon as is reasonably practicable.	66. (1) La commission d'appel commence l'audition de l'appel au plus tard 30 jours après la date de réception de l'avis d'appel et la termine dans les meilleurs délais.	Délai d'audition de 30 jours
Notice	(2) The appeal board shall ensure that reasonable notice of a hearing is served on (a) the appellant;	(2) La commission d'appel veille à ce que les personnes suivantes reçoivent signification d'un avis d'audition raisonnable :	Avis

	<ul style="list-style-type: none"> (b) owners and lessees of land within 30 metres of the boundary of the land in respect of which the appeal relates; (c) the development authority, in the case of an appeal of a decision of a development authority; (d) the development authority and the development officer, in the case of an appeal of an order of a development officer; and (e) the municipal subdivision authority, in the case of an appeal of a decision of a municipal subdivision authority. 	<ul style="list-style-type: none"> a) l'appelant; b) les propriétaires et les locataires d'un bien-fonds dans un rayon de 30 mètres des limites du bien-fonds visé dans l'appel; c) l'autorité d'aménagement, s'il s'agit de l'appel de sa décision; d) l'autorité d'aménagement et l'agent d'aménagement, s'il s'agit de l'appel d'un ordre de l'agent d'aménagement; e) l'autorité de lotissement municipale, s'il s'agit de l'appel de sa décision. 	
Service	<p>(3) Notice of a hearing may be served by</p> <ul style="list-style-type: none"> (a) personal service; (b) registered mail; or (c) such other method as may be authorized by the regulations. 	<p>(3) L'avis d'audition peut être signifié, selon le cas :</p> <ul style="list-style-type: none"> a) à personne; b) par courrier recommandé; c) de toute autre façon prévue par règlement, le cas échéant. 	Signification
Rules of procedure	<p>67. (1) Subject to this Act, the regulations and the zoning bylaw, an appeal board may establish rules of procedure for appeals.</p>	<p>67. (1) Sous réserve de la présente loi, des règlements et du règlement de zonage, la commission d'appel peut fixer les règles de procédure applicables aux appels.</p>	Règles de procédure
Evidence	<p>(2) Subject to the regulations, evidence may be given before the appeal board in any manner that it considers appropriate, including by telephone or by an audiovisual method, and the appeal board is not bound by the rules of evidence pertaining to actions and proceedings in courts of justice, but may proceed to ascertain the facts in the manner that it considers appropriate.</p>	<p>(2) Sous réserve des règlements, la présentation de la preuve devant la commission d'appel peut se faire par tout moyen que cette dernière estime indiquée, notamment par téléphone ou par méthode audiovisuelle; la commission d'appel n'est pas tenue aux règles de preuve qui régissent les actions et les poursuites devant les tribunaux judiciaires, et elle peut procéder à la vérification des faits de la façon qu'elle estime indiquée.</p>	Présentation de la preuve
Oaths, affirmations	<p>(3) The chairperson of the appeal board may administer oaths and affirmations, or in his or her absence an acting chairperson or vice-chairperson may do so.</p>	<p>(3) Le président de la commission d'appel peut faire prêter serment et recevoir les affirmations solennelles ou, en son absence, le président suppléant ou le vice-président peut le faire.</p>	Serments, affirmations solennelles
Quorum	<p>(4) A majority of members of the appeal board constitute a quorum for hearing an appeal, but subject to subsection (5), if a member is disqualified from hearing the matter or becomes unable to continue with a hearing, the appeal board may, in the absence of the member or members, conduct or continue the hearing with less than a majority.</p>	<p>(4) La majorité des membres de la commission d'appel constitue le quorum pour siéger à un appel. Toutefois, sous réserve du paragraphe (5), si un membre est dessaisi ou est incapable de poursuivre l'audition de l'appel, la commission d'appel peut, dans l'absence du ou des membres, instruire ou poursuivre l'appel en présence d'un nombre inférieur à la majorité.</p>	Quorum
Requirement	<p>(5) An appeal board may not conduct or continue a hearing with fewer than three members.</p>	<p>(5) La commission d'appel ne peut siéger à un appel ou le poursuivre en présence de moins de trois membres.</p>	Exigence

Hearing public	(6) A hearing of the appeal board must be open to the public.	(6) L'audition devant la commission d'appel est publique.	Audition publique
Hearing	68. (1) At a hearing, the appeal board shall provide the persons referred to in subsection 66(2) with the opportunity to be heard, and may hear from any other persons that it considers necessary.	68. (1) Lors de l'audition de l'appel, la commission d'appel donne aux personnes visées au paragraphe 66(2) l'occasion de témoigner et peut entendre le témoignage de toute autre personne qu'elle juge essentiel.	Audition
Absence of person	(2) The appeal board may, on proof of service of notice of a hearing on a person referred to in subsection 66(2), proceed with the hearing in the absence of the person and determine the appeal in the same manner as if that person had attended.	(2) La commission d'appel peut, sur preuve de signification d'un avis d'appel à une personne visée au paragraphe 66(2), procéder à l'audition de l'appel en l'absence de cette personne et trancher l'appel comme si la personne y avait été présente.	Personne absente
Decision of Appeal Board		Décision de la commission d'appel	
Decision	69. (1) The appeal board may confirm, reverse or vary a decision appealed, and may impose conditions that it considers appropriate in the circumstances.	69. (1) La commission d'appel peut confirmer, infirmer ou modifier la décision portée en appel et peut imposer les conditions qu'elle juge indiquées en l'espèce.	Décision
Conflict with plans	(2) A decision of the appeal board on an appeal must not conflict with a zoning bylaw, subdivision bylaw, community plan or area development plan.	(2) La décision de la commission d'appel à la suite d'un appel ne doit pas être contraire au règlement de zonage, au règlement de lotissement, au plan directeur ou plan d'aménagement régional.	Incompatibilité avec les plans
Time limit	(3) The appeal board shall, within 60 days after the day on which a hearing is concluded, issue a written decision with reasons and provide a copy of the decision to the appellant and other parties to the appeal.	(3) La commission d'appel, dans un délai de 60 jours à compter de la fin d'une audition, rend une décision par écrit et motivée et en remet une copie à l'appelant et aux autres parties à l'appel.	Délai
Signature	(4) Decisions and other documents may be signed on behalf of the appeal board by the chairperson or by an acting chairperson or vice-chairperson, and when so signed may be admitted in evidence as proof of the decision or document without proof of the signature or the designation.	(4) Les décisions et les autres documents peuvent être signés au nom de la commission d'appel par le président, ou par le président suppléant ou le vice-président; cette signature est admissible en preuve et fait foi de la décision ou du document sans qu'il soit nécessaire de faire la preuve de l'authenticité de la signature ou de la désignation.	Signature
Decision public record	(5) A decision of the appeal board is a public record.	(5) La décision de la commission d'appel constitue un document public.	Document public
No appeal	70. A decision of the appeal board is final and binding on all parties and is not subject to appeal.	70. La décision de la commission d'appel est finale et exécutoire, et elle est sans appel.	Aucun appel
Subdivision Appeal to Arbitrator		Recours à l'arbitrage en matière de lotissement	
Arbitration: refusal of proposed subdivision	71. (1) If an application to the Director of Planning under subsection 43(1) for approval of a proposed subdivision is refused, the subdivision applicant may initiate an arbitration for the purpose of determining an appeal of the refusal.	71. (1) L'auteur d'une demande de lotissement dont la demande d'approbation d'un projet de lotissement présentée au directeur de la planification en vertu du paragraphe 43(1) est refusée peut prendre l'initiative d'un arbitrage pour décider de l'appel du refus.	Arbitrage : refus du projet de lotissement

Development Appeal Board

CITY OF YELLOWKNIFE

P.O. BOX 580,
YELLOWKNIFE, NT
X1A 2N4

Tel (867) 920-5646
Fax (867) 920-5649

July 10, 2020

200-D1-H1-20

REGISTERED MAIL

Milan Mrdjenovich

Dear Mr. Mrdjenovic:

Re: Development Appeal Board Hearing - Permit No. PL-2019-0379

This letter is to formally notify you that Development Permit #PL-2019-0379 which the City issued to you on June 26, 2020 for a Multi-Family Development on Lot 9, Block 203, Plan 4460 (adjacent 4825 School Draw Avenue - lot across from Copper Sky Condos) has been appealed to the City's Development Appeal Board.

Pursuant to Section 3.10(2) of the City of Yellowknife's Zoning By-law, your Development Permit shall not come into effect until the appeal has been determined and the permit confirmed, modified or nullified thereby.

The Appeal Board will hold a public hearing on Wednesday, August 5, 2020 at 7:00 p.m. to consider this appeal. The hearing will take place via GoTo meeting.

On the advice of the Chief Public Health Officer concerning gatherings, this meeting will be accessible to the public via webcast.

With respect to the submission of written documentation for the Appeal Board's consideration, you are hereby informed that, pursuant to section 3.10(4)(a) of the Yellowknife Zoning By-law, all maps, plans, drawings and written material that you intend to submit in support of your development must be filed with Secretary of the Appeal Board no later than ten days before the day fixed for the appeal. You have until 4:30 p.m. on Friday, July 24, 2020 to submit your documentation to the Secretary of the Appeal Board at City Hall.

Enclosed are copies of the sections of the *Community Planning and Development Act* of the Northwest Territories and the City of Yellowknife Zoning By-law that describe the Appeal Board's composition and procedures.

200-D1-H1-20
July 10, 2020

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Please contact me should you have any questions with respect to the appeal.

Yours truly,



for Debbie Gillard
Secretary
Development Appeal Board

DG/sj

Enclosure

Docs #617222

Officer, that the new application addresses the reasons for the refusal.

3.10 Development Appeal Process

Section 3.10

Section 3.10 (1) (a) as amended by By-law No. 4913 Oct 24, 2016

- (1) (a) A person whose application for a development permit is refused or who is approved for a development permit subject to a condition that he or she considers to be unreasonable, may appeal the refusal or the condition to the Development Appeal Board pursuant to Section 61 of the *Community Planning and Development Act*, by serving written notice of appeal to the Secretary of the Board within 14 days after the day the application for the development permit is approved or refused;
- (b) A person claiming to be affected by a decision of the Development Officer or Council made under this by-law may appeal to the Development Appeal Board pursuant to Section 62 of the *Community Planning and Development Act*, by serving written notice of appeal to the Secretary of the Board within 14 days after the day the application for the development permit is approved

Section 3.10 (2) as amended by By-law No. 4913 October 24, 2016

- (2) Where an appeal is made, a development permit shall not come into effect until the appeal has been determined and the decision confirmed, reversed or varied.
- (3) An appeal must be heard by a quorum of the Development Appeal Board, and a quorum shall consist of at least 2 members and the Chairperson or an Acting Chairperson.
- (4) Hearing procedures are as follows:
 - (a) the appellant and any other interested party shall, not later than ten days before the day fixed for the hearing of the appeal, file with

the Secretary of the Board all maps, plans, drawings and written material that they intend to submit to the Board or use at the hearing;

- (b) the Development Officer or Council shall, if required by the Board to do so, transmit to the Secretary of the Board, before the day fixed for the hearing of the appeal, the original or true copies of maps, plans, drawings and written material in its possession relating to the subject matter of the appeal;
- (c) all maps, plans, drawings and written material, or copies thereof, filed or transmitted pursuant to this section shall, unless otherwise ordered by the Board, be retained by the Board and be part of its permanent records; but, pending the hearing of the appeal, all the material shall be made available for the inspection of any interested person;
- (d) where a member of the Board has a conflict of interest in the matter before the Board, that member is not entitled to participate, deliberate, or vote thereon;
- (e) in determining an appeal, the Board shall not:
 - i) approve development that is not permitted or conditionally permitted by this by-law in the zone in which the development is situated, or
 - ii) approve development in a manner that is incompatible with the General Plan;
- (f) a decision concurred with by a majority of the Board present at the hearing is the decision of the Board;

Section 3.10(4) (g) as amended by By-law No. 4914 Oct 24, 2016

- (g) The decision of the Board shall be based on the facts and merits of the case and shall be in the form of a written report, including a summary of

all representations made at the hearing and setting forth the reasons for the decision and signed by the Chairperson or, in their absence, the acting Chairperson, and the Secretary and a copy of the decision shall be sent by the Secretary to the City and the appellant within 15 days of the date in which the decision was rendered plus all parties on whose behalf representations have been made, and to each interested person upon their request; and;

Section 3.10(4) (h) as amended by By-law No. 4913 Oct 24, 2016

- (h) a decision of the Board is final and binding on all parties and is not subject to appeal.

3.11 Development Appeal Board

Section 3.11 (1) as amended by By-law No. 4913 Oct 24, 2016

- (1) The Development Appeal Board is hereby established in accordance with the Section 30 of the *Community Planning and Development Act*.

- (2) The Development Appeal Board shall:

- (a) be composed of at least 3 persons and not more than seven, and one shall be a member of Council, but shall not include employees of the City;
- (b) elect a chairperson;
- (c) hold a hearing within 30 days after an appeal has been received;

Section 3.11(2) (d) as amended by By-law No. 4913 Oct. 16, 2016

- (d) Ensure that reasonable notice of the hearing is given to the appellant, all owners and lessees of land within 30 metres of the boundary of the land in respect of which the appeal relates, and all other persons who in the opinion of the Board may be affected;

Section 3.11(2) (e) as amended by By-law No. 4913 Oct. 16, 2016

- (e) consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of the General Plan, Area Development Plan, and any Council approved

plans or policies, and to this by-law;

(f) where an appeal is heard, hear the appellant or the appellant's agent, the Development Officer and any other persons that it considers necessary for a full and proper hearing;

(g) render its decision in writing to the appellant within 60 days after the date on which the hearing is held;

Section 3.11(2)(h) deleted by By-law No. 4913 Oct. 16, 2016 and subsections renumbered accordingly

(h)

(i) conduct a hearing pursuant to Section 3.10 of this by-law.

(3) The Development Appeal Board may:

(a) in determining an appeal, confirm, reverse or vary the decision appealed from and may impose conditions or limitations that it considers proper and desirable in the circumstances; and

(b) appoint the City Clerk to act as Secretary for the Board.

(4) The Secretary for the Board shall:

(a) ensure that reasonable notice of the hearing is given to the appellant and all persons who in the opinion of the Board may be affected;

(b) prepare and maintain a file of the minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with Council;

(c) issue to the appellant and all affected parties a notice of the decision of the Board and the reasons therefore;

Section 3.11(4)(d) as amended by By-law No. 4913 Oct 26, 2016

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- (d) Notify the City of the decisions of the Board and the reasons therefore; and
 - (e) carry out administrative duties as the board may specify.

Section 3.12 added as per By-law No. 5002 August 26, 2019

3.12 Amending an Effective Development Permit

- (1) An Effective Development Permit may be amended by the Planning Administrator provided that:
 - (a) The request complies with all applicable regulations of this by-law;
 - (b) The amendment is directly related to the uses and conditions of the Effective Development Permit;
 - (c) There is no change in use.
- (2) All changes that do not meet the criteria set out in subsection (1) require a new development permit, pursuant to Part 3 of this By-law.
- (3) All amendments to Effective Development Permits must be provided in writing and sent to the applicant.

Use and development restricted

- (2) On the registration of a caveat,
 - (a) the order binds the heirs, executors, administrators, assigns, transferees and successors in title of the owner of the land affected by the order; and
 - (b) until the caveat is withdrawn, no use or development of the land or buildings located on it may take place except in accordance with the order.

- (2) Dès l'enregistrement de l'opposition :
 - a) d'une part, l'ordonnance lie, à l'égard du propriétaire du bien-fonds touché, ses héritiers, exécuteurs, administrateurs, cessionnaires et destinataires du transfert;
 - b) d'autre part, jusqu'au retrait de l'opposition, aucun usage ou aménagement du bien-fonds ou des bâtiments situés sur celui-ci n'est possible si ce n'est conformément à l'ordonnance.

Usage et aménagement restreints

Withdrawal

(3) A municipal corporation shall withdraw the caveat when the order of the Supreme Court has been complied with.

(3) La municipalité retire l'opposition lorsque l'ordonnance de la Cour suprême est respectée.

Retrait

Debt owed to municipal corporation

60. Any expenses and costs of an action taken by a municipal corporation under subsection 58(4) to carry out an order of the Supreme Court are a debt owing to the municipal corporation by the person required by the order to comply, and may be recovered from the person in default by civil action for debt, or by charging it against real property of which the person is the owner in the same manner as arrears of property taxes under the *Property Assessment and Taxation Act*.

60. Les dépenses et les frais d'une action que prend la municipalité en vertu du paragraphe 58(4), en vue d'exécuter une ordonnance de la Cour suprême, constituent une créance de la municipalité à l'égard de la personne visée dans l'ordonnance, qui peut être recouvrée auprès de la personne en défaut soit en intentant une poursuite civile, soit en constituant une charge sur le bien réel dont la personne est le propriétaire évalué comme s'il s'agissait d'arriérés d'impôt foncier visés par la *Loi sur l'évaluation et l'impôt fonciers*.

Créance de la municipalité

DIVISION B - APPEALS

DIVISION B - APPELS

Development Appeals

Appels en matière d'aménagement

Appeal of refusal or conditions

61. (1) A person whose application to a development authority for a development permit is refused, or who is approved for a development permit subject to a condition that he or she considers to be unreasonable, may appeal the refusal or the condition to the appeal board.

61. (1) La personne dont la demande de permis d'aménagement a été refusée par l'autorité d'aménagement ou dont le permis d'aménagement est assorti d'une condition qu'elle estime déraisonnable peut en appeler du refus ou de la condition à la commission d'appel.

Appel du refus ou des conditions

Exception

(2) A condition that is required by a zoning bylaw to be on a development permit is not subject to appeal under subsection (1).

(2) La condition obligatoirement assortie au permis d'aménagement en vertu d'un règlement de zonage ne peut faire l'objet d'un appel en vertu du paragraphe (1).

Exception

Application deemed refused

(3) For the purposes of subsection (1), an application to a development authority for a development permit is, at the option of the applicant, deemed to be refused if the decision of the development authority is not made within 40 days after the day the application is received in its complete and final form.

(3) Aux fins du paragraphe (1), la demande de permis d'aménagement auprès d'une autorité d'aménagement est, au choix de son auteur, réputée refusée si la décision de l'autorité d'aménagement n'est pas prise dans un délai de 40 jours à compter de la date de réception de la demande sous forme finale.

Demande réputée refusée

Commencing development appeal	(4) An appeal under subsection (1) must be commenced by providing a written notice of appeal to the appeal board within 14 days after the day the application for a development permit is approved or refused.	(4) L'appel en vertu du paragraphe (1) se forme au moyen d'un avis d'appel écrit donné à la commission d'appel au plus tard 14 jours après la date d'approbation ou de refus de la demande de permis d'aménagement.	Formation de l'appel en matière d'aménagement
Appeal of development permit	<p>62. (1) A person other than an applicant for a development permit may only appeal to the appeal board in respect of an approval of an application for a development permit on the grounds that the person is adversely affected and</p> <ul style="list-style-type: none"> (a) there was a misapplication of a zoning bylaw in the approval of the application; (b) the proposed development contravenes the zoning bylaw, the community plan or an area development plan; (c) the development permit relates to a use of land or a building that had been permitted at the discretion of a development authority; (d) the application for the development permit had been approved on the basis that the specific use of land or the building was similar in character and purpose to another use that was included in a zoning bylaw for that zone; (e) the application for the development permit had been approved under circumstances where the proposed development did not fully conform with a zoning bylaw; or (f) the development permit relates to a non-conforming building or non-conforming use. 	<p>62. (1) Toute personne à l'exception de l'auteur d'une demande de permis d'aménagement peut en appeler à la commission d'appel concernant l'approbation d'une demande de permis d'aménagement au motif qu'elle est lésée et que, selon le cas :</p> <ul style="list-style-type: none"> a) il y a eu une erreur dans l'application du règlement de zonage lors de l'approbation de la demande; b) le projet d'aménagement contrevient au règlement de zonage, au plan directeur ou a plan d'aménagement régional; c) le permis d'aménagement vise un usage d'un bien-fonds ou d'un bâtiment qui avait été permis à la discrétion d'une autorité d'aménagement; d) la demande de permis d'aménagement avait été approuvée sur le fondement que l'usage particulier du bien-fonds ou du bâtiment était semblable quant à sa nature et à son but à un autre usage prévu dans le règlement de zonage à l'égard de cette zone; e) la demande de permis d'aménagement avait été approuvée à l'égard d'un projet d'aménagement qui ne respectait pas en tous points le règlement de zonage; f) le permis d'aménagement vise un bâtiment dérogatoire ou un usage non conforme. 	Appel d'un permis d'aménagement
Restriction	(2) For greater certainty, an appeal respecting the approval of an application for a development permit for a use specified in a zoning bylaw as a permitted use of land or a building, as referred to in subparagraph 14(1)(c)(i) or (ii) of this Act, may only be made if there is an alleged misapplication of the bylaw in the approval of the application.	(2) Il est entendu qu'un appel portant sur l'approbation d'une demande de permis d'aménagement visant un usage qu'un règlement de zonage précise comme usage permis d'un bien-fonds ou d'un bâtiment, visé aux sous-alinéas 14(1)c)(i) ou (ii) de la présente loi, n'est possible qu'en présence d'erreur présumée dans l'application du règlement de zonage lors de l'approbation de la demande.	Restriction
Commencing appeal of permit	(3) An appeal under subsection (1) must be commenced by providing a written notice of appeal to the appeal board within 14 days after the day the application for the development permit is approved.	(3) L'appel en vertu du paragraphe (1) se forme au moyen d'un avis d'appel écrit donné à la commission d'appel au plus tard 14 jours après la date d'approbation de la demande de permis d'aménagement.	Formation de l'appel du permis

Appeal of Order

Appel d'un ordre

Appeal to appeal board

63. (1) A person who is subject to an order issued by a development officer under subsection 57(1) of this Act, or under a zoning bylaw, may appeal the order to the appeal board.

63. (1) La personne visée dans un ordre de l'agent d'aménagement en vertu du paragraphe 57(1) de la présente loi ou d'un règlement de zonage peut en appeler de l'ordre à la commission d'appel.

Appel à la commission d'appel

Commencing appeal of order

(2) An appeal under subsection (1) must be commenced by providing a written notice of appeal to the appeal board within 14 days after the day the order of the development officer is served on the person.

(2) L'appel en vertu du paragraphe (1) se forme au moyen d'un avis d'appel écrit donné à la commission d'appel au plus tard 14 jours après la date à laquelle l'ordre de l'agent d'aménagement a été signifié à la personne qu'il vise.

Formation de l'appel d'un ordre

Subdivision Appeals

Appels en matière de lotissement

Appeal of refusal of application

64. (1) A person whose application under subsection 43(1) to a municipal subdivision authority for approval of a proposed subdivision is refused, may appeal the refusal to the appeal board.

64. (1) La personne dont la demande visant un projet de lotissement présentée à l'autorité de lotissement municipale en vertu du paragraphe 43(1) est refusée peut en appeler du refus à la commission d'appel.

Appel du refus d'une demande

Appeal of rejection of plan

(2) A person whose plan of subdivision, submitted to a municipal subdivision authority under section 46, is rejected, may appeal the rejection to the appeal board.

(2) La personne dont le plan de lotissement présenté à l'autorité de lotissement municipale en vertu de l'article 46 est rejeté peut en appeler du rejet à la commission d'appel.

Appel du rejet d'un plan

Commencing subdivision appeal

(3) An appeal under subsection (1) or (2) must be commenced within 30 days after the day an application for approval of a proposed subdivision is refused or a plan of subdivision is rejected.

(3) L'appel en vertu des paragraphes (1) ou (2) doit être interjeté au plus tard 30 jours après la date du refus d'une demande d'approbation d'un projet de lotissement ou du rejet d'un plan de lotissement.

Formation de l'appel en matière de lotissement

Appeal Board Procedure, Evidence and Hearing

Règles de procédure, présentation de la preuve et audition de l'appel

Notice of appeal

65. (1) A notice of appeal to the appeal board must
(a) state the reasons for the appeal;
(b) summarize the supporting facts for each reason;
(c) indicate the relief sought; and
(d) if applicable, be submitted with the filing fee required by the zoning bylaw.

65. (1) L'avis d'appel à la commission d'appel doit, à la fois :
a) indiquer les motifs d'appel;
b) résumer les faits à l'appui des allégations;
c) préciser le redressement demandé;
d) être accompagné des droits de dépôt prévus dans le règlement de zonage, s'il y a lieu.

Avis d'appel

Person adversely affected

(2) A notice of appeal by a person appealing the approval of an application for a development permit under subsection 62(1) must state how he or she is adversely affected.

(2) La personne qui interjette appel de l'approbation d'une demande de permis d'aménagement en vertu du paragraphe 62(1) doit préciser les motifs pour lesquels elle se sent lésée.

Personne lésée

Hearing within 30 days

66. (1) The appeal board shall commence hearing an appeal within 30 days after the day the notice of appeal is received, and shall complete the hearing as soon as is reasonably practicable.

66. (1) La commission d'appel commence l'audition de l'appel au plus tard 30 jours après la date de réception de l'avis d'appel et la termine dans les meilleurs délais.

Délai d'audition de 30 jours

Notice

(2) The appeal board shall ensure that reasonable notice of a hearing is served on
(a) the appellant;

(2) La commission d'appel veille à ce que les personnes suivantes reçoivent signification d'un avis d'audition raisonnable :

Avis

	<ul style="list-style-type: none"> (b) owners and lessees of land within 30 metres of the boundary of the land in respect of which the appeal relates; (c) the development authority, in the case of an appeal of a decision of a development authority; (d) the development authority and the development officer, in the case of an appeal of an order of a development officer; and (e) the municipal subdivision authority, in the case of an appeal of a decision of a municipal subdivision authority. 	<ul style="list-style-type: none"> a) l'appelant; b) les propriétaires et les locataires d'un bien-fonds dans un rayon de 30 mètres des limites du bien-fonds visé dans l'appel; c) l'autorité d'aménagement, s'il s'agit de l'appel de sa décision; d) l'autorité d'aménagement et l'agent d'aménagement, s'il s'agit de l'appel d'un ordre de l'agent d'aménagement; e) l'autorité de lotissement municipale, s'il s'agit de l'appel de sa décision. 	
Service	<p>(3) Notice of a hearing may be served by</p> <ul style="list-style-type: none"> (a) personal service; (b) registered mail; or (c) such other method as may be authorized by the regulations. 	<p>(3) L'avis d'audition peut être signifié, selon le cas :</p> <ul style="list-style-type: none"> a) à personne; b) par courrier recommandé; c) de toute autre façon prévue par règlement, le cas échéant. 	Signification
Rules of procedure	<p>67. (1) Subject to this Act, the regulations and the zoning bylaw, an appeal board may establish rules of procedure for appeals.</p>	<p>67. (1) Sous réserve de la présente loi, des règlements et du règlement de zonage, la commission d'appel peut fixer les règles de procédure applicables aux appels.</p>	Règles de procédure
Evidence	<p>(2) Subject to the regulations, evidence may be given before the appeal board in any manner that it considers appropriate, including by telephone or by an audiovisual method, and the appeal board is not bound by the rules of evidence pertaining to actions and proceedings in courts of justice, but may proceed to ascertain the facts in the manner that it considers appropriate.</p>	<p>(2) Sous réserve des règlements, la présentation de la preuve devant la commission d'appel peut se faire par tout moyen que cette dernière estime indiquée, notamment par téléphone ou par méthode audiovisuelle; la commission d'appel n'est pas tenue aux règles de preuve qui régissent les actions et les poursuites devant les tribunaux judiciaires, et elle peut procéder à la vérification des faits de la façon qu'elle estime indiquée.</p>	Présentation de la preuve
Oaths, affirmations	<p>(3) The chairperson of the appeal board may administer oaths and affirmations, or in his or her absence an acting chairperson or vice-chairperson may do so.</p>	<p>(3) Le président de la commission d'appel peut faire prêter serment et recevoir les affirmations solennelles ou, en son absence, le président suppléant ou le vice-président peut le faire.</p>	Serments, affirmations solennelles
Quorum	<p>(4) A majority of members of the appeal board constitute a quorum for hearing an appeal, but subject to subsection (5), if a member is disqualified from hearing the matter or becomes unable to continue with a hearing, the appeal board may, in the absence of the member or members, conduct or continue the hearing with less than a majority.</p>	<p>(4) La majorité des membres de la commission d'appel constitue le quorum pour siéger à un appel. Toutefois, sous réserve du paragraphe (5), si un membre est dessaisi ou est incapable de poursuivre l'audition de l'appel, la commission d'appel peut, dans l'absence du ou des membres, instruire ou poursuivre l'appel en présence d'un nombre inférieur à la majorité.</p>	Quorum
Requirement	<p>(5) An appeal board may not conduct or continue a hearing with fewer than three members.</p>	<p>(5) La commission d'appel ne peut siéger à un appel ou le poursuivre en présence de moins de trois membres.</p>	Exigence

Hearing public	(6) A hearing of the appeal board must be open to the public.	(6) L'audition devant la commission d'appel est publique.	Audition publique
Hearing	68. (1) At a hearing, the appeal board shall provide the persons referred to in subsection 66(2) with the opportunity to be heard, and may hear from any other persons that it considers necessary.	68. (1) Lors de l'audition de l'appel, la commission d'appel donne aux personnes visées au paragraphe 66(2) l'occasion de témoigner et peut entendre le témoignage de toute autre personne qu'elle juge essentiel.	Audition
Absence of person	(2) The appeal board may, on proof of service of notice of a hearing on a person referred to in subsection 66(2), proceed with the hearing in the absence of the person and determine the appeal in the same manner as if that person had attended.	(2) La commission d'appel peut, sur preuve de signification d'un avis d'appel à une personne visée au paragraphe 66(2), procéder à l'audition de l'appel en l'absence de cette personne et trancher l'appel comme si la personne y avait été présente.	Personne absente
Decision of Appeal Board		Décision de la commission d'appel	
Decision	69. (1) The appeal board may confirm, reverse or vary a decision appealed, and may impose conditions that it considers appropriate in the circumstances.	69. (1) La commission d'appel peut confirmer, infirmer ou modifier la décision portée en appel et peut imposer les conditions qu'elle juge indiquées en l'espèce.	Décision
Conflict with plans	(2) A decision of the appeal board on an appeal must not conflict with a zoning bylaw, subdivision bylaw, community plan or area development plan.	(2) La décision de la commission d'appel à la suite d'un appel ne doit pas être contraire au règlement de zonage, au règlement de lotissement, au plan directeur ou plan d'aménagement régional.	Incompatibilité avec les plans
Time limit	(3) The appeal board shall, within 60 days after the day on which a hearing is concluded, issue a written decision with reasons and provide a copy of the decision to the appellant and other parties to the appeal.	(3) La commission d'appel, dans un délai de 60 jours à compter de la fin d'une audition, rend une décision par écrit et motivée et en remet une copie à l'appellant et aux autres parties à l'appel.	Délai
Signature	(4) Decisions and other documents may be signed on behalf of the appeal board by the chairperson or by an acting chairperson or vice-chairperson, and when so signed may be admitted in evidence as proof of the decision or document without proof of the signature or the designation.	(4) Les décisions et les autres documents peuvent être signés au nom de la commission d'appel par le président, ou par le président suppléant ou le vice-président; cette signature est admissible en preuve et fait foi de la décision ou du document sans qu'il soit nécessaire de faire la preuve de l'authenticité de la signature ou de la désignation.	Signature
Decision public record	(5) A decision of the appeal board is a public record.	(5) La décision de la commission d'appel constitue un document public.	Document public
No appeal	70. A decision of the appeal board is final and binding on all parties and is not subject to appeal.	70. La décision de la commission d'appel est finale et exécutoire, et elle est sans appel.	Aucun appel
Subdivision Appeal to Arbitrator		Recours à l'arbitrage en matière de lotissement	
Arbitration: refusal of proposed subdivision	71. (1) If an application to the Director of Planning under subsection 43(1) for approval of a proposed subdivision is refused, the subdivision applicant may initiate an arbitration for the purpose of determining an appeal of the refusal.	71. (1) L'auteur d'une demande de lotissement dont la demande d'approbation d'un projet de lotissement présentée au directeur de la planification en vertu du paragraphe 43(1) est refusée peut prendre l'initiative d'un arbitrage pour décider de l'appel du refus.	Arbitrage : refus du projet de lotissement