

**CITY OF YELLOWKNIFE  
BY-LAW NO. 4342**

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. 4024, 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. 4024;

AND WHEREAS the Municipal Corporation of the City of Yellowknife wishes to amend Zoning By-law No. 4024, 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. 4024 of the Municipal Corporation of the City of Yellowknife, is hereby amended by:

- A) Adding under Section 1.6 Definitions, the following definitions:

Office (Minor) means development that provides professional, management, administrative, consulting, and health care services, and such development is limited to a floor area of a maximum of 200% of the site area;

Commercial Use (Minor) means the use of land, buildings or structures for the purpose of buying and selling commodities and supplying services, but does not mean general government offices, manufacturing or assembling of goods, warehousing, transport terminals, 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;

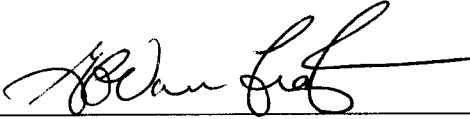
Food/Beverage Service (Minor) means a facility in which food and/or beverages are prepared to be sold for consumption on the premises or for take-out, and without limiting the generality of the foregoing, may include such facilities as restaurants, drive-in food establishments, taverns, bars, cocktail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

- B) Deleting Section 3.8(2)(c);
- C) Deleting Sections 3.8(3)(f), (i) and (r) and adding new Sections 3.8(3)(f), (i) and (r) as follows:
  - (f) Commercial            1.5 spaces per 100m<sup>2</sup> of gross floor area in the "CC" and "CT" zones, and 2 spaces per 100 m<sup>2</sup> in all other zones;
  - (i) Food/Beverage Service    1.5 spaces per 100m<sup>2</sup> of gross floor area in the "CC" and "CT" zones, and one space for every four seats in all other zones;
  - (r) Office                    1 space per 100 m<sup>2</sup> of gross floor area in the "CC" and "CT" zones, and 3 spaces per 100 m<sup>2</sup> in all other zones;
- D) Deleting Section 4.11 and adding a new Section 4.11 in accordance with Schedule No. 1 attached hereto and forming part of this by-law;
- E) Adding a new Section 4.18 in accordance with Schedule No. 2 attached hereto and forming part of this by-law;
- F) Amending Schedule No. 2 of Zoning By-law No. 4024, as amended, in accordance with Schedule No. 3 attached hereto and forming part of this by-law.

**EFFECT**

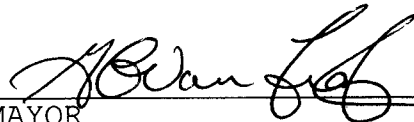
- 2. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ a First Time this 22<sup>ND</sup> day of NOVEMBER, A.D. 2004.

  
MAYOR

  
A/ CITY ADMINISTRATOR

READ a Second Time this 14<sup>TH</sup> day of FEBRUARY, A.D. 2005.

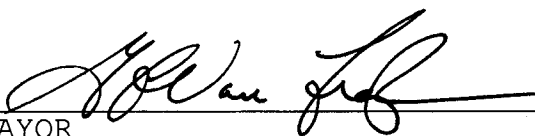
  
MAYOR

  
A/ CITY ADMINISTRATOR

APPROVED by the Minister of Municipal and Community Affairs of the Northwest Territories this 8<sup>th</sup> day of March, A.D. 2005.

  
MINISTER  
MUNICIPAL AND COMMUNITY AFFAIRS

READ a Third Time and Finally Passed this 29<sup>th</sup> day of March A.D., 2005.

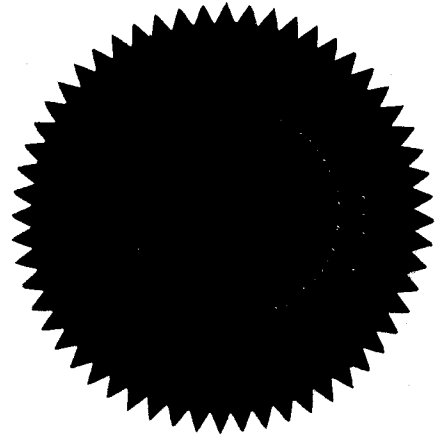
  
MAYOR

  
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.

  
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CITY ADMINISTRATOR

Docs #96681-v1



## **SCHEDULE NO. 1 TO BY-LAW NO. 4342**

### **4.11 CC Core Area Commercial**

(1) General Purpose

To define the downtown core area as the City's principal office, commercial and entertainment district, while providing for supportive higher density residential uses.

(2) Uses

(a) Permitted Uses are

Commercial use,  
Commercial entertainment,  
Commercial recreational,  
Child care facility,  
Diamond facility,  
Food/beverage service,  
Special care facility,  
Hotel/Motel,  
Office,  
Multi-attached subject to Section 4.11(2)(d)  
Multi-family,  
Parking lot subject to Section 4.11(3)(h),  
Parks and recreation,  
Planned development,  
Public utility uses and structures,  
Public and quasi-public use,  
Temporary activity subject to Section 3.9,  
Home based business, and  
Accessory structures and uses;

(b) Conditionally Permitted Uses are

Motor vehicle sales, service or repair subject to Section 4.11(3)(j),  
Parking structure subject to Section 4.11(3)(h), and  
Similar use.

(c) Any detached dwelling legally existing on site prior to the passing of this By-law is deemed to be an approved use for that site.

(d) Multi-attached dwellings are a Permitted Use only within Block 301 and shall be subject to Section 4.8(3).

**(3) Regulations**

- (a) Height: a maximum of 15 stories or 45 meters whichever is greater, but the height shall not in any case exceed 245 meters above sea level.**
- (b) Yards:**
  - i) Subject to Core Area Design Standards Sections 4.11(4)(a)(i)-(iii), there shall be no front yard setback requirement;**
  - ii) The Development Officer may, using discretion, allow street facing yard setbacks up to a maximum of 6.0 meters. Any such setback shall accommodate amenity spaces in accordance with Core Area Design Standards Section 4.11(4)(b). For single purpose residential developments, the Development Officer may substitute the landscaping requirements of Section 3.1(3) in place of Core Area Design Standards Section 4.11(4)(b);**
  - iii) Subject to Core Area Design Standards Section 4.11(4)(a)(iii), there shall be no side or rear yard setback requirements, 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 meters;**
  - iv) Any development proposed to be built to the property line adjoining a lane shall demonstrate means to comply, where applicable, with requirements of the Canadian Electrical Code.**
- (c) Lot Width: a minimum of 7.5 m.**
- (d) Site Area: a minimum of 232 m<sup>2</sup>.**
- (e) Floor Area: a minimum of 50% of the site area**
- (f) Site Area (Residential):**
  - i) Multi-family dwellings: a minimum of 25 m<sup>2</sup> of site area per dwelling unit.**

- (g) Parking and loading spaces: subject to Section 3.8, except that in the “CC” zone, one parking space per two dwelling units for a multi-family dwelling is required.
- (h) Parking lots and free standing parking structures abutting Franklin Avenue are not permitted.
- (i) In the “CC” zone, off-street parking requirements, Section 3.8(3), are deemed to be fulfilled for any change of use within an existing building.
- (j) All storage, service and display of a motor vehicle sales and service use shall be contained within a building.
- (k) 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 meters;
  - ii) The front yard setback shall be a minimum of 20 meters, and the minimum required landscaping shall be 100% of the front yard.

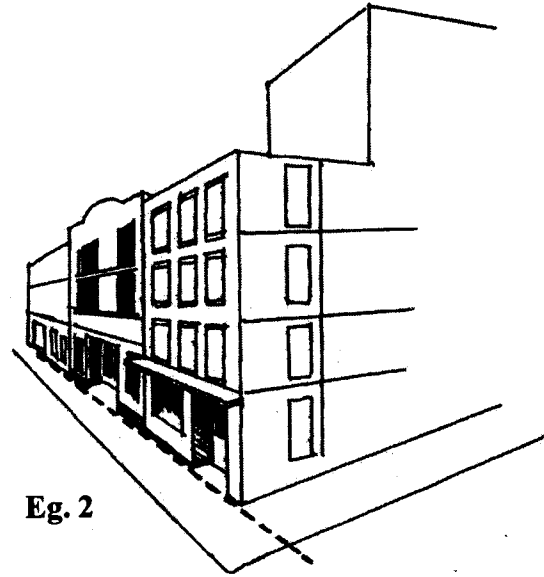
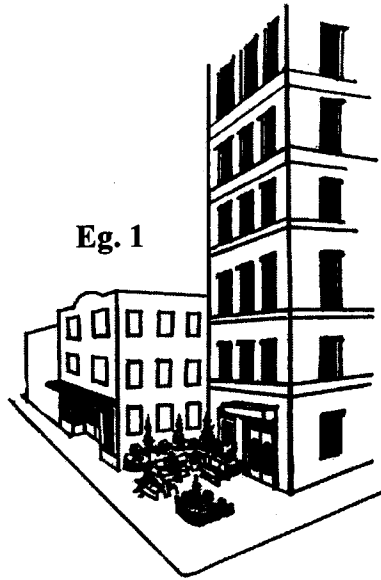
(4) Core Area Design Standards

In addition to all other requirements of this by-law, all development within the “CC” – Core Area Commercial” zone shall be subject to the following design standards. The objective of the Core Area Design Standards is to strive for excellence in the quality of the downtown built environment by encouraging a livable city of diverse and vibrant urban spaces, visually interesting and appealing buildings and a pedestrian oriented street environment.

(a) Building Orientation and Design

- (i) Subject to the amenity space, and building orientation and design standards, buildings are to maintain a consistent street wall by being built to a street facing property line. Entrances to buildings that maintain a consistent street wall are encouraged to be recessed to provide shelter and safety to pedestrians, and to maintain pedestrian movement on the sidewalk. Entrances to buildings are also encouraged to be well illuminated and angled from the sidewalk in such a manner as to provide clear sightlines from the entrance area to oncoming pedestrian traffic.

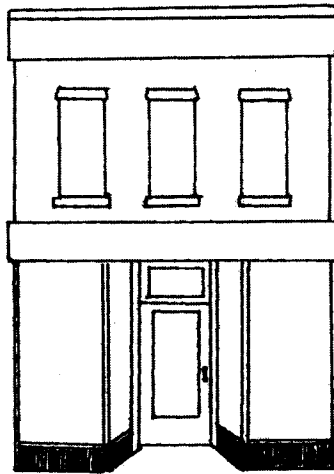
- (ii) Notwithstanding Section 4.11(3), for buildings fronting Franklin Avenue, the setback of a building which exceeds 4 stories in height shall be at least 6.0 meters from the Franklin Avenue facing property line for that part of the building which is above 4 stories.



- (iii) Notwithstanding Section 4.11(3), for buildings fronting, or on the flanking street side, of all streets within the "CC" zone other than Franklin Avenue, the setback of a building which exceeds 4 stories in height shall be at least 3.0 meters from any street facing property line for that part of the building which is above 4 stories.
- (iv) For all commercial and food/beverage service uses, 50% of the horizontal dimension of a ground floor street facing façade shall have windows or similar architectural features (excluding mirrored insulated wall sections). The maximum dimension from sidewalk grade to window sill height shall not exceed 0.8 meters. The minimum dimension from sidewalk grade to window head shall be 2.5 meters. The maximum dimension between these windows or similar architectural features shall not exceed 5.0 meters. In determining this distance, the Development Officer shall not consider entrance doors.

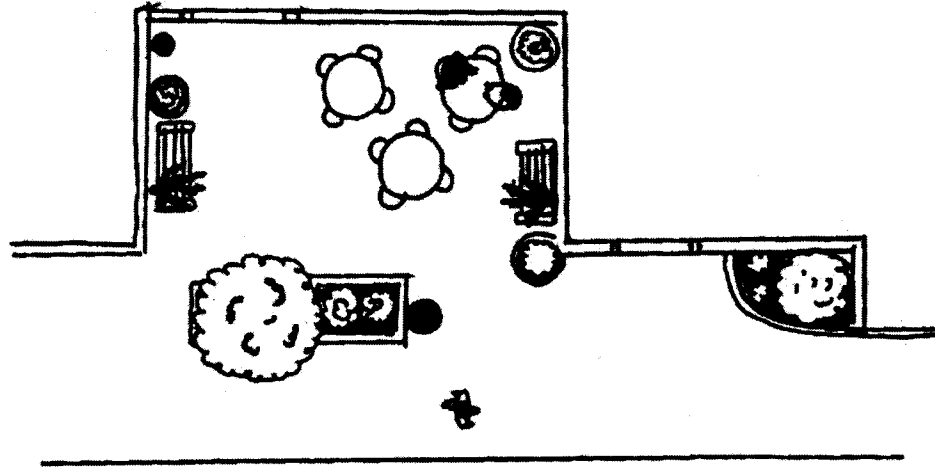


- (v) For all commercial and food beverage/service uses, buildings should provide a clear visual distinction between the street facing ground floor façade and any upper floors. This can be achieved by incorporating features such as varying window size and placement, providing horizontal bands above the ground floor, and by varying lighting and signage between the first and second floor.



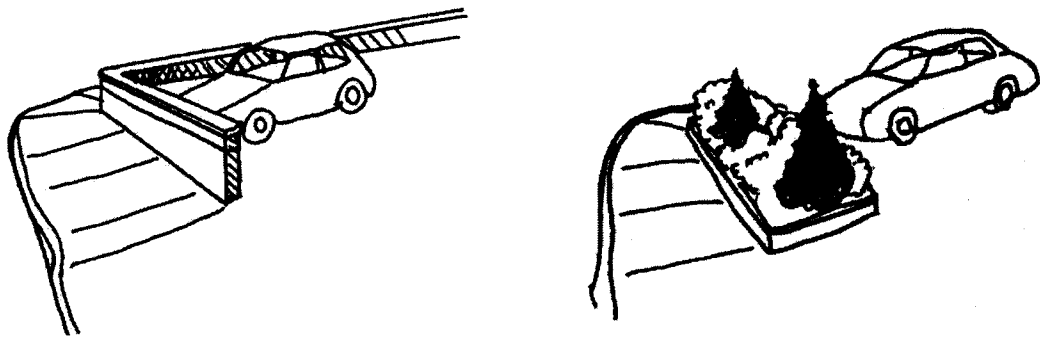
- (vi) Detail trim for windows, doorways, parapets, etc. is encouraged that is large enough to be visible to pedestrians.
- (vii) The primary orientation of the building and main entry shall be toward the street.
- (viii) For all commercial and food/beverage service uses, the distance between sidewalk grade and the ground floor elevation shall not exceed 0.5 meters. Finished exterior surfaces shall extend to no less than 15 centimeters above the finished grade level.
- (ix) Residential uses shall have exclusive access to the street facing portion of a building.
- (x) 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.
- (xi) Multiple building entrances opening directly onto the street are encouraged.
- (b) Amenity Space
- (i) Where amenity spaces are 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 Section 3.1(3), 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;
- bike racks;
- public information displays, and;
- related street furniture.

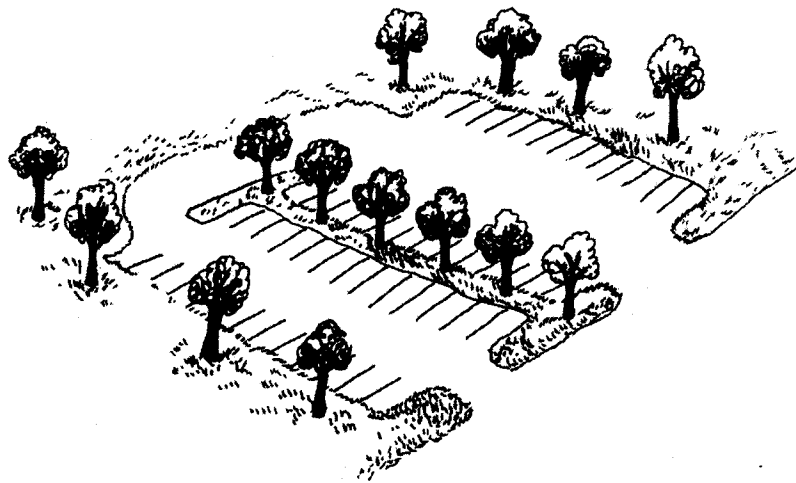


- (ii) Amenity spaces are encouraged to be at the same grade as the adjacent sidewalk area in order to extend the public sidewalk environment.
  - (iii) Amenity spaces shall provide for the continuity of pedestrian movement. The Development Officer may consider railings and barriers to an amenity space only where it is to be used for food/beverage service purposes.
  - (iv) Landscaping provided within an amenity space shall incorporate plant species capable of surviving the winter season.
  - (v) Existing trees shall be incorporated into amenity spaces where possible.
  - (vi) The use of reduced glare lighting is encouraged within an amenity space.
- (c) **Parking**
- (i) Surface parking lots, loading and trash collection areas are not permitted in front of, or on the flanking street side of the principal building.
  - (ii) Wherever possible, laneways shall be the point of access to parking, loading and trash collections areas.

- (iii) 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 meters.
- (iv) 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 meters, 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 meter setback area from the property line. The setback area shall be landscaped.



- (v) Parking lots exceeding 464 square meters in area shall employ landscaping and site planning techniques to break large paved surface areas into a series of smaller surface areas.

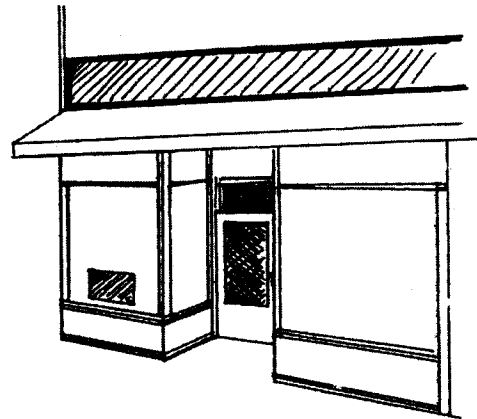
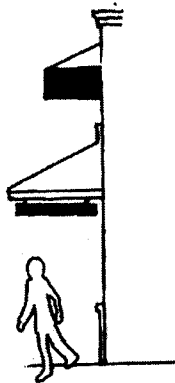


- (vi) Parking lots and landscaping shall be designed to incorporate mature trees where possible. The Development Officer may vary the parking requirements if it provides for the survival of large mature trees on a site.

- (vii) Parking structures are encouraged to be integrated into the overall structure of a building or large scale development, rather than as a free standing structure, in order to reduce the visual impact of parking structures. For such developments, it is also encouraged that the ground floor of a parking structure facing a street contain office, commercial or related food/beverage service uses.
- (viii) The ground floor street facing façade of a parking structure shall incorporate screening to the interior of the structure and to also incorporate vertical architectural elements intended to maintain the street scale pedestrian environment.

(d) Signage

- (i) Signage shall be designed to enhance the appearance of the downtown and add interest and comfort to the pedestrian environment.
- (ii) Projecting and marquee or canopy signs are encouraged for all commercial and food/beverage service uses.



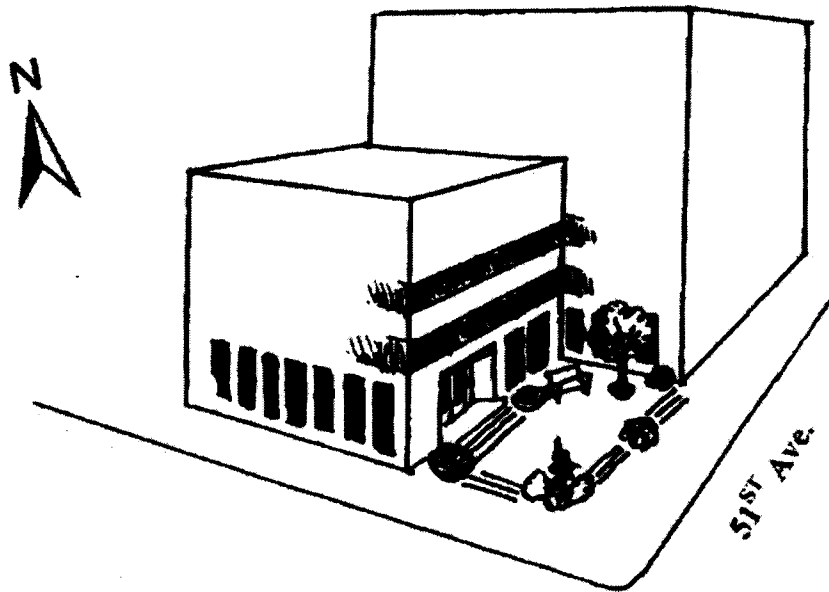
- (iii) Free standing and roof signs are not permitted.
- (iv) Signs that incorporate flashing advertising images are not permitted.
- (v) Movable sandwich board type signs are considered suitable to the downtown area, provided they are placed within the property line or in an amenity space, and in either case do not obstruct pedestrian movement.

(e) Wind Protection

- (i) For those buildings which exceed 4 stories in height above grade, and exceed 1,500 square meters of floor area, the Development Officer may 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.

(f) Sun Penetration

- (i) For those buildings which exceed 4 stories in height above grade, the Development Officer may 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.



- (5) Notwithstanding Sections 4.11(3) and 4.11(4), where an applicant for a development permit provides evidence that it is impractical to conform to the noted sections due to physical limitations, these sections shall be at the discretion of the Development Officer who shall have due regard to the purpose and intent of the regulations and standards and to the amenities of the district.

## SCHEDULE NO. 2 TO BY-LAW NO. 4342

### 4.18 CT Centertown

(1) General Purpose

To provide an area for multi unit residential development in support of the City's downtown core, while allowing for limited commercial uses.

(2) Uses:

(a) Permitted Uses are:

Detached dwelling,  
Duplex dwelling,  
Multi-family, subject to Section 3.3,  
Multi-attached, subject to Section 3.3,  
Office (Minor),  
Commercial Use (Minor),  
Parks and Recreation,  
Public and Quasi-Public Use,  
Child Care Facility,  
Planned Development,  
Public Utility Uses and Structures,  
Home Based Business,  
Accessory Structures and Uses,  
Temporary Activities subject to Section 3.9

(b) Conditionally Permitted Uses are:

Food/Beverage Service (Minor),  
Diamond Facility,  
Special Care Facility,  
Hotel/Motel,  
Parking lot, and  
Similar Uses

(3) Regulations

- (a) Floor Area: Detached dwelling: a minimum of 90 m<sup>2</sup>;  
Duplex dwelling: a minimum of 55 m<sup>2</sup> for each unit;  
Multi-family dwellings: a minimum of 37 m<sup>2</sup> for each unit;  
Multi-attached dwellings: a minimum of 55 m<sup>2</sup> for each unit.

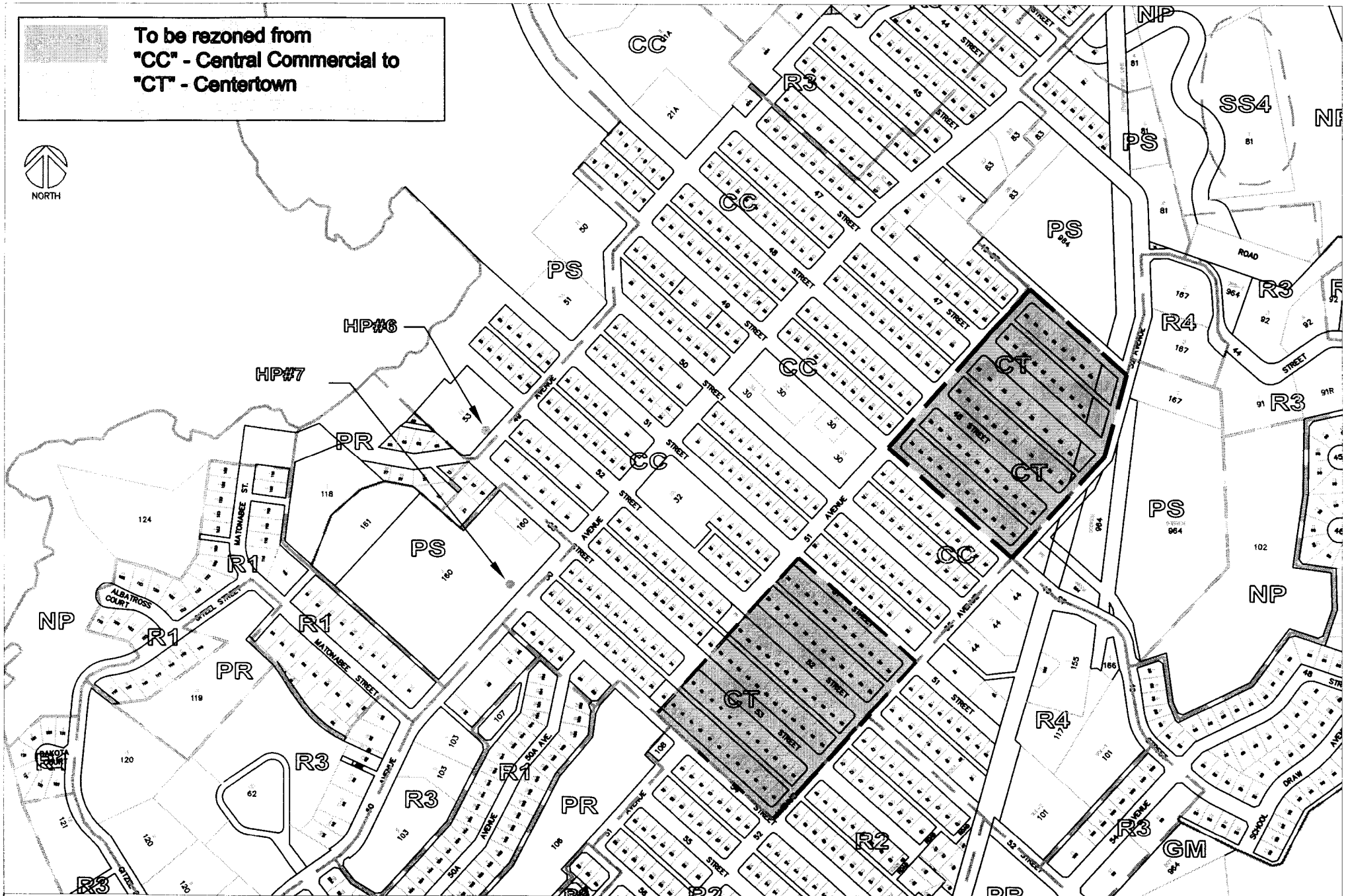
- (b) Height: maximum of 15 meters.

- (c) Front Yard: A minimum of 3.0 meters;  
Office (Minor), Commercial (Minor) and Food/Beverage Service (Minor) uses shall have no setback requirement.
- (d) Side Yard: Residential: a minimum of 2.0 meters;  
Other Uses: nil, unless the side yard abuts a residential development, in which case it shall be 2.0 meters.
- (e) Rear Yard: A minimum of 6.0 meters, with the exception that an attached or detached garage may be sited in accordance with Section 3.2(6)(e);  
Office (Minor), Commercial (Minor) and Food/Beverage Service (Minor) shall be at the discretion of the Development Officer, subject to compliance with requirements of the Canadian Electrical Code.
- (f) Lot Width: a minimum of 7.5 meters;
- (g) Site Area: a minimum of 232 m<sup>2</sup>,
- (h) Site Density (Residential):  
Multi-family dwelling: a minimum of 75 m<sup>2</sup> of site area per dwelling unit,  
Multi-attached dwelling: a minimum of 125 m<sup>2</sup> of site area per dwelling unit
- (i) Landscape Area:  
Residential: 100% of a street facing yard setback unless otherwise required by the Development Officer, and such landscaping shall include the provision of trees along the street frontage,  
Other Uses: a minimum of 5% of the site area, subject to Section 3.1(3),
- (j) Parking, loading and garbage collection areas, and access thereto, shall be from the rear of a site,
- (k) Parking: subject to Section 3.8,
- (l) Loading Spaces: subject to Section 3.8,
- (m) Notwithstanding Section 4.18(3), where it is deemed impractical to conform to those regulations due to physical limitations, they shall be at the discretion of the Development Officer who shall have due regard to the purpose and intent of the zone and the amenities of the district.

(4) **Special Provisions**

- (a) For Office (Minor), Commercial (Minor) and Food/Beverage Service (Minor) uses, applicable sections of Core Area Design Standards Sections 4.11(4)(a)(i, iv-xi), (b), (c) and (d) shall apply to any proposed development.

To be rezoned from  
**"CC" - Central Commercial** to  
**"CT" - Centertown**



**City of Yellowknife**  
*Planning & Lands Division*

Scale: N.T.S.

File: Rezoning CC - By-law 4342.dwg

Date: January 19, 2005

Project:

**By-law No. 4342 Amending Zoning By-law No. 4024**

Title:

**Schedule No. 3 to By-law No. 4342**

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