



CITY OF YELLOWKNIFE

BY-LAW NO. 4765

BZ 318

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, Building By-law No. 4469, as amended, and Water and Sewer Services By-law No. 4663.

PURSUANT TO:

- a) Sections 12 to 32 inclusive of the *Community Planning and Development Act*, S.N.W.T., 2013, c.9; and
- 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.

WHEREAS the Municipal Corporation of the City of Yellowknife has enacted Zoning By-law No. 4404, as amended, Building By-law No. 4469, as amended, and Water and Sewer Services By-law No. 4663;

AND WHEREAS the Municipal Corporation of the City of Yellowknife wishes to amend Zoning By-law No. 4404, as amended, Building By-law No. 4469, as amended, and Water and Sewer Services By-law No. 4663;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

APPLICATION

1. Zoning By-law No. 4404, as amended

That Zoning By-law No. 4404, as amended, be amended by:

1) Amending Section 1.6 as follows:

- (i) Adding a definition: "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;

- (ii) Adding a definition: “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;
- (iii) Under the definition of “Duplex” replacing only: “but this does not include either a single detached dwelling with a subordinate second dwelling unit” with “but this does not include either a single detached dwelling with an in-home secondary suite”.

2) Renaming and replacing Section 7.1(10) in its entirety as follows:

(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:	<p><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 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:	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.
(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 Section 7.2(5). Where a side entry is adjacent to a property line, a minimum of 2.4 metres is required.</p>
(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:	<p>Design standards of the zone where the In-Home or Detached Secondary Suite resides shall apply. Additional standards include:</p> <ul style="list-style-type: none"> (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:	<p>In-Home suites must have direct access to the outdoors and at least one window for emergency escape during a fire.</p> <p>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.</p>

<p>(k) Siting:</p>	<p>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>
<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>

3) Amending Section 7.2(5)(d) as follows:

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.

4) Replacing section 7.2(5)(g) as follows:

(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.

5) Amending Sections 10.9 (2)(b), 10.10 (2)(b) and 10.11(2)(b) to include “In-Home Secondary Suite for multi-attached dwelling” under the list of Conditionally Permitted Uses in the R3 - Residential – Medium Density, R3-1 – Residential – Medium Density – Multi-Attached dwelling, and R4 – Residential – High Density zones.

2. Building By-law No. 4469, as amended

That Building By-law No. 4469, as amended, be amended by:

1) Amending Section 2 DEFINITIONS as follows:

Replacing paragraph 2.1 with the following:

2.1 The words and terms used in this by-law shall have the meanings prescribed in the current National Building Code of Canada.

a. Definitions of words and phrases used in this by-law that are not specifically defined in the National Building Code of Canada shall have the meanings which are commonly assigned to them in the context in which they are used in this by-law, taking into account the specialized use of terms within the various trades and professions to which the terminology applies.

Amending paragraph 2.2 with the following definition:

In-Home Secondary Suite:

means a self-contained dwelling unit with a prescribed floor area located in a building or portion of a building of only residential occupancy that contains only one other dwelling unit and common spaces, and where both dwelling units constitute a single real estate entity.

The total floor area of all storeys of an In-Home Secondary Suite shall be not more than the lesser of:

a) 80% of the total floor area of all storeys of the other dwelling unit, excluding the garage floor area and common spaces

- b) serving both dwelling units, and
80 m².

2) Amending Section 6. LOCAL CONSTRUCTION REQUIREMENTS as follows:

Replacing paragraph 6.3, a. and b. with the following:

- a. All **single family dwellings** containing **in-home secondary suites** and **two-family dwellings (Duplex)** must be either sprinklered throughout the building **OR** the units must be separated by the rest of the dwelling by a continuous fire rated separation of 1 hour. All **dwelling units**, if considered to be sprinklered, must comply with National Fire Protection Association Standard 13D “Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes”, and must be approved by the Office of the Fire Marshal.
- b. All **multi-family dwellings up to and including four storeys in height not exceeding 60 ft (18m) above grade** must be sprinklered and the sprinkler system must comply to National Fire Protection Association Standard 13R, “Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies”, and must be approved by the Office of the Fire Marshal.

3. Water and Sewer Services By-law No. 4663

That Water and Sewer Services By-law No. 4663, be amended by:

- 1) Amending Schedule C, Section A-3 (f) as follows:
 - f) The water holding tank shall be a minimum of 500 Imperial gallons or 2,250 litres in size for new development and a minimum of 200 Imperial gallons or 900 litres for upgraded dwellings, or other size subject to approval by the City Engineer.
- 2) Amending Schedule C, Sections B-2 (e) and (f) as follows:
 - e) The sewage holding tank shall be twice the volume of the water storage tank to accommodate sewage and greywater discharge, or other size subject to approval by the City Engineer.
 - f) The sewage holding tank shall be a minimum of 1,000 imperial gallons or 4,550 litres for new developments, or other size subject to approval by the City Engineer.

EFFECT

- 4. 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 13 day of JANUARY, A.D. 2014.

Tank Heylek
Mayor

Ronnie KeFalat
City Administrator

READ a Second Time this 27 day of JANUARY, A.D. 2014.

Tank Heylek
Mayor

Ronnie KeFalat
City Administrator

READ a Third Time and Finally Passed this 27 day of JANUARY A.D., 2014.

Tank Heylek
Mayor

Ronnie KeFalat
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.

Ronnie KeFalat
City Administrator

