

**CITY OF YELLOWKNIFE
BY-LAW NO. 4639**

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

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

1. **Amending Section 1.4 - Zones and Zoning Map by adding subsection (6) as follows:**

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.

2. Amending Section 1.6 - Definitions by adding new definitions as follows:

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

"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;

"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.

3. Amending Section 7.1(11)(c) to read as follows:

canopies may project off site and over public property in areas zoned DT and CT, subject to an encroachment agreement with the City.

4. Amending Section 7.5(4) to read as follows:

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 CT or DT zone.

5. Amending Section 9.1(n) to read as follows:

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 and CT 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.

6. Amending Section 9.2 to read as follows:

Off-site and cash-in-lieu of parking requirements in the DT and CT zones

Required parking in the DT and CT zones may be provided in whole or part either off-site or by cash-in-lieu of parking, subject to the approval of the Planning Administrator, and the following provisions:

7. Amending Section 9.2(a) to read as follows:

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
- ii) the off-site parking area shall be not located any further than 150 metres from the site where the building or use is located.
- 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.

8. Amending Sections 9.3(1) (f) (h) (j) (k) (s) to read as follows:

(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.
(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
(j)	Food/beverage service	1.5 spaces per 100m ² of gross floor area in the DT and CT zones, 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 area in other zones.	1 per 80m ² of first floor area. For courts, field and/or playgrounds the area is defined by useable recreational space.
(s)	Office	One space per 100m ² of gross floor area in the DT and CT zones, and three spaces per 100m ² of floor area in other zones.	1 per 250m ² of floor area.

9. Amending Section 9.5(b) to read as follows:

(b) In the DT and CT zones, 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 (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.

10. Amending Section 10.9(4) (d) (iii) to read as follows:

the off-street and off-site parking requirements of the "DT" - Downtown zone shall apply to the office use of Lot 3, Block 68A.

11. Replace Section 10.15 with DT - Downtown

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

(2) Uses

(a) Permitted Uses are:

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(7),
 Public and quasi-public use,
 Public utility uses and structures,
 Accessory structures and uses, and
 Temporary activity, subject to Section
 7.1(5).

(b) Conditionally Permitted Uses are:

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	<p>Office buildings with a building footprint of 800 m², or greater, and a minimum of 4 storeys, shall include on the ground floor, one of the following uses:</p> <ul style="list-style-type: none"> • commercial use • commercial entertainment • commercial recreational • food/beverage service. <p>OR, subject to the discretion of the Development Officer, may provide Indoor Public Space.</p>
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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;
- (h) Floor Area:
- iii) Multi-family dwelling: a minimum of 37 m² for each unit;
- iv) Multi-attached dwelling: a minimum of 55 m² for each unit;
- 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

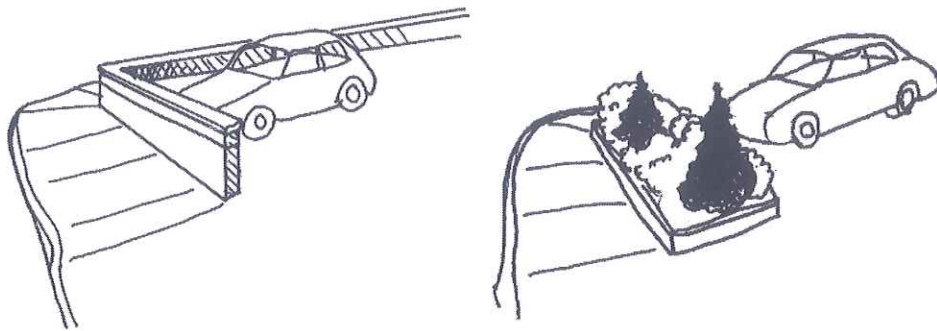
required landscaping shall be 100% of the front yard.

(4) Site Development

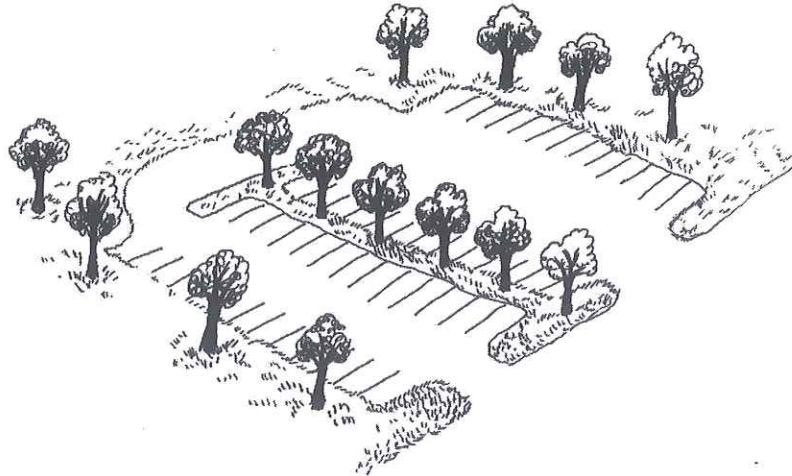
(a) Parking Lot and Parking Structure Design Standards:

- 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.

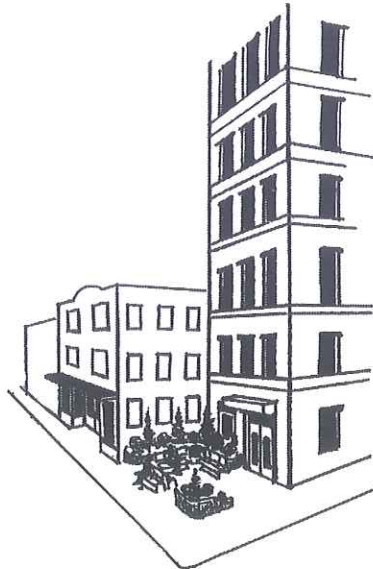
(c) Landscaping: Shall be in accordance with Section 7.1(2), subject to Design Regulations, Section 10.15 (5)

(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.

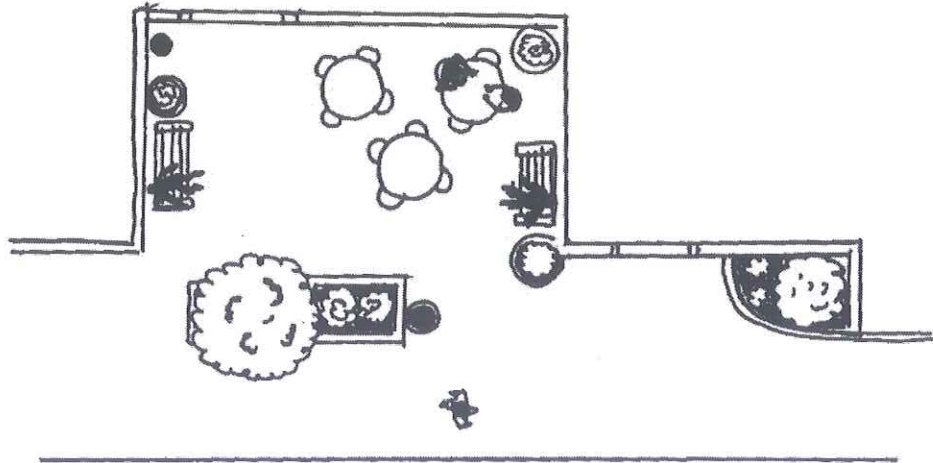
(a) Amenity Space

- 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;

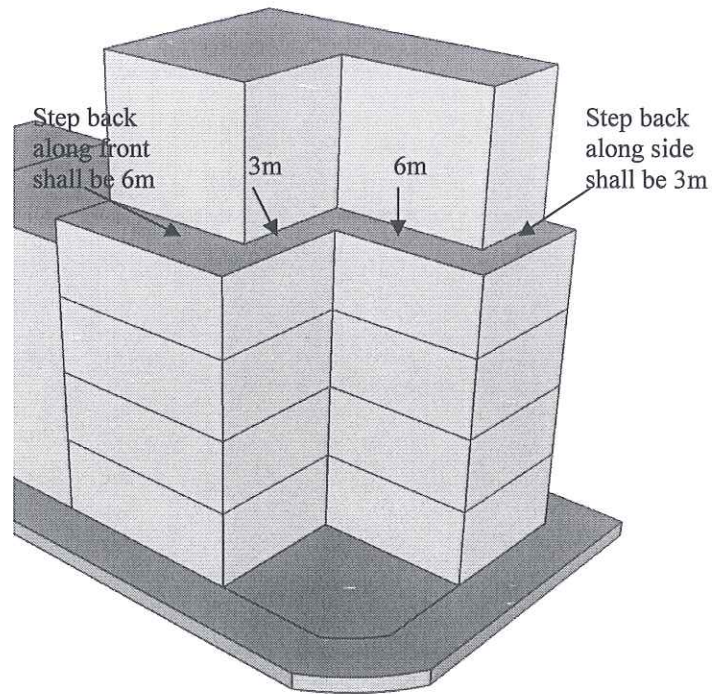
- benches, ledges or broad stairs;
- monuments and/or public art;
- public information displays, and;
- related street furniture.



- 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.

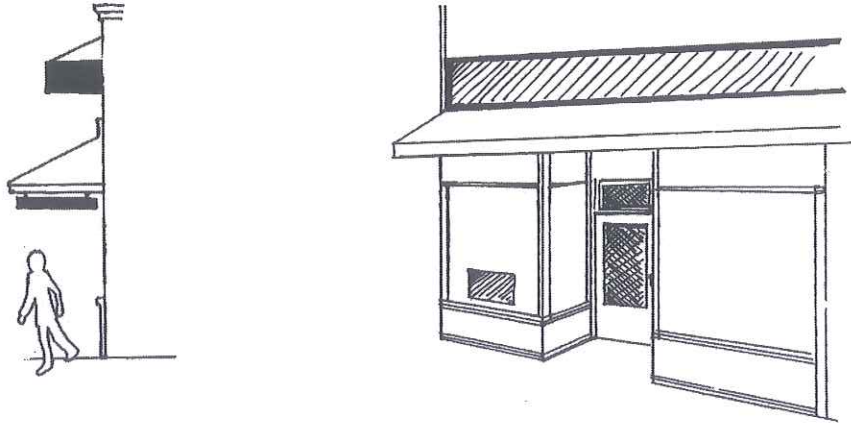
v) Architectural Detailing

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

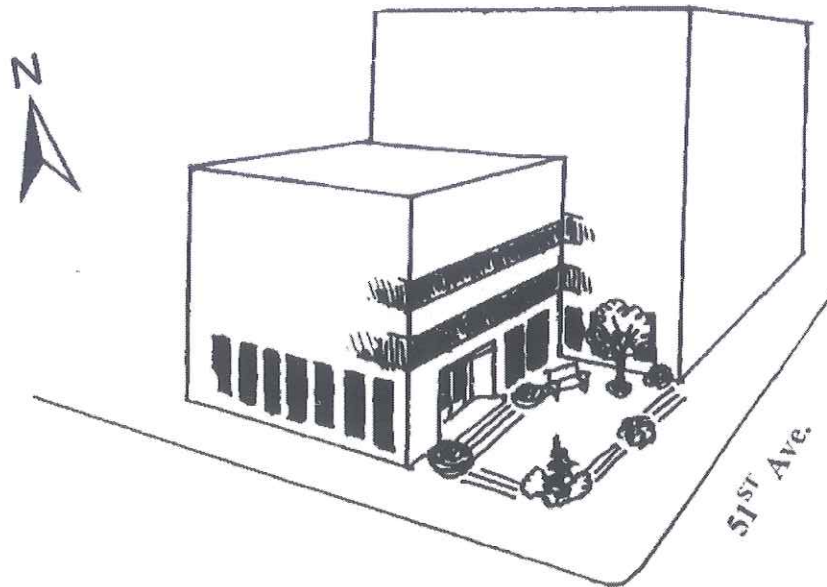
- i) For those buildings which exceed 4 stories in height above grade, and exceed 1,500 square metres of floor area, the Development Officer shall require as part of a development permit, a preliminary wind impact statement, or a detailed wind impact study, or both. Such information shall be prepared 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.



12. Adding Section 11.5 as follows;

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

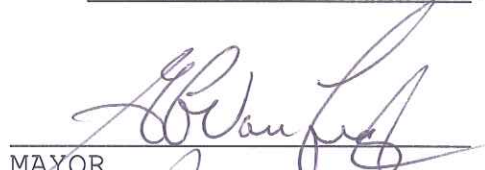

- (a) Single detached and duplex dwellings are permitted only upon those lots where the existing approved use is a single detached or duplex dwelling. Lots previously approved as other permitted uses may not be approved as a single detached or duplex dwelling;
- (b) All development other than single detached and duplex dwellings shall be in accordance with the provisions of the underlying zone;
- (c) Floor Area:
 - i) Single detached dwelling: a minimum of 90 m² per dwelling;
 - ii) Duplex dwelling: a minimum of 55 m² for each unit;
- (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

13. Amending Schedule 1 of Zoning By-law No. 4404, as amended, in accordance with Schedule A attached hereto and forming part of this by-law.

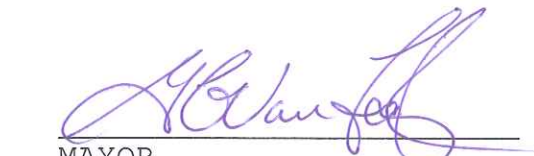

EFFECT

14. 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 24 day of MAY,
A.D. 2011.


MAYOR

CITY ADMINISTRATOR

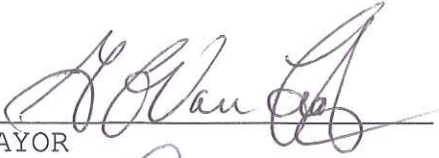
READ a Second Time this 13 day of AUGUST,
A.D. ~~2011~~ 2012.


MAYOR

CITY ADMINISTRATOR

APPROVED by the Minister of Municipal and Community Affairs of the Northwest Territories this 30 day of August, A.D. ~~2011~~ 2012.


MINISTER
MUNICIPAL AND COMMUNITY
AFFAIRS

READ a Third Time and Finally Passed this 10 day of SEPTEMBER A.D., 2012.


MAYOR

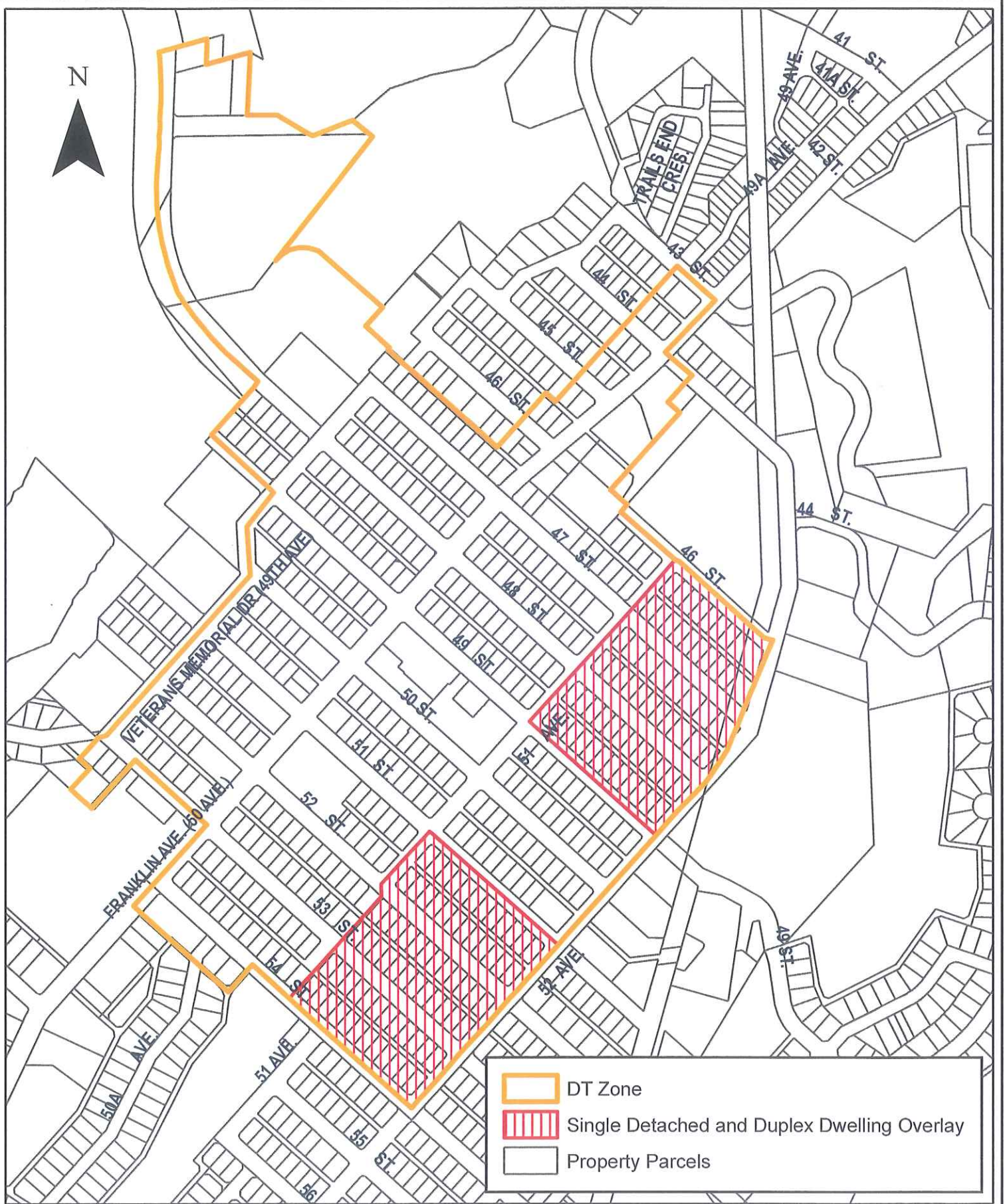

CITY ADMINISTRATOR

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 #199175 v8





City of Yellowknife
Planning and Lands
Division

PROJECT: Memorandum to MSC Re CC and CT
zone amendments

TITLE: Schedule A By-law No. 4639

SCALE: 1:6,000

CREATED BY:
R Spearing

FILE: DT_Zone_Boundary.mxd

DATE: February 22, 2011