

**CITY OF YELLOWKNIFE  
BY-LAW NO. 4553**

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 Zoning By-law No. 4404.

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;

AND WHEREAS the Municipal Corporation of the City of Yellowknife wishes to amend Zoning By-law No. 4404;

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

**APPLICATION**

1. That Zoning By-law No. 4404 is hereby amended as follows:

A. That the following definitions are added to Section 1.6 - Definitions in alphabetical order:

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

"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.

B. That the definition of 'height' under Section 1.6 is amended as follows:

"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;

C. That Section 3.5 of Zoning By-law No. 4404 is hereby repealed in its entirety and replaced with the following:

**3.5 Variance Authority**

- (1) Upon application by the property owner or agent, the Development Officer may allow a variance of up to and including 25% in regard to site coverage; building height; front, side and rear yard setbacks; landscaping; parking; lot depth and width; floor area; and site area.
- (2) Upon application by the property owner or agent, Council may consider allowing a variance in excess of 25% in regard to site coverage; building height; front, side and rear yard setbacks; landscaping; parking; lot depth and width; floor area and site area.
- (3) Upon application by the property owner or agent, Council may consider allowing a variance in regard to site density provisions.
- (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.

D. That Section 3.9(5) is hereby amended as follows:

- (5) If a decision is issued for a Permitted Use or Conditionally Permitted Use for which a variance in excess of 10% or a variance in regard to site density

provisions has been granted, the Development Officer shall:

- (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 adjacent landowners, 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.

E. That Section 7.2(5)(f) is hereby amended as follows:

- (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.

F. That Section 7.2(5) is amended by adding the following new subsections:

- (g) notwithstanding Section 7.2.5(c), the Development Officer may allow a detached garage 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.

G. That Sections 10.7(3)(c), 10.8(3)(c) and 10.13(3)(c) are amended as follows:

- (c) Height: maximum of 10m;

H. That Section 10.9(3)(c) is amended as follows:

- (c) Multi-family dwelling: a maximum of 15m;  
Other uses: a maximum of 12m;

I. That Section 10.9(4)(c) is amended as follows:

- (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).

J. That Section 10.10(3)(c) is amended as follows:

- (c) Height: maximum of 12m;

K. That Section 10.12(3)(c) is amended as follows:

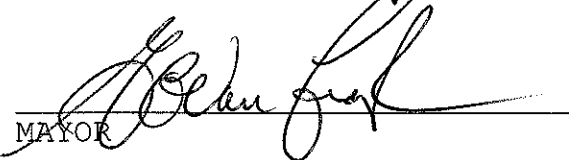
- (c) Height: maximum of 7.5m;

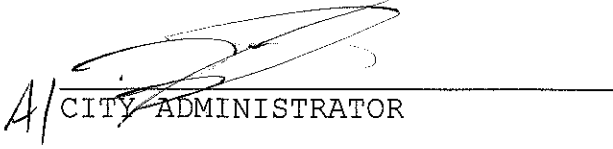
- L. That Section 10.14(3)(c) is deleted in its entirety and the subsequent paragraphs are renumbered accordingly;
- M. That Section 10.14(3)(d) is renumbered and amended as follows:
- (c) Height: maximum of 8m;
- N. That Section 10.14(3)(e) is renumbered and amended as follows:
- (d) Front Yard: 4.5 m minimum, excepting garages which are subject to 7.2(5)(f).
- O. That Section 10.14(5)(b) is deleted in its entirety and the subsequent paragraphs are renumbered accordingly.
- P. That section 10.14(5)(f) is deleted in its entirety.
- Q. That Section 10.14(6) is deleted in its entirety.

**EFFECT**

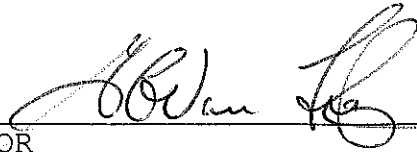
2. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ a First time this 22 day of FEBRUARY, A.D. 2010.

  
MAYOR

  
A/ CITY ADMINISTRATOR

READ a Second time this 8<sup>th</sup> day of March, A.D. 2010.

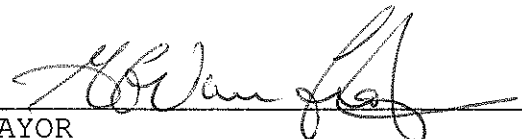
  
MAYOR


A/   
CITY ADMINISTRATOR

APPROVED by the Minister of Municipal and Community Affairs of the Northwest Territories this 23 day of March, A.D. 2010.

  
MINISTER  
MUNICIPAL AND COMMUNITY AFFAIRS

READ a Third time and finally passed this 12 day of April, A.D. 2010.

  
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

