

**CITY OF YELLOWKNIFE
BY-LAW NO. 4625**

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 Zoning By-law No. 4404, as amended, of the Municipal Corporation of the City of Yellowknife, is hereby amended by:

1. amending Section 1.6 Definitions, "Site Coverage" by deleting the existing definition and replacing therewith:

"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;

2. amending Section 3.2 (1) condition (h) by deleting and replacing therewith:

(h) Construction of an unenclosed deck not higher than 0.6 metres above ground level provided a yard setback is not reduced by more than 40% as per Section 7.1(4);

3. amending Section 7.1 (3) by deleting and replacing therewith:

(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 metres.

4. amending Section 7.1 by inserting as Section 7.1 (4) the following:

(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.

5. amending Section 7.2 (5) by deleting condition (c) and replacing therewith the following:

(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);

6. amending Section 1.6 Definitions by deleting and replacing the current definition of "accessory use, building, or structure" therewith:

"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;

7. amending Section 1.6 Definitions by adding, in alphabetical order, the following definitions:

"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;

"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;

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

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

8. amending Section 7.2 (6) condition (d) by deleting and replacing the condition with the following:

(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;

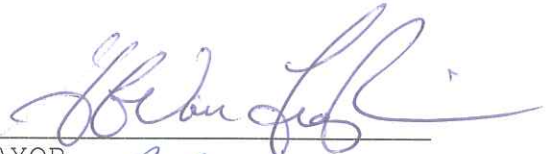
9. amending Section 1.6 Definitions by adding, in alphabetical order, the following definition:

"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.

EFFECT

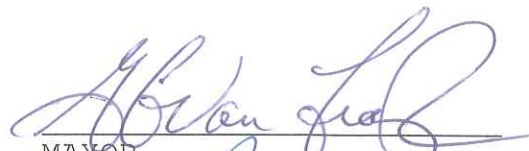
2. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ a First Time this 14 day of MARCH, A.D. 2011.


MAYOR


CITY ADMINISTRATOR

READ a Second Time this 22 day of AUGUST, A.D. 2011.


MAYOR


CITY ADMINISTRATOR

APPROVED by the Minister of Municipal and Community Affairs of the Northwest Territories this 27 day of Sept, A.D. 2011.

for Robert A. Munn
MINISTER
MUNICIPAL AND COMMUNITY
AFFAIRS

READ a Third Time and Finally Passed this 11 day of OCTOBER A.D., 2011.

Alan Lee
MAYOR

R. Munn
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.

R. Munn
CITY ADMINISTRATOR

