

**CITY OF YELLOWKNIFE
ZONING BY-LAW NO. 4404**



Adopted December 15, 2008

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**CITY OF YELLOWKNIFE
BY-LAW NO. 4404**

PURSUANT TO the provisions of the *Planning Act* and the *Cities, Towns, and Villages Act*, the Council of the City of Yellowknife, in meeting duly assembled, enacts as follows.

Part One ENACTMENT AND INTERPRETATION

1.1 Title

This by-law shall be known as the "*Yellowknife Zoning By-law*".

1.2 Purpose of the By-law

The purpose of this by-law is to regulate the use and development of land and buildings within the City of Yellowknife in a balanced and responsible manner pursuant to the N.W.T. *Planning Act* and applicable General Plan.

1.3 Application

The provisions of this by-law apply to land and buildings within the municipal boundary of the City of Yellowknife.

1.4 Zones and Zoning Map

- (1) The zones shall be referred to by the symbols and titles as described in Part 10.
- (2) Schedule #1 - the Zoning Map, attached hereto and forming part of this by-law divides the City into zones and delineates the boundary of each zone and overlay zone, subject to section 1.4(3) to 1.4(5).
- (3) Where uncertainty exists as to the boundaries of the zones as shown on the Zoning Map, the following applies:
 - (a) a boundary which follows a street, right-of-way, lane, or stream shall be deemed to follow the centre line thereof;
 - (b) a boundary which approximately follows a lot line shall be deemed to follow the lot line;

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- (c) a boundary which approximately follows the municipal boundary shall be deemed to follow the municipal boundary;
 - (d) in circumstance not covered in this section, the location of the zone boundary shall be determined:
 - (i) by the dimensions set out on the Zoning Map,

or
 - (ii) by the measurement of and use of the scale shown on the Zoning Map;
 - (4) The uses, restrictions and regulations of the zones shall not be extended to public roadways, streets, lanes or other right-of-ways unless these are legally closed and a lot or a parcel is created.
 - (5) Unless another zone specifically designates the shoreline of a particular water-body, and is delineated on Schedule #1 - the Zoning Map, the shore of any water-body (including islands) is deemed to be zoned NP - Nature Preservation. The outer limit of this NP - Nature Preservation zone is deemed to extend on land 50 metres from the shore and/or natural boundary of the said water-body.

1.5 Rules of Interpretation

- (1) Words used in the present tense include the other tenses and derivative forms. Words in the singular include the plural and vice versa. Words have the same meaning whether they are capitalized or not.
- (2) The words *shall* and *must* require mandatory compliance except where a variance has been granted pursuant to this By-law.
- (3) Words, phrases and terms not defined in this part may be given their definition in the *Planning Act*. Other words shall be given their usual and customary meaning.

1.6 Definitions

In this by-law,

- "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 and decks, parking and other outside uses associated with the principal use;
- "airport use" in reference to the boundaries of the Yellowknife Airport Reserve, means any area of land used either in whole or in part for the arrival and departure or servicing of aircraft or helicopter, and any building, installation or equipment used in connection with the operation of the airport;
- "amenity area or space" means a covered or uncovered outdoor, ground level area, on-site, common or private, designed for pedestrian-oriented use;
- "animal services" means development for the purpose of treatment, grooming or temporary shelter of animals including retail sales of associated products. This may include such uses as veterinary clinics, pet grooming salons, impounding and quarantining facilities and animal shelters, but this definition does not include kennels;

"apartment hotel" means a single building comprised of three or more dwelling units with shared entrance facilities, where all or a portion of the dwelling units are rented or are available for rent or occupation for periods of less than 30 days, and which does not include such facilities or services as restaurants, dining rooms, room service or public convention rooms;

as amended by By-law No. 4444 April 23, 2007

"automobile service station" means a building or place where gasoline, oil, grease, anti-freeze, tires, tubes, tire accessories, electric light bulbs, spark plugs, and batteries for motor vehicles are stored or kept for sale, or where motor vehicles may be oiled, greased, or washed, or have their ignition adjusted, tires inflated or batteries charged, or where only minor running repairs essential to the actual operation of motor vehicles are executed or performed. This does not include a car/truck wash establishment;

as amended by By-law No. 4444 April 23, 2007

"automotive equipment repair and service" means the servicing, mechanical repair and storage of automobiles, light trucks, and utility vehicles, motorcycles, snowmobiles, and similar vehicles and the sale, installation, servicing or storage of related accessories and parts. This includes transmission shops, muffler shops, tire shops, body shops, automotive glass shops and upholstery shops;

as amended by By-law No. 4444 April 23, 2007

"automotive wrecker" means a development used for the storing, junking, dismantling, wrecking or crushing of 3 or more motor vehicles, not in running condition, or parts of them, and may include the sale of parts of such vehicles;

"bed and breakfast" means a home based business whereby temporary accommodation to a maximum of four rooms, with or without meals, is provided for compensation to members of the public;

as amended by By-law No. 4444 April 23, 2007

"brewing establishment" means a commercial establishment where equipment, materials and instruction are made available to customers for the purposes of brewing and bottling alcoholic beverages which are usually not consumed on the premises;

"building" means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of persons, animals or chattels;

"bulk fuel storage" means the use of land, buildings or structures for the storage and distribution of fuels, oils, propane and other petroleum gases where the storage tank or tanks are above ground and the storage capacity exceeds 22,730 litres of propane, or where the storage capacity exceeds 50,000 litres per tank and the aggregate capacity of all the tanks exceeds 150,000 litres;

as amended by By-law No. 4444 April 23, 2007

"car/truck wash facility" means any commercial facility for washing vehicles;

as amended by By-law No. 4444 April 23, 2007

"card lock facility" means one or more pump islands designed for the retail sale of gasoline or diesel fuel using pumps which are operated automatically by credit or debit cards;

"casino" means a facility for patrons to participate in gaming opportunities as a principal or accessory use, and includes a bingo hall;

"child" means a person who is or, in the absence of evidence to the contrary, appears to be under the age of 12 years;

"child care" means the care, instruction and supervision of five or more children in the absence of parents or guardians of those children for a period of more than four consecutive hours, and is provided for compensation to the public;

"child care home" means a home based business providing child care but the total number of children including those living in the residence shall not exceed eight;

"child care facility" means the use of a non-residential building for child care providing supervision outside the home of the parents;

"City Heritage Committee" means the City Heritage Committee appointed by Council;

"City of Yellowknife"
or "City" means the Corporation of the City
of Yellowknife;

as amended by By-law No. 4444 April 23, 2007

"commercial storage" means a self-contained building or
group of buildings containing
lockers available for rent for the
storage of goods;

"commercial use" means the use of land, buildings
or structures for the purpose of
buying and selling commodities or
supplying of services, but does
not mean government offices,
industrial uses, transportation
facilities, food/beverage service,
motor vehicle sales service or
repair, commercial entertainment,
commercial recreation, outside
storage, or outside display;

"commercial use (minor)" means the use of land, buildings
or structures for the purpose of
buying and selling commodities or
supplying services, but does not
mean government offices,
industrial uses, transportation
facilities, 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;

"commercial entertainment
use" means the use of land, buildings
or structures wherein a fee is
charged to the public for the
provision of a performance which
may be accompanied with the sale
of any items, food or beverage,
and without limiting the
generality of the foregoing may

	include movies, live theatre, dancing and musicals;
"commercial recreation use"	means the use of land, buildings or structures wherein a fee is charged to the public for the participation in a recreational activity, and without limiting the generality of the foregoing may include amusement arcades, billiard or pool halls, bowling alleys, fairs, racquet courts, roller skating, gymnasiums and simulated golf;
"Committee of Council"	means a standing committee of Council duly appointed in accordance with the Council Procedures By-law;
"communications tower"	means a structure affixed to the ground or a building used for the reception or transmission of radio or visual information or entertainment;
"conditionally permitted use"	means a use listed in a conditionally permitted use table that may be permitted by Council after due consideration is given to the impact of that use upon neighboring land and other lands in the City, subject to section 3.4;
"condominium"	means a building or lot containing bare land units or other units as defined under the <i>Condominium Act</i> ;
as amended by By-law No. 4444 April 23, 2007	
"contractor, general"	means a development used for commercial and industrial service support and construction. Typical uses include industrial support

services, cleaning and maintenance contractors, building construction, surveying, landscaping, concrete, electrical, excavation, drilling, heating, plumbing, paving, road construction, sewer or similar services of a construction nature which require on-site storage space for materials, mobile equipment or vehicles normally associated with the contractor service. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor use;

as amended by By-law No. 4444 April 23, 2007

"contractor, limited"

means a development used for the provision of electrical, plumbing, heating, painting, catering and other contractor services and the accessory sales of goods normally associated with the contractor services where all materials are kept within an enclosed building, and no fleet storage of more than four vehicles or pieces of mobile equipment;

"convenience store"

means the use of land, buildings or structures limited to the selling of commodities required by area residents on a day-to-day basis in an enclosed building which does not exceed 250 m² in gross floor area. Typical uses include small food stores, video sales and rentals, variety stores selling confectionery, tobacco, groceries, beverages, pharmaceutical and personal care items, hardware or printed matter,

	but does not include a food/beverage service;
"convention center"	means a permanent facility used for the holding of conventions, seminars, workshops or similar activities, and may include dining, and compatible accessory facilities;
"Council"	means the Council of the City of Yellowknife;
"dating and escort service"	means any business activity that offers to provide or does provide introductions from a person or persons to another person or persons for a period of companionship of short duration, for which service or introduction a fee is charged or imposed for each occasion that companionship is provided or an introduction is made;
"development"	means the carrying out of any construction or excavation or other operations in, on, over or under land, or the making of any change in the use or the intensity of use of any land or building;
"Development Agreement"	means a document specifying the manner in which the City requires a developer to carry out improvements on property and may include but is not limited to such items as the installation of water/sewer service and provision of public roadways and other infrastructure;
"Development Appeal Board" or "Board"	means the Development Appeal Board established by Council in accordance with Section 21 of the <i>Planning Act</i> ;

"Development Officer"	means a person appointed pursuant to Section 2.2 of this by-law;
"development permit"	means a document authorizing a development issued pursuant to this by-law;
"Development Scheme"	means a statutory planning document pursuant to Section 7 of the <i>Planning Act</i> ;
"diamond facility"	means the use of land, buildings, or structures for the purpose of processing, storing, or the distribution of diamonds;
"dwelling unit"	means a building or portion thereof designed or used as the living quarters (construed as including sleeping, cooking and toilet facilities) for one household;
"dwelling"	<p><u>"single detached"</u> means a residential building containing one dwelling unit, but this definition does not include a manufactured dwelling;</p> <p><u>"duplex"</u> means a residential building containing two dwelling units of approximately equal floor area with the dwelling units being placed side by side or one over the other, and with individual and separate entrances to each dwelling, but this does not include either a single detached dwelling with a subordinate second dwelling unit, or a manufactured dwelling.</p> <p><u>"float home"</u> means a dwelling unit built or located on and/or in a floatation system, device or vessel which may or may not be</p>

intended for, or useable in, navigation;

"manufactured" means a prefabricated or factory built residential building, arriving on site in a single section ready for occupancy, and containing one dwelling unit. A manufactured dwelling is specifically designed with the capacity to be portable and used for year round residential occupancy when placed on a foundation and connected to utilities;

"multi-attached" means a residential building containing three or more dwelling units side by side or stacked each having a separate access to ground level;

"multi-family" means a building or portion of a building containing three or more dwelling units with shared entrance facilities;

as amended by By-law No. 4444 April 23, 2007

"equipment rental & repair" means a development used for the rental and repair of tools, appliances, recreational craft, office machines, furniture, home appliances, light construction equipment, or similar items, but does not include the rental or repair of motor vehicles or industrial equipment;

"facade" means the exterior wall or walls of a building exposed to public view or that wall viewed by persons not within the building;

"fence" means a structure continuous in length including gates, which is

used to prevent or restrict passage, to provide visual screening, sound attenuation, protection from dust or the elements, or to mark a boundary;

as amended by By-law No. 4444 April 23, 2007

- "fleet service" means a development using a fleet of vehicles for the delivery of people, goods, or services, where such vehicles are not available for sale or long-term lease;
- "float plane base" means any area of land and water, including a frozen surface thereof, used either in whole or in part for the arrival and departure or servicing of aircraft, and any building, installation or equipment used in connection with the operation of the float plane base;
- "floor area" means the total floor area of the building or structure, contained within all the floors and basement. The floor area does not include areas used exclusively for storage or mechanical/electrical service to the building;
- "floor area ratio" means the numerical value obtained by dividing the floor area of all buildings on a site by the total area of the site;
- "food/beverage service" 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, but does not include fast foods sold by a convenience store;

"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 metres;

"government office"

means development that provides for federal, territorial (including related boards and agencies) or municipal or aboriginal administrative functions and associated public assembly functions;

"grade"

means the elevation of finished ground surface, excluding an artificial embankment, at any point immediately adjacent to the building;

as amended by By-law No. 4444 April 23, 2007

"greenhouse"

means development for the growing, acclimating, propagating, harvesting, displaying and selling of bedding, household, and ornamental plants and may include accessory uses related to the storing, displaying, and selling of gardening, nursery and related products;

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- "habitable room" means any room or space intended primarily for human occupancy, including but not limited to kitchens, bedrooms, living rooms, family rooms, and dens: excluding bathrooms and storage rooms;
- "height" means the vertical distance measured from 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;
- "heritage site" means a parcel of land, site, building, structure or place that has been designated by this by-law as a heritage resource because of its prehistoric, historic, cultural, natural or aesthetic value;
- "home based business" means the secondary use of a principal dwelling, its accessory buildings and site, or combination thereof, by at least one permanent resident of the dwelling, to conduct a business activity or occupation which does not change the residential character of the buildings and site. It does not include:
- a) a commercial entertainment or commercial recreational use;
 - b) motor vehicle and power sports equipment sales, rental, storage, service or repair;
 - c) a dating or escort service;

d) animal services and kennels.

"hotel"

means a building containing rooms or suites for temporary sleeping accommodation where the rooms have access from a common interior corridor, and which may also contain meeting rooms and recreational facilities;

"household"

means an individual or two or more persons related by blood, marriage or adoption, or a group of not more than four persons who need not be related by blood or marriage, all living together as a single housekeeping unit and using common cooking facilities, and including bona fide servants or not more than four persons who receive their lodging, board or both for compensation with or without separate accommodation;

as amended by By-law No. 4444 April 23, 2007

"industrial, general"

means the following activities:

- (a) The processing of raw or finished materials;
- (b) The manufacturing or assembly of goods, products or equipment;
- (c) The cleaning, servicing, repairing or testing of materials, goods and equipment normally associated with industrial or commercial businesses or cleaning, servicing and repair operations to goods and equipment associated with personal or household use, where such operations have impacts that would make them incompatible in non-industrial districts;

(d) The training of personnel in general industrial operations. It may include any indoor display, office, technical or administrative support areas or any sales operation accessory to the general industrial uses. A general industrial development shall not adversely affect surrounding non-industrial uses through the generation of emissions, noise, odours, vibrations, heat, bright light, or dust;

"industrial use"

means the use of land, building or structures for the manufacturing, processing, repairing, fabricating, or assembly of raw materials or goods, warehousing or bulk storage of goods and related accessory uses, but does not mean bulk fuel storage;

"kennels"

means the use of land for the purpose of boarding, breeding, raising, or training of animals;

as amended by By-law No. 4444 April 23, 2007

"laboratory"

means a building, or part thereof, used for scientific, medical and/or research purposes;

"lake use"

means the use of Great Slave Lake and/or its natural boundary for water related recreation, commercial fisheries, float plane bases, marina-commercial, transportation and trans-shipment purposes, including accessory wharfs and structures;

"landscaping"

means the modification and enhancement of a site, subject to

Section 7.1(2) of this by-law, through the use of any or all of the following elements:

- 1) Soft landscaping consisting of vegetation such as trees, shrubs, hedges, grass and ground cover;
- 2) Hard landscaping consisting of non-vegetative materials such as brick, stone, concrete, metal, tile and wood, excluding monolithic concrete and asphalt.

"legal non-conforming structure"

means a structure that was lawfully constructed or lawfully under construction at the date of this by-law coming into force, and does not conform to the requirements of this by-law;

"legal non-conforming use"

means a use of land or a structure that was lawfully commenced before the coming into force of this by-law;

"loading space"

means an open area used to provide free access for vehicles to a loading door, platform, or bay;

"lot"

means an area of land, the boundaries of which are filed on a plan registered in the Land Titles Office;

"lot, corner"

means a lot located at the intersection or junction of two or more streets;

"lot, interior"

means any lot other than a corner lot;

"lot lines"

means the legally defined limits of any lot;

"lot length" means the horizontal distance between the front and rear lot lines and measured along the median between the side lot lines;

"lot width" means the horizontal distance between the side lot lines measured along a straight line setback from the front lot line at a distance equal to the minimum required front yard for the zone and approximately parallel to the street line;

as amended by By-law No. 4444 April 23, 2007

"manufactured homes sales and storage" means a site exclusively used for the storage, staging, or shipping of manufactured homes and related materials and may include accessory sales uses and structures;

"marina" means a facility, building and/or structure with onshore and offshore components that accommodate a combination of over-water uses and land uses by providing anchoring, mooring, launching and parking areas and other uses;

"marina-residential" means a marina primarily used for float homes;

"marina-commercial" means a marina primarily used for commercial water uses such as float planes, large boats, barges, pleasure crafts including the sale, repair and servicing of water craft;

"mixed use" means the use of a building or buildings involving two or more permitted or conditionally permitted uses of the zone, and

	where one use shall be a residential use;
"modular home"	means a prefabricated or factory built residential building consisting of two or more sections, neither of which comprises a dwelling unit, that may be attached side-by-side or above and below to form one or more complete dwelling units for year round residential occupancy, but this definition does not include recreational vehicles or manufactured dwellings, with additions;
"monument"	means a work of art, sculpture, religious symbol, cultural symbol, historic artefact, or other similar pieces that constitutes a visual and physical presence on a site either as an accessory or principal structure or use;
"moor"	means to make fast or secure with or as with cables, lines, or anchors;
"moorage area"	means the area of a water body which surrounds the offshore use related to a marina or lake use, and it is bound by the ordinary high water mark and the offshore extension of a quadrilateral bounded on one end by a moorage reference line, see Schedule #5 for an illustrative diagram;
"moorage reference line"	means a straight line established by means of a survey on land beyond the ordinary high water mark the ends of which are specified distant from the ordinary high watermark, and all moorage reference lines are

subject to the development permit approval process, see Schedule #5 for an illustrative diagram;

"moorage space"

means a portion of moorage area that is used to moor a float home, boat, barge or float plane, see Schedule #5 for an illustrative diagram;

"motel"

means a building or group of buildings containing rooms or suites designed to provide temporary accommodation, and where each room or suite has its own exterior access which is provided with an adjoining or conveniently located parking stall;

as amended by By-law No. 4444 April 23, 2007

"motor vehicle sales"

means the sale and storage of motor vehicles. This may include an accessory motor vehicle service use, but does not include a car/truck wash facility or a automobile service station;

"motor vehicle sales,
service or repair"

means the sales, servicing and repair of motor vehicles, including service stations, car washes and gas bars;

"natural boundary"

means the ordinary high water mark of any lake, river, stream or other body of water where the presence and action of the water are so common and usual as to mark upon the shore of a lake, river, stream or other body of water a character distinct from that of the banks thereof, in respect to vegetation, as well as in respect to the nature of the shore itself;

"natural resource extraction"	means the mining, quarrying, removal and/or excavation of any mineral, ore body, stratum, rock, earth, clay, sand, gravel, black dirt, peat, or other natural resources to supply material for construction, manufacturing, industrial, landscaping and other commercial activities. This definition does not include any excavation or work incidental to the development of a building, structure, or use for which a development permit has been issued;
"office"	means development that provides professional, management, administrative, consulting, financial service, and similar office and business support services, and includes the provision of out-patient health care and related office support services;
"office (Minor)"	means development that provides professional, management, administrative, consulting, financial service, and similar office and business support services, and includes the provision of out-patient health care and related office support services, and such development is limited to a floor area of a maximum of 200% of the site area;
"open space"	means an undeveloped site characterized by the bedrock outcrops, the water-bodies, the indigenous vegetation and any other natural feature, or any combination of these;

"overlay zone" means the application of regulations specific to any zone, which for the purpose of this by-law include, but are not limited to, density, building heights, heritage protection and watershed protection;

as amended by By-law No. 4444 April 23, 2007

"outdoor storage facility" means a site exclusively utilized for the storage of goods or materials or equipment. Un-serviced buildings or structures are considered accessory buildings;

"outside display" means the outdoor display of goods, vehicles or equipment in operable condition which are intended to be sold or rented;

"outside storage" means the area of a site used for the storage of any goods, merchandise, junk, vehicles, or equipment associated with the approved use of the site;

"owner" means:

a) in the case of land owned by the Commissioner of the Northwest Territories or the Crown in right of Canada, the Commissioner or Minister of the Crown having the administration of the land;

or

b) in the case of any other land the registered owner, the owner's agent, or an authorized representative;

"parking lot"	means an open area of land other than a street or a building designed and used for the parking of a number of vehicles, and where parking is the principal use of the site;
"parking space"	means an off-street area available for the parking of one motor vehicle;
"parking structure"	means a structure designed for the parking of motor vehicles in tiers or floors;
"parks and recreation"	means a development for use by the public for both passive and active forms of recreation;
"permitted uses"	means a use listed in a permitted use table that shall be approved with or without conditions provided the requirements and regulations of this by-law are satisfied;
"physical limitations"	when used in reference to considering a modification of lot or yard sizes, setbacks, and parking shall refer to the existing terrain and topography of the site, unique vegetation, geometry of a particular lot or the location of existing structures which may be a limitation to the type of development that characterizes a particular zone;
"planned development"	means the grouping on a site of two or more permitted or conditionally permitted uses in a zone subject to Section 7.1(8) where applicable;

"Planning Act"	means the <i>Planning Act</i> being Chapter P-7 of the Revised Statutes of the Northwest Territories, 1988, as amended;
"Planning Administrator"	means an employee or his designee appointed by the Senior Administrative Officer of the City of Yellowknife to administer, coordinate, and promote planning related documents, policies, and by-laws such as the general plan, the development schemes, the zoning by-law, and other planning documents that have been adopted by Council plus the appropriate sections of the <i>Planning Act</i> ;
"power sports equipment"	means snow machines, watercraft, motorcycles and all terrain vehicles;
"principal building"	means a building which: a) occupies the major or central portion of a lot, b) is the chief or main building on a lot, or c) constitutes by reason of its use the primary purpose for which the lot is used;
"principal use"	means the main purpose for which a building or site is used;
"public or quasi-public use"	means development used by the public for assembly, instruction, culture, religion, or enlightenment for a communal activity, or a place of public entertainment or recreation, and without limiting the generality of the foregoing may include libraries, museums, churches, schools, and, public restrooms;

"public utility uses and structures"

means a system, works, plant, equipment, or service, whether owned or operated by or for the City or by a corporation, which furnishes services and facilities available at approved rates to or for the use of the inhabitants of the City, including but not limited to communication systems, transportation, municipal services, and the supply of electricity;

"reclamation"

means development that restores or attempts to restore the ecological and natural characteristics of a site or area;

as amended by By-law No. 4444 April 23, 2007

"recycling depot"

means a development used for the temporary storage of bottles, cans, tetrapaks, newspapers and similar goods for reuse where all storage is contained within an enclosed building or site;

"rehabilitative and corrective facility"

means a development to hold, confine or to provide regulated or temporary residential facilities for minors or adults either awaiting trial on criminal charges or as part of the disposition of criminal charges. Typical uses are a remand centre or jail;

as amended by By-law No. 4444 April 23, 2007

"research and development facility/laboratory"

means a building or group of buildings in which are located facilities for scientific research, investigations, testing or experimentation;

"residential building"	means a building which is designed or used for one or more dwelling units;
"residual area"	means all of that area of a site not covered by structures, parking, loading and access/egress to roadways;
"screening"	means the total or partial concealment of a building, structure or activity by a fence, wall, berm or soft landscaping;
"separation space, building"	means the exterior, perpendicular distance from a wall of a dwelling unit and this space shall not contain any communal or public activity other than landscaping;
"separation space, privacy"	means the exterior, perpendicular distance from a wall containing an entrance, a principal living room window, or a habitable room window of a dwelling unit, and this space shall not contain any communal or public activity other than landscaping;
"shore"	means the land or area immediately adjacent and directly associated to a water-body;
"similar use"	means development deemed by Council to be similar in nature to a permitted or conditionally permitted use;
"site"	means a lot or an area of land or water-body;

"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;

"special care facility" means a building or portion thereof wherein specialized care is provided to occupants in the form of supervisory, nursing, medical, counselling, home making services, or other services related thereto, but this does not include a child care facility;

as amended by By-law No. 4444 April 23, 2007

"storage yard" means a portion of a site utilized for the storage of retail/wholesale goods or materials or equipment. The use shall be accessory to and incidental to the principle use of the site. This does not include an Outdoor Storage Facility;

"storey" means that portion of the building which is situated between the top of any floor and the top of the floor next above or below it, and if there is no floor above that portion then between the top of such floor and the ceiling above it;

"storey, first" means the lowest storey having its ceiling more than two metres above grade;

"street" means a public thoroughfare which affords the principal means of access to the abutting sites;

"streetscape" means all those elements that constitute the physical makeup of

a street and that, as a group, define its character, including building frontage, street paving, street furniture, landscaping, awnings, marquees, signs, monuments, and lighting;

"structure" means anything located, constructed, or erected with a fixed location on or to land, or attached to something having a fixed location on or to land including land that is underwater;

"subdivision" means the division of a parcel of land into one or more smaller parcels by means of a plan or survey or other instrument, and this shall include the consolidation of parcels into a single parcel;

"temporary activity" means development characterized by a seasonal or short term nature of which the duration shall not exceed the time period and conditions specified in an approved development permit;

"tourist trailer park or campsite" means a site which provides for the temporary location of tents and recreational vehicles used by travellers and tourists for overnight accommodation;

"transportation facility" means the use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers, buses and boats;

as amended by By-law No. 4444 April 23, 2007

"used building" means a building which has been relocated from a property where it formed part of a development to a

new property with a different civic address;

"utility lot" means a piece of land designed to carry utilities above or below the ground and which is registered in the name of the municipality or a licensed utility company;

"variance" means an alteration or change to a standard prescribed by this by-law that is authorized by the Development Officer, Council or the Board;

as amended by By-law No. 4444 April 23, 2007

"warehousing and distribution" means the storage and distribution of raw materials, processed or manufactured goods, and establishments providing for those services;

"water-body" means any bay, lake, or water course;

"watercourse" means any natural or manmade stream, river, creek, ditch, channel, canal, culvert, drain, waterway, gully, ravine, or wash where water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed and banks and includes any area adjacent thereto subject to inundation by reason of overflow or flood water;

"water front lot" means a lot or site which has all or a portion of its boundary abutting a water-body or the 100' reserve as defined by the *Territorial Lands Act (R.S.N.W.T)* 1988, C. T-7;

"yard"	means a part of a lot upon or over which no building or structure other than a boundary fence is erected unless otherwise herein permitted;
"yard, front"	means a yard extending across the full width of a lot and situated between the front lot line and the nearest portion of the principal building;
"yard, rear"	means a yard extending across the full width of a lot and situated between the rear lot line and the nearest portion of the principal building;
"yard, side"	means a yard extending from the front yard to the rear yard and situated between the side lot lines and the nearest portion of the principal building;
"zone"	means a zone of land and/or water established under this by-law.

Part Two DEVELOPMENT AUTHORITY

2.1 Development Authority

- (2) The authority to plan and control development is established by this by-law. The authority to plan and control development shall be exercised by Council, the Planning Administrator and the Development Officer. Council, the Planning Administrator and the Development Officer shall exercise development control, subdivision and condominium review, and by-law amendment duties on behalf of the municipality as specified by this by-law.

2.2 Development Officer

- (1) The office of the Development Officer is established by this by-law.
- (2) The person or persons to fill the office of the Development Officer shall be appointed by resolution of Council.
- (3) The Development Officer shall:
- (a) Receive and process all development permit applications;
 - (b) Keep and maintain for inspection by the public during office hours, a copy of this by-law, as amended, and ensure that copies are available to the public at a reasonable charge;
 - (c) Keep a register of all development permit applications, decisions thereon and rationale;
 - (d) Make decisions on all development permit applications for those uses listed as Permitted Uses;
 - (e) Make decisions on any application for home based businesses pursuant to the provisions of Section 7.2(6);

- (f) Refer all applications for Conditionally Permitted Uses, and all applications requesting a variance in accordance with Sections 3.5 to Council for decision;
 - (g) Refuse an Application for a Development Permit for a use or development that is not listed as a Permitted or Conditionally Permitted Use;
 - (h) Refer to the Capital Area Development and Program Committee, all development permit applications in accordance with Capital Area Development Scheme By-law No. 3934;
 - (i) Be the authority for all purposes of this by-law and the *Planning Act*, except where responsibility is given to the Planning Administrator or Council;
 - (j) As authorized by this by-law, issue decisions and post a notice for all development permit applications and state terms and conditions as authorized by this by-law.
- (4) The Development Officer may:
- (a) Refer any development permit application to Council, and;
 - (b) Refer any other development matter to Council for its review, support or advice.

2.3 Planning Administrator

- (1) The Planning Administrator shall:
- (a) Review and make recommendations on applications for plans of subdivision and condominium;
 - (b) Provide notice to the Department of Municipal and Community Affairs that an application is supported, conditionally or unconditionally,

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- including the conditions under which the application is supported;
- (c) Provide notice to the Department of Municipal and Community Affairs that an application is not supported and the reasons therefore;
 - (d) Receive and make recommendations to the Committee of Council, all applications for an amendment to this by-law;
 - (e) Receive and make recommendations on all referrals for amendment to this by-law from Council.
- (2) The Planning Administrator may refer any subdivision and condominium application to Council.

2.4 Council

- (1) Council shall:
- (a) Make decisions and state any terms and conditions for development permit applications for those uses listed as Conditionally Permitted Uses;
 - (b) Make decisions and state any terms and conditions, as authorized by this by-law, for those uses listed as Permitted Uses which the Development Officer refers to it;
 - (c) Make decisions and state any terms and conditions, as authorized by this by-law, for those uses listed as Permitted Uses and Conditionally Permitted Uses requiring a variance;
 - (d) Recommend approval and state any terms and conditions, as authorized by this by-law, for subdivision applications;
 - (e) Approve, add any specific provision, or deny all applications for an amendment to this by-law, and;

- (f) Consider and state any terms and conditions on any other planning, subdivision or development matter referred to it by the Development Officer or Planning Administrator, or with respect to which it has jurisdiction under this by-law.

Part Three DEVELOPMENT APPLICATION

3.1 Control of Development

- (1) Except as provided in Section 3.2, no person shall commence a development in the City unless:
 - (a) a development permit has first been issued pursuant to this by-law;
 - (b) the development is in accordance with the terms and conditions of the development permit; and
 - (c) the effective date of an approved development permit has been reached.
- (2) The erection of a building on any lot or site is prohibited, if in the opinion of the Development Officer, satisfactory arrangements have not been made by the developer for the supply to the building of services for water, electricity, sewage and street access, or any of them including payment of the costs of installing or constructing any such utility by the developer.
- (3) No use, structure or obstruction shall be permitted within a road right-of-way or other similar City owned parcels other than those related to pedestrian and vehicular circulation or municipal services or utilities unless otherwise permitted in this by-law or by agreement with the City of Yellowknife.
- (4) In addition to meeting the requirements of this by-law, it is the responsibility of an applicant to obtain all other approvals or licenses that may be required by the City, Territorial or Federal departments or agencies.

3.2 When a Development Permit is Not Required

- (1) A Development Permit is not required for the following developments provided that the proposed development complies with the applicable regulations of this by-law:

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- (a) Maintaining or repairing any building, providing that the work does not include structural alterations;
 - (b) Pursuant to Section 7.1(4), the construction or maintenance of a fence not exceeding 0.9 metres (3 ft.) in height in front yards, and not exceeding 2.0 metres (6.6 ft.) in height in side and rear yards;
 - (c) A temporary building not to be used for residential purposes, such as a construction trailer, where the sole purpose of the building is incidental to the erection or alteration of a permanent building for which a permit has been issued under this by-law, or the temporary use of a building where such use is normally associated with and incidental to the approved use of the building;
 - (d) Construction or installation of an accessory structure that does not exceed 10 square metres (108 square feet) in area or 3 metres in height and is not permanently attached to the ground, subject to 7.2(5);
 - (e) Internal alteration to a residential building as long as the alterations do not result in an increase in the number of dwelling units;
 - (f) The maintenance and repair of public works, services or utilities carried out by, or on behalf of, federal, territorial or municipal authorities;
 - (g) Site excavation or filling where such works do not alter the ground level in excess of 0.6 metres;
 - (h) Construction of an unenclosed deck not higher than 0.6 metres above ground level;

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- (i) Erection of towers, flagpoles and other poles not exceeding 4.57 metres (15 ft.) in height from grade in any residential zone;
 - (j) The installation of electrical power infrastructure pursuant to any franchise agreement in place.

3.3 Application for a Development Permit

- (1) An Application for a Development Permit shall be made to the Development Officer on the prescribed form and shall be signed by the applicant or his agent.
- (2) In addition to the completed application form, the following are required:
 - (a) Three copies of a site plan, in metric, indicating the following information:
 - i) North arrow;
 - ii) Scale of Plan;
 - iii) Legal description of property;
 - iv) Municipal address;
 - v) Lot lines shown with dimensions;
 - vi) All required yards shown with dimensions;
 - vii) Location and dimensions of existing structures on site;
 - viii) Location and dimensions of proposed structures on site;
 - ix) Site topography and drainage patterns;
 - x) Location of curbs and sidewalks;
 - xi) Location of existing and proposed service connections;

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- xii) Location of registered utility easements and rights-of-way;
 - xiii) Location of structures dimensioned to lot lines;
 - xiv) Retaining walls, landscaping, trees and other physical features both existing and proposed on a site and adjoining rights-of-way;
 - xv) Dimension layout of existing and proposed parking areas, entrances and exits abutting streets and lanes;
 - xvi) Location and dimension of outdoor fuel storage facilities.
- (b) Floor plans and elevations of all proposed structures including a description of the exterior finishing materials and colours.
 - (c) Proposed final grades and the lowest elevation of the top of the ground level floor or the lowest footings of the foundation.
 - (d) The applicable development permit fee as set out in accordance with By-law No. 4436 or any successor by-law.
- (3) The Development Officer may also require any of the following:
- (a) Drawings which indicate, to the satisfaction of the Development Officer, how the form, mass and character of the proposed development will relate to neighboring properties;
 - (b) Drawings which indicate, to the satisfaction of the Development Officer, how the design, materials and finish of the principal façade of the proposed development will relate to neighboring properties;

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- (c) A level one environmental site assessment, a level two environmental site assessment, or both, prepared by a qualified professional to determine potential contamination and mitigation;
 - (d) A traffic impact analysis prepared by a qualified professional which shall address, but not be limited to, impact on adjacent public roadways, pedestrian circulation on and off site, vehicular movements circulation on and off site, turning radius diagrams for large truck movements on and off site, and any other similar information required by the Development Officer;
 - (e) Written confirmation from the power utility company that services can be provided to the proposed development in accordance with the Canadian Electrical Code;
 - (f) Provision for the supply of water, sewer and street access, including payment or provision of security of the costs for installing such utility;
 - (g) A site plan indicating existing contours and natural features and specifying any proposed modification of the contours and natural features;
 - (h) A report showing the effect of wind and sun shadow produced by the proposed development, and;
 - (i) A reclamation plan for sand, gravel or topsoil extraction.
- (4) The Development Officer may waive any of the required information or material if, in the opinion of the Development Officer, a decision can be properly made on the application without such information.

3.4 Discretion

- (1) In making a decision on an Application for a Development Permit for a Permitted Use, the Development Officer:
 - (a) Shall approve, with or without conditions, the application if the proposed development conforms with this by-law, or;
 - (b) Shall refuse the application if the proposed development does not conform to this by-law, unless a variance has been authorized pursuant to Section 3.5.
- (2) In making a decision on an Application for a Development Permit for a Conditionally Permitted Use, Council:
 - (a) May approve the application if the proposed development meets the requirements of this by-law, with or without conditions, based on the merits of the application, the *Planning Act*, by-law or approved plan or policy affecting the site, or;
 - (b) May refuse the application even though it meets the requirements of this by-law, or;
 - (c) Shall refuse the application if the proposed development does not conform to this by-law, unless a variance has been granted pursuant to Section 3.5.
- (3) In reviewing an Application for a Development Permit for a Conditionally Permitted Use, Council shall have regard to:
 - (a) The circumstances and merits of the application, including, but not limited to:
 - i) The impact on properties in the vicinity of such factors as airborne emissions, odors,

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- smoke, traffic and noise, sun shadow and wind effects;
- ii) The design, character and appearance of the proposed development, and in particular whether it is compatible with and complementary to the surrounding properties, and;
 - iii) The treatment provided to site considerations including landscaping, screening, parking and loading, open spaces, lighting and signs.
- (b) The purpose and intent of the General Plan and the applicable Development Scheme adopted by the City.
 - (c) The purpose and intent of any non-statutory plan or policy adopted by the City.
- (4) Notwithstanding any provisions or requirements of this by-law, Council may establish a more stringent standard for a Conditionally Permitted Use when Council deems it necessary to do so.
 - (5) A development permit may be issued on a temporary basis for a period specified by the Development Officer or Council as required by this by-law.
 - (6) For the purposes of this section, if a proposed use of land or building is not listed as a Permitted or Conditionally Permitted Use in this by-law, Council may determine that such a use is similar in character and purpose to a use permitted in that zone and may allow the development as a Conditionally Permitted Use.
 - (7) An Application for a Development Permit shall, at the option of the applicant, be deemed to be refused when the Development Officer does not make a decision within 40 days after receipt the application in its complete and final form, unless consent to extend the 40 day period is provided by the applicant.

3.5 Variance Authority

- (1) The Development Officer may allow a variance in regard to site coverage, building height, front, side and rear yard setbacks, lot depth and width, landscaping and parking requirements of up to 10%.
- (2) For an Application for a Development Permit requesting a variance, the Development Officer may allow a variance in regard to front, side and rear yard setbacks, of up to 25% subject to notification of the adjacent/affected landowner(s) as identified by the Development Officer.
- (3) Council may consider allowing a variance in excess of 25% of any standard prescribed in this by-law with the exception of floor area, landscaping, and site area and site density provisions subject to notification of the adjacent landowner(s) as identified by the Development Officer.
- (4) Notwithstanding Section 3.5(3), Council may allow a variance in regard to floor area, site area and site density provisions of up to 10%.
- (5) 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 neighborhood, and;
 - 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 a lot size that may create difficulties in locating a structure within the required setbacks.
 - (c) The subject site has physical limitations relating to terrain and topography that may

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- create difficulties in locating a structure within the required setbacks.
- (d) An error has occurred in the siting of a structure during construction.
 - (e) The proposed development conforms to the uses prescribed in this by-law.
- (6) 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.
- (7) If a variance is granted, the Development Officer shall specify the nature of the variance in the development permit approval.
- (8) Variance approval is subject to the notice provisions under Section 3.9.

3.6 Fees

The fees to be charged by the City on all applications and other matters arising under this by-law are set forth in accordance with By-law No. 4436 or any successor by-law.

3.7 Development Permit Process

- (1) The Development Officer may refer an Application for a Development Permit to any City department, external agency or adjacent landowner for comment and advice. Where an adjacent landowner is referred an Application for a Development Permit for a Permitted Use, it shall be with the approval of the applicant.
- (2) Upon receipt of a complete Application for a Development Permit for a use listed as a Conditionally Permitted Use, the Development Officer shall require the applicant to send a written notice to all adjacent

landowners or to a greater circulation area specified by the Development Officer. The notice shall indicate the location and nature of the development proposal, copies of relevant drawings and a location and date to submit comments.

- (3) After 15 days from the date of referral to any City department or external agency, the Development Officer or Council may deal with the application whether or not the comments or recommendations have been received.

3.8 Development Permit Conditions

- (1) As a condition of development permit approval, the Development Officer may require that the applicant enter into a Development Agreement with the City which, in addition to other matters, may require the applicant:
- (a) To construct or pay for the construction of any or all of:
 - i) a road required to give access to the development;
 - ii) a pedestrian walkway system to serve the development or to give access to an adjacent development;
 - iii) required water, sewer and power supply;
 - iv) required off-street parking and loading facilities; or
 - v) required landscaping of the site and any adjoining property.
 - (b) To repair or reinstate, to original condition, any street furniture, curbing, sidewalk, boulevard, landscaping or trees which may be damaged, destroyed or otherwise harmed by development or building operations on a site;

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- (c) To provide an irrevocable letter of credit, or other form of security acceptable to the Development Officer, to guarantee performance of the conditions of a Development Permit or Development Agreement.
- (d) To enter into an agreement requiring consolidation of properties.
- (2) The Mayor and the Senior Administrative Officer of the Municipal Corporation of the City of Yellowknife, or lawful deputy of either of them, are authorized in the name and on behalf of the City to execute all such Development Agreements, and other documents as may be necessary to give effect to this by-law and to affix thereto the corporate seal of the Municipal Corporation of the City of Yellowknife as the act and deed thereof, subscribing their names in attestation of such execution.
- (3) To ensure compliance with a Development Agreement, the City may register a caveat against the property being developed which shall be discharged upon the terms of the agreement being met.
- (4) Subject to this by-law, the *Planning Act* and any statutory plan approved pursuant to the Act, Council may attach whatever conditions it considers appropriate to a development permit for a Conditionally Permitted Use, including but not limited to the following:
- i) Noise attenuation;
 - ii) Smoke and odor attenuation;
 - iii) Special parking provisions;
 - iv) Location, appearance and character of building;
 - v) Retention of natural terrain and vegetation features, and

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- vi) Ensuring that the proposed development is compatible with surrounding land uses.

3.9 Notice of Decision

- (1) A decision of the Development Officer or Council on an Application for a Development Permit shall be in writing and sent to the applicant.
- (2) If An Application for a Development Permit is refused, the reason for the refusal shall be stated in the decision.
- (3) An official of the City shall conspicuously post a notice of decision on the prescribed form, of an approved Application for a Development Permit, on the property for which the application has been approved.
- (4) A notice of any decision on an Application for a Development Permit may be published in the City's weekly newsletter, the City's website, or both, stating the location of the property for which the application has been made and the use approved for the site.
- (5) If a decision is issued for a Permitted Use or Conditionally Permitted Use for which a variance has been granted pursuant to Sections 3.5(2), 3.5(3) or 3.5(4), 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.
- (6) A development permit issued does not come into effect until 14 days after the date of notice of decision.
- (7) If the development authorized by an approved permit is not commenced within 12 months from the date of its

issue, or the applicant has not obtained an approved Building Permit with 12 months from the date of its issue, the development permit shall be deemed to be void, unless the applicant advises the Development Officer that an extension is required. In such a case, the Development Officer may grant an extension of up to six months.

- (8) If a Development Permit has been refused, either by the Development Officer, Council or the Development Appeal Board, the Development Officer will not accept another application for a permit for the same property, for the same or similar use, by the same or any other applicant, during the period of six months after the date of refusal, unless the applicant can demonstrate, to the satisfaction of the Development Officer, that the new application addresses the reasons for the refusal.

3.10 Development Appeal Process

- (1) A person claiming to be affected by a decision of the Development Officer or Council made under this by-law may appeal to the Development Appeal Board by serving written notice of appeal to the Secretary of the Board within 14 days after a notice of the decision or notice of an order has been mailed or posted on the site or within such further time, not exceeding an additional 46 days, as the Chairperson of the Board, for just cause, may allow.
- (2) Where an appeal is made, a development permit shall not come into effect until the appeal has been determined and the decision confirmed, reversed or varied thereby; or until a decision is made pursuant to Section 51 of the *Planning Act*.
- (3) An appeal must be heard by a quorum of the Development Appeal Board, and a quorum shall consist of at least 2 members and the Chairperson or an Acting Chairperson.

- (4) Hearing procedures are as follows:
- (a) the appellant and any other interested party shall, not later than ten days before the day fixed for the hearing of the appeal, file with the Secretary of the Board all maps, plans, drawings and written material that they intend to submit to the Board or use at the hearing;
 - (b) the Development Officer or Council shall, if required by the Board to do so, transmit to the Secretary of the Board, before the day fixed for the hearing of the appeal, the original or true copies of maps, plans, drawings and written material in its possession relating to the subject matter of the appeal;
 - (c) all maps, plans, drawings and written material, or copies thereof, filed or transmitted pursuant to this section shall, unless otherwise ordered by the Board, be retained by the Board and be part of its permanent records; but, pending the hearing of the appeal, all the material shall be made available for the inspection of any interested person;
 - (d) where a member of the Board has a conflict of interest in the matter before the Board, that member is not entitled to participate, deliberate, or vote thereon;
 - (e) in determining an appeal, the Board shall not:
 - i) approve development that is not permitted or conditionally permitted by this by-law in the zone in which the development is situated, or
 - ii) approve development in a manner that is incompatible with the General Plan;

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- (f) a decision concurred with by a majority of the Board present at the hearing is the decision of the Board;
 - (g) the decision of the Board shall be based on the facts and merits of the case and shall be in the form of a written report, including a summary of all representations made at the hearing and setting forth the reasons for the decision and signed by the Chairperson or, in his absence, the acting Chairperson, and the Secretary and a copy of the decision shall be sent by the Secretary to the Director of Planning as appointed under Section 49 of the *Planning Act*, the municipality, and the appellant within 15 days of the date in which the decision was rendered plus all parties on whose behalf representations have been made, and to each interested person upon his/her request; and
 - (h) a decision of the Board is final and binding on all parties and all persons subject only to appeal under Section 51 of the *Planning Act*.

3.11 Development Appeal Board

- (1) The Development Appeal Board is hereby established in accordance with the Section 21 of the Planning Act.
- (2) The Development Appeal Board shall:
 - (a) be composed of at least 3 persons and not more than seven, and one shall be a member of Council, but shall not include employees of the City;
 - (b) elect a chairperson;
 - (c) hold a hearing within 30 days after an appeal has been received;
 - (d) ensure that reasonable notice of the hearing is given to the appellant and all persons who in the opinion of the Board may be affected;

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- (e) consider each appeal having due regard to the circumstances and merits of the case and to the purpose, scope and intent of the General Plan, Development Scheme, and any Council approved plans or policies, and to this by-law;
 - (f) where an appeal is heard, hear the appellant or the appellant's agent, the Development Officer and any other persons that it considers necessary for a full and proper hearing;
 - (g) render its decision in writing to the appellant within 60 days after the date on which the hearing is held;
 - (h) within 15 days after the appeal board renders its decision, make a complete report of the appeal proceedings to the Director of Planning as appointed under Section 49 of the *Planning Act*; and
 - (i) conduct a hearing pursuant to Section 3.10 of this by-law.
- (3) The Development Appeal Board may:
- (a) in determining an appeal, confirm, reverse or vary the decision appealed from and may impose conditions or limitations that it considers proper and desirable in the circumstances; and
 - (b) appoint the City Clerk to act as Secretary for the Board.
- (4) The Secretary for the Board shall:
- (a) ensure that reasonable notice of the hearing is given to the appellant and all persons who in the opinion of the Board may be affected;
 - (b) prepare and maintain a file of the minutes of the business transacted at all meetings of the Board, copies of which shall be regularly filed with Council;

- (c) issue to the appellant and all affected parties a notice of the decision of the Board and the reasons therefore;
- (d) notify Council and the Director of Planning as appointed under Section 49 of the *Planning Act* of the decisions of the Board and the reasons therefore; and
- (e) carry out administrative duties as the board may specify.

Part Four SUBDIVISION AND CONDOMINIUM REQUIREMENTS

4.1 Review of Subdivision and Condominium Application

- (1) When an application for a proposed subdivision or condominium is forwarded to the City by the Department of Municipal and Community Affairs of the Government of the Northwest Territories, it shall be submitted to the Planning Administrator. The Planning Administrator may require an applicant to submit such additional information as the Planning Administrator considers necessary to verify the compliance of the proposed subdivision or condominium with the regulations of this by-law.
- (2) The Planning Administrator may circulate the application to any City department and to any external agency, or to any property owner in the vicinity who in the opinion of the Planning Administrator may be affected by the application.
- (3) Where an application for subdivision proposes the creation of residential, commercial or industrial subdivisions in excess of four lots or one hectare in area, the proposal shall be forwarded to Council for review and recommendation. The subdivision proposal shall be circulated in two issues of the City's weekly newsletter and/or on the City's website, stating the location and nature of the proposed subdivision.
- (4) The Planning Administrator and Council may recommend approval of a subdivision plan or condominium plan if:
 - (a) each proposed lot has access onto an acceptable public roadway and municipal services;
 - (b) the subdivision, in the opinion of the Planning Administrator or Council, will result in sites which can reasonably be expected to be used for the purposes for which the lands are intended to be used under this by-law and within a reasonable time after the plan or other instrument affecting the subdivision is registered;

- (c) the proposed subdivision conforms to *the* General Plan, any applicable Development Scheme By-law, and any Council approved plans or policies, and this by-law, however the Planning Administrator or Council may vary:
 - (i) the development standards of the lots in terms of their width, depth, or area as may be required due to physical limitation of this site having due regard to the amenities of the area and adjoining property; and
 - (ii) the road and lot layout, grading or any other feature having due regard for the contours and natural features and the modifications of the contours and features;
 - (d) the applicant provides for the installation and construction at the applicant's own expense, all necessary public improvements which may include but is not limited to public roadways, sidewalks, curbs, culverts, drainage ditches, utility systems, landscaping, parks, trails and other public facilities as may be required; and,
 - (e) the applicant has made provisions for roadways, utility parcels, and reserves in accordance with Section 44 of *the Planning Act*.
- (5) Where an application meets the requirements of this section, the Planning Administrator shall inform the Department of Municipal and Community Affairs that the application is either unconditionally supported by the City, conditionally supported by the City, or not supported by the City. Where conditionally supported, the Planning Administrator shall indicate under what conditions the application is supported.

4.2 Subdivision and Condominium Conditions

- (1) When an applicant is required under this section to install or construct any public improvements, the Planning Administrator may also, as a condition of

approval for the subdivision or condominium, require that the applicant enter into a Development Agreement with the City. The agreement may include but is not limited to:

- (a) the standards to which the improvements must be installed or constructed;
 - (b) a work schedule;
 - (c) the terms and conditions of the transfer of any or all of the improvements to the City;
 - (d) security deposit or performance bond acceptable to the City of Yellowknife; and
 - (e) any other relevant matter.
- (2) The development agreement shall be a covenant running with the land.
- (3) Where an application does not meet the requirements of this section, the Planning Administrator shall inform the Department of Municipal and Community Affairs and the applicant that the application is not supported by the City and the reasons therefore.

Part Five **AMENDING THE BY-LAW**

5.1 By-law Amendments

- (1) Any person applying to have this by-law amended shall apply in writing on a form prescribed by the Planning Administrator, and may furnish additional materials in support of the application.
- (2) Notwithstanding anything contained in this section, a proposed amendment which has been rejected by Council within the previous 12 months shall not be reconsidered unless Council otherwise directs by resolution.
- (3) A person making an application to the Planning Administrator for an amendment to this by-law shall pay the City an application fee established in accordance with By-law No. 4436 or any successor by-law.
- (4) The Planning Administrator may return the application fee if:
 - (a) it appears that the proposed amendment is one which is applicable to and for the benefit of the City at large, or most of the persons affected in one area or in one zone or class of zones;
 - (b) Council does not give first reading to the proposed amendment, or;
 - (c) the purpose of the application is to seek clarification of an existing provision of the by-law.
- (5) The City is not bound to consider an application unless it is accompanied by an application fee.

5.2 By-law Amendment Process

- (1) Upon receipt of an application to amend this by-law the Planning Administrator shall:

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- (a) initiate or carry out any necessary research on the proposed amendment which may include seeking input from neighboring property owners, City departments, government agencies etc.;
 - (b) review with the applicant the Departmental recommendation;
 - (c) submit to the Committee of Council a memorandum on the proposed amendment, if the applicant wishes to pursue the amendment.
- (2) In addition to publishing the official notice in accordance with Section 165 of the *Cities, Towns and Villages Act*, Council may at First Reading, by resolution, require the applicant to post a sign, of the amendment on the subject property. The Development Officer will provide to the applicant a sample of the information to be posted on the sign, including a map indicating the location(s) to be posted. The information shall be a maximum height above ground of 3 metres and at the discretion of the Development Officer, the sign shall have a minimum area of 1.5 square metres and a maximum area of and 5.9 square metres; and contain the following information;
- i) identify the present and proposed land use zones;
 - ii) identify the total area of the site to be rezoned and;
 - iii) Provide contact information with the location and phone number of the City's Planning & Development Department,
- (3) The Committee of Council shall submit its recommendation on the proposed amendment to Council for consideration.
- (4) Committee of Council may at any time on its own motion, present for consideration by Council amendments to this by-law.

- (5) Council may, at any time, initiate an amendment to this by-law, but the proposal shall be referred to the Committee of Council and the Planning Administrator for their review and recommendations before First Reading.

- (6) An amendment to this by-law shall be consistent with any existing or proposed General Plan, Development Scheme, and any Council approved plans or policies that affects or will affect the land.

Part Six CONTRAVENTION AND ENFORCEMENT

6.1 Enforcement Notice

- (1) Where a development or use of land or structure is not in accordance with this by-law, a Development Officer may, by written notice either served personally or sent by registered mail to the owner and/or occupant of the property affected, and to any contractor engaged in the work, require the removal, demolition or alteration of the structure, the filling in of the excavation, the restoration of the contours and natural features of the site, or the cessation of the work or the use to which the land or structure is being put, as the case may be.
- (2) The notice referred to in Section 6.1 shall state:
 - (a) the grounds on which the removal, demolition, alteration, filling in, or cessation of work or use is required; and
 - (b) that the removal, demolition, or alteration of the structure, the filling in of the excavation, or the cessation of the work or the use of the land or structure, as the case may be, shall be carried out or effected in a period stated in the notice, which shall be not more than sixty (60) days from the date of the serving or sending of the notice.
- (3) Where the owner, occupant or contractor engaged in work for property to whom the notice is given pursuant to Section 6.1(2) fails to comply with the requirements of the notice, Council, by its officials, may enter upon the property and carry out or effect such removal, demolition, alteration, filling in or cessation of use as the notice requires to be done or effected, and may recover the expense thereof from the owner, occupant or contractor by action.
- (4) The expense referred to in Section 6.1(3), until paid by the owner, is a charge and lien upon the property in respect of which the notice was given.

6.2 Suspending or Revoking of a Development Permit

- (1) If development is not being carried out or completed as approved then the Development Officer may suspend or revoke the development permit. The Development Officer shall provide written notice, either served personally or sent by registered mail to the owner and/or occupant of the property affected and to any contractor engaged in the work, stating that the development permit has been suspended or revoked.
- (2) A development permit issued in error or on the basis of incorrect information contained in the application may be deemed invalid by the Development Officer who may suspend or revoke the development permit in accordance with Section 6.2(1).
- (3) The notice described in Section 6.2(1) shall:
 - (a) state the grounds on which the development permit was suspended or revoked;
 - (b) require that any development or work being undertaken or any unauthorized use being made of land or of a structure shall be discontinued on issuance of the notice and shall not resume until a development permit for that purpose has been issued or reinstated, and;
 - (c) state the conditions that must be met in order for a suspended development permit to be reinstated.

6.3 Penalties

- (1) Any person who:
 - (a) undertakes or allows development without a development permit;
 - (b) fails to comply with conditions of a development permit;

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- (c) fails to comply with any notice or order issued under this by-law; or,
 - (d) fails to comply with any decision, direction of order of the Development Appeal Board;

all in accordance with this by-law, is guilty of an offence and is liable on summary conviction to a fine not exceeding:

- (i) five hundred dollars (\$500) and, in addition, to a fine not exceeding \$100 for every day the offence continues, and;
 - (ii) in default of payment of a fine under Section 6.3(2), to imprisonment for term not exceeding 30 days.
- (2) Pursuant to Section 6.3(1) of this by-law, a Development Officer or duly appointed officer of the City may issue a Summary Offence Ticket Information in the form prescribed by the *Summary Conviction Procedures Act and Regulations*, to any person who violates any provision of this by-law and such person may, in lieu of prosecution, pay the City the voluntary penalty set out in Section 6.3(3) for the offence, prior to the court date specified on the ticket.

(3) Voluntary Penalties

	First Day	Second and each subsequent day
i. Individual	\$25.00	\$50.00
ii. Corporation	\$50.00	\$100.00

- (4) Any violation of the by-law is a continuing offence and separate offence for each day the offence continues, and the penalties provided for in this by-law shall apply for each day the offence continues.

- (5) Notwithstanding Part Six, the City may choose at any time to exercise its rights to enforce any provision of this bylaw with a court order in accordance with Section 33 of *The Planning Act*, or may rely upon any other remedies available to it at law to compel compliance with this by-law.

- (6) The conviction of a person under Part Six does not operate as a bar to further prosecution for the continued neglect or failure on the part of the person to comply with this by-law.

Part Seven DEVELOPMENT STANDARDS

7.1 Rules Applicable to All Zones

(1) Site Planning

In reviewing development permit and subdivision applications, the Development Officer and Council will apply the following development principles. The principles are not to be regarded as inflexible, but are intended to encourage a high standard and quality of development.

- (a) Representative natural landscape features on a site are encouraged to be retained, but where the landscape is altered, it shall be replaced, excluding building footprint and required parking areas, in accordance with Section 7.1(2). All landscaped open space shall be designed to enhance the visual amenities of the area;
- (b) Applicants are encouraged to incorporate natural terrain, topographic features and views into the design of buildings;
- (c) Vehicular access/egress points to public roadways, as well as interior driveways, parking lots and circulation areas, are to be in accordance with accepted transportation standards, subject to Section 7.1(5);
- (d) Proposed developments are encouraged to provide pedestrian access points to public roadways, public transit and any adjoining trails and open space areas;
- (e) Proposed development shall incorporate proper site surface drainage so that the removal of surface waters will not adversely affect adjacent properties or the public storm drainage system. Storm water shall be removed from all buildings and paved areas and carried away in a manner acceptable to the Development Officer. Surface water in all paved areas shall be collected at

intervals so that it will not obstruct the flow of vehicular or pedestrian traffic and will not create standing water in the paved areas or walkways. Approved site surface drainage shall be maintained for the life of the development;

- (f) Electrical and telephone and cable lines shall be underground where possible. Any such utility installations remaining above ground shall be located to reduce the visual impact on the site and adjacent properties;
- (g) The size, location, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the design of proposed buildings and structures and the adjacent properties;
- (h) Outdoor lighting sufficient only to provide for safety, security, display or attraction for any development shall be arranged so that no direct rays of light are projected to adjacent properties or interfere with the effectiveness of any traffic control device;
- (i) Exposed storage areas, exposed machinery installation, service areas, truck loading areas, utility buildings and structures and similar accessory uses and structures shall be subject to such setbacks or screening methods as are reasonably required to prevent negative impacts on adjacent properties and the environment;
- (j) All open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police or other emergency personnel and equipment;
- (k) the removal or disruption of heritage, historic, traditional or significant uses, structures or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties; and

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- (1) Any proposed development, subdivision, or lease of any site on, adjacent, or near a water-body shall be designed and constructed so as to prevent any discharge or drainage of any contaminant, excrement, refuse, toxic or deleterious substance into the water-body. For the purposes of this clause the definitions of the terms "contaminant", "discharge", and "substance" shall be the same as the definitions in the *Environmental Protection Act, R.S.N.W.T. 1988. C.E-7* as amended and requirements of the *Fisheries Act*.

(2) Landscaping Requirements

- (a) Where landscaping is required pursuant to Part 10, and where the required landscape area exceeds 500 square metres (5,385 ft²), the Development Officer shall require the submission of a detailed landscape plan prepared by a landscape architect or landscape technologist.
- (b) Where landscaping is required pursuant to Part 10, and where the required landscape area is less than 500 square metres (5,385ft²), the applicant may incorporate landscaping on the site plan required pursuant to Section 7.1(2).
- (c) The detailed landscape plan or site plan shall include landscaping of adjacent public lands within a road right-of-way to the existing or proposed curb edge or sidewalk and shall provide the following information:
- i) common botanical names;
 - ii) location of trees and shrubs;
 - iii) number of trees and shrubs;
 - iv) landscape details specifying the mixture of coniferous and deciduous trees and shrubs designed to provide landscape enhancement for year round effect, and;

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- v) required landscape areas not covered by seed/sod which may include mulch beds, paving stones, walkways, amenity areas or raised planters.
- (d) Any portion of a site not occupied by buildings or parking and vehicular circulation areas that is maintained in its natural state will be considered as fulfilling landscape requirements.
- (e) All landscaped areas shall be designed to facilitate effective surface drainage.
- (f) Trees shall be provided at the rate of one tree for every 25 m² (269 ft²) of the required landscape area. A minimum of one coniferous tree shall be planted for every three deciduous trees. Shrubs shall be provided at the rate of two shrubs for every 25 m² (269 ft²) of the required landscape area. A minimum of one coniferous shrub shall be planted for every three deciduous shrubs. Minimum tree and shrub size specifications at the time of tree planting shall be:
- i) Coniferous trees - 1.0m (3.3 ft) high;
 - ii) Deciduous trees - 2.0m (6.6 ft) high;
 - iii) Coniferous shrubs - 0.4m (1.31 ft) height or spread;
 - iv) Deciduous shrubs - 0.6 (2.0 ft) height or spread;
- (g) All plant material used shall be capable of healthy growth in Yellowknife, grown from a northern stock, and with certification that the plants are grown north of 54 degrees latitude. The Development Officer may also require compliance of plant material with the Canadian Standards for Nursery Stock.

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- (h) Decks may be considered as part of the required landscape area, but shall not exceed 25% of the required landscape area.
 - (i) In the event that seasonal conditions prohibit the completion of landscaping, the applicant shall be required to complete all landscaping by September 30 of the following growing season.
 - (j) The quality and extent of the landscaping established on a site shall be the minimum standard to be maintained on the site for the life of the development.
 - (k) Where a landscape area proposed exceeds 500 square metres in area, the Development Officer shall require submission of an Irrevocable Letter of Credit as security to ensure completion of landscaping. Such security shall be released, upon written request, once an inspection of the site demonstrates to the satisfaction of the Development Officer that the landscaping has been well maintained and is in a healthy condition two growing seasons after completion of the landscaping.

(3) Projections into Yards

Unless otherwise regulated, the following may project into a required yard:

- (a) Unenclosed steps, verandas, porches, eaves, awnings, bay windows, chimney breasts or parts of chimney, sills, together with any other architectural features which, in the opinion of the Development Officer are of a similar character, provided such projections do not exceed:
 - 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 3.0 metres.

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- (b) Balconies, provided that they do not project more than 1.5 metres into the required front or rear yard setback.
 - (c) An open, uncovered deck or patio at ground level in any yard if such deck is completely unenclosed except by a guard rail or parapet wall not exceeding the maximum height permissible for a fence in the same location. No such deck shall project into any required front yard more than 2.5 metres or have a surface level more than 0.6 metres above finished ground at any point. The provision of an awning or similar temporary covering for such a deck shall be permitted.

(4) Fences

- (a) In residential zones the maximum height of a fence as measured from general ground level 30cm back of the fence on whichever side of the fence the ground level is higher shall be:
 - i) 2 metres for that portion of the fence which does not extend beyond the front portion of the principle building on the lot;
 - ii) 0.9 metres for that portion of the fence which extends beyond the front portion of the principle building on the lots; and
 - iii) In the case of corner lots, 0.75 metres within the triangular area 7.5 metres back of the intersecting front property lines, regardless of whether a corner cut has been taken.
- (b) Notwithstanding Section 7.1(4)(a), the Development Officer may approve, upon application for a development permit, a higher fence in residential zones. Where the height exceeds 10% of the specified standard, the Development Officer shall request the receipt of approval by an adjoining property owner or condominium

association for a fence exceeding the requirements of Section 7.1(4)(a).

- (c) Notwithstanding Section 7.1(4)(a), within non-residential zones, the Development Officer may approve, upon application for a development permit, a higher fence, or a fence with barbed wire or other security features for public safety, security or buffering reasons.
- (d) Where terrain contours vary significantly over the length of a fence, the Development Officer may permit sections of a fence to exceed the maximum allowable height, but the height of the fence shall follow the general contour of the site along the length of the fence.

(5) Vehicular Access and On-site Traffic

Vehicular access to and from public roadways must adhere to the following criteria:

- (a) at street intersections, driveways shall be setback from the lot boundaries which form the intersection a distance which is considered necessary by the Development Officer to ensure that the safety and efficiency of movement of existing or planned traffic volumes are improved or maintained;
- (b) driveways shall be separated by a distance which is considered necessary by the Development Officer to ensure that the safety and efficiency of movement of existing or planned traffic volumes are improved or maintained;
- (c) queuing of vehicles for drive-thru activities shall not occur or have any impact on public roadways and shall be designed to enhance on-site vehicular circulation and parking;
- (d) driveway access to streets and lanes will not be approved, where in the opinion of the Development Officer, the safe and efficient movement of

existing or planned traffic may be unduly affected, unless alternative access is unavailable;

- (e) Vehicular access and circulation on a site shall be acceptable to the Director of Public Works & Engineering, Director of Public Safety, and;
- (f) driveways and on-site parking must have positive surface drainage to the roadway and the grade of driveway and on-site parking shall not exceed 8%.

(6) Temporary Activities

Temporary activities include those activities where there is temporary placement of any building or structure, including tents, and such activities shall be developed and conducted in accordance with the following standards:

- (a) no new permanent building, structure or development shall be permitted in conjunction with the activities;
- (b) all buildings, structures or development put in place for the activities shall be removed immediately following the cessation of the activity, completion of the approved time period, or revocation of a permit, which ever occurs first;
- (c) all temporary activities require development permit approval;
- (d) in zones where the temporary activity is not similar to a permitted or conditionally permitted use the time period shall be restricted to 30 days;
- (e) permanent damage to natural vegetation or features shall be avoided;
- (f) the Development Officer may:

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- i) attach any condition deemed necessary to ensure that the temporary activity is removed and the site restored to its pre-activity condition;
 - ii) require an agreement and an irrevocable letter of credit to cover the cost of restoring the site if the temporary activity is not properly removed;
 - iii) revoke a permit issued for a temporary activity at anytime if it is deemed that the use is detrimental to the area or City at large; and
 - iv) adjust the time period for a temporary activity if circumstances warrant an adjustment.
- (g) A temporary activity does not include the temporary use of an approved building for an event incidental to the duly approved use of the building.

(7) Legal Non-conforming Uses, Structures and Sites

- (a) A non-conforming use may be continued but, where that use is discontinued for any reason for a period of at least six consecutive months, any future use of the land or building is to conform with any current zoning by-law, unless an extension is approved by Council.
- (b) A non-conforming use of a part of a building or lot may be extended throughout the building or lot and the building or lot may be enlarged or added to with the approval of Council.
- (c) Any non-conforming building may continue to be used and any structural alterations and additions which conform to the requirements of this by-law may be made.

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- (d) Notwithstanding the provisions of this section within Blocks A, B, C, D, E, 1, 2, 3, 4, 11, 12, 13, 14, 19, 20, 73, 74, 75, 76, 77, 78, and 79 and Lot 863, Group 964, the Development Officer may:
- i) approve an addition to a building containing a non-conforming use; and
 - ii) vary the requirements of the relevant sections of this By-law for additions to non-conforming buildings.

(8) Planned Development

- (a) Notwithstanding any other provisions of this by-law, where a planned development involves the grouping of two or more residential dwelling types, they shall be subject to the following regulations:
- i) the site area of the planned group of residential dwellings shall be equal to or greater than the total of the minimum site area otherwise required for each dwelling unit and shall not exceed the provisions of the applicable Density Overlay zone;
 - ii) the site coverage of the planned group of residential dwellings shall not exceed the maximum lot coverage of the applicable residential zone, and;
 - iii) privacy and building separation spaces shall be provided in accordance with Section 7.3(3).
- (b) Notwithstanding any other provision of this by-law, a Planned Development shall be subject to the approval of the Planning Administrator, or when Conditionally Permitted Uses are being considered, it shall be subject to the approval of Council.

(9) Subordinate Dwelling Unit

Notwithstanding any requirement of this by-law, the Development Officer may allow for the development of a second and subordinate dwelling unit in a single detached dwelling provided that:

- (a) the second dwelling unit must be fully contained within the single detached dwelling;
- (b) the external appearance and residential character of land and building shall be maintained as a single detached dwelling to the satisfaction of the Development Officer;
- (c) the second dwelling unit shall contain a maximum of two bedrooms;
- (d) the second dwelling unit shall comprise less than 50% of the total floor area of the single detached dwelling.

(10) Monuments

- (a) Monuments may be allowed in any zone subject to Council's approval.
- (b) Council may approve a monument if:
 - (i) the proposed monument, at the size and intensity contemplated and at the proposed location, will provide a development that is compatible with the neighborhood, the community, and the general environment;
 - (ii) the proposed monument will not be detrimental to the health, safety, convenience, or general welfare of persons residing or working in the vicinity, or injurious to property, improvements, or potential development in the vicinity, with respect to aspects including but not limited to:

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- (a) the nature of the proposed site, including its size and shape, and the proposed size, shape, and arrangement of structures, and
 - (b) the treatment given to such aspects as aesthetics, landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs.

(11) Canopies

- (a) a canopy is a projection outward from the face of a building constructed as an integral part of the building, primarily designed to provide permanent or temporary protection from climatic elements.
- (b) canopies shall be considered as accessory to the principal structure to which they are attached.
- (c) canopies may project off site and over public property in areas zoned CC and CT, subject to an encroachment agreement with the City.
- (d) a canopy over public property shall provide no less than 2.5 metres of clear space between the lowest portion of the canopy and the ground surface below any portion of the canopy unless in the opinion of the Development Officer a greater clear space is required.
- (e) a canopy shall not project over any public lands employed in the movement of vehicular traffic.

7.2 Rules Applicable To All Residential Zones

(1) Principal Building and Uses

- (a) Within the R1, R2, R5 and R6 zones, there shall be one principal building and one principal use on a site, unless the development is approved as a planned development, or is approved by Council

in accordance with Section 11.2(3)(e) (Heritage Overlay zone) and the Heritage By-law No. 3445.

(2) Vehicle Storage

No person shall keep in any part of the yard in any residential zone:

- (a) a commercial vehicle, loaded or unloaded, of a maximum weight in excess of 4,400 kg provided that such vehicle may remain on site for such a period of time as is reasonably necessary to load or unload such a vehicle; and
- (b) any dismantled or wrecked vehicle, or any partially dismantled or partially wrecked vehicle for more than seven successive days.

(3) Communication Towers

- (a) On any residential site, a communication tower shall be accessory to a principal residential use.
- (b) Communication towers shall not exceed the maximum permitted height of the zone.
- (c) Communication towers shall not be located in the front or side yard of the principal building and shall not overhang adjoining properties.
- (d) Notwithstanding Section 7.2(3)(b), the Development Officer may approve a communication tower exceeding the maximum permitted height of the zone. The Development Officer may request receipt of approval by adjoining property owners for a communications tower exceeding the requirements of Section 7.2(3)(b).

(4) Sight Distance at Road Intersection

Vision at an intersection between 0.75 metres and 3 metres above the grade of a street or lane shall not be obstructed with fences or landscaping within the

area described as corner visibility triangle. The corner visibility triangle is a triangular area formed on a corner site by the two property lines and a straight line which intersects them at 7.5 metres from the corner where they meet as illustrated in Diagram #1.

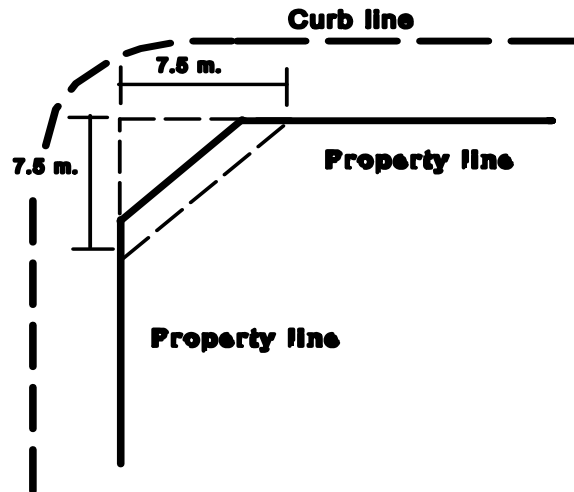


Diagram #1

(5) Additional Yard Requirements

In addition to the minimum yard requirements, the following shall apply to single detached, duplex and multi-attached dwellings:

- (a) a minimum side yard of two metres on the flanking street side of a corner lot;
- (b) a minimum distance of one metre between accessory buildings and/or detached garages from the principal building;
- (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 and the accessory structure shall not be sited in front of the principal building;

- (d) accessory structures and detached garages shall not exceed 3.0 metres in height, or one story. The overall height measured to the peak of the roof shall not exceed 5.0 metres.
- (e) when a garage or carport is attached to the side of the dwelling, it shall be considered as part of the principal building and the required set backs shall not be less than those required for the dwelling; and,
- (f) there shall be a minimum of six (6.0) metres distance, measured perpendicular from the face of the garage door, to a property line but in the case of a rear lane this distance shall be 6.0 metres or 1.0 metre.

(6) Home Based Business

Home Based Businesses are subject to the following:

- (a) applications for home based business shall be made on a form prescribed by the Planning Administrator;
- (b) the home based business shall not be staffed by any person other than a resident of the home and not more than two adult residents of the home shall be permitted to work in the home based business except in the case of a "child care home" one of these two adults may reside elsewhere;
- (c) no more than two home based businesses may be allowed at any given residence;
- (d) retail sales by home based businesses shall be limited to goods and articles produced on the site and may include mail-order telephone sales, and the sale of articles which are produced elsewhere but are pre-packaged and held for a period of not more than 72 hours for distribution to customers, or pick up by customers;

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- (e) no variation from the external appearance and residential character of land or buildings shall be permitted;
 - (f) the home based business shall not generate traffic or parking problems within the district;
 - (g) except with the approval of the Development Officer only one commercial vehicle may be used in conjunction with the home based business and the said vehicle shall not exceed 4400 kilograms gross vehicle weight.
 - (h) the home based business may be carried on only for the period of time the property is occupied by the applicant for such permitted uses;
 - (i) the privacy and quiet enjoyment of adjacent dwellings shall be preserved;
 - (j) where a person performs a service, offers consulting services, or instruction of arts and/or crafts, the Development Officer may set a limit to the number of students or customers that may be in attendance at any one time, and if in the opinion of the Development Officer the residential character of the neighborhood is compromised by the activities of these students or customers, the Development Officer may reduce the number of students or customers that may be in attendance at any one time; and
 - (k) All permits issued for home based businesses shall be subject to the condition that the permit may be revoked by the Development Officer at any time if conditions (b) to (j) are contravened, or where the use is or has become detrimental to the amenities of the neighborhood.

7.3 Rules Applicable To All Multi-Attached or Multi-Family Dwellings

(including mixed use buildings containing multi-family dwellings)

(1) Essential Components of Development

Any multi-attached and multi-family development shall provide:

- (a) access for emergency vehicles;
- (b) access to enclosed garbage storage;
- (c) fencing, if required by the Development Officer;
- (d) light between buildings;
- (e) pedestrian access to and from the public sidewalk serving the building; and
- (f) flood lighting and parking light standards sufficient to provide for safety and security and that have a minimal impact to adjacent residential development.

(2) Provision of Recreation Space

For developments containing more than 20 dwelling units, an indoor or outdoor recreation space suitable for the intended occupants shall be provided to the satisfaction of the Development Officer. Outdoor areas shall provide suitable landscaping, fencing and surface treatment to the satisfaction of the Development Officer. Any recreation space provided is to be maintained for the life of the development. Outdoor parks and recreation areas in close proximity (i.e. within 250 metres) may be considered as fulfillment of this requirement.

(3) Provision of Privacy and Building Separation Spaces

In the case of a group of two or more residential buildings the relationship of the buildings to each

other and to the total site, in particular with respect to appearance, lighting, air, privacy fencing and landscaping shall be to the satisfaction of the Development Officer notwithstanding the following minimum requirements:

- i) privacy separation space 8.0m in depth;
- ii) building separation space 3.0m in depth;
- iii) these minimum separation spaces shall be applied along the full length and height of the exterior wall; and
- iv) in the case where buildings are not parallel or where diagonal views between opposing units become critical the separation requirements may be varied by the Development Officer.

7.4 Shoreline Development Standards

- (1) All permanent over-water structures and uses shall require the approval of the agencies having jurisdiction over the bed of the water-body that is directly beneath the moorage area and the structure or use. Such development shall be sensitive to critical fish habitat and public health.
- (2) The planning and location of over-water structures and uses shall be coordinated with the adjacent on-shore development or use so development on both land and water are mutually compatible.
- (3) Each moorage space for water craft or vessels used as living quarters shall have access to a potable water source and a sewage disposal system, each of these is subject to approval by the Development Officer.
- (4) If required by the development, the provision of public utilities and services shall be acceptable to the Development Officer. These utilities and services include:
 - i) electrical power,

- ii) piped or trucked potable water supply for domestic use,
- iii) fire protection and emergency services,
- iv) municipal sewage system or a sewage disposal in a manner approved by the appropriate Medical Health Authority, and
- v) garbage and solid waste collection.

(5) Moorage Area

All moorage areas shall provide:

- i) Open water access of sufficient size to allow safe and ready accessibility to navigable water;
- ii) Shoreline access in the form of a marina, wharf or launching area.

(6) Moorage space: all moorage spaces shall be of sufficient size to allow safe docking and open water access.

(7) The height of over-water structures is subject to the Development Officer's approval and shall not exceed 6.0 metres above the natural boundary.

7.5 Outdoor Storage and Maintenance

(1) Where the outdoor storage of raw materials, finished or partially finished products, fuel, salvage material, or waste is permitted on a site, such storage shall be concealed from sight from abutting sites, streets or lanes by a fence or wall of appropriate design, and sufficient dimension and position so that such materials are not visible, where practical, from any point 2.0 m or less above the grade on any adjacent site, street or lane. Fencing and screening are subject to approval by the Development Officer.

- (2) This section shall not limit the customary display of any commodities or goods intended and permitted to be sold on the site, or the storage of fuel, oil or gas in tanks connected to a heating plant on the premises.
- (3) Storage of any materials as cited in this section shall not be permitted in the required front yard setback of any site.
- (4) 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 CC zone.

7.6 Industrial Performance Standards

The purpose of the Industrial Performance Standards is to identify potential nuisances and hazards and to ensure that proposed development will provide methods to protect adjoining property owners and the community from such nuisances and hazards.

(1) Industrial Performance Standard I

All industrial uses approved under Industrial Performance Standard I shall not:

- (a) cause or create air or water contaminants, visible emissions or particulate emissions including air borne particulate matter from open storage or use areas;
- (b) cause or create the emission of odorous matter or vapor and/or toxic matter;
- (c) cause or create excessive or objectionable industrial production noise, or:
- (d) involve a use, operation or process which stores, manufactures or utilizes hazardous quantities of flammable or explosive material; but

-
- (e) notwithstanding clauses 7.6(1)(a)-(d) emissions and discharges normally associated with the occupation of a building are allowed.

(2) Industrial Performance Standard II

All industrial uses approved under Industrial Performance Standard II are those uses which may:

- (a) cause or create air or water contaminants, visible emissions or particulate emissions including air borne particulate matter from open storage or use areas;
- (b) cause or create the emission of odorous matter or vapor and/or toxic matter;
- (c) cause or create excessive or objectionable industrial production noise, or
- (d) involve a use, operation or process which stores, manufactures or utilizes hazardous quantities of flammable or explosive material; but

which have utilized mechanical, chemical, physical and/or electronic measures to mitigate the effects of these emissions, contaminants, or hazards in accordance with City requirements and the regulations of any other government agency having jurisdiction.

(3) Burden of Proof

- (a) The onus of proving to the Development Officer's satisfaction that proposed development does and will comply with the requirements of the respective standard rests with the applicant.

(4) Additional Site Considerations

The Development Officer may require an applicant to submit verification that the conditions of any other government agency having jurisdiction over any performance standard contained herein have been met.

In addition to meeting the requirements of Sections 7.6(1) and 7.6(2), development of an industrial site shall comply with the following:

- (a) the minimum front yard of a site in any industrial zone may be used only for:
 - i) landscaped areas and pedestrian walkways which, together, unless otherwise provided in the regulations shall comprise not less than 40 per cent of the area of the minimum front yard;
 - ii) driveways having access to a street or streets at locations to be approved by the Development Officer;
 - iii) subject to the approval of the Development Officer, loading and parking areas having a combined area not exceeding 60 percent of the area of the said minimum front yard, provided that vehicles can enter and leave the site without reversing or maneuvering on the right of way of a registered street;
 - iv) display purposes provided that the display is not located within the minimum required landscaped area of the front yard, subject to the approval of the Development Officer, and;
- (b) if the front yard of a site in any industrial district exceeds the minimum front yard, any portions of an industrial site not covered by buildings and not used for open storage shall be either:
 - i) paved or graveled and maintained in a neat dust-free condition to the satisfaction of the Development Officer for the life of the development, or;

ii) landscaped suitably and maintained to the satisfaction of the Development Officer for the life of the development, or;

iii) a combination of (i) and (ii) hereof.

Part Eight DESIGN STANDARDS

8.1 Design Standards for Niven Lake

In addition to all other requirements of this by-law, all development within the boundaries of the applicable Niven Lake Development Scheme By-law shall be subject to the following design standards:

- (a) Acceptable exterior finishes are vinyl, brick, pre-finished and embossed metal, cedar, hardboard and stucco. Each development is limited to two exterior finishing materials. The intent is to provide variety on the street through the use of different materials but at the same time ensure that a quality of development is reflected throughout the development area.
- (b) The width of the parking area in front of the principal building (other than for a multi-family development) shall be limited to no more than two car widths. The intent is to limit the street frontage devoted to parking.
- (c) The driveway and onsite parking area shall have positive drainage, but have a grade no greater than eight percent (8%). The intention is to ensure that driveways do not pond and are functional.
- (d) All street sides of residential buildings shall contain windows (or similar architectural features) for each level of the building on each side of the building that is either greater than 2.5 metres (8.2 feet) in height or, as determined by the Development Officer, where such a feature is necessary to comply with the intent of this standard. This requirement shall include foundation walls. The intent is to punctuate large surfaces of buildings and improve the presentation of a building to the street.
- (e) Pilings shall not be exposed. While encasement in a suitable finish may be acceptable, the goal is to enclose the space underneath structures in an attractive and proper fashion.

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- (f) The exterior finish shall extend down the foundation wall as far as practically possible. The intent is to ensure good quality of finish to all surfaces of buildings.
 - (g) Landscaping shall be provided in accordance with Section 7.1(2).
 - (h) Development (construction of buildings and the landscaping of lots) shall comply with the plan of storm water drainage for the Niven Lake area. The intent is to ensure that individual development matches the overall plan for storm water drainage of the Niven Lake area.
 - (i) The development of similarly designed single and two unit residential buildings on adjacent lots is not permitted. The intent is to promote a variety of housing designs. The application of criteria to determine a variety of housing designs is specified under the Niven Lake Residential Design Standards Policy.
 - (j) The sitting of a permanent garbage bin or similar structure in front of the principal building shall not be permitted.

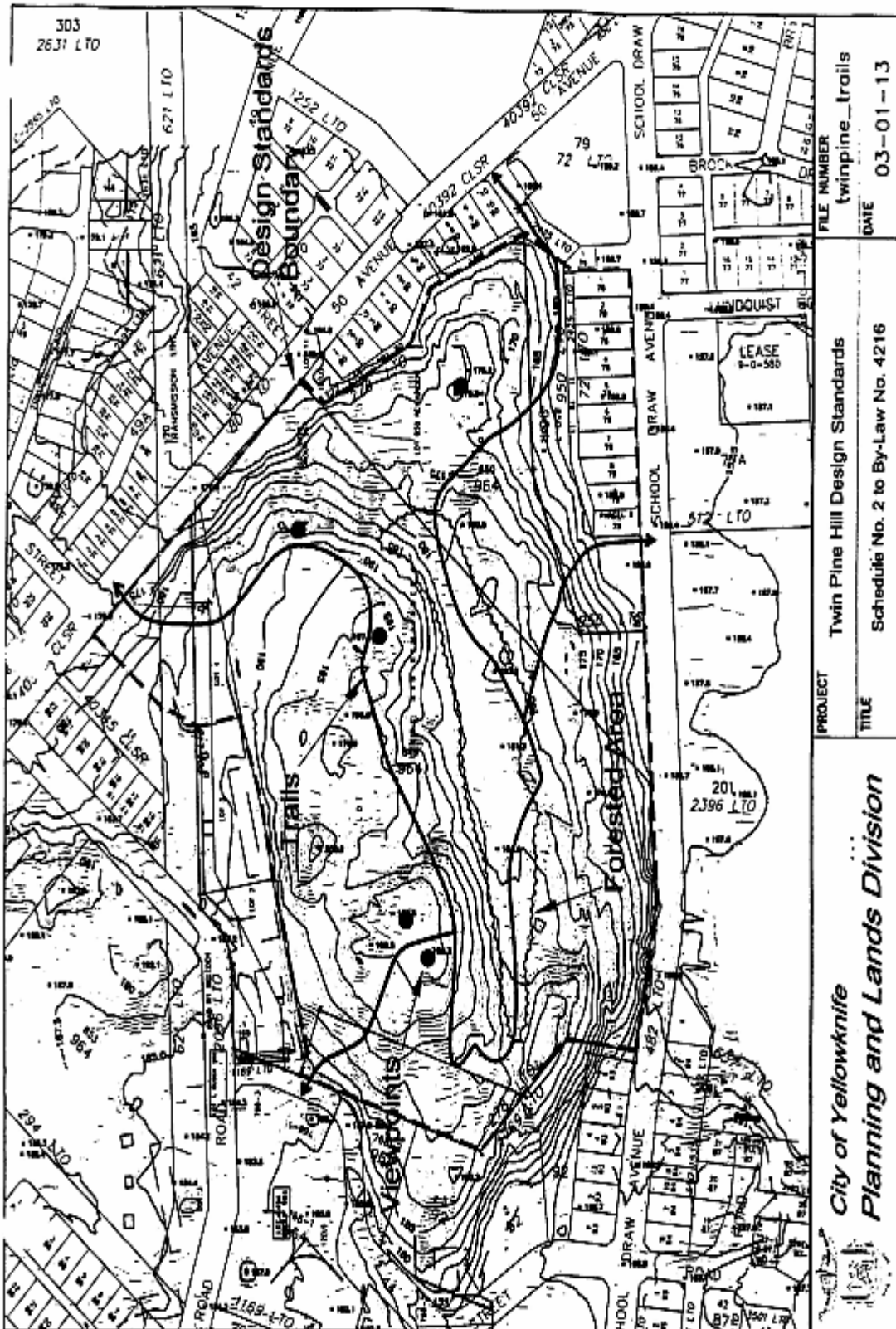
8.2 Design Standards for Twin Pine Hill

In addition to all other requirements of this by-law, all development within the boundaries of Twin Pine Hill, as described in attached Schedule No. 2 to By-law No. 4216, shall be subject to the following design standards:

- (a) Buildings shall be designed to blend in to the natural landscape by minimizing terrain disturbance, and shall utilize natural features identified in the referenced Schedule No. 2.
- (b) Streets developed to access the site shall be located so as to minimize terrain disturbance, and shall be constructed to meet minimum vehicular circulation standards. Street and parking area lighting shall be

used to minimize the height of overhead lighting, and to ensure lighting is directed with as narrow a downward band as possible. Lighting specifications in terms of the intensity of light are to be the minimum required to provide for safety and security.

- (c) A sidewalk shall be developed in conjunction with street development. The sidewalk may form part of a multi-purpose trail system for the area. A 4 metre landscaped buffer strip between the street and sidewalk shall be utilized where possible.
- (d) Any proposed development shall incorporate linkages to the trail system outlined in the referenced Schedule No. 2.
- (e) The forested area outlined in the referenced Schedule No. 2 shall not be removed or broken into smaller areas through the development of buildings or structures.
- (f) Any structure or roadway which is developed on, or disrupts the values of the trails or viewpoints identified in the referenced Schedule No. 2, shall provide in compensation, a public trail or viewing area within the building envelope or development area to the satisfaction of the Development Officer.
- (g) For any hotel development, the off street parking requirements shall be one stall for every 2.5 rooms.
- (h) Parking lots shall be developed in smaller groupings to minimize terrain disturbance, but no individual parking lot may exceed 40 parking stalls.
- (i) No building shall have exposed mechanical or ventilation equipment.
- (j) All loading and garbage areas shall be enclosed or screened.
- (k) Natural trees and shrubs shall be retained outside of a 2 metre perimeter around the footprint of any building, structure or parking area.



8.3 Design Standards for Greenfield Sites

In addition to all other requirements of this by-law, development determined by the Development Officer to be undertaken on a Greenfield Site shall be subject to the following design standards. A Greenfield Site is defined as a site of no less than 10,000 square metres in area (1 hectare), where at least 50% of the vegetation and/or contour of the lot remains in a natural state. In addition, the Design Standards for Greenfield Sites shall be applied only to those developments where residential, commercial or public institutional or recreational uses (or any combination of such uses) are proposed. The Development Officer shall not apply Design Standards for Greenfield Sites to those lots zoned "I", "LI", "CS", "A" and "GM".

Design Standards for Greenfield Sites are as follows:

- (a) Buildings shall be designed and sited to take advantage of natural contour features by minimizing grade changes.
- (b) Buildings shall be setback a minimum of 10 metres from any adjacent site(s) where existing structures are located. Otherwise, setbacks as specified pursuant to Part Ten apply.
- (c) Storm water and drainage patterns shall be designed to ensure the healthy growth of existing and transplanted vegetation and landscaping on a site.
- (d) Subject to Development Officer approval, the retention of natural vegetation and contour features within the residual area of a site is required. The Development Officer shall exercise discretion in favour of the retention of natural vegetation and contour features.
- (e) The Development Officer shall request an inventory of natural vegetation and contour features, historic or cultural features, or any other natural features of a Greenfield Site to identify and evaluate the occurrence of such features and how such features have been incorporated into site design and development.

- (f) Subject to Development Officer approval, landscaping on a site shall consist of native vegetation, defined as those species found within a 100 kilometre radius of Yellowknife. The Development Officer shall exercise discretion in favour of the retention of native vegetation.
- (g) Development shall provide separate pathways for pedestrian circulation to access and egress a site.
- (h) The Development Officer may require the review and consideration by adjoining property owners of a proposal to develop a Greenfield Site prior to review and issuance of development approval.

Part Nine PARKING AND LOADING FACILITIES

9.1 General Regulations

- (a) Required parking facilities shall be wholly provided on the same site as the buildings to be served unless otherwise approved by the City.
- (b) Where required parking is located on the same site but a different lot from where the building or use is located, the owner shall covenant with the City by an agreement registered against the title, that the site on which the parking space is located shall be used for such purpose as long as it is required under this by-law.
- (c) Parking facilities shall be designed and located so as to minimize any disruption to the continuity of the pedestrian system of sidewalks and on-site pedestrian spaces.
- (d) Every off-street parking space provided or required in any commercial or residential zone and the access thereto, including the whole area contained within the municipal land required for access, shall be hard-surfaced if the number of parking spaces exceeds two and if access thereto is from a street or lane which is hard-surfaced.
- (e) Hard-surfacing must be completed within one year of occupancy of the development unless there is an engineering reason for a delay.
- (f) Hard-surfacing shall mean the construction of a durable, dust-free, hard surface constructed of concrete, asphalt or similar pavement for the life of the development.
- (g) Adequate provision for site drainage must be incorporated into plans for hard-surfacing.
- (h) Curbs, rails, and/or fences shall be provided to protect adjacent rails, fences, walls,

boulevards, sidewalks, landscaped areas or buildings on the site or adjacent sites.

- (i) Any lighting proposed to illuminate off-street parking areas shall be located and arranged so that all direct rays of light are directed upon the parking area only and not on any adjacent properties. Lighting specifications in terms of the intensity of light are to be the minimum required to provide for safety and security.
- (j) Adequate access to and egress from individual parking spaces is to be provided at all times by means of unobstructed maneuvering aisles.
- (k) The next higher number shall be taken where the calculation of required parking results in a fractional number of parking spaces.
- (l) Where parking spaces are located with access directly off a lane, the required width of the maneuvering aisle may be reduced by the width of the lane, but the entire parking space must be provided on site.
- (m) 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 CC 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.
- (n) Emergency vehicle access shall be provided to the satisfaction of the Development Officer.
- (o) All curb crossings, entrances and exits shall be subject to the prior approval of the Development Officer.

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

Required parking in the CC 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:

- (a) 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.
- (b) The required parking may be provided by cash-in-lieu of parking, provided that:
 - i) at least one on-site loading area, if required, is provided on site except for existing buildings where, in the opinion of the Development Officer, there is no opportunity to provide a loading area on site;
 - ii) the amount paid shall be equal to one and one half (1.5) times the value of the land and construction costs (including paving) for providing an equivalent amount of parking on the affected site on the basis of 31.0 square metres per parking stall (this being an average area of a typical parking stall and maneuvering space);

- iii) where new buildings are proposed, cash-in-lieu of parking shall not replace more than 25 percent of the required parking;
- iv) where, because of a new development permit, an existing building is subject to a requirement for parking, cash-in-lieu of parking shall not replace more than 50 percent of the required parking; and
- v) all costs incurred by the City in establishing the value of the parking to be provided by cash-in-lieu of parking shall be the responsibility of the applicant and no development permit may be issued until the City is fully reimbursed for those costs.

9.3 Off-street Parking Requirements

Provision shall be made for off-street vehicular parking for all development in accordance with the following standards.

(a)	Auditoriums including theatres, convention halls and public assembly auditoriums	One space per 3.5 seating spaces for the public;
(b)	Bowling alley and curling rinks	Two spaces per lane or sheet of ice;
(c)	Child Care Facility	One space per 8 children;
(d)	Churches	One space per 10 seating;
(e)	Colleges, business and technical schools	One space for each classroom plus one space for every 20 students;
(f)	Commercial	1.5 spaces per 100 m ² of gross floor area in the CC and CT zones, and 2 spaces per 100 m ² in other zones;
(g)	Dwelling Unit	One space per unit;
(h)	Elementary and junior high schools	One space per classroom plus 5 spaces;
(i)	Food/beverage service	1.5 spaces per 100 m ² of gross floor area in the CC and CT zones, and one space for every four seats in all other zones;

(j)	Gymnasium, private clubs and other Recreational Facilities	One space per 100m ² of floor area in the CC zone, and three spaces per every 100m ² of floor area;
(k)	High Schools	Either one space for each classroom plus one space for every 33 students, or one space per 3.5 seating spaces used for assembly in an auditorium, whichever is the greater;
(l)	Hospitals, convalescent homes	One space per 100 m ² of floor area;
(m)	Hotel and Motel	Hotel - One space for every two guest rooms; Motel - One space for each guest room.
(n)	Industrial	A minimum of five spaces, or one space per 100 m ² of floor area plus one additional space for each subsequent 500 m ² , whichever is the greater requirement;
(o)	Lake use	One space for every two (2) moorage spaces unless otherwise approved by Council based on a parking impact report;
(p)	Libraries and Museums	One space per 100 m ² of floor area;
(q)	Motor Vehicle Sales, Service, Repairs	Three spaces per 100 m ² of floor area;
(r)	Office	One space per 100 m ² of gross floor area in the CC and CT zones, and 3 spaces per 100 m ² of floor area in the other zones;
(s)	Racquet and tennis courts	One space per court
(t)	Senior Citizen Facilities	One space per four units; and

(u)	Notwithstanding the requirements of this section, off-street parking for uses not specifically addressed shall be determined by the Development Officer who shall have due regard to the amenities of the zone, similar types of uses, and the proposed development.	
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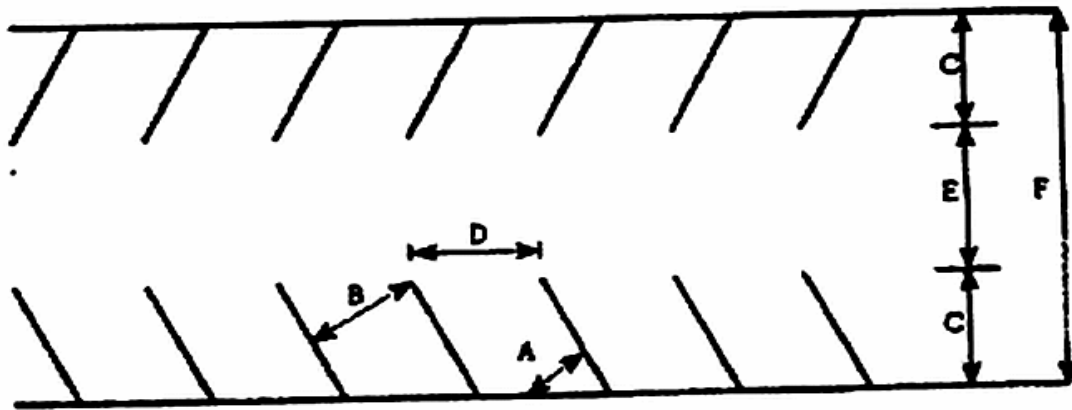
9.4 Off-Street Loading Requirements

- (a) All uses except residential buildings with fewer than 15 dwelling units shall have at least one off-street loading and unloading space with a minimum of one space for each loading door.
- (b) Off-street loading spaces shall have minimum dimensions of 3.0 metres by 9.0 metres and a minimum vertical clearance of 4.2 metres, but if the loading space is to be employed by tractor trailers, then the minimum dimensions are enlarged to a minimum of 3.0 metres by 16.0 metres, with at least 4.2 metres of vertical clearance.
- (c) Whenever possible access to a loading space shall be from a lane, and the access shall be arranged to prevent backing or turning movements of vehicles going to or from the site, from causing interference with traffic on the adjoining or abutting streets or lanes.

9.5 Minimum Parking Area Standards

- (a) Parking areas shall be developed in accordance with the following minimum area standards:

A	B	C	D	E	F
0	2.7	2.7	7.0	3.6	9.0
45	2.6	5.2	3.7	3.6	14.0
60	2.6	5.6	3.0	5.5	16.7
90	2.6	5.5	2.6	7.0	18.0



Column Definitions

- A - Parking Angle in Degrees
- B - Width of Space (in metres)
- C - Depth of Space Perpendicular to Maneuvering Aisle (in metres)
- D - Width of Space Parallel to Maneuvering Aisle (in metres)
- E - Width of Maneuvering Aisle (in metres)
- F - Overall Depth (in metres)

- (b) In the CC 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.

- (c) Where there is a structural element alongside of a parking space that would interfere with the opening of a vehicle door, then the width of parking shall be no less than 3.0 metres.
 - (d) A minimum of one parking space for each twenty (20) spaces required under Section 9.3 shall be clearly designated for the handicapped and be located close to the building entrance to the satisfaction of the Development Officer. These spaces shall be developed in accordance with Section 9.5, with the exception that the minimum width (B) of such spaces shall be four metres.
- (4) A minimum of one handicapped parking space shall be provided unless the total number of required stalls is less than ten (10).

9.6 Traffic Flow Within a Parking Area

- (a) The flow of traffic in maneuvering aisles shall be one-way with the exception of parking laid out at ninety (90) degrees in which case traffic flow may be two-way.
- (b) Parking structures with a controlled entrance shall include adequate queuing space on-site.
- (c) The design of the parking area and the flow of the traffic within the parking area shall embody the site planning principles of Section 7.1(1).

9.7 Shared Parking

- (a) For multiple use development, the off-street parking requirement, including off-street loading spaces, shall be the sum of the requirements of the uses calculated separately unless the applicant can demonstrate that there is a reduction in the total requirement.

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- (b) For unrelated developments where each creates a demand for parking and where the timing of each individual parking demand is not coincidental with each other and the demand for parking is obviously staggered, the accumulative total parking requirement for the developments involved may be reduced by the Development Officer. A parking agreement between the owners of the subject developments and the City maybe required and this agreement shall be registered against the subject properties.
- (c) In consideration of a request for a reduction in the total parking requirement, the Development Officer may consider the following criteria:
- i) that the uses which are proposed to share parking facilities are located in proximity to one another and, if on separate sites, are no more than a combined distance of 150 metres from the parking facilities;
 - ii) that the hours of operation and parking demand, or the uses which are proposed to share parking spaces, are sufficiently different so as to not require the use of parking spaces at the same time; and
 - iii) that the uses which are proposed to share parking spaces are expected to remain in place and the sharing of parking spaces can be expected to continue for the foreseeable future.

Part Ten ZONING DISTRICTS AND ZONE REGULATIONS

10.1 A - Airport Environs

In recognition of the jurisdiction and authority of the Government of the Northwest Territories and the Government of Canada over Commissioner's public airport lands forming part of the Yellowknife Airport, as designated in the Commissioner's Public Airport Lands Regulations, R-020-2006, and Federal lands within the 'A Airport Environs' zone, all uses and developments on those Commissioner's public airport lands and Federal lands shall be subject only to the approval of the Government of the Northwest Territories or the Government of Canada, as appropriate. For greater certainty, nothing in this by-law shall apply to the use or development of those Commissioner's public airport lands and Federal lands within the 'A Airport Environs' zone. However, Council or the Development Officer, if requested, may provide input respecting any proposed development on Commissioner's public airport lands or Federal lands within the 'A Airport Environs' zone."

(1) General Purpose

To provide for aviation and related development at the Yellowknife Airport.

(2) Uses

(a) Permitted Uses are:

Airport use,
Diamond facility,
Food/beverage service,
Commercial uses subject to Section 10.1(6),
Industrial uses, subject to Section 7.6 &
10.1(6),
Parks and recreation,
Transportation facility,
Planned development subject to Section 7.1(8),
Public utility uses and structures, and
Accessory structures and uses,

(b) Conditionally Permitted Uses are:

Bulk fuel storage, and
Commercial entertainment.

(3) Regulations

(a) In addition to the following regulation any development on sites abutting NWT Highway No. 3 and abutting Old Airport Road is subject to Section 10.1(5) Special Provisions;

(b) Floor Area: a maximum of 100% of site area;

(c) Site Coverage: a maximum of 35%;

(d) Height: a maximum of 19 m;

(e) Front Yard: a minimum of 7.5 m;

(f) Side Yard: a minimum of 3 m;

(g) Rear Yard: a minimum of 3 m;

(h) Lot Width: a minimum of 30 m;

(i) Site Area: a minimum of 1000 m²;

(j) Landscape Area: a minimum of 40% of the minimum front yard;

(k) Parking and loading: subject to Part Nine.

(4) Site Development

(a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.

(5) Special Provisions for Development Abutting NWT Highway No. 3 and Old Airport Road:

- (a) Outside display of vehicles, machinery, equipment or construction materials may be allowed in front of the principal building or on a flanking street side of the principal building and subject to the following conditions:
 - (i) the display area must be hard surfaced;
 - (ii) the area around the display area must be enhanced through the provision of landscaping;
 - (iii) no lighting of the display area may be employed which directs light off of the display area; and
 - (iv) all advertisement copy must be static and employ no amplified sounds.
- (b) Outside storage and trash collection areas shall be located to the rear or side (other than a flanking street side) of the principal buildings and shall be screened from the public view by a solid fence or other similar screening.
- (c) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the buildings, or concealed by incorporating it within the building roof.
- (d) Any development will require a 20 metre landscaped buffer area between it and the right of way of NWT Highway No. 3 and Old airport Road.
- (e) All of that area of a site fronting onto NWT Highway No. 3 and Old Airport Road and not covered with buildings or parking development shall be landscaped in accordance with Section 7.1(2).

- (6) For the purpose of Section 10.1:
- (a) Commercial uses shall only be permitted where the applicant can demonstrate that a proposed development will be engaged in the buying and selling of commodities or supplying of services that are directly related to, or in support of, the aviation industry, airport operation, or to the traveling public utilizing flight services provided by the aviation industry;
 - (b) Industrial uses shall only be permitted where the applicant can demonstrate that a proposed development will be engaged in the manufacturing, processing, repairing, fabrication or assembly of raw materials and goods, that is directly related to, or in support of, the aviation industry or airport operation; and,
 - (c) Commercial or industrial uses shall not be permitted based upon the occasional or incidental use of services provided by the aviation industry in the operation of such a commercial or industrial use.

10.2 GM - Growth Management

(1) Purpose

To control and regulate land use so that future development may proceed in an orderly and well planned manner in keeping with the intent of the General Plan and applicable Development Scheme By-law.

(2) Uses

(a) Permitted Uses are:

Parks and recreation,
Public or quasi-public use,
Public utility uses and structures,
Temporary activity subject to Section 7.1(6),
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Animal services,
Commercial recreation,
Industrial use subject to Section 7.6,
Kennel,
Natural resource extraction - subject to Section 7.6,
Marina,
Single detached dwelling,
Home based business,
Transportation facility,
Planned development subject to Section 7.1(8),
Bulk fuel storage; and
Similar use.

(c) Any development on a site legally existing or legally approved prior to the passing of this By-law is deemed to be an approved conditionally permitted use for that site.

(3) Regulations

(a) In addition to the following regulations, any development on sites abutting Highway #3 and

abutting Old Airport Road is subject to Section 10.2(5), Capital Area Development Regulations;

- (b) Site coverage: subject to Development Officer approval;
- (c) Height: maximum of 10 m;
- (d) Front Yard: minimum of 15 m;
- (e) Side Yard: minimum of 7.5 m;
- (f) Rear Yard: minimum of 7.5 m;
- (g) Landscaping: subject to Development Officer approval;
- (h) Lot width: subject to Development Officer approval;
- (i) Site area: subject to Development Officer approval; and
- (j) Parking and loading: subject to Part Nine.

(4) Special Provisions

(a) Site Development

Notwithstanding Section 10.2(3), the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.

(b) Site Location

The location of the site to be developed within this zone, and the relationship of the site to the surrounding area shall be subject to approval by the Planning Administrator, and shall comply with the General Plan and an applicable Development Scheme for the subject area.

(c) The development, subdivision, or lease of any site adjacent to a waterbody shall not be within 50 metres of the shore or the natural boundary of the said waterbody but this requirement may be varied by the Development Officer provided that:

- i. the Development Officer approves a site plan showing public access to the shore or natural boundary of the said waterbody, and
- ii. the public access is protected by way of a reserve dedication pursuant to the *Planning Act* or an easement agreement registered on the property.

(d) Trees shall not be cut, felled, or removed without prior written approval of the Development Officer, or pursuant to an approved Development Permit.

(5) Capital Area Development Regulations

(a) Outside display of vehicles, machinery, equipment, or construction materials, may be allowed in front of the principal building or on a flanking street side of the principal building subject to the following conditions:

- i. the display area must be hard surfaced;
- ii. the area around the display area must be enhanced through the provision of landscaping;

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- iii. no lighting of the display may be employed which directs light off of the display area, and;
 - iv. all advertisement copy must be static and employ no amplified sounds.
- (b) Outside storage and trash collection areas shall be located to the rear or side (other than a flanking street side) of the principal building(s) and shall be screened from the public view by a solid fence or other similar screening.
 - (c) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the buildings, or concealed by incorporating it within the building roof.
 - (d) Any development shall have a minimum 20 metre landscaped buffer between it and the right of way of NWT Highway #3 and of Old Airport Road.
 - (e) All of the area of a site fronting onto NWT Highway #3 and/or Old Airport Road and not covered with buildings or parking development shall be landscaped in accordance with Section 7.1(2).

10.3 NC - Ndilo Community

(1) Purpose

This zone recognizes Yellowknives Dene First Nation authority over Ndilo.

(2) Uses

All uses and developments proposed under this designation shall be subject to approval of the Yellowknives Dene First Nation. Council or the Development Officer may provide input regarding any proposed development.

10.4 NP - Nature Preservation

(1) Purpose

To preserve and maintain the natural characteristics of an area, and to allow for limited public outdoor facilities to enhance public use and enjoyment of the natural characteristics of an area for future generations, by restricting development.

(2) Uses

(a) Permitted Uses are:

Open space.

(b) Conditionally Permitted Uses are:

Accessory structures & uses subject to Section 10.4(4)(b),
Public utility uses and structures - subject to Section 10.4(4)(c) and,
Reclamation;

(c) Prohibited Uses:

Natural resource extraction.

(3) Regulations

All structures are subject to the Development Officer's approval.

(4) Special Provisions and Regulations

(a) Trees shall not be cut, felled or removed without prior approval of the Development Officer;

(b) For the purposes of Section 10.4 "accessory structures and uses" shall be limited to that which enables the public to experience the open space while being sensitive to the natural characteristics of the area, and such "accessory structures and uses" may include trails,

interpretive and directional signage, benches, tables, litter receptacles, shelters, and other related access facilities. All such "accessory structures and uses" shall be designed and developed to achieve the least possible amount of disruption to the natural setting with section 10.4(1) being the first and foremost design parameter; and

- (c) The design and development of "public utility uses and structures" shall be environmentally sensitive having due regard to the natural characteristics and aesthetics of the site. During construction the natural features not directly affected by the development shall be protected from any damage which may result from construction. The Development Officer shall require restoration of any disturbance to the natural characteristics of a site or area resulting from the installation of public utility uses and structures.

10.5 PR - Parks and Recreation

(1) Purpose

To provide for parks, recreation uses and facilities for the use and enjoyment of the public.

(2) Uses

(a) Permitted Uses are:

Open space,
Parks and recreation,
Temporary activity subject to Section 7.1(6), and
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Cemetery,
Commercial recreation use,
Marina,
Public utility uses and structures,
Tourist trailer park or campsite, and
Similar use.

(3) Regulations

(a) Site Coverage: subject to Development Officer approval;

(b) Height: subject to Development Officer approval;

(c) Front Yard: minimum of 15 m;

(d) Side Yard: minimum of 15 m from any street, otherwise 7.5 m;

(e) Rear Yard: minimum of 15 m from any street, otherwise 7.5 m;

(f) Landscaping: 100% of the residual area, subject to Section 7.1(2);

(g) Parking: subject to Part Nine;

- (h) Loading: subject to approval of Development Officer;
 - (i) Site Area: subject to Development Officer approval;
 - (j) Lot width: subject to Development Officer approval.
- (4) Special Provision
- (a) Site Development

Notwithstanding Section 10.4(3) the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.
 - (b) Site Location

The location of a site to be developed within this zone and the relationship of the site to the rest of the City and surrounding area shall be subject to approval by the Planning Administrator.
 - (c) No craft moored in a marina in this zone shall be used as living quarters or a dwelling unit or any form of habitation unless the marina is approved for overnight use.

10.6 PS - Public Service

(1) General Purpose

To provide for major institutional services that are public or quasi-public in nature.

(2) Uses

(a) Permitted Uses are:

Parks and recreation,
Public utility uses and structures,
Public or quasi-public use,
Government office,
Accessory structures and uses,
Temporary activity subject to Section 7.1(6),
Child care facility.

(b) Conditionally Permitted Uses are:

Rehabilitative and corrective facility,
Similar use, and
Special care facility.

(3) Regulations

Note: In addition to the following regulations any development on Blocks 50, 51, 52, 53, and 65 and Lot 1054, Quad 85J/8 is subject to Section 10.6(5):

(a) Floor area: subject to Development Officer approval;

(b) Height: maximum of 15 m;

(c) Front Yard: subject to Development Officer approval;

(d) Side Yard: subject to Development Officer approval;

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- (e) Rear Yard: subject to Development Officer approval;
 - (f) Landscape Area: 100% of the residual area subject to Section 7.1(2);
 - (g) Parking: subject to Part Nine;
 - (h) Loading: subject to Development Officer approval;
 - (i) Site Area: subject to Development Officer approval;
 - (j) Lot width: subject to Development Officer approval;
 - (k) Site Coverage: maximum of 60%.
- (4) Site Development
- (a) Notwithstanding Section 10.6(3) the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.
- (5) Capital Area Development Regulations
- (a) Notwithstanding Section 10.6(3) for development on Blocks 50, 51, 52, 53, and 65, and Lot 1054, Quad 85J/8, the building height shall not exceed 15 metres and all development is subject to the Capital Area Development Scheme.

10.7 R1 - Residential - Single Detached Dwelling

(1) General Purpose

To provide an area for low density residential development on larger lots in the form of single detached dwellings and compatible uses as herein listed.

(2) Uses

(a) Permitted Uses are:

Single detached dwelling,
Home based business,
Parks and recreation,
Public utility uses and structures,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Duplex dwelling,
Child care facility,
Convenience store,
Planned development subject to Section 7.1(8),
Public or quasi-public use,
Special care facility, and
Similar use.

(3) Regulations

(a) Floor area:

Single detached dwelling: minimum of 100 m²
per dwelling unit;
Duplex dwelling: minimum of 65 m² per
dwelling unit;

(b) Site coverage: maximum of 35%;

(c) Height: three stories to maximum of 10 m;

(d) Front yard: minimum of 6 m;

(e) Side yard - subject to Section 7.2(5):

Single detached and duplex dwelling: minimum of 2.5 m, and for other uses, subject to the Development Officer's approval;

- (f) Rear yard: minimum of 8 m;
- (g) Lot depth: minimum of 30 m;
- (h) Lot width:
Single detached and duplex dwellings a minimum of 18 m, and for other uses, subject to the Development Officer's approval;
- (i) Site area:
Single detached and duplex dwellings: a minimum of 540 m², and for other uses, subject to the Development Officer's approval;
- (j) Landscaping: 100% of the front yard, subject to Section 7.1(2).
- (k) Parking:
Single detached and duplex dwellings require 2 spaces per dwelling unit. For single detached dwellings, driveways shall not exceed two car widths. For duplex dwellings, driveways shall not exceed two car widths without being separated by landscaping features satisfactory to the Development Officer. Other uses are subject to Part Nine.

(4) Special Regulations

(a) Site Development

Notwithstanding Section 10.7(3) the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.

- v) Any single detached or duplex dwelling legally existing or approved on a site prior to the passing of this by-law is deemed to be a duly approved and conforming to regulations on that site.

10.8 R2 - Residential - Low Density

(1) General Purpose

To provide an area for low density residential development in the form of single detached and duplex dwellings and compatible uses as herein listed.

(2) Uses

(a) Permitted Uses are:

Single detached dwelling,
Duplex dwelling,
Parks and recreation,
Public utility uses and structures,
Home based business,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child care facility,
Convenience store,
Multi-attached dwelling subject to Section 7.3,
Public and quasi-public use,
Planned development subject to Section 7.1(8),
Special care facility, and
Similar use.

(3) Regulations

(a) Floor Area:

Single detached dwelling: minimum of 90 m²
per dwelling unit;

Duplex dwelling: minimum of 55m² per dwelling
unit;

Multi-attached dwelling: minimum of 55m² per
dwelling unit:

(b) Site Coverage: maximum of 35%;

(c) Height: three stories to a maximum of 10 m;

- (d) Front Yard: minimum of 6 m;
- (e) Side Yard - subject to Section 7.2(5):
 - Single detached dwelling: minimum of 1.5 m;
 - Duplex dwelling: without a side entry a minimum of 1.5 m is required or with a side entry a minimum of 2.4 m, and
 - Other uses: minimum of 3 m;
- (f) Rear Yard: minimum of 6 m;
- (g) Lot Depth: minimum of 25 m;
- (h) Lot Width:
 - Single detached Dwelling: minimum of 12 m,
 - Duplex dwelling: minimum of 7.6 m per unit, and
 - Other uses are subject to Development Officer approval.
- (i) Site Area:
 - Single detached dwelling: minimum of 334 m²;
 - Duplex dwelling: minimum of 225 m² per unit;
 - Multi-attached dwelling: minimum of 225 m² per unit.
- (j) Landscaping: 100% the front yard, subject to section 7.1(2).
- (k) Parking:
 - Single detached and duplex dwellings require 2 spaces per dwelling unit. For single detached dwellings, driveways shall not exceed two car widths. For duplex dwellings, driveways shall not exceed two car widths without being separated by landscaping features satisfactory to the Development

Officer. Other uses are subject to Part Nine.

(4) Special Regulations

(a) Site Development

Notwithstanding Section 10.8(3) for multi-attached dwellings and planned development the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.

(b) Any single detached or duplex dwelling legally existing or approved on a site prior to the passing of this by-law is deemed to be a duly approved and conforming to regulations for that site.

(c) Notwithstanding Section 10.8(2)(a) and (b), duplex and multi-attached dwellings are prohibited within Lots 2-19, Block 302 and Lots 2-4, 8-28 and 30, Block 303 (address #'s 100 - 150 Niven Drive).

10.9 R3 - Residential - Medium Density

(1) General Purpose

To provide areas for medium density residential development with a mixture of residential buildings.

(2) Uses

(a) Permitted Uses are:

Single detached dwelling,
Duplex dwelling,
Multi-family dwelling - subject to Section 7.3,
Multi-attached dwelling - subject to Section 7.3,
Parks and recreation,
Planned development subject to Section 7.1(8),
Public utility uses and structures,
Home based business,
Accessory structures and uses,
Temporary activity subject to Section 7.1(6),
Child care facility.

(b) Conditionally Permitted Uses are:

Apartment hotel,
Convenience store,
Special care facility,
Public and quasi-public use, and
Similar use.

(3) Regulations

(a) Floor Area:

Single detached dwelling: a minimum of
90m² per dwelling,

Duplex dwelling: a minimum of 55 m² for
each unit,

Multi-attached dwelling: a minimum of
55 m² for each unit, and

Multi-family dwelling: a minimum of 37 m² for each unit;

(b) Site Coverage: a maximum of 40%;

(c) Height:

Multi-family dwelling: a maximum of 15m;

Other uses: three stories to a maximum of 12m;

(d) Front Yard: minimum of 6 m subject to Section 7.3(3);

(e) Side Yard - subject to Section 7.2(5):
Single detached dwelling: a minimum of 1.5 m,

Duplex dwelling (without side entry): a minimum of 1.5 m,

Duplex dwelling (with side entry): a minimum of 2.4 m,

Multi-attached dwelling (without side entry): minimum of 1.8 m subject to Section 7.3(3),

Multi-attached dwelling (with side entry): minimum of 2.4 m subject to Section 7.3(3),

Multi-family dwelling: a minimum of 3 m subject to Section 7.3(3), and

Other Uses: minimum of 3 m;

(f) Rear Yard: a minimum of 6 m, with the exception that where there is rear lane access, an attached or detached garage may be sited in accordance with Section 7.2(5)(f);

(g) Lot Depth: a minimum of 25 m;

- (h) Lot Width:
Single detached dwelling: a minimum of 12 m,

Duplex dwelling: a minimum of 7.6 m per dwelling unit, and

Other Uses: subject to Development Officer approval;
- (i) Site Area: minimum of 125 m² per dwelling unit.
- (j) Landscaping: 100% of the residual area subject to Section 7.1(2).
- (k) Parking: Single detached and duplex dwellings require two spaces per dwelling unit. Other uses are subject to Part Nine.

(4) Special Provisions

(a) Site Development

Notwithstanding Section 10.9(3), the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.

(b) Site Location

Notwithstanding Section 10.9(3) a site shall not be located or developed so as to leave significant portions of the site that cannot accommodate future medium density development.

- (c) Notwithstanding subsections 10.9(3)(c) and (f), on Lots 16,17, 18 & 19U, in Block 62 (#'s 5602 and 5604 Franklin Avenue), the maximum permitted height shall be three (3) stories to a maximum of

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).

(d) The following Special Provisions shall apply specifically to Lot 3, Block 68A, Plan 473 (#4504 49th Avenue):

(i) Offices are a Permitted Use;

(ii) A maximum of 50% of the floor area on site may be used as office space;

(iii) the off-street and off-site parking requirements of the "CC" - Core Area Commercial zone shall apply to the office use of Lot 3, Block 68A.

10.10 R3-1 - Residential - Medium Density - Multi-Attached Dwelling

(1) General Purpose

To provide an area for medium density residential development specifically designated for multi-attached residential buildings.

(2) Uses

(a) Permitted Uses are:

Multi-attached dwelling subject to Section 7.3,
Child care facility,
Home based business,
Parks and recreation,
Public utility uses and structures,
Temporary activity subject to Section 7.1(6),
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Convenience store,
Public and quasi-public use,
Special care facility, and
Similar use.

(3) Regulations

- (a) Floor Area: Multi-attached dwelling: a minimum of 55m² for each unit;
- (b) Site Coverage: a maximum of 40%;
- (c) Height: three stories to a maximum of 12 m;
- (d) Front Yard: a minimum of 6 m subject to Section 7.3(3);
- (e) Side Yard: Multi-attached dwellings(without side entry): a minimum of 1.8m, subject to Section 7.3(3); Multi-attached dwellings (with side

entry): a minimum of 2.4m, subject to section 7.3(3):

Other Uses: a minimum of 3 m;

- (f) Rear Yard: a minimum of 6 m;
- (g) Lot width and depth: subject to Development Officer approval;
- (h) Site Area: a minimum of 125 m² per dwelling unit;
- (i) Landscaping: 100% of the residual area subject to Section 7.1(2);
- (j) Parking: Subject to Part Nine.

(4) Special Provisions

(a) Site Development

Notwithstanding Section 10.10(3), the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.

10.11 R4 - Residential - High Density

(1) General Purpose

To provide an area for high and medium density multi-family residential development, and compatible uses.

(2) Uses

(a) Permitted Uses are:

Apartment hotel,
Multi-family dwelling subject to Section 7.3,
Parks and recreation,
Public utility uses and structures,
Multi-attached dwelling subject to Section 7.3,
Planned development subject to Section 7.1(8),
Home based business,
Accessory structures and uses,
Temporary activity subject to Section 7.1(6),
Child care facility.

(b) Conditionally Permitted Uses are:

Special care facility,
Single detached dwelling,
Duplex dwelling,
Convenience store,
Commercial uses within a multi-family building,
subject to Section 10.11(4)(a),
Public and quasi-public use, and
Similar use.

(3) Regulations

(a) Floor Area:

Multi-attached dwelling: a minimum of 55 m²
for each unit,

Multi-family dwelling: a minimum of 37 m² for
each unit;

(b) Site Coverage: a maximum of 40%;

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- (c) Height: a maximum of 45 metres, but the height shall not in any case exceed 245 metres above sea level;
 - (d) Front Yard: a maximum of 6 m subject to Section 7.3(3);
 - (e) Side Yard:
 - Multi-attached dwelling without side entry: a minimum of 1.8m subject to Section 7.3(3),
 - Multi-attached dwelling with side entry: a minimum of 2.4 m subject to Section 7.3(3),
 - Multi-family dwelling: a minimum of 3 m subject to Section 7.3(3), and; other uses: a minimum of 3m;
 - (f) Rear Yard: a minimum of 6 m;
 - (g) Lot Depth: a minimum of 25 m;
 - (h) Lot Width:
 - Multi-attached dwelling: a minimum of 16.5 m, and: Multi-family dwelling: a minimum of 19m;
 - (i) Site Area: a minimum of 50 m² per dwelling unit;
 - (j) Landscaping: 100% of the residual area subject to Section 7.1(2);
 - (k) Parking: Single detached and duplex dwellings quire two spaces per dwelling unit, and; other uses are subject to Part Nine.
- (4) Special Provisions
- (a) A multi-family and apartment hotel building may contain commercial uses, professional offices, medical and dental clinics, and commercial recreational facilities provided that these non-residential uses:

- (i) are restricted to the first and second floors of the building;
 - (ii) are not in any free-standing structures separate from the building;
 - (iii) have a maximum floor area that is not greater than 20% of the total floor area of the residential uses.
- (b) Site Development
- (i) Notwithstanding Section 10.11(3), the site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, and emergency vehicle access shall be subject to approval by the Development Officer.
 - (ii) Notwithstanding the minimum site area requirements of subsection 10.11(3)(i), when an area has a density designation in accordance with Section 11.1, the minimum site area is subject to approval of the Development Officer.
- (c) Site Location
- Notwithstanding Section 10.11 (3) a site shall not be located or developed so as to leave significant portions of the site that cannot accommodate future high density residential development.

10.12 R5 - Residential - Manufactured Dwelling

(1) General Purpose

To provide an area for low density single family residential development in the form of manufactured dwellings and single detached dwellings, and compatible uses as herein listed.

(2) Uses

(a) Permitted Uses are:

Single detached dwelling,
Manufactured dwelling,
Home based business,
Parks and recreation,
Planned development subject to Section 7.1(8),
Public utility uses and structures, and
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child care facility,
Convenience store,
Duplex dwelling,
Special care facility,
Similar use, and
Public and quasi-public buildings.

(3) Regulations

- (a) Floor area: a minimum of 65 m²;
- (b) Site coverage: a maximum of 40%;
- (c) Height: two stories to a maximum of 7.5 m;
- (d) Front Yard: a minimum of 6 m, subject to 10.12(4)(d);
- (e) Side Yard: a minimum of 2.4 m on the entrance side, and 1.5 m on the other side;

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- (f) Rear Yard: a minimum of 6 m subject to 10.12(4)(d);
 - (g) Lot Width:
 - Manufactured or single detached dwelling: a minimum of 11 m, and
 - Other uses are subject to Development Officer approval.
 - (h) Site Area:
 - Manufactured or single detached dwelling: a minimum of 350 m², and
 - Other uses are subject to Development Officer approval;
 - (i) Landscaping: 100% of the front yard area, subject to Section 7.1(2);
 - (j) Parking:
 - Single detached, duplex and manufactured dwellings: a minimum two spaces per dwelling unit. For single detached and manufactured dwellings, driveways shall not exceed two car widths. For duplex dwellings, driveways shall not exceed two car widths without being separated by landscaping features satisfactory to the Development Officer. Other uses are subject to Part Nine.

(4) Special Regulations

- (a) All manufactured dwelling units shall be skirted from the base thereof to the ground with material similar to that of the siding material. Painted plywood shall not be permitted as skirting.
- (b) All manufactured dwelling units shall conform to the current National Building Code and shall be Canadian Standards Association certified.
- (c) Any manufactured, single detached or duplex dwelling legally existing or approved prior to

the passing of this by-law is deemed to be a duly approved and conforming to the regulations of this by-law.

- (d) In Franklin Trailer Park, Trails End Trailer Park, Forrest Park, Northlands Trailer Park, and R5 zoned lots on Bigelow Crescent and Williams Avenue, the front and rear yard minimum setback shall be 3.0 metres.

10.13 R6 - Residential - Low Density - Design Control

(1) General Purpose

To provide for low density residential development in the form of single detached dwellings, duplex dwellings and compatible uses, subject to residential design standards.

(2) Uses

(a) Permitted Uses are:

Single detached dwelling, subject to Section 10.13(3)(1),
Duplex dwelling,
Parks and recreation,
Public utility uses and structures,
Home based business, and
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child care facility,
Public and quasi-public use,
Special care facility, and
Similar use.

(c) Prohibited Uses are:

Manufactured dwelling.

(3) Regulations

(a) Floor Area:

Single detached dwelling: minimum of 120 m²
per dwelling unit,
Duplex dwelling: minimum of 55m² per dwelling
unit;

(b) Site Coverage: maximum of 35%;

(c) Height: three stories to a maximum of 10 m;

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- (d) Front Yard: minimum of 6.0 m;
- (e) Side Yard - subject to Section 7.2(5):
Single detached dwelling: minimum of 1.5 m is required or with a side entry a minimum of 2.4m;

Duplex dwelling: a minimum of 1.5 m is required or with a side entry a minimum of 2.4 m, and

Other uses: minimum of 3 m;
- (f) Rear Yard: minimum of 6 m;
- (g) Lot Depth: minimum of 30 m;
- (h) Lot Width:
Single detached dwelling: minimum of 16 m,

Duplex dwelling unit: minimum of 8 m per unit, and

Other uses are subject to Development Officer approval;
- (i) Site Area:
Single detached dwelling: minimum of 450 m²;

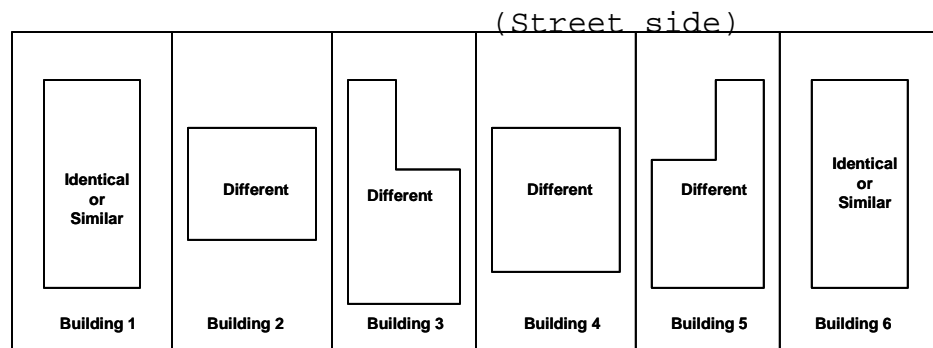
Duplex dwelling: minimum of 225 m² per unit.
- (j) Landscaping: 100% of the front yard, subject to section 7.1(2);
- (k) Parking:
Single detached and duplex dwellings require two spaces per dwelling unit. For single detached dwellings, driveways shall not exceed two car widths. For duplex dwellings, driveways shall not exceed two car widths without being separated by landscaping features satisfactory to the Development Officer. Other uses are subject to Part Nine.

(1) No used single detached or duplex dwellings may be sited on a lot.

(4) Residential Design Standards

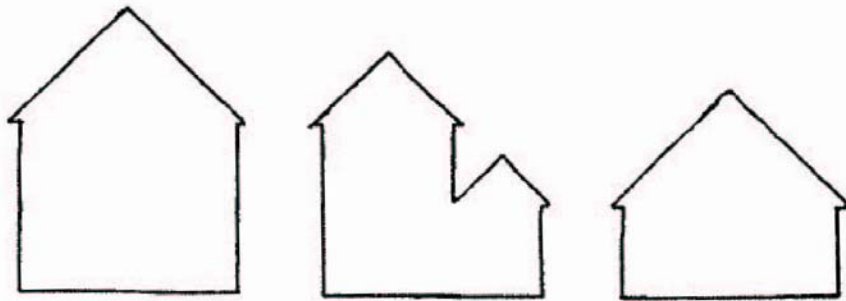
(a) Within the "R6" zone, the Development Officer shall require that buildings along the same side of a street or adjacent to one another within a cul-de-sac be designed to provide a varied street scene and to eliminate the reuse of identical or similar buildings in close proximity to one another.

(b) Identical or similar buildings may not be repeated more frequently than every sixth building along the same side of a street or adjacent to one another within a cul-de-sac.



Every sixth building may be identical or similar.

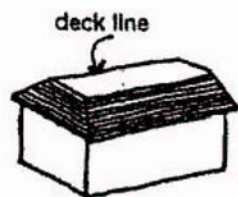
(c) Buildings shall be considered similar if they have similar building mass and building form. Building mass is the outline of the structure, which is determined by its height, width and depth. Building form is the style of the home such as ranch (one level), split level, two storey or three storey.



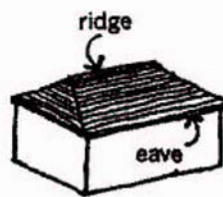
All of these structures differ in mass and form.

- (d) Where the Development Officer determines that building mass and form are similar, then the street facing portion(s) are required to meet two out of three of the following building variation requirements to be considered different. The three building variation possibilities are:

- (i) Different roof types which may consist of mansard; full-hipped; partial hipped; gambrel; flat; gable (front to back truss); gable (side to side truss), and; shed;



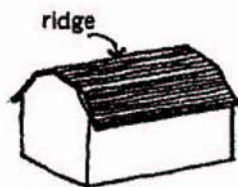
MANSARD



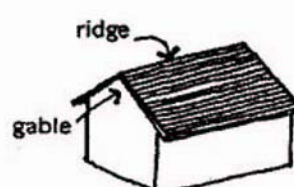
HIP



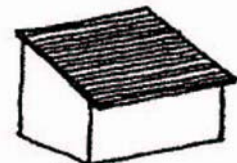
FLAT



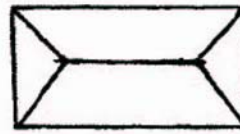
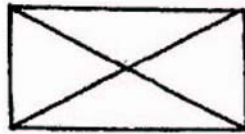
GAMBREL



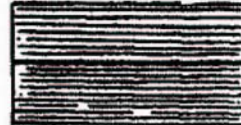
GABLE



SHED

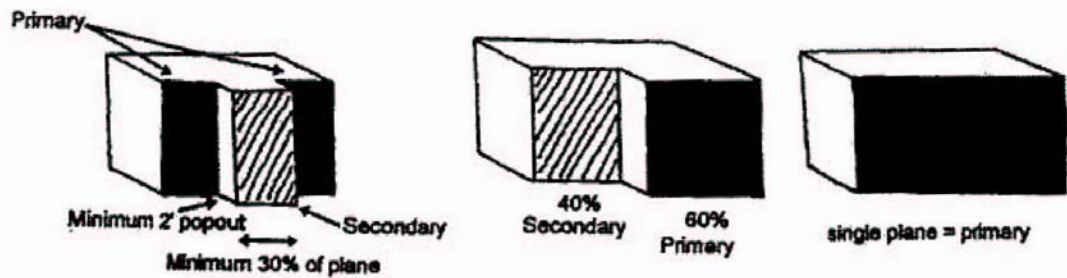


A full-hipped roof is considered to be substantially different from a partial hip, or clip.



Gables with side-to-side trusses are substantially different than gables with front-to-back trusses.

- (ii) Variation in elevation plane, identified as the exterior wall(s) of the structure facing the street. For an elevation plane to be considered different, the secondary plane must project at least two feet from the primary plane and make up at least 30 percent of the entire elevation; and



- (iii) Variation in exterior surfaces including vinyl, brick, pre-finished and embossed metal, hardboard, cedar and stucco, and which may include variation in the combination of exterior surfaces, and/or in the color of exterior surfaces.

Section 10.14 as amended by By-law No. 4439 May 23, 2007

10.14 R7 - Low Density Restricted Residential

(1) General Purpose

To provide an area for low density residential development, including detached dwellings and duplexes.

(2) Uses

(a) Permitted Uses are:

Detached Dwellings;
Duplex Dwellings;
Parks and recreation;
Public Utility uses and structures;
Home based business; and,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child Care facility;
Multi-attached;
Public and quasi-public uses;
Planned development subject to section 7.1(8);
Special care facilities; and,
Similar uses.

(3) Regulations

(a) Floor Area: Detached dwelling: minimum of 90 m²
per dwelling unit.

Duplex dwelling: minimum of 55m²
per dwelling unit.

(b) Site Coverage: Maximum of 35%.

(c) FAR: Maximum Floor area ratio of 0.30.

-
- (d) Height: Maximum of 1 storey above the first storey and not greater than 8 metres from Grade, as defined in section 10.14(6).
- (e) Front Yard: 4.5 m minimum, excepting garages which are subject to 10.14(5)(f).
- (f) Side Yard: Minimum 2 m, subject to section 7.2(5).
- (g) Rear Yard: Minimum 6.0 m.
- (h) Lot Depth: Minimum of 25 m.
- (i) Lot Width: Detached dwelling: minimum of 12 m.
Duplex unit: minimum of 7.6 m per unit.

Other uses subject to Development Officer approval.
- (j) Site Area: Detached dwelling: minimum of 334m².

Duplex unit: minimum of 225m² per unit.

Other uses subject to Development Officer approval.
- (k) Landscaping: 100% of the Front yard, subject to section 7.1(2).

A minimum of 15% of the rear yard and 10% of the front yard of a site shall be maintained with original vegetation and natural contours, subject to the Development Officer's approval of drainage patterns that do not impact negatively on adjacent properties.

(1) Parking: Detached and duplex dwellings, and other uses are subject to the requirements of Sections 9.3 and 8.1 of this By-law, however no dwelling unit shall exceed two outdoor parking spots. Exceptions may be provided where the front of the principal structure must be setback more than 12 metres in order to meet the yard requirements of this By-law. In such instances the Development Officer may exercise the following discretion:

(i) lanes developed in order to access outdoor parking areas will not be considered a parking stall under Section 9.3 and the lane shall not be more than 3 meters wide.

(4) Design Regulations - General

- (a) All street facing walls must have at least 2 windows or doors per storey. If the street facing wall is oriented +/-30 degrees from north this requirement applies only to the ground level floor.
- (b) Within the R7 zone the Development Officer shall require that buildings along the same side of a street or adjacent to one another within a cul-de-sac be designed to provide a varied street scene and to eliminate the reuse of identical or similar buildings in close proximity to one another.
- (c) Identical or similar buildings may not be repeated more often than every 6th building on the same side of the street and every 4th building on the adjacent side of the street.

- (i.) Where a building is determined by the Development Officer to be similar it shall be required to meet at least two of the following to be considered different:
1. Variation in roof style or pitch as per section 10.14(4)(e);
 2. Variation in Elevation Plane as per section 10.13(4)(d)(ii)
 3. Different fenestration and main entranceway placement as per section 10.14(4)(f);
 4. Different massing as per section 10.13(4)(c).
- (d) For the purpose of determining an identical building all modular homes shall be considered as being identical despite meeting any of the requirements of section 10.14(4)(c)(i), unless otherwise determined by the Development Officer.
- (e) The Development Officer shall determine variation in roof style or pitch as follows:
- (i) Variation in roof styles as under section 10.13(4)(d)(i);
 - (ii) Variation in pitch of similar roof types is determined as a minimum 20% difference in the rise of the longest runs (longest sloped portion of a roof) of two buildings, unless otherwise determined by the Development Officer.
- (f) Difference in fenestration and main entranceway placement may be distinguished, at the discretion of the Development Officer, by one or more of the following:

(i) Difference in fenestration can include one of the following:

1. A minimum difference of 15% overall width of windows in an Elevation Plane;
2. Number of windows in an Elevation Plane;
3. A minimum difference of 15% in the overall area of the windows in an Elevation Plane;
4. A difference in the spacing between windows in an Elevation Plane.

(ii) Difference in main entranceway placement can include one or more of the following:

1. Entranceway access is from the centre, right, or left side of a building Elevation Plane;
2. Entranceway is located at the side of a building;
3. Entranceway is a different elevation (a minimum difference of 0.6 metres),
4. The entranceway incorporates a porch, landing, or deck.

(5) Design Regulations - Garages and Parking

- (a) Where a double-bay garage attached to a principal structure faces the street no more than 3 metres of garage wall may be exposed to the street.
- (b) Where a garage is attached to a principal residential structure the portion of that structure's Elevation Plane which is comprised of the garage shall not be closer to the front yard

lot line than the front entranceway of the principal residential structure.

- (c) When there is a garage attached to the principal structure the associated driveway may not exceed the width of the garage at the street.
- (d) Driveways shall be hard surfaced. Permeable hard surfacing is acceptable.
- (e) Driveways shall be setback at least 0.5 metres from a side property line to ensure drainage patterns are maintained.
- (f) Front yard requirements for a detached garage are 6.0 m minimum.

(6) Definitions

For the purpose of applying the regulations of section 10.14 the Development Officer shall consider the following definitions to supersede any definitions in kind:

- (a) "Elevation Plane" - The vertical street-facing exterior portion of a building wall.
- (b) "Grade" - The average of elevations taken at the outermost corners of the finished elevation adjoining each wall of a building.

10.15 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:

Multi-family dwelling, subject to Section 7.3,
Multi-attached dwelling, subject to Section 7.3,
Office (Minor),
Commercial use (Minor),
Parks and recreation,
Public and quasi-public use,
Child care facility,
Planned development, Subject to Section 7.1(8)
Public utility uses and structures,
Home based business,
Accessory structures and uses,
Temporary activity subject to Section 7.1(6).

(b) Conditionally Permitted Uses are:

Single detached dwelling,
Duplex dwelling,
Apartment hotel,
Food/beverage service (Minor),
Diamond facility,
Special care facility,
Hotel,
Parking lot, and
Similar use.

(3) Regulations

(a) Floor Area: Single detached dwelling: a
minimum of 90 m²;

Duplex dwelling: a minimum of 55 m² for each unit;

Multi-family dwelling: a minimum of 37 m² for each unit;

Multi-attached dwelling: a minimum of 55 m² for each unit.

- (b) Height: maximum of 15 m;
- (c) Front Yard: minimum of 3 m;
Office (Minor), Commercial (Minor) and Food/Beverage Service (Minor) uses shall have no setback requirement.
- (d) Side Yard: Residential: minimum of 2 m;
Other Uses: nil, unless the side yard abuts an existing residential development, in which case it shall be 2 m.
- (e) 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);
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 m;
- (g) Site Area: a minimum of 232 m²,
- (h) Site Density (Residential):
Multi-family: a minimum of 75 m² of site area per dwelling unit,
Multi-attached: a minimum of 125 m² of site area per dwelling unit
- (i) Landscaping:
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 7.1(2),

- (j) Parking, loading, and garbage collection areas, access thereto, shall be from the rear of a site;
 - (k) Parking: Single detached and duplex dwellings require two spaces per dwelling unit, and; other uses are subject to Part Nine.
 - (l) Loading Spaces: subject to Part Nine.
- (4) Special Provisions
- (a) For Office (Minor), Commercial (Minor) and Food/Beverage Service (Minor) uses, applicable sections of Core Area Design Standards Sections 10.16(4)(a)(i, iv-xi), (b), (c) and (d) shall apply to any proposed development.

10.16 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:

Apartment hotel,
Commercial use,
Commercial entertainment,
Commercial recreational,
Child care facility,
Diamond facility,
Food/beverage service,
Special care facility,
Hotel,
Office,
Multi-attached dwelling subject to Section 10.16(2)(d)
Multi-family dwelling,
Parking lot subject to Section 10.16(3)(h),
Parks and recreation,
Planned development, subject to Section 7.1(8),
Public utility uses and structures,
Public and quasi-public use,
Temporary activity subject to Section 7.1(6),
Home based business,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Motor vehicle sales, service or repair subject to Section 10.16(3)(j),
Parking structure subject to Section 10.16(3)(h),
and
Similar use.

- (c) Any single 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 10.9(3).

(3) Regulations

- (a) Height: a maximum 45 metres, but the height shall not in any case exceed 245 metres above sea level.
- (b) Yards:
 - i) Subject to Core Area Design Standards Sections 10.16(4)(a)(i)-(iii), there shall be no front yard setback requirement;
 - ii) The Development Officer may allow street facing yard setbacks up to a maximum of 6.0 metres. Any such setback shall accommodate amenity spaces in accordance with Core Area Design Standards Section 10.16(4)(b). For single purpose residential developments, the Development Officer may substitute the landscaping requirements of Section 7.1(2) in place of Core Area Design Standards Section 10.16(4)(b);
 - iii) Subject to Core Area Design Standards Section 10.16(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 metres;
 - iv) Any development proposed to be built to the property line adjoining a street or 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 m².
- (e) Floor Area: a minimum of 50% of the site area
- (f) Site Area (Residential):
 - i) Multi-family dwelling: a minimum of 25 m² of site area per dwelling unit.
- (g) Parking and loading spaces: subject to Part Nine, 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 9.3, 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 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.

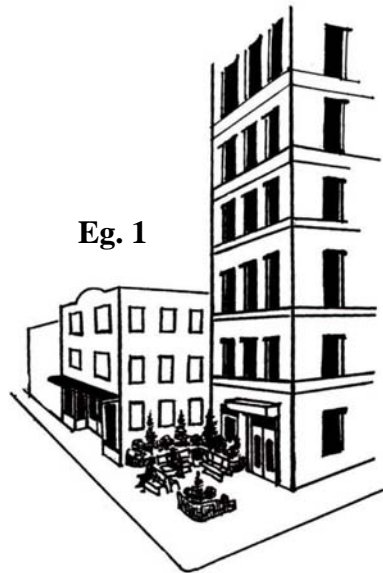
(4) Core Area Design Standards

In addition to all other requirements of this by-law, all development within the "CC" - Core Area Commercial" zone

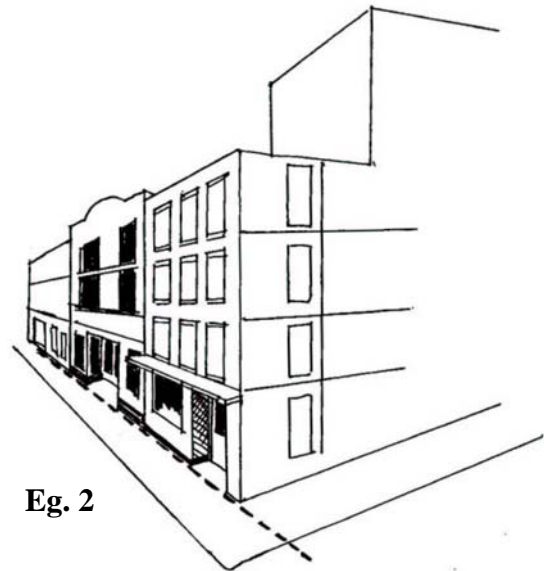
shall be subject to the following design standards. The objective of the Core Area Design Standards is to strive for visually interesting and appealing buildings and a pedestrian oriented street environment.

(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 10.16(3), for buildings fronting Franklin Avenue, the setback of a building which exceeds 4 stories in height shall be at least 6.0 metres from the Franklin Avenue facing property line for that part of the building which is above 4 stories.



Eg. 1



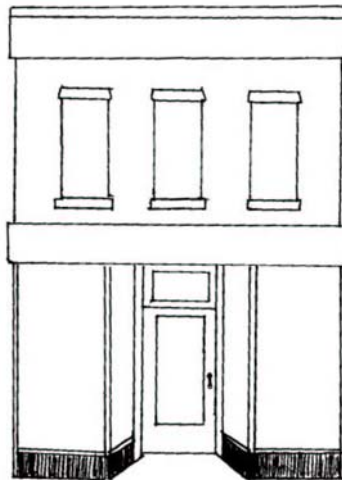
Eg. 2

(iii) Notwithstanding Section 10.16(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 metres 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 metres. The minimum dimension from sidewalk grade to window head shall be 2.5 metres. The maximum dimension between these windows or similar architectural features shall not exceed 5.0 metres. In determining this distance, the Development Officer shall not consider entrance doors.

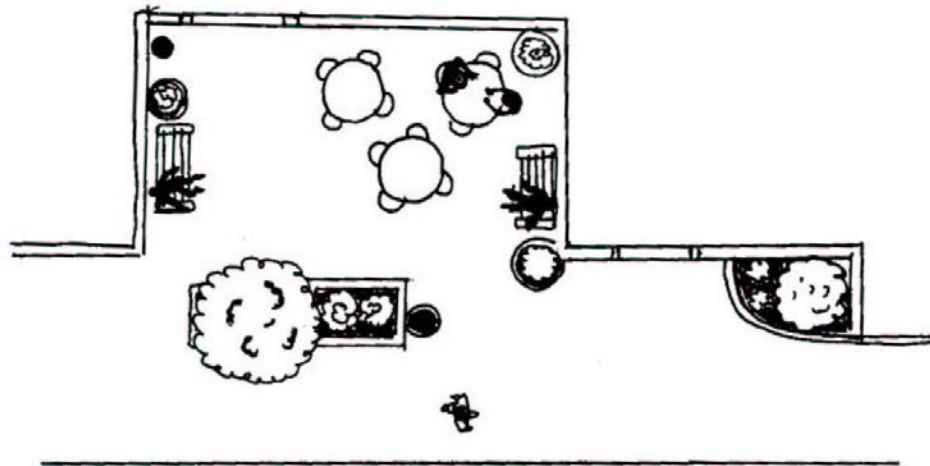


- (v) For all commercial and food beverage/service uses, buildings should provide a clear visual distinction between the street facing ground floor façade and any upper floors. This can be achieved by incorporating features such as varying window size and placement, providing horizontal bands above the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



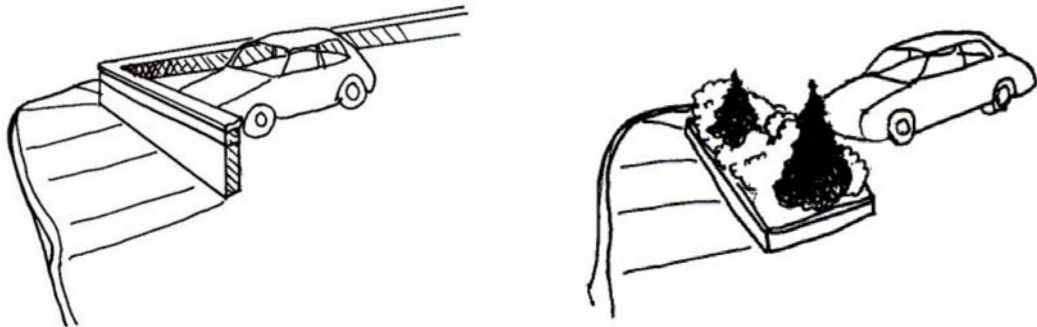
- (vi) Detail trim for windows, doorways, parapets, etc. is encouraged that is large enough to be visible to pedestrians.
- (vii) The primary orientation of the building and main entry shall be toward the street.

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- (viii) For all commercial and food/beverage service uses, the distance between sidewalk grade and the ground floor elevation shall not exceed 0.5 metres. Finished exterior surfaces shall extend to no less than 15 centimetres above the finished grade level.
- (ix) Residential uses shall have their own 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 7.1(2), 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.

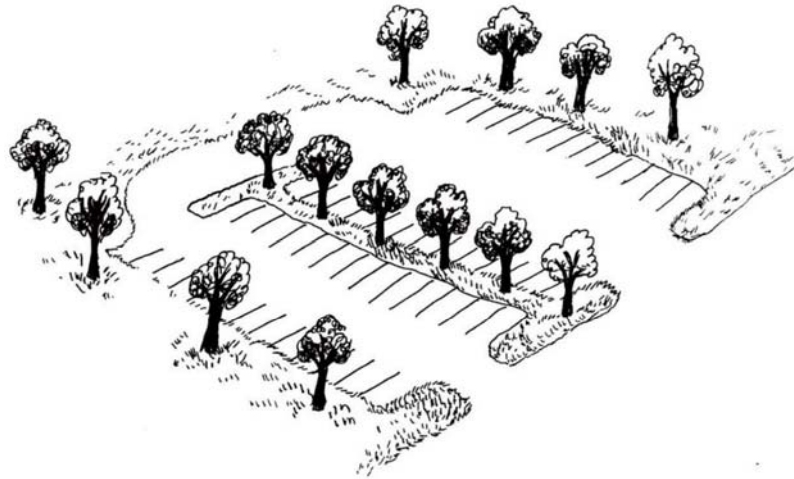


- (ii) Amenity spaces are encouraged to be at the same grade as the adjacent sidewalk area in order to extend the public sidewalk environment.
 - (iii) Amenity spaces shall provide for the continuity of pedestrian movement. The Development Officer may consider railings and barriers to an amenity space 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 metres.
- (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 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.



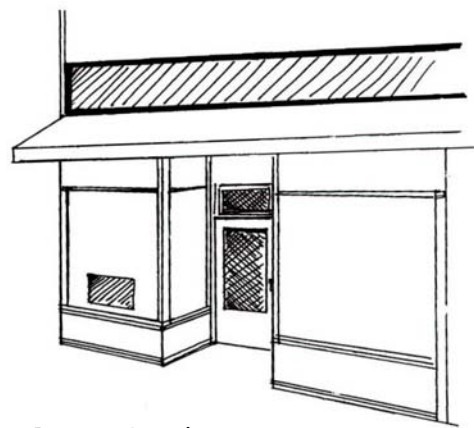
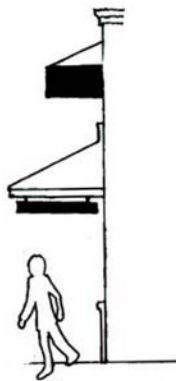
- (v) Parking lots exceeding 464 square metres in area shall employ landscaping and site planning techniques to break large paved surface areas into a series of smaller surface areas.



- (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.

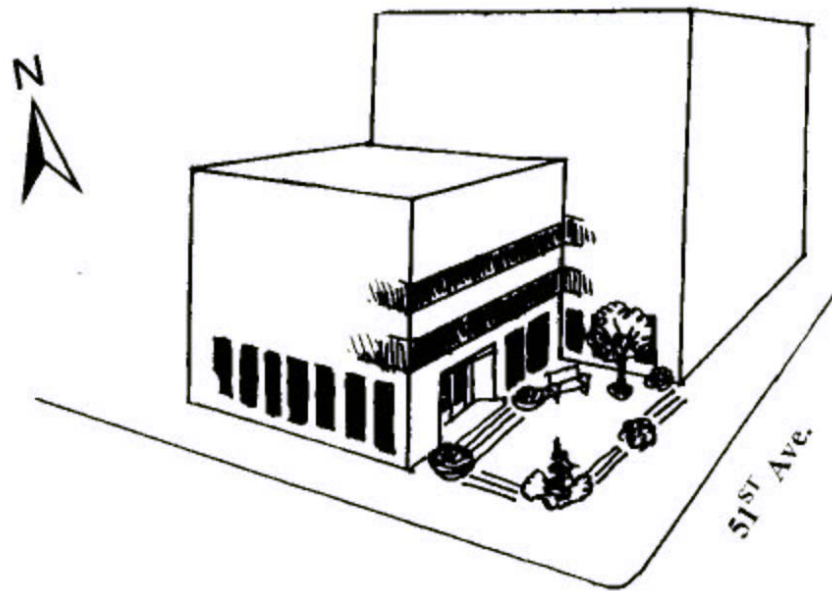
(e) Wind Protection

- (i) For those buildings which exceed 4 stories in height above grade, and exceed 1,500 square 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.

(f) 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.



- (5) Notwithstanding Sections 10.16(3) and 10.16(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.

10.17 CS - Commercial Service

(1) General Purpose

To provide for commercial areas outside the downtown core and along the major transportation corridors for uses that require large sites and a high degree of accessibility to these corridors.

(2) Uses

(a) Permitted Uses are:

Diamond facility,
Commercial use,
Hotel,
Motel,
Office subject to Section 10.17(5)(a),
Motor vehicle sales, service or repair,
Planned development subject to Section 7.1(8),
Public and quasi-public use,
Public utility uses and structures,
Commercial entertainment,
Commercial recreational,
Temporary activity, subject to Section 7.1(6),
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child care facility,
Food/beverage service,
Industrial use subject to Section 7.6,
Transportation facility,
Parking lot,
Parking structure, and
Similar use.

(3) Regulations

- (a) Floor Area: a maximum of 100% of site area;
- (b) Site Coverage: a maximum of 35% of site area;
- (c) Height: a maximum of 14 m;

- (d) Front Yard: a minimum of 7.5 m;
 - (e) Side Yard: a minimum of 3 m;
 - (f) Rear Yard: a minimum of 3 m;
 - (g) Lot Width: a minimum of 30 m;
 - (h) Site Area: a minimum of 900 m²;
 - (i) Landscape Area: a minimum of 40% of the minimum front yard, however, if it is determined by the Development Officer that landscaping is required elsewhere on the site, then 15% of the site area may be required to be landscaped;
 - (j) Parking and loading: subject to Part Nine;
- (4) Site Development
- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles, and emergency vehicle access shall be subject to approval by the Development Officer. In this zone for developments where the parking area exceeds 20 spaces the Development Officer may require the development of pedestrian-oriented amenity areas or linkages from the principal building to the public transit system.
 - (b) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

(5) Special Provisions

(a) Floor Area

The floor area of office uses shall not exceed 100% of the ground floor area.

(b) Sites for outside display of vehicles, machinery, equipment or construction materials, may be allowed in front of the principal building or on a flanking street side of the principal building and subject to the following conditions:

(i) the display area must be hard surfaced;

(ii) the area around the display area must be enhanced through the provision of landscaping;

(iii) lighting of the display area is sufficient only to provide for display or attraction and does not direct light off of the display area or to adjacent properties; and

(iv) all advertisement copy must be static and employ no amplified sounds.

(c) Outside storage and trash collection areas shall be located to the rear or side (other than a flanking street side) of the principal buildings and shall be screened from the public view by a solid fence or other similar screening.

(d) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the buildings, or concealed by incorporating it within the building roof.

10.18 OM - Old Town Mixed Use

(1) General Purpose

To provide areas for a mix of commercial and residential uses in keeping with Old Town Secondary Development Scheme By-law No. 3651.

(2) Uses

(a) Permitted Uses are:

Commercial use,
Office,
Single detached dwelling subject to Section 10.18(5)(a),
Duplex dwelling subject Section to 10.18(5)(a),
Mixed use,
Child care facility,
Multi-attached dwelling subject Section to 10.18(5)(a),
Planned development subject to Section 7.1(8),
Home based business,
Temporary activities subject to Section 7.1(6),
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Diamond facility,
Food/beverage service,
Hotel subject to Section 10.18(5)(b),
Industrial use subject to Section 7.6,
Motel subject to Section 10.18(5)(b),
Lake use,
Parks and recreation,
Public and quasi-public uses,
Public utility uses and structures,
Special care facility, and
Similar use.

(c) Prohibited Uses are:

Outside storage as a principal use.

(6) Regulations

NOTE: All development on sites that abut the natural boundary of Great Slave Lake or occur on a portion of Great Slave Lake shall be subject to Section 7.4 and Section 10.18(6) in addition the following regulations of this Section 10.18(3).

- (a) Site Coverage: a maximum of 40%;
- (b) Height: a maximum of 10 m subject to Section 7.4(7);
- (c) Front Yard: a minimum of 6 m;
- (d) Side Yard: a minimum of 2 m;
- (e) Rear Yard: a minimum of 6 m;
- (f) Lot Depth: a minimum of 30 m;
- (g) Lot Width: a minimum of 15 m;
- (h) Site Area: a minimum of 450 m²;
- (i) Landscape Area: a minimum of 40% of the minimum front yard;
- (j) Parking and loading: subject to Part Nine;

(4) Site Development

- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.
- (b) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

(5) Special Provisions

- (a) Notwithstanding the minimum requirements of this zone, single detached, duplex and multi-attached dwellings shall be developed in accordance with the provisions of Section 10.8 except that the minimum allowable floor area shall be 65m² per dwelling unit.
- (b) Hotel and or motel development may be allowed only in the area of this zone lying east of Franklin Avenue.

(6) Special Provisions for Sites abutting or on Great Slave Lake

Notwithstanding Section 10.18(3) where a lot, site, approved subdivision plan or proposed subdivision plan abuts a water body creating access from both the waterbody and a road the Development Officer may:

- (a) further establish and specify the yard requirements, site coverage, site area, landscape area and any other site development regulation.

10.19 I - Industrial

(1) General Purpose

To provide areas for industrial and commercial activities.

(2) Uses

(a) Permitted Uses are:

Animal service,
Commercial use,
Diamond facility,
Dwelling unit accessory to an approved use
subject to Section 10.19(5)(b),
Industrial use subject to Section 7.6(1),
Planned development subject to Section 7.1(8),
Public utility uses and structures,
Temporary activity subject to Section 7.1(6),
Transportation facility, and
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Bulk fuel storage,
Commercial recreation,
Food/beverage service,
Kennel,
Industrial use subject to Section 7.6(2),
Natural resource extraction,
Office subject to Section 10.19(5)(c), and
Similar use.

(3) Regulations

(a) Site Coverage: a maximum of 60%;

(b) Height: a maximum of 15 m;

(c) Front Yard: a minimum of 6 m;

(d) Side Yard: a minimum of 6 m on one side and 1.5
on the other side;

- (e) Rear Yard: a minimum of 3 m;
 - (f) Lot Width: a minimum of 30 m;
 - (g) Site Area: a minimum of 929 m²;
 - (h) Landscape Area: a minimum of 40% of the minimum front yard;
 - (i) Parking and Loading: subject to Part Nine;
- (4) Site Development
- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, and provision of landscaping, the parking layout, and the emergency vehicle access shall be subject to approval by the Development Officer.
- (5) Special Provision
- (a) Auto wrecking yards shall be completely enclosed by a solid wall or uniformly painted or colored fence not less than two metres high.
 - (b) A dwelling unit accessory to an approved use shall:
 - (i) have direct and separate access to the outside ground level,
 - (ii) be limited to one dwelling unit per site,
 - (iii) be serviced with municipal water and sewer,
 - (iv) not exceed 140 m² of floor area,
 - (v) shall only provide accommodation for an owner, operator and/or caretaker,
 - (vi) demonstrate evidence of an established animal services, industrial or commercial

use operating on site in the form of a structure having a minimum enclosed floor area of 93 m²; and

(vii) only be permitted as long as the said site is being used for the operation of a permitted or conditionally permitted use within this zone.

(c) Office uses shall be related and accessory to the principal use and shall not exceed 20% of the floor area of the total development.

10.20 LI - Limited Industrial

(1) General Purpose

To provide an area for limited industrial and commercial land uses intended to minimize impacts on established land uses in the area.

(2) Uses

(a) Permitted Uses are:

Industrial use subject to Section 7.6(1),
Commercial use,
Diamond facility,
Public utility uses and structures,
Accessory structures and uses, and
Dwelling unit accessory to an approved use
subject to Section 10.20(5)(c).

(b) Conditionally Permitted Uses are:

Industrial use subject to Section 7.6(2),
Bulk fuel storage,
Transportation facility, and
Similar use.

(3) Regulations

(a) Site Coverage: a maximum of 40%;

(b) Height: a maximum of 15 m;

(c) Front Yard: a minimum of 6 m;

(d) Site Yard: a minimum of 6 m on one side and 1.5 m
on the other side;

(e) Rear Yard: a minimum of 6 m;

(f) Lot Width: a minimum of 35 m;

-
- (g) Site Area: a minimum of 1400 m²;
 - (h) Parking and loading: subject to Part Nine.

(4) Site Development

This site plan, the relationship between buildings; structures and open space, provision of fencing, screening and/or similar buffering techniques, provision of landscaping, parking layout, access to roads, access to trucked water/sewer points, and access to emergency vehicles shall all be at the discretion of the Development Officer who shall consider site topography and the amenities of the adjoining properties and surrounding areas in the application of any such discretion.

(5) Special Provisions

- (a) Notwithstanding the provisions of Section 7.5(3), outside storage shall only be permitted in the rear yard of a site and may not comprise more than 50% of the total site area. Such outside storage shall not limit the customary display of any commodities or goods intended and permitted to be sold on the site, or the storage of fuel, oil or gas in tanks connected to a heating plant on the premises. The Development Officer may require fencing, screening and/or similar buffering techniques from that portion of a site utilized as outside storage and the adjoining properties and surrounding area.
- (b) Office use shall be related and accessory to the principal use and shall not exceed 20% of the floor area of the principal structure on site.
- (c) A dwelling unit accessory to an approved use shall:
 - (i) have direct and separate access to the outside ground level;
 - (ii) be limited to one dwelling unit per site;

- (iii) be serviced with municipal water and sewer;
- (iv) not exceed 140 m² of floor area;
- (v) only provide accommodation for an owner, operator and/or caretaker;
- (vi) demonstrate evidence of an established industrial or commercial use operating on site in the form of a structure having a minimum enclosed floor area of 93 m², and;
- (vii) only be permitted as long as the said site is being used for the operation of a permitted or conditionally permitted use within this zone.

10.21 SS - Site Specific

(1) Purpose

The purpose of this zone is to allow Council to provide for specific development controls for sites that require regulations unavailable in other zones. This zone is not intended to be used in substitution of any other zones in this by-law that could be used to achieve the same result.

(2) Permitted Uses and Development Standards

All re-zoning requests shall be evaluated on their merits by Council which will establish the permitted uses and the development standards.

(3) The Effect of a Site Specific Zone

Where a site is or has been at any time zoned Site Specific, the uses and standards approved by Council at the time of such designation shall continue to apply notwithstanding any requirement of this by-law to the contrary.

10.21 SS1 - Site Specific Zone #1

(1) General Purpose

To provide an area for a mixture of commercial, residential, and mixed use type development along a portion of Woolgar Avenue.

(2) Uses

(a) Permitted Uses are:

Commercial use,
Commercial entertainment,
Commercial recreational,
Office,
Food/beverage service,
Mixed use,

Motor vehicle sales, service or repair,
Planned development subject to Section 7.1(8),
Public and quasi-public use,
Public utility uses and structures,
Temporary activity, subject to Section 7.1(6),
and
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child care facility.

(3) Regulations

- (a) Floor Area: a maximum of 100% of site area;
- (b) Site Coverage: a maximum of 35%;
- (c) Height: a maximum of 14 m;
- (d) Front Yard: a minimum of 7.5 m;
- (e) Side Yard: a minimum of 3 m;
- (f) Rear Yard: a minimum of 3 m;
- (g) Lot Width: a minimum of 30 m;
- (h) Site Area: a minimum of 900 square metres;
- (i) Landscape Area: a minimum of 40% of the minimum front yard, however, if it is determined by the Development Officer that landscaping is required elsewhere on the site, then 15% of the site area may be required to be provided;
- (j) Parking and loading: subject to Part Nine.

(4) Site Development

- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the

provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.

- (b) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

(5) Special Provisions

(a) Floor Area

- (i) the floor area of a building shall not exceed the area of the site on which the building is located;

- (ii) the floor area of office uses shall not exceed 100% of the ground floor area.

- (b) Sites for outside display of vehicles, machinery, equipment or construction materials, may be allowed in front of the principal building or on a flanking street side of the principal building and subject to the following conditions:

- (i) the display area must be hard surfaced;

- (ii) the area around the display area must be enhanced through the provision of landscaping;

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- (iii) lighting of the display area is sufficient only to provide for display or attraction and does not direct light off of the display area or to adjacent properties; and
 - (iv) all advertisement copy must be static and employ no amplified sounds.
- (c) Outside storage and trash collection areas shall be located to the rear or side (other than a flanking street side) of the principal buildings and shall be screened from the public view by a solid fence or other similar screening.
 - (d) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the buildings, or concealed by incorporating it within the building roof.

10.21 SS2 - Site Specific Zone #2

(1) General Purpose

To provide for the existing uses located at the intersection of Franklin Avenue and Forrest Drive.

(2) Uses

(a) Permitted Uses are:

Convenience store.

(b) Conditionally Permitted Uses are:

Commercial use,
Commercial entertainment,
Office,
Mixed use,
Public and quasi-public use, and
Public utility uses and structures.

(3) Regulations

- (a) Floor Area: a maximum of 100% of site area;
- (b) Site Coverage: a maximum of 35%;
- (c) Height: a maximum of 10 m;
- (d) Front Yard: a minimum of 7.5 m;
- (e) Side Yard: a minimum of 3 m;
- (f) Rear Yard: a minimum of 3 m;
- (g) Lot Width: a minimum of 30 m;
- (h) Site Area: a minimum of 900 m²;
- (i) Landscape Area: a minimum of 40% of the minimum front yard, however, if it is determined by the Development Officer that landscaping is required elsewhere on the site, then 15% of the site area may be required to be provided;
- (j) Parking and loading: subject to Part Nine.

(4) Site Development

- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.
- (b) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

10.21 SS3 - Site Specific Zone #3

(1) General Purpose

To provide for a neighborhood convenience store in the Niven Lake residential subdivision.

(2) Uses

(a) Permitted Uses are:

Convenience store,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Mixed use

(3) Regulations

(a) Floor Area: a maximum of 100% of site area;

(b) Site Coverage: a maximum of 35%;

(c) Height: a maximum of 10 m;

(d) Front Yard: a minimum of 6 m;

(e) Side Yard: a minimum of 3 m;

(f) Rear Yard: a minimum of 6 m;

(g) Lot Width: a minimum of 30 m;

(h) Site Area: a minimum of 900 m²;

(i) Landscape Area: 100% of residual area, subject to Section 7.1(2);

(j) Parking and loading: subject to Part Nine.

(4) Site Development

- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.
- (b) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

10.21 SS4 - Site Specific Zone #4

(1) General Purpose

To provide for a hotel and convention center with ancillary commercial uses at Twin Pine Hill, subject to Section 9.2, Design Standards for Twin Pine Hill.

(2) Uses

(a) Permitted Uses are:

Hotel,
Convention center.

(b) Conditionally Permitted Uses are:

Commercial use,
Commercial entertainment use.

(c) Prohibited Uses:

Casino.

(3) Regulations

- (a) Floor Area: a maximum of 100% of site area;

-
- (b) Site Coverage: a maximum of 35%;
 - (c) Height: a maximum of 15 m, but no structure shall exceed 208 metres above sea level;
 - (d) Front, Rear and Side Yards: subject to Development Officer approval:
 - (e) Landscape Area: 100% of residual area subject to Section 7.1(2);
 - (f) Parking and loading: subject to Part Nine.
- (4) Site Development
- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access shall be subject to approval by the Development Officer.

10.21 SS5 - Site Specific Zone #5

(1) General Purpose

To provide for a multi-family dwelling with ancillary ground floor commercial and office uses on Lot 13, Block 162.

(2) Uses

(a) Permitted Uses are:

Multi-family dwelling subject to Section 7.3,
Commercial use,
Office,
Accessory structures and uses.

(b) Conditionally Permitted Uses are:

Child care facility,
Public and quasi-public uses.

(3) Regulations

- (a) Floor area: The combined floor area of non-residential uses on site shall not be less than 50% of the total ground floor area, and shall not exceed 100% of the total ground floor area. Non-residential uses on site shall only be permitted on the ground floor;
- (b) Site Area: a minimum of 105 m² per dwelling unit;
- (c) Site Coverage: a maximum of 40%;
- (d) Height: a maximum of 15 m;
- (e) Front Yard: a minimum of 7.5 m;
- (f) Side Yard: a minimum of 3 m;
- (g) Rear Yard: a minimum of 3 m;
- (h) Landscape Area: 100% of residual area subject to 7.1(2);
- (i) Parking and loading: subject to Part Nine.

(4) Site Development

- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles, and emergency vehicle access shall be subject to approval by the Development Officer. The Development Officer shall require pedestrian linkages from the principal building to the public transit system;
- (b) Outside storage and trash collection areas shall be located to the rear or side of the principal building and shall be screened from view by a solid fence or other similar screening;

- (c) All mechanical equipment, including roof mechanical units, shall be concealed by screening in a manner compatible with the architectural character of the building, or concealed by incorporating such equipment within the building roof;
- (d) All fill created slopes at the perimeter of the site shall be provided with a finished landscape treatment to the satisfaction of the Development Officer, and;
- (e) The boulevard areas adjacent to Lot 13, Block 162 shall be provided with a finish landscape treatment to the satisfaction of the Development Officer.

Section 10.21 SS6 as amended by By-law No. 4501
November 24, 2008

10.21 SS6 - Site Specific Zone #6

(1) General Purpose:

To provide an area for a mix of commercial and residential uses in keeping with the Old Town Secondary Development Scheme By-law No. 3651 on Lot 22, Block 1.

(2) Uses:

(a) Permitted Uses are:

Commercial uses,
Child care facility,
Special care facility,
Offices,
Detached dwelling subject to Section 10.21(SS6)(5)(a),
Duplex subject to Section 10.21(SS6)(5)(a),
Industrial subject to Section 7.6(1),
Mixed Use,
Planned development subject to Section 7.1(8),
Homed based business,
Temporary activities subject to Section 7.1(6),
and
Accessory structures and uses.

(b) Conditional uses are:

Diamond facility,
Food/beverage service,
Parks and recreation,
Public and quasi-public uses,
Public utility uses and structures, and
Similar uses.

(c) Prohibited uses are:

Outside storage as a principal use.

(3) Regulations:

- (a) Site Coverage: 46% maximum or 175m² building footprint inclusive of principal building, accessory structures and any decks exceeding 600mm above grade;
- (b) Height: a maximum of 10m subject to Section 7.4(7);
- (c) Front Yard: a minimum of 5.1m subject to Section 10.21(SS6)(4)(b);
- (d) Side Yard: a minimum of 1.7m subject to Section 10.21(SS6)(4)(b);
- (e) Rear Yard: a minimum of 5.1m subject to Section 10.21(SS6)(4)(b);
- (f) Lot Width: a minimum of 15m;
- (g) Lot Depth: a minimum of 23m;
- (h) Site Area: a minimum of 375m²;
- (i) Landscape Area: a minimum of 40% of the minimum front yard shall be landscaped, however, if it is determined by the Development Officer that landscaping is required elsewhere on the site, then 15% of the site area may be required to be provided;
- (j) Parking: subject to Section 9;
- (k) Loading space: subject to Section 9.

(4) Site Development:

- (a) The site plan, the relationship between buildings, structures and open space, the architectural treatment of buildings, the provision of landscaping, the parking layout, garbage receptacles and emergency vehicle access

shall be subject to approval by the Development Officer.

- (b) If the requirements of Section 10.21(SS6)(3) detrimentally affect a harmonious relationship between buildings, structures and open space on the site and adjoining property, the Development Officer may vary the requirements of Section 10.21(SS6)(3), subject to Section 3.5.
- (c) The relationship of the use to adjacent residential areas will be a factor in considering the size, site plan and architectural treatment of the building.

(5) Special Provision:

- (a) Notwithstanding the minimum requirements of this zone, detached and duplex dwellings shall be developed in accordance with the provisions of Section 10.8 except that the minimum allowable floor area shall be 65m² per dwelling unit.

(6) Other Requirements:

- (a) There shall be no landscaping, trees, buildings, or other improvements exceeding 1.0m in height within the Line of Sight Area on the northwest corner.

Section 10.22 as amended by By-law No. 4444 April 23, 2007

10.22 BI - Business Industrial

1) Purpose

To provide an area for lower impact industrial uses that have a related limited commercial businesses requiring outdoor storage, that are suited to high visibility along a primary road corridor.

2) Uses

a) Permitted Uses:

Accessory Building or Use
Accessory office use (less than 20% of total floor space)
Animal Services
Automotive Equipment, repair and storage
Automotive Service Station
Car/Truck Wash
Card Lock
Commercial storage
Contractor, limited
Contractor, general
Diamond facility
Equipment rental and repair
Greenhouse
Laboratory
Manufactured home sales
Motor Vehicle Sales
Public utility uses and structures
Research and Development
Storage yard
Food/Beverage Services (subject to Section 10.22(4))
Accessory Food/Beverage (subject to Section 10.22(4))
Brewery Establishment

b) Conditional Uses:

Accessory Office use (greater than 20%)
Similar Uses

3) Regulations

- | | | |
|----|---------------|----------------------|
| a) | Site Coverage | 40% maximum |
| b) | Height | 10 metres maximum |
| c) | Front Yard* | 4.0 metres minimum |
| d) | Side Yard | 3.0 metres minimum |
| e) | Rear Yard | 7.5 metres minimum |
| f) | Lot Width | 20 metres minimum |
| g) | Lot Depth | 30 metres minimum |
| h) | Site Area | 0.5 hectares minimum |

*Front yards are those which front the internal roadway network.

4) Food and Beverage Service

- a) Any approved Food/Beverage Service use shall be unlicensed.

5) On-Site Parking and Loading

- a) Parking shall be provided in accordance with section 9.
- b) Parking areas with 10 spaces or more shall be required to provide a landscaped area or areas, determined as 15% of total parking area including maneuvering aisles, to enhance appearance and avoid large barren parking areas.
- c) Paved surfaces for on-site traffic maneuvering shall be at the minimum width necessary to accommodate traffic in a safe and efficient manner.
- d) Loading, storage (as an accessory use) and trash collection shall be located to the rear or sides of the principal building and shall be screened from view from public rights-of-way and public trails.

6) Site Development

- a) Used buildings shall not form part of a non-temporary development.

7) Drainage

- a) A site drainage plan shall be required for any development to ensure positive drainage, compliance with a Drainage Plan or on-site mitigation of run-off. Maintenance of existing site contours is encouraged.

8) Landscaping Requirements

- a) All landscaping must be approved as part of a landscape plan.
- b) Landscaping shall be provided to buffer parking, loading, and outdoor storage areas from a public right-of-way and public trails and open spaces.
- c) 100% of required Front Yard setbacks shall be landscaped in accordance with this section.
- d) Views of loading areas, refuse bins, and outdoor storage areas from the primary arterial road must be screened.
- e) A buffer is a 4 metre landscaped strip, following a lot line, used to block or limit views. The landscaped strip must meet the following requirements:
 - (i) At a minimum a double alternating row of trees planted 4.5 metres on centre with a row of shrubbery planted on 1.5 metres on centre or as otherwise recommended by a landscape architect or landscape technician on an approved plan.
 - (ii) The minimum sizes for plantings are set out in section 7.1(2)(f) of this By-law.
- f) At the discretion of the Development Officer on those properties fronting the Primary Arterial Roadway a landscaped berm a minimum of 1.5 metres in height is required.
- g) At the Development Officer's discretion alternative methods of screening that achieve a

similar effect to the provisions of this section may be considered.

9) Screening Requirements

- a) Screening may include one or more of the following in addition to the requirements of Part 10.22.8:
 - (i) A decorative fence, meaning solid or semi-solid fencing but not chain-link fencing, barbed or razor-wire and snow fencing. Corrugated metal, sheet metal and tarps are also excluded from this reference;
 - (ii) The retention of existing natural vegetation for screening purposes is encouraged where the intent of Part 10.22(8)(b),(d) & (e) of this section will be maintained.
 - (iii) Screen fences and walls shall compliment design and materials of the principal structure and be consistent with the quality of building design and materials of the principal structure.

10) Design Criteria

- a) A minimum of one side of the building (façade) shall include the following in order to enhance the visual appeal of the subdivision.
 - (i) A minimum of 10% of the façade shall be windows;
 - (ii) A minimum of 25% of the façade, exclusive of window area, shall be finished with one of the following: brick, stone, cedar, hardboard, or stucco.

11) Signage

- a) Where signage will form part of a development the Development Officer shall consider the following in addition to Schedule No. 2 of By-law No. 4404:
 - (i) One illuminated company or business fascia sign shall be allowed per instance of business frontage as defined in Schedule No. 2. The maximum dimensions of such a sign

-
- shall not exceed 3 metres in vertical and horizontal directions, parallel to the façade of the building, nor exceed a depth of 0.3 metres.
- (ii) One illuminated business name per instance of business frontage as defined in Schedule No. 21 shall be allowed. The illuminated business name shall not exceed 15% of the area of the façade of the building and shall in no case exceed 10 square metres.
 - (iii) Where individual letters are required in accordance with the provisions above, the letters shall be fixed directly to the building without sign backing panel, or mounted by an architecturally compatible method.
 - (iv) Where more than one business occupies a building, additional signage should be located in accordance with a comprehensive signage package prepared for the building and approved by an architect.
- b) Freestanding signs are prohibited unless they are:
- (i) No greater in height than the lesser of 3 metres or the height of the principal structure;
 - (ii) Constructed of similar or complimentary cladding materials as the principal structure to ensure architectural compatibility and enhancement; and,
 - (iii) Monument based.
- c) Portable signs are prohibited.

12) Site Access

- a) Direct access from the by-pass road is prohibited unless no alternative exists.

Section 10.23 as amended by By-law No. 4444 April 23, 2007

10.23 GI - General Industrial

2) General Purpose:

To provide an area for intensive industrial uses as well as those intensive industrial uses requiring large outdoor storage areas.

3) Uses

a) Permitted Uses are:

Accessory Building or Use
Accessory office use (less than 20% of total floor space)
Bulk Fuel Storage
Fleet service
Industrial, general
Outdoor storage facility
Public utility uses and structures
Recycling Depot
Transportation facility
Warehousing and distribution

b) Conditional uses are:

Kennels
Similar Uses

4) Regulations

a) Site Coverage	60% maximum
b) Height	17 metres maximum
c) Front Yard	6.0 metres minimum
d) Side Yard	4.0 metres minimum (subject to 8.0 (a))
e) Rear Yard	4.0 metres minimum (subject to 8.0 (a))
f) Lot Width	30 metres minimum
g) Lot Depth	30 metres minimum
h) Site Area	1 hectare minimum

5) Landscape Requirements

- a) 100% of required Front Yard setbacks shall be landscaped in accordance with this section 10.23(4).
- b) All landscaping must be approved as part of a landscape plan.
- c) Landscaping shall be provided to buffer parking, loading, and outdoor storage areas from a public right-of-way (including the primary arterial road) and public trails and open spaces.
- d) Landscape buffers: a 4 metre landscaped strip, following a lot line, used to block or limit views. The landscaped strip must meet the following requirements:
 - (i) At a minimum a single row of trees planted 4.5 metres on centre with a row of shrubbery planted on 1.5 metre centres or as otherwise recommended by a landscape architect or landscape technician on an approved plan.
- e) The minimum sizes for plantings are set out in section 7.1(2)(f) of this By-law.
- f) At the Development Officer's discretion alternative methods of screening that achieve a similar effect to the provisions of Part 10.23(4)(c) of this-section.

6) Screening Requirements

- a) Screening may include one or more of the following in addition to the requirements of Part 10.23(4).
 - (i) A decorative fence, meaning solid or semi-solid fencing but not chain-link fencing, barbed or razor-wire and snow fencing. Corrugated metal, sheet metal and tarps are also excluded from this reference;
 - (ii) The retention of existing natural vegetation for screening purposes is encouraged where the intent of Part 10.23(4) of this section will be maintained.
 - (iii) Screen fences and walls shall compliment design and materials of the principal structure and be consistent with the quality of building design and materials of the principal structure.

7) On-site Parking and Loading

- a) Parking shall be provided in accordance with section 9 of this by-law.
- b) Loading, storage (as an accessory use) and trash collection shall be located to the rear or sides of the principal building and shall be screened from view from public right-of-way and public trails with an opaque fence of a minimum 1.5 metre height.
- c) Parking areas with 10 spaces or more shall be required to provide a landscaped area or areas, determined as 15% of total parking area including maneuvering aisles, to enhance appearance and avoid large barren parking areas.
- d) Paved surfaces for on-site parking maneuvering shall be at the minimum width necessary to accommodate traffic in a safe and efficient manner.

8) Used Buildings

- a) Used buildings shall not form part of a non-temporary development.

9) Drainage

- a) A site drainage plan shall be required to ensure positive drainage to a public right-of-way, compliance with a Drainage Plan or on-site mitigation of run-off.
- b) Maintenance of existing natural contours is encouraged.

10) Operational Standards

- a) All Kennel uses where dogs will be kept in an open outdoor location shall comply with the following standards:
 - (i) Yard requirements are increased as follows:
 - Side Yard: 10 metres minimum
 - Rear Yard: 10 metres minimum
 - (ii) Areas where dogs are kept must have positive drainage.
 - (iii) An approved drainage plan is required in order to prevent contamination of land.

- (iv) If more than 15 dogs are to be maintained on a site an opaque fence of 2 metres shall be required to screen the kennel area from view of neighbouring properties and public rights-of-way or trails. A 4 metre landscaped area shall be provided between this screen and any public right-of-way or trail in accordance with section 10.23(4).
- (v) Cleaning and sanitizing should be carried out daily, including the removal of fecal matter.

Part 11 Special Overlay Zones

11.1 Density - Dwelling Units Per Hectare

(1) General Purpose

The general purpose of this Special Overlay Zone is to establish the maximum number of dwelling units permitted on residential site.

(2) Method of Application

- (a) The maximum number of dwelling units permitted per hectare in a Special Overlay Zone is indicated by the number following the letters "DU" on the site in the zoning map.

Example for illustration purposes only:

R3.DU40 means R3 uses are permitted to a maximum of 40 dwelling units per hectare.

- (b) If a density designation has not been established for a site, the maximum permitted density of development shall be determined by the regulations in the applicable zone.

11.2 HP - Heritage Preservation

(1) General Purpose

To establish a Special Overlay Zone which will support, maintain, and encourage heritage resource preservation and provide a system for designating a Heritage site.

(2) Uses

- (a) Permitted Uses are

Those uses listed as permitted uses in the underlying zone.

(b) Conditionally Permitted Uses are

Those uses listed as conditionally permitted in the underlying zone plus those uses which in the opinion of Council will adhere to the general purpose of this zone.

(3) Regulations

- (a) A site, building, structure, or area considered by Council and the City Heritage Committee to be a heritage resource may be designated as a Heritage Site by passing a by-law in accordance with Part Five of this By-law.
- (b) A Heritage Site shall be numbered and listed in Section 11.2(4) and shall be noted on the Zoning Map with an HP#__ designation. The site may be identified by civic address, legal description, metes and bounds or by other such means as the Development Officer considers sufficient to provide ample notice that the place, area, district, building, or work is designated.
- (c) Application for a development permit on a Heritage Site shall be submitted to the City Heritage Committee for review and recommendation to Council which shall approve, approve with conditions, or refuse the permit.
- (d) On a Heritage Site the natural terrain, buildings, or structures shall not be developed, demolished, added to, structurally altered, or the exterior renovated unless a development permit has been reviewed by the City Heritage Committee and approved by Council.
- (e) Notwithstanding the specific requirements of any underlying zone Council may by way of a Development Permit authorize more than one residential unit per lot on a Heritage Site.

-
- (f) Council may by way of a Development Permit authorize on a Heritage Site development which would not otherwise comply with this By-law.

Section 11.2 (4) as amended by By-law No. 4427 Jan 8, 2007

(4) Designated Heritage Sites

#1 Wildcat Café	By-law No. 3635
#2 Canadian Pacific Float Base	By-law No. 3636
#3 Weaver & Devore	By-law No. 3637
#4 Hudson Bay Warehouse	By-law No. 3726
#5 Back Bay Cemetery	By-law No. 3924
#6 Fireweed Studio	By-law No. 3925
#7 Old Log School House	By-law No. 4035
#8 Bank of Toronto Building	By-law No. 4079
#9 Yellowknife Post Office	By-law No. 4427

11.3 WSP - Watershed Protection

(1) General Purposes

To establish additional development performance standards for land abutting and adjacent to the Yellowknife River in order to protect the City's water source

(2) Regulations

In addition to the regulations of the underlying zone no person shall, within the watershed zone:

- (a) construct improvements to land or upgrade existing improvements without approval in writing;
- (b) discharge into any lake, river, creek or other body of water any human waste, garbage, refuse, petroleum products, herbicide, pesticide or any other toxic substance;
- (c) store more than 400 litres of petroleum products without the written permission of the Development Officer or store any petroleum products within

300 m of any body of water; and

- (d) construct any residence or other building within 300 m of any body of water.

(3) Special Provisions

- (a) The following sites are exempt from clauses 11.3(2)(c) and 11.3(2)(d) but the storage of petroleum products shall be developed in a manner that will contain and prevent any spillage from discharging into the Yellowknife River:

- Lot 901, Group 964, Plan 883;
- Lot 902, Group 964, Plan 883;
- Lease # 11382T;
- Lot 3, Block 800, Plan 2078;
- Lot 4, Block 800, Plan 2336; and
- Lot 5, Block 800, Plan 2336.

Part 12 Commencement and Transition

12.1 Effective Date

This by-law comes into force and takes effect upon the date of its Third Reading.

12.2 Repeal

Zoning By-law No. 4024, as amended, is hereby repealed.

12.3 Transition

An application for a development permit, subdivision, or amendment to the Zoning By-law commenced prior to the effective date of this by-law shall be evaluated under the provisions of Zoning By-law No. 4024, as amended.

12.4 Severability

Each provision of this by-law is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this By-law shall remain valid and enforceable, and the By-law shall be interpreted as such.

READ a First Time this 23rd day of May, A.D. 2006.




MAYOR



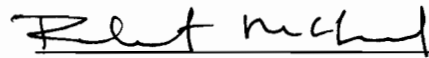
CITY ADMINISTRATOR

READ a Second Time this 28th day of July, A.D. 2006.


MAYOR


CITY ADMINISTRATOR

APPROVED by the Minister of Municipal and Community Affairs of the Northwest Territories this ___ day of _____, A.D. 2008.


MINISTER
MUNICIPAL AND COMMUNITY
AFFAIRS

READ a Third Time and Finally Passed this 15 day of December A.D., 2008.

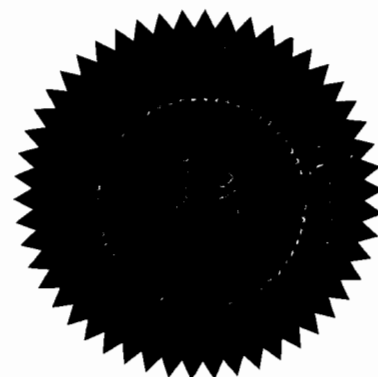

MAYOR


CITY ADMINISTRATOR

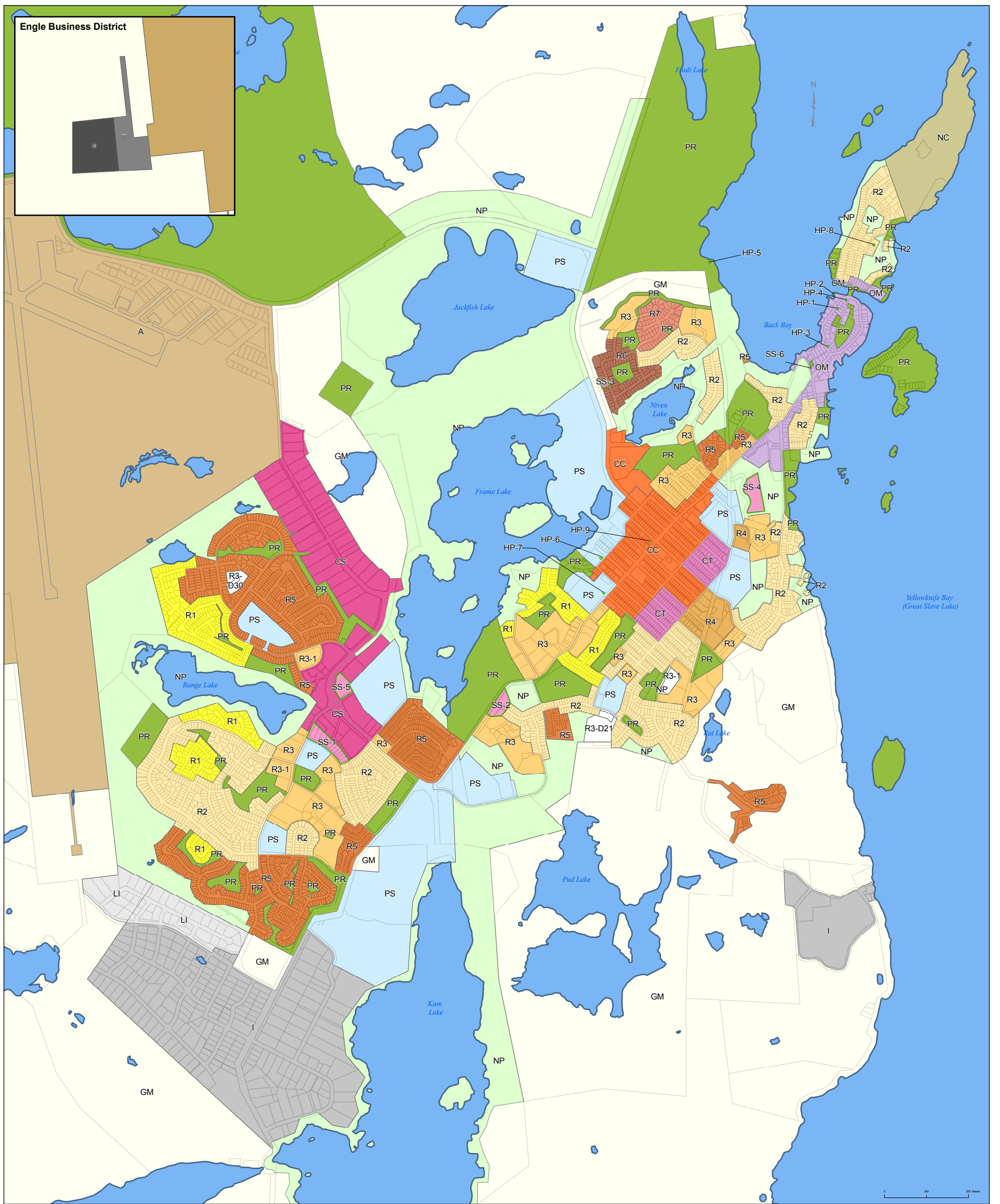
I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.



CITY ADMINISTRATOR



Schedules



City of Yellowknife

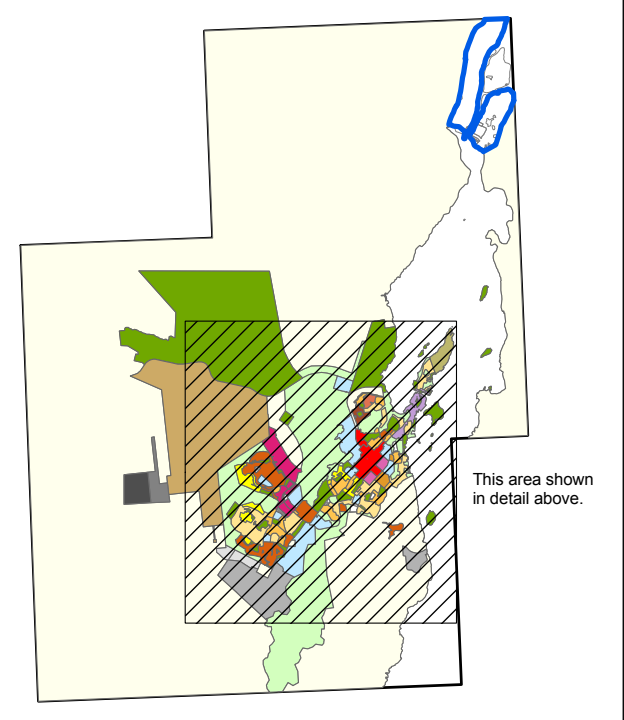
Yellowknife Zoning By-law No. 4404 Schedule #1

Land Use Zones

- | | |
|-------------------------|---------------------------------------|
| A-Airport Environs | OM-Old Town Mixed Use |
| BI-Business Industrial | PR-Parks and Recreation |
| CC-Core Area Commercial | PS-Public Service |
| CS-Commercial Service | R1-Detached Dwelling |
| CT-Centretown | R2-Low Density |
| NC - N'Dilo Community | R3-Medium Density |
| GI-General Industrial | R4-High Density |
| GM-Growth Management | R5-Manufactured Dwelling |
| I-Industrial | R6-Ltd Manufactured Dwelling |
| LI-Limited Industrial | R7-Low Density Restricted Residential |
| NP-Nature Preserve | WSP-Watershed Protection |

HP & SS Zones

- | |
|-------------------------------|
| HP-1-Wildcat Cafe |
| HP-2-CP Float Base |
| HP-3-Weaver & Devore |
| HP-4-Hudson Bay Warehouse |
| HP-5-Back Bay Cemetery |
| HP-6-Fireweed Studio |
| HP-7-Old Log Schoolhouse |
| HP-8-Bank of Toronto Building |
| HP-9 Yellowknife Post Office |
| S-1-6 (See By-law No. 4404) |



* Note: Shorelines of waterbodies and Islands are deemed to be zoned 'NP' unless otherwise indicated.
08_Thematic_Schedule_1_Zoning_By-law_4404.mxd (Dec, 2008)

Schedule 2 - Sign Regulations

1. Purpose of Regulations

To provide standards for signs, specifically the location, number, size and character of signage in relation to their surroundings.

2. Definitions

In this By-law, unless the context requires otherwise:

"advertisement" means any word, letter, model, picture, symbol, device or representation, whether illuminated or not, in the nature of and employed wholly, or in part, for the purpose of advertisement, announcement or direction;

"architectural projection" means any projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a building but does not include signs;

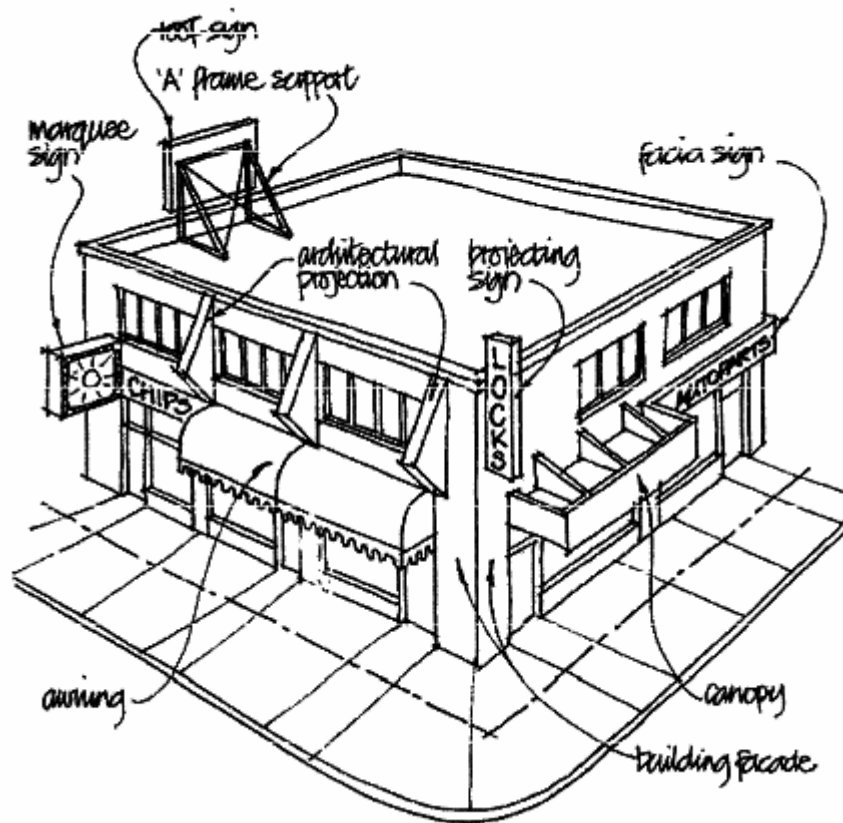
"area of a sign" means the entire surface area of the sign upon which copy could be placed. In calculating sign area, only that face or faces of a sign which can be seen from any one direction at one time shall be counted;

"awning" means a projection supported solely from the building, constructed with a fabric or plastic skin stretched over a frame used for shelter from the weather;

"billboard" means a sign directing attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the site where the sign is located;

"business frontage" means any side of a site or building which faces a road, lane, or parking area;

"canopy " means a projection outward from the face of a building constructed as an integral part of the building, primarily designed to provide shelter from the weather;



"canopy sign" means a sign attached to canopy;

"community sign" means a sign containing advertisement which provides direction to or information on community or quasi-public facilities or short-term events

-
- "fascia sign" means a sign placed flat and parallel for its whole length to the face of the building so that no part projects more than 30 centimetres from the building to which it is attached;
- "free-standing sign" means a sign supported by one or more columns permanently attached to the ground and which is not connected in any way to any building or other structure;
- "free-standing portable sign" means a sign on a standard or column fixed to its own self-contained base and capable of being moved manually;
- "identification sign" means a sign which contains no advertisement but is limited to the name, address and number of a building, institution or person and the activity carried on in the building or institution or the occupation of the person, and is placed on the premises which it identifies;
- "marquee sign" means a solid projection extending horizontally from the front of a building between the first and second stories thereof;
- "merchandising aid" means a device for the display and/or sale of merchandise and related advertising material;
- "on-site advertisement" means a sign which relates to a business, commodity, service or entertainment conducted, sold or offered on the site where the sign is located;
- "off-site advertisement" means a sign which relates to a business, commodity, service or entertainment conducted, sold or

offered elsewhere than upon the site where the sign is located;

"projecting sign" means a sign which is attached to a building or structure so that part of the sign projects more than 30 centimetres from the business frontage of the building or structure;

"roof sign" means a sign that is erected on or above the roof or parapet wall of a building and which is wholly or partially supported by the said building;

"sign" means any structure, device or light used to identify, advertise or attract attention to any object, place, product, activity, person, institution, organization, firm, group, commodity, profession, enterprise, industry or business and which is intended to be seen from off the premises or from a parking lot;

3. Exemptions

The following shall be exempted from the provisions of these regulations:

- a. Advertisements displayed on enclosed land where they are not readily visible to the public.
- b. Advertisements displayed within a building.
- c. Advertisements displayed in or on an operational vehicle.
- d. Advertisements displayed on door plates, door bars or kick plates.

4. Permitted Development

The following advertisements are permitted without an application for a development permit, but such advertisements shall be subject to all other orders, by-laws and regulations affecting such advertisements:

- a. Statutory and official notices and functional advertisements of local authorities and public transport undertakers;
- b. Traffic and directional signs authorized by the City;
- c. Notices of identification in respect of the land or buildings on which they are displayed, and professional business and trade name plates relating to the occupants of the land or building on which they are displayed, provided that:
 - i. each notice or name plate shall not exceed 0.25 square metres in area; and
 - ii. there shall be a limit of one notice for each occupant or each firm or company represented within the building, at one entrance on each different street;
- d. Notices relating to the sale, lease or rental of the building or land to which they are attached, provided that:
 - i. the notices shall not be illuminated;
 - ii. each notice shall not exceed one square metre in area; and
 - iii. there shall be a limit of one notice for each side of the land or building on a different street;
- e. Posters relating specifically to a pending election, provided that such posters and any supporting mechanisms, structures or devices shall be removed within 7 days after the election;

- f. Notices on land or structures used for religious, educational, cultural, recreational, medical or similar public or quasi-public purposes, and related to the use or occupants of the land or structures on which they are displayed, provided that:
 - i. each notice shall not exceed two square metres in area; and
 - ii. there shall be a limit of one notice for each side of the land or structure on a different street;
- g. Advertisements of building contractors relating to construction in progress on the land on which such advertisements are erected, provided that:
 - i. such advertisements shall be removed within 14 days of occupancy; and
 - ii. such advertisements shall be limited in size to a maximum of seven square metres, and in number to one advertisement for each boundary of the property under construction which fronts onto a public street; and
- h. Fascia Signs whose surface area is less than twenty-five percent (25%) of the ground floor frontage area on the side of the structure to which the Sign is to be attached.

5. Details of Application

- a. Applications for a Development Permit for a sign shall be made to the Development Officer along with two scaled copies of drawings indicating:
 - i. the location of the sign by elevation drawing or site plan;
 - ii. the overall dimensions of the sign;
 - iii. size of the letter or letters;

- iv. the amount of projection from the face of the building;
- v. the amount of projection over public property;
- vi. the height of the sign above a public street or sidewalk or the height above the average ground level at the face of the building; and
- vii. the manner of illuminating the sign.

6. General Provisions

- a. For the purposes of this By-law, all signs shall be considered as Accessory Uses.
- b. All proposed signs shall require a Development Permit except for those listed in clauses 3 and 4 of this Schedule.
- c. All proposed signs shall be permitted only in non-residential zones except for those listed in clauses 3 and 4 of this Schedule.
- d. Billboards are not permitted, except with the agreement or consent of Council.
- e. Sandwich board type or "A" board signs are not permitted on City sidewalks, boulevards or center medians.
- f. Signs shall not be attached to a fence, pole, tree or any other object in a public street or place.
- g. Signs shall not be attached to or stand on the ground in any public street or place.
- h. Signs shall not be located so as to obstruct free and clear vision of vehicular traffic, or located where they may interfere with, or be confused with, any authorized traffic sign, signal or device.

-
- i. Illumination of signs will be considered according to the merits of each individual application. Due regard shall be given to the amenities of the district and to possible interference with traffic signal lights and signs.

7. Awning Signs

- a. Awning advertisement shall be tightly stretched over a rigid metal frame in order to prevent sagging and to minimize snow and dirt accumulation.
- b. No part of an awning shall project over any public lands employed in the movement of vehicular traffic.
- c. No part of an awning shall be less than 2.5 metres above sidewalk level.

8. Fascia Signs

In all non-residential zones, fascia signs shall be erected so that they:

- a. do not project more than one metre above the top of the vertical face of the wall to which they are attached;
- b. are located on the business frontage, and;
- c. shall not be less than 2.5 metres above ground or sidewalk grade.

9. Marquee and Canopy Signs

Marquee and canopy signs shall be considered as fascia signs and shall be subject to the provisions of clause 8 of this Schedule, provided that:

- a. they shall be attached to the edge of the marquee or canopy; and
- b. no portion of the sign shall project below the bottom edge or more than one metre above the top of the marquee and canopy.

10. Roof Signs

- a. Roof signs shall not exceed the height above a roof equal to the average height of the elevation of the building upon which the sign is located, however, in no case shall a roof sign exceed 5 metres in height from the top of the building façade to the top of the sign.
- b. No roof sign shall exceed 25 square metres in area, and;
- c. No roof sign shall project beyond any portion of the exterior walls of any building, nor shall the roof sign exceed the maximum height in the zone where they are to be sited.

11. Projecting Signs

- a. For building frontages located less than six metres from the property line, only one projecting sign may be erected per business frontage.
- b. No part of a projecting sign shall:
 - i. extend more than two metres above the parapet of the building;
 - ii. extend more than two metres from the face of the building;
 - iii. be less than three metres above ground or sidewalk grade, and;
 - iv. make use of any type of visible framework or supporting device.
- c. Projecting signs shall be placed at right angles to the building face to which they are attached; except when they are located at the corner of the building at which time the sign shall be placed at equal angles to the building faces that form the corner.

12. Free-standing Signs

- a. No free-standing signs shall project beyond a property line.
- b. Only one free-standing sign shall be allowed upon each site.
- c. The height of a free standing sign shall not exceed 8 metres.
- d. No free standing sign shall exceed 25 square metres in area.

13. Free Standing Portable Signs

- a. No portable signs shall exceed 10 square metres in area.
- b. Portable signs shall not be placed on City owned property, except with the consent or agreement of Council.
- c. Only one portable sign shall be permitted on each site.

14. Community Signs

- a. Community signs may be located as either "on-site" or "off-site" advertising. Community signs whether located on either public or private lands shall:
 - i. Be adjacent to either a local collector or arterial road;
 - ii. Have their copy face onto the local collector or arterial road;
 - iii. Be compatible with the general architectural lines and forms of nearby buildings and the character of the streetscape or area within which it is located, and, as far as possible, shall not compromise the natural lines and forms of nearby development;

- iv. Not exceed the maximum height allowed in the zone where they will be sited;
- v. Not be lit by flashing, animated or intermittent source(s) of light but may be illuminated by a constant source(s) of light;
- vi. Not adversely affect neighbouring properties through their lighting or orientation; and
- vii. Be separated from other community signs by a minimum of fifty (50) metres.

15. Variance

Where it is deemed that a particular sign will neither detract from the appearance of a structure or neighbourhood, nor interfere with traffic, the Planning Administrator may allow a variance from the regulations in this Schedule, having due regard to the general intent thereof.

16. Removal of signs

When a sign no longer fulfills its function under the terms of an approved Development Permit, a Development Officer may order the removal of such a sign, and the lawful owner of the sign or, where applicable, the property owner, shall:

- a. remove the sign and all related structural components within no more than 30 days from the date of receipt of the notice;
- b. restore the immediate area around the sign, including the ground or any structure to which the sign was attached, as close as possible to its original form prior to the installation of the sign; and
- c. bear all the costs related to such removal and restoration.

Schedule 3 - Compliance Certificate

1. For the purposes of this Schedule, COMPLIANCE CERTIFICATE means a document which may be issued by a Development Officer, upon written request and upon payment of the required fee, indicating that a building located on a site is located in accordance with the regulations of this By-law and the yards specified in Development Permits which may have been issued for the site. A Compliance Certificate shall not operate as a Development Permit nor shall it approve any variance to the yard regulations of this By-law not previously approved.
2. Where any development has taken place in conformance with a Development Permit, and the conditions, if any, attached to the permit have been fully complied with, a Development Officer may, if requested, issue a *Certificate of Compliance* stating that the completed development conforms to the requirements of this By-law.
3. Every request for a *Certificate of Compliance* shall be in writing and shall include sufficient information to determine conformance with this By-law, including;
 - Legal description and property address;
 - Use and occupancy of all parts of the lot and buildings;
 - Signature of the registered owner or authorized agent;
 - The applicable application fee as set out in accordance with By-law No. 4436 or any successor by-law.
 - A Real Property Report prepared by a Canada Land Surveyor, in duplicate at an appropriate metric scale, showing details of development and the relation to property boundaries so that compliance with regulations may be determined.
4. Where a Real Property Report submitted is in excess on one year old, an Affidavit or Statutory Declaration must be submitted stating the accuracy of the survey as representative of the current situation on the property,

and that there are no changes since the date of the original survey.

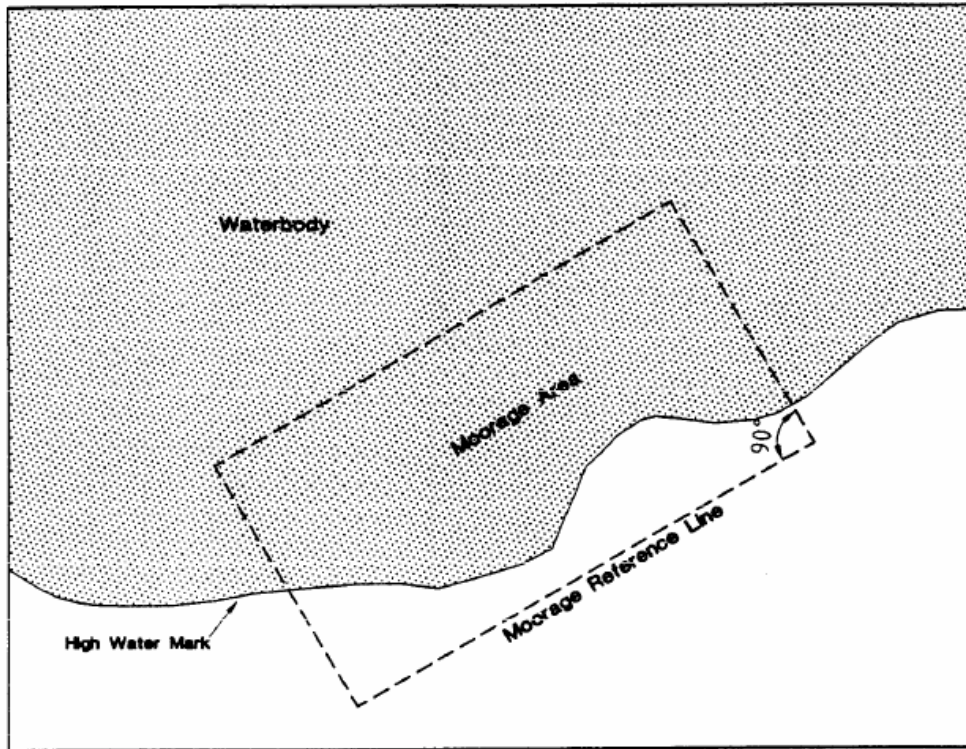
5. A Development Officer shall not approve an application for a *Certificate of Compliance* if necessary details of the development have not been included with the application. The application shall be deemed not to be complete until all required information has been submitted.
6. Where a request for a *Certificate of Compliance* is approved, the Real Property Report will be stamped as complying and a Letter of Compliance will be issued, The *Certificate of Compliance* is issued solely on the information shown on the Real Property Report and on the information contained in the files of the Planning and Lands Division.

Schedule 4 - Fees

Repealed by Fees and Charges By-law No. 4436

Schedule 5 - Zoning Diagrams

**Moorage Area
For Shoreline Uses**



Scale NTS



City of Yellowknife

PROJECT

FILE NUMBER

Dock

TITLE

DATE

20-04-99

