

5. Heritage Management Bylaws

Consistent with the recommendations in Section 4.1 and elsewhere in this plan, several modifications are proposed to the City of Dawson's bylaws. These changes include:

- Revisions to the boundaries and historic themes of the three Historic Control Overlay Districts in the existing Zoning and Historic Control Bylaw
- Enactment of two new bylaws:
 - A Heritage Bylaw
 - A Heritage Fund Bylaw.

Several other legislative tools applicable to heritage conservation that may assist with implementation of this plan are discussed in Section 4.4. These tools relate to the acquisition of historic sites by the City, the maintenance of private property, and the establishment of Business Improvement Areas.

The Official Community Plan will require numerous changes to conform to the recommendations in this Heritage Management Plan.

This Chapter discuss the bylaws and their purposes. Appendix 5 provides draft texts of the three bylaws. The material will require legal review.

5.1 Revision of the Zoning and Historic Control Bylaw

This plan recommends that the revised *Zoning and Historic Control Bylaw* be named the *Zoning and Heritage Management Bylaw*. It also recommends that the three Historic Overlay Districts be revised to reflect the boundaries and management principles of the three Heritage Management Areas described in Sections 3.3 and 4.1 of this plan.

The Downtown Heritage Management Area

The Historic Townsite Overlay District should be divided into two new Heritage Management Areas as identified in Section 3.3: the Downtown Heritage Management Area and the Residential Heritage Management Area.

Consistent with the existing Historic Townsite Overlay, the primary purpose of the Downtown Heritage Management Area will be to maintain the architectural style, streetscapes and landscape character and features common during the 1898 Klondike Gold Rush era. However, this will be expanded to include the retention of later architectural styles for extant valued resources from the later periods.

Parks Canada's *Design Guidelines for Historic Dawson*, the *Standards and Guidelines for the Conservation of Historic Places*, and the Design Guidelines for Architectural Conservation and Infill prepared for this Heritage Management Plan (Chapter 6) should be applied to the Downtown Heritage Management Area and referred to directly in the text pertaining to this Area in the *Zoning and Heritage Management Bylaw*.

The Residential Heritage Management Area

The purpose of the Residential Heritage Management Area will be to maintain the architectural style, streetscapes and landscape character and features common during the Klondike Gold Rush era (1896-1910), as well as extant valued resources from later periods and the 'Dawson Style' described in Chapter 6.

Parks Canada's *Design Guidelines* and the *Standards and Guidelines*, as well as the Design Guidelines for Architectural Conservation and Infill (Chapter 6) prepared for this Heritage Management Plan, should be applied to the Residential Heritage Management Area and referred to directly in the text pertaining to this Area in the *Zoning and Heritage Management Bylaw*.

The Valley, Confluence and Bowl Heritage Management Area

Following the recommendations in Section 4.1, the boundaries of the Klondike River Historic Overlay District and the Top of the World Historic Overlay District should be amalgamated to form the municipal portion of the Valley, Confluence and Bowl Heritage Management Area. As has been noted above, this plan recommends that the Tr'ondëk Hwëch'in and the Yukon Government manage the non-municipal portion of this area.

The purpose of this Area should be broadened to include not only the maintenance of Gold Rush era architecture, but also the protection of natural landscape features, as well as landscape features, buildings, and structures that relate to gold extraction, including the tailings.

Park's Canada's *Design Guidelines for Historic Dawson*, the *Standards and Guidelines*, and the Design Guidelines for Architectural Conservation and Infill prepared for this Heritage Management Plan should be applied (as indicated in Chapter 6) to the Valley, Confluence and Bowl Area, and referred to in the text pertaining to this Area in the amended *Zoning and Heritage Management Bylaw*.

Planning Incentives

A series of planning incentives will be introduced to help offset the cost of conserving historic resources. The *Yukon Municipal Act* currently provides for exemptions from parking requirements, as well as enabling the provision of grants or loans to any individual or group for property taxes and municipal fees or service charges. The City of Dawson *Official Community Plan* already supports relaxation of on-site parking requirements in the downtown core to preserve historical streetscapes. Additional planning incentives will be proposed in the revised *Zoning and Heritage Management Bylaw*, consistent with the kinds of incentives described in Section 4.3 above. The incentives will be supplemented by the grants, loans, and professional / technical assistance enabled by the *Yukon Historic Resources Act* and confirmed in the proposed Heritage Fund Bylaw.

Amendments to the Official Community Plan

The policy statements in schedule A, Section 8, 'Architectural Control and Heritage Conservation' of the City of Dawson *Official Community Plan* should also be amended to reflect the revised Heritage Management Areas and their management principles.

5.2 Heritage Bylaw and Heritage Fund Bylaw

The zoning regulations and accompanying design guidelines for the three Heritage Management Areas will ensure that future conservation, renovation, and development activity will respect the architectural design, streetscapes and landscapes that are of heritage value to the City of Dawson. The zoning bylaw cannot, however, protect historic buildings from demolition. Thus, to further protect historic resources from demolition, disrepair, and inappropriate alteration, this plan recommends that the City of Dawson enact a Heritage Bylaw under the *Yukon Historic Resources Act*. In addition to providing protection from demolition, the Heritage Bylaw also enables the City of Dawson to require owners or lessees of Municipal Historic Sites to take steps to maintain the property, in exchange for financial assistance, technical assistance, or planning incentives from the City.

In order to provide a means for the City to set aside and raise funds for heritage conservation, and subsequently to provide grants or other financial assistance to property owners of historic resources, this plan also recommends the creation of a Heritage Fund Bylaw under the *Yukon Municipal Act*. The City will be able to receive donations and gifts to this Heritage Fund and issue tax receipts to donors.

Heritage Bylaw

A Heritage Bylaw will provide the City of Dawson with a means to designate historic resources within City limits as Municipal Historic Sites, thereby protecting the heritage character of these sites. Whole buildings or structures, portions of buildings or structures, land parcels, or other sites may be designated. In addition to buildings and structures of heritage value, natural landscape features important to the Tr'ondëk Hwëch'in and other segments of the Klondike Valley community, structures related to gold extraction, and portions of the tailings may become designated Municipal Historic Sites. The list of documented Historic Resources within the Dawson City limits in the Yukon Historic Sites Inventory will be a valuable accompaniment to the Heritage Bylaw. The following table provides a summary of the proposed Heritage Bylaw.

Summary of Proposed Heritage Bylaw	
Enabling Legislation	<i>Yukon Historic Resources Act</i>
Purpose of Bylaw	<ul style="list-style-type: none"> • Will allow the City of Dawson to designate buildings, structures, land parcels or other sites within City limits as Municipal Historic Sites. Designation may be initiated by Council or member(s) or the public and must be enacted by bylaw. • Will enable the City of Dawson to protect Municipal Historic Sites from alteration, renovation, demolition or any other activity that may alter the heritage character of the site. • The City of Dawson may require the owner or lessee of a Municipal Historic Site to take steps to repair, protect, preserve or restore the site, if the City provides grants, loans, or professional / technical services to assist in paying for these improvements. The City may also enter into an agreement with a property owner or lessee outlining the responsibilities of each party in this conservation effort.

Content of Bylaw	<ul style="list-style-type: none"> • The Heritage Bylaw will outline the criteria for evaluation of sites proposed for designation, as well as a designation process, and a process for appealing a proposed designation. • The Bylaw may require anyone wishing to alter a Municipal Historic Site to apply for a permit.
Limitations and Conditions	<ul style="list-style-type: none"> • Designation of <u>owner-occupied</u> residences cannot be carried out without the written consent of the owner. • The municipality is required, under the <i>Historic Resources Act</i>, to maintain a list of designated Municipal Historic Sites and to make this list available to the public.
Examples from other Yukon Municipalities	City of Whitehorse Heritage Bylaw 2002-10

Heritage Fund Bylaw

A Heritage Fund Bylaw will enable the City of Dawson to set aside and apply funds to heritage conservation within City limits. The following table provides a summary of the proposed Heritage Fund Bylaw.

Summary of Proposed Heritage Fund Bylaw	
Enabling Legislation	<i>Municipal Act, section 244</i>
Purpose of Bylaw	<ul style="list-style-type: none"> • To establish a municipal fund to be used for heritage conservation.
Content of Bylaw	<ul style="list-style-type: none"> • Will state that the City of Dawson may set aside funds for heritage conservation through municipal budget transfers, donations or gifts; • Will outline the purposes for which the fund can be used, which may include: <ul style="list-style-type: none"> - Providing grants or loans to homeowners for restoration, enhancement or renovation of Municipal Historic Sites; - Purchase of heritage sites or buildings by the City; - Education and promotion of heritage conservation.
Examples from other Municipalities	City of Whitehorse Fund Bylaw 2002-08

The draft texts of the bylaws are in Appendix 5.