



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 29 Bylaw

Bylaw No. 2024-05

WHEREAS section 265 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council may pass bylaws for municipal purposes; and

WHEREAS section 289 of the Municipal Act provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS section 294 of the Municipal Act provides for amendment of the Zoning Bylaw;

THEREFORE, pursuant to the provisions of the Municipal Act of the Yukon, the council of the City of Dawson, in open meeting assembled, **ENACT AS FOLLOWS:**

PART I - INTERPRETATION

1.00 Short Title

This bylaw may be cited as the *Zoning Bylaw Amendment No. 29 Bylaw*.

2.00 Purpose

2.01 The purpose of this bylaw is to provide for:

- (a) The provision of Direct Control Districts.
- (b) The designation of the Klondike East Bench Direct Control District.
- (c) A series of text amendments.



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3.00 Definitions

3.01 In this Bylaw:

- (a) Unless expressly provided for elsewhere within this bylaw the provisions of the *Interpretation Act*, RSY 2002, c. 125, shall apply;
- (b) “City” means the City of Dawson; and
- (c) “Council” means the Council of the City of Dawson; and
- (d) “*Force Majeure*” means any of the following: acts of God, earthquakes, hurricanes, landslides, floods, explosions, wars, armed conflicts, riots, insurrections, rebellions, sabotage, blockades, epidemics/pandemics, partial or entire failures of utilities and infrastructure owned and operated by governmental bodies, lockouts, strikes and other labour disturbances, or any other event or cause, whether similar or dissimilar to the foregoing, beyond the control of the placer miner which they could not reasonably have protected themselves against, provided however that lack of funds or credit, regulatory approvals, and ordinary weather events, including large snow events, and other circumstances that are reasonably foreseeable in and around the Yukon and the City of Dawson area, or any event or cause which was caused, created by or in any way contributed to by the placer miner, shall not constitute an event of *force majeure*.”

PART II – APPLICATION

4.00 Amendment

- 4.01 Insert a new subsection 15.3 “DCD (Direct Control Districts)”. The new subsection 15.3 shall read as follows:

“A direct control district is an area where, in the opinion of Council, development may require a more specific, sensitive, and flexible means of land use and development control, including, but not limited to, time limited uses.

Council shall decide on development permit applications in direct control districts.

Direct control districts shall be regulated as per section 291 of the Municipal Act. For greater certainty, for designated time limited direct control districts, upon expiry of the time limited direct



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control district, no legal non-conforming uses are thereby created under section 301 of the Municipal Act or otherwise.”

- 4.02 Council designates the Direct Control District titled “Klondike East Bench Direct Control District” under subsection 15.3.1 as follows:

“The purpose of the Klondike East Bench Direct Control District is for Council to directly control land use and development within the designated area to enable time limited mineral extraction activity until December 31, 2040 provided there is an active placer land use approval and water license in effect for the mineral claims contained within the Klondike East Bench Direct Control District.

The area of the Klondike East Bench Direct Control District is depicted by the map amendment in section 8 of this bylaw (the “Amended Area”). This specifically includes the Grant Numbers listed in Table 1 of this bylaw”.

- 4.03 Insert “Permitted Uses” under subsection 15.3.1 as follows:

“The following use(s) are permitted in the Klondike East Bench Direct Control District:

1. Land development preparation
2. Natural resource development
3. Reclamation
4. Remediation”

- 4.04 Insert “District-Specific Regulations” under subsection 15.3.1 as follows:

1. “Granular material excavated from any mining operations site may be relocated from one area of the site to another, but no material may be removed from the site, other than for a permitted Natural Resource Extraction use.
2. No quarrying activity is permitted, as an otherwise permitted Natural Resource Extraction use.
3. Mining operations must at all times be in compliance with the Property Maintenance & Nuisance Abatement Bylaw #07-03.
4. Hours of operation for mining operations sites shall be limited to 9:00 a.m. to 5:00 p.m. or any hours of operation permitted under valid and subsisting licenses obtained from both the Yukon Environmental and Socio-economic Assessment Board or the Yukon Water Board.



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5. Vehicles that may rut, mark, or otherwise damage a road may not be operated on a City road right-of-way. Any violations will be subject to the terms, conditions and penalties set out under the Traffic By-Law #00-21.
6. A person operating a mining operations site shall post adequate notices on the boundaries of the active mining area notifying the public that they are entering an active mine site. The notices posted must be visible and legible to the public at all times.
7. A person operating a mining operations site must report any suspected naturally occurring asbestos immediately to both the City and to the Medical Officer of Health with Yukon Government, Health and Social Services.
8. A person operating a mining operations site shall contact the City immediately in the event of a reportable petroleum hydrocarbon spill.
9. The Operator must not mine, access or in any way disturb the trails referred to as the Moose Mountain Cross Country Ski trails. A 30 m buffer must be maintained for all trails, in which no mining activity of any kind shall take place.
10. No activity shall take place within 100 m of curtilage of an existing residence (defined as the developed areas of a property) unless the person operating a mining operations site provides the City with written approval from all affected residents to operate within that buffer zone.
11. The only septic system allowed for a mining operation is a septic holding tank which is to be operated in accordance with the Public Health and Safety Act, RSY 2002, c. 176.
12. In addition to the above-listed conditions, all mining operations must comply with all applicable municipal bylaws and policies, and non-compliance will be subject to any applicable enforcement and penalties as set out in the applicable bylaws and policies.
13. The time period established for the Klondike East Bench Direct Control District, shall be extended by up to a maximum of one year from the date(s) that any holder of a valid placer mining claim is prevented from performing miner like work on their claims by reason of *force majeure*, provided the miner provides the City with immediate written notice on their discovery of the same. The extension of time shall be limited to the time the miner was reasonably prevented from performing mining work on account of the *force majeure* event at issue, provided that the cumulative extension of time available to the miner, on account of all *force majeure* events and in respect of any or all of their mining claims within the Klondike East Bench Direct Control District, shall not exceed one year in duration.”



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- 4.05 The zoning maps attached to and forming part of Zoning Bylaw 2018-19 are hereby amended by changing the zoning of a portion of the Amended Area from Future Planning to Klondike East Bench Direct Control District, as shown in Appendix 1, until December 31, 2040.
- 4.06 The zoning maps attached to and forming part of Zoning Bylaw 2018-19 are hereby amended by changing the zoning of a portion of the Amended Area from Parks and Greenspace to Klondike East Bench Direct Control District, as shown in Appendix 1, until December 31, 2040.

PART III – FORCE AND EFFECT

5.00 Severability

5.01 If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of a court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder unless the court makes an order to the contrary.

6.00 Enactment

6.01 This bylaw shall come into force on the day of the passing by Council of the third and final reading.

7.00 Bylaw Readings

Readings	Date of Reading
FIRST	April 16, 2024
PUBLIC HEARING	May 7, 2024
SECOND	July 19, 2024
THIRD and FINAL	July 19, 2024

Original signed by:

Alexander Somerville, Chair
Presiding Officer

David Henderson, CAO
Chief Administrative Officer



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8.00 Appendices

Appendix 1. Amended Area

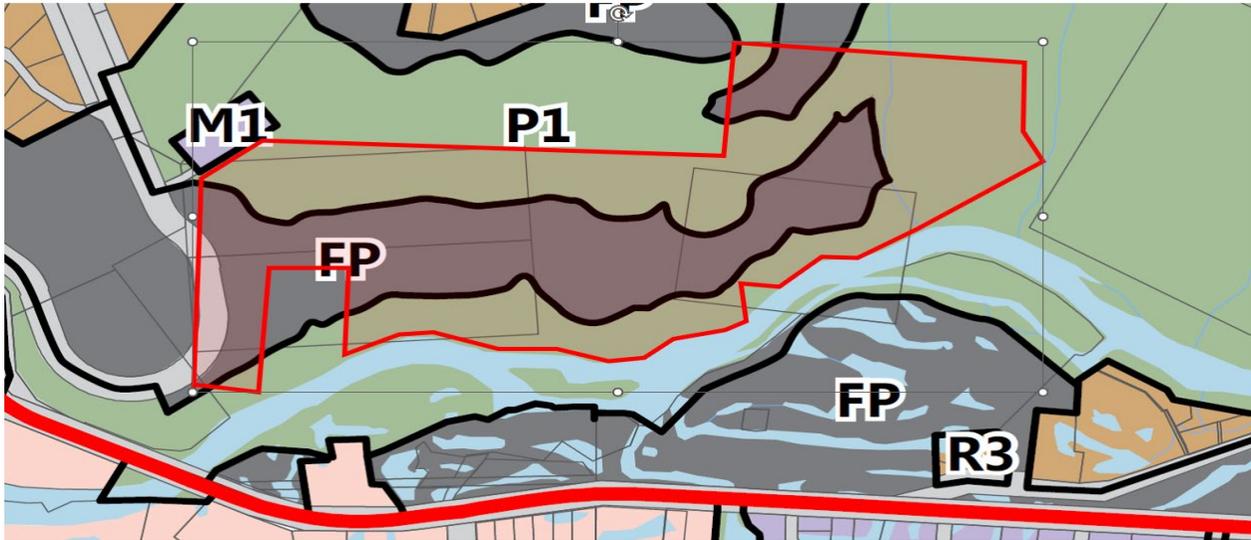


Figure 1. Map amendment.

P 38790	P 33141	P 33143
P 34949	P 37566 (north of Klondike River only)	P 00691 (north of Klondike River only)
P 04455	P 04456	P 22058
P 28927 (north of Klondike River only)	P 34978	P 35171
P 35187 (north of Klondike River only)	P 35685 (north of Klondike River only)	P 36281
P 36282	P 37027	P 37068
P 29645 (excluding lot 1029, Quad 116B/03)	P 29759	P 01543 (north of Klondike River only)
P 01545 (north of Klondike River only)		

Table 1. Grant Numbers within the Amended Area as per the active Placer Land Use Approval and Water License.