

THE CITY OF DAWSON

Box 308 Dawson City, YT Y0B 1G0
PH: 867-993-7400 FAX: 867-993-7434
www.cityofdawson.ca



NOTICE OF SPECIAL COUNCIL MEETING #C21-06

This is to inform you a special meeting of City Council will be held as follows:

DATE OF MEETING: WEDNESDAY, FEBRUARY 24, 2021

PLACE OF MEETING: COUNCIL CHAMBERS, CITY OFFICE

TIME OF MEETING: 5:30 PM

PURPOSE OF MEETING:

1. Zoning Bylaw Amendment No. 5 (2019-15)

DATE MEETING REQUESTED: February 19, 2021
MEETING REQUESTED BY: WAYNE POTOROKA, MAYOR

Original signed by: February 19, 2021
Cory Bellmore, CAO Date

Report to Council



For Council Decision For Council Direction For Council Information

In Camera

SUBJECT:	2019 Zoning Bylaw Housekeeping Amendment (No. 5)	
PREPARED BY:	Stephanie Pawluk, CDO	ATTACHMENTS: Draft ZBL Amendment Bylaw (#2019-15)
DATE:	February 18, 2021	
RELEVANT BYLAWS / POLICY / LEGISLATION:	Municipal Act Official Community Plan Zoning Bylaw	

RECOMMENDATION

That Council give Bylaw #2019-15, being Zoning Bylaw Amendment No. 5, Third and final Reading.

BACKGROUND SUMMARY

The OCP underwent a yearly review in 2019, as per S. 16.2 of the OCP. The Zoning Bylaw must be consistent with the OCP, therefore; the Zoning Bylaw was also reviewed.

OCP Bylaw Amendment No. 2 was given Third Reading on December 9th, 2020.

Administration received direction to provide a response to Council's information requests prior to Third and final Reading (see below under 'analysis').

ANALYSIS / DISCUSSION / ALIGNMENT TO OCP & STRATEGIC PRIORITIES

Municipal Act

S. 288(2) of the *Municipal Act* states that "a council must not adopt a zoning bylaw, or an amendment to a zoning bylaw, that is not consistent with an official community plan". The proposed changes in the Zoning Bylaw Amendment will be consistent with the OCP.

Zoning Bylaw

S. 17.1.1 of the *Zoning Bylaw* states that "Council may initiate any text amendment to this bylaw."

Council Information Requests

s. 4.13: What is "small-scale residential" and how big can this be?

s. 4.13: "Repeal S. 12.2 and replace with the following: S. 12.2 "The purpose of the C2 zone is to permit a wide range of commercial uses that provide service to local industry and/or highway tourism and service needs. **Small-scale residential** uses in this zone are permitted, though the area remains predominately a service commercial zone."

- As listed in the permitted uses of the C2 Zone (s. 12.2.1), small-scale residential includes:
 - family day home
 - garden suite
 - modular home

- residential security unit
 - secondary suite
 - single detached dwelling
- The C2 zone states: “the development regulations for the R1 Zone shall apply to the development of single family detached dwellings” (s. 12.2.2.2). As such, the answer to the question of how big small-scale residential structures can be, is found in the R1 Zone size regulations:
 - Maximum 35 ft tall for a principal building
 - Maximum 20 ft tall for an accessory building
 - Minimum floor area of primary dwelling unit: 256 ft²
 - Maximum parcel coverage: 50%

S. 4.05: how does the definition of ‘conversion’ relate to the definition of ‘structural alteration’? Request to remove the word ‘major’ from the definition of ‘conversion’

Previously, Council requested that Administration provide the context of ‘structural alteration’ within the ZBL. It was found that ‘structural alteration’ is currently referenced twice in the ZBL:

.1 S. 4.2: Development Permit Not Required

“No development permit is required for the following, provided that such development conforms to all other provisions of this bylaw:

.1 regular maintenance and repair of any building or structure, provided it does not include **structural alterations** or does not change the use or intensity of use of the land, building, or structure”


.2 S. 2.2: General Definitions

“CONVERSION means a change in use of land or buildings, or an act done in relation to land or a building, that results, or is likely to result, in a change in the use of such land or building without involving major **structural alterations**.”

At Council meeting #C21-04 on February 17, 2021, Council requested that Administration research the removal of the word “major” in the definition of ‘CONVERSION’.

It may provide clarity to remove the word ‘major’ from this definition; however, it is advised that this definition be edited at the next zoning bylaw housekeeping review for the following reasons:

- It is not advised to add a new clause to this amendment bylaw at Third reading.
- Administration intends to include definitions of ‘major alteration’ and ‘minor alteration’ in the next zoning bylaw housekeeping review, as these definitions are used in the Fees and Charges Bylaw and are used to determine what kind of development permit is required for an applicant’s project. Given how close these definitions are to “major structural alteration”, it is sensible to consider these terms concurrently.
- The word ‘conversion’ is not referenced anywhere in the ZBL aside from the definition; therefore, it is believed that no impacts will result from the word “major” being left in the definition for the time being.

APPROVAL		
NAME:	Cory Bellmore, CAO	SIGNATURE: 
DATE:	Feb 17, 2021	



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

WHEREAS section 288 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that a council, within two years after the adoption of an official community plan, or as soon as is practicable after the adoption of an amendment to an official community plan, a council must adopt a zoning bylaw.

WHEREAS section 288 of the Municipal Act, RSY 2002, c. 154, and amendments thereto, provides that no person shall carry out any development that is contrary to or at variance with a 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. 5 Bylaw**

2.00 Purpose

2.01 The purpose of this bylaw is to provide for:

- (a) A re-zoning of Lot 7, Block J, Ladue Estate from C1: Core Commercial to P1: Parks and Natural Space.
- (b) 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 *Interpretations Act*, RSY 2002, c. 125, shall apply;
- (b) "Bylaw Enforcement Officer" means a person employed by the City of Dawson to enforce bylaws;
- (c) "CAO" means the Chief Administrative Officer for the City of Dawson;
- (d) "city" means the City of Dawson;
- (e) "council" means the Council of the City of Dawson;

PART II – APPLICATION

4.00 Amendment

- 4.01 This bylaw amends Schedule C to re-zone Lot 7, Block J, Ladue Estate from C1: Core Commercial to P1: Parks and Natural Space, as shown in Appendix 1.
- 4.02 Repeal and replace S. 1.9.1 "Lots created before the approval of this bylaw that are less than the minimum dimensions or more than the maximum dimensions required of the zone they are in shall be considered to be conforming lots for the purposes of this bylaw".
- 4.03 Insert the following definition to S. 2.2: "PERSONAL SERVICE ESTABLISHMENT means a business which is associated with the grooming or health of persons or the maintenance or repair of personal wardrobe articles and accessories, and may include a barber shop, beauty parlor, shoe repair shop, self-service laundry or dry cleaning establishment."
- 4.04 Insert the following definition to S. 2.2: "RENEWABLE ENERGY SYSTEM means a system or device where energy is derived from sources that are not depleted by using them and transformed for use. Renewable energy systems include but are not limited to solar-electric or solar-thermal panel systems."
- 4.05 Insert the following definition to s. 2.2: "STRUCTURAL ALTERATION means any change to structural supporting elements of a structure including but not limited to foundations, exterior load-bearing walls, door and window openings, roof, and



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- access/egress components (such as decks or porches), which does not increase the exterior dimensions of height or footprint. For the purposes of this bylaw, full removal of a structure or structural component and replacing it in its entirety constitutes structural alteration. Repairs, maintenance, or installations that do not alter the size of the building or other structure or involve the rearrangement or replacement of structural supporting elements does not constitute structural alteration.”
- 4.06 Insert the following clause: S. 4.2.10 “wall tents or similar temporary structures provided the wall tent consists only of a frame and canvas walls. For the purposes of this bylaw, construction of a structure with a floor, walls, or roof requires an approved development permit.”
- 4.07 Insert the following clause: S. 4.2.11 “roof-mounted renewable energy systems outside of the Historic Townsite.”
- 4.08 Repeal S. 4.3.6 and replace with the following: S. 4.3.6 “an application shall not be deemed complete until all requirements above have been submitted to the satisfaction of a development officer. Partially complete applications that are inactive for a period of six months or more may be cancelled at the discretion of the development officer.”
- 4.09 Insert the following clause: S. 4.4.1.5 (V) “the applicant is unable to prove the extent of a development using a survey conducted by a registered Canada Lands Surveyor.”
- 4.10 Repeal S. 5.3 and re-insert the clause as S. 4.8.
- 4.11 Repeal S. 8.11(c) and replace with the following: S. 8.11(c) “a Cannabis Retail Service shall be allowed to sell non-regulated goods. A Cannabis Retail Service must comply with section. 17(1) of the Federal *Cannabis Act* when selling goods that promote cannabis.”
- 4.12 Insert “personal service establishment” in S. 12.1.1 as a permitted use.
- 4.13 Repeal S. 12.2 and replace with the following: S. 12.2 “The purpose of the C2 zone is to permit a wide range of commercial uses that provide service to local industry and/or highway tourism and service needs. Small-scale residential uses in this zone are permitted, though the area remains predominately a service commercial zone.”
- 4.14 Update Table 12-1 as follows: Repeal the line “minimum building height: 13.72m/45ft” and replace with “maximum building height: 13.72m/45ft”.
- 4.15 Update Table 12-3 as follows: Repeal the line “minimum building height: 13.72m/45ft” and replace with “maximum building height: 13.72m/45ft”.
- 4.16 Update Table 12-3 as follows: Repeal the line “minimum setback of buildings from front parcel line: 15.24m/50ft” and replace with “minimum setback of buildings from front parcel line: 6.10m/20ft”.
- 4.17 Repeal S. 16.4.1 and replace with the following: S. 16.4.1 “If the corrective measures described in a notice of offence order issued pursuant to section. 16.3 are not completed



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- within the specified time, the person to whom the order was issued may be issued an offence ticket by a development officer”.
- 4.18 Repeal S. 16.4.3.
- 4.19 Insert the following clause: S. 16.4.5 “for greater certainty, a person found to be in contravention of this bylaw on an ongoing basis may be fined for each day the contravention continues, as per section 340 of the Yukon *Municipal Act*.”
- 4.20 Repeal S. 16.5 and 16.6 and replace with the following:
S. 16.5 “Summary Conviction Penalties
- .1 A person who fails or refuses to comply with an offence ticket is liable to sanctions as described in section 343 of the Yukon Municipal Act.
- .2 In addition to the penalties provided for under section 16.4 of this bylaw, a person convicted of an offence pursuant to section 16.2, may be ordered to remove such development and reclaim the site at that person’s own expense.
- .3 Should any person owning or occupying real property within the City refuse or neglect to pay any penalties that have been levied pursuant to this bylaw, the development officer may inform such person in default that the charges shall be added to, and shall form part of, the taxes payable in respect of that real property as taxes in arrears if unpaid on December 31 of the same year.
- .4 When a development officer has issued a ticket under section 16.4 that results in a summary conviction, the development officer shall report this information to Council.”
- 4.21 Insert the following clause: S. 17.2.3 (VII) “development assessment documentation as detailed in section. 4.3 Development Permit Applications.”

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.



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7.00 Bylaw Readings

Readings	Date of Reading
FIRST	November 20, 2019
PUBLIC HEARING	February 12, 2020
SECOND	February 12, 2020
THIRD and FINAL	

Wayne Potoroka, Mayor
Presiding Officer

Cory Bellmore, CAO
Chief Administrative Officer



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8.00 Appendices

Appendix 1. Amendments to Schedule C

