

THE CITY OF DAWSON

COMMITTEE OF THE WHOLE MEETING #CW23-08

DATE: WEDNESDAY May 31, 2023

TIME: 7:30 PM

LOCATION: City of Dawson Council Chambers



Join Zoom Meeting

<https://us02web.zoom.us/j/83792497137?pwd=THIFVk43SDVGbFhzYkFEVS85OEdnUT09>

Meeting ID: 837 9249 7137

Passcode: 876689

1. CALL TO ORDER

2. ACCEPTANCE OF ADDENDUM & ADOPTION OF AGENDA

1. Committee of the Whole Meeting CW23-08

3. PUBLIC HEARINGS

1. Zoning Bylaw Annual Review-(Housekeeping)
2. Official Community Plan & Zoning Bylaw Amendment-(South of Callison Industrial Subdivision)
3. Official Community Plan Amendment-(Lot 1059, Quad 116B/03)
4. Zoning Bylaw Amendment-(Lots 6 & 7, Block M, Ladue Estate)

4. MINUTES

1. Committee of the Whole Meeting Minutes CW23-07 of May 3, 2023

5. BUSINESS ARISING FROM MINUTES

6. SPECIAL MEETING, COMMITTEE, AND DEPARTMENTAL REPORTS

1. Travel Report-AYC AGM
2. Taxation Update
3. Zoning Bylaw Amendment No. 21 (2022-21)-Housekeeping

7. PUBLIC QUESTIONS

8. ADJOURNMENT

THE CITY OF DAWSON

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



NOTICE OF PUBLIC HEARING

Official Community Plan & Zoning Bylaw Annual Review

(Bylaw No. 2022-21 / Zoning Bylaw Amendment No. 21 Bylaw)

Subject Property	All lands within the municipal boundary
Date and Time	May 31, 2023, 7:00pm
Location	Council Chambers, City Hall
Listen to Public Hearing	Radio CFYT 106.9 FM or cable channel #11

As per the *Municipal Act*, S. 280.1, upon receiving amendments to the Official Community Plan, Council must give notice to the public of the proposed changes. And as per the *Municipal Act*, S. 294.1, upon receiving amendments to the Zoning Bylaw, Council must give notice to the public of the proposed changes. **Therefore, the City of Dawson is now requesting input from the public regarding the 2022 OCP and ZBL review**, to ensure the OCP and ZBL are regularly reviewed and amended by Council.



For more information or to provide your input prior to the public meeting, please contact:

Farzad Zarringhalam
Planning Officer
Box 308, Dawson, YT Y0B 1G0
PlanningOfficer@cityofdawson.ca
867-993-7400 ext. 414

Mel Jensen
Planning Assistant
Box 308, Dawson, YT Y0B 1G0
PlanningAssist@cityofdawson.ca
867-993-7400 ext. 438



NOTICE OF PUBLIC HEARING

Official Community Plan & Zoning Bylaw Amendment

(OCP/ZBL Amendment: #22-128)

Subject Property	South of Callison Industrial Subdivision
Date and Time	May 31, 2023, 7:00pm
Location	Council Chambers, City Hall
Listen to Public Hearing	Radio CFYT 106.9 FM or cable channel #11

As per the *Municipal Act*, S. 280.1, upon receiving amendments to the Official Community Plan, Council must give notice to the public of the proposed changes. And as per the *Municipal Act*, S. 294.1, upon receiving amendments to the Zoning Bylaw, Council must give notice to the public of the proposed changes. **Therefore, the City of Dawson is now requesting input from the public regarding an OCP and ZBL amendment to amend the designations for portions of claims from various zonings to Industrial, to facilitate a Class 4 placer mining operation.**



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NOTICE OF PUBLIC HEARING

Official Community Plan Amendment

(Zoning Bylaw Amendment: Application #23-037)

Subject Property	Lot 1059, Quad 116B/03
Date and Time	May 31, 2023, 7:00pm
Location	Council Chambers, City Hall
Listen to Public Hearing	Radio CFYT 106.9 FM or cable channel #11

As per the *Municipal Act*, S. 280.1, upon receiving amendments to the Official Community Plan, Council must give notice to the public of the proposed changes. Therefore, the City of Dawson is now requesting input from the public regarding a Rezoning Amendment to change a portion of Lot 1059 Quad 116B/03 from INT: Institutional to UR: Urban Residential.



For more information or to provide your input prior to the public meeting, please contact:

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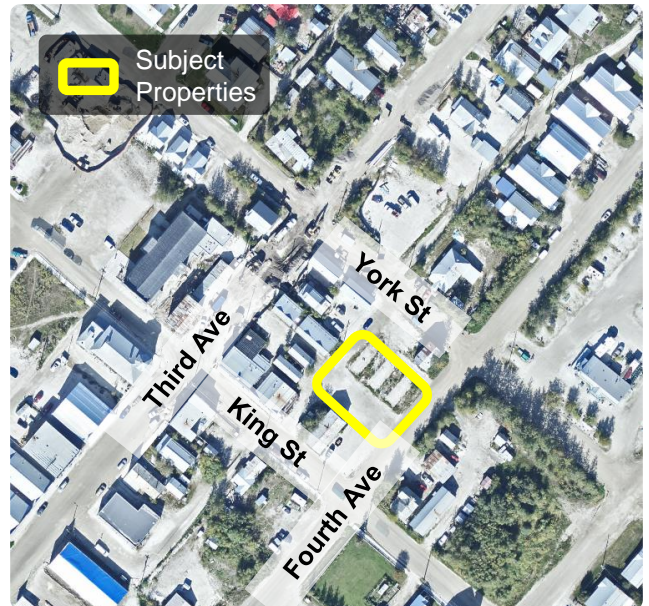
NOTICE OF PUBLIC HEARING

Zoning Bylaw Amendment

(Application #23-040)

Subject Property	Lots 6 & 7, Block M, Ladue Estate
Date and Time	May 31, 2023, 7:00pm
Location	Council Chambers, City Hall
Listen to Public Hearing	Radio CFYT 106.9 FM or cable channel #11

As per the *Municipal Act*, S. 294.1, upon receiving amendments to the Zoning Bylaw, Council must give notice to the public of the proposed changes. Therefore, the City of Dawson is now requesting input from the public regarding a Rezoning Amendment to add **Campground and Lodging Facility as permitted uses** for Lots 6 & 7, Block M, Ladue Estate in order to facilitate the provision of temporary seasonal worker accommodation.



For more information or to provide your input prior to the public meeting, please contact:

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MINUTES OF COMMITTEE OF THE WHOLE MEETING CW23-07 of the Council of the City of Dawson held on Wednesday, May 3, 2023 at 7:00 p.m. via City of Dawson Council Chambers

PRESENT:

Mayor Kendrick
Councillor Somerville
Councillor Lister
Councillor Spriggs

REGRETS:

Councillor Pikálek

ALSO PRESENT:

CAO: David Henderson
EA: Elizabeth Grenon
A/PDM: Farzad Zarringhalam
PWM: Jonathan Howe

	1	Call To Order	The Chair, Mayor Kendrick called Committee of the Whole meeting CW23-07 to order at 7:01 p.m.
CW23-07-01	2	Acceptance of Addendum & Adoption of Agenda Moved By: Councillor Somerville Seconded By: Councillor Spriggs	That the agenda for Committee of the Whole meeting CW23-07 of May 3, 2023 be adopted as presented. CARRIED 4-0
	3	Delegations & Guests	
	3.1	Katie English, Erini Petroutsas and Kim Bouzane RE: Waste Diversion	Katie English, Kim Bouzane, Brian Wilmshurst, and Lilianne Bessette spoke to the current service level of waste diversion vs the service level when Conservation Klondike Society provided waste diversion.
	4	Minutes	
CW23-07-02	4.1	Committee of the Whole Meeting Minutes CW23-06 of April 5, 2023 Moved By: Councillor Spriggs Seconded By: Mayor Kendrick	That the minutes of Committee of the Whole Meeting CW23-06 of April 5, 2023 be approved as presented. CARRIED 4-0
	5	Special Meeting, Committee, and Departmental Reports	
CW23-07-03	5.1	Waste Diversion Centre Information Report Moved By: Councillor Somerville Seconded By: Councillor Spriggs	

That Committee of the Whole postpone the Waste Diversion Centre Information Report to the next Committee of the Whole meeting.

CARRIED 4-0

CW23-07-04	5.1.1	Recycling Plan	Moved By: Councillor Somerville	Seconded By: Councillor Spriggs	<p>That Committee of the Whole direct staff to develop and return to committee a recommended City of Dawson recycling plan for consideration that includes:</p> <ul style="list-style-type: none"> • Curb Side recycling Pick-up options with associated costing • Consideration of commercial / institutional Options * Consideration of composting options • Cost Recovery Options and recommendations • Solid Waste Service Constraint options that may encourage recycling • An implementation plan • An advisory feedback mechanism in the development process. 	CARRIED 4-0
CW23-07-05	5.2	RCMP 2023-2024 Policing Priorities	Moved By: Mayor Kendrick	Seconded By: Councillor Somerville	<p>That Committee of the Whole forwards to Council to issue a letter to Dawson City RCMP notifying them of the following priority issues Council would like the local detachment to focus on for 2022/23:</p> <ul style="list-style-type: none"> • Police/ Community Relations • Attendance at Tr'ondëk Hwëch'in, City of Dawson and Community Events • Positive Relationships between youth and the police • Road Safety • Harm Reduction, including keeping drugs and alcohol away from youth • Restorative Justice 	CARRIED 4-0
CW23-07-06	5.3	Canadian Bank of Commerce building (CBC)	Moved By: Mayor Kendrick	Seconded By: Councillor Somerville	<p>That Committee of the Whole direct administration to give possession of the artifacts from the Canadian Bank of Commerce to the Dawson City Museum while the restoration is underway or until further direction is provided.</p>	CARRIED 4-0
CW23-07-07	5.4	Recess	Moved By: Councillor Somerville	Seconded By: Councillor Spriggs	<p>That Committee of the Whole take a three-minute recess.</p>	CARRIED 4-0
CW23-07-08	5.5	Zoning Bylaw Amendment No. 21 (2022-21)-Housekeeping	Moved By: Councillor Somerville	Seconded By: Mayor Kendrick		

That Committee of the Whole forward Bylaw 2022-21, being Zoning Bylaw Amendment No. 21, to Council for first reading and public hearing.

CARRIED 4-0

CW23-07-09	5.6	Temporary Accommodation Update	CAO, David Henderson, presented a summary of the temporary accommodation request from Klondike Visitor's Association.
CW23-07-10	5.7	Extend Meeting Moved By: Councillor Spriggs Seconded By: Councillor Somerville	That Committee of the Whole extend meeting CW23-07 not to exceed one hour. CARRIED 4-0
	5.8	CAO Update Report	CAO, David Henderson, presented a summary regarding the discussion with Yukon Emergency Medical Services (YEMS) as well as a summary on the collaborative projects that are ongoing with Tr'ondëk Hwëch'in.
	6	Public Questions	Dan Davidson had questions regarding the sewage lagoon and tent city. Derrick Hastings had questions regarding the Waste Diversion Centre and the job description of the Waste Diversion Manager.
	7	In Camera-Land Related Matter	
CW23-07-11	7.1	Move to In Camera Moved By: Mayor Kendrick Seconded By: Councillor Somerville	That Committee of the Whole move into a closed session of Committee of the Whole, as authorized by Section 213(3) of the Municipal Act, for the purposes of discussing a land related matter. CARRIED 4-0
	8	Adjournment	No adjournment was made because the meeting automatically adjourned at 11:00PM.

THE MINUTES OF COMMITTEE OF THE WHOLE MEETING CW23-07 WERE APPROVED BY COMMITTEE OF THE WHOLE RESOLUTION #CW23-XX-XX AT COMMITTEE OF THE WHOLE MEETING CW23-XX OF MAY 31, 2023.

William Kendrick, Mayor

David Henderson, CAO

Mayor

CAO

Report to Council



For Council Decision
 For Council Direction
 For Council Information

AGENDA ITEM:	Travel Report- 2023 AYC AGM	
PREPARED BY:	CAO	ATTACHMENTS:
DATE:	May 19, 2023	
RELEVANT BYLAWS / POLICY / LEGISLATION: City of Dawson Travel Policy		

RECOMMENDATION

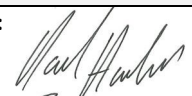
That Council Receive this travel report for Information purposes.

Travel Report

The 2023 Association of Yukon Communities (AYC) Annual General Meeting was hosted by Watson Lake.

- The City of Dawson is a member of AYC and the CAO and Members of Council are invited to attend the conference annually. AYC represents the Yukon Municipalities and lobbies upper government on their behalf on various municipal issues.
- The conference officially starts Thursday Morning with a daylong staff session (CAOs and other staff depending on the issues under discussion, Various YG officials , AYC Reciprocal Insurance representatives, and AYC staff) .
- On Friday Morning the Official Conference Starts with the addition of Municipal and Yukon Territory Elected officials and representatives of multiple government agencies and bodies and technical consulting staff serving municipalities. Friday Night a formal dinner is provided by the conference. The Conference continues through a full day Saturday with presentations by YG Elected officials and agencies plus presentations on various issues deemed pertinent by conference organizers and the AYC executive. Saturday Night is a formal dinner with awards presentations and a fundraising live auction of items donated by businesses in the member communities
- On Sunday morning the official AYC Board Meeting takes place with municipal elected officials who are present as voting board Members along with YG Municipal services representatives. The Board deals with member proposals on various municipal issues, primarily items that will be carried forward to lobby the Territorial Government on. The following or approx. summaries of the resolutions adopted and should be viewed for context and not actual wording
 - Resolution adopted to have the Yukon Municipal Act comprehensively reviewed in light of innovative municipal act modifications adopted in other Canadian jurisdictions
 - Resolution adopted to ask that the Gas tax annual allocation be tripled
 - Resolution adopted asking for the development of a long term program for cash flow support for emergency planning, preparedness and response
 - Resolution adopted asking for better consultation on programs being developed and implemented at the YG level that directly affect municipalities
 - Resolution adopted asking the Yukon Government to address the issues around EMS service gaps
 - Resolution adopted asking YG to address funding issues with the Humane Society
 - Resolution adopted asking YG to address the issue of property taxes peripheral to municipalities being unrealistically lower than the property taxes necessary in adjacent municipalities.
 - Resolution adopted asking YG to enable permanent residents to vote in municipal elections and stand as candidates.

- CAO Travel to Watson Lake was by car with stopovers in Whitecourt on the way to the conference (from the south) and in Whitehorse (On the Way from the Conference to Dawson). The CAO was required to be in Watson Lake by the evening of Wed May 10

APPROVAL		
NAME:	David Henderson CAO	SIGNATURE: 
DATE:	26-May-2023	

Report to Council

For Council Decision For Council Direction For Council Information



AGENDA ITEM:	Report on Taxation Revenue 2023	
PREPARED BY:	Kim McMynn, CFO	ATTACHMENTS:
DATE:	May 18, 2023	
RELEVANT BYLAWS / POLICY / LEGISLATION:	Tax Levy Bylaw 2023 Operating Budget	

BACKGROUND SUMMARY

The City of Dawson, along with the Town of Watson Lake and the City of Whitehorse, levy and prepare the tax notices from the Property Taxation Roll. A preliminary roll is received in November and it is reviewed for roll number changes (often a consolidation, subdivision or other land change generates a new roll number). Our staff check addresses and relays information back to the Property Assessment & Taxation department. Property Assessment notices are mailed out by the Assessment and Taxation branch in November and property owners have an opportunity to appeal their assessments. After the appeal process has been completed, an excel file is received from YG. We begin preparing the file for uploading into our system. The file is reviewed for to ensure that any Land Title changes between November to date have been captured. We spend considerable time using a "Test" module in Diamond to ensure the assessment upload file will produce minimal errors. This year was the first year in which our staff needed to change tax codes for the new rates, so the Test module was an extremely useful tool. Once we are satisfied that the upload file is ready, and we have ensured the new tax rates are entered into the system, we upload the file and begin printing Property Tax notices. We print notices for property owners, as well as copies for mortgage companies. Spreadsheets and pdf copies are prepared for mortgage companies and sent via email and regular mail to the respective companies. The mail out is prepared, which includes the Property Tax Notice and any supplemental paperwork relating to homeowner's grants. Mail is sorted by region/Country and bundled appropriately for expediting the mailout at Canada Post.

We receive the Grant-in-lieu reports in early May (once our Tax Levy Bylaw has been approved). The report contains the Grants-in-Lieu for non-vacant properties owned by the Government of Yukon, Yukon Energy Corporation, the Federal Government (Government of Canada, RCMP and Parks Canada) and the Canadian Broadcasting Corporation. The CFO compares the grants-in-lieu to the roll and reviews any properties that appear to be taxable, but have not been included in the report. Finance will process the taxable properties using Invoices and upload sites to generate payment.

Development Incentive grants are generated once the Property Tax notices are prepared and the recipients are notified of their grant.

2023 TAXATION LEVY RESULTS

Property tax notices for 863 property owners were generated and mailed. Finance generated and additional 137 copies for mortgage holders. A number of duplicate copies were also prepared for properties with multiple owners with different addresses. Taxation Revenue for Residential and Non-residential properties totalled \$2,971,613, of which \$8,000 was generated from the vacant residential land

tax levy. Budget was estimated at \$2,979,971. Difference occurred due to significant reduction for five properties in the Callison and Klondike Highway areas, resulting in a reduction of assessed value totalling \$455,470 that was not anticipated.

The 2023 Grant in lieu Reports indicate a total amount of \$684,645 will be received. Budget was estimated at \$681,358.

NAME:	Paul Robitaille, Acting CAO	SIGNATURE:
DATE:	2023-05-18	

REPORT TO COUNCIL

May 29, 2023



For Council Decision For Council Direction For Council Information In Camera

SUBJECT

Zoning Bylaw Amendment No.21 (Bylaw #2022-21)

Housekeeping

PREPARED BY

Planning and
Development
Department

References

- Municipal Act
- Historic resource Act
- Zoning Bylaw
- Heritage Bylaw
- Heritage Management Plan

Attachments

◦ n/a

ISSUE / PURPOSE

The main objectives of this report are to highlight key points of discussion and to share additional research that Planning staff has conducted on Zoning Bylaw Amendment No. 21.

BACKGROUND

Zoning Bylaw Amendment No. 21 was given first reading by Council on May 17th and was forwarded to the Committee meeting for further discussion.

ANALYSIS/DISCUSSION

Historic Resource Demolition

1. Where are the gaps?

The current bylaws and policies are unclear as to what staff and council may do in response to an application for the demolition of a presumably valuable but undesignated structure. The Zoning Bylaw's most pertinent provision is as follows:

Demolition of a structure listed in the Yukon Government Historic Sites Registry shall occur only in extenuating circumstances, and must be approved by Council in consultation with the Heritage Advisory Committee and Yukon Government Historic Sites.

What are the extenuating circumstances? This doesn't explain anything and just raises more questions.

2. What are the options?

Determining whether the structure needs to be designated is the key to determining whether or not a demolition permit should be granted. Designated structures are protected to the utmost degree.

3. What structures may be designated?

According to sections 15 and 37(1) of the *Historic Resource Act*, a municipal council may designate a site as a municipal historic site when, in the opinion of the council, the site is an important illustration of:

- a) the historic or pre-historic development of the Yukon or a specific locality in the Yukon, or of the peoples of the Yukon or locality and their respective cultures; or
- b) the natural history of the Yukon or a specific locality in the Yukon, and has sufficient historic significance to be so designated.



These qualitative descriptions cannot provide a threshold for designating structures. In actuality, there is no clear cut definition of what constitutes a historic site. A site could be considered a historic resource because of the individuals who once resided there, or because of its age and location, etc.

The next question is what the council can do to increase the transparency of the decision-making process and justification for designating structures. This will be addressed in the following section.

4. The Solution

Setting up criteria for evaluation may be the answer. The criteria would aid the council in a) adhering to a consistent procedure for all applications, b) ensuring fairness to all applicants, c) ensuring that no component that would be crucial in designating a structure is overlooked, and d) providing a more transparent approach.

It should be emphasized that the criteria are just intended to serve as a general reference and are not intended to be hard rules.

The designation process shall be started in accordance with the Heritage Bylaw and Historic Resource Act (i.e., by passing a bylaw, holding a public hearing, etc.) after council finds, based on the evaluation criteria, that a structure is significant enough to be designated.

The categories upon which evaluation criteria may be established are presented at the end of this section.

5. Zoning Bylaw vs. Heritage Bylaw

Administration suggests that the section on historic resource demolition be put in the Heritage Bylaw rather than the Zoning Bylaw after carefully reviewing associated ordinances and documents. Reasons include:

- The content of zoning bylaws is outlined in S. 290(1) of the Municipal Act, however none of them specifically address the protection of historic sites and buildings.
- The Heritage Management Plan's S.5.2 notes that "[t]he 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."
- The Heritage Bylaw's S.2.01 purpose statement lists "[t]he designation and protection of municipal historic resources" as one of its objectives.

Since the subject of historic resource demolition has been well covered and discussed here, the modification to the Heritage Bylaw should go without a hitch. That ensures that the time spent by the council members reading these reports and hearing from the public was not lost, but rather contributed to building a strong foundation for the suggested adjustments.

Council may direct administration to remove the whole section from Zoning Bylaw Amendment No. 21 and replace it with a clause that refers the demolition of historic resources to the Heritage Bylaw.

6. De-designation process

While the de-designation procedure may be started for other reasons, the 'unsafe' structure will be the most common for sites within the City of Dawson. The Heritage Bylaw does not specifically address the de-designation process. However, the Historic Resource Act's section 46 "revocation - not under appeal" stipulates the following:

2) If a bylaw, as proposed or as amended, has been passed under this Part, the council of a municipality may, by a further bylaw, revoke or vary that bylaw, but the revocation or variation must be made by following the same procedure as is established by sections 41 to 43 for making designations when there are objections.

The administration suggests that no changes be made to the Heritage Bylaw with reference to this matter after more consideration and research. Among the reasons for this are:

- 1) Since there are not many designated sites at the moment, it's less likely that the de-designation process will start.
- 2) Regarding future applications, the evaluation criteria will be used to determine the designation of structures. Poor structural integrity may make it less likely that a building will be designated because "Integrity" is one of the criteria. So, there is a lower likelihood that the de-designation process will need to be started.
- 3) The necessity for public hearings in the designation process will reduce the likelihood that unsafe structures will be designated.



7. Proposed text amendment

“Demolition of a structure 40 or more years old or listed in the Yukon Historic Sites Inventory (YHSI) or Heritage Inventory shall occur only in extenuating circumstances, and must be approved by Council in consultation with the Heritage Advisory Committee and Yukon Government Historic Sites.

- I. Upon receipt of a complete application for the demolition of an undesignated heritage resource 40 or more years old or listed on the Yukon Historic Sites Inventory or Heritage Inventory, the application shall be subject to a forty-five (45) day review period whereby Council shall determine if the process of Municipal Historic Site designation shall be commenced using Heritage Evaluation Criteria.
- II. Council may not designate a site as a heritage resource without the written consent of the owner, if the site proposed for designation is a residence in which its owner resides.
- III. No person shall carry out an activity that will alter the historic character of a site that is designated or where Council has provided notice of intent to designate unless the activity is carried out in accordance with a Historic Resources Permit, as specified in the *Heritage Bylaw*.
- IV. Any person who proposes to carry out an activity that may alter the historic character of a designated historic site or a site that is subject to a notice of intended designation shall, prior to commencing the proposed activity, submit an application for a Historic Resources Permit, as specified in the *Heritage Bylaw*.”

Council shall establish a Heritage Evaluation Criteria in order to attribute a score to a historic resource based on the five following categories:

Architectural History

- I. The building may embody characteristics of an architectural type valuable for the study of a style or a method of construction of its period or the City or the Yukon. It may also be a notable example of a builder or architect's work.
- II. The building has the strong potential for illustrating the City's heritage to a degree such that it will be possible for the visitor to gain from the building an understanding of the architecture or history with which it is associated.
- III. The building is significant because of the original materials and workmanship remaining.

Architectural criteria may include such attributes as its picturesque quality or functional nature including massing, proportion, scale, layout, material detailing, color, texture, fenestration, ornamentation or artwork.

Cultural History

- I. A building and/or site that has an association with a person, group, or institution with historical significance to the city. This may include a well-known pioneer, an organization or business, or distinct group of people.
- II. A building and/or site that has an association with an event or activity of historical significance to the City. This may be a unique event or a recurring event.
- III. A building and/or sites association with broad patterns of local area or civic history including ecological, social, political, economic or geographic change. (theme)

Context

The historical context of a building or site refers to the historical relationship between the building's site and its immediate environment.

- I. A notable and historical relationship between a building's site and the street, railway, waterfront, view or other geographic features which were a part of the building's original function. (landscape)



- II. A building's continuity and compatibility with adjacent and surrounding buildings and the building's visual contribution to a group of similar buildings. (urban design/streetscape)
- III. A building's and/or site's visual or symbolic importance as a local landmark.

Integrity

The historical integrity of a building refers to the degree of alteration the building has sustained since its original construction.

- I. The extent and the impact of the changes and alterations that have occurred to the building over time. The items to consider may include style, design and construction.
- II. The structural integrity of the building, the interior, exterior and the site.
- III. The location of the building in relation to its original site.

Age

This category refers only to the age of the building.

Suggestion

Following are some examples of evaluation criteria and scoring systems:

Criteria		Excellent (3)	Good (2)	Fair/Poor (1)
Architectural History	Form and function			
	Cultural History			
	Association			
	Pattern			
Context				
Integrity				
Age (for information only, not to be scored)				
Total				

APPROVAL

NAME:

Date:

Signature



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 21 Bylaw

Bylaw No. 2022-21

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. 21 Bylaw**

2.00 Purpose

2.01 The purpose of this bylaw is to provide for:

- (a) A series of text amendments.
- (b) A series of amendments to Table 9-1 'REQUIRED OFF-STREET PARKING SPACES', as shown in Appendix 1.
- (c) Amendments to Table 9-2 'REQUIRED OFF-STREET LOADING SPACES', as shown in Appendix 2.



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 21 Bylaw

Bylaw No. 2022-21

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DRAFT



THE CITY OF DAWSON

Zoning Bylaw Amendment No. 21 Bylaw

Bylaw No. 2022-21

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) “city” means the City of Dawson;
- (c) “council” means the Council of the City of Dawson;

PART II – APPLICATION

4.00 Amendments

- 4.01 Repeal S.5.3 Water and Sewer Facilities from the Table of Contents and insert: “4.8 Water and Sewer Facilities”.
- 4.02 Insert “4.9 Demolitions” to Table of Contents.
- 4.03 Insert the following definition to S.2.2: “HISTORIC RESOURCE means a historic site, historic object, or any work or assembly of works of nature or human endeavor listed in the Yukon Historic Sites Inventory”.
- 4.04 Repeal SEASONAL definition duplicate in S.2.2.
- 4.05 Repeal the LANDSCAPING definition in S.2.2 and replace with the following: “LANDSCAPING means to change, modify, or enhance the visual appearance of a site in order to beautify or screen the appearance of a lot. This may be done by reshaping the earth; planting lawns, shrubs, or trees; preserving the original natural vegetation; and adding walks, fencing, patios, ornamental features, and public art.”
- 4.06 Repeal S.4.2.2 and replace with the following: “landscaping where the existing grade and surface drainage pattern is not materially altered, except when landscaping is required as part of a development permit. Landscaping should not impact existing utilities, obstruct windows and entryways, or divert pedestrian, cyclist and vehicular circulations.”



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- 4.07 Insert the following definition to S.2.2: “RELIGIOUS ASSEMBLY means development used for worship and related religious, philanthropic or social activities and includes accessory rectories, manses, meeting rooms, food preparation and service facilities, classrooms, dormitories and other buildings. This use does not include Commercial School”.
- 4.08 Repeal the PERSONAL SERVICE ESTABLISHMENT definition in S.2.2 and replace with the following: “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, spa, medical and dental office, beauty parlor, shoe repair shop, self-service laundry or dry-cleaning establishment”.
- 4.09 Repeal ‘PERSONAL SERVICES’ definition in S.2.2.
- 4.10 Insert the following definition to S.2.2: “TEMPORARY SHELTER SERVICES means the provision of communal, transient accommodation sponsored or supervised by a public authority or nonprofit agency intended to provide basic lodgings for persons requiring immediate shelter and assistance for a short period of time”.
- 4.11 Repeal S.7.9 Visibility at Intersections.
- 4.12 Repeal S.3.2.2 and replace with the following: “by resolution appoint the members of the Heritage Advisory Committee for terms of office, as specified under the *Heritage Bylaw*.”
- 4.13 Repeal S.4.1.1.5 and replace with the following: “Demolition of a structure 40 or more years old or listed in the Yukon Historic Sites Inventory shall occur only in extenuating circumstances, and must be approved by Council in consultation with the Heritage Advisory Committee and Yukon Government Historic Sites.”
- I. Upon receipt of a complete application for the demolition of an undesignated heritage resource listed on the Yukon Historic Sites Inventory, the application shall be subject to a thirty (30) day review period whereby Council shall determine if there is a consensus to commence the process of Municipal Historic Site designation. If there is not, a demolition permit shall be issued.
 - II. Council may not designate a site as a heritage resource without the written consent of the owner, if the site proposed for designation is a residence in which its owner resides.



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- III. No person shall carry out an activity that will alter the historic character of a site that is designated or where Council has provided notice of intent to designate unless the activity is carried out in accordance with a Historic Resources Permit, as specified in the *Heritage Bylaw*.
- IV. Any person who proposes to carry out an activity that may alter the historic character of a designated historic site or a site that is subject to a notice of intended designation shall, prior to commencing the proposed activity, submit an application for a Historic Resources Permit, as specified in the *Heritage Bylaw*.”
- 4.14 Insert the following as S.8.1:
Conditional Use:
Conditional Uses are specific land uses which may or may not be acceptable on a given property, depending on the context and particular circumstances of the proposed development. There is a requirement for public notice of the application and a public hearing as per s.17.5.2 through s.17.5.5 of this bylaw.
1. Council may approve, deny, or approve with conditions applications for development permits for conditional uses provided the Conditional Use:
 - I) will be compatible with the general nature of the surrounding area;
 - II) will not be detrimental to the health or general welfare of people living or working in the surrounding area, or negatively affect other properties or potential development in the surrounding area; and
 - III) is generally consistent with the applicable provisions of the current bylaw, Official Community Plan, and Heritage Management Plan.
- 4.15 Insert the following as S.3.2.12: “approve, deny, or approve with conditions applications for development permits for conditional uses”
- 4.16 Insert the following as S.3.3.17: “refer development permit applications for conditional uses to Council for decision”
- 4.17 Insert the following as S.14.2:
14.2.3. Conditional Use
1. landfill and waste treatment facility
 2. sewage treatment plant
 3. lagoon



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4. Electrical substation

4.18 Amend S.8.7.1.I as follows: “This does not include landfills and waste treatment facilities, sewage treatment plants, lagoons, or electrical substations”

4.19 Insert the following to S.4.1.1.6:

“Council shall establish a Heritage Evaluation Criteria in order to attribute a score to a historic resource based on the five following categories:

Architectural History

- I. The building may embody characteristics of an architectural type valuable for the study of a style or a method of construction of its period or the City or the Yukon. It may also be a notable example of a builder or architect's work.
- II. The building has the strong potential for illustrating the City's heritage to a degree such that it will be possible for the visitor to gain from the building an understanding of the architecture or history with which it is associated.
- III. The building is significant because of the original materials and workmanship remaining.

Architectural criteria may include such attributes as its picturesque quality or functional nature including massing, proportion, scale, layout, material detailing, colour, texture, fenestration, ornamentation or artwork.

Cultural History

- I. A building and/or site that has an association with a person, group, or institution with historical significance to the city. This may include a well-known pioneer, an organization or business, or distinct group of people.
- II. A building and/or site that has an association with an event or activity of historical significance to the City. This may be a unique event or a recurring event.
- III. A building and/or sites association with broad patterns of local area or civic history including ecological, social, political, economic or geographic change. (theme)

Context

The historical context of a building or site refers to the historical relationship between the building's site and its immediate environment.



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- I. A notable and historical relationship between a building's site and the street, railway, waterfront, view or other geographic features which were a part of the building's original function. (landscape)
- II. A building's continuity and compatibility with adjacent and surrounding buildings and the building's visual contribution to a group of similar buildings. (urban design/streetscape)
- III. A building's and/or site's visual or symbolic importance as a local landmark.

Integrity

The historical integrity of a building refers to the degree of alteration the building has sustained since its original construction.

- I. The extent and the impact of the changes and alterations that have occurred to the building over time. The items to consider may include style, design and construction.
- II. The structural integrity of the building, the interior, exterior and the site.
- III. The location of the building in relation to its original site.

Age

This category refers only to the age of the building.”

- 4.20 Repeal S.4.1.1 and insert contents into new S.4.9.
- 4.21 Repeal and replace Table 9-1 with the amendments shown in Appendix 1.
- 4.22 Repeal and replace Table 9-2 with the amendments shown in Appendix 2.
- 4.23 Insert 'temporary shelter services' to S.11.1.1.
- 4.24 Insert 'temporary shelter services' to S.11.2.1.
- 4.25 Insert 'personal service establishment' to S.12.1.1.
- 4.26 Repeal 'recreation facilities' from S.12.1.1.
- 4.27 Insert 'temporary shelter services' to S.12.1.1.



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- 4.28 Administrative numbering edit of S.12.0 'C2 Zone (Commercial Mixed Use)' to S.12.2.
- 4.29 Administrative numbering edit of S.12.0.1 to S.12.2.1.
- 4.30 Administrative numbering edit of S.12.0.2 to S.12.2.2.

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	May 17, 2023
PUBLIC HEARING	
SECOND	
THIRD and FINAL	

William Kendrick, Mayor
Presiding Officer

David Henderson, CAO
Chief Administrative Officer



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8.00 Appendices

Appendix 1. Amended Table 9-1 'REQUIRED OFF-STREET PARKING SPACES':

USE	REQUIRED PARKING SPACES
Residential uses	
Single detached and duplex dwelling (4 bedrooms or less)	1 per dwelling unit
Single detached and duplex dwelling (over 4 bedrooms)	2 per dwelling unit and 1 per additional bedroom over 4
Multi-unit residential	1 per dwelling unit
Bed and breakfast	1 per 2 bedrooms available for rent (in addition to the space required for the residential use)
Secondary suite or garden suite	1 per suite
Temporary shelter services	1 per every 2 sleeping units
Institutional uses	
Hospital	1 per 100m. ² (1,076ft. ²) of floor area
School	1 per classroom
Place of public assembly, including arena, assembly halls, auditorium, club, lodge and fraternal building, community centre, convention hall, funeral parlour and undertaking establishment, gymnasium, meeting hall, theatre, or community recreation facility	1 per 10m. ² (108ft. ²) of floor area
Museum and public library	1 per 50m. ² (538ft. ²) of floor area
Child Care Centres	1 parking stall per 8 children (Bylaw 2021-15 passed on August 3, 2022)
Commercial uses	
Bank, administrative, or professional office	1 per 100m. ² (1,076ft. ²) of floor area
Medical or dental office or clinic	1 per 100m. ² (1,076ft. ²) of floor area
Retail store, personal service establishment, shopping centre, department store, and supermarket	1 per 100m. ² (1,076ft. ²) of floor area
Furniture and appliance sales, automobile and boat sales	1 per 150m. ² (1,615ft. ²) of floor area
Restaurant or eating establishment, lunch counter, diner, beer parlour, cocktail lounge, bar, or other similar establishment for the sale and consumption of food or	1 per 50m. ² (538ft. ²) of floor area



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beverages on the premises	
Hotel	1 per every 4 dwelling or sleeping unit with bus stall 1 per every 2 dwelling or sleeping unit without bus stall
Motel	1 per dwelling or sleeping unit
Lodging facility, non-permanent or permanent	1 per dwelling or sleeping unit
Billiard and pool hall	1 per playing table
Bowling alley	2 per alley
Laundromat	1 per 4 washing machines
Campground	1 per camping site + 1 space for the operator
Industrial uses	
Contractor or public works yard	1 per 150m. ² (1,615ft. ²) of floor area
Machinery sales and repair	1 per 150m. ² (1,615ft. ²) of floor area
Warehousing or storage	1 per 150m. ² (1,615ft. ²) of floor area
Tire repair	1 per 150m. ² (1,615ft. ²) of floor area + 1 per service bay
Manufacturing and industrial	1 per 150m. ² (1,615ft. ²) of floor area
Contractor or public works yard	1 per 150m. ² (1,615ft. ²) of floor area
Machinery sales and repair	1 per 150m. ² (1,615ft. ²) of floor area

Appendix 2. Amended Table 9-2 'REQUIRED OFF-STREET LOADING SPACES':

CLASS OF BUILDING	REQUIRED LOADING SPACES
Retail store, manufacturing, fabricating, processing, warehousing and wholesaling establishment	
i. Less than 2,000m. ² (21,528ft. ²) in floor area	1
ii. 2,000m. ² (21,528ft. ²) to 4,000m. ² (43,056ft. ²) in floor area	2
iii. Greater than 4,000m. ² (43,056ft. ²) in floor area	3