

# THE CITY OF DAWSON

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## NOTICE OF SPECIAL COUNCIL MEETING #C24-17

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

**DATE OF MEETING:** TUESDAY, DECEMBER 3, 2024  
**PLACE OF MEETING:** COUNCIL CHAMBERS, CITY OFFICE  
**TIME OF MEETING:** 6:00 PM

### Join Zoom Meeting

<https://us02web.zoom.us/j/88160108709?pwd=Xzv8it22RIMUWQziwujwot4IZApbxO.1>

**Meeting ID:** 881 6010 8709

**Passcode:** 216011

### **PURPOSE OF MEETING:**

1. Call to Order
2. Subdivision Application #24-087, Lot 1072, Quad 116B/03
3. Zoning Bylaw Amendment No.32 (Bylaw #2024-13)
4. Adjournment

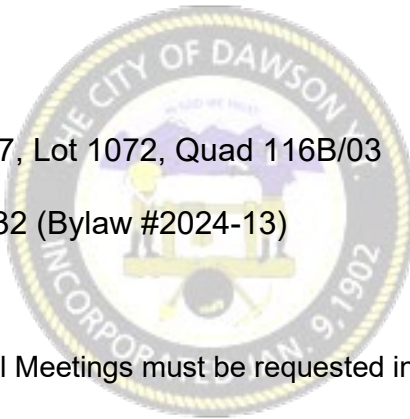
As per Municipal Act Section 184, Special Meetings must be requested in writing by either:

- a) Mayor
- b) Two Councillors

Date Special Meeting Requested: November 28, 2024  
Special Meeting request by: Stephen Johnson, Mayor

\_\_\_\_\_  
Mayor, Stephen Johnson      December 3, 2024  
Date

\_\_\_\_\_  
CAO, David Henderson      December 3, 2024  
Date





# City of Dawson Report to Council

Agenda Item	Subdivision Application 24-087
Prepared By	Planning and Development
Meeting Date	December 3, 2024
References (Bylaws, Policy, Leg.)	Subdivision Bylaw, Municipal Act, OCP, Zoning Bylaw
Attachments	

x	Council Decision
	Council Direction
	Council Information
	Closed Meeting

## Recommendation

That Council not approve Subdivision Application #24-087, to subdivide Lot 1072, Quad 116B/03 into two lots, due to Zoning Bylaw compliance issues.

## Executive Summary

Subdivision Application 24-087 proposes to subdivide Lot 1072, Quad 116B/03 into a larger lot (Lot A) and a smaller lot (Lot B) in order to facilitate the owner's intention to sell Lot B.

## Background

The submission of Subdivision Application 24-087 was completed on September 10<sup>th</sup>, 2024.

This application was presented to Council on October 15, 2024, however the decision was postponed until the following council meeting.

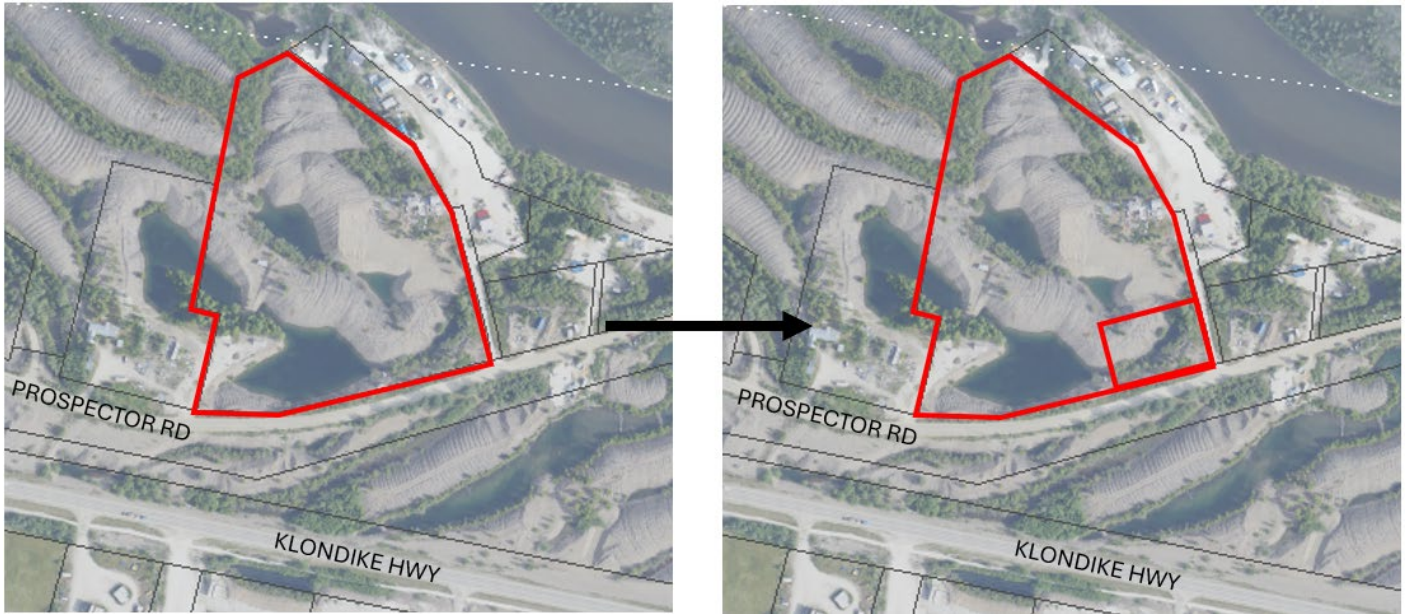
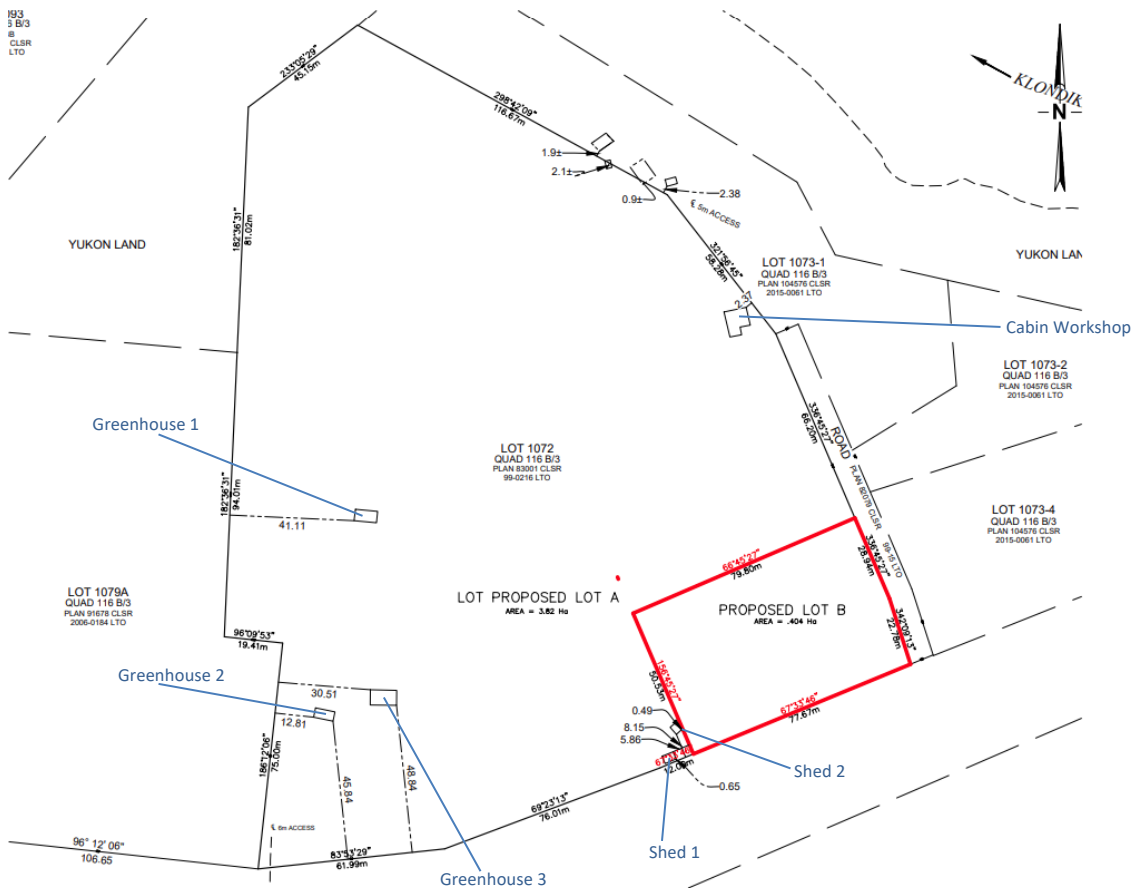


Figure 1: DP #24-087



**Figure 2: Labelled Preliminary Survey for DP #24-087**

**Discussion / Analysis**

**Subdivision Bylaw**

Subdivision Control Bylaw s. 3.01 states that every subdivision of land must be made in accordance with the Municipal Act, the Official Community Plan, the Zoning Bylaw, and the Subdivision Control Bylaw. The Analysis/Discussion section of this report is intended to discuss the proposal’s conformity with the provisions outlined in the relevant legislation, policies, and plans.

**Municipal Act**

Municipal Act s. 314 details the requirements for any proposed plan of subdivision to have direct access to the highway to the satisfaction of the approving authority. In conformity with this provision, access to the proposed lots exist on Prospector Road and the road to the east side of the parcels.

According to S.319 (3) of the Municipal Act “Subject to any other provisions of this Act, if an approving authority is of the opinion that compliance with a requirement of any applicable regulation or bylaw is impractical or undesirable because of circumstances peculiar to a proposed subdivision, the approving authority may relieve the applicant in whole or in part from compliance with the requirement, but no relief shall be granted that is contrary to the provisions of an official community plan or zoning bylaw.”

**Official Community Plan**

The property is currently designated as CR- Country Residential. This area predominantly consists of low-density residential uses, small-scale open spaces and institutional uses. Residential lots in these areas do not necessarily rely on being connected to municipal water and sewer infrastructure.

The subdivided lots would retain the same designation and any new use or development on the proposed lot would be required to conform to the OCP designation, or else apply for an OCP Amendment.

**Zoning Bylaw**

The Zoning Bylaw is intended to implement the goals of the OCP. Lot 1072 is Zoned R3: Country Residential.

According to Table 11-3 of the Zoning Bylaw, the minimum and maximum parcel size requirements for the Country Residential zone are 1 acre and 4 acres, respectively. The proposed Lot A will be approximately 9.4 acres, exceeding the maximum parcel size and hence non-compliant. The proposed Lot B is one acre in size and will comply with the Zoning Bylaw.

Lot B would contain no structures. Lot A would contain 3 greenhouses (accessory structure), 1 “cabin workshop” (serves as the primary residence), and two sheds (accessory structure), all of which are compliant uses. Although requested by staff, the floor area of the primary residence on Lot A was not provided to determine whether it meets the minimum floor area of 900 ft<sup>2</sup>. All setbacks for the three greenhouses are compliant, however, the other three structures on the lot contain the following non-compliant setbacks below the minimum of 4.57m:

- Shed 1: Front setback of 0.65m. All other setbacks are compliant
- Shed 2: East side setback of 0.49m. All other setbacks are compliant, and the owner has stated that they intend to demolish the structure.
- Cabin Workshop: East side setback of 2.37m. All other setbacks are compliant.
- Two structures encroaching from the adjacent Lot 1073-1 also exist on the Northeast side of Lot A, however, they are owned by the owners of Lot 1073-1.

S.5.1.1 of the Zoning Bylaw stipulates the following:

*“At the sole discretion of Council, parcels with a pre-existing legally non-conforming use or structure may be subdivided so long as the subdivision does not increase the legally non-conforming nature of the use or structure.”*

This provision applies to non-compliant setbacks and the principal dwelling unit (if it is less than the minimum size) because the existing subdivision plan does not add to non-conformity. Additionally, the owner stated that they aim to demolish Shed 2.

This provision, however, does not apply to proposed Lot A's non-compliant parcel size because it is unrelated to the lot's use or structure.

Section 301(1) of the Municipal Act sets out an owner’s entitlement to a non-conforming use as follows (emphasis added):

If the lawful use of land or of a building or other structure existing at the date of the adoption of an official community plan or zoning bylaw or amendments does not conform to the official community plan or bylaw, that use may be continued, but if the non- conforming use is discontinued for a period of 12 months, or any longer period as council may by bylaw allow, any subsequent use of the land or building or other structure must conform with the official community plan and zoning bylaw then in effect.

Therefore, the entitlement to lawful non-conforming use protection is in respect of use of land. A subdivision relates to a change in the size and configuration of a parcel of land, it is unrelated to use.

Also, as previously noted, S.319(3) of the Municipal Act specifies that “the approving authority may relieve the applicant in whole or in part from compliance with the requirement, but no relief shall be granted that is contrary to the provisions of an official community plan or zoning bylaw.” As a result, granting an exemption in this case would be contrary to the Zoning Bylaw and thus would not be permitted under the Municipal Act.

Furthermore, approving this subdivision as proposed may pose a few issues in the future. Proposed Lot A can be subdivided further to create additional lots (it can be divided into up to nine lots). The current subdivision application does not consider future lot configurations. This means it may cause problems with lot configuration or access to new lots in the future. For example, future lots may require access from proposed Lot B or a variance due to terrain or buildable area constraints imposed by the current Subdivision Application.

To comply with the Municipal Act and Zoning Bylaw and avoid future complications, it is recommended that Subdivision Application #24-087 be denied.

<b>Fiscal Impact</b>
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N/A

<b>Alternatives Considered</b>
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N/A

<b>Next Steps</b>
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Following Council's decision, a decision letter will be provided to the applicant.

Approved by	Name	Position	Date
	<i>David Henderson</i>	CAO	Nov 29, 2024



# City of Dawson Report to Council

Agenda Item	Rezoning of Lot 7, Block J, Ladue from P1 to C1
Prepared By	Planning and Development
Meeting Date	December 3, 2024
References (Bylaws, Policy, Leg.)	Municipal Act, OCP, and Zoning Bylaw
Attachments	Draft Bylaw #2024-13

x	Council Decision
	Council Direction
	Council Information
	Closed Meeting

## Recommendation

That Council give First Reading to Zoning Bylaw Amendment No.32 (Bylaw #2024-13).

## Executive Summary

This Zoning Bylaw Amendment rezone the Lot 7, Block J, Ladue Estate from P1: Parks and Natural Spaces to C1: Core Commercial to facilitate the construction of a hotel.

## Background

On November 5, 2024, the Committee of the Whole received an informational report outlining how the property has been rezoned several times during the last ten years. A development permit for hotel construction was granted in September 2024, however it is now conditional on this Bylaw Amendment to rezone the property to C1.

## Discussion / Analysis

### Municipal Act

The Municipal Act s. 289(2) states that "[t]he council of a municipality shall not pass a zoning bylaw or any amendment thereto that does not conform to the provisions of an existing official community plan." This will be investigated in the following section.

### Official Community Plan (OCP)

Lot 7, Block J, Ladue Estate is designated as DC: Downtown Core in the Official Community Plan. The Downtown Core area is the area that best depicts the commercial core of Dawson during the gold rush. This area is recognized as the heart of Dawson City since it accommodates a broad range of uses focusing on the commercial, cultural, and community needs of residents and visitors. The area will predominantly consist of commercial and institutional uses. This rezoning is consistent with the OCP designation.

Furthermore, the rezoning will facilitate a hotel construction that conforms with Section 8: Economic Development and its long-term goals, particularly "[t]hriving and supported economic sectors".

### Zoning Bylaw

Lot 7 is currently vacant, therefore the rezoning will not impact the use of any existing structures. All adjacent parcels are zoned C1: Core Commercial, therefore the proposed C1 zone is compatible with the surrounding uses.

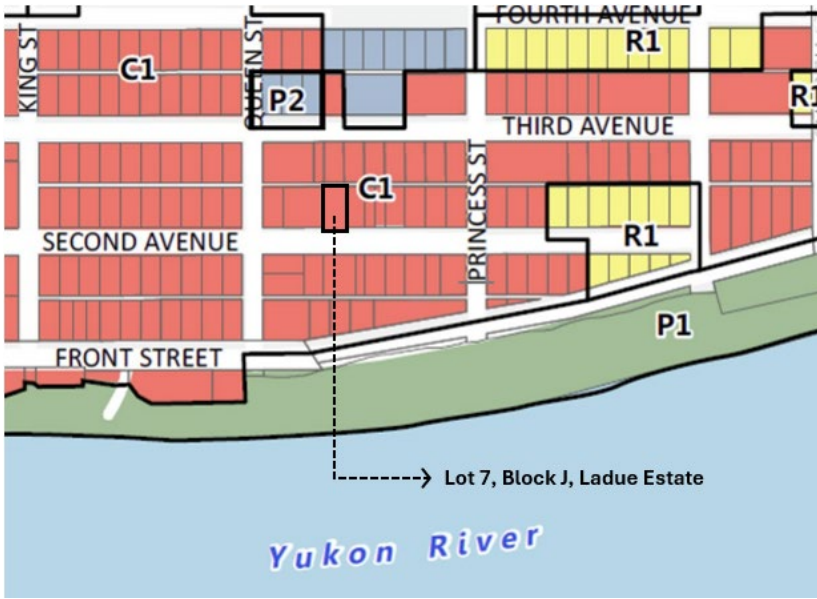


Figure 1: zoning of adjacent lots

**Fiscal Impact**

The rezoning will allow for the construction of a hotel, which will increase property taxes.

**Alternatives Considered**

That Council do not give First Reading to Zoning Bylaw Amendment No.32 (Bylaw #2024-13).

**Next Steps**

Public hearing has been scheduled for December 3<sup>rd</sup>, 2024.

Approved by	Name	Position	Date
	<i>David Henderson</i>	CAO	Nov 29, 2024



# THE CITY OF DAWSON

## Zoning Bylaw Amendment No. 32 Bylaw

Bylaw No. 2024-13

**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

1.01 This bylaw may be cited as the **Zoning Bylaw Amendment No. 32 Bylaw**.

#### 2.00 Purpose

2.01 The purpose of this bylaw is to provide for

- (a) An amendment to the Zoning Bylaw from P1: Parks and Natural Spaces to C1: Core Commercial, located at Lot 7, Block J, Ladue Estate.



# THE CITY OF DAWSON

## Zoning Bylaw Amendment No. 32 Bylaw

Bylaw No. 2024-13

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# THE CITY OF DAWSON

## Zoning Bylaw Amendment No. 32 Bylaw

Bylaw No. 2024-13

### 3.00 Definitions

3.01 In this Bylaw:

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

## PART II – APPLICATION

### 4.00 Amendment

4.01 This bylaw amends Lot 7, Block J, Ladue Estate from P1: Parks and Natural Spaces to C1: Core Commercial in the Zoning Bylaw Schedule C: Historic Townsite, as shown in Appendix A of this bylaw.

## 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.



# THE CITY OF DAWSON

## Zoning Bylaw Amendment No. 32 Bylaw

Bylaw No. 2024-13

### 7.00 Bylaw Readings

Readings	Date of Reading
FIRST	
PUBLIC HEARING	
SECOND	
THIRD and FINAL	

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*Stephen Johnson, Mayor*  
**Presiding Officer**

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*David Henderson, CAO*  
**Chief Administrative Officer**



# THE CITY OF DAWSON

## Zoning Bylaw Amendment No. 32 Bylaw

Bylaw No. 2024-13

### PART IV – APPENDIX A

Figure 1. Amended area

