



CITY OF YELLOWKNIFE

**ADOPTED SPECIAL COUNCIL MINUTES**

**Saturday, November 27, 2021 at 10:00 a.m.**

**Present:** Mayor R. Alty,  
Councillor N. Konge,  
Councillor S. Morgan,  
Councillor J. Morse,  
Councillor C. Mufandaedza,  
Councillor R. Silverio,  
Councillor S. Smith, and  
Councillor R. Williams.

**City Staff:** S. Bassi-Kellett,  
D. M. Gillard,  
R. Lok,  
K. Thistle,  
C. White, and  
S. Jovic.

1. Councillor Mufandaedza read the Opening Statement.

**DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

2. There were no disclosures of pecuniary interest.

**STATUTORY PUBLIC HEARING**

3. Mayor Alty declared open Statutory Public Hearing regarding By-law No. 5045, a by-law to repeal and replace Zoning By-law No. 4404, as amended.

The City has received 23 written submissions in opposition to proposed Zoning By-law No. 5045 from Katherine Woodward, Susan Epp, Ana Sutendra, Siva Sutendra, Jennifer Skelton, Marie Adams, Ed Hoeve, Floyd Adlem, Margaret Marshall, Diane Baldwin, Walt Humphries, Klaus Schoenne, Lois Little, Robert Stephen, Anne Lynagh, Shane Langlois and Jo Kelly, Grace Lake Neighbourhood Association, Monte Kehler, Jackie Hawthorn, Vanessa Beaudoin, Dave Jones, Shawne Kokelj and Ann Peters.

The City has received six (6) written submissions in support of proposed Zoning By-law No. 5045 from Dan Wong, representative of Jackpine Paddle, NWT Tourism, Kienan Ashton, the Yellowknife Women's Society, Kate Reid



and the Yellowknife Chamber of Commerce.

4. Council heard a presentation from Tom Hall, a representative on behalf of 50A Avenue residents, in opposition to proposed Zoning By-law No. 5045. Mr. Hall noted that he is appearing on behalf of a number of concerned residents in the proposed RC-1 zone, representing over 30 residences, primarily from 50A Avenue. Mr. Hall further noted that their concern with the current draft of the by-law is several of the Permitted Uses in the proposed RC-1 zoning. Mr. Hall stated that the limited consultation on this by-law took place in the middle of the COVID-19 pandemic and many people have simply been unable to participate. Mr. Hall further stated they were pleased that after the initial round of consultations, the Planning and Lands Division amended the by-law in response to the clear opposition to the proposed Residential Central zoning. Mr. Hall advised that the creation of the RC-1 zoning and the removal of the most egregious of the Uses was a step in the right direction, however at the Governance and Priorities Committee meeting on October 25, 2021 Council essentially re-started the consultation process by introducing last minute amendments that put several of those Uses back into the by-law. Mr. Hall noted that this sends the unfortunate message to citizens that their input to that point wasn't important. Mr. Hall further noted that the proposed Permitted Uses of Commercial Retail Sales and Services, Convenience Store, Food and Beverage Service and Urban Agriculture, Commercial that were put back into the RC-1 zoning are all wholly incompatible with a residential neighbourhood and should not be included. Mr. Hall stated that these commercial uses are all incompatible with a residential neighbourhood, such as extended hours of operation, noise, increased traffic, etc. Mr. Hall further stated that other proposed uses such as Commercial Recreation, Religious & Education Institutions, Medical and Health Services, Planned Development, Urban Agriculture, Community, and Community Resource Centres could possibly be included in Discretionary Uses, as these should be individually evaluated for their compatibility with the neighbourhood. Mr. Hall further stated that residents are not against housing densification. Mr. Hall advised that they agree with some of the dwelling types that are proposed for the RC-1 zone in the current bylaw such as duplexes, triplexes and secondary residences, which are the same as those proposed for other residential areas, notably R1 and R2.
5. Council heard a presentation from Linda Bussey in opposition to proposed Zoning By-law No. 5045. Ms. Bussey thanked Administration for their work on this issue and acknowledged time, energy and dedication of neighbours on 50A Avenue who participated on a committee formed to express their concerns on the future of development in their neighbourhood. Ms. Bussey noted that she has lived on the outskirts of the downtown for the past 26 years. Ms. Bussey further noted that she would like to see reasonable parameters established within the Zoning By-law to effectively manage



development in residential areas adjacent to the downtown. Ms. Bussey stated that residents of 50A Avenue have already demonstrated that they are not opposed to specific commercial development and that day cares, group homes, residential care for seniors, commercial recreation, and religious and education institutions, under discretionary use, could be maintained in the RC-1 Zone. Ms. Bussey advised that what they all want is some assurance that they will continue to have a reasonable residential experience not encumbered by the disruption of excessive traffic on a narrow street, pressures on parking that cannot be accommodated, and negative impacts on their quality of life caused by an incompatible mix of targeted commercial and residential uses in one area. Ms. Bussey further advised that under the proposed downtown revitalization and increased densification zoning for RC-1, the character of their neighborhood would not be preserved. Ms. Bussey noted that the recommended changes are more than densification and they are not suitable as presented. Ms. Bussey further noted that Commercial Retail, Food and Beverage, Convenience Store and Urban Agriculture as presented could cause major changes to their environment and are far from being consistent with the stated goal of preserving the character and feel of existing neighborhoods. Ms. Bussey stated that she supports Urban Agriculture if livestock is removed, with the exception of chicken and bees. Ms. Bussey further stated that she doesn't support Food and Beverage and Convenience Stores as either Permitted or Discretionary Uses as she doesn't think that these uses would be compatible with their neighbourhood as it would hinder traffic flow and parking.

6. Council heard a presentation from Nancy Zimmerman in opposition to proposed Zoning By-law No. 5045. Ms. Zimmerman noted that she owns property on 45 Street. Ms. Zimmerman further noted that at some point in the past the zoning of her street was changed from R3 to Downtown and that somehow she missed that discussion entirely. Ms. Zimmerman expressed her concern with the implications of this change to 45 Street. Ms. Zimmerman stated that being Downtown means that the opportunities are too diverse and will have impact on the neighbourhood. Ms. Zimmerman further stated that zoning should be amended, regulations adjusted and conditions put in place so they don't alter neighbourhoods to the extreme.
7. Council heard a presentation from Lois Little in opposition to proposed Zoning By-law No. 5045. Ms. Little noted that she has followed the development of the Zoning By-law and provided input on several occasions. Ms. Little noted that the public engagement process for this by-law was impacted by the pandemic and continues to be weak. Ms. Little further noted that she, along with other Old Town residents, have submitted a letter dated October 1, 2021 and identified a number of changes that were needed to the draft Zoning By-law to maintain the residential integrity within Yellowknife but that their input has been ignored. Ms. Little stated that the new



Residential Low Density Zone (R1) for almost all single family residential areas, would for the first time, permit townhome and apartment style dwellings and that the scale and density of these dwellings will negatively impact the character and integrity of residential neighbourhoods. Ms. Little further stated that townhomes and apartments should not be permitted within low density residential neighbourhoods and that and this advice was ignored. Ms. Little advised that detached secondary suites permitted on residential properties within the R1 zone can be 900 square feet or more in floor area, up to 12 meters in height (40 feet), and three meters higher than the principle residence. Ms. Little stated that as part of the public consultation it was suggested that the height and scale of detached secondary suites should be limited to the same or reduced height of surrounding buildings and that this advice was ignored. Ms. Little noted that the height of residential buildings in the R1 zone has been increased from a maximum of 10 meters to 12 meters (40 ft) which could allow the construction of a four-storey building. Ms. Little further noted that they recommended that the height of the principle building be maintained at 10 meters in the R1 zone and buildings in the zone not be permitted to exceed three storeys. Ms. Little stated that in residential zones, the draft Zoning By-law seems to permit any variance to yard setbacks, site coverage, and height for buildings as no maximum variance is stated. Ms. Little further stated that they recommended that variance provisions be guided by percentage limits; and suggested 10 per cent. This advice was also ignored.

8. Council recessed at 11:44 a.m. and reconvened at 11:54 p.m.
9. Ms. Little continued her presentation in opposition to proposed Zoning By-law No. 5045. Ms. Little noted that the proposed Zoning By-law almost totally mutes citizen intervention as virtually anything goes including some developments not even requiring a permit. Ms. Little further noted that she was disturbed that Council members did not question how undemocratic this proposed by-law is or how powerless residents are whether due to a permit not being required or the 'anything goes' approach to development. Ms. Little stated that there is the need for clearer wording and provided the following examples: sections 4.8 and 4.9 on variance include subjective terms such as 'unduly impacted' and 'materially interfere'.
10. Council heard a presentation from Shelley Hawrelak in opposition to proposed Zoning By-law No. 5045. Ms. Hawrelak noted that she is opposed to proposed commercial uses in the RC-1 zone. Ms. Hawrelak further noted that convenience stores, cannabis stores etc. do not belong in a residential zone. Ms. Hawrelak stated that she has purchased a home recently on 55 Street and that she wouldn't have purchased it if there were commercial uses allowed. Ms. Hawrelak advised that the amendments to the Zoning By-law are too broad and unacceptable. Ms. Hawrelak further advised that she



is concerned with the impact of Commercial Agriculture activities in RC-1 as a permitted use.

11. Council heard a presentation from Marie Adams in opposition to proposed Zoning By-law No. 5045. Ms. Adams noted that City Council dismissed what appeared to be reasonable amendments in response to valid and serious concerns from residents. Ms. Adams further noted that Administration's recommended changes were communicated in writing, to residents like her and were also reported on by the local media. Ms. Adams stated that to overturn these proposed changes overnight, after residents had been given to understand they would be seriously considered by Council, is definitely not conducive to promoting constructive dialogue and support for Council positions. Ms. Adams advised that along with many others she looks forward to re-invigorating the downtown commercial area and understands that changes will be necessary which would include utilizing the current vacant and underutilized lots already located in the downtown core and adjacent corridors. Ms. Adams further advised that she would be ok with a development if she feels there has been constructive dialogue fostered by the City between the developer and residents.
  
12. Council heard a presentation from Dave Jones in opposition to proposed Zoning By-law No. 5045. Mr. Jones noted that the draft Zoning By-law represents a significant departure from current practice. Mr. Jones further noted that the underlying direction of densification and infill found in the draft goes too far, threatening to negatively alter the character of many low density residential areas in the City. Mr. Jones provided the following alternatives to recognize retention of existing neighbourhood character:
  - Reduce the ability to build apartment and townhomes to one (1) lot only;
  - Retain the 12 meter height allowance but specifically restrict buildings to only three (3) stories in height;
  - Reduce secondary dwelling units to one (1) story in height;
  - Reduce building coverage to 40% of the lot area; and
  - Reduce height of accessory buildings to one (1) story.

Mr. Jones expressed concerns with the proposed RC zone. Mr. Jones noted that the residential density provisions allowing everything noted in the R1 zone in addition to apartment buildings up to 45 meters in height is out of scale with the current low density, primarily single family, homes found in these areas. Mr. Jones requested that variance provisions in the by-law be revisited. Mr. Jones stated that currently there are no limits on variance and that he doesn't agree that Council should be reviewing variances over 50% for building height and density clauses. Mr. Jones further stated that he requests that variance provisions be written to allow a maximum of a 10% variance to height and site coverage, and a maximum of 25% to all other



variances. Mr. Jones advised that he is concerned with the landscape provisions of the draft Zoning By-law as he is seeing more developments (eg. must recently the Slave Lake Inn, Starbucks/KFC and the Chateau Nova) using gravel and broken rock as landscaping. Mr. Jones further advised that rock and gravel and monolithic landscape treatments are not appropriate and should be addressed in the landscape provisions to prevent this approach in future.

13. Council heard a presentation from Ann Peters in opposition to proposed Zoning By-law No. 5045. Ms. Peters noted that the Zoning By-law conflicts with the Community Plan and that there are too many opportunities for development to be permitted that will contradict the intent of the Community Plan. Ms. Peters noted that, in her opinion, Council should not proceed with Second Reading of the by-law until some changes are made including:
- Regulations about the location of high-rise buildings related to density objectives;
  - Regulations for the location of commercial uses related to complete community objectives;
  - Streetscaping regulations, particularly in areas identified for intensification;
  - Regulations controlling sitework in advance of development permit approvals; and
  - Replacing the combined definition of Religious and Education Institutions.

Ms. Peters stated that the changes she thinks need to be made include: separate definitions to distinguish between religious and educational uses; adding a requirement for Development Officer approval for large scale development; and referencing Community Plan goals in regulations to clarify the criteria the Development Officer will be required to consider in giving their approval of locations.

14. Council heard a presentation from Kenny Ruptash regarding proposed Zoning By-law No. 5045. Mr. Ruptash noted that Council should reconsider naming conventions of the zones in Kam Lake; designate zones that will not be serviced with water and sewer infrastructure and allow caretaker suites in the Engle Business District. Mr. Ruptash further noted that mining is not defined and suggested that a definition for mining be included as there are interests on the periphery of the city for that industry. Mr. Ruptash stated that there are peripheral properties around the city that the Community Plan has designated as Growth Management. Mr. Ruptash noted that some properties are designated as 'Special Management Reserve' and that he believes that they should be rezoned to Growth Management. Mr. Ruptash noted that there will be major projects in the city in the near future which



will bring in temporary workers and that worker camps should be considered as a permitted use due to the need for housing of these workers.

15. Council recessed at 1:40 p.m. and reconvened at 1:55 p.m.

#0194-21 16. Councillor Konge moved,  
Councillor Williams seconded,

**That, pursuant to Section 118 (11) of Council Procedures By-law No. 4975 the meeting be extended beyond three (3) hours.**

**MOTION CARRIED UNANIMOUSLY**

17. Council heard a presentation from Emery Paquin in favour of proposed Zoning By-law No. 5045. Mr. Paquin noted that his wife Barb and he are in support of the proposed Zoning By-law that would see the vacant parcel of land in the Kam Lake Subdivision, located adjacent to Grace Lake Boulevard and Enterprise Drive, continue to be designated as Growth Management. Mr. Paquin further noted that this neutral designation should remain in place until area development planning discussions are concluded with all affected parties. Mr. Paquin stated that while they are not opposed to eventually expanding Kam Lake industrial activities into this vacant area, they are opposed to this taking place without full consideration of the interests and rights of the neighbouring Grace Lake residents who, in 2013, in good faith accepted the City's invitation to invest in the neighbourhood and build their homes in a quiet, pristine natural setting. Mr. Paquin further stated that they recognize that the City needs land for commercial and industrial purposes, however they want to endure that adequate buffers and green space are put in place. Mr. Paquin noted that their second issue is with respect to the proposed permitted and discretionary uses within the designated management zone of Kam Lake. Mr. Paquin further noted that the proposed Zoning By-law identifies 'automotive wrecker' and 'heavy industrial' as discretionary uses within the Kam Lake Management Zone. Mr. Paquin stated that in their opinion, these land uses are inconsistent with the overall proposed use of the area, which is to provide an area for commercial and light industrial uses. Mr. Paquin noted that by allowing these heavy industrial activities to remain as discretionary uses, uncertainty is created by enabling Councils to approve land uses that are inconsistent with the intended land use of the Management Zone; and create potential conflicts with the existing adjacent Grace Lake North residential Subdivision.

18. Council heard a presentation from Jo Kelly in favour of proposed Zoning By-law No. 5045. Ms. Kelly noted that they are in support of the proposed Zoning By-law that would see the vacant parcel of land in Kam Lake located adjacent to Grace Lake Boulevard and Enterprise Drive continue to be



designated as Growth Management. Ms. Kelly noted that the Grace Lake Subdivision was established in 2013. Ms. Kelly noted that they have decided to establish themselves in the Grace Lake Residential area and not to be surrounded by industrial activities 40 meters from their backyard. Ms. Kelly noted that they believe that this proposed zoning change is inconsistent with the original concept of the Grace Lake Residential Subdivision that was conveyed to potential purchasers by the City when properties were being sold as a quiet, pristine natural setting located along the shores of Grace Lake. Ms. Kelly noted that the 2013 promises made by the City of Yellowknife should be kept.

19. Council heard a presentation from Tom McLennan in favour of proposed Zoning By-law No. 5045. Mr. McLennan noted that he has been in Yellowknife for six (6) years. Mr. McLennan further noted that the new by-law will create a more walkable community and that reduced parking changes will provide more options to developers. Mr. McLennan stated that this by-law would allow for “middle” housing that is missing within the community. Mr. McLennan noted that the RC and RC1 discussion has been interesting. Mr. McLennan further noted that he would support allowing food and beverage services in the zones.
  
20. Council heard a presentation from Rob Warburton, President of the Yellowknife Chamber of Commerce, in favour of proposed Zoning By-law No. 5045. Mr. Warburton noted that the Zoning By-law review is an important opportunity for Council to create a more attractive business environment in Yellowknife and support economic development. Mr. Warburton expressed their support for densification efforts and changes that support commercial development in the downtown core. Mr. Warburton noted that it is important for there to be cohesive areas for businesses to thrive outside of the downtown core. Mr. Warburton further noted that they support Kam Lake South One’s purpose to “provide land for Development of Commercial Recreation, Dog Lots (Yellowknife Kennels) and Urban Agriculture Operations Uses with Accessory Residential Use”, however, they are concerned with the purpose of Kam Lake South Two, “to provide land dedicated for Natural Resource Extraction, Commercial Recreation and Urban Agricultural activities”. Mr. Warburton stated that they recommend that Council remove natural resource extraction as a permitted use and remove industrial / heavy or similar use as a discretionary use and consider more compatible uses for this area. Mr. Warburton further stated that they are concerned about the lack of new areas zoned for commercial use, which has slowed down or prohibited business growth and may be a barrier for new business investment. Mr. Warburton advised that they fully support densification efforts throughout the City of Yellowknife but recommend that Council also plan for more greenfield development to help address the huge demand for vacant land.





21. Council heard a presentation from Cat McGurk, in favour of proposed Zoning By-law No. 5045. Ms. McGurk noted that as a person under 30, she supports this by-law. Ms. McGurk further noted that she wants to grow old in a city that she can easily get around in, and if we don't encourage a more walkable community and incentivize public transportation now, that won't happen. Ms. McGurk stated that her generation is keen on multifamily dwellings, they don't like cars and they hate ornamental lawns. Ms. McGurk further stated that their neighbourhoods will look very different from the ones the generations before them built. Ms. McGurk advised that she is more than just an eco-anxious young person, she is a whole person with multiple priorities and strong values. Ms. McGurk further advised that there are many reasons for her to be supportive of these proposed amendments. Ms. McGurk noted that as a young person, builder, an environmentally conscious person, foster parent, homeowner, an advocate for food security in the north, the founder of a non-profit, a person with complex mental health needs and as a resident of this city, she supports this by-law. Ms. McGurk thanked the City for all of their work in drafting this new by-law.
22. Council recessed at 3:40 p.m. and reconvened at 3:50 p.m.
23. Council continued its discussion regarding By-law No. 5045, a by-law to repeal and replace Zoning By-law No. 4404, as amended.
24. In response to questions from Council, Administration undertook to provide the following information:
  - If there is a change of use or change of intensity on a property whether it will be brought back to Council;
  - Provide/Clean up the definition of livestock.
  - Whether to spot zone lots that are on the peripheral that are currently zoned Growth Management;
  - Whether expanding commercial use outside of Downtown will disincentivize the commercial uses in the Downtown.
  - How to better incentivize business development in the Downtown;
  - Whether to allow work camps;
  - Whether to allow caretaker suites in the Heavy Industrial zone;
  - If Heavy Industrial is to be removed as a discretionary use from Kam Lake what it means to existing businesses and their potential for expansion.
25. Mr. Hall provided a final summation of his presentation.
26. Mr. Jones provided a final summation of his presentation.



- 27. Ms. Peters provided a final summation of her presentation.
- 28. Ms. Kelly provided a final summation of her presentation.
- 29. As there were no further submissions, Mayor Alty declared the Statutory Public Hearing with regard to By-law No. 5045 closed.
- #0195-21 30. Councillor Morse moved,  
Councillor Morgan seconded,

**That Council direct Administration to prepare a summation of points raised during the Statutory Public Hearing and referred the by-law back to Administration with direction to propose amendments to the by-law to give effect to concerns and support raised during the Public Hearing.**


**MOTION CARRIED UNANIMOUSLY**

**ADJOURNMENT**

- #0196-21 31. Councillor Morse moved,  
Councillor Smith seconded,

**That the Meeting be adjourned at 4:12 p.m.**

**MOTION CARRIED UNANIMOUSLY**

  
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Mayor

  
\_\_\_\_\_  
City Manager

