

# THE TOWN OF THE CITY OF DAWSON

## BYLAW #95-08

### A Bylaw to Control and Regulate the Subdivision of Land in the City of Dawson

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**WHEREAS**, the Municipal Act, Chapter 119, Statutes of the Yukon Territory authorizes a Council to provide for the controlling, by Bylaw, of the subdivision of land within the Municipality;

**NOW THEREFORE**, the Council of the City of Dawson, in open meeting assembled hereby **ENACTS AS FOLLOWS**:

#### 1.00 SHORT TITLE

This Bylaw may be cited as the "Subdivision Control Bylaw" .

#### 2.00 INTERPRETATION

2.01 This Subdivision Control Bylaw shall apply to all land within the boundary of the Town of the City of Dawson.

2.02 For the purposes of this Bylaw, unless the context otherwise requires, certain terms and words are hereby defined as follows:

- (a) **APPLICANT** means the owner or any person who proposes to subdivide or consolidate lots or parcels of land;
- (b) **APPLICATION** means an application for approval of a proposed subdivision of land;
- (c) **CITY** means the Town of the City of Dawson;
- (d) **CITY MANAGER** means the Chief Administrative Officer of the Town of the City of Dawson;
- (e) **COUNCIL** means the duly elected Council of the Town of the City of Dawson;
- (f) **DEVELOPMENT** means the use, improvement, consolidation or subdividing of land.
- (g) **HIGHWAY ACCESS** means the official or road right-of-way that is surveyed, registered in the Land Titles Office, and developed to a standard set out in this Bylaw or the Zoning Bylaw, and provides for vehicle access to each lot;
- (h) **LOT** means:
  - 1. a part of a parcel, fronting on a highway, described in a certificate of title if the boundaries of the part are described in a certificate of title other than by reference to a plan of subdivision; or
  - 2. a part of a parcel, fronting on a highway, described in a certificate of title if the boundaries of the part are described in a certificate of title by reference to a plan of subdivision;
- (i) **MUNICIPAL SERVICES** means primary municipal services, secondary municipal services and tertiary municipal services as itemized and any additional services and facilities as may be prescribed;
- (j) **MUNICIPAL SERVICES, PRIMARY** means those services, and facilities necessary to provide primary sewage collection, water delivery service, street and road maintenance with constructed gravel surface, garbage disposal facilities, fire

protection and emergency services, sewage treatment facilities, street lighting in arterial roads, and administrative office space;

- (k) **MUNICIPAL SERVICES, SECONDARY** means those services and facilities necessary to provide recreation, transit, animal impoundment facilities, ditch and culvert surface drainage, garbage collection service, public cemeteries, pavement and sidewalks on major traffic routes, street lighting in major activity areas;
- (l) **MUNICIPAL SERVICES TERTIARY** means those services and facilities necessary to provide parks, pavement, lighting and sidewalks on local collector roads, piped storm drainage system and parking facilities;
- (m) **MUNICIPALITY** means the Town of the City of Dawson;
- (n) **OCCUPIER** means an occupier of land and includes the resident occupier of the land or, if there is no resident occupier, the person entitled to the possession thereof, a lease holder, and a person having or enjoying in any way for any purpose whatsoever the use of the land otherwise than an owner, whether or not the land or part thereof is an unsurveyed area, and also includes a squatter;
- (o) **PARCEL** means the aggregate of the one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan registered in the Land Titles Office;
- (p) **PLAN OF SUBDIVISION** means a plan of survey prepared in accordance with the Land Titles Act for the purpose of effecting a subdivision;
- (q) **PLANNING BOARD** means the Municipal Planning Board which is established under Bylaw and known as the "Town of the City of Dawson Planning Board";
- (r) **REAL PROPERTY** means land and all buildings, fixtures, machinery, structures and things erected upon, under or affixed thereto;
- (s) **REGISTERED OWNER** means:
  - 1. in the case of land owned by the Crown, the Minister of the Crown of the Executive Council Member having the administration of the land, or
  - 2. in the case of any other land,
    - a. the purchaser of the fee simple estate in the land under an agreement for sale that is the subject of a caveat registered against the certificate of title in the land and any assignee of the purchaser's interest that is the subject of a caveat registered against the certificate of title, or
    - b. in the absence of a person described in paragraph (a) hereof, the person registered under the Land Titles Act as the owner of the fee simple estate in the land;
- (t) **SUBDIVISION** means the division or consolidation of a lot or parcel by an instrument, or the creation of a new parcel or lot from previously un-subdivided land.
- (u) **SUBDIVISION APPROVAL** means the signing of a proposed plan of subdivision by the subdivision approving authority.
- (v) **SUBDIVISION APPROVING AUTHORITY** means the Council of the Town of the City of Dawson.
- (w) **TAXES** means taxes imposed by the Municipal Act and the Assessment Taxation Act and includes any interest or penalties payable in respect of unpaid taxes and also

includes any service charges imposed in respect of local improvements on property by the Municipal Act or the Assessment and Taxation Act and any interest on penalties payable in respect of them.

### 3.00 SUBDIVISION

3.01 Every subdivision of land within the boundary of the City shall be made in accordance with the Municipal Act, the Official Community Plan, the Zoning Bylaw, and the Subdivision Control Bylaw.

3.02 The application shall be signed by the registered owner of the land that is the subject of the application only; however, it may be submitted to the subdivision approving authority by either the registered owner or his authorized agent.

3.03 (1) Every application shall be made on an "Application for Subdivision/Consolidation Approval" form, being Form 1A of this Bylaw, and shall be accompanied by:

- (a) A current copy of the certificate of title for the subject parcel of the application;
- (b) Seven (7) copies of the proposed plan of subdivision which shall show at a suitable scale:
  - i. a bold line indicating the boundaries of the parcel to be subdivided and the area thereof;
  - ii location, boundaries and dimensions of all proposed lots;
  - iii locations, width and names of all highways on which the proposed subdivision abuts;
  - iv location, width and names of proposed roads within the proposed subdivision;
  - v location and dimension of all lots dedicated for public use, as required by the Municipal Act;
  - vi all buffer strips as may be required;
  - vii all surface water bodies within the proposed subdivision;
  - viii a point indicating north;
  - ix the scale of the plan;
- (c) Other information as may be considered necessary for the subdivision approving authority to determine the suitability of the land of the proposed subdivision, which may include, without limiting the generality of the foregoing:
  - i. a geotechnical survey report;
  - ii the nature and availability of domestic water supply;
  - iii a topographic survey;
- (d) A sketch plan certified by a Canada Land surveyor, showing the location and dimensions of all buildings on the parcel, if any, and indication of which buildings will be removed;
- (e) A receipt showing that all current taxes on the land have been paid; and
- (f) Payment of a non-refundable application fee of:
  - i subdivision - \$100.00 per lot being created, minimum of \$250.00 and maximum of \$1,000.00;
  - ii consolidation - \$50.00

- (2) The application, together with all required information and fees, shall be filed with the City Manager.
- 3.04
  - (1) An application, shall not be considered to have been received until the applicant has submitted all information and fees required pursuant to Section 3.03.
  - (2) Notwithstanding Subsection (1), the City Manager may consider an application complete if, in his opinion, the application is of such a nature as to enable a decision to be made on the application without all of the information required in Section 3.03.
- 3.05 The City Manager shall notify the applicant, in writing, that the application has been received.
- 3.06
  - (1) The City Manager may refer the application to any Government of Yukon or Government of Canada departments that might have jurisdiction in matters relative to the land or the proposed land use.
  - (2) The referral of the application to government departments shall state that if written comments are not received by the City Manager within twenty-one (21) days of the referral, it will be assumed that there are no concerns regarding the application.
  - (3) The City Manager shall review the application and consider all referral comments and make recommendations to the Planning Board in the form of an Administrative Report, considering the suitability of the land for the proposed subdivision, including:
    - (a) the proposed use;
    - (b) the existing and proposed uses of land in the vicinity of the proposed subdivision;
    - (c) the topography of the parcel;
    - (d) the characteristics of the soil;
    - (e) the nature of surface and subsurface drainage;
    - (f) any potential hazard from flooding, unstable slopes, erosion and subsidence;
    - (g) provision of highway access;
    - (h) the manner of laying out of streets, lanes and lighting;
    - (i) the design and orientation of the subdivision, including the size and shape of lots;
    - (j) the need, location and suitability of public reserve, parks, school sites and recreation facilities;
    - (k) the availability and adequacy of municipal services;
    - (l) the proposed storage or use of flammable, explosive or radio-active material;
    - (m) protection of sensitive environmental areas and critical wildlife habitat; and
    - (n) protection of significant natural, historical and heritage features.
  - (4) The Planning Board, upon review of the application, referral comments and the Administrative Report, shall, by resolution, make recommendations on the application to Council.
- 3.07 In making a decision as to whether to approve or refuse an application, Council shall:
  - (1) Consider the resolution and reports submitted to Council pursuant to Section 3.06, but is not bound by them; and
  - (2) Consider the Official Community Plan, the Zoning Bylaw and this Bylaw.

- 3.08 Council shall by resolution, approve or refuse the application.
- 3.09 Where Council refuses to approve the application, Council shall state the reason or reasons for refusal.
- 3.10 (1) Where the application is refused, the City Manager shall notify the applicant of the decision, along with the reasons for refusal, and shall advise the applicant of his right to appeal and the time within which an appeal may be made, by way of Certified Mail.
- (2) Where the application is approved, the City Manager shall notify the applicant of the decision, by way of Certified Mail.
- 3.11 Where the application for subdivision is refused, the applicant may appeal to the Yukon Municipal Board.
- 3.12 Approval of an application shall be valid for a period of twelve (12) months.
- 3.13 Council may renew an approval of an application for a period of twelve (12) months.
- 3.14 Council may revoke an approval of a proposed plan of subdivision where the plan has not been registered in the Land Titles Office within twelve (12) months of plan approval.
- 3.15 Where an approval for a plan of subdivision is revoked, an applicant may appeal to the Yukon Municipal Board.
- 3.16 An appeal to the Yukon Municipal Board shall be made within thirty (30) days after the date on which the applicant is served with notice of refusal or revocation.
- 3.17 A subdivision applicant wishing to appeal to the Yukon Municipal Board shall first give Council written notice of his intent to do so.
- 3.18 Where an application for subdivision is refused, no subsequent unaltered application for the same use of land shall be made within six (6) months of the date of the refusal.
- 3.19 Council shall only sign a proposed plan of subdivision after the application has been approved.

#### **4.00 ENACTMENT**

- 4.01 Bylaw shall come into full force and effect on final passing thereof and shall not supersede any current zoning bylaw.

**READ A FIRST TIME THIS 16<sup>TH</sup> DAY OF JANUARY, 1995.**

**READ A SECOND TIME THIS 20<sup>TH</sup> DAY OF JANUARY, 1995.**

**Mayor**

**Clerk**

**APPROVED BY THE EXECUTIVE COUNCIL MEMBER OF THE YUKON TERRITORY**

**THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 1995.**

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**Executive Council Member**

**READ A THIRD TIME AND FINALLY PASSED THIS 20<sup>TH</sup> DAY OF  
MARCH, 1995.**

**Mayor**

**Clerk**