



CITY OF YELLOWKNIFE

BY-LAW NO. 4913

BZ 351

A BY-LAW of the Council of the Municipal Corporation of the City of Yellowknife in the Northwest Territories, authorizing the Municipal Corporation of the City of Yellowknife to amend City of Yellowknife Zoning By-law No. 4404, as amended.

PURSUANT TO:

- a) Sections 12 to 32 inclusive of the *Community Planning and Development Act*, S.N.W.T., 2011, c.22; and
- b) Due notice to the public, provision for inspection of this by-law and due opportunity for objections thereto to be heard, considered and determined.

WHEREAS the Municipal Corporation of the City of Yellowknife has enacted Zoning By-law No. 4404, as amended;

AND WHEREAS the Municipal Corporation of the City of Yellowknife wishes to amend Zoning By-law No. 4404, as amended;

NOW THEREFORE, THE COUNCIL OF THE MUNICIPAL CORPORATION OF THE CITY OF YELLOWKNIFE, in regular session duly assembled, hereby enacts as follows:

APPLICATION

1. That Zoning By-law No. 4404, as amended, be amended by:
 - A) Replacing all references to "*Planning Act*" with "*Community Planning and Development Act*";
 - B) Replacing all references to "*N.W.T Planning Act*" with "*Community Planning and Development Act*";
 - C) Adding the following definitions to Section 1.6 Definitions as follows:

"area development plan" means a statutory planning document pursuant to Section 8 of the *Community Planning and Development Act*;

“Community Planning and Development Act” means the *Community Planning and Development Act*, S.N.W.T. 2011, c.22, as amended;

- D) Amending the definition “Development Appeal Board” or “Board” of Section 1.6 Definitions as follows:

“Development Appeal Board” or “Board” means the Development Appeal Board established by Council in accordance with Section 30 of the *Community Planning and Development Act*;

- E) Deleting “Development Scheme” from Section 1.6 Definitions;
- F) Deleting “*Planning Act*” from Section 1.6 Definitions;
- G) Replacing all references to “Development Scheme” with “Area Development Plan”;
- H) Amending Section 3.4 (7) as follows:

An application for a Development Permit shall, at the option of the applicant, be deemed to be refused when the Development Officer does not make a decision within 40 days after receipt of the application in its complete and final form;

- I) Amending Section 3.7 (2) as follows:

Upon receipt of a complete Application for a Development Permit for a use listed as a Conditionally Permitted Use, the Development Officer shall require the applicant to send a written notice to all owners and lessees of land within 30 metres of the boundary of the subject property, or to a greater circulation area specified by the Development Officer. The notice shall indicate the location and nature of the development proposal, copies of relevant drawings and a location and date to submit comments;

- J) Amending Section 3.9 (5) as follows:

If a decision is issued for a Permitted Use or Conditionally Permitted Use for which a variance has been granted, the Development Officer shall;

- K) Amending Section 3.9 (5) (a) as follows:

On or before the date a notice of decision appears in the City’s weekly newsletter and/or the City’s website, send notice of the decision by regular mail to all owners and lessees of land within 30 metres of the boundary of the subject property, or at the discretion of the Development Officer, to a broader area, stating the nature of the variance and the development, the legal description and/or municipal address;

- L) Deleting Section 3.10 (1) and replacing therewith:

3.10 (1) (a)

A person whose application for a development permit is refused or who is approved for a development permit subject to a condition that he or she considers to be unreasonable, may appeal the refusal or the condition to the Development Appeal Board pursuant to Section 61 of the *Community Planning and Development Act*, by serving written notice of appeal to the Secretary of the Board within 14 days after the day the application for the development permit is approved or refused;

3.10 (1) (b)

A person claiming to be affected by a decision of the Development Officer or Council made under this by-law may appeal to the Development Appeal Board pursuant to Section 62 of the *Community Planning and Development Act*, by serving written notice of appeal to the Secretary of the Board within 14 days after the day the application for the development permit is approved;

- M) Amending Section 3.10 (2) as follows:

Where an appeal is made, a development permit shall not come into effect until the appeal has been determined and the decision confirmed, reversed or varied;

- N) Amending Section 3.10 (4) (g) as follows:

The decision of the Board shall be based on the facts and merits of the case and shall be in the form of a written report, including a summary of all representations made at the hearing and setting forth the reasons for the decision and signed by the Chairperson or, in their absence, the acting Chairperson, and the Secretary and a copy of the decision shall be sent by the Secretary to the City and the appellant within 15 days of the date in which the decision was rendered plus all parties on whose behalf representations have been made, and to each interested person upon their request; and;

- O) Amending Section 3.10 (4) (h) as follows:

A decision of the Board is final and binding on all parties and is not subject to appeal;

- P) Amending Section 3.11 (1) as follows:

The Development Appeal Board is hereby established in accordance with Section 30 of the *Community Planning and Development Act*;

- Q) Amending Section 3.11 (2) (d) as follows:

Ensure that reasonable notice of the hearing is given to the appellant, all owners and lessees of land within 30 metres of the boundary of the land in respect of which the appeal relates, and all other persons who in the opinion of the Board may be affected;

R) Deleting Section 3.11 (2) (h) and renumbering the remaining sections accordingly;

S) Amending Section 3.11 (4) (d) as follows:

Notify the City of the decisions of the Board and the reasons therefore; and

T) Amending Section 4.1 (4) (e) as follows:

The applicant has made provisions for roadways, utility parcels, and reserves in accordance with Section 49 of the *Community Planning and Development Act*; and

U) Amending Section 6.3 (5) as follows:

Notwithstanding Part Six, the City may choose at any time to exercise its right to enforce any provision of this by-law with a court order in accordance with Section 58 of the *Community Planning and Development Act*, or may rely upon any other remedies available to it at law to compel compliance with this by-law;

V) Amending Section 7.1 (8) (a) as follows:

A non-conforming use may be continued but, where that use is discontinued for any reason for a period of more than one year, any future use of the land or building is to conform to the Zoning By-law;

W) Amending Section 7.1 (8) (b) as follows:

A non-conforming use of a part of a building or lot may be extended throughout the building or lot;

X) Amending Section 7.1 (8) (c) as follows:

If a non-conforming use is extended to other parts of a building, including a building that conforms to the Zoning By-law, the building may not be enlarged, added to, or structurally altered, except:

i) In the case of a non-conforming building, to make it conform with the by-law; or

ii) To rebuild part of the building or to repair it, if the Development Officer considers it necessary for public safety or to preserve the value of the building;

Y) Deleting Section 7.1 (8) (d)

Z) Introducing Section 11.8 as follows:

CEO – Community Engagement Overlay

(1) General Purpose

To establish a Special Overlay Zone to ensure meaningful community dialogue and involvement in the future planning for lands which may be of particular interest for development beyond the 10-year time horizon of the General Plan.

(2) Regulations

The Community Engagement Overlay commits the City to the following minimum actions prior to proceeding with development:

- (a) Conducting consultations with area residents and other stakeholders to determine the suitability and development capacity of the lands, as well as the terms of reference for continued community engagement;
 - (b) Conducting an inclusive and participatory design charrette to plan the detailed layout of land uses, roads, public facilities, trails and natural areas;
 - (c) Presenting a preliminary development cost analysis for all development options resulting from the design charrette; and
 - (d) The preparation and formal adoption of a Development Scheme for the lands, which synthesizes all input received from technical and community stakeholders.
2. Amending Schedule 1 of Zoning By-law No. 4404, as amended, in accordance with Schedule A attached hereto and forming part of this by-law.
 3. That the Mayor and City Administrator of the Municipal Corporation of the City of Yellowknife, or lawful deputy of either of them, are hereby authorized in the name and on the behalf of the Municipal Corporation of the City of Yellowknife, to execute all such forms of application, deeds, indentures, and other documents as may be necessary to give effect to this by-law and to affix thereto the corporate seal of the Municipal Corporation of the City of Yellowknife as the act and deed thereof, subscribing their names in attestation of such execution.

EFFECT

4. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

Read a First time this 11 day of OCTOBER, A.D. 2016.

Tank Heyck
Mayor

Renata Kefalas
City Administrator

Read a Second Time this 24 day of OCTOBER, A.D. 2016.

Tank Heyck
Mayor

Renata Kefalas
City Administrator

Read a Third Time and Finally Passed this 24 day of OCTOBER, A.D., 2016.

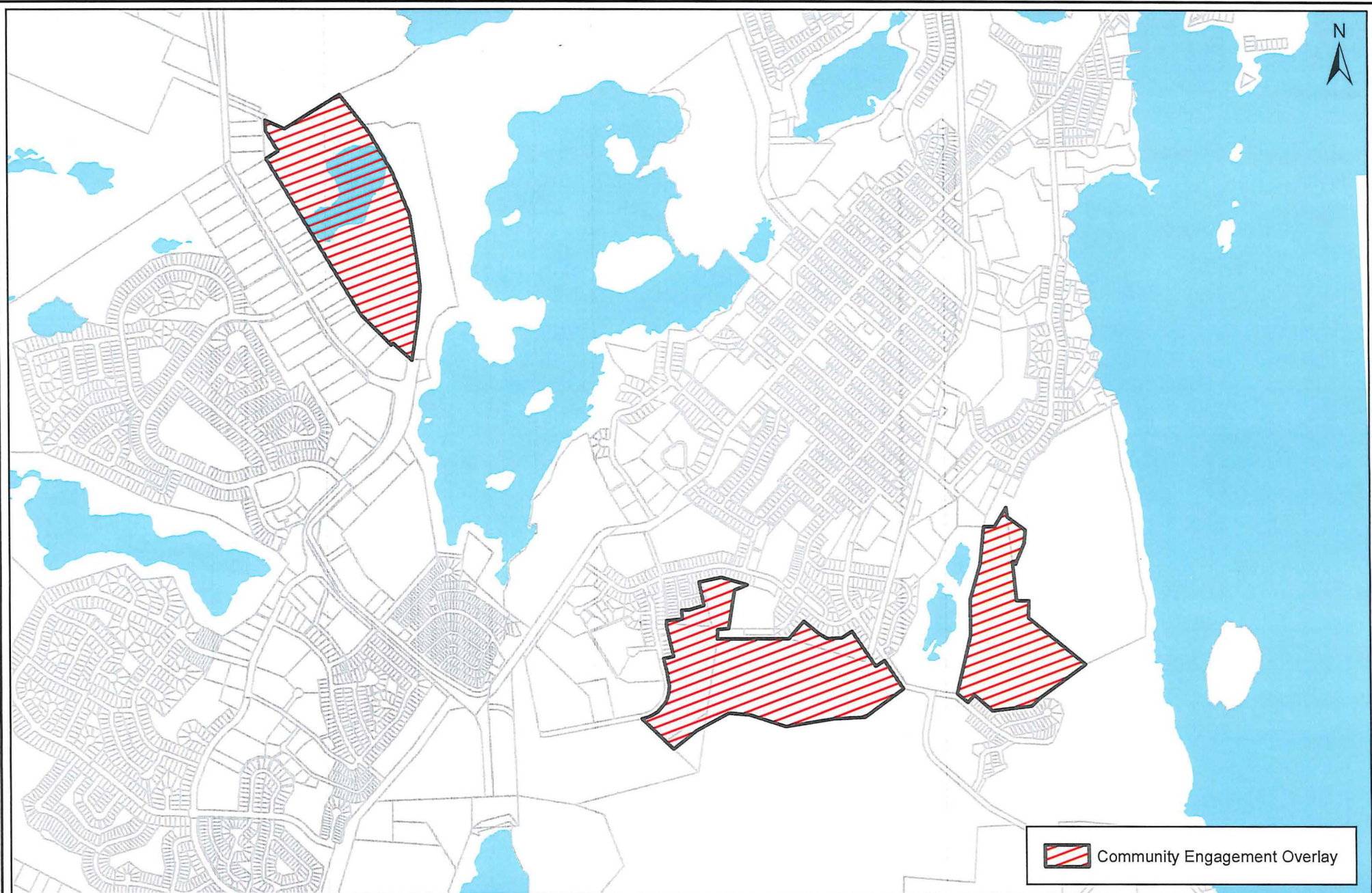
Tank Heyck
Mayor


Renata Kefalas
City Administrator

I hereby certify that this by-law has been made in accordance with the requirements of the *Cities, Towns and Villages Act* and the by-laws of the Municipal Corporation of the City of Yellowknife.



Renata Kefalas
City Administrator



 Community Engagement Overlay



CITY OF YELLOWKNIFE
 Planning & Development

PROJECT:
 Community Engagement Overlay

TITLE:
 By-Law No. 4913 Schedule A

SCALE:
 1:18,649

CREATED BY:
 GT

FILE:
 16 Community Engagement Overlay

DATE:
 July 26, 2016