

**CITY OF YELLOWKNIFE  
BY-LAW NO. 4597**

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) Section 25 to 29 inclusive of the *Planning Act*, R.S.N.W.T., 1988, c. P-7;
- 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; and
- c) The approval of the Minister of Municipal and Community Affairs, certified hereunder.

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 By-law No. 4404, as amended, of the Municipal Corporation of the City of Yellowknife, is hereby amended by:
  - A) Amending Section 3.3(2) by adding two new subsections as follows:
    - (e) The quality and type of fill to be employed and the method proposed to control erosion for all proposed infilling of a water body.

- (f) Written confirmation that the proposed development complies with any easement, covenant, agreement or contract affecting the site.
  
- B) Amending Section 3.3 by adding a subsection as follows:
  - (5) No Development Permit for infilling of a water body shall be issued unless the application for a Development Permit is for an acceptable land use. Applications requesting permission to fill a water body without an identified end use will not be accepted by the City.
  
- C) Deleting and replacing Part Four - Subdivision and Condominium Requirements as follows:

Part Four SUBDIVISION AND CONDOMINIUM REQUIREMENTS

4.1 Review of Subdivision and Condominium Application

- (1) When an application for a proposed subdivision or condominium is forwarded to the City by the Department of Municipal and Community Affairs of the Government of the Northwest Territories, it shall be submitted to the Planning Administrator. The Planning Administrator may require an applicant to submit such additional information as the Planning Administrator considers necessary to verify the compliance of the proposed subdivision or condominium with the regulations of this by-law.
  
- (2) The Planning Administrator may circulate the application to any City department and to any external agency, or to any property owner in the vicinity who in the opinion of the Planning Administrator may be affected by the application.
  
- (3) Where an application for subdivision proposes the creation of residential, commercial or industrial subdivisions in excess of four lots or one hectare in area, the proposal shall be forwarded to Council for review and recommendation. The subdivision proposal shall be circulated in two

issues of the City's weekly newsletter and/or on the City's website, stating the location and nature of the proposed subdivision.

(4) The Planning Administrator and Council may recommend approval of a subdivision plan or condominium plan if:

(a) each proposed lot has access onto an acceptable public roadway and municipal services;

(b) the subdivision, in the opinion of the Planning Administrator or Council, will result in sites which can reasonably be expected to be used for the purposes for which the lands are intended to be used under this by-law and within a reasonable time after the plan or other instrument affecting the subdivision is registered;

(c) the proposed subdivision conforms to the General Plan, any applicable Development Scheme By-law, and any Council approved plans or policies, and this by-law, however the Planning Administrator or Council may vary:

(i) the development standards of the lots in terms of their width, depth, or area as may be required due to physical limitation of this site having due regard to the amenities of the area and adjoining property; and

(ii) the road and lot layout, grading or any other feature having due regard for the contours and natural features and the modifications of the contours and features;

(d) the applicant provides for the installation and construction at the applicant's own expense, all necessary public improvements which may include but is not limited to public roadways, sidewalks, curbs, culverts, drainage ditches, utility systems,

landscaping, parks, trails and other public facilities as may be required;

- (e) the applicant has made provisions for roadways, utility parcels, and reserves in accordance with Section 44 of the *Planning Act*; and
  - (f) there are no outstanding taxes owed to the City and no outstanding orders from the City affecting the property.
- (5) All subdivision applications for the conversion of an existing or proposed residential rental development to a condominium development shall be reviewed subject to the following criteria:
- (a) The dwelling units subject to the proposed subdivision must be contained within either a Legal Conforming or a Legal Non-conforming building(s) as defined herein.
  - (b) For all unoccupied dwelling units, a Development Permit must have been approved for the subject building(s) and development must be proceeding in accordance with that Permit.
  - (c) For all occupied dwelling units, the subdivision applicant must provide statistical information acceptable to the Planning Administrator demonstrating one of the following criteria have been met:
    - (i) there is a vacancy rate of two percent (2%) or greater among similar rental dwelling units in the city, and a minimum of sixty-six percent (66%) approval from tenants in the subject development or a one (1) year notice to current tenants and immediate notice of the proposed conversion to all new tenants; or
    - (ii) there is a vacancy rate of less than two percent (2%) among similar rental dwelling units in the city, and a

minimum of eighty percent (80%) approval from tenants in the subject development or a two (2) year notice to current tenants and immediate notice of the proposed conversion to all new tenants.

- (d) All tenants shall be notified in writing of the proposed condominium subdivision as follows:
  - (i) That the conversion of the units into condominiums is being proposed;
  - (ii) What the potential implications of the conversion may involve, including, but not limited to, projected selling price of individual dwelling units, the vaulting(s) compliance or non-compliance with the Zoning and Building By-laws, the identification of any known structural, or infrastructure deficiencies, and the identification of any known outstanding legal actions or encumbrances on the title;
  - (iii) That the tenants must respond in writing either for or against the proposed conversion, and that their response is to be forwarded directly to the Planning Administrator;
  - (iv) That only one representation shall be accepted on behalf of each dwelling unit;
  - (v) That all responses received by the Planning Administrator be held in confidence by the City although the general content of the responses may be made available to the proponent and to the tenants;
  - (vi) That the tenants have a minimum period of one month and a maximum period of two months in which to respond; and

- (vii) After the response period has lapsed any tenants who have not responded will be considered to be in support of the application.
- (e) For all notification to tenants, the Planning Administrator must approve of the wording employed by the proponent prior to their contacting the tenants, and the Planning Administrator may request that additional items be included in the proponent's written contact. The proponent must also provide the Planning Administrator with evidence that the tenants have been contacted. The Planning Administrator may also contact tenants directly at any time after receiving the request for comments.
- (6) Where an application meets the requirements of this section, the Planning Administrator shall inform the Department of Municipal and Community Affairs that the application is either unconditionally supported by the City, conditionally supported by the City, or not supported by the City. Where conditionally supported, the Planning Administrator shall indicate under what conditions the application is supported.

#### 4.2 Subdivision and Condominium Conditions


- (1) When an applicant is required under this section to install or construct any public improvements, the Planning Administrator may also, as a condition of approval for the subdivision or condominium, require that the applicant enter into a Development Agreement with the City. The agreement may include but is not limited to:
  - (a) the standards to which the improvements must be installed or constructed;
  - (b) a work schedule;
  - (c) the terms and conditions of the transfer of any or all of the improvements to the City;

- (d) security deposit or performance bond acceptable to the City of Yellowknife; and
  - (e) any other relevant matter.
- (2) The development agreement shall be a covenant running with the land.
- (3) Where an application does not meet the requirements of this section, the Planning Administrator shall inform the Department of Municipal and Community Affairs and the applicant that the application is not supported by the City and the reasons therefore.

**EFFECT**

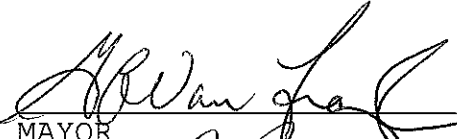
2. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the *Cities, Towns and Villages Act*.

READ a First Time this 13 day of SEPTEMBER, A.D. 2010.

  
MAYOR

  
CITY ADMINISTRATOR

READ a Second Time this 12 day of OCTOBER, A.D. 2010.

  
MAYOR

  
CITY ADMINISTRATOR

APPROVED by the Minister of Municipal and Community Affairs of the Northwest Territories this 4 day of November, A.D. 2010.

[Signature]  
MINISTER  
MUNICIPAL AND COMMUNITY  
AFFAIRS

READ a Third Time and Finally Passed this 22 day of November A.D., 2010.

[Signature]  
MAYOR  
[Signature]  
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.

[Signature]  
CITY ADMINISTRATOR

