

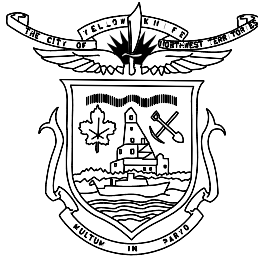
**MUNICIPAL SERVICES COMMITTEE AGENDA**  
**Monday, January 28, 2013 at 12:05 p.m.**

Page 1

Chairman: Mayor M. Heyck,  
Councillor R. Alty,  
Councillor A. Bell,  
Councillor B. Brooks,  
Councillor L. Bussey,  
Councillor N. Konge,  
Councillor P. Son,  
Councillor C. Vanthuyne, and  
Councillor D. Wong.

- 
- | <u>Item</u>             | <u>Description</u>   |
|-------------------------|--|
| 1.                      | Approval of the agenda.  |
| 2.                      | Disclosure of pecuniary interest and the general nature thereof.   |
| ANNEX A                 |  |
| 3.                      | A memorandum regarding whether to purchase Lot 29, Block 2, Plan 1424 (parcel directly adjacent Pilot's Monument and Raccine Park at the intersection of Raccine Road and Ingraham Drive) and proceed with the necessary by-laws to recreate the proposed park spaces. |
| ANNEX B                 |  |
| 4.                      | A memorandum regarding whether to select properties to auction for tax arrears, when to hold the auction and what minimum price will be established for each property.   |
| ANNEX C                 |  |
| 5.                      | A memorandum regarding whether to amend Zoning By-law No. 4404, as amended, to increase the efficiency of the Development Permit process.  |
|                         | (For Information Only)   |
| 6.                      | A discussion regarding the setting of a date for the Community Barbeque hosted by Council.   |
| 7.                      | A report from Mayor Heyck regarding weekly activities.   |
| <b><u>IN CAMERA</u></b> |  |
| 8.                      | A financial matter.  |
| 9.                      | Business arising from In Camera Session.   |

*The City of Yellowknife is transitioning toward paperless agendas. All annexes to this agenda may be viewed on the City's website [www.yellowknife.ca](http://www.yellowknife.ca) or by contacting the City Clerk's Office at 920-5602.*



## MEMORANDUM TO COMMITTEE

**COMMITTEE:** Municipal Services

**DATE:** January 28, 2013

**DEPARTMENT:** Planning and Development

**ISSUE:** Whether to purchase Lot 29, Block 2, Plan 1424 (parcel directly adjacent Pilot's Monument and Raccine Park at the intersection of Raccine Road and Ingraham Drive) and proceed with the necessary by-laws to recreate the proposed park spaces.

### RECOMMENDATION:

That:

- 1) By-law No. XXXX, a by-law authorizing the City to acquire a fee simple interest in Lot 29, Block 2, Plan 14245, be presented for adoption.
- 2) By-law No. YYYY, a by-law authorizing the City to rezone Lot 29, Block 2, Plan 1424 from OM – Old Town Mix to PR – Parks and Recreation, be presented for adoption.

### BACKGROUND:

Lot 29, Block 2, Plan 1424 was purchased from Bond Street Properties Inc. in 2009 by 5743 NWT Ltd. with the intent of developing a multi-family development. Over the past several years residents in the vicinity of Pilot's Monument have approached Administration and the owner to have the City purchase the property and rezone it as park space. In January of 2012 a formal submission was made by neighbourhood residents to the Harbour Planning Committee, requesting that the property be considered for incorporation into the balance of the PR - Parks and Recreation zone on Pilot's Monument.

The property owner is willing to work with the City and the community interests by selling the property to the City for the appraised value. The property owner has deferred development plans in light of the neighbourhood concerns, but has requested that a solution be expedited so that they may proceed with alternative development plans. The Land Administration By-law indicates the City may acquire fee simple land for municipal purposes, and as per standard practice the property owner has provided an Appraisal valuing the property at \$430,000.



The property owner has indicated that they are selling the property “as is” and that it would be the City’s responsibility to remove the “House of Horrors” structure. The owner however has agreed to reduce the appraised value of property by \$10,000 (from \$430,000 to \$420,000) to account for this. Administration can work with the Heritage Committee to determine whether a heritage plaque commemorating the “House of Horrors” on this portion of the site would be appropriate.

**COUNCIL POLICY / RESOLUTION OR GOAL:**

Council Goal	#1	Affordability
Council Goal	#2	Enhancing Our Built Environment

**APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:**

1. Zoning By-law No. 4404, as amended;
2. Land Administration By-law No. 4596;
3. General Plan By-law No. 4656 (2011);
4. Yellowknife Harbour Plan (2012); and

Council Motion #0070-12      Maintain and upgrade the existing parks with priority given to Pilot’s Monument, Wiley Road parcel (Lot 5, Block D, Plan 70), Otto Drive Park (Back Bay), and the Yellowknife Rotary Waterfront Park.

**ALTERNATIVES TO RECOMMENDATION:**

That Council direct Administration not to proceed with the purchase of Lot 29, Block 2, Plan 1424 based on the appraised value of \$420,000 and not to rezone to PR – Parks and Recreation.

**RATIONALE:**

The purchase of this property is in line with various recommendations made in the Smart Growth Development Plan, 2011 General Plan, and the Harbour Plan. The purchase of this property would fulfill these interests and those of the neighbourhood and allow Administration to work proactively in the redevelopment of the site that engages both the neighbourhood and citywide residents.

<b>ATTACHMENTS:</b>
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1. By-law No. XXXX – Acquisition (Docs #349592); AND
2. By-law No. YYYY – Rezoning (Docs #349641), and Schedule A to By-law No YYYY (Docs#349670).

Prepared: January 23, 2013  
DM#334385-v3



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

A by-law of the Council of the Municipal Corporation of the City of Yellowknife authorizing the Municipal Corporation of the City of Yellowknife to acquire fee simple title in land for the Municipal Corporation of the City of Yellowknife, in the Northwest Territories.

PURSUANT to Section 53 of the *Cities, Towns and Villages Act*, S.N.W.T., 2003, c. 22;

AND WHEREAS the said parcel of land is available for acquisition by the Municipal Corporation of the City of Yellowknife;

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 the Municipal Corporation of the City of Yellowknife is hereby authorized to acquire fee simple title in that parcel of land more particularly described as:

Lot 29, Block 2, Plan 1424

2. 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**

3. 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 \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Read a Second Time this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Administrator

Read a Third Time and Finally Passed this \_\_\_\_\_ day of \_\_\_\_\_, A.D., 2013.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
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.

\_\_\_\_\_  
CITY ADMINISTRATOR

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

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) Rezoning a Lot 29, Block 2, Plan 1424 from OM - Old Town Mixed Use to PR - Parks and Recreation as shown in red on Schedule A attached hereto and forming part of this by-law; and
  - B) Amending Schedule No.1 to Zoning By-law No. 4404, as amended, in accordance with Schedule No. A attached hereto and forming part of this by-law.

**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 \_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY ADMINISTRATOR

READ a Second Time this \_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY ADMINISTRATOR

APPROVED by the Minister of Municipal and Community Affairs of the Northwest Territories this \_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
MINISTER  
MUNICIPAL AND COMMUNITY  
AFFAIRS



**By-law No. YYYY**

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**BZ YY**

READ a Third Time and Finally Passed this \_\_\_\_ day of  
\_\_\_\_\_ A.D., 2013.

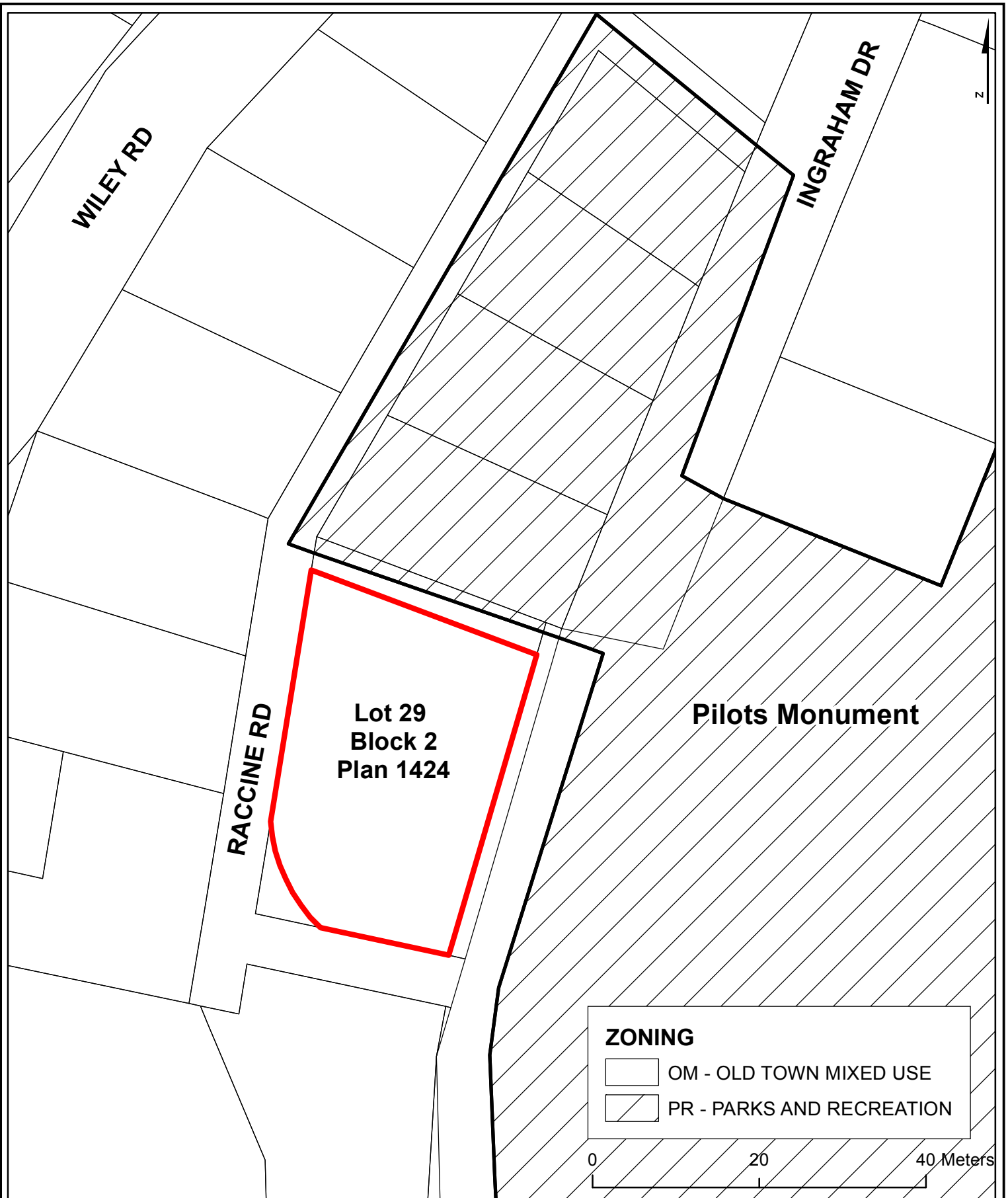
\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY ADMINISTATOR

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.

\_\_\_\_\_  
CITY ADMINISTRATOR

Docs #349641



**City of Yellowknife**  
 Planning and Lands Division

PROJECT:  
 Lot 29, Block 2, Plan 1424 - OM to PR Rezoning

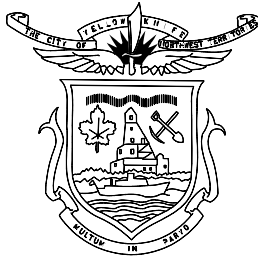
TITLE:  
 Schedule A to By-law No. YYYY

SCALE:  
 1:600

CREATED BY:  
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FILE:  
 ScheduleABylawYYYY.mxd

DATE:  
 22/01/2013



## MEMORANDUM TO COMMITTEE

**COMMITTEE:** Municipal Services

**DATE:** January 28, 2013

**DEPARTMENT:** Corporate Services

**ISSUE:** Whether to select properties to auction for tax arrears, when to hold the auction and what minimum price will be established for each property.

### RECOMMENDATION:

That, in accordance with the *Property Assessment and Taxation Act*, Council auction those properties listed in Appendix A, at City Hall at 9:00 a.m. (MST) on Friday, June 14, 2013. The minimum price shall be 50% of the assessed value as listed for each property in Appendix A.

### BACKGROUND:

In accordance with the *Property Assessment and Taxation Act* (s.97.6), Council may offer for sale, at a public auction, properties on the tax arrears list. Council chooses which properties to offer for sale. The minimum price is 50% of the assessed value.

The *Property Assessment and Taxation Act* requires the City to follow specific procedures to notify the assessed owners and encumbrances of the tax arrears and the tax sale provisions. Each year the City notifies the assessed owner of the balance of taxes owed on the interim tax invoice sent in January and the final tax invoice sent in June as well as on statements of account throughout the year.

For the taxes in arrears for 2011 taxation year, the City:

- Sent a registered letter notifying the assessed owner via registered mail of the arrears and tax sale provisions on April 30, 2012;
- Published the tax arrears list in the *Yellowknifer* on July 25, 2012;
- Notified parties with an interest registered against the property on July 30, 2012; and
- Posted a list of arrears at City Hall, Library, Multiplex and Pool on July 31, 2012.



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The assessed owners were offered a payment plan on April 30, 2012 and reminded of the offer on subsequent notices. The assessed owner can accept the offer of the payment plan any time before the public auction.

**COUNCIL POLICY / RESOLUTION OR GOAL:**

On March 27, 2000, Council adopted the following policy:  
Motion #0091-00 That the City sell property at public auction, in accordance with the *Property Assessment and Taxation Act*, when taxes are two years in arrears.

On April 8, 2002, Council amended the above policy to state:  
Motion #0161-02 That the City sell property at the public auction, in accordance with the *Property Assessment and Taxation Act*, when the taxes are two years in arrears and if auctioning of the property maximizes the amount of taxes the City is able to collect.

On January 28, 2002, Council adopted the following policy:  
Motion #0039-02 That the City bid the minimum price on property offered at a tax auction if the property remained unsold after a previous auction.

**APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:**

1. *Property Assessment and Taxation Act*; and
2. *Property Assessment and Taxation Regulations*.

**CONSIDERATIONS:**

Legislative

The *Property Assessment and Taxation Act* prescribes the tax auction process, including notification, conduct of the auction and transfer of the property. The City has followed the notice requirements and the City's solicitor conducts the auction and property transfers.

Council decides, by resolution, which properties, if any it wishes to offer for sale at public auction. Council sets, by resolution, the date of the auction and the minimum sale price of each property.



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Procedural Considerations

It is Council policy to sell property at public auction, in accordance with the *Property Assessment and Taxation Act*, when the taxes are two years in arrears. Taxpayers with arrears less than \$100 have not been included.

Under section 97.3(3) and (4) of the *Property Assessment and Taxation Act*, after entering into an installment payment agreement, the City is authorized to proceed with the sale of the taxable property if the assessed owner fails to comply with the terms of the agreement.

As part of the tax auction process, the regulations require that the minimum sale price be no less than 50% of the assessed value. The taxpayer can redeem the property within 30 days of the auction by paying the tax arrears.

The City may bid on and purchase a property that is offered for sale so long as the purchase falls within the circumstances that the City is able to acquire property under the *Cities, Towns and Villages Act*. No municipal council member, officer or employee may purchase, on his or her own behalf, any taxable property offered for sale, unless the Minister of Finance has given prior approval.

**ALTERNATIVES TO RECOMMENDATION:**

1. That Council approve an amended list of properties to auction.
2. That Council not approve a public auction date and the minimum sale price.

**RATIONALE:**

The recommendation follows the same principles as applied in previous years. If taxpayers know the exact conditions under which a tax auction will be held, property taxes are more likely to be paid before the tax auction process starts.

**ATTACHMENTS:**

2013 Tax Auction List.

Prepared: January 25, 2013; CS

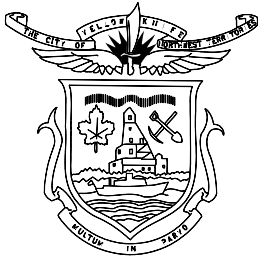
DM # 200917 v4



2013 AUCTION LIST

Municipal Address	Legal Description			2011	2013	Minimum
	Lot	Block	Plan	Total Arrears	Assessed Value	Auction Price
4226 49A AVE	28	71	632	\$1,036.27	\$65,200	\$32,600
5600 52 AVE #309	UNIT 38	143	C4065	\$373.97	\$70,290	\$35,145
123 KAM LAKE RD	32	503	1578	\$245.33	\$558,290	\$279,145
712 BIGELOW CRES	UNIT 21	514	C2194	\$1,282.32	\$93,300	\$46,650
2 ELLESMERE DR	24	530	1255	\$5,293.01	\$128,070	\$64,035
104 DRYBONES DR	6	539	2094	\$3,134.81	\$425,120	\$212,560
106 DRYBONES DR	7	539	2094	\$2,277.99	\$259,670	\$129,835
34 HORTON CRES	9	543	1420	\$821.75	\$161,990	\$80,995
8 LAMOUREUX RD	4	545	1665	\$1,839.68	\$146,740	\$73,370
259 BORDEN DR	32	556	2422	\$109.95	\$201,250	\$100,625
206 BORDEN DR	39	558	2072	\$162.69	\$174,120	\$87,060
218 FAIRCHILD CRES	UNIT 240	163	C2090	\$2,113.51	\$41,760	\$20,880
238 FAIRCHILD CRES	UNIT 230	163	C2090	\$632.97	\$58,280	\$29,140
244 FAIRCHILD CRES	UNIT 227	163	C2090	\$2,782.12	\$69,180	\$34,590
449 NORSEMAN DR	UNIT 116	163	C2090	\$7,339.74	\$71,440	\$35,720
576 CATALINA DR	UNIT 83	163	C2090	\$1,292.45	\$151,290	\$75,645
639 ANSON DR	UNIT 20	163	C2090	\$1,552.37	\$80,690	\$40,345





## MEMORANDUM TO COMMITTEE

**COMMITTEE:** Municipal Services

**DATE:** January 28, 2013

**DEPARTMENT:** Planning and Development

**ISSUE:** Whether to amend Zoning By-law No. 4404, as amended, to increase the efficiency of the Development Permit process.

### RECOMMENDATION:

That in order to increase the efficiency of the Development Permit process By-law No. XXXX, a by-law to amend Zoning By-law No. 4404, as amended, be presented for adoption, with the following key amendments:

- Replace the Development Permit requirement for additions to single detached dwellings and duplexes, accessory decks, and sheds and detached garages less than 75 square metres (807 square feet) with a shorter Development Approval form, provided the use is permitted and no variance is required;
- Reducing the number of copies required for a Development Permit Application from three to one; and
- Add 'Accessory Decks' as a permitted use in all zones where accessory structures are currently permitted.

### BACKGROUND:

The City's Planning and Development Department is seeking to increase efficiency, reduce wait times and improve customer service by simplifying the development approval process.

The first efficiency measure eliminates the Development Permit requirement for accessory decks, sheds and detached garages with a floor area of less than 75 square metres (807 square feet) and additions to single detached dwellings and duplexes. Under the proposed system, applicants would complete a form that demonstrates the proposed development is fully compliant with the Zoning By-law requirements. Once a Development Officer has reviewed the form to confirm compliance, the applicant may apply directly for the required Building Permit. If the Development Officer flags an issue of serious concern, the City reserves the right to require a Development Permit.



The second amendment reduces the number of drawing copies required for a Development Permit application from three to one. This change recognizes that multiple copies are unnecessary as applications are scanned into the digital system.

The third amendment, adding 'Accessory Decks' to all zones where accessory structures are permitted, recognizes that accessory decks are considered their own type of structure in the Zoning By-law definitions and should be treated as a distinct type of development in the rest of the By-law. This will ensure that there are no delays on development due to inconsistency of language in the Zoning By-law.

**COUNCIL POLICY / RESOLUTION OR GOAL:**

Council Goal	#1	Affordability.
Council Action	1(b)	Review City land development policies.
Council Goal	#2	Enhancing Our Built Environment.
Council Objective	2.4	Promote a range of commercial, residential, and institutional development and revitalization opportunities.
Council Goal	#4	Continuous Improvement.
Council Objective	4.4	Be a leader in innovation.
Council Action	4(a)	Develop a Customer Service Culture.
Council Action	4(b)	Lead in Innovation and Best Practices.

**APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:**

1. *Cities, Towns and Villages Act;*
2. *Planning Act;* and
3. *Zoning By-law No. 4044, as amended.*

**CONSIDERATIONS:**

Legislative

The City of Yellowknife is granted the authority to control land uses pursuant to a Zoning By-law under Section 13 of the *NWT Planning Act*. An amendment to Zoning By-law No. 4404, requires formal Public Notice and a Public Hearing before Council in accordance with provisions of the *Cities, Towns and Villages Act*.

Zoning By-Law

The City of Yellowknife requires both a Development Permit and a Building Permit for most development activity. Section 3.2 of the Zoning By-Law lists the development activities that do not require a Development Permit. A Development Permit establishes that the proposed development activity or use meets spatial requirements in relation to property lines and surrounding uses in accordance with the requirements of Zoning By-law No. 4404, as amended.





The diagram below explains the Development Permit process followed before the applicant can apply for the Building Permit.

**Figure 1 – The Current Development Permit Process**



The proposed amendments do not imply any changes to the existing development standards. If an applicant provides false or misleading information, the related Building Permit will be rendered void. In such a case, the same penalty would be applied as to a structure built without development approval under Section 6.2 of Zoning By-law 4404, as amended. The revised process is shown below in Figure 2.

**Figure 2 – The Proposed Development Approval Process**



Procedural Considerations

The proposed Development Approval form requires the applicant understands the regulations of the zone (e.g. height, setbacks, etc.) where the property is located. They must also indicate the dimensions and siting of what they plan to build (see Attachment 1 – Development Approval Checklists).

The paper version of the Development Approval Checklists is an interim measure until the launch of CityView, the online permitting system. CityView can incorporate the Development Approval Checklist in the Building Permit application process when relevant, ensuring the applicant need only submit one set of documents.

Planning staff are available during regular work hours to assist the public with any questions or concerns. Additional resources to assist applicants with these forms will be posted on-line. This procedural change will facilitate open communication with staff, promote the City’s website for finding planning information, and encourage use of CityExplorer, the online mapping tool.

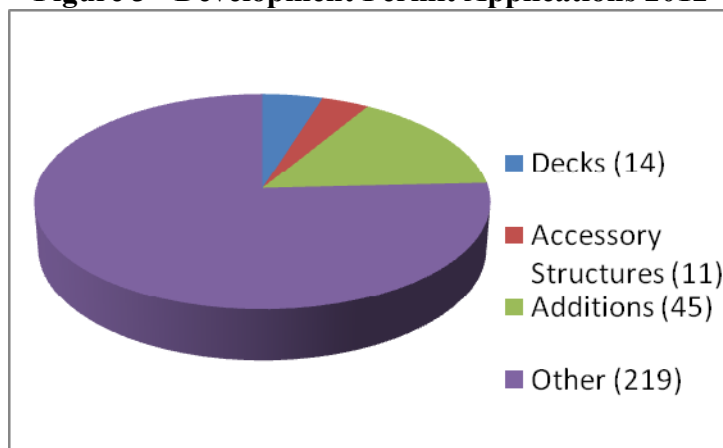
Public Engagement/Communication

All changes to Development Permit requirements would be advertised on the City’s website and in the Capital Update newsletter. Planning staff are available by phone or in person to explain any changes to the permitting process. Online resources will also be created to explain the changes to the public.

Existing Programs / Services

Decks, accessory structures and additions made up approximately one-quarter (24.2%) of the 289 Development Permit applications received in 2012 (see Figure 3).

**Figure 3 - Development Permit Applications 2012**



Once a complete application has been submitted, it typically takes between 4-6 weeks to obtain a Development Permit. Applications for minor developments not requiring a variance are generally approved within ten working days of receipt but the fourteen day appeal period must expire before the Development Permit can become effective. The applicant may then proceed with the Building Permit process. If the amendments go forward, Development Approval Checklists could be processed within five to ten working days and there would be no appeal period.

Budget

In 2012 the Planning and Development Department collected \$792,000 in user charges, more than 60% above the forecasted revenue stream. Development Permit applications for accessory structures, decks and additions generated \$6,375 in revenue, less than 0.1% of total fees collected.

Changing the Development Permit requirement should not have an impact on how property values are assessed. Under the current system, developments that are exempt from a Development Permit may still increase property values. While the City’s property assessor uses the record of approved Development Permits for the purposes of assessment, every property is also inspected in person for improvements. Planning and Lands will continue to inform the property assessor of all new developments as the Checklists are received.

Staffing

Planning staff already provide assistance to the public for Development Permit applications. While there will be a transition period to implementing the proposed Development Approval form, the changes would save resources by requiring less time and paperwork than what is now spent processing a full

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Development Permit. This efficiency would allow staff to improve processing times for other permits, and allow them to focus on other strategic planning objectives such as increasing land sales, conducting community engagement, ensuring compliance with development standards, and undertaking new policy initiatives.

#### Development Appeal

During the appeal period, a Public Notice remains on the property and any member of the public can bring concerns about the project to the Development Appeal Board. There is no fee to appeal a development project and the applicant does not need to justify the appeal to qualify for a hearing. The appeal process works well for contentious projects (e.g. those requiring a variance) or larger projects that may impact the surrounding neighbourhood or general community.

When there is no Development Permit requirement, there is no longer a process for appeal. The Development Appeal Board does not have the authority to refuse a permitted development where there is no variance and the Development Officer has not applied discretionary judgment. Requiring a 14-day appeal period for minor projects without a variance creates an unnecessary delay in the building process.

If an applicant provides false or misleading information on the Development Approval form that result in the construction of a non-conforming structure, the City will take enforcement action. In such a case the Developer could be required to remove the structure from the property.

#### Comparative Information

Table 1 shows information on six other Canadian jurisdictions.<sup>1</sup> In most of the jurisdictions researched, no Development Permit is required for decks, accessory structures or additions to a single detached dwelling or duplex, provided the proposed development was a permitted use and in full compliance with the applicable Zoning or Land Use By-Law. By reserving the Development Permit process for projects of substantial size (e.g. multi-family housing) or for development activity requiring a variance, other jurisdictions are able to issue Building Permits significantly faster than under the City's current system.

While all jurisdictions had slightly different practices, the proposed amendments integrate best practices. For example, in Whitehorse (YT) additions to duplexes and single-family dwellings require a Development Permit when the addition creates a new dwelling unit. Constructing a detached garage in Calgary (AB) requires a Development Permit when the structure exceeds 75 square metres in area. These provisions have been included in the proposed amendments.

#### Departmental Consultation

Applicants must declare all changes to site grading and servicing on the Development Approval Form. If there is a change to site grading or servicing, the applicant must provide a related plan for approval by Public Works before applying for a Building Permit. If there are any significant issues these must be resolved to the satisfaction of Public Works before proceeding.

#### Other Considerations

These amendments are the first in a series of Zoning By-Law changes scheduled for 2013. Future amendments for Council consideration will focus on further increasing efficiency, promoting affordable

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<sup>1</sup> Research included Calgary (AB), Kimberley (BC), Richmond (BC), Greater Sudbury (ON), Timmins (ON) and Whitehorse (YT).

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housing, and bringing Zoning By-Law No. 4404, as amended, in alignment with the Yellowknife General Plan that was adopted in 2011.

**ALTERNATIVES TO RECOMMENDATION:**

That By-law No. XXXX, a by-law to amend Zoning By-law No. 4404, in order to increase the efficiency of the Development Permit process, not be presented for adoption.

**RATIONALE:**

Requiring both a Development and a Building Permit for all types of development that comply with the Zoning By-law No. 4404, as amended, is not an effective use of public resources. The Development Approval form will ensure applicants are aware of the regulations before they submit the application for a Building Permit. Adopting these amendments demonstrates the City's commitment to facilitating development in a timely manner while improving customer service.

**ATTACHMENTS:**

1. Development Approval Checklists (DOC#343192, #337900, #343189); and
2. By-law XXXX (DOCS#345835).

Prepared: January 8, 2013: KK/dl  
Revised: January 23, 2013: KK/jh

DOCS#346932

**City of Yellowknife Planning and Lands Department  
New Additions (Single-Detached Dwelling or Duplex)  
Approval Checklist**



Property Information			
Owner Name			
Telephone(s)	Home:		Work or Cell:
Email			
Civic Address			
Legal Description	Lot:		Block:
Applicant Information (if different from owner)			
Applicant Name			
Applicant Telephone(s)	Home:		Work or Cell:
Applicant Email			
Development Information			
What is on the property now?			
Are you replacing an existing structure?			
Estimated start and completion dates			
<b>SEE REVERSE SIDE</b>			

**Important Information about New Additions:**

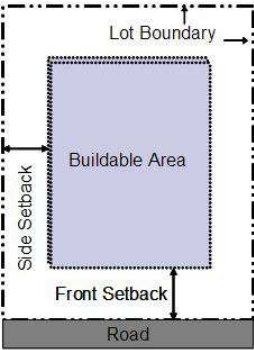
Replacing a structure previously approved by a Development Permit with a new structure of the same dimensions does not require this checklist.

Installing additional insulation on an existing structure requires 'Form G' instead of this checklist.

Additions creating a new dwelling unit require a Development Permit.

Constructing an Addition requires the Applicant to obtain a Building Permit.

Residents requiring assistance with this form may come to City Hall from Monday to Friday between 8:30 AM – 4:30 PM and or call 920-5600 and ask to speak to a Planner/Development Officer. Information is also available through the Planning and Lands Department Website.

Checklist	Information from Applicant
<b>What is the floor area of the proposed structure?</b>	_____ square metres
<b>Was the dwelling you are altering approved by Development Permit?</b>	<b>YES:</b> <input type="radio"/> <b>NO:</b> <input type="radio"/>
<b>Does the addition require a Variance?</b>   <p>The diagram shows a rectangular lot with a dashed line for the 'Lot Boundary'. Inside, a solid line defines the 'Buildable Area'. A 'Road' is shown at the bottom. Arrows indicate 'Side Setback' on the left, 'Front Setback' at the bottom, and 'Lot Boundary' at the top.</p>	<b>YES:</b> <input type="radio"/> <b>NO:</b> <input type="radio"/>  Required Front Yard Setback: _____ Proposed Front Yard Setback: _____  Required Side Yard Setback: _____ Proposed Side Yard Setback: _____  Required Rear Yard Setback: _____ Proposed Rear Yard Setback: _____  Required Rear Yard Setback: _____ Proposed Rear Yard Setback: _____  Maximum Height Permitted:: _____ Proposed Addition Height: _____
<b>Are you within your maximum site coverage?</b>	<b>YES:</b> <input type="radio"/> <b>NO:</b> <input type="radio"/>  Maximum Site Coverage Permitted: _____% Total Site Coverage (with Addition): _____%
<b>Will you be changing the grade or site servicing?</b>	<b>YES:</b> <input type="radio"/> <b>NO:</b> <input type="radio"/>  <i>If 'Yes,' attach related plans for Public Works review.</i>
<b>Will the Addition create a new dwelling unit?</b>	<b>YES:</b> <input type="radio"/> <b>NO:</b> <input type="radio"/>
<b>Please describe the materials to be used:</b>  <i>* Please note that all new construction must be compatible with and complementary to other structures on the lot and the surrounding properties.</i>	

*I hereby certify that the information above is accurate and true. I acknowledge that submitting false or misleading information or constructing a structure that does not comply with the above shall render the required Building Permit null and void and the structure will be ordered removed..*

**Applicant Signature:** \_\_\_\_\_ **Witness Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Date:** \_\_\_\_\_

# City of Yellowknife Planning and Lands Department Accessory Deck Development Approval Form



Property Information			
Owner Name			
Telephone(s)	Home:		Work or Cell:
Email			
Civic Address			
Legal Description	Lot:		Block:
Applicant Information (if different from owner)			
Applicant Name			
Applicant Telephone(s)	Home:		Work or Cell:
Applicant Email			
Development Information			
What is on the property now?			
Are you replacing an existing accessory deck?			
Estimated start and completion dates			
<b>SEE REVERSE SIDE</b>			

### Important Information about Accessory Decks:

Replacing an existing deck previously approved by Development Permit with a new deck with the same dimensions does not require this checklist.

Accessory decks less than 0.6 meters high do not require this checklist.

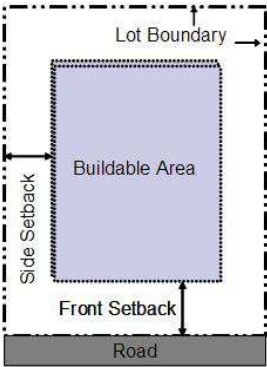
Accessory Decks are not considered part of the site coverage.

Accessory Decks may comprise no more than 25% of the required landscape area.

Constructing an Accessory Deck requires a Building Permit.

Residents requiring assistance with this form may come to City Hall from Monday to Friday between 8:30 AM – 4:30 PM and or call 920-5600 and ask to speak to a Planner/Development Officer. Information is also available through the Planning and Lands Department Website.

A deck may require a Development Permit at the discretion of the Development Officer.

Checklist	Information from Applicant
<p><b>Does the deck project into the required yard setbacks?</b></p>  <p>The diagram illustrates a rectangular lot with a dashed line representing the 'Lot Boundary'. Inside the lot is a smaller shaded rectangle labeled 'Buildable Area'. To the left of the buildable area, a vertical double-headed arrow indicates the 'Side Setback'. Below the buildable area, a vertical double-headed arrow indicates the 'Front Setback'. At the bottom of the lot, a shaded horizontal area represents the 'Road'.</p>	<p><b>YES:</b> <input type="radio"/>      <b>NO:</b> <input type="radio"/></p> <p><b>If YES, provide the projection: _____ metres</b></p> <p>Required Front Yard Setback: _____ Proposed Front Yard Setback: _____</p> <p>Required Side Yard Setback: _____ Proposed Side Yard Setback: _____</p> <p>Required Rear Yard Setback: _____ Proposed Rear Yard Setback: _____</p>
<p><b>How high is the platform of deck from the ground?</b></p>	<p>_____ meters</p>
<p><b>Is the deck unenclosed?</b></p>	<p><b>YES:</b> <input type="radio"/>      <b>NO:</b> <input type="radio"/></p>
<p><b>Please describe the materials to be used:</b></p> <p><i>* Please note that all new construction must be compatible with and complementary to other structures on the lot and the surrounding properties.</i></p>	
<p><b>Any additional information:</b></p>	

*I hereby certify that the information above is accurate and true. I acknowledge that submitting false or misleading information or constructing a structure that does not comply with the above shall render the required Building Permit null and void and the structure will be ordered removed.*

**Applicant Signature:** \_\_\_\_\_ **Witness Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Date:** \_\_\_\_\_



# City of Yellowknife Planning and Lands Department Shed and Detached Garage Development Approval Form



Property Information			
Owner Name			
Telephone(s)	Home:		Work or Cell:
Email			
Civic Address			
Legal Description	Lot:		Block:
Applicant Information (if different from owner)			
Applicant Name			
Applicant Telephone(s)	Home:		Work or Cell:
Applicant Email			
Development Information			
Existing development on site:			
Proposed development:			
Are you replacing an existing structure?			
Estimated start and completion dates:			
<b>SEE REVERSE SIDE</b>			

## **Important Information about Garages and Sheds:**

Constructing a Shed or Detached Garage more than 75 square metres (807 square feet) in area requires a Development Permit.

Replacing a structure previously approved by a Development Permit with a new structure of the same dimensions does not require this checklist.

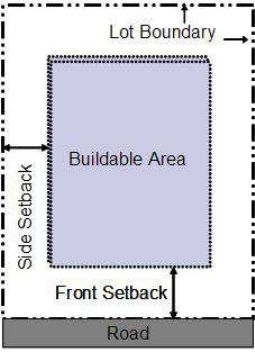
Sheds less than 10 square metres (108 square feet) in area or 3 metres in height that are not permanently attached to the ground do not require this checklist.

Detached garages and sheds located on corner lots require a minimum side yard setback of two metres on the flanking street side.

The face of the garage door must be located a minimum of 6 metres from any public right of way.

A Garage or Shed may require a Development Permit at the discretion of the Development Officer.

Constructing a Detached Garage or Shed requires a Building Permit.

Checklist	Information from Applicant
What is the floor area of the proposed structure?	_____ square metres
Is the proposed structure located at least one metre from the principle building?	YES: <input type="radio"/> NO: <input type="radio"/>
Is the structure located on a corner lot?	YES: <input type="radio"/> NO: <input type="radio"/>
Is the proposed structure located in the front yard?	YES: <input type="radio"/> NO: <input type="radio"/>
<p>Does the shed or garage require a Variance?</p>  <p>The diagram shows a rectangular lot with a dashed line for the 'Lot Boundary'. Inside, a solid line defines the 'Buildable Area'. A 'Road' is shown at the bottom. Arrows indicate 'Side Setback' on the left and 'Front Setback' at the bottom.</p>	<p>YES: <input type="radio"/> NO: <input type="radio"/></p> <p>Required Front Yard Setback: _____ Proposed Front Yard Setback: _____</p> <p>Required Side Yard Setback: _____ Proposed Side Yard Setback: _____</p> <p>Required Rear Yard Setback: _____ Proposed Rear Yard Setback: _____</p> <p>Required Rear Yard Setback: _____ Proposed Rear Yard Setback: _____</p> <p>Maximum Height Permitted: <b>5 metres</b> Proposed Addition Height: _____</p>
Does the shed or garage have an overhang (i.e. eaves) that projects into the required yard setback?	<p>YES: <input type="radio"/> NO: <input type="radio"/></p> <p>If YES, provide the projection: _____ metres</p>
Are you within your maximum site coverage?	<p>YES: <input type="radio"/> NO: <input type="radio"/></p> <p>Maximum Site Coverage Permitted: _____ % Total Site Coverage (with Addition): _____ %</p>
Will you be changing the grade or site servicing?	<p>YES: <input type="radio"/> NO: <input type="radio"/></p> <p><i>If 'Yes,' attach related plans for Public Works review.</i></p>
<p>Describe the materials to be used:</p> <p><i>* Please note that all new construction must be compatible with and complementary to other structures on the lot and the surrounding properties.</i></p>	

*I hereby certify that the information above is accurate and true. I acknowledge that submitting false or misleading information or constructing a structure that does not comply with the above shall render the required Building Permit null and void and the structure will be ordered removed.*

**Applicant Signature:** \_\_\_\_\_ **Witness Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_ **Date:** \_\_\_\_\_

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

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**

THAT Zoning By-law No. 4404, as amended, be amended by:

1. Amending Section 3.2(1)(d) to read as follows:

Construction of a shed or detached garage that does not exceed 75 square metres (807 square feet) in area, provided the use is permitted and complies with all applicable height and setback requirements. An applicant for this type of development shall make application to the City on the form prescribed by the Senior Administrative Officer, or his designate, and provide such additional information as a Development Officer may, from time to time, require. The City reserves the right to require a Development Permit at the discretion of the Development Officer.

2. Amending Section 3.2 (1) (h) to read as follows:

Construction of an unenclosed deck, provided a yard setback is not reduced by more than 40% as per section 7.1(4). For a deck more than 0.6 metres in height, the applicant shall make application to the City on the form prescribed by the Senior Administrative Officer, or his designate, and provide such additional information as a Development Officer may, from time to time, require. The City reserves the right to require a Development Permit at the discretion of the Development Officer.

3. Adding Section 3.2(1) (n) to read as follows:

Additions to existing single-detached dwellings and duplexes that do not create a new dwelling unit, provided the use is permitted and complies with all applicable height and setback requirements. An applicant for this type of development shall make application to the City on the form prescribed by the Senior Administrative Officer, or his designate, and provide such additional information as a Development Officer may, from time to time, require. The City reserves the right to require a Development Permit at the discretion of the Development Officer.

4. Amending Section 3.3(2) (a) to read as follows:

One copy of the site plan, in metric, indicating the following information:

5. Amending Sections 10.1(2) (a), 10.2(2) (a), 10.5(2) (a), 10.6(2) (a), 10.7(2) (a), 10.8(2) (a), 10.9(2) (a), 10.10(2) (a), 10.11(2) (a), 10.12(2) (a), 10.13(2) (a), 10.14(2) (a), 10.15(2) (a), 10.16(2) (a), 10.17(2) (a), 10.18(2) (a), 10.19(2) (a), 10.20(2) (a), 10.21 SSI(2) (a), 10.21 SS3(2) (a), 10.21 SS5(2) (a), 10.21 SS6(2) (a), 10.22(2) (a), 10.23(3) (a), 10.24 SS7(2) (a), 10.25(2) (a), 10.25 SS8(2) (a) and 10.26(2) (a) to include 'Accessory Decks' as a Permitted Use, to read as follows:

(2) Uses

(a) Permitted Uses:  
Accessory Decks

**EFFECT**

6. 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 \_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY ADMINISTRATOR

READ a Second Time this \_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY ADMINISTRATOR

APPROVED by the Minister of Municipal and Community Affairs of the Northwest Territories this \_\_\_\_ day of \_\_\_\_\_, A.D. 2013.

\_\_\_\_\_  
MINISTER  
MUNICIPAL AND COMMUNITY  
AFFAIRS

READ a Third Time and Finally Passed this \_\_\_\_ day of  
\_\_\_\_\_ A.D., 2013.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY ADMINISTATOR

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.

\_\_\_\_\_  
CITY ADMINISTRATOR