MUNICIPAL SERVICES COMMITTEE AGENDA

Monday, October 3, 2016 at 12:05 p.m.

Chairman: Mayor M. Heyck, Councillor R. Alty, Councillor A. Bell, Councillor L. Bussey, Councillor N. Konge, Councillor S. Morgan, Councillor J. Morse, Councillor S. Payne, and Councillor R. Silverio.

<table>
<thead>
<tr>
<th>Item</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Approval of the agenda.</td>
</tr>
<tr>
<td>2.</td>
<td>Disclosure of pecuniary interest and the general nature thereof.</td>
</tr>
<tr>
<td>ANNEX A 3.</td>
<td>A memorandum regarding whether to amend Zoning By-law No. 4404, as amended, to allow Transportation Facility as a permitted use in the BI – Business Industrial zone.</td>
</tr>
<tr>
<td>ANNEX B 4.</td>
<td>A memorandum regarding whether to amend Zoning By-law No. 4404, as amended, and Land Administration By-law No. 4596, as amended, to comply with the updated GNWT <em>Community Planning and Development Act</em>.</td>
</tr>
<tr>
<td>IN CAMERA ANNEX C 5.</td>
<td>A memorandum regarding whether to appoint three (3) members to serve on the City of Yellowknife Combative Sports Commission.</td>
</tr>
<tr>
<td>7.</td>
<td>A personnel matter.</td>
</tr>
<tr>
<td>8.</td>
<td>A personnel matter.</td>
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</tbody>
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MEMORANDUM TO COMMITTEE

COMMITTEE: Municipal Services
DATE: October 3, 2016
DEPARTMENT: Planning and Development
ISSUE: Whether to amend Zoning By-law No. 4404, as amended, to allow Transportation Facility as a permitted use in the BI – Business Industrial zone.

RECOMMENDATION:
That By-law No. XXXX, a by-law to amend Zoning By-law No. 4404, as amended, by adding Transportation Facility to Section 10.22 (2) (a) as a permitted use in the BI – Business Industrial zone, be presented for adoption.

BACKGROUND:
On September 16, 2016, the City received a development permit application for the development of a Transportation Facility use on Lots 48 to 53, Block 907 (106, 109, 110, 112, 114, and 116 Falcon Road) in the Engle Business District, BI – Business Industrial zone. In the Zoning By-law, Transportation Facility is defined as: “the use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers, buses and boats.” The proposed Transportation Facility includes bulk freight storage, truck parking, an office and a future warehouse. See Figure 1 proposed site plan. Pursuant to the current zoning regulations, Transportation Facility is neither a permitted nor a conditionally permitted use in the BI zone, however, it is compatible with existing permitted uses in the BI zone, such as automotive equipment repair and storage, automotive service station, car/truck wash, commercial storage, storage yard and other similar uses. As such the applicant was required to submit a zoning amendment application to include Transportation Facility as a listed use in the BI zone. On September 22, 2016, the City received the zoning amendment application.
Figure 1: Proposed Site Plan
COUNCIL POLICY / RESOLUTION OR GOAL:

Objective 2(d)  Promote a Range of Commercial, Residential and Institutional Development and Revitalization Opportunities.

Objective 4(b)  Advance the City’s Interest in Responding to Social, Environmental and Economic Issues and their Impacts.

APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:

1. *Cities, Towns and Villages Act*;
2. *Community Planning and Development Act*;
3. Zoning By-law No. 4404, as amended; and
4. General Plan By-law No. 4656, as amended.

CONSIDERATIONS:

Legislative Requirements
The adoption of amendments to the Zoning By-law requires formal Public Notice and a Public Hearing before Council in accordance with the *Cities, Towns and Villages Act (CTVA)*. Pursuant to Section 129, a Public Hearing takes place following First Reading of a by-law amendment, and prior to Second and Third Reading.

General Plan
Lots 48 to 53, Block 907 are located in the Engle Business District. In the General Plan Engle Business District is identified as an area to accommodate a variety of general industrial and business industrial uses; it is an intended relocation area for industrial use from other parts of the city. Including Transportation Facility as a permitted use is in line with the General Plan industrial designation for the area.

Proposed Zoning By-law Amendment
In the Zoning By-law, Transportation Facility is defined as: “the use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers, buses and boats.” Currently Transportation Facility is permitted or conditionally permitted in a number of zones:

<table>
<thead>
<tr>
<th>Permitted Use Zones</th>
<th>Conditionally Permitted Use Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>A – Airport Environs</td>
<td>GM – Growth Management</td>
</tr>
<tr>
<td>I – Industrial (excluding Kam Lake Residential Overlay)</td>
<td>CS – Commercial Service</td>
</tr>
<tr>
<td>GI – General Industrial</td>
<td>LI – Limited Industrial</td>
</tr>
<tr>
<td></td>
<td>KL – Kam Lake Light Industrial/Commercial Mix</td>
</tr>
<tr>
<td></td>
<td>Kam Lake Residential Overlay</td>
</tr>
</tbody>
</table>

As shown in Figure 2, transportation facility is a permitted use in the following zones:

As shown in Figure 3, transportation facility is a conditionally permitted use in the following zones:
Figure 2: Zones with Transportation Facility as a Permitted Use

Figure 3: Zones with Transportation Facility as a Conditionally Permitted Use
The purpose of the BI zone indicated in the Zoning By-law is “to provide an area for lower impact industrial uses that have a related limited commercial business requiring outdoor storage, that are suited to high visibility along a primary road corridor.”

Currently the BI zone permits or conditionally permits the following uses:

<table>
<thead>
<tr>
<th>BI zone permitted uses</th>
<th>Accessory Decks, Accessory Building or Use Accessory office use (less than 20% of total floor space) Animal Services Automotive Equipment, repair and storage Automotive Service Station Car/Truck Wash Card Lock Commercial storage Contractor, limited Contractor, general Diamond facility Equipment rental and repair Greenhouse Laboratory Manufactured home sales Motor Vehicle Sales Public utility uses and structures Research and Development Storage yard Food/Beverage Services minor (subject to Section 10.22(4)) Brewery Establishment</th>
</tr>
</thead>
<tbody>
<tr>
<td>BI zone conditionally permitted uses</td>
<td>Accessory Office use (greater than 20%) Animal Shelter Similar Uses</td>
</tr>
</tbody>
</table>
The application for the development on Lots 48 to 53, Block 907, almost half of the established BI zoned lots, represents a market demand for Transportation Facility use along Deh Cho Boulevard (as shown in Figure 4). The Transportation Facility use requires outdoor storage and access to a primary road corridor, which make it a good fit to the BI zone. Both the two adjacent zones, GI - General Industrial and A - Airport Environs, allow Transportation Facility as a permitted use. In addition, currently permitted uses in the BI zone, including automotive equipment repair and storage, automotive service station, car/truck wash, commercial storage, and storage yard, are similar activities to the use of a Transportation Facility. Therefore Administration recommends an amendment to Section 10.22 BI Zone Permitted Uses to include “Transportation Facility” as a permitted use.

**Proposed Site Development**

A proposed site plan was submitted (Figure 1). If the proposed zoning amendment is adopted by Council, with Transportation Facility included as a permitted permit in the BI zone, the Development Officer will be able to proceed with the development permit review for the proposed use on Lots 48 to 53, Block 907. If the rezoning is denied the proposed development will be unable to proceed.

**Consultation**

All City’s departments have been consulted through regular meetings of senior staff. With regard to seeking input from neighbouring property owners, the *Community Planning and Development Act* requires a notification radius of a minimum of 30 m. A larger buffer area was used to include surrounding neighbours across the road – seven neighbouring property owners within 100 m radius were notified by mail and email, the deadline for written comments is October 7, 2016. To date no response has been received. Any feedback if received will be provided to Council for consideration before First Reading of the amending by-law.
After the First Reading is given, members of the public still have opportunities to provide comments through the Public Hearing before Second and Third Reading.

**ALTERNATIVES TO RECOMMENDATION:**
That By-law No. XXXX, a by-law to amend Zoning By-law No. 4404, as amended, by adding Transportation Facility to Section 10.22 (2) (a) as a conditionally permitted use in the BI – Business Industrial zone, not be presented for adoption.

**RATIONALE:**
Transportation Facility is a compatible use with existing permitted uses in the BI zone. It is in line with the General Plan industrial designation for the Engle Business District. Allowing Transportation Facility as a permitted use in the BI zone responds to the recent market demand to develop such facilities along Deh Cho Boulevard.

**ATTACHMENTS:**
1. By-law No. XXXX, a by-law to amend Zoning By-law No. 4404, as amended (DM #471091); and
2. Notification letter to neighbours for the proposed zoning amendment (DM #471055).

Prepared: September 23, 2016 WY/VF
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) Adding “Transportation Facility” to Section 10.22 (2) (a) as permitted use.

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. 2016.

___________________________________
Mayor

___________________________________
City Administrator

Read a Second Time this ______ day of ________________, A.D. 2016.

___________________________________
Mayor

___________________________________
City Administrator

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

____________________________________
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
September 26, 2016

Blank Name
and Address

RE: Zoning Amendment to add “Transportation Facility” as a Permitted Use in the Business Industrial Zone

Dear Neighbouring Property Owners:

Please accept this letter/e-mail to clarify the inaccuracies made in the e-mail sent on September 26, 2016. You are receiving this letter as the owner of a neighbouring property to Lots 48 to 53, Block 907 at 106, 109, 110, 112, 114, and 116 Falcon Road (the “Subject Land”). The Subject Land is located in the BI – Business Industrial zone. The owner of the Subject Land proposes to develop a Transportation Facility on the site, including bulk freight storage, truck parking, an office and future warehouse (see attached proposed site plan). As currently Transportation Facility is neither a permitted nor a conditionally permitted use in the BI zone, the owner of the Subject Land submitted a zoning by-law amendment application to include “Transportation Facility” as a permitted use in the BI – Business Industrial zone. See attached context map for the BI zone location.

In the Zoning By-law, the definition of “Transportation Facility” means “the use of land, buildings or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers, buses and boats.”

A memorandum regarding the proposed zoning amendment has been prepared and is tentatively scheduled to the agenda for the Municipal Services Committee (MSC) meeting on October 3, 2016 at 12:05 p.m., and before Council for decision (First Reading of the zoning amendment by-law) on October 11, 2016 at 7:00 p.m. Both MSC and Council meetings are held in Council Chambers at City Hall. A Public Hearing will be scheduled prior to Second and Third Reading and is typically scheduled for the subsequent council meeting following First Reading of the amending by-law (i.e. October 24, 2016). Any changes to the Council and MSC meeting agendas or meeting schedule will be posted on the City’s website under “Council and Committee meetings”.

The Development Officer is accepting written comments from surrounding landowners, who wish to comment on the proposed zoning amendment, until 4:30 p.m. on October 11, 2016. Comments may be
sent by e-mail or mail. Feedback will be provided for Council information before First Reading of the By-law.

Please send written comments to:

Vic Fontanilla  
Planning and Development  
City of Yellowknife  
PO Box 580 Yellowknife, NT  
X1A 2N4

If you have any questions or comments, please do not hesitate to contact me at 920-5673 (8:30 a.m. to 5:00 p.m.) or vfontanilla@yellowknife.ca.

Sincerely,

[Signature]

Vic Fontanilla  
Development Officer  
City of Yellowknife

Encls. :  1. Proposed site plan  
           2. Zoning Context Map

DM # 471055
MEMORANDUM TO COMMITTEE

COMMITTEE: Municipal Services

DATE: October 3, 2016

DEPARTMENT: Planning and Development

ISSUE: Whether to amend Zoning By-law No. 4404, as amended, and Land Administration By-law No. 4596, as amended, to comply with the updated GNWT Community Planning and Development Act.

RECOMMENDATION:

1. That By-law No. XXXX, a by-law amending Zoning By-law No. 4404, as amended, for the purpose of complying with the updated GNWT Community Planning and Development Act, be presented for adoption.

2. That By-law No. YYYY, a by-law amending Land Administration By-law No. 4596, as amended, for the purpose of complying with the updated GNWT Community Planning and Development Act, be presented for adoption.

BACKGROUND:
The purpose of these housekeeping updates is to incorporate requirements from existing legislation; not to introduce additional development requirements or restrictions. Failing to make these updates will result in non-compliance with legislation or lack of clarity in the development process.

On October 1, 2013 the Community Planning and Development Act came into force replacing the former Planning Act. The introduction of the Community Planning and Development Act is intended to provide municipalities in the Northwest Territories with new tools to better address their community planning and development objectives.

Planning staff have undertaken a review of the Zoning By-law and Land Administration By-law in light of the Community Planning and Development Act coming into force. Municipal by-laws are legally obligated to reflect territorial legislation. As such, a series of housekeeping updates are proposed for the Zoning By-law and Land Administration By-law which reflect the legislative requirements in the Community Planning and Development Act.
COUNCIL POLICY / RESOLUTION OR GOAL:
Council Objective 1(c) Emphasize Fairness, Value and Transparency in Financial Decisions, Program Delivery and Land Administration.
Council Action 4.14 Re-examine Territorial legislation that governs the City.

APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:
1.  *N.W.T. Community Planning and Development Act S.N.W.T. 2011,c.22;*
2.  General Plan By-law No. 4656, as amended;
3.  Zoning By-law No. 4404, as amended; and
4.  Land Administration By-law No. 4596, as amended.

CONSIDERATIONS:

Legislative
The housekeeping amendments to the Zoning By-law and Land Administration By-law require Public Notice and a Public Hearing before Council following First Reading of the by-law in accordance with the *Cities, Towns and Villages Act*. The proposed requirements are proposed to be in compliance with the changes made to the Community Planning and Development Act.

Departmental and Agency Consultation
The proposed changes to the Zoning By-law and Land Administration By-law were reviewed with the City Clerk’s Division and Legal Services. Staff also consulted with representatives of the GNWT’s Department of Justice and Department of Lands.

Summary of Proposed By-law Amendments
A series of housekeeping updates are proposed for the Zoning By-law and Land Administration By-law which reflect the legislative requirements in the *Community Planning and Development Act*. The updates include replacing the words “*Planning Act*” to “*Community Planning and Development Act*”; introducing the new definition for Area Development Plan and deleting the outdated definition for Development Scheme; and adjusting various by-law clauses to reflect the current Act’s requirements.

The chart below provides a summary of the 3 notable changes to the Zoning By-law as a result of the introduction of the *Community Planning and Development Act*. Planning staff’s corresponding rationale is also provided. A detailed listing of all of the changes to the Zoning By-law and Land Administration By-law is provided in Attachment No. 3.

<table>
<thead>
<tr>
<th>Proposed Changes to the Zoning By-law as a result of the <em>Community Planning and Development Act</em> updates</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>The introduction of clear regulations defining a minimum 30 m notification boundary for conditionally permitted use applications, variances that are approved, and development permit appeals.</td>
<td>Currently, the Zoning By-law states that all adjacent property owners must be notified when a conditionally permitted use is going to be considered by Council and when a variance is approved by the Development Officer. In the case of development permit appeals, the Zoning By-law states that all persons who in the opinion of the Development Appeal Board may be affected shall be...</td>
</tr>
</tbody>
</table>
notified. In addition, lessees of land are not specifically required to be notified.

Sections 14, 23 and 66 of the *Community Planning and Development Act* requires a minimum 30 m notification boundary to all owners and lessees of land for conditionally permitted use applications, variances that are approved, and development permit appeals. These requirements are now proposed to be included in the Zoning By-law.

It is noted that the Development Officer will retain the ability in the Zoning By-law to increase the notification boundary beyond 30 m to include additional landowners and lessees if it is deemed appropriate for conditionally permitted use applications and variances that are approved. In the case of development permit appeals, the Development Appeal Board administers the notification. Since the *Community Planning and Development Act* came into force, the 30 m notification boundary has been closely observed by the board.

The introduction of new regulations governing development permit appeals that differentiates between the applicant and someone other than the applicant.

The former *Planning Act* did not differentiate between the two types of development appellants; an applicant and someone other than the applicant. The Zoning By-law currently corresponds with this direction.

Sections 61 and 62 of the *Community Planning and Development Act* divides development permit appeals into two types – those made by the applicant and those made by someone other than the applicant. Both appellant processes are now proposed to be included in the Zoning By-law.

The introduction of new regulations defining when a non-conforming building or a building containing a non-conforming use may be enlarged, added to, or structurally altered.

Currently, the Zoning By-law permits the general enlargement of a non-conforming building or a building containing a non-conforming use.

Section 27 of the *Community Planning and Development Act* states that a building containing a non-conforming use may not be enlarged, added to, or structurally altered except: (i) to make a non-conforming building conform with the Zoning By-law, or (ii) to rebuild or repair a part of the building if the Planning Administrator considers it necessary for public safety or to preserve the value of the building. These requirements are now proposed to be included in the Zoning By-law.
In addition to the by-law updates corresponding to the introduction of the Community Planning and Development Act, one other additional housekeeping update is proposed for the Zoning By-law. Section 3.7 (4) of the General Plan states that in order to:

“ensure meaningful community dialogue and involvement in the future planning exercises for lands in the Growth Reserve which may be of particular interest for development beyond the 10-year time horizon of the plan, a Community Engagement Overlay will apply to certain lands as indicated on Map 1 of the plan”.

The Community Planning and Development Act Section 12 (1) states that “the purpose of a zoning by-law is to regulate and control the use and development of land and buildings in a municipality in a manner that conforms with a community plan”. The Zoning By-law is the most frequently referenced municipal land-use policy document when a development proposal is evaluated. Incorporating the General Plan’s community engagement overlay requirement into the Zoning By-law will serve as a place-marker and reminder for planning staff, developers and the general public of the existing General Plan policy. Further, it will solidify this engagement policy because it will be incorporated into the Zoning By-law.

**ALTERNATIVES TO RECOMMENDATION:**

Since the Zoning By-law and Land Administration By-law are required to be in compliance with the Community Planning and Development Act no alternatives are recommended.

**RATIONALE:**

The proposed housekeeping changes will bring the Zoning By-law and Land Administration By-law in compliance with the Community Planning and Development Act; Territorial legislation that is in force.

**ATTACHMENTS:**

1. By-law No. XXXX, a by-law to amend Zoning By-law No. 4404, as amended (DM#456712); Schedule A to By-law XXXX (DM#469746);
2. By-law No. YYYY, a by-law to amend Land Administration By-law No. 4596, as amended; (DM #464450); and
3. Comprehensive list of all proposed by-law changes and supporting rationale (DM#461056).

Prepared: September 9 2016, RL
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 his 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 his/her 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 ______ day of _______________, A.D. 2016.

___________________________________
Mayor

___________________________________
City Administrator

Read a Second Time this _____ day of ________________, A.D. 2016.

___________________________________
Mayor

___________________________________
City Administrator

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

____________________________________
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
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 Land Administration By-law No. 4596, 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 Land Administration By-law No. 4596, as amended;

AND WHEREAS the Municipal Corporation of the City of Yellowknife wishes to amend Land Administration By-law No. 4596, 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 Land Administration By-law No. 4596, as amended, be amended by:

   A) Adding the following definitions to Section 2 Definitions as follows:

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

   B) Replacing all references to “Planning Act” with “Community Planning and Development Act”; and

   C) Replacing all references to “Development Scheme” with “Area Development Plan”;
D) Amending Section 12 (g) (iii) as follows:

Specify, by agreement with the developer, any requirements for the development of the land pursuant to Section 20 of the *Community Planning and Development Act*, including any restrictions on the use of lands; and

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. 2016.

___________________________________
Mayor

___________________________________
City Administrator

Read a Second Time this _______ day of ________________, A.D. 2016.

___________________________________
Mayor

___________________________________
City Administrator
Read a Third Time and Finally Passed this ________________ day of ________________, A.D., 2016.

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Mayor

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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.

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City Administrator
### Proposed Changes to the By-laws

<table>
<thead>
<tr>
<th>Zoning By-law</th>
<th>Administration's Reasoning</th>
</tr>
</thead>
<tbody>
<tr>
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<td>Replacing all references to “N.W.T. Planning Act” with “Community Planning and Development Act”.</td>
<td>The N.W.T. Planning Act has been rescinded and replaced with the Community Planning and Development Act.</td>
</tr>
<tr>
<td>Adding “area development plan” to Section 1.6 Definitions as follows:</td>
<td>“Area development plan” is a term used in the Community Planning and Development Act.</td>
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<tr>
<td>- “area development plan” means a statutory planning document pursuant to</td>
<td>“Development scheme” is the equivalent term formerly used in the Planning Act.</td>
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<td>Section 8 of the Community Planning and Development Act.</td>
<td>On October 1 2013 the Community Planning and Development Act came into force thereby replacing the Planning Act. The Planning Act was correspondingly rescinded.</td>
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<td>Adding “Community Planning and Development Act” to Section 1.6 Definitions</td>
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<td>as follows:</td>
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<td>and Development Act, S.N.W.T. 2011, c.22, as amended.</td>
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<td>Amending the definition “Development Appeal Board” or “Board” to Section 1.6</td>
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<tr>
<td>Section 30 of the Community Planning and Development Act.</td>
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<tr>
<td>Deleting “development scheme” from Section 1.6 Definitions.</td>
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</tbody>
</table>
Deleting “Planning Act” from Section 1.6 Definitions.

Replacing all references to “Development Scheme” with “Area Development Plan”

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, unless consent to extend the 40 day period is provided by the applicant.

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 adjacent landowners 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.

Amending Section 3.9 (5) as follows:
- If a decision is issued for a Permitted Use or Conditionally Permitted Use for which a equivalent term in the Community Planning and Development Act.

On October 1, 2013 the Community Planning and Development Act came into force thereby replacing the Planning Act. The Planning Act was correspondingly rescinded.

“Development Scheme” is a term used in the Planning Act. “Area Development Plan” is the equivalent term in the Community Planning and Development Act.

Section 61. (3) of the Community Planning and Development Act provides the policy basis for Section 3.4 (7) in the Zoning By-law. The phrase “unless consent to extend the 40 day period is provided by the applicant” is to be deleted because it is superfluous and not in-keeping with Section 61. (3) of the Community Planning and Development Act.

Section 14. (2) of the Community Planning and Development Act provides the policy basis for notification to neighbours when a Conditionally Permitted Use is being considered. The Zoning By-law currently requires that all adjacent property owners be notified. The introduction of the 30 m notification boundary and the introduction of lessees will bring the Zoning By-law in line with the Community Planning and Development Act notification requirements.

The phrase “in excess of 10% or a variance in regard to site density provisions” is to be deleted because it is superfluous and not in-keeping with
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 adjacent landowners 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.

Deleting Section 3.10 (1) and replacing with Section 3.10 (1) (a) and Section 3.10 (1) (b) as follows:

3.10 (1)

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 by serving written notice of appeal to the Secretary of the Board within 14 days after a notice of the decision or notice of an order has been mailed or posted on the site or within such further time, not exceeding an additional 46 days, as the Chairperson of the Board, for just cause, may allow.

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

Section 23. (2) (b) of the Community Planning and Development Act. All variances that are issued require notification.

Section 23. (2) of the Community Planning and Development Act provides the policy basis for notification to neighbouring property owners and lessees when a variance has been granted. The Zoning By-law currently requires that all adjacent property owners be notified. The introduction of the 30 m notification boundary and the introduction of lessees will bring the Zoning By-law in line with the Community Planning and Development Act notification requirements.

The Community Planning and Development Act divides development permit appeals into two types – those made by an applicant and those made by someone other than an applicant.

Section 3.10 (1) is proposed to be deleted and re-introduced as Sections 3.10 (1) (a) and 3.10 (1) (b) in order to capture this distinction. Section 3.10 (1) (a) is intended to accommodate appeals made by the applicant and Section 3.10 (1) (b) accommodates appellants other than the applicant. In addition, the phrase “a notice of the decision or notice of an order has been mailed or posted on the site” is misleading. Posting requirements for a development permit are addressed in Section 3.9 Notice of Decision in the Zoning By-law. Further, the phrase “or within such further time, not exceeding an additional 46 days, as the Chairperson of the Board, for just cause, may allow” is to be deleted because it is not in-keeping with appeal procedures as described in Sections 61 (4) and 62 (3) of the Community Planning and Development Act.
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;

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 thereby; or until a decision is made pursuant to Section 51 of the Planning Act.

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 his absence, the acting Chairperson, and the Secretary and a copy of the decision shall be sent by the Secretary to the Director of Planning as appointed under Section 49 of the Planning Act, the City, and the appellant

Section 51 of the former Planning Act references the Supreme Court as a method for leave to appeal. Section 70 of the Community Planning and Development Act does not make any reference to the courts stating that “a decision of the Board is final and binding on all parties and is not subject to appeal”.

Section 74 of the Community Planning and Development Act states that the Minister shall appoint a Director of Planning (for the GNWT). The role of the Director is to: (i) review proposed community plans and provide advice to the Minister on their approval; and (ii) make decisions on subdivisions where they are the subdivision authority. Previously under Section 21(2) of the Planning Act, the Director of Planning was to be advised in writing of all decisions of the Board. This is no longer a requirement in the Community Planning and Development Act; the intent of the act is to provide NWT communities greater
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 his/her request: and

Amending Section 3.10 (4) (h) as follows:
- A decision of the Board is final and binding on all parties and all persons subject only to appeal under Section 51 of the Planning Act and is not subject to appeal.

Amending Section 3.11 (1) as follows:
- The Development Appeal Board is hereby established in accordance with Section 21 of the Planning Act Section 30 of the Community Planning and Development Act.

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 persons who in the opinion of the Board may be affected;

Deleting Section 3.11 (2) (h) as follows:
- Within 15 days after the Appeal Board renders its decision, make a complete report of the appeal proceedings to the Director of Planning as appointed under Section 49 of the Planning Act;

Amending Section 3.11 (4) (d) as follows:
- Notify Council and the Director of Planning as appointed under Section 49 of the Planning Act;

Section 70 of the Community Planning and Development Act states that “a decision of the appeal board is final and binding on all parties and is not subject to appeal”.

The Development Appeal board is established by Council in accordance with Section 30 of the Community Planning and Development Act. Previously, it was in accordance with Section 21 of the Planning Act.

Section 66. (2) of the Community Planning and Development Act provides the policy basis for notification to neighbouring property owners and lessees when a notice of appeal has been filed with the Development Appeal Board. The Zoning By-law currently requires that all adjacent property owners be notified. The introduction of the 30 m notification boundary and the introduction of lessees will bring the Zoning By-law in line with the Community Planning and Development Act notification requirements.

Previously under Section 21(2) of the Planning Act, the Director of Planning (for the GNWT) was to be advised in writing of all decisions of the Board. This is no longer the case. This is not a requirement in the Community Planning and Development Act; the intent of the act is to provide NWT communities greater municipal autonomy.

Previously under Section 21(2) of the Planning Act, the Director of Planning (for the GNWT) was to be advised in writing of all decisions of the Board.
<table>
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<tr>
<th>Planning Act</th>
<th>This is no longer a requirement in the Community Planning and Development Act as a decision of the appeal board is a public record; the intent of the act is to provide NWT communities greater municipal autonomy.</th>
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<tr>
<td>Amending Section 4.1 (4) (e) as follows:</td>
<td>Provision of land for roads and public utilities for the purpose of providing suitable access and public services to all lots and other parcels of land in a subdivision is authorized by Section 49 of the Community Planning and Development Act. Previous authorization came from Section 44 of the Planning Act.</td>
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<tr>
<td>- The applicant has made provisions for roadways, utility parcels, and reserves in accordance with Section 44 of the Planning Act; and Section 49 of the Community Planning and Development Act.</td>
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<td>Amending Section 6.3 (5) as follows:</td>
<td>The City’s right to enforce a provision of the Zoning By-law with a court order must be done in accordance with Section 58 of the Community Planning and Development Act. Previously, it was in accordance with Section 33 of the Planning Act.</td>
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<tr>
<td>- Notwithstanding Part Six, the City may choose at any time to exercise its right to enforce any provision of this bylaw with a court order in accordance with Section 33 of the Planning Act; 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.</td>
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<td>Amending Section 7.1 (8) (a) as follows:</td>
<td>Sections 27 (1) and (2) of the Community Planning and Development Act state “after a zoning bylaw creating a non-conforming use of land or of a building takes effect, the use may be continued. [That use] does not apply in respect of a non-conforming use that is discontinued for a period of more than one year”. Further, Council is not authorized to grant an extension to the discontinued time period of use.</td>
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<tr>
<td>- A non-conforming use may be continued but, where that use is discontinued for any reason for a period of at least six consecutive months more than one year, any future use of the land or building is to conform with any current zoning by-law to the Zoning By-law, unless an extension is approved by Council.</td>
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<td>Amending Section 7.1 (8) (b) as follows:</td>
<td>Section 27 (4) of the Community Planning and Development Act states “if a non-conforming use is extended to other parts of a building, including a building that conforms with a zoning bylaw, the building may not be enlarged or added to”.</td>
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<td>- A non-conforming use of a part of a building or lot may be extended throughout the building or lot and the building or lot may be enlarged or added to with the approval of Council.</td>
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</table>
Deleting Section 7.1 (8) (c) as follows:
- Any non-conforming building may continue to be used and any structural alterations and additions which conform to the requirements of this by-law may be made.

Introducing new 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 with 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 Zoning 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.

Deleting Section 7.1 (8) (d) as follows:
Notwithstanding the provisions of this section within Blocks A, B, C, D, E, 1, 2, 3, 4, 11, 12, 13, 14, 19, 20, 73, 74, 75, 76, 77, 78, and 79 and Lot 863, Group 964, the Development Officer may:
 i) Approve an addition to a building containing a non-conforming use; and
 ii) Vary the requirements of the relevant sections of this By-law for additions to non-conforming buildings.

Introducing new Section 11.8 CEO Community Engagement Overlay as follows:

(1) General Purpose
To establish a Special Overlay Zone to

Sections 27 (1) and (2) of the Community Planning and Development Act state “after a zoning bylaw creating a non-conforming use of land or of a building takes effect, the use may be continued. [That use] does not apply in respect of a non-conforming use that is discontinued for a period of more than one year”.

Section 27 (4) of the Community Planning and Development Act provides clear direction on the only circumstances when a building containing a non-conforming use may be enlarged, added to, or structurally altered. These circumstances are directly transposed into the new Section 7.1 (8) (c).

Section 27 (4) of the Community Planning and Development Act provides clear direction on the only circumstances when a building containing a non-conforming use may be enlarged, added to, or structurally altered. These circumstances are directly transposed into the new Section 7.1 (8) (c).

Properties cannot be excluded from this requirement. The listed group of properties in Section 7.1 (8) (d) are located between the School Draw / Franklin intersection and the entrance to Latham Island.

The purpose of the Zoning By-law is to regulate the use and development of land and buildings within the City of Yellowknife in a balanced and responsible manner pursuant to the Community Planning and Development Act and the applicable General Plan. The Zoning By-law is the most
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.

Land Administration By-law

Adding “Community Planning and Development Act” to Section 2 Definitions as follows:

- “Community Planning and Development Act” means the Community Planning and Development Act, S.N.W.T. 2011, c.22, as frequently referenced municipal land-use policy document that is used for evaluating development proposals. Incorporating the General Plan’s community engagement overlay requirement into the Zoning By-law will serve as a place-marker and reminder for planning staff and the general public of the existing General Plan policy.

On October 1 2013 the Community Planning and Development Act came into force thereby replacing the Planning Act. The Planning Act was correspondingly rescinded. (it is noted that the Planning Act was not previously defined in the
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<td>- Section 20 of the Community Planning and Development Act, including any restrictions of the use of the lands; and</td>
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<td>Land Administration By-law)</td>
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<td>The Planning Act has been rescinded and replaced with the Community Planning and Development Act.</td>
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<td>“Development Scheme” is a term used in the Planning Act. “Area Development Plan” is the equivalent term in the Community Planning and Development Act.</td>
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<td>The disposition of land to a private developer that includes development requirements must be in accordance with Section 20 of the Community Planning and Development Act. Previously, it was in accordance with Section 37 of the Planning Act.</td>
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</table>
MEMORANDUM TO COMMITTEE

COMMITTEE: Municipal Services

DATE: October 3, 2016

DEPARTMENT: Administration

ISSUE: Whether to appoint three (3) members to serve on the City of Yellowknife Combative Sports Commission.

RECOMMENDATION:
That Council appoint three (3) members to serve on the City of Yellowknife Combative Sports Commission for a three (3) year term effective October 12, 2016 to October 11, 2019.

BACKGROUND:
The term of office for Mr. Mike Roesch and Mr. John Henderson will expire on October 15, 2016. Mr. Craig Dallman has resigned from the Combative Sports Commission.

The City has advertised vacancies for the Combative Sports Commission in the Capital Update and the City’s website.

COUNCIL POLICY / RESOLUTION OR GOAL:
Council Goal #3 Enhancing Communications and Community Engagement.

APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:
1. Criminal Code, R.S.C. 1985, c.C-46 (s. 83);
2. Cities, Towns and Villages Act, S.N.W.T. 2003, c. 22 (s. 70 and 72); and
3. Combative Sports By-law No. 4721.

CONSIDERATIONS:
Legislative
Section 7 of Combative Sports By-law states that all members of the Commission shall be appointed by resolution of Council.
ALTERNATIVES TO RECOMMENDATION:
That Administration be directed to re-advertise the vacancies on the City of Yellowknife Combative Sports Commission.

RATIONALE:
The appointment of new members will ensure that the City of Yellowknife Combative Sports Commission has a full complement of members, and will ensure that professional Combative Sports are regulated within the City of Yellowknife.

ATTACHMENTS:
Expression of interest from the candidates.

Prepared: September 27, 2016; SJ/