



CITY OF YELLOWKNIFE

GOVERNANCE AND PRIORITIES COMMITTEE AGENDA

Tuesday, May 21, 2024 at 12:05 p.m.

Chair: Mayor R. Alty,
Councillor S. Arden-Smith,
Councillor G. Cochrane,
Councillor R. Fequet,
Councillor B. Hendriksen,
Councillor C. McGurk,
Councillor T. McLennan,
Councillor S. Payne, and
Councillor R. Warburton.

<u>Item</u>	<u>Description</u>
1.	Opening Statement: The City of Yellowknife acknowledges that we are located in Chief Drygeese territory. From time immemorial, it has been the traditional land of the Yellowknives Dene First Nation. We respect the histories, languages, and cultures of all other Indigenous Peoples including the North Slave Métis, and all First Nations, Métis, and Inuit whose presence continues to enrich our vibrant community.
2.	Approval of the agenda.
3.	Disclosure of conflict of interest and the general nature thereof.
ANNEX A	
4.	A memorandum regarding whether to repeal and replace Land Administration By-law No. 4596, as amended.
ANNEX B	
5.	A memorandum regarding whether to direct Administration to bring forward a draft Development Incentives By-law.



CITY OF YELLOWKNIFE

MEMORANDUM TO COMMITTEE

COMMITTEE: Governance and Priorities

DATE: May 21, 2024

DEPARTMENT: Planning and Development

ISSUE: Whether to repeal and replace Land Administration By-law No. 4596, as amended.

RECOMMENDATION:

That By-law No. 5078, a by-law to repeal and replace Land Administration By-law No. 4596, as amended, be presented for adoption.

BACKGROUND:

On March 11, 2024 the Governance and Priorities Committee (GPC) was presented the draft Land Administration By-law (the By-law). Administration was directed to create a detailed summary of fundamental changes, producing a clause-by-clause document. The proposed changes are enclosed.

The purpose of the City's Land Administration By-law is to guide land acquisition, sales, leases or other dispositions of land by the City. The authority to adopt the by-law comes from the *Cities, Towns and Villages Act, S.N.W.T., 2003, c.22.*, as amended. The current Land Administration By-law was adopted on October 10, 2010, and was last amended in February 2019.

COUNCIL STRATEGIC DIRECTION/RESOLUTION/POLICY:

Strategic Direction #1: People First

Focus Area 1.1 Housing For All

Doing our part to create the context for diverse housing and accommodation options

Key Initiative 1.2.1 Setting the context and foundation for a fulsome continuum of housing options, from social to market to workforce accommodation

Key Initiative 1.2.2 Supporting design standards that are multi-modal, including recognizing Yellowknife's advantages as a winter city

Strategic Direction #3: Sustainable Future

Focus Area 3.2 Growth Readiness
Ensuring land development supports economic readiness and community priorities.

Key Initiative 3.2.1 Advocating for the transfer of vacant commissioner's land for growth.

Key Initiative 3.2.2 Completing land development tools and strategies that support growth readiness.

Council Motion #0140-21 That Council directs Administration to proceed with the bulk land transfer acquisition of all available Commissioner's Lands within the municipal boundary.

Council Motion #0013-23 That Council directs Administration to initiate planning applications as required for Community Plan Amendments, Area Development Plans, Zoning By-law Amendments and Subdivision of lands in support of infill and densification development.

APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:

1. *Cities, Towns and Villages Act, S.N.W.T., 2003, c.22. as amended;*
2. *Northwest Territories Lands Act, S.N.W.T., 2014, c.13. as amended;* and
3. City of Yellowknife Community Plan By-law No. 5007.

CONSIDERATIONS:

Cities, Towns and Villages Act

The *Cities, Towns and Villages Act, S.N.W.T., 2003, c.22, sections 53 to 55*, provides municipalities with the authority to adopt a Land Administration By-law. The by-law provides procedures, terms, and conditions for making acquisitions, dispositions, or other activities related to real property owned by the municipal corporation.

Procedural Considerations

Before giving Third Reading to a land administration by-law, Council shall (a) give at least two weeks public notice of the proposed land administration by-law; and (b) hear any person claiming to be affected by the by-law who wishes to be heard.

The Draft Land Administration By-law

The By-law provides a clear and consistent framework for City Administration and clients. The draft By-law uses plain language with updated definitions to improve interpretation and implementation. These changes will provide clarity for clients and accelerate the development, growth, and readiness process.

Engagement

On January 29, 2024, a copy of the draft was provided to ECC, legal firms, appraisers, the Yellowknife Chamber of Commerce, and media outlets, and it was posted on the City's website for public consultation. Administration actively sought feedback through follow-up inquiries, demonstrating our commitment to inclusivity and ensuring all voices were heard in the process.

Summary of Engagement

Public feedback is attached.

ALTERNATIVES TO RECOMMENDATION:

That Council does not adopt the Land Administration By-law No. 5078.

RATIONALE:

The proposed changes in the Land Administration By-law No. 5078 address ongoing concerns and requests for amendments and merge best practices in land administration. The draft is in alignment with the current territorial legislation. These changes, written in plain language with updated definitions, will reduce confusion and facilitate development growth. When adopted, the by-law will provide clear direction to the public on acquiring land and how the City disposes of land, asserting the City's precedence rights and simplifying the process. Adoption of By-law No. 5078 will provide Council with a Land Administration By-law that reflects the public interest, current practices, legislation and policies.

ATTACHMENTS:

1. Draft Land Administration By-law No. 5078 (DM #748536);
2. Summary of Key Changes to Land Administration By-law No. 4596 (DM #761305); and
3. Draft Land Administration By-law Public Engagement Feedback Table (DM #759613).

Prepared: May 10th, 2024, GL

Revised:

THE CITY OF YELLOWKNIFE

NORTHWEST TERRITORIES



LAND ADMINISTRATION BY-LAW NO. 5078

Adopted Month, XX, 2024

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CITY OF YELLOWKNIFE

BY-LAW NO. 5078

BG 79

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 repeal and replace City of Yellowknife Land Administration By-law No. 4596.

PURSUANT TO:

- a. Sections 53, 54 and 55 of the Cities, Towns and Villages Act S.N.W.T. 2003. C.22, as amended;
- b. Due notice to the public, provision for inspection of the by-law and due opportunity for objections thereto to be heard, considered and determined;

WHEREAS the Municipal Corporation of the City of Yellowknife deems it desirable to adopt a Land Administration By-law;

WHEREAS the Council of the Municipal Corporation of the City of Yellowknife wishes to repeal and replace Land Administration By-law No. 4596.

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

PART 1 - GENERAL

SHORT TITLE

1. This by-law may be cited as the **"The Land Administration By-law"**.

APPLICATION

2. This By-law shall, except as otherwise expressly authorized by herein, apply to all Acquisitions, Disposals, licences, or other Land dispositions by the City.

DEFINITIONS

“Acquisition or Acquire”	means the purchase, lease or expropriation of land;
“Adjacent Property”	means the property, land, or lot adjoining the property in question along a lot line or separated only by an alley, easement, roadway or highway;
“Appraised Value”	means the most probable price, determined by a professional real estate appraiser, which a property should bring in a competitive and open market as of a specified date under all conditions requisite to a fair disposal, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimuli.
“City”	means the Municipal Corporation of the City of Yellowknife in the Northwest Territories established pursuant to the <i>Cities, Towns and Villages Act</i> , S.N.W.T. 2003, c22;
“City Manager”	means the Senior Administrative Officer of the City of Yellowknife or their designate appointed pursuant to the <i>Cities, Towns and Villages Act</i> , S.N.W.T. 2003, c22 as amended from time to time;
“City Standard”	means the rules, regulations, practices and codes of the City, including but not limited to development and design standards, plans, specifications, general provisions or processes that are documented in writing or have previously been implemented;
“Council”	means the Council of a Municipal Corporation and includes the Mayor and/or Councilor (s);
“Development Cost”	<p>means the City's direct and indirect costs incurred in developing land, which may include, but are not limited to:</p> <ul style="list-style-type: none">(a) land acquisition and disposal costs;(b) environmental studies and/or clean up;

- (c) planning, engineering, legal surveying, appraisal, and project management;
- (d) roadways, lanes, parking areas, curbs, sidewalks, walkways, boulevards, street names, signage, lighting, furniture and all necessary appurtenances to City Standards;
- (e) water, sanitary, drainage, fire suppression or Municipal Infrastructure services;
- (f) utilities (e.g. communication, electrical, etc.);
- (g) parks and recreational improvements;
- (h) salaries and benefits of municipal administrators; and
- (i) financing charges, including interest and legal costs for any loans incurred in developing the Land.

“Disposal or Dispose”

means the sale or lease of land;

“Easement”

means permission to use a portion of someone’s land through an agreement for a specific purpose and can be registered in the Land Titles Office;

“Encroachment”

means when an adjacent property owner builds or extends a portion of a building, structure, or architectural feature on or over or through other or City-owned property;

“Fee Simple”

means freehold ownership of real property.

“Habitat for Humanity NWT”

means the registered society under the *Society Act R.S.N.W.T.* of the Northwest Territories;

“Land”

means real property or an interest therein, other than an easement or restrictive covenant;

“Lease”

means leasehold interest of real property that provides exclusive rights of occupation and use of the land through a contract for a stated period of time;

“Licence Agreement”

means an agreement granting occupation or Encroachment to use a portion of City land in a non-exclusive possession and not creating any estate or interest;

"Lot"

means an area of land, the boundaries of which are filed on a plan registered at the Land Titles Office for the Northwest Territories;

“Municipal Infrastructure”

means those facilities or amenities normally put in place on developed or undeveloped lands to allow improvements to be built or installed and which may include all or one of the following but not limited to:

- (a) roadways, lanes, parking areas, curbs, sidewalks, walkways, boulevards and all necessary appurtenances;
- (b) water, sanitary and storm sewer systems, including service connections and all necessary appurtenances;
- (c) parks and recreational improvements; and
- (d) land required for, or in connection with, any of the facilities described in the definition of this by-Law or any other facilities deemed desirable by Council.

“Off-Site Levy”

means a surcharge levied by the City against the purchaser of land from the City or against a tenant leasing land from the City. The City uses this levy to pay for all or part of the capital cost of all or any Municipal infrastructure located outside the land being purchased or leased but which is of direct, though not exclusive, benefit to the purchaser or lessee and which may include but is not limited to:

- (a) new or expanded facilities for the storage, transmission, or supply of water;
- (b) new or expanded facilities for the treatment or disposal of sewage;

- (c) new or expanded storm sewer drainage facilities;
- (d) new or expanded roadways and sidewalks;
- (e) new or expanded facilities for the upgraded electrical or cable systems; and
- (f) new or expanded facilities for community or protective services; and required for, or in connection with any of the facilities described in the points above.

“Parcel” means unsurveyed land with specific boundaries and corners, which can be leased;

“Planning Administrator” means the City employee holding the Director of Planning & Development position, or their designate, for the City of Yellowknife as amended from time to time;

“Quarry” means any work or undertaking in which granular materials are removed from the ground or the land by any method and includes all ways, works, stockpiles, machinery, plant, buildings and premises belonging to or used in connection with the site;

“Substandard Sized Lands” Those lots or parcels that do not meet the minimum requirements defined by the City’s Zoning By-law, as amended or are landlocked and not required for municipal purposes;

PART 2 – LAND ACQUISITION & DISPOSAL

1 REQUEST FOR LAND WITHIN THE MUNICIPAL BOUNDARY

- 1) A request to acquire City land shall be a complete application that may include all or some of the following:
 - a. be made using the form specified by the Planning Administrator, as amended, from time to time;
 - b. include such information as the Planning Administrator may deem necessary or appropriate to consider the request, including but not limited to a sketch delineating the area to be acquired and a detailed development proposal; and
 - c. include the application fee, if any, pursuant to the City’s Fees and Charges By-law, as

amended.

- 2) Any request to acquire Territorial or Commissioner's land shall be completed by the City following the Government of the Northwest Territories Municipal Lands [Policy](#).
- 3) The Government of the Northwest Territories shall not dispose of Territorial or Commissioner's land within the City of Yellowknife Municipal boundaries to the public without the agreement of the City. Public requests to acquire Territorial or Commissioner's land will be transferred through the City of Yellowknife, not directly to a third party.
- 4) Upon receipt of an application to acquire land, the Planning Administrator shall review the request for compliance with this by-law and any other applicable by-law or legislation and may:
 - a. approve a lease without a by-law if the term is less than three years less a day or a month-to-month tenancy;
 - b. refer any disposals, including all waterfront land requests, to Council, or if the Planning Administrator otherwise deems the approval of Council to be desirable; or
 - c. refuse the land application if the proposed use is prohibited and contradicts relevant policies and regulations.

2 ACQUISITION BY THE CITY

- 1) The City shall acquire fee simple or leasehold interest, as applicable, on all Commissioner's or Territorial Land required for municipal purposes.
- 2) The City shall obtain a non-possessory right or easement to use or enter onto real property without a by-law, to permit the passage of people or vehicles and to construct, maintain, operate, generate, transmit and supply utilities, including, but not limited to fire suppression, horizontal infrastructure and other related Municipal infrastructure.
- 3) The City shall acquire land for municipal purposes or for disposal.
- 4) The City shall acquire real property by expropriation pursuant to the provision of the *Expropriation Act* and *Community Planning and Development Act* and through the tax recovery process by the *Property Assessment and Taxation Act*.
- 5) The acquisition of land shall be by by-law in accordance with this by-law and the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c22.

3 DISPOSAL BY THE CITY

- 1) The City may dispose of land where the land is not required for municipal purposes and where the

intended land use conforms to and is not prohibited by the City's Community Plan, Area Development Plan (where applicable); Zoning By-law, and/or any other relevant by-laws, plans and studies.

- 2) The City may, where appropriate, offer the first right of refusal to lease or purchase lands to current leaseholders and/or Adjacent Property owners.
- 3) The Planning Administrator may grant a non-possessory right or easement to use or enter onto land without a by-law to permit the passage of people or vehicles, horizontal infrastructure and other related Municipal infrastructure.
- 4) In the absence of any requirements for municipal purposes, and by all relevant regulations and legislation, the City may issue leases on public lands to:
 - a. adjacent property owners in residential and non-residential zoned areas.
 - b. individuals, groups or businesses where there are no adjacent property owners.
- 5) The disposal of fee simple or leasehold interest in any real property shall be done in accordance with this By-law and the *Cities, Towns and Villages Act*, S.N.W.T. 2003, c22.
- 6) Before the City authorizes the disposal of land to a business, corporation or society, the entity must provide proof of being in good standing by the provisions of the *Societies Act*, *Business Corporations Act*, or other relevant Act, by-law or policy.
- 7) Before the City authorizes land disposal to a business or corporation, they must obtain a City business licence.
- 8) Any individual, business, corporation or society acquiring a leasehold interest in land shall maintain public liability insurance, with a company licensed and registered to do business in the Northwest Territories, for the land and any improvements to it for not less than \$2,000,000.00, or such other amount as reasonably directed by the City from time to time. The individual, business, corporation or society shall provide the City with documentary evidence of such insurance in a form satisfactory to the City, which names the City as an insured party.
- 9) Where the City disposes of land to a tax-exempt institution, another order of government or a non-profit organization, the City may require the purchaser or lessee to enter into an agreement which gives the City the right of first refusal to reacquire the land and any improvements placed thereon should the purchaser or lessee cease to operate or no longer require the property for its intended purpose.
- 10) Land disposals by the City will be subject to the terms and conditions of a purchase or lease agreement as determined by the Planning Administrator.
- 11) Land may be leased where it is not available in fee simple title to the City or where there is benefit

to the City in retaining land for municipal purposes.

- 12) All lease agreements shall incorporate clauses relative to the remediation of potential environmental damage, including the requirements for remediation, at the lessee's expense. The lessee shall be required to deposit security with the City to the noted remediation requirements, pursuant to the Fees and Charges By-law, as amended. The security shall consist of a Bond, Certified Cheque or Irrevocable Letter of Credit issued by a Chartered Bank or Surety Company.
- 13) The disposition of land in fee simple or leasehold interest shall be made in accordance with this By-law or may be specifically authorized or approved by a By-law.
- 14) Acquisition or disposal of land shall include the legal description of the land to be acquired or, in the case of a lease of unsurveyed lands, a description of the parcel and sketch sufficient to identify the property to be leased.

4 ESTABLISHING THE PRICE OF LAND – LEASE RATES

- 1) The annual lease rate for land disposed of by the City shall be charged as defined in the City's Fees and Charges By-law, as amended, and all uses shall be categorized pursuant to the definitions therein.
- 2) For greater certainty, Goods and Services Tax or other taxes payable by a lessee, if any, shall be in addition to the total lease costs determined under this By-law.

5 ESTABLISHING THE PRICE OF LAND – FEE SIMPLE DISPOSAL

- 1) The price of the land must be equivalent to its appraised value or the development costs, whichever is higher.

6 DEVELOPMENT COSTS & OFF-SITE LEVIES

- 1) Development costs & off-site levies will be recovered in accordance to the Financial Administration by-law, as amended.

7 LAND DEVELOPMENT FUND MANAGEMENT AND OPERATION

- 1) All revenues from the disposal of land shall be deposited in the Land Development Fund in accordance with the Financial Administration By-Law, as amended.
- 2) Off-site levy charges shall be allocated as part of the development costs in accordance with the Financial Administration By-law, as amended.

- 3) All revenues from leases, quarries, and off-site levies are to be deposited into the Land Development Fund.

8 COUNCIL DISCRETION TO A DEVELOPMENT CONTRIBUTION

- 1) Notwithstanding Sections 5, 6, 7, & 8 Council may, at its sole discretion, provide residential land disposal by fee simple to the Habitat for Humanity NWT regardless of the value of the land for development.

9 METHODS AND TERMS OF LAND DISPOSITION BY THE CITY

- 1) In disposing of land for fee simple, the Planning Administrator shall initiate one of the following methods:
 - a. ballot draw;
 - b. call for development proposals;
 - c. public advertisement;
 - d. a bidding process;
 - e. an auction; or
 - f. public tender.
- 2) If there are no acceptable offers as a result of a ballot draw, call for proposal, bidding process, auction, or public tender, the Planning Administrator may dispose of the land to a specific intended purchaser in accordance with the terms of this by-law.
- 3) The Planning Administrator may sell or market land approved for disposal either independently or through a qualified real estate agent licensed in the Northwest Territories.
- 4) The provisions of Section 9(1) shall not apply to the disposal of land to be used for the purpose of:
 - a. the Federal or the Territorial Government;
 - b. the installation of electrical power, telephone or other communication utilities if the utility company is a crown corporation or a government-regulated monopoly;
 - c. consolidation with adjoining land, when the land being disposed of is a substandard sized lands;
 - d. special and unique activities which serve the public interests of the City; or
 - e. disposing of land to a specific intended purchaser or lessee.
- 5) Substandard-sized lands that cannot be developed independently and are not required for municipal

purposes may be offered directly for disposal to adjacent property owners. Appropriate zoning and roadway closure by-laws, where required, must be adopted before any commitment is made to dispose of the lands. The criteria for determining those properties that cannot be developed on their own shall include, but are not limited to, the following factors:

- a. lot configuration;
 - b. lack of, or barriers to providing street access, water/sewer services, or other municipal services;
 - c. not meeting the minimum lot and site area requirements pursuant to the City's Zoning By-law, as amended; or
 - d. physical limitations related to the natural topography of the site.
- 6) Anyone who acquires land from the City, excluding substandard-sized lands, shall be required to develop, add a specific amount of value to, or quarry the land within a specified period of time. The specific conditions of which will be determined by the Planning Administrator. The disposition agreement shall entitle the City to reacquire the land if the purchaser fails to develop, add a specific amount of value to, or quarry the land within a specified period of time.
- 7) If the disposition of land is to a private developer who is required to build or install municipal infrastructure to develop the land, then, before the disposal, the City shall:
- a. require the developer to provide a letter from a financial institution confirming that the developer has sufficient financial resources to complete the development of the subject land;
 - b. require the developer to enter into a development agreement with the City for the provision of municipal infrastructure and supply of serviced land within a reasonable period; and
 - c. 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 the land.

10 PUBLIC NOTICE OF THE DISPOSAL OF CITY OWNED LAND

- 1) Before disposing of land to the public by ballot draw or call for development proposals, the City shall provide public notice in at least one of the following ways:
 - a. advertising in two consecutive issues of a local newspaper;
 - b. advertising in two consecutive issues of the City's weekly newsletter; or
 - c. advertising for three weeks on the City's website and social media platforms.

- 2) Each advertisement shall include:
 - a. a map or survey/sketch, drawn to scale, identifying the size and location of the land or lot;
 - b. the legal description, if any;
 - c. the purchase price, if applicable;
 - d. the process by which the disposal of the land will occur as outlined in section 10; and
 - e. the location and time at which applicants for the land may participate in the process.
- 3) After the public notice and the first offering, the Planning Administrator may dispose of the land without further advertisement at the sole discretion of the Planning Administrator.

11 LICENCE AGREEMENTS

- 1) The Planning Administrator may enter into licence agreements, subject to conditions as may be necessary or appropriate, without obtaining a by-law to authorize the particular licence agreement if the encroachment is related to one of the following:
 - a. a sign, canopy, or other architectural features for an existing or proposed development in those areas of the City where there is no setback requirement, provided that:
 - i. the encroachment is 2.5 meters or more above the average ground level where the encroachment occurs;
 - ii. the encroachment is part of or attached to the principal building;
 - iii. the encroachment is not over and above a utility easement; and
 - iv. all provisions of the Zoning By-law, as amended have otherwise been met and adhered to.
 - b. any portion of the roadways closed by By-law No. 2891, as amended;
 - c. an existing or proposed wheelchair ramp or other feature intended to improve access for persons with disabilities to any building provided that, in the opinion of the Planning Administrator, such encroachment will not materially interfere with the use of the City's land by the City or the public; or
 - d. an existing or proposed encroachment, such as a sidewalk patio, which is, in the opinion of the Planning Administrator, similar to the types of encroachments referred to above.
- 2) A licence agreement to be executed without Council approval must terminate:
 - a. upon the permanent removal or destruction of the encroachment; or
 - b. upon such earlier date or event as specified in the licence agreement.

- 3) A licence agreement shall not:
 - a. convey a fee simple interest in;
 - b. grant a fixed-term leasehold interest in; or
 - c. grant an option to purchase or right of first refusal to purchase City-owned land to a property owner.
- 4) A request for a licence agreement shall:
 - a. be made using the form specified by the Planning Administrator, as amended from time to time;
 - b. include such information as the Planning Administrator may deem necessary or appropriate to consider the request, including, but not limited to, a current real property report or site plan showing the location and extent of the existing or proposed encroachment; and
 - c. include a non-refundable application fee, as established (or pursuant to) in the City's Fees and Charges By-law, as amended.
- 5) Upon receipt of an application for a licence agreement, the Planning Administrator shall review the request for compliance with this by-law and any other applicable by-law or legislation and shall:
 - a. approve the use of a licence agreement, without a by-law, if the encroachment is of a type referred to in Section 11(1) of this by-law and the creation or continuation of the encroachment is necessary or desirable, in the opinion of the Planning Administrator; or
 - b. refer the request to Council if the type of encroachment or form of the agreement would require the approval of Council under this by-law or if the Planning Administrator otherwise deems the approval of Council to be desirable.

12 QUARRY LEASE AND ADMINISTRATIVE MANAGEMENT

- 1) The City shall manage and regulate quarries on Commissioner's Land and Municipal Land in accordance with the applicable statutes of the Government of the Northwest Territories, the City's Zoning By-law, as amended and the Development and Design Standards.
- 2) The acquisition and disposal of land for quarry purposes shall be subject to the requirements of this by-law.
- 3) Any agreement executed by the City to sublease, lease or sell land for quarry purposes shall require the purchaser or lessee to develop, operate and restore the land in accordance with the policies and guidelines established by the Government of the Northwest Territories, e.g. the Northern Land

Use Guidelines for Pits and Quarries, in addition to any City By-laws and any other requirements of the City.

- 4) Before executing a lease agreement or transfer for quarry lands, the City shall require the purchaser or lessee to obtain an approved development permit and provide an environmental security deposit with the City to ensure proper development and restoration of the site. The terms and amount of this security shall be in accordance with the Fees and Charges By-law, as amended. In addition to the environmental security deposit, the City may require additional security deposit following the Zoning By-law, as amended, requirements. The security shall consist of a Bond, Certified Cheque or Irrevocable Letter of Credit issued by a Chartered Bank or Surety Company.
- 5) The fees for Commissioner's Land and Municipal Owned Land quarries shall be charged pursuant to the City's Fees and Charges By-law, as amended. Fees collected for a quarry on Commissioner's Land shall be remitted to the Government of the Northwest Territories, and fees collected for a quarry on Municipal Owned land shall be retained by the City and allocated to the appropriate fund.

13 EXECUTION OF AGREEMENTS

- 1) All agreements shall be duly executed and sealed by the Planning Administrator upon the property Owner's payment of the fee, if required, for execution of the agreement, as set by by-law from time to time.

14 STANDARD FORM OF AGREEMENTS

- 1) The Planning Administrator may approve standard forms of agreement for the acquisition or disposal of land and may authorize administration to make such minor amendments to any such standard form agreement as may be necessary to adapt the agreement to the requirements of any particular transaction.

15 AMENDING LAND AGREEMENTS

- 1) Planning Administrator may amend any agreement's terms for the acquisition and disposal of land where the terms of the agreement conform to City policies and directives.

16 BY-LAW ADMINISTRATION

- 1) The forms, procedures and agreements required for the administration of this by-law shall be as determined from time to time by the Planning Administrator.

17 SEVERABILITY

- 1) Each provision of this by-law is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this by-law shall remain valid and enforceable, and the by-law shall be interpreted as such.

Draft

PART 3 – REPEALS AND EFFECT**REPEALS**

3. By-law No. 4596, as amended, is hereby repealed.

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. 2024.

Mayor

City Manager

Read a Second Time this _____ day of _____, A.D. 2024.

Mayor

City Manager

Read a Third Time and Finally Passed this _____ day of _____, A.D., 2024.

Mayor

City Manager

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 Manager

Draft

LAND ADMINISTRATION BY-LAW
CLAUSE BY CLAUSE REVIEW

Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
Note: Review document has been formatted for the Draft Land Administration By-law No. 5078 (middle column) to be the sequential lead for document flow		
1. TITLE This By-law may be cited as “The Land Administration By-law”	PART 1 – GENERAL SHORT TITLE 1. This by-law may be cited as the “ <u>The Land Administration By-Law</u> ”	Reformatting to PART 1 – GENERAL.
APPLICATION 1. This By-law shall, except as otherwise expressly authorize by herein, apply to all Acquisitions, Disposals, licenses, or other Land Dispositions by the City. 2. This By-law shall not apply to easement agreements for the purpose of public utility uses and structures as defined in the Zoning By-law, or for the purpose of site servicing .	APPLICATION 2.This By-law shall, except as otherwise expressly authorize by herein, apply to all Acquisitions, Disposals, licenses, or other Land Dispositions by the City. Removal of By-law No. 4596: APPLICATION (2)	Reformatted APPLICATION from after DEFINITION to before in PART 1- GENERAL. To align with current City’s standard. Removed and revised and reinstated in PART 2, Section 3 (3).
2. DEFINITIONS “Acquisition of Land” means the purchase, lease of expropriation of land. (New Definition) “Appraised Value” means Market Value.	DEFINITIONS “Acquisition or Acquire ” means the purchase, lease or expropriation of land. “Adjacent Property” means the property, land, or lot adjoining the property in question along a lot line or separated only by an alley, easement, roadway or highway; “Appraised Value” means the most probable price, determined by a professional real estate appraiser, which a property should bring in a competitive and open market as of a specified date under all conditions requisite to a fair disposal, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimuli.	Reformatted from #2 to a subcategory of PART 1- GENERAL. “Land” has been removed as it is the noun of the verb. “Adjacent Property” is referenced both By-law No. 4596 and draft By-Law No. 5078. Editing for expanding the definition to include the explanation of market value for greater certainty.

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<p>“Assessed Value” means a value placed on property (land and buildings) for municipal taxation purposes. The assessed value is determined using standards established by Territorial legislation.</p> <p>“City” means the Municipal Corporation of the City of Yellowknife, which is represented by the Senior Administrative Officer or his/her designate, except when decisions of Council are required, pursuant to this or any other by-law of the City of Yellowknife.</p> <p>(New Definition)</p> <p>“City Standard” Any standard approved and/or used by the City for the purpose of Development. These standards may include, but are not limited to standards for roads, sidewalks, parks and recreational improvements, water and sewer infrastructure, landscaping, curbing, gutters, etc.</p> <p><i>Community Planning and Development Act means the Community Planning and Development Act S.N.W.T 2011, c.22, as amended;</i></p> <p>“Council” means the Council of the City</p>	<p>Removal of Definition of “ Assessed Value”</p> <p>“City” means the Municipal Corporation of the City of Yellowknife, in the Northwest Territories established pursuant to the <i>Cities, Towns and Villages Act</i>, S.N.W.T. 2003, c22;</p> <p>“City Manager” means the Senior Administrative Officer of the City of Yellowknife or their designate appointed pursuant to the <i>Cities, Towns and Villages Act</i>, S.N.W.T. 2003, c22 as amended from time to time;</p> <p>“City Standard” means the rules, regulations, practices and codes of the City, including but not limited to standards, plans, specifications, general provisions or processes that are documented in writing or have previously been implemented;</p> <p>Removal of Definition “Community Planning and Development Act”</p> <p>“Council” means the Council of a Municipal Corporation and includes the Mayor and/or Councilor(s);</p>	<p>“Assessed Value” not referenced in either By-law No. 4596 or draft By-law No. 5078.</p> <p>Edited to align with <i>Cities Towns and Villages Act</i> definition of “City”.</p> <p>City Manager and/or Senior Administrative Officer is referenced for authority of land disposal and acquisitions though both By-law No 4596 and draft By-law No. 5078.</p> <p>Revised definition for broader inclusion of City Standards.</p> <p>There are no definitions for other <i>Territorial Acts</i> within the Land Administration By-law.</p> <p>Edited to align with <i>Cities Towns and Village Act</i> definition of “Council”.</p>

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<p>“Developed Land” means land in which the necessary municipal infrastructure has been placed to allow improvements to be built or installed thereon.</p> <p>“Development Cost” means the City's direct and indirect costs of developing a lot or another specific area of land for disposition to the public, and which may include:</p> <ul style="list-style-type: none">▪ land acquisition;▪ fees for appraisal, legal services, surveying, planning and engineering designs and project management;▪ land excavation and filling;▪ roads, lanes, parking areas, curbs, sidewalks, walkways, boulevards and all necessary appurtenances to City Standard;▪ water, sanitary and storm sewer systems, including service connections and all necessary appurtenances to City Standard;▪ electrical transmission systems, such as cable and television, including all necessary appurtenances;▪ parks and recreational improvements; and▪ financing charges, including interest. <p>“Disposal of Land” means the sale or lease of land, but does not include any activities otherwise exempted by this by-law.</p>	<p>Removal of Definition “ Developed Land”</p> <p>“Development Cost” means the City’s direct and indirect cost incurred in developing land, which may include, but are not limited to:</p> <ul style="list-style-type: none">(a) land acquisition and disposal costs;(b) environmental studies and/or clean up;(c) planning, engineering, legal surveying, appraisal, and project management;(d) roadways, lanes, parking areas, curbs, sidewalks, walkways, boulevards, street names, signage, lighting, furniture and all necessary appurtenances to City Standards;(e) water, sanitary, drainage, fire suppression or Municipal Infrastructure services;(f) utilities (e.g. communication, electrical, etc.);(g) parks and recreational improvements;(h) salaries and benefits of municipal administrators; and(i) financing charges, including interest and legal costs for any loans incurred in developing the Land. <p>“ Disposal or Dispose” means the sale or lease of land;</p>	<p>Definition removed. Plain language in draft By-law No. 5078 “Developed Land” is defined as “Lot”. Edited to remove land disposal eligibility to “the public”. The current wording is restrictive stating the City will develop land to dispose of to the public. The city disposes of lands to other levels of government and a specific non-profit organization.</p> <p>Inclusive definitions of modern development cost to include consultants for environmental, engineering, and planning works and all financial and administrative and legal cost associated with development of land.</p> <p>Edited for plain language.</p>

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(New Definition)	“Easement” means permission to use a portion of someone’s land through an agreement for a specified purpose and can be registered in the Land Title Office.	Not currently defined in current By-law No. 4596
“Encroachment” means any portion of a building, structure, or land use that is placed, erected, built, or carried out on, under or over City-owned property by a property owner.	“Encroachment” means when an adjacent property owner builds or extends a portion of a building, structure, or architectural feature on, under or over or through other or City-owned property;	Edited to specify “adjacent property” owners are the encroaching party. Expanding the language in the definition of building, structure or architectural feature for encompassing encroachment types.
(New Definition)	“ Fee Simple” means freehold ownership of real property	Definition not previously included in By-law 4596, referenced in both By-law No. 4596 and the draft By-law No.5078. Fee Simple and Leasehold interests are two types of land ownership that must be defined in the new By-law.
“Granular Material” A Natural Resource defined at sand, black dirt, rock and clay.	Removal of Definition “ Granular Material”	It is a term only used once, in another definition and can be removed.
“Habitat for Humanity” Means a registered Society under the <i>Society Act</i> of the Northwest Territories.	“Habitat for Humanity” means the registered society under the <i>Society Act</i> <i>R.S.N.W.T.</i> of the Northwest Territories	This follows previous council direction to include terms specifically for Habitat for Humanity.
“High Impact Use” means any use that may lead to release of any harmful substance to the air, the City’s watershed or City land as a result of the use.	Removal of Definition “ High Impact Use”	Definition removed as there is no reference to it in either By-Law No. 4596 or draft By-law No. 5078.

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<p>“Land” means real property of an interest therein, other than as easement or restrictive covenant.</p> <p>(New Definition)</p> <p>“License Agreement” means an agreement granting a license to use, in a non-exclusive manner, a portion of City Land.</p> <p>“ Lot” means a specific area of land, the boundaries of which are:</p> <ul style="list-style-type: none">▪ shown on a plan registered at the N.W.T. Land Titles Office; or▪ described in a certificate of title registered at the N.W.T. Land Titles Office. <p>“Low Impact Use” means any use that would not lead to release of any harmful substance to the air, City’s watershed or City land as a result of the use.</p> <p>“Market Value” means the most probable price, determined by a professionally qualified land appraiser, which a property should bring in a competitive and open market as of a specified date under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimuli.</p>	<p>“Land” means real property of an interest therein, other than as easement or restrictive covenant.</p> <p>“Lease” means leasehold interest of real property that provides exclusive rights of occupation and use of the land through a contract for a stated period of</p> <p>“ License Agreement” means an agreement granting occupation or Encroachment to use a portion of City land in a non-exclusive possession and not creating any estate or interest;</p> <p>“ Lot” means an area of land, the boundaries of which are filed on a plan registered at the Land Titles Office for the Northwest Territories;</p> <p>Removal of Definition “Low Impact Use”</p> <p>Removal of Definition “Market Value”</p>	<p>Definition not previously included in By-law No. 4596 and referenced in both By-law No. 4596 and Draft By-law No. 5078.Fee Simple and Leasehold interests are two types of land ownership that must be defined in the new By-law.</p> <p>Expanded definition for the clarification that License Agreement do not permit the Licensee estate or interest in the land they are granted occupancy or encroachment on only.</p> <p>Edited and reformatted for definition simplification.</p> <p>Definition removed there is no reference to it in either By-Law No. 4596 or draft By-law No. 5078.</p> <p>By-law No. 4596's definition of "Market Value" was used to define "Appraised Value" in draft By-law No. 5078.</p>

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<p>“Minister” means the Minister of the Government of the Northwest Territories Department of Municipal and Community Affairs.</p> <p>(New Definition)</p>	<p>Removal of Definition “Minister”</p> <p>“Municipal Infrastructure” means those facilities or amenities normally put in place on developed or undeveloped lands to allow improvements to be built or installed and which may include all or one of the following but not limited to:</p> <ul style="list-style-type: none"> (a) roadways, lanes, parking areas, curbs, sidewalks, walkways, boulevards and all necessary appurtenances; (b) water, sanitary and storm sewer systems, including service connections and all necessary appurtenances; (c) parks and recreational improvements; and (d) land required for, or in connection with, any of the facilities described in the definition of this by-Law or any other facilities deemed desirable by Council. 	<p>There are no reference to “Minister” in either By-law No. 4596 or the draft By-law No. 5078.</p> <p>Definition not previously included in By-law 4596, referenced in both By-law No. 4596 and draft By-law No.5078.</p>
<p>“Non-Profit Users” means registered charitable organizations.</p>	<p>Removal of Definition “Non-Profit Users”</p>	<p>Definition removed there is no reference to it in Draft By-law No. 5078</p> <p>No change.</p>

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<p>“Off-site Levy” means a surcharge levied by the City against the purchase of land from the City or against a tenant leasing land from the City, The City uses this levy to pay for all or part of the capital cost of all of any Municipal infrastructure located outside the land being purchased of leased but which is of direct, though not exclusive, benefit to the Purchaser of lessee and which may include but is not limited to:</p> <ul style="list-style-type: none">• new or expanded facilities for the storage, transmission, or supply of water;• new or expanded facilities for the treatment or disposal of sewage;• new or expanded storm sewer drainage facilities;• new or expanded roadways and sidewalks;• new or expanded facilities for the upgraded electrical systems; and• new or expanded facilities for communities or protective services; and required for , or in connection with any of the facilities described in the points above. <p>(New Definition)</p> <p>“Planning Administrator” means a City employee responsible for Planning & Lands, or designate, appointed by the Senior Administrative Officer of the City of Yellowknife to administer, coordinate, and promote planning related documents, policies, and by-laws such as the General Plan, Area Development Plan, the Zoning By-law, and other planning documents that have been adopted by Council plus the appropriate sections of the <i>Community Planning and Development Act</i>.</p>	<p>“Off-site Levy” means a surcharge levied by the City against the purchase of land from the City or against a tenant leasing land from the City, The City uses this levy to pay for all or part of the capital cost of all of any Municipal infrastructure located outside the land being purchased of leased but which is of direct, though not exclusive, benefit to the Purchaser of lessee and which may include but is not limited to:</p> <ul style="list-style-type: none">(a) new or expanded facilities for the storage, transmission, or supply of water;(b) new or expanded facilities for the treatment or disposal of sewage;(c) new or expanded storm sewer drainage facilities;(d) new or expanded roadways and sidewalks;(e) new or expanded facilities for the upgraded electrical systems; and(f) new or expanded facilities for communities or protective services; and required for , or in connection with any of the facilities described in the points above. <p>“Parcel” means unsurveyed land with specific boundaries and corners, which can be leased;</p> <p>“Planning Administrator” means the City employee holding the Director of Planning & Development position, or their designate, for the City of Yellowknife as amended from time to time;</p>	<p>Definition not previously included in By-law 4596, referenced in both By-law No. 4596 and draft By-law No.5078.</p> <p>Edited to specify that the Director of Planning and Development is the City’s senior management staff designated as the Planning Administrator and consistent with the legislation.</p>

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<p>“Property Owner” means any person, organization, or government body, other than the City of Yellowknife, who owns a fee simple or leasehold interest in land.</p> <p>“Quarry” means any work or undertaking in which granular materials are removed from the ground or the land by any method, and includes all ways, works, stockpiles, machinery, plant, buildings and premises belonging to or used in connection with the quarry.</p> <p>“Revitalization Initiative” means land assembly initiatives undertaken for subsequent land disposal, which support the redevelopment and revitalization of existing neighborhoods, defined in the zoning by-law and prioritized as follows: “DT – Downtown”, OM – Old Town Mix, CS – Commercial Service (Old Airport Road), and I – Industrial (Kam Lake), or as otherwise deemed appropriate by Council.</p> <p>“Senior Administrative Officer” means the Senior Administrative Officer of the City appointed pursuant to the Cities, Towns and Villages Act, S.N.W.T. 2003, c.22</p> <p>“Site-specific Factors” means factors which may be used, where applicable, in adding or subtracting to the cost of developed land and which may consist of the:</p> <ul style="list-style-type: none">▪ size of the parcel;▪ site conditions;▪ desirability of location;▪ existing adjacent land uses; and▪ zoning	<p>Removal of Definition “Property Owner”</p> <p>“Quarry” means land or land under water from which unconsolidated aggregate is being or has been excavated and that has not been rehabilitated. However, it does not include land or land under water excavated for a building or structure on the excavation site;</p> <p>Removal of Definition “Revitalization Initiative”</p> <p>Removal of Definition “Senior Administrative Officer”</p> <p>Removal of Definition “Site-specific Factors”</p>	<p>Definition replaced with “Fee Simple”.</p> <p>The definition of a quarry needs to be simplified, with a focus on Yellowknife’s existing quarries. Staff recommends reverting to the original definition in By-law No. 4596.</p> <p>There are no reference to “Revitalization Initiatives” in the draft By-law No. 5078. Previous reference to “Revitalization Initiatives” in By-law No. 4596 under Section 7 (b) Establishing the Price of Land – Fee Simple Disposal is tabled for amendment in draft by-law.</p> <p>On February 22, 2021, Council adopted a By-law No. 5035 to update the definition, duties and responsibilities of the Senior Administrative Officer including a title change to “City Manager”.</p> <p>Definition removed there is no reference to it in either By-Law No. 4596 or draft By-law No. 5078.</p>

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“Substandard Sized Properties” Those properties that no not meet minimum lot size requirements as defined by the City’s Zoning By-law, and are not required for municipal purposes.	“Substandard Sized Lands” Those lots or parcels that do not meet the minimum requirements defined by the City’s Zoning By-law, as amended or are landlocked and not required for municipal purposes;	Edited to cover “landlocked” parcels.
3. REQUEST FOR LAND WITHIN THE MUNICIPAL BOUNDRY (a) A request for acquisition of land shall: i. be made using the form specified by the Planning Administrator, as amended from time to time. ii. include such information as the Planning Administrator may deem necessary or appropriate to consider the request, including but not limited to a sketch delineating the area to be acquired and a detailed development proposal. iii. include the application fee, if any, pursuant to the City’s Fees and Charges By-law No. 4436, as amended. Such fee shall be applied to the lease/purchase fee or refunded, pursuant to the City’s Fees and Charges By-law No. 4436, as amended.	PART 2- LAND ACQUISITION & DISPOSAL 1 REQUEST FOR LAND WITHIN THE MUNICIPAL BOUNDRY 1) A request to acquire City land shall be a complete application that may include all or some of the following: a. be made using the form specified by the Planning Administrator, as amended, from time to time; b. include such information as the Planning Administrator may deem necessary or appropriate to consider the request, including but not limited to a sketch delineating the area to be acquired and a detailed development proposal; and c. include the application fee, if any, pursuant to the City’s Fees and Charges By-law, as amended. (removal of how fees are applied) 2) Any request to acquire Territorial or Commissioner’s land shall be completed by the City following the Government of the Northwest Territories Municipal Lands Policy.	Reformatted from # 3 to PART 2- LAND ACQUISITION & DISPOSAL. Reformatted as PART 2, Section 1. Edited to provide clear, defined direction and procedure for submission of land application. Previous wording left the process open as “request”. Edited to remove how fees are applied to land transactions. Removal of this point allows for the Fees and Charges By-law to be amended without causing possible conflicts within this by-law.
(New clause)		Added to acknowledge the GNWT’s <i>Municipal Land Policy</i> 21.02 (2)(e)(i), “The Deputy Minister shall not receive or approve land applications from Private individuals, groups, or corporations. This responsibility is transferred to the Municipal corporation and the municipal office shall be appointed as land agent under the <i>Commissioner’s Land Regulations</i> .”

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	3) The Government of the Northwest Territories shall not dispose of Territorial or Commissioner’s land within the City of Yellowknife Municipal boundaries to the public without the agreement of the City. Public request to acquire Territorial or Commissioner’s land will be transferred through the City of Yellowknife, not directly to a third party.	The <i>GNWT Land Development Policy</i> 21.17(2)(6) references that “Community governments are responsible for land development and their autonomy should be maximized”. The Policy also confirms that the GNWT may allow private land developers to subdivide/develop Commissioners Land if the community government approves and the development is consistent with the community plan and zoning bylaw. This clause formalizes the process.
(b) Upon receipt of an application for land, the Planning Administrator shall review the request for compliance with this By-law and any other applicable by-law or legislation and shall: i. approve the use of a Lease Agreement, without a by-law if the request for a lease is for less than 3 years or a month-to-month tenancy, with the exception of 3(b)iii; or ii. refer the request to Council if the type of application or form of disposal would require approval of Council, or if the Planning Administrator otherwise deems the approval of Council to be desirable. iii. Notwithstanding Section 3(b)i., refer all waterfront lease requests to Council.	4) Upon receipt of an application to acquire land, the Planning Administrator shall review the request for compliance with this by-law and any other applicable by-law or legislation and may : a. approve a lease without a by-law if the term is less than three years less a day or a month-to-month tenancy; b. refer any disposals, including all waterfront land requests, to Council , or if the Planning Administrator otherwise deems the approval of Council to be desirable; or c. refuse the land application if the proposed use is prohibited and contradicts relevant policies and regulations.	Reformatted from (b) to #4. Edited to simplify #1 (b)(ii) and #1(b)(iii). Addition of #4 (c) to provide the Planning Administrator the option to refuse a land application that contradicts relevant policies, regulations and allows for the termination of applications if required.
4. ACQUISITION BY THE CITY a) The City shall acquire Head Lease or Title, as applicable on all Commissioner’s or Crown Land required for municipal purposes.	2. ACQUISITON BY THE CITY Removed #4 (a)	Reformatted from # 4 to PART 2 Section 2. Reformatted 4. (a) and (b) into 2. (1).

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b) The City may acquire fee simple or leasehold interest in any real property which is required for municipal purposes.	1) The City shall acquire fee simple or leasehold interest, as applicable, on all Commissioner’s or Territorial Land required for municipal purposes.	Reformatted from (b) to #1. Edited to for “shall” to align with policies within the Yellowknife Community Plan 4.9 (7-d)”The City will apply to acquire the remaining Commissioner’s Land in the area from the GNWT.”
(New Clause)	2) The City shall obtain a non-possessory right or easement to use or enter onto real property without a by-law, to permit the passage of people or vehicles and to construct, maintain, operate, generate, transmit and supply utilities, including, but not limited to fire suppression, horizontal infrastructure and other related Municipal infrastructure.	An easement is necessary to address access to municipal and private infrastructure installed on other properties. Even though an Acquisition By-law is not required for a non-possessory right or easement, it is necessary to include this policy in the Land Administration By-law (LAB) to acquire and legalize access through an easement agreement.
(New Clause)	3) The City shall acquire land for municipal purposes or for disposal.	Added for alignment of <i>Cities, Towns and Villages Act</i> SNWT 2003 C.22 for the municipality’s ability for acquiring and disposing of land.
(c) The City may acquire real property by expropriation pursuant to the provision of the <i>Expropriation Act</i> and <i>Community Planning and Development Act</i> , and through the tax recovery process in accordance with the <i>Property Assessment and Taxation Act</i> .	4) The City shall acquire real property by expropriation pursuant to the provision of the <i>Expropriation Act</i> and <i>Community Planning and Development Act</i> and through the tax recovery process by the <i>Property Assessment and Taxation Act</i> .	Reformatted from (c) to #4. Edited for plain language.
(c) The acquisition of real property shall be by by-law in accordance with this By-law and the <i>Cities Towns and Villages Act</i> .	5) The acquisition of land shall be by by-law in accordance with this by-law and the <i>Cities, Towns and Villages Act</i> , S.N.W.T. 2003, c22.	The term Land provides clarity.

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5. DISPOSAL BY THE CITY (a) The City may dispose of fee simple or leasehold interest in any real property where the land is not required for municipal purposes, and where the intended land use is in accordance with the City’s General Plan, Area Development Plan (where applicable) and Zoning By-law, or any other relevant by-laws, plans and studies. Where applicable, adjacent property owners (i.e. those sharing common property lines) may be given first refusal to lease or purchase such lands.	3. DISPOSAL BY THE CITY 1) The City may dispose of land where the land is not required for municipal purposes and where the intended land use conforms to and is not prohibited by the City’s Community Plan , Area Development Plan (where applicable); Zoning By-law, and/or any other relevant by-laws, plans and studies. (Removed and reformatted as #3 (2))	Reformatted from #5 to PART 2, Section 3. Removal of “fee simple or leasehold interest” and replaced with land. Definition of Land covers real property or interest therein, other any an easement or restrictive covenant. Updating of the Community Plan as reference. Removed and reformatted as #3(2).
(Removed from #5 (a) and reformatted as #3 (2))	2) The City may , where appropriate, offer the first right of refusal to lease or purchase lands to current leaseholders and/or Adjacent Property owners.	Removed from #5 (a) and reformatted as #3 (2).
(removed from APPLICATION (2) and reformatted as PART 2 #3(3)) 2. This By-law shall not apply to easement agreements for the purpose of public utility uses and structures as defined in the Zoning By-law, or for the purpose of site servicing .	3. The Planning Administrator may grant a non-possessory right or easement to use or enter onto land without a by-law to permit the passage of people or vehicles, horizontal infrastructure and other related Municipal infrastructure.	Reformatted from APPLICATION #2 to PART 2, Section 3 (3). Edited for similarity to proposed PART 2, Section 2(2) easement acquisition, easement disposal is necessary to include in the LAB to dispose of and legalize access through an easement agreement.
(b) In the absence of any requirement for municipal purposes, and in accordance with all relevant regulations and legislation, the City may issue leases on public waterfront lands to: i. adjacent property owners (i.e. those sharing common property lines) in residential and non-residential zoned areas. ii. Individuals, groups or business where there are no adjacent property owners	4. In the absence of any requirements for municipal purposes, and by all relevant regulations and legislation, the City may issue leases on public lands to: a. adjacent property owners (i.e. those sharing common property lines) in residential and non-residential zoned areas. b. Individuals, groups or business where there are no adjacent property owners	Reformatted from (b) to #4. Removing examples of “Adjacent Property Owners” to simplify statement, as it already exists as a definition.

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(c) The disposal of fee simple or leasehold interest in any real property shall be in accordance with this By-law and the <i>Cities, Towns and Villages Act</i> .	5. The disposal of fee simple or leasehold interest in any real property shall be done in accordance with this By-law and the <i>Cities, Towns and Villages Act</i> , S.N.W.T. 2003, c22.	Reformatted from (c) to #5.
(d) Prior to the City authorizing the sale or lease of property to a business, corporation or society, the society must provide proof of being in good standing in accordance with the provisions of the <i>N.W.T. Societies Act</i> or other relevant Act, by-law or policy.	6. Before the City authorizes the disposal of land to a business, corporation or society, the entity must provide proof of being in good standing by the provisions of the <i>Societies Act, Business Corporations Act</i> , or other relevant Act, by-law or policy.	Reformatted from (d) to #6. Edited for plain language.
(New clause)	7. Before the City authorizes land disposal to a business or corporation, they must obtain a City business licence.	Per the Fees and Charges By-law Part 3 Business Licensing Fees, as amended.
(e) Any business, corporation or society acquiring a leasehold interest in land shall maintain public liability insurance, with a company licensed and registered to do business in the Northwest Territories, for the Land and any improvements to it in an amount of not less than \$2,000,000.00, or such other amount as reasonably directed by the City from time to time. The society shall provide the City with documentary evidence of such insurance in a form satisfactory to the City which names the City as an insured party.	8. Any individual, business , corporation or society acquiring a leasehold interest in land shall maintain public liability insurance, with a company licensed and registered to do business in the Northwest Territories, for the land and any improvements to it for not less than \$2,000,000.00, or such other amount as reasonably directed by the City from time to time. The individual, business , corporation or society shall provide the City with documentary evidence of such insurance in a form satisfactory to the City, which names the City as an insured party.	Reformatted from (e) to #8. Edited for inclusion of all possible Lessees (Individual/Business was not previously included).

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Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
(f) Where the City disposes real property to a tax-exempt institution, another order of government or a non-profit organization, the City may require the purchaser or lessee to enter into an agreement which gives the City the right of first refusal to reacquire the land and any improvements placed thereon should the purchaser or lessee cease to operate or no longer require the property for its intended purpose.	9. Where the City disposes of land to a tax-exempt institution, another order of government or a non-profit organization, the City may require the purchaser or lessee to enter into an agreement which gives the City the right of first refusal to reacquire the land and any improvements placed thereon should the purchaser or lessee cease to operate or no longer require the property for its intended purpose.	Reformatted from (f) to #9. Edited for plain language.
(g) Real property disposals by the City will be subject to the terms and conditions of a Purchase or Lease Agreement.	10. Land disposals by the City will be subject to the terms and conditions of a purchase or lease agreement as determined by the Planning Administrator.	Reformatted from (g) to #10. Edited for plain language.
(h) Real property may be leased where it is not available in fee simple title to the City, or where there is benefit to the City in retaining real property for public purposes.	11. Land may be leased where it is not available in fee simple title to the City or where there is benefit to the City in retaining land for municipal purposes.	Reformatted from (h) to #11. Edited for plain language.
(i) All lease agreements shall incorporate clauses relative to remediation of potential environmental damage, including the requirements for remediation, at the lessee's expense, and the lessee shall be required to deposit security with the City in the form of a bond or irrevocable letter of credit to the noted remediation requirements, pursuant to the Fees and Charges By-law.	12. All lease agreements shall incorporate clauses relative to the remediation of potential environmental damage, including the requirements for remediation, at the lessee's expense. The lessee shall be required to deposit security with the City to the noted remediation requirements, pursuant to the Fees and Charges By-law, as amended. The security shall consist of a Bond, Certified Cheque or Irrevocable Letter of Credit issued by a Chartered Bank or Surety Company.	Reformatted from (i) to #12. Grammatical Formatting. Edit to include all types of security held as adapted from The <i>Community Planning and Development Act</i> SNWT 2011 C.22.

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Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
(j) Disposition of land in fee simple or leasehold interest shall be authorized by by-law. Subject to provisions of this By-law, all land disposal by-laws shall state the method by which land shall be disposed of, pursuant to this By-law.	13. The disposition of land in fee simple or leasehold interest shall be authorized made in accordance with this By-law, or may be specifically authorized or approved by a By-law.	Reformatted from (j) to #13. The proposed change aligns with CTV Act, Section 54. According to the CTV Act, the acquisition of land requires a by-law, but for the disposal of land is optional. In order to streamline the process for the public to acquire land. It is crucial to align a land application with the City's planning policies.
(k) A by-law for the acquisition or disposal of land shall include the legal description of the land to be acquired, or, in the case of a lease of unsurveyed lands, a description of the parcel and sketch sufficient to identify the property to be leased.	14. A by-law for the Acquisition or disposal of land shall include the legal description of the land to be acquired or, in the case of a lease of unsurveyed lands, a description of the parcel and sketch sufficient to identify the property to be leased.	Reformatted from (K) to #14. An acceptable legal description or sketch is required to process an acquisition or disposal of land.
6. ESTABLISHING THE PRICE OF LAND – LEASE RATES (a) The annual lease rate for land disposed of by the City shall be charged pursuant to the City’s Fees and Charges By-law No. 4436, as amended, and all uses shall be categorized pursuant to the Definitions herein.	4. ESTABLISHING THE PRICE OF LAND – LEASE RATES 1) The annual lease rate for land disposed of by the City shall be charged as defined in the City’s Fees and Charges By-law No. 4436 , as amended, and all uses shall be categorized pursuant to the definitions therein.	Reformatted from #6 to PART 2, Section 4. Grammatical editing and removal of Fees and Charges by-law number to reduce future amendments to the LAB as the other By-law is repealed and replaced.
(New clause)	2) For greater certainty, Goods and Services Tax or other taxes payable by a lessee, if any, shall be in addition to the total lease costs determined under this By-law.	Clarification of GST charges on leases as it is currently stated in the Fees and Charges By-law No. 4436 pg. 15 (RH Column).

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Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
7. ESTABLISHING THE PRICE OF LAND – FEE SIMPLE DISPOSAL (a) The price of land shall be determined in the following manner: i. The determination of the price of land for lots within a comprehensive subdivision marketing plan shall be based on: 1. A professional appraisal for lots where appropriate; 2. A detailed list of all anticipated development costs and carrying costs; 3. The option of including a profit on top of each lot price; and 4. The anticipated revenue from each lot sale at the time the sale is closed. ii. Substandard Sized Properties or lots not within a comprehensive subdivision marketing plan shall be priced based on market value as determined by an appraisal (Appraised Value) completed by an independent appraiser or on Development Costs, whichever is higher.	5. ESTABLISHING THE PRICE OF LAND – FEE SIMPLE DISPOSAL 1) The price of the land must be equivalent to its appraised value or the development costs, whichever is higher. (Removed #7 (a)(i)(1-4)) (Removed #7 (a) (iii))	Reformatted from #7 to PART 2, Section 5. Reformatted from (a) to #1. Simplifying the method and determination of the price of land. Using the appraised value for land pricing aligns with GNWT’s <i>Municipal Land Policy</i> 21.02. It may also be the case that development costs alter the price, and will be considered as well. Establishing land prices is the same whether within a comprehensive subdivision marketing plan or not, so the duplication was removed.
(b) Notwithstanding Section 7 (a), Council may, at its sole discretion, dispose of land below the appraised value or development costs to facilitate developments which support Revitalization Initiatives as defined in this by-law.”	{Removed #7 (b)}	GNWT <i>Municipal Land Policy</i> supports that Council may price land lower “when a unique and exceptional circumstance apply[ies]”. Land price adjustments for development revitalization is the responsibility of the Development Inventive By-law.

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Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
8. DEVELOPMENT COST & OFF-SITE LEVIES	6. DEVELOPMENT COST & OFF-SITE LEVIES	Reformatted from #8 to PART 2, Section 6.
(a) Development Costs and Off-Site Levies shall be determined by the Senior Administrative Officer. All Costs and Levies shall be based on current year costs.	1) Development costs & off-site levies will be recovered in accordance to the Financial Administration by-law, as amended.	The Financial Administration by-law (FAB) is responsible for determining the development costs and levies of a project.
(b) Off-site levies shall be collected and the amount of each levy shall be calculated in accordance with off-site improvements required to service the development. Where such services are shared amongst existing or future planned developments, the off-site levy shall be prorated amongst the developments.	(Removal of #8 (b) and reformatted as PART 2, Section 7 (2))	Edited for simplification of #8 (b-d) for collection, allocations and recovery of off-site levies and reformatted to PART 2, Section 7 (2).
(c) All development costs and off-site levies will be recovered by the City.	(Removal of #8 (c) and reformatted as PART 2, Section 7 (2))	Edited for simplification of #8 (b-d) for collection, allocations and recovery of off-site levies and reformatted to PART 2, Section 7 (2).
(d) Off-site levies shall be collected prior to the issuance of the development permit for any improvement on a lot. If development is phased, then off-site levies, may, at the discretion of the Planning Administrator, be collected prior to the issuance of the building permit.	(Removal of #8 (d) and reformatted as PART 2, Section 7 (2))	Edited for simplification of #8 (b-d) for collection, allocations and recovery of off-site levies and reformatted to PART 2, Section 7 (2).
(e) All off-site levy revenues will be deposited into the Land Development Fund.	(Removal of #8 (e) and reformatted as PART 2, Section 7 (3))	Reformatted for simplification into PART 2, Section 7 (3).

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Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
Reformatted 10. LAND DEVELOPMENT FUND MANAGEMENT AND OPERATION to PART 2 #7 10. LAND DEVELOPMENT FUND MANAGEMENT AND OPERATION (a) All revenues from the disposal of land shall be deposited in the Land Development Fund and utilized for the purchase of strategically identified lands, for the assembly and servicing of lands development and marketed by the City. Section 10 (b) deleted by By-law No. 4952 February 12, 2018 (b) (c) Off-site levy charges shall be allocated to development costs and/or to development areas in accordance with Section 7. (d) The City shall not use the Land Development Fund for any purpose other than for the type of expenditures described herein.	7. LAND DEVELOPEMENT FUND MANAGEMENT AND OPERATION 1) All revenues from the disposal of land shall be deposited in the Land Development Fund in accordance with the Financial Administration By-Law, as amended. 2) Off-site levy charges shall be allocated as part of the development costs in accordance with the Financial Administration By-law, as amended. 3) All revenues from lease, quarries, and off-site levies are to be deposited into the Land Development Fund. (Removed #10 (d))	Reformatted. 10. LAND DEVELOPMENT FUND MANAGEMENT AND OPERATION to PART 2, Section 7. The Financial Administration By-law (FAB) outlines the procedures for managing the Land Development Fund. Reformatted #10 (c) and #8 Off-Site Levies (b)(c)(d) to #7 (2) Edited for reference to FAB for allocation of charges Reformatted from #8 Off-Site Levies (e) and edited to include leases and quarries. The FAB provides information on the appropriate usage and allocation of the Land Development Fund, Section 6.

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Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
<p>9. COUNCIL DISCRETION TO A DEVELOPMENT CONTRIBUTION</p> <p>(a) Notwithstanding Section 8 of this By-law, Council may at its sole discretion provide up to a 12% financial contribution to any development for off-site development levies or on-site development expenses relating to paving, curbing and sidewalk within a municipal right-of-way or a designated municipal park space. Provided the development entails the sale of municipal land of a value greater than the 12% development subsidy, the funds may come from the Land Development Fund. Alternatively or otherwise such funds shall come from the Capital Fund the fiscal year following the approval of the Development Permit, or a period of time otherwise recommended by Administration.</p>	<p>8. COUNCIL DISCRETION TO A DEVELOPEMENT CONTRIRUBTION</p> <p>(Removed #9 (a))</p>	<p>Reformatted from #9 to PART 2, Section 8.</p> <p>Section removed due to ambiguity and costs incurred by the City historically when this was applied for by developers.</p>
<p>(b) Council may at its sole discretion provide residential land or funding to the Habitat for Humanity NWT regardless of the value of land for development</p>	<p>1) Notwithstanding Sections 5, 6, 7, & 8 Council may, at its sole discretion, provide residential land disposal by fee simple to the Habitat for Humanity NWT regardless of the value of the land for development.</p>	<p>Reformatted from (b) to 1.</p> <p>Council Motion #0278-14. In 2014 the City entered into a partnership arrangement with Habitat for Humanity for a 10 year period, entailing provisions for the constructions of one single-family or duplex dwelling approximately every 2 years consisting of either:</p> <ul style="list-style-type: none"> a) A single family lot per every thirty (3) single family lots which the City is able to bring to market with in a twenty-four month or greater period or; b) Funding equal to 3.5% of the city residential land sales within a twenty-four month or greater period to a maximum of an average priced single family lot (up to 800 sq. meters) within the City’s residential land inventory. <p>By-law No. 4806 amended LAB (2014) to allow council the discretion to include the provision of residential land or funding to Habitat for Humanity NWT as part of the 12% financial contribution for new subdivisions as an off-site development levy or on-site expense.</p>

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<p>11. LAND DEVELOPMENT FUND REPORTING</p> <p>A detailed cash flow statement of the Land Development Fund will be provided to the Planning Administrator with quarterly updates based on current and projected sales and expenditures.</p>	<p>(Removed 11. LAND DEVELOPMENT FUND REPORTING in its entirety)</p>	<p>Land Fund is the responsibility of the FAB, as amended, Section 6.</p>
<p>12.METHODS AND TERMS OF LAND DISPOSITION BY THE CITY</p> <p>(a) In disposing of land, the City shall initiate one of the following methods:</p> <ul style="list-style-type: none"> i. ballot draw; ii. call for development proposals; iii. public advertisement; or iv. a bidding process. <p>If there are no offers, or any acceptable offers as a result of a ballot draw, call for development proposal or public advertisement, the City may dispose of land to a specific intended purchaser in accordance with the terms of this By-law.</p>	<p>9. METHODS AND TERMS OF LAND DISPOSITION BY THE CITY</p> <p>1) In disposing of land for fee simple, the Planning Administrator shall initiate one of the following methods:</p> <ul style="list-style-type: none"> a. ballot draw; b. call for development proposals; c. public advertisement; d. a bidding process; e. an auction; or f. public tender. <p>2) If there are no acceptable offers as a result of a ballot draw, call for proposal, bidding process, auction or public tender, the Planning Administrator may dispose of the land to a specific intended purchaser in accordance with the terms of this by-law.</p>	<p>Reformatted from #12 to PART 2, Section 9.</p> <p>Edited for plain language.</p> <p>Edited for inclusion of additional disposal methods.</p> <p>Reformatted from #12 (a) to PART 2, Section 12 (2). Edited for consistent language.</p>

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Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
(b)The City may sell or market land approved for disposal either independently or through a realtor.	3) The Planning Administrator may sell or market land approved for disposal either independently or through a qualified real estate agent licensed in the Northwest Territories.	Reformatted from (b) to 3. Edited for plain language.
<p>(c) The provisions of Section 12(a) shall not apply to the disposal of land to be used for the purpose of:</p> <ul style="list-style-type: none"> i. the Federal or the Territorial Government; ii. the installation of electrical power, telephone or other communication utilities, if the utility company is a Crown corporation or a government regulated monopoly; iii. consolidation with adjoining land, when the land being disposed of does not comply with the minimum lot size requirements of the City's Zoning By-law; iv. special and unique activities which serve the public interests of the City; or v. disposing of land to a specific intended purchaser or lessee. 	<p>4) The provisions of Section 9(1) shall not apply to the disposal of land to be used for the purpose of:</p> <ul style="list-style-type: none"> a. the Federal or the Territorial Government; b. the installation of electrical power, telephone or other communication utilities if the utility company is a crown corporation or a government-regulated monopoly; c. consolidation with adjoining land, when the land being disposed of is a substandard sized lot; d. special and unique activities which serve the public interests of the City; or e. disposing of land to a specific intended purchaser or lessee. 	<p>Reformatted from (c) to 4.</p> <p>Simplified language. “Substandard Sized Lands” has a definition provided within the document.</p>
(d) Substandard sized properties that cannot be developed on their own, and are not required for municipal purposes, may be offered directly for sale or lease to adjacent property owners (i.e. those sharing common property lines). Appropriate zoning and road closure by-laws, where required, must be adopted prior to any commitment being made to dispose of the parcels. The criteria for determining those properties that cannot be developed on their own shall include, but is not limited to, the following factors:	5) Substandard-sized lands that cannot be developed independently and are not required for municipal purposes may be offered directly for disposal to adjacent property owners (i.e. those sharing common property lines) . Appropriate zoning and roadway closure by-laws, where required, must be adopted before any commitment being is made to dispose of the lands . The criteria for determining those properties that cannot be developed on their own shall include, but are not limited to, the following factors: (sub- categories remain unchanged)	<p>Reformatted from (d) to 5.</p> <p>Edited for plain language.</p>

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(e) Council may authorize the sale or lease of property at less than appraised value where the recipient is a society registered in accordance with the provisions of the <i>N.W.T. Societies Act</i> .	(Removed #12 (e))	GNWT Municipal Land Policy supports that Council may price land lower “when a unique and exceptional circumstance apply[ies]”. Land price adjustments for development revitalization is the responsibility of the Development Inventive By-law.
(f) A person who acquires land from the City may be required to develop, add a specific amount of value to, or quarry the land within a specified period of time; otherwise the land may, by agreement, revert to the City.	6) Anyone who acquires land from the City, excluding substandard-sized lands, shall be required to develop, add a specific amount of value to, or quarry the land within a specified period of time. The specific conditions of which will be determined by the Planning Administrator. The disposition agreement shall entitle the City to reacquire the land if the purchaser fails to develop, add a specific amount of value to, or quarry the land within a specified period of time.	Reformatted from (f) to 6. Edited for plain language. Clarification added to provide the conditions for the disposal of City land and the City’s ability to reacquire the land should the conditions not be met.
(g) If the disposition of land is to a private developer who is required to build or install municipal infrastructure to develop the land, then, prior to the disposal, the City shall: i. require the developer to provide a letter from a financial institution confirming that the developer has sufficient financial resources to complete the development of the subject land; ii. require the developer to enter into a Development Agreement with the City for the provision of municipal infrastructure and supply of serviced land within a reasonable period of time; iii. specify, by agreement with the developer, any requirements for the development of the land pursuant to Section 20 of the <i>Community Planning and Development Act</i> , including any restrictions on the use of the lands; and iv. transfer title to the developer, subject to a caveat to ensure compliance with payment or other requirements	7) If the disposition of land is to a private developer who is required to build or install municipal infrastructure to develop the land, then, before the disposal, the City shall: a. require the developer to provide a letter from a financial institution confirming that the developer has sufficient financial resources to complete the development of the subject land; b. require the developer to enter into a development agreement with the City for the provision of municipal infrastructure and supply of serviced land within a reasonable period; and c. specify, by agreement with the developer, any requirements for the development of the land pursuant to Section 20 of the <i>Community Planning and Development Act</i> , including any restrictions on the use of the land.	Reformatted from (g) to 7.

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Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
detailed in a Purchase Agreement and/or a Development Agreement.	d. (Removal of #12 (g) (iv))	Transferring land prior to full payment is not supported by the Land Sale Procedure, and doing so put the city at risk. GNWT Municipal Land Policy supports that that the “municipal corporation shall only transfer title to the municipal land to a private developer with appropriate caveats or restrictive covenants in place to ensure the developer’s land and disposal procedure and lot prices continue to comply with the sale agreement or lease. It does not support caveat to ensure compliance of payment.
(h) Where the City is the vendor of single family and/or duplex dwelling residential lots, it shall ensure, during first offering for sale or lease of the lots, that those purchasers wishing to acquire only one lot shall have priority over those purchasers who wish to acquire more than one lot at a time.	(Removed #12 (h))	Land Sale Procedures have been detailed in Part 2, Section 9 (1) & (4).
(i) All offers to the City and all agreements or other arrangements with the City for the acquisition of City land shall be in writing and in a format which is acceptable to the City.	(Removed #12 (i))	Removed as a redundant statement Part 2, Section 1 REQUEST FOR LANDS WITHIN THE MUNICIPAL BOUNDRY.
13. PUBLIC NOTICE OF THE DISPOSAL OF CITY OWNED LAND (a) Before disposing of any land to the public by ballot draw, or call for development proposals, the City shall provide public notice by advertising the availability of the land in two consecutive issues of a newspaper having circulation in the City, the City’s weekly newsletter and the City website.	10. PUBLIC NOTICE OF THE DISPOSAL OF CITY OWNED LAND 1. Before disposing of land to the public by ballot draw or call for development proposals, the City shall provide public notice by advertising the availability of the land in two consecutive issues of a newspaper having circulation in the City, the City’s weekly newsletter and the City website in at least one of the following ways: a. advertising in two consecutive issues of a local	Reformatted from #13 to PART 2, SECTION 10. Reformatted to list the options for public notice in to subsections. The <i>Cities, Towns and Villages Act</i> does not require Public Notice or advertisement for municipal land disposal. Even though it is not required, the change aligns with the <i>Cities, Towns and Villages Act</i> . Section 165. Public notice 165. (1) When public notice is required under this Act, the notice must be given to the general public in one <u>or</u> more of the following ways:

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	<p>newspaper;</p> <p>b. advertising in two consecutive issues of the City’s weekly newsletter; or</p> <p>c. advertising for three weeks on the City’s website and social media platforms.</p>	<p>(a) by inserting the notice at least once in a newspaper circulating in the municipality;</p> <p>(b) by mailing or delivering a copy of the notice to the household of each adult resident in the municipality;</p> <p>(c) by causing announcements to be made on a radio or television station received in the municipality on at least three separate days; or</p> <p>(d) by posting a notice in at least five widely separated and conspicuous places in the municipality.</p> <p>The previous requirement for advertisement was made when the internet and social media were not the major trends in advertisement. The change gives the City more efficient and flexible options.</p>
<p>(b) Each advertisement shall include:</p> <p>i. a sketch, drawn to scale, identifying the size and location of the land;</p> <p>ii. the legal description, if any;</p> <p>iii. the minimum purchase price acceptable, if applicable;</p> <p>iv. the process by which the disposal of the land will occur; and</p> <p>v. the location and time at which applicants for the land may participate in the process.</p>	<p>2) Each advertisement shall include:</p> <p>a. a map or survey/sketch, drawn to scale, identifying the size and location of the land or lot;</p> <p>b. the legal description, if any;</p> <p>c. the minimum purchase price acceptable, if applicable;</p> <p>d. the process by which the disposal of the land will occur as outlined in section 10 (1) and</p> <p>e. the location and time at which applicants for the land may participate in the process.</p>	<p>Reformatted from (b) to 2</p> <p>Editing for plain language and grammatical fixes.</p>
<p>(c) The disposal of any land may be subject to re-advertisement of a notice, at the sole discretion of the City.</p>	<p>3) After the public notice and the first offering, the Planning Administrator may dispose of the land without further advertisement at the sole discretion of the Planning Administrator.</p>	<p>Reformatted from (c) to 3.</p> <p>All land for disposal is always listed (advertised) on the City’s website as soon as it becomes available. Therefore, re-advertisement is optional in both language examples.</p>

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<p>14 LICENCE AGREEMENTS</p> <p>(a) Except as provided herein, the City may enter into Licence Agreements in such form, and subject to such conditions, as may be necessary or appropriate, without the necessity of obtaining a by-law to authorize the particular Licence Agreement, if the encroachment:</p> <ul style="list-style-type: none"> i. relates to a sign, canopy or other architectural features for an existing or proposed development in those areas of the city where there is no setback requirement, provided that: <ul style="list-style-type: none"> a. the encroachment is 2.5 metres or more above the average ground level where the encroachment occurs; b. the encroachment is part of or attached to the principal building; and c. all provisions of the Zoning By-law have otherwise been met and adhered to; ii. relates to any portion of the roads closed by By-law No. 2891; iii. is caused or increased as a result of the installation of additional insulation or siding materials to an existing building; iv. relates to an existing or proposed wheelchair ramp or other feature intended to improve access for persons with disabilities to any building provided that, in the opinion of the Planning Administrator, such encroachment will not materially interfere with the use of the City’s land by the City or the public; or 	<p>11. LICENCE AGREEMENTS</p> <p>1) The Planning Administrator may enter into licence agreements, subject to conditions as may be necessary or appropriate, without obtaining a by-law to authorize the particular licence agreement if the encroachment is related to one of the following:</p> <ul style="list-style-type: none"> a. a sign, canopy, or other architectural features for an existing or proposed development in those areas of the City where there is no setback requirement, provided that: <ul style="list-style-type: none"> i. the encroachment is 2.5 meters or more above the average ground level where the encroachment occurs; ii. the encroachment is part of or attached to the principal building; iii. the encroachment is not over and above a utility easement; and iv. all provisions of the Zoning By-law, as amended have otherwise been met and adhered to. b. any portion of the roadways closed by By-law No. 2891, as amended; c. (Removed #14 (a) (iii)) d. an existing or proposed wheelchair ramp or other feature intended to improve access for persons with disabilities to any building provided that, in the opinion of the Planning Administrator, such encroachment will not materially interfere with the use of the City’s land by the City or the public; or 	<p>Reformatted from #14 to PART 2, Section 11.</p> <p>Edited for plain language.</p> <p>Item #14 (a) (iii) has been removed as it is already covered under 11(1)(e) and 11 (1)(a)(ii).</p>

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Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
<p>(e) Upon receipt of an application for a licence agreement, the Planning Administrator shall review the request for compliance with this by-law and any other applicable by-law or legislation and shall:</p> <p>i. Approve the use of a licence agreement, without a by-law, if the encroachment is a type referred to in section 14(a) of this by-law and the creations or continuation of the encroachment is necessary or desirable, in the opinion of the Planning Administrator; or</p> <p>ii. Refer the request to council if the type of encroachment or form of the agreement would require the approval of Council under this by-law or if the Planning Administrator otherwise deems the approval of Council to be desirable.</p>	<p>5) Upon receipt of an application for a licence agreement, the Planning Administrator shall review the request for compliance with this by-law and any other applicable by-law or legislation and shall:</p> <p>a. Approve the use of a licence agreement, without a by-law, if the encroachment is a type referred to in section 14(a) of this by-law and the creations or continuation of the encroachment is necessary or desirable, in the opinion of the Planning Administrator; or</p> <p>b. Refer the request to council if the type of encroachment or form of the agreement would require the approval of Council under this by-law or if the Planning Administrator otherwise deems the approval of Council to be desirable.</p>	No Change
<p>15 QUARRY MANAGEMENT</p> <p>(a) The City shall manage quarries in accordance with the statutes of the Government of the Northwest Territories.</p>	<p>12 QUARRY LEASE AND ADMINISTRATIVE MANAGEMENT</p> <p>1) The City shall manage and regulate quarries on Commissioner's Land and Municipal Land in accordance with the applicable statutes of the Government of the Northwest Territories, the City's Zoning By-law, as amended and the Development and Design Standards.</p>	<p>Reformatted from #15 to PART 2, Section 12.</p> <p>Reformatted from (a) to 1.</p> <p>In Yellowknife, there are three types of quarries in terms of land tenures: Leased Quarries on City Lands, Subleased Quarry on Commissioners Land, and Administrative Agreement Quarry on Commissioners Land (ex. Sandpits). The proposed change addresses how the quarry shall be developed, operated and restored, referencing the GNWT's guidelines and City policies. It also clears where quarry fees should be referred to and fund allocation due to different land tenures.</p>
<p>(b) The acquisition and disposal of land for quarry purposes shall be subject to the requirements of this by-law.</p>	<p>2) The acquisition and disposal of land for quarry purposes shall be subject to the requirements of this by-law.</p>	No Change.

LAND ADMINISTRATION BY-LAW
CLAUSE BY CLAUSE REVIEW

Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
(c) Subject to authorization by by-law, the City may apply for quarry permits and land use permits from senior governments for quarry purposes, and issue quarry permits to other parties.	(Removed #15 (c))	Item 15(c), the issuance of quarry permit, was deleted as this is the authority of the GNWT and not the City. Under the Zoning By-law, the City is authorized to issue a development permit but not a quarry permit.
(d) Any agreement executed by the City to lease or sell land for quarry purposes shall require the purchaser or lessee to restore the land at the quarry operator's own expense in accordance with the policies and guidelines established by the Government of the Northwest Territories and any other requirements of the City.	3) Any agreement executed by the City to sublease , lease or sell land for quarry purposes shall require the purchaser or lessee to develop, operate and restore the land in accordance with the policies and guidelines established by the Government of the Northwest Territories, e.g. the Northern Land Use Guidelines for Pits and Quarries, in addition to any City By-laws and any other requirements of the City.	Reformatted from (d) to 3. The proposed change addresses how the quarry shall be developed, operated and restored, referencing the GNWT's guidelines and City policies. It also clears where quarry fees should be referred to and fund allocation due to different land tenures.
(e) Before executing a lease agreement or transfer for quarry lands, the City shall require the lessee or purchaser to deliver and deposit security with the City to ensure complete restoration of the site. The terms and amount of this security shall be determined by the City's Director of Corporate Services. The security shall consist of cash or an Irrevocable Letter of Credit issued by a Chartered Bank or a Surety Company.	4) Before executing a lease agreement or transfer for quarry lands, the City shall require the purchaser or lessee to obtain an approved development permit and provide an environmental security deposit with the City to ensure proper development and restoration of the site. The terms and amount of this security shall be in accordance with the Fees and Charges By-law, as amended. In addition to the environmental security deposit, the City may require additional security deposit following the Zoning By-law, as amended, requirements. The security shall consist of a Bond, Certified Cheque or Irrevocable Letter of Credit issued by a Chartered Bank or Surety Company.	Reformatted from (e) to 4. The proposed change addresses how the quarry shall be developed, operated and restored, referencing the GNWT's guidelines and City policies. It also clears where quarry fees should be referred to and fund allocation due to different land tenures.
(New Clause)	5 The fees for Commissioner’s Land and Municipal Owned Land quarries shall be charged pursuant to the City’s Fees and Charges By-law, as amended. Fees collected for a quarry on Commissioner’s Land shall be remitted to the Government of the Northwest Territories, and fees collected for a quarry on Municipal Owned land shall be retained by the City and allocated to the appropriate fund.	The proposed change addresses how the quarry shall be developed, operated and restored, referencing the GNWT's guidelines and City policies. It also clears where quarry fees should be referred to and fund allocation due to different land tenures.

LAND ADMINISTRATION BY-LAW
CLAUSE BY CLAUSE REVIEW

Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
16 ECECUTION OF AGEEMENTS All agreements shall be duly executed and sealed by the Planning Administrator upon the property Owner’s payment of the fee, if required, for execution of the agreement, as set by by-law from time to time.	13 EXECUTION OF AGREEMENTS 1) All agreements shall be duly executed and sealed by the Planning Administrator upon the property Owner’s payment of the fee, if required, for execution of the agreement, as set by by-law from time to time.	Reformatted from #16 to PART 2, Section 13.
17 STANDARD FORM OF AGREEMENTS The Planning Administrator may approve standard forms or agreements for the acquisition of disposal of land and may authorize administration to make such minor amendments to any such standard form agreement as may be necessary to adapt the agreement to the requirements of any particular transaction.	14 STANDARD FORM OF AGREEMENTS 1) The Planning Administrator may approve standard forms or agreements for the acquisition of disposal of land and may authorize administration to make such minor amendments to any such standard form agreement as may be necessary to adapt the agreement to the requirements of any particular transaction.	Reformatted from #17 to PART 2, Section 14.
18 AMENDING LAND AGREEMENTS (a) Council may amend any of the terms of any agreement for the purchase or lease of land by resolution, except the legal description or the description and identifying sketch of the affected land, which may be amended only by by-law. (b) Council may amend any of the terms of agreement for the sale, lease, or other disposition of land by resolution except the legal description of the land affected, which may be amended only by by-law.	15 AMENDING LAND AGREEMENTS 1) Planning Administrator may amend any agreement's terms for the acquisition and disposal of land where the terms of the agreement conform to City polices and directives. (Removed #18 (b) and reformatted to #15, 1	Reformatted from #18 to PART 2, Section 15. The current By-law sections (a) and (b) are merged into one sections for acquiring and disposing of land as the process is the same in either case.
19 BY-LAW ADMINISTRATION The forms, procedures and agreements required for the administration of this By-law shall be as prescribed from time to time by the Planning Administrator.	16 BY-LAW ADMINISTRATION 1) The forms, procedures and agreements required for the administration of this by-law shall be as determined from time to time by the Planning Administrator.	Reformatted from #19 to PART 2, Section 16. Reformatted from no subsection reference to 16 (1). Edited for plain language.

LAND ADMINISTRATION BY-LAW
CLAUSE BY CLAUSE REVIEW

Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	Rationale for Proposed Changes
20 REPEALS Land Administration By-law No. 3853, as amended, a by-law to provide for the administration of municipal lands, is hereby repealed.	(Removed 20 REPEALS and reformatted to PART 3)	Reformatted from to PART 3 - REPEALS AND EFFECT.
EFFECT This By-law shall come into effect upon receiving Third Reading and otherwise meeting the requirements of Section 75 of the <i>Cities, Towns and Villages Act</i> .	(Removed EFFECT and reformatted to PART 3)	Reformatted from to PART 3 – REPEALS AND EFFECT.
21 SEVERABILITY Each provision of this by-law is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this by-law shall remain valid and enforceable, and the by-law shall be interpreted as such.	17 SEVERABILITY 1) Each provision of this by-law is independent of all other provisions. If a Court of competent jurisdiction declares any provision invalid for any reason, all other provisions of this by-law shall remain valid and enforceable, and the by-law shall be interpreted as such.	Reformatted from 21 to PART 2, Section 17
REPEALS Land Administration By-law No. 3853, as amended, a by-law to provide for the administration of municipal lands, is hereby repealed. EFFECT This By-law shall come into effect upon receiving Third Reading and otherwise meeting the requirements of Section 75 of the <i>Cities, Towns and Villages Act</i> .	PART 3 – REPEALS AND EFFECT REPEALS 1. By-law No. 4596, as amended, is hereby repealed. EFFECT 2. That this by-law shall come into effect upon receiving Third Reading and otherwise meets the requirements of Section 75 of the <i>Cities, Towns and Villages Act</i> .	Reformatting of Repeals and Effect to Part 3. The text was simplified according to the City's template statement for repealing By-laws. No edits.

ADMENDMENT TO DRAFT BY-LAW NO. 5078
SIDE BY SIDE CHANGES

Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	May 2024 amendment to <u>Draft By-law No. 5078</u>	Rational for Proposed Change to <u>Draft By-law No. 5078</u>
<u>Note: Amendment identified during department review of the Draft Land Administration By-law No. 5078 are identified in the third column in Red underline.</u>			
Definition “City Standard” Any standard approved and/or used by the City for the purpose of Development. These standards may include, but are not limited to standards for roads, sidewalks, parks and recreational improvements, water and sewer infrastructure, landscaping, curbing, gutters, etc. (New Definition) (New Definition) “Quarry” means any work or undertaking in which granular materials are removed from the ground or the land by any method, and includes all ways, works, stockpiles, machinery, plant, buildings and premises belonging to or used in connection with the quarry.	“City Standard” means the rules, regulations, practices and codes of the City, including but not limited to standards, plans, specifications, general provisions or processes that are documented in writing or have previously been implemented; (New Definition) (New Definition) “Quarry” means land or land under water from which unconsolidated aggregate is being or has been excavated and that has not been rehabilitated. However, it does not include land or land under water excavated for a building or structure on the excavation site;	“City Standard” means the rules, regulations, practices and codes of the City, including but not limited to <u>development and design standards, plans, specifications, general provisions or processes that are documented in writing or have previously been implemented;</u> <u>“Easement” means permission to use a portion of someone’s land through an agreement for a specific purpose and can be registered in the Land Titles Office;</u> <u>“Lease” means leasehold interest of real property that provides exclusive rights of occupation and use of the land through a contract for a stated period of time;</u> “Quarry” means <u>any work or undertaking in which granular materials are removed from the ground or the land by any method and includes all ways, works, stockpiles, machinery, plant, buildings and premises belonging to or used in connection with the site;</u>	Revised definition for broader inclusion of City Standards. Not currently defined in current By-law No. 4596 or the draft By-law No. 5078. Definition not previously included in By-law 4596, referenced in both By-law No. 4596 and the draft By-law No.5078. Fee Simple and Leasehold interests are two types of land ownership that must be defined in the new By-law. Revert back to previous definition in Current By-law No. 4596.

ADMENDMENT TO DRAFT BY-LAW NO. 5078

SIDE BY SIDE CHANGES

Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	May 2024 amendment to Draft By-law No. 5078	Rational for Proposed Change to Draft By-law No. 5078
<p>Reformatted</p> <p>10. LAND DEVELOPMENT FUND MANAGEMENT AND OPERATION to PART 2 #7</p> <p>10. LAND DEVELOPMENT FUND MANAGEMENT AND OPERATION</p> <p>(a) All revenues from the disposal of land shall be deposited in the Land Development Fund and utilized for the purchase of strategically identified lands, for the assembly and servicing of lands development and marketed by the City.</p> <p>Section 10 (b) deleted by By-law No. 4952 February 12, 2018</p> <p>(b)</p> <p>(c) Off-site levy charges shall be allocated to development costs and/or to development areas in accordance with Section 7.</p> <p>(d) The City shall not use the Land Development Fund for any purpose other than for the type of expenditures described herein.</p>	<p>7. LAND DEVELOPEMENT FUND MANAGEMENT AND OPERATION</p> <p>1) All revenues from the disposal of land shall be deposited in the Land Development Fund in accordance with the Financial Administration By-Law, as amended.</p> <p>2) Off-site levy charges shall be allocated as part of the development costs in accordance with the Financial Administration By-law, as amended.</p> <p>3) All revenues from lease, quarry’s are to be deposited into the Land Development Fund.</p> <p>(Removed #10 (d))</p>	<p>7. LAND DEVELOPEMENT FUND MANAGEMENT AND OPERATION</p> <p>1) All revenues from the disposal of land shall be deposited in the Land Development Fund in accordance with the Financial Administration By-Law, as amended.</p> <p>2) Off-site levy charges shall be allocated as part of the development costs in accordance with the Financial Administration By-law, as amended.</p> <p>3) All revenues from lease, quarry’s, and off-site levies are to be deposited into the Land Development Fund.</p> <p>(Removed #10 (d))</p>	<p>Amended to include off-site levies and the allocation of revenue to the Land Development Fund.</p>

ADMENDMENT TO DRAFT BY-LAW NO. 5078
SIDE BY SIDE CHANGES

Current By-law No. 4596 (Adopted October 10, 2010) Policy Provision	Draft By-law No. 5078 (January 2024) Policy Provision	May 2024 amendment to Draft By-law No. 5078	Rational for Proposed Change to Draft By-law No. 5078
<p>12.METHODS AND TERMS OF LAND DISPOSITION BY THE CITY</p> <p>(c) The provisions of Section 12(a) shall not apply to the disposal of land to be used for the purpose of:</p> <ul style="list-style-type: none">i. the Federal or the Territorial Government;ii. the installation of electrical power, telephone or other communication utilities, if the utility company is a Crown corporation or a government regulated monopoly;iii. consolidation with adjoining land, when the land being disposed of does not comply with the minimum lot size requirements of the City's Zoning By-law;iv. special and unique activities which serve the public interests of the City; orv. disposing of land to a specific intended purchaser or lessee.	<p>9. METHODS AND TERMS OF LAND DISPOSITION BY THE CITY</p> <p>4) The provisions of Section 9(1) shall not apply to the disposal of land to be used for the purpose of:</p> <ul style="list-style-type: none">a. the Federal or the Territorial Government;b. the installation of electrical power, telephone or other communication utilities if the utility company is a crown corporation or a government-regulated monopoly;c. consolidation with adjoining land, when the land being disposed of is a substandard sized lots;d. special and unique activities which serve the public interests of the City; ore. disposing of land to a specific intended purchaser or lessee.	<p>9. METHODS AND TERMS OF LAND DISPOSITION BY THE CITY</p> <p>4 The provisions of Section 9(1) shall not apply to the disposal of land to be used for the purpose of:</p> <ul style="list-style-type: none">a. the Federal or the Territorial Government;b. the installation of electrical power, telephone or other communication utilities if the utility company is a crown corporation or a government-regulated monopoly;c. consolidation with adjoining land, when the land being disposed of is a substandard sized lands lot;d. special and unique activities which serve the public interests of the City; ore. disposing of land to a specific intended purchaser or lessee.	<p>Plain language. “Substandard Sized Lands” has a definition provided within the draft By-law No. 5078. There is not definition for “substandard sized lot”.</p>

Draft Land Administration By-law Public Comments

The enclosed table below summarizes the public comments submitted during the consultation period. Where multiple submissions on a topic area were made, they have been summarized together.

Section	Public Comment	Administration’s Response
General Comment	<p>Comments from Yellowknife Chamber of Commerce:</p> <p>The business community is also concerned that the legislation team at the City, which has limited capacity, is being burdened with projects that ought not be priorities. Prior to the lengthy Zoning By-law review in 2021 and 2022, we did not hear from the development community or from Council that it needed updating. We were told that the changes would have a significant impact on development in our community, but two years later we have not seen anything that would seem to justify the workload, nor the setting aside of other priorities. We have similar concerns about this current Land Administration By-law review. As far as we can tell, it does little more than cut Council and the public out of land acquisition and disposal decisions. Why is time and money being spent on this while the creation of a hotel levy by-law – for which territorial legislation was changed six long years ago – seems no closer to becoming a reality?</p>	<p>The City of Yellowknife follows the legislative requirements regardless of a perceived burden on administration. The Community Planning and Development Act requires that “Council shall complete a review of a community plan within eight years after it is first adopted, and thereafter no later than eight years after the completion of each previous review.” The legislation further requires that “(1) On the adoption of a community plan, Council shall proceed under subsection 12(2) to make a zoning bylaw.”</p>
Part 2 – Section 1, 3)	<p>Comments from Yellowknife Chamber of Commerce:</p> <p>We are skeptical as to the utility of this paragraph given the GNWT is a senior level of government and is not likely bound by a City by-law. The inclusion of this clause seems to serve only to discourage third parties from approaching the GNWT about land development opportunities, which is a situation that likely only arises at times when the City is not bringing enough land to market to meet demand for new housing. We would prefer to see mechanisms that facilitate the development of land by third parties, even if this requires the fast-tracking of Area Development Plans by the City.</p>	<p>Public request to “purchase” should be changed to Public request to acquire to capture both lease and purchase.</p> <p>The Cities, Towns and Villages Act, S.N.W.T., 2003, c.22, sections 53 to 55, provides the authority for municipalities to adopt a Land Administration By-law. The Land Administration By-law is a by-law that provides procedures, terms, and conditions for making acquisitions, dispositions, or other activities in relation to real property owned by the municipal corporation.</p>

Section	Public Comment	Administration's Response
	<p>Comments from the Department of Environment and Climate Change:</p> <p>This proposed provision of the by-law is beyond the City of Yellowknife's authority. The disposal of Territorial and Commissioner's land within the City of Yellowknife is currently solely within the GNWT's authority. The City of Yellowknife can't regulate disposal of Commissioner's and Territorial Land within its boundaries without the GNWT's agreement.</p> <p>This provision is related to the negotiation process towards an MOA that we have been pursuing together for the last several years. The MOA is required before what is envisioned by the proposed provision can occur. The MOA negotiations are the best place for this type of discussion as the MOA is a legal agreement between the City and the GNWT.</p>	<p>The GNWT <u>Municipal Land Development Policy 21.17</u> states that a municipal corporation has the power to dispose of land to the public. Policy further states that "community governments should be responsible for land development and their autonomy should be maximized".</p> <p>There are examples where the Territorial government has leased and sold land directly to the public within the municipal boundary without the City. The GNWT then collects yearly lease fees and property taxes, which goes directly to the Territorial Government. The City cannot tax Commissioners leased lands, despite the City providing essential services such as roads, water, and sewer.</p> <p>Further, when the GNWT leases land, they specify the land use in the agreement, in effect becoming the Land Administrator within the City. Pre-approving a land use could conflict with the City's planning policies and by-laws. Policy 21.17 directs that "The Government of the Northwest Territories may allow private land developers to subdivide and develop large parcels of Commissioners land where: the proposal is approved by the community government and is consistent with their community plan/land use plan and zoning by-law". The City is seeking through this clause a first right of refusal for transfer of commissioner lands in keeping with policy 1.17 direction "community governments should have sufficient access to financial resources to undertake land development in a timely manner" and "Land Development cost should be fully recoverable"</p> <p>With regard to the MOA, the GNWT has been clear that it is not a legally binding agreement. The Land Administration By-law is a mechanism to work towards the City Land Administration goals.</p>

Section	Public Comment	Administration's Response
		<p>The GNWT has bound itself under the Community Planning and Development Act, as such the GNWT is bound to follow bylaws directly flowing from that Act. It is the City's position that the Land Administration Bylaw is fundamental the orderly planning and development of City land and all land within the municipal boundary. To allow the GNWT to bring parcels online within City boundaries does not align with planning best practices of the GNWT's own policies, specifically GNWT's Land Development Policy section 12 where Development of Commissioner's land must be with agreement of the community government.</p>
Part 2 – Section 1, 4), b.	<p>Comments from Yellowknife Chamber of Commerce:</p> <p>The old version (Clause 3(b)ii) stated that the Planning Administrator “shall refer the request [for land] to Council”, but now it says merely that the PA “<i>may</i>” refer the request to Council.</p> <p>We understand that completing land disposals via by-law is an annoyance in some cases, but we believe that eliminating Council oversight is a mistake. The by-law process allows the public to weigh in on the disposal. It forces consultation and ultimately leaves the final decision in the hands of elected officials. It also allows Council to choose the form of disposal. From a good governance standpoint, we do not support this change.</p>	<p>The proposed change aligns with the <i>Cities, Towns and Villages Act</i>, Section 54.</p> <p>(2) A municipal corporation may only dispose of its real property if:</p> <p>(a) Council has made a land administration bylaw, and the disposition is made in accordance with the land administration bylaw; or</p> <p>(b) the disposition is specifically authorized or approved by a bylaw.</p> <p>Council's oversight will be maintained through the approval of the acquisition (where applicable), Community Plan designations, Zoning By-law and Area Development Plans. These are all public processes. The intent is to create efficiencies within a system which may require multiple public and council processes prior to disposal.</p>
Part 2 – Section 1, 4), c.	<p>Comments from Yellowknife Chamber of Commerce:</p> <p>In the new draft by-law it states, “Land disposal must follow relevant policies and regulations.” This is a new term to be met for land disposal, and one that is problematic. The Planning Administrator can refuse a land</p>	<p>The answer is related to the comments on Part 2 – Section 1, 4) b.</p>

Section	Public Comment	Administration's Response
	purchase application if it does not align with planning policies, but land purchase applications are expensive and time consuming, and the land-buying public has no way of knowing what the “policies” are. This is too ambiguous and will cause problems. Additionally, the proposed section as drafted makes no grammatical sense.	It is the applicant's responsibility to do their diligence before submitting a land application. They may contact the City for assistance in the process. Planning policy and regulation processes are public processes and all approved by-laws are available on the City of Yellowknife website, through the Planning and Development Department, Council meetings and Agendas or by contacting the office directly.
Part 2 – Section 3, 1).	Comments from Yellowknife Chamber of Commerce: We believe that reference should also be made to the Public Parks and Recreation Facilities Bylaw No. 4564, such that the City may not dispose of lands listed in the Schedules to that Bylaw. Public Parks and Recreation Facilities are key components of the quality of life in Yellowknife and should not be subject to disposal.	The Public Parks and Recreation Facilities By-law is an example of just one by-law that is relevant, others such as Waste Management and the Water and Sewer By-laws, may also apply that is why the City generalizes it to “any relevant by-laws.”
Part 2 – Section 3, 9).	Comments from Individual: ‘...for its intended purpose.’ - Should be removed. The proponent should be able to re-purpose land without the City threatening re-acquisition.	The Community Plan directs land use policy, and the Zoning By-law regulates the land use. Proponents are able to develop a permitted use as identified in these documents.
Part 2 – Section 4, 1).	Comments from Individual: Should add a clause for discretion of the City.	The city and administration must adhere to the Fees and Charges By-law and the Financial Administration By-law.
Part 2 – Section 5, 1).	Comments from Individual: ‘...or the development costs, whichever is higher’ – this will deter development.	This is in the current by-law and was not changed. The legislation and GNWT policies direct that municipalities recover development costs.
Current By-law No. 4596, Section 5, (j) and (k).	Comments from Yellowknife Chamber of Commerce: In the proposed draft, clauses 5 (j) and (k) of the current bylaw, which require that land disposal be done by by-law, have been deleted. This is not mentioned in the summary table of changes provided to the public. Part 2, section 3 – 13) of the proposed bylaw says, quite confusingly, that “the disposition of land in fee simple or leasehold interest done following	Section 5(j) was deleted, and Section 5(k) was reworded to be consistent with other changes related to a requirement for a disposal by-law. Please note that the requirement for a disposal by law to dispose of land is optional per the <i>Cities, Towns and Villages Act</i> , Section 54.

Section	Public Comment	Administration's Response
	<p>sections 4 [sic]." But section 4 relates to the pricing of land, not authorization for land disposal.</p> <p>To reiterate, we understand that disposal by-laws are a pain, but if this by-law is passed as presented, we believe that it would be in the City's purview to dispose of any infill land in Yellowknife without the need for Council approval and without the opportunity for public input. We are unsure if our reading is correct, but if so, this would be concerning. If not, we believe some clarification is necessary so that this misreading does not occur.</p>	
Section 5. Establishing the Price of Land	<p>Comments from Yellowknife Chamber of Commerce:</p> <p>The new version of this section in the draft by-law is clearer than the old version, but there is still some ambiguity that needs to be addressed:</p> <ul style="list-style-type: none"> • "The determination shall be based on appraised value..." So, is the price of land the appraised value, or is it just "based on" the appraised value. If the price were set at 125% of the appraised value it could still be argued that it is based on the appraised value. • What if the appraiser is wrong? What if the property sits unsold for two years? In the private sector we would recognize that in such a case, the appraiser got it wrong, and we would discount the price. This new by-law contains no mechanism to do the same. • What if the appraisal is a broad, neighborhood-scale appraisal that does not consider individual lot characteristics? In Niven Phase 7 one of the challenges with selling the lots was that land with very challenging topography was priced the same as flat land 	<p>Section 5(1) proposed change:</p> <p>The price of the land must be equivalent to its appraised value.</p> <p>Using the appraised value for land pricing aligns with GNWT's Municipal Land Policy. It may also be the case that development costs alter the price, and will be considered as well.</p> <p>The way funds within the Land Administration fund are used are outlined by the Financial Administration By-law and must follow legislation. Development Incentives are separate from the Land Administration by-law.</p>

Section	Public Comment	Administration's Response
	<p>that could be developed at a much lower cost. The City would have been better served had it paid for more nuanced appraisals, or had it not been bound by the appraised value.</p> <p>We believe it is in Council's best interest to allow itself flexibility when it comes to land pricing. Council should have the ability to use the land fund as a stabilization fund - to use the profits from areas that are cheap to develop (like Grace Lake) to subsidize the more expensive areas (like Niven Phase 8).</p>	
Part 2 – Section 8.	<p>Comments from Individual:</p> <p>Why exclusively Habitat?</p>	Direction of Council.
Part 2 – Section 9, 1).	<p>Comments from Yellowknife Chamber of Commerce:</p> <p>There are two new methods listed in the by-law (auction and tender) that are not referenced in the summary of changes provided to the public. Also, as a formatting note, it appears the number "1)" is missing before the list of methods starting with "a) ballot draw;"</p>	Re-formatted the typo.
Part 2 – Section 9, 4).	<p>Comments from Yellowknife Chamber of Commerce:</p> <p>It seems this section contains a typo, stating "the provisions of section 11..." when we believe it is referring to section 9.</p>	Corrected it to state section 9, 1).
Part 2 – Section 10, 1).	<p>Comments from Yellowknife Chamber of Commerce:</p> <p>In the old by-law the requirement for public advertising used to read that advertisement must be made by "newspaper, newsletter, and website". This was changed in the new draft to just one of either newspaper, newsletter or social media. We are uncertain as to what necessitated this change and scaling back on where advertisements must be placed.</p>	<p>The <i>Cities, Towns and Villages Act</i> does not require Public Notice or advertisement for municipal land disposal.</p> <p>Even though it is not required, the change aligns with the <i>Cities, Towns and Villages Act</i>. Section 165.</p> <p>Public notice 165. (1) When public notice is required under this Act, the notice must be given to the general public in one or more of the following ways:</p>

Section	Public Comment	Administration's Response
		<p>(a) by inserting the notice at least once in a newspaper circulating in the municipality;</p> <p>(b) by mailing or delivering a copy of the notice to the household of each adult resident in the municipality;</p> <p>(c) by causing announcements to be made on a radio or television station received in the municipality on at least three separate days;</p> <p>(d) by posting a notice in at least five widely separated and conspicuous places in the municipality.</p> <p>The previous requirement for advertisement was made when the internet and social media were not the major trends in advertisement. The change gives the City more efficient and flexible options.</p> <p>Moreover, all land for disposal is always listed (advertised) on the City's website as soon as it becomes available for sale.</p>
Part 2 – Section 10, 3).	<p>Comments from Yellowknife Chamber of Commerce:</p> <p>In the old by-law it stated that “the disposal of any land may be subject to re-advertisement of a notice, at the sole discretion of the City.” In the new draft, it now states “After the public notice and the first offering, the Planning Administrator may dispose of the land without further advertisement at the sole discretion of the Planning Administrator.” This is quite a significant change and one that is not referenced in the “Summary of Key Updates Reflected in the Draft Administration By-law” document circulated to the public.</p>	<p>All land for disposal is always listed (advertised) on the City's website as soon as it becomes available. Therefore, re-advertisement is optional in both language examples.</p>



CITY OF YELLOWKNIFE

MEMORANDUM TO COMMITTEE

COMMITTEE: Governance and Priorities

DATE: May 21, 2024

DEPARTMENT: Planning and Development

ISSUE: Whether to direct Administration to bring forward a draft Development Incentives By-law.

RECOMMENDATION:

That Council direct Administration to bring forward a draft Development Incentive By-law to reflect the incentives in Table A (attached).

BACKGROUND:

Council Motion #0129-22 directed Administration to bring a comprehensive incentive program forward to Council, with an objective of encouraging development within the downtown. Administration has completed a comprehensive review of all of the current programs offered by the City; programs offered in other jurisdictions; the current fund and revenue for development incentives.

Council's Strategic Directions, form the basis for broad opportunities related to Accessibility, Climate Change, Housing, Industrial, Reconciliation and disincentives. Development incentives, both monetary and in-kind, are provided by municipalities to encourage investment that might not otherwise happen and can be used to promote specific types of development and improvements in an area. Disincentives, which are usually monetary, are utilized to discourage status quo and to persuade change.

The recommended incentives to be included in the Development Incentives By-law are listed in 'Table A: Development Incentive Options 2024'. Administration will consult with the Accessibility Committee and draft a new Development Incentives By-law to replace the existing by-law. A comprehensive list of Development Incentive Options is provided in 'Table B: Comprehensive Development Incentive Options (2025)'. These options are recommended to be implemented as, and when, budget becomes available. Administration will bring the Table B items forward for Budget 2025 consideration.

The City of Yellowknife Housing Accelerator Funding (HAF) has been incorporated into the options. HAF supported options are highlighted in both attached tables.

COUNCIL STRATEGIC DIRECTION/RESOLUTION/POLICY:

Strategic Direction #1: People First

Focus Area 1.2 Housing for All

Doing our part to create the context for diverse housing and accommodation options.

Key Initiative 1.2.1 Setting the context and foundation for a fulsome continuum of housing options, from social to market to workforce accommodation.

Focus Area 1.3 Liveable Community

Supporting all residents to participate in the social fabric and physical space of our community.

Key Initiative 1.3.1 Providing affordable and diverse recreation and arts opportunities for residents.

Key Initiative 1.3.3 Supporting design standards that are multi-modal including recognizing Yellowknife's advantages as a winter city.

Strategic Direction #3: Sustainable Future

Focus Area 3.1 Resilient Future

Enhancing Yellowknife as a great place to live, visit, work and play now and into the future.

Focus Area 3.2 Growth Readiness

Ensuring land development supports economic readiness and community priorities.

Key Initiative 3.2.2 Completing land development tools and strategies that support growth readiness.

Key Initiative 3.2.3 Modernizing development incentive options.

Focus Area 3.3 Robust Economy

Doing our part to stimulate and amplify economic development opportunities.

Motion #0129-22 That Council direct Administration to:

- (i) Review all current development and business incentive programs offered by the City of Yellowknife, including the Development Incentive Program By-law No. 4534; and
- (ii) Bring forward recommendations for a comprehensive incentive program, funded from the Downtown Improvement Reserve, that facilitates development in the downtown.

That Council direct Administration to:

- (i) utilize the Revitalization Initiative Fund toward the development of City owned lands within the Downtown by contributing to the Land Fund to facilitate:
 - a. selling Lots 8, 9, and 10, Block 31, Plan 65 (5016, 5018 and 5022 50th Street) for less than appraised value, pursuant to a Request for Proposal process; and
 - b. selling Lot 34, Block 30 (50/50 Lot) for less than appraised values, pursuant to the Terms of Reference/Request for Proposal attached to and forming part of the memorandum to committee dated September 12, 2022.
- (ii) transfer \$2.275 million dollars from the Revitalization Initiative Fund to the Land Administration Fund to cover the land value of the properties listed above;
- (iii) transfer \$141,000 dollars from the Revitalization Initiative Fund to the Downtown Improvement Reserve to support Development Incentives; and
- (iv) to close the Revitalization Initiative Fund.

APPLICABLE LEGISLATION, BY-LAWS, STUDIES, PLANS:

1. *Cities, Towns and Villages Act S.N.W.T. 2003;*
2. *Community Plan By-law No. 5007;*
3. *Zoning By-law No. 5045, as amended;*
4. *Land Administration By-law No. 4596, as amended;*
5. *Development Incentive Program By-law No. 4534, as amended;*
6. *City of Yellowknife Vision for Downtown Revitalization;*
7. *Retail Revitalization Strategy;*
8. *City of Yellowknife Economic Development Strategy (2020-2024);*
9. *2010 Smart Growth Development Plan;*
10. *City of Yellowknife Visitor Services Strategy;*
11. *YKDFN/City Joint Economic Development Strategy;*
12. *Accessibility Audit Report & Implementation Strategy (2018);*
13. *Trail Enhancement and Connectivity Strategy Report (2018);*
14. *10 Year Plan to End Homelessness (2017);*
15. *Development & Design Standards (ongoing);*
16. *Corporate and Community Energy Action Plan (2015-2025); and*
17. *Yellowknife Downtown Façade Improvement Guidelines (2017).*

CONSIDERATIONS:

There are many properties vacant or underutilized with limited development interest throughout the city. When these properties sit vacant or underused, there are lost opportunity costs to the city and community. Examples include, tax revenue, development connected to municipal services help pay for the services (sewer and water), lack of housing and potential benefits to the adjacent lands, neighbourhood and community connectivity.

Financial Considerations

There is currently ~\$700,000 in the Development Incentives Fund. Funding comes from a combination of: 25% yearly parking fees are allocated to fund the Development Incentives Program; and Council passed a resolution in August 2022 for a one-time addition of funding when the Revitalization Fund is closed.

In April 2024, the Government of Canada announced the City of Yellowknife’s successful application to the Housing Accelerator Fund. Specific funding is included to be dedicated to Development Incentives directly resulting in the construction of new dwellings. HAF specifically allocates funds for affordable and missing middle dwelling options through an incentives program. This equals approximately \$200,000 per year for four years. Additional HAF allocations toward incentives may be available as the City develops and implements the required initiatives.

Administration will cost out the comprehensive options (not funded by HAF) to present an estimated cost structure for Budget 2025. Funding for future years will be a consideration for Council during budget 2025 deliberations.

Multi-year Approach

The incentives in Table A, can be implemented immediately. They are incentives in our current by-law, and processes exist; funded through HAF; or there is money available in the current Development Incentives Fund.

ALTERNATIVES TO RECOMMENDATION:

That Council direct Administration not to develop a draft Development Incentive By-law.

RATIONALE:

The options recommended incorporate priorities identified through Council’s Strategic Directions, which support the Downtown, Accessibility, Climate Change, Housing, Industrial, and Reconciliation. Administration supports and recommends all the options presented in Table B, understanding some items will need to be informed through other processes (Land Administration By-law, Housing Needs Assessment, Community Plan Update, Zoning By-law Update, etc.) and require consistent funding.

ATTACHMENTS:

- 1. Table A: Development Incentives (2024) (DM #764831); and
- 2. Table B: Comprehensive Development Incentive Options (2025) (DM#756340)

Prepared: April 29, 2024; CW
Updated: May 8, 2024; CW

Table A: Development Incentives (2024)

	Program Name	Summary	Timeline	Cost Estimate
A	Vacant Land/Buildings			
1	Development of Vacant property	May apply to properties in the City that are currently vacant of structures. Tax incentive would be over five years, where the tax on the value of improvements is charged in 20% increments over 5 years.	Term of the By-law	Unknown, it will depend on the value of improvements and the tax rate at the time of application. Estimated to be between \$10,000 and \$50,000 in each first year of the term, decreasing to \$0 in year five.
B	City In Kind Options			
1	Accessible parking spaces	Update the Zoning By-law to create/require more spaces. Increase on street spaces in strategic locations i.e. in front of the Disabilities Council Establish strategically located municipal parking spaces to support residential/mixed-use developments in an area.	Capital Asset once created	Unknown. Estimated loss of revenue will be minimal.
2	Power washing downtown sidewalks	Included in budget 2024	3 months/year (June to August), maybe longer	Operating budget in each future year is required
3	Safe closed bicycle locks/storage	These systems store bicycles in a safe way, and can be spread out on various City-owned land.	Two options: create an incentive for property owners, not-for-profit to apply to install on private land and/or; City installs and maintains	Grant to Third party or Capital and Operating budget required each year. Revenue may be generated from users storing their bicycles
C	Industrial Relocation Options			
1	Relocation	The Industrial Relocation Incentive encourages the relocation of uses deemed "Industrial" by a Development Officer from lands throughout the City to the Engle Business District.	Term of the By-law	Same terms as the current By-law. This is the most popular incentive under the current by-law. (S. 11 b), pg. 7)
D	Policy Options			
1	Update Terms of the Fund	Update the language of the by-law related to the Downtown Development Reserve to allow use across the City. Change the name of the fund and specifically only use it for Incentives as outlined in the new by-law.	Bring forward at the same time as the Development Incentives By-law	\$0

Table A: Development Incentives (2024)

	Program Name	Summary	Timeline	Cost Estimate
2	District Energy	Implement supportive policy at the City intended to encourage use by private and public utilities, developments, etc.	Policy not a by-law	\$0
3	Vehicle Incentives	Incentive for downtown developments that opt for Car Sharing or Bicycle (people power or E-bike) sharing and storing, instead of parking spaces.	Term of the By-law	<p>\$5,000 per car share, to a max of \$20,000 per development</p> <p>\$1000 per e-bike share to a max of \$5000 per development</p> <p>\$200 per bike share to a max of \$3000 per development</p> <p>Must be for use by those who reside in the residences or who work at the business.</p> <p>Can be combined with other incentives. Will require an agreement with the City where not part of a Development Permit.</p>
E	Economic Development			
1	"Win" your space YK	Includes business development workshops and yearly downtown "winner" of a commercial space to start up their business.	Recommend same rules and terms as 2019	Operational budget and rental costs associated with program each year (market based).
F	Housing Specific Options			
1	Secondary Dwellings	One time grant for owners of Single Family Dwellings to develop a second unit on their property. (applies to both in-home and detached secondary units)	Unit Specific, aim for 10 per year in year 1 and year 2 If Successful consider a year 3 and 4 If target year 1 not met, combine with year 2	<p>Independent or stackable with Federal Multi-Generational \$7500 or \$5000 Greener Homes Grant.</p> <p>Grant up to 50% of the build cost to a max of \$20,000 per unit. Limit 1 per property and per owner/business.</p> <p>Bonus \$10,000 if enter into an agreement to rent at 80% of market rate for minimum 10</p>

Table A: Development Incentives (2024)

	Program Name	Summary	Timeline	Cost Estimate
				years. Caveat on title required.
2	Accessible Units	Incentive for new or redeveloped residential development to dedicate at least 5% of its units as fully accessible and livable or accessible purpose built for any design specifics defined under the Accessible Canada Act	Term of the by-law	Up to 50% or \$15,000 per unit. Review by the City of Yellowknife Accessibility Committee required for funding approval.
3	Inclusionary Zoning	For Multi-Unit dwellings, removing old planning regulations and norms i.e. shadow studies, parking minimums, etc.	Zoning Amendment	Operational budget required (HAF may be used to support this work)
4	Missing Middle	Identify infill lots and inclusionary zone areas that will support the development of missing middle housing. Missing middle is a range of multi-unit housing options that fit between a single-detached and a mid-rise apartment. Examples like townhouses, triplexes, courtyard buildings, student housing, live-work housing, planned developments...	Zoning amendment and Grant per dwelling	Grant per dwelling for new Townhome units (4-10 units per row) Grant for 25% off purchase price of City Land where committed to build Townhomes Grant for missing middle with purpose built additional bedrooms per unit (see below)
5	Mixed-Use Development Grant	Development in the Downtown City Core or Residential Central that meets criteria of commercial units on the ground-floor with affordable residential units, at minimum 12 m high.	Term of the By-law	Grant of \$5,000 per dwelling, up to a maximum of \$100,000 for the whole building. No grant for commercial space. Can be combined with other incentives. Only for future projects, commenced after the date of the by-law
6	Height Bonuses	Within specific zones, allow height bonuses tied to additional dwelling units	Term of the By-law, Zoning Amendment	\$0
7	EIS Incentive in support of Residential Development in the Downtown	The purpose of this program is to promote the undertaking of environmental site assessments specific to the type of contamination and potential remediation costs on brownfield properties.	Term of the By-law	The City will provide a grant on a cost shared basis with the property owner to a maximum grant of \$10,000 per property to promote the completion of Phase II Environmental Site Assessments, Remedial

Table A: Development Incentives (2024)

	Program Name	Summary	Timeline	Cost Estimate
				Work Plans and Risk Assessments. May include a maximum of two studies per property.
8	Intensification Servicing	In some areas, upgrades to lot servicing may be required to facilitate a secondary suite or to add additional units.	Where applicable and confirmed by Public Works and Engineering Department the City will provide supportive funding for the service upgrade to the lot.	50% of the cost up to \$25,000 Potential SCAFA funding up to \$25,000
9	Air filtration systems and cooling	<p>Due to increased seasonal heating and smoke potential, consideration is given to safe air quality and residential dwelling temperatures</p> <p>Where a new residential unit meeting the Missing Middle definition is constructed, the City will offer a grant to support installation of air quality systems which may include cooling. These may be individual to the dwelling unit main living area or to the HVAC/HRV systems of the structure.</p>	Term of the By-law	<p>Up to 75% of the cost for an individual unit main living area air unit to a maximum of \$2000</p> <p>Up to 50% of a unit structure quality system to a maximum of \$10000</p> <p>On qualifying new multi-dwelling builds (multi-unit under 10 units, all townhomes)</p>
10	Tax incentive for downtown – DT Downtown zone	New residential in the core to have a 5 year tax abatement similar to the current program.	Term of the By-law	Cost unknown
11	Tax incentive for downtown – RC Residential Central zone	New residential in the RC zone to have a declining five year abatement similar to the current program.	Term of the By-law	Cost unknown
12	Development Permit and Building Permit Fees	Fees related to qualifying multi-unit dwellings will be granted (the Planning and Development fees) once the development is completed (final occupancy).	4 years	May be funded by HAF
G Disincentives				
1	Payment in lieu, for not including affordable units within a	Where a developer does not meet the 10% minimum a penalty of 5% of the current year taxes is required or of \$5000 dollars per unit, whichever is	Term of the by-law	Revenue for the City no cost. Revenue would be used to support incentives

Table A: Development Incentives (2024)				
	Program Name	Summary	Timeline	Cost Estimate
	Downtown development	greater. This is similar to paying for not including parking (payment in lieu).		
2	Payment in lieu, for construction of dwelling units with no bedrooms (bachelor units) or only one bedroom	This will need to be based off the housing needs study. Once we know the unit and bedroom types required, a set number of these 0 and 1 bedroom units should be allowed as a percentage of total development. If a development exceeds this, there is a penalty for each unit beyond the maximum allowed. Incentives listed above will not be approved for dwelling units with no bedrooms.	The term of the By-law	Revenue for the City no cost.

* Light orange highlight indicates program incentives funded by HAF

Table B: Comprehensive Development Incentive Options (2025)

	Program Name	Summary	Timeline	Cost Estimate
A	Grant Options			
1	Accessibility	Provide one time grants to improve accessibility to all buildings in the Downtown – City Core. Including grading, electronic door retrofit, washroom upgrades, baby change tables, baby grocery carts, wheelchair entrances, signage	Term of the by-law	50% of cost up to \$10,000
2	Public Washroom Accessibility	Provide grants for businesses in the Downtown – City Core that allow public use of their washrooms.	Term of the by-law	\$1200 per year per building
3	Business After Hours	Incentives to support businesses operating outside 9-5 hours in the Downtown City Core: -subsidize utility bill -Provision of ground-floor light (can be tied to the ground-floor lighting incentive)	Term of the by-law	Unknown Geographically specific
4	Façade Program	2 types of façade improvement grants:	Term of the By-law	50% of the cost up to \$20,000 for the General Grant
		a) General façade grant for all buildings in the Downtown City Core		50% of the cost up to \$50,000 for Franklin-facing and only where the property and building are not owned by a government.
		b) Franklin facing façade grant – for buildings from 43 Street to 53 Street		
5	Ground-Floor Lighting	Grant or incentive to install colourful or unique light installations for downtown ground-floor business frontages.	Term of the by-law	a) a onetime grant of \$10,000 b) incentive of \$2400 per year for five years
6	POPS (Privately Owned Publicly-Accessible Spaces)	Incentive for developments that establish POPS on their lot. POPS compliment a city's open spaces and parks by acting as a network of extensions to those spaces. Examples of POPS include courtyards, forecourts, plazas, gardens, walkways, skywalks, landscaped setbacks and amenity spaces, publicly-accessible interior pedestrian connections.	Zoning By-law update, Term of the by-law	Retrofit of unused property in conjunction with an occupied building up to 50% of the cost to a maximum of \$20,000 Incorporated into a new build, up to \$50,000.

Table B: Comprehensive Development Incentive Options (2025)

	Program Name	Summary	Timeline	Cost Estimate
7	Public/Private Interface	Incentive for developments to establish connections between the ground-floor's interior and exterior spaces. Examples include arcades, canopies, glazing, interactive lights or installation, and murals. This is different from POPS since the private space is not publicly accessible but still enhances the pedestrian experience along the space.	Term of the By-law	For existing buildings, up to 50% of the cost to \$15,000 For new development up to \$20,000.
8	Sidewalk Patio Grant	Build on the previous sidewalk patio grant to include two more types of patio grants: -Extended patio: for two or more adjacent businesses wanting to develop a shared sidewalk patio. -Winter patio: a sidewalk patio suitable for winter months (covered, heated...)	Twice a year (summer patios; winter patios)	City in kind staff barricades Use of city sidewalk or parking without fee or lease - up to 50% of the cost to construct new, to a max of \$10,000
9	Rooftop Access	Grants for developments that establish businesses and public access to their rooftops.	Term of the By-law	Up to 50% of the roof top development and safety cost to a max. of \$25,000
10	Waterfront Access	Grant or incentive for lake-facing developments that provide public access to the lake.	Term of the By-law	Up to 50% of the cost of developing access from the street to the waterfront, up to \$20,000
B Vacant Land/Buildings				
1	Vacant Land Tax	City may introduce vacancy tax (mill rate) for vacant lots and/or buildings (residential and commercial)	By-law update required	Revenue See Disincentives below
2	Development of Vacant property	May apply to properties in the City that are currently vacant of structures. Tax incentive would be over five years, where the tax on the value of improvements is charged in 20% increments over 5 years.	Term of the By-law	Unknown, it will depend on the value of improvements and the tax rate at the time of application. Estimated to be between \$10,000 and \$50,000 in each first year of the term, decreasing to \$0 in year five.
C City In Kind Options				
1	Accessible parking spaces	Update the Zoning By-law to create/require more spaces.	Capital Asset once created	Unknown. Estimated loss of revenue will be minimal.

Table B: Comprehensive Development Incentive Options (2025)

	Program Name	Summary	Timeline	Cost Estimate
		Increase on street spaces in strategic locations i.e. in front of the Disabilities Council Establish strategically located municipal parking spaces to support residential/mixed-use developments in an area.		
2	Downtown Public Space	This would be City initiated public space. From squares, plazas, parks, gathering spaces, seating, art instalments, up to an including consideration of closing public roads for pedestrian and adjacent business use.	Capital Asset once created	Capital and Operational funding required
3	Downtown Parklets	Parklets are like sidewalk patios that are initiated and maintained by the City. Example: a network of small parklets (size of two parking spaces) and POPS spread around downtown, providing different amenities (growing produce, seating, installations, information kiosk)	Capital Asset once created	Capital and Operational funding required
4	Complete Street Program	Incentive may be stackable. Streets with multiple businesses: -one business can apply for specific incentives like façade improvement or ground-floor lighting. -two businesses can apply for specific incentives to benefit both like an extended patio or a parklet. -three or more businesses on that street can apply for a set of collective incentives that benefit the entire street like the option of closing the street for pedestrian events, cross-street lighting, public events, etc. The goal is to encourage complete streets through collaborative businesses relationships.	Term of the By-law	Administration costs, special application to bundle other incentives together.
5	Power washing downtown sidewalks	Included in budget 2024	3 months/year (June to August), maybe longer	Operating budget in each future year is required

Table B: Comprehensive Development Incentive Options (2025)

	Program Name	Summary	Timeline	Cost Estimate
6	Greener Public Realm	-Rain gardens and buffer zones can be introduced through updated planning and public works standards -City can commit to planting X number of trees (or transforming 1 parking space into a parklet) for every Y development to happen.	Capital Asset once completed	Capital and Operating budget required each year
7	Hot Spot Locations	Strategic locations around downtown to provide free Wi-Fi (some of the parklets can act as hot spot locations)	Capital Asset once completed	Capital and Operating budget required each year
8	Safe closed bicycle locks/storage	These systems store bicycles in a safe way, and can be spread out on various City-owned land.	Two options: create an incentive for property owners, not-for-profit to apply to install on private land and/or; City installs and maintains	Grant to Third party or Capital and Operating budget required each year. Revenue may be generated from users storing their bicycles
D	Industrial Relocation Options			
1	Relocation	The Industrial Relocation Incentive encourages the relocation of uses deemed "Industrial" by a Development Officer from lands throughout the City to the Engle Business District.	Term of the By-law	Same terms as the current By-law. This is the most popular incentive under the current by-law. (S. 11 b), pg. 7)
E	Policy Options			
1	Update Terms of the Fund	Update the language of the by-law related to the Downtown Development Reserve to allow use across the City. Change the name of the fund and specifically only use it for Incentives as outlined in the new by-law.	Bring forward at the same time as the Development Incentives By-law	\$0
2	District Energy	Implement supportive policy at the City intended to encourage use by private and public utilities, developments, etc.	Policy not a by-law	\$0
3	Vehicle Incentives	Incentive for downtown developments that opt for Car Sharing or Bicycle (people power or E-bike) sharing and storing, instead of parking spaces.	Term of the By-law	\$5,000 per car share, to a max of \$20,000 per development \$1000 per e-bike share to a max of \$5000 per development

Table B: Comprehensive Development Incentive Options (2025)

	Program Name	Summary	Timeline	Cost Estimate
				<p>\$200 per bike share to a max of \$3000 per development</p> <p>Must be for use by those who reside in the residences or who work at the business.</p> <p>Can be combined with other incentives. Will require an agreement with the City where not part of a Development Permit.</p>
4	Sidewalk Activities	Businesses control over their adjacent sidewalk. License the use of sidewalks for retail, commercial, entertainment purposes (other than a sidewalk patio).	Policy and By-law requirements to create a license process	Operating funding will be required.
F	Economic Development			
1	"Win" your space YK	Includes business development workshops and yearly downtown "winner" of a commercial space to start up their business.	Recommend same rules and terms as 2019	Operational budget and rental costs associated with program each year (market based).
G	Housing Specific Options			
1	Secondary Dwellings	One time grant for owners of Single Family Dwellings to develop a second unit on their property. (applies to both in-home and detached secondary units)	Unit Specific, aim for 10 per year in year 1 and year 2 If Successful consider a year 3 and 4 If target year 1 not met, combine with year 2	<p>Independent or stackable with Federal Multi-Generational \$7500 or \$5000 Greener Homes Grant.</p> <p>Grant up to 50% of the build cost to a max of \$20,000 per unit. Limit 1 per property and per owner.</p> <p>Bonus \$10,000 if enter into an agreement to rent at 80% of market rate for minimum 10 years. Caveat on title required.</p>
2	Accessible Units	Incentive for new or redeveloped residential development to dedicate at least 5% of its units as fully accessible and livable or accessible purpose built	Term of the by-law	Up to 50% or \$15,000 per unit. Review by the City of Yellowknife Accessibility Committee

Table B: Comprehensive Development Incentive Options (2025)

	Program Name	Summary	Timeline	Cost Estimate
		for any design specifics defined under the Accessible Canada Act		required for funding approval.
3	Affordable Housing	Policy to define “affordable” within the Yellowknife housing context	Community Plan and Zoning update	Operational budget required (HAF may be used to support this work)
4	Affordable Housing	Applications for residential intensification in identified areas, which include 10 or more dwellings shall include a minimum 10% dedication of units to affordable housing.	Community Plan and Zoning Update	Operational budget required (HAF may be used to support this work)
5	Inclusionary Zoning	For Multi-Unit dwellings, removing old planning regulations and norms i.e. shadow studies, parking minimums, etc.	Zoning Amendment	Operational budget required (HAF may be used to support this work)
6	Missing Middle	Identify infill lots and inclusionary zone areas that will support the development of missing middle housing. Missing middle is a range of multi-unit housing options that fit between a single-detached and a mid-rise apartment. Examples like townhouses, triplexes, courtyard buildings, student housing, live-work housing, planned developments...	Zoning amendment and Grant per dwelling	Grant per dwelling for new Townhome units (4-10 units per row) Grant for 25% off purchase price of City Land where committed to build Townhomes Grant for missing middle with purpose built additional bedrooms per unit (see below)
7	Mixed-Use Development Grant	Development in the Downtown City Core or Residential Central that meets criteria of commercial units on the ground-floor with affordable residential units, at minimum 12 m high.	Term of the By-law	Grant of \$5,000 per dwelling, up to a maximum of \$100,000 for the whole building. No grant for commercial space. Can be combined with other incentives. Only for future projects, commenced after the date of the by-law
8	Height Bonuses	Within specific zones, allow height bonuses tied to additional dwelling units	Term of the By-law, Zoning Amendment	\$0
9	Cash for additional bedrooms	An incentive for each additional bedroom in a dwelling unit over two bedrooms.	3-4 years	\$per bedroom, per dwelling unit To be based on HNA
10	EIS Incentive in support of	The purpose of this program is to promote the undertaking of	Term of the By-law	The City will provide a grant on a cost shared

Table B: Comprehensive Development Incentive Options (2025)

	Program Name	Summary	Timeline	Cost Estimate
	Residential Development in the Downtown	environmental site assessments specific to the type of contamination and potential remediation costs on brownfield properties.		basis with the property owner to a maximum grant of \$10,000 per property to promote the completion of Phase II Environmental Site Assessments, Remedial Work Plans and Risk Assessments. May include a maximum of two studies per property.
11	New Home Development Program	<p>The program provides financial assistance for new homes to achieve affordable sale price in some or all of the homes. The financial assistance applies only to the units that achieve the affordable rent/sale price.</p> <p>In return for the funding incentive the first renter/purchaser will be a moderate income household.</p>	Term of the By-law	<p>TBD</p> <p>HNA will direct</p> <p>May be in partnership with Not-for-profits.</p> <p>An agreement for the value of the funding/incentive is registered on title. As long as the requirements are met, the value of the funding and incentives is forgiven through time.</p>
12	Intensification Servicing	In some areas, upgrades to lot servicing may be required to facilitate a secondary suite or to add additional units.	Where applicable and confirmed by Public Works and Engineering Department the City will provide supportive funding for the service upgrade to the lot.	<p>50% of the cost up to \$25,000</p> <p>Potential SCAFA funding up to \$25,000</p>
13	Air Conditioning/air filtration	<p>Due to increased seasonal heating and smoke potential, consideration is given to safe air quality and residential dwelling temperatures</p> <p>Where a new residential unit meeting the Missing Middle definition is constructed, the City will offer a grant to support installation of air quality systems which may include cooling. These may be individual to the dwelling unit main living area or to the HVAC/HRV systems of the structure.</p>	Term of the By-law	<p>Up to 75% of the cost for an individual unit main living area air unit to a maximum of \$2000</p> <p>Up to 50% of a unit structure quality system to a maximum of \$10000</p> <p>On qualifying new multi-dwelling builds (multi-unit under 10 units, all townhomes)</p>

Table B: Comprehensive Development Incentive Options (2025)

	Program Name	Summary	Timeline	Cost Estimate
14	Tax incentive for downtown – DT Downtown zone	New residential in the core to have a 5 year tax abatement similar to the current program.	Term of the By-law	Cost unknown
15	Tax incentive for downtown – RC Residential Central zone	New residential in the RC zone to have a declining five year abatement similar to the current program.	Term of the By-law	Cost unknown
16	Indigenous Governments and Organizations	Support for development of units by Indigenous Governments or Organizations for dwellings	Term of the By-law	May include land, permit fees or grants for units. May be combined with other incentives
17	Development Permit and Building Permit Fees	Fees related to qualifying multi-unit dwellings will be granted (the Planning and Development fees) once the development is completed (final occupancy).	4 years	May be funded by HAF
H	Disincentives			
1	Zoning	In the RC Zone: Single-Detached dwellings to become Discretionary Use.	Zoning By-law amendment	Operational funding required May be supported by HAF Revenue where application made to allow must be a decision of Council
2	Payment in lieu, for not including affordable units within a Downtown development	Where a developer does not meet the 10% minimum a penalty of 5% of the current year taxes is required or of \$5000 dollars per unit, whichever is greater. This is similar to paying for not including parking (payment in lieu).	Term of the by-law	Revenue for the City no cost. Revenue could be used to support incentives
3	Payment in lieu, for construction of dwelling units with no bedrooms (bachelor units) or only one bedroom	This will need to be based off the housing needs study. Once we know the unit and bedroom types required, a set number of these 0 and 1 bedroom units should be allowed as a percentage of total development. If a development exceeds this, there is a penalty for each unit beyond the maximum allowed. Incentives listed above will not be approved for dwelling units with no bedrooms.	The term of the By-law	Revenue for the City no cost.
4	Vacant and Derelict Property By-law or taxation	Set of regulations for buildings that are vacant or in poor condition, which	The term of the By-law	Revenue for the City no cost.

Table B: Comprehensive Development Incentive Options (2025)				
	Program Name	Summary	Timeline	Cost Estimate
		property owner must implement or face penalties.		Included above under Vacant Land/buildings

* Light orange highlight indicates program incentives funded by HAF