

CITY OF WHITEHORSE
BYLAW 2021-24

A bylaw to amend Zoning Bylaw 2012-20

WHEREAS section 289 of the *Municipal Act* provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS section 294 of the *Municipal Act* provides for amendment of the Zoning Bylaw; and

WHEREAS it is deemed desirable that the *City of Whitehorse Zoning Bylaw* be amended to improve the development application process and manage drainage requirements more effectively;

NOW THEREFORE the Council of the municipality of the City of Whitehorse, in open meeting assembled, hereby ENACTS AS FOLLOWS:

1. Section 2.2 of *Zoning Bylaw 2012-20* is hereby amended by deleting the existing definition of lot grading certificate and substituting therefore a new definition as follows:

“LOT GRADING CERTIFICATE” means a plan representing the existing surface elevations and surface grades of a lot and which complies with the requirements set out in the *City of Whitehorse Development Guidelines*. A Lot Grading Certificate is prepared and duly signed and certified by a registered Surveyor or Professional Engineer.”

2. Section 4.4 of *Zoning Bylaw 2012-20* is hereby amended by deleting the existing subsection 4.4.1 f) and substituting therefore a new subsection 4.4.1 f) as follows:

“4.4.1 f) be accompanied by a set of plans in duplicate, at an appropriate metric scale containing:

- (1) a north arrow and the scale of each drawing;
- (2) the legal property description and municipal address;
- (3) lot dimensions and other reference features such as the location of easements, existing buildings, and fences relative to property lines;
- (4) the location of public sidewalks, hydro poles, light standards, boulevard trees, fire hydrants and other related features;
- (5) the location of all existing and proposed improvements on the lot including site access and egress, front, side and rear yard dimensions, location and dimensions of buildings, parking, loading and garbage collection areas;

Zoning Amendment Bylaw 2021-24

- (6) the location of all existing and proposed landscaping features including trees, shrubs, and groundcover throughout the site, and any natural features to be retained;
 - (7) drainage details including existing and proposed elevations at lot corners, building perimeter, grade breaks, and edge of surface treatments, direction and percentage of grades, main floor/top of slab elevation(s), location of downspouts and direction of discharge, and the location of all proposed structures to manage drainage including swales, ditches, retaining walls, rock sumps, connection to existing storm mains, and/or storm sewer interceptors for areas with high contamination potential;
 - (8) the location, size, and material of all existing and proposed services on the property;
 - (9) floor plans and elevation drawings of all proposed buildings, and structures including any additions;
 - (10) the location, size, and placement of signs and future signs in all commercial, institutional and industrial zones;
 - (11) proposed impacts or improvements to the boulevard including remediation, revegetation, landscaping, construction of drainage infrastructure, paving, or other treatment; and
 - (12) any other reasonable information required by the Development Officer.”
3. Section 4.5 of *Zoning Bylaw 2012-20* is hereby amended by deleting the existing subsection 4.5.1 b) and renumbering the remaining subsections accordingly.
4. Section 4.5 of *Zoning Bylaw 2012-20* is hereby amended by deleting the existing subsection 4.5.1 f) and substituting therefore a new subsection 4.5.1 f) as follows:
“4.5.1 f) as-built or record drawings for any existing infrastructure, servicing, or other site elements;
5. Section 4.5 of *Zoning Bylaw 2012-20* is hereby amended by deleting existing subsection 4.5.1 i) and substituting therefore a new subsection 4.5.1 i) as follows:
“4.5.1 i) any other information required by the Development Officer, such as fire-flow calculations, water model report, or transportation impact assessment; and”

Zoning Amendment Bylaw 2021-24

6. Section 4.6 of *Zoning Bylaw 2012-20* is hereby amended by deleting existing subsection 4.6.4 and substituting therefore a new subsection 4.6.4 as follows:

“4.6.4 Where in the opinion of a Development Officer, an application has been substantially revised by the applicant, prior to reconsideration of the application, the applicant shall withdraw the application and submit a new application. A substantial revision includes, but is not limited to, an increase or decrease of the proposed Gross Floor Area by 10% or more. Refunds for withdrawn applications shall be issued in accordance with the formula prescribed in the *Fees and Charges Bylaw*.”

7. Section 4.14 of *Zoning Bylaw 2012-20* is hereby amended by deleting existing subsection 4.14.1 f) and substituting therefore a new subsection 4.14.1 f) as follows:

“4.14.1 f) the required maintenance of open space, preservation of sun exposure to abutting properties, lot grading and landscaping, including but not limited to, the planting or preservation of trees or other site features to mitigate development impacts, location of fencing and screening, choice of fencing and screening material and location of garbage receptacles and lights;”

8. Section 5.5.2 of *Zoning Bylaw 2012-20* is hereby amended by deleting existing subsection 5.5.2.3 and substituting therefore a new subsection 5.5.2.3 as follows:

“5.5.2.3 The proposed lot grading shall respect the natural contour of the land to the extent possible, minimize the necessity to use retaining walls, and ensure drainage away from buildings and abutting properties. Erosion control measures shall be used during construction to prevent the pollution, degradation, or siltation of natural areas, watercourses and roads.

Drainage control measures, retaining walls and lot grading shall be built in accordance with the current version of the *National Building Code of Canada* and the *City of Whitehorse Development Guidelines*.

If the property is located in a subdivision in which an engineered Subdivision Grading Plan has been approved by the City as part of subdivision approval, the lot must be graded to the design elevations corresponding to such approved plan to the satisfaction of the Development Officer.

To confirm the elevations and grading of the lot, a Development Officer may require the property owner to produce the as-built main floor elevation(s) and/or a Lot Grading Certificate or Record Drawings in the form and substance acceptable to the Development Officer, prior to issuance of the first occupancy approval for the property, or another time frame stipulated by the Development Officer.

Zoning Amendment Bylaw 2021-24

Where a Lot Grading Certificate is required and cannot be provided prior to issuance of the first occupancy approval for a reason accepted by the Development Officer, the property owner shall provide a security in accordance with section 4.19 to ensure the required Lot Grading Certificate is provided within the time frame specified by the Development Officer.

The value of the security shall be equal to \$3,000 plus \$1/m² of lot area.

Where a Lot Grading Certificate satisfactory to the Development Officer is not provided within the time frame stipulated by the Development Officer, the security is forfeited pursuant to section 4.19.”

9. Section 5.5.5 of *Zoning Bylaw 2012-20* is hereby amended by deleting existing subsection 5.5.5.2 and substituting therefore a new subsection 5.5.5.2 as follows:

“5.5.5.2 The value of the landscaping security shall be calculated based on the minimum number of trees or shrubs required for the development. The security shall be equal to \$1,250 per tree and \$750 per shrub. For single detached and duplex housing, and townhouse developments where each unit is on a separate fee simple lot, the security shall be a flat rate of \$1,000 per lot.”

10. Section 5.5 of *Zoning Bylaw 2012-20* is hereby amended by deleting existing subsection 5.5.8 and substituting therefore a new subsection 5.5.8 as follows:

“**5.5.8 Record Drawing Security**

Installation of all civil works on a development shall be done in accordance with the current version of the *National Building Code of Canada*, the *City of Whitehorse Servicing Standards Manual*, all applicable bylaws, and the *City of Whitehorse Development Guidelines*, to the satisfaction of the City Engineer.

A Development Officer may require that the property owner provide Record Drawings in the form and substance acceptable to the City Engineer within 60 days of the issuance of the first occupancy approval for the development, or another time frame stipulated by the Development Officer.”

11. Section 5.5.8 of *Zoning Bylaw 2012-20* is hereby amended by deleting existing subsection 5.5.8.2 and substituting therefore a new subsection 5.5.8.2 as follows:

5.5.8.2 The value of the security shall be equal to \$1,000 plus \$1.00 per square metre of lot area.

Zoning Amendment Bylaw 2021-24

12. Section 7.2 of *Zoning Bylaw 2012-20* is hereby amended by deleting existing subsection 7.2.9 and substituting therefore a new subsection 7.2.9 as follows:

“7.2.9 The value of the security shall be equal to \$2,800 per required parking space. For developments where parking spaces are provided within an enclosed building (excluding residential garages), the security may be calculated based on 125% of the projected cost to install all hard-surfacing required outside of the building.

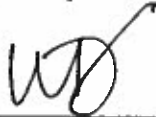
If, in the opinion of the Development Officer, the projected hard-surfacing costs are low, the Development Officer may establish an appropriate hard-surfacing cost figure for the purposes of determining the value of the hard-surfacing and the Development Officer’s calculation shall be determinative. For single detached and duplex housing, and townhouse developments where each unit is on a separate fee simple lot, the hard-surfacing security shall be a flat rate of \$1,000 per lot.”

13. This bylaw shall come into full force and effect upon final passage thereof.

FIRST READING:	April 13, 2021
PUBLIC NOTICE:	April 16 and 23, 2021
PUBLIC HEARING:	May 10, 2021
SECOND READING:	August 9, 2021
AMENDED (Resolution 2021-18-10):	September 13, 2021
THIRD READING and ADOPTION:	September 13, 2021



Dan Curtis, Mayor



Wendy Donnithorne, City Clerk

