

CITY OF WHITEHORSE

BYLAW 2006-11

A bylaw to specify the requirements of a planning study and a planning study plebiscite

WHEREAS pursuant to section 265 of the *Municipal Act* Council has determined the need for a bylaw which sets out the specifications of a planning study and a planning study plebiscite;

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

Short Title

1. This bylaw may be cited as the “**Planning Study Bylaw.**”

Definitions

2. In this bylaw,

“APPLICANT” means an owner of land or the owner’s authorized agent.

“AREA DEVELOPMENT SCHEME” means a secondary plan to be amended into the Official Community Plan. In addition to providing the land use designations and applicable policies for inclusion into the Official Community Plan, the Area Development Scheme may include more detailed information such as impacts on existing developments and municipal infrastructure, phasing, subdivision design detail, servicing standards, cost estimates and other information as described in the Official Community Plan.

“CITY” means the City of Whitehorse.

“COUNCIL” means the duly elected council of the City of Whitehorse.

“DESIGNATED OFFICER” means the Manager of Planning and Development Services or designate.

“ELECTOR” means a person who is eligible to vote in a municipal election.

“GREEN SPACE MAP” means a map, prepared in accordance with City standards, that identifies, among other things, all existing land uses and the location and size of trails, parks, greenbelts and environmental protection areas.

“MAJORITY” means 50% plus 1 of votes.

“OFFICIAL COMMUNITY PLAN” means the City of Whitehorse Official Community Plan as defined in the *Municipal Act* and adopted by Council.

“PLANNING STUDY” means a plan developed in accordance with City standards, which shall include a green space map, and that specifies, among other things, the location and size of existing land uses, trails, parks, greenbelts and environmental protection areas as well as policies related to the use of these areas, prepared through a public planning process.

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“PLEBISCITE” means a plebiscite completed in accordance with this bylaw and the City’s Petition, Plebiscite and Referendum Bylaw;

“PRELIMINARY DEVELOPMENT PROCESS” means the initial planning and engineering work done in preparation for new residential development.

“PUBLIC PLANNING PROCESS” means a process that provides for input and comment through at least one public meeting and other methods as required by the designated officer.

Requirement for a Planning Study

3. The applicant shall prepare a planning study and a green space map as part of the preliminary development process for any new residential development. The planning study and green space map shall capture as well as possible the value and interest placed on the land by residents of neighbourhoods adjacent to the development area.

Public Planning Process

4. The applicant shall prepare a green space map and shall take inventory of existing land uses, trail networks, significant wildlife areas and environmentally sensitive areas in the proposed development area, and shall submit this information to the public planning process.
5. As part of the public planning process, the applicant may bring forward other concepts for consideration and additional information such as estimated cost per lot, number of lots, phasing, playgrounds, walkways, other similar amenities and any other information that the designated officer deems pertinent.

Creation of a Planning Study

6. Upon completion of the public planning process, the applicant shall prepare a planning study that shall include the green space map prepared pursuant to section 4.
7. The planning study may also include other concepts for consideration, and additional information such as estimated cost per lot, number of lots, phasing, playgrounds, walkways, other similar amenities and any other information that the designated officer deems pertinent.

Plebiscite

8. Upon completion of a planning study and green space map, the applicant shall submit the study and map to the designated officer who shall, within 90 days, submit the green space map for public input by plebiscite consistent with the City’s Petition, Plebiscite and Referendum Bylaw.
9. Council may by bylaw direct that the persons eligible to vote in the plebiscite be limited to eligible electors within a specific geographic area of the City.

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Voting Results

10. Where a majority of eligible electors voting in the plebiscite vote in opposition to the green space map, the plan shall be deemed to have been defeated.
11. Where a majority of eligible electors voting in the plebiscite vote in support of a green space map, the plan shall be deemed to have been accepted.

Action by Council

12. Where a green space map is deemed defeated under section 10, Council shall determine whether the applicant can proceed with an Area Development Scheme.
13. Where a green space map is deemed accepted under section 11, Council shall include the planning study and green space map in the Area Development Scheme.

Precedence and Severability

14. Where the *Municipal Act* imposes on Council an obligation to act, or directs Council to act in a specified manner, or prohibits Council to act, the provisions of the *Municipal Act* shall take precedence over the provisions of this bylaw.
15. If any section, subsection, sentence, clause or phrase of this bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the portion that is declared invalid shall not affect the validity of the remainder.

Coming Into Force

16. This bylaw shall come into full force and effect upon the final passing thereof.

FIRST READING: March 27, 2006
AMENDMENT: May 23, 2003
SECOND READING: May 23, 2003
APPROVED BY REFERENDUM: June 22, 2006
DECLARED ADOPTED: June 26, 2006

ORIGINAL BYLAW SIGNED BY:

"Ernie Bourassa"

Ernest J. R. Bourassa, Mayor

"R. I. Fendrick"

Robert I. Fendrick, CGA, City Clerk