

BYLAW 2021-24 – Companion Document

This document is intended as a companion to Bylaw 2012-24 to assist in communicating the scope and rationale for each proposed amendment.

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:

Proposed Text:

“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.”

Existing Text:

“LOT GRADING CERTIFICATE” means a plan of certification of as-built grades that complies with requirements set out in the Lot Grading Guidelines, duly signed and certified by a registered Land Surveyor, Professional Engineer or Registered Architect as accurately representing the existing surface elevations and surface grades of a lot.

Explanation:

Use correct name for the Guidelines document, remove Architect from list of professionals, break up run-on sentence.

2. Subsection 4.4.1 f) 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:

Proposed Text:

- “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;
 - (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

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- 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 information required by the Development Officer.”

Existing Text:

- “4.4.1 f) be accompanied by a site plan in duplicate, at an appropriate metric scale containing:
- (1) a north arrow;
 - (2) the legal property description;
 - (3) lot dimensions and other reference features such as the location of easements, existing buildings, fences relative to property lines, and existing and proposed grades;
 - (4) the location of all existing and proposed improvements on the lot including site access and egress, front, side and rear yard dimensions, location and size of required parking, loading and garbage collection areas;
 - (5) the location of any trees, shrubbery or natural features to be retained;
 - (6) the location of public sidewalks, hydro poles, light standards, boulevard trees, fire hydrants and other related features;
 - (7) floor plans and elevation drawings of all proposed buildings, and structures including any additions;
 - (8) the location, size, and placement of signs and future signs in all commercial, institutional and industrial zones;
 - (9) the location of all existing and proposed services on the property;
 - (10) the location of all proposed structures to manage drainage including connections to existing storm mains, ditches, rock sumps, design elevations, and/or storm sewer interceptors for areas with high contamination potential; and
 - (11) proposed impacts or improvements to the boulevard including remediation, revegetation, landscaping, construction of drainage infrastructure, paving, or other treatment;
 - (12) any other information required by the Development Officer.

Explanation:

Change ‘site plan’ to ‘a set of plans’, since not all information belongs on a single plan, rearrange list into more logical order (similar items grouped together), bring landscaping and drainage plans into this ‘required information’ section (from the ‘additional information’ section).

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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.

Existing Text:

“4.5.1 b) a landscaping plan to show site grading, drainage, retaining walls, existing and future tree locations, and open space landscape treatment;”

Explanation:

This information is moved into the required section (4.4.1 f)).

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 as follows:

Combined: proposed / existing to remain

“4.5.1 f) as-built or record drawings for any existing infrastructure, servicing, or other site elements;

Explanation:

Add ‘record drawings’ to capture different types of drawing that may be available for existing site conditions.

5. Section 4.5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 4.5.1 h) and substituting therefore a new subsection 4.5.1 i) as follows:

Proposed Text:

“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”

Existing Text:

“4.5.1 f) any other information, such as proposed on-site drainage, and traffic studies required by the Development Officer; and”

Explanation:

Drainage is now required; added other civil design elements that may be required.

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:

Proposed Text:

“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.”

Existing Text:

“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

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application, the applicant shall pay an additional fee equal to 50% of the initial fee.

Explanation:

Cleaner way to deal with substantial changes during review process. Allows City to capture the 50% penalty and collect the appropriate fee for the revised application. Also provides an example indicator of a substantial change (+/- >10% GFA). This amendment would enable administration to collect application fees up-front.

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:

Combined: proposed / existing to remain / ~~existing to delete~~

“4.14.1 f) the required maintenance of open space, preservation of sun exposure to abutting properties, ~~site~~ 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:

Proposed Text:

“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.

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.

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The value of the security shall be equal to \$3000 plus \$1/m² of lot area.

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

Existing Text:

“5.5.2.3 The proposed site 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 and retaining walls shall be built in accordance with National Building Code regulations.

If the property is located in a subdivision in which an engineered drainage 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 engineered drainage plan to the satisfaction of the Development Officer. To confirm the elevations of the lot a Development Officer may require the property owner to produce a Lot Grading Certificate in the form and substance acceptable to the Development Officer.

Where landscaping security has been collected pursuant to this bylaw, such landscaping security may be withheld until such Lot Grading Certificate has been submitted to the satisfaction of the Development Officer. Where the Lot Grading Certificate to the satisfaction of the Development Officer is not provided within one year of dwelling occupancy approval, or in the case of a condominium, within one year of the issuance of occupancy approval for any unit of the condominium, or if applicable, any unit of that phase of the condominium, or another time frame stipulated by the Development Officer, the landscaping security is forfeited pursuant to section 4.19.

Explanation:

Require main floor elevation(s) to be provided for any new development.

Untie lot grading certificate (LGC) from engineered subdivision grading plan, so they may be requested for any new development, not just developments with a subdivision grading plan.

Untie LGC from landscaping security, and create new security to be collected only if LGC is required and can't be provided (for example in the middle of winter).

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:

Proposed Text:

“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.”

Existing Text:

“5.5.5.2 The value of the security shall be equal to 125% of the projected landscape installation costs. The projected cost of the landscaping shall be calculated by the applicant. If, in the opinion of the Development Officer, the projected costs are low, the Development Officer may determine the appropriate landscaping cost for the purposes of setting the amount of the landscaping security and the Development Officer’s calculation will be determinative.

Explanation:

Upon review of quotes provided for developments since 2018, there are large discrepancies in the value of securities being collected. Collecting flat-rate securities will improve consistency of review process and save time for staff and applicants. The per-tree and per-shrub flat rates are the approximate average of landscaping securities collected in the past few years.

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:

Proposed Text:

“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.”

Existing Text:

“5.5.8 *As-Built Drawing Securit*

Installation of any servicing (water, sewer, roads, storm, etc.) required for a development shall be done in accordance with the *City of Whitehorse Servicing Standards Manual*, as amended from time to time, and to the satisfaction of the City Engineer. A Development Officer may require that the property owner provide as-built 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.

Explanation:

Update terminology to coordinate with the *Servicing Standards Manual*. Record drawings are sealed by a Professional Engineer as certifying that the civil works have been installed in accordance with sound engineering practice. As-built drawings only show the ‘as built’ conditions of how works have been installed but do not necessary represent that the installed works are of a sound design.

Civil works in this context is meant to include water, sanitary, and storm drainage infrastructure including lot grading.

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11. Section 5.5 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 as follows:

Proposed Text:

“5.5.8.2 The value of the security shall be equal to \$1,000.00 plus \$1.00 per square metre of lot area.”

Existing Text: 5.5.8.2 The value of the security shall be equal to \$6,650/ha of development.

Explanation:

The current security calculation has been inadequate to ensure collection of as-built drawings upon completion of a development, especially for smaller lots. The \$1000 base rate ensures a higher calculation for smaller lots, and \$1.00/m², (equivalent to \$10,000/ha) is a moderate increase from the existing calculation. Most lots are less than 1 ha, so square metres is a more appropriate unit.

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:

Proposed Text:

“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.”

Existing Text:

“7.2.9 The value of the security shall be equal to 125% of the projected hard-surfacing installation costs. The projected cost of the hard-surfacing shall be calculated by the applicant. If, in the opinion of the Development Officer, the projected 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 security and the Development Officer’s calculation will be determinative.

Explanation:

Upon review of quotes provided for developments since 2018, there are large discrepancies in the value of securities being collected. Collecting flat-rate securities will improve consistency of review process and save time for staff and applicants. The per-space flat rate is the approximate average of hard-surfacing securities collected in the past few years. The 125% remains in play where parking spaces are provided in an enclosed parkade, so that the security is reflective of the amount of hard-surfacing provided outside the building.