CITY OF WHITEHORSE

BYLAW 2011-21

A bylaw to establish rules of general application for assessing local improvement charges.

WHEREAS section 246 of the *Municipal Act*, (R.S.Y. 2002) provides that, subject to this *Act*, the *Assessment and Taxation Act*, and the *Municipal Finance and Community Grants Act*, council shall adopt bylaws providing for the raising of revenue by the imposition and collection of taxes and service charges imposed in respect of local improvements within the jurisdiction and boundaries of the municipality; and

WHEREAS section 268 of the *Municipal Act* provides that council may by bylaw prescribe how to determine the total cost of a local improvement, the total cost or a proportion of that cost that is to be levied against parcels of land that will benefit from a local improvement, and determine the levy to be charged against each parcel of land that will benefit over the probable life of the local improvement;

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 "**L.I.C. Rules Bylaw**".

DEFINITIONS

2.   In this bylaw,

"City" means the City of Whitehorse.

"corner lot" means a lot or piece of land abutting on two or more intersecting streets.

"cost" means:

   (1)   in relation to a local improvement, may include the cost, not merely of the actual work and labour of making the local improvement, but also of all plant, tools, machinery, appliances and materials of every kind and description purchased or acquired for the purpose of the local improvement;

   (2)   also all expenses of taxation, engineering, surveying, advertising and the issuing of debentures; and

(3)   all other expenses growing out of, incidental to, or connected with the carrying out and execution of the work, and also all expenses of raising the money to pay the cost thereof, including discounts and interest.

"council" means the duly elected council of the City of Whitehorse.

"flankage" is the length of the side of a lot which abuts two or more streets, and is the shorter linear distance between the corners of the lot.

"frontage of the lot" is the linear distance between the corners of the lot abutting onto the street in which the local improvement is to be made, the assessable length of which is determined in accordance with Section 3 or 4 of this Bylaw.

"interior lot" means a lot or piece of land which is not a corner lot.

"local improvement" means:

(1)   opening, widening, straightening, extending, grading, levelling, diverting, landscaping or paving a street;

(2)   constructing a sidewalk, foot-crossing, curbing, bridge, culvert or embankment forming part of a street, or constructing a system of storm drainage;

(3)   making, deepening, enlarging, or lengthening a common sewer or water main;

(4)   making sewer or water service connections to the street line on land abutting a main;

(5)   constructing a conduit for wires or pipes along or under a street;

(6)   providing other services normally found in organized communities; and

(7)   reconstructing or replacing any of the works mentioned.

"lot" shall include a lot or a part thereof which is in a registered plan of subdivision and also a parcel or piece of unsubdivided land.

"rear of the lot" is the linear distance between the corner pins opposite the front of the lot.

DETERMINATION OF FRONTAGES

3.   Where an assessment for local improvement installations is to be on a frontage basis, such frontages shall be determined in accordance with the following:

(1) Where the lot is a rectangle or square and is an interior lot, the frontage shall be taken to be the length of the boundary of such lot abutting on the street on or in which the local improvement is made.
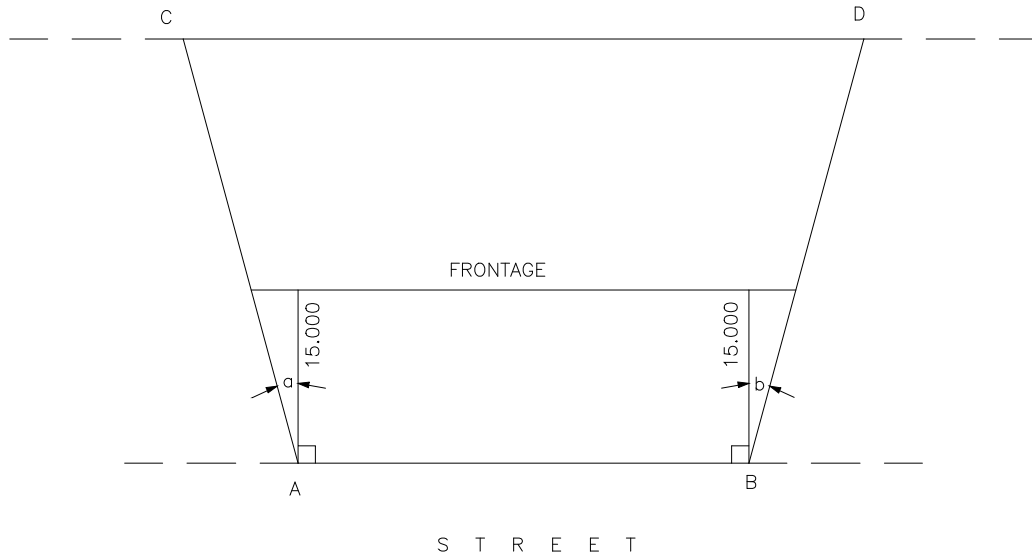
FRONTAGE = DISTANCE BETWEEN POINT "A" & "B"

(2) Where the lot is a triangle and is an interior lot, the frontage shall be measured at a distance of 15.000 metres perpendicular offset and parallel to the boundary of said lot abutting on the street.
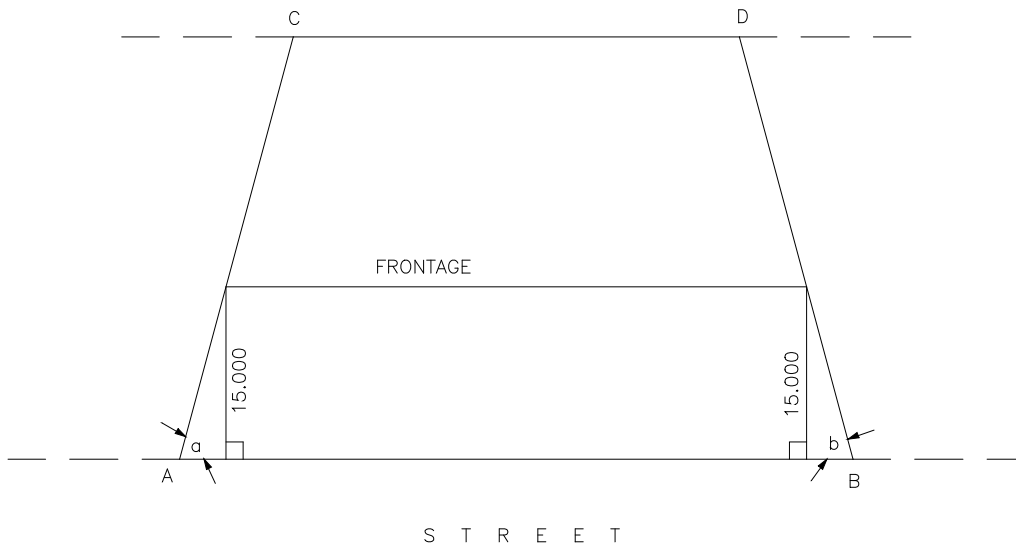
$$\text{FRONTAGE} = (A-B) - \left[\left(\frac{15.000}{\text{TAN } a} \right) + \left(\frac{15.000}{\text{TAN } b} \right) \right]$$
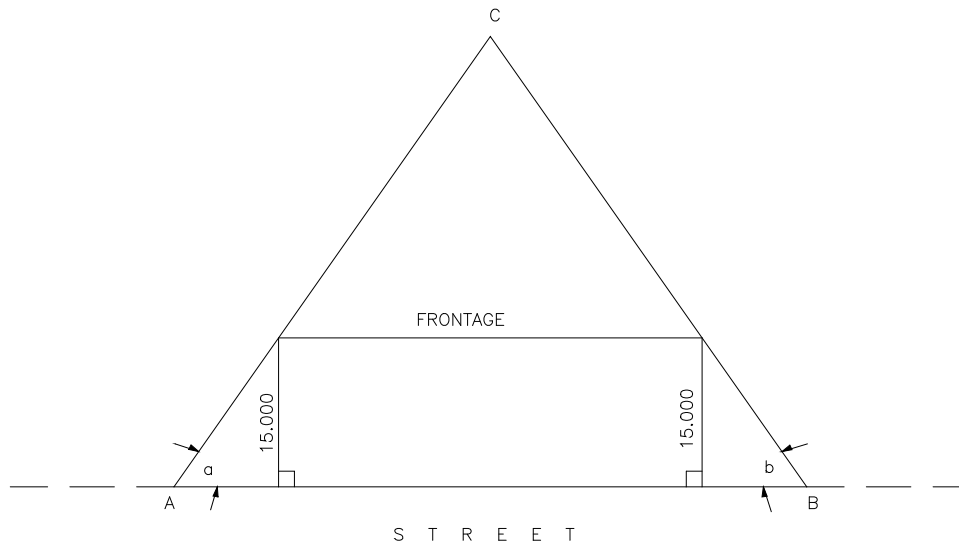
(3) Where the lot is an interior quadrilateral and not a rectangle, the frontage shall be measured at a distance of 15.000 metres perpendicular offset and parallel to the boundary of said lot abutting on the street.
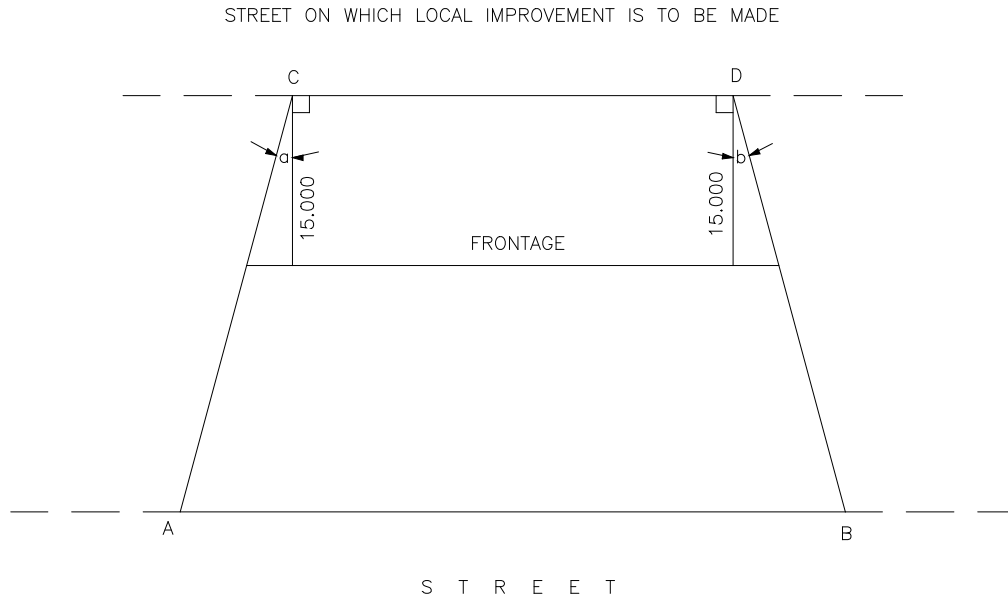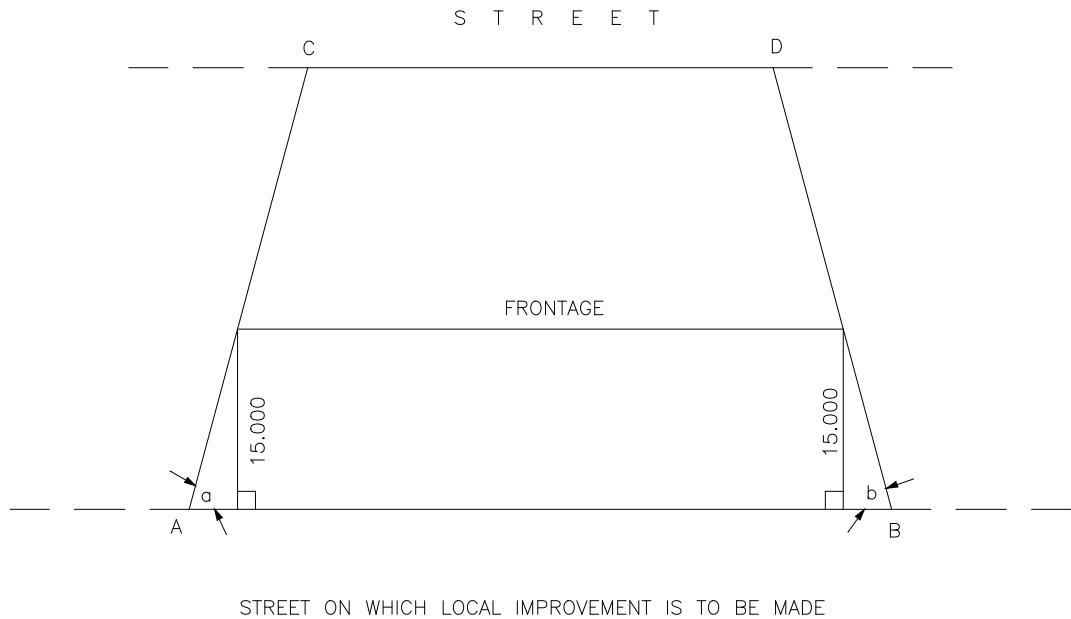

$$FRONTAGE = (A-B) + \left\lceil (15.000 \times TAN\ a) + (15.000 \times TAN\ b) \right\rceil$$

$$FRONTAGE = (A-B) - \left\lceil \left(\frac{15.000}{TAN\ a} \right) + \left(\frac{15.000}{TAN\ b} \right) \right\rceil$$

(4) (a) Where the lot is an interior quadrilateral and not a rectangle abutting on two streets, the frontage shall be measured at a distance of 15.000 metres perpendicular offset and parallel to the boundary of said lot where the local improvement is to be made.

STREET ON WHICH LOCAL IMPROVEMENT IS TO BE MADE

FRONTAGE = (C−D) + (15.000 x TAN a + 15.000 x TAN b)

S T R E E T

STREET ON WHICH LOCAL IMPROVEMENT IS TO BE MADE

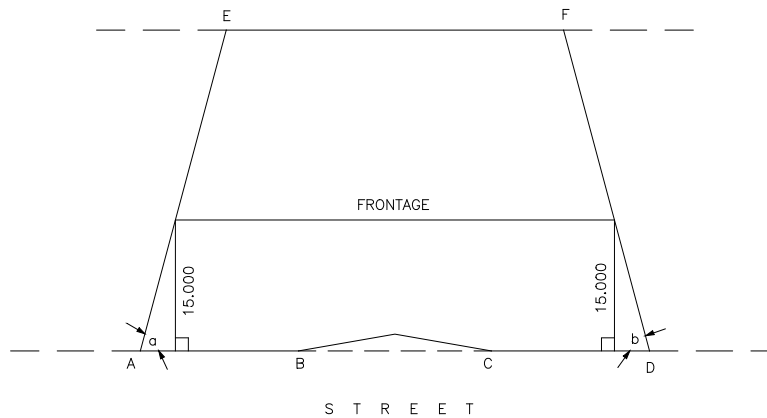$$\text{FRONTAGE} = (\ A{-}B\ ) - \left[\ (\frac{15.000}{\text{TAN } a}) + (\frac{15.000}{\text{TAN } b})\right]$$

(b)   If the local improvement is to be made on both streets abutting on the lot, then the frontage shall be calculated by determining the frontage on both streets, as described in 3(4)(a), taking 100% of the longer frontage and 50% of the shorter frontage and adding them together.

STREET ON WHICH LOCAL IMPROVEMENT IS TO BE MADE

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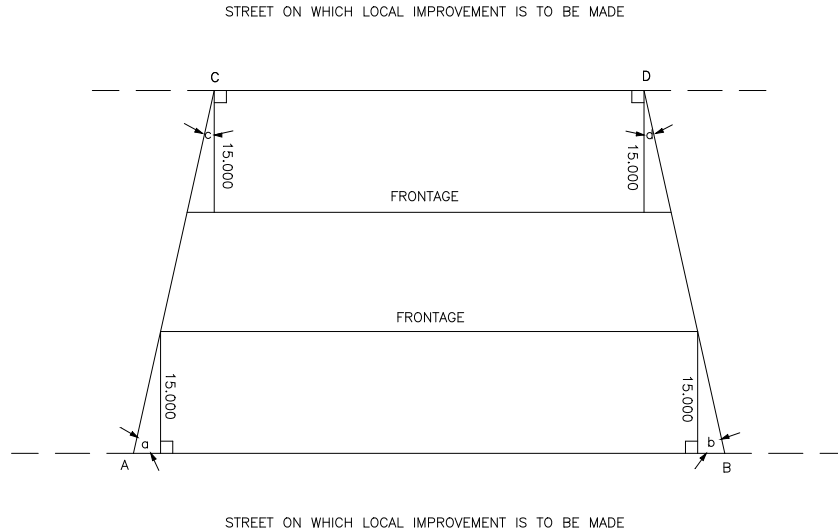
$$FRONTAGE = 100\% \left[(A-B) - (\frac{15.000}{TAN\ a}) + (\frac{15.000}{TAN\ b}) \right] + 50\% \left[(C-D) + (15.000 \times TAN\ c + 15.000 \times TAN\ d) \right]$$

(5)   (a)   Where the lot is other than a triangle, quadrilateral or a rectangle and is an interior lot, the frontage shall be measured at a distance of 15.000 metres perpendicular offset and parallel to the linear distance bisecting the two front corner pins adjacent to the right-of-way in which the local improvement is to be made.
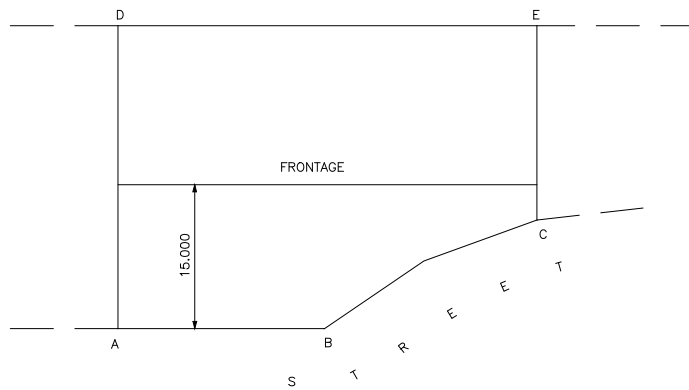

S T R E E T

$$FRONTAGE = (A-D) - \left[(\frac{15.000}{TAN\ a}) + (\frac{15.000}{TAN\ b}) \right]$$
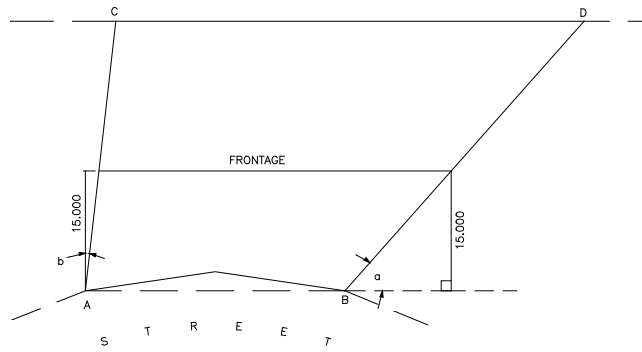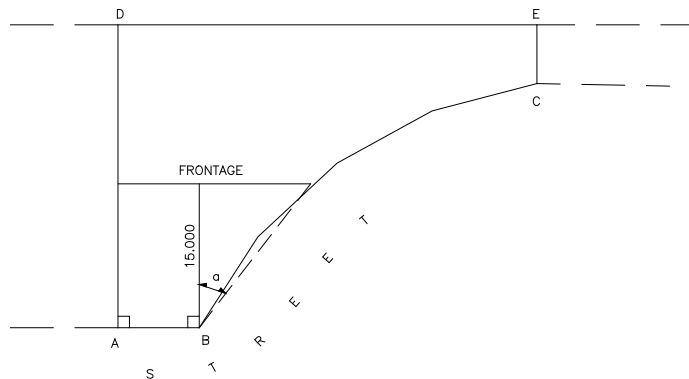
$$\text{FRONTAGE} = \left[(A{-}B) + \left(\frac{15.000}{\text{TAN } a} \right) \right] - 15.000 \times \text{TAN } b$$

(b)   Where the lot is other than a triangle, quadrilateral or a rectangle, is an interior lot which has a straight tangent section to circular arch section fronting on a street, the frontage shall be measured at a distance of 15.000 metres perpendicular offset and parallel to the straight tangent section adjacent to the wrong-of-way in which the local improvement is to be made.
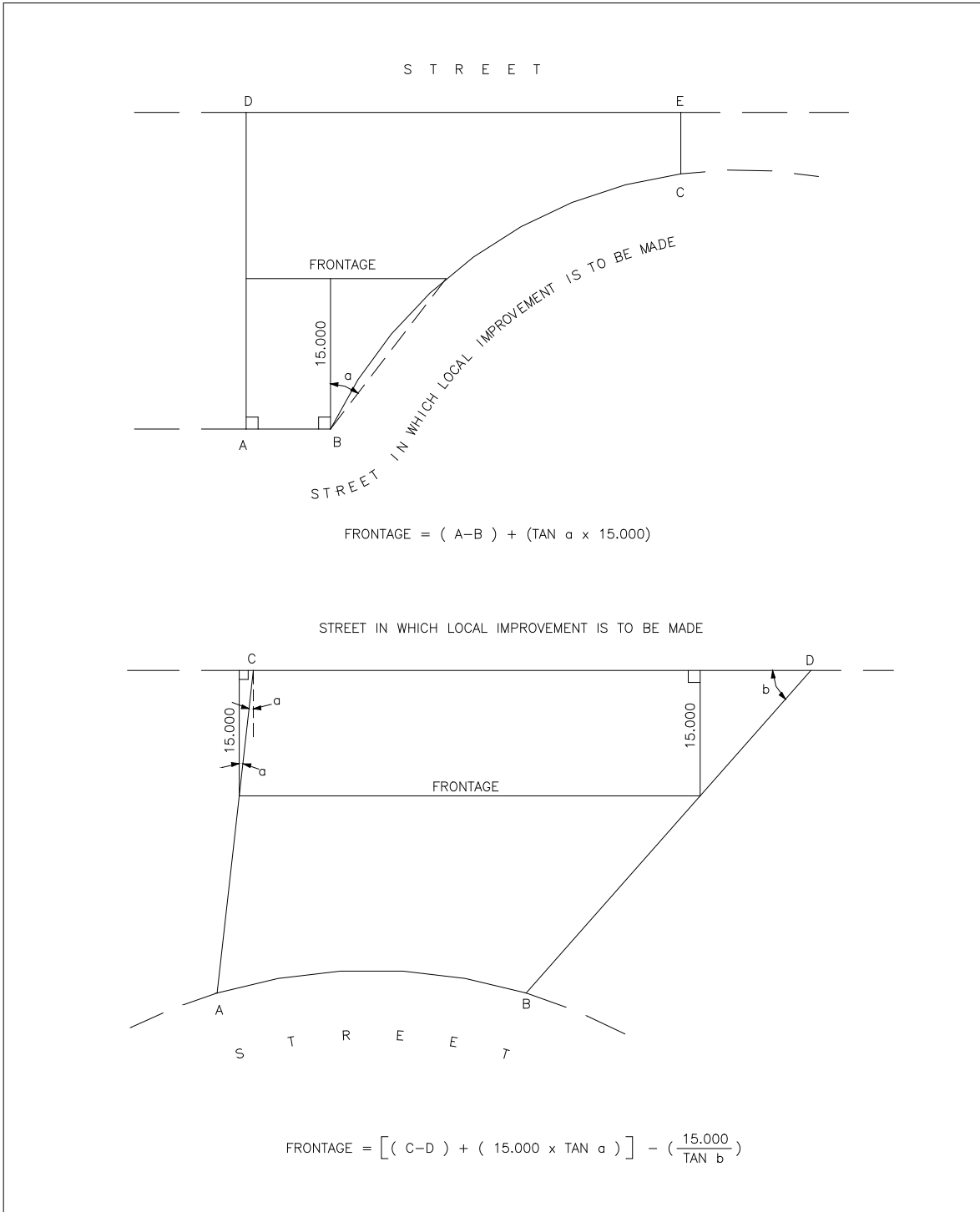

$$\text{FRONTAGE} = (D{-}E)$$

$$\text{FRONTAGE} = (A{-}B) + (\text{TAN } a \times 15.000)$$

(c)   Where the lot is other than a triangle, quadrilateral or a rectangle and is an interior lot which has a frontage on two streets, the frontage shall be measured at a distance of 15.000 metres perpendicular offset and parallel to the boundary of said lot on the frontage where the local improvement is to take place.

STREET

FRONTAGE

15.000

α

STREET IN WHICH LOCAL IMPROVEMENT IS TO BE MADE

STREET

FRONTAGE = (A−B) + (TAN α x 15.000)

STREET IN WHICH LOCAL IMPROVEMENT IS TO BE MADE

15.000

α

α

b

15.000

FRONTAGE

STREET

$$FRONTAGE = \left[(C-D) + (15.000 \times TAN\ α) \right] - \left(\frac{15.000}{TAN\ b} \right)$$

(d) If the local improvement is to be made on both streets abutting the lot, then the frontage shall be calculated by determining the frontage on both streets, as described previously, taking 100% of the longer frontage and 50% of the shorter frontage and adding them together.

(6) (a) Where a lot is bound by streets at the front, rear and side of the lot, the frontage shall be measured at a distance of 15.000 metres perpendicular offset and parallel to the boundary of said lot on the frontage where the local improvement is to take place.
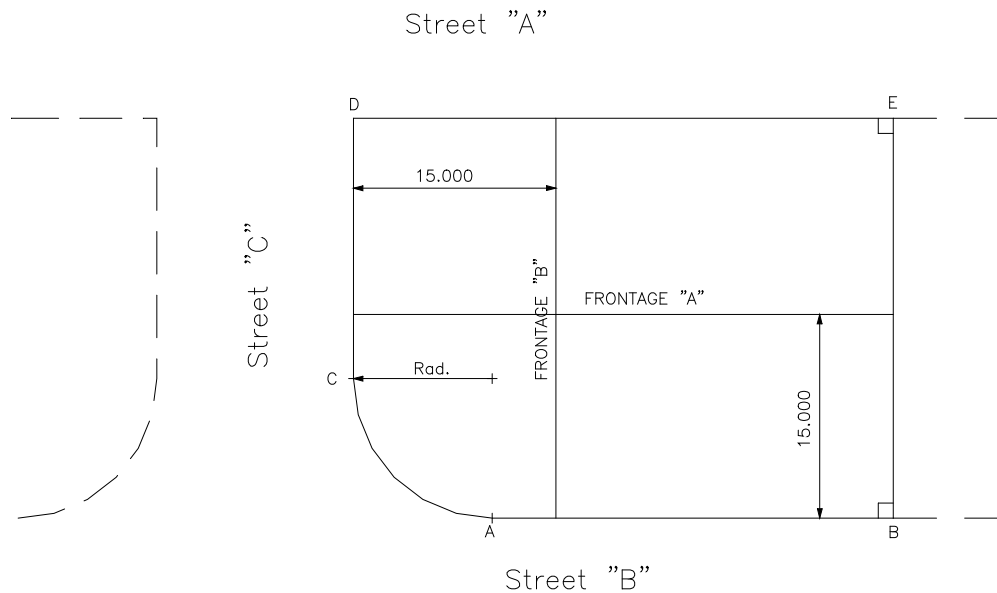
(b) If the local improvement is to be made on two or more streets abutting the lot, then frontage calculation shall be as follows:

(i) If the local improvement is to be made on streets A and B (as noted on the page following), then the frontage shall be calculated by taking 100% of the longer frontage and 50% of the shorter frontage.

(ii) If the local improvement is to be made on streets A and C, then the longer of the two distances shall be defined as the frontage, and shall be considered as assessable frontage.

(iii) If the local improvement is to be made on streets A, B and C, then C shall be deemed to be the flankage or side position of the lot, and no local improvement charges will be assessed. The frontage shall be calculated by taking 100% of the longer frontage and 50% of the shorter frontage.

All frontages shall be calculated as described in 3(6)(a).

(c) If a local improvement is made on one street abutting on the lot and a second local improvement is made within a period of five years on a separate street abutting on the lot, then the calculation of the chargeable frontage for the second local improvement shall be assessed as if the first and second local improvements were done simultaneously and the concept of frontage and flankage applied. If the second local improvement is made after the five year period, then the second local improvement charges shall be calculated as described above.
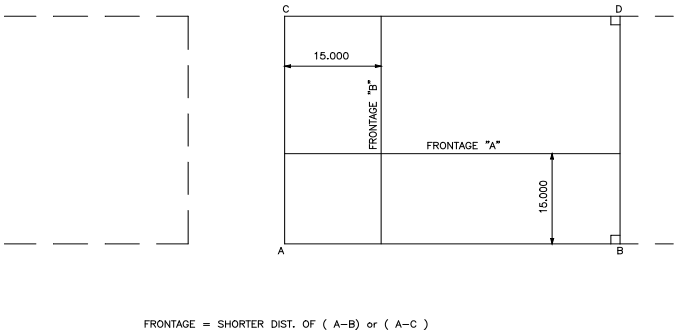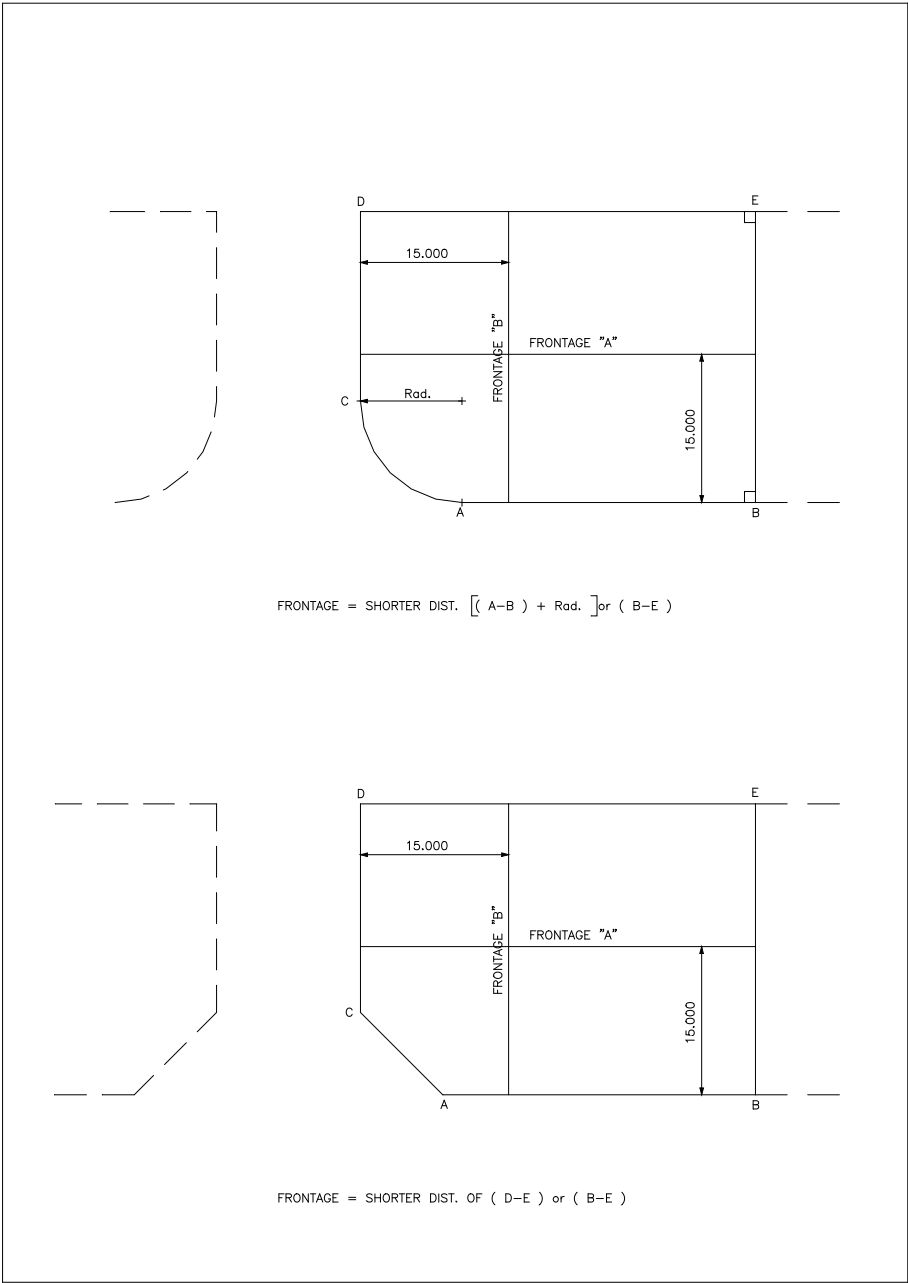
Street "A"

FRONTAGE = SHORTAGE DIST. ⌈(A−B) + Rad.⌉ or (B−E)

(7)   Where a lot is a corner lot and a local improvement is to be made on one or both of the two sides abutting onto a street frontage, calculation is as follows:

(a)   Calculate the frontage distance on both sides of the lot at a distance of 15.000 metres perpendicular offset and parallel to the boundary.

(b)   The shorter of the two distances shall be defined as the frontage and shall be measured as the assessable frontage.

(c)   The longer of the two distances shall be defined as the flankage and shall be considered as assessable frontage for only non-residential properties.

(d)   If local improvement is made on one street abutting on the lot and a second local improvement is made on a separate street abutting on the lot within a period of five years, then the second improvement will not be calculated for payment. If the second improvement is made after the five year period then the improvement will be calculated for payment as described above.

FRONTAGE = SHORTER DIST. [(A–B) + Rad.] or (B–E)

FRONTAGE = SHORTER DIST. OF (D–E) or (B–E)

FRONTAGE = SHORTER DIST. OF (A–B) or (A–C)

(8) Where a lot is a corner lot and where one side of the lot abuts onto a street with only one legal point, the frontage for that side of the lot shall be calculated by extending a straight line from the previous two points through the lot and measuring a distance of 15.000 metres perpendicular offset and parallel from that line. Determining the frontage distance for the lot would be the same as in Section 3(7).
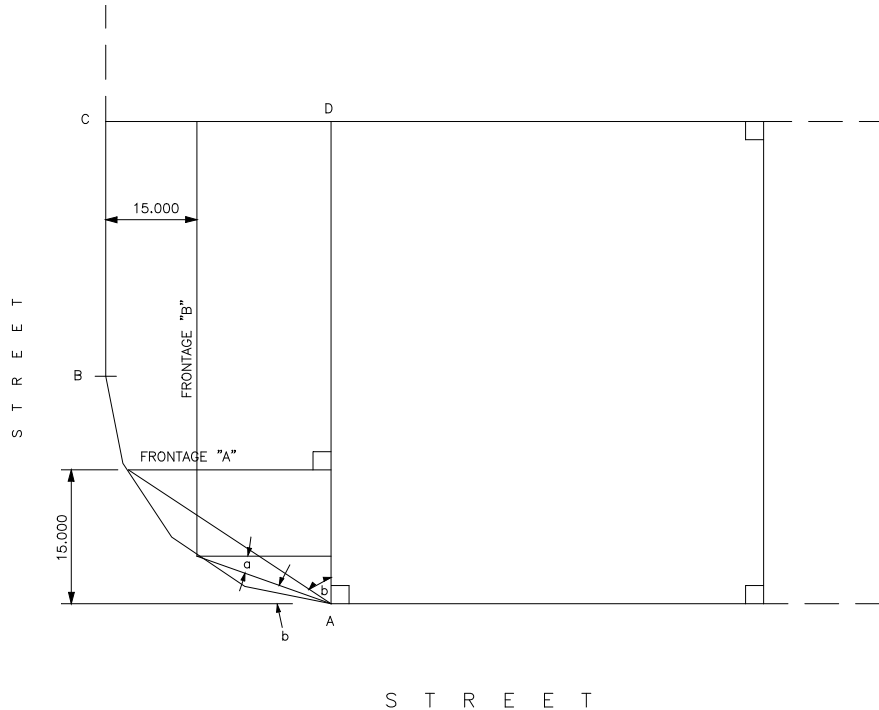

FRONTAGE = THE SHORTER DISTANCE OF EITHER FRONTAGE "A" OR FRONTAGE "B"

FRONTAGE "A" = 15.000 x TAN a

FRONTAGE "B" = (D–A) – $\left[$(D–C) – 15.000$\right]$ x TAN b

(9) Where dealing with lots under the foregoing provisions, if the situation, value and superficial area thereof as compared to the adjoining lots are such that because of location, squared area or small frontages, such lots are not capable of being normally developed or conflict with zoning regulations, the council may make variations in the frontage of such lots which, under the circumstances, the council may deem just and equitable.
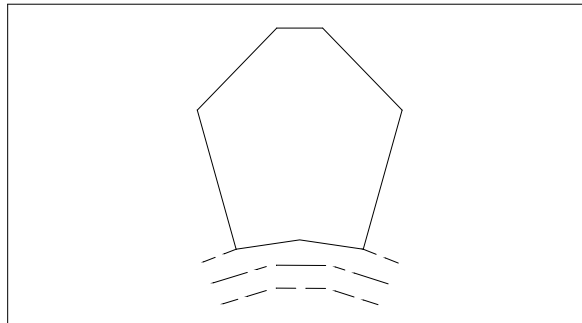
(10)   In the case of lots which are so irregularly shaped as not to be herein described, the bylaw making a levy for local improvements may establish a frontage therefore as may, in the opinion of council, be equitable and just.

4.   Notwithstanding the provisions of sections 3(1) through 3(10) inclusive, where in the opinion of council special circumstances warrant, a levy for local improvements may be established based on the assessable frontage or based on the size of each property will, in the opinion of council, be equitable and just.

BYLAW REPEAL

5.   Bylaw 90-76, including all amendments thereto, is hereby repealed.

COMING INTO FORCE

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

FIRST and **SECOND READING**:   April 26, 2011
THIRD READING and **ADOPTION**:   May 9, 2011

ORIGINAL BYLAW SIGNED BY:

"Bev Buckway"
Bev Buckway, Mayor

"Robert I. Fendrick"
Robert I. Fendrick, CGA, City Clerk