

**CITY OF WHITEHORSE**  
**BYLAW 2019-08**

A bylaw to amend Zoning Bylaw 2012-20

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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 allow for the private retail of cannabis and cannabis-containing products;

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

1. Section 2 of Zoning Bylaw 2012-20 is hereby amended by adding new definitions for ‘agriculture, restricted’, ‘substance abuse service provision’ and ‘youth at risk service provision’ as follows:

“AGRICULTURE, RESTRICTED” means the production of cannabis through cultivation, propagation, or harvesting, for either commercial or medical use. Cultivation of personal cannabis is not included.

“PLAY STRUCTURE” means permanent equipment installed and/or maintained by the City for use by children or youth of any age. Typical examples include climbing structures, swings or slides.

“SUBSTANCE ABUSE SERVICE PROVISION” means the provision of care for in-patients and out-patients related to substance abuse such as detoxification or counselling services, but excluding housing.

“YOUTH AT RISK SERVICE PROVISION” means the provision of care to youth regarding substance abuse, detoxification, or related health or counselling services, but excluding housing.

2. Section 2 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing definitions for ‘agriculture, hobby’, ‘agriculture, major’, and ‘retail services, restricted’ and substituting therefore new definitions as follows:

“AGRICULTURE, HOBBY” means small scale agricultural activity such as the raising of livestock, horticulture, greenhouses, apiculture, and market gardening, all of which must be accessory to a principal use, but excluding orchards, raising of crops, pasturing of animals, and production of cannabis for commercial use.”

“AGRICULTURE, MAJOR” means agricultural activity such as raising livestock, orchards, horticulture, greenhouses, apiculture, aquiculture, market gardening, and nurseries, but excluding the raising of crops, pasturing of animals, and production of cannabis for commercial use.”

”RETAIL SERVICES, RESTRICTED” means the use of premises for the retail sale of restricted goods to the general public, and includes on-site storage to support the operations of those premises.”

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

“4.5.1 h) evidence of compliance with or application to obtain approval under any applicable Federal, Territorial, and Municipal laws, bylaws, and other enactments;”
4. Section 6 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 6.16 as follows and renumbering the remaining subsections accordingly:

**“6.16 Parks**

6.16.1 The lot line of a lot zoned PR–Parks and Recreation that includes a play structure may not be within 100 metres of a Retail services, restricted operation.”
5. Section 6 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 6.19 as follows and renumbering the remaining subsections accordingly:

**“6.19 Retail Services, Restricted**

6.19.1 All Retail services, restricted premises are required to comply with Federal and Territorial regulations and any applications and/or approval documents must be submitted to the City once issued.

6.19.2 To ensure compliance with other Territorial regulations, Retail services, restricted operations may be exempt from glazing requirements in the CC, CCC, CM2, CPG, and CMW zones. Alternate approaches to meet the intent of the glazing requirements may be considered, at the discretion of the Development Officer.

6.19.3 The lot line of a Retail services, restricted operation may not be within 100 metres of a lot zoned PR–Parks and Recreation that includes a play structure.

6.19.4 The lot line of a Retail services, restricted operation may not be within 100 metres of a lot used for Temporary Shelter Services.

6.19.5 The lot line of a Retail services, restricted operation may not be within 100 metres of a lot which provides services to youth at risk or people suffering from substance abuse, as defined in section 2 of this bylaw.

6.19.6 The lot line of a Retail services, restricted operation may not be within 100 metres of another lot used for Retail services, restricted. The 100 m buffer comes into effect once any development permit has been issued for a Retail services, restricted use.”

6.19.7 A list and map of locations that require a buffer from a Retail services, restricted use can be obtained from the City’s Land and Building Services Department or the Planning and Sustainability Services Department.

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6. Section 6 of Zoning Bylaw 2012-20 is hereby amended by adding new subsections 6.20 and 6.21 as follows and renumbering the remaining subsections accordingly:
- “6.20 Substance Abuse Service Provision**
- 6.20.1 A use providing services to people suffering from substance abuse, as defined in section 2 of this bylaw, may not be within 100 metres of a Retail services, restricted operation.”
- “6.21 Temporary Shelter Services**
- 6.21.1 The lot line of a Temporary Shelter Services operation may not be within 100 metres of a Retail services, restricted operation.”
7. Section 6 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 6.23 as follows:
- “6.23 Youth at Risk Service Provision**
- 6.23.1 A use providing services to youth at risk, as defined in section 2 of this bylaw, may not be within 100 metres of a Retail services, restricted operation.”
8. Section 10.1 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.1.2 t) as follows, and renumbering the remaining subsections accordingly:
- “10.1.2 t) Retail services, restricted”
9. Section 10.4 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.4.8 e) as follows:
- “10.4.8 e) Lot 1300, Quad 105D/11, Plan 2017-0032 LTO (located at 45 Lorne Road in the McCrae Subdivision) is zoned CIMx with the special modification being that retail services, restricted are not permitted.”
10. Section 10.6 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.6.2 z) as follows and renumbering the remaining subsections accordingly:
- “10.6.2 z) Retail services, restricted”
11. Section 10.6 of Zoning Bylaw 2012-20 is hereby amended by adding new subsections 10.6.7 a) (5), b) (3), and c) (4) as follows:
- “10.6.7 a) (5) Retail services, restricted are not permitted  
10.6.7 b) (3) Retail services, restricted are not permitted  
10.6.7 c) (4) Retail services, restricted are not permitted”
12. Section 10.6.7 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection h) as follows:
- “10.6.7 h) A portion of Downtown Whitehorse located west of Fourth Avenue and south of Main Street is designated CM2x with the special modification being that retail services, restricted is not a permitted use.”

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13. Section 10.7 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.7.2 p) as follows and renumbering the remaining subsections accordingly:  
"10.7.2 p) Retail services, restricted"
14. Section 10.11 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.11.3 o) as follows and renumbering the remaining subsections accordingly:  
"10.11.3 o) Retail services, restricted"
15. Section 10.13 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.13.2 cc) as follows and renumbering the remaining subsections accordingly:  
"10.13.2 cc) Retail services, restricted"
16. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of Lot 1300, Quad 105D/11, Plan 2017-0032 LTO (located at 45 Lorne Road in the McCrae Industrial Subdivision) from CIM–Mixed Use Commercial/Industrial to CIMx(e)–Mixed Use Commercial/Industrial (modified), as indicated on the sketch attached hereto as Appendix "A" and forming part of this bylaw.
17. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a number of parcels located west of Fourth Avenue and south of Main Street in Downtown Whitehorse from CM2–Mixed-Use Commercial 2 to CM2x(h)–Mixed-Use Commercial 2 (modified), as indicated on the sketch attached hereto as Appendix "B" and forming part of this bylaw.
18. This bylaw shall come into full force and effect upon final passage thereof.

**FIRST READING:** February 25, 2019  
**PUBLIC NOTICE:** March 1 and March 8, 2019  
**PUBLIC HEARING:** March 25, 2019  
**AMENDED** by resolutions 2019-07-13 and 2019-07-14: April 8, 2019  
**SECOND READING:** April 8, 2019  
**THIRD READING and ADOPTION:** April 8, 2019

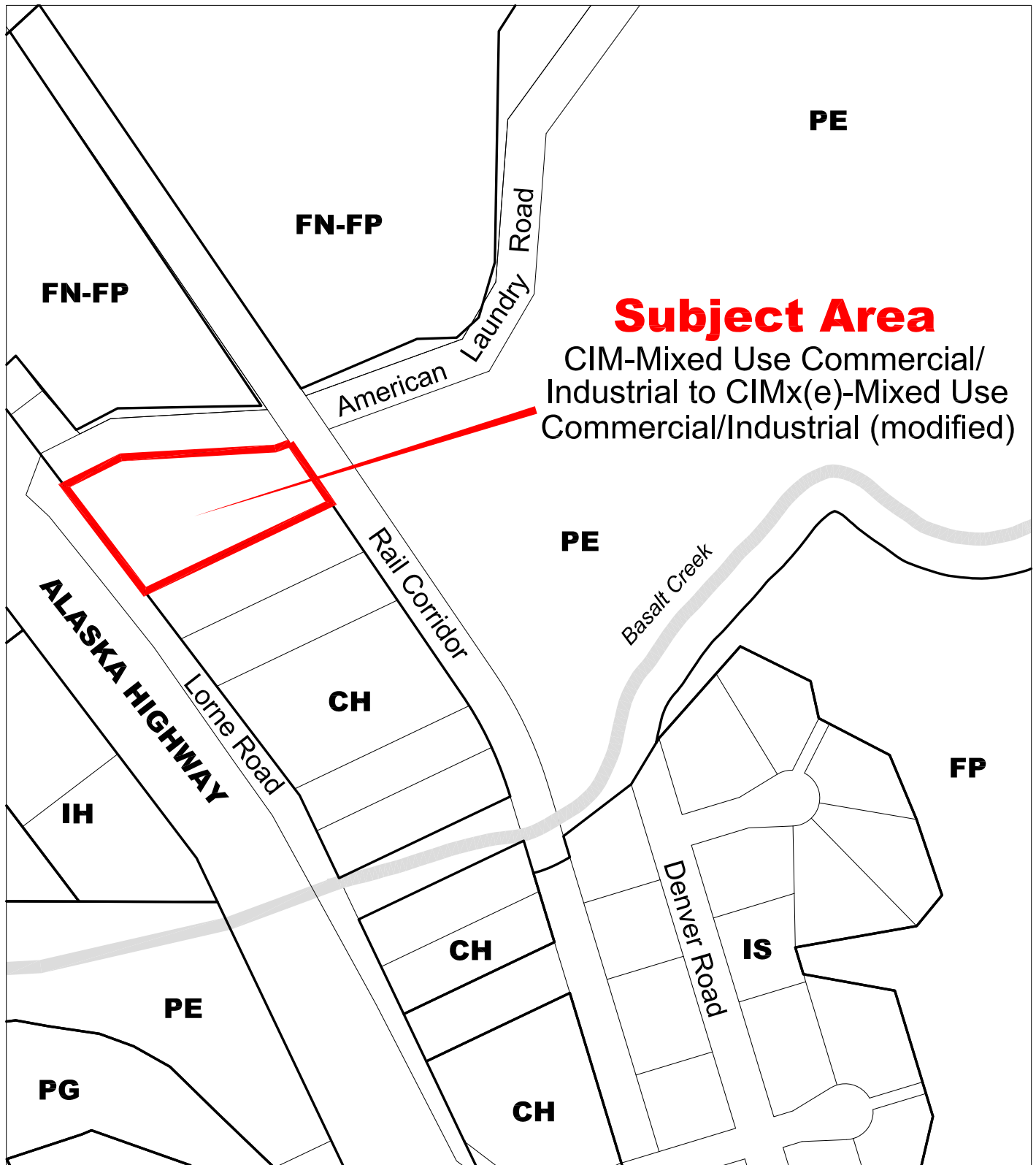
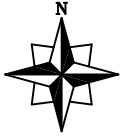
*ORIGINAL BYLAW SIGNED BY:*

"Dan Curtis"

Dan Curtis, Mayor

"N. L. Felker"


Norma L. Felker, Assistant City Clerk



**Subject Area**  
 CIM-Mixed Use Commercial/  
 Industrial to CIMx(e)-Mixed Use  
 Commercial/Industrial (modified)

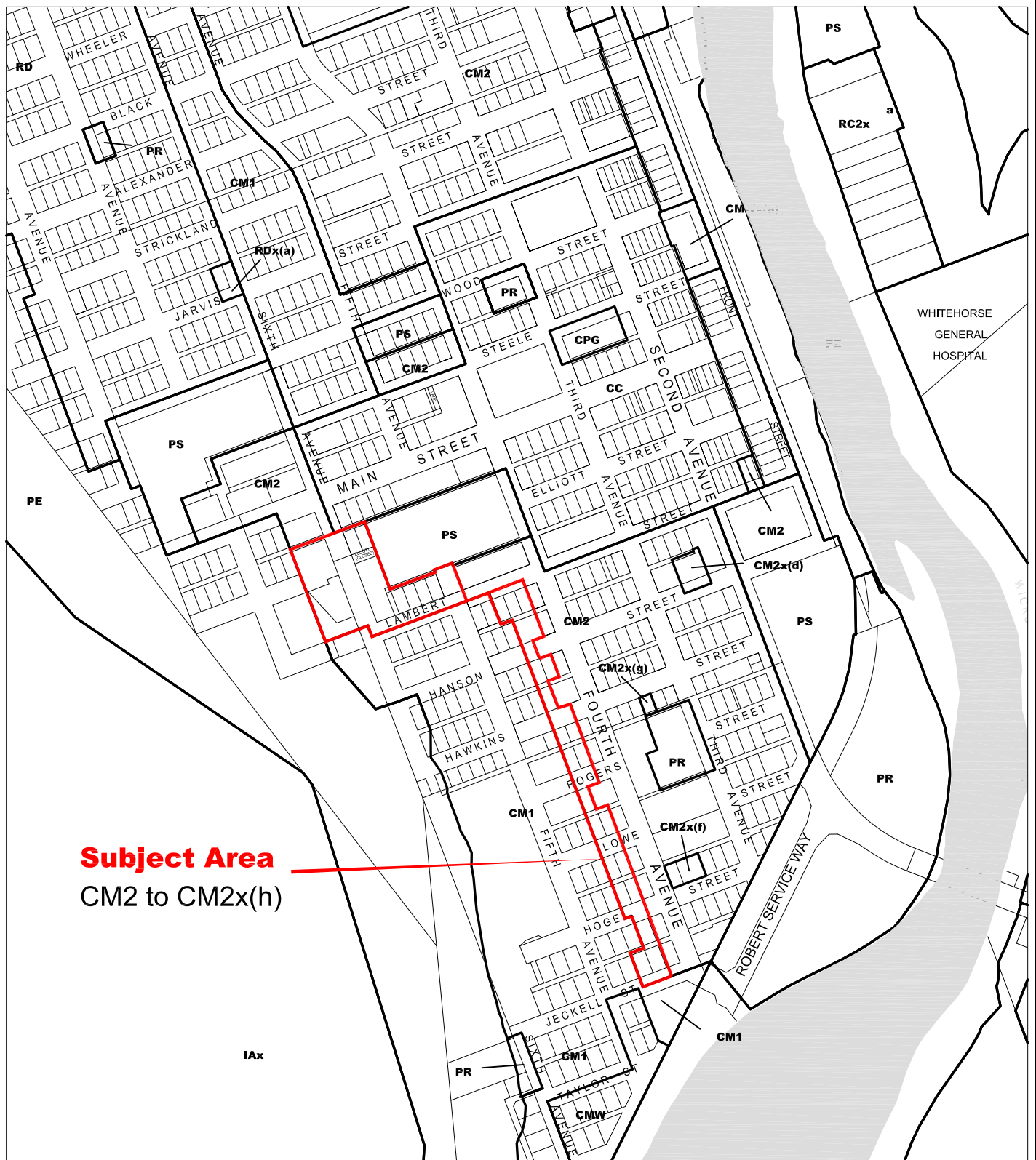
Bylaw 2019-08  
 A bylaw to amend the zoning of 45 Lorne Road from CIM-  
 Mixed Use Commercial/Industrial to CIMx(e)-Mixed Use  
 Commercial/Industrial (modified) to prohibit Retail Sales, restricted.

**LEGEND**

 SUBJECT AREA



CITY OF WHITEHORSE  
BYLAW 2019-08  
APPENDIX 'B'




**Subject Area**

CM2 to CM2x(h)

Bylaw 2019-08

A bylaw to amend the zoning of an area of Downtown Whitehorse to prohibit Retail Sales, restricted.

**LEGEND**

 SUBJECT AREA