

CITY OF WHITEHORSE – STANDING COMMITTEES

Monday, February 15, 2021 – 5:30 p.m.

Council Chambers, City Hall

CALL TO ORDER

ADOPTION OF AGENDA

PROCLAMATIONS

DELEGATE SUBMISSIONS

CORPORATE SERVICES COMMITTEE

1. Amend Write-Off Bylaw 2021-07
2. Council Summaries for 2020 – *For Information Only*
3. New Business

CITY PLANNING COMMITTEE

1. Zoning Bylaw Amendment – Periodic Revisions
2. Zoning Amendment – 107 Range Road
3. New Business

CITY OPERATIONS COMMITTEE

1. New Business

COMMUNITY SERVICES COMMITTEE

1. New Business

PUBLIC HEALTH AND SAFETY COMMITTEE

1. Downtown Speed Reduction – *For Information Only*
2. New Business

DEVELOPMENT SERVICES COMMITTEE

1. New Business

CITY OF WHITEHORSE
CORPORATE SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Stephen Roddick

Vice-Chair: Jocelyn Curteanu

February 15, 2021

Meeting #2021-04

-
1. Amend Write-Off Bylaw 2021-07
Presented by Acting Manager Brittany Dixon
 2. Council Summaries for 2020 – *For Information Only*
Presented by Manager Catherine Constable
 3. New Business

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: February 15, 2021
RE: Amend Write-off Bylaw 2021-07

ISSUE

Amend Bylaw 2021-07 to remove an account that was settled prior to third reading of the bylaw.

REFERENCE

Section 233 of the *Municipal Act*
Bylaw 2021-07 – Write-Off Uncollectible Accounts

HISTORY

The City follows generally accepted accounting principles. On occasion, fees and charges are levied and recorded that cannot subsequently be collected.

In January 2021 a bylaw to write off uncollectible accounts was brought forward and subsequently adopted on February 8th.

ANALYSIS

Shortly before the write-off bylaw received third reading, Telus contacted the City and subsequently paid the outstanding balance for the amount associated with overdue advertising charges for the company. Unfortunately, the outstanding balance was not received in time to allow the bylaw to be amended when it came forward for third reading.

As the item is no longer outstanding and payment was actually received prior to passage of the write-off bylaw, the bylaw needs to be amended.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2021-09, a bylaw to amend Write-off Bylaw 2021-07 to remove an account that was paid, be brought forward for consideration under the bylaw process.

CITY OF WHITEHORSE

BYLAW 2021-09

A bylaw to amend Write-off Bylaw 2021-07

WHEREAS section 233 of the *Municipal Act* (R.S.Y. 2002) provides for the cancellation of tax arrears where such taxes are not secured against land in the municipality, and arrears of fees, penalties, municipal charges or interest charges; and

WHEREAS Bylaw 2021-07, a bylaw to write off uncollectible accounts, included an account registered to Telus that was paid before the bylaw received third reading;

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

1. Section 1 of Write-off Bylaw 2021-07 is hereby amended by deleting the outstanding 2015 account registered to Telus in the amount of \$1,950.89; and revising the total to \$292,399.06.
2. The Explanatory Notes attached to and forming part of Bylaw 2021-07 are hereby amended by deleting the entry for Telus.
3. This bylaw shall come into full force and effect upon the final passing thereof.

FIRST and SECOND READING:

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk

ADMINISTRATIVE REPORT

TO: Corporate Services Committee
FROM: Administration
DATE: February 15, 2021
RE: Council Summaries for 2020 – For Information Only

ISSUE

Summary reports of council member attendance, travel, expenses and voting records for 2020.

REFERENCE

Procedures Bylaw 2016-47 – Section 154

HISTORY

The Procedures Bylaw requires administration to provide summary reports for the previous calendar year for each member of council with respect to:

- (1) their attendance record;
- (2) the travel undertaken in the performance of their duties;
- (3) the expense claims submitted, and
- (4) their voting record with respect to issues that came before council for a vote.

ANALYSIS

The attached summary reports provide the required information for each member of council for the 2020 calendar year.

Council Summaries for 2020

Attendance at Standing Committee and Regular/Special Meetings

A check (√) indicates all members were present. Council members were **ABSENT** when their names are listed beside a meeting date.

January through December 2020			
January 6	√		June 1
January 13	Stick		June 15
January 20	Cabott, Hartland		June 23
January 27	√		June 29
February 3	Boyd		July 6
February 10	√		July 13
February 17	Curtis, Curteanu		July 20
February 24	√		July 27
March 2	√		August 3
March 9	Hartland		August 10
March 21	√		September 8
March 23	Roddick		September 14
March 30	Roddick		September 21
April 2	√		September 28
April 9	√		October 5
April 6	√		October 13
April 14	√		October 19
April 20	√		October 26
April 27	√		November 2
April 29	√		November 9
May 4	√		November 16
May 11	√		November 23
May 19	√		November 30
May 25	√		December 7

Council Summaries for 2020

Council Member Travel and other Claimed Expenses		
January 1 to December 31, 2020		
Member	Item	Expenses
Mayor Curtis	Arctic Inspiration Awards Ceremony – Ottawa	\$1,749.18
	Travel Back from Victoria for AWG Cancellation	\$997.12
	Total for Mayor Curtis	\$2,746.30
Councillor Boyd	Canadian Capital Cities Organisation – Ottawa	\$2,008.64
	Total for Councillor Boyd	\$2,008.64
	No travel or expenses claimed	
Councillor Cabott	Total for Councillor Cabott	\$0.00
	Expense claim submitted	
Councillor Curteanu	Total for Councillor Curteanu	\$95.00
	Expense claim submitted	
Councillor Hartland	Total for Councillor Hartland	\$170.00
	Expense claim submitted	
Councillor Roddick	AYC Board Meeting (Faro)	\$189.94
	Expense claim submitted	\$95.00
	Total for Councillor Roddick	\$284.94
Councillor Stick	AYC Board Meeting (Faro)	\$193.33
	Total for Councillor Stick	\$193.33
Council Travel Total		\$5,498.21

Unless otherwise noted, all issues were passed unanimously **by the members present**.

To make this listing more comprehensible, the majority of the resolutions are grouped under specific categories:

- Bylaws
- Budget Amendments
- Procurement Matters
- Development Incentive Agreements
- Donation and Gift Resolutions
- Policy Issues and Guiding Document Resolutions
- COVID-19 Related Issues, and
- Miscellaneous (for issues not easily categorized)

Under each heading the resolutions are listed in the order in which they occurred.

Under the bylaw category you will see numbers in red (#) indicating the number of votes that occurred on the issue. Normally four votes are recorded for each bylaw. This includes the motion to bring the bylaw forward initially (BF) as well as 1st, 2nd and 3rd readings.

For bylaws requiring public hearing or public input, there is an additional vote to bring the bylaw forward for 2nd and 3rd reading following presentation of the public hearing/public input report at a standing committee meeting.

Unless otherwise indicated, the number in red indicates that it passed unanimously at each stage of the process as explained above.

Bylaws

2019 Umbrella Grants Bylaw (4)

2019 Umbrella Capital Budget Amendments (4)

2019 Umbrella Operating Budget Amendments (4)

Write Off Uncollectible Accounts (4)

Operating and Maintenance Budget 2020 to 2022 – BF, 2nd & 3rd Reading (3)

Tax Levy Bylaw for 2020 – BF, 2nd & 3rd Reading (3)

Fees and Charges Amendment – Budget Changes – BF, 2nd & 3rd Reading (3)

Urban Electrification Local Improvement – 190 War Eagle Way (4)

Bylaw 2019-20 – Amend CNC2 zone on Keno Way – BF and amend to modify parking requirements (2)

Amend CNC2 zone on Keno Way **as amended** – 2nd & 3rd Reading (2)

Bylaw 2019-21 – Rezone 25 Rhine Way and 468 Range Road – BF, 2nd Reading (2)

Amend to retain minimum parking requirements (1)

Amend to increase the boundary realignment area (1)

3rd Reading **as amended** (1)

(5 – 1) **Roddick opposed**

(5 – 1) **Roddick opposed**

Councillor Boyd declared a conflict on all votes with respect to Bylaw 2019-21

Amend Fees and Charges Bylaw – Housing Development Incentives Policy (4)

- Amend Umbrella Capital Budget Bylaw – add Ski Bridge project (4)
- Rename College Drive as University Drive (4)
- Zoning Amendment – Skateboard Park and Sanitary Lift Station (4)
- Land Acquisition – Skateboard Park (4)
- Re-budget 2019 capital projects to 2020 (4)
- Fees and Charges Amendment (1Q Changes) – BF, 1st & 2nd Reading (3)
Amend the bylaw to exclude some of the changes originally proposed (1)
3rd Reading **as amended** (1)
- OCP Amendment – Tank Farm Phase 1 (2) BF, amend prior to 2nd reading and require a second public hearing
- Zoning Amendment – Lot 29 Mount Sima (5)
- Name New Fire Hall and Operations Buildings (4) (6 – 1) Cabott opposed
- Zoning Amendment – 604 Black Street (5)
- Zoning Amendment – 5048 5th Avenue (5)
- Zoning Amendment – Lot 287 (REM) (5)
- Fees and Charges Amendment (2Q Changes) (4)
- Zoning Amendment – 39–14th Avenue (Living Suite in RR Zone) – BF, 1st Reading (2)
BF for 2nd & 3rd Reading following public hearing (6 – 1) Hartland opposed
Bylaw **defeated** at 2nd Reading (1) (1 – 6) Roddick in favour, all others opposed
- Tennis Yukon Association Lease Agreement (4)
- Authorize grants for community service and municipal charges (4)
- Adopt Employment Bylaw for Management and Confidential Exclusion Employees (4)
- City Manager Bylaw Amendment – Add performance review provisions (4)
- Land Sale and Transfer for Lot enlargement of 75 Ortona Avenue (4)
- Land Sale and Transfer for three lot enlargements in Mount Sima Industrial Subdivision (4)
- Fees and Charges Amendment (3Q Changes)
- Mayor and Council Remuneration for 2021 to 2024 term of office – BF, 1st & 2nd Reading (3)
Amend bylaw regarding CP! Adjustment dates (2)
Third reading **as amended** (1)
- Amend Management and Confidential Exclusion Employment Bylaw (4)
- OCP Amendment – Whistle Bend Future Area “C” (4)
- Local Improvement Charge for Urban Electrification – Lot 57 in Pineridge (4)
- Lease Agreement for Accommodation Space at 177 Olive May Way (4)
- Zoning Amendment – 1308 Centennial Street – BF, 1st reading (2) (6 – 1) Hartland opposed
- Adopt the 2021 to 2024 Capital Expenditure Program (5)

City Manager Bylaw Amendment to align with Management Bylaw – BF, 1st & 2nd Reading (3)
 Authorize Lease for Additional Office Space – BF, 1st reading (2)

Budget Amendments

NOTE: *In some instances, budget amendments and contract awards were included in the same resolution. As budget amendments and procurement issues are separated in this listing, they are marked with an asterisk followed by an identifying letter in brackets to indicate that only one vote was recorded, even though the project is listed twice. For example, the budget amendment marked *(A) corresponds with the contract award marked the same way.*

Add new project – Canada Games Centre Compressor 3 Replacement
 Re-budget funds from 2019 for the SCADA Program project*(A)
 Re-budget funds from 2019 for the Trail Plan Update project*(B)
 Increase Puckett’s Gulch Stairs Rehabilitation project
 Add new project – Marwell Lift Station Pump Replacement
 Add new project – Downtown Speed Reduction Transportation Engineering Study
 Increase Rural Roads Surfacing project*(C)
 Add Mobile Steamer Replacement project to 2020 and remove from 2021
 Increase budget for 2020 Mount McIntyre Stairs project*(D)
 Add Appendix B Project – Alter Existing Route Network and Schedules
 Re-budget funds from the Water and Sewer Fund Surplus to Reserve
 Increase 2020 – 2022 operating budget for Landfill Operations contract*(E)
 Funding for Appendix ‘B’ Project Remediation Planning for 6th Avenue*(F)
 2020 Whistle Bend Future Areas Planning project
 Add new project – Whistle Bend Lift Station Pump Replacement
 Increase 100 Homes Campaign (Federation of Canadian Municipalities)
 Increase 2020 Puckett’s Gulch Stairs Rehabilitation project*(G)
 Increase 2020 Hillcrest Water Supply project
 Reduce 2020 to 2023 capital expenditure program
 Add new project - Replacement Protective Floor Covering
 Increase Emerging Pollutants Wastewater Treatment project
 Increase CGC Waste Heat Recovery project*(H)
 Decrease 2021 and 2022 Provisional Operating Budgets
 Decrease 2020 to 2023 Capital Expenditure Program
 Increase 2020 Marwell Lift Station Pump Replacement Project*(I)

Procurement Matters

- Contract Award – Outfall Flow Meter SCADA project^{*(A)}
- Contract Award – Trail Plan Update project^{*(B)}
- Contract Award – Supply of two compost/waste packers
- Contract Award – 2020 to 2025 Gatekeeping at the Waste Management Facility
- Contract Award – 2020 to 2025 Transfer Station Operations, Waste Management Facility
- Contract Award – Supply of Self-Contained Breathing Apparatus for the Fire department
- Contract Award – 2020 to 2023 Fixed Telephone Line Service (public bid process waived)
- Contract Award – Supply of granular material for Tlingit Street Reconstruction project (public bid process waived)
- Postpone contract award for consulting services for the Services Building project
- Contract Award – Rural Roads Surfacing project^{*(C)}
- Contract Award – Design and contract supervision – Services Building project
(6 – 1) Hartland opposed
- Contract Award – Tlingit Street Reconstruction project – supply of power and telecommunication utilities (public bid process waived for both aspects)
- Construction contract – Tlingit Street Reconstruction project
- Contract Award – Supply of sand and road salt for winter road maintenance
- Contract Award – Mount McIntyre Stairs construction project^{*(D)}
- Contract Award – Cook Street Reconstruction – construction contract, stage 2 consulting services contract, and supply and installation of street lights (public bid process waived for street light stage)
- Contract Award – Supply of wheeled front end loader
- Contract Award – Supply of one handy bus
- Contract Award – 2020–2025 Landfill Operations^{*(E)}
- Contract Award – SCADA Stations Radio Communications Upgrades project
- Contract Award – Remediation Planning for 6th Avenue project^{*(F)}
- Contract Award – Operations Building Parking Lot Paving project (6 – 1) Roddick opposed
- Contract Award – Supply of a service vehicle for Water and Waste department
- Contract Award – Landfill Phase 2 East project
- Authorize local content weighting for City-Wide Transportation Study
- Contract Award – 2020 Puckett’s Gulch Stairs Rehabilitation project^{*(G)}
- Contract Award – Alexander Street Landscaping project (6 – 1) Hartland opposed
- Contract Award – Whistle Bend Town Square project – Stage 1, Detailed Design
- Authorize local content weighting for Fire Services Review
- Authorize local content weighting for Parking Meter Technology
- Contract Award – Design, supply and installation – Accessible playground at CGC
- Contract Award – Provision of employee group benefits
- Contract Award – Supply and delivery of one mobile steamer truck

Contract Award – Enterprise Data Storage System project
 Contract Award – City-Wide Transportation Study project
 Authorize local content weighting for Robert Service Campground Building
 Contract Award – Canada Games Centre Waste Heat Recovery Upgrade project^{*(H)}
 Authorize local content weighting for Transit Building Renovation project
 Contract Award – Supply standby waste water pump – Marwell Lift Station (public bid process waived) ^{*(I)}
 Contract Award – Waste and Cardboard Removal Services – Recreation Facilities
 Contract Award – Consulting Services – Fire Services Review

Development Incentive Agreements

Rental housing development at 11 Tarahne Way
 Rental housing development at 600 Ray Street
 Rental housing development at 1306 Centennial Street (6 – 1) Hartland opposed
 Rental housing development at 51 Keewenaw Drive (6 – 1) Hartland opposed
 Rental housing development at 24 Wann Road (6 – 1) Hartland opposed

Donation and Gift Resolutions

Donate retired fire rescue vehicle to YG Protective Services Branch
 Authorize Gift Agreement with Canadian Tire – Jumpstart Playground
 Grant to Yukon Anti-Poverty Coalition for the “100 Homes Campaign”
 Fall Recreation Grant Allocation
 Festival and Special Event Grants
 Council Donation to Yukon Cares (four transit passes and a Canada Games Centre Family Pass)
 Council Grant for the Christmas Food for Fines Program
 Environmental Grant Allocations
 Council Donation to Whitehorse Firefighters Charitable Society – Share the Spirit Christmas Hamper Program
 Council Donation to Borough Assembly of Haines

Policy Issues and Guiding Document Resolutions

Amend policy statement for proposed Housing Development Incentives Policy
 Adopt Housing Development Incentives Policy as amended
 Confirm Whitehorse City Council 2020 strategic priorities and authorize public release
 Adopt new Recreation Grant Policy as presented
 Amend temporary modifications to the Consulting Services Selection Procedures Policy

Adopt temporary modifications to the Consulting Services Selection Procedures Policy as amended to allow council to set the weight allocation for local content on a case by case basis until March 31, 2021

Amend section 7.2.1 of the Procurement Policy (appeal to council by excluded supplier)

Adopt Procurement Policy as amended and repeal existing Purchasing and Sales Policy

Adopt Action #8 of the 2021 to 2024 City of Whitehorse Wildfire Risk Reduction Strategy and Action Plan as presented and adopt the remainder of the Strategy and Action Plan as a guiding document

Amend resolution to adopt the 2021 to 2024 Wildfire Risk Reduction Strategy and Action Plan by adding a reporting requirement

Adopt Disposal of Assets Policy

Adopt Asset Management Policy (5 – 2) Cabott and Roddick opposed

Amend Land Disposition Policy

Adopt 2020 Trail Plan

Adopt 2020 Emergency Management Plan

COVID-19 Related Issues

Suspend collection of fees for bus fares until April 13, 2020

Suspend parking meter enforcement until April 13, 2020

Amend temporary Standing Committee, Regular and Special Council meetings practices during public health emergency

Adopt temporary Standing Committee, Regular and Special Council meetings practices during public health emergency, **as amended**

Extend suspension of parking meter enforcement

Extend suspension of collection of fees for bus fares

Suspend application and collection of penalties and interest for water, waste water services, garbage collection and other City services until September 30, 2020

Temporarily suspend enforcement of Section 11, Schedule D of the Waste Management Bylaw to allow the disposal of cardboard as residual waste

Decline 2021 salary adjustment for council members

Miscellaneous Resolutions

Authorize councillor's travel – Canadian Capital Cities Organization in Ottawa

Authorize mayor's travel – Arctic Inspiration Prize in Ottawa

Authorize subdivision renewal – Whistle Bend Phase 5

Authorize 2019 Tax Lien List

Postpone Housing Development Incentives Policy and associated bylaw

Authorize Infrastructure Agreement with YG – Hillcrest Water Supply project

Rescind council representative appointment to Association of Yukon Communities

Authorize council member travel to FCM Annual Conference

Appoint new member to the Recreation Grant Task Force
Accept as presented the council member summaries for 2019
Authorize agreement with YG for construction and transfer of new Skateboard Park
Refer potential acquisition of a parcel of escarpment land back to administration
Authorize contribution agreement with KDFN for Tlingit Street Reconstruction project
Authorize public release of City Council 2020 strategic priorities
Rescind council representative appointment to Association of Yukon Communities and
 appoint a new council representative
Refer Councillor Cabott's motion on local content weighting to Committee for review
Adopt the 2019 audited Financial Statements
Bring forward options to advance commercial and industrial land development opportunities
 to the capital budget discussions.
Deputy Mayor Appointments – 2020 to 2021
Reserve Deputy Mayor Appointments – 2020 to 2021
Standing Committee Chair and Vice-Chair Appointments – 2020 to 2021
Council appointments to Ad Hoc Committees – 2020 to 2021
Council appointments to Special Committees – 2020 to 2021
Administrative Appointments – 2020 to 2021
Adopt meeting schedule for 2021

■

CITY OF WHITEHORSE
CITY PLANNING COMMITTEE
Council Chambers, City Hall



Chair: Samson Hartland

Vice-Chair: Laura Cabott

February 15, 2021

Meeting #2021-04

1. Zoning Bylaw Amendment – Periodic Revisions
Presented by Manager Patrick Ross
2. Zoning Amendment – 107 Range Road
Presented by Planner Zane Hill
3. New Business

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: February 15, 2021
RE: Zoning Bylaw Amendment – Periodic Revisions

ISSUE

Periodic revisions to Zoning Bylaw 2012-20.

REFERENCE

- Zoning Bylaw 2012-20
- *Municipal Act*
- Official Community Plan (2010)
- Marwell Plan (2018)

HISTORY

Proposed Bylaw 2021-14 contains a number of amendments to the Zoning Bylaw to change or improve regulations, clarify wording, correct omissions, and implement minor changes. All of these changes have arisen from day-to-day use of the bylaw.

A comprehensive group of edits to the Zoning Bylaw are typically brought forward by Administration on a periodic basis. The last general amendments to the Zoning Bylaw were adopted in April 2019.

The last rewrite of the Zoning Bylaw was completed in 2012 and it is becoming increasingly out of date. The next Zoning Bylaw rewrite is expected to begin after the OCP review is completed, which is anticipated to be 2022.

ALTERNATIVES

1. Proceed with the amendments as presented under the bylaw process.
2. Refer the bylaw back to Administration for further review.

ANALYSIS

Generally, the edits proposed in this bylaw are clarifying missing regulations, ensuring compliance with the *Municipal Act*, or implementing City-led corrections. If Council determines that one or more of the proposed edits are undesirable, the bylaw can be amended to remove those clauses.

Bylaw 2021-14 proposes amendments to numerous sections including:

- General administration
- Definitions
- Development permit requirements
- General development regulations
- Specific use regulations
- Parking requirements
- Signage regulations
- Residential/commercial zone regulations

- Commercial/Industrial zone regulations
- Map edits

For details on the proposed changes, refer to the Explanatory Notes section of Bylaw 2021-14.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	February 15, 2021
First Reading:	February 22
Public Hearing:	March 22
Report to Committee:	April 6
Second and Third Reading:	April 12

ADMINISTRATIVE RECOMMENDATION

THAT Bylaw 2021-14, a bylaw to amend the Zoning Bylaw with respect to a number of periodic revisions be brought forward for consideration under the bylaw process.

CITY OF WHITEHORSE
BYLAW 2021-14

Amending Zoning Bylaw 2012-20 with respect to a number of periodic revisions.

Explanatory Notes

The attached bylaw amends the Zoning Bylaw to reflect issues identified through daily use of the document.

Explanations of the proposed amendments are noted below. The numbers at the beginning of each explanatory paragraph refer to the corresponding amendment numbers in the enactment section of this bylaw.

Section 1: General Administration

1. & 2. Delete reference to public infrastructure in s. 1.6.1 and add new section 1.6.2 that allows for smaller lots with reduced regulations for public infrastructure, such as wells, substations, pump houses, etc., when not adjacent to residential zones.

Section 2: Definitions

3. Amend the following definitions for clarity:
 - Floor Area, Gross – clarify that the internal components of a building, such as living suites, are measured using the centreline of internal walls.
 - Public Infrastructure – reclassify electrical substations as a public utility that requires a permit, instead of public infrastructure, which does not.
 - Walkways – clarify that they are not necessarily for public use when established on private property.
4. Delete definitions for amateur antenna structure and internal sidewalk that are not used in the bylaw but covered by other defined terms/regulations. Add new definitions for the terms Awning and Canopy that are found in the bylaw but not currently defined.

Section 4: Accessory Structures

5. Clarify when a permit would not be needed for installing canopies and awnings, as well as the construction, maintenance, and repair of public infrastructure and utilities.

Section 5: General Development Regulations

6. Corrections to the “yard” and “setback” references in this sentence to clarify that setback applies to both the front and side yards.
7. Clarify the height regulations of structures such as satellite dishes, photovoltaic panels, or radio masts that are permitted as accessory structures in residential zones.

Explanatory Notes for Zoning Amendment Bylaw 2021-14

8. Introduce new regulations for placement of canopies and awnings that include size, ability to project over public sidewalks, and insurance requirements.
9. Clarify that existing gateway landscaping requirements along major roads and highways also applies to frontage roads.
10. to 18. Remove reference to 'internal sidewalks' from the bylaw and replace it with 'walkways' which is a defined term. This change occurs throughout the bylaw and impacts other sections as well, including numerous charts.

Remove the requirement to develop a patio from numerous sections and tables.
19. Simplify wording for when landscape plans are required by listing what zones they are not required in.
20. Allow for eaves to project to property line where there is a zero lot line setback.
21. Allow vehicle access from the front or side of a multiple housing lot for developments that have an internal road network, allowing for better circulation and fire access.

Section 6: Specific Use Regulations

22. Add a maximum height for garden suites in the AG-Agriculture zone that is the same as country residential zones. This regulation is missing from the bylaw.
23. Make better use of land in multiple housing developments by allowing a small portion of required 25% amenity space to be attributed to private amenity space.
24. Adding new regulations on how sea cans/shipping containers may be used.

Section 7: Parking Requirements

25. Add missing parking/hard-surfacing requirement for RS2-Residential Single Detached 2 zone, as it was left out of an existing list of zones unintentionally.
26. Create less onerous parking space requirements for commercial storage developments as they don't have a large staff component requiring parking.
27. Clarify the minimum size and location for small car parking spaces and specify that they must be grouped within parking lots.

Section 8: Signage Regulations

28. Reduce notice time for property owners to remove illegally placed signage, from 30 days to 24 hours before enforcement action may commence by the City.

Section 9: Residential/Commercial Zone Regulations

29. Delete the minimum setback between principal and accessory structures in the RCS-Comprehensive Residential Single Family zone as this is already addressed through accessory development regulations. Reduce the minimum rear yard setback for single storey developments in the RCS-Comprehensive Residential

Explanatory Notes for Zoning Amendment Bylaw 2021-14

Single Family zone to allow a larger footprint.

30. Exclude mobile homes from the required 7.5 m setback from park boundaries and rely on setbacks established from 'pad site' boundaries.
31. Add a missing minimum lot width in the RR-Restricted Residential zone.
32. Replace "sidewalk" reference with "walkway" term. (Consistent with 10. to 18.)
33. & 34. Clarify the side yard setbacks for triplexes in the RS-Residential Single Family and RS2-Residential Single Family 2 zones.
35. Allow 'personal service establishments' in Marwell, per the approved Marwell Plan, which recommends an expanded range of commercial uses.
36. Adding a missing maximum density along Centennial Street that is established through policy in the OCP but not included in the Zoning Bylaw.

Mapping Edits

37. Change the zoning of a City owned parcel of land in Range Point (located at 900 Range Road) from FP-Future Planning to PR-Parks and Recreation to allow the installation of a playground, an approved capital budget item.
38. Change the zoning of a small parcel of City owned land in Ingram (located at 116 Mallard Way) from RCT-Comprehensive Residential Townhouses to PR-Parks and Recreation, as per the previous planning work for the Ingram neighbourhood.
39. Change the zoning of a small portion of a lot located on Caribou Road that is incorrectly zoned from PE-Environmental Protection to CIM-Mixed Use.

CITY OF WHITEHORSE
BYLAW 2021-14

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 with respect to a number of periodic revisions;

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

1. Section 1 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 1.6.2 and substituting therefore a new subsection 1.6.2 as follows:

“1.6.2 Notwithstanding section 1.6.1, ‘Fire Smart’ projects, reclamation of former mine sites, and remediation of land containing contaminated material shall be permitted in any zone.”

2. Section 1 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 1.6.3 as follows:

“1.6.3 Public infrastructure shall be permitted in all zones. Notwithstanding the provisions of this bylaw and the Subdivision Control Bylaw, the minimum area and width of lots used for public walkways or public infrastructure may be less than required. The Development Officer may reduce setback requirements for public infrastructure unless it is directly adjacent to a residentially zoned property and the public infrastructure is >5 m² in area, in which case the public infrastructure must adhere to the setbacks of the adjacent residential zone.”

3. Section 2 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing definitions for “floor area, gross”, “public infrastructure”, “public utilities” and “walkway”, and substituting therefore new definitions as follows:

“FLOOR AREA, GROSS” means the sum of the horizontal areas of each storey of the building measured from the centreline of interior walls or exterior faces of the exterior walls, providing that in the case of a wall containing windows, the glazing line of the windows may be used. The gross floor area measurement excludes attached garages, attics, balconies, breezeways, carports, porches, and terraces.”

Zoning Amendment Bylaw 2021-14

“PUBLIC INFRASTRUCTURE” means a system, works, or equipment, whether owned or operated by or for the City, or by a corporation or commission under agreement with or under franchise from the City or under a Territorial or Federal statute, which furnishes services and facilities available to or for the use of all the inhabitants of the City, including water, sewer, gas, and storm lines, electrical and telecommunication lines and towers, public roads, and drainage ditches and swales.”

“PUBLIC UTILITIES” means buildings, facilities, or equipment, whether owned or operated by the City or by a corporation or commission under agreement with or under franchise from the City or under a Territorial or Federal statute, which furnishes services and facilities available to or for the use of all the inhabitants of the City, including but not limited to landfills and waste treatment facilities, sewage treatment facilities, pump houses and stations, water treatment plants, electrical production facilities and substations, and drainage ponds.”

“WALKWAY” means an appropriately surfaced path designed for use by pedestrian and/or bicycle traffic.”

4. Section 2 of Zoning Bylaw 2012-20 is hereby amended by deleting the existing definitions for “amateur radio antenna” and “internal sidewalk” and adding two new definitions as follows:

“AWNING” means a projection supported solely from the building, constructed with a fabric or plastic skin stretched over a frame used for shelter from the weather.”

“CANOPY” means a projection outward from the face of the building, primarily designed to provide shelter from the weather.”

5. Section 4 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsections 4.2.1 f) and 4.2.1 i) and substituting therefore new subsections 4.2.1 f) and 4.2.1 i) as follows:

“4.2.1 f) erection of any fence, wall or gate not exceeding the height specified in the applicable zone, or any canopy or awning not overhanging public property;”

“4.2.1 i) installation, maintenance or repair of public infrastructure.”

6. Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.1.2 b) and substituting therefore a new subsection 5.1.2 b) as follows:

“5.1.2 b) not be located in the front or exterior side yard setbacks;”

7. Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.1.3 and substituting therefore a new subsection 5.1.2 i) as follows:

“5.1.2 i) in the case of a satellite dish, a radio or television mast, or energy generation structures, not be higher than the height permitted for any structure in that zone.”

Zoning Amendment Bylaw 2021-14

8. Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.2 and substituting therefore a new subsection 5.2 as follows:

“5.2 Canopies and Awnings

- 5.2.1 All canopies and awnings shall be constructed in accordance with the National Building Code. They shall be self-supporting from the building face to which they are attached and designed to direct runoff and snow away from the sidewalk below.
- 5.2.2 Canopies and awnings may overhang a public sidewalk in zones where the front yard setback is 1.0 m or less. All canopies or awnings which overhang a public sidewalk, street, or other City property require a development permit. Where such canopies and awnings extend beyond the property line over a public sidewalk, the minimum vertical clearance shall be 2.6 m measured from the sidewalk, and the maximum extension shall be no more than 3.0 m or 80% of the width of the sidewalk, whichever is less.
- 5.2.3 With every application for a development permit for a canopy or an awning overhanging public property the owner shall:
- a) file with the City in a form satisfactory to the City, a public liability and property damage insurance policy with the City of Whitehorse named as additional insured, in the minimum principal amount of \$ 3,000,000.00 inclusive of limits in respect of a loss sustained by one or more persons or damage to property;
 - b) execute the policy under seal by an insurance company registered to do business within the Yukon Territory, indemnifying against liabilities, claims, actions, loss, damages, judgements, costs, and expenses which may accrue or be suffered by installation, manner of suspension or alteration;
 - c) ensure the maintenance and use of the awning or canopy in respect of which the application for their permit has been made; and
 - d) maintain such insurance in force until the awning or canopy has been taken down and removed.”

9. Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.2.5 and substituting therefore a new subsection 5.5.2.5 as follows:

“5.5.2.5 The required vegetation calculated for landscape plantings or vegetative buffers in any zone shall be doubled for any property accessed from Two Mile Hill, Robert Service Way, Alaska Highway, North Klondike Highway, or any connecting frontage roads.”

Zoning Amendment Bylaw 2021-14

- 10.** Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.2.12 and substituting therefore a new subsection 5.5.2.12 as follows:
- “5.5.2.12 Walkways shall provide for on-site pedestrian circulation with adequate connections with parking lots, public sidewalks, etc. Commercial and multiple family residential developments shall provide connections to adjacent active transportation networks. Attention shall be paid to ensure adequate drainage and shelter from wind, and to discourage ice and snow accumulation on walking paths in winter. See also section 7 of this bylaw.”
- 11.** Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsections 5.5.3.1 a), b) and n) and substituting therefore new subsections 5.5.3.1 a), b) and n) as follows:
- “5.5.3.1 a) All single detached, duplex, triplex, and townhouse housing, where each dwelling is on a separate fee simple lot, shall have a walkway connecting the house to the sidewalk or street, and complete landscaping in the front yard to a minimum grass or xeriscape standard with at least one tree or three shrubs, which must be installed within two years of issuance of the first occupancy approval. Where a lot fronts on two streets, the landscaping standard shall apply to both frontages. Landscaping will be completed in accordance with section 5.5.3 of this bylaw.”
- “5.5.3.1 b) All multiple housing developments shall have walkways and complete landscaping of the front yard, to be installed within two years of the issuance of the first occupancy approval. Where a lot fronts on two streets, the landscaping standard shall apply to both frontages. Landscaping will be completed in accordance with section 5.5.3 of this bylaw.”
- “5.5.3.1 n) Walkways are required in all comprehensive residential zones, RD, RM, RP, and RR zones, and shall provide for on-site pedestrian circulation with adequate connections with parking areas, public sidewalks, etc. Primary walkways in RCM, RCM2, RCM3, RM and RP zones shall be hard-surfaced and a minimum of 1.5 m in width.”
- 12.** Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting from subsection 5.5.3.1 Summary Table – Residential Zones the existing rows titled “Specific Landscaping Requirements” and “Walkways and Patios”, and substituting therefore new rows as follows:

Specific Landscaping Requirements	RCM, RCM2, RCM3	RCS, RCS2, RCS3	RCT, RCT2	RD	RM	RP	RR	RS, RS2
Walkways	√	-	√	√	√	√	-	-

Zoning Amendment Bylaw 2021-14

- 13.** Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.3.2 f) and substituting therefore a new subsection 5.5.3.2 f) as follows:

“5.5.3.2 f) Walkways are required in all commercial zones and shall provide for on-site pedestrian circulation with adequate connections with parking areas, public sidewalks, active transportation routes, etc. Primary walkways in all commercial zones shall be hard-surfaced and a minimum 1.5 m in width.”

- 14.** Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting from subsection 5.5.3.2 Summary Table – Commercial Zones the existing row titled “Walkways and Patios”, and substituting therefore a new row as follows:

Walkways	√	√	√	-	√	*	√	√	√
----------	---	---	---	---	---	---	---	---	---

- 15.** Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.3.3 e) and substituting therefore a new subsection 5.5.3.3 e) as follows:

“5.5.3.3 e) Walkways are not required in industrial zones. Where provided, walkways and patios shall provide for on-site pedestrian circulation with adequate connections with parking areas, etc.”

- 16.** Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting from subsection 5.5.3.3 Summary Table – Industrial Zones the existing rows titled “Vegetative Buffers” and “Walkways and Patios”, and substituting therefore a new row as follows:

Walkways	-	-	-	-
----------	---	---	---	---

- 17.** Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.3.4 e) and substituting therefore a new subsection 5.5.3.4 e) as follows:

“5.5.3.4 e) Walkways are not required in public/institutional zones but when constructed shall provide for on-site pedestrian circulation with adequate connections with parking areas, public sidewalks, etc. Primary walkways in all public/institutional zones shall be hard surfaced and a minimum of 1.5 m in width.”

- 18.** Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting from subsection 5.5.3.4 Summary Table – Public/Institutional Zones the existing row titled “Walkways and Patios”, and substituting therefore a new row as follows:

Walkways	-	-	-
----------	---	---	---

Zoning Amendment Bylaw 2021-14

19. Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.5.4 and substituting therefore a new subsection 5.5.4 as follows:

“5.5.4 *Landscape Plan Requirements*

A landscape plan shall be included in all development permit applications for new developments, except for those in the following zones:

RC1	Country Residential 1
RC2	Country Residential 2
CR	Commercial Recreation
PE	Environmental Protection
PG	Greenbelt
PR	Parks and Recreation
AG	Agriculture
FN	First Nation
FP	Future Planning”

20. Section 5 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 5.6.6 and substituting therefore a new subsection 5.6.6 as follows:

“5.6.6 Steps, eaves, sunlight control projections, awnings, canopies, balconies, decks, or porches may project into a required yard setback, provided that such projections do not exceed 2.0 m in the case of a front, rear, or exterior side yard setback, and 0.6 m in the case of an interior side yard setback. In no case shall an eave be closer than 0.15 m to the property line, except where the setback is 0.0m and the roof slopes away from the property line or the roof drainage is being directed away from the property line to the satisfaction of the Development Officer. In the case of the RC1 zone, any projection may not exceed 2.0 m into any required yard setback. In the RR, RS, and RS2 zones, arctic entries accessing the principal structure may project up to 2.0 m into the front, rear or exterior side yard setback, provided the projection does not exceed 6 m² gross floor area.”

21. Section 6 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 6.4.1 a) and substituting therefore a new subsection 6.4.1 a) as follows:

“6.4.1 a) Where a residential development abuts a lane, there shall be no vehicular access from the front of the lot and no parking or vehicle storage in the front yard. In the case of multiple housing developments that are accessed by an internal road network, access may be permitted from the front or side of the lot.”

Zoning Amendment Bylaw 2021-14

- 22.** Section 6 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 6.7.1 c) and substituting therefore a new subsection 6.7.1 c) as follows:
- “6.7.1 c) have a maximum height of 7.0 m in urban residential areas and 8.0 m in country residential and agriculture areas.”
- 23.** Section 6 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 6.14.4 and substituting therefore a new subsection 6.14.4 as follows:
- “6.14.4 For multiple housing uses in residential zones a minimum of 25% of the lot area shall be developed as amenity space, of which:
- a) 10% of the lot area must be contiguous, functional, fenced space, accessible to all residents, to the satisfaction of the Development Officer.
 - b) For developments other than apartment housing, up to 5% of the lot area may be allocated as private amenity space, provided the area is at grade, and is in addition to the minimum private amenity space requirement for the unit to which the space is allocated.
 - c) The amenity space shall be suitably landscaped and designed to encourage enjoyment and recreational uses of the space, such as play areas, picnic areas, sun decks, roof decks, and natural treed areas.”
- 24.** Section 6 of Zoning Bylaw 2012-20 is hereby amended by adding a new section 6.20 as follows and renumbering the remaining sections accordingly:
- “6.20 Shipping Containers/Sea Cans**
- 6.20.1 Shipping containers/sea cans may be placed temporarily on a property for the purpose of storing materials or equipment in any zone, for a period of 9 months or less, but only in conjunction with an active building permit.”
- 6.20.2 In industrial zones or the CIM zone, shipping containers/sea cans that are accessory to another permitted use and used primarily for cold storage do not require a development permit. If a shipping container/sea can is altered in any way, or becomes part of a larger structure it is no longer exempt from permitting and must adhere to the regulations in this bylaw.
- 6.20.3 In non-industrial zones, shipping containers/sea cans are considered accessory buildings or structures and development must adhere to the regulations set out in section 5.1 of this bylaw.”

Zoning Amendment Bylaw 2021-14

- 25.** Section 7 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 7.2.1 and substituting therefore a new subsection 7.2.1 as follows:

“7.2.1. Every off-street parking, loading and unloading space, and access to it provided or required, including areas contained within publicly owned road right-of-way, shall be hard-surfaced when the adjacent public street or lane is hard-surfaced. Where the access to any parking, loading, or unloading space is hard-surfaced after the development is complete, the owner or occupant shall hard-surface such space and the area contained within City owned land to which a curb crossing permits applies within one year, unless otherwise specifically permitted under this bylaw. This regulation does not apply to single family or duplex development in the RC1, RC2, RP, RS, and RS2 zones.”

- 26.** Section 7 of Zoning Bylaw 2012-20 is hereby amended by adding new rows to Table 7.3.6 b) Commercial Parking Requirements as follows:

Self-Contained or individually accessed Commercial Storage	1	33 m ² dedicated office space	N/A	N/A	N/A
Indoor or stacked Commercial Storage	1	33 m ² dedicated office space	1	2000 m ² GFA	N/A

- 27.** Section 7 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsections 7.5.5 and 7.5.6, substituting therefore a new subsection 7.5.5, and renumbering the remaining subsections accordingly. The new subsection 7.5.5 shall read as follows:

“7.5.5 Where at least 10 parking spaces are provided, up to 10% of required accessory or non-accessory parking spaces (not including parallel parking spaces) may be reduced to a minimum area of 13.45 m², provided that:

- a) all such spaces are contiguous and not intermixed with full size spaces; and
- b) the spaces are clearly marked for small cars, using appropriate signage.”

- 28.** Section 8 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 8.6.2 and substituting therefore a new subsection 8.6.2 as follows:

“8.6.2 Where the City orders the removal of a sign, it shall give notice in writing to the property owner or permit holder no less than 24 hours prior to the ordered removal date.”

Zoning Amendment Bylaw 2021-14

- 29.** Section 9 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsections 9.6.5 j) and 9.6.5 k) and substituting therefore a new subsection 9.6.5 j) as follows:
- “9.6.5 j) the minimum rear yard setback is 11.0 m for the principal building. In the case that the principal building is one storey, the rear yard setback may be reduced to 6.0 m.”
- 30.** Section 9 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 9.13.5 c) and substituting therefore a new subsection 9.13.5 c) as follows:
- “9.13.5 c) the minimum setback from a park boundary to the placement of recreation or service areas (except for waterfront recreation), any accessory building or structure (except signs), garbage disposal area, part of any private sewage disposal system (except those placed underground) is 7.5 m.”
- 31.** Section 9 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 9.14.4 a) as follows and renumbering the remaining subsections accordingly:
- “9.14.4 a) the minimum lot width is 14.0 m”
- 32.** Section 9 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 9.14.5 a) and substituting therefore a new subsection 9.14.5 a) as follows:
- “9.14.5 a) All single detached houses shall install a hard-surfaced driveway, walkway, and complete landscaping of the front yard in accordance with section 5.5.2.8 of this bylaw within one year of issuance of the occupancy permit. Where a lot fronts on two streets, the landscaping standard shall apply to both frontages.”
- 33.** Section 9 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 9.15.5 j) (3) and substituting therefore a new subsection 9.15.5 j) (3) as follows:
- “9.15.5 j) (3) for a duplex or triplex on a single lot the side yard setback shall be 3 m on both sides”
- 34.** Section 9 of Zoning Bylaw 2012-20 is hereby amended by deleting existing subsection 9.16.5 j) (3) and substituting therefore a new subsection 9.16.5 j) (3) as follows:
- “9.16.5 j) (3) for a duplex or triplex on a single lot the side yard setback shall be 3 m on both sides”

Zoning Amendment Bylaw 2021-14

35. Section 10 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.4.2 aa) as follows and renumbering the remaining subsections accordingly:
“10.4.2 aa) personal service establishments (Marwell only)”
36. Section 10 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection 10.6.7 a) (6) as follows:
“10.6.7 a) (6) The maximum density is 60 u/ha.”
37. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a 480 m² portion of Lot 1546 (PUL), Quad 105D/14, Plan 2012-0159 LTO (located at 900 Range Road in the Range Point neighbourhood) from FP--Future Planning to PR--Parks and Recreation, as indicated on the sketch attached hereto as Appendix “A” and forming part of this bylaw.
38. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of Lot 78, Plan 2010-0115 LTO (located at 116 Mallard Way in the Ingram neighbourhood) from RCT--Comprehensive Residential Townhouses to PR--Parks and Recreation, as indicated on the sketch attached hereto as Appendix “B” and forming part of this bylaw.
39. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing the zoning of a 0.328 ha portion of Lot 1180A Quad 105D/11 Plan 2006-0065 LTO (located on Caribou Road) from PE--Environmental Protection to CIM--Mixed Use Commercial/Industrial, as indicated on the sketch attached hereto as Appendix “C” and forming part of this bylaw.
40. This bylaw shall come into full force and effect upon final passage thereof.

FIRST READING:

PUBLIC NOTICE:

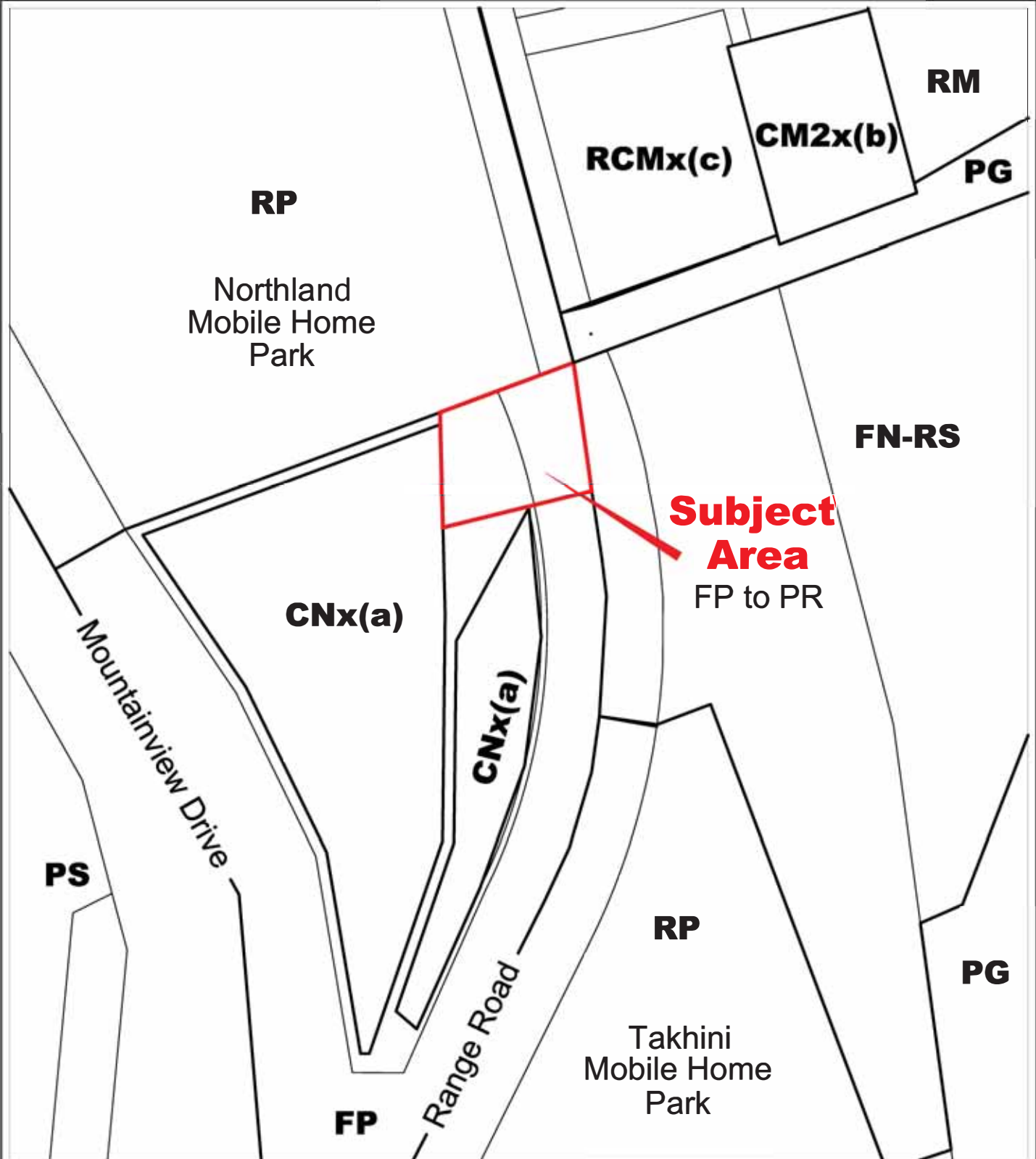
PUBLIC HEARING:

SECOND READING:

THIRD READING and ADOPTION:

Mayor


Assistant City Clerk



Bylaw 2021-14

A bylaw to make several administrative edits to the Zoning Bylaw.

LEGEND

 SUBJECT AREA



FN-FP

PE

Subject Area

RCT to PR

RCT

Mallard Way

RCM

RCS

PG

RCT

Pintail Street

Goldeneye Street

PG

Pintail Place

RCS

PG

PR

RS

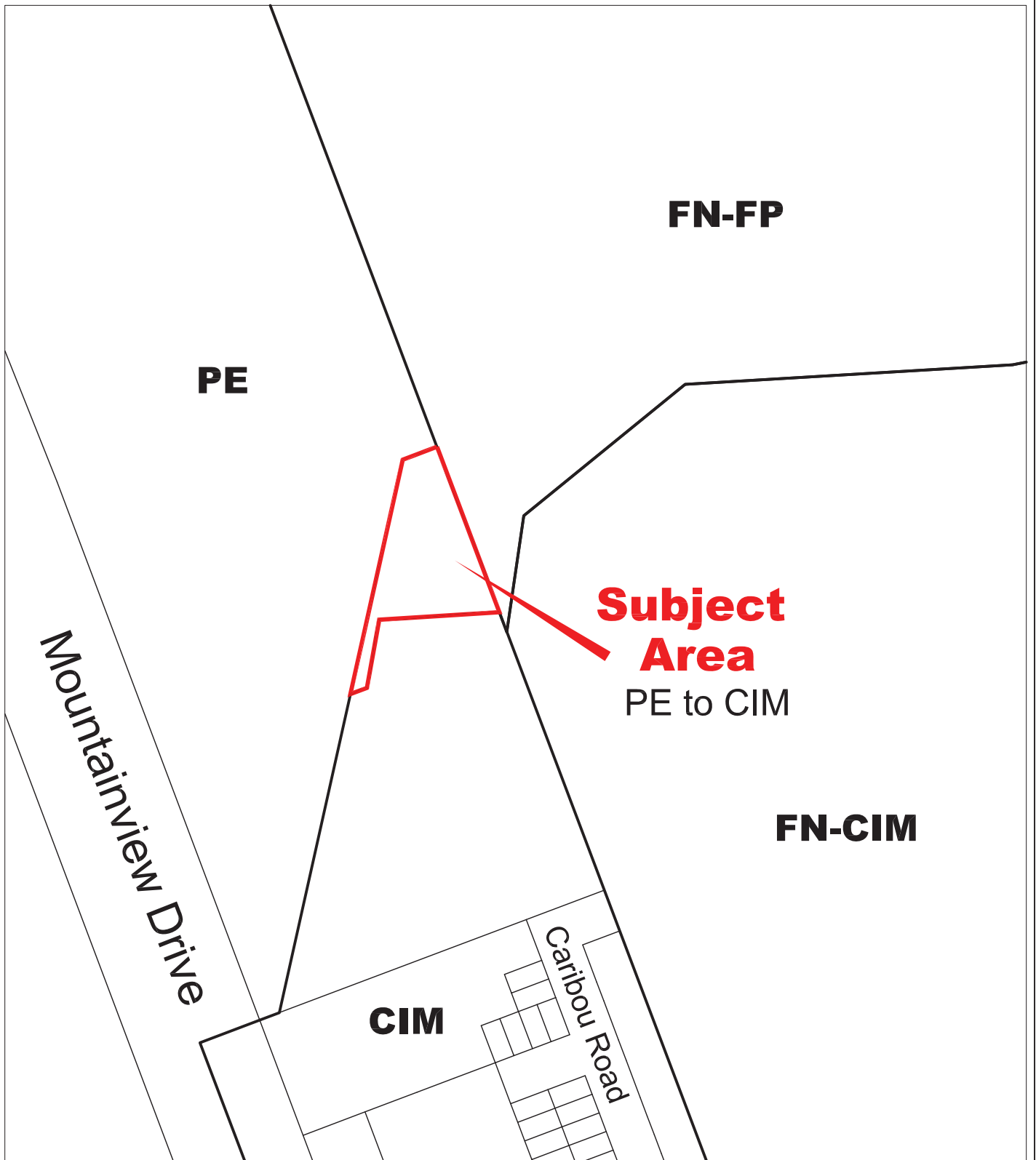
Bylaw 2021-14

A bylaw to make several administrative edits to the Zoning Bylaw.

LEGEND




SUBJECT AREA



Bylaw 2021-14
A bylaw to make several administrative edits to the Zoning Bylaw.

LEGEND

 SUBJECT AREA

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: February 15, 2021
RE: Zoning Amendment – 107 Range Road

ISSUE

An application to amend the zoning of 107 Range Road to permit an eating and drinking establishment including a drive-through component as a principal use.

REFERENCE

Municipal Act (2002)	Zoning Bylaw 1997-42
Commercial and Industrial Lands Study (2020)	Zoning Bylaw 2012-20
Official Community Plan (1994)	Official Community Plan (2010)

HISTORY

The City has received an application to amend the zoning of 107 Range Road. The developer is planning to build a restaurant with a drive-through component. The current zoning is CHx(c)–Highway Commercial (modified), which permits eating and drinking establishments, but not with a drive-through component.

This application was reviewed by the Development Review Committee (DRC) on December 9, 2020. DRC recommended against the application. Administrative feedback on the proposed addition of a drive-through use was related, but not limited, to:

- previous administrative recommendations to Council in 2016, to defeat a rezoning application for a drive-through component on a Highway Commercial (CH) zoned site (91888 Alaska Highway);
- requirement for written support from Transport Canada and NavCanada indicating that the proposed site plan meets aviation regulations and mitigates operational and safety concerns; and
- the need for servicing to be extended to this site at the developer’s cost. It was noted that there is a Development Agreement on title requiring the developer to provide all utility servicing to the site.

Administration has determined that servicing plans and confirmation that future development complies with aviation regulations can be provided at the development permit stage.

Previous Council Decisions

In 2016, the City received an application to rezone 91888 Alaska Highway (Kopper King commercial property) to permit eating and drinking establishments with a drive-through component.

This application did not include a specific development proposal, and the intended use was proposed to increase the marketability of the location. The site was zoned CH–Commercial Highway.

Following the public hearing, staff recommended that the application be defeated at second reading because it was not in-line with Official Community Plan (OCP) policies relating to:

- encouraging a range of businesses along the Alaska Highway that complement, rather than compete with, Downtown businesses;
- anti-idling to improve air quality and reduce greenhouse gas emissions; and
- examining and considering the land-uses along the Highway as part of a comprehensive land-use review.

Council decided to proceed with the bylaw process and ultimately approved the application for a drive-through component for eating and drinking establishments (Bylaw 2016-46).

ALTERNATIVES

1. Proceed with the zoning amendment under the bylaw process.
2. Do not proceed with the zoning amendment.

ANALYSIS

Proposed Development and Site Context

The subject site is a 1.23-hectare site, just south of Whitehorse Toyota and adjacent to Erik Nielsen Whitehorse International Airport (Appendix B). The site is currently vacant and the developer is proposing three buildings, including a drive-through component to an eating and drinking establishment. All buildings and uses will need to conform to the zoning regulations for this site.

Eating and drinking establishments are permitted on the site today. The area surrounding this site is underserved in terms of eating and drinking establishments. The nearest to this site is approximately 400m along Alaska Highway. The next closest establishments are Downtown.

Drive-Through Impacts

Drive-through components add a valuable convenience for vehicle traffic to quickly access eating and drinking establishments, drawing a significant amount of vehicle traffic to their location.

In general across Canada, brands, chains, and franchises dominate the Quick Service Retail (QSR) “drive-through” landscape along high-traffic areas (major highways and commuter routes), at locations with retail stores, and as standalone operations catering to both residents and tourists. QSR drive-throughs offer convenience and familiarity and draw two-thirds of total community restaurant traffic.

The convenience of QSR located on the Alaska Highway would be particularly beneficial to travelling tourists, by reducing the requirement to drive to businesses downtown for refreshments.

If permitted, and an eating and drinking establishment with a drive-through component proves successful in this location, it will encourage competing QSR to follow suit and relocate from Downtown to take advantage of larger lots without the same constraints that occur Downtown. This will result in additional competition to businesses that remain Downtown. For this reason, it is important to strategically consider the location of drive-through QSRs. Although they spur positive ripple effects on business tax revenue, they can not only attract a cluster of competitors but also other commercial operators including pharmacies, convenience stores, gas bars, arts and crafts shops etc. who seek a share of the large customer base drawn to larger QSRs.

Permitting a drive-through at this location would provide convenience to visitors and residents in passenger-vehicles who are driving along the Alaska Highway. It would also reduce the number of visitors driving into Downtown to patronize businesses.



Figure 1: The subject site is located at 107 Range Road, south of Two-mile Hill, and north of Erik Neilson Whitehorse International Airport.

Official Community Plan

The current OCP (2010) designates the subject lot as Mixed-Use–Industrial/Commercial. This designation encourages a mix of service-commercial and service-industrial activities. These areas are intended to allow for a range of services for both travellers and residents. It states that commercial operations that do not require extensive outdoor storage should be limited to smaller sites.

The OCP provides examples of commercial-service operations as large retail-uses, fast food restaurants, automobile dealerships and service stations. Today, commercial-service uses are primarily located in the north end of Downtown.

This area is designated for businesses that are largely dependent upon automobile access, and permits the use that is proposed as part of this application. This area strategically provides a transition between smaller pedestrian-oriented services Downtown and larger industrial uses to the north.

Section 6.4 of the OCP, *Land Use Adjacent to Highways*, states that mixed-use industrial-commercial nodes along the highway should provide for transportation uses that need to take advantage of the main transportation corridor, and large scale retail uses that require considerable outdoor storage. Moreover, it states that these uses are not meant to compete directly with businesses in Downtown. The intent behind this statement in the OCP has been carried forward from the 1994 OCP, of which resulted in removal of drive-through uses from being permitted within CH zoning.

This strategic direction to create a concentrated cluster of these uses Downtown encouraged the intensification of similar commercial uses in a central area. It allowed businesses to capitalize on existing infrastructure investment and new business growth, and provided nearby residents and workers multiple choices of establishments in close proximity of each other.

Without this approach to land-use designation, businesses in the commercial-service zone Downtown would need to compete with commercial businesses that can secure larger mixed-use commercial-industrial lots along the Highway. This corridor-style approach to land-use planning would have resulted in increased servicing costs for the City to provide infrastructure across a greater distance.

The corridor-style approach would also have resulted in increased competition for a limited supply of land that is also suitable for large-commercial and industrial-uses, and a reduced number of people visiting businesses Downtown. Ultimately it would have negatively impacted the ability of Downtown to become a strong economic hub, and vibrant destination for residents and visitors that it is today.

Despite the carryover of this intent, the current OCP (2010) does not provide clear policy to guide the review for an eating and drinking establishment with a drive-through component in this location. The OCP identifies the need for an Alaska Highway Land Use Corridor Plan to determine the future needs of existing and future commercial uses along the Alaska Highway.

While this work has not been completed to-date, Administration is reviewing the land-use designation for this area as part of the *Whitehorse 2040* OCP process. This comprehensive process will determine if, and where, these types of uses should be located outside of the Downtown.

Zoning Bylaw

The zoning of the subject lot was changed from Open Space to Highway Commercial (CH) in 1997. The 1994 OCP set the intent to ensure that all new auto access commercial development would locate in the north end of the Downtown. Subsequently, Zoning Bylaw 97-42 was amended to remove 'Drive-In Businesses' a permitted use from the Highway Commercial zone. Service Commercial (CS) zones continue to permit this use today.

The intent of the CH zone is to provide high-quality commercial development primarily along arterial roadways, including those that serve as entrance and tourist routes into the city. Permitted uses within the CH zone include eating and drinking establishments (without a drive-through component), gas bars, hotels, retail services, and commercial storage.

Sustainability Plan and Climate Emergency Declaration

In September 2019, the City declared a climate emergency for the purpose of enhancing and accelerating action on our commitment to protect our community, economy, and ecosystems from the impacts of climate change.

The Department of Environment and Climate Change Canada states that climate change is caused by the increase in concentrations of greenhouse gases (GHGs) in the atmosphere. Natural Resource Canada states that vehicles are a significant source of greenhouse gas emissions, and that vehicle idling contributes to increased emissions.

The City's Sustainability Plan includes a target to increase the number of people using active transportation and transit by 48% by 2030. Although the subject site can be accessed by walking, cycling, and transit, these modes are only anticipated to account for a minimal amount of traffic due to the location. Decisions on where land-uses are located impact the transportation choices of the people who access them. Permitting a drive-through component at this location will not aid in achieving the City's Sustainability Plan target.

Whitehorse 2040 – What We've Heard

Whitehorse 2040 is a city-wide process to update the OCP and set the overall direction of the community for the next 20 years. In October 2019, the City released the 'Phase 2 What We Heard' report, summarizing input from more than 850 people. During this engagement and outreach, 81% of community respondents supported seeing stores/restaurants located within walking distance of their home.

Although this area is in need of services and amenities, the subject site is not situated in a walkable location. It is anticipated that a minimal amount of people will be walking to this location from adjacent properties and homes. Through the remainder of the *Whitehorse 2040* process, Administration is exploring policy ideas that reflect community input. This includes ideas to support stores/restaurants without drive-through components in strategic, centralised and walkable locations that are in close proximity to where people live and work.

Conclusion

In conclusion, the intent behind current OCP is to ensure drive-through uses are located in a centralized cluster Downtown to support adjacent businesses and services. However, the policy contained within the OCP (2010) is not decisively clear. Council may deviate from this intent, and therefore this application warrants further discussion at a public hearing.

Administration notes that the use being proposed is permitted within CS-zoned sites today and was intentionally removed as a permitted use from CH-zoned sites to encourage this use in a centralized Downtown location.

The OCP encourages a range of services along the Alaska Highway for both travellers and residents, while providing direction that this area should provide for transportation uses that take advantage of the main transportation route, and large scale retail requiring considerable outdoor storage.

The OCP also states that uses in this area are not meant to directly compete with businesses in the Downtown, which would occur if the proposed application was approved. The OCP calls for further planning to determine the future needs of commercial uses along the Alaska Highway, which is occurring through the *Whitehorse 2040* OCP process.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	February 15, 2021
First Reading:	February 22
Newspaper Ads:	February 26 and March 5
Public Hearing:	March 22
Report to Committee:	April 6
Second and Third Reading:	April 12

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2021-13, a bylaw to amend the zoning at 107 Range Road to permit eating and drinking establishments including a drive-through component, be brought forward for consideration under the bylaw process.

Appendix B: Location Map – 107 Range Road



CITY OF WHITEHORSE
BYLAW 2021-13

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 allow for Eating and Drinking Establishments, including a drive-through component as a principal use on Lot 1304 QUAD 105D/11, Plan 2019-0030 LTO, located at 107 Range Road;

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

1. Section 10.3.7 of Zoning Bylaw 2012-20 is hereby amended by adding a new subsection, 10.3.7 g), as follows:

“10.3.7 Special Modifications

- g) Lot 1304 QUAD 105D/11, Plan 2019-0030 LTO, located at 107 Range Road, is designated CHx with the special modifications being that:
 - 1) Offices are permitted on the first storey as conditional use.
 - 2) Eating and Drinking Establishments, including a drive-through component, are permitted as a principal use.

Notwithstanding the above, the CH zone shall apply in its entirety.”

2. The zoning maps attached to and forming part of Zoning Bylaw 2012-20 are hereby amended by changing:
 - (1) The zoning of Lot 1304 QUAD 105D/11, Plan 2019-0030 LTO, located at 107 Range Road, from CHx(c)–Highway Commercial modified (c) to CHx(g) – Highway Commercial modified (g), as indicated on the sketch attached hereto as Appendix “A” and forming part of this bylaw.

Zoning Amendment Bylaw 2021-13

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

FIRST READING:

PUBLIC NOTICE:

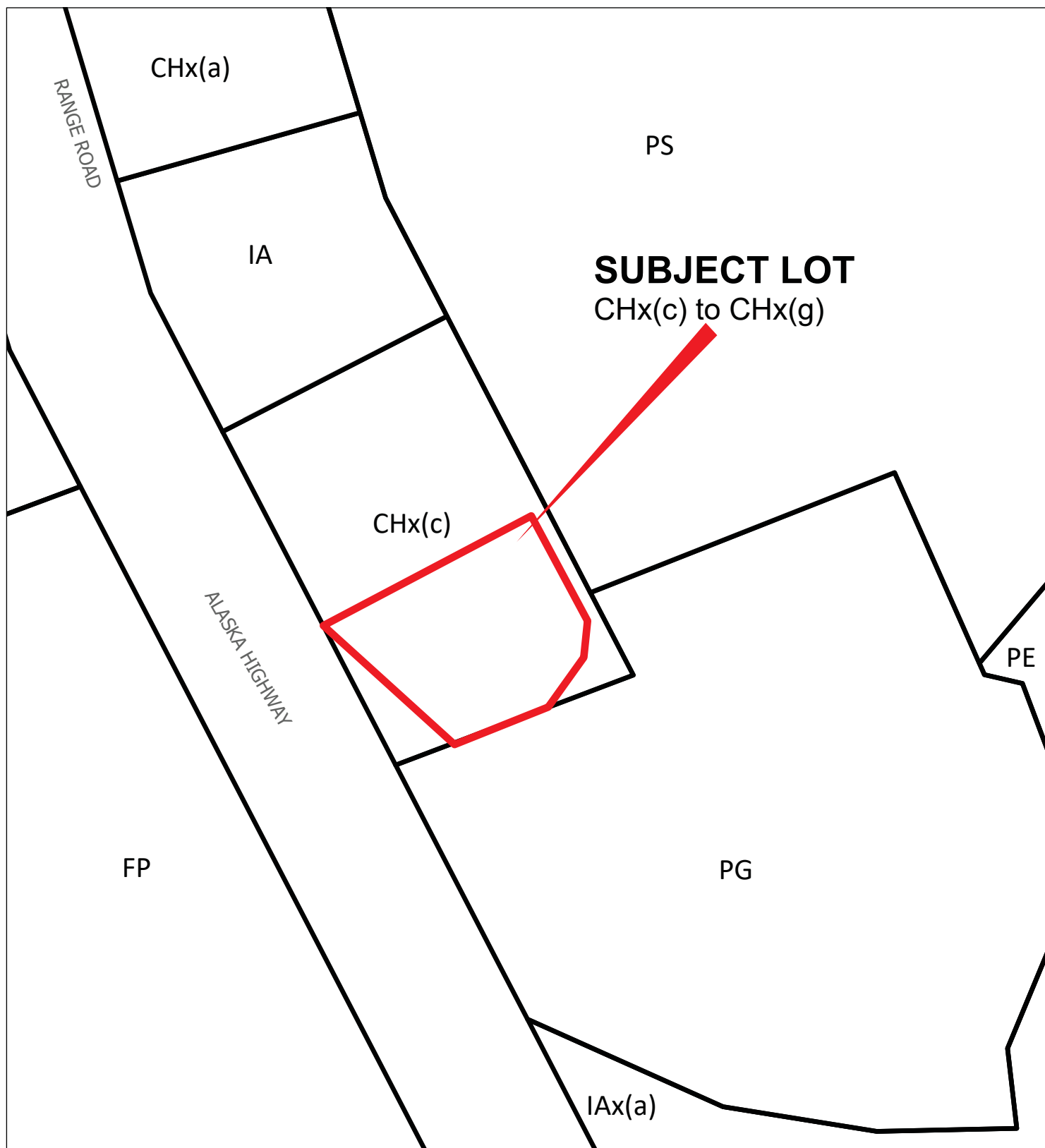
PUBLIC HEARING:

SECOND READING:

THIRD READING and ADOPTION:

Mayor

Assistant City Clerk



BYLAW 2021-13

A bylaw to amend the zoning at 107 Range Road to permit eating and drinking establishments including a drive-through component

LEGEND



Subject Area

CITY OF WHITEHORSE
CITY OPERATIONS COMMITTEE
Council Chambers, City Hall



Chair: Laura Cabott

Vice-Chair: Samson Hartland

February 15, 2021

Meeting #2021-04

-
1. New Business

CITY OF WHITEHORSE
COMMUNITY SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Dan Boyd

Vice-Chair: Jan Stick

February 15, 2021

Meeting #2021-04

1. New Business

CITY OF WHITEHORSE
PUBLIC HEALTH AND SAFETY COMMITTEE
Council Chambers, City Hall



Chair: Jan Stick

Vice-Chair: Dan Boyd

February 15, 2021

Meeting #2021-04

-
1. Downtown Speed Reduction – *For Information Only*
Presented by Transportation Engineer-in-Training Stefan Baer
 2. New Business

ADMINISTRATIVE REPORT

TO: Public Health and Safety Committee
FROM: Administration
DATE: February 15, 2021
RE: Safety Interventions and Downtown Speed Reduction – For Information Only

ISSUE

Safety Interventions and Downtown Speed Reduction

REFERENCE

- Second Avenue Corridor Study (2020)
- Memorandum on Safety Interventions and Downtown Speed Reduction (2020)
 - Both documents are available at the project webpage:
<https://whitehorse.ca/departments/engineering-services/initiatives-plans-studies/safe-speeds-downtown>

HISTORY

Following the completion of the *Second Avenue Corridor Study* in early 2020, Administration was tasked with exploring options for quick implementation and low cost safety interventions that would benefit the entire Downtown area.

With several cities in North America setting lower speed limits, Council was interested in understanding the safety benefits of reduced speed limits in Downtown as a quick and inexpensive way to improve road safety, knowing that other high impact improvements would take significant time to plan and implement. This process led to the development of the *Memorandum on Safety Interventions and Downtown Speed Reduction (2020)*.

In November of 2020, staff from Strategic Communications, Engineering Services, and senior management collaborated on a communications campaign to inform the public regarding the benefits of the proposed changes.

Administration published a campaign website to share information regarding the proposed changes and developed a campaign email to receive comments and feedback from the public. The campaign was branded as “Safe Speeds Downtown” to reinforce messaging about the links between speed limits, operating speeds, and general road safety.

In advance of publishing the campaign materials, Administration conducted a technical briefing with the local media on December 11, 2020 to inform the media and leverage their communications portals to further the reach of the communications campaign. Following the technical briefing, Administration prepared a Public Service Announcement and published social media posts to promote the published campaign website and share the information.

ANALYSIS

Proposed changes to Downtown speed limits

The memorandum provides a literature review and discusses case studies related to setting regulatory speed limits. Both the literature and case studies suggest that significant road safety benefits can be realized with changes in regulatory speed limits, even in the absence of major infrastructure improvements.

The memorandum provides a literature and evidence-based approach to setting regulatory speed limits for Downtown. The proposed recommendations are as follows:

- 40 km/hr on major arterials: 2nd Avenue and 4th Avenue
- 30 km/hr on side streets and elsewhere.

The proposed changes are in alignment with up-to-date speed management and regulation practices that consider setting regulatory speed limits based on adjacent land use context and consideration of the human body's ability to absorb impacts in the event of a collision.

This approach is anticipated to achieve reasonable driver compliance while realizing road safety benefits, especially between vehicles and other vulnerable road users, such as pedestrians and cyclists.

Impacts to travel time

Regulatory speed limit changes in Downtown would be expected to have negligible impact on congestion and travel times during peak hours. Lower vehicle operating speeds can allow for higher traffic density, thus a higher traffic flow. Moreover, regulatory speed limit changes are anticipated to result in lower traffic operating speeds and variability, which can reduce the impact of stopped and turning vehicles on traffic flow on main thoroughfares.

Additionally, regulatory speed limit changes would not be anticipated to impact transit travel times and scheduling. The pending transit optimization plan is being developed using an average speed of 25-30 km/hr to account for stopping and starting of transit vehicles. Moreover, transit vehicles are not able to maintain regulatory speeds for a long time or distance in downtown due to the density of transit stops. As such, impacts to transit and transit travel time is expected to be negligible.

Impacts to road users

Regulatory speed limit changes such as those proposed are anticipated to result in a reduction in high-end speeding, and a reduction in severe injuries and fatalities for all road users as evidenced by the literature and case studies suggested in the memorandum.

Moreover, a reduction in the regulatory speed limit, and thus the resulting reduction in vehicular operating speeds, is anticipated to reduce drivers' stopping distance, increase their field of vision, and reduce the severity and impact of collisions, which results in a reduction in the probability of sustaining a serious life-altering injury or death.

Without the protection of a vehicular structure, active transportation users have a significantly lower threshold for absorbing impact sustained in a collision. Thus, speed limit changes are anticipated to yield disproportional benefits to active transportation users.

In the design of the roadways and regulatory speed limits, special consideration must be given to addressing the characteristics and limitations of other vulnerable road users such as older road users and children.

Research has shown that older road users are more likely to experience decreased visual acuity, increased risk of falls, slower walking and crossing speeds, and decreased ability to judge safe gaps and avoid turning vehicles. With increasing age, there is a concurrent loss of physical strength, joint flexibility, agility, balance, coordination, motor skills, and stamina. This can result in greater injury severity to older pedestrians and longer recovery times from injury.

Children have differing physical and mental capabilities than that of adults and often are exposed to traffic hazards that exceed their cognitive, developmental, behavioral, and sensory abilities. A reduction in regulatory speed limits is anticipated to result in positive impacts to older road users and children by reducing the potential for roadway conflicts between vehicles and these users.

Equity Analysis

Regulatory speed limit changes are not anticipated to result in disproportionately negative impacts to members of equity seeking groups as defined by the Government of Canada (women, Indigenous peoples, visible minorities, and people with disabilities). On the contrary, regulatory speed limits are anticipated to yield net positive impacts to members of equity seeking groups, especially people with disabilities.

People with disabilities (such as people with canes, walkers, and wheelchairs, and people with audible and visual impairments) have an increased exposure risk to sustaining serious injuries in roadway collisions. They may require an increased perception and reaction time to avoid a potential collision, have limitations to adequately monitor and assess the roadway environment through sight and sound, or require additional time to cross a roadway.

Sometimes, the exposure risk for people with disabilities is exacerbated in adverse lighting and weather conditions, or in locations where roadway infrastructure may not be intuitive or specifically accommodate the needs of these users. A reduction in regulatory speed limits is anticipated to mitigate some of the exposure risk experienced by people with disabilities by providing additional time for both drivers and people with disabilities to perceive and react to avoid a potential roadway conflict.

Household income is highly correlated with vehicle ownership. As such, low income persons are less likely to own a vehicle, and are more likely to walk or cycle as a mode of transportation. Though low income persons are not technically defined as an equity seeking group according to the Government of Canada, regulatory speed limit changes are anticipated to result in positive equity outcomes and impacts for low-income persons.

Other impacts

A regulatory speed limit change in the downtown could provide an opportunity to highlight other areas in the city where lower regulatory speed limits have been implemented, notably Whistle Bend and Takhini.

Nevertheless, the City risks lack of a cohesive regulatory speed limit approach by considering Downtown without considering the entire urban road network. Regulatory speed limits across the City have generally been considered piecewise and in isolation, resulting in regulatory speeds that are not necessarily intuitive, predictable, or match the street design.

Road safety, in a general sense, is expected to be examined at a network level in the pending City-Wide Transportation Study, which may include an analysis of regulatory speed limits.

While regulatory speeds limit changes can result in some road safety benefits, eventually these need to be paired with capital improvements to infrastructure to realize full road safety benefits. This ensures that the street design matches the regulatory speed and ultimately reinforces the target speed of the roadway.

Results Communication Campaign

The communications campaign included engagement with the media and the public at large. Over 40 emails were received through the City's campaign email providing comments.

As expected, public response towards the proposed changes was very mixed with many supporting the proposed changes and many opposing. Most comments received related to support for the proposed changes (and support for even more comprehensive road safety improvements), questions regarding enforcement, and questions regarding the effectiveness of the proposed changes.

The majority of responses included additional comments that fell outside of the specific scope of Downtown speed changes. For example, many comments expressed concerns about the lack of safe pedestrian crossings, a desire for more traffic calming solutions, concerns with other aggressive driving behaviour, and desire to extend speed limit changes beyond the Downtown area. This level of out-of-scope responses is unsurprising as there is typically a high level of concern and interest on the topic of road safety in the city.

Next Steps

With the communications campaign concluded, Administration proposes to bring this matter forward for Council consideration and decision in spring of 2021. In preparation, Administration will prepare the necessary decision documents including:

- A Traffic Bylaw amendment; and
- A capital budget request that will be informed by further work by Administration to refine the costs of implementation.

CITY OF WHITEHORSE
DEVELOPMENT SERVICES COMMITTEE
Council Chambers, City Hall



Chair: Jocelyn Curteanu

Vice-Chair: Stephen Roddick

February 15, 2021

Meeting #2021-04

-
1. New Business