



Office Consolidation of ZONING BYLAW 2012-20

Adopted July 23, 2012

***Consolidated to Bylaw 2024-33
on September 13, 2024***

For amendments after this date visit
www.whitehorse.ca/amendments

NOTE:

Persons using this consolidation are hereby informed that it has no legal sanction unless signed and sealed. Amendments have been embodied only for convenience of information, and reference should be made to the original bylaws for legal interpretation and application.

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Section 1 General Administration

1.1 Title

This bylaw may be referred to as the “*City of Whitehorse Zoning Bylaw*” or the “*Zoning Bylaw*”.

1.2 Purpose

This bylaw provides for orderly, economic, beneficial, and environmentally sensitive development in the City, having regard for the following objectives:

- a) implementing the *Official Community Plan*;
- b) providing a comfortable community, with a variety of settings, for residents;
- c) maintaining and enhancing a community character complementary to the surrounding natural environment; and
- d) serving as a centre for a wide range of commercial, recreational, industrial and institutional services to residents and visitors.

1.3 Enabling Legislation

This bylaw has been passed in conformance with the *Municipal Act*.

1.4 Zoning Maps

The City is divided into land use zones and the boundaries of those zones are shown on the *Zoning Maps* attached as *Schedule “A”* and forming part of this bylaw.

1.5 Zone Boundaries

1.5.1 The boundaries on the *Zoning Maps* shall be interpreted as follows:

- a) where a boundary follows a public roadway, lane, railway, pipeline, power line, utility or easement, it follows the centre line, unless otherwise clearly indicated on the *Zoning Maps*;
- b) where a boundary is shown as approximately following the City boundary, it follows the City boundary;
- c) where a boundary is shown as approximately following the edge or shoreline of a river or other water body, it follows the Ordinary High Water Mark (OHWM);
- d) where a boundary is shown as approximately following a property line, it follows the property line;
- e) where a boundary is shown as approximately following a geographic feature such as a top-of-bank contour line, it follows that line;
- f) where a boundary is shown as being generally parallel to or as an extension of any of the features listed above, it shall be so;
- g) where a boundary follows the Alaska Highway, it shall include all existing uses encroaching onto the Alaska Highway; and
- h) in circumstances not covered above, the boundary shall be determined by measuring the *Zoning Maps*.

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- 1.5.2 When any public roadway is closed, the roadway lands have the same zoning as the abutting land. When different zones govern abutting lands, the centre of roadway is the zone boundary unless the zone boundary is shown clearly following the edge of the roadway.

1.6 Uses and Regulations

- 1.6.1 Except as otherwise allowed by this bylaw, use and development in each zone shall be in accordance with the uses listed for the zone and all the appropriate requirements of this bylaw.
- 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. (*Bylaw 2021-14 passed April 13, 2021*)
- 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. (*Bylaw 2021-14 passed April 13, 2021*)

1.7 Compliance with Other Legislation

In addition to this bylaw, a person applying for a development permit or change of use is responsible for ascertaining and complying with the requirements of any other applicable municipal, territorial or federal legislation and the issuance of a permit does not relieve the owner from complying with any easement, covenant, lease, scheme, or development agreement which affects the development.

1.8 Non-Conforming Uses

- 1.8.1 Non-conforming uses will be dealt with according to the provisions of the *Act*.
- 1.8.2 Lots created before the approval of this bylaw that are less than the minimum area of dimensions required of the zone they are in shall be considered to be conforming lots for the purposes of this bylaw.

1.9 Applications in Process

An application for a development permit which is received in its complete and final form prior to the effective date of this bylaw shall be decided upon within 90 days of this bylaw coming into effect, and no time extension shall be granted to any development permit issued under this section for which development has not commenced within 12 months.

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1.10 Severability

If one or more provisions of this bylaw are, for any reason, declared to be invalid by the Courts, all remaining provisions remain in full force and effect.

1.11 Prohibitions

No person shall authorize or do any construction that is at variance with the description, specifications or plans that were the basis for the issuance of a permit, unless the variation has been reviewed and authorized in writing by the Development Officer or, where applicable, the Building Inspector.

1.12 Availability

A copy of this bylaw, as amended from time to time, shall be available for inspection by the public. It may be purchased for a fee set by council.

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Definitions

2.1 **Rules of Interpretation**

- 2.1.1 Typical uses listed as examples in the definitions are not intended to be exclusive or restrictive. Intent, impact, and definition of the use, among others, will be considered in determining whether or not a use is permitted.
- 2.1.2 Where a specific use does not conform to the wording of any use definition or generally conforms to the wording of two or more definitions, a Development Officer may use discretion to deem that the use conforms to and is included in that use which is considered to be most appropriate in character and purpose.
- 2.1.3 If a use is not listed as permitted, it will be interpreted as prohibited.

2.2 **General Definitions**

In this bylaw:

A

“ABUT” OR “ABUTTING” means immediately contiguous to, or physically touching, and when used with respect to lots or sites, means two that share a common property line or border.

“ACCESSORY BUILDING or STRUCTURE” means a separate building or structure, normally ancillary, incidental, subordinate, exclusively devoted to and located on the same lot as the main building or structure but does not include a building or structure used as a residence. Examples of accessory structures include garages, gazebos, garden sheds, greenhouses, satellite dishes, storage sheds, television and radio masts, and similar structures which are incidental and subordinate to the principal use of the site.

“ACT” means the *Yukon Municipal Act* as amended from time to time.

“ADJACENT” means land that is contiguous to, and accessible from a site and includes land that would be contiguous if not for a public road, lane, walkway, utility lot, underground pipeline, power line, drainage ditch or similar feature but does not include land separated by a stream, river, or railway.

“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. (*Bylaw 2019-08 passed April 8, 2019*)

“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. (*Bylaw 2019-08 passed April 8, 2019*)

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“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. (*Bylaw 2019-08 passed April 8, 2019*)

“AIRCRAFT SALES/SERVICE” means development used for the sale, charter, or rental of aircraft together with maintenance services, and the sale of parts and accessories.

“AIRPORT” means any area of land or water designated to function as a facility for the arrival, departure, movement, or servicing of aircraft and associated cargo; and includes any associated buildings, installations, open space, equipment and the short-term accommodation of passengers and crew.

“AMENITY AREA OR SPACE” means an area intended for recreational purposes including open spaces, communal play areas, lounges, sundecks and roof decks excluding areas occupied at grade by the buildings, service areas, parking areas or driveways.

“AMENITY AREA OR SPACE, PRIVATE” means amenity area or space that is connected to, and intended for exclusive use by the occupants of, the unit for which it has been provided, including patios, balconies, and sundecks but excluding areas occupied at grade by the buildings, service areas, parking areas or driveways. (*Bylaw 2015-01 passed March 23, 2015*).

“ANIMAL CLINIC” means those premises where pets, animals, and birds are treated and kept for medical or surgical purposes and are directly or indirectly under the care of a veterinarian.

“ANIMAL SHELTER” means the use of land or premises for the temporary care of lost, abandoned, or neglected animals.

“ASPHALT PLANT” means a facility used for the manufacturing of asphalt and the incidental onsite storage of required materials and equipment.

“AUCTIONS/AUCTION GROUNDS” means the use of land or premises for the storage of goods and materials which are to be sold on the premises by public auction and for the sale of said goods and materials by public auction on an occasional basis.

“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. (*Bylaw 2021-14 passed April 13, 2021*)

B

“BASEMENT” means any storey where the ceiling is no more than two metres above grade. (*Bylaw 2013-20 passed July 8, 2013*)

“BED AND BREAKFAST LODGING” means a secondary use to a dwelling unit providing temporary overnight accommodation and breakfast to tourists and visitors.

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“BICYCLE PARKING, CLASS 1” means facilities that provide restricted access and weather protection for long-term bicycle parking, including secure rooms within buildings and bicycle lockers.

“BICYCLE PARKING, CLASS 2” means freestanding racks or stands designed to secure bicycles for short-term bicycle parking. (*Bylaw 2014-17 -- May 26, 2014*)

“BOARD OF VARIANCE” means the board of variance established in accordance with the *Act*.

“BOARDING AND ROOMING HOUSE” means a secondary use to a dwelling unit providing accommodation to non-transient boarders together with the members of the household normally residing in the dwelling unit. It does not include hotels, motels, senior citizen extended care facilities, or bed and breakfast lodgings.

“BOAT LAUNCH” means a ramp leading into the water, constructed or maintained for the purpose of launching powerboats, rafts, canoes, kayaks or other watercraft.

“BUILDABLE AREA” means that portion of the lot remaining after required yard setbacks have been provided.

“BUILDING” means a temporary or permanent structure having a roof supported by columns or walls for the shelter or accommodation of persons, animals, materials, chattels and equipment.

“BUILDING GRADE” means the average of the finished ground adjacent to each face of the building taken at the centre of the wall.

“BUILDING HEIGHT” means the vertical distance measured from the average elevation of the finished grade along the front of the building to the highest point of the roof surface or any parapet thereon if a flat roof; to a deck line of a mansard roof; and to the highest point of a ridge for a gable, hip or gambrel roof. In any zone except CC, solar panels, chimney stacks, elevator housings, flagpoles, guardrails, roof stairway entrances, skylights, steeples, or ventilating equipment shall not be considered for the purpose of determining height. (*Bylaw 2014-17 passed May 26, 2014*)

“BUILDING INSPECTOR” means the official appointed by City Council to administer and enforce the provisions of the *Yukon Building Standards Act*, *City Building and Plumbing Bylaw*, and any other relevant bylaws within the City.

“BUILDING PERMIT” means the document authorising the carrying out of any work issued by a building inspector pursuant to the Building and Plumbing Bylaw and the National Building Code.

“BULK FUEL DEPOT” means the use of land or premises for the storage and distribution of petroleum products and key lock retail sales.

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“BUSINESS SUPPORT SERVICES” means the use of land or premises to provide support services to businesses and by means of (without limitation) the use of minor mechanical equipment for printing, duplicating, binding or photographic processing; secretarial services; the provision of office maintenance or custodial services; the provision of office security; and the sale, rental, repair, or servicing of office equipment, furniture and machines. Typical uses include printing establishments, film processing establishments, janitorial firms and office equipment sales, repair establishments, and sign shops.

“BYLAW SERVICES CONSTABLE” means an employee of the City appointed as an enforcement officer pursuant to the Act.

C

“CAMPGROUND” means the use of land managed as a unit for providing space and facilities for short-term accommodation in tents, tent trailers, travel trailers, recreational vehicles and campers.

“CANOPY” means a projection outward from the face of the building, primarily designed to provide shelter from the weather. (*Bylaw 2021-14 passed April 13, 2021*)

“CARETAKER RESIDENCE” means a building or structure (or part thereof) used to provide on-site accommodation for the owner/employer or for persons employed on the property. Standalone caretaker residences are considered accessory buildings. (*Bylaw 2014-17 passed May 26, 2014*)

“CARPORT” means a roofed accessory structure normally attached to the principal building that is not enclosed on the front and one side to shelter parked vehicles. A carport is considered part of the principal building to which it is attached when calculating requirements.

“CEMETERIES” means those areas of land that are set aside for the burial of human bodies or ashes, excluding crematoria, mausoleums and mortuaries.

“CHILD CARE CENTRE” means an establishment licensed under the *Child Care Act*, intended to provide care, educational services, and supervision for children for a period of less than 24 consecutive hours.

“CITY” means the City of Whitehorse.

“CITY ENGINEER” means the Manager of Engineering Services for the City.

“COMMERCIAL ACCOMMODATION UNIT” means a room or suite of rooms in a hotel or bed and breakfast lodging normally rented out on a short-term basis for the accommodation of the public and that contains at least one bed.

“COMMERCIAL SCHOOL” means the use of premises for training and instruction in a specific trade, skill, or service for the financial gain of the individual or company owning the school. Typical uses include secretarial, business, hairdressing, beauty culture, dancing, or music schools.

“COMMERCIAL STORAGE” means a self-contained building or group of buildings containing lockers available for rent for the storage of personal goods; or a facility used exclusively to store bulk goods of a non-hazardous nature.

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“COMMERCIAL ZONES” are any zones listed in section 10 of this bylaw.

“COMMUNITY/CONFERENCE CENTRE” means the use of a building or a number of associated buildings for larger scale events, such as conferences, meetings, and seminars.

“COMMUNITY GARDENS AND GREENHOUSES” means the use of a building or land by a registered organization such as a community association, condominium corporation, or non-profit group for cultivating or growing plants.

“COMMUNITY RECREATION SERVICES” means the use of land or premises for recreation, social or multi-purpose use primarily intended for local community purposes. Typical uses include community halls, non-profit social clubs and community centres operated by a local residents association.

“CONCEALED PARKING” means off-street parking screened from view from the surrounding streets and buildings.

“CONCRETE PLANTS” means a facility used for the manufacturing of concrete and the incidental onsite storage of required materials and equipment.

“CONTAMINATED MATERIAL” means soil, water, sediment, snow or other similar media considered contaminated pursuant to any federal, territorial, or municipal enactment.

“COOP” means a structure intended for the keeping of hens.

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

“CREMATORIA” means the use of premises for the preparation for burial or cremation, and the cremation of human or animal remains but excluding any other funeral services.

“CSA” means *Canada Standards Association*.

“CULTURAL CENTRE” means the use of a building or a number of associated buildings to promote and display culture and arts.

“CUSTOM INDOOR MANUFACTURING” means the use of land and premises for small- scale on-site fully enclosed production of goods where the manufacturing process involves primarily the use of hand-used tools and employs 5 or less persons. Typical uses include small-scale jewellery, toy and musical instrument manufacturing, gunsmiths and pottery and sculpture studios.

D

“DAY-USE AREA” means the use of land for outdoor recreation oriented day-use activities.

“DAY-USE CABIN” means any building or structure providing temporary shelter from the elements or serving as an outdoor education facility.

“DECK” means a structure more than 0.6m above grade without a roof or walls except for visual partitions and railings for use as an outdoor amenity area.

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“DETENTION AND CORRECTION SERVICES” means the use of land and premises for the purpose of holding or confining, and treating or rehabilitating persons. Typical uses include prisons and remand centres.

“DEVELOPMENT” means the carrying out of any activity involving a material change to any use on, over or under the land or buildings on the land that results, or is likely to result, in a change of use or intensity of use.

“DEVELOPMENT APPROVING AUTHORITY” means a Development Officer, Board of Variance, or Council as the context requires.

“DEVELOPMENT ASSESSMENT” means a process of evaluating potential beneficial and adverse environmental effects of a use or development.

“DEVELOPMENT OFFICER” means a City official appointed by Council to interpret, administer, and enforce the provisions of the *City Zoning Bylaw*.

“DIRECTOR OF DEVELOPMENT SERVICES” means a director for the corporation of the City of Whitehorse.

“DOCK” means any structure, either temporary or permanent, for the mooring of floatplanes, boats or other watercraft.

“DOWNTOWN” means the area bounded north-south by the “Chilkoot Centre” to Drury Street and east-west by the Yukon River to the escarpment.

“DRIVE IN BUSINESS” means the use of land and premises for providing on-site service to customers while in their motor vehicles.

“DRIVEWAY” means a vehicular access to at least one off-street parking space on a lot. (*Bylaw 2018-18 passed May 7, 2018*)

“DUPLEX GARAGE” means a garage owned by two adjacent property owners that straddles a common lot line.

“DWELLING UNIT” means one or more rooms intended to be used as a residence by one household, each dwelling having independent living, sleeping, and toilet facilities, and not more than one kitchen.

E

“EATING AND DRINKING ESTABLISHMENT” means the use of land and premises for the preparing and offering of foods and beverages for sale to the public for consumption within the premises or taken or delivered off-site, including bars, neighbourhood pubs, licensed restaurants, cafes, delicatessens, tearooms, lunchrooms, refreshment stands, and take-out restaurants, but excluding a drive-through component. For the purpose of this bylaw, eating and drinking establishments licensed under the *Yukon Liquor Act* will be considered a separate use from those that are not. The process of an existing eating and drinking establishment becoming licensed under the *Yukon Liquor Act* is considered a change of use under this bylaw. (*Bylaw 2016-07 – March 29, 2016*)

“EMERGENCY AND PROTECTIVE SERVICES” means a public facility used by fire, police, ambulance, and others as a base of operations.

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“ENCLOSED PARKING” means an area provided for off-street parking screened from view from the surrounding streets and buildings, either within a structure or behind a screen of landscaping, perforated masonry, metal or other material.

“ENVIRONMENTAL PROTECTION AREAS” means areas intended to remain in their natural state. Passive recreation such as trails and interpretative activities are permitted.

“EQUIPMENT SALES/RENTALS, HEAVY” means the use of premises used for sale, repair, or rental of heavy vehicles, machinery or equipment typically used in building, roadway, pipe-line and mining construction. Light equipment sales/rentals are also permitted, excluding motor vehicle rentals.

“EQUIPMENT SALES/RENTALS, LIGHT” means the use of premises for the rental and service of tools, appliances, recreational craft or vehicles, office machines, furniture, light construction equipment, or similar items not exceeding 4500 kg, but excluding rental of motor vehicles or industrial equipment.

“EXHIBITION AND CONVENTION FACILITIES” means a purpose designed building or site intended to provide permanent facilities for meetings, seminars, conventions, product trade fairs, and similar exhibitions.

“EXTENDED MEDICAL TREATMENT SERVICES” means use of premises to provide room, board, and surgical or other medical treatment for the sick, injured or infirm including outpatient services and accessory staff residences. Typical uses include hospitals, nursing homes, mental care asylums, sanatoria and detoxification centres.

F

“FABRICATION SHOP” means the use of premises for the purpose of manufacturing, repairing, or storing large items or equipment. Typical uses include welding shops, machining shops or carpentry shops.

“FAMILY DAY HOME” means the secondary use of a dwelling, licensed under the *Child Care Act* to provide care, educational services, and supervision for children for less than 24 consecutive hours.

“FINANCIAL SERVICES” means use of premises for financial and investment services, including a bank, a trust company, an investment dealer, and a mortgage broker,

“FIRE SMART PROJECT” means a project that helps reduce the threat posed by wildfire. Fire Smart projects may include removing deadfall and forest fuels, thinning trees, species conversion, creating firebreaks and making roadways more accessible for fire-fighting equipment.

“FLEET SERVICE” means a fleet of vehicles for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease, including ambulance services, taxi services, bus lines, and messenger and courier services, but excluding moving or cartage firms involving trucks with a gross vehicle weight of more than 3,000 kg.

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“FLOODPLAIN” means the area adjoining the channel of a river, stream or watercourse that has been or may be covered by floodwater during a regional flood or a one-in-one-hundred year flood.

“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. (*Bylaw 2021-14 passed April 13, 2021*)

“FLOOR AREA, GROUND” means the greatest horizontal area of the first storey of the principal building above grade within the outside surface of the exterior wall. This includes all attached structures having a foundation such as attached garages, decks, and steps.

“FLOOR AREA, NET” means the floor area of the building or structure, or part thereof measured from the glazing line or interior walls whether above, below or at grade excluding attics, boiler rooms, common corridors, electrical vaults, elevators, mechanical rooms, stairwells, and toilets.

“FLOOR AREA RATIO” means the quotient arrived at by dividing the gross floor area of a building by the lot area, excluding basements, below grade parking areas, and areas used exclusively for storage or service to the building. (*Bylaw 2013-20 passed July 8, 2013*).

“FRONTAGE” means the minimum straight-line distance between the intersection of the side lot lines and the front lot line.

“FUNERAL SERVICES” means the use of premises for the preparation of the dead for burial or cremation or the holding of funeral ceremonies.

G

“GARAGE” means an accessory building or structure or a part of the principal building designed and used primarily for the storage of motor vehicles of the occupants of the premises.

“GARDEN CENTRE” means the use of land and premises for retail sale of lawn and garden equipment, furnishings, nursery materials, and supplies.

“GARDEN SUITE” means a secondary dwelling unit located on a lot where the principal use is single detached, duplex, triplex, or townhouse housing. (*Bylaw 2024-16 passed April 22, 2024*)

“GAS BAR” means the use of land for the sale of motor fuel, lubricating oils, automotive fluids and associated convenience store products, including gas bars that are self-service, full-service, or other similar operation and including vehicle-washing facilities as an ancillary use but excluding card lock or key lock gas sales.

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“GENERAL CONTRACTOR SERVICES” means the use of premises for the provision of building and road construction services including landscaping, concrete, electrical, excavation, drilling, heating and plumbing or similar services of a construction nature which require on-site storage and warehouse space. Any sales, display, office or technical support service areas shall be accessory to the principal general contractor services use only.

“GRADE” means, as applicable,

- a) the average elevation of the finished surface of the ground at ground level, excluding an artificial embankment or excavation at the perimeter of a building, measured on any side of a building;
- b) the elevation of the ground surface in its natural state, before man-made alterations; and
- c) on sloping or irregular sites, the angled plane determined by the development approving authority in relation to (a) or (b) above.

“GREENBELT” means an area that is left in a generally natural state that may be used for passive or active recreation, trails, or buffers.

“GREY WATER” means non-industrial wastewater generated from domestic processes such as dish washing, laundry and bathing.

“GROSS VEHICLE WEIGHT RATING” means the maximum weight a motor vehicle is designed to carry, as specified by the manufacturer, including the net weight of the vehicle with accessories, plus the weight of passengers, fuel, and cargo. (*Bylaw 2015-01 passed March 23, 2015*)

H

“HEALTH SERVICES” means provision of physical and mental health services on an outpatient basis. Services may be of a preventative, diagnostic, treatment, therapeutic, rehabilitative, or counselling nature. Typical uses include medical and dental offices, health clinics and counselling services.

“HEAVY EQUIPMENT STORAGE” means the storage of heavy vehicles, machinery or equipment typically used in building, roadway, pipe-line and mining construction.

“HEN” means a female domesticated chick or chicken.

“HOME BASED BUSINESS, MAJOR” means a secondary use of a dwelling unit or an accessory building for one or more businesses which do not generally generate traffic. (*Bylaw 2013-20 passed July 8, 2013*)

“HOME BASED BUSINESS, MINOR” means the secondary use of a dwelling unit for a business which does not generally generate traffic. (*Bylaw 2018-12 passed April 9, 2018*)

“HOSTEL” means premises providing commercial sleeping accommodation with shared bathroom and kitchen facilities for transient visitors for less than 30 days.

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“HOTEL” means premises providing sleeping accommodation for transient visitors by means of commercial accommodation units. A hotel includes public facilities such as restaurant, banquet, beverage, meeting and convention rooms, recreation facilities, and commercial services for the convenience of guests.

“HOUSEHOLD” means one or more persons sharing a single dwelling unit. (*Bylaw 2015-01 passed March 23, 2015*)

“HOUSEHOLD REPAIR SERVICES” means repair to goods, equipment and small appliances normally found within the home, including radio, television and appliance repair, furniture refinishing and upholstery shops, but excluding personal services shops.

“HOUSING” means any residential use consisting of at least one individual dwelling unit.

“HOUSING, APARTMENT” means three or more individual dwelling units in a single building sharing a common entrance, corridor, or lobby. (*Bylaw 2013-20 passed July 8, 2013*)

“HOUSING, COTTAGE CLUSTER” means three or more dwelling units, made up of single detached, duplex, or triplex housing, located on the same lot or parcel. (*Bylaw 2014-17 passed May 26, 2014*)

“HOUSING, COURTYARD” means two or more townhouse buildings located on the same lot.

“HOUSING, DUPLEX” means two dwelling units in a single building side by side or above and below each other. Each duplex unit may contain up to two living suites. (*Bylaw 2024-16 passed April 22, 2024*)

“HOUSING, FOURPLEX” means four dwelling units in a single building, each dwelling unit having a private ground oriented entrance.

“HOUSING, MULTIPLE” means any physical arrangement of three or more dwelling units. Additionally, one or more dwelling units located in a mixed use development may also be considered as multiple housing. Multiple housing may consist of modular type construction. Multiple housing includes apartment, cottage cluster, courtyard, fourplex, townhouse, and triplex housing types, but does not include mobile home parks. (*Bylaw 2018-12 passed April 9, 2018*)

“HOUSING, RECREATION AREAS” means two or more dwelling units secondary to the use of premises as outdoor participant recreation services.

“HOUSING, RESIDENTIAL CARE HOME” means the use of a dwelling to provide services and supports onsite, in a residential setting, for up to eight individuals that require supervision or assistance to sustain the activities of daily living due to physical, mental, social, or behavioural challenges.

“HOUSING, SINGLE DETACHED” means a detached building that may contain one principal dwelling unit and up to two living suites, including modular homes but excluding mobile homes. (*Bylaw 2024-16 passed April 22, 2024*)

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“HOUSING, SUPPORTIVE” means the use of a building with dwelling units to provide services and supports onsite, in a residential setting, for nine or more individuals that require supervision or assistance to sustain the activities of daily living due to physical, mental, social, or behavioural challenges. Typical uses include residential care facilities.

“HOUSING, TOWNHOUSE” means three or more side-by-side dwelling units in a single building, sharing common interior walls and each having a private ground oriented entrance. Each townhouse unit may contain up to two living suites. (*Bylaw 2024-16 passed April 22, 2024*)

“HOUSING, TRIPLEX” means three individual dwelling units in a single building, each having a private ground-oriented entrance. Each triplex unit may contain up to two living suites. (*Bylaw 2024-16 passed April 22, 2024*)

I

“INDOOR PARTICIPANT RECREATION SERVICES” means facilities within an enclosed building for sports, games, active recreation and performing and cultural arts where patrons are predominantly participants and any spectators are incidental and attend on a non-recurring basis. Typical uses include amusement arcades, athletic clubs, health and fitness clubs, swimming pools, rifle and pistol ranges, bowling alleys, and racquet clubs.

“INDUSTRIAL, SALVAGE” means the use of land and premises for collection, demolition, dismantlement, salvage, storage, recycling or sale of waste materials including scrap metal, abandoned vehicles, machinery and other discarded materials. Typical uses are recycling depots, auto wreckers and junkyards.

“INDUSTRIAL ZONES” are any zones described in section 11 of this bylaw.

“INSTITUTIONAL SERVICES” means the use of land and premises for public or non-profit purpose including recreation facilities, community centres, visitor and tourist information centres, and government buildings. Schools, stand-alone offices, and housing shall not be considered institutional uses.

J

“JUDGE” means one who is appointed to preside and to administer the law in a Court of Justice, and includes a Justice of the Peace. (*Bylaw 2015-13 passed May 25, 2015*)

K

“KENNELS” means land and premises used for the business of breeding, buying, selling or boarding of animals including but not limited to cats, dogs, sled dog teams, or other domesticated or fur-bearing animals, excluding livestock.

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L

“LANDSCAPING” means to change, modify or enhance the visual appearance of a site by reshaping the earth, planting lawns, shrubs, trees or preserving the original natural vegetation, adding walks, fencing, patios and other ornamental features for the purpose of beautifying or screening the appearance of a lot.

“LANDSCAPE PLANTING AREA” means an area of land within the front yard of a lot dedicated to landscaping

“LAND USE PERMIT” means the permission of the City to use City-owned land for a specific use for a specific period of time.

“LAND TREATMENT FACILITY” means a facility designed and operated for the purpose of restoring and rehabilitating contaminated soil, sediment, snow or other contaminated matter, but excluding medical waste.

“LAND TREATMENT FACILITY PERMIT” means a permit for a Land Treatment Facility, issued by the Department of Environment, Government of Yukon under the *Yukon Environment Act* and the *Yukon Contaminated Sites Regulations*.

“LANE” means a public thoroughfare up to 9 metres in width that affords only secondary access to a lot.

LIVESTOCK” means an animal that is traditionally used or raised on a farm including asses, cattle, horses, mules, sheep, swine and fur-bearing animals.

“LIVING SUITE” means a separate, self-contained, dwelling unit within a single detached house, or duplex, triplex, or townhouse unit. (*Bylaw 2024-16 passed April 22, 2024*)

“LOADING SPACE” means an on-site parking space directly accessible from a street or lane reserved for temporary parking for the purpose of loading or unloading goods and materials.

“LOT” means a parcel of land, or an area of vacant Commissioner’s land, which is legally defined either by registered plan or description in the registry of the land titles office;

“LOT AREA” means the total horizontal area within the lot lines of a lot. For panhandle lots, the lot area does not include the narrow driveway strip portion of the lot. (*Bylaw 2019-07 passed March 25, 2019*)

“LOT COVERAGE” means that percentage of the total area of the lot that will be covered by buildings or structures.

“LOT DEPTH” means the average horizontal distance between the front and rear lot lines.

“LOT GRADING CERTIFICATE” means a plan representing the existing surface elevations and surface grades of a lot and which complies with the requirements set out in the *City of Whitehorse Development Guidelines*. A Lot Grading Certificate is prepared and duly signed and certified by a registered Surveyor or Professional Engineer. (*Bylaw 2021-24 passed August 9, 2021*)

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“LOT LINE” means the legally defined limit of any lot (also referred to as “property line” in this bylaw). (*Bylaw 2019-07 passed March 25, 2019*)

“LOT LINE, FRONT” means,

- a) in the case of an interior lot, a line separating the lot from the street;
- b) in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street not including a corner cut; or
- c) in the case of a lot extending between two parallel streets, the front lot line shall be determined by prior common practice in the area.

“LOT LINE, REAR” means the lot line opposite to, and most distant from, the front lot line. In the case of an irregular shaped lot, a line three metres in length within the lot, parallel to and at the maximum distance from the front lot line, shall be considered to be the rear lot line for the purpose of determining the rear yard.

“LOT LINE, SIDE” means any lot boundary line not a front or rear lot line.

“LOT WIDTH” means the width of a lot where it abuts the street except in the case of an irregularly shaped lot, where the width shall be the horizontal distance between the side lot lines at the minimum front yard setback. For a lot which narrows towards the rear lot line, the lot width is the average horizontal distance between the side lot lines at the minimum rear yard setback. For panhandle lots, the lot width is the horizontal distance between the side lot lines where the narrow driveway strip meets the wider portion of the lot.

“LOT, CORNER” means a lot situated at the intersection of two or more streets, or a lot that has two adjoining boundaries abutting a street.

“LOT, INTERIOR” means a lot other than a corner lot.

“LOT, PANHANDLE” means a lot consists of a narrow driveway strip to provide access and a wider portion of the lot.

M

“MANUFACTURING” means the use of facilities for the construction, creation, or assembling of semi-finished or finished goods, products or equipment.

“MARINA” means a facility where boats or float-planes can be berthed, stored, fuelled, and serviced.

“MIXED USE DEVELOPMENT” means one or more buildings on a lot containing different permitted uses and amenities associated with such uses. (*Bylaw 2015-13 passed May 25, 2015*)

“MOBILE CATERING FOOD SERVICES” means the delivery and sale of food to the public using a fleet of vehicles.

“MOBILE HOME” means a factory built single or multiple section single family dwelling unit designed to be transportable on its own chassis that conforms to the *CSA Z240 Manufactured Home Series of Standards*.

“MOBILE HOME PARK” means the use of land and facilities for placement of two or more mobile homes.

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“MODULAR HOME” means a factory built single or multiple section single family dwelling unit constructed to the *National Building Code of Canada CAN/CSA-A277* standard that is designed to be transported to the site and fitted together structurally, mechanically and electrically to form a single structure placed on a permanent foundation.

“MOTEL” means a building or group of buildings divided into sleeping units for transient visitors, each with a separate exterior entrance and convenient access to on-site parking. Motels may include on-site restaurant and recreation facilities. (*Bylaw 2013-20 passed July 8, 2013*)

N

“NATURAL RESOURCE EXTRACTION” includes the quarrying, mining, processing, removal and off-site sale of sand, gravel, earth, mineralized rock, water, or other similar natural materials.

“NATURE INTERPRETATION FACILITIES” means passive nature appreciation, wildlife viewing activities, guided walks, and the related structures including viewing decks or platforms, elevated boardwalks, towers, and interpretive signs or panels and may include associated parking.

“NET RENTABLE AREA” means the total private rented area for each individual dwelling. (*Bylaw 2018-12 passed April 9, 2018*)

“NON-ACCESSORY PARKING” means vehicular parking that is not primarily intended for the use of residents, employees, or clients of a particular development. Typical uses include commercial surface parking lots and parking structures located above or below grade.

O

“OFFICES” means the use of premises for professional, management, administrative, consulting, and financial services in an office setting. Typical uses include the offices of lawyers, accountants, real estate and insurance firms, clerical, secretarial, banks, doctors, dentists, and government agencies.

“OFFICIAL COMMUNITY PLAN” means the *Official Community Plan* as has been adopted and amended by Council pursuant to the *Act*.

“OIL SEPARATOR CATCH BASIN” means a structure consisting of one or more chambers that remove and separate oil from surface runoff.

“OPEN SPACE” means land not occupied by buildings, accessible to, and suitable for gardens, landscaping, and recreational use by building tenants or residents.

“OUTDOOR EDUCATION FACILITY” means the use of land and premises for outdoor education opportunities, including lectures, activities, and school field trips.

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“OUTDOOR RECREATION EQUIPMENT RENTALS/SALES” means the use of land and premises for the purpose of renting, selling and servicing goods primarily for use in sightseeing, outdoor adventures or other outdoor recreational activities which may include camping gear, bicycles, canoes, kayaks, zodiacs, mopeds, ATVs, snowmobiles and associated accessories but does not include recreational vehicles, cars, and trucks.

“OUTDOOR PARTICIPANT RECREATION SERVICES” means facilities that are available to the public at large for sports and active recreation conducted outdoors. Typical uses include ski hills, golf courses, ball fields, water sports and riding stables.

“OUTDOOR STORAGE” means the ancillary use of land for storage of equipment, goods, and materials in the open air. (*Bylaw 2019-07 passed March 25, 2019*)

P

“PARCEL” means the aggregate of one or more areas of land described in a certificate of title or described in a certificate of title by reference to a plan registered in the Land Titles Office;

“PARK” means any public outdoor area or lot set aside specifically for passive or active recreation including buffers, environmental protection areas, greenbelts, nature interpretation areas, playgrounds, trails, tot-lots, walkways, and similar uses.

“PARKING GARAGE” means a multi-storey structure where two or more floors are devoted to vehicle parking.

“PARKING LOT” means the use of land and premises for temporary parking of more than one vehicle by customers, employees and the public at large.

“PATIO” means any solid structure meant for support of people or materials out of doors and less than 0.6 m in height.

“PERSON WITH A DISABILITY” means a person who is (whether or not others perceive it) or who others perceive as being, restricted in the performance of one or more of his or her major life functions.

“PERSONAL SERVICE ESTABLISHMENT” means the use of premises for providing personal services related to the care and appearance of the body or the cleaning and repair of personal effects including barbershops, dressmakers, dry cleaning establishments, hairdressers, laundries, manicurists, massage therapists, tailors, and shoe repair shops.

“PERSONAL USE FUEL WOOD CUTTING” means a use that is approved by the proper authority to remove trees for the purpose of heating a building or structure.

“PET CLINIC” means premises where pets, animals, and birds, but not including livestock, are treated and kept for medical or surgical purposes and are directly or indirectly under the care of a veterinarian. Pet clinics also include non-medical uses such as pet grooming and daytime pet boarding. Non-medical clinics are restricted from overnight boarding.

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“PLANNING COMMITTEE” means the City Planning Committee that is established pursuant to the Procedures Bylaw of the City.

“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. (*Bylaw 2019-08 passed April 8, 2019*)

“PORCH” means a roofed, open structure projecting from the exterior wall of a building with walls that are open or screened to facilitate use as an outdoor living area.

“PRIVATE CLUB” means the use of premises for social or recreational activities of members of a non-profit, philanthropic, social service, athletic, business or fraternal organisation. Private clubs may include rooms for eating, drinking and general assembly.

“PROCESSING, HEAVY” means the use of land or facilities for testing, refining, sampling, or preparing raw materials that may produce smoke, smell, toxic fumes, air and water contaminants, fire or explosive hazards, vibration, electrical or electronic interference, or noise that may interfere with the use of any contiguous lot.

“PROCESSING, LIGHT” means the use of land or facilities for testing, refining, sampling, or preparing raw materials that produces no smoke, smell, toxic fumes, air and water contaminants, fire or explosive hazards, vibration, electrical or electronic interference, or noise that may interfere with the use of any contiguous lot.

“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. (*Bylaw 2021-14 passed April 13, 2021*)

“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. (*Bylaw 2021-14 passed April 13, 2021*)

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R

“RECLAMATION” means the process of reconvertng disturbed land to its former or other productive uses.

“RECREATION SPACE, COMMON” means that portion of a lot or building provided for tenant recreational use. Recreation space may be provided singularly or in combination on the site as developed or undeveloped outdoor space in addition to required open space, or as part of the building in the form of balconies, roof recreation areas, recreation rooms, and the like.

“RECREATIONAL VEHICLE” means a transportable structure intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motorized homes, slide-in campers, chassis-mounted campers, and tent trailers but not including mobile homes.

“RECREATIONAL VEHICLE PARK” means development primarily to accommodate recreational vehicles for a temporary period.

“REGISTERED PLAN” means a plan registered in the Yukon Land Titles Office for the Yukon Land Registration District.

“RELIGIOUS ASSEMBLY” means premises where people regularly assemble for religious worship that is maintained and controlled by a religious body organized to sustain public worship.

“REMEDICATION” means the treatment of material to lower the concentration of contaminants to levels below those specified in the Yukon *Environment Act* and Yukon *Contaminated Sites Regulations*, as amended from time to time.

“RENOVATION” means the repair and restoration or alteration of a building or a structure including the levelling and strengthening of foundations but does not include replacement of a building or structure.

“RESIDENTIAL ZONES” are any zones described by section 9 of this bylaw.

“RESTRICTED GOODS” means cannabis and cannabis-containing products. (*Bylaw 2018-10 passed February 26, 2018*)

“RETAIL SERVICES, CONVENIENCE” means the use of premises for the retail sale of those goods required by area residents or employees on a day to day basis, from business premises which do not exceed 275m² in gross floor area. Typical uses include drug stores, small food stores, video rental outlets, and variety stores selling beverages, confectionery, groceries, hardware, personal care items, pharmaceuticals, printed matter, and tobacco, but excluding the retail sale of restricted goods. (*Bylaw 2018-10 passed February 26, 2018*)

“RETAIL SERVICES, GENERAL” means the use of premises for the retail sale of goods, merchandise, other materials, and personal services offered to the general public, including limited on-site storage to support the operations of those premises. Typical uses include department and grocery stores, stores selling appliances, clothing, hardware, pharmaceuticals, and sporting goods, but excluding the retail sale of restricted goods. (*Bylaw 2018-10 passed February 26, 2018*)

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"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. (*Bylaw 2019-08 passed April 8, 2019*)

"RETAINING WALL" means a structure constructed to hold-back, stabilize or support an earthen bank as a result of differences in lot grades.

S

"SATELLITE DISH/RECEIVER" means an accessory structure either freestanding or attached, designed in the shape of a dish or cone to send and receive telecommunication signals from a satellite.

"SAND AND GRIT SEPARATOR" means a structure consisting of one or more chambers that removes sediment and screen debris from surface runoff.

"SCIENTIFIC AND CULTURAL EXHIBITS" means collection, preservation, interpretation, and display of scientific, literary, artistic, cultural, heritage, or natural objects. Typical uses include libraries, museums, botanical gardens, visitor reception centres and art galleries. (*Bylaw 2013-20 passed July 8, 2013*)

"SECONDARY USES" means uses that must be in conjunction with and subordinate to a principal use. Secondary uses require development approval as a separate use unless otherwise exempted from a development permit by this bylaw. (*Bylaw 2015-01 passed March 23, 2015*)

"SHOPPING CENTRE" means one or more buildings containing a number of retail stores and other businesses planned, developed, and managed as a unit sharing common services, parking and other facilities on one or more lots.

"SIGHT TRIANGLE" means that triangle formed by a straight line drawn between two points 26.0m back of the mid-point of the intersection of two road rights-of-way.

Signs

"SIGN" means,

- a) any visual medium, including its structure and other component parts;
- b) any banner, illuminated or non-illuminated, which is visible from any public street; or
- c) any lettering, words, picture, logos, or symbols which identify, describe, illustrate, or advertise a product, place, activity, business, service, or institution.

Without limiting the foregoing, sign includes designs, devices, displays, elements of external design of a building, or a structure, banners, placards, and painted messages, but not flags, interior window displays of merchandise, or signs painted on or attached to a motor vehicle. Sign does not include murals or other works of art that do not include a commercial message provided they are not erected above the roofline.

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“SIGN, ABANDONED” means any sign that no longer correctly identifies a business or the products and services offered on the premises where the sign is located, or any sign that is not in a readable state.

“SIGN, ADVERTISING” means a canopy, fascia, freestanding or projecting on-premise sign advertising the nature of the use or business, service or product available on-site.

“SIGN ANIMATED or FLASHING” means a sign that produces steady movement mechanically or electrically or a sign that creates the effect of intermittent movement by flashing on and off, blinking or varying light intensity.

“SIGN, AWNING” means a non-illuminated sign painted or stencilled on the fabric surface of a shelter supported entirely from an exterior building wall and designed to be collapsible, retractable or capable of being folded against the wall of the supporting building.

“SIGN, BILLBOARD” means a general advertising sign that advertises goods, products, facilities or services, and directs viewers to a different location from where the sign has been installed. (*Bylaw 2015-13 passed May 25, 2015*)

“SIGN, BUSINESS IDENTIFICATION” means an advertising sign identifying the name, dealer, franchise association, primary function, product or service of the commercial activity conducted on the premises, and may include changeable copy.

“SIGN, CANOPY OR MARQUEE” means a sign attached to, intentionally constructed as part of, suspended from, or installed upon the face of a building canopy.

“SIGN, CHANGEABLE COPY” means any sign on which message copy can be changed through use of attached letters and numerals. (*Bylaw 2015-13 passed May 25, 2015*)

“SIGN, COMMUNITY ACTIVITY” means a temporary, freestanding or fascia sign erected to announce or advertise community initiatives, public construction projects, and special events of limited duration.

“SIGN, CONSTRUCTION CONTRACTOR” means a temporary sign erected for the duration of construction by the contractor listing the project name and firms involved in the construction.

“SIGN, COPY AREA” means the entire area of a sign on which copy could be placed, including any frame or embellishment that forms an integral part of the display. In the case of a double-face or multi-face sign only half of the total area of all sign faces will be counted in sign area calculation. The area of individual letter signs shall be calculated on the basis of the smallest squares or rectangles that will enclose the individual letters or figures of the sign.

“SIGN, DIGITAL” means a variable message sign that utilizes computer-generated messages involving letters, words, graphics, animation, video or dynamic text. These signs include digital displays, using projected images, incandescent lamps, LEDs, LCDs, plasma or related technology, whereby the message can be altered by electric or electronic means. (*Bylaw 2015-13 passed May 25, 2015*)

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“SIGN, DIRECTIONAL” means a freestanding sign erected by the City or other competent jurisdiction to provide direction to public facilities, areas of public interest, or warn of dangers or hazards to health.

“SIGN, DIRECTORY” means a freestanding directional sign containing multiple listings in a common format.

“SIGN, FASCIA” means a wall sign displayed on the surface of a building.

“SIGN, FREE STANDING” means a self-supporting sign permanently fixed to the ground and visibly separated from a building.

“SIGN, HOME BASED BUSINESS” means a fascia or free-standing sign containing only the name, address and occupation of a permitted home occupation.

“SIGN, INTERPRETATIVE” means a sign erected by a public agency as a public service to inform, educate and interpret the natural and cultural heritage of the community.

“SIGN, LOGO” means a readily identifiable symbolic representation or trademark used exclusively by an individual company or individual to simplify product or business recognition, without additional advertising content.

“SIGN, MURAL” means any type of artistic endeavour applied as a paint, film, or other covering to an external wall or other integral part of a building or structure.

“SIGN, PAINTED WALL” means any sign painted upon the outside wall of a building visible from a street.

“SIGN, POLITICAL” means a temporary sign erected during a Federal, Territorial, First Nation or Municipal election to promote voting for a political candidate, political party, or cause.

“SIGN, PORTABLE” means any readily transportable sign that can easily be relocated to another location or temporarily set-up and removed from a site, including a sandwich board not permanently attached to the ground or a building, and any inflatable object or sky sign to which advertising is attached. Portable signs do not include signage attached to a vehicle unless that vehicle is normally parked in a manner to operate as a sign.

“SIGN, PROJECTING” means any self-supporting sign other than a wall sign which is attached to or projects more than 45 cm from the face of structure or building wall with no visible guy-wires, braces or secondary supports.

“SIGN, PUBLIC FACILITY” means a free-standing, fascia or projecting sign located on the property of a public building such as a religious assembly, school, or museum to identify the name and purpose of the facility.

“SIGN, REAL ESTATE” means a temporary, free-standing or fascia sign indicating that the property on which it is located is for sale or rent along with the name of the agent, contact or owner offering the property.

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“SIGN, ROOF” means a sign erected on the roof or parapet of a building, the entire face of which is situated above the roof level of the building to which it is attached, and which is wholly or partially supported by said building.

“SIGN, ROTATING” means any sign or portion thereof, designed to move in any manner, and if revolving, does not exceed 6 revolutions per minute.

“SIGN, SANDWICH BOARD” means a temporary portable sign designed to be placed daily.

“SIGN, STATUTORY” means any sign that is either required to be maintained or posted by the provisions of Federal, Territorial, First Nation, or Municipal statute, regulation or bylaw, or which has been approved by a council resolution. (*Bylaw 2013-20 passed July 8, 2013*)

“SIGN, TEMPORARY” means a portable sign erected for a specified period of time announcing or advertising an event of limited duration.

“SIGN, WINDOW” means any sign either painted on, attached to, or installed inside a window intended to be viewed by persons passing by outside the premises and does not include merchandise located in the window for display purposes.

“SITE” means any lot or parcel of land. A site may include more than one lot.

“SITE COVERAGE” means the percentage of horizontal area of a lot that may be built upon including accessory buildings or structures excluding steps, eaves, cornices and similar projections, courtyards, terraces or patios, driveways, aisles and parking stalls. Cantilevered portions of buildings above the first storey will not be included in site coverage calculations. (*Bylaw 2016-07 – March 29, 2016*)

“SITE DENSITY” means a measure of density of population calculated as the number of dwellings per total lot area. If the result of a density calculation results in a fraction, maximum density will be rounded up to the next whole number. (*Bylaw 2013-20 passed July 8, 2013*)

“SLEEPING UNIT” means one or more rooms intended for temporary sleeping and accommodation. A sleeping unit may contain a toilet and a bathroom, but shall not contain kitchen facilities or any kitchen equipment.

“SOLAR FARM” means an installation or area of land in which photovoltaic solar panels are installed and operated in order to generate electricity for connection to the electrical grid. (*Bylaw 2018-48 passed September 24, 2018*)

“SPECTATOR ENTERTAINMENT ESTABLISHMENTS” mean an enclosed building designed specifically for the presentation of live artistic performances or the showing of motion pictures. Typical uses include auditoria, cinemas, theatres and concert halls.

“SPECTATOR SPORTS ESTABLISHMENTS” mean facilities intended for sports and athletic events that are held primarily for public entertainment, where patrons attend on a recurring basis. Typical uses include stadiums, arenas, and animal and vehicle racing tracks.

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“STABLES” means a building that is divided into separate stalls for individual animals.

“STOREY, FIRST” means the uppermost storey having its floor level not more than 2 m above grade.

“STOREY, HALF” means a storey under a sloping roof, the wall plates of which, on at least two opposite walls, are not more than 0.6m above the finished floor of such a storey.

“STREET” means a public thoroughfare having a minimum surveyed width of 9m, which affords the principal means of access to abutting properties.

“STRUCTURE” means a structure of any kind and any size whether fixed to or supported by or sunk into land or water including towers, flag poles, sheds, docks, signs, tanks, and the like.

“STUDIO” means the use of premises for design, creation, manufacture, exhibition and sales performed by artists and/or skilled trades people. Typical uses may include potters, art painters, sculptors, furniture makers, and other types of artists.

“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. (*Bylaw 2019-08 passed April 8, 2019*)

“SURVEYORS CERTIFICATE” means a site plan certified by a registered Canada Land Surveyor showing the locations of improvements on a lot relative to the lot lines.

T

“TEMPORARY SHELTER SERVICES” means the provision of communal, transient accommodation sponsored or supervised by a public authority or non-profit agency intended to provide basic lodgings for persons requiring immediate shelter and assistance for a short period of time.

“TEMPORARY USE” means a use established for a fixed period of time with the intent to discontinue the activity upon the expiration of the fixed time period. Temporary uses include fairs, special events, investigation of land, and the use of land for storage of materials or equipment or a site office while construction work is in progress.

“TOP OF BANK” means a naturally occurring point, slope edge or setback line determined from topographic maps or by geo-technical study, where significant landform change can be detected.

“TRUCKING TERMINAL” means a facility that allows for the operation of fleet services involving trucks with a gross vehicle weight of more than 3,000 kg.

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U

“UNDESIGNATED” means lands maintained primarily in their existing state pending the completion of an area development scheme for a variety of potential future uses.

“URBAN CONTAINMENT BOUNDARY” means a mapped boundary drawn to contain urban densities, growth and servicing (community, sewer, water, and storm), that outlines the serviced urban areas of the City. The Urban Containment Boundary is shown on Map 5 of the 2010 Official Community Plan.

V

“VARIANCE” means a relaxation of the requirements specified in this bylaw as permitted by the *Act*.

“VEGETATIVE BUFFER” means a landscaped or natural area intended to visibly separate and screen one use from another to improve land use compatibility and environmental quality by reducing noise, lighting glare and other nuisances, or facilitating natural drainage and wildlife movement.

“VEHICLE ORIENTED USE” means a use that predominantly caters to vehicular traffic.

“VEHICLE SALES AND SERVICE” means the premises where motor vehicles may be repaired, equipped, parked or stored for remuneration, sale, or display, including vehicle washing facilities as an ancillary use, but excluding gas bars, recreation vehicles or heavy equipment sales/rentals. (*Bylaw 2013-20 passed July 8, 2013*)

“VISITABLE UNIT” means a dwelling or commercial accommodation unit that is fully accessible from the street with a mobility assistance device, has at least one zero-step entrance with a minimum width of 91 cm, contains no interior doorways less than 81 cm in width, and also (without limitation) contains a bathroom with a sink and toilet that is located on the main level. (*Bylaw 2013-20 passed July 8, 2013*)

W

“WALKWAY” means an appropriately surfaced path designed for use by pedestrian and/or bicycle traffic. (*Bylaw 2021-14 passed April 13, 2021*)

“WAREHOUSE SALES” means the use of premises for wholesale or retail sale of a limited range of bulky goods from within an enclosed building where the size and nature of the principal goods being sold typically require large floor areas for direct display to the purchaser or consumer, including premises where the principal goods being sold are such bulky items as furniture, carpet and major appliances, but excluding premises used for the retail sale of food or a broad range of goods for personal or household use, although stores that sell primarily home building supplies are permitted.

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Y

“YARD, FRONT” means the area extending across the full width of the lot between side lot lines extending from the front property line to the nearest permitted building or structure.

“YARD, REAR” means the portion of a lot which extends across the full width of the lot between the rear property line and the nearest permitted principal building or structure.

YARD, SETBACK” means the distance between a property line that is not a cut corner and the nearest point which can be occupied by the principal building or structure. (*Bylaw 2018-18 passed May 7, 2018*)

“YARD, SIDE” means the portion of a lot which extends from a front yard to the rear yard between the side lot line and the nearest permitted principal building or structure.

“YARD, SIDE, EXTERIOR” means a side yard immediately adjoining a public street.

“YARD, SIDE, INTERIOR” means a side yard immediately adjoining a private property or a lane.

“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. (*Bylaw 2019-08 passed April 8, 2019*)

Z

“ZERO LOT LINE” means a lot where the development may be built up to the legally defined limit of the lot.

“ZONE” means an area of the City as defined in sections 9 to 13 of this bylaw and outlined on the *Zoning Maps* in *Schedule “A”*.

“ZONING MAP” means a map that delineates the boundaries of the zones set out in this bylaw.

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Section 3 Duties and Responsibilities

3.1 **Board of Variance**

3.1.1 The Board of Variance is hereby established by council pursuant to sections 290(5) and 306 of the Act.

3.2 **Development Officer**

3.2.1 The position of Development Officer is established to administer the requirements of this bylaw. The following positions are appointed as development officers:

- a) City Manager
- b) Development Officer
- c) Director of Development Services (*Title changed throughout this bylaw by Bylaw 2013-20 passed July 8, 2013*)
- d) Land Development Supervisor
- e) Manager of Land and Building Services (*Bylaw 2018-12 passed April 9, 2018*)
- f) Manager of Planning and Sustainability Services (*Bylaw 2018-12 passed April 9, 2018*)
- g) Senior Building Inspector/Supervisor
- h) Senior Planner/Supervisor
- i) Subdivision and Lands Coordinator

3.2.2 A Development Officer: (*Amended by Bylaw 2018-12 passed April 9, 2018*)

- a) shall receive and decide upon completed applications for development permits, temporary use permits, and *Certificates of Zoning Compliance*;
- b) shall receive, review, refer and make recommendations on any application to amend the text of this bylaw or the *Zoning Map* to the Planning Committee and Council;
- c) may refer development permit applications to any City, Federal, or Territorial department or any other agency or body deemed appropriate review and comment. Any comments received are not binding on Development Officers;
- d) may refer development permit applications for conditional uses to the Planning Committee for decision as to whether or not the proposal conforms to the requirements for a conditional use;
- e) shall keep and maintain, for inspection by the public during normal office hours, a copy of this bylaw, as amended; a register of all development permit applications and the decisions; and shall ensure that copies of this bylaw and amendments are available to the public at a reasonable cost;
- f) shall perform other such duties as described or implied elsewhere in the bylaw.

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3.3 ***Director of Development Services***

3.3.1 A Director of Development Services shall have authority to:

- a) approve, approve with conditions, or refuse a development permit agreement; and
- b) refer a development permit agreement to council for consideration.

3.4 ***Planning Committee***

3.4.1 The Planning Committee shall consider and provide direction to administration and make recommendations to council on applications to amend the text of this bylaw including the *Zoning Maps* and such other matters as are referred to it.

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Section 4 Development Permits

4.1 *Development Permit Required*

4.1.1 Except as provided in section 4.2 and in section 5 of this bylaw, no person shall:

- a) undertake any development on land or in any building or structure or use;
- b) occupy any land, building, or structure; or
- c) continue to use or occupy any land, building, or structure;

unless a development permit has been issued therefore pursuant to this bylaw.

4.1.2 No person shall develop, use, or occupy any land, building or structure in contravention of a development permit issued pursuant to this bylaw.

4.2 *Development Permit Exemptions*

4.2.1 No development permit is required for the following developments provided that such developments comply with all provisions of this bylaw and other applicable legislation:

- a) alterations to any building or structure provided that such work does not change the use or intensity of use of the building or structure;
- b) residential construction for which there is no change in use or intensity of use.
- c) additions to existing single detached and duplex housing;
- d) construction of accessory buildings and structures in residential zones;
- e) commercial uses in non-residential zones for which there is no change in use or intensity of use;
- 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; (*Bylaw 2021-14 passed April 13, 2021*)
- g) use of premises as a temporary polling station, Returning Officer's headquarters, candidate's campaign office and any other official temporary use in connection with a Federal, Territorial, School Council, or City election, referendum or census;
- h) erection, repair and replacement of television and other minor communication related structures such as aerials, towers and satellite receivers/dishes in non-residential districts;
- i) installation, maintenance or repair of public infrastructure. (*Bylaw 2021-14 passed April 13, 2021*)
- j) erection of temporary structures incidental to construction, maintenance or alteration of a building or structure for which a development permit has been issued;
- k) landscaping, where the existing grade and surface drainage pattern is not materially altered and will not create off-site impacts;
- l) demolition of a building or structure under 10 m², except a designated heritage structure;

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- m) construction, maintenance and repair of private walkways, pathways and driveways;
- n) completion of a building which was lawfully under construction at the date on which this bylaw came into full force and effect provided that the building is completed in accordance with the terms of any permit granted by the City; and the building is completed within 12 months of the date on which this bylaw came into full force and effect; and
- o) erection and use of signs that are specified by section 8 of this bylaw as being exempt from development permit requirements.

4.3 Certificate of Zoning Compliance

4.3.1 Where the proposed use is permitted within a zone in which it is proposed to take place and the proposed use complies with this bylaw, a Development Officer may, upon written request, issue a *Certificate of Zoning Compliance* in lieu of a development permit to facilitate acquisition of a business license, building permit, or property title transfer.

4.3.2 Where a development is completed in accordance with a development permit issued pursuant to this bylaw, and the conditions, if any, attached to such a development permit have been fully complied with, a Development Officer may, upon written request, issue a *Certificate of Zoning Compliance* stating that the completed development conforms to the requirements of this bylaw.

4.3.3 Every application for a *Certificate of Zoning Compliance* permit shall:

- a) be made in writing using the approved form provided by the Development Officer;
- b) be signed by the owner or authorized agent and filed with a Development Officer;
- c) state the current use, the proposed use and occupancy of all parts of the lot and buildings; and
- d) include the legal description of the lot and the civic address.

4.4 Development Permit Application

4.4.1 Every application for a development permit shall:

- a) be made in writing using the approved form provided by the Development Officer;
- b) be signed by the owner or authorized agent and filed with a Development Officer;
- c) include the legal description of the lot and the civic address;
- d) state the current use, the proposed use and occupancy of all parts of the lot and buildings;
- e) describe the size of the proposed development with respect to gross floor area, lot coverage, building or structure height, amount and location of parking and loading areas;

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- f) be accompanied by a set of plans in duplicate, at an appropriate metric scale, containing
- (1) a north arrow and the scale of each drawing;
 - (2) the legal property description and municipal address;
 - (3) lot dimensions and other reference features such as the location of easements, existing buildings, and fences relative to property lines;
 - (4) the location of public sidewalks, hydro poles, light standards, boulevard trees, fire hydrants and other related features;
 - (5) the location of all existing and proposed improvements on the lot including site access and egress, front, side and rear yard dimensions, location and dimensions of buildings, parking, loading and garbage collection areas;
 - (6) the location of all existing and proposed landscaping features including trees, shrubs, and groundcover throughout the site, and any natural features to be retained;
 - (7) drainage details including existing and proposed elevations at lot corners, building perimeter, grade breaks, and edge of surface treatments, direction and percentage of grades, main floor/top of slab elevation(s), location of downspouts and direction of discharge, and the location of all proposed structures to manage drainage including swales, ditches, retaining walls, rock sumps, connection to existing storm mains, and/or storm sewer interceptors for areas with high contamination potential;
 - (8) the location, size, and material of all existing and proposed services on the property;
 - (9) floor plans and elevation drawings of all proposed buildings, and structures including any additions;
 - (10) the location, size, and placement of signs and future signs in all commercial, institutional and industrial zones;
 - (11) proposed impacts or improvements to the boulevard including remediation, revegetation, landscaping, construction of drainage infrastructure, paving, or other treatment; and
 - (12) any other information required by the Development Officer.

(Section 4.4.1 f) amended by Bylaw 2021-24 passed August 9, 2021)

4.4.2

A Development Officer may refuse to accept an application for a development permit where, in the opinion of the Development Officer, an applicant has not provided sufficient details of the proposed development. The application so refused shall be deemed not to have been complete in its final form until all the required details have been submitted to a Development Officer.

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- 4.4.3 A Development Officer may consider an application for a development permit and make a decision thereon without all the information required by section 4.4.1 if a decision can be properly made without such information. All applications for conditional use development permits to be reviewed by the Planning Committee shall be accompanied by complete information.
- 4.4.4 A Development Officer may refuse to accept an application for a development permit for a proposed development that would otherwise comply with the requirements of this bylaw if:
- a) there is no access to a lot from a legally surveyed road; or
 - b) the utility services necessary for the proper operation of the proposed development are not available.
- 4.4.5 A Development Officer may review all applications for compliance with the Riverfront Design Guidelines (February 2000) for those sites encompassed within the areas zoned CMW, CCC and PW.
- Should an applicant wish to apply for a variance to the Riverfront Design Guidelines, a request in writing shall be submitted to the Development Officer listing what variance is sought and setting out the reasons why the variance should be granted. The variance would then be brought forward for the consideration of council, and a decision will be rendered by council resolution.
- 4.4.6 Incomplete development permit applications shall expire six months after the date they are received. (*Bylaw 2018-12 passed April 9, 2018*)

4.5 Additional Information

- 4.5.1 In addition to the requirements set out in section 4.4.1, a Development Officer may require the following to be submitted as part of the application for a development permit:
- a) a geo-technical evaluation of the site to confirm slope stability, appropriate top-of-bank setbacks, and site suitability for on-site septic sewage disposal;
 - b) a development impact assessment where the magnitude or type of use may have off-site implications of short or long term duration by virtue of the nature of the development proposed. Typical impact considerations would include the physical, social, and economic consequences, impacts on municipal services and infrastructure, adjacent land uses, noise, emissions, and future site rehabilitation;
 - c) an environmental site assessment report detailing the existing contamination level present in soil, groundwater, and surface water;
 - d) a digital drawing of the proposed development in a format compatible with City software;
 - e) as-built or record drawings for any existing infrastructure, servicing, or other site elements; (*Bylaw 2021-24 passed August 9, 2021*)
 - f) proof of approval of the proposed on-site sewage disposal system by the authority having jurisdiction on lots not serviced by a municipal sewage system;

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- g) evidence of compliance with or application to obtain approval under any applicable Federal, Territorial, and Municipal laws, bylaws, and other enactments; (*Bylaw 2019-08 passed April 8, 2019*)
- h) any other information required by the Development Officer, such as fire-flow calculations, a water model report, or transportation impact assessment; (*Bylaw 2021-24 passed August 9, 2021*)
- i) confirmation of consultation with utility providers, including but not limited to, ATCO Electric Yukon and NorthwesTel Inc., on servicing options for the proposed development (for commercial and multiple residential developments only) (*Bylaw 2016-07 passed March 29, 2016*)
- j) an historic resource impact assessment, to evaluate the impact of a proposed development or site alteration on historic resources and to recommend alternative approaches in order to conserve historic resources. (*Bylaw 2018-12 passed April 9, 2018*)

4.6 Development Permit and Zoning Certificate Fees

- 4.6.1 Every application for a development permit shall be accompanied by a fee prescribed by the *Fees and Charges Bylaw*.
- 4.6.2 For mixed use developments which include uses with different fees, the required fee shall be the sum of the fees calculated separately for each general use for that portion of the development to which they apply.
- 4.6.3 Where the required fee is not listed in the *Fees and Charges Bylaw*, the required fee shall be determined by a Development Officer consistent with those fees listed in that bylaw for similar uses and developments within the same or similar uses.
- 4.6.4 Where in the opinion of a Development Officer, an application has been substantially revised by the applicant prior to reconsideration of the application, the applicant shall withdraw the application and submit a new application. A substantial revision includes, but is not limited to, an increase or decrease of the proposed Gross Floor Area by 10% or more. Refunds for withdrawn applications shall be issued in accordance with the formula prescribed in the *Fees and Charges Bylaw*. (*Section 4.6.4 amended by Bylaw 2021-24 passed August 9, 2021*)

4.7 Principal and Secondary Use Decisions

- 4.7.1 Provided that the applicant for a development permit has complied with this bylaw and other bylaws of the City, a Development Officer shall approve an application for a development permit where the proposed principal or secondary use or development is included on the list of permitted uses in the zone in which the lot is located and the use or development conforms in every respect to the applicable provisions of this bylaw.
- 4.7.2 In no case shall a secondary use be permitted prior to the commencement of a permitted principal use. A secondary use may be permitted concurrently with a principal use, or after a principal use has been established. If a principal use is terminated, all secondary uses shall be terminated. (*Bylaw 2015-01 passed March 23, 2015*)

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- 4.7.3 A Development Officer may add such conditions to a development permit as, in the Development Officer's discretion, are necessary to ensure compliance with this bylaw, the *Official Community Plan*, and the *Act*.
- 4.7.4 A Development Officer may refuse an application for a development permit if the application does not meet the requirements of this bylaw.
- 4.7.5 A decision on an application for a development permit for a principal use or secondary use shall be given to the applicant, within 30 days of the application, or 45 days when additional information is provided under section 4.5.1, in writing on the approved form in the case of an approval, or as a *Notice of Decision* in the case of a refusal which states the reasons for the refusal and describes the applicant's right to appeal, including the process to be followed.

4.8 Notice of Proposed Conditional Use

- 4.8.1 Upon receipt of a complete application for a development permit for a conditional use or development, a Development Officer shall:
- a) cause to be mailed a Notice of Proposed Development to all assessed property owners within 100 m of the proposed development within the urban containment boundary, and within one km outside of the urban containment boundary, at least 14 days prior to the public input session. In the event of a postal delivery disruption, additional methods or alternate notification may be used; (*Bylaw 2018-12 passed April 9, 2018*) and
 - b) publish a *Notice of Proposed Development* at least once in a newspaper circulating in the City.
- 4.8.2 A *Notice of Proposed Development* may include:
- a) the location of the proposed use of the building or site;
 - b) a general description of the proposed use or development;
 - c) a map showing the proposed development in relation to the lot, the street and the abutting properties;
 - d) the date on which the application will be open for public input to City Council; and
 - e) the name and contact phone number of the applicant and Development Officer where further information can be obtained.
- (*Section 4.8.2 amended by Bylaw 2015-01 passed March 23, 2015*)
- 4.8.3 Any person who objects to or has concerns about the proposed conditional use or development may deliver to council a written statement of objections or present those objections in person at the council meeting where the application will be open to public input on the date specified in the *Notice of Proposed Development*.

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4.9 Conditional Use Decisions

- 4.9.1 Council may approve, deny, or approve with conditions applications for development permits for conditional uses and provide advice on conformance with the requirements of this bylaw no sooner than 14 days from the date that the *Notice of Proposed Development* has been mailed to property owners, but no later than 90 days from the date the complete application is received by a Development Officer. (*Bylaw 2015-01 passed March 23, 2015*)
- 4.9.2 Council may add such conditions to a development permit for a conditional use or development as are necessary to ensure compliance with this bylaw, the *Official Community Plan*, and the *Act* and to address concerns raised by the public in respect of the proposed conditional use or development.
- 4.9.3 Council may refuse an application for a development permit that does not meet the requirements of this bylaw.
- 4.9.4 As a condition of a development permit for a conditional use or development, council may require that the applicant enters into a development permit agreement with the City in accordance with section 4.14 of this bylaw. The development permit agreement may be registered as a caveat on title.
- 4.9.5 Council may consider criteria listed in Table 4.9.5(a) to evaluate a conditional use application. The table is not meant as an exhaustive list, and other criteria not listed in the table may be considered. (*Bylaw 2015-01 passed March 23, 2015*)

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Table 4.9.5 a) Conditional Use Considerations	
Issue	Considerations
Design and character	Compatibility of the proposed use with existing uses and the character of the surrounding area Similarity of size and design to neighbouring properties and uses
Parking and traffic	Provision of off-street parking Increase in traffic volume or change in traffic makeup
Capacity of infrastructure	Ability of infrastructure to support the proposed use, including vehicle and active transportation infrastructure, public transit, waste collection, water and sewer, electricity and communications infrastructure, parks, schools, school buses, community facilities
Impact on neighbouring properties	Effect on airborne emissions, odors, smoke Noise and light impacts Other health and safety impacts Sun shadow and wind effects Hours of operation, compared to existing neighbouring uses Impact on existing and potential developments in surrounding area Effect on the amenity of the surrounding area, including views, general atmosphere Social and economic impact on the community Benefits to the surrounding area including providing services and amenities
Mitigating impact	Provision of landscaping, screening, buffer zones or other methods to mitigate potential impacts
Demonstrated need for the use	Demand for the use in a specific area Demonstrated difficulty finding property capable of supporting the proposed use
Plans and policies	Consistency with the intent and policies of Official Community Plan Compatibility with the general intent of the Zoning Bylaw and the purpose statement for the specific zone Compatibility with neighbourhood plans, local area plans, and any other relevant bylaws, policies, regulations and legislation
Public submissions	Input from individual residents, groups such as residents' association, other orders of government

(Table 4.9.5 a) added by Bylaw 2015-01 passed March 23, 2015)

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4.10 Existing Conditional Uses

- 4.10.1 A conditional use is a permitted use of a lot only if such use has been approved by council in accordance with sections 4.8 and 4.9 of this bylaw and if all the conditions imposed by council either have been fulfilled or, if the conditions are ongoing, are fulfilled as required by council.
- 4.10.2 A conditional use approved by council for a limited time is only a permitted use for the duration of such time. A conditional use approved by council without specification of time is a permitted use of a lot in a manner consistent with uses permitted on the lot.
- 4.10.3 A conditional use under this bylaw that, on the date of the enactment of this bylaw, was either
- a) an actual existing permitted unconditional use; or
 - b) an actual existing conditional use that was approved by council without specification of time and any conditions imposed by council either have been fulfilled or, if the conditions are ongoing, are fulfilled as required by the council
- will be considered a permitted use under this bylaw as long as any conditions imposed by council that are ongoing are being fulfilled as required by council.
- 4.10.4 The nature, scope and extent of a permitted conditional use must be as approved by council. Any change or intensification of a permitted conditional use must be approved by council in accordance with sections 4.8 and 4.9 of this bylaw. Conditional uses that become permitted principal uses pursuant to section 4.10.3 of this bylaw are not subject to this section.

4.11 Temporary Use Development Permit

- 4.11.1 A Development Officer may issue a temporary use permit for a temporary development or use provided that such development or use is not contrary to the *Official Community Plan* and:
- a) it conforms to the regulations of this bylaw
 - b) it is seasonal or temporary in nature;
 - c) it is an interim land use with a defined life-span of less than one year, unless otherwise excepted by section 4.11.2; (*Bylaw 2024-33 passed August 12, 2024*)
 - d) impacts associated with the proposed use will be mitigated; and
 - e) the site will be restored suitable to an intended future use.
- 4.11.2 A Development Officer may issue a temporary use permit for an interim natural resource extraction use with a defined lifespan exceeding one year, provided that such development is not contrary to the *Official Community Plan* and:
- a) the resource to be extracted is limited to gravel, sand, and rock (hereafter called granular resource extraction);
 - b) a Master Plan for the area subject to the temporary use permit has been approved by Council, and the application aligns with the approved Master Plan;

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- c) The temporary use permit will be issued for a period not exceeding one year, with the potential to apply for subsequent one-year permits upon satisfactory demonstration that the extraction activities have been performed in accordance with the approved plans from the previous permit; and
- d) Permits issued for subsequent years may provide new or modified conditions of approval as may be required to ensure compliance with this bylaw or any other City plans, policies, or bylaws.

(Bylaw 2024-33 passed August 12, 2024)

4.12 Approved Date of Permit

- 4.12.1 When an application for a development permit has been approved, the development permit shall not come into force and effect unless and until any conditions, save those of a continuing nature, have been fulfilled.

4.13 Expiry of Development Permit

- 4.13.1 Unless otherwise specified in the development permit, every development permit shall terminate if the use or development specified in the development permit has not commenced within 12 months of the date on which the development permit was issued.

4.14 Development Permit Agreements

- 4.14.1 The Development Officer may recommend that a development permit agreement be required as a condition of approval. A development permit agreement may contain, without limitation, contractual arrangements as to any, or all, of the following:
 - a) the use or development of the lands ;
 - b) the use or development of any existing or proposed building or structure and the preservation of buildings, structures and environmental setbacks;
 - c) the timing of the development;
 - d) the siting, design, drainage, height and dimensions, including exterior materials and signage, of any proposed building or structure;
 - e) the required parking space, traffic control, traffic control devices, directional signs and community signs;
 - f) the required maintenance of open space, preservation of sun exposure to abutting properties, lot grading and landscaping, including but not limited to, the planting or preservation of trees or other site features to mitigate development impacts, location of fencing and screening, choice of fencing and screening material and location of garbage receptacles and lights; *(Bylaw 2021-24 passed August 9, 2021)*
 - g) replacement or construction, in whole or in part, of roads, sidewalks, street lighting, storm drainage, water supply distribution and sewage disposal;
 - h) provision of on-site recreational or other amenities to serve the development;
 - i) payment in lieu of otherwise providing for any of the matters mentioned in clauses (a) to (g);

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- 4.14.2 The Development Officer may establish such other conditions as part of a development permit agreement as may be considered reasonable under the circumstances, to mitigate on-site or off-site impacts generated by the proposed development and to ensure compliance with this bylaw, the *Official Community Plan* and the *Act*.
- 4.14.3 Authority to make a decision on whether to proceed with a development permit agreement is delegated to the Director of Development Services. The Director of Development Services may approve, approve with conditions, or refuse the development permit agreement.
- 4.14.4 In the event that the Director of Development Services is unwilling or unable to make a decision on whether to proceed with a development permit agreement, he or she will refer the development permit agreement to council, and council may by resolution approve, approve with conditions, or refuse the development permit agreement.
- 4.14.5 Where there is an objection to a decision made by the Director of Development Services, the owner may appeal to council, and council may approve, approve with conditions, or refuse the development permit agreement.
- 4.14.6 All development permit agreements entered into pursuant to section 4.14 may be registered as a caveat against the title of the subject lands at the Land Titles Office.
- 4.14.7 Notwithstanding section 4.14.1, if the Director of Development Services is of the opinion that a development permit agreement would not be necessary, then an agreement is not required.

4.15 Development Permit Appeals

- 4.15.1 Subject to the provisions of the *Act*, any person may apply to the Board of Variance to relax or vary provisions of this bylaw, as permitted by the *Act*, where there are practical difficulties or unnecessary hardships in the way of carrying out the plan, or by reason of the exceptional narrowness, shortness, shape, topographic features, or any other unusual conditions of the property.
- 4.15.2 Appeals to the Board of Variance shall be determined according to the provisions of the *Act*.

4.16 Resubmission Interval

- 4.16.1 When an application for a development permit or a *Certificate of Zoning Compliance* is refused, another application on the same site for the same use or a use similar to that which was refused shall not be accepted from the same or any other applicant until at least six months after the date of the refusal.
- 4.16.2 Section 4.16.1 shall not apply if the new application is for a principal use that complies with the regulations of this bylaw.

4.17 Allowances

- 4.17.1 A Development Officer may grant an allowance in height, setbacks, or floor area beyond of the requirements of this bylaw. Allowances shall be no greater than 5% in any zone, or 10% in the Downtown.

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4.18 ***Lots Less Than Minimum Lot Size***

- 4.18.1 All lots that are shown on a registered plan prior to the passage of this bylaw and having an area less than the minimum lot size required for the zone in which it is situated, shall be allowed to develop the uses permitted in the particular zone provided that all other requirements of this bylaw are complied with. Rear yard and side yard setback may be reduced by the same percentage that the lot is less than the minimum for the zone.

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4.19 Security (Section 4.19 added by Bylaw 2018-18 passed May 7, 2018)

- 4.19.1 Where the Development Officer has required certain improvements be made to a property, documents prepared or other actions completed as a condition to the issuance of a development permit for the property (the “required improvements”), and has required security in the form of cash or a letter of credit be deposited with the City pursuant to any of the provisions of this bylaw, including without limiting the generality of the foregoing, sections 5.5.2.3, 5.5.3.1, 5.5.5, 5.5.8.1, 6.15.6 ([Bylaw 2024-33 passed August 12, 2024](#)), or 7.2.8:
- a) Upon completion of the required improvements and the filing of a written request for the release of any cash security deposited with the City, such cash security shall be paid to the property owner, notwithstanding that the person named on the development permit or that provided the security is not the property owner.
 - b) Notwithstanding that the development permit was issued to another person, the property owner is *responsible* for completing the required improvements.
- 4.19.2 If cash is offered as the security, it shall be held by the City in a non-interest bearing account.
- 4.19.3 If a letter of credit is offered as the security, it shall be irrevocable and automatically renewable, with an initial term of two years, or another timeframe stipulated by the Development Officer. Any letter of credit shall allow for partial or complete draws by the City if the required improvements are not completed within the time frame stipulated by the Development Officer.
- 4.19.4 Where the required improvements are not completed within the timeframe stipulated by the Development Officer, the security is forfeited and the City can draw on the security for its use absolutely, including, without limitation, to add to the City’s general revenue fund. This section applies to every security that has been collected pursuant to this bylaw on or after May 11, 1998.
- 4.19.5 Where the required improvements are not completed within the timeframe stipulated by the Development Officer, the City may elect to use the security to commission the work. In the event that the security is insufficient for the City to complete the required work, the property owner shall pay such deficiency to the City immediately upon being invoiced.

([Bylaw 2018-18 passed May 7, 2018](#))

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Section 5 General Development Regulations

5.1 Accessory Development

5.1.1 Accessory buildings or structures in residential zones are permitted without a development permit. Accessory buildings or structures in all other zones require a development permit. (*Bylaw 2019-07 passed March 25, 2019*)

5.1.2 Accessory buildings and structures shall:

- a) not exceed 6.0 m in height, except in the RC1 and RC2 zones where they shall not exceed 8.0 m;
- b) not be located in the front or exterior side yard setbacks; (*Bylaw 2021-14 passed April 13, 2021*)
- c) except as provided in section 5.1.2 d), not be located closer than 0.6 m from any interior side or rear lot line on any residentially zoned lot for buildings and structures up to 4.5 m in height and not closer than 1.5 m for buildings and structures exceeding 4.5 m in height, except duplex garages in the RS, and RD zones where (with the agreement of both property owners) the structure may straddle the common interior side lot line;
- d) not be located closer than 3 m from the interior side and rear lot lines in RC1 and RC2 zones up to 6 m in height, and 6 m for buildings and structures over 6 m in height;
- e) not be located less than 1.0 m from the principal building;
- f) comply with all applicable setback and height requirements in a commercial or industrial zone;
- g) have an exterior finish compatible with the principal building;
- h) not be used as dwellings; and
- 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. (*Bylaw 2021-14 passed April 13, 2021*).

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.

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- 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.

(Section 5.2 amended by Bylaw 2021-14 passed April 13, 2021)

5.3 Lighting

- 5.3.1 All outdoor lighting shall be located and arranged so that no direct rays of light are directed at any adjoining properties or interfere with the effectiveness of any traffic control device.
- 5.3.2 A Development Officer may, in keeping with the principles of crime prevention through environmental design, require such additional site lighting as is necessary to encourage pedestrian safety and allow casual surveillance of parking areas and walkways from adjacent buildings and abutting streets.
- 5.3.3 Hot spot surface mounted direct flood security lighting is prohibited along street facades and pedestrian walkways. In addition, all lighting shall be downward capped. The use of LED bulbs and motion sensors is encouraged. *(Bylaw 2013-20 passed July 8, 2013)*

5.4 Services

- 5.4.1 No building, structure, or lot in any zone shall be used, developed, or occupied for any purpose where such purpose requires water or sanitary sewer services or both unless:
- a) the owner or an authorized agent provides a service connection to the building or structure from the municipal water and sanitary sewer systems; or
 - b) the owner or an authorized agent provides a private water supply and sewage disposal system approved in accordance with the authority having jurisdiction.

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5.5 Site Design

5.5.1 Purpose

The intent of these regulations is to promote a reasonable standard of appearance and liveability for new and existing developments, to further a positive image for Whitehorse as the Territorial Capital, to incorporate Winter Cities planning principles where appropriate, to protect and preserve the natural environment, and to encourage environmental stewardship.

5.5.2 General Landscaping Requirements

The following general landscaping requirements apply to all zones unless otherwise specified in section 5.5.3.

Compost, Recycling and Refuse Bins

5.5.2.1 All compost, recycling and refuse bins in a commercial zone, public/institutional zone, industrial zone or multiple-housing zone shall be screened from view from any street, and from adjacent sites in a residential zone by fences, berms, landscape materials or a combination of these to the satisfaction of the Development Officer. The owner or occupant shall ensure that containers are sealed to contain odours and to prevent disturbance by animals. Specific regulations by zone class are included in section 5.5.3.

Crime Prevention through Environmental Design (CPTED)

5.5.2.2 CPTED strategies shall be incorporated into the landscape plan in commercial, industrial, public/institutional and multiple-housing zones, and are to be encouraged in other residential zones. Means may include but are not limited to the provision of adequate outdoor lighting for entrances, building perimeters and walkways, clear directional and safety signage, the use of vandalism-resistant materials, adequate provisions for waste collection, maintaining good sightlines and restricting vehicular access where appropriate.

Drainage

5.5.2.3 The proposed lot grading shall respect the natural contour of the land to the extent possible, minimize the necessity to use retaining walls, and ensure drainage away from buildings and abutting properties. Erosion control measures shall be used during construction to prevent the pollution, degradation, or siltation of natural areas, watercourses and roads.

Drainage control measures, retaining walls and lot grading shall be built in accordance with the current version of the *National Building Code of Canada* and the *City of Whitehorse Development Guidelines*.

If the property is located in a subdivision in which an engineered Subdivision Grading Plan has been approved by the City as part of subdivision approval, the lot must be graded to the design elevations corresponding to such approved plan to the satisfaction of the Development Officer.

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To confirm the elevations and grading of the lot, a Development Officer may require the property owner to produce the as-built main floor elevation(s) and/or a Lot Grading Certificate or Record Drawings in the form and substance acceptable to the Development Officer, prior to issuance of the first occupancy approval for the property, or another time frame stipulated by the Development Officer.

Where a Lot Grading Certificate is required and cannot be provided prior to issuance of the first occupancy approval for a reason accepted by the Development Officer, the property owner shall provide a security in accordance with section 4.19 to ensure the required Lot Grading Certificate is provided within the time frame specified by the Development Officer.

The value of the security shall be equal to \$3,000 plus \$1/m² of lot area.

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

(Section 5.5.2.3 amended by Bylaw 2021-24 passed August 9, 2021)

Fences and Walls

- 5.5.2.4 Fence and wall materials shall be consistent with the character of the zone in which they are to be located. Barbed wired fencing or chain link fencing over 1.2 m shall not be permitted in conjunction with residential uses. Barbed wired fencing shall only be permitted as a fence top in CH, IA, IQ, IS and PS zones where additional security is required, or around a public utility structure in any zone. Erection of temporary fences typically incidental to construction, maintenance or alteration of a building or structure shall only be permitted where a development or building permit has been issued or in the interest of public safety. The height of a fence or wall shall be measured from grade. Where the fence or wall is adjacent a property line, the height shall be measured with reference to the grade of the abutting property. Where a fence is located on top of a retaining wall, berm or similar structure, the height of the fence shall include the height of the supporting structure. On a corner lot not in a residential zone, both yards fronting streets shall respect the height limitation for front yards. Specific regulations by zone class are included in section 5.5.3. *(Bylaw 2018-18 passed May 7, 2018)*

Gateway Landscaping

- 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. *(Bylaw 2021-14 passed April 13, 2021)*
- 5.5.2.6 For development adjacent to the Alaska Highway or a highway access/frontage road, the following development controls shall apply:
- a) buildings should be oriented towards the front property line with parking to the rear or side of the building;
 - b) outdoor storage of equipment, vehicles, and materials should be screened from view by fencing, landscaping, buildings, or other means where feasible; and
 - c) commercial developments shall provide barrier-free connections to adjacent active transportation routes.

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Irrigation

- 5.5.2.7 Adequate means of routine watering of plant materials shall be provided on site. These means may take the form of automatic sprinkler systems, low-emission, drip or trickle irrigation, weeping hoses, gravity feed systems, hose and sprinkler systems, or other means as approved by the Development Officer. Particular attention is to be paid to adequate watering during the establishment phase to optimize survival of newly planted materials.

Landscape Plantings

- 5.5.2.8 New landscape plantings shall consist of perennial herbaceous and/or woody plant species known to be hardy in the Whitehorse area. Where possible, to provide winter interest, evergreen shrubs and trees and/or deciduous shrubs and trees that have interesting bark, fruit, or form shall be used.

A list of recommended woody plant species is provided in Recommended Woody Plant Species for Whitehorse, which is available from Land and Building Services and the Parks and Trails Departments. The minimum size of deciduous trees is 60 mm calliper. The minimum size of coniferous trees is 1.75 m height as measured from ground level. The minimum size of shrubs is #2 pot (2 gallon) or 1.0 m height balled-and-burlapped as measured from ground level.

The ground of the landscape area must be covered with a landscape material, such as, but not limited to, turf-seeded, turf-sodded, weed barrier fabric, mulch, decorative pavers, washed gravel, shale or similar treatments and/or flower beds. A Development Officer may require a combination of different landscape ground cover treatments for the purpose of increasing the diversity and appeal of the landscape area. In no instances shall non-organic material be used as the sole landscape ground cover on a site. In the case where gravel, shale, mulch, or a similar loose material is used for landscaping, suitable containment must be implemented to the satisfaction of the Development Officer, to ensure that the material is maintained on private property and does not migrate on to public streets, sidewalks, etc.

Driveways, walkways, parking spaces and utility services boxes may interrupt a landscape planting area. These interruptions will not reduce the area used in calculating landscaping planting areas. Where the calculation of the total number of trees or shrubs required results in a fractional number, the total number of trees and shrubs required shall be the next highest whole number. Landscape plantings shall not obstruct sightlines within a sight triangle. Specific regulations by zone class are included in section 5.5.3.

(Section 5.5.2.8 amended by Bylaw 2019-07 passed March 25, 2019)

Preservation of Existing Vegetation

- 5.5.2.9 Existing healthy woody plants (trees, shrubs) should be preserved and protected in all zones unless removal is demonstrated to be necessary to efficiently accommodate the proposed development, or if the vegetation poses a safety hazard. Trees and shrubs preserved on the site may, at the discretion of the Development Officer, be credited to the total landscaping requirement. In considering this credit, the Development Officer may consider the location, size, health and appearance of trees and shrubs.

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Screening of Storage Areas

- 5.5.2.10 All storage of goods and materials in a commercial zone, public/institutional zone, industrial zone or multiple-housing zone shall be screened from view from any street, and from adjacent sites in a residential zone by fences, berms, landscape materials or a combination of these to the satisfaction of the Development Officer. Specific regulations by zone class are included in section 5.5.3.

Vegetative Buffers

- 5.5.2.11 Vegetative buffers shall be required in specific commercial zones, public/institutional zones, and industrial zones. Developments may be exempt from providing a vegetative buffer if the setback is required for a fire lane access. Side yard vegetative buffer areas are measured from the rear property line to the landscape planting area. Rear yard vegetative buffers are to be measured from one side yard buffer to the other along the length of the rear property line unless no side yard buffer is required in which case it shall be measured along the entire rear lot line property line. Specific regulations by zone class are included in section 5.5.3.

Walkways and Patios

- 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. (*Bylaw 2021-14 passed April 13, 2021*)

Winter Cities Design Principles

- 5.5.2.13 Winter Cities design principles shall be incorporated into the landscape plan in commercial, public/institutional and multiple-housing zones, and are to be encouraged in other residential zones. Means may include but are not limited to the use of coniferous trees to provide shelter from prevailing winter winds, the use of additional exterior lighting, the use of overhangs and screens to provide shelter and drifting control, adequate sizing of vehicular areas to accommodate accumulated snow, minimizing required outdoor travel distances and consideration of sun angles and southern exposures in the design of outdoor amenity spaces.

Xeriscaping

- 5.5.2.14 Xeriscape or water-conserving landscape principles shall be incorporated into the landscape plan in commercial, industrial, institutional and multiple-housing zones and are to be encouraged in other residential zones. Means may include but are not limited to the selection of xeric adapted plant species, the grouping of plants with similar water requirements, the use of properly timed low-emission, drip or trickle irrigation systems and/or the use of weeping hoses, and the use of organic soil amendments and organic mulches to improve soil moisture retention capacity.
- Scree gardens or rock gardens incorporating fewer plants may be acceptable if the number of plants normally required on the frontage in a particular zone is integrated into the design elsewhere on the site in a location visible from the frontage, such as the forward portion of the side yard.

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5.5.3 **Specific Requirements by Zone Class**

5.5.3.1 **Residential Zones**

Comprehensive Zones

- 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. (*Bylaw 2021-14 passed April 13, 2021*)
- 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. (*Bylaw 2021-14 passed April 13, 2021*)
- c) The development officer may require a security in accordance with section 5.5.5 to ensure completion of landscaping requirements.

Fences and Walls

- d) Fences and walls are not required in any residential zone, but where constructed in the front yard in any residential zone shall not exceed 1.2 m in height, with the exception of RC1 and RC2 zones where fences and walls in the front yard shall not exceed 2.0 m in height. Fences and walls in the side or rear yard of any residential zone shall not exceed 2.0 m in height, with the exception of residential zones which abut a commercial or public/institutional zone, where fences and walls in the side or rear yard shall not exceed 2.5 m in height. This provision may be increased at the discretion of the Development Officer where the residential use is multiple residential greater than 2 storeys. Fences and walls in an exterior side yard shall not exceed 1.8m in height, and the upper 0.3m of a fence or wall shall be no less than 25% transparent. If the upper 0.3m of a fence or wall in an exterior side yard is less than 25% transparent, a fence or wall shall not exceed 1.5m in height. See section 5.5.2.4 for method of determining height of fences and walls. (*Bylaw 2018-18 passed May 7, 2018*)

Landscape Plantings

- e) Landscape plantings are required for new developments in all residential zones. Except as required by 5.5.3.1 a), the required landscape planting area in square metres is calculated based on 3.0 m x total public road frontage of the property in metres. There will be one tree planted per 25 m² landscape planting area or one shrub planted per 15 m² landscape planting area, or any combination thereof to meet the standards. Additional requirements in the RD, RM, RP, RCM, RCM2, and RCM3 zones are a minimum 2.0 m wide landscape planting area. (*Bylaw 2019-07 passed March 25, 2019*)

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Safer Cities Strategies

- f) Safer Cities features are required in RCM, RCM2, RCM3, RCT, RCT2, RM and RP zones, and are to be encouraged in other residential zones.

Screening of Compost, Recycling and Refuse Bins

- g) All compost, recycling, and refuse bins in the zones permitting multiple housing shall be screened from view. Compost, recycling, and refuse bins shall also be screened for multiple housing developments in the RD zone. Screening for compost, recycling, and refuse bins in other residential zones is not required where an individual building houses less than four dwelling units. Storage of compost, recycling, and refuse bins is not permitted within the front or exterior side yard setbacks of any zone. (*Bylaw 2019-07 passed March 25, 2019*)

Storage

- h) Screening of storage areas from view from any street and from adjacent sites is required in all residential zones.
- i) Storage areas for goods or materials normally associated with the enjoyment of residential property is permitted only in the rear and interior side yards of any lot in a residential zone. In the case of a corner lot, such storage is not permitted within the front or exterior side yard setback. (*Bylaw 2015-01 passed March 23, 2015*)
- j) Between the period of October 31st and May 1st, recreational vehicles, utility trailers, and boats shall be stored in the rear or interior side yard or may be stored in a front yard driveway, provided they do not project further than 2.0 m into a front yard. In the case of a corner lot, recreational vehicles, utility trailers, and boats may be stored in an exterior side yard provided that the area is screened from view with either fencing or landscaping. At all other times of the year, recreational vehicles, utility trailers, and boats may be stored in a front yard driveway. At no time shall any part of a stored unit be within 2 m of the interior edge of a sidewalk or curb/edge of road if there is no sidewalk. (*Bylaw 2016-07 passed March 29, 2016*)
- k) Except for vehicles described in 5.5.3.1 j), no person shall park or store on any part of a residentially zoned lot a vehicle with a gross vehicle weight rating of over 7,257 kg. (*Bylaw 2015-01 passed March 23, 2015*)
- l) Notwithstanding subsection 5.5.3.1 k), one vehicle exceeding the gross vehicle weight rating of 7,257 kg may be parked or stored on a lot in Country Residential zones. (*Bylaw 2015-01 passed March 23, 2015*)

Vegetative Buffers

- m) Vegetative buffers are required in RCM, RCM2, RCM3, RCT, RCT2, RM and RP zones where the development is adjacent to other residential zones. The recommended minimum width of vegetative buffers is 3.0 m. Minimum recommended density of existing or planted vegetation in a vegetative buffer is one tree or two shrubs per 20 m² of required buffer area, or any combination thereof to meet the standard.

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Walkways and Patios

- 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. (*Bylaw 2021-14 passed April 13, 2021*)

Winter Cities Design Principles

- o) Winter Cities design features are required in RCM, RCM2, RCM3, RCT, RCT2, RM and RP zones, and are to be encouraged in other residential zones.

Xeriscaping

- p) Xeriscaping or water-conserving landscaping is required in RCM, RCM2, RCM3, RCT, RCT2, RM and RP zones and is to be encouraged in other residential zones.

Summary Table – Residential Zones

Residential Zones								
Specific Landscaping Requirements	RCM, RCM2, RCM3	RCS, RCS2, RCS3	RCT, RCT2	RD	RM	RP	RR	RS, RS2
Drainage	√	√	√	√	√	√	√	√
Fences and Walls	-	-	-	-	-	-	-	-
Irrigation	√	-	√	-	√	√	-	-
Landscape Plantings	√	√	√	√	√	√	√	√
Preservation of Existing Vegetation	√	√	√	√	√	√	√	√
Safer Cities Strategies	√	-	√	-	√	√	-	-
Screening of Compost, Recycling and Refuse Bins	√	-	√	√	√	-	-	-
Screening of Storage Areas	√	√	√	√	√	√	√	√
Vegetative Buffers	√	-	√	-	√	√	-	-
Walkways	√	-	√	√	√	√	-	-
Winter Cities Design Principles	√	-	√	-	√	√	-	-
Xeriscaping	√	-	√	-	√	√	-	-
Key:	Required	√	Not Required	-				

(Summary Table amended by Bylaw 2021-14 passed April 13, 2021)

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5.5.3.2 Commercial Zones

Fences and Walls

- a) Fences and walls are not required in any commercial zone, but where constructed in any commercial zone the following requirements apply. Fences and walls constructed in the front yard in any commercial zone shall not exceed 1.2 m in height, with the exception of CH zones where fences and walls in the front yard shall not exceed 2.0 m in height. Fences and walls in the side or rear yard of any commercial zone shall not exceed 2.0 m in height, with the exception of commercial zones which abut a residential zone, where fences and walls in the side or rear yard shall not exceed 2.5 m in height. See section 5.5.2.4 for method of determining height of fences and walls.

Landscaping Adjacent to Highways

- b) In the CH zone, the landscaping requirements specified in this section must be planted in the front yard. Additional landscaping elsewhere on the site is encouraged.

Landscape Plantings

- c) On-site landscape plantings are required for new developments in all commercial zones. The required landscape planting area in square metres is calculated based on 3.0 m x total public road frontage of the property in metres. Requirements in all commercial zones except CC and CPG are a minimum 2.0 m wide landscape planting area with one tree planted per 25 m² landscape planting area or one shrub planted per 15 m² landscape planting area, or any combination thereof to meet the standard.

Screening of Storage Areas

- d) Screening of storage areas is required in all commercial zones and shall be located to the rear or side of the principal building and shall be screened from view from any street and from adjacent sites in a residential zone.

Vegetative Buffers

- e) Vegetative buffers are required in CIM, CN, CNC, CNC2, CS and CH zones where the development is adjacent to a residential zone. The required minimum width of vegetative buffers in a commercial zone adjacent to a residential zone is 3.0 m. Minimum density of existing or planted vegetation in a vegetative buffer is one tree or two shrubs per 20 m² of required buffer area, or any combination thereof to meet the standard.

Walkways

- 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.
(Bylaw 2021-14 passed April 13, 2021)

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Summary Table – Commercial Zones

Commercial Zones									
Landscaping Requirements	CC	CCC	CH	CIM	CM1, CM2	CMW	CN, CNC, CNC2	CPG	CS
Drainage	√	√	√	√	√	√	√	√	√
Fences and Walls	-	-	-	-	-	*	-	-	-
Irrigation	-	√	√	√	√	√	√	-	√
Landscape Plantings	√	√	√	√	√	*	√	√	√
Preservation of Existing Vegetation	-	-	√	√	√	-	√	-	√
Safer Cities Strategies	√	√	√	√	√	√	√	*	√
Screening of Compost, Recycling and Refuse Bins	√	√	√	√	√	√	√	*	√
Screening of Storage Areas	√	√	√	√	√	√	√	√	√
Vegetative Buffers	-	-	√	-	-	*	√	-	√
Walkways	√	√	√	-	√	*	√	√	√
Winter Cities Design Principles	√	√	√	√	√	√	√	*	√
Xeriscaping	-	√	√	√	√	√	√	-	√

- Key: √ Required
 * See specific zone regulations
 - Not required/not applicable

(Summary Table amended by Bylaw 2021-14 passed April 13, 2021)

5.5.3.3 Industrial Zones

Compost, Recycling and Refuse Bins

- a) Compost, recycling and refuse bins are permitted in any yard in an industrial zone and shall be screened from view.

Fences and Walls

- b) Fences and walls are not required in any industrial zone but where constructed in the front, side or rear yard in any industrial zone shall not exceed 2.5 m in height. See section 5.5.2.4 for method of determining height of fences and walls.

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Landscape Plantings

- c) Landscape plantings are required for new developments in all industrial zones. The required landscape planting area in square metres is calculated based on 3.0 m x total public road frontage of the property in metres. Requirements in all industrial zones are a minimum 2.0 m wide landscape planting area with one tree planted per 50 m² landscape planting area or one shrub planted per 30 m² of landscape planting area, or any combination thereof to meet the standard. Landscaping requirements may be fulfilled through retention of natural vegetation where applicable. Landscaping or natural treatment of the adjacent boulevard may also meet landscaping requirements, subject to approval by the Development Officer and City Engineer. The document *2002 City of Whitehorse Landscaping Guidelines for Industrial Development*, available from Planning and Building Services, provides illustrated examples. Landscaping or natural vegetation should promote a gateway entrance to the lot. (**Bylaw 2016-07 – March 29, 2016**)

Screening of Storage Areas

- d) Storage or display of goods and materials in an industrial zone may be located in any yard provided that the storage area is screened from view from any street and from adjacent sites not in an industrial zone.

Walkways and Patios

- 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. (**Bylaw 2021-14 passed April 13, 2021**)

Summary Table – Industrial Zones

Industrial Zones				
Landscaping Requirements	IS	IH	IQ	IA
Drainage	√	√	√	√
Fences and Walls	-	-	-	-
Irrigation	√	√	√	√
Landscape Plantings	√	√	√	√
Preservation of Existing Vegetation	√	√	√	√
Safer Cities Strategies	√	√	√	√
Screening of Compost, Recycling and Refuse Bins	√	√	√	√
Screening of Storage Areas	√	√	√	√
Walkways	-	-	-	-
Winter Cities Design Principles	√	√	-	√
Xeriscaping	√	√	√	√

Key: Required √ Not required/not applicable -

(Summary Table amended by Bylaw 2021-14 passed April 13, 2021)

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5.5.3.4 **Public/Institutional Zones**

Compost, Recycling and Refuse Bins

- a) All compost, recycling and refuse bins in all public/institutional zones shall be screened from view as per section 5.5.2.1. Compost, recycling and refuse bins are not permitted in the front yard setbacks of any public/institutional zone.

Fences and Walls

- b) Fences and walls are not required in public/institutional zones but when constructed in the front yard shall not exceed 1.2 m in height, with the exception of Public Utility zones where fences and walls in the front yard shall not exceed 2.5 m in height. Fences and walls in the side or rear yard of any public/institutional zone shall not exceed 2.5 m in height. See section 5.5.2.4 for method of determining height of fences and walls.

Landscape Plantings

- c) Landscape plantings are required for new developments in all public/institutional zones. The required landscape planting area in square metres is calculated based on 3.0 m x total public road frontage of the property in metres. Requirements in all public/institutional zones are a minimum 2.0 m wide landscape planting area with one tree planted per 25 m² landscape planting area or one shrub planted per 15 m² landscape planting area, or any combination thereof to meet the standard.

Vegetative Buffers

- d) Vegetative buffers are required in the PU and PS zones when the development is adjacent to a residential or commercial zone. The required minimum width of vegetative buffers in a PU or PS zone is 3.0 m. Minimum density of existing or planted vegetation in a vegetative buffer is one tree or two shrubs per 20 m² of required buffer area, or any combination thereof to meet the standard.

Walkways

- 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. (*Bylaw 2021-14 passed April 13, 2021*)

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Summary Table – Public/Institutional Zones

Public/Institutional Zones			
Landscaping Requirements	PS	PU	PW
Drainage	√	√	√
Fences and Walls	-	-	-
Irrigation	√	√	√
Landscape Plantings	√	√	√
Preservation of Existing Vegetation	√	√	√
Safer Cities Strategies	√	√	√
Screening of Compost, recycling and refuse Bins	√	√	√
Screening of Storage Areas	√	√	√
Vegetative Buffers	√	√	√
Walkways	-	-	-
Winter Cities Design Principles	√	√	√
Xeriscaping	√	√	√

Key: √ Required - Not required/not applicable

(Summary Table amended by Bylaw 2021-14 passed April 13, 2021)

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:

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

(Section 5.5.4 amended by Bylaw 2021-14 passed April 13, 2021)

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5.5.4.1 A landscape plan shall also be included in all development permit applications relating to an existing development in the applicable zones where the existing development shall be, as a consequence of the work that is the subject of the Development Permit, substantially enlarged or increased in capacity. This section shall not apply to developments that consist solely of interior alterations or improvements or change of use that does not alter the building shell, with the exception of significant parking lot improvements.

Landscape Plan Content

5.5.4.2 Where a detailed landscape plan is required pursuant to this bylaw, the plan shall contain as a minimum the following information:

- a) property address and legal description, north arrow, drawing scale, name of property owner/developer and name of design consultant where applicable;
- b) property lines, easements, rights-of-way, roads, lanes, highways, dimensions of the site, total area of the site and total area of landscaping;
- c) approximate location and type of adjacent land uses;
- d) location of existing and proposed overhead and underground utilities, lighting, and irrigation systems and corner sight triangles where applicable;
- e) location of all existing and proposed physical features including turf areas, trees, shrubs, planting beds, walls, fences, signage, site furnishings and hard surfaces;
- f) existing and final grading including direction of site surface drainage;
- g) planting plan with species list indicating the quantity, size, common and botanical names of the plant material to be used;
- h) the material of the surface beneath trees and shrubs in a landscape planting area (i.e. turf-seeded, turf-sodded, weed barrier fabric, mulch, decorative pavers, washed gravel, shale or similar treatments and/or flower beds);
- i) a list of the type and quantity of site furnishings (benches, bicycle racks, etc.) to be used;
- j) the location and manner in which waste containers, fuel tanks, postal kiosks, utility structures, exterior storage and parking areas will be screened including the height and materials to be used for fencing, screens and walls; and
- k) the description of means of maintaining new landscaping during the establishment period (maintenance program).

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5.5.5 Landscaping Security (Section amended by Bylaw 2018-18 – May 7, 2018)

5.5.5.1 The Development Officer may require that, as a condition of issuing a development permit, the property owner provide security in accordance with Section 4.19 to ensure the required landscaping is installed within two years of the issuance of the first occupancy approval for the property, or in the case of a condominium, within two years of the issuance of occupancy approval for any unit, or if applicable, any unit in that phase of the condominium, or another time frame stipulated by the Development Officer.

5.5.5.2 The value of the landscaping security shall be calculated based on the minimum number of trees or shrubs required for the development. The security shall be equal to \$1,250 per tree and \$750 per shrub. For single detached and duplex housing, and townhouse developments where each unit is on a separate fee simple lot, the security shall be a flat rate of \$1,000 per lot. (Bylaw 2021-24 passed August 9, 2021)

5.5.5.3 The landscaping security shall be held by the City until, by confirmation through inspection by the Development Officer, the required landscaping has been installed, provided that the security is not withheld pursuant to another provision of this bylaw (including, without limitation, pursuant to section 5.5.2.3). In the event that the landscaping is not installed to the satisfaction of the Development Officer within two years of the issuance of the first occupancy approval for the property, or in the case of a condominium, within two years of the issuance of occupancy approval for any unit, or if applicable, any unit in that phase of the condominium, or another time frame stipulated by the Development Officer, the landscaping security is forfeited pursuant to section 4.19.

(Bylaw 2018-18 passed May 7, 2018)

5.5.6 Inspections (Section amended by Bylaw 2018-18 passed May 7, 2018)

5.5.6.1 Upon receipt of a written request or at the Development Officer's discretion, the Development Officer may conduct an inspection of the finished landscaping. Inspections shall be made during the normal growing season, between June 01 and September 30. If a request for the inspection is received, the Development Officer will perform the inspection within 20 working days of receipt of such inspection request. The inspections will include the following:

- a) determining whether the variety, size, quantity, location and condition of plant materials and other landscape features and requirements correspond to those shown on the approved landscape plan(s);
- b) determining whether adequate means of watering plant material exists and that there is evidence that this has been done consistently; and
- c) determining whether the correct conditions for plant establishment and continued health are maintained.

5.5.6.2 Following the inspection, the Development Officer may either release the security if installation has been completed in accordance with the approved plans, or notify the applicant in writing of the deficiencies.

(Bylaw 2018-18 passed May 7, 2018)

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5.5.7 ***Installation and Maintenance*** *(Amended by Bylaw 2018-18 – May 7, 2018)*

Preservation of existing vegetation and installation of new landscape materials shall be done in accordance with the City of Whitehorse Landscape Standards. During construction, all efforts should be made to ensure that existing vegetation intended to be preserved as well as new landscape materials are protected from damage.

5.5.7.1 Maintenance operations shall be undertaken in accordance with the City of Whitehorse Landscape Standards and the approved maintenance program.

5.5.7.2 A maintenance program shall be developed in conjunction with the landscape plan for commercial, industrial, public/institutional and multiple-residential zones. The maintenance program must be approved by the Development Officer prior to the development permit being issued.

5.5.8 ***Record Drawing Security***

Installation of all civil works on a development shall be done in accordance with the current version of the *National Building Code of Canada*, the *City of Whitehorse Servicing Standards Manual*, all applicable bylaws, and the *City of Whitehorse Development Guidelines*, to the satisfaction of the City Engineer.

A Development Officer may require that the property owner provide Record Drawings in the form and substance acceptable to the City Engineer within 60 days of the issuance of the first occupancy approval for the development, or another time frame stipulated by the Development Officer.

(Section 5.5.8 amended by Bylaw 2021-24 passed August 9, 2021)

5.5.8.1 As a condition of issuing a development permit, a Development Officer may require that the property owner provide a guaranteed security in accordance with section 4.19 to ensure that the final as-built drawings are provided. *(Bylaw 2018-18 passed May 7, 2018)*

5.5.8.2 The value of the security shall be equal to \$1,000 plus \$1/m² of lot area. *(Bylaw 2021-24 passed August 9, 2021)*

5.5.8.3 In the event that the property owner does not submit the as-built drawings within 60 days of the issuance of the first occupancy approval for the development, the security shall be forfeited pursuant to section 4.19. *(Bylaw 2018-18 passed May 7, 2018)*

5.6 ***Yards***

5.6.1 Where any part of a lot is required by this bylaw to be reserved as a yard, it shall continue to be so reserved regardless of any change in the ownership of the lot.

5.6.2 A part of a lot reserved as a yard shall not be deemed to form part of any adjacent lot for the purpose of computing the area available for building purposes or any other purpose.

5.6.3 Where a lot that is not a corner lot has frontage on more than one street, a Development Officer may require any building, structure or accessory building on such lot to maintain a front yard on each street frontage so as to present a consistent street appearance for each street.

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- 5.6.4 In the case of a corner lot, the front yard is the narrower of the two frontages. The Development Officer may require any corner lot to provide additional front yard other than required, having regard to the orientation, access and front yard of any existing adjacent development.
- Projections into Yards**
- 5.6.5 Chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, or ornamental features may project into a required yard, provided such projections do not exceed 0.6m.
- 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 0.0 m 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. (*Bylaw 2021-14 passed April 13, 2021*)
- 5.6.7 Notwithstanding section 5.6.6, a ramp designed to facilitate access for people with disabilities may project any amount into a required yard setback at the discretion of a Development Officer.
- 5.6.8 A patio may project into a required yard setback if the patio is completely un-enclosed except by a guard rail or parapet wall which does not exceed the maximum height permissible for a fence in the same location, and such projection shall not exceed 2.5 m in the case of a front yard setback.
- 5.6.9 Utilities, storage tanks, underground parking and similar structures constructed entirely beneath the surface of the ground may encroach into required yards at the discretion of a Development Officer provided such underground encroachments do not result in an unnatural grade inconsistent with abutting properties and the encroachments are covered by sufficient soil depth or surface treatment to foster landscaping or hard surfacing.

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Section 6 Specific Use Regulations

The specific use regulations shall apply to all development unless otherwise exempted in this section. Where these regulations are in conflict with any regulations in a zone or the general regulations, the zone regulations shall take precedence.

6.1 **Bed and Breakfast Lodging**

6.1.1 Bed and breakfast lodging shall comply with the following regulations:

- a) vehicular traffic generated by bed and breakfast lodging shall not be in excess of that which is characteristic of the zone in which it is located;
- b) the bed and breakfast shall be operated by the members of the household of the principal building as a secondary use only, with a maximum of four commercial accommodation units in each bed and breakfast lodging in a commercial or the RC1, RC2, and RD zones; and two commercial accommodation units in bed and breakfast lodging located in other residential zones, where such use is permitted;
- c) bed and breakfast lodging shall not change the principal residential character or external appearance of the dwelling involved; and
- d) bed and breakfast lodging shall not be approved where approval would result in a concentration of more than three bed and breakfast lodgings in a group of adjacent sites, or within a block, in such a way as to alter the residential character of the area.

6.2 **Bulk Fuel Depots**

6.2.1 Bulk fuel depots shall provide adequate water for fire-fighting or a fire protection system approved by the City of Whitehorse Fire Chief.

6.3 **Caretaker Residences**

6.3.1 Caretaker residences are permitted as a secondary use as provided in the zone regulations and where a permit has been issued for a principal use.

6.3.2 Development of caretaker residences shall occur at the same time or after the principal use development.

6.3.3 All caretaker residences shall be secondary uses and must comply with the following:

- a) if the residence is in the same building as the principal use, the residential gross floor area may not be greater than that of the principal use; and
- b) a caretaker residence shall not exceed a gross floor area of 120m² (1280 ft²), except when a larger caretaker residence is approved by council as a conditional use in the CIM or IS zone.

6.3.4 Caretaker residences in the CS-Commercial Service zone shall be located within the principal building. (*Bylaw 2013-20 passed July 8, 2013*)

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6.3.5 Within industrial zones, caretaker residences are only permitted where the nature of the business requires 24-hour on-site supervision and a resident caretaker is in the public interest. A caretaker residence shall not interfere with the industrial nature of the area. An applicant must demonstrate that the location, type of use, and nature of business activity warrant supervision from a public safety or service perspective.

6.3.6 Where caretaker residences are permitted, only one caretaker residence will be permitted per lot. Lots held under condominium ownership are not permitted multiple caretaker residences.

6.4 Comprehensive Development Zones

Access

- 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. (*Bylaw 2021-14 passed April 13, 2021*)
 - b) Where there is no lane access, front yard garages are permitted, provided that no portion of the garage protrudes past the front face of the building's first storey and any portion of the building above the garage more than 50% of the garage's interior depth. (*Bylaw 2015-13 passed May 25, 2015*)
 - c) For single storey construction, the garage may protrude an additional 2.0 m beyond 50% of the interior depth (subject to section 6.4.5 b). (*Bylaw 2015-13 passed May 25, 2015*)
 - d) For multiple housing, the lot shall be accessed by internal roads and parking will be located at the side or rear of the lot and screened from view by fencing, buildings, or vegetation. (*Bylaw 2015-13 passed May 25, 2015*)
 - e) For multiple family lots under 1700 m², where the front lot line is narrower than the rear lot line, parking may be located elsewhere on the lot, with provision for screening. (*Bylaw 2015-13 passed May 25, 2015*)

Building Facades

6.4.2 Materials and Colour

- a) All buildings shall use a minimum of two types of building materials or two colours of the same material in the façade treatment, at a minimum ratio of 80:20. This ratio does not include doors, windows, or garage doors, but should include window and door trim and decorative gable ends.
- b) Acceptable façade materials are brick, stone, stucco, wood, composite wood, composite cement, vinyl and metal panel.

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- c) Material transitions on building façades are required as follows:
 - (1) Trims must be installed;
 - (2) Trim colour must be different than that of siding;
 - (3) Trims around windows, doors and other wall penetrations must be a minimum width of 140mm (5.5");
 - (4) Fascia trims must be a minimum of 184 mm (7.25") in width; (*Bylaw 2013-20 passed July 8, 2013*);
 - (5) Horizontal trims are encouraged between floors and to highlight specific building features and forms.
- d) Buildings must use a siding colour significantly different in colour hue and/or colour value from those on the two adjacent lots facing the same street. Proposed building colour must be included in the application for development permit and will be approved by the Development Officer.
- e) Where additional design features, building articulations, glazing, and/or other façade improvements have been proposed, the regulations in section 6.4.2 may be relaxed at the discretion of the Development Officer. (*Bylaw 2016-07 passed March 29, 2016*)

General

- 6.4.3 A development permit is required for the removal of any on-site vegetation or site contouring. A site plan identifying both the proposed building footprint and the area to be cleared shall accompany the development permit application.

Porches

- 6.4.4
 - a) A porch, patio, deck, or covered entry shall occupy no less than 25% of the building front. The building front is defined as the portion of the building fronting onto a public street. Corner lots shall have a porch, patio, deck, or covered entry that occupies either 25% of one building front or 15% of each building front. (*Bylaw 2018-18 passed May 7, 2018*)
 - b) For a single storey house with a protruding garage that is incorporating the design criteria noted in section 6.4.1 c), a porch must extend across the full frontage of the building, excluding the garage face. (*Bylaw 2015-13 passed May 25, 2015*)
 - c) Porches, patios, decks, or covered entries required by this section are to extend a minimum 2.0 m from the adjacent front building facade. Refer also to General Development Regulations, section 5.6.6, Projections in to Yards. (*Bylaw 2015-13 passed May 25, 2015*)

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6.5 Coops

- 6.5.1 A coop must include both a walled, roofed structure and an outdoor pen. Any coop must:
- a) be securely enclosed to prevent the escape of hens and the entrance of any other animal;
 - b) be no more than 10 m² in floor area;
 - c) be no more than 2 m high;
 - d) be no less than 1.5 m from any property line
 - e) provide at least 0.37 m² of interior floor area per hen
 - f) provide at least 0.92 m² of outdoor pen area per hen
 - g) provide a floor of any combination of vegetated or bare earth in the outdoor pen area;
 - h) provide at least one nest box and perch per hen. Each perch must be at least 15 cm long; and
 - i) conform to all other accessory structure regulations.
- 6.5.2 Coops are only permitted in single detached or duplex housing in the zones specified in Schedule 'B' of the Animal Control Bylaw. (*Bylaw 2015-01 passed March 23, 2015*)
- 6.5.3 Coop regulations in this bylaw do not apply to the RC1 and AG zones. (*Bylaw 2015-01 passed March 23, 2015*)

6.6 Family Day Homes and Child Care Centres

- 6.6.1 Family day homes and child care centres shall have access to an outdoor play area of 5 m² per child that is suitably landscaped, shaped, and located either onsite or within a reasonable walking distance for the age groups involved. In cases where the outdoor play area is provided offsite in facilities such as a city park, a public school, or a local playground, written permission to use the area must be obtained from the property owner.
- 6.6.2 Family day homes shall follow the regulations of section 6.10 for a minor home-based business except that one employee who is not a member of the household shall be allowed. (*Bylaw 2018-12 passed April 9, 2018*)
- 6.6.3 In a residential zone, a child care centre shall have a minimum site area of 930 m² and shall be located on a corner site or adjacent to a park.
- 6.6.4 Child care centres and family day homes shall only be permitted in multiple housing when they are located on the ground floor. Family day homes are only permitted in single detached or multiple housing. Only one family day home is permitted in single detached housing. (*Bylaw 2018-12 passed April 9, 2018*)

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6.7 Garden Suites

- 6.7.1 Garden suites, when permitted, shall:
- a) be separate from the principal dwelling;
 - b) have a maximum gross floor area of 100 m², including basement floor area, except that in the RC1 zone the maximum gross floor area is 150 m²;
 - c) have a maximum height of 7.0 m in urban residential areas and 8.0 m in country residential and agriculture areas. (*Bylaw 2021-14 passed April 13, 2021*)
 - d) provide private or shared amenity areas equal to 10% of the net rentable area of the garden suite;
 - e) be limited to up to two suites per lot; (*Bylaw 2024-16 passed April 22, 2024*)
 - f) have a minimum setback of 1.0 m from the principal building; and (*Bylaw 2024-16 passed April 22, 2024*)
 - g) have a maximum of 60 m² gross floor area on the second storey in urban residential areas. (*Bylaw 2024-16 passed April 22, 2024*)
- 6.7.2 When permitted, garden suites may be located in the front, side, or rear yard (*Bylaw 2024-16 passed April 22, 2024*)
- 6.7.3 Garden suites shall be designed, sited, constructed, finished, and sided in a manner that is visually compatible, in the opinion of the Development Officer, with the residential character of the principal residence. Mobile homes will only be permitted as garden suites in the RC1 and RC2 zones.
- 6.7.4 The minimum setbacks for garden suites in the RC1 and RC2 zones shall be the same as the setbacks applicable to the principal uses in each zone. (*Bylaw 2024-16 passed April 22, 2024*)
- 6.7.5 The minimum setbacks for garden suites in urban residential areas are as follows:
- a) The front yard setback shall be the same as the setback applicable to principal uses in each zone;
 - b) For garden suites under 4.5 m in height, the minimum required side and rear yard setbacks are 1.5 m. One of the side yard setbacks may be reduced to 0.6 m when the garden suite is located in the side or rear yard;
 - c) For garden suites 4.5 to 7.0 m in height, the minimum side and rear yard setbacks required are 1.5 m;
 - d) Notwithstanding section 6.7.5 a) and b), the minimum rear yard setback for garden suites with lane access is 0.6 m. The rear yard setback for garden suites without lane access may also be reduced to 0.6 m, at the discretion of the Development Officer, if the rear lot line is adjacent to a public right-of-way or undeveloped or publicly owned land such greenbelt, parks, schools, etc.; and
 - e) In no case shall the side yard setback for a garden suite be 0 m.”
- (*Section 6.7.5 added by Bylaw 2024-16 passed April 22, 2024*)

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- 6.7.5 When side or rear yard setbacks are reduced to less than 1.5 m, the following applies:
- a) building entryways and doorways are prohibited on the side of the building facing the reduced side yard setback, unless it is adjacent to a lane;
 - b) windows are placed so as to minimize overlook onto adjacent properties; and
 - c) the development complies with any other additional provisions a Development Officer deems necessary to preserve the privacy of adjacent properties.

(Section 6.7.6 added by Bylaw 2024-16 passed April 22, 2024)

- 6.7.6 Garden suites may be permitted where a living suite or garden suite is established, up to a maximum of two living or garden suites in any combination on a single parcel (e.g., two garden suites, two living suites, or one of each), unless otherwise specified in this bylaw. (*Bylaw 2024-16 passed April 22, 2024*)
- 6.7.7 Garden suites shall have unobstructed pedestrian access to a street frontage and a parking area to the satisfaction of a Development Officer. (*Bylaw 2024-16 passed April 22, 2024*)
- 6.7.8 Garden suites shall only be permitted where the principal use is single detached housing, duplex, triplex, or townhouse housing. (*Bylaw 2024-16 passed April 22, 2024*)
- 6.7.9 Garden suites must be maintained on the same parcel as a principal dwelling. (*Bylaw 2024-16 passed April 22, 2024*)

6.8 Home-based Businesses

- 6.8.1 All home-based businesses shall comply with the following:
- a) no variation from the residential character and appearance of land or buildings shall be permitted;
 - b) no exterior storage or operation of the home-based business shall be permitted unless otherwise specified in this bylaw; (*Bylaw 2019-07 passed March 25, 2019*)
 - c) no offensive noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance shall be produced by the home-based business. At all times, the privacy and enjoyment of adjacent dwellings shall be preserved, and the home-based business shall not adversely affect the amenities of the neighbourhood; and
 - d) the home-based business shall not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the neighbourhood within which it is located.

(*Bylaw 2015-01 passed March 23, 2015*)

- 6.8.2 Businesses that are likely to adversely affect the amenity of the neighbourhood, or that make use of municipal services in excess of what is characteristic of a residential use, shall not be permitted as home-based businesses. Such businesses include, but are not limited to: commercial entertainment or recreation; motor vehicle sales, service and repair, rental, or painting; dispatch services for auto oriented services; fleet services; laundry services; welding and metal works; salvaging and recycling; businesses using large power tools and machinery,

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and/or requiring venting, blowers, or exhaust ports; brewing or distilling. *(Bylaw 2015-01 passed March 23, 2015)*

6.8.3 Not more than one commercial vehicle shall be used in conjunction with the home-based business unless otherwise specified in this bylaw. Such vehicle shall have a gross vehicle weight rating of no more than 7,257 kg and shall be parked or maintained on the site of a home-based business. *(Bylaw 2019-07 passed March 25, 2019)*

6.8.4 The maximum number of home-based businesses in one dwelling unit is two. The maximum number of major home-based businesses in one dwelling unit is one. Provisions in this bylaw do not accumulate when there is more than one home-based business per dwelling unit. *(Bylaw 2015-01 passed March 23, 2015)*

6.8.5 The operator of a home-based business may attach one non-illuminated fascia sign advertising the business to the principal building, to a maximum size of 0.37 m² (4 ft²). In the case of a country residential zone, the sign may be placed at the entrance to the driveway. *(Bylaw 2015-01 passed March 23, 2015)*

6.9 Home-based Businesses, Major

6.9.1 In addition to the general provisions for home-based businesses in section 6.8, all major home-based businesses shall comply with the following:

- a) a major home-based business shall be conducted only within a principal building, attached garage or one detached accessory building. If the major home-based business is being operated in an attached garage or detached accessory building, the net floor area of the home-based business use within the garage or building shall be no larger than 50 m²;
- b) a major home-based business is not permitted in a multiple housing unit;
- c) a major home-based business shall not normally generate more than two clients to the site at any given time;
- d) no more than one person other than residents of the dwelling shall be engaged on-site in the major home-based business;
- e) the home-based business shall not occupy a required residential parking space as required under section 7 of this bylaw. One additional parking space shall be dedicated for the major home-based business;
- f) no retail sales shall be permitted in a major home-based business, except for sales incidental to the main activity of a major home-based business;
- g) a major home-based business shall not involve the sale or display of any goods on the site other than those goods constituting the finished principal product of the home-based business;
- h) notwithstanding section 6.8.3, the vehicle associated with a major home-based business in a Country Residential zone may exceed the gross vehicle weight rating of 7,257 kg.
- i) notwithstanding section 6.8.1 b), minimal exterior storage is permitted for major home-based businesses in Country Residential zones, provided the materials being stored are screened from view, meet all setback requirements, and are limited to the interior side or rear yard. *(Bylaw 2019-07 passed March 25, 2019)*

(Bylaw 2015-01 passed March 23, 2015) (Bylaw 2016-07 passed March 29, 2016)

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6.10 Home-based Businesses, Minor

6.10.1 In addition to the general provisions for home-based businesses in section 6.8, all minor home-based businesses shall comply with the following:

- a) a minor home-based business shall be conducted only within a principal building and may not be operated from an attached garage or accessory building. An accessory building or attached garage may be used only for minimal storage purposes for the business;
- b) a minor home-based business is permitted as a secondary use in a multiple housing unit;
- c) a minor home-based business shall not normally generate more than one client to the site at any given time;
- d) no person other than residents of the dwelling shall be engaged on-site in the minor home-based business;
- e) the home-based business shall not occupy a residential parking space as required under section 7 of this bylaw; and
- f) no retail sales shall be permitted in a minor home-based business.

*(Section 6.10 added by Bylaw 2015-01 passed March 23, 2015 with remaining sections renumbered and amended again by **Bylaw 2016-07 passed March 29, 2016**)*

6.11 Hotels and Motels

6.11.1 At least one accessible sleeping unit shall be provided for each 20 units in a hotel or motel development. The design of accessible units shall be done by a design professional, with accessible features included that are appropriate for the targeted end user. The Development Officer has the discretion to accept, recommend or amend the included features. *(Bylaw 2013-20 passed July 8, 2013)*

6.12 Land Treatment Facilities

6.12.1 With every application for a development permit for a Land Treatment Facility, the owner/operator of the proposed facility shall include a copy of the Land Treatment Facility Plan that has been approved by the Environmental Protection and Assessment Branch of the Yukon Territorial Government.

6.13 Living Suites

6.13.1 Living suites shall conform to the following regulations:

- a) living suites may not exceed more than 100 m² gross floor area, including basement floor area; and
- b) living suites are only permitted in a single detached house, duplex, triplex, or townhouse unit unless otherwise specified in this bylaw. *(Bylaw 2024-16 passed April 22, 2024)*

6.13.2 Living suites may be permitted where a garden suite is established, up to a maximum of two living or garden suites in any combination on a single parcel (e.g., two living suites, two garden suites, or one of each), unless otherwise specified in this bylaw. *(Bylaw 2024-16 passed April 22, 2024)*

6.13.3 Living suites shall have unobstructed pedestrian access to a street frontage and a parking area to the satisfaction of a Development Officer. *(Bylaw 2024-16 passed April 22, 2024)*

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6.13.4 In determining whether an illegal suite has been created, a Development Officer may consider such improvements that indicate the intent to build, or the presence of, a second dwelling. (*Bylaw 2014-17 passed May 26, 2014*)

6.13.5 Living suites must be maintained on the same parcel as the principal structure. (*Bylaw 2013-20 passed July 8, 2013*)

6.14 Multiple Housing Developments

6.14.1 Residential uses located above a commercial use in mixed-use development shall have a separate and direct access to grade.

6.14.2 In addition to the minimum facilities required for garbage handling, any multi-family or mixed use development on one lot shall include a central facility to provide recycling opportunities. The location of all garbage disposal and recycling facilities shall be shown on the development plan drawings, including required screening.

6.14.3 All apartment developments shall provide a secure common storage facility either within the building or as an accessory building or compound accessible to residents. (*Bylaw 2013-20 passed July 8, 2013*)

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, sundecks, roof decks, and natural treed areas.

(*Section 6.14.4 amended by Bylaw 2021-14 passed April 13, 2021*)

6.14.5 For multiple housing developments in commercial zones at least 5% of the site shall be developed as contiguous, functional amenity space accessible to all residents, to the satisfaction of the Development Officer. The amenity space shall be designed to encourage enjoyment and recreational uses of the space, such as play areas, picnic areas, sundecks, roof decks, and natural treed areas. (*Bylaw 2015-01 passed March 23, 2015*)

6.13.6 For multiple housing in all zones, in addition to the required amenity space, private amenity space for the exclusive use of occupants shall be provided at a rate of 5% of net rentable area per unit. (*Bylaw 2015-01 passed March 23, 2015*)

6.14.7 Multiple housing developments of 10 units or more shall provide visitable and accessible units as follows: (*Bylaw 2013-20 passed July 8, 2013*)

- a) for multiple housing developments of 10 units or more, at least one visitable unit shall be provided for each 10 units built; (*Bylaw 2013-20 passed July 8, 2013*)
- b) for multiple housing developments of 20 units or more, at least one accessible unit per shall be provided for each 20 units built; (*Bylaw 2013-20 passed July 8, 2013*)

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- c) the design of accessible units shall be done by a design professional, with accessible features included that are appropriate for the targeted end user. The Development Officer has the discretion to accept, recommend or amend the included features; and (*Bylaw 2013-20 passed July 8, 2013*)
- d) features to be considered include, but are not limited to:
 - features included in the definition of visitable units,
 - wide hallways and stairs,
 - ample manoeuvring space in kitchens, laundry centres, bedrooms and bathrooms,
 - flush or low-profile thresholds and flooring transitions,
 - wall reinforcement in washrooms, bathrooms and stairwells,
 - adequate lighting in traffic and work areas,
 - lower-height electrical switches, outlets, panels, waste pipes and windows,
 - easy to operate hardware and fixtures, and
 - floor plans that are conducive to self-sufficiency on the main floor.

(*Bylaw 2013-20 passed July 8, 2013*)

6.14.8 Capped, downward facing lighting is required in all commonly accessed areas, including seating areas, walkways, parking areas and amenity space. The use of LED bulbs and motion sensors is encouraged. (*Bylaw 2013-20 passed July 8, 2013*).

6.14.9 Residential buildings with separate, ground oriented entrances, including but not limited to townhouses, cottage clusters, duplex, triplex, and fourplex buildings, should be oriented to front the public street where possible. If it is unfeasible for the building to front the street, building facades shall include two of the following items:

- a) primary building entrance
- b) front porch and/or balconies
- c) variation in façade depth so as to avoid the creation of large featureless walls; or
- d) variation in siding and trims material and/or colour.

(*Bylaw 2014-17 passed May 26, 2014*)

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6.15 Natural Resource Extraction

- 6.15.1 Prior to any gravel or mineral extraction, the applicant shall provide all applicable information as set out in section 4.4 of this bylaw, time frames for phases of extraction, a plan of restoration, and a Yukon Environmental and Socio-Economic Assessment Board (YESAB) decision document (if YESAB legislation is triggered). The plan of restoration may include future development plans that are supported by the Official Community Plan and zoning.
- 6.15.2 New gravel extraction areas are potentially subject to environmental and socio-economic review as part of the applicable legislated assessment process. The City will follow the terms and conditions set out by the authority having jurisdiction.
- 6.15.3 A Development Officer may require that a separate, hard surface haul road, complete with turning lanes at a road intersection be provided to access new quarries. Implementation of dust abatement practices will be required.
- 6.15.4 In order to mitigate any perceived or real nuisances to residences near quarry areas, the following conditions shall apply to quarry development:
- a) a natural treed buffer shall be maintained between land uses and haul roads where possible;
 - b) hours of operation shall be consistent with the City of Whitehorse Maintenance Bylaw;
 - c) a sign describing the quarry activity shall be erected at a prominent location on the haul road outlining the development sequence and hours of operation. The sign shall not exceed 3.0 m² in area or 3.0 m in height but shall be at least 2.0 m² in area;
 - d) the site perimeter shall be posted to warn of safety considerations from unauthorized entry into the pit area;
 - e) the access road shall be gated to discourage off-season use by all-terrain vehicles; and
 - f) restrictions may be placed on activities such as crushing to reduce noise exposure.
- 6.15.5 Upon abandonment or termination of resource extraction operations, the remaining redevelopment and reclamation of the site shall begin immediately and be carried out in cooperation with the appropriate authorities. These areas shall be reclaimed to as natural a state as possible through slope grading, landscaping, and reforestation. Prior to reclamation, the reclamation plan may be revisited to determine if an alternate use is feasible.
- 6.15.6 Granular resource extraction permitted as a temporary use under Section 4.11.2 shall be subject to the following ([Bylaw 2024-33 passed August 12, 2024](#)):
- a) In addition to any information required by the Development Officer under Sections 4.4 and 4.5 of this bylaw, the Development Officer may require the applicant to provide a quarry management plan, including any or all of the following:
 - (1) Detailed grading plan, showing existing and proposed final elevations and grades throughout the site, and including surrounding area showing how the grading will tie in with surrounding conditions;

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- (2) Extraction and reclamation plan, including the extent of area to be cleared and extracted, where extraction will start and direction of progress of working face, location and size of stockpiles, location where overburden will be stored, phasing of extraction areas, volume of material to be extracted at each phase, and phasing of reclamation/site preparation;
 - (3) Anticipated impacts from dust, noise, and traffic, and measures to mitigate such impacts;
 - (4) An Erosion and Sediment Control Plan, for management of stormwater throughout extraction activities, including erosion control measures to prevent the pollution, degradation, or siltation of natural areas, watercourses, roads, and adjacent sites;
 - (5) Machinery to be used on site;
 - (6) Any ancillary activities to be performed on the site, including crushing, and screening;
 - (7) Haul route(s) and destination(s) of extracted material;
 - (8) Measures to ensure public safety and site security; and
 - (9) Total estimated duration of extraction activities, with annual milestones.
- b) The Development Officer may require the applicant to provide a general overview of local market demand for the product, demonstrating that there is a realistic prospect of extracting material at the rate identified in the timeline.
- c) The size of granular material stockpiles on the site shall not exceed the volume of material extracted in the previous year. Stockpiles shall be removed from the site within one year of completion or cessation of extraction activities.
- d) When applying for a subsequent one-year permit to complete or continue work authorized by a previous temporary use permit, the Development Officer may require the applicant to provide a progress report, noise and dust monitoring reports based on activities performed under a previous permit, revised plans, scope of work for the upcoming year, and/or a new security calculation.
- e) The Development Officer may require that, as a condition of issuing a temporary use development permit, the applicant provide security in accordance with Section 4.19 to ensure that the granular resource extraction is completed expediently and in accordance with the approved plans, and to ensure that the applicant commences subsequent development or reclaims the site within one year of completion or cessation of extraction activities. The value of the security shall be based on a full-cost calculation provided by a qualified third party. The calculation shall consider the cost to reclaim the site to a natural condition, including grading and contouring, replacing soil and vegetative cover, and seeding and/or planting new trees/shrubs as required, if the City were to hire a third-party to carry out the work. The security amount may be adjusted annually, taking into account the developer's progress to date and work plan for the following year.

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- f) The granular resource extraction security shall be held by the City until the Development Officer is satisfied that the portion of the site that is subject to the security has commenced subsequent development, or has been reclaimed.

6.16 Parks *(Added by Bylaw 2019-08 passed April 8, 2019)*

- 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. *(Bylaw 2019-08 passed April 8, 2019)*

6.17 Relocation of Structures

- 6.17.1 No person shall move a building, structure or a non-CSA approved mobile home within or into the City without a development permit.

- 6.17.2 In making a decision on the moving of a building within the City, a Development Officer may:

- a) seek input from other departments of the City for recommendation as to compliance with the *National Building Code* and *City Building and Plumbing Bylaw*;
- b) require such renovations and alterations as may be necessary for the building to conform to the requirements of the zone into which the building is proposed to be moved; and
- c) refuse to issue a permit where the building fails to conform to the requirements of this bylaw or cannot be brought up to the requirements of the *National Building Code*.

- 6.17.3 A Development Officer may issue a development permit pursuant to section 6.16.1 even if the provisions of section 6.16.2 apply, if security in the form and amount to the satisfaction of the City is deposited with the City for the purpose of securing alterations required under section 6.16.2.

- 6.17.4 If the applicant and/or owner of the development fails to complete the required renovations within 12 months of issuance of the development permit, the City may use the funds posted in section 6.16.3 to have the required renovations completed. If the subsequent renovation completion costs are in excess of those funds posted in section 6.16.3, the balance of the cost may be charged against the tax roll of the property.

6.18 Residential Care Homes

- 6.18.1 A residential care home shall not have more than four care providers continuously onsite at one time. A residential care home shall not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the general zone within which it is located.

6.19 Retail Services, Restricted *(Added by Bylaw 2019-08 – April 8, 2019)*

- 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. *(Bylaw 2019-08 passed April 8, 2019)*

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- 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. *(Bylaw 2019-08 passed April 8, 2019)*
- 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. *(Bylaw 2019-08 passed April 8, 2019)*
- 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. *(Bylaw 2019-08 passed April 8, 2019)*
- 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. *(Bylaw 2019-08 passed April 8, 2019)*
- 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. *(Bylaw 2019-08 passed April 8, 2019)*
- 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. *(Bylaw 2019-08 passed April 8, 2019)*

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.

(New section 6.20 added by Bylaw 2021-14 passed April 13, 2021 with the remaining sections renumbered accordingly)

6.21 Substance Abuse Services Provision

- 6.21.1 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. *(Bylaw 2019-08 passed April 8, 2019)*

6.22 Temporary Shelter Services

- 6.22.1 The lot line of a Temporary Shelter Services operation may not be within 100 metres of a Retail Services, Restricted operation. *(Bylaw 2019-08 passed April 8, 2019)*

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6.23 Vehicle Oriented Uses

- 6.23.1 Vehicle-oriented uses shall be permitted only when the use will not adversely affect the safe functioning of adjacent public roadways or increase the traffic on any adjacent residential street beyond that typical of the residential street.
- 6.23.2 The minimum site width for a vehicle-oriented use shall be 30.0 m.
- 6.23.3 Site area shall be provided as follows:
- a) the minimum site area for any use incorporating a vehicle-oriented use shall be 930 m², and the maximum site coverage shall be 40%, except for parking garages where the maximum site coverage shall be 95%;
 - b) the minimum site area for a gas bar shall be 1,200 m² and the maximum site coverage, including pump islands, shall not exceed 20%;
 - c) the minimum site area for a drive-through vehicle service shall be 140 m² of site area not covered by buildings for each service bay, except that the minimum site area and coverage for a car wash shall be determined on the basis of 370 m² of space not covered by buildings for each car wash bay; and
 - d) where two or more of these uses are part of a mixed use development on the same site, the total site area requirements shall be the sum of the requirements of the uses computed separately, unless the applicant can demonstrate to the satisfaction of the Development Officer that there is a complementary use of space which would warrant a reduction in site area requirement.
- 6.23.4 For uses selling food or beverages, a minimum of 10 inbound and 3 outbound vehicle queuing spaces shall be provided. For uses not selling food or beverage, a minimum of 3 inbound and 2 outbound vehicle queuing spaces shall be provided. Queuing spaces shall be a minimum of 6.0 m long and 3.0 m wide and shall provide sufficient space for turning and manoeuvring. (*Bylaw 2014-17 passed May 26, 2014*)
- 6.23.5 All pump islands for gas bars shall be located at least 6.0 m from any property line, parking area on the site, or lane ways intended to control traffic circulation on the site.
- 6.23.6 New developments for vehicle service stations, repair shops, dealerships, gas bars, parking garages and non-accessory parking shall install oil separator catch basins to ensure no deleterious substances enter the sanitary or storm sewer systems.
- 6.23.7 Vehicle wash bays shall include sand and grit separators to ensure no deleterious substances enter the sanitary or storm sewer systems.

6.24 Youth At Risk Services Provision

- 6.24.1 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. (*Bylaw 2019-08 passed April 8, 2019*)

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Section 7 Parking and Loading

7.1 Access

- 7.1.1 All access points and curb cuts shall be located to the satisfaction of the City Engineer. In determining access requirements, the City Engineer shall use the *City Servicing Standards* and consider such factors as:
- the frequency and intensity of traffic generated by the proposed use;
 - roadway function and capacity;
 - the need if any, for turning, acceleration and deceleration lanes or corner cuts to improve traffic flow and public safety;
 - the need if any, for traffic or pedestrian crossing signals; and
 - the results of any study completed by a professional engineer.
- 7.1.2 No person shall construct a driveway from a site to a public roadway if such driveway would, in the opinion of the City Engineer, create an unnecessary traffic hazard. The City Engineer may require that mitigation measures be undertaken, to the satisfaction of the City Engineer, if the only practical method of providing vehicular access to the site would result in the creation of a traffic hazard.
- 7.1.3 Driveway access shall be designed in such a way as to minimize the number of entrances and exits. (*Bylaw 2018-18 passed May 7, 2018*)
- 7.1.4 The width of a driveway providing access from a road may not exceed:
- 6.0 m where the lot width is less than 12.0 m,
 - 50% of the lot width where the lot width is between 12.0 m and 20.0 m, and
 - 10.0 m where the lot width is greater than 20.0 m.

(*Bylaw 2018-18 passed May 7, 2018*)

7.2 Hard-surfacing and Marking

- 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, within one year unless otherwise specifically permitted under this bylaw, hard-surface such space and the area contained within City owned land to which a curb crossing permit applies. This regulation does not apply to single family or duplex development in the RC1, RC2, RP, RS, and RS2 zones. (*Bylaw 2021-14 passed April 13, 2021*)
- 7.2.2 Except for duplex and single family housing uses, every off-street parking or loading space and access shall have perimeter curb stops. Curb stops may be omitted for pull-through parking spaces.
- 7.2.3 Every off-street parking or loading space as described in section 7.2.1 shall be delineated.
- 7.2.4 “Visitor Parking”, “Accessible Parking”, and “No Parking” areas shall be clearly marked. (*Bylaw 2014-17 passed May 26, 2014*)

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- 7.2.5 Where hard-surfacing is required, it shall mean the provision of a durable, dust-free hard surface constructed of concrete, asphalt or similar surface material, with sufficient slope and/or catch basins to ensure proper drainage.
- 7.2.6 Where the parking area is visible from a road right-of-way in a commercial zone, the area shall be landscaped to mitigate the visual impact.
- 7.2.7 Where a parking lot is developed as a principal use, the lot shall be hard-surfaced, marked and landscaped to the standard specified in section 5 of this bylaw.
- 7.2.8 A Development Officer may require that, as a condition of issuing a development permit, the property owner provides security in accordance with section 4.19 to ensure the required hard-surfacing is completed to the satisfaction of the Development Officer within one year of the issuance of the first occupancy approval for the property, or in the case of a condominium, within one year of the issuance of occupancy approval for any unit, or if applicable, any unit in that phase of the condominium, or another time frame stipulated by the Development Officer. *(Bylaw 2018-18 passed May 7, 2018)*
- 7.2.9 The value of the security shall be equal to \$2,800 per required parking space. For developments where parking spaces are provided within an enclosed building (excluding residential garages), the security may be calculated based on 125% of the projected cost to install all hard-surfacing required outside of the building.
- If, in the opinion of the Development Officer, the projected hard-surfacing costs are low, the Development Officer may establish an appropriate hard-surfacing cost figure for the purposes of determining the value of the hard-surfacing and the Development Officer's calculation shall be determinative. For single detached and duplex housing, and townhouse developments where each unit is on a separate fee simple lot, the hard-surfacing security shall be a flat rate of \$1,000 per lot.
- (Section 7.2.9 amended by Bylaw 2021-24 passed August 9, 2021)*
- 7.2.10 The hard-surfacing security shall be held by the City until, by confirmation through inspection by the Development Officer, the required hard-surfacing has been installed, provided that the security is not withheld pursuant to another provision of this bylaw. In the event that the hard-surfacing is not installed to the satisfaction of the Development Officer within one year of the issuance of the first occupancy approval for the property, or in the case of a condominium, within one year of the issuance of occupancy approval for any unit, or if applicable, any unit in that phase of the condominium, or another time frame stipulated by the Development Officer, the hard-surfacing security is forfeited pursuant to section 4.19. *(Bylaw 2018-18 passed May 7, 2018)*
- 7.2.11 Off-street parking spaces that are provided in addition to the minimum amount of off-street parking requirements and are located in the rear or side yard may be exempt from section 7.2.1 if a hard-surfaced driveway is installed to access an adjacent hard-surfaced public street or lane. The driveway must be no less than 16.5 m². *(Bylaw 2018-18 passed May 7, 2018)*

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7.3 Off-Street Parking and Bicycle Parking

- 7.3.1 Parking requirements in all zones must comply with sections 7.1 to 7.6 of this bylaw, unless otherwise stipulated in this bylaw. The location and circulation routes associated with off-street parking may be reviewed by the Development Officer as a part of a development permit application. (*Bylaw 2014-17 passed May 26, 2014*).
- 7.3.2 Where off-street vehicle and bicycle parking are required, a plan drawn to scale of the proposed parking layout, showing lot size and configuration, building size and use, parking spaces, access driveways, landscaping and security measures shall be filed with a Development Officer prior to the issuance of a development permit.
- 7.3.3 In the case of a mixed use development, or where two or more owners jointly provide and maintain composite parking facilities, the number of off-street vehicle parking spaces required shall be the sum total of off-street vehicle parking space requirements for each use unless the applicant can demonstrate to the satisfaction of a Development Officer that there is a shared use of parking spaces that would warrant a reduction in their collective requirements, in which case a Development Officer may reduce the requirements.
- 7.3.4 Where the calculation of the total number of parking spaces required results in a fractional parking space greater than or equal to 0.5, the total number of off-street parking spaces shall be the next highest whole number. Where the calculation of the total number of parking spaces required results in a fractional parking space less than 0.5, the total number of off-street parking spaces shall be rounded down to the next whole number.
- 7.3.5 Parking spaces required for visitor use must be marked and maintained for this use and readily accessible to the entrance of the building served. Required visitor parking spaces shall not be allocated exclusively or specified as 'exclusive use' in subsequent subdivision or condominium applications. (*Bylaw 2019-07 passed March 25, 2019*)
- 7.3.6 The minimum required off-street vehicle parking spaces and bicycle parking for the use of any building in all zones shall be in accordance to the specifications of table 7.3.6 except as modified by section 7.3.7. Where a use is proposed and no parking or loading standard is specified in Table 7.3.6, the applicable standard will be specified by the Development Officer. (*Bylaw 2014-17 -- May 26, 2014*)

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Table 7.3.6 a) Residential Parking Requirements

Development	Parking Spaces		Loading Spaces		Class 2 Bicycle Parking
	Spaces	Per	Spaces	Per	Number
Single detached, duplexes, triplexes & townhouses	1	Dwelling unit	N/A	N/A	N/A
Housing, Apartment*	1	Dwelling unit	1	Up to 930m ² GFA	1 per building
	1 visitor	7 dwelling units	1	Over 930m ² GFA	
Housing, Multiple (excluding apartments)*	1	Dwelling unit	N/A	N/A	1 per building
	1 visitor	7 dwelling units	N/A	N/A	
Living and Garden Suites	1	2 living or garden suites	N/A	N/A	N/A
Temporary Shelter Services, B&B Lodging and Supportive Housing	1	2 sleeping units	N/A	N/A	N/A
Housing for Senior Citizens, regardless of housing type	1	2 dwelling units	N/A	N/A	1
Residential Care Homes	1	Facility	N/A	N/A	1
	0.25	Each staff on shift within any given 24-hour period			

* Amended by Bylaw 2024-16 passed April 22, 2024

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Table 7.3.6 b) Commercial Parking Requirements

Development	Parking Spaces		Loading Spaces		Class 2 Bicycle Parking
	Spaces	Per	Spaces	Per	Number
Hotels	1	2 sleeping units	1	Establishment	1
	1	100m ² gross floor area			
Motels	1	1 dwelling or sleeping unit	1	Establishment	1
Offices, Health Services	1	33m ² gross floor area	N/A	N/A	1
Business Support Services	1	33m ² gross floor area	1	Up to 465m ² GFA	1
			2	465m ² – 2300m ² GFA	
			1 additional	Each additional 2300m ² of GFA	
Retail Stores, Household Repair Services, Personal Service Establishments with a gross floor area of less than 1,000m ²	1	50m ² gross floor area	N/A	N/A	1
Retail Stores, Household Repair Services, Personal Service Establishments with a gross floor area of greater than 1,000m ²	1	33m ² gross floor area	N/A	N/A	2
Custom Indoor Manufacturing, Fleet Services	1	50m ² gross floor area	N/A	N/A	1
	or 1.5	Vehicle in fleet			
Caretaker Residence*	1	Residence	N/A	N/A	1
Gas Bars, Wholesaling*	1	33m ² gross floor area	N/A	N/A	N/A
Eating and Drinking Establishments	1	5 seats	1	Establishment	1
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	2000m ² GFA	N/A

* *Added or amended by Bylaw 2014-17 passed May 26, 2014*

+ *Added by Bylaw 2021-14 passed April 13, 2021*

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Table 7.3.6 c) Industrial Parking Requirements

Development	Parking Spaces		Loading Spaces		Class 2 Bicycle Parking
	Spaces	Per	Spaces	Per	Number
Industrial Use, Vehicle Repair and Service, Vehicle and Heavy Equipment Sales/Rentals	1	250 m ² gross floor area	1	Up to 465m ² GFA	N/A
			2	465m ² - 2300m ² GFA	
			1 additional	Each additional 2300m ² of GFA	
Caretaker Residence*	1	Residence	N/A	N/A	1

** Added by Bylaw 2014-17 passed May 26, 2014*

Table 7.3.6 d) Institutional and Basic Service Parking Requirements

Development	Parking Spaces		Loading Spaces		Class 2 Bicycle Parking
	Spaces	Per	Spaces	Per	Number

Senior Citizen Lodges, Nursing Homes Group Care and Extended Medical Treatment Facilities	1	3 beds	1	N/A	1
	1	staff			
Funeral Services	1	10 seats	1	N/A	N/A
Elementary and Junior High Schools	2	Classroom	1	N/A	6
Secondary or High Schools	5	Classroom	1	N/A	6
Universities or Colleges	10	Classroom	1	N/A	6
Caretaker Residence*	1	Residence	N/A	N/A	1

** Added by Bylaw 2014-17 passed May 26, 2014*

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Table 7.3.6 e) Community, Recreational & Cultural Parking Requirements					
Development	Parking Spaces		Loading Spaces		Class 2 Bicycle Parking
	Spaces	Per	Spaces	Per	Number
Child Care Centres	1	8 children	N/A	N/A	1
Community Recreation Services, Exhibition & Convention Facilities, Spectator Entertainment and Sports Establishments	1	5 seats	1	Up to 2800m ² GFA	1
			1	Each additional 2800m ² GFA	
Private Clubs	1	5 seats	N/A	N/A	N/A
Indoor Participant Recreational Services	3	100m ² gross floor area	N/A	N/A	1
	1	Employee			
Outdoor Participant Recreation Services	1	3 users	N/A	N/A	1
	1	Employee			
Libraries and Museums	2	100m ² gross floor area	N/A	N/A	1
Religious Assemblies <i>(Bylaw 2019-07 passed 2019-03-25)</i>	1	10 persons permitted in ceremonial room under occupancy	N/A	N/A	1
Caretaker Residence*	1	Residence	N/A	N/A	1

* *Added by Bylaw 2014-17 passed May 26, 2014*

7.3.7 The off-street vehicle parking, loading and bicycle parking provisions of section 7.3.6 are modified in the Downtown for the CC, CM1, CM2, CMW, CPG, PS, and RD zones as follows:

- a) the minimum requirement for multiple housing developments is 1 parking space per 2 dwelling units;
- b) the minimum requirement for all non-residential uses is 1 parking space for every 150 m² of gross floor area;
- c) with the exception of residential parking requirements, an applicant may choose to pay cash in lieu for each space as specified in the *Fees and Charges Bylaw*;
- d) applications to change the use of a building in the CC – Core Commercial zone are exempt from providing off-street parking and loading spaces. New construction that results in increased gross floor area is required to provide off-street parking as per section 7.3.7;

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- e) applications to change the use of a building in the CM1, CM2 and CMW zones are exempt from providing off-street parking and loading spaces if the parking and loading requirement for the new use as shown in Table 7.3.6 is less than or equal to the parking and loading requirement for the former use. New construction that results in increased gross floor area is required to provide off-street parking as per section 7.3.7;
- f) the parking requirements for temporary shelter services, bed and breakfast lodgings and supportive housing is one space per four sleeping units;
- g) for all developments except “parking garages”, the maximum parking supply rate is 25% greater than the minimum rate established in table 7.3.6. Variances shall not be granted on the parking minimum. Maximum parking regulations shall not apply to single detached housing, duplexes, living suites, or garden suites. (*Bylaw 2018-12 passed April 9, 2018*)
- h) a Development Officer may approve a 25% reduction in the minimum required off-street parking requirements for mixed-use developments in the CC, CM1, CM2, and CMW zones that have over 50% of their gross floor area dedicated to residential uses. Where a reduction in parking is applied, spaces may not be allocated exclusively or specified as ‘exclusive use’ in subsequent subdivision or condominium applications. (*Bylaw 2019-07 passed March 25, 2019*)
- i) in addition to the Class 2 bicycle parking requirements specified in table 7.3.6, the following developments also require Class 1 bicycle parking as follows:
- multi-family residential (excluding supportive housing) – 1 space per dwelling unit (*Bylaw 2013-20 passed July 8, 2013*)
 - offices – 1 space per 300 m² gross floor area
 - non-office commercial uses, institutional, community, recreational – 1 space per 500 m² gross floor area
- j) where required as part of this bylaw, Class 1 bicycle parking shall not be included in site coverage calculations.
- 7.3.8 Residential uses in the CC, CM1, CM2, CN, CNC, and CN2 zones are exempt from providing off-street visitor parking and loading spaces. (*Section 7.3.8 added by Bylaw 2024-16 passed April 22, 2024*)
- 7.3.9 Where a use is proposed and no parking or loading standard is specified in this bylaw, the applicable standard is the standard specified by a Development Officer for the use or use class that is most similar to the proposed use.

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7.4 Accessible Parking

7.4.1

Accessible parking shall be provided as follows:

- a) at least 1 space for parking lots with 11 to 20 spaces;
- b) at least 2 spaces for parking lots with 21 to 39 spaces;
- c) at least 3 spaces for parking lots with 40 to 59 spaces;
- d) at least 4 spaces for parking lots with 60 to 79 spaces;
- e) at least 5 spaces for parking lots with 80 to 99 spaces; and
- f) at least 6 spaces for parking lots with 100 spaces or greater.

(Bylaw 2013-20 passed July 8, 2013)

7.4.2

The quantity of required accessible parking spaces provided within a parking lot may be increased above the requirements of section 7.4.1 at the discretion of a Development Officer, if it is deemed that the proposed use merits additional accessible spaces. *(Bylaw 2015-01 passed March 23, 2015)*

7.4.3

Each accessible parking space located within a parking lot shall be clearly marked with a sign on each edge of the parking stall. The space shall be located as close to the building entrance as possible on a level non-skid surface to facilitate movement. These spaces shall be developed in accordance with section 7.5, except that the minimum perpendicular width shall be 4.0 m. *(Bylaw 2014-17 passed May 26, 2014)*.

7.4.4

Circulation routes adjacent to all parking spaces shall be part of the barrier-free path of travel to buildings or facility entrances and shall be obstacle-free. Accessible routes should comply with the guidelines specified in CSA standard B651-04 for vehicular access. Accessible routes should not oblige persons with disabilities to pass behind vehicles that may be backing out.

7.4.5

Parking lots and access roads shall not exceed 5% (1:20) in slope. Accessible curb ramps shall be installed wherever there is pedestrian access.

7.4.6

Curb ramps shall:

- a) be wholly contained within the area designated for pedestrian use;
- b) be unobstructed by utility poles, trees, signs or any other obstruction
- c) lead directly across the road to the opposite curb ramp;
- d) have a maximum running slope of 5% (1:20);
- e) have a maximum counter slope of gutters and road surfaces immediately adjacent to curb ramps not exceeding 5% (1:20);
- f) have a minimum width of 1.2 m;
- g) have the bottom lip of the ramp flush with the adjacent roadway surface (a tolerance of 6 mm is the maximum limit);
- h) have surfaces that are slip-resistant and include a detectable warning surface that is colour and texture contrasted with the adjacent surfaces; and
- i) when at an intersection, be a Type B ramp as specified in the Servicing Standards Manual.

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7.5 Parking Spaces, Aisles, Pedestrian Walkways and Landscaping

7.5.1 Each required off-street vehicle parking space shall have a minimum rectangular area of 16.5 m², a minimum length of 4.9 m, and a minimum width of 2.75 m, exclusive of access drives or aisles, ramps, or columns. Such spaces shall have a minimum vertical clearance of 2.1 m. (*Bylaw 2018-12 passed April 9, 2018*)

7.5.2 In all instances for parallel parking, the length of a parking space shall be a minimum of 7.3 m and a minimum width of 2.4 m. End parking spaces shall have an area of not less than 16.5 m².

7.5.3 Drive aisles shall be a minimum of 6.7 m wide. Provided it is not a fire lane, a drive aisle with one-way traffic may be reduced to 5.5 m wide for 60° parking, and 3.6 m wide for 45°, 30°, parallel, and no parking. (*Bylaw 2018-12 passed April 9, 2018*).

7.5.4 Where parking spaces are located with access directly off a lane, the required width of the aisle may be reduced by the width of the lane, but the entire parking space must be provided for on the site.

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.

(*Section 7.5.5 amended by Bylaw 2021-14 passed April 13, 2021*)

7.5.6 Parking aisles should not exceed 30 contiguous spaces in length.

7.5.7 Parking facilities for non-residential or mixed-use developments with 60 or more spaces must provide separated pedestrian walkways to enable pedestrian access both to buildings and within the parking area. Pedestrian walkways should be contiguous to main drive aisles opposite primary building entrances to enable safe and direct pedestrian movements. Pedestrian crosswalks across main drive aisles shall be raised so that they provide a continuous same-grade link between walkways adjacent to the building and walkways within parking lots.

7.5.8 An internal pedestrian walkway network should define visually and functionally smaller parking 'courts'.

7.5.9 Drive aisle crosswalks shall be signed and painted. Crosswalks are encouraged to be constructed of materials that are different to the drive aisle, such as interlocking brick paving.

7.5.10 Walkways should include pedestrian-scaled amenities, such as benches, garbage receptacles and lighting.

7.5.11 Walkways should be a minimum 3.5 m wide, including a raised 1.5 m wide pedestrian zone and a 2.0 m wide landscaping zone. Walkways shall have a 10cm high curb.

7.5.12 In addition to the landscaping requirements set out in section 5.5, a landscaped island shall be located at each end of every parking aisle. Landscaped islands shall:

- a) be a minimum width of 2.0 m and include one tree per parking row;
- b) be provided at the mid-point of the parking aisle, and/or every 13-15 parking spaces (whichever provides a greater number of islands); and,

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- c) include a 10 cm curb to prevent damage to planting beds and landscaped islands caused by vehicular movements and snow clearing.

7.6 Location of Parking Facilities

7.6.1 In a residential zone, or for a residential development in a non-residential zone, off-street parking spaces shall be provided on the same site as the proposed development.

7.6.2 In a non-residential zone, a Development Officer may permit the balance of required off-street parking spaces for a non-residential development to be provided no more than 100 m from the lot lines provided that:

- a) where the required off-street parking spaces are not provided on site, the owner shall covenant with the City by agreement that the lands required for off-street parking shall be so used as long as required under this bylaw, and the owner shall consent to pay the full cost of the preparation and registration of the agreement against the title to the lands;
- b) where all the required off-street parking spaces are not provided on site, the owner shall give priority to on-site parking for visitor use and provide staff parking on the alternative site; and
- c) off-site parking shall be developed to the same standard as on-site parking.
- d) in the CC—Core Commercial and CPG—Commercial Parking Garage zones, a Development Officer may permit the balance of required off-street parking for a non-residential development to be provided no more than 300 m from the lot lines on which the use is located, provided that the requirements of section 7.6.2 are followed.

7.6.3 In a residential zone, off-street parking spaces:

- a) may be located within a driveway with a 1.0 m setback from the front property line or exterior side property line; and (*Bylaw 2024-16 passed April 22, 2024*)
- b) shall not be located in an interior side yard setback adjacent to a public thoroughfare (lane, trail, etc.), unless the parking area is screened from view by either fencing or landscaping. (*Bylaw 2024-16 passed April 22, 2024*)

7.6.4 Off-street parking spaces shall not be located in the front yard setback of a lot in a non-residential zone unless the applicant can demonstrate to the satisfaction of a Development Officer sufficient cause for the location of parking spaces in the front yard, and a Development Officer shall state the reason for supporting such a location on the development permit.

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7.7 Off-Street Loading

- 7.7.1 In any zone where any new development, including a change of use of existing development, is proposed, or where an existing development is enlarged, loading and unloading space shall be provided and maintained by the owner on the site and on land which is not part of a public thoroughfare in accordance with the requirements of sections 7.3.6 and 7.7.2 to 7.7.4 inclusive.
- 7.7.2 In the case of a mixed use development, the number of loading and unloading spaces required shall be the sum of such spaces required for each use unless the applicant can demonstrate to the satisfaction of a Development Officer that there is a complementary use of loading and unloading facilities which would warrant a reduction in the number of required spaces.
- 7.7.3 Every off-street loading and unloading space shall be of adequate size and access to accommodate the vehicles which will be loading and unloading, but in no case shall the space be less than 28 m² in area, less than 2.5 m in width, or with less than 4.3 m in overhead clearance.
- 7.7.4 Access to the loading and unloading space shall be provided, wherever possible, from a lane. Access shall be so arranged that no backing or turning movements of vehicles going to or from the site causes interference with traffic on the adjoining or abutting streets or lanes.

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Section 8 Signs *(Section 8 amended by Bylaw 2015-11 passed May 25, 2015)*

8.1 General Sign Regulations

- 8.1.1 A development permit is required for the erection, display, alteration, replacement, or relocation of signs requiring a permit; signs not requiring a permit must comply with the provisions of this zoning bylaw.
- 8.1.2 All signs shall be related to the principal use or uses of the site and serve to identify the name of the business or organization and advertise the products or services offered. Political signs, community event signs, sandwich board signs and billboard signs are exempted from this regulation, provided they meet all other regulations in this bylaw.
- 8.1.3 All signs must be erected in such a manner as to:
- a) ensure traffic and pedestrian safety;
 - b) encourage a consistent street appearance;
 - c) promote a particular area development theme as set out in an area development scheme, design guideline document, or any other plan, bylaw or policy adopted by city council;
 - d) be reasonably visible and legible and not unduly contribute to a cluttered street appearance; and
 - e) not unreasonably hinder the visibility of adjacent signs.
- 8.1.4 An application for a sign requiring a permit shall be made in writing to the Development Officer along with two copies of drawings to scale which indicate:
- a) the legal description of the site and street address of the proposed sign;
 - b) a site plan and building elevation showing the proposed sign location with the relative distance to property line(s);
 - c) the extent of any encroachment on public property, including the height of the sign above any public street, sidewalk or grade level at the face of the building;
 - d) the dimensions of the sign including copy area, letter, symbol, or logo size, and overall height;
 - e) details of any related landscaping or intended method of screening the support structures; and
 - f) details on any means of illuminating or lighting of the sign.
- 8.1.5 The location, size, and placement of signs and future signs shall be included with the plans for any new building in all commercial, institutional and industrial zones as part of the development permit application.
- 8.1.6 The owner or user of a sign shall maintain it in a proper state of repair by:
- a) cleaning, painting, repairing or replacing sign surfaces and other features of the sign as required to ensure the copy remains legible, readable and visible to the intended viewers; and
 - b) ensuring all structural elements and guy wires are properly attached to the sign and building and maintained to the construction safety standards outlined in the *National Building Code*.

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- 8.1.7 A sign located on or at the rear or side of any building shall not be illuminated if such a sign is situated adjacent to any property where the principal use is residential, and such illumination would create a direct glare upon the adjoining properties.
- 8.1.8 No sign shall obscure the line of sight from a street, lane, or sidewalk to oncoming traffic for pedestrians or motorists. Specifically, signs shall not be placed:
- a) within 6 m of an intersection or pedestrian crosswalk;
 - b) within the rights-of-way of Robert Service Way, Two Mile Hill, Mountain View Drive or Lewes Boulevard, except in the community signage areas as shown in Appendix “A”;
 - c) on any median;
 - d) within 1.5 m of the edge of the travelled portion of a street, curb, or sidewalk;
 - e) within 250 m of an intersection on the Alaska Highway or within the sign-free zones shown in Appendix “B”;
 - f) within 10 m from the road shoulder of the Alaska Highway right-of-way;
 - g) on road rights-of-way designated as school or playground zones; or
 - h) in any manner that causes signs to block, interfere with, or be affixed to any authorized traffic sign, traffic signal or traffic control device, power pole, or lamppost.
- 8.1.9 Fascia, canopy/awning, and projecting signs shall maintain a minimum clearance of 2.5 m above grade except for:
- a) fascia signs created by painting, printing or inscribing directly upon a wall of a building or structure and protruding less than 100 mm from the wall to which they are affixed; and
 - b) signs situated entirely on private property within the front or side yard setback surrounded by, or immediately above a landscaped area which discourages pedestrian access;
- 8.1.10 No part of any sign shall project beyond the property line except where expressly permitted.
- 8.1.11 Signs may only overhang or be placed on a street, sidewalk, or other City property where expressly permitted. Signs on public property shall comply with the following provisions:
- a) signs on or overhanging public property always require a permit, except community event signs in a community signage area and political signs;
 - b) With every application for a permit for a sign which will overhang or be placed on a street, sidewalk, or other City property, the owner shall:
 - (1) file with the City in a form satisfactory to the City, a public liability and property damage policy in favour of the City in the principal amount of \$2,000,000.00 inclusive of limits in respect of a loss sustained by one or more persons or damage to property;

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- (2) 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;
- (3) ensure the maintenance and use of the sign in respect of which the application for their permit has been made; and
- (4) maintain such insurance in force until the sign has been taken down and removed.

8.1.12 A permit is not required to conduct normal maintenance on permitted signs, including painting and repair, the replacement of plastic sign faces with the same advertiser due to breakage or deterioration, and the changing of copy on a permitted changeable copy sign, but excluding structural alteration.

8.2 Signs Not Regulated Under this Bylaw

8.2.1 The following signs are not regulated under section 8 of this bylaw, provided they comply with all other regulations of this bylaw:

- a) advertisements displayed within a building, or outdoors where they are not readily visible from a public roadway;
- b) advertisements displayed within and on buses or bus shelters, public benches or street furniture under contract to, or approved by the City;
- c) small posters attached to a kiosk, bulletin board, or other structure erected by the City for that purpose;
- d) signs required to be maintained or posted by law including traffic and directional signage installed by the City;
- e) danger, hazard, no trespassing, or other similar warning or advisory signs not exceeding 0.25 m²;
- f) freestanding, on-site directional signs not exceeding 2.25 m² in area and 2.0 m in height for the control of pedestrian and vehicular movement in parking lots;
- g) neighbourhood signs;
- h) temporary neighbourhood event signs such as for garage sales;
- i) signs painted on roofs, in commercial and industrial zones.

8.2.2 The following are not considered signs and are not regulated under section 8 of this bylaw, provided they comply with all other regulations of this bylaw:

- a) flag poles and flags which do not exceed the permitted height in the zone in which they are erected;
- b) works of art including murals that do not include a commercial message and are not erected above the building roof line or project onto public property;
- c) restaurant menu boxes less than 0.25 m² in area; and
- d) memorial plaques, cornerstones, historical and interpretive tablets or markers, provided they do not exceed 1.0 m².

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8.3 Prohibited Signs

- 8.3.1 Signs not expressly permitted in this bylaw are prohibited.
- 8.3.2 No sign shall be permitted which due to its placement, shape, colour, format or method of illumination obstructs the view of, or may be confused with, an official traffic sign, signal or device nor shall it display lights resembling the flashing, intermittent, animated or scintillating lights used by emergency vehicles.
- 8.3.3 No sign shall by reason of its location, colour, or intensity, create a hazard to the safe and efficient movement of vehicular and pedestrian traffic including persons with disabilities, nor shall it interfere with any opening required for ventilation or natural light.
- 8.3.4 No sign shall be attached to, or located on, any parked vehicle or trailer not normally used in the daily activity of the business, nor shall such signs be placed at a location other than the site of the business with the intent of advertising the business's address, goods available, or services provided.
- 8.3.5 Billboard signs are not permitted anywhere within the City with the exception of those under the jurisdiction of the Government of Yukon on the Alaska Highway and Klondike Highway.
- 8.3.6 Billboard signs along the Alaska Highway and Klondike Highway within the City shall be subject to sign-free zones as indicated on the map attached to this bylaw as Appendix "B". Council may, upon application, permit a billboard sign in the sign-free zone, subject to approval of the Highway Signs regulations.
- 8.3.7 Flashing signs, or signs that produce sudden changes in the intensity of light, are prohibited, except where permitted in Section 8.5 – Specific Sign Regulations.

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8.4 Permitted Signs

8.4.1 The following table designates the types of signs that are permitted in each zone category. All permitted signs are limited by the specific sign regulations in section 8.5.

Sign Type	Residential	Commercial & Industrial	Public-Institutional	Other Zones
Building Identification Signs	A	A	A	A
Real Estate & Contractor Signs (Temporary Only)	A	A	A	A
Political Signs (Temporary Only)	A	A	A	A
Window Signs	N	A	A	A
Community Event Signs (Temporary Only)	N	A	A	A
Sandwich Board On Private Property	N	A	A	A
Sandwich Board On Public Property	N	P	P	P
Banners And Inflatable Signs (Temporary Only)	N	A	A	A
Portable Signs	N	P	P	P
Fascia Sign For Home-Based Business	A	A	N/A	N/A
Fascia Signs	N	P	P	P
Canopy/Awning Signs	N	P	P	P
Under Canopy/Awning Signs	N	A	A	A
Projecting Signs	N	P	P	P
Freestanding Signs	N	P	P	P
Mural Containing a Commercial Message	N	P	P	P
Digital Signs	N	P	P	N
Billboards	N	N	N	N
A = Allowed without a permit		N = Not permitted		
P = Permit required		N/A = Not applicable		

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8.5 **Specific Sign Regulations**

Building Identification Signs

- 8.5.1 Building or property identification signs including building occupant directories, door-bars and kick-plates describing the name of the building or tenant(s) are allowed without a permit, provided that:
- a) each notice or name plate in a commercial or industrial zone does not exceed 0.25 m² and no more than one such sign shall be erected at each building entrance; and
 - b) property address identification signs in all zones may be affixed to the building and shall not exceed an area of 0.25 m². Where such signage would not be visible from the adjacent road, a freestanding sign of the same size may be erected at the entrance to the property to which it refers.

Real Estate and Contractor Signs

- 8.5.2 Real estate and contractor signs are allowed in all zones without a permit, provided that:
- a) the signs do not exceed 1.0 m² in a residential zone or 3.0 m² in a non-residential zone;
 - b) the signs are not illuminated;
 - c) there is not more than one sign per frontage or flanking street; and
 - d) the display of such signs shall be limited to the duration of the activity to which it refers.

Political Signs

- 8.5.3 All political signs shall comply with the following provisions:
- a) the signs shall not exceed 1.0 m² in a residential zone or 3.0 m² in a non-residential zone;
 - b) the signs shall not be illuminated; and
 - c) the signs shall not be erected prior to the closing of the nomination period for a municipal or First Nation election, or the issuance of writs for a Territorial or Federal election, and they shall be removed within seven days after the election.
- 8.5.4 Political signs on private property are allowed without a permit in all zones, provided that the property owner or tenant has given permission to erect a political sign on the property.
- 8.5.5 Political signs on public road rights-of-way are allowed without a permit, provided that:
- a) the signs are placed in compliance with sections 8.1.3 and 8.1.8;
 - b) notwithstanding section 8.1.8 b), political signs may be placed on the right-of-way of Robert Service Way, Lewes Boulevard, and Mountain View Drive, but shall not be placed in the Community Signage Areas indicated in Appendix 'A'; and
 - c) political signs shall not be placed in the right-of-way of Two Mile Hill, except in any area designated by the Development Officer prior to the commencement of a campaign period.

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Community Event Signs

8.5.6 Community event signs, advertising specific events run by a local non-profit organization, are allowed without a permit on private property in all non-residential zones, and without a permit on public property only in the areas defined in the maps attached to this bylaw as Appendix “A”, provided that:

- a) the sign shall not exceed 3.0 m²;
- b) there is no interference with traffic visibility or movement;
- c) the signs are erected for not more than 21 days, and are removed immediately following the event to which they refer;
- d) the signs are not attached to any tree, power pole or light standard, or planted in the ground, unless specifically authorised by the City Engineer; and
- e) the sign shall be free standing and it shall be constructed so that it has a base that can be weighted to prevent the sign from being blown or knocked over.

Window Signs

8.5.7 Window signs are allowed without a permit in all non-residential zones, with the following provisions:

- a) decal or painted window signs shall have a combined area of less than 30% of the window area;
- b) one neon sign, in a window of the premises to which it refers, is permitted, advertising either a particular product brand, service, or business state, and shall have an area of less than 30% of the window area;

Fascia Signs

8.5.8 Fascia signs require a permit, and shall be allowed in all non-residential zones with the following provisions:

- a) the sign shall not project more than 1.0 m above the roof-line or parapet wall to which it is attached;
- b) the sign shall not exceed 25% of the surface area of the wall comprising the business frontage; and
- c) the sign shall not project more than 450 mm from the wall face to which it is attached.

8.5.9 The operator of a major or minor home based business may, without a permit, attach one non-illuminated fascia sign to the principal residence advertising the business, to a maximum size of 0.37 m². In the case of RC1 and RC2 zones, the sign may be placed at the entrance to the driveway.

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Canopy and Awning Signs

8.5.10 Canopy and awning signs require a permit, and shall be allowed in all non-residential zones, with the following provisions:

- a) the canopy or awning to which it is attached, or on which it is painted, shall comply with section 5.2 of this bylaw. A canopy or awning sign may overhang public property to the same extent that the canopy or awning to which it is attached is permitted to overhang public property;
- b) no portion of the sign shall project below the bottom edge or more than 1.0 m above the top edge of the canopy, except that a canopy sign for a theatre or cinema marquee may extend 2.0 m above the edge of the canopy; and
- c) the sign does not exceed 25% of the surface area of the wall comprising the business frontage.

Under Canopy or Awning Signs

8.5.11 Under-canopy or awning signs are allowed without a permit in all non-residential zones, with the following provisions:

- a) the canopy or awning to which it is attached shall comply with section 5.2 of this bylaw;
- b) the sign shall not extend horizontally beyond the limits of the canopy or awning;
- c) the sign shall have a minimum clearance of 2.5 m;
- d) the sign shall be generally perpendicular to the building face;
- e) the maximum vertical dimension of the sign is 0.3 m; and
- f) the maximum area of the sign is 0.5 m².

Projecting Signs

8.5.12 Projecting signs require a permit, and shall be allowed in all non-residential zones, with the following provisions:

- a) the maximum area of the sign is 3.0 m²;
- b) no part of the sign shall:
 - (1) extend more than 2.0 m above the parapet of the building wall;
 - (2) extend more than 2.0 m from the face of the building; and
 - (3) be less than 2.5 m above ground or sidewalk grade.
- c) Not more than one projecting sign shall be erected per business frontage;
- d) Projecting signs may overhang public property. Where projecting signs overhang a public sidewalk, the maximum permitted extension shall be no more than 50% of the width of the sidewalk.

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Freestanding Signs

- 8.5.13 Freestanding signs require a permit, and shall be allowed in all commercial and industrial zones. Freestanding signs shall be erected so that:
- a) no part of the advertising copy area of the sign is more than 9.0 m above grade;
 - b) the advertising copy area of the sign does not exceed 10.0 m² in area;
 - c) no part of the sign shall project beyond the property line; and
 - d) there shall be not more than 1 freestanding sign for each site.

Murals Containing a Commercial Message

- 8.5.14 Murals containing a commercial message require a permit, and shall be allowed in all non-residential zones, with the following provision:
- a) text, logos, or other forms of commercial message shall not exceed 25% of the surface area of the wall to which the mural is affixed.

Sandwich Board Signs

- 8.5.15 All sandwich board signs shall comply with the following provisions:
- a) the sign shall not be wider than 0.76 m or more than 0.9 m in height; (*Bylaw 2019-07 passed March 25, 2019*)
 - b) the sign shall not be illuminated;
 - c) the sign shall not be attached to the ground or to the adjacent building; and
 - d) the sign shall be constructed with a base that can be weighted to prevent the sign from being blown or knocked over.
 - e) A maximum of two sandwich board signs per business are permitted.
- 8.5.16 Sandwich board signs on private property are allowed without a permit in all non-residential zones.
- 8.5.17 Sandwich board signs on public property require a permit. They may be placed immediately adjacent to a business premise in all non-residential zones provided that:
- a) the sign does not impede pedestrian movement. Signs shall not be located within the travelled portion of the sidewalk and a minimum width of 2.0 m, or the entire width of the sidewalk if less than 2.0 m, shall remain unobstructed;
 - b) only one sandwich board sign per business is placed immediately adjacent to the business premises on public or private property;
 - c) a permit is obtained annually and proof of liability insurance is submitted per section 8.1.11; and
 - d) a validation marker issued by the City shall be displayed in the manner described by the permit.

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- 8.5.18 A sandwich board sign may be permitted to be placed on public property not immediately adjacent to a building premises in all commercial and industrial zones provided that:
- a) the sign is located within 150 m of the business to which it refers;
 - b) the sign meets the provisions of 8.5.17 a), c), and d); and
 - c) only two sandwich board signs in total will be permitted to be placed on any street corner. Permits will be issued on a first come, first served basis.
- (Bylaw 2019-07 passed March 25, 2019)*

Banners and Inflatable Signs

- 8.5.19 Banners and inflatable signs are allowed without a permit in commercial and industrial zones only on a temporary basis as signage for a specific community or business event, for a maximum of 21 consecutive days and not more than a total of 45 days in a calendar year.

Portable Signs

- 8.5.20 Portable signs including changeable copy signs, and except for community event signs, sandwich boards, banners, and inflatable signs, require a permit and shall be allowed all non-residential zones, provided that:
- a) the sign is located on the property to which the advertising pertains, and no part of the sign shall project beyond the property line;
 - b) the sign is not illuminated;
 - c) each sign shall not exceed 3.0 m² in area or 3.0 m in height; and
 - d) the sign cannot be placed so that it reduces the number of parking spaces or loading spaces required by the Zoning Bylaw.

Digital Signs

- 8.5.21 Digital signs require a permit, and are allowed in Commercial, Industrial, and Public-Institutional zones, with the following provisions:
- a) the maximum area of the sign is 3.5 m²;
 - b) the sign must be at least 15 m from a residential property line or existing residential use. The sign may be placed closer than 15 m, provided it is not visible from that residential use or property line;
 - c) digital signs may be installed as part of, or the whole of, a freestanding sign, fascia sign, canopy sign, or projecting sign, and shall follow all of the provisions for that sign type;
 - d) content of a digital sign shall:
 - (1) only display products, services and information directly related to the site on which the sign is located;
 - (2) not display video or moving images, except for transitions lasting not more than 1 second and with at least 60 seconds between transitions;
 - (3) not display graphics or text that resemble or may be mistaken for traffic control signage;

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- (4) not produce flashing images or sudden variations in light intensity;
- (5) not include sound; and
- (6) be equipped with a dimming function, and the operator of the sign shall comply with any instructions from a Development Officer regarding the brightness of the sign.

8.5.22 When a digital sign displays text only, using a single colour of illumination, transitions may be longer than 1 second and the message is permitted to scroll across the screen. This provision does not apply to signs on properties fronting onto a school zone, or signs within 30 m of an intersection or pedestrian crosswalk.

8.6 Abandoned and Unlawful Signs

8.6.1 The City shall order the removal of a sign that is found by a Bylaw Services Constable or Development Officer to be in contravention to the provisions of this bylaw, or where:

- a) the City is denied access to the sign;
- b) a permit holder refuses to provide documentation relating to the design, location, or structure to which the permit relates;
- c) a permit was issued on mistaken or false information;
- d) a permit was not issued for a sign where it was required;
- e) a sign is found to identify a use incorrectly;
- f) the sign is abandoned or is an overall state of disrepair, or has been modified, destroyed, or relocated.

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. (*Bylaw 2021-14 passed April 13, 2021*)

8.6.3 Upon receipt of written notice, the owner of the sign may bring the sign into compliance with this bylaw by altering, refurbishing, or removing the sign and bearing all related costs.

Where a person fails or refuses to bring the offending sign into compliance, the City may, in accordance with section 346 of the *Yukon Municipal Act*, enter upon the land or building and take such action as is necessary to carry out the order.

8.6.4 The City may immediately seize any sign located on public property that is in non-compliance with this bylaw.

8.6.5 Signs or canopies removed by the City shall be stored by the City for a period of not less than 30 days, during which time the owner or owner's agent may be entitled to redeem the sign upon payment of the following amounts:

- a) the sum of \$100.00 for the cost of removing the sign or canopy, or where the cost of removal exceeds \$100.00, the actual cost of removal and a \$75 administrative charge;
- b) a storage charge of \$5.00 per day; and
- c) a signed acknowledgement and release.

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- 8.6.6 Where a sign or canopy has been removed and stored by the City for a period of 30 days and the sign or canopy has not been redeemed, the sign or canopy may be destroyed or disposed of by the City.
- 8.6.7 Where a sign or canopy has been destroyed or disposed of by the City in accordance with 8.6.6 above, the City may charge a fee for the cost of the removal, storage, and destruction or disposal of the sign or canopy. These charges may be added to the owner's tax bill if not paid within 30 days of the notification of the charges.

(The entire content of section 8 was replaced by Bylaw 2015-11 passed May 25, 2015)

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Section 9 Residential Zones

9.1 *RC1* Country Residential 1

9.1.1 Purpose

To provide a single detached housing zone for a rural lifestyle of a permanent nature on larger parcels, often without the provision of the full range of urban utility services.

9.1.2 Principal Uses

- a) community gardens and greenhouses
- b) housing: single detached, mobile, residential care homes
- c) parks

9.1.3 Secondary Uses

- a) accessory building/structure
- b) agriculture, hobby
- c) bed and breakfast lodging (two rooms)
- d) family day homes
- e) garden suites
- f) home based businesses, major
- g) home based businesses, minor
- h) living suites

9.1.4 Conditional Uses

- a) bed and breakfast lodging (four rooms)
- b) child care centres
- c) kennels
- d) housing: supportive

9.1.5 Development Regulations

- a) the minimum lot width is 30 m.
- b) the minimum lot area is 1.0 ha.
- c) the maximum site coverage is 20%.
- d) the maximum height is 12 m.
- e) the minimum front, side and rear yard setbacks are 6.0 m.

9.1.6 Other Regulations

- a) A maximum of one living suite or one garden suite shall be permitted. (*Bylaw 2024-16 passed April 22, 2024*)
- b) Buildings for kennels and stables shall be located no closer than 15 m to a property line.
- c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8.

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9.2 RC2 Country Residential 2

9.2.1 Purpose

To provide a single detached housing zone to provide an urban lifestyle in a rural setting on larger lots, but where municipal water and/or sewage disposal may be installed allowing the lot size to be reduced.

9.2.2 Principal Uses

- a) community gardens and greenhouses
- b) housing: single detached, mobile, residential care homes
- c) parks

9.2.3 Secondary Uses

- a) accessory building/structure
- b) agriculture, hobby
- c) bed and breakfast lodging (two rooms)
- d) family day homes
- e) garden suites
- f) home based businesses, minor
- g) living suites

9.2.4 Conditional Uses

- a) bed and breakfast lodging (four rooms)
- b) child care centres
- c) housing: supportive
- d) home based businesses, major

9.2.5 Development Regulations

- a) the minimum lot width is 30 m, except that the lot width may be reduced to 15 m where the parcel will be connected to either municipal water or sewage services.
- b) the minimum lot area is 0.5 ha, except that the minimum lot area may be reduced to 0.25 ha where the parcel will be connected to municipal water and sewage services.
- c) the maximum site coverage is 20%.
- d) the maximum height is 10 m.
- e) the minimum front, side and rear yard setbacks are 6.0 m. except that the side yard setbacks for the principal building may be reduced to 3.0 m if the lot is less than 0.5 ha.

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- 9.2.6 Other Regulations
- a) A maximum of one living suite or one garden suite shall be permitted. (*Bylaw 2024-16 passed April 22, 2024*)
 - b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8.
Buildings for stables shall be located no closer than 15 m to a property line.
- 9.2.7 Special Modifications
- a) The following lots are designated RC2x, the special modifications being that mobile homes are not permitted and that these lots are subject to the urban residential requirements of the *Animal Control Bylaw*:
 - (1) Lots 235, 242-4, 242-5, 242-6, 242-7, 242-8, 242-9, 242-10, and Lots 1000, 1001, 1002, 1025, and 1026, Quad 105 D/11, known as Wickstrom Road Subdivision;
 - (2) Lots 1503 to 1524 Porter Creek, known as Verslucce Meadows;
 - (3) Lots 1586 to 1590, and 1595 Porter Creek, known as Alder Place.
 - b) Fox Haven Estates, located adjacent to Meadow Lakes Golf Course, is designated RC2x with the special modifications being:
 - (1) Only single detached housing is permitted as a principal use.
 - (2) Only accessory buildings/structures and home based businesses, minor are permitted as secondary uses.
 - (3) The urban residential requirements of the *Animal Control Bylaw* apply to these lots.
 - (4) The minimum gross floor area of a single detached dwelling is 160 m² above grade as measured at the wall adjacent to the front yard; however, the minimum ground floor area for a single storey dwelling is 120 m².
 - c) Lots 357, 1500, 1501, 1629, 1630 and 1610 Porter Creek, all located adjacent to the Birch Road right-of-way and also known as 4, 5, 14, 17, and 25 Birch Road and 6 Lodgepole Lane are designated RC2x, the special modification being that these lots are subject to the urban residential requirements of the *Animal Control Bylaw*.

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- d) Settlement Parcel C-23B, located adjacent to the south side of the North Klondike Highway in the vicinity of the Hidden Valley Subdivision, is designated RC2x with the special modifications being:
- (1) for the purposes of this section, the definition of a lot means, “an area of land leased or rented from the Ta’an Kwäch’än Council for the placement of a single detached dwelling or mobile home, including accessory structures and parking.” The subject areas and configuration shall be depicted on a plan approved by City Council, and shall form part of a development agreement between the City of Whitehorse and Ta’an Kwäch’än Council as amended from time to time.
 - (2) all permitted uses, development regulations and other regulations of the RC2 zone shall apply to the lots.
 - (3) a development permit shall be required for housing development on any lot.
- e) Lot 1511 in the Porter Creek Subdivision, municipally known as 9 Gibbons Place, is designated RC2x with the special modifications being:
- (1) manufactured homes are not permitted;
 - (2) the lot is subject to the urban residential requirements of the *Animal Control Bylaw*;
 - (3) home-based businesses, major are permitted as a secondary use;
 - (4) a home-based business can operate out of a detached accessory building with a net floor area no greater than 180 m²;
 - (5) exterior storage associated with the home-based business is permitted;
 - (6) more than one commercial vehicle associated with the business may be parked on site; and
 - (7) any fuel storage associated with the home-based business shall not be located within 30 metres of the Porter Creek ordinary high water mark. Fuel storage shall be subject to the requirements of the regulating authorities.

(*Bylaw 2012-34 passed August 13, 2012*)

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- 9.3 RCM Comprehensive Residential Multiple Family**
- 9.3.1 Purpose
To provide a medium density transition zone that is meant to allow be compatible with adjacent lower density housing types.
- 9.3.2 Principal Uses
- a) community gardens and greenhouses
 - b) housing: multiple, residential care homes (*Bylaw 2024-16 passed April 22, 2024*)
 - c) parks
- 9.3.3 Secondary Uses
- a) accessory building/structure
 - b) boarding and rooming houses
 - c) family day homes
 - d) home based businesses, minor
- 9.3.4 Conditional Uses
- a) child care centres
 - b) housing: supportive
- 9.3.5 Development Regulations
- a) the minimum lot width is 15.0 m.
 - b) the minimum lot area is 835 m². (*Bylaw 2018-12 passed April 9, 2018*)
 - c) the maximum site coverage is 45%, except where a terraced amenity space is provided above the first storey, maximum site coverage shall be increased to 55%. The terraced amenity space must be available for use by all residents.
 - d) the maximum height is 15.0 m.
 - e) the minimum front yard setback is 4.0 m.
 - f) the minimum side yard setback is 3.0 m for any portion of a building 10.0 m or less in height, plus 1.0 m for buildings taller than 10.0 m.
 - g) the corner lot setback is 4.0 m from each street and a minimum of 3 m from all other sides.
 - h) the minimum rear yard setback is 7.5 m.

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9.3.6

Other Regulations

- a) the minimum number of units per building is three. (*Bylaw 2024-16 passed April 22, 2024*)
- b) the minimum site density is 25 units/ha.
- c) development in this zone is subject to the general, building facades, and access regulations set out in section 6.4 of this bylaw.
- d) development in this zone is subject to multiple housing regulations set out in section 6.14.
- e) in addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8.

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- 9.4 RCM2 Comprehensive Residential Multiple Family 2**
- 9.4.1 Purpose
To provide a comprehensive development zone for higher density, more energy efficient urban multiple family housing that is developed as part of a complete neighbourhood.
- 9.4.2 Principal Uses
- a) community gardens and greenhouses
 - b) housing: apartment, residential care homes
 - c) parks
- 9.4.3 Secondary Uses
- a) accessory building/structure
 - b) boarding and rooming houses
 - c) family day homes
 - d) home based businesses, minor
- 9.4.4 Conditional Uses
- a) child care centres
 - b) housing: supportive
- 9.4.5 Development Regulations
- a) the minimum lot area is 835 m². (*Bylaw 2018-12 passed April 9, 2018*)
 - b) the maximum site coverage is 45%, except where a terraced amenity space is provided above the first storey, maximum site coverage shall be increased to 55%. The amenity space must be available for use by all residents.
 - c) the maximum height is 15.0 m.
 - d) the minimum front yard setback is 4.0 m.
 - e) the minimum side yard setback is 3.0 m for any portion of a building 10.0 m or less in height, plus an additional 1.0 m for buildings taller than 10.0 m in height.
 - f) the corner lot setback is 4.0 m from each street and a minimum of 3.0 m from all other sides.
 - g) the minimum rear yard setback is 7.5 m.

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9.4.6

Other Regulations

- a) Where a rear or side yard abuts a greenbelt or park, no development or clearing of existing vegetation with a trunk width larger than 175mm (7") in diameter or 550 mm (22") in circumference at 1.75 m in height, is allowed unless the area is designated only for required on-site parking or access to parking.
- b) The minimum site density is 50 units/ha. (**Bylaw 2016-28 – 2016-09-26**)
- c) Development in this zone is subject to the general, building facades, and access regulations set out in section 6.4.
- d) Development in this zone is subject to multiple housing regulations set out in section 6.14.
- e) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8.

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9.5 RCM3 Cottage Cluster Homes

9.5.1 Purpose

To provide a zone for the development of multiple ground-oriented single detached, duplex and triplex housing units that are located on the same lot.

9.5.2 Principal Uses

- a) housing: cottage cluster, residential care homes
- b) parks
- c) community gardens and greenhouses

9.5.3 Secondary Uses

- a) accessory building/structure
- b) boarding and rooming houses
- c) family day homes
- d) home based businesses, minor
- e) living suites (*Bylaw 2024-16 passed April 22, 2024*)

9.5.4 Conditional uses

- a) housing: supportive

9.5.5 Development Regulations

- a) The minimum lot width is 15.0 m.
- b) the minimum lot area is 480 m². (*Bylaw 2018-12 passed April 9, 2018*)
- c) The maximum site coverage is 50%,
- d) The maximum height is 10.0 m.
- e) The minimum front yard setback is 2.5 m. and the maximum front yard setback is 6 m. (*Bylaw 2013-20 passed July 8, 2013*)
- f) The minimum side yard setback is 1.5 m
- g) The minimum corner lot setback is 4.0 m from each street and the maximum corner lot setback is 6 m.
- h) The minimum rear yard setback is 3 m and may be reduced to 1.5 m where there is rear lane access.
- i) A minimum building separation of 6 m is required on at least two sides of each residential building. A minimum 2.5 m building separation is required on all other sides of each residential building. (*Bylaw 2013-20 passed July 8, 2013*)

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- 9.5.6 Other Regulations
- a) Development in this zone is subject to the general, building facades, porches, and access regulations set out in section 6.4.
 - b) Development in this zone is subject to multiple housing regulations set out in section 6.14.
 - c) The minimum site density is 15 units/ha.
 - d) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8.

(Bylaw 2024-16 passed April 22, 2024)

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- 9.6 RCS Comprehensive Residential Single Family**
- 9.6.1 Purpose
To provide a comprehensive development zone for compact fee-simple single detached, duplex and multiple housing that is developed as part of a complete neighbourhood. (*Bylaw 2024-16 passed April 22, 2024*)
- 9.6.2 Principal Uses
- a) community gardens and greenhouses
 - b) housing: single detached, duplex, multiple, residential care homes (*Bylaw 2024-16 passed April 22, 2024*)
 - c) parks
- 9.6.3 Secondary Uses
- a) accessory building/structure
 - b) bed and breakfast lodging (two rooms)
 - c) family day homes
 - d) garden suites
 - e) home based businesses, minor
 - f) living suites
- 9.6.4 Conditional Uses
- a) child care centres
 - b) home based businesses, major
 - c) housing: supportive
- 9.6.5 Development Regulations
- a) the minimum lot width is 12.0 m except that the minimum lot width may be reduced to 10.0 m where rear lane access is provided.
 - b) the minimum lot area for single detached, duplex, and multiple housing is 320 m². (*Bylaw 2024-16 passed April 22, 2024*)
 - c) the minimum lot area for duplex housing where each unit is on a separate fee simple lot is 275 m². (*Bylaw 2024-16 passed April 22, 2024*)
 - d) the maximum site coverage is 50%.
 - e) the maximum height is 10.0 m.
 - f) the minimum front yard setback is 4.0 m, and the maximum front yard setback is 8.0 m.
 - g) the minimum side yard setback for the principal building is 1.5 m except that in the case of a side-by-side duplex on separate adjacent lots, one side yard setback may be reduced to zero.
 - h) the minimum side yard setback for an accessory building is 0.6 m. In the case of a shared garage as part of a side-by-side duplex on separate lots, one side yard setback for the accessory building may be reduced to 0 m.
 - i) the corner lot setback for the principal building is 4.0 m minimum from each street, and 8.0 m maximum from one street, and 1.5 m from all other sides.

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- j) the minimum rear yard setback is 11.0 m for the principal building except:
 - (1) in the case that the principal building is one storey, the rear yard setback may be reduced to 6.0 m; or
 - (2) if more than one dwelling unit is provided, the rear yard setback may be reduced to 3.0 m. (*Bylaw 2024-16 passed April 22, 2024*)

9.6.6

Other Regulations

- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites. (*Bylaw 2024-16 passed April 22, 2024*)
- b) Lots with a dwelling that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a separate, fee simple lot) cannot build up to four dwelling units, but can provide up to two suites. (*Bylaw 2024-16 passed April 22, 2024*)
- c) Development in this zone is subject to the general, building facades, porches and access regulations set out in section 6.4.
- d) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone. (*Bylaw 2024-16 passed April 22, 2024*)

9.6.7

Special Modifications

- a) Notwithstanding Section 6.13.3 a) of this bylaw, Lot 590, Plan 108387 CLSR YT, located at 68 Mascot Street in the Whistle Bend Subdivision, is designated RCSx(a) with the special modification being that a living suite is permitted as a secondary use on a lot that is at least 436 m² in area. (*Section 9.6.7 added by Bylaw 2023-30 passed December 11, 2023*)

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- 9.7 RCS2 Comprehensive Residential Single Family 2**
- 9.7.1 Purpose
To provide a comprehensive development zone for medium density, more energy efficient urban housing that is developed as part of a complete neighbourhood.
- 9.7.2 Principal Uses
- a) community gardens and greenhouses
 - b) housing: single detached, duplex, multiple, residential care homes (*Bylaw 2024-16 passed April 22, 2024*)
 - c) parks
- 9.7.3 Secondary Uses
- a) accessory building/structure
 - b) bed and breakfast lodging (two rooms)
 - c) family day homes
 - d) garden suites
 - e) home based businesses, minor
 - f) living suites
- 9.7.4 Conditional Uses
- a) child care centres
 - b) home based businesses, major
 - c) housing: supportive
- 9.7.5 Development Regulations
- a) the minimum lot width for single detached housing is 11 m.
 - b) the minimum lot width for duplex and triplex housing is 8.5 m.
 - c) the minimum lot area for single detached, duplex, and multiple housing is 490 m². (*Bylaw 2024-16 passed April 22, 2024*)
 - d) the minimum lot area for duplex housing where each unit is on a separate fee simple lot is 390 m². (*Bylaw 2024-16 passed April 22, 2024*)
 - e) the maximum site coverage is 50%.
 - f) the maximum height is 10.0 m.
 - g) the minimum front yard setback is 3.0 m, and the maximum front setback is 9.0 m. The maximum front yard setback does not apply to development on Antwerp Street, Arnhem Road, Cassino Street, Nijmegen Road, and Ortona Avenue.
 - h) the minimum side yard setback is 1.5 m except in the case of a side-by-side duplex on separate adjacent lots, where one side yard setback may be reduced to zero.
 - i) the corner lot setback is 3.0 m minimum and 9.0 m maximum from each street and 1.5 m from all other sides. (*Bylaw 2015-01 – March 23, 2015*)
 - j) the minimum rear yard setback is 3.0 m for the principal building.
 - k) lots with a minimum aggregate lot area of 980 m² are permitted to have both a living suite and a garden suite, subject to the regulations of this bylaw. (*Bylaw 2016-07 passed March 29, 2016*)

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- 9.7.6 Other Regulations
- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites. (*Bylaw 2024-16 passed April 22, 2024*)
 - b) Lots with a dwelling that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a separate, fee simple lot) cannot build up to four dwelling units, but can provide up to two suites. (*Bylaw 2024-16 passed April 22, 2024*)
 - c) Development in this zone is subject to the general, building facades, porches, and access regulations set out in section 6.4.
 - d) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone. (*Bylaw 2024-16 passed April 22, 2024*)
- 9.7.7 Special Modifications
- a) Lot 101, Block 804, Plan 29819, located at 75 Ortona Avenue in Takhini North, is designated RCS2x with the special modifications being:
 - (1) a child care centre is permitted as a secondary use;
 - (2) the minimum lot size for the child care centre is 461 m²;
 - (3) all employee parking shall be provided off-street; and
 - (4) no more than 12 children shall be allowed.

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- 9.8 RCS3 Comprehensive Residential Single Family 3**
- 9.8.1 Purpose
To provide a zone for single detached, duplex, and multiple housing on urban lots with a broad range of residential related uses. (*Bylaw 2024-16 passed April 22, 2024*)
- 9.8.2 Principal Uses
- a) community gardens and greenhouses
 - b) housing: single detached, duplex, multiple, residential care homes (*Bylaw 2024-16 passed April 22, 2024*)
 - c) parks
- 9.8.3 Secondary Uses
- a) accessory building/structures
 - b) bed and breakfast lodging (two rooms)
 - c) family day homes
 - d) garden suites
 - e) home based businesses, minor
 - f) living suites
- 9.8.4 Conditional Uses
- a) child care centres
 - b) home based businesses, major
 - c) housing: supportive
- 9.8.5 Development Regulations
- a) the minimum lot width is 15.0 m.
 - b) the minimum lot area for single detached, duplex, and multiple housing is 400 m². (*Bylaw 2024-16 passed April 22, 2024*)
 - c) the minimum lot area for duplex housing where each unit is on a separate fee simple lot is 337 m². (*Bylaw 2024-16 passed April 22, 2024*)
 - d) the maximum site coverage is 35%. The maximum site coverage may be increased to 50% if more than one dwelling unit is provided. (*Bylaw 2024-16 passed April 22, 2024*)
 - e) the maximum height is 10.0 m.
 - f) the minimum front yard setback is 4.0 m and the maximum front yard setback is 8.0 m. (*Bylaw 2019-07 passed March 25, 2019*)
 - g) the minimum side yard setback is 1.5 m except in the case of a side-by-side duplex on separate adjacent lots, where one side yard setback may be reduced to zero. (*Bylaw 2019-07 passed March 25, 2019*)
 - h) the minimum corner lot setback is 4.0 m from each street, 8.0 m maximum from one street, and 1.5 m from all other sides. (*Bylaw 2019-07 passed March 25, 2019*)
 - i) the minimum rear yard setback for a principal dwelling is 3.0 m.

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9.8.6

Other Regulations

- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites. (*Bylaw 2024-16 passed April 22, 2024*)
- b) Lots with a dwelling that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a separate, fee simple lot) cannot build up to four dwelling units, but can provide up to two suites. (*Bylaw 2024-16 passed April 22, 2024*)
- c) Development in this zone is subject to the general and access regulations set out in section 6.4.
- b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone. (*Bylaw 2024-16 passed April 22, 2024*)

Office Consolidation of City of Whitehorse Zoning Bylaw 2012-20

9.9 RCT Comprehensive Residential Townhouses

9.9.1 Purpose

To provide a comprehensive development zone for higher density, ground oriented, fee simple townhouses, developed as part of a complete neighbourhood.

9.9.2 Principal Uses

- a) community gardens and greenhouses
- b) parks
- c) housing: residential care homes, townhouses

9.9.3 Secondary Uses

- a) accessory building/structure
- b) boarding and rooming houses
- c) family day homes
- d) garden suites (*Bylaw 2024-16 passed April 22, 2024*)
- e) home based businesses, minor
- f) living suites (*Bylaw 2024-16 passed April 22, 2024*)

9.9.4 Conditional Uses

- a) housing: supportive

9.9.5 Development Regulations

- a) the minimum lot width is 6.0 m. (*Bylaw 2014-17 passed May 26, 2014*)
- b) the minimum lot area is 207 m².
- c) the maximum site coverage for lots with one side yard setback of 1.5 m is 45%. The maximum site coverage for lots with two side yard setbacks of 0.0 m is 55%. (*Bylaw 2019-07 passed March 25, 2019*)
- d) the maximum height is 10 m.
- e) the minimum front yard setback is 4.0 m, and the maximum front yard setback is 6.0 m. In the case where there is no lane access, the maximum front yard setback is 9.0 m. (*Bylaw 2014-17 – May 26, 2014*)
- f) the minimum side yard setback is 0 m on one side and 1.5 m on the other side. In the case of a unit that is joined to other units on each side, the side yard setbacks are reduced to 0 m on both sides.
- g) the corner lot setback for principal buildings is 2.0 m minimum and 6.0 m maximum from each street, and 1.5 m from all other sides.
- h) the minimum rear yard setback is 6.0 m for the principal building.
- i) the minimum rear yard setback for accessory buildings is 1.5 m and may be reduced to 0.6 m where there is rear lane access.

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9.9.6 Other Regulations

- a) Development in this zone is subject to the general, building facades, porches and access regulations set out in section 6.4.
- b) Where development is situated on one fee simple lot, development in this zone is subject to multiple housing regulations set out in section 6.14.
- c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8.

9.9.7 Special Modifications:

- a) Lots 110, 111, 113 and 114, Plan 30131, located at 122, 123, 124, 125, 128, 129, 130, and 131 Hillcrest Drive, are designated RCTx(a) with the special modifications being that:
 - (1) only community gardens and greenhouses, parks and triplex housing are permitted as principal uses; and
 - (2) the maximum building height is 9.0 m with the qualification that the cross-section of a structural building plan shall show no greater than 7.0 m difference between the average finished grade and the underside of the truss within the ceiling of the uppermost habitable storey.

(Bylaw 2014-13 passed April 22, 2014)

Office Consolidation of City of Whitehorse Zoning Bylaw 2012-20

9.10 RCT2 Courtyard Townhouses

9.10.1 Purpose

To provide a comprehensive development zone for ground oriented, medium density townhouses that allows for condominium tenureship and that is developed as part of a complete neighbourhood.

9.10.2 Principal Uses

- a) community gardens and greenhouses
- b) housing: courtyard, residential care homes
- c) parks

9.10.3 Secondary Uses

- a) accessory building/structure
- b) boarding and rooming houses
- c) family day homes
- d) home based businesses, minor

9.10.4 Conditional Uses

- a) housing: supportive

9.10.5 Development Regulations

- a) the minimum lot width is 15.0 m.
- b) the minimum lot area is 660 m². (*Bylaw 2018-12 passed April 9, 2018*)
- c) the maximum site coverage is 45%,
- d) the maximum height is 10.0 m.
- e) the minimum front yard setback is 4.0 m. and the maximum front yard setback is 6.0 m.
- f) the minimum side yard setback is 3.0 m
- g) the corner lot setback is 4.0 m from each street and 1.5 m from all other sides.
- h) the minimum rear yard setback is 5 m and may be reduced to 1.5 m. where there is rear lane access.
- i) the minimum building separation (courtyard) between the front or back face of buildings within a Courtyard Townhouse development is 9 m. (The front and back face of buildings is defined as the two sides of the building with the greatest length). The minimum building separation between all other sides of the building is 3.0 m.

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9.10.6

Other Regulations

- a) The minimum number of units per building is three and the maximum number of units per building is six.
- b) Development in this zone is subject to the general, building facades, and access regulations set out in section 6.4.
- c) Where buildings front public streets development in this zone is subject to the porches regulations set out in section 6.4.
- d) Development in this zone is subject to multiple housing regulations set out in section 6.14.
- e) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8.

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9.11 RD Residential Downtown

9.11.1 Purpose

To provide a primarily residential zone near the downtown core that encourages the retention of the neighbourhood's single detached character, but allows for slightly higher development density.

9.11.2 Principal Uses

- a) community gardens and greenhouses
- b) housing: single detached, duplex, multiple, residential care homes
- c) parks

9.11.3 Secondary Uses

- a) accessory building/structure
- b) bed and breakfast lodging (two rooms)
- c) boarding and rooming houses
- d) family day homes
- e) garden suites
- f) home based businesses, minor
- g) living suites

9.11.4 Conditional Uses

- a) bed and breakfast lodging (four rooms)
- b) child care centres
- c) home based businesses, major
- d) housing: supportive; temporary shelter services
- e) religious assemblies

9.11.5 Development Regulations

- a) the minimum lot width is 12.0 m
- b) the minimum lot depth is 30.0 m
- c) the minimum lot area is 360 m². (*Bylaw 2024-16 passed April 22, 2024*)
- d) the maximum floor area ratio is 0.9
- e) the maximum site coverage is 50%
- f) the maximum height is 8.0 m. A building with a gable, gambrel, or hip style roof may project an additional 2.0 m
- g) the minimum front yard setback is 2.0 m
- h) the minimum side yard setback is 1.5 m on both sides except that corner lot setbacks shall be 2.0 m from each street and 1.5 m from the other sides
- i) in the case of a side-by-side duplex on separate, adjacent lots, one side yard setback may be reduced to zero and the other shall be 1.5 m
- j) The minimum rear yard setback is 3.0 m

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- 9.11.6 Other Regulations
- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites. (*Bylaw 2024-16 passed April 22, 2024*)
 - b) Lots with a dwelling unit that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a separate fee simple lot) cannot build up to four dwelling units, but can provide up to two suites. (*Bylaw 2024-16 passed April 22, 2024*)
 - c) Any combination of four units, including two or more single detached houses or duplexes, multiple housing, residential care homes, living and garden suites, may be accommodated on a lot as long as all other provisions of this bylaw and other applicable City bylaws are met. (*Bylaw 2013-20 passed July 8, 2013*).
 - d) Where a lot abuts a lane, vehicle access shall be from the lane. (*Bylaw 2013-20 passed July 8, 2013*).
 - e) Building facades shall include two of the following items:
 - (1) primary building entrance;
 - (2) front porch and/or balconies;
 - (3) variation in facade depth so as to avoid the creation of large featureless walls; and
 - (4) variation in siding and trims material or colour.(*Bylaw 2013-20 passed July 8, 2013*)
 - f) Development in this zone is subject to multiple housing regulations set out in section 6.14.
 - g) New development resulting in new buildings and/or site disturbance that falls within the area specified in Appendix D – Moderate Geo-hazard Area, requires a site-specific geotechnical evaluation in the form and substance acceptable to the City Engineer, and implementation of any mitigation measures required by the City Engineer. (*Bylaw 2013-20 – July 8, 2013*).
 - h) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8.
- 9.11.7 Special Modifications (*section added by Bylaw 2017-33 – January 29, 2018*)
- a) Lot 1, Block 59, Plan 17459 LTO, located at 6140 Sixth Avenue, is designated RDx(a) with the special modifications being:
 - (1) the maximum number of dwelling units on the lot is five, and
 - (2) if five dwelling units are built on the lot, only a dwelling configuration of five single-detached units is permitted.”(*Bylaw 2017-33 passed January 29, 2018*)
 - b) Lot 2, Block 131, located at 604 Black Street, is designated RDx(b) with the special modification being that the minimum south-west side yard setback is 1.2 m and the minimum rear yard setback is 2.0 m. (*Bylaw 2020-21 passed June 29, 2020*)

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9.12 RM Residential Multiple Housing

9.12.1 Purpose

To provide a zone for higher density multiple housing

9.12.2 Principal Uses

- a) child care centres
- b) community gardens and greenhouses
- c) housing: multiple, residential care homes
- d) parks

9.12.3 Secondary Uses

- a) accessory building/structure
- b) boarding and rooming houses
- c) family day homes
- d) home based businesses, minor

9.12.4 Conditional Uses

- a) housing: duplex, single-detached, supportive

9.12.5 Development Regulations

- a) the minimum lot area is 835 m². (*Bylaw 2018-12 passed April 9, 2018*)
- b) the maximum site coverage is 45%
- c) the maximum height is 15.0 m
- d) the minimum front yard setback is 6.0 m
- e) the minimum front yard setback for multiple housing developments may be reduced from 6.0 m but off-street parking must be provided at the rear. No structure shall be constructed within a sight triangle
- f) the minimum side yard setback is 3.0 m for any portion of a building 10.0 m or less in height, plus 1.0 m for buildings taller than 10.0 m
- g) the corner lot setback is 6.0 m from each street and a minimum of 3.0 m from all other sides
- h) the minimum rear yard setback is 7.5 m
- i) in the case of a side-by-side townhouse with separate, adjacent lots, the side yard setbacks may be reduced to 0.0 for the interior lots

9.12.6 Other Regulations

- a) The minimum site density is 25 units/ha, except for fully accessible housing developments, which have no minimum site density.
- b) Development in this zone is subject to multiple housing regulations set out in section 6.14.
- c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8.

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9.12.7

Special Modifications

- a) Lots 1 to 31 inclusive in Porter Creek, located on Centennial Street, are designated RMx(a) with the special modification being that single detached housing is also allowed as a principal use.
- b) Lots 131 and 132 Logan, located at 58 Falcon Drive, are designated RMx(b) with the special modification being that side yard setbacks abutting Public Utility Lot 8 and Public Utility Lot 9 may be reduced to 0.0 m
- c) Lot 1376, Quad 105 D/14, a mobile home development on the east side of Range Road, is designated RMx(c) with the special modifications being:
 - (1) the minimum lot size is 390 m²
 - (2) the minimum lot width is 13 m
 - (3) the minimum lot depth is 28 m
 - (4) the minimum rear yard setback for bare land units that are 28 m deep is 1.5 m
 - (5) the minimum rear yard setback for bare land units that are 30 m deep is 1.9 m
 - (6) the minimum front yard setback for the bare land units that are 28 m deep is 4.5 m
 - (7) the minimum front yard setback for the bare land units that are 30 m deep is 6.0 m
 - (8) the minimum side yard setback is 3 m on one side and 1.5 m on the other side.
 - (9) the definition of lot for the purposes of this section shall include a bare land unit described in a plan registered in the Land Titles Office pursuant to the provisions of the *Condominium Act*, R.S.Y. 1986, c.28, as amended.
 - (10) mobile homes are permitted.
- d) Lot 1032 Quad 105 D/11, Plan 82348 in the Takhini West subdivision, located at 134 Seine Square, is designated RMx(d) with the special modification being that a maximum of 20 units are permitted on the subject property.
- e) Lot 144, Plan 51184 CLSR, Porter Creek Subdivision, located at 21–12th Avenue, is designated RMx(e) with the special modifications being that on the land comprising existing Lot 144 the allowable number of dwelling units is a maximum of five units and the allowable building height is a maximum of ten metres. (*Bylaw 2018-22 passed June 11, 2018*)
- f) Lots 82 and 83, Plan 25142 LTO in Porter Creek, located at 1308 Centennial Street and 1306 Centennial Street respectively, are designated RMx(f) with the special modifications being:
 - (1) the maximum height is 13 m; and
 - (2) the maximum density is 9 units. (*Bylaw 2020-34 passed February 8, 2021*)

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- g) Lot 85, Plan 25142 LTO YT at 1302 Centennial Street in the Porter Creek Subdivision, is designated RMx(g) with the special modifications being:
 - (1) the maximum height is 13 m;
 - (2) the maximum density is 10 units; and
 - (3) A vegetative buffer between the RMx(g) and adjacent residential zones is not required on the side yards. (*Bylaw 2023-33 passed February 26, 2024*)

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9.13 RP Residential Mobile Home Park

9.13.1 Purpose

To provide a zone for the development of mobile home parks in an urban setting.

9.13.2 Principal Uses

- a) community gardens and greenhouses
- b) mobile home parks
- c) parks

9.13.3 Secondary Uses

- a) accessory building/structure
- b) family day homes
- c) home based businesses, minor

9.13.4 Conditional Uses

- a) child care centres

9.13.5 Development Regulations

- a) the minimum area of a mobile home park is 2.0 ha.
- b) the maximum number of mobile home sites in a mobile home park shall not exceed 15 mobile home sites per hectare.
- 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. (*Bylaw 2021-14 passed April 13, 2021*)

9.13.6 Mobile Home Sites

For the purposes of this section, “mobile home site” means an area of land within a mobile home park leased or rented from the owner of a mobile home park for the placement of a mobile home, including accessory structures and parking.

- a) each mobile home site in a mobile home park shall be monumented and defined by survey and depicted on a plan of field notes prepared by a Canada Lands Surveyor and recorded in the Canada Lands Surveys Records.
- b) the minimum area of a mobile home site shall be 462 m².
- c) the minimum width of a mobile home site shall be 14.0 m.
- d) the minimum side yard setback of a mobile home site shall be 3.0 m on one side and 1.5 m on the other side.
- e) the minimum front yard setback of a mobile home site shall be 6.0 m.
- f) the minimum rear yard setback of a mobile home site shall be 3.0 m.
- g) the maximum site coverage on a mobile home site shall be 45%.
- h) the foundation supporting elements of a mobile home shall not exceed 1.0 m above grade. The average grade will be used to determine heights on sloping mobile home sites.

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- 9.13.7 Accessory Buildings
- a) On each mobile home site, only one accessory building (such as a storage shed) may be installed, subject to the following regulations:
 - (1) the accessory building shall not exceed 4.0 m in height and not exceeding 12.0 m² in area.
 - (2) the accessory building shall not be located in the front yard of the mobile home site and not closer than 0.6 m from a mobile home site boundary and not closer than 1.0 m from the mobile home.
- 9.13.8 Additions to Mobile Homes
- a) The following additions to mobile homes are permitted on each mobile home site, provided that the means of egress from the mobile home is not restricted or diminished by any part of the addition:
 - (1) skirting, provided that an easily removable access panel of a minimum width of 1.2 m provides access to the area enclosed by the skirting;
 - (2) carports;
 - (3) shelters against sun or rain;
 - (4) decks, patios and landings;
 - (5) vestibules or arctic entries of a maximum size of 6.0 m² ;
 - (6) sun rooms (unheated rooms) added to a mobile home; provided that any such added room shall have an exit or access to an exit other than through the mobile home, and further, that any such additional room is not used as an exit or access to exit from any mobile home;
 - (7) roof additions that are designed to be independently supported by the mobile home.
 - b) All foundations for the support of mobile homes or additions to a mobile home shall be designed and installed in accordance with the City of Whitehorse Building and Plumbing Bylaw. No permanent foundations shall be permitted.
 - c) Additions to a mobile home shall:
 - (1) not exceed in floor area, the plan area of the mobile home to which they are attached;
 - (2) not exceed the height of the mobile home, except for roof replacements to the mobile home not exceeding a 4/12 pitch;
 - (3) be constructed and finished in durable, weather-resistant materials similar in quality to those used in the construction and finishing of the principal unit to which they are attached; and
 - (4) not be commenced until the tenant first obtains a letter of permission from the park owner and obtains a City Building Permit, prior to construction or placement of additions, including separate buildings or structures on a mobile home site.

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- d) The following alterations to a mobile home are permitted:
 - (1) replacement of exterior siding;
 - (2) addition of exterior insulation;
 - (3) interior renovations that do not alter the structural components of the mobile home;
 - (4) replacement of windows and/or doors

9.13.9

Other Regulations

- a) No part of the mobile home park shall be used for non-residential purposes except as required by section 9.13 for the direct servicing and well-being of residents of the mobile home park and for the management and maintenance of the mobile home park.
- b) One single detached dwelling is permitted in a mobile home park on a mobile home site for use by the mobile home park owner or manager as a residence and office for management of the park.
- c) The mobile home park owner shall provide one or more playground areas having a total area of not less than five percent (5%) of the total area of the mobile home park. Each playground area shall be suitably landscaped and maintained, equipped with appropriate play equipment, and located conveniently to the mobile home lots and footpaths.
- d) The playground area shall be contiguous except where the playground area exceeds 1000 m². Where the area required exceeds 1000 m², more than one playground area may be provided, but in no case shall a playground area be less than 500 m².
- e) All playground areas shall be entirely enclosed by a fence. The fence shall be a minimum of 1.2 m high and shall be of a material that permits visual observation of the interior of the playground area from outside the playground area.
- f) For mobile homes parks that commenced operation prior to this bylaw and that have been operating:
 - (1) mobile homes located in the park at the time this bylaw is enacted, may be replaced at the discretion of their owners and the mobile home park owner, subject to all applicable laws (including the Act);
 - (2) additions to mobile home sites constructed or substantially constructed at the time this bylaw is enacted, provided such additions were constructed in compliance with all applicable laws and bylaws and pursuant to a valid development permit, may remain in the mobile home park without requiring an additional development permit; and
 - (3) any new additions to mobile homes existing at the time this bylaw is enacted will require a development permit in accordance with this bylaw and all applicable laws (including the Act).

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- 9.13.10 Special Modifications (*Added by Bylaw 2016-37 passed October 24, 2016*)
- a) The trailer park portion of Lots 1206 and 1207, Quad 105 D/11, Plan 2005-0035 LTO, located at 200 Lobird Road, is designated RPx(a), the special modifications being:
- (1) Mobile Home Site #221 is permitted to contain a mobile home with a heated room addition; and
 - (2) The heated room addition must conform to the provisions contained within section 9.13.8 c) of this bylaw; and
 - (3) The special modification associated with Mobile Home Site #221 is specific to the first mobile home placed on Site #221 after the adoption of Bylaw 2016-37 and is not transferrable to future mobile homes. Future mobile homes placed on Site #221 must conform to zoning regulations in effect at the time of placement on the site
- (*Bylaw 2016-37 passed October 24, 2016*)

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9.14 RR Restricted Residential Detached

9.14.1 Purpose

To provide a zone for single detached, duplex, and multiple housing on larger urban serviced lots with a restricted range of associated uses. ([Bylaw 2024-16 passed April 22, 2024](#))

9.14.2 Principal Uses

- a) parks
- b) housing: single detached, duplex, multiple ([Bylaw 2024-16 passed April 22, 2024](#))

9.14.3 Secondary Uses

- a) accessory building/structure
- b) garden suites ([Bylaw 2024-16 passed April 22, 2024](#))
- c) home based businesses, minor
- d) living suites ([Bylaw 2024-16 passed April 22, 2024](#))

9.14.4 Development Regulations

- a) the minimum lot width is 14.0 m ([Bylaw 2021-14 passed April 13, 2021](#))
- b) the minimum lot area is 700 m².
- c) the maximum site coverage is 35%. The maximum site coverage may be increased to 50% if more than one dwelling unit is provided. ([Bylaw 2024-16 passed April 22, 2024](#))
- d) the maximum height is 10.0 m.
- e) the minimum front yard setback is 6.0 m.
- f) the minimum side yard setback is 3.0 m on one side and 1.5 m on the other side. The minimum side yard setback may be reduced to 1.5 m on both sides if more than one dwelling unit is provided. ([Bylaw 2024-16 passed April 22, 2024](#))
- g) the corner lot setback is 6.0 m from each street and 1.5 m from all other sides.
- h) the minimum rear yard setback is 6.0 m except on a corner lot. The minimum rear yard setback may be reduced to 3.0 m if more than one dwelling unit is provided. ([Bylaw 2024-16 passed April 22, 2024](#))
- i) the minimum width of a single detached dwelling shall be 6.0 m.

9.14.5 Other Regulations

- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites. ([Bylaw 2024-16 passed April 22, 2024](#))
- b) All housing developments 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. ([Bylaw 2021-14 passed April 13, 2021](#)) ([Bylaw 2024-16 passed April 22, 2024](#))

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- c) Occupancy approval shall not be granted for any housing until the building exterior has been completed. (*Bylaw 2024-16 passed April 22, 2024*)
- d) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone. (*Bylaw 2024-16 passed April 22, 2024*)

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9.14.6 Special Modifications

- a) Lots 789 and 790, Plan 2004-0087 LTO in the Copper Ridge subdivision, located at 112 and 114 North Star Drive, are designated RRx(a) with the special modification being that a living suite is allowed as a secondary use. *(Bylaw 2018-13 passed April 9, 2018)*
- b) Lot 447, Plan 2017-0051 LTO in the Whistle Bend subdivision, located at 12 Sybil Circle, is designated RRx(b) with the special modification being that a garden suite is allowed as a secondary use. *(Bylaw 2022-37 passed November 28, 2022)*

Office Consolidation of City of Whitehorse Zoning Bylaw 2012-20

9.15 RS Residential Single Detached

9.15.1 Purpose

To provide a zone for a range of single detached, duplex, and multiple housing on urban lots with a broad range of residential related uses. (*Bylaw 2024-16 passed April 22, 2024*)

9.15.2 Principal Uses

- a) community gardens and greenhouses
- b) housing: single detached, duplex, multiple, residential care homes (*Bylaw 2024-16 passed April 22, 2024*)
- c) parks

9.15.3 Secondary Uses

- a) accessory building/structure
- b) bed and breakfast lodging (two rooms)
- c) family day homes
- d) garden suites
- e) home based businesses, minor
- f) living suites

9.15.4 Conditional Uses

- a) child care centres
- b) family day homes (in an accessory building)
- c) home based businesses, major
- d) housing: supportive
- e) mobile homes

9.15.5 Development Regulations

- a) the minimum lot width is 14.0 m.
- b) the minimum lot width for a side-by-side duplex on separate, adjacent lots is 10.0 m.
- c) the minimum lot area for single detached, duplex, and multiple housing is 462 m². (*Bylaw 2024-16 passed April 22, 2024*)
- d) the minimum lot area for duplex housing where each unit is on a separate fee simple lot is 372 m². (*Bylaw 2024-16 passed April 22, 2024*)
- e) the maximum site coverage is 40%. The maximum site coverage may be increased to 50% if more than one dwelling unit is provided. (*Bylaw 2024-16 passed April 22, 2024*)
- f) the maximum height is 10.0 m.
- g) the minimum front yard setback is 6.0 m.
- j) the minimum side yard setback is 3.0 m on one side and 1.5 m on the other side except that:
 - (1) where there is access to the rear of the lot by a lane, the side yard setback requirement may be reduced to 1.5 m on both sides; and

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- (2) in the case of a side-by-side duplex on separate, adjacent lots, one side yard setback may be reduced to zero and the other shall be 3.0 m; and
 - (3) where more than one dwelling unit is provided, the side yard setbacks may be reduced to 1.5 m on both sides. (*Bylaw 2024-16 passed April 22, 2024*)
 - k) the corner lot setback is 6.0 m from each street and 1.5 m from all other sides.
 - l) the minimum rear yard setback is 3.0 m.
- 9.15.6 Other Regulations
- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites. (*Bylaw 2024-16 passed April 22, 2024*)
 - b) Lots with a dwelling that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a separate fee simple lot) cannot build up to four units, but can provide up to two suites. (*Bylaw 2024-16 passed April 22, 2024*)
 - c) Mobile homes must have continuous skirting that is complementary to the siding of the home. In addition the building grade must allow a continuous roofline on any addition that is attached to the mobile home.
 - d) The placement of mobile homes is restricted to homes no older than ten years old.
 - e) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone. (*Bylaw 2024-16 passed April 22, 2024*)
- 9.15.7 Special Modifications
- a) Lot 809 Copper Ridge, located at 25 Winze Place in the Copper Ridge Subdivision, is designated RSx with the special modification being that duplex homes are not allowed.
 - b) Lot 25, Quad 105D/11, located at 157 Falaise Place in Takhini West, is designated RSx with the special modification being that the minimum front yard setback is 4.9 m.
 - c) Lot 108, Takhini East Subdivision, located at 1 Vimy Place, is designated RSx with the special modification being that the minimum front yard setback is 3.0 m.
 - d) Lot 21, Block 211, Plan 26173, located at 21 McQuesten Road, is designated RSx with the special modification being that a triplex is permitted as a principal use.
 - e) A portion of Lot 1608, Porter Creek Subdivision, located at 1805 Birch Street, is designated RSx with the special modification being that mobile homes are permitted as a principal use. (*Bylaw 2022-36 passed November 14, 2022*)

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- f) Lot 603, Plan 32022 LTO in the Porter Creek Subdivision, located at 11 Oak Street, is designated RSx(f) with the special modification being that the rear yard setback for a garden suite is 0.9 metres. (*Bylaw 2022-38 passed December 12, 2022*)

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9.16 RS2 Residential Single Detached 2

9.16.1 Purpose

To provide a zone for modest scale housing on urban lots with a broad range of residential related uses.

9.16.2 Principal Uses

- a) community gardens and greenhouses
- b) housing: single detached, multiple, residential care homes ([Bylaw 2024-16 passed April 22, 2024](#))
- c) parks

9.16.3 Secondary Uses

- a) accessory building/structure
- b) bed and breakfast lodging (two rooms)
- c) family day homes
- d) garden suites
- e) home based businesses, minor
- f) living suites

9.16.4 Conditional Uses

- a) child care centres
- b) family day homes (in an accessory building)
- c) home based businesses, major
- d) housing: supportive
- e) mobile homes

9.16.5 Development Regulations

- a) the minimum lot width is 14.0 m.
- b) the minimum lot width for a side-by-side duplex on separate, adjacent lots is 10.0 m.
- c) the minimum lot area for single detached, duplex, and multiple housing is 462 m². ([Bylaw 2024-16 passed April 22, 2024](#))
- d) the minimum lot area for duplex housing where each unit is on a separate fee simple lot is 372 m². ([Bylaw 2024-16 passed April 22, 2024](#))
- e) the maximum site coverage is 40%. The maximum site coverage may be increased to 50% if more than one dwelling unit is provided. ([Bylaw 2024-16 passed April 22, 2024](#))
- f) the maximum height is 9.0 m.
- g) the minimum front yard setback is 6.0 m.
- h) the minimum side yard setback is 3.0 m on one side and 1.5 m on the other side except that:
 - (1) where there is access to the rear of the lot by a lane, the side yard setback requirement may be reduced to 1.5 m on both sides; and

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- (2) in the case of a side-by-side duplex on separate, adjacent lots, one side yard setback may be reduced to zero and the other shall be 3.0 m; and
- (3) where more than one dwelling unit is provided, the side yard setbacks may be reduced to 1.5 m on both sides. (*Bylaw 2024-16 passed April 22, 2024*)
- i) the corner lot setback is 6.0 m from each street and 1.5 m from all other sides.
- j) the minimum rear yard setback is 3.0 m.
- k) a minimum of two of four of the appearance requirements specified for comprehensive zones are required.

9.16.6

Other Regulations

- a) The maximum number of dwelling units per lot is four. Up to two of these units may be living or garden suites. (*Bylaw 2024-16 passed April 22, 2024*)
- b) Lots with a dwelling that is attached to another dwelling on a separate adjacent lot (e.g., duplex with each unit on a separate fee simple lot) cannot build up to four units, but can provide up to two suites. (*Bylaw 2024-16 passed April 22, 2024*)
- c) Mobile homes must have continuous skirting that is complementary to the siding of the home. In addition the building grade must allow a continuous roofline on any addition that is attached to the mobile home.
- d) The placement of mobile homes is restricted to homes no older than ten years.
- e) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (bed and breakfast lodging, home based businesses, etc.); the parking regulations of section 7; and the sign regulations of section 8. Regulations in Section 6.14 Multiple Housing do not apply to multiple housing developments in this zone. (*Bylaw 2024-16 passed April 22, 2024*)

9.16.7

Special Modifications

- a) The RS2 portion of Hillcrest located on Park Lane, Hillcrest Drive and Dalton Trail, with the exception of 122 Dalton Trail, is zoned RS2x(a) with the special modifications being:
 - (1) the maximum height is 8.0 m.
 - (2) the cross-section of a structural building plan shall show no greater than 6.0 m difference between the average finished grade and the underside of the truss within the ceiling of the uppermost habitable storey.
 - (3) only hip, gable, and gambrel roof designs are allowed over 6.0 m.
 - (4) the maximum second storey floor elevation is 3.5 m.

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- b) Lot 34, Plan 30131, located at 34 Roundel Road, is designated RS2x(b) with the special modifications being that the minimum side and rear yard setbacks are 0.97 m for garden suites and accessory structures exceeding 4.5 m in height.
- c) Lot 51, Plan 30131 LTO, located at 51 Sunset Drive South, is designated RS2x(c) with the special modifications being that the corner lot setbacks are as follows:
 - (1) 3.0 m for the side facing Hillcrest Drive;
 - (2) 6.0 m for the side facing Sunset Drive South; and
 - (3) 1.5 m from all other sides.

(Bylaw 2017-31 passed October 23, 2017)

(Section 9.16 added by Bylaw 2014-13 passed April 22, 2014)

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Section 10 Commercial Zones

10.1 CC Core Commercial

10.1.1 Purpose

To provide a zone for core commercial activity that is vibrant and pedestrian-oriented with a mix of commercial, residential and institutional uses.

10.1.2 Principal Uses

- a) business support services
- b) community recreation services
- c) eating and drinking establishments
- d) emergency and protective services
- e) exhibition and convention facilities
- f) financial services
- g) health services
- h) hostels
- i) hotels
- j) housing: apartment
- k) indoor participant recreation services
- l) institutional services
- m) offices
- n) parks
- o) personal service establishments
- p) private clubs
- q) religious assemblies
- r) retail services, convenience
- s) retail services, general
- t) retail services, restricted (*Bylaw 2019-08 passed April 8, 2019*)
- u) scientific and cultural exhibits
- v) spectator entertainment establishments
- w) studios

10.1.3 Secondary Uses

- a) accessory building/structure
- b) family day homes
- c) home-based businesses, minor

10.1.4 Conditional Uses

- a) non-accessory parking

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- 10.1.5 Development Regulations
- a) The minimum lot width is 10.0 m.
 - b) The minimum lot area is 300 m².
 - c) The maximum floor area ratio is 5.7.
 - d) The maximum site coverage is 95%.
 - e) The maximum height is as indicated in Appendix C of this bylaw. (*Bylaw 2018-12 passed April 9, 2018*)
 - f) The minimum front yard is 0.0 m.
 - g) The minimum side yard is 0.0 m.
 - h) The minimum rear yard is 0.0 m.
 - i) For portions of buildings greater than 15 m in height, upper floors are required to be set back at least 2.0 m from the property line.
- 10.1.6 Other Regulations
- a) Residential use is allowed only above the ground floor.
 - b) At least 50% of the horizontal distance of each ground floor façade facing a public roadway shall be glazed.
 - c) The maximum height from sidewalk grade to windowsill height shall be 0.75 m.
 - d) Non-accessory parking is permitted only when a parking area is set back from any adjacent street a minimum of 3.0 m, this area is landscaped and the parking lot is hard-surfaced.
 - e) Accessory parking shall be provided to the rear or side of the principal building on the lot with provision for landscaping and screening.
 - f) Development in this zone is subject to multiple housing regulations set out in section 6.14.
 - g) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.
- 10.1.7 Special Modifications
- a) Lot 14, Block 46, Plan 71458 CLSR YT, located at 6119 6th Avenue in the Downtown area, is designated CCx(a) with the special modification being that childcare centres are permitted as a principal use. (*Bylaw 2024-31 passed July 8, 2024*)

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10.2 CCC Cultural/Commercial/Community

10.2.1 Purpose

To provide a zone for cultural/commercial/community activities to be developed in a manner that complements the downtown riverfront cultural history, natural history and nearby commercial uses

10.2.2 Principal Uses

- a) none

10.2.3 Secondary Uses

- a) offices
- b) non-accessory parking

10.2.4 Conditional Uses

- a) business support services
- b) child care centres
- c) community/conference centre
- d) community recreation services
- e) eating and drinking establishments
- f) financial services
- g) health services
- h) hotels
- i) housing: apartment, townhouse
- j) indoor participant recreation services
- k) institutional services
- l) parks
- m) personal service establishments
- n) private clubs
- o) retail services, general
- p) scientific and cultural exhibits
- q) temporary uses as defined by the Waterfront Vendor Policy
- r) spectator entertainment establishments
- s) studios

10.2.5 Development Regulations

- a) The minimum lot width is 20.0 m.
- b) The minimum lot area is 0.75 ha.
- c) The maximum site coverage is 90%.
- d) The maximum height is as indicated in Appendix C of this bylaw. (*Bylaw 2018-12 – April 9, 2018*)
- e) Minimum setbacks shall be 0.0 m from all property lines

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10.2.6 Other Regulations

- a) Food and beverage service on outdoor patios is permitted and encouraged
- b) Within the conference centre, provision may be made for community uses such as hobby rooms, small meeting spaces, arts and crafts facilities, and recreation facilities. Furthermore, such uses should be designed to allow for internal separation of community and conference facilities.
- c) At least 40% of the horizontal dimension of the ground floor façade incorporating the principal building entry of the community/conference centre shall be glazed.
- d) The Waterfront Vendor Policy regulates all seasonal commercial retail sales operating from temporary structures.
- e) All development shall be in accordance with the applicable Riverfront Design Guidelines.
- f) Development in this zone is subject to multiple housing regulations set out in section 6.14.

10.2.7 Parking Provisions

Notwithstanding section 7.3.6 of this bylaw, parking is to be provided in accordance with the following:

- a) The parking requirement for all development shall be 1 space per 150 m².
- b) Some of the required parking in this zone may be allocated to adjacent commercial uses on a joint parking basis, subject to an agreement to this effect being accepted and lodged with the City.

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10.3 **CH** **Highway Commercial**

10.3.1 Purpose

To provide a zone for high quality commercial development primarily along arterial roadways including those that serve as entrance and tourist routes into the City.

10.3.2 Principal Uses

- a) animal clinics
- b) animal shelters
- c) commercial storage
- d) community recreation services
- e) crematoria
- f) custom indoor manufacturing
- g) eating and drinking establishments
- h) emergency and protective services
- i) equipment sales/rentals, heavy
- j) fleet services
- k) gas bars
- l) garden centres
- m) hostels
- n) hotels
- o) household repair services
- p) indoor participant recreation services
- q) motels
- r) outdoor recreation equipment rentals/sales
- s) parks
- t) recreational vehicle parks
- u) retail services, convenience
- v) retail services, general less than 500 m²
- w) vehicle sales and service
- x) warehouse sales
- y) trucking terminals (*Bylaw 2013-20 passed July 8, 2013*)

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- 10.3.3 Secondary Uses
- a) accessory building/structure
 - b) caretaker residence
 - c) offices (above the ground floor)
 - d) outdoor storage
- 10.3.4 Conditional Uses
- a) offices (ground floor)
 - b) scientific and cultural exhibits
- 10.3.5 Development Regulations
- a) The minimum lot width is 25.0 m.
 - b) The minimum lot area is 875 m² where the parcel is connected to municipal water and sewer services. (*Bylaw 2019-07 passed March 25, 2019*)
 - c) The minimum lot area is 0.5 ha where the parcel is not connected to municipal water and sewer services. (*Bylaw 2019-07 passed March 25, 2019*)
 - d) The maximum floor area ratio is 0.5.
 - e) The maximum site coverage is 50%.
 - f) The maximum height is 10.0 m.
 - g) The minimum front yard is 7.5 m.
 - h) The minimum side yard is 3.0 m.
 - i) The minimum rear yard is 6.0 m.
 - j) The maximum gross floor area shall not exceed 7500 m².
- 10.3.6 Other Regulations
- a) Buildings should be oriented towards the front property line with parking to the rear or side of the building.
 - b) Outdoor storage of equipment, vehicles, and materials should be screened from view by fencing, landscaping, buildings, or other means where feasible.
 - c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.

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- 10.3.7 Special Modifications
- a) The northerly portion of Lot 1178, Plan 2000-0106 LTO (183 Range Road) is designated CHx(a) with the special modification being that offices are permitted on the ground floor. (*Bylaw 2014-17 passed May 26, 2014*)
 - b) Lot 1106, Quad 105D/11, Plan 93-67 LTO, located at 91311 Alaska Highway, is designated CHx(b) with the special modifications being:
 - (1) The maximum height is 16.5m.
 - (2) Personal Service Establishments are permitted as a principal use.
 - c) Lot 1176-2 Plan 04-0130 LTO, located at 100 Range Road, is designated CHx(c) with the special modification being that offices are permitted on the first storey.
 - d) Lot 6, Plan 45944 LTO, located at 16 Burns Road in the Hillcrest neighbourhood, is designated CHx(d) with the special modification being that child care centres are permitted as a principal use. (*Bylaw 2016-37 – October 24, 2016*)
 - e) Lot 1123, Plan 94-57 LTO, located at 91888 Alaska Highway and commonly known as Kopper King Services, is designated CHx(e) with the special modification being that eating and drinking establishments including a drive-through component are permitted as a principal use. (*Bylaw 2016-46 passed January 16, 2017*)
 - f) Lot 1160-16, Plan 2010-0044 LTO, located at 8 Metropolit Lane in the Yukon Gardens Business Park, is designated CHx(f) with the special modification being that child care centres are permitted as a principal use. (*Bylaw 2018-43 passed September 10, 2018*)
 - g) Lot 1304 QUAD 105D/11, Plan 2019-0030 LTO, located at 107 Range Road, is designated CHx(g) with the special modifications being that:
 - (1) Offices are permitted on the first storey as a 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. (*Bylaw 2021-13 passed April 13, 2021*)

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10.4 CIM Mixed Use Commercial/Industrial

10.4.1 Purpose

To provide a transition zone for the development of service commercial and clean industrial uses near the city centre.

10.4.2 Principal Uses

- a) aircraft sales/service
- b) animal clinics
- c) animal shelters
- d) auctions/auction grounds
- e) business support services
- f) commercial schools
- g) commercial storage
- h) community recreation services
- i) custom indoor manufacturing
- j) eating and drinking establishments
- k) emergency and protective services
- l) equipment sales/rentals, heavy
- m) fabrication shops
- n) fleet services
- o) gas bars
- p) garden centres
- q) general contractor services
- r) health services
- s) household repair services
- t) indoor participant recreation services
- u) industrial, salvage
- v) kennels
- w) manufacturing
- x) mobile catering food services
- y) offices (above the ground floor)
- z) outdoor recreation equipment rentals/sales
- aa) personal service establishments (Marwell only) (*Bylaw 2021-14 passed April 13, 2021*)
- bb) pet clinics (*Bylaw 2014-17 passed May 26, 2014*)
- cc) processing, light
- dd) retail services, convenience
- ee) Retail Services, Restricted (*Bylaw 2018-10 passed February 26, 2018*)
- ff) vehicle sales and service

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- gg) warehouse sales
- 10.4.3 Secondary Uses
- a) accessory building/structure
 - b) caretaker residence
 - c) outdoor storage
 - d) retail services, general
- 10.4.4 Conditional Uses
- a) bulk fuel depots
 - b) caretaker residence, 121 to 297 m²
 - c) offices on the ground floor or more than 50% of the gross floor area of the building.
- 10.4.5 Development Regulations
- a) The minimum lot width is 15.0 m.
 - b) The minimum lot area is 650 m².
 - c) The minimum lot area for un-serviced lots outside the Urban Containment Boundary is 0.5 ha.
 - d) The maximum site coverage is 75%.
 - e) The maximum height is 15 metres
 - f) The maximum floor area ratio is 2.0.
 - g) The minimum front yard is 6.0 metres
 - h) The minimum side yard is 0.0 metres.
 - i) The minimum rear yard is 0.0 metres.
 - j) The minimum front yard corner lot setback is 6.0 m abutting one street and 3.0 m on the other. The determination of which side of the lot is subject to 3.0 m setback shall be at the discretion of the Development Officer.
- 10.4.7 Other Regulations
- a) No industrial activity permitted within this zone shall cause a nuisance or create a hazard that extends beyond the boundaries of the site.
 - b) Pet clinics may have a secondary outdoor, fenced area that can be used for obedience/agility training or animal socialization. (*Bylaw 2014-17 passed May 26, 2014*)
 - c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.

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10.4.8

Special Modifications

a) Lot 16 (Rem) Group 804 in Marwell (all lots on Titanium Way as well as 130 Gypsum Road) is designated CIMx with the special modification being that the following additional principal uses will be permitted:

- (1) Marinas
- (2) Offices
- (3) Retail services, general

(Section 10.4.8 a) amended by Bylaw 2013-20 passed July 8, 2013)

Notwithstanding section 6.3.6, for Condominium 183 Plan CC183 LTO YT (105 Titanium Way), a total of four caretaker residences will be permitted as a secondary use. Three of the four caretaker residences shall be subject to the following additional conditions:

- (4) A caretaker residence will only be permitted if it provides direct, private and internal access to one or more primary uses without having to access any common areas shared between other units within the lot;
- (5) The caretaker residence and the conjoined primary uses shall be considered as a single unit and shall not be indicated as separate units or entities in subsequent subdivision or condominium applications;
- (6) Notwithstanding section 6.3.3, the maximum gross floor area of a caretaker residence connected to primary uses shall be 100 square metres and the residential gross floor area may not be greater than that of the principal use; and
- (7) Caretaker residence, 121 to 297 m², shall not be permitted as a conditional use.

(Section 10.4.8 a) further amended by Bylaw 2021-26 passed September 27, 2021)

b) All lots located on Burns Road and Wasson Place are designated CIMx with the following special modifications:

- (1) Trucking terminals shall be permitted as a principal use;
- (2) Industrial, salvage shall not be permitted;
- (3) A 15 m rear yard setback is required for all development adjacent to slopes greater than 30%; and
- (4) Multiple residential housing is permitted as a secondary use above the ground floor on Lot 23, Plan 2009-0107 (2 Wasson Place).

(Bylaw 2016-07 passed March 29, 2016)

- (5) Retail Services, Restricted shall not be permitted. **(Bylaw 2018-10 passed February 26, 2018)**

c) A portion of Lot 1094, Plan 92-102, located at 91345 Alaska Highway, is designated CIMx with the special modifications being:

- (1) The side yard setback is 0 m.
- (2) Retail Services, Restricted shall not be permitted.

(Bylaw 2018-10 passed February 26, 2018)

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- d) Lots 1160-8 and 1160-9, Quad 105 D/11, municipally known as 11 and 15 Metropolit Lane, are zoned CIMx(d) with the modifications being:
- (1) The front yard setback is reduced to 2.0 m.
 - (2) Retail Services, Restricted shall not be permitted.
- (Bylaw 2018-10 passed February 26, 2018)*
- 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. *(Bylaw 2019-08 passed April 8, 2019)*
- f) Lot 1160-10, Lot 1160-11, Lot 1160-12, and Lot 1160-13, Quad 105D/11, municipally known as 18, 19, 20, and 22 Metropolit Lane, are designated CIMx(f) with the special modifications being:
- (1) Retail Services, Restricted shall not be permitted; and Notwithstanding section 10.4.5 b) of this bylaw, the following provisions apply:
 - (2) The minimum lot area is 0.5 ha for Lot 1160-10, Lot 1160-12, and Lot 1160-13, Quad 105D/11, known municipally as 18, 19, 20 Metropolit Lane.
 - (3) The minimum lot area is 0.38 ha for Lot 1160-11, Quad 105D/11, known municipally as 22 Metropolit Lane. *(Section 10.4.8 f) added by Bylaw 2023-10 passed April 11, 2023)*

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10.5 **CM1** **Mixed Use Commercial**

10.5.1 Purpose

To provide a zone for a compatible mix of low intensity commercial and residential uses for the transitional area around the periphery of the downtown commercial core

10.5.2 Principal Uses

- a) business support services
- b) child care centres
- c) community gardens and greenhouses
- d) eating and drinking establishments
- e) health services
- f) hostels
- g) household repair services
- h) housing: single detached, duplex, multiple, residential care homes, supportive, temporary shelter services
- i) offices
- j) parks
- k) personal service establishments
- l) pet clinics
- m) religious assemblies
- n) retail services, convenience
- o) retail services, general, less than 500 m²
- p) studios

10.5.3 Secondary Uses

- a) accessory building/structure
- b) bed & breakfast lodgings
- c) boarding and rooming houses
- d) family day homes
- e) garden suites
- f) home-based businesses, major
- g) home-based businesses, minor
- h) living suites

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- 10.5.4 Conditional Uses
- a) hotels
 - b) indoor participant recreation services
 - c) institutional services
 - d) non-accessory parking
 - e) private clubs
 - f) retail services, general, greater than 500 m²
 - g) spectator entertainment establishments
- 10.5.5 Development Regulations
- a) The minimum lot width is 15.0 m.
 - b) The minimum lot area is 464 m².
 - c) The maximum floor area ratio is 5.4.
 - d) The maximum site coverage is 90%.
 - e) The maximum height is 20.0 m, except where otherwise indicated in Appendix C.
 - f) The minimum front yard is 0.0 m.
 - g) The minimum side yard is 0.0 m except on a corner lot no structure shall be constructed within a sight triangle.
 - h) The minimum rear yard is 0.0 m.
 - i) For portions of buildings greater than 10 m in height, upper floors are required to be set back at least 2.0 m from property lines.
- 10.5.6 Other Regulations
- a) Non-accessory parking is permitted only when a parking area is set back from any adjacent street a minimum of 3.0 m, this area is landscaped and the parking lot is hard-surfaced.
 - b) Accessory parking shall be provided to the rear or side of the principal building on the lot with provision for landscaping and screening. Where parking areas are located adjacent to a street frontage, a fence shall be provided to screen parking from view. Chain-link fences are not permitted.
 - c) Offices are not permitted above the ground floor.
 - d) Development in this zone is subject to multiple housing regulations set out in section 6.14.
 - e) New development resulting in new buildings and/or site disturbance that falls within the area specified in Appendix D – Moderate Geo-hazard Area, requires a site-specific geotechnical evaluation in the form and substance acceptable to the City Engineer, and implementation of any mitigation measures required by the City Engineer. (*Bylaw 2013-20 passed July 8, 2013*).

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- f) At least 40% of the horizontal distance of each ground floor facade facing a public roadway shall be glazed. (*Bylaw 2013-20 passed July 8, 2013*)
- g) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.

10.5.7 Special Modifications (*Section added by Bylaw 2020-18 passed June 29, 2020*)

- a) Block 340, Plan 2016-0051 LTO, located at 5048 5th Avenue, is designated CM1x(a) with the special modification being that single family housing and duplex housing are not allowed as principal uses in this zone.

(*Bylaw 2020-18 passed June 29, 2020*)

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10.6 CM2 Mixed Use Commercial 2

10.6.1 Purpose

To provide a zone for a mix of low intensity commercial and residential uses for the transitional area around the periphery of the downtown commercial core

10.6.2 Principal Uses

- a) business support services
- b) child care centres
- c) commercial schools (excluding heavy equipment)
- d) community gardens and greenhouses
- e) community recreation services
- f) eating and drinking establishments
- g) financial services
- h) fleet services (bus lines only)
- i) funeral services
- j) health services
- k) hostels
- l) hotels
- m) household repair services
- n) housing: multiple, residential care homes, supportive, temporary shelter services
- o) indoor participant recreation services
- p) institutional services
- q) offices
- r) outdoor recreation equipment rentals/sales
- s) parks
- t) personal service establishments
- u) pet clinics
- v) private clubs
- w) religious assemblies
- x) retail services, convenience
- y) retail services, general
- z) retail services, restricted (*Bylaw 2019-08 passed April 8, 2019*)
- aa) scientific and cultural exhibits
- bb) spectator entertainment establishments
- cc) studios

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- 10.6.3 Secondary Uses
- a) accessory building/structure
 - b) bed & breakfast lodgings
 - c) boarding and rooming houses
 - d) family day homes
 - e) garden suites
 - f) home-based businesses, major
 - g) home-based businesses, minor
 - h) living suites
- 10.6.4 Conditional Uses
- a) housing: single detached, duplex
 - b) motels
 - c) non-accessory parking
 - d) vehicle sales and service
- 10.6.5 Development Regulations
- a) The minimum lot width is 15.0 m.
 - b) The minimum lot area is 464 m².
 - c) The maximum floor area ratio is 5.4.
 - d) The maximum site coverage is 90%.
 - e) The maximum height is 20 m, except where otherwise indicated in Appendix C.
 - f) The minimum front yard is 0.0 m.
 - g) The minimum side yard is 0.0 m except on a corner lot no structure shall be constructed within a sight triangle.
 - h) The minimum rear yard is 0.0 m.
 - i) For portions of buildings greater than 20 m in height, upper floors are required to be set back at least 2.0 m from property lines.
- 10.6.6 Other Regulations
- a) Non-accessory parking is permitted only when a parking area is set back from any adjacent street a minimum of 3.0 m, this area is landscaped and the parking lot is hard-surfaced.
 - b) Accessory parking shall be provided to the rear or side of the principal building on the lot with provision for landscaping and screening.
 - c) Mixed-use developments shall be permitted in one building or may be permitted in separate buildings on the same lot.
 - d) Development in this zone is subject to multiple housing regulations set out in section 6.14.

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- e) New development resulting in new buildings and/or site disturbance that falls within the area specified in Appendix D – Moderate Geo-hazard Area, requires a site-specific geotechnical evaluation in the form and substance acceptable to the City Engineer, and implementation of any mitigation measures required by the City Engineer. (*Bylaw 2013-20 passed July 8, 2013*).
- f) At least 40% of the horizontal distance of each ground floor facade facing a public roadway shall be glazed. (*Bylaw 2013-20 passed July 8, 2013*)
- g) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.

10.6.7

Special Modifications

- a) A portion of Centennial Street in Porter Creek, as shown on the Zoning Map, is designated CM2x. The special modifications are as follows:
 - (1) The addition of single detached dwellings and gas bars as principal uses
 - (2) Minimum yard setbacks are as follows: front - 6.0 m; rear - 6.0 m; side - 3.0 m;
 - (3) Maximum height is 10.0 m
 - (4) The addition of crematoria as a secondary use to Lots 78 and 79, Porter Creek, Plan 25142 LTO, located at 1101 and 1103 Centennial Street
 - (5) Retail services, restricted are not permitted (*Bylaw 2019-08 passed April 8, 2019*)
 - (6) The maximum density is 60 u/ha. (*Bylaw 2021-14 passed April 13, 2021*)

Notwithstanding the above, the CM2 zone shall apply in its entirety.

- b) Lot 570 Group 804 (35 River Ridge Lane) is designated CM2x, the special modifications being as follows:
 - (1) Minimum yard setbacks are as follows: front - 6.0 m; rear - 6.0 m; side - 3.0 m;
 - (2) Maximum height is 10.0 m.
 - (3) Retail services, restricted are not permitted (*Bylaw 2019-08 passed April 8, 2019*)

Notwithstanding the above, the CM2 zone shall apply in its entirety.

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- c) Lot 360, Group 804 in Porter Creek, located at 1307 and 1313 Centennial Street, is designated CM2x, the special modifications being as follows:
- (1) The addition of single detached dwellings, and gas bars as principal uses
 - (2) Minimum yard setbacks are as follows: front - 6.0 m; rear - 3.0 m; side - 3.0 m;
 - (3) Maximum building height is 17.5 m
 - (4) Retail services, restricted are not permitted (*Bylaw 2019-08 passed April 8, 2019*)
- Notwithstanding the above, the CM2 zone shall apply in its entirety.
- d) Lot 14, Block 13 and a portion of the adjacent lane remainder located at 206-208 Hanson Street in the Downtown area are designated CM2x, the special modification being that site coverage shall be increased to 95%.
- e) Lots 3 and 4 Block 113 in the Downtown area, located at 406-408 Cook Street, are designated CM2x, the special modification being that only seniors housing is permitted as a principal use.
- f) Lot 6, Block E, Plan 19005, located at 4041 Fourth Avenue, and Lot 13, Block E, Plan 91-104, located at 308 Hoge Street, are designated CM2x with the special modification being that the maximum fence height in the front yard is 2.13 m. (*Bylaw 2013-33 passed August 12, 2013*)
- g) Lot 10, Block 21, Plan 3807 LTO, located at 305 Hawkins Street, is designated CM2x, with the special modifications being that the minimum off-street parking requirement is five spaces and that private amenity space requirements are waived. (*Bylaw 2016-45 passed January 16, 2017*)
- 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. (*Bylaw 2019-08 passed April 8, 2019*)
- i) The 2.2-hectare area located south of Lots 542-548, Plan 2019-0003 LTO YT in the Whistle Bend area, is designated CM2x(i) with the special modification being that density for residential developments is limited to 30 units per hectare, applied per lot. (*Bylaw 2022-43 passed January 16, 2023*)
- j) Lot 13, Block 13, Plan 77464 LTO YT, located at 2086 Second Avenue in the Downtown area, is designated CM2x(i) with the special modifications being: Notwithstanding section 10.6.5 of this bylaw, the following provision applies:
- (1) The maximum building height is 25 m. (*Bylaw 2024-09 passed March 11, 2024*)

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- k) Amended Parcel C Plan Number 65281 CLSR, located at 4210 4th Avenue in the Downtown area, is designated CM2x(j) with the special modifications being:
- (1) Commercial uses are not permitted above the first storey, except for home-based businesses in residential uses; and
 - (2) Any commercial use must be accompanied with the development of an allowable residential use.
 - (3) The maximum height is 30 m.
- ([Bylaw 2024-25 passed June 24, 2024](#))

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- 10.7** **CMW** **Mixed Use Waterfront** (*Modified by Bylaw 2015-01*)
- 10.7.1 Purpose
To provide for a compatible mix of low intensity commercial, cultural and residential uses adjacent to the Yukon River waterfront
- 10.7.2 Principal Uses
- a) child care centres
 - b) community recreation services
 - c) eating and drinking establishments
 - d) financial services
 - e) health services
 - f) hostels
 - g) hotels
 - h) indoor participant recreation services
 - i) institutional services
 - j) housing: apartment, residential care homes, supportive
 - k) offices
 - l) parks
 - m) personal service establishments
 - n) retail services, convenience
 - o) retail services, general
 - p) retail services, restricted (*Bylaw 2019-08 passed April 8, 2019*)
 - q) scientific and cultural exhibits
 - r) studios
- 10.7.3 Secondary Uses
- a) accessory building/structure
 - b) exhibition and convention facilities
 - c) home-based businesses, minor
- 10.7.4 Conditional Uses
- a) non-accessory parking
 - b) outdoor recreation equipment sales/rentals
 - c) pet clinics
 - d) spectator entertainment establishments

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- 10.7.5 Development Regulations
- a) The minimum lot width is 15.0 m.
 - b) The minimum lot area is 464 m².
 - c) The maximum floor area ratio is 4.5.
 - d) The maximum site coverage is 90%.
 - e) The maximum height is indicated in Appendix C.
 - f) The minimum front yard setback is 1.0 m.
 - g) The minimum side yard setback is 0.0 m.
 - h) The setbacks shall be 1.5 m adjacent to the pedestrian walkway labelled on Plan 93845 CLSR, 2008-0034 LTO as Walkway #1, and lighting is to be provided along the walls of the building to light the walkway.
 - i) The minimum setback along the Yukon River reserve is 4.6 m.
 - j) The minimum rear yard setback is 0.0 m.
 - k) For portions of buildings greater than 15 m in height, upper floors are required to be set back at least 2.0 m from property lines.
- 10.7.6 Other Regulations
- a) All developments shall provide for at least two of the uses permitted in this section as principal or conditional uses.
 - b) Where multiple-family buildings are developed on the same lot, such buildings shall be sited a minimum of 4.0 metres from each other.
 - c) A maximum 50% of the ground floor may be occupied by office use.
 - d) A maximum of 50% of the ground floor may be occupied by residential use.
 - e) Development in this zone is subject to multiple housing regulations set out in section 6.14.
 - f) Fencing is not permitted on lot lines adjacent to the Yukon River Reserve.
 - g) Food and beverage services on outdoor patios and the pedestrian portion of Front Street is permitted and encouraged.
 - h) At least 50% of the horizontal distance of each ground floor facade facing a public roadway or pedestrian mall shall be glazed.
 - i) The maximum height from sidewalk grade to windowsill height shall be 0.75 m.
 - j) Buildings on corner lots are required to have two main facades. For the purposes of this bylaw, lots 41, 43 and 45, Block 316, Plan 2011-0087 LTO, are considered to be corner lots.
 - k) Accessory and non-accessory parking is permitted only when a parking area is set back from the Yukon River reserve a minimum of 20.0 m, the setback area is landscaped, and the parking area is hard-surfaced.
 - l) Accessory parking is permitted only to the rear of the principal building.

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- m) Where there is a rear lane, access to parking areas and loading spaces shall not be permitted directly from streets. Parking areas must be landscaped and hard-surfaced. Where parking areas are located adjacent to a street frontage, a landscaped area of at least 1.0 metre in depth must be provided between sidewalks and parking areas.
- n) In addition to the regulations listed above, all developments are expected to meet the intent of the Design Guidelines for CMW Mixed Use Waterfront in section 10.7.7.
- o) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.

10.7.7 Design Guidelines for CMW Mixed Use Waterfront

The following guidelines will be used in evaluating development permit applications in the CMW zone.

a) Introduction and Intent

The following guidelines will be used in evaluating development permit applications in the CMW zone. The guidelines serve as the basis for Development Officer's decision-making, and also assist property owners, design professionals, administrators, decision-makers and others in preparing, reviewing, and approving developments. The guidelines are not meant to limit the design creativity of the development, but to ensure a minimum aesthetic standard and to provide a framework within which to exercise creative design.

Every proposed development will be evaluated based on its consistency with the vision stated for this zone. This includes consideration of thoughtful integration of the proposed development, the development of the site and the design of the proposed building(s). The determination of whether the development satisfactorily meets the design guidelines shall be at the discretion of the Development Officer.

b) Vision

To encourage the development of a thriving, pedestrian-oriented, mixed-use neighbourhood with vibrant activity throughout the day and week, and that provides a unique identity befitting an urban waterfront. Developments should be integrated with and provide pedestrian connections to valued features including the Yukon River edge, the waterfront trail, Shipyards Park, Rotary Park, the Whitehorse Waterfront Trolley and established retail facilities in downtown Whitehorse.

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- c) Site Design
 - (1) Site design should provide for a pedestrian scale environment:
 - (a) by facilitating pedestrian access and views to Front Street, Downtown, Robert Service Way, Yukon River and the waterfront trail;
 - (b) by providing for protected areas (awnings), seating oriented to the south and west, bicycle parking and an architecturally diverse street edge that provides a transparent storefront link between interior and exterior spaces;
 - (c) Spaces that accommodate active uses such as sidewalk cafes, retailer displays or public gathering are encouraged.
 - (2) New construction should relate to both street edges and the pedestrian mall on Front Street between Black Street and Keish Street.
 - (3) Buildings should maintain a continuous alignment along a block.
- d) Building Design
 - (1) Building Scale

Upper storeys should be set back from the building façade established on the ground storey.
 - (2) Building Massing

Building massing should be articulated and properly proportioned (scale, height, relationship to the ground). Where parcels are large, new construction along a street edge should have the appearance of several buildings (maximum facade width should be no greater than 15 m without a visual or material transition). Breaks can also be accommodated by the use of window bays, separate entrances and entry treatments and variation in rooflines.
 - (3) Building Composition/Mixed-Use Developments

Buildings fronting onto the pedestrian mall or other streets should be articulated as follows:

 - (a) Ground Storey: Retail and Public Service uses are encouraged at the pedestrian level. Provide for transparent glazing at ground level to provide a strong visual link between interior and exterior spaces. Allow for a minimum 3.0 m clear ceiling height. Provide a covered and protected canopy or cover over entry doors and outdoor seating areas.
 - (b) Above Ground Storey: Office and Residential Uses are encouraged above the ground storey. A separate and direct exterior entry at the ground storey is encouraged. Full or French balconies are encouraged by setting back the façade at the second and/or third storey (and to allow for more sunlight to reach street level).

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- (c) Roof Overhangs and Parapets: Substantial and articulated overhangs are encouraged at roof level to provide for an appropriate top to the building and allow for protection from the elements. Parapets should be articulated to provide an attractive edge transition between building and sky.

(4) Building Materials and Construction Methods

Construction materials and craftsmanship should be high quality and durable. A rich variety of textures and profiles is encouraged.

- (a) Exterior Cladding: Acceptable materials include stained wood, acrylic stucco, metal siding (except aluminium), cementitious wood fibre siding, factory finished composite wood siding, brick, stone and concrete block. Vinyl, aluminium, fibreglass or roofing material is strongly discouraged.
- (b) Material transitions are encouraged between storeys and to highlight specific building features and forms.
- (c) Ground storey windows and doors should consist of aluminium store-front, wood or pressed metal. Vinyl windows are acceptable above the ground storey only.

(5) Building Transparency

Buildings should have transparent and active storefronts through extensive use of glass and entrances. Open and inviting connections between the inside and outside of the building increase feelings of security and comfort on the street.

(6) Signage

Signage should be unique and reflect building and retail occupant character. Signage should be oriented to the pedestrian and integrated into the building architecture, form and materials. Signs constructed of natural materials such as metal or wood are preferred.

- (a) Front-lit signage is encouraged (whether suspended or fixed to building façade). Projecting signs must be no greater than 1.2m² and have a maximum width of 1.0 m and cannot extend beyond the first storey of the building. No less than 3.0m of clearance shall be provided between the sidewalk elevation and the lowest point of the projecting sign.
- (b) Internally or back illuminated signage is discouraged. Neon signage is acceptable as long as it does not cover more than one third of the window surface area.
- (c) A sign plan should be developed for buildings with multiple occupants.

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(7) Colour and Lighting

As a northern city, Whitehorse faces winters that are long and dark. To encourage visual vibrancy throughout the year, building colour and lighting should convey a dynamic and dramatic setting.

(a) Building Colour: Strong colours are encouraged and should, if possible, reflect those found in the Yukon natural environment. In a setting with 6 months of snow cover, colours should provide warmth, visual relief and contrast to the limited colour palette of winter. Light greys, browns, beige or other pastel colours are discouraged.

(b) Lighting: Lighting provides significant possible visual impact. With long hours of darkness during winter months, exterior building lighting can provide visual variety and character. Lighting that highlights portions of the building, structure, or exterior siding is encouraged. Hot spot, surface mounted direct flood security lighting such as high pressure sodium light fixtures is strongly discouraged, especially along street facades and pedestrian walkways. Preferred lighting types include LED, incandescent, fluorescent or metal halide fixtures. Exterior building lighting should be coordinated with building signage.

(8) Public Building Entries

Buildings should have clearly defined and inviting entries. Private and semi-private areas should be clearly demarcated at grade by changes of level, low planting or setbacks.

(9) Roof-mounted Mechanical and Communications Equipment

Rooftop mechanical units, satellite dishes, chimneys and other service equipment should be inconspicuously located or screened from public view.

(Section 10.7 amended by Bylaw 2015-01 passed March 23, 2015)

10.7.8 Special Modifications *(Added by Bylaw 2016-29 passed October 24, 2016)*

a) Lot 18, Block 7, Plan 2006-0127 LTO, located at 1124 Front Street in the Downtown area, is designated CMWx(a) with the special modification being that only four off-street parking spaces are required as long as the principal use of the property is a museum. *(Bylaw 2016-29 passed October 24, 2016)*

b) Lot 40-2, Block 316, Plan 2012-0161 LTO, located at 1181 Front Street, is designated CMWx(b) with the special modifications being:

(4) Any portion of buildings greater than 12.5 metres in height must be set back a minimum of 7.6 metres from the property line adjacent to the Yukon River Reserve of Lot 20 (Remainder), Group 804, Plan 8406 CLSR; and

(5) For buildings greater than 15 metres in height, a minimum of 50% of the total gross floor area of that building must be comprised of a hotel.

(Bylaw 2018-50 passed September 24, 2018)

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- c) Lot 38, Block 316, Plan 2008-0034 LTO YT, located at 151 Black Street in the Downtown area, is designated CMWx(c) with the special modifications being: Notwithstanding section 10.7.6 of this bylaw, the following provisions apply only if the principal use is offices:
- (1) The requirement to provide at least two principal or conditional uses does not apply.
 - (2) Office use may occupy 100% of the ground floor.
 - (3) The maximum height from sidewalk grade to windowsill height of 0.75 m does not apply.
 - (4) At least 40% of the horizontal distance of each ground floor façade facing a public roadway or pedestrian mall shall be glazed.

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10.8 CN Neighbourhood Commercial

10.8.1 Purpose

To provide a zone for convenience, retail commercial and personal service uses intended to service the day-to-day needs of residents living in general proximity of the site.

10.8.2 Principal Uses

- a) business support services
- b) child care centres
- c) community recreation services
- d) eating and drinking establishments
- e) financial services
- f) gas bars
- g) health services
- h) household repair services
- i) indoor participant recreation services
- j) offices
- k) personal service establishments
- l) pet clinics
- m) religious assemblies
- n) retail services, convenience
- o) retail services, general less than 500 m²
- p) studios

10.8.3 Secondary Uses

- a) accessory building/structure
- b) family day homes
- c) home-based businesses, minor
- d) housing: multiple, residential care homes

10.8.4 Conditional Uses

- a) community gardens and greenhouses
- b) retail services, general

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- 10.8.5 Development Regulations
- a) The minimum lot width is 15.0 m.
 - b) The minimum lot area is 464 m² and the maximum lot area is 2.0 ha.
 - c) The maximum floor area ratio is 0.85.
 - d) The maximum site coverage is 50 %.
 - e) The maximum height is 10.0 m.
 - f) The minimum front yard is 6.0 m.
 - g) The minimum side yard is 3.0 m.
 - h) The minimum rear yard is 6.0 m.
- 10.8.6 Other Regulations
- a) Principal and secondary uses are not required to be contained in the same structure. (*Bylaw 2013-20 passed July 8, 2013*).
 - b) Office use on the ground floor is limited to 25% of the ground floor area.
 - c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.
- 10.8.7 Special Modifications
- a) Lot 1547, Quad 105D/14, Plan 2012-0159 LTO, located at 900 Range Road, is designated CNx with the special modifications being:
 - (1) The maximum height for 'religious assemblies' is 15.0 m.
 - (2) Maximum lot area does not apply(*Bylaw 2013-25 passed June 24, 2013*)

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10.9 CNC Comprehensive Neighbourhood Commercial

10.9.1 Purpose

To provide a zone for a compatible mix of low intensity commercial and residential uses that are appropriate for the transitional area around the periphery of a residential neighbourhood.

10.9.2 Principal Uses

- a) business support services
- b) child care centres
- c) community recreation services
- d) eating and drinking establishments
- e) financial services
- f) gas bars
- g) health services
- h) household repair services
- i) indoor participant recreation services
- j) offices
- k) parks
- l) personal service establishments
- m) pet clinics
- n) religious assemblies
- o) retail services, convenience
- p) retail services, general, less than 500 m²
- q) studios

10.9.3 Secondary Uses

- a) accessory building/structure
- b) family day homes
- c) home-based businesses, minor
- d) housing: apartment, residential care homes

10.9.4 Conditional Uses

- a) community gardens and greenhouses
- b) institutional services
- c) retail services, general greater than 500 m²

10.9.5 Development Regulations

- a) The minimum lot width is 15.0 m.
- b) The minimum lot area is 464 m².
- c) The maximum site coverage is 70%.
- d) The maximum height is 15.0 m.
- e) The minimum front yard is 0.0 m. On a corner lot no structure shall be constructed within a sight triangle.

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- f) The minimum side yard setback is 2.1 m for any portion of a building two storeys or less, plus 1.0 m for each additional storey or half storey.
- g) The minimum rear yard setback is 2.1 m for any portion of a building two storeys or less, plus 1.0 m for each additional storey or half storey.

10.9.6

Other Regulations

- a) Accessory parking shall be provided to the rear or side of the principal building on the lot with provision for landscaping and screening.
- b) A development permit is required for the removal of any on-site vegetation. A site plan identifying both the proposed building footprint and the area to be cleared shall accompany the development permit application.
- c) Mixed-use developments shall be permitted in one building or may be permitted in separate buildings on the same lot.
- d) Development in this zone is subject to the general regulations set out in section 6.4.
- e) Development in this zone is subject to multiple housing regulations set out in section 6.14.
- f) Stand-alone residential uses are permitted so long as a separate commercial use is established on the same lot.
- g) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.

10.9.7

Special Modifications

- a) Lot 1037, Quad 105 D/11, Plan 89-39 LTO (478 Range Road), is zoned CNCx with the special modifications being:
 - (1) the total parking requirement for Lot 1037 is reduced to 13 stalls; and
 - (2) new development or any change of use on Lot 1037 shall be subject to the parking regulations of the City's zoning bylaw.
- b) Lot 128, Plan 30131 LTO, located at 7 Roundel Road in the Hillcrest Neighbourhood, is zoned CNCx with the special modifications being:
 - (1) Garden Centre is allowed as a principal use; and
 - (2) The minimum front yard setback is 4.0 m.

(Bylaw 2014-33 passed January 26, 2015)
- c) Lots 19-23, Plan 29528 LTO, and a portion of Lot 309, Plan 21330 LTO, located at 2 Klondike Road in the Riverdale area, is designated CNCx(c) with the special modifications being:
 - (1) Gas bars are not permitted;
 - (2) Housing: supportive is permitted as a secondary use;
 - (3) Commercial uses are not permitted above the first storey, except for home-based businesses in residential uses; and

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- (4) Any commercial use must be accompanied with the development of an allowable residential use. (*Section 10.10.7(d) added by Bylaw 2022-49 passed April 11, 2023*)

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- 10.10 CNC2 Comprehensive Neighbourhood Commercial 2**
- 10.10.1 Purpose
To provide for street fronting, convenience, retail commercial, personal service uses in mixed use developments intended to service the day-to-day needs of residents living in general proximity of the site.
- 10.10.2 Principal Uses (*Amended by Bylaw 2019-20 passed February 10, 2020*)
- a) business support services
 - b) child care centres
 - c) eating and drinking establishments
 - d) financial services
 - e) health services
 - f) hotels
 - g) household repair services
 - h) indoor participant recreation services
 - i) offices
 - j) personal service establishments
 - k) retail services, convenience
 - l) retail services, general less than 500 m²
 - m) scientific and cultural exhibits
 - n) studios
- 10.10.3 Secondary Uses
- a) home-based businesses, minor
 - b) housing: apartment
- 10.10.4 Conditional Uses
- a) community gardens and greenhouses
 - b) retail services, grocery, up to 2,000 m²
- 10.10.5 Development Regulations
- a) The minimum lot width is 15.0 m.
 - b) The minimum lot area is 495 m² and the maximum lot area is 2.0 ha.
 - c) The maximum floor area ratio is 2.5. (*Bylaw 2019-20 passed 2020-02-10*)
 - d) The maximum site coverage is 90% (*Bylaw 2019-20 passed 2020-02-10*)
 - e) The maximum height is 12 m. (*Bylaw 2019-20 passed 2020-02-10*)
 - f) The minimum front yard setback is 2.5 m
 - g) The minimum side yard setback is 0 m.
 - h) The minimum rear yard setback is 6.0 m.
 - i) Minimum height of ground floor is 4.2 m

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- 10.10.6 Other Regulations
- a) Accessory surface parking shall not be located between the building facade and the fronting public street/sidewalk.
 - b) Commercial entryways shall be located at grade and fronting onto the public street or sidewalk.
 - c) Commercial entryways shall be recessed from the facade a minimum of 0.8 m and a maximum of 1.2 m.
 - d) A minimum of 50% of each ground floor façade facing a public street or sidewalk shall be glazed.
 - e) The maximum height from sidewalk grade to windowsill height shall be 0.75 m.
 - f) Residential uses, offices, and indoor participant recreation services are only permitted above the first storey. (*Bylaw 2019-20 passed 2020-02-10*)
 - g) The off-street vehicle parking, loading, and bicycle parking provisions **for commercial uses** are modified as per section 7.3.7. (*Bylaw 2019-20 passed 2020-02-10*)
 - h) Upper storeys must be setback an additional 1.5 m from the building façade facing a public street or the town square. (*Bylaw 2019-20 passed 2020-02-10*)
 - i) Development in this zone is subject to the general and access regulations set out in section 6.4.
 - j) Development in this zone is subject to multiple housing regulations set out in section 6.14.
 - k) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.
- 10.10.7 Special Modifications (*Added by Bylaw 2019-20 passed February 10, 2020*)
- a) Lot 550, Plan 2019-0003 LTO, located at 120 Keno Way in the Whistle Bend neighbourhood, is zoned CNC2x(a) with the special modification being:
 - (1) Only eating and drinking establishments are permitted on the first storey.
 - (2) A minimum of 25% of seating capacity must be dedicated to outdoor seating.
 - (3) Building access and façade should front both Keno Way and the town square.
 - (4) The western side yard setback is 2.5 m.

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- b) Lot 548, Plan 2019-0003 LTO, located at 134 Keno Way in the Whistle Bend neighbourhood, is zoned CNC2x(b) with the special modifications being:
- (1) Only eating and drinking establishments, retail services (general or convenience), and personal service establishments are permitted on the first storey.
 - (2) A minimum of 30% of the first storey must be established as an eating and drinking establishment.
 - (3) A minimum of 10% of seating capacity must be dedicated to outdoor seating.
 - (4) Building access and façades should front both Keno Way and the town square.
 - (5) The eastern side yard setback is 2.5 m.
- c) Lots 530 and 533, Plan 2019-0003 LTO, located at 125 and 129 Keno Way in the Whistle Bend neighbourhood, are zoned CNC2x(c) with the special modifications being:
- (1) Only eating and drinking establishments, retail services (general or convenience), and personal service establishments are permitted on the first storey.
 - (2) Outdoor seating will be established in association with any eating and drinking establishment. (*Section 10.10.7 added by Bylaw 2019-20 passed February 10, 2020*)
- d) Lots 529 and 530, located at 123 and 125 Keno Way in Whistle Bend Subdivision, are designated CNC2(d) with the special modifications being:
- (1) Only eating and drinking establishments, retail services (general or convenience), and personal service establishments are permitted on the first storey within 20 metres of the western side boundary adjoining Lot 532 and within 30 metres of the western side boundary adjoining Lot 531;
 - (2) Outdoor seating will be established in association with any eating and drinking establishment; and
- Notwithstanding section 6.6.4 of this bylaw, the following provision applies:
- (3) Child care centres shall be permitted in multiple housing when they are located in part on the ground floor and have direct access to enclosed, outdoor play space. (*Section 10.10.7(d) added by Bylaw 2023-06 passed April 11, 2023*)

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- 10.11 CPG Commercial Parking Garage**
- 10.11.1 Purpose
To provide a zone for a parking garage and commercial uses compatible with the core commercial area.
- 10.11.2 Principal Uses
- a) parking garage
 - b) non-accessory parking
- 10.11.3 Secondary Uses
- a) business support services
 - b) child care centres
 - c) eating and drinking establishments
 - d) emergency and protective services
 - e) financial services
 - f) health services
 - g) indoor participant recreation services
 - h) institutional services
 - i) housing: apartment
 - j) offices
 - k) personal service establishments
 - l) private clubs
 - m) retail services, convenience
 - n) retail services, general
 - o) retail services, restricted (*Bylaw 2019-08 passed April 8, 2019*)
 - p) scientific and cultural exhibits
 - q) studios
- 10.11.4 Development Regulations
- a) The minimum lot width is 75.0 m.
 - b) The minimum lot area is 2,250 m².
 - c) The maximum site coverage is 95%.
 - d) The maximum height is 25.0 m, except where otherwise indicated in Appendix C of this bylaw. (*Bylaw 2018-12 passed April 9, 2018*)
 - e) The minimum front yard is 0.0 m.
 - f) The minimum side yard is 0.0 m.
 - g) The minimum rear yard is 0.0 m.
 - h) For portions of buildings greater than 20.0 m in height, upper floors are required to be set back at least 2.0 m from property lines.

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- 10.11.5 Other Regulations
- a) Multiple housing is only allowed above the third storey.
 - b) At least 50% of the site at ground level shall be dedicated for secondary uses.
 - c) At least 50% of the horizontal distance of each ground floor commercial unit façade shall be glazed.
 - d) The maximum height from sidewalk grade to windowsill height shall be 0.75 m.
 - e) Accessory building/structure shall not be permitted.
 - f) All development proposals shall be evaluated in conjunction with the Commercial Parking Garage Design Guidelines. The guidelines are not meant to limit the design creativity of the development, but to ensure a minimum aesthetic standard. The guidelines will be reviewed as objective based, not as regulations. The determination of whether the development meets the design guidelines shall be at the absolute discretion of the Development Officer who may deny issuance of a Development Permit if the application does not meet the guidelines.
 - g) The parking garage component of the development is required to provide a minimum of 100 parking stalls.
 - h) Development in this zone is subject to multiple housing regulations set out in section 6.14.
 - i) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.
- 10.11.6 Design Guidelines for CPG – Commercial Parking Garage
- a) Introduction and Intent
 - (1) These zoning and design guidelines are specifically designed to permit a parking garage as the principal use on the site located at Steele Street and Third Avenue with commercial secondary uses on the ground floor. Multiple housing is also permitted above the third storey only. The site is bounded by Steele Street to the north, Third Avenue to the west, existing commercial uses to the east (fronting on Second Avenue) and a lane to the south.
 - (2) The intent is to provide long term parking strategically located within the downtown core that will free up available short term street parking for business and retail uses. A well designed parking garage will enhance the desirability of people to work and shop in the downtown core instead of the suburban alternative.

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- b) The Site and Urban Design
 - (1) Reinforce the downtown street frontage by including commercial and retail uses in the development.
 - (2) The site and building design should respond to and reinforce the City initiatives for streetscape improvements (corner bulbouts, street furniture, lamp standards) on Third Avenue. Avoid blank walls and maintain visual openness to Third Avenue. If no landscaping is provided then the developer must pay into the City's Streetscape Improvement Fund.
 - (3) Reinforce the Steele Street and Third Avenue corner as a distinctive architectural element. The building should incorporate a distinctive corner form (e.g. angled or curved), change in materials, massing or other appropriate architectural details.
 - (4) Respect the established smaller scale commercial uses along Second Avenue through surface articulation, materials or massing.
- c) The Building Form and Character
 - (1) The City of Whitehorse has not adopted a prescribed Whitehorse specific style as part of the Downtown Plan. Rather, buildings within the Downtown Core are encouraged to respond to environmental elements, adjacent street character, public safety, vitality, landscaping, street furniture, building materials, massing, orientation, signage and lighting.
 - (2) Avoid long uninterrupted spandrels or exposed concrete beams. The character and scale of the parking levels should relate to the main floor commercial uses.
 - (3) The building massing should reinforce the commercial base and have a visual break with the upper floors attained through a change in materials and/or step in the building face. A finer grain of detailing at the base would further elevate the street level experience.
 - (4) The building façade should be broken into vertical sections that are more closely proportioned to the urban street scale.
- d) Building Materials
 - (1) High quality, durable building materials are an essential component of a mixed-use parking structure. The use of concrete (poured in place or precast), brick, metal panel, split face concrete block, stone and glazed tile are encouraged. Materials that are easily susceptible to damage from vandalism or snow clearing (vinyl or aluminium siding, acrylic stucco) are not permitted.
 - (2) Aesthetically, a variety of materials used in combination will provide a richer texture and depth to the building facades.

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- e) Storefront along Steele Street
 - (1) The ground level storefront should use extensive areas of glazing to enhance building transparency and enliven the streetscape.
 - (2) Recessed retail entrances are encouraged to provide an added measure of weather protection and increase window display area.
- f) Eating and Drinking Establishments along Third Avenue
 - (1) An eating and drinking establishment is highly encouraged along the Third Avenue street frontage.
 - (2) Outdoor patio seating is encouraged to animate the street, enrich the dining experience, and take advantage of the partial south and westerly exposure for afternoon and evening sun.
- g) Signage
 - (1) Exterior building signage should create a strong identity for the parking garage and secondary commercial uses within the building. Clearly identify vehicular and pedestrian entrances.
 - (2) Signs constructed of natural materials such as metal or wood are preferred.
- h) Parking Screening
 - (1) The parking on all levels should be designed to screen parked cars from near and distant views.
 - (2) Solid upstands at parking levels should be used in conjunction with metal railings and screens to provide a rich visual barrier.
- i) Public Building Entries
 - (1) The main public entry should punctuate the street frontage to provide a clearly identifiable entry. The main public entry should be located off of Third Avenue.
 - (2) Provide vertical circulation via elevator and stair to all parking levels that is visually open to the street (partially or fully glazed).
- j) Parking Entry
 - (1) In order to maintain the pedestrian continuity of Third Avenue, the parking entry should be located off of Steele Street. The parking entry should be easily identifiable along Steele Street. This location provides a close link to the Main Street businesses and shops.
 - (2) Alternate parking entry location would be directly from the lane, although this is not preferred given the important profile of this facility.

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- k) Parking Requirements
 - (1) The required parking for the commercial uses should be identified separately from the remainder of the parking garage.
 - (2) Loading bays should be located within the building or at the rear of the property. If loading bays are located at the rear of the property, access should be only from the rear lane.
 - (3) All parking, loading, and bicycle parking requirements shall be in accordance with section 7: Parking and Loading.
- l) Winter City Design Considerations
 - (1) Provide weather protection in the form of canopies or awnings at street level.
 - (2) Recessed storefront entries will provide an added measure of weather protection.
 - (3) If the top parking level is left exposed without a roof then snow clearing should be considered. Snow chutes are one possible solution.
 - (4) Regardless of the chosen structural system, corrosion protection is required to protect the entire traffic area in accordance with standard CSAS413.
- m) Enhance the Parking Experience
 - (1) Wayfinding

Simple, clear and direct information provided by wayfinding makes it easier to navigate a parking garage and find your vehicle upon return. Consider the use of colour coded floors, identification of external streets, numbering and visual cues to enhance the user experience.
 - (2) Interior Lighting

Meet or exceed the minimum code required lighting levels. Punctuate light levels at pedestrian and vehicular entries, stairwells and vestibules. Provide open light wells to bring natural light into the parking garage.
 - (3) Exterior Lighting

The exterior building lighting should enhance the night time presence of the building on the street. Avoid horizontal and vertical light pollution. Capped, downward facing lighting is strongly encouraged. International Dark-Sky Association approved fixtures are strongly encouraged.
 - (4) Colour

Paint walls and columns a light colour to reflect light. A well-coordinated colour scheme should be considered to accentuate vertical circulation and major pathways. Coordinate the colour scheme to enhance the wayfinding design.

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- (5) Storage, Garbage, Compost, Recycling
 - (a) All mixed-use development should provide a secure common storage facility within the building.
 - (b) All mixed-use development should provide a central facility for garbage, recycling and compost opportunities.
 - (c) All external garbage and recycling facilities must be screened from view and be located at the rear of the property.
 - (d) The location of all garbage disposal and recycling should be shown on the development plan drawing including required screening.

- n) Safety and Security
 - (1) A key component of any parking facility is that its users feel safe and secure while driving and walking through the structure as well as leaving their vehicles for extended periods.
 - (2) The Developer should submit documentation indicating how the development meets Crime Prevention through Environmental Design (CPTED) principles.
 - (3) Eliminate potential hiding places at structural walls and stairwells.
 - (4) Incorporate large glazed areas into stairwells and elevator lobbies and consider glazed elevators or mirrored back walls.
 - (5) Use flooring materials that are durable, non-slip and easy to clean.
 - (6) Clearly identify pedestrian circulation paths and points of intersection with vehicles.

- o) Roof mounted Mechanical and Communications Equipment
 - (1) Roof-top mechanical or communications equipment should be strategically located or screened from view to adjacent properties.

- p) Coordinating Registered Professional
 - (1) A *coordinating registered professional* is required to lead the design team and prepare the drawings and documents for the Development and Building Permit submissions.
 - (2) The *registered professional* is meant to be either a person who is registered or licensed to practice architecture or a registered professional engineer.
 - (3) The documents submitted must bear the professional's seal and signature.

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10.12 CR Commercial Recreation

10.12.1 Purpose

The purpose of this zone is to provide for outdoor recreation development with tourist facilities and complementary secondary uses that encourage year round activity.

10.12.2 Principal Uses

- a) outdoor participant recreation services

10.12.3 Secondary Uses

- a) accessory building/structure
- b) campgrounds
- c) caretaker residence
- d) community recreation services
- e) day-use areas
- f) eating and drinking establishments
- g) hostels
- h) hotels
- i) indoor participant recreation services
- j) kennels
- k) motels
- l) offices
- m) outdoor participant recreation services
- n) outdoor recreation equipment rentals/sales
- o) parks
- p) personal service establishments
- q) pet clinics
- r) private clubs
- s) recreational vehicle parks
- t) retail services, convenience
- u) retail services, general, less than 500 m²
- v) scientific and cultural exhibits

10.12.4 Conditional Uses

- a) housing: recreation areas

10.12.5 Development Regulations

- a) The minimum front yard is 10.0 m.
- b) The minimum side yard is 10.0 m.
- c) The minimum rear yard is 10.0 m.

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- d) Yard setbacks shall be increased to 20.0 m when adjacent to residential zones and contain a minimum 10.0 m continuous vegetated buffer.
- e) The maximum height of hotels shall be 20.0 m and the maximum height of all other buildings shall be 10.0 m.
- f) The minimum lot area is 5 ha.
- g) The maximum site coverage shall be 10%.

10.12.6

Other Regulations

- a) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.

10.12.7

Special Modifications

- a) A portion of the Meadow Lakes Golf Course is designated CRx with the special modification being that housing: cottage cluster is permitted as a principal use, subject to the following development regulations:
 - (1) The minimum lot area is 2.5 ha.
 - (2) The maximum site coverage is 55%.
 - (3) The maximum height is 15.0 m.
 - (4) The minimum front yard setback is 6.0 m.
 - (5) The minimum side yard setback is 3.0 m on both sides for development up to 10.0 m. Side yard setbacks for development over 10.0 m shall be 4.0 m.
 - (6) The minimum rear yard is 6.0 m.
 - (7) A minimum of 25% of the lot area of a multiple housing development shall be developed as amenity space.
 - (8) Private amenity areas shall be provided at a rate of 5% of net rentable area for multiple housing.
 - (9) The urban residential requirements of the animal control bylaw shall apply to these lots.
 - (10) Mobile homes are not permitted.
 - (11) The maximum number of units is 13.

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10.13 CS Service Commercial

10.13.1 Purpose

To provide a district for a mix of land extensive business and commercial uses, including those that are vehicle oriented.

10.13.2 Principal Uses

- a) animal clinics
- b) business support services
- c) commercial schools
- d) community recreation services
- e) custom indoor manufacturing
- f) eating and drinking establishments, including a drive-through component
(Bylaw 2014-17 passed May 26, 2014)
- g) emergency and protective services
- h) financial services
- i) fleet services
- j) funeral services
- k) garden centres
- l) gas bars
- m) health services
- n) hostels
- o) hotels
- p) household repair services
- q) indoor participant recreation services
- r) institutional services
- s) motels
- t) non-accessory parking
- u) offices
- v) outdoor recreation equipment rentals/sales
- w) parks
- x) personal service establishments
- y) private clubs
- z) religious assemblies
- aa) retail services, convenience
- bb) retail services, general
- cc) retail services, restricted *(Bylaw 2019-08 passed April 8, 2019)*
- dd) spectator entertainment establishments
- ee) studios
- ff) vehicle sales and service

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- 10.13.3 Secondary Uses
- a) accessory building/structure
 - b) caretaker residence
 - c) home-based businesses, minor
 - d) housing: multiple
- 10.13.4 Conditional Uses
- a) equipment sales/rentals, light
 - b) extended medical treatment services
 - c) outdoor participant recreation services
- 10.13.5 Development Regulations
- a) The minimum lot width is 15.0 m.
 - b) The minimum lot area is 464 m².
 - c) The maximum floor area ratio is 3.0.
 - d) The maximum site coverage is 75%.
 - e) The maximum height is 20 m, except where otherwise indicated in Appendix C.
 - f) The minimum front yard is 0.0 m.
 - g) The minimum side yard is 0.0 m except on a corner lot. No structure shall be constructed within a sight triangle.
 - h) The minimum rear yard is 0.0 m, except it shall be 6.0 m when it is abutting a residential zone.
- 10.13.6 Other Regulations
- a) Multiple housing is only allowed above the first storey.
 - b) Development in this zone is subject to multiple housing regulations set out in section 6.14.
 - c) Non-accessory parking is permitted only when a parking area is set back from any adjacent street a minimum of 3.0 m, the area is landscaped and the parking lot is hard-surfaced.
 - d) Accessory parking shall be provided on site with provision for landscaping and screening.
 - e) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicle oriented businesses, etc.) the parking regulations of section 7; and the sign regulations of section 8.

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10.13.7

Special Modifications

- a) Lot 1152 Quad 105D/11 (117 Jasper Road), is designated CSx with the special modification being that the following additional uses are permitted:
 - (1) Child Care Centres
 - (2) Multiple Housing

- b) Lot A-7-1, Plan 36002 LTO, located at 2288 Second Avenue in the downtown area, is designated CSx, with the special modification being that child care centres are permitted as a principal use. (*Bylaw 2018-57 passed February 11, 2019*)

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Section 11 Industrial Zones

11.1 IA Airport

11.1.1 Purpose

To provide a zone to accommodate airport operations and related uses

11.1.2 Principal Uses

- a) aircraft sales/service
- b) airports

11.1.3 Secondary Uses

- a) accessory building/structure
- b) eating and drinking establishments
- c) fleet services
- d) institutional services

11.1.4 Conditional Uses (*added by Bylaw 2014-17 passed May 26, 2014*)

- a) Land treatment facilities

11.1.5 Development Regulations

- a) The minimum lot width is 15.0 m.
- b) The minimum lot area is 650 m².
- c) The maximum floor area ratio is 1.0.
- d) The maximum site coverage is 50%.
- e) The maximum height is 15.0 metres.
- f) The minimum front yard is 6.0 m.
- g) The minimum side yard is 3.0 m.
- h) The minimum rear yard is 6.0 m.

11.1.6 Other Regulations

- a) Secondary land uses within airport boundaries shall be aviation related or intended to service airport uses and shall be consistent with any airport master plan.
- b) No public utility or secondary use shall be permitted that attracts fauna or avifauna, generates smoke, electrical current or vibration that may affect the safe operation of aviation activities.
- c) All development within the vicinity of the airport is subject to confirmation of compliance with the federal Whitehorse Airport Zoning Regulation under the *Aeronautics Act* as amended from time to time. (*Bylaw 2013-20 passed July 8, 2013*)

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- d) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicular oriented uses, etc.), the parking regulations of section 7; and the sign regulations of section 8.

11.1.7

Special Modifications

- a) Lot 654 REM, Block 804, a portion of the Whitehorse International Airport, is designated IAx, with the special modification being:
 - (1) Notwithstanding section 11.1.6 d), the Airside portion of the Whitehorse International Airport is not subject to the development regulations of section 11.1.5.

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11.2 ***IH*** ***Heavy Industrial***

11.2.1 Purpose

To provide for large-scale industrial uses and other uses that may have large land requirements or nuisance effects on adjacent uses.

11.2.2 Principal Uses

- a) asphalt plants
- b) bulk fuel depots
- c) concrete plants
- d) fabrication shops
- e) industrial, salvage
- f) manufacturing
- g) outdoor storage (*Bylaw 2019-07 passed March 25, 2019*)
- h) processing, heavy
- i) processing, light
- j) trucking terminals

11.2.3 Secondary Uses

- a) accessory building/structure
- b) caretaker residence

11.2.4 Conditional Uses

- a) land treatment facilities
- b) natural resource extraction

11.2.5 Development Regulations

- a) The minimum lot width is 30.0 m.
- b) The minimum lot area is 0.5 ha.
- c) The maximum floor area ratio is 2.0.
- d) The maximum site coverage is 50%.
- e) The maximum height is 20.0 m.
- f) The minimum front yard is 7.5 m.
- g) The minimum side yard is 6.0 m.
- h) The minimum rear yard is 6.0 m.

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11.2.6

Other Regulations

- a) Industrial uses where the significant emission of air and water contaminants, noise, or fire and explosion hazards will extend beyond the site to any residential zone shall not be permitted.
- b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicular oriented uses, etc.), the parking regulations of section 7; and the sign regulations of section 8.

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11.3 IQ Quarries

11.3.1 Purpose

To provide a site for the on-site removal, extraction, and primary processing of soil and aggregate materials found on or under the site.

11.3.2 Principal Uses

- a) concrete plants
- b) natural resource extraction

11.3.3 Secondary Uses

- a) accessory building/structure
- b) caretaker residence

11.3.4 Conditional Uses

- a) asphalt plants
- b) land treatment facilities

11.3.5 Development Regulations

- a) The minimum lot area is 2.5 ha.
- b) The maximum height is 20.0 m.
- c) The minimum front yard is 7.5 m.
- d) The minimum side yard is 7.5 m.
- e) The minimum rear yard is 7.5 m.

11.3.6 Other Regulations

- a) The regulations set out in section 6.15 Natural Resource Extraction shall apply to any development in this zone.
- b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicular oriented uses, etc.), the parking regulations of section 7; and the sign regulations of section 8.

11.3.7 Special Modifications

- (a) A parcel of vacant Commissioner's Land located at km 3.2 on Copper Haul Road is hereby designated IQx(a) with the special modification being that, notwithstanding section 4.11.1(c) of this bylaw, natural resource extraction is permitted as a principal use for a period of five years. At the end of five years, the temporary use can be renewed for another five years or it will expire. The temporary use can be renewed for four five-year intervals to a maximum of 25 years. Prior to any development permit approval and subsequent renewal, the applicant shall provide a final grading plan with a level floor, consisting of slopes of 3% or less, which aligns with the adjacent land to the east. (*Bylaw 2022-23 passed August 8, 2022*)

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11.4 IS Service Industrial

11.4.1 Purpose

To provide a zone for a mix of commercial and industrial uses including manufacturing, processing, assembly, distribution, service or repair, which may carry out a portion of their operation outdoors or require outdoor storage.

11.4.2 Principal Uses

- a) animal clinics
- b) animal shelters
- c) auctions/auction grounds
- d) bulk fuel depots
- e) business support services
- f) commercial storage
- g) custom indoor manufacturing
- h) equipment sales/rentals, heavy
- i) fabrication shops
- j) fleet services
- k) garden centres (*Bylaw 2014-17 passed May 26, 2014*)
- l) general contractor services
- m) industrial, salvage
- n) manufacturing
- o) mobile catering food services
- p) outdoor recreation equipment rentals/sales
- q) outdoor storage (*Bylaw 2019-07 passed March 25, 2019*)
- r) processing, light
- s) trucking terminals
- t) vehicle sales and service
- u) warehouse sales

11.4.3 Secondary Uses

- a) accessory building/structure
- b) caretaker residence
- c) offices
- d) retail services, general, less than 500 m²

11.4.4 Conditional Uses

- a) caretaker residence, 121 to 297 m²
- b) eating and drinking establishments
- c) indoor participant recreation services

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- 11.4.5 Development Regulations
- a) The minimum lot width is 15.0 m
 - b) The minimum lot area is 0.2 ha where the parcel is connected to municipal water and sewer services (*Bylaw 2019-07 passed March 25, 2019*)
 - c) The minimum lot area is 0.5 ha where the parcel is not connected to municipal water and sewer services (*Bylaw 2019-07 passed March 25, 2019*).
 - d) The maximum floor area ratio is 0.75
 - e) The maximum site coverage is 75%
 - f) The maximum height is 15.0 m
 - g) The minimum front yard is 6.0 m
 - h) The minimum corner lot setback is 6.0 m abutting one street and 3.0 m on the other. The determination of which side of the lot is subject to 3.0 m shall be at the discretion of the Development Officer
 - i) The minimum side yard is 3.0 m
 - j) The minimum rear yard is 3.0 m
- 11.4.6 Other Regulations
- a) No industrial activity permitted within this zone shall cause a nuisance or create a hazard that extends beyond the boundaries of the site.
 - b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (vehicular oriented uses, etc.), the parking regulations of section 7; and the sign regulations of section 8.
- 11.4.7 Special Modifications
- a) Lot 727 Group 804 (92337 Alaska Highway) is designated ISx, the special modification being that only the following principal uses are permitted: fabrication shops; housing: single detached.
 - b) Lot 1175 Quad D/14 (92340 Alaska Highway) is designated ISx, the special modification being that only the following uses shall be permitted:
 - 1) Principal uses
 - a. industrial, general
 - b. service stations
 - 2) Secondary Uses
 - a. accessory building/structure
 - b. caretaker residence

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Section 12 Public/Institutional Zones

12.1 PE Environmental Protection

- 12.1.1 Purpose
To provide a zone for the protection and preservation of environmentally sensitive areas, wildlife habitat and other significant natural areas
- 12.1.2 Principal Uses
- a) environmental protection areas
- 12.1.3 Secondary Uses (*Modified by Bylaw 2014-17 passed May 26, 2014*)
- a) nature interpretation facilities
- 12.1.4 Conditional Uses
- a) accessory building/structure
 - b) beaches
 - c) boat launches
 - d) community gardens and greenhouses
 - e) day use cabins
 - f) docks
 - g) non-accessory parking
 - h) outdoor participant recreation services
- 12.1.5 Development Regulations
- a) No development shall be permitted without the preparation and approval of a development assessment and a site master plan.
 - b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the parking regulations of section 7; and the sign regulations of section 8.
- 12.1.6 Special Modifications (*Section 12.1.6 added by Bylaw 2016-16 passed May 9, 2016*)
- a) Lots 1, 2, 3, 4, and 5, Block 145, Lot 6 and a portion of Lots 7, 8, and 9, Block 144, and a portion of the lane adjacent to Lots 6 and 7, Block 144, Plan 20148, located at 7202 to 7218 7th Avenue in the Downtown area, are designated PEx(a), with the special modification being that Hobby Agriculture – Apiary is allowed as a principal use. (*Bylaw 2016-16 passed May 9, 2016*)

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12.2 **PG** **Greenbelt**

12.2.1 Purpose

To provide a zone for areas of public land that are typically left in a natural state and may be used primarily for buffers, walkways, trails and for unorganized or passive recreation.

12.2.2 Principal Uses (*Modified by Bylaw 2014-17 passed May 26, 2014*)

- a) community gardens and greenhouses
- b) nature interpretation facilities

12.2.3 Secondary Uses

- a) accessory building/structure

12.2.4 Conditional Uses

- a) day-use areas
- b) day-use cabins
- c) outdoor participant recreation services
- d) parks

12.2.5 Development Regulations

- a) No development shall be permitted without the preparation and approval of a development assessment and a site master plan.
- b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the parking regulations of section 7; and the sign regulations of section 8.

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12.3 PR Parks and Recreation

12.3.1 Purpose

To provide areas for indoor and outdoor active recreational uses requiring facilities and/or infrastructure.

12.3.2 Principal Uses (*Modified by Bylaw 2014-17 passed May 26, 2014*)

- a) beaches
- b) boat launches
- c) community gardens and greenhouses
- d) community recreation services
- e) day-use areas
- f) day-use cabins
- g) docks
- h) indoor participant recreation services
- i) outdoor participant recreation services
- j) nature interpretation facilities
- k) parks
- l) scientific and cultural exhibits
- m) spectator sports establishments
- n) temporary uses as defined by the Schwatka Lake Waterfront Policy

12.3.3 Secondary Uses

- a) accessory building/structure
- b) eating and drinking establishments
- c) retail services, general
- d) caretaker residence

12.3.4 Conditional Uses

- a) campgrounds
- b) exhibition and convention facilities

12.3.5 Development Regulations

- a) The maximum height is 20.0 m.
- b) The minimum front yard is 6.0 m.
- c) The minimum side yard is 6.0 m.
- d) The minimum rear yard is 7.5 m.

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12.3.6

Other Regulations

- a) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the parking regulations of section 7; and the sign regulations of section 8.
- b) The Schwatka Lake Waterfront Policy shall regulate all temporary uses on the Schwatka Lake Waterfront.

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12.4 PS Public Services

12.4.1 Purpose

To provide a zone for public and privately owned facilities of an institutional or community service nature

12.4.2 Principal Uses

- a) cemeteries
- b) child care centres
- c) community gardens and greenhouses
- d) community recreation services
- e) emergency and protective services
- f) exhibition and convention facilities
- g) extended medical treatment services
- h) funeral services
- i) housing: supportive, temporary shelter services
- j) indoor participant recreation services
- k) institutional services
- l) parks
- m) public, private, and commercial schools
- n) religious assemblies
- o) scientific and cultural exhibits
- p) spectator entertainment establishments

12.4.3 Secondary Uses

- a) accessory building/structure
- b) caretaker residence
- c) eating and drinking establishments
- d) health services

12.4.4 Conditional Uses

- a) detention and correction services
- b) housing: multiple, single detached, duplex (*Bylaw 2015-01–March 23, 2015*)
- c) outdoor participant recreation services
- d) spectator sports establishments

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- 12.4.5 Development Regulations
- a) The minimum lot width is 20.0 m.
 - b) The minimum lot area is 850 m².
 - c) The maximum floor area ratio is 0.9. (*Bylaw 2016-07 – March 29, 2016*)
 - d) The maximum site coverage is 45%.
 - e) The maximum height is 20.0 m, except where otherwise indicated in Appendix C of this bylaw. (*Bylaw 2018-12 passed April 9, 2018*)
 - f) The minimum front yard is 6.0 m.
 - g) The minimum side yard is 3.0 m.
 - h) The minimum rear yard is 7.5 m.
- 12.4.6 Other Regulations
- a) A comprehensive development plan outlining proposed setbacks, landscaping, lighting, fencing and other security measures is required for an application for detention and corrective services.
 - b) New development resulting in new buildings and/or site disturbance that falls within the area specified in Appendix D – Moderate Geo-hazard Area, requires a site-specific geotechnical evaluation in the form and substance acceptable to the City Engineer, and implementation of any mitigation measures required by the City Engineer. (*Bylaw 2013-20 passed July 8, 2013*)
 - c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the specific use regulations of section 6 (child care services, etc.), the parking regulations of section 7, and the sign regulations of section 8.
- 12.4.7 Special Modifications
- a) Lot 1110 Granger, located at 149 Wilson Drive, is designated PSx, the special modification being that only religious assemblies, private clubs and parks are permitted.
 - b) Lots 174 and 175 Porter Creek, located at 1607 and 1609 Birch Street, are designated PSx, the special modification being that only religious assemblies and child care centres are permitted as principal uses.
 - c) Lot 519 Copper Ridge, located at the corner of Falcon Drive and Diamond Way, is designated PSx, the special modification being that only schools, parks, outdoor participant recreation services, community recreation services and religious assemblies are permitted as a principal use, and only accessory buildings/structures are permitted as a secondary use.

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- 12.5** **PU** **Public Utilities**
- 12.5.1 Purpose
To provide a zone for public utility installations and facilities involving disposal, recycling, or similar uses that may generate nuisance impacts for adjacent land uses.
- 12.5.2 Principal Uses
a) emergency and protective services
b) public utilities
- 12.5.3 Secondary Uses
a) accessory building/structure
b) caretaker residence
- 12.5.4 Conditional Uses
a) land treatment facilities
b) outdoor participant recreation services
- 12.5.5 Development Regulations
a) The maximum height is 20.0 m except that communication towers have no height limit.
b) The minimum front yard is 6.0 m.
c) The minimum side yard is 3.0 m.
d) The minimum rear yard is 6.0 m.
- 12.5.6 Other Regulations
a) Design, siting, landscaping, screening, and buffering shall make best efforts to minimize and compensate for any objectionable aspects or potential incompatibility with development in abutting zones.
b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the parking regulations of section 7; and the sign regulations of section 8.

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12.5.7

Special Modifications

- a) Portions of Lots 29 to 33, Lot 38 and Lane 3, Block 316 in Downtown Whitehorse, Plan 2008-0034 LTO, located in the Motorways area, are designated PUX(a) with the special modifications being:
- (1) The interior side yard setback is reduced to 2.6 m; and
 - (2) A 3.0 m vegetative buffer between the public utilities zone and residential or commercial zones is not required.”
- (Bylaw 2018-41 passed August 6, 2018)*
- b) A parcel of vacant Commissioner’s Land located adjacent to Lot 58-3, Plan 96798 CLSR, in the Mount Sima Industrial Area is designated PUX(b) with the special modifications being:
- (1) If the principal use is a public utility, the only utility category permitted is a solar farm; and
 - (2) The only allowable secondary uses are accessory buildings or structures and a caretaker residence; and
 - (3) No conditional uses are permitted.
- (Bylaw 2018-48 passed September 24, 2018)*

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12.6 PW Public Waterfront

12.6.1 Purpose

To provide a zone for public, public institutional, and minor commercial uses in the immediate riverfront area of the downtown of the city

12.6.2 Principal Uses (*Modified by Bylaw 2014-17 passed May 26, 2014*)

- a) boat launches
- b) docks
- c) eating and drinking establishments
- d) institutional services
- e) nature interpretation facilities (*Bylaw 2016-07 passed March 29, 2016*)
- f) outdoor recreation equipment rentals/sales
- g) parks (*Bylaw 2016-07 passed March 29, 2016*)
- h) scientific and cultural exhibits

12.6.3 Secondary Uses

- a) accessory building/structure
- b) community recreation services
- c) offices

12.6.4 Conditional Uses

- a) aircraft sales/service
- b) marinas
- c) non-accessory parking

12.6.5 Development Regulations

- a) The maximum height is 10.0 m.

12.6.6 Other Regulations

- a) The Lease, Encroachment and Property Use Policy as amended from time to time regulates all seasonal commercial retail sales operating from temporary structures. (*Modified by Bylaw 2014-17 passed May 26, 2014*)
- b) All new buildings and renovations shall be in accordance with the applicable Riverfront Design Guidelines.
- c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the parking regulations of section 7; and the sign regulations of section 8.

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Section 13 Other Zones

13.1 AG Agriculture

13.1.1 Purpose

To provide a zone for a range of non-soil-based agricultural pursuits in a rural setting

13.1.2 Principal Uses

- a) agriculture, major

13.1.3 Secondary Uses

- a) accessory building/structure
- b) animal clinics
- c) bed and breakfast lodging (two rooms) (*Bylaw 2015-01 – March 23, 2015*)
- d) garden suites (*Bylaw 2015-01 passed March 23, 2015*)
- e) home-based businesses, minor
- f) housing: single detached (*Bylaw 2015-01 passed March 23, 2015*)
- g) living suites
- h) offices
- i) retail services, less than 500 m²

13.1.4 Conditional Uses (*Added by Bylaw 2018-12 passed April 9, 2018*)

- a) kennels

13.1.4 Development Regulations

- a) The minimum lot size is 2.0 ha.
- b) The maximum height is 12.0 m.
- c) The minimum front, side and rear yard setbacks are 6.0 m.

13.1.5 Other Regulations

- a) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the parking regulations of section 7; and the sign regulations of section 8.

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13.2 FN First Nation

13.2.1 Purpose

To identify those lands owned or selected by the Kwanlin Dün First Nation which shall be planned and designated in accordance with the Kwanlin Dün self-government and final agreements.

13.2.2 Principal Uses

- a) Uses will be determined by future First Nation land policies

13.2.3 Other Regulations

- a) As of the passage of this bylaw, Kwanlin Dün has not yet exercised zoning powers to regulate development on FN-zoned land. This Zoning Bylaw contains additional zone designators for each FN-zoned piece of land that show interim zone regulations that apply. For example, a piece of FN-zoned land shown in Schedule A as “FN-RS” indicates that until such time as Kwanlin Dün exercises zoning powers that govern this parcel, the zoning regulations of the RS zone apply.

13.2.4 Information about Kwanlin Dün Land

Within the boundaries of the City of Whitehorse, Kwanlin Dün First Nation settlement lands are classified according to the degree to which Kwanlin Dün has self-government powers.

Type 1 lands: Kwanlin Dün will be able to exercise all of its self-government powers on settlement land that is designated as type 1.

Type 2 lands: The majority of settlement land within the City of Whitehorse is Type 2. The Self-Government Agreement defines which Type 2 lands can be used for residential, commercial, light industrial, industrial, or First Nation institutional uses. On Type 2 land, Kwanlin Dün will be able to exercise planning, zoning and land development powers that are consistent with the designated land use. KDFN may adopt existing Yukon or city laws about public health and safety as its own laws for Type 2 lands (e.g. laws related to sanitary conditions, pollution, noise, keeping of livestock, billboard posting, building overcrowding and so on). KDFN will be able to exercise its self-government powers that are not related to public health and safety on Settlement Land that is Type 2.

Type 3 lands: A small number of settlement land parcels are Type 3. These are within existing subdivisions or built-up areas. These parcels are not zoned FN and not distinguished from other parcels in Schedule A. KDFN will need the agreement of the other concerned government, either the City of Whitehorse or Yukon, before enacting a law about public health and safety, or planning, zoning or land development applicable to Type 3 parcels. KDFN will be able to exercise all the rest of its self-government powers on Settlement Land that is Type 3.

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13.3 **FP** **Future Planning**

13.3.1 Purpose

To provide a zone to protect land with no determined use in a generally undeveloped and natural state until such time as planning has occurred to determine appropriate zoning.

13.3.2 Principal Uses

- a) community gardens and greenhouses
- b) nature interpretation facilities
- c) personal use fuel wood cutting

13.3.3 Secondary Uses (*Modified by Bylaw 2014-17 passed May 26, 2014*)

- a) accessory building/structure
- b) environmental protection areas
- c) parks

13.3.4 Conditional Uses

- a) boat launches
- b) day-use areas
- c) day-use cabins
- d) docks
- e) outdoor participant recreation services

13.3.5 Development Regulations

- a) The maximum height is 10.0 m.
- b) The minimum front yard is 10.0 m.
- c) The minimum side yard is 10.0 m.
- d) The minimum rear yard is 10.0 m.

13.3.6 Other Regulations

- a) Council may require an applicant to enter into a Development Agreement for any proposed use within this zone to limit encumbrances to the future planning and orderly development of lands.
- b) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of section 5 (accessory development, site design, yards, etc.); the parking regulations of section 7; and the sign regulations of section 8.

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Section 14 Enforcement *(Amended by Bylaw 2015-11 passed June 29, 2015)*

14.1 **General**

- 14.1.1 A Development Officer or a Bylaw Services Constable may enforce the provisions of this bylaw. For those developments where only a building permit is required, council may appoint the Building Inspector to act as a Development Officer for this purpose.
- 14.1.2 All enforcement activities of a Development Officer as provided pursuant to the *Municipal Act*, this section, or any other section of this bylaw, may be commenced simultaneously.

14.2 **Offences**

- 14.2.1 Any person who contravenes, causes, or permits a contravention of this bylaw commits an offence.
- 14.2.2 Any person who owns, occupies, or uses land, constructs a building or structure or makes an addition or alteration thereto for which a development permit is required but has not been issued; or is in contravention of a condition of a development permit issued under this bylaw, commits an offence.

14.3 **Right of Entry**

- 14.3.1 After reasonable notice to the owner or occupant, a Development Officer or any other authorized City representative may enter onto any land or into any building or structure at any reasonable time in order to conduct an inspection to ascertain compliance with this bylaw.
- 14.3.2 No person shall interfere with or obstruct the entry of a Development Officer or any authorized City representative onto any land or into any building or structure to which entry is made or attempted pursuant to the provisions of this bylaw.
- 14.3.3 Where entrance into or upon any property within the City is refused, a Judge, upon application made on behalf of council, may by order require the occupier of the property to admit a Development Officer or any authorized City representative into or upon the property for the purpose of an inspection under section 14.3.1.
- 14.3.4 An order made by a Judge under this section continues in force until the purpose for which it was made has been fulfilled.

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14.4 Notices

14.4.1 Once a Development Officer has found a violation of this bylaw, a Development Officer or Bylaw Services Constable may notify the owner of the property, the person in possession of the land or development, and/or the person responsible for the violation, by:

- a) delivering either in person, by ordinary mail or fax a *Notice of Violation*; and
- b) posting the notice in a conspicuous location on the site.

14.4.2 Such *Notice of Violation* shall state:

- a) the nature of the violation of this bylaw;
- b) the scope of the corrective measures required to comply with this bylaw; and
- c) the time limit within which such corrective measures must be performed.

14.4.3 A Development Officer is not required to issue a *Notice of Violation* before commencing any other enforcement action under the *Municipal Act* or this bylaw.

14.5 Refusal, Suspension or Revocation of Permit

14.5.1 A Development Officer may refuse to issue, suspend, or revoke a development permit where:

- a) the applicant fails to comply with the conditions of the issuance of the permit; or
- b) any person undertakes or causes or allows any development on a site contrary to the terms or conditions of a permit; or
- c) any person fails to complete the corrective measures described in a *Notice of Violation* issued pursuant to section 14.4.

14.6 Offence Tickets

14.6.1 Where a person has contravened a provision of this bylaw, or if the corrective measures described in a *Notice of Violation* issued pursuant to section 14.4 are not completed within the specified time, or if development continues after a permit has been revoked, the person to whom the *Notice of Violation* was issued may be issued an offence ticket by a Development Officer or Bylaw Services Constable in the amount specified in section 14.10.2.

14.6.2 The offence ticket shall specify the alleged offence committed, the person to whom the offence ticket is issued, and require payment of the penalty by a specified date.

14.6.3 The offence ticket shall be served personally or by registered mail on the person identified in section 14.4.1.

14.6.4 A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.

14.6.5 Any person who contravenes the same provision of this bylaw within twelve months after the date of the first contravention is liable to the specified penalties for such second or subsequent offence in the amount set out in section 14.11.

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14.7 Report to Council

- 14.7.1 Where a Development Officer is satisfied that there is a continued contravention of this bylaw, a Development Officer may elect to report such a contravention to council in a timely manner if it appears the contravention will not be corrected in a timely manner.
- 14.7.2 Council may, on finding that any development or use of land or buildings is in contravention of this bylaw:
- a) direct the Development Officer to act on the matter in accordance with section 14.8;
 - b) suspend or revoke a development permit with respect to the contravention; and
 - c) apply to the court for an injunction to restrain the contravention.

14.8 Orders

- 14.8.1 A Development Officer or Bylaw Services Constable may issue to the owner of the property, the person in possession of the land or buildings, or the person responsible for the contravention, a written order to comply with the provisions of this bylaw.
- 14.8.2 The order may:
- a) direct a person to stop doing something or to change the way in which the person is doing it;
 - b) direct a person to take any action or measure necessary to remedy the contravention of the *Act* or bylaw, including the removal or demolition of a structure that has been erected or placed in contravention of a bylaw and, if necessary, to prevent a reoccurrence of the contravention;
 - c) state a date and time by which the person must comply with the directions;
 - d) state that if the person does not comply with the directions within the specified time, the municipality will take the action or measure at the expense of the person; and
 - e) state that a person who receives a written order may request that Council review the order within 14 days after the date the order is received. After reviewing the order, Council may confirm, vary, substitute, or cancel the order.
- 14.8.3 This order shall be delivered by registered mail or be personally served on the person described in section 14.4.1.

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14.9 Municipality Remediating Contravention

- 14.9.1 Where a person fails or refuses to comply with the order issued under section 14.8, a Development Officer may take such action as is necessary to enforce the order.
- 14.9.2 The costs and expenses incurred by the City in carrying out an order shall be placed on the tax roll as an additional tax against the property concerned, and that amount shall be collected in the same manner as taxes on the land.

14.10 Penalties

- 14.10.1 Any person who commits an offence under section 14.2 is, upon summary conviction, liable to a fine as specified in the *Summary Convictions Act*.
- 14.10.2 Any person who commits an offence under this bylaw is, in addition to any other punishment, liable on summary conviction to:
- a) a voluntary fine issued pursuant to Section 20 of the *Summary Convictions Act* and in respect of an offence specified in section 14.11; or
 - b) a fine not exceeding ten thousand dollars (\$10,000.00) or to imprisonment for six months or both where proceedings are commenced pursuant to the summary convictions provisions of the *Criminal Code of Canada*; or
 - c) a fine not exceeding five hundred dollars (\$500.00) or to imprisonment for six months or both where proceedings are commenced pursuant to section 9(1) of the *Summary Convictions Act of the Yukon*.
- 14.10.3 Where a person fails or refuses to comply with an Order pursuant to sections 14.2 and 14.8, that person is liable on summary conviction to a fine of not more than \$10,000 and, in the case of a continuing offence, to a further fine not exceeding \$2,500 for each day during which the offence continues.
- 14.10.4 In addition to the penalties provided for under section 14.10.2, a person convicted of an offence pursuant to section 14.2 in respect to the use of land or buildings or development carried out in contravention of this bylaw, may be ordered to remove such development and reclaim the site at that person's own expense.
- 14.10.5 Should any person owning or occupying real property within the City refuse or neglect to pay any penalties that have been levied pursuant to this bylaw, the Development Officer may inform such person in default that, if these charges are unpaid on the thirty-first day of December on the same year, these shall be added to and form part of the taxes payable in respect of that real property as taxes in arrears.

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14.11 Schedule of Fines

14.11.1 A voluntary fine under section 20 of the *Summary Convictions Act* RSY 2002, Chapter 210, issued in respect of an offence, shall be increased for second and subsequent offences as specified herein:

<u>Description of Offence</u>	<u>Penalty</u>
Fail to comply with Zoning Bylaw regulations*	\$250.00
Fail to comply with Zoning Bylaw regulations (2 nd or subsequent offence)*	\$500.00
Fail to obtain development permit	\$250.00
Fail to obtain development permit (2 nd or subsequent offence)	\$500.00
Fail to comply with an Order*	\$250.00
Fail to comply with an Order (2 nd or subsequent offence)*	\$500.00
Fail to comply with permit conditions	\$250.00
Fail to comply with permit conditions (2 nd or subsequent offence)	\$500.00
Fail to comply with <i>Notice of Violation</i>	\$250.00
Fail to comply with <i>Notice of Violation</i> (2 nd or subsequent offence)	\$500.00
Fail to grant right of entry	\$250.00
Fail to grant right of entry (2 nd or subsequent offence)	\$500.00

(The entire section 14 was replaced by Bylaw 2015-11 passed June 29, 2015)

*(*Indicates sections added by Bylaw 2019-07 passed March 25, 2019)*

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Section 15 Amendments

15.1 *Text Amendments*

- 15.1.1 The Planning Committee or council may initiate any text amendment to this bylaw. Any such amendment shall be reviewed in accordance with section 15.3.
- 15.1.2 Any person may apply for an amendment to the text of this bylaw by paying the required application fee as specified in the *Fees and Charges Bylaw* and submitting a written statement to describe and justify the proposed amendment.

15.2 *Rezoning Applications*

- 15.2.1 The Planning Committee or council may initiate any amendment to the *Zoning Map*. Any such amendment shall be reviewed in accordance with section 15.3.
- 15.2.2 An owner of land in the City, or an authorized agent of an owner, may apply to have the zoning designation of the land amended to another zoning designation.
- 15.2.3 An application for a rezoning shall be made in writing to the Development Officer using the form provided and accompanied by the following:
- a) documentation of ownership;
 - b) a written statement to describe and justify the proposal;
 - c) a map showing the proposed change in the context of adjacent land;
 - d) the necessary processing and advertising fees as set out in the *Fees and Charges Bylaw*;
 - e) permission for right-of-entry onto the land by City staff for reasonable inspection; and
 - f) In addition, a Development Officer may require the following:
 - (1) a site plan containing lot dimensions and other features such as the location of easements; the location and dimensions of existing and proposed buildings; the location of site access and egress; the location of public sidewalks hydro poles, light standards, boulevard trees, fire hydrants and other features; the location, size and placement of signs and future signs; and the location of all existing and proposed services on the property;
 - (2) floor plans and elevation drawings of all proposed buildings, and structures including any additions;
 - (3) a geo-technical evaluation of the site to confirm slope stability, appropriate top-of-bank setbacks, and site suitability for on-site septic sewage disposal;
 - (4) a landscaping plan to show site grading, drainage, retaining walls, existing and future tree locations, species list, and open space landscape treatment;

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- (5) a development assessment where the magnitude or type of use may have off-site implications of short or long term duration by virtue of the nature of the development proposed. Typical impact considerations would include the physical, social, and economic consequences, impacts on municipal services and infrastructure, adjacent land uses, noise, emissions, and future site rehabilitation;
- (6) an environmental site assessment report confirming soil groundwater and surface water meet the standards of the Yukon Contaminated Site Regulations for all proposed uses;
- (7) a digital drawing of the proposed development in a format compatible with City software;
- (8) proof of approval of the proposed on-site sewage disposal system by the authority having jurisdiction on lots not serviced by a municipal sewage system;
- (9) other planning and engineering information, such as proposed on-site drainage, parking plan and traffic studies in order to prepare, evaluate, and make a recommendation concerning the proposed amendment; and
- (10) an historic resource impact assessment (*Bylaw 2018-12 passed April 9, 2018*)

- 15.2.4 A Development Officer may request the applicant to provide an analysis by a qualified professional, of the potential impact on land use, traffic, utilities, and other City services and facilities if the amendment proposes an increase in density or other intensification of use.
- 15.2.5 A detailed hydro-geological and nitrogen loading assessment shall be completed by or reviewed by a qualified hydro-geologist and submitted prior to the approval of any rezoning that permits increased density in the areas outside of the Urban Containment Boundary.
- 15.2.6 An application may not be considered to have been received until all requirements of section 15.2 have been submitted to the satisfaction of a Development Officer. Notwithstanding these requirements, the application may be considered if, in the opinion of a Development Officer, it is of such a nature as to enable a decision to be made without some of the required information.
- 15.2.7 If it appears that the proposed amendment is one which is applicable to, and for the benefit of the City at large, or most of the persons affected in the area, then council may direct that the application fee be returned to the applicant.

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15.3 Review Process

- 15.3.1 Upon receipt of a completed application for a text amendment or rezoning, a Development Officer shall initiate or undertake an investigation and analysis of the potential impacts of development under the proposed zone. The analysis shall be based upon the full development potential of the uses and development regulations specified in the proposed zone and not on the merits of any particular development proposal.
- 15.3.2 The analysis shall, among other factors, consider the following impact criteria:
- a) Relationship to and compliance with the *Official Community Plan*, other approved municipal plans, and council policy;
 - b) Relationship to and compliance with municipal plans in preparation;
 - c) Compatibility with surrounding development in terms of land use function and scale of development;
 - d) Traffic impacts;
 - e) Relationship to, or impacts on, services such as water and sewage systems, public transit and other utilities, and public facilities such as recreational facilities and schools;
 - f) Relationship to municipal land, right-of-way, or easement requirements;
 - g) Effect on the stability, retention and rehabilitation of desirable existing uses, buildings, or both in the area;
 - h) Necessity and appropriateness of the proposed text amendment or zone in view of the stated intentions of the applicant; and
 - i) Relationship to any documented concerns and opinions of area residents and land owners regarding the application.
- 15.3.3 Upon receipt of a text amendment or rezoning application, and a report by a Development Officer, the Planning Committee shall review and forward the application along with its recommendations and comments to council.
- 15.3.4 Before approving a text amendment or rezoning, council shall comply with the requirements and notification procedures set out in the *Act*.
- 15.3.5 In order to mitigate any concerns, council may require that a Development Permit Agreement be used to establish conditions of approval. (*Bylaw 2013-20 passed July 8, 2013*)

15.4 Resubmission Interval

- 15.4.1 Where an application for an amendment to this bylaw has been refused by council, another application for the same or substantially the same amendment shall not be submitted within 12 months of the date of the refusal unless council otherwise directs.

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15.5 Public Notification

15.5.1 Written notification letters produced by the City of Whitehorse describing the area affected by the proposed amendment, stating the date, time and place for the public hearing, the reasons for the amendment and an explanation of it, shall be mailed to all property owners prior to the public hearing within the following radii of the subject property:

- a) for areas within the Urban Containment Boundary, 100 m; and
- b) for areas outside the Urban Containment Boundary, 1 km.

In the event of a postal delivery disruption, additional methods or alternate notification may be used, as directed by Council at first reading.

(Bylaw 2018-12 passed April 9, 2018)

15.5.2 For zoning amendments proposed for one property, a zoning amendment notification sign shall be placed on the subject property or in a visible location near the property following first reading of the amendment bylaw. Such sign shall remain in place until after the date of the public hearing. The sign shall state the details of the amendment and the date, time and place of the public hearing, as well as contact information for the City of Whitehorse.

15.5.3 The proponent of the amendment may be required to host one or more public meetings in order to provide information on the proposed rezoning. The necessity of a public meeting shall be determined by council following first reading of the amendment bylaw.

(Section 15.5 modified by Bylaw 2014-17 passed May 26, 2014)

Appendix “A”

Community Signage Areas

Section 8.5.6 - *Community Event Signs*

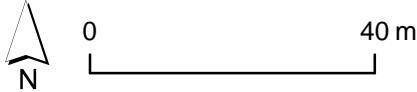
Map 1 (Robert Service Way at Fourth Avenue)

City Of Whitehorse
Bylaw 2012-20
Appendix 'A'



Legend

 Community Activity Signage Area



Map 2 (Riverdale at Hospital Road)

City Of Whitehorse
Bylaw 2012-20
Appendix 'A'



Legend

 Community Activity Signage Area



0 125 m

Map 3 (Two Mile Hill Road - Downtown)

City Of Whitehorse
Bylaw 2012-20
Appendix 'A'



Legend

 Community Activity Signage Area



0 60 m

Map 4 (Mountainview Drive at Range Point)

City Of Whitehorse
Bylaw 2012-20
Appendix 'A'



Legend

 Community Activity Signage Area



0  80 m

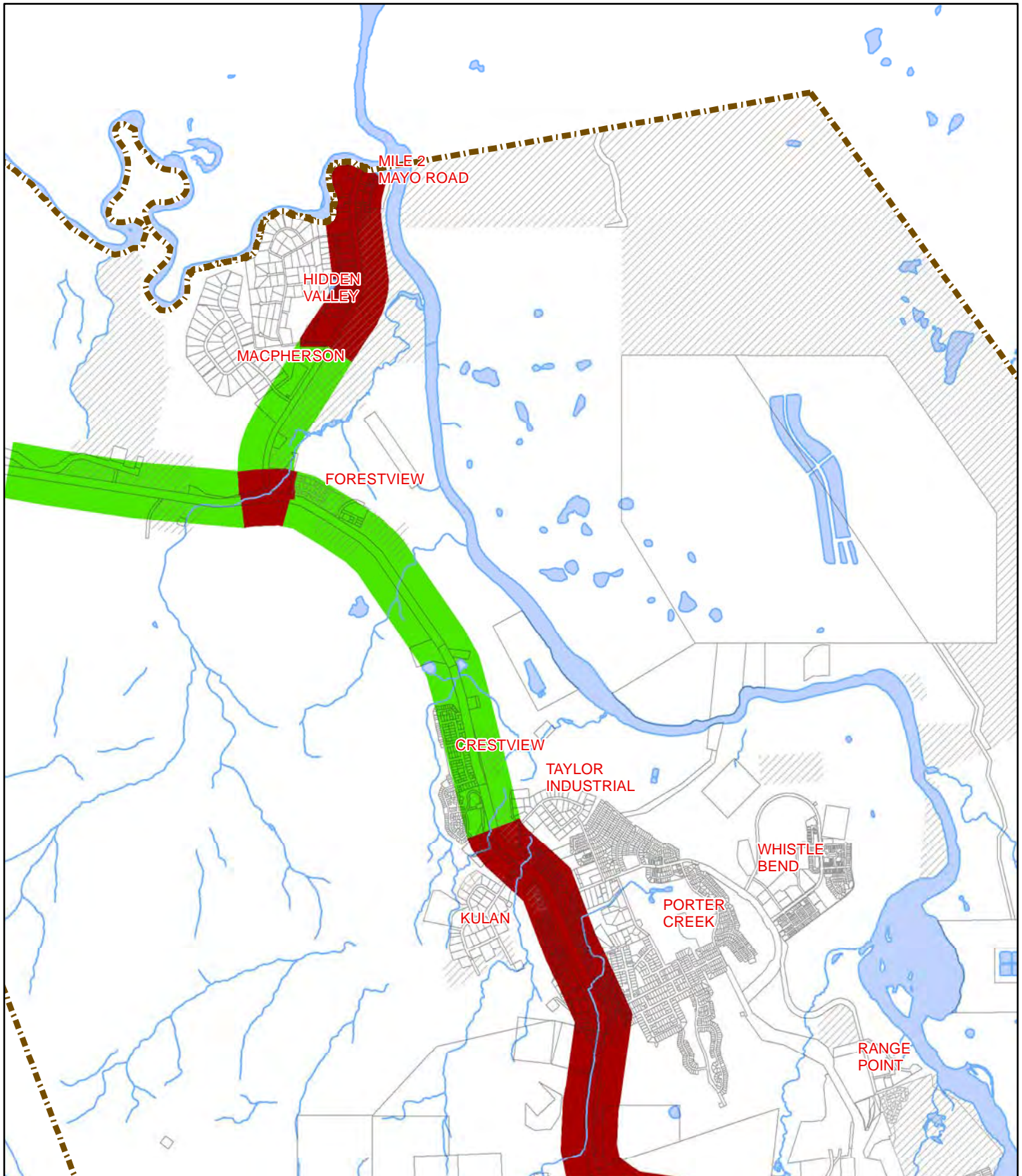
Appendix “B”

Highway Sign Zones

Section 8.1.8 - *General Sign Regulations*

Section 8.3.6 - *Prohibited Signs*


Highway Sign Zone (Northern Section)



0

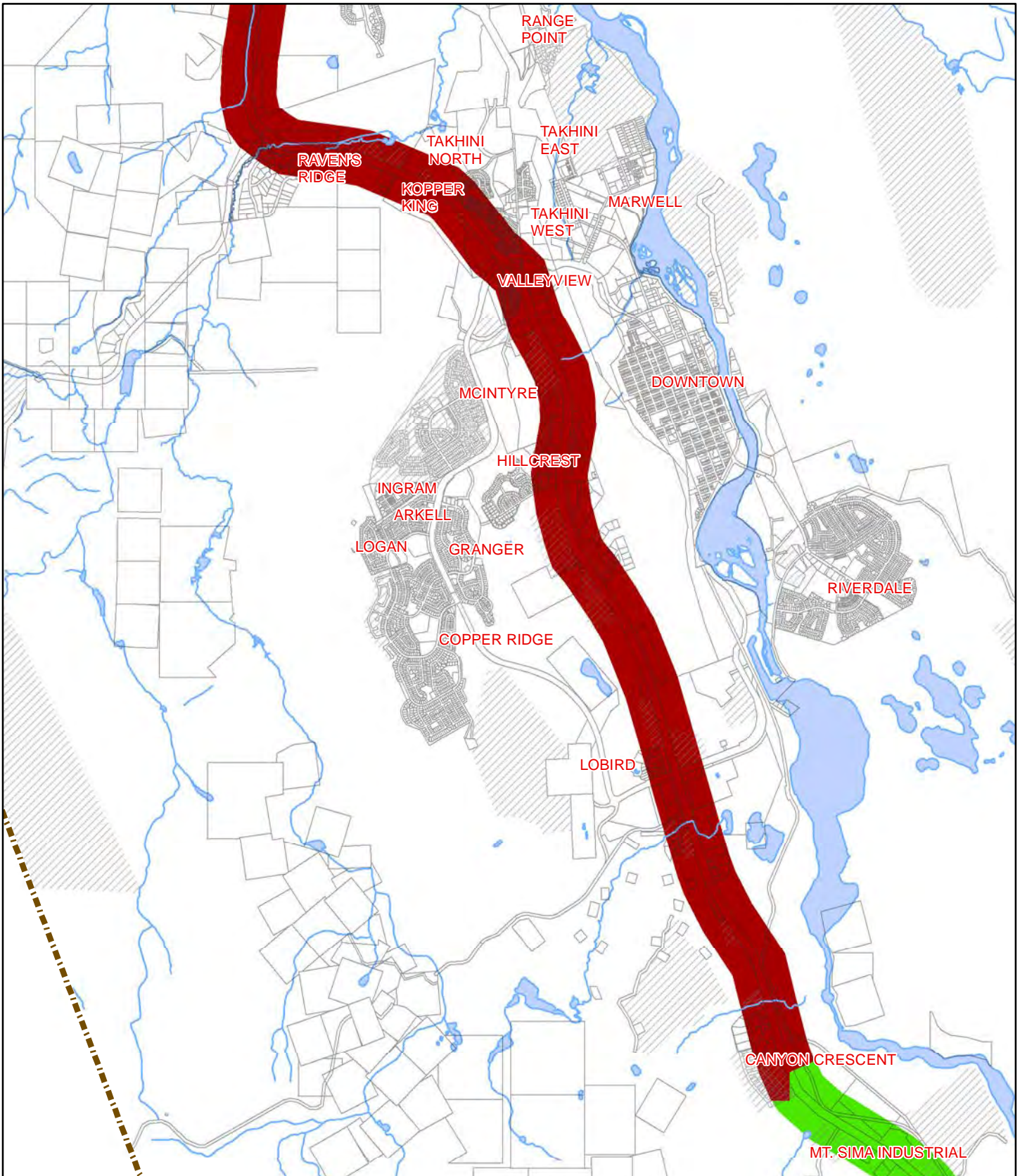
2.5 km

Legend

 No Sign Zone

 Sign Zone

Highway Sign Zone (Central Section)




0

2.5 km

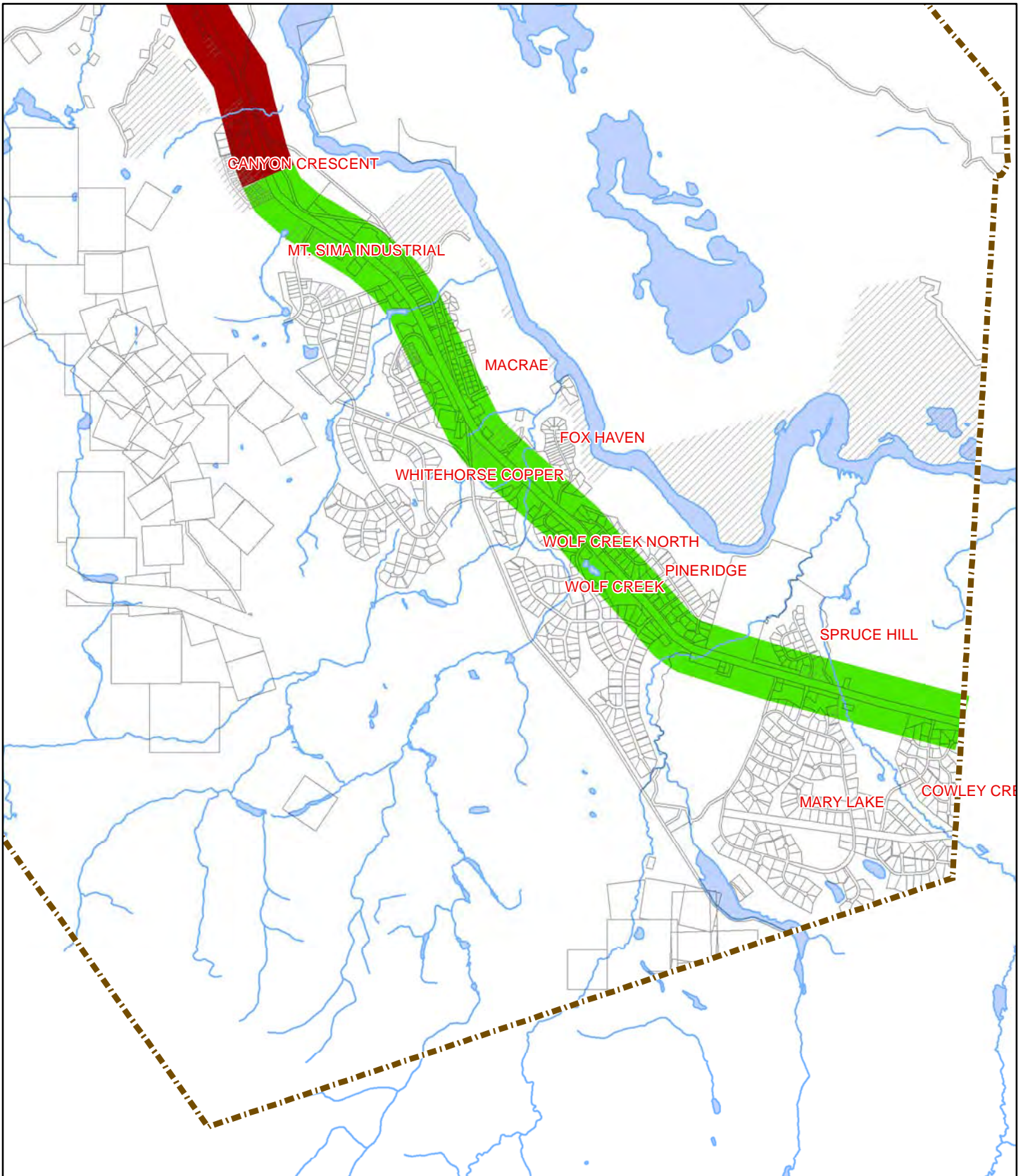


Legend

 No Sign Zone

 Sign Zone

Highway Sign Zone (Southern Section)




0

2.5 km



Legend

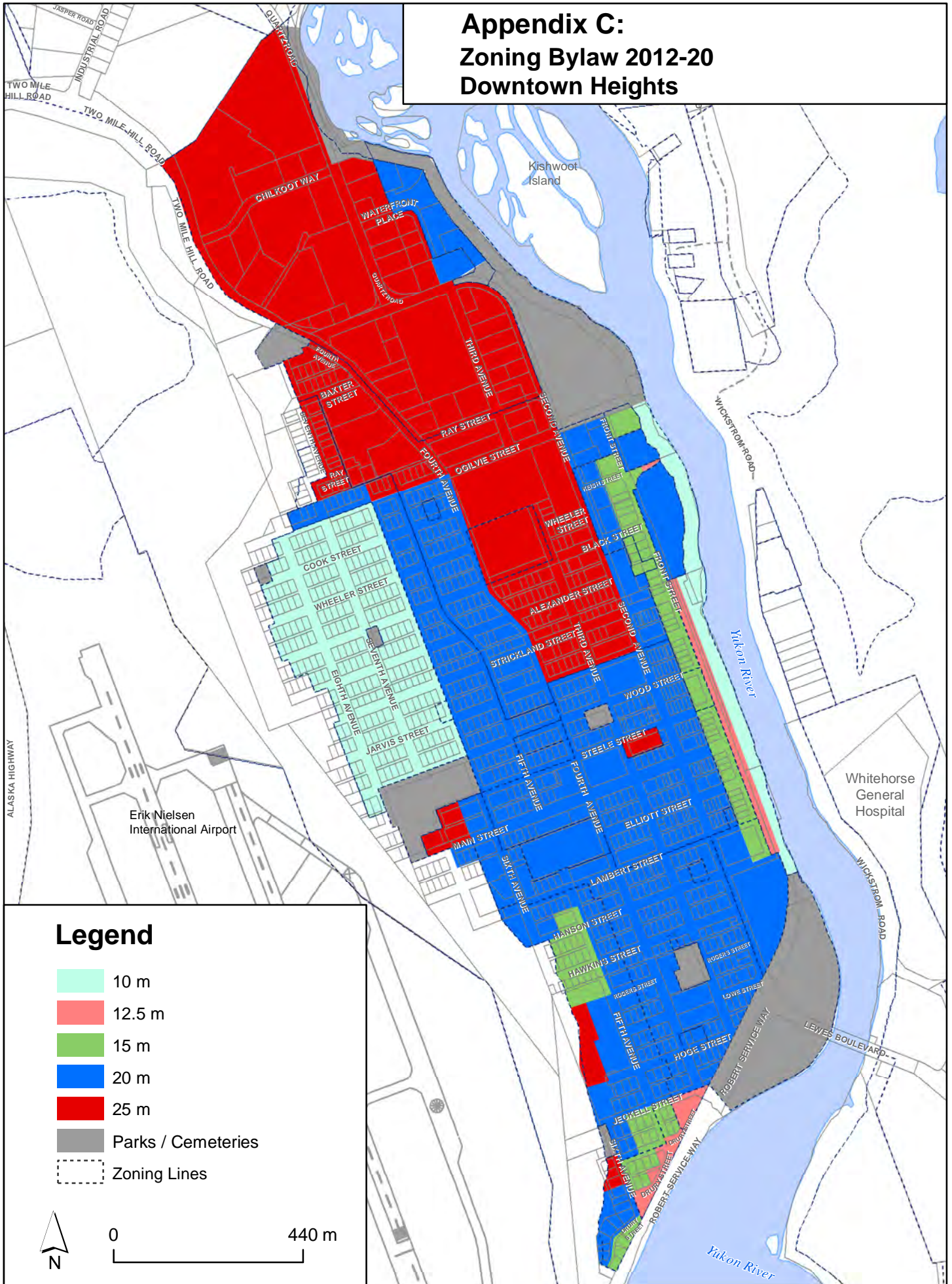
 No Sign Zone

 Sign Zone

Appendix “C”

Downtown Heights

Appendix C: Zoning Bylaw 2012-20 Downtown Heights



Legend

- 10 m
- 12.5 m
- 15 m
- 20 m
- 25 m
- Parks / Cemeteries
- Zoning Lines



0 440 m

Appendix “D”

Moderate Geo-hazard Area

Moderate Geo-Hazard Area

City of Whitehorse
Zoning Bylaw 2012-20
Appendix 'D'



Moderate Geo-Hazard Area



0 50 100 200 300 400 500

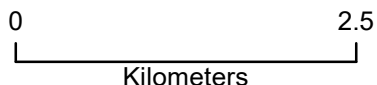
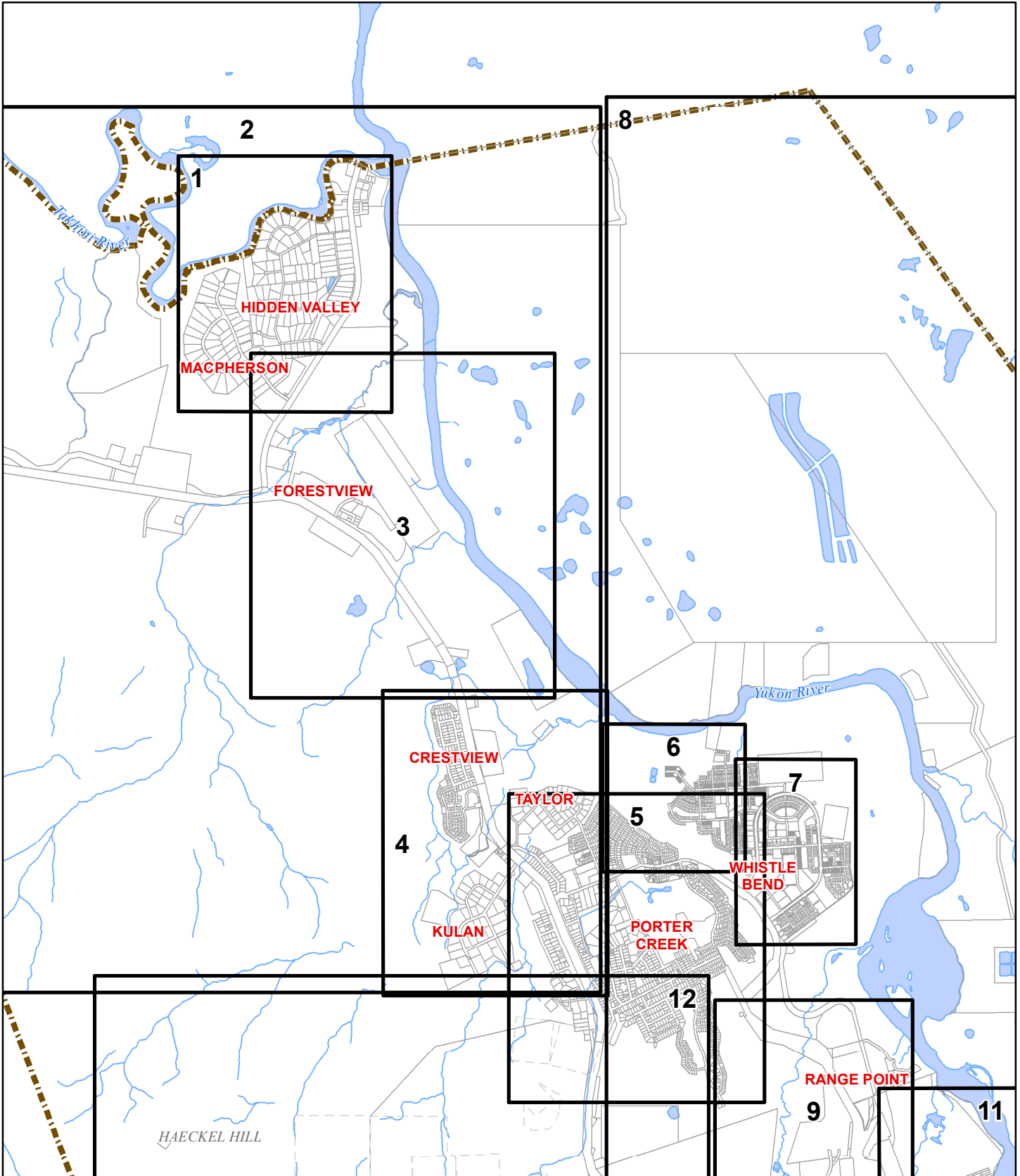
Meters

Projection: NAD 1983 UTM Zone 8

Schedule “A”

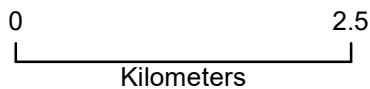
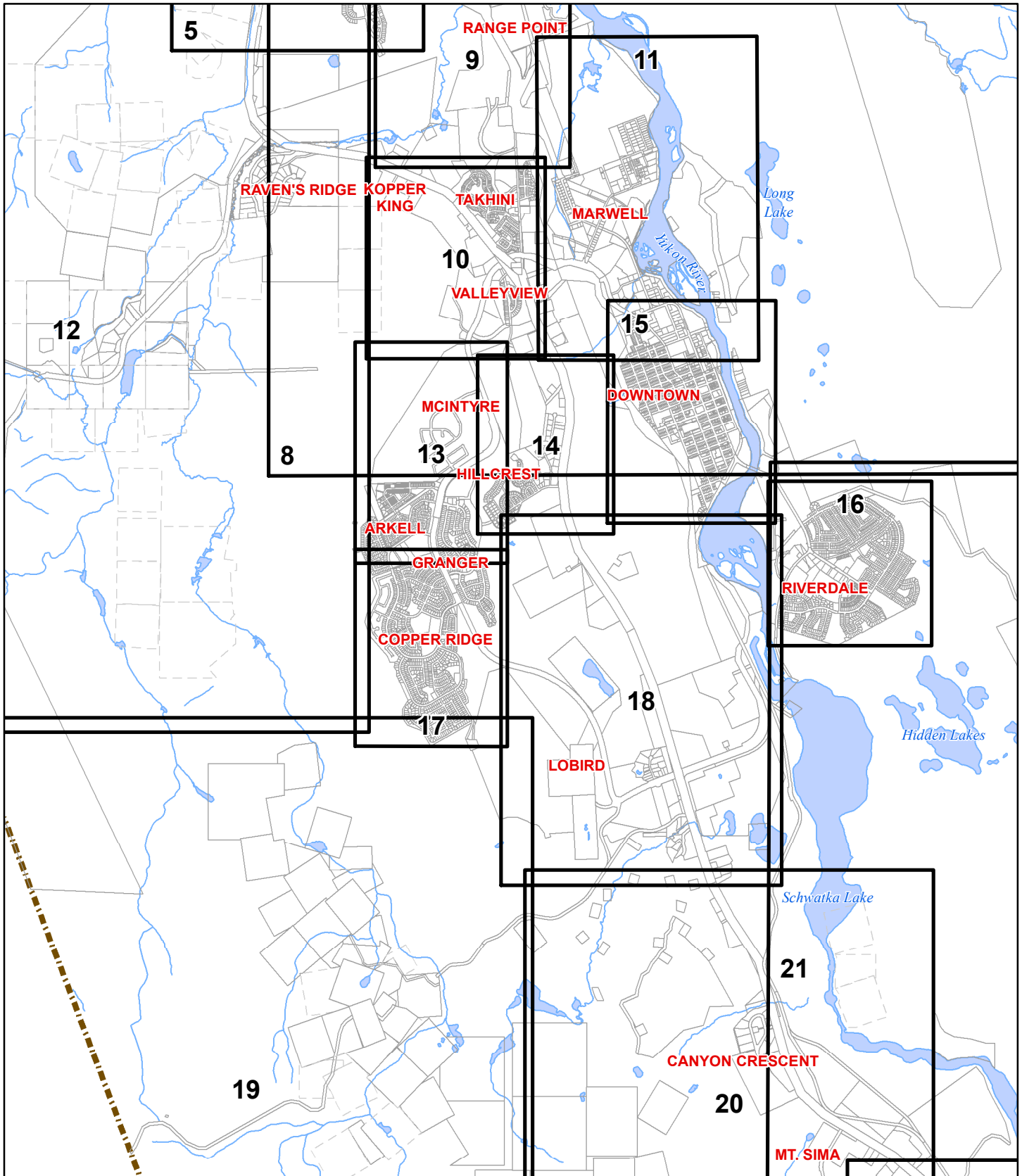
Zoning Maps

North Index Map



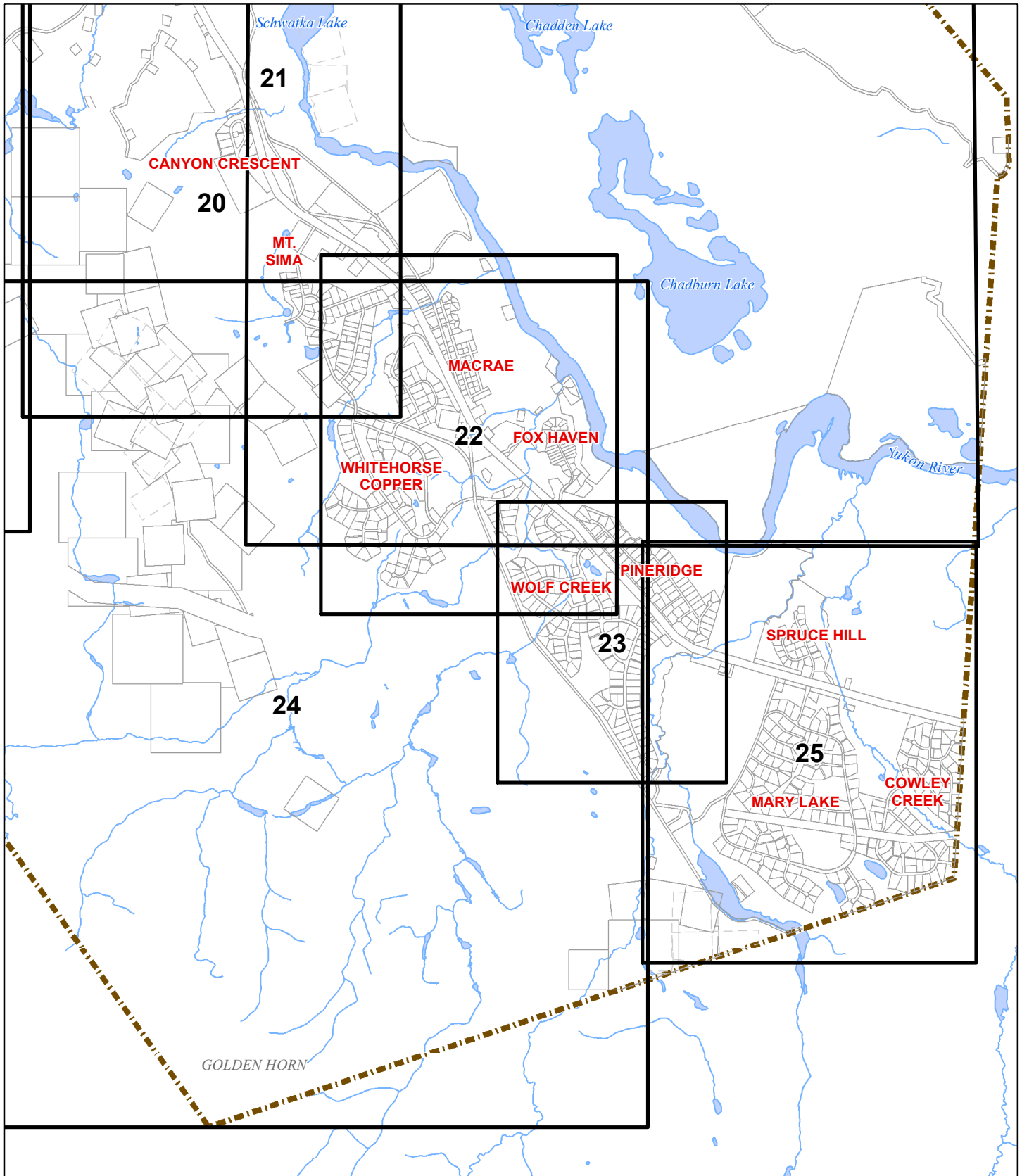
Projection: NAD 1983 UTM Zone 8

Central Index Map



Projection: NAD 1983 UTM Zone 8

South Index Map



Projection: NAD 1983 UTM Zone 8

List of Maps

- Map 1 MacPherson, Hidden Valley, Mile 2 Mayo Road
- Map 2 Alaska Highway West, Stevens, Mt. Sumanik Area
- Map 3 Forestview
- Map 4 Crestview, Kulan Industrial, Taylor Industrial
- Map 5 Porter Creek
- Map 6 Whistle Bend (east)
- Map 7 Whistle Bend (west)
- Map 8 Livingstone Trail Area, Long Lake Area
- Map 9 Yukon College, Mobile Home Parks
- Map 10 Kopper King, Takhini, Valleyview
- Map 11 Marwell, Long Lake Road
- Map 12 Fish Lake Road Area, Raven's Ridge, Haeckel Hill Area
- Map 13 McIntyre, Arkell, Ingram, Logan, Granger
- Map 14 Hillcrest, Airport
- Map 15 Downtown
- Map 16 Riverdale
- Map 17 Copper Ridge, Logan, Granger
- Map 18 Airport, Lobird, Robert Service Way
- Map 19 McLean Lake Road, Mt. McIntyre Area
- Map 20 Canyon Crescent, Mt. Sima Industrial
- Map 21 Chadburn Lake Area, Grey Mountain Area
- Map 22 MacRae, Mt. Sima Industrial, Whitehorse Copper, Fox Haven
- Map 23 Pineridge, Wolf Creek North, Wolf Creek
- Map 24 Mt Sima Ski Hill, Golden Horn Area
- Map 25 Spruce Hill, Mary Lake, Cowley Creek

Zone Abbreviations

Section 9 Residential Zones

9.1	RC1	Country Residential 1
9.2	RC2	Country Residential 2
9.3	RCM	Comprehensive Residential Multiple Family
9.4	RCM2	Comprehensive Residential Multiple Family 2
9.5	RCM3	Cottage Cluster Homes
9.6	RCS	Comprehensive Residential Single Family
9.7	RCS2	Comprehensive Residential Single Family 2
9.8	RCS3	Comprehensive Residential Single Family 3
9.9	RCT	Comprehensive Residential Townhouses
9.10	RCT2	Courtyard Townhouses
9.11	RD	Residential Downtown
9.12	RM	Residential Multiple Housing
9.13	RP	Residential Mobile Home Park
9.14	RR	Restricted Residential Detached
9.15	RS	Residential Single Detached
9.16	RS2	Residential Single Detached 2

Section 10 Commercial Zones

10.1	CC	Core Commercial
10.2	CCC	Cultural/Commercial/Community
10.3	CH	Highway Commercial
10.4	CIM	Mixed Use Commercial/Industrial
10.5	CM1	Mixed Use Commercial
10.6	CM2	Mixed Use Commercial 2
10.7	CMW	Mixed Use Waterfront
10.8	CN	Neighbourhood Commercial
10.9	CNC	Comprehensive Neighbourhood Commercial
10.10	CNC2	Comprehensive Neighbourhood Commercial 2
10.11	CPG	Commercial Parking Garage
10.12	CR	Commercial Recreation
10.13	CS	Service Commercial

Section 11 Industrial Zones

11.1	IA	Airport
11.2	IH	Heavy Industrial
11.3	IQ	Quarries
11.4	IS	Service Industrial

Section 12 Public/Institution Zones

12.1	PE	Environmental Protection
12.2	PG	Greenbelt
12.3	PR	Parks and Recreation
12.4	PS	Public Services
12.5	PU	Public Utilities
12.6	PW	Public Waterfront

Section 13 Other Zones

13.1	AG	Agriculture
13.2	FN	First Nation
13.3	FP	Future Planning

MAP 1

MACPHERSON, HIDDEN VALLEY

MILE 2 MAYO ROAD



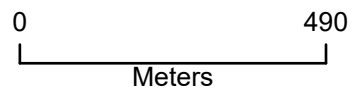
Map 2

Map 2

Map 2

Map 3

Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

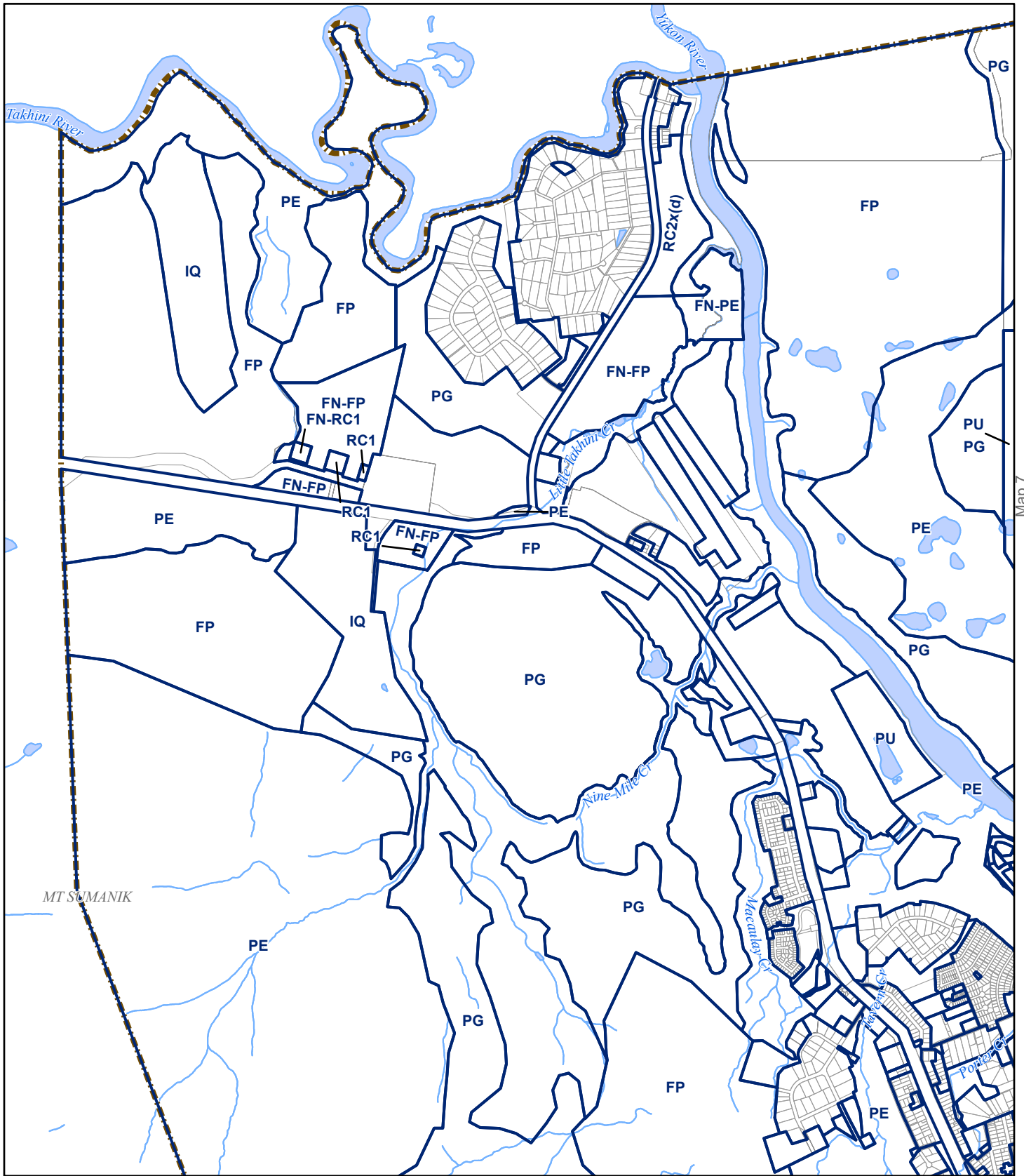


Consolidation date:
September 13, 2024

Projection: NAD 1983 UTM Zone 8

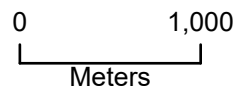
MAP 2

ALASKA HIGHWAY WEST STEVENS, MT. SUMANIK AREA



Map 7

Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

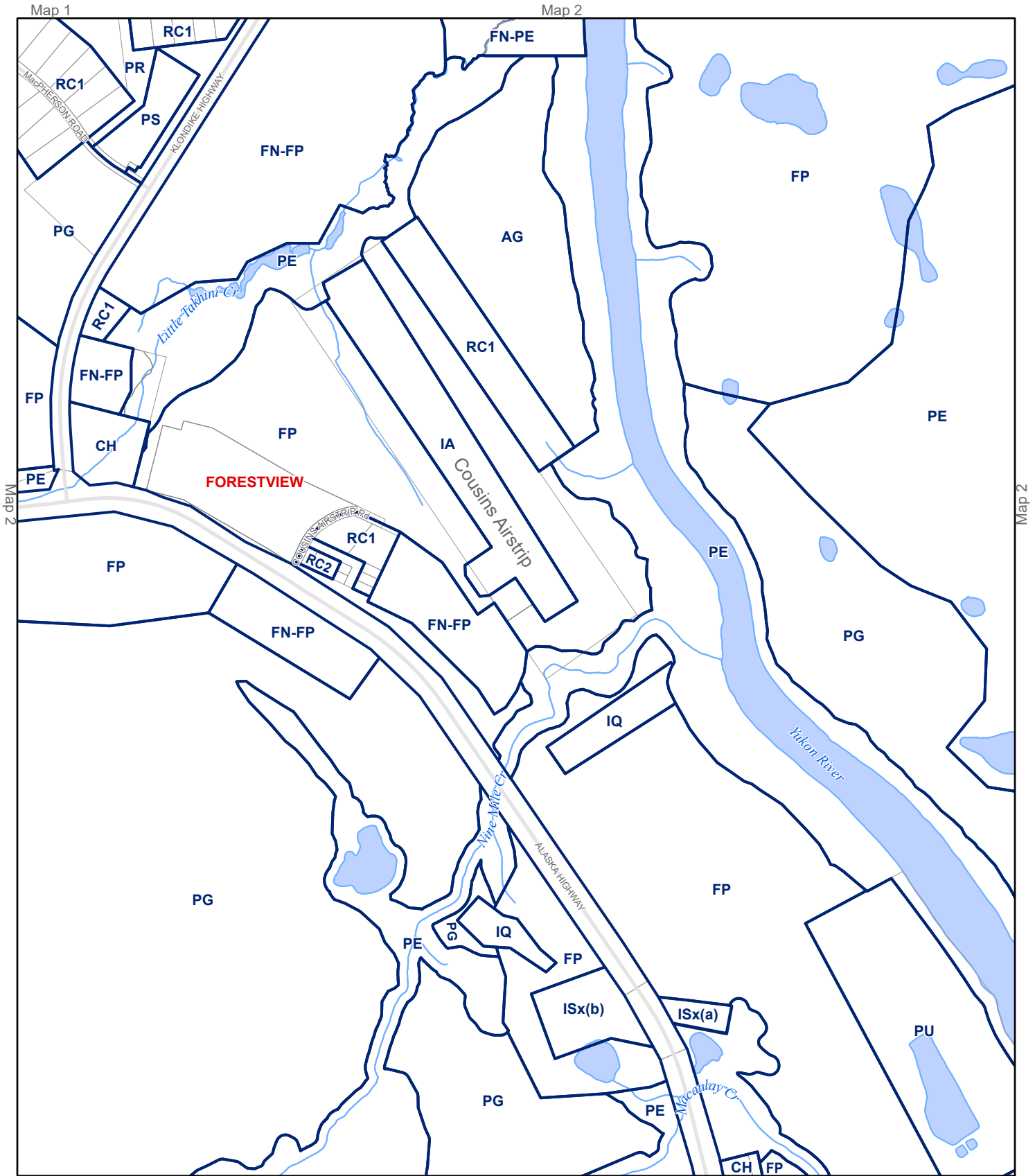


Consolidation date:
September 13, 2024

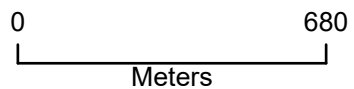
Projection: NAD 1983 UTM Zone 8

MAP 3

FORESTVIEW



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



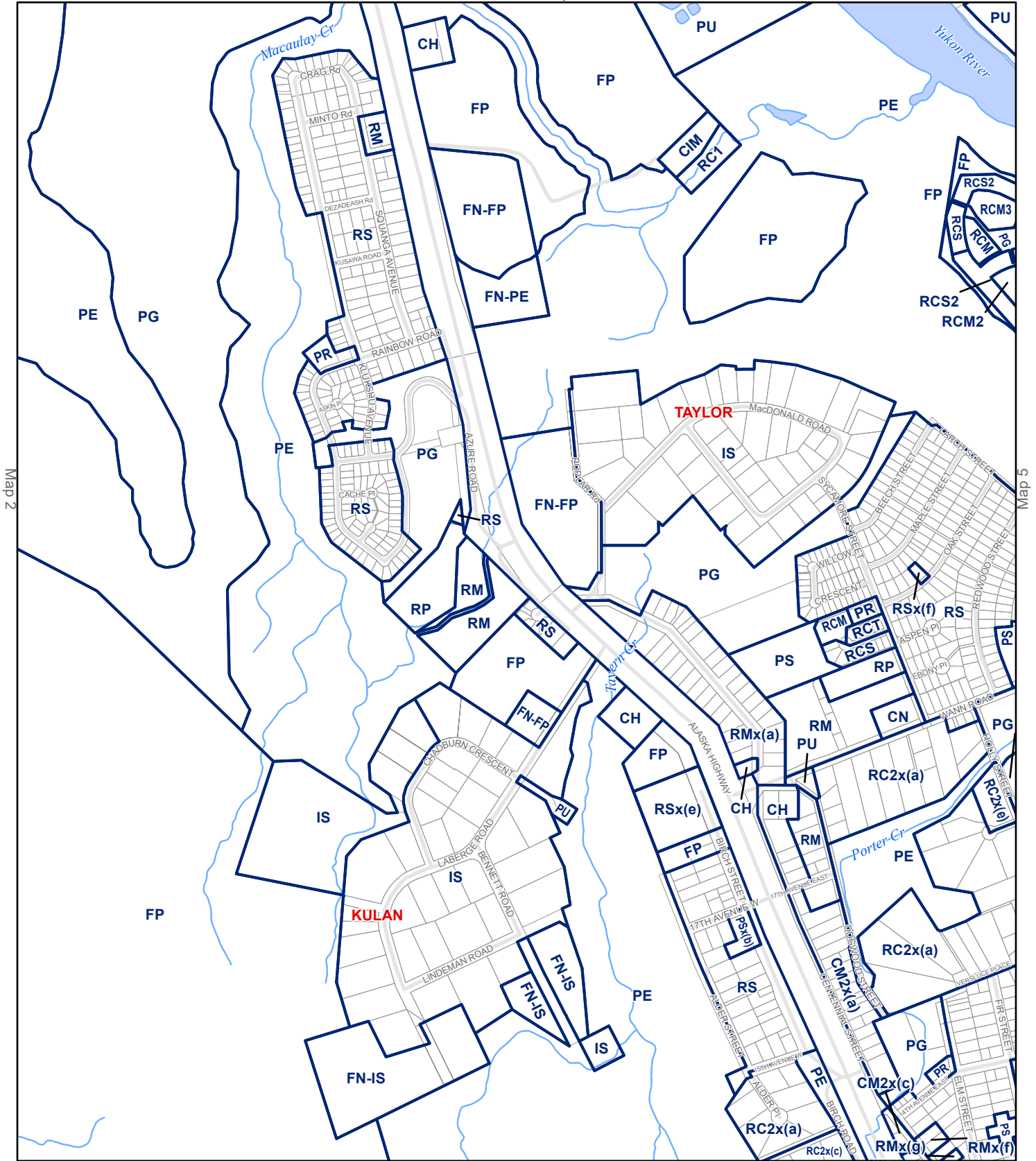
Consolidation date:
September 13, 2024

Projection: NAD 1983 UTM Zone 8

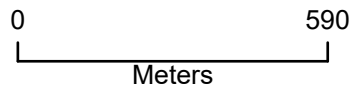
MAP 4

CRESTVIEW KULAN & TAYLOR

Map 3



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



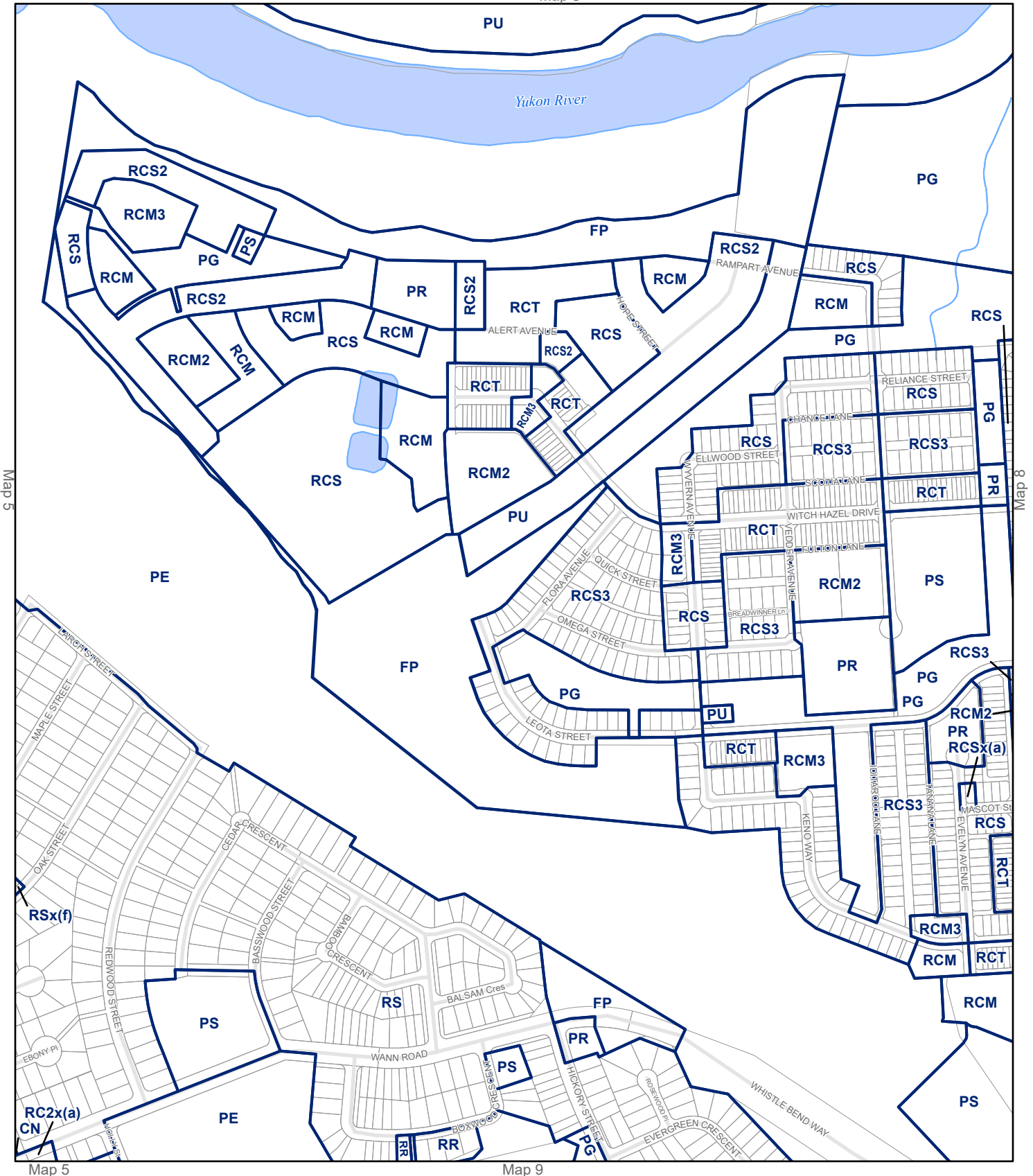
Consolidation date:
September 13, 2024

Projection: NAD 1983 UTM Zone 8

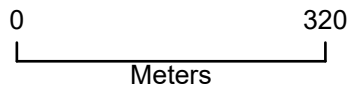
MAP 6

WHISTLE BEND (WEST)

Map 8



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

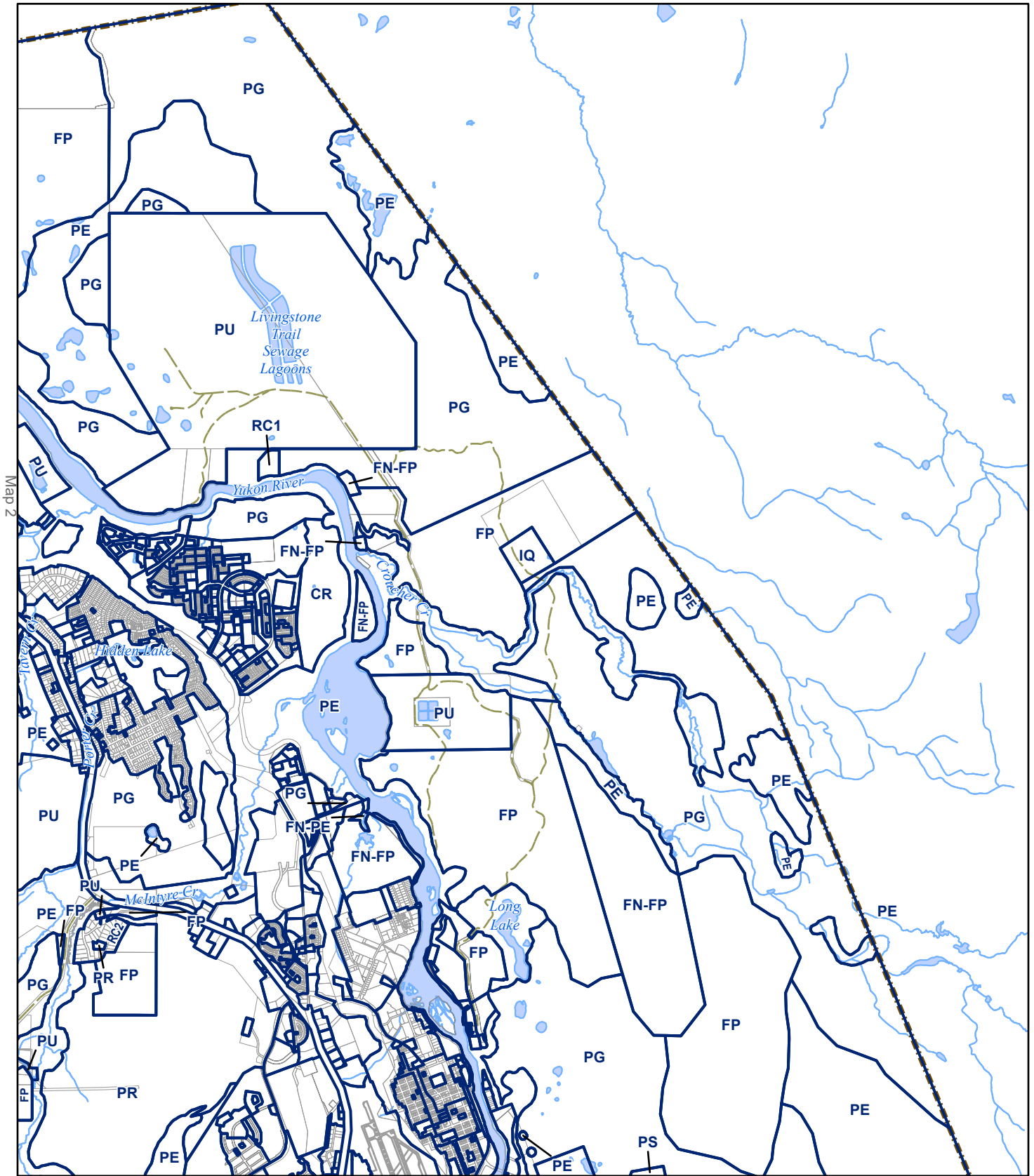


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September 13, 2024

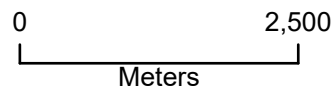
Projection: NAD 1983 UTM Zone 8

MAP 8

LIVINGSTONE TRAIL AREA LONG LAKE AREA



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

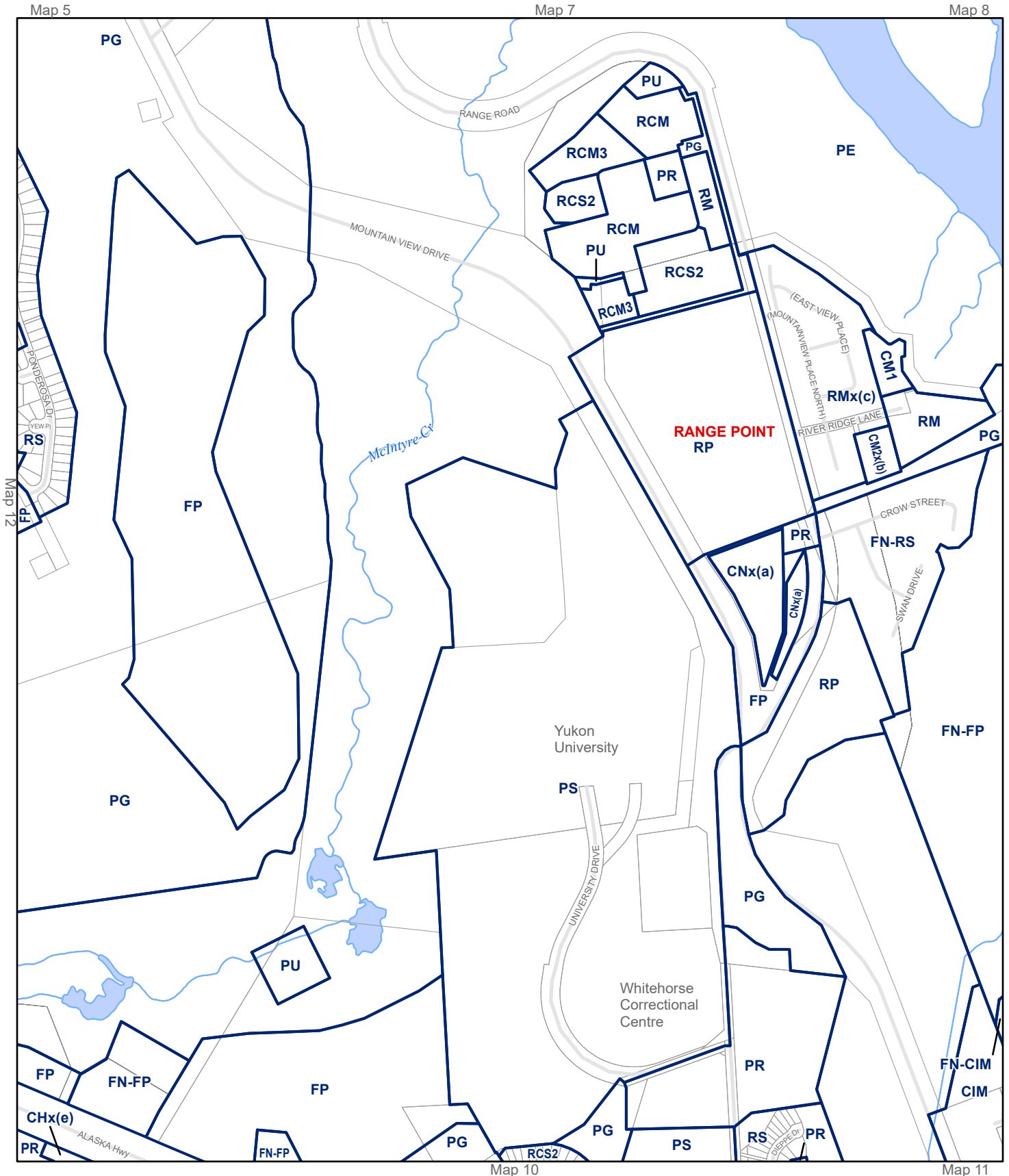


Consolidation date:
September 13, 2024

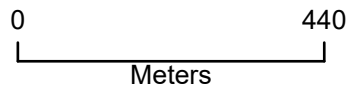
Projection: NAD 1983 UTM Zone 8

MAP 9

YUKON UNIVERSITY RANGE POINT



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

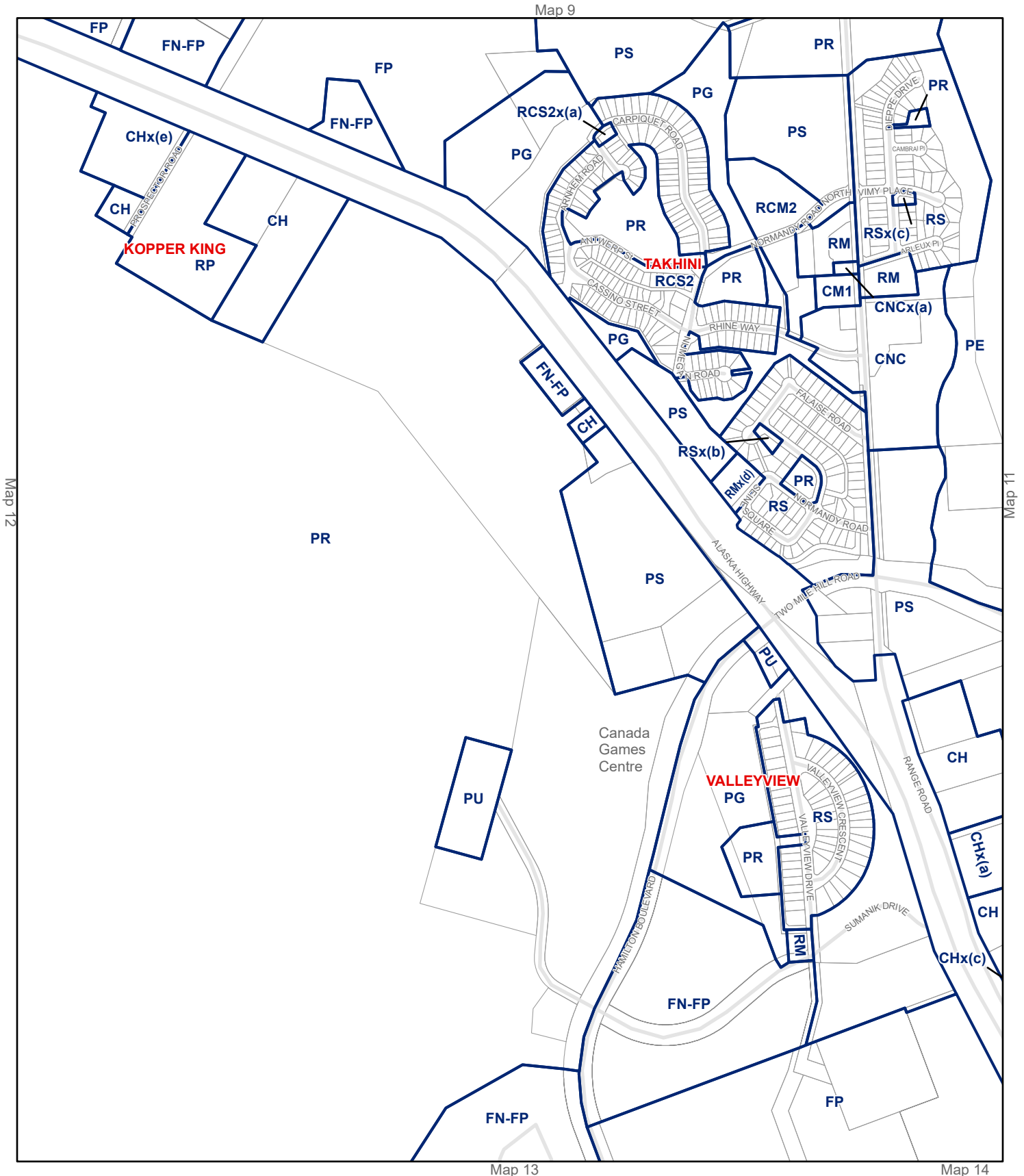


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September 13, 2024

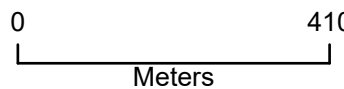
Projection: NAD 1983 UTM Zone 8

MAP 10

KOPPER KING TAKHINI, VALLEYVIEW



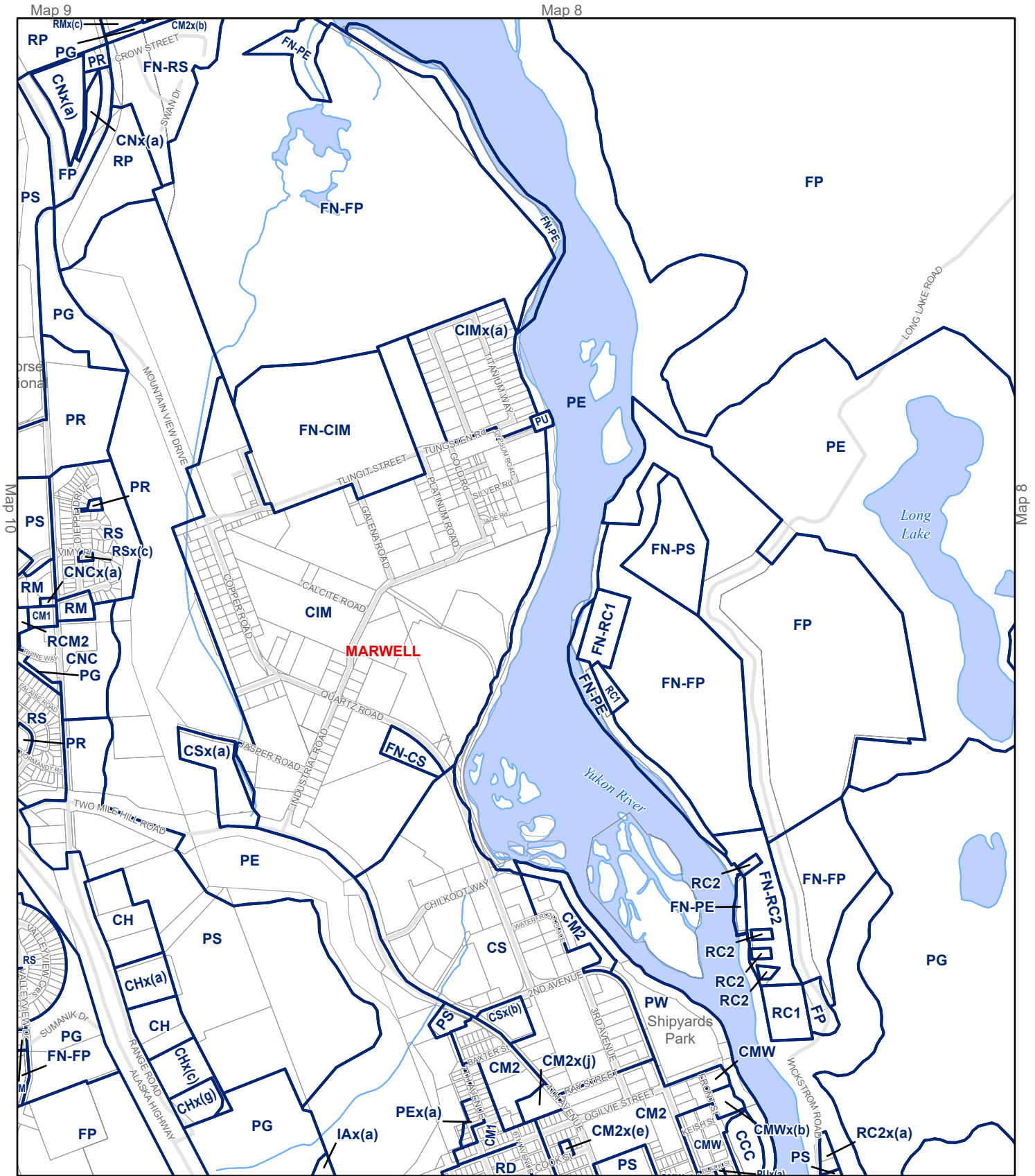
Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



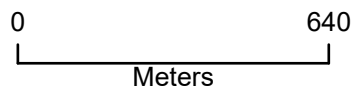
Consolidation date:
September 13, 2024

MAP 11

MARWELL LONG LAKE ROAD



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

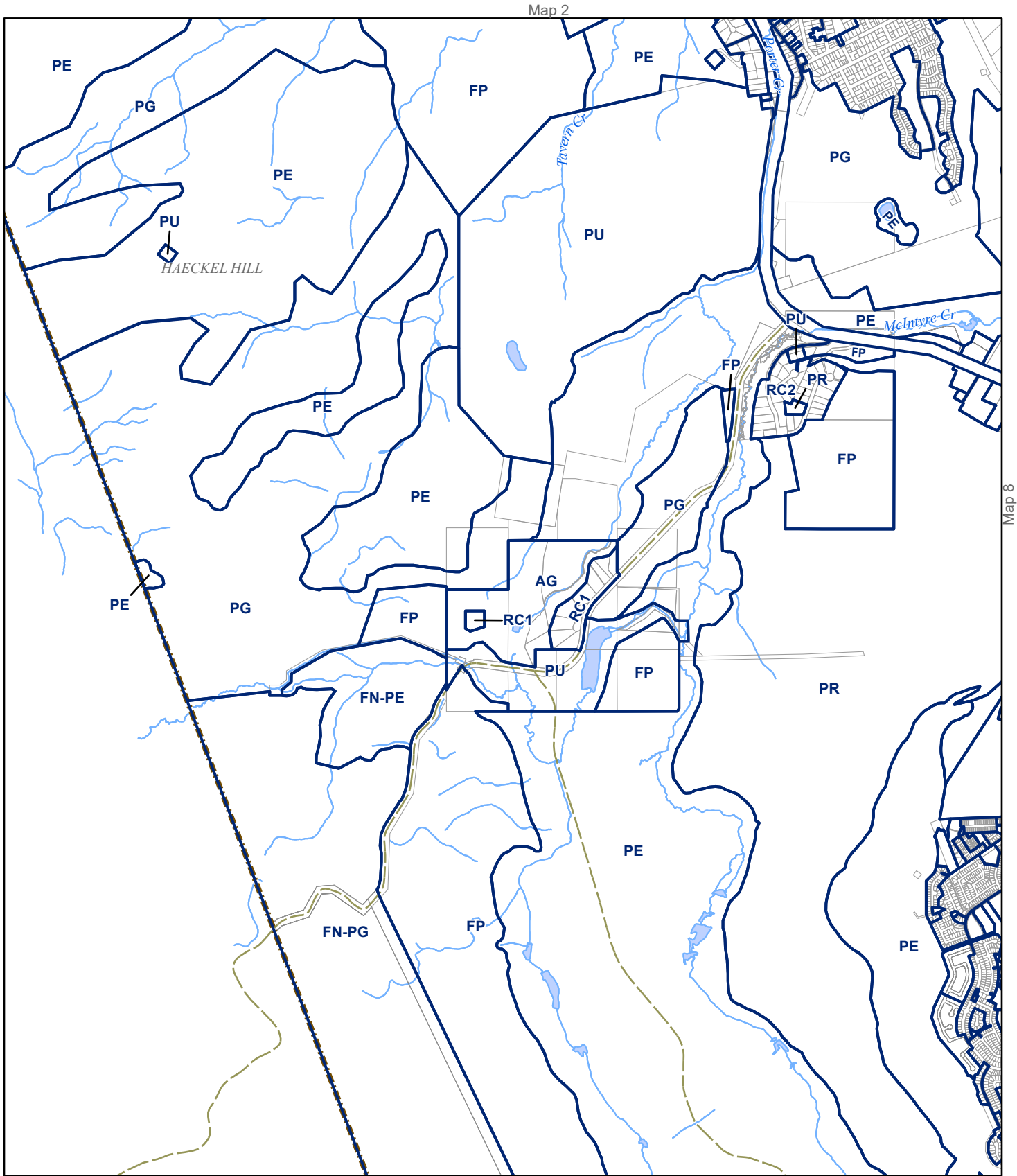


Consolidation date:
September 13, 2024

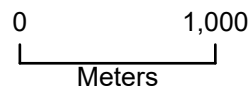
Projection: NAD 1983 UTM Zone 8

MAP 12

FISH LAKE ROAD AREA RAVEN'S RIDGE, HAECKEL HILL AREA



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



Projection: NAD 1983 UTM Zone 8

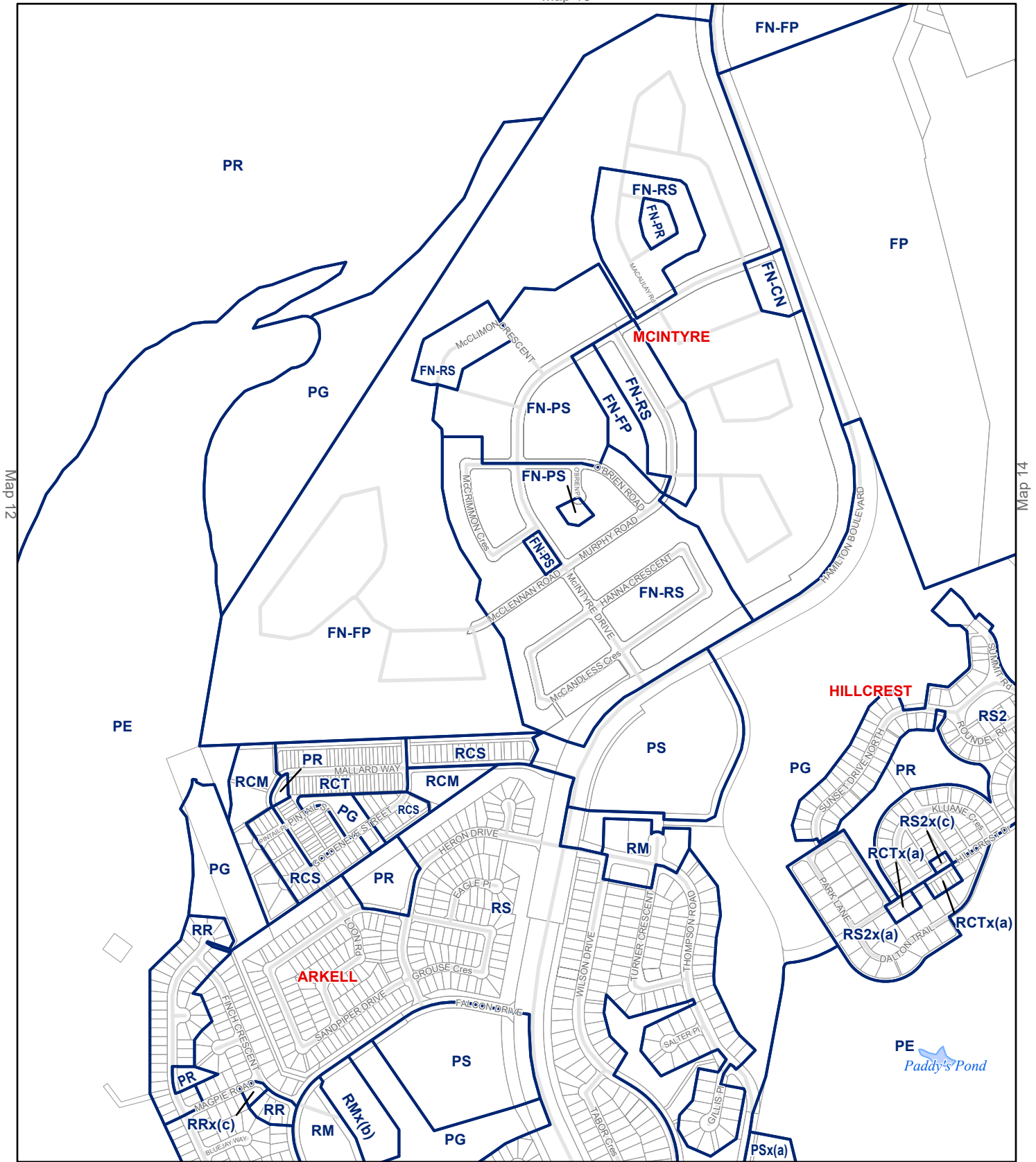
Consolidation date:
September 13, 2024

MAP 13

MCINTYRE, ARKELL, INGRAM

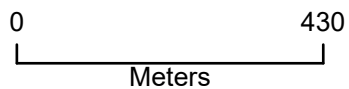
LOGAN, GRANGER

Map 10



Map 17

Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

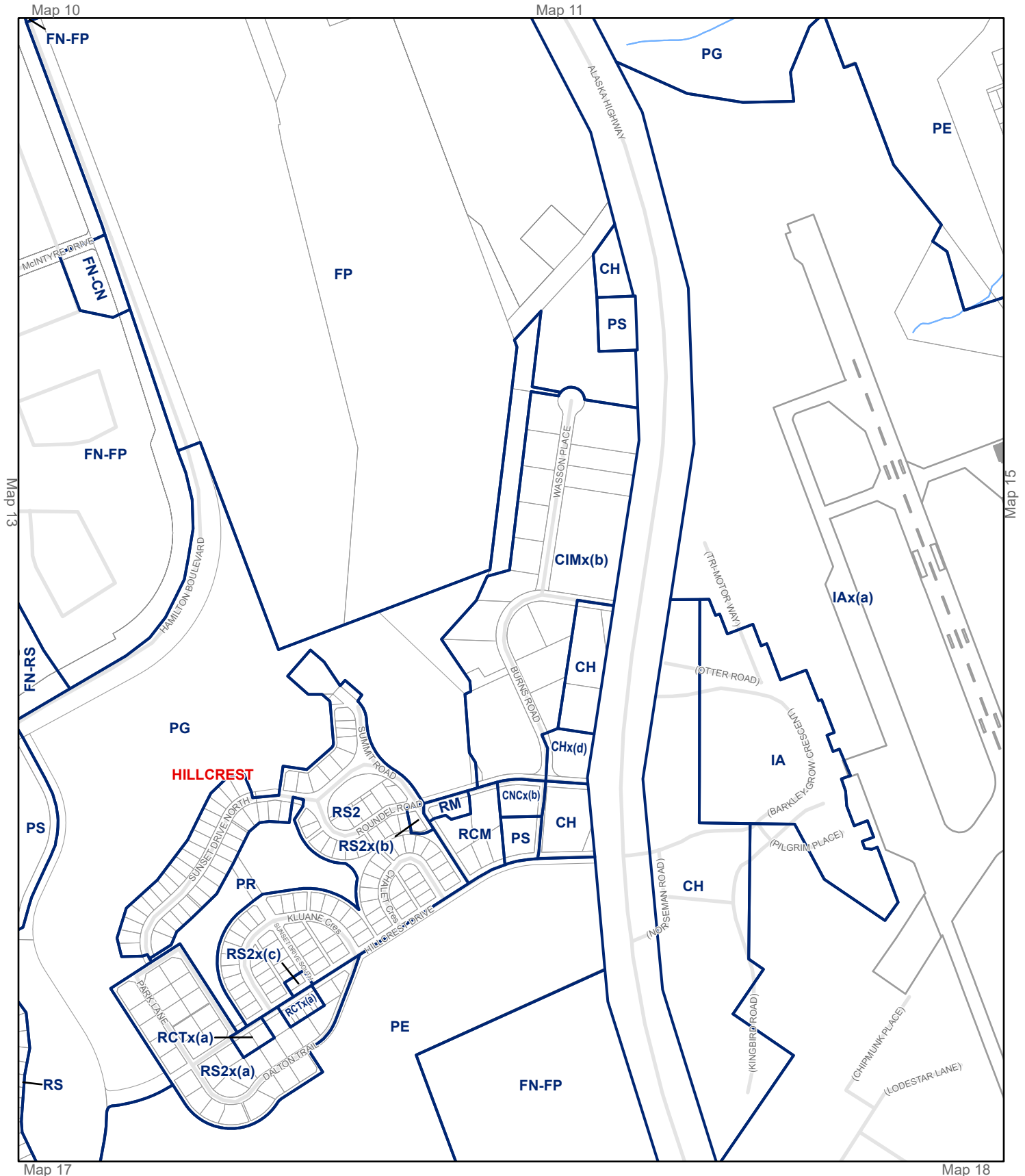


Projection: NAD 1983 UTM Zone 8

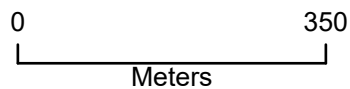
Consolidation date:
September 13, 2024

MAP 14

HILLCREST AIRPORT



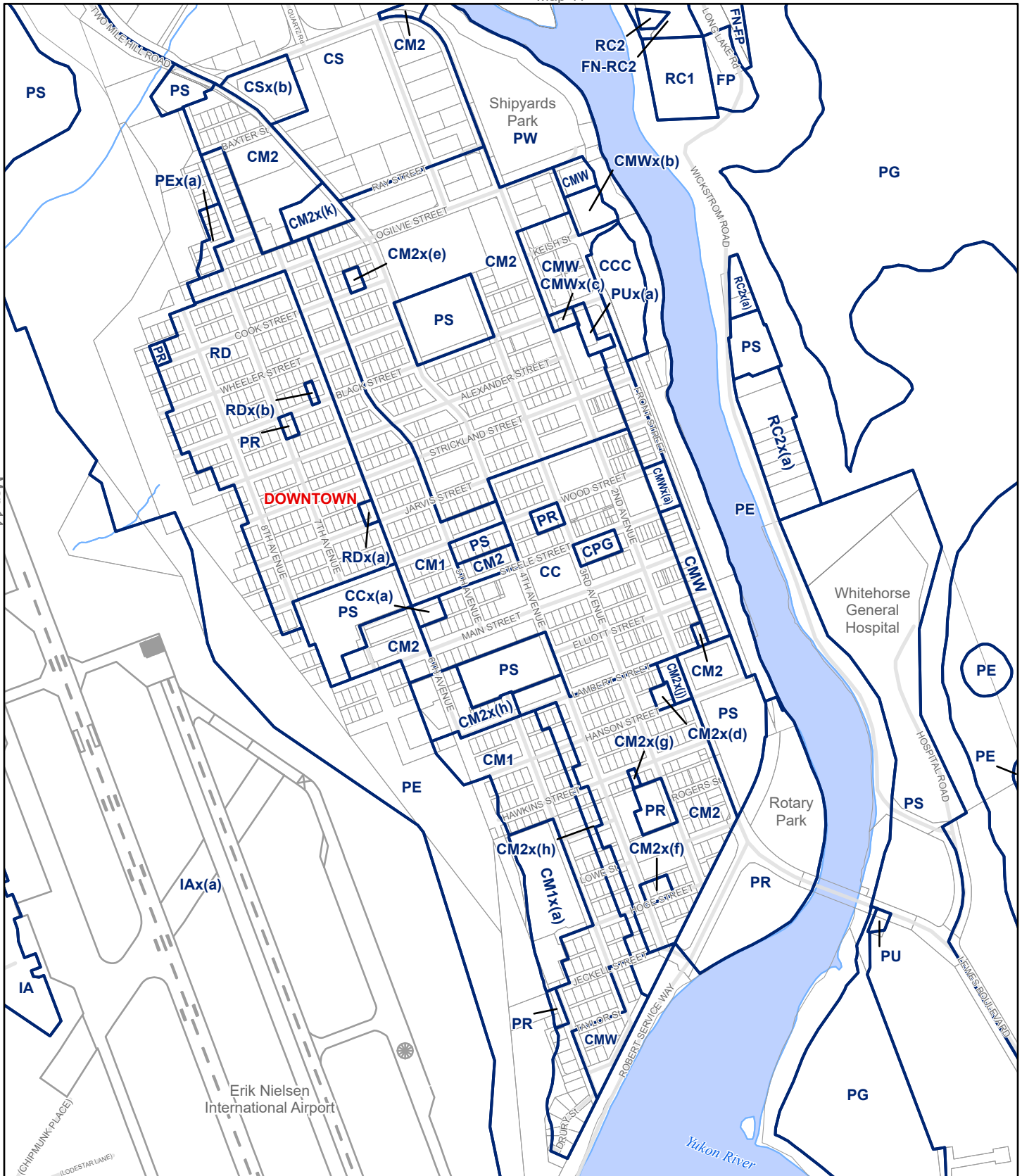
Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



Consolidation date:
September 13, 2024

Projection: NAD 1983 UTM Zone 8

Map 11

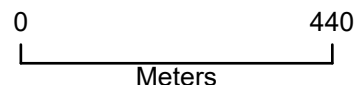


Map 14

Map 18

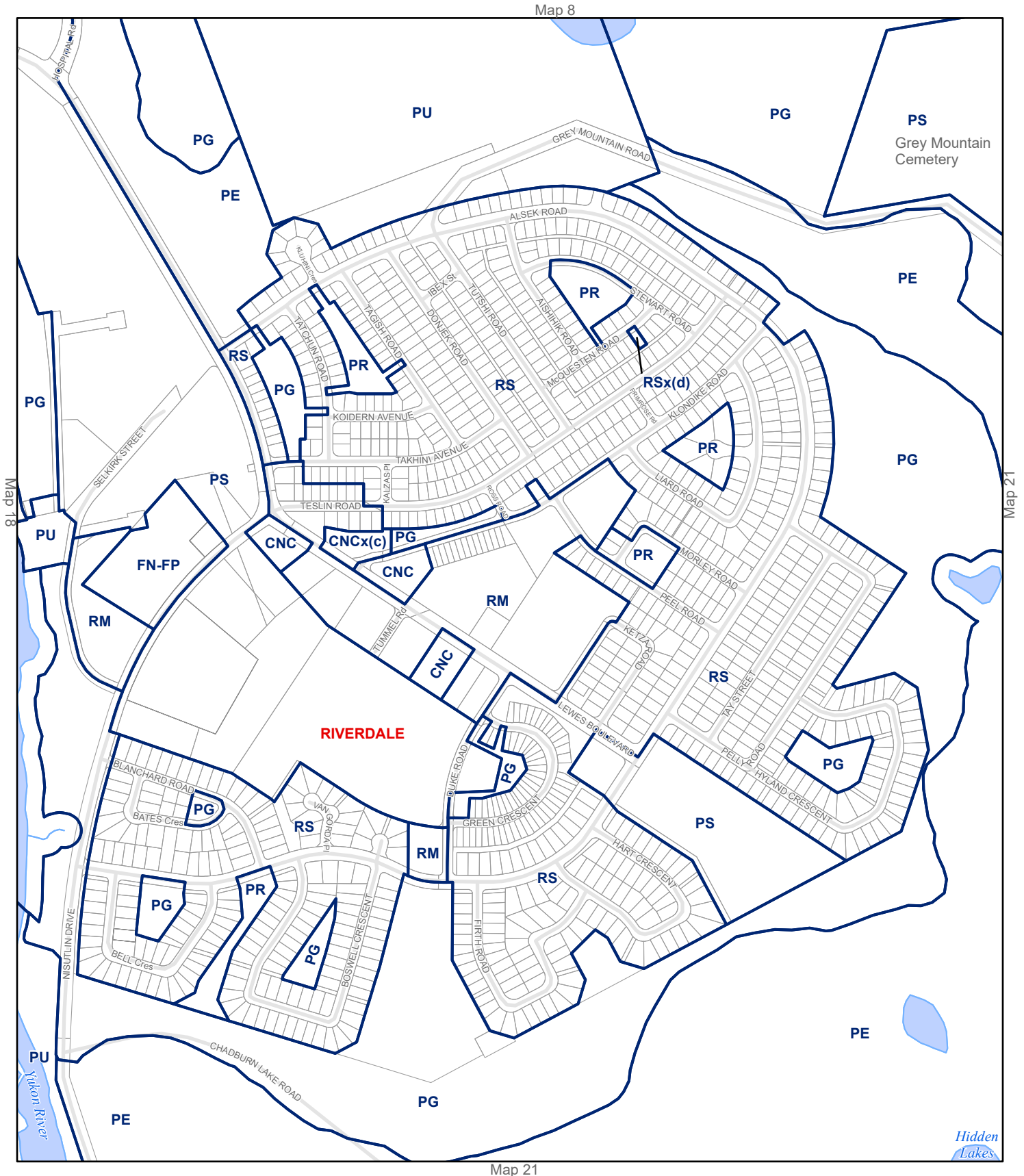
Map 16

Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

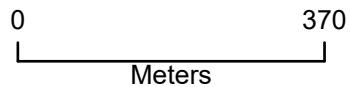


Consolidation date:
September 13, 2024

Projection: NAD 1983 UTM Zone 8



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

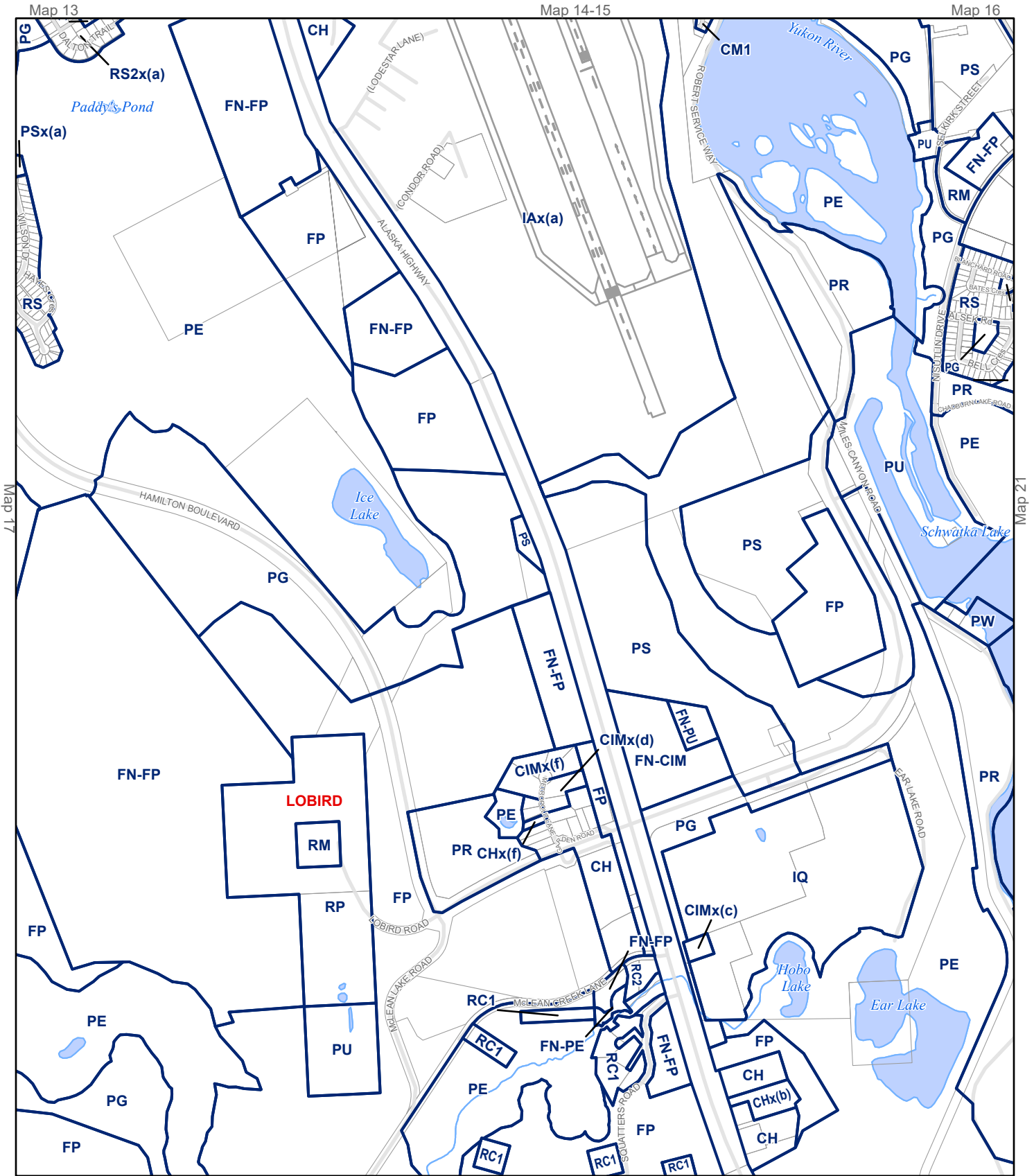


Consolidation date:
September 13, 2024

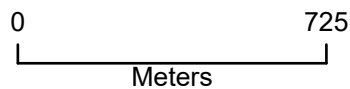
Projection: NAD 1983 UTM Zone 8

MAP 18

AIRPORT, LOBIRD ROBERT SERVICE WAY



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



Consolidation date:
September 13, 2024

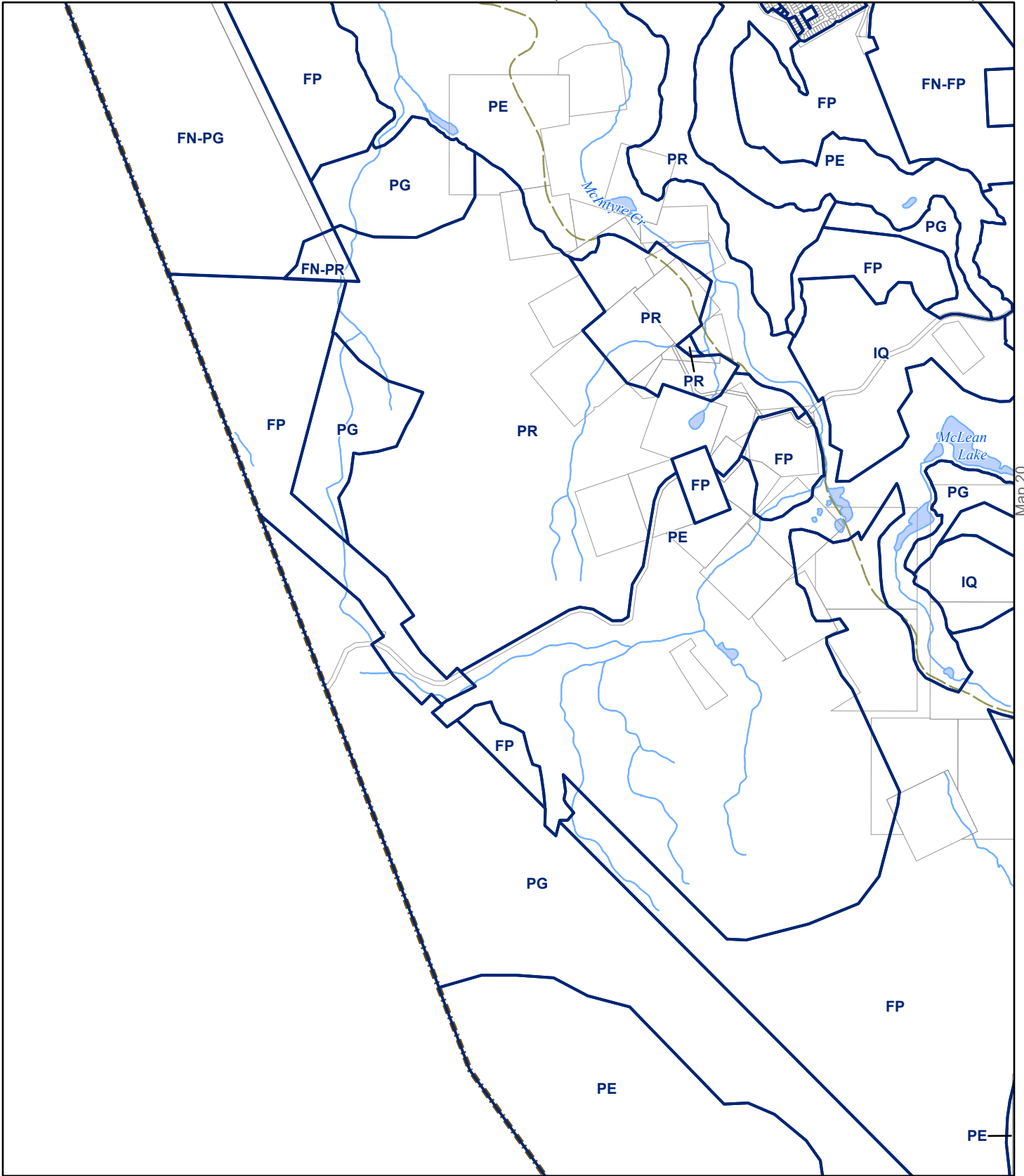
Projection: NAD 1983 UTM Zone 8

MAP 19

MCLEAN LAKE ROAD
MT. MCINTYRE AREA

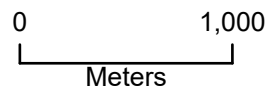
Map 12

Map 18



Map 20

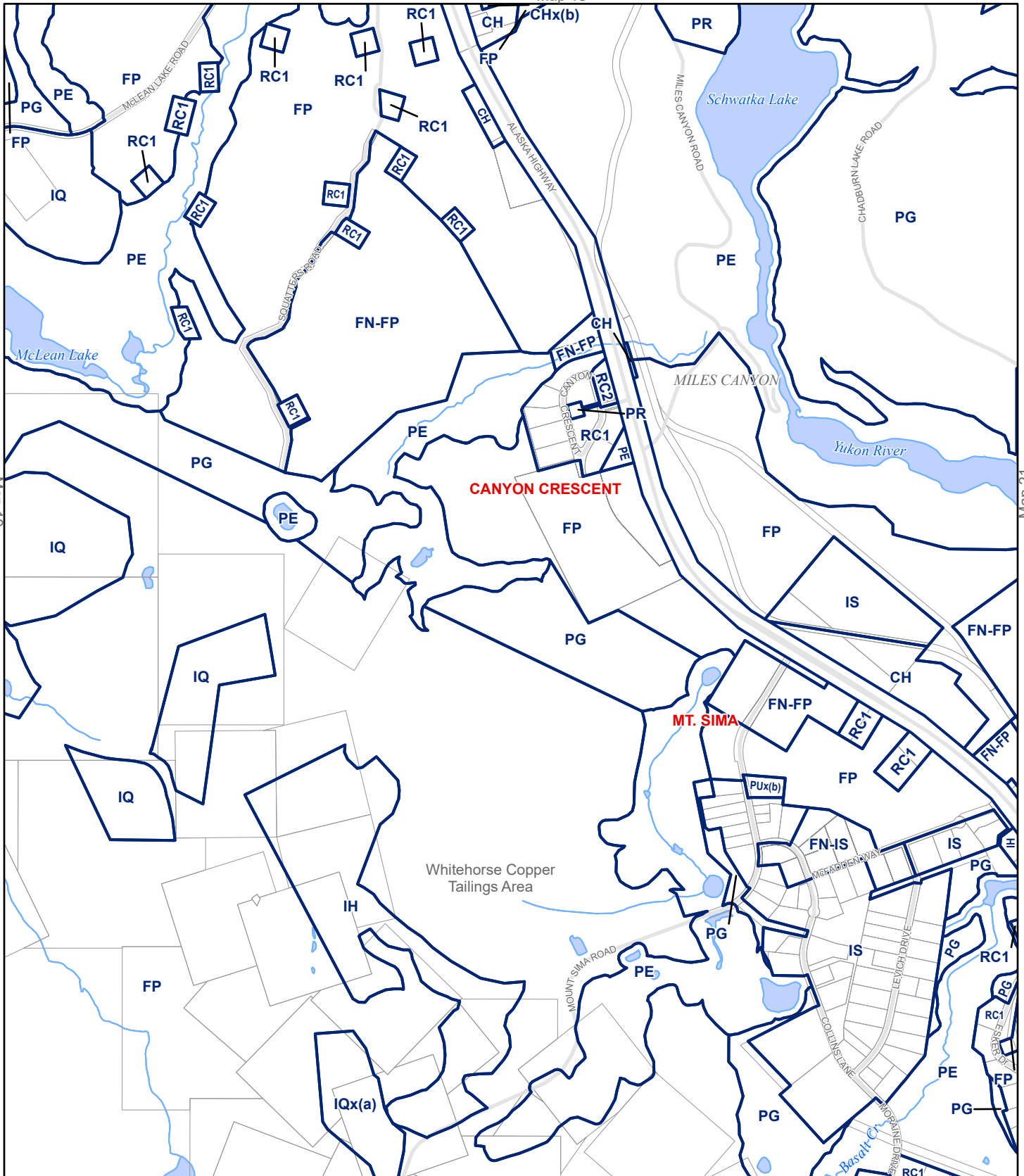
Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



Projection: NAD 1983 UTM Zone 8

Consolidation date:
September 13, 2024

Map 18

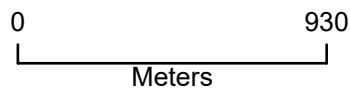


Map 19

Map 21

Map 24

Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

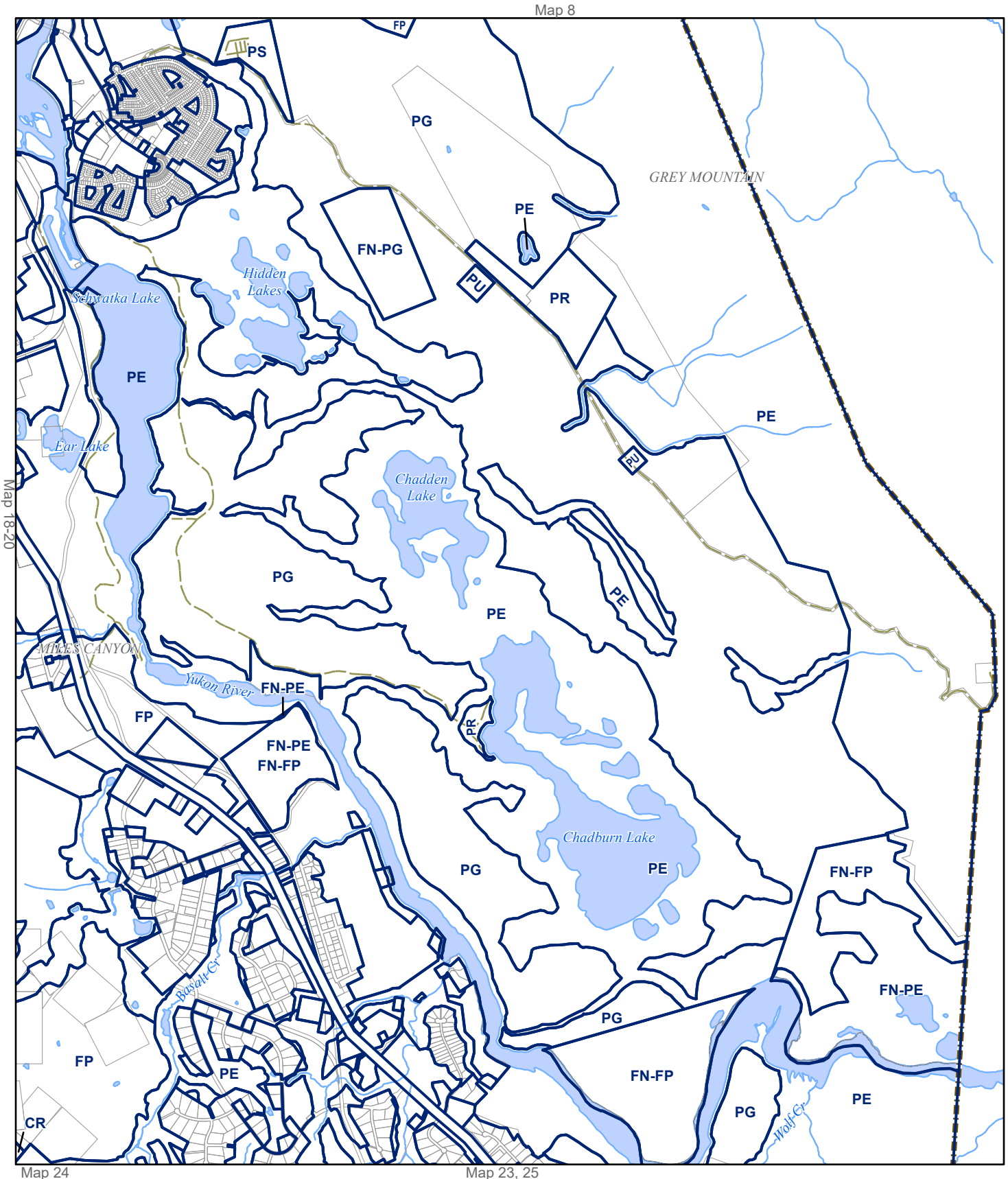


Consolidation date:
September 13, 2024

Projection: NAD 1983 UTM Zone 8

MAP 21

CHADBURN LAKE AREA GREY MOUNTAIN AREA



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



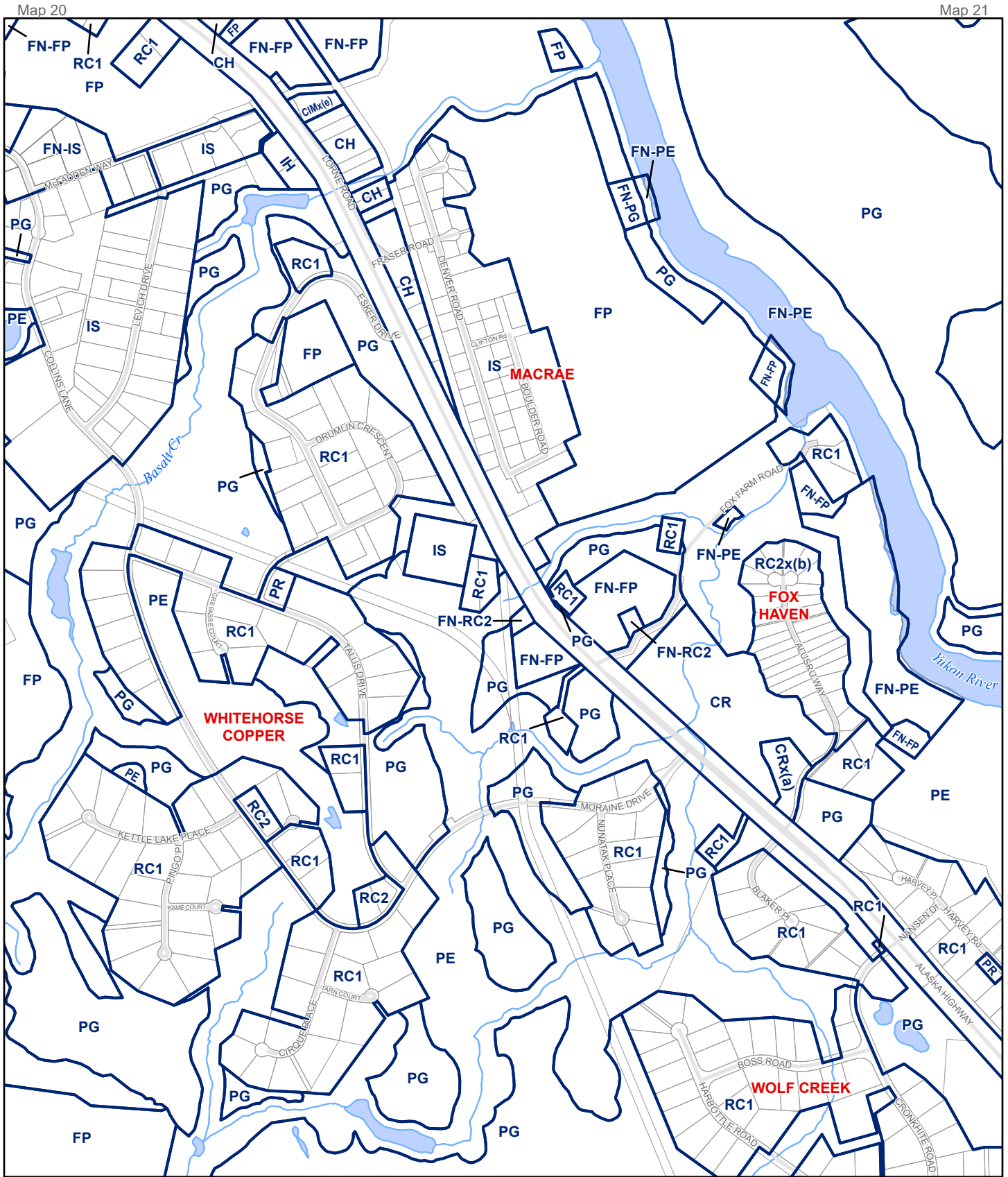
0 1,000
Meters

Projection: NAD 1983 UTM Zone 8

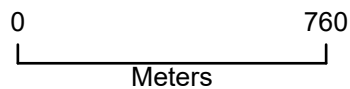
Consolidation date:
September 13, 2024

MAP 22

MACRAE, WHITEHORSE COPPER
FOX HAVEN, WOLF CREEK NORTH



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



Consolidation date:
September 13, 2024

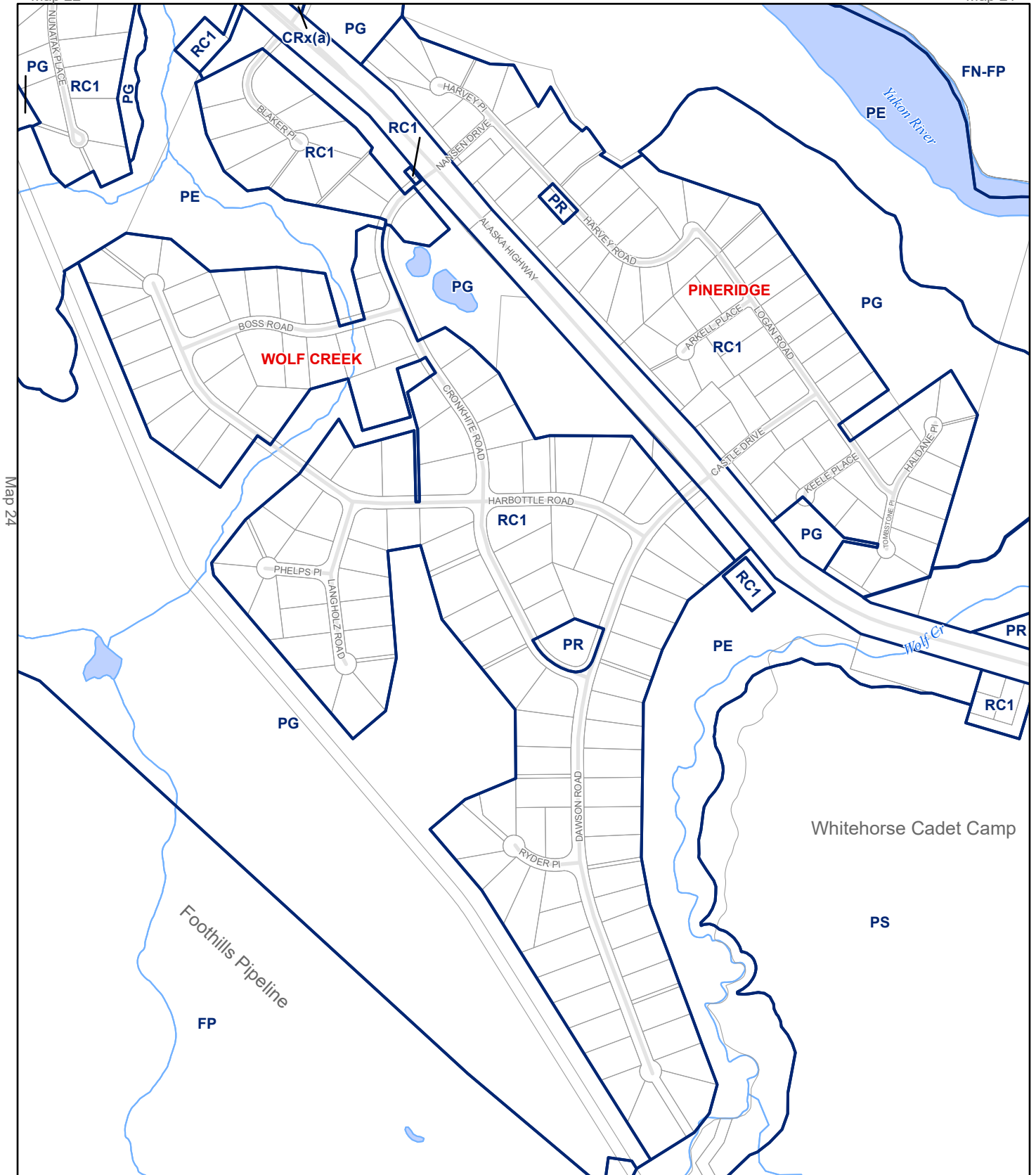
Projection: NAD 1983 UTM Zone 8

MAP 23

PINERIDGE,
WOLF CREEK

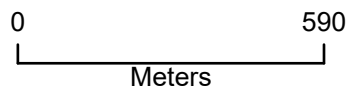
Map 22

Map 21



Map 25

Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



Consolidation date:
September 13, 2024

Projection: NAD 1983 UTM Zone 8

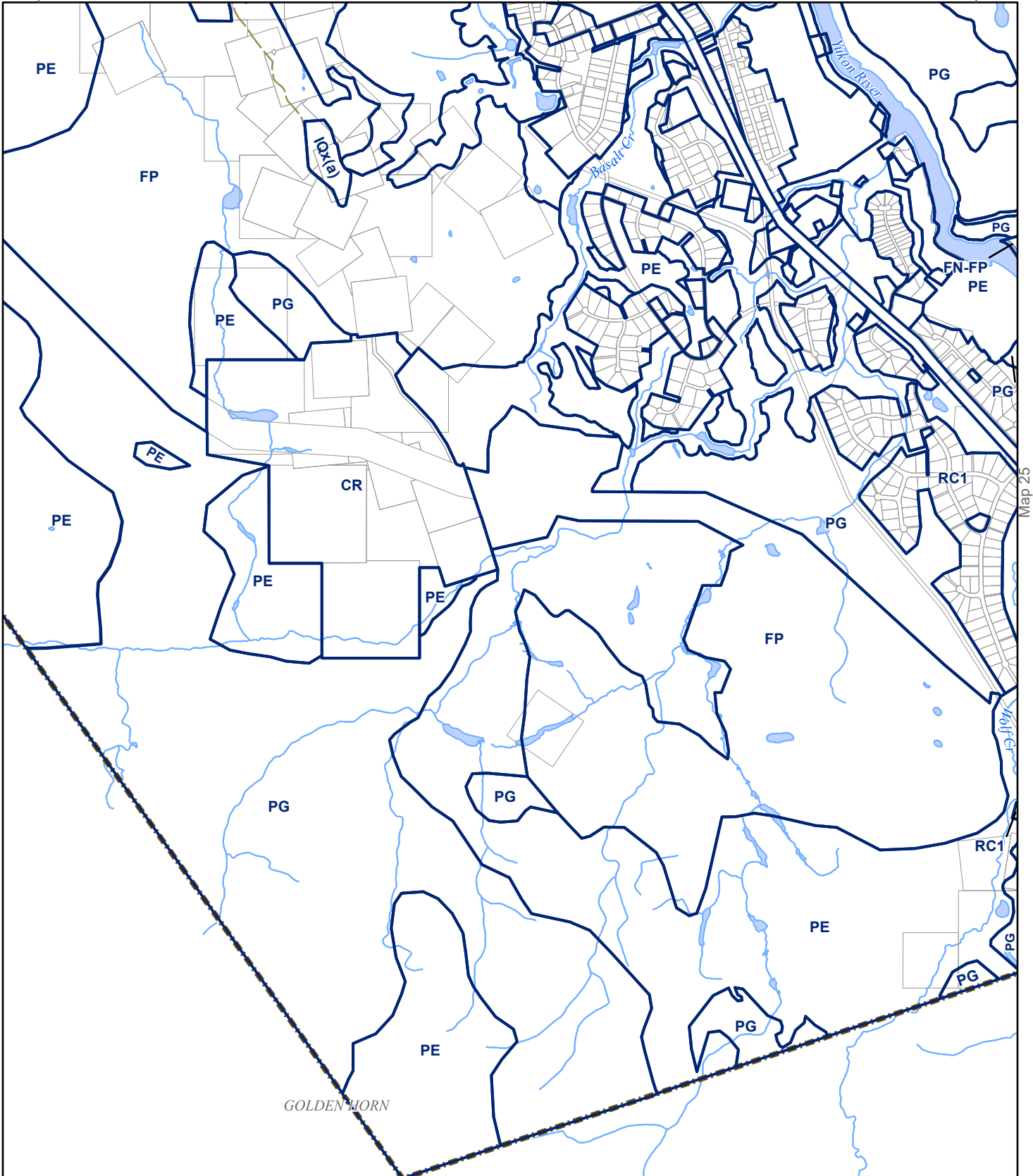
MAP 24

MT. SIMA SKI HILL, GOLDENHORN AREA

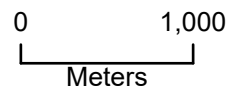
Map 19

Map 20

Map 21



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.

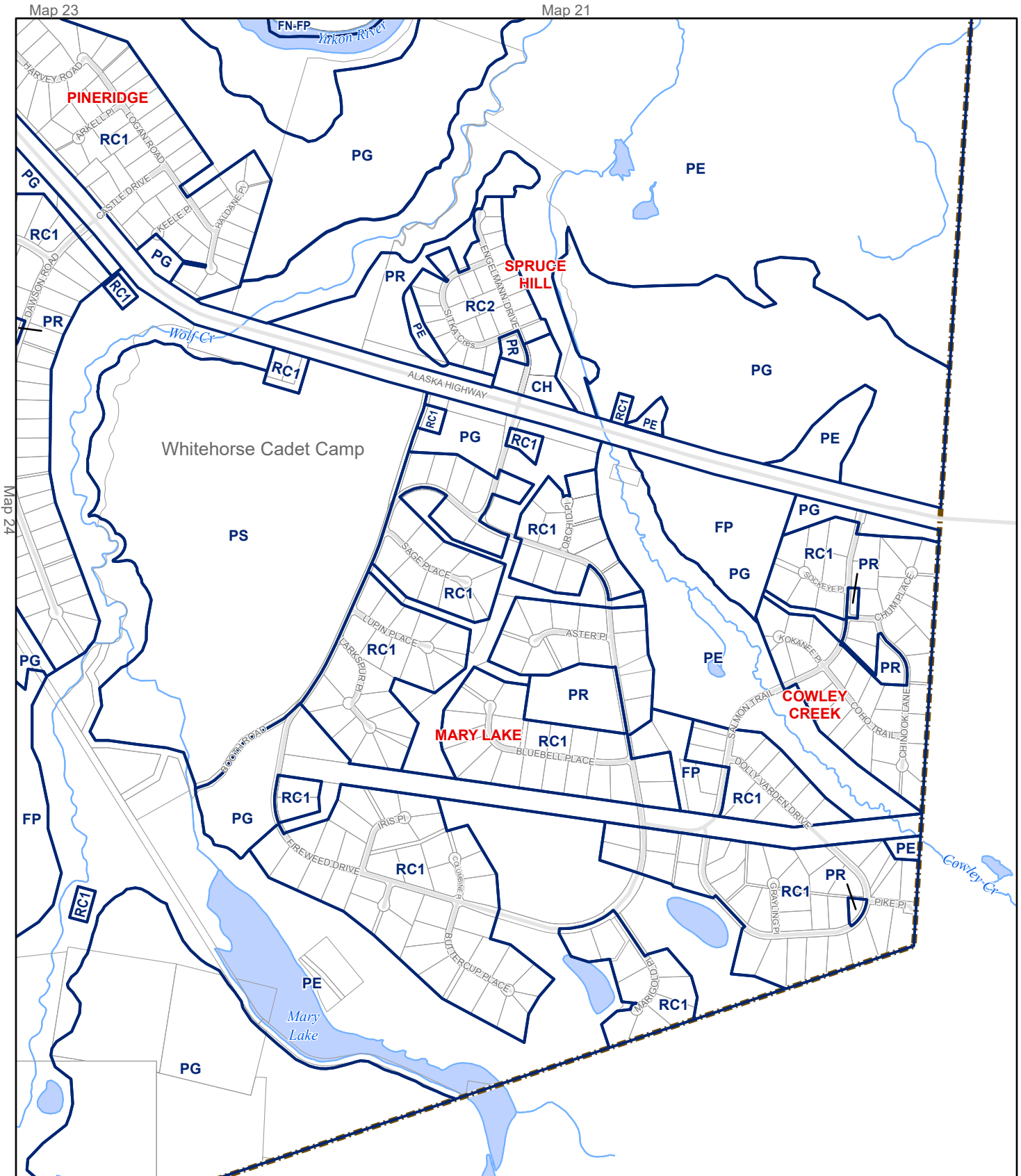


Consolidation date:
September 13, 2024

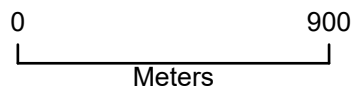
Projection: NAD 1983 UTM Zone 8

MAP 25

SPRUCE HILL, MARY LAKE,
COWLEY CREEK



Where a letter appears in brackets following a zoning designation, e.g. RSx(a), the letter corresponds to the 'special restrictions' subsection for that zone.



Consolidation date:
September 13, 2024

Projection: NAD 1983 UTM Zone 8