

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: February 19, 2024
RE: Zoning Amendment – Housing-Related Amendments

ISSUE

Housing-related amendments to the Zoning Bylaw to allow for a wider range of opportunities for residential development.

REFERENCE

- [Zoning Bylaw 2012-20](#)
- [Whitehorse 2040 Official Community Plan](#)
- [Municipal Act SY 2022, c. 2](#)
- [Building and Plumbing Bylaw 99-50](#)
- [2020 National Building Code of Canada](#)
- [2022-2024 Strategic Priorities](#)
- [Round 1 Engagement Summary](#)
- [Redline Comparison Document](#)
- HLDAC Zoning Recommendations (Attachment 1)
- Proposed Zoning Amendment Bylaw 2024-16 (Attachment 2)

HISTORY

A Zoning Bylaw is an important planning document that is required to implement the vision and policy directions of an Official Community Plan (OCP). In accordance with the *Municipal Act*, a zoning bylaw must be adopted or amended for the lands affected by an OCP within two years of the adoption or amendment of the OCP. The 2040 OCP was adopted on March 27, 2023, therefore the Zoning Bylaw must be amended by March 2025. A contract was awarded through a Request for Proposal to the successful consultant in September 2023 in order to provide planning services to rewrite the Zoning Bylaw.

As part of the rewrite process, and recognizing the pressing need to enable a wider range of opportunities for residential development, Administration is advancing an immediate round of housing-related amendments to the Zoning Bylaw. The proposed amendments are based on recommendations made to Council by the Housing and Land Development Advisory Committee (HLDAC) on August 7, 2023 (Attachment 1), and refined by the consultant working on the Zoning Bylaw Rewrite project.

The proposed housing-related amendments to be advanced immediately are listed below. Further details are provided in the Analysis.

1. Allow up to four (4) units per lot in all urban ‘single detached’ zones;
2. Relax site coverage and setbacks in some zones where additional units are provided;
3. Relax living and garden suite regulations;

4. Enable more units in RCM – Comprehensive Residential Multiple Family and RCM3 – Cottage Cluster Homes zones; and
5. Relax some parking regulations.

Engagement

In order to gather feedback on challenges experienced with the current Zoning Bylaw and to understand how the general public would like the city to grow and develop into the future, the first round of engagement for the Zoning Bylaw Rewrite project was launched in November 2023. The engagement included an online survey and targeted interviews.

Related to housing, respondents indicated a need for more diverse, accessible, and affordable housing forms. There was broad general support for allowing more units per lot, smaller lots, taller buildings, and additional housing forms. Additionally, it was generally felt that the regulations in the Zoning Bylaw should be more flexible to allow for more creativity, efficiency, and innovation in development and reduce constraints and requirements that hinder density.

Development Review Committee

On January 10, 2024, the proposed zoning amendments were reviewed by the Development Review Committee (DRC). Members of DRC identified a variety of constraints and operating impacts that could result from widespread uptake of these proposed changes. Members noted that the capacity of existing utility services may pose design challenges and could limit the potential for developers to achieve the maximum number of units on a lot. Members also identified potential operating impacts on other municipal services, such as waste collection, snow clearing, and on-street parking management that could result from residential intensification.

DRC also recommended that potential developers be given clear and concise information when applying for permits so that they are aware of development constraints related to the proposed amendments. If the amendments are adopted, an information guide describing the zoning changes and design parameters will be published to provide consistent and concise information to developers and the general public.

Schedule

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	February 19, 2024
First Reading:	February 26, 2024
Newspaper Ads:	March 1 and March 8, 2024
Public Hearing:	March 25, 2024
Report to Committee:	April 15, 2024
Second and Third Reading:	April 22, 2024

ALTERNATIVES

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

ANALYSIS

The proposed housing-related amendments to the Zoning Bylaw align with OCP policy 9.1 to encourage the construction of a variety of housing types that reflect the housing

continuum as well as policy 9.8 which specifically supports the development of suites. The proposed amendments also align with Council's Strategic Priorities to improve the overall housing supply. The proposed amendments and the potential challenges or constraints are described below.

1. Allow up to four (4) units per lot in all urban 'single detached' zones

Lots in the following zones would be eligible to build up to four (4) dwelling units in any combination, including up to two suites where a principal dwelling is provided:

- RCS – Comprehensive Single Detached;
- RCS2 – Comprehensive Single Detached 2;
- RCS3 – Comprehensive Single Detached 3;
- RD – Residential Downtown;
- RR – Restricted Residential;
- RS – Residential Single Detached; and
- RS2 – Residential Single Detached 2.

An exception is that 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) could not build up to four units, but could still provide up to two suites.

Any development that proposes additional units on existing lots will be required to demonstrate through professional engineering analysis that adequate servicing exists to support the development. The capacity of existing services, including water, sewer, and electrical, may constrain the number of units that can be provided on particular lots or in particular areas. Developers will be required to design their project to work within the existing service capacity, or upgrade services at their expense if needed to meet the servicing requirements for the proposed development.

All new development must also comply with the Building and Plumbing Bylaw and the National Building Code. There may be significant constraints to comply with building code requirements when adding units into existing buildings.

It is anticipated that additional units in existing residential areas could have some operating impacts on several municipal services such as waste collection, snow storage and clearing, and on-street parking management. If intensification increases the demand for on-street parking, there could be challenges and delays with snow clearing and curbside waste collection, which could necessitate new approaches to on-street parking management such as seasonal or permanent parking prohibitions. The combination of increased maximum site coverage, and additional on-site parking required to serve additional dwellings, may result in less space on-site for snow storage. This may pose increased challenges for both residents and City crews in managing snow effectively. Depending on the extent of operational impact, additional staff and equipment may be needed.

2. Relax site coverage and setbacks in some zones where additional units are provided

Urban residential zones currently have varying regulations for side and rear yard setbacks and site coverage. The proposed amendments would allow reduced setbacks and

increased site coverage in some zones where a second unit (or more) is provided. The table below summarizes the proposed amendments to setbacks and site coverage (regulations proposed to be relaxed outlined in red).

Zone	Existing Development Regulations			Proposed Change (if two or more units provided)
	Side Yard Setback	Rear Yard Setback	Maximum Site Coverage	
RCS	1.5 m	11 m (6 m for single storey)	50%	Reduce rear yard setback to 3 m
RCS2	1.5 m	3 m	50%	None
RCS3	1.5 m	3 m	35%	Increase maximum site coverage to 50%
RD	1.5 m	3 m	50%	None
RR	1.5 m / 3 m	6 m	35%	Reduce both side yard setbacks to 1.5 m; Reduce rear yard setback to 3 m; Increase maximum site coverage to 50%
RS	1.5 m / 3 m	3 m	40%	Reduce both side yard setbacks to 1.5 m; Increase maximum site coverage to 50%
RS2	1.5 m / 3 m	3 m	40%	Reduce both side yard setbacks to 1.5 m; Increase maximum site coverage to 50%

The proposed site coverage and setback relaxations for providing two or more dwelling units are no more permissive than what is already allowed in some other residential zones such as the RCS2 and RD zone. The reduction in setbacks and increase in site coverage complements the other proposed amendments that allow additional units as it provides a greater area of a lot that can be developed.

3. Relax living and garden suite regulations

Living and garden suites are secondary uses that must remain within the same parcel as a principal dwelling. The proposed amendments include changes that would enable additional suite development throughout the city. The proposed amendments include:

- Allowing suites in the RR zone;
- Allowing suites in duplex, triplex, and townhouse housing, where direct pedestrian access to the both the street and parking area can be provided;
- Allowing up to two suites on any urban residential lot where suites are permitted;
- Relaxing setbacks for garden suites in urban areas, such that a garden suite could be placed anywhere that an accessory structure would currently be permitted:
 - Reducing the side and rear setbacks for garden suites under 4.5 m in height to 0.6 m;
 - Reducing the rear setback for garden suites that are between 4.5 m and 7 m in height to 1.5 m;
 - Reducing the setback from the principal dwelling from 3 m to 1 m;
- Allowing suites in the side and front yards; and
- Allowing ‘duplex’ garden suites (i.e. two units on a single lot attached to each other, but not attached to the principal structure).

The current Zoning Bylaw already allows setback reductions to 0.6 m in some instances, and these amendments would enable the reduction in more circumstances. Measures are in place to preserve the privacy of adjacent properties.

The proposed amendments related to living and garden suites will allow greater flexibility to modestly increase the number of units in existing areas. Living and garden suites often provide more affordable housing options that support the creation of inclusive neighbourhoods.

4. Enable more units in RCM and RCM3 zones

Developments in the RCM zone will be able to provide multiple housing in any form. Currently, the zone listed specific housing forms that are allowed. The proposed changes will enable greater flexibility in building form and unit configuration, including stacked townhouses.

Developments in the RCM3 zone will be able to provide living suites within cottage cluster units. Allowing these additional units only as living suites will ensure the housing form remains modest (single detached, duplex, and triplex housing only) and the suite remains within the same parcel as the principal residence.

Additionally, the proposed amendments would remove the maximum site density in both the RCM and RCM3 zones and remove the maximum number of units per building in the RCM zone. These amendments will remove development constraints and enable developers to provide additional units on a site.

5. Relax some parking regulations

The proposed amendments to parking regulations include:

- Eliminating visitor parking and loading space requirements for residential developments in commercial zones. This would apply to most residential developments in Downtown and in Urban Centres.
- Reducing the parking calculation for living and garden suites from one parking space per suite to one parking space per two suites. Due to rounding, this would mean one parking space is required for the first suite (in addition to one parking space for the principal residence), but an additional parking space would not be required for a second suite.

- Reducing and standardizing the front yard setback for parking spaces in a front driveway to 1 m from the front property line. Currently, parking spaces are required to be provided beyond the front yard setback which is typically 3 m to 6 m. Reducing the setback to 1 m from the front property line will provide additional flexibility to provide the required parking on a site.

Although the proposed amendments to parking are limited at this time, further changes will be explored through the full Zoning Bylaw Rewrite.

Next Steps

If the proposed housing-related amendments are adopted, an information guide describing the changes will be finalized and made available to developers and the general public.

Furthermore, the full Zoning Bylaw Rewrite project will continue and include consideration of the remaining HLDAC recommendations that were not addressed through this Zoning Bylaw amendment.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2024-16, a bylaw to amend the Zoning Bylaw to allow for a wider range of opportunities for residential development, be brought forward for consideration under the bylaw process.