

CITY OF WHITEHORSE

BYLAW 2024-22

A bylaw to amend the Official Community Plan

WHEREAS Section 289 of the *Municipal Act* provides that a municipality shall by bylaw adopt an Official Community Plan in accordance with Part 7, Division 1 of the Act; and

WHEREAS Section 285 of the *Municipal Act* provides for amendment of an Official Community Plan, in accordance with the same approvals as established in Division 1 for the preparation and adoption of an Official Community Plan; and

WHEREAS it is deemed desirable and expedient to amend the 2040 Official Community Plan;

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

1. The Greenspace Network Plan and Parks – Map 1 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by incorporating the environmental sensitivity information from Map 3 – Environmentally Sensitive Areas in the 2017 Chadburn Lake Park Management Plan, as indicated on Appendix A and forming part of this bylaw.
2. The Urban Growth Areas – Map 3 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying the scale bar, as indicated on Appendix A and forming part of this bylaw.
3. The First Nation Settlement Lands – Map 4 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by identifying Lot 1218, Quad 105D/11 as Kwanlin Dün First Nation Lands, as indicated on Appendix A and forming part of this bylaw.
4. The Land Use Designation – Map 5 forming part of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by changing the designation of Lot 1223, Quad 105D/11, Lot 1222, Quad 105D/11, Lot 1218, Quad 105D/11, Lot 1270, Quad 105D/11, Lot 1194, Quad 105D/11, Lot 1138, Quad 105D/10, Lot 1196, Quad 105D/11, and Bert Law Park (PIN 9996177), as indicated on Appendix A and forming part of this bylaw.
5. Section 7 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new subsection 7.9 vi. to existing policy 7.9 to read as follows:

"7.9 Exceptions to the City's Riparian Setback requirement will be reviewed and considered on a site-by-site basis: i. where steep banks contain the riparian area, the setback shall be applied from the top of bank; ii. for businesses that utilize waterbody access as part of their business; iii. where trail, utility, or road access for development is proposed to cross Riparian Setbacks; and vi. where improvements to trails are proposed within a Riparian Setback."

6. Section 7 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 7.15 to read as follows:

"7.15 All development, including building and tree harvesting, will be prohibited on slopes that exceed 30% (3.3 horizontal to 1 vertical). The only exceptions will be for critical infrastructure, grading, trails, and viewpoints, provided that a professional geotechnical assessment, accepted by the City Engineer, can demonstrate reasonably safe conditions."

7. Section 7 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 7.16 to read as follows:

"7.16 All new development will be setback a minimum of 15 metres or 1.25 metres multiplied by the height of slope, whichever is greater, from the top or bottom of any slope over 30%, as illustrated on Figure 7 – Illustration of Escarpment Setbacks. The only exceptions will be when reasonably safe conditions for reduced setbacks can be demonstrated by a site-specific geotechnical examination prepared by a qualified professional and accepted by the City Engineer.

Suitable setbacks to accommodate critical infrastructure, trails, and viewpoints may be required when considering any potential reduction of the Escarpment Setback.

The Escarpment Setback will apply in the absence of a required and accepted geotechnical assessment.

Exceptions to the City's Escarpment Setback are not permitted within the Downtown Whitehorse Escarpment Control Zone, as identified on Appendix A of the City's Downtown Escarpment Land Use Policy."

8. Section 8 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 8.19 to read as follows:

“8.19 Where mixed-use buildings are proposed in Urban Centres, commercial uses will be on the ground floor with residential uses above. The inclusion of dwelling units, as secondary uses to the primary commercial uses, may be permitted on the ground floor to provide flexibility in providing alternative dwelling units while maintaining a commercial streetscape. As examples, this may include commercial uses facing the street with dwelling units facing a rear lane or with pedestrian access to accessible dwelling units located at the rear of a building.”

9. Section 12 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by moving existing policy 12.19 to Section 13, renumbering the policy as policy 13.29, and renumbering the remaining policies accordingly.

10. Section 13 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 13.2 ii to read as follows:

"13.2 ii. When determining permit regulations, the policies outlined in Section 15.12 Natural Resource Extraction should be reviewed and considered to minimize impacts on surrounding uses such as buffers, screening, and anticipated traffic volumes may be required."

11. Section 13 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a subtitle immediately before existing policy 13.6 to read as follows:

"Fuel Abatement

13.6 Wildfire fuel abatement is permitted, as appropriate, in any land use designation, subject to applicable bylaws and environmental guidelines."

12. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying the Intent of “Commercial – Service” in Table 2 Land Use Designations Overview to read as follows:

“Accommodate commercial or public uses that are not typically combined with residential or industrial uses and are largely vehicle-oriented.”

13. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing Section 15.2 Commercial – Service to read as follows:

“Commercial - Service areas are intended to accommodate commercial or public uses that are not typically combined with residential uses and are largely vehicle-oriented. This type of commercial development typically

requires significant onsite parking and/or loading facilities creating large expanses of undeveloped space; as such, they are often in contrast with lively, pedestrian-focused locations.”

14. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by deleting policy 15.4.1 and renumbering the remaining policies accordingly.

15. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.4.2 to read as follows:

“15.4.2 Uses primarily associated with Greenspaces, such as outdoor recreation trails or domestic fuel woodcutting, may be permitted subject to approval by the appropriate authority.”

16. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.4.3 to read as follows:

“15.4.3 To preserve Future Planning Areas for future development, limited new uses such as trails and public utilities should be considered.”

17. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.5.1 to read as follows:

“15.5.1 The City is committed to pursuing efforts that preserve the integrity and connectivity of environmentally sensitive areas to keep habitat intact and prevent fragmentation. Areas identified as Greenspace are primarily kept in their natural state, with minimal disturbance or development. The only exception will be for wildfire fuel abatement activities.”

18. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new policy 15.6.5 to read as follows and renumbering the remaining policies accordingly:

“15.6.5 Accessory activities that support the operation of uses in the Industrial areas, such as caretaker facilities, may be permitted.”

19. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new policy 15.7.6 to read as follows:

“15.7.6 Accessory activities that support the operation of uses in the Industrial/Commercial areas, such as caretaker facilities, may be permitted.”

20. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by modifying existing policy 15.13.1 to read as follows:

“15.13.1 Uses that may be suitable for inclusion in the Public Service designation include but are not limited to hospitals, major recreation facilities, arts, culture, and heritage facilities, post-secondary institutions, cemeteries, corrections facilities, supportive housing, and aerodromes.”

21. Section 15 of The Official Community Plan Adopting Bylaw 2022-40 is hereby amended by adding a new policy 15.13.2 to read as follows and renumbering the remaining policies accordingly:

"15.13.2 Residential dwellings units may be permitted to support public or privately owned facilities of an institutional or community service nature."

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

FIRST READING:

PUBLIC NOTICE:

PUBLIC HEARING:

SECOND READING:

EXECUTIVE COUNCIL MEMBER APPROVAL:

THIRD READING and ADOPTION:

Laura Cabott, Mayor

Corporate Services