

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: January 6, 2025
RE: Housing and Land Development Advisory Committee Recommendations – Residential Development Zoning Amendments

ISSUE

Second 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](#)
- Zone Abbreviations Legend (Attachment 1)
- HLDAC Zoning Recommendations (Attachment 2)
- Proposed Zoning Amendment Bylaw 2025-10 (Attachment 3)

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, and the City entered into a contract with a consultant to provide planning services to rewrite the Zoning Bylaw.

On August 7, 2023, the Housing and Land Development Committee (HLDAC) presented recommended short-term amendments to the Zoning Bylaw which were referred to the consultant to review and consider as part of the first round of public engagement. Several of the recommendations were subsequently approved by Council on April 22, 2024 through Bylaw 2024-16.

After further review, HLDAC is proposing the following three additional amendments be brought forward as an amendment to the Zoning Bylaw to ensure that the immediate impacts of the amendment to allow four units per lot in urban 'single detached' zones can be realized:

1. Increase the maximum building height in the following zones to 12.5 m or to allow for no more than three (3) stories above ground: RC2, RCS, RCS2, RCS3, RCT, RCT2, RD, RR, RS, RS2, RCM3 (see Attachment 1: Zone Abbreviations for full name of each zone);
2. Increase the maximum building height in the following zones to 20 m: RCM, RCM2, RM, CNC, CN, and CNC2; and
3. Remove minimum parking requirements other than for accessible parking in residential uses.

Development Review Committee

On December 11, 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 some of these proposed changes. DRC noted that an increase in building height to 12.5 m in the proposed residential zones was too high as it could allow for the development of four storey buildings and therefore concluded that a maximum building height of 11 m was more appropriate. Increasing the maximum building height to 20 m in the RCM2 and RM zones was deemed appropriate but the amendment was not supported in the other proposed zones. It was noted that increasing the maximum site coverage could also achieve more density while ensuring that building heights are not too imposing. Following the DRC review, HLDAC modified the proposed amendments to restrict buildings to three storeys in the zones where they had proposed a maximum building height of 12.5 m to address the concern from DRC.

In addition, DRC expressed several concerns regarding an outright removal of parking requirements in residential zones as proposed by HLDAC. Concerns were related to waste collection and snow removal conflicts, and lack of enforcement capacity, if elimination of on-site parking requirements results in increased demand for street parking. DRC expressed that while making car ownership less convenient could encourage a transition to transit and other transportation modes, the supply of alternative transportation modes is not currently sufficient to induce a widespread shift away from car ownership. The City would need a plan and associated budget to address the implications of any reduced residential parking beyond what was already approved.

Schedule

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	January 6, 2025
First Reading:	January 13, 2025
Newspaper Ads:	January 17 and January 24, 2025
Public Hearing:	February 10, 2025
Report to Committee:	March 3, 2025
Second and Third Reading:	March 10, 2025

ALTERNATIVES

1. Proceed with the amendment under the bylaw process;
2. Refer the recommendations to the Zoning Bylaw Rewrite project; or
3. Do not proceed with the amendment.

ANALYSIS

The OCP states under policy 9.1 that the City will encourage the construction of a variety of housing types that reflect the housing continuum. While the proposed amendments present an opportunity for increased residential development, the City is already engaged in the Zoning Bylaw Rewrite project where consideration of these recommendations is more appropriate. A draft Zoning Bylaw is anticipated to be ready for public engagement by March or April 2025, however if these amendments were to be adopted, it could cause some confusion if the current Zoning Bylaw is amended while public engagement on a new Zoning Bylaw is underway. This might affect the timing of the engagement process, as the amendments would need to be integrated into the engagement materials. Nevertheless, the proposed amendments are further discussed below.

1. Increase the maximum building height in the following zones to 12.5 m notwithstanding a maximum of three (3) stories above ground: RC2, RCS, RCS2, RCS3, RCT, RCT2, RD, RR, RS, RS2, and RCM3.

The rationale provided by HLDAC for increasing the maximum building height to 12.5 m in the zones noted above, is to:

- Allow the full potential of the amendment approved on April 22, 2024 that allows four (4) units on all 'single detached' lots;
- Allow for the development of buildings with three (3) storeys above grade; and
- Develop living suites at grade to provide accessible housing options.

The maximum building height in the majority of these zones is currently 10 m. A 10 m building height can already accommodate a three storey development with a flat or low-pitch roof, as the current method of determining building height is to measure to the highest point on the roof. Increasing the maximum height could enable buildings with flat or low-pitch roofs to be built even higher, which could result in a building with a shape and volume that is not consistent with its surroundings and too imposing.

Additionally, the OCP limits building heights in Old Town to 10 m through policy 15.16.3 so it is not possible to increase the maximum building height to 12.5 m in the RD zone without first amending the OCP.

If the intent of this amendment is to increase building heights to allow the peak of a roof to be higher, Administration recommends a different approach to measuring building height such as using average height rather than peak height. Consideration of alternative building height calculation methods would be better suited for the Zoning Bylaw Rewrite project.

2. Increase the maximum building height in the following zones to 20 m: RCM, RCM2, RM, CNC, CN, and CNC2.

The rationale provided by HLDAC for increasing the maximum building height to 20 m in the zones noted above is to distribute density throughout the city rather than concentrating it in Downtown and to incentivize commercial developments to build higher and include residential units.

The purpose of the RCM2 and RM zones are to provide higher density multiple housing. An increase in maximum building height from 15 m to 20 m is appropriate per OCP policy 8.21 and aligns with the intention of these zones.

The purpose of the RCM zone is to provide a medium density transition zone that is compatible with adjacent lower density housing types. The maximum building height is currently 15 m in the RCM zone. Increasing the maximum height to 20 m would eliminate the ability to provide a transition between the higher density zones, such as RCM2 or RM, and lower density residential uses. Maintaining this transitional zone is supported by OCP policy 8.18 which states that density transitions will be provided between Urban Centres and their surrounding residential neighbourhoods to reduce the negative impacts on lower density uses.

The purpose of the CN zone is to provide the day-to-day commercial and service needs to residents of a neighbourhood and the purpose of the CNC zone is to provide low intensity commercial and residential uses in the transitional zone around the periphery of a neighbourhood. The current maximum building height is 10 m in the CN zone and 15 m in the CNC zone. An increase in building height to 15 m in the CN zone would align the two zones and help fulfil the OCP policies of increasing density in the neighbourhood centres.

However, an increase to 20 m in the CN and CNC zones would be a significant change (double and 1/3 increase respectively) and could reduce their ability to provide density transitions with the surrounding residential neighbourhoods.

The CNC2 zone is only found on the commercial portion of Keno Way in Whistle Bend. The current maximum building height in this zone is 12 m. Administration does not advise amending the maximum building height for this area at this time as several lots are currently under construction or property owners are in the process of obtaining permits.

Overall, although Administration supports an increase in the maximum building height to 20 m in the RCM2 and RM zones, Administration recommends that any consideration of building height increases occurs as part of the Zoning Bylaw Rewrite project in order to facilitate a timely conclusion and comprehensive review of the project, reduce confusion, and enable a more fulsome public engagement prior to the public hearing process of the proposed new bylaw.

3. Remove minimum parking requirements other than for accessible parking in residential zones.

HLDAC's rationale for removing parking requirements, with the exception of accessible parking, for all residential uses is that the full extent of allowing four (4) units on all 'single detached' residential lots cannot be realized unless other site design requirements are relaxed.

The OCP contains a hierarchy of transportation modes through policy 11.2 which lists personal vehicles and driving as the lowest mode. Furthermore, OCP policies 11.6 and 11.7 state that the City will encourage a transition to electric vehicles and a shift towards active and shared transportation modes. While the proposed amendment may expedite a shift towards the use of public transit and active transportation, in addition to allowing for larger developable areas on lots and potentially more housing, it will have implications on on-street parking availability, snow removal, and waste collection operations that require further consideration.

Rather than eliminating parking requirements for all residential uses, Administration recommends a phased approach by first reducing parking requirements in targeted areas. Urban Centres and areas within the urban core are likely best positioned to adapt to reduced parking availability due to their proximity to transit services and active transportation infrastructure. Reduced parking requirements in these areas could be complemented with increased bicycle parking requirements or electric vehicle charging stations.

An amendment such as this will have implications on other City policies and likely require amendments to other City Bylaws and documents. A reduction or elimination of parking requirements should be considered within the broader Zoning Bylaw Rewrite project as it has the potential to have significant impacts. Coordination with several City departments will also be required in order to update documents, address staffing, and adjust operational budgets.

ADMINISTRATIVE RECOMMENDATION

THAT Council refer the HLDAC recommendations to the Zoning Bylaw Rewrite project.