



**City of Whitehorse**

# **Zoning Bylaw**

## **2025-37**

**Adopted [Insert Date Upon  
Adoption]**

[Amendments Table placeholder  
page for future consolidations]

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# Part 1

## Purpose

*This part introduces readers to the Zoning Bylaw, the local Development Authorities, the process for amending the Bylaw, and procedures for enforcing it.*

## Jurisdiction

### 1.1 TITLE

- (1) This Bylaw may be referred to as the “City of Whitehorse Zoning Bylaw” or the “Zoning Bylaw”.

### 1.2 PURPOSE

- (1) The purpose of this Bylaw is to implement the goals and objectives of the Official Community Plan (OCP) through regulating the use and development of land and buildings within the City of Whitehorse.

### 1.3 ENABLING LEGISLATION

- (1) This Bylaw has been passed in conformance with the *Yukon Municipal Act* (the “Act”).

### 1.4 APPLICATIONS IN PROCESS

- (1) An application for a development permit that is received in its complete and final form before this Bylaw comes into force will be reviewed and decided under the provisions of Zoning Bylaw 2012-20 as though that bylaw had not been repealed and this Bylaw had not been enacted.
- (2) No time extension shall be granted to any development permit issued under this section for which development has not commenced within 12 months.

### 1.5 COMPLIANCE WITH OTHER LEGISLATION

- (1) In addition to this Bylaw, a person undertaking any development, whether or not a development permit is required, is responsible for ascertaining and complying with any other applicable municipal, territorial, federal, or First Nation legislation. The issuance of a development permit does not relieve the owner from complying with any easement, covenant, lease, scheme, or agreement that affects the development.

## 1.6 REFERENCES TO OTHER LEGISLATION

- (1) Any reference in this Bylaw to other bylaws or to a territorial, federal, or First Nation Act or regulation shall be deemed a reference to the bylaw, act, or regulation then in force, including all amendments thereto and any successor legislation.

## 1.7 FEES AND CHARGES

- (1) Fees and charges for services or other things provided under this Bylaw, including processing of applications, are set out in the *Fees and Charges Bylaw*.

## 1.8 SEVERABILITY

- (1) 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.

## 1.9 INTERPRETATION

- (1) In this Bylaw:
  - (a) The table of contents, titles, and subtitles are for convenience of reference only, do not form part of the substantive content, and are not to be used for the purpose of construing or interpreting any provision of this Bylaw;
  - (b) Purpose statements for each zone are provided for reference and interpretation only and do not prescribe permitted or conditional uses;
  - (c) Tables, charts, and schedules form part of the substantive content;
  - (d) Figures are provided for convenience and clarification only and do not form part of the substantive content;
  - (e) Unless the context otherwise requires, words importing the singular shall include the plural and vice versa and words importing one gender include all genders;
  - (f) Unless otherwise specified, all days mentioned herein are calendar days; and
  - (g) The following abbreviations have the indicated meanings:
    - i) ha means hectare;
    - ii) m means metre;
    - iii) cm means centimetre;
    - iv) GFA means gross floor area;
    - v) mm means millimetre; and
    - vi) m<sup>2</sup> means square metre.
  - (h) Unless otherwise specified, all development regulations, including but not limited to minimum lot size, setbacks, site coverage, and floor area ratio, apply to the lot as a whole, and not to individual bare land condominium units.
  - (i) Where there are no surveyed boundaries (e.g., Commissioner's land), the “lot” or “site” shall be interpreted as the area defined in a lease, license of occupation, or other legal instrument, or as otherwise delineated in an approved site plan.

## 1.10 ZONING MAPS

- (1) The City is divided into zones and the boundaries of those zones are shown on the Zoning Maps attached as **Schedule A** and forming part of this Bylaw.

## 1.11 DETERMINING ZONE BOUNDARIES

- (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 lot line, it follows the lot 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, any existing encroachments into the highway right-of-way shall be considered part of the adjacent zone;
  - (h) Where a property boundary is adjusted by subdivision, and the area of any affected lot changes by no more than five percent (5%), the zone boundary shall be deemed to follow the new property boundary created by the subdivision, provided that no previous boundary adjustment under this section has occurred within the preceding two (2) years for any lot affected by the current adjustment; and
  - (i) In circumstances not covered above, the Development Officer shall determine the zone boundary on the basis of measurements scaled from the applicable Zoning Map.
- (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.
- (3) Where there is a conflict between the text of the Bylaw and the Zoning Maps, the maps shall take precedence.
- (4) Notwithstanding subsection (3), in a circumstance where there are any special modifications providing a legal description of the location, the legal description shall take precedence over the Zoning Maps.

## 1.12 USES AND REGULATIONS

- (1) Except as otherwise allowed by this Bylaw, development in each zone shall be in accordance with the uses listed for the zone and all the appropriate requirements of this Bylaw.
- (2) Where a use is expressly permitted in one zone and is not expressly permitted in another zone, that use is not permitted in the other zone, under more general use provisions or otherwise.
- (3) Notwithstanding subsection (1), reclamation of former mine sites, and remediation of a site containing contaminated material shall be permitted in any zone.

- (4) Public infrastructure shall be permitted in all zones and the following shall apply:
  - (a) 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;
  - (b) Linear public infrastructure such as roads, water and sewer lines, utility lines, and towers shall be exempt from the provisions of this Bylaw regarding setbacks and height restrictions; and
  - (c) The Development Officer may reduce setback requirements for a building associated with public infrastructure unless it is directly adjacent to a residentially zoned property and the building is greater than 5.0 m<sup>2</sup> in area, in which case the public infrastructure must adhere to the setbacks of the adjacent residential zone.
- (5) Typical developments listed as examples in the definitions are not intended to be exclusive or restrictive.
- (6) In determining the appropriate land use classification for a particular development, consideration will be given to the intent of the use, its potential impacts, and how the use aligns with the definitions set out in this Bylaw.
- (7) Where a specific development does not conform to the wording of any use definition or generally conforms to the wording of two or more definitions, the Development Officer may use discretion to determine which use the proposed development most closely resembles.
- (8) If a use is not listed as permitted, it will be interpreted as prohibited.

### 1.13 AVAILABILITY

- (1) A copy of this Bylaw, as amended, shall be available for inspection by the public. Digital copies in PDF format may be downloaded at no cost from the City's website.

## Bylaw Authorities

### 1.14 BOARD OF VARIANCE

- (1) The Board of Variance is hereby established by Council pursuant to sections 290(5) and 306 of the *Act*.
- (2) The appointment of members of the Board of Variance shall be made in accordance with the Board of Variance Bylaw, as amended.

### 1.15 DEVELOPMENT OFFICER

- (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) Director of Development Services;
  - (c) Manager of Land and Development Services;
  - (d) Manager of Planning and Sustainability Services;
  - (e) Land Development Supervisor;
  - (f) Senior Development Officer;

- (g) Development Officer;
- (h) Subdivision and Lands Coordinator;
- (i) Senior Planner;
- (j) Building Official Supervisor; and
- (k) Senior Building Official.

### 1.16 DUTIES OF THE DEVELOPMENT OFFICER

- (1) A Development Officer:
  - (a) Shall receive and decide upon completed applications for principal and secondary use development permits, temporary use development permits, and certificates of zoning compliance;
  - (b) Shall receive, review, refer, and make recommendations to Council on applications for conditional use, and applications to amend the text of this Bylaw or the Zoning Maps;
  - (c) May refer Development Permit applications to any City, Federal, Territorial, or First Nation department or any other agency or body deemed appropriate for review and comment. Any comments received are not binding on the Development Officer;
  - (d) Shall keep and maintain, for inspection by the public during regular 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; and
  - (e) Shall perform other such duties as described or implied elsewhere in this Bylaw.

### 1.17 DUTIES OF THE DIRECTOR OF DEVELOPMENT SERVICES AND MANAGER OF LAND AND DEVELOPMENT SERVICES

- (1) The Director of Development Services and the Manager of Land and Development Services shall have authority to:
  - (a) Approve, approve with conditions, or refuse a development permit agreement;
  - (b) Refer a development permit agreement to Council for consideration; and
  - (c) Execute an approved development permit agreement.

## Bylaw Amendments

### 1.18 AMENDING THE ZONING BYLAW

- (1) Council may initiate an amendment to the text or maps of the Zoning Bylaw. In addition to amendments initiated by Council, an amendment may also be initiated as follows:
  - (a) For a text amendment to the Zoning Bylaw, any person may apply in writing to the Development Officer to have the text amended in accordance with **Section 1.19**.
  - (b) For a map amendment, only the owner of a lot, or their authorized agent, may apply in writing to the Development Officer to amend the zoning of that land in accordance with **Section 1.20**.

- (2) If it appears that the proposed zoning bylaw amendment is one that is applicable to, and for the benefit of the city at large, or most of the persons affected in the area, then Council may, in their sole discretion, direct that the application fee be returned to the applicant.
- (3) An application for a zoning bylaw amendment may not be considered to have been received until all requirements of **Section 1.19** or **Section 1.20** have been submitted to the satisfaction of the Development Officer, or the Development Officer waives some of the requirements that are deemed unnecessary to render a decision.
- (4) The Development Officer may refuse to accept an application for a zoning bylaw amendment if the required information has not been supplied or if, in the Development Officer's opinion, the information supplied is of inadequate quality to properly evaluate the application.
- (5) Upon receipt of a zoning bylaw amendment application for lands adjacent to a Kwanlin Dün First Nation settlement parcel listed in Appendix A of the *Kwanlin Dün First Nation Self-Government Agreement*, the Development Officer shall notify Kwanlin Dün First Nation in writing and shall request a response within 30 days as to whether the proposed amendment may have a significant impact on the land use of adjacent settlement land, in accordance with Section 25 of the *Kwanlin Dün First Nation Self-Government Agreement*. For the purposes of this regulation, adjacent land means:
  - (a) Lands within 100 m of a settlement land parcel listed in Appendix A of the *Kwanlin Dün First Nation Self-Government Agreement* and located within the Urban Containment Boundary;
  - (b) Lands within 1,000 m of a settlement land parcel listed in Appendix A of the *Kwanlin Dün First Nation Self-Government Agreement* and located outside the Urban Containment Boundary.

## 1.19 TEXT AMENDMENT APPLICATION

- (1) An application for a text amendment shall include the following:
  - (a) A completed application form;
  - (a) A statement of the reasons for the request to amend this Bylaw;
  - (b) A statement of how the proposed amendment conforms to the policies and intent of the Official Community Plan and any other City plans, policies, or bylaws;
  - (c) The application fee as set out in the *Fees and Charges Bylaw*; and
  - (d) Any other information requested at the discretion of the Development Officer.

## 1.20 MAP AMENDMENT APPLICATION

- (1) An application for a map amendment shall include the following:
  - (a) A completed application form;
  - (b) A current copy of the Certificate of Title for the lands affected;
  - (c) A written statement to describe and justify the proposal;
  - (d) A map showing the proposed map amendment in the context of adjacent land;
  - (e) The application fee as set out in the *Fees and Charges Bylaw*;
  - (f) Permission for right-of-entry onto the land by City staff for reasonable inspection; and
  - (g) A site plan containing lot dimensions and other features such as:
    - (i) the location of easements;



- (ii) the location and dimensions of existing and proposed buildings;
  - (iii) the location of site access and egress;
  - (iv) the location of public sidewalks, hydro poles, light standards, boulevard trees, fire hydrants, and other features;
  - (v) the location, size, and placement of signs and future signs; and
  - (vi) the location of all existing and proposed services on the property.
- (b) Any other information requested at the discretion of the Development Officer, which may include, without limitation:
  - (i) floor plans and elevation drawings of all existing and proposed buildings, and structures including any additions;
  - (ii) 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;
  - (iii) a landscaping plan to show site grading, drainage, retaining walls, existing and future tree locations, species list, and open space landscape treatment;
  - (iv) 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;
  - (v) an environmental site assessment report confirming soil groundwater and surface water meet the standards of the Yukon Contaminated Site Regulations for all proposed uses;
  - (vi) proof of approval of the proposed on-site waster system or sewage disposal system by the authority having jurisdiction on lots not serviced by a municipal water or sewage system;
  - (vii) a heritage resource overview assessment and/or a heritage resource impact assessment; and
  - (viii) any other planning and engineering information required to prepare, evaluate, and make a recommendation concerning the proposed amendment, including but not limited to an analysis by a qualified professional of the potential impact on land use, transportation, utilities, and other City services and Facilities.
- (2) 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 map amendment that permits increased density in an area not serviced by the municipal water and sanitary sewer system.

## 1.21 REVIEW PROCESS

- (1) Upon receipt of a completed application for a zoning bylaw amendment, the 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.
- (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, policies, and bylaws;
  - (b) Relationship to and compliance with municipal plans, policies, and bylaws in preparation;
  - (c) Compatibility with surrounding development in terms of land use function and scale of development;
  - (d) Potential transportation 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 or map amendment;
  - (i) Relationship to any documented concerns and opinions of area residents and land owners regarding the application; and
  - (j) Impact on First Nations' ability to realize the spirit, intent, and principles of the Final Agreements and Self-Government Agreements, particularly with respect to their decision-making power on settlement lands; and impact to the City's ability to pursue the reconciliation objectives outlined in the Official Community Plan and other documents, plans, agreements, and declarations.
- (3) Upon receipt of a zoning bylaw amendment application, along with a report prepared by the Development Officer, Council shall consider the application in accordance with the procedures and notification requirements set out in the *Act*, the *Council Procedures Bylaw*, and this Bylaw.

## 1.22 PUBLIC NOTIFICATION

- (1) An applicant for a zoning bylaw amendment may be required to host one or more public meetings prior to the public hearing in order to provide information on the proposed amendment. The necessity of a public meeting shall be determined by Council following first reading of the amendment bylaw.
- (2) Notice to the public of the text or map amendment shall be advertised in a local newspaper, or by any other method approved by Council, at least once a week for two successive weeks, in alignment with the *Act*.
- (3) For a map amendment:
  - (a) 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 and residents prior to the public hearing within the following radius of the subject property:
    - (i) for areas within the Urban Containment Boundary, 100 m; and
    - (ii) for areas outside the Urban Containment Boundary, 1,000 m.
  - (b) In the event of an actual or potential postal delivery disruption, additional methods or alternate notification may be used, as directed by Council at first reading.

- (c) A zoning amendment notification sign produced by the City of Whitehorse 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:
  - (i) remain in place until after the date of the public hearing;
  - (ii) state the details of the amendment;
  - (iii) state the date, time and place of the public hearing; and
  - (iv) state contact information for the City of Whitehorse.

### 1.23 RESUBMISSION INTERVAL

- (1) Where an application for a zoning bylaw amendment 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.

## Contravention and Enforcement

### 1.24 ENFORCING THIS BYLAW

- (1) A Development Officer or a Bylaw Services Constable may enforce the provisions of this Bylaw.
- (2) All enforcement activities of a Development Officer as provided pursuant to the *Act*, this section, or any other section of this Bylaw, may be commenced simultaneously.

### 1.25 OFFENCES

- (1) Any person who contravenes, causes, or permits a contravention of this Bylaw commits an offence.
- (2) Without limiting the generality of subsection (1), it is an offence for any person to commence or continue a development when:
  - (a) A development permit is required but has not been issued;
  - (b) A development permit has expired;
  - (c) A development permit has been revoked or suspended;
  - (d) A condition of a development permit has been contravened; or
  - (e) A development contravenes one or more regulations of this Bylaw.
- (3) A separate offence shall be deemed to be committed on each day during or on which a violation occurs or continues.

### 1.26 RIGHT OF ENTRY

- (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, or to enforce this Bylaw.
- (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.

- (3) Where entrance into or upon any property within the city is refused, the City may apply to a justice of the peace for an order to 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 subsection (1).
- (4) An order made by a justice of the peace under this section continues in force until the purpose for which it was made has been fulfilled.

### 1.27 NOTICE OF VIOLATION

- (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 or by ordinary mail, a Notice of Violation; and/or
  - (b) posting the notice in a conspicuous location on the site.
- (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.
- (3) A Development Officer is not required to issue a Notice of Violation before commencing any other enforcement action under the *Act* or this Bylaw.

### 1.28 REFUSAL, SUSPENSION, OR REVOCATION OF DEVELOPMENT PERMIT

- (1) A Development Officer may refuse to issue, suspend or revoke a development permit where the applicant, property owner, or an agent of the owner:
  - (a) fails to comply with the conditions of the issuance of the permit;
  - (b) undertakes, causes, or allows any development on a site contrary to the terms or conditions of a permit;
  - (c) fails to complete the corrective measures described in a Notice of Violation issued pursuant to **Section 1.27**; or
  - (d) is non-compliant with this or any other City bylaw.

### 1.29 OFFENCE TICKETS

- (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 1.27** are not completed within the specified time, or if development continues after a permit has been revoked, they may be issued an offence ticket by a Development Officer or Bylaw Services Constable in the amount specified in **Table 1: Schedule of Fines**.
- (2) The offence ticket shall specify the alleged offence committed, the person to whom the offence ticket is issued, and required payment of the penalty by a specified date.
- (3) The offence ticket shall be served personally or by registered mail to the person identified in the Notice of Violation.
- (4) Any person who contravenes the same provision of this Bylaw within twelve (12) months after the date of the first contravention is liable to the specified penalties for such second or subsequent offence in the amount specified in **Table 1: Schedule of Fines**.

### 1.30 ORDERS

- (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.
- (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.
- (3) This order shall be delivered by registered mail or be personally served on the person described in the order.

### 1.31 MUNICIPALITY REMEDYING CONTRAVENTION

- (1) Where a person fails or refuses to comply with the order issued under **Section 1.30**, a Development Officer may take such action as is necessary to enforce the order.
- (2) The costs and expenses incurred by the City in carrying out an order, including remedying a contravention, shall be placed on the tax roll as a charge against the property and collected in the same manner as property taxes.

### 1.32 REPORT TO COUNCIL

- (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 if it appears the contravention will not be corrected in a timely manner.
- (1) Council may, on finding that any development or use of land or buildings is in contravention of this Bylaw, direct Administration to apply to the court for an injunction to restrain the contravention.

### 1.33 PENALTIES

- (1) Any person who commits an offence under **Section 1.25** is, upon summary conviction, liable to a fine as specified in the *Summary Convictions Act*, as amended.
- (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 the *Summary Convictions Act* and in respect of an offence in the amount specified in **Table 1: Schedule of Fines**; 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*, as amended; 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 the *Summary Convictions Act*, as amended.
- (3) Where a person fails or refuses to comply with an order pursuant to **Section 1.31**, 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.
- (4) In addition to the penalties provided for under subsection (2), a person convicted of an offence pursuant to **Section 1.25** 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.
- (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.

### 1.34 SCHEDULE OF FINES

- (1) A voluntary fine under the *Summary Convictions Act*, as amended, may be issued in respect of an offence in the amount specified in **Table 1: Schedule of Fines**, and shall be increased for second and subsequent offences:

**Table 1: Schedule of Fines**

Description of Offence	Penalty
Fail to comply with Zoning Bylaw regulations	\$250.00
Fail to comply with Zoning Bylaw regulations (2 <sup>nd</sup> or subsequent offence)	\$500.00
Fail to obtain development permit	\$250.00
Fail to obtain development permit (2 <sup>nd</sup> or subsequent offence)	\$500.00
Fail to comply with an order	\$250.00
Fail to comply with an order (2 <sup>nd</sup> or subsequent offence)	\$500.00
Fail to comply with permit conditions	\$250.00
Fail to comply with permit conditions (2 <sup>nd</sup> or subsequent offence)	\$500.00
Fail to comply with Notice of Violation	\$250.00
Fail to comply with Notice of Violation (2 <sup>nd</sup> or subsequent offence)	\$500.00
Fail to grant right of entry	\$250.00
Fail to grant right of entry (2 <sup>nd</sup> or subsequent offence)	\$500.00

# Part 2

## Development Process

*This part outlines the City's Development Permit Process and related requirements and procedures.*

### Development Permits

#### 2.1 CONTROL OF DEVELOPMENT

- (1) Except as provided in **Section 2.2**, no person shall:
  - (a) undertake any development;
  - (b) occupy any land, building, or structure; or
  - (c) use or occupy any land, building, or structure;unless a development permit has been issued pursuant to this Bylaw.
- (2) No person shall develop, use, alter, or occupy any land, building or structure in contravention of a development permit issued pursuant to this Bylaw.
- (3) 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 development permit, unless the variation has been reviewed and authorized in writing by the Development Officer, in accordance with **Section 2.15**.

#### 2.2 DEVELOPMENT PERMIT EXEMPTIONS

- (1) No development permit is required for the developments listed in **Table 2: Development Permit Exemptions**, provided the development complies with all provisions of this Bylaw and other applicable legislation. An exemption from the requirement for a development permit does not exempt the development from the requirement to obtain a building permit or any other approvals that may be required under this Bylaw, any other City bylaws or any other legislation.

**Table 2: Development Permit Exemptions**

Development	Permit Not Required
(1) Accessory Structures and Additions	(a) In residential zones: (i) the construction of accessory structures; and (ii) additions to existing dwellings (b) In non-residential zones, the construction of accessory structures not greater than 12.0 m <sup>2</sup>
(2) Renovations	Renovations to any building or structure provided that such work does not change the use or intensity of use of the building or structure.
(3) Communication structures	The erection, repair and replacement of television and other minor communication related structures such as aerials, towers and satellite receivers/dishes in non-residential zones.
(4) Demolitions and Relocations	(a) The demolition or relocation of accessory structures located in residential zones that did not require a development permit to be built. (b) The demolition or relocation of buildings or structures not greater than 12.0 m <sup>2</sup> , except a designated heritage structure.
(5) Election or Census Use	The 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, First Nation, School Council, or Municipal election, referendum or census.
(6) Fences, Walls, or Gates	The erection of fences, walls or gates not exceeding the height specified in the applicable zone, or canopies or awnings not overhanging public property.
(7) Home Office	A Home Office in accordance with <b>Section 5.12</b> .
(8) Landscaping and Minor Grading	Landscaping, where the existing grade and surface drainage pattern is not materially altered and will not create off-site impacts.
(9) Public Infrastructure	The installation, maintenance, or repair of public infrastructure.
(10) Shipping Containers	Where exempted in accordance with <b>Section 5.2</b> .
(11) Signs	The erection and use of signs that are specified by <b>Section 4.51</b> of this Bylaw as being exempt from development permit requirements.
(12) Solar Panels	Solar panels that primarily serve the site where they are installed.
(13) Temporary Structures	The erection of temporary structures incidental to construction, maintenance or alteration of a building or structure, on the same site and for which a development permit has been issued.
(14) Private Walkways, Pathways, and Driveways	The construction, maintenance, and repair of private walkways, pathways, and driveways.



## 2.3 DEVELOPMENT PERMIT APPLICATION

- (1) A development permit application shall be submitted to the Development Officer by the owner of the land on which the development is proposed, or by an authorized agent of the owner, and must include the following:
  - (a) the appropriate application form provided by the Development Officer;
  - (b) required information as described in **Sections 2.4 and 2.5**; and
  - (c) the application fee as set out in the *Fees and Charges Bylaw*.
- (2) The 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 legal access to a lot from a public road; or
  - (b) the utility services necessary for the proper operation of the proposed development are not available.

## 2.4 PLANS AND INFORMATION REQUIRED

- (1) A complete development permit application shall include the following plans and information, as applicable to the type and scale of the proposed development:
  - (a) a statement describing the current use, the proposed use and occupancy of all parts of the lot and buildings;
  - (b) a digital site plan or package of site plans provided in a format compatible with City software at an appropriate metric scale, showing the following information:
    - (i) a north arrow and the scale of each drawing;
    - (ii) the legal property description;
    - (iii) the municipal address;
    - (iv) lot dimensions;
    - (v) the location and dimensions of all existing and proposed buildings;
    - (vi) the location of any easements;
    - (vii) the location of public sidewalks, hydro poles, light standards, boulevard trees, fire hydrants and other related features;
    - (viii) the location and dimensions of all existing and proposed site access and egress;
    - (ix) the layout of existing and proposed parking and loading areas showing dimensioned depth and width of parking spaces, accessible parking spaces, drive aisle dimensions, angles of parking spaces, and number of parking spaces, and surface materials;
    - (x) the locations of waste collection areas;
    - (xi) the locations of all existing and proposed fences;
    - (xii) the location of all existing and proposed site improvements, including access and egress, and front, side and rear yard dimensions;
    - (xiii) 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 storm sewer interceptors for areas with high contamination potential;
- (xiv) the location, size, and material of all existing and proposed utility services;
- (xv) the location, size, and placement of existing signs and proposed signs, where the site is located in a commercial, institutional or industrial zone; and
- (xvi) proposed impacts or improvements to the boulevard including remediation, revegetation, landscaping, construction of drainage infrastructure, paving, or other treatment.
- (c) Landscaping plans, except for applications in the OAG, KDG, and KMD zones, showing:
  - (i) the existing topography, identifying the vegetation that is to be retained or removed;
  - (ii) a layout of the soft and hard landscaping, pedestrian circulation and open space systems, screening, berms, slopes, and retaining walls;
  - (iii) the types, sizes, and numbers of plant materials, caliper of trees, and the types of hard landscaping; and
  - (iv) describing the means of maintaining new landscaping during the establishment period (maintenance program).
- (d) Floor plans and elevation drawings of all proposed buildings and structures including any additions.

## 2.5 ADDITIONAL INFORMATION

- (1) In addition to the requirements set out in **Section 2.4**, the Development Officer may require the following to be submitted as part of the application for a development permit:
  - (a) a current copy of the certificate of title, lease, licence of occupation, or certificate of allocation for the subject land;
  - (b) 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;
  - (c) an environmental site assessment report detailing the existing contamination level present in soil, groundwater, and surface water;
  - (d) as-built or record drawings for any existing infrastructure, servicing, or other site elements;
  - (e) proof of approval of the proposed on-site sewage disposal system by Environmental Health Services on lots not serviced by a municipal sewage system;
  - (f) evidence of compliance with or application to obtain approval under any applicable Federal, Territorial, First Nation, and/or Municipal laws, bylaws, and other enactments;
  - (g) fire-flow calculations;
  - (h) a water model report;
  - (i) a transportation impact assessment;
  - (j) a sun shadow study or a height impact assessment;
  - (k) a pedestrian-level wind study;

- (l) an exterior lighting plan including location and type of luminaires;
- (m) confirmation of consultation with utility providers, including but not limited to, ATCO Electric Yukon and NorthwesTel Inc., on servicing options for the proposed development;
- (n) a heritage resource impact assessment or heritage resource overview assessment, to evaluate the impact of a proposed development or site alteration on heritage resources and to recommend alternative approaches in order to conserve heritage resources; and
- (o) any other information or studies deemed necessary by the Development Officer, in their discretion.

## 2.6 DETERMINATION OF COMPLETENESS

- (1) Upon receipt of a development permit application, the review period shall not commence until the Development Officer has determined the application to be complete.
- (2) When, in the opinion of the Development Officer, an application is determined to be incomplete, the applicant shall be advised in writing that the application is incomplete. The written notice shall include a description of the information required for the application to be considered complete and the deadline by which such information is to be submitted.
- (3) Failure or refusal by an Applicant to submit the required information in support of a development permit application in accordance with the notice shall result in the application being deemed refused. An application deemed refused on this basis may be appealed, in accordance with **Section 2.19**.
- (4) Once an application is deemed to be complete, the Applicant shall be notified in writing that the application is complete, and the Development Officer shall begin the review period.
- (5) Notwithstanding **Sections 2.4 and 2.5**, the Development Officer may deem an application complete without all required information if, in the discretion of the Development Officer, a decision can be properly made without such information.

## 2.7 REVIEW PERIOD

- (1) The review period for a development permit application shall commence when the application is deemed complete.
- (2) If, after an application has been deemed complete, the Development Officer determines that revisions or additional information are required, the review shall be suspended until such information is received. If the applicant refuses to provide the revisions or additional information, the application shall be deemed refused and the applicant shall be entitled to appeal the decision in accordance with **Section 2.19**. If the requested information has not been submitted within twelve (12) months, the application shall be deemed to have been withdrawn and there shall be no option to appeal.

## 2.8 SUBSTANTIAL REVISIONS

- (1) Where, in the opinion of the Development Officer, an application has been substantially revised by the applicant, the Development Officer may require the applicant to withdraw the application and submit a new application before further consideration. A substantial revision includes, but is not limited to:
  - (a) an increase or decrease in the proposed Gross Floor Area by 10% or more;

- (b) a substantial change in the proposed use; or
  - (c) a substantial change to the site layout that affects building placement, access, the location of parking or other site design elements, or site circulation.
- (2) Refunds for withdrawn applications shall be issued in accordance with the *Fees and Charges Bylaw*.

## 2.9 PRINCIPAL AND SECONDARY USE DECISIONS

- (1) The Development Officer shall decide on development permit applications for principal and secondary uses. In making a decision, the Development Officer:
- (a) shall approve the development permit application if the proposed development conforms in every respect to the applicable provisions of this Bylaw;
  - (b) 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, other City bylaws and policies, and the *Act*;
  - (c) shall refuse the development permit application if the application does not meet the requirements of this Bylaw; and
  - (d) shall provide a decision on the development permit application to the applicant
    - (i) in writing on the approved form in the case of an approval, or
    - (ii) as a Notice of Decision in the case of a refusal, that states the reasons for the refusal, and describes the applicant's right to appeal, in accordance with **Section 2.19**, including the process to be followed.
- (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.
- (3) If all principal uses are terminated on a lot, all secondary uses on the same lot shall be terminated.
- (4) As a condition of a development permit for a principal or secondary use, the Director of Development Services or the Manager of Land and Development Services may require the applicant to enter into a development permit agreement with the City in accordance with **Section 2.17**. The development permit agreement may be registered as a caveat on title.

## 2.10 NOTICE OF PROPOSED CONDITIONAL USE

- (1) Upon receipt of a development permit applications for a conditional use for lands adjacent to a Kwanlin Dün First Nation settlement parcel listed in Appendix A of the *Kwanlin Dün First Nation Self-Government Agreement*, the Development Officer shall notify Kwanlin Dün First Nation in writing and shall request a response within 30 days as to whether the proposed use may have a significant impact on the land use of adjacent settlement land, in accordance with Section 25 of the *Kwanlin Dün First Nation Self-Government Agreement*. For the purposes of this regulation, adjacent land means:
- (a) lands within 100 m of a settlement land parcel listed in *Appendix A of the Kwanlin Dün First Nation Self-Government Agreement* and located within the Urban Containment Boundary; and

- (b) lands within 1,000 m of a settlement land parcel listed in Appendix A of the *Kwanlin Dün First Nation Self-Government Agreement* and located outside the Urban Containment Boundary.
- (2) Upon referring a complete application for a development permit for a conditional use to Council, the Development Officer shall:
  - (a) cause to be mailed a Notice of Proposed Development to all assessed property owners and residents within 100 m of the proposed development within the urban containment boundary, and within 1,000 m outside of the urban containment boundary, at least 14 days prior to the public input session. In the event of an actual or potential postal delivery disruption, additional methods or alternate notification may be used, as determined by the Director of Development Services; and
  - (b) publish a Notice of Proposed Development at least once in a newspaper circulating in the city.
- (3) 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 of the public input session and the deadline for providing input on the application; and
  - (e) the name and contact phone number of the applicant and Development Officer where further information can be obtained.

## 2.11 CONDITIONAL USE DECISIONS

- (1) Council shall decide on development permit applications for a conditional use.
- (2) Prior to making a decision on a development permit application for a conditional use, Council shall hold a public input session during a regular meeting of Council. Any person wishing to provide input on the proposed conditional use may do so by submitting a written statement to Council prior to the deadline specified in the Notice of Proposed Development, or by appearing at the public input session to speak to the proposed development.
- (3) In making a decision, Council:
  - (a) may consider criteria listed in **Table 3: Conditional Use Considerations** to evaluate a conditional use application. This table is not exhaustive, and Council may also consider other relevant criteria not included in the table;
  - (b) may approve the development permit application for a development permit if the proposed development conforms in every respect to the applicable provisions of this Bylaw;
  - (c) may add conditions to a development permit, in Council's discretion, as 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; and
  - (d) may refuse a development permit application that, in Council's opinion, is not suitable for its intended location based on applicable land use planning considerations, including but not limited to those outlined in **Table 3: Conditional Use Considerations**.

- (4) As a condition of a development permit for a conditional use, Council may require the applicant to enter into a development permit agreement with the City in accordance with **Section 2.17**. The development permit agreement may be registered as a caveat on title.

**Table 3: Conditional Use Considerations**

Issue	Considerations
Design compatibility	<ul style="list-style-type: none"> <li>Compatibility of the proposed use with existing uses and the character of the surrounding area</li> <li>Similarity of size and design to neighbouring properties and uses</li> </ul>
Parking and traffic	<ul style="list-style-type: none"> <li>Provision of off-street parking</li> <li>Increase in traffic volume or change in traffic makeup</li> </ul>
Capacity of infrastructure	<ul style="list-style-type: none"> <li>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</li> </ul>
Impact on neighbouring properties	<ul style="list-style-type: none"> <li>Effect on airborne emissions, odours, smoke</li> <li>Noise and light impacts</li> <li>Other health and safety impacts</li> <li>Sun shadow and wind effects</li> <li>Hours of operation, compared to existing neighbouring uses</li> <li>Impact on existing and potential developments in surrounding area</li> <li>Effect on the amenity of the surrounding area, including views, general atmosphere</li> <li>Social and economic impact on the community</li> <li>Benefits to the surrounding area including providing services and amenities</li> </ul>
Mitigating impact	<ul style="list-style-type: none"> <li>Provision of landscaping, screening, buffer areas or other methods to mitigate potential impacts</li> </ul>
Demonstrated need for the use	<ul style="list-style-type: none"> <li>Demand for the use in a specific area</li> <li>Demonstrated difficulty finding property capable of supporting the proposed use</li> </ul>
Plans and policies	<ul style="list-style-type: none"> <li>Consistency with the intent and policies of Official Community Plan</li> <li>Compatibility with the general intent of the Zoning Bylaw and the purpose statement for the specific zone</li> <li>Compatibility with neighbourhood plans, local area plans, master plans, and any other relevant bylaws, policies, regulations and legislation</li> </ul>
Public submissions	<ul style="list-style-type: none"> <li>Input from residents, registered societies, business, other orders of government</li> </ul>
First Nation Self-Governance	<ul style="list-style-type: none"> <li>Consistent with, and supports the implementation of First Nation Final and Self-Government Agreements</li> </ul>

## 2.12 EXISTING CONDITIONAL USES

- (1) A conditional use is permitted only if it has been approved by Council in accordance with **Section 2.11** and all the conditions imposed by Council have been fulfilled or, if the conditions are ongoing, are being fulfilled as required by Council.
- (2) A conditional use approved for a limited time is permitted only for the duration of that time. A conditional use approved without a time limit is a permitted use of the lot in the same manner as other permitted uses.
- (3) Any change or intensification of a permitted conditional use must be approved by Council in accordance with **Section 2.11**.
- (4) The following applies to uses lawfully approved as conditional uses prior to the passage of this Bylaw, or to uses that are now listed as conditional uses under this Bylaw:
  - (a) a use approved as a conditional use prior to the passage of this Bylaw that remains listed as a conditional use under this Bylaw continues as an approved conditional use, subject to the conditions of its approval;
  - (b) a use approved as a principal or secondary use prior to the passage of this Bylaw that is now listed as a conditional use under this Bylaw is deemed a permitted use, provided it continues in substantially the same form and intensity as previously approved; and
  - (c) a use approved as a conditional use prior to the passage of this Bylaw that is now listed as a principal or secondary use under this Bylaw is deemed a permitted use, subject to the regulations of this Bylaw.

## 2.13 TEMPORARY USE DEVELOPMENT PERMIT

- (1) The Development Officer may issue a Temporary Use Development Permit for a temporary use provided that such development:
  - (a) is not contrary to the Official Community Plan;
  - (b) is generally compatible with the intent of this Bylaw;
  - (c) is not incongruous with adjacent uses;
  - (d) is seasonal or temporary in nature;
  - (e) is an interim land use with a defined lifespan of less than one year, unless otherwise excepted by subsections (2) or (3);
  - (f) includes appropriate measures to mitigate impacts associated with the proposed development; and
  - (g) will be followed by site restoration to a condition suitable for its intended future use to the satisfaction of the Development Officer.
- (2) The Development Officer may issue a Temporary Use Development Permit for an interim industrial (resources) 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 Land Use Master Plan for the area subject to the temporary use permit has been approved by Council, and the application aligns with the approved plan;



- (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 as well as continued compliance with subsection (1); 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.
- (3) The Development Officer may issue a Temporary Use Development Permit for a temporary construction laydown area near a development site with an approved development permit, subject to the following:
- (a) the applicant must demonstrate to the satisfaction of the Development Officer that the impacts of the laydown area will not exceed those that would occur if the laydown area were located on the development site;
  - (b) the Development Officer may require the submission of a Traffic Management Plan addressing the movement of vehicles, access, and public safety;
  - (c) the Development Officer may impose any conditions necessary to mitigate impacts related to noise, dust, traffic, and public safety;
  - (d) the duration of the Temporary Use Development Permit may exceed one year but shall not extend beyond the duration of construction activities associated with the approved development; and
  - (e) the applicant shall restore the site to its original condition, or a condition acceptable to the Development Officer, upon expiration or revocation of the Temporary Use Development Permit.

## Allowances and Conditions

### 2.14 ALLOWANCES

- (1) The Development Officer may grant an allowance of up to 10% of any measurable standard beyond the requirements of this Bylaw if in their opinion, the proposed development with the allowance would not:
  - (a) unduly interfere with the amenities of the neighbourhood; or
  - (b) materially interfere with or affect the use or enjoyment of neighbouring properties.
- (2) Applicants requesting an allowance shall provide a rationale in support of the allowance.
- (3) In considering whether to approve allowance under subsection (1), the Development Officer shall:
  - (a) consider the general purpose and intent of the applicable Zone, along with the land use designation and other applicable policies in the Official Community Plan;
  - (b) consider whether the need for the allowance results from, or is related to, an aspect or feature that is specific to the land or building in question, not shared by a significant number of other lands or buildings in the City;
  - (c) consider whether the proposed allowance would facilitate improvements to energy efficiency or support other measures that enhance climate resilience, in alignment with the objectives of the Official Community Plan or other applicable City policies; and

- (d) not approve an allowance where it would cause a development or building or use to be out of compliance with the Building and Plumbing Bylaw, as amended, and any other applicable federal, territorial, or other City laws or regulations.
- (4) Notwithstanding subsection (1), the Development Officer may grant a greater allowance in accordance with **Table 4: Allowances for Affordable Housing** for an affordable housing development.

**Table 4: Allowances for Affordable Housing**

ZONE	ADDITIONAL BUILDING HEIGHT	ADDITIONAL SITE COVERAGE	PARKING CALCULATION <sup>1</sup>
RMC		10%	0.5 parking spaces per dwelling unit
RMM	4.0 m	20%	
RMH		20%	
RCD/RSD			
ROL		15%	No minimum parking
CNH	4.0 m		
CNN	4.0 m	20%	
CMD	5.0 m <sup>2</sup>		

<sup>1</sup>Reduced parking calculation applies to all residential units

<sup>2</sup>To a maximum height of 30.0 m.

## 2.15 VARIANCES

- (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 by reason of the exceptional narrowness, shortness, shape, topographic features, or any other unusual conditions of the property.
- (2) Applications to the Board of Variance shall be determined according to the provisions of the *Act* and the *Board of Variance Bylaw*.

## 2.16 AMENDING ACTIVE DEVELOPMENT PERMITS

- (1) The Development Officer may approve a minor amendment to an active development permit prior to the commencement of the development or while the development is in progress, provided that:
- (a) the amendment does not vary any measurable standard by more than 10%, unless the variation improves site conditions or reduces impacts, in the opinion of the Development Officer; and
  - (b) the amendment does not, in the opinion of the Development Officer, materially alter the character or impact of the approved development.

## 2.17 DEVELOPMENT PERMIT AGREEMENTS

- (1) Where a development permit agreement is required, the agreement may contain, without limitation, contractual arrangements respecting any of the following matters:
- (a) the use or development of the lands;



- (b) the use, development, or preservation of any existing or proposed building or structure, including environmental setbacks;
  - (c) the timing and phasing of development;
  - (d) the siting, design, drainage, height and dimensions of any proposed building or structure, including exterior materials and signage;
  - (e) the provision of parking spaces, traffic control measures, directional signs and community signs;
  - (f) the maintenance of open space; preservation of access to natural light on adjacent properties; lot grading and landscaping, including tree retention or planting and other measures to mitigate development impacts; and the location and materials of fencing, screening, waste receptacles and lighting;
  - (g) replacement or construction, in whole or in part, of roads, sidewalks, street lighting, storm drainage, water supply distribution and sewage disposal, or other municipal infrastructure;
  - (h) provision of on-site recreational or other amenities to support the development; and
  - (i) payment in lieu of otherwise providing for any of the matters mentioned in subsections (a) to (h).
- (2) Authority to make decisions on a development permit agreement, including whether to proceed with an agreement and to exercise all powers and duties necessary to administer such agreements, is delegated to the Director of Development Services and the Manager of Land and Development Services.
  - (3) The Director of Development Services or the Manager of Land and Development Services may, in their discretion, refer the development permit agreement to Council for decision, and Council may by resolution approve, approve with conditions, or refuse the development permit agreement.
  - (4) Where there is an objection to a decision made by the Director of Development Services or the Manager of Land and Development Services in respect of a development permit agreement, the owner may appeal to Council, and Council may approve, approve with conditions, or refuse the development permit agreement. Council's decision is final.
  - (5) When a development permit agreement is entered into pursuant to this section, it may be registered as a caveat against the title of the subject lands at the Land Titles Office.
  - (6) Authority to execute an approved Development Permit Agreement may be delegated to a Development Officer.

## 2.18 SECURITY

- (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 or any other City Bylaw:
  - (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; and

- (b) notwithstanding that the development permit was issued to another person, the property owner is responsible for completing the required improvements.
- (2) If cash is offered as the security, it shall be held by the City in a non-interest bearing account.
- (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) 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.
- (5) Where the required improvements are not completed within the timeframe stipulated by the Development Officer, the City may, at the discretion of the Director of Development Services, elect to use the security to commission the work. If the security is insufficient for the City to complete the required work, the property owner shall pay the remaining balance to the City. If the balance is not paid within 30 days of being notified, the outstanding charges may be added to the tax roll and collected in the same manner as property taxes.

## Validity and Appeals

### 2.19 DEVELOPMENT PERMIT APPEALS

- (1) An applicant may appeal the decision of a Development Officer under **Section 2.6** or **Section 2.9** to Council in writing within 30 days of the date of the decision.
- (2) Fees for a development permit appeal are set out in the *Fees and Charges Bylaw* and must be paid at the time the application for appeal is submitted.
- (3) Appellants shall be limited to the original development permit applicant, landowner, and/or their designated representative.
- (4) The appeal shall be based on the application that was before the Development Officer without modification.
- (5) Upon receipt of a written notice of appeal and payment of the required fee, Council shall set a date for the hearing of the appeal, which shall not be later than 30 days after receipt of the written application for appeal and applicable fee.
- (6) All maps, plans, drawings, and written material that the appellant intends to rely on in support of the appeal must be submitted to the City at least 10 days before the date of the hearing.
- (7) Council shall, within 30 days after the date of the hearing, uphold, modify, or overturn the original decision of the Development Officer.
- (8) The decision of Council shall:
  - (a) be based on the facts and merits of the case;
  - (b) be in writing and set forth the reasons for the decision; and
  - (c) be personally delivered or mailed to the appellant within 10 days of the date the decision is made.

- (9) A decision of Council is final and binding and there is no further appeal from it.
- (10) Decisions on Conditional Uses cannot be appealed.

## 2.20 EXPIRY OF DEVELOPMENT PERMIT

- (1) Unless otherwise specified in the development permit, every development permit shall expire if the use or development specified in the development permit has not commenced beyond the permitting stage within 12 months of the date on which the development permit was issued.
- (2) Notwithstanding subsection (1), and subject to this Bylaw, upon written request, the Development Officer may grant a time extension of up to 12 months for a development permit for which development has not yet commenced.

## 2.21 RESUBMISSION INTERVAL

- (1) When an application for a development permit 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.
- (2) Subsection (1) shall not apply if the new application proposed a use that complies with all applicable regulations of this Bylaw.

# Non-Conforming Development

## 2.22 NON-CONFORMING USES, BUILDINGS, AND LOTS

- (1) Non-conforming uses and buildings or other structures will be dealt with according to the provisions of the Act.
- (2) Lots created before the approval of this Bylaw that are less than the minimum lot area of the zone they are in shall be considered to be conforming lots for the purposes of this Bylaw and 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 setbacks may be reduced by the same percentage that the lot is less than the minimum size for the zone.

# Certificate of Zoning Compliance

## 2.23 CERTIFICATE OF ZONING COMPLIANCE

- (1) The registered owner, or authorized agent, may, upon payment of the fee set out in the *Fees and Charges Bylaw*, as amended, apply for a Certificate of Zoning Compliance to facilitate acquisition of a business license, building permit, or property title transfer.
- (2) Every application for a Certificate of Zoning Compliance permit shall:
  - (a) be made in writing using the form provided;
  - (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;
  - (d) include a Surveyor's Certificate prepared by a legal surveyor and a Building File Information Report issued by the City; and
  - (e) include the legal description of the lot and the civic address.

- (3) In conducting a review, the Development Officer will review only for use and building compliance (e.g. siting, height, site coverage, etc.).
- (4) A Certificate of Zoning Compliance is not a development permit.

# Part 3

## Definitions

*This section provides definitions for terms used within the Zoning Bylaw.*

### 3.1 GENERAL DEFINITIONS

(1) 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 lot line or border.

**ACCESS** means an area that serves as the physical connection between a lot and a public roadway.

**ACCESSORY** means subordinate, incidental to, and exclusively devoted to a principal use or principal building.

**ACCESSORY STRUCTURE** means a separate structure or building, normally ancillary, incidental, subordinate, exclusively devoted to and located on the same lot as the principal building or structure but does not include a building or structure used as a residence. Examples of accessory structures include unattached garages, gazebos, garden sheds, greenhouses, storage sheds, television and radio masts, and similar structures.

**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.

**AFFORDABLE HOUSING** means housing for which the annual shelter costs do not exceed 30 percent of household annual median income, as most recently reported by Statistics Canada in the Census Profile for Whitehorse, City (CY), adjusted as follows:

- a) 1-bedroom and studio units: annual shelter costs based on 80% of the annual median income for 1 Person households
- b) 2+ bedroom units: annual shelter costs based on 80% of the annual median household income

For the purposes of this definition:

- a) Shelter cost for rental housing means the sum of:
  - i) gross annual rent;

- ii) estimated annual utilities (electricity, heating, and water)
- b) Shelter cost for ownership housing means the sum of:
  - i) annual mortgage cost based on a hypothetical mortgage with a maximum 30-year amortization, maximum 10 percent down payment, at the 5-year conventional mortgage lending rate most recently reported by the Bank of Canada, and a mortgage insurance premium;
  - ii) estimated annual property taxes;
  - iii) estimated annual utilities (electricity, heating, and water);
  - iv) if applicable, annual estimated condominium fees.
- c) Annual median income means:
  - i) the most recent annual median income (Median total income of Households or Median Total Income of One-Person Households, as applicable) as reported by Statistics Canada in the Census Profile for Whitehorse, City (CY); plus
  - ii) the number of calendar years (inclusive of current year) since the year of the most recent annual median income in the Census Profile (as defined above), multiplied by the average gross annual growth in annual median income over the last four previous Census Profiles.

**AFFORDABLE HOUSING DEVELOPMENT** means a development where at least 20% of the Development's Floor Area Ratio, or one Dwelling Unit, whichever is greater, consists of Affordable Housing that is either:

- a) Developed and operated by a housing agency for a period of 20 years or the life of the development, or
- b) Includes a legal agreement between the property owner and a funding agency that secures Affordable Housing for a minimum period of 20 years or the life of the development.

For the purposes of this definition:

- a) Housing agency means a corporation as defined in the *Housing Corporation Act*.
- b) Funding agency means a housing agency, the Canada Mortgage and Housing Corporation as established by the *Canada Mortgage and Housing Corporation Act*, and/or the Federation of Canadian Municipalities.
- c) Legal agreements may include a registrable statutory covenant (as described in the *Land Titles Act*), and/or funding agreement registered on title, or a similar agreement to the satisfaction of the Director of Development Services.

**AGRICULTURE (MAJOR)** means large-scale commercial agricultural activity, such as growing crops, raising livestock, orchards, greenhouses, nurseries, aquaculture, apiculture, horticulture, and market gardening, but does not include Industrial (Cannabis).

**AGRICULTURE (MINOR)** means small-scale agricultural activity that is secondary to a residential use. Typical development includes raising livestock, horticulture, apiculture, and market gardening, but does not include orchards or other crops, or Industrial (Cannabis).

**AIRCRAFT SALES/SERVICE** means the use of premises for the sale, charter, or rental of aircraft together with maintenance services, and the sale of parts and accessories.

**AMENITY AREA (COMMON)** means a portion of a development intended for common active or passive recreation including open spaces, communal play areas, gardens, lounges, sundecks and roof decks but excluding areas occupied at grade by the buildings, service areas, parking areas or driveways.

**AMENITY AREA (PRIVATE)** means an amenity area that is connected to and has private access from the dwelling unit for which it has been provided, including patios, balconies, and sun decks but excluding areas occupied at grade by the buildings, service areas, parking areas or driveways.

**ANIMAL SERVICES (MAJOR)** means a use for livestock outpatient care and treatment, boarding, training, or grooming of large animals and includes retail sales of associated products. Typical development includes animal hospitals, boarding/breeding kennels for both livestock and household pets including impounding and quarantining facilities, but does not include sled dog kennels.

**ANIMAL SERVICES (MINOR)** means a use for household pet outpatient care and treatment, pet training treatment or grooming of animals and includes retail sales of associated products. Temporary boarding of small animals is allowed when associated with a veterinary clinic. Typical development includes pet grooming salons, animal daycares and household pet veterinary clinics.

**AUCTION** means the use of land or premises for the auctioning of goods and materials, including the temporary storage of such goods and materials.

**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.

## – B –

**BALCONY** means an above-grade exterior platform projecting from a wall and located adjacent to an entry to a dwelling unit.

**BASEMENT** means any storey where the floor above it is not more than two metres above grade.

**BED AND BREAKFAST** means a secondary use of a dwelling unit to provide temporary overnight accommodation to visitors, with or without meals, and is hosted by a resident of the dwelling unit who is present during the stay.

**BERM** means an elongated mound of earth projecting above the adjoining average finished grade, designed to provide screening or noise attenuation within a development or between adjoining developments.

**BICYCLE PARKING (CLASS 1)** means facilities that provide restricted access and weather protection for longer-term bicycle parking, such as all day or overnight, 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, such as while conducting business or running errands.

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

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

**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 FRONTAGE** means a wall or façade on the exterior of a building that faces a public roadway, other than a lane.

**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. 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.

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

**BUILDING MASS** means the height, width, and depth of a building.

**BUILDING PERMIT** means the document authorising the carrying out of any work issued by a building official pursuant to the *Building and Plumbing Bylaw* and the building code established by the *Building Standards Act*.

**BUILDING RECESS** means a recessed area at finished grade that is created by an overhanging upper part of a building at the building frontage or by setting a portion of a building back from the front lot line.

**BULK FUEL DEPOT** means the use of land or premises for the storage and distribution of petroleum products in bulk quantities and may include card lock retail sales.

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

## – C –

**CAMPGROUND** means a development used to provide outdoor space and facilities for short-term accommodation in tents or recreational vehicles.

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

**CAR WASH** means the use of land or premises for the cleaning of vehicles.

**CARE FACILITY (CLINIC)** means the 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 development includes medical and dental offices, health clinics and counselling services.

**CARE FACILITY (MEDICAL)** means the use of premises to provide in-patient and out-patient health care to the public, that is recognized, authorized, licensed, or certified by a public authority including accessory staff residences. Typical development includes hospitals, palliative care, long term care, mental health facilities, and detoxification centres.

**CARE FACILITY (SHELTER)** means the provision of communal accommodation sponsored or supervised by a public authority or non-profit agency intended to provide basic lodgings and individualized programs and services for persons requiring immediate shelter and assistance for a short period of time.

**CARETAKER RESIDENCE** means a dwelling unit or sleeping unit, used to provide on-site accommodation for the owner/employer or for persons whose function is to provide surveillance, maintenance and security.

**CARPORT** means a roofed structure normally attached to the principal building that is unenclosed on the front and at least one side to shelter parked vehicles. A carport is considered part of the building to which it is attached when calculating requirements.

**CEMETERY** means the use of land for the burial of human bodies or ashes.



**CHILD CARE CENTRE** means an establishment licensed under the *Child Care Act*, intended to provide care and supervision of children for a period of less than 24 consecutive hours. This use does not include family day home.

**CITY** means the City of Whitehorse.

**CITY ENGINEER** means the Manager of Engineering Services for the City.

**COMMERCIAL PARKING** means the use of land and premises for temporary parking of vehicles where parking is not related to any use on the site. Typical uses include commercial surface parking lots and parking structures located above or below grade.

**COMMERCIAL STORAGE** means an open-air area, self-contained building or group of buildings containing lockable units available for rent for the storage of personal goods or recreational equipment or vehicles; or a facility used exclusively to store bulk goods of a non-hazardous nature.

**COMMISSARY** means a development where food and beverages, to be served off the premises, are prepared for sale to the public. Typical development includes commercial kitchens for caterers and mobile food vendors, and small-scale food manufacturers

**COMMUNITY GARDEN** means the use of land or buildings to grow food, plants or flowers for personal use, educational activities, or donation to the local community, typically operated by a community association or non-profit group, and may include related activities such as composting and small-scale beekeeping (apiary).

**CONFERENCE FACILITY** means the use of a building or a number of associated buildings for larger scale events, such as conferences, meetings, conventions, and seminars.

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

**CORNER VISIBILITY TRIANGLE** means a triangular area on a corner lot that must be kept clear of obstructions to provide visibility for drivers and pedestrians. It's formed by the intersecting curb lines of two roads and a line connecting these points that is 3.0 m from the corner.

**COUNCIL** means the Council of the City of Whitehorse.

**CPTED (CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN)** means the broad study and design of environments to encourage desirable behaviour and functionality and decrease undesirable behaviour and criminal actions.

**CREMATORIUM** means the use of premises for the cremation of human or animal remains and may include the preparation of remains for burial or cremation.

**CSA** means *Canadian Standards Association*.

## – D –

**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.

**DETENTION AND CORRECTION SERVICES** means the use of land and premises for the purpose of holding or confining and treating or rehabilitating persons. Typical development includes prisons and remand centres.

**DEVELOPMENT** means any new use, change of use, or change of intensity of the use of land, in alignment with the *Act*, as amended.

**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 this Bylaw.

**DEVELOPMENT PERMIT** means the document issued by the Development Approving Authority under this Bylaw or any previous Zoning Bylaw and includes any plans or conditions of approval.

**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 to the north by Lots 2-12, Block 323, Plan 2000-0209 LTO YT (Walmart) and Lot 3, Block 323, Plan 2006-0082 LTO YT (Canadian Tire), to the most southerly point of Lot 1, Block S, Plan 30692 LTO YT on Drury Street, and east-west by the Chu Niikwän/ Yukon River to the escarpment.

**DRIVE-THROUGH BUSINESS** means a secondary use of land or premises for providing on-site service to customers while in their motor vehicles.

**DRIVEWAY** means a privately owned access that connects on-site parking areas to a public roadway.

**DWELLING UNIT** means a self-contained residence that includes living, sleeping, cooking, and sanitary facilities, only for that unit.

## – E –

**EQUIPMENT SALES AND SERVICE (HEAVY)** means the use of premises for the sale, rental, and service of heavy vehicles, machinery or equipment typically used in building, roadway, pipeline and mining construction. This use may include equipment sales and service (light) but does not include (vehicle).

**EQUIPMENT SALES AND SERVICE (LIGHT)** means the use of premises for the sale, rental and service of appliances, recreational equipment and recreational vehicles, light construction equipment, or similar items not exceeding 4500 kg. This use does not include equipment sales and service (heavy) or (vehicle).

**EQUIPMENT SALES AND SERVICE (VEHICLE)** means the use of premises for the sale, rental and service of motor vehicles. This use does not include equipment sales and service (light) or (heavy).

**ENVIRONMENTAL PROTECTION AREA** means areas intended to remain in their natural state, with limited facilities for recreation and nature appreciation such as trails, viewing platforms, boardwalks and interpretative signs.

**ESTABLISHMENT (EATING AND DRINKING)** means the use of land or premises for the preparation and serving of foods and beverages to the public for consumption within the premises or taken or delivered off-site. Typical development includes a restaurant, fast food restaurant, takeout restaurant, café, bar, and pub, but does not include a drive-through business unless otherwise specified.

**ESTABLISHMENT (ENTERTAINMENT)** mean the use of premises for the presentation of live artistic performances or the showing of motion pictures. Typical development includes auditoria, cinemas, theatres and concert halls.

**ESTABLISHMENT (SPORTS)** 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

**EXCAVATION** means any breaking of ground but does not include landscaping of a use for which a development permit has been issued, agricultural cultivating, limited household gardening or ground care.

## – F –

**FAÇADE** means the exterior, outward face of the building normally facing the street.

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

**FENCE** means a vertical physical barrier constructed to provide visual screening or to enclose a lot, or site.

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

**FLEET SERVICES** means the use of land for the parking or storage of a fleet of vehicles used for the delivery of people, goods or services, where such vehicles are not available for sale or long-term lease, including taxi services, private bus lines, and messenger and courier services, but excluding trucking terminals.

**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 exterior faces of the exterior walls or the centreline of interior walls. The gross floor area measurement excludes attached or below grade garages, attics, balconies, breezeways, carports, porches, and terraces.

**FLOOR AREA (NET)** means the sum of the horizontal areas of each storey of the building or structure measured from the interior faces of the walls, less the area of boiler rooms, common corridors, electrical vaults, elevators, mechanical rooms, stairwells, and bathrooms. The net floor area measurement excludes attached or below grade garages, attics, balconies, breezeways, carports, porches, and terraces.

**FLOOR AREA RATIO** means the quotient obtained by dividing the gross floor area of all buildings on a lot, excluding basements and areas used exclusively for storage or building services, by the lot area.

**FUNERAL SERVICES** means the use of premises for the arrangement of funerals or holding of funeral services and may include the preparation of remains for burial or cremation, but does not include a crematorium.

## – G –

**GALLERY/STUDIO** means the use of premises for the small-scale creation, display, and sale of visual, decorative, or craft-based art. Typical development includes photography, pottery, jewelry-making, woodworking, painting, and similar artistic or craft-oriented activities.

**GARAGE** means part or all of a building designed and used primarily for the parking and storage of motor vehicles that is enclosed on all sides and may either be attached to or detached from the principal building.

**GARAGE, DUPLEX** means a detached garage owned by two adjacent property owners that straddles a common lot line.

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

**GAS STATION** means the use of land for the sale of vehicle fuels, lubricating oils, automotive fluids, electric vehicle charging, and incidental goods and may include an ancillary use such as Retail (Small) or a Car Wash.

**GOVERNMENT SERVICES** means the use of land or premises by a municipal, territorial, First Nation, or federal government, or non-profit agency, to provide services directly to the public, and includes development required for the protection of persons or property. Typical development includes public-facing administrative buildings, police stations, fire stations, courthouses, post offices, transit service facilities, ambulance stations, social services offices, and public works yards. It does not include Detention and Correction Services, or administrative offices of government or non-profit agencies that do not serve the public directly.

**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 human-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.

**GRADING** means any land disturbance, removal or fill, or any combination thereof that results in a change of grade, and shall include the conditions resulting from any land disturbance. This does not include excavation or stripping.

**GRADING, MINOR** means the alteration of the grade on a site that does not impact adjacent sites.

**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.

**GROUND COVER** means low-profile vegetation and other materials commonly used for landscaping and includes herbaceous perennials, flowers, grass or other permeable surfaces such as shale or washed gravel.

**GROUND FLOOR** means any floor of a building that is at or near finished grade and is not a basement.

## – H –

**HARD-SURFACED** means the provision of durable, dust-free material constructed and maintained to the satisfaction of the Development Officer. Typical materials include concrete, asphalt, or similar material. For vehicle parking including parking pads, driveways, and parking lots, materials must be capable of withstanding expected vehicle loads.

**HOME OFFICE** means a secondary use of a dwelling unit for a business that involves office functions only and is operated by a resident of the dwelling unit.

**HOME-BASED BUSINESS (LEVEL ONE)** means a secondary use of a dwelling unit for a business that is operated by a resident of the dwelling unit which does not generally generate traffic. Typical development includes accounting or tutoring services, a hair salon, or other services that would be conducted entirely indoors, or a market garden.

**HOME-BASED BUSINESS (LEVEL TWO)** means a secondary use of a dwelling unit or an accessory building for a business that is operated by a resident of the dwelling unit, and which may include up to one employee who does not reside on the property and may generate limited traffic. Typical development includes contractor services, landscaping supplies and services that would be conducted off-site.

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

**HOUSING (APARTMENT)** means a building containing three or more dwelling units sharing a common entrance, corridor, or lobby, or any number of dwelling units within a mixed-use building, not necessarily sharing a common entrance.

**HOUSING (COTTAGE CLUSTER)** means three or more dwelling units, made up of single detached, duplex, or three-unit multiplex housing, located on the same lot.

**HOUSING (DUPLEX)** means two dwelling units in a single building, either side by side or above and below each other, and that may contain living suites in alignment with the applicable zone. Where referred to as duplex – two-lot, it means a configuration where each duplex unit is on a separate, titled lot, whether held in fee simple or leasehold title. Where referred to as duplex – one-lot, it means a configuration where both duplex units are on the same lot, regardless of whether the lot is subdivided by condominium.

**HOUSING (MOBILE HOME)** means one or more mobile homes located on a lot for year-round residential use, but does not include mobile home community.

**HOUSING (MULTIPLEX)** means a building containing three or more dwelling units, where each unit has direct, individual access from the outside, without sharing common access.

**HOUSING (RESIDENTIAL CARE)** means the secondary use of a single dwelling to provide services and support onsite, in a residential setting, for individuals that require daily supervision or assistance. Typical development includes group homes.

**HOUSING (SINGLE DETACHED)** means a detached building, constructed on site or by modular construction, that contains one principal dwelling unit and may contain living suites in alignment with a given zone. This does not include housing (mobile home).

**HOUSING (SUPPORTIVE)** means the use of a building or multiple buildings with two or more dwelling units to provide housing with services and supports onsite, for individuals that require daily supervision or assistance. Typical development includes seniors' homes and long-term care facilities.

**HOUSING (TOWNHOUSE)** means a building containing three or more dwelling units side by side that share common interior walls and have a private ground-level entrance, and that may contain living suites in alignment with the applicable zone. Where referred to as a fee simple townhouse, it means a configuration where each townhouse unit is on a separate, titled lot, whether held in fee simple or leasehold title. For fee simple townhouses, interior units share a common interior wall on both sides, and exterior units share a common interior wall on one side. Where referred to as a

single lot townhouse, it means a configuration where all townhouse units are on a single lot, regardless of whether the lot is subdivided by condominium.

**HOUSING (WORKER)** means a facility constructed to provide housing for workers in the form of complete dwelling units, typically associated with a specific business or project, for a defined term or seasonal purpose.

## — I —

**INDUSTRIAL (CANNABIS)** means the commercial production of cannabis and cannabis products.

**INDUSTRIAL (LEVEL ONE)** means the use of premises for the carrying out of industrial activities within an enclosed building, where no significant nuisance is created or detectable outside the building. Typical development includes light manufacturing, indoor agriculture, large-scale food and beverage production and warehousing.

**INDUSTRIAL (LEVEL TWO)** means the use of land or premises for industrial activities where any actual or potential nuisance (e.g. noise, dust, or vibration) is contained within the boundaries of the site. Typical development includes general contractors and landscaping services, construction, maintenance, and manufacturing or processing facilities that do not pose a nuisance off-site.

**INDUSTRIAL (LEVEL THREE)** means the use of land or premises for industrial activities where any actual or potential nuisance (e.g. noise, dust, odour, or visual impacts) may extend beyond the boundaries of the site and affect neighbouring lots. Typical development includes concrete plants, wreckage and salvage yards, waste management facilities, and manufacturing or processing operations that generate off-site impacts, but does not include industrial (resources).

**INDUSTRIAL (LEVEL FOUR)** means the use of land or premises for industrial activities where actual or potential nuisance will extend beyond the boundaries of the site and may adversely impact on the safety, use, or enjoyment of adjacent sites. This use may involve significant land consumption high levels of servicing. Typical development includes asphalt or concrete plants, refineries, or facilities for the treatment of contaminated land, snow or other materials.

**INDUSTRIAL (RESOURCES)** means the quarrying, mining, processing, removal and off-site sale of sand, gravel, earth, mineralized rock, water, or other similar natural materials.

## — L —

**LANDSCAPE PLANTING AREA** means an area of land within a lot dedicated to landscaping.

**LANDSCAPING** means the plantings, ground cover, walkways, fencing, patios and ornamental features intended to enhance the visual appearance of the site.

**LANE** means a public thoroughfare that provides secondary access to abutting properties. Lanes are typically narrower than streets.

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

**LIVE/WORK UNIT** means the concurrent use of premises as a dwelling unit and as a commercial or industrial use where the dwelling unit is secondary to the commercial or industrial use and the residents are employees or owners of the commercial or industrial use.

**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, that is legally defined either by registered plan or description in the registry of the Land Titles Office or is registered in the Kwanlin Dün First Nation Lands and Resources Register.

**LOT, CORNER** means a lot located at the intersection of two roads.

**LOT, INTERIOR** means a lot other than a corner lot.

**LOT, PANHANDLE** means a lot that consists of a narrow driveway strip to provide access to the wider portion of the lot.

**LOT AREA** means the area of a lot as shown on a plan of subdivision or described in a certificate of title. For panhandle lots, the lot area does not include the narrow driveway strip portion of the lot.

**LOT DEPTH** means the distance between the front and rear lot lines measured from the centre point of the front lot line to the centre point of the rear lot line.

**LOT GRADING CERTIFICATE** means a plan representing the existing surface elevations and surface grades of a lot and that 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.

**LOT LINE** means the legally defined limit of any lot.

**LOT LINE, FRONT** means a line separating the lot from the street, or as outlined in **Section 4.13**.

**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 the rear lot line shall be determined by the Development Officer.

**LOT LINE, SIDE** means any lot line other than a front or rear lot line.

**LOT WIDTH** means the distance between the side lot lines as outlined in **Section 4.16**.

## – M –

**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.

**MOBILE HOME** means a dwelling unit that is manufactured in a factory, designed to be transported on its own chassis to a site, and intended for year-round residential occupancy. The unit must meet the applicable Canadian Standards Association (CSA) standards for mobile homes.

**MOBILE HOME COMMUNITY** means a comprehensively planned residential development intended for the placement of mobile homes on sites or pads. Such a community may also include amenity areas or facilities for the use of the community's residents.

**MULTIPLE HOUSING** means a development that includes five or more dwelling units on the same lot. Multiple housing includes, but is not limited to, housing (apartment), housing (cottage cluster), housing (multiplex), and housing (townhouse), but does not include housing (worker), live/work units, or mobile home community.

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



## – O –

**OFFICE** means the use of premises for professional, management, administrative, and consulting services in an office setting. Typical development includes the offices of lawyers, accountants, real estate and insurance firms, clerical and secretarial services and administrative offices of government or non-profit organizations that do not serve the public directly.

**OFF-SITE** means a location other than the site which is the subject of a development.

**OIL GRIT SEPARATOR** means a structure consisting of one or more chambers that remove and separate oil, remove sediment, and screen debris from surface runoff.

## – P –

**PARCEL** see LOT

**PARK (ACTIVE)** means a public outdoor area or lot set aside specifically for public recreation including athletic fields, picnic areas, playgrounds, spray parks, trails, tot-lots, walkways, and similar development.

**PARK (NATURE)** means areas that are left in a generally natural state, with facilities for recreation including trails, buffers, and areas for gathering, picnicking etc. along with improvements such as viewing platforms, boardwalks, interpretative signs, shelters, cabins or trailheads and associated parking.

**PARKING GARAGE** means a building or portion thereof, used for the parking of vehicles, and may be located either below, at, or above finished grade.

**PARKING LOT** means the use of land and premises for temporary parking of more than one vehicle.

**PATIO** means any solid outdoor structure intended for use as an outdoor amenity, with a floor elevation not more than 0.6 m above grade.

**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.

**PROJECTION** means a building feature that is mounted on, and/or extends from, the surface of an exterior building wall or façade, typically above finished grade. Examples of architectural projections include balconies, bay windows, or cantilevered wall sections, not including eaves or chimneys.

**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, that furnishes services and facilities available to or for the use of all the inhabitants of the city, including water, sewer, gas, and storm lines, electrical and telecommunication lines and towers, public roads, and drainage ditches and swales.

**PUBLIC UTILITIES** means buildings, facilities, or equipment, whether owned or operated by the City or by a corporation or commission under agreement with or under franchise from the City or under a Territorial or Federal statute, that 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, snow storage sites, electrical production facilities and substations, and drainage ponds.

## – R –

**RECLAMATION** means the process of reconverting disturbed land to its former or other productive uses.

**RECREATION (CULTURE AND TOURISM)** means a use where public or private cultural or tourism recreation occurs. Typical development includes tourist information centres, libraries, botanical gardens, museums, art galleries, or other cultural facilities, but does not include Recreation (Indoor) nor Establishment (Entertainment).

**RECREATION (INDOOR)** means the use of premises for sports or recreation within an enclosed building. Typical development includes recreation centres, community halls, health and fitness clubs, private clubs, swimming pools, bowling alleys, rifle and pistol ranges, amusement arcades, athletic field, rinks, or courts.

**RECREATION (OUTDOOR)** means the use of land or premises for outdoor sport or recreation involving a dedicated outdoor facility. Typical development includes rinks and courts, a golf course, ski hill, or outdoor shooting range.

**RECREATION EQUIPMENT** means a utility trailer, boat, boat trailer, all-terrain vehicle (ATV), or snowmobile, but not a recreational vehicle.

**RECREATIONAL VEHICLE** means a transportable structure intended as a temporary accommodation for travel, vacation, or recreational use and includes travel trailers, motor homes, slide-in campers, chassis-mounted campers, and tent trailers but does not include housing (mobile home).

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

**RELIGIOUS ASSEMBLY** means the use of premises for people to regularly assemble for religious worship that is maintained and controlled by a religious body organized to sustain public worship.

**REMEDIATION** means the treatment of material to lower the concentration of contaminants to levels below those specified in the *Environment Act* and *Contaminated Sites Regulations*, as amended.

**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 or adding more floor area.

**RETAIL (CANNABIS)** means a use where cannabis is sold by a licensed retailer under the *Cannabis Control and Regulations Act*, as amended, for off-site consumption.

**RETAIL (SMALL)** means a use where goods and/or services are sold in a building, or unit of a building, with a gross floor area less than 500.0 m<sup>2</sup> which may be standalone buildings or share a common wall. Typical development includes a convenience store, clothing store, book store, gift shop, and includes businesses offering personal services such as hair or nail salons, laundromats, dry cleaners, tailors, or photography studios.

**RETAIL (MEDIUM)** means a use where goods and services are sold in a building with a gross floor area between 500.0 - 4,000.0 m<sup>2</sup> which may be standalone buildings or share a common wall. Typical development includes a clothing store, drug store, or grocery store.

**RETAIL (LARGE)** means a use where goods and services are sold in a building with a gross floor area larger than 4,000.0 m<sup>2</sup>. Typical development includes large format retailers that are designed to accommodate large volumes of goods and high customer traffic.

**RETAIL (WAREHOUSE)** means a use where a limited range of bulky goods and services are sold in an enclosed building, and may include an outdoor storage yard. Typical development includes furniture and major appliance sales, building supplies retailers and wholesalers, or lumberyards.

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

**RIPARIAN AREA** means the transitional zone between a water body (such as a stream, river, lake, or wetland) and the adjacent non-riparian area, characterized by soil and vegetation influenced by the presence of water. Riparian areas perform ecological functions including bank stabilization, water quality protection, and wildlife habitat.

**RIPARIAN SETBACK** means the distance required to be protected between a natural water body and adjacent development, as measured from the ordinary highwater mark of the river, stream, lake, or wetland.

**ROOMING HOUSE** means the use of a dwelling unit to provide residential accommodation to boarders where each sleeping room is rented under a separate tenancy agreement with the operator, and where either:

- a) the operator does not reside in the dwelling, or
- b) the operator resides in the dwelling and four or more boarders are accommodated.

This use does not include bed and breakfast, housing (residential care), housing (supportive), short-term rental or visitor accommodation.

## – 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.

**SETBACK** means the distance between a lot line and the nearest point of a building or structure.

**SCHOOL (COMMERCIAL)** means the commercial use of premises for training and instruction in a specific trade, skill, or service. Typical development includes secretarial, business, hairdressing, beauty culture, dancing, or music school but does not include school (grade) or school (post-secondary).

**SCHOOL (GRADE)** means the use of premises for public or private elementary and/or secondary education and includes its administrative offices on the same site. This use does not include school (post-secondary) or school (commercial).

**SCHOOL (POST-SECONDARY)** means the use of premises for public or private education or instruction to individuals beyond a secondary school level. Typical development includes colleges and universities, not including school (commercial).

**SCREENING** means the total or partial concealment of a development by a fence, wall, berm, landscaping, or combination thereof. Such screening is intended to mitigate any visual nuisance of the development.

**SHIPPING CONTAINER** means a standardized metal box designed for transporting goods by cargo ship, train, or truck. Shipping containers are typically rectangular in shape and are designed to be durable, stackable, and secure.

**SHORT-TERM RENTAL** means the use of a dwelling unit to provide temporary accommodation to guests for short stays, typically less than 30 days.

- A **primary residence short-term rental** is the use of the operator's primary residence while the operator is away, or the use of a living or garden suite that is secondary to a principal dwelling unit on the same lot, where that principal dwelling unit is the operator's primary residence. For the purposes of this definition, primary residence means the dwelling unit where the operator ordinarily resides, makes their home, and conducts their daily life, and that is the address used

for legal, tax, and identification purposes. An operator may have only one primary residence at a time.

- A **commercial short-term rental** is the use of a dwelling unit that does not have a primary or usual resident and is not a living or garden suite.

Short-term rental does not include visitor accommodation, bed and breakfast, or rooming house.

**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.

Common Signs Include:

- **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
- **Building Identification Sign:** 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
- **Canopy/Awning Sign:** means a sign attached to, intentionally constructed as part of, suspended from, or installed upon the face of a building canopy. Signs attached underneath a canopy or awning are referred to as Under Canopy/Awning Signs.
- **Community Event Sign:** means a temporary, freestanding or fascia sign erected to announce or advertise community initiatives, public construction projects, and special events of limited duration.
- **Digital Sign:** 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.
- **Fascia Sign:** means a wall sign displayed on the surface of a building.
- **Freestanding Sign:** means a self-supporting sign permanently fixed to the ground and visibly separated from a building
- **Inflatable Sign:** means a temporary, advertising display made from a flexible material that is inflated with air or other gas to create a three-dimensional shape.
- **Political Sign:** 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.
- **Portable Sign:** means any readily transportable sign that can easily be relocated to another location or temporarily set-up and removed from a site, including 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.
- **Projecting Sign:** 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

- **Real Estate & Contractor Sign:** 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.
- **Sandwich Board:** means a temporary portable sign designed to be placed daily.
- **Window Sign:** 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 the lot area covered by buildings or structures, as detailed in **Section 4.20**.

**SITE DENSITY** means the number of dwelling units per unit of a given area, expressed in units per hectare. Where the site density calculation produces a decimal, the value shall be rounded up to the nearest whole number.

**SLED DOG KENNEL** means a facility used for the housing, breeding, training or care of sled dogs for activities such as mushing or sledding, for tourism, recreational, cultural, or racing purposes.

**SLEEPING UNIT** means one or more rooms intended for temporary sleeping and accommodation. A sleeping unit may contain a bathroom, but does not contain cooking facilities.

**SOLAR FARM** means a large-scale installation of solar panels, used to generate electricity primarily for sale or distribution through the electrical grid.

**SOLAR PANEL** means a structure or equipment, whether mounted on a building or the ground, designed to collect and convert sunlight into thermal or electrical energy.

**STEP-BACK** means a horizontal recess to a building façade from the vertical façade immediately below it.

**STREET** means a public thoroughfare that provides the principal means of access to abutting properties. For the purposes of this Bylaw, the term “road” shall have the same meaning as “street.”

**STREETSCAPE** means the area that lies between the street curb and the building frontage of the adjacent buildings, the role of which is to define the pedestrian corridor and the distinguishing character of a particular street, including landscaping, trees, lawns, sidewalks and other surfacing, lighting, street furniture, and signage.

**STRIPPING** means any activity that removes or significantly disturbs vegetated or otherwise stabilized soil surface, including clearing and grubbing operations. This does not include grading or excavation.

**SUITE (GARDEN)** means a self-contained secondary dwelling unit that is detached from but located on the same lot or, in the case of a condominium, unit as a principal dwelling.

**SUITE (LIVING)** means a self-contained secondary dwelling unit that is attached to and located on the same lot or, in the case of a condominium, unit as a principal dwelling.

**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 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. Typical development may 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 used for the transfer, short-term storage, dispatching, and parking of freight, goods, and transport vehicles, including trucks and trailers. It may include loading and unloading docks, vehicle maintenance and repair areas, and administrative offices, but does not include long-term warehousing or retail sales to the general public.

## – U –

**URBAN CENTRE** means mapped boundaries that identify higher-density areas with a mix of uses and built forms in neighbourhoods outside of Downtown. The Urban Centres are shown in Map 2 of the Official Community Plan.

**URBAN CONTAINMENT BOUNDARY** means a mapped boundary drawn to contain urban densities, growth and servicing (community, sewer, water, and storm), and that outlines the serviced urban areas of the city. The Urban Containment Boundary is shown on Map 3 of the Official Community Plan.

**URBAN CORE** means the mapped boundary that identifies the area where higher-density residential and new commercial growth will be focused. The Urban Core is shown in Map 3 of the Official Community Plan.

**USE, CONDITIONAL** means a use that may or may not be acceptable on a given property, depending on the context and particular circumstances of the proposed development.

**USE, PRINCIPAL** means the main purpose for which the lot, building, or structure is used.

**USE, SECONDARY** means a use 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.

## – 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.

**VISITABLE UNIT** means a dwelling unit or visitor accommodation unit that is fully accessible from the street with a mobility assistance device, has at least one zero-step entrance with a minimum finished width of 91 cm, contains no interior doorways less than 81 cm in finished width, and contains a bathroom with a sink and toilet that is located on the main level.

**VISITOR ACCOMMODATION** means premises providing temporary sleeping accommodation for visitors, and may also include public facilities such as restaurant, banquet, beverage, meeting and convention rooms, recreation facilities, and commercial services as ancillary uses. Typical development includes a hotel, hostel, or motel.

## – W –

**WALKWAY** means an appropriately surfaced path designed for pedestrian and/or bicycle use.

## – X –

**XERISCAPING** means landscaping and gardening in ways that reduce or eliminate the need for watering and irrigation.

## – Y –

**YARD, FRONT** means the portion of a lot that extends across the full width of the lot between side lot lines and from the front lot line to the front wall of the principal building or structure.

**YARD, REAR** means the portion of a lot that extends across the full width of the lot between the side lot lines, and from the rear lot line to the rear wall of the principal building or structure.

**YARD, SIDE** means the portion of a lot that extends from the front yard to the rear yard, between a side lot line and the side wall of any principal building or structure.

**YARD, SIDE, EXTERIOR** means a side yard that adjoins a street.

**YARD, SIDE, INTERIOR** means a side yard that does not adjoin a street.

## – Z –

**ZONE** means an area of the city as detailed in **Part 6** of this Bylaw and outlined on the Zoning Maps in **Schedule A**.

**ZONING MAP** means a map or series of maps in **Schedule A** of this Bylaw, that delineate the boundaries of the zones set out in this Bylaw.



# Part 4

## General Regulations

*This part outlines general regulations that apply to development throughout the city.*

### Buildings and Structures

#### 4.1 SERVICED BUILDINGS

- (1) In any zone, development that requires water or sanitary sewer services must provide one of the following:
  - (a) a service connection from the municipal water and sanitary sewer systems, with a servicing design to the satisfaction of the City Engineer; or
  - (b) a private water supply and sewage disposal system approved in accordance with the authority having jurisdiction, where in the opinion of the City Engineer connection to the municipal water and sewer system is not available.

#### 4.2 BUILDING ORIENTATION

- (1) Where a site abuts a public sidewalk, pathway, or other pedestrian route, and where site function and context reasonably allow, buildings should be oriented so that a primary façade faces the street. Entrances, windows, and architectural features should contribute to an active streetscape, and sightlines into the site should be maintained along adjacent streets and pedestrian routes.
- (2) Buildings should be oriented to take advantage of sun angles and southern exposures to support energy efficiency and outdoor comfort, to the extent practical.
- (3) For developments with primary access from the Alaska Highway or a highway access/frontage road, the following design considerations apply:
  - (a) buildings should be oriented towards the front lot line, with parking located to the side or rear of the building. Display areas for vehicles, machinery, or similar items for sale or lease may be located between the building and the front lot line, provided they are designed to maintain a high-quality frontage;
  - (b) outdoor storage of equipment, vehicles, and materials should be screened from view from the Alaska Highway by fencing, landscaping, buildings, or other means where feasible. This does not apply to display areas described in subsection (a); and

- (c) commercial developments shall provide barrier-free connections to adjacent active transportation routes.

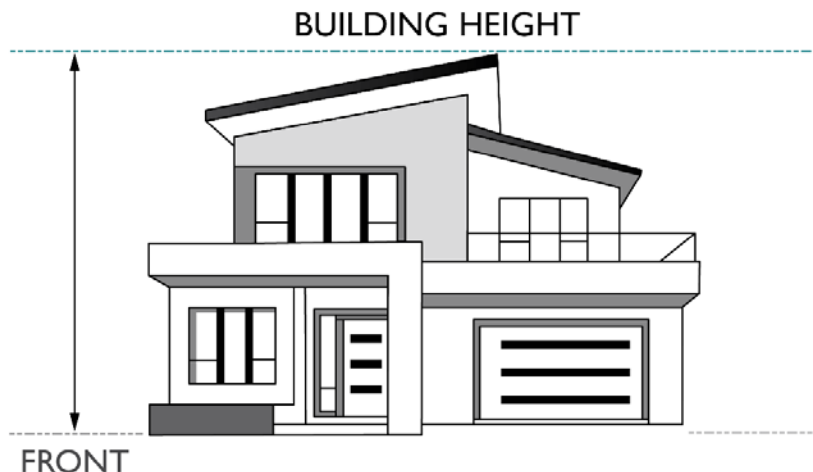
#### 4.3 DESIGN, CHARACTER, AND APPEARANCE OF A BUILDING

- (1) The design, character, and appearance of a building should be consistent with and complementary to the purpose and character of a zone in which it is located.
- (2) All exterior surfaces shall have a finished treatment. Acceptable finished treatments include, but are not limited to, painted or stained surfaces, siding, brick, stone, stucco, plaster, or architectural concrete.
- (3) Walls, including retaining walls, for general landscaping, private or common amenity areas, and perimeter walls must be constructed or finished with materials and colours that complement the principal building exterior.
- (4) Long, uninterrupted wall planes exceeding 15 metres on façades facing a street or pedestrian area should be articulated through features such as windows, doors, recesses, projections, varied materials or colors, roof elements, or other architectural details proportional to the building mass.
- (5) Primary pedestrian entrances should have overhead weather protection in alignment with **Section 4.7**.

#### 4.4 BUILDING HEIGHT

- (1) The height of a building is the vertical distance measured from finished grade to the highest point of the building as may be shown on a building elevation plan or cross-section, as illustrated in **Figure 1: Determining Building Height**.
- (2) For the purposes of calculating building height:
  - (a) the finished grade shall be measured using the average grade at the front of the building; and
  - (b) the following are not considered part of the building: elevator housing, mechanical housing, rooftop stairway entrance, ventilation fan, skylight, steeple, chimney, smokestack, parapet wall, flagpole, or similar features not structurally essential to the building.
- (3) A retaining wall shall not be used to create a finished grade that achieves a greater building height than would otherwise have been possible by the original grade or topography of the site.
- (4) If doubt arises concerning the measurement of the height of an irregular building, it shall be determined by the Development Officer by applying this Bylaw as closely as is possible in the circumstances of the case.

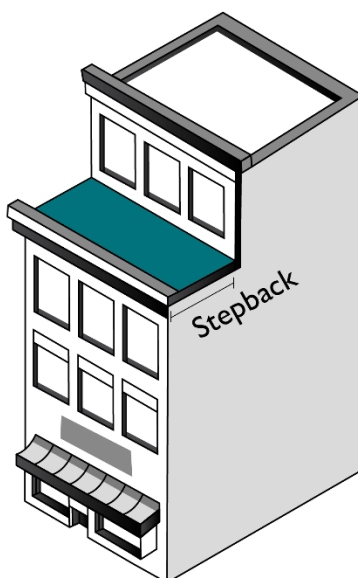
**Figure 1: Determining Building Height**



#### 4.5 BUILDING STEP-BACKS

- (1) Where required in a given zone, a step-back shall be measured from the building face of the lower storeys.
- (2) A step-back may be provided at any storey above the first storey, but shall not exceed the threshold specified in the applicable zone regulations.
- (3) Additional step-backs may be required at higher storeys for a building, if, in the opinion of the Development Officer, it is necessary to mitigate the building scale, or wind, sun, or shadow impacts.

**Figure 2: Determining Building Step-backs**



#### 4.6 MECHANICAL EQUIPMENT

- (1) All mechanical equipment must be visually and acoustically screened or incorporated into the building. This requirement does not apply to residential developments with four or fewer dwelling units on a lot.

#### 4.7 OVERHEAD WEATHER PROTECTION

- (1) Overhead weather protection is encouraged at the primary entrance of commercial or institutional uses and housing (apartment).
- (2) Overhead weather protection should complement the building design and may take the following forms:
  - (a) a canopy or awning;
  - (b) a building recess or arcade; or
  - (c) a combination of the above, at the discretion of the Development Officer.
- (3) Overhead weather protection shall be at a height and depth to provide sufficient protection for pedestrians.

#### 4.8 CANOPIES AND AWNINGS

- (1) All canopies and awnings 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.
- (2) Canopies and awnings may overhang a public sidewalk in zones where the front yard setback is 1.0 m or less.
- (3) All canopies or awnings that overhang a public sidewalk, street, or other City property require a development permit.
- (4) Where a canopy or awning extends beyond the lot line over a public sidewalk, the minimum vertical clearance shall be 2.6 m measured from the sidewalk, and the maximum extension shall be no more than 3.0 m or 80% of the width of the sidewalk, whichever is less.
- (5) 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 amount specified in the *Lease, Encroachment and Property Use Policy*, as amended or replaced;
  - (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 that may accrue or be suffered by installation, manner of suspension, or alteration;
  - (c) maintain such insurance in force until the canopy or awning has been taken down and removed;
  - (d) ensure the canopy or awning is maintained and used in accordance with the approved permit and to the satisfaction of the City.

#### 4.9 GARBAGE, RECYCLING, AND ORGANIC WASTE CONTAINERS

- (1) Every development shall provide sufficient area for the storage, collection, and removal of waste in accordance with the Waste Management Bylaw.
- (2) All garbage, recycling, and organic waste containers shall be screened from view by fences, berms, walls, landscaping, or a combination thereof, to the satisfaction of the Development Officer.
- (3) Notwithstanding subsection (2), screening is not required in residential zones on lots containing four or fewer dwelling units.
- (4) Garbage, recycling and organic waste containers shall be located as follows:
  - (a) In any non-industrial zone, containers shall be located in the rear or interior side yard;
  - (b) In industrial zones, containers may be located in any yard.
- (5) The owner or occupant shall ensure that containers are sealed to contain odours and to prevent disturbance by animals.

#### 4.10 SCREENING OF STORAGE AREAS

- (1) All stored goods and materials shall be screened from view from any street, and from adjacent sites in a residential zone by fences, berms, walls, landscaping, or a combination thereof, to the satisfaction of the Development Officer.
- (2) Storage areas:
  - (a) In any non-industrial zone, shall be located in the rear or interior side yard;
  - (b) In industrial zones, may be located in any yard.

#### 4.11 RETAINING WALLS

- (1) The Development Officer may require the construction of a retaining wall as a condition of a Development Permit if, in the Development Officer's opinion, significant differences in grade exist or will exist between the lot to be developed and adjacent lots.
- (2) The height of a retaining wall is the greatest vertical distance from finished grade at the bottom to the highest point of the wall, measured anywhere along its length.

#### 4.12 FENCES AND WALLS

- (1) Fences are not required in any zone. However, when constructed, they shall be consistent with the character of the zone in which they are located.
- (2) Temporary fences that are incidental to construction, maintenance, or alteration of a building or structure are only allowed where a development or building permit has been issued, or where, in the opinion of the Development Officer, they are required for public safety.
- (3) Electric fences are allowed in conjunction with an agriculture (major or minor) use, hen coop or apiary, and as required for a public utilities use. Electric fences shall be equipped with suitable warning signs along the entire fence at intervals no greater than 3.0 m.
- (4) Fence height shall be measured vertically from grade to the highest point of the fence at any location along its length. Maximum fence heights are as specified in **Table 5: Maximum Fence Heights**:

**Table 5: Maximum Fence Heights**

LOCATION OF FENCE	RC1, RC2, CHY, CIM ZONES	ILT, IHV ZONES	ALL OTHER ZONES
Front Yard	2.0 m <sup>1</sup>	2.5 m	1.2 m <sup>2</sup>
Exterior Side Yard	2.0 m <sup>1</sup>	2.5 m	1.5 m <sup>2,3</sup>
Interior Side Yard and Rear Yard	2.5 m	2.5 m	2.0 m <sup>4</sup>
Within the 'Corner Visibility Triangle' ( <b>Figure 4</b> )	1.2 m	1.2 m	1.2 m

<sup>1</sup>CHY and CIM zones may have an additional 0.5 m (up to 2.5 m) if the top 0.5 m is at least 25% transparent.

<sup>2</sup>The development officer may authorize a taller fence in the front or exterior side yard for specific uses such as care facility (shelter), care facility (medical), housing (residential care), housing (supportive), and child care centres where it is demonstrated that the increased height is necessary for client safety or privacy.

<sup>3</sup>May have an additional 0.3 m (up to 1.8 m) if the top 0.3 m is at least 25% transparent.

<sup>4</sup>Residential zones may have an additional 0.5 m (up to 2.5 m) where adjacent to a non-residential zone.

- (5) 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.
- (6) Barbed wire and razor-wire are prohibited in residential zones.
- (7) In non-residential zones:
  - (a) Barbed wire may be used as a fence top in the CHY, CIM, ILT, and IHV zones, or for public utilities in any zone, provided that the lowest strand is at least 1.8 m above grade.
  - (b) Razor wire fences are restricted to the detention and correction services use only.

## Lots and Setbacks

### 4.13 DETERMINING LOT LINES

- (1) The front lot line of a lot is:
  - (a) the lot line that adjoins a public roadway, other than a lane; or
  - (b) the shortest lot line that adjoins a public roadway, other than a lane; or
  - (c) on a corner lot where the lot lines adjoining a public roadway are of equal length, the lot line adjoining the public roadway to which the lot has been municipally addressed; or
  - (d) for a double fronting lot, the lot line adjoining the public roadway to which the lot has been municipally addressed.
- (2) The rear lot line of a lot is the lot line opposite to the front lot line.
- (3) The side lot line of a lot is the lot line that connects the front and rear lot lines.
- (4) If doubt arises as to which is a front, rear, or side lot line of a lot, the Development Officer shall determine the respective lot line by applying this Bylaw as closely as is possible in the circumstances of each case.

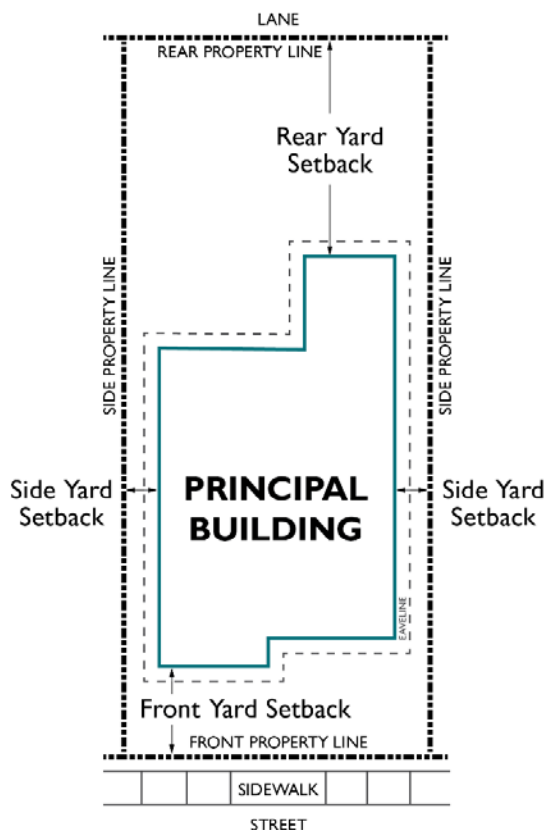
#### 4.14 DETERMINING YARDS

- (1) The front yard of a lot is the area between the side lot lines, extending from the front lot line to the farthest point of the foundation of the front wall of the principal building closest to the front lot line.
- (2) The rear yard of a lot is the area between the side lot lines, extending from the rear lot line to the farthest point of the foundation of the rear wall of the principal building closest to the rear lot line.
- (3) The side yard of a lot is any part that is neither a front yard nor a rear yard.
- (4) If doubt arises as to which is a front, rear, or side yard of a lot, the Development Officer shall determine the respective yard by applying this Bylaw as closely as is possible in the circumstances of each case.

#### 4.15 MEASURING YARD SETBACKS

- (1) A yard setback is measured from the applicable lot line (front, side, or rear) to the nearest point of any principal building, excluding any projections allowed under **Section 4.19**.
- (2) If doubt arises as to the method or location from which yard setbacks are to be measured, the Development Officer shall determine the applicable measurement by applying this Bylaw as closely as is possible in the circumstances of each case.
- (3) The minimum setbacks specified in the development regulations for a zone apply to all buildings on a lot, except where otherwise provided in **Part 5: Specific Use Regulations**. Where a maximum setback is specified, only one principal building is required to comply with it, unless otherwise stated.

Figure 3: Determining Yards and Yard Setbacks





#### 4.16 MEASURING LOT WIDTH

- (1) For a rectangular lot, lot width is measured at the front of the lot.
- (2) For a pie-shaped lot located on a bulb of a cul-de-sac, or a partial bulb on an outside corner of a public roadway, lot width is measured at the minimum front yard setback.
- (3) For a reverse pie lot where the front of the lot is wider than the back, lot width is measured along a line 9.0 m from the centre of the rear lot line.
- (4) For irregular lot configuration where the lot width cannot be reasonably calculated by these methods, lot width shall be determined by the Development Officer, having regard for, access, shape, and buildable area of the lot and location of adjacent buildings.

#### 4.17 CORNER LOTS

- (1) Unless otherwise specified in the zone regulations, on a corner lot the front yard setback shall apply to each lot line abutting a street, and the side yard setback shall apply to all other lot lines. Where a maximum front yard setback is provided, it shall only apply to the shorter lot line abutting a street, unless otherwise determined by the Development Officer.

#### 4.18 PANHANDLE LOTS

- (1) For panhandle lots, the panhandle portion of the lot shall:
  - (a) have a minimum width of 6.0 m, or wider at the discretion of the Development Officer where necessary to accommodate safe vehicle access, servicing, or other site-specific requirements;
  - (b) have a maximum length of 100.0 m; and
  - (c) not be used in the calculation of lot width, lot area, site coverage, or building setbacks.
- (2) Panhandle lots are not subject to a front yard setback. The minimum side yard setback shall apply to all yards except the rear yard.
- (3) No development shall be permitted within the access strip, except for driveways, fencing, landscaping, and servicing, including utilities and related infrastructure.

#### 4.19 PROJECTIONS INTO YARDS

- (1) Architectural projections such as chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, or ornamental features may project into any minimum yard setback by up to 0.6 m.
- (2) Steps, eaves, sunlight control projections, awnings, canopies, balconies, decks, or porches may project into the minimum front, rear, or exterior side yard setback by up to 2.0 m, and into the minimum interior side yard setback by up to 0.6 m.
- (3) In the RC1 zone, any projection described in subsection (2) may project into any minimum yard setback by up to 2.0 m.
- (4) In residential zones, an arctic entry may project into the minimum rear yard setback by up to 2.0 m, provided the portion located within the setback does not exceed 6.0 m<sup>2</sup> gross floor area.
- (5) In the RSD zone, where the minimum front yard setback is 6.0 m, an arctic entry may project into the setback by up to 2.0 m, provided the portion located within the setback does not exceed 6.0 m<sup>2</sup> gross floor area.

- (6) In no case shall an eave be closer than 0.15 m to the lot line, except where the minimum setback is 0.0 m and the roof slopes away from the lot line or the roof drainage is being directed away from the lot line to the satisfaction of the Development Officer.
- (7) A ramp designed to facilitate access for people with disabilities may project any amount into a minimum yard setback at the discretion of the Development Officer.
- (8) A patio may project into a minimum yard setback if the patio is completely unenclosed (except by a guard rail or parapet wall that does not exceed the maximum fence height allowed in the same location), and such projection shall not exceed 2.5 m in the case of a front yard setback.
- (9) Utilities, storage tanks, underground parking and similar structures constructed entirely beneath the surface of the ground may encroach into minimum setbacks at the discretion of the 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.

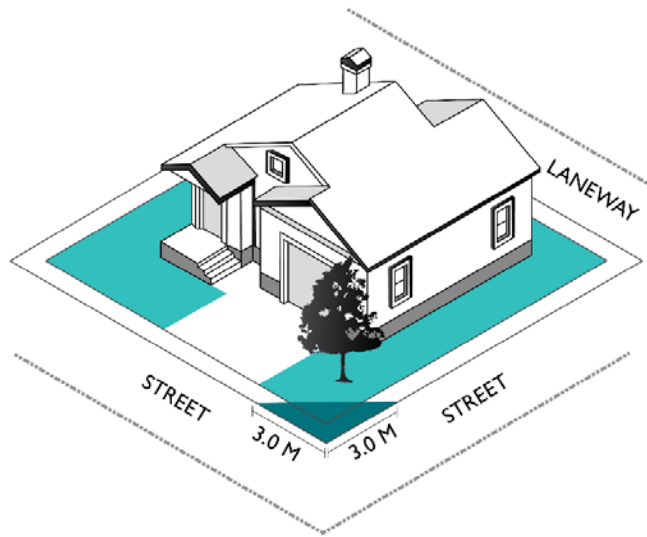
#### 4.20 SITE COVERAGE

- (1) Site coverage is the percentage of the lot area covered by buildings or structures, including:
  - (a) all principal buildings and accessory structures;
  - (b) decks (more than 0.6 m above grade); and
  - (c) unenclosed parking areas located under buildings.
- (2) Site coverage does not include:
  - (a) steps, eaves, cornices, and similar projections;
  - (b) uncovered courtyards, terraces or patios;
  - (c) cantilevered portions of buildings above the first storey; or
  - (d) driveways, and surface parking areas that are not roofed or covered.

#### 4.21 CORNER VISIBILITY

- (1) In any residential zone, buildings, structures, fences and landscaping greater than 1.2 m in height shall not be allowed in the corner visibility triangle, measured 3.0 m from the corner of the lot at the intersection of two road rights-of-way, as shown in **Figure 4: Corner Visibility Triangle**.
- (2) Subsection (1) does not apply to lots with a corner cut of at least 3.0 m; however, no landscape plantings shall be installed within the boulevard area of the cut corner.
- (3) On corner lots in zones with a 0 m front yard setback, no structure shall be constructed within a triangle formed by a straight line drawn between two points 26.0 m back from the mid-point of the intersection of the two road rights-of-way. This restriction applies only to the first storey or the first 3.0 m of building height, whichever is greater.

Figure 4: Corner Visibility Triangle



#### 4.22 DEVELOPMENT WITHIN THE MODERATE GEO-HAZARD AREA

- (1) New development resulting in new buildings and/or site disturbance that falls within the area specified in **Schedule B**, requires a site-specific geotechnical evaluation in a form and substance acceptable to the City Engineer, and implementation of any mitigation measures required by the City Engineer.

## Landscaping and Site Design

#### 4.23 GENERAL SITE DESIGN REGULATIONS

- (1) Landscaping shall not be allowed if, in the opinion of the Development Officer, it would obstruct traffic sight lines either on the site or on a public roadway.
- (2) Landscaping of a site subject to a Development Permit shall be completed within one year of issuance of the first occupancy approval for the property, or another time frame stipulated by the Development Officer.
- (3) Existing healthy woody plants (trees, shrubs) should be preserved and protected in all zones unless removal is demonstrated to be necessary to accommodate the proposed development, mitigate wildfire risk, or address a safety hazard.
- (4) Trees and shrubs preserved within the required landscape planting area may, at the discretion of the Development Officer, be credited to the total landscape planting requirement in accordance with **Section 4.29**. In considering this credit, the Development Officer may consider the location, size, health and appearance of the preserved trees and shrubs.
- (5) Adequate means of routine watering of plant materials shall be provided on site. These means may take the form of:
  - (a) hose and sprinkler systems or automatic sprinkler systems;
  - (b) low-emission, drip or trickle irrigation;
  - (c) weeping hoses or gravity feed systems; or

- (d) other means as approved by the Development Officer.

#### 4.24 SITE DRAINAGE

- (1) The proposed lot grading shall respect the natural contours of the land to the extent possible, minimize the need for retaining walls, and ensure proper drainage away from buildings and abutting properties.
- (2) Erosion control measures shall be used during construction to prevent the pollution, degradation, or siltation of natural areas, watercourses, and roads.
- (3) An oil grit separator or equivalent stormwater quality treatment device shall be installed:
  - (a) for any development that includes more than 40 parking spaces; or
  - (b) for developments where the use presents a high risk of hydrocarbon pollution or heavy sediment runoff, including but not limited to:
    - i) car wash;
    - ii) drive-through business;
    - iii) equipment sales and service (heavy) (light) (vehicle);
    - iv) gas station;
    - v) industrial or commercial lots with onsite fuel storage; and
    - vi) any other use involving regular washing of vehicles or equipment.
- (4) Stormwater treatment systems, including oil grit separators, shall be designed, installed, and maintained in accordance with the City of Whitehorse Development Guidelines or other applicable standards as determined by the Development Officer.
- (5) All other drainage control measures, retaining walls, and lot grading shall be designed and built in accordance with the building code and the City of Whitehorse Development Guidelines.
- (6) 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 identified in that plan, to the satisfaction of the Development Officer.
- (7) To confirm the elevations and grading of the lot, the Development Officer may require the property owner to submit 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.
- (8) Where a Lot Grading Certificate or Record Drawings are 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 2.18**, to ensure the required documents are provided within the time frame specified by the Development Officer. The value of the security shall be \$3,000 plus \$1 per square metre of lot area.
- (9) If the required Lot Grading Certificate or Record Drawings are not provided within the time frame stipulated by the Development Officer, the security is forfeited pursuant to **Section 2.18**.

#### 4.25 WALKWAYS

- (1) All development in residential and commercial zones, excluding RC1 and RC2, shall provide a walkway connecting the primary building entrance to the public sidewalk or roadway at the front of the lot. In commercial and multiple housing developments, walkways shall also connect to adjacent active transportation networks, where such networks exist.
- (2) In the RMM, RMH, and commercial zones, walkways shall:
  - (a) be hard-surfaced;
  - (b) have a minimum width of 1.5 m; and
  - (c) provide safe and convenient connections between building entrances, parking areas, and other functional areas on the site, and to the public sidewalk or roadway.
- (3) Walkways are not required in industrial zones or other zones. However, where walkways are provided, they shall:
  - (a) be surfaced with gravel, asphalt, concrete, or another durable material; and
  - (b) be designed to provide safe and convenient pedestrian access between building entrances, parking areas, and, where applicable, other functional areas on the site, and to the public sidewalk or roadway.
- (4) Attention shall be paid to ensure adequate drainage and shelter from wind, and to discourage ice and snow accumulation on walkways in winter.

#### 4.26 SITE FURNITURE

- (1) Where provided within a development:
  - (a) site furniture such as benches, bollards, and waste receptacles should be constructed out of vandalism-resistant materials; and
  - (b) waste receptacles should be animal resistant.

#### 4.27 LIGHTING

- (1) All outdoor lighting fixtures shall be fully shielded and directed downward to prevent light from emitting above the horizontal plane. Lighting shall not be directed beyond the lot line and shall not interfere with traffic control devices. Residential entryway lighting is exempt from this regulation if it uses low-intensity bulbs not exceeding 800 lumens and does not cause excessive glare or light trespass beyond the lot line.
- (2) A Development Officer may, in keeping with the principles of crime prevention through environmental design, require additional site lighting to enhance pedestrian safety and facilitate casual surveillance of parking areas and walkways from adjacent buildings and streets. Any such lighting must comply with the shielding and direction requirements provided in subsection (1).
- (3) The use of warm colour temperature lighting (less than 3,000 Kelvin), timers, dimmers, and motion sensors is encouraged to reduce unnecessary illumination and minimize light pollution.

#### 4.28 LANDSCAPE PLANTINGS

- (1) In new developments, any area in the front yard and exterior side yard not occupied by driveways, walkways, parking areas, or utility service boxes shall be developed as a landscape planting area with landscape plantings as follows:

- (a) 1 tree or 3 shrubs in RCD and RSD zones;
  - (b) 1 tree or 2 shrubs per 8 m of frontage in all other residential zones, commercial zones, and the OPS zone;
  - (c) 1 tree or 2 shrubs per 16 m of frontage for the ILT zone.
- (2) A landscape planting area is not required for development in zones not listed in subsection (1).
- (3) Where the calculation of the number of landscape plantings produces a decimal, the value shall be rounded up to the nearest whole number.
- (4) Landscape plantings shall be installed 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.
- (5) New landscape plantings shall consist of perennial herbaceous and/or woody plant species known to be hardy in the Whitehorse area, in alignment with the City's *Recommended Tree Species* document.
- (6) Where possible, to provide winter interest, deciduous shrubs and trees that have interesting bark, fruit, or form shall be used.
- (7) The minimum size of trees and shrubs at the time of planting shall be:
  - (a) 60 mm caliper for deciduous trees, measured at 300 mm above ground level;
  - (b) 1.75 m in height for coniferous trees, measured from ground level;
  - (c) A #2 (2-gallon) pot or 1.0 m in height if balled-and-burlapped, for shrubs, measured from ground level.
- (8) Trees shall be planted a minimum of 1.5 m from any side or rear lot line, as measured from the centre of the trunk, except where the lot line abuts a public right-of-way or undeveloped or publicly owned land such as a greenbelt, park, school site, or similar area.
- (9) Trees and shrubs shall be a minimum of 1.5 m from any principal building.
- (10) New coniferous trees, where planted, shall be a minimum of 10 m from any principal building, including existing principal buildings and any principal buildings that could be developed under current zoning regulations on adjacent lots.
- (11) For developments where the depth of the front yard or exterior side yard is less than 2.0 m, the Development Officer may approve alternate means of enhancing the yard. Acceptable alternatives may include decorative paving, integrated seating elements, raised planters, or other design features that contribute positively to the streetscape and pedestrian experience.

#### 4.29 LANDSCAPE GROUND COVER

- (1) A landscape planting area required by **Section 4.28** shall be landscaped with ground cover materials such as, but not limited to, grass, decorative pavers, washed gravel, shale or flower beds.
- (2) The Development Officer may require a combination of ground cover treatments to enhance visual diversity and overall landscape appeal.
- (3) In the case where gravel, shale, 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 onto public streets, sidewalks, etc.

- (4) Landscape ground cover shall be installed 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.

#### 4.30 XERISCAPING

- (1) Xeriscaping or other water-conserving landscaping is recommended in all new developments.
- (2) Xeriscaping, where undertaken, includes but is not limited to:
  - (a) selecting xeric adapted plant species;
  - (b) grouping of plants with similar water requirements;
  - (c) using properly timed low-emission, drip or trickle irrigation systems, and/or the use of weeping hoses; and
  - (d) using organic soil amendments to improve soil moisture retention capacity.
- (3) Scree gardens or rock gardens incorporating fewer plants may be acceptable if the number of plants required in **Section 4.28** 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.

#### 4.31 VEGETATIVE BUFFERS

- (1) A vegetative buffer is required on a lot in a non-residential zone, where it is directly adjacent to a lot in a residential zone.
- (2) A vegetative buffer is also required on a lot zoned RMM or RMH where it is directly adjacent to a lot in a lower-density residential zone.
- (3) A vegetative buffer where required shall:
  - (a) extend continuously along the lot line between the non-residential or RMM or RMH lot and the other residential zone lot;
  - (b) be a minimum of 1.5 m wide; and
  - (c) contain landscape plantings as described in **Section 4.28**, at a minimum of 1 tree or 2 shrubs for every 6 m of buffer length, along with landscape ground cover as described in **Section 4.29**.
- (4) Developments may be exempt from providing a vegetative buffer if the setback is required for a fire lane access or where an overhead powerline or other public infrastructure prevents landscape plantings. Alternative buffers, such as fencing or a berm may be suitable alternatives at the discretion of the Development Officer.

#### 4.32 GATEWAY LANDSCAPING

- (1) The required landscape plantings in the landscape planting area described in **Section 4.29** shall be doubled for any property that abuts and is accessed from Two Mile Hill, Robert Service Way, Alaska Highway, North Klondike Highway, or any highway access or frontage road.



### 4.33 LANDSCAPING SECURITY

- (1) Where landscape plantings and ground cover are required and are not completed prior to issuance of the first occupancy approval, The Development Officer may require that the property owner provide a security in accordance with **Section 2.18** to ensure the landscaping is completed within the required time frame.
- (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 \$2,000 per tree and \$1,000 per shrub. For development in the RCD or RSD zones, and for fee simple townhouses in the RTH zone, the security shall be a flat rate of \$2,000 per lot.
- (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.
- (4) In the event that the landscaping is not installed to the satisfaction of the Development Officer within the required time frame, or another time frame stipulated by the Development Officer, the landscaping security is forfeited pursuant to **Section 2.18**.

### 4.34 LANDSCAPING INSPECTIONS

- (1) Upon receipt of a written request or at the Development Officer's discretion, the Development Officer shall conduct an inspection of the finished landscaping. Inspections shall be made during the regular growing season, between June 01 and September 30. If a request for the inspection is received, the Development Officer will perform the inspection within 14 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 exist, and whether there is evidence of consistent watering; and
  - (c) determining whether the correct conditions for plant establishment and continued health are maintained.
- (2) Following the landscaping 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.

### 4.35 MAINTENANCE OF LANDSCAPING

- (1) Landscape plantings and groundcover shall be maintained in good condition for the life of the development. Any replacement or modification shall comply with the landscaping standards in effect at the time of replacement.

## Parking

### 4.36 DRIVEWAYS AND LOT ACCESS

- (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 Manual and consider such factors as:

- (a) the volume and type of traffic generated by the proposed use;
  - (b) the function and capacity of the adjacent roadway;
  - (c) the need for turning lanes, acceleration/deceleration lanes, or corner cuts to support traffic flow and safety;
  - (d) the need for traffic or pedestrian signals; and
  - (e) any studies prepared by a professional engineer.
- (2) No person shall construct a driveway to a public roadway if, in the opinion of the City Engineer, it would create an undue traffic hazard. Where no reasonable alternative access exists, the City Engineer may require mitigation measures to reduce the hazard to an acceptable level.
- (3) Sites shall be designed to minimize the number of driveway entrances and exits.
- (4) A driveway may be shared by two or more lots. Where a driveway is shared between lots, a reciprocal easement agreement shall be registered on the title of each lot served by the driveway. A copy of the registered easement agreement shall be submitted to the Development Officer prior to issuance of occupancy approval for any unit that relies on the shared driveway for access. The easement agreement shall:
- (a) grant legal access to all benefiting lots;
  - (b) identify responsibilities for maintenance, repair, and snow removal; and
  - (c) ensure ongoing access in the event of changes in ownership.
- (5) The width of a driveway providing access from a road may not exceed:
- (a) 6.0 m where the lot width is less than 12.0 m;
  - (b) 50% of the lot width where the lot width is between 12.0 m and 20.0 m; and
  - (c) 10.0 m where the lot width is greater than 20.0 m.
- (6) A pedestrian walkway may be located parallel to and adjoining a driveway, provided that:
- (a) the walkway is clearly delineated from the driveway by a change in material, elevation, or other physical separation;
  - (b) the walkway is intended and used exclusively for pedestrian access; and
  - (c) the walkway does not exceed 1.5 metres in width.

#### **4.37 HARD-SURFACING REQUIREMENTS**

- (1) Unless specifically exempted in this Bylaw, every parking space, and access to it, including areas contained within a publicly owned road right-of-way, shall be hard-surfaced when the adjacent public street or lane is hard-surfaced. For the purposes of this regulation, bituminous surface treatment is not considered to be hard-surfacing.
- (2) Development in the following areas are exempted from providing hard-surfaced parking spaces and access:
- (a) Development in the RC1, RC2, RSD and RMB zones;
  - (b) Residential uses in the KMD zone;
  - (c) Development in Industrial zones; and
  - (d) Outside of Downtown, development in the PEP, PGR, PAR, and OPU zones.

- (3) Where hard-surfaced parking and access is required, it shall mean the provision of a durable, dust-free hard surface constructed of concrete, asphalt or similar surface material, designed to ensure proper drainage.
- (4) Hard-surfacing shall be completed 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.
- (5) Where the public street or lane is hard-surfaced after the development is complete, the owner shall, within one year unless otherwise specifically permitted under this Bylaw, hard-surface every parking space and access to it, including areas within a publicly owned road right-of-way.
- (6) Parking spaces provided in addition to the minimum required parking and located in the rear or interior side yard, along with their associated drive aisles, may be exempt from subsection (1) if accessed by a hard-surfaced driveway connected to an adjacent hard-surfaced public street or lane. This driveway may be the same as the one serving the required parking spaces. Where separate access is provided to the additional spaces, the hard-surfaced portion of the driveway must extend at least 3.0 m into the lot, or to the minimum setback, whichever is greater.

#### 4.38 HARD-SURFACING SECURITIES

- (1) Where hard-surfacing is required and is not completed prior to issuance of the first occupancy approval, the Development Officer may require that the property owner provide a security in accordance with **Section 2.18** to ensure the hard-surfacing is completed within the required time frame.
- (2) The value of the hard-surfacing security shall be:
  - (a) \$2,000 per required parking space for housing (single detached) and housing (duplex) in any zone, and for housing (townhouse – fee simple) in the RCT zone; and
  - (b) \$4,000 per required parking space for all other developments.
- (3) 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.
- (4) 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.
- (5) In the event that the hard-surfacing is not installed to the satisfaction of the Development Officer within the required time frame, or another time frame stipulated by the Development Officer, the hard-surfacing security is forfeited pursuant to **Section 2.18**.

#### 4.39 LOCATION OF PARKING SPACES

- (1) In a residential zone, parking spaces:
  - (a) shall be provided on the same site as the proposed development;
  - (b) shall not be located within the corner setback triangle as illustrated in **Figure 4**;

- (c) if located in a driveway where vehicles enter and exit by pulling in and backing out, shall be set back a minimum of 1.0 m from the front lot line or exterior side lot line;
  - (d) if located in a parking lot where parking spaces are accessed by a drive aisle, shall be set back a minimum of 3.0 m from the front lot line or exterior side lot line;
  - (e) if located in an interior side yard setback adjacent to a public thoroughfare (e.g., lane, trail), shall be screened from view by fencing or landscaping.
- (2) In a non-residential zone, parking spaces:
- (a) shall not be located within the corner setback triangle as illustrated in **Figure 4**;
  - (b) shall not be located within the required front or exterior side yard setback for the zone, unless the applicant can demonstrate, to the satisfaction of the Development Officer, sufficient cause for doing so; in such cases, the Development Officer shall state the reason for supporting such a location on the development permit;
  - (c) shall be screened from view by fencing or landscaping when located in an interior side yard setback adjacent to a public thoroughfare (e.g., lane, trail).
- (3) Except for accessible parking spaces and bicycle parking, the Development Officer may permit a portion or all of the required parking spaces for non-residential uses to be provided on an alternative site that is no more than 100.0 m from the development site, or 300.0 m for development in the CMD or CMR zones, as measured from the lot lines, provided that:
- (a) the owner shall enter into an agreement with the City, to be registered on title, that the lands required for parking on the alternative site shall be so used as long as required under this Bylaw;
  - (b) the owner shall pay all costs associated with the preparation, execution, and registration of the agreement;
  - (c) the alternative site is located in a zone where the use served by the off-site parking would be a permitted use;
  - (d) the owner shall provide all required accessible parking on the development site. For any other parking spaces provided on the development site, priority shall be given to visitor use, with staff parking on the alternative site;
  - (e) parking and access provided on the alternative site shall comply with the regulations of this Bylaw, including but not limited to requirements for access, parking lot design, and landscaping; and
  - (f) where applicable, the total number of parking spaces provided on the development site and the alternative site shall not exceed the maximum parking calculation established by this Bylaw for the development site.

#### 4.40 PARKING REQUIREMENTS

- (1) In the case of a mixed use development, or where two or more owners jointly provide and maintain composite parking facilities, the number of parking spaces required shall be the sum total of parking space requirements for each use unless the applicant can demonstrate to the satisfaction of the Development Officer that there is a shared use of parking spaces that would warrant a reduction in their collective requirements, in which case the Development Officer may reduce the requirements.
- (2) Where the calculation of the number of parking spaces produces a decimal, the value shall be rounded up to the nearest whole number.

- (3) The minimum required parking spaces for the use of any building in all zones are as specified in **Table 6: Vehicle Parking Space Requirements**.
- (4) Where a use is proposed and no parking standard is specified in **Table 6: Vehicle Parking Space Requirements**, the applicable standard shall be determined by the Development Officer, taking into account the parking standards for other similar uses.

**Table 6: Vehicle Parking Space Requirements**

Development	Parking Spaces		EV Parking Required
	Spaces	Per	
aircraft sales/service	1	100m <sup>2</sup> gross floor area	
animal services (major)	1	100m <sup>2</sup> gross floor area	
animal services (minor)	1	50m <sup>2</sup> gross floor area	
auction	1	100m <sup>2</sup> gross floor area	
bed and breakfast <sup>1</sup>	1 additional	2 sleeping units	
bulk fuel depot		No Minimum Required	
campground		No Minimum Required	
care facility (clinic)	1	50m <sup>2</sup> gross floor area	
care facility (medical)	As Determined by the Development Officer <sup>2</sup>		yes
care facility (shelter)	As Determined by the Development Officer <sup>2</sup>		
caretaker residence	1	residence	
cemetery		No Minimum Required	
child care centre	1	8 children	
commercial parking		No Minimum Required	yes
commercial storage	1	50 m <sup>2</sup> office space	
commissary	1	50m <sup>2</sup> gross floor area	
conference facility	1	100 m <sup>2</sup> gross floor area	yes
equipment sales and service (light) (heavy) (vehicle)	1	100m <sup>2</sup> gross floor area	
establishment (eating and drinking)	1	25m <sup>2</sup> gross floor area	
establishment (entertainment)	1	50m <sup>2</sup> gross floor area	
financial services	1	50m <sup>2</sup> gross floor area	
fleet services	1	50m <sup>2</sup> office space	
funeral services	1	50m <sup>2</sup> gross floor area	
gallery/studio	1	100m <sup>2</sup> gross floor area	
garden centre	1	50m <sup>2</sup> indoor retail area	
gas station	1	50m <sup>2</sup> gross floor area	
government services	As Determined by the Development Officer <sup>2</sup>		yes
housing (any form)	1	dwelling unit	
housing (residential care) <sup>1</sup>	0 additional	dwelling unit	
housing (supportive)	1	2 dwelling units	
industrial (level one) (level two) (cannabis)	1	250m <sup>2</sup> GFA activity space	
	1	50m <sup>2</sup> GFA office space	
industrial (level three) (level four) (resources)		No Minimum Required	
live/work unit	1	dwelling unit	
office	1	50m <sup>2</sup> gross floor area	
recreation (indoor, culture and tourism)	1	50m <sup>2</sup> gross floor area	
recreation (outdoor)	As Determined by the Development Officer <sup>2</sup>		

Development	Parking Spaces		EV Parking Required
	Spaces	Per	
religious assembly	1	50m <sup>2</sup> gross floor area	
retail (first 500 m <sup>2</sup> GFA)	1	50m <sup>2</sup> gross floor area	
retail (portion between 500 m <sup>2</sup> - 4,000 m <sup>2</sup> GFA)	1	100m <sup>2</sup> gross floor area	
retail (portion over 4,000 m <sup>2</sup> GFA)	1	150m <sup>2</sup> gross floor area	yes
rooming house <sup>1</sup>	1 additional	2 sleeping units	
school (commercial)	As Determined by the Development Officer <sup>2</sup>		
school (grade)	As Determined by the Development Officer <sup>2</sup>		
school (post-secondary)	As Determined by the Development Officer <sup>2</sup>		
short-term rental <sup>1</sup>	0 additional	dwelling unit	
suite (living or garden)	No Minimum Required		
trucking terminal	No Minimum Required		
visitor accommodation	1	2 sleeping units	yes

<sup>1</sup> Secondary Uses to the Principal or Secondary Dwelling

<sup>2</sup> A parking study or Transportation Impact Assessments may be requested by the Development Officer

(5) The parking requirements in **Table 6: Vehicle Parking Space Requirements** are modified as follows:

- (a) In Downtown in the CMD, CMR, and OPS zones:
  - i) Residential uses: no minimum parking requirement, except that accessible parking spaces shall be provided in accordance with **Table 7: Accessible Parking Requirements**, as if the parking calculation were 1 space per 2 dwelling units, or 1 space per 4 units for housing (supportive).
  - ii) Non-residential uses: 1 parking space for every 150 m<sup>2</sup> of gross floor area, unless the table specifies that the parking is determined by the Development Officer or there is no minimum requirement.
  - iii) Except for accessible parking spaces, an applicant may choose to pay cash in lieu for each space at the rate specified in the Fees and Charges Bylaw.
  - iv) Applications to change the use of a building are exempt from providing new parking spaces; however, any existing parking spaces required for the current use must be maintained. New construction that results in increased gross floor area is required to provide parking in accordance with these requirements.
  - v) The maximum parking supply for all developments except Commercial Parking is 1.2 spaces per dwelling unit for residential uses, and 1 space per 50 m<sup>2</sup> gross floor area for non-residential uses.
- (b) In the ROL zone, and in the CNN, CNH, RMM and OPS zones located within an Urban Centre identified in Map 2 of the Official Community Plan:
  - i) Residential uses: 1 parking space per 2 principal dwelling units, except 1 parking space per 4 dwelling units for housing (supportive).
  - ii) Non-residential uses: 1 parking space for every 150 m<sup>2</sup> of gross floor area, unless the table specifies that the parking is determined by the Development Officer or there is no minimum requirement.
  - iii) Except for accessible parking spaces, an applicant may choose to pay cash in lieu for each non-residential parking space in the CNH zone at the rate specified in the Fees and Charges Bylaw.



- iv) The Development Officer may approve a 25% reduction in the minimum required parking requirements for mixed-use developments in the CNN and CNH zones where more than 50% of the gross floor area is dedicated to residential uses. The number of spaces reduced may not exceed the number of spaces required for the non-residential component of the development. Where a reduction is approved, parking spaces may not be assigned for the exclusive use of any unit or owner.
  - v) Applications to change the use of a building are exempt from providing new parking spaces; however, any existing parking spaces required for the current use must be maintained. New construction that results in increased gross floor area is required to provide parking in accordance with these requirements.
- (c) In residential zones located within the Urban Core identified in Map 3 of the Official Community Plan:
- i) Residential uses: 0.75 parking spaces per dwelling unit, excluding living and garden suites.
- (6) An application for an addition to an existing building or development shall be required to provide electric vehicle charging parking spaces in accordance with subsection (6), and accessible parking spaces in accordance with **Table 7: Accessible Parking Requirements**.
- (7) For developments that provide 30 or more parking spaces, one parking space equipped with a Level 2 electric vehicle charger shall be provided for every 30 parking spaces required or provided, up to a maximum requirement of 6 spaces.
- (8) Accessible parking is included as part of, and not in addition to, the requirements in **Table 6: Vehicle Parking Space Requirements**, and shall be provided as follows:

**Table 7: Accessible Parking Requirements**

Number of Parking Spaces Required or Provided	Minimum Number of Accessible Parking Spaces Required
11-20	1
21-39	2
40-59	3
60-79	4
80-99	5
100 or more	6

- (9) The quantity of required accessible parking spaces provided within a parking lot may be increased at the discretion of the Development Officer, if it is deemed that the proposed use merits additional spaces.
- (10) Circulation routes adjacent to all accessible parking spaces shall be part of the barrier-free path of travel to buildings or facility entrances and shall be obstacle-free. Routes should comply with the guidelines specified in *CSA standard B651*, as amended, for vehicular access and not oblige persons with disabilities to pass behind vehicles that may be backing out.
- (11) Accessible curb ramps shall be installed wherever there is pedestrian access in alignment with the City's *Servicing Standards Manual*.



#### 4.41 PARKING SPACE AND DRIVE AISLE DIMENSIONS

- (1) Each parking space shall have a minimum rectangular area of 16.5 m<sup>2</sup>, a minimum length of 4.9 m, and a minimum width of 2.75 m, exclusive of access drives or aisles, ramps, or columns.
- (2) Each accessible parking space shall have a minimum rectangular area of 24.0 m<sup>2</sup> and a minimum width of 4.0 m. However, two accessible parking spaces may have the minimum area and dimensions of a standard parking space if they share a common access aisle with a minimum width of 1.5 m that extends the full length of both spaces.
- (3) Each vehicle parking space shall have a minimum vertical clearance of 2.1 m.
- (4) Drive aisles shall be a minimum of 6.7 m wide. Provided it is not a fire lane, a drive aisle may be reduced at the discretion of the Development Officer to:
  - (a) 5.5 m wide for one-way drive aisles providing access to 60° angle parking spaces;
  - (b) 3.6 m wide for one-way drive aisles providing access to 45° or 30° angle parking spaces, parallel parking spaces, or where no parking spaces are located on either side of the drive aisle; and
  - (c) 3.6 m wide for two-way drive aisles not exceeding 30 m in length, where no parking spaces are located on either side of the drive aisle, and where the aisle provides access to a parking area with 10 or fewer parking spaces.
- (5) Where parking spaces are accessed directly from a lane, the required width of the drive aisle may be reduced by the width of the lane, but the entire parking space must be provided on the site.
- (6) Where at least 10 parking spaces are provided, up to 10% of the parking spaces (not including parallel parking spaces) may be reduced to a minimum area of 13.45 m<sup>2</sup>, 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.

#### 4.42 PARKING LOT DESIGN

- (1) In all parking lots:
  - (a) Parking spaces shall be clearly delineated;
  - (b) Aisles should not exceed 30 contiguous spaces in length; and
  - (c) Slope should be less than 5% wherever possible.
- (2) Where provided, “Visitor Parking”, “Accessible Parking”, and “No Parking” areas shall be clearly marked.
- (3) In parking lots with 60 or more parking spaces:
  - (a) Separated pedestrian walkways, a minimum 1.5 m wide, shall be provided to ensure safe and direct pedestrian routes through the parking lot. Walkways should include pedestrian-scaled amenities such as benches, waste receptacles, and lighting;
  - (b) Drive aisle crosswalks shall be signed and painted and are encouraged to be constructed of materials that are different from the drive aisle; and
  - (c) Landscaped islands, a minimum of 2.0 m wide, shall be located at the ends of each parking aisle, and at mid-points every 13-15 spaces. Each landscaped island shall include at least one tree or three shrubs and a suitable groundcover. These plantings

are in addition to the minimum landscape plantings required in **Section 4.28**. This requirement does not apply to parking lots within a parking structure.

- (4) In a commercial zone, where parking spaces are visible from a road right-of-way, the area shall be landscaped to mitigate the visual impact. A landscaped area with a minimum depth of 2.0 m shall be provided between the parking area and the road right-of-way. Landscape plantings in this area may count toward the minimum landscape planting requirement.

#### 4.43 BICYCLE PARKING

- (1) Bicycle parking shall be provided for any new development or additions and shall be visible, sturdy, and designed and spaced in a manner that enables users to comfortably park and maneuver bicycles.
- (2) Where the calculation of the number of bicycle parking spaces produces a decimal, the value shall be rounded up to the nearest whole number.
- (3) Class 1 bicycle parking shall:
- (a) not be included in site coverage calculations;
  - (b) Not be combined with storage facilities intended to store items other than bicycles and cycling-related items; and
  - (c) provide e-bike charging capability where 10 or more class 1 bicycle parking spaces are required.
- (4) Class 1 bicycle parking should:
- (a) be at grade, or in a parkade below grade with ramp or elevator access; and
  - (b) be designed to accommodate a range of bicycle designs including e-bikes and cargo bikes.
- (5) Class 2 bicycle parking shall:
- (a) be anchored to a hard surfaced area;
  - (b) be located within 15.0 m of a main building entrance in a visible and accessible area; and
  - (c) where not directly abutting a street, be accessible from off-site by a hard surfaced unobstructed path of travel.
- (6) Notwithstanding the above subsections the Development Officer, at their discretion, may require additional bicycle parking spaces, having consideration for the intensity of the use, existing building occupancy, and adjacent development.
- (7) The minimum required bicycle parking spaces for the use of any building in all zones are as specified in **Table 8: Bicycle Parking Space Requirements**:

**Table 8: Bicycle Parking Space Requirements**

Development	Class 1 Parking		Class 2 Parking	
	Space	Per	Space	Per
care facility (clinic)			1	100m <sup>2</sup> gross floor area
care facility (medical)	1	300m <sup>2</sup> gross floor area	1	100m <sup>2</sup> gross floor area
care facility (shelter)				As Determined by the Development Officer
child care centre			1	100m <sup>2</sup> gross floor area

Development	Class 1 Parking		Class 2 Parking	
	Space	Per	Space	Per
conference facility	1	300 m <sup>2</sup> gross floor area	1	100m <sup>2</sup> gross floor area
establishment (eating and drinking)			1	50m <sup>2</sup> gross floor area
establishment (entertainment)			1	100m <sup>2</sup> gross floor area
financial services			1	100m <sup>2</sup> gross floor area
government services	0	activity space	1	500m <sup>2</sup> GFA activity space
	1	200m <sup>2</sup> GFA office space	1	100m <sup>2</sup> GFA office space
housing (apartment) outside downtown	0.5	dwelling unit	0.25	dwelling unit
housing (cottage cluster) (multiplex)			0.5	dwelling unit
housing (any form) in the RMM or RMH zones	0.5	dwelling unit	0.25	dwelling unit
housing (any form) downtown	1	dwelling unit	0.25	dwelling unit
housing (supportive)			As Determined by the Development Officer	
industrial (level one) (level two) (cannabis)			1	500m <sup>2</sup> gross floor area
			1	100m <sup>2</sup> office space
office	1	200m <sup>2</sup> gross floor area	1	100m <sup>2</sup> gross floor area
recreation (indoor) (culture and tourism)	As Determined by the Development Officer <sup>1</sup>		1	100m <sup>2</sup> gross floor area
recreation (indoor) (culture and tourism), larger than 1,000 m <sup>2</sup> GFA	As Determined by the Development Officer <sup>1</sup>		As Determined by the Development Officer <sup>1</sup>	
recreation (outdoor)			As Determined by the Development Officer <sup>1</sup>	
religious assembly			1	100m <sup>2</sup> gross floor area
retail (except warehouse), first 500 m <sup>2</sup> GFA			1	100m <sup>2</sup> gross floor area
retail (except warehouse), portion between 500 m <sup>2</sup> - 4,000 m <sup>2</sup> GFA			1	350m <sup>2</sup> gross floor area
retail (except warehouse), portion over 4,000 m <sup>2</sup> GFA			1	500m <sup>2</sup> gross floor area
Retail (warehouse)			1	500m <sup>2</sup> gross floor area
school (commercial)			As Determined by the Development Officer <sup>1</sup>	
school (grade)	1	300 m <sup>2</sup> gross floor area	1	100m <sup>2</sup> gross floor area
school (post-secondary)	1	300 m <sup>2</sup> gross floor area	1	100m <sup>2</sup> gross floor area
visitor accommodation, first 500 m <sup>2</sup> GFA			1	100m <sup>2</sup> gross floor area
visitor accommodation, portion between 500 m <sup>2</sup> - 4,000 m <sup>2</sup> GFA			1	350m <sup>2</sup> gross floor area
visitor accommodation, portion over 4,000 m <sup>2</sup> GFA			1	500m <sup>2</sup> gross floor area

<sup>1</sup> A bicycle parking study or justification report may be requested by the Development Officer to determine the appropriate bicycle parking supply.

#### 4.44 BICYCLE PARKING SPACE DIMENSIONS

- (1) The minimum dimensions of a bicycle parking space are:
- (a) minimum length of 1.8 metres;
  - (b) minimum width of 0.45 metres; and
  - (c) minimum vertical clearance from the ground of 1.9 metres.

- (2) The minimum dimensions of a bicycle parking space if placed in a vertical position on a wall, structure or mechanical device are:
  - i) minimum length or vertical clearance of 1.9 metres;
  - ii) minimum width of 0.45 metres; and
  - iii) minimum horizontal clearance from the wall of 1.2 metres.
- (3) If a stacked bicycle parking space is provided, the minimum vertical clearance for each bicycle parking space is 1.2 metres.

## Signage

### 4.45 GENERAL SIGN REGULATIONS

- (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 still comply with the provisions of this Bylaw.
- (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.
- (3) Political signs, community event signs, sandwich board signs and billboard signs are exempted from subsection (2) provided they meet all other regulations in this Bylaw.
- (4) All signs shall be erected in such a manner as to:
  - (a) not impede 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.
- (5) An application for a sign requiring a permit shall be made in writing to the Development Officer along with a set of plans that indicate:
  - (a) the legal description of the site and municipal address of the proposed sign;
  - (b) a site plan and building elevation showing the proposed sign location with the relative distance to lot 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.
- (6) The location, size, and placement of signs and future signs shall be included with the plans for any new building in all non-residential zones as part of the development permit application.

- (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.

#### 4.46 SIGN MAINTENANCE

- (1) The owner 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 building code.
- (2) A permit is not required to change copy or conduct normal maintenance on permitted signs, including painting and repair, or the replacement of sign faces with the same advertiser; however, this exception does not include structural alteration.

#### 4.47 SIGN PLACEMENT

- (1) 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 indicated in **Schedule C**;
  - (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 No Sign Areas shown on the Highway Sign Areas map in **Schedule D**;
  - (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.

#### 4.48 SIGN CLEARANCE

- (1) A minimum clearance of 2.5 m above grade is required for any sign that projects over a pedestrian walkway, driveway, or other area accessible to pedestrians or vehicles.
- (2) Subsection (1) does not apply to signs affixed to a wall that project 100 mm or less from the wall face.

#### 4.49 SIGNS ENCROACHING PUBLIC PROPERTY

- (1) All signs shall be fully contained within the private property except where expressly allowed to overhang or be placed on a road right-of-way or other City property.
- (2) For any application for a sign that will overhang or be placed on a road right-of-way or other City 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 amount specified in the *Lease, Encroachment and Property Use Policy*, as amended or replaced;
- (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 that may accrue or be suffered by installation, manner of suspension or alteration;
- (c) ensure the maintenance and use of the sign in respect of which the application for their permit has been made; and
- (d) maintain such insurance in force until the sign has been taken down and removed.

#### 4.50 SIGNS NOT REGULATED UNDER THIS BYLAW

- (1) The following signs are not regulated under this Bylaw, provided they comply with all other regulations:
  - (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) zoning amendment notification signs produced by the City;
  - (f) danger, hazard, no trespassing, or other similar warning or advisory signs not exceeding 0.25 m<sup>2</sup>;
  - (g) freestanding, on-site directional signs not exceeding 2.25 m<sup>2</sup> in area and 2.0 m in height for the control of pedestrian and vehicular movement in parking lots;
  - (h) neighbourhood signs;
  - (i) temporary neighbourhood event signs such as for garage sales;
  - (j) signs painted on roofs, in commercial and industrial zones.
- (2) The following are not considered signs and are not regulated under this Bylaw, provided they comply with all other regulations of this Bylaw:
  - (a) flag poles and flags that do not exceed the maximum allowable 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 m<sup>2</sup> in area; and
  - (d) memorial plaques, cornerstones, historical and interpretive tablets or markers, provided they do not exceed 1.0 m<sup>2</sup>.

#### 4.51 PROHIBITED SIGNS

- (1) Signs not expressly permitted in this Bylaw are prohibited.



- (2) No sign shall be permitted that 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.
- (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.
- (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.
- (5) Billboard signs are not permitted anywhere within the City, except on the Alaska Highway and Klondike Highway, where they may be located only within the Sign Areas shown in the Highway Sign Areas map in **Schedule D**, and only where authorized by the Government of Yukon.
- (6) Flashing signs, or signs that produce sudden changes in the intensity of light, are prohibited.

#### **4.52 ABANDONED AND UNLAWFUL SIGNS**

- (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 in an overall state of disrepair, or has been modified, destroyed, or relocated.
- (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.
- (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.
- (4) Where a person fails or refuses to bring the offending sign into compliance, the City may, in accordance with section 346 of the *Act*, enter upon the land or building and take such action as is necessary to carry out the order.
- (5) The City may immediately seize any sign located on public property that is in non-compliance with this Bylaw.
- (6) Where a sign or canopy is removed by the City, it shall be stored by the City for a minimum period of 30 days, during which time the owner or owner's agent may redeem it. If it is not redeemed within that period, the City may destroy or dispose of it.
- (7) Where a sign or canopy has been destroyed or disposed of by the City, the City may charge the owner for the cost of the removal, storage, and destruction or disposal of the sign or



canopy. If the balance is not paid within 30 days of being notified, the outstanding charges may be added to the tax roll and collected in the same manner as property taxes.

#### 4.53 WHERE SIGNS ARE ALLOWED

- (1) **Table 9: Where Signs Are Allowed** designates the types of signs that are permitted in each zone category. All permitted signs are limited by the specific sign regulations in **Section 4.54**.

**Table 9: Where Signs Are Allowed**

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

#### 4.54 SPECIFIC SIGN REGULATIONS

- (1) Banners and Inflatable Signs
- Banners and inflatable signs are allowed without a permit 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.
- (2) Building Identification Signs
- 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.

(3) Canopy and Awning Signs

(a) Canopy and awning signs require a permit with the following provisions:

- i) the canopy or awning to which it is attached, or on which it is painted, complies with **Section 4.8**;
- ii) no portion of the sign shall overhang public property further than the canopy or awning to which it is attached;
- iii) no portion of the sign shall project more than 1.0 m above the top edge of the canopy;
- iv) notwithstanding subsection (3) a canopy sign for a theatre or cinema marquee may extend 2.0 m above the edge of the canopy;
- v) the sign shall not exceed 25% of the surface area of the wall comprising the business frontage;
- vi) the sign shall have a minimum clearance of 2.5 m; and
- vii) the sign shall be generally parallel to the building face.

(4) Under Canopy/Awning Signs

(a) Under canopy or awning signs are allowed with the following provisions:

- i) the canopy or awning to which it is attached complies with **Section 4.8**;
- ii) the sign shall not extend horizontally beyond the limits of the canopy or awning;
- iii) the sign shall have a minimum clearance of 2.5 m;
- iv) the sign shall be generally perpendicular to the building face;
- v) the maximum vertical dimension of the sign is 0.3 m; and
- vi) the maximum area of the sign is 0.5 m<sup>2</sup>.

(5) Community Event Signs

(a) 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 on public property only in the Community Signage Areas indicated in **Schedule C**, provided that:

- i) the sign shall not exceed 3.0 m<sup>2</sup>;
- ii) the signs are erected for not more than 21 days, and are removed immediately following the event to which they refer;
- iii) 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
- iv) the sign shall be free standing and constructed with a base that can be weighted to prevent the sign from being blown or knocked over.

(6) Digital Signs

(a) 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;

(b) Digital signs require a permit with the following provisions:

- i) the maximum area of the sign is 3.5 m<sup>2</sup>;

- ii) the sign must be at least 15 m from the lot line of a property with an existing residential use; and
    - iii) Notwithstanding subsection (2) the sign may be placed closer than 15 m, provided it is not visible from that residential use;
  - (c) Content of a digital sign shall:
    - i) only display products, services and information directly related to the site on which the sign is located;
    - ii) not display video or moving images, except for transitions lasting not more than 1 second and with at least 30 seconds between transitions;
    - iii) not display graphics or text that resemble or may be mistaken for traffic control signage;
    - iv) not produce flashing images or sudden variations in light intensity;
    - v) not include sound; and
    - vi) be equipped with a dimming function, and the operator of the sign shall comply with any instructions from the Development Officer regarding the brightness of the sign; and
  - (d) When a digital sign displays text only using a single colour of illumination, transitions may be longer than 1 second and the message is allowed to scroll across the screen. This provision does not apply to signs within 30 m of an intersection or pedestrian crosswalk.
- (7) Fascia Signs
- (a) Fascia signs require a permit with the following provisions:
    - i) the sign shall not project more than 1.0 m above the roof-line or parapet wall to which it is attached;
    - ii) the sign shall not exceed 25% of the surface area of the wall comprising the business frontage; and
    - iii) the sign shall not project more than 450 mm from the wall face to which it is attached.
  - (b) The operator of a 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 m<sup>2</sup>. In the case of RC1 and RC2 zones, the sign may be placed at the entrance to the driveway.
- (8) Freestanding Signs
- (a) Freestanding signs require a permit with the following provisions:
    - i) no part of the advertising copy area of the sign is more than 9.0 m above grade;
    - ii) the advertising copy area of the sign shall not exceed 10.0 m<sup>2</sup> in area;
    - iii) no part of the sign shall project beyond the lot line; and
    - iv) there shall be no more than 1 freestanding sign for each site.
- (9) Murals Containing a Commercial Message
- (a) Murals containing a commercial message require a permit with the following provisions:
    - i) 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.

(10) Political Signs

- (a) All political signs shall comply with the following provisions:
  - i) the signs shall not exceed 1.0 m<sup>2</sup> in a residential zone or 3.0 m<sup>2</sup> in a non-residential zone;
  - ii) the signs shall not be illuminated; and
  - iii) 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 7 days after the election;
- (b) Political signs on private property are allowed without a permit, provided that the property owner or tenant has given permission to erect a political sign on the property;
- (c) 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 **Schedule C**; and
- (d) 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.

(11) Portable Signs

- (a) Portable signs including those with changeable copy require a permit with the following provisions:
  - i) the sign is located on the property to which the advertising pertains, and no part of the sign shall project beyond the lot line;
  - ii) the sign is not illuminated;
  - iii) each sign shall not exceed 3.0 m<sup>2</sup> in area or 3.0 m in height; and
  - iv) the sign cannot impact available parking spaces.

(12) Projecting Signs

- (a) Projecting signs require a permit with the following provisions:
  - i) the maximum area of the sign is 3.0 m<sup>2</sup>;
  - ii) no part of the sign shall:
    - extend more than 2.0 m above the parapet of the building wall;
    - extend more than 2.0 m from the face of the building; and
    - be less than 2.5 m above ground or sidewalk grade.
  - iii) Not more than one projecting sign shall be erected per business frontage;
  - iv) Projecting signs may overhang public property. Where projecting signs overhang a public sidewalk, the maximum allowable extension shall be no more than 50% of the width of the sidewalk.

(13) Real Estate and Contractor Signs

- (a) Real estate and contractor signs are allowed without a permit, provided that:
  - i) the signs do not exceed 1.0 m<sup>2</sup> in a residential zone or 3.0 m<sup>2</sup> in a non-residential zone;
  - ii) the signs are not illuminated;

- iii) there is not more than one sign per frontage or flanking street; and
- iv) the display of such signs shall be limited to the duration of the activity to which it refers.

(14) Sandwich Board Signs

- (a) All sandwich board signs shall comply with the following provisions:
  - i) the sign shall not be wider than 0.76 m or more than 0.9 m in height;
  - ii) the sign shall not be illuminated;
  - iii) the sign shall not be attached to the ground or to the adjacent building; and
  - iv) the sign shall be constructed with a base that can be weighted to prevent the sign from being blown or knocked over.
- (b) A maximum of two sandwich board signs per business are allowed;
- (c) Sandwich board signs on private property are allowed without a permit;
- (d) Sandwich board signs encroaching public property require a permit with the following provisions:
  - i) they are placed immediately adjacent to the business; and
  - ii) the sign does not impede pedestrian movement.

(15) Window Signs

- (a) Window signs are allowed without a permit with the following provisions:
  - i) decal or painted window signs shall have a combined area of less than 30% of the window area;
  - ii) one neon sign, in a window of the premises to which it refers, is allowed, advertising either a particular product brand, service, or business state, and shall have an area of less than 30% of the window area;

# Part 5

## Specific Use Regulations

*This part outlines specific regulations that apply to particular types of development that may occur within the city.*

### 5.1 APPLICATION

- (1) The regulations outlined for specific uses in this Part apply in addition to the general regulations in **Part 4** and the applicable zone regulations in **Part 6**.

### 5.2 ACCESSORY STRUCTURE

- (1) Accessory structures in residential zones, and accessory structures not greater than 12.0 m<sup>2</sup> gross floor area in all non-residential zones, are allowed without a development permit.
- (2) Accessory structures greater than 12.0 m<sup>2</sup> gross floor area in all non-residential zones require a development permit.
- (3) Accessory structures shall:
  - (a) Not exceed the following height:
    - i) 4.0 m in the RMB zone;
    - ii) 8.0 m in the RC1 and RC2 zones;
    - iii) 6.0 m in any other zone unless otherwise specified in this Bylaw;
  - (b) Not be located within the front or exterior side yard setback in any zone;
  - (c) In the RC1 and RC2 zones, not be located closer than:
    - i) 3.0 m from the interior side and rear lot lines;
  - (d) In all other zones, not be located closer than:
    - i) 0.6 m from any interior side or rear lot line for accessory structures up to 4.5 m in height;
    - ii) 1.5 m from any interior side or rear lot line for accessory structures over 4.5 m in height;
    - iii) 0.0 m from the common interior side lot line for duplex garages in the RCD, ROL, RSD, and RTH zones, provided both property owners consent in writing;
  - (e) Be located at least 1.0 m from the principal building;

- (f) Have an exterior finish that is compatible with the principal building, or where there is no principal building, that is compatible with the development and surrounding context; and
  - (g) Not be used as a dwelling unit.
- (4) A shipping container is considered an accessory structure and may be used as a permanent accessory structure in any zone, only if its exterior is modified to meet subsection (3)(f) such as by cladding or adding architectural features. In residential and commercial zones, except the CIM zone, the standard corrugated metal finish of a shipping container does not qualify.
- (5) An unaltered shipping container may be temporarily located on a property in any zone for the purpose of storing materials or equipment, provided:
- (a) it is associated with an active building permit for the property; and
  - (b) it is removed no later than the expiry or closure of the building permit.
- (6) In Industrial zones, and in the CIM, OQR, and OPU zones, unaltered shipping containers that are accessory to another permitted use and used primarily for cold storage do not require a development permit.
- (7) A shipping container that is altered, modified for occupancy, or integrated into a larger structure is not exempted by subsections (5) or (6) and must comply with all applicable regulations of this Bylaw.

### 5.3 AGRICULTURE (MAJOR) OR (MINOR)

- (1) Where livestock is kept as part of an Agriculture (Major) or (Minor) use:
- (a) livestock shall be kept in secure enclosures suitably designed to prevent the escape of livestock and the entry of predators.
  - (b) manure shall be managed to ensure there is no runoff onto adjacent lands, riparian areas, or watercourses, in a manner that mitigates odour.
  - (c) Buildings used to shelter livestock shall be set back a minimum of 15.0 m from any lot line.
- (2) The maximum number of livestock animals allowed as part of an agriculture (minor) use are as follows:

**Table 10: Animal Units by Lot Size**

Lot Size	Max. Animal Units
Less than 0.5 ha	0
0.5 to 1.0 ha	1
1.0 to 2.0 ha	2
2.0 to 3.0 ha	3
3.0 to 4.0 ha	4
greater than 4.0 ha	5



- (3) The number of livestock animals that constitute an animal unit are as follows:

**Table 11: Animal Unit Table**

Animal Type	# of Animals = 1 Animal Unit
Cattle	1
Horses/Ponies/Donkeys	1
Swine	2
Goats	5
Alpaca/Llama	5
Poultry (including Pheasants)	20
Rabbit/Mink	20

- (4) Notwithstanding subsection (3), calves, foals, lambs, gilts, kids at mothers' side (not weaned) are not considered to be Animal Units.
- (5) For livestock animals not listed in **Table 11: Animal Unit Table**, the number of animals that constitutes an animal unit shall be determined by the Development Officer.
- (6) The keeping of roosters and wild boars is prohibited.

#### 5.4 BED AND BREAKFAST

- (1) Bed and breakfasts shall comply with the following regulations:
- (a) Vehicular traffic generated by a bed and breakfast should 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.
  - (c) The maximum number of guest rooms in a bed and breakfast is listed specifically in each zone where allowed.
  - (d) The bed and breakfast shall not change the principal residential character or external appearance of the dwelling involved.
  - (e) A bed and breakfast shall not be operated concurrently on the same lot as a short-term rental.

#### 5.5 BULK FUEL DEPOT

- (1) Bulk fuel depots shall provide adequate water for firefighting, or a fire protection system approved by the City's Fire Chief.

#### 5.6 CARETAKER RESIDENCE

- (1) Development of a caretaker residence shall only occur at the same time or after the development of the principal use.
- (2) A caretaker residence may be in the form of a mobile home; however, a recreational vehicle shall not be used as a caretaker residence.
- (3) if a caretaker 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.

- (4) a caretaker residence shall not exceed a gross floor area of 120m<sup>2</sup>, except when a larger caretaker residence is approved by Council as a conditional use in the CIM or ILT zones.
- (5) Within industrial zones, caretaker residences are only allowed where the nature of the business requires 24-hour on-site supervision. An applicant must provide evidence that the location, type of use, and nature of business activity warrant supervision from a public safety or service perspective. A caretaker residence shall not interfere with the industrial character of the area.
- (6) A maximum of one caretaker residence is allowed per lot. Lots subdivided by condominium are not allowed to have more than one caretaker residence.
- (7) In the case of a condominium, the caretaker residence shall be contained within the same condominium unit as a principal use, and shall not be established as a standalone condominium unit.

## 5.7 COMMERCIAL PARKING

- (1) Commercial Parking may be provided as:
  - (a) a surface parking lot; or
  - (b) a parking structure with parking spaces located at, above or below grade.
- (2) Where provided in a parking structure, the applicant shall submit a design brief as part of the Development Permit application outlining how the proposed development achieves the intent of the guidelines for this use. The determination of whether the development satisfactorily meets the design guidelines shall be at the discretion of the Development Officer.
- (3) Design Guidelines for Commercial Parking in a Parking Structure:
  - (a) The design of commercial parking structures should enhance the urban streetscape, promote safety and accessibility, and support active uses at street level.
  - (b) The structure should be designed so that parked cars are screened from view.
  - (c) At least 50% of the linear frontage at grade should be dedicated for commercial uses that reinforce the street frontage, such as retail or eating and drinking establishments.
  - (d) The façade should be broken into vertical sections that are proportioned to the urban street scale.
  - (e) The use of high-quality, durable materials, such as poured or precast concrete, brick, metal panel, split face concrete block, stone and glazed tile, is encouraged.
  - (f) The main public entry should be clearly identifiable and incorporate vertical circulation via elevator and stairs to all parking levels.
  - (g) Simple and clear wayfinding should be provided, with colour-coding, numbering, and visual cues to assist navigation.
  - (h) Design for safety and security should include elimination of potential hiding spots, use of glazed stairwells and elevator lobbies, appropriate lighting levels, and clearly marked pedestrian routes.

## 5.8 CHILD CARE CENTRE

- (1) Child care centres shall be developed in alignment with the *Child Care Act*, as amended.

- (2) In a residential zone, a child care centre:
  - (a) shall have a minimum site area of 930.0 m<sup>2</sup> or shall be located on a corner lot or adjacent to a park;
  - (b) shall only be permitted in conjunction with multiple housing when it is located at least partly on the ground floor.

## 5.9 DRIVE-THROUGH BUSINESS

- (1) Drive-through businesses 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.
- (2) The minimum lot width for a drive-through business shall be 30.0 m.
- (3) The minimum lot area for a drive-through business shall be 930 m<sup>2</sup>.
- (4) Drive-through lanes and queuing spaces shall be set back a minimum of 2.0 m from any street, and the setback area shall be landscaped in accordance with **Section 4.29** and **Section 4.30**.
- (5) Queuing Spaces shall be provided as follows:
  - (a) For uses selling food or beverages, a minimum of ten (10) inbound and three (3) outbound vehicle queuing spaces per drive-through lane.
  - (b) For uses not selling food or beverage, a minimum of three (3) inbound and two (2) outbound vehicle queuing spaces per drive-through lane.
  - (c) Spaces shall be a minimum of 6.0 m long and 3.0 m wide and shall provide sufficient space for turning and manoeuvring.

## 5.10 FAMILY DAY HOME

- (1) Family Day Homes shall be developed in alignment with the *Child Care Act*, as amended.
- (2) Family Day Homes shall follow the regulations of **Section 5.13** for a home-based business (level one), except that one employee who is not a member of the household shall be allowed.
- (3) Family Day Homes are only permitted in housing (single detached, duplex, townhouse, multiplex).
- (4) Only one Family Day Home is allowed per lot, or in the case of a condominium, per unit.

## 5.11 GAS STATION / CAR WASH

- (1) the minimum site area for a gas station shall be 1,200 m<sup>2</sup> and the maximum site coverage, including pump islands, shall not exceed 20%.
- (2) All pump islands shall be located at least 6.0 m from any lot line or on-site parking area.
- (3) A car wash shall have a minimum of three (3) inbound queuing spaces and one (1) outbound queuing space per wash bay.
- (4) Gas stations and car washes shall install oil grit separators to ensure no deleterious substances enter the sanitary or storm sewer systems.
- (5) All parts of the site to which vehicles may have access shall be hard-surfaced and drained to the satisfaction of the Development Officer.

## 5.12 HOME OFFICE

- (1) A home office does not require a development permit so long as the business involves office functions only and is operated by a resident of the dwelling unit.
- (2) The following is not allowed for a home office:
  - (a) variations from the residential character and appearance of land or buildings;
  - (b) storage of materials and equipment other than those normally required for office functions;
  - (c) signage of any type;
  - (d) in-person instruction or customer visits; and
  - (e) the creation of offensive noise, vibration, smoke, dust, odour, heat, glare, electrical, or radio disturbance.

## 5.13 HOME-BASED BUSINESSES

- (1) No variation from the residential character and appearance of land or buildings is allowed.
- (2) The home-based business should not generate any pedestrian or vehicular traffic or parking in excess of that which is generally characteristic of the neighbourhood where it is located, and the privacy and enjoyment of adjacent dwellings should not be adversely impacted.
- (3) No offensive noise, vibration, smoke, dust, odours, heat, glare, electrical or radio disturbance is allowed.
- (4) The following uses are not allowed as a home-based business: 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, and/or requiring venting, blowers, or exhaust ports; brewing or distilling.
- (5) A home-based business may have one (1) non-illuminated fascia sign advertising the business attached to the principal building, to a maximum size of 0.37 m<sup>2</sup>. In the case of the RC1 or RC2 zones, the sign may be placed at the entrance to the driveway.
- (6) The regulations specific to Home Based-Business (Level One) and Home-Based Business (Level Two) are outlined as follows:

**Table 12: Home-Based Business Levels One and Two**

	Level One	Level Two
<b>Housing Types Allowed In</b>	Any housing form allowed in the relevant zone	Not allowed in multiple housing
<b>Maximum Per Dwelling Unit</b>	Up to two	Up to one
<b>Place of Operation</b>	Within the dwelling unit only <sup>1</sup> , except market gardening may be conducted in the yard	Within the dwelling unit, or up to 50m <sup>2</sup> in an accessory structure
<b>Outside Storage</b>	Not Allowed	Not allowed (except for RC1 and RC2 zones, provided that storage is in the side or rear yard and screened)
<b>Non-Resident Employees</b>	None	Up to one
<b>Commercial Vehicles and Trailers</b>	One allowed, up to 7,257 kg gross vehicle weight rating	Two allowed, up to 7,257 kg gross vehicle weight rating (except one may be heavier in RC1 and RC2 zones)

	Level One	Level Two
<b>Additional Off-Street Parking</b>	1 additional parking space, if the business involves a commercial vehicle in addition to the operator's personal vehicle	Up to 2 additional parking spaces, if the business involves commercial vehicles in addition to the operator's personal vehicle
<b>Clients at One Time</b>	One	Up to two
<b>Retail Sales</b>	Not allowed	Goods prepared as part of the business may be sold

<sup>1</sup>Except an accessory structure may be used for minor storage of materials and equipment.

## 5.14 INDUSTRIAL (RESOURCES)

- (1) As part of a development permit application the following additional information is required:
  - (a) time frames for phases of extraction;
  - (b) a plan of reclamation (which may include future development plans that are supported by the Official Community Plan and zoning); and
  - (c) a Yukon Environmental and Socio-Economic Assessment Board (YESAB) decision document (if YESAB legislation is triggered).
- (2) New natural resource extraction areas may be subject to environmental and socio-economic review as part of the applicable legislated assessment process. The City will not approve any development that is contrary to the decision or conditions set out by the authority having jurisdiction.
- (3) The Development Officer may require that a separate, hard-surfaced haul road, complete with turning lanes at a road intersection be provided to access an industrial (resources) development. Implementation of dust abatement practices will be required.
- (4) The following conditions shall apply to industrial (resources) 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 activity shall be erected at a prominent location on the haul road outlining the development sequence and hours of operation. The sign shall have a minimum area of 2.0 m<sup>2</sup> in area and shall not exceed 3.0 m<sup>2</sup> in area or 3.0 m in height;
  - (d) the site perimeter shall be posted to warn of safety considerations from unauthorized entry;
  - (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.
- (5) Upon abandonment or termination of operations, reclamation of the site shall begin immediately and be carried out in cooperation with the appropriate authorities. Unless an alternate end use is approved through a separate planning process, the site shall be reclaimed to as natural a state as possible through measures such as slope grading, landscaping, and reforestation. If an alternate end use is approved, the reclamation plan may be revisited accordingly prior to implementation.
- (6) Granular resource extraction permitted as a temporary use under **Section 2.13** shall be subject to the following:
  - (a) the Development Officer shall require the applicant to provide a quarry management plan, including any or all of the following:

- i) A detailed grading plan, showing existing and proposed final elevations and grades throughout the site, and including the surrounding area showing how the grading will tie in with surrounding conditions;
  - ii) An extraction and reclamation plan, including the extent of the 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;
  - iii) Anticipated impacts from dust, noise, and traffic, and measures to mitigate such impacts;
  - iv) 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;
  - v) A list of machinery to be used on site;
  - vi) Any ancillary activities to be performed on the site, including crushing, and screening;
  - vii) Haul route(s) and destination(s) of extracted material;
  - viii) Measures to ensure public safety and site security; and
  - ix) 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 2.18** 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.

## 5.15 LIVE/WORK UNIT

- (1) All live/work units should maintain a commercial or industrial component, which shall:



- (a) be located at grade; and
  - (b) have a public entry oriented to and directly accessible from a public roadway, other than a lane or an undeveloped registered road plan.
- (2) The commercial or industrial component uses shall be limited to those uses allowed in the applicable zone.
- (3) The residential component shall be separated from the commercial or industrial component by a wall, ceiling, door, or other means of separation meeting the requirements of the building code but otherwise having direct access between the components of the live/work unit.
- (4) The gross floor area of the residential component shall not exceed the gross floor area of the commercial or industrial component.
- (5) In the case of a condominium, the residential and commercial or industrial components of a live/work unit shall be contained within the same unit.

### 5.16 MULTIPLE HOUSING DEVELOPMENT

- (1) In addition to the minimum facilities required for garbage handling, a multiple housing development on one lot shall include a central facility to provide recycling and organic waste disposal. The location of all garbage, organic waste, and recycling facilities shall be shown on the development plan drawings, including collection vehicle access and required screening.
- (2) Multiple housing developments where units have separate ground-oriented entrances should be oriented to front the public street where possible. Where street orientation is not feasible, the building façade shall incorporate at least two of the following design elements:
  - (a) a primary building entrance;
  - (b) a front porch and/or balconies;
  - (c) variation in façade depth to avoid the creation of large, featureless walls; and/or
  - (d) variation in siding, trim material, and/or colour.
- (3) All multiple housing developments in residential zones shall:
  - (a) provide a minimum of 15 m<sup>2</sup> of amenity area per dwelling unit, of which at least 5 m<sup>2</sup> per dwelling unit shall be amenity area (common);
  - (b) a maximum of 60% of the required amenity area (common) may be provided indoors; and
  - (c) an amenity area (private) shall have no dimension less than 1.5 m wide.
- (4) All multiple housing developments in non-residential zones shall:
  - (a) provide a minimum of 10 m<sup>2</sup> of amenity area per dwelling unit, of which at least 5 m<sup>2</sup> per dwelling unit shall be amenity area (common); and
  - (b) an amenity area (private) shall have no dimension less than 1.5 m wide.
- (5) An amenity area (common) may include:
  - (a) a rooftop amenity area;
  - (b) an at-grade amenity area, including a plaza, courtyard, patio, or playground;
  - (c) a common garden area, either at grade or above grade; or
  - (d) a pool, fitness centre, community room, or theatre room.



- (6) Amenity areas (common), shall be accessible to all residents, to the satisfaction of the Development Officer. Where visitable units are required, common amenity areas must also be designed to meet visitability standards.
- (7) Amenity areas at ground level shall be screened to the satisfaction of the Development Officer.
- (8) An amenity area (private) may include:
  - (a) a deck or balcony;
  - (b) a patio or at-grade yard; or
  - (c) a recessed balcony
- (9) All housing (apartment) developments shall provide a secure common storage facility either within the building or in an accessory structure or compound accessible to residents.
- (10) Multiple housing developments of ten or more dwelling units shall provide visitable units as follows:
  - (a) at least one visitable unit shall be provided for every ten dwelling units;
  - (b) visitable unit design shall be prepared by a qualified design professional in accordance with *CSA B652*, as amended; and
  - (c) for housing (supportive) developments, the requirement for visitable units may be adjusted where an alternative accessibility strategy is provided, based on the needs of the intended residents.

### **5.17 HOUSING (RESIDENTIAL CARE)**

- (1) Housing (residential care) shall not have more than four care providers continuously onsite at one time.
- (2) Housing (residential care) should not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the general zone within which it is located.

### **5.18 HOUSING (SUPPORTIVE)**

- (1) Services provided in relation to a supportive housing use shall be limited to services provided only to the residents of that site.
- (2) Where supportive housing is listed as a permitted use, it may be developed in any housing form permitted in that zone.
- (3) In zones where minimum or maximum site density regulations apply, the number of dwellings allowed in a supportive housing development shall comply with the applicable minimum and maximum site density regulations of the zone.
- (4) In residential zones, housing (supportive) should not generate pedestrian or vehicular traffic or parking in excess of that which is characteristic of the zone within which it is located.

### **5.19 RETAIL (CANNABIS)**

- (1) All Retail (Cannabis) 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.
- (2) To ensure compliance with other Territorial regulations, Retail (Cannabis) operations may be exempt from glazing requirements in the CMD and CMR zones. Alternate approaches to

meet the intent of the glazing requirements may be considered, at the discretion of the Development Officer.

- (3) The lot line of a Retail (Cannabis) operation may not be within 100 metres of a:
  - (a) lot in the PAR zone that includes a play structure, or
  - (b) another retail (cannabis) development.
- (4) A list and map of locations that require a buffer from a retail (cannabis) use can be obtained from the Development Officer.

## 5.20 SUITE (GARDEN)

- (1) Garden suites, where permitted, shall:
  - (a) have a maximum gross floor area of 100 m<sup>2</sup>, except 150 m<sup>2</sup> in the RC1 zone;
  - (b) have a maximum of 60 m<sup>2</sup> gross floor area on the second storey in urban residential areas;
  - (c) have a maximum height of 8.0 m;
  - (d) have a minimum setback of 1.0 m from the principal building; and
  - (e) provide private or shared amenity areas with a minimum area of 10% of the gross floor area of the garden suite.
- (2) Garden suites, when permitted, may be located in the front, side, or rear yard.
- (3) In zones where two suites are permitted, two garden suites may be attached. Each suite shall be considered a separate dwelling unit and shall count toward the total number of suites allowed in the applicable zone. Each suite must comply with all requirements of this section and any other relevant regulations.
- (4) Garden suites shall be visually compatible with the principal dwelling in its design, siting, and exterior appearance, to the satisfaction of the Development Officer.
- (5) Garden suites may be in the form of a mobile home in zones where housing (mobile home) is a principal use, provided that the design, siting, and exterior appearance are visually compatible with the principal dwelling, to the satisfaction of the Development Officer.
- (6) The minimum setbacks for garden suites in the RC1, RC2 and OAG zones shall be the same as the setbacks applicable to the principal uses in the zone.
- (7) The minimum setbacks for garden suites in urban residential areas are as follows:
  - (a) The front yard setback shall be the same as that required for principal uses in the applicable zone;
  - (b) For garden suites under 4.5 m in height, the minimum side and rear yard setbacks are 1.5 m. One side yard setback may be reduced to 0.6 m if the garden suite is located in the side or rear yard;
  - (c) For garden suites 4.5 to 8.0 m in height, the minimum side and rear yard setbacks are 1.5 m;
  - (d) Notwithstanding subsection (7) (b) and (c), the rear yard setback may be reduced to 0.6 m in the following cases:
    - i) The lot has rear lane access; or
    - ii) The rear lot line abuts a public right-of-way, greenbelt, park, school site, or similar undeveloped or publicly owned land, at the discretion of the Development Officer;

- (e) In no case shall the side yard setback for a garden suite be 0 m.
- (8) 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 shall be placed to minimize overlook onto adjacent properties; and
  - (c) the development shall comply with any other additional provisions the Development Officer deems necessary to preserve the privacy of adjacent properties.
- (9) Garden suites shall have unobstructed pedestrian access to a street frontage and a parking area to the satisfaction of the Development Officer.
- (10) Garden suites shall be located on the same lot as a principal dwelling, or within the same unit in the case of a condominium.

### 5.21 SUITE (LIVING)

- (1) Living suites shall conform to the following regulations:
  - (a) living suites may not exceed more than 100 m<sup>2</sup> gross floor area; and
  - (b) living suites are only allowed in a single detached house, duplex, or townhouse unit unless otherwise specified in this Bylaw.
- (2) Living suites shall have unobstructed pedestrian access to a street frontage and a parking area to the satisfaction of the Development Officer.
- (3) Living suites shall be located on the same lot as a principal dwelling, or within the same unit in the case of a condominium.

### 5.22 SHORT-TERM RENTAL

- (1) In residential zones:
  - (a) the maximum number of short-term rentals permitted per lot is one, except in the case of a lot subdivided into condominium units, where the maximum number is one per condominium unit;
  - (b) an individual operator may not operate more than one short-term rental in any residential zone within the city;
  - (c) a short-term rental in the operator's primary residence shall be limited to a maximum of six months per year, and the six months may not be divided into more than three separate periods during which the short-term rental is offered for rent; and
  - (d) a short-term rental shall not be operated concurrently on the same lot as a bed and breakfast.
- (2) In commercial zones:
  - (a) there is no limit on the number of short-term rentals permitted per lot;
  - (b) there is no limit on the number of short-term rentals that can be operated by an individual operator; and
  - (c) a short-term rental in the operator's primary residence shall be limited to a maximum of six months per year, and the six months may not be divided into more than three separate periods during which the short-term rental is offered for rent.

### **5.23 VISITOR ACCOMMODATION**

- (1) At least one visitable unit shall be provided for each 20 units in a hotel or motel development. The design of visitable units shall be done by a design professional in alignment with CSA B652, as amended, 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.

# Part 6 Zones

*This part outlines specific regulations that apply to the City's Zones.*

## 6.1 RESIDENTIAL – COUNTRY 1 (RC1)

### (1) Purpose

To provide for single detached housing on a larger rural lot, often without the provision of the full range of urban utilities.

### (2) Principal Uses

- (a) community garden
- (b) housing (single detached) (mobile home)
- (c) park (active) (nature)

### (3) Secondary Uses

- (a) accessory structure
- (b) agriculture (minor)
- (c) bed and breakfast \*up to two guest rooms
- (d) housing (residential care)
- (e) family day home
- (f) home-based business (level one) (level two)
- (g) home office
- (h) short-term rental \*primary residence
- (i) suite (living) (garden)

### (4) Conditional Uses

- (a) bed and breakfast \*three or four guest rooms
- (b) child care centre
- (c) housing (supportive)

### (5) Development Regulations

- (a) minimum lot width is 30.0 m
- (b) minimum lot area is 1.0 ha
- (c) maximum site coverage is 20%
- (d) maximum height is 12.0 m
- (e) minimum front, side and rear yard setbacks are 6.0 m

### (6) Other Regulations

- (a) maximum dwellings per lot:
  - i) 1 principal dwelling (single detached or mobile home)
  - ii) 1 suite (living or garden)

## 6.2 RESIDENTIAL – COUNTRY 2 (RC2)

### (1) Purpose

To provide for single detached housing on a smaller rural lot where municipal water and/or sewage disposal may be installed allowing the lot size to be reduced.

### (2) Principal Uses

- (a) community garden
- (b) housing (single detached) (mobile home)
- (c) park (active) (nature)

### (3) Secondary Uses

- (a) accessory structure
- (b) agriculture (minor)
- (c) bed and breakfast \*up to two guest rooms
- (d) housing (residential care)
- (e) family day home
- (f) home-based business (level one)
- (g) home office
- (h) short-term rental \*primary residence
- (i) suite (living) (garden)

### (4) Conditional Uses

- (a) bed and breakfast \*three or four guest rooms
- (b) child care centre
- (c) home-based business (level two)
- (d) housing (supportive)

### (5) Development Regulations

- (a) minimum lot width is 30 m, except that the lot width may be reduced to 15 m where the lot will be connected to either municipal water or sewage services
- (b) minimum lot area is 0.5 ha, except that the minimum lot area may be reduced to 0.25 ha where the lot will be connected to municipal water and sewage services
- (c) maximum site coverage is 20%
- (d) maximum height is 10.0 m
- (e) minimum front, side and rear yard setbacks are 6.0 m, except that the side yard setbacks for the principal dwelling may be reduced to 3.0 m if the lot is less than 0.5 ha and is not a corner lot.

### (6) Other Regulations

- (a) maximum dwellings per lot:
  - i) 1 principal dwelling (single detached or mobile home)
  - ii) 1 suite (living or garden)



### 6.3 RESIDENTIAL – MOBILE HOME (RMB)

(1) Purpose

To provide for the development of a mobile home community.

(2) Principal Uses

- (a) community garden
- (b) mobile home community
- (c) park (active) (nature)

(3) Secondary Uses

- (a) accessory structure
- (b) family day home
- (c) home-based business (level one)
- (d) home office

(4) Conditional Uses

- (a) child care centre
- (b) housing (supportive)

(5) Development Regulations

- (a) minimum lot area is 2.0 ha
- (b) maximum density is 15 mobile home sites per hectare
- (c) minimum front, side, and rear setbacks are 3.0 m

(6) Mobile Home Sites

For the purposes of this section, “mobile home site” means an area of land within a mobile home community leased or rented from the owner of a mobile home community for the placement of one mobile home, along with any additions, accessory structures, yards and parking intended for exclusive use by the residents of the mobile home.

- (a) each mobile home site in a mobile home community 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) minimum width of a mobile home site shall be 13 m
- (c) minimum area of a mobile home site shall be 429 m<sup>2</sup>
- (d) minimum front yard setback of a mobile home site shall be 3.0 m
- (e) the minimum side yard setback of a mobile home site shall be 1.5 m
- (f) minimum rear yard setback of a mobile home site shall be 3.0 m
- (g) maximum site coverage on a mobile home site shall be 50%
- (h) the foundation supporting elements of a mobile home shall not exceed 1.0 m above grade
- (i) maximum dwellings per mobile home site: 1 mobile home.

(7) Accessory Structures

- (a) On each mobile home site, only one accessory structure may be installed, subject to the following regulations:

- i) the accessory structure shall not exceed 4.0 m in height and 12.0 m<sup>2</sup> in area.
- ii) the accessory structure 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 1.0 m from the mobile home.

(8) Additions to Mobile Home

- (a) The following additions to mobile homes are allowed 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:
  - i) 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;
  - ii) carports;
  - iii) shelters against sun or rain;
  - iv) decks, patios and landings;
  - v) vestibules or arctic entries of a maximum size of 6.0 m<sup>2</sup>;
  - vi) Unheated sun room, provided that the sun room has an exit or direct access to an exit that does not pass through the mobile home. Additionally, a sun room may not serve as an exit or access to an exit for the mobile home itself.
  - vii) roof additions or replacements 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*.
- (c) Permanent foundations are prohibited.
- (d) Additions to a mobile home shall:
  - i) not exceed the gross floor area of the mobile home to which they are attached;
  - ii) not exceed the height of the mobile home, except for roof replacements to the mobile home not exceeding a 4/12 pitch; and
  - iii) be constructed and finished in durable, weather-resistant materials similar in quality to those used in the construction and finishing of the mobile home
- (e) The following alterations to a mobile home are allowed:
  - i) replacement of exterior siding;
  - ii) addition of exterior insulation;
  - iii) interior renovations that do not alter the structural components of the mobile home;
  - iv) replacement of windows and/or doors

(9) Other Regulations

- (a) No part of the mobile home community shall be used for non-residential purposes except as required for the direct servicing and well-being of residents of the mobile home community and for the management and maintenance of the mobile home community.

- (b) one single detached dwelling is allowed in a mobile home community on a mobile home site for use by the mobile home community owner or manager as a residence and office for management of the park.
- (c) The mobile home community 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 community, subject to the following:
  - i) Each playground area shall be suitably landscaped and maintained, equipped with appropriate play equipment, and located conveniently to the mobile home lots and footpaths.
  - ii) The playground area shall be contiguous except where the playground area exceeds 1,000 m<sup>2</sup>. Where the area required exceeds 1,000 m<sup>2</sup>, more than one playground area may be provided, but in no case shall a playground area be less than 500 m<sup>2</sup>.
  - iii) 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.
- (d) Mobile homes existing in mobile home communities prior to the enactment of this Bylaw may be replaced at the discretion of their owners and the mobile home community owner, subject to all applicable laws, including the *Act*. Where the existing mobile home does not conform with the siting or site coverage regulations in this Bylaw, the new mobile home shall not increase the non-conformity.

## 6.4 RESIDENTIAL – COMPREHENSIVE DEVELOPMENT (RCD)

### (1) Purpose

To provide for a broad range of low to medium density single detached, duplex and multiplex housing, with comprehensive design standards that support an attractive streetscape and encourage a sense of community.

### (2) Principal Uses

- (a) community garden
- (b) housing (single detached) (duplex) (multiplex) (mobile home) (supportive)
- (c) park (active) (nature)

### (3) Secondary Uses

- (a) accessory structure
- (b) bed and breakfast \* up to two guest rooms
- (c) housing (residential care)
- (d) family day home
- (e) home-based business (level one)
- (f) home office
- (g) rooming house
- (h) short-term rental \*primary residence
- (i) suite (living) (garden)

### (4) Conditional Uses

- (a) child care centre
- (b) home-based business (level two)

### (5) Development Regulations

- (a) minimum lot width for housing (single detached) (duplex – one-lot) (multiplex) (mobile home) is 11.0 m, except 10.0 m where there is rear lane access
- (b) Minimum lot width for housing (duplex – two-lot) is 8.5 m
- (c) minimum lot area for housing (single detached) (duplex – one-lot) (multiplex) (mobile home) is 320 m<sup>2</sup>
- (d) minimum lot area for housing (duplex – two-lot) is 275 m<sup>2</sup> per lot
- (e) maximum site coverage is 50%
- (f) maximum height is 10.0 m, except 11.0 m where 2 or more units are provided
- (g) minimum front yard setback is 3.0 m
- (h) maximum front yard setback is 9.0 m
- (i) minimum side yard setback is 1.5 m, except 0.0 m on one side for housing (duplex – two-lot)
- (j) minimum rear yard setback is 3.0 m, except 1.5 m where there is rear lane access.

### (6) Other Regulations

- (a) maximum dwellings per lot for housing (single detached) (duplex – one-lot) (multiplex) (mobile home) is 4 dwelling units, of which up to 2 dwelling units may be suites (living and/or garden)

- (b) maximum dwellings per lot for housing (duplex – two-lot):
  - i) 1 principal dwelling; and
  - ii) 2 suites (living and/or garden).
- (c) Housing (mobile home) and garden suites in the form of a mobile home in this zone shall:
  - i) not be placed on the site if the unit is more than ten years old;
  - ii) be placed on permanent foundations that are designed and installed in accordance with the *City of Whitehorse Building and Plumbing Bylaw*; and
  - iii) have continuous skirting that is complementary to the siding of the mobile home.
- (d) 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.
- (e) Where there is no lane access, front yard garages are allowed. The garage may not protrude by more than 3.0 m beyond either the front face of the first storey or any portion of the building above the garage.
- (f) Building Façades – Materials and Colour
  - i) 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.
  - ii) 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.
  - iii) Where additional design features, building articulations, glazing, and/or other façade improvements have been proposed, the regulations in this subsection may be relaxed at the discretion of the Development Officer.
- (g) Front Entry Requirements
  - i) A porch, patio, or deck is required along the building façade for each unit facing a public street, which shall occupy at least 25% of the façade's width, but not less than 2.5 m. On corner lots, the requirement may be met by providing 25% of one street-facing façade or 15% of each street-facing façade, but in all cases, the width shall be no less than 2.5 m.
  - ii) For a unit with a protruding garage, a porch, patio, or deck must extend across the full width of the building façade, excluding the garage face.
  - iii) Any porch, patio, or deck required under this section shall have a minimum depth of 2.0 m.

## 6.5 RESIDENTIAL – STANDARD DEVELOPMENT (RSD)

### (1) Purpose

To provide for a broad range of low to medium density single detached, duplex and multiplex housing.

### (2) Principal Uses

- (a) community garden
- (b) housing (single detached) (duplex) (multiplex) (mobile home)
- (c) housing (supportive)
- (d) park (active) (nature)

### (3) Secondary Uses

- (a) accessory structure
- (b) bed and breakfast \*up to two guest rooms
- (c) family day home
- (d) home-based business (level one)
- (e) home office
- (f) housing (residential care)
- (g) rooming house
- (h) short-term rental \*primary residence
- (i) suite (living) (garden)

### (4) Conditional Uses

- (a) child care centre
- (b) home-based business (level two)

### (5) Development Regulations

- (a) minimum lot width for housing (single detached) (duplex – one-lot) (multiplex) (mobile home) is 14.0 m
- (b) minimum lot width for housing (duplex – two-lot) is 10.0 m
- (c) minimum lot area for housing (single detached) (duplex – one-lot) (multiplex) (mobile home) is 462 m<sup>2</sup>
- (d) minimum lot area for housing (duplex – two-lot) is 372 m<sup>2</sup> per lot
- (e) maximum site coverage is 40%, except 50% where 2 or more units are provided
- (f) maximum height is 10.0 m, except 11.0 m where 2 or more units are provided
- (g) minimum front yard setback is 6.0 m, except 3.0 m where 2 or more units are provided
- (h) minimum side yard setback is 1.5 m, except 0.0 m on one side for housing (duplex – two-lot)
- (i) minimum rear yard setback is 3.0 m, except 1.5 m where there is rear lane access.

## (6) Other Regulations

- (a) maximum dwellings per lot for housing (single detached) (duplex – one-lot) (multiplex) (mobile home) is 4 dwelling units, of which up to 2 dwelling units may be suites (living and/or garden)
- (b) maximum dwellings per lot for housing (duplex – two-lot):
  - i) 1 principal dwelling
  - ii) 2 suites (living and/or garden)
- (c) Housing (mobile home) and garden suites in the form of a mobile home in this zone shall:
  - i) not be placed on the site if the unit is more than ten years old;
  - ii) be placed on permanent foundations that are designed and installed in accordance with the *City of Whitehorse Building and Plumbing Bylaw*; and
  - iii) have continuous skirting that is complementary to the siding of the mobile home.

## (7) Special Modifications

- (a) Lot 603, Plan 32022 YT, located at 11 Oak Street, is designated RSDx(a), with the special modification being:
  - i) the minimum rear yard setback for suite (garden) is 0.9 m.
- (b) Lot 34, Plan 30131 LTO YT, located at 34 Roundel Road, is designated RSDx(b), with the special modification being:
  - i) the minimum side and rear yard setback for accessory structures and suite (garden) over 4.5 m in height is 0.97 m.
- (c) Lot 51, Plan 30131 LTO YT, located at 51 Sunset Drive South, is designated RSDx(c), with the special modification being:
  - i) the minimum front yard setback for the lot line abutting Hillcrest Drive is 3.0 m.
- (d) Lot 25, Plan 95-17 LTO YT, located at 157 Falaise Place, is designated RSDx(d), with the special modification being:
  - i) The minimum front yard setback is 4.9 m.
- (e) Lot 108, Plan 96-40 LTO YT, located at 1 Vimy Place, is designated RSDx(e), with the special modification being:
  - i) the minimum front yard setback is 3.0 m.
- (f) Lot 144, Plan 25142 LTO YT, located at 21 12th Avenue East, in designation RSDx(f), with the special modification being:
  - i) maximum dwellings per lot for housing (single detached) (duplex – one-lot) (multiplex) (mobile home) is 5 dwelling units, of which up to 2 dwelling units may be suites (living and/or garden).



## 6.6 RESIDENTIAL – TOWNHOUSE (RTH)

### (1) Purpose

To provide higher density, street-oriented townhouses, with comprehensive design standards that support an attractive streetscape and encourage a sense of community.

### (2) Principal Uses

- (a) community garden
- (b) housing (townhouse)
- (c) housing (supportive)
- (d) park (active) (nature)

### (3) Secondary Uses

- (a) accessory structure
- (b) housing (residential care)
- (c) family day home
- (d) home-based business (level one)
- (e) home office
- (f) rooming house
- (g) short-term rental \*primary residence
- (h) suite (living) (garden)

### (4) Development Regulations

- (a) minimum lot width is 6.0 m
- (b) minimum lot area is 180 m<sup>2</sup>
- (c) maximum site coverage for housing (townhouse – fee simple, interior) (townhouse – single lot) is 55%
- (d) maximum site coverage for housing (townhouse – fee simple, exterior) is 45%
- (e) maximum height is 10.0 m, except 11.0 m for townhouse units that have a living suite
- (f) minimum front yard setback is 3.0 m
- (g) maximum front yard setback is 6.0 m, except 9.0 m where there is no rear lane access
- (h) minimum side yard setback for housing (townhouse – fee simple, interior) is 0 m
- (i) minimum side yard setback for housing (townhouse – fee simple, exterior) is 0 m on one side and 1.5 m on the other
- (j) minimum side yard setback for housing (townhouse – single lot) is 1.5 m
- (k) minimum rear yard setback is 3.0 m, except 1.5 m where there is rear lane access.

### (5) Other Regulations

- (a) maximum dwellings per lot for housing (townhouse – fee simple):
  - i) 1 principal dwelling
  - ii) 2 suites (living and/or garden) per principal dwelling
- (b) Housing (townhouse – single lot) is subject to the following regulations:

- i) All townhouse units shall face the street, and each unit shall adhere to the minimum and maximum front yard setbacks.
  - ii) The minimum width of a townhouse unit is 4.88 m, and the maximum width is 9.0 m.
  - iii) The minimum number of townhouse units shall be determined based on the lot width and the proposed width of the units, as follows:
    - (A) Subtract the minimum side yard setbacks from the lot width
    - (B) Divide the remaining width by the average width of the proposed townhouse units
    - (C) Round the result down to the nearest whole number.
  - iv) A maximum of two suites (living and/or garden) are permitted per townhouse unit.
- (c) 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.
- (d) Where there is no lane access, front yard garages are allowed. The garage may not protrude by more than 2.0 m beyond either the front face of the first storey or any portion of the building above the garage.
- (e) **Building Façades – Materials and Colour**
  - i) 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.
  - ii) 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.
  - iii) Where additional design features, building articulations, glazing, and/or other façade improvements have been proposed, the regulations in this subsection may be relaxed at the discretion of the Development Officer.
- (f) **Front Entry Requirements**
  - i) A porch, patio, or deck is required along the building façade for each townhouse unit, which shall occupy at least 25% of the façade's width, but not less than 2.5 m. On corner lots, the requirement may be met by providing 25% of one street-facing façade or 15% of each street-facing façade, but in all cases, the width shall be no less than 2.5 m.
  - ii) For a townhouse unit with a protruding garage, a porch, patio, or deck must extend across the full width of the unit's façade, excluding the garage face.
  - iii) Any porch, patio, or deck required under this section shall have a minimum depth of 2.0 m.

## 6.7 RESIDENTIAL – MULTI-UNIT CLUSTER (RMC)

### (1) Purpose

To provide for the development of multiple ground-oriented single detached, duplex and three-unit multiplex housing units that are located on the same lot, with comprehensive design standards that support an attractive streetscape and encourage a sense of community.

### (2) Principal Uses

- (a) community garden
- (b) housing (cottage cluster)
- (c) housing (supportive)
- (d) park (active)

### (3) Secondary Uses

- (a) accessory structure
- (b) housing (residential care)
- (c) family day home
- (d) home-based business (level one)
- (e) home office
- (f) rooming house
- (g) short-term rental \*primary residence
- (h) suite (living)

### (4) Development Regulations

- (a) minimum lot width is 15.0 m
- (b) minimum lot area is 800 m<sup>2</sup>
- (c) maximum site coverage is 50%
- (d) maximum height is 11.0 m
- (e) minimum front yard setback is 2.5 m
- (f) maximum front yard setback is 6.0 m
- (g) minimum side yard setback is 1.5 m
- (h) minimum rear yard setback is 3.0 m, except 1.5 m where there is rear lane access.

### (5) Other Regulations

- (a) The minimum site density is 15 units per hectare. For the purposes of this regulation, suites (living) do not count towards the minimum site density.
- (b) A maximum of one suite (living) is allowed per principal dwelling unit.
- (c) A minimum building separation of 6 m is required on at least two sides of each residential building, and a minimum 2.5 m building separation is required on all other sides of each residential building.
- (d) 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 allowed from the front or side of the lot.

- (e) Lot shall be accessed by internal drive aisles and parking will be located at the side or rear of the lot and screened from view by fencing, buildings, or vegetation.
- (f) For lots under 1700 m<sup>2</sup>, parking may be located elsewhere on the lot, with provision for screening.
- (g) Building Façades – Materials and Colour
  - i) 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.
  - ii) 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.
  - iii) Where additional design features, building articulations, glazing, and/or other façade improvements have been proposed, the regulations in this subsection may be relaxed at the discretion of the Development Officer.
- (h) Front Entry Requirements
  - i) A porch, patio, or deck is required along the building façade for each unit facing a public street, which shall occupy at least 25% of the façade's width, but not less than 2.5 m. On corner lots, the requirement may be met by providing 25% of one street-facing façade or 15% of each street-facing façade, but in all cases, the width shall be no less than 2.5 m.
  - ii) Any porch, patio, or deck required under this section shall have a minimum depth of 2.0 m.

## 6.8 RESIDENTIAL – MULTI-UNIT MEDIUM DENSITY (RMM)

### (1) Purpose

To provide for medium to high density multiplex, townhouse and apartment development.

### (2) Principal Uses

- (a) community garden
- (b) housing (cottage cluster) (multiplex) (townhouse) (apartment)
- (c) housing (supportive)
- (d) park (active)

### (3) Secondary Uses

- (a) accessory structure
- (b) housing (residential care)
- (c) family day home
- (d) home-based business (level one)
- (e) home office
- (f) rooming house
- (g) short-term rental \*primary residence

### (4) Conditional Uses

- (a) child care centre
- (b) housing (single detached) (duplex)

### (5) Development Regulations

- (a) minimum lot width is 15.0 m.
- (b) minimum lot area is 835 m<sup>2</sup>.
- (c) maximum site coverage is 50 %
- (d) maximum height is 16.0 m
- (e) minimum front yard setback is 4.0 m
- (f) minimum side yard setback is 1.5 m for any portion of a building 11.0 m or less in height, plus 1.0 m for any portion of a building taller than 11.0 m
- (g) minimum rear yard setback is 6.0 m.

### (6) Other Regulations

- (a) The minimum site density is 25 units per hectare, except for housing (single detached) (duplex) that has been permitted as a conditional use.
- (b) Lots shall be accessed by internal drive aisles and parking will be located at the side or rear of the lot and screened from view by fencing, buildings, or vegetation.
- (c) For lots under 1700 m<sup>2</sup>, parking may be located elsewhere on the lot, with provision for screening.
- (d) Except for housing (apartment), developments in this zone shall provide front entries as follows:
  - i) A porch, patio, or deck is required along the building façade for each unit facing a public street, which shall occupy at least 25% of the façade's width, but not less

than 2.5 m. For corner units, the requirement may be met by providing 25% of one street-facing façade or 15% of each street-facing façade, but in all cases, the width shall be no less than 2.5 m; and

- ii) Any porch, patio, or deck required under this section shall have a minimum depth of 2.0 m.

(7) Special Modifications

- (a) Condominium 95, Plan CC95 LTO YT, located at 58 Falcon Drive, is designated RMMx(a), with the special modification being:
  - i) The minimum side yard setback for lot lines adjacent to PUL 11, Plan 2005-0085 LTO YT, is 0.0 m.
- (b) Condominium 69, Plan CC69 LTO YT, located at 989 Range Road, is designated RMMx(b), with the special modifications being:
  - i) mobile home community is a principal use.
  - ii) If the principal use is mobile home community:
    - (A) the minimum site density is 9.5 units per hectare;
    - (B) each mobile home shall be placed on a separate bare land unit;
    - (C) each bare land unit shall have a minimum area of 390 m<sup>2</sup>.

## 6.9 RESIDENTIAL – MULTI-UNIT HIGH-DENSITY (RMH)

- (1) Purpose
 

To provide for higher density multiplex and apartment development.
- (2) Principal Uses
  - (a) community garden
  - (b) housing (apartment) (multiplex)
  - (c) housing (supportive)
  - (d) park (active)
- (3) Secondary Uses
  - (a) accessory structure
  - (b) housing (residential care)
  - (c) family day home
  - (d) home-based business (level one)
  - (e) home office
  - (f) rooming house
  - (g) short-term rental \*primary residence
- (4) Conditional Uses
  - (a) child care centre
- (5) Development Regulations
  - (a) the minimum lot area is 835 m<sup>2</sup>
  - (b) the maximum site coverage is 50%
  - (c) the maximum height is 20.0 m
  - (d) the minimum front yard setback is 4.0 m
  - (e) minimum side yard setback is 1.5 m for any portion of a building 11.0 m or less in height, plus 1.0 m for any portion of a building taller than 11.0 m
  - (f) the minimum rear yard setback is 6.0 m.
- (6) Other Regulations
  - (a) minimum site density is 50 units per hectare.
  - (b) Lots shall be accessed by internal drive aisles and parking will be located at the side or rear of the lot and screened from view by fencing, buildings, or vegetation.
  - (c) For lots under 1700 m<sup>2</sup>, parking may be located elsewhere on the lot, with provision for screening.



## 6.10 RESIDENTIAL – OLD TOWN (ROL)

### (1) Purpose

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

### (2) Principal Uses

- (a) child care centre
- (b) community garden
- (c) housing (single detached) (duplex) (townhouse) (multiplex) (apartment)
- (d) housing (supportive)
- (e) park (active)

### (3) Secondary Uses

- (a) accessory structure
- (b) bed and breakfast \*up to two guest rooms
- (c) housing (residential care)
- (d) family day home
- (e) home-based business (level one)
- (f) home office
- (g) rooming house
- (h) short-term rental \*primary residence
- (i) suite (garden) (living)

### (4) Conditional Uses

- (a) bed and breakfast \*three or four guest rooms
- (b) care facility (shelter)
- (c) home-based business (level two)
- (d) religious assembly

### (5) Development Regulations

- (a) minimum lot width is 12.0 m
- (b) minimum lot depth is 30.0 m
- (c) minimum lot area is 360 m<sup>2</sup>.
- (d) maximum floor area ratio is 1.5
- (e) maximum site coverage is 50%, except 60% where 4 or more units are provided
- (f) maximum height is 10.0 m.
- (g) minimum front yard setback is 2.0 m
- (h) minimum side yard setback is 1.5 m
- (i) minimum rear yard setback is 3.0 m, except 1.5 m where there is rear lane access.

### (6) Other Regulations

- (a) maximum site density is 150 units per hectare

- (b) maximum number of suites (living and/or garden) per lot is 2
  - (c) Where a lot abuts a lane, vehicle access shall be from the lane.
  - (d) Building façades shall include two of the following items:
    - i) primary building entrance;
    - ii) front porch and/or balconies;
    - iii) variation in façade depth to avoid the creation of large featureless walls; and
    - iv) variation in siding and trims material or colour.
- (7) Special Modifications
- (a) Lot 2, Block 131, Plan 18415 LTO YT, located at 604 Black Street, is designated ROLx(a), with the special modification being:
    - i) the minimum side yard setback on the west side is 1.2 m.

## 6.11 COMMERCIAL – MIXED-USE DOWNTOWN (CMD)

### (1) Purpose

To provide a zone for a vibrant downtown core that includes a mix of employment, commercial, institutional, medium and high-density residential uses and public spaces with a focus on compact, pedestrian-oriented development compatible with the surrounding area.

### (2) Principal Uses

- (a) animal services (minor)
- (b) care facility (clinic) (shelter)
- (c) child care centre
- (d) community garden
- (e) conference facility
- (f) establishment (eating and drinking) (entertainment)
- (g) financial services
- (h) gallery/studio
- (i) government services
- (j) housing (apartment) (townhouse) (multiplex)
- (k) housing (supportive)
- (l) office
- (m) park (active)
- (n) recreation (culture and tourism) (indoor)
- (o) religious assembly
- (p) retail (small) (medium) (cannabis)
- (q) school (commercial) (post-secondary) (grade)
- (r) short-term rental \*commercial
- (s) visitor accommodation

### (3) Secondary Uses

- (a) accessory structure
- (b) bed and breakfast \*up to four guest rooms
- (c) family day home
- (d) home-based business (level one)
- (e) home office
- (f) housing (residential care)
- (g) rooming house
- (h) short-term rental \*primary residence
- (i) suite (garden) (living)

### (4) Conditional Uses

- (a) commercial parking
- (b) funeral services

- (c) housing (single detached) (duplex)
- (5) Development Regulations
  - (a) minimum lot width is 10.0 m
  - (b) minimum lot area is 300 m<sup>2</sup>
  - (c) minimum floor area ratio is 1.0, except as exempted below
  - (d) maximum floor area ratio is 5.7
  - (e) maximum site coverage is 95%
  - (f) maximum height is as indicated in **Schedule E** of this Bylaw
  - (g) minimum front, side, and rear yard setback is 0.0 m
  - (h) a 1.5 m step-back is required on all sides on the portion of a building higher than 4 storeys, or 16.0 m, whichever is less
- (6) Other Regulations
  - (a) Maximum number of suites (living and/or garden) per lot is 2.
  - (b) The minimum floor area ratio does not apply to:
    - i) housing, other than apartment housing;
    - ii) parks;
    - iii) schools, other than commercial schools;
    - iv) commercial parking that has been permitted as a conditional use;
    - v) additions or alterations to existing developments; and
    - vi) developments on lots constrained by topography, environmental features, or heritage considerations, as determined by the Development Officer.
  - (c) 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 or landscaping shall be provided to screen parking from view. Chain-link fences are prohibited.
  - (d) A minimum of 40% of the width of each ground floor façade facing a public roadway shall consist of transparent glazing. This requirement does not apply to portions of the façade occupied by residential use.
  - (e) In addition to the regulations listed above, all developments are required to submit a design brief outlining how the proposed development achieves the intent of the guidelines for this zone. The determination of whether the development satisfactorily meets the design guidelines shall be at the discretion of the Development Officer.
- (7) Design Guidelines
  - (a) Site Design
    - i) Buildings should maintain a continuous alignment along a block.
    - ii) The siting of buildings should define the street by directly fronting onto the street at the front lot line.
    - iii) Buildings should maintain a continuous streetwall and alignment along a block, frame the street edge and public spaces.
    - iv) On corner sites:

- (A) provide primary façades facing both streets.
  - (B) minor variations in setbacks may be considered if the setback is to accommodate more space for tree planting, wider sidewalks, forecourts, plazas, and other publicly accessible amenity spaces.
  - v) In some cases, it may be appropriate to incorporate greater setbacks within an entire block to widen sidewalks and enhance pedestrian amenities without compromising the visual continuity of the streetscape. Modest setbacks at corners could also serve to create gathering areas.
- (b) Building Design
- i) Upper storeys should be set back from the building façade established on the ground storey.
  - ii) Building massing should be articulated and properly proportioned (scale, height, relationship to the ground).
  - iii) Where building frontages exceed 12 metres in width, create interesting building/streetwall façades through the use of articulation elements such as recesses, varied building heights, setbacks, step-backs, and shifts in both horizontal and vertical planes.
  - iv) Articulated design elements should have sufficient depth to ensure that the break is noticeable and contributes to enhancing the public realm.
  - v) Large, blank façades should be avoided.
  - vi) On large sites, encouraging architectural variation within development blocks helps to avoid monotony and fosters a more visually engaging and dynamic environment. A consistent design language should be maintained throughout the development to ensure overall cohesion and a strong sense of place.
  - vii) A minimum building height of 3-storeys is desirable.
  - viii) Buildings should be articulated as follows:
    - (A) Ground Storey: Provide transparent glazing at ground level facing the street 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) Entrances: Integrate high-quality architectural and landscape design to accentuate primary entrances. Ensure that each ground-floor retail unit has a clearly identifiable entrance that is directly accessible from the public sidewalk. Provide weather protection with canopies, awnings, or recesses.
    - (C) Above Ground Storey: A separate and direct exterior entry at the ground storey is encouraged.
    - (D) Parapets: Parapets or other architectural screening devices should be articulated to provide an attractive edge transition between the building and sky and to screen rooftop mechanical units.
    - (E) Mechanical units should be kept small and strategically positioned to minimize any additional visual and physical impacts on the public space, the site, and nearby properties, including reducing pedestrian-level shadow

effects. Mechanical units should be set back from building edges in proportion to their heights and away from public streets.

- ix) Construction materials and craftsmanship should be high quality, durable, and energy efficient to respond to Whitehorse's climatic and local conditions. The use of various architectural styles and materials is encouraged.
  - (A) Design and material quality should be consistent and building materials and finishes should be complementary.
  - (B) Exterior Cladding: Acceptable cladding materials include acrylic stucco, metal siding (except aluminium), cementitious wood fibre siding, factory finished composite wood siding, brick, stone and concrete block. Imitation material is strongly discouraged.
  - (C) Building materials should not be used to replicate other materials (e.g., shingles that resemble bricks, etc.).
  - (D) Material transitions are encouraged between storeys and to highlight specific building features and forms.
  - (E) Clear, high-efficiency glazing is encouraged wherever possible. Bird-friendly window treatments are encouraged. The use of mirrored glass is strongly discouraged.
  - (F) For corner sites, design both elevations with equivalent wall articulation, architectural detail, fenestration, and quality of materials to maintain a balanced presence in the public realm.
- x) 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.
- xi) Blank Side Walls
  - (A) Blank walls should be avoided where possible.
  - (B) Where occurring, blank walls should incorporate should be designed with a material finish that complements the architectural character of the main building façades or incorporate finishes such as a mural.
  - (C) On corner lots, side walls of new buildings should incorporate glazing where possible.
- xii) 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. The location, type of fixtures, brightness and colour temperature should be selected with an aim to

minimize light pollution. Exterior building lighting should be coordinated with building signage.

- xiii) 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 should be no greater than 1.2.m<sup>2</sup> and have a maximum width of 1.0 m and should not extend beyond the first storey of the building. No less than 3.0m of clearance should 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.

(8) Special Modifications

- (a) Lots on Main Street, as shown in the Zoning Maps, are designated CMDx(a) with the special modifications being:
  - i) Only the following are principal uses on the ground floor:
    - (D) establishment (eating and drinking) (entertainment)
    - (E) financial services
    - (F) gallery/studio
    - (G) retail (small) (medium) (cannabis)
    - (H) visitor accommodation
  - ii) the maximum front yard setback is 0.5 m;
  - iii) landscaping is not required where the setback is less than 0.5 m;
  - iv) any portion of the front yard, where provided, shall be designed and maintained as a high-quality pedestrian environment that integrates seamlessly with the public sidewalk and streetscape. This may include the use of high-quality paving materials, providing pedestrian-oriented features such as seating, bicycle parking or public art, and landscaping in planters or raised beds.
- (b) Amended Parcel C, Plan 27048 LTO YT, located at 4210 4<sup>th</sup> Avenue, is designated CMDx(b) with the special modifications being:
  - i) the maximum height is 30.0 m;
  - ii) commercial uses are not permitted above the first storey, except home office and home-based business;
  - iii) any commercial use must be accompanied by the development of an allowable residential use.
- (c) Lots 1 and 3, Block 340, Plan 100043244 LTO YT, located at 5048 5<sup>th</sup> Avenue and 509 Hoge Street, is designated CMDx(c) with the special modifications being:
  - i) suite (garden) (living) are not permitted secondary uses;



- ii) housing (single detached) (duplex) are not permitted conditional uses.
- (d) Lot 10, Block 21, Plan 3807 LTO YT, located at 305 Hawkins Street, is designated CMDx(d) with the special modifications being:
  - i) private amenity area is not required.

## 6.12 COMMERCIAL – MIXED-USE RIVERFRONT (CMR)

### (1) Purpose

To provide for a compatible mix of commercial, cultural and residential uses adjacent to the Chu Niikwän/Yukon River in a manner that complements the downtown riverfront cultural history and natural history.

### (2) Principal Uses

- (a) care facility (clinic) (residential)
- (b) child care centre
- (c) conference facility
- (d) establishment (eating and drinking) (entertainment)
- (e) financial services
- (f) gallery/studio
- (g) government services
- (h) housing (apartment)
- (i) housing (supportive)
- (j) office
- (k) park (active)
- (l) recreation (culture and tourism) (indoor)
- (m) retail (small) (medium) (cannabis)
- (n) short-term rental \*commercial
- (o) visitor accommodation

### (3) Secondary Uses

- (a) accessory structure
- (b) home-based business (level one)
- (c) home office
- (d) housing (residential care)
- (e) rooming house
- (f) short-term rental \*primary residence

### (4) Conditional Uses

- (a) commercial parking

### (5) Development Regulations

- (a) minimum lot width is 15.0 m
- (b) minimum lot area is 464 m<sup>2</sup>
- (c) minimum floor area ratio is 1.0, except as exempted below
- (d) maximum floor area ratio is 4.5
- (e) maximum site coverage is 90%
- (f) maximum height is indicated in Appendix C
- (g) minimum front yard setback is 0.0 m

- (h) minimum side yard setback is 0.0 m, except as modified by subsection (i)
  - (i) minimum side yard setback shall be 1.5 m adjacent to the pedestrian walkway labelled as Walkway #1 on Plan 2008-0034 LTO, and lighting is to be provided along the walls of the building to light the walkway
  - (j) minimum setback adjacent to the Yukon River Reserve is 4.6 m
  - (k) minimum rear yard setback is 0.0 m
  - (l) a 1.5 m step-back is required on all sides on the portion of a building higher than 4 storeys or 16.0 m, whichever is less
- (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) A maximum of 50% of the ground floor area may be occupied by office use, residential use, or a combination thereof.
  - (c) The minimum floor area ratio does not apply to:
    - i) housing, other than apartment housing;
    - ii) parks;
    - iii) schools, other than commercial schools;
    - iv) commercial parking that has been permitted as a conditional use;
    - v) additions or alterations to existing developments; and
    - vi) developments on lots constrained by topography, environmental features, or heritage considerations, as determined by the Development Officer.
  - (d) Fencing is not permitted within the area between any building and the lot line adjacent to the Yukon River Reserve.
  - (e) 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 or landscaping shall be provided to screen parking from view. Chain-link fences are not permitted.
  - (f) A minimum of 50% of the width of each ground floor façade facing a public roadway or the pedestrian mall on Front Street between Black Street and Keish Street shall consist of transparent glazing. This requirement does not apply to portions of the façade occupied by residential use.
  - (g) Where glazing is required under subsection (e), the height from sidewalk grade to the bottom of the glazed area (windowsill) shall not exceed 0.75 m.
  - (h) Buildings on corner lots are required to have two main façades. For the purposes of this Bylaw, lots 41, 43 and 45, Block 316, Plan 2011-0087 LTO, are considered to be corner lots.
  - (i) In addition to the regulations listed above, all developments are required to submit a design brief outlining how the proposed development achieves the intent of the guidelines for this zone. The determination of whether the development satisfactorily meets the design guidelines shall be at the discretion of the Development Officer.

## (7) Design Guidelines

## (a) Site Design

- i) Site design should provide for a pedestrian scale environment:
  - (A) by facilitating pedestrian access and views to Front Street, Downtown, the Chu Niikwän/Yukon River and the riverfront 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) by encouraging food and beverage services on outdoor patios and the pedestrian portion of Front Street;
  - (D) by encouraging spaces that accommodate active uses such as sidewalk cafés, retailer displays or public gathering.
- ii) New construction should relate to both street edges and the pedestrian mall on Front Street between Black Street and Keish Street.
- iii) Buildings should maintain a continuous alignment along a block.

## (b) Building Design

- i) Building massing should be articulated and properly proportioned (scale, height, relationship to the ground). Where sites are large, new construction along a street edge should have the appearance of several buildings (maximum façade 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.
- ii) 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).
  - (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.
- iii) 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 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.
- iv) 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. Bird-friendly window treatments are encouraged.
  - v) 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. The location, type of fixtures, brightness and colour temperature should be selected with an aim to minimize light pollution. Exterior building lighting should be coordinated with building signage.
  - vi) 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.
- (c) Signage
- i) 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 should be no greater than 1.2.m<sup>2</sup> and have a maximum width of 1.0 m and should not extend beyond the first storey of the building. No less than 3.0m of clearance should 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.

(8) Special Modifications

- (a) Lot 38, Block 316, Plan 2008-0034 LTO YT, located at 151 Black Street, is designated CMRx(a), with the special modifications being:
- i) up to 100% of the ground floor area may be occupied by office use;
  - ii) if the second principal use is a park, the park area shall be a minimum of 250 m<sup>2</sup> and located at the corner of Second Avenue and Black Street.

### 6.13 COMMERCIAL – NEIGHBOURHOOD NODE (CNN)

(1) Purpose

To provide a zone for a mix of low to medium density commercial and residential uses within primarily residential neighbourhoods where small scale commercial and personal services can be integrated into compact, pedestrian-friendly sites to accommodate the day-to-day needs of local residents.

(2) Principal Uses

- (a) animal services (minor)
- (b) care facility (clinic)
- (c) child care centre
- (d) community garden
- (e) establishment (eating and drinking)
- (f) financial services
- (g) gallery/studio
- (h) gas station
- (i) housing (apartment)
- (j) housing (supportive)
- (k) office
- (l) recreation (indoor)
- (m) religious assembly
- (n) retail (small)
- (o) short-term rental \*commercial

(3) Secondary Uses

- (a) accessory structure
- (b) family day home
- (c) home-based business (level one)
- (d) home office
- (e) housing (residential care)
- (f) rooming house
- (g) short-term rental \*primary residence

(4) Conditional Uses

- (a) retail (medium)
- (b) government services

(5) Development Regulations

- (a) minimum lot width is 15.0 m
- (b) minimum lot area is 464 m<sup>2</sup>
- (c) maximum site coverage is 70%
- (d) maximum height is 16.0 m



- (e) minimum front yard setback is 0.0 m
- (f) minimum side yard setback is 1.5 m
- (g) minimum rear yard setback is 3.0 m
- (6) Other Regulations
  - (a) Parking shall be provided to the rear or side of the principal building on the lot with provision for landscaping and screening.
  - (b) A maximum of 50% of the ground floor area may be occupied by office use, residential use, or a combination thereof.
  - (c) Where residential units are provided on the ground floor, commercial uses shall be oriented to face the street, with residential units facing the side or rear.
- (7) Special Modifications
  - (a) Lot 128, Plan 30131 LTO YT, located at 7 Roundel Road, is designated CNNx(a) with the special modifications being:
    - i) garden centre is a principal use.
  - (b) Lot 24, Block 209, Plan 100045426 LTO YT, located at 2 Klondike Road, is designated CNNx(b) with the special modifications being:
    - i) gas station is not a permitted principal use;
    - ii) commercial uses are not permitted above the first storey, except home office and home-based business;
    - iii) any commercial use must be accompanied by the development of an allowable residential use.
  - (c) Lots on portions of Centennial Street, as shown in the Zoning Maps, are designated CNNx(c) with the special modifications being:
    - i) housing (multiplex) is a principal use;
    - ii) gas station is not a permitted principal use;
    - iii) For Lot 1632, Plan 2008-0016 LTO YT, located at 1101 Centennial Street, funeral services is a principal use, and crematorium is a secondary use, provided it is secondary to a principal use of funeral services;
    - iv) housing (single detached) (duplex) are conditional uses;
    - v) the minimum front yard setback is 4.0 m;
    - vi) the minimum side yard setback is 1.5 m for any portion of a building 11.0 m or less in height, plus 1.0 m for any portion of a building taller than 11.0 m;
    - vii) the minimum rear yard setback is 6.0 m;
    - viii) 100% of the ground floor area may be occupied by residential use, and residential units may be oriented facing any direction.
  - (d) Lot 429, Plan 100041354 LTO YT, located at 468 Range Road, is designated CNNx(d) with the special modification being:
    - i) the maximum height is 20 m.

- (e) A 2.2 ha area located south of Lots 542 to 548, Plan 2019-0003 LTO YT, as shown in the Zoning Maps, is designated CNNx(e) with the special modification being:
  - i) gas station is not a permitted principal use;
  - ii) the minimum front, side, and rear yard setback is 0.0 m;
  - iii) the maximum height is 20.0 m;
  - iv) 100% of the ground floor area may be occupied by residential use and residential units may be oriented facing any direction;
  - v) the maximum site density is 30 units per hectare.
- (f) Lot 117, Plan 2014-0069 LTO YT, located at 14 Tarahne Way, is designated CNNx(f) with the special modifications being:
  - i) drive-through business is a secondary use, provided it is secondary to a principal use of establishment (eating and drinking);
  - ii) a maximum of one drive-through business per 2.0 ha of lot area is allowed.

## 6.14 COMMERCIAL – NEIGHBOURHOOD HIGH STREET (CNH)

### (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 the surrounding neighbourhood.

### (2) Principal Uses

- (a) animal services (minor)
- (b) care facility (clinic)
- (c) child care centre
- (d) establishment (eating and drinking)
- (e) financial services
- (f) gallery/studio
- (g) housing (apartment)
- (h) housing (supportive)
- (i) office
- (j) recreation (indoor) (culture and tourism)
- (k) retail (small)
- (l) short-term rental \*commercial
- (m) visitor accommodation

### (3) Secondary Uses

- (a) home-based business (level one)
- (b) home office
- (c) housing (residential care)
- (d) rooming house
- (e) short-term rental \*primary residence

### (4) Conditional Uses

- (a) community garden
- (b) retail (medium)
- (c) government services

### (5) Development Regulations

- (a) minimum lot width is 15.0 m
- (b) minimum lot area is 495 m<sup>2</sup>
- (c) maximum floor area ratio is 4.0
- (d) maximum site coverage is 90%
- (e) maximum height is 16.0 m
- (f) minimum front yard setback is 2.5 m
- (g) minimum side yard setback is 0.0 m
- (h) minimum rear yard setback is 6.0 m

## (6) Other Regulations

- (a) Vehicle access is only allowed from the lane.
- (b) Accessory surface parking shall not be located between the building façade and the fronting public street/sidewalk.
- (c) Commercial entryways shall be located at grade and fronting onto the public street or sidewalk.
- (d) Commercial entryways shall be recessed from the façade a minimum of 0.8 m and a maximum of 1.2 m.
- (e) A minimum of 50% of each ground floor façade facing a public street or sidewalk shall be glazed.
- (f) The maximum height from sidewalk grade to windowsill height shall be 0.75 m.
- (g) Housing, office, and recreation (indoor) uses are only allowed above the ground floor.

## (7) Special Modifications

- (a) Lot 550, Plan 2019-0003 LTO YT, located at 120 Keno Way, is designated CNHx(a) with the special modifications being:
  - i) only establishment (eating and drinking) is a principal use on the ground floor;
  - ii) the side yard setback on the west side is 2.5 m;
  - iii) a minimum of 25% of the seating capacity of the eating and drinking establishment shall be dedicated to outdoor seating;
  - iv) building access and façades shall front both Keno Way and Lane 3, Plan 2019-0003 LTO YT on the west side.
- (b) Lot 548, Plan 2019-0003 LTO YT, located at 134 Keno Way, is designated CNHx(b) with the special modifications being:
  - i) only establishment (eating and drinking) and retail (small) are principal uses on the ground floor;
  - ii) The side yard setback on the east side is 2.5 m;
  - iii) a minimum of 30% of the gross floor area of the ground floor shall be an establishment (eating and drinking);
  - iv) a minimum of 10% of the seating capacity of the establishment (eating and drinking) shall be dedicated to outdoor seating;
  - v) building access and façade shall front both Keno Way and Lane 2, Plan 2019-0003 LTO YT on the east side.
- (c) Lots 529 and 530, Plan 2019-0003 LTO YT, located at 123 and 125 Keno Way, are designated CNHx(c), with the special modifications being:
  - i) only establishment (eating and drinking), and retail (small) are principal uses on the ground floor within 19.7 m of the westerly lot line adjoining Lot 532, Plan 2019-0003 LTO YT, and within 32.0 m of the westerly lot line adjoining Lot 531 (PUL), Plan 2019-0003 LTO YT;
  - ii) outdoor seating shall be provided in association with any establishment (eating and drinking).

- (d) Lot 533, Plan 2019-0003 LTO YT, located at 129 Keno Way, is designated CNHx(d) with the special modifications being:
  - i) only establishment (eating and drinking) and retail (small) are principal uses on the ground floor;
  - ii) outdoor seating shall be provided in association with any establishment (eating and drinking).
- (e) Lots 516 and 518, Plan 2019-0003 LTO YT, located at 220 and 210 Olive May Way, are designated CNHx(e) with the special modifications being:
  - i) only commercial parking is a principal use;
  - ii) all uses listed as a principal use in this zone are secondary uses;
  - iii) the minimum front and rear yard setback is 0.0 m;
  - iv) vehicle access may be provided from the street, if warranted, at the discretion of the City Engineer.

## 6.15 COMMERCIAL – SERVICE (CSV)

### (1) Purpose

To provide a district for a mix of land extensive business and commercial uses outside neighbourhood areas, including those that are vehicle oriented.

### (2) Principal Uses

- (a) animal services (minor)
- (b) car wash
- (c) care facility (clinic)
- (d) commercial parking
- (e) equipment sales and service (light) (vehicle)
- (f) establishment (eating and drinking) (entertainment)
- (g) fleet services
- (h) financial services
- (i) funeral services
- (j) gallery/studio
- (k) garden centre
- (l) gas station
- (m) government services
- (n) industrial (level one)
- (o) office
- (p) recreation (indoor)
- (q) religious assembly
- (r) retail (small) (medium) (large) (cannabis)
- (s) school (commercial)
- (t) visitor accommodation

### (3) Secondary Uses

- (a) accessory structure
- (b) caretaker residence
- (c) drive-through business

### (4) Conditional Uses

- (a) care facility (medical)
- (b) recreation (outdoor)

### (5) Development Regulations

- (a) minimum lot width is 15.0 m
- (b) minimum lot area is 464 m<sup>2</sup>
- (c) maximum floor area ratio is 3.0
- (d) maximum site coverage is 75%

- (e) maximum height is 20 m, except where otherwise indicated in **Schedule E**
- (f) minimum front, side, and rear yard setback is 0.0 m



## 6.16 COMMERCIAL – HIGHWAY (CHY)

### (1) Purpose

To provide for a mix of commercial and business uses including those that are vehicle oriented and adjacent to arterial roadways.

### (2) Principal Uses

- (a) animal services (minor) (major)
- (b) campground
- (c) car wash
- (d) commercial storage
- (e) crematorium
- (f) equipment sales and service (light) (vehicle) (heavy)
- (g) establishment (eating and drinking)
- (h) fleet services
- (i) garden centre
- (j) gas station
- (k) government services
- (l) industrial (level one)
- (m) recreation (indoor)
- (n) retail (small) (warehouse)
- (o) trucking terminal
- (p) visitor accommodation

### (3) Secondary Uses

- (a) accessory structure
- (b) caretaker residence
- (c) office \*above the ground floor only

### (4) Conditional Uses

- (a) drive-through business
- (b) office \*on the ground floor
- (c) recreation (culture and tourism)

### (5) Development Regulations

- (a) minimum lot width is 25.0 m
- (b) minimum lot area is 875 m<sup>2</sup> where the lot is connected to municipal water and sewer services
- (c) minimum lot area is 0.5 ha where the lot is not connected to municipal water and sewer services
- (d) maximum site coverage is 50%
- (e) maximum height is 10.0 m
- (f) minimum front yard setback is 6.0 m

- (g) minimum side yard setback is 3.0 m
- (h) minimum rear yard setback is 6.0 m
- (6) Other Regulations
  - (a) Buildings should be oriented towards the front lot 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.
- (7) Special Modifications
  - (a) Lot 1106, Quad 105D/11, Plan 93-67 LTO YT, located at 91311 Alaska Highway, is designated CHYx(a) with the special modifications being:
    - i) the maximum height is 16.5 m.
  - (b) Lot 6, Plan 45944 LTO YT, located at 16 Burns Road, and Lot 1160-16, Plan 2010-0044 LTO YT, located at 8 Metropolit Lane, are designated CHYx(b) with the special modification being:
    - i) child care centre is a principal use.
  - (c) Lot 1123, Plan 94-57 LTO YT, located at 91888 Alaska Highway, is designated CHYx(c) with the special modification being:
    - i) drive through business is a secondary use and not a conditional use.

## 6.17 COMMERCIAL – INDUSTRIAL MIXED (CIM)

### (1) Purpose

To provide a zone for mixed use employment to accommodate light industrial and other commercial uses that benefit from being in proximity to one another and require convenient public access.

### (2) Principal Uses

- (a) animal services (major) (minor)
- (b) auction
- (c) care facility (clinic)
- (d) commercial storage
- (e) commissary
- (f) equipment sales and service (light) (heavy) (vehicle)
- (g) establishment (eating and drinking)
- (h) fleet services
- (i) garden centre
- (j) gas station
- (k) government services
- (l) industrial (level one) (level two)
- (m) office \*above the ground floor and less than 50% of GFA
- (n) recreation (indoor)
- (o) retail (small) (cannabis) (warehouse)
- (p) school (commercial)

### (3) Secondary Uses

- (a) accessory structure
- (b) caretaker residence \*up to 120 m<sup>2</sup> GFA

### (4) Conditional Uses

- (a) bulk fuel depot
- (b) caretaker residence \*from 120 m<sup>2</sup> to 297 m<sup>2</sup> GFA
- (c) housing (worker)
- (d) office \*on the ground floor or 50% or more of GFA

### (5) Development Regulations

- (a) minimum lot width is 15.0 m
- (b) minimum lot area is 875 m<sup>2</sup> where the lot is connected to municipal water and sewer services
- (c) minimum lot area is 0.5 ha where the lot is not connected to municipal water and sewer services
- (d) maximum site coverage is 75%
- (e) maximum height is 15.0 m

- (f) maximum floor area ratio is 2.0
- (g) minimum front yard setback is 6.0 m, except for corner lots the setback may be reduced to 3.0 m for one lot line abutting a street
- (h) minimum side yard setback is 0.0 m
- (i) minimum rear yard setback is 0.0 m
- (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.
- (7) Special Modifications
  - (a) Lots in a portion of Marwell, as shown in the Zoning Maps, are designated CIMx(a) with the special modifications being:
    - i) establishment (entertainment), financial services, gallery/studio, live/work unit, marina, recreation (culture and tourism), and retail (medium) are principal uses;
    - ii) office on the ground floor or 50% or more of GFA is a principal use and not a conditional use;
    - iii) the maximum site density for live/work units and caretaker residence (if any) together is 10 units/ha.
  - (b) Lots on Wasson Place and Burns Road, as shown in the Zoning Maps, are designated CIMx(b) with the special modifications being:
    - i) trucking terminal is a principal use;
    - ii) retail (cannabis) is not a principal use.
  - (c) Lot 1094, Quad 105D/11, Plan 92-12 LTO YT, located at 91345 Alaska Highway, is designated CIMx(c) with the special modification being:
    - i) industrial (level three) is a principal use;
    - ii) retail (cannabis) is not a principal use.
  - (d) Lots 1160-8 and 1160-9, Quad 105 D/11, Plan 2010-0044 LTO YT, located at 11 and 15 Metropolit Lane, are designated CIMx(d) with the special modifications being:
    - i) retail (cannabis) is not a principal use;
    - ii) the minimum front yard setback is 2.0 m.
  - (e) Lot 1300, Quad 105D/11, Plan 2017-0032 LTO YT, located at 45 Lorne Road, and Lots 1160-10, 1160-12, and 1160-13, Quad 105D/11, Plan 2010-0044 LTO YT, located at 19, 20, and 18 Metropolit Lane, are designated CIMx(e) with the special modification being:
    - i) retail (cannabis) is not a principal use.
  - (f) Lot 1160-11, Quad 105D/11, Plan 2010-0044 LTO YT, located at 22 Metropolit Lane, is designated CIMx(f) with the special modification being:
    - i) retail (cannabis) is not a principal use;
    - ii) the minimum lot area is 0.38 ha.

- (g) Lot 1152, Quad 105D/11, Plan 97-78 LTO YT, located at 117 Jasper Road, is designated CIMx(g) with the special modification being:
  - i) child care centre and housing (apartment) (multiplex) are principal uses.
- (h) Lots in a portion of Marwell, as shown in the Zoning Maps, are designated CIMx(h) or KDG-CIMx(h) with the special modifications being:
  - i) establishment (entertainment), financial services, gallery/studio, and recreation (culture and tourism) are principal uses.

## 6.18 INDUSTRIAL – LIGHT (ILT)

### (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.

### (2) Principal Uses

- (a) animal services (minor) (major)
- (b) auction
- (c) bulk fuel depot
- (d) commercial storage
- (e) commissary
- (f) equipment sales and service (light) (heavy) (vehicle)
- (g) fleet services
- (h) garden centre
- (i) industrial (level one) (level two)
- (j) retail (warehouse)
- (k) trucking terminal

### (3) Secondary Uses

- (a) accessory structure
- (b) caretaker residence \*less than 120 m<sup>2</sup> GFA
- (c) retail (small)

### (4) Conditional Uses

- (a) caretaker residence \*from 120 m<sup>2</sup> to 297 m<sup>2</sup> GFA
- (b) establishment (eating and drinking)
- (c) housing (worker)
- (d) Industrial (level three)

### (5) Development Regulations

- (a) minimum lot width is 20.0 m
- (b) minimum lot area is 0.2 ha where the lot is connected to municipal water and sewer services
- (c) minimum lot area is 0.5 ha where the lot is not connected to municipal water and sewer services
- (d) maximum floor area ratio is 0.75
- (e) maximum site coverage is 75%
- (f) maximum height is 15.0 m
- (g) minimum front yard setback is 6.0 m, except for corner lots the setback may be reduced to 3.0 m for one lot line abutting a street.
- (h) minimum side yard setback is 3.0 m
- (i) minimum rear yard setback is 3.0 m

(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.



## 6.19 INDUSTRIAL – HEAVY (IHV)

(1) Purpose

To provide for large-scale industrial uses and other uses that may have large land requirements or nuisance effects on adjacent uses.

(2) Principal Uses

- (a) bulk fuel depot
- (b) industrial (level three) (level four) (cannabis)

(3) Secondary Uses

- (a) accessory structure
- (b) caretaker residence

(4) Conditional Uses

- (a) industrial (resources)

(5) Development Regulations

- (a) minimum lot width is 50m
- (b) minimum lot area is 0.5 ha
- (c) maximum site coverage is 50%.
- (d) maximum building height is 20.0 m
- (e) minimum front, side, and rear yard setback is 6.0 m

(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 are prohibited.

## 6.20 OTHER – QUARRY (OQR)

### (1) Purpose

To provide a zone for the on-site removal, extraction, and primary processing of soil, gravel, rock, and other aggregate materials found on or under the site.

### (2) Principal Uses

- (a) industrial (resources)

### (3) Secondary Uses

- (a) accessory structure
- (b) caretaker residence
- (c) industrial (level three)

### (4) Conditional Uses

- (a) industrial (level four)

### (5) Development Regulations

- (a) minimum lot area is 2.5 ha
- (b) maximum height is 20.0 m
- (c) minimum front, side, and rear yard setback is 7.5 m

### (6) Other Regulations

- (a) An industrial (level three) use, where approved as a secondary use, shall:
  - i) rely primarily on materials extracted from the same site;
  - ii) be subordinate in scale and function to the principal industrial (resources) use;
  - iii) not generate nuisance impacts that exceed those typical of the principal use;
  - iv) not be established as a stand-alone or unrelated operation.
- (b) An industrial (level four) use, where approved as a conditional use, shall be accessory to or directly related to the industrial (resources) use on the same site.
- (c) Processing or storage activities that are not accessory to on-site extraction are prohibited.

### (7) Special Modifications

- (a) A parcel of vacant commissioner's land, located near the intersection of Mount Sima Road and Copper Haul Road, as shown in the Zoning Maps, is designated OQRx(a) with the special modifications being:
  - i) Industrial (resources) use is limited to the extraction of gravel, sand, rock, and topsoil;
  - ii) Industrial (resources) use is permitted for an initial period of 5 years, after which a subsequent permit may be issued for a further 5 years;
  - iii) A maximum of five 5-year permits may be issued, for a total duration of 25 years;
  - iv) At each application for a 5-year permit, 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.

- (b) Areas near Ear Lake, McLean Lake, Copper Haul Road, and Alaska Highway north of Crestview, as shown in the Zoning Maps, are designated OQRx(b), with the special modification being:
  - i) industrial (resources) use is limited to the extraction of gravel, sand, rock, and topsoil.

## 6.21 OTHER – PUBLIC UTILITIES (OPU)

- (1) Purpose  
To provide for public utility installations and facilities involving disposal, recycling, or similar uses that may generate nuisance impacts for adjacent land uses.
- (2) Principal Uses
  - (a) public utilities
- (3) Secondary Uses
  - (a) accessory structure
- (4) Conditional Uses
  - (a) caretaker residence
- (5) Development Regulations
  - (a) maximum height is 20.0 m
  - (b) minimum front yard setback is 6.0 m
  - (c) minimum side yard setback is 3.0 m
  - (d) minimum rear yard setback is 6.0 m
- (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.
- (7) Special Modification
  - (a) A parcel of vacant Commissioner's Land located at 62 Mount Sima Road, as shown in the Zoning Maps, is designated OPUx(a) with the special modification being:
    - i) public utilities use is limited to a solar farm.

## 6.22 OTHER – PUBLIC SERVICES (OPS)

- (1) Purpose
 

To provide for public and privately owned facilities of an institutional or community service nature
- (2) Principal Uses
  - (a) care facility (clinic) (medical) (shelter)
  - (b) cemetery
  - (c) child care centre
  - (d) community garden
  - (e) conference facility
  - (f) funeral services
  - (g) government services
  - (h) housing (supportive)
  - (i) park (active) (nature)
  - (j) recreation (indoor) (culture and tourism)
  - (k) religious assembly
  - (l) school (grade) (post-secondary) (commercial)
- (3) Secondary Uses
  - (a) accessory structure
  - (b) caretaker residence
  - (c) establishment (eating and drinking)
- (4) Conditional Uses
  - (a) detention and correction services
  - (b) housing (apartment) (duplex) (multiplex) (single detached)
  - (c) recreation (outdoor)
- (5) Development Regulations
  - (a) minimum lot width is 20.0 m
  - (b) minimum lot area is 850 m<sup>2</sup>
  - (c) maximum floor area ratio is 0.9
  - (d) maximum site coverage is 45%
  - (e) maximum height is 20.0 m, except where otherwise indicated in **Schedule E** of this Bylaw
  - (f) minimum front yard setback is 6.0 m
  - (g) minimum side yard setback is 3.0 m
  - (h) minimum rear yard setback is 7.5 m
- (6) Other Regulations
  - (a) housing (supportive) is permitted in any housing form in this zone. Conditional use approval is not required for the housing form when it is used for supportive housing;

- (b) a comprehensive development plan outlining proposed setbacks, landscaping, lighting, fencing and other security measures is required for an application for detention and corrective services; and
  - (c) the 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.
- (7) Special Modifications
- (a) Lot 1172, Quad 105D/11, Plan 2000-0204 LTO YT, Lot 341, and Parcel A Lot 332, Group 804, Plan 22967 LTO YT, located at 18 Selkirk Street, and Parcel F Lot 309, Group 804, Plan 25037 LTO YT, are designated OPSx(a) with the special modification being:
    - i) Public utilities is an additional principal use limited to water treatment plants, pump houses and stations, and electrical substations.
  - (b) Lot 50, Block 316, Plan 2019-0006 LTO YT, located at 105 Black Street, is designated OPSx(b) with the special modifications being:
    - i) the minimum side yard is 2.6 m;
    - ii) a vegetative buffer is not required adjacent to a residential or commercial zone.

## 6.23 OTHER – AGRICULTURE (OAG)

- (1) Purpose  
To provide for a range of agricultural pursuits in a rural setting
- (2) Principal Uses
  - (a) agriculture (major)
- (3) Secondary Uses
  - (a) accessory structure
  - (b) housing (single detached) (mobile home)
  - (c) bed and breakfast \*up to two guest rooms
  - (d) home office
  - (e) home-based business (level one)
  - (f) suite (garden) (living)
  - (g) retail (small)
  - (h) short-term rental \*primary residence
- (4) Conditional Uses
  - (a) animal services (major)
  - (b) housing (worker)
- (5) Development Regulations
  - (a) minimum lot size is 2.0 ha
  - (b) maximum height is 12.0 m
  - (c) minimum front, side and rear yard setback is 6.0 m
- (6) Other Regulations
  - (a) maximum dwellings per lot:
    - i) 1 principal dwelling (single detached or mobile home)
    - ii) 1 suite (living or garden)

## 6.24 OTHER – KDFN GENERAL (KDG)

### (1) Purpose

To identify those Kwanlin Dün First Nation Settlement Lands that are categorized as Type 1 or Type 2 parcels in the *Kwanlin Dün First Nation Self-Government Agreement*, for which Kwanlin Dün First Nation has the right to exercise its zoning powers.

### (2) Information about Kwanlin Dün Land

At the time of enactment of this Bylaw, Kwanlin Dün has not exercised its zoning powers over Type 1 and Type 2 Settlement Land. Until such power is exercised, this Bylaw establishes the applicable zoning regulations for these lands. Lands designated as “KDG-[zone]” in **Schedule A** shall be subject to the regulations of the corresponding zone. For example, land designated as “KDG-ILT” shall be subject to the regulations of the ILT zone.

### (3) Principal Uses

(a) As listed in the corresponding zone.

### (4) Development Regulations

(a) As listed in the corresponding zone.

### (5) Other Regulations

(a) Notwithstanding any regulation of this Bylaw, Traditional Activities as defined in the *Kwanlin Dün First Nation Lands Act*, including any related improvements, are permitted without a Development Permit subject to authorization from Kwanlin Dün First Nation.



## 6.25 OTHER – MCINTYRE DEVELOPMENT DISTRICT (KMD)

(1) Purpose

To provide a special zone for Kwanlin Dün First Nation settlement parcel C-41B, where Kwanlin Dün First Nation may develop any use in accordance with the land use designations in the *Kwanlin Dün First Nation Self-Government Agreement* and any applicable legislation, plans, and policies.

(2) Principal Uses

(a) Any use may be a principal use.

(3) Secondary Uses

(a) Any use may be a secondary use.

(4) Development Regulations

(a) Development in this zone is not subject to development regulations for lot width, lot area, floor area ratio, site coverage, building height, or setbacks.

(5) Other Regulations

(a) With any application for development permit, the City shall consider whether the proposed development may have a significant impact on the land use of adjacent non-settlement land in accordance with Section 25 of the *Kwanlin Dün First Nation Self-Government Agreement*.

## 6.26 OTHER – FUTURE PLANNING (OFP)

(1) Purpose

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.

(2) Principal Uses

- (a) community garden
- (b) park (nature)

(3) Secondary Uses

- (a) accessory structure

(4) Conditional Uses

- (a) park (active)

(5) Development Regulations

- (a) maximum height is 10.0 m
- (b) minimum front, side, and rear yard setback is 10.0 m

(6) Other Regulations

- (a) Council may require an applicant to enter into a Development Permit Agreement for any proposed use within this zone to limit encumbrances to the future planning and orderly development of lands.

## 6.27 PARKS – ENVIRONMENTAL PROTECTION (PEP)

- (1) Purpose  
To protect and preserve environmentally sensitive areas, wildlife habitat and other significant natural areas.
- (2) Principal Uses
  - (a) environmental protection area
- (3) Secondary Uses
  - (a) park (nature)
- (4) Conditional Uses
  - (a) accessory structure
  - (b) Boat launch
  - (c) Dock
  - (d) Recreation (outdoor)
- (5) Development Regulations
  - (a) No development shall be permitted without the preparation and approval of a development assessment and a site master plan.
- (6) Special Modifications
  - (a) Lots 1 to 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 LTO YT, located at 7202 to 7218 7<sup>th</sup> Avenue, are designated PEPx(a) with the special modification being:
    - i) community garden is a principal use.

## 6.28 PARKS – GREENBELT RECREATION (PGR)

(1) Purpose

To provide areas of public land that are typically left in a natural state and may be used primarily for open space, greenbelts, buffers, walkways, trails and for unorganized or passive recreation

(2) Principal Uses

- (a) community garden
- (b) park (nature)

(3) Secondary Uses

- (a) accessory structure

(4) Conditional Uses

- (a) park (active)
- (b) recreation (outdoor)

(5) Development Regulations

- (a) No development shall be permitted without the preparation and approval of a development assessment and a site master plan.

## 6.29 PARKS – ACTIVE RECREATION (PAR)

### (1) Purpose

To provide areas for indoor and outdoor active recreational uses requiring facilities and/or infrastructure.

### (2) Principal Uses

- (a) boat launch
- (b) community garden
- (c) dock
- (d) establishment (sports)
- (e) government services
- (f) park (nature) (active)
- (g) recreation (indoor) (outdoor) (culture and tourism)

### (3) Secondary Uses

- (a) accessory structure
- (b) establishment (eating and drinking)
- (c) caretaker residence
- (d) retail (small)

### (4) Conditional Uses

- (a) aircraft sales/service
- (b) commercial parking
- (c) marina
- (d) campground

### (5) Development Regulations

- (a) maximum height is 20.0 m
- (b) minimum front, side, and rear yard setback is 6.0 m

### (6) Other Regulations

- (a) Dock development and associated land uses on the west shore of Schwatka Lake are subject to this Bylaw, the *Schwatka Lake Dock Policy*, as amended or replaced, and all applicable federal, territorial, and municipal legislation.

### 6.30 PARKS – RECREATION NODE (PRN)

- (1) Purpose
 

To provide for outdoor recreation development with tourist facilities and complementary secondary uses that encourage year-round activity.
- (2) Principal Uses
  - (a) recreation (outdoor)
- (3) Secondary Uses
  - (a) accessory structure
  - (b) campground
  - (c) caretaker residence
  - (d) establishment (eating and drinking)
  - (e) recreation (indoor) (culture and tourism)
  - (f) retail (small)
  - (g) sled dog kennel
  - (h) visitor accommodation
- (4) Conditional Uses
  - (a) Housing (cottage cluster) (duplex) (multiplex) (townhouse) (worker)
- (5) Development Regulations
  - (a) minimum front, side, and rear yard setback is 10.0 m
  - (b) yard setbacks shall be increased to 20.0 m when adjacent to residential zones and contain a minimum 10.0 m continuous vegetated buffer
  - (c) maximum height of visitor accommodation is 20.0 m
  - (d) maximum height of all other buildings is 10.0 m
  - (e) minimum lot area is 5 ha
  - (f) maximum site coverage shall be 10%
- (6) Other Regulations
  - (a) Any housing use shall be incidental and secondary to the principal recreation (outdoor) use of the site, ensuring that the primary purpose of the site remains dedicated to recreational activities.
- (7) Special Modifications
  - (a) Condominium 185, Plan CC185 LTO YT, located at 8 Alusru Way, is designated PRNx(a) with the special modifications being:
    - i) housing (cottage cluster) is a principal use;
    - ii) the minimum front yard setback is 6.0 m;
    - iii) the minimum side yard setback is 3.0 m for portions of any building up to 10.0 m in height, and 4.0 m for portions of any building over 10.0 m in height;
    - iv) the minimum rear yard setback is 6.0 m;
    - v) the maximum height is 15 m;

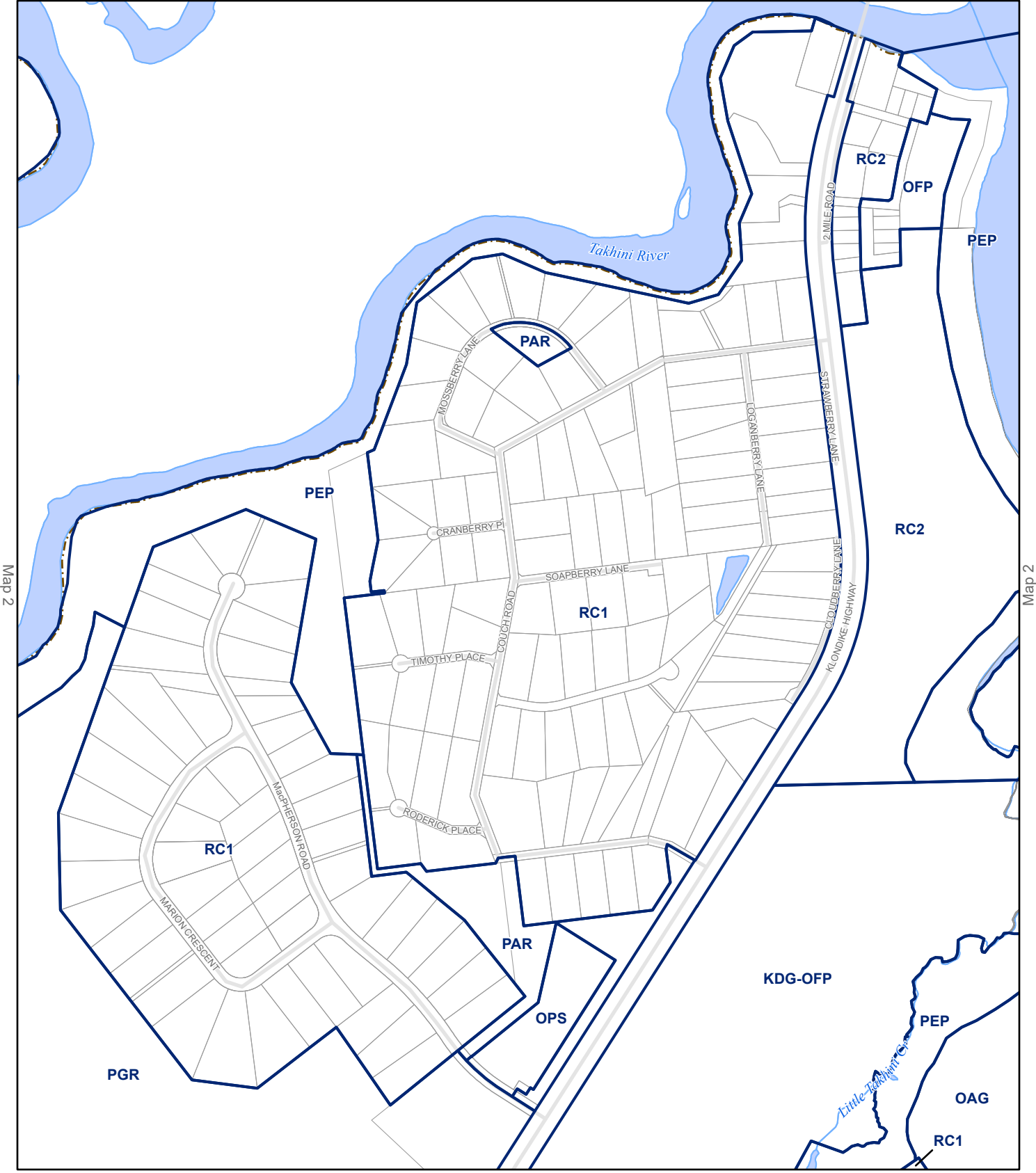
- vi) the minimum lot area is 2.5 ha;
- vii) the maximum site coverage is 55%;
- viii) the maximum number of dwelling units is 13.

# Zoning Bylaw Schedules



# MAP 1

MACPHERSON, HIDDEN VALLEY  
MILE 2 MAYO ROAD



Map 2

Map 3

Schedule A - Zoning Maps  
Zoning Bylaw 2025-37

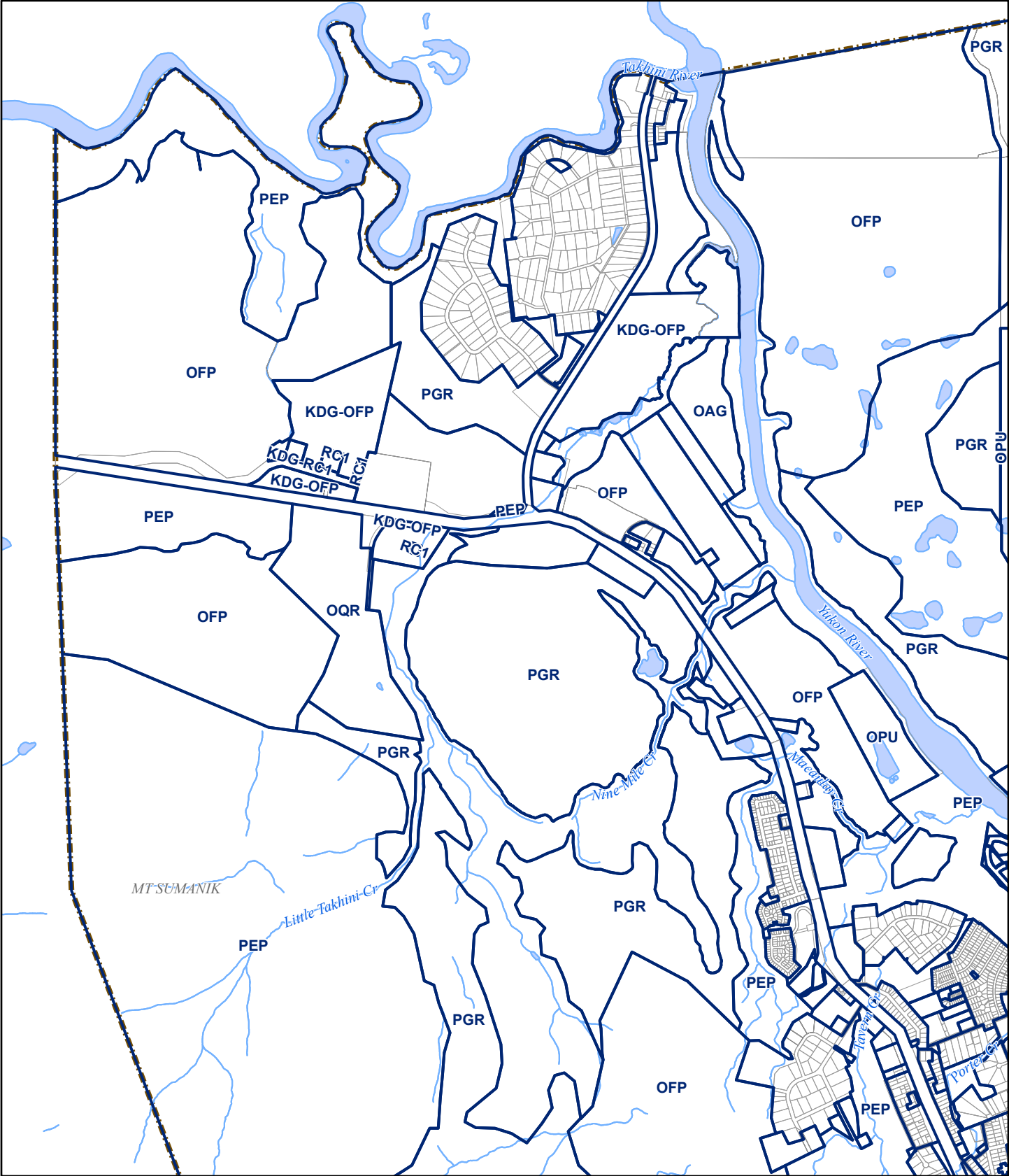


0 490  
Meters

Consolidation date:  
n/a

# MAP 2

ALASKA HIGHWAY WEST  
STEVENS, MT. SUMANIK AREA



Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



0 1,000  
Meters

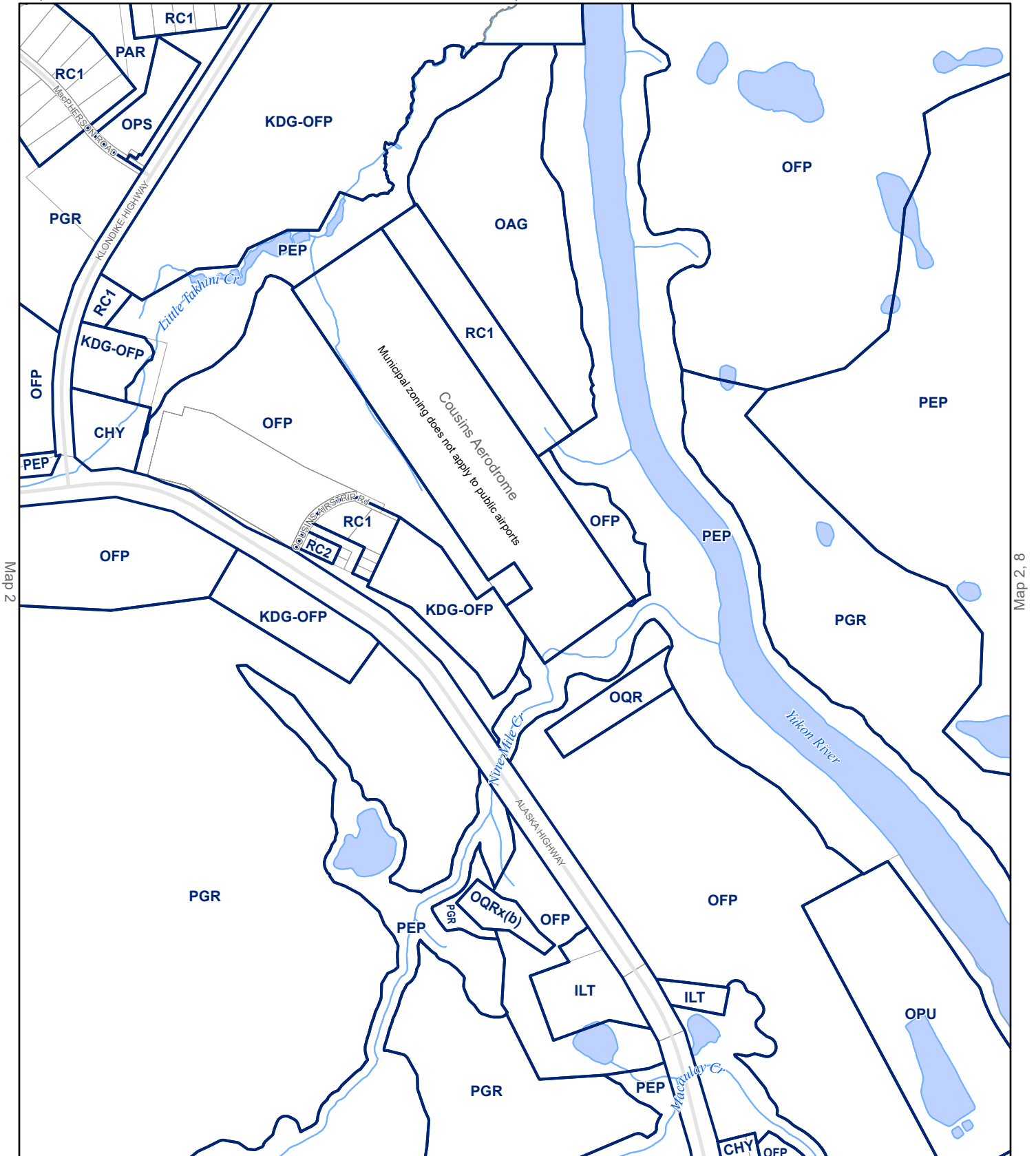
Consolidation date:  
n/a

## MAP 3

FORESTVIEW

### Map 1

Map 2



Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



A horizontal line segment with vertical tick marks at each end. The left tick mark is labeled '0' and the right tick mark is labeled '680'. Below the line segment, the word 'Meters' is centered.

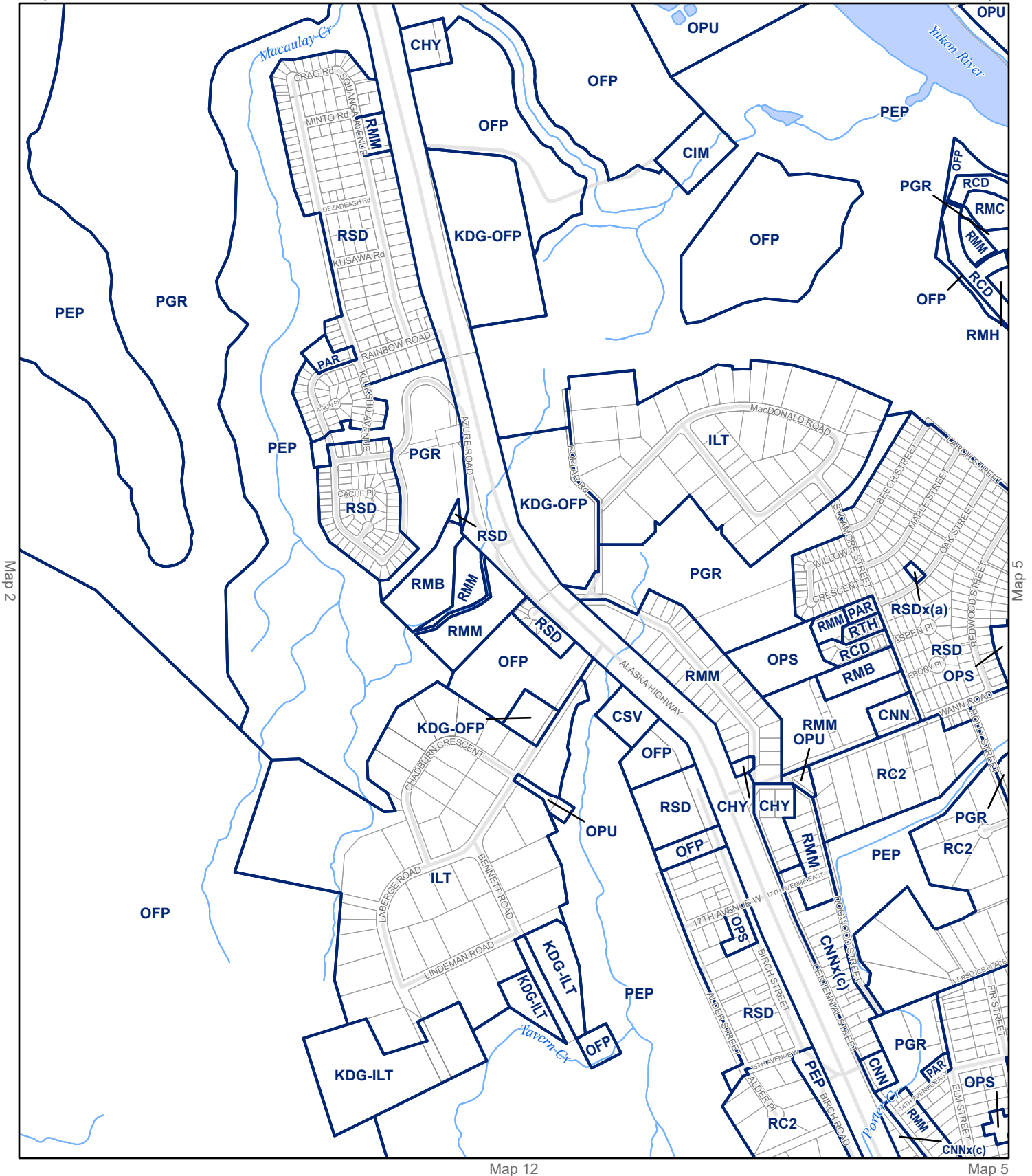
Consolidation date:  
n/a

## MAP 4

CRESTVIEW  
KULAN & TAYLOR

### Map 3

Map 8



Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



A horizontal line segment with vertical tick marks at each end. The left tick mark is labeled '0' and the right tick mark is labeled '580'. Below the line segment, the word 'Meters' is centered.

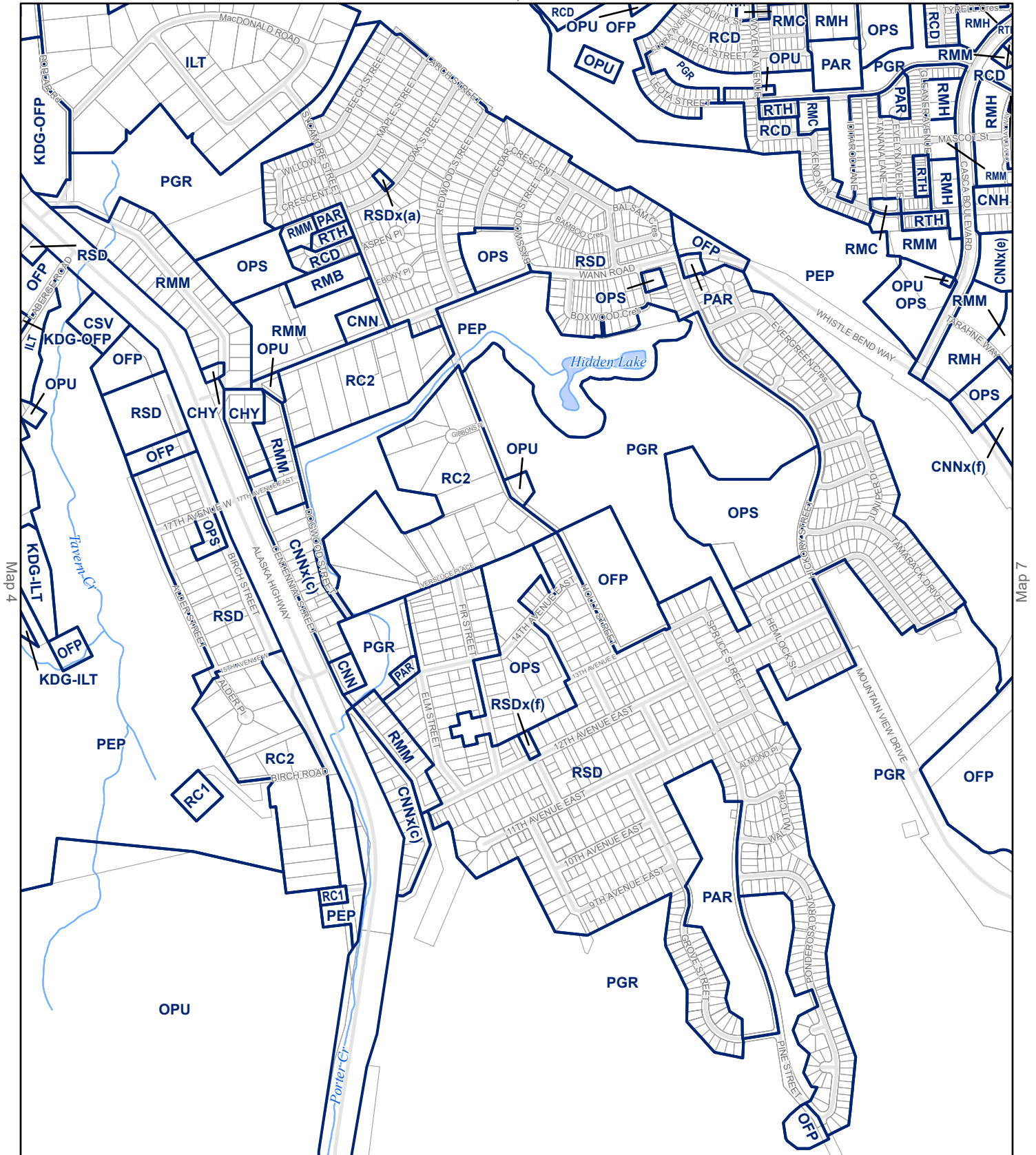
Consolidation date:  
n/a



## MAP 5

PORTER CREEK

Map 6



Map 12

Map 9

Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



A horizontal number line with a vertical tick mark at 0 on the left and a vertical tick mark at 590 on the right. The word "Meters" is written below the line between the two tick marks.

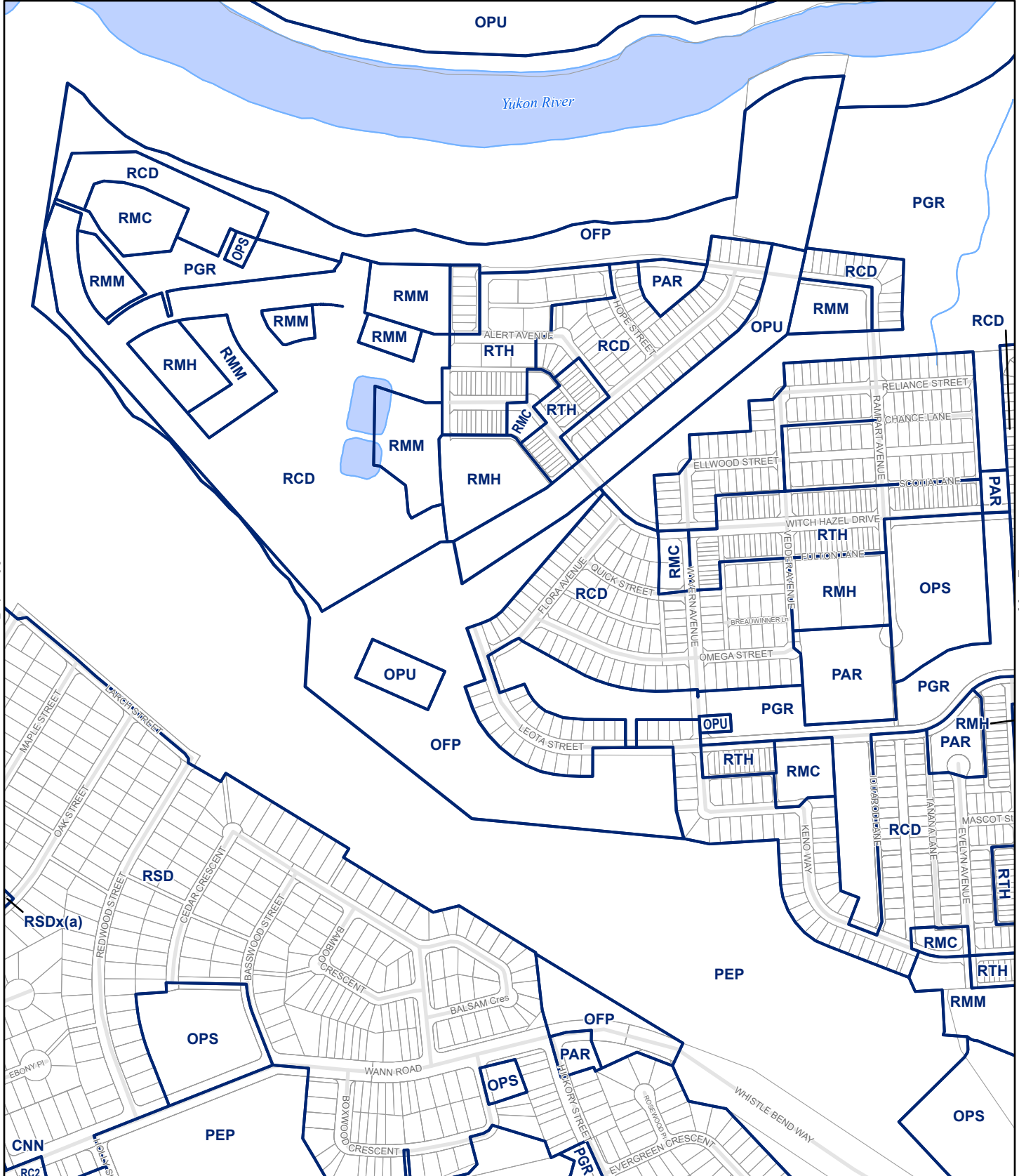
Consolidation date:  
n/a

# MAP 6

WHISTLE BEND (WEST)

Map 2, 3

Map 8



Map 5

Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



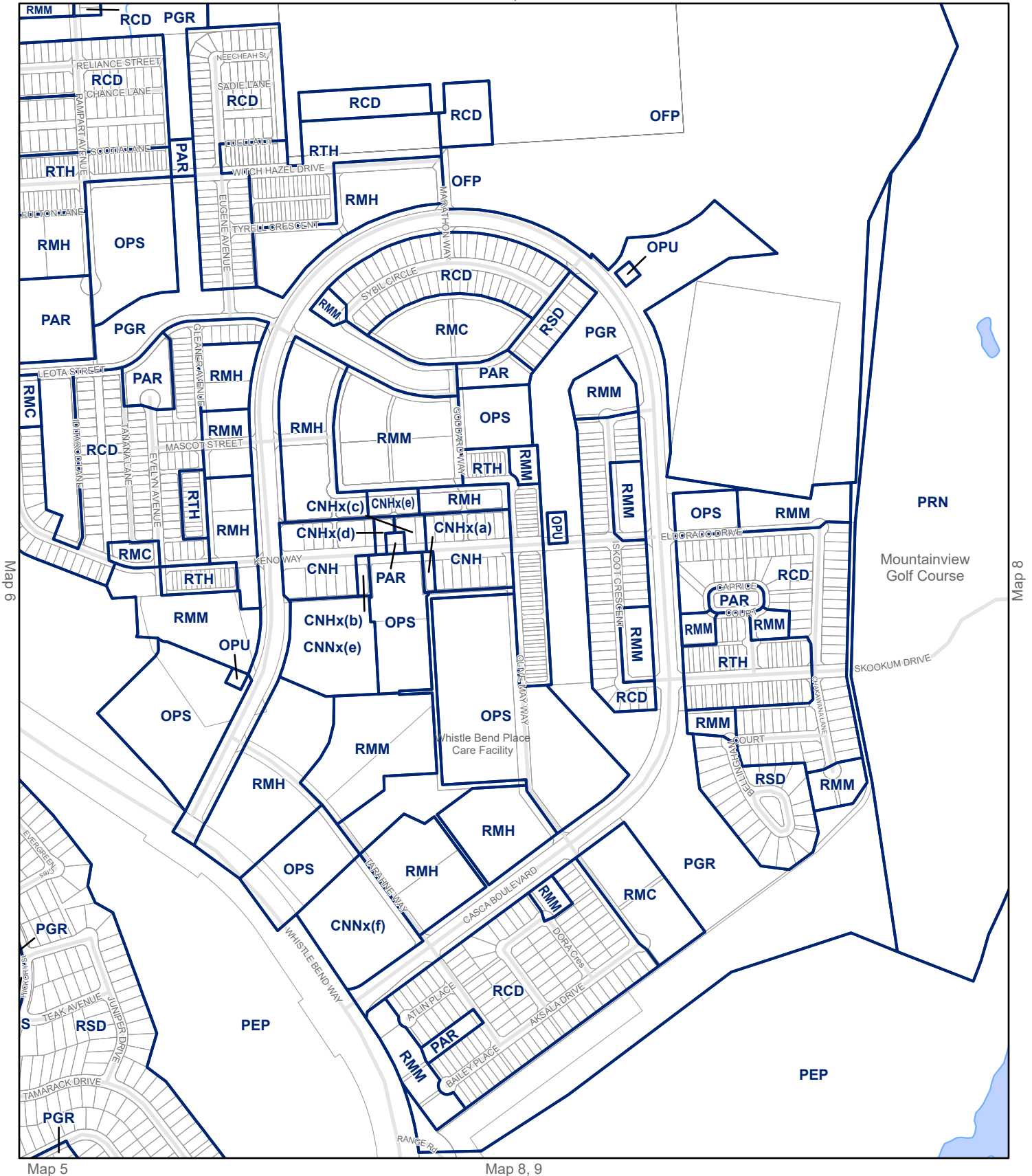
0 320  
Meters

Consolidation date:  
n/a

# MAP 7

WHISTLE BEND (EAST)

Map 8



Map 6

Map 8

Map 5

Map 8, 9

Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



0 350  
Meters

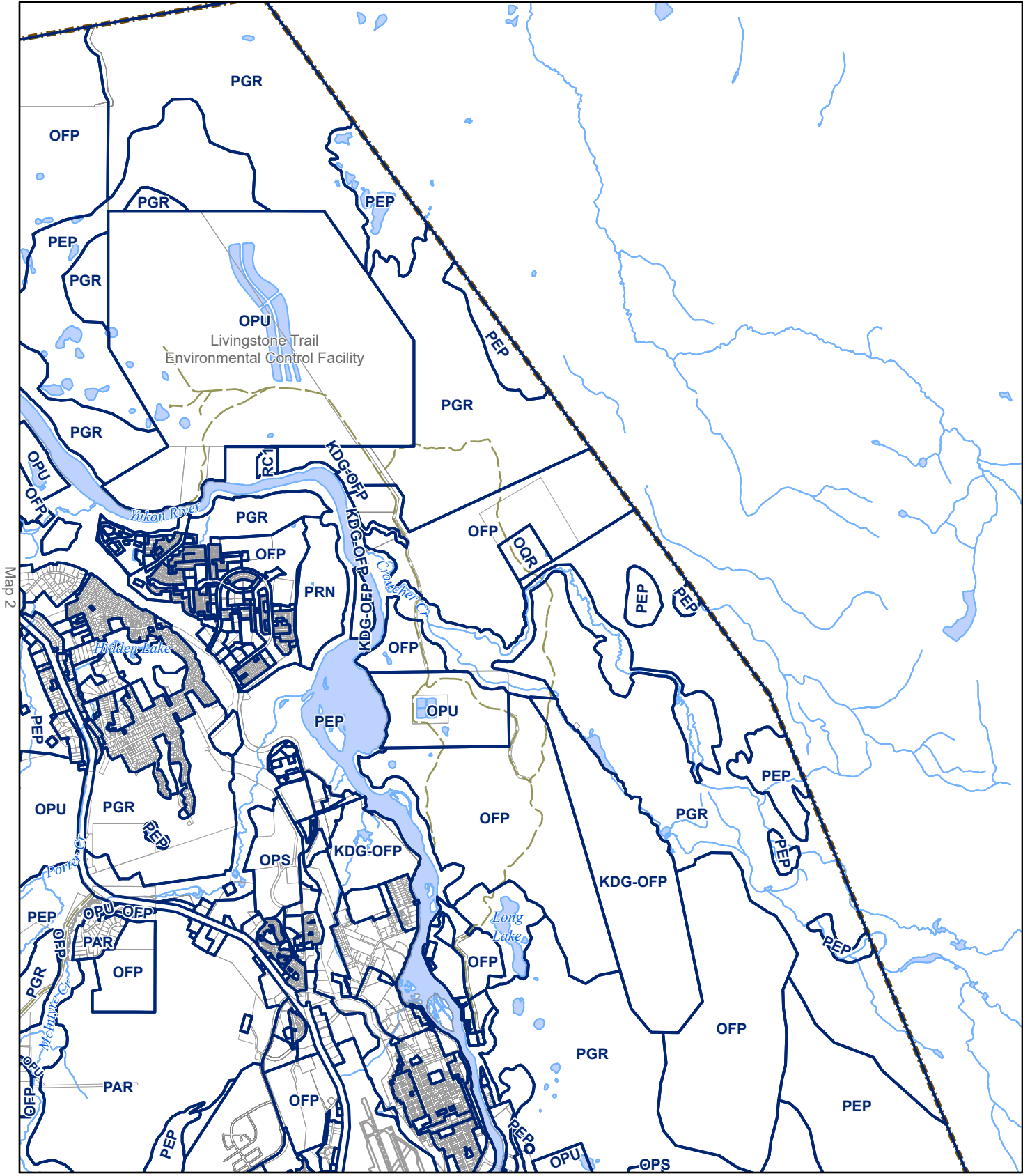
Consolidation date:  
n/a



# MAP 8

LIVINGSTONE TRAIL AREA

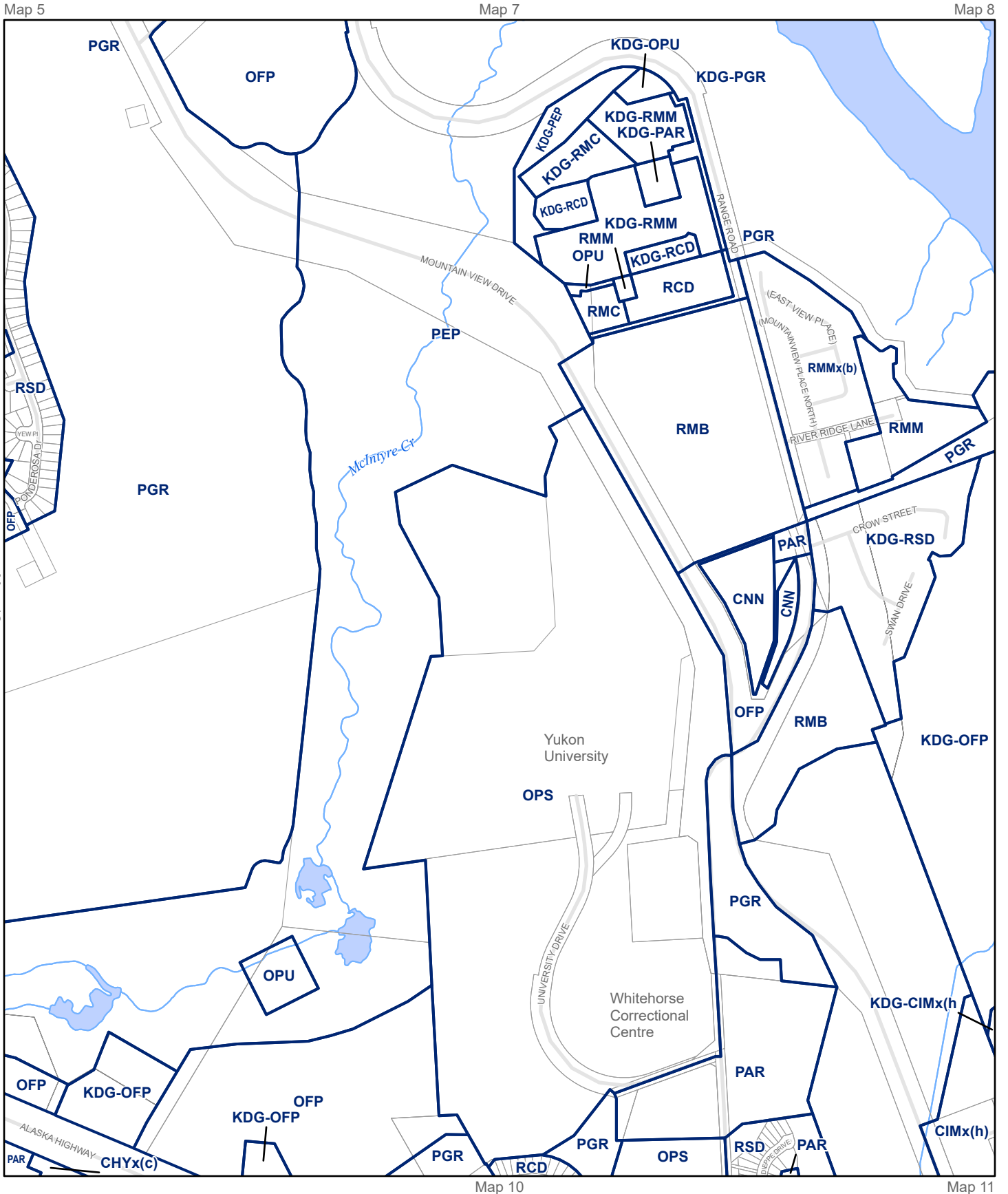
LONG LAKE AREA





# MAP 9

YUKON UNIVERSITY  
RANGE POINT



Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



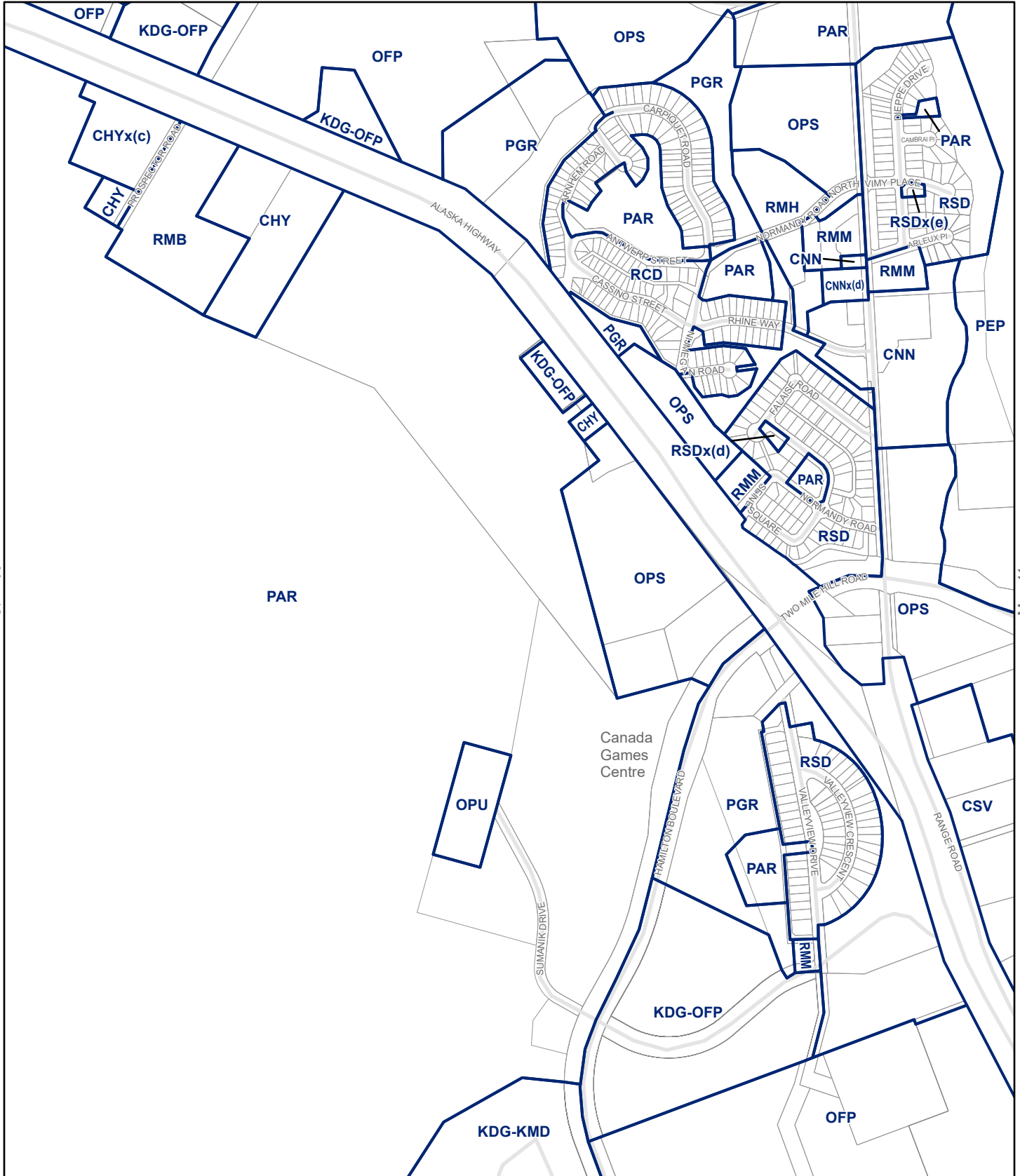
0 440  
Meters

Consolidation date:  
n/a

# MAP 10

KOPPER KING  
TAKHINI, VALLEYVIEW

Map 9



Map 13

Map 14

Schedule A - Zoning Maps  
Zoning Bylaw 2025-37

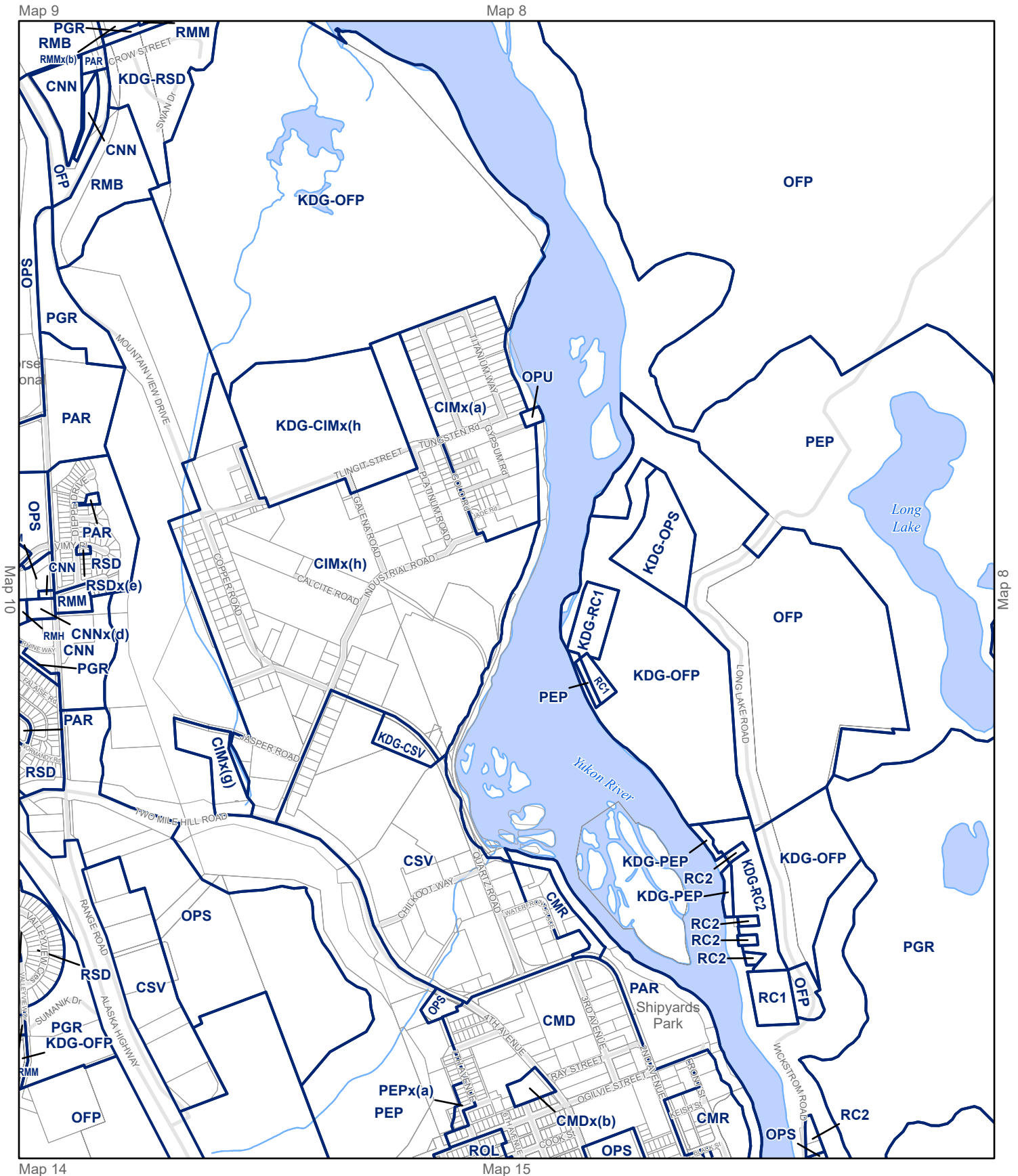


0 410  
Meters

Consolidation date:  
n/a

# MAP 11

MARWELL  
LONG LAKE ROAD



Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



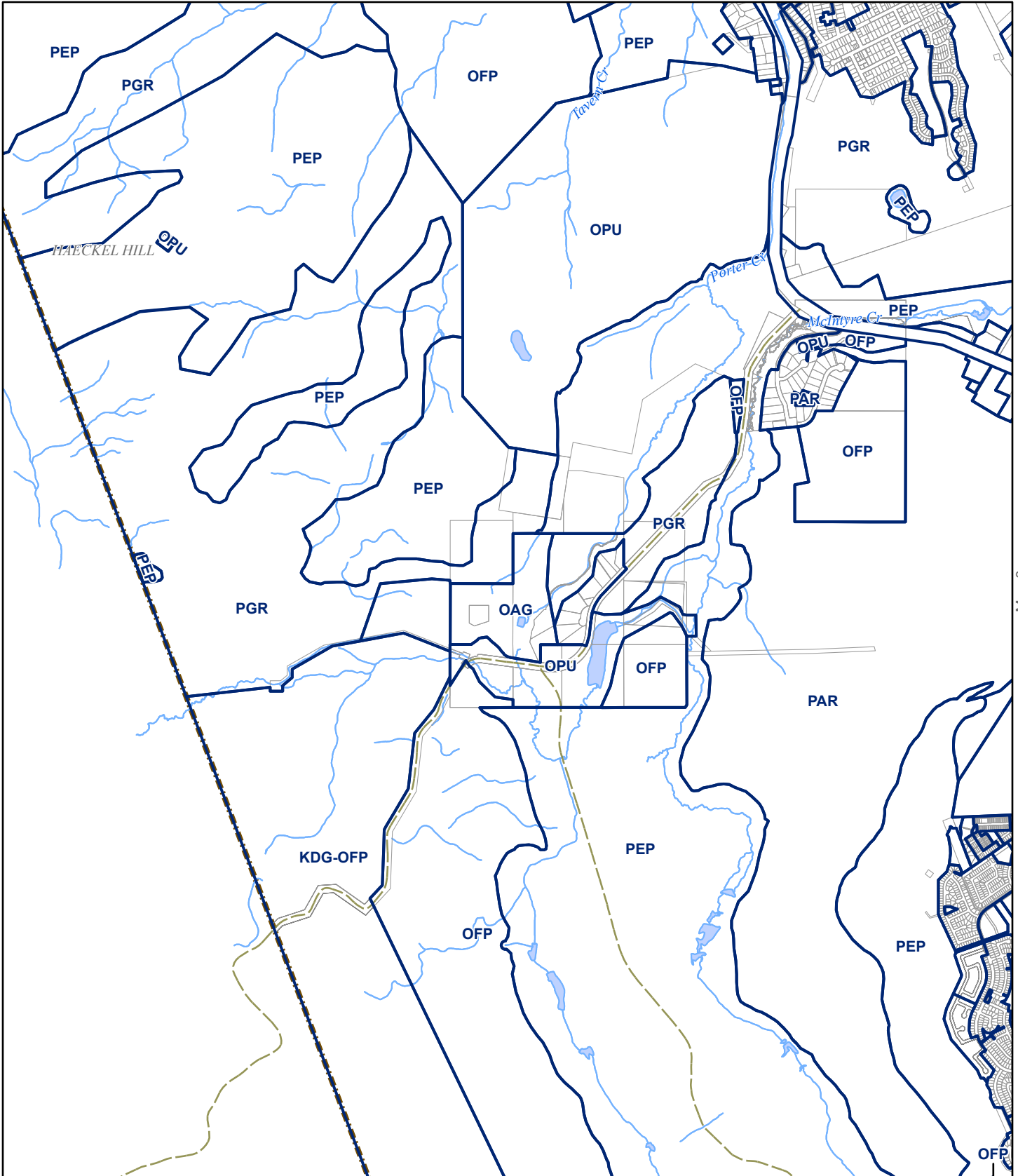
0 630  
Meters

Consolidation date:  
n/a

# MAP 12

FISH LAKE ROAD AREA  
RAVEN'S RIDGE, HAECKEL HILL AREA

Map 2



Map 19

Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



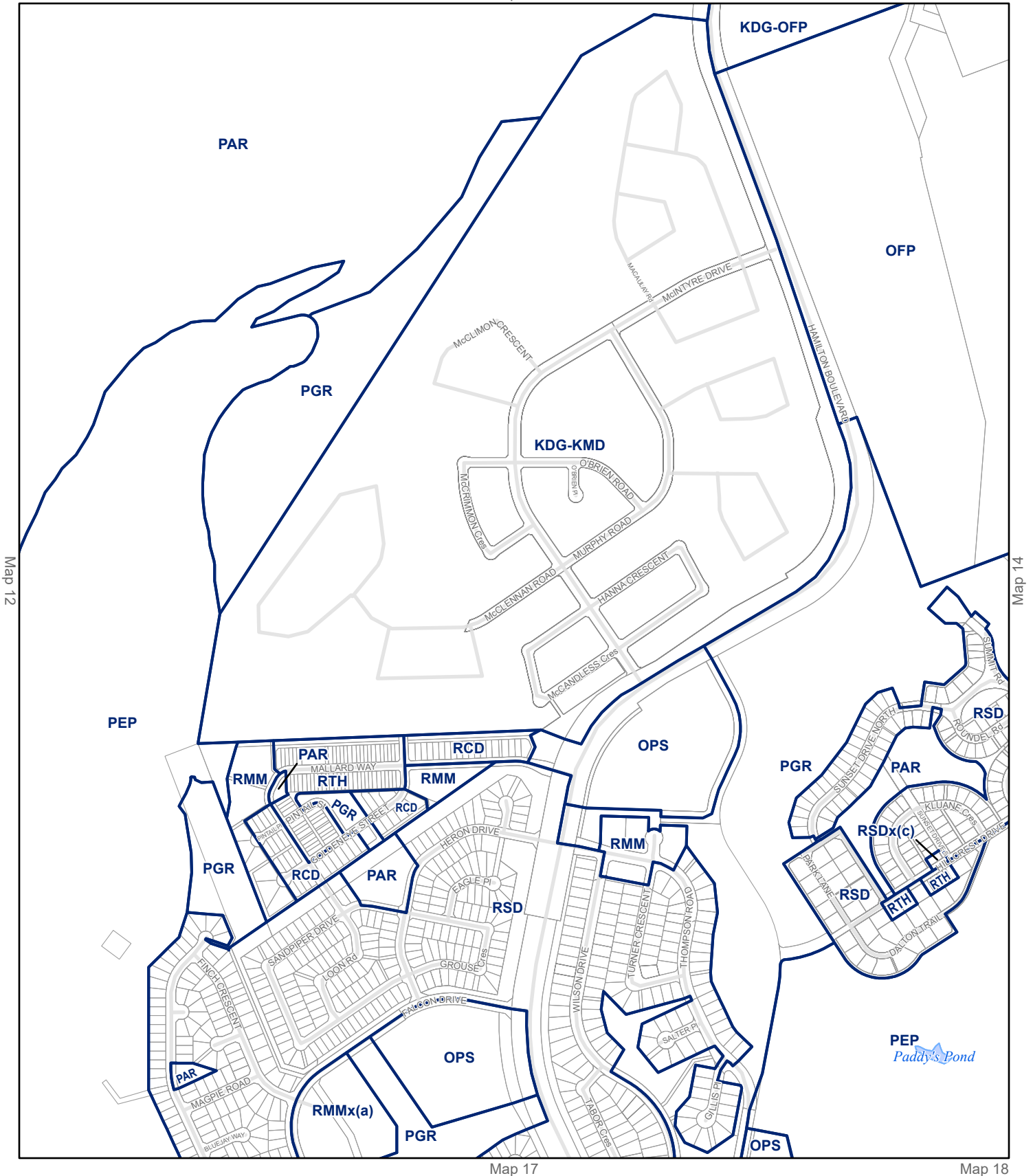
0 1,000  
Meters

Consolidation date:  
n/a

## MAP 13

MCINTYRE, ARKELL, INGRAM  
LOGAN, GRANGER

Map 10



Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



A horizontal number line with '0' at the left end and '430' at the right end. A bracket is drawn below the line, spanning the distance between 0 and 430. The word 'Meters' is written below the bracket.

Consolidation date:  
n/a

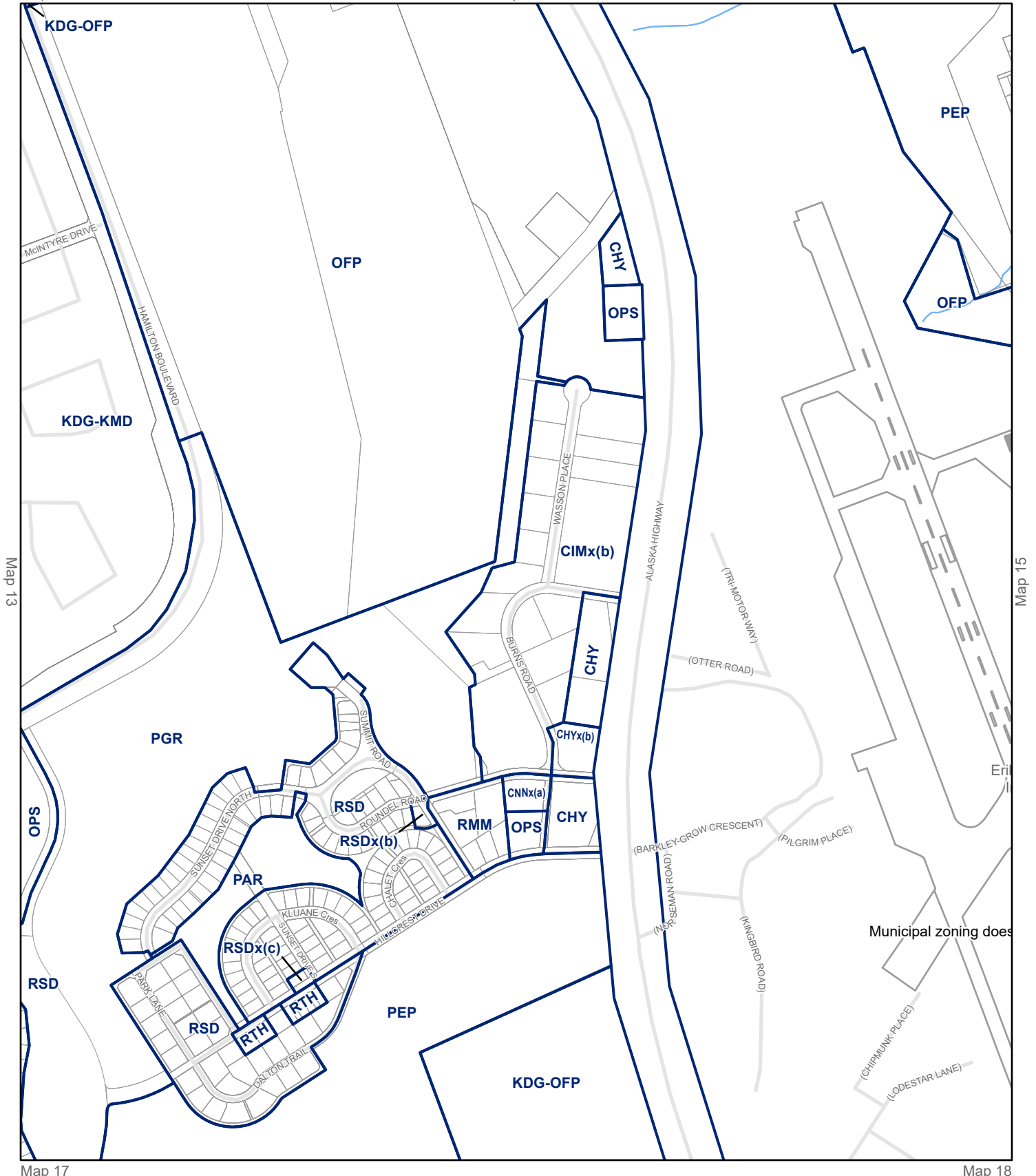


## MAP 14

HILLCREST  
AIRPORT

### Map 10

Map 11



Map 17

Map 18

Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



A horizontal number line with a vertical tick mark at 0 on the left and a vertical tick mark at 350 on the right. The word "Meters" is written below the line between the two tick marks.

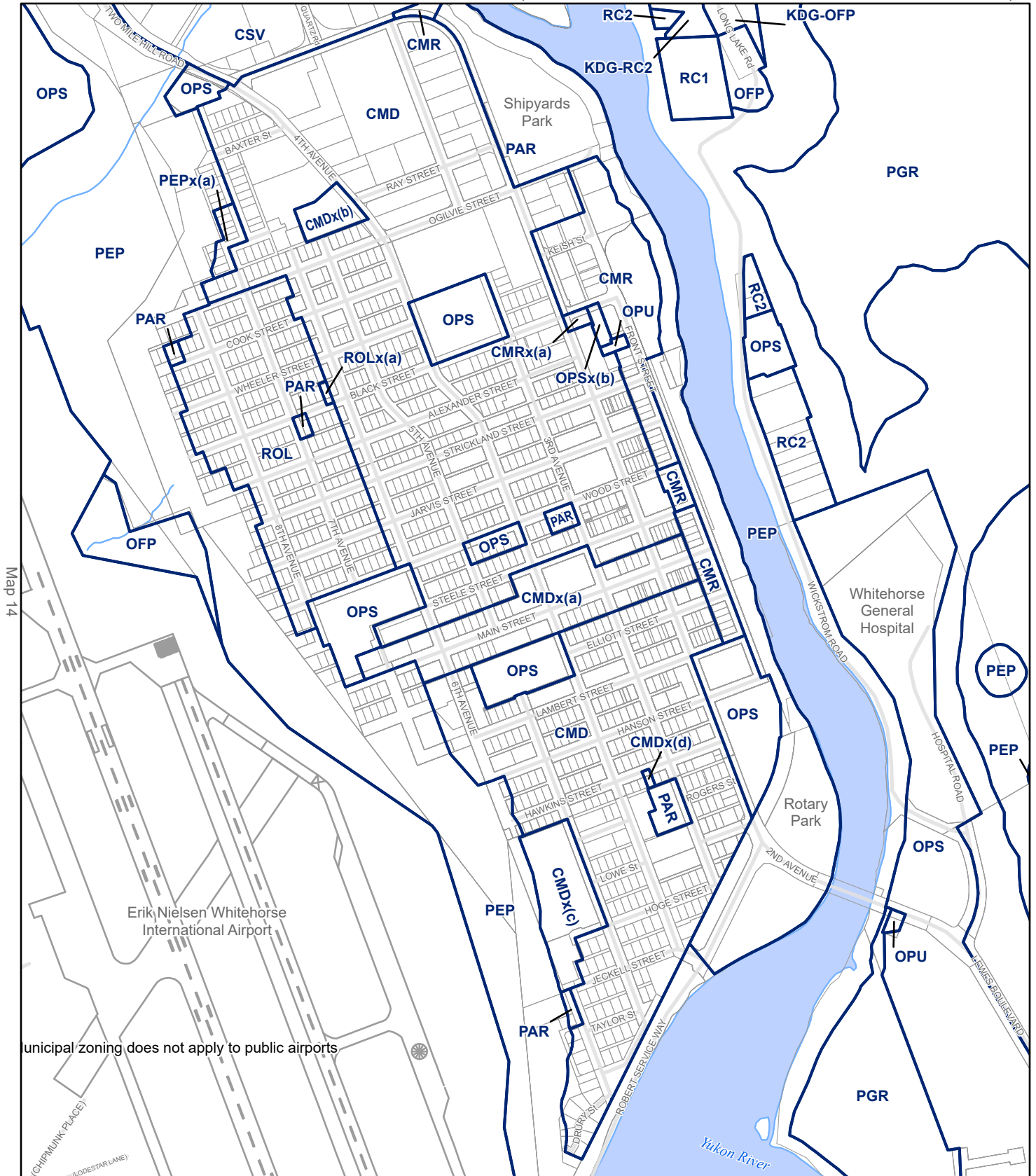
Consolidation date:  
n/a

# MAP 15

DOWNTOWN

Map 11

Map 8



Map 18

Map 16

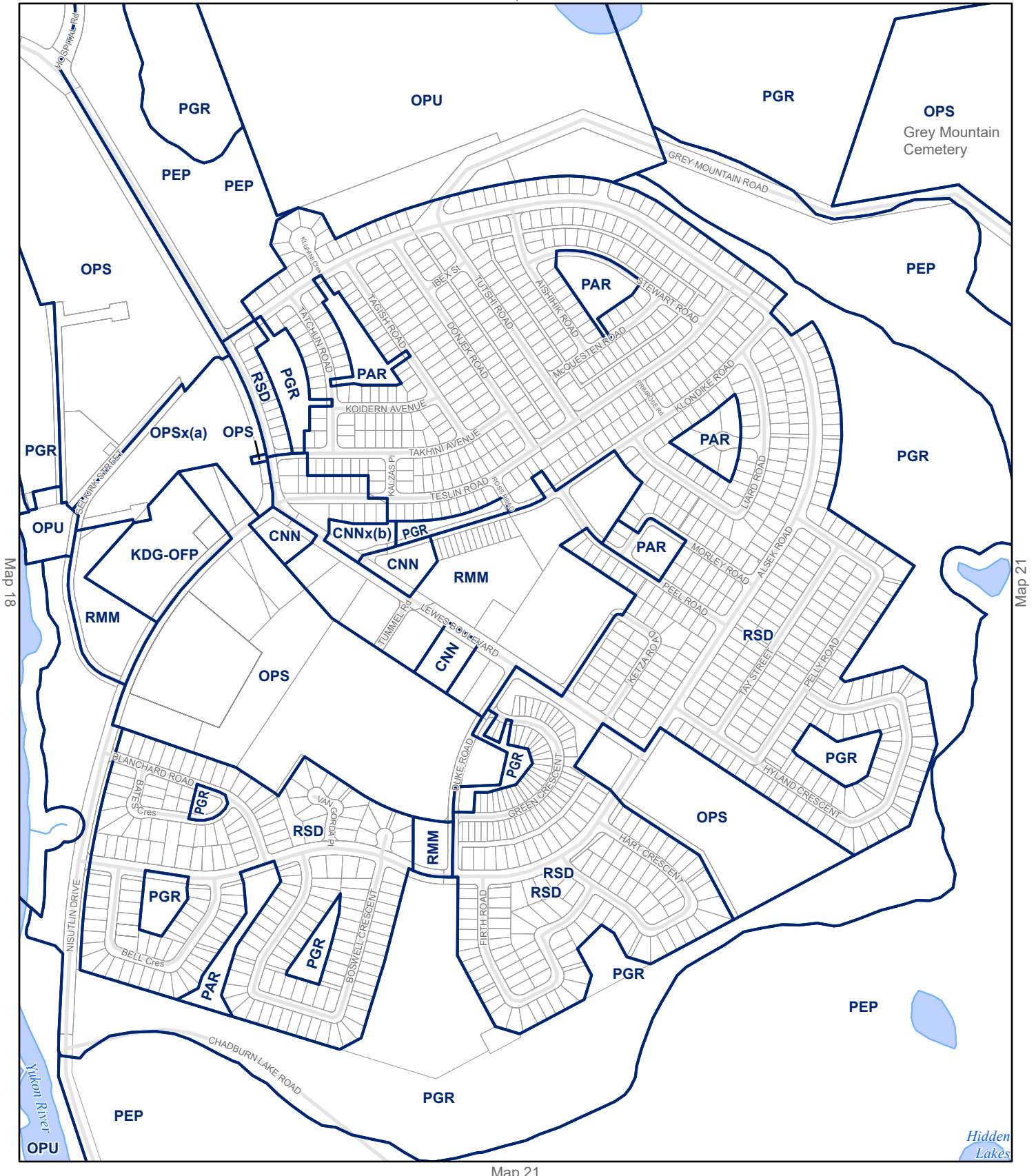
Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



0 430  
Meters

Consolidation date:  
n/a

Map 8



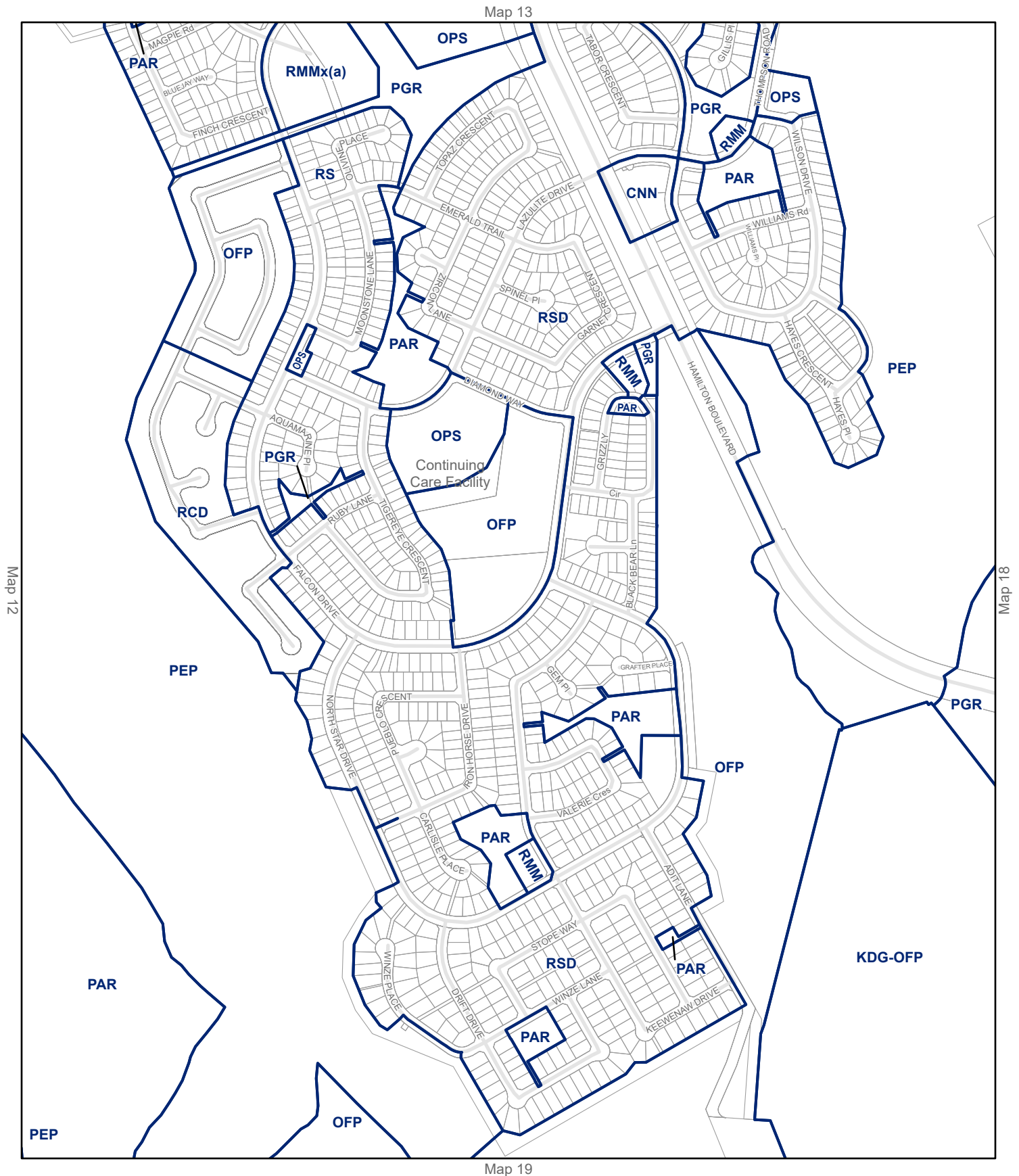
Map 21





## MAP 17

COPPER RIDGE  
LOGAN, GRANGER



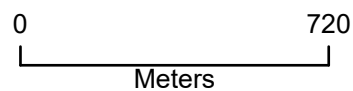
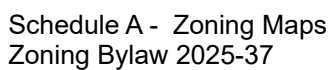
Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



A horizontal line segment with vertical tick marks at each end. The number '0' is written above the left tick mark, and the number '380' is written above the right tick mark. Below the line segment, the word 'Meters' is centered.

Consolidation date:  
n/a

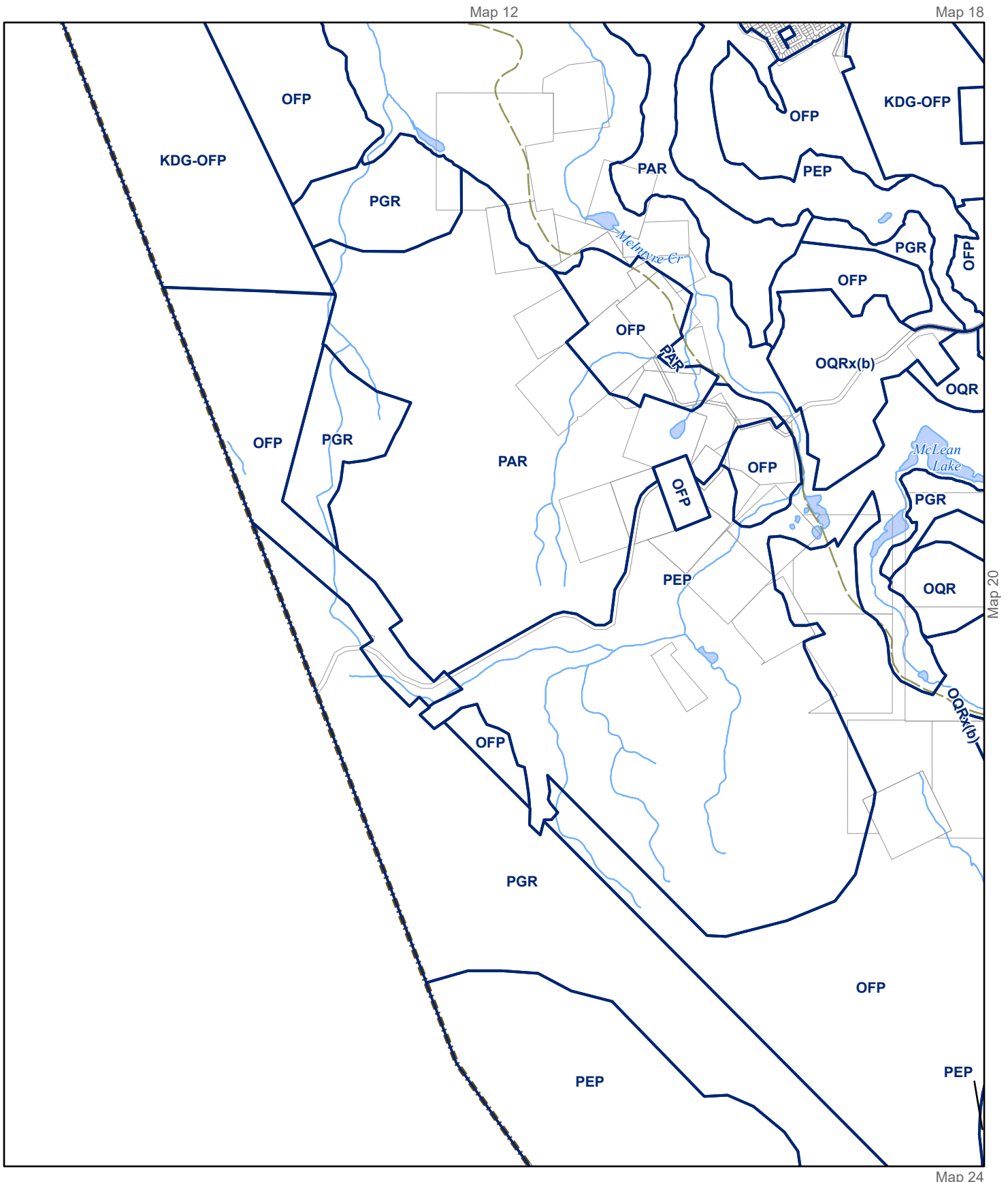
AIRPORT, LOBIRD  
ROBERT SERVICE WAY



Consolidation date:  
n/a

# MAP 19

MCLEAN LAKE ROAD  
MT. MCINTYRE AREA

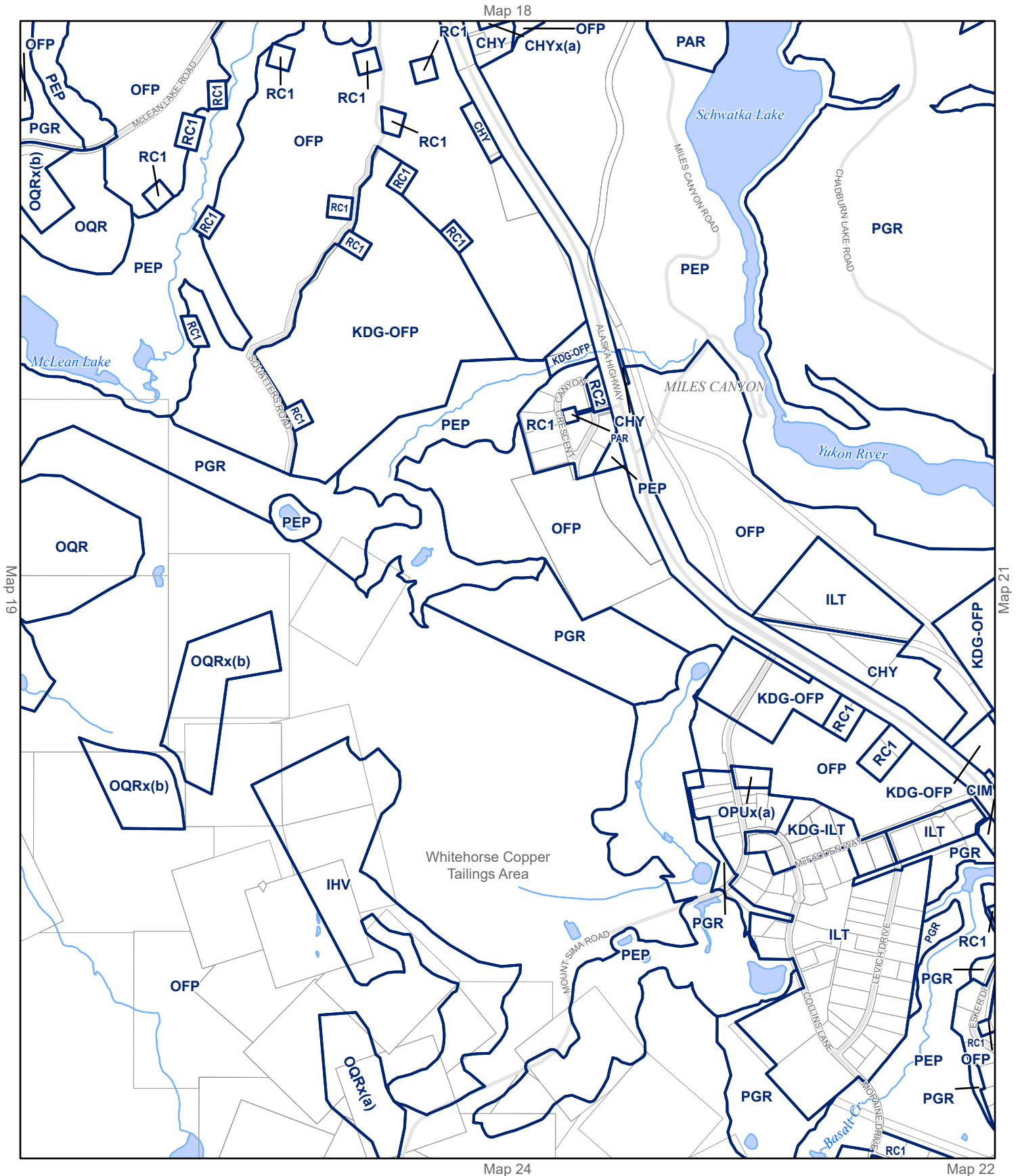


Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



0 1,000  
Meters

Consolidation date:  
n/a

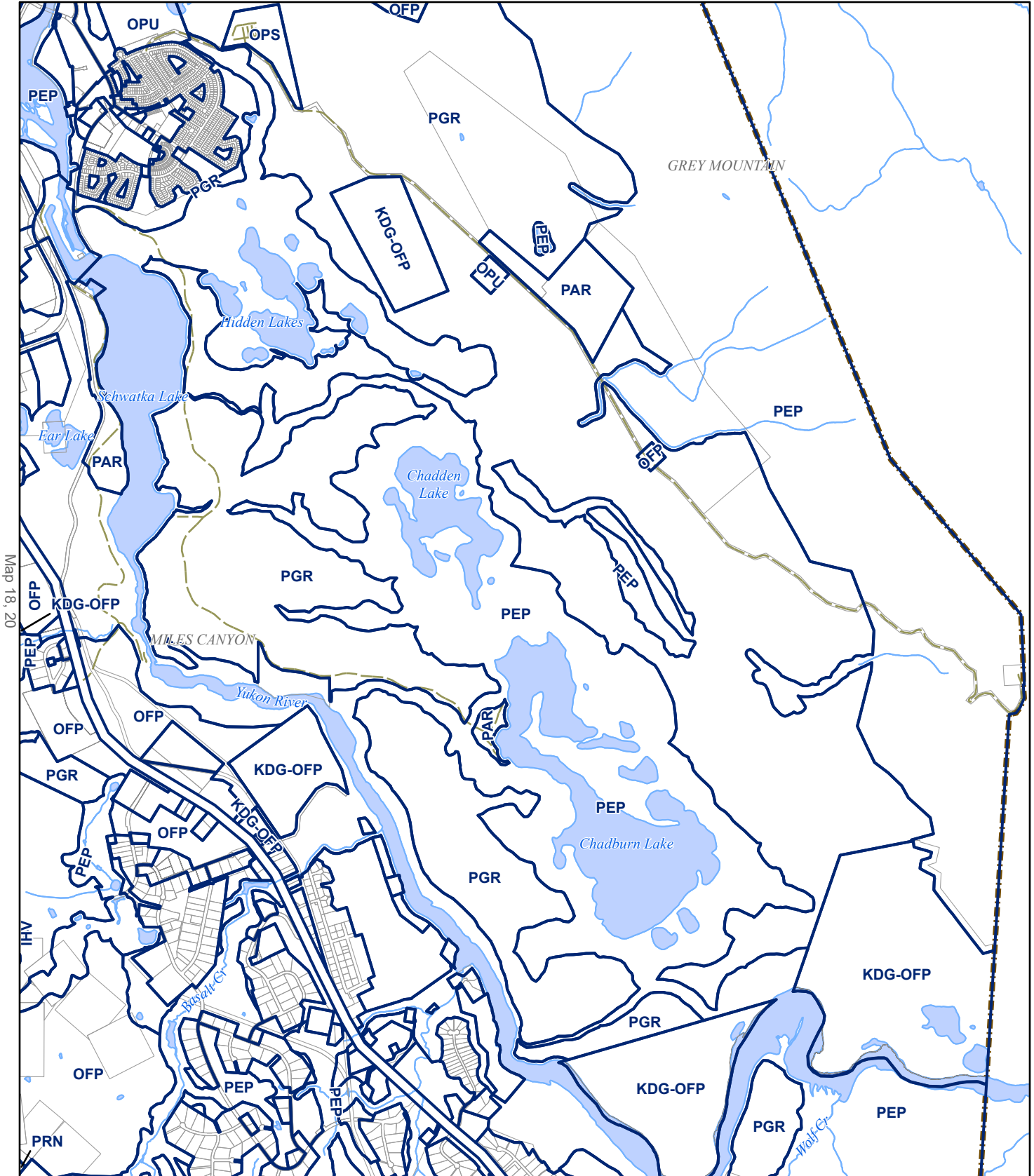




# MAP 21

CHADBURN LAKE AREA  
GREY MOUNTAIN AREA

Map 8



Map 18, 20

Map 24

Map 23, 25

Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



0 1,000  
Meters

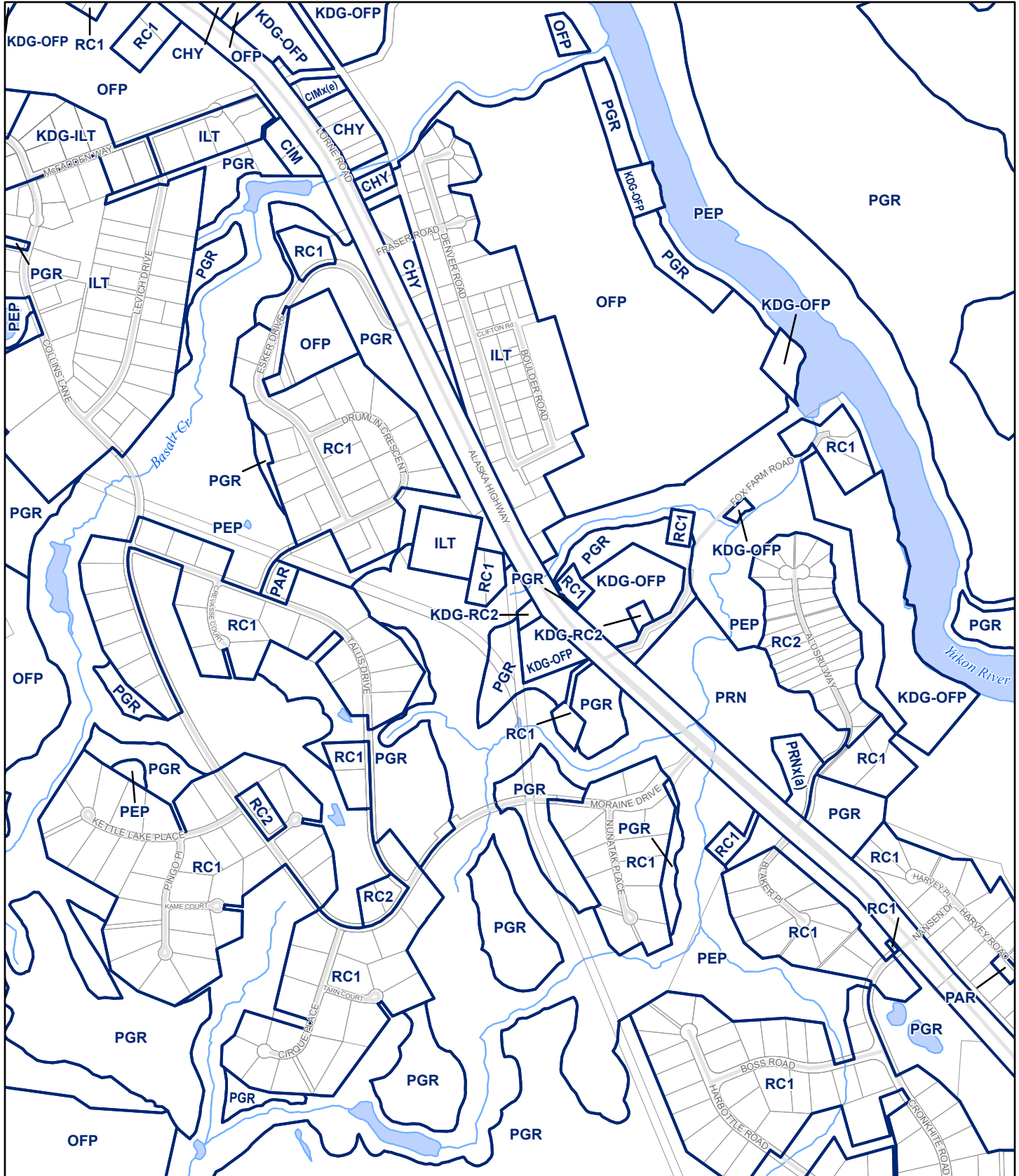
Consolidation date:  
n/a

## MAP 22

MACRAE, WHITEHORSE COPPER  
FOX HAVEN, WOLF CREEK NORTH

Map 20

Map 21



Map 24

Map 23

Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



A horizontal line segment with vertical tick marks at each end. The left tick mark is labeled '0' and the right tick mark is labeled '760'. Below the line segment, the word 'Meters' is centered.

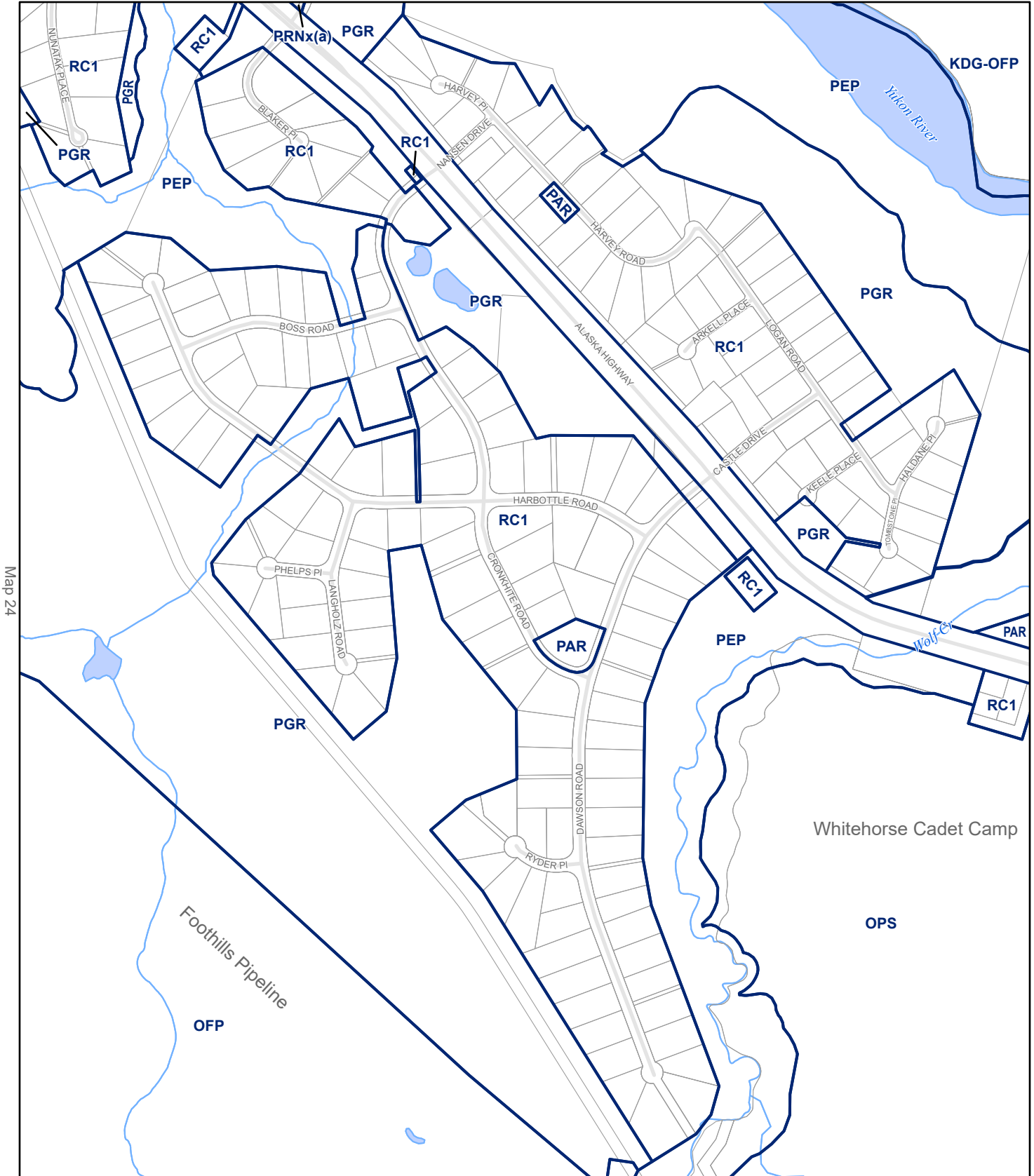
Consolidation date:  
n/a

# MAP 23

PINERIDGE,  
WOLF CREEK

Map 22

Map 21



Map 24

Map 25

Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



0 590  
Meters

Consolidation date:  
n/a



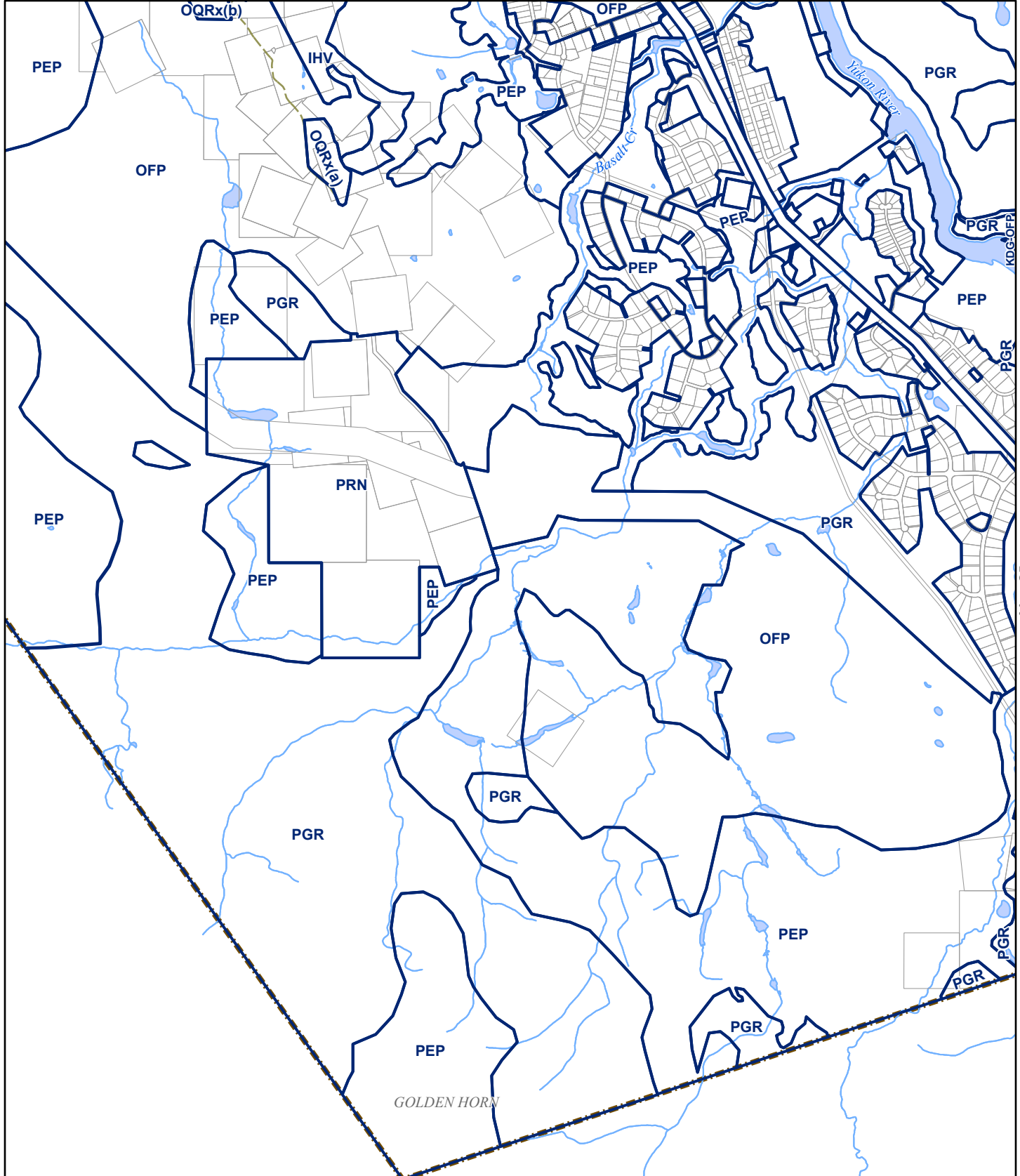
# MAP 24

MT. SIMA SKI HILL,  
GOLDENHORN AREA

Map 19

Map 20

Map 21



Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



0 1,000  
Meters

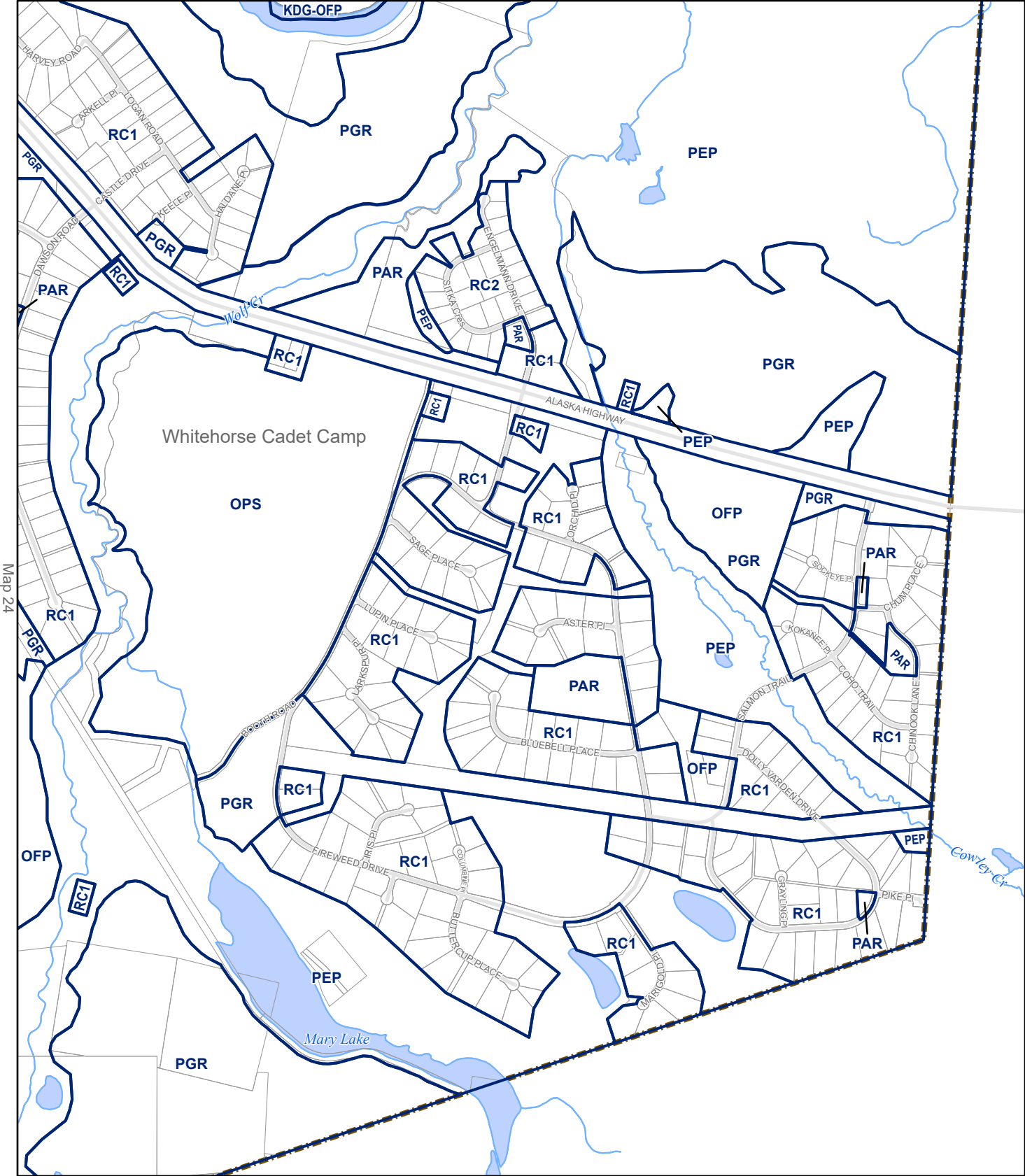
Consolidation date:  
n/a

# MAP 25

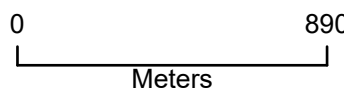
SPRUCE HILL, MARY LAKE,  
COWLEY CREEK

Map 23

Map 21



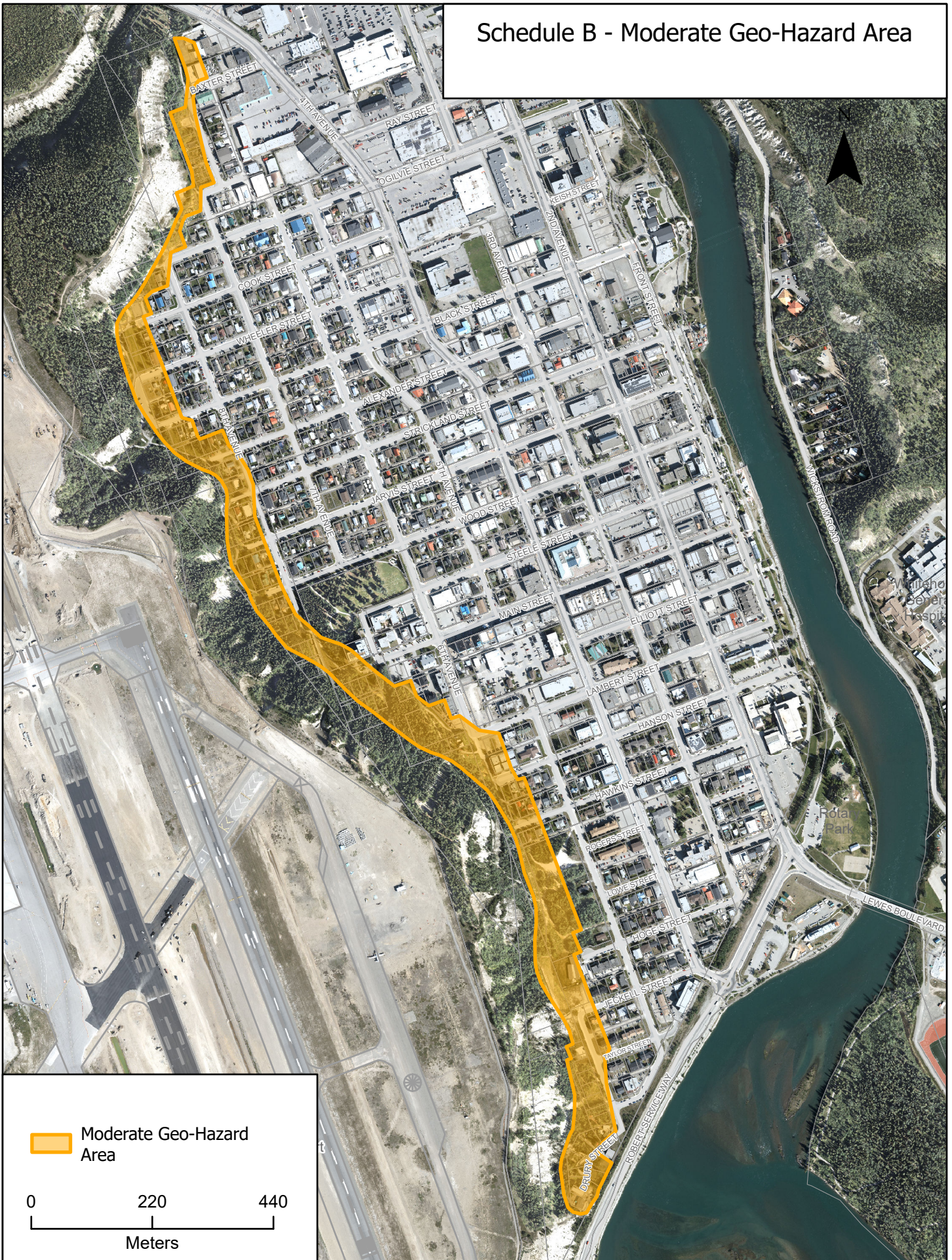
Schedule A - Zoning Maps  
Zoning Bylaw 2025-37



Consolidation date:  
n/a



## Schedule B - Moderate Geo-Hazard Area





Schedule C - Community Signage Areas  
(Robert Service Way at 4th Avenue)





# Schedule C - Community Signage Areas

(Riverdale at Hospital Road)



Community Signage  
Areas

0 50 100  
Meters

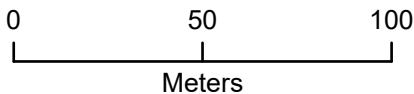


# Schedule C - Community Signage Areas

(Two Mile Hill Road - Downtown)



Community Signage  
Areas





Schedule C - Community Signage Areas  
(Mountainview Drive at Range Point)



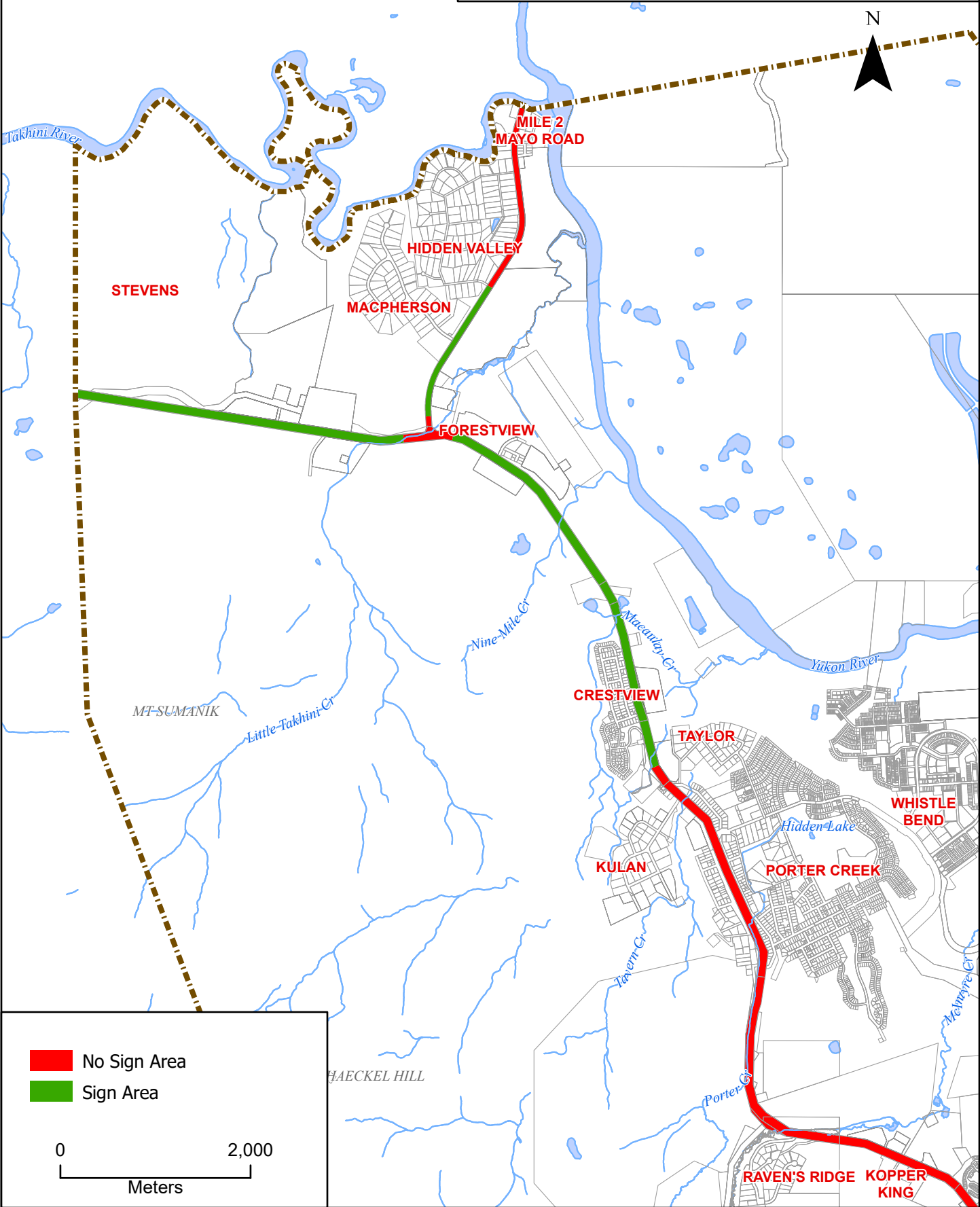
Community Signage  
Areas

0 50 100  
Meters



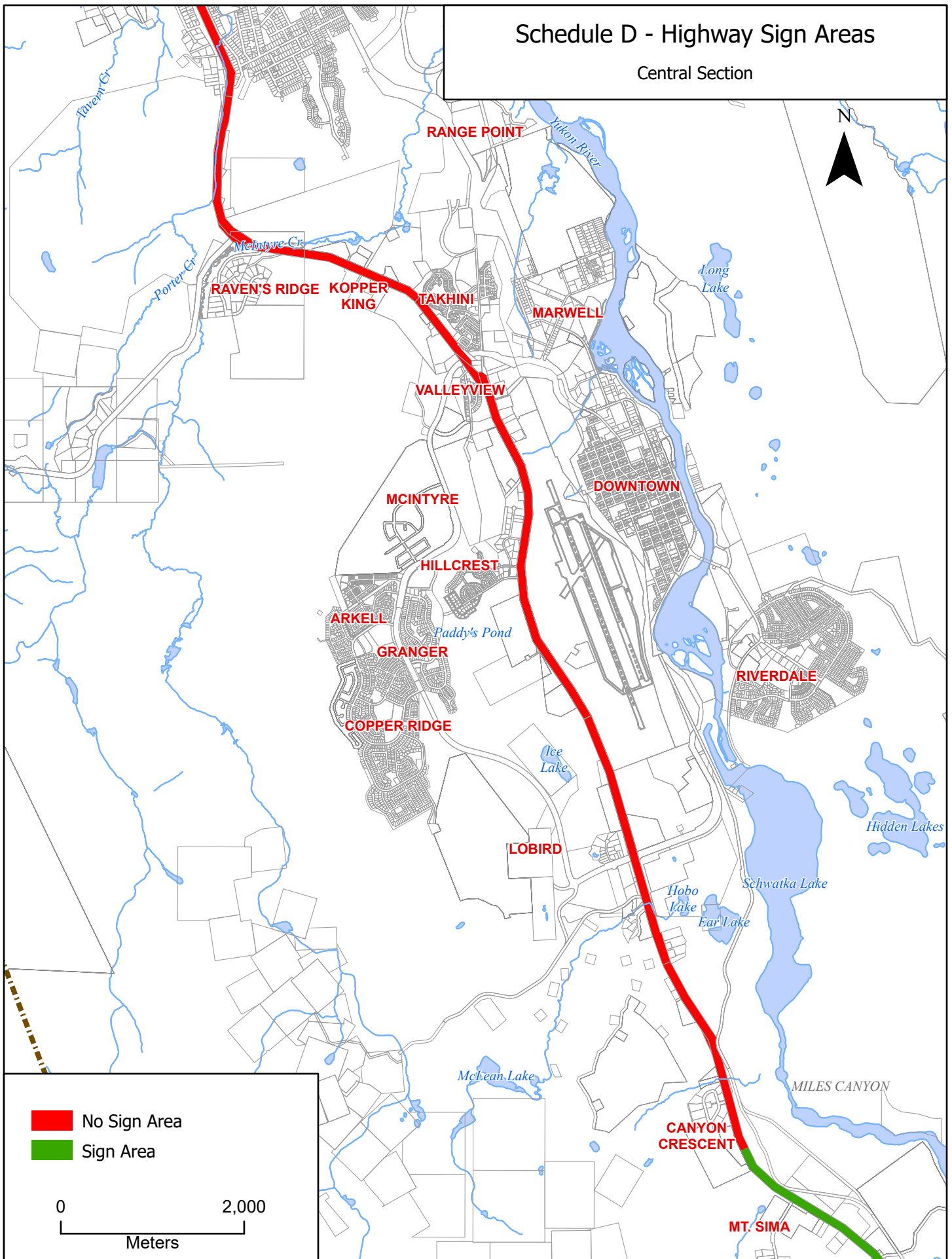
Schedule D - Highway Sign Areas

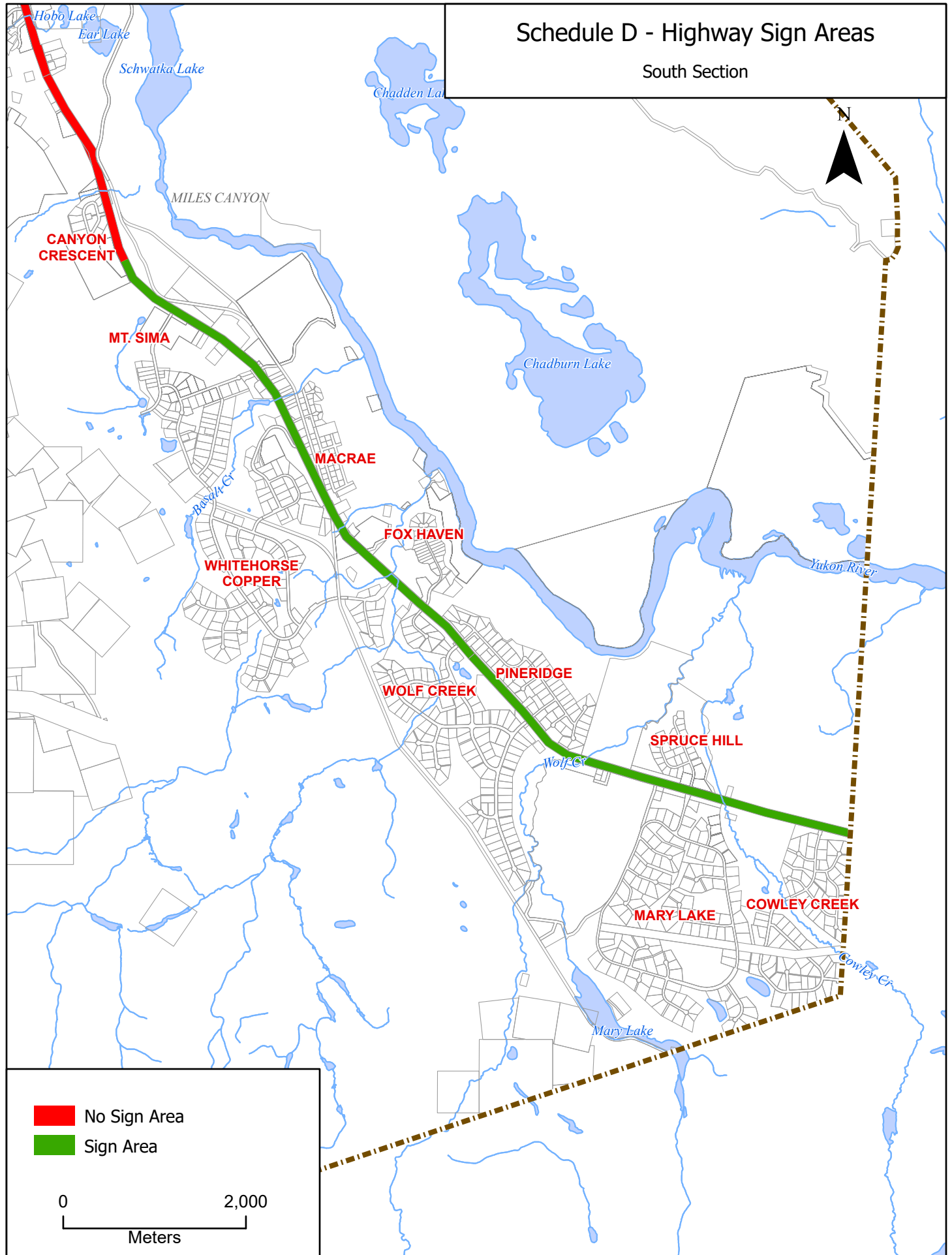
North Section



# Schedule D - Highway Sign Areas

Central Section





Schedule E - Downtown Heights



Maximum Height

- 10 m
- 12.5 m
- 20 m
- 25 m
- Parks / Cemeteries

