

## **ADMINISTRATIVE REPORT**

<b>TO:</b> City Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> January 5, 2026
<b>RE:</b> Public Hearing Report – Zoning Bylaw 2025-37

### **ISSUE**

Public Hearing Report on the proposed new Zoning Bylaw.

### **REFERENCES**

- [Zoning Bylaw 2012-20](#)
- [Whitehorse 2040 Official Community Plan](#)
- [Municipal Act SY 2024, c. 6](#)
- [Residential Tenancies Act SY 2005, c. 7](#)
- [2014 Hillcrest Neighbourhood Plan](#)
- [Construction or Storage Road Bylaw 99-72](#)
- [Traffic Bylaw 2013-34](#)
- [Snow and Ice Control Policy](#)
- [Transportation Master Plan](#)
- [Building and Plumbing Bylaw 99-50](#)
- [Maintenance Bylaw 2017-09](#)
- [Waste Management Bylaw 2018-05](#)
- [2011 McIntyre Creek Wildlife Corridor Assessment \(Environmental Dynamics Inc.\)](#)
- [Shadow Analysis](#)
- [Proposed Full Zoning Bylaw 2025-37 \(Amended\)](#)
- [Proposed Schedule A – Zoning Maps \(Amended\)](#)
- Attachment 1: Proposed Adopting Bylaw 2025-37
- Attachment 2: Additional Text and Map Change (in relation to Bylaw 2025-41)

### **HISTORY**

In accordance with the *Municipal Act*, a zoning bylaw must be adopted or amended for the lands affected by an Official Community Plan (OCP) within two years of the adoption or amendment of the OCP. The City was granted a one-year extension from the Minister of Community Services and therefore the new zoning bylaw must be adopted by March 26, 2026.

Major topics considered throughout the project include housing, parking, short-term rentals (STRs), reconciliation, city design, local food and urban agriculture, map changes, and simplifying the bylaw.

Bylaw 2025-37 received First Reading on October 14, 2025. Public hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted in the Yukon News on November 7 and 14, 2025;

- Four large notice signs were placed on Lewes Boulevard, Robert Service Way, Two Mile Hill Road, and Mountain View Drive;
- Approximately 45 small notice signs were placed throughout the city;
- Paid advertisements were published on social media and on local radio stations;
- Property owners identified as potentially losing development rights through proposed changes to special modifications, OCP-driven changes, and other map changes were notified by mail; and
- Email notifications were sent to Kwanlin Dün First Nation, Ta’an Kwäch’än Council, and the Government of Yukon Land Management Branch.

A public hearing was held on December 8, 2025. One hundred and fifty-one (151) individual submissions were received, with 41 voicing support, 54 voicing opposition, and 56 voicing concerns.

Prior to the Public Hearing and tabling of the bylaw, Administration had done several engagement activities including:

- Round 1 Engagement
  - An online survey was available between November 29, 2023 and January 6, 2024 with 417 responses received;
  - Interviews with interested parties and rights holders were also held between December 4, 2023 and January 9, 2024.
- STR Survey and Engagement
  - An online survey was available between July 26 and September 2, 2024 with 1,928 responses received;
  - Ten interviews were held with interested parties and rights holders between August and September 2024.
- Round 2 Engagement
  - An online survey was available from May 16 to June 20, 2025 with 224 responses received;
  - A Virtual Open House was available from May 16 to June 20, 2025 with 221 unique visitors;
  - Two in-person open houses were held on May 21, 2025 and May 28, 2025 with approximately 55 attendees in total;
  - Four pop-up events were held on May 22, May 29, June 10, and June 12, 2025 where approximately 185 people were actively engaged.
- Advisory Group Meetings
  - Four Advisory Group meetings were held on February 15, 2024, June 26, 2024, March 27, 2025, and July 22, 2025.

## **ALTERNATIVES**

1. Amend the proposed 2025 Zoning Bylaw as recommended and proceed under the bylaw process; or
2. Refer the proposed 2025 Zoning Bylaw back to Administration.

## **ANALYSIS**

The following matters were raised in the public input submissions:

1. Short-term rentals;
2. Building heights;
3. Parking requirements;
4. Housing;
5. Environmental matters;
6. Specific zones or properties;
7. Additional matters; and
8. Peripheral topics or topics out of scope.

### **1. Short-Term Rentals (STRs)**

Approximately 68 public input submissions related to short-term rentals, with mixed levels of support, opposition, and concerns. Under the proposed bylaw, STRs are defined as the use of a dwelling unit to provide temporary accommodation to guests for short stays, typically less than 30 days.

The input in support of the proposed STR regulations included:

- Support for STR regulations in helping to address housing affordability and availability in the city and helping to address safety concerns with strangers coming and going from STRs.
- Support for the residency requirement and the 6-month maximum for operating an STR in a primary residence.
- Support for limiting residential properties to one STR.
- Support for requiring a business license and support for inspections and monitoring of STRs.
- Long-term rentals are subject to the *Residential Tenancies Act* so STRs should also be subject to regulations.
- Support for the research, analysis, and community engagement that the City has undertaken to develop the proposed STR regulations.
- Concern that residents may not have the same resources to advocate for the STR regulations they would like implemented that large companies do.

Concerns and opposition to the proposed STR regulations include:

- Opposition to regulating the distinct number of periods an operator can rent an STR within the 6-month period in section 5.22(1)(c).
- Concerns that most of Downtown is zoned as commercial which means it will not be subject to most of the STR regulations.
- Downtown should be exempt from STR regulations.
- Opposition to the primary residency requirement in residential zones, to limiting STRs in a primary residence to 6 months, to business license requirements and inspections, to the limit of 1 STR per property, to increased fees for STRs, and to commercial mill rates for STRs in commercial zones.
- Concern that the proposed regulations will cause financial hardship on current STR operators.

- Concern that the City is working with the hotel industry to limit STRs.
- Concern that STRs provide accommodations to a variety of people such as medical professionals, contractors, people attending medical appointments, tourists, etc. that do not want to stay in hotels and that the STR regulations will limit available accommodations for these people.
- Concern that property owners should be able to use their property as they see fit. The market should dictate what is needed, not the City.
- Concerns that the majority of STRs will be sold if the proposed regulations are implemented.
- Concern that STR operators do not want to rent to long-term tenants because the *Residential Tenancies Act* makes it difficult to evict tenants and raise rents. Some STR operators have had bad experiences with bad long-term tenants. STR operators also wanted the flexibility to use their unit for friends and family and as an STR when it was not needed for their own use.
- Concern that regulating STRs will not result in more affordable housing.
- Concern that OCP policy 9.7 says that the City will study STRs. The proposed regulations go far beyond that.
- Concern that traffic and/or parking will not be improved if STRs are used as long-term rentals.
- Concern that the consultation was insufficient.
- Suggestion that existing STRs should be considered legally non-conforming so they can continue to operate.
- Suggestion that STR operators be Yukon residents, one STR per person instead of the residency requirements, STRs should be a conditional use so Council can make the decision, STR operators should get written permission from neighbours, and STRs should be allowed in the primary residence as well as a suite.
- Suggestion that the definition of primary residence STR should be amended to reflect that a garden or living suite can be operated year-round.
- Suggestion that the City should require business licenses, collect data, and propose regulations in a year or two.

### **Analysis**

The input received in support of the proposed STR regulations tended to connect the regulations to the protection of housing supply and affordability. Those opposed tended to argue that STRs do not have a significant impact on the supply and affordability of housing but instead provide benefits to the community in the form of home-like accommodations for people providing or accessing services in the city and tourists and provide revenue for local owners using STRs as supplementary income.

Administration recognizes that the volume and range of input requires careful reconsideration of the proposed STR regulations. Throughout the Public Hearing process and previous engagement, residents and affected parties were provided equal opportunities to provide input into the bylaw. This includes hotel operators as well as short-term rental operators.

Administration has reviewed all of the input and suggestions provided by members of the public and recommends that the rules regarding STRs could be more permissive

than what was originally proposed, while still maintaining the requirements for lots in residential zones remaining primarily residential to support long-term housing in residential neighbourhoods. The proposed zoning bylaw would allow STRs as a stand-alone commercial use in commercial zones and as a secondary use in residential zones, consistent with other land use regulations in these zones. Additional changes are also recommended to facilitate the administration of the STR regulations.

A zoning bylaw prescribes the use of land and buildings and not who uses the land and buildings. While STRs may provide accommodations for personnel providing valuable services such as medical professionals, the proposed regulations are focused on the STR use and where that use may be most appropriate.

The *Residential Tenancies Act* regulates longer term tenancies and was developed and is administered by the Government of Yukon. STRs are not regulated under the *Residential Tenancies Act*. If a property owner would like to sell their property because they cannot comply with the STR regulations or they do not want to rent their unit to a long-term tenant, they are able to do so.

STRs are not a permitted use under the current Zoning Bylaw and therefore they will not be considered a legal non-conforming use (sometimes informally referred to as a “grandfathered” use). Any existing STR would need to comply with the regulations in the new Zoning Bylaw once adopted.

### **Administrative Recommendation**

Administration recommends the following changes for primary residence STRs (exact proposed wording in section 5.22 of proposed Zoning Bylaw):

- Allow more than one STR on a property where the operator lives (e.g., operate two suites as STRs, or one or two suites *and* the principal residence while the owner is away).
- Allow STRs in conjunction with a Bed and Breakfast.
- Remove the 6-month limit for STR in the operator’s primary residence and abandon the three separate periods rule. An STR operator would still have to demonstrate it is their primary residence (the address used for taxes, identification, etc.).

The proposed changes listed above will allow more flexibility for STR operators while still maintaining the primarily residential use envisioned for residential zones.

## **2. Building Heights**

There were 22 public input submissions related to building heights, with six in support and 16 with concerns or opposition. There was support for the proposed increase in maximum building heights in Downtown to reduce urban sprawl and housing availability issues as well as support for building height and site coverage incentives for affordable housing. Some submissions suggested that the maximum building heights should be further increased.

Concerns and opposition to the proposed increase in maximum building heights include:

- Preference for keeping the maximum building heights as they currently are across the city.

- Opposition to the proposed building height and density increases in Old Town.
- Opposition to the proposed building height increases on the west side of 6<sup>th</sup> Avenue as there would be no transition from a high-density zone to a low-density zone.
- Opposition to removing the special modification that limits the maximum building height in Hillcrest to 8.0 m.
- Concerns with light availability due to the shadows cast by taller buildings and the negative impact it will have on mental health and the ability to grow food.
- Concerns that taller buildings will cause an increase in wind chill.
- Concerns that the infrastructure cannot support taller buildings and potential infrastructure upgrades will cause traffic disruptions.
- Building height increases should be applied fairly to all neighbourhoods.
- Concerns that developers will build large ugly buildings if the city does not retain some control on the look and feel of proposed buildings.

### **Analysis**

The proposed maximum building height increases align with the OCP. OCP policy 15.8.7 provides for building height allowances of 25 m in the Mixed Use - Downtown Core land use designation and OCP policy 15.16.3 limits building heights in Old Town to 10 m. Administration acknowledges that there is a lack of building height transition between the west side of 6<sup>th</sup> Avenue, with a proposed 25.0 m maximum building height, and Old Town, with a proposed 10.0 m maximum building height. The proposed Zoning Bylaw must follow OCP direction. An OCP amendment would be necessary in order to reduce the maximum building height on the west side of 6<sup>th</sup> Avenue.

The proposed change to the maximum building heights in Hillcrest would align the neighbourhood with other residential neighbourhoods. A Hillcrest Neighbourhood Plan was adopted by Council in 2014 that resulted in a special modification for several streets in Hillcrest limiting the maximum building height to 8.0 m. The Neighbourhood Plan was adopted prior to the OCP and in the case of conflict, the OCP prevails. Therefore, most of Hillcrest is proposed to be zoned as RSD, consistent with other low-density residential areas, which are planned to be zoned RSD or RCD with a maximum building height of 11.0 m (an increase from the current 9.0 m or 10.0 m). Although part of Hillcrest currently has a special modification restricting height to an even lower 8.0 m, Administration recommends increasing the maximum height to 11.0 m in all low-density residential zones to help address the ongoing housing shortage (with the exception of Old Town due to OCP limitations). In established neighbourhoods such as Hillcrest, the impacts from higher maximum building heights will occur incrementally as properties are redeveloped or infill occurs.

In regard to concerns that taller buildings will have increased shadow impacts, a shadow analysis was completed and it concluded that there will not be significant shadow impacts between a building with a 20.0 m height and a building with a 25.0 m height.

To negate potential wind impacts and encourage a pedestrian-oriented streetscape, 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. Administration is however proposing amendments in regard to step-

backs in Section 7 of this report. The proposed amendment would allow developers to employ alternative design strategies to mitigate scale, massing, shadows, and pedestrian-level impacts if the building is already set-back 1.5 m from the property line. Additionally, the proposed CMD-Commercial Mixed-Use Downtown and CMR-Commercial Mixed-Use Riverfront zones have design guidelines and Section 4.3 details design, character, and appearance regulations to encourage attractive developments.

Any potential impacts to infrastructure, or required upgrades, are reviewed in detail at the development permit stage. If infrastructure upgrades are required that necessitate the closure of a road, the developer will need to adhere to the Construction or Storage Road Closure Bylaw.

### ***Administrative Recommendation***

No changes are recommended to building heights as these are supported by the Whitehorse 2040 OCP.

### **3. Parking Requirements**

There were 26 public input submissions related to parking, with nine in support and 17 with concerns or opposition. There was support for the proposed residential parking requirements, including the maximum of 1.2 spaces per unit, the high-density residential parking requirement of 1 space per unit, no minimum parking requirements in Downtown, and no parking requirements for living and garden suites. There was also support for the minimum non-residential parking requirements.

Concerns and opposition with the proposed parking requirements include:

- Concerns with the lack of parking requirements in Downtown as it is already difficult to find parking and will negatively impact local businesses and the ability for the City to clear snow.
- Opposition to the proposed parking requirements in Old Town of 1 space per 2 units. Old Town will become congested with parked cars from the Downtown residential units that have no parking requirements.
- The proposed reduction in residential parking requirements will cause a trend towards the development of smaller units which do not support families. Suggestion to require 1 space per residential unit Downtown, except for larger units.
- Suggestions for various parking requirements, including 4 spaces per lot, 2 spaces per unit, 1 space per unit, 1 space per 4 units.
- Reduced parking requirements should be used as leverage to get community amenities and affordable units rather than having no minimum parking requirements.
- Parking requirements for high density residential zones should be increased. There are traffic and parking issues near high density developments in Whistle Bend and the issue will expand to other areas of the city if parking requirements are not addressed.
- Demand is for more parking, not less.
- Suggestion to create guidelines for parking-demand management for multi-use buildings.

### ***Analysis***

OCP Policy 8.35 states that in order to facilitate the intensification of uses Downtown, the City will consider the reduction of parking requirements for developments near active transportation and transit routes. Policy 8.17 and 8.37 further state that high density residential will be promoted in the Urban Core and Urban Centres as these areas are serviced by public transit and active transportation networks. The proposed reduced parking requirements would help free up valuable land in the Downtown, Urban Centres, and to a lesser extent the Urban Core.

A shift towards active and shared transportation modes is desired, both in the OCP and the Transportation Master Plan. OCP policy 11.2 outlines a hierarchy of transportation modes listing personal vehicles at the bottom. Reducing the need for personal vehicle use is supported by the OCP.

Through the approval of the 2026-2029 Capital Budget, the City will undertake a Downtown Plan Review. Parking availability in the Downtown will be studied. The City has the ability to issue on-street parking permits through the Traffic Bylaw as well as by removing vehicles that are parked inappropriately. Additionally, the City can issue parking bans in order to clear snow through the Snow and Ice Control Policy.

In regard to concerns about impacts on businesses, Downtown commercial developments may still provide parking for their customers. Any reductions in parking requirements will apply gradually as new developments occur.

In regard to increasing the parking requirements for high-density residential zones, Administration initially proposed a parking reduction from 1 space to 0.8 spaces per unit for high-density residential zones outside of the Downtown, the Urban Core and Urban Centres. Through the public engagement process, Administration retracted the proposed parking reduction and reverted back to the current requirement of 1 space per unit. For affordable housing, the City does have the ability to provide potential parking allowances for providing affordable housing as detailed in section 2.14 of the proposed Zoning Bylaw.

### ***Administrative Recommendation***

No changes to the currently recommended parking requirements.

## **4. Housing**

There were 24 public input submissions related to housing, with nine in support and 15 with concerns or opposition. There was support for the proposed housing-related regulations including generally allowing more housing, the affordable housing allowances, allowing supportive housing as a principal use in all residential zones, allowing taller buildings and more units per lot in Old Town, and infill development.

Concerns and opposition to the proposed housing-related regulations include:

- Opposition to developing the Holly Street area due to wildlife and recreational uses within the area. Nearby residents would prefer that it be designated as greenspace.

- Opposition to developing the Whistle Bend South area due to the proximity to sensitive environmental areas, wildlife corridors, trails, the Chasàn Chùà territorial park and traffic concerns.
- Opposition to allowing mobile homes as garden suites unless there are strict controls to ensure they are attractive.
- Opposition to reduced setbacks.
- The definition of ‘affordable housing’ is too broad and risks creating units that low-income residents still cannot afford.
- Introduce mandatory requirements - ensuring that developments accessing additional height, density, or reduced parking must provide a minimum portion of affordable units.
- Infill and densification does not work well on every lot and does not necessarily result in affordable housing.
- Include a statement in the bylaw’s purpose clause committing the City to uphold the right to adequate housing.

### **Analysis**

The Holly Street area and Whistle Bend South are designated as Residential – Urban in the OCP. Additionally, OCP policy 15.17.9 says that as a replacement growth opportunity for Porter Creek D, these two sites will be examined for future residential development. The proposed OFP-Other Future Planning zone for both areas aligns with the OCP.

Planning will occur in the near future to determine appropriate zoning, taking into consideration OCP policies, and other information. It is noted that the Whistle Bend South area is outside of the 175 m buffer zone from Chasàn Chùà/McIntyre Creek, which is recommended to support wildlife corridors. Additionally, a preliminary review of the area’s development options has determined that the City trail within the Whistle Bend South area is unlikely to be impacted by a future residential development. Ways to address and mitigate environmental and recreational impacts will be considered as part of the master planning processes. Land would remain protected under the OFP zone until such a time that the master planning is completed and Council has amended the Zoning Bylaw to allow for residential uses.

The OCP recognizes that infill and densification is not appropriate on all land within the City and as such approximately 30% of Whitehorse’s land is identified for existing or future regional or territorial parks. The City OCP also includes the goal (8a) to “reduce urban sprawl to preserve the natural environment, minimize new infrastructure, reduce greenhouse gas emissions, and use existing infrastructure efficiently” Infill development is expected within existing residential areas so that compact development, where there are existing services, is promoted (Policy 8.1). This is a core component of the City’s residential growth strategy. Both the Holly Street and the Whistle Bend South areas meet this OCP criteria and are required for the City to meet it’s development goals.

### **Affordable Housing**

As proposed, mobile homes are allowed as principal dwellings or garden suites in the RSD-Residential Standard Development and RCD-Residential Comprehensive Development zones to increase affordable housing options and expand the continuum

of housing types available. This is supported by OCP Policies 9.1 and 9.4 which state that the City will support the construction of a variety of housing types and that opportunities for affordable housing should be integrated into all neighbourhoods. Mobile homes will be subject to the same regulations as any other housing type within the same zone. Reduced setbacks also allow for the development of more housing units.

Section 2.14(4) of the proposed Zoning Bylaw allows for additional building height, site coverage, and reduced parking for development providing affordable housing developments. Administration acknowledges that the definition of ‘affordable housing’ could be improved for clarity on what the affordability targets are.

### ***Administrative Recommendation***

The definition of ‘Affordable Housing’ should be amended to read as follows to improve clarity:

- “**AFFORDABLE HOUSING** means housing for which the shelter cost does not exceed 30 percent of income for households earning 80% of median income, as most recently reported by Statistics Canada in the Census Profile for Whitehorse, City (CY). Shelter cost for 1-bedroom and studio units shall be based on annual shelter costs based on 80% of the Median Total Income for One-Person Households, and for 2+ bedroom units shall be based on the Median Total Income of Households....”

## **5. Environmental Matters**

There were ten submissions made on various environmental topics including agriculture, light pollution, bird-friendly design, and the protection of trees. There was general support for the proposed regulations that reduce light pollution.

Concerns, opposition, and suggestions related to environmental regulations include:

- The definition of ‘livestock’ should more closely match the Animal Unit Table (Table 11). Additionally, sheep should be added to the Table.
- Suggested changes to the wording of ‘community garden’ since flowers are plants.
- Suggested changes to the definition of ‘agriculture (minor)’ for better clarity.
- Several specific suggestions to support the dark skies initiative.
- The proposed design guidelines in the CMD and CMR zones should be improved to further reduce bird-window strikes.
- The proposed Zoning Bylaw should protect existing trees, including fines for non-compliance and replanting requirements.
- Firesmaring requirements are costly and unnecessary. The removal of large trees costs a lot and the storage of firewood against a structure provides some protection from the elements and is more accessible for older or disabled people.
- Definitions for the following terms are requested: environmentally sensitive areas, active recreation, active transportation, and passive recreation.

## ***Analysis***

### Agriculture

Administration recommends that the suggested improvements to the definition of 'livestock', 'community garden', and 'agriculture (minor)' as well as adding 'sheep' to the Animal Unit Table be incorporated into the proposed Zoning Bylaw.

### Lighting

Administration supports clarifying the meaning of 'fully shielded' and amending section 6.11(7)(b) xii) (B) and section 6.12(7)(b) v) (B) in order to improve consistency with other sections of the Bylaw. The other suggestions related to lighting can be included in guidance documents the City will prepare after the adoption of the Zoning Bylaw.

### Other

In regard to concerns about bird-window strikes, the suggested amendments are very specific amongst a list of non-specific regulations. Instead of amending the proposed Zoning Bylaw, Administration will provide guidance on reducing bird-window strikes in the guidance and educational documents after the Zoning Bylaw is adopted.

In regard to preserving existing trees, section 4.23(3) says that existing healthy woody plants should be preserved and protected in all zones unless removal is demonstrated necessary to accommodate proposed development, mitigate wildlife risk, or address a safety hazard. Landscape planting setbacks specified in section 4.28(8)-(10) apply to new plantings as well as plant species requirements. OCP policy 12.5 states that wildfire risk reduction initiatives will be pursued throughout the community and OCP policy 13.6 states that wildfire fuel abatement is permitted in any land use designation. Additionally, the Maintenance Bylaw also contains regulations regarding firesmarming.

Defining environmentally sensitive areas, active recreation, active transportation, and passive recreation would not improve a reader's understanding of the Zoning Bylaw. In some cases, we do not have enough information to confirm with certainty that the land is environmentally sensitive. It is clear what is meant by these terms in the context that they are used.

## ***Administrative Recommendations***

- The definition of 'Livestock' should be amended to read as follows to improve clarity: "**LIVESTOCK** means an animal that is traditionally used or raised on a farm including cattle, horses, swine, goats, sheep, alpaca, poultry, and fur-bearing animals."
- The definition of 'Community Garden' should be amended to read as follows to improve clarity: "**COMMUNITY GARDEN** means the use of land or buildings to grow food, flowers, or other plants 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)."
- The definition of 'Agriculture (Minor)' should be amended to read as follows to improve clarity: "**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 industrial (cannabis)."

- Add 'sheep' to Table 11: Animal Unit Table in section 5.3(3) on the same row as goats.
- Amend section 4.27(1) to read as follows to better define 'fully-shielded': "All outdoor lighting fixtures shall be directed downward and fully shielded such that no direct light is emitted above the horizontal plane. Lighting shall not be directed beyond the lot line and shall not interfere with traffic control devices. A single residential entryway light located at the primary entrance of a dwelling unit is exempt from this regulation, provided it uses a low-intensity bulb not exceeding 800 lumens and does not cause excessive glare or light trespass beyond the lot line."
- Amend Section 6.11(7)(b) xii) (B) and Section 6.12(7)(b) v) (B) to read as follows: "Lighting: Lighting provides possible visual impact. With long hours of darkness during winter months, exterior building lighting can provide visual variety and character. The location, type of fixtures, brightness and colour temperature should be selected in accordance with Section 4.27 and with an aim to minimize light pollution. Exterior building lighting should be coordinated with building signage."

## 6. Specific Zones or Properties

There were several submissions that provided input on the proposed zoning of specific properties or sections. There was support for the proposed KMD-Other McIntyre Development District zone for the McIntyre neighbourhood and the proposed KDG-Other KDFN General zone for all Type 1 and 2 KDFN Settlement Land Parcels. There was also support for the provisions which support traditional use activities in the proposed KDG zone and for the administrative criteria for rezoning and conditional use decisions on Settlement Land.

### MacBride Museum (1124 Front Street)

There was opposition to the proposed rezoning of MacBride Museum, at 1124 Front Street, from CMWx(a)-Mixed Use Waterfront (modified) to CMR. The current special modification specifies that only four off-street parking spaces are required as long as the principal use of the property is a museum. If gross floor area were to be added to the site, under the proposed Zoning Bylaw, parking spaces would retroactively be required.

### *Response*

*After further review, Administration proposes that the current special modification with respect to parking be carried forward into the proposed Zoning Bylaw.*

### Takhini North Setback Exemption

Antwerp Street, Arnhem Road, Cassino Street, and Nijmegen Road in Takhini North are currently zoned RCS2-Comprehensive Residential Single Family 2 that are exempt from the maximum front yard setback of 9.0 m through regulation 9.7.5 (g). Under the proposed Zoning Bylaw, these streets would be zoned RCD and no longer be exempt from the front yard setback. Several submissions were in opposition to no longer

exempting these streets from the 9.0 m maximum front yard setback as it would make their properties legally non-conforming.

*Response*

*After further consideration, Administration recommends that a regulation under section 4.15 be added to the proposed Zoning Bylaw specifying that buildings that had a front yard setback greater than the maximum setback specified for the zone are not subject to the maximum setback requirement, provided they do not further increase the setback.*

40 Waterfront Place

40 Waterfront Place is a vacant lot currently zoned as CM2-Mixed Use Commercial 2 and it is proposed to zone it as CMR. The reason it is proposed to be zoned as CMR is that it is designated as Mixed-use – Riverfront in the OCP. There was opposition to the proposed CMR zoning and associated maximum building height of 20.0 m.

*Response*

*The maximum building height for the subject property under the current Zoning Bylaw 2012-20 is also 20.0 m so there is no proposed change in building height.*

9 Gibbons Place

This property is currently zoned as RC2x(e)-Country Residential 2 (modified) with the following special modifications:

1. manufactured homes are not permitted;
2. the lot is subject to the urban residential requirements of the Animal Control Bylaw;
3. home-based businesses, major are permitted as a secondary use;
4. a home-based business can operate out of a detached accessory building with a net floor area no greater than 180 m<sup>2</sup>;
5. exterior storage associated with the home-based business is permitted;
6. more than one commercial vehicle associated with the business may be parked on site; and
7. any fuel storage associated with the home-based business shall not be located within 30 metres of the Porter Creek ordinary high water mark. Fuel storage shall be subject to the requirements of the regulating authorities.

It was proposed that the subject property be zoned as RC2-Residential Country 2 without any special modifications. The reason for the proposed zoning was because mobile homes are permitted by right in any zone, regulations related to the Animal Control Bylaw are being moved into that Bylaw, and the business license associated with the home-based businesses expired in 2022. Therefore, there was no reason to keep the special modifications moving forward. The property owner has since notified Administration that they still operate their home-based businesses and accidentally let the business licences lapse.

*Response*

*Administration recommends that the property be zoned as RC2x (modified) to keep the special modifications related to the major home-based businesses. The property owner has agreed to renew their business licenses.*

Nazarene Church (2111 Centennial Street)

Nazarene Church is proposed to be zoned as RMM-Residential Multi-Unit Medium Density which does not list 'religious assembly' as an allowable use. There was opposition to the proposed RMM zone as the Church would be legally non-conforming.

*Response*

*The Church is currently zoned as RMx(a) which does not list 'religious assemblies' as an allowable use, so it is already non-conforming. There is no change with the proposed zoning.*

1307 and 1313 Centennial Street

These properties are currently zoned as CM2x(c)-Mixed Use Commercial 2 (modified) with the following special modifications:

- (1) The addition of single detached dwellings, and gas bars as principal uses
- (2) Minimum yard setbacks are as follows: front - 6.0 m; rear - 3.0 m; side - 3.0 m;
- (3) Maximum building height is 17.5 m
- (4) Retail services, restricted are not permitted.

The property owner has requested that the first three special modifications be maintained. The properties are proposed to be zoned as CNNx(c)-Commercial Neighbourhood Node (modified) which would no longer allow single detached dwellings or gas bars, increase the rear yard setback to 6.0 m, and reduce the maximum building height to 16.0 m.

*Response*

*Administration recommends that the rear yard setback of 3.0 m be maintained due to the shape of the lots. However, Administration recommends that the other changes are maintained for consistency with other properties in the area.*

5110 5<sup>th</sup> Avenue

The subject property is currently zoned as CC-Core Commercial and it is proposed that the property be zoned as CMDx(a) with the special modifications limiting the principal uses on the ground floor, setting the maximum front yard setback to 0.5 m, not requiring landscaping where the setback is less than 0.5 m, and ensuring that any front-yard, where provided, is pedestrian friendly. The property owner is opposed to the proposed zoning as they believe the existing medical facilities and offices on the ground floor should be allowed to continue as permitted uses.

*Response*

*The reason for the proposed special modification is because the OCP has policies specific to Main Street (OCP policies 15.8.9 – 15.8.16). Per Section 288 (2) of the Municipal Act, a*

*zoning bylaw must be consistent with an OCP and therefore Administration cannot recommend any changes to the proposed zoning. The current use of the property will be considered legally non-conforming.*

#### Mountain View Place (989 Range Road)

Mountain View Place is currently zoned as RMx(c)-Residential Multiple Housing (modified) with special modifications allowing mobile homes and regulations tied to bare land units. The proposed zoning is RMMx(b) which still allows mobile homes as a principal use but removes many of the regulations tied to bare land units.

#### *Response*

*None of the bare land units within Mountain View Place will be put into non-conformance with the proposed changes. Therefore, Administration does not recommend any amendments.*

#### 11 Bennett Road

11 Bennet Road is currently zoned as IS-Service Industrial, and it is proposed to be zoned as OFP under the proposed Zoning Bylaw due to the apparent Greenspace land use designation in the OCP.

#### *Response*

*Administration has reviewed the history of development in the area and has concluded that the historical intent was to include the subject property within the Kulan industrial area, despite it being somewhat detached from Kulan. At one point it was intended that Kulan would expand southward to encompass this parcel. OCP policy 16.2 states all boundaries are to be interpreted as generalized, not precise, with consideration given to the policies described in the OCP for their development intent. Administration therefore recommends that the subject property be zoned as ILT-Industrial Light.*

#### 227 Range Road

227 Range Road is currently zoned as CH-Highway Commercial, and it is proposed that the subject property be zoned CSV-Commercial Service under the proposed Zoning Bylaw. The property owner is opposed to the proposed zoning as the current use on the property will no longer be an allowable use. The property owner is concerned that the current use may not be allowed into the future and that the proposed zoning may affect the property value.

#### *Response*

*The reason it is proposed to zone the subject property as CSV is because it is designated as Commercial Service in the OCP. Many new uses are allowed under the proposed CSV zone and the development regulations are more permissive. Section 301 of the Municipal Act allows the continuation of a lawful use at the time of adoption of a Zoning Bylaw so long as the use is not discontinued for 12 months or more. A change in property owner does not impact the ability for the new owner to continue the non-conforming use. Therefore, Administration does not recommend any changes in zoning for the subject property.*

#### **Administrative Recommendations**

- MacBride Museum should be zoned as CMRx(c) with the following special modification so that retroactive parking requirements are not enforced:

“Lot 18, Block 7, Plan 2006-0127 LTO, located at 1124 Front Street, is designated CMRx(c) with the special modification being:

i) the minimum parking requirement for a recreation (culture and tourism) use over 600 m<sup>2</sup> GFA is 4 spaces”

- Section 4.15(4) of the proposed Zoning Bylaw should be amended as follows so that lawfully existing buildings on Antwerp Street, Arnhem Road, Cassino Street, and Nijmegen Road that are beyond the maximum 9.0 m front yard setback are considered conforming. This would also apply to existing buildings on Main Street that do not comply with the 0.5 m setback in section 6.11(8)(a) ii).

“(4) Where a maximum setback is specified, only one principal building is required to comply with it, unless otherwise stated. Buildings lawfully existing at the time of enactment of this Bylaw that had a front yard setback greater than the maximum setback specified for the zone are not subject to the maximum setback requirement, provided the setback is not further increased.”

- 9 Gibbons Place should be zoned as RC2x(a) (modified) with the following special modification:

“a) Lot 1511, Plan 76967 LTO YT, located at 9 Gibbons Place, is designated RC2x(a) with the special modifications being:

- i) home-based business (level two) is a secondary use and not a conditional use;
- ii) a home-based business may operate in an accessory structure up to 180 m<sup>2</sup> gross floor area;
- iii) screening is not required for outside storage associated with a home-based business;
- iv) the maximum number of commercial vehicles and trailers associated with a home-based business does not apply;
- v) any fuel storage associated with a home-based business shall not be located within 30 metres of the Porter Creek ordinary high water mark. Fuel storage shall be subject to the requirements of the regulating authorities.”

- Section 6.13(7)(c) vii) should be amended, to reinstate the rear yard setback of 3.0 m at 1307 and 1313 Centennial Street, to read as follows: “the minimum rear yard setback is 6.0 m, except 3.0 m for Lots 1679 and 1680, Plan 2010-0118 LTO YT, located at 1307 and 1313 Centennial Street.
- 11 Bennett Road should be zoned as ILT-Industrial-Light.

## 7. Additional Matters

The following table contains additional changes that are recommended by Administration.

#	Section	Proposed Change	Reason
1	2.12 Existing Conditional Uses	Amend Section 2.12(3) as follows: “Any change or intensification of a permitted conditional use must be approved by Council in	Clarity

		accordance with <b>Section 2.11</b> , <u>unless the change or intensification is exempt from the requirement for a development permit under <b>Section 2.2.</b></u>	
2	3.1 General Definitions	Amend definition of “AFFORDABLE HOUSING DEVELOPMENT” as follows: a) “...Developed and operated by a housing agency for a period of 20 years or the life of the development, <u>whichever is less</u> , 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, <u>whichever is less...</u> ”	Clarity
3	3.1 General Definitions	Amend definition of “SHORT-TERM RENTAL” as follows: “...A <b>primary residence short-term rental</b> 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, <u>or within the same condominium unit in the case of a condominium</u> , where that principal dwelling unit is the operator’s primary residence. ...”	Clarity
4	4.28 Landscape Plantings	Amend Section 4.28(4) as follows: “(4) Landscape plantings shall be installed within <del>one</del> <u>two</u> years of the issuance of the first occupancy approval for the property...”	Update
5	4.29 Landscape Ground Cover	Amend Section 4.29(4) as follows: “(4) Landscape ground cover shall be installed within <del>one</del> <u>two</u> years of the issuance of the first occupancy approval for the property...”	Update
6	5.4 Bed and Breakfast	Delete section 5.4(1)(e) to allow STRs and Bed and Breakfasts concurrently.	Update
7	6.3 Residential – Mobile Home (RMB) Zone	Add the following special modification to Section 6.3(10): “(a) A portion of the Mobile Home Park located at 200 Lobird Road, as shown in the zoning maps, is designated RMBx(a), with the special modifications being: i) A mobile home located on Site #221 is permitted to include a heated room addition;	Update

		<p>ii) The heated room addition must conform with all requirements of subsection 6.3(8)(d);</p> <p>iii) This special modification applies solely to the first mobile home placed on Site #221 after the adoption of Bylaw 2016-37 and is not transferrable to any subsequent mobile homes placed on the site.”</p>	
8	6.11 Commercial – Mixed-Use Downtown (CMD) Zone	<p>Amend section 6.11(5)(h) as follows:</p> <p>“(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. <u>Where the lower portion of the building is already set back a minimum of 1.5 m from the property line, the developer may employ alternative design strategies to mitigate the scale, massing, shadow, and pedestrian-level impacts of the building. Acceptable alternatives may include articulated façades, modulation of building form, variation in rooflines, and angular planes.</u></p>	Update
9	6.11 Commercial – Mixed-Use Downtown (CMD) Zone	<p>Amend special modification 6.11(8)(a) ii) as follows:</p> <p>“ii) the maximum front yard setback is 0.5 m <u>for lot lines abutting Main Street.</u>”</p>	Correction
10	6.11 Commercial – Mixed-Use Downtown (CMD) Zone	<p>Amend special modification 6.11(8)(b) ii) as follows:</p> <p>“ii) commercial uses are not permitted above the first storey, <u>except secondary uses permitted in this zone</u><del>Except home office and home based business;</del>”</p>	Correction
11	6.12 Commercial – Mixed-Use Riverfront (CMR)	<p>Amend section 6.12(5)(l) as follows:</p> <p>“(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. <u>Where the lower portion of the building is already set back a minimum of 1.5 m from the property line, the developer may employ alternative design strategies to mitigate the scale, massing, shadow, and pedestrian-level impacts of the building. Acceptable alternatives may include articulated façades, modulation of building form, variation in rooflines, and angular planes.</u></p>	Update

12	6.12 Commercial – Mixed-Use Riverfront (CMR)	Add a special modification, CMRx(b), for lots along Waterfront Place as follows as there were unintended new rules with proposed zoning:  “(b) Lots on Waterfront Place, as shown in the zoning maps, are designated CMRx(b) with the special modification being:  i) the minimum setback adjacent to the Yukon River Reserve does not apply; ii) housing developments are not required to provide a second principal or conditional use.”	Update
13	6.13 Commercial – Neighbourhood Node (CNN) Zone	Amend special modification CNNx(b) ii) as follows:  “ii) commercial uses are not permitted above the first storey, except <u>secondary uses permitted in this zone</u> <del>home office and home based business;</del>	Correction
14	Zoning Map #11	Rezone a portion of KDFN C-42B as OFP instead of PEP.	Correction
15	Zoning Map #25	Rezone TKC parcels at 3, 4, and 9 Engelmann Drive as RC2 instead of RC1.	Correction
16	Zoning Maps	Updates to the Zoning Maps to reflect any other changes made.	Update
17	Throughout	Standardize formats and styles, correct spelling and grammar errors, and add missing words across all sections.	Corrections and Clarity

Administration recommends no changes for the following matters received in the public input submissions. Administration’s response is provided in italic, following the public input comment.

- Concerns that properties or buildings that become non-conforming will face daily fines or have to move the building. *Per Division 4 of the Municipal Act, a non-conforming use of land can continue so long as the use is not discontinued for a period of 12 months or more. A non-conforming building can continue to be used but it may not be enlarged, added to, rebuilt, or structurally altered except to increase its conformity.*
- Review the notification requirements. *The notification process for rezoning applications is in alignment and goes beyond what is required in the Municipal Act.*
- Opposition to section 4.17 Corner Lots requiring a front yard setback from both property lines abutting a street. *Almost all zones that specify a corner lot setback in the current Zoning Bylaw 2012-20 provide the same setback from each street as the front yard setback for non-corner lots in the same zone. The proposed Zoning Bylaw streamlines how setbacks are applied for corner lots by describing the method once in the general regulations rather than repeating it in the development regulations for each zone.*

- Safer Cities principles are missing from the proposed Zoning Bylaw. *Although the ‘Safer Cities’ term is no longer used in the proposed Zoning Bylaw, there are still regulations that increase safety.*
- Recommendations for enhanced enforcement and fines for non-compliance. *The proposed Zoning Bylaw contains a schedule of fines in section 1.34 and has a contravention and enforcement section starting at section 1.24.*
- Clear rules for how parking, amenity space, loading, storage, landscaping, and site-planning requirements apply when uses are combined. Mixed-use projects encounter significant challenges during permitting and construction. *The proposed Zoning Bylaw is clear on how these site design requirements are applied. Most are based on the overall lot, and where different requirements apply to different uses (e.g., parking) the Zoning Bylaw specifies how that is treated as well.*

## 8. Peripheral Topics or Topics Out of Scope

The following input received is either peripheral to or outside of the scope of the Zoning Bylaw or City jurisdiction. Where appropriate, the comments have been sent to the relevant City department for consideration.

- The cost of building housing is high due to development cost charges and other fees. Zoning incentives should be paired with financial resources to encourage affordable housing.
- The City should improve land lottery processes. Housing takes too long to build.
- Improvements to the permitting process are necessary.
- Recommendation that rental rates are accurately reported.
- Add tenant-protection or relocation requirements when redevelopment replaces existing rental housing.
- Concerns that duplexes zoned as condominiums face commercial insurance rates.
- Pedestrian light settings at crosswalks are causing long wait times.
- The City engages too much and it is exhausting.
- Trailers and RVs should not be allowed to be parked in driveways and used as housing.
- Recommendation that supportive housing providers are meaningfully engaged in implementation.
- Suggestion to initiate an on-street parking permit in Old Town to limit on-street parking.
- A parkade will be needed soon if parking requirements are reduced.
- Reduced parking requirements may cause more people to take the bus which will require more buses and bus routes which will cost taxpayers more.
- Suggestion to improve bus services and snow removal if a shift to public transit is envisioned.
- Development agreements should include a stipulation on the hours during which loud noise and vibration are permitted.
- Multi-family units with more than 4 units should be considered for curbside waste collection.

- Property taxes in Downtown should be increased to clear snow off of the sidewalks.
- The City should hire a ‘plan checker’ to review development applications for compliance with the zoning and building bylaws.
- Final grades should not reduce accessibility.
- City should enforce the landscaping standards better.

### **9. Zoning Bylaw Amendment Applications in Progress**

Bylaw 2025-41, a bylaw to amend the zoning of 25 Rhine Way and 468 Range Road is currently in progress and could receive second and third reading on January 12, 2026, prior to the adoption of proposed Zoning Bylaw 2025-37. If Bylaw 2025-41 passes, an additional change to the text and maps of proposed Zoning Bylaw 2025-37 should be made as described in Attachment 2.

Through the public hearing process, adjustments can be made to the proposed Zoning Bylaw to address comments heard through the public hearing process. Council has the authority to direct a second public hearing. In Administration’s opinion, none of the recommended changes merit a second public hearing.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that the proposed Zoning Bylaw 2025-37 be amended in accordance with the Administrative Recommendations detailed in the Administrative Report dated January 5, 2026; and

THAT Council direct that if Bylaw 2025-41 is adopted prior to adoption of Zoning Bylaw 2025-37, the proposed Zoning Bylaw 2025-37 be further amended in accordance with the text and map changes described in Attachment 2; and

THAT Council direct that Bylaw 2025-37, a bylaw to adopt Zoning Bylaw 2025-37 and repeal and replace Zoning Bylaw 2012-20, be brought forward at second and third reading under the bylaw process.

# CITY OF WHITEHORSE

## **BYLAW 2025-37**

A bylaw to provide zoning to regulate the use and development of land and buildings in the City of Whitehorse.

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WHEREAS the City of Whitehorse has adopted an Official Community Plan pursuant to Section 278 the *Municipal Act* (SY 2024, c.6); and

WHEREAS section 288 of the *Municipal Act* provides that a council must adopt a zoning bylaw that is consistent with the Official Community Plan; and

WHEREAS Section 289 of the *Municipal Act* provides that a zoning bylaw may prohibit, regulate and control the use and development of land and buildings in a municipality; and

WHEREAS Section 344 of the *Municipal Act* provides that a council may by bylaw provide that in default of payment, an outstanding amount owing may be charged against the real property in respect of which a service was provided or expenditure was made, and that it may be recovered in the same manner as a tax may be collected or enforced under the *Act*, and that a council may by bylaw provide for charging against real property fines that have not been paid as required by the court;

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

### **Adoption**

1. The document titled “City of Whitehorse Zoning Bylaw 2025-37”, identified by title and forming part of this bylaw, is hereby adopted.

### **Repeal of Existing Legislation**

2. Bylaw 2012-20, including all amendments thereto, is hereby repealed.

### **Coming Into Force**

3. This bylaw shall come into full force and effect upon final passage hereof.

**FIRST READING:**

**PUBLIC NOTICE:**

**PUBLIC HEARING:**

**SECOND READING:**

**THIRD READING and ADOPTION:**

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Kirk Cameron, Mayor

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Corporate Services

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**CITY OF WHITEHORSE ZONING BYLAW 2025-37  
PLACEHOLDER**

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For the purposes of this meeting package only, the document proposed to be adopted by Bylaw 2025-37 can be found at the web link below.

<https://www.whitehorse.ca/wp-content/uploads/2026/01/403b-2025-37-Proposed-Full-Zoning-Bylaw-2025-37-Amended.pdf>

If the document is further amended by Council, that version will be uploaded separately and referenced with a new link in the next package. The link above will still direct to the version that went forward in this package, allowing a history of amendments to be checked.

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Should you require assistance with accessing any version of the document or clarity on the Bylaw process, please do not hesitate to send an email to Legislative Services at [legsvcs@whitehorse.ca](mailto:legsvcs@whitehorse.ca).

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**Additional Text and Map Change (in relation to Bylaw 2025-41 – 25 Rhine Way zoning amendment application)**

If Bylaw 2025-41 is adopted prior to adoption of proposed Zoning Bylaw 2025-37, the following additional amendments should be made to Bylaw 2025-37 prior to second and third reading:

1. Amend the text of 6.13(7)(d) to read as follows:
  - (d) Lots 428 and 429, Plan 100041354 LTO YT, located at 25 Rhine Way and 468 Range Road, are designated CNNx(d) with the special modifications being:
    - i) the maximum height is 20 m for any portion located within 74.93 m of the easterly lot line adjoining Range Road;
    - ii) the minimum yard setbacks are 3.0 m for lot lines adjoining Lot 1037, Plan 89-39 LTO YT, Condominium 8, Plan CON 8 LTO YT, Condominium 84, Plan CC4 LTO YT, or Condominium 172, Plan CC172 LTO YT, 1.5 m for all other lot lines not adjoining a street, and 0.0 m for lot lines adjoining a street;
    - iii) 100% of the ground floor area may be occupied by residential use, and residential units may be oriented facing any direction.
  
2. Amend **Schedule A – Zoning Maps** by changing the zoning of Lot 428, Plan 100041354 LTO (25 Rhine Way) to CNNx(d).