

HISTORY OF ZONING IN WHITEHORSE



Background - Zoning Bylaw Rewrite

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In the Yukon, a rewrite of the Zoning Bylaw must occur within 2 years following the adoption of a new **Official Community Plan**. The City of Whitehorse recently passed a new OCP in March of 2023 and has begun the work to rewrite the current Zoning Bylaw. As part of this review, it is useful to look to the past to see what practices have fallen in and out of favour, and how zoning has changed within Whitehorse through the decades. Doing so can better contextualize changes that may be proposed during this rewrite and understand how we got where we are today. Noteworthy changes, especially those related to changes under consideration during this review, are outlined below.

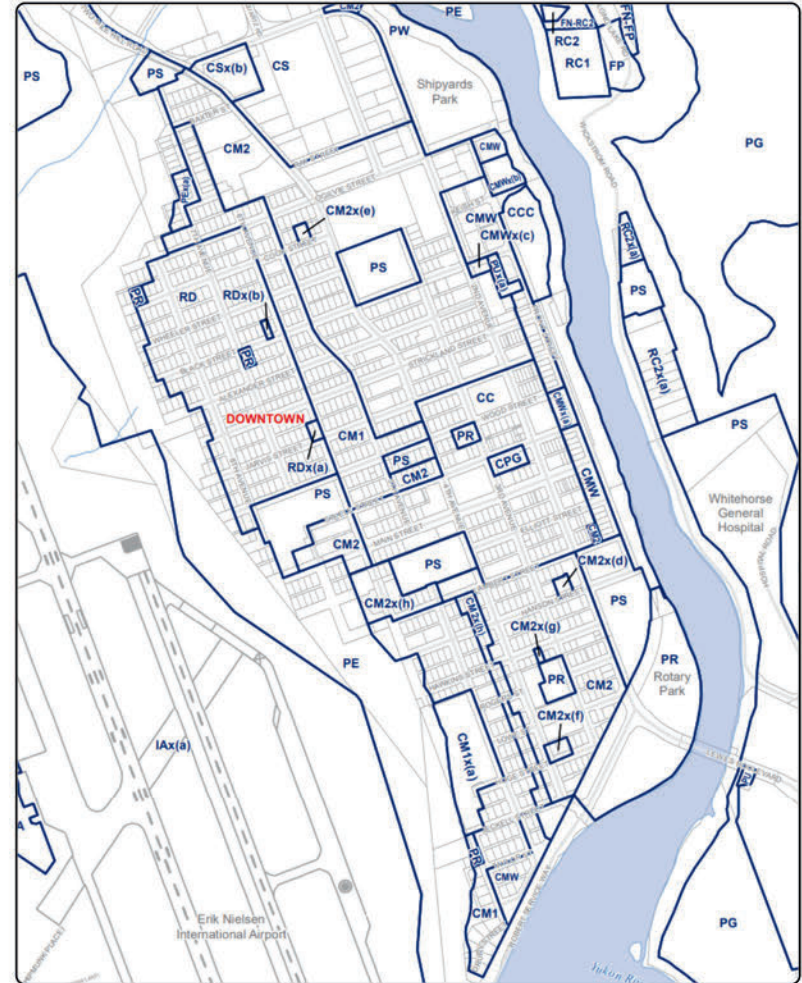


Zoning

A **Zoning Bylaw** is a document required by the Yukon Municipal Act (the Act) that sets out regulations for land uses and development within a municipality.

The **purpose** of the City's Zoning Bylaw is to:

- Implement the policy direction provided in the City's new OCP and other Council-approved plans and policies.
- Organize the municipality into zones (ex. residential, commercial, industrial, etc.) and set out permitted uses for each zone.
- Set standards for the height, appearance, size, and location of buildings.
- Determine parking, signage, and landscaping design standards.
- Guide the permit and rezoning process



Current Zoning Map for Downtown Whitehorse, June 15, 2023 Consolidation.

Summary

The below table highlights changes to Whitehorse's Zoning Bylaws over time, noting the introduction of various regulations and design principles, and their shift or stasis through the decades.

Category	Zoning Bylaw Year									
	1952	1959	1963	1966	1973	1976	1991	1997	2006	2012
General										
Approximate Page Count	2	2	2	27	48	51	206	124	188	186
Standard Zones	5	5	5	10	25	12	34	38	33	41
General Definitions	8	8	8	80	113	111	216	230	281	290
Parking										
Minimum Car Parking Requirements	x	x	x	✓	✓	✓	✓	✓	✓	✓
Bicycle Parking	x	x	x	x	x	x	x	x	✓	✓
Community Development										
Commercial - Residential Mixed Use Zoning	✓	✓	✓	✓	x	✓	✓	✓	✓	✓
Comprehensive Zones	x	x	x	x	x	x	x	✓	✓	✓
Exclusionary Zoning										
Single Detached Exclusive Zoning	x	x	x	✓	✓	✓	✓	✓	✓	✓
Garden Suites	n/a	n/a	n/a	x	x	x	x	x	✓	✓
Living Suite	n/a	x	x	x	x	x	✓	✓	✓	✓
Building Heights										
Maximum Building Heights	x	x	x	x	✓	✓	✓	✓	✓	✓
Downtown Maximum Building Heights (metres)	n/a	n/a	x	x	12 m - Unlimited	18 m (6 storeys)	10 - 20 m	10 - 20 m	10 - 20 m or 24 storeys	8 - 25 m
Landscaping										
Landscaping Requirements	x	x	x	x	✓	✓	✓	✓	✓	✓
Safer Cities	x	x	x	x	x	x	x	x	✓	✓
CPTED	x	x	x	x	x	x	x	x	x	✓
Winter City	x	x	x	x	x	x	x	x	✓	✓
Site Development Regulations and Density										
Minimum Unit Sizes	x	x	x	x	x	✓	✓	✓	✓	x
Maximum Dwelling Units per Lot	x	x	x	✓	✓	✓	✓	✓	✓	✓
Minimum Lot Sizes	x	x	x	x	✓	✓	✓	✓	✓	✓
Minimum Setbacks	x	x	x	x	✓	✓	✓	✓	✓	✓
Maximum Site Coverage	x	x	x	x	✓	✓	✓	✓	✓	✓
Minimum Densities	x	x	x	x	x	x	x	x	x	✓

1952 - 63

1952

Zoning Bylaw-22

The City of Whitehorse was first incorporated in 1950 and in 1952, the City passed its first Zoning Bylaw. Not including maps, Bylaw-22 was two pages long and divided the City into five distinct districts: Retail, Wholesale, Retail and Industrial, Residential, and Apartment Block. The location of Residential Apartment Blocks was subject to approval by Council.

While Whitehorse's current Zoning Bylaw is more expansive, some remnants are visible today, in both the form and function of areas within the City and elements of the Bylaws themselves. For example, areas designated for retail in 1952 generally align with much of the downtown core that exists today.



Downtown Waterfront 1950. Yukon Archives

A notable change that reflects changing socioeconomic conditions and values is the zoning of the Riverfront area Downtown. In 1952, this was a wholesale district, as the Yukon River and adjacent rail lines were still used for hauling goods. Today, the area is generally zoned for public and residential uses, reflecting the waterfront's importance to citizens as an area to live and play.

1959 & 1963

Zoning Bylaw-77 & Zoning Bylaw -151

Zoning Bylaw 70 (1959) and Zoning Bylaw 151 (1963) generally kept the status quo of 1952. They were two pages long and divided the City into the five districts mentioned above. A significant change was the allowance for retail shops selling groceries within residential districts, provided they were kept 600 metres from other retail stores. These retail shops were intended to serve the everyday needs of residents. This is an early example of mixed-use zoning, which allows for commercial and residential uses to occur in the same area.



Downtown Whitehorse, 1950s. Yukon Archives.

Zoning Bylaw-181

1966's Zoning Bylaw 181 represented the first substantive change from previous zoning bylaws. This followed an annexation of Unorganized Area into Whitehorse, resulting in a doubling of Whitehorse's population from 1956 through 1961. The previous five districts were replaced with ten zones, providing a finer-grained approach to zoning.

The "R1 – Single Family Dwelling Zone" introduced **single-detached exclusive zoning** to Whitehorse, a practice that was expanding across North America and generally coincided with the post-World War II suburbanization seen across Canada in the 1950s and 1960s. Today, single-detached exclusive zoning remains within Zoning Bylaw 2012-20 as 'RR' – Restricted Residential which restricts development to single-detached housing in this zone.

"R3 – Transient Dwelling Zone" was set out for temporary dwellings. This zone was likely used to formalize a 'Transient Area' in what is now the Marwell Industrial area, to relocate local First Nations and squatters communities away from the Downtown Waterfront.

"R4 – Residential Trailer Zone" was set out to include any vehicles or similar portable structure having no foundation other than wheels, jacks or skirtings and so designed or constructed as to permit occupancy for dwelling purposes.

Another substantial change was the inclusion of minimum parking requirements for most zones, a practice still used today. Again, this reflected a shift towards the automobile as the dominant mode of transportation. However, the "C2" Central Commercial Zone and small general stores in "R1" and R2" zones were exempt from minimum parking requirements.

Finally, a large part of the expansion of the zoning bylaw was providing more detail and clarity on development procedures and enforcement. Further, development regulations (e.g. minimum lot sizes, setbacks, minimum dwelling unit size), for various zones were also more detailed and comprehensive.



Downtown Waterfront, including Moccasin Flats. 1974.
Yikon Archives, Jack Hadden fonds.

1973 & 76

Zoning Bylaw-369 & Zoning Bylaw-493

1973's Zoning Bylaw 369 expanded upon the previous Zoning Bylaw, introducing more zones, (25 from 10) providing an even finer-grained approach to zoning. There were now nine separate residential zones (up from four), seven commercial (up from two), and two industrial (light and heavy, up from one).

Due to a lack of contextual records, more in-depth research is required to understand two Zoning Bylaws were adopted in quick succession, but in 1976, the City introduced a new zoning bylaw. The number of standard zones was reduced from 25 to 12, which meant that more uses were permitted across a smaller amount of zones. For example, there was no longer single-detached exclusive zoning, as duplex dwellings were permitted in the RS – Single Family Residential zone. Of particular note was the allowance of residential uses in combination with commercial uses in the Commercial Service and Neighborhood Commercial zones. This is another example of mixed-use zoning, a practice which has continued to this day and is a key component to creating livable neighbourhoods.

1991 & 96

Zoning Bylaws 1991-01 & 1997-42

The City went over 15 years without a new zoning bylaw. Zoning Bylaw 1991-01 is the first zoning bylaw that is similar in structure to the present zoning bylaw. Bylaw 1991-01 expanded standard zones from 12 to 34 and reintroduced single-detached exclusive zoning in several standard zones (R1 – Large Urban Lot, R2 – Restricted Single Family Residential [today 'RR' – Restricted Residential Detached], and R3- Single Family Residential).

Environmental Reserve (ER) was also introduced as a new zone, which was intended to protect environmental areas. Successive zoning bylaws changed this zone to Environmental Protection (PE). Today PE zoned areas include riparian areas around bodies of water, environmentally sensitive areas, and steep slopes. The inclusion of ER and PE zoning in the 1990s followed the widespread introduction of environmental protection legislation across Canada in the 1970s and 80s.

2006



Zoning Bylaw 2006-01

Zoning Bylaw 2006-01 reduced the number of standard zones from 38 to 33 and incorporated regulations for several new emerging trends, as well as allowing some new housing forms. Minimum bicycle parking requirements were also introduced. Indoor and outdoor bicycle parking can provide more security to cyclists and encourage sustainable transportation. Indoor bicycle parking can further prevent public spaces from being cluttered with bikes and increase the longevity and maintenance requirements for bicycles.

Garden suites were introduced, but only as a temporary use in some residential zones in 2006, and were restricted to be used for related senior citizens or family members with a disability. Permits were granted on a 5-year basis, and permits were required to resubmit an application every 5 years. Garden suites were not allowed if a Living Suite existed on the lot.

Winter City Design Principles and Safer Cities Strategies were also added in 2006 as required to be incorporated into landscaping plans for proposed developments. Winter City Design Principles are intended to ensure the city is livable year-round, with considerations given to landscaping aspects such as tree planting guidelines to block wind and maximize sunlight.

2011 Consolidation

After the City passed the new 2010 OCP, a series of housing-related amendments were made to the Zoning Bylaw before a longer review process and the introduction of Zoning Bylaw 2012-20.

Included in these changes was the introduction of **comprehensive residential zones**. These zones introduced a more holistic approach to zoning and guided the development of medium to high-density housing and complete communities that were aesthetically pleasing, functional, and sustainable. For example, multiple types of building materials would be required on facades to help break up monotonous development patterns. Flexibility with development regulations was introduced to support sustainable site plans for water runoff.

Restrictions on garden suite occupancies were also removed to support gentle density and allow for a wider variety of housing types. Garden suites were no longer restricted to the principal dwellings owner's family, nor were they only approved for occupancy temporarily.

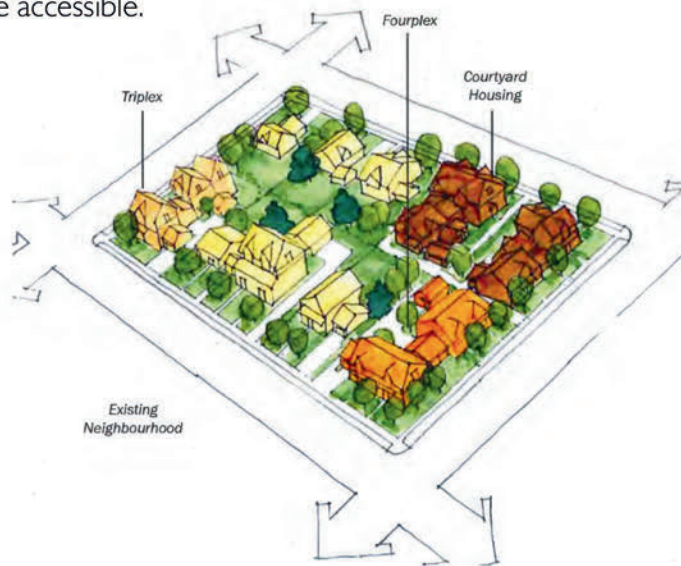




Zoning Bylaw 2012-20

The City's current zoning bylaw was adopted in 2012. Bylaw 2012-20 included 41 standard zones (up from 33) The zoning bylaw attempted to support a thriving environment, equity, community development, and a diverse local economy.

A thriving environment was supported by the expansion of environmental protection and greenbelt-zoned areas. Equity was furthered by introducing childcare facilities as a permitted use in several new zones and introducing requirements for accessible and visitable units in multiple housing developments. Today, one unit of every ten in multiple housing developments must be visitable and one in every 20 must be accessible.



Community and housing development was encouraged by the relaxation of development regulations for some housing types and zones. For example, garden and living suites would be allowed on the same lot, provided that the lot was large enough to accommodate it (previously only one accessory dwelling unit was allowed on a lot). Garden suites were also now allowed in duplexes. Setbacks were also reduced for garden suites. Minimum unit sizes were also eliminated from the zoning bylaw, to allow for a variety of housing forms and higher density. It is important to note that minimum unit sizes are still controlled by the Building Code, which is based on health and safety considerations. Comprehensive zones were further refined from their previous introduction by making the regulations more concise and consistent across comprehensive zones.

Minimum densities were also expanded to various zones, to encourage compact development forms and a wider variety of housing options in neighbourhoods. Maximum densities were increased in the **RD – Residential Downtown (Old Town) zone**, to approximately four units per lot, up from approximately two. This meant that Multiple Housing was now allowed on a lot. The RD zone exists to help retain Old Town's character while allowing an incremental increase in density as the demand for land and housing increases in a growing Whitehorse.

