



WHISTLER

AGENDA

**PUBLIC HEARING OF MUNICIPAL COUNCIL
TUESDAY, SEPTEMBER 4, 2012 STARTING AT 6:00 PM**

**In the Franz Wilhelmssen Theatre at Maurice Young Millennium Place
4335 Blackcomb Way, Whistler, BC V0N 1B4**

The Public Hearing is convened pursuant to Section 890 of the Local Government Act R.S.B.C. 1996, c. 323 to allow the public to make representations to Council respecting matters contained "Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012" (the "proposed Bylaw").

Everyone present shall be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw. No one will be discouraged or prevented from making their views known. However, it is important that remarks be restricted to matters contained in the proposed Bylaw.

When speaking, please commence your remarks by clearly stating your name and address.

Members of Council may, ask questions following presentations however, the function of Council at a Public Hearing is to listen rather than to debate the merits of the proposed Bylaw.

As stated in the Notice of Public Hearing,

Zoning Amendment
Bylaw (Restaurant Uses)
No. 2014, 2012

PURPOSE OF "ZONING AMENDMENT BYLAW (Restaurant Uses) NO. 2014, 2012":

In general terms, the purpose of the proposed Bylaw is to create a definition of "restaurant" in Zoning Bylaw 303, 1983 to exclude drive-in and drive-through restaurants, unless expressly provided otherwise.

Explanation

Explanation by municipal staff concerning the proposed Bylaw.

Correspondence

Receipt of correspondence or items concerning the proposed Bylaw.

Submissions

Submissions by any persons concerning the proposed Bylaw.

ADJOURNMENT



THE RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way
Whistler, BC Canada V0N 1B4
www.whistler.ca

TEL 604 932 5535
TF 1 866 932 5535
FAX 604 932 8109

NOTICE OF PUBLIC HEARING

ZONING AMENDMENT BYLAW (RESTAURANT USES) NO. 2014, 2012

Notice is hereby given in accordance with the *Local Government Act* RSBC, 1996, c.323 that the Council of the Resort Municipality of Whistler will hold a Public Hearing to consider representations regarding amendments to Whistler "Zoning and Parking Bylaw No. 303, 1983" (Zoning Bylaw) by means of "Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012" (the "proposed Bylaw") in the Franz Wilhelmssen Theatre at Maurice Young Millennium Place, 4335 Blackcomb Way, Whistler, British Columbia commencing at 6:00 p.m., September 4, 2012.

AT THE HEARING the public will be allowed to make representations to Council or present written submissions respecting matters contained in the proposed Bylaw and will be afforded a reasonable opportunity to be heard.

SUBJECT LANDS: The lands, which are the subject of the proposed Bylaw, are located in all zones that permit restaurant use within the Resort Municipality of Whistler.

PURPOSE OF "ZONING AMENDMENT BYLAW (Restaurant Uses) NO. 2014, 2012": In general terms, the purpose of the proposed Bylaw is to create a definition of "restaurant" in Zoning Bylaw 303, 1983 to exclude drive-in and drive-through restaurants, unless expressly provided otherwise.

AND FURTHER TAKE NOTICE that a copy of the aforementioned "Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012" and related documents which have been or will be considered by the Council of the Resort Municipality of Whistler may be inspected at the Reception Desk of Municipal Hall of the Resort Municipality of Whistler located at 4325 Blackcomb Way, Whistler, British Columbia, between the hours of 8:00 a.m. and 4:30 p.m., from Monday to Friday only, from August 23, 2012 to September 4, 2012 (inclusive) (statutory holidays excluded).

Lonny Miller
Corporate Officer

The following Public Hearings will be held on September 4, 2012 starting at 6:00 p.m. in the following order:

- 1) *Zoning Amendment Bylaw (Function Junction – Indoor Recreation Uses) No. 2003, 2012;*
- 2) *Official Community Plan Amendment Bylaw (BC Transit Site) No. 2013, 2012 and Zoning Amendment Bylaw (BC Transit Site) No. 2012, 2012;*
- 3) *Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012.*

RESORT MUNICIPALITY OF WHISTLER

ZONING AND PARKING AMENDMENT BYLAW (Restaurant Uses) No. 2014, 2012

A bylaw to amend the Zoning and Parking Bylaw

WHEREAS Council may, in a zoning bylaw pursuant to Sections 903, 904 and 906 of the *Local Government Act*, divide all or part of the area of the Municipality into zones, name each zone and establish the boundaries of the zone, regulate the use of land, buildings and structures within the zones, require the provision of parking spaces and loading spaces for uses, buildings and structures, and establish different density regulations for a zone, one applicable to the zone generally and the other to apply if conditions are met;

NOW THEREFORE the Municipal Council of the Resort Municipality of Whistler, in open meeting assembled, ENACTS AS FOLLOWS:

1. This Bylaw may be cited for all purposes as "Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012".
2. Zoning and Parking Bylaw No. 303, 1983 is amended as follows:
 - (a) by adding the following to Section 2 Definitions in appropriate alphabetical order:

"Restaurant" when specified in this bylaw as a permitted use excludes, unless expressly provided otherwise, drive-in and drive-through restaurants.
 - (b) by deleting the phrase "excluding a drive-in restaurant" from subsections 1.1(n), 2.1(p), 3.1(i), 5.1(g), 6.1.1(b), 10.1(n) and 11.1(k) of Section 8 Commercial Zones and subsections 1.1(r), 9.1(v) and 11.1.1(q) of Section 9 Industrial Zones;
 - (c) by deleting the phrase "(excluding drive-in and window sales)" from subsection 15.1(h) of Section 10 Leisure Zones, subsection 43.1.1(q) of Section 11 Residential Zones, and subsections 52.1.1(i), 59.1(k) and 62.1(f) of Section 12 Multiple Residential Zones;
 - (d) by substituting the following for subsection 1.5(e) in Section 16 Lands North Zones:

"restaurant" includes cabarets and neighbourhood public houses licensed for the sale of alcohol for consumption on the premises; and
 - (e) by substituting for subsection 11.1(e) in Section 16 Lands North Zones the phrase "restaurant, including one drive-through restaurant".

Given first and second readings this 21st day of August, 2012.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was this ____ day of _____, ____.

Given third reading this ____ day of _____, ____.

Approved by the Minister of Transportation and Infrastructure this __ day of _____, ____.

Adopted by the Council this __ day of _____, ____.

Nancy Wilhelm-Morden,
Mayor

Lonny Miller,
Corporate Officer

I HEREBY CERTIFY that this is a true copy
of "Zoning Amendment Bylaw (Restaurant
Uses) No. 2014, 2012"

Lonny Miller,
Corporate Officer



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: August 21, 2012

REPORT: 12-088

FROM: Resort Experience

FILE: RZ 1062, Bylaw 2014

SUBJECT: ZONING AMENDMENT BYLAW (RESTAURANT USES) NO. 2014, 2012

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER

That the recommendation of the General Manager of Resort Experience be endorsed.

RECOMMENDATION

That Council considers giving first and second readings to Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012; and further,

That Council authorizes the Corporate Officer to schedule a public hearing regarding Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012.

PURPOSE OF REPORT

The purpose of this report is to present a municipally initiated zoning amendment bylaw that would define “restaurant” to exclude drive-in and drive-through restaurants throughout the municipality and to add drive-through restaurant as a permitted use in the LC5 zone for the existing drive-through restaurant at 4370 Lorimer Road. The report recommends that Council give first and second readings to Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012 and to authorize scheduling of a public hearing for the bylaw.

DISCUSSION

At their meeting on July 17th, 2012, Council referred to following resolution to staff,

“**That** staff be directed to bring forward a zoning amendment bylaw to define “restaurant” to exclude drive-in and drive through restaurants.”

This report responds to Council’s request. Within Section 2- Definitions of Zoning Bylaw 303 there is no definition of “restaurant” however, all but three zones in the Zoning Bylaw specifically exclude a drive-in restaurant as a permitted use. The Lands North Zones further exclude drive-through restaurants even though a drive through restaurant exists, with permits, at 4370 Lorimer Road in the Marketplace (McDonalds Canada Ltd).

Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012 proposes to bring clarity and consistency across all zones in the Zoning Bylaw by creating a definition of “restaurant” to exclude drive-in and drive-through restaurants, unless expressly provided otherwise. The bylaw also proposes to amend the LC5 zone to allow for the existing drive-through restaurant at 4370 Lorimer Road in the Marketplace. Any requests in the future for a drive-in or drive-through restaurant in a zone that allows for restaurant use would require a zoning amendment.

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
Energy	Whistler's actions will positively influence other communities' and stakeholders' movement toward sustainability	Excluding drive-in and drive-through restaurants moves Whistler towards our sustainability objectives.
Transportation	Whistler policy, planning and development prioritizes preferred methods of transportation in the following order: 1. Pedestrian, bicycle and other non-motorized means, 2. Transit and movement of goods, 3. Private automobile (HOW, and leading impact technologies), 4. Private automobile (SOV, traditional technology).	The exclusion of drive-in and drive-through restaurants moves Whistler towards its preferred methods of transportation: 1. Pedestrian, bicycle and other non-motorized means.
Built Environment	The built environment is attractive and vibrant, reflecting the resort community's character, protecting viewscapes and evoking a dynamic sense of place.	The zoning amendments continue to reinforce Whistler's strong pedestrian character.

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
Built Environment	The built environment is safe and accessible for people of all abilities, anticipating and accommodating wellbeing needs and satisfying visitor expectations.	Drive-in and drive through restaurants offer a service for accessibility, people with small children or the older generation with mobility issues. A zoning amendment bylaw could be applied to allow for any future drive-in or drive through restaurants on a case by case basis.

OTHER POLICY CONSIDERATIONS

Window sales for pedestrian needs would still be permitted consistent with Section 5 Window Sales Use of the Zoning Bylaw. There are no other policy considerations associated with the proposed zoning amendment.

BUDGET CONSIDERATIONS

There are no budget implications associated with the proposed zoning amendment.

COMMUNITY ENGAGEMENT AND CONSULTATION

Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012 will be subject to a public hearing adhering to statutory public notice requirements.

SUMMARY

This report presents Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012 for Council consideration of 1st and 2nd reading and the scheduling of a public hearing, as directed by Council at their regular meeting of July 17, 2012.

Respectfully submitted,

Kevin Creery
PLANNING ANALYST
for
Jan Jansen
GENERAL MANAGER OF RESORT EXPERIENCE

Covenant Modification
or Land Use Contract
Amendment for
Basement Floor Area
Exclusion
Report No. 12-085
File No. 7007.1,
7645.01, Bylaw 2008

Moved by Councillor D. Jackson
Seconded by Councillor A. Janyk

That Council considers giving first, second, and third readings to Resort Municipality of Whistler Land Use Procedures and Fees Amendment Bylaw No. 2008, 2012;

That Council endorses the proposed process for a covenant modification to exclude basement floor area from a Gross Floor Area calculation; and further

That Council receives as information the existing process for a land use contract amendment.

CARRIED

Zoning Amendment
Bylaw (Restaurant
Uses) No. 2014, 2012
Report No. 12-088
File No. RZ 1062,
Bylaw 2014

Moved by Councillor R. McCarthy
Seconded by Councillor A. Janyk

That Council considers giving first and second readings to Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012; and further,

That Council authorizes the Corporate Officer to schedule a public hearing regarding Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012.

CARRIED

8011 Highway 99 – BC
Transit Facility
Report No. 12-086
File No. RZ 1063,
Bylaws 2012 and 2013

Moved by Councillor A. Janyk
Seconded by Councillor R. McCarthy

That Council considers giving first and second readings to Zoning Amendment Bylaw (BC Transit Site) No. 2012, 2012;

That Council considers giving first reading to Official Community Plan Amendment Bylaw (BC Transit Site) No. 2013, 2012 as amended to remove section 3 and the subsequent sections renumbered accordingly;

That Council has examined Official Community Plan Amendment Bylaw (BC Transit Site) No. 2013, 2012 in accordance with Section 879 of the *Local Government Act* and advises the following:

1. The General Manager of Resort Experience has considered the limited scope of the amendment to the Official Community Plan and advises that it is not appropriate to consult with the entities listed in Section 879 of the *Local Government Act* other than holding a public hearing.

That Council has examined Official Community Plan Amendment Bylaw (BC Transit Site) No. 2013, 2012 in accordance with Section 882(3)(a) of the *Local Government Act* and advises the following:

1. The General Manager of Resort Experience has considered the proposed Official Community Plan amendment in conjunction with the Resort Municipality of Whistler's Financial Plan; and
2. The General Manager of Resort Experience has considered the proposed Official Community Plan amendment in conjunction with the Squamish

MINUTES OF COMMITTEES AND COMMISSIONS

Liquor License
Advisory Committee

Moved by Councillor J. Grills
Seconded by Councillor J. Crompton

That minutes of the Liquor License Advisory Committee meeting of March 8, 2012 be received.

CARRIED

Audit and Finance
Standing Committee

Moved by Councillor A. Janyk
Seconded by Councillor J. Crompton

That Minutes of the Audit and Finance Standing Committee meeting of June 14, 2012 be received.

CARRIED

BYLAWS FOR FIRST READING

Official Community
Plan Amendment
Bylaw (BC Transit Site)
No. 2013, 2012

Moved by Councillor J. Grills
Seconded by Councillor A. Janyk

That Official Community Plan Amendment Bylaw (BC Transit Site) No. 2013, 2012 receive first reading as amended.

CARRIED

BYLAWS FOR SECOND READING

Official Community
Plan Amendment
Bylaw (BC Transit Site)
No. 2013, 2012

Moved by Councillor A. Janyk
Seconded by Councillor R. McCarthy

That Official Community Plan Amendment Bylaw (BC Transit Site) No. 2013, 2012 receive second reading as amended.

CARRIED

BYLAWS FOR FIRST AND SECOND READINGS

Zoning Amendment
Bylaw (BC Transit Site)
No. 2012, 2012

Moved by Councillor R. McCarthy
Seconded by Councillor D. Jackson

That Zoning Amendment Bylaw (BC Transit Site) No. 2012, 2012 receive first and second readings.

CARRIED

Zoning Amendment
Bylaw (Restaurant
Uses) No. 2014, 2012

Moved by Councillor J. Grills
Seconded by Councillor J. Faulkner

That Zoning Amendment Bylaw (Restaurant Uses) No. 2014, 2012 receive first and second readings.

CARRIED