



WHISTLER

AGENDA

PUBLIC HEARING OF MUNICIPAL COUNCIL
TUESDAY, AUGUST 3, 2010 STARTING AT 6:00 PM

In the Franz Wilhelmsen 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 in “Zoning Amendment Bylaw (Miscellaneous Amendments) No. 1898, 2009” (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
(Miscellaneous
Amendments) No. 1898,
2009

PURPOSE OF ZONING AMENDMENT BYLAW (Miscellaneous Amendments) NO. 1898, 2009:

In general terms, the purpose of the proposed Bylaw is to:

- Correct cross references within the bylaw;
- Delete the word “public” from definitions where the courts have determined that uses cannot be differentiated based on ownership;
- Delete other references to “public ownership” in the definitions of “institution” and “storage and works yard”;
- Clarify that section 5.7 (d) (landscape features) applies to all retaining walls by adding “retaining walls” after “decks”;
- Add “RSE1” to section 5.16, being the list of zones where the owner can occupy an existing dwelling while a new one is being built;
- Delete sections 6.3.2 and 6.3.3 and add a new section 6.3.2 that makes reference to the Canadian Standards Association’s Vehicle Access standards;
- Delete 6.8, “Garbage Storage and Collection Standards”;
- Delete “Miscellaneous products” from the IS1 Zone (Industrial Service One), IL2 Zone (Industrial Light Two), IL3 Zone (Industrial Light Three), and the IS4 Zone (Industrial Service Four);

- Correct section 10.14.3.(d) by inserting the word “not” between “shall” and “exceed”;
- Correct section numbering mistakes;
- Delete the word “public” where it differentiates between public and private ownership;
- Remove “institution” and “storage and works yard” from the RR1 Zone (Rural Resource One); and
- Add “storage and works yard on District Lot 5615, Plan 200100” in alphabetical order to section 13.1.1.

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

NOTICE OF PUBLIC HEARING

ZONING AMENDMENT BYLAW (Miscellaneous Amendments) NO. 1898, 2009

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 (Miscellaneous Amendments) No. 1898, 2009" (the "proposed Bylaw") in the Franz Wilhelmsen Theatre at Maurice Young Millennium Place, 4335 Blackcomb Way, Whistler, British Columbia commencing at 6:00 p.m., August 3, 2010.

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 proposed amendments will affect land throughout the municipality.

PURPOSE OF "ZONING AMENDMENT BYLAW (Miscellaneous Amendments) NO. 1898, 2009": In general terms, the purpose of the proposed Bylaw is to:

- Correct cross references within the bylaw;
- Delete the word "public" from definitions where the courts have determined that uses cannot be differentiated based on ownership;
- Delete other references to "public ownership" in the definitions of "institution" and "storage and works yard";
- Clarify that section 5.7 (d) (landscape features) applies to all retaining walls by adding "retaining walls" after "decks";
- Add "RSE1" to section 5.16, being the list of zones where the owner can occupy an existing dwelling while a new one is being built;
- Delete sections 6.3.2 and 6.3.3 and add a new section 6.3.2 that makes reference to the Canadian Standards Association's Vehicle Access standards;
- Delete 6.8, "Garbage Storage and Collection Standards";
- Delete "Miscellaneous products" from the IS1 Zone (Industrial Service One), IL2 Zone (Industrial Light Two), IL3 Zone (Industrial Light Three), and the IS4 Zone (Industrial Service Four);
- Correct section 10.14.3.(d) by inserting the word "not" between "shall" and "exceed";
- Correct section numbering mistakes;
- Delete the word "public" where it differentiates between public and private ownership;
- Remove "institution" and "storage and works yard" from the RR1 Zone (Rural Resource One); and
- Add "storage and works yard on District Lot 5615, Plan 200100" in alphabetical order to section 13.1.1.

AND FURTHER TAKE NOTICE that a copy of the aforementioned "Zoning Amendment Bylaw (Miscellaneous Amendments) No. 1898, 2009" 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 July 22, 2010 to August 3, 2010 (inclusive) (statutory holidays excluded).

Laurie-Anne Schimek
Acting Corporate Officer

The following Public Hearings will be held on August 3, 2010 starting at 6:00 p.m. in the following order:

- 1) Zoning Amendment Bylaw (Miscellaneous Amendments) No. 1898, 2009
- 2) Zoning Amendment Bylaw (Cheakamus Crossing) No. 1937, 2010

SLRD Governance and
Boundary Review
Report No. 09-055
File No. 7640.01

Moved by Councillor Zeidler
Seconded by Councillor Milner

That Council refer back to staff.

CARRIED

Miscellaneous
Amendments to the
Zoning Bylaw
Report No. 09-040
File No. RZ 1017

Moved by Councillor Zeidler
Seconded by Councillor Forsyth

That Council consider giving first and second readings to Zoning Amendment Bylaw (Miscellaneous Amendments) No. 1898, 2009; and further

That Council authorize the Corporate Officer to schedule a public hearing regarding "Zoning Amendment Bylaw (Miscellaneous Amendments) No. 1898, 2009, and to advertise for the same pursuant to the requirements of the Local Government Act.

That Council approve an addition of Section 13 as follows: "Subsection 13.1.1 is amended by adding 'storage and works yard on District Lot 5615, Plan 20010' in alphabetical order." and the remaining Section 13 be renumbered Section 14.

CARRIED

MINUTES OF COMMITTEES AND COMMISSIONS

Advisory Design Panel

Moved by Councillor Quinlan
Seconded by Councillor Milner

That Council receive the Advisory Design Panel minutes from January 28 and February 18, 2009.

CARRIED

Lower Mainland Treaty
Advisory Committee

Moved by Councillor Milner
Seconded by Councillor Forsyth

That Council receive the Lower Mainland Treaty Advisory Committee (LMTAC) minutes from February 25, 2009.

CARRIED

BYLAWS FOR FIRST AND SECOND READING

Zoning Amendment
Bylaw (Miscellaneous
Amendments) No. 1898,
2009

Moved by Councillor Milner
Seconded by Councillor Forsyth

That Zoning Amendment Bylaw (Miscellaneous Amendments) No. 1898, 2009 receive first and second readings.

CARRIED

Zoning Amendment
Bylaw (Westin Resort &
Spa Operational Support
Space) No. 1901, 2009

Moved by Councillor Lamont
Seconded by Councillor Zeidler

That Zoning Amendment Bylaw (Westin Resort & Spa Operational Support Space) No. 1901, 2009 receive first and second readings.

CARRIED



REPORT | ADMINISTRATIVE REPORT TO COUNCIL

PRESENTED: April 7, 2009

REPORT: 09 - 040

FROM: Community Life

FILE: RZ 1017

SUBJECT: MISCELLANEOUS AMENDMENTS TO THE ZONING BYLAW

COMMENT/RECOMMENDATION FROM THE CHIEF ADMINISTRATIVE OFFICER:

That the recommendation of the General Manager of Community Life be endorsed.

RECOMMENDATION

That Council consider giving first and second readings to Zoning Amendment Bylaw (Miscellaneous Amendments) No. 1898, 2009; and further

That Council authorize the Corporate Officer to schedule a public hearing regarding “Zoning Amendment Bylaw (Miscellaneous Amendments) No. 1898, 2009, and to advertise for the same pursuant to the requirements of the Local Government Act.

PURPOSE OF REPORT

This report requests that Council consider giving first and second reading to a bylaw that would amend the Zoning Bylaw. The proposed miscellaneous amendments would correct a number of small problems with the Bylaw.

DISCUSSION

As staff work with the Zoning Bylaw on a daily basis they become aware of certain inadequacies that, while not warranting the time and expense of immediate attention, do need to be dealt with in a timely fashion. These inadequacies are tracked and consolidated into a Miscellaneous Zoning Bylaw amending Bylaw on a periodic basis. Table 1 summarizes the proposed amendments.

Table 1 Summary of Zoning Amendment (Miscellaneous Amendments) No. 1898, 2009

Zoning Bylaw Section	Proposed Change	Comment
Definitions		
Definition of “front parcel line”	“5.1” is deleted and replaced with “5.10”	This amendment would correct a typographical error.
Definition of “public institution”	The word “public” is deleted	In a recent court case it was determined that a zoning bylaw could not differentiate between a public and private use. Zoning bylaws deal with use, not with who owns the use.
Definition of “public storage and works yard”	The word “public” is deleted	
Definition of “public utility”	The word “public” is deleted	
Definitions of “institution” and “storage and works yard”.	Deleting the words, “established by government or by a company operating pursuant to public utility legislation or a franchise granted pursuant to Part 15 of the Municipal Act” from the definitions of “institution” and “storage and works yard”.	
Definitions of “institution”, “storage and works yard”, and “utility”.	Deleting the word “public” from these definitions.	
Definitions section	Making a consequential amendment to the order of the defined terms to maintain alphabetical order.	Changes to the defined terms requires that the new defined terms be put into alphabetical order.
“Public” Utilities		
Section 5.6	The word “public” is deleted throughout this section.	Deletion of the word “public”.
Section 5.6	Heading is changed to “utilities” and reference to “public institution uses” is removed.	Allowing “public institution uses” in all zones is not good planning.
Projections into Required Setback Areas		
Section 5.7 (d)	Add “retaining walls” between “and” and “decorative walls”.	This amendment helps to clarify that “retaining walls” are included in the list of landscape features.
Temporary Occupation of Second Dwelling		
Section 5.16 Temporary Occupation of Second Dwelling	“RSE1” is added between “RT2” and “and”	This amendment would allow an owner to occupy a dwelling in a RSE1 zone while a new dwelling is being constructed.

Zoning Bylaw Section	Proposed Change	Comment
Parking for Disabled Persons		
Section 6.3	Sections 6.3.2 and 6.3.3 will be replaced with a new section that will require parking for disabled persons to conform to the Canadian Standards Association’s Vehicular Access standards. In addition, reference to “parking for disabled persons” has been changed to “accessible parking standards”.	As part of its efforts to become more accessible, the Resort Municipality of Whistler is adopting the best available accessibility standards where possible.
Garbage Storage and Collection Standards		
Section 6.8	This section will be deleted	Standards for garbage storage and collection are found in “Garbage Disposal and Wildlife Attractants Bylaw”.
Industrial zones – delete “miscellaneous products”		
Section 9.1.1(j)(vii)	Delete “miscellaneous products”	This use is being deleted because “miscellaneous products” is too vague.
Section 9.2.1.(g)(x)	Delete “miscellaneous products”	
Section 9.6.1(e)(vii)	Delete “miscellaneous products”	
Section 9.9.1(l)(vii)	Delete “miscellaneous products”	
LHT₁ (Leisure Health Tourism One) Scandinavia spa (text and numbering changes)		
Section 10.14.3(d)	Add “not” between “shall” and “exceed”	The word “not” was accidentally left out.
Section 10.14.4 (b)	Add “metres” after “10.7”	The word “metres” is being added to ensure consistency throughout the Zoning Bylaw
Section 10.14.4 (c)	Add “metres” after “10.6”	
Section 10.14.8	Delete “14.8” and replace with “14.8.1”	The numbering is being amended to conform with the standard numbering convention of the Zoning Bylaw
Existing section 10.14.8.1	Delete “14.8.1” and replace with “14.8.2”	
R-LCCD Zone – delete temporary commercial use provision		
Section 11.43.3.1	Delete entire section	The recent amendment to the Zoning Bylaw makes this section redundant.
RM48 Residential Multiple Forty-eight – Coops - renumbering		
Existing section 12.47.1.(d)	Renumbered 12. 47.2	These sections are renumbered to make them consistent with the numbering protocol/convention of the Zoning Bylaw.
Existing section 12.47.2	Renumbered 12. 47.3	
Existing section 12.47.3	Renumbered 12. 47.4	
Existing section 12.47.4	Renumbered 12. 47.5	
Existing section 12.47.5.1	Renumbered 12. 47.6.1	
Existing section 12.47.5.2	Renumbered 12. 47.6.2	
Existing section 12.47.5.3	Renumbered 12. 47.6.3	
Existing section 12.47.6	Renumbered 12. 47.7	
Existing section 12.47.7.1	Renumbered 12. 47.8.1	
Existing section 12.47.7.2	Renumbered 12. 47.8.2	

Zoning Bylaw Section	Proposed Change	Comment
CD1 (Comprehensive Development One) Correct numbering and references)		
Existing 12.52.1.3.(b) (second occurrence)	Delete and replace with 52.1.3 (c)	This amendment corrects a numbering error
Section 12.52.2.3 "...set out in Schedule H."	"H" is deleted and replaced with "J"	This amendment corrects a mistake to the referenced section.
RR1 (Rural Resource One)		
Section 13.1.1 (i)	Delete "public institution"	Since it is no longer possible to differentiate between public and private uses in a zoning bylaw, these uses are not appropriate in the RR1 Zone. Any proposal for these uses will require a rezoning.
Section 13.1.1 (j)	Delete "public storage and works yard"	
Section 13.1.6.3	Delete "public" between "for" and "utility"	As explained earlier, uses cannot be described as "public"
RR2 (Rural Resource Two)		
Section 13.2.1	Delete "public"	
RR4 (Rural Resource Four)		
Section 13.3.6.4	Delete "public"	
LNI (Lands North Institutional)		
Section 16.18.1	Delete "public"	
LNL (Lands North Library)		
Section 16.19.1	Delete "public"	

WHISTLER 2020 ANALYSIS

W2020 Strategy	TOWARD Descriptions of success that resolution moves us toward	Comments
The proposed amendments fall into a category of "good governance" that is not addressed by Whistler 2020		

W2020 Strategy	AWAY FROM Descriptions of success that resolution moves away from	Mitigation Strategies and Comments
The proposed amendments fall into a category of "good governance" that is not addressed by Whistler 2020		

OTHER POLICY CONSIDERATIONS

The some of the proposed amendments respond to recent court decisions in British Columbia.

BUDGET CONSIDERATIONS

No significant impact is anticipated. However, documents that are kept current may increase efficiencies and effectiveness in both business and government enterprises.

COMMUNITY ENGAGEMENT AND CONSULTATION

A statutory public hearing is required.

SUMMARY

The proposed amendments to the Zoning Bylaw correct some minor errors and respond to recent decisions for the courts related to language in Zoning Bylaws.

Respectfully submitted,

Bill Brown
MANAGER OF COMMUNITY PLANNING
for
Bob MacPherson
GENERAL MANAGER OF COMMUNITY LIFE

RESORT MUNICIPALITY OF WHISTLER
BYLAW NO. 1898, 2009

A bylaw to amend Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 1983

WHEREAS Council may, in a zoning bylaw pursuant to Sections 903, 904 and 906 of the Local Government Act, R.S.B.C. 1996, c.323, 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 Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This bylaw may be cited for all purposes as the “Zoning Amendment Bylaw (Miscellaneous Amendments) No. 1898, 2009”.
2. Section 2.1 of Zoning and Parking Bylaw No. 303, 1983 is amended by:
 - a) Deleting the definition of “front parcel line” and replacing it with the following:

““front parcel line” means, subject to Section 5.10 of this Bylaw, the boundary between a parcel and a highway;”
 - b) Changing the defined term “public institution” to “institution”;
 - c) Changing the defined term “public storage and works yard” to “storage and works yard”;
 - d) Changing the defined term “public utility” to “utility”;
 - e) Deleting from the definitions of “institution” and “storage and works yard”, the words “established by government or by a company operating pursuant to public utility legislation or a franchise granted pursuant to Part 15 of the Municipal Act”.
 - f) Deleting the word “public” where it appears in the definitions of “institution”, “storage and works yard” and “utility”; and
 - g) Making consequential amendment to the order of the defined terms to maintain alphabetical order.
3. Section 5 is amended by:
 - a) Changing the heading of subsection 5.6 to “Utilities”, and deleting subsection 5.6 and replacing it with the following: “All utility uses other than storage or works yards are permitted in every zone.”;

- b) In subsection 5.7(d), inserting a comma and the words “retaining walls” after “decks”; and
 - c) In the first paragraph of section 5.16, inserting a comma and the abbreviation “RSE1” after “RT2”.
4. Section 6.3 is amended by changing the section heading from “Parking for Disabled Persons” to “Accessible Parking Standards” and replacing subsections 6.3.2 and 6.3.3 with the following:
- “6.3.2 All accessible parking shall be:
- a) located adjacent to a main entrance of a building for which the parking is required; and
 - b) in compliance with the Canadian Standards Association’s Vehicular Access standards found at Section 5 of “Accessible Design for the Built Environment”, August 2004, as amended from time to time.”
5. Section 6.8 is repealed.
6. Section 9 is amended by deleting the following subsections: 9.1.1(j)(vii), 9.2.1(g)(x), 9.6.1(e)(vii), and 9.9.1(l)(vii).
7. Subsection 10.14 is amended by:
- a) In subsection 10.14.3(d) inserting the word “not” between the words “shall” and “exceed”;
 - b) In subsections 10.14.4(b) and (c) inserting the word “metres” at the end of the subsection;
 - c) Renumbering subsection 10.14.8 as subsection 10.14.8.1; and
 - d) Renumbering subsection 10.14.8.1 as subsection 10.14.8.2.
8. Subsection 11.43.3.1 is repealed.
9. Subsection 12.47 is amended by renumbering the subsections as follows:
- a) Subsection 12.47.1(d) is renumbered as 12.47.2;
 - b) Subsection 12.47.2 is renumbered as 12.47.3;
 - c) Subsection 12.47.3 is renumbered as 12.47.4;
 - d) Subsection 12.47.4 is renumbered as 12.47.5;
 - e) Subsections 12.47.5.1, .2, and .3 are renumbered as 12.47.6.1, .2, and .3;
 - f) Subsection 12.47.6 is renumbered as 12.47.7; and
 - g) Subsections 12.47.7.1 and .2 are renumbered as 12.47.8.1 and .2.
10. Subsection 12.52.1.3 is amended by renumbering the second subsection (b) as (c).
11. Subsection 12.52.2.3 is amended by substituting “Schedule J” for “Schedule H” in the last line of the first paragraph.

12. Subsections 13.1.1(i) and 13.1.1(j) are deleted and subsequent subsections are renumbered accordingly.

13. Subsection 13.1.1 is amended by adding 'storage and works yard on District Lot 5615, Plan 20010' in alphabetical order.

14. Subsections 13.1.6.3, 13.2.1, 13.3.6.4, 16.18.1 and 16.19.1 are amended by deleting the word "public" wherever it appears in those subsections.

READ A FIRST TIME this 7th day of April, 2009.

READ A SECOND TIME this 7th day of April, 2009.

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

GIVEN THIRD READING this ____ day of _____, _____.

APPROVED by the Minister of Transportation this ____ day of _____, _____.

ADOPTED by the Council ____ day of _____, _____.

Mayor: Ken Melamed

Corporate Officer: Shannon Story

I HEREBY CERTIFY that this is
a true copy of Zoning
Amendment Bylaw (Miscellaneous
Amendments) No. 1898, 2009.

Corporate Officer: Shannon Story