

**RESORT MUNICIPALITY OF WHISTLER**

**ZONING AMENDMENT BYLAW (5298 ALTA LAKE ROAD) NO. 2283, 2020**

**A BYLAW TO AMEND THE WHISTLER ZONING AND PARKING BYLAW NO. 303, 2015**

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**WHEREAS** Council may, in a zoning bylaw pursuant to Section 479 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 zones, regulate the use of land, buildings and structures within the zones, and require the provision of parking spaces for uses, buildings and structures;

**AND WHEREAS** Council may, pursuant to section 482 of the *Local Government Act*, establish different density rules for a zone, one generally applicable and the others to apply if the owner meets conditions set out in the bylaw.

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

**CITATION**

1. This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020”.

**AMENDMENTS**

2. Resort Municipality of Whistler Zoning and Parking Bylaw No. 303, 2015 is amended by:
  - a) in Part 15, Section 17, replacing the regulations for the TA17 Zone with the regulations attached to this Bylaw as Schedule 1; and
  - b) in Part 24, attaching Schedule 2 to this Bylaw as Schedule S.

GIVEN FIRST AND SECOND READING this 23rd day of June, 2020.

FIRST AND SECOND READING RESCINDED this 1st day of December, 2020.

GIVEN FIRST AND SECOND READING, this 1st day of December, 2020.

FIRST AND SECOND READING RESCINDED this 2nd day of February, 2021.

GIVEN FIRST AND SECOND READING, this 2nd day of February, 2021.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this 9th day of March, 2021.

GIVEN THIRD READING this 15th day of June, 2021.

GIVEN THIRD READING RESCINDED this 8th day of March, 2022.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this 6th day of April, 2022.

GIVEN THIRD READING, as revised this \_\_\_\_ day of \_\_\_\_\_, 2022.

Approved by the Minister of Transportation and Infrastructure this \_\_\_\_ day of \_\_\_\_\_, 2022.

ADOPTED by the Council this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Jack Crompton, Mayor

\_\_\_\_\_  
Pauline Lysaght, Corporate Officer

I HEREBY CERTIFY that this is a true copy of "Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020."

**SCHEDULE 1 to Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020**

**17. TA17 Zone (Tourist Accommodation Seventeen)**

**Intent and Interpretation**

- (1) The TA17 Zone is primarily intended to provide for site sensitive residential townhouse development, commercial tourist accommodation, and employee housing, together with parks and riparian protection uses, and the relocation and restoration of heritage structures.
- (2) The Key Plan for the TA17 Zone is shown in subsection (17).

**Subdivision and Use of Park and Housing Parcels**

- (3) Land in the TA17 Zone shall not be initially subdivided except to create parcels having boundaries in accordance with the Key Plan for the TA17 Zone.

**Permitted Uses**

- (4) The following uses are permitted and all other uses are prohibited:
  - (a) Employee housing contained in townhouses, but only at the locations and within the buildings specified for such use in the Key Plan for the TA17 Zone
  - (b) Tourist accommodation contained in townhouses, but only at the locations and within the buildings specified for such use in the Key Plan for the TA17 Zone
  - (c) Residential use contained in townhouses, but only at the locations and within the buildings specified for such use in the Key Plan for the TA17 Zone
  - (d) Caretaker's residence in one of the employee housing townhouses
  - (e) Amenity building for use as check-in facility for tourist accommodation uses and pool changing facility and other pool related uses
  - (f) Nature conservation park
  - (g) Community park, including one cabin and one barn, but the only structures permitted to be used for a cabin and a barn as part of a community park use are the cabin and barn located in the TA17 Zone on the date of adoption of Zoning Amendment Bylaw (5298 Alta Lake Road) No. 2283, 2020, which may be relocated and restored as contemplated under subsection (6)(c)
  - (h) Two Auxiliary buildings
  - (i) Auxiliary uses

**Base Density**

- (5) The maximum permitted densities for the uses permitted in the TA17 Zone are as follows:
  - (a) Twenty-one employee housing dwelling units, having combined a gross floor area of no more than 2000 square metres;

- (b) Two tourist accommodation dwelling units, having a combined gross floor area of no more than 363 square metres;
- (c) Two residential townhouse dwelling units, having a combined gross floor area of no more than 363 square metres;
- (d) Amenity building with tourist accommodation check-in facility and pool change room and related pool facilities, having a gross floor area of no more than 40 square metres;
- (e) 250 square metres for the cabin and barn as shown on the Key Plan for the TA17 Zone.

**Additional density**

- (6) The maximum densities permitted in subsection (5), above, may be increased in accordance with subsection (9) if all of the following conditions are satisfied:
  - (a) Dedicate, as park, the areas shown on the Key Plan for the TA17 Zone as “community park” and “nature conservation park” to the Municipality as park and transfer to the Municipality ownership in fee simple of the area shown on the Key Plan as “Future Employee Housing”, and for the purpose of this subsection the minimum area of the lands to be dedicated and transferred are as follows:
    - (i) Nature Conservation Park: 0.563 hectares
    - (ii) Community Park : 0.877 hectares
    - (iii) Future Employee Housing: 0.5 hectares;
  - (b) Construct to completion the valley trail as shown approximately on the Key Plan for the TA17 Zone, with lighting, and Gebhart Creek bridge, all to the standards attached as Schedule S;
  - (c) Move existing cabin as shown on the Key Plan for the TA17 Zone, and refinish the existing barn shown on the Key Plan and the relocated cabin and repair them so that they are weather proofed and structurally sound and the main floor of the cabin may be safely used and occupied;
  - (d) Construct to completion at least twenty-one employee housing units within the TA17 Zone, having a gross floor area no less than 1991 square meters and enter into a housing agreement with the Municipality under section 483 of the *Local Government Act* with respect to all of those units, in the form authorized for the TA17 Zone by housing agreement bylaw adopted prior to or concurrently with the adoption of Zoning Amendment Bylaw 2283, 2020; and
  - (e) Construct to completion the community park in the location identified on the Key Plan for the TA17 Zone, such community park to be a neighbourhood serving park containing the following features:
    - (i) A mix of passive and active elements and spaces.
    - (ii) Lawn areas shall have no greater than 2 percent slope, shall be irrigated, shall have a sand based growing medium, and shall be designed to be mowed with a ride-on product. Subsurface drainage may be required.
    - (iii) Irrigation systems shall be consistent with municipal specifications and shall include electrical and communication services.

- (iv) Benches, picnic tables, waste receptacles, bike racks, drinking water fountain and signage to municipal standards.
    - (v) A playground structure with a rubber poured in place safety surface.
    - (vi) A pocket pump track appropriately scaled for young children new to riding a bicycle.
    - (vii) Walking paths shall be asphalt.
    - (viii) Trees shall be deciduous with a light canopy to allow sufficient sunlight for lawn growth.
    - (ix) Perennials and ornamental flower and shrub beds are discouraged.
    - (x) Any naturally occurring features that reinforce the mountain landscape should be retained.
    - (xi) A hard surface space for maintenance vehicle parking.
  - (f) Construct to completion a paved sidewalk complete with curb and gutter extending from the existing sidewalk terminus on the northwest side of Nita Lake Drive to the community park identified on the Key Plan for the TA17 Zone.
- (7) The owner may satisfy the condition under paragraph (d) of subsection (6) by:
- (a) granting to the Municipality a covenant under section 219 of the *Land Title Act* requiring construction of the twenty-one employee units referred to in that paragraph (d) prior to or concurrently with the construction of any tourist accommodation and residential townhouse dwelling units permitted under subsection (5) and prohibiting the occupancy of such tourist accommodation and residential townhouse dwelling units until construction of all twenty-one employee units is complete and the Municipality has issued occupancy permits for all twenty-one employee units, and
  - (b) causing such covenant to be registered in the Land Title Office against title to all land within the TA17 Zone except for the park referred to in paragraph (a) of subsection (6), with priority over all financial liens, charges and encumbrances, including any leases, options to purchase and rights of first refusal.
- (8) The owner may satisfy the conditions under paragraphs (b), (e) and (f), and under paragraph (c) except for cabin relocation, all of subsection (6) by entering into an agreement, in substantially the same form as the Municipality's standard form of subdivision servicing agreement under section 509 of the *Local Government Act*, with the Municipality to complete all work required under those conditions within one year of the date of execution of such agreement and by providing to the Municipality security for the completion of such work in an amount and form satisfactory to the Municipality.
- (9) If the owner satisfies all of the conditions described in subsection (6), the density of development in the TA17 Zone shall be increased as follows:
- (a) A further nine tourist accommodation dwelling units, having a combined gross floor area of no more than 1633 square metres;

- (b) A further nine residential townhouse dwelling units, having a combined gross floor area of no more than 1633 square metres.

**Siting / Setbacks**

- (10) The siting of all buildings and structures in the TA17 Zone shall be in accordance with the Key Plan for the TA17 Zone.
- (11) All buildings and structures in the TA17 Zone shall be set back a minimum of 7.6 metres from the boundary of any parcel, except that the minimum set back from a parcel boundary abutting a highway or private road within the TA17 Zone is 6.1 metres and the minimum setback from the parcel line of Strata Plan BCS556 that forms part of the boundary of the TA17 Zone is 20 metres.

**Height**

- (12) The maximum permitted height of any building or structure is 11 metres.

**Other regulations**

- (13) Despite anything to the contrary in this Bylaw the maximum permitted floor area for auxiliary parking use contained in a principal or auxiliary building or structure is 25 square metres for each employee unit and 35 square metres for each market unit.
- (14) An employee unit shall contain an area not less than 56 square metres.
- (15) One employee unit may be used for a caretaker for the lands.
- (16) An employee unit shall not be used for tourist accommodation and all other uses are prohibited.

## Key Plan

(17) Key Plan for the TA17 Zone:

