

17. TA17 Zone (Tourist Accommodation Seventeen) (Bylaw No. 2283)**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 washroom building and one cabin, but the only structure permitted to be used for a cabin as part of a community park use are the cabin located in the TA17 Zone on September 12, 2023, which may be relocated and restored as contemplated under subsection (6)(c) (Bylaw No. 2423)~~

"Community park, including one washroom building and one additional amenity structure as contemplated under either subsection 6(c) or subsection 6.1.
 - (h) Two Auxiliary buildings

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- (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 permitted buildings in the community park. (Bylaw No. 2423)

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 relocated cabin and repair it so that it is weather proofed and structurally sound and the main floor of the cabin may be safely used and occupied; (Bylaw No. 2423)

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- (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.
 - (xii) A washroom building. (Bylaw No. 2423)
 - (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.

(6.1) Pursuant to sections 482(2.4) and 482.3 of the *Local Government Act*, instead of complying with the condition set out in 6(c) the owner may do both of the following:

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- i. Construct or install within the community park, incorporating materials reclaimed from or similar to the cabin, a picnic shelter, gazebo or similar amenity structure that complements or enhances and is compatible with public use of the park and recognizes the history and culture of what the cabin and its use represented in the development of Whistler and its community, with the final design and location to be to the satisfaction of the municipality's General Manager of Climate Action, Planning and Development Services, acting reasonably; and
 - ii. Make a cash contribution to the municipality's Recreation Works and Services Reserve Fund for dedicated use for municipal heritage preservation/improvement,

with the combined value of items (i) and (ii) to be no less than \$350,000.

- (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)~~ The owner may satisfy the conditions under paragraphs 6(b), 6(e), 6(f), 6.1 and 6(c) except for cabin relocation, 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.
- (17) Notwithstanding any other provision of this Bylaw, townhouses permitted to be used as tourist accommodations in the TA17 Zone may be used for residential use, when not being used for tourist accommodation use. (Bylaw No. 2423)

Key Plan

- (18) Key Plan for the TA17 Zone:

