

**RESORT MUNICIPALITY OF WHISTLER
ZONING AMENDMENT BYLAW (OUTDOOR PATIOS)
NO. 2284, 2020**

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

WHEREAS Council may, by bylaw, 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, and prohibit any use in any zone; and

WHEREAS Council may in a zoning bylaw, designate areas where temporary commercial uses may be allowed, specify conditions regarding the issue of temporary commercial use permits in those areas, and specify conditions under which a development permit would not be required in a development permit area designated in an Official Community Plan;

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

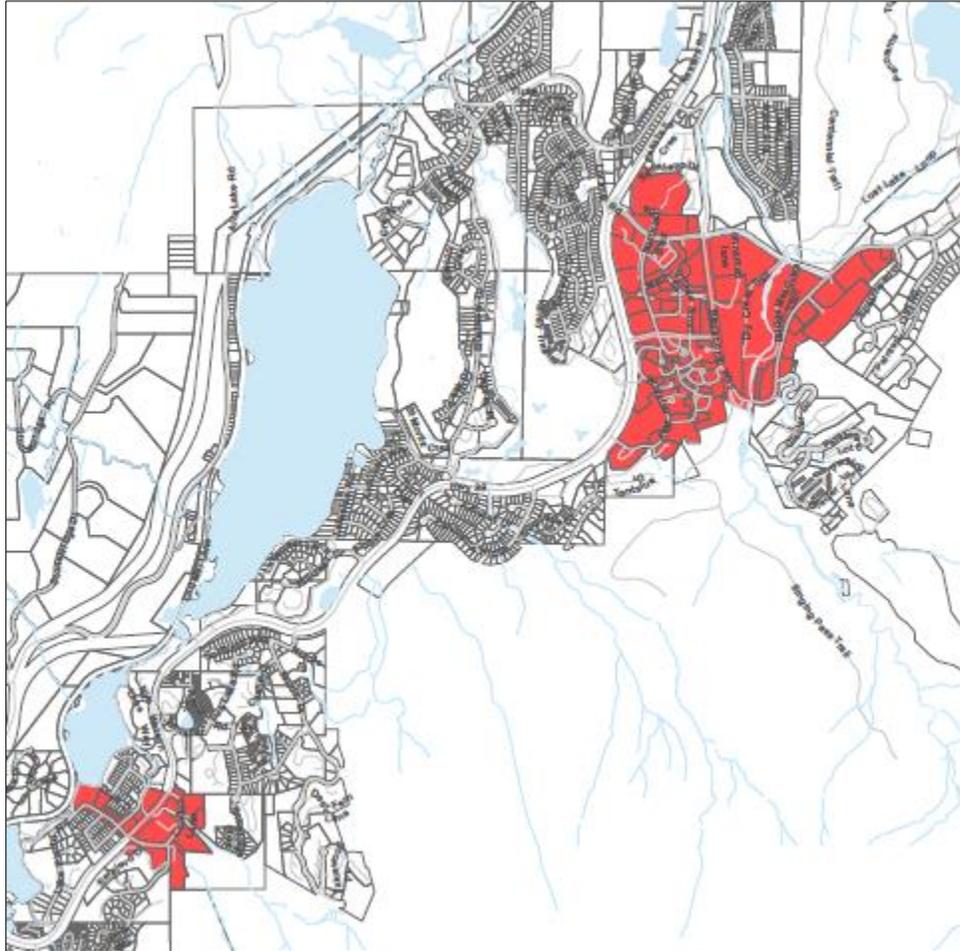
1. This Bylaw may be cited for all purposes as "Zoning Amendment Bylaw (Outdoor Patios) No. 2284, 2020".
2. "Zoning and Parking Bylaw No. 303, 2015" is amended as follows:
 - a) Part 5 is amended by adding the following as Section 32:

32. TEMPORARY USE PERMITS FOR OUTDOOR PATIOS

- (1) The areas delineated in red in Figure 5-B in this Section are designated as a temporary use permit area where outdoor patios for food and beverage services may be allowed, but no temporary use permit shall be issued for a use that is otherwise permitted by the bylaw.
- (2) A development permit is not required in respect of activities described in s. 489 of the *Local Government Act* that are proposed to be conducted in a development permit area designated in the Official Community Plan, if the activity is authorized by a temporary use permit.
- (3) Outdoor patios for food and beverage services may be permitted under this Section subject to the following general conditions:
 - (a) The Municipality may require the provision of security in relation to any requirement that the owner give an undertaking to demolish or remove buildings and structures in respect of the use and restore land to a condition specified in the permit by a date specified in the permit.
 - (b) Siting of buildings and structures in respect of the use should minimize obstruction of pedestrian circulation and significant public and private view corridors, and ensure that accessibility corridors are maintained.
 - (c) The owner must comply with the Order of the Provincial Health Officer dated May 22, 2020, or any subsequent Order that contains occupancy restrictions and physical distancing requirements.
 - (d) The owner must comply with any applicable liquor licence issued by the Liquor and Cannabis Regulation Branch.

(e) The owner must comply with any applicable liquor license supported by the Municipality.

Figure 5-B: Temporary Use Permit Area for Outdoor Patios



b) Part 5 is amended by adding the following as Section 33:

33. ROADS

(1) Outdoor patios for food and beverage services are a permitted use on roads vested in the Municipality.

c) Part 15, Section 8(2) is amended by adding “auxiliary uses” to the list of permitted uses in the TA8 Zone (Tourist Accommodation Eight).

3. “Zoning and Parking Bylaw No. 303, 2015” is further amended by making such consequential changes as are required to reflect the foregoing amendments, including without limitation changes in the numbering, ordering of alphabetical lists, and the Schedules of the Zoning and Parking Bylaw.

GIVEN FIRST AND SECOND READINGS this 9th day of June, 2020.

Pursuant to Section 464(2) of the *Local Government Act*, Council waived the holding of a Public Hearing on this 9th day of June, 2020.

Approved pursuant to section 52(3)(a) of the *Transportation Act* this 15th day of June, 2020.

GIVEN THIRD READING this ____ day of _____, 2020.

ADOPTED by the Council this ____ day of _____ 2020.

Jack Crompton, Mayor

Alba Banman, Municipal Clerk

I HEREBY CERTIFY that this is a true copy
of "Zoning Amendment Bylaw (Outdoor
Patios) No. 2284, 2020."

Alba Banman, Municipal Clerk