

RESORT MUNICIPALITY OF WHISTLER

ZONING BYLAW NO. 9

A bylaw to regulate the location and use of buildings and structures and the use of land, including the surface of water, within the Resort Municipality of Whistler and for that purpose to divide the Municipality into zones pursuant to the provisions of the Municipal Act, having due regard to the promotion of health, safety, convenience and overcrowding of land, and the preservation of the amenities peculiar to any zone; the securing of adequate light, air, and access; the value of the land and the nature of its present and prospective use and occupancy; the character of the buildings already erected, and the peculiar suitability of the zone for particular uses, and the conservation of property values.

The Council of the Resort Municipality of Whistler, in open meeting assembled, enacts as follows:

PART 1.

INTERPRETATION AND ADMINISTRATION

Title

- 1.1.0. This Bylaw may be cited as "The Resort Municipality of Whistler Zoning Bylaw No. 9, 1975."

Application

- 1.2.0. This Bylaw shall apply to all land and water areas contained within the boundaries of the Resort Municipality of Whistler and to the buildings and structures therein.

Definitions

- 1.3.0. In this Bylaw, unless the context otherwise requires,
- "accessory advertising use" means a use of land, the exterior of the building, or of a structure or thing for the advertising or promoting by visible or other means of a product, service, place, or event which is for sale, for rent, available, held, assembled, grown, or manufactured on the same lot;
- "accessory home use" means a use providing for activities customarily associated with the accommodation and home life of a person or persons; includes gardening, recreation, storage, and the keeping of animals as household pets;
- "accessory off-street loading use" means a use providing for the loading and unloading needs generated by a permitted use on the same lot;

Original Zoning Bylaw

"commercial use" means a use providing for the selling of goods and services, for the servicing and repair of goods, or for commercial office functions; Includes retail sales, wholesaling incidental to retail sales, commercial education and instruction, and medical services, indoor commercial recreation and entertainment services, household services and all associated repairs, other personal and non-personal services, and administrative, commercial, and professional offices; excludes manufacturing, salvaging, warehousing, the selling, servicing, and repair of industrial and agricultural machinery, a "service station use", and a "tourist accommodation use";

"Community sewer system" means

- (a) a system of sewerage or sewage disposal serving five (5) or more dwelling units on a lot or lots and approved under the Health Act or the Pollution Control Act; or
- (b) a system of sewerage or sewage disposal approved under the Health Act or the Pollution Control Act, operated and maintained by the Municipality or by a Department of Crown Corporation of the Province of British Columbia or by a sewage utility if regulated under the Utilities Act.

"community water system" means a system of waterworks, which serves two or more parcels and which is owned, operated and maintained by an improvement district under the Water Act or Municipal Act; or which is regulated under the Water Utilities Act or which is owned, operated and maintained by the Municipality or by a Department or Crown Corporation or the Province of British Columbia;

"concealed parking" means an "off-street parking use" or an accessory off-street parking use" located within the building or underground;

"drive-in business" means an establishment with facilities for attracting and servicing prospective customers travelling in motor vehicles which are driven onto the site where such business is carried on and where normally the customer remains in the vehicle for service, but shall not include car washing establishments, drive-in theatres or service stations

"dwelling, multiple residential" shall mean a building entirely comprised of three or more self contained dwelling units each of which is occupied or intended to be occupied seasonally or permanently by one family or by six or fewer unrelated persons.

"dwelling, single residential" means a building consisting of one dwelling unit (other than a mobile home) which is occupied or intended to be occupied seasonally or permanently by one family or six or fewer unrelated persons;

"exterior side lot line" means the lot line or lines not being the front or rear lot line, common to the lot and a street;

Identical

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 107

A Bylaw to amend the Resort Municipality of Whistler Zoning Bylaw No. 9, 1975 by the Approval of a Land Use Contract.

WHEREAS Section 702A of the Municipal Act provides that the Resort Municipality of Whistler may enter into a Land Use Contract for the development of any area previously declared by Bylaw to be a development area;

AND WHEREAS this proposed development is within the development area established by Bylaw No. 43 and Bylaw No. 99;

AND WHEREAS the Official Community Plan for the Resort Municipality of Whistler designates this land aforementioned as Town Centre.

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 "Resort Municipality of Whistler Zoning Bylaw No. 9, 1975 Land Use Contract Approval Bylaw (Fortress Mountain Resorts Ltd.) Bylaw No. 107, 1978."
2. The Land Use Contract between the Resort Municipality of Whistler and Whistler Village Land Co. Ltd. and Fortress Mountain Resorts Ltd. respecting the real property described as D.L. 3866 and D.L. 3903, Group 1, N.W.E. is hereby approved.
3. The Mayor and the Clerk/Treasurer are hereby authorized to sign the aforementioned Land Use Contract and to affix the Corporate Seal thereto.

READ A FIRST time this 30th day of October, 1978

READ A SECOND time this 11th day of December, 1978

Pursuant to 703 of the Municipal Act, a Public Hearing was held on the 13th day of November, 1978.

READ A THIRD time this 11th day of December, 1978.

RECEIVED THE APPROVAL of the Inspector of Municipalities this 5th day of January, 1979.

RECONSIDERED and finally ADOPTED this 8th day of January, 1979.

Signed Original on File
Wm (Pat) Carleton, Mayor

Signed Original on File
G.F. Pearce, Clerk/Treasurer

This is to certify that this is a true copy of Bylaw No. 107, 1978 cited as the "Resort Municipality of Whistler Zoning Bylaw No. 9, 1975 Land Use Contract Approval Bylaw (Fortress Mountain Resorts Ltd.) No. 107, 1978."

APPROVED PURSUANT TO SECTION 5 OF THE RESORT MUNICIPALITY OF WHISTLER ACT THIS 5th DAY OF JANUARY 1979
[Signature]
DEPUTY INSPECTOR OF MUNICIPALITIES

[Signature]
G.F. Pearce, Clerk/Treasurer

Approved under the Controlled Access Highways Act
this 12 day of DEC 1978
[Signature]
Approving Officer, Ministry of Highways & Public Works

A Lodge may not contain any other commercial space and does not include a hotel, hostel or motel.

"Single Residential Dwelling" shall mean a building consisting of one Dwelling Unit (other than a mobile home) which is occupied or intended to be occupied seasonally or permanently by one family or six or fewer unrelated persons.

"Multiple Residential Dwelling" shall mean a building entirely comprised of three or more self contained Dwelling Units each of which is occupied or intended to be occupied seasonally or permanently by one family or by six or fewer unrelated persons.

"Hostel" shall mean a building intended for the use or used as a temporary place of lodging for individuals and containing a communal cooking facility or provision for cooking in an individual room or apartment, but does not include a motel, inn, or hotel.

"Hotel" shall mean a building intended for transient occupancy which contains sleeping units and may contain restaurant, entertainment and personal service facilities for the public, but does not include hostel or motel.

"Municipal Engineer" shall mean and include the Municipal Engineer for the Municipality and his duly authorized assistants or replacements and such other consultants or engineers as may be appointed to act for the Municipality.

"Approving Officer" shall mean and include the Approving Officer for the Municipality appointed pursuant to the provisions of the Land Registry Act and his duly authorized assistants or replacements and such other consultants as may be appointed by him.

Appendix D

RESORT MUNICIPALITY OF WHISTLER

BYLAW NO. 650, 1988

A Bylaw to Amend a Land Use Contract

WHEREAS Section 982 of the Municipal Act, R.S.B.C. 1979, c. 290 authorizes the amendment of a Land Use Contract by bylaw with the agreement of the local government and the owner of any parcel that is described in the bylaw as being covered by the amendment;

AND WHEREAS it is deemed desirable to amend that certain Land Use Contract referred to herein;

AND WHEREAS the parcels of land that are covered by this amendment are:

Resort Municipality of Whistler

Resort Municipality of Whistler
Parcel Identifier 008-049-530
District Lot 3866
Except Part in Plans 19506,
21332, 21500, 21501 and 21578

Resort Municipality of Whistler
Parcel Identifier 008-049-556
District Lot 3903
Except Part in Plans 19506,
20511, 21332, 21364, 21391, 21497,
21500, 21501, 21573 and 21585

Resort Municipality of Whistler
Lot 1
District Lot 3903
Plan 19506

Resort Municipality of Whistler
Lot 6
District Lot 3866
Plan 21500

Resort Municipality of Whistler
Parcel Identifier 008-846-308
Lot 11
District Lots 3866 and 3903
Plan 21500

Resort Municipality of Whistler
Parcel Identifier 008-849-382
Lot 7
District Lots 3866 and 3903
Plan 21501

"Covenant" shall mean the covenant granted by the Developers to the Municipality upon Development Approval as defined and provided for in clause 7(h) hereof.

"Duplex Residential Building" means a building consisting of two dwelling units only each of which has a floor area in excess of 80 square metres.

"Dwelling Unit" means a self-contained residential unit having cooking facilities.

"Lodge" means a building comprising forty (40) Sleeping Units or less for the Temporary Use and occupation by tourists or transients and which may where provided for in the Zone contain commercial uses pursuant to Schedule C and which commercial uses are wholly contained within the Lodge.

"Single Residential Building" shall mean a building consisting of one Dwelling Unit (other than a mobile home) which is occupied or intended to be occupied seasonally or permanently by one family or six or fewer unrelated persons living together as a single domestic unit provided that where permitted in the Zone a Single Residential Building may contain an Auxilliary Dwelling Unit having a floor area not exceeding the lesser of one-third of the aggregate floor area of the building or 80 square metres.

"Multiple Residential Building" shall mean a building containing three or more Dwelling Units each of which is occupied

or intended to be occupied by one family or by six or fewer unrelated persons living together as a single domestic unit and may, where situate in Zone 2 and charged by a Rental Pool Covenant and having or sharing a Check-In Facility on the same site, contain a restaurant and Licensed Facilities, provided that in Zone 1 a Multiple Residential Building having or sharing a Check In Facility on the same site and charged by a Rental Pool Covenant may also contain any other commercial use permitted in Schedule C which commercial uses are wholly contained within the building.

"Hostel" means a building for the Temporary Use of tourists or transients and containing communal cooking facilities and communal washing and toilet facilities for the use of hostellers.

"Hotel" means a building containing more than forty (40) Sleeping Units for the Temporary Use and occupation by tourists or transients and which may contain, where provided for in the Zone, commercial uses pursuant to Schedule C provided and which commercial uses are wholly contained within the Hotel.

"Municipal Engineer" means the Municipal Engineer of the Municipality and his duly authorized assistants and such other consultants or engineers as may be appointed to act in that capacity for the Municipality.

Title Change to Reflect Multiple Dwellings

Word Change for Rental Pool Covenant Addition

"Town Centre" shall mean those lands in Resort Municipality of Whistler being

Block B,
District Lot 3020, and
District Lot 1902,
All of Group 1,
New Westminster District.

"Zone" or "Zones" shall mean either or both of "Zone 1" and "Zone 2" as shown on Schedule "B" hereto, the permitted uses of land and restrictions pertaining thereto are described in Schedule "C" hereto.

"Temporary Use" means the use and occupation of a Sleeping Unit, Dwelling Unit, or a bed or Sleeping Unit in a Hostel for not more than four consecutive weeks and not more than a total of eight weeks in a calendar year by the same person or persons.

"Check In Facility" means all of the following without exception contained in a Multiple Residential Building: a check-in counter and lobby appurtenant to the main entrance to the building; common laundry facilities or in the alternative provision for the installation of laundry facilities in each Dwelling Unit in the Building; permanent storage lockers for owners; and temporary storage areas for guests."

"Rental Pool Covenant" means a restrictive covenant substantially in the form annexed to this Land Use Contract as Schedule "J".