

**RESORT MUNICIPALITY OF WHISTLER
ZONING AMENDMENT BYLAW (Temporary Use Permits) NO.
2096, 2015**

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

WHEREAS Council may in a zoning bylaw pursuant to the Local Government Act, designate areas where temporary uses may be allowed and may specify general conditions regarding the issue of temporary use permits in those areas;

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 (Temporary Use Permits) No. 2096, 2015".

2. Zoning and Parking Bylaw No. 303, is amended as follows:

by adding the following under section 12(1) Home Occupation Use in Part 5 General Regulations:

(e) A Home-based Artist Studio home occupation is permitted by temporary use permit only.

by adding the following text as section 31 under Part 5 General Regulations:

31. Temporary Use Permits for Home-based Artist Studios

Definitions

(1) For the purpose of subsections (2)-(22):

Artist: means a person who creates works of aesthetic or expressive value including paintings, sculpture, literary works or drawings.

Artisan: means a skilled craftsperson who produces distinctive, usually handcrafted, works in small quantities and which have an aesthetic or expressive value.

Customer: means a person who attends a Home-based Artist Studio to purchase, view or otherwise experience art or artisan crafts and includes a person who is attending a class, or exhibition on the property and does not include an employee of the Home-based Artist Studio.

General Manager: means the General Manager of Resort Experience or a person fulfilling the role of the General Manager of Resort Experience in their absence.

Handcrafted: means created with manual skill including the use of small power tools, printers and photo developing equipment but excluding the use of automated manufacturing systems or equipment, mass production processes and the use of heavy industrial equipment.

Home-based Artist Studio: means the use of a dwelling unit by an artist or artisan to produce, exhibit and sell artwork or artisan crafts and includes the provision arts or crafts instruction. **Designation of temporary use permit areas**

- (2) All zones in which residential uses are permitted are designated as temporary use permit areas for Home-based Artist Studios.

Conditions of issuance

- (3) Subject to the terms of a temporary use permit under this section, a Home-based Artist Studio must comply with the provisions for home-occupations under section 12.
- (4) Home-based Artist Studios are subject to a business licence requirement under Business Licence Bylaw 567, 1987.
- (5) During the one-year period following the date of adoption of Zoning Amendment Bylaw (Temporary Use Permits) No. 2096, 2015, only uses in existence prior to November 17, 2015 shall be eligible for a temporary use permit under this part.

General Considerations

- (6) In considering an application for a temporary use permit for a Home-based Artist Studio the General Manager must consider the proposal's impact on:
 - (a) the coordinated advancement of cultural tourism development opportunities as identified in Whistler's Corporate Plan, Economic Partnership Initiative, Community Cultural Plan and Cultural Tourism Development Strategy;
 - (b) the quality and extent of Whistler's inventory of cultural assets and the related impact on the quality of visitors' cultural experiences;
 - (c) the Home-based Artist Studio's ability to contribute to Whistler's draw of visitors seeking cultural experiences;
 - (d) opportunities for Whistler's artists, artisans and related businesses to generate income from their work;
 - (e) the cumulative impact and compatibility of Home-based Artist Studios on the surrounding neighbourhood, including the number and types of Home-based Artist Studios that have been established; and
- (7) Subject to the permit holder's right to have the permit renewed once, every temporary use permit issued for a Home-Based Artist Studio expires 3 years after the permit was issued, unless the General Manager specifies an earlier expiry date in the permit.

Additional Application Information

- (8) Upon review of an application for a temporary use permit, the General Manager may require the applicant to provide:
 - (a) A description of production methods proposed to be used by the Home-based Artist Studio;
 - (b) Hours of operation including hours where production activities will occur and hours when the Home-based Artist Studio will be open for customer visits;

- (c) Information related to deliveries;
- (d) Information related to customer visits;
- (e) Site and layout characteristics; and
- (f) other information related to the operation of the Home-based Artist Studio that, in the opinion of the General Manager, is necessary to evaluate potential nuisances that may be created by the operation of the Home-based Artist Studio.

Permit Conditions

- (9) A temporary use permit for a Home-based Artist Studio may contain conditions related to noise and other nuisances including:
 - (a) Limits on the types and sizes of tools and equipment that may be used and limits on the duration and frequency of their use.
 - (b) Limits on the types and scale of production methods and limits on their duration and frequency.
 - (c) Structural alterations to prevent or minimize the transfer of noise, odors, dust, glare or other potential nuisances to nearby properties.
 - (d) Limits on the hours of operation of the Home-based Artist Studio and the number of customers who may visit the Home-based Artist Studio at any one time.
 - (e) Restrictions on the types and quantities of materials that may be stored on the premises and requirements for storing materials.
 - (f) Limits on the size of production space.
 - (g) Limits on the amount of space used to sell products produced in the Home-based Artist Studio.
- (10) A temporary use permit for a Home-based Artist Studio may authorize the outdoor display of a single sculpture or artisan craft with a maximum volume of 1 cubic meter and a maximum height of 1.5 meters, during the period of time specified in the permit.
- (11) It is a condition of all temporary use permits for Home-based Artist Studios that the premises are open for customer visits only between 8am and 8pm.
- (12) Notwithstanding subsection (10), a temporary use permit for a Home-based Artist Studio may authorize customer visits between the hours of 8pm and midnight to accommodate special events, exhibitions, or similar activities for up to 12 evenings per year, as specified in the permit.
- (13) It is a condition of all temporary use permits for Home-based Artist Studios that motor vehicles of residents and employees of a Home-based Artist Studio must be parked on the lot on which the Home-based Artist Studio is located and not on the abutting street.
- (14) It is a condition of all temporary use permits for Home-based Artist Studios that not more than one person who does not normally occupy the dwelling unit in which it is located may be employed in the Home-based Artist Studio.

- (15) It is a condition of all temporary use permits for Home-based Artist Studios that no more than five customers may attend a studio at any one time to receive arts or crafts instruction.
- (16) Any product sold from a Home-based Artist Studio must be produced on the premises where the Home-based Artist Studio is located.
- (17) A temporary use permit for a Home-based Artist Studio may include a condition that the owner demolish or remove a sign or other structure associated with the temporary use, or restore land described in the permit to a condition specified in the permit, within a specified period of time prior to the expiry of the permit.

Health and safety

- (18) The General Manager must refuse to issue or renew a temporary use permit for a Home-based Artist Studio if the premises do not substantially comply with RMOW bylaws or applicable health and safety regulations and for that purpose may require inspections, at the applicant's cost, by the RMOW Building or Fire Department.

Eligible works

- (19) In determining whether to issue or renew a temporary use permit for a Home-based Artist Studio, the General Manager may consider the recommendations of an advisory committee convened to advise the General Manager on the artistic or aesthetic merit of objects that are proposed to be produced in the Home-based Artist Studio, and the General Manager may refuse to issue or renew a permit in the case of objects having insufficient merit.
- (20) For the purposes of the preceding section, the Council establishes an advisory committee consisting of the following:
 - (a) One member of Council to be appointed by Council resolution;
 - (b) One person appointed by the Whistler Arts Council; and
 - (c) One person appointed by the Whistler Chamber of Commerce.
 - (d) One person appointed by Tourism Whistler.
 - (e) One staff person from the RMOW Resort Experience Division, appointed by the General Manager of Resort Experience.
- (21) In making its recommendations the advisory committee must consider only whether objects proposed to be produced or being produced in a Home-based Artist Studio are artfully or skilfully made or crafted, whether they are original or unique or have original or unique aspects, and whether they express or exhibit qualities or incorporate materials that are particularly related to the cultural, historical, social or environmental character of the Resort Municipality or its surroundings.
- (22) The General Manager may prescribe procedures for the advisory committee, including procedures by which applicants for temporary use permits may familiarize members of the committee with the work they propose to produce in a Home-based Artist Studio. The advisory committee shall not hold public hearings or undertake any other form of public consultation, but shall provide its own recommendations to the General Manager as it sees fit.
- (23) Members of an advisory committee shall not be entitled to remuneration in respect of the performance of their duties as members of the advisory committee.

Given first and second readings this 17th day of November, 2015.

Pursuant to Section 890 of the *Local Government Act*, a Public Hearing was held this 1st day of December, 2015.

Given third reading this 15th day of December 2015 as revised.

Approved by the Minister of Transportation this 5th day of January, 2016.

Adopted by the Council this 26th day of January, 2016.

Nancy Wilhelm-Morden,
Mayor

Shannon Story,
Corporate Officer

I HEREBY CERTIFY that this is a true
copy of Zoning Amendment Bylaw
(Temporary Use Permits) No. 2096,
2015.