

RESORT MUNICIPALITY OF WHISTLER
LAND USE CONTRACT TERMINATION BYLAW (BLUEBERRY) NO. 2337, 2021
A BYLAW TO TERMINATE A LAND USE CONTRACT AND AMEND THE RESORT
MUNICIPALITY OF WHISTLER ZONING AND PARKING BYLAW NO. 303, 2015

WHEREAS the Council may, by bylaw, terminate a land use contract; and

WHEREAS the Council must not adopt a bylaw to terminate a land use contract unless it has adopted a zoning bylaw that will apply to the land on the date the termination bylaw comes into force; and

WHEREAS the 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 zone, regulate the use of land, buildings and structures within the zones, and may, pursuant to section 525 of the *Local Government Act* require the provision of parking spaces and loading spaces for uses, buildings, and structures;

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 “Land Use Contract Termination Bylaw (Blueberry) No. 2337, 2021”.

AMENDMENTS

2. Zoning and Parking Bylaw No. 303, 2015 (the “Zoning Bylaw”) is amended as follows:
 - a) The RTA30 Zone (Residential/Tourist Accommodation Thirty), RTA31 Zone (Residential/Tourist Accommodation Thirty-One), RTA32 Zone (Residential/Tourist Accommodation Thirty-Two) and RTA33 Zone (Residential/Tourist Accommodation Thirty-Three) attached as Schedule 2 to this Bylaw are added to Part 12 of the Zoning Bylaw as sections 55, 56, 57 and 58, immediately following section 54;
 - b) The RTA30 Zone (Residential/Tourist Accommodation Thirty), RTA31 Zone (Residential/Tourist Accommodation Thirty-One), RTA32 Zone (Residential/Tourist Accommodation Thirty-Two) and RTA33 Zone (Residential/Tourist Accommodation Thirty-Three) are added to part 7, section 1, subsection (1) of the Zoning Bylaw under the “R Zones”, in continuing alphabetical and numerical order; and
 - c) Schedule A to the Zoning Bylaw is amended by assigning the zone designations shown in the key plan attached as Schedule 1 to this bylaw to every parcel shown in the key plan that each zone appears in and forms part of.

LAND USE CONTRACT TERMINATION

3. The Land Use Contract registered in the Land Title Office under charge No. G2947, including any registered modifications, is terminated.
4. The Corporate Officer shall notify:
 - a) the Land Title Office in accordance with section 548 of the *Local Government Act*; and
 - b) owners of land in accordance with section 549 of the *Local Government Act*.
5. This Bylaw comes into force one year after the date the bylaw is adopted.
6. If any section or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the decision shall not affect the validity of the remaining portions of this Bylaw.

GIVEN FIRST AND SECOND READINGS this ____ day of ____, 2021 as amended.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this this ____ day of ____, 202__.

GIVEN THIRD READING this ____ day of ____, 202__.

Approved by the Minister of Transportation and Infrastructure this ____ day of ____, 202__.

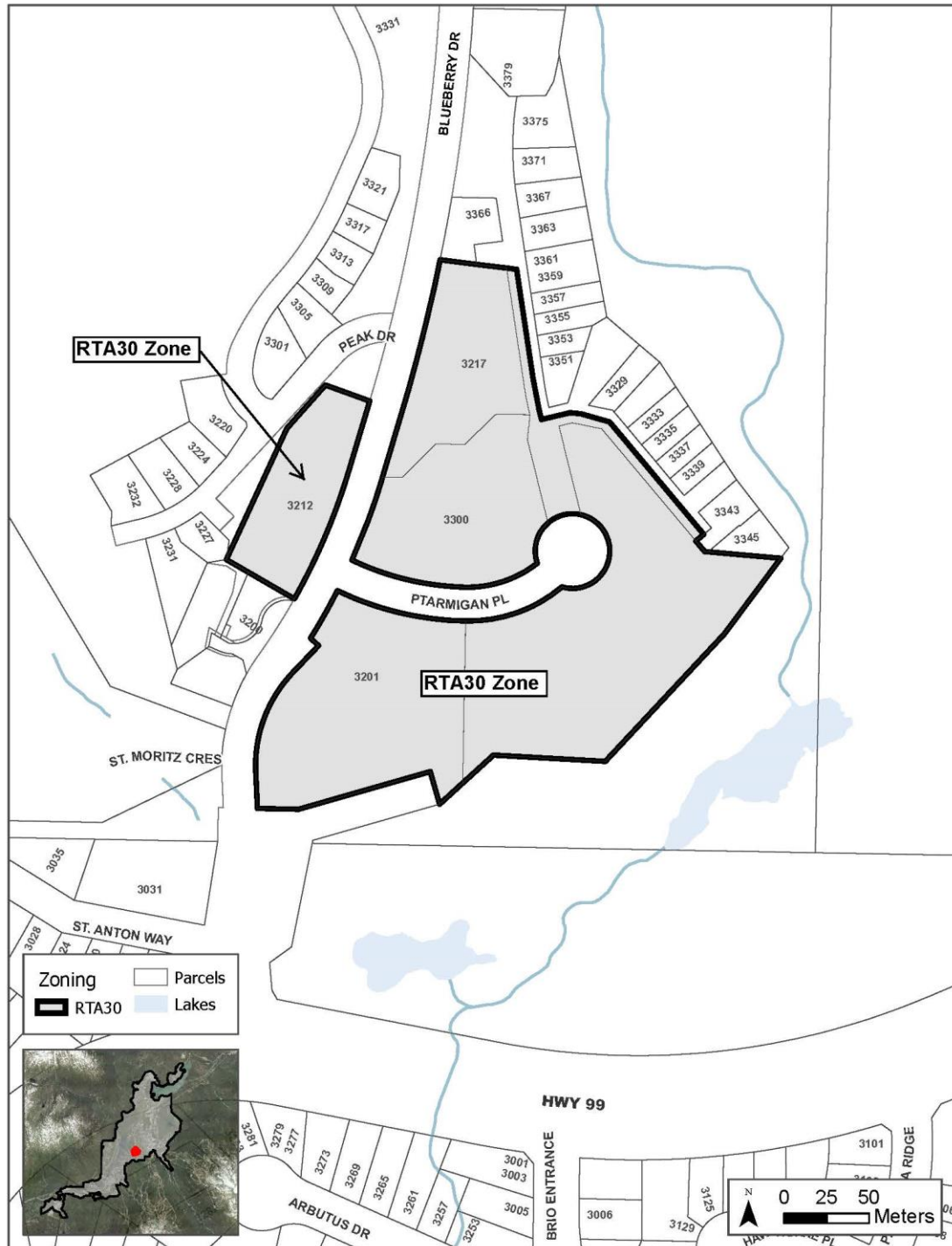
ADOPTED by the Council this ____ day of ____, 202__.

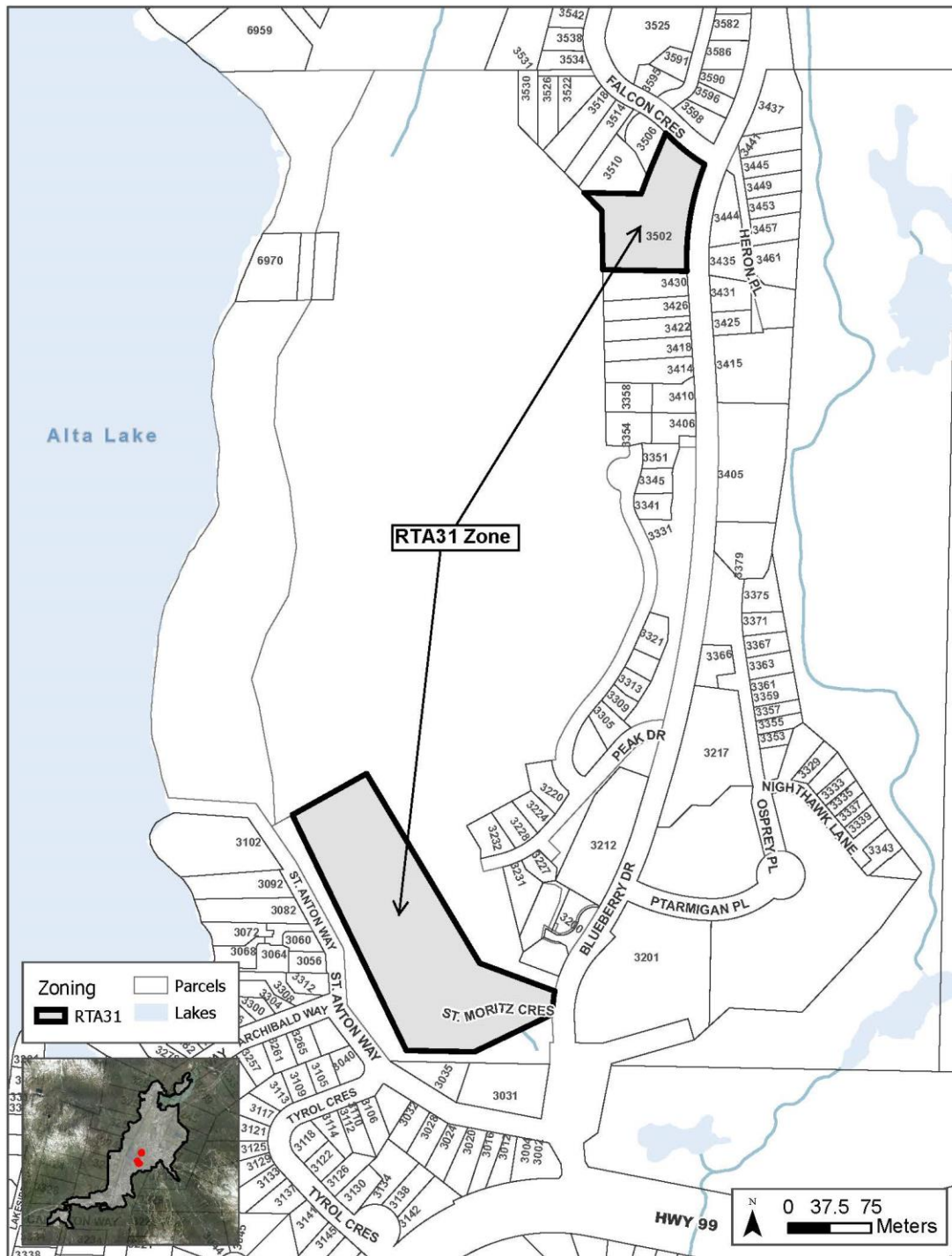
Jack Crompton,
Mayor

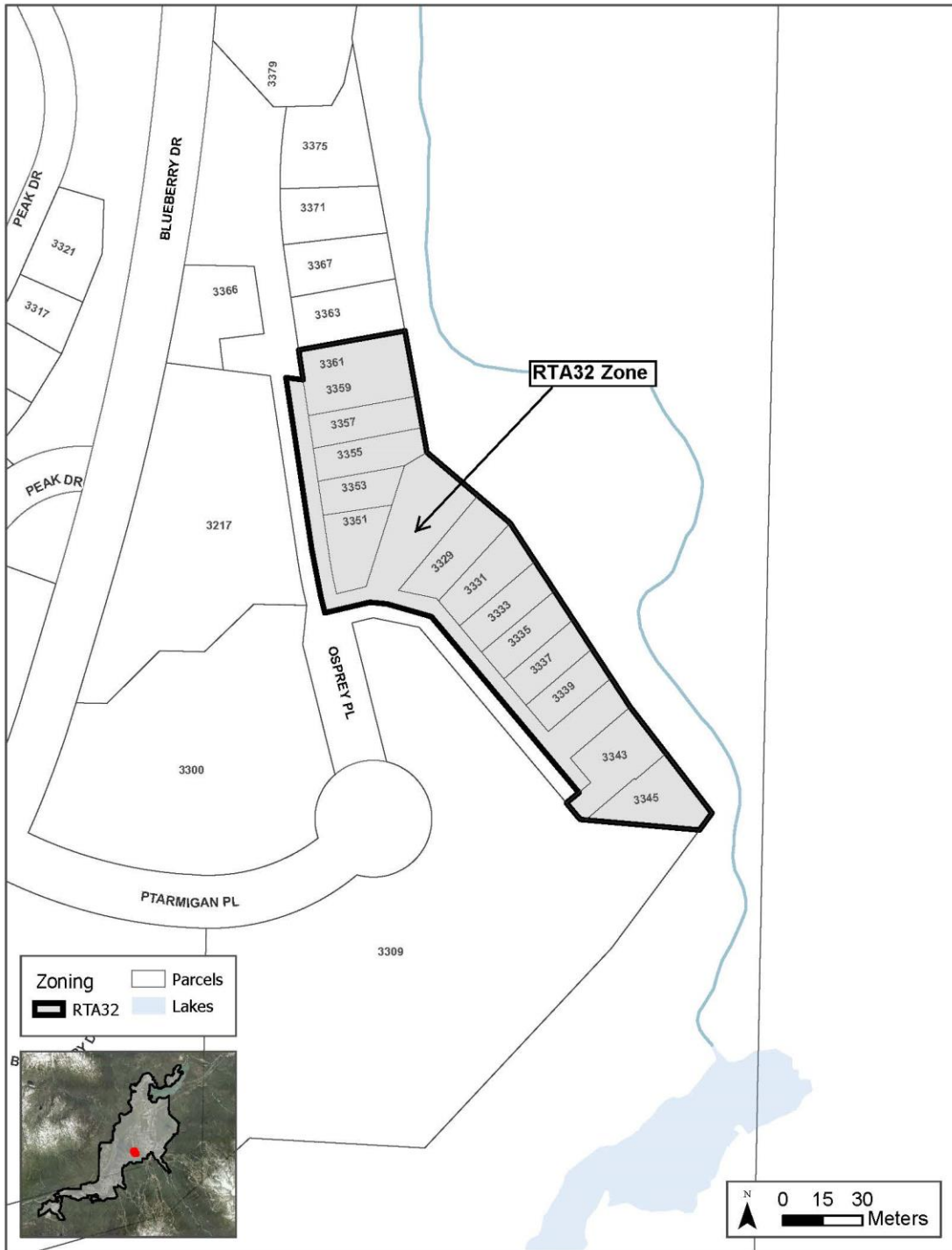
Pauline Lysaght,
Corporate Officer

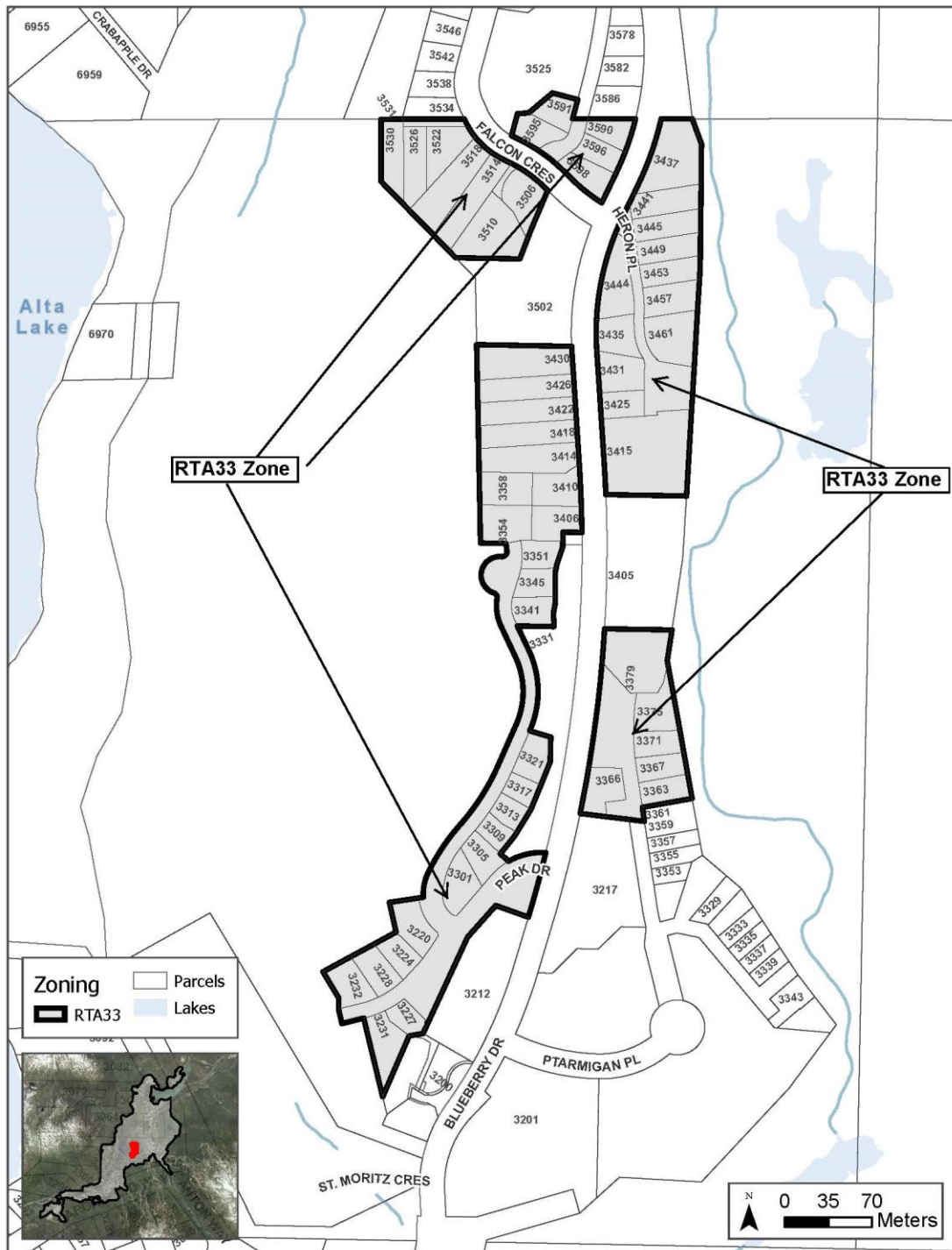
I HEREBY CERTIFY that this is a true copy of "Land Use Contract Termination Bylaw (Blueberry) No. 2337, 2021".

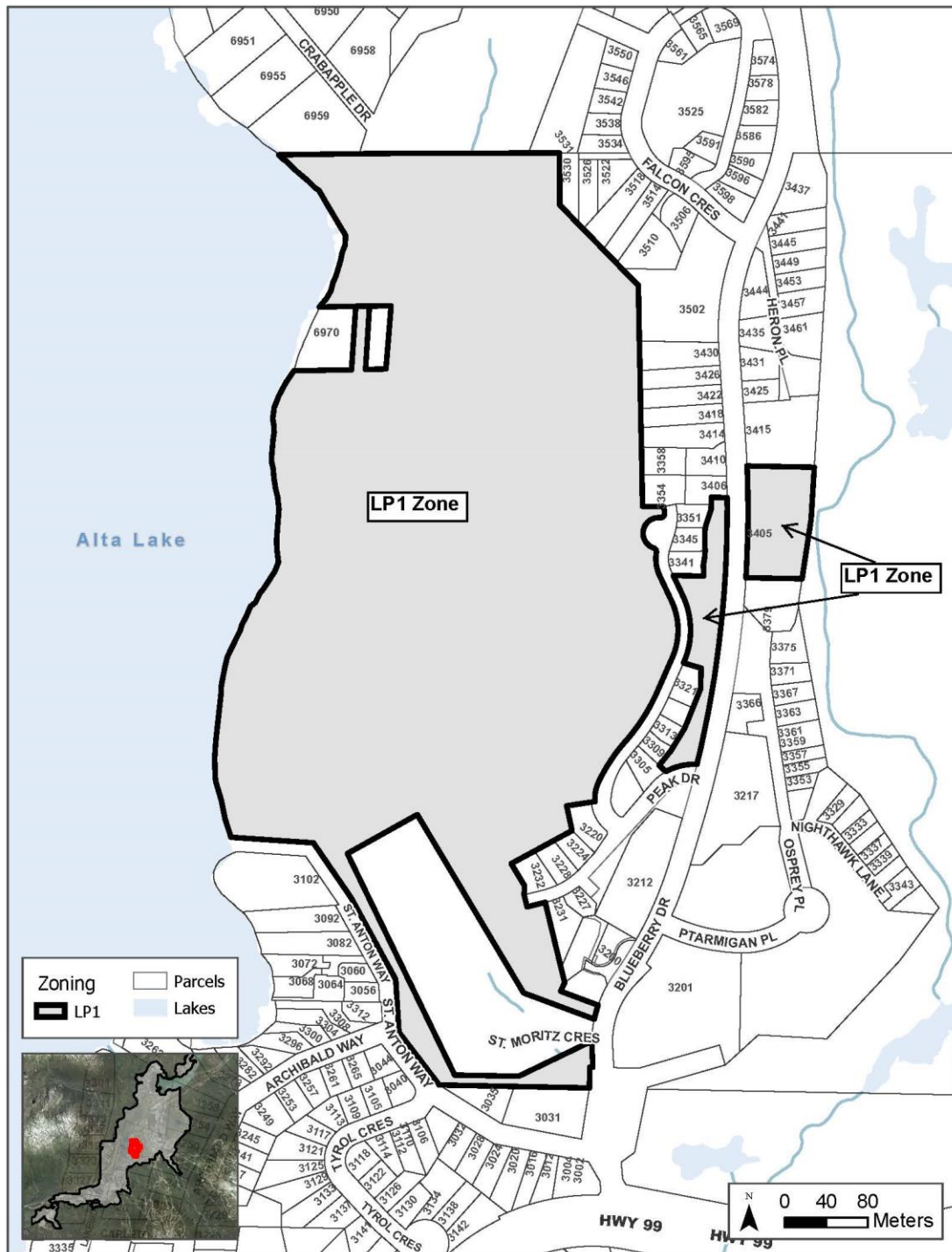
Schedule 1

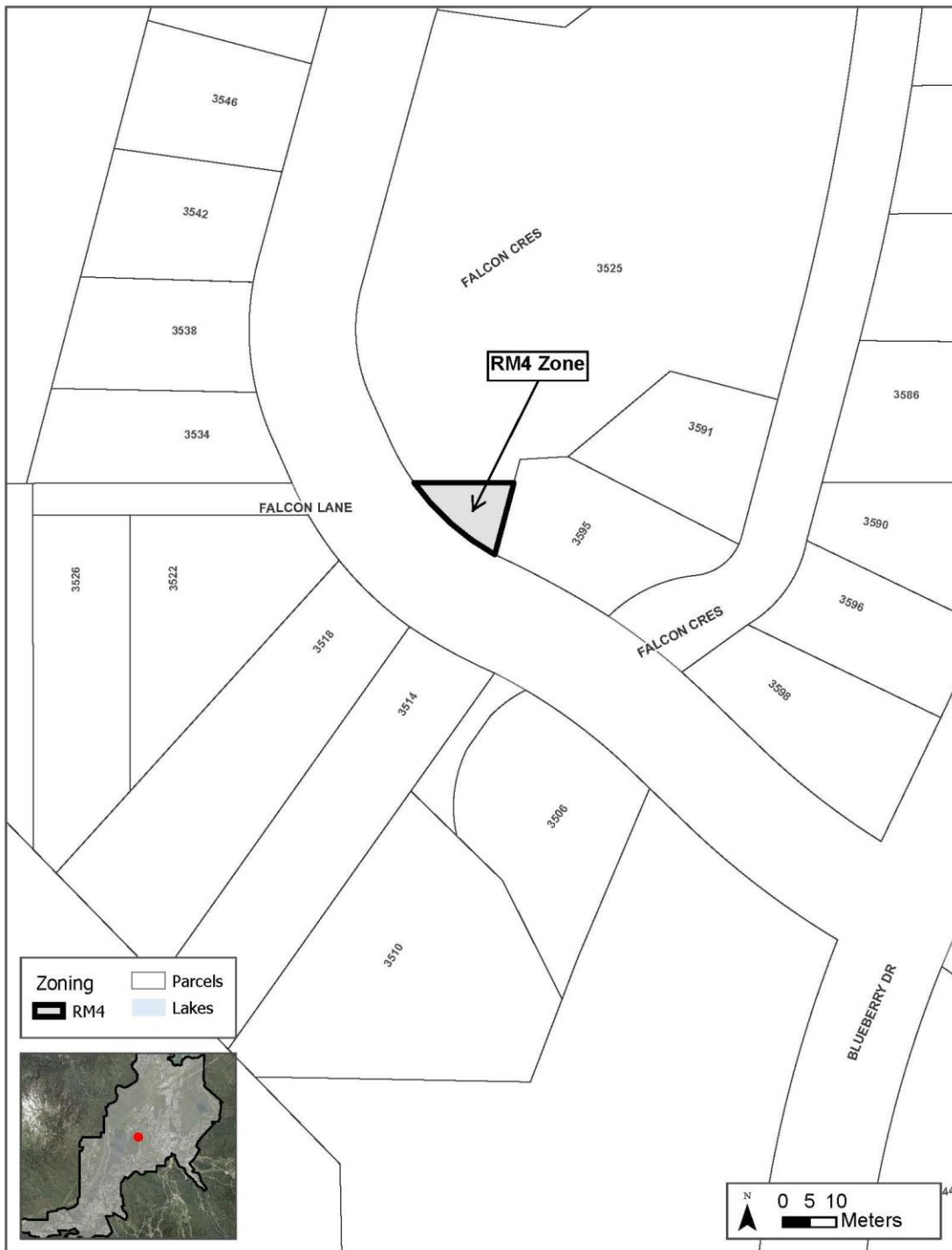


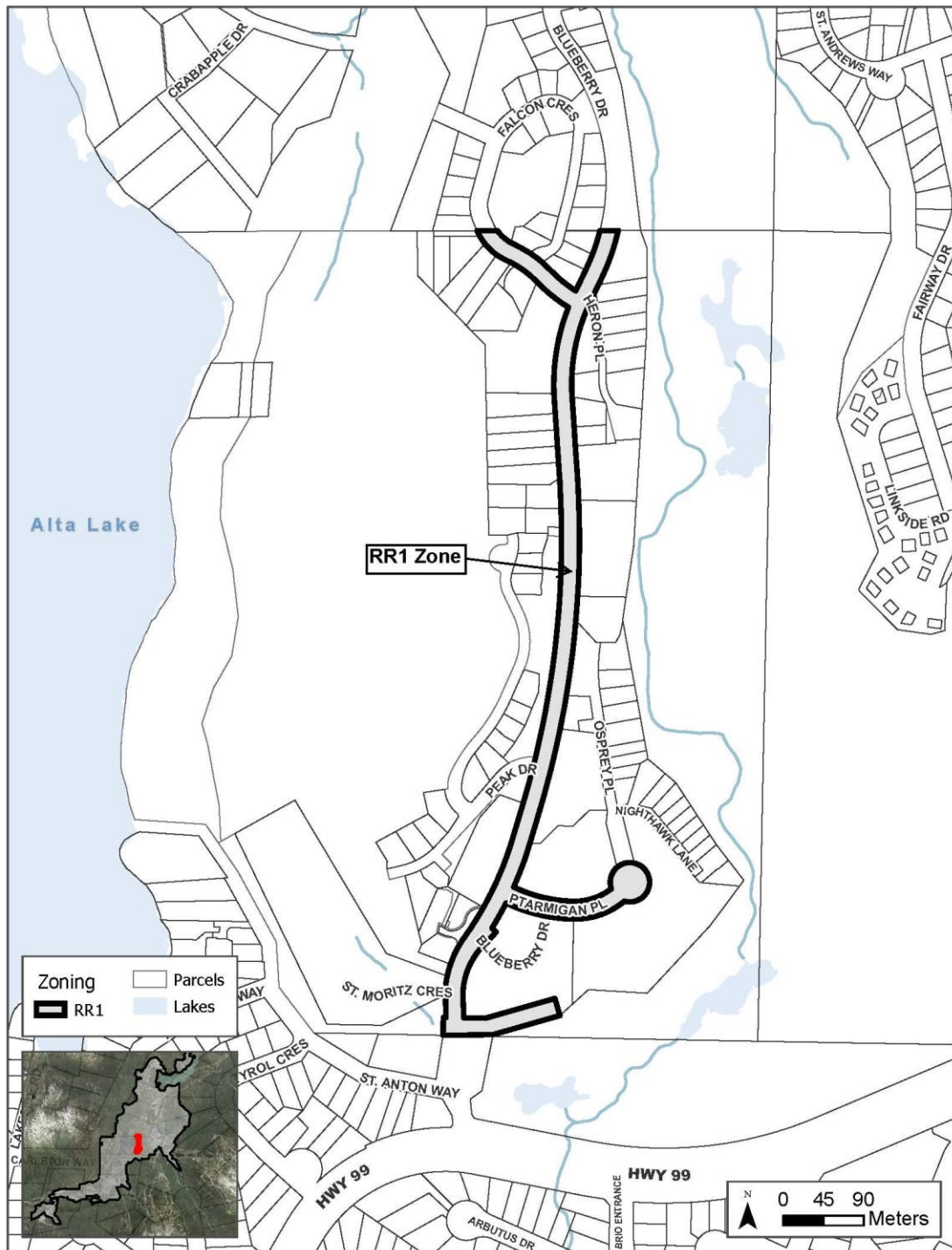












Schedule 2

55. RTA30 Zone (Residential/Tourist Accommodation Thirty)

Intent

- (1) The intent of this zone is to provide medium density residential development and tourist accommodation.

Permitted Uses

- (2) The following uses are permitted in the RTA30 Zone, and all other uses are prohibited:
- (a) auxiliary buildings and auxiliary uses;
 - (b) apartment;
 - (c) employee housing; and
 - (d) park and playground.
- (3) Notwithstanding any other provision of this Bylaw, Strata Lots 4, 11, 19, 20 and 23 District Lot 4751, Group 1 New Westminster District Strata Plan LMS2614 may only be used for employee housing.
- (4) Notwithstanding any other provision of this Bylaw, apartment dwelling units, other than employee housing, in the RTA30 Zone may be used for temporary accommodation when such dwelling units are not occupied for residential use.

Density

- (5) The maximum permitted gross floor area and number of dwellings for each area shown on the Key Plan attached to this RTA30 Zone shall be as shown in the following table:

Key Plan Area	Number of Dwellings	Gross Floor Area (square metres)
A	22	4477
B	37	4526
C	28	3965
D	63	9837
E	33	5077

- (6) Despite subsection (5), if the actual gross floor area of buildings in any Key Plan Area, the construction of which was authorized by a building permit duly authorized by the Municipality prior to December 7, 2021, measured and calculated in accordance with this Bylaw, exceeded the amount specified in subsection (5), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for that Key Plan Area.

- (7) Despite subsection (5), if the actual gross floor area of the buildings in any Key Plan Area, the construction of which was authorized by a building permit duly authorized by the Municipality prior to December 7, 2021, measured and calculated in accordance with this Bylaw, is less than the amount specified in subsection (5), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for that Key Plan Area.
- (8) For the purposes of subsections (6) and (7), the Municipality may require a building permit applicant to provide a report by a British Columbia Land Surveyor, professional engineer licensed to practice in British Columbia or member of the Architectural Institute of B.C., certifying the actual gross floor area of buildings in existence in the zone, as of a date specified in the certification.

Height

- (9) The maximum permitted height and number of storeys for apartment buildings for each area shown on the Key Plan attached to this RTA30 Zone shall be as shown in the following table:

Key Plan Area	Maximum Height (metres)	Maximum Number of Storeys
A	13	4
B, C, D and E	13	3

Site Coverage

- (10) The maximum permitted site coverage for each area shown on the Key Plan attached to this RTA30 Zone shall be as shown in the following table:

Key Plan Area	Maximum Site Coverage
A	30%
B, C, D and E	35%

Setbacks

- (11) The minimum permitted setbacks for each area shown on the Key Plan attached to this RTA30 Zone shall be as shown in the following table:

Key Plan Area	Setback from Parcel Boundary (metres)	Setback between Principal Buildings (metres)
A	7.5	6
B, C, D and E	7.5	4

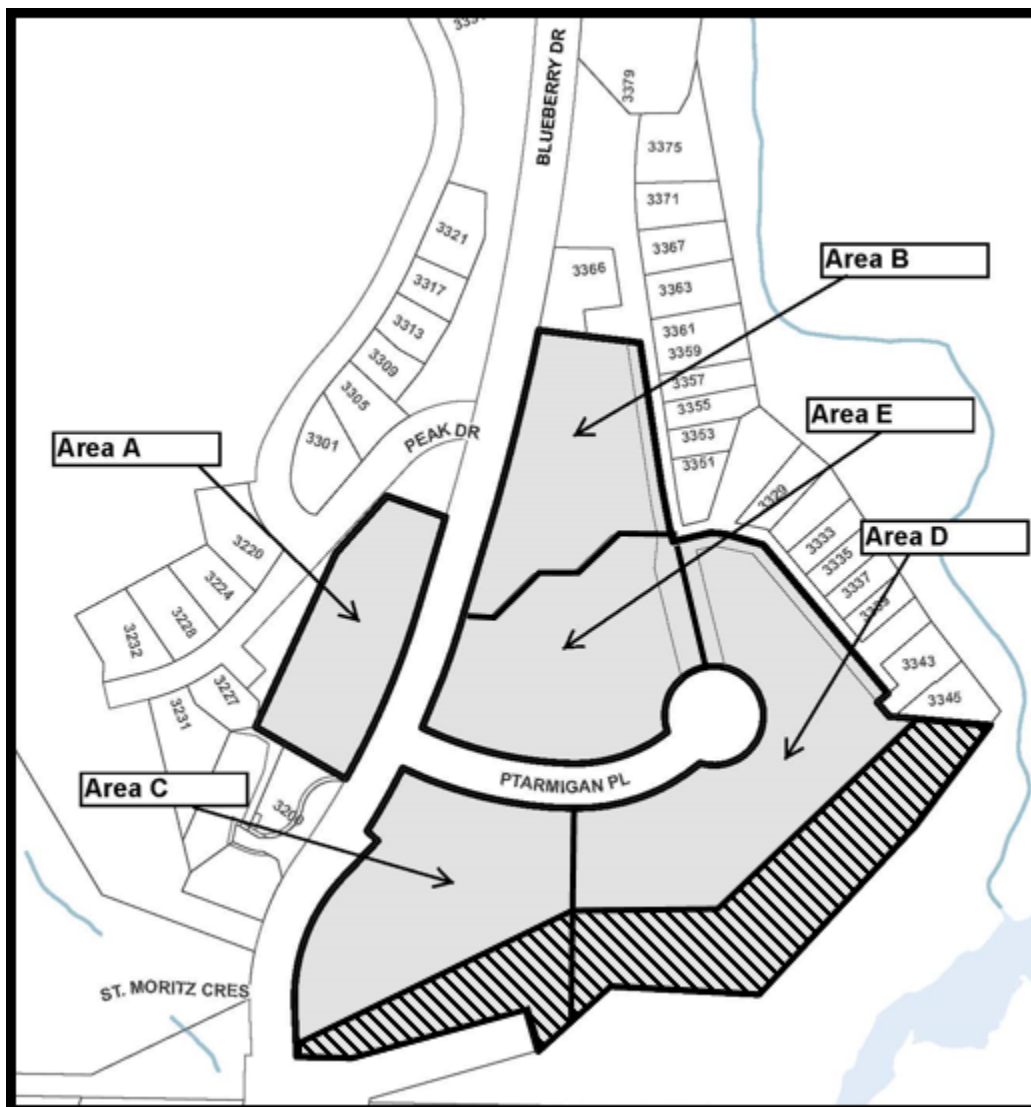
- (12) Notwithstanding the minimum permitted setbacks in section (11), a principal building may be setback a minimum of 3.5 metres from the parcel boundary between areas 'C' and 'D' shown on the Key Plan attached to this RTA30 Zone.

Off-Street Parking and Loading

- (13) Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Part 6 of this Bylaw.

Other Regulations

- (14) The use of employee housing for temporary accommodation is prohibited.
- (15) The areas shown cross hatch on the Key Plan attached to this RTA30 Zone shall be preserved as natural forested landscape for landscape buffering and environmental protection and must not be altered.
- (16) The areas shown cross hatch on the Key Plan attached to this RTA30 Zone are measured to the outermost edge of the boundary line.
- (17) Key Plan for the RTA30 Zone:



56. RTA31 Zone (Residential/Tourist Accommodation Thirty-One)

Intent

- (1) The intent of this zone is to provide medium density residential development and tourist accommodation.

Permitted Uses

- (2) The following uses are permitted in the RTA31 Zone, and all other uses are prohibited:
- (a) auxiliary buildings and auxiliary uses;
 - (b) townhouse; and
 - (c) park and playground.
- (3) Notwithstanding any other provision of this Bylaw, townhouse dwelling units in the RTA31 Zone may be used for temporary accommodation when such dwelling units are not occupied for residential use.

Density

- (4) The maximum permitted gross floor area and number of dwellings for each area shown on the Key Plan attached to this RTA31 Zone shall be as shown in the following table:

Key Plan Area	Number of Dwellings	Gross Floor Area (square metres)
A	61	10312
B	11	3720

- (5) Despite subsection (4), if the actual gross floor area of buildings in any Key Plan Area, the construction of which was authorized by a building permit duly authorized by the Municipality prior to December 7, 2021, measured and calculated in accordance with this Bylaw, exceeded the amount specified in subsection (4), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for the Key Plan Area.
- (6) Despite subsection (4), if the actual gross floor area of the buildings in any Key Plan Area, the construction of which was authorized by a building permit duly authorized by the Municipality prior to December 7, 2021, measured and calculated in accordance with this Bylaw, is less than the amount specified in subsection (4), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for that Key Plan Area.
- (7) For the purposes of subsections (5) and (6), the Municipality may require a building permit applicant to provide a report by a British Columbia Land Surveyor, professional engineer licensed to practice in British Columbia or member of the Architectural Institute of B.C., certifying the actual gross floor area of buildings in

existence in the zone, as of a date specified in the certification.

Height

- (8) The maximum permitted height of a townhouse building is the lesser of 13 metres or 3 storeys.

Site Coverage

- (9) The maximum permitted site coverage for each area shown on the Key Plan attached to this RTA31 Zone shall be as shown in the following table:

Key Plan Area	Maximum Site Coverage
A	45%
B	30%

Setbacks

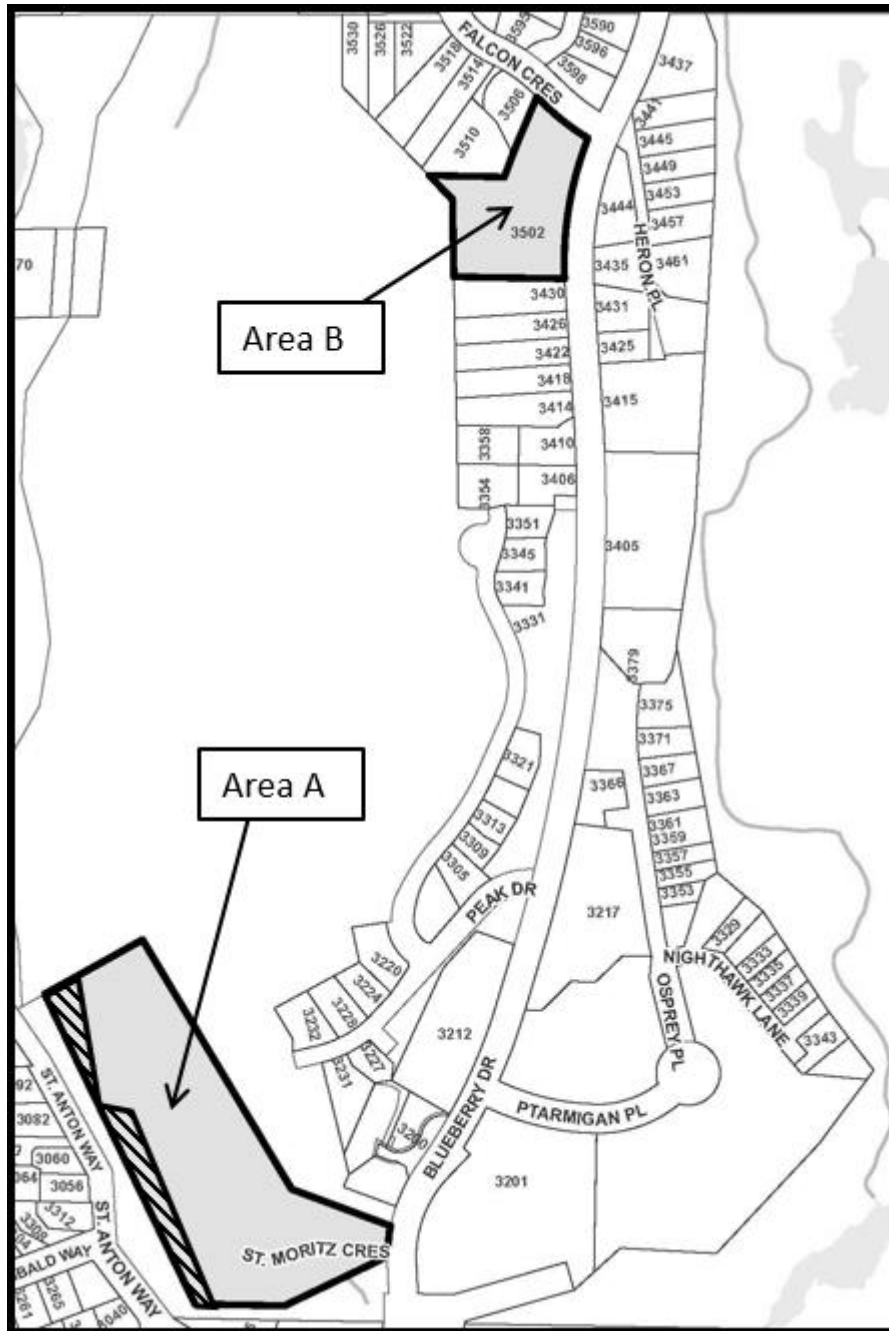
- (10) The minimum permitted setback from a parcel boundary is 7.5 metres.
- (11) The minimum permitted setback between principal buildings is 4 metres.

Off-Street Parking and Loading

- (12) Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Part 6 of this Bylaw.

Other Regulations

- (13) The areas shown cross hatch on the Key Plan attached to this RTA31 Zone shall be preserved as natural forested landscape for landscape buffering and environmental protection and must not be altered.
- (14) The areas shown cross hatch on the Key Plan attached to this RTA31 Zone are measured to the outermost edge of the boundary line.
- (15) Key Plan for the RTA31 Zone:



57. RTA32 Zone (Residential/Tourist Accommodation Thirty-Two)

Intent

- (1) The intent of this zone is to provide low density residential development and tourist accommodation.

Permitted Uses

- (2) The following uses are permitted in the RTA32 Zone, and all other uses are prohibited:
- (a) auxiliary buildings and auxiliary uses;
 - (b) duplex dwelling; and
 - (c) park and playground.
- (3) Notwithstanding any other provision of this Bylaw, duplex dwellings in the RTA32 Zone may be used for temporary accommodation when the duplex dwellings are not occupied for residential use.

Density

- (4) The maximum permitted gross floor area of a duplex dwelling is 511 square metres or a floor space ratio of 0.35, whichever figure is lower.
- (5) The maximum number of duplex dwellings permitted within the RTA32 Zone is 7.

Height

- (6) The maximum permitted height of a duplex dwelling is 7.6 metres.

Site Dimensions

- (7) The minimum required parcel area, usable site area and frontage for parcels within the RTA32 Zone are as follows:

Gross Floor Area	Minimum Parcel Area	Minimum Usable Site Area	Minimum Frontage
375 square metres or less	836 square metres	744 square metres	18.2 metres
Greater than 375 square metres	836 square metres	836 square metres	24 metres

Site Coverage

- (8) The maximum permitted site coverage is 35 percent.

Setbacks

(9) The minimum permitted front setback is 7.5 metres.

(10) The minimum permitted side setback is as follows:

Gross Floor Area of a Duplex Dwelling	Distance
375 square metres or less	3 metres
Greater than 375 square metres	6 metres

(11) The minimum permitted rear setback is 6 metres.

Off-Street Parking and Loading

(12) Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Part 6 of this Bylaw.

58. RTA33 Zone (Residential/Tourist Accommodation Thirty-Three)

Intent

- (1) The intent of this zone is to provide low density residential development and tourist accommodation.

Permitted Uses

- (2) The following uses are permitted and all other uses are prohibited:
- (a) auxiliary buildings and auxiliary uses;
 - (b) auxiliary residential dwelling unit if contained within a detached dwelling;
 - (c) detached dwelling; and
 - (d) park and playground.
- (3) Notwithstanding any other provision of this Bylaw, dwelling units in the RTA33 Zone may be used for temporary accommodation when such dwelling units are not occupied for residential use.

Density

- (4) The maximum permitted gross floor area for each parcel for each area shown on the Key Plan attached to this RTA33 Zone shall be as shown in the following table:

Key Plan Area	Maximum Gross Floor Area for each parcel
A	465 square metres or a floor space ratio of 0.35, whichever figure is lower
B	325 square metres

Height

- (5) The maximum permitted height of a detached dwelling is 7.6 metres.

Site Dimensions

- (6) The minimum required parcel area, usable site area and frontage are as follows:

Gross Floor Area	Minimum Parcel Area	Minimum Usable Site Area	Minimum Frontage
325 square metres or less	695 square metres	465 square metres	18.2 metres
Greater than 325 square metres	928.6 square metres	575 square metres	24 metres

- (7) Where a detached dwelling is sited on a parcel having a frontage of less than 24

metres, the maximum permitted gross floor area of the dwelling is 325 square metres.

Site Coverage

- (8) The maximum permitted site coverage is 35 percent.

Setbacks

- (9) The minimum permitted front setback is 7.5 metres.
- (10) The minimum permitted side setback is as follows:

Gross Floor Area of a Dwelling	Distance
325 square metres or less	3 metres
Greater than 325 square metres	6 metres

- (11) The minimum permitted rear setback is 6 metres.
- (12) No addition shall be made to a detached dwelling which increases the gross floor area of that dwelling beyond 325 square metres, unless the entire dwelling including the addition is sited within a minimum setback area of six metres on each side of the detached dwelling.

Off-Street Parking and Loading

- (13) Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Part 6 of this Bylaw.

Other Regulations

- (14) The areas shown cross hatch on the Key Plan attached to this RTA33 Zone shall be preserved as natural forested landscape for landscape buffering and environmental protection and must not be altered.
- (15) The areas shown cross hatch on the Key Plan attached to this RTA33 Zone are measured to the outermost edge of the boundary line.
- (16) Key Plan for the RTA33 Zone:

