

RESORT MUNICIPALITY OF WHISTLER

LAND USE CONTRACT TERMINATION BYLAW (4612 BLACKCOMB WAY) NO. 2324, 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 (4612 Blackcomb Way) No. 2324, 2021”.

ZONING AMENDMENTS

2. In this Bylaw:
 - a) all of the parcels identified on Schedule 1 of this Bylaw are together referred to as the “Subject Land”; and
 - b) the Land Use Contract registered in the Land Title Office under charge No. G2520, including any registered modifications, is referred to as the “Land Use Contract”.
3. “Zoning and Parking Bylaw No. 303, 2015” (the “Zoning Bylaw”) is amended as follows:
 - a) Deleting part 6, section 4, subsection (13) and replacing it with the following:

“The regulations in subsections (14) and (15) shall apply to parcels in the CC1, CC2, CC3 and LR11 Zones (Commercial Core One, Commercial Core Two, Commercial Core Three and Leisure Recreation Eleven).”
 - b) The LR11 Zone (Leisure Recreation Eleven) is added to part 7, section 1, subsection (1) of the Zoning Bylaw under the “L Zones”, in continuing alphabetical and numerical order.
 - c) The LR11 Zone (Leisure Recreation Eleven) attached as Schedule 2 to this “Land Use Contract Termination Bylaw (4612 Blackcomb Way) No. 2324, 2021” is added to Part 11 as section 20, immediately following section 19.

- d) The LR11 Zone (Leisure Recreation Eleven) designation is assigned to and replaces the current zoning designation for all of the Subject Land, regardless of any current zoning designation, and Schedule A to the Zoning Bylaw is amended accordingly.

LAND USE CONTRACT TERMINATION

- 4. The Land Use Contract is terminated in respect of every parcel comprising the Subject Land, whether or not the Land Use Contract is registered as charge against the title to a parcel.
- 5. 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*.
- 6. This Bylaw comes into force one year after the date the Bylaw is adopted.
- 7. 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.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held 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 (4612 Blackcomb Way) No. 2324, 2021".

Schedule 1 to Land Use Contract Termination Bylaw (4612 Blackcomb Way) No. 2324, 2021

The Subject Land is the following:

PID	Legal Description
025-212-125	LOT 1 DISTRICT LOTS 3859, 3903, 4105, 4889, 7693, 7694 AND 7853 GROUP 1 NEW WESTMINSTER DISTRICT PLAN LMP52033
017-237-793	LOT 31 DISTRICT LOT 3903 PLAN LMP54

Schedule 2 to Land Use Contract Termination Bylaw (4612 Blackcomb Way) No. 2324, 2021

LR11 Zone (Leisure Recreation Eleven)

20. LR11 Zone (Leisure Recreation Eleven)

Intent

- (1) The intent of this zone is to provide for a golf course and related uses.

Permitted Uses

- (2) The following uses are permitted, and all other uses are prohibited:
- (a) auxiliary buildings and auxiliary uses associated with the operation of a golf course, including:
 - (i) club house;
 - (ii) maintenance facility and workshop;
 - (iii) outdoor assembly;
 - (iv) restaurant;
 - (v) retail sales;
 - (vi) rental of outdoor recreation equipment and supplies; and
 - (vii) winter seasonal outdoor recreation, including Nordic skiing and snow shoeing; and
 - (b) golf course.

Density

- (3) The maximum permitted gross floor area within Area A as shown on the key plan attached to this LR11 Zone is 525 square metres.
- (4) The maximum permitted gross floor area within Area B as shown on the key plan attached to this LR11 Zone is 950 square metres.
- (5) Despite subsections (3) or (4), if the actual gross floor area of the buildings in the LR11 Zone, 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 subsections (3) or (4), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for the zone.
- (6) Despite subsections (3) or (4), if the actual gross floor area of the buildings in the LR11 Zone, 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 subsections (3) or (4), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for the zone.

- (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 auxiliary buildings shall not exceed 2 storeys or 12 metres, whichever is less.

Site Area

- (9) Land in the LR11 Zone may not be subdivided.

Site Coverage

- (10) No regulations.

Setbacks

- (11) The minimum permitted building setback is 7.6 metres from all exterior parcel boundaries.

Off-Street Parking and Loading

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

Other Regulations

- (13) The key plan for the LR11 Zone is as follows:

