

**RESORT MUNICIPALITY OF WHISTLER**  
**LAND USE CONTRACT TERMINATION BYLAW (2021 KAREN CRESCENT) NO.**  
**2343, 2022**

**A BYLAW TO TERMINATE A LAND USE CONTRACT AND AMEND THE RESORT**  
**MUNICIPALITY OF WHISTLER ZONING AND PARKING BYLAW NO. 303, 2015**

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**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 (2021 Karen Crescent) No. 2343, 2022”.

**ZONING AMENDMENTS**

2. “Zoning and Parking Bylaw No. 303, 2015” (Zoning Bylaw) is amended as follows:
  - a) The RTA34 Zone (Residential/Tourist Accommodation Thirty-Four) attached as Schedule 2 to this Bylaw is added to Part 12 of the Zoning Bylaw as section 59, immediately following section 58;
  - b) The RTA34 Zone (Residential/Tourist Accommodation Thirty-Four) is 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 is amended by assigning the RTA34 Zone (Residential/Tourist Accommodation Thirty-Four) designation to the lands outlined in black and shaded as shown on Schedule 1, attached to this Bylaw.

**LAND USE CONTRACT TERMINATION**

3. The Land Use Contract registered in the Land Title Office under charge No. F77144, 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 8th day of February, 2022.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this this 1st day of March, 2022.

GIVEN THIRD READING this 22nd day of March, 2022.

Pursuant to Section 546(4) of the *Local Government Act*, this Bylaw was approved by the Minister of Transportation and Infrastructure this 3rd day of May, 2022.

ADOPTED by the Council this \_\_\_\_ day of \_\_\_\_\_, 2022.

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Jack Crompton,  
Mayor

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Pauline Lysaght,  
Corporate Officer

I HEREBY CERTIFY that this is a true copy of "Land Use Contract Termination Bylaw (2021 Karen Crescent) No. 2343, 2022".

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Schedule 1



## **Schedule 2**

### **59. RTA34 Zone (Residential/Tourist Accommodation Thirty-Four)**

#### **Intent**

- (1) The intent of this zone is to provide apartment residential dwellings that are also available for tourist accommodation and associated recreational and commercial uses.

#### **Permitted Uses**

- (2) The following uses are permitted and all other uses are prohibited:
- (a) apartment;
  - (b) auxiliary buildings and auxiliary uses;
  - (c) child care facility;
  - (d) indoor recreation;
  - (e) neighbourhood public house;
  - (f) outdoor recreation;
  - (g) personal service;
  - (h) restaurant; and
  - (i) retail.
- (3) Notwithstanding any other provision of this Bylaw, apartment dwelling units in the RTA34 Zone may be used for temporary accommodation when such dwelling units are not occupied for residential use.

#### **Density**

- (4) The maximum number of dwelling units is 44.
- (5) The maximum total permitted gross floor area for the RTA34 Zone is 4,495 square metres.
- (6) The maximum total permitted gross floor area for apartment uses is 3,620 square metres.
- (7) The maximum total permitted gross floor area for commercial uses is 875 square metres.
- (8) Despite subsection (5), if the actual gross floor area of the buildings in the RTA34 Zone, the construction of which was authorized by a building permit duly

authorized by the Municipality prior to February 8, 2022, 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 the zone.

- (9) Despite subsection (5), if the actual gross floor area of the buildings in the RTA34 Zone, the construction of which was authorized by a building permit duly authorized by the Municipality prior to February 8, 2022, 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 the zone.
- (10) For the purposes of subsections (8) and (9), 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.
- (11) If the application of subsection (8) or (9) results in an increase or decrease in gross floor area under subsection (5), the gross floor area for a use referred to in subsection (6) or (7), and occupying a portion of a building in respect of which a decrease or increase in gross floor area has been established, is also increased or decreased accordingly.

#### **Height**

- (12) The maximum permitted height of a principal building is 13.7 metres or 4 storeys, whichever is less.

#### **Site Area**

- (13) The minimum parcel area is 8,408 square metres.

#### **Site Coverage**

- (14) The maximum permitted site coverage is 50 percent of the useable site area.

#### **Setbacks**

- (15) The minimum permitted setback from a front parcel line is 7.6 metres.
- (16) The minimum permitted setback from a rear parcel line is 6.1 metres.
- (17) The minimum permitted setback from a side parcel line is 6.1 metres.

#### **Off-Street Parking and Loading**

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