

RESORT MUNICIPALITY OF WHISTLER

LAND USE CONTRACT TERMINATION BYLAW (BLACKCOMB COMMERCIAL) NO. 2351, 2022

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 (Blackcomb Commercial) No. 2351, 2022”.

ZONING AMENDMENTS

2. Zoning and Parking Bylaw No. 303, 2015 (the “Zoning Bylaw”) is amended as follows:
 - a) The CC4 Zone (Commercial Core Four) is added to Part 7, section 1, subsection (1) of the Zoning Bylaw under the heading “C Zones”, in continuing alphabetical and numerical order.
 - b) The CC4 Zone (Commercial Core Four) attached as Schedule 2 to this Bylaw is added to Part 9 of the Zoning Bylaw as section 14, immediately following section 13.
 - c) Schedule A is amended by assigning the CC4 Zone (Commercial Core Four) designation to the areas shown outlined in heavy black line and labelled “CC4” on the map attached this Bylaw as Schedule 1.
 - d) The TA18 Zone (Tourist Accommodation Eighteen) is added to Part 7, section 1, subsection (1) of the Zoning Bylaw under the heading “TA Zones”, in continuing alphabetical and numerical order.

- e) The TA18 Zone (Tourist Accommodation Eighteen) attached as Schedule 3 to this Bylaw is added to Part 15 of the Zoning Bylaw as section 19, immediately following section 18.
- f) Schedule A is amended by assigning the TA18 Zone (Tourist Accommodation Eighteen) designation to the areas shown outlined in heavy black line and labelled "TA18" on the map attached this Bylaw as Schedule 1.

LAND USE CONTRACT TERMINATION

- 3. The Land Use Contract registered in the Land Title Office under Charge No. G2520, including any registered modifications, is terminated in respect of every parcel shown outlined in heavy black line on the map attached to this Bylaw as Schedule 1 (the Subject Lands), whether or not the Land Use Contract is registered as a charge against the title to a parcel.
- 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 24th day of May, 2022.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this 8th day of June, 2022.

Approved by the Minister of Transportation and Infrastructure this 9th day of June, 2022.

GIVEN THIRD READING this ____ day of _____, 2022.

ADOPTED by the Council this ____ day of _____, 2022.

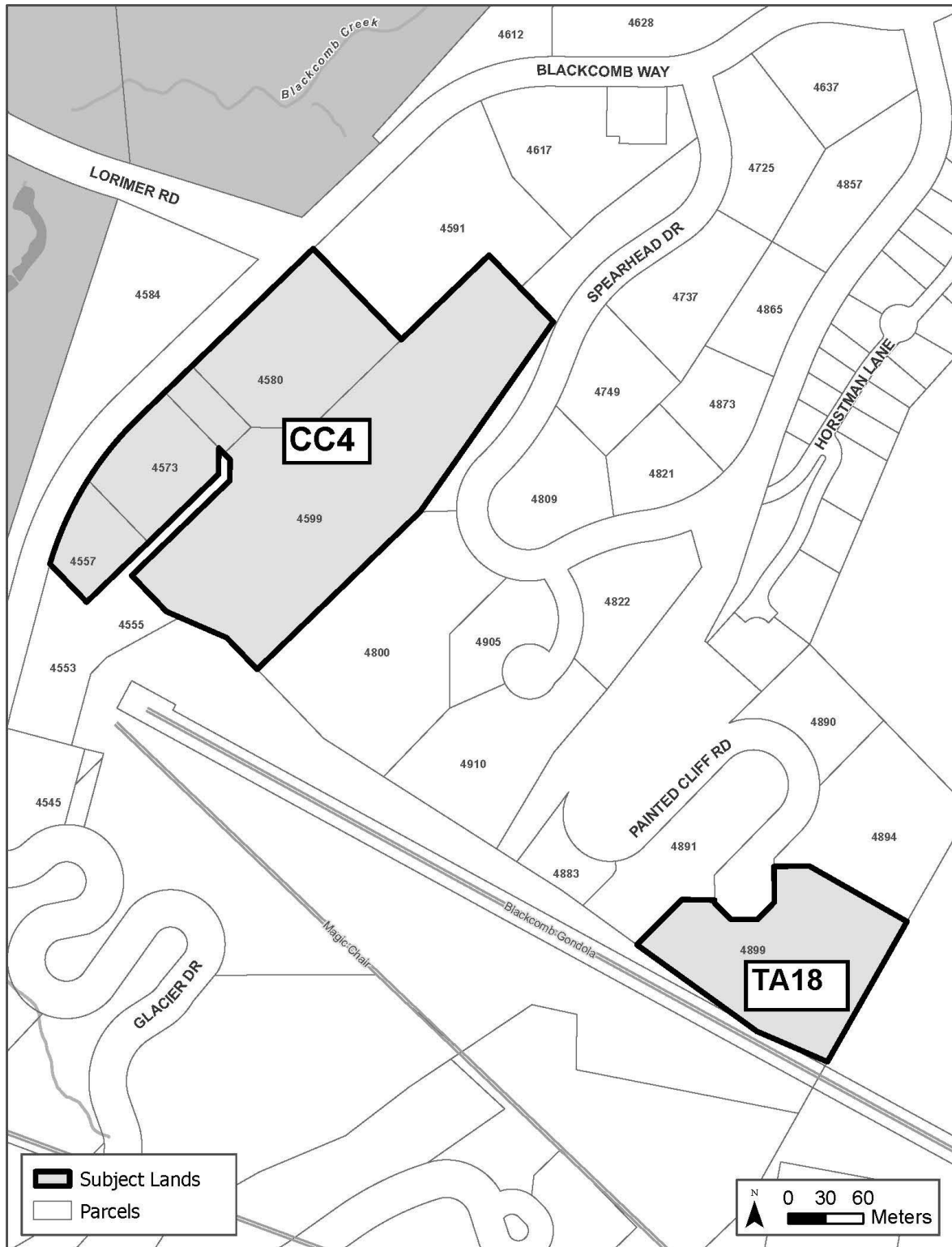
Jack Crompton,
Mayor

Pauline Lysaght,
Corporate Officer

I HEREBY CERTIFY that this is a true copy of "Land Use Contract Termination Bylaw (Blackcomb Commercial) No. 2351, 2022".

Schedule 1

Map Showing Subject Lands and Zoning Designations



Schedule 2

CC4 Zone (Commercial Core Four)

14. CC4 Zone (Commercial Core Four)

Intent

- (1) The intent of this zone is to provide for a mixture of commercial uses, personal services and tourist accommodation facilities in a predominantly pedestrian environment. This zone provides a central tourist-oriented commercial focus for the Municipality located at the base of Blackcomb Mountain.

Permitted Uses

- (2) The following uses are permitted and all other uses are prohibited:
- (a) auxiliary buildings and auxiliary uses;
 - (b) assembly;
 - (c) bakery shop restricted to preparation of products specifically for sale on the premises;
 - (d) child care facility;
 - (e) entertainment use;
 - (f) hotel;
 - (g) indoor and outdoor recreation;
 - (h) inn;
 - (i) lodge;
 - (j) office;
 - (k) park;
 - (l) parking;
 - (m) personal service;
 - (n) restaurant
 - (o) retail;
 - (p) sporting goods sales, repair and rentals;

- (q) theatre, excluding a drive-in theatre; and
 - (r) tourist accommodation.
- (3) Notwithstanding any other provision of this Bylaw,
- (a) accommodation units located on the 5th and 6th floors of a hotel, inn, lodge or tourist accommodation building located within Key Plan Area B shown on the Key Plan attached to this CC4 Zone, as well as Strata Lot 27, Plan VAS2753, may be used for residential use; and
 - (b) seasonal residential use is permitted for all accommodation units in each of Key Plan Areas B, C and D specified in the table in subsection (4) and for this purpose “seasonal residential use” means the occupancy of an accommodation unit by its owner or by persons designated by the owner, strictly in accordance with the terms of any rental pool covenant registered on title to the unit, and for certainty does not include the occupancy of the unit for “residential” purposes as defined in section (1) of Part 2 of this Bylaw.

Density

- (4) The maximum permitted gross floor area and number of accommodation units for each Key Plan Area shown on the Key Plan attached to this CC4 Zone shall be as shown in the following table:

Key Plan Area	Gross Floor Area (square metres)	Number of Accommodation Units
A	42,686	564
B	9,602	62
C	11,039	101
D	16,498	122

- (5) The maximum permitted gross floor area for accommodation, commercial and auxiliary purposes within each Key Plan Area shown on the Key Plan attached to this CC4 Zone shall be as shown in the following table, and for this purpose only:
- (a) accommodation means the areas in a hotel, inn, lodge or tourist accommodation building occupied by accommodation units along with common access corridors and elevator lobby areas;
 - (b) commercial means areas occupied by permitted uses (c), (d), (e), (g), (j), (m), (n), (o), (p) and (q); and
 - (c) auxiliary means areas other than accommodation or commercial areas, including lobby, assembly, conference and meeting rooms, banquet areas, and back of house areas for hotel, inn, lodge and tourist accommodation administration, operations and maintenance.

Key Plan Area	Gross Floor Area – Accommodation (square metres)	Gross Floor Area – Commercial (square metres)	Gross Floor Area – Auxiliary (square metres)
A	27,670	3,501	11,515
B	6,362	1,022	2,218
C	8,049	1,052	1,938
D	14,759	264	1,475

- (6) Despite subsections (4) and (5), if the actual gross floor area in any Key Plan Area, the construction of which was authorized by a building permit duly authorized by the Municipality prior to May 24, 2022, measured and calculated in accordance with this Bylaw, exceeded the amount specified in subsection (4) or (5), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for that Key Plan Area.
- (7) Despite subsections (4) and (5), if the actual gross floor area in any Key Plan Area, the construction of which was authorized by a building permit duly authorized by the Municipality prior to May 24, 2022, measured and calculated in accordance with this Bylaw, is less than the amount specified in subsection (4) or (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 in existence in a particular Key Plan Area, as of a date specified in the certification.
- (9) Despite subsections (4), (5), (6) and (7), the gross floor area for auxiliary purposes may be increased by three percent for each Key Plan Area and the maximum permitted gross floor area for each Key Plan Area under subsection (4) may be increased accordingly.
- (10) Despite subsections (4), (5), (6) and (7), the gross floor area for commercial purposes may be increased by 100 square metres for each Key Plan Area and the maximum permitted gross floor area for each Key Plan Area under subsection (4) may be increased accordingly.

Height

- (11) The maximum permitted height and number of storeys for hotel, inn, lodge and tourist accommodation buildings for each Key Plan Area shown on the Key Plan attached to this CC4 Zone shall be as shown in the following table:

Key Plan Area	Maximum Height (metres)	Maximum Number of Storeys
A	47.0	14
B	18.3	8
C	13.7	4
D	13.7	4

Site Area

- (12) The minimum parcel area for each Area shown on the Key Plan attached to this CC4 zone shall be as shown in the following table:

Key Plan Area	Minimum Parcel Area (square metres)
A	40,789
B	3,913
C	6,896
D	13,133

Site Coverage

- (13) No regulations.

Setbacks

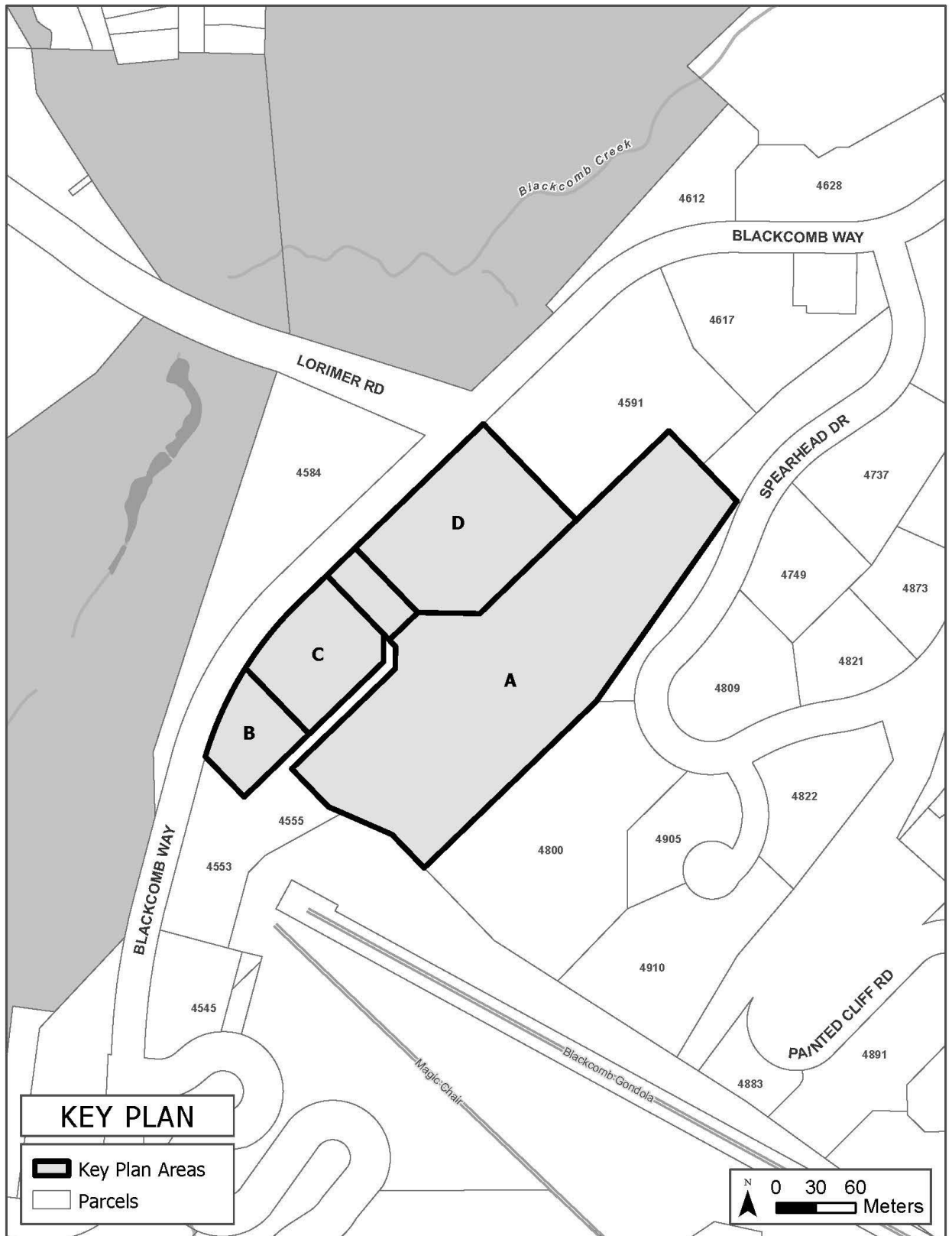
- (14) The minimum setback of any building from a highway shall be 7 metres.

Off-Street Parking and Loading

- (15) 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

- (16) For the purposes of this zone “accommodation unit” means a guest room, sleeping unit or dwelling unit located within a hotel, inn, lodge or tourist accommodation building.
- (17) The Key Plan for the CC4 Zone is as follows:



Schedule 3

TA18 Zone (Tourist Accommodation Eighteen)

19. TA18 Zone (Tourist Accommodation Eighteen)

Intent

- (1) The intent of this zone is to provide commercial tourist accommodation and ancillary facilities adjacent to the ski slopes of Blackcomb Mountain.

Permitted Uses

- (2) The following uses are permitted and all other uses are prohibited:
- (a) auxiliary buildings and auxiliary uses;
 - (b) convenience retail;
 - (c) restaurant;
 - (d) sporting goods repair and rental; and
 - (e) tourist accommodation.
- (3) Notwithstanding any other provision of this Bylaw, seasonal residential use is permitted for all dwelling units in the TA18 Zone, and for this purpose “seasonal residential use” means the occupancy of a dwelling unit by its owner or by persons designated by the owner, strictly in accordance with the terms of any rental pool covenant registered on title to the unit, and for certainty does not include the occupancy of the unit for “residential” purposes as defined in section (1) of Part 2 of this Bylaw.

Density

- (4) The maximum permitted gross floor area for the TA18 Zone is 13,842 square metres.
- (5) The maximum permitted number of dwelling units in the TA18 Zone is 186.
- (6) The maximum permitted gross floor area for accommodation uses is 12,291 square metres.
- (7) The maximum permitted gross floor area for auxiliary buildings and uses is 1,453 square metres.
- (8) The maximum permitted gross floor area for commercial uses is 98 square metres.
- (9) Despite subsections (4), (6), (7) and (8), if the actual gross floor area of the

buildings in the TA18 Zone, the construction of which was authorized by a building permit duly authorized by the Municipality prior to May 24, 2022, measured and calculated in accordance with this Bylaw, exceeded the amount specified in subsections (4), (6), (7) and (8), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for the zone.

- (10) Despite subsections (4), (6), (7) and (8), if the actual gross floor area of the buildings in the TA18 Zone, the construction of which was authorized by a building permit duly authorized by the Municipality prior to May 24, 2022, measured and calculated in accordance with this Bylaw, is less than the amount specified in subsections (4), (6), (7) and (8), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for the zone.
- (11) For the purposes of subsections (9) and (10), 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 in existence in the zone, as of a date specified in the certification.
- (12) Despite subsections (4), (7), (9) and (10), the gross floor area for auxiliary buildings and uses may be increased by three percent and the maximum permitted gross floor area for the TA18 Zone under subsection (4) may be increased accordingly.
- (13) Despite subsections (4), (8), (9) and (10), the gross floor area for commercial uses may be increased by 100 square metres and the maximum permitted gross floor area for the TA18 Zone under subsection (4) may be increased accordingly.

Height

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

Site Area

- (15) The minimum parcel area is 17,960 square metres.

Site Coverage

- (16) No regulations.

Setbacks

- (17) The minimum setback of any building from a highway is 7 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.