

RESORT MUNICIPALITY OF WHISTLER
LAND USE CONTRACT TERMINATION BYLAW (BLACKCOMB MULTI-FAMILY) NO.
2344, 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 Multi-family) No. 2344, 2022”.

ZONING AMENDMENTS

2. Zoning and Parking Bylaw No. 303, 2015 (the Zoning Bylaw) is amended as follows:
 - a) The RTA35 Zone (Residential/Tourist Accommodation Thirty-Five) is added to Part 7, section 1, subsection (1) of the Zoning Bylaw under the “R Zones”, in continuing alphabetical and numerical order;
 - b) The RTA35 Zone (Residential/Tourist Accommodation Thirty-Five) attached as Schedule 2 to this Bylaw is added to Part 12 of the Zoning Bylaw as section 60, immediately following section 59; and
 - c) Schedule A of the Zoning Bylaw is amended by assigning the RTA35 Zone (Residential/Tourist Accommodation Thirty-Five) designation to all of the lands shown outlined in heavy black line and shaded on the map attached this Bylaw as Schedule 1 (the “Subject Lands”).

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 comprising the Subject Lands, whether or not the Land Use Contract is

registered as 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 5th day of April, 2022.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this this 3rd day of May, 2022.

GIVEN THIRD READING this 24th day of May, 2022.

Approved by the Minister of Transportation and Infrastructure this 7th day of June, 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 Multi-family) No. 2344, 2022".

Schedule 1

Map of Subject Lands



Schedule 2

60. RTA35 Zone (Residential/Tourist Accommodation Thirty-Five)

Intent

- (1) The intent of this zone is to provide for medium density residential development for townhouses and apartments, which are also available for tourist accommodation.

Permitted Uses

- (2) The following uses are permitted in the RTA35 Zone and all other uses are prohibited:
 - (a) auxiliary buildings and auxiliary uses, including front desk facilities that may provide both onsite and offsite property management services;
 - (b) townhouses, but the location of which is restricted to specific Key Plan Areas, as set out in Table 12A, with the general location of the Key Plan Areas shown for reference only in the key plan for the RTA35 Zone; and
 - (c) apartments, but the location of which is restricted to specific Key Plan Area, as set out in Table 12A, with the general location of the Key Plan Areas shown for reference only in the key plan for the RTA35 Zone.
- (3) Notwithstanding any other provisions of this Bylaw, townhouse dwelling units and apartment dwelling units in the RTA35 Zone may be used for temporary accommodation when not occupied for residential use.

Density

- (4) The maximum permitted gross floor area and number of dwellings for each Key Plan Area shown on the key plan for this RTA35 Zone is as shown in Table 12A.
- (5) 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 March 16, 2022, 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 that 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 March 16, 2022, 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 a particular Key Plan Area, as of a date specified in the certification.

Height

- (8) The maximum permitted height of a building for each Key Plan Area shown on the key plan for this RTA35 Zone is as shown in Table 12A.

Setbacks

- (9) The minimum permitted setback from a highway is 7 metres.
- (10) The minimum permitted setback from all other parcel boundaries is 3 metres.

Off-Street Parking and Loading

- (11) 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

- (12) Land in the RTA35 Zone may not be subdivided.
- (13) Table 12A – Permitted Uses, Maximum Number of Dwelling Units, Maximum Gross Floor Area, and Maximum Height for the RTA35 Zone:

Key Plan Area	Permitted Use	Maximum Number of Dwelling Units	Maximum Gross Floor Area	Maximum Building Height
A	Townhouse	32	3,914 square metres	13.7 metres or 4 storeys, whichever is less.
B	Townhouse	33	4,120 square metres	13.7 metres or 4 storeys, whichever is less.
C	Townhouse	22	3,553 square metres	13.7 metres or 4 storeys, whichever is less.
D	Townhouse	36	4,277 square metres	13.7 metres or 4 storeys, whichever is less.
E	Townhouse	36	4,277 square metres	13.7 metres or 4 storeys, whichever is less.
F	Townhouse	36	4,277 square metres	13.7 metres or 4 storeys, whichever is less.
G	Townhouse	40	4,236 square metres	13.7 metres or 4 storeys, whichever is less.
H	Townhouse	23	3,552 square metres	13.7 metres or 4 storeys, whichever is less.
I	Apartment	51	4,120 square metres	13.7 metres or 4 storeys, whichever is less.
J	Townhouse	16	2,733 square metres	13.7 metres or 4 storeys, whichever is less.

K	Apartment	107	9,222 square metres	19.8 metres or 6 storeys, whichever is less.
L	Apartment	32	3,838 square metres	13.7 metres or 4 storeys, whichever is less.
M	Apartment	233	19,746 square metres	13.7 metres or 4 storeys, whichever is less.
N	Apartment	50	6,485 square metres	13.7 metres or 4 storeys, whichever is less.
O	Apartment	85	10,977 square metres	19.8 metres or 6 storeys, whichever is less.
P	Townhouse	32	3,340 square metres	13.7 metres or 4 storeys, whichever is less.
Q	Townhouse	22	2,135 square metres	13.7 metres or 4 storeys, whichever is less.
R	Townhouse	28	3,661 square metres	13.7 metres or 4 storeys, whichever is less.
S	Townhouse	52	5,363 square metres	13.7 metres or 4 storeys, whichever is less.
T	Townhouse	6	1,353 square metres	13.7 metres or 4 storeys, whichever is less.
U	Townhouse	64	6,488 square metres	13.7 metres or 4 storeys, whichever is less.
V	Townhouse	16	1,962 square metres	13.7 metres or 4 storeys, whichever is less.

(14) The key plan for the RTA35 Zone is as follows:

