

RESORT MUNICIPALITY OF WHISTLER

LAND USE CONTRACT TERMINATION BYLAW (VALE) NO. 2309, 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 (Vale) No. 2309, 2021”.

ZONING AMENDMENTS

2. “Zoning and Parking Bylaw No. 303, 2015” (the “Zoning Bylaw”) is amended as follows:
 - a) The RM71 Zone (Residential Multiple Seventy-One) attached as Schedule 2 to this Bylaw is added to Part 13 of the Zoning Bylaw as section 72, immediately following section 71;
 - b) The RM71 Zone (Residential Multiple Seventy-One) 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 RM71 Zone (Residential Multiple Seventy-One) 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. F59418, 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 21st day of December, 2021.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this 18th day of January, 2022.

GIVEN THIRD READING as revised this 8th day of March, 2022.

Approved by the Minister of Transportation and Infrastructure this 10th day of June, 2022.

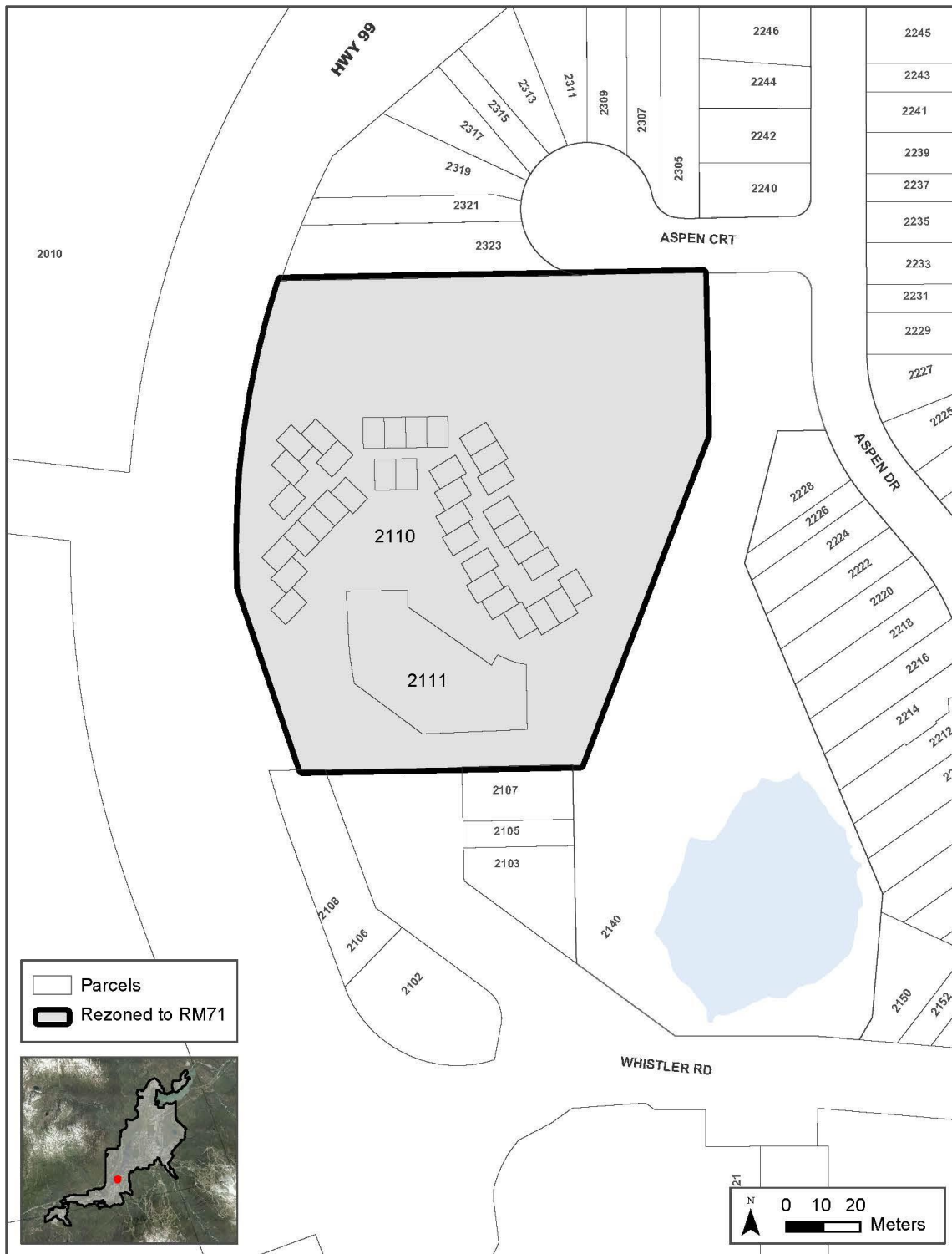
ADOPTED by the Council this ____ day of _____, 2022.

Jack Crompton,
Mayor

Pauline Lysaght,
Corporate Officer

I HEREBY CERTIFY that this is a true copy of "Land Use Contract Termination Bylaw (Vale) No. 2309, 2021".

Schedule 1



Schedule 2

72. RM71 Zone (Residential Multiple Seventy-One)

Intent

- (1) The intent of this zone is to permit the development of townhouse dwellings and an apartment building. The apartment building may also be used for tourist accommodation.

Permitted Uses

- (2) The following uses are permitted in the RM71 Zone, and all other uses are prohibited:
 - (a) townhouses, but only in the locations marked Strata Lot 1 through Strata Lot 36, on the key plan for the RM71 Zone;
 - (b) an apartment building, but only in the location marked Strata Lot 37, on the key plan for the RM71 Zone; and
 - (c) auxiliary buildings and auxiliary uses.
- (3) Notwithstanding any other provisions of this Bylaw, apartment dwelling units within Strata Lot 37 in the RM71 Zone may be used for temporary accommodation when not occupied for residential use.

Density

- (4) The maximum number of townhouse dwelling units is 36.
- (5) The maximum total permitted gross floor area for townhouse dwelling units is 3,678 square metres.
- (6) The maximum total permitted gross floor area for an apartment building is 2,999 square metres.
- (7) Despite subsections (5) and (6), if the actual gross floor area of the buildings in the RM71 Zone, the construction of which was authorized by a building permit duly authorized by the Municipality prior to December 21, 2021, measured and calculated in accordance with this Bylaw, exceeded the amount specified in subsections (5) and (6), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for the zone.
- (8) Despite subsections (5) and (6), if the actual gross floor area of the buildings in the RM71 Zone, the construction of which was authorized by a building permit duly authorized by the Municipality prior to December 21, 2021, measured and calculated in accordance with this Bylaw, is less than the amount specified in subsections (5) and (6), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for the zone.

- (9) For the purposes of subsections (7) and (8), 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

- (10) The maximum permitted height of a townhouse is 10.7 metres.
- (11) The maximum permitted height of an apartment is 13.7 metres or 4 storeys, whichever is less.
- (12) The maximum permitted height of an auxiliary building is set out in Part 5 of this Bylaw.

Setbacks and Siting

- (13) The minimum permitted setbacks are 0 metres to the boundary of the strata lot.
- (14) The minimum setback for an auxiliary building is 7.6 metres from the front parcel line.

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, but despite any regulation in this Bylaw to the contrary, parking spaces required in respect of the use of a parcel within a strata plan may be located on common property within the same strata plan.

Other Regulations

- (16) Land in the RM71 Zone may not be subdivided.
- (17) The apartment and townhouses may be located only in the general locations shown on the key plan that forms part of this RM71 Zone.
- (18) The key plan for the RM71 Zone is as follows:

