

## RESORT MUNICIPALITY OF WHISTLER

### LAND USE CONTRACT TERMINATION BYLAW (BLACKCOMB MOUNTAIN) NO. 2350, 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 (Blackcomb Mountain) No. 2350, 2022”.

#### ZONING AMENDMENTS

2. Zoning and Parking Bylaw No. 303, 2015 (the “Zoning Bylaw”) is amended as follows:
  - a) The MC3 Zone (Mountain Commercial Three) is added to Part 7, section 1., subsection (1) of the Zoning Bylaw under the heading “MC Zones”, in continuing alphabetical and numerical order.
  - b) The MC3 Zone (Mountain Commercial Three) attached as Schedule 2 to this Bylaw is added to Part 8 of the Zoning Bylaw as section 3, immediately following section 2.
  - c) 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, MC3 and LR11 Zones (Commercial Core One, Commercial Core Two, Commercial Core Three, Mountain Commercial Three and Leisure Recreation Eleven).”
  - d) Schedule A is amended by assigning the MC3 Zone (Mountain Commercial Three) designation to the areas shown outlined in heavy

black line and labelled “rezoned to MC3” on the map attached this Bylaw as Schedule 1.

- e) Part 2, section 1. is amended by adding the following definition: “**“day use facility”** means a building designed to provide day use facilities for patrons of the outdoor recreation facilities including cafeteria/restaurant facilities, brown bag facilities, changing areas, sanitation facilities, holding facilities for injured patrons, child care facilities, and sporting goods, sales, repair and rentals;”, in continuing alphabetical order.
- f) Schedule A is amended by assigning the RR1 Zone (Rural Resource One) designation to the areas shown outlined in heavy black line and labelled “rezoned to RR1” on the map attached to this Bylaw as Schedule 3.
- g) Schedule A is amended by assigning the LP2 Zone (Leisure Park Two) designation to the areas shown outlined in heavy black line and labelled “rezoned to LP2” on the map attached to this Bylaw as Schedule 4.

## 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 5, 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 10th day of May, 2022.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this 25th day of May, 2022.

GIVEN THIRD READING this \_\_\_ day of \_\_\_\_\_, 2022.

Approved by the Minister of Transportation and Infrastructure 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  
Mountain) No. 2350, 2022".

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**Schedule 1**

**Subject Lands to be Rezoned to MC3 Zone (Mountain Commercial Three)**



## **Schedule 2**

### **MC3 Zone (Mountain Commercial Three)**

#### **3. MC3 Zone (Mountain Commercial Three)**

##### **Intent**

- (1) The intent of this zone is to provide a variety of uses related directly to the base area operations of an outdoor recreation enterprise within the Whistler/Blackcomb Controlled Recreation Area.

##### **Permitted Uses**

- (2) The following uses are permitted in the MC3 Zone and all other uses are prohibited:
- (a) administrative office;
  - (b) auxiliary buildings and auxiliary uses;
  - (c) auxiliary residential dwelling unit;
  - (d) child care facility;
  - (e) day use facility;
  - (f) indoor recreation;
  - (g) outdoor assembly;
  - (h) outdoor recreation;
  - (i) parking;
  - (j) restaurant;
  - (k) retail;
  - (l) skiing facilities; and
  - (m) sporting goods sales, repair and rentals.

##### **Density**

- (3) The maximum permitted gross floor area for each Key Plan Area shown on the key plan for this MC3 Zone is as shown in the following table:

| Key Plan Area | Maximum Gross Floor Area (square metres) |
|---------------|--|
| A             | 2,035                                    |
| B             | 2,765                                    |
| C             | 1,130                                    |
| D             | 650                                      |
| E             | 2,395                                    |
| F             | 500                                      |

- (4) A maximum of one auxiliary residential dwelling unit, with a maximum gross floor area of 75 square metres, is permitted in the MC3 Zone and may only be located in Key Plan Area E.
- (5) Despite subsection (3), 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 May 10, 2022, measured and calculated in accordance with this Bylaw, exceeded the amount specified in subsection (3), such actual gross floor area shall be deemed to be the maximum permitted gross floor area for that Key Plan Area.
- (6) Despite subsection (3), 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 May 10, 2022, measured and calculated in accordance with this Bylaw, is less than the amount specified in subsection (3), 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 height is 3 stories or 13 metres, whichever is less.

### **Setbacks**

- (9) No regulations.

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

- (10) Off-street parking and loading spaces shall be provided and maintained in accordance with the regulations contained in Part 6 of this Bylaw.
- (11) Notwithstanding subsection (10) in the MC3 Zone, a minimum of 904 parking stalls must be provided for in Key Plan Area F.

**Other Regulations**

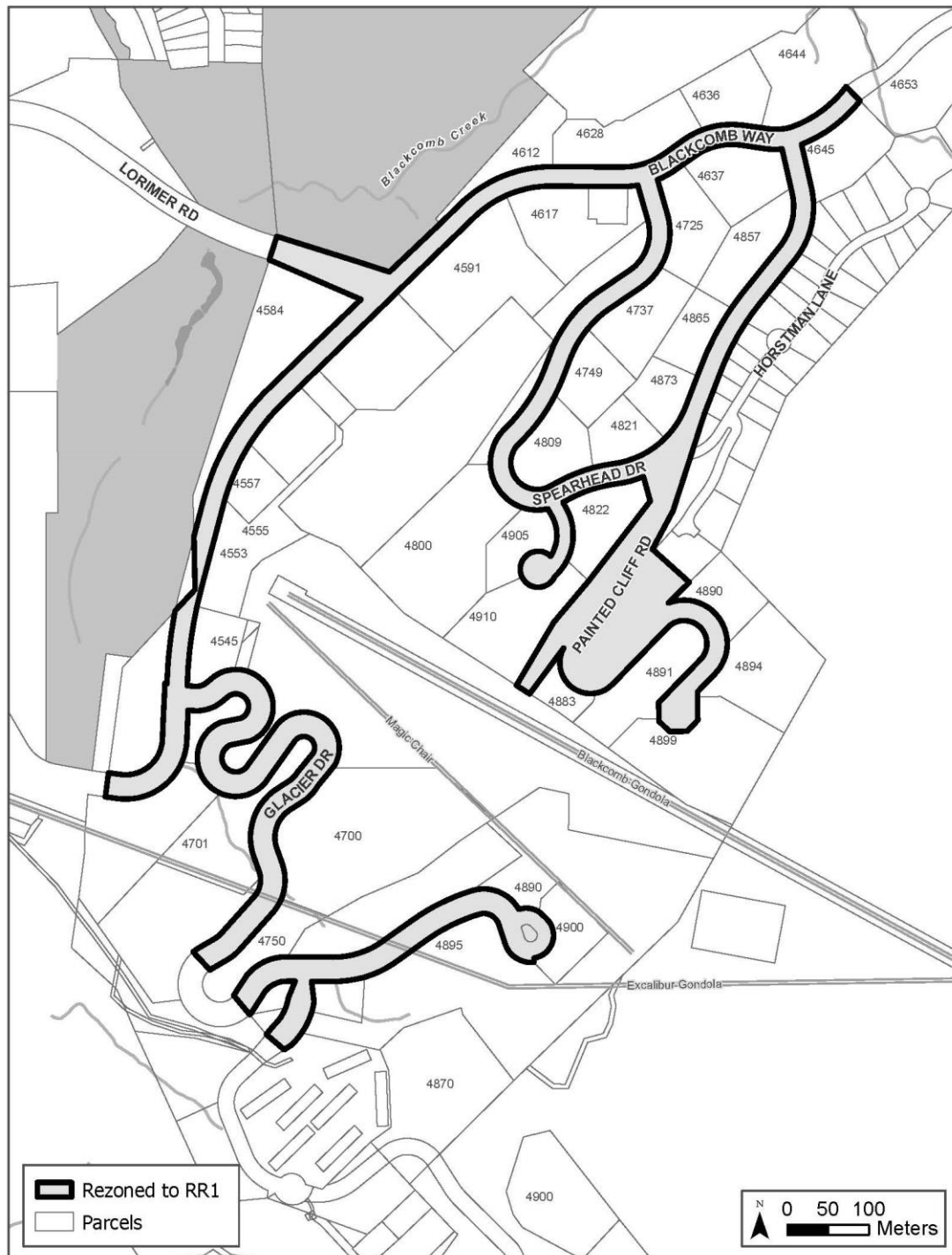
- (12) An auxiliary residential dwelling unit must be contained within a principal use building and must not be occupied except as employee housing.
- (13) The gross floor area permitted for Key Plan Area F may only be used for buildings auxiliary to skiing facilities and outdoor recreation.
- (14) The key plan for the MC3 Zone is as follows:





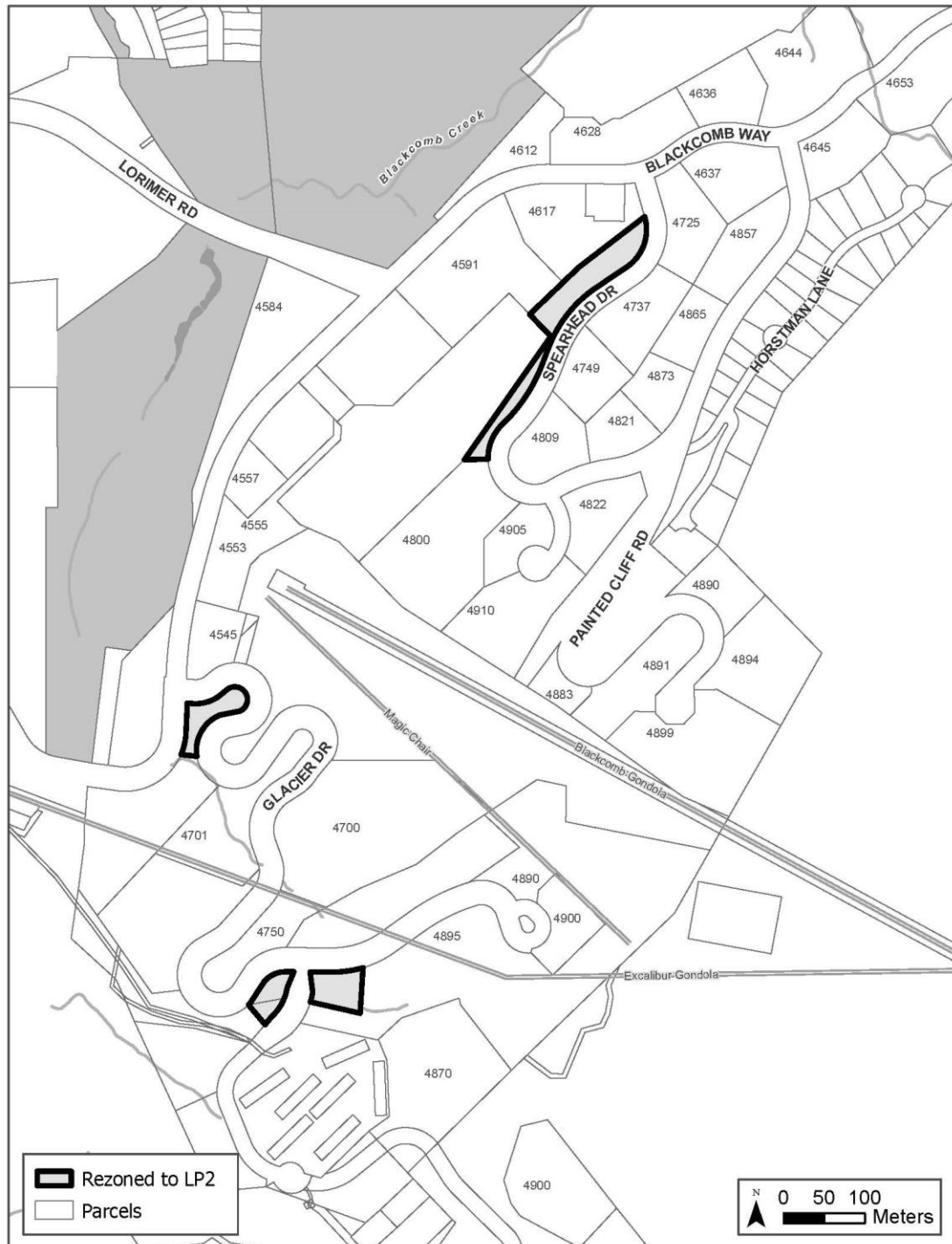
### Schedule 3

#### Subject Lands to be Rezoned to RR1 Zone (Rural Resource One)



### Schedule 4

### Subject Lands to be Rezoned to LP2 Zone (Leisure Park Two)



## Schedule 5

### Map of Subject Lands

