

SCHEDULE A
PART 5 – GENERAL REGULATIONS

35. SMALL-SCALE MULTI-UNIT HOUSING

(1) In this section,

“residential rental tenure” means the occupancy of a dwelling unit as a principal residence in which the occupant continuously resides, pursuant to the terms of a residential tenancy agreement governed by the *Residential Tenancy Act*.

“employee housing agreement” means a housing agreement with the Municipality in the form of Schedule “T”.

(2) This Section applies, despite any other provision in this Bylaw, to any parcel of land in any zone on which this bylaw limits residential development to:

- (a) only the construction and use on the parcel of a detached dwelling;
- (b) only the construction and use on the parcel of a detached dwelling and an auxiliary residential dwelling unit;
- (c) only the construction and use on the parcel of a detached dwelling and two auxiliary residential dwelling units; or
- (d) only the construction and use on the parcel of a duplex dwelling, or a duplex dwelling with an auxiliary residential dwelling unit.

(3) If this Bylaw permits on any parcel only the construction and use of a detached dwelling, the permitted uses include the construction and use of an auxiliary residential dwelling unit within the detached dwelling or in an auxiliary building.

(4) If a regulation in this Bylaw establishes a sewer service requirement in respect of an auxiliary residential dwelling unit, such a unit is permitted regardless of the unavailability of community sewer service.

(5) If a regulation in this Bylaw permits additional gross floor area for a dwelling unit or an auxiliary residential dwelling unit, or permits the subdivision of an auxiliary residential dwelling unit, subject to the owner entering into an employee housing agreement with the Municipality, the terms of the housing agreement shall be the terms in Schedule “T”.

(6) If a parcel to which this Section applies:

- (a) is not within a transit-oriented area as defined in the *Local Government Act*;
- (b) is serviced by municipal water and sewer systems;
- (c) is wholly or partly within the Whistler Urban Development Containment Area identified in Schedule A to Official Community Plan Bylaw No. 2199, 2018, the boundary of which is illustrated in Figure 5-H;
- (d) has an area of 4,050 m² or less; and
- (e) is not in a zone in respect of which the minimum parcel area for subdivision specified in this Bylaw is 4,050 m² or more, the following residential development is permitted on the parcel:
 - (i) a total of three dwelling units if the parcel has an area of 280 m² or less, and
 - (ii) a total of four dwelling units if the parcel area is greater than 280 m².

- (7) Residential development permitted by this Section may be any combination of detached dwellings, duplex dwellings, auxiliary residential dwelling units and apartment or townhouse buildings, comprising in the aggregate not more than the total number of dwelling units permitted, and the dwelling units may be located in no more than two buildings.
- (8) Subject to subsection (9), ~~(10) and (11)~~, the maximum gross floor area permitted on a parcel to which this Section applies is the maximum provided under the zone regulations that apply to the parcel.
- (9) The maximum permitted gross floor area for a parcel in the RS1, RI1, RS2 and RS4 zones is a floor space ratio of 0.40 or 511 square metres, whichever figure is lower, irrespective of site dimensions, if at the time the gross floor area is calculated for the purpose of issuing a building permit the proposed development of the parcel includes the construction of either three or four dwelling units as permitted by this Section.
- ~~(10)~~ The maximum permitted gross floor area for a parcel in the RT2 zone is a floor space ratio of 0.40 or 511 square metres, whichever figure is lower, irrespective of site dimensions, if at the time the gross floor area is calculated for the purpose of issuing a building permit the proposed development of the parcel includes the construction of either three or four dwelling units as permitted by this Section.
- ~~(11)~~ The maximum permitted gross floor area for a parcel in the RT1 and RT6 zones is a floor space ratio of 0.45 or 511 square metres, whichever figure is lower, irrespective of site dimensions, if at the time the gross floor area is calculated for the purpose of issuing a building permit the proposed development of the parcel includes the construction of either three or four dwelling units as permitted by this Section.
- ~~(10)(12)~~ The gross floor area referenced in subsections (8), ~~and (9)~~, ~~(10) and (11)~~ may be distributed in any proportion among the dwelling units and any auxiliary buildings that are permitted on the parcel by this Bylaw, provided that the gross floor area of any auxiliary residential dwelling unit that is located within a detached dwelling or within a dwelling unit in a duplex dwelling shall not exceed 40% of the gross floor area of the building or the gross floor area of the dwelling unit in the duplex dwelling.
- ~~(11)(13)~~ The gross floor area exclusions in Section 26(1)(a) of this Part apply to all residential buildings permitted by this Section.
- ~~(12)~~ The minimum side setback specified for the RS1, RS2, RS4, RI1, RT1, RT2 and RT6 zones for residential buildings constructed pursuant to this Section is 3 metres if at the time the setback is measured for the purpose of issuing a building permit the proposed development of the parcel includes the construction of either three or four dwelling units as permitted by this Section, ~~despite any greater minimum setback specified for the RS1, RS2, RS4, RI1, RT1, RT2 and RT6 zones.~~
- ~~(13)~~ The minimum parcel frontage for residential buildings constructed pursuant to this Section is 18 metres ~~despite any greater minimum parcel frontage specified for the RS1, RS2, RS4, RI1, RT1, RT2 and RT6 zones.~~
- (14) If at the time the parking space requirements in Part 6 are calculated for any parcel for the purpose of issuing a building permit the proposed development of the parcel

includes the construction of either three or four dwelling units as permitted by this Section, the minimum number of parking spaces required is one space per dwelling unit and the maximum number of spaces that may be constructed on a parcel is six, and the parking spaces may be laid out in any manner provided that each parking space has access from a highway either directly or through not more than one other parking space and the parking spaces comply with the standards in Part 6.

- (15) Where this Section permits on any parcel a second detached dwelling or a duplex dwelling that would not otherwise be permitted by this Bylaw, the form of tenure of one of the detached dwellings or one of the dwelling units in the duplex dwelling, as the case may be, must be residential rental tenure.
- (16) Where this Bylaw including this section permits three dwelling units on a parcel, the form of tenure of at least one of the dwelling units must be residential rental tenure.
- (17) Where this Bylaw including this Section permits four dwelling units on a parcel, the form of tenure of at least two of the dwelling units must be residential rental tenure.
- (18) The Municipality may require the owner of any parcel in respect of which this Section limits the form of tenure to residential rental tenure to provide a statutory declaration, not more than once in any calendar year, in which the owner declares that the number of dwelling units specified in the declaration have, during the entire previous 12-month period, been occupied pursuant to a residential tenancy agreement governed by the Residential Tenancy Act.
- (19) Where this Section permits on any parcel a detached dwelling or a duplex dwelling that would not otherwise be permitted by this Bylaw, the dwelling may be subdivided under the Strata Property Act or the Land Title Act provided that the owner enters into an employee housing agreement with the Municipality, in respect of at least one of the detached dwellings on the parcel or at least one of the dwelling units in the duplex dwelling, as the case may be, and the residential rental tenure restriction applicable to any such dwelling unit so subdivided shall no longer apply.
- (20) Multi-unit residential buildings permitted by this Section may be subdivided under the Strata Property Act or the Land Title Act provided that the owner enters into an employee housing agreement with the Municipality, in respect of at least one of the dwelling units on the parent parcel if this Section permits three dwelling units on the parcel, and at least two of the dwelling units if this Section permits four dwelling units on the parcel, and the residential rental tenure restriction applicable to any such dwelling unit so subdivided shall no longer apply.
- (21) This Section shall not be interpreted or applied to increase the number of dwelling units on any parcel of land that may be used as tourist accommodation, over the number that would otherwise be permitted by this Bylaw.
- (22) Development that is permitted by this Section is exempt from the requirement to obtain a development permit for establishment of objectives for the form and character of intensive residential development and for establishment of objectives for the form and character of multi-family residential development.
- (23) Notwithstanding part 5, Section 28, development that is permitted by this Section is

required to obtain a development permit if any part of the parcel of land that is the subject of the proposed development is within a development permit area for the protection of riparian ecosystems, protection of sensitive ecosystems or wildfire protection.

Figure 5-H: Whistler Urban Development Containment Area

