

RESORT MUNICIPALITY OF WHISTLER

LAND USE CONTRACT TERMINATION BYLAW (BAYSHORES) NO. 2213, 2020

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 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;

NOW THEREFORE the Council of the Resort Municipality of Whistler, in open meeting assembled, **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020”.
2. Zoning and Parking Bylaw No. 303, 2015 (the “Zoning Bylaw”) is amended as follows:
 - 2.1 The RM70 Zone (Residential Multiple Seventy) attached as Schedule 1 to this Bylaw is added to Part 13 of the Zoning Bylaw as section 71, immediately following section 70; and
 - 2.2 Schedule “A” to the Zoning Bylaw is amended by assigning the RM70 Zone (Residential Multiple Seventy) designation to every parcel shown in the key plan that appears in, and forms part of, the RM70 Zone (Residential Multiple Seventy).
3. The Land Use Contract registered in the Land Title Office under charge No. F80566 (the “Land Use Contract”) is terminated in respect of every parcel to which the RM70 zoning designation is assigned by section 2.2 of this Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020.
4. The Municipal Clerk shall notify:
 - 4.1 the Land Title Office in accordance with section 548 of the *Local Government Act*; and
 - 4.2 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.

Given FIRST and SECOND READINGS this 5th day of May, 2020.

Pursuant to Section 464 of the *Local Government Act*, a Public Hearing was held this 23rd day of June, 2020.

Given THIRD READING this ____ day of _____, 2020.

Approved by the Minister of Transportation and Infrastructure this ____ day of _____, 2020.

ADOPTED by the Council this ____ day of _____, 2020.

Jack Crompton,
Mayor

Alba Banman,
Municipal Clerk

I HEREBY CERTIFY that this is a true
copy of "Land Use Contract Termination
Bylaw (Bayshores) No. 2213, 2020".

Alba Banman,
Municipal Clerk

Schedule 1 to Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020

RM70 Zone (Residential Multiple Seventy)

71. RM70 Zone (Residential Multiple Seventy)

Intent

- (1) The intent of this zone is to permit the development of detached, duplex and townhouse dwellings.

Permitted Uses

- (2) The following uses are permitted in the RM70 Zone, and all other uses are prohibited:
- (a) detached dwellings, duplex dwellings and townhouses, but the location of these permitted uses is restricted to specific strata lots, as set out in Table 13A, with the general location of the strata lots shown for reference only in the key plan for the RM70 Zone;
 - (b) auxiliary buildings and auxiliary uses; and
 - (c) auxiliary residential dwelling unit provided it is contained within a detached dwelling.

Density

- (3) In the RM70 Zone, the maximum gross floor areas (GFA) for dwelling units are set out in Table 13A. In the case of a detached dwelling, the maximum GFA specified in Table 13A includes the area of any auxiliary residential dwelling unit.
- (4) Despite subsection (3) above, if the actual gross floor area of a dwelling, the construction of which was authorized by a development permit or a building permit issued by the Municipality prior to the date of "Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020" coming into force, exceeds the amount specified in Table 13A, then the gross floor area authorized by the building permit shall be the maximum permitted gross floor area for that dwelling.
- (5) The maximum permitted floor area for auxiliary parking use of a detached dwelling is 50 square metres.
- (6) The maximum permitted floor area for auxiliary parking use of a duplex dwelling is 40 square metres for each dwelling unit.
- (7) The maximum permitted floor area for auxiliary parking use of a townhouse is 30 square metres for each dwelling unit.

Height

- (8) The maximum permitted height of a detached dwelling is 7.6 metres.
- (9) The maximum permitted height of a duplex dwelling 7.6 metres.

- (10) The maximum permitted height of a townhouse dwelling is 10.7 metres.
- (11) The maximum permitted height of an auxiliary building is set out in Part 5 of this Bylaw.

Setbacks

- (12) The minimum permitted setbacks are set out in Table 13A.
- (13) Despite subsection (12) above, if:
- (a) the actual horizontal distance between a building and any parcel line is less than the setback specified in Table 13A; and,
 - (b) the construction of the building was authorized by a development permit or a building permit issued by the Municipality prior to the date of “Land Use Contract Termination Bylaw (Bayshores) No. 2213, 2020” coming into force, or the location of the building is shown on a strata plan registered in the Land Title Office,

then the distance shown in the development permit, building permit or strata plan shall be the minimum setback from that parcel line, for that parcel.

- (14) The minimum front setback for an auxiliary building is 7.6 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, but despite any regulation in this Bylaw to the contrary, parking spaces required in respect of the use of a parcel within a bare land strata plan may be located on strata roads within the same strata plan.

Other Regulations

- (16) An auxiliary residential dwelling unit shall contain a gross floor area no greater than 90 square metres and no less than 32.5 square metres.
- (17) In no case shall the gross floor area of the auxiliary residential dwelling unit exceed 40 per cent of the gross floor area on a parcel.
- (18) Table 13A – Permitted Uses, Densities and Setbacks for the RM70 Zone:

Area 1 (Strata Plan VAS 817)			
Strata Lot (SL)	Permitted Use	Maximum GFA	Setback
SL 1-13, 16-26	one detached dwelling per strata lot	232 square metres per detached dwelling	0 metres to the boundary of the strata lot
SL 14, 30	one duplex dwelling per strata lot	372 square metres per duplex dwelling	
SL 31-38	one-half duplex dwelling per strata lot	186 square metres per one-half duplex dwelling	

Area 2 (Strata Plan VAS 904)			
Strata Lot (SL)	Permitted Use	Maximum GFA	Setback
SL 1-6, 19-24	one townhouse dwelling per strata lot	183 square metres per townhouse dwelling	0 metres to the boundary of the strata lot
SL 7-18, 25-36	one-half duplex dwelling per strata lot	186 square metres per one-half duplex dwelling	
Area 3 (Strata Plan VAS 632)			
Strata Lot (SL)	Permitted Use	Maximum GFA	Setback
Lots A-D	one detached dwelling per strata lot	232 square metres per detached dwelling	7.6 metres from the front or rear strata lot line and 3 metres from the side strata lot line
Area 4 (Strata Plan VAS 808)			
Strata Lot (SL)	Permitted Use	Maximum GFA	Setback
SL 3-6, 14-21	one detached dwelling per strata lot	232 square metres per detached dwelling	a) the front setback is 4.6 metres from the strata lot line; notwithstanding the forgoing, if the average grade sloping upwards from the front lot line of any strata lot towards the rear lot line over a distance of a least 7.6 metres is greater than 30%, then the front setback is 3 metres b) 3 metres from the side or rear strata lot lines
SL 22-33, 35-44	one-half duplex dwelling per strata lot	186 square metres per one-half duplex dwelling	
Area 5 (Strata Plan VAS 809)			
Strata Lot (SL)	Permitted Use	Maximum GFA	Setback
SL 1-12	one townhouse dwelling per strata lot	232 square metres per townhouse dwelling	7.6 metres to the boundary of the strata plan
SL 13-16, 24-34	one detached dwelling per strata lot	232 square metres per detached dwelling	a) the front setback is 4.6 metres from the strata lot line; notwithstanding the forgoing, if the average grade sloping upwards from the front lot line of any strata lot towards the rear lot line over a distance of a least 7.6 metres is greater than 30%, then the front setback is 3 metres
SL 35-38, 61-68	one-half duplex dwelling per strata lot	186 square metres per one-half duplex dwelling	

			b) 3 metres from the side or rear strata lot lines
SL 42-45, 50, 51	one-half duplex dwelling per strata lot	186 square metres per one-half duplex dwelling	0 metres to the boundary of the strata lot
SL 46-49, 69-72	one townhouse dwelling per strata lot	183 square metres per townhouse dwelling	
Area 6 (Strata Plan VAS 811)			
Strata Lot (SL)	Permitted Use	Maximum GFA	Setback
SL 3-7, 12-20	one detached dwelling per strata lot	232 square metres per detached dwelling	a) the front setback is 4.6 metres from the strata lot line; notwithstanding the forgoing, if the average grade sloping upwards from the front lot line of any strata lot towards the rear lot line over a distance of a least 7.6 metres is greater than 30%, then the front setback is 3 metres b) 3 metres from the side or rear strata lot lines
SL 21-26, 28-35	one townhouse dwelling per strata lot	183 square metres per townhouse dwelling	0 metres to the boundary of the strata lot
SL 37-44	one-half duplex dwelling per strata lot	186 square metres per one-half duplex dwelling	a) the front setback is 4.6 metres from the strata lot line; notwithstanding the forgoing, if the average grade sloping upwards from the front lot line of any strata lot towards the rear lot line over a distance of a least 7.6 metres is greater than 30%, then the front setback is 3 metres b) 3 metres from the side or rear strata lot lines

Area 7 (Strata Plan VAS 653)			
Strata Lot (SL)	Permitted Use	Maximum GFA	Setback
SL 1-10	one-half duplex dwelling per strata lot	186 square metres per one-half duplex dwelling	a) for the front and rear setbacks, 7.6 metres from the boundary of the strata plan b) for the side setbacks, 3 metres from the boundary of the strata plan
Area 8 (Strata Plan VAS 1005)			
Strata Lot (SL)	Permitted Use	Maximum GFA*	Setback
SL 1-5	one townhouse dwelling per strata lot	the combined gross floor area of all dwellings in Area 8 shall not exceed a floor site ratio of 0.4	7.6 metres to the boundary of the strata plan
Area 9 (Strata Plan VAS 695)			
Strata Lot (SL)	Permitted Use	Maximum GFA	Setback
SL 1-13	one townhouse dwelling per strata lot	the combined gross floor area of all dwellings in Area 9 shall not exceed a floor site ratio of 0.4	7.6 metres to the boundary of the strata plan
Area 10 (Strata Plan VAS 755)			
Strata Lot (SL)	Permitted Use	Maximum GFA	Setback
SL 1-12, 16-17, 22-23	one-half duplex dwelling per strata lot	the combined gross floor area of all dwellings in Area 10 shall not exceed a floor site ratio of 0.4	7.6 metres to the boundary of the strata plan
SL 13-15, 18-21	one townhouse dwelling per strata lot		

(19) Key plan for the RM70 Zone:

