

RESORT MUNICIPALITY OF WHISTLER
ZONING AMENDMENT BYLAW (SMALL-SCALE MULTI-UNIT HOUSING UPDATES) NO.
2461, 2024

A BYLAW TO AMEND THE RESORT MUNICIPALITY OF WHISTLER ZONING AND
PARKING BYLAW NO. 303, 2015

WHEREAS s. 481.3 of the *Local Government Act* (Act) requires the Municipality to exercise its zoning powers under s. 479 of the Act to permit small-scale multi-unit housing in certain zones; and

WHEREAS the Council has amended Zoning and Parking Bylaw No. 303, 2015 to comply with s. 481.3 and wishes to further amend the bylaw to improve on the previous amendments, and

WHEREAS s. 464(4) of the Act prohibits the holding of a public hearing on a zoning amendment bylaw proposed for the sole purpose of complying with s. 481.3;

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

CITATION

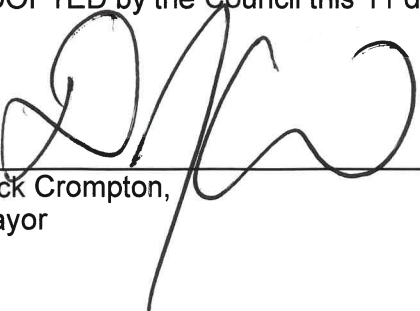
1. This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw (Small-Scale Multi-Unit Housing Updates) No. 2461, 2024”.

ZONING BYLAW AMENDMENTS

2. Part 5 of “Zoning and Parking Bylaw No. 303, 2015” is amended by deleting Section 35 and replacing it with the regulations attached to and forming part of this Bylaw as Schedule A.
3. 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, SECOND AND THIRD READINGS this 25 day of February, 2025.

ADOPTED by the Council this 11 day of March, 2025.



Jack Crompton,
Mayor



Pauline Lysaght,
Corporate Officer

I HEREBY CERTIFY that this is a true copy
of Zoning Amendment Bylaw (Small-Scale
Multi-Unit Housing Updates) No. 2461,
2024.

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 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, a total of three dwelling units are permitted on the parcel if it has an area of 280 m² or less and a total of four dwelling units are permitted if the parcel has an area greater than 280 m².
- (6) 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.

- (7) Subject to subsection (8), (9) and (10), 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.
- (8) 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.
- (9) 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.
- (10) 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.
- (11) The gross floor area referenced in subsections (7), (8), (9) and (10) 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:
 - (a) the gross floor area of any auxiliary residential dwelling unit that is located within a detached dwelling shall not exceed 40% of the gross floor area of the detached dwelling;
 - (b) the gross floor area of any auxiliary residential dwelling unit that is located within a dwelling unit in a duplex dwelling shall not exceed 40% of the gross floor area of the dwelling unit in the duplex dwelling; and
 - (c) the gross floor area of any residential dwelling unit is in no case less than 32.5 square metres.
- (12) The gross floor area exclusions in Section 26(1)(a) of this Part apply to all residential buildings permitted by this Section.
- (13) For the purposes of parking area exclusions under Section 26(1)(a)(v) of this Part, the maximum permitted floor areas that may be excluded are as follows:
 - (a) up to 70 square metres per parcel if two dwelling units are proposed to be constructed pursuant to this Section;
 - (b) up to 87.5 square metres per parcel if three dwelling units are proposed to be constructed pursuant to this Section; and
 - (c) up to 105 square metres per parcel if four dwelling units are proposed to be constructed pursuant to this Section.
- (14) The minimum side setback specified for the RS1, RS2, RS4, RI1, RT1, RT2 and RT6 zones 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.

- (15) 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.
- (16) Where this Section permits on any parcel, and the owner constructs, a second detached dwelling or a duplex dwelling that would not otherwise be permitted by this Bylaw, the form of tenure of at least one of the dwelling units must be residential rental tenure.
- (17) Where this Section permits on any parcel, and the owner constructs, three dwelling units, the form of tenure of at least one of the three dwelling units must be residential rental tenure.
- (18) Where this Section permits on any parcel, and the owner constructs, four dwelling units, the form of tenure of at least two of the four dwelling units must be residential rental tenure.
- (19) Dwelling units whose occupancy is required to be restricted to residential rental tenure under any of subsections (16), (17) or (18) must be indicated as such on the owner's building permit application.
- (20) 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 restricted by this Section to residential rental tenure have, during the entire previous 12-month period, been occupied only pursuant to a residential tenancy agreement governed by the *Residential Tenancy Act*.
- (21) 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.
- (22) 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 the number of dwelling units whose occupancy is restricted to residential rental tenure under this Section.
- (23) 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.

- (24) 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.
- (25) 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.
- (26) Parcels in the R11 zone may, at the owner's option, be developed entirely in accordance with the regulations in that zone or entirely in accordance with the regulations in this Section.

Figure 5-H: Whistler Urban Development Containment Area

