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Land Use Contract Amendment Process

Do I have to apply individually, or can my whole Land Use Contract (LUC) neighbourhood or strata apply collectively for a rezoning of all properties regulated by the LUC?

- An individual property owner may submit an application directly to the municipality, if there is no strata corporation, or if there is a strata and the proposed amendment does not involve any common property or limited common property.

- If a strata corporation does exist, the owner is subject to compliance with their own strata bylaws and they are responsible to resolve any matters related to their strata bylaws with their strata council.

- Where there is a strata corporation and the application is to amend the land use contract that applies to common property or limited common property, an applicant requires written support from **all strata owners**, as they all share a proportional interest in these common areas. In addition, applicants are still subject to compliance with their own strata bylaws and this is a matter of enforcement between the strata owner and their strata council.

- Several property owners regulated by the same land use contract can proceed together under one application subject to the strata corporation guidelines above.

Note: the *Local Government Act* requires that any land use contract affecting use or density of a property must be amended by bylaw and requires a public hearing.

What are the steps required to apply for a land use contract amendment to exclude a basement floor area from a Gross Floor Area (GFA) calculation?

1. Application

- Download and complete the Rezoning Application.

- Submit the following with your application:
  - $1,300 application fee
  - Current title search (issued no later than 30 days prior to the date of application) or $20.00 Title Search Fee (per title)
  - Copy of the existing registered land use contract and subsequent amendments from the Land Title Office
  - Property owner's letter outlining the rationale for the requested land use contract amendment
  - Copy of your zoning analysis (i.e. height, setbacks, parking, etc.) to determine an appropriate zone for the proposal (in most cases the use of an adjacent zone would be appropriate as a guide to ensure consistency and fit with the neighbourhood)

- Two sets of dimensioned drawings plus PDF copy (Scale 1:200 minimum):
  - Surveyed site plan by BC Land Survey surveyor showing all existing and proposed structures
  - Floor plans
  - Section drawings
  - Elevation drawings complete with the average grade line detailed
  - Area overlays of proposed excluded basement floor area and gross floor area for the property.
- If applicable, written support from all strata property owners for any amendment that changes a strata common property,
- If applicable, letter of confirmation from the strata council that the proposal complies with all other strata regulations.

- The applicant must post an information sign on site according to Whistler's sign specifications in the application package.

2. Review

- Staff will review the submission package for consistency with all Zoning Bylaw definitions and requirements.
  - If inconsistent, staff will discuss with the applicant and may request revised material to be submitted.

- If consistent, staff will prepare a report to council and a draft bylaw to amend the land use contract.

3. Council meetings and public hearing

- **Council meeting - first and second readings** of the land use contract amendment bylaw
  - Staff will present a report including recommendation and conditions requested as part of a land use contract amendment and will include a draft copy of the amending bylaw.
  - Council may give first and second readings to the bylaw, request modifications, or deny the application.
  - If council gives first and second readings to the bylaw, staff will schedule and provide notification for a public hearing.

- **Public hearing**
  - Members of the public can provide written submissions to council or can make submissions in person at the public hearing.
  - If there is no public opposition to the amendment bylaw, council may give third reading of bylaw on the same night. If opposition is expressed, council will defer third reading of the bylaw to a later council meeting date.

- **Council meeting – third reading of bylaw**
  - Council may require additional conditions based on their consideration of input received at the public hearing, may give third reading of the bylaw as presented at the public hearing, or may deny the application.
  - Staff and applicant work together to complete all of the conditions associated with the third reading of the bylaw.

- **Council meeting – Bylaw adoption**
  - The bylaw will be forwarded for adoption by council, when all conditions have been met.

4. Completion

- Staff will complete the land use contract amendment or discharge at the Land Title Office.

- Staff will forward a copy of the adopted bylaw and the registered land use contract amendment or discharge to the applicant for their records.

- Staff will send final billing to applicant, and upon receipt of payment the file is closed.

QUESTIONS?

For questions about the land use contract amendment process, contact:

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