

RZ001065

**Zoning Amendment Bylaw
(Retaining Walls) No. 2033, 2020**

Council Presentation

February 16, 2021

RESORT MUNICIPALITY OF WHISTLER

4325 Blackcomb Way **TEL** 604 932 5535
Whistler, BC Canada V8E 0X5 **TF** 1 866 932 5535
www.whistler.ca **FAX** 604 935 8109

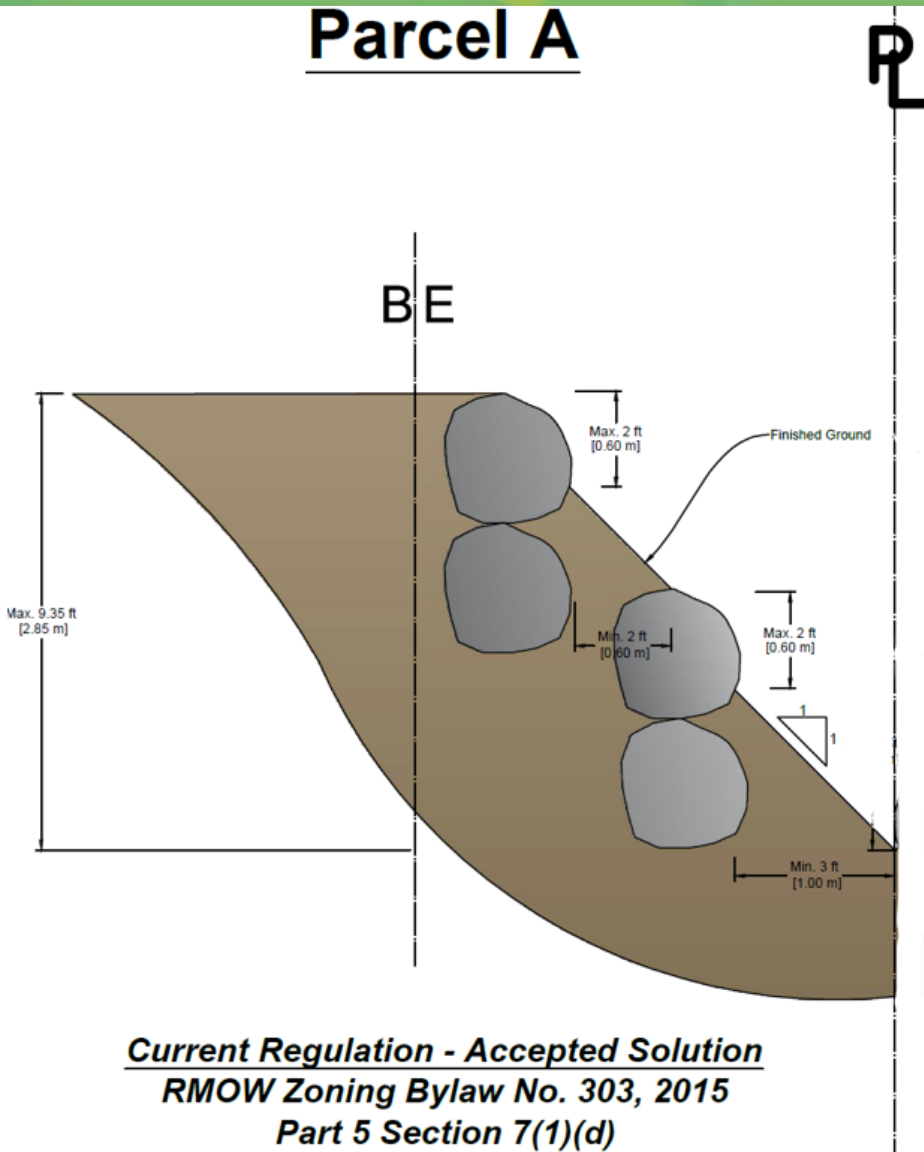


Purpose

- To present “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020” (the proposed Bylaw) to Council for consideration of third reading.
- Provide a summary and review of written and verbal submissions made for the November 17, 2020 Public Hearing.
- Provide a review of the proposed Bylaw.

Existing Bylaw Review

Parcel A



Part 5.7 of the General Regulations of Zoning and Parking Bylaw 303, 2015 regulates landscape features and retaining walls as:

- landscape features including planters, stairs, walkways, decks, **retaining walls**, and decorative walls, provided such features are not greater than **0.6 metres in height** above any point of the adjacent grade and are **set back** at least **one metre** from any side parcel line and at least **two metres** from the front and rear parcel lines.

Proposed Bylaw Review – Landscape Features

The proposed Bylaw will amend *Part 5.7 of the General Regulations of Zoning and Parking Bylaw 303, 2015* as follows:

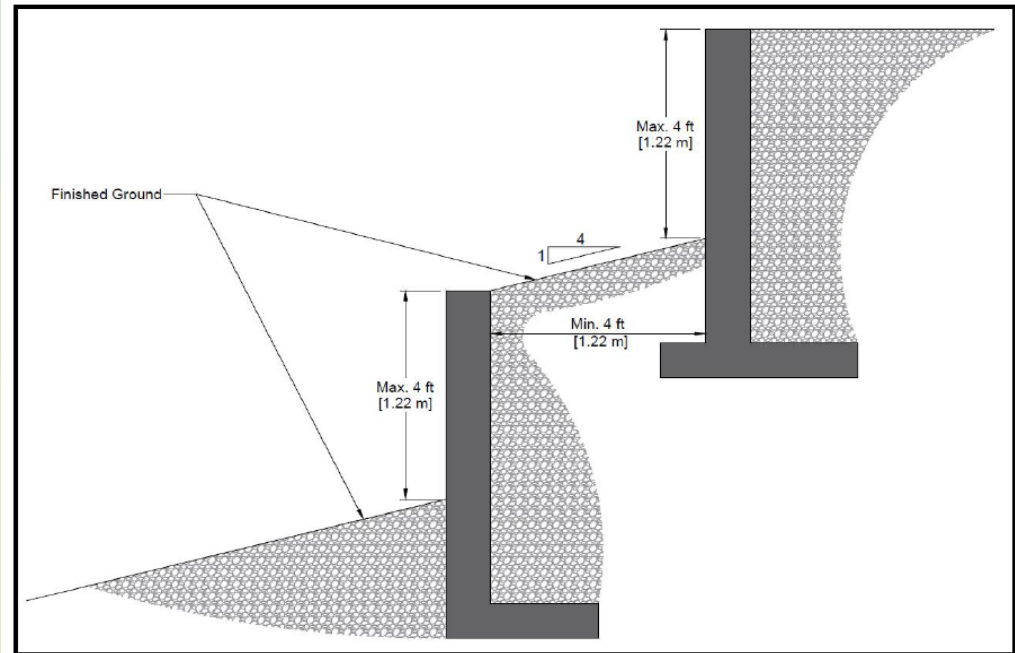
- Increase the maximum allowable **height** of all **landscape features** (including planters, stairs, walkways, decks and decorative walls, but not including retaining walls) in building setback areas from 0.6 metres to **1 metre**.
- Maintain the allowable **setback** from any side parcel line at **1 metre** and from any front or rear parcel line at **2 metres**.

Proposed Bylaw Review – Retaining Walls

Differentiate **retaining walls** from other landscape features by allowing them to be in building setback areas under the following conditions:

- Increase the maximum allowable **height** of retaining walls from **0.6 metres** to **1.22 metres**.
- Decrease the allowable **setback** from any parcel line that does not abut a highway (*typically side and rear*) from 1-2 metres to **0 metres**.
- Maintain the allowable **setback** from any parcel line that abuts a highway (*typically a front*) at **2 metres**.
- Where there are two or more retaining walls within the same setback area, require each retaining wall to be separated from any other retaining wall by a **horizontal distance of 1.22 metres**; and limit the maximum **slope** of finished ground between retaining walls to not more than **1:4** (1 rise:4 run).

Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020
Figure 5-C: Retaining Walls



Proposed Bylaw Review – Highway

Proposed Bylaw

- (ii) all retaining walls are setback at least 2 metres from any parcel line that abuts a **highway**;
- **Highway** is used to mean any road (public or private strata roads).

Zoning and Parking Bylaw 303, 2015

- “**front parcel line**” means, subject to section 10 of Part 5, the boundary between a parcel and a **highway**;

Public Hearing – Summary and Recommendations

- November 17, 2020: Public Hearing (online)
- One written submission and one oral submission
 - One member of the public made both the written and oral submissions
- Submissions were generally with regard to:
 - Snow Clearing and Buildup
 - Privacy
 - Safety
 - Concerns Specific to DVP01197
- Staff do not recommend any changes to the proposed bylaw based on the Public Hearing comments
 - Staff recommend that the proposed bylaw be given third reading without changes

Public Hearing Submission: Snow Clearing and Buildup

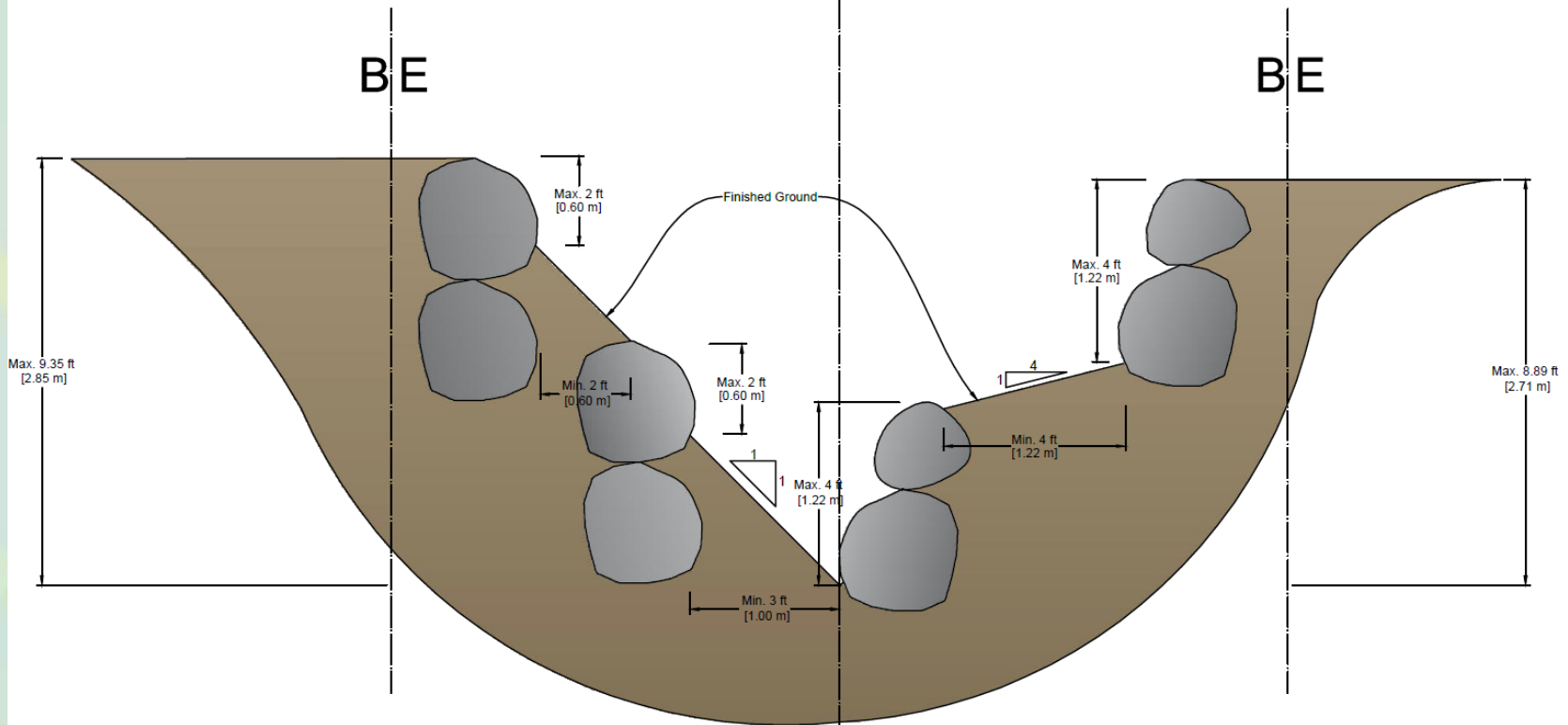
- Submissions raised concerns with respect to:
 - Potential for snow clearing to result in snow build up in a side yard setback area.
 - The ability of snow to be retained in a side yard setback area.
 - How snow buildup on a property could affect a neighbouring property.
- Staff reviewed the submission and confirmed the proposed bylaw is considered to **reduce the potential negative impacts** of snow clearing and buildup between neighbouring properties over the existing Bylaw.

Existing Bylaw (Parcel A) compared to Proposed Bylaw (Parcel B)

Parcel A



Parcel B



Current Regulation - Accepted Solution
RMOW Zoning Bylaw No. 303, 2015
Part 5 Section 7(1)(d)

Proposed Regulation
RMOW Zoning Amendment Bylaw No. 2033, 2020

Public Hearing Submission: Privacy

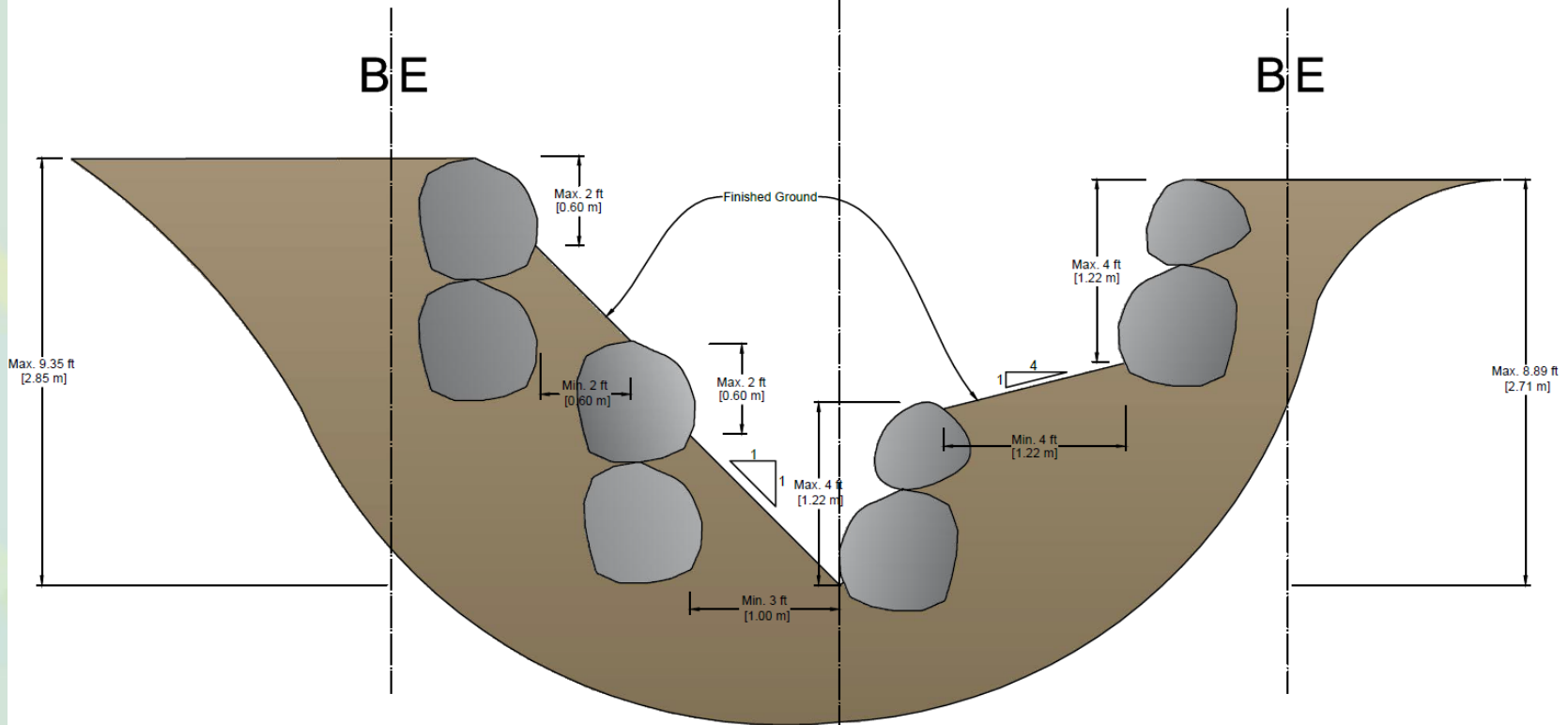
- Submission raised concerns with respect to:
 - Potential difference in elevation that could be created between neighbouring properties by the proposed Bylaw could facilitate overlook views from a higher elevation property onto the adjacent lower elevation property.
- Staff reviewed the submission and confirmed the proposed bylaw provides **opportunity to improve privacy** between neighbouring properties over the existing Bylaw.

Existing Bylaw (Parcel A) compared to Proposed Bylaw (Parcel B)

Parcel A



Parcel B



Current Regulation - Accepted Solution
RMOW Zoning Bylaw No. 303, 2015
Part 5 Section 7(1)(d)

Proposed Regulation
RMOW Zoning Amendment Bylaw No. 2033, 2020

Public Hearing Submission: Safety

- Submissions raised concerns with respect to:
 - Potential for a walkway or driveway to be located above a retaining wall, which could create a safety or fall hazard.
- Staff reviewed the submissions and confirmed this building safety issue is **regulated by the BC Building Code** and enforced by the Building Department.

Public Hearing Submission: Comments and Concerns related to DVP01197

- Submission raised concerns with respect to:
 - Specifically related to DVP01197
- Staff reviewed the submission and confirmed DVP01197 is under review and issues related to DVP01197 **will be addressed by staff** through the Development Variance Permit process.

Proposed Bylaw – Purpose

Purpose of the proposed bylaw

- ✓ **Balanced regulation** (history of no regulation followed by over regulation)

- ✓ **Improve design solutions for retaining walls**
 - Increase height from **0.6** to **1.22**
 - limiting retaining wall height to 0.6m is too low

 - Allow retaining walls to extend along or to shared property lines
 - 2m depressions between lots limits reasonable design solutions when building in our mountain terrain

Proposed Bylaw – Benefits

✓ **Align requirements with other local jurisdictions**

- As compared to **9 other local jurisdictions** (Pemberton, Squamish, West Vancouver, North Vancouver, Burnaby, Mission, Coquitlam and Nanaimo) staff are proposing:
 - same height of **1.22 metres**
 - Same setback of **0 metres** (with the exception any parcel line that abuts a highway **2 metres**)

✓ **Reduce variance applications for retaining walls**

- Over a **17 month** period **16 variance applications** for retaining walls were received, which represents a conservative **320 hours** of staff time.
- Of those 16 applications **15** could have been re-designed to meet the proposed bylaw without requiring a variance.

Recommendation

That Council consider giving third reading to “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020”