

RZ001065

ZONING AMENDMENT BYLAW –

LANDSCAPE FEATURES AND

RETAINING WALLS

Council Presentation
October 20, 2020

RESORT MUNICIPALITY OF WHISTLER

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Purpose

- To present “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020” for consideration of first and second readings.
 - Proposed amendment to the General Regulations of *Zoning and Parking Bylaw No. 303, 2015* (the Zoning Bylaw) with respect to landscape features and retaining walls.
 - Intended to streamline the permitting process at Municipal Hall by reducing the number of variance applications, while continuing to uphold our resort community character.
- To request that Council authorize staff to schedule a Public Hearing for “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020”.

Discussion – Background

- Historically, Zoning Bylaw did not regulate retaining wall siting or height.
 - Lead to some circumstances where owners built high retaining walls that were inconsistent with neighbourhood character.
- Oct. 2010: Amendment inserted “retaining walls” to Part 5.7.1 (d), introducing regulations for retaining walls in building setback areas.
 - Landscape Features (including retaining walls):
 - Must not exceed 0.6 metres in height;
 - Must be set back 1 metre from any side parcel line; and
 - Must be set back 2 metres from any front or rear parcel line.
- Zoning Bylaw groups retaining walls with other landscape features which are currently only allowed in building setback areas under certain conditions.

Discussion – Evaluation of the Existing Bylaw

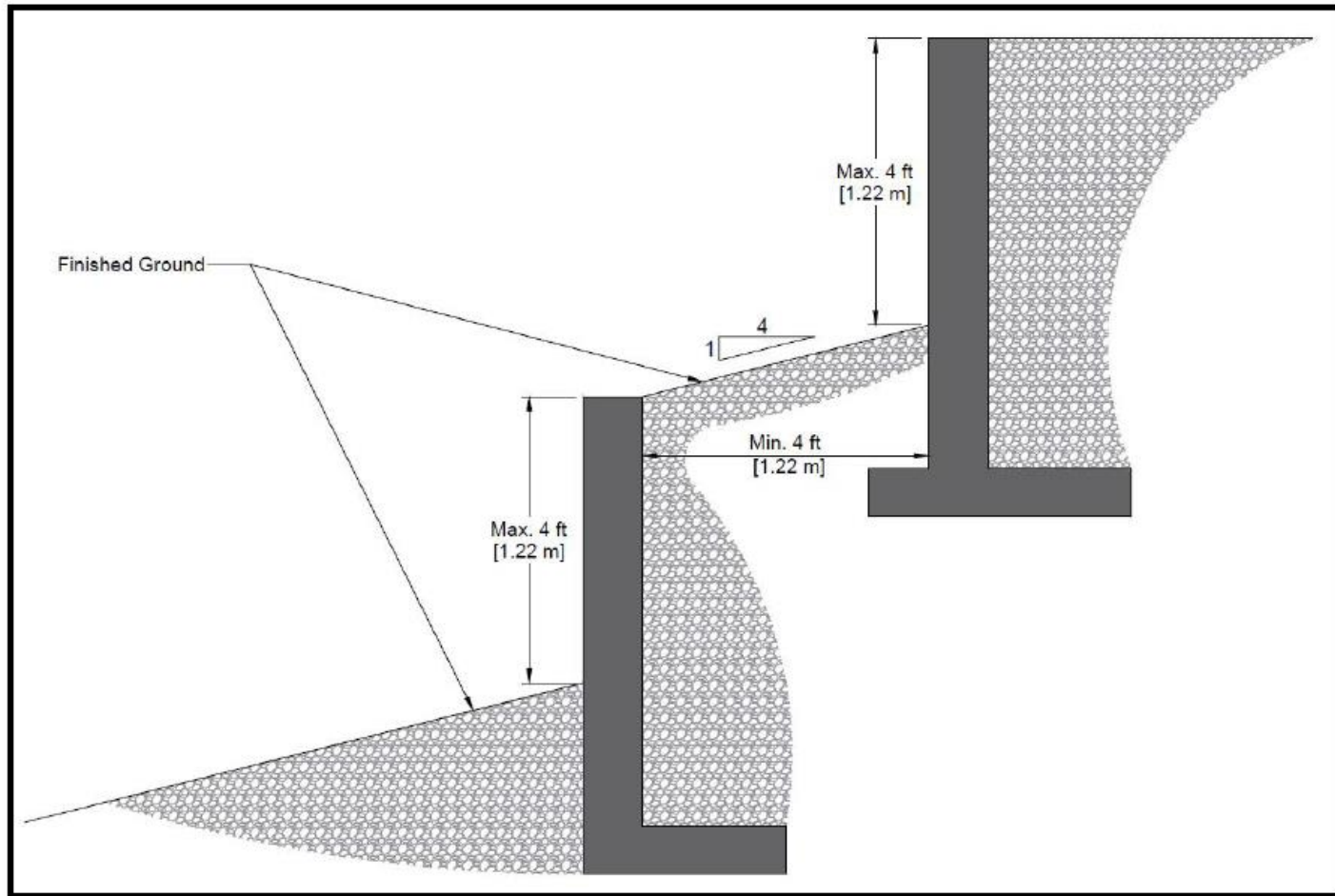
- Staff consider these regulations too restrictive.
- Whistler is a mountain community, with considerable topography and resulting building challenges.
- Problems that have been identified include:
 - 0.6 metres maximum height for retaining walls and landscape features is too low to be effective in our mountainous terrain.
 - Restricting retaining walls from extending to shared property lines does not allow adjacent property owners to connect their lots together across a continuous slope.

Recommended Amendments – Retaining Walls

- Amend Part 5.7 of the General Regulations to:
 - Break out retaining walls from other landscape features;
 - Increase maximum height of retaining walls in setback areas from 0.6 metres to 1.22 metres;
 - Allow multiple terraced walls to be constructed in a setback area to support soft landscaping between walls;
 - Must have a minimum of 1.22 metres horizontal distance between terraced retaining walls within the same setback area; and
 - Must not exceed 1:4 slope of finished ground between terraced retaining walls within the same setback area.
 - Allow zero setbacks for side and rear yards to enable adjacent property owners to connect their retaining wall systems; and
 - Maintain the 2 metre setback from parcel lines that abut a road, to allow for storage of snow plowed from the road surface and reduce impacts on the existing streetscape.

Recommended Bylaw Amendment Illustrated

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



Recommended Bylaw Amendment Illustrated



Recommended Amendments – Landscape Features

- Amend Part 5.7 of the General Regulations to:
 - Increase the maximum allowable height of all landscape features in building setback areas from 0.6 metres to 1 metre.
 - Maintain the existing required setbacks of 1 metre from any side parcel line and 2 metres from any front or rear parcel line.

Policy Considerations

Official Community Plan Bylaw No. 2199, 2018

- The recommended bylaw amendments are consistent with the goals, objectives and policies included within the OCP.
- Landscape features, including retaining walls, may require a Development Permit under Chapter 13.

Policy Considerations

Building and Plumbing Regulation Bylaw No. 1617, 2002

- The recommended maximum retaining wall height of 1.22 metres is aligned with the BC Building Code which requires engagement of a professional engineer for walls exceeding 1.22 metres, and as recommended by the Municipal Insurance Association of British Columbia.
- The recommended maximum retaining wall height of 1.22 metres is aligned with the forthcoming Building Bylaw.

Advisory Design Panel

- ADP reviewed and supported a previous version of the draft bylaw in 2013.
 - At that time, the proposed maximum retaining wall height was 1.5 metres.
- Some members expressed reservations regarding zero setbacks for retaining walls on side and rear parcel lines.
- Staff considers that zero setbacks are necessary to enable neighbouring properties to connect their retaining wall systems.
 - Zero setbacks will allow for terracing of adjacent properties in cross-slope situations.
- ADP passed the following resolution:
 - ***“That the Advisory Design Panel supports the draft zoning amendment bylaw.”***

Community Engagement and Consultation

- The proposed zoning amendment bylaw is subject to Public Hearing requirements.
- Staff will carry out the Public Hearing and associated notifications should Council authorize staff to schedule the Public Hearing.

Recommendation

That Council consider giving first and second readings to “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020”; and

That Council authorize staff to schedule a Public Hearing for “Zoning Amendment Bylaw (Retaining Walls) No. 2033, 2020”, and to advertise for same in the local newspaper.