

ADMINISTRATIVE REPORT



TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: October 21, 2021

RE: Zoning Amendment Bylaw No. 2895 — Regulation of Metal Storage Containers
Electoral Areas “A”, “C”, “D”, “E”, “F” & “I” (X2020.006-ZONE)

Administrative Recommendation:

THAT Zoning Amendment Bylaw No. 2895, 2020, being an amendment to introduce zoning regulations for metal storage containers, be amended as follows:

- a) there is no minimum parcel area requirement governing the placement of a metal storage container;
- b) there is no requirement for a metal storage container to be painted in a colour consistent with the principal building; and
- c) a metal storage container is not to be sited between a principal building and the front parcel line and, in a Low Density Residential zone, the exterior side parcel line.

THAT additional consultation be undertaken with external agencies and the public; and

THAT prior to the scheduling of a third public hearing, the results of this consultation be presented at a meeting of the Planning and Development Committee.

Purpose:

Amendment Bylaw No. 2895 is proposing to introduce zoning regulations within the Okanagan Electoral Area zoning bylaws that will govern the placement of metal storage containers.

Background:

February 4, 2021, consideration of third reading of Amendment Bylaw No. 2895, 2020 was referred to the P&D Committee for further discussion.

February 18, 2021, the P&D Committee reviewed options for the regulation of shipping container and siting permits.

June 3, 2021, the P&D Committee considered four (4) “Options” for how Amendment Bylaw No. 2895 could proceed:

- Option 1: the bylaw is changed to introduce different regulations for metal storage containers;
 - Option 2: the bylaw reverts to the original proposal considered in Committee on Oct. 1, 2020;
 - Option 3: the bylaw proceeds unchanged (i.e. regulations approved at 1st & 2nd reading); or
 - Option 4: the bylaw is abandoned (status quo).
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The Committee subsequently resolved, amongst other things, that Amendment Bylaw No. 2895, proceed unchanged [Option No. 3] and that prior to 3rd reading, it be considered by the Electoral Area Advisory Planning Commissions (APCs). The following is a summary of the recommendations provided by the APCs:

APC	Date	Recommendation
Area "A"	2021-09-13	[No quorum – item discussed informally]
Area "C"	2021-09-21	[No quorum – item discussed informally]
Area "D"	2021-09-14	Support "Option 3" subject to the following: Metal Storage containers in Low Density Residential and Small Holding zones are limited in size to 10 m ² / 8'x10'.
Area "E"	2021-09-13	Support "Option 3" subject to the following: that the [parcel] size restriction of metal storage containers contained within the Amendment Bylaw No. [2895], 2020, ... be removed.
Area "F"	2021-10-04	[No quorum – item discussed informally]
Area "I"	2021-09-15	Support "Option 3" subject to the following: with a reduction to the minimum parcel size listed in 1.b(i), from 0.5 ha to 0.3 ha

July 8, 2021, the Regional District resolved to approve first and second reading of Amendment Bylaw No. 2805.01, 2021, being a bylaw to delete the requirement for a "Siting Permit" for the placement of a metal storage container from the Regional District's Building Bylaw No. 2805, 2018.

A third public hearing was required prior to the Amendment Bylaw being considered for third reading due to additional consideration by the P&D Committee and the Electoral Area APCs.

Analysis:

It is Administration's understanding that the direction to have the proposed metal storage container regulations considered by the Electoral Area APCs, and prior to Bylaw No. 2895 being considered for third reading, was to obtain feedback on the Board's decision to proceed with "Option 3" from the June 6, 2021, Administrative Report.

In response, those APCs that were able to achieve quorum when this item was placed on their Agenda have generally supported Option 3, subject to a number of possible revisions.

Parcel Size Requirement:

Two APCs have provided recommendations seeking to amend the minimum parcel area requirement for placing a metal storage container (i.e. from 0.5 ha to 0.3 ha, or to eliminate it entirely).

Removing the minimum parcel size requirement would simplify the proposed regulations as any new metal storage container being placed on property would only be required to meet the building envelope established for accessory buildings and structures.

A building envelope generally comprises maximum height, parcel coverage and setbacks, and would include any new setback established by the Board to prohibit the placement of a container between a principal dwelling and a front parcel line.

This approach would most closely approximate the historical interpretation of metal storage containers as an accessory building or structure. Administration also anticipates that it would result in the placement of containers in the rear yard area of most parcels in the residential and rural-residential zones due to the proposed new setback prohibiting containers in a front yard area.

Conversely, Administration shares the APCs concerns with the 0.5 ha minimum parcel area requirement, but for different reasons. A threshold of 0.5 ha will potentially exclude the majority of parcels currently zoned Residential (i.e. RS1, RS2, RS3, etc.) from qualifying for placement of a metal storage container, despite the regulation suggesting that the Board is open to containers in these same zones.

To clarify the intent of this regulation Administration considers that the placement of a metal storage container in a Residential zone should be prohibited.

This would support one of the principal objectives of this review, which has been to address the placement of metal storage containers in residential neighbourhoods (such as Apex). It is noted that this would be consistent with the approach applied by the member municipalities, none of which currently permit containers in their equivalent residential zones.

Administration notes that a majority of public feedback received was from residents at Anarchist Mountain (Electoral Area "A") who generally support some form of regulation and own parcels 1.0 ha in area or greater.

Maximum Container Size:

One APC has forwarded a recommendation that the size of a metal storage container in a residential or rural-residential neighbourhood be limited to a maximum of 10.0 m².

While this can easily be accommodated through the introduction of a new zoning regulation, it may not be worth pursuing if the Board sets a direction to rely on the building envelope established for accessory buildings and structures in a zone (as outlined above) to regulate the placement of a container in a residential or rural-residential neighbourhood.

Parcel Line Setback Requirements:

Although not recommended by an APC, Administration considers there to be merit — based on the other changes being recommended — in expanding the yard areas in which a container may not be placed to include secondary road frontages on smaller parcels:

- i) the metal storage container is not to be sited between a principal building and:
 - .1 the front parcel line; and*
 - .2 in a Low Density Residential zone, an exterior side parcel line.**

Administration is concerned that secondary road frontages (other than a laneway) can be as visually prominent on a property as a front yard area and that there is merit in restricting the placement of containers in these locations.

Should the Board support this direction, Administration also supports removal of the requirement requiring the containers be colour matched with the principal dwelling as they are likely to be placed in the rear yard of a parcel and will not be visible from the street or as forming part of the streetscape.

Public Consultation:

Depending on the scope of any changes to Bylaw No. 2895 directed by the Board as a result of the APC recommendations, Administration considers there may be merit in undertaking additional community consultation outside the forum of a public hearing.

This is due to the statutory nature of a public hearing and the limitations it imposes on the Board's ability to respond to comments submitted at a hearing (i.e. no new information can be considered following the close of the hearing) — unless the Board is prepared to contemplate a fourth public hearing on this subject.

Alternatives:

1. THAT Bylaw No. 2895, 2020, Regional District of Okanagan-Similkameen Metal Storage Container Regulations Zoning Amendment Bylaw proceed to a third public hearing;
AND THAT the holding of the public hearing be delegated to Chair Kozakevich;
AND THAT staff schedule the date, time, and place of the public hearing in consultation with Chair Kozakevich;
AND THAT staff give notice of the public hearing in accordance with the requirements of the *Local Government Act*.
2. THAT Bylaw No. 2895, 2020, Regional District of Okanagan-Similkameen Metal Storage Container Regulations Zoning Amendment Bylaw be amended as follows:
 - a) metal storage containers be prohibited in the Low Density Residential zones;
 - b) a metal storage container in the Small Holdings zones shall not exceed a floor area of 10.0 m² in area; and
 - c) a metal storage container is not to be sited between a principal building and the front parcel line and, in a Low Density Residential zone the exterior side parcel line.
3. THAT first and second readings of Bylaw No. 2895, 2020, Regional District of Okanagan-Similkameen Metal Storage Container Regulations Zoning Amendment Bylaw, be rescinded and the bylaw abandoned.

Respectfully submitted:



C. Garrish, Planning Manager

Attachments: No. 1 – Comparison of current versus recommended regulations (Bylaw No. 2895)

No. 2 - "Options" considered at the P&D Committee Meeting of June 3, 2021

No. 1 – Comparison of current versus recommended regulations (Bylaw No. 2895)

Current Regulations in Bylaw No. 2895	Recommended Changes to Bylaw No. 2895
<p>Metal Storage Containers</p> <p>.1 The use of Metal Storage Containers as accessory buildings or structures is permitted in accordance with the following criteria:</p> <ul style="list-style-type: none"> a) in the Resource Area, Agriculture, Large Holdings and Industrial zones metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit. b) in the Low Density Residential and Small Holdings zones only one (1) metal storage container may be used as an accessory building or structure on a parcel, and only if: <ul style="list-style-type: none"> i) a parcel is greater than 0.5 ha in area; ii) the metal storage container is painted in a colour consistent with the principal building; and iii) the metal storage container is not sited between the front parcel line and a principal building. c) Despite sub-section 7.27.1(a) and (b), one (1) metal storage container may be used for temporary storage: <ul style="list-style-type: none"> i) during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied; or ii) for a period not exceeding 30 days for the purpose of loading or unloading goods related to a relocation of a residential or commercial use. 	<p>Metal Storage Containers</p> <p>.1 The use of Metal Storage Containers as accessory buildings or structures is permitted in accordance with the following criteria:</p> <ul style="list-style-type: none"> a) in the Resource Area, Agriculture, Large Holdings and Industrial zones metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit. b) in the Low Density Residential and Small Holdings zones only one (1) metal storage container may be used as an accessory building or structure on a parcel, and only if: <ul style="list-style-type: none"> i) <u>the metal storage container is not to be sited between a principal building and:</u> <ul style="list-style-type: none"> <u>.1 the front parcel line; and</u> <u>.2 in a Low Density Residential zone, an exterior side parcel line.</u> c) Despite sub-section 7.27.1(a) and (b), one (1) metal storage container may be used for temporary storage: <ul style="list-style-type: none"> i) during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied; or ii) for a period not exceeding 30 days for the purpose of loading or unloading goods related to a relocation of a residential or commercial use.

Metal Storage Containers – “Option No. 1”

- .1 The use of a “metal storage container” as an “accessory building or structure” is permitted in accordance with the following:
 - a) in the Low Density Residential, Medium Density Residential, Town & Village Centre and Administrative and Open Space zones placement of a metal storage container is prohibited.
 - b) in the Small Holdings zones a metal storage container shall:
 - i) not exceed 10.0 m² in area;
 - ii) be limited to one (1) per parcel; and
 - iii) not be sited between the front parcel line and a principal building.
 - c) in a Commercial and Tourist Commercial zones a metal storage container shall:
 - a) not be sited between the front parcel line and a principal building; and
 - b) be limited to one (1) per parcel.
 - d) in all other zones metal storage containers shall only be stacked vertically to a maximum of two (2) containers, subject to the prior issuance of a building permit.
- .2 Despite sub-section 1, one (1) metal storage container may be used for temporary storage:
 - a) during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied; or
 - b) for a period not exceeding 30 days for the purpose of loading or unloading goods related to a relocation of a residential use in any zone.

Metal Storage Containers – “Option No. 2”

- .1 The use of a “metal storage container” as an “accessory building or structure” is permitted in the Resource Area, Agriculture, Large Holdings and Industrial in accordance with the following:
 - a) metal storage containers shall only be stacked vertically to a maximum of two (2) containers, subject to the prior issuance of a building permit.
- .2 Despite sub-section 1, one (1) metal storage container may be used for temporary storage:
 - a) during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied; or

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- b) for a period not exceeding 30 days for the purpose of loading or unloading goods related to a relocation of a residential use in any zone.

Metal Storage Containers – “Option No. 3”

- .1 The use of Metal Storage Containers as accessory buildings or structures is permitted in accordance with the following criteria:
 - d) in the Resource Area, Agriculture, Large Holdings and Industrial zones metal storage containers may only be stacked vertically to a maximum of two (2) containers and subject to the prior issuance of a building permit.
 - e) in the Low Density Residential and Small Holdings zones only one (1) metal storage container may be used as an accessory building or structure on a parcel, and only if:
 - iv) a parcel is greater than 0.5 ha in area;
 - v) the metal storage container is painted in a colour consistent with the principal building; and
 - vi) the metal storage container is not sited between the front parcel line and a principal building.
 - f) Despite sub-section 7.27.1(a) and (b), one (1) metal storage container may be used for temporary storage:
 - iii) during construction in any zone, provided that a valid building permit has been issued authorizing construction of a building or structure. The metal storage container must be removed upon completion of the construction, and for this purpose construction is deemed to be complete on the earlier of the date on which an occupancy permit for the construction is issued, or the building or structure is used or occupied; or
 - iv) for a period not exceeding 30 days for the purpose of loading or unloading goods related to a relocation of a residential or commercial use.

Metal Storage Containers – “Option No. 4”

Amendment Bylaw No. 2895 is abandoned.