

ADMINISTRATIVE REPORT



TO: Planning and Development Committee
FROM: B. Newell, Chief Administrative Officer
DATE: June 1, 2017
RE: Regulation of Metal Storage (“Shipping”) Containers

Administrative Recommendation:

THAT the Regional District introduce regulations governing the placement of metal storage containers as part of preparation of the draft Okanagan Electoral Area Zoning Bylaw.

Purpose:

The purpose of this report is to discuss the possible introduction of regulations governing the use and placement of metal shipping containers within the Okanagan Electoral Area zoning bylaws.

Background:

The regulation of metal storage containers is already being undertaken by Penticton, Summerland and Oliver. These local governments generally permit containers only in industrial and commercial zones and include provisions which:

- limit the stacking of containers to no more than two (2);
- exclude their placement in residential zones;
- prohibit their placement between a principal building and the street frontage;
- prohibit their placement on required on-site parking spaces; and
- establish a maximum number of containers per parcel (i.e. 10).

For reference purposes, the regulations utilised by Town of Oliver and City of Penticton are included at Attachment No. 1.

The impetus for this review is related to the direction contained within the 2016 Business Plan to develop “a consolidated Okanagan Valley Zoning Bylaw” as well as the direction in the 2017 Business Plan to ensure “all existing bylaws and policies are kept in a current and useful form ...”

The current Okanagan Electoral Area zoning bylaws were adopted on November 6, 2008, and have been subject to numerous amendments in the intervening years (i.e. over 30 in Electoral Area “C”). In the coming months, Administration is anticipating seeking direction from the Board on a number of existing and potential land use regulation and zone changes as it continues to work toward an updated Okanagan Electoral Area Zoning Bylaw.

Analysis:

Despite the Electoral Area Zoning Bylaws being silent on the use of metal storage (“shipping”) containers, Administration has interpreted these to be “accessory structures” that are allowed within

a zone provided they are being used in association with a principal permitted use and comply with all relevant zoning provisions (i.e. setback, building height, parcel coverage, etc.).

The use of metal storage containers within the Regional District, due to their versatility and ease of re-use for residential, agricultural, commercial and industrial purposes, has led to an occasional concern being expressed, including:

- aesthetic considerations (i.e. compatibility with residential neighbourhoods / highway commercial developments);
- safety concerns (i.e. targets for break-ins when being used for storage purposes); and
- Building Permit implications (i.e. confirmation the structure complies with the BC Building Code in relation to its intended re-use).

From an aesthetic point of view, there is little to differentiate the built form of a metal shipping container from a single wide mobile home, and the Board has previously implemented regulations to prohibit the latter in most Small Holdings and Residential zones. As a matter of consistency, there may be merit in taking a similar approach to regulating the use of shipping containers.

With regard to possible safety concerns, Administration is unaware of any data regarding the prevalence of break-ins involving metal storage containers versus more traditional accessory buildings or structures.

Similarly, with regard to building permit implications, Administration notes that the current interpretation of these as “accessory structures” limits their re-use to non-habitable purposes under the Zoning Bylaw.

Administration also notes that the existing interpretation of metal storage containers as constituting an “accessory building or structure” has not resulted in serious complaint or objection from the community.

Should the Board be of an opinion to regulate these structures, it is recommended that staff be directed to undertake further research on this issue.

Options:

- .1 THAT the Board of Directors resolves to direct staff to draft regulations governing the placement of metal storage containers as part of preparation of the draft Okanagan Electoral Area Zoning Bylaw; or
- .2 THAT the Board of Directors resolves to direct staff to not draft regulations governing the placement of metal storage containers.

Respectfully submitted:



C. Garrish, Planning Supervisor

Attachments: No. 1 – Examples of regulations approved by member municipalities (Oliver & Penticton)

Town of Oliver - Metal Storage Container Regulations

1. A metal storage container is permitted in the M1 Zone provided that:
 - a) metal storage containers may only be stacked to a maximum of two (2) containers and subject to the prior issuance of a building permit; and
 - b) metal storage containers shall be sited in accordance with the regulations for the siting of accessory buildings or structures.
2. Despite sub-section 6.15.1, one (1) metal storage container may be used for temporary storage during construction in any zone, provided that a valid building permit has been issued authorizing the construction. The metal storage container must be removed upon completion of the construction.

City of Penticton - Metal Storage Container Regulations

Notwithstanding section 5.9.2, metal storage containers are permitted in the M1, M2, C4, C6, C7, and P1 zones under the following conditions:

1. Metal storage containers may only be stacked one (1) on top of the other in the M1 and M2 zones, to a maximum of two (2) containers high and subject to the prior issuance of a building permit;
2. Metal storage containers shall be sited according to the siting regulations for buildings in the zones listed. In the C4, C6, and P1 zones, metal storage containers shall not be located between the principal building and any street frontage, except a lane.
3. Metal storage containers shall not be located on a required parking space, except for a garden centre below, on parking drive aisles, within driveway accesses or fire lanes;
4. On lots within the C4, C7, and P1 zones, the maximum number of metal storage containers shall be (2) containers per lot for the first 0.2 ha or less of lot area plus 2 additional containers for each 0.2 ha of additional lot area, to a maximum of 10 containers;
5. On lots within the C6 zone, the maximum number of metal storage containers shall be two (2) containers per lot for the first 0.2 ha or less of lot area plus 2 additional containers for each 0.2 ha of additional lot area, to a maximum of 10 containers;
6. A metal storage container may be used as temporary storage for a permitted seasonal garden centre and may be located between the principal building and the street;
7. Metal storage containers shall only be used to store materials or products that are incidental to the operation of the business or facility located on the lot; and
8. Notwithstanding subsections .2 to .7 on the lot in which the container is placed, a metal storage container may be used as temporary storage during construction provided that a valid building permit has been issued authorizing the construction. The metal storage container must be removed upon completion of the construction.