

TO: Planning and Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: March 5, 2020

RE: Zoning Bylaw Amendment – Electoral Areas “A”, “C”, “D”, “E”, “F” & “I”
Regulation of Metal Storage (“Shipping”) Containers

Administrative Recommendation:

THAT the Board of Directors initiate Amendment Bylaw No. 2895.

Purpose:

To introduce regulations governing the use and placement of metal shipping containers within the Okanagan Electoral Area zoning bylaws.

Background:

At its meeting of June 1, 2017, the Planning and Development (P&D) Committee considered the regulation of metal storage containers. The regulation of metal storage containers was already being undertaken by Penticton, Summerland and Oliver and metal storage containers were only permitted by these municipalities in industrial and commercial zones, subject to some of the following provisions:

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

The P&D Committee subsequently resolved “that the Regional District introduce regulations governing the placement of metal storage containers and fabric structures as part of preparation of the draft Okanagan Electoral Area Zoning Bylaw.”

At its meeting of February 20, 2020, the Corporate Services Committee considered a Draft of the 2020 Corporate Action Plan. This Plan included, as an action, a “review the Area I Zoning Bylaw to establish controls for tiny homes, shipping containers and B&B at Apex Mountain Resort” [emphasis added] to be completed by Q4 2020.

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, appropriate setbacks from property lines).

In response to these considerations, as well as the experience of the member municipalities (as evidenced through their zoning regulations), it seems appropriate that metal storage containers only be permitted in the Industrial and Rural Zones (i.e. Resource Area, Agriculture & Large Holdings – all of which have a minimum parcel for subdivision of 4.0 ha).

Given the occurrence of commercial zones along major highway corridors (i.e. Highway 97) or within town centres such as Okanagan Falls, Naramata and Apex Village, it may be appropriate that storage containers be prohibited in these zones.

Similarly, storage containers should be prohibited from residential, administrative/institutional and parks and recreation zones.

It is proposed that an exception be made to these prohibitions if a valid building permit has been issued authorizing construction, in which case one (1) temporary shipping container may be sited but must be removed upon completion of the construction (i.e. occupancy provided).

Other proposed regulations include limiting the stacking of metal storage containers to a maximum of two (2), subject to the issuance of a building permit, and that the placement of storage containers comply with prescribed setbacks for accessory buildings and structures in the applicable zoning.

The recently adopted Building Bylaw No. 2805 requires siting permits for the placement of shipping containers to ensure that these structures will be placed in accordance with accessory building regulations in the future.

Alternatives:

- .1 THAT the Board of Directors direct staff to not initiate Amendment Bylaw No. 2895; or
- .2 THAT the Board of Directors direct staff to initiate Amendment Bylaw No. 2895, subject to the following amendments:
 - i) *TBD.*

Respectfully submitted:



C. Garrish, Planning Manager

Endorsed by:



B. Dollevoet, G.M. of Development Services

Attachments: No. 1 – Draft Amendment Bylaw No. 2895