

TO: Planning & Development Committee

FROM: B. Newell, Chief Administrative Officer

DATE: February 17, 2022

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 to prohibit the placement of metal storage containers in the West Bench Low Density Residential (RS5) Zone.

Purpose:

To present a summary of the feedback received from the most recent round of consultation on Amendment Bylaw No. 2895, which is proposing to introduce zoning regulations within the Okanagan Electoral Area zoning bylaws that will govern the placement of metal storage containers.

Background:

At its meeting of October 21, 2021, the P&D Committee resolved that Zoning Amendment Bylaw No. 2895, 2020 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.

The Committee also resolved that additional consultation be undertaken with external agencies and the public, and that prior to scheduling of a third public hearing, the results of this consultation be presented at a meeting of the P&D Committee.

Public Consultation – November & December, 2021

In response to the most recent round of consultation, approximately 48 responses were received from the public with nearly 60% (28) of these being from property owners in Electoral Area “F” and approximately 21% (10) from property owners within Electoral Area “A”.

In reviewing the responses received, Administration notes that most indicated support or non-support of the proposed amendment bylaw; however, it is unclear if non-support for the bylaw was due to individuals opposing the regulation of metal storage containers or opposing the placement of

metal storage containers. Further, some responses indicated support/non-support but did not include comments.

In this regard, it was difficult to ascertain the public's position based on the comments provided.

Thirty-one responses noted that they did not support the proposed amendment bylaw. Of the 31 responses:

- five included comments which indicated that they did not support regulations for the placement of metal storage containers (e.g., establishment of a minimum parcel size and siting restrictions) and/or cited the benefits of container use;
- seventeen included comments which indicated that they are not in favour of allowing the placement of containers due to concerns such as impacts on aesthetics, property devaluation, and compatibility with residential zones and/or small lots;
- eight did not include comments; and,
- one cited issues with the wording of the bylaw.

Draft Okanagan Valley Zoning Bylaw No. 2800

At its February 17, 2022, the Planning and Development (P&D) Committee of the Board is scheduled to consider the Draft Okanagan Valley Zoning Bylaw No. 2800.

This bylaw would replace the Electoral Area "A", "C", "D", "E", "F", and "I" zoning bylaws and negate the need to amend each individual zoning bylaw to include provisions regarding the placement of metal storage containers.

Given the initiation of Bylaw No. 2800, Amendment Bylaw No. 2895 would likely result in an amendment of the new zoning bylaw, if adopted by the Board. With this in mind, Administration would likely delay further works on Amendment Bylaw No. 2895 until Bylaw No. 2800 is adopted.

Analysis:

Administration notes that a majority of the recent feedback collected during November and December, 2021 was received from Electoral Area "F" (predominantly from the Westwood subdivision of West Bench) and generally indicated concerns of permitting metal storage containers.

In particular, the issues typically cited by property owners in their feedback included impacts on property and neighbourhood aesthetics and valuation and compatibility with residential zones. Several comments indicated that parcel size was an issue (i.e. residential lots, particularly those in the Westwood subdivision, are too small to allow containers) but that the use of a minimum parcel size (suggestions ranging between 0.4 ha to 2.5 ha) for placement would be appropriate.

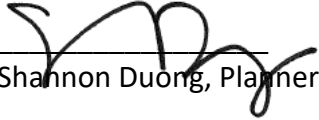
Conversely, the Board has the option to maintain the current regulations in Amendment Bylaw No. 2895.

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; OR

2. 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:


Shannon Duong, Planner I

Endorsed By:


C. Garrish, Planning Manager

Attachment: No. 1 – Comparison of Current vs Proposed Regulation

Attachment No. 1 – Comparison of Current vs Proposed Regulations

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) the metal storage container is not sited between a principal building and: <ul style="list-style-type: none"> .1 the front parcel line; and .2 in a Low Density Residential zone, an exterior side parcel line. 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) the metal storage container is not to be sited between a principal building and: <ul style="list-style-type: none"> .1 the front parcel line; and .2 in a Low Density Residential zone, an exterior side parcel line. c) <u>Despite sub-section 7.27.1(a) and (b), metal storage containers are prohibited on parcels in the West Bench Low Density Residential (RS5) zone.</u> d) Despite sub-section 7.27.1(a), (b), <u>and (c)</u>, 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.