

TO: Advisory Planning Commission

FROM: B. Newell, Chief Administrative Officer

DATE: September 14, 2021

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

Purpose:

The Regional District Board is seeking additional input from the Advisory Planning Commission (APC) regarding proposed zoning bylaw amendments related to the regulation of metal storage containers.

Background:

On May 6, 2020, the Regional District forwarded a “Background Memorandum” to members of the Advisory Planning Commission (APC) seeking their individual feedback on proposed zoning regulations to govern the placement of metal shipping containers.

At its meeting of October 1, 2020, the P&D Committee of the Board considered the feedback received from APC members as well as the public and resolved that Bylaw No. 2895 be amended to incorporate the following requirements:

- 1. a minimum parcel size requirement of 0.5 ha*
- 2. the replacement of the cladding and roofing requirement with a requirement to paint the container the same colour as the principal dwelling in Low Density Residential and Small Holdings zones;*
- 3. a definition of “metal shipping container”;*
- 4. a regulation that metal shipping containers not be located between the front parcel line of a property and the principal dwelling unit in Low Density Residential and Small Holdings zones; and*
- 5. a regulation permitting one (1) metal storage container to be used for temporary storage of household goods for a period not exceeding one (1) month.*

At its meeting of October 15, 2020, the Regional District Board resolved to approve first and second reading of Amendment Bylaw No. 2895, 2020, and delegated the holding of a public hearing to Chair Kozakevich.

Electronic public hearings were subsequently held on November 19, 2020 (attended by 10 members of the public) and December 15, 2020 (attended by 7 members of the public and 5 Directors).

At its meeting of February 4, 2021, the Board resolved to defer consideration of third reading of Amendment Bylaw No. 2895, 2020, and refer the amendment bylaw to the P&D Committee for further discussion.

At its meeting of February 18, 2021, the P&D Committee of the Board considered, for information, Administrative Reports related to options for the regulation of shipping container and siting permits.

At its meeting of June 3, 2021, the P&D Committee of the Board directed the following:

- that no further changes be made to Zoning Amendment Bylaw No. 2895, 2020;
- that prior to 3rd reading of Amendment Bylaw No. 2895, 2020, it be re-considered by the Electoral Area Advisory Planning Commissions (APCs); and
- that an amendment to the Regional District's Building Bylaw No. 2805, 2018, be initiated in order to delete the requirement for a Siting Permits when placing a metal storage container.

At its meeting of July 8, 2021, the Board approved first and second reading of Amendment Bylaw No. 2805.01, 2021, which proposes to delete the requirement for a "Siting Permit" for the erection or placement of a metal storage container on a property under the Building Bylaw.

An additional public hearing is required to be scheduled prior to the Board's consideration of 3rd reading of Amendment Bylaw No. 2895, 2020.

Analysis:

For the benefit of APC members, the options considered by the P&D Committee at its meeting of June 3, 2021, are outlined below as well as in the attachments to this report.

The APC is asked to be aware that the P&D Committee resolved to support "Option 3" below but is seeking additional feedback from the APC on this decision.

Option 1:

Amendment Bylaw No. 2895, 2020, is amended to prohibit metal storage containers in the Residential (RS & RM), Town & Village Centre and Administrative and Open Space zones and to allow a maximum of one (1) metal storage container not exceeding 10.0 m² in the Small Holdings (SH), Commercial (C) and Tourist Commercial (CT) zones.

In all other zones, the only restriction on the placement of metal storage containers would be to limit stacking to no more than two (2), subject to the issuance of a building permit.

Anyone seeking to place larger or additional metal storage containers on a property would be required to obtain a development variance permit (DVP) from the Regional District, which would allow for input from surrounding residents and property owners.

Administration considers that this approach would address the concerns raised about the placement of containers in residential areas (i.e. Apex Mountain Resort) and would further support the "form and character" development permit area guidelines that generally apply in the Town and Village Centre Area zones and which do not support the placement of metal storage containers.

Of concern, Administration notes that this approach would not address all of the concerns raised by residents of Anarchist Mountain and the West Bench regarding the placement of metal storage containers in their communities.

It is further proposed that the Siting Permit provisions in the Building Bylaw No. 2805, 2018, be repealed as structures less than 10.0 m² in area are exempt from building permit requirements.

If implemented, enforcement would be through the land use bylaws and only initiated through the receipt of a formal complaint as opposed to the current practice which is through observation by a

Building Inspector. The modification and/or stacking of a storage containers would still require the issuance of a building permit due to being an pre-engineered structure.

Option 2:

Amendment Bylaw No. 2895, 2020, is amended to only permit metal storage containers in the Resource Area, Agriculture, Large Holdings and Industrial zones.

This is the approach recommended by Administration at the March 5, 2020, meeting of the P&D Committee and is generally consistent with the regulations applied by the Okanagan member municipalities, all of whom currently prohibit metal storage containers in their residential and rural-residential zones.

With regard to the commercial zones, Administration notes that these zones are common along major highway corridors (i.e. Highway 97) that are important gateways into the South Okanagan, or occur within town centres such as Okanagan Falls, Naramata and Apex Village and the visual prominence of metal storage containers in these locations should be restricted.

It would be further proposed that the Siting Permit provisions in the Building Bylaw No. 2805, 2018, be repealed.

If implemented, enforcement would be through the land use bylaws and only initiated through the receipt of a formal complaint as opposed to the current practice which is through observation by a Building Inspector. The modification and/or stacking of a storage containers would still require the issuance of a building permit due to being an pre-engineered structure.

Option 3:

Amendment Bylaw No. 2895, 2020, proceeds to third reading un-changed and consistent with the direction provided by the P&D Committee at its meeting of October 1, 2020.

Metal storage containers would be limited in the Low Density Residential and Small Holdings zones to a maximum of one (1) provided that:

- 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.

Short-term exemptions would be provided for construction projects and the relocation of a residential or commercial use.

It would be further proposed that the Siting Permit provisions in the Building Bylaw No. 2805, 2018, be repealed.

Option 4:

Amendment Bylaw No. 2895, 2020, is abandoned and no changes are made to the Electoral Area Zoning Bylaw.

Metal storage containers would continue to be interpreted as an “accessory building or structure” and permitted in all zones, subject to compliance with existing regulations for setbacks, building height and parcel coverage.

It would be further proposed that the Siting Permit provisions in the Building Bylaw No. 2805, 2018, not be amended.

Options:

1. THAT the APC recommends to the RDOS Board of Directors that the metal storage container zoning regulations contained within Amendment Bylaw No. 2895, 2021, be supported.
2. THAT the APC recommends to the RDOS Board of Directors that the metal storage container zoning regulations contained within Amendment Bylaw No. 2895, 2021, be amended as follows:
 - i) *TBD*
3. THAT the APC recommends to the RDOS Board of Directors that the metal storage container zoning regulations contained within Amendment Bylaw No. 2895, 2021, not be supported.

Respectfully submitted:



C. Garrish, Planning Manager

- Attachments: No. 1 – Metal Storage Container Regulations (Option 1)
No. 2 – Metal Storage Container Regulations (Option 2)
No. 3 – Metal Storage Container Regulations (Option 3)
No. 4 – Illustration of Typical Metal Storage Containers Sizes

Metal Storage Containers

- .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

- .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
 - 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

- .1 The use of Metal Storage Containers as accessory buildings or structures is permitted in accordance with the following criteria:
- 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:
 - 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:
 - 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.

Attachment No. 4 – Illustration of Typical Metal Storage Containers Sizes

Dimensions (L x W X H)	Area
6' x 6' x 6'6"	3.34 m ²
8' x 7' x 7'6"	5.02 m ²
10' x 8' x 8'6"	7.43 m ²
20' x 8' x 8'6"	14.87 m ²
40' x 8' x 8'6"	29.73 m ²



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