

BACKGROUND MEMORANDUM



TO: Advisory Planning Commission

FROM: B. Newell, Chief Administrative Officer

DATE: May 6, 2020

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

Purpose:

The purpose of this report is to seek direction from Advisory Planning Commission (APC) members regarding the introduction of regulations governing the use and placement of metal storage containers within the Okanagan Electoral Area zoning bylaws.

Background:

At its meeting of June 1, 2017, the Planning and Development (P&D) Committee of the Board considered an Administrative Report that addressed the regulation of metal storage containers.

It was noted at that time that the regulation of metal storage containers was already being undertaken by Penticton, Summerland and Oliver, and that 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.

At its meeting of March 5, 2020, the P&D Committee resolved that Amendment Bylaw No. 2895, being a bylaw to introduce regulations pertaining to metal storage contains for Electoral Areas “A”, “C”, “D”, “E”, “F” & “I”, be initiated.

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).

Within the South Okanagan, the following regulations have been applied by other local governments in regards to the placement of storage containers:

Local Government	Permitted Zones	Stacking	Maximum Number
Penticton	Industrial (M1, M2, M3) Commercial (C4, C6, C7) Institutional (P1, P2) Agriculture (A)	Maximum of 2 (Industrial zones only)	Industrial: N/A Commercial: 5* Institutional: 5* Agriculture: 1
Summerland	Industrial (all) Commercial (all) Institutional (all) Agriculture (all)	N/A	N/A
Oliver	Industrial (M1)	Maximum of 2 (Industrial zones only)	N/A
Osoyoos	Industrial (M1, M2, M3) Agriculture (AG)	N/A	Industrial: 2 Agriculture: 2

* two (2) storage containers are permitted for each 0.2 ha of land area to a maximum of 5

In response to these considerations, as well as the approach of other municipalities, the Regional District is proposing that metal storage containers be permitted in the Resource Area (RA), Agriculture (AG1, AG2 & AG3), Large Holdings (LH1 & LH2) and Industrial (I1, I2 & I3) 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.

It is further being proposed that within Low Density Residential (RS1, RS2, RS3, RS4, RS5, RD1, etc.) and Small Holdings (SH2, SH3, SH4, SH5 & SH6) zones be limited to one (1) subject to being:

- i) completely clad in a material consistent with the principal building; and*
- ii) covered by a roof with a pitch consistent with the principal building.*

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 is being further proposed that storage containers be prohibited.

It is also 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 storage 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 storage containers to ensure that these structures will be placed in accordance with accessory building regulations in the future.

Based upon preliminary public comment received by the Regional District on these proposed regulations, APC members may wish to consider the suitable range of zones in which metal storage containers may be permitted.

For instance, it has been suggested that storage containers should be prohibited in Low Density Residential zones (NOTE: Amendment Bylaw 2886 currently proposes to allow containers in these zones).

Conversely, it has also been suggested that the Regional District should be treating storage containers on larger parcels in the Small Holdings zones (i.e. with parcels greater than 1.0 ha in area) the same as those parcels zoned Large Holdings. Specifically, that there be no regulations on numbers of containers or how they are clad (NOTE: Amendment Bylaw 2886 currently proposes to regulate container numbers and cladding in all SH zones).

Respectfully submitted:



C. Garrish, Planning Manager

Attachments: No. 1 – Draft Metal Storage Container Regulations

No. 2 – APC Member Feedback Form

Metal Storage Containers

- .1 The use of Metal Storage Containers as accessory buildings or structures is prohibited except 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 it is:
 - i) completely clad in a material consistent with the principal building; and
 - ii) covered by a roof with a pitch consistent with the principal building.
 - c) Despite sub-section 7.XX.1(a) and (b), 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 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.

Attachment No. 2 – APC Member Feedback Form

[APC Member Feedback Form, prepared by RDOS, under separate attachment]