

MEETING DATE: August 17, 2020

SUBMITTED BY: S. Losier, A/Director, Planning & Development

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REPORT TITLE: Bylaw No. 1040-2019 - Land Use Bylaw Text Amendments (3rd Reading)

EXECUTIVE SUMMARY

Bylaw 1040-2019, as amended, will amend Land Use Bylaw 809-2013 to allow “*Container, Shipping Container or Sea Can*” as a discretionary use for temporary storage purposes in the IBL – Business Light Industrial subject to prescribed siting conditions.

On March 9, 2020, a Public Hearing was held on Bylaw 1040-2019 (“Bylaw”) and, while giving the Bylaw Second Reading, Council gave direction that before Third Reading:

Council requested that Administration further research if the proposed condition of limiting the number of sea cans to three per site is too restricted or can there be some discretion based on lot size.

RECOMMENDATION

That Bylaw No. 1040-2019, as amended, be read a third time.

RATIONALE

Land use bylaws are living documents that are constantly under review by Administration and stakeholder partners. To be effective, Land Use Bylaw Regulations need to:

- Be clear, concise and consistent in their requirements;
- Evolve to address the changing needs of the community; and
- Ensure development meets expected standards.

The City of Leduc (“City”) has received a verbal request to use shipping containers for temporary onsite storage on land zoned IBL – Business Light Industrial.

The use of shipping containers for storage purposes has increased in popularity. They can be found on many sites within the general industrial areas of the City. Defined as “*Container, Shipping Container or Sea Can*” within the Land Use Bylaw No. 809-2013 (“LUB”), they are now a Permitted Use in three zones, being:

- **IL** – Light Industrial;
- **IM** – Medium Industrial; and
- **IS** – Special Industrial.

All three industrial zones reference Section 21.3.2 of the LUB’s “*Specific Use Regulations*” which prescribe detailed regulations guiding the use and siting of shipping containers (Attachment 4).

Within the City, there is an area designated **IBL** – Business Light Industrial where the use of shipping containers as a permitted use is a reasonable land use opportunity. This being those lands on 46A Street between 61 and 62 Avenue. In recommending that the term “*Container, Shipping Container or Sea Can*” be added as a use for this zone and, at the same time, be restricted to these specific lands, a number of important considerations were taken:

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- Recognizing that the **IBL** zone was created to provide for a selection of light industrial and commercial land uses that are readily evacuated that do not encourage large gatherings of people and do not adversely affect adjacent land use by allowing uses where there are significant, external, objectionable or dangerous conditions of any building on the site.
- Noting that the district is intended to serve as a buffer to more impactful industrial land uses.
- Appreciating that a majority of the land designated **IBL** are high profile sites facing Highway 2 and/or significant arterial roads where a high design standard of development is reasonably expected. As articulated in the Highway 2 Corridor Design Guidelines, municipal approvals should consider architectural treatment, design and density of buildings, minimum building setbacks, location and screening of open storage areas and mechanical equipment, access and egress, site planning and parking, yard and storage areas, landscaping, signage, lighting, and preservation of attractive natural areas. A very wide list of considerations corresponds to potential development of these areas along the Highway. Similar considerations are not unreasonable for any development facing or accessing onto an arterial road.

For all these reasons, the recommendation to allow shipping containers for storage purposes is limited to the area designated IBL that is outside the Highway 2 Corridor Design Guidelines area of interest and on sites facing or accessed by a local road.

In addition, recognizing that this is a new, and untested, opportunity on these lands, a series of conditions were recommended to permit the siting of shipping containers for storage purposes and to provide the opportunity for the City to monitor uptake and thereby assess the impact of this opportunity. These conditions were:

- To limit to 3 the number of shipping containers per site;
- To consider the use of shipping containers as a temporary land use with 3-year limits to approvals;
- Employ Section 21.3.2 (Attachment 4) of the Land Use Bylaw to support implementation within established guidelines; and
- Restricting the use of shipping containers to designated IBL lands that do not face or have access onto an arterial road (e.g., Sparrow Drive).

The original recommendation to support the proposed amendment was made as it was felt that the change will not affect the IBL zone's original intent of providing buffering land uses between industrial and commercial areas; and, at the same time, as the impacted lands are outside the Highway 2 Corridor area of interest, not conflict with expected higher development standards along the Highway.

In response to the direction from Council, the Current Planning team of planners and development officers met several times to review the issue. Following from those discussions, the Bylaw, as presented with this Report for 3rd reading, has been amended since 2nd reading to include the following:

- extending the time for the temporary approval from 3 to 5 years;
 - removal of limits of the number of containers that may be permitted on a site; and
 - allowing containers as a discretionary land use.
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- **Extend the time for the temporary approval from 3 to 5 years.** Allowing a use as a temporary activity is a common, and effective, practice when introducing a new accessory type use or structure. This allows a municipality the time to review the impact of the new use or structure. If it is determined to be inappropriate there is the opportunity to have it removed from the landscape over time as permits lapse. If on the other hand it is determined to be acceptable, then allowing the activity on a permanent basis is a relatively smooth transition. Recognising that these containers are in use in other areas of the City, a significant extension to the time period for a temporary use

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of them will allow for a measured response as to whether or not the activity fits and supports the intent of the underlying designation.

- **Remove the limit to the number of containers that may be permitted on a site and make them a discretion land use.** There are many sites in the subject area that could accommodate a large number of containers and comply with the Land Use Bylaw's provisions for yards and coverage. Some sites are estimated to have the space to host upwards of 30 containers and still meet the Bylaw's provisions. Additionally, there is also no evidence, or even a consistent opinion, as to whether 3 is better than 2 or 10 is worse than 9 when it comes to the number of sea containers that should be allowed on a site. Putting a number on the maximum number of containers that can be allowed on a site is largely arbitrary as there is no evidence to support a recommendation one way or the other. Site conditions, the quality of the finish on the containers and the other buildings, and the general quality of the site are far more important to the acceptability of accessory uses on a site. These are the elements that go into a development officer's consideration of discretionary uses. To move from a definitive number to a Development Officer decision also means the use will need to be identified as a discretionary decision. This adjusts the conversation from a development right to an appealable discretionary decision. Linked with a temporary approval in all cases, there is the opportunity to gather the evidence over time as to the impact of this amendment and provide guidance to future decisions.

STRATEGIC / RELEVANT PLANS ALIGNMENT

1. *Municipal Government Act*, RSA 2000, Chapter M-26 as amended
 - S. 640(4) outlines all matters a land use bylaw may regulate.
 - S. 606 and S. 692 govern the requirements for advertising a public hearing for a bylaw.
2. Land Use Bylaw 809-2013, as amended
3. Highway 2 Corridor – Design Guidelines

ORGANIZATIONAL IMPLICATIONS

ADMINISTRATION:

There are no organizational implications.

RISK ANALYSIS: FINANCIAL / LEGAL:

There are no financial nor legal implications.

IMPLEMENTATION / COMMUNICATIONS:

The Public Hearing was held on March 9, 2020. The Hearing was advertised in the February 14 and 21, 2020 issues of "The Representative."

ALTERNATIVES:

1. That Council further amends Bylaw No. 1040-2019; or
2. That Council defeats third reading of Bylaw No. 1040-2019, as amended or otherwise.

ATTACHMENTS

- Attachment 1 - Key Plan
- Attachment 2 - Zoning Map
- Attachment 3 - Bylaw No. 1040-2019, as amended.
- Attachment 4 - Special Use Regulations