

Regional Board Report

Request for Decision

To: Regional Board

From: Director of Development and Engineering Services

Date: February 22, 2024

Subject: Zoning Bylaw 871 Administrative Amendment (Z23/08)

Amendment Bylaw No. 871-285

Voting Entitlement: All Directors - Unweighted Corporate Vote - Simple Majority (LGA s.208)

Purpose: To consider first, second and third reading of an amendment to Zoning Bylaw No. 871 to

permit the use of finished corrugated metal for fencing, provided that exposed edges are

capped or framed with other materials.

Executive Summary:

In the fall of 2023, the Regional Board considered a broad range of zoning bylaw administrative amendments, including changes to regulations for fencing materials design standards. Following public feedback, staff were asked to review the proposed fencing regulations in consultation with the Electoral Area Services Committee. As a result, Zoning Amendment Bylaw No. 871-285 has been drafted which will allow *finished* corrugated metal to be used as a fencing material if exposed edges are capped or framed with other materials.

| will allow <i>finished</i> corrugated metal to be used as a fencing material if exposed edges are capped or framed with other materials. Recommendation: THAT the Regional Board gives first, second and third reading to Zoning Amendment Bylaw No. 871-285 Respectfully submitted by: Shaun O'Dea, Senior Planner | | | |
|--|---|--------------------------------------|----------------------|
| | | Report Approved by: | Approved for Agenda: |
| | | Mui | Solly Ginter |
| | | Todd Cashin, Director of Development | Sally Ginter, |
| and Engineering Services | Chief Administrative Officer | | |
| Strategic Plan Alignment: | | | |
| ☐ Emergency preparedness | ☐ Truth and reconciliation | | |
| ☐ Health and wellness | ☐ Environment and climate – Regional priority only | | |
| ☐ Regional transportation | √ Growth and development – Electoral Area priority only | | |

Background:

On November 16, 2023 the Regional Board adopted Zoning Amendment Bylaw No. 871-232 including the following fencing regulations which currently apply to all land within the RDCO's Electoral areas, excluding areas regulated by the Joe Rich Rural Land Use Bylaw;

3.10 Fencing and Retaining Walls

Prohibited Fence Materials

- 11. Fences shall be built in accordance with the following regulations:
 - a) No fence in an *R zone*, *R3 zone*, or *C zone* shall contain barbed wire, razor wire, electrified wire, corrugated metal or sheet metal.
 - b) No fence in an ${\it RU}$ or A1 zone shall contain tarps, razor wire, corrugated metal or sheet metal.
 - c) No metal fence shall be constructed or erected which has the ends of fence pickets or finials extending above a horizontal rail (see Figure 3.10.11)

Figure 1: Current Zoning Bylaw fencing regulations.

Following the Board's deliberations, staff were asked to further review fencing material regulation options, and to present a recommendation to the Electoral Area Services Committee.

Proposal:

The proposed amendment reflects development trends that have emerged in the region over the last ten to twenty years, resulting in the widespread use of corrugated metal fences which are seen as a durable, FireSmart, cost effective, and versatile option for homeowners.

The proposed amendment will allow *finished* corrugated metal to be used as a fencing material in all zones if exposed edges are capped or framed with other materials.

3.10 Fencing and Retaining Walls

Prohibited Fence Materials

- 11. Fences shall be built in accordance with the following regulations:
 - a) No fence in an *R zone*, *R3 zone*, or *C zone* shall contain barbed wire, razor wire, electrified wire, <u>unfinished</u> corrugated metal or sheet metal.
 - b) No fence in an RU or A1 zone shall contain tarps, razor wire, <u>unfinished</u> corrugated metal or sheet metal.
 - c) No metal fence shall be constructed or erected which has the ends of fence pickets or finials extending above a horizontal rail (see Figure 3.10.11)
 - d) <u>Finished corrugated metal may only be used as a fencing material if exposed</u> edges are capped or framed with other materials.

Figure 2: Proposed Zoning Bylaw fencing regulations with new content shown underlined.

Policy Review:

RDCO policies contain limited guidance on which materials should be considered appropriate for development. However, three OCPs place emphasis on maintaining the rural character of areas, and the Ellison OCP aims to support good quality in architecture, landscaping, and urban design.

The City of Kelowna and the District of Lake Country zoning bylaws do not prohibit the use of corrugated metal, however screening fences must be consistent with the quality of building design and the materials used for principal buildings. The City of West Kelowna prohibits corrugated metal in rural and agricultural zones, but finished corrugated metal may be used in residential zones. There are no restrictions on the use of corrugated metal in the District of Peachland and the Regional Districts of Fraser Valley, Okanagan Similkameen, Thompson-Nicola, and North Okanagan.

Referral Comments:

This draft bylaw was not circulated to RDCO staff and effected agencies, however a similar proposed amendment was circulated as part of the review process for RDCO file Z19/04 (Zoning Amendment Bylaw No. 871-232) and no comments or concerns were raised.

RDCO Committee Recommendations:

The RDCO Electoral Area Service Committee recommends supporting the proposed amendment.

Considerations:

External:

A public hearing was held for Zoning Amendment Bylaw No. 871-232 (RDCO file Z19/04) on October 19, 2023. The Regional Board heard comments from the public regarding proposed changes to the RDCO's zoning bylaw fencing regulations at that time.

Pursuant to section 466(7) of the Local Government Act, as more than 10 parcels owned by more than 10 persons are the subject of the bylaw alteration, mailed notices are not required for the proposed amendment.

In conformance with section 466 and 467 of the Local Government Act, the RDCO published a notice of the proposed bylaw amendment in The Daily Courier on February 13, 2024 and The Capital News on February 15, 2024 (attachment 2).

Statutory Authority:

Local Government Act section 479 – grants local governments the power to enact bylaws that define zones and regulate the use of land, buildings, and other structures within each zone.

Transportation Act section 52(3)(a) / Community Charter section 135(4) – As the proposal may impact properties located within 800 metres of a controlled access highway, Ministry of Transportation and Infrastructure approval is required after third reading and prior to adoption of the zoning amendment bylaw.

Considerations not applicable:

- Organizational
- Legal
- Financial
- Alternate Recommendation

Attachments:

- 1. Zoning Amendment Bylaw No. 871-285
- 2. Advertisement
- Presentation slides