

Attachment 9: Shipping Container Review and Zoning Bylaw Recommendations

1. Purpose

At the July 13, 2022 statutory public meeting, Council directed City staff to consider the following motion, in the Comprehensive Zoning Bylaw Review:

That staff consider increasing or removing the cap on the number of shipping containers permitted in commercial and industrial zones.

The draft zoning bylaw includes new regulations for shipping containers to add clarity for the use of shipping containers as outdoor storage within the city. The purpose of the shipping container review is to provide background information, City policy, review other municipal practices related to shipping containers and summarize the results of additional community engagement conducted on this specific topic. This review provides an analysis and rationale for the recommended approach to shipping container provisions in the proposed comprehensive zoning bylaw.

In summary, staff have amended the regulations to address most of the issues we have heard. There is one instance where the shipping container use would need a zoning amendment and site plan approval due to the location and number of containers on site.

2. Background

The general intent of shipping container regulations is to maintain appropriate utilization of lands within the City's employment areas. The city has limited surplus employment land beyond 2051. As such, careful monitoring over time will ensure the city stays on track to meet our goals.

Currently, shipping containers on employment lands are generally used to address shortages in storage space rather than constructing additional square footage to new or existing buildings. By negating development applications, shipping containers may circumvent site design considerations, such as visual screening, adequate transition to adjacent properties, as well as avoiding development charges and taxes associated with redevelopment. In addition, without clarity in regulation, shipping containers may be placed in required parking spaces, fire routes, natural heritage features or landscape buffers.

3. Policy Review

The Planning Act

Section 34 of the Planning Act sets out the powers of municipalities to pass zoning bylaws to regulate matters including the use of land (e.g. residential, commercial, industrial), and standards associated with land uses such as location, size, setback and parking requirements.

Provincial Policy Statement (PPS), 2020

The PPS provides policy direction on matters of provincial interest related to land use planning and development. The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The PPS directs planning authorities to plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs (1.3.2.1).

New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities (1.1.3.6).

The PPS encourages sustainable and efficient land use and development patterns. Healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns (1.1.1.c).

A Place to Grow, Growth Plan for the Greater Golden Horseshoe, 2020

The Growth Plan acts as a land use planning framework for the greater golden horseshoe that supports the achievement of complete communities, a thriving economy, a clean and healthy environment, and social equity. The Growth Plan promotes economic development and competitiveness by making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities (2.2.5.1.a).

The Growth Plan directs municipalities to plan for employment areas within settlement areas by prohibiting or limiting sensitive land uses that are not ancillary to the primary employment use (Sec 2.2.5.7.a).

City of Guelph Official Plan

Shipping containers and outdoor storage are not explicitly defined in the City's Official Plan.

Section 8.13 references outdoor storage:

(7) Where outdoor storage is permitted, it shall not be located between a building and a street edge or a building and the intersection of streets.

Section 9.5.3 Corporate Business Park designation:

(12) Outdoor storage shall not be permitted.

Section 9.5.4 Institutional/Research Park:

(5) Outdoor storage and uses of a noxious nature shall not be permitted.

Section 9.5.5 Mixed Business:

(4) Conditions may be imposed on site plan approvals requiring landscaped buffers, screening of outdoor storage, parking, loading and refuse areas. Increased setbacks and buffering measures will be required where business land uses are adjacent to existing residential or sensitive land uses.

4. Existing Zoning Bylaw Regulations, (1995)-14864

The existing zoning bylaw permits outdoor storage in industrial zones. Outdoor storage for B.1 and B.2 zones currently permits the use of shipping containers:

7.3.6 Additional Outdoor Storage Regulations - B.1 and B.2 Zones

7.3.6.1 goods or products manufactured, processed or assembled on site;

7.3.6.2 raw materials or parts used in the manufacturing of products produced on site;

7.3.6.3 equipment used in operation on or from the site; and/or

7.3.6.4 shipping containers or devices

Existing Definitions:

Outdoor Storage Area means a place used for the storage of goods, materials or equipment.

There isn't currently a definition of shipping container in the Bylaw.

5. Comparison of Other Municipal Standards

Staff reviewed a number of municipalities in Southern Ontario including, Cambridge, Kitchener, Milton, Norfolk, Oakville, Waterloo, Hamilton, London, Kingston, Vaughan, Puslinch Township, Guelph-Eramosa and Centre Wellington. These municipalities were chosen due to proximity to Guelph and location within the outer-ring of Greater Toronto Area, and in some cases recently reviewed or updated their shipping container bylaw provisions.

The outcome of this review found that most municipalities have similar rules for shipping containers. Provisions range from prohibiting them outright in all zones, to permitting them in specific types of zones, with additional provisions. None of the municipalities reviewed permit the permanent placement of shipping containers in residential zones. Temporary use of storage containers in zones (including residential) was typically permitted based on a time limit, and permanent placement of containers were generally permitted with restrictions to size and location. Some municipalities limit the number of shipping containers, regardless of lot size.

Summary of Municipal Review

Municipality	Definitions	Zones	Temporary Use	Other
Cambridge	Shipping container means a freight container that is used for the transportation and storage of goods and materials which are loaded onto trucks, trains or ships for the purpose of moving of goods and materials. A shipping container shall also include, but not be limited to the body of a transport trailer or a straight truck and any prefabricated portable metal storage unit. For the purpose of this definition, a shipping container does not	Permitted in commercial zones provided it is located no closer to a Residential Zone boundary than what is required for the principal building from that same Residential Zone boundary. The storage or use of shipping containers is NOT permitted on a lot unless outdoor storage is specifically permitted on the lot.	1 permitted in Residential zone (temporary - no more than 30 days), located on driveway only, cannot exceed 2.5m height, 2.5m width and 6.0m length.	

Municipality	Definitions	Zones	Temporary Use	Other
	have wheels or include a motor vehicle or a transport trailer.			
Kitchener	Shipping container means a vessel commonly or specifically designed for transportation of freight goods or commodities and shall include cargo containers and truck trailers.	No information provided in zoning bylaw.	Permitted in residential zones temporarily (no longer than 30 days), located on driveway only, provided it does not block a required parking, must be located a minimum of 0.6m from a street line.	Where a shipping container is converted and used as a construction material for a residential dwelling subject to the Ontario Building Code, it is a building.
Milton	Shipping container means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes, but is not limited to, intermodal shipping containers, body of transport trailer or straight truck box, but does not include a motor vehicle.	Permitted in employment (M2) zone as accessory use only to a permitted non-residential use where a principal building exists.	Temporary use permitted in residential zones (no longer than 5 days), driveway only, cannot exceed 3.0m height and 6.1m length, shall not encroach on public sidewalk or create site line obstruction. Temporary use permitted in any zone on a construction site on a stand alone basis or under plan of subdivision, shall not exceed 3.0m height and	M2 zone regulations: rear yard only; no closer than 30m from any street line; screened from view from the street and abutting properties zoned residential, institutional or natural heritage; no encroachment into a required landscape buffer; Permitted for accessory storage purposes, based on lot area at a rate of 1 per 0.4ha or part thereof to a maximum of 4. In no case is a shipping container

Municipality	Definitions	Zones	Temporary Use	Other
			16.76m length, not exceed 6 in number, and shall be removed within 60 days of completed work.	permitted on a lot having an area of less than 0.4ha; shall not be placed for the purpose of display or advertising; shall not be used for the purpose of a commercial storage facility.
Norfolk	Shipping container means a container or standardized transportation box with strength suitable to withstand repeated use for shipment, storage, and handling via multiple modes of sea and ground transportation including freight, rail, road and water.	A shipping container shall be permitted in all industrial and institutional zones, as well as the central business district (CBD), shopping centre commercial (CSC), service commercial (CS), hamlet commercial (CHA), rural commercial (CR), marine commercial (CM) and agricultural (A) zones as accessory to a permitted use.	Permitted on a temporary basis in any zone, as a temporary storage unit for moving or renovation purposes, for max 1 month (residential) and 4 months (commercial).	A shipping container placed on a property, shall be considered a structure and except within the agricultural (A) zone, shall be subject to Site Plan Control.
Oakville	Shipping container means an article of transportation equipment, including one that is carried on a chassis, that is strong enough to be suitable for repeated use and is designed to facilitate the transportation of goods by one or more means of transportation and includes intermodal containers, bodies of	Zones are not specifically mentioned.	Zones are not specifically mentioned.	Shipping containers shall only be permitted on a lot where outside storage is a permitted use; shall only be used as a building in conjunction with the following uses: Manufacturing; Transportation terminal; and Warehousing.

Municipality	Definitions	Zones	Temporary Use	Other
	transport trucks, or straight truck boxes.			
Waterloo	<p>Metal container means a metal vessel commonly or initially designed for the transportation of freight goods or commodities and shall include but not be limited to a shipping container, cargo container, and truck trailer. Excludes refuse bins, motor vehicles, and Quonset hut.</p> <p>Metal container used for the permanent or temporary shelter, accommodation, or enclosure of persons, animals, or chattels shall be deemed to be a building for the purposes of this By-law.</p>	No information provided in zoning bylaw.	<p>Temporary storage permitted in corridor commercial (C5) (max. 30 days) and flexible industrial (E3) (max. 180 days) zones. 1 metal container is temporarily permitted on a residential lot for moving purposes (max. 21 days), storage during construction (max. 30 days), a contractors office (max. 30 days), pop-up commercial establishment, sales centre, community centre, community studio, makerspace, or business incubator (max. time periods apply).</p>	<p>A metal container shall not be placed on a required parking space, drive aisle, landscaped open space, landscaped buffer, or daylight triangle; shall be setback a minimum of 5m from the street line; shall be setback a minimum of 0.6m from an interior lot line; when located in an E3 zone shall be screened from view from the abutting streets; minimum 3 parking spaces shall be provided for the metal container; must be located in accordance with the Site Plan.</p>
Hamilton	Building shall mean a structure, whether permanent or temporary, with walls or a roof or part thereof, use or	No information provided in zoning bylaw.	No information provided in zoning bylaw.	No railway car shall be used for human habitation whether or not its mounted on wheels or other

Municipality	Definitions	Zones	Temporary Use	Other
	intended to be used for shelter, accommodation or enclosure of persons, animals, goods or chattels. For the purposes of By-law, a shipping container shall be construed to be a building when located on a lot.			forms of mounting or foundations (4.2).
London	Shipping container means a pre-manufactured (primarily of metal) box that is designed to facilitate the transportation of goods by one or more means of transportation and includes (but is not limited to) intermodal shipping containers and transport box trailers.	Permitted for use as urban agriculture (excluding residential zones) and subject to additional provisions. Prohibited on any property designated heritage (as permanent structures). Non-Residential Zones (sole base of business operations): Where a shipping container (not exceeding 12.1m L x 2.4 m W x 2.9 m H) shall be subject to all regulations of the underlying zone and Site Plan Control. Non-Residential Zones (if used as additional floor space or permanent storage to an existing establishment): Where a shipping container (not	Residential Zones: max 2-4 months (dependant on use), max 2 containers, not exceeding 6m length x 2.4m width x 2.6 m. All Non-Res Zones: max 4 months, max 2 containers, not exceeding certain height, length and width requirements. Does not require additional on-site parking. Temporary use permitted for construction uses.	Setbacks must comply with respective underlying zone.

Municipality	Definitions	Zones	Temporary Use	Other
		<p>exceeding 12.1 m L x 2.4 m W x 2.9 m H) is only be permitted in the rear yard; and is subject to Site Plan Control, max of 2 containers not exceeding certain HxWxL limitations.</p>		
Kingston	<p>Building is defined to include: 1. A shipping container, sea can or similar storage container when placed on the ground for any purpose other than loading and unloading a shipment in conjunction with an industrial or commercial use for up to maximum of 28 consecutive calendar days</p>	<p>No information provided in zoning bylaw.</p>	<p>No information provided in zoning bylaw.</p>	<p>No information provided in zoning bylaw.</p>
Vaughan	<p>Intermodal container means a standardized container that is fully enclosed and designed to be used interchangeably between two or more modes of transportation intended for the trans-shipment of goods and materials.</p>	<p>Permitted as an accessory use in:</p> <ul style="list-style-type: none"> • Employment zones • Agricultural zone 	<p>No information provided in zoning bylaw.</p>	<p>Shall be considered an accessory structure and subject to the maximum lot coverage requirements, locational and setback requirements for accessory structures as set out in this By-law.; shall be setback a minimum distance of 10m from any lot line abutting a residential zone</p>

Municipality	Definitions	Zones	Temporary Use	Other
				or any lot used for a residential use; human habitation shall be prohibited.
Puslinch Township	Shipping container means an article of transportation equipment, including one that is carried on a chassis and is designed to facilitate the transportation of goods by one or more means of transportation and includes intermodal containers, bodies of transport trucks, or straight truck boxes.	Permitted as an accessory structure for storage purposes in the agricultural and industrial zones.	Residential zones on a temporary basis for moving purposes for a period not to exceed 14 days, in which case the shipping container shall be located on the driveway; shall not exceed a period of 6 months and shall be removed from the lot upon the completion of construction; shall not exceed a maximum height of 3m and a maximum length of 6m	<p>Shall only be permitted on a lot with a minimum area of 0.4 hectares; a maximum of one shipping container shall be permitted per 0.4 hectares of lot area to a maximum floor area of 255 m² of all shipping containers on any one lot; shall only be permitted in a rear yard and shall not be permitted in a required parking area; shall only be permitted where an outdoor storage area or outdoor storage use is also permitted.</p> <p>In an industrial zone shall be screened from the street frontage and buildings on abutting lots; shall not be permitted any closer than 10m to a lot containing residential uses or zoned for residential use;</p>

Municipality	Definitions	Zones	Temporary Use	Other
				shall not be used for human habitation; maximum size shall be 51 m2; shall be subject to the maximum lot coverage requirements for accessory buildings.
Guelph Eramosa	Shipping container means an intermodal freight container that is designed for the transportation and storage of goods and materials which are loaded onto trucks, trains or ships for the purpose of moving of goods and materials. For the purpose of this definition a shipping container does not have wheels and does not include a truck body, trailer or transport trailer.	Agricultural, Rural Industrial, and Highway Commercial Zones.	Shipping container may be permitted for temporary storage on construction sites.	Shall not be permitted as the sole structure on any property, except in the case of a self-storage facility; shall only be permitted for the use of accessory storage to a permitted use; shall not be used for human habitation, display, advertising, screening, or fencing; shall only be located to the side or the rear of the permitted use provided that it is screened from view from the street and abutting properties; complies with the lot coverage and setback requirements of the zone; not be located in any required yard; and Not located in any required parking areas or

Municipality	Definitions	Zones	Temporary Use	Other
				<p>landscape buffer; shall be included in all calculations for the purpose of determining maximum lot coverage; shall be in a condition free from rust, peeling paint and any other form of visible deterioration; not be permitted on any lot less than 4 hectares in the Agricultural Zone, and in no case shall a shipping container be permitted on a lot having less than 0.4 hectares; shall not exceed a height of 3 m and a length of 12 m, and shall not be stacked one on top of the other; the maximum number of shipping containers on any property shall be limited to 2; shall comply with the requirements of the Ontario Building Code.</p>
Centre Wellington	Temporary structure means any shed, structure, building, trailer, tent or enclosure of any kind used for storage, commercial or business or residential purposes which any person or	No information provided in zoning bylaw.	No information provided in zoning bylaw.	Uses restricted in all zones: the locating or storing on any land for any purpose whatsoever any disused railroad car, street car body, truck body,

Municipality	Definitions	Zones	Temporary Use	Other
	business intends to place on the same lot with, or on any lot immediately adjacent to, any permanent structure used for business or commercial or residential purposes, including a temporary portable storage container designed and rented for the temporary storage of commercial, industrial, or residential household goods.			shipping container, or a trailer without wheels, whether or not the same is situated on a foundation.

6. Ontario Building Code

A building permit is not required for shipping containers that are used for storage and have not been changed or modified in any way and that do not have the general public accessing.

However, a building permit will be required for a shipping container over 10 square metres in area if any of the following occurs:

- If it's placed on a foundation (including a pier or pile type foundation) or placed on another structure. Essentially anything other than being placed on the ground.
- If it's being anchored.
- If stairs or ramps are provided for access.
- If it's being or has been altered, including removal of the doors or cutting in openings or any other modifications, structural or otherwise.
- If lighting and/or power is provided.
- If a Heating, Ventilation or Air Conditioning system or unit is provided.
- If it's being used to support or attach other building materials to (studs, joists, rafters, siding, roofing, finishes, etc), interior or exterior.
- If the general public is intended to access.
- If it's used for other than storage.
- Other changes would be reviewed on a case by case basis.

If plumbing is provided a building permit is required for a shipping container of any size.

7. Community Feedback Summary

We heard the following feedback from the community on the shipping container regulations proposed in the July 2022 draft Zoning Bylaw:

- Offer affordable space for business storage
- Provides secure outdoor storage and prevents theft

- Provides clean outdoor storage option
- Provides extra storage space when needed, shouldn't propose a limit on the number of containers
- Response to the supply chain issues, businesses need to maintain more inventory
- Shipping containers can blend into the scenery
- Have several practical uses- office, storage, housing, pop-up markets
- A storage solution that has no environmental impact, doesn't require heating

8. Additional Community Consultation

On October 19, 2022, an in-person focus group was held to gather additional feedback on draft shipping container provisions in response to community concerns. The focus group was facilitated by City staff and hosted at City Hall. Stakeholders who had previously provided comments related to shipping containers in Phase 4 of the Comprehensive Zoning Bylaw Review project were invited to attend. In total, 21 stakeholders were emailed an invitation and 7 people attended the session. The focus group agenda included:

- Presentation by staff that outlined background information, land use context, supporting rationale and existing regulations. Staff also reviewed other municipal shipping container regulations to provide additional context.
- Stakeholder feedback was gathered on the revised shipping container regulations. Additional comments were provided by attendees after the session.
- Staff circulated the revised regulations to the group for final review and comment.

All comments received by stakeholders have been documented. Staff have considered stakeholder comments and made final revisions to the zoning bylaw where appropriate.

9. Review of Recent Site Plan Applications

Based on a request from the community focus group session, staff reviewed recently approved Site Plan applications in industrial and service commercial zones to get an understanding of the appropriateness of the proposed regulations. In general, new developments were able to meet the new shipping container provisions. Some Site Plan applications for additions or modifications to existing buildings would experience challenges in meeting the new regulations based on existing small rear yard setbacks. As such, variances for outdoor storage or shipping container location may be required if added in the future, where outdoor storage cannot be located in a rear yard. These applications would be reviewed on a case-by-case basis.

10. Staff Recommendations

1. Define shipping container in the Zoning Bylaw.

Proposed definition- Shipping Container: a prefabricated container that is **used** for or has been **used** for the transportation and/or storage of goods and materials. A **shipping container** shall also include, but not be limited to, the body of a transport trailer or a straight truck and any prefabricated portable storage unit.

Rationale:

- Adding a shipping container definition provides more clarity to the bylaw
- Alignment with other municipal practices

2. Permit shipping containers as outdoor storage in Service Commercial (SC), Industrial (B), Mixed-Business (MB), Major Utility (U), Park (US, NP, CP and RP) zones.

Rationale:

- Provide opportunities for secure outdoor storage options in zones where outdoor storage is currently permitted
- Outdoor storage regulations ensure the containers are located in rear and side yards, are visually screened from neighbouring properties and ensures containers are located outside of buffer strips and natural areas
- Alignment with other municipal practices

3. Permit shipping containers on a temporary basis in residential driveways, construction sites, and as occasional uses (in accordance with Section 4.17).

Rationale:

- Provide opportunities for innovative uses of shipping containers on a temporary basis (markets, festivals, and special events, etc.)
- Alignment with other municipal practices

4. Delete number of shipping containers permitted based on lot area and an overall maximum of 4 shipping containers per lot.

Rationale:

- We heard from the community that shipping containers provide an affordable, secure option for outdoor storage and are more practical than adding additional floor area to a building
- The minimum lot size (0.4 hectares) would prohibit a number of lots from using shipping containers
- Relying on the outdoor storage area regulations will ensure any negative impacts are mitigated (visual screening, location outside of buffer strips, natural areas, parking areas and fire routes)

5. Delete maximum size of shipping containers.

Rationale:

- We heard from the community that there are a number of different sizes of shipping containers
- Add a provision that shipping containers can't be stacked one on top of the other to ensure containers don't exceed an overall height

6. Add a provision that allows the use of shipping containers for a storage facility use

Rationale:

- Allowing storage facilities to use shipping containers will provide for more innovative uses
- Storage facilities would still be required to go through the development review process, including site plan and possibly building permit.

11. Examples of shipping container issues in the city

1. Located in landscaped open space areas, buffer strips and the natural heritage system

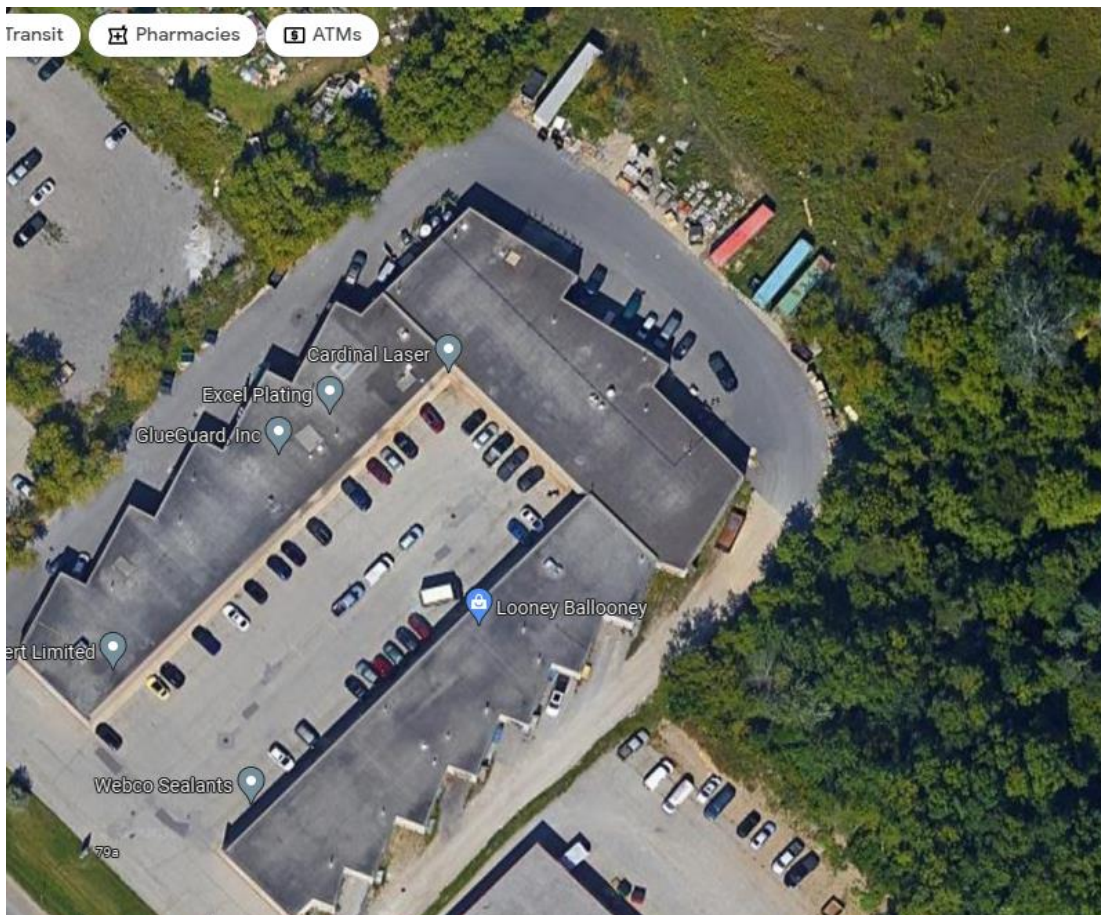


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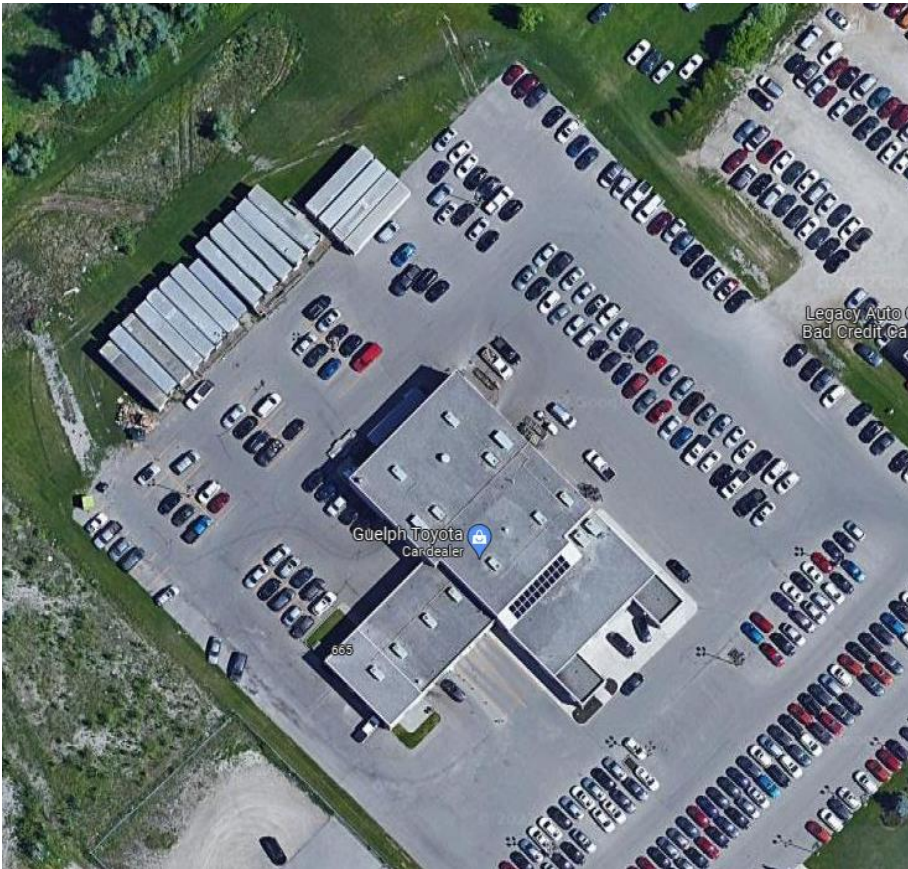


Photo credit: Google Maps (January 2023)

2. Property standards concerns



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