

# The Regulatory Approach to Shipping Containers in the County of Brant

The following information has been compiled to show the regulatory approach and zoning standards as related to shipping containers and similar structures in the County of Brant.

## 1.1 Pre-Amalgamation of the County of Brant

A review of the information available from the repealed Zoning By-Laws in force prior to the amalgamation of the County of Brant into a single-tier municipality in 1999 shows that none of the historic zoning by-laws make direct reference to shipping containers. There is reference to the Ontario Building Code definition of a structure which may have been interpreted to include shipping container structures at the time. There is also general reference to requirements for outdoor storage, prohibiting such a use in residential zones.

**Township of Oakland** – No direct reference. The definition of a building references structures as defined by the Building Code Act and could be interpreted to include shipping containers and was as follows: *“BUILDING means any structure consisting of walls and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, and includes any structure defined as a building in the Building Code Act, R.S.O. 1980, or in the Building By-law, but does not include any vehicle as defined herein.”*

**Former Town of Paris** – No direct reference except that Home Occupations were not permitted to have external storage of containers.

**Former Township of Brantford** – No direct reference. The definition of a building references structures as defined by the Building Code Act and could be interpreted to include shipping containers and was as follows: *“BUILDING means any structure consisting of walls and a roof, which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, and includes any structure defined as a building in the Building Code Act\* (R.S.O. 1980), or in the Building By-Law, but does not include any vehicle as defined herein. \*Chapter 51”*

**Former Township of Onondaga** – No direct reference.

**Former Township of South Dumfries** – No direct reference.

**Former Township of Burford** – No direct reference. The definition of building could be interpreted to include shipping containers and was as follows: *“Building: Any structure whether temporary or permanent used or built for the shelter, accommodation or enclosure of persons, animals, materials, or equipment. Any tent, awning, bin, bunk, or platform, vessel or vehicle used for any of the said purposes shall be deemed a building.”*

## 1.2 Amalgamation and County of Brant Zoning By-law 110-01

With the amalgamation of the County of Brant in 1999, a new Comprehensive Zoning By-Law was adopted in 2001, being By-Law 110-01 of the County of Brant. The original adoption of the By-Law had no direct reference to Shipping Containers.

Zoning performance standards specific to shipping containers were first introduced in the County of Brant in 2014. With the approval of application ZBA13-14-JK, a housekeeping amendment to the Zoning By-Law, a definition for shipping containers was added to distinguish this type of structure and provide specific permissions “within certain zones for storage purposes” (Report PA-14-24, April 1<sup>st</sup>, 2014).

The above noted amendment specified zones where shipping containers were permitted, generally consisting of agricultural and employment zones, limiting properties in those zones to one shipping container structure per property provided they were used for storage purposes. Permanent shipping container structures were thus prohibited outside of the permitted zones.

In the recommendation report for the above noted amendment (PA-14-44, June 3<sup>rd</sup>, 2014), the intention was not to prohibit temporary structures “associated with storage or moving”. As such, the newly added permissions for shipping containers provided temporary permissions for a maximum of six (6) months and enforcement of this provision would be on a complaint basis. This update was noted specifically in report and applied through the definition of a Shipping Container in Zoning By-Law 110-01, as follows:

*“SHIPPING CONTAINER shall be defined as a pre-fabricated metal container or structure having a floor, roof, walls, and door(s), typically 20 feet (6metres) to 40 feet (12 metres) in size, and specifically designed for storage of goods and materials while under transport by boat, truck or rail. When used to describe a building or structure means a building or structure that is incidental, subordinate and devoted to the main use, building or structure and located on the same lot therewith. Shipping containers will not be considered a main building and are not permitted for the use of harboring animals, permanent or temporary living accommodations, and shall only be used for storage purposes, and detached from the main building or dwelling. Temporary shipping containers not in compliance with the requirements of this By-law shall not exceed a maximum 6-month time frame on a property.” (By-Law 110-01, 2014)*

It is staff’s understanding that the standards in Zoning By-Law 110-01 not only limited the uses of shipping containers to storage-related uses but would not have permitted them to be used as a building component or as a permanent structure in any residential zone during this time.

Also worth noting is a 2004 ruling by the Building Code Commission that deemed the containers to be a building, as defined in the Ontario Building Code Act, s.o. 1992, c.23. Prior to the introduction of the standards introduced in 2014, shipping containers exceeding an area of 10 square metres (108 square feet), being considered a ‘structure’ under the Building Code, would have required a building permit for their legal placement on a property. Any containers placed on a property without a permit during this time would be considered non-conforming.

### **1.3 Comprehensive Zoning By-Law 61-16**

Upon the adoption of the County’s current Comprehensive Zoning By-Law in 2016, a subsection related to shipping containers was included in the general provisions section of the By-Law. This subsection provided performance standards that were adapted from By-Law 110-01. The adapted standards carried over permissions for specific zones (agriculture, commercial and employment zones) as well as the limit of one (1) shipping container on a lot.

Zoning By-Law 61-16 also introduced specific restrictions that prohibited the use of a shipping container to “support any roof structure” as well as from being “modified in any form to change the appearance or its structure for intended use”. These standards prohibit most property or business owners from using a shipping container as a structure or building component without a zoning by-law amendment.

An updated definition of a shipping container was adopted as follows:

*“SHIPPING CONTAINER means a pre-fabricated metal container or structure having a floor, roof, walls and door(s), and typically six (6) metres to sixteen (16) metres in length, and specifically designed for storage of goods and materials while under transport by boat, truck or rail.” (By-Law 61-16, 2016)*

Zoning By-law 61-16 omitted any reference to shipping container structures used on a temporary basis. This omission provided a barrier to implementation and enforcement as any shipping container placed on a residential property during this time would be in contravention of the Zoning By-Law, regardless of being temporary or permanent. When complaints were received about containers, there was no differentiation between using the shipping container structures permanently or for temporary moving or renovation purposes, providing difficulty for staff and the public.

As such, staff undertook a housekeeping amendment to address this omission (being application ZBA12-20-BK) permitting the temporary placement of a shipping container in any zone for a maximum of four (4) months. These temporary structures currently do not require a building permit or rezoning for their placement on a property provided it is used for moving or renovation purposes and removed within 4 months. When proposed in a residential area, permanent use would require a building permit and minor re-zoning. Shipping container structures placed on a residential property without a minor rezoning would be in contravention of the Zoning By-Law.

In the time since the recent housekeeping amendments regarding shipping containers, staff have continued to experience enforcement issues with the structures, notably on residential properties in the County as shipping containers become a more popular structure type for property owners. Through RPT-21-248, staff are considering several options to address the barriers experienced by members of the public and by County staff to provide clearer implementation of zoning requirements for shipping containers.

These options are further explored in the body of RPT-21-248 and Attachment 1. For context, the regulatory approach as seen in other municipalities in Ontario is provided below.

## **1.4 Future Regulatory Options**

Used and refurbished shipping containers have become more widely available to the public in recent years. This has resulted in the emergence of these same containers being used as storage facilities on various types of properties for both private and commercial use. This has also resulted in an increase in complaints related to shipping containers in the County of Brant. There are also several businesses in the County of Brant that rely on shipping containers and similar structures as part of their business model.

From a safety standpoint, it is important to ensure that the use of these structures is properly regulated. Many do not realize that the placement of a shipping container on a property is subject to the requirements of a building permit to properly address the placement and safety of the structures.

In recent years, several municipalities have undertaken public education on shipping containers to address the public interest in these structures but also the impacts they may have on collecting building permit fees, tax assessment valuation for properties, aesthetics, public complaints, and overall property standards issues.

As outlined in RPT-21-248, staff are considering an update to the current regulatory approach to shipping containers. The intention of any amendments would be to balance between the desires of

community members and the requirements for mitigating potential negative impacts on neighbouring properties.

As part of this consideration, staff are proposing that public education and community consultation be undertaken to provide residents and business owners with more readily available information on the topic of shipping containers in the County of Brant as well as to collect helpful feedback to inform any proposed amendments to the regulatory approach of the County in the future.

## 1.5 Regulatory Approach in Other Municipalities

This section provides information on the regulatory approach of other municipalities with respect to zoning requirements for shipping containers. There is a broad range of interpretations and approaches, including having no specific regulations for shipping containers, but the common implementation of shipping container zoning requirements appears to address the following:

1. To distinguish between temporary and permanent placement.
2. To require a building permit when the structure exceeds 108 square feet.
3. When located in proximity to a neighbouring residential use, an attempt to regulate the aesthetic/character of the structures by requiring such modifications as cladding and roofing materials.

Municipality	Permanent Permissions?	Temporary Permissions?	Defined Term?	Requirements
<b>Town of Blue Mountain</b> (ZBL 2018-65)	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>Where a shipping container is no longer used for its original purpose (ie: shipping of storage of freight), and is permanently placed on a property, it is considered a building as defined in the Ontario Building Code.</li> <li>Where a shipping container is used for temporary storage, it is permitted only on a driveway, 1.0m from any lot line, to be a maximum size of 15m<sup>2</sup>, and placed no longer than 30 days per year.</li> </ul>
<b>Town of Grimsby</b> (ZBL 14-45)	No	No	No	<ul style="list-style-type: none"> <li>A Shipping Container is expressly noted as not being considered a building according to the zoning by-law.</li> <li>Additionally, trailers without wheels are prohibited. This could be interpreted to include shipping containers.</li> </ul>
<b>Municipality of Leamington</b> (ZBL 890-09)	No	No	No	<ul style="list-style-type: none"> <li>No specific requirements related to shipping or storage containers</li> </ul>
<b>Municipality of Magnetawan</b>	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>Permanent permissions exist for storage of goods in a shipping</li> </ul>

Municipality	Permanent Permissions?	Temporary Permissions?	Defined Term?	Requirements
(ZBL 2001-26)				container when located in agricultural, industrial, commercial, and rural zones
<b>Town of Milton</b> (Rural ZBL 144-2003, Urban ZBL 016-2014)	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>Permanent permissions exist ancillary to an industrial use provided the lot area exceed 0.4ha and there is a maximum of 4 permitted</li> <li>Temporary permissions exist in residential zones when related to moving, for a maximum of 5 days, located in the driveway of a residential property, not exceeding a height of 3.0m and length of 6.1m</li> <li>Temporary permissions exist for a construction site, not exceeding 6 containers, not exceeding 3.0m in height and 16.76m in length, and requires removal within 60 days of completing work</li> </ul>
<b>Norfolk County</b> (ZBL 1-Z-2014)	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>Permanent permissions exist for industrial, institutional, commercial, and agricultural zones and is generally subject to site plan control</li> <li>Temporary permissions exist for moving or renovation purposes permitted in a residential zone for 1 month and a commercial zone for 4 months within a year.</li> </ul>
<b>Township of North Dumfries</b> (ZBL 689-83)	No	No	No	<ul style="list-style-type: none"> <li>No specific requirements noted.</li> </ul>
<b>Town of Oakville</b> (ZBLs 2014-014, 2009-189, 1984-063)	Yes	No	Yes	<ul style="list-style-type: none"> <li>Permanent permissions exist for lots where outside storage is a permitted use and attributed to certain industrial uses.</li> <li>No temporary permissions are specified.</li> </ul>
<b>Town of Orillia</b> (ZBL 2014-44)	Yes	No	Yes	<ul style="list-style-type: none"> <li>Permanent permissions exist whereby they can be used as stand-alone structures accessory to industrial uses, or as a building material / component provided they have a finished roof and an exterior cladding</li> </ul>

Municipality	Permanent Permissions?	Temporary Permissions?	Defined Term?	Requirements
				<ul style="list-style-type: none"> <li>Shipping containers are prohibited to be used for storage except as noted above.</li> </ul>
<b>City of Ottawa</b> (ZBL 2008-250)	Yes	Yes	No	<ul style="list-style-type: none"> <li>An unmodified shipping container is prohibited as an accessory building in residential zones</li> <li>Permitted only for temporary use related to construction or special events</li> </ul>
<b>City of Sarnia</b> (ZBL 85-2002)	Yes	Yes	Yes	<ul style="list-style-type: none"> <li>Permanent permissions exist for storage related to industrial uses only, and not permitted in any yard abutting a residential zone</li> <li>Where a shipping container is used for temporary storage of items incidental to a construction use or for moving purposes, it requires 1.0m to any lot line and can be placed no longer than 60 days per year.</li> </ul>
<b>Town of St. Catharines</b> (ZBL 2013-283)	No	No	No	<ul style="list-style-type: none"> <li>No specific requirements noted</li> </ul>
<b>Township of Wellesley</b> (ZBL 28/2006)	Yes	Yes	No	<ul style="list-style-type: none"> <li>Temporary permissions accessory to construction for as long as necessary but not exceeding 1 year</li> <li>Prohibited as an accessory building except in Industrial zones</li> </ul>
<b>Township of Woolwich</b> (ZBL 55-86)	No	No	No	<ul style="list-style-type: none"> <li>Accessory buildings and accessory dwellings are not permitted to be, or be built of, portable onsite storage containers</li> </ul>