

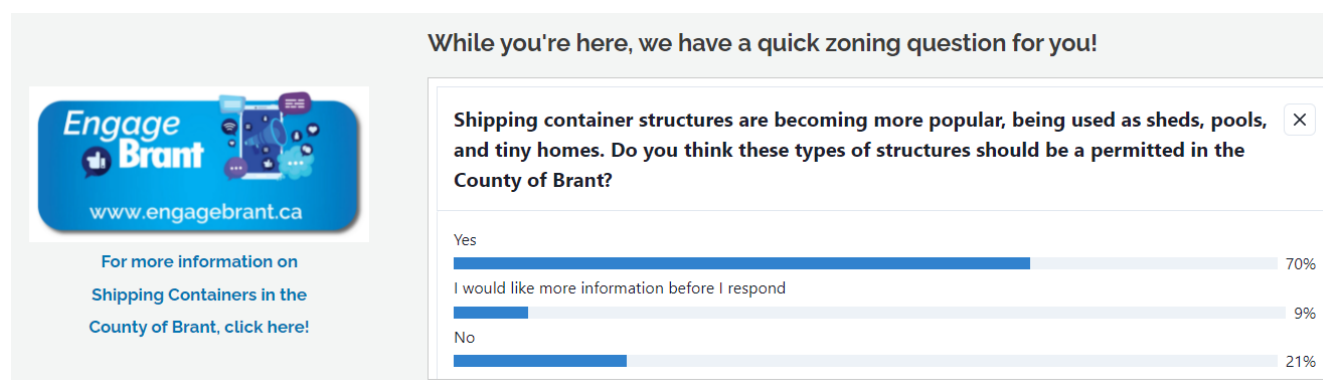
Shipping Containers in the County of Brant

This supplementary document as attached to RPT-22-12 (February 1st, 2022 Planning and Development Committee Report) intends to provide a detailed overview of the evaluation of the County's regulatory approach to shipping container structures, as undertaken through this particular housekeeping file (ZBA27-21-BK).

PUBLIC AND STAKEHOLDER ENGAGEMENT

For digital engagement related to this specific topic, the Zoning By-Law webpage was chosen as a key engagement piece as it is the Development Services webpage that receives the most visits on the County's website (www.brant.ca/zoning). Two simple polls were created through the Engage Brant platform and embedded on the County's website to provide the opportunity for quick and direct responses. These polls were each open for approximately 30 days and intended to gather high-level data to inform the direction of proposed changes to the zoning standards related to shipping containers. To participate in this poll, it was not required for a respondent sign-up to

Figure 1 - Engage Brant Shipping Container Poll #1

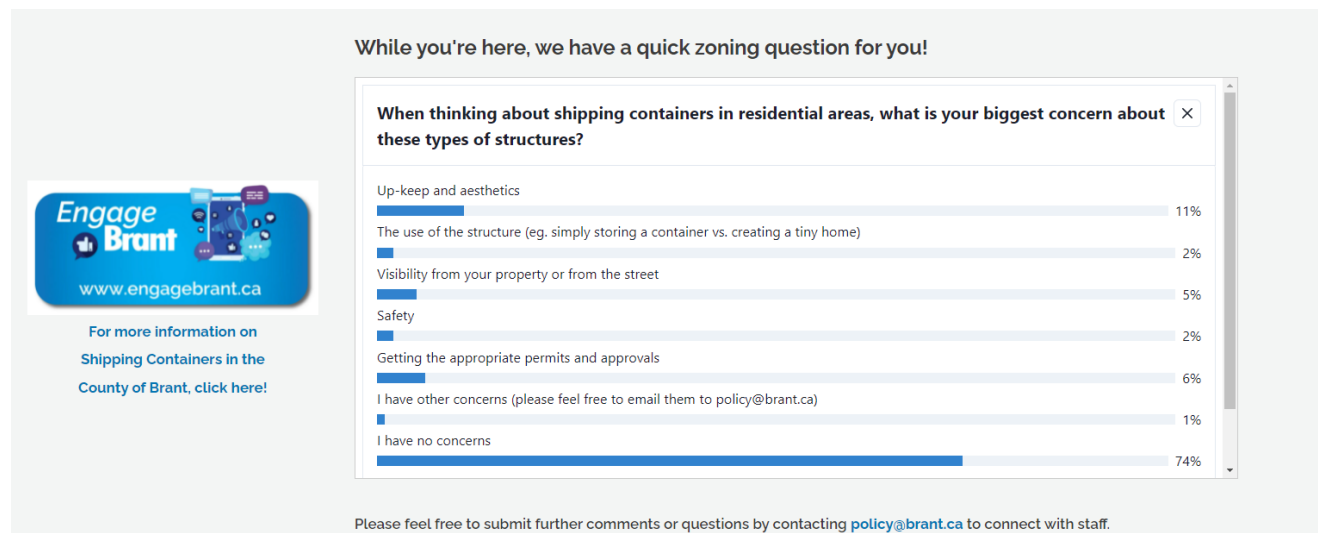


Engage Brant or provide demographic information (location age, stakeholder interest etc.). This format was chosen to provide the fewest number of barriers to engagement and allow for quick input from residents and stakeholders visiting the webpage.

The first poll asked about general permissions for shipping container structures in the County of Brant and received 485 unique contributions between November 15th and December 20th. The results are visualized in Figure 1, showing that approximately 70% of respondents (342) wish to see permissions for shipping container structures including sheds, pools, and tiny homes while 21% of respondents (102) do not wish to see permissions, and 9% of respondents (41) would prefer to receive more information before deciding.

The second poll was intended to collect information on the key concerns about shipping containers in residential areas and received 155 unique contributions between December 21st and January 25th. The results are visualized in Figure 2, showing that most respondents chose "I have no concerns". Where respondents did note concern, the top chosen option was "Up-keep and aesthetics" with 11% of the responses (17).

Figure 2 - Engage Brant Shipping Container Poll #2



As supplementary information to the public engagement, staff also prepared an information summary of the current zoning requirements for shipping containers which had been posted online (www.brant.ca/ShippingContainers) and provided directly to the Building Division, Development Planning Division, By-Law Enforcement Division and Customer Service Staff for distribution when inquiries are received (Shown on Figure 3 – attached at the end of this document).

Should Committee and Council wish to move forward with the proposed changes to the shipping container zoning requirements, this educational information summary will be updated and re-distributed accordingly. Further education will also be undertaken at that time, notifying residents of the updated requirements, coordinating with specific social media posts and general circulations provided to residents through the County's Communications and Marketing team.

ADDRESSING COMMON CONCERNS

Legal Non-Conformity

Grandfathering, or the legal non-conformity of structures, is only applicable if the structure was lawfully established according to the policies applicable at the time of establishment. An example of lawful establishment of a shipping container structure in the County might include establishment prior to April 2014 (before the shipping container requirements were introduced) and proof that the property owner obtained a building permit for the structure to be placed on the property. This information would be submitted to staff for a review. For residents wishing to legalize a non-conforming shipping container, they may be able to apply for a building permit to have a zoning and building review completed in advance of an issued permit. Staff will continue to work with residents who may have questions about the conformity of shipping containers on their property or in their neighbourhoods.

What is Considered a Shipping Container?

The proposed requirements would apply to regulate metal container structures that resemble shipping containers, including structures that use shipping containers in a component of their construction. Other standardized or prefabricated structures that would not fall under the definition of a shipping container (found in Section 3 of the CZBL) would be evaluated based on their size, use, building code requirements and the applicable zoning requirements of the property.

Aesthetic Control

Aesthetics and up-keep of shipping container structures appear to be the main concern of property owners and interested stakeholders. With the proposed updates, a balance has been drawn for enforcement under the Property Standards By-Law as well as the requirements under the scope of a Zoning By-Law.

Shipping container structures, as with any structure regulated by the Property Standards By-Law, would be required to perpetually meet the requirements for exterior walls to be “free from cracked or broken masonry units, defective or deteriorated wood or metal siding or trim, cracked, broken or loose stucco, weathertight, free from loose or unsecured objects in a manner to prevent deterioration due to weather or insects, and without limiting the generality of the foregoing, the maintenance of an exterior wall includes the finish with a weather resistance material of all exterior wood and metal work and restoring, repairing or replacing of the wall, brick and mortar; the stucco lathing and plaster, the cladding; the coping and the flashing, and the waterproofing of the walls and joints”.

Policy Planning staff will continue to work with By-Law Enforcement staff, who are consider an update to the language surrounding “exterior walls” in the Property Standards By-Law to include direct reference to considerations for the character of surrounding structures and finishes. Reference to “character” will also be strengthened in CZBL to consider the area in which the structure would be placed, with a review being done during the building permit process that may require modifications to the structure to include cladding, roofing, access doors, or windows to be appropriately compatible with surrounding structures of a similar use. This approach would be consistent with the intended objective approach of a Zoning By-Law as laid out further by the *Planning Act* and applicable case-law.

Temporary Containers & Time Limitations

Concerns had also been raised about the length of time a temporary shipping container can be located on a property and how to go about addressing a more consistent approach to enforcement. Without the need for a permit, it can be difficult to determine the length of time such a structure is located on a property. It is often left to staff to review aerial photography, have discussions with the property owner and neighbours, and to conduct site visits to determine when a structure was first placed on the property. This is also caused in part by a need for education about permit requirements for shipping container structures. By amending the placement time for temporary structures from 4-months to 1 month, this will assist staff with tracking the placement of containers throughout the County and with consistent enforcement. I believe a 1-month period is more reflective of the intent of the County’s Zoning By-Law permissions for temporary

storage related to moving or renovations. Should a property owner wish to have the structure located on their property for a period longer than 1 month, a building permit would be required for the lawful placement of that structure on the property.

Alternative Uses for Shipping Containers

In addition to their common uses as storage containers, shipping container structures have also become popular for other uses including swimming pools, tiny homes, backyard studios, and architectural components of a building. With a variety of potential uses, regulating the structure based solely on aesthetic and character has become problematic. Shipping Container structures can be a more affordable alternative to standard construction materials and the County of Brant community would benefit from improved direction and education on this type of structure. As such, staff are proposing an updated approach to the current regulatory framework that will provide due flexibility to residents and business owners in the County of Brant, but also provide direction on shipping container structures. Provided below is a summary of the recommended changes to the current approach.

RECOMMENDATIONS

The recommendations outlined below have been incorporated into the recommended amendments to the County's Zoning By-Law as included in the draft amending By-Law. This portion of this review intends to further describe the proposed changes and their intentions to assist council, staff, and the public with the future implementation of the proposed requirements.

1. **A shipping container structure should be evaluated based on its proposed use rather than requirements specific to this type of structure.** As a shipping container is considered a structure, the performance standards of the CZBL should be applied consistently with the approach to other structures as defined in the By-Law. This approach would permit the structure throughout the County based on its proposed use. For example, a shipping container used as a storage shed on a residential property would be considered a residential accessory structure, a shipping container used as a tiny home would be considered a dwelling unit, and shipping containers used for a storage business would be considered an employment use. This change would ensure consistent evaluation of these structures for design, construction and placement on a property under the building permit application process, as is the case with any other structure requiring a building permit in the County of Brant.
2. **The permissions for temporary containers should be further clarified.** Permissions to temporarily place a shipping container on a property for the purposes of renovating or moving would remain with a proposed amendment to limit the maximum time to 1 month in any calendar year (as opposed to 4 months). If a structure is needed for longer than 1 month, an option for a building permit application would be available. It would also be clarified that the structure is required to meet the accessory structure requirements of the property's zone category and

that while it could be placed on the driveway, it cannot be placed in a way that would interfere with the requirement for 2 parking spaces on a residential property. It has also been noted in the By-Law that the need for a building permit would be determined by the Chief Building Official and it would be the property owner's responsibility to verify these requirements to ensure the structure is safely placed on the property.

3. **Concerns about the upkeep of the structures should be enforced through the County's Property Standards By-Law (By-Law 205-02, as amended).**

Enforcement through the Property Standards By-Law is an appropriate approach to regulating the concerns about appropriate upkeep of a shipping container rather than attempting the regulation of aesthetics through the CZBL. To help draw a line between 'up-keep' of a structure and its 'character', it has been clarified that such modifications as cladding, roofing, windows, or doors may be required to ensure the structure is compatible with the character of its surroundings. The Property Standards By-Law is also referenced in this same location, and an update to the language of the Property Standards By-Law will be made to include consideration for compatibility with the character of surrounding structures and ensure the two By-Laws correspond appropriately for enforcement consideration.

4. **The CZBL should apply an objective approach to the character of a shipping container, while subjective control over design and aesthetic can be directed to Site Plan Control if needed.** A Zoning By-Law is generally meant to be objective in its approach to the character of a structure, with Site Plan Control (or other similar tools) being a more appropriate approach for subjective evaluation of aesthetics and design. Clarification has been added that shipping container structures may still require a Site Plan Control application based on an evaluation under the Site Plan Control By-Law (e.g., employment uses, multiple residential units etc.). This requirement would be determined through the building permit review or planning application pre-consultation process as is typical with other structures. Where the structure does not require Site Plan Control, the character of the structure will be evaluated at the time of Building Permit application to ensure its compatibility with the surrounding area.

The recommendations above are proposed to provide more cohesion between the definition of a shipping container (Section 3), the general Shipping Container section of the CZBL (Section 4.35), and the overall review and permitting process for these types of structures. References to shipping containers will remain in the By-Law and the structures would be treated with an approach consistent with how the CZBL evaluates other structures. The By-Law would be amended so that the permissions specific to each zone category throughout the By-Law are consolidated into one location, remain objective in their permissions, and provide a consistent approach that will improve the application and enforcement of the performance standards.

Figure 3 - Shipping Container FAQs



Shipping Containers in the County of Brant

→ What is a shipping container?

The County's [Zoning By-Law](#) considers any prefabricated metal structure made to transport freight to be a "shipping container". The zoning definition includes structures that use a shipping container component in part, or in whole, in its construction. This includes portable storage structures and any prefabricated metal container structures that are used as sheds, home offices, pools, tiny homes, or similar.

→ I'm moving, can I use a shipping container for storage?

We allow the temporary placement of shipping containers on any property in the County of Brant for the purposes of moving or renovations **as long as the container is removed within 4 months**. No building permit is required for these structures, and it is the responsibility of the property owner to ensure that the container is removed before the 4 month limit is up. When putting a temporary shipping container on your property, it must meet the zoning setbacks of Section 4.4 for accessory structures in your zone category. If you require a container for longer than 4 months, please contact Development Planning staff at planning@brant.ca for more information on the process to request this permission for your property.

→ Can I put a shipping container on my property for permanent storage?

Permanent shipping containers are only permitted in industrial, agricultural, and certain commercial zones in the County of Brant and are regulated by Section 4.35 of the County's Zoning By-Law. In residential areas, you are only permitted a temporary shipping container for moving or renovation purposes for a maximum of 4 months on the property. To determine what the zoning of your property is, visit brant.ca/zoning and search your address on the County's interactive zoning map.

→ My zoning permits a shipping container. Do I need a building permit?

If you are using the shipping container structure permanently, you will require a building permit if it is over 108 square feet (10m²) in size. A building permit will ensure the structure is placed safely and legally on the property. It's always best to verify that the container would be permitted on your property prior to any planning or purchase. Please contact our building division at building@brant.ca for more information.

→ My zoning doesn't permit a shipping container but I would like one. What do I need to do?

If you are looking to place a container on a property where it is not permitted, an approved minor rezoning application would be required before you can apply for your building permit. Our Development Planning Staff can be reached at planning@brant.ca for more information on the process to request permission for your property.

→ We need your feedback

Shipping container structures are becoming more popular, being used as sheds, pools, and tiny homes.

Do you think these types of structure should be permitted in the County of Brant? Provide your feedback to staff at officialplan@brant.ca or by taking our poll at brant.ca/zoning.