
To: Mayor and Council

From: Deborah-Ann Liske, Planner
Brianna Belcourt, Planner

Date: November 15, 2023

Subject: Shipping Containers – Zoning By-law Amendment (ZB-2023-015)

Report Highlights

- The purpose of this report is to provide a staff recommendation to Council regarding the municipal led Zoning By-law Amendment (ZB-2023-015) to modify shipping container policies within the Township of Springwater.
- Planning Staff initiated the process to update the Zoning By-law with provisions to permit shipping containers following the direction received from Council on July 5, 2023.
- An educational session was held with Council on September 6, 2023 to provide an opportunity to review the drafted provisions ahead of public consultation.
- A Statutory Public Meeting was held on October 11, 2023 in order to gain public comment on the drafted policies.
- Township staff note comments received from members of the public and Council through the public consultation process were generally in support of the proposed draft amendment and any requested clarifications are further addressed in this report.
- Staff is of the opinion that application ZB-2023-015 is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and is consistent with the Official Plan for the County of Simcoe and the Township of Springwater.
- It is on this basis that staff recommends that the Zoning By-law 5000-378 be submitted to Council for consideration and approval on November 15, 2023.

Recommendation

That the report from the Planners regarding ZB-2023-015 Shipping Containers dated November 15, 2023, be received; and,

That the implementing Zoning By-law 5000-378 be submitted to Council for approval on November 15, 2023.

Background

The purpose of this report is to provide a staff recommendation to Council regarding the municipal Zoning By-law Amendment, initiated in response to direction received on July 5th, 2023 from Council to modify policies regarding shipping containers within the Township of Springwater.

A report (Staff Options Report - Shipping Containers) was presented to Council on July 5, 2023, which outlined the options and process for modifying policies pertaining to shipping containers. The report also summarized the key themes/considerations and provided a review of various neighbouring municipalities.

On July 5, 2023, Township Council passed resolution C379C-2023 to have staff initiate a Township-led Zoning By-law Amendment (ZBA) to modify the policies pertaining to Shipping Containers within the Township of Springwater.

C379C-2023

Moved by Thompson

Seconded by Alexander

That the report from the Planners regarding Shipping Containers – Options, dated July 5, 2023, be received; and,

That staff be directed to undertake a Township initiated Zoning By-law Amendment (ZBA) to modify shipping container policies.

Carried

In response, staff prepared and held an educational session with Council regarding shipping containers on September 6, 2023. The educational session presented an overview of the draft policies for shipping containers and provided Council with the opportunity to provide additional input into the drafted policies, ahead of the public consultation process.

Following the educational session, staff updated the draft amendment to the Zoning By-law prior to the statutory public meeting.

Draft Zoning By-law Amendment

The draft Zoning By-law provisions are intended to allow for permissions associated with shipping containers within certain zones and on a temporary basis in the municipality. The draft provisions include both a definition for shipping container and regulations that would allow shipping containers as an accessory use for storage purposes in the Highway Commercial (CH), Rural Commercial (CR), Rural Residential (RR), Kennel (K), General Industrial/Inside Storage (MI), General Industrial/Outside Storage (MO), Institutional (I), Open Space (OS), and Agricultural (A) Zones.

The Definitions Section (Section 35) is proposed to be amended by adding a definition for Shipping Container:

Shipping Container shall mean a structure originally designed for or capable of being mounted or moved by rail, truck or ship by means of being mounted on a chassis or similar transport device, and now utilized for accessory storage. This definition includes the terms 'disused railcar' and 'storage container' having a similar appearance and characteristics to a shipping container."

Secondly, the General Provisions Section (Section 3) is proposed to be amended to include a specific Shipping Container subsection with the following policies:

3.xx.1 The location and/or use of a shipping container as a structure or for outside storage shall only be permitted in the following zones:

- a. Rural Residential (RR);
- b. Highway Commercial (CH);
- c. Rural Commercial (CR);
- d. Kennel (K);
- e. General Industrial/Inside Storage (MI);
- f. General Industrial/Outside Storage (MO);
- g. Institutional (I);
- h. Open Space (OS); and,
- i. Agricultural (A).

3.xx.2 The location and/or use of a shipping container as a structure or for outside storage shall be prohibited in all other zones not listed in Section 3.xx.1.

3.xx.3 The location and/or use of any shipping container in the permitted zones identified in Section 3.xx.1 shall be in accordance with the following provisions:

- a. A Shipping Container may only be used or erected as an accessory use to a Main Building;
- b. A Shipping Container may only be located and used in a Rear Yard;
- c. A Shipping Container must not be located in a required parking area or encroach into a required landscaped area;
- d. The applicable yard, setback and total area provisions for an Accessory Structure/Building within the applicable zone applies to a Shipping Container;
- e. Unless otherwise required, in any permitted Commercial or Industrial Zone a minimum interior side yard width and rear yard depth for a shipping container of 1.5 metres (4.82 feet) is required, unless the lot

line abuts a residential zone or use where 3 metres (9.84 feet) shall be required;

- f. Notwithstanding the above, in any zone where Outside Storage is a permitted use, a Shipping Container may be utilized for Outside Storage in accordance with Section 3.39;
- g. The combined total Accessory Structure/Building and Shipping Container area shall remain equal to or less than the gross floor area of the main building on the lot;
- h. The minimum distance between a Main Building and any Shipping Container in any permitted Commercial or Industrial Zone shall be 3 metres (9.84 feet) and in all other zones shall be 1.5 metres (4.92 feet);
- i. No Shipping Container shall exceed the height of the Main Building to a maximum height of 4.5 metres (14.76 feet);
- j. No Shipping Container shall be used for human habitation; and,
- k. Notwithstanding the above, all other provisions of the respective zones are complied with.

Thirdly, the draft amendment includes a provision to clarify and allow for the use of shipping containers as a temporary use related to construction, renovations or when in the process of moving:

3.xx.4 Notwithstanding the above, in any zone the temporary use of a shipping container may be permitted for the storage of tools or materials or personal goods, in connection with the construction or renovation of the main building provided a building permit is issued for the works and/or where the occupants are in the process of moving. Once the structure is ready for occupancy or works are abandoned, the temporary shipping container shall be removed. "Abandoned" in this subsection shall mean the failure to proceed in accordance with the Ontario Building Code Act with the construction/renovation works."

A draft copy of the complete proposed Zoning By-law Amendment has been attached hereto as Appendix 'A'.

It shall be noted that a few modifications were made to the originally drafted provisions following consultation with Council, internal staff and the public, including:

- As per Council resolution C421C-2023 dated September 6th, the Rural Residential (RR) Zone was added into the list of permitted zones where shipping containers are permitted for the purposes of accessory storage.

- The Institutional (I) Zone was added into the list of permitted zones where shipping containers are permitted for the purposes of accessory storage. The Institutional (I) Zone permits a number of public uses such as churches, schools, government offices, which is similar to the Open Space (OS) Zone that was originally included in the permitted zones.
- A provision was added to the list to provide and clarify permissions for the use of shipping containers for temporary storage during construction/renovation or moving.

Statutory Public Meeting

A statutory public meeting was held on October 11, 2023 at 6:30 PM, to provide the public and Council with an opportunity to comment on the proposed policies and regulations.

Notice Circulation

The notice of public meeting was circulated to residents in the September 14, 2023 edition of the Springwater News, in the September 21, 2023 edition of Township's direct mail newsletter, on the Township's website and on the Township's Facebook page. On September 14, 2023, notice was also sent to internal staff and the following agencies:

- City of Barrie
- County of Simcoe
- Enbridge
- Ontario Power Generation Inc.
- Hydro One
- Conseil Scolaire Viamonde
- Simcoe County District School Board
- Simcoe Muskoka Catholic District School Board
- Alderville First Nation
- Beausoleil First Nation Christian Island Reserve
- Chippewas of Georgina Island First Nation
- Chippewas of Rama First Nations
- Curve Lake First Nation
- Hiawatha First Nation
- Huron-Wendat (HWN) Administration Centre
- Metis Nation of Ontario Head Office
- Montagnais Metis First Nation
- Williams Treaties First Nation
- Township of Oro-Medonte
- Township of Essa
- Township of Tay

- Township of Tiny
- Township of Wasaga Beach
- Township of Clearview
- Nottawasaga Valley Conservation Authority (NVCA)
- Trans Canada Pipeline
- Ministry of Transportation (MTO)
- Canada Post
- Bell Canada
- Rogers Cable
- Canada Pacific Rail
- Sprucefield Homes
- ORHMA &TDL Group
- Simcoe County GIS Development
- Severn Sound Environmental Association (SSEA)
- Orr Lake Ratepayers Association
- Technical Standards Safety Act (TSSA)
- Municipal Property Assessment Corporation (MPAC)
- Ministry of Natural Resources (MNR)
- Ministry of Environment, Conservation and Parks (MOECP)
- Municipal Services Office, Ministry of Municipal Affairs & Housing

Public and Agency Comments

No oral submissions were received at the public meeting however, comments were received by Council through the educational session held on September 6, 2023 and staff had discussions directly with property owners throughout the public consultation process related the proposed zone provisions and existing shipping containers. Comments received from members of the public and Council were generally in support of the proposed drafted zone provisions and any requested clarifications are addressed in this report.

A summary of the public and Council’s comments received through the public consultation process, as well as staff’s response are included below:

Comment	Staff Response
Existing Structures	<p>A number of property owners have consulted with Planning Staff regarding existing shipping containers located on their properties.</p> <p>As the current Zoning By-law provisions prohibit the placement of shipping containers on properties, except for in the Industrial Outside Storage (MO) Zone. Legal</p>

Comment	Staff Response
	<p>non-complying and/or non-conforming status would not be applicable to these existing structures as they were not established 'legally'.</p> <p>Any existing and new shipping container will be required to meet the new provisions once approved.</p> <p>Property owners have the option to seek minor variance or zoning by-law amendment approval should their existing structures not comply with the proposed Zoning By-law provisions.</p>
Permitted location	<p>The draft Zoning By-law provisions only permit the placement of a shipping container in the defined rear yard, behind the rear wall of the main building or a line drawn parallel to. This location assists in limiting the visual impact the structure may have on the area.</p> <p>This location is similar to the accessory building provisions prescribed in Zoning By-law 5000.</p> <p>Property owners have the option to seek minor variance or zoning by-law amendment approval should their existing structures not comply with the proposed Zoning By-law provisions.</p>
Open Space (OS) Zone permissions and safety concerns	<p>The Open Space (OS) Zone is one of the zones proposed to permit shipping containers for the purposes of accessory storage.</p> <p>Council discussed concerns regarding the safety of these structures when located in a public space (i.e., community park). The Building Department commented that building permits would be applicable to any structures over 15 square metres (161.45 square feet) subject to conditions.</p> <p>The Building Department's comments can be found in Appendix B to this report.</p>
Rural Residential (RR) Zone	<p>The Rural Residential (RR) Zone was requested by Council to be included into the zone permissions for</p>

Comment	Staff Response
	shipping containers for accessory storage. Staff updated the drafted by-law to include the (RR) Zone.
Temporary use of shipping containers during construction/renovation or moving	Council discussed permissions for the temporary use of shipping containers during construction/renovation and moving. Staff revised the draft provisions to include and provide clarification related to these temporary permissions.
Enforcement	<p>Staff note that to date compliance issues with shipping containers have been dealt with on a complaint-by-complaint basis through the Township's By-law Enforcement Officers.</p> <p>Enforcement of shipping containers will continue to be based on a complaint by complaint basis following the update to the zone provisions.</p>

In addition to the above, the circulated agencies provided the following written comments:

Agency	Comments	Staff Response
Severn Sound Environmental Association (SSEA)	The By-law is silent on the use of shipping containers as floating accommodation. Other municipalities are experiencing issues with this; it is recommended the Township consider adding text, if appropriate, around the use of shipping containers as floating accommodations.	Staff have reviewed the SSEA comments and note that the proposed provisions prohibit the placement of any shipping container within the Environmental Protection (EP) Zone, which includes most lakes and waterways throughout the Township. Additionally, the proposed provision prohibits the use of any shipping container for human habitation. Therefore, the proposed provisions already provide for the necessary prohibitions for floating accommodations.
Nottawasaga Valley Conservation	In reviewing these materials, we respectfully suggest that a provision be added to the By-law which prohibits the	Staff have reviewed the NVCA comments and note that any proposed structures including shipping containers within the

<p>Authority (NVCA)</p>	<p>placement of a shipping container on lands subject to natural hazards and offer the following suggested wording:</p> <p>“Any shipping containers shall not be located within any area subject to natural hazards such as flooding or erosion hazards.”</p>	<p>regulated area by the NVCA requires review by the NVCA and the issuance of a permit/clearance. Additionally, shipping containers are not permitted within the lands zoned Environmental Protection (EP). Therefore, the proposed provisions and the requirements for NVCA review and permit/clearance already provide for the necessary prohibitions within natural hazard lands.</p>
<p>Bell Canada</p>	<p>No Concerns</p>	<p>Acknowledged</p>
<p>Roads and Fleet Department</p>	<p>No Concerns</p>	<p>Acknowledged</p>
<p>Building Department</p>	<p>Following a change in the Ontario Building Code, the size of an accessory buildings that requires a building permit has changed. Effective April 29, 2022, buildings less than 15 m² (161.459 ft²) when measured from the outside surface of the exterior walls or any support posts will be exempt from the requirements to obtain a building permit. Provided they are not more than one story, not attached to a building or any other structure, used for storage purposes and do not contain plumbing. Structures that contain plumbing, and/or are more than 15 m² (161.459 ft²) require permits or more than 10 m² and used for other than ancillary storage. The maximum overhang is 60.96 cm (24 in.). For further information, see our guide for “Building a</p>	<p>Acknowledged</p>

	detached accessory building” available on our website.	
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All written comments received have been consolidated and form Appendix B of this report.

Analysis

Provincial Policy Statement (2020) and the Growth Plan for the Greater Golden Horseshoe (2020)

The Provincial Policy Statement (PPS) and the Growth Plan for the Greater Golden Horseshoe (Growth Plan) provide policy objectives that represent Provincial Interests related to land use planning and development. Both provincial policy documents encourage appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

The proposed Zoning By-law Amendment provides specific permissions and regulations regarding the use of shipping containers for accessory storage to a permitted use within certain zones throughout the Township of Springwater and therefore does not offend the provincial planning policies.

County of Simcoe Official Plan

Staff have reviewed the County of Simcoe Official Plan and conclude that the proposed Zoning By-law Amendment to provide specific permissions and regulations regarding the use of shipping containers for accessory storage to a permitted use does not offend County planning policies.

Township of Springwater Official Plan & Zoning By-law 5000

The Township of Springwater’s Official Plan provides the necessary policy framework to allow for the consideration of accessory uses to permitted uses. Specifically, Section 30.4 of the Official Plan provides, “generally, wherever a use is permitted in a land-use classification, it is intended that uses, buildings or structures normally incidental to that use may also be permitted.”

The proposed Zoning By-law Amendment is in keeping with the policies provided for in the Township’s Official Plan as the drafted zoning provisions only speak to the use of shipping containers for accessory storage purposes to an already permitted use.

Currently, Section 3.31 referenced as Prohibited Uses of the Township’s Zoning By-law 5000 prohibits the placement or use of a shipping container or similar structure in all zones, apart from the General Industrial/Outside Storage (MO) Zone and enforced by the Township’s By-law Enforcement Department. Therefore, an amendment to Comprehensive Zoning By-law 5000 is required to be approved and passed to provide

permissions and regulations for shipping containers that are to be utilized as accessory storage.

The proposed Zoning By-law provisions provide the necessary means of regulating shipping containers to allow the use of them as accessory storage while minimizing any adverse impacts to the surrounding community.

The proposed policies and provisions utilize existing and newly established zoning standards (setbacks, height, permitted locations) to regulate the use of shipping containers for accessory storage. The prescribed location being in the defined rear yard (behind the rear wall of the main building or a line drawn parallel to) will also further aid in limiting the visual impact the structure may have on the area.

For the reasons noted above, staff are of the opinion that the application conforms to the applicable policies of the Township's Official Plan and the requested Zoning By-law Amendment is appropriate.

Conclusion

It is staff's opinion that the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, County of Simcoe Official Plan and the Township of Springwater Official Plan.

Staff provide the following recommendation in support of the proposed applications:

That the report from the Planners regarding Shipping Containers dated November 15, 2023 be received; and,

That the implementing Zoning By-law 5000- 378 be submitted to Council for approval on November 15, 2023.

Financial Implications

There are no immediate financial implications as a result of this report.

Strategic Priorities/Goals

The above initiative supports the following Strategic Priorities/Goals:

Goal 1 - Leveraging growth to improve Springwater as a community.

Goal 4 - Supporting climate change while embracing environmental sustainability.

Approvals

Submitted by: Deborah-Ann Liske, Planner
Brianna Belcourt, Planner

Reviewed by: Brent Spagnol, Director of Planning

Financial Implications Reviewed by: Jas Rattigan, CPA, CGA, Director of Finance

Approved by: Jeff Schmidt, CPA, CGA, Chief Administrative Officer

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Applicable Municipal Policy or Legislation

- Planning Act, R.S.O. 1990
- Township of Springwater Official Plan
- Township of Springwater Zoning By-law 5000

Background or Relevant Reports on Subject

- [2023-07-5 Planning Report – Shipping Containers - Options](#)
- [2023-09-06 Presentation – Shipping Containers – Education Session](#)
- [2023-09-06 Planning Report – Shipping Containers – Information](#)
 - [Appendix A – Draft By-law 5000-XXX](#)

Attachments

- Appendix A – Draft Zoning By-law Amendment
- Appendix B – Written Public & Agency Comments