

## **Regulation of Shipping Containers - Additional Information**

Presented To:	City Council
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Type:	Managers' Reports
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## **Report Summary**

This report provides a recommendation regarding amendments to the City's Zoning By-law, with respect to shipping containers.

## **Resolution**

THAT the City of Greater Sudbury directs Staff to prepare a Zoning By-law Amendment on amendments to Zoning By-law 2010-100Z pertaining to shipping containers as set out in Planning Committee Resolution PL2024-195.

## **Relationship to the Strategic Plan, Health Impact Assessment and Climate Action Plans**

The regulation of shipping containers aligns with the strategic goals of strengthening quality of life and place including matters of public safety, while also facilitating business retention and growth through the expansion of as-of-right zoning permissions. There is no conflict with the Community Energy & Emissions Plan.

## **Financial Implications**

There are no financial implications associated with this report.

## **STAFF REPORT**

### **Background:**

On August 14, 2023 Planning Committee received a report which provided an overview of how shipping containers are currently regulated by the City from a zoning perspective, identified issues and presented possible options for Council's consideration related to the expanded permission of shipping containers under the Zoning By-law. Additionally, this report included an overview of Municipal best practices with respect to shipping containers. The following options were set out in the report based on a degree of change from the lowest to highest.

1. Option 1- Maintain the current provisions as set out in the Zoning By-law, where shipping containers are permitted as accessory uses to specific land uses (agricultural, extractive, transport terminal or warehouse);
2. Option 2- Expand the permissions to include Industrial zones and automotive and recreational vehicle sales establishments subject to appropriate zone standards, building permits and site plan control.
3. Option 3- Expand permissions to include all ICI, (Industrial, Commercial, Institutional), zones subject to appropriate zone standards, building permits and site plan control.
4. Option 4- Expand Rural and Agricultural zone permissions to allow shipping containers without a permitted agricultural use;
5. Option 5- Expand permissions to include all zones including Residential zones, where shipping containers would be treated as a type of accessory use subject to appropriate zones standards and building permits.

A copy of the August 14<sup>th</sup>, 2023 report is attached.

On December 9<sup>th</sup> 2024, Planning Committee received a report which provided an analysis on the above options. Staff sought direction from Committee to bring forward a Zoning By-law Amendment that reflected one of the Options provided. Staff recommended a modified version of Option 2, which would allow shipping containers as accessory uses in the M2 Light Industrial, M3 Heavy Industrial, M4 Mining Industrial, M5 Extractive Industrial, and M6 Disposal Industrial Zones subject to criteria. This moderate approach would be consistent with several municipalities and would allow staff an opportunity to evaluate the impacts of increased permissibility in the industrial areas prior to expanding permissions to other zone categories.

Planning Committee passed resolution PL2024-195, which directed staff to prepare a Zoning By-law Amendment to permit shipping containers as accessory use in the M2, M3, M4, M5, and M6 zones subject to criteria.

At the December 10<sup>th</sup> Council meeting, Council deferred the resolution requesting further information.

A copy of the December 9<sup>th</sup> 2024 report is attached. The information below is intended to supplement the December 9<sup>th</sup> 2024 report.

### **Current Practices:**

#### **Regulation of Shipping Containers as an Accessory Use**

Section 4.37 of the Zoning By-law regulates where shipping containers are permitted as an accessory use for storage purposes, the sale of shipping containers, and the use of shipping containers on a temporary basis for construction or storage purposes. Staff have reviewed these provisions provided a recommendation and are seeking direction to either remain status quo (Option 1) or proceed with a Zoning By-law Amendment application to revise the existing policies for accessory shipping containers in accordance with Option 2,

modified Option 2, Option 3, Option 4, or Option 5.

### Repurposed Shipping Containers

Shipping containers may be repurposed for an alternative use provided a building permit is issued to address life safety concerns including proper ventilation, structural safety, explosion protection, adequate access and egress, proper anchorage, snow loading and other matters. This practice will continue and is not anticipated to be impacted by any new proposed amendments regulating shipping containers as accessory uses.

### Existing Shipping Containers and By-law Enforcement

Existing shipping containers that were established without benefit of building permit and/or are not in compliance with the zoning by-law will continue to be addressed through by-law enforcement on an on-going basis. To rectify compliance, the property owner would need to undergo a process to comply with the Zoning By-law and obtain a Building permit. This may include removing the shipping container, modifying the shipping container to meet Zoning By-law regulations, or completion of a planning application.

### Property Standards By-law

The Property Standards Bylaw provides minimum standards by which a property shall maintain its buildings and structures. Should a shipping container be permitted by way of zoning and building permit, and where the shipping container is not kept in good condition, an order under the Bylaw may be issued to remedy any maintenance deficiencies.

The Clearing of Yards Bylaw regulates the minimum standards for yard maintenance and removal of any waste on properties. The Bylaw defines containers of any size, type, or composition which are derelict as industrial waste. Where a shipping container is considered waste due to its condition being derelict a notice may be issued to have the container removed or repaired.

While the Property Standards and Clearing of Yards Bylaws are effective in addressing maintenance issues on properties, it is important to note that neither bylaw regulates the use of shipping containers nor the zones where permitted. Further, should there be zoning or building code violations adherence to those bylaws take precedence over any perceived maintenance issues.

### **Municipal Best Practices:**

Staff conducted a municipal best practice review in 2023, which found that shipping container regulation varies widely across Ontario. Some municipalities do not regulate shipping containers within their zoning by-law, some permit them in all zone categories subject to standards, some permit them as accessory uses in certain zone categories subject to criteria, others are more restrictive and limit the permission to their intended use for intermodal transportation. A detailed summary can be found in the discussion section of the 2023 report as well as a summary chart in the appendix section of the 2023 report, attached for reference.

In response to Council's direction for additional information, staff have conducted further research on municipal best practices focussing primarily on Northern Ontario. Key findings are as followed:

- Shipping container regulation varies considerably between different municipalities;
- Majority northern municipalities examined have moderate or restrictive provisions, allowing shipping containers primarily in industrial zones and some rural or specified commercial zone categories;
- Where permitted, majority of municipalities specified that the shipping containers are to be accessory to a permitted main use;
- Where permitted, several municipalities contained regulations to address visual impacts (setbacks, location, buffering, paint, etc.) and required a Building Permit; and
- Several municipalities only permit shipping containers in the residential areas on a temporary basis

associated with moving or construction.

A summary table can be found in Appendix 1.

**Summary and Next Steps:**

This report does not contain a new recommendation, but rather is intended to provide additional information to assist Council in their decision-making process. After receiving direction from Council on this matter, staff will prepare a municipally initiated Zoning By-law Amendment to amend the shipping container provisions of the Zoning By-law. The application will adhere to the legislative requirements of the *Planning Act* (public notice, public hearing, etc.). Staff will continue to monitor the use of accessory shipping containers and could prepare additional amendments in future if warranted.