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Z-8623
A. MacLean

FROM:	G. KOTSIFAS, P.ENG. MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES & CHIEF BUILDING OFFICIAL
SUBJECT:	APPLICATION BY: CITY OF LONDON AMENDMENTS TO THE Z-1 ZONING BY-LAW PERTAINING TO SHIPPING CONTAINERS AND TRAILERS PUBLIC PARTICIPATION MEETING ON JUNE 6, 2017

RECOMMENDATION

That, on the recommendation of the Manager, Development Services, the following actions be taken with respect to the City initiated application relating to Shipping Containers and Trailers, the attached proposed by-law **BE INTRODUCED** at the Municipal Council meeting on June 13, 2017 to amend Sections 2 and 4 of the Z-1 Zoning By-law to regulate the use of shipping containers and trailers as permanent and temporary uses (as per attached Appendix A).

PREVIOUS REPORTS PERTINENT TO THIS MATTER
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May 9, 2016 – Information report to PEC on Shipping Containers and Trailers.

PURPOSE AND EFFECT OF RECOMMENDED ACTION

The purpose and effect of this zoning change is to provide regulations in the Z-1 Zoning By-law to regulate the use of Shipping Containers and Trailers.

RATIONALE

1. The proposed amendments address the City's and Industries' needs as it relates to the use of shipping containers and trailers as temporary and permanent uses.

BACKGROUND

Application Initiated: May 19, 2016
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REQUESTED ACTION: The purpose and effect of this zoning change is to amend the general provisions of the Z-1 Zoning By-law to include a definition for shipping containers, add provisions for their use as permanent accessory structures and temporary uses; and to amend the Site Plan Control Area By-law to include provisions for the location and screening of shipping containers as accessory structures.

PLANNING HISTORY

On June 10, 2014, Municipal Council requested that staff investigate and report back to the Planning and Environment Committee (PEC) on the banning of storage containers and other types of similar non-permanent structures in residential rear yards. On May 9th 2016 staff presented an information report to PEC on their findings. On May 18, 2016 Council resolved that Civic Administration initiate an application to amend the Zoning By-law and Site Plan Control By-law to provide regulations for shipping containers and trailers as outlined in staff’s information report.

SIGNIFICANT DEPARTMENT/AGENCY COMMENTS

By-law Enforcement

Any amendments to the Zoning By-law should provide specific time frames to assist in enforcement.

PUBLIC LIAISON:	Notice published in “Living in the City” on June 23, 2016.	4 responses received.
Responses: LHBA; Zelinka Priamo Planning Consultants; City Centre Storage; BMW London.		

ANALYSIS

In May of 2016, Staff prepared a report on the use of storage containers and trailers in the City of London. The report included suggested changes to the Zoning By-law and Site Plan Control By-law to implement the findings of staff. In June 2016 staff initiated an application to amend the zoning by-law and site plan control by-law to implement the findings of staffs May 2016 report. During the liaison process a number of groups came forward with clarification on changes to the by-law. The following report will identify issues raised during the liaison process and outline the proposed changes to the Zoning By-law.

ISSUES RAISED DURING THE PUBLIC LIAISON

The following issues were raised during the liaison process associated with this application. Below each issue is staff’s response in italics.

- How will businesses that provide shipping containers for rent be affected by these proposed revisions to the By-law?

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The organizations that offer the sale and rental of shipping containers will not be regulated by these changes to the by-law. The intention is to regulate the use of the containers themselves by business and property owners after they are rented/purchased.

- How will the City regulate shipping containers that are required for longer than 2 months?

The City has provided for two (2) different scenarios for residential users which can allow for up to 4 months of container storage. Commercial users are also permitted up to 4 months storage for seasonal use.

- How will the City regulate shipping containers that are required for construction projects that take up to 2 years to construct?

The Z-1 Zoning By-law already provides regulations for construction trailer uses. These uses are permitted only so long as they are necessary for construction work in progress. The proposed by-law amendments will not affect these users for construction use or model home sales trailers. (See section 4.5 sub 1. of the General Provisions on the following page.)

- Will existing shipping containers be considered Legal Non-conforming uses?

Under a ruling of the Building Code Commission, shipping containers are considered to be “building” as they exceed 10 m2 of floor area. As a result, shipping containers installed as permanent structures require a building permit. The proposed regulations are intended to provide clarity and further direction regarding their installation. Any shipping containers which have been legally established as permanent structures prior to the passing of this by-law would be considered Legal Non-conforming. Any new (or renewal) permits for shipping containers would need to comply with the new regulations of the zoning by-law when they come into effect.

- Many users quite often require at least 2 shipping containers for greater than 2 months. How will the by-law deal with these issues?

It is recommended that a maximum of two (2) shipping containers be permitted per lot. The time frame for residential uses would be two (2) months for moving/relocating purposes and up to four (4) months for renovations. The City would not require a building permit for the use of a shipping container as a temporary use for a residential property. A building permit would be required for a shipping container used as a temporary use (in compliance with the proposed regulations) for a non-residential property, but Site Plan Approval would not be required.

- How will proposed by-law changes address containers delivered by and are static on a vehicle trailer?

The shipping containers that would be delivered static on a trailer would be required to be located on private property as per the zoning regulations and are not permitted within the road allowance.

- How will the by-laws address properties without back or side yards?

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If there are instances where properties do not have a back or side yard and the property owner wishes to install a shipping container in the front yard then an option would be for the property owner to make an application for a minor variance to the zoning by-law.

- How will the by-laws address shipping containers as building additions (ie additions to existing uses or as new builds)

It is recommended that the Zoning By-law be amended to require the use of shipping containers to go through the Site Plan Approval process and building permit process if they are to be used as building additions.(see proposed regulations below).

- Will there be any impacts on developer/home builders as they relate to installing trailers for site offices(for construction) and sales centres; set-up of the trailers(hydro, communication, dressing the decks, parking, etc.); time restrictions for use; and the use of shipping containers in place of trailers.

The proposed changes to the Zoning By-law are not intended to replace the current practices of using trailers or shipping containers for construction activities. An amendment to the General Provision is proposed to ensure that sales trailers are included in the provision relating to construction use.

- How will the City deal with shipping containers or trailers of different sizes?

For all temporary uses in residential zones the maximum size of a shipping container and/or trailer is limited to a maximum of two (2) (in total) shipping containers or trailers not exceeding 6 metres (20 feet) in length x 2.4 metres (8 feet) in width x 2.6 metres (8.5 feet) in height.

For all uses in non-residential zones a maximum of no more than two (2) (in total) shipping containers or trailers not exceeding 6 metres (20 feet) in length x 2.4 metres (8 feet) in width x 2.6 metres (8.5 feet) in height; or one (1) shipping container or trailer not exceeding 12.1 metres (40 feet) in length x 2.4 metres (8 feet) in width x 2.9 metres (9.5 feet) in height will be permitted per property.

PROPOSED AMENDMENTS TO THE ZONING BY-LAW

Staff are recommending that the following Sections of the Definitions and General Provisions Sections of the Z-1 Zoning Bylaw be amended as follows (see bold text):

Section 2 - Definitions

“SHIPPING CONTAINER” means a premanufactured (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.

Section 4 - General Provisions.

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4.4 BUILDING ADDITIONS

Where the erection of one or more additional storeys is proposed on a building where the existing yards appurtenant to such building would not conform to the requirements of this By-Law subsequent to such erection, no such erection shall be permitted except where:

- 1) the addition is located so as to comply with the yard requirements of this By- Law at the level of the base of such addition; and,
- 2) the addition complies in all other respects with the provisions of this By-Law.

Where a shipping container or trailer (both not exceeding 12.1 metres (40 feet) in length x 2.4 metres (8 feet) in width x 2.9 metres (9.5 feet) in height is to be used as the sole base of operations for a non-residential business, its installation shall be subject to all regulations of the underlying zone and to Site Plan Control.

Where a shipping container or trailer (not exceeding 12.1 metres (40 feet) in length x 2.4 metres (8 feet) in width x 2.9 metres (9.5 feet) in height is to be used as added floor space (or permanent storage) to an existing establishment in any multi-family (3 or more units) or non-residential zone, the following regulations shall apply:

- 1) the location, floor area, setbacks and all other regulations of the underlying zone shall apply;
- 2) it shall only be permitted in the rear yard;
- 3) the installation is subject to Site Plan Control; and,
- 4) no more than two (2) shipping containers or trailers not exceeding 6 metres (20 feet) in length x 2.4 metres (8 feet) in width x 2.6 metres (8.5 feet) in height; or one (1) shipping container or trailer not exceeding 12.1 metres (40 feet) in length x 2.4 metres (8 feet) in width x 2.9 metres (9.5 feet) in height shall be permitted per property.

4.5 TEMPORARY STRUCTURES

1) CONSTRUCTION USE

The following construction uses shall be permitted only so long as the same are necessary for construction work in progress which has neither been finished nor abandoned: construction camps, **model home sales office**, tool sheds, scaffolds, or any other building or structure incidental to and necessary for the construction work on the lot. No construction use, however, shall be located within the sight triangle of any lot.

2) SHIPPING CONTAINERS AND TRAILERS

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Shipping Containers and Trailers may be used as temporary uses subject to the following regulations:

All Residential Zones

Time Period: Maximum of 2 months within a calendar year for the purposes of moving/relocating. Maximum of 4 months within a calendar year for the purposes of building renovation.

A maximum of two (2) (in total) shipping containers or trailers not exceeding 6 metres (20 feet) in length x 2.4 metres (8 feet) in width x 2.6 metres (8.5 feet) in height shall be permitted per property.

All Non Residential Zones

Time Period: Maximum of 4 months within a calendar year

Other Regulations: Yard setbacks as per the underlying zone. Gross Floor Area relating to the temporary use does not require additional on-site parking. A temporary reduction in the required parking may be permitted in association with the establishment of the temporary use.

No more than two (2) shipping containers or trailers not exceeding 6 metres (20 feet) in length x 2.4 metres (8 feet) in width x 2.6 metres (8.5 feet) in height; or one (1) shipping container or trailer not exceeding 12.1 metres (40 feet) in length x 2.4 metres (8 feet) in width x 2.9 metres (9.5 feet) in height shall be permitted per property.

ARE AMENDMENTS TO THE SITE PLAN CONTROL BY-LAW REQUIRED?

After a review of the Site Plan Control (SPC) By-law it appears that issues relating to aesthetics and fit within a neighbourhood are already inherent in the by-law. In particular Section 2. – Location of Buildings and Facilities of the SPC By-law notes that applicants must demonstrate that new builds or additions must:

- (a) provide a comfortable and pleasing environment for the intended uses in terms of buildings orientation, form and siting;
- (b) be consistent with or complimentary to existing buildings that are to be retained; and,
- (c) be consistent with or complimentary to existing streetscapes.

As a result, it does not appear that amendments to the Site Plan Control By-law are required at this time.

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CONCLUSION

The proposed amendments to the Zoning By-law, in conjunction with the existing Site Plan Control By-law requirements, are appropriate to properly regulate the use of Shipping Containers and Trailers in the City.

RECOMMENDED BY:	
ALLISTER MACLEAN MANAGER DEVELOPMENT PLANNING	
CONCURRED BY:	SUBMITTED BY:
TERRY GRAWAY, MCIP, RPP MANAGER DEVELOPMENT SERVICES & PLANNING LIAISON	GEORGE KOTSIFAS, P.ENG MANAGING DIRECTOR, DEVELOPMENT & COMPLIANCE SERVICES AND CHIEF BUILDING OFFICIAL

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<p style="text-align: center;">Bibliography of information and Materials</p>

Z-1 Zoning By-law

Site Plan Control By-law

All information included in City File Z-8623

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Appendix "A"

Bill No. (number to be inserted by Clerk's Office)
2017

By-law No. Z.-1-17_____

A by-law to amend Section 2 - Definitions and Section 4 - General Provisions of By-law No. Z.-1 to regulate the use of shipping containers and trailers.

WHEREAS the City of London has initiated an application to amend Section 2 – Definitions and Section 4 - General Provisions of the Z-1 Zoning By-law as set out below;

AND WHEREAS this rezoning conforms to the Official Plan;

THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. Section 2 - Definitions of By-law Z.-1 is amended by adding in alphabetical order, the following definition:

“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.

2. Section 4 - General Provisions of By-law No. Z.-1 is amended by deleting the current sections 4.4 and 4.5 and replacing them with the following new sections:

4.4 BUILDING ADDITIONS

Where the erection of one or more additional storeys is proposed on a building where the existing yards appurtenant to such building would not conform to the requirements of this By-Law subsequent to such erection, no such erection shall be permitted except where:

- 1) the addition is located so as to comply with the yard requirements of this By- Law at the level of the base of such addition; and,
- 2) the addition complies in all other respects with the provisions of this By-Law.

Where a shipping container or trailer (both not exceeding 12.1 metres (40 feet) in length x 2.4 metres (8 feet) in width x 2.9 metres (9.5 feet) in height is to be used as the sole base of operations for a non-residential business, its installation shall be subject to all regulations of the underlying zone and to Site Plan Control.

Where a shipping container or trailer (not exceeding 12.1 metres (40 feet) in length

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x 2.4 metres (8 feet) in width x 2.9 metres (9.5 feet) in height is to be used as added floor space (or permanent storage) to an existing establishment in any multi-family (3 or more units) or non-residential zone, the following regulations shall apply:

- 1) the location, floor area, setbacks and all other regulations of the underlying zone shall apply;
- 2) it shall only be permitted in the rear yard;
- 3) the installation is subject to Site Plan Control; and,
- 4) no more than two (2) shipping containers or trailers not exceeding 6 metres (20 feet) in length x 2.4 metres (8 feet) in width x 2.6 metres (8.5 feet) in height; or one (1) shipping container or trailer not exceeding 12.1 metres (40 feet) in length x 2.4 metres (8 feet) in width x 2.9 metres (9.5 feet) in height shall be permitted per property.

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All Non Residential Zones

Time Period: Maximum of 4 months within a calendar year

Other Regulations: Yard setbacks as per the underlying

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zone. Gross Floor Area relating to the temporary use does not require additional on-site parking. A temporary reduction in the required parking may be permitted in association with the establishment of the temporary use.

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3) MODEL HOMES

Model homes shall be permitted in all R1, R2, R3, R4, R5, and R6 (excluding apartment buildings) Zones subject to the following:

- (a) the lands on which the model homes are to be constructed have received draft plan approval under the Planning Act and the subdivision agreement has been executed;
- (b) site servicing may be permitted for model homes in accordance with the requirements of the Chief Building Official prior to the registration of the plan of subdivision;
- (c) the number of model homes for any phase of a draft approved plan of subdivision shall not exceed the lesser of ten (10) dwelling units or ten per cent (10%) of the total number of lots of the phase; and,
- (d) the number of model homes for any draft approved plan of subdivision shall not exceed the lesser of ten (10) dwelling units or ten per cent (10%) of the total number of lots.

4) FARM MARKET

A farm market, in which nothing may be sold or displayed except seasonal products from the farm upon which the market is located, is permitted in an agricultural zone subject to a maximum size of 18.6m (200 sq.ft.), a maximum height of 3.6m (12 ft.) and a minimum front yard of 7.5m (25 ft.).

The inclusion in this By-law of imperial measure along with metric measure is for the purpose of convenience only and the metric measure governs in case of any discrepancy between the two measures.

This By-law shall come into force and be deemed to come into force in accordance with Section 34 of the *Planning Act, R.S.O. 1990, c. P13*, either upon the date of the passage of this by-law or as otherwise provided by the said section.

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PASSED in Open Council on June 13, 2017.

Matt Brown
Mayor

Catharine Saunders
City Clerk

First Reading - June 13, 2017
Second Reading – June 13, 2017
Third Reading - June 13, 2017