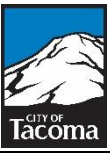


Application 3

Shipping Containers





**2023 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE**

**Application:
Shipping Container Development Standard Amendments**

**Staff Analysis Report
March 1, 2023**

An application to amend appropriate sections of the Tacoma Municipal Code (TMC) to allow shipping containers in multiple zoning districts, subject to certain standards. Currently, shipping containers are allowed only in the City's Industrial Districts or as temporary uses in other districts.

Project Summary	
Project Title:	Shipping Containers
Applicant:	City of Tacoma
Location and Size of Area:	Citywide, in C-1 and C-2 Commercial Districts; Also uses operating with a Conditional Use Permit in Residential Districts or with a valid Temporary Use Permit (Already allowed in Industrial Districts)
Neighborhood Council Area:	Citywide
Staff Contact:	Jana Magoon, Land Use Division Manager, jmagoon@cityoftacoma.org
Staff Recommendation:	<p>Staff propose:</p> <ul style="list-style-type: none"> • In Commercial Districts, shipping containers should be permitted, subject to regulations. • In Residential Districts, Shipping Container should be allowed in conjunction with a Conditional Use provided development regulations are met. • In All Districts, expand the temporary use provision to support expanded temporary use of shipping containers. • Except in Industrial District, shipping containers must not be stacked • Except in Industrial Districts, shipping containers must be located behind the main building and screened with either a fence or landscaping. • Except in Industrial Districts, shipping containers must be setback 5 feet from all property lines
Project Proposal:	See Exhibit "A"



1. Area of Applicability

Citywide in Commercial areas and in Residential Districts (only with a permitted Conditional Use)

2. Background

In 2012 alone, the US Department of Transportation statistics indicate more than five million shipping containers sat dormant. Further, the reprocessing or melting down of shipping containers require a minimum of 8,000 kWh of energy. Maybe for this reason, shipping containers have gained popularity as a construction material for various uses. Historically, shipping containers have been considered unsightly and undesirable but developers have started using creative techniques to help shipping containers blend with surrounding areas. On June 8, 2021, the City Council passed Resolution No. 40794, requesting that the Planning Commission review the use and allowed locations for shipping containers as a type of accessory structure. On May 10, 2022, the Council passed Substitute Resolution No. 40955, adjusting the timeline for the study from 2022 Amendment cycle to 2023 Amendment cycle and providing the following additional suggestions for the Commission's consideration:

- (a) The Commission should focus more on issues relating to using shipping containers as innovative housing solutions, and also shipping containers for storage and other uses specifically in commercial districts, and
- (b) The Commission's review of development standards should ensure that shipping containers for residential use provide value-added accommodations and are safe to live in.

It is noted that Substitute Resolution No. 40955 also acknowledges the Planning Commission's recommendation that "evaluating shipping containers as innovative housing options be considered in coordination with Home in Tacoma Project Phase 2." As set forth in the resolution, the focus of the Commission's work during the 2023 Amendment cycle should be on the "proposed land use code amendments pertaining to the use of shipping containers for storage and other uses.

Since Council first directed Planning Commission to review changes to code for shipping containers, staff have been asked to consider shipping containers for specific uses, such as growing and storing food in residential districts. And Planning Commission has indicated that shipping containers could be utilized as accessory uses on sites with valid Conditional Use Permits, such as schools and parks.

3. Analysis

Staff analysis of this application has been conducted in accordance with TMC 13.02.070.F.2, which requires the following four provisions be addressed, as appropriate:

- A staff analysis of the application in accordance with the elements described in 13.02.070.D;
- An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;
- An analysis of the amendment options identified in the assessment report; and
- An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

a. A staff analysis of the application in accordance with the elements described in 13.02.070.D;

TMC 13.02.070.D, subsection 5.d.(1), requires that the following objectives shall be met by applications for the annual amendment:

- Address inconsistencies or errors in the Comprehensive Plan or development regulations;
Staff Response: This requested code change does not address inconsistencies or errors in the Comprehensive Plan or development regulations.
- Respond to changing circumstances, such as growth and development patterns, needs and desires of the community, and the City’s capacity to provide adequate services;
Staff Response: In 2012 alone, the US Department of Transportation statistics indicate more than five million shipping containers sat dormant. Further, the reprocessing or melting down of shipping containers require a minimum of 8,000 kWh of energy. Maybe for this reason, shipping containers have gained popularity as a construction material for various uses.
- Maintain or enhance compatibility with existing or planned land uses and the surrounding development pattern; and/or
Staff Response: Historically, shipping containers have been considered unsightly but developers have started using creative techniques to help shipping containers blend with surrounding areas. If the appropriate development standards are included in the scope of this project, allowing shipping containers will be compatible with existing and proposes land uses and the surrounding development pattern.
- Enhance the quality of the neighborhood.
Staff Response: The purpose of this change is to allow creative use of shipping containers as an accessory structure on commercial properties. However, appropriate development standards will be an important element of this proposal if quality of neighborhood will be protected.

b. An analysis of the consistency of the proposed amendment with State, regional and local planning mandates and guidelines;

Staff has identified the following pertinent policies for the Planning Commission’s review of the proposal for consistency with the Comprehensive Plan. Staff notes that the proposal is generally compatible with the following goals and polices contained within the One Tacoma Comprehensive Plan. Provided appropriate development regulations are adopted, the expansion of electric fences into commercial and downtown areas will be consistent with applicable policies.

Urban Form:

- **Policy UF–13.10:** Maintain and enhance the existing commercial areas while preserving the unique features of these neighborhoods.

Design + Development:

- **Policy DD–1.1:** Encourage excellence in architecture, site design, and infrastructure and durability in building materials to enrich the appearance of a development’s surroundings.

- **Policy DD-4.1:** Preserve and enhance the quality, character, and function of Tacoma's residential neighborhoods.
- **Policy DD-5.14:** Promote building design that is compatible with the existing and/or desired character of the area.
- **Policy DD-7.1:** Encourage rehabilitation and adaptive reuse of buildings, especially those of historic or cultural significance, to conserve natural resources, reduce waste, and demonstrate stewardship of the built environment.
- **Policy DD-7.3:** Encourage use of technologies, techniques, and materials in building design, construction, and removal that results in the least environmental impact over the life cycle of the structure.
- **Policy DD-7.4:** Encourage use of natural, resource-efficient, recycled, recycled content, and non-toxic building materials and energy-efficient building practices.

c. An assessment of the anticipated impacts of the proposal, including, but not limited to: economic impacts, noise, odor, shading, light and glare impacts, aesthetic impacts, historic impacts, visual impacts, and impacts to environmental health, equity and quality.

As part of the annual amendment cycle, staff conducts an environmental review, including a non-project action SEPA checklist, to consider the potential environmental impacts of the proposals. In addition, the City Council has adopted a policy to consider equity in all Council actions. As a result, potential impacts need to be assessed through an equity lens utilizing the Tacoma Equity Index and other tools, including the historical context of planning in the area.

Shipping containers have been prohibited in residential zoning districts for at least 30 years. The prohibition was expanded to Commercial Districts after 2020. It is assumed this is because of visual impacts. Shipping containers in their natural form appear inconsistent with many of the City's policies related to "excellence" in architecture, compatible building design, and consistency with neighborhood character. On the other hand, as developers and jurisdictions seek ways to reduce waste, the reuse of shipping containers is more appealing. To this end, it seems reasonable to allow shipping containers provided they are appropriately screened. It should be noted that, regardless of our Land Use Regulations, meeting building code for certain adaptive reuse can be prohibitive. Specifically, depending on use, energy code is very difficult to meet and, depending on size, a permanent foundation may be required.

Discussions of using shipping containers for housing will happen at a later date.

4. Public Outreach

The Commission is scheduled to conduct a public hearing on the 2023 Amendment in early 2023. Additional public outreach for all the applications for the 2023 Amendment will be conducted prior to and during the public hearing process.

5. Recommendation

Staff recommends drafting code that includes the following:

- Shipping containers should be permitted, subject to regulations, in Commercial Districts, on sites with a Conditional Use Permit, and as a temporary use.
- In Residential Districts, Shipping Containers should be allowed in conjunction with a Conditional Use provided development regulations are met.
- In All Districts, expand the temporary use provision to support expanded temporary use of shipping containers.
- Except for Industrial Districts, shipping containers must be located behind the main building.
- Except in Industrial Districts, shipping containers must be located behind the main building and screened with either a fence or landscaping.
- Except for Industrial Districts, shipping container cannot be stacked.
- Except in Industrial Districts, shipping containers must be setback 5 feet from all property lines.

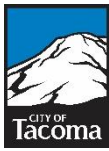
Additional regulations that may be considered by the Planning Commission after Public Comment:

- Limit on the number shipping containers allowed on each site

6. Exhibit

- Exhibit “A” – Shipping Containers, Draft Code

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2023 ANNUAL AMENDMENT
TO THE COMPREHENSIVE PLAN AND LAND USE REGULATORY CODE

Exhibit A:

Shipping Containers – Draft Code

Tacoma Municipal Code (TMC) 13.06.020 Residential Districts.

A. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.020.

* * * * *

G. Accessory building standards.

* * * * *

9. Except as noted below, commercial shipping and/or storage containers shall not be a permitted type of accessory building in any residential zoning district.

a. ~~Such~~ Shipping and/or storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.080.P.

b. Shipping and/or storage containers may be allowed on a site with a valid Conditional Use Permit, subject to the following standards:

(1) On sites less than 5 acres, shipping container shall not be located between the building and street right-of-way. On corner lots, this applies to front and side.

(2) On sites less than 5 acres, on corner lots, shipping container shall be setback further than the side wall of the main building.

(3) Shipping containers shall be screened from any Residential District when adjacent to or across street and/or alley from the Residential District. The shipping container must be screened by a minimum 6-foot tall solid wood fence and/or landscaping.

(4) Shipping containers cannot be stacked

(5) Shipping containers must meet, at a minimum, the setbacks of the main building

(6) If any of these standards cannot be met, a shipping container may be located as a Temporary Use for a reduced time and subject to the standards for a Temporary Use. See TMC 13.06.080.P

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TMC 13.06.030 Commercial Districts

A. Applicability. The following tables compose the land use regulations for all districts of Section 13.06.030.

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E. District use restrictions.

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4. District use table.

* * * * *

Footnotes:

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~~3. Commercial shipping containers shall not be an allowed type of accessory building in any commercial zoning district. Such storage containers may be allowed as a temporary use, subject to the limitations and standards in Section 13.06.080.P~~

* * * * *

F. District Development Standards

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3. Setbacks

a. Applicability. See TMC 13.100.A for setbacks applicable to shipping containers.

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TMC 13.06.080.P Temporary Use

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2. Purpose.

The Purpose of this section is to allow listed temporary uses which:

- a. Are not contrary to the various purposes of this chapter;
- b. Will not impede the orderly development of the immediate surrounding area, as provided for in the Comprehensive Plan and the zoning district in which the area is located; and
- c. Will not endanger the health, safety, or general welfare of adjacent residences or the general public.

* * * * *

4. Temporary structure standards.

* * * * *

d. Temporary storage.

Temporary storage units are transportable units designed and used primarily for temporary storage of building materials, household goods, personal items and other materials for use on a limited basis.

Temporary storage can also include storage of food (including the growth of food items). Temporary storage units, where allowed, shall be subject to the following standards:

(1) Temporary storage units shall be allowed in the following instances:

(a) As part of an active construction project or active moving process; or

[\(b\) In conjunction with a Conditional Use, to support the Conditional Use; or](#)

[\(c\) To support an agricultural use, such as growing food. Food shall not be sold from the site.](#)

(2) In residential zoning districts, the maximum duration of temporary storage shall be 180-days in any two-year period, with up to one 60-day extension allowed at the discretion of Planning and Development Services.

(3) In commercial, mixed-use or industrial zoning districts, temporary storage units shall be:

(a) removed within 30 days after final inspection of the project; or

(b) [if being used in conjunction with a Conditional Use](#), a maximum of 180-days in a two-year period, with up to one 60-day extension allowed at the discretion of Planning and Development Services

(4) Temporary storage units shall be placed in the least conspicuous location available to minimize disturbance to any adjoining properties and shall be located in accordance with all applicable building, health and fire safety ordinances and regulations. Units shall provide a minimum 5-foot setback from all exterior property lines and shall not be located within required buffer areas. Units shall not block, impair, or otherwise unduly inconvenience pedestrian or vehicular traffic patterns, emergency access, access points to the site, parking lots, or adjacent uses.

(5) Such use is of a temporary nature not involving permanent installations, including structures, utilities, and other improvements, unless such improvements are to be used in conjunction with a permanent structure, plans for which have been approved by Planning and Development Services. This provision shall not be construed to prohibit the installation of utilities necessary to serve the temporary use or the requiring of improvements necessary to eliminate or mitigate nuisances or adverse environmental impacts resulting from the temporary use.

(6) Such temporary building shall not be required to comply with the standard locational, bulk and area requirements or the design, landscaping, parking and other standards found in Sections 13.06.090.100.

(7) Planning and Development Services shall have full discretion to stipulate additional limitations or conditions on such temporary use to ensure that it does not unduly affect the health, safety, or general welfare of adjacent properties or residences or the general public.

TMC 13.06.100.A Design Standards

1. General Applicability. The design standards of this section are required to implement the urban design goals of the Comprehensive Plan of the City of Tacoma. The building design standards apply to all new development as outlined below, except as follows:

* * * * *

[j. Accessory Structure - Shipping containers are exempt from all sections except Subsection 9 below.](#)

2. Zoning District Applicability. The following requirements apply to C1, C2, T, and PDB zoning districts...

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[9. Accessory Structure - Shipping Container](#)

[a. Shipping Containers are allowed as an accessory structure in all Commercial Districts subject to the standards set forth below:](#)

[\(1\) Shipping container shall not be located between the building and street right-of-way. On corner lots, this applies to front and side.](#)

[\(2\) On corner lots, shipping container shall be setback a minimum of 5-feet from all property lines and further than the side wall of the main building, whichever is greater.](#)

[\(3\) Shipping containers shall be screened from any Residential District when adjacent to or across an alley from the Residential District. In this case it must be screened by a minimum 6-foot tall solid wood fence and/or landscaping.](#)

[\(4\) Shipping containers may not be placed within a shopping center as defined in TMC 13.01.060.S.](#)

[\(5\) See TMC 13.06.080.P for regulations specific to shipping containers as a temporary use.](#)