



**TOWN OF AMHERSTBURG
SPECIAL COUNCIL MEETING
AGENDA**

Monday, May 8, 2017

5:30 PM

Council Chambers

271 Sandwich Street South, Amherstburg, ON, N9V 2A5

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact Tammy Fowkes, Deputy Clerk at tfowkes@amherstburg.ca

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	Pages
1. CALL TO ORDER	
2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF	
3. SPECIAL PLANNING REPORTS	
3.1 Proposed Zoning By-law Amendment – Housekeeping By-law 2017-33	3
It is recommended that:	
1. The report from the Manager of Planning Services dated April 19, 2017, regarding a Proposed Zoning By-law Amendment- Housekeeping By-law 2017-33, BE RECEIVED ; and,	
2. Pending Council consideration of written and oral comments received at this public meeting, an amending by-law BE PREPARED AND BROUGHT BACK at a future regular Council meeting.	

3.2 Proposed Housekeeping Zoning By-law Amendment- By-law 2017-34 Regulations pertaining to the use of Shipping Containers as Accessory Units

8

It is recommended that:

1. The report from the Manager of Planning Services dated April 18, 2017, regarding a Proposed Zoning By-law Amendment- Housekeeping By-law 2017-34, **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-34 **BE CONSIDERED** at a future regular Council meeting.

3.3 Proposed Zoning By-law Amendment- Section 3, General Provisions, Pertaining to the Parking Provisions for a Miniature Golf Course Use

22

It is recommended that:

1. The report from the Manager of Planning Services dated April 27, 2017, regarding a proposed Zoning By-law Amendment to Section 3, General Provisions, Pertaining to Parking Provisions for a Miniature Golf Course Use **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, an amending by-law **BE PREPARED AND BROUGHT BACK** at a future regular Council meeting.

4. ADJOURNMENT

That Council rise and adjourn at p.m.

Statutory Public Meeting under Section 34 of the Planning Act



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Rebecca Belanger	Report Date: April 19, 2017
Author's Phone: 519 736-5408 ext. 2124	Date to Council: May 8, 2017
Author's E-mail: rbelanger@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Proposed Zoning By-law Amendment – Housekeeping By-law 2017-33

1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Planning Services dated April 19, 2017, regarding a Proposed Zoning By-law Amendment- Housekeeping By-law 2017-33, **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, an amending by-law **BE PREPARED AND BROUGHT BACK** at a future regular Council meeting.

2. BACKGROUND:

Town of Amherstburg Zoning By-law 1999-52, as amended was passed by Council on November 8, 1999. The publication was consolidated through 2013 and up until recently this year. Since the intent of the Comprehensive Zoning By-law is to ensure that it remains up-to-date and in conformity with the Town of Amherstburg Official Plan and other provincial legislation, regular housekeeping amendments are required to deal with technical and housekeeping updates.

The Town has initiated a housekeeping by-law for an amendment to Zoning By-law 1999-52, as amended under Section 34 of the Planning Act, R.S.O. 1990, c.P. 13. The proposed amendment is general in nature and applies to various properties throughout the Town of Amherstburg. The proposed amendments have been drafted to address

updates and direction from Provincial legislation, typographical errors and provide clarifications to specific regulations.

3. DISCUSSION:

This Town of Amherstburg has initiated a housekeeping Zoning By-law Amendment to update and correct a small number of regulations in By-law 1999-52, as amended. The following is a summary of the proposed changes:

1. Section 3(1)(b) Accessory Uses in General Provisions of the Town of Amherstburg Zoning By-law 1999-52 is hereby amended by adding “to a maximum of 100 square metres (1076 sq ft) for accessory buildings and structures in any Residential Zone other than the Residential Type 1A (R1A) Zone where accessory buildings will be permitted on a lot not to exceed 10 percent of the lot area.” The remaining provisions of Section 3(1)(b) will apply.

A housekeeping amendment was approved by Council in 2016 which allowed for a modification from the previous regulations in the General Provisions Section (3) of the Zoning By-law which restricted accessory uses in all residential zones to a maximum of 100 square metres (1076 sq.ft) and 10 percent of the lot area. Due to the number of minor variances that were submitted to the Committee of Adjustment prior to the housekeeping amendment seeking relief from the maximum accessory building size of 100 square metres (1076 sq.ft.) the by-law amendment was brought forward. Currently, Section 3 of the General Provisions permits the total of all accessory structures on a lot to be 10 percent of the lot area in all residential zones.

Since the approval and modification to the accessory use provisions in all residential zones, a number of individuals have sought building permits in residential subdivisions for accessory buildings which are post and beam type of construction (pole barns). The size, appearance and necessity for these buildings may not to be in keeping with the intent of an accessory building for a residential use. Typically, when administration inquire as to the purpose of these accessory buildings, the homeowners state that the purpose is for the storage of a large number of recreational vehicles, including boats, trailers, ATVs, etc. It is understood that an accessory structure shall be associated with or generally necessary to the normal operations of the principal structure, building or use. To be "commonly associated" or "generally necessary" means that the purpose of accessory building would be an extension of the dwelling, which would function subordinate and necessary to the main use of the property as a single detached residence.

The purpose of regulating accessory structures is to ensure compatibility of such uses with surrounding land uses and properties and to avoid any impacts associated with such uses. The intent of the accessory use regulations is to maintain neighborhood integrity and preserve the existing character of the neighborhood by encouraging compatible land uses. Possible negative impacts associated with large accessory structures may include: structural and aesthetic incompatibility, drainage and stormwater management issues as well as impacts from a reduction in sunlight due to massing and reduced openness.

Based on the above, Administration recommends that the housekeeping amendment clarify the regulation for the maximum of 10 percent the lot area to remain for the rural residential areas zoned R1A, and that the remaining residential areas zoned R1, R2, R3, etc., and other, have a maximum restricted size for accessory buildings of 1076 square feet (100 sq.m) and 10 percent of the lot area. Those areas that are zoned R1A include Concession 2 North, Texas Road, Front Road North and South as some examples. These areas generally contain larger lots in a rural atmosphere than can typically support a larger accessory building without a concern for impacts on neighbouring properties. The R1, R2 and R3 Zones are areas in Town which are subdivisions including Kingsbridge, Golfview, Monopoly and Crownridge as well as the residential areas in the primary and secondary settlement areas typically with smaller lots in the urban setting.

It would be possible for property owners to apply for a minor variance to the Zoning By-law within the residential zones (other than the R1A Zone) should they propose to construct an accessory building larger than 100 square metres (1076 sq.ft.).

2. Section 3(21)(a) Parking Regulations in General Provisions of the Town of Amherstburg Zoning By-law 1999-52 is hereby amended by regulating the maximum number of driveways in all Residential Zones, other than R1A Zone, where the existing provisions will apply.

Administration has noted several requests for multiple driveways in residential zones over the last number of years. This section requires review and consideration based on discussion with the Public Works Department. Through discussions with the Manager of Roads, there has been a request to typically limit the number of driveways in residential zones to one which would be consistent with the Town of Kingsville Zoning By-law. For those rural residential properties which generally have larger frontages and where a horse-shoe type of driveway may provide for additional vehicular safety, these areas are zoned R1A typically, the amending by-law permits two driveways based on a minimum of 30 metres of frontage along the street line.

4. RISK ANALYSIS:

The recommendation presents little to no risk to the municipality. The proposed amendments will provide current mapping and regulations that can be more clearly understood by residents and administration.

5. FINANCIAL MATTERS:

All costs associated with the application are the responsibility of the Town. Addressing these issues will create efficiencies and cost savings in future development applications.

6. CONSULTATIONS:

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

The Essex Region Conservation Authority has reviewed the general housekeeping amendments and has no objections.

7. **CONCLUSION:**

It is recommended that the housekeeping Zoning By-law Amendment be directed for approval at a future Council meeting, pending the outcome of comments received at this public meeting. A Report summarizing comments received at this public meeting can be brought back for Council's consideration, as necessary.



Rebecca Belanger
Manager of Planning Services

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DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works
Phone #: 519 736-3664 ext. 313

Name: Building Services
Phone #: 519 736-5408 ext. 4136

Name: Fire Services
Phone #: 519 736-6500

Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com

Name: Essex Region Conservation Authority
Phone #: 519 776-5209

Report Approval Details

Document Title:	Proposed Housekeeping By-law Amendment 2017-33.docx
Attachments:	N/A
Final Approval Date:	May 2, 2017

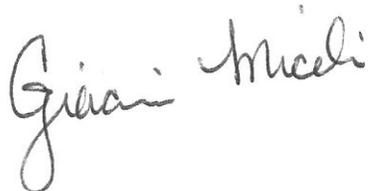
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - Apr 28, 2017 - 12:22 PM



Justin Rousseau - May 1, 2017 - 9:04 AM



John Miceli - May 1, 2017 - 1:46 PM



Paula Parker - May 2, 2017 - 1:20 PM

Statutory Public Meeting under Section 34 of the Planning Act



THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

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Author's Name: Rebecca Belanger	Report Date: April 18, 2017
Author's Phone: 519 736-5408 ext. 2124	Date to Council: May 8, 2017
Author's E-mail: rbelanger@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

**Subject: Proposed Housekeeping Zoning By-law Amendment- By-law 2017-34
Regulations pertaining to the use of Shipping Containers as
Accessory Units**

1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Planning Services dated April 18, 2017, regarding a Proposed Zoning By-law Amendment- Housekeeping By-law 2017-34, **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, Zoning By-law 2017-34 **BE CONSIDERED** at a future regular Council meeting.

2. BACKGROUND:

The Town finalized a Community Strategic planning process during 2016 which identified four strategic pillars as outcomes of the community consultation process. Council committed to achieving the actions listed within the pillars through corporate workplans and annual reporting. Under Pillar Two, Economic Development, the preparation of Urban Design Guidelines was listed as a priority initiative to preserve the heritage within the Town of Amherstburg. The strategic plan also acknowledges the importance of quality of place improvements protecting cultural, natural and built heritage resources within the community vista.

Administration has proposed that Council consider an approach for regulating the use of shipping containers (sea containers) within the municipality and potential changes to any pertinent zoning regulations within Zoning By-law 1999-52, as amended.

3. DISCUSSION:

Administration receives regular inquiries relating to the placement of shipping containers on private land. The provisions in the current Zoning By-law do not provide sufficient clarity regarding shipping containers and there is presently no definition of a shipping container (sea container) in the Town's Zoning By-law. The Building Department/By-law Enforcement have been informed of shipping containers being present on several properties throughout the municipality. Changes to the Zoning By-law will include a definition of a shipping container.

Research has indicated that there are an estimated 20 million surplus shipping containers around the world available for re-use. The recent abundance and relative affordability of these containers is the result of the deficit in manufactured goods originating from North America in the last two decades.



The majority of manufactured goods come to North America from Asia and, to a lesser extent, Europe, in containers that often have to be shipped back empty at considerable expense. It is often cheaper to construct and buy new containers in Asia than to ship old ones back. The result is a surplus in used shipping containers and therefore new applications are frequently sought for the used containers that have reached their North American destination.

In the North American context, most containers end up being used as accessory storage structures in commercial or industrial areas. The majority of inquiries received by the Town, however, are in relation to seeking permission to use shipping containers for storage uses and typically associated with residential purposes.



The increase in the use of shipping containers for both building components and for storage purposes has presented regulatory challenges for municipalities. Issues surrounding the use of shipping containers affect a number of jurisdictional areas within the municipality including Planning, Building, By-law Enforcement and Fire Safety.

Current Municipal Regulations

Currently, the Town of Amherstburg has no specific policy or zoning provisions related to the use of shipping containers. The Zoning By-law 1999-52, as amended does however have regulations pertaining to mobile homes, trailers, trucks and bus bodies (i.e. similar to shipping containers). As such, Administration has historically treated shipping containers in a similar manner to transport trailers and accessory buildings, whereby they are not permitted to be used as permanent offices or for permanent storage purposes. The Zoning By-law does not provide a definition of a "shipping

container” at the present time. Construction Uses are presently defined in the General Provisions Section of the By-law.

When considering a regulatory approach to shipping containers, there are two categories of potential use:

- (i) shipping containers as building components; and
- (ii) shipping containers as accessory storage units.

Each of these comes with unique regulatory and policy implications and the following sections of this Report provide an overview of these two categories.

Shipping Containers as Building Components

- When placed on land and no longer used for shipping purposes, the Ontario Building Code Commission interprets a shipping container as a building. Accordingly, they are subject to the same requirements and limitations as permanent buildings.
- Having stated that, they can only be used in a manner that is permitted by the zoning by-law and must observe all zone regulations such as lot coverage, lot line setback requirements and so on.
- A typical shipping container has an area of about 200 square feet. The threshold for a building in Ontario that is required to seek a permit under the Ontario Building Code Act is any structure with an area of 108 square feet or more consisting of walls, a roof and floor or any part thereof.
- As such, anyone bringing a container onto their property needs a building permit. Given the foregoing, and as is the case with mobile homes, detached transport trailers and derelict school bus bodies, administration believes that is the ability to regulate the use of shipping containers to a certain degree through the introduction of appropriate regulations in the zoning by-law.
- The use of containers as a building component has grown in popularity over the past several years due to their inherent strength, wide availability, and relatively low expense.
- Using containers in home construction is viewed by various groups as more eco-friendly than using traditional building materials such as wood, brick and cement. The container, acting as “as room” can be delivered in one piece and can be stacked/assembled together to make multiple rooms or joined to make one larger room.



Advantages

Strength and Durability

- Shipping containers are in many ways an ideal building component. They are designed to carry heavy loads and to be stacked in high columns and are designed to resist harsh environmental conditions.

Uniformity

- The vast majority of shipping containers have the same width and most have two standard height and length measurements. This uniformity simplifies design, planning, transport, and assembly.

Cost

- Many used containers are available at an amount that is comparable to a finished structure built by other labor-intensive means such as framing, bricks and mortar. Used shipping container prices range from \$1,200 to \$6,000.



Availability

- As noted above, the sheer quantity of unused shipping containers makes them readily available to those wishing to purchase them.

Foundations

- Containers are designed to be supported by their four corners making a very simple foundation possible, rather than larger foundations typically required for traditional structures.

Eco- Friendly

- A standard 40 foot shipping container weighs approximately 3,500 kilograms. Accordingly, the use of shipping containers in building projects promotes the re-use of this steel and prevents it from being discarded as waste.

Constraints/Disadvantages

Lack of Flexibility

- Although shipping containers can be combined together to create bigger spaces, creating spaces different to their default size (either 20 or 40 foot) is expensive and time consuming. In addition, the size and weight of the containers will, in most cases, require them to be placed by a crane or forklift.

Engineering/Building Codes

- The original intention of shipping containers is to store merchandise for transport across oceans, not to house people. Therefore, once any welding is done to a

shipping container (for use in a residential or commercial re-development project) the integrity of the container changes.



Insulation/Humidity

- As noted above, the steel construction of the containers conducts heat (i.e. it is not an insulator). In temperate climates, moist interior air condenses against the steel. Rust will form unless the steel is well sealed and insulated.

Noxious Chemicals and By-Products

- Since shipping containers are not originally designed for human habitation, substances harmful to humans are typically used in their manufacture. These include paints and solvents, as well as insulation materials installed to control the temperature inside the containers during transport.
- In addition, a shipping container can store a wide variety of cargo during its working life. Spillages or contamination can occur and would need to be cleaned before any habitation.

Damage

- While in service, shipping containers are damaged by friction, handling collisions, and force of heavy loads overhead during ship transits. Although the two ends of a sea container are extremely strong, the roof is not.

Potential to Attract Rodents

- A shipping container, due to its inherent structural integrity, can simply be placed on land or on a concrete slab if it is to be used as a structure for alternative uses (e.g. storage unit). As a result, there is no barrier that extends underground below the span of the walls to restrict rodents from seeking refuge or habitat under the structure or slab foundation.

Shipping Containers as Accessory Storage Units

In recent years, there have been occurrences within the Town and region involving the use of shipping containers for storage purposes. This is being seen primarily in industrial areas where they are being used for the storage of material related to the industrial use located on the property. In addition, the containers are typically located to the rear of a main building, located in areas designated for storage purposes and historically used for outside storage (i.e. storage of goods exposed to the elements).

The use of shipping containers for storage in areas other than Industrial Zones needs to be carefully considered. Their use in residential, commercial and institutional locations has clear potential to create neighbourhood conflicts in relation to urban design,

architectural and aesthetic features and the built and cultural landscape. Over time the broader character of the community may be adversely impacted by the aesthetic appearance of shipping containers.

Potential Adverse Impact in Residential Areas

The primary concern related to shipping containers as accessory units is one of aesthetics. In recent years, shipping containers have become more readily available to rent, there are local businesses providing an option to rent them at reasonable rates. The primary use for these containers has been for temporary and/or permanent outdoor storage purposes. On a temporary basis, they are most commonly used when moving, or during construction or renovation projects.



While a shipping container may be “suitable” as a non-habitable accessory structure within which to store goods, that in itself does not mean it is desirable from a neighbourhood aesthetic perspective. In short, it is visually different from a typical structure and does not have a “residential” appearance. Typically, a shed or a detached garage has a hip or a gable roof and building material similar to a home such as vinyl siding, brick, wood siding, stone stucco, etc. These exterior features are normally compatible with the predominant style of housing in a residential neighbourhood. Even the smaller pre-fabricated sheds that are available for purchase have been modelled with design elements to reflect the residential character of neighbourhood expectations.

A shipping container is a steel, rectangular box with a flat top giving an industrial appearance. It is difficult to visually integrate these containers with buildings in a residential neighbourhood or commercial context. Due to its rigidity, a shipping container is difficult and costly to modify to resemble the design character of a storage shed or a garage. Regardless of its location on a residential property, a shipping container is visible from either the street or adjacent properties, and it presents a negative visual impact and detracts from the residential character of a neighbourhood.



Potential Adverse Impact in Commercial Areas (Aesthetics)

It is a generally accepted principle that the built form in commercial districts significantly contributes to what comprises of the community's character. These districts not only serve the purpose of providing places of commerce and provision for services, but also become important gathering places for people and destinations- places people are drawn to in order to meet their routine needs but also as places to congregate and socialize. As community gathering places, these areas should ideally have environments that are welcoming, pedestrian-oriented and of a high urban design quality. These are fundamental elements of "placemaking". With that in mind, the following comments are offered to illustrate Council's recent acknowledgement and commitment to the foregoing concepts:

1) *Amherstburg Central Business District*

Section 6.2.5 of the Town's Official Plan states "*it is the intent of this Plan that in any rehabilitation, conservation, development, or redevelopment schemes for the Central Business Area, emphasis be placed on the provision of abundant light and air space, the provision of attractive and usable open space available to the public, the aesthetic value of enclosed areas as well as open areas, the importance of public buildings as focal points of civic improvement, the restoration of existing buildings wherever possible and the retention of historical atmosphere and buildings. High standards of civic design emphasizing unity, coherence, and aesthetic appeal shall be the goal throughout. No open storage shall be permitted in the Central Business Area.*"

2) *Heritage Residential Area*

Adjacent to the Central Business District of the old Town is a residential area where many of the homes date back to 1850. The small frame homes on narrow streets are a visible reminder of Canada's beginnings. The Heritage Residential area lies within a portion of the Town of Amherstburg that has been studied as a Heritage Conservation District.

The uses permitted within the Heritage Residential area shall include single detached, semi-detached, duplex, and converted dwellings as well as rooming and boarding houses, bed and breakfast establishments, existing churches, and public uses.

Due to the size of many of the lots and the location of the units almost on the front property line, there should be no minimum lot area or frontage, while front yard depth should be in keeping with adjacent properties in order to maintain a uniform streetscape.

Several of the structures within the Heritage Residential area have been designated as "Heritage" buildings under the *Ontario Heritage Act*. Every effort should be made by both the owner and the Corporation to ensure the continued existence of that structure in its historically significant form.

The area that is designated Heritage Residential is also Zoned Residential Heritage.

3) *The Sandwich St. Corridor Gateway to Amherstburg*

“In order to ensure an aesthetically pleasing approach to the historic portion of Amherstburg and to protect the historic character, and as this area represents the Gateway to Amherstburg and a portion of this area is within the Town’s Downtown Tourist District, additional policies will apply to commercial development established along Sandwich Street between Texas Road and Fort Street and for the area along Sandwich Street South to Lowes Side Road. This policy will allow for, within this area, additional landscaping requirements at the time of site plan approval and special attention will be given to lighting, fencing, and location of garbage disposal. This policy will also allow Council to establish both minimum and maximum height regulations and setback regulations in the Zoning By-law. Council will seek the advice of Amherstburg’s Heritage Committee when dealing with development in this area on such matters as roof line, height, building material, and window placement in order to maintain the historic small town appearance. Site Plans associated with any Zoning By-law amendments to a General Commercial Zone shall be subject to public consultation.”

A Zoning By-law Amendment must conform with the policies in the Town’s Official Plan and therefore several of the Town’s policies have been identified for strategic focus and consideration. Section 6.2.5, the Downtown Improvement and Revitalization policies state *“the provision of attractive and usable open space available to the public, the aesthetic value of enclosed areas as well as open areas, the importance of public buildings as focal points of civic improvement, the restoration of existing buildings wherever possible and the retention of historical atmosphere and buildings. High standards of civic design emphasizing unity, coherence, and aesthetic appeal shall be the goal throughout. No open storage shall be permitted in the Central Business Area.”*

As part of the background research, the Planning Division has summarized how other municipalities in the region are regulating the use of shipping containers. A summary chart has been attached to this report for Council’s information.

4. RISK ANALYSIS:

Given the above, it is felt that regulatory oversight is advisable to control the erection, location, fire safety and use of shipping containers in the Municipality. Updated regulations in the Zoning By-law and the requirement for building permits would address the issues noted above and such things as:

- Structural safety
- Ground sinking (container must be on a suitable, stable surface)
- Wind resistance
- Snow loading
- Risk of uplift or overturning
- Proper anchorage
- Zoning By-law conformity.

5. FINANCIAL MATTERS:

There are no financial implications associated with this report.

6. CONSULTATIONS:

The Notice of Public Meeting to consider a Housekeeping Zoning By-law Amendment was published and circulated to agencies and municipal departments in accordance with the requirements of the Planning Act and associated regulations.

The Essex Region Conservation Authority provided correspondence which stated that *“it is our understanding from the circulation that shipping containers will not be permitted on a permanent basis in zones other than for industrial and agricultural use. We note that although these shipping containers would be regarded as temporary moveable structures, we would not permit the placement of the containers near any areas subject to flooding or erosion hazards. A permit from this office may be necessary for the placement of any shipping container within the limit of the regulated area under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act).”*

At the time of the preparation of this report, no comments from the public or other departments had been received.

7. CONCLUSION:

It is recommended that a strong and clear regulatory approach be taken toward prohibiting the permanent placement of shipping containers as storage units in all areas of the Town other than Industrial Zones and potential Agricultural Zones as determined by the farming community. This would not impose an undue hardship on homeowners or businesses who wish to use shipping containers for storage on their properties, as there are many other alternative storage structures available, such as storage sheds, detached garages, etc., which are better suited for residential neighbourhoods and commercial areas. The need for maintaining the aesthetic character of these areas outweighs the benefit of using shipping containers for storage purposes. In addition, across municipalities, it appears that there is no desire to permit storage containers other than in industrial areas.

As a temporary use of shipping containers for moving purposes or on construction sites is also becoming more popular, and does not present a permanent negative impact on residential neighbourhoods with very clear limitations. The setbacks and proper spatial separation, safe sight lines, maximum number of containers and restriction in duration must be established by the regulations.

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It is recommended that the information contained within this report along with any comments obtained at the public meeting be summarized and brought back in a future Council report along with a draft Zoning By-law Amendment for consideration at an upcoming Council meeting.



Rebecca Belanger, MCIP, RPP
Manager of Planning Services

RLB

DEPARTMENTS/OTHERS CONSULTED:

Name: Office of Engineering and Public Works
Phone #: 519 736-3664 ext. 313

Name: Building Services
Phone #: 519 736-5408 ext. 4136

Name: Fire Services
Phone #: 519 736-6500

Name: Union Gas
Email: ONTUGLandsINQ@uniongas.com

Name: Ontario Power Generation
Email: Executivevp.lawanddevelopment@opg.com

Name: Essex Region Conservation Authority
Phone #: 519 776-5209

Name: Robert Brown, Manager of Planning and Development Services, Town of Kingsville
Phone #: 519-733-2305

Name: Chad Jeffery, Manager of Planning Services, Town of Tecumseh
Phone #: 519-735-2184 ext. 154

Name: Danielle Truax, Manager of Planning Services, Municipality of Leamington
Phone #: 519 326-5761

Report Approval Details

Document Title:	Proposed Housekeeping Zoning By-law Amendment Shipping Containers.docx
Attachments:	- Appendix A Other Municipal Requirements Regarding Shipping Containers.pdf
Final Approval Date:	May 2, 2017

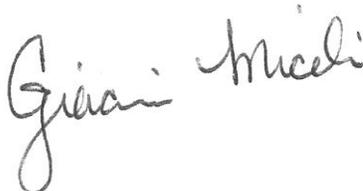
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - Apr 27, 2017 - 10:17 AM



Justin Rousseau - Apr 27, 2017 - 11:19 AM



John Miceli - Apr 27, 2017 - 4:23 PM



Paula Parker - May 2, 2017 - 12:57 PM

Appendix A- Other Municipal Regulations Regarding Shipping Containers

Municipality	Windsor	Sarnia	Leamington	Kingsville	Town of Lakeshore	Tecumseh
Consolidated?	Yes	Yes	See-below	Yes	Yes	In draft
Defined in Zoning By-law?	Includes a definition for "Shipping Container" (SC)	Includes a definition for "Shipping Container" (SC)	No- included as a temporary building	Identified as a prohibited use unless specifically permitted.	Regulates "shipping container" similar to truck/bus/coach bodies, trailers and recreational vehicles.	Not yet- public meetings in process
How are Shipping Containers addressed in Zoning By-law?	Section 5 General Provisions (2) Prohibition- (30.10) (specific provisions for SC)	Section 3 General Provisions (3.1) Accessory Buildings and Uses-(4) (Specific provisions for SC) (3.43) Temporary Buildings and Structures- (3) (specific provisions for SC)	They are only allowed as a temporary use through the issuance of a building permit, may be included on site plan and in development agreement for a temporary use.	Yes	- Not permitted for human habitation. - Not permitted as permanent office or storage use.	5.49 The permanent placement/use of shipping containers as storage units is not be permitted in any zone other than lands zoned Industrial Zone (M1). The permanent placement/use of shipping containers as storage units shall be permitted on lands zoned Industrial Zone (M1) subject to the following regulations: a) shall only be permitted as accessory structures; b) shall not be used for human habitation, office use, display, advertising, screening or fencing; c) shall only be located in the side yard or rear yard provided it: (i) is screened from view if the side yard or rear yard abuts a street or properties zoned other than industrial; (ii) complies with the lot coverage and accessory buildings and structures setback requirements of the zone; (iii) complies with subsection 5.19 of this By-law; and (iv) is not located in any required parking areas or landscaped areas/buffer; shall not exceed a height of 3.0 metres and a length of 12.0 metres and shall not be stacked one on top of the other; and (v) the maximum number of shipping containers for accessory storage purposes on any property shall be limited to two unless the shipping containers are used in the transportation of goods and materials in which case no maximum shall apply.

Municipality	Windsor	Sarnia	Leamington	Kingsville	Town of Lakeshore	Tecumseh
Shipping Containers used for permanent uses:	Prohibited as main or accessory building in reserve and residential districts	Permitted for storage purposes, accessory to main permitted use, in Industrial, Resource Extraction 1, Major Transportation 1, and Waterfront 1 Zones	No, not allowed	No, not allowed	No	No
Number of shipping containers per lot on permanent basis:	N/A	Shall not exceed 10% of the lot area; and, shall not be stacked	0	0	0	0
Permitted as accessory in single family residential neighbourhoods?	No	No	No	No	No	0
Shipping Containers uses for temporary uses:	N/A	Temporarily permitted in any zone as building or structure incidental to, and necessary for, construction work on the premises, and/or for moving purposes.	By-law does not allow temp. bldg. unless related to construction purpose; permitted for 1 yr from issuance of building permit or with a temporary use by-law. Building permit may be required to bring on site. Will be addressing more specifically when zoning by-law is updated. Also use site plan agreements to enforce use as temporary storage on commercial/industrial sites;	No	Prohibited in residential areas unless being used to facilitate a construction	For all other zones, the temporary use of shipping containers for moving purposes or for use on active construction/renovation sites will be permitted subject to the following regulations: a) shall be permitted for a maximum of consecutive 14 days; b) shall not be used for human habitation, office use, display, advertising, screening or fencing; c) shall be a minimum of 4 feet from any side or rear lot line; d) shall be located completely on the lot and not encroach into the municipal street line; e) shall comply with subsection 5.19 of this By-law; f) shall not exceed a height of 3.0 metres and a length of 12.0 metres; and g) shall be limited to a maximum of 1 shipping container per lot.”

Municipality	Windsor	Sarnia	Leamington	Kingsville	Town of Lakeshore	Tecumseh
Are there time periods applied to the temporary uses?	N/A	Maximum of 60 days per calendar year.	Not to exceed 1 year from the date of the issuance of the building permit	No		



Statutory Public Meeting under Section 34 of the Planning Act

THE CORPORATION OF THE TOWN OF AMHERSTBURG

OFFICE OF PLANNING, DEVELOPMENT & LEGISLATIVE SERVICES

MISSION STATEMENT: Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.

Author's Name: Rebecca Belanger	Report Date: April 27, 2017
Author's Phone: 519 736-5408 ext. 2124	Date to Council: May 8, 2017
Author's E-mail: rbelanger@amherstburg.ca	Resolution #: N/A

To: Mayor and Members of Town Council

Subject: Proposed Zoning By-law Amendment- Section 3, General Provisions, Pertaining to the Parking Provisions for a Miniature Golf Course Use

1. RECOMMENDATION:

It is recommended that:

1. The report from the Manager of Planning Services dated April 27, 2017, regarding a proposed Zoning By-law Amendment to Section 3, General Provisions, Pertaining to Parking Provisions for a Miniature Golf Course Use **BE RECEIVED**; and,
2. Pending Council consideration of written and oral comments received at this public meeting, an amending by-law **BE PREPARED AND BROUGHT BACK** at a future regular Council meeting.

2. BACKGROUND

Town of Amherstburg Zoning By-law 1999-52, as amended was passed by Council on November 8, 1999. The publication was consolidated through 2013 and up until recently this year. Since the intent of the Comprehensive Zoning By-law is to ensure that it remains up-to-date and in conformity with the Town of Amherstburg Official Plan and other provincial legislation, regular amendments are required when issues are noted such as inconsistent regulations with other municipalities and changing trends in land use planning. These amendments however must always be in conformity with Section 3 of the Planning Act, the Provincial Policy Statement and the County and Town Official Plan.

3. DISCUSSION:

This Town of Amherstburg has initiated a Zoning By-law Amendment to update and correct a small number of regulations in By-law 1999-52, as amended. In conjunction with the previous report to Council which recommends two by-law amendments, this additional amendment has been brought forward for consideration.

Section 3(21)(c) Parking Regulations in General Provisions for a miniature golf course use of the Town of Amherstburg Zoning By-law 1999-52 is hereby amended by reducing the number of required parking spaces from 1.5 per tee to 1 space per tee.

Other municipal zoning by-laws were compared regarding parking provisions for miniature golf course requirements. The Town's current requirements identify 1.5 per tee and it appears that 1 parking space per tee appears to be more consistent with the requirements in other municipal zoning by-laws. Furthermore, those attending the golf course in each vehicle would be playing through the course together and therefore creating the requirement for one parking space per tee.

Municipality	Parking Requirement	Land Use
Markham	1.5 spaces	Miniature Golf Course / Driving Range
Thorold	1 space per hole	Miniature Golf Course
Township of Guelph/Eramosa	3 spaces for each 2 tees or holes	Golf Course/ Miniature Golf Course/ Driving Range
The City of Sault Ste. Marie	No parking required for the main use	Golf Course
Hamilton	1.5 spaces per tee or hole	Miniature Golf Course/Driving Range
Peterborough	Minimum of 20 spaces for the overall land use	Miniature Golf Course/ Driving Range
Nanaimo	1 space for each hole	Miniature Golf Course
Waterloo	3 Parking Spaces per 100 square metres of Building Floor Area	Golf Course, Putting Greens, Driving Ranges, Mini-Putt Courses
Coquitlam	1 space per tee	Golf Ball Driving Range
City of Cambridge	1 space per tee	Golf Ball Driving Range
Parry Sound	10 spaces	Per each Miniature Golf Facility

It is also noted for consideration, that a miniature golf course use is typically associated with other land uses on a property which require a calculation of parking spaces including restaurant/shops/camping facilities, as examples. In this case, the miniature golf in association with the other land uses provides supplemental parking spaces on the site.

4. **RISK ANALYSIS:**

The recommendation presents little to no risk to the municipality.

5. **FINANCIAL MATTERS:**

There are no costs associated with this planning matter.

6. **CONSULTATIONS:**

The Notice of Public Meeting was published in the local newspaper and circulated to the required agencies and municipal departments in accordance with the requirements of the Planning Act, R.S.O. 1990, c.P. 13 and associated regulations.

The Essex Region Conservation Authority has reviewed the housekeeping amendments and has no objections.

7. **CONCLUSION:**

It is recommended that a Zoning By-law Amendment be directed for approval at a future Council meeting, pending the outcome of comments received at this public meeting. A Report summarizing comments received at this public meeting with the draft by-law can be brought back for Council's consideration, as necessary.



Rebecca Belanger
Manager of Planning Services

rlb

DEPARTMENTS/OTHERS CONSULTED:

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Report Approval Details

Document Title:	Zoning By-law Amendment-By-law 2017-33 parking regulations for miniature golf courses.docx
Attachments:	N/A
Final Approval Date:	May 2, 2017

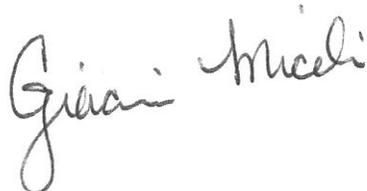
This report and all of its attachments were approved and signed as outlined below:



Mark Galvin - Apr 28, 2017 - 12:30 PM



Justin Rousseau - May 1, 2017 - 9:08 AM



John Miceli - May 1, 2017 - 3:26 PM



Paula Parker - May 2, 2017 - 1:26 PM