

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2019-072**

Being a by-law to amend Zoning By-law No. 1999-52, as amended

WHEREAS By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to amend By-law 1999-52, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG ENACTS AS FOLLOWS:

1. Section 2, Definitions of the Town of Amherstburg Zoning By-law 1999-52 is hereby amended by the addition the following definition to be inserted into the By-law in an appropriate alphabetic location:

“Shipping container” means a pre-fabricated metal container having a floor, ceiling or roof, walls, and door(s) that is designed for and used in the storage, packing or transport of freight, articles, goods or commodities by ship, rail or truck. For the purpose of this definition, a shipping container does not have wheels and does not include a motor vehicle or transport trailer. For the purposes of this By-law, a shipping container shall be deemed to be an accessory building when permanently located on a lot. This definition shall include storage containers, sea cans, and intermodal freight containers.

“Temporary storage unit” means a transportable unit, container or structure designed for temporary storage of personal property, household goods, and other materials for use on a temporary basis. Such unit shall not be considered an accessory structure..

2. THAT Section 3, General Provisions, of By-law 1999-52, as amended, is hereby amended by the addition of a new section, to be inserted into the By-law in an appropriate numeric location, as follows:

“SHIPPING CONTAINERS

The permanent placement of shipping containers as storage containers is prohibited in all areas other than Industrial Zones and Agricultural Zones. For those areas not zoned Industrial or Agricultural, the temporary use of shipping containers for moving purposes or on construction sites will be permitted subject to regulations such as limiting the duration of the temporary placement of a shipping container, specifying setback distance from lot lines to maintain proper spatial separation and safe sight lines, and restricting the number of containers per property and the maximum size of a container.

For Agricultural and Industrial Zones, the use of permanent shipping containers for storage would be allowed subject to the

following provisions:

- (i) Permanent Shipping Containers require building permits and shall only be permitted as an accessory use on a lot where a principal use already exists;
- (ii) Shipping Containers shall be used exclusively for storage purposes and not be used for human habitation, home industry, or any occupation or business;
- (iii) The maximum number of shipping containers on any property shall be limited to two (2) unless the shipping containers are used in transportation of goods and materials in which case no maximum shall apply.
- (iv) shall not be used for human habitation, office use, display, advertising, screening or fencing;
- (v) shall only be located in the side yard or rear yard provided it:
 - a) is screened from view if the side yard or rear yard abuts a street or properties zoned other than industrial or agricultural;
 - b) complies with the lot coverage and accessory buildings and setback requirements of the zone;
 - c) is not located in any required parking areas or landscaped areas/buffer;
- (vi) shall be included in the calculation of lot coverage;
- (vii) 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
- (viii) Shipping containers shall be in a condition free from rust, peeling paint and any other form of visible deterioration.

For all other zones with the exception of Wetland (W) Zone and all Environmental Protection (EP) Zones, the use of shipping containers will be subject to the following provisions:

- (i) shipping containers will be permitted as temporary storage units;
- (ii) notwithstanding any other provision of this By-law a maximum of one (1) temporary storage unit shall temporarily be permitted to be located in a driveway of a residential lot for the purposes of loading and unloading household items during the process of moving, provided that it is removed from the lot within thirty (30) days. A person may apply, however, for up to two 30-day extensions. A temporary storage unit shall not be permitted on the premises for more than ninety (90) consecutive days;
- (iii) a temporary storage container shall:
 - a. not encroach onto a public sidewalk;
 - b. not be located in a daylight corner;
 - c. not be located closer than 0.6 m from any lot line, and;
 - d. 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.

- (iv) notwithstanding any other provision of this By-law, a temporary storage container is permitted on a construction site in any Zone being developed on a stand-alone basis used in conjunction with a construction or renovation project under a building permit, or under a plan of subdivision for the purposes of temporary storage of equipment and materials incidental to construction only, and subject to the following restrictions:
 - a. not to exceed two (2) in number, and;
 - b. shall be permitted for the entire term of the construction period, up to a maximum of one (1) year, at which time an extension can be applied for.

- 3. This By-law shall take effect from the date of passage by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990.

Read a first, second and third time and finally passed this 9th day of September, 2019.


MAYOR – ALDO DICARLO


CLERK – PAULA PARKER