

Date: February 1, 2021

Report To: Planning and Development Executive Committee

From: Cody Vangel, Chief Building Official & Municipal Planner

Re: B6-2020: Zoning By-Law Amendments – Tenting Provisions

Administration has been tasked with researching and reviewing various methods to better administer tenting/camping in the Town of Fort Frances. In some other municipalities there have been specific by-laws passed to administer these actions. However, administering an additional by-law can create more room for error and ongoing adjustment.

At this time, it is proposed to amend the Town of Fort Frances Zoning By-Law 03/14 to include additional provisions for administering tenting/camping within the Town rather than develop a new by-law to administer.

The existing provisions within the zoning by-law state the following:

3.36 TRAILERS, MOBILE HOMES AND CAMPERS

The parking and storing of **trailers**, motor homes, truck campers and camper trailers shall be prohibited in all Residential **zones** except where one **trailer**, camper or mobile home is stored on the occupant's **lot**, where a dwelling is in existence on the same **lot**, but only in the rear or interior side yard, or in such areas where such parking and storing is permitted by this By-law.

The **use** of **trailers**, **travel trailers**, motor homes, truck campers, and camper trailers shall be prohibited in all **zones** except in areas where such **use** is permitted by this By-law.

Mobile homes may be used as **dwelling units** only in a zone which permits mobile homes provided they have been constructed to CSA Standard Z240, and are located on permanent foundations with the running gear and towing equipment removed.

The initial draft amendments have subsequently been reviewed by the Town's legal counsel and some revisions were recommended. Additionally, the amendments were presented to PDEC at the January 18, 2021 session with additional recommendations made. Below are the revised amendments. Highlighted in red are proposed deletions, and in green proposed additions since last consideration.

Add the following definition:

TENT a temporary or permanent shelter constructed of canvas, fabric, tree boughs or other material and apparently erected to protect a person or persons from the elements **while sleeping** but does not include a dining or special events tent.

Amend section 3.36 of the zoning by-law to read as follows:

3.36 TRAILERS, TENTS, MOBILE HOMES AND CAMPERS

3.36.1 General

The parking and storing of **trailers**, motor homes, truck campers and camper trailers shall be prohibited in all Residential **zones** except where **one a cumulative total of three trailers, motor homes, truck campers or camper trailers mobile home is** are stored on the occupant's lot, where a dwelling is in existence on the same lot, but only in the rear or interior side yard, or in such areas where such parking and storing is permitted by this By-law.

The **use of tents, trailers, travel trailers**, motor homes, truck campers, and camper trailers shall be prohibited in all **zones** except where such **use** is permitted by this By-law.

Mobile homes may be used as **dwelling units** only in a zone which permits mobile homes provided they have been constructed to CSA Standard Z240, and are located on permanent foundations with the running gear and towing equipment removed.

3.36.2 Tents

One tent shall be permitted accessory to a single detached, semi-detached or townhouse dwelling in the Residential Type One (R1) or Residential Type Two (R2) zone provided it is less than 10 sq.m. Upon evaluation of application, the Chief Building Official, Municipal Planner or By-Law Enforcement Officer may provide temporary authorization to allow a greater number of tents, but no more than four, to be erected within the R1 and R2 zones for an agreed upon temporary duration of time. The occupant(s) of the tent(s) shall be provided access to the facilities within the appurtenant single detached, semi-detached or townhouse dwelling at all times. A tent may only be erected between May 1 and September 30 of that year. In the General Commercial and Enterprise zone, tent(s) may be erected for the purpose of displays for sales, not to be occupied, for a temporary duration as approved by the Chief Building Official, Municipal Planner or By-Law Enforcement Officer.

3.36.2 Motor Homes, Truck Campers and Camper Trailers

In addition to the provisions of 3.36.1, one motor home, truck camper or camper trailer shall be permitted for human habitation accessory to a single detached, semi-detached or townhouse dwelling in the Residential Type One (R1) or Residential Type Two (R2) zone, but only in the rear or interior side yard. Upon evaluation of application, the Chief Building Official, Municipal Planner or By-Law Enforcement Officer may provide temporary authorization to allow a greater number of motor homes, truck campers or camper trailers, but no more than four, to be used within the R1 and R2 zones for an agreed upon temporary duration of time. The occupant(s) of the motor home, truck camper or camper trailer shall be provided access to the facilities within the appurtenant single detached, semi-detached or townhouse dwelling at all times. A motor home, truck camper or camper trailer may only be used for human habitation for not more than 30 days between May 1 and September 30 of that year.

Upon review, the following shall be noted for consideration by the Committee. Amending the zoning by-law has a similar, though not identical affect, as creating a separate by-law in the realm of enforcement. When creating a new by-law, one may include provision from section 425(3) of the Municipal Act to make Officers and Directors of Corporations who knowingly concur in the contravention of the by-law liable of an offence and subject to fines. Whereas, amending the zoning by-law, created under the Planning Act, will provide similar though not identical affects such as, where a corporation is found guilty of contravening the zoning by-law the corporation itself is punishable by fines of not more than \$50,0000 for the first offence and \$25,000.00 for a second offence for each day or part thereof upon which the contravention has occurred. In this scenario fining a corporation differs from fining officers and directors of a corporation. The enforcement and penalties section of the zoning by-law have been included with this report.

If the Committee wishes that Section 425(3) of the Municipal Act apply, an amendment to the Zoning By-Law will not be feasible, and subsequently a new by-law will need to be drafted.

Divisional Comments

The proposed amendments have been circulated within various internal divisions for comment:

- Public Works: no concerns. Recommended inclusion of no time restrictions for use of facilities
- Fort Frances Power Corporation: No comments received
- Fort Frances Fire Rescue: No comments received
- Fort Frances Planning and Development: Seek short form wording upon completion for enforcement

Committee of Adjustment

The Committee of Adjustment considered the proposed amendments at their January 12, 2021 session with the following comments being made:

- It is recommended that the allowable number of trailers or campers to be stored on a property be increased from one to three, with reasoning being that many people within the Town own a boat, camper and utility trailer.
- It is recommended that only one tent be allowed on a property within the residential zone and that the application process for allowing more than one be deleted. Reasoning behind this is that there is a campground in Town that can be used for camping.
- It is recommended that one camper be allowed to be used on a property in the residential zone for the purpose of allowing visiting family to stay temporarily.
- It is recommended that the definition of a "Tent" be revised to remove tree boughs and other materials, and to more specifically target tents purchased in stores. The reason behind this is that someone could use almost any material and consider it a tent.

Public Meeting

A public meeting was held on Monday January 25, 2021 to provide the public with opportunity to speak to the proposed amendments. During this public meeting there were no comments received in support or opposition.

Summary/Recommendation

It is recommended that the proposed amendments be recommended for approval by council and that no application fee be assigned for 2021 when asking for additional tents/camper trailers on a property such that administration can better understand the time allocation required prior to assigning an application fee in 2022.

Respectfully submitted.

A handwritten signature in black ink, appearing to read 'Cody Vangel', with a stylized, flowing script.

Cody Vangel
Chief Building Official & Municipal Planner