

Date: January 12, 2021

Report To: Committee of Adjustment

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.

TRAILER

A vehicle that is at any time drawn upon a highway by a **motor vehicle**, another **motor vehicle** or any device or apparatus not designed to transport **persons** or property, temporarily drawn, propelled or moved upon such highway, and except a side car **attached** to a motorcycle, and shall be considered a separate vehicle and not part of the **motor vehicle** by which it is drawn and, for the purposes of this By-law, does not include a mobile home.

TRAILER, TRAVEL OR TENT

Any **trailer** which is designed to be temporarily utilized for living, shelter and sleeping accommodation, with or without cooking facilities and which has running gear and towing equipment permanently **attached** and a current licence and is not permanently affixed to the ground.

CAMP GROUND

Lands used for the parking and temporary use for at least five (5) campsites occupied by tents, trailers, motor homes, truck campers and recreational vehicles and accessory uses and facilities such as administrative offices, sanitary facilities, recreational facilities and an accessory community garden.

The initial draft amendments have subsequently been reviewed by the Town's legal counsel and some revisions were recommended. The following are the revised amendments proposed to the zoning by-law.

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

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 **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.

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.

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.

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 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.

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

Planning and Development Executive Committee

Scheduled for Monday January 18, 2021

Public Meeting

Scheduled for Monday January 25, 2021

Summary/Recommendation

Administration acts as an advisory body to the Committee of Adjustment. Comments received and research conducted on the proposed amendments are provided in the form of recommendations to assist the Committee. The Committee is requested to provide a recommendation to mayor and council to accept or reject the amendments and provide reasoning.

Respectfully submitted



Cody Vangel
Chief Building Official & Municipal Planner