

THE CORPORATION OF THE TOWN OF KEARNEY

BY-LAW NO. 2016-17

“Being a By-law to amend Zoning By-law No. 2002-28,” as amended

WHEREAS the Corporation of the Town of Kearney considers it necessary permit and regulate the use of metal storage/shipping containers;

AND WHEREAS authority is provided pursuant to Section 34 of the Planning Act, R.S.O 1990, c.P.13 to pass this by-law;

NOW THEREFORE BE IT RESOLVED THAT the Corporation of the Town of Kearney hereby enacts that By-law No 2002-28, as amended be further amended as follows:

1. **Section 3.2.13 (METAL STORAGE/SHIPPING CONTAINERS)** will be added to read as follows:

3.2.13 Metal Storage/Shipping Containers

A Metal Storage/Shipping Container shall be permitted as an accessory use on a lot within a Rural, Commercial, Industrial or Institutional Zone in accordance with the following:

- i) The storage/shipping container shall only be used as a storage container; the limited use does not permit a habitable use, home industry use, other accessory uses, such as but not limited to workshops, hobby shops, farm buildings or any activity, occupation or business. Any alterations or change in use will require a building permit. Other zoning regulations and applicable law may apply.
- ii) The principle building is already in existence.
- iii) The storage/shipping container is located behind the principle building.
- iv) The storage/shipping container shall not be closer than 10 metres from principle building.
- v) The storage/shipping container is setback at least 30 metres from the front lot line.
- vi) The storage/shipping container is setback at least 30 metres from any side lot line.
- vii) The storage/shipping container is setback at least 30 metres from the rear lot line.
- viii) The storage/shipping container is setback at least 30 metres from a residential use.
- ix) The storage/shipping container is setback a minimum of 100 metres from the normal average or maintained high water mark of any watercourse or lake
- x) The storage/shipping container shall be screened from view from the street and abutting properties by continuous fencing or landscaping at a minimum of 1.8 metres in height.

Notwithstanding the above provisions:

- xi) A storage/shipping container shall be permitted in any zone for a period not exceeding seven (7) days and only for the purpose of the loading or unloading.

xii) A storage/shipping container shall be permitted on a construction site in any zone only for the purposes of storing equipment and materials incidental to construction and only for so long as it is necessary for the work in progress and until the work is completed or abandoned. For the purpose of this Section, abandoned shall mean the discontinuation of work for more than 90 consecutive days and/or the failure to maintain a current building permit.

2. Section 5 (Definitions) will be amended as follows:

Section 5.165.1 will be added to read as follows:

5.165.1 METAL STORAGE/SHIPPING CONTAINERS

An enclosed metal container designed for storing and transporting cargo via ship, rail or truck, whether or not it is actually being used for such a purpose.

This By-law shall come into full force and effect in accordance with the provisions of the Planning Act, R.S.O 1990, c. P.13.

READ a FIRST and SECOND time on the 6th day of April, 2016.

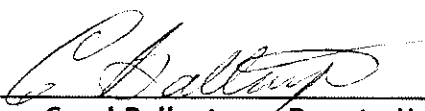


Carol Ballantyne, Deputy Mayor

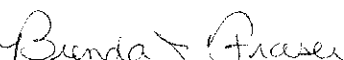


Brenda J. Fraser, Clerk

READ a THIRD time and finally passed on the 6th day of APRIL, 2016.



Carol Ballantyne, Deputy Mayor



Brenda J. Fraser, Clerk