

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2004-53

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

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. Schedule "A", Map 37 of By-law-1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as "ZONE CHANGE FROM R1-8 TO R1-13" on Schedule "A" attached hereto and forming part of this By-law from "Special Provision Residential First Density (R1-8) Zone" to "Special Provision Residential First Density (R1-13) Zone".
2. That Section 5(4) of By-law 1999-52, as amended, is hereby amended by adding a new subsection (l) as follows:

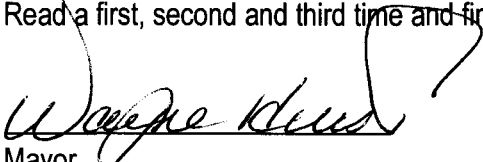
"(l) R1-13

Notwithstanding any other provisions of this by-law to the contrary, within any area zoned R1-13 on Schedule 'A' hereto, the following special provisions shall apply:

- (i) Uses Permitted
 - (a) A dwelling unit within an existing building;
 - (b) commercial retail uses limited to the sale of small home décor items, crafts, gifts and apparel.
- (ii) Other Provisions
 - (a) commercial retail uses shall be restricted to the main floor of the existing building and shall not exceed 65 square metres of floor area;
 - (b) outside storage or display of merchandise or materials associated with commercial retail uses shall not be permitted;
 - (c) the number of parking spaces shall be restricted to 2 spaces;
 - (d) site plan approval shall be required to address matters relating to providing enhanced landscaping to screen the parking in the rear and to restrict access to the commercial portion of the property to the Dalhousie Street side of the building."
3. That all other appropriate regulations for the use of land and the character, location and use of buildings and structures conforms to regulation of the Residential First Density, as applicable and all other general provisions or regulations of By-law 1999-52, as amended from time to time.

4. 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 28th day of June, 2004.

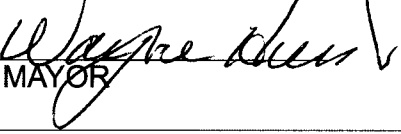

Mayor

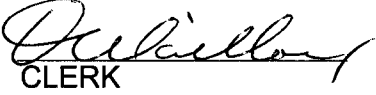

Clerk

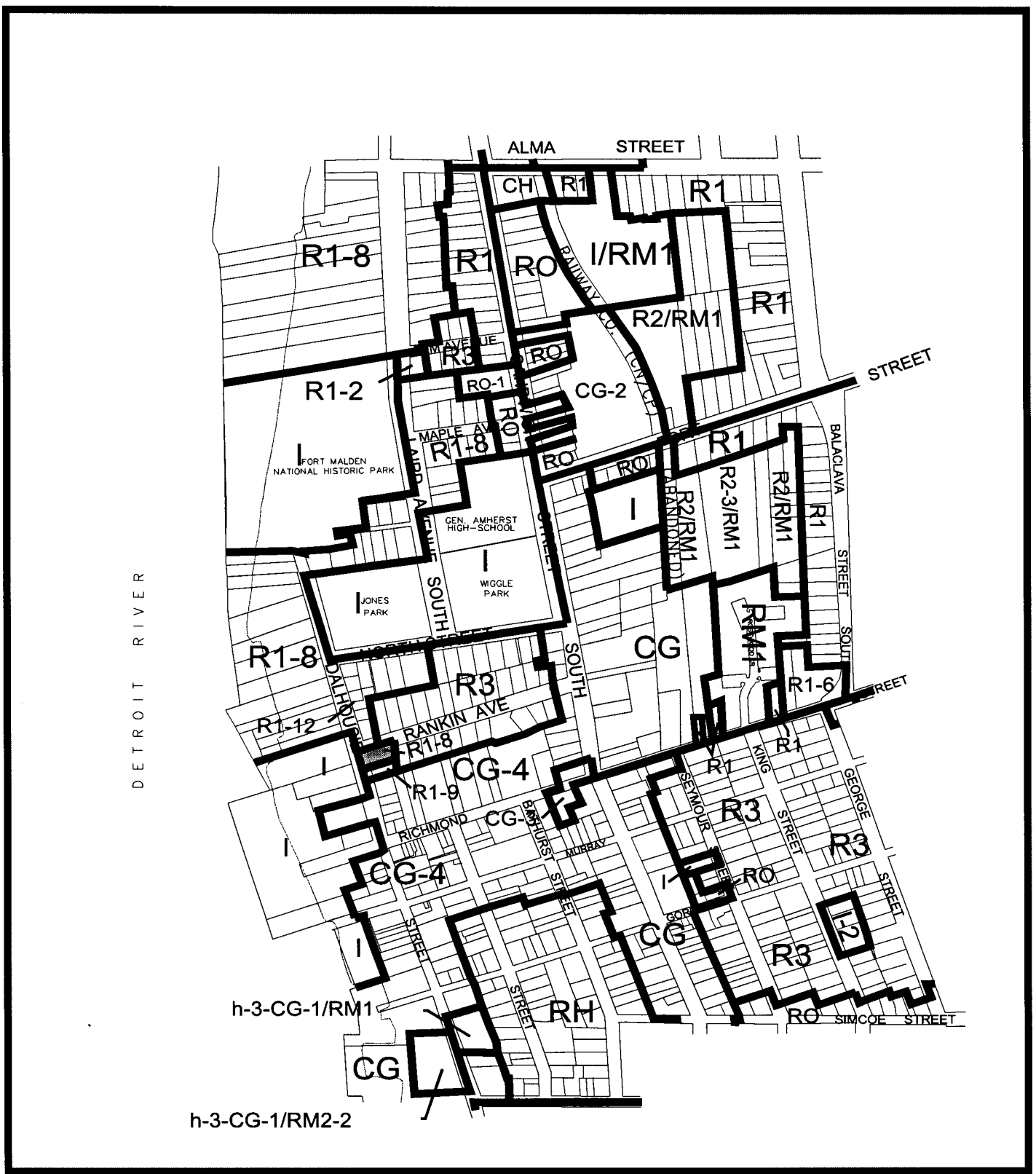
TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2004 - 53
A BY-LAW TO AMEND BY-LAW No. 1999-52,

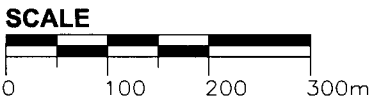
PASSED THIS 28th DAY OF JUNE 2004


 MAYOR


 CLERK



KEY MAP No. 37



 ZONE CHANGE FROM R1-8 TO R1-13

SCHEDULE 2

EXPLANATORY NOTE

The property affected by the proposed amendment is located at the south-east corner of Dalhousie Street and Rankin Avenue, known municipally as 219 Dalhousie Street. The subject property has approximately 16.7 metres (54.75 feet) of frontage on Dalhousie Street, and a lot area of 563 square meters (6,065 square feet). There is an existing single detached dwelling on the property. The property is currently zoned "Special Provision Residential First Density (R1-8) Zone" which restricts permitted uses to a single detached dwelling, existing duplex or converted dwelling, accessory uses and public utilities.

The Zoning By-Law Amendment changes the zoning of the subject lands from the "Special Provision Residential First Density (R1-8) Zone" to a "Special Provision Residential First Density (R1-13) Zone" to permit the use of 65 square meters (700 square feet) of the main floor of the existing dwelling for commercial retail uses limited to the sale of small home décor items, crafts, gifts and apparel, the use of the remainder of the existing dwelling for a dwelling unit, to restrict parking to two (2) spaces, and to require site plan approval.