

**CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2004-80**

**Being a by-law to amend Zoning By-law 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 further amend By-law 1999-52 as herein provided;

**AND WHEREAS** this By-law conforms to the Official Plan as amended by Official Plan Amendment No. 6 for the Town of Amherstburg;

**NOW THEREFORE THE MUNICIPALCOUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG ENACTS AS FOLLOWS:**

1. Schedule "A", Map 28 of By-law 1999-52, as amended, is hereby further amended by changing the zone symbol for those lands shown on Schedule "A" attached hereto and forming part of this By-law from 'HI', 'LI' and 'LI-2' Zone to 'CG-5' Zone the lands designated as "ZONE CHANGE TO CG-5".
2. Section 15 (4) to the Commercial General (CG) Zone is hereby amended by the addition of a new Special Provision subsection '(e)' as follows:

(4) SPECIAL PROVISIONS

"(e) CG-5 (DEPARTMENT STORE AND ASSOCIATED RETAIL)

1. Zone Requirements

Notwithstanding any provisions of this by-law to the contrary including Section 3(23), within any area zoned CG-5 on Schedule "A" hereto, the zone requirements of Section 15 of the By-law shall apply with the exception of the following:

- |  |  |
|--|--|
| (i) Frontage on Sandwich Street                    | 30 m contiguous  |
| (ii) Front Yard Depth (Minimum)                    | 6.0 m from Sandwich Street, however, at least 25% of buildings fronting on to Sandwich Street shall not be setback further than <u>25 metres</u> maximum |
| (iii) Interior Side Yard Width (Minimum)           | 7.0 m  |
| (iv) Exterior Side Yard Depth (Minimum)            | 3.0 m from Brunner Ave.  |
| (v) Rear Yard Depth (Minimum)                      | 7.0 m  |
| (vi) Minimum Widths for Landscaped Planting Strips |  |
| Abutting Sandwich St.:                             | 6.0m   |
| Abutting Brunner Ave.:                             | 3.0m   |
| Abutting East Boundary:                            | 0.0m   |
| Abutting all other Boundaries:                     | 0.0m   |

(vii) Restricted Build Area

The land area at the north east corner of Sandwich Street and Brunner Ave., within the CG-5 zone, shall be a Restricted Build Area.

Such "Restricted Build Area" shall not be used for a restaurant or a restaurant, fast-food. Parking for uses permitted within the "Restricted Build Area" shall be prohibited within the front yard and exterior side yard. The "Restricted Build Area" shall extend northward a minimum of 18 m from the Brunner Ave. property line and extend a minimum of 138 m eastward from the Sandwich Street property line.

(viii) Restricted Uses

Notwithstanding Section 15(2) no lands zoned CG-5 may be used for a continuum of care facility, day care, hotel or motel, nursing home or any land use involving overnight accommodation.

Notwithstanding Section 15(2) or the provisions of Section 15(4)(e)(ix), a department store will not be permitted until such time as the site plan has been approved and a building permit issued for the use.

(ix) Gross Floor Area

Maximum gross floor area for all permitted uses within the CG-5 zone shall be 18000 square metres, however, the restriction noted below regarding the need for a retail market study must be met before the any retail development in excess of 13,100 square metres is permitted.

All retail uses shall have a minimum gross floor area of not less than 250 square metres.

Supermarkets, home and auto supply stores and any retail in excess of an accumulative total of 13,100 square metres (140,000 square feet) including expansion of a department store shall not be permitted unless support for such use is substantiated by a retail market study that has determined to Council's satisfaction that no negative impact on the planned function of established commercial development will result.

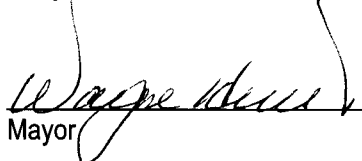
(x) Height

Maximum building height for a department store shall be 15 metres."

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 General Commercial Zone 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 16th day of September, 2004.

"Wayne Hurst"

  
Mayor

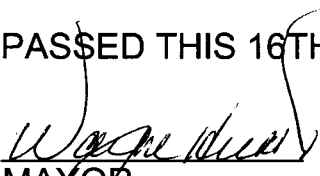
"David Mailloux"


  
Clerk

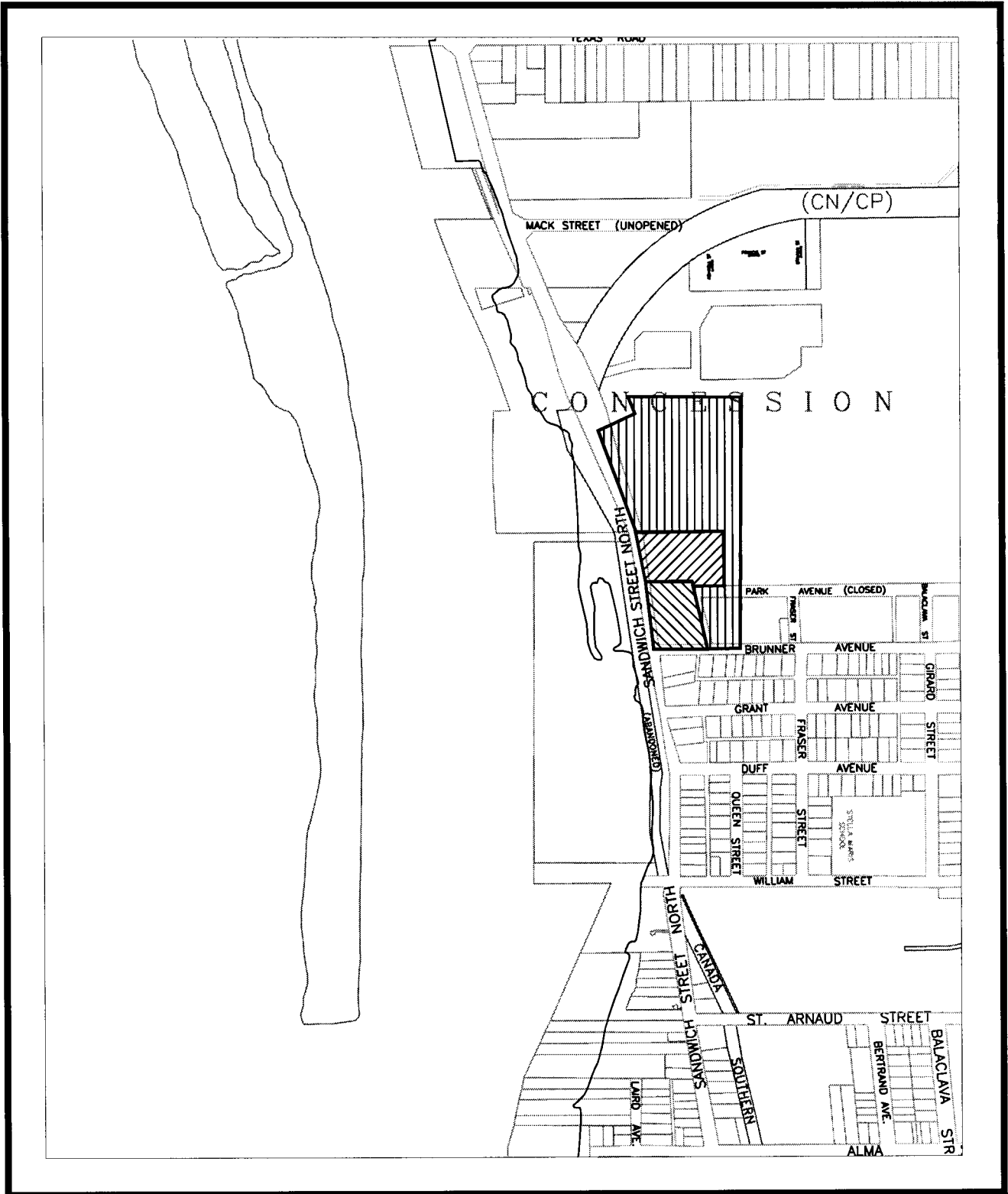
# TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2004-80  
A BY-LAW TO AMEND BY-LAW No. 1999-52,

PASSED THIS 16TH DAY OF SEPTEMBER, 2004

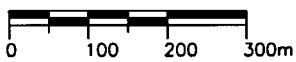
  
MAYOR


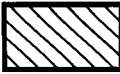

  
CLERK



KEY MAP No. 28

SCALE



-  ZONE CHANGE FROM HI TO CG-5
-  ZONE CHANGE FROM LI TO CG-5
-  ZONE CHANGE FROM LI-2 TO CG-5