

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2005-79

Being a by-law to amend Zoning By-law No. 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 amend By-law 1999-52, as herein provided;

AND WHEREAS an Environmental Impact Study has been undertaken to the satisfaction of Council and the Conservation Authority;

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 55 of By-law 1999-52, as amended, is hereby further amended by changing the zoning of those lands shown as "ZONE CHANGE FROM RE-2 & A TO h-RM2-5" and "ZONE CHANGE FROM A TO EP-4" on Schedule "A" hereto and forming part of the By-law from "Recreation (RE-2) Zone" and "Agricultural (A) Zone" to "Holding Residential Multiple Second Density Special Provision (h-RM2-5) Zone" and from "Agricultural (A) Zone" to "Environmental Protection Special Provision (EP-4) Zone", respectively.
2. Section 11(4) of By-law 1999-52, is hereby amended by adding an additional Special Provision (e) to read as follows:

"(e) RM2-5

Notwithstanding any provisions of this by-law to the contrary, within any area designated RM2-5 on Schedule "A" hereto, the following special provisions shall apply:

(i) Rear Yard Depth
No setback shall be required from the EP-4 zone line

(ii) Environmental Impact Study Provisions

The provisions of the Environmental Impact Study shall be incorporated into a Site Plan Control Agreement

3. Section 28(4) of By-law 1999-52, is hereby amended by adding an additional Special Provision (d) to read as follows:

"(d) EP-4

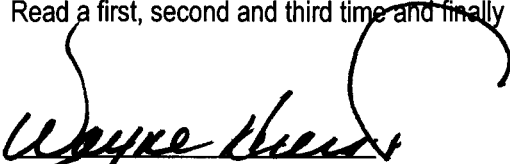
Notwithstanding any provisions of this By-law to the contrary, within any area designated EP-4 on Schedule "A" hereto, the following special provisions shall apply:

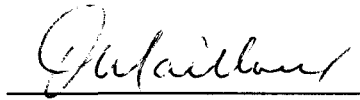
(i) Storm Water Management

The lands may be used for storm water management in accordance with the Environmental Impact Study and agreements with the Town and the Conservation Authority.

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 26th day of September, 2005.


Mayor


Clerk

EXPLANATORY NOTE

The property affected by the proposed amendment is located on the east side of County Road 20, south of Lowes Sideroad, and is described as Part Lot 5 Concession 1, geographic Township of Malden, in the Town of Amherstburg. The property is currently vacant except for some remnant parking areas formerly used as parking for Boblo Island. The property is currently zoned "Recreation (RE-2) Zone" along County Road 20, which permits a parking area and boat launch for Boblo Island, "Environmental Protection (EP) Zone" along the existing creek, and "Agricultural (A) Zone" for the remainder. The property has approximately 420 metres (1,378 feet) of frontage on County Road 20 and a lot area of approximately 36.9 ha (91 acres). This amendment to Zoning By-law No. 1999-52 changes the zoning of a portion of the property from the "Recreation (RE-2) Zone" and "Agricultural (A) Zone" to "Holding Residential Multiple Second Density Special Provision (h-RM2-5) Zone" to permit the development of a retirement home with access from County Road 20, subject to a holding "h" zone to ensure the adequate provision of municipal services and orderly development of the land, and special provisions requiring no rear yard setback from the lands to be zoned EP-4 to the east, and further requiring that the provisions of an Environmental Impact Study are incorporated into a Site Plan Control Agreement. This amendment also changes the zoning of a portion of the property from "Agricultural (A) Zone" to "Environmental Protection Special Provision (EP-4) Zone" to ensure adequate buffering between the proposed development and the abutting wetland/creek to the east, with a special provision that would permit the use of these lands for stormwater management purposes in accordance with provisions set out in an Environmental Impact Study and corresponding agreements with the Town of Amherstburg and the Essex Region Conservation Authority. In total, the area of the property subject to the amendment includes approximately 2.9 ha (7.1 acres) of land fronting on County Road 20. The proposed use is also subject to an Environmental Impact Study, site plan control, and application for consent to sever. The proposed Amendment to the Zoning By-law is in conformity with the policies of the Official Plan.

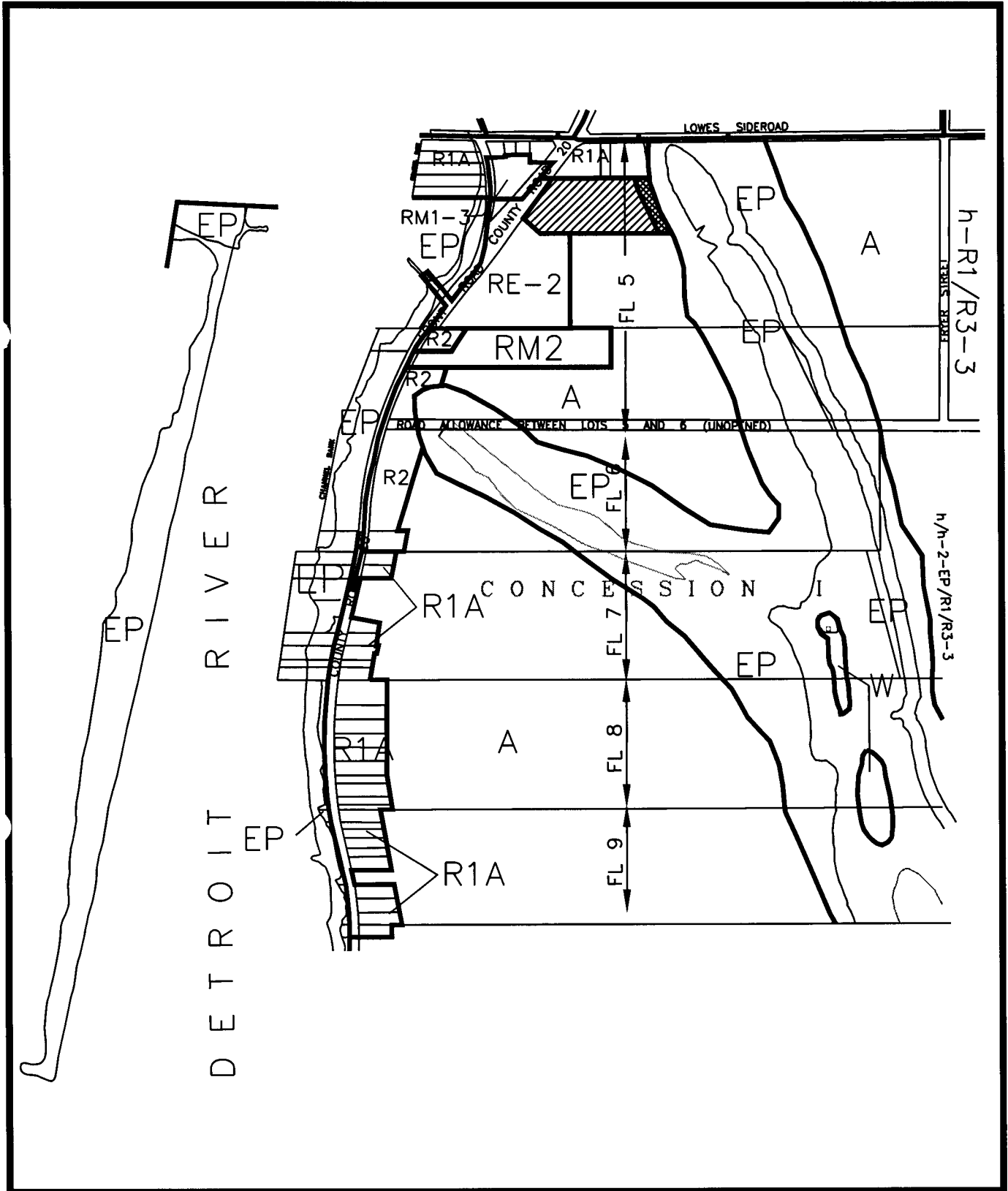
TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2005-79
 A BY-LAW TO AMEND BY-LAW No. 1999-52,

PASSED THIS 26TH DAY OF SEPTEMBER, 2005

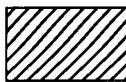

Wayne Hines
 MAYOR

Al Fairley
 CLERK



REFERENCE: KEY MAP No. 55



-  ZONE CHANGE FROM RE-2 & A TO h-RM2-5
-  ZONE CHANGE FROM A TO EP-4