

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2005 - 90

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 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 45 of By-law 1999-52, as amended, is hereby further amended by changing the zone symbol for those lands shown as "ZONE CHANGE TO CH-8/RM2-4" on Schedule "A" attached hereto and forming part of this By-law from "Special Residential Multiple Second Density (RM2-4) Zone" to a dual "Special Commercial Highway/Special Residential Multiple Second Density (CH-8/RM2-4) Zone".

2. Section 11(4)(d) to the Special Provisions of the Residential Multiple Second Density (RM2) Zone is hereby amended by the addition of further regulations to the RM2-4 zone as follows:

"(iii) Compound Zone

Notwithstanding the regulations of Section 3(15), 4(7)(a) or 4(7)(b) to the contrary, lands zoned as "CH-8/RM2-4" on Schedule "A" to this By-law shall only be used in accordance with one of the permitted zones and the selected zone regulations shall apply"

3. Section 16 (4) to the Highway Commercial (CH) Zone is hereby amended by adding additional site-specific regulations to the CH-8 zone provisions so that the Special Provision 16(4)(h) reads as follows with new wording being the wording shown in italics:

"(4) SPECIAL PROVISIONS

"(h) CH-8 (SHOPPING CENTRE)

(i) Uses Permitted

1. retail stores not restricted by Section 16(3)(m);
2. a theatre;
3. any use permitted in a CH Zone;
4. *art gallery*
5. *institutional use*;
6. *laboratory*;
7. *laundromat*;
8. *commercial recreational establishment*;
9. *place of entertainment*.

(ii) *Rear Yard Depth (minimum) 0*

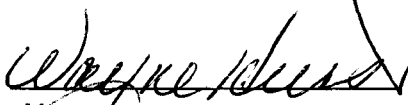
(iii) *Interior Side Yard Depth (minimum) 0*

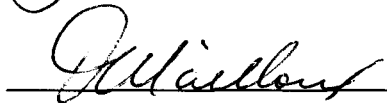
(iv) *Exterior Side Yard Depth (minimum) 0*

- (v) *Set back from Sandwich Street (minimum) 11.6 metres*
- (vi) *Planting Strip*
A planting strip shall not be required adjacent to Pickering Street.
- (vii) *Loading Space Requirement*
Loading space number and locations shall be determined at the time of Site Plan Approval.
- (viii) *Length of Handicapped Parking*
Handicapped parking spaces shall be a minimum of 5.5 metres in length.
- (ix) *Location of Parking*
Parking may be located adjacent to a property line save and except for Sandwich Street in which case the provisions of the by-law apply.
- (x) *Compound Zone*
Notwithstanding the regulations of Section 3(15), 4(7)(a) or 4(7)(b) to the contrary, lands zoned as "CH-8/RM2-4" on Schedule "A" to this By-law shall only be used in accordance with one of the permitted zones and the selected zone regulations shall apply.
- (xi) *Site Plan Agreement*
Approval of the site plan shall be to Council's satisfaction and shall include details on fencing, landscaping, and building materials to be used adjacent to the abutting apartment building and adjacent to Pickering Street as well as all other matters contained in Section 41 of the Planning Act.
- (xii) *All other appropriate regulations for the use of land and the character, location and use of buildings and structures shall conform to the regulations of the Highway 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 7th day of November, 2005.


Mayor


Clerk

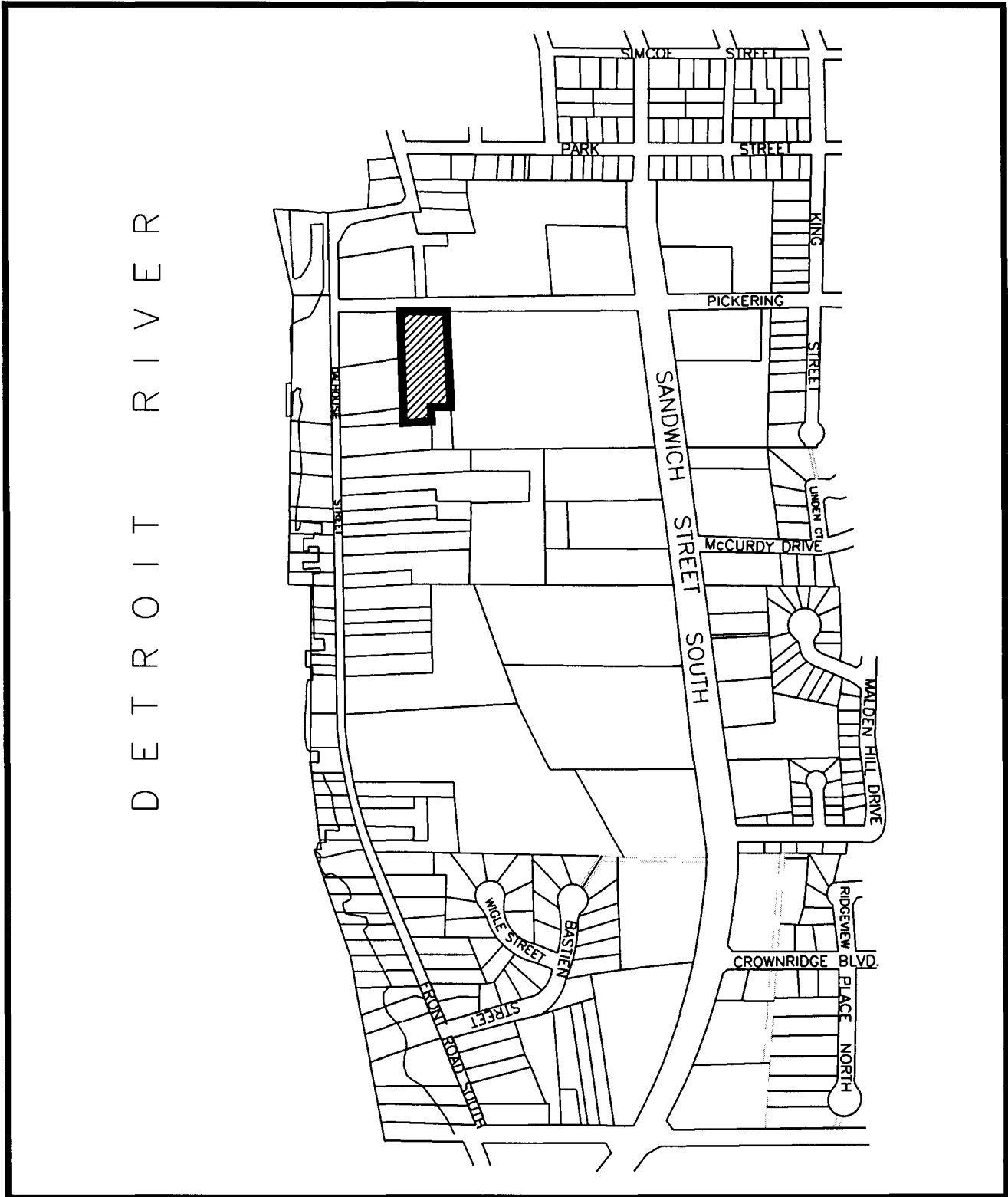
TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2005-90
A BY-LAW TO AMEND BY-LAW No. 1999-52,

PASSED THIS 7th DAY OF NOVEMBER, 2005

*Wayne K...
MAYOR*

*J. Mailloux
CLERK*



REFERENCE: KEY MAP No. 45

SCALE



**ZONE CHANGE FROM
RM2-4 to CH-8/RM2-4**



EXPLANATORY NOTE

The lands in question are designated Shopping Centre Commercial in the Town of Amherstburg Official Plan. The rear portion of the White Woods Mall site has a site-specific Residential Multiple Second Density Zone (RM2-4) to permit the construction of an apartment building. To date the apartment building has not been constructed. In order to provide greater flexibility to the site the owners have requested that the CH-8 zoning that applies to the remainder of the Mall site be added to the rear portion of the property currently zoned as RM2-4. In addition, the Town has added restrictions to this Compound Zone so that the owner must choose which zone is to be used for the site and cannot utilize both zones.

In addition to the above-noted zone change, changes to the range of permitted uses within the CH-8 Special Provision Highway Commercial Zone have also been requested. The additional uses include an art gallery, commercial recreational establishment, an institutional use, a laboratory, a laundromat, and a place of entertainment. Changes to the loading space requirements, parking space location requirements, to the length of a handicapped parking space, setbacks to the property line and to the need for a 3 metre planting strip adjacent to Pickering Street were also requested.