

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2006 - 41

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. Section 2 –Definitions is hereby amended by the addition, in the appropriate alphabetical listing order, of the following definitions
 - (332a) “Wind Energy Conversion System, Large” means a single mechanical power generating device or turbine which converts wind to electrical power, producing nameplate capacity rating of 50 kilowatts (50,000 watts) or more.
 - (332b) “Wind Energy Conversion System, Small” means a single mechanical power generating device or turbine which converts wind to electrical power that produces less than nameplate capacity rating of 50 kilowatts (50,000 watts) and is intended only to generate electricity for the use of the individual lot upon which the system is located.
 - (332c) “Wind Farm” means one or more lots used to accommodate Large Wind Energy Conversion Systems intended to feed electricity into the transmission grid.
 - (332d) “Wind Testing Facility” means a tower erected on a temporary basis, normally not exceeding one year, for the purpose of testing the potential wind strength for generating electricity.”

2. Section 3 is hereby amended by the addition of new subsections (32) to deal with Wind Energy Conversion Systems and Wind Farms as follows:

“(32) WIND ENERGY CONVERSION SYSTEMS AND WIND FARMS

(a) Small Wind Energy Conversion Systems (S.W.E.C.S.)

Small Wind Energy Conversion Systems, as defined by this by-law, shall be permitted as an accessory use in the Agricultural, Industrial and Institutional Zones in accordance with the following regulations:

- | | | |
|----|--|---|
| a) | Minimum lot area | 0.4 ha (1 acre) |
| b) | Maximum height, measured from the finished grade to the furthest vertical extension of the generating system (typically the blade) | 19.8 metres (65 feet) on lots between 0.4 ha and 2.0 ha in lot area (1-5 acres) |
| | | 24.4 metres (80 ft.) on lots greater than 2.0 ha (5 acres) in lot area |

- c) Minimum setback from any Residential Zone and any existing dwelling located on a separate lot, measured from the base of the wind energy conversion system to the nearest Residential Zone boundary or the nearest part of an existing dwelling, as applicable 91 metres (300 feet)
- d) Minimum setback from a dwelling located on the same lot, measured from the base of the wind energy conversion system to the nearest part of the dwelling Same as S.W.E.C.S. height
- e) Minimum setback from a County Road S.W.E.C.S. height multiplied by 1.25
- f) Minimum setback from any lot line Same as S.W.E.C.S. height
- g) Maximum number of Small Wind Energy Conversion Systems per lot 1

(b) Large Wind Energy Conversion System (L.W.E.C.S.)

Large Wind Energy Conversion Systems, as defined herein, shall only be permitted where specifically listed as a permitted use in a Zone, and in accordance with the following regulations:

- a) Maximum height, measured from the finished grade to the furthest vertical extension of the generating system (typically the blade) 120 metres (400 feet)
- b) Minimum setback from any Residential Zone and any existing dwelling located on a separate lot, measured from the base of the wind energy conversion system to the nearest part of the dwelling 600 metres (2000 feet)
- c) Minimum setback from a dwelling located on the same lot, measured from the base of the wind energy conversion system to the nearest part of the dwelling 250 metres (820 feet)
- d) Minimum setback from a County Road 250 metres (820 feet)
- e) Minimum setback from any lot line 250 metres (820 feet)
- f) Maximum number of Large Wind Energy Conversion Systems per lot 1

(c) Wind Farms

Wind Farms, as defined herein, shall only be permitted where specifically listed as a permitted use in a Zone, and in accordance with the following regulations:

- a) Maximum height, measured from the finished grade to the furthest vertical extension of the generating system (typically the blade) 120 metres (400 feet)
- b) Minimum setback from any Residential Zone and any existing dwelling located on a separate lot, measured from the base of the nearest wind energy conversion system to the nearest Residential Zone boundary or the nearest part of an existing dwelling, as applicable 600 metres (2000 feet)

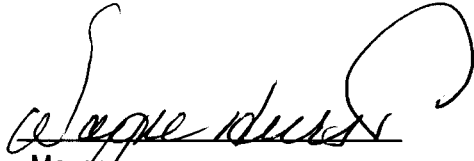
- c) Minimum setback from a dwelling located on the same lot, measured from the base of the nearest wind energy conversion system to the nearest part of the dwelling 250 metres (820 feet)
- d) Minimum setback from a County Road 250 metres (820 feet)
- e) Minimum setback from any lot line 250 metres (820 feet)
- f) Nothing in this By-law shall apply to prevent the use of a lot in any Zone for a Wind Farm by a public utility licensed by the Ontario Energy Board in accordance with the regulations of clauses (a) to (d) above.

(d) Wind Testing Facility

A Wind Testing Facility, as defined herein, shall only be permitted where specifically listed as a permitted temporary use in a Zone, except that a Wind Testing Facility for a Small Scale Wind Energy Conversion System shall be permitted in the Agricultural, Industrial and Institutional Zones subject to the regulations of clause (a) of this subsection.

3. 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 8th day of May, 2006.


Mayor


Clerk