CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2006-61

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:

- Section 1 Application, Interpretation and Enforcement is hereby amended by changing the date in subsection (16) Non-Conforming Building Location from "January 1, 1999" to "January 1, 2006".
- Section 2 Definitions is hereby amended as follows:
 - (a) By adding, in the appropriate alphabetical listing order, the following definitions:
 - "(95a) "DRIVE-THROUGH FACILITY" means a facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities also include facilities designed for the rapid servicing of vehicles, where the drivers may or may not remain in their vehicles, but where the drivers usually either perform the service for themselves, or wait on the site for the service to be rendered. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples include, but are not limited to: drive-up windows; ATM machines, order boards or boxes; car wash facilities; auto service facilities such as windshield washing stations; quick-lube or quick-oil change facilities. This does not include a drive-through restaurant as defined herein.
 - (123a) "FOOD VEHICLE OR TRAILER" means a portable trailer or vehicle used commercially for the preparation and sale of food and may include picnic tables or an incidental eating area.
 - (230a) "PARKING SPACE, QUEUING" means a parking space arranged in a line with other parking spaces such that access to each parking space may require travelling over another or other spaces, which are provided in advance of a drive-through facility, drive-through restaurant or car wash to provide for the queuing of automobiles through such drivethrough or car wash facility.
 - (332a) "WINERY" means the use of land, buildings or structures for the processing of fruit, fermentation, production, aging and storage of wine and wine related products as a secondary use to a vineyard, where the fruit used in the production of the wine shall be predominantly from the vineyard located on the same land as the farm winery. A winery may also include an accessory licensed retail outlet, winery office and a laboratory. Buildings and structures utilized as part of a Winery shall not be defined as farm buildings and structures for the purposes of site plan control. Restaurants, banquet halls and conference facilities shall not be included as accessory uses to a winery."

- (b) By replacing section 269(b) being the definition of a "Drive-In Restaurant" with the following definition:
 - "(269) (b) "DRIVE-THROUGH RESTAURANT" means a place in which food is prepared and sold to the general public and consumed on the premises inside or outside of an automobile and includes an exterior method of ordering and picking-up food from a vehicle."
- (c) By removing the sentences "Farm mechine sheds or other similar agricultural storage buildings shall be deemed accessory buildings for the purpose of this By-law." and "Buildings used for the harbouring of animals, etc. are deemed main buildings for the purposes of this By-law." from section 2(3) being the definition of "Accessory".
- 3. Section 3(14) Loading Space Regulations is hereby amended by reducing the minimum number of loading spaces from two (2) to one (1) loading space for buildings having a net floor area greater than 500 square metres up to and including 2,500 square metres; by reducing the minimum number of loading spaces from three (3) to two (2) loading spaces for buildings having a net floor area greater than 2,500 square metres up to and including 7,500 square metres; and by reducing the minimum number of loading spaces from three (3) loading spaces plus one (1) additional space for each 10,000 square metres for buildings having a net floor area greater than 7,500 square metres to two (2) loading spaces plus one (1) additional space for each 10,000 square metres over 7,500 square metres of net floor area, such that this section reads as follows:

"The number of loading spaces required on a lot shall be based on the total net floor areas of all the uses on the said lot for which loading spaces are required by Clause (a) of this Subsection, in accordance with the following:

- less than 250 square metres of total net floor area 0 loading spaces;
- over 250 square metres up to and including 2,500 square metres of net floor area – 1 loading space;
- (iii) over 2,500 square metres up to and including 7,500 square metres of net floor area – 2 loading spaces;
- (iv) over 7,500 square metres of net floor area 2 loading spaces plus 1 additional loading space for each 10,000 square metres or part thereof of total net floor area in excess of 7,500 square metres."
- Section 3(21) Parking Regulations is hereby amended by adding the following uses and parking requirements to clause (c):

*Drive-Through Facility 3 queuing spaces in advance of each drive-

through window or service outlet

Restaurant, Drive-Through

1 per 10 m² plus 6 queuing spaces in advance of each drive-through window or service outlet

Winery 1 per 100 m² plus 1 per 45 m² of accessory office/relail/laboratory space";

and by changing the parking requirement for a car wash from "3 spaces" to "3 queuing spaces in advance of each service bay or area for a manual car wash; 6 queuing spaces in advance of each service bay for an automated car wash";

and by removing the term "Drive-In" from the listing of parking space requirements for restaurents.

- Section 3(23) Setbacks is hereby amended as follows:
 - (a) By adding a subsection (iii) to clause (c) as follows:

"(iii) 1. Rear Yard Depth

In addition to the setback requirements in the subsections above, on any lot that abuts Lake Erie the required rear yard depth shall be the rear yard depth required by the zone regulation applicable to the site, or the established waterfront building line or the setback as determined in the subsections above, whichever is the greater. For the purpose of this subsection, established waterfront building line shall be calculated by taking the average depth of the existing main building on the two adjacent lots as measured from the water's edge to the closest exterior wall of the main building and parallel to the front lot line. Where there is an existing building on only one side of the lot, the established waterfront building line will be calculated by taking the average depth of the existing main building on the adjacent lot as measured from the water's edge to the closest exterior wall of the main building and the measurement of 7.5 m for the vacant adjacent lot.

2. Accessory Buildings and Structures

Notwithstanding Section 3(1) of the General Provisions, accessory buildings and structures including boat houses shall not locate within the required rear yard. Nothing in this subsection shall prohibit the building of a dock at the water's edge. Fences shall be limited to a maximum height of 1.2 metres and shall be constructed of materials that do not impede sight."

- (b) By adding the following clause (f):
 - "(f) CAR WASHES AND DRIVE-THROUGHS SETBACKS FROM RESIDENTIAL

Drive-through facilities, drive-through restaurants and car washes, as defined herein, shall be separated from any boundary of a Residential Zone by a minimum distance of 10 metres, measured from the nearest point along the lane providing access to and egress from the drive-through or car wash facility, and any part of the associated buildings or structures including speakers and menus/display boards, to the nearest point along the Residential Zone boundary.*

- Section 4 Zones and Zone Symbols is hereby amended by changing the title of subsection 4(2)(h) to "ENVIRONMENTAL PROTECTION AND OPEN SPACE" and adding clause (iii) as follows:
 - "(iii) Open Space Zone".
- Section 4(6)(b) Holding (h) Zones is hereby amended by adding a new holding provision h-5 as clause (vi) as follows:
 - "(vi) b-5

Purpose: To ensure that buildings and structures and the development and/or redevelopment of a site or building within areas that have been identified as having historical characteristics are designed to conform with heritage building design features or be compatible to the heritage characteristics of the area, the following conitions must be satisfied prior to the issuance of any building permits:

- Perspective drawings of any building addition, alteration or redevelopment shall be prepared to the satisfaction of Council;
- 2 Site Plan Control under Section 41 of the Planning Act and a development agreement must be entered into by the owner and the Town of Amherstburg.

Permitted Interim Uses: Existing buildings and structures; uses permitted by the applicable Zone."

- Section 5 Residential First Density (R1) Zone is hereby amended by adding clause (I) to subsection (3) Zone Requirements as follows:
 - "(I) Notwithstanding the minimum lot frontage requirements of subsection 3(b) above, the minimum lot frontage may be reduced to 12 metres for infilling lot creation provided the minimum lot area requirement of subsection 3(c) can be met."
- Section 8 Residential Second Density (R2) Zone and Section 9 Residential Third Density (R3) Zone are modified by reducing the minimum tot frontage requirement for a single detached dwelling in subsections 5(3)(b), 8(3)(b)(i) and 9(3)(b)(i) respectively from 15 metres to 12 metres.
- Section 15 Commercial General (CG) Zone is hereby amended by increasing the maximum height provision of subsection 3(h) from 10 metres to 18 metres and adding the following text:

"provided that the minimum height shall be 10 metres"

before the sentence following and beginning with the words "or as outlined below...".

- 11. Section 16 Commercial Highway (CH) Zone is hereby amended by adding "drive-through facility" to the list of permitted uses in subsection (2), by changing the term "drive-in" in subsection (2) (toxiv) to "drive-through", and by adjusting the numbering of uses permitted in this subsection to maintain alphabetic order.
- 12. Section 26 Agricultural Zone is hereby amended by:
 - (a) Inserting the following under subsection 26(2) Uses Permitted:
 - "(boii) a winery in accordance with Subsection 26(3)(0)";
 - (b) Changing the minimum lot area provision for agricultural and accessory uses in subsection 26(3) (a) from 20.0 ha to 40.0 ha in clause (i) and removing the minimum lot area provision of 2,000 m² for "other uses" in clause (ii);
 - (c) Inserting the following under section (3) Zone Requirements:
 - (i) Height (Maximum)

10.0 metres:

(d) Adding the following to the provisions for undersized lots under subsection 26(3)(i):

The provisions of this subsection shall apply to the construction of a new dwelling on an existing undersized lot in the Agricultural Zone, and to the alteration or replacement of an existing dwelling on an existing undersized lot in the Agricultural Zone except as otherwise provided in subsection 3(18)(a) and 3(18)(b).*

(e) Adding the words "having a gross floor area" and the word "not" in the first sentence of subsection 26(3) (m) such that it reads as follows:

"(m) Greenhouse Regulations

Greenhouses or commercial greenhouses having a gross floor area greater than 500 square metres shall not be permitted unless a development agreement has been entered into with the Town regarding stormwater management and lighting."

And by adding the following greenhouse regulations:

- (ii) Where ventilation fans associated with any greenhouse exhaust into a side and/or a rear yard the minimum side and/or rear yard requirement shall be 25 metres;
- (iii) All greenhouses that use artificial lighting for growing purposes during the night shall be located a minimum distance of 150 metres from any residential use;

- All greenhouses shall be located a minimum distance of 45 metres from any residential use located on a separate lot
- No manure, compost or equipment may be stored within 30 metres of a street allowance, a watercourse, or a residential use located on a separate lot;
- (vi) All greenhouses shall be subject to site plan control.
- (f) Adding the following to subsection 26(3):
 - "(n) Winery Regulations

A winery shall only be permitted subject to the following provisions:

- (i) Lot Area (Minimum) 4 ha
 provided that the minimum lot area shall only apply to the
 consideration of establishing a new winery and not the severance or
 creation of a new lot
- (ii) Gross Floor Area (Meximum)

 1.5% of the lot area or 2,323 m², whichever is lesser
- (iii) All wines produced shall be from locally grown fruit, predominantly grown on the same lands as the winery, with a minimum of 2 hectares of the farm parcel capable of and committed to the production of grapes or other produce used in the winery;
- (iv) Accessory display and retail sale of wine produced on site shall not exceed 25% of the gross floor area of the winery but may be in addition to the winery floor area;
- (v) Accessory retail sale of other goods shall not exceed 20% of the gross floor area of ancillary retail permitted under clause (iv) above;
- (vi) Accessory educational and/or historical displays or areas directly related to the wine and grape producing industry shall be permitted accessory to a permitted winery provided the maximum floor areas dedicated to such purpose is limited to 10 percent of the winery gross floor area; and.
- (vii) all wineries shall be subject to site plan control.

All other provisions of the Agricultural Zone shall apply."

13. The following text is hereby added as Section 30 of the Zoning By-law.

"SECTION 30 OPEN SPACE (OS) ZONE

30.1 SCOPE

The provisions of this Section shall apply in all Open Space (OS) Zones except as otherwise provided in the Special Provisions subsection of this Section.

30.2 USES PERMITTED

No person shall within the OS Zone, use any lot or erect, after or use any building or structure for any purpose except for one or more of the following OS uses, namely:

- a) conservation area;
- forestry uses excluding any establishments that either process forestry products or sell processed forestry products;
- c) golf course;
- d) open space;
- e) public park;
- f) wildlife preserve;
- g) works of a Conservation Authority;
- h) uses accessory to the foregoing permitted uses.

30.3 ZONE REQUIREMENTS

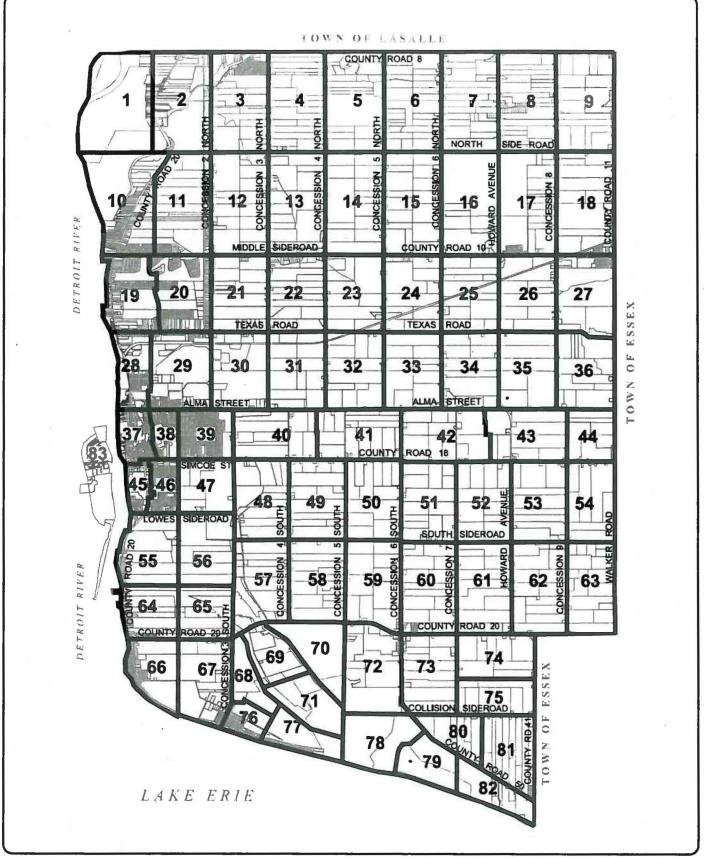
No person shall, within any OS Zone, use any lot or erect, after or use any building or structure except in accordance with the following provisions:

a)	Lot Area (Minimum)	No Minimum;
b)	Lot Frontage (Minimum)	No Minimum;
c)	Front Yard Depth (Minimum)	15.0 m;
d)	Interior Side Yard Width (Minimum)	15.0 m;
e)	Exterior Side Yard Width (Minimum)	15.0 m;
ŋ	Rear Yard Depth (Minimum)	15.0 m;
g)	Lot Coverage (Maximum)	10% of lot area;
h)	Landscaped Open Space (Minimum)	30% of lot area.
- i)	Height (Maximum)	10.0 m.*

- 14. Section 30 Approval is hereby changed to "Section 31 Approval".
- Schedule "A" of By-law 1999-52 is hereby amended and replaced with the Schedule "A" attached hereto.
- Schedule 'B" Floodprone Areas is hereby amended and replaced with Schedule "B" attached hereto.
- 17. 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 11th day of September, 2006.

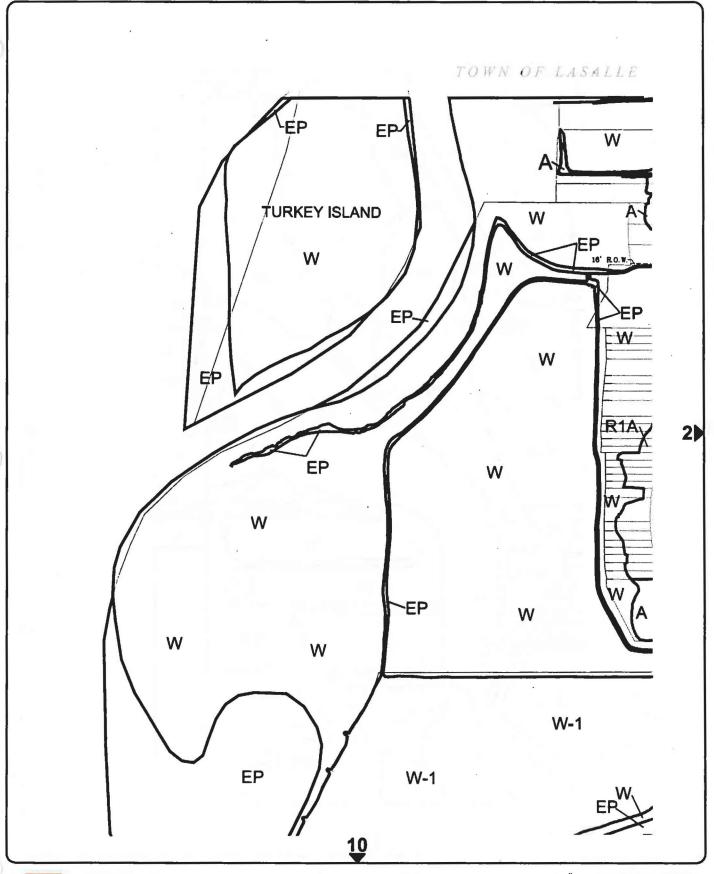
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TOWN OF AMHERSTBURG





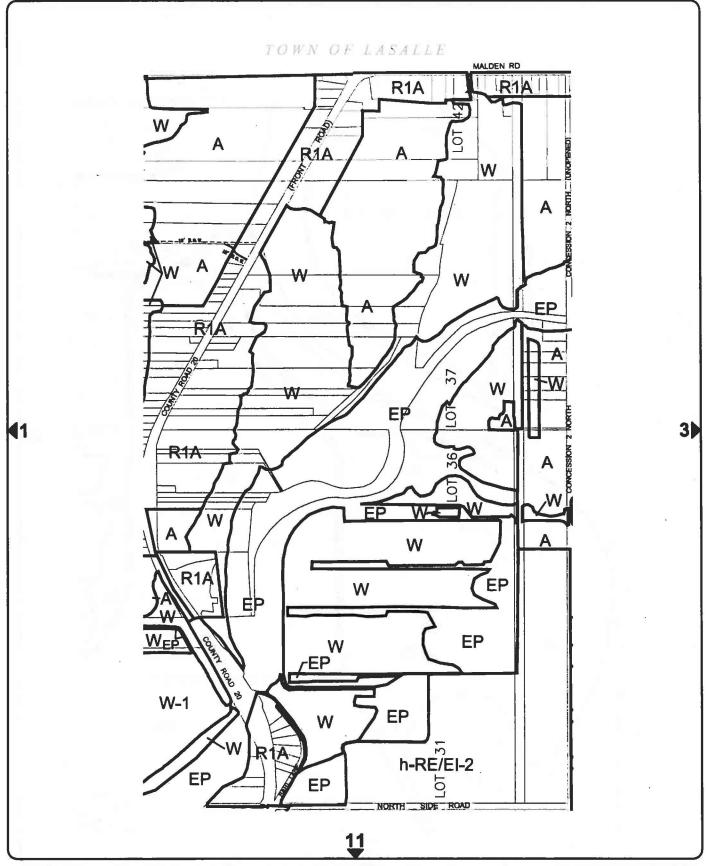


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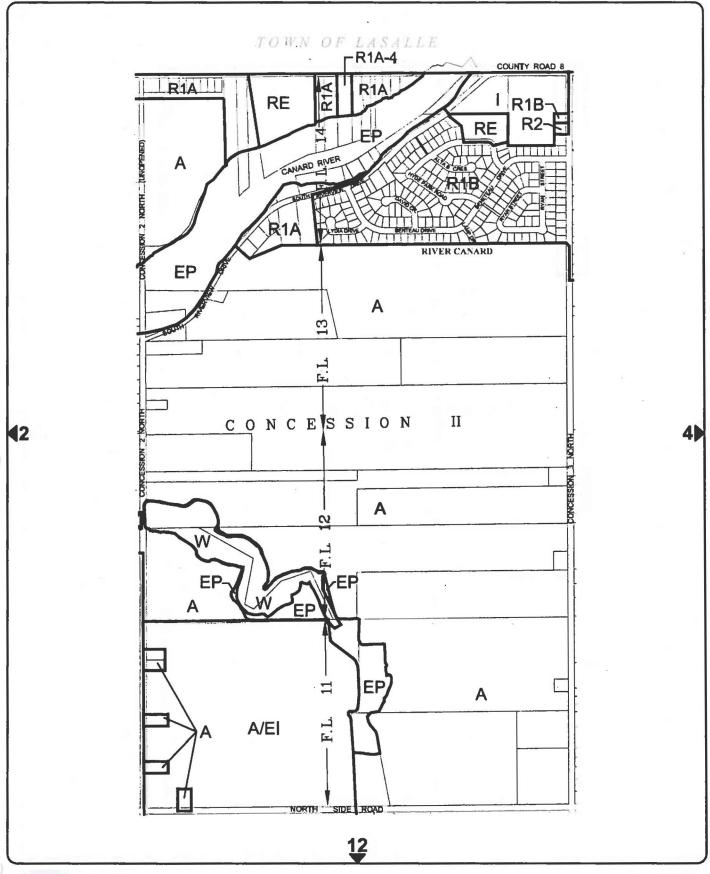
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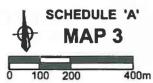


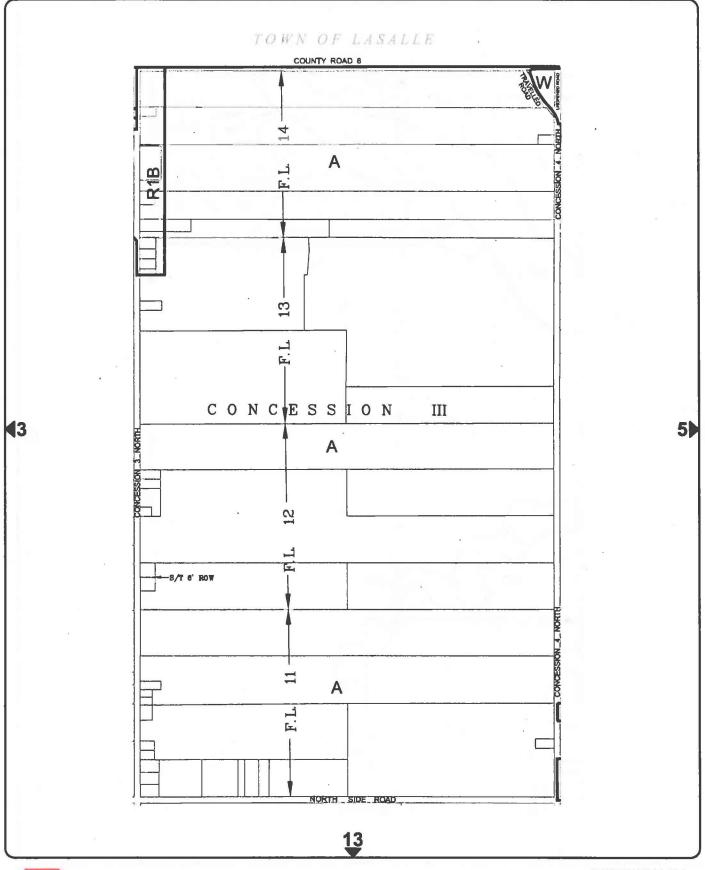






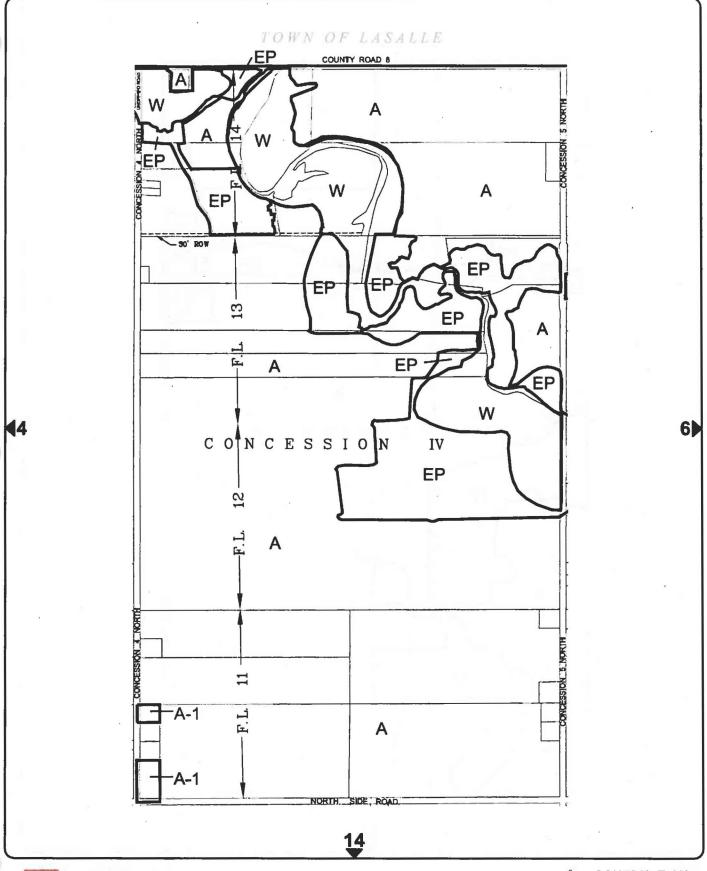
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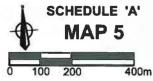


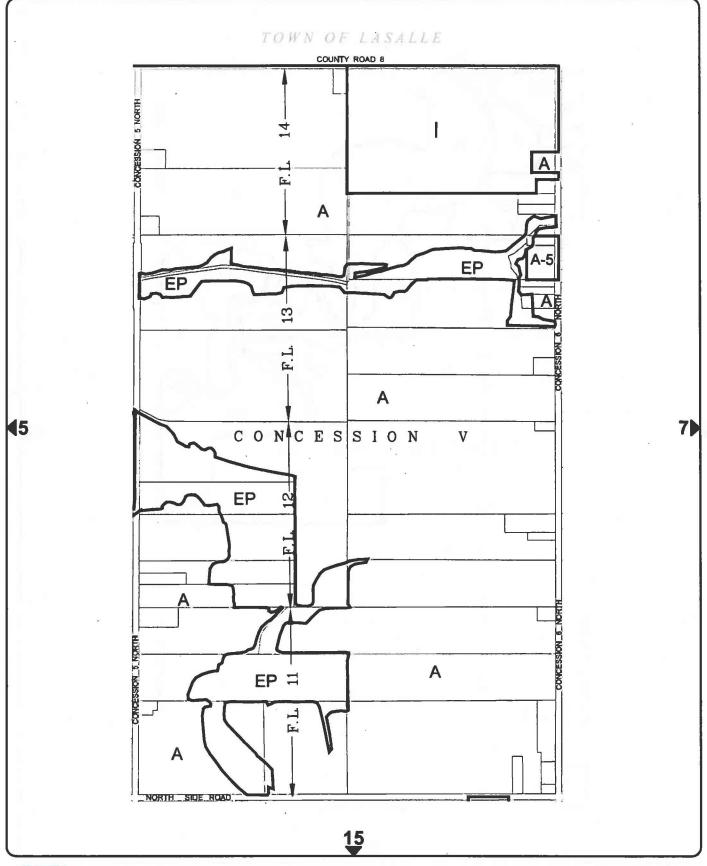






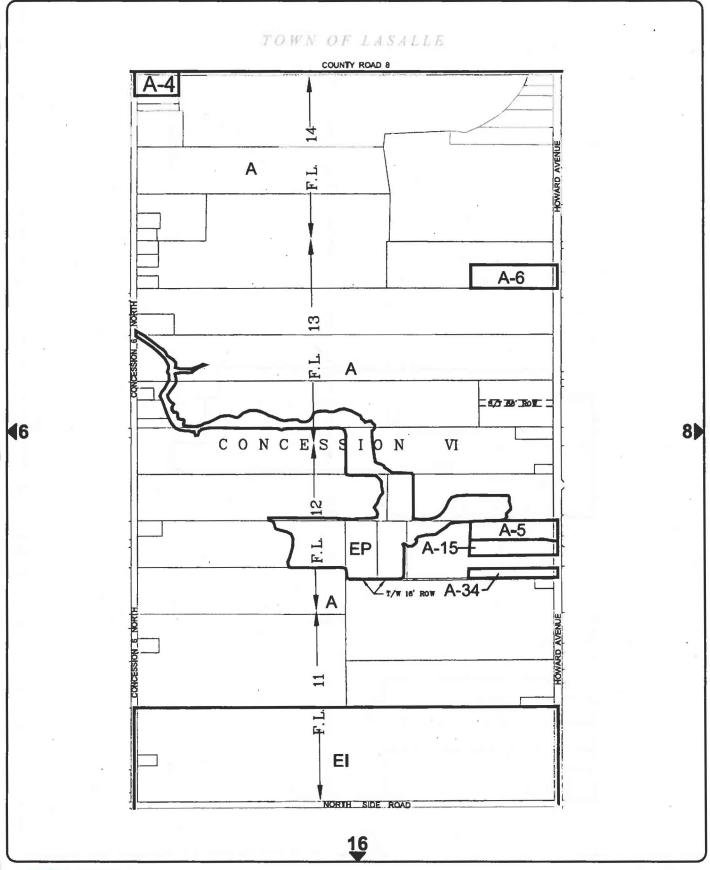
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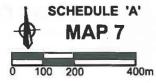


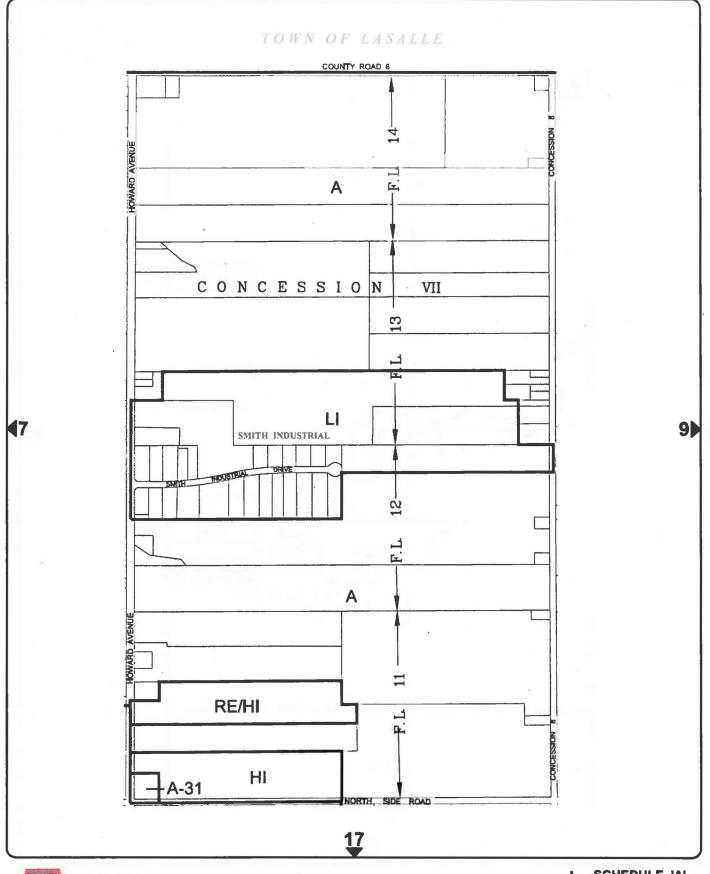




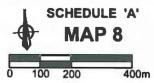


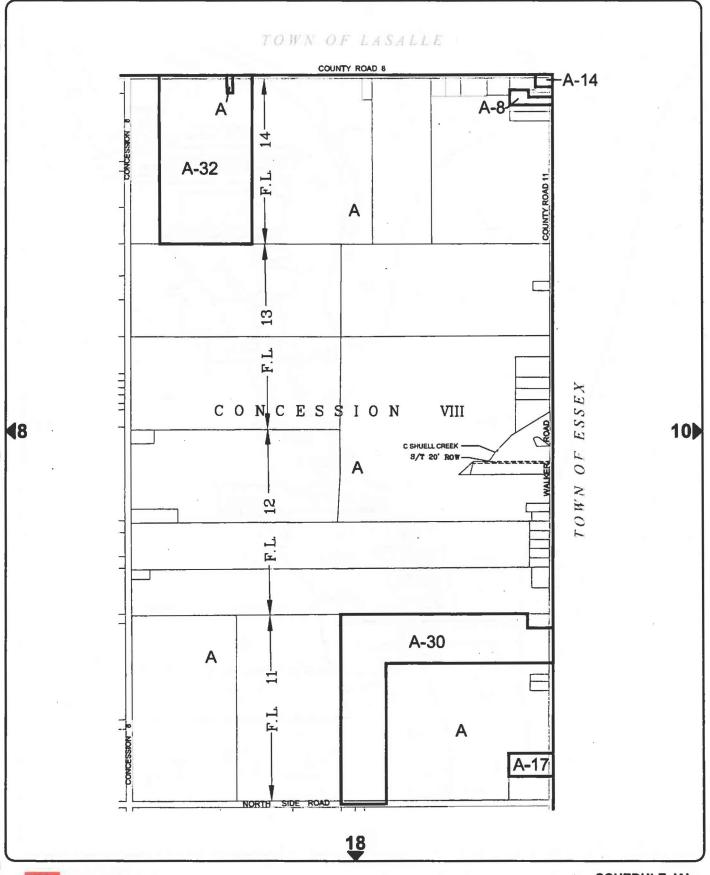
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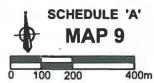


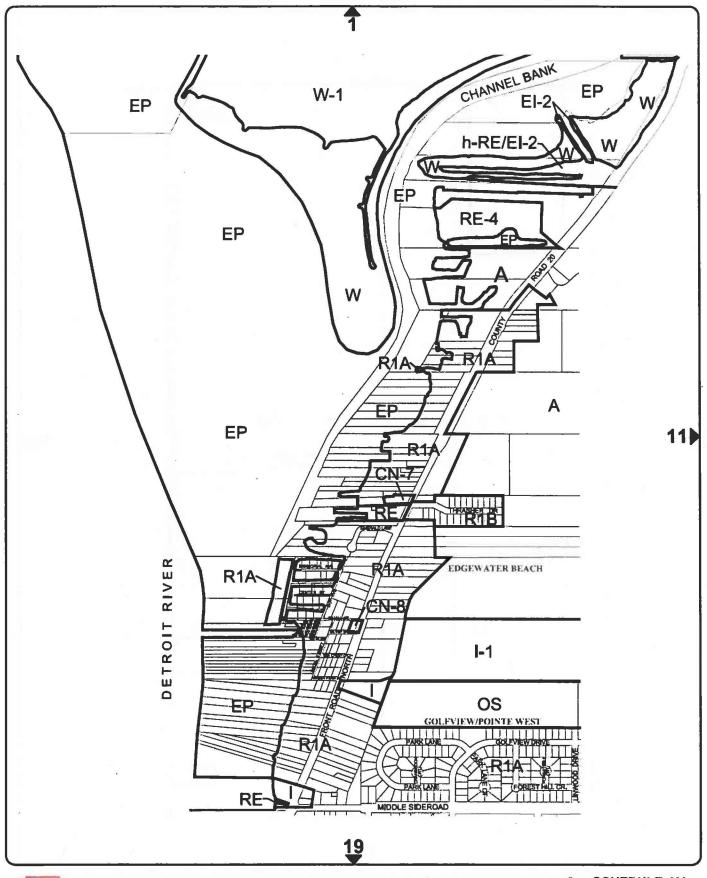






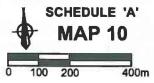
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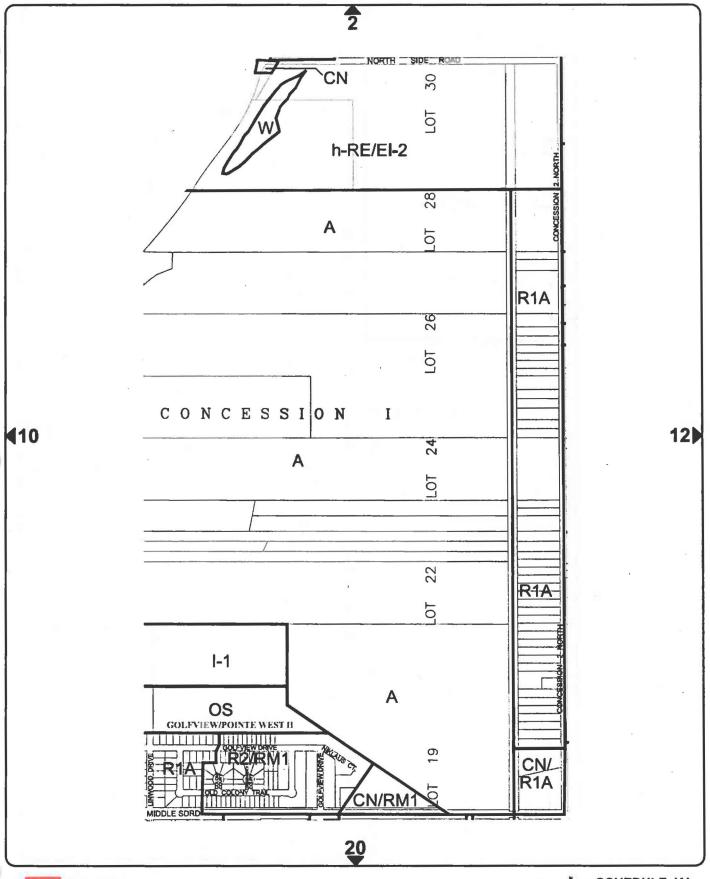






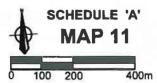
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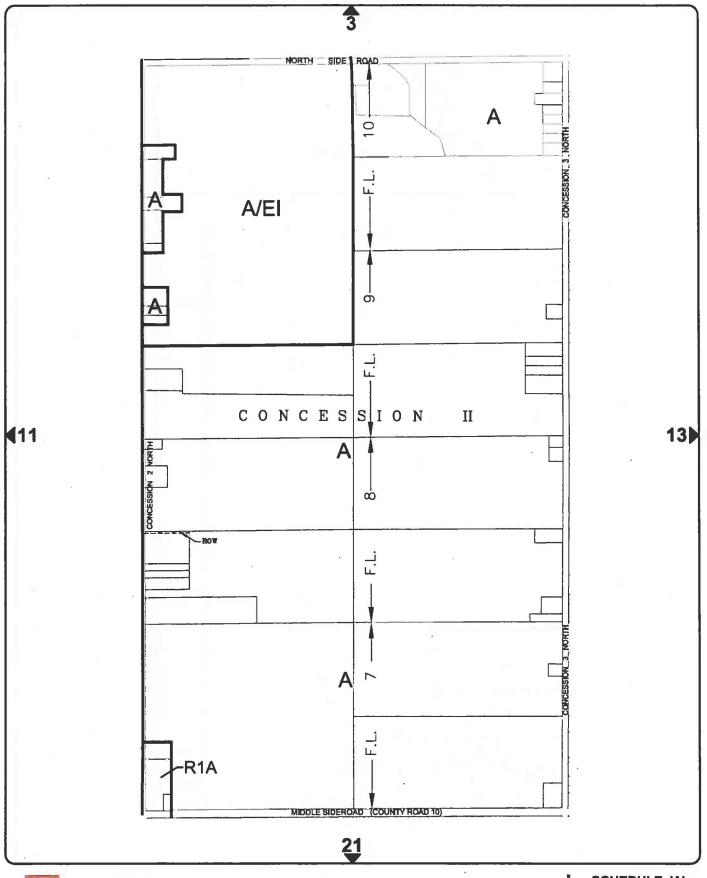






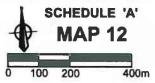
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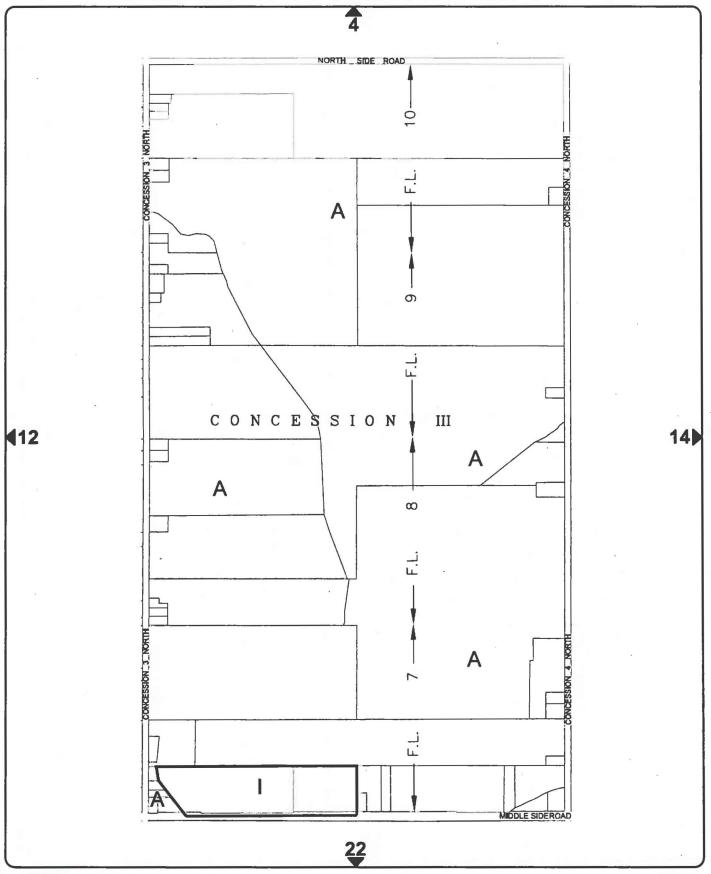






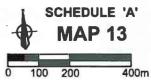
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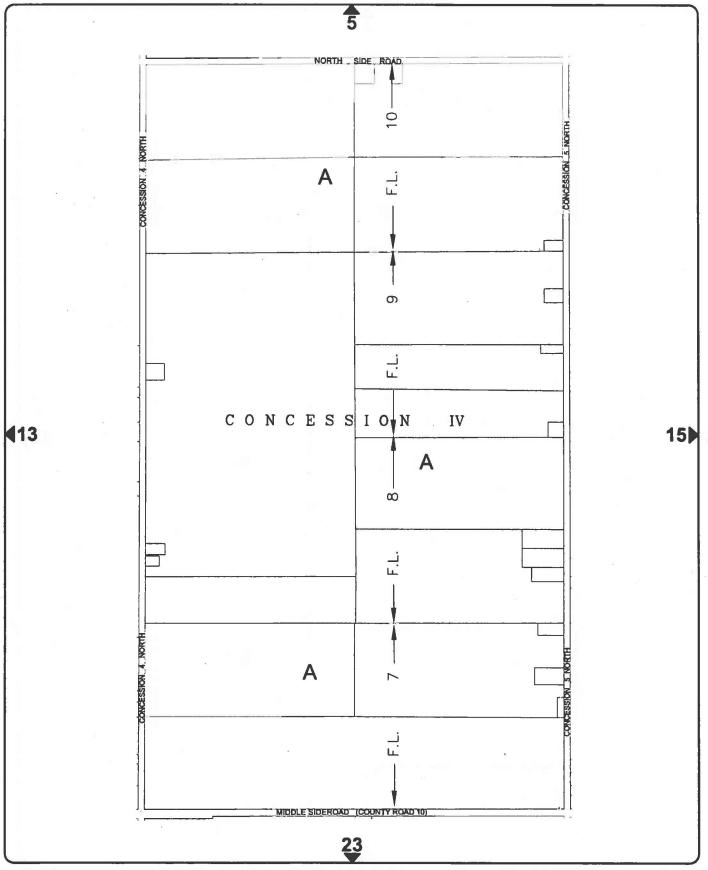






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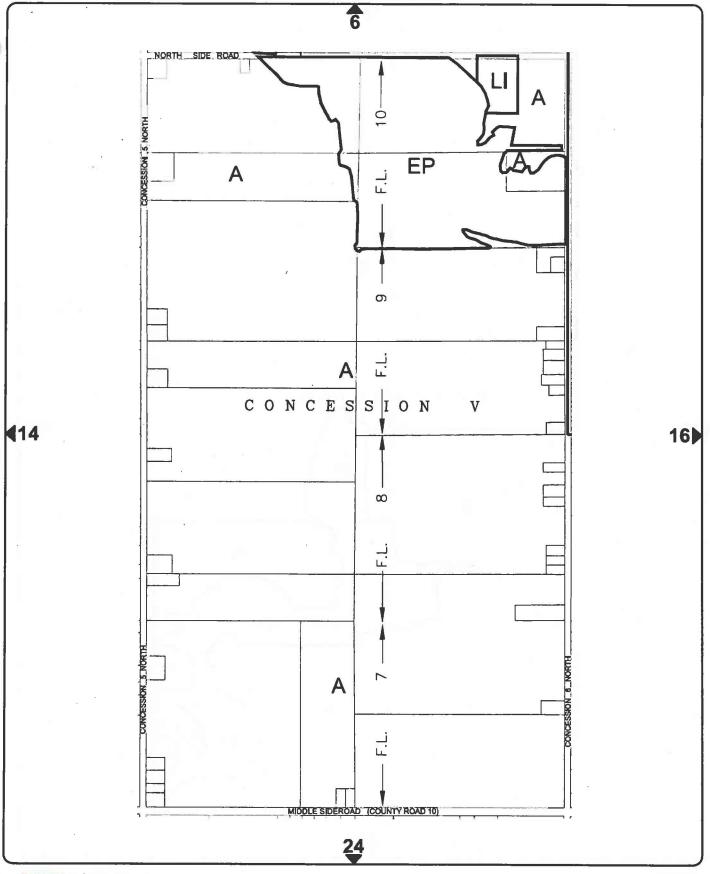






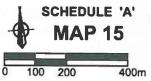
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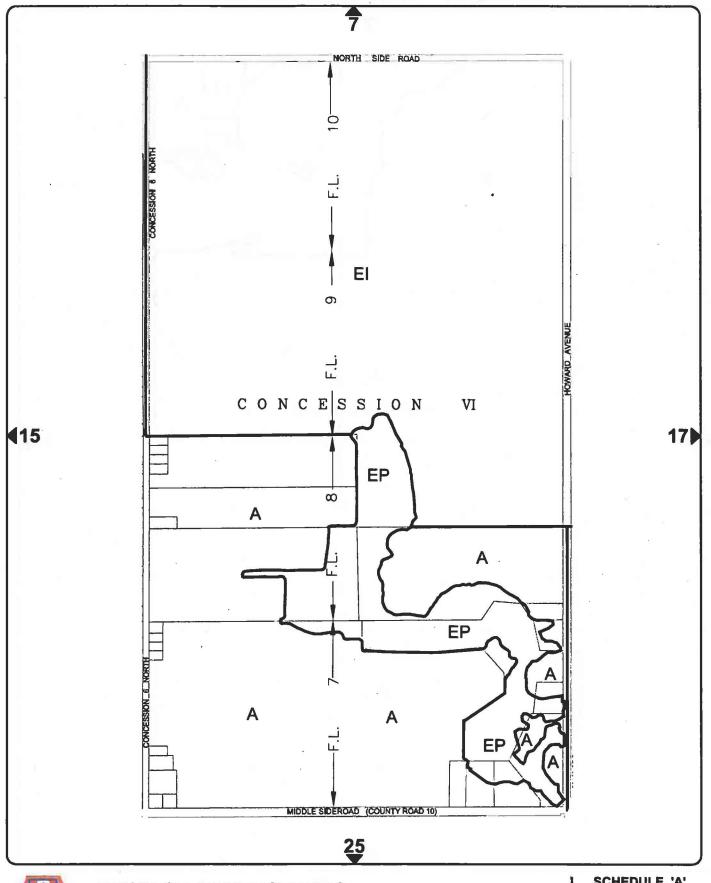






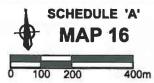
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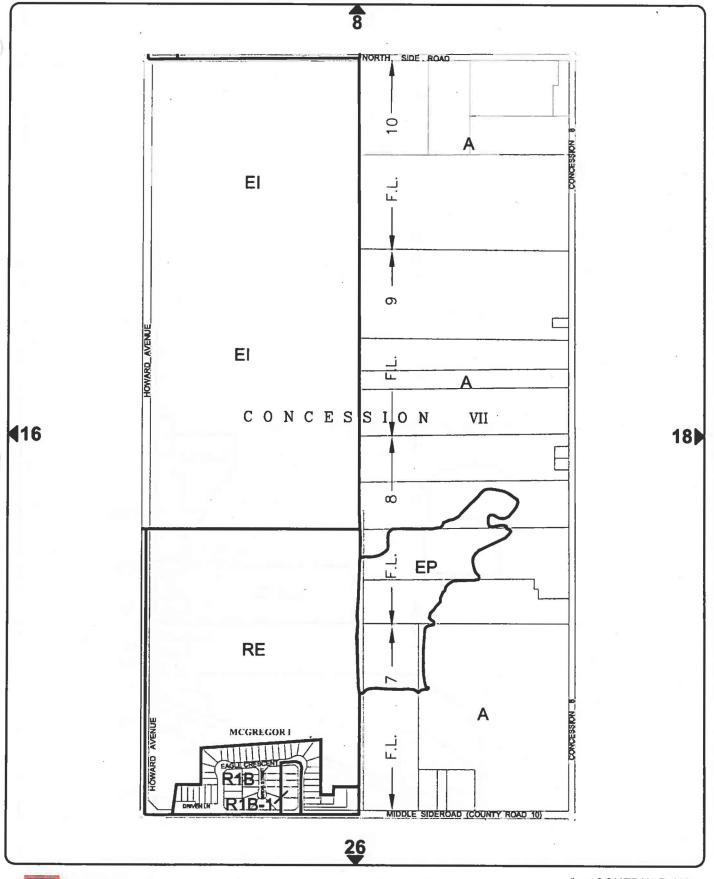






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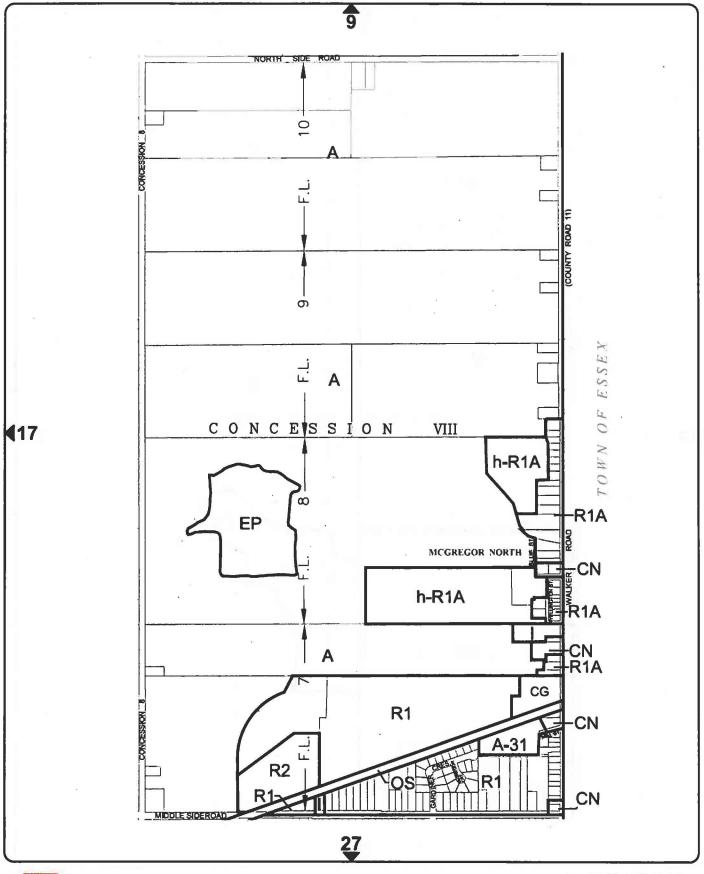






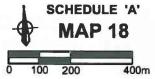
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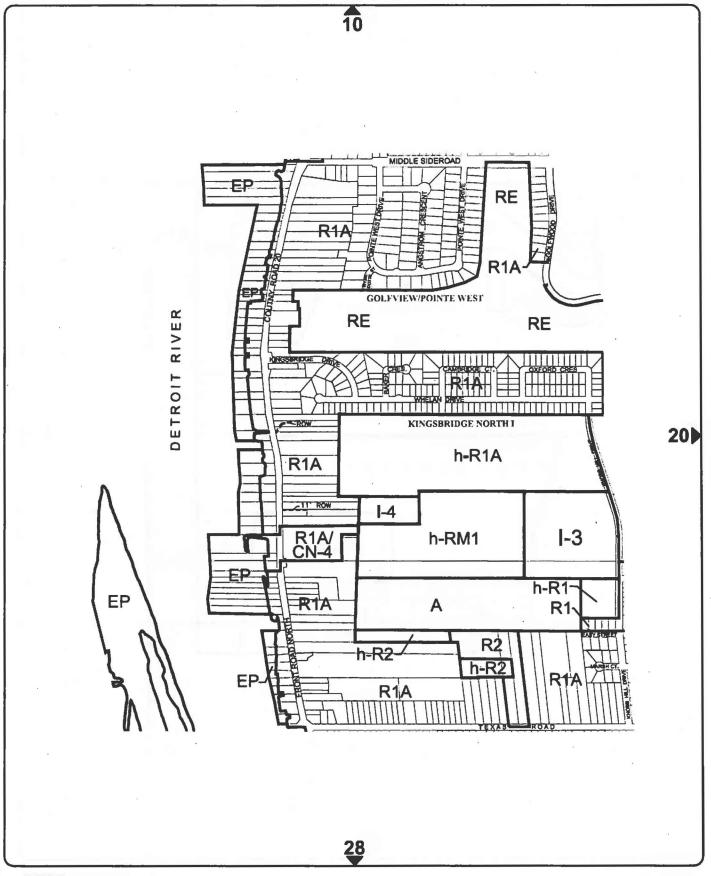
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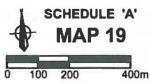
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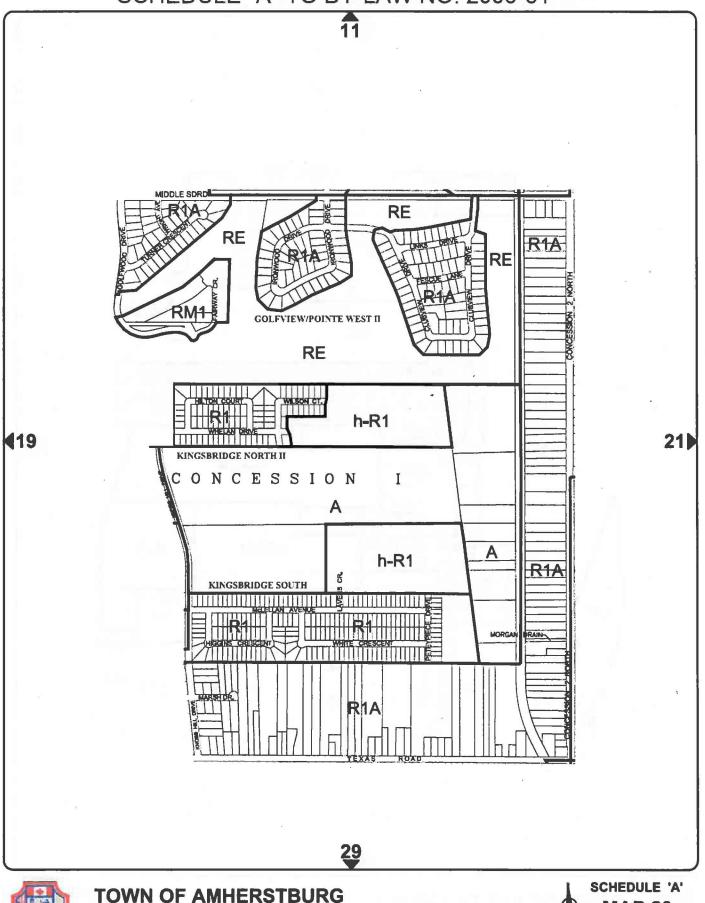






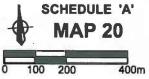
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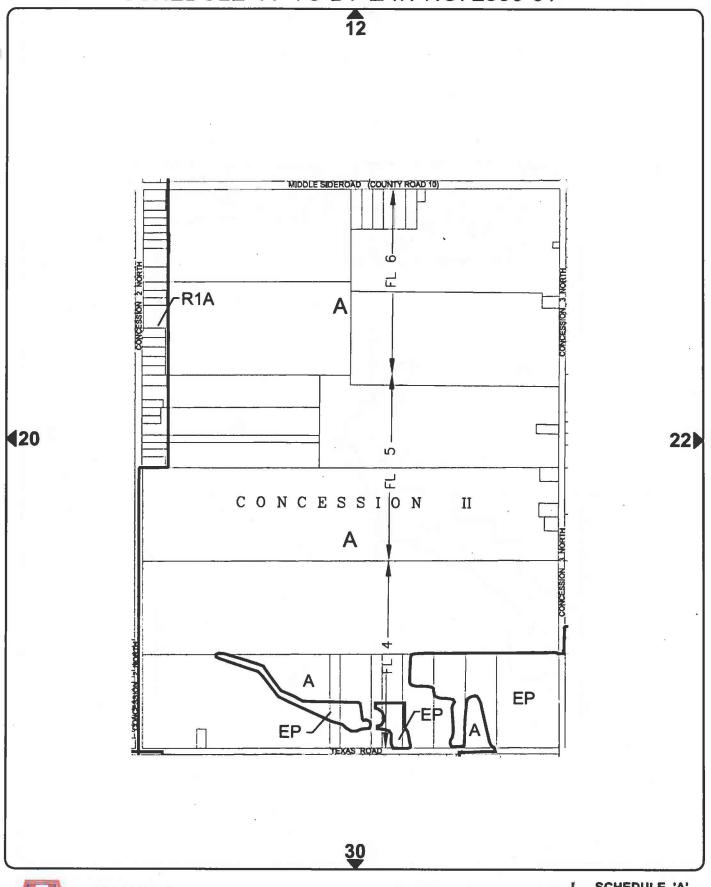






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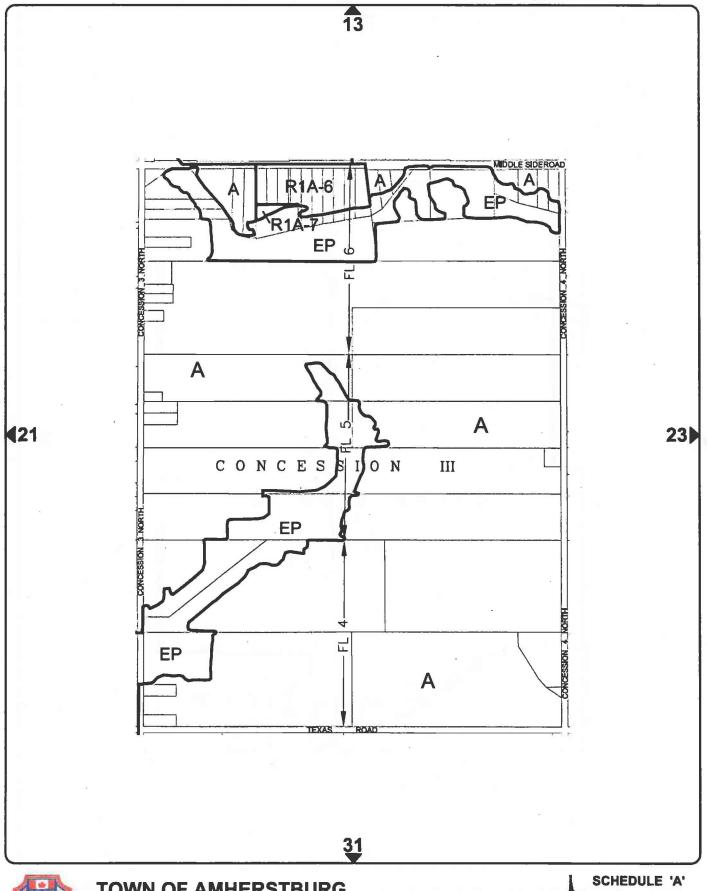






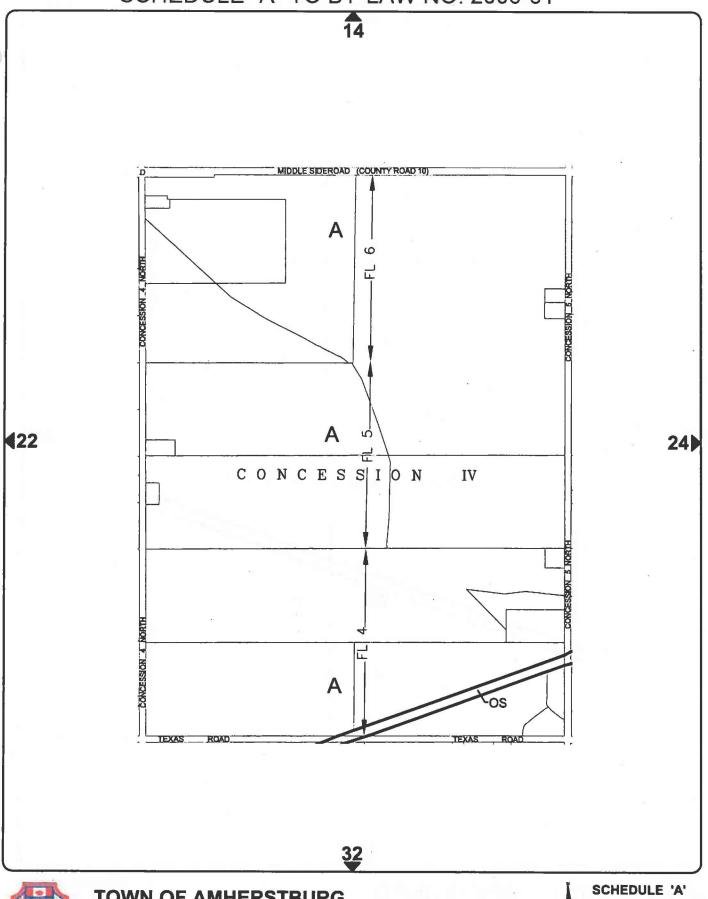
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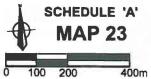


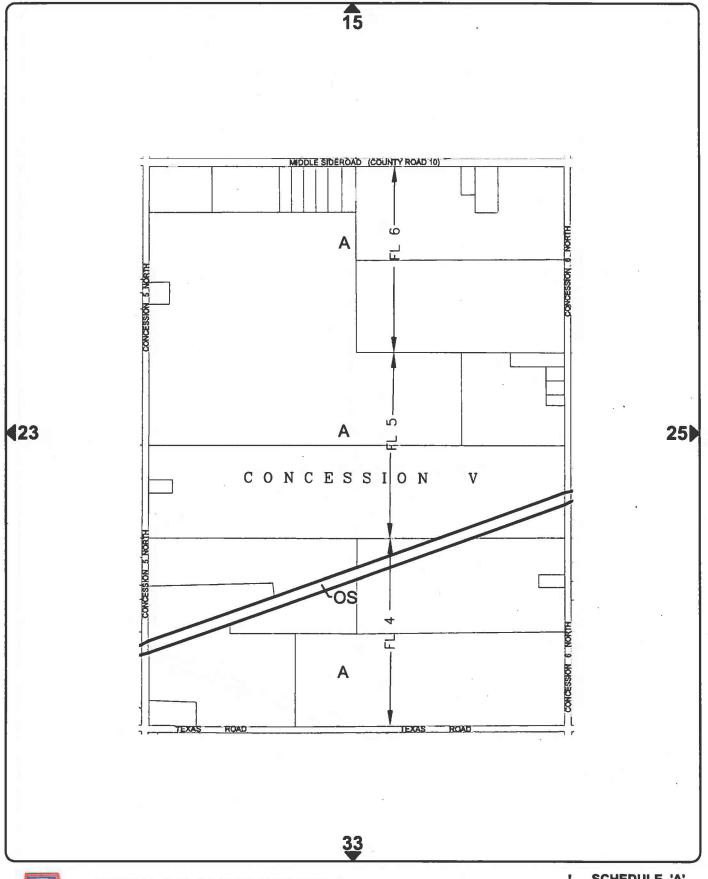




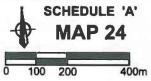


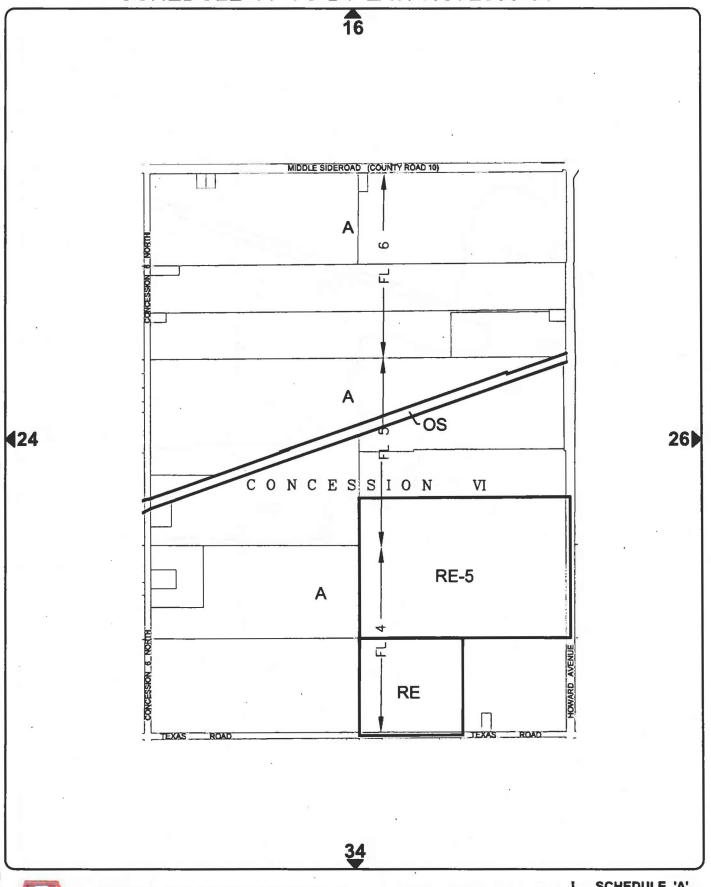






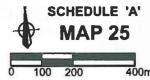


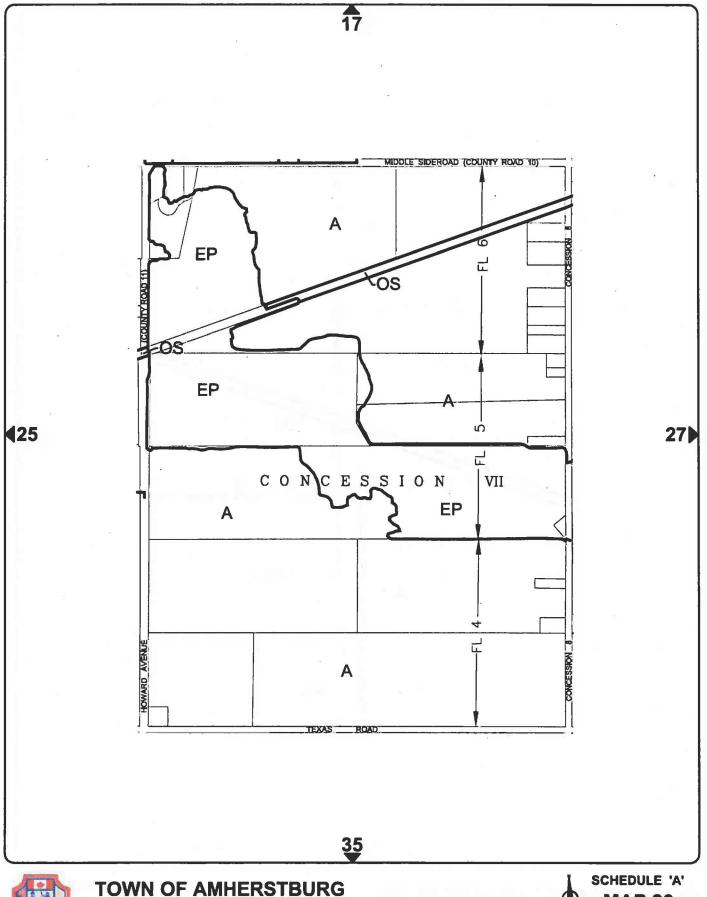




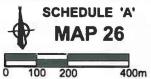


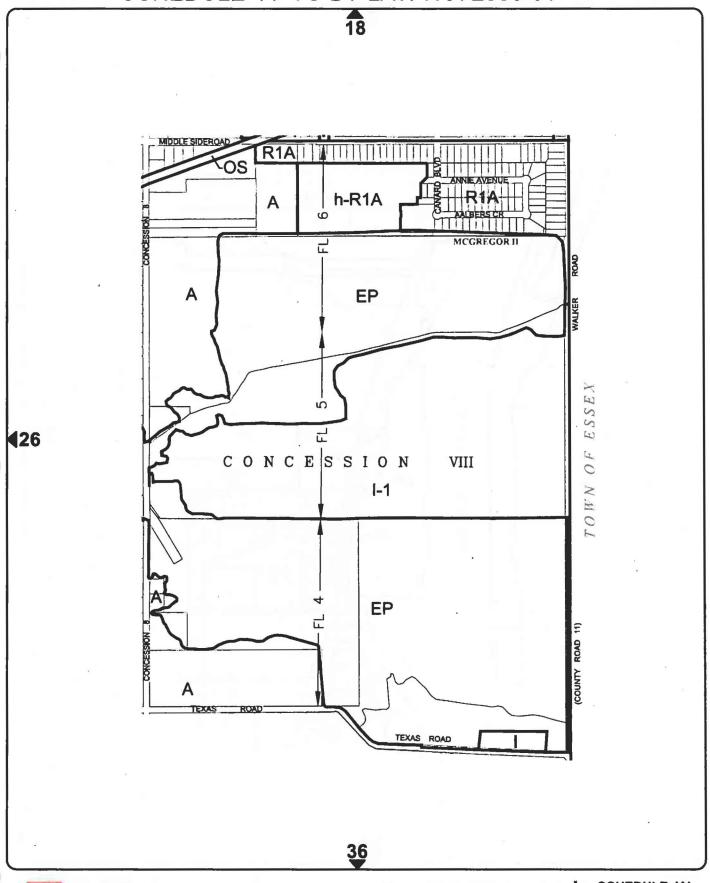
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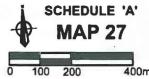


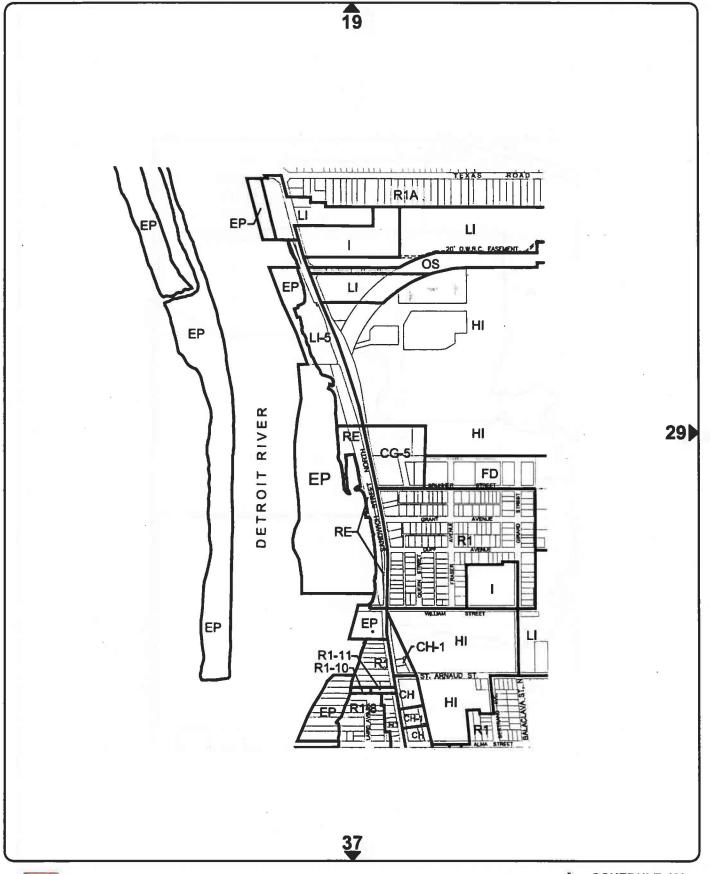




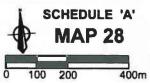


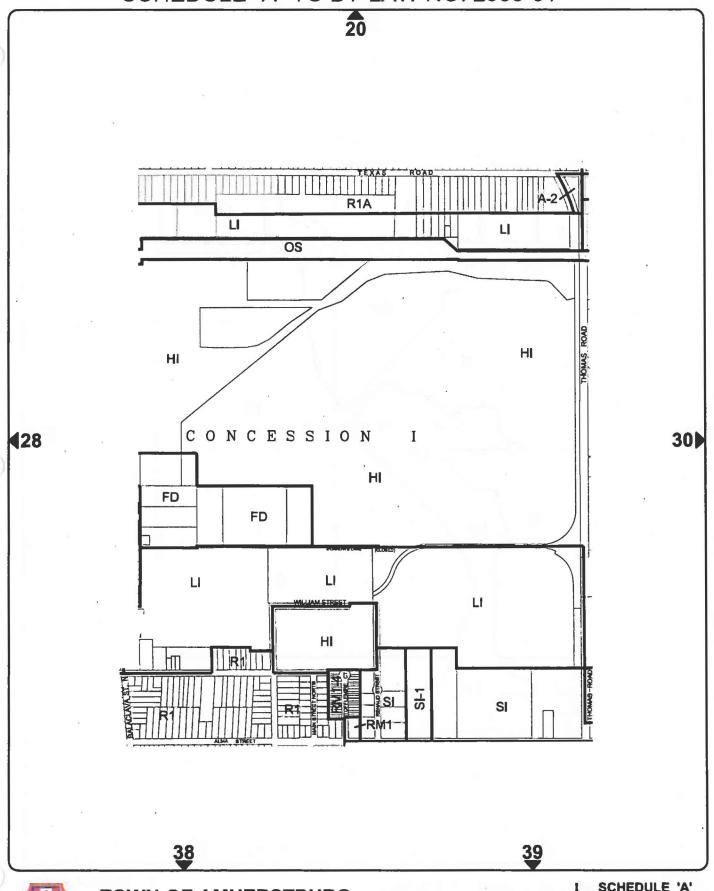
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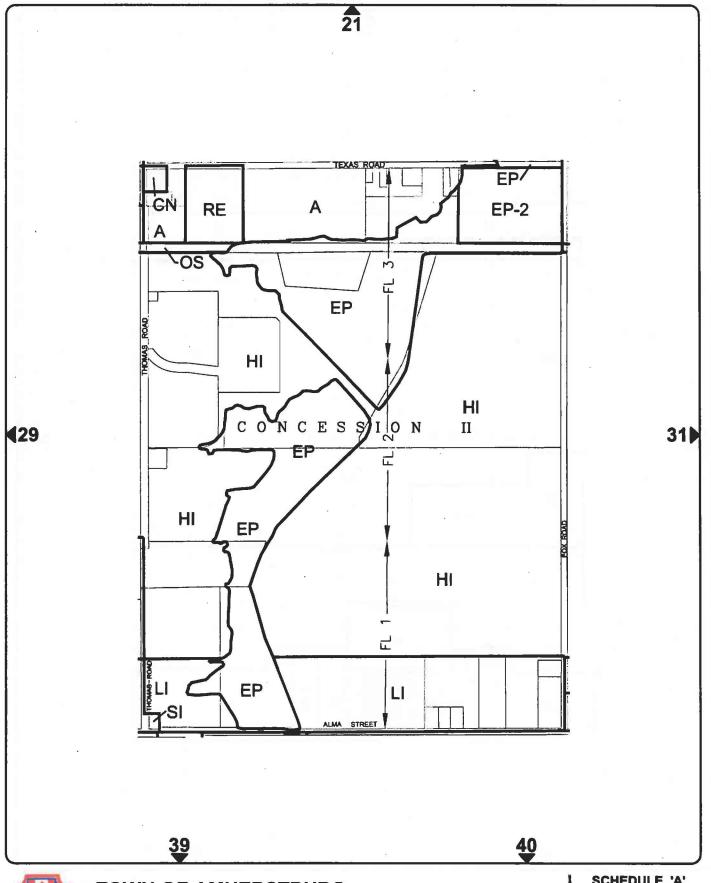




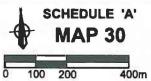


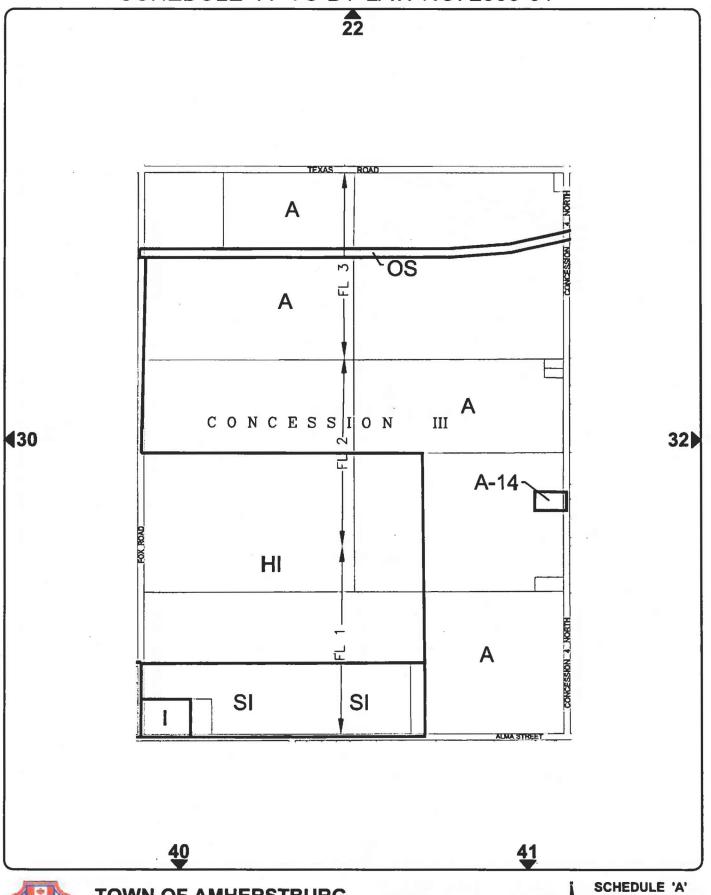




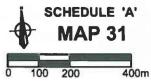


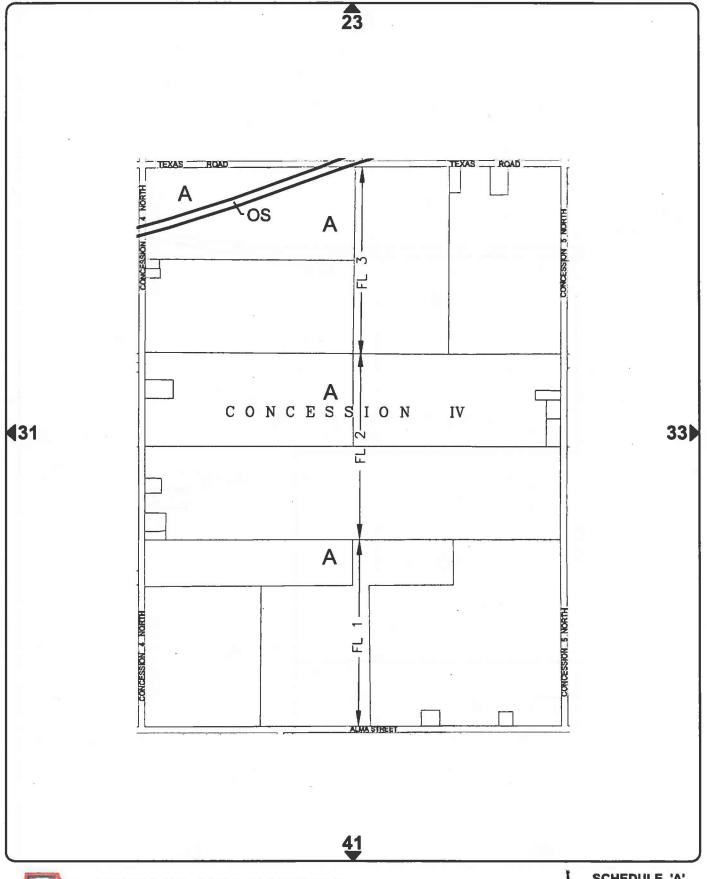






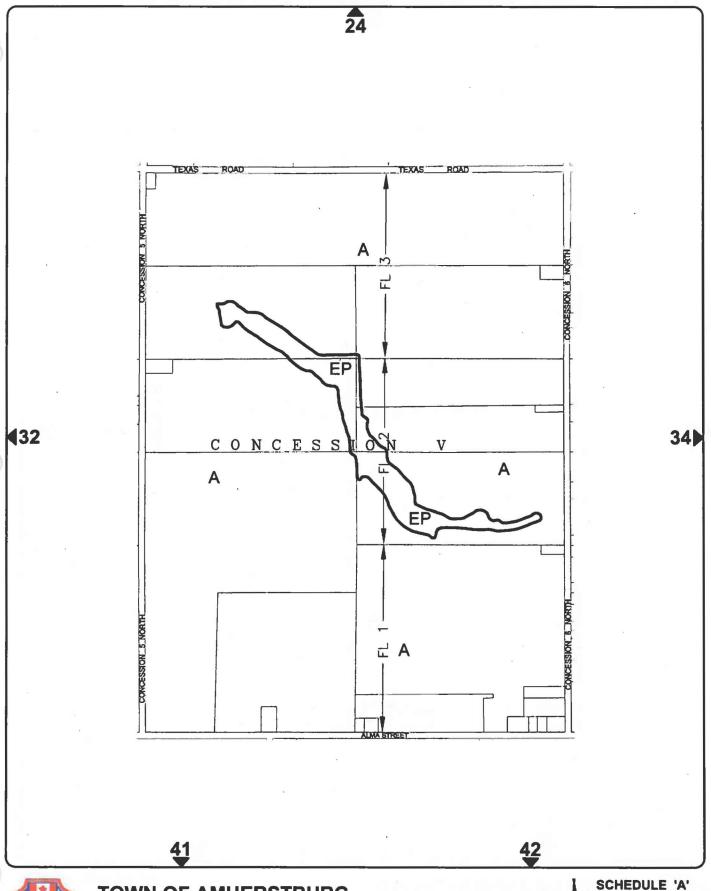






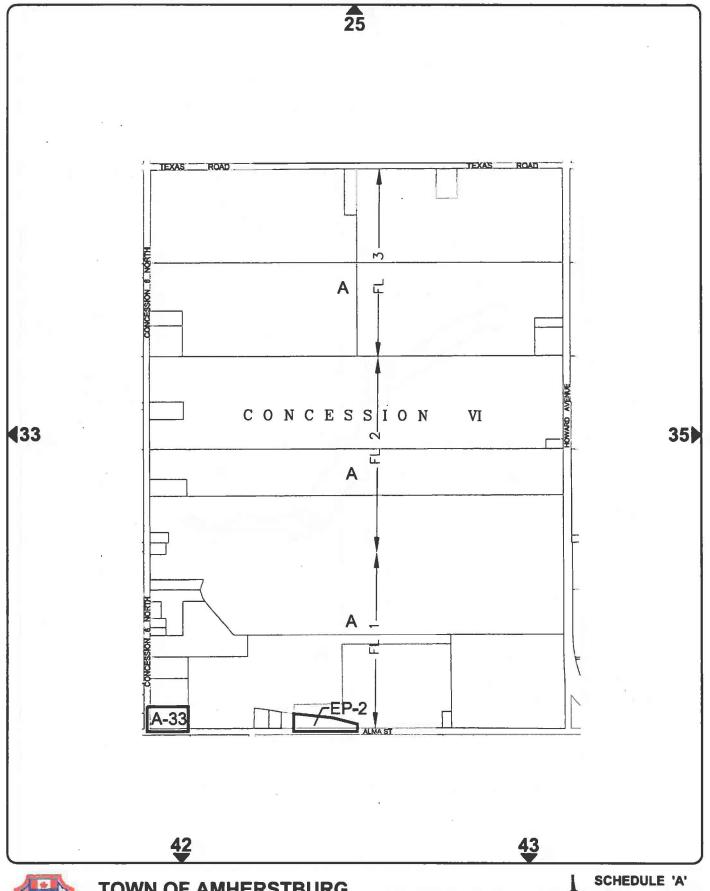








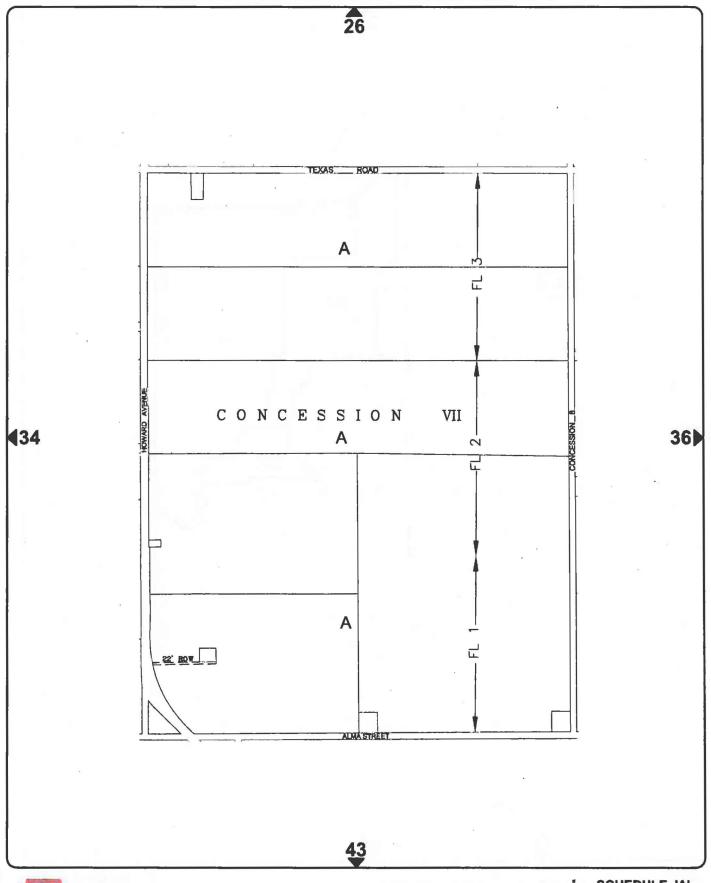






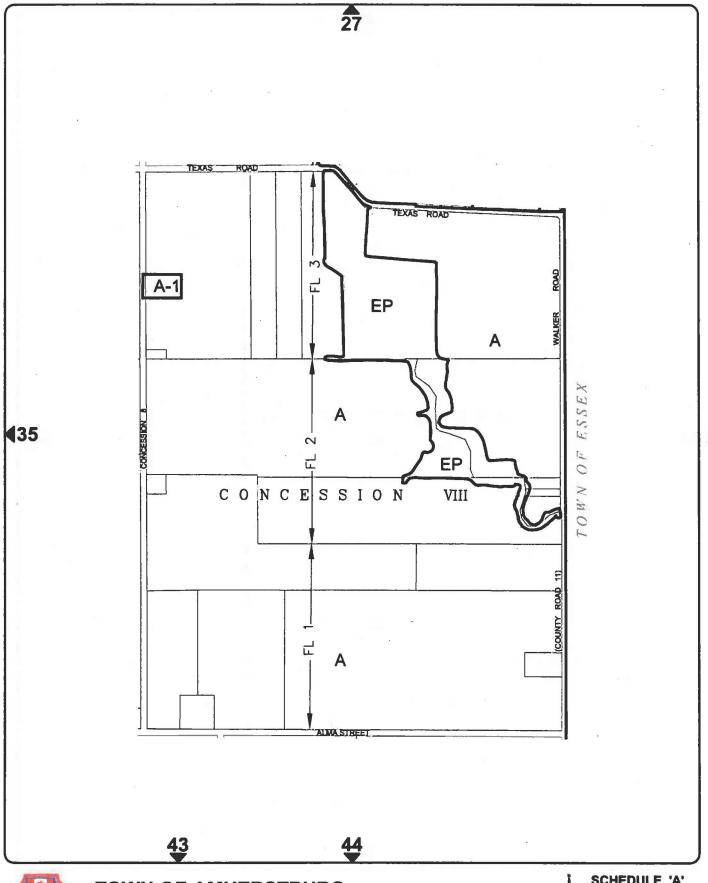
TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52

SCHEDULE 'A'
MAP 34

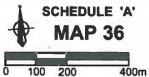






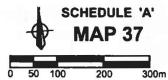


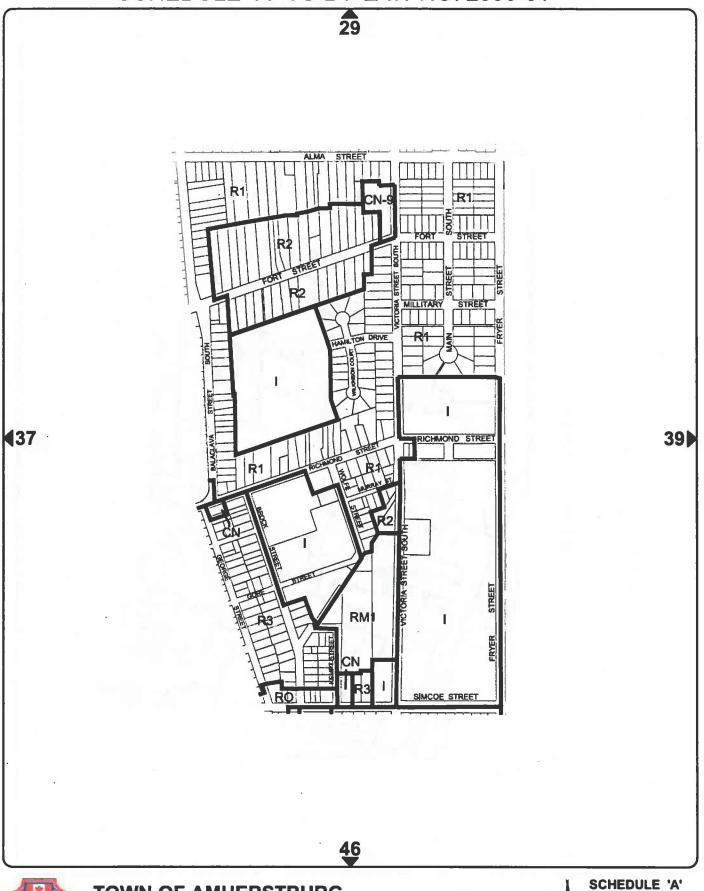






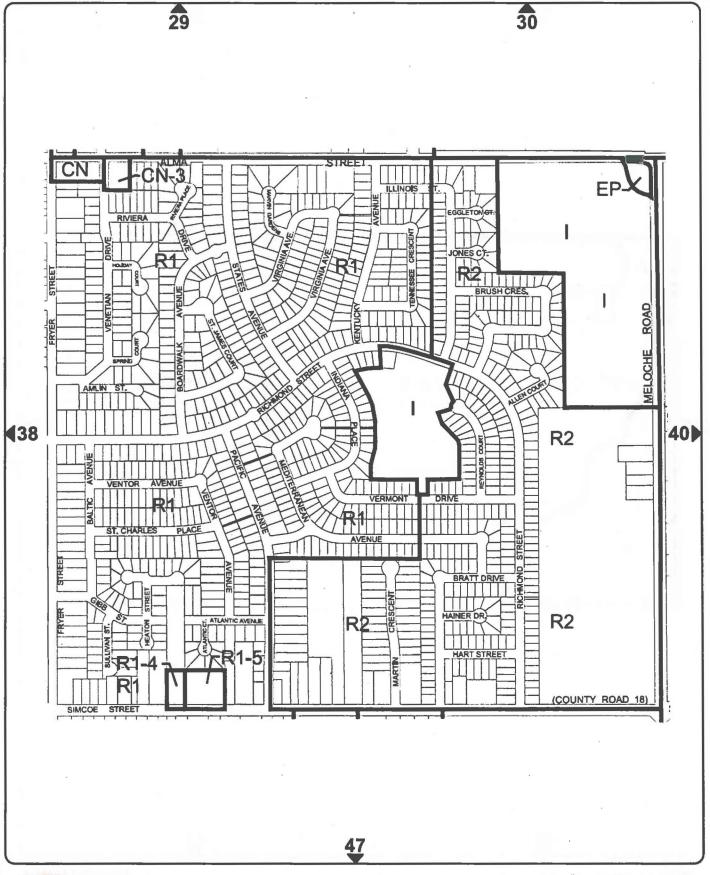






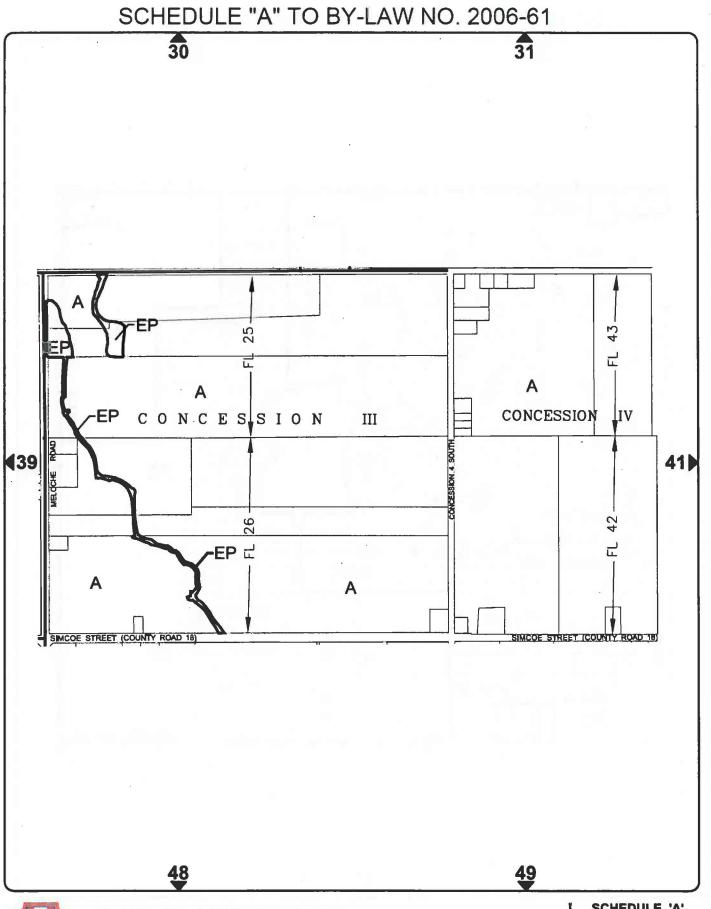






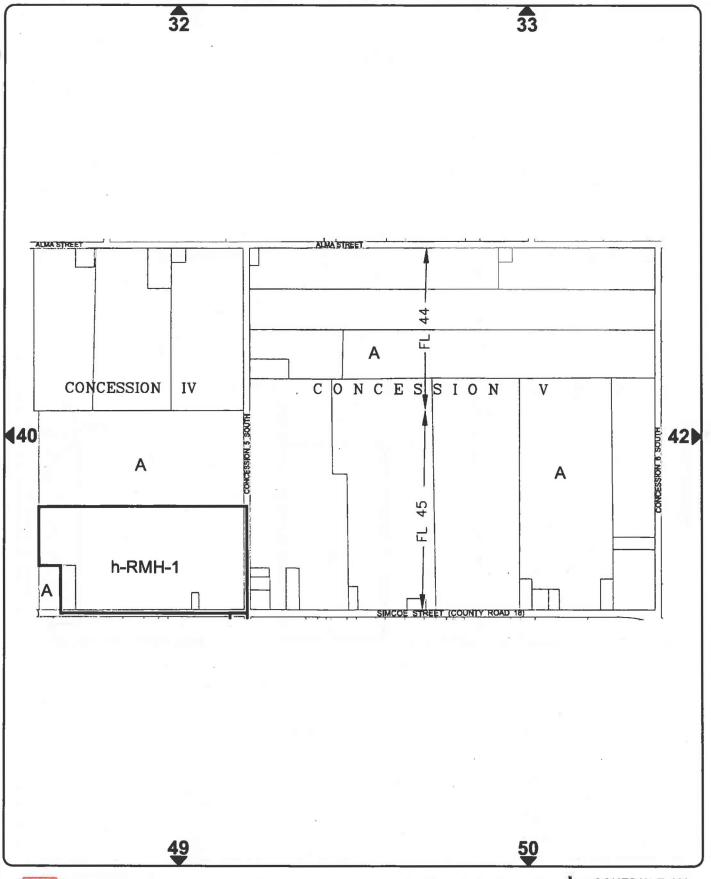








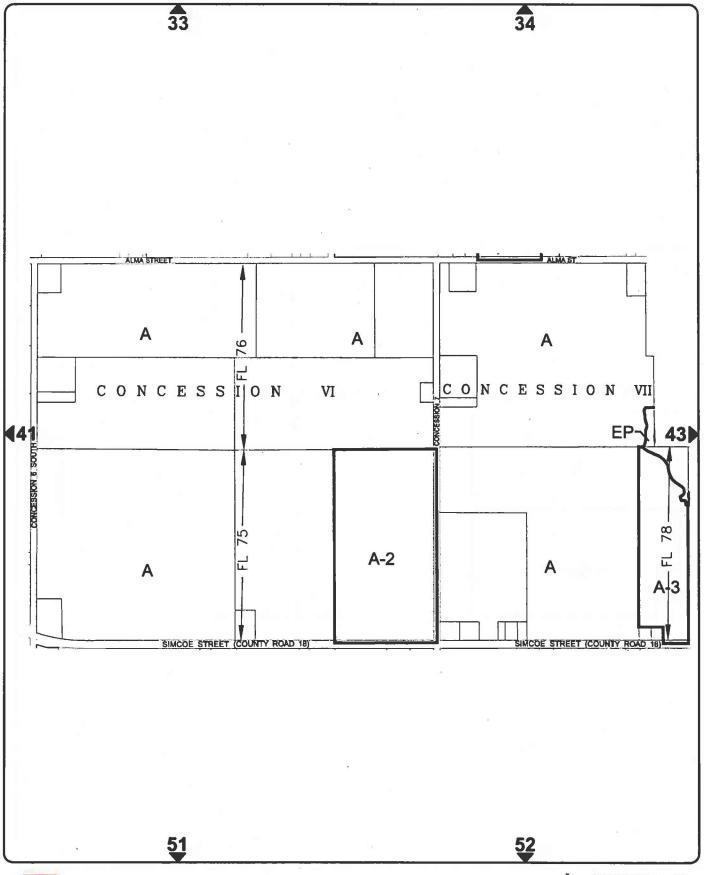






TOWN OF AMHERSTBURG

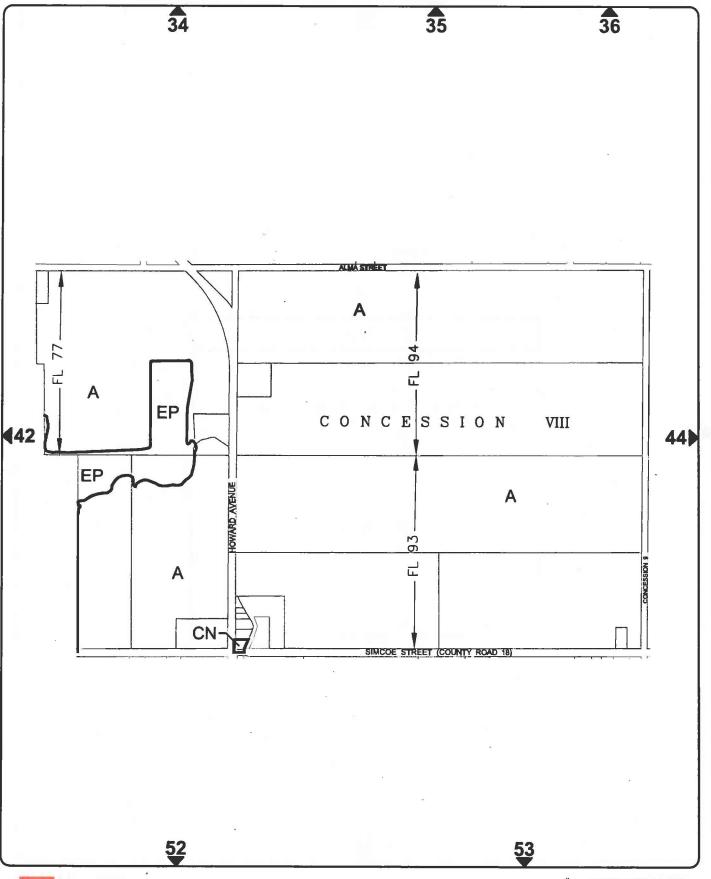






TOWN OF AMHERSTBURG



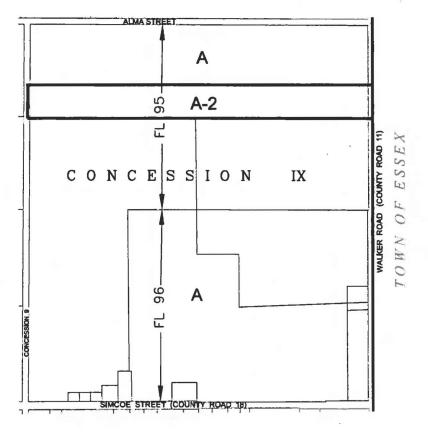




TOWN OF AMHERSTBURG





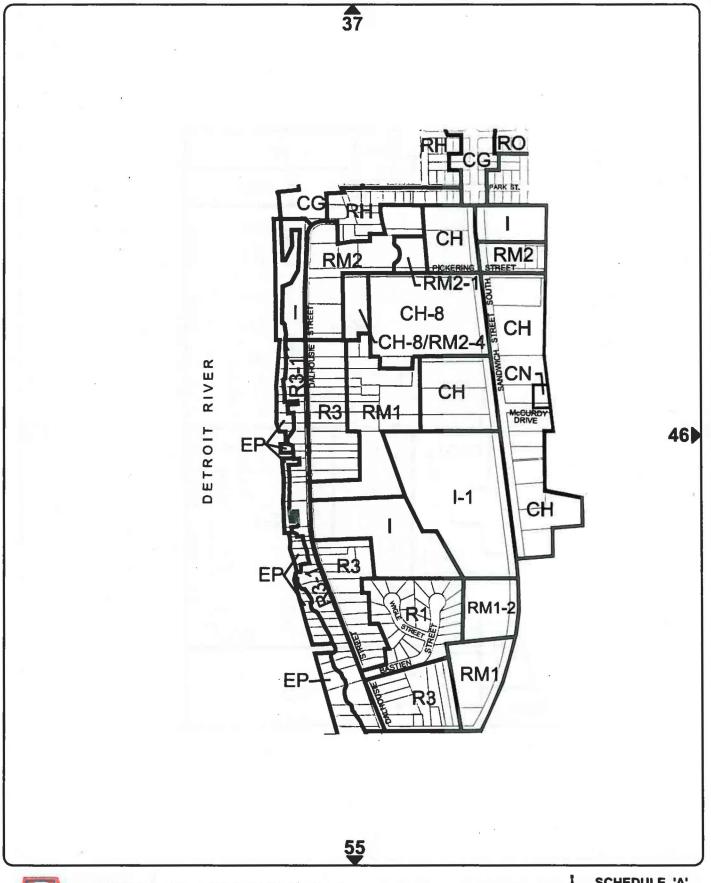




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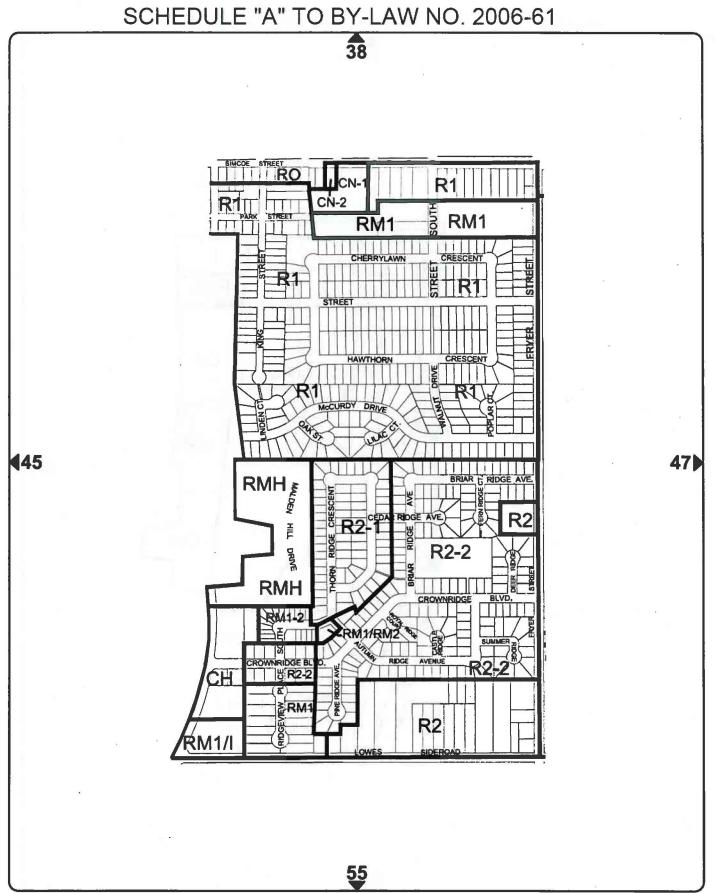
TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52

MAP 44



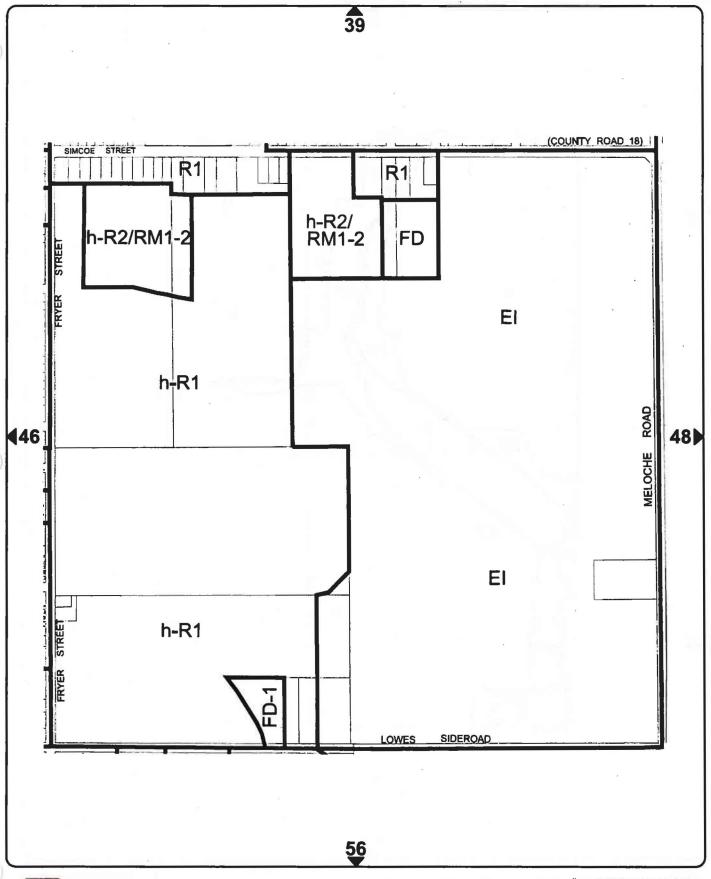








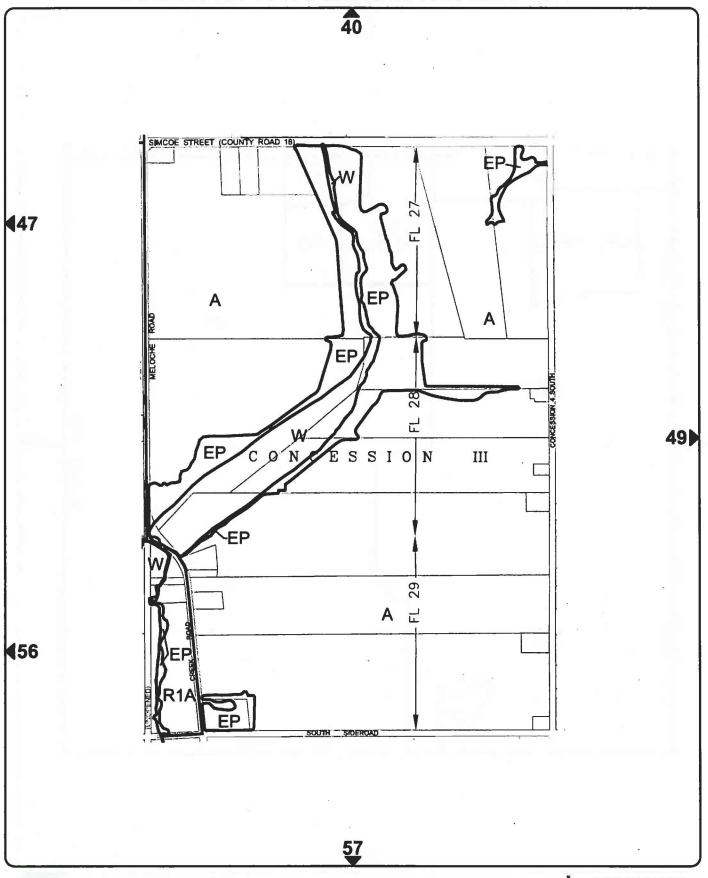






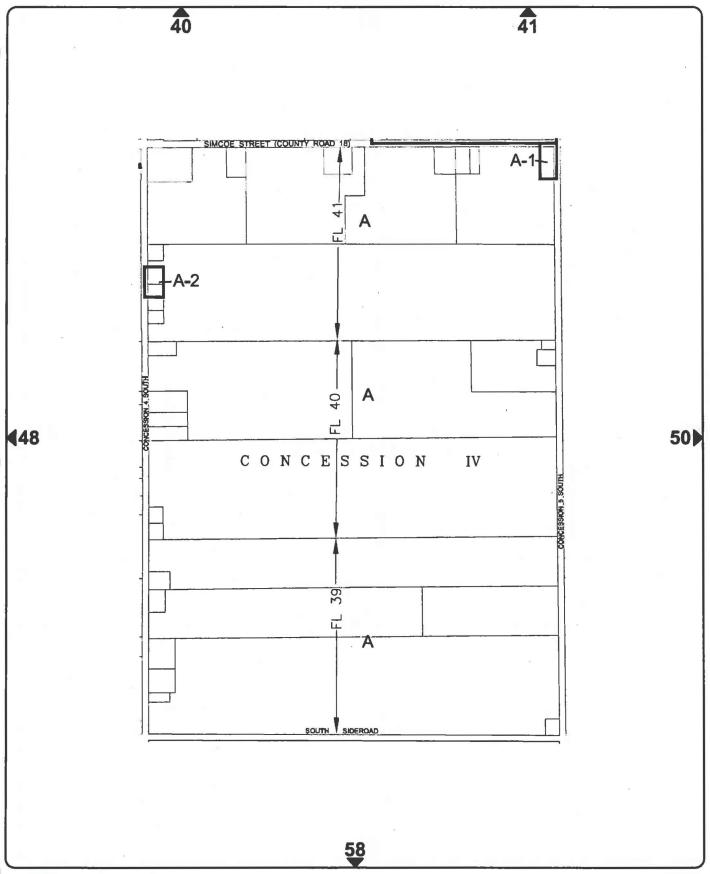
TOWN OF AMHERSTBURG





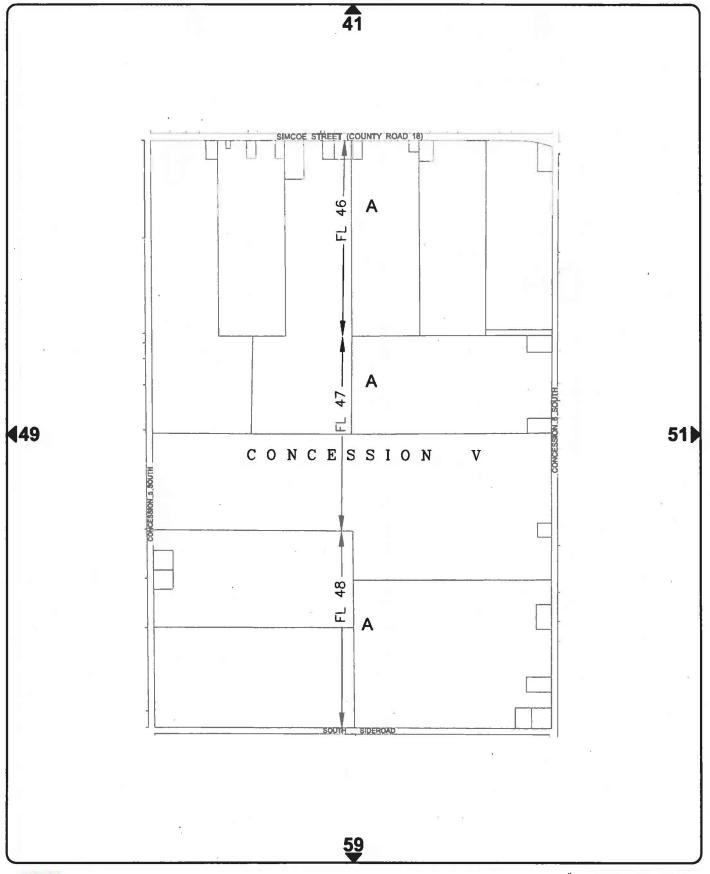






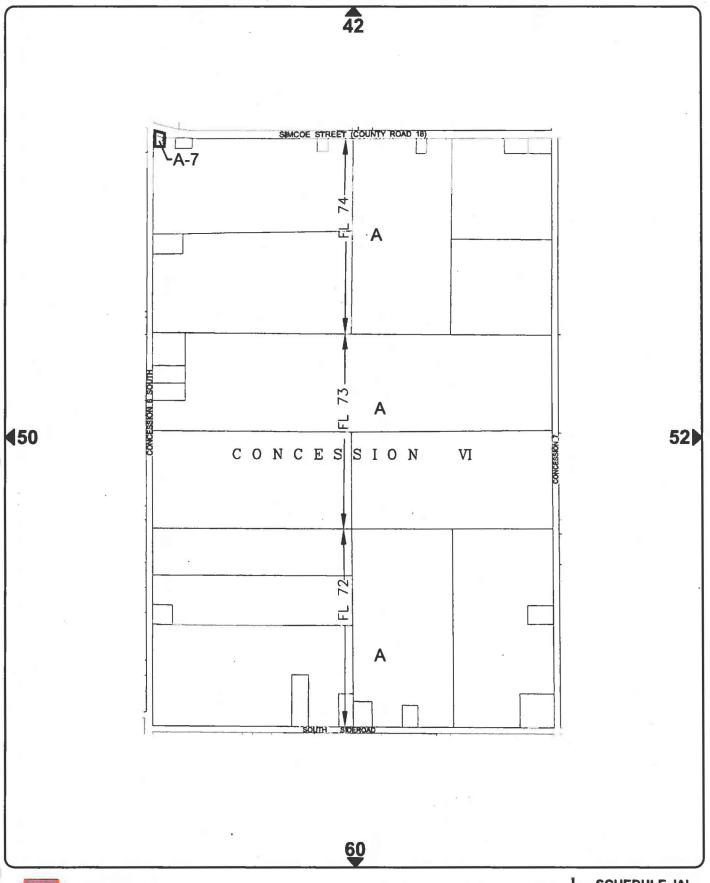








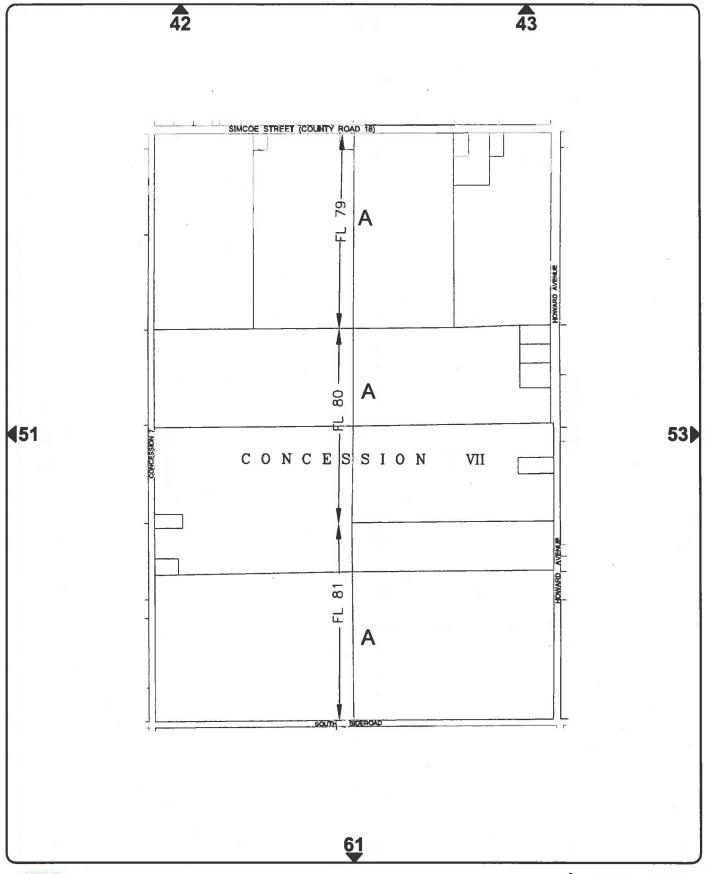






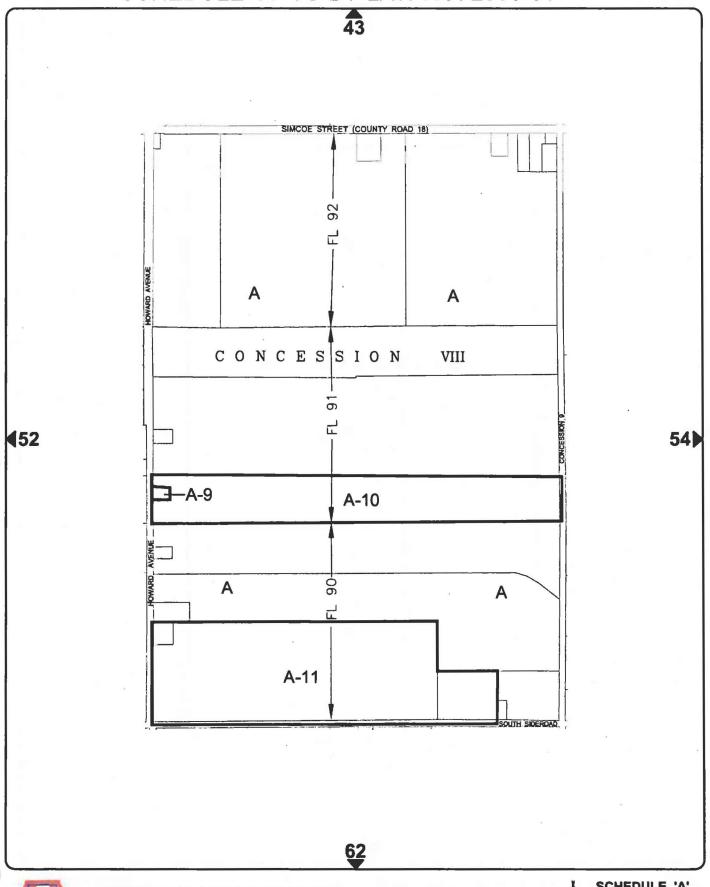
TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52





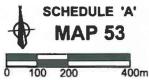


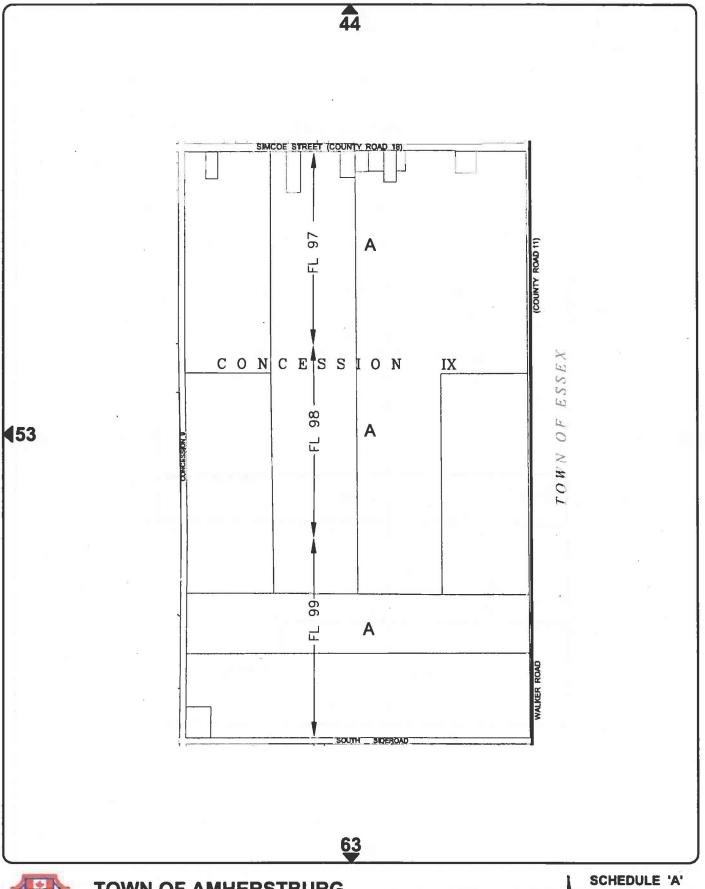






TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52

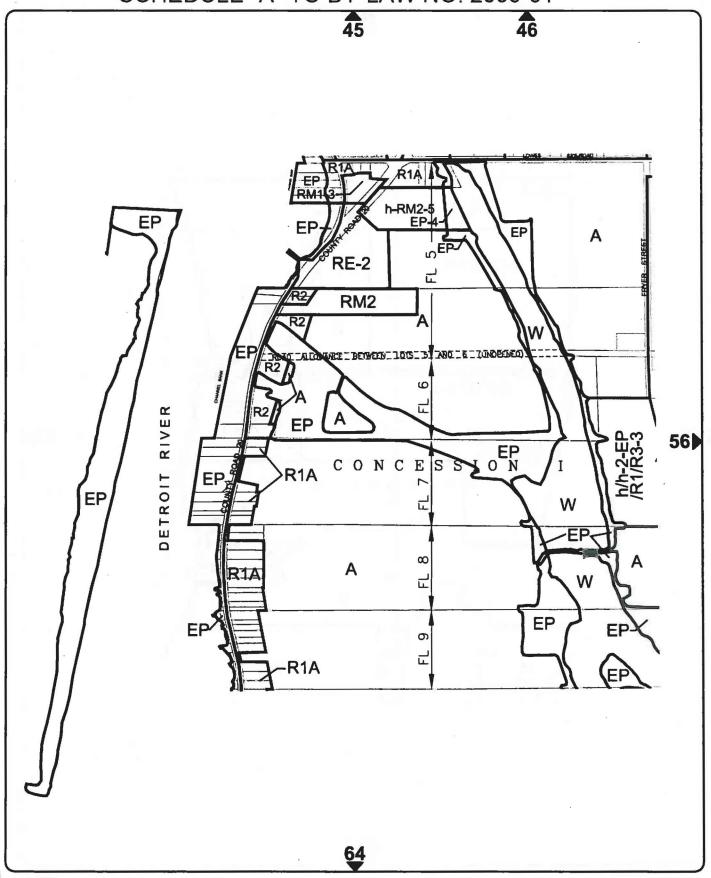






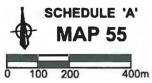
TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52

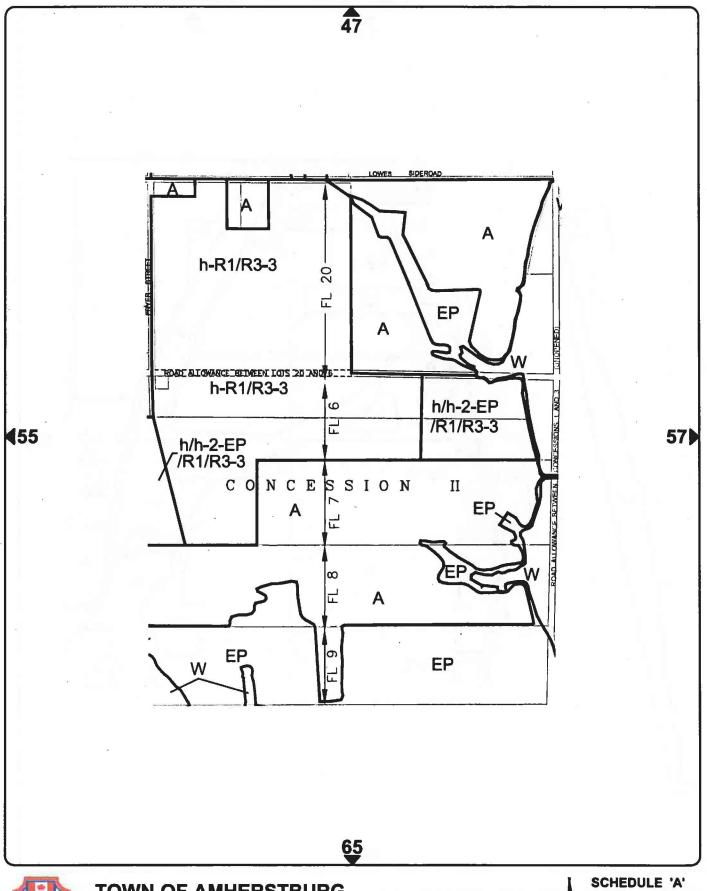
MAP 54
0 100 200 400m





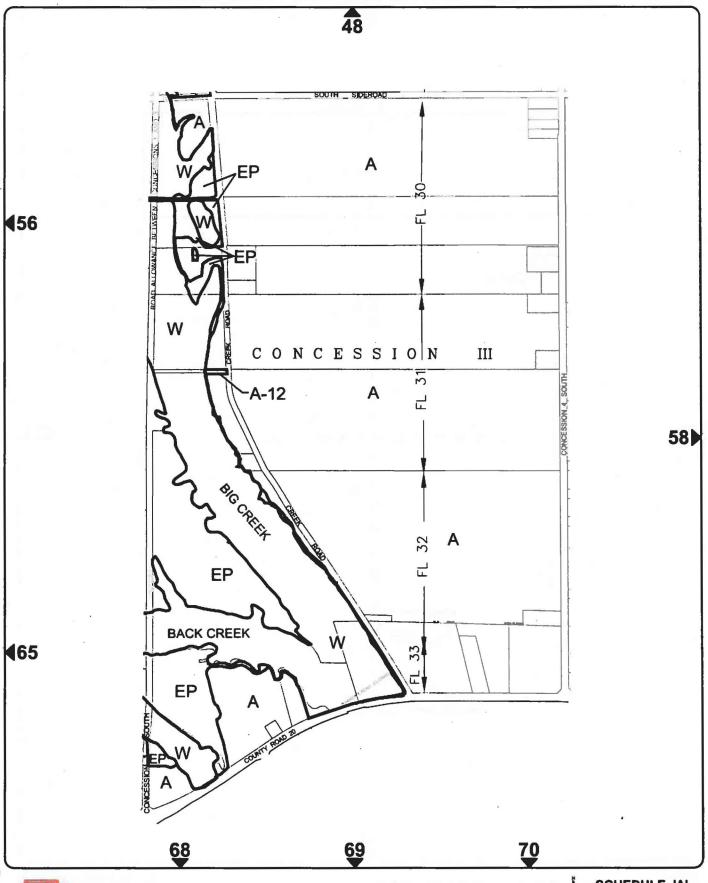
TOWN OF AMHERSTBURG







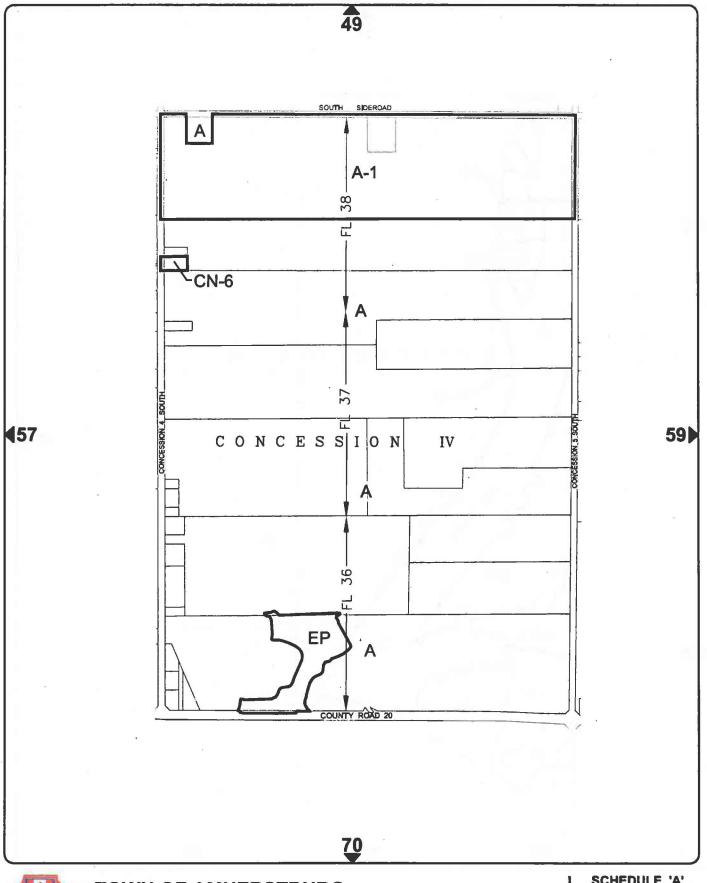






TOWN OF AMHERSTBURG

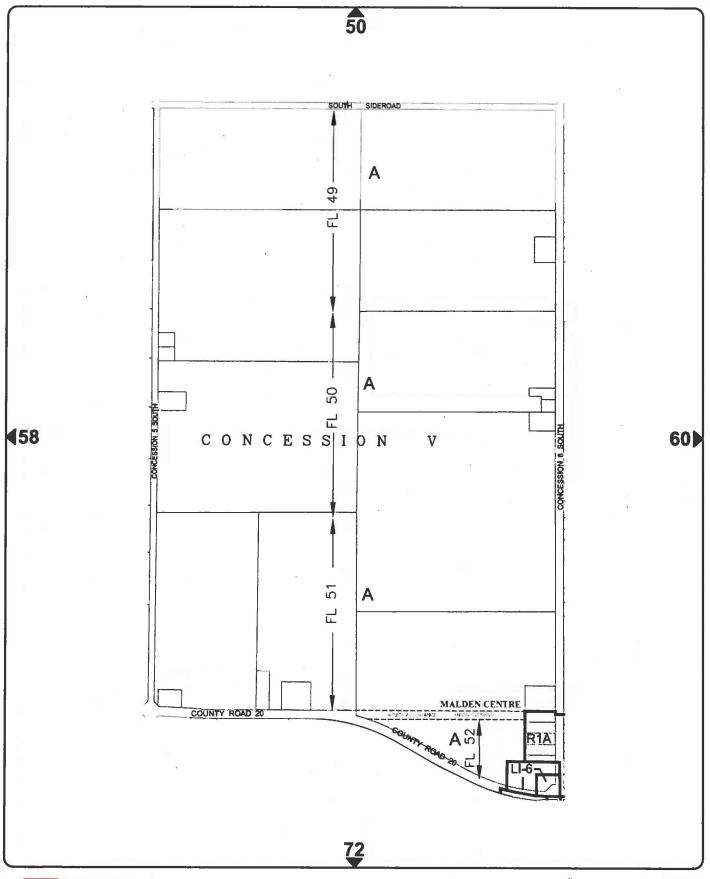






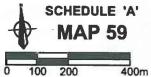
TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52

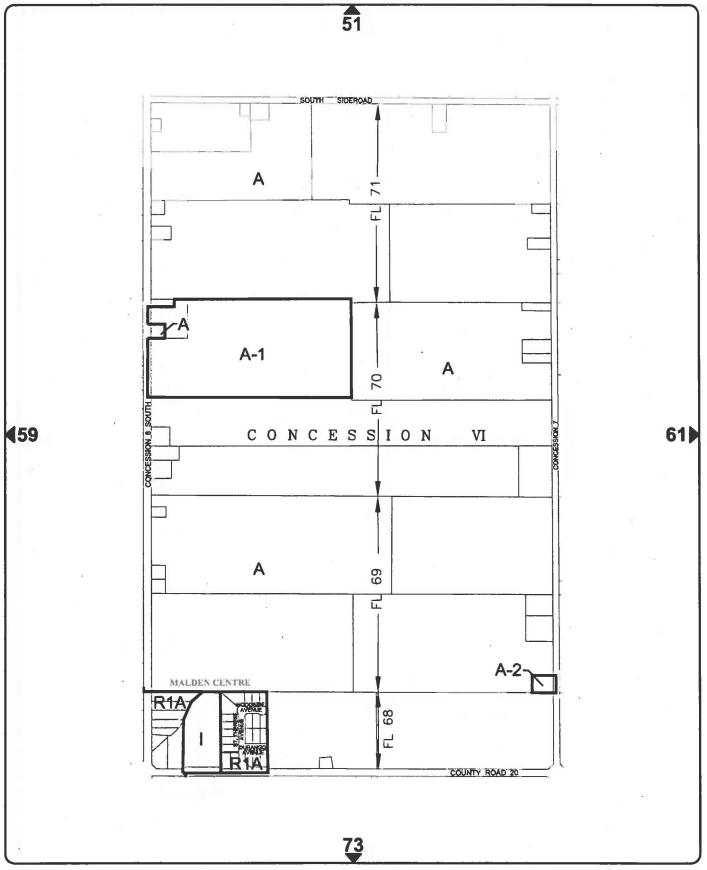






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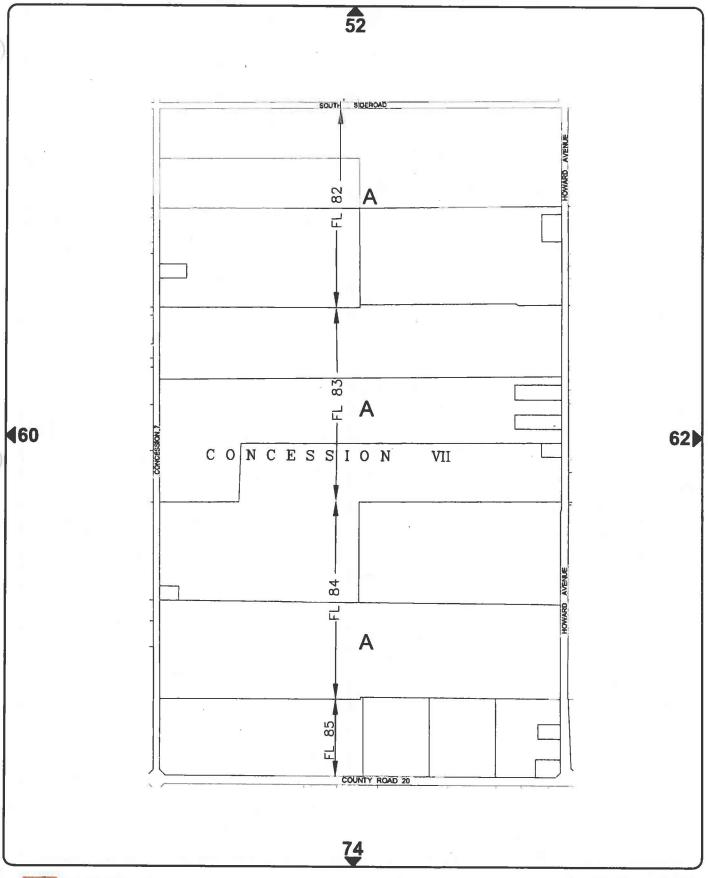






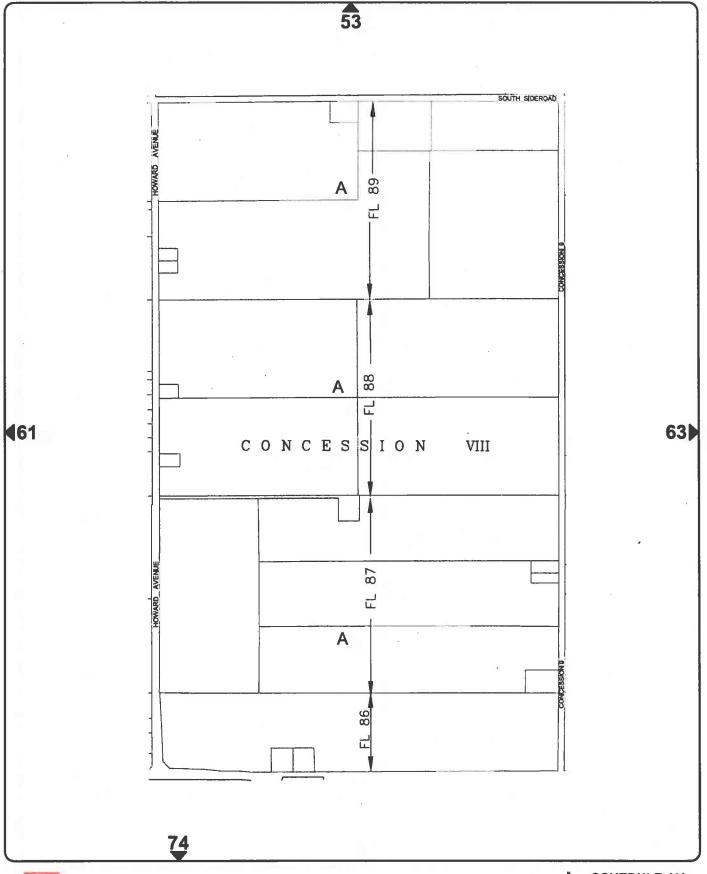
TOWN OF AMHERSTBURG



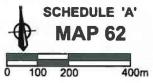


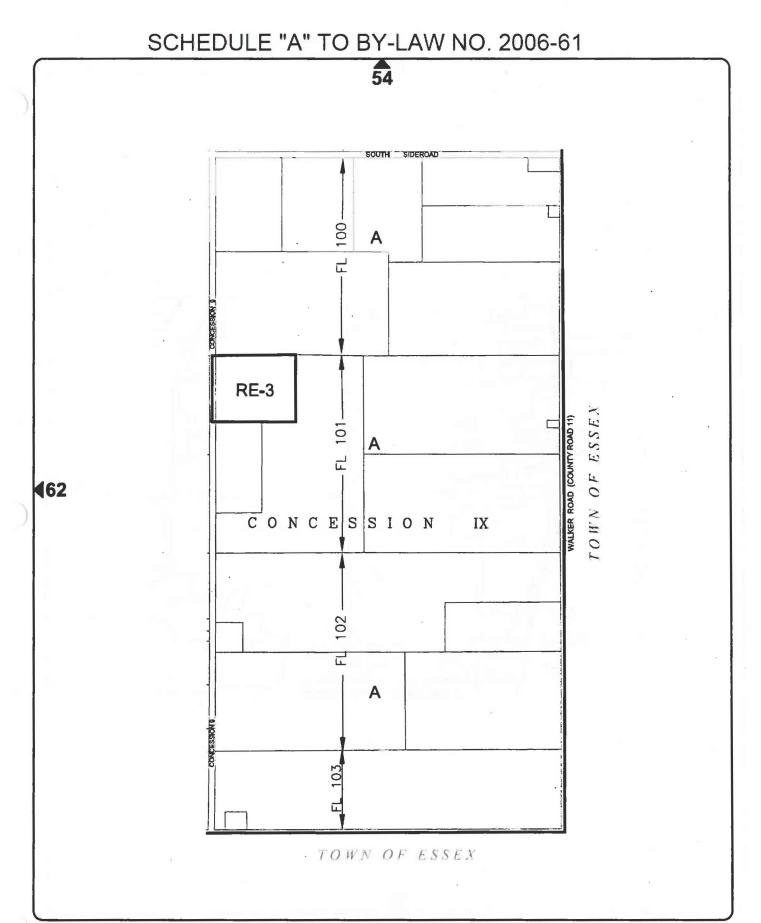








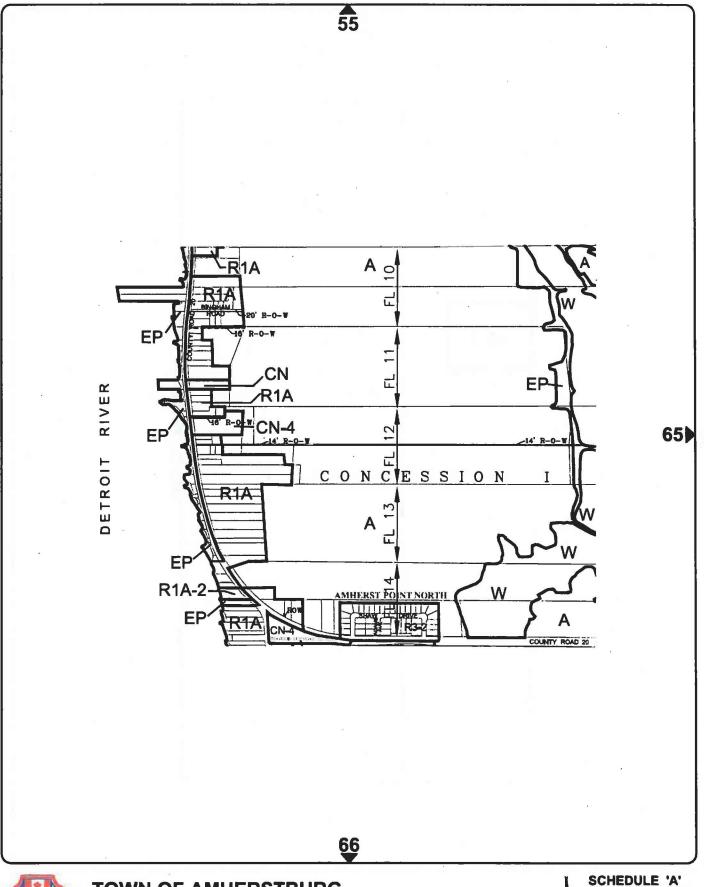




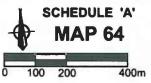


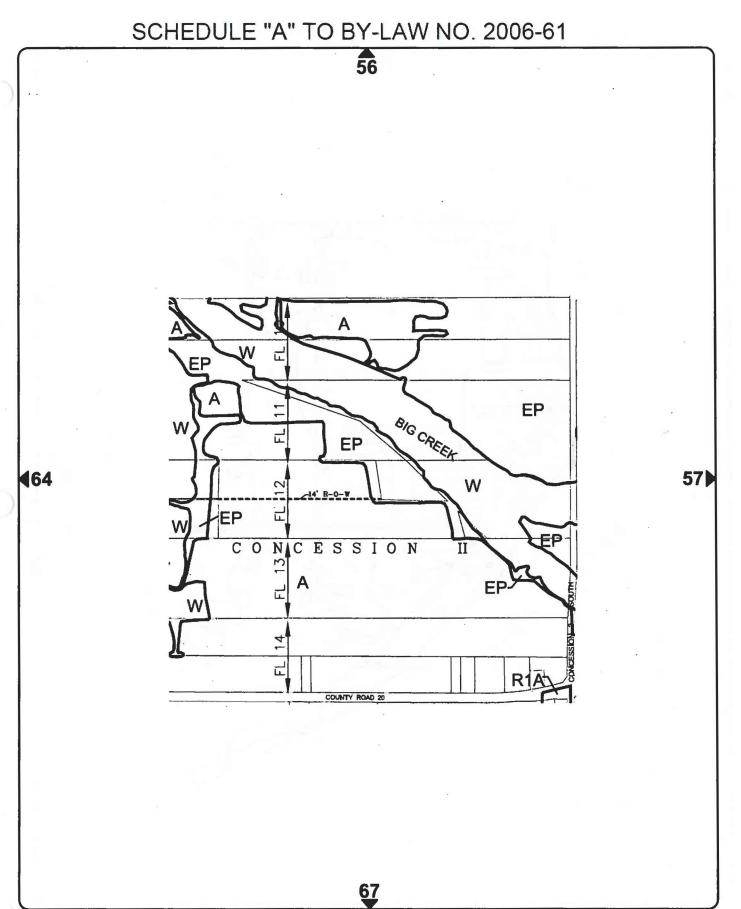
TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52





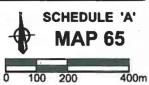


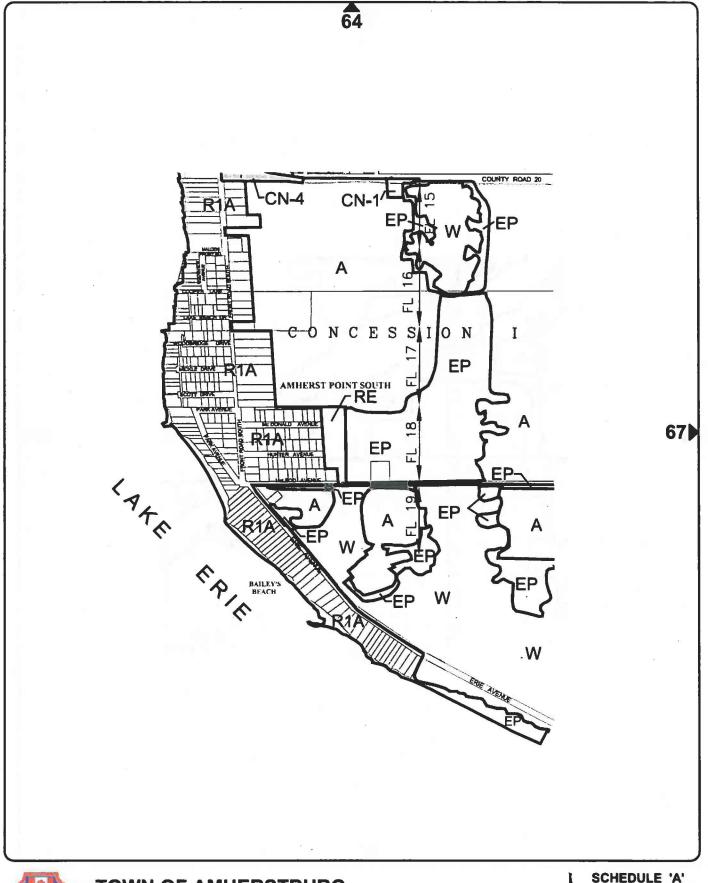






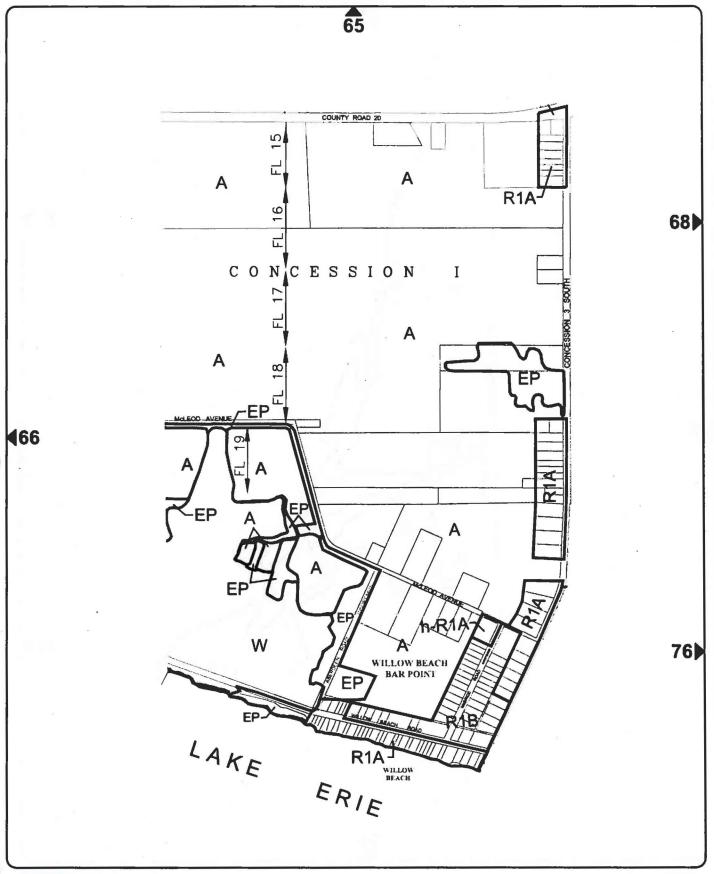
TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52







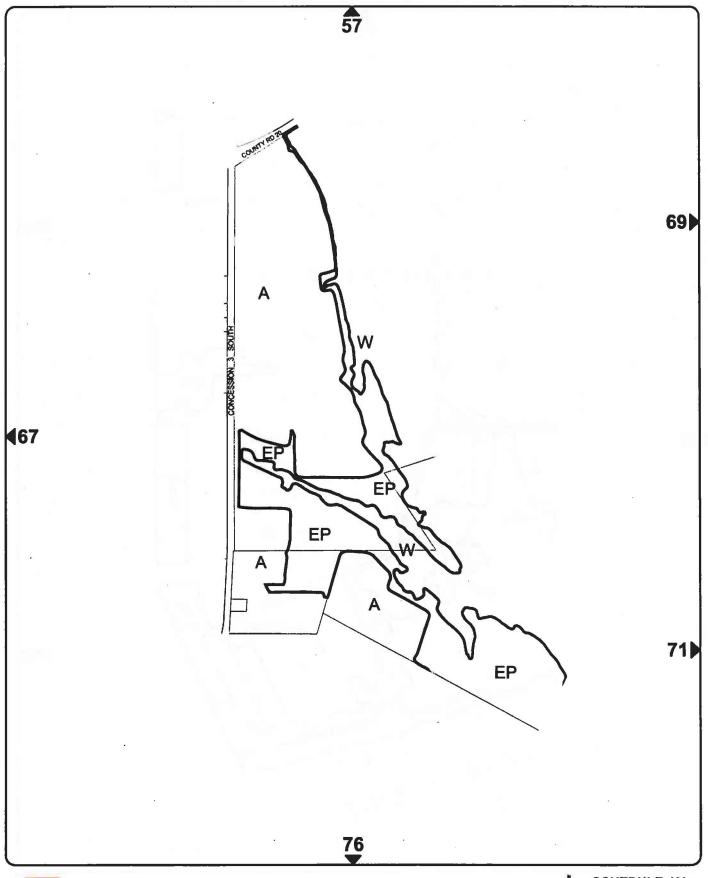




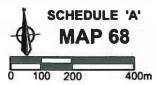


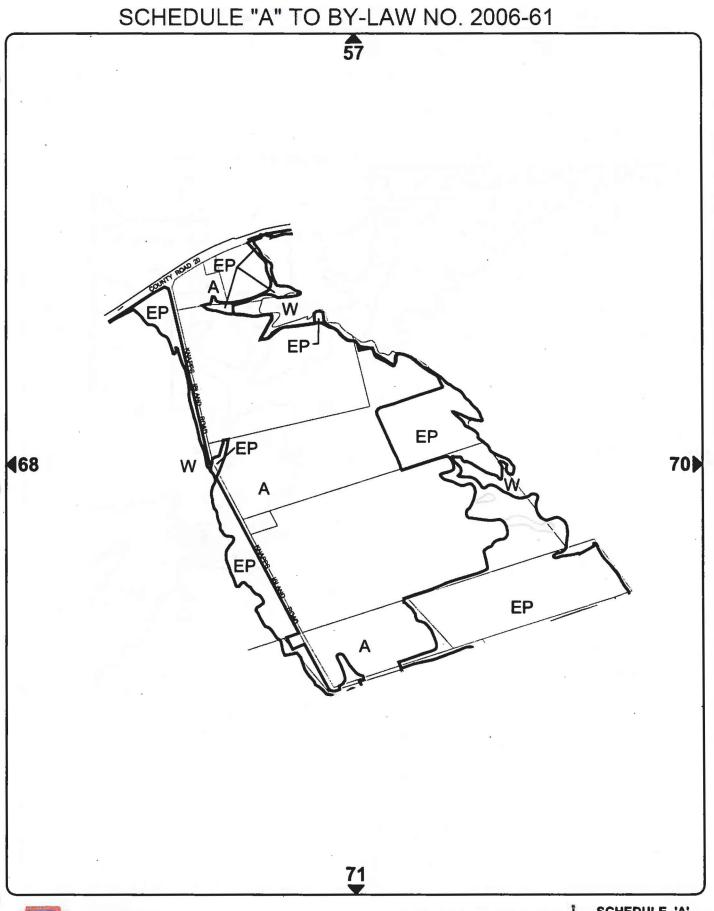
TOWN OF AMHERSTBURG







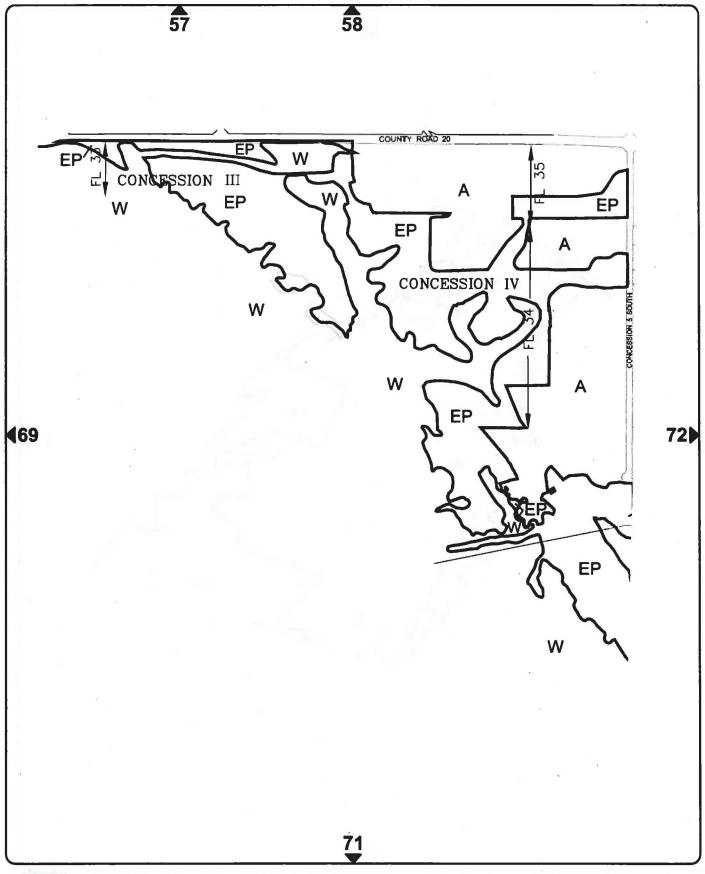






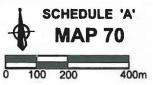
TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52

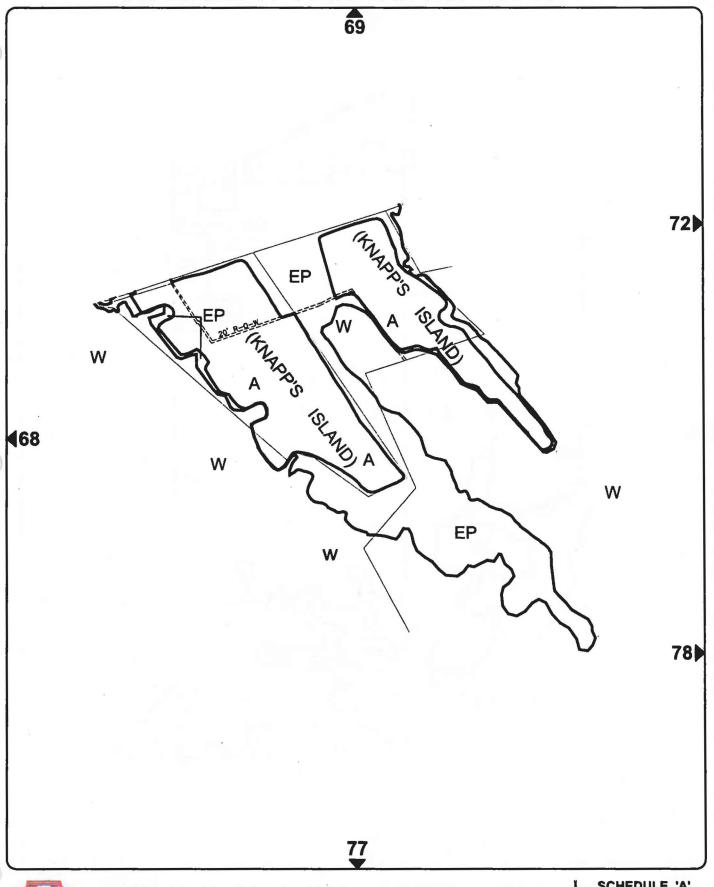






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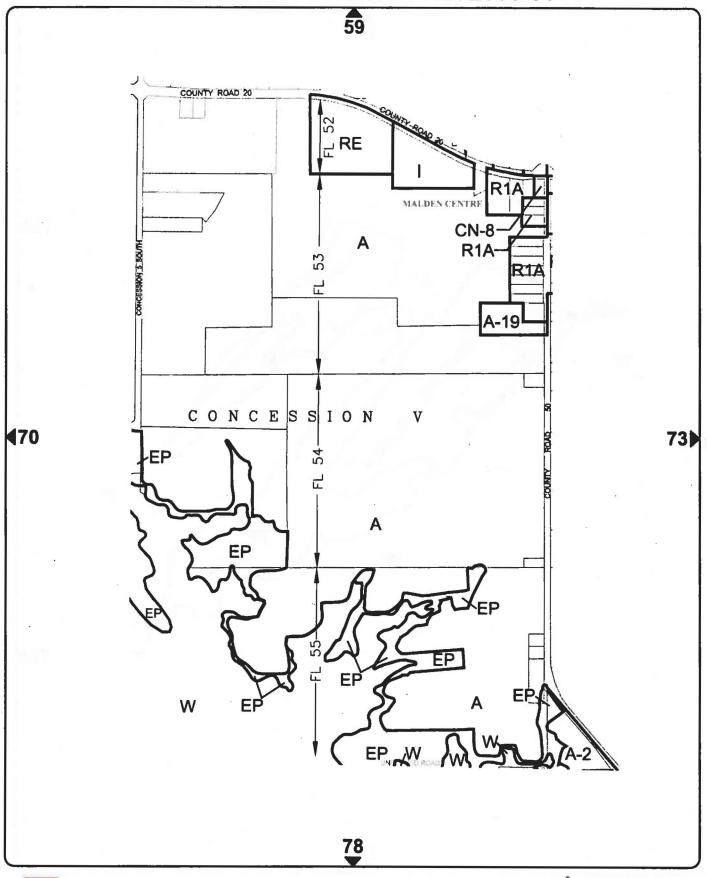






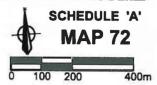
TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52

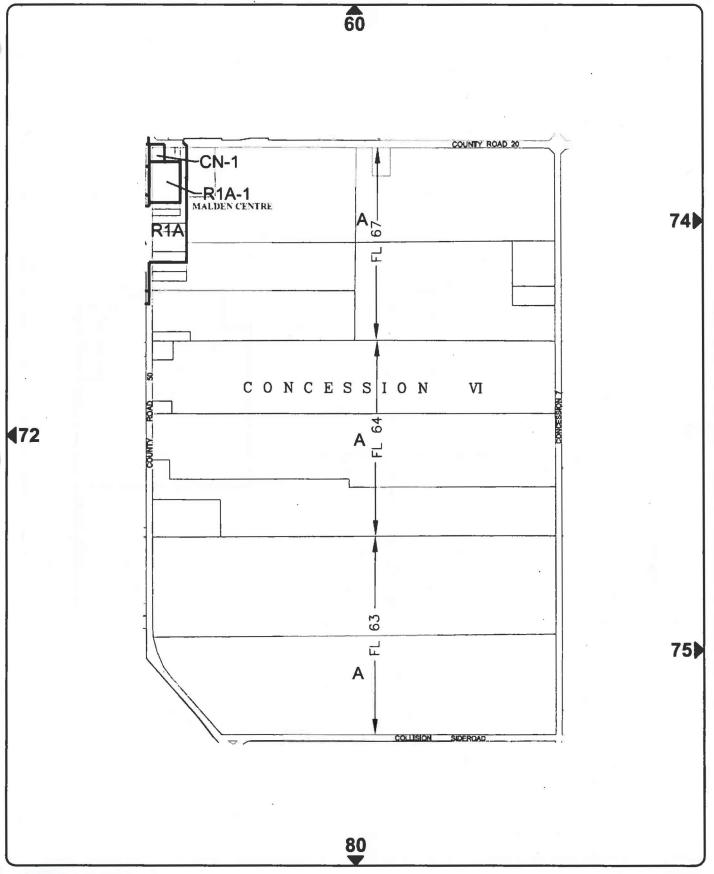






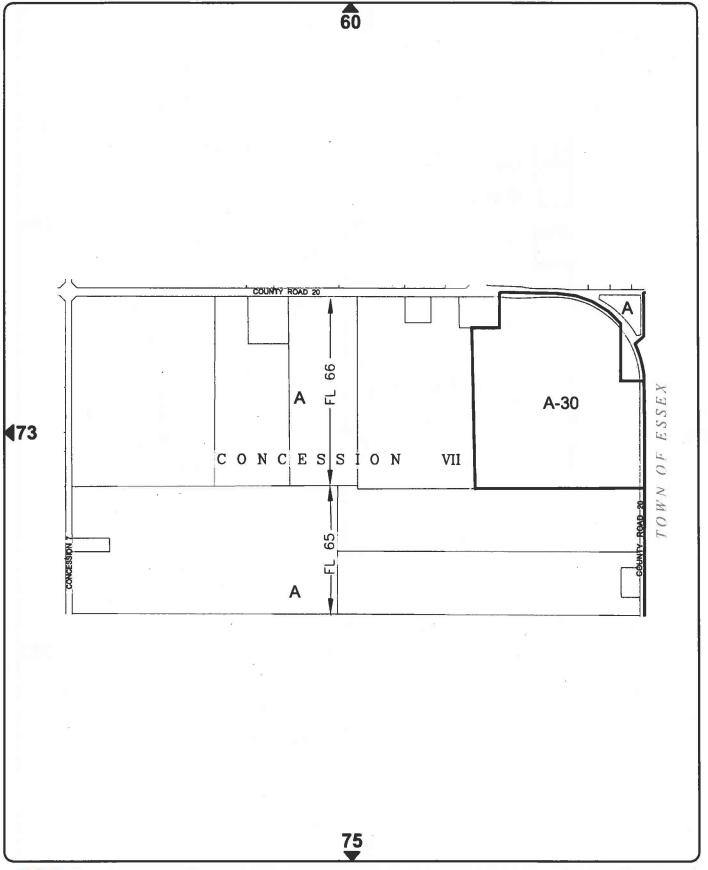
TOWN OF AMHERSTBURG





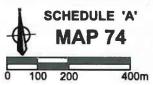


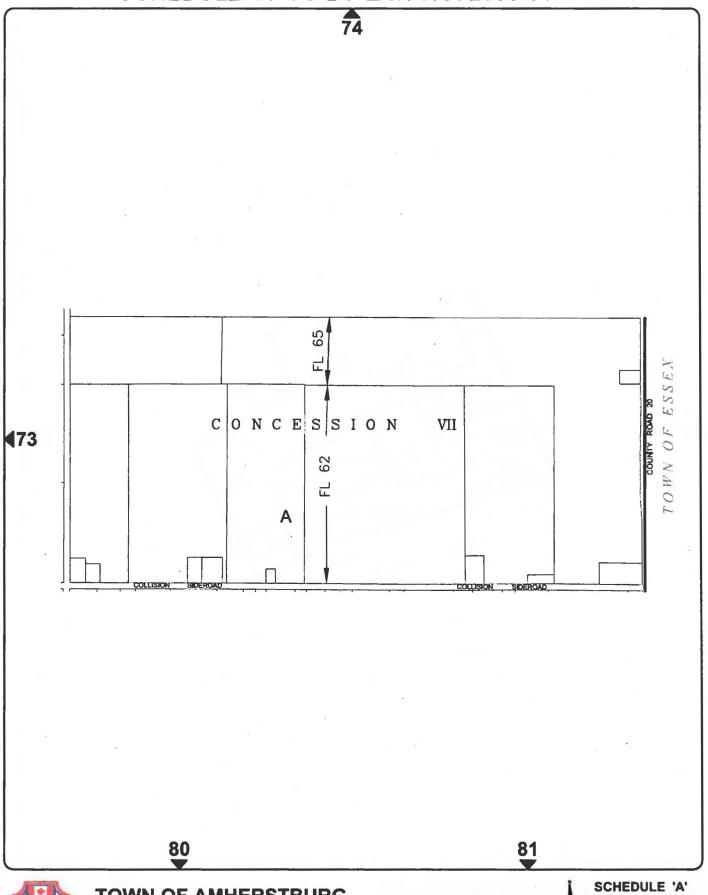
TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52 SCHEDULE 'A'
MAP 73
0 100 200 400m





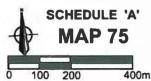
TOWN OF AMHERSTBURG

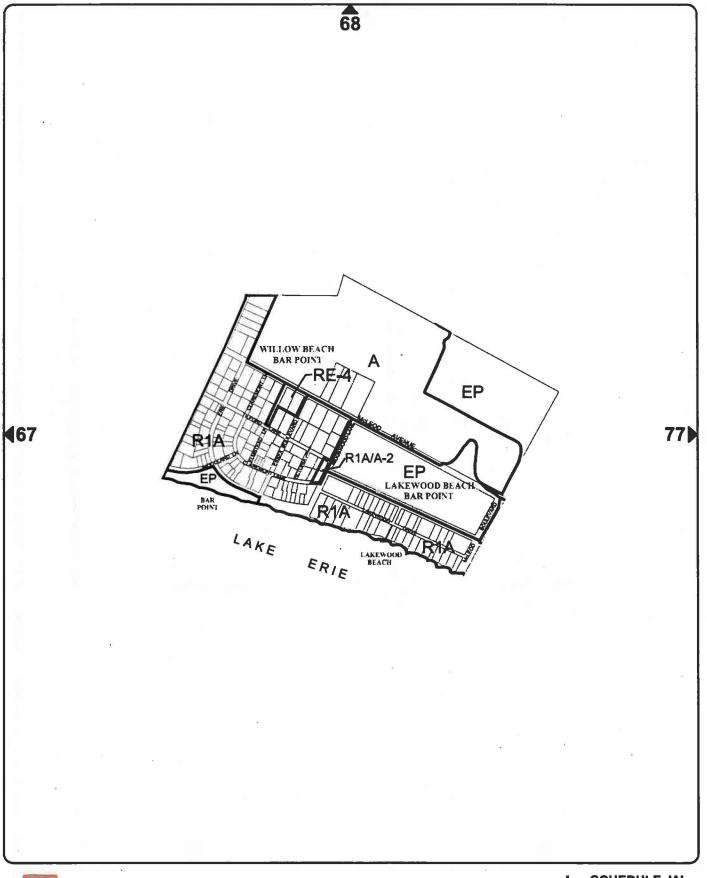






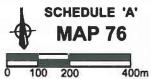
TOWN OF AMHERSTBURG ZONING BY-LAW NO. 1999-52

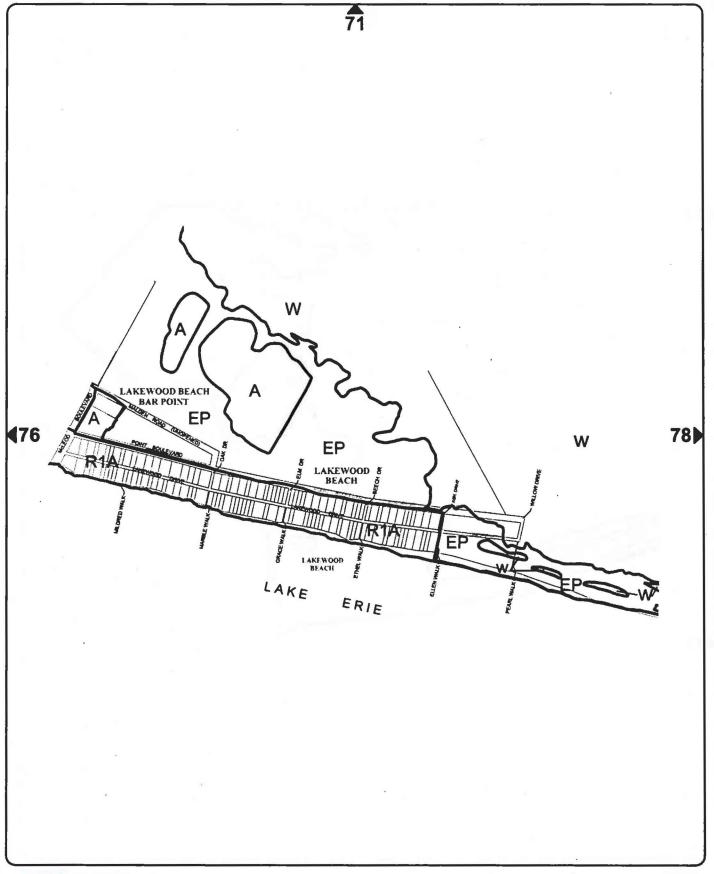






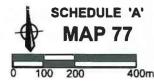
TOWN OF AMHERSTBURG

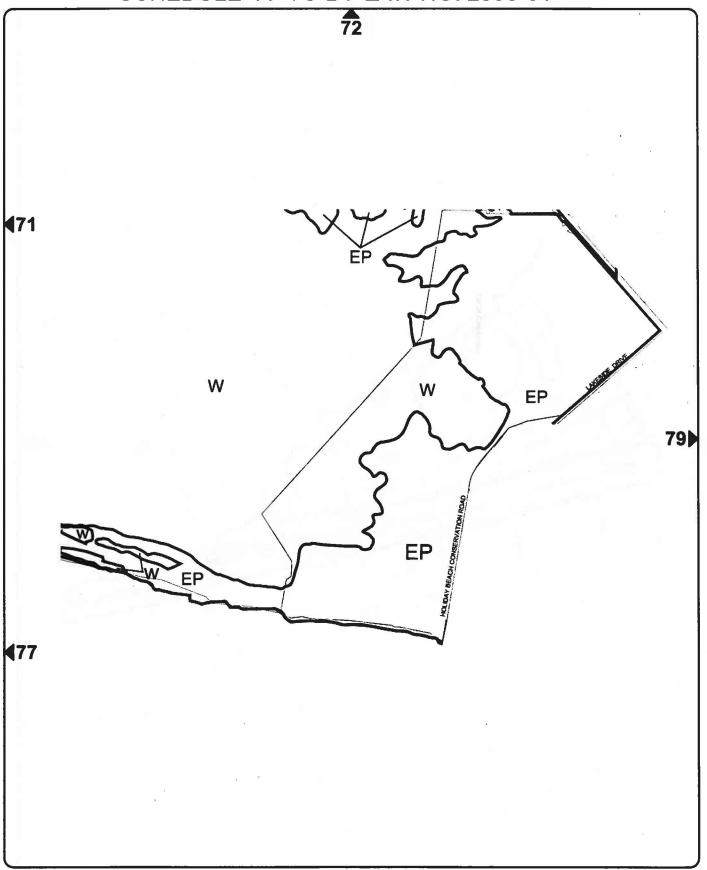






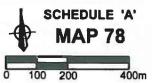
TOWN OF AMHERSTBURG

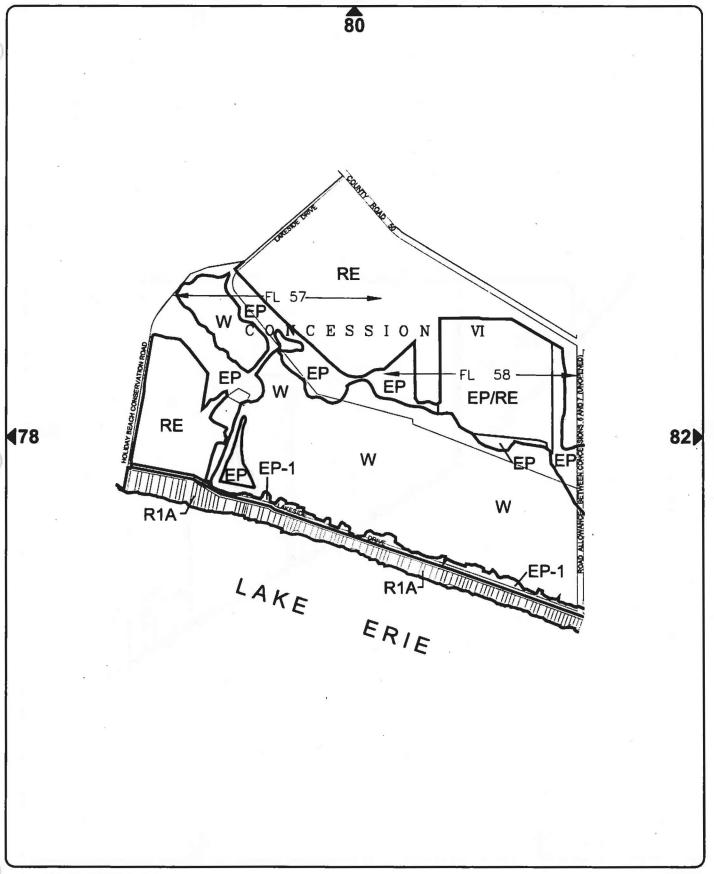




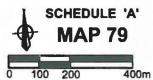


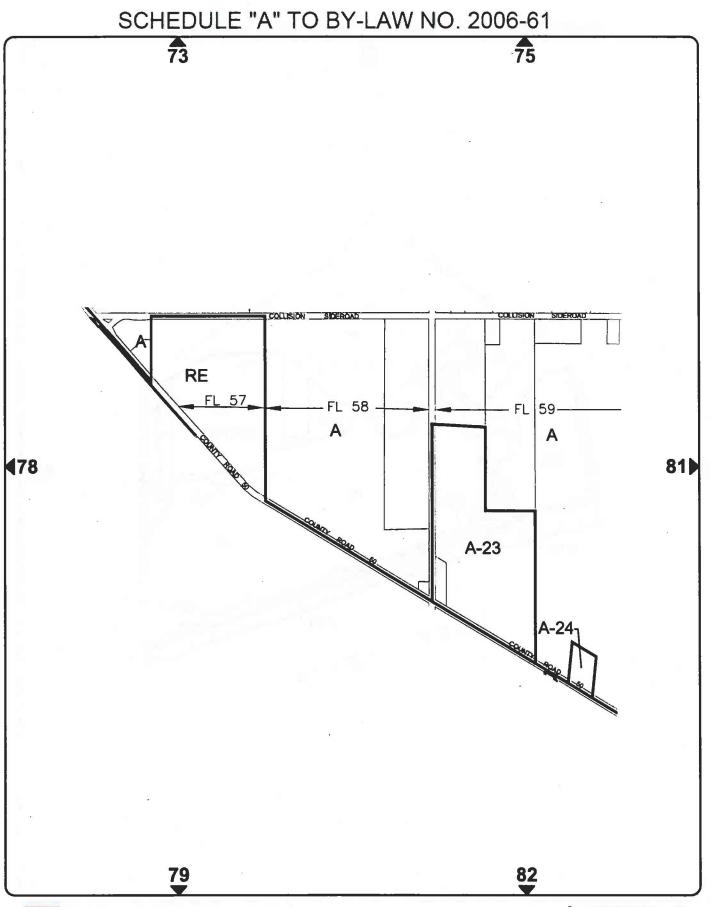
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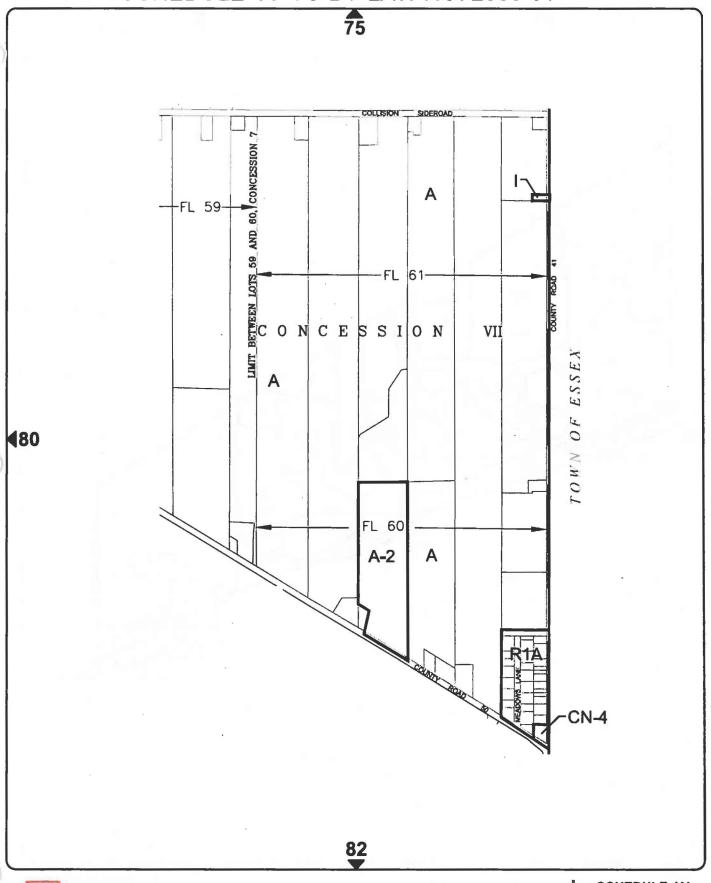




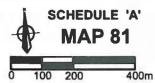


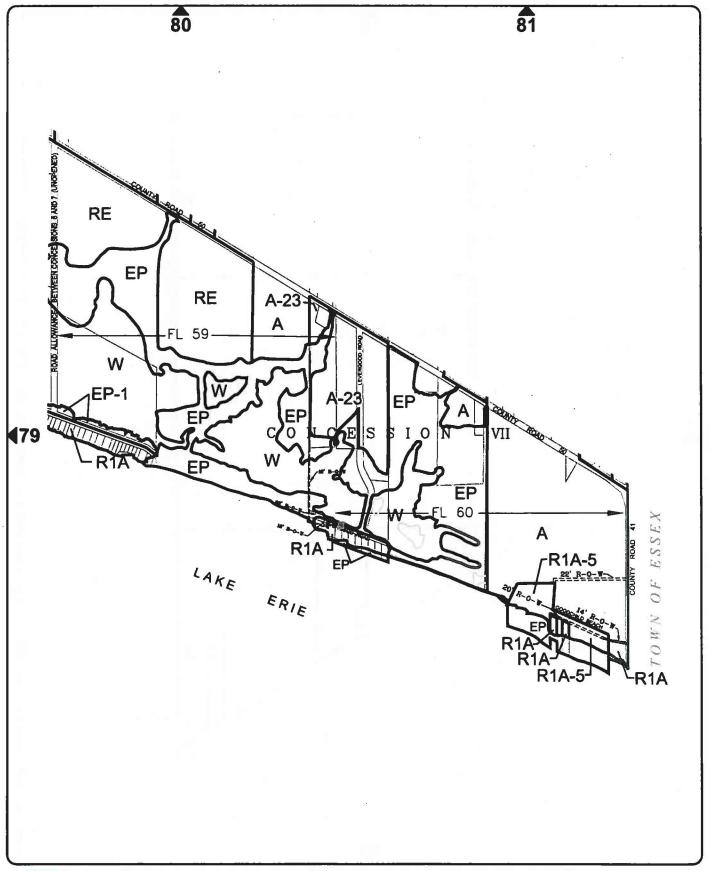








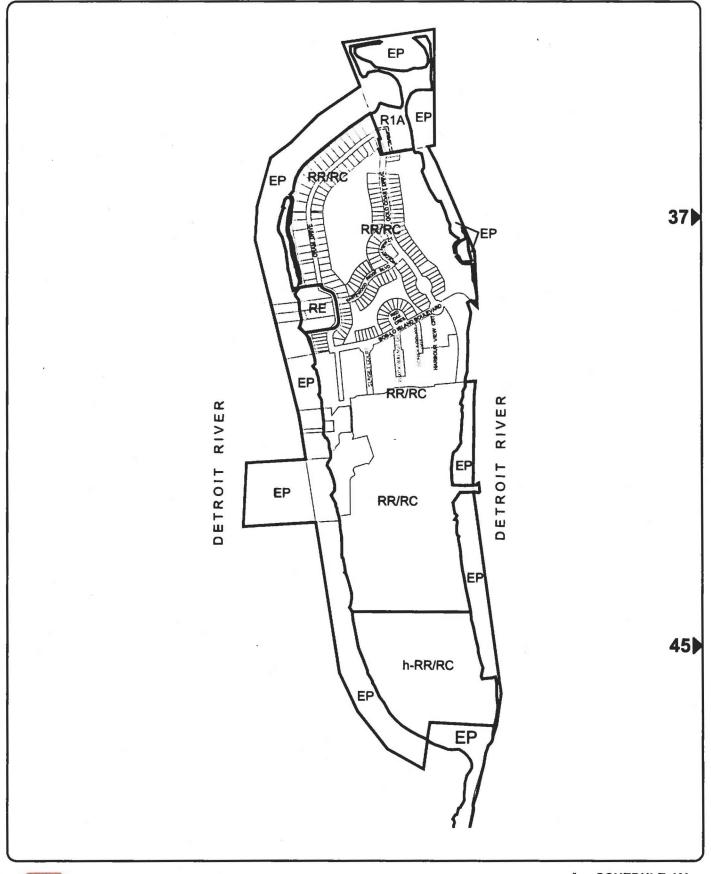






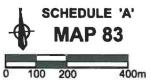
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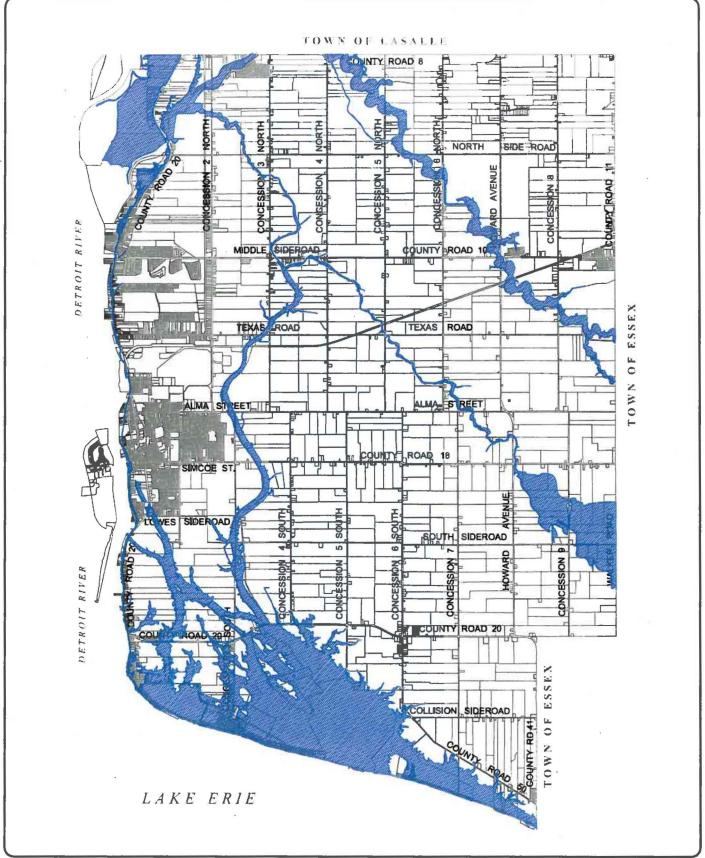






TOWN OF AMHERSTBURG







TOWN OF AMHERSTBURG

