

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2007-64

**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 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 HEREBY ENACTS AS FOLLOWS:

1. Schedule "A" Map 83 of By-law 1999-52, as amended, is hereby further amended by changing the zoning of those lands shown on schedule "A" attached hereto and forming part of this By-law as follows:
 - changing the zone symbol on those lands shown as zone change from EP to RR/RC, Environmental Protection (EP) Zone to Resort Residential/Resort Commercial (RR/RC) Zone;
 - changing the zone symbol on those lands shown as zone change from h-RR/RC to EP, holding Resort Residential/Resort Commercial (h-RR/CC) Zone to Environmental Protection (EP) Zone;
 - changing the zone symbol on those lands shown as Removal of EP Zone by removing the Environmental Protection (EP) Zone;
 - changing the zone symbol on those lands shown as zone change from RR/RC , h-RR/RC, RE, and R1A to RE-6 Resort Residential/Resort Commercial (RR/RC), holding Resort Residential/Resort Commercial (h-RR/RC), Recreation (RE) and Residential Type 1A (R1A) Zones to Recreation (RE-6) Zone.
2. Section 18(4) of By-law 1999-52, as amended, is hereby amended by adding a subsection (a) as follows:
 - (a) Within any area designated RR/RC and h-RR/RC the following provisions apply:
 - i) Development within 150 metres of the eastern shoreline of the island will be limited in height to 6 storeys. Multi Family Development elsewhere on the island will be limited to 10 storeys.
 - ii) Commercial Recreation Establishment means a place designed and equipped for the conduct of sports, leisure time activities and other recreational activities. Such

establishment may include facilities where entertainment may be offered for gain or profit such as places of entertainment defined herein, arcades, gaming establishment, miniature golf courses and all other similar places of amusement, sport or entertainment.

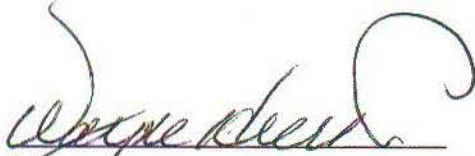
3. Section 19(4) of By-law 1999-52, as amended, is hereby amended by adding a subsection (e) RE-6 as follows:

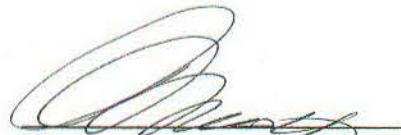
(e) RE-6

- i) Permitted Uses
 - Recreation Limited to trails and walking paths
 - Works of the Conservation Authority
- ii) - No buildings or structures are permitted unless for flood control and/or in accordance with the regulations of the Conservation Authority

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 24th day of September, 2007.


Mayor

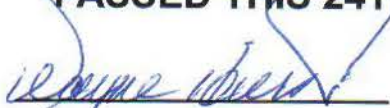

Clerk


Certified to be a true copy of By-law
No. 2007-64 passed by the Amherstburg
Municipal Council on September 24, 2007.

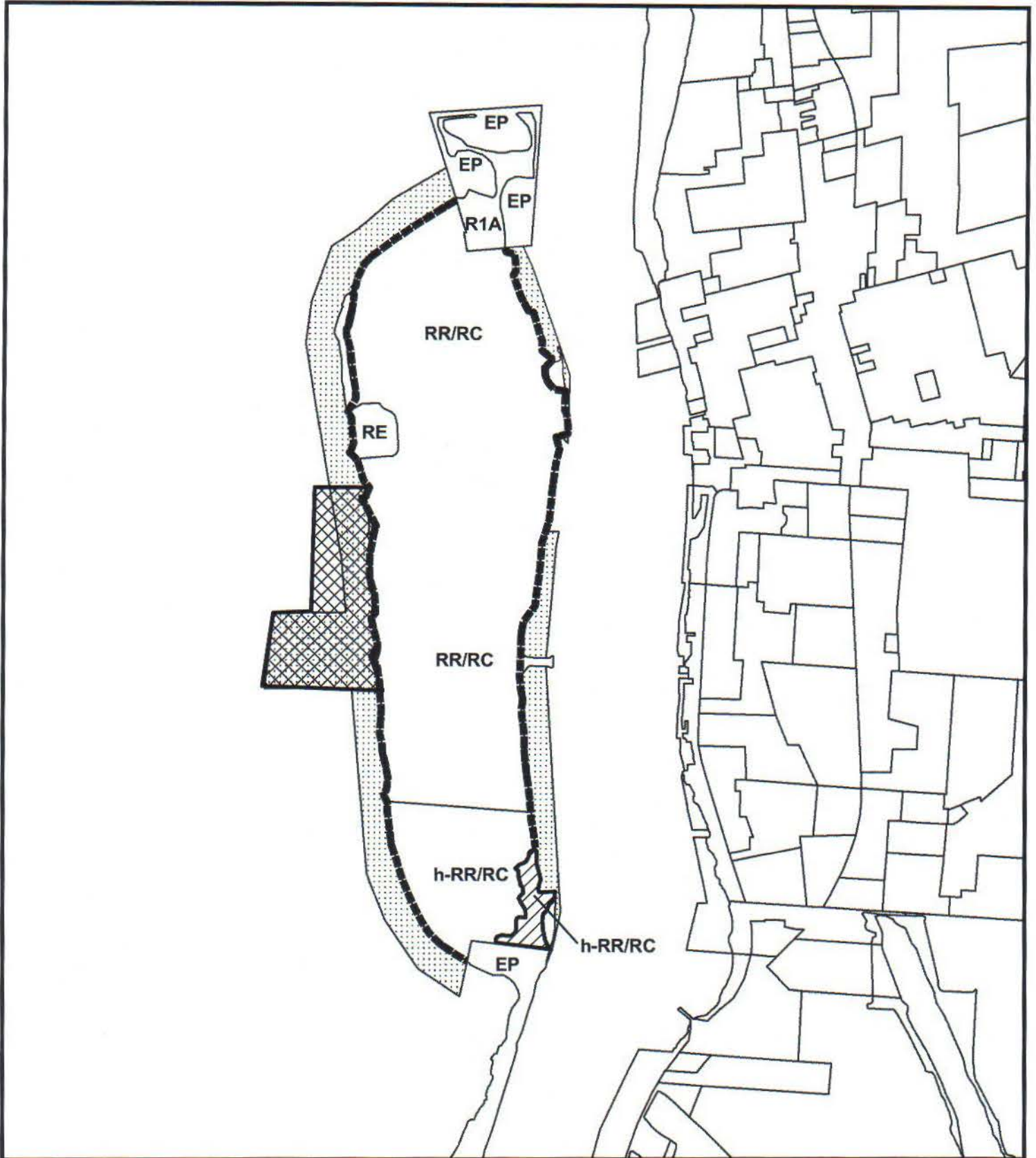
TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW NO. 2007-64
A BY-LAW TO AMEND BY-LAW NO. 1999-52

PASSED THIS 24TH DAY OF SEPTEMBER, 2007


MAYOR


CLERK



KEY MAP No. 83

0 90 180 360 540
Meters



Certified True Copy of
the original document.

Clerk
Town of Amherstburg
Date: _____

 ZONE CHANGE FROM
EP TO RR/RC

 ZONE CHANGE FROM
h-RR/RC TO EP

 REMOVAL OF EP ZONE

 ZONE CHANGE FROM
RR/RC, h-RR/RC, RE TO RE-6



September 11, 2007

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Ms. Pamela Malott, Clerk
Town of Amherstburg
271 Sandwich St. S.
Amherstburg ON N9A 4L2

Dear Ms. Malott:

RE: Town of Amherstburg Official Plan Amendment and Amherstburg Zoning
Bylaw amendment: August / September 2007

OPA Item (i)

Site

(i) Change designation from
Low Density Residential to
Neighborhood Commercial

northwest corner of Victoria Street and Fort
Street, described legally as part of Lot 17,
Registered Plan 240 and having a frontage of
approximately 105 metres (345 feet) along
Victoria Street South and a land area of .503 ha;

Essex Region Conservation Authority Comment to item (i):

(i) We have no comments and no objection to the proposed Official Plan amendment.

OPA Item (ii)

Site

(ii) Change designation from
Light Industrial to Medium
Density Residential

south of Texas Road, north of the Open Space
designation extending easterly from the
Commercial designation to 2nd Concession
North;

Essex Region Conservation Authority Comment to item (ii):

(ii) We have no objection to the proposed change to Medium Density Residential, however we request that the Town incorporate a right-of-way across the parcel to permit a greenway connection between the ERCA Essex-Amherstburg greenway located to the east and Heritage River Lookout located to the west. The greenway connection should be the same width on the greenway to the east and follow the bed of the abandoned railway. In addition to providing an attractive recreational amenity it can serve as a utility corridor for municipal and other services.



OPA Item (iii)

Site

(iii) Identified as Special Policy Area 6 in the Town's Official Plan - to amend Section 4.7.3. Boblo Island (Bois Blanc Island) having a land area of approximately 101.18 hectares (250 acres);

Essex Region Conservation Authority Comment to item (iii):

(iii) We have no comments and no objection to the proposed Official Plan amendment.

OPA Item (iv)

Site

(iv) Identified as Special Policy area 2 in the Town's newly adopted Official Plan (southeast quadrant of Special Policy area 2) to amend the policy in Section 3.3.4. southwest corner of North Sideroad and Concession 2 North, described legally as having a frontage of approximately 676 metres (2218 feet) along North Sideroad and a land area of 57.87 hectares (143 acres).

Essex Region Conservation Authority Comment to item (iv):

(iv) We have no objection to the proposed Official Plan amendment, however we request that the Town include additional policy language requiring the following; " an EIS (Environmental Impact Statement) be completed by a qualified expert to the satisfaction of the Town of Amherstburg and the Essex Region Conservation Authority."

Amherstburg Zoning By-law Amendment 1999-52, as amended by By-law 2006-61:

(1) to provide removal of Environmental Protection (EP) Zone around the marina and allow for marina expansion,

(2) to remove the EP Zone around most of Boblo Island, and

(3) to expand the EP Zone in the southern part of Boblo Island.

Essex Region Conservation Authority Zoning By-law Amendment Comments:

(1) We have no objection to the removal of the EP Zone allowing for Marina expansion as any development and expansion of the Marina will be subject to municipal development approvals as well as ERCA and Department and Fisheries and Oceans (DFO) permitting requirements. This will allow for ERCA involvement and participation to ensure impact mitigation.

(2) We have concerns with the removal of the entire EP Zone around most of the island. Currently the EP Zone extends over terrestrial shoreline areas in addition to submerged lots. There is a benefit to maintaining a zoning designation over the terrestrial shoreline areas to ensure protection of the naturalized shoreline and its habitats.

We do not object to removal of the EP Zoning on the waterlot portions because any site alteration still requires ERCA and DFO approvals. Based on recent discussions with Town staff, we understand that the EP Zone lands will be reduced to include only the terrestrial portions of those lands. Further, it is our understanding that boat ramps and boat docks will be prohibited on these EP Zoned lands. We have no objections to the changes as listed.

(3) We are in support of the EP Zone extension landward in the southern part of Boblo Island where there is existing natural habitat.

If further information or clarification is required, please contact this office.

Yours truly,



Socrates Alexander Shinas, AICP, MCIP, RPP
Conservation Planner

cc: George Balango, Manager of Development Services, Town of Amherstburg
Rick Fryer, ERCA Board member and Town Councillor
Anthony Leardi, ERCA Board member