

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2008-55

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 as amended;

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
 - " () "Alternative Energy System" means sources of energy or energy conservation process that significantly reduce the amount of harmful emissions to the environment (air, earth and water) when compared to conventional systems.
 - " () "Biomass Energy System" means a renewable electrical generation facility using renewable biomass resources and/or waste products that produces electrical power for the needs of a user or to feed into the transmission or local distribution grid.
 - " () "Biomass" means peat, wood other than wood waste, or organic materials that are grown or harvested for the purpose of being burned to generate electricity.
 - " () "Waste Biomass" means agricultural waste, sewage, wood waste and gases generated from the decomposition of organic material but does not include biogas or landfill gas.
 - " () "Biomass Energy System" means all components, supporting infrastructure and outbuildings. A biomass energy system includes anaerobic digesters used principally for the generation of electricity.
 - " () "Solar Energy System" means a renewable electrical generation facility that produces power from the sun using photovoltaic technology to provide all, or a portion of, the electrical power needs for a user or to feed into the transmission or local distribution grid. A solar energy system includes all arrays, supporting infrastructure and outbuildings.
 - " () "Small Scale Solar Energy System" means any solar energy system that is mounted to an existing building or any ground installed facilities that occupy a maximum
 - " () "Micro Scale Wind Energy system" means any wind energy system with a nameplate generating capacity that does not exceed 1 kilowatt and has a maximum height of 17 metres and is ancillary to a primary permitted use.
 - " () "Small Scale Wind Energy System" means any wind energy system with a nameplate generating capacity that does not exceed 50 kilowatts and has a maximum height of 36 metres and is ancillary to a primary permitted use.
 - " () "Medium Scale Wind Energy System" means any wind energy system with a nameplate generating capacity greater than 50 kilowatts and less than 5000 kilowatts and has a maximum height of 100 metres and may be the primary permitted use or may be ancillary to a primary permitted use.
 - " () "Large Scale Wind Energy System" means wind energy system comprising one or more turbines with a combined nameplate generation

capacity of 500 kilowatts or more, or a height greater than 100 metres. "


2. Section 23(4) Special Provisions of Extractive Industrial EI Zone is hereby amended by adding (c) to read as follows:

"(c) EI-3 – Solar Energy System

Notwithstanding any provisions of this By-law to the contrary within any areas zoned EI-3 on Schedule "A" the following special provisions shall apply:

- (i) Uses Permitted
Brine Extraction
A Solar Energy System and associated accessory uses
 - (ii) Zone Requirements
 - i. All lot requirements shall be as existing for the EI Zone on the date of passing of this By-law.
 - ii. No part of any building, structure, or solar panel shall be erected closer than 10 metres to any lot line.
 - ii. No solar panel or tracking equipment shall exceed 5 metres in height.
 - iii. Notwithstanding subsection ii above, no part of any building, structure or solar panel or tracking equipment shall be located within 24 metres of a Wetland Zone.
 - iv. Notwithstanding subsection 3(24) of the By-law, no part of any building or structure or solar panel or tracking equipment shall be located within a sight triangle create by a setback of 91 metres measured along the property line abutting Essex Terminal Railway and 110 metres measured along Northside Road."
3. Schedule "A" Key Map 12 to By-law 1999-52 is hereby amended by changing the zoning from "EI" to "h3 EI-3" as indicated on the attached Schedule "A" Key Map 12.
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 18th day of August, 2008.


Mayor, Wayne Hurst


CAO/Clerk, Pamela Malott

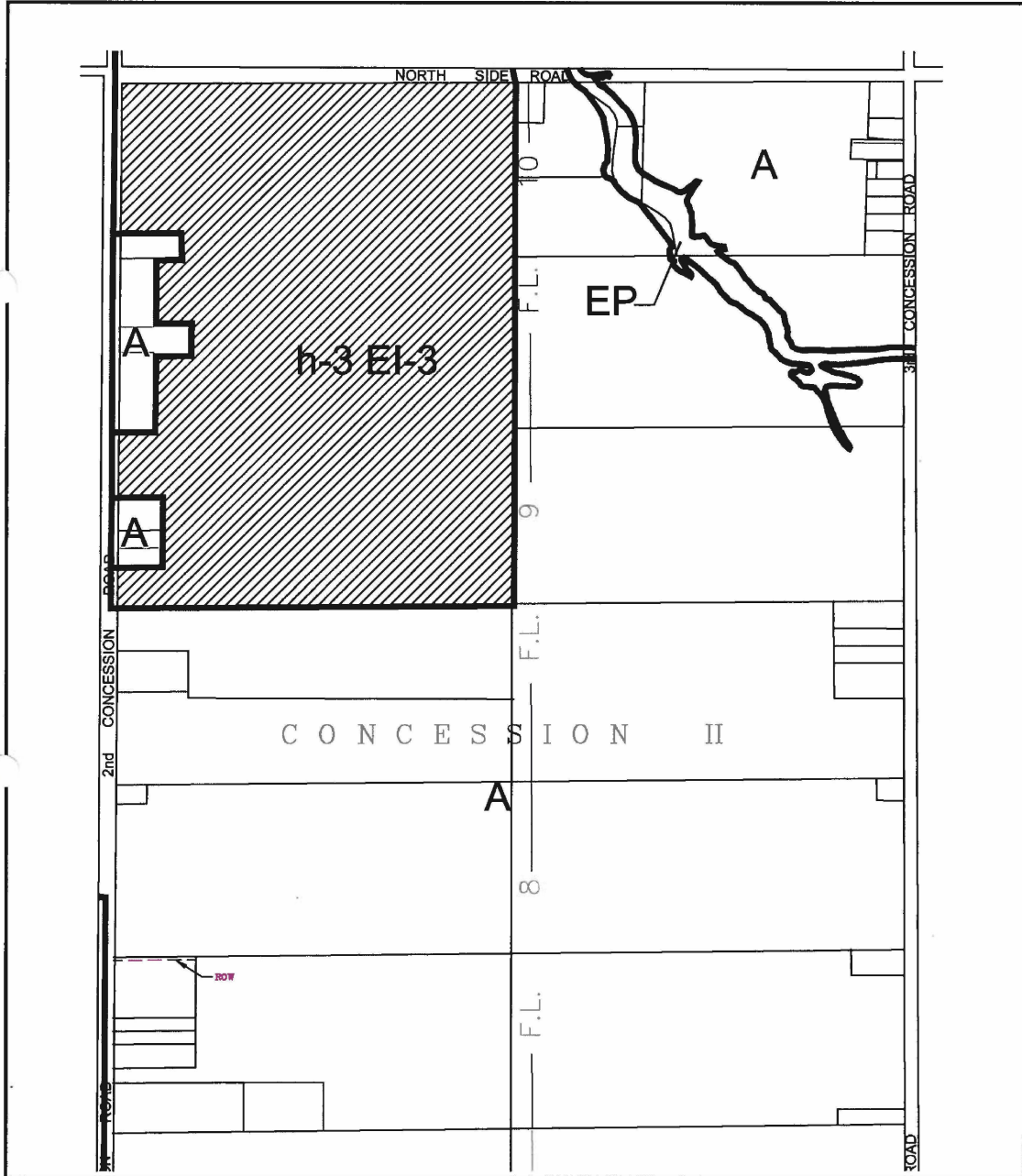
TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2008-55
A BY-LAW TO AMEND BY-LAW No. 1999-52,

PASSED THIS 18 DAY OF AUGUST, 2008

Wayne Hurst
MAYOR

Wayne Hurst
Pamela Malott
CAO/CLERK



REFERENCE: KEY MAP No. 12

SCALE



ZONE CHANGE FROM
EI to h-3 EI-3