

CORPORATION OF THE TOWN OF AMHERSTBURG

**BY-LAW NO. 2010-44
(2701 County Road 20 – Robson)**

Being a by-law to amend Zoning By-law No. 1999-52

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 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 65 of By-law-1999-52, as amended, is hereby further amended by changing the zone symbol on lands known municipally as 'Agriculture (A)' to 'Special Provision 35 Holding-9 Agriculture (h-9 A-35)'.
2. Section 26 (4) of Comprehensive Zoning By-law 1999-52, as amended, is hereby further amended by adding a new subsection (z) as follows:

"(z) (A-35) 2701 County Road 20

The following special provisions shall apply to lands zoned (A-35):

(i) Permitted Uses

- a single detached dwelling in accordance with Subsection 26(3)(k);
- an automobile body repair shop as a home occupation;
- residential accessory use.

(ii) Prohibited Uses

- vehicle repair garage;
- vehicle repair shop;
- vehicle sales or rental establishment;
- outside storage of materials associated with the home occupation;
- outside storage of automobiles.

(iii) Permitted Buildings and Structures

- a single detached dwelling;
- residential accessory structures;
- an accessory structure containing a home occupation;

(iv) Lot and Building requirements

- a) maximum total floor area for a home occupation in an accessory structure – 158 m² (1,700 ft² TGFA)
- b) maximum lot coverage for a home occupation in an accessory structure – 4.4 %

- c) only the owner of the residence and home occupation may be an employee of the home based business, no other employees are permitted;
- d) all other provisions of Section 3(10) Home Occupation – Rural shall apply.

All other provisions under Subsection 26(3) Zone Regulations shall apply to lands zoned (A-35)."

- 3. Section 2, Definitions, as amended, is hereby further amended with the inclusion of the following definition:

"Automobile Body Repair Shop – every place of business which restores or does maintenance to the exterior of an automobile to restore it to a good condition and shall include but is not limited to the replacement or restoration of worn out parts or the restoration of such parts but does not include the replacement, repair or restoration of any mechanical part of the automobile. Such operation shall include but is not limited to painting, repainting body filling, or refinishing of an automobile."

- 4. Subsection 4(6)(b) Holding (h) zones of By-law 1999-52, as amended, is hereby further amended by adding a new subsection 4(6)(b)(x) as follows:

"(x) h-9

Purpose: to have necessary municipal and provincial licenses are obtained to ensure that development takes a form compatible with adjacent land uses; to ensure all provisions of the Planning Act, R.S.O. 1990, c.P. 13 Section 41 are satisfied prior to the removal of the Holding (h). The following are to be obtained to Council's satisfaction:

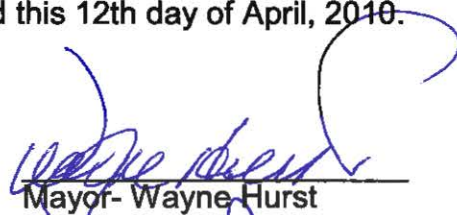
- a) Town of Amherstburg Fire Inspection Report;
- b) Ministry of the Environment approval;
- c) County of Essex - Entrance permit;
- d) Town of Amherstburg Building Permit;
- e) Town of Amherstburg Business license.

The Holding (h) provision may be removed from the subject lands once the above noted licenses and permits are obtained to Council's satisfaction.


Permitted Interim uses: existing uses."

- 5. 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 12th day of April, 2010.



Mayor- Wayne Hurst



Clerk- Brenda Percy