

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2012-71

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 amend By-law 1999-52, as herein provided;

AND WHEREAS By-law 1999-52 requires that any waste disposal sites have site specific zoning;

AND WHEREAS the applicant has made application to the Ministry of the Environment for an Environmental Compliance Approval (ECA) for a Waste Disposal Site and for Noise and Air compliance;

AND WHEREAS the ECA needs to be in place and a site plan control agreement entered into before the holding provisions of the amending by-law will be lifted;

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 8 of By-law-1999-52, as amended, is hereby further amended by changing the zone symbol on those lands shown as "ZONE CHANGE FROM "A" TO "h-10 HI-4"" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Special Provision Heavy Industrial (HI-4) Zone with a holding provision h-10 Zone".
2. Section 22 (4) Special Provisions of the Town of Amherstburg Zoning By-law 1999-52 is hereby amended by adding a new clause (d) after clause (c) as follows:

"(d) HI-4

Notwithstanding any provisions of this By-law to the contrary, within any area designated HI-4 on Schedule "A" hereto, the following special provisions shall apply:

(i) Uses Permitted Restricted To

1. Waste disposal site restricted to a processing and transfer facility for non-hazardous solid construction and demolition waste and scrap metal shells of automobiles;
2. A weight station
3. Offices for the permitted uses within the existing former dwelling unit.

(ii) Zone Requirements

1. For a waste disposal site for the processing and transfer of construction and demolition waste and scrap metal shells

- of automobiles, the front yard setback shall be 300 metres and the interior and rear yard setback shall be 15 metres.
2. No open storage shall occur within the required setbacks.
 3. The weigh station shall be permitted within the required front yard.
 4. The office for the permitted uses shall be permitted within the existing dwelling unit located within the required front yard.
 5. All other provisions of the HI zone shall apply.”
3. Section 2, Definitions of the Town of Amherstburg Zoning By-law 1999-52, as amended, is hereby amended by adding the following definitions to be inserted into the by-law in an appropriate alphabetic location.
- “Waste disposal site - construction and demolition processing and transfer facility means a facility that processes non-hazardous materials from construction and demolition projects and other sources including wood, drywall, concrete, asphalt, glass, and scrap metals including the metal shell of automobiles for the purpose of marketing for use as raw materials in the manufacturing process of new, reused and reconstituted products. The processed materials are for transfer to other locations for subsequent manufacturing to reconstituted products.”
4. Section 4(6) Zones and Zone Symbols of the Town of Amherstburg By-law 1999-52, as amended, is hereby amended by adding a new holding provision h-10 as subsection (xi) follows:
- (xi) h-10 Purpose: To ensure that no development takes place on the land until an Environmental Compliance Approval has been obtained and a site plan agreement as allowed for under Section 41 of the Planning Act, 1990, has been entered into prior to the removal of the “h” symbol.
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 23rd day of July, 2012.


Mayor - Wayne Hurst


Clerk - Brenda M. Percy