

**CORPORATION OF THE TOWN OF AMHERSTBURG**

**BY-LAW NO. 2012-96**

**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 a site specific zoning to permit the stockpiling of clean clay, clean top soil and granular material;

**AND WHEREAS** a site plan control agreement needs to be 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 "HI" AND "A-31" TO "h HI-5"" on Schedule "A" attached hereto and forming part of this By-law from "Heavy Industrial (HI) Zone" and "Special Provision Agricultural (A-31) Zone" to "Special Provision Heavy Industrial (h HI-5) Zone with a holding provision (h) 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 (e) after clause (d) as follows:

"(e) HI-5

Notwithstanding any provisions of this By-law to the contrary, within any area designated HI-5 on Schedule "A" hereto, the following special provisions shall apply:

(i) Uses Permitted

1. Any use permitted in an HI Zone and the stockpiling of clean clay, clean top soil and granular material as an accessory use to a contractor's yard.

(ii) Zone Requirements

1. All stockpiling shall be restricted to an area established by a sight line calculated from the observation point of the centreline of both Howard Avenue and North Sideroad. The angle of the sight line shall be 25 degrees. No stockpiling shall occur above the sight line and in no case shall stockpiling exceed 12 metres.
2. For a contractor's yard with accessory stockpiling, the front yard depth, exterior side yard width and interior side yard width shall be 9 metres.

3. No stockpiling or open storage shall occur within the required setbacks.
4. 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.

"Sight Line means an imaginary line extending from an observation point of view to a view beyond the point. The angle of the view line and the location of the observation point shall be determined by the zone to which it has been applied."

"Stockpiling of clean clay, clean top soil and granular material means non-hazardous waste material consisting of earth particles, such as rock, minerals and organic matter (humus). The stockpiled earth materials are temporarily stored and will be transferred to other locations for subsequent use."

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 13<sup>th</sup> day of November, 2012.

  
Mayor - Wayne Hurst

  
Clerk - Brenda M. Percy