

**CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2022-111**

By-law to Impose Interim Control on Heavy Industrial, Light Industrial and Special Industrial Uses within a Defined Area in the Town of Amherstburg

WHEREAS Section 38 of the Planning Act, R.S.O. 1990, Chapter p. 13, provides that the Council of a local municipality had by resolution, directed that a study be undertaken in respect of land use planning policies in the municipality or in a defined area thereof, the Council of the municipality may pass a by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of lands, buildings, or structures within the defined area, for such purposes as may be set out in the by-law;

AND WHEREAS the Council of The Corporation of the Town of Amherstburg initiated the preparation of a Secondary Plan for the Howard Industrial Park District on August 8th, 2022;

AND WHEREAS the Council of The Corporation of the Town of Amherstburg has by resolution directed that a study and review of Zoning By-law 1999-52 be undertaken in respect of land use planning policies related to commercial and residential land use such as, but not limited to, General Commercial, Residential, Residential Multiple Density, Residential Heritage within the defined area in the Town of Amherstburg;

AND WHEREAS the Council of The Corporation of the Town of Amherstburg deems it expedient and in the public interest to prohibit the use of lands, buildings, and structures for a heavy industrial, light industrial or special industrial use within the defined area, other than those exempted by the Interim Control By-law, in order to allow the municipality to review and, if deemed appropriate, implement the findings of the said study.

AND WHEREAS the land use study is required to determine the appropriate land uses within the defined area in Schedule "A" attached hereto.

NOW THEREFORE the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. THAT in this By-law:

"ACCESSORY" when used to describe a use, a building or a structure, means a use, a building or a structure that is incidental, subordinate and devoted to a main use, building or structure and located on the same lot therewith, and includes a private garage which is not attached to the main building in any way but does not include a single unit dwelling in an Agricultural Zone. (By-law 2006-61) (4) "

"BUILDING" means any structure having a roof supported by walls and/or columns which is used or intended to be used for the shelter, accommodation or enclosure of persons, animals or chattels, but does not include any vehicle as defined herein.

"DEVELOPMENT" means the construction, erection or placing of one or more buildings or structures on land or the making of an addition or alteration to a building or structure that has the effect of substantially increasing the size or usability thereof, or the laying out and establishment of a commercial parking lot.

"ERECT" means to do anything in the erection, building, construction, reconstruction, installation, enlargement, extension, material or structural alteration or repair of a building or structure and shall include any preliminary physical operations such as excavating, grading, piling, cribbing, filling or draining, the relocation of a building or structure, the installation of a building

unit fabricated or removed from elsewhere, and the demolition or removal of a building or any part thereof and further includes any work for which a building permit is required under the Building By-law of the Corporation.

“EXISTING” means legally existing as of the date of the passing of the By-law.

“FLOOR AREA” means the area of the floor surface of a storey or part thereof

“HEIGHT” or **“BUILDING HEIGHT”** when used in reference to a building or structure, means the vertical distance between the horizontal plane through the average finished grade and a horizontal plane through:

- (i) the highest point of the roof assembly in the case of a building with a flat roof or deck roof, or in the case of an accessory structure;
- (ii) the average level of a one (1) slope roof, provided that a roof having a slope of less than twenty (20) degrees with the horizontal shall be considered a flat roof;
- (iii) the roof deck line, in the case of a mansard roof;
- (iv) the average level between eaves and ridges in the case of a roof type not mentioned in Subsections (a), (b) and (c) immediately preceding;
- (v) where an exterior wall extends above the top of the roof of a building, the topmost part of such exterior wall.

“LOT” means a parcel of land described in a deed or other document legally capable of conveying land or shown as a lot or block on a registered plan of subdivision, other than a registered plan of subdivision which has been deemed not to be a registered plan of subdivision by a By-law passed pursuant to Section 51 of the Planning Act, 1990 as amended from time to time, or any successors thereto, and does not include a water lot as defined herein.

“STRUCTURE” means anything constructed or erected, the use of which requires location on or in the ground, or attached to something located on or in the ground, but does not include the permanent way of a railway, any paved surface located directly on the ground, a fence, sign, or light fixtures.

“USE” means:

- (i) when used as a noun, the purpose for which a lot, building or structure, or any combination or part thereof, is designed, arranged, occupied or maintained; or
- (ii) when used as a verb, to put to such purpose

2. This By-law be enacted from the passing of the by-law until the 11:59:59 PM on March 31, 2023.

3. Notwithstanding the uses permitted, and provision of Zoning By-law 1999-52 as amended, within the defined area described in Schedule “A” no land, building or structure shall be used for heavy industrial, light industrial or special industrial use, including the erection of new buildings or structures, the alteration of an existing building or structure that increases the building height or floor area, except:

- (i) The continued use of land, building, or structure existing on the day of passage of this By-law as, provided such use is permitted on that land, or in that building or structure, by By-law 1999-52;
- (ii) The repair of a building or structure lawfully existing on the day of passing of this By-law;
- (iii) For any lands where a complete application for a development, inclusive of Official Plan Amendment, Zoning By-law Amendment, Site Plan Control, Plan of Subdivision, Consent, or Heritage Alteration Permit has been submitted to the Planning Department of the Town of Amherstburg on or prior to the day of passing of this By-law;

- (iv) For any lands where a complete application for a permit to the building department, inclusive of a building permit, or demolition permit has been submitted to the Building Department of the Town of Amherstburg on or prior to the passing of this By-law;
 - (v) Residential Accessory Structures.
4. THAT where any conflict exists between the provisions of this By-law and any other by-law of The Town of Amherstburg, this By-law shall prevail.
 5. THAT this By-law shall come into force and take effect immediately upon the final passing thereof.

Read a first, second and third time and finally passed this 5th day of December, 2022.

MAYOR- MICHAEL PRUE

CLERK- KEVIN FOX

TOWN OF AMHERSTBURG

SCHEDULE "A" TO BY-LAW No. 2022-111

