

**NOTICE OF PASSING OF A ZONING BY-LAW  
BY THE TOWN OF AMHERSTBURG**

**TAKE NOTICE** that the Council of the Corporation of the Town of Amherstburg passed **By-law 2024-074** on the 28<sup>th</sup> day of October, 2024 under Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended.

**AND TAKE NOTICE** that any person or agency may appeal to the Ontario Land Tribunal in respect of the By-law by filing with the Clerk of the Town of Amherstburg not later than the **18<sup>th</sup> day of November, 2024**, notice of appeal setting out the objection to the By-law and the reasons in support of the objection and must be accompanied by the fee prescribed by the Ontario Land Tribunal in the form of a cheque or money order payable to the Minister of Finance. Only individuals, corporations and public bodies may appeal a Zoning By-law to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or the group on its behalf.

**NO PERSON OR PUBLIC BODY** shall be added as a party to the hearing of the appeal unless, before the bylaw was passed, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

**AN EXPLANATION OF THE PURPOSE AND EFFECT** of the By-law and a key map showing the location of the lands to which the By-law applies follows below. The complete By-law is available for inspection in my office during regular office hours and on the Town website [www.amherstburg.ca](http://www.amherstburg.ca) .

**DATED** at the Town of Amherstburg this 29<sup>th</sup> day of October, 2024.

**EXPLANATORY NOTE**

**THE SUBJECT LANDS** affected by the proposed amendment are described as approximately 11.09 ha (2.7 ac) ± of land described as Concession 1, Part Lot 3, municipally known as 365 Sandwich Street South (see map below). The subject lands are currently zoned Special Provision Commercial Highway/Residential Multiple Second Density (CH-13/RM2-7) Zone and designated General Commercial in the Town's Official Plan.

**THE PURPOSE OF THE AMENDMENT TO ZONING BY-LAW No. 1999-52** is to add additional permitted uses of a food store and an outdoor patio associated with a food store with site specific regulations to the existing site-specific CH-13 zoning. Food store is an existing defined use in the Zoning By-law, 1999-52, as amended, and "means a retail store selling food and associated small household items, and having a gross leaseable floor area of less than 2000.0 square metres (21,528 sq. ft.) or as determined by the zone standard."

**THE EFFECT OF THE ZONING BY-LAW AMENDMENT** also allows a patio accessory to the proposed food store. Section 3.22(b)(i) restricts outdoor patios associated with a restaurant where any lot line adjoins lands which are in a residential zone class. The amendment specifically allows an outdoor patio accessory to a food store and does not permit outdoor patios accessory to any other uses not currently permitted. All other requirements of the existing Special Provision Commercial Highway (CH-13) Zone provisions will be maintained.

KEY MAP



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