

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NUMBER 2001-55

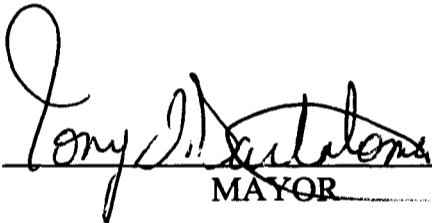
**Being a by-law to adopt Amendment No. 1
to the Official Plan**

WHEREAS the Council of the Town of Amherstburg deems it expedient to amend the Official Plan;

NOW THEREFORE THE COUNCIL OF THE TOWN OF AMHERSTBURG IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 17 AND 21 OF THE PLANNING ACT, R.S.O. 1990, HEREBY ENACTS AS FOLLOWS:

1. Amendment No. 1 to the Official Plan of the Town of Amherstburg consisting of the attached explanatory text and map is hereby adopted.
2. That the clerk is hereby authorized and directed to make application to the Ministry of Municipal Affairs and Housing for approval of Amendment No. 1 to the Official Plan for the Town of Amherstburg.
3. This By-law shall come into force and take effect on the day of the final passing thereof.

Read a first, second and third time and finally enacted this 13th day of November, 2001.


MAYOR


CLERK

Certified that the above is a true copy of By-law No. 2001-55 as enacted and passed by the Council of the Town of Amherstburg on the 13th day of November, 2001.

Clerk

AMENDMENT NO. 1
TO THE OFFICIAL PLAN
FOR THE
TOWN OF AMHERSTBURG

APPROVAL PAGE

This Amendment to the Official Plan for the Town of Amherstburg which has been adopted by the Council of the Corporation of the Municipality of Amherstburg is hereby approved in accordance with Section 17 of the Planning Act, as AMENDMENT NO. 1 to the Official Plan for the Town of Amherstburg.

Date


Approval Authority

**AMENDMENT NO. 1 TO THE OFFICIAL PLAN
FOR THE TOWN OF AMHERSTBURG**

Clerk's Certificate

I, David Mailloux, Clerk of the Town of Amherstburg, do hereby certify this document to be a true copy of Official Plan Amendment No. 1 adopted by By-Law No. 2001-55 passed by Council of the said Corporation of the Town of Amherstburg on the 13th day of November, 2001.

Certified this 15th day of NOVEMBER, 2001.



Clerk

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AMENDMENT NO. 1
TO THE OFFICIAL PLAN
FOR THE TOWN OF AMHERSTBURG

PART "A" - PREAMBLE does not constitute part of this Amendment.

PART "B" - THE AMENDMENT consisting of the following text and map schedule, constitute Amendment No. 1 to the Official Plan for the Town of Amherstburg.

PART "A" - THE PREAMBLE

1. PURPOSE

The purpose of this Amendment is to create a dual designation on specified lands and to extend the General Commercial designation of the Town of Amherstburg. The General Commercial designation is to extend northerly to include both sides of Sandwich Street and the existing residential area on Fort Street just east of Sandwich Street while retaining their High Density Residential designation and/or Office Residential Designation. The purpose is to include the subject lands in the General Commercial area to increase the acreage of lands designated for commercial development. The dual designation will permit the use of the lands for either retail/commercial uses or /and residential uses and/or office residential uses.

2. LOCATION

The subject lands are located immediately north of the existing General Commercial designation on Sandwich Street. The amendment applies to lands on both the east and west side of Sandwich Street and to lands fronting on to Fort Street.

3. BASIS

Applications to amend the Official Plan and Zoning By-law were received June, 2001. The applications apply to lands located at the north east intersection of Fort Street and Sandwich Street. The applications were not precise as to the exact extent but generally incorporate the former Envirotech property, a right of way of a closed rail line and between 5 residential properties on the east side of Sandwich Street, north of Fort Street.

The request within the applications and accompanying planning report was for a Highway Commercial designation and zoning to permit a commercial plaza proposed to contain 60,000 square feet of retail including a food store and drug store.

A public meeting was held on July 23, 2001 and Council meeting August 13, 2001 to deal with the application. Although the application was initially refused additional information was submitted and the application was reconsidered. Part of the reconsideration was as a result of a commercial policy review undertaken by the Town.

Two applications for extensions to the General Commercial designation of the Town of Amherstburg's Official have been received. Council requested that an analysis be undertaken to determine whether or not there was sufficient lands designated for commercial development. The results of that study indicated that additional lands could be designated for commercial development. The study also made recommendations as to which lands should be designated and the specific designations that should be applied. A portion of the subject lands were a site specific application for an Official Plan Amendment.

Renewed interest in the continued revitalization of the downtown core of the Town of Amherstburg, coupled with recent development proposals for new and enlarged commercial establishments has brought about the need to reevaluate the land use policies affecting these interests.

The purpose of the Commercial Review Study was to:

- review and analyze the historical commercial land use patterns in the Study Area in order to determine growth trends;
- review and evaluate the commercial land use, economic development, and downtown revitalization policies in the Town of Amherstburg's Official Plan to ensure that they:
 - (i) are consistent with the purpose and intent of the Official Plan and the goals and objectives of the Town;
 - (ii) are clear, unambiguous, and consistent in their interpretation and application;
 - (iii) provide appropriate guidance to the Town, developers and the public;
 - (iv) meet the needs of the municipality now and for the next 20 years; and
 - (v) allow for logical and necessary growth in the Town, while ensuring that the quality of existing commercial areas are maintained and/or enhanced.
- determine if there is sufficient land designated for commercial purposes, that this land is in appropriate locations, and that it is designated for the appropriate type of commercial development;

- generate recommended alternatives to the existing policies and analyze their short and long term implications;
- ensure that land use incompatibility issues are properly addressed and, if necessary, appropriate mitigating measures are required; and
- ensure that the historical significance of Amherstburg and its built form are properly recognized, protected and enhanced by the policies of the Official Plan.

In undertaking this Study, it was necessary that certain issues be established at the outset so that the analysis was not driven by assumptions, but rather by a clear and supported vision. The Town of Amherstburg Official Plan, which was approved in 1998 following a comprehensive public consultation process, provides this direction.

Although the initial application on the Subject lands was for Highway Commercial the overall commercial policy review determined that the Highway Commercial range of permitted uses and built form associated with those uses would not be appropriate in this location. The study recommended that a General Commercial designation would be more appropriate to ensure continuity to the streetscape of Sandwich Street.

The study also determined that if the applicant's lands were to have a commercial designation the change would have significant impacts on abutting Office Residential and Low Density Residential areas. To mitigate the impact it is proposed that the abutting lands also have a General Commercial designation. It is also proposed that all of the lands retain a second or dual designation. Should the lands not develop commercially the lands are still aptly suited for their original designations of High Density Residential and Office Residential. The lands currently designated Low Density Residential would be placed in a dual designation of Office Residential along with the General Commercial.

Although there is little likelihood that the high school parking lot will redevelop, it is just as appropriate to designate it General Commercial as Medium Density Residential.

Existing General Commercial policies are sufficient to ensure appropriate site design and buffer to exiting residential areas.

PART "B" - THE AMENDMENT

All of this part of the document, entitled, "Part 'B' - The Amendment" consisting of the following text and map schedule constitutes Amendment No. 1 to the Official Plan for the Town of Amherstburg.

1. DETAILS OF THE AMENDMENT

The Official Plan of the Town of Amherstburg is amended as follows:

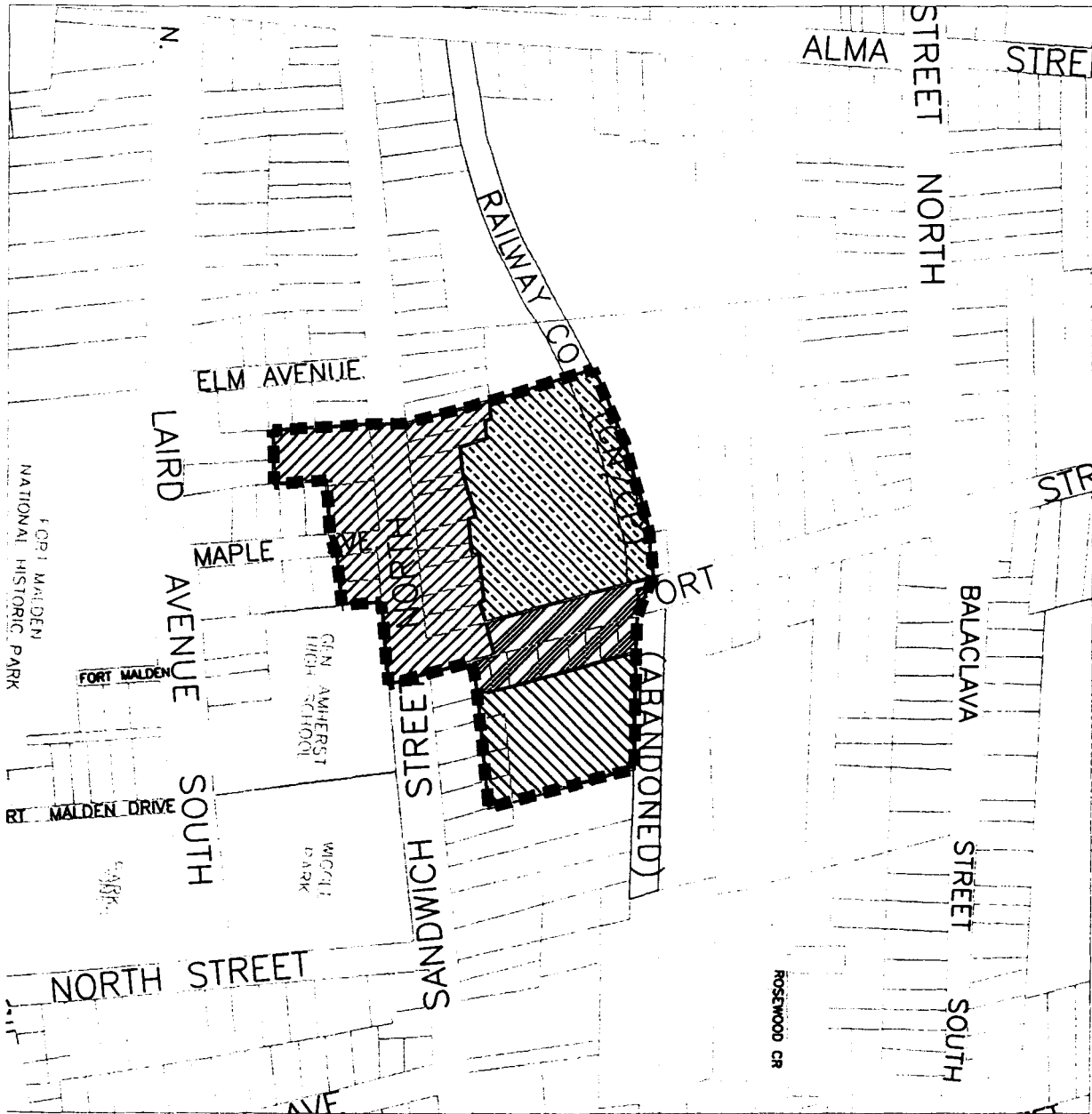
"Schedule B-1 to the Town of Amherstburg Official Plan is hereby amended by changing the land use designation of the lands so indicated on the attached map. Specifically the lands affected by this amendment are hereby placed in a General Commercial designation. A dual designation shall apply as so indicated on the attached map. The dual designation shall allow lands to develop as one or the other designation but not both designations and the appropriate policies of the Official Plan would apply."






2. IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of the Amendment shall be in accordance with the respective policies of the Official Plan of the Town of Amherstburg.

SCHEDULE "A" OFFICIAL PLAN OF THE TOWN OF AMHERSTBURG

OPA No. 1



-  AREA AFFECTED BY OPA No. 1
-  CHANGE FROM HIGH DENSITY RESIDENTIAL TO A DUAL DESIGNATION OF HIGH DENSITY RESIDENTIAL AND GENERAL COMMERCIAL
-  CHANGE FROM OFFICE RESIDENTIAL TO A DUAL DESIGNATION OF OFFICE RESIDENTIAL AND GENERAL COMMERCIAL
-  CHANGE FROM LOW DENSITY RESIDENTIAL TO A DUAL DESIGNATION OF OFFICE RESIDENTIAL AND GENERAL COMMERCIAL
-  CHANGE FROM MEDIUM DENSITY RESIDENTIAL TO A DUAL DESIGNATION OF MEDIUM DENSITY RESIDENTIAL AND GENERAL COMMERCIAL

