

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2002-50


**Being a by-law to adopt Amendment No. 3 to the
Official Plan for the Town of Amherstburg.**

The Council of the Corporation of the Town of Amherstburg in accordance with the provisions of Sections 17 and 21 of the Planning Act, hereby enacts as follows:

1. Amendment No. 3 to the Official Plan for the Town of Amherstburg consisting of the attached text is hereby adopted.
2. The By-law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 15TH DAY OF OCTOBER, 2002.

READ A THIRD TIME AND FINALLY PASSED THIS 15TH DAY OF OCTOBER, 2002.



Mayor



Clerk

I, David Mailloux, Clerk of the Corporation of the Town of Amherstburg, do hereby CERTIFY that the above is a TRUE COPY of By-law No. 2002-50, as enacted and passed by the Council of the Corporation of the Town of Amherstburg on the 15th day of October, 2002.

Clerk

AMENDMENT NO. 3
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. 3 to the Official Plan for the Town of Amherstburg.

Date

Approval Authority

TABLE OF CONTENTS

PART "A" - THE PREAMBLE	1
1. PURPOSE	1
2. LOCATION	1
3. BASIS	1
PART "B" THE AMENDMENT	5
1. DETAILS OF THE AMENDMENT	5
2. IMPLEMENTATION AND INTERPRETATION	5

AMENDMENT NO. 3
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 constitute Amendment No. 3 to the Official Plan for the Town of Amherstburg.

PART "A" - THE PREAMBLE

1. PURPOSE

The purpose of this Amendment is to create special policies to be applied to a portion of the lands designated General Commercial abutting Richmond Street west of Sandwich Street and along Dalhousie Street from Richmond to Gore.

In October, 2001, a Commercial Review was undertaken to assess whether or not additional lands should be added to the various commercial land use designations within the Town. Study findings suggest that not only were additional lands required but added incentives should be applied to this core commercial area.

2. LOCATION

The lands affected by this amendment are located immediately adjacent to Richmond Street west of Sandwich Street and along Dalhousie Street south of Richmond and north of Gore Street. The lands are currently within the General Commercial designation.

3. BASIS

Applications to amend the Official Plan and Zoning By-law were received in 2001. The applications applied to lands located north and east of the intersection of Fort Street and Sandwich Street and to lands to the east of the existing Value Mart grocery store on the east side of Sandwich Street, north of Richmond Street.

After receiving the two applications for extensions to the General Commercial designation of the Town of Amherstburg's Official and before adoption or approval of the amendments, Council had 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.

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:
 - (1) are consistent with the purpose and intent of the Official Plan and the goals and objectives of the Town;
 - (2) are clear, unambiguous, and consistent in their interpretation and application;
 - (3) provide appropriate guidance to the Town, developers and the public;
 - (4) meet the needs of the municipality now and for the next 20 years; and
 - (5) 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.

The Study concluded that additional lands were needed and that the applications in front of Council were appropriate. The applications became Official Plan Amendments No. 1

and Official Plan Amendment No. 2 and were adopted by Council and approved by the Ministry of Municipal Affairs and Housing. Official Plan Amendment No. 1 was referred to the OMB by local residents but has now received approval by the Board.

The Study also concluded that the existing General Commercial policies were sufficient to ensure appropriate site design and buffer to existing residential areas but there was a need to strengthen the policies of the core commercial area to increase the possibility that the area would continue to represent a viable commercial district and encourage limited redevelopment.

The study concluded that additional incentives were required for the original core commercial area of the Town due to the age of the area, the large number of independent owners, the small sites sizes, the original design of buildings and the desire to maintain the heritage aspects to this area.

To this end it was recommended that within the core area front yard parking continue to not be permitted but added positive policies such as: no parking requirements for non residential uses; reduced parking for residential uses; removal of any loading requirements; and a policy that would give Council the right to waive development and building application fees within this area be introduced into the Official Plan.

The study also concluded that it was possible to treat the Sandwich Street portion of the General Commercial designation differently then the Dalhousie Street or Richmond Street area. Although front yard parking is still not recommended, limited front yard parking with proper landscaping buffers would be considered on a site by site basis within the Sandwich Street portion of the General Commercial designation.

PART "B" - THE AMENDMENT

All of this part of the document, entitled, "Part 'B' - The Amendment" consisting of the following text constitutes Amendment No. 3 to the Official Plan for the Town of Amherstburg.

1. DETAILS OF THE AMENDMENT

The Official Plan of the Town of Amherstburg is amended by adding the following policies to end of Section 3.4.4 as follows:

"Within the General Commercial designation abutting Richmond Street, west of Sandwich Street and within the General Commercial designation abutting Dalhousie Street, south of Richmond Street to Gore Street, commercial development shall not be required to provide parking spaces resulting from a change in use or redevelopment of a site. Residential development within this portion of the General Commercial designation may also have reduced parking requirements in the implementing zoning by-law. No loading spaces shall be required for this portion of the General Commercial designation. Should Council consider it appropriate, development application fees and building permit fees may be waived or reduced within this area of the Town.

Within the General Commercial designation abutting Sandwich Street, limited front yard parking may be permitted if sufficiently buffered by landscaped open space and setbacks. Implementing zoning regulations may set out different standards for different portions of this designation based on the existing development pattern."

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.