

CORPORATION OF THE TOWN OF AMHERSTBURG

BY-LAW NO. 2005-18

A BY-LAW TO REPEAL BY-LAW NUMBER 2004-31
FOR THE TOWN OF AMHERSTBURG

WHEREAS By-law Number 2004-31, being a By-law to adopt Official Plan Amendment Number 5, was given third reading and finally passed by the Council of the Town of Amherstburg on the 26th day of April, 2004;

AND WHEREAS the Council of the Town of Amherstburg deems it appropriate and in the best interest of proper planning to withdraw Official Plan Amendment Number 5 by repealing By-law Number 2004-31, as herein provided;

AND WHEREAS this By-law conforms to the Official Plan for the Town of Amherstburg;

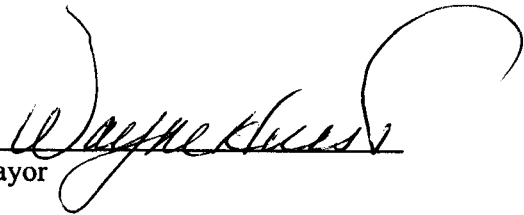
NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWN OF AMHERSTBURG ENACTS AS FOLLOWS:

1. By-law Number 2004-31, given third reading and finally passed on the 26th day of April, 2004, is hereby repealed.
2. Amendment Number 5 to the Official Plan for the Town of Amherstburg, adopted by the Corporation of the Town of Amherstburg by By-law Number 2004-31 on the 26th day of April, 2004, is hereby withdrawn.

This By-Law shall come into force and take effect on the day of the final passing thereof.

READ A FIRST AND SECOND TIME THIS 14th DAY OF MARCH, 2005.

READ A THIRD TIME AND FINALLY PASSED THIS 14th DAY OF MARCH, 2005.



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 Number 2005-18, as enacted and passed by the Council of the Corporation of the Town of Amherstburg on the 14th day of March, 2005.

Clerk

EXPLANATORY NOTE:

The purpose of Amendment No. 5 to the Official Plan was to re-designate the subject lands located at the north-east corner of Alma Street and Fox Road from “Light Industrial” to “Institutional” to permit a place of worship and day nursery.

Section 2.2.14 of the Official Plan states “The development of new institutional uses such as schools, churches, community halls associated with either a school or a church, cemeteries, government buildings and public utilities, except those utilities referred to in Subsections 2.2.12 and 2.2.13 above, shall be permitted in all designations, except the Wetland, Agricultural and Natural Environment designations, without an amendment to the Official Plan”. Although a day care is not specifically permitted by section 2.2.14, the “such as” terminology is more than sufficient to include the day care element associated with the church as both schools and community halls are permitted under this policy. Since a place of worship and day nursery are permitted in the Light Industrial designation by section 2.2.14, Official Plan Amendment No. 5 is not needed. This By-law therefore withdraws Official Plan Amendment No. 5 by repealing the adopting By-law Number 2004-31.

Section 2.2.14 of the Official Plan requires appropriate zoning of the subject lands in the Town of Amherstburg Zoning By-law No. 1999-52 to permit the place of worship and day nursery. By-law Number 2004-32, being a By-law to amend Zoning By-law No. 1999-52 by changing the zoning of the subject property from “Agricultural (A) Zone” to “Institutional (I) Zone”, is therefore unaffected by this repealing by-law.