

THE CORPORATION OF THE TOWN OF AMHERSTBURG
BY-LAW NO. 2018-43

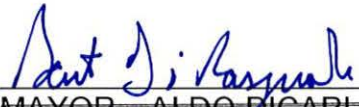
By-law to adopt amendment No. 8 to the
Official Plan for the Town of Amherstburg


The Council of the Corporation of the Town of Amherstburg in accordance with the provisions of Sections 17 and 21 of The Planning Act, R.S.O., 1990, as amended, hereby enacts as follows:

1. THAT Amendment No. 8 to the Official Plan for the Town of Amherstburg consisting of the attached text is hereby adopted.

THIS By-Law shall come into full force and effect upon the final passage thereof.

Read a first, second and third time and finally passed this 14th day of May, 2018.


MAYOR - ALDO DICARLO
DEPUTY - BART DIPIROVALE
MAYOR


~~CLERK - PAULA PARKER~~
DEPUTY
CLERK - TAMMY FOWKES.

AMENDMENT NO. 8
TO THE OFFICIAL PLAN
FOR THE
TOWN OF AMHERSTBURG

Prepared By:
Planning Services Division, Town of Amherstburg

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AMENDMENT NO. 8 TO THE OFFICIAL PLAN OF THE TOWN OF AMHERSTBURG

^{Tammy Fowkes, Deputy Clerk}
I, ~~Paula Parker, Clerk~~ of the Town of Amherstburg, certify that this is a/the original/duplicate original/certified copy of Amendment No. 8 to the Official Plan of the Town of Amherstburg.



~~CLERK Paula Parker~~

DEPUTY
CLERK - TAMMY
FOWKES.

THE CONSTITUTIONAL STATEMENT

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

PART "B" – THE AMENDMENT, consisting of the following text, constitutes Amendment No. 8 to the Official Plan for the Town of Amherstburg.

AMENDMENT NO. 8
TO THE OFFICIAL PLAN
FOR THE TOWN OF AMHERSTBURG

PART "A" - THE PREAMBLE

1. PURPOSE

The purpose of this Amendment is to introduce site-specific policies that would permit drive through restaurants on the subject lands and increase the maximum permitted setback of commercial uses, through the development of a new policy section to be identified as "General Commercial Special Policy Area 17" designation.

An Official Plan Amendment application has been received from 1461689 Ontario Limited to support further commercial development on 83 Sandwich Street South.

The purpose of the Official Plan Amendment is to modify the text in Section 4.4.2, "General Commercial Areas" and modify Section 4.4.3 (2). As well, the Schedules in the Official Plan will be updated to include the subject lands as "General Commercial Special Policy Area 17".

2. LOCATION/BACKGROUND

As shown on the attached Schedule "A", the subject lands include:

Plan 6, Lots 12 and 14 and Part Lots 10, 11, 13, 15, municipally known as 83 Sandwich Street South. The subject lands are located on the east side of Sandwich Street South, north of the intersection of Fort Street and Sandwich Street South.

A Planning Justification Report was prepared by Zelinka, Priamo Planning Consultants which is dated October 30, 2017. Concurrent to the processing of the Official Plan Amendment a site specific Zoning By-law Amendment will be considered.

The Town of Amherstburg Official Plan was approved through Ontario Municipal Board minutes of settlement dated February 3, 2010.

3. BASIS

The subject land is approximately 4.58 acres in size. The property has been used for the past 12 years for a supermarket and associated retail. There are two accesses to the site including one from Sandwich Street South and the other from Fort Street.

To the immediate north of the site the land use is general commercial, specifically Rexall/ walk-in clinic. To the south of the site the existing land uses are single detached dwellings. There is one single detached dwelling to the south and west of the subject lands. A flower shop is also located adjacent to the subject site as well as a new two storey building with retail on the main floor and residential above at the corner of Sandwich and Fort Street. The lands on the west side of Sandwich Street are occupied by a secondary school, six single detached dwellings and a vacant lot.

The Provincial Policy Statement (2014) came into force and effect on April 30, 2014. The 2014 Provincial Policy Statement (PPS 2014) provides policies to permit the proposed development. Section 1.3.1 provides policy direction on employment. The PPS 2014 also addresses the efficient use of infrastructure and services (1.6.2 and 1.6.6.2) and the promotion of land use patterns that minimize the length of vehicle trips and support public transit (1.6.7.4). Section 1.3 of the PPS 2014 provides the policy direction identifying that municipalities will promote economic development and competitiveness.

The PPS 2014 also calls for appropriate development standards. Appropriate development standards are expressed in the Official Plan, Zoning By-law and Site Plans. The proposal maintains the intent of the Official Plan policies related to determining the appropriateness of a change in land use and will be implemented by a Zoning By-law Amendment. The proposal is consistent with the policies of the PPS 2014.

The County of Essex Official Plan contains policies which apply to the proposed development. The County of Essex Official Plan designates this site as being within the "Settlement Area". The Settlement Area policies state that future growth and development is to be encouraged to locate within these areas and that all types of land uses are permitted within Settlement Areas subject to site specific land use policies in local Official Plans. The County Official Plan also encourages local Official Plans to provide opportunities for re-development, intensification and revitalization in areas that have sufficient existing or planned infrastructure. The amendment proposes a land use which is in conformity with the location requirements, the principles and the relevant goals and policies for Settlement Areas as contained in the County Plan.

The amendment proposes a land use which is in conformity with the Location of Development policies and the site suitability criteria established in the Town's Official Plan including locating on a public road capable of accommodating any increased

traffic, utilization of existing services/ utilities and soil/ drainage conditions of the site can support the proposed development.

The proposed land use of a drive-through restaurant establishment is not currently permitted under the existing designation. Section 4.4.2 of the Official Plan restricts drive-through restaurants to locations on Sandwich Street north of Alma Street or South of Pike Street. It should be noted that the CG Zone already permits a drive through facility as in a housekeeping ZBA 2012-65. A Zoning By-law Amendment will proceed concurrently seeking to reduce the interior side yard and landscaping requirement abutting the single detached dwelling to the south and to permit the outdoor patio. An Amendment to the Official Plan is also necessary to permit the increase in the maximum building setback from Sandwich beyond the current restriction of 15 metres.

The subject lands fall within an area the Official Plan refers to as the “gateway to Amherstburg” and has historic character that is to be protected. The current site specific policies were drafted to extend the General Commercial Designation northerly to include both sides of Sandwich with restrictions while retaining the High Density Residential Designation. Following a public meeting to deal with the original OPA application, a municipal commercial policy review was undertaken by the Town. The results of that study concluded that additional land should be designated for commercial development. The study also provided recommendations as to which lands should be designated and the specific designations that should be applied. At the time of adoption of OPA #1, a section of the Basis states *“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”*. One of the purposes of the commercial review was to allow for logical and necessary growth in the Town, while ensuring that the quality of existing commercial areas are maintained and/or enhanced.

Official Plan Amendment #1 which incorporated the policies restricting drive through restaurants, requiring consultation with the Heritage Committee on architectural design elements and enhanced landscaping was approved by Ontario Municipal Board Settlement in 2002. The subject lands presently host a grocery store and have retail uses to the north and south. According to the Planning Justification Report submitted to support these applications, *“the following demonstrates the evolution of the subject lands and surrounding area, from, a predominantly residential neighbourhood to, a mainly commercial area.”* Amendments to the Official Plan as proposed achieve the desired implementation of the current regulation in the Zoning By-law which permits drive-through restaurants in this location while consulting with the Heritage Committee on the heritage façade elements and enhanced landscaping.

Substantial consultation has taken place with representatives from the franchise regarding the proposed heritage façade. The Heritage Committee at their meeting that

took place on April 18th, unanimously recommended approval of the façade elements as identified in the Official Plan policies which includes roof line, height, building material, and window placement.

The statutory public meeting is scheduled to take place on May 10, 2018. The notice of public meeting will be advertised in the Rivertown Times on April 18th and April 25th, 2018. The notice has also been circulated to the neighbouring residents and agencies as required.

The proposed amendment is consistent with the provisions of the PPS 2014, conforms to the County Official Plan and recognizes the commercial function of Sandwich Street South, in the Town of Amherstburg's Official Plan.

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. 8 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:

- 1.1 That Schedules "A", "B" and "B-2" in the Town of Amherstburg Official Plan be amended by identifying the lands shown as the subject lands on Schedule "A" attached to and forming this amendment, as "General Commercial Special Policy Area 17".
- 1.2 Subsection 4.4.3 General Commercial Special Policy Areas, as amended, is hereby further amended by the addition of the following policy to immediately follow 4.4.3 (5)

"4.4.3 (6) Lands known as 83 Sandwich Street South, located at the east side of Sandwich Street South and north of Fort Street, shall be developed in accordance with the General Commercial policies with the addition of a drive-through restaurant as a permitted use. Development shall be subject to site plan control. A maximum setback of 25 metres shall be permitted for commercial development from the front lot line."

2. IMPLEMENTATION AND INTERPRETATION

This document will be implemented by the Town of Amherstburg by enacting an

appropriate amendment to the Zoning By-law of the Town of Amherstburg and enacted a Site Plan Control Agreement.

OPA No. 8
Schedule "A"

