

**Corporation of the Town of Amherstburg  
By-law 2022-068**

**By-law to adopt Official Plan Amendment No. 16 to the  
Official Plan for the Town of Amherstburg**


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**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. THAT Amendment No. 16 to the Official Plan 2009-30 for the Corporation of the Town of Amherstburg, consisting of the attached explanatory text and schedule, is hereby adopted;

THIS By-law shall come into force and take effect on the final passing thereof.

Read a first, second and third time and finally enacted this 8<sup>th</sup> day of August, 2022.

  
Aldo DiCarlo, Mayor

  
Valerie Critchley, Clerk

**AMENDMENT NO.16**  
**TO THE OFFICIAL PLAN**  
**FOR THE**  
**TOWN OF AMHERSTBURG**

Certified to be a true copy of the  
original document.



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Deputy Clerk - Tammy Fowkes  
Town of Amherstburg

TABLE OF CONTENTS

OFFICIAL DOCUMENTATION PAGES

The Clerk's Certificate Page

The Adopting By-law

THE CONSTITUTIONAL STATEMENT

PART "A" – THE PREAMBLE

1. Purpose of the Amendment
2. Background
3. Basis of the Amendment

PART "B" - THE AMENDMENT

1. Details of the Amendment
2. Implementation of the Amendment

Certified to be a true copy of the original document.



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Deputy Clerk - Tammy Fowler  
Town of Amherstburg

AMENDMENT NO. 16 TO THE OFFICIAL PLAN OF AMHERSTBURG

I, Valerie Critchley, Clerk of the Town of Amherstburg, certify that this is a/the original/duplication original/certified copy of Amendment No. 16 to the Official Plan of the Town of Amherstburg.



\_\_\_\_\_  
Valerie Critchley, Clerk

Certified to be a true copy of the original document.




\_\_\_\_\_  
Deputy Clerk - Tammy Fowkes  
Town of Amherstburg

## THE CONSTITUTIONAL STATEMENT

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

PART B – THE AMENDMENT consisting of the following text and schedule, constitutes Amendment No. 16 to the Official Plan for the Town of Amherstburg.

certified to be a true copy of the  
original document.



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Deputy Clerk - Tammy Fowkes  
Town of Amherstburg

AMENDMENT NO. 16  
TO THE OFFICIAL PLAN  
FOR THE TOWN OF AMHERSTBURG

PART "A" - THE PREAMBLE

1. PURPOSE

The purpose of this Amendment is to introduce language that would create Special Policy Area No. 19 in the Town of Amherstburg Official Plan.

2. BACKGROUND

The Town received an Official Plan Amendment and Zoning By-law Amendment from Daei Foods Inc., for approximately 0.2 hectares or land (municipally known as 131 and 135 Sandwich Street South) located on the east side of Sandwich Street South between Fort Street and Richmond Street. If approved, the Official Plan will be amended on a site-specific basis via a Special Policy Area to permit a drive through restaurant on the subject lands with an additional commercial unit having a total gross floor area of approximately 390 m<sup>2</sup>.

3. BASIS

The proposed development is located in the peripheral area adjacent to the downtown core of Amherstburg. The site is located as an infilling development in the mixed use area that is peripheral to the downtown core.

It is observed that through the history of planning applications on the east side of Sandwich Street south of Alma Street and north of Richmond Street that this is an area in transition towards more commercial uses, mixed-use developments and higher than existing residential densities.

Amherstburg is experiencing an increase in demand for commercial uses that serve people by automobile via drive-through and walk-up or bicycle or other accessible access means to the businesses. Furthermore, accessible access for all persons is a legislated requirement.

PART "B" - THE AMENDMENT

All of this part of the document, entitled, "Part 'B' – The Amendment" consisting of the following text constitutes Amendment No. 16 to the Official Plan for the Town of Amherstburg.

Witnessed to be a true copy of the  
said document.

  
Deputy Clerk - Tammy Fowkes  
Town of Amherstburg

## 1. DETAILS OF THE AMENDMENT

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

That Section 4.4.3 Commercial Special Policy Areas is amended by adding subsection 8 as follows:

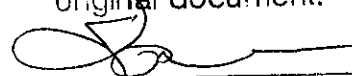
(8) For lands designated under Special Policy Area 19 in the Town of Amherstburg Official Plan located at the municipal addresses known as 131 Sandwich Street South and 135 Sandwich Street South, a drive through restaurant on the subject lands with an additional commercial unit having a total gross floor area of approximately 390 m<sup>2</sup> shall be permitted uses.

That Schedules "A" and "B" of the Official Plan of the Town of Amherstburg are amended to show the location of Special Policy Area 19.

## 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 through the Town's Site Plan By-law.

Certified to be a true copy of the  
original document.



Deputy Clerk - Tammy Fowler  
Town of Amherstburg

File No.: 37-OP-2022-007  
Municipality: Town of Amherstburg  
Subject Lands: 131-135 Sandwich St S

Date of Decision: September 20, 2022  
Date of Notice: September 20, 2022  
Last Date of Appeal: October 10, 2022

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## NOTICE OF DECISION

With respect to an Official Plan Amendment  
Subsection 17(35) and 21 of the Planning Act

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A decision was made on the date noted above to approve as modified, Amendment No. 16 to the Official Plan for the Town of Amherstburg, as adopted by By-law 2022-068.

### Purpose and Effect of the Official Plan Amendment

The purpose of Official Plan Amendment No. 16 is to amend the designation on the properties located at 131 and 135 Sandwich Street South to a site-specific Special Policy Area to permit a drive through restaurant on the subject lands with an additional commercial unit. A minimum of 4.8 metres shall be permitted for commercial development from the front lot line. A copy of the decision is attached.

### Effect of Written Submissions on Decision

All written submissions received by the Town and County Planning regarding OPA No.16 were considered as a part of the County's review process.

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### When and How to File An Appeal

Notice to appeal the decision to the Ontario Land Tribunal (OLT) formerly LPAT, must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must,

- (1) include the reasons for the appeal, and a completed **Appeal Form (A1) Planning Act** available from the OLT website: <https://olt.gov.on.ca/appeals-process/forms/>
- (2) be accompanied by the prescribed filing fee payable by certified cheque or money order to the Minister of Finance.

### Who Can File An Appeal

Only individuals, corporations or public bodies may appeal a decision of the approval authority to the 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 group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the

amendment was adopted, the person or public body made oral submissions at a public meeting or written submissions to the Council or, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

### When the Decision is Final

The decision of the County of Essex is final if a Notice of Appeal is not received on or before the last date of appeal noted above.

### Getting Additional Information

Additional information about the amendment, including a complete version of the amendment, is available for public inspection during regular office hours at the County of Essex at the address noted below or from the Town of Amherstburg.

### Mailing Address for Filing a Notice of Appeal:

County of Essex  
Attention: Rebecca Belanger, Manager – Planning Services  
360 Fairview Avenue West  
Essex, ON N8M 1Y6  
Email: [rbelanger@countyofessex.ca](mailto:rbelanger@countyofessex.ca)  
Tel: (519) 776-6441, Ext. 1325



# DECISION

**With respect to Official Plan Amendment No. 16  
Official Plan of the Town of Amherstburg  
Subsection 17(34) of the Planning Act**

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I hereby modify and approve as modified, Amendment No. 16 to the Official Plan for the Town of Amherstburg, as adopted by By-Law 2022-068.

## **Modification #1**

In PART "A" – THE PREAMBLE, Section 1. PURPOSE is deleted in its entirety and replaced with the following:

### 1. PURPOSE

The purpose of this Amendment is to introduce language that would create a new policy section to be identified as "General Commercial Special Policy Area 19" in the Town of Amherstburg Official Plan.

## **Modification #2**

In PART B – THE AMENDMENT, Section 1 DETAILS OF THE AMENDMENT is deleted in its entirety and replaced with the following:

### 1. DETAILS OF THE AMENDMENT

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

1.1 Subsection Section 4.4.3 Commercial Special Policy Areas, as amended, is hereby further amended by the addition of the following policy to immediately follow 4.4.3 (7)

"(8) Lands designated as Special Policy Area 19 on Schedules "A", "B" and "B-2" of the Official Plan, located at the municipal addresses known as 131 and 135 Sandwich Street South, shall be developed in accordance with the General Commercial policies, with the addition of a drive-through restaurant as a permitted use with a commercial unit. A

minimum of 4.8 metres shall be permitted for commercial development from the front lot line. Development shall be subject to site plan control.”

- 1.2 That Schedules “A”, “B” and “B-2” in the Town of Amherstburg Official Plan are hereby amended by changing the land use designation on the lands depicted on Schedule “A” attached to and forming part of this amendment, as “General Commercial Special Policy Area 19”.

### **Modification #3**

Schedule “A” now attached to the amendment by modification, will be reflected on Land Use Schedules “A”, “B”, and “B-2” of this Plan.

Dated at Essex, Ontario this 20th day of September, 2022



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Rebecca Belanger, MCIP, RPP  
Manager, Planning Services  
County of Essex

