

**Corporation of the Town of Amherstburg
By-law 2022-070**

**By-law to adopt Official Plan Amendment No. 17 to the
Official Plan for the Town of Amherstburg**

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. 17 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 8th day of August, 2022.



Aldo DiCarlo, Mayor



Valerie Critchley, Clerk

Certified to be a true copy this

26th day of August, 20 22



AMENDMENT NO.17
TO THE OFFICIAL PLAN
FOR THE
TOWN OF AMHERSTBURG

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DECISION

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

I hereby modify and approve Amendment No. 17 to the Official Plan for the Town of Amherstburg, as adopted by By-Law 2022-070.

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 20" 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 (8)

"(9) Lands designated as Special Policy Area 20 on Schedules "A", "B" and "B-2", located at the municipal addresses known as 51 and 57 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, as well as a three-storey, mixed use

building at the rear of the subject lands. The drive-through restaurant shall be setback approximately 14.88m from the front lot line and consist of a 1.50m landscaping strip in the front yard. 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 20”.

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 25th day of September, 2022

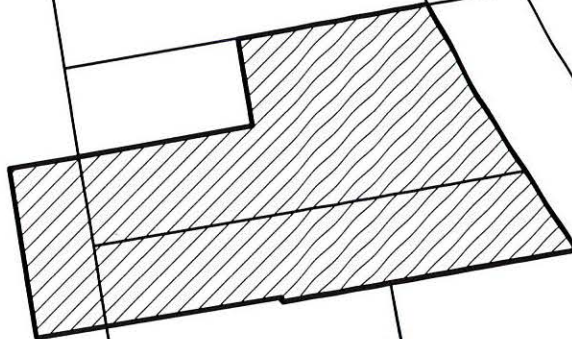


Rebecca Belanger, MCIP, RPP
Manager, Planning Services
County of Essex

Schedule "A"

Alma St

Sandwich St S



TOWN OF AMHERSTBURG
OFFICIAL PLAN
PROPOSED OFFICIAL PLAN AMENDMENT



Commercial General to
Commercial General Special Policy Area 20



AMENDMENT NO. 17 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. 17 to the Official Plan of the Town of Amherstburg.


Valerie Critchley, Clerk

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. 17 to the Official Plan for the Town of Amherstburg.

AMENDMENT NO. 17
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 #17 in the Town of Amherstburg Official Plan.

2. BACKGROUND

The Town received an Official Plan Amendment and Zoning By-law Amendment from TOAD ONE Inc., for approximately 0.42 hectares or land (municipally known as 51 and 57 Sandwich Street South) located on the east side of Sandwich Street South between Alma Street and Fort Street. If approved, the Official Plan will be amended on a site-specific basis through a Special Policy Area to permit a drive through restaurant on the subject lands having a total gross floor area of approximately 211m² with an additional three storey, 12-unit medium-density residential building at the rear of the property. Forty parking spots plus four accessible parking spots are proposed for this development. The Zoning By-law amendment, if approved at a subsequent meeting of Council, will establish site-specific lot and building regulations, in accordance with a final site plan to be approved by the Town.

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. 17 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:

That Section 4.4.3 Commercial Special Policy Areas is amended by adding subsection 7 as follows:

(7) For lands designated under Special Policy Area 17 in the Town of Amherstburg Official Plan located at the municipal addresses known as 51 Sandwich Street South and 57 Sandwich Street South, a drive through restaurant having a total gross floor area of approximately 211m² with an additional three storey, 12-unit medium-density residential building at the rear of the property 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 17.

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.