

**The Corporation of the Town of Amherstburg
By-law 2022-089**

**Being a by-law to adopt Official Plan Amendment No. 18
to the Official Plan for the Town of Amherstburg**

NOW THEREFORE 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, hereby enacts as follows:

1. Amendment No. 18 to the Official Plan 2009-30 for the Corporation of the Town of Amherstburg, consisting of the attached explanatory text and map, is hereby adopted;
2. That the Clerk is hereby authorized and directed to make application to the Corporation of the County of Essex for approval of Amendment No. 18 to the Official Plan for the Corporation of the Town of Amherstburg;
3. 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 17th day of October, 2022.


Aldo DiCarlo, Mayor


Valerie Critchley, Clerk

File No.: 37-OP-2022-010
Municipality: Town of Amherstburg
Subject Lands: 359 Dalhousie Street

Date of Decision: November 30, 2022
Date of Notice: November 30, 2022
Last Date of Appeal: December 20, 2022

NOTICE OF DECISION

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

A decision was made on the date noted above to approve as modified, Amendment No. 18 to the Official Plan for the Town of Amherstburg, as adopted by By-law 2022-089.

Purpose and Effect of the Official Plan Amendment

The purpose of Official Plan Amendment No. 18 is to amend the designation on the property located at 359 Dalhousie Street from "Heritage Residential" to "High Density Residential" to permit the development of a new 4 storey residential building with 12 units. 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.18 were considered as a part of the County's review process.

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
Tel: (519) 776-6441, Ext. 1325

**AMENDMENT NO. 18
TO THE OFFICIAL PLAN
FOR THE
TOWN OF AMHERSTBURG**

DECISION

**With respect to Official Plan Amendment No. 18
Official Plan of the Town of Amherstburg
Subsection 17(34) of the Planning Act**

I hereby modify and approve Amendment No. 18 to the Official Plan for the Town of Amherstburg, as adopted by By-Law 2022-089.

Modification #1

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

That Schedules 'A', 'B', and 'B-2' to the Official Plan for the Town of Amherstburg are hereby amended by changing the land use designation on the lands known municipally as 359 Dalhousie Street and as shown on Schedule 'A', 'B', and 'B-2' attached hereto from 'Heritage Residential' to 'High Density Residential'.

Dated at Essex, Ontario this 30th day of November, 2022



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

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AMENDMENT NO. 18 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. 18 to the Official Plan of the Town of Amherstburg.


CLERK – Valerie Critchley

THE CONSTITUTIONAL STATEMENT

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

PART B – THE AMENDMENT consisting of the following text and map, constitutes Amendment No. 18 to the Official Plan for The Corporation of the Town of Amherstburg.

AMENDMENT NO. 18
TO THE OFFICIAL PLAN
FOR THE TOWN OF AMHERSTBURG

PART A - THE PREAMBLE

1. Purpose of the Amendment

Official Plan Amendment No. 18 will redesignate lands known as 359 Dalhousie Street from 'Heritage Residential' to 'High Density Residential' designation in the Official Plan for the Town of Amherstburg.

2. Location of Lands

This OPA applies to the following land use designations depicted on Schedule A, B and B-2 in the Official Plan:

- i) Legal description: Part of Lot 3, Concession 1, Town of Amherstburg;
- ii) Municipal address: 359 Dalhousie Street, Town of Amherstburg.

3. Basis of the Amendment

An Official Plan Amendment (OPA) was requested to change the policy framework applied to the subject property from 'Heritage Residential' to 'High Density Residential' to support the proposed residential development.

An Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) were proponent initiated and requested to support the development of the site for multi-residential development.

The existing house is proposed to be demolished and the site redeveloped with a new 4 storey, 12 unit multi residential condominium development with 19 parking spaces and a 12 unit detached garage.

Review and evaluation of the proposed development was placed in context of the Provincial Policy Statement 2020 (PPS) and was considered to be consistent with provincial policy direction. Specifically, the development is consistent with provincial housing policies, provides for healthy community initiatives, and supports the healthy, walkable community policies of the province.

The proposed development will provide for a building on site that is heritage complimentary to the existing neighbourhood, provides for alternative housing greatly

needed in the community, and conforms with healthy community initiatives of the municipality and province. After extensive review, the proposed building is determined compatible with the neighbourhood and the community of Amherstburg.

Official Plan Amendment No. 18 establishes a policy framework within the 'High Density Residential' policies for the subject lands. The Official Plan Amendment No. 18 establishes residential policy framework for the proposed new development that is intended as a high density residential condominium development.

The proposed development, through the adoption of the Official Plan Amendment No. 18, will conform with the relevant policies of the County of Essex Official Plan policies and the Town of Amherstburg Official Plan policies by: providing alternative housing tenure and style while supporting a diversification in housing in Amherstburg; by efficiently and effectively utilizing existing infrastructure for the development of new residential units; and by providing for a moderate intensification of land use with a new building containing 12 residential condominium units as a high density development well suited for the neighbourhood.

The Official Plan Amendment No. 18 will provide a policy framework for the implementing bylaw amendment 2022-090. By-law 2022-090 provides a regulatory framework that will establish site specific regulations under the 'Residential Multiple Second Density (RM2)' zone provisions.

PART B – THE AMENDMENT

1. Details of the Amendment

All of this part of the document, entitled ‘Part B – The Amendment’ consisting of the following text and Schedule ‘A’ constitutes Official Plan Amendment No. 18 to the Official Plan for the Town of Amherstburg.

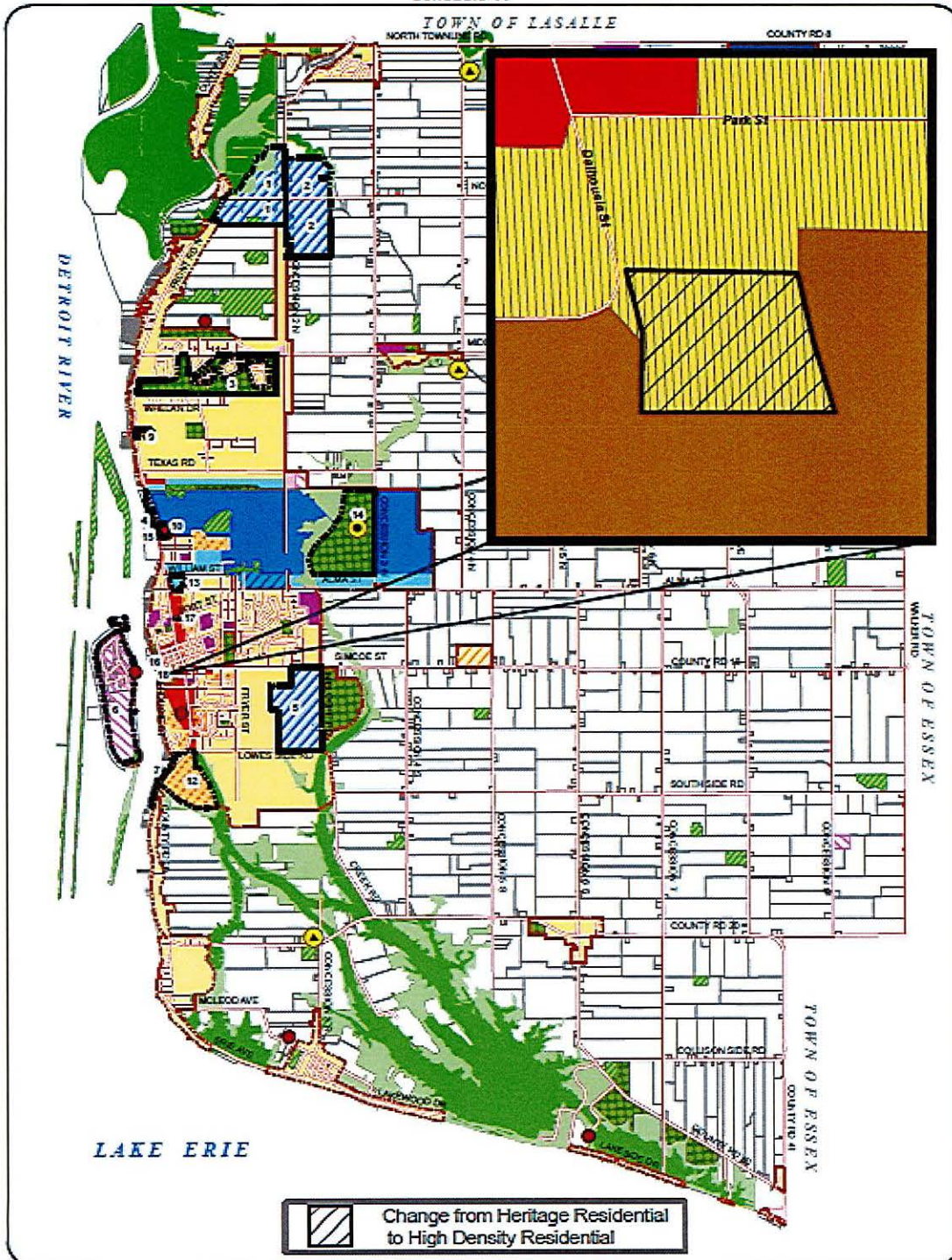
The Official Plan of the Town of Amherstburg is amended as follows:

“Property known municipally as 359 Dalhousie Street is hereby redesignated from ‘Heritage Residential’ designation to ‘High Density Residential’ designation on Schedule ‘A’, ‘B’ and ‘B-2’ to the Official Plan for the Town of Amherstburg and as shown on Schedule ‘A’, ‘B’ and ‘B-2’ attached hereto.”

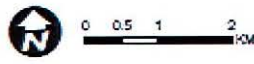
2. Implementation of the Amendment

Official Plan Amendment No. 18 will be implemented through Bylaw 2022-090, an amendment to Zoning By-law 1999-52, and Site Plan Control by-law.

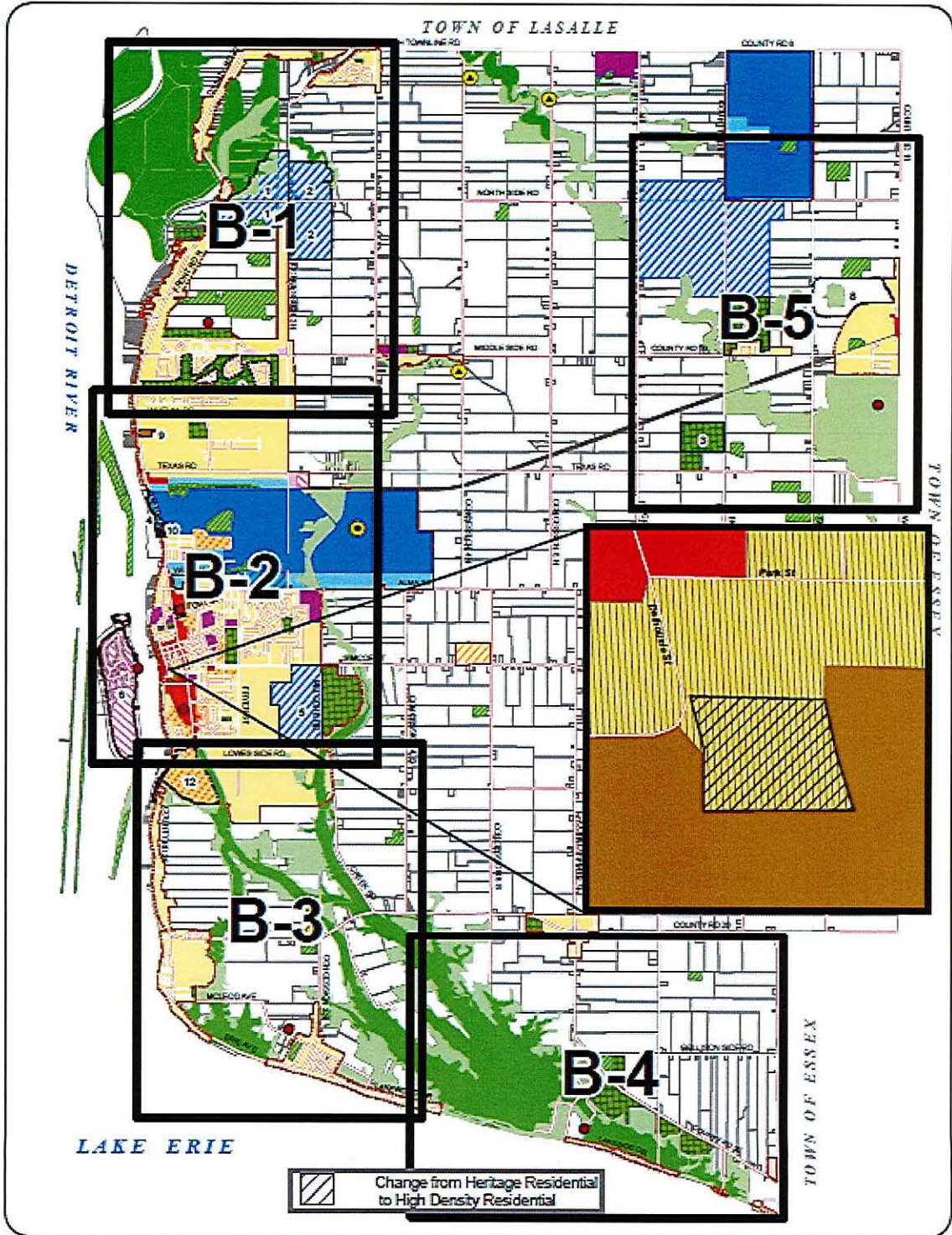
Schedule 'A'



TOWN OF AMHERSTBURG
OFFICIAL PLAN
SCHEDULE "A"
LAND USE PLAN



- Legend**
- Sewage Treatment Facility
 - Closed Landfill Site
 - Open Landfill Site
 - Agricultural
 - Special Policy
 - Settlement Area Boundary
 - Medium Density Residential
 - Provincially Significant Wetlands
 - Natural Environment
 - Woodlots
 - Low Density Residential
 - High Density Residential
 - Office Residential
 - Heritage Residential
 - Modular Home Residential
 - Neighbourhood Commercial
 - Open Space
 - Special Industrial
 - Light Industrial
 - Heavy Industrial
 - General Commercial
 - Extractive Industrial
 - Institutional
 - Recreational Development



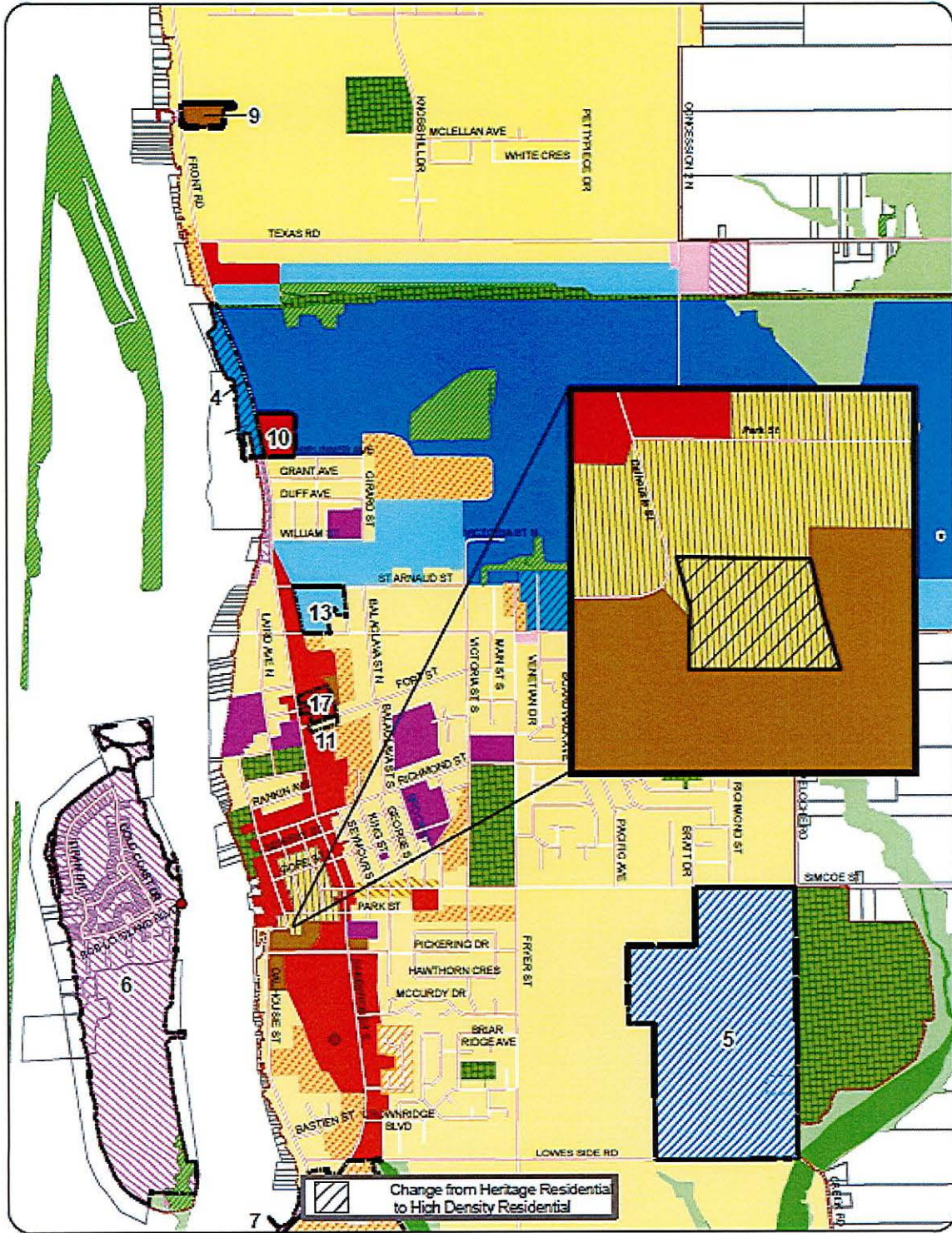
**TOWN OF AMHERSTBURG
OFFICIAL PLAN**

**SCHEDULE "B"
(Index Map)
LAND USE PLAN**

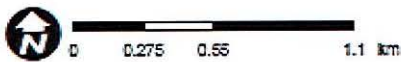


Legend

- | | | |
|-----------------------------------|--------------------------|---------------------------|
| Agricultural | Heritage Residential | Recreational Development |
| Settlement Area Boundary | Modular Home Residential | Open Space |
| Provincially Significant Wetlands | Neighbourhood Commercial | Special Policy |
| Natural Environment | General Commercial | Closed Landfill Site |
| Woodlots | Special Industrial | Open Landfill Site |
| Low Density Residential | Light Industrial | Sewage Treatment Facility |
| Medium Density Residential | Heavy Industrial | |
| High Density Residential | Extractive Industrial | |
| Office Residential | Institutional | |



**TOWN OF AMHERSTBURG
OFFICIAL PLAN**
SCHEDULE "B-2"
LAND USE PLAN



Legend

- | | | |
|-----------------------------------|--------------------------|---------------------------|
| Agricultural | Heritage Residential | Recreational Development |
| Settlement Area Boundary | Module Home Residential | Open Space |
| Provincially Significant Wetlands | Neighbourhood Commercial | Special Policy |
| Natural Environment | General Commercial | Closed Landfill Site |
| Woodlots | Special Industrial | Open Landfill Site |
| Low Density Residential | Light Industrial | Sewage Treatment Facility |
| Medium Density Residential | Heavy Industrial | |
| High Density Residential | Extractive Industrial | |
| Office Residential | Institutional | |