



## THE CORPORATION OF THE TOWN OF AMHERSTBURG

### OFFICE OF DEVELOPMENT SERVICES

**MISSION STATEMENT:** *Committed to delivering cost-effective and efficient services for the residents of the Town of Amherstburg with a view to improve and enhance their quality of life.*

<b>Author's Name:</b> Christopher Aspila	<b>Report Date:</b> January 28, 2023
<b>Author's Phone:</b> 519 736-5408 ext. 2124	<b>Date to Council:</b> February 13, 2023
<b>Author's E-mail:</b> caspila@amherstburg.ca	<b>Resolution #:</b>

**To:** Mayor and Members of Town Council

**Subject:** Major Planning Policy Studies

---

#### 1. **RECOMMENDATION:**

It is recommended that this report **BE RECEIVED** for information.

#### 2. **BACKGROUND:**

The Town of Amherstburg Official Plan was adopted in 2009 and approved in 2010. In 2015, the Town initiated a 5-year review of the Official Plan, partially triggered by the release of a new Provincial Policy Statement in 2014. A background report was prepared in 2016 and an RFP for Official Plan Review consulting services was issued in 2018. A second background report was prepared by a consultant in 2019 and work progressed until the beginning of the COVID-19 pandemic in 2020. Through 2021 and 2022 major staffing changes occurred in the Planning Department including the hiring of the current Manager of Planning Services in May 2022.

In June 2022, the Manager of Planning Services terminated contractual services being provided for the OP Review, the Heritage Conservation District Study and the Urban Design Guidelines in response to major legislative changes brought on through the implementation of Bill 108, Bill 109 and an announcement by the Province that additional changes related to Planning legislation would be forthcoming. The forthcoming changes would be implemented on November 28, 2022 by the Royal Assent of Bill 23.

The County of Essex began an OP 5-year review in 2022 and is currently approaching the conclusion of the first phase of the review. The Town of Amherstburg Official Plan is required by the Planning Act to conform with the policies in the County of Essex Official Plan.

The Town of Amherstburg comprehensive Zoning By-law 1999-52 was approved in 1999 and is an assembly of zoning policies that existed in the municipalities that would amalgamate to form geographic boundary of the Town of Amherstburg as it exists today. Over the years, Zoning By-law 1999-52 has been amended with many site-specific amendments and occasional housekeeping amendments.

The potential creation of a Heritage Conservation District for the core of Amherstburg was first explored in the 1970's and 1980's though didn't advance to official designation. In 2007 Council passed a resolution to issue a Request for Proposals to prepare town-wide Urban Design Guidelines and a concurrent Heritage Study. In 2013, the then Manager of Planning prepared a report comparing the differences between a Heritage District prepared under the Ontario Heritage Act and Urban Design Guidelines. Also in 2013, Council added 58 sites to the Properties of Interest List component of the municipal Heritage Registry. Later in 2013, Administration advised Council that town-wide urban design guidelines and/or the Dalhousie Heritage District designation would have the same effect for protecting structure.

Between 2018 and 2020, another consultant was hired to work on a heritage community improvement plan and urban design guidelines. Work was prepared to the draft stage in 2020 though not brought forward for approval and subsequently never completed. As is the case with the Official Plan 5-year Review, substantial Provincial legislative changes impacting the Heritage Act have occurred and major staffing changes at the Town of Amherstburg have resulted in the need to regroup and develop a new strategy for the heritage policy documents. At present all of the above projects have been on pause pending the release of new Requests for Proposals.

### **3. DISCUSSION:**

Until recently, Planning Policy including Heritage Policy have historically been a lower priority relative to processing development applications at the Town of Amherstburg and most smaller municipalities in Ontario. There are several factors as to why this has been the case including:

- Planners who are experts in policy or heritage historically have been more likely to work at mid or large size municipalities or for consultancies;
- A prevailing attitude at most small municipalities was any development is good development which has now been debunked as municipalities are becoming aware of the long-term asset management costs associated with large tracts of low-density development and the increased prevalence of decaying downtown cores;
- Provincial legislation is placing a greater emphasis on having policies in municipal Official Plans that conform with Provincial Policy, Provincial Plans, provide policy triggers or establish frameworks that allow municipal administration to implement provincial direction and Council's strategic direction for land use development; and
- Interest in protecting or preserving heritage and historical characteristics of communities was historically lower in many communities until recent decades.

The Town of Amherstburg is in a favourable position administratively to manage the preparation and completion of the above-mentioned policy projects. In 2022, the Town recruited two veteran municipal planners with major project management experience who

fill the Town's organizational gaps in planning policy and the heritage / urban design areas.

In November 2022, the Planning team began to revisit the approach to updating the Official Plan, Zoning By-law, Heritage Conservation District and related studies. The Manager of Planning Services, in consultation with all members of the Planning team and the Deputy CAO / Director of Development Services, determined that, with the continuing record level of planning applications and building permit reviews requiring Planning team involvement, issuing a Request for Proposals is the recommended way forward to complete these Council directed initiatives.

In consultation with purchasing staff, the Planning team prepared two Requests for Proposals under the title of Major Policy Studies:

- Official Plan Update and Zoning By-law Update; and
- Heritage Conservation District.

These Requests for Proposals were made public on Monday January 30, 2023 and close for submission in accordance with Town policies on Thursday February 23, 2023.

#### **4. RISK ANALYSIS:**

Failure to review and update the Official Plan in accordance with the Planning Act places the Town in a position of risk for non-compliance with the Planning Act and Provincial Policy Statement issued under section 3 of the Planning Act. Furthermore, Official Plans and Zoning By-laws that are outdated no longer accurately represent the desired land use policy direction for the community. These matters result in the Town facing more exposure to costly Ontario Land Tribunal hearings. The level of risk for the Town having outdated key land use policy documents is high.

#### **5. FINANCIAL MATTERS:**

The Town of Amherstburg currently has \$125,000 in approved funding for these projects. Should this amount not be sufficient to complete these projects, Administration will bring forward a future report with potential funding strategies to address any shortfall.

#### **6. CONSULTATIONS:**

Deputy CAO / Director of Development Services  
Planner III – Heritage, Urban Design and Community Improvement

**7. CONCLUSION:**

This report provides an overview of the history of several major planning policy projects that require updating. Requests for Proposal to initiate the update of the Official Plan, Zoning By-law 1999-52 and completion of the Heritage Conservation District study were issued on January 30, 2023.



---

Christopher Aspila  
**Manager Planning Services**

## Report Approval Details

Document Title:	Major Policy Studies.docx
Attachments:	
Final Approval Date:	Feb 8, 2023

This report and all of its attachments were approved and signed as outlined below:

A handwritten signature in black ink, appearing to read 'Melissa Osborne', with a long horizontal flourish extending to the right.

Melissa Osborne

A handwritten signature in purple ink, appearing to read 'Tracy Prince', with a large, stylized 'T' and 'P'.

Tracy Prince

A handwritten signature in black ink, appearing to read 'Valerie Critchley', with a cursive style.

Valerie Critchley

A handwritten signature in black ink, appearing to read 'Kevin Fox', with a cursive style and a long horizontal flourish.

Kevin Fox