

**CORPORATION OF THE TOWN OF AMHERSTBURG  
BY-LAW NO. 2025-057**

**By-law to amend Zoning By-law No. 1999-52  
Lands located in the Howard Industrial Park District Secondary Plan**

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**WHEREAS** pursuant to Section 34 of the Planning Act, R.S.O. 1990, c.P.13 Zoning by-laws may be passed by the councils of local municipalities.

**AND WHEREAS** pursuant to Subsection 10 of Section 34 of the Planning Act, R.S.O. 1990, c.P.13 the Zoning by-law may be amended.

**AND WHEREAS** By-law 1999-52, as amended, is a land use control by-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Amherstburg;

**AND WHEREAS** this By-law conforms to the Official Plan for the Town of Amherstburg;

**AND WHEREAS** this By-law conforms to Official Plan Amendment 24, which established the Howard Industrial Park District Secondary Plan, and which came into force on February 12, 2025, as modified and approved by the Ontario Land Tribunal;

**AND WHEREAS** the "Excess Soil Strategy" was adopted on May 12, 2025;

**AND WHEREAS** this By-law conforms to Official Plan Amendment 24, which established the Howard Industrial Park District Secondary Plan, and which came into force on February 12, 2025, as modified and approved by the Ontario Land Tribunal;

**AND WHEREAS** the "Excess Soil Strategy and Site Alteration By-law 2025-033" was passed on May 12, 2025 to regulate site alteration and the removal and placement of fill in the Town of Amherstburg;

**NOW THEREFORE** the Council of the Corporation of the Town of Amherstburg enacts as follows:

1. Schedule "A", Map 8 of By-law 1999-52, as amended, is hereby amended by changing the zone symbol on those lands shown as Zone change from "A to EP", "A to h-HLI", "A to h-HSEI", "HI-5 to HSEI", "HI-8 to HLI", "LI to HLI", "LI-7 to HLI", "LI-8 to HLI", "RE/HI-6 to HSEI", "h-10/HI-4 to h-10 HSEI" and "h-HI-6 to HSEI" on Schedule "A" attached hereto and forming part of this By-law from "Agricultural (A) Zone" to "Environmental Protection (EP) Zone", "Agricultural (A) Zone" to "holding Howard Light Industrial (h-HLI) Zone", "Agricultural (A) Zone" to "holding Howard Space Extensive Industrial (h HSEI) Zone", "Special Provision Heavy Industrial (HI-5) Zone" to "Howard Space Extensive Industrial (HSEI) Zone", "Special Provision Heavy Industrial (HI-8) Zone" to "Howard Light Industrial (HLI) Zone", "Light Industrial (LI) Zone" to "Howard Light Industrial (HLI) Zone", "Special Provision Light Industrial (LI-7) Zone" to "Howard Light Industrial (HLI) Zone", "Special Provision Light Industrial (LI-8) Zone" to "Howard Light Industrial (HLI) Zone", "Recreation/Special Provision Heavy Industrial (RE/HI-6) Zone" to "Howard Space Extensive Industrial (HSEI) Zone", "Special Provision holding Special Provision Heavy Industrial (h-10-HI-4) Zone" to "Special Provision holding Howard Space Extensive Industrial (h-10 HSEI) Zone".
2. THAT Section 2 of By-law 1999-52, as amended, is hereby amended by adding the following definitions in alphabetical order with existing definitions;
  - a) "Battery Storage Facility" means a facility where energy from the electrical grid or source of power is stored and discharged back to the electrical grid at a later time. A Battery Storage Facility consists of one or more batteries and may also include ancillary equipment, buildings, and structures

including but not limited to inverters, transformers, control systems, and cooling equipment.

- b) “Batching Plant” means an industrial establishment used for the production of asphalt, asphalt products, concrete, or concrete products used in building or construction and includes facilities for the administration and management of the business, the stockpiling of bulk materials used in the production process or a finished product manufactured on the premises and the storage and maintenance or required equipment, but does not include the retail sales of finished asphalt or finished concrete.
  - c) “Space Extensive Dry Industrial Uses” means the use of any land, building or structure for the purpose of manufacturing, processing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing or adapting for sale, any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, and includes an excess soils facility and the storage and rental of shipping containers. Space Extensive Dry Industrial Uses shall not discharge waste water or discharged waste water from only one or more of the following sources:
    - a. Sanitary sewage from employee washrooms;
    - b. Storm water drainage;
    - c. Water used for indirect cooling of equipment and ancillary purposes.
3. THAT Section 2 of By-law 1999-52, as amended, is hereby amended by deleting the current definition 342 with the following;
- “(342) Transport Terminal” is hereby amended to “Transport and Logistics Terminal”, which means a premises used for the transfer of goods primarily involving loading, unloading, and transloading of full or partial loads of freight-carrying trucks, and accordingly, involving the trailer switching, washing storing, distributing, parking, servicing and dispatching of freight and freight-carrying trucks. Freight or goods are not manufactured, assembled, or processed on the same lot.
4. THAT Section 3(23)(c) of By-law 1992-52, as amended, is hereby amended by adding the following;
- |                                  |                          |
|----------------------------------|--------------------------|
| Batching Plant                   | 1 per 100 m <sup>2</sup> |
| Battery Storage Facility         | 1 per 100 m <sup>2</sup> |
| Space Extensive Dry Industrial   | 1 per 100 m <sup>2</sup> |
| Transport and Logistics Terminal | 1 per 100 m <sup>2</sup> |
5. THAT Section 3(23)(k) of By-law 1999-52, as amended, is hereby deleted and replaced with the following;
- All parking areas and driveways shall be provided and maintained with a stable surface, treated so as to prevent the raising of dust or loose particles, using such surfacing materials as any asphalt, concrete or other hard-surfaced material. In the Heavy and Extractive Industrial, Howard Light Industrial and Howard Space Extensive Industrial Zones, Agricultural Zone and Residential Zones R1, R1A, R1B, R2, R3 and RH, crushed stone or gravel may be used.
6. THAT Section 3(27) of By-law 1999-52, as amended, is hereby amended to permit storage of shipping containers in the HLI Zone by adding the additional subsection after subsection (xiii) as follows;
- (ix) Notwithstanding any other provision of this By-law to the contrary, shipping containers within the HLI zone are permitted to exceed the two

(2) container limit, will not be included in the calculation of lot coverage, will be allowed to be stored as a primary use.

7. THAT Section numbers 24, 25, 26, 27, 28, 29, 30, 31 of By-law 1999-52, as amended, be renumbered as follows;

Section 24 Institutional (I) Zone is hereby amended by changing the section number to 26.

Section 25 Future Development (FD) Zone is hereby amended by changing the section number to 27.

Section 26 Agricultural (A) Zone is hereby amended by changing the section number to 28.

Section 27 Agricultural Restrictive (AR) (FD) Zone is hereby amended by changing the section number to 29.

Section 28 Environmental Protection (EP) Zone is hereby amended by changing the section number to 30.

Section 29 Wetland (W) Zone is hereby amended by changing the section number to 31.

Section 30 Open Space (OS) Zone is hereby amended by changing the section number to 32.

Section 31 Approval is hereby amended by changing the section number to 33.

8. THAT By-law 1999-52, as amended, is hereby amended by adding a new Section 24 Howard Light Industrial (HLI) as follows;

“SECTION 24 HOWARD LIGHT INDUSTRIAL (HLI) ZONE

(1) SCOPE

The provisions of this Section shall apply in all Howard Light Industrial (HLI) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any HLI Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following HLI uses, namely:

- (a) Uses that legally existed on the date of the adoption of this By-law;
- (b) battery storage facility;
- (c) building or contracting establishment;
- (d) building supply outlet;
- (e) commercial storage unit;
- (f) data processing establishment;
- (g) industrial and agricultural equipment sales and service industry;
- (h) industrial use, non-effluent producing;
- (i) manufacturing and assembly industry;
- (j) office, as an accessory use;
- (k) printing reproduction and data processing industry;
- (l) processed goods industry;
- (m) repair and rental establishment;
- (n) retail store, as an accessory use to manufacturing and assembly and processed goods industry;
- (o) transport and logistics terminal;
- (p) transport truck parking lot;
- (q) vehicle repair lot;
- (r) warehousing.

(3) ZONE REQUIREMENTS

No person shall within any HLI Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

- |   |   |   |  |   |                      |     |      |                               |     |      |                                |     |      |   |     |      |
|---|---|---|--|---|----------------------|-----|------|-------------------------------|-----|------|--------------------------------|-----|------|---|-----|------|
| (a) Lot Area (Minimum)  | 1100 m <sup>2</sup>   |   |  |   |                      |     |      |                               |     |      |                                |     |      |   |     |      |
| (b) Lot Frontage (Minimum)  | 30 m  |   |  |   |                      |     |      |                               |     |      |                                |     |      |   |     |      |
| (c) Required Yards (Minimum)  | <table border="0"><tr><td></td><td>Lots<br/>Abutting<br/><u>Industrial</u><br/><u>Zone</u></td><td>Lots<br/>Abutting<br/><u>Any Other</u><br/><u>Zone</u></td></tr><tr><td>(i) Front Yard Depth</td><td>9 m</td><td>18 m</td></tr><tr><td>(ii) Exterior Side Yard Width</td><td>9 m</td><td>18 m</td></tr><tr><td>(iii) Interior Side Yard Width</td><td>3 m</td><td>15 m</td></tr><tr><td>(iv) Rear Yard Depth provided that no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right-of-way</td><td>8 m</td><td>15 m</td></tr></table> |   | Lots<br>Abutting<br><u>Industrial</u><br><u>Zone</u> | Lots<br>Abutting<br><u>Any Other</u><br><u>Zone</u> | (i) Front Yard Depth | 9 m | 18 m | (ii) Exterior Side Yard Width | 9 m | 18 m | (iii) Interior Side Yard Width | 3 m | 15 m | (iv) Rear Yard Depth provided that no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right-of-way | 8 m | 15 m |
|   | Lots<br>Abutting<br><u>Industrial</u><br><u>Zone</u>  | Lots<br>Abutting<br><u>Any Other</u><br><u>Zone</u> |  |   |                      |     |      |                               |     |      |                                |     |      |   |     |      |
| (i) Front Yard Depth  | 9 m   | 18 m  |  |   |                      |     |      |                               |     |      |                                |     |      |   |     |      |
| (ii) Exterior Side Yard Width   | 9 m   | 18 m  |  |   |                      |     |      |                               |     |      |                                |     |      |   |     |      |
| (iii) Interior Side Yard Width  | 3 m   | 15 m  |  |   |                      |     |      |                               |     |      |                                |     |      |   |     |      |
| (iv) Rear Yard Depth provided that no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right-of-way | 8 m   | 15 m  |  |   |                      |     |      |                               |     |      |                                |     |      |   |     |      |
| (d) Landscaped Open Space (Minimum)   | 10%   |   |  |   |                      |     |      |                               |     |      |                                |     |      |   |     |      |
| (e) Lot Coverage (Maximum)  | 60%   |   |  |   |                      |     |      |                               |     |      |                                |     |      |   |     |      |
| (f) Height of Building (Maximum)  | 12 m  |   |  |   |                      |     |      |                               |     |      |                                |     |      |   |     |      |
- with any minimum side yard, if any other portion of any building is erected about a height of 12 m, the required side yard dimensions shall be increased by 1 m for each 1 m by which such portion of the building exceeds 15 m.
- (g) Permitted Buildings and Structures
- (i) Any Structures that legally existed on the date of the adoption of this By-law.
  - (ii) All uses within the HLI Zone must have a main building/permanent structure as part of their permitted use.
- (h) Minimum Landscaping and Screening Requirement
- (i) A minimum 3 m planted buffer is required between the HLI Zone and any abutting residential use or abutting sensitive land use, along the portion of the shared lot line between the HLI use and the more sensitive use, or such greater distance as may be required.
- (i) Open Storage
- No open storage of goods or materials shall be permitted except in accordance with the following provisions:
- (i) Such open storage is accessory to the use of the main building on the lot;
  - (ii) Such open storage complies with the yard and setback requirements of this Section;
  - (iii) Such open storage does not cover more than 40 percent of the lot area;
  - (iv) Any portion of the area used for open storage, is concealed from view from the street by a fence or wall;
  - (v) Such open storage shall be located only to the rear of the main building and shall not be located in the front yard or required exterior side yard.
- (j) Noxious Trade
- No use shall be permitted which from its nature or the materials used therein is declared to be a noxious trade, business or manufacture under the Public Health Act or regulations thereunder.
- (k) Accessory Uses, Parking, etc. in accordance with the provisions of Section 3 hereof.
- (l) Notwithstanding any other provision of this By-law to the contrary, legal non-conforming uses existing on the date of passing of this By-law are permitted to continue and expand as reasonably expected under normal operation.

(m)Waste and Refuse Storage

- (i) Garbage storage, recycling and collection facilities including all other large receptacles used for the temporary storage of waste materials shall be prohibited in front yards and required side yards.
- (ii) Garbage storage, recycling and collection facilities including all other large receptacles used for the temporary storage of waste materials, shall require screening by way of fencing and/or landscaping from adjacent lots and streets
- (iii) All screening shall be a minimum of 1.5 m in height
- (iv) Any refuse and recycling areas co-existing with any parking or loading area:
  - a. Shall be clearly marked as separate and in addition to required parking and loading spaces
  - b. Shall not be located in any public street
  - c. Shall not be located in a fire access route

(n) No new residential uses shall be permitted after the date of the adoption of this By-law.”

9. THAT By-law 1999-52, as amended, is hereby amended by adding a new Section 25 Howard Space Extensive Industrial (HSEI) as follows;

“SECTION 25 HOWARD SPACE EXTENSIVE INDUSTRIAL (HSEI) ZONE

(1) SCOPE

The provisions of this Section shall apply in all Howard Space Extensive Industrial Zone (HSEI) Zones except as otherwise provided in the Special Provisions Subsection of this Section.

(2) USES PERMITTED

No person shall within any HSEI Zone, use any lot or erect, alter or use any building or structure for any purpose except one or more of the following HSEI uses, namely:

- (a) Uses that legally existed on the date of the adoption of this By-law;
- (b) batching plant;
- (c) contractor’s yard;
- (d) office, as an accessory use;
- (e) space extensive dry industrial use;
- (f) transport and logistics terminal;
- (g) transport truck parking lot.

(3) ZONE REQUIREMENTS

No person shall within any HSEI Zone, use any lot or erect, alter or use any building or structure except in accordance with the following provisions:

(a) Lot Area (Minimum)	1100 m <sup>2</sup>	
(b) Lot Frontage (Minimum)	30 m	
(c) Required Yards (Minimum)	Lots Abutting Industrial Zone	Lots Abutting Any Other Zone
(j) Front Yard Depth	9 m	18 m
(ii) Exterior Side Yard Width	9 m	18 m
(iii) Interior Side Yard Width	3 m	15 m
(iv) Rear Yard Depth provided that no interior side yard or rear yard is required along any portion of a lot line which abuts a railroad right-of-way	8 m	15 m
(d) Landscaped Open Space (Minimum)	10%	

- |  |                |
|--|----------------|
| (e) Lot Coverage of buildings (Maximum)  | 60%            |
| (f) Total Lot Coverage of permitted uses, including all buildings, parking areas, and Open Storage (Maximum)   | 80%            |
| (g) Height of Building (Maximum)   | 15 m      15 m |
| with any minimum side yard, if any other portion of any building is erected about a height of 15 m, the required side yard dimensions shall be increased by 1 m for each 1 m by which such portion of the building exceeds 15 m. |                |
- (h) Permitted Buildings and Structures
- (i) Any Structures that legally existed on the date of the adoption of this By-law
  - (ii) All uses within the HSEI Zone must have a main building/permanent structure as part of their permitted use.
- (i) Minimum Landscaping and Screening Requirement
- (i) A minimum 3 m planted buffer is required between the HSEI Zone and any residential use, sensitive land use, or public right-of-way, along the portion of the shared lot line between the HSEI use and the more sensitive use, or such greater distance as may be required.
- (j) Open Storage
- (i) Any part of any lot used for a permitted open storage shall be fenced.
  - (ii) Any portion of the area used for open storage, is concealed from view from the street by a fence or wall;
  - (iii) Such open storage shall not be located in the required front or required exterior side yard.
- (k) Notwithstanding any other provision of this By-law to the contrary, legal non-conforming uses existing on the date of passing of this By-law are permitted to continue and expand as reasonably expected under normal operation
- (l) Waste and Refuse Storage
- (i) Garbage storage, recycling and collection facilities including all other large receptacles used for the temporary storage of waste materials shall be prohibited in front yards and required side yards.
  - (ii) Garbage storage, recycling and collection facilities including all other large receptacles used for the temporary storage of waste materials, shall require screening by way of fencing and/or landscaping from adjacent lots and streets
  - (iii) All screening shall be a minimum of 1.5 m in height.
  - (iv) Any refuse and recycling areas co-existing with any parking or loading area:
    - a. Shall be clearly marked as separate and in addition to required parking and loading spaces
    - b. Shall not be located in any public street
    - c. Shall not be located in a fire access route
- (m) No new residential uses shall be permitted after the date of the adoption of this By-law."

10. THIS By-law shall take effect from the date of passage by Council and shall come into force in accordance with Sections 34 of the Planning Act, R.S.O. 1990, c.P. 13.

Read a first, second and third time and finally passed this 8<sup>th</sup> of September, 2025.

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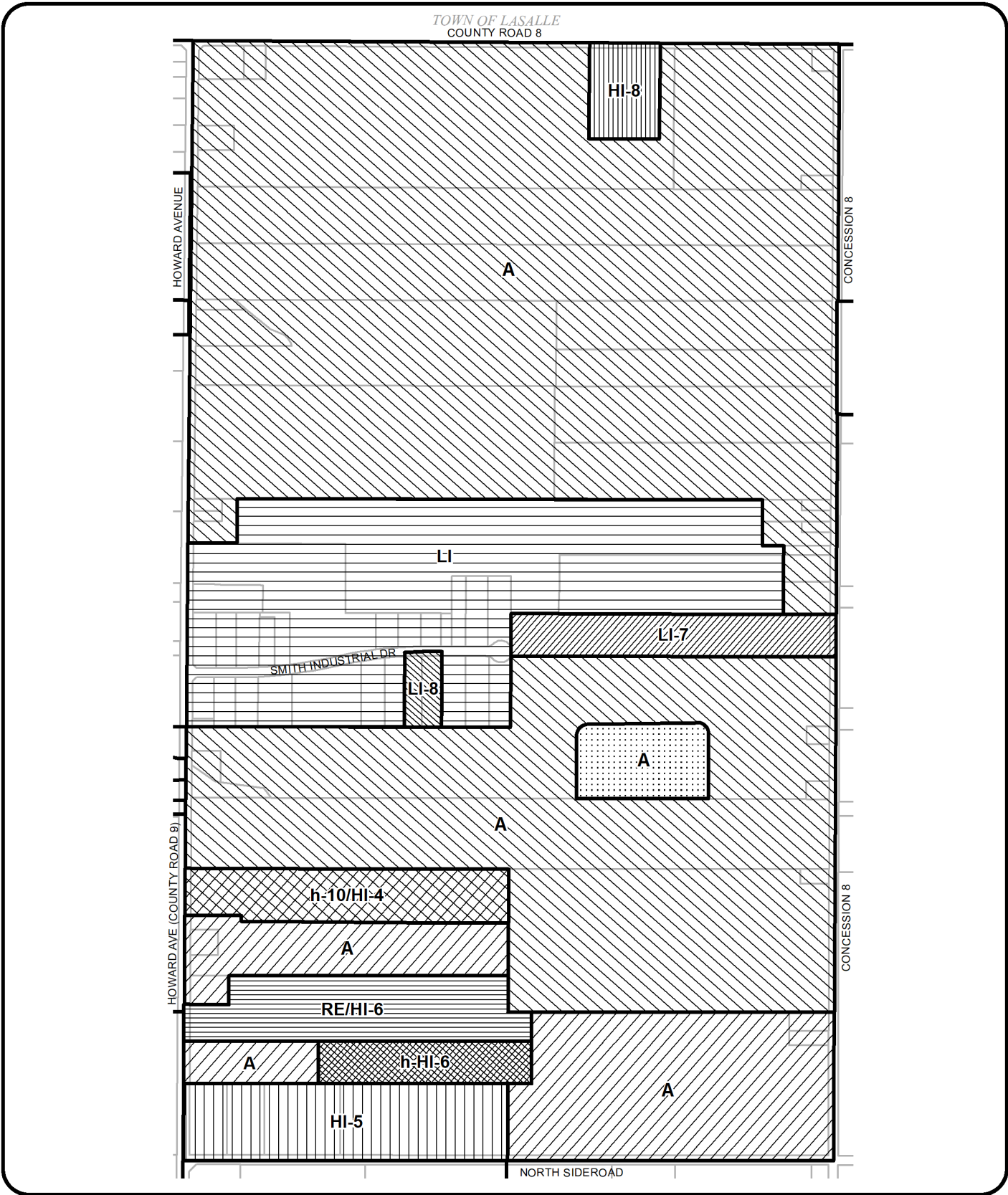
MAYOR- MICHAEL PRUE

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CLERK- KEVIN FOX

TOWN OF AMHERSTBURG

SCHEDULE “A” TO BY LAW No. 2025-057  
BY LAW TO AMEND BY LAW No. 1999 52



**SCHEDULE 'A'**  
**MAP 8**  
ZONING BY-LAW NO. 1999-52

A to EP		HI-8 to HLI		RE/HI-6 to HSEI	
A to h-HLI		LI to HLI		h-10/HI-4 to h-10 HSEI	
A to h-HSEI		LI-7 to HLI		h-HI-6 to HSEI	
HI-5 to HSEI		LI-8 to HLI			