

**Ontario Land Tribunal**  
Tribunal ontarien de l'aménagement  
du territoire



**ISSUE DATE:** February 12, 2025

**CASE NO.:** OLT-24-000486

**PROCEEDING COMMENCED UNDER** subsection 17(36) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant: 2869614 Ontario Inc.  
Applicant: 2869614 Ontario Inc.  
Subject: Proposed Official Plan Amendment  
Description: To permit the incorporation of new Secondary Plan policies and corresponding land use and transportation schedules for the Howard Industrial Park District into the Town of Amherstburg's Official Plan.  
Reference Number: County File No. 37-OP-2023-014 and Amherstburg File No. OPA-24  
Property Address: Lands between County Road 8 and North Sideroad and County Road 9 and Concession Road 8  
Municipality: Amherstburg  
OLT Case No.: OLT-24-000486  
OLT Lead Case No.: OLT-24-000486  
OLT Case Name: 2869614 Ontario Inc. v. Amherstburg (Town)

**BEFORE:**

J. INNIS ) Tuesday, the 28<sup>th</sup>  
MEMBER )  
) day of January, 2025

**THIS MATTER**, having come before the Tribunal for a hearing, in writing, on January 28, 2025 to consider a final resolution of this proceeding on consent of the Parties,

**THE TRIBUNAL** having been advised in writing on November 15, 2024, that a full settlement agreement had been reached between all Parties;

**AND THE TRIBUNAL**, having received and considered:

- i. The uncontested opinion evidence of Dr. Christopher Aspila, a registered professional planner in his Affidavit sworn on October 22, 2024 and in his supplementary Affidavit sworn on February 7, 2025;
- ii. The Motion Record filed by the Applicant and the Affidavit and Exhibits contained therein, including:
  - a) The Township of Amherstburg Administrative Report for Council Consideration dated November 12, 2023;
  - b) The proposed Land Use Schedule to the Howard Industrial Park District Secondary Plan and the Secondary Plan Background Report;
  - c) The County of Essex's Notice of Decision to approve the Official Plan Amendment 24 to the Official Plan of the Town of Amherstburg, dated March 20, 2024.
- iii. The Minutes of Settlement executed by 2869614 Ontario Inc. and the Town of Amherstburg; and
- iv. The confirmation that the County takes no position on the proposed settlement relating to the approval of Official Plan Amendment 24.

**AND THE TRIBUNAL**, having accepted the uncontested Affidavit evidence of Dr. Aspila, with respect to an Official Plan Amendment ("OPA") before the Tribunal in respect of the lands located between North Townline Road (County Road 8) and North Side Road, and between Howard Avenue (County Road 9) and Concession Road 8 in the Town of Amherstburg ("Subject Property"), and having found that the OPA is consistent with, conforms to, and are in keeping with applicable policies and guidelines of the Province of Ontario and County of Essex, and Township of Amherstburg, including:

- i. The *Planning Act*;
- ii. The Provincial Planning Statement, 2024;
- iii. County of Essex Official Plan
- iv. Township of Amherstburg Official Plan

**AND THE TRIBUNAL** having found that the requested OPA, as revised pursuant to the settlement agreement of the Parties, meets the required legislative tests, represents good planning and is in the public interest.

**THE TRIBUNAL THEREFORE ORDERS THAT:** the appeal is allowed in part, and Official Plan Amendment 24 for the Township of Amherstburg, is hereby approved, as set out in **Attachment 1** to this Order.

*“Euken Lui”*

EUKEN LUI  
ACTING REGISTRAR

**Ontario Land Tribunal**

Website: [olt.gov.on.ca](http://olt.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal (“Tribunal”). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

**File No.:** 37-OP-2023-014  
**Municipality:** Town of Amherstburg  
**Subject Lands:** Between CR 8 & North Sdrd &  
CR 9 & Con Rd 8

**Date of Decision:** March 20, 2024  
**Date of Notice:** March 20, 2024  
**Last Date of Appeal:** April 9, 2024

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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 with modifications Amendment No. 24 to the Official Plan for the Town of Amherstburg, as adopted by By-law 2023-111.

### **Purpose and Effect of the Official Plan Amendment**

The purpose of Official Plan Amendment No. 24 is to add Secondary Plan polices and corresponding land use and transportation schedules for the Howard Industrial Park District. The Secondary Plan is intended to establish an environmentally and fiscally responsible land use policy framework that facilitates and supports industrial development within the defined area. 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.24 were considered as a part of the County's review process. Modifications are proposed through the County's decision.

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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  
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. 24  
Official Plan of the Town of Amherstburg  
Subsection 17(34) of the Planning Act**

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I hereby approve as modified, Amendment No. 24 to the Official Plan for the Town of Amherstburg, as adopted by By-Law 2023-111.

## **Modification #1**

Section 9.2.2, Objectives, subsection v) is deleted in its entirety and replaced with the following:

“Until full municipal servicing is available, to limit new development to ‘Dry Industrial’ and ‘Space-Extensive Industrial’ uses that do not use or discharge large volumes of water, and to discourage new lot creation activity;”

Dated at Essex, Ontario this 20<sup>th</sup> day of March, 2024

## **ORIGINAL SIGNED**

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

**ATTACHMENT 1****AMENDMENT NO. 24****TO THE OFFICIAL PLAN****FOR THE CORPORATION OF THE TOWN OF AMHERSTBURG****HOWARD INDUSTRIAL PARK DISTRICT  
SECONDARY PLAN**

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AMENDMENT NO. 24  
TO THE OFFICIAL PLAN OF AMHERSTBURG

I, Kevin Fox, Clerk of the Town of Amherstburg, certify that this a/the original/duplication original/certified copy of Amendment No. 24 of the Town of Amherstburg.

Sarah Sabihuddin

~~CLERK - Kevin Fox~~

Deputy clerk - Sarah Sabihuddin

The Corporation of the Town of Amherstburg  
By-law 2023-111

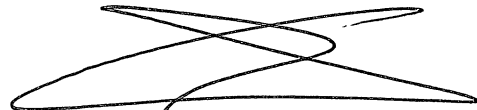
Being a by-law to adopt Official Plan Amendment No. 24  
to the Official Plan for the Town of Amherstburg

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**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:

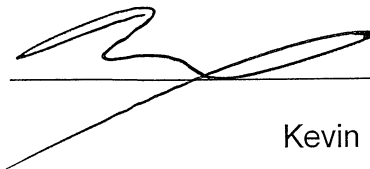
1. Amendment No. 24 to the Official Plan for the Corporation of the Town of Amherstburg, consisting of the attached text and maps, is hereby adopted.
2. That the Clerk is hereby authorized and directed to make application to the Corporation of the County of Essex for approval of Amendment NO. 24 to the 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 27<sup>th</sup> day of November, 2023.



Michael Prue, Mayor

Chris Gibb, Deputy Mayor



Kevin Fox, Clerk

Certified to be a true copy of the  
original document.



Clerk - Kevin Fox  
Town of Amherstburg

## **2.0 THE CONSTITUTIONAL STATEMENT**

PART A – PURPOSE AND BASIS OF THE AMENDMENT does not constitute part of this amendment.

PART B – THE AMENDMENT consisting of the following text and maps, constitutes Amendment No. 24 to the Official Plan for the Corporation of the Town of Amherstburg.

AMENDMENT NO. 24  
TO THE OFFICIAL PLAN  
FOR THE CORPORATION OF THE TOWN OF AMHERSTBURG

**3.0 PART “A” – PURPOSE AND BASIS OF THE AMENDMENT**

The purpose of Official Plan Amendment 24 is to incorporate new Secondary Plan policies and corresponding land use and transportation schedules for the Howard Industrial Park District into the Town of Amherstburg's Official Plan.

The lands affected by this amendment are located between North Townline Road (County Road 8) and North Side Road, and between Howard Avenue (County Road 9) and Concession Road 8. Most of these lands are currently designated “Heavy Industrial” in the Town's approved Official Plan, with a small area located along Smith Industrial Drive being designated “Light Industrial”. An existing wooded area situated southeast of Smith Industrial Drive is designated “Woodlots” in recognition of its ecological significance.

The Windsor-Essex Region does not have an adequate supply of “shovel-ready” industrially designated, zoned and serviced lots. The subject lands have been designated for industrial purposes for more than 20 years, however, the majority of the lands located in this industrially designated area have remained undeveloped.

This new secondary plan is intended to establish an environmentally and fiscally responsible land use policy framework that facilitates and supports new industrial job creation at this location, working within the context of the district's physical and locational characteristics, and the servicing capabilities that are available.

This district is currently in transition, and new master plan studies will need to be undertaken and corresponding infrastructure investments made for this important industrial district to be fully developed in keeping with Council's stated economic development objectives.

Co-operation and investment from private-sector landowners/developers will also be required to assist the Town of Amherstburg achieve the goals and objectives articulated for this secondary plan area. The new secondary plan policies and land use designations will enable this district to develop and redevelop in a logical, orderly, and responsible manner, consistent with provincial policies and in conformity with the County of Essex Official Plan.

It should be noted that this Official Plan Amendment also redesignates lands located along the west side of Concession Road 8, from a "Heavy Industrial" to an "Agricultural" designation.

A Background Report (dated January 2023) was prepared in support of this Official Plan Amendment, and was made available to members of Council, affected landowners and interested residents. A Public Open House was held on March 8, 2023 to share the findings/information from the Background Report and to obtain feedback and input from interested landowners, developers and residents.

In the Fall of 2022, meetings were held with representatives from: the Ministry of the Environment, Conservation and Parks; the Ministry of Municipal Affairs and Housing; the Ministry of Economic Development, Job Creation and Trade; Invest Windsor-Essex; the County of Essex; and the Essex Region Conservation Authority. Applicable legislation and corresponding policy approaches were reviewed at that time. Town Engineering and Planning Staff have been consulted with and their input and feedback has contributed to the policies and designations that form part of this new Secondary Plan.

A second Public Open House was held on July 25, 2023 to present the draft new secondary plan policies, to explain changes that are being introduced by this Official Plan Amendment, and to respond to questions. A Statutory Public Meeting is being held on August 14, 2023.



#### **4.0 PART “B” – THE AMENDMENT**

All of this part of the document, entitled “Part B” – The Amendment, consisting of the following schedule and text constitutes Amendment No. 24 to the Official Plan for the Town of Amherstburg.

##### **4.1 DETAILS OF THE AMENDMENT**

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

1. That Appendix “A” attached, “Howard Industrial Park District Secondary Plan, Land Use Schedule”, is added as a new Schedule “E”.
2. That Appendix “B” attached, “Howard Industrial Park District Secondary Plan, Transportation Plan”, is added as Schedule “E-1”.
3. That a new Section 9, Howard Industrial Park District Secondary Plan, is hereby added, to read as follows:

#### **“Section 9 HOWARD INDUSTRIAL PARK DISTRICT SECONDARY PLAN**

##### **9.1 INTRODUCTION**

- 9.1.1 The policies in this section of the Amherstburg Official Plan apply to development and redevelopment on all lands situated within the “Howard Industrial Park District”.

The Howard Industrial Park District affects approximately 300 hectares of land situated to the south and east of County Road 8 (North Townline Road 8) and County Road 9 (Howard Avenue), with the boundaries of this district being depicted on Schedule “E”.

These lands were placed in industrial designations by the former Township of Anderdon Official Plan, prior to the 1999 amalgamation. The industrial designations were carried forward in the post amalgamation Official Plan for the Town of Amherstburg, and they are the current land use designations that apply to these properties.

At present, most of the land located within this industrial district remains undeveloped and is being used for agricultural purposes, except for the Smith Industrial Drive development and a small number of tracts of land that are being used for various space-extensive industrial type land uses.

There are currently no piped sanitary sewer services available to lands located within this district, and existing lots of record are serviced by a piped municipal water supply.

- 9.1.2 Secondary Plans provide a more detailed planning framework for specific geographic areas within the Town of Amherstburg, and establish more specific land use, transportation, servicing, and implementation policies for the land areas affected. Secondary Plans are intended to guide and direct landowners, developers, residents, other levels of government, and other interested stakeholders regarding the manner in which lands within these areas are developed and redeveloped over time.

The land use designations and policies of Section 9 shall be known as the Howard Industrial Park District Secondary Plan. These Secondary Plan policies and designations are intended to facilitate and support the transition of this existing industrially designated district from what is currently an underutilized and partially serviced area to a modern and fully serviced new "Howard Industrial Park District" that can over time be subdivided, serviced and developed for a broad range of industrial type businesses.

These Secondary Plan policies and designations will allow the Town to undertake the necessary master servicing studies (and Class EAs) and to work with landowners, developers, regional agencies and senior levels of government to identify, implement and fund the required municipal infrastructure and services needed to support the full build out of the Howard Industrial Park District.

Where there is a conflict between the policies and designations of the Official Plan and the policies and designations of this Secondary Plan, the Secondary Plan policies and designations will prevail and will supersede those of the Official Plan for the land area which is the subject of this Secondary Plan. In all other instances, the policies and designations of the Official Plan are relevant and shall apply in addition to the policies of Section 9.

## 9.2 GOAL AND OBJECTIVES

### 9.2.1 Goal

The goal of this Secondary Plan is to provide a policy framework to guide the future development of an existing underutilized Industrial District to support job creation in the Town, while ensuring that permitted new development takes place in a coordinated, orderly, environmentally and fiscally responsible manner.

### 9.2.2 Objectives

- i. To create opportunities in Amherstburg to establish and expand certain types of industrial businesses on sites that have access to regional transportation corridors, and are in close proximity to the major international trade corridor that connects directly to existing and planned new crossings to the United States;
- ii. To ensure that there is a sufficient supply of industrially designated land to meet the needs of the Town of Amherstburg for a twenty-five year planning horizon;
- iii. To ensure the proper functioning of an integrated, cohesive, and properly serviced Industrial District, through a new inter-connected internal road network that provides safe and convenient access to future lot creation;
- iv. To create a framework that serves as a foundation to phase in full municipal infrastructure and servicing as this district continues to develop over time;
- v. Full municipal services are the preferred method for servicing the Secondary Plan Area. Notwithstanding, partial services may be considered for Industrial Uses that do not discharge large volumes of water. Properties with Private Sanitary Sewage Systems will be required to connect to full municipal services when they become available in keeping with Official Plan Policy s.2.6.3;
- vi. To ensure that permitted Dry Industrial land uses develop in a manner which are compatible with adjacent land uses, including the provision of adequate separation distances, buffering and screening from existing residential properties in accordance with applicable standards and/or applicable guidelines;

- vii. To protect existing natural heritage features, protect properties from flooding, and to facilitate the design and installation of coordinated storm water management infrastructure for this district.

### 9.3 LAND USE DESIGNATIONS

#### 9.3.1 Howard Light Industrial

- 9.3.1.1 Lands designated Howard Light Industrial include lands that are serviced by a municipal piped water supply, and are serviced by (or can be serviced by) private individual sanitary sewage services.

In consideration of the type of servicing available at this time, uses permitted in the Howard Light Industrial Area are restricted to:

- i. Dry Industrial uses within enclosed buildings including manufacturing, processing, assembling, fabricating, repairing, packaging, warehousing and wholesaling, data processing, commercial self-storage, and related uses.  
  
Dry industrial uses are those uses which do not rely on water and/or discharge for processing, cooling, washing as part of the manufacturing, processing, assembling, fabricating, repairing, packaging, warehousing and/or wholesaling processes.
- ii. Trucking, and transportation/logistics terminals.
- iii. Battery Storage Facilities, and similar utility/energy storage facilities that enable energy from renewables to be stored and then released when the power is needed;
- iv. Uses legally existing on the date of the adoption of this Secondary Plan, including agricultural uses.
- v. Office uses provided that they are located on the same lot, and are directly related to and accessory to the main permitted dry industrial use and/or main trucking, and transportation/logistics terminal.

- vi. Limited gross floor area devoted to retail sales of the goods manufactured, processed, assembled, or packaged on the permitted dry industrial premises.
- vii. New residential dwellings shall be prohibited within areas designated as Light Industrial.

The range of permitted land uses within the Howard Light Industrial designation shall be further refined through the implementing Zoning By-law.

9.3.1.2 The following policies apply to the development and redevelopment of land designated Howard Light Industrial:

- i. All uses, buildings, and structures permitted within this designation are subject to the approval of the Town of Amherstburg, to ensure that they do not use large volumes of water and that they can be properly serviced by private on-site sewage facilities;
- ii. it is the intent of Council to utilize appropriate setback, buffering, screening and other mitigation techniques to maximize compatibility between permitted industrial uses and nearby sensitive land uses such as existing residences;
- iii. the zoning by-law may set out maximum height and site coverage regulations so that the scale of new industrial development will have minimal impact on any adjacent existing residential dwellings and/or other sensitive land uses.
- iv. the zoning by-law and site plan control by-laws may specify higher standards for setbacks, the location of parking and loading areas, signage, lighting, landscaping and screening of outside storage where a proposed industrial use is adjacent to an existing residential dwelling and/or other sensitive land uses.
- v. Noise can be expected to vary significantly within the Secondary Plan area and will occur from both stationary sources and transportation sources within and in the vicinity of the Secondary Plan area.

Noise and vibration studies shall be required prior to any development and/or expansion being permitted on land

designated Howard Light Industrial within 300 metres of any residential dwelling, in order to address the compatibility of land uses, and to ensure compliance with the Ministry of the Environment, Conservation and Parks D-6 Guideline;

- vi. Air quality studies may be required in support of industrial development on lands designated Howard Light Industrial;
- vii. Odour may be caused by discharges from a variety of sources including stationary sources such as buildings, outdoor sources, or fugitive sources such as equipment leaks. As a result, odour assessment, and odour management plans and control measures that are specific to the facility that is being proposed may be required at the Site Plan application stage to avoid odour release and off-site effects;
- viii. Effective fugitive dust management may also be required in support of any new industrial development. A Best Management Plan outlining procedures and practices to prevent nuisance effects and deposition of fugitive dust should be prepared in support of new industrial development applications.
- ix. Setback and mitigation measures as set out in the Ministry of Environment, Conservation and Parks (MECP) "D" Series Guidelines shall apply to all new light industrial uses.
- x. Adequate parking, loading and garbage collection/storage facilities shall be provided on the site.
- xi. Outside storage will only be permitted as an accessory use to a permitted main use, and shall only be allowed in a rear yard or an interior side yard. No outside storage is permitted in the front yard or exterior side yard. All outside storage shall be visually screened and fenced from public roads, and berming and landscaping will be provided to the satisfaction of the Town to maximize land use compatibility and to enhance the visual appearance of businesses locating in this Industrial District.

### 9.3.2 Space-Extensive Industrial

- 9.3.2.1 Lands designated Space-Extensive Industrial include existing parcels of land that have existing legally permitted uses which utilize large land areas as integral parts of their industrial operation. These properties are serviced by existing private individual sanitary sewage services and municipal public water services. There are several large vacant tracts of lands located within this designation designated that would allow for an orderly limited expansion of Space-Extensive Dry Industrial Uses within this existing designated Industrial District.

Uses permitted in the Space-Extensive Industrial Area are restricted to:

- i. Uses legally existing on the date of the adoption of this Secondary Plan, including agricultural uses.
- ii. Contractor's Yards, concrete batching plants and other Space-Extensive Dry Industrial uses that incorporate large outdoor land areas as part of their normal operation, to store building and recycling materials, aggregate, soil, and related items, and do not use and/or discharge large volumes of water.
- iii. Trucking, and transportation/logistics terminals.
- iv. Office uses provided that they are located on the same lot, and are directly related to and accessory to existing legally permitted uses, uses, Space-Extensive Dry Industrial uses, contractor's yards, and trucking and transportation/logistics terminals.
- v. New residential dwellings shall be prohibited within areas designated Space Extensive Industrial.

The range of permitted land uses within the Space-Extensive Industrial designation shall be further refined through the implementing Zoning By-law, including the existing legally permitted uses that currently exist within this designation.

- 9.3.2.2 The following policies apply to the development and redevelopment of land designated Space-Extensive Industrial:
- i. All uses, buildings, and structures permitted within this designation are subject to the approval of the Town of Amherstburg, to ensure that they do not use large volumes of water and that they can be properly serviced by private on-site sewage facilities;
  - ii. it is the intent of Council to utilize appropriate setback, height restrictions, extensive buffering and mitigation techniques to maximize compatibility between Space-Extensive Industrial uses and nearby sensitive land uses such as existing residences, and to visually screen large outdoor open storage areas from existing streets;
  - iii. the zoning by-law shall set out maximum height and site coverage regulations so that the scale of new industrial development will have minimal impact on any adjacent residential dwellings and/or other sensitive land uses.
  - iv. the zoning by-law and site plan control by-laws shall specify appropriate standards for setbacks, the location of parking and loading areas, signage, lighting, landscaping and screening of outside storage where a proposed industrial use is adjacent to existing residential dwellings and/or other sensitive land uses.
  - v. Noise and vibration studies shall be required prior to any development and/or expansion being permitted on land designated Space-Extensive Industrial, in order to address the compatibility of land uses, and to ensure compliance with the Ministry of the Environment, Conservation and Parks D-6 Guideline;
  - vi. Air quality studies and a hydrogeological report shall be required in support of industrial development on lands designated Space-Extensive Industrial, to ensure that all applicable regulations and guidelines related to air quality and groundwater and being met and no adverse impacts will result from the proposed new development;
  - vii. Odour may be caused by discharges from a variety of sources including stationary sources such as buildings, outdoor sources, or fugitive sources such as equipment leaks. As a result, odour assessment, and odour management plans and control measures that are specific to



the facility that is being proposed shall be required at the Site Plan application stage for all Space-Extensive Industrial development to avoid odour release and off-site effects;

- viii. Effective fugitive dust management shall also be required in support of any new industrial development within the Space-Extensive Industrial designation. A Best Management Plan outlining procedures and practices to prevent nuisance effects and deposition of fugitive dust shall be prepared in support of new Space-Extensive industrial development applications.
- ix. Setback and mitigation measures as set out in the Ministry of the Environment, Conservation and Parks (MECP) "D" Series Guidelines shall apply to all new Space Extensive industrial uses.
- x. Adequate parking, loading and garbage collection/storage facilities shall be provided on the site.
- xi. Outside storage will not be permitted in a required front yard and exterior side yard, and will only be allowed in a rear yard or an interior side yard. All outside storage shall be visually screened and fenced from public roads, and berming and landscaping will be provided to the satisfaction of the Town to maximize land use compatibility and to enhance the visual appearance of all Space-Extensive industrial development. Detailed standards and zoning restrictions related to permitted outdoor storage for all Space-Extensive Industries will be established by the Town as part of the implementing zoning by-law, to maximize land use compatibility and to ensure compliance with applicable provincial regulations and guidelines.
- xii. As part of the implementation of this Official Plan Amendment, the Town will be preparing a Comprehensive Excess Soil and Reuse Strategy and Implementation Guideline. This strategy and guideline document is intended to utilize best practices for the management of excess soil generated and fill received in the Town of Amherstburg, and to implement applicable legislation and regulations as set out by the Province of Ontario for such activities and land uses. The Town may also utilize municipal site alteration and fill by-laws, and other regulatory instruments as part of this new comprehensive strategy and implementation guideline to protect public health and safety for all Amherstburg residents

and to minimize long-term adverse environmental impacts associated with illegal dumping and poor site management practices.

Notwithstanding subsection 9.3.2.1 (ii), until this comprehensive strategy and implementation guideline is prepared and adopted by Council, the storage of excess soil, liquid soil processing, and liquid soil disposal are prohibited activities/uses within the Howard Industrial Park District.

- xiii. Solid waste processing, solid waste disposal, the processing of contaminated materials, and the disposal of contaminated materials are prohibited activities and land uses within the Howard Industrial Park District.

### 9.3.3 Natural Environment

- 9.3.3.1 The boundaries and extent of the Natural Environment designation identified on Schedule "E" are approximate. The exact boundaries for this significant natural heritage feature shall be further refined through an Environmental Impact Study undertaken by the landowner(s) at the time that new development is being proposed for the affected lands. Refinements to this boundary will not require an Amendment to this Secondary Plan, and may occur through an Environmental Impact Study that demonstrates the appropriateness of the refinements to the satisfaction of the Town, in consultation with the relevant agencies.
- 9.3.3.2 Where the boundary to this Natural Environment designation is refined, the abutting land use designation shall apply, provided the designation change will not result in development or site alteration that will have adverse effects on any key natural heritage feature and their ecological function.
- 9.3.3.3 The removal, modification or destruction of key natural heritage features or their functions by unauthorized development or site alteration is prohibited. Such removal, modification or destruction will not provide the rationale for the removal of these lands from the Natural Environment designation. Restoration, to the satisfaction of the Town in consultation with applicable agencies, will be required for these lands.

- 9.3.3.4 In addition to the Natural Environment area as identified on Schedule "E", the Secondary Plan Area also contains other wooded areas, hedgerows and municipal drains that may contain significant natural features and/or habitat of endangered species, threatened species, and species of special concern. The Town will require the preparation of an Endangered Species Act (ESA) screening and/or Environmental Impact Study (EIS) by a qualified consultant to determine the impact of the development on the natural environment and what mitigation and/or compensation is required to comply with Town, County and Provincial policies.
- 9.3.3.5 Prior to the preparation of an ESA screening and/or an Environmental Impact Study the proponent is required to consult with the Town and their consultants, and any other applicable agency having jurisdiction to define the terms of reference of the screening and/or study. The specific requirements for an Environmental Impact Study shall be determined at the pre-consultation stage. Any Environmental Impact Study or Species at Risk Assessment completed for a proposed development shall be consistent with all applicable provincial legislation and policies, and shall conform to the policies of the Town of Amherstburg and the County of Essex Official Plans.

#### **9.4 TRANSPORTATION**

- 9.4.1 Schedule "E-1" of this Secondary Plan establishes the existing and planned road network for this secondary plan area, and identifies the type of road by function it is expected to perform.
- 9.4.2 Both County Road 9 (Howard Avenue) and County Road 8 (North Townline Road 8) are identified by the County of Essex as Regional Roads. These roads are owned and maintained by the County of Essex, and they are intended to carry larger volumes of traffic that meets the needs of regional traffic travelling between communities located throughout the Windsor-Essex Region.

Smith industrial Drive was built as an industrial road to service lots that were subdivided in the 1990s to create the Smith Industrial Drive

development. No additional roads have been constructed within the designated Howard Industrial Park District.

North Side Road and Concession Road 8 are both designated as Class B roads under the ownership and jurisdiction of the Town of Amherstburg. These roads were built to carry low volumes of traffic and to meet the needs of agricultural and rural residential land uses. With the exception of a small section of North Side Road (located immediately to the east of County Road 9), these local roads are not built to a standard that can accommodate new industrial development.

- 9.4.3 The road network within this Secondary Plan area is based on a hierarchical system which distinguishes between the relative importance of providing for the traffic movement and/or property access for each roadway. The roadway classification is as follows:

- I. Arterial roads (County Road 9) - provide for high volumes of passenger and commercial traffic, as well as major transit service, for inter-urban travel at moderate speeds. Direct property access will be controlled to limit the number and spacing of driveways and new public road intersections, while recognizing urban design considerations and the importance of a high degree of pedestrian, vehicular, and cyclist interconnections between and within all neighbourhoods and districts located in the Secondary Plan Areas.

County Road 9 is an existing arterial road that is under the jurisdiction of the County of Essex, and all access onto this road is controlled by the County. Permits onto this arterial road for any new entrance (and/or the alteration of an existing entrance) must be obtained from the County of Essex. Building setbacks from the right of way limits of this road are governed by By-laws adopted and administered by the County.

- II. Collector roads - provide for the movement of moderate volumes of traffic between local roads and the arterial roads. These facilities will function at low to moderate speeds with direct access being provided at individual properties.

County Road 8 is an existing collector road that is under the jurisdiction of the County of Essex, and all access onto this road is controlled by the County. Permits onto this collector road for any new entrance (and/or the alteration of an existing entrance) must be obtained from the County of Essex. Building setbacks from the right of way limits of this road are governed by By-laws adopted and administered by the County.

The new internal collector road depicted on Schedule "E-1" is intended to be constructed as part of future draft plan of subdivision applications, and will be under the jurisdiction of the Town of Amherstburg. Building setbacks from the right of way limits of this new collector road will be governed by By-laws adopted and administered by the Town.

- III. Local Roads - retain direct access and provide linkages from abutting lands uses to the collector and arterial road network. Traffic speeds and volumes are low on local roads.

9.4.4 The Town shall require the following minimum road allowance widths, by roadway type, for all roads located within this secondary plan area:

- i. Arterial Roads - the minimum right of way width for County Road 9 will be established by the County of Essex;
- ii. Collector roads – 22.5 to 26 metres, save and except for County Road 8, where the minimum right of way width will be established by the County of Essex;
- iii. Local Roads - 20 meters

9.4.5 The road network will be designed to augment the existing roads, improve connectivity within the Secondary Plan Area and to adjacent areas, facilitate access to individual properties, and provide for the efficient and safe movement of people and goods. All roads within this Secondary Plan Area are intended to be public roads, and will be constructed and maintained to a standard as set out in the Town's Development Standards Manual, and to the satisfaction of the County of Essex for all County Roads.

9.4.6 The location and alignment of new collector roads as shown on Schedule "E-1" are conceptual, and are subject to more detailed engineering design that will be undertaken as part of future Planning Act applications to establish the exact alignment of each new road, to the satisfaction of the Town and/or the County of Essex.

9.4.7 As part of any development application, a Traffic Impact Study that is approved by the respective roadway jurisdiction will be required to be prepared and submitted to: confirm that there is adequate network capacity to accommodate the proposed development; assess the extent of road and/or intersection improvements (such as traffic signals, turn lanes, access construction, illumination etc.); identify the timing for such

improvements, if required; and to determine the location of any new entrance/exist being proposed.

## **9.5 INFRASTRUCTURE AND MUNICIPAL SERVICING**

### **9.5.1 Sanitary Sewage**

- a) At present, lands located within this Industrial District are not within the catchment area of any of the Town's sanitary sewage service areas. The developed parcels of land in this district are all serviced by private individual on-site sewage systems. It is the intent of this Secondary Plan that development on new lots to be created as part of Planning Act applications for lands located within this Secondary Plan, with the exception of Space-Extensive Dry Industrial lands, is preferred to be serviced with a piped sanitary sewerage collection and treatment system that is designed and approved by the Town and the Ministry of the Environment, Conservation and Parks but not required if private individual on-site sewerage systems are a viable option until full municipal services are available in keeping with Official Plan Policies s.2.6.2, 2.6.3 and 2.6.4.
- b) Council supports the principle that piped municipal sanitary sewage services is the preferred form of servicing new unsubdivided lands located within this Industrial District, for environmental and human health protection purposes, and for long-term fiscal sustainability.
- c) The Town of Amherstburg is undertaking an Environmental Assessment to identify potential options to expand the capacity of the existing McGregor Sanitary Sewage Treatment Facilities. As part of this environmental assessment study, the feasibility and cost of extending new piped municipal sanitary sewers to service the Howard Industrial District are being investigated.
- d) In the interim, until such time that a Ministry of the Environment, Conservation and Parks approved piped municipal sanitary sewer system is available:
  - 1. Dry Industrial uses and other permitted uses as set out in Section 9.3.1.1 of this Secondary Plan will be permitted to develop or redevelop on in areas that are designated Howard Light Industrial, provided they meet the requirements of the Ministry of Environment, Conservation

and Parks for individual or communal sanitary sewerage serving systems.

2. Individual private sewage systems may be permitted on lands designated Space-Extensive Industrial to service buildings and structure associated with the permitted uses set out in Section 9.3.2.1 of this Secondary Plan, provided they meet the requirements of the Ministry of the Environment, Conservation and Parks for individual sewerage servicing systems.
  3. Applicants will have to demonstrate that the site conditions are suitable for the installation of an on-site private system, and that the system will be designed and maintained to meet applicable provincial regulations, and have no negative impact on the surrounding area.
- e) Once the Town's Environmental Assessment is complete, and a long-term sanitary servicing strategy is put in place to service the Howard Industrial Park District with piped sanitary sewer facilities, an amendment will be made to this Secondary Plan to incorporate additional land use, servicing, phasing and implementation policies that will broaden the range of industrial type uses permitted, and will facilitate the full subdivision, servicing and build out of these existing designated employment lands.

#### 9.5.2 Storm Drainage and Stormwater Management

- a) The topography of lands located in this Industrial District is very flat and is drained by network of existing municipal drains and roadside ditches in various states of repair.
- b) All new development on existing lots of record located within this Secondary Plan Area shall be provided with properly sized and designed storm drainage and stormwater management facilities (connected to a receiving outlet that has the required outlet capacity), in accordance with a Stormwater Management Plan that is undertaken in accordance with the requirements of the Town and the Essex Region Conservation Authority, and is submitted and approved by both the Town and ERCA as a condition of any development or redevelopment approval granted on existing lots.

c) Stormwater management shall:

1. Minimize, or, where possible, prevent increases in contaminant loads;
2. Minimize changes in water balance and erosion;
3. Not increase risks to human health and safety and property damage;
4. Maximize the extent and function of vegetative and pervious surfaces; and,
5. Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

d) Stormwater Management Plans shall be required for any new industrial development within this Secondary Plan Area, and shall be prepared in accordance with the Province's Stormwater Management Plan and Design Manual.  
A Stormwater Management Plan shall:

1. Incorporate an integrated treatment approach to minimize stormwater management flows and reliance on end-of-pipe controls through measures including source controls, lot-level controls and conveyance techniques, such as grass swales, where appropriate;
2. Identify the specific location of any required permanent end of pipe facilities, the areas they will service, and considerations for their size, shape and design criteria;
3. Evaluate predicted changes in the water balance between pre-development and post-development conditions, and evaluate how such changes will be minimized;
4. Evaluate anticipated changes in phosphorus loadings between pre- development and post-development, and evaluate how phosphorus loading will be minimized;

e) Prior to any new lots and roads being created within this Industrial District, a comprehensive Storm Drainage Master Servicing Plan shall be prepared in accordance with the Municipal Class Environmental Assessment requirements.



This Master Plan is intended to provide Council and the landowners affected with the necessary technical analysis and the identification of a preferred co-ordinated approach to provide the required stormwater management facilities and corresponding storm drainage infrastructure that is needed to support the creation and servicing of new lots and roads within this existing designated Industrial District. An amendment to this Secondary Plan will be required once the findings and recommendations of the Storm Drainage Master Servicing Plan are available.

#### 9.5.3 Water Supply

- a) The existing municipal piped water network supplying water to this Secondary Plan Area is not adequate to service a full build out of industrial development on the remaining undeveloped lands located within this existing Industrial District.
- b) In 2021, the Town prepared a Water Master Plan for the entire municipality. As part of the work undertaken to complete this new master plan, consideration was given to existing and future conditions. Those future conditions did not contemplate new large scale industrial developments taking place within this Industrial District. The Town intends to revisit this Water Master Plan, in order to update the information that is required to assess the water infrastructure improvements that will be needed for this district to fully develop for industrial purposes.
- c) Until that updated Water Master Plan is prepared, new development on existing lots of record located within this Secondary Plan area will need to submit a Functional Servicing Report, prepared to the satisfaction of the Town, confirming that the existing available piped water supply can adequately service the proposed new development that is being proposed.
- d) Once this update to the Water Master Plan is completed, an amendment to this Secondary Plan will be required to incorporate additional servicing policies to implement key findings and recommendations as it relates to the future subdivision, servicing and full build out of this Industrial District.

## **9.6 ADMINISTRATION AND INTERPRETATION**

### **9.6.1 Lot Creation**

9.6.1.1 Draft Plans of Subdivisions will be required to be prepared and submitted in order to subdivide new lots, build and service new roads, and provide the required municipal servicing needed to support the full build out of lands located within this existing Industrial District.

9.6.1.2 No new lots shall be created within the Howard Industrial District until such time as the lands can be supplied with adequate municipal servicing such as municipal piped water supply, fire protection, storm drainage (including storm water management facilities) and municipal piped sewage collection and treatment facilities. Notwithstanding, new lots can be created on existing and new rights-of-ways where opportunities exist for private on-site sanitary systems provided they meet the requirements of the Ministry of Environment Conservation and Parks for individual or communal sanitary sewerage systems.

9.6.1.3 Lot addition applications may be considered by the Committee of Adjustment provided the application complies with the policies of this Secondary Plan, and does not result in any new lot creation.

9.6.1.4 Notwithstanding subsection 9.6.1.2, a new lot may be created within this Industrial District provided:

- The new lot fronts onto or vehicular access can be obtained from Howard Avenue, North Townline Road, Smith Industrial Drive, or North Side Road;
- Approval for a new industrial driveway is obtained from the County of Essex, and the Town of Amherstburg, as required;
- No vehicular access is obtained from Concession Road 8;
- Functional Servicing Reports, Sanitary Sewer Studies, Traffic Studies, Storm Water Management Reports, and all other studies required by the Town and the County are prepared, submitted and approved to demonstrate that the new lot being proposed meets all applicable policies, regulations and guidelines;
- Any required easements, road widenings, and land conveyances are obtained;

- An agreement is entered into and registered, to the satisfaction of the Town, to obtain all necessary infrastructure and site improvements, all easements, widenings and conveyances, and all financial contributions that may be required.

#### 9.6.2 Site Plan Control Approvals

9.6.2.1 The Town of Amherstburg will exercise Site Plan Control in accordance with the provisions of Section 41 of the Planning Act and the policies of the Town's Official Plan and this Secondary Plan for lands located within this Industrial District.

9.6.2.2 The entirety of the Howard Industrial District is designated as a Site Plan Control Area pursuant to Section 41 (2) of the Planning Act.

9.6.2.3 The Town's objectives in using Site Plan Control include but not limited to:

- i) Ensure a high standard of site design for new development and/or redevelopment;
- ii) Ensure safety and efficiency of vehicular and pedestrian movement;
- iii) Minimize incompatibilities between new industrial development and existing development;
- iv) Control the location of driveways, parking, loading and garbage collection facilities;
- v) Ensure easements or grading and alterations necessary to provide for public utilities and site drainage; and
- vi) Ensure that the development proposed is built and maintained as approved by the Town

#### 9.6.3 Required Studies

9.6.3.1 Prior to any development and/or redevelopment being approved under Planning Act, the Town may require any of the following studies to be completed to the satisfaction of the Town, and submitted in support of the application being made:

- i. Environmental Impact Studies
- ii. Storm Water Management Reports
- iii. Functional Servicing Reports
- iv. Traffic Impact Study
- v. Noise and Vibration Study
- vi. Odour and/or Dust Impact Analysis
- vii. Photometric Plan
- viii. Water Supply Study
- ix. Sanitary Sewer Study
- x. Hydrogeology/Hydrology Study or Sub-watershed management Study
- xi. Archaeological Assessment
- xii. Land Use Compatibility Assessment Study
- xiii. Planning Justification Report

The above noted reports and studies are not intended to represent an exhaustive list, and the Town may at its sole discretion require additional information or studies be supplied to support a development application.

The extent of studies and reports required to be submitted will be established at the time that a pre-consultation meeting is held with Town Staff.

#### 9.6.4 Community Improvement

- 9.6.4.1 Community Improvement Plans are an important part of community growth and serve several purposes, including:

- Focusing public attention on local priorities and municipal initiatives;
- Targeting areas in transition or in need of repair, rehabilitation, and redevelopment;
- Facilitating and encouraging community change in a coordinated manner; and,
- Stimulating private sector investment through municipal incentive-based programs.

9.6.4.2 The entire Howard Industrial Park District is designated as a Community Improvement Area. To assist with the revitalization, development and redevelopment of lands in this underutilized Industrial District the Town may:

- i) Pass a by-law designating all or part of the Howard Avenue Industrial District as Community Improvement Project Area
- ii) Adopt a Community Improvement Plan for the Identified Project Area
- iii) Acquire land and/or buildings within the Community Improvement Project Areas. In addition to acquisition, the Town may undertake such works as: clearing; grading; environmental remediation; repair; rehabilitation; construction or improvement; sale, lease or disposition to others; other preparation of land or buildings for the desired community improvement;
- iv) Provide funding as part of the Community Improvement Plan that would include such financial tools as grants, loans, reduction in development charges, reduction on application fees, tax relief, or other financial incentives as may be deemed appropriate by Council.

#### 9.6.5 Zoning By-law and Holding Zone Provisions

9.6.5.1 The Town will prepare an amendment to the existing Comprehensive Zoning By-law to rezone lands within the Howard Industrial District in accordance with the policies and designations contained in this

Secondary Plan. This new zoning amendment will further define the range of permitted uses permitted in each designation and set out the corresponding zone regulations.

- 9.6.5.2 The Town's new Zoning By-law Amendment for these lands will incorporate the use of the holding zone approach in accordance with Section 36 of the Planning Act. The amending by-law will add the holding (H) symbol to all lands not currently zoned industrial, which will delay the development of the lands until specific conditions as set out in the Secondary Plan are met. When the required conditions are met, a By-law removing the holding (H) symbol will be passed.
- 9.6.5.3 The holding (H) symbol will be removed when a Development Agreement is executed.

#### 9.6.6 Property Acquisition

- 9.6.6.1 The Town may acquire property as a means of implementing the goals, objectives, and policies of this Secondary Plan in accordance with the provisions of the Municipal Act, the Planning Act, and other relevant legislation.

- 9.6.6.2 The Town will consider all options for the acquisition of property, as appropriate, including, but not limited to:

- i) Dedication
- ii) Land exchange
- iii) Purchase Agreements
- iv) Easement Agreements
- v) Placing conditions on development approval, and Expropriation

#### 9.6.7 Phasing and Infrastructure Financing

- 9.6.7.1 The Implementation of the objectives of this Secondary Plan will require the Town to be involved in the financing of certain infrastructure, and to utilize the provisions of the Development Charges Act to assist with the financing and construction of new sanitary sewage, storm drainage, storm water management, municipal water supply, and other infrastructure/servicing needed to support the full build out of development within this Industrial District

- 9.6.7.2 It is the policy of the Town that no public works will be undertaken unless they conform with the policies of the Official Plan, including this Secondary Plan, and are compliant with all other applicable legislation.
- 9.6.7.3 The Town has commenced a Class Environmental Assessment Study to identify an environmentally and fiscally sound option to provide piped municipal sanitary sewage to this Industrial District. An update to the Town's existing Water Master Plan, together with a new comprehensive Storm Water Management servicing study will also be needed to determine the most appropriate and cost-effective way to service this important Industrial District. Although the total amount of funding needed to design and construct the required new trunk infrastructure is unknown at this time, it is understood that the implementation of these master servicing studies will place significant financial pressures on the Town, and will require significant investments to be made by the benefitting landowners and developers. As a result, the full build out (including the subdivision of new lots and the construction of new roads) of this Industrial District will require a multi-year, multi-phase approach to be taken to design, build and fund the required municipal infrastructure and services in keeping with the financial capabilities of the Town.
- 9.6.8 Interpretation
- 9.6.8.1 The policies of this Secondary Plan should be read with some flexibility. The policies may be subject to interpretation by Council without the need for an Amendment to this Secondary Plan, where necessary and appropriate, provided that the general intent and purpose is being maintained.
- 9.6.8.2 The boundary lines for the Land Use Designations as depicted on Schedule "E" are meant to be flexible, except where they coincide with existing roads or other clearly defined physical features. The location of the new collector roads and local roads within the Howard Industrial District as shown on Schedule "E-1" are meant to identify the general location of future new right-of-way alignments that are required for the orderly and coordinated future development of lands situated within this Industrial District. The exact alignment for these new internal road rights-of-way will be established as part of future draft plan of subdivision applications.

### 3.2 IMPLEMENTATION OF THIS AMENDMENT

This Official Plan Amendment will be implemented by the Town of Amherstburg by enacting an appropriate amendment to the Town of Amherstburg Comprehensive Zoning By-law, and by preparing the Master Servicing Studies, the Class Environmental Assessments, and the Comprehensive Excess Soil and Reuse Strategy and Implementation Guideline as noted in the new Secondary Plan policies.







AMENDMENT NO. 24  
TO THE OFFICIAL PLAN  
FOR THE CORPORATION OF THE TOWN OF AMHERSTBURG

HOWARD INDUSTRIAL PARK DISTRICT  
SECONDARY PLAN

*February 12, 2025  
Modified per Settlement Agreement by OLT  
OLT File No. OLT-24-000486*

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4.1 Details of the Amendment

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**File No.:** 37-OP-2023-014  
**Municipality:** Town of Amherstburg  
**Subject Lands:** Between CR 8 & North Sdrd &  
CR 9 & Con Rd 8

**Date of Decision:** March 20, 2024  
**Date of Notice:** March 20, 2024  
**Last Date of Appeal:** April 9, 2024

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## 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 with modifications Amendment No. 24 to the Official Plan for the Town of Amherstburg, as adopted by By-law 2023-111.

### **Purpose and Effect of the Official Plan Amendment**

The purpose of Official Plan Amendment No. 24 is to add Secondary Plan policies and corresponding land use and transportation schedules for the Howard Industrial Park District. The Secondary Plan is intended to establish an environmentally and fiscally responsible land use policy framework that facilitates and supports industrial development within the defined area. 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.24 were considered as a part of the County's review process. Modifications are proposed through the County's decision.

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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  
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. 24  
Official Plan of the Town of Amherstburg  
Subsection 17(34) of the Planning Act**

---

I hereby approve as modified, Amendment No. 24 to the Official Plan for the Town of Amherstburg, as adopted by By-Law 2023-111.

## **Modification #1**

Section 9.2.2, Objectives, subsection v) is deleted in its entirety and replaced with the following:

“Until full municipal servicing is available, to limit new development to ‘Dry Industrial’ and ‘Space-Extensive Industrial’ uses that do not use or discharge large volumes of water, and to discourage new lot creation activity;”

Dated at Essex, Ontario this 20<sup>th</sup> day of March, 2024

## **ORIGINAL SIGNED**

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

AMENDMENT NO. 24  
TO THE OFFICIAL PLAN OF AMHERSTBURG

I, Kevin Fox, Clerk of the Town of Amherstburg, certify that this a/the original/duplication original/certified copy of Amendment No. 24 of the Town of Amherstburg.

---

CLERK – Kevin Fox

The Corporation of the Town of Amherstburg  
By-law 2023-111

Being a by-law to adopt Official Plan Amendment No. 24  
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. 24 to the Official Plan for the Corporation of the Town of Amherstburg, consisting of the attached text and maps, 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. 24 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 \_\_\_\_ day of \_\_\_\_\_, 2023.

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Michael Prue, Mayor

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Kevin Fox, Clerk

## **2.0 THE CONSTITUTIONAL STATEMENT**

PART A – PURPOSE AND BASIS OF THE AMENDMENT does not constitute part of this amendment.

PART B – THE AMENDMENT consisting of the following text and maps, constitutes Amendment No. 24 to the Official Plan for the Corporation of the Town of Amherstburg.



AMENDMENT NO. 24  
TO THE OFFICIAL PLAN  
FOR THE CORPORATION OF THE TOWN OF AMHERSTBURG

**3.0 PART “A” – PURPOSE AND BASIS OF THE AMENDMENT**

The purpose of Official Plan Amendment 24 is to incorporate new Secondary Plan policies and corresponding land use and transportation schedules for the Howard Industrial Park District into the Town of Amherstburg’s Official Plan.

The lands affected by this amendment are located between North Townline Road (County Road 8) and North Side Road, and between Howard Avenue (County Road 9) and Concession Road 8. Most of these lands are currently designated “Heavy Industrial” in the Town’s approved Official Plan, with a small area located along Smith Industrial Drive being designated “Light Industrial”. An existing wooded area situated southeast of Smith Industrial Drive is designated “Woodlots” in recognition of its ecological significance.

The Windsor-Essex Region does not have an adequate supply of “shovel-ready” industrially designated, zoned and serviced lots. The subject lands have been designated for industrial purposes for more than 20 years, however, the majority of the lands located in this industrially designated area have remained undeveloped.

This new secondary plan is intended to establish an environmentally and fiscally responsible land use policy framework that facilitates and supports new industrial job creation at this location, working within the context of the district’s physical and locational characteristics, and the servicing capabilities that are available.

This district is currently in transition, and new master plan studies will need to be undertaken and corresponding infrastructure investments made for this important industrial district to be fully developed in keeping with Council’s stated economic development objectives.

Co-operation and investment from private-sector landowners/developers will also be required to assist the Town of Amherstburg achieve the goals and objectives articulated for this secondary plan area. The new secondary plan policies and land use designations will enable this district to develop and redevelop in a logical, orderly, and responsible manner, consistent with provincial policies and in conformity with the County of Essex Official Plan.

It should be noted that this Official Plan Amendment also redesignates lands located along the west side of Concession Road 8, from a “Heavy Industrial” to an “Agricultural” designation.

A Background Report (dated January 2023) was prepared in support of this Official Plan Amendment, and was made available to members of Council, affected landowners and interested residents. A Public Open House was held on March 8, 2023 to share the findings/information from the Background Report and to obtain feedback and input from interested landowners, developers and residents.

In the Fall of 2022, meetings were held with representatives from: the Ministry of the Environment, Conservation and Parks; the Ministry of Municipal Affairs and Housing; the Ministry of Economic Development, Job Creation and Trade; Invest Windsor-Essex; the County of Essex; and the Essex Region Conservation Authority. Applicable legislation and corresponding policy approaches were reviewed at that time. Town Engineering and Planning Staff have been consulted with and their input and feedback has contributed to the policies and designations that form part of this new Secondary Plan.

A second Public Open House was held on July 25, 2023 to present the draft new secondary plan policies, to explain changes that are being introduced by this Official Plan Amendment, and to respond to questions. A Statutory Public Meeting is being held on August 14, 2023.

## **4.0 PART “B” – THE AMENDMENT**

All of this part of the document, entitled “Part B” – The Amendment, consisting of the following schedule and text constitutes Amendment No. 24 to the Official Plan for the Town of Amherstburg.

### **4.1 DETAILS OF THE AMENDMENT**

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

1. That Appendix “A” attached, “Howard Industrial Park District Secondary Plan, Land Use Schedule”, is added as a new Schedule “E”.
2. That Appendix “B” attached, “Howard Industrial Park District Secondary Plan, Transportation Plan”, is added as Schedule “E-1”.
3. That a new Section 9, Howard Industrial Park District Secondary Plan, is hereby added, to read as follows:

## **“Section 9 HOWARD INDUSTRIAL PARK DISTRICT SECONDARY PLAN**

### **9.1 INTRODUCTION**

- 9.1.1 The policies in this section of the Amherstburg Official Plan apply to development and redevelopment on all lands situated within the “Howard Industrial Park District”.

The Howard Industrial Park District affects approximately 300 hectares of land situated to the south and east of County Road 8 (North Townline Road 8) and County Road 9 (Howard Avenue), with the boundaries of this district being depicted on Schedule “E”.

These lands were placed in industrial designations by the former Township of Anderdon Official Plan, prior to the 1999 amalgamation. The industrial designations were carried forward in the post amalgamation Official Plan for the Town of Amherstburg, and they are the current land use designations that apply to these properties.

At present, most of the land located within this industrial district remains undeveloped and is being used for agricultural purposes, except for the Smith Industrial Drive development and a small number of tracts of land that are being used for various space-extensive industrial type land uses.

There are currently no piped sanitary sewer services available to lands located within this district, and exiting lots of record are serviced by a piped municipal water supply.

- 9.1.2 Secondary Plans provide a more detailed planning framework for specific geographic areas within the Town of Amherstburg, and establish more specific land use, transportation, servicing, and implementation policies for the land areas affected. Secondary Plans are intended to guide and direct landowners, developers, residents, other levels of government, and other interested stakeholders regarding the manner in which lands within these areas are developed and redeveloped over time.

The land use designations and policies of Section 9 shall be known as the Howard Industrial Park District Secondary Plan. These Secondary Plan policies and designations are intended to facilitate and support the transition of this existing industrially designated district from what is currently an underutilized and partially serviced area to a modern and fully serviced new “Howard Industrial Park District” that can over time be subdivided, serviced and developed for a broad range of industrial type businesses.

These Secondary Plan policies and designations will allow the Town to undertake the necessary master servicing studies (and Class EAs) and to work with landowners, developers, regional agencies and senior levels of government to identify, implement and fund the required municipal infrastructure and services needed to support the full build out of the Howard Industrial Park District.

Where there is a conflict between the policies and designations of the Official Plan and the policies and designations of this Secondary Plan, the Secondary Plan policies and designations will prevail and will supersede those of the Official Plan for the land area which is the subject of this Secondary Plan. In all other instances, the policies and designations of the Official Plan are relevant and shall apply in addition to the policies of Section 9.

## 9.2 GOAL AND OBJECTIVES

### 9.2.1 Goal

The goal of this Secondary Plan is to provide a policy framework to guide the future development of an existing underutilized Industrial District to support job creation in the Town, while ensuring that permitted new development takes place in a coordinated, orderly, environmentally and fiscally responsible manner.

### 9.2.2 Objectives

- i. To create opportunities in Amherstburg to establish and expand certain types of industrial businesses on sites that have access to regional transportation corridors, and are in close proximity to the major international trade corridor that connects directly to existing and planned new crossings to the United States;
- ii. To ensure that there is a sufficient supply of industrially designated land to meet the needs of the Town of Amherstburg for a twenty-five year planning horizon;
- iii. To ensure the proper functioning of an integrated, cohesive, and properly serviced Industrial District, through a new inter-connected internal road network that provides safe and convenient access to future lot creation;
- iv. To create a framework that serves as a foundation to phase in full municipal infrastructure and servicing as this district continues to develop over time;
- v. Full municipal services are the preferred method for servicing the Secondary Plan Area. Notwithstanding, partial services may be considered for Industrial Uses that do not discharge large volumes of water. Properties with Private Sanitary Sewage Systems will be required to connect to full municipal services when they become available in keeping with Official Plan Policy s.2.6.3; [AMENDED per OLT 12-FEB-25]
- vi. To ensure that permitted Dry Industrial land uses develop in a manner which are compatible with adjacent land uses, including the provision of adequate separation distances, buffering and screening from existing residential properties in accordance with applicable standards and/or applicable guidelines; [AMENDED per OLT 12-FEB-25]

- vii. To protect existing natural heritage features, protect properties from flooding, and to facilitate the design and installation of coordinated storm water management infrastructure for this district.

## **9.3 LAND USE DESIGNATIONS**

### **9.3.1 Howard Light Industrial**

- 9.3.1.1 Lands designated Howard Light Industrial include lands that are serviced by a municipal piped water supply, and are serviced by (or can be serviced by) private individual sanitary sewage services.

In consideration of the type of servicing available at this time, uses permitted in the Howard Light Industrial Area are restricted to:

- i. Dry Industrial uses within enclosed buildings including manufacturing, processing, assembling, fabricating, repairing, packaging, warehousing and wholesaling, data processing, commercial self-storage, and related uses.  
  
Dry industrial uses are those uses which do not rely on water and/or discharge for processing, cooling, washing as part of the manufacturing, processing, assembling, fabricating, repairing, packaging, warehousing and/or wholesaling processes.
- ii. Trucking, and transportation/logistics terminals.
- iii. Battery Storage Facilities, and similar utility/energy storage facilities that enable energy from renewables to be stored and then released when the power is needed;
- iv. Uses legally existing on the date of the adoption of this Secondary Plan, including agricultural uses.
- v. Office uses provided that they are located on the same lot, and are directly related to and accessory to the main permitted dry industrial use and/or main trucking, and transportation/logistics terminal.

- vi. Limited gross floor area devoted to retail sales of the goods manufactured, processed, assembled, or packaged on the permitted dry industrial premises.
- vii. New residential dwellings shall be prohibited within areas designated as Light Industrial.

The range of permitted land uses within the Howard Light Industrial designation shall be further refined through the implementing Zoning By-law.

9.3.1.2 The following policies apply to the development and redevelopment of land designated Howard Light Industrial:

- i. All uses, buildings, and structures permitted within this designation are subject to the approval of the Town of Amherstburg, to ensure that they do not use large volumes of water and that they can be properly serviced by private on-site sewage facilities;
- ii. it is the intent of Council to utilize appropriate setback, buffering, screening and other mitigation techniques to maximize compatibility between permitted industrial uses and nearby sensitive land uses such as existing residences;
- iii. the zoning by-law may set out maximum height and site coverage regulations so that the scale of new industrial development will have minimal impact on any adjacent existing residential dwellings and/or other sensitive land uses.
- iv. the zoning by-law and site plan control by-laws may specify higher standards for setbacks, the location of parking and loading areas, signage, lighting, landscaping and screening of outside storage where a proposed industrial use is adjacent to an existing residential dwelling and/or other sensitive land uses.
- v. Noise can be expected to vary significantly within the Secondary Plan area and will occur from both stationary sources and transportation sources within and in the vicinity of the Secondary Plan area.

Noise and vibration studies shall be required prior to any development and/or expansion being permitted on land

designated Howard Light Industrial within 300 metres of any residential dwelling, in order to address the compatibility of land uses, and to ensure compliance with the Ministry of the Environment, Conservation and Parks D-6 Guideline. Depending on the nature and scale of the industrial use being proposed, the Town may modify this requirement at the time of rezoning and/or site plan control application is submitted for approval;

- vi. Air quality studies may be required in support of industrial development on lands designated Howard Light Industrial;
- vii. Odour may be caused by discharges from a variety of sources including stationary sources such as buildings, outdoor sources, or fugitive sources such as equipment leaks. As a result, odour assessment, and odour management plans and control measures that are specific to the facility that is being proposed may be required at the Site Plan application stage to avoid odour release and off-site effects;
- viii. Effective fugitive dust management may also be required in support of any new industrial development. A Best Management Plan outlining procedures and practices to prevent nuisance effects and deposition of fugitive dust should be prepared in support of new industrial development applications.
- ix. Setback and mitigation measures as set out in the Ministry of Environment, Conservation and Parks (MECP) “D” Series Guidelines shall apply to all new light industrial uses.
- x. Adequate parking, loading and garbage collection/storage facilities shall be provided on the site.
- xi. Outside storage will only be permitted as an accessory use to a permitted main use, and shall only be allowed in a rear yard or an interior side yard. No outside storage is permitted in the front yard or exterior side yard. All outside storage shall be visually screened and fenced from public roads, and berming and landscaping will be provided to the satisfaction of the Town to maximize land use compatibility and to enhance the visual appearance of businesses locating in this Industrial District.



### 9.3.2 Space-Extensive Industrial

9.3.2.1 Lands designated Space-Extensive Industrial include existing parcels of land that have existing legally permitted uses which utilize large land areas as integral parts of their industrial operation. These properties are serviced by existing private individual sanitary sewage services and municipal public water services. There are several large vacant tracts of lands located within this designation designated that would allow for an orderly limited expansion of Space-Extensive Dry Industrial Uses within this existing designated Industrial District.

Uses permitted in the Space-Extensive Industrial Area are restricted to:

- i. Uses legally existing on the date of the adoption of this Secondary Plan, including agricultural uses.
- ii. Contractor's Yards, concrete batching plants and other Space-Extensive Dry Industrial uses that incorporate large outdoor land areas as part of their normal operation, to store building and recycling materials, aggregate, soil, and related items, and do not use and/or discharge large volumes of water.
- iii. Trucking, and transportation/logistics terminals.
- iv. Office uses provided that they are located on the same lot, and are directly related to and accessory to existing legally permitted uses, uses, Space-Extensive Dry Industrial uses, contractor's yards, and trucking and transportation/logistics terminals.
- v. New residential dwellings shall be prohibited within areas designated Space Extensive Industrial.

The range of permitted land uses within the Space-Extensive Industrial designation shall be further refined through the

implementing Zoning By-law, including the existing legally permitted uses that currently exist within this designation.

9.3.2.2 The following policies apply to the development and redevelopment of land designated Space-Extensive Industrial:

- i. All uses, buildings, and structures permitted within this designation are subject to the approval of the Town of Amherstburg, to ensure that they do not use large volumes of water and that they can be properly serviced by private on-site sewage facilities;
- ii. it is the intent of Council to utilize appropriate setback, height restrictions, extensive buffering and mitigation techniques to maximize compatibility between Space-Extensive Industrial uses and nearby sensitive land uses such as existing residences, and to visually screen large outdoor open storage areas from existing streets;
- iii. the zoning by-law shall set out maximum height and site coverage regulations so that the scale of new industrial development will have minimal impact on any adjacent residential dwellings and/or other sensitive land uses.
- iv. the zoning by-law and site plan control by-laws shall specify appropriate standards for setbacks, the location of parking and loading areas, signage, lighting, landscaping and screening of outside storage where a proposed industrial use is adjacent to existing residential dwellings and/or other sensitive land uses.
- v. Noise and vibration studies shall be required prior to any development and/or expansion being permitted on land designated Space-Extensive Industrial, in order to address the compatibility of land uses, and to ensure compliance with the Ministry of the Environment, Conservation and Parks D-6 Guideline;
- vi. Air quality studies and a hydrogeological report shall be required in support of industrial development on lands designated Space-Extensive Industrial, to ensure that all applicable regulations and guidelines related to air quality and groundwater and being met and no adverse impacts will result from the proposed new development;

- vii. Odour may be caused by discharges from a variety of sources including stationary sources such as buildings, outdoor sources, or fugitive sources such as equipment leaks. As a result, odour assessment, and odour management plans and control measures that are specific to the facility that is being proposed shall be required at the Site Plan application stage for all Space-Extensive Industrial development to avoid odour release and off-site effects;
- viii. Effective fugitive dust management shall also be required in support of any new industrial development within the Space-Extensive Industrial designation. A Best Management Plan outlining procedures and practices to prevent nuisance effects and deposition of fugitive dust shall be prepared in support of new Space-Extensive industrial development applications.
- ix. Setback and mitigation measures as set out in the Ministry of the Environment, Conservation and Parks (MECP) "D" Series Guidelines shall apply to all new Space Extensive industrial uses.
- x. Adequate parking, loading and garbage collection/storage facilities shall be provided on the site.
- xi. Outside storage will not be permitted in a required front yard and exterior side yard, and will only be allowed in a rear yard or an interior side yard. All outside storage shall be visually screened and fenced from public roads, and berming and landscaping will be provided to the satisfaction of the Town to maximize land use compatibility and to enhance the visual appearance of all Space-Extensive industrial development. Detailed standards and zoning restrictions related to permitted outdoor storage for all Space-Extensive Industries will be established by the Town as part of the implementing zoning by-law, to maximize land use compatibility and to ensure compliance with applicable provincial regulations and guidelines.
- xii. As part of the implementation of this Official Plan Amendment, the Town will be preparing a Comprehensive Excess Soil and Reuse Strategy and Implementation Guideline. This strategy and guideline document is intended to utilize best practices for the management of excess soil generated and fill received in the Town of Amherstburg, and to implement applicable legislation and regulations as set out

by the Province of Ontario for such activities and land uses. The Town may also utilize municipal site alteration and fill by-laws, and other regulatory instruments as part of this new comprehensive strategy and implementation guideline to protect public health and safety for all Amherstburg residents and to minimize long-term adverse environmental impacts associated with illegal dumping and poor site management practices.

Notwithstanding subsection 9.3.2.1 (ii), until this comprehensive strategy and implementation guideline is prepared and adopted by Council, the storage of excess soil, liquid soil processing, and liquid soil disposal are prohibited activities/uses within the Howard Industrial Park District.

- xiii. Solid waste processing, solid waste disposal, the processing of contaminated materials, and the disposal of contaminated materials are prohibited activities and land uses within the Howard Industrial Park District.

### 9.3.3 Natural Environment

- 9.3.3.1 The boundaries and extent of the Natural Environment designation identified on Schedule “E” are approximate. The exact boundaries for this significant natural heritage feature shall be further refined through an Environmental Impact Study undertaken by the landowner(s) at the time that new development is being proposed for the affected lands. Refinements to this boundary will not require an Amendment to this Secondary Plan, and may occur through an Environmental Impact Study that demonstrates the appropriateness of the refinements to the satisfaction of the Town, in consultation with the relevant agencies.
- 9.3.3.2 Where the boundary to this Natural Environment designation is refined, the abutting land use designation shall apply, provided the designation change will not result in development or site alteration that will have adverse effects on any key natural heritage feature and their ecological function.
- 9.3.3.3 The removal, modification or destruction of key natural heritage features or their functions by unauthorized development or site alteration is prohibited. Such removal, modification or destruction

will not provide the rationale for the removal of these lands from the Natural Environment designation. Restoration, to the satisfaction of the Town in consultation with applicable agencies, will be required for these lands.

- 9.3.3.4 In addition to the Natural Environment area as identified on Schedule “E”, the Secondary Plan Area also contains other wooded areas, hedgerows and municipal drains that may contain significant natural features and/or habitat of endangered species, threatened species, and species of special concern. The Town will require the preparation of an Endangered Species Act (ESA) screening and/or Environmental Impact Study (EIS) by a qualified consultant to determine the impact of the development on the natural environment and what mitigation and/or compensation is required to comply with Town, County and Provincial policies.
- 9.3.3.5 Prior to the preparation of an ESA screening and/or an Environmental Impact Study the proponent is required to consult with the Town and their consultants, and any other applicable agency having jurisdiction to define the terms of reference of the screening and/or study. The specific requirements for an Environmental Impact Study shall be determined at the pre-consultation stage. Any Environmental Impact Study or Species at Risk Assessment completed for a proposed development shall be consistent with all applicable provincial legislation and policies, and shall conform to the policies of the Town of Amherstburg and the County of Essex Official Plans.

## **9.4 TRANSPORTATION**

- 9.4.1 Schedule “E-1” of this Secondary Plan establishes the existing and planned road network for this secondary plan area, and identifies the type of road by function it is expected to perform.
- 9.4.2 Both County Road 9 (Howard Avenue) and County Road 8 (North Townline Road 8) are identified by the County of Essex as Regional Roads. These roads are owned and maintained by the County of Essex, and they are intended to carry larger volumes of traffic that meets the

needs of regional traffic travelling between communities located throughout the Windsor-Essex Region.

Smith industrial Drive was built as an industrial road to service lots that were subdivided in the 1990s to create the Smith Industrial Drive development. No additional roads have been constructed within the designated Howard Industrial Park District.

North Side Road and Concession Road 8 are both designated as Class B roads under the ownership and jurisdiction of the Town of Amherstburg. These roads were built to carry low volumes of traffic and to meet the needs of agricultural and rural residential land uses. With the exception of a small section of North Side Road (located immediately to the east of County Road 9), these local roads are not built to a standard that can accommodate new industrial development.

9.4.3 The road network within this Secondary Plan area is based on a hierarchical system which distinguishes between the relative importance of providing for the traffic movement and/or property access for each roadway. The roadway classification is as follows:

- I. Arterial roads (County Road 9) - provide for high volumes of passenger and commercial traffic, as well as major transit service, for inter-urban travel at moderate speeds. Direct property access will be controlled to limit the number and spacing of driveways and new public road intersections, while recognizing urban design considerations and the importance of a high degree of pedestrian, vehicular, and cyclist interconnections between and within all neighbourhoods and districts located in the Secondary Plan Areas.

County Road 9 is an existing arterial road that is under the jurisdiction of the County of Essex, and all access onto this road is controlled by the County. Permits onto this arterial road for any new entrance (and/or the alteration of an existing entrance) must be obtained from the County of Essex. Building setbacks from the right of way limits of this road are governed by By-laws adopted and administered by the County.

- II. Collector roads - provide for the movement of moderate volumes of traffic between local roads and the arterial roads. These facilities will function at low to moderate speeds with direct access being provided at individual properties.

County Road 8 is an existing collector road that is under the jurisdiction of the County of Essex, and all access onto this road is controlled by the County. Permits onto this collector road for any new

entrance (and/or the alteration of an existing entrance) must be obtained from the County of Essex. Building setbacks from the right of way limits of this road are governed by By-laws adopted and administered by the County.

The new internal collector road depicted on Schedule “E-1” is intended to be constructed as part of future draft plan of subdivision applications, and will be under the jurisdiction of the Town of Amherstburg. Building setbacks from the right of way limits of this new collector road will be governed by By-laws adopted and administered by the Town.

- III. Local Roads - retain direct access and provide linkages from abutting lands uses to the collector and arterial road network. Traffic speeds and volumes are low on local roads.

9.4.4 The Town shall require the following minimum road allowance widths, by roadway type, for all roads located within this secondary plan area:

- i. Arterial Roads - the minimum right of way width for County Road 9 will be established by the County of Essex;
- ii. Collector roads – 22.5 to 26 metres, save and except for County Road 8, where the minimum right of way width will be established by the County of Essex;
- iii. Local Roads - 20 meters

9.4.5 The road network will be designed to augment the existing roads, improve connectivity within the Secondary Plan Area and to adjacent areas, facilitate access to individual properties, and provide for the efficient and safe movement of people and goods. All roads within this Secondary Plan Area are intended to be public roads, and will be constructed and maintained to a standard as set out in the Town’s Development Standards Manual, and to the satisfaction of the County of Essex for all County Roads.

9.4.6 The location and alignment of new collector roads as shown on Schedule “E-1” are conceptual, and are subject to more detailed engineering design that will be undertaken as part of future Planning Act applications to establish the exact alignment of each new road, to the satisfaction of the Town and/or the County of Essex.

- 9.4.7 As part of any development application, a Traffic Impact Study that is approved by the respective roadway jurisdiction will be required to be prepared and submitted to: confirm that there is adequate network capacity to accommodate the proposed development; assess the extent of road and/or intersection improvements (such as traffic signals, turn lanes, access construction, illumination etc.); identify the timing for such improvements, if required; and to determine the location of any new entrance/exist being proposed.

## **9.5 INFRASTRUCTURE AND MUNICIPAL SERVICING**

### **9.5.1 Sanitary Sewage**

- a) At present, lands located within this Industrial District are not within the catchment area of any of the Town's sanitary sewage service areas. The developed parcels of land in this district are all serviced by private individual on-site sewage systems. It is the intent of this Secondary Plan that development on new lots to be created as part of Planning Act applications for lands located within this Secondary Plan, with the exception of Space-Extensive Dry Industrial lands, is preferred to be serviced with a piped sanitary sewerage collection and treatment system that is designed and approved by the Town and the Ministry of the Environment, Conservation and Parks but not required if private individual on-site sewerage systems are a viable option until full municipal services are available in keeping with Official Plan Policies s.2.6.2, 2.6.3 and 2.6.4. [Amended per OLT 12-FEB-25]
- b) Council supports the principle that piped municipal sanitary sewage services is the preferred form of servicing new unsubdivided lands located within this Industrial District, for environmental and human health protection purposes, and for long-term fiscal sustainability.
- c) The Town of Amherstburg is undertaking an Environmental Assessment to identify potential options to expand the capacity of the existing McGregor Sanitary Sewage Treatment Facilities. As part of this environmental assessment study, the feasibility and cost of extending new piped municipal sanitary sewers to service the Howard Industrial District are being investigated.
- d) In the interim, until such time that a Ministry of the Environment, Conservation and Parks approved piped municipal sanitary sewer system is available:



1. Dry Industrial uses and other permitted uses as set out in Section 9.3.1.1 of this Secondary Plan will be permitted to develop or redevelop in areas that are designated Howard Light Industrial, provided they meet the requirements of the Ministry of the Environment, Conservation and Parks for individual or communal sanitary sewerage serving systems.  
[Amended per OLT 12-FEB-25]
  2. Individual private sewage systems may be permitted on lands designated Space-Extensive Industrial to service buildings and structure associated with the permitted uses set out in Section 9.3.2.1 of this Secondary Plan, provided they meet the requirements of the Ministry of the Environment, Conservation and Parks for individual sewerage servicing systems.
  3. Applicants will have to demonstrate that the site conditions are suitable for the installation of an on-site private system, and that the system will be designed and maintained to meet applicable provincial regulations, and have no negative impact on the surrounding area.
- e) Once the Town's Environmental Assessment is complete, and a long-term sanitary servicing strategy is put in place to service the Howard Industrial Park District with piped sanitary sewer facilities, an amendment will be made to this Secondary Plan to incorporate additional land use, servicing, phasing and implementation policies that will broaden the range of industrial type uses permitted, and will facilitate the full subdivision, servicing and build out of these existing designated employment lands.

#### 9.5.2 Storm Drainage and Stormwater Management

- a) The topography of lands located in this Industrial District is very flat and is drained by network of existing municipal drains and roadside ditches in various states of repair.
- b) All new development on existing lots of record located within this Secondary Plan Area shall be provided with properly sized and designed storm drainage and stormwater management facilities (connected to a receiving outlet that has the required outlet capacity), in accordance with a Stormwater Management Plan that is undertaken in accordance with the requirements of the Town and the Essex Region Conservation Authority, and is

submitted and approved by both the Town and ERCA as a condition of any development or redevelopment approval granted on existing lots.

- c) Stormwater management shall:
1. Minimize, or, where possible, prevent increases in contaminant loads;
  2. Minimize changes in water balance and erosion;
  3. Not increase risks to human health and safety and property damage;
  4. Maximize the extent and function of vegetative and pervious surfaces; and,
  5. Promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.
- d) Stormwater Management Plans shall be required for any new industrial development within this Secondary Plan Area, and shall be prepared in accordance with the Province's Stormwater Management Plan and Design Manual.  
A Stormwater Management Plan shall:
1. Incorporate an integrated treatment approach to minimize stormwater management flows and reliance on end-of-pipe controls through measures including source controls, lot-level controls and conveyance techniques, such as grass swales, where appropriate;
  2. Identify the specific location of any required permanent end of pipe facilities, the areas they will service, and considerations for their size, shape and design criteria;
  3. Evaluate predicted changes in the water balance between pre-development and post-development conditions, and evaluate how such changes will be minimized;
  4. Evaluate anticipated changes in phosphorus loadings between pre- development and post-development, and evaluate how phosphorus loading will be minimized;

- e) Prior to any new lots and roads being created within this Industrial District, a comprehensive Storm Drainage Master Servicing Plan shall be prepared in accordance with the Municipal Class Environmental Assessment requirements.

This Master Plan is intended to provide Council and the landowners affected with the necessary technical analysis and the identification of a preferred co-ordinated approach to provide the required stormwater management facilities and corresponding storm drainage infrastructure that is needed to support the creation and servicing of new lots and roads within this existing designated Industrial District. An amendment to this Secondary Plan will be required once the findings and recommendations of the Storm Drainage Master Servicing Plan are available.

#### 9.5.3 Water Supply

- a) The existing municipal piped water network supplying water to this Secondary Plan Area is not adequate to service a full build out of industrial development on the remaining undeveloped lands located within this existing Industrial District.
- b) In 2021, the Town prepared a Water Master Plan for the entire municipality. As part of the work undertaken to complete this new master plan, consideration was given to existing and future conditions. Those future conditions did not contemplate new large scale industrial developments taking place within this Industrial District. The Town intends to revisit this Water Master Plan, in order to update the information that is required to assess the water infrastructure improvements that will be needed for this district to fully develop for industrial purposes.
- c) Until that updated Water Master Plan is prepared, new development on existing lots of record located within this Secondary Plan area will need to submit a Functional Servicing Report, prepared to the satisfaction of the Town, confirming that the existing available piped water supply can adequately service the proposed new development that is being proposed.
- d) Once this update to the Water Master Plan is completed, an amendment to this Secondary Plan will be required to incorporate additional servicing policies to implement key

findings and recommendations as it relates to the future subdivision, servicing and full build out of this Industrial District.

## **9.6 ADMINISTRATION AND INTERPRETATION**

### **9.6.1 Lot Creation**

9.6.1.1 Draft Plans of Subdivisions will be required to be prepared and submitted in order to subdivide new lots, build and service new roads, and provide the required municipal servicing needed to support the full build out of lands located within this existing Industrial District.

9.6.1.2 No new lots shall be created within the Howard Industrial District until such time as the lands can be supplied with adequate municipal servicing such as municipal piped water supply, fire protection, storm drainage (including storm water management facilities) and municipal piped sewage collection and treatment facilities. Notwithstanding, new lots can be created on existing and new rights-of-ways where opportunities exist for private on-site sanitary systems provided they meet the requirements of the Ministry of Environment Conservation and Parks for individual or communal sanitary sewerage systems. [Amended per OLT 12-FEB-25]

9.6.1.3 Lot addition applications may be considered by the Committee of Adjustment provided the application complies with the policies of this Secondary Plan, and does not result in any new lot creation.

9.6.1.4 Notwithstanding subsection 9.6.1.2, a new lot may be created within this Industrial District provided:

- The new lot fronts onto or vehicular access can be obtained from Howard Avenue, North Townline Road, Smith Industrial Drive, or North Side Road;
- Approval for a new industrial driveway is obtained from the County of Essex, and the Town of Amherstburg, as required;
- No vehicular access is obtained from Concession Road 8;
- Functional Servicing Reports, Sanitary Sewer Studies, Traffic Studies, Storm Water Management Reports, and all other studies required by the

Town and the County are prepared, submitted and approved to demonstrate that the new lot being proposed meets all applicable policies, regulations and guidelines;

- Any required easements, road widenings, and land conveyances are obtained;
- An agreement is entered into and registered, to the satisfaction of the Town, to obtain all necessary infrastructure and site improvements, all easements, widenings and conveyances, and all financial contributions that may be required.

[Amended per OLT 12-FEB-25]

#### 9.6.2 Site Plan Control Approvals

9.6.2.1 The Town of Amherstburg will exercise Site Plan Control in accordance with the provisions of Section 41 of the Planning Act and the policies of the Town's Official Plan and this Secondary Plan for lands located within this Industrial District.

9.6.2.2 The entirety of the Howard Industrial District is designated as a Site Plan Control Area pursuant to Section 41 (2) of the Planning Act.

9.6.2.3 The Town's objectives in using Site Plan Control include but not limited to:

- i) Ensure a high standard of site design for new development and/or redevelopment;
- ii) Ensure safety and efficiency of vehicular and pedestrian movement;
- iii) Minimize incompatibilities between new industrial development and existing development;
- iv) Control the location of driveways, parking, loading and garbage collection facilities;
- v) Ensure easements or grading and alterations necessary to provide for public utilities and site drainage; and
- vi) Ensure that the development proposed is built and maintained as approved by the Town

### 9.6.3 Required Studies

9.6.3.1 Prior to any development and/or redevelopment being approved under Planning Act, the Town may require any of the following studies to be completed to the satisfaction of the Town, and submitted in support of the application being made:

- i. Environmental Impact Studies
- ii. Storm Water Management Reports
- iii. Functional Servicing Reports
- iv. Traffic Impact Study
- v. Noise and Vibration Study
- vi. Odour and/or Dust Impact Analysis
- vii. Photometric Plan
- viii. Water Supply Study
- ix. Sanitary Sewer Study
- x. Hydrogeology/Hydrology Study or Sub-watershed management Study
- xi. Archaeological Assessment
- xii. Land Use Compatibility Assessment Study
- xiii. Planning Justification Report

The above noted reports and studies are not intended to represent an exhaustive list, and the Town may at its sole discretion require additional information or studies be supplied to support a development application.

The extent of studies and reports required to be submitted will be established at the time that a pre-consultation meeting is held with Town Staff.

#### 9.6.4 Community Improvement

9.6.4.1 Community Improvement Plans are an important part of community growth and serve several purposes, including:

- Focusing public attention on local priorities and municipal initiatives;
- Targeting areas in transition or in need of repair, rehabilitation, and redevelopment;
- Facilitating and encouraging community change in a coordinated manner; and,
- Stimulating private sector investment through municipal incentive-based programs.

9.6.4.2 The entire Howard Industrial Park District is designated as a Community Improvement Area. To assist with the revitalization, development and redevelopment of lands in this underutilized Industrial District the Town may:

- i) Pass a by-law designating all or part of the Howard Avenue Industrial District as Community Improvement Project Area
- ii) Adopt a Community Improvement Plan for the Identified Project Area
- iii) Acquire land and/or buildings within the Community Improvement Project Areas. In addition to acquisition, the Town may undertake such works as: clearing; grading; environmental remediation; repair; rehabilitation; construction or improvement; sale, lease or disposition to others; other preparation of land or buildings for the desired community improvement;
- iv) Provide funding as part of the Community Improvement Plan that would include such financial tools as grants, loans, reduction in development charges, reduction on application fees, tax relief, or other financial incentives as may be deemed appropriate by Council.

#### 9.6.5 Zoning By-law and Holding Zone Provisions

- 9.6.5.1 The Town will prepare an amendment to the existing Comprehensive Zoning By-law to rezone lands within the Howard Industrial District in accordance with the policies and designations contained in this Secondary Plan. This new zoning amendment will further define the range of permitted uses permitted in each designation and set out the corresponding zone regulations.
- 9.6.5.2 The Town's new Zoning By-law Amendment for these lands will incorporate the use of the holding zone approach in accordance with Section 36 of the Planning Act. The amending by-law will add the holding (H) symbol to all lands not currently zoned industrial, which will delay the development of the lands until specific conditions as set out in the Secondary Plan are met. When the required conditions are met, a By-law removing the holding (H) symbol will be passed.
- 9.6.5.3 The holding (H) symbol will be removed when a Development Agreement is executed. [Amended per OLT 12-FEB-25]

#### 9.6.6 Property Acquisition

- 9.6.6.1 The Town may acquire property as a means of implementing the goals, objectives, and policies of this Secondary Plan in accordance with the provisions of the Municipal Act, the Planning Act, and other relevant legislation.
- 9.6.6.2 The Town will consider all options for the acquisition of property, as appropriate, including, but not limited to:
  - i) Dedication
  - ii) Land exchange
  - iii) Purchase Agreements
  - iv) Easement Agreements
  - v) Placing conditions on development approval, and Expropriation



9.6.7      Phasing and Infrastructure Financing

- 9.6.7.1      The Implementation of the objectives of this Secondary Plan will require the Town to be involved in the financing of certain infrastructure, and to utilize the provisions of the Development Charges Act to assist with the financing and construction of new sanitary sewage, storm drainage, storm water management, municipal water supply, and other infrastructure/servicing needed to support the full build out of development within this Industrial District
- 9.6.7.2      It is the policy of the Town that no public works will be undertaken unless they conform with the policies of the Official Plan, including this Secondary Plan, and are compliant with all other applicable legislation.
- 9.6.7.3      The Town has commenced a Class Environmental Assessment Study to identify an environmentally and fiscally sound option to provide piped municipal sanitary sewage to this Industrial District. An update to the Town's existing Water Master Plan, together with a new comprehensive Storm Water Management servicing study will also be needed to determine the most appropriate and cost-effective way to service this important Industrial District. Although the total amount of funding needed to design and construct the required new trunk infrastructure is unknown at this time, it is understood that the implementation of these master servicing studies will place significant financial pressures on the Town, and will require significant investments to be made by the benefitting landowners and developers. As a result, the full build out (including the subdivision of new lots and the construction of new roads) of this Industrial District will require a multi-year, multi-phase approach to be taken to design, build and fund the required municipal infrastructure and services in keeping with the financial capabilities of the Town.

9.6.8      Interpretation

- 9.6.8.1      The policies of this Secondary Plan should be read with some flexibility. The policies may be subject to interpretation by Council without the need for an Amendment to this Secondary Plan, where necessary and appropriate, provided that the general intent and purpose is being maintained.
- 9.6.8.2      The boundary lines for the Land Use Designations as depicted on Schedule "E" are meant to be flexible, except where they coincide with existing roads or other clearly defined physical features. The location of the new collector roads and local roads within the Howard Industrial District as shown on Schedule "E-1" are meant to identify the general location of future new right-of-way alignments that are required for the

orderly and coordinated future development of lands situated within this Industrial District. The exact alignment for these new internal road rights-of-way will be established as part of future draft plan of subdivision applications.

### 3.2 IMPLEMENTATION OF THIS AMENDMENT

This Official Plan Amendment will be implemented by the Town of Amherstburg by enacting an appropriate amendment to the Town of Amherstburg Comprehensive Zoning By-law, and by preparing the Master Servicing Studies, the Class Environmental Assessments, and the Comprehensive Excess Soil and Reuse Strategy and Implementation Guideline as noted in the new Secondary Plan policies.