

**PLANNING JUSTIFICATION  
REPORT**

PREPARED FOR:

1000083282 Ontario Limited

RIVERS EDGE PHASE 3  
PROPOSED RESIDENTIAL  
INFILL DEVELOPMENT

BRUNNER AVENUE  
TOWN OF AMHERSTBURG

PREPARED BY:

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CHATHAM, ONTARIO

DECEMBER 19, 2024

# RIVERS EDGE PHASE 3

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## **PLANNING JUSTIFICATION REPORT**

Official Plan Amendment, Zoning By-law Amendment & Draft Plan of Subdivision  
Applications

For

Proposed 48-Unit Residential Development by

1000083282 Ontario Limited

Brunner Avenue, Town of Amherstburg

### **1.0 INTRODUCTION**

Storey Samways Planning Ltd. (SSPL) was retained by 100083282 Ontario Limited, herein referred to as Piroli, in mid-October, 2024, to prepare a Planning Justification Report (PJR). This purpose of this document is to assist in applications for an official plan amendment, zoning by-law amendment and draft plan of subdivision approval for a residential development on Brunner Avenue in the Town of Amherstburg, known as Rivers Edge Phase 3. Piroli is an experienced land developer and builder with various projects throughout Windsor / Essex and Chatham-Kent, including nearby Rivers Edge Phases 1 & 2. Following this Introduction are the following sections:

- Conclusion
- Regional and Local Setting
- Development Proposal
- Document Review / Consultation
- Chronology of relevant events / documents
- Analysis – review of Provincial Planning Statement 2024 (PPS); County of Essex Official Plan (November 6, 2024) (COP); and the Town of Amherstburg Official Plan (TOP) and other planning-related documents
- Discussion regarding official plan, zoning and draft plan matters
- Other Comments
- Summary

### **2.0 CONCLUSION**

Based on my analysis and review of the various relevant documents, I have concluded the following:

1. The impact of the proposed Piroli residential project on any type of potential industrial development on the presently vacant lands to the north owned by

Amherstburg Land Holdings Limited (ALHL), is **trivial** and therefore not material when considering the D-1 / D-6 Guidelines for compatibility of industrial uses with neighbouring sensitive land uses.

2. The *planned function* of the Industrial designated and zoned ALHL lands is significantly compromised by the presence of the existing sensitive land uses along its north and south borders, as well as by the presence of two internal substantial natural heritage features (woodlots).
3. Piroli, by agreement with ALHL, has provided two meaningful benefits which would assist in redevelopment of the ALHL property, namely:
  - Construction of a new drainage ditch on ALHL lands to serve as a municipal drain under the Drainage Act, resulting in a legal outlet for much of the ALHL site for stormwater management purposes.
  - Elimination of an easement in favour of Piroli over ALHL lands, improving access to County Road 20 (Sandwich Street North).

As part of these agreements, ALHL is aware of, and does not object to, the Phase 3 development.

4. There are no land use compatibility issues with regard to the existing neighbouring residential uses or potential future or other employment uses to the north.
5. The proposed development implements important housing policies with regard to residential intensification in the PPS, COP and TOP.
6. In my opinion, based on the foregoing, the proposed Rivers Edge Phase 3 development is the best planning outcome, and in the public interest, for the subject lands on Brunner Avenue.

### **3.0 REGIONAL AND LOCAL SETTING**

#### **3.1 Regional Setting**

The subject site is located in the northern part of the primary settlement area of Amherstburg, about one-half block from County Road 20 (Sandwich Street North), a main north/south artery running close by the Detroit River through the Town of LaSalle, and ultimately connecting to

the Ojibway Parkway and Highway 401 in Windsor. **Please refer to Appendix A.**

### 3.2 Local Setting

The subject lands, presently vacant, are located on the north side of Brunner Avenue. There are approximately 3.8 hectares in area, and until 2022, were part of the much larger parcel originally known as Allied Chemical, and today owned by Amherstburg Land Holdings Limited (ALHL), a subsidiary of Honeywell. Rivers Edge Phases 1 and 2, a pair of 114-unit, six-storey apartment buildings by Piroli are found to the immediate west; an existing, single detached dwelling subdivision is to the south, across Brunner; and lands to the east are vacant and designated for medium density residential development. **Please refer to Appendix B.**

The lands are primarily designated Heavy Industrial with a small area of medium density residential in the TOP (**Appendix C**) and zoned FD – Future Development on its western half, and h-7 HI-3, Heavy Industrial Third, subject to the Holding Symbol Seventh (**Appendix D**).

## 4.0 DEVELOPMENT PROPOSAL

Rivers Edge Phase 3 is proposed to be a residential subdivision with 10 lots, five at the west end and five at the east end, for single detached dwellings, and 10 blocks, to contain 38 townhouse units. The Street A road configuration is shown on **Appendix E**. It should be noted that all proposed units will be accessed from Street A, not Brunner Avenue. A substantial Stormwater Management Pond Block is proposed at the far west end of the site. The pond will outlet into a new municipal drainage ditch shown (in Appendix E) as running parallel to the north boundary of the site on the ALHL lands. There is an easement agreement in place for the pond outlet.

At the time of writing, the drainage ditch is in the process of becoming a municipal drain under the Drainage Act. Existing municipal sanitary sewer and water services infrastructure has sufficient capacity to serve the new development. **Please refer to Appendix F.**

## 5.0 DOCUMENT REVIEW / CONSULTATION

In preparation of this report, I have relied on the following consultation and document review:

- Meetings / discussions with the developer / owner

- Meetings / discussions with the development team
- Interactions with Amherstburg planning staff
- 2024 Provincial Planning Statement (PPS)
- More Home for Everyone Act and More Homes Built Faster Act
- 2006 OMB Decision PL041031 OPA 6, Town of Amherstburg (previous Official Plan)
- County Official Plan (November 2024 version) (COP)
- Amherstburg Official Plan (TOP)
- Notes from February 14, 2024 and October 8, 2024 pre-consultation meetings between Piroli development team and County staff, Town staff and ERCA representative
- Amherstburg Land Needs Assessment Study (March 2023) (LNA)
- Ministry of the Environment, Conservation and Parks (MECP) D-1 / D-6 Guidelines
- Various required background studies / documents supporting the applications
- Various legal documents provided by Mr. Piroli and his solicitor
- Vesting Order in favour of ALHL – April 8, 2011

## **6.0 CHRONOLOGY**

1. July 14, 2006 – OMB File PL041031 decision regarding Amherstburg OPA 6 with reference to Planner Jean Monteith evidence regarding industrial land need on behalf of Town
2. March 21, 2022 – agreement of purchase and sale between Piroli / ALHL
3. March 2022 – temporary easement agreement between Piroli / ALHL re relocation of drainage ditch
4. March 8, 2023 – Council receives Amherstburg Land Needs Assessment Study
5. March 15, 2023 – agreement of purchase and sale between Piroli / Town re existing municipal ROW's on subject lands
6. February 1, 2024 – Botham memo re Town Engineering document requirements
7. February 14, 2024 – pre-consultation meeting of development team, County and Town planners, and ERCA rep re requirements for a complete application
8. February 29, 2024 – Aspila memo re Town planning document requirements for a complete application
9. October 8, 2024 – second pre-consultation meeting re requirements for a complete application
10. October 20, 2024 – PPS 2024 comes into force
11. November 6, 2024 – Draft County Official Plan (COP) is adopted by County Council

12. November 21, 2024 – Storey email to Town staff regarding scoped Planning Justification Report (PJR) issues

## **7.0 ANALYSIS**

### **7.1 Overview**

The two pre-consultation meetings between the development team and the County and Town planners (see Chronology items 7 and 9) established three scoped issues to be addressed in the Planning Justification Report (PJR). They are as follows:

Issue 1 – the impact of removing Heavy Industrial designated lands from the employment lands inventory for residential purposes, and the effect of such removal on future industrial uses on the ALHL land, by applying the MECP D-1/D-6 Guidelines. The Guidelines are discussed further below.

Issue 2 – compare the long-term residential land needs with the long-term employment land needs based on the 2023 Town of Amherstburg Land Needs Assessment report (LNA).

Issue 3 – review land use compatibility with neighbouring land uses.

Each of these issues is reviewed within the context of PPS 2024, the COP and the TOP

### **7.2 MECP D-1 and D-6 Land Use Compatibility Guidelines**

#### **7.2.1 General**

In the Synopsis attached as **Appendix G**, the role of the Guidelines is explained to “prevent or minimize land use problems due to the encroachment of sensitive land uses and industrial land uses on one another”. In the specific case of the Piroli proposal, the sensitive land use is the residential development, and the industrial use is represented by the ALHL site.

In this subsection I review the relevant Guideline parts that will apply to this scenario. I note that the issue of removing the subject lands from an employment land use designation is addressed in the PPS and OP policies.

#### **7.2.2 Existing Circumstances**

The subject lands, as well as the much larger adjacent ALHL lands, were under an order from MECP for considerable site cleanup / remediation

prior to any redevelopment. It is my understanding that the remediation has been completed and the order lifted. It is also my understanding that ALHL has not officially declared any redevelopment plans, but entered into agreements in 2022 regarding:

- The sale of the subject lands to Piroli
- The relocation of a drainage ditch from the subject lands on the ALHL lands
- The provision of an easement by ALHL to Piroli to outlet stormwater to the relocated drainage ditch
- The termination by Piroli of an existing easement over an ALHL access to County Road 20 (Sandwich Street North)
- An agreement by ALHL to not object to residential development on the subject lands

The purpose of these provisions is to set the stage for redevelopment of both the Piroli and ALHL lands.

In summary, in application of the D-6 Guidelines, we have residential development proposed on vacant lands adjacent to vacant industrial lands, where no development is presently proposed.

### 7.2.3 When Sensitive Land Use is Proposed

Subsection 1.3.1 of Guideline D-1-1 states:

*The proponent shall evaluate the proposal and provide evidence to the approving authority that a compatibility problem will not exist. The evaluation should be based on the nature of facilities (defined in Procedure D-1-3, "Land Use Compatibility: Definitions") in the vicinity that could have an impact on the proposed sensitive land use(s), and the nature of the sensitive land use(s). The purpose of the evaluation/study would be as follows:*

#### *a. Evaluate Impacts*

*The proponent is responsible for evaluating the severity of impacts, both before and after mitigation, within the facility or facilities influence area(s) or potential influence area(s), according to whether there will be a trivial impact (i.e. no adverse effect) or a significant impact (i.e. an adverse effect).*

*Information to be provided, and when necessary gathered from the local municipality, Ministry Regional or District Offices and other*

*appropriate agencies, and utilized in the decision-making process may include but is not necessarily limited to:*

- i. nature of the sensitive land use;*

Comment: the analysis will show that the proposed Piroli development (a sensitive land use) impact on any “worst case” industrial development scenario on the ALHL lands will be **trivial**.

#### 7.2.4 Potential Influence Areas for Industrial Land Uses

Subsection 4.1.1 of Guideline D-6 states:

*The Ministry has identified, through case studies and past experience, the following potential influence areas (i.e. areas within which adverse effects may be experienced) for industrial land uses...:*

*Class I—70 metres*

*Class II—300 metres*

*Class III—1000 metres*

Comment: due to the presence of extensive existing residential development to the north and south of the existing vacant industrial lands, imposition of the 1000 m would be a severe constraint on a proposed Class III (or II) industrial use.

#### 7.2.5 Vacant Industrial Land

Subsection 4.4.5 of Guideline D-6 states:

*Where there is no existing industrial facility within the area designated/zoned for industrial land use, determination of the potential influence area shall be based upon a hypothetical “worst case scenario” for which the zoned area is committed. Therefore, Ministry staff or the delegated authority shall use the outside range of the potential influence area to determine an appropriate separation distance...*

Comment: as noted earlier, at this time there is no known specific industrial use proposed for the vacant ALHL lands. We do know, as indicated in Appendix D, that there are 35 permitted uses in the existing zone of varying scale and possible adverse impacts on adjacent existing sensitive land uses.

## 7.2.6 Recommended Minimum Distances

Section 4.3 states:

*No incompatible development other than that identified in Section 4.10, "Redevelopment, Infilling and Mixed Use Areas" should occur in the areas identified below and illustrated...even if additional mitigation for adverse effects, as discussed..., is provided:*

*Class I—20 metres minimum separation distance*

*Class II—70 metres minimum separation distance*

*Class III—300 metres minimum separation distance*

*These minimums are based on Ministry studies and historical complaint data. They also make allowance for the fact that conventional zoning classifications usually permit a broad range of uses with varying potential to create land use conflicts.*

Comment: as can be seen above, the minimum separation distances applied by the Ministry for planning purposes is considerably less than the "potential influence area". In applying the D-6 Guidelines we have utilized the "worst case scenario" of industrial land use in the application of the minimum separation distance provided in this section.

D-6-1, Industrial Categorization Criteria, showing land use characteristics of typical examples of the different category classes, is included as **Appendix H**.

D-6-3, Separation Distances, provides graphic representation of the minimum separation distance and potential influence area for each category and is included as **Appendix I**.

### 7.2.7 Application of Worst-Case Scenario Minimum Distance

Based on the foregoing, a map was created extending the 300 m minimum separation distance into the ALHL lands from the northern boundary of the subject lands. A further 300 m radius projection from existing residential development or residentially designated land was then overlaid. The map is attached as **Appendix J**.

As can be seen the area of lands affected by the redevelopment of the Piroli lands with a sensitive land use is approximately 400 sq. m, meaning 99.7% of the remaining Heavy Industrial zoned lands, even after removing the substantial two existing woodlots, is still available for Heavy

Industrial Use, although this number would be even more reduced by the constraint imposed by the residential development to the north.

Based on this calculation, it is my opinion that the constraint by the Piroli project on the ALHL lands for developing industrial uses is **trivial**, and should not be a concern as a planning issue.

### **7.3 2024 Provincial Planning Statement (PPS)**

The PPS in in Section 2.8, Employment, and section 3.5, Land Use Compatibility, speaks to all three issues identified in Subsection 7.1 of this report:

Issue 1 – Removing industrial land from the employment land inventory and the impact on the remaining industrial lands.

Issue 2 – What is the long-term employment industrial / employment land needs?

Issue 3 – Review the land use compatibility of the Piroli project with the surrounding land uses.

#### 7.3.1 PPS Subsection 2.8.1, Supporting a Modern Economy

Clause 2.8.1.1(e) states:

*1. Planning authorities shall promote economic development and competitiveness by:*

*e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.*

Comment: the PPS recognizes that there will possibly be land use compatibility matters to varying degrees between employment land uses, such as the permitted uses in the existing ALHL Heavy Industrial zone, and proposed residential uses, such as the Piroli project. Appropriate transitional undertakings are the relocation and improvement of the drainage ditch to serve as a legal stormwater outlet affecting much of the ALHL lands, and the easement termination agreed to by Piroli which will improve access to County Road 20. These are important steps which will improve the redevelopment prospects of the ALHL lands, which would not occur without the Piroli project. This addresses in part both Issue 1 and Issue 3.

Clause 2.8.1.3 states:

2. *In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long-term economic viability of employment uses within existing or planned employment areas, in accordance with provincial guidelines.*

Comment: the Provincial guidelines cited as the D-1 / D-6 Guidelines are discussed in Section 7.2 above. It was my conclusion that the “long-term economic viability of employment uses” was unaffected. This in part addresses both Issue 1 and Issue 3.

### 7.3.2 PPS Section 2.8.2, Employment Areas

Clause 4 states:

4. *Planning authorities shall assess and update employment areas identified in official plans to ensure that this designation is appropriate to the **planned function** [my emphasis] of employment areas. In planning for employment areas, planning authorities shall maintain land use compatibility between sensitive land uses and employment areas in accordance with policy 3.5 to maintain the long-term operational and economic viability of the planned uses and function of these areas.*

Comment: the specific employment “planned function” of the ALHL lands is Heavy Industrial as set out in both the Town Official Plan (TOP) and Zoning By-law. An important aspect of protecting and enhancing a planned function is the decision-making process regarding adjacent / nearby development applications, particularly regarding sensitive land uses, which could constrain the planned function land use. In the case of the ALHL lands, the Heavy Industrial land use planned function has been significantly constrained by:

- The substantial existing residential development to the north and south of the ALHL lands. As noted, the proposed Piroli project does not add in any meaningful way to this situation.
- The presence of two substantial woodlots totaling 35 ha in size and which will be subject to the Natural Environment Overlay policies of the County Official Plan (COP), as discussed later in this report.

This addresses Issue 1 in part.

Clause 5 states:

*5. Planning authorities may remove lands from employment areas only where it has been demonstrated that:*

*a) there is an identified need for the removal and the land is not required for employment area uses over the long term;*

Comment: the Town of Amherstburg Land Needs Assessment, with regard to industrial land needs, states as follows:

*There is currently approximately 340 hectares of land available or proposed for industrial development within the Town of Amherstburg. The calculations determined that the Town requires a minimum of 50.92 hectares of land for employment related growth to 2051. Therefore, there is an abundance of industrially designated land and additional land is not required for future employment related growth.*  
(P.27)

Clearly there is no need for the 3.84 ha Piroli lands to continue with the Heavy Industrial designation and zoning over the long-term. The case for its re-designation to Residential is made later in this report.

*b) the proposed uses would not negatively impact the overall viability of the employment area by:*

*1. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses in accordance with policy 3.5;*

*2. maintaining access to major goods movement facilities and corridors;*

Comment: as has been discussed earlier in this report, based on application of the D-6 Guidelines, any impact by the Piroli project on any planned employment uses, would be trivial. With regard to 2., based on the agreement with ALHL regarding termination of a Piroli easement over an existing access, the access to a major goods corridor is actually enhanced.

*c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses; and*

Comment: adequate existing water and sanitary sewer infrastructure is available for the Piroli development. The stormwater outlet has been

planned in detail and is presently being considered under the Drainage Act.

*d) the municipality has sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan.*

Comment: as noted above, based on the findings of the Land Needs Assessment study, the Town has sufficient employment lands to the 2051 growth horizon.

### 7.3.3 2024 PPS Section 3.5, Land Use Compatibility

*1. Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

Comment: major facilities are defined in the PPS as follows:

*Major facilities: means facilities which may require separation from sensitive land uses, including but not limited to airports, manufacturing uses, transportation infrastructure and corridors, rail facilities, marine facilities, sewage treatment facilities, waste management systems, oil and gas pipelines, industries, energy generation facilities and transmission systems, and resource extraction activities.*

It is reasonable to assume such facilities would occupy all, or a major part, of the ALHL lands, although at this time there are no known plans for such a facility. Development of this nature would have to take into account the existing sensitive land uses, at least in part through application of the D-1 / D-6 MECP Guidelines. The sensitive land use proposed, i.e., the Piroli development, as has been shown through application of the D-6 Guidelines, will not have an effect on a possible future major facility.

*2. Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial,*

*manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.*

Comment: as discussed at length above and elsewhere in this report, “potential impact [by development of the Piroli project] to industrial, manufacturing or other major facilities” are minimized in accordance with Provincial guidelines. Review of this policy addresses in part Issue 1 and Issue 3.

## **7.4 The Case for Residential Development**

### 7.4.1 Overview

To this point in the report, Issues 1 and 2, which deal with the impact of new residential development, and the long-term needs of Industrial designated lands have been addressed, the Piroli proposal being consistent with the relevant portions of the PPS and D-1 / D-6 Guidelines. However, there is a second component of this proposal and that is the demand and appropriateness of this site for residential use.

Below, the issue, part of Issue 2, is discussed within the context of the Land Needs Assessment (LNA), followed by the relevant PPS policies. An important consideration in this discussion is the characterization of the proposed development as intensification, which is defined in the PPS as:

*Intensification: means the development of a property, site or area at a higher density than currently exists through:*

- a) redevelopment, including the reuse of brownfield sites and underutilized shopping malls and plazas;*
- b) the development of vacant and/or underutilized lots within previously developed areas;*
- c) infill development; and*
- d) the expansion or conversion of existing buildings.*

In my opinion, the proposed development is an excellent example of intensification, in that:

- It is a form of redevelopment on a brownfield site.
- It will occur on a vacant lot. It should be noted that although zoned for heavy industrial development, due to application of existing zoning setback requirements and the D-6 Guidelines, it would not be possible for industrial development to occur. Therefore, it can be characterized as underutilized.

- It is a form of infilling. Although not defined in the PPS, it will be shown in review of the County Official Plan (COP) policies that the proposed development meets the definition of infilling in the COP.

#### 7.4.2 Town of Amherstburg Land Needs Assessment (LNA)

The LNA was adopted by Town Council in March of 2023. Its purpose was to address PPS requirements regarding land needs for residential and employment uses to the year 2051. As such, it informs the Town's present Official Plan update process underway.

Basically, with regard to residential use land need, the study finds the following:

*The Town requires up to an additional 72 hectares of land. The Town currently has a supply of 195 hectares of vacant residentially designated land, meaning that the settlement areas in the Town do need to expand.*

On its face, this statement suggests there is no need to re-designate the Piroli lands to Residential from Heavy Industrial. However, the LNA goes on to state:

*Further steps for the land needs analysis would be to determine if there are development constraints on the existing residentially designated lands, such as servicing constraints or required setbacks from natural heritage features. (P.22)*

Therefore, the net development potential area of the vacant lands remains in question, and I observe that the Piroli lands have no servicing or natural heritage feature constraints.

Most importantly, the County Official Plan directs that 30% of new development must be through intensification and it is a notable conclusion of the LNA that:

*A 30% intensification goal may be difficult for Amherstburg to achieve. (P.19)*

As noted in 7.4.1 above, the Piroli project is an excellent example of intensification, and with no apparent development constraints it is reasonable to assert that the re-designation of the subject lands for residential purposes would assist the Town in meeting its intensification target.

## 7.5 2024 PPS – Support for Housing

The PPS promotes housing proposals and the efficient use of existing infrastructure in Section 2.2, Housing, and Section 2.3, Settlement Areas.

7.5.1 Subsection 2.2.1(b) states:

*1. Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*

*2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;...*

There are three items arising in this clause worth scrutiny:

- “Planning Authorities **shall** provide for...” – the use of the mandatory “shall” reflects the emphasis the PPS imposes on planning authorities to accommodate housing developments wherever reasonably appropriate.
- The use of the term “permitting and facilitating” outlines ways planning authorities can achieve their duty to provide all forms of housing.
- The specific reference to “all types of residential intensification” emphasizes a preferred method of achieving its housing goals.

Based on the analysis found in 7.4.1 and 7.4.2, above, it is my opinion that the proposed Piroli development is a clear form of desirable residential intensification, and will assist the Town in meeting its 30% intensification goal. By approval of this application, the County and Town will be making decisions consistent with this particular PPS policy.

7.5.2 Subsection 2.3.1.2(b) states:

2. *Land use patterns within settlement areas should be based on densities and a mix of land uses which:*
  - a) *efficiently use land and resources;*
  - b) *optimize existing and planned infrastructure and public service facilities;*

Comment: the proposed development will use existing water and sewer infrastructure with sufficient unused capacity. As such, it will be implementing this policy direction.

## **7.6 Overall Consistency with the PPS**

The primary Vision of the PPS is found in Chapter 1: Introduction, where it states at the outset of this section, the following:

*Ontario is a vast, fast-growing province that is home to many urban, rural and northern communities distinguished by different populations, economic activity, pace of growth, and physical and natural conditions. More than anything, a prosperous Ontario will see the building of more homes for all Ontarians. This is why the province has set a goal of getting at least 1.5 million homes built by 2031.*

*Ontario will increase the supply and mix of housing options, addressing the full range of housing affordability needs. Every community will build homes that respond to changing market needs and local demand. Providing a sufficient supply with the necessary mix of housing options will support a diverse and growing population and workforce, now and for many years to come.*

Clearly, expanding the supply of housing is the highest priority of the Provincial government, as further evidenced by the recent legislation, *More Homes for Everyone Act* and *More Homes Built Faster Act*, which serve to streamline the planning approvals process and remove roadblocks for housing applications.

The Analysis section has shown that there is no compelling reason to retain the subject lands in its present Heavy Industrial designation, but there is compelling reason to redevelop this site for residential use through intensification. My opinion, therefore, is twofold:

1. The Piroli project is consistent with the PPS, implementing policies which serve the pre-eminent articulated Vision.

2. Issues 1, 2 and 3, identified in the pre-consultation meetings between the development team and the County and Town planning staff, have been addressed.

## **7.7 County of Essex Official Plan (COP)**

### 7.7.1 Overview

In the previous sections, 7.2 and 7.3, concerning the PPS, Issues 1, 2 and 3 were identified, analyzed, and discussed at length within the context of the MECP D-1 / D-6 Guidelines and Land Needs Assessment, as directed by the pre-consultation meetings. In the interest of brevity, the findings and conclusions reached based on that analysis are not repeated in this section.

It is noted that the COP policies reviewed below deal specifically with the issue of land use compatibility resulting from the encroachment of residential (sensitive use) on employment lands, or vice versa. Similarly, those COP housing policies that relate specifically to intensification as represented by Piroli are looked at.

The County definition of intensification is similar to that of the PPS:

*Intensification means the development of a property, site or area at a higher density than currently exists through:*

- a) Redevelopment, including the reuse of brownfield and greyfield sites;*
- b) The development of vacant and/or underutilized lots within previously developed areas;*
- c) Infill development; and*
- d) The expansion or conversion of existing buildings.*

The COP also included a definition of infilling, which is as follows:

*Infilling/Infill Development means development on sites within established or developed areas that are vacant or underdeveloped.*

As asserted in the PPS discussion, the Piroli development can easily be described as infilling and therefore is a form of intensification, a desirable approach to meeting housing need.

Finally, the COP version reviewed was a draft approved by County Council November 6, 2024, and at the time of writing, awaiting Ministry approval.

It is an assumption on my part that this version of the COP is consistent with the 2024 PPS.

## 7.2.2 Relevant Employment Policies

Policy 4.C.1.1(a) states:

*4.C.1.1. Economic growth in the County of Essex will be broad based including a multitude of economic sectors. Economic growth will include:*

- a) Traditional employment land uses such as, but not limited to, manufacturing, wholesaling, logistics, warehousing, and more;*

Comment: the Heavy Industrial designation of the TOP and permitted uses in the Heavy Industrial zone, H3, fall under this category of employment uses in the COP. It is noted that Goal 4.C(c) is "Protecting employment areas from the encroachment of sensitive uses." It was the direction of the County / Town planning staff in the pre-consultation meeting that the MECP D-1 / D-6 Guidelines be applied to determine if the Piroli development would have an undesirable impact on future heavy industrial development (Issue 1), and the conclusion was that any encroachment would be considered trivial. Therefore, this Goal of the Employment policies is not affected.

Policy 4.3.4.4 states:

*4.C.4.4. Conversion of Employment Lands to non-employment uses shall only be considered through a Local Settlement Area Review [LSAR] in accordance with the policies of this Plan.*

Comment: as the Piroli project proposes to convert an employment land type designation and zoning to a non-employment one, this policy applies and the relevant LSAR policy is reviewed below.

Policy 4.A.9.3(b) states:

*4.A.9.3. The preparation of a LSAR shall follow, at a minimum, the requirements listed below:*

- b) A LSAR may focus on residential or employment land transfer, or both. Where the focus is only on either residential or employment, the LSAR shall consider whether there are lands suitable for conversion to a different land use....*

Comment: as demonstrated in the previous sections, based on the Land Needs Assessment (LNA) document, removal of the modest amount of Heavy Industrial (HI) designated land from the HI inventory will not adversely impact the long-term employment land needs. The suitability of the lands for residential is discussed further below under the Intensification policies.

Policy 4.A.5.1 states:

*4.A.5.1. The County and the Local Municipalities shall plan for a residential intensification target of 30% of new housing units to be achieved....*

Comment: as noted earlier, the Piroli project is considered an excellent example of intensification, and intensification is a desirable way of achieving housing goals. The above policy, which informs the LNA, requires local municipalities achieve a housing supply mix which includes 30% of new units be provided through intensification. Given the potential constraint regarding infilling in Amherstburg, identified in the LNA, the Piroli project will assist in meeting this 30% goal.

Policy 4.A.5.3(j) states:

*4.A.5.3. Intensification strategies shall be prepared as part of all local municipal Official Plans and Secondary Plans, and be implemented through Zoning Bylaws, Community Improvement Plans and other supporting documents. Updates to local municipal Official Plans shall include an intensification strategy that:*

*j) identify other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites;*

Comment: as described elsewhere in this report, the Piroli development presents a significant opportunity to the Town for intensification, and its approval should be a priority.

## 7.7.2 Overall Conformity with the County Official Plan

Similar to my conclusion regarding consistency of the proposed development with the PPS, application of the MECP D-1 / D-6 Guidelines shows that minimal encroachment of the Piroli development on any potential industrial use is trivial, and therefore does not offend the Employment Goals. With regard to removal of the Industrial designation

from the Employment land inventory, there remains substantial lands available to meet the long-term needs. Therefore, the conditions of the LSAR policy are met.

Finally, the Piroli development presents an intensification opportunity which would assist the Town in meeting the 30% target of the COP, implementing an important COP strategy and justifying the re-designation of the subject lands to residential.

Therefore, based on the foregoing, it is my opinion that the Piroli project is in conformity with the COP.

## **7.8 Amherstburg Official Plan (TOP)**

### 7.8.1 Overview

The current TOP was originally approved by the Ontario Municipal Board (OMB) February 3, 2010, with the latest listed consolidation occurring February 7, 2023. At the time of writing, a comprehensive OP update is under way which will be consistent with the 2024 PPS and the November 6, 2024 COP. Unfortunately, a draft of a new version is not available as yet.

Similar to the reviews conducted for the PPS and COP in this report, I have selected TOP text that deals specifically with Issues 1, 2 and 3. Also, as with my review of the COP, I have not repeated findings and conclusions in my discussions regarding the MECP D-1 / D-6 Guidelines and the LNA.

### 7.8.2 Industrial Lands

Under section 1.7, Basis of the Plan, is found a reference to what is now the ALHL lands, in 1.7.9, Industrial and Commercial Lands:

*Within the Heavy Industrial designation referred to as the General Chemical lands is located Honeywell International Inc. Honeywell Chemicals is one of the largest producers of hydrofluoric acid and the Amherstburg plant employs 103 persons. Past consents to Honeywell have rendered certain parcels land-locked but with easements over the General Chemical lands. Future development of lands within this Heavy Industrial designation will address issues of access, buffering, servicing constraints and site rehabilitation.*

Comment: what is noteworthy about this statement is that onus on any redevelopment of these lands, which has yet to occur years later, to accommodate existing uses falls on the ALHL landowner.

#### Section 4.5 Industrial Land Use Designation

*The general principles to be considered in the development and control of the use of such lands are as follows.*

*The following policies apply to all three Industrial designations:...*

*(9) Industrial development may be permitted in areas abutting Residential uses, provided that:*

- a) Adequate buffering is provided between the two uses by such means as adequate separations, landscaping, barriers, and plantings;*
- b) Appropriate development controls are utilized to minimize the impact that parking, storage, loading and lighting may have on adjoining land uses; and*
- c) The impacts of Industrial uses on the surrounding area in terms of traffic flows, building forms and relationships to neighbouring buildings or uses are acceptable.*

Comment: this policy implements the 1.7 Goals discussed above regarding the land use planning requirement imposed on new industrial development where adjacent to residential uses.

#### Section 4.5.3 Heavy Industrial

*Lands designated Heavy Industrial associated with the former General Chemical site shall undergo an environmental cleanup prior to any redevelopment of the site for new industrial uses. Setbacks for new development shall have regard to the Ministry of the Environment guidelines for setbacks between industrial uses and sensitive land uses. The zoning by-law may employ a holding provision to ensure both appropriate site cleanup and adequate setbacks based on activity levels and the nature of the proposed use. In no case shall the setback be less than 50 metres to an abutting non-industrial zone. Access to these lands shall be from Sandwich Street or Thomas Road.*

Comment: this policy applies to the general principles affecting industrial development outlined above, specifically to the ALHL lands as they existed in 2010. I wish to emphasize the following aspects of this policy:

- Environmental cleanup of the site is a pre-requisite prior to any redevelopment. At the time of writing, it is unclear if that remediation has been completed and the MECP order lifted.
- New development “shall have regard” for the MECP D-1 / D-6 Guidelines where sensitive land uses may be subject to adverse effects.
- The implementing zoning by-law “may” employ the H – Holding Symbol, the “H” to be lifted once site cleanup has been achieved and “adequate” setbacks established. Although not clear, I understand this statement to imply that any setbacks proposed for a new use will need to be justified through application of the D-1 / D-6 Guidelines, prior to the “H” being lifted. There is further discussion on this part below in “Other Comments”.
- Regardless of what setback any application of the Guidelines may recommend, the minimum where abutting a non-industrial zone shall be 50 m.

The implementing zoning by-law (see Appendix D) requires the 50 m setback. The H-7, Holding Zone to which this zone is subject, requires the remediation to be completed, but does not require the application of the D-1 / D-6 Guidelines to establish setbacks, as implied by the above 4.5.3 policy.

Subsection 4.5.3 goes on to state the following with regard to the Piroli lands:

*The lands lying to the north of Brunner Avenue and designated Heavy Industrial on the Land Use Schedules “A” and “B” shall have no access to Brunner Ave and appropriate buffers as required by Section 2.10.4 shall be applied to any development of these lands.*

Comment: there are two noteworthy points associated with this policy:

- Any industrial use on this property will be denied access to Brunner Avenue
- It is unlikely that the buffering will be required, as once the various zoning setbacks are applied, the matter would be moot as no development on the subject land would be permitted, as noted in subsection 7.4.1.

### 7.8.3 Residential Uses

The TOP includes Residential Area and housing supply policies, but, except in the instance below, it does not identify or promote intensification, as provided specifically by the Piroli project.

4.2.2 Goals, under Section 4.2, Residential Uses, states:

*(5) To provide the opportunity to increase the housing supply through residential intensification in appropriate and selected Residential designations. Residential intensification may include infilling, accessory apartments, conversions and redevelopment;*

Comment: the PPS and COP housing policies, taken in combination, mandate that municipalities shall permit and facilitate intensification projects in order to achieve a 30% housing supply intensification rate. The policy found in 4.2.2.(5) recognizes residential intensification as a goal but does not apply any priority to it, such as found in the PPS and COP. However, the Piroli project can be considered an implementation of this policy.

### 7.8.4 Overall Conformity with the Amherstburg Official Plan (TOP)

The TOP differs from the COP, and the TOP in consideration of the three issues to be addressed in this report in that:

- There is no goal or policies to protect the industrial land designations from the encroachment of sensitive uses, as the Employment Land goals / policies do in the PPS and COP.
- Residential intensification, while recognized, is not promoted or given a prominent role in meeting the housing supply target.

As discussed earlier in this report, it is my opinion that the Piroli project does not offend the PPS and COP employment land policies, and clearly implements the housing supply through intensification policies.

I also note that the TOP requires a Planning Impact Analysis evaluation report as described in Section 6.7. It is my opinion that this Planning Justification Report serves that purpose.

Finally, although the Piroli project does not implement any TOP industrial policies, it does not offend them either; and since it does implement housing policy through intensification, it is my opinion that it is in conformity with the Amherstburg Official Plan.

## **8.0 DEVELOPMENT APPLICATIONS**

### **8.1 Overview**

Below I make general recommendations regarding the OPA, ZBA and draft plan of subdivision applications based on my research of various documents. Ultimately, I recognize the Town Planning Department will be responsible for determining the content and format of these documents.

### **8.2 Official Plan Amendment**

I recommend that the designation of the subject lands be changed to Low Density Residential with special provisions permitting “horizontal multiples”, the language used in the TOP for the townhome or rowhouse type dwelling proposed, or to Medium Density Residential, similar to the designation at the east end of the property.

### **8.3 Zoning By-law Amendment**

I recommend the 10 lots proposed for single detached dwellings be zoned R1 – Residential First Density; the 10 blocks proposed for row housing be zoned RM1 – Residential Multiple First Density; and the stormwater management pond be zone to I-4 – Institutional Special Provision 4.

### **8.4 Draft Plan of Subdivision**

The only special provision I recommend is a condition of draft approval whereby access to the individual units would be restricted to Street A. No access is to be provided directly from Brunner Avenue – the draft plan provides Road Reserve Blocks to achieve this.

### **8.5 Deeming By-law**

Registered Plan 960 remains on title and requires a Deeming By-law to remove it from title.

## **9.0 OTHER COMMENTS**

1. All the background studies, reports and other documents supporting these applications required by the Town for the applications to be considered complete, have either already been submitted or will be provided with the applications themselves.

2. I noted in my review of the TOP industrial policies specific to the ALHL lands that the use of the “H” – Holding Symbol was recommended. The holding zone would be lifted once “appropriate site cleanup and adequate setbacks” for a new use were established. Further, it was implied that the setbacks would be based on Ministry “guidelines for setbacks between industrial uses and sensitive land uses”, in other words the D-1 / D-6 Guidelines. A holding zone, H-7 has been applied as follows:

*(viii) h-7 Purpose: To ensure that development and redevelopment will not take place until the necessary mitigating measures have been undertaken to the Town and to the Ministry of the Environment’s satisfaction including the demolition of the existing factory structures. In addition, prior to the finalization of any site plan for development the Town is satisfied that a drainage study has been completed by a qualified hydrologist, that archeological reports have been completed, and that any necessary traffic studies have been completed.*

*Permitted Interim Uses: Existing uses and any activities necessary for an environmental cleanup.*

As can be seen, the h-7 provisions do not mention the need for adequate setbacks to have been established, in spite of the OP direction, prior to removal of the “h”. The H1-3 zoning provisions require a minimum of 50 metres from an abutting non-industrial zone. It is apparent that once remediation is complete and the required studies are completed, any use permitted in the H1 zone can proceed subject to the 50-metre setback. Refer to Appendix D. **This setback could well be inadequate for some of the permitted uses should the D-6 Guidelines be applied.**

3. The natural heritage feature shown as Natural Heritage Feature Overlay in Schedule B, Natural Heritage System, of the draft County Official Plan greatly exceeds the area of natural heritage features shown on Schedule B-2 and Schedule C of the Amherstburg Official Plan.
4. The PJR regarding Issue 3, the matter of land use compatibility, focused on the adverse effects of potential future unknown industrial land uses to the north on the ALHL lands. As noted in the Local Setting section of this report, existing development adjacent to the west and across Brunner Avenue to the south are residential. Lands to the east are undeveloped but designated Medium Density Residential. Being similar in nature to the proposed development, there should be no land use compatibility issues with these area.

## 10.0 SUMMARY

The purpose of this document was to provide justification for proposed changes to the Official Plan and Zoning By-law in support of a draft plan of subdivision on specific lands purchased by Piroli from ALHL in 2022. Future development on the Piroli lands, as well as the ALHL lands, was enhanced by:

- Agreement to relocate a drainage ditch for the purpose of a creating a legal outlet for stormwater drainage under the Drainage Act, paid for mainly by Piroli, which would serve both properties.
- Agreement by Piroli to eliminate an easement in favour of Piroli over an access on ALHL lands to County Road 20.
- Agreement by ALHL to not object to the proposed residential development on the Piroli lands.

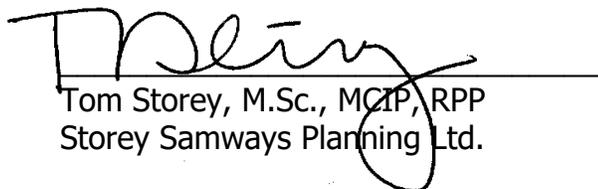
Two pre-consultation meetings held between the development team and planning staff from the Town and County established the numerous background studies necessary to consider the Planning Act applications to be complete. Also, those meetings identified three issues to be addressed by this Planning Justification Report. Background research was directed to rely on two particular documents – the MECP D-1 / D-6 Guidelines regarding encroachments of sensitive land uses on industrial lands; and the Town of Amherstburg Land Needs Analysis (LNA) concerning the long-term needs of employment lands and housing supply.

Application of the Guidelines showed that any encroachment was too insignificant to have a material effect on future industrial development. Review of the LNA indicated that supply for long-term needs for both employment and residential uses was sufficient.

Research also showed that due to zoning and possible D-6 Guidelines setbacks, the Piroli lands could not be used for industrial purposes, but that there was an excellent opportunity to proceed with residential intensification, assisting the Town in meeting its 30% target.

For these reasons, it was my opinion that the proposed Piroli development was consistent with the Provincial Planning Statement, and was in conformity with both the County of Essex Official Plan and the Town of Amherstburg Official Plan, and ultimately the highest and best use for the subject lands. As such, it is very much in the public interest at both the local and Provincial scale.

Prepared by:



Tom Storey, M.Sc., MCIP, RPP  
Storey Samways Planning Ltd.

Attachments:

- Appendix A – Regional Setting
- Appendix B – Local Setting
- Appendix C – Amherstburg Official Plan – Map Schedule “B-2”
- Appendix D – Amherstburg Zoning By-law – Text and Map Schedule Excerpts
- Appendix E – Proposed Draft Plan
- Appendix F – General Drain Plan
- Appendix G – MECP D-6 Guidelines Synopsis
- Appendix H – MECP D-6-1 Industrial Categorization Criteria
- Appendix I – MECP D-6-3 Separation Distances
- Appendix J – Application of Minimum Separation Distances

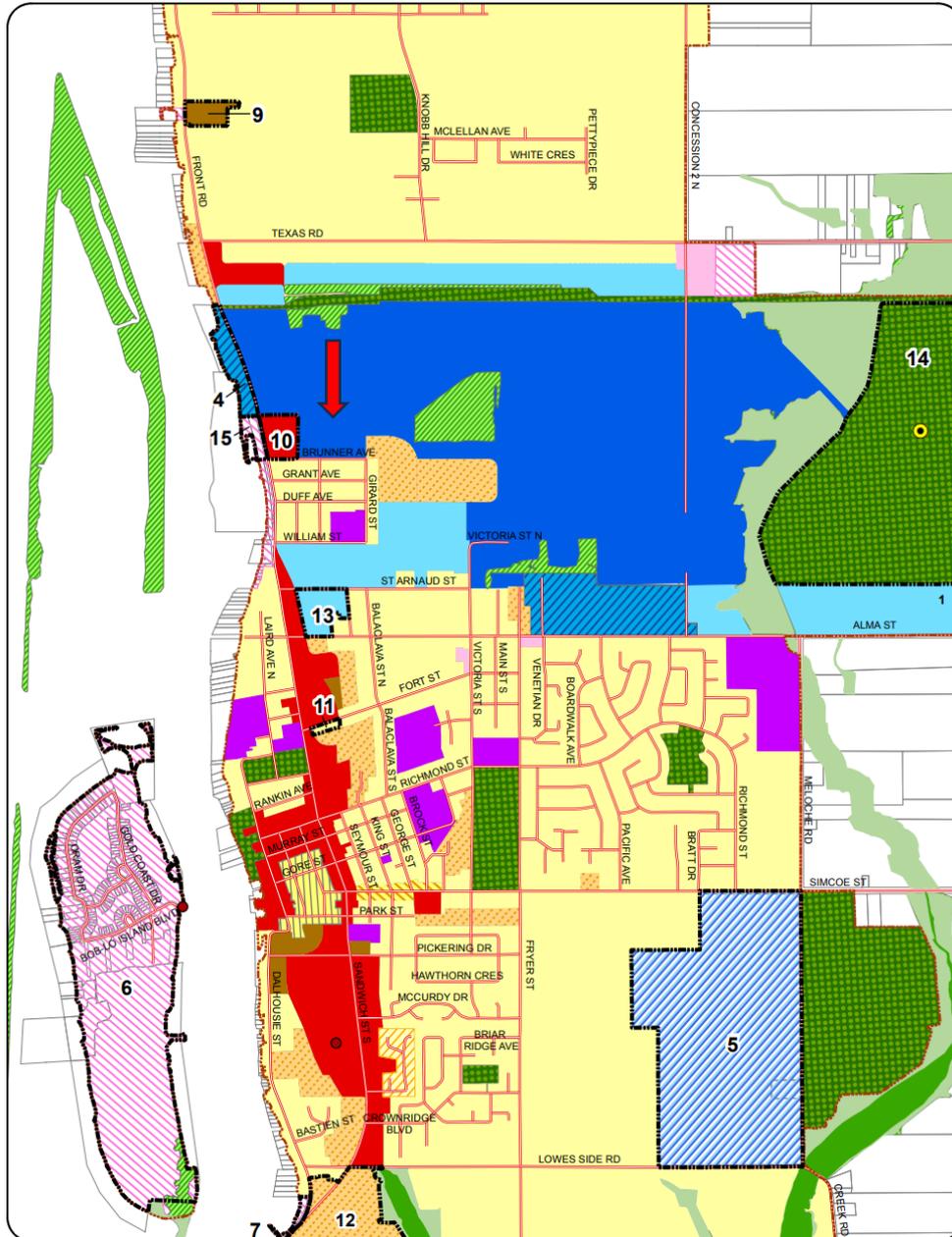
## Appendix A – Regional Setting



## Appendix B – Local Setting



## Appendix C – Amherstburg Official Plan – Map Schedule “B-2”



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



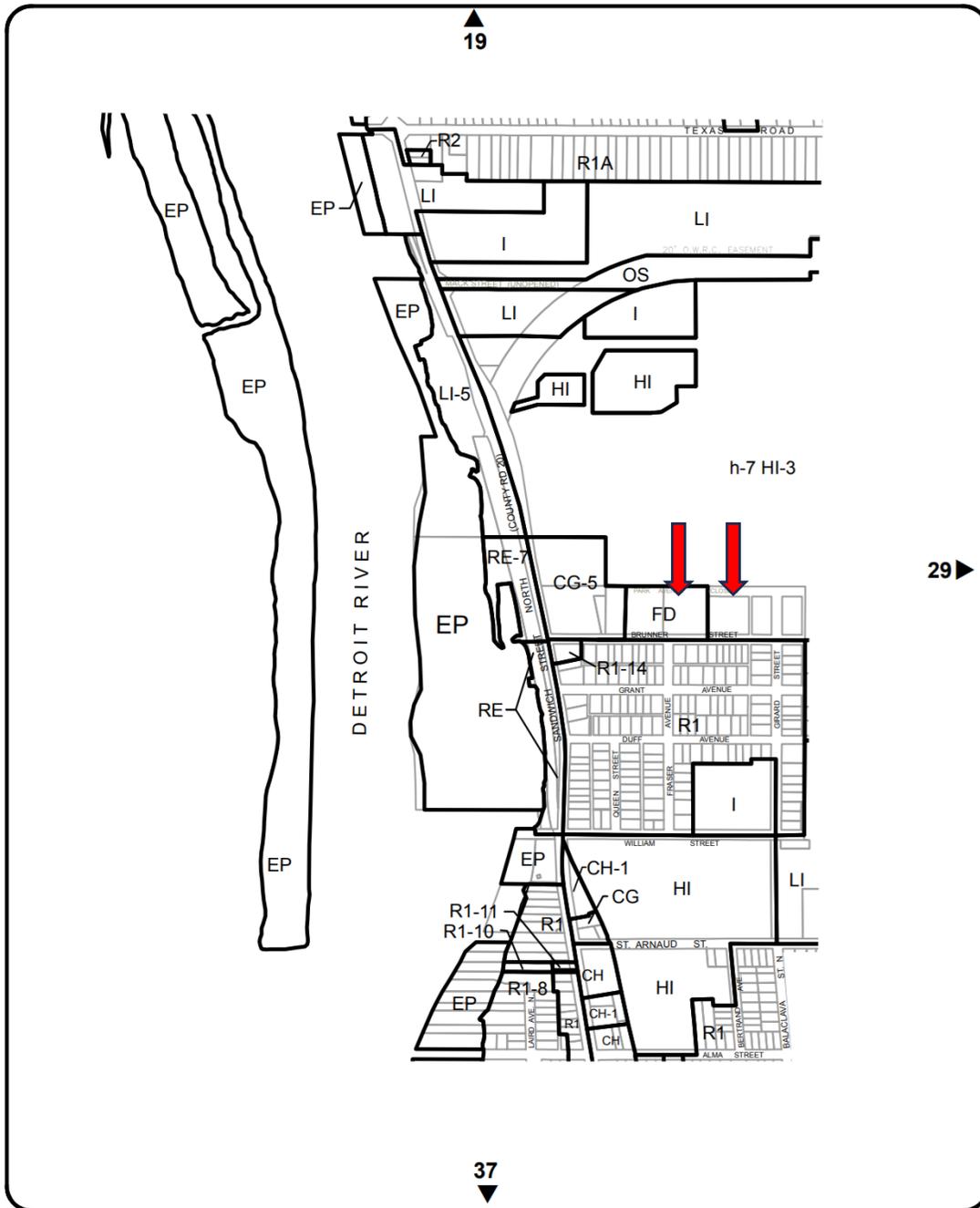
**Legend**

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

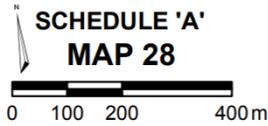
Prepared by Montello Brown Planning Consultants under license with the Town of Amherstburg, The County of Essex, the Essex Region Conservation Authority and the Ministry of Infrastructure.  
 All and third party information copyright Essex Region Conservation Authority. All and third party information on this map are for visual reference only, and are not to be considered legal boundaries. Confirmation of the actual boundaries must be confirmed on the legal lot and block line mapping located at the Essex Region Conservation Authority office.  
 The boundaries of Environmentally Significant Areas are shown on this map as approximate. The location and area of these sites are subject to change. Boundaries of Environmentally Significant Areas are subject to verification by the Essex Region Conservation Authority.



Appendix D – Amherstburg Zoning By-law – Text and Map Schedule Excerpts



**TOWN OF AMHERSTBURG**  
ZONING BY-LAW NO. 1999-52



(c) *HI-3*

*Notwithstanding any provision of this By-law to the contrary, within any areas zoned HI-3 the following special provisions apply:*

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**ON 22**

**HEAVY INDUSTRIAL (HI) ZONE**

(i) *Uses Permitted*

*For the lands located to the west of Concession 3 North known as the Soda Ash Settling Bed, the uses permitted shall be restricted to passive opens space uses and any use necessary in the rehabilitation of the site in accordance with the requirements of the Ministry of the Environment.*

*For all other lands within the HI-3 Zone the uses permitted in the HI Zone are allowed subject to added zone requirements as provided below.*

*Required Yards (Minimum) Abutting any Non Industrial Zone shall be 50 metres.*

*Landscaped Opens Space abutting Sandwich Street shall be required and no open storage shall be permitted and no access shall be permitted to Brunner Ave.*

*(By-law 2009-06)*

- (viii) h-7 Purpose : To ensure that development and redevelopment will not take place until the necessary mitigating measures have been undertaken to the Town and to the Ministry of the Environment’s satisfaction including the demolition of the existing factory structures. In addition, prior to the finalization of any site plan for development the Town is satisfied that a drainage study has been completed by a qualified hydrologist, that archeological reports have been completed, and that any necessary traffic studies have been completed.*

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**ZONES AND ZONE SYMBOLS**

*Permitted Interim Uses: Existing uses and any activities necessary for an environmental cleanup.*

## Appendix E – Proposed Draft Plan

**DRAFT PLAN OF SUBDIVISION**  
 PART OF PART OF  
 REGISTRATION PLAN 1000083282  
 IN THE  
**TOWN OF AMHERSTBURG**  
 COUNTY OF ESSEX, ONTARIO

LOTS 272 to 288 & 326 to 328, PART LOTS 289 to 291, PART OF PARK AVENUE AND  
 PART OF BRUNNER AVE

**ADDITIONAL INFORMATION IN ACCORDANCE WITH SECTION 57(7) OF THE PLANNING ACT**

A) BOUNDARIES OF THE LANDS PROPOSED TO BE SUBDIVIDED AS SHOWN ON THIS DRAFT PLAN  
 B) HIGHWAYS AS SHOWN ON DRAFT PLAN  
 C) PROPOSED USES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON DRAFT PLAN  
 D) EXISTING CONTIGUOUS AREAS AS SHOWN ON DRAFT PLAN  
 E) APPROXIMATE DIMENSIONS AND LAYOUT OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON DRAFT PLAN  
 F) APPROXIMATE DIMENSIONS AND LAYOUT OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON DRAFT PLAN  
 G) AFFORDABLE HOUSING, NONE PROPOSED

**OWNERS CERTIFICATE**  
 I, THE UNDERSIGNED, HAVE THE AUTHORITY TO BIND THE CORPORATION AND I HEREBY AUTHORIZE BARDAE TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

OWNER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**SURVEYORS CERTIFICATE**  
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY SHOWN ON THIS PLAN.

ONTARIO LAND SURVEYOR  
 VERIFIED LAND SURVEYORS

DATE: \_\_\_\_\_

ZONING PROVISION		LAND USE	
SHINGLE DETACHED UNITS (R1)	540.00 sq ft	TOWNHOUSE UNITS (RM)	180.00 sq ft / UNIT
LOT AREA MIN.	15.00 m	LOT FRONTAGE MIN.	25.00 m
FRONT YARD DEPTH MIN.	7.50 m	REAR YARD DEPTH MIN.	3.00 m
EXTENDED FRONT YARD WIDTH MIN.	1.50 m	REAR YARD DEPTH MIN.	6.00 m
LOT COVERAGE MAX.	30%	LANDSCAPED OPEN SPACE MIN.	30%
MAX. BUILDING HEIGHT	8.50 m		10.00 m

SCHEDULE OF LAND USE		
LOTS/BLOCKS	LAND USE	UNITS
LOT 1-10	RESIDENTIAL	10
BLOCK 1-10	TOWNHOUSES	38
BLOCK 11	STORMWATER MANAGEMENT	0
BLOCK 12-13	ROAD RESERVES	0
TOTAL	STREET A	48

LEGEND		
SHINGLE DETACHED UNITS (R1)	AREA (sq m)	PERCENTAGE AREA
TOWNHOUSE UNITS (RM)	9962.94	26.01
ROAD RESERVES	10069.43	29.22%
PARCEL FABRIC	6754.96	17.50%
	19.90	0.05%
	6588.11	17.15%
	38,425.04	100.00%

**KEY PLAN**  
 SCALE 1:10,000

**OWNERS CERTIFICATE**  
 I, THE UNDERSIGNED, HAVE THE AUTHORITY TO BIND THE CORPORATION AND I HEREBY AUTHORIZE BARDAE TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION FOR APPROVAL.

OWNER SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

**SURVEYORS CERTIFICATE**  
 I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY SHOWN ON THIS PLAN.

ONTARIO LAND SURVEYOR  
 VERIFIED LAND SURVEYORS

DATE: \_\_\_\_\_

**DRAFT PLAN OF SUBDIVISION - CONCEPT 1**

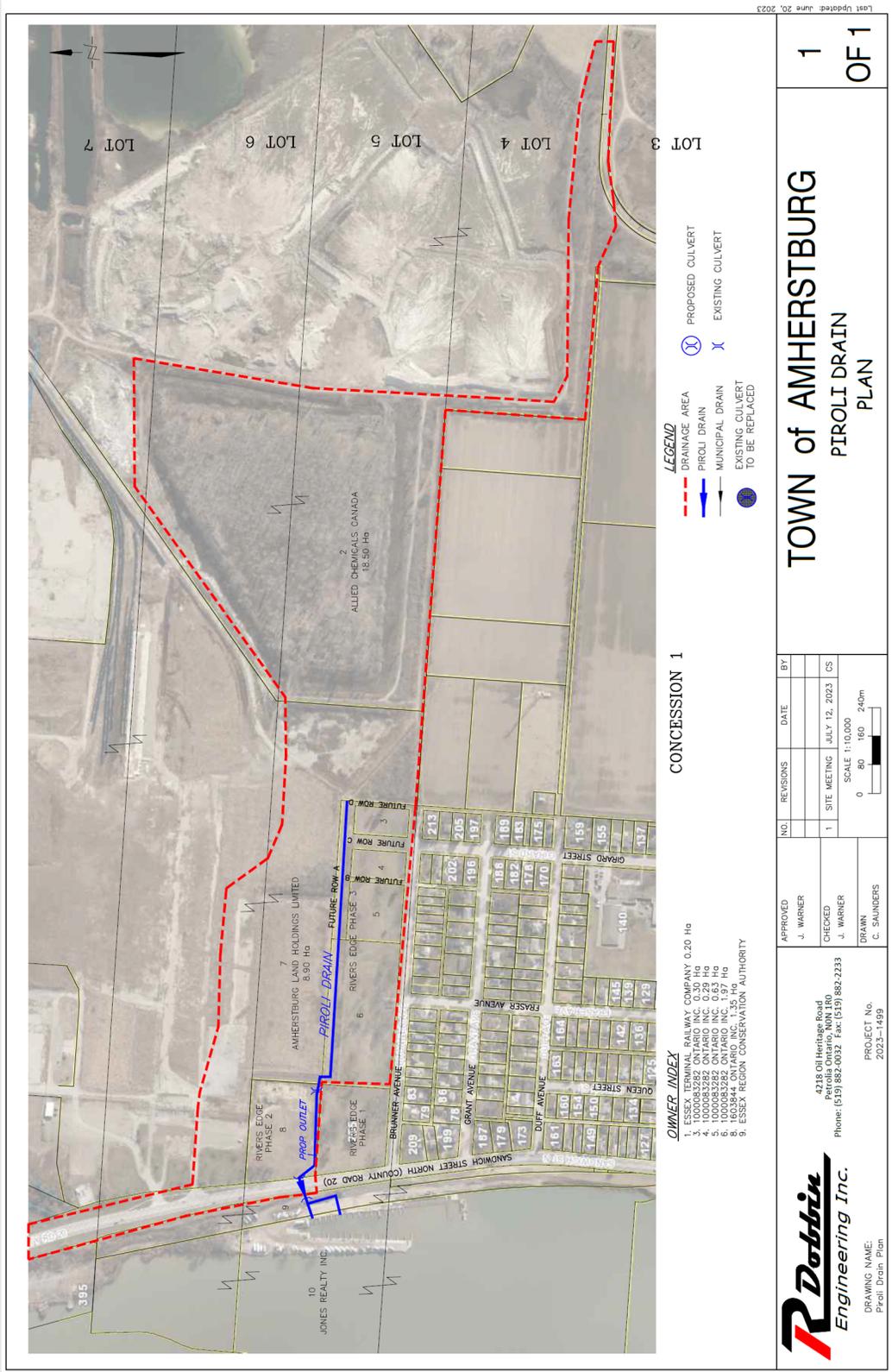
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BARDAE INC. ENGINEERS & ARCHITECTS

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## Appendix F – General Drain Plan



## Appendix G – MECP D-6 Guidelines Synopsis

# D-6 Compatibility between Industrial Facilities

A guide for land use planning authorities on how to decide what types of land uses are appropriate industrial areas.

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### On this page

1. [Synopsis](#)
2. [Introduction \(1.0\)](#)
3. [Definitions \(2.0\)](#)
4. [Application \(3.0\)](#)
5. [Implementation \(4.0\)](#)
6. [Reference documents](#)

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### Legislative Authority:

*Environmental Protection Act, RSO 1990, Section 14*  
*Environmental Assessment Act, RSO 1990, Section 5(3)*  
*Planning Act, RSO 1990, Sections 2 (a) (b) (c) (f) (g) (h), 17(9), 22(3), 41(4) and 51(3)*  
*Condominium Act, RSO 1990, Section 50(3)*  
*Niagara Escarpment Planning & Development Act, RSO 1990, Section 9*

### Responsible Director:

Director, Environmental Planning & Analysis Branch

### Last revision date:

July 1995

### Related

[Environmental land use planning series](#)

## Synopsis

This guideline is intended to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses and industrial land uses on one another. The guideline is a direct application of [Ministry Guideline D-1, "Land Use Compatibility"](#) (formerly Policy 07-03).

This guideline encourages informed decision-making for Ministry staff as well as land use approval authorities and consultants, and assists in determining compatible mixed land uses and compatible intensification of land uses. The guideline is intended to apply when a change in land use is proposed, and the range of situations are set out in [Section 2.0 "Application" of Guideline D-1](#). Responsibilities and various implementation techniques are discussed in [Procedure D-1-1, "Land Use Compatibility: Implementation"](#).

Adequate buffering of incompatible land uses is intended to supplement, not replace, controls which are required by legislation for both point source and fugitive emissions at the facility source. These emissions, which are difficult to control on-site, under all circumstances, all of the time, are associated with normal operating procedures. Appendix B contains information on the Ministry's legislative requirements (e.g. Certificates of Approval) which may apply to industrial facilities.

The Ministry shall not be held liable for municipal planning decisions that disregard Ministry policies and guidelines. When there is a contravention of Ministry legislation, Ministry staff shall enforce compliance.

Nothing in this guideline is intended to alter or modify the definition of "adverse effect" in the *Environmental Protection Act*.

## Appendix H – MECP D-6-1 Industrial Categorization Criteria



### D-6-1 Industrial Categorization Criteria

A guide for land use planning authorities on the appropriate distances between industrial areas and sensitive land uses like people's homes and workplaces.

Industrial categorization criteria *					
Cat eg ory	Outputs	Scale	Process	Operation /Intensity	Possible examples **
Cl as s I	<ul style="list-style-type: none"> <li>Noise: Sound not audible off property</li> <li>Dust and/or Odour: Infrequent and not intense</li> <li>Vibration: No ground borne vibration on plant property</li> </ul>	<ul style="list-style-type: none"> <li>No outside storage</li> <li>Small scale plant or scale is irrelevant in relation to all other criteria for this Class</li> </ul>	<ul style="list-style-type: none"> <li>Self contained plant or building which produces/stores a packaged product. Low probability of fugitive emissions</li> </ul>	<ul style="list-style-type: none"> <li>Daytime operations only</li> <li>Infrequent movement of products and/or heavy trucks</li> </ul>	<ul style="list-style-type: none"> <li>Electronics manufacturing and repair</li> <li>Furniture repair and refinishing</li> <li>Beverages bottling</li> <li>Auto parts supply</li> <li>Packaging and crafting services</li> <li>Distribution of dairy products</li> <li>Laundry and linen supply</li> </ul>
Cl as s II	<ul style="list-style-type: none"> <li>Noise: Sound occasionally audible off property</li> <li>Dust and/or Odour: Frequent and occasionally intense</li> <li>Vibration: Possible groundborne vibration, but cannot be perceived off property</li> </ul>	<ul style="list-style-type: none"> <li>Outside storage permitted</li> <li>Medium level of production allowed</li> </ul>	<ul style="list-style-type: none"> <li>Open process</li> <li>Periodic outputs of minor annoyance</li> <li>Low probability of fugitive emissions</li> </ul>	<ul style="list-style-type: none"> <li>Shift operations permitted</li> <li>Frequent movement of products and/or heavy trucks with the majority of movements during daytime hours</li> </ul>	<ul style="list-style-type: none"> <li>Magazine printing</li> <li>Paint spray booths</li> <li>Metal command</li> <li>Electrical production manufacturing</li> <li>Manufacturing of dairy products</li> <li>Dry cleaning services</li> <li>Feed packing plant</li> </ul>

Category	Outputs	Scale	Process	Operation /Intensity	Possible examples **
Class III	<ul style="list-style-type: none"> <li>• Noise: sound frequently audible off property</li> <li>• Dust and/or Odour: Persistent and/or intense</li> <li>• Vibration: Ground-borne vibration can frequently be perceived off property</li> </ul>	<ul style="list-style-type: none"> <li>• Outside storage of raw and finished products</li> <li>• Large production levels</li> </ul>	<ul style="list-style-type: none"> <li>• Open process</li> <li>• Frequent outputs of major annoyances</li> <li>• High probability of fugitive emissions</li> </ul>	<ul style="list-style-type: none"> <li>• Continuous movement of products and employees</li> <li>• Daily shift operations permitted</li> </ul>	<ul style="list-style-type: none"> <li>• Manufacturing of paint and varnish</li> <li>• Organic chemicals manufacturing</li> <li>• Breweries</li> <li>• Solvent recovery plants</li> <li>• Soaps and detergent manufacturing</li> <li>• Manufacturing of resins and costing</li> <li>• Metal manufacturing</li> </ul>

Note: Emissions may be point source or fugitive.

\* Note: This Table should not be considered a comprehensive list but is to be used to provide examples of industrial categories.

\*\* Note: The following examples are not limited to the Class indicated on the Table. The categorization of a particular industry will vary with the specifics of the case.

Source: The criteria for categorizing industries into Class I, II or III are derived from Ministry experience and the investigation of complaints related to industrial facilities.

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## Appendix I – MECP D-6-3 Separation Distances



### D-6-3 Separation Distances

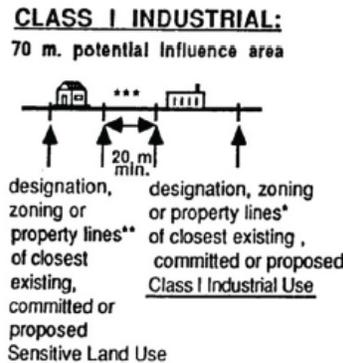
A guide for land use planning authorities on how to measure recommended distances between industrial areas and sensitive land uses to protect people and the environment.

#### Class I industrial

- 70 metre potential influence area
- 20 metre recommended minimum in which incompatible development should not normally take place

**Section view**

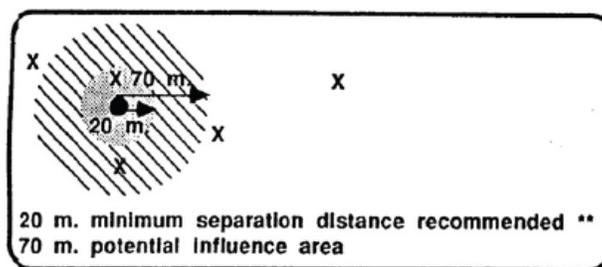
This diagram shows the designation, zoning or property lines of an existing, committed or proposed sensitive land use in relation to the designation, zoning or property lines of the closest existing, committed or proposed Class I industrial use.



**Plan view**

This diagram shows an overhead view of the recommended minimum separation distance (20 metres), potential or actual influence area distance (70 metres), and acceptable range (greater than 70 metres) between sensitive land use and Class I industrial use.

The solid black dot indicates an existing land use, and the Xs indicate a proposed land use.

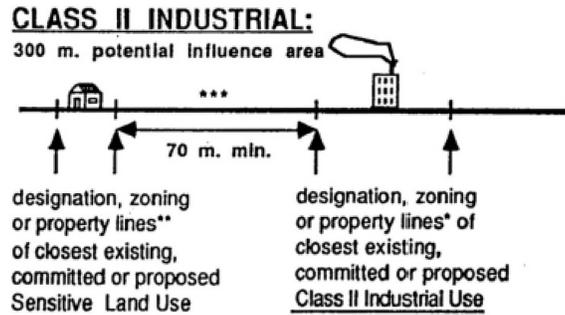


#### Class II industrial

- 300 metre potential influence area
- 70 metre recommended minimum in which incompatible development should not normally take place

**Section view**

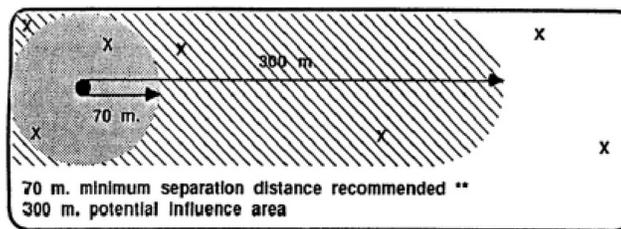
This diagram shows the designation, zoning or property lines of an existing, committed or proposed sensitive land use in relation to the designation, zoning or property lines of the closest existing, committed or proposed Class II Industrial Use.



**Plan view**

This diagram shows an overhead view of the recommended minimum separation distance (70 metres), potential or actual influence area (300 metres), and acceptable range (greater than 300 metres) between sensitive land use and Class II Industrial use.

The solid black dot indicates an existing land use, and the Xs indicate a proposed land use.

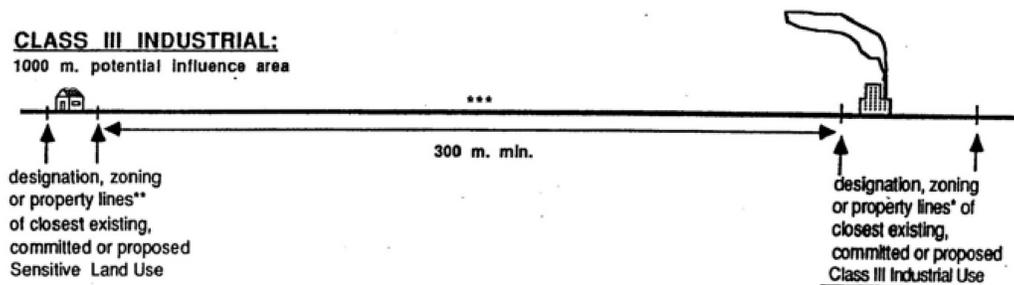


**Class III industrial**

- 1000 metre potential influence area
- 300 metre recommended minimum in which incompatible development should not normally take place

**Section view**

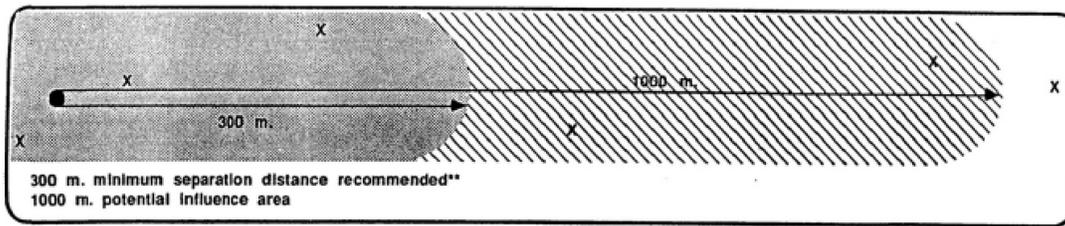
This diagram shows the designation, zoning or property lines of an existing, committed or proposed Sensitive Land Use in relation to the designation, zoning or property lines of the closest existing, committed or proposed Class III Industrial Use.



**Plan view**

This diagram shows an overhead view of the recommended minimum separation distance (300 metres), potential or actual influence area (1000 metres), and acceptable range (greater than 1000 metres) between sensitive land use and Class III Industrial use.

The solid black dot indicates an existing land use, and the Xs indicate a proposed land use.



## References

### Recommended minimum separation distance

Incompatible development should not normally be permitted within the recommended minimum.

See the following Sections:

- Section 4.3 Recommended Minimum
- Section 4.10 Redevelopment, Infilling and Mixed Use Areas
- Section 4.2.5 Off-Site Separation Distances

### Recommended potential area of influence or actual area of influence

"Adverse effects" need to be identified, mitigation proposed and an assessment made on the acceptability of the proposal. See "Section 4.1 Influence of Area Concept".

### Acceptable range

Beyond the potential area of influence, therefore normally development in this range should not pose a compatibility problem. See "Section 4.5.2 Separation Distances Greater than the Potential Area of Influence" for exceptions.

### Measuring separation distance

See Section 4.4 Measuring Separation Distances.

The set backs established in zoning by-law can be included in the separation distance measurement if the by-law or site plan control precludes the use of the set back for activities that could create an adverse effect. See "Section 4.4.3, Zoning/Site Plan Control (Industrial Land Uses)".

Where the established use on-site and ancillary lands associated with a sensitive land use are not of a sensitive nature (e.g., parking lot or roadway), measurement may be taken to where the sensitive activities actually begin.

See the following Sections:

- Section 4.4.2 Site Specific Plans
- Section 4.4.4 Ancillary use (Sensitive Land Use)

This approach may be particularly appropriate for redevelopment/infill proposals. "See Section 4.10 Redevelopment, Infilling and Mixed Use Areas."

If the existing land use is industrial, then the proposed land use is sensitive, and vice versa.

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## Appendix J – Application of Minimum Separation Distances

