

**Subject: OPA & Rezoning - Transport Terminal Land Use Study - OPA  
139 OPA/6195 Z-031/20 ZNG/6194 - City Wide**

**Reference:**

Date to Council: December 14, 2020  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner - Zoning  
519-255-6543 x6250  
aszymczak@citywindsor.ca

Planning & Building Services  
Report Date: November 18, 2020  
Clerk's File #: Z/13528

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

**Recommendation:**

1. THAT the report titled "Transport Terminal Land Use Study" prepared by the City of Windsor - Planning Division, dated 16 November 2020, and tabled at the November 16, 2020 meeting of the Development & Heritage Standing Committee as Appendix A to Report S 146/2020 **BE ACCEPTED**.

2. THAT Volume 1 of the City of Windsor Official Plan **BE AMENDED** as follows:

2A) Add the following to the Chapter 2 – Glossary:

*LONG  
COMBINATION  
VEHICLE ROUTE*      **Long Combination Vehicle Route** refers to an approved route that provides access to a freight terminal located within a defined distance from a highway interchange for a Long Combination Vehicle.

*TRANSPORT  
TERMINAL*      **Transport Terminal** means a premises used to dispatch, park, repair, service, or store freight-carrying trucks and trailers.

*TRUCK ROUTE*      **Truck Route** means any highway designated as a "Truck Route" on Schedule "H" to By-law 9148.

2B) Add the following to Chapter 6 – Land Use:

TRANSPORT  
TERMINAL  
GUIDELINES

6.4.3.6 In addition to the policies in Sections 6.4.3.3, 6.4.3.4, and 6.4.3.5, the following additional policies shall be considered when evaluating a Transport Terminal:

- (a) Prohibit the location of a Transport Terminal adjacent to, or near, sensitive land uses, such as residential uses, unless appropriate mitigation measures such as a berm, noise barrier, or other buffering are in place to mitigate noise, dust, and light pollution, and odours from the Transport Terminal;
- (b) Discourage direct driveway access to/from a Transport Terminal from/to Class II Arterial Road that serves as a major commercial corridor to minimize traffic, noise, and dust conflicts;
- (c) Encourage adjacency of a Transport Terminal to the truck route network, including any designated long combination vehicle route;
- (c) Encourage proximity of a Transport Terminal to rail, airport, and water port facilities to maximize freight intermodal opportunities;
- (e) Encourage proximity of a Transport Terminal to land uses that generate freight trips to allow for efficient use of land and infrastructure;

3. THAT Zoning By-law 8600 **BE AMENDED** as follows:

3A) Delete Section 5.99.97 and substitute with a new Section 5.99.97 as follows:

5.99.97 **TRANSPORT TERMINAL**

[ZNG/5364; ZNG/6194]

(ADDED B/L 169-2018 Dec 19/2018)

For a *transport terminal*, the following additional provisions shall apply:

- .1 Lot Width – minimum 43.0 m
- .2 Lot Area – minimum 3,200 m<sup>2</sup>
- .50 Any lighting used to illuminate the *transport terminal* shall be full cut-off lighting.
- .55 Where an abutting *lot* is zoned *Development Reserve District*, *Green District*, *Residential District*, or *Institutional District*, or occupied by a *dwelling* or *dwelling unit* a *screening fence* with a minimum height of 1.80 m shall be provided along that part of the *lot line* for the *lot* on which the *transport terminal* is located.
- .60 A *transport storage area* shall be:
  - a) Setback from the *front lot line* a minimum of the required *front yard depth* of the *zoning district* in which the *lot* is in, or 6.0 m, whichever is greater. The setback shall be maintained as a *landscaped open space yard*;

- b) Setback from an *exterior lot line*, excluding a *front lot line*, a minimum of 3.0 m, except where said *exterior lot line* is located within 50 m of a *development reserve district*, *green district*, *residential district*, or *institutional district*, or a *lot* containing a *dwelling* or *dwelling unit*, the setback from the *exterior lot line* shall be a minimum of 11.30 m and said setback shall consist of a berm with a minimum width of 11.30 m and a minimum height of 1.80 m. The setback shall be maintained as a *landscaped open space yard*;
  - c) Setback from an *interior lot line* a minimum of 0.90 m, except where said *interior lot line* is located within 50 m of a *development reserve district*, *green district*, *residential district*, or *institutional district*, or a *lot* containing a *dwelling* or *dwelling unit*, the setback from the *interior lot line* shall be a minimum of 11.30 m and said setback shall consist of a berm with a minimum width of 11.30 m and a minimum height of 1.80 m. The setback shall be maintained as a *landscaped open space yard*;
  - c) Graded and drained into a municipal sewer system to prevent the runoff of surface water onto a *street*, *alley*, or abutting property;
  - d) Paved with asphalt, concrete or any combination thereof, for that portion of the *transport storage area* used to load, manoeuvre, repair, service, or unload a *motor vehicle*, *transport truck* or *transport trailer*. The remainder of the *transport storage area* shall be paved with asphalt or concrete, or covered in gravel or similar aggregate, or any combination thereof; and
  - e) Maintained in good condition.
- .62 Vehicular access shall be to/from a *street* by way of an *access area*. Sections 25.5.30.2, 25.5.30.3, 25.5.30.5 and 25.5.30.6 shall apply to such *access area* and any reference to a *loading space* or *building* shall include a *transport storage area*.
- .64 A curb shall bound the perimeter of the paved portion of the *transport storage area*. Any curb shall be constructed of poured in place concrete, shall be continuous and shall have a minimum width and height of 15.0 cm. Precast concrete, rubber, plastic or other curbing or a parking stop that is not continuous is prohibited. A curb cut or ramp for pedestrian or vehicular access, a curb cut for drainage, or a curb with a height of less than 15.0 cm as a transition between the paved and unpaved portions of a *transport storage area*, is permitted.
- .66 A *parking area* may be located within a *transport storage area* and the provisions of Section 25.5 shall apply, with necessary modifications for the safe and efficient operation of the *transport storage area* and *parking area*.
- .68 A *refuse bin* may be located within a *transport storage area* and shall be fully screened by a *screening fence* having a minimum height of 1.80 m.
- .90 The parking, repairing, servicing, or storing of a *motor vehicle*, *transport truck* or *transport trailer* within a *required yard* or a *landscaped open space yard* is prohibited.

3B) Delete Section 18 and substitute with a new Section 18 attached as Appendix 3B to Report S 170/2020.

3C) Add the following zoning districts to Section 19:

### **19.13 MANUFACTURING DISTRICT 2.13 (MD2.13)**

[ZNG/6194]

#### **19.13.1 PERMITTED USES**

*Ambulance Service*

*Loading Compound*

*Micro-Brewery*

*Public Parking Area*

*Railway*

*Self-Storage Facility*

*Towing Facility*

*Transport Terminal*

*Warehouse*

*Water Transportation Facility*

For any *lot* located in an area bound by Wyandotte Street West to the north, Janette Avenue to the east, Tecumseh Road West to the south and McKay Avenue to the west and zoned MD2.13, the following shall be additional permitted uses:

*Building Materials Recycling Store*

*Bulk Storage Facility*

*Contractor's Office*

*Equipment Rental Shop*

*Food Catering Service*

*Food Processing Facility*

*Laundry Plant*

*Manufacturing Facility*

*Medical Appliance Facility*

*Repair Shop – Heavy*

*Repair Shop – Light*

*Retail Store – Equipment & Supplies*

*Welding Shop*

Any use accessory to any of the above uses

#### **19.13.5 PROVISIONS**

.4 Building Height – maximum 14.0 m

## 19.18 MANUFACTURING DISTRICT 2.18 (MD2.18)

[ZNG/6194]

### 19.18.1 PERMITTED USES

*Loading Compound*

*Manufacturing Facility*

*Motor Vehicle Assembly Plant*

*Power Generation Facility*

*Public Parking Area*

*Railway*

*Research and Development Facility*

*Self-Storage Facility*

*Towing Facility*

*Transport Terminal*

*Warehouse*

Any use accessory to the above uses, including a *Retail Store*.

### 19.18.5 PROVISIONS

- |     |  |  |
|-----|--|--|
| .1  | Lot Width – minimum  | 30.0 m   |
| .4  | Building Height – maximum  | 20.0 m   |
| .5  | Front Yard Depth – minimum   | 9.0 m  |
| .7  | Side Yard Width – minimum  |  |
|     | From a <i>side lot line</i> that abuts a <i>street</i> or abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located   | 6.0 m  |
| .8  | Landscaped Open Space Yard – minimum   | 5% of <i>lot area</i>                          |
| .10 | Gross Floor Area – <i>Retail Store</i> – maximum   | 20.0% of the <i>GFA</i> of the <i>main use</i> |
| .50 | For any <i>lot</i> abutting Pillette Road, a berm with a minimum width of 11.30 m and a minimum height of 1.80 m shall be provided along the Pillette Road frontage and such berm shall be maintained exclusively as a <i>landscaped open space yard</i> . |  |

3D) Replace the zoning symbol MD1.3 with MD2.13, the zoning symbol HMD1.3 with HMD2.13 and the zoning symbol MD1.8 with MD2.18 on any zoning district map in Schedule A to Zoning By-law 8600.

3E) Replace any reference to MD1.3 and MD1.8 in the text of Zoning By-law 8600 with MD2.13 and MD2.18, respectively.

3F) Add the following new clause to Section 20(1):

402. **TRANSPORT TERMINAL – ADDITIONAL PERMITTED USE**

A *Transport Terminal* shall be an additional permitted use and shall be subject to the provisions of Section 5, Section 24, Section 25, and the Zoning District in which the *Transport Terminal* is located within.

[ZDM 8, 11, 12; ZNG/6194]

and amend Zoning Districts Maps 8, 11 and 12 by adding specific zoning exception symbol S.20(1)402 to the hatched areas identified as Subject Lands on the maps attached as Appendix 3F to Report S 170/2020.

3G) Delete Section 20(1) 230 and substitute with the following clause:

230. **SOUTHEAST CORNER OF MARENTTETE AVENUE AND KAMPLOOPS STREET**

For Part of Lots 89 and 90, Concession 3, known as Parts 1, 2 and 3, Plan 12R-12373 and Parts 3 and 4, Plan 12R-19349, an *Outdoor Storage Yard* and a *Transport Terminal* shall be an additional permitted uses.

[ZDM 8; ZNG/6194]

(ADDED B/L 205-2008 Dec 11/2008;)

4. THAT Zoning By-law 85-18 **BE AMENDED** by deleting and substituting Section 5.49 with a new Section 5.49 as follows:

**5.49 TRANSPORT TERMINAL**

[ZNG/5364; ZNG/6194]

(AMENDED B/L 168-2018 Dec 19/2018;)

For a *transport terminal*, the following additional provisions shall apply:

- .1 Lot Width – minimum 43.0 m
- .2 Lot Area – minimum 3,200 m<sup>2</sup>
- .50 Any lighting used to illuminate the *transport terminal* shall be full cut-off lighting.
- .55 Where an abutting *lot* is zoned Parks and Open Space Zone, Residential Zone 1, or Hamlet Residential Zone, or occupied by a *dwelling* or *dwelling unit* a *screening fence* with a minimum height of 1.80 m shall be provided along that part of the *lot line* for the *lot* on which the *transport terminal* is located.
- .60 A *transport storage area* shall be:
  - a) Setback from the *front lot line* a minimum of the required front yard depth of the zone in which the *lot* is in, or 6.0 m, whichever is greater. The setback shall be maintained as *landscaped open space*;
  - b) Setback from an exterior *lot line*, excluding a *front lot line*, a minimum of 3.0 m, except where said exterior *lot line* is located within 50 m of a Parks and Open Space Zone, Residential Zone 1, or Hamlet Residential Zone, or a *lot* containing a *dwelling*, or *dwelling unit*, the setback from the exterior *lot line* shall be a minimum of 11.30 m and said setback shall consist of a berm with a minimum width of 11.30 m and a minimum height of 1.80 m. The setback shall be maintained as *landscaped open space*;

- c) Setback from an interior *lot line* a minimum of 0.90 m, except where said interior *lot line* is located within 50 m of a Parks and Open Space Zone, Residential Zone 1, or Hamlet Residential Zone, or a *lot* containing a *dwelling* or *dwelling unit*, the setback from the interior *lot line* shall be a minimum of 11.30 m and said setback shall consist of a berm with a minimum width of 11.30 m and a minimum height of 1.80 m. The setback shall be maintained as *landscaped open space*;
  - c) Graded and drained into a municipal sewer system to prevent the runoff of surface water onto a *street*, *alley*, or abutting property;
  - d) Paved with asphalt, concrete, or any combination thereof, for that portion of the *transport storage area* used to load, manoeuvre, repair, service, or unload a *motor vehicle*, *transport truck* or *transport trailer*. The remainder of the *transport storage area* shall be paved with asphalt or concrete, or covered in gravel or similar aggregate, or any combination thereof; and
  - e) Maintained in good condition.
- .62 Vehicular access shall be to/from a *street* by way of a driveway. Section 5.37 shall apply to such driveway and the requirement for an industrial use shall apply.
- .64 A curb shall bound the perimeter of the paved portion of the *transport storage area*. Any curb shall be constructed of poured in place concrete, shall be continuous and shall have a minimum width and height of 15.0 cm. Precast concrete, rubber, plastic or other curbing or a parking stop that is not continuous is prohibited. A curb cut or ramp for pedestrian or vehicular access, a curb cut for drainage, or a curb with a height of less than 15.0 cm as a transition between the paved and unpaved portions of a *transport storage area*, is permitted.
- .66 A *parking area* may be located within a *transport storage area* and the provisions of Section 5.34 shall apply, with necessary modifications for the safe and efficient operation of the *transport storage area* and *parking area*.
- .68 A *refuse bin* may be located within a *transport storage area* and shall be fully screened by a *screening fence* having a minimum height of 1.80 m.
- .70 Despite Section 5.33, for a *transport terminal* the required minimum number of parking spaces shall be 5 parking spaces, or 1 parking space for every 45.0 m<sup>2</sup> of *gross floor area*, whichever is greater.
- .90 The parking, repairing, servicing, or storing of a *motor vehicle*, *transport truck*, or *transport trailer* within a required *yard*, required buffer strip, or a *landscaped open space* is prohibited.

5. THAT Interim Control By-law 79-2019 **BE REPEALED** when the amending by-laws that implement the amendments in Recommendations 2, 3, and 4 are in force.

### Executive Summary:

N/A

## **Background:**

Section 38(1) of the Planning Act permits a municipality to pass an interim control by-law (ICBL) that prohibits the use of land, buildings or structures for such purposes as set out in the by-law. This in effect “freezes” development (that is described by the by-law) on the lands for a period not to exceed one year. An ICBL is an important planning tool that allows the municipality to rethink its current land use policies by suspending development that may end up conflicting with any new policy that may be developed. However, in order to enact an ICBL, Council must direct that a review or study be undertaken with respect to the existing land use policies in question.

Windsor’s Official Plan provides for the use of an ICBL, specifically it states that:

*Council may pass Interim Control By-laws in accordance with the Planning Act to control and restrict the use of land, buildings or structures within the municipality or defined area, where council has directed that a review or study be undertaken in respect of land use planning policies in the municipality or defined area.*

As part of an ongoing process to update Zoning By-law 8600, staff reviewed the MD1 and MD2 zoning districts. A gap in Zoning By-laws 8600 and 85-18 regarding Transport Terminal in terms of a definition and applicable provisions was identified. On November 19, 2018, Council approved Housekeeping Amendment 2017-3 (Z-030/17 ZNG/5364).

After that approval, it became clear that there were issues regarding Transport Terminal in the MD1 and MD2 zoning districts and M1 zones. Some zones permitted Transport Terminal, some only allowed it as an accessory to a permitted main use, and some prohibited the use. Some Transport Terminals were located in close proximity to residential, institutional, and commercial uses causing negative impacts on those uses. Complaints were received concerning unpaved lots, dust, draining, lighting, ponding of water, and noise from trucks and tractor-trailers.

Federal and provincial regulatory changes require that drivers take appropriate breaks from driving, requiring drivers to store their truck or tractor-trailer in a safe and secure location. This increased demand for Transport Terminals in locations where they may not be appropriate.

On June 3, 2019, Council approved Interim Control By-law 78-2019 and directed staff to study the issues surrounding Transport Terminals. CR291/2019 states:

*That Council authorize the City Planner to undertake a study and review of Zoning Bylaws 85-18 and 8600 with respect to land use policies related to a Transport Terminal with the City of Windsor.*

The main purposes of doing the study is to ensure that Transport Terminal is appropriately permitted or prohibited, that the provisions for a Transport Terminal are consistent with the policy direction of the Official Plan, and that a Transport Terminal is not detrimental to surrounding existing and potential land uses. It is acknowledged that this is not just a regulatory problem, and that the study should not be limited to review of the existing Zoning By-laws.



## **Discussion:**

### **Recommendation 1 – Transport Terminal Land Use Study**

The Transport Terminal Land Use Study (“Study”) was tabled at the November 16 meeting of the Development & Heritage Standing Committee (DHSC) to allow time for DHSC members and the public to review the Study. The amendments recommended in this report are based on the Study. The Study is divided into five parts:

Part 1 - Provides a brief introduction, a list of those departments and individuals who provided feedback on the Study, and a list of abbreviations used in the Study.

Part 2 - Background describes the regulatory environment at the Federal, Provincial, and Municipal levels regarding the freight transport sector. Changes to the regulatory environment at the Federal and Provincial levels are driving demand for safe and secure areas to park and store transport trucks.

Part 3 - Planning Framework is an in-depth review of applicable planning policies, documents, and processes that provide the planning and land use basis for Part 4 of the Study. The general policy direction of the Provincial Policy Statement (PPS) and the City of Windsor Official Plan support Transport Terminal as a permitted use subject to appropriate mitigation measures.

Part 4 - Moving Forward reviews various concerns and recommends various actions that should be taken to satisfy the main purposes of the study. Actions include additional policy direction in the Official Plan, various revisions to Zoning By-laws 8600 and 85-18 that will provide much clearer direction in terms of Transport Terminal,

Part 5 - Conclusion provides a summary of the study and groups actions by time frame.

Refer to the Study for a copy of Council Decision CR291/2019, Interim Control By-law 78-2019 and relevant excerpts from Zoning By-laws 8600 and 85-18.

Recommendation 1 accepts the Transport Terminal Land Use Study which administration will rely on to implement various amendments.

### **Recommendation 2 - Official Plan Amendment 139**

The Study notes that the *“locational requirements in Section 6.4.3.3 of the Official Plan serve as a starting point in providing policy direction on where a Transport Terminal should be located”*. These include sufficient separation or buffering from sensitive land uses, access to an arterial road, provision of full municipal services, directing industrial traffic away from residential areas, and access to designated truck routes.

However, the Study states that *“further policy direction is required for a Transport Terminal”* to:

- encourage access or adjacency to the truck route network, including long combination vehicle (LCV) routes,
- discourage direct driveway access to major commercial corridors to minimize traffic conflicts and noise and dust issues,
- encourage access or adjacency to rail, airport, and water port services to maximize inter-modal opportunities,

- prohibit or discourage a Transport Terminal from locating near sensitive land uses such as residential areas unless appropriate mitigation measures such as berms, noise barriers, or other buffering are in place to mitigate noise, dust, or light pollution from the Transport Terminal.

Recommendations 2A and 2B implement Action 1 in the Study.

**Recommendation 2A** adds new definitions to the Glossary in Chapter 2.

**Recommendation 2B** adds additional policy direction in Chapter 6 – Land Use concerning Transport Terminals. This proposed policy direction is consistent with the Provincial Policy Statement (PPS) as discussed in the Study and is also consistent with the general policy direction of the Official Plan.

### **Recommendation 3 - Zoning By-Law 8600 Amendments**

Recommendation 3 are amendments to Zoning By-law 8600 that implement those Actions identified for immediate implementation in the Study.

**Recommendation 3A** replaces the existing Transport Terminal provisions in Section 5.99.97 with revised provisions that are consistent with Actions 5 and 7 in the Study.

**Recommendation 3B** deletes all references to Transport Terminal as a prohibited main use or permitted as an accessory use and by adding Transport Terminal (existing) as a permitted main use. This removes the ambiguity between the prohibitions and permitted use. The addition of existing Transport Terminal to the permitted uses recognizes lawfully existing Transport Terminals as a permitted use and avoids any issues with legal non-conforming use (LNCU) status; this allows the municipality to apply the provisions to any expansions or redevelopments of existing Transport Terminals. Recommendation 3B implements Actions 2 and 4 in the Study.

**Recommendation 3C, 3D, and 3E** implement Action 4 in the Study and have the effect of reclassifying two MD1 zones (MD1.3 and MD1.8) to MD2 zones (MD2.13 and MD2.18) to better align with the MD zoning districts.

**Recommendation 3C** moves MD1.3 and MD1.8 from Section 18 to Section 19 as MD2.13 and MD2.18, respectively.

**Recommendation 3D** reclassifies MD1.3, HMD1.3, and MD1.8 as MD2.13, HMD1.3 and MD2.18 on the zoning district maps.

**Recommendation 3E** is a catch-all that replaces any references to MD1.3 and MD1.8 within the text of Zoning By-law 8600 with MD2.13 and MD2.18 respectively.

The future review of the MD1, MD2 and M1 zones identified in Action 3 in the Study may alter or delete the MD2.13 and MD2.18 zoning districts.

**Recommendation 3F and 3G** implement Action 2 in the Study, which allows for consideration “*where a Transport Terminal shall be permitted as a main use provided the Transport Terminal is consistent with existing planning policy in the PPS and OP, and with the additional policy proposed by OPA 139.*” This may apply to specific parcels or defined areas.

The Planning Division has identified two areas where a Transport Terminal shall be permitted as an additional main use notwithstanding the underlying MD1 zoning which will only permit an existing Transport Terminal.

The first area includes those lands generally bounded by Marentette Avenue to the west, just south of EC Row Avenue East to the north, Devon Drive to the east and, just south of Kamloops Street to the south. The second area includes lands on the north side of North Service Road between Central Avenue and the CPR tracks and small pocket on the south side of Rhodes Drive between Pillette Road and Santerra Stonecraft.

These areas are not adjacent to, and have sufficient separation from, sensitive land uses, are adjacent to the truck route network, and are proximate to land uses, such as other industrial uses, that generate freight trips. The second area between Central Avenue and the CPR tracks is also proximate to rail facilities.

**Recommendation 3F** adds a new site specific provision to Section 20(1) that allows a Transport Terminal as an additional permitted use and that the appropriate provisions in Zoning By-law 8600 shall apply and identifies the areas in the maps in Appendix 3F to which Section 20(1)402 will apply.

**Recommendation 3G** amends Section 20(1)230 by adding Transport Terminal as an additional permitted use for lands on the south side of Kamloops at Marentette. This is the southern portion of the lands describe above and avoids having overlapping site specific provisions on the zoning district maps.

The site specific provision is an interim measure. The proposed review of the MD1, MD2 and M1 zones identified in Action 3 in the Study may alter or delete the site specific provision.

#### **Recommendation 4 - Zoning By-Law 85-18 Amendments**

Recommendation 4 is an amendment to Zoning By-law 85-18 that implements Actions 5 and 7 in the Study.

The only change proposed at this time to Zoning By-law 85-18 are revisions to the Transport Terminal provisions in Section 5.49. Staff will include the M1 zone in the review of the MD1 and MD2 zoning districts recommended in Action 3 of the Study.

This will ensure consistency in definitions, permitted and prohibited uses, and provisions such as lot area, setbacks and so on, across the whole City. The proposed transport terminal provisions for Zoning By-law 85-18 are consistent with the Zoning By-law 8600 provisions in Recommendation 3A.

## **Recommendation 5 - Repeal of Interim Control By-law 78-2019**

Interim Control By-law 78-2019 remains in force until June 2, 2021 unless repealed earlier by Council. Recommendation 5 repeals Interim Control By-law 78-2019 when the amending by-laws that implement the Official Plan Amendment and the Zoning By-law Amendments are in force.

The amending by-laws will be brought to Council for final approval after Council has reviewed and approved the staff recommendations, subject to any changes or additions approved by Council.

When Interim Control By-law 78-2019 is repealed, any exemption requests that were deferred by the Development & Heritage Standing Committee or City Council will expire.

If the amending by-laws are appealed, and Interim Control By-law 78-2019 expires, Section 38(6.1) of the Planning Act states that:

“the interim control by-law continues in effect as if it had not expired until the date of the order of the Tribunal or until the date of a notice issued by the Tribunal under subsection 34 (23.1) unless the interim control by-law is repealed.”

## **Action 11 - Motor Vehicle Definitions and Gross Vehicle Weight Ratings**

In the Study, Action 11 states that:

“Administration REVIEW motor vehicle definitions and gross vehicle weight ratings (GVWR) in various municipal by-laws to ensure they are consistent with provincial policies and regulations and AMEND the affected municipal by-laws through the appropriate amendment process.”

Action 11 is identified for immediate implementation and requiring further review in the Study, as some of the review would be conducted by other municipal departments.

It was originally anticipated that this report would recommend revisions to the Zoning By-laws relating to motor vehicle definitions and gross vehicle weight ratings. However, the Government of Ontario is considering changes to the Highway Traffic Act related to e-bike and other matters that may require changes to various municipal by-laws. Instead of bringing piecemeal amendments forward, Administration will conduct a more thorough review of provincial policies and regulations when the changes to those provincial policies and regulations are in force.

## **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

In general, appropriately located transport terminals will minimize the impacts on the Community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure. The site plan approval stage will consider maximizing energy efficiency and conservation and the promotion of active transportation.

### **Climate Change Adaptation:**

Opportunities to increase resiliency for the development and surrounding area will be reviewed during Site Plan Review (ex. Low Impact Design to address quantity and quality of stormwater leaving the site).

### **Financial Matters:**

N/A

### **Consultations:**

Part 1 - Introduction in the Transport Terminal Land Use Study identifies municipal departments and individuals that provided feedback on the Study.

Public Notice: Statutory notice will be advertised in the Windsor Star, a local daily newspaper. The Development & Heritage Standing Committee is the public meeting as required by the Planning Act.

The Transport Terminal Land Use Study was tabled at the November 16th meeting of the Development & Heritage Standing Committee to provide time for review and comment by the public. The Study will be considered concurrently with this report.

A courtesy notice was mailed to property owners that received an Order to Comply.

### **Planner's Opinion:**

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, "*shall be consistent with*" Provincial Policy Statement. The amendments have been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan when OPA 139 is in effect.

Based on the Transport Terminal Land Use Study, and the comments in this report, Official Plan Amendment 139 is consistent with the policy direction of the Provincial Policy Statement and the proposed zoning amendments are consistent with the policy direction of the Provincial Policy Statement and will be consistent with the City of Windsor Official Plan once OPA 139 is in effect.

The proposed amendments constitute good planning.

**Conclusion:**

The Transport Terminal Land Use Study explains the regulatory framework, the conflicts caused by that framework, applicable planning policies, provisions, and processes, and the conflicts and gaps in that planning framework, and recommends 11 actions that be implemented to minimize the conflicts and eliminate the gaps.

This report implements Actions 1, 2, 4, 5, and 7 in the Transport Terminal Land Use Study. The remaining Action items in the Study will be considered during other reviews or studies, have budgetary implications, or require action by, or input from, other municipal departments.

Action 11 will be considered in the future when proposed revisions to the Highway Traffic Act are in force.

**Planning Act Matters:**

I concur with the above comments and opinion of the Registered Professional Planner.

*Neil Robertson, MCIP, RPP  
Manager of Urban Design*

*Thom Hunt, MCIP, RPP  
City Planner*

I am not a registered Planner and have reviewed as a Corporate Team Leader  
SAH            OC

**Approvals:**

Name	Title
Neil Robertson	Manager, Urban Design
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Appendix 3B - New Section 18 (Manufacturing Districts 1)
- 2 Appendix 3F - Rezoning Maps

## APPENDIX 3B

### New Section 18 - Manufacturing District 1. (MD1.)

**SECTION 18 - MANUFACTURING DISTRICTS 1. (MD1.)**

(B/L 8614, Jun 23/1986; B/L 9057, Jul 7/1987; B/L 10238 May 30/1990; B/L 33-2001, OMB Decision/Order No. 1716, Case No. PL010233, Oct 23/2001; B/L 370-2001 Nov 15/2001; B/L 363-2002, Dec 31/2002; B/L 375-2004, Dec 21/2004; OMB Decision/Order No. 0055, Case No. PL040243, Jan 12/2005; B/L 324-2004, OMB Decision/Order No. 1695, Jun 13/2006; B/L 141-2006, Aug 24/2006; B/L 142-2006, Aug 24/2006; B/L 17-2009, Mar 3/2009; B/L 31-2013, Mar 28/2013; B/L 48-2014, Apr 14/2014; B/L 169/2018 Nov 19/2018)

[ZNG/3590; ZNG/4046; ZNG/5364; ZNG/6194]

**18.1 MANUFACTURING DISTRICT 1.1 (MD1.1)**

**18.1.1 PERMITTED USES**

- |   |                                      |
|---|--------------------------------------|
| <i>Ambulance Service</i>                  | <i>Micro-Brewery</i>                 |
| <i>Building Materials Recycling Store</i> | <i>Public Parking Area</i>           |
| <i>Bulk Storage Facility</i>              | <i>Repair Shop - Heavy</i>           |
| <i>Contractor's Office</i>                | <i>Repair Shop - Light</i>           |
| <i>Equipment Rental Shop</i>              | <i>Self-Storage Facility</i>         |
| <i>Food Catering Service</i>              | <i>Towing Service</i>                |
| <i>Food Processing Facility</i>           | <i>Warehouse</i>                     |
| <i>Laundry Plant</i>                      | <i>Water Transportation Facility</i> |
| <i>Manufacturing Facility</i>             | <i>Welding Shop</i>                  |
| <i>Medical Appliance Facility</i>         |                                      |
- Any of the following *Ancillary Uses*:
- |                               |  |
|-------------------------------|--|
| <i>Automobile Sales Lot</i>   | <i>Gas Bar</i>                                 |
| <i>Car Wash Automatic</i>     | <i>Retail Store – Equipment &amp; Supplies</i> |
| <i>Car Wash Coin Operated</i> | <i>Veterinary Office</i>                       |
| <i>Club (Existing)</i>        | <i>Wholesale Store</i>                         |
| <i>Food Outlet - Take-Out</i> |  |

Any of the following *Existing Uses*:

*Transport Terminal*

Any use accessory to any of the above uses, including a *Caretaker's Residence*.

**18.1.3 PROHIBITED USES**

Outdoor storage of *aggregate*

**18.1.5 PROVISIONS**

- |    |  |                        |
|----|--|------------------------|
| .4 | Building Height – maximum  | 14.0 m                 |
| .5 | Front Yard Depth – minimum   | 6.0 m                  |
| .7 | Side Yard Width – minimum  |                        |
|    | a) From a <i>side lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located | 6.0 m                  |
|    | b) From an <i>exterior lot line</i>  | 3.0 m                  |
| .8 | Landscaped Open Space Yard – minimum   | 15% of <i>lot area</i> |



**18.2 MANUFACTURING DISTRICT 1.2 (MD1.2)**

**18.2.1 PERMITTED USES**

- |   |                                      |
|---|--------------------------------------|
| <i>Ambulance Service</i>                  | <i>Medical Appliance Facility</i>    |
| <i>Building Materials Recycling Store</i> | <i>Micro-Brewery</i>                 |
| <i>Bulk Storage Facility</i>              | <i>Public Parking Area</i>           |
| <i>Business Office</i>                    | <i>Repair Shop - Heavy</i>           |
| <i>Contractor's Office</i>                | <i>Repair Shop – Light</i>           |
| <i>Equipment Rental Shop</i>              | <i>Self-Storage Facility</i>         |
| <i>Food Catering Service</i>              | <i>Towing Service</i>                |
| <i>Food Processing Facility</i>           | <i>Warehouse</i>                     |
| <i>Laundry Plant</i>                      | <i>Water Transportation Facility</i> |
| <i>Manufacturing Facility</i>             | <i>Welding Shop</i>                  |

Any of the following *Ancillary Uses*:

- |                                    |  |
|------------------------------------|--|
| <i>Automobile Sales Lot</i>        | <i>Health Studio</i>                           |
| <i>Car Wash Automatic</i>          | <i>Restaurant</i>                              |
| <i>Car Wash Coin Operated</i>      | <i>Restaurant with Drive-through</i>           |
| <i>Club</i>                        | <i>Retail Store – Equipment &amp; Supplies</i> |
| <i>Food Outlet - Drive-through</i> | <i>Veterinary Office</i>                       |
| <i>Food Outlet - Take-out</i>      | <i>Wholesale Store</i>                         |
| <i>Gas Bar</i>                     |  |

Any of the following *Existing Uses*:

- Transport Terminal*

Any use accessory to any of the above uses, including a *Caretaker's Residence* or a *Retail Store*

**18.2.3 PROHIBITED USES**

Outdoor storage of *aggregate*

**18.2.5 PROVISIONS**

- |     |  |   |
|-----|--|---|
| .4  | Building Height – maximum  | 14.0 m  |
| .5  | Front Yard Depth – minimum   | 6.0 m   |
| .7  | Side Yard Width – minimum  |   |
|     | a) From a <i>side lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located | 6.0 m   |
|     | b) From an <i>exterior lot line</i> :  | 3.0 m   |
| .8  | Landscaped Open Space Yard – minimum   | 15.0% of <i>lot area</i>                            |
| .10 | Gross Floor Area – <i>Retail Store</i> – maximum   | 25.0% of the <i>GFA</i> of the <i>main building</i> |

## 18.4 MANUFACTURING DISTRICT 1.4 (MD1.4)

### 18.4.1 PERMITTED USES

<i>Ambulance Service</i>	<i>Manufacturing Facility</i>
<i>Bakery</i>	<i>Medical Appliance Facility</i>
<i>Business Office</i>	<i>Medical Office</i>
<i>Commercial School</i>	<i>Micro-Brewery</i>
<i>Food Catering Service</i>	<i>Professional Studio</i>
<i>Food Packaging Facility</i>	<i>Research and Development Facility</i>

Any of the following *Ancillary Uses*:

<i>Child Care Centre</i>	<i>Health Studio</i>
<i>Club</i>	<i>Personal Service Shop</i>
<i>Convenience Store</i>	<i>Restaurant</i>
<i>Food Convenience Store</i>	<i>Restaurant with Drive-through</i>
<i>Food Outlet - Drive-through</i>	<i>Veterinary Office</i>
<i>Food Outlet - Take-out</i>	<i>Warehouse</i>
<i>Gas Bar</i>	<i>Wholesale Store</i>

Any of the following *Existing Uses*:

*Motor Vehicle Dealership*  
*Sports Facility*  
*Transport Terminal*

Any use accessory to any of the above uses, including a *Retail Store*

### 18.4.3 PROHIBITED USES

*Outdoor Storage Yard*

### 18.4.5 PROVISIONS

.1	Lot Width – minimum	30.0 m
.4	Building Height – maximum	20.0 m
.5	Front Yard Depth – minimum	9.0 m
.6	Rear Yard Depth – minimum	
	From a <i>rear lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located	6.0 m
.7	Side Yard Width – minimum	
	From a <i>side lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located or from a <i>side lot line</i> that abuts a <i>street</i>	6.0 m
.8	Landscaped Open Space Yard – minimum	15.0% of <i>lot area</i>
.10	Gross Floor Area – <i>Retail Store</i> – maximum	20.0% of the <i>GFA</i> of the <i>main use</i>
.50	All activities or uses shall take place entirely within a fully enclosed <i>building</i> . This provision does not apply to the following activity or use: <i>child care centre</i> , <i>gas bar</i> , <i>loading space</i> , <i>outdoor eating area</i> , <i>parking area</i> , <i>parking space</i> , <i>sports facility</i> , or <i>refuelling area</i> .	

## 18.5 MANUFACTURING DISTRICT 1.5 (MD1.5)

### 18.5.1 PERMITTED USES

<i>Ambulance Service</i>	<i>Manufacturing Facility</i>
<i>Bakery</i>	<i>Medical Appliance Facility</i>
<i>Business Office</i>	<i>Medical Office</i>
<i>Commercial School</i>	<i>Micro-Brewery</i>
<i>Food Catering Service</i>	<i>Professional Studio</i>
<i>Food Packaging Facility</i>	<i>Research and Development Facility</i>

Any of the following *Ancillary Uses*:

<i>Child Care Centre</i>	<i>Restaurant</i>
<i>Club</i>	<i>Warehouse</i>
<i>Food Outlet - Take-Out</i>	<i>Wholesale Store</i>
<i>Health Studio</i>	

Any of the following *Existing Uses*:

<i>Automobile Repair Garage</i>	<i>Sports Facility</i>
<i>Motor Vehicle Dealership</i>	<i>Transport Terminal</i>

Any use accessory to any of the above uses, including a *Retail Store*

### 18.5.3 PROHIBITED USES

*Outdoor Storage Yard*

### 18.5.5 PROVISIONS

- |     |  |  |
|-----|--|--|
| .2  | Lot Area – minimum   | 4,000.0 m <sup>2</sup>                         |
| .4  | Building Height – maximum  | 20.0 m   |
| .5  | Front Yard Depth – minimum   | 6.0 m  |
| .6  | Rear Yard Depth – minimum  |  |
|     | From a <i>rear lot line</i> that abuts a <i>street</i>   | 6.0 m  |
| .7  | Side Yard Width – minimum  | 3.0 m  |
| .8  | Landscaped Open Space Yard – minimum   | 15.0% of <i>lot area</i>                       |
| .10 | Gross Floor Area – <i>Retail Store</i> – maximum   | 20.0% of the <i>GFA</i> of the <i>main use</i> |
| .50 | Where a <i>lot line</i> abuts the E. C. Row Expressway right-of-way, a <i>landscaped open space yard</i> having a minimum depth of 9.0 m from the E. C. Row Expressway right-of-way shall be provided. |  |

**18.6 MANUFACTURING DISTRICT 1.6 (MD1.6)****18.6.1 PERMITTED USES***Railway*Any use accessory to a *Railway***18.6.5 PROVISIONS**

.4 Building Height – maximum 14.0 m

**18.7 MANUFACTURING DISTRICT 1.7 (MD1.7)****18.7.1 PERMITTED USES***Ambulance Service**Manufacturing Facility**Micro-Brewery**Research and Development Facility**Retail Store – Equipment & Supplies**Self-storage Facility**Warehouse**Wholesale Store*Any use accessory to the above uses, including a *Retail Store*The following *Ancillary Uses*:*Automobile Sales Lot**Health Studio**Child Care Centre**Personal Service Shop**Convenience Store**Restaurant**Food Convenience Store**Veterinary Office**Food Outlet - Take-Out**Wholesale Store**Gas Bar*Any use accessory to an *Ancillary Use***18.7.5 PROVISIONS**

.1 Lot Width – minimum 30.0 m

.4 Building Height – maximum 20.0 m

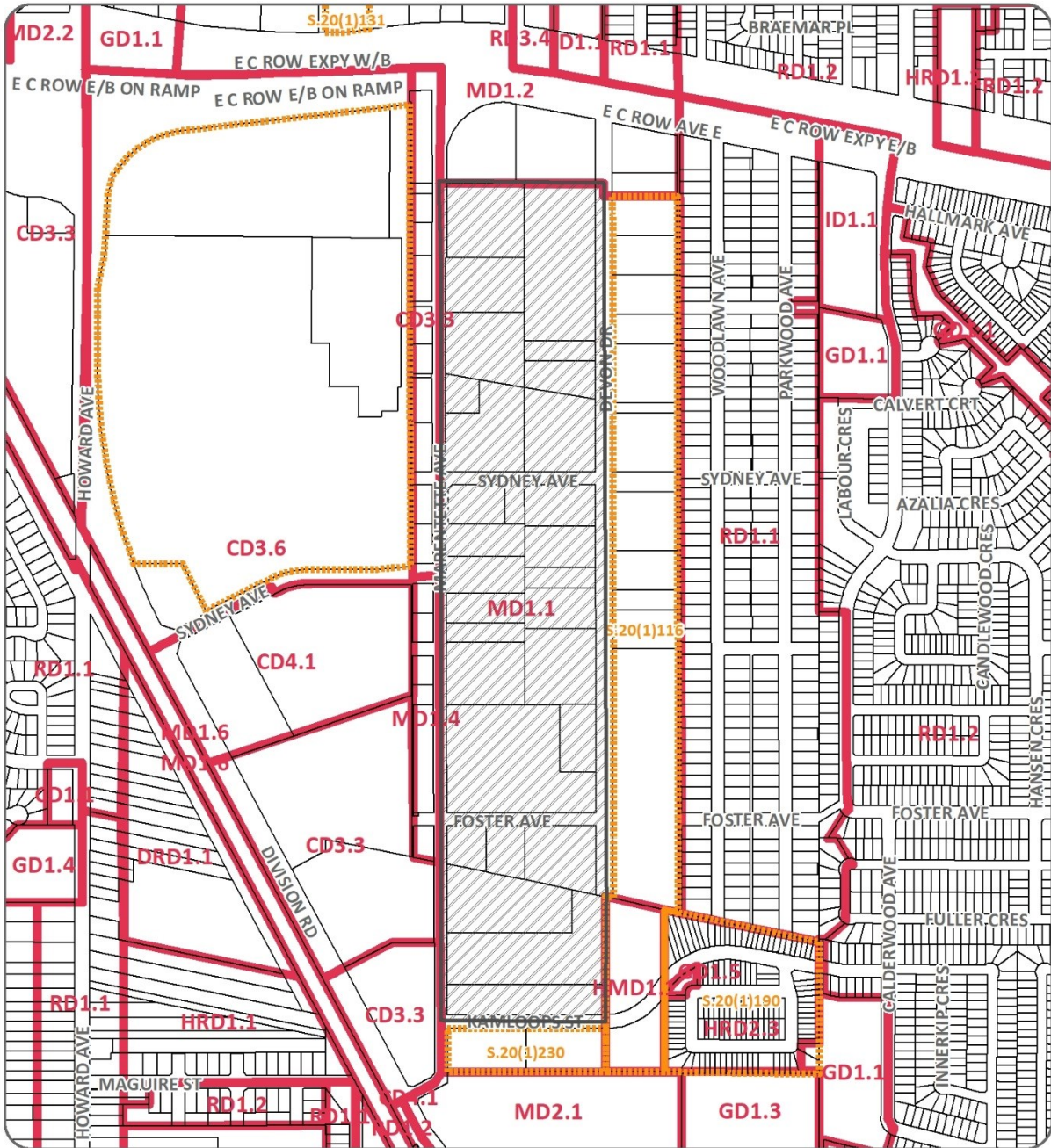
.5 Front Yard Depth – minimum 9.0 m

.7 Side Yard Width – minimum

From a *side lot line* that abuts a *street* or abuts a *lot* on which a *dwelling* or *dwelling unit* is located 6.0 m.8 Landscaped Open Space Yard – minimum 5% of *lot area*.10 Gross Floor Area – *Retail Store* – maximum 20.0% of the *GFA* of the *main use*.50 For any *lot* abutting Pillette Road or Plymouth Road, a berm with a minimum width of 11.30 m and a minimum height of 1.80 m shall be provided along any Pillette Road or Plymouth Road frontage and such berm shall be maintained exclusively as a *landscaped open space yard*.

# APPENDIX 3F

## Rezoning Maps



PART OF ZONING DISTRICT MAP 8

N.T.S.

# REQUESTED ZONING AMENDMENT

Applicant: City of Windsor - Planning Division



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : NOVEMBER 2020  
FILE NO. : Z-031/20, ZNG/6194



