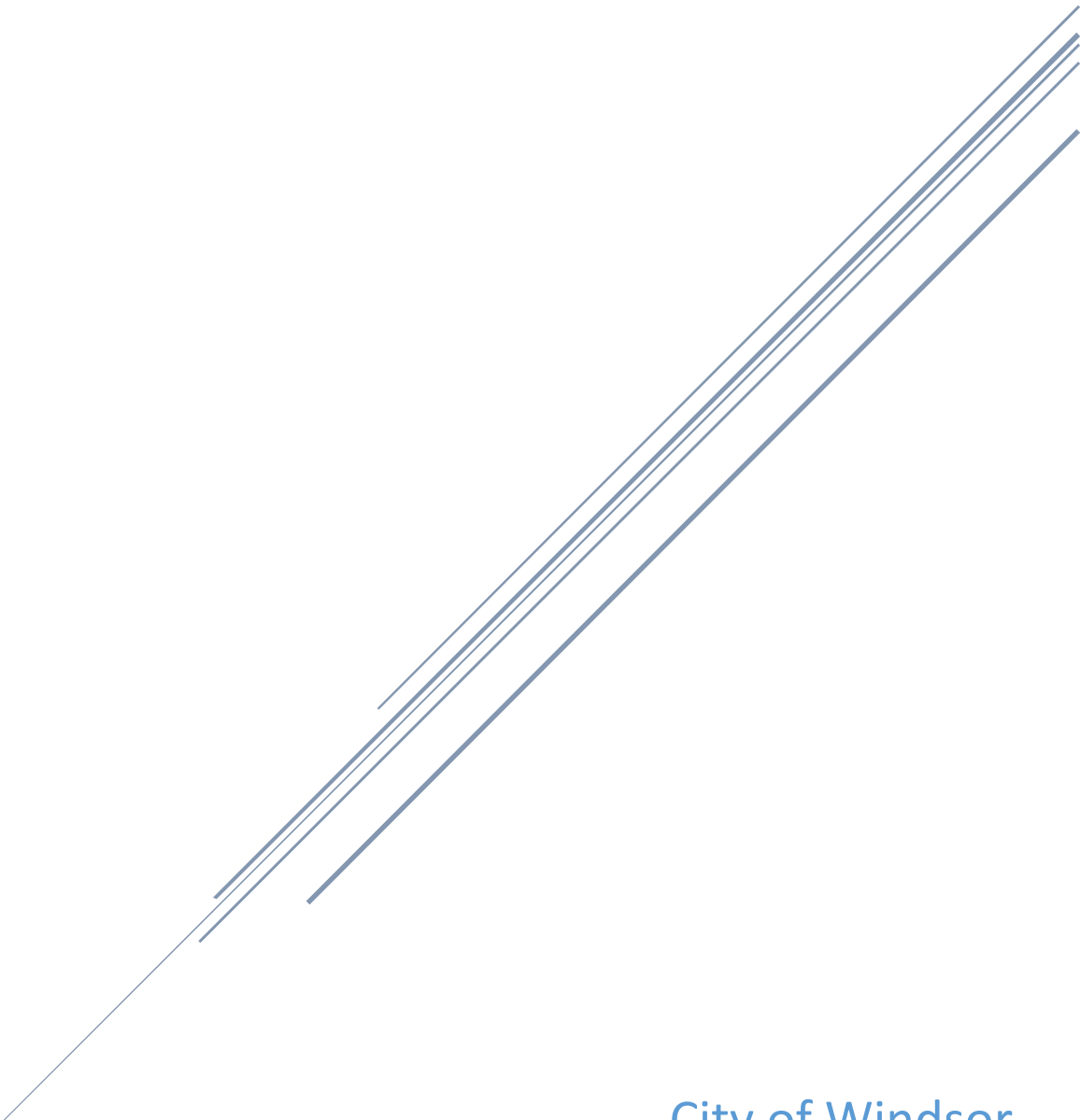


TRANSPORT TERMINAL LAND USE STUDY

16 November 2020



City of Windsor
Planning Division

TABLE OF CONTENTS

PART 1 – Introduction	1
Consultations	1
Abbreviations	2
PART 2 – Background	3
Federal & Provincial Regulatory Environment	3
Hours of Service Regulations.....	4
Daily Log & Electronic Logging Device	4
Long Combination Vehicle (LCV) Program	4
Municipal Policy & Regulatory Environment	5
Impact of the Regulations on Carriers, Drivers, and Tractor-Trailer Storage	7
Challenges	8
City of Windsor Enforcement Blitz	9
Interim Control By-law 78-2019	10
PART 3 – Planning Framework	11
Provincial Policy Statement	11
Provincial Policy Statement Definitions	11
Freight Supportive Planning	12
Transportation Systems	12
Land Use Compatibility.....	13
City of Windsor Official Plan	13
Introduction (Chapter 1).....	13
Development Strategy (Chapter 3).....	14
Environment (Chapter 5).....	14
Land Use (Chapter 6).....	14
Infrastructure (Chapter 7).....	15
Urban Design (Chapter 8)	16
Tools (Chapter 11).....	17
Zoning By-laws 8600 and 85-18	17
Provisions by Zoning District / Zone	18
Housekeeping Amendment 2017-3.....	19
Transport Terminal Use by Zoning District or Zone.....	20
Transport Terminal General Provisions	21
Zoning Concerns.....	21
Site Plan Control	22
Examples of Transport Terminals and Other Similar Uses	23

PART 4 – Moving Forward	27
Where Should Transport Terminal Be Permitted?	27
Policy Direction.....	27
Permitted Use and Prohibited Use.....	28
Zoning Provisions	29
Definitions.....	29
Setbacks	29
Required Parking	30
Truck Parking Space Dimensions.....	30
Minimum Lot Width and Area.....	31
Site Plan Control	32
Servicing Requirements	32
Inspection Costs	32
Enforcement of Unauthorized Sites	33
Truck Route Network	33
Other	34
PART 5 – Conclusion.....	34
Actions – Immediate Implementation.....	35
Actions – Further Review, Other Departments, and/or Budget Implications	36
APPENDICES	37
APPENDIX A – Council Decision CR291/2019	39
APPENDIX B – Interim Control Bylaw 78-2019	41
APPENDIX C – Zoning By-law 8600 Excerpts	45
APPENDIX D – Zoning By-law 85-18 Excerpts.....	51

PART 1 – Introduction

The logistics sector is a key component of the international, national, and local economy. Over \$100 billion in goods cross the Windsor/Detroit border annually. The transport sector consists of international transport companies such as Schneiders, J.B. Hunt Transport Services, FedEx, United Parcel Service & DHL, regional carriers such as Titanium Transportation Group Inc. and Manitoulin Transport, local independent firms, and individual owner-operators. Companies such as Fiat Chrysler Automobiles and Canadian Tire have their own logistics fleet and/or contract out fleets to third parties.

The main purposes of this study are to ensure that Transport Terminal are appropriately located and prohibited, that the provisions for a Transport Terminal are consistent with the policy direction of the Official Plan, and, most importantly, that a Transport Terminal is not detrimental to surrounding existing and potential land uses, infrastructure, and municipal services.

Part 2 - Background describes the regulatory environment at the Federal, Provincial, and Municipal levels regarding the freight transport sector.

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.

Part 4 - Moving Forward will review various concerns and recommend, if appropriate, various actions that should be taken to satisfy the main purposes of the study

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

Consultations

The following individuals and their departments were consulted on all aspects of the study:

City of Windsor – Building Division

Joe Baker, Manager of Permits / Deputy Chief Building Official

Rob Vani, Manager of Inspections / Deputy Chief Building Official

City of Windsor - Office of the City Clerk

Gary Cian, Senior Manager, Policy, Gaming, Licensing & By-law / Deputy Licensing Commissioner

Craig Robertson, Supervisor of Licensing / Deputy Licensing Commissioner

Bill Tetler, Manager of By-law Enforcement

City of Windsor – Officer of the City Engineer

Dwayne Dawson, Executive Director Operations / Deputy City Engineer

France Isabelle Tunks, Senior Manager Engineering / Deputy City Engineer

City of Windsor – Office of the City Solicitor

Wira Vendrasco, Deputy City Solicitor

City of Windsor – Planning Division

Neil Robertson, Manager of Urban Design

Chris Aspila, Senior Planner – Policy & Special Studies

Adam Szymczak, Senior Planner - Zoning

Vincent Wen, Planning Co-op Student

City of Windsor – Transportation Planning

Jeff Hagan, Transportation Planning Senior Engineer

Abbreviations

ATMP	Active Transportation Master Plan
ATRI	American Transport Research Institute
B/L	By-law
B/L 85-18	Zoning By-law 85-18
B/L 8600	Zoning By-law 8600
cm	Centimetres
CZBR	Comprehensive Zoning By-law Review
CMV	Commercial Motor Vehicle
CR	Council Resolution
ECM	Engine Control Module
ELD	Electronic Logging Device
ft	Feet
GTA	Greater Toronto Area
GVWR	Gross Vehicle Weight Rating
HOS	Hours of Service
HTA	Highway Traffic Act
ICBL	Interim Control By-law
kg	Kilogram
LNCU	Legal Non-Conforming Use
LCV	Long Combination Vehicle
m	Metres
M1	Industrial Zone (B/L 85-18)
m ²	Square Metres
MD1	Manufacturing District 1 (B/L 8600)
MD2	Manufacturing District 2 (B/L 8600)
MTO	Ontario Ministry of Transportation
MVTA	Motor Vehicle Transport Act
O. Reg	Ontario Regulation
OOS	Out-of-Service
OP	City of Windsor Official Plan
PPS	Provincial Policy Statement
SPC	Site Plan Control
TAC	Transport Association of Canada
USA	United States of America
WALTS	Windsor Area Long Range Transportation Study

PART 2 – Background

The commercial trucking industry is an important component of the local economy. According to Industry Canada, over \$100 billion in goods cross the Windsor/Detroit border annually making it the nation's busiest commercial border crossing and handles one-third of all trade between Canada and the United States of America (USA).

Windsor is proximate to large markets in Canada and the USA. Local manufacturing facilities interact with facilities in the Metro Detroit area. There is access to the intercontinental rail network and an international airport capable of shipping cargo worldwide. Port Windsor is at the midway point of the Great Lakes St. Lawrence Seaway System. Windsor is an ideal location for a logistics facility.

A major component of the local logistics network is ground shipping (commercial trucking):

- ability to transport loads of value-added goods, that arrive via air, rail, or the Windsor Port;
- access to multiple international border crossings that includes transport of hazardous goods;
- connectivity to the provincial highway system with direct access to the USA interstate system when the Gordie Howe International Bridge is completed;
- connectedness of the local road network, including local freight generators;
- flexible scheduling allowing for “just in time” deliveries;
- ability to ship goods quickly and efficiently to locations within driving distance; and,
- flexible pricing for the services required.

Federal & Provincial Regulatory Environment

The trucking industry is a highly regulated sector that seeks to protect drivers and the public. At the Federal level, the *Motor Vehicle Transport Act* (MVTA) is the primary legislation that regulates the trucking industry across Canada. The MVTA only applies to extra-provincial truck and bus carriers that carry goods or passengers across a provincial or international boundary. The objectives of the MVTA are to ensure that the “*regulatory regime ... is focused on safety performance assessments based on the National Safety Code for Motor Carriers*” and to ensure that the “*operating standard that apply ... are applied consistently across Canada.*”

While Provincial and Territorial regulations govern the operation of the commercial bus and truck industry within their respective borders, those Provincial and Territorial regulations that apply to extra-provincial motor carriers shall comply with the MVTA.

In Ontario, the *Highway Traffic Act* (HTA) and associated regulations govern commercial motor vehicles and drivers. Other Acts, like the *Dangerous Goods Transportation Act* regulates the transportation of dangerous goods, including required documentation, handling, safety markings (labels and placards) and the certification of drivers.

Breaches of the legislation or regulations carry significant individual and carrier fines, as well as penalties that may include an out-of-service (OOS) order, driver and carrier audit by the Ministry of Transportation (MTO), and/or a revoked licence.

Hours of Service Regulations

Ontario Regulation 555/06: Hours of Service (O. Reg. 555/06) under the *Highway Traffic Act, R.S.O. 1990, c. H.8*, is a significant component in terms of safety. O. Reg. 555/06 came into force on January 1, 2007 and regulates the number of hours a driver can be behind the wheel (i.e. “on duty”). A driver is “on duty” when they drive a commercial motor vehicle, or perform any other work, for an operator, including themselves if they own the vehicle. This includes time spent:

- Inspecting, servicing, repairing, cleaning, and warming up a commercial motor vehicle;
- Travelling in a commercial motor vehicle as a co-driver, not spending time in the sleeper berth;
- Participating in the loading and unloading of a commercial motor vehicle;
- Inspecting and checking the load of a commercial motor vehicle;
- Waiting for a commercial motor vehicle to be serviced, loaded, unloaded, and dispatched;
- Waiting for a commercial motor vehicle or its load to be inspected; and
- Waiting at an enroute point because of an accident or other unplanned occurrence or situation.

A driver cannot drive more than 13 hours in a day and cannot drive after 14 hours on-duty in a day. Furthermore, a driver must have a minimum of 10 hours off-duty in a day, which may be distributed throughout the day in blocks of no less than 30 minutes each, with a mandatory eight consecutive hours of off-duty time required.

Daily Log & Electronic Logging Device

Drivers must maintain a daily log that contains a list of prescribed information relating to the driver’s workday. The daily log may be handwritten, computer generated, or made by means of a recording device. At the federal level, the commercial vehicle sector is transitioning to a tamper-resistant Electronic Logging Device (ELD).

An ELD connects to the truck’s engine control module (ECM) tracking for Hours of Service (HOS) compliance. The ELD provides a fail proof way to monitor compliance with federal and provincial regulations, such as driving hours. By June 12, 2021, all drivers of federally regulated commercial trucks and buses operating in Canada must use an ELD.

The Province of Ontario has amended the HTA to permit ELDs; however, as of October 2, 2020 the amendment is awaiting proclamation by the Lieutenant Governor. This will align Ontario with the Government of Canada in terms of monitoring compliance with regulations. Information stored in the ELD can be transferred to dispatchers, and transport ministries or departments in Canada and the USA. Law enforcement may use the information for investigating accidents as it stores the information in a standardized format no one can alter.

Long Combination Vehicle (LCV) Program

A typical Long Combination Vehicle is up to 40 metres long, consisting of a tractor pulling two full-length semitrailers. An LCV replaces two 23-metre tractor-trailers. The MTO has gradually introduced LCVs onto Ontario roadways by issuing a limited number of permits to carriers that are subject to strict regulations. MTO states that allows for a “*carefully controlled and closely monitored program as part of an effort to build a stronger, greener economy*”.

Rules for LCVs include that they:

- Can only operate on designated divided highways (primarily 400-series highways).
- Can only access destination terminals within two kilometres of highway interchanges, and only if routes have been carefully assessed and approved by a municipality.
- Must have special safety equipment, including enhanced braking requirements and an electronic stability control system.
- May not drive in or through the GTA or the City of Ottawa during rush hours.
- May not carry more weight than existing multi-axle tractor-trailers.
- May not operate at the start and end of long weekends.
- May not carry dangerous goods that would require a warning on the vehicle's exterior.
- May not carry livestock.
- Must avoid driving in bad weather or slippery conditions.
- May not exceed 90km/hr.

There are two approved LCV routes in the City of Windsor. One route begins from the EC Row Expressway and Huron Church Road interchanges, continues north on Huron Church and then westerly on Malden Road, terminating at Brunet Drive. The second route begins at the Highway 401 and Provincial Road/County Road 46 interchange, continues northwest on Provincial Road and terminates at 1790 Provincial (former Loading Compound used for the marshalling, sorting, loading and unloading of automobiles, trucks, and other vehicles for shipment to other destinations).

Municipal Policy & Regulatory Environment

Municipalities adopt policies that provide direction on matters such as traffic calming, complete streets, and transportation master plans. Pursuant to various Provincial Acts, municipalities have the authority to designate truck routes, regulate heavy and oversized loads, the idling of vehicles, and on-street parking, permit, prohibit and regulate land uses including parking on private property, maintain property standards, and licence businesses. Relevant adopted and pending policies, studies, and by-laws include:

Active Transportation Master Plan (ATMP) – The purpose of the Active Transportation Master Plan is to make walking, cycling, and transit safe, affordable, convenient, normal, and fun ways to travel for residents and visitors. The plan addresses all aspects of active transportation, including strategy, planning policies, procedures and best practices, infrastructure, initiatives, and programs, and includes an implementation plan. Developing a safe and integrated active transportation network for Windsor is a key objective of ATMP.

Bike Parking Policy (Pending) – Transportation Planning is in the initial stages of developing a Bike Parking Policy that will address bike parking in the right-of-way, bike parking at municipal facilities, and encouraging bike parking on private property outside the development application framework. Transportation Planning will engage with the Planning Division to update the bicycle parking requirements in the Zoning By-laws, with the aim of basing bicycle parking on land use and geographic location (e.g. Central Business District, Business Improvement Areas) instead of the number of motor vehicle parking spaces provided.

Complete Streets Policy (Pending) – Complete streets are multi-modal streets that are designed, operated, and maintained to allow for the safe, convenient, and comfortable travel of all users. This includes anyone who may be using the street, including (but not limited to) pedestrians, cyclists, transit riders, and motor vehicle users, regardless of their age, ability, or income level. Street users must be able to move along a complete street right-of-way and across complete street designated locations at ease and barrier-free. The study should begin shortly and be completed in 2021.

Windsor Area Long Range Transportation Study (WALTS), completed in 1999, provides a “*master plan to guide future development of transportation services in the Windsor area*”. The importance of the Windsor/Detroit crossings in international trade and transportation is noted. The Ambassador Bridge also has the highest commercial crossings (trucks) in North America. The report notes that the community wants international transportation that is effective, timely and convenient.

There are potential roles for air, rail, and marine service regarding inter-regional, provincial, and national transportation functions. However, they each require inter-modal connections primarily with the study area’s roadway system. Direction is offered for improved truck route planning and management, including integration of City and County routes. The report notes that the truck route network is “*strongly oriented to the arterial roadway grid and industrial districts*”.

Emissions of Sounds By-law 6716 provides for the regulation, reduction, control, and prohibition of sound and vibration. It may be referred to as the ‘Noise By-law’. Section 2 prohibits several sound emissions including operating an engine without an effective exhaust or muffling device, and operating a trailer resulting in banging, clanking, or other like sounds due to an improperly secured load. Staff indicate they occasionally receive complaints when backup beepers on trucks activate or when trucks release their air brakes, however B/L 6716 does not cover those noise emissions.

Idling By-law 233-2001 prohibits excessive idling of vehicles and boats, including commercial motor vehicles, throughout the City of Windsor. The purpose of this by-law is to reduce major sources of air pollutants by reducing vehicle emissions that may contribute to adverse health effects, climate change and poor air quality. Idle is defined as:

“the operation of the engine of a Boat, Motor Vehicle or Commercial Motor Vehicle while the Boat, Motor Vehicle or Commercial Motor Vehicle is not in motion and not being used to operate auxiliary equipment that is essential to the basic function of the Boat, Motor Vehicle or Commercial Motor Vehicle, and “idling” has a corresponding meaning”.

Vehicles are prohibited from idling for more than three continuous minutes except where a CMV is assisting in an emergency activity, being repaired or prepared for service, remaining motionless due to a situation that a driver has no control over, when specific inside temperature thresholds are met, or temporarily halting to obey a traffic control device or an official.

Licensing By-law 395-2004 provides for the licensing, regulating, and governing of businesses within the City of Windsor. A Transport Terminal does not require a business licence. Although no longer a requirement under the Municipal Act, the City of Windsor issues municipal business licences based on three components: 1) consumer protection; 2) health and safety; and 3) nuisance prevention.

Parking By-law 9203 prohibits vehicles with a Gross Vehicle Weight Rating (GVWR) of 3,000 kg or more from parking on roads that are not designated trucks routes. Transportation Planning notes that the GVWR in the Traffic By-law was updated to 4,500 kg. It recommends a housekeeping amendment to the Parking By-law to match the GVWR in the Traffic By-law.

Property Standards By-law 9-2019 establishes standards for the maintenance and occupancy of all property in the City of Windsor. All properties shall be kept in a clean, sanitary, and safe condition. Every yard shall be kept clean and free of rubbish, brush, or other debris, and from objects or conditions that might create a fire hazard or unsafe conditions. There are requirements for controlling storm water run-off, adequate lighting, and parking area conditions and so on.

Protection of Highways By-law 25-2010 provides for the protection of highways (streets and roads) in the City of Windsor from hoarding, openings for construction purposes and heavy vehicles. Part 9 prohibits a “*vehicle, load, object, or structure in excess of the weight limits or dimensional limits set out in the Highway Traffic Act*” without a permit issued by the City Engineer. This by-law is silent on keeping a highway clean from dirt, mud, dust, or other materials gathering on the highway from adjacent parcels.

Traffic By-law 9148 provides for municipal regulation of traffic within the City of Windsor. Part IX regulates the designation of municipal highways as a truck route. Designated truck routes are identified in Schedule “H”. Vehicles with a gross vehicle weight rating of 4,500 kg or more are restricted to specific streets identified as a truck route.

Trucks are permitted on any municipal street for the purpose of delivering, receiving, loading or unloading of goods, or proceeding to or from a garage or other premise for the storing or repair of such vehicle, provided the vehicle takes the shortest route to an established truck route.

Zoning By-laws 85-18 and 8600 - Section 34(1) of the Planning Act, R.S.O. 1990, c. P. 13, allows a municipal council to, among other things, pass a zoning by-law restricting the use of land, restricting the erecting, locating or using of buildings, regulate the type of construction and the height, bulk, location, size, floor area, spacing, character and use of buildings or structures to be erected or located, and require the provision and maintaining of loading and parking facilities.

Zoning By-law 85-18 (B/L 85-18) covers the former Sandwich South lands transferred to the City of Windsor and Zoning By-law 8600 (B/L 8600) covers the balance of the City of Windsor as it existed before this municipal boundary adjustment. Some land in the former Sandwich South area has since been removed from B/L 85-18 and added to B/L 8600.

Many existing transport terminals are located within industrial or manufacturing zoning districts in the respective zoning by-laws – M in B/L 85-18; MD1 and MD2 in B/L 8600. The zones list permitted and prohibited uses plus provisions that is specific to those zones.

Both Zoning By-laws have general provisions (such as parking, loading, additional setbacks, etc.) and specific use provisions that apply to Transport Terminals. Zoning also implements design standards for specific matters such as curbing, curb cuts, and widths of driveways, access areas, parking aisles, and so on. A thorough review of the Zoning By-laws is provided in Chapter 3.

Impact of the Regulations on Carriers, Drivers, and Tractor-Trailer Storage

Government regulations dictate almost everything about operating a truck from hours-of-service to E-log devices to fuel emission requirements. The rules are designed to make trucking safer for drivers and the public, and to minimize the environmental impact of the industry.

Since the regulations require drivers to take appropriate breaks and rest periods, one of the consequences of the regulations is the need to park and store trucks in safe and secure facilities. The transition from paper logs to ELDs will increase compliance with the regulations and increase demand for parking and storage facilities.

Over the long-term, truck traffic is expected to grow, increasing the demand for truck parking and storage facilities. Compared to your typical passenger vehicle, trucks require much more room to maneuver, to store trailers, and to park the tractor component of a tractor-trailer combination. This will exacerbate existing truck parking and storage issues.

Having a safe and secure place to rest and/or store the vehicle may have a financial impact on drivers, operators, and carriers. The American Transport Research Institute (ATRI) documented the experience of several hundred drivers with parking areas, as well as how often drivers park illegally.

Of those surveyed, 36% said they park illegally three to four times a week, and 25% said they do it one to two times on a weekly basis. The ATRI estimates that a driver loses, on average, \$4,600 annually looking for a place to pull over and park, showing there is a vital need for more space.

An inadequate supply of truck parking spaces can also result in tired drivers continuing to drive because they are unable to find a place to park and rest. Drivers may choose to park at unsafe locations, such as on the shoulder of the road, exit ramps, or vacant lots, if they are unable to locate official, available parking. This may create unsafe situations for both the truck drivers and the general driving public.

Challenges

Windsor has several long-standing Transport Terminals; both stand-alone and accessory to specific businesses. Over the past few years, several newer Transport Terminals have been established. It is believed that this is driven in part by the need to comply with the log requirements and ELDs.

Proximity to the Canada/USA border, proximity to rail, air and water ports, proximity to Highway 401, lower cost of living, and a lower cost for land are local benefits in locating Transport Terminals in Windsor. Transport Terminals provide employment opportunities and use local businesses, providing a positive impact to the local economy.

However, Transport Terminals are not without potential negative impacts or adverse effects:

- Conflicts between passenger vehicles and the slower transport trucks;
- Conflicts between transport trucks and pedestrians;
- Noise from truck shunting, back-up beepers, refrigerated trailers, vehicle repair, and engines;
- Dust and dirt becoming airborne and falling on adjacent properties or being tracked onto the adjacent road network;
- Light and air pollution spill over from facility lighting and from trucks;
- Deterioration of road surfaces and shoulders that were not designed to accommodate the weight of the trucks;
- Environmental concerns with respect to illegal truck repairs such as changing the oil or coolant;
- Managing storm water run off; and,
- Unsightliness of the appearance of the facility, especially on high visibility travel corridors.

These negative impacts require mitigation to ensure that Transport Terminals are successfully integrated into the local economy and transportation network, and to protect adjacent property owners and tenants. Several of these negative impacts are being experienced in Windsor, resulting in enforcement complaints about Transport Terminals to the City of Windsor.

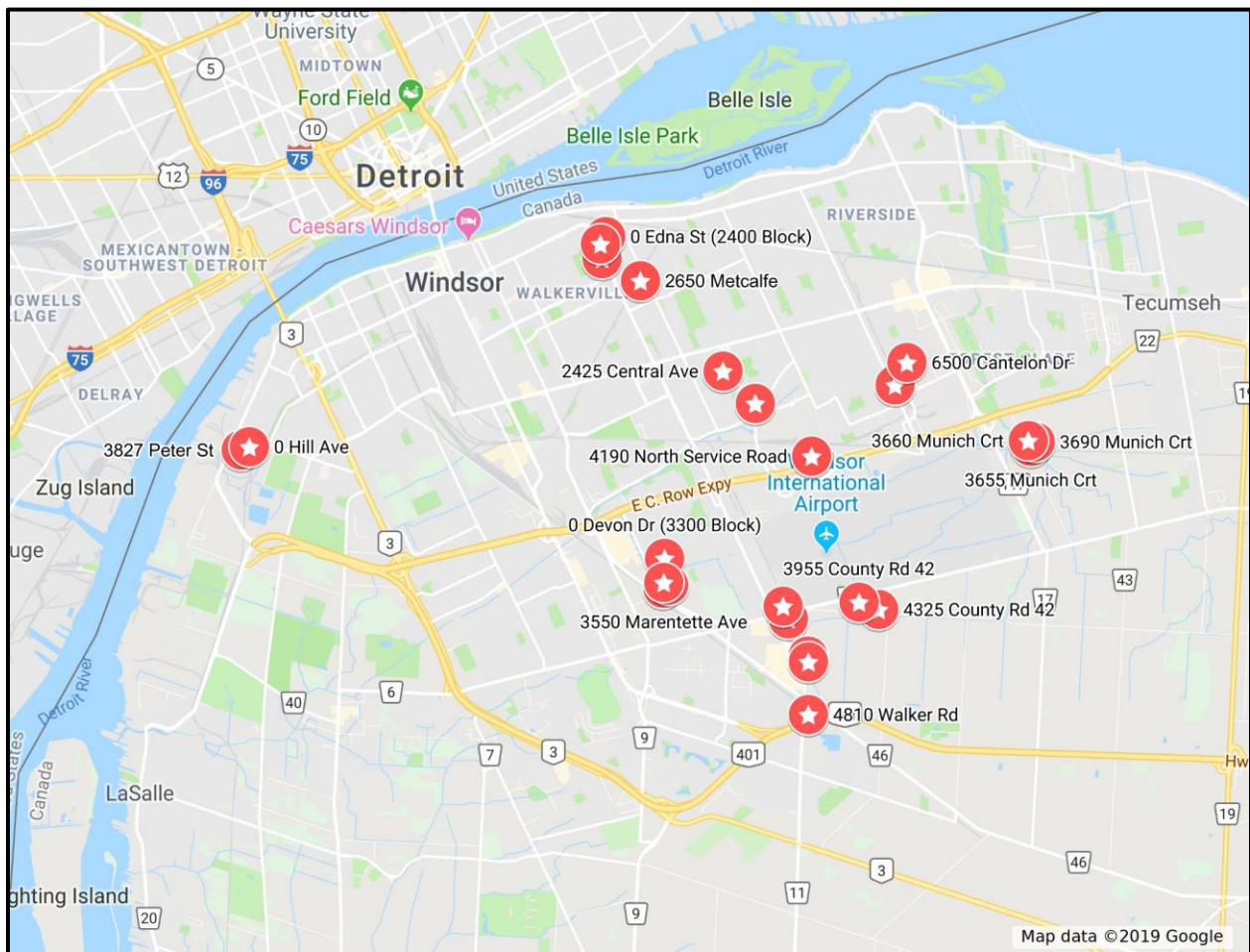
City of Windsor Enforcement Blitz

Complaints were received concerning unpaved lots, dust, draining, lighting, ponding of water, and noise from parcels where trucks and tractor-trailers were operating, being stored, or being parked.

Prior to the enactment of Interim Control By-law 78-2019, the Building Division conducted a citywide enforcement blitz on March 27, 2019. The blitz identified 26 parcels (see Figure 1 below) with Transport Terminals that violated the Zoning By-law and/or lacked site plan approval pursuant to Site Plan Control By-law 1-2004.

Because of those investigations, all 26 property owners received zoning violation orders and three court charges were laid for failing to comply with an order. Current orders and court charges are in abeyance pending the outcome of this study.

Figure 1 - PARCELS SUBJECT TO ENFORCEMENT BLITZ



Interim Control By-law 78-2019

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. 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:

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.

There is no statutory requirement to provide any notice or hearing prior to the passing of an ICBL, thus enabling the municipality to act quickly to freeze development. After passing the ICBL, Section 38(3) requires that the City give notice of passing of the ICBL in the manner and to the persons and public bodies and containing the information prescribed, within 30 days of the passing.

Section 9 of the Ontario Regulation 545/06 describes how notice of passing of an ICBL shall be given. All the required notices, including the notice of passing, were provide in accordance with the legislation.

Due to recent changes in the Federal and Provincial regulatory framework and gaps in the current land use framework (Official Plan and Zoning By-laws), administration recommended an Interim Control by-law that prohibits the creation of a new Transport Terminal in any MD1 or MD2 zoning districts and M1 zones in the City of Windsor.

This will allow Administration to study the extent of the problem, propose possible solutions and provide revised policies and provisions that aim to balance the needs of Transport Terminal and shipping business owners, truck operators, and surrounding businesses and residents.

On June 3, 2019, Council approved Interim Control By-law 78-2019 (attached as Appendix B) and directed staff to undertake the requisite study of the issues surrounding Transport Terminals. CR291/2019 (attached as Appendix A) 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

CR291/2019 also authorized Council to review on a case-by-case basis any exemptions or revisions to ICBL 78-2019. As of October 8, 2020, ten exemption requests were received and processed. All requests were in the area subject to Zoning By-law 8600. Council approved three requests, did not approve (deny or defer) five requests, and two are pending a decision.

The three requests that were approved were in MD2 zoning districts where a Transport Terminal is permitted as a main use and approval was not seen as being detrimental to this study. The remaining requests that were not approved were in MD1 zoning districts, where Transport Terminals are prohibited as a main use in some zoning districts and were typically located near sensitive land uses such as residential neighbourhoods.

On April 27, 2020, Council approved By-law 55-2020 which extended the Interim Control By-law 78-2019 by one additional year, which will now expire on June 2, 2021.

PART 3 – Planning Framework

The Planning Framework consists of the following major components:

- Provincial Policy Statement – Provides provincial policy direction on key land use planning issues;
- Official Plan – Implements the Provincial Policy Statement through policies that guide all development over a period of 20 or more years;
- Zoning By-law – Implements the policies of the Provincial Policy Statement and Official Plan through zoning and other provisions such as parking requirements.
- Site Plan Control – Implements the policies of the Official Plan and the provisions of the Zoning By-law through the approval of detailed site plan drawings and agreements.

Provincial Policy Statement

The Provincial Policy Statement (PPS), issued under Section 3 of the *Planning Act*, is a consolidated statement of the government's policies on land use planning. It applies province-wide and provides provincial policy direction on key land use planning issues that affect communities. All decisions affecting land use planning matters “shall be consistent with” the PPS. The PPS identifies the movement of goods and land use compatibility as important matters of provincial interest. Several policies are applicable to the location and design of Transport Terminals.

Provincial Policy Statement Definitions

Employment area: means those areas designated in an official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Freight-supportive: in regard to land use patterns, means transportation systems and facilities that facilitate the movement of goods. This includes policies or programs intended to support efficient freight movement through the planning, design and operation of land use and transportation systems. Approaches may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. *Infrastructure* includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

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.

Major goods movement facilities and corridors: means transportation facilities and corridors associated with the inter- and intra-provincial movement of goods. Examples include: inter-modal facilities, ports, *airports*, *rail facilities*, truck terminals, freight corridors, freight facilities, and haul routes and primary transportation corridors used for the movement of goods. Approaches that are *freight-supportive* may be recommended in guidelines developed by the Province or based on municipal approaches that achieve the same objectives.

Multimodal transportation system: means a transportation system which may include several forms of transportation such as automobiles, walking, trucks, cycling, buses, rapid transit, rail (such as commuter and freight), air and marine.

Sensitive land uses: means buildings, amenity areas, or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more *adverse effects* from contaminant discharges generated by a nearby *major facility*. *Sensitive land uses* may be a part of the natural or built environment. Examples may include, but are not limited to: residences, day care centres, and educational and health facilities.

Transportation demand management: means a set of strategies that result in more efficient use of the *transportation system* by influencing travel behaviour by mode, time of day, frequency, trip length, regulation, route, or cost.

Transportation system: means a system consisting of facilities, corridors and rights-of-way for the movement of people and goods, and associated transportation facilities including transit stops and stations, sidewalks, cycle lanes, bus lanes, high occupancy vehicle lanes, *rail facilities*, parking facilities, park'n'ride lots, service centres, rest stops, vehicle inspection stations, inter-modal facilities, harbours, *airports*, *marine facilities*, ferries, canals and associated facilities such as storage and maintenance.

Freight Supportive Planning

The following policies support and promote the appropriate densities, land use patterns and protective measures to ensure the long-term viability of efficient goods movement:

- Land use patterns within settlement areas shall be based on densities and a mix of land uses which are freight-supportive (1.1.3.2.a.6.);
- Planning authorities shall protect employment areas in proximity to major goods movement facilities and corridors for employment uses that require those locations (1.3.2.3);
- Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which focus freight-intensive land uses to areas well served by major highways, airports, rail facilities and marine facilities (1.8.1.d.); and,
- Long-term economic prosperity should be supported by providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people (1.7.1. f).

Transportation Systems

The PPS dedicates an entire set of policies to providing direction around the efficient development and protection of integrated transportation systems. These policies include:

- Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs (1.6.7.1);
- Efficient use shall be made of existing and planned infrastructure, including using transportation demand management strategies, where feasible (1.6.7.2);

- As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries (1.6.7.3);
- Land use patterns, density, and a mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation (1.6.7.4);
- Transportation and land use considerations shall be integrated at all stages of the planning process (1.6.7.5); and,
- Land use patterns within settlement areas shall be based on densities and a mix of land uses that are freight-supportive (1.1.3.2.a.6).

Land Use Compatibility

The final set of applicable provincial policies are aimed at ensuring compatibility between Transport Terminals and their surrounding uses. The policies are:

- Avoiding development and land use patterns which may cause environmental or public health and safety concerns (1.1.c.); and,
- Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities (1.2.6.1).

City of Windsor Official Plan

The purpose of an Official Plan is to provide guidance for the physical development of the municipality over a 20-year period while taking into consideration social, economic, and environmental matters.

Introduction (Chapter 1)

Section 1.0 notes that Windsor is strategically located at the centre of the Great Lakes basin directly across from Detroit, Michigan, is the chief port of entry between Canada and the United States, is an international gateway for people and commerce, and is the main employment, population, and cultural centre in the Windsor-Essex Region.

Key trends identified in Section 1.1.3 Employment include

- Windsor providing a significant amount of new employment opportunities to persons living within the census metropolitan area over the long term;
- Windsor diversifying its employment base, with traditional heavy manufacturing, light and advanced manufacturing, logistics and the tourism and hospitality sector and that significant employment growth is anticipated to occur in the light and advanced manufacturing and logistics sectors; and
- The clustering of major employers in manufacturing and commercial nodes across the city. It is anticipated that this trend will continue with additional nodes being developed to accommodate new and expanded employers particularly near Windsor International Airport, and the Sandwich South and Forest Glade areas.

Development Strategy (Chapter 3)

The vision (3.1) of Windsor’s future is taken from the City of Windsor Strategic Plan:

“Windsor is a quality city full of history and potential, with a diverse culture, a durable economy, and a healthy environment where citizens share a strong sense of belonging and a collective pride of place.”

The growth concept in Section 3.2 accommodates projected growth through “*practical and efficient land use management strategies that promote a compact pattern of development and balanced transportation system.*” Further, “*compatible residential, commercial and employment growth will be directed to appropriate locations ... to reduce development and infrastructure costs and provide opportunities to live, work and shop in close proximity.*”

Applicable goals of Chapter 4 – Healthy Community include a high quality of life, economic opportunities throughout the city, a safe environment, and a decision-making process that balances environmental, economic, and social considerations.

Environment (Chapter 5)

The goals, objectives, and policies in Chapter 5 – Environment that apply to Transportation Terminals include: development that is compatible with environmental functions and features (5.1.4), the reduction of pollution (5.1.5), integration of environmental, social, and economic considerations in growth and development matters (5.3.1.5), improve atmospheric air quality through the planning process (5.3.1.11), and locating compatible residential, commercial and employment uses in a manner that reduces distance and vehicle trips as outlined in the Land Use chapter of this Plan (5.3.7.2(d)).

Chapter 5 also provides policy direction on noise and vibration in Section 5.4.5. Specifically, Section 5.4.5.1 requires the proponent of development that may be a source of noise to evaluate the potential negative impacts of such noise existing and future land uses. The City shall have regard to provincial legislation, policies, and appropriate guidelines regarding noise. A noise study may be required (5.4.5.2). Abatement measures may include increased setbacks from the noise source, sound barriers such as berms, walls, or buildings, and any other appropriate attenuation or mitigation measures identified in a noise study (5.4.5.3),

Land Use (Chapter 6)

Chapter 6 – Land Use notes that the retention and expansion of Windsor’s employment base as a goal (6.1.4). The objectives of employment lands include creating positive business environment (6.4.1.1), expanding the assessment base by attracting employers and economic development (6.4.1.2), ensuring compatible development (6.4.1.3), providing a full range of employment uses (6.4.1.4), ensuring that employment uses have sufficient and convenient access to all modes of transportation (6.4.1.6), maintaining and developing viable industrial areas (6.4.1.9), and promoting comprehensively planned employment areas (6.4.1.11).

Applicable general policies for employment areas include attracting businesses to Windsor (6.4.2.2), planning and developing Industrial areas (6.4.2.3), and making all industrial development subject to site plan control (6.4.2.4).

The OP notes that the Industrial land use designation (6.4.3):

“...provides for a broad range of industrial uses which, because of their physical and operational characteristics, are more appropriately clustered together and separated from sensitive land uses. This designation is also applied to certain older industrial areas of Windsor where such a separation may not have been achieved.”

Section 6.4.3.1 classifies a use Industrial if it exhibits any of or all the characteristics listed below:

- Large physical size of site or facilities;
- Outdoor storage of materials or products;
- Large production volumes or large product size;
- Frequent or continuous shipment of products and/or materials;
- Long hours of production and shift operations;
- Likelihood of nuisances, such as noise, odour, dust, or vibration;
- Multi-modal transportation facilities;
- Is dependent upon, serves or otherwise complements the industrial function of the area; and
- Service and repair facilities.

A Transport Terminal is a multi-modal transportation facility and often include service and repair facilities. They often require a large site to accommodate and store tractor-trailers outdoors. Truck movements are frequent or continuous and may involve long hours of operations. There is a likelihood of noise and dust. A Transport Terminal is an Industrial use that exhibits many of these characteristics.

The location characteristics (6.4.3.3) of industrial development include sufficient separation or buffering from sensitive land uses, access to an arterial road, provision of full municipal services, industrial traffic can be directed away from residential areas, and there is access to designated truck routes.

The evaluation criteria (6.4.3.4) state that industrial development shall demonstrate feasibility where traffic generation and distribution is a provincial or municipal concern or if located adjacent to sensitive land uses or heritage resources, shall be capable of being provided with full municipal physical services and emergency services, shall be provided with adequate off-street parking, and shall be compatible with the surrounding area in terms of siting, orientation, setbacks, parking and landscaped areas.

The design guidelines (6.4.3.5) for industrial development shall consider the provision of appropriate landscaping or other buffers to enhance all parking, outdoor loading, storage, and service areas, and the separation between the industrial use and adjacent sensitive uses, where appropriate, discourage the use of industry related traffic from using local roads where other options are available, provision of pedestrian and cycling access that is distinguishable from the access provided to motorized vehicles and is safe and convenient, provision of loading bays and service areas that avoid conflict between pedestrian circulation, service vehicles, and movement along the public right-of-way, and the retention and integration of existing woodlots, vegetation and drainage corridors where feasible to provide amenity areas for employees and to create a positive visual image of industry in Windsor.

[Infrastructure \(Chapter 7\)](#)

The provision of proper infrastructure provides a safe, healthy, and efficient living environment. To accommodate the transportation needs in Windsor, infrastructure is to be provided in a sustainable, orderly, and coordinated fashion. Applicable Infrastructure goals include:

- Safe, sustainable, effective, and efficient infrastructure (7.1.1)
- Optimal use of existing infrastructure (7.1.2)
- All modes of transportation play a balanced role (7.1.4)
- Provision of infrastructure in a coordinated, efficient, and cost effective manner (7.1.5)
- Integration of planning for infrastructure with the planning for growth (7.1.6)

Infrastructure goals applicable to Transport Terminals include:

- Establishing a safe and efficient transportation system that facilitates the movement of people and goods (7.2.1.1)
- Making efficient use of existing and planned transportation infrastructure (7.2.1.2)
- Integrating land use and transportation considerations in the planning process (7.2.1.6)
- Establishing safe and efficient truck routes within and through Windsor (7.2.1.8)
- Providing for adequate off-street parking facilities (7.2.1.9)
- Minimizing conflicts within the transportation system (7.2.1.11)
- Restricting driveway access and minimizing driveway access points (7.2.1.12)
- Maintaining a safe and efficient road network (7.2.1.15)
- Advancing Windsor’s role as Canada’s foremost international gateway (7.2.1.17)

Council shall encourage the development of multi-modal transportation facilities at appropriate locations (7.2.2.8). Establishment of a truck route system shall minimize the intrusion of trucks into sensitive areas while providing acceptable access to business and industries (7.2.2.9). While truck access is necessary for some properties, the adverse effects of truck traffic shall be minimized by discouraging truck traffic in residential and pedestrian oriented areas and directing land uses that generate substantial truck traffic to appropriate areas (7.2.2.10). The movement of hazardous goods to transportation routes shall avoid high-risk areas and provide safe and direct access to their intended destination (7.2.2.11).

Multi-modal facilities shall develop at appropriate locations within Windsor to maximize the economic development potential provided by international cross-border traffic (7.2.7.1), by rail transportation (7.2.8.1), by the Port of Windsor (7.2.9.1), and by the Windsor Airport (7.2.10.1).

Urban Design (Chapter 8)

A memorable, attractive, and liveable city is one where people feel comfortable and are inspired by their surroundings. The physical systems and built form of the city are designed to protect, maintain, and improve the quality of life for all generations.

Applicable goals, objectives, and policies Chapter 8 – Urban Design include pedestrian access to all developments (8.1.3), comfortable conditions along roads and in public spaces (8.1.5), high standard of design throughout Windsor (8.1.6), public safety throughout Windsor (8.1.11), and excellence in exterior building design, site design and rights-of-way (8.1.12). Proposed development and infrastructure undertakings should enhance Windsor’s image (8.2.1.2). Council may establish a minimum standard for landscaping and a minimum landscaped area (8.5.2.6). Council will encourage development to include features that reduce, control, or treat site-runoff (8.5.2.9).

Council will ensure that the design of new development is complementary to adjacent development in terms of its overall massing, orientation, setback and exterior design, particularly character, scale and appearance, and provides links with pedestrian, cycle, public transportation and road networks (8.7.2.1). Lighting should improve visibility and safety and enhance prominent buildings and spaces while minimizing intrusive lighting (8.13.1 and 8.13.2).

Gateways (8.2.2.5) and Civic Ways (8.11.2.12) shall promote and present an attractive, unifying image and memorable impression of Windsor and maintain a sense of welcome and arrival for travelers.

Tools (Chapter 11)

The achievement of the goals, objectives and policies of the OP will occur using specific planning tools listed in Chapter 11 – Tools. Council’s implementation goals are to achieve direction for the development of planning districts, neighbourhoods or other sub-areas of the city (11.1.1), safe, caring and diverse neighbourhoods with a range of services and amenities (11.1.2), land use compatibility throughout Windsor (11.1.3), and functional and attractive developments (11.1.4).

Location characteristics, evaluation criteria, and design guidelines will be considered through tools such as zoning (11.6), minor variance applications (11.6.6), non-conforming use policies (11.6.7), existing land use policy (11.6.10), and Site Plan Control (11.7).

Zoning By-laws 8600 and 85-18

A zoning by-law specifies the permitted uses (e.g. commercial or residential) and the required provisions or standards (e.g. building size and location) in each zoning district or zone.

Zoning By-law 85-18 (B/L 85-18) covers the former Sandwich South lands transferred to the City of Windsor and Zoning By-law 8600 (B/L 8600) covers the balance of the City of Windsor as it existed before this municipal boundary adjustment. See Appendix C for relevant excerpts from B/L 8600 and Appendix D for relevant excerpts from B/L 85-18.

Some land in the former Sandwich South area has since been removed from B/L 85-18 and added to B/L 8600. It is the intention of the City of Windsor to merge B/L 8600 and B/L 85-18 into a single comprehensive zoning by-law in the future.

B/L 8600 has two zoning classifications regarding industrial and business park type uses - Manufacturing District 1 (MD1) and Manufacturing District 2 (MD2). Each zoning classification is divided into zoning districts that permit and prohibit certain uses and regulate matters such as building setbacks, building height and landscaped open space yard.

MD1 is typically a light industrial category that permits specific industrial uses. MD1.1 and MD1.2 are general light industrial zones that also permit a limited range of complementary commercial uses. MD1.3 is a more transport related zoning district that is found adjacent to rail corridors or ports. MD1.4 and MD1.5 are ‘business park’ zones that permit more office, research and development, and light industrial uses in addition to a limited range of commercial uses. MD1.6 is a railway corridor and yard zone.

MD1.7 is like MD1.4 and MD1.5 but leans towards light industrial as it is located adjacent to a rail yard and corridor. MD1.8 is a variation of MD1.7 that leans towards heavier industrial uses such as motor vehicle assembly plant. MD2 zones permit a broad a range on industrial uses from light to heavy, with the focus being on prohibiting noxious or problematic industrial uses.

B/L 85-18 has one zone that applies within the City of Windsor – Industrial Zone (M1) and one Defined Area (M1-11). A broad range of industrial uses is permitted in M1.

For this study, the terms ‘zoning district’ and ‘zone’ are interchangeable.

Provisions by Zoning District / Zone

Zoning provisions list the specific requirements and design parameters that shall be complied with for the permitted use to be established and to continue to operate. These apply to all permitted uses, including a Transport Terminal, for the zoning district or zone.

The following table provides a summary of the applicable zoning regulation by zone:

TABLE 3.1 – Zoning District or Zone Provisions							
Zoning District or Zone	Lot Area	Lot Width	Front Yard Depth	Rear Yard Depth	Side Yard Width		Landscaped Open Space Yard
					All Other	Abutting Residential	
MD1.1	-	-	6.0 m	-	3.0 m	6.0 m	15%
MD1.2	-	-	6.0 m	-	3.0 m	6.0 m	15%
MD1.3	-	-	-	-	-	-	-
MD1.4	-	30 m	9.0 m	6.0 m*	-	6.0 m	15%
MD1.5	4,000 m ²	-	6.0 m	6.0 m ⁺	3.0 m	-	15%
MD1.6	-	-	-	-	-	-	-
MD1.7	-	30 m	9.0 m	-	-	6.0 m	5%
MD1.8	-	30 m	9.0 m	-	-	6.0 m	5%
MD2.1	-	-	6.0 m	-	3.0 m	6.0 m	15%
MD2.2	-	-	6.0 m	-	3.0 m	6.0 m	15%
MD2.3	-	-	6.0 m	-	3.0 m	6.0 m	15%
MD2.4	3,000 m ²	30 m	6.0 m	6.0 m ⁺	6.0 m ⁺	-	-
MD2.5	4,000 m ²	-	6.0 m	6.0 m ⁺	3.0 m	-	15%
MD2.7	4,000 m ²	-	6.0 m	6.0 m ⁺	3.0 m	-	15%
MD2.8	-	-	-	-	-	-	9.0 m ⁺
M1	2,000 m ²	61 m	12 m	7.5 m [#]	6.0 m [#]	15 m	10%
M1-11	2,000 m ²	61 m	12 m	30 m*	6.0 m [#]	30 m*	10%

Notes:

* - *When abutting a lot with a dwelling.*

+ - *When abutting a street.*

- *see B/L 85-18 for additional setback requirements.*

Housekeeping Amendment 2017-3

As part of an ongoing process to update B/L 8600, staff reviewed the MD1 and MD2 zoning districts in 2017 and 2018. That review identified, among other matters, a gap regarding Transport Terminal in terms of definitions and appropriate provisions.

There were references to “Truck Transportation Facility”, “Transportation Terminal” or “Truck or transport terminals”, but none of these terms were defined or used consistently. With no definition, staff did not consistently apply zoning provisions to a Transport Terminal. Sometimes, Parking Area provisions were applied. Other times, Outdoor Storage Yard provisions were applied. In some cases, no provisions were applied. Similar issues were noted in B/L 85-18.

Staff recommended new provisions regarding setbacks, grading, draining, paving, curbing, screening, lighting, location of refuse bins, and controlling ingress and egress for a Transport Terminal.

Staff also recommended the provision of a minimum of five parking spaces, or if there is a building or structure on the property, that the gross floor area of all buildings or structures shall be used, whichever is greater. The requirement of a minimum of five parking spaces triggers site plan control and ensures proper design of the transport terminal.

The MD1 and MD2 zoning districts in B/L 8600 were revised in terms of format, new definitions, and revised provisions. The MD1 and MD2 zoning districts operate differently from each other. In the MD1 zoning districts, permitted industrial uses were based on a list of specific industrial activities and similar uses. If a specific activity was not listed either in the list or in a definition, the activity was not permitted. In the MD2, zoning districts, any industrial use or activity was permitted except for specific uses or activities that were listed. The excepted uses were essentially prohibited uses.

This created a situation where several MD zoning districts were long and wordy, with a list of specific uses, activities or exceptions that operated like definitions. Over time, this created inconsistency between the MD zones where some specific uses or activities were permitted in one MD zone but not permitted in another MD zone.

To improve readability and to ensure consistency between the MD zoning districts, staff proposed that the lists of industrial activities be grouped into specific defined terms and that those defined terms be identified specifically as an industrial activity. For example, an abattoir, rendering plant and stockyard were grouped in the definition for Animal Processing Facility.

This reduced the number of industrial uses or activities listed. It made it easier to read the provisions and allowed for some flexibility for newer industrial activities that did not quite fit in the long lists of operations and activities. In the MD2 zones, the defined term Industrial Use includes any defined term identified as an industrial activity.

The above matters and the recommendations were brought forward in Housekeeping Amendment 2017-3 (Z-030/17 ZNG/5364). On November 19, 2018, Council approved Housekeeping Amendment 2017-3. No appeals were received.

Transport Terminal Use by Zoning District or Zone

“Permitted” means that a Transport Terminal is listed as a permitted use (MD1 zoning districts or M1 zones) or generally permitted as an Industrial Use (MD2 zoning districts).

“Not Permitted” means that Transport Terminal is not listed as a permitted main use or an accessory use.

“Prohibited as a Main Use” means that Transport Terminal is explicitly prohibited as a Main Use. However, this suggests that a Transport Terminal may be permitted as an Accessory Use.

“Permitted as an Accessory Use” means that Transport Terminal is listed as a permitted accessory use to any permitted main use in that zoning district.

In most MD1 zones, a Transport Terminal is not a permitted main use. The MD1.3 zone is typically adjacent to rail corridors or waterways, areas where intermodals facilities either currently exist, or are encouraged to locate per the policies of the PPS and OP. In all but one MD2 zone, Transport Terminal is permitted as a main use under the “Industrial Use” definition. MD2.3 is a zone is primarily geared to aggregate storage. Transport Terminal is permitted as a main use in the two M1 zones in B/L 85-18.

TABLE 3.2 – Transport Terminal Use by Zoning District or Zone				
Zone	Permitted	Not Permitted	Prohibited as a Main Use	Permitted as an Accessory Use
MD1.1			×	✓
MD1.2			×	✓
MD1.3	✓			
MD1.4			×	
MD1.5			×	
MD1.6		×		
MD1.7		×		
MD1.8	✓			
MD2.1	✓			
MD2.2	✓			
MD2.3		×		
MD2.4	✓			
MD2.5	✓			
MD2.7	✓			
MD2.8	✓			
M1	✓			
M1-11	✓			

Transport Terminal General Provisions

As part of Housekeeping Amendment 2017-3, additional use provisions for a Transport Terminal were added to B/L 8600 and B/L 85-18 to address a regulatory gap in the Zoning By-laws and to ensure that the outdoor areas of a Transport Terminal are properly designed, drained and constructed. See Appendix C for the Transport Terminal provisions in B/L 8600 and Appendix D for the Transport Terminal Provisions in B/L 85-18.

This was the first time that specific Transport Terminal provisions were included in the Zoning By-laws. As previously mentioned, the lack of specific definitions and provisions meant that staff applied different provisions, such as parking area or outdoor storage yard, for transport terminals. Sometimes, no provisions were applied. There is considerable variation in parking area and outdoor storage yard requirements, which made for inconsistent transport terminal development across the City of Windsor.

A definition – Transport Storage Area – was created for that portion of a Transport Terminal where trailers are stored and where tractors or trucks are parked.

The new provisions are based on the Parking Area provisions in Section 25 of B/L 8600 and require minimum setbacks, grading, draining and paving, curbing, controlling ingress to and egress from the Transport Terminal, provision of a screening fence, controlling the location of a refuse bin and the type of lighting. The provisions are similar between B/L 8600 and B/L 85-18, save for modification for specific wording and setback provisions in B/L 85-18.

Zoning Concerns

After Housekeeping Amendment 2017-3 was implemented, it became clear that there were issues regarding the operation of Transport Terminal in the MD1 and MD2 zoning districts and M1 zones. Some zoning districts or zones permitted Transport Terminal, some only allowed it as an accessory use to a permitted main use, and some completely prohibited the use.

Allowing Transport Terminals as an accessory use only in the MD1 zoning districts presents interpretation challenges. For example, some operations would set-up a one-room trailer as a ‘business office’ and the ‘main use’ of the parcel and then operate a Transport Terminal as an accessory use to the business office despite the Transport Terminal being the only use on the lot, which is inconsistent with the definition of accessory use.

There is also overlap between Transport Terminal and similar uses such as a Warehouse or those industrial uses and activities that have significant warehouse and/or transport terminal activities like a motor vehicle assembly plant. Cross-dock operations, where goods and materials are unloaded from an incoming tractor-trailer and then loaded onto an outgoing tractor-trailer with little or no storage in between, are becoming prevalent among physical and online retailers and are used by large manufacturing facilities such as an automotive assembly plant.

Some of the MD1 zones that permit Transport Terminals are near residential and institutional uses causing, or could cause, negative impacts on those uses. Complaints were received concerning unpaved lots, dust, draining, lighting, ponding of water, and noise from trucks and tractor-trailers.

Site Plan Control

Section 41(2) of the Planning Act authorizes a municipality to designate an area as a site plan control area. The entire City of Windsor is designated a site plan control area per By-law 1/2004.

Section 41(4) authorizes a municipality to approve:

“Plans showing the location of all buildings and structures to be erected and showing the location of all facilities and works to be provided in conjunction therewith and of all facilities and works required under clause (7) (a), including facilities designed to have regard for accessibility for persons with disabilities.”

This includes:

- Massing and conceptual design of proposed buildings;
- Relationship of the buildings to adjacent buildings, streets, and exterior areas to which the public have access;
- Exterior design, including without limitation the character, scale, appearance and design features of buildings, and their sustainable design, where an official plan and a site plan control by-law both contain provisions relating to such matters;
- Sustainable design elements on any adjoining highway under a municipality’s jurisdiction, including without limitation trees, shrubs, hedges, plantings or other ground cover, permeable paving materials, street furniture, curb ramps, waste and recycling containers and bicycle parking facilities; and
- Facilities designed to have regard for accessibility for persons with disabilities.

Section 41(7) authorizes the approval authority to place conditions on the approval of plans and drawings. Relevant conditions include: off-street vehicular loading and parking facilities, either covered or uncovered; access driveways, and the surfacing of such areas and driveways; facilities for the lighting, including floodlighting, of the land or of any buildings or structures, walls, fences, hedges, trees, shrubs or other groundcover or facilities for the landscaping of the lands or the protection of adjoining lands, and grading or alteration in elevation or contour of the land and provision for the disposal of storm, surface and waste water from the land and from any buildings or structures. These conditions will implement any mitigations measures identified in the Official Plan, Zoning By-law and any other documents or studies.

Industrial development is subject to site plan control. Matters such as compliance with zoning provisions, the location of driveways, landscaping and so on are considered during site plan review. Approval for most development includes approval of a site plan and elevations and includes the registration of a site plan agreement on title. The agreement binds current and future owners to the terms of the agreement and enables the City to enforce the provisions in the agreement, providing another level of implementation of mitigation measures.

Approval authority for SPC has been delegated to the City Planner or their designate. However, some site plan applications are subject to approval by Council.

For any new Transport Terminal, or an expansion of an existing Transport Terminal, the provision of five or more parking spaces, and/or the construction of a building on the parcel will trigger site plan control. This will ensure that the proposed Transport Terminal is consistent with the direction of the Official Plan and the provisions of the appropriate Zoning By-law.

Examples of Transport Terminals and Other Similar Uses



Figure 2 - Transport Terminal – Example 1

Figure 2 is an example of a fully paved transport terminal in Windsor that includes a loading dock, garage and office in a single building, an area for storing trailers, an area for parking tractors, and a separate parking area for other motor vehicles.



Figure 3 - Transport Terminal - Example 2

Figure 3 is an example of a partially paved transport terminal in Windsor. Offices and a warehouse/cross-dock facility on the left side of the image. A service building with a garage is at the top of the image. Trailer storage dominates two-thirds of the site, with a portion being unpaved. Tractors are parked to the right of the office building, while other motor vehicles are parked in a separate area between the street and office.

The Transport Terminals in Figures 2 and 3 have wide aisles to allow for manoeuvring trailers in and out of the storage spaces.



Figure 4 - Transport Terminal - Example 3

Figure 4 is another example of a partially paved transport terminal, also in Windsor. A garage and office are located within the building. In this image, tractors are parked at the front and the top of the image, though a different image in Google Maps shows trailers along the top of the image, with motor vehicles parked in the bottom left of the image. This facility also repairs trailers, which partly explains why some trailers are stored in a less than accessible manner.

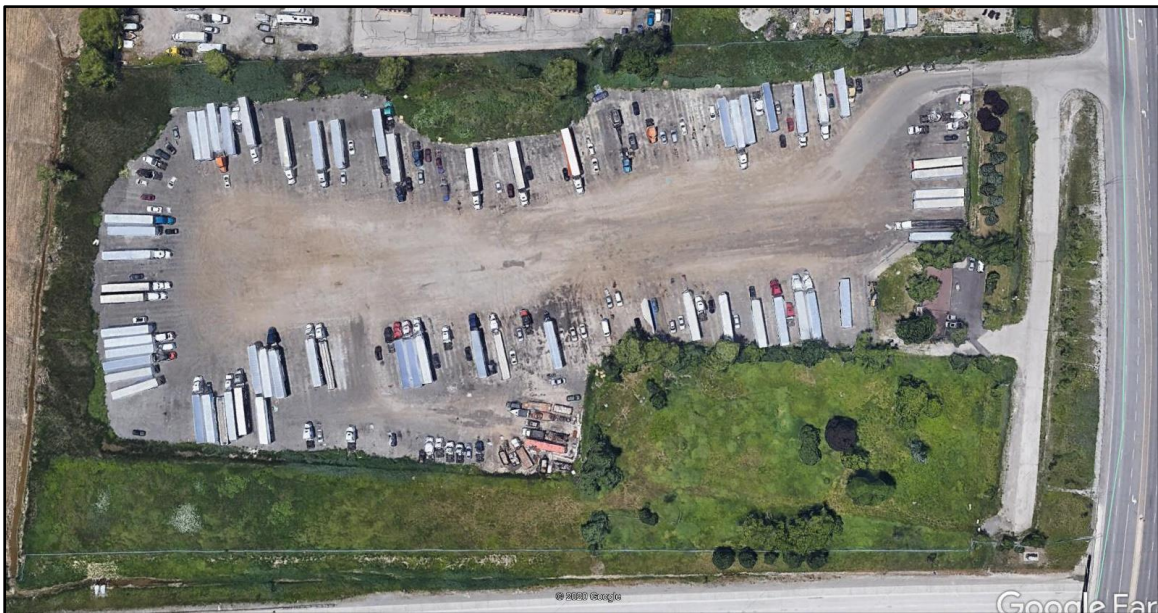


Figure 5 - Transport Terminal - Example 4

Figure 5 is an example from the Greater Toronto Area of what may be called a trailer parking area, sometimes utilized by independent operators. Typical characteristics include little to no paved area, no buildings or structures to serve as an office and/or garage, trailers stored around the perimeter of the site, tractors attached to trailers instead of being parked in a separate area, and personal motor vehicles parking adjacent to, or in, trailer storage spaces. These developments may appear overnight on lands that have long been vacant and are possibly a result of the legislation discussed under Federal & Provincial Regulatory Environment in Part 2.

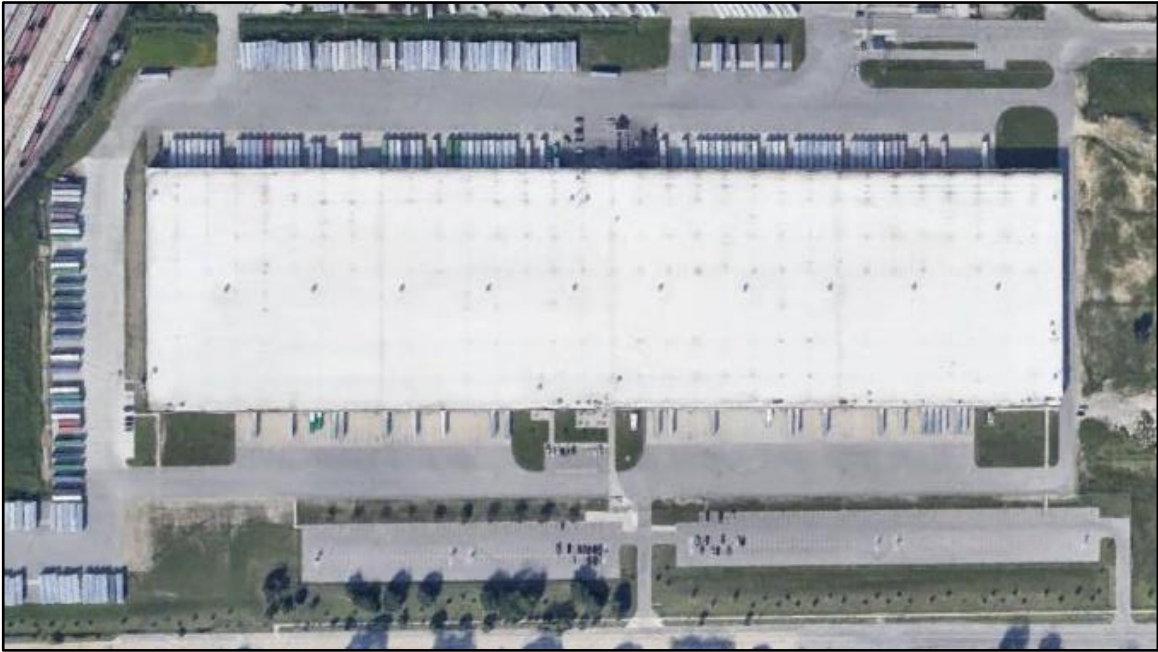


Figure 6 - Warehouse / Cross Dock Facility

Figure 6 is an example of a Warehouse, where goods are received, sorted, and transferred to other trailers to shipment elsewhere, such as retailers or manufacturing facilities. This image is of a cross-dock facility – a type of warehouse – in Windsor that receives parts from a range of suppliers for a local automotive assembly plant, loads parts according to location within the assembly plant onto trailers, and then dispatches those trailers to the assembly plant in a timely fashion.

A common characteristic of an industrial Warehouse is the large amount of exterior area dedicated to the storage of trailers. The trailers act as a ‘warehouse on wheels’ where they are stored nearby and pulled to the Warehouse as needed for unloading. Empty trailers are stored either on-site or off-site for return to the supplier and/or trucking company. Since tractors drop-off trailers and return empty trailers, little of the exterior area is dedicated to the parking of tractors. Another characteristic is a larger parking area for personal motor vehicles, as Warehouses tend to have more employees on site versus a Transport Terminal where most employees are operators of tractors-trailers.

Some industrial facilities make extensive use of tractor-trailers and trucks for the supply of parts and materials to, and for the dispatch of goods from, the industrial facility. Loading facilities differ from one use to the next. However, the unloading and loading of those parts, materials, and goods is accessory to the primary use of manufacturing.

PART 4 – Moving Forward

In the past, your typical Transport Terminal was a regional, national, or international company that operates a fleet of tractor-trailers and usually contained an office, repair garage, an outdoor storage area where tractors and trailers were parked and stored, and may have some ancillary warehousing or cross-dock facilities to transfer goods to other trailers or to smaller trucks. Depending on the size of the company or their service area, a transport company may have several terminals over a geographic area.

As the number of owner-operators or independent truck driver's increases, and given the regulatory framework, there is growing demand for safe and secure facilities to store tractor-trailers and trucks that are not tied to a specific transport company or trucking operation.

These independent operators may conduct their business from their truck, place of residence, or elsewhere and they may have their trucks and trailers serviced by third parties, eliminating the need for a physical on-site office or garage. These facilities act as a safe and secure temporary storage area for the tractor-trailers and trucks when not being driven.

A Transport Terminal shares similarities with uses such as a warehouse or manufacturing facility such as truck traffic, storage of trailers, and large paved areas to manoeuvre and store trucks. Any specific provisions, restrictions, or prohibitions applicable to a Transport Terminal must be appropriate and fair.

Where Should Transport Terminal Be Permitted?

Policy Direction

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. The requirements 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.

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, while discouraging direct access to major commercial corridors to minimize traffic conflicts and noise and dust issues, and access or adjacency to rail, airport, and water port services to maximize inter-modal opportunities,

Any Transport Terminal or freight-intensive use should be prohibited or discouraged 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.

ACTION 1: That the Official Plan BE AMENDED to provide further policy direction regarding additional locational criteria for a Transport Terminal that:

- a) encourage adjacency to the truck route network, including any long combination vehicle routes;
- b) discourage direct access to major commercial corridors to minimize traffic, noise, and dust conflicts and issues;
- c) encourage access or adjacency to rail, airport, and water port facilities to maximize inter-modal opportunities, and proximity to freight-dependent uses to allow for efficient use of land and infrastructure such as roads; and
- d) prohibited 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.

Permitted Use and Prohibited Use

Some zones prohibit a Transport Terminal as a main use but permit it as an accessory use. This was in response to those industrial uses that operate their own fleet of trucks and trailers. Assembly plants are an example of an operation that may have their own fleet of trucks and trailers. Per the accessory use definition, those transport operations are “customarily incidental, subordinate and exclusively devoted to the *main use*”.

Some property owners made the novel proposal of opening a ‘Business Office’, usually a trailer-type office, as the main use, and then storing trucks and trailers – by definition a Transport Terminal - on the majority of site under the premise that the Transport Terminal is accessory to the Business Office. It is our position that the Transport Terminal is the primary use of the parcel and therefore is not incidental to the main use, is the most important activity on the lot and therefore is not subordinate to the main use, and that it operates separate of the Business Office and therefore is not exclusively devoted to the main use.

Notwithstanding that Transport Terminal is permitted as a main use in MD1.3 and MD1.8 zones, it is clear from Table 3.2, that the intent of B/L 8600 is to generally not permit a Transport Terminal in the MD1 zones. The inconsistency is best addressed by deleting all references to Transport Terminal from those zones where Transport Terminal is prohibited as a main use or permitted as an accessory use. A Transport Terminal will be permitted as a main use in MD1.3, MD1.8, or any MD2 or M1 zone.

The elimination of Transport Terminal will make a lawfully existing Transport Terminal into a Legal Non-Conforming Use (LNCU). LNCU is a unique Planning Act status that allows a property owner to continue the LNCU on the site. Any buildings on the site are fixed in terms of location. Any expansion to those buildings requires permission from the Committee of Adjustment that adds time to the development process. The Planning Act allows a property owner to obtain permission from the Committee of Adjustment to change from an existing LNCU to another LNCU, which could introduce uses not anticipated by the municipality. Adding Existing Transport Terminal as a permitted use removes the ability to change the use via the Committee of Adjustment but allows for the expansion of buildings or new building subject to the provisions of the Zoning By-law and Site Plan Approval.

The current zoning classifications (MD1 and MD2) are inconsistent in terms of intensity and range of uses permitted, and the classification is not necessarily indicative of the nature of the zone. For example, MD1.4 and MD1.5 are indicative of a Business Park type of land use, which allows for a range of light-industrial uses, office-type uses, and a limited range of compatible commercial uses. There are overlaps and gaps in terms of permitted uses between the MD1 and MD2 zones. The range of uses permitted and prohibited should be reviewed and similar zoning districts should be merged. This would allow for a more consistent operation and interpretation of the Zoning By-laws. Site or area specific provisions could be used to regulate industrial lands that are adjacent to sensitive land uses or where other land use concerns require further direction.

Further, the designation of MD1 and MD2 zones across the city is not consistent. Any review should consider upzoning (adding more uses and/or having fewer regulations) or downzoning (less uses and/or more regulations) existing industrial areas, especially where sensitive land uses are present.

The appropriate tool for the review and consideration of the MD zoning classifications is the Comprehensive Zoning By-law Review (CZBR). Housekeeping amendments to the Zoning By-laws are an option if there is an immediate need to review and consider in a specific area.

The M1 zone in B/L 85-18 is one the City inherited when the Sandwich South Lands were transferred to the City from the County of Essex and Town of Tecumseh. The M1 zone is mostly located along the west side of 7th Concession and the south side of County Road 42 from the CN rail corridor to 8th Concession. Windsor International Airport is to the north and residential uses are located along Baseline Road. The airport and residential uses represent interesting challenges in terms of what uses should be permitted in the M1 zone. Administrative efforts should be directed at bringing the Sandwich South Lands subject to B/L 85-18 under B/L 8600 through a housekeeping amendment or through a Comprehensive Zoning By-law Review for the entire City of Windsor.

The MD1.3 and MD1.8 zones are problematic in that they allow a range of transportation-intensive uses, including Transport Terminal, in that lean more toward the MD2 zoning classification. In the interim, it is appropriate to reclassify MD1.3 and MD1.8 to MD2 zoning classification to reflect the nature of the uses permitted by the zones.

ACTION 2: That the MD1.1, MD1.2, MD1.4 and MD1.5 zoning districts BE AMENDED by deleting all references to Transport Terminal as a prohibited as a main use or permitted as an accessory use and by adding Existing Transport Terminal as a permitted use. Consideration may be given to specific parcels or areas 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 in Action 1.

ACTION 3: That the City Planner REVIEW the range of uses permitted and prohibited in the MD1, MD2, and M1 zones to ensure consistency with the Provincial Policy Statement and Official Plan, rationalize and reclassify the zones to be indicative of the nature of the zone and minimize duplication.

ACTION 4: That the MD1.3 and MD1.8 zones BE RECLASSIFIED to an appropriate MD2 zone to reflect their more transport-intensive and industrial uses.

Zoning Provisions

Definitions

The industrial activity and transport-related definitions were revised as part of Housekeeping Amendment 2017-3. They remain current and relevant. The Planning Department has not received any concerns regarding the interpretation of various transport related definitions.

Any changes that may arise after this study can be considered during the review in Action 3, as part of a future housekeeping amendment if an issue requires an immediate attention, or as part of the Comprehensive Zoning By-law Review.

NO CHANGE: Staff are not recommending any changes to the definitions in B/L 8600 or B/L 85-18.

Setbacks

The current 11.30 m setback for a transport storage area exceeds the minimum front yard depth of 6.0 and 9.0 m and the exterior side yard width, if required, for most industrial uses in the MD zoning districts in B/L 8600.

The setback should be reduced to match that of the required front yard depth and side yard width of the zoning district. Where no minimum front yard depth is required, the minimum setback shall be 6.0 m from the front lot line. This will ensure a consistent setback and look for all industrial uses.

The requirement for a berm along an exterior lot line is excessive if the parcel is in a zoning district that permits a Transport Terminal as a main use. Other industrial uses are not required to provide a berm to mitigate nuisances such as noise and light along exterior lot lines. Where a Transport Terminal is adjacent to, or zoned for, a sensitive land use, the 11.30 m setback and berm is an appropriate mitigation measure to mitigate and is consistent with the policy direction of the Official Plan.

ACTION 5: That the Transport Terminal provisions in B/L 8600 and B/L 85-18 BE AMENDED as follows:

- a) That the requirement for a berm along an exterior lot line be deleted;
- b) That for a transport storage area the setback from the front lot line shall be a minimum of the required front yard depth of the zoning district, or 6.0 m, whichever is greater.
- c) That for a transport storage area, where an exterior lot line is located with 50.0 m of a development reserve district, green district, residential district, 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, otherwise the setback from the exterior lot line is 3.0 m
- d) That for a transport storage area, where an interior lot line is located with 50.0 m of a development reserve district, green district, residential district, 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, otherwise the setback from the interior lot line is 0.90 m.

Required Parking

The current trend is towards reducing or eliminating minimum parking requirements, especially for non-residential uses, and letting a business determine how many parking spaces to provide. However, the elimination of minimum parking requirements affects the provision of accessible parking and bicycle parking, as both are based on the number of parking spaces being provided.

B/L 8600 and B/L 85-18 require the provision of a minimum of five parking spaces for a Transport Terminal. This provision triggers Site Plan Control, which allows the municipality to approve the development, even if no structures or buildings are proposed. In the case of a Transport Terminal used primarily for overnight storage, it also provides a minimal parking area for independent operators utilizing the site. Property owners can provide more parking if there is demand.

NO CHANGE: Staff are not recommending any changes to the parking space requirements.

Truck Parking Space Dimensions

The Zoning By-laws mandate the provision of parking spaces and loading spaces for various uses and mandate the minimum width, length, and, where applicable, height clearance of the parking space and loading space. These provisions ensure there is sufficient area to park and access vehicles and that the loading space can safely accommodate a truck with no impact on-site operations. B/L 8600 & B/L 85-18 do not specify a minimum size for the parking of a Transport Truck or Trailer. Trucks or tractors are defined as a Motor Vehicle in the Zoning By-laws, and the minimum parking dimensions apply to any space used by a Transport Truck. Typically, the dimensions exceed the minimum requirements.

In B/L 8600, a loading space has a minimum width of 3.0 m, a minimum length of 7.50 m, and a minimum height clearance of 3.50 m. B/L 85-18 requires a loading space to be a minimum of 3.5 m wide, 9.0 m long, and a clearance of 4.5 m.

The length of a tractor/cab varies from 6 m to 7.6 m, depending on the size of the cab and options such as a sleeper cab. In Ontario, the maximum length of a tractor-trailer combination is 23 m. Double-trailer combinations may be longer; however, they are subject to special requirements. The average width is 2.6 m. With 0.6 m on both sides, any space would need to be a minimum of 3.8 m wide. Given that the dimensions of Transport Trucks and Transport Trailers vary and given that different vehicles or combinations have different operational requirements in terms of access, separation, etc., it is difficult to mandate a minimum parking space dimension for a Transport Truck or a Transport Trailer. The dimensions of those spaces are best left to the operator.

The inconsistencies in loading space dimensions between B/L 8600 and B/L 85-18 should be revised so that one standard applies throughout the municipality. B/L 8600 applies to most of Windsor. Those parcels in B/L 85-18 subject to a rezoning are usually deleted from B/L 85-18 and added to B/L 8600. Further review of the loading space dimensions is required to ensure consistent application of common standards across the Zoning By-laws and municipality and ease the transition to a single comprehensive zoning by-law.

ACTION 6: That the City Planner REVIEW best practices for the dimensions of a loading space and AMEND B/L 8600 and B/L 85-18 to use a single standard dimension for a loading space.

Minimum Lot Width and Area

Currently there are no minimum lot width or minimum lot area provisions for a Transport Terminal.

Typical trailer lengths vary from 14.65 m (48 feet) to 16.2 (53 feet), with 16.2 m being the most common length. The length of a tractor/cab varies from 6 m to 7.6 m, depending on the size of the cab and options such as a sleeper cab. In Ontario, the maximum length of a tractor-trailer combination is 23m (75.5 feet). Truck manufacturer, International Trucks, notes that on average, a tractor-trailer is 21.9m (72 ft) long. Double-trailer combinations may be longer; however, they are subject to special requirements. As previously stated, your typical space should be a minimum 3.8 m (12.5 ft) wide.

A full turnaround for a tractor-trailer requires an aisle width of 30 m. However, the parking aisle is typically utilized to manoeuvre the trailer into a storage space, not for a full turnaround, requiring less than 30 m to manoeuvre. Utilizing the measure distance tool in Google Maps on various transport terminal locations, parking aisles for transports vary from 18 m to 30 m, with 25 m being typical.

Based on a minimum side yard width of 0.9 m on both sides (1.8 m total), a 21.9 m long tractor-trailer, and a 25 m manoeuvring aisle, the minimum lot width for a single row of tractor-trailers parked perpendicular (which includes both the trailer and the tractor) is 48.7 m, rounded to 49.0 m. If the tractor or truck is excluded, the minimum lot width is 43 m - this would represent an absolute minimum. More than one row of parking or a berm would require a wider lot.

Lot depths vary, but a 75 m deep lot with 6 m front yard setback and a 0.9 m rear yard setback would leave just over 68 m in depth to be used as a Transport Storage Area. At a typical width of 3.8 m per Transport Truck, there would be space for 17 transports and trailers. A lot having a width of 49 m and a depth of 75 m has an area of 3,653 m². For a lot with a width of 43 m and a depth of 75 m, the lot area is 3,225 m². Mandating a minimum lot width and a minimum lot area will ensure adequate area for a landscaped open space yard and for the storage, parking, and manoeuvring of trucks and trailers.

ACTION 7: That B/L 8600 and B/L 85-18 BE AMENDED by adding a minimum lot width of 43.0 m and a minimum lot area shall be 3,200.0 m² for a Transport Terminal.

Site Plan Control

Currently the trigger for Site Plan Control is the minimum requirement to provide a minimum of five parking spaces for any Transport Terminal. It is preferable that any new, or an expansion to an existing, Transport Terminal be subject to Site Plan Control, regardless of the number of parking spaces being provided. This will ensure development is compatible with adjacent uses and that many mitigation measures are appropriately incorporated.

ACTION 8: That Site Plan Control By-law 1-2004 BE AMENDED to deem the construction or expansion of a Transport Terminal and/or Transport Storage Area as a development subject to site plan control.

Servicing Requirements

In response to client and staff feedback regarding the need for wider access areas to allow to properly enter from, and exit to, streets, the widths of driveways/access areas was increased as part of a Housekeeping Amendment to the Parking Space and Parking Area provisions in B/L 8600 in 2012. The minimum and maximum width of a one-way lane in a MD1 or MD2 zone shall be 3.50 m and 6.50 m, respectively. No concerns about the access area have been raised to-date.

The Office of the City Engineer and Transportation Planning follow the Transport Association of Canada (TAC) Geometric Design Guide for Canadian Roads (often called the ‘TAC Manual’ or ‘TAC Guidelines’) in the design of roads, including the location of driveways and access ways.

Stormwater is a matter that dealt with during Planning Act matters such as a rezoning or site plan control and involves review and comment by City Engineer and the Essex Region Conservation Authority.

NO CHANGE: The current servicing requirements and roadway design framework is appropriate.

Inspection Costs

The Building Division confirms that a Transport Terminal without any buildings or structures requires a Building Permit and that several fees are payable. Table 4.X lists possible fees. Inspections are a requirement of the permit and the cost to provide them is covered by the various fees in Table 4.X.

Service Fee	Flat Fee of \$40.00
Zoning Certificate Fee	Flat Fee of \$200.00 for this type of development
Lot Grading Fee	Flat Fee of \$450.00
Storm Drainage Not Connected to a Building Fee	\$3.30 per lineal foot
Sanitary Sewer Fee (if applicable)	\$3.30 per lineal foot
Water Service Fee (if applicable)	\$3.30 per lineal foot
Indemnity Deposit (refundable)	\$50 per meter of frontage
Park Levy Fee	Based on value of land

Fees are reviewed annually, and any revisions are presented as part of the municipal budget process.

NO CHANGE: The current fee regime is appropriate.

Enforcement of Unauthorized Sites

The creation of viable transport terminals and truck parking locations in appropriate locations that are safe and secure and that have minimal adverse impact on surrounding uses should be encouraged.

Enforcement protects investments made by operators that follow the zoning provisions and protects residents and other sensitive uses from the negative impacts of transport terminals. It is not expected that enforcement will monitor compliance of approved Transportation Terminals in perpetuity.

Reactive enforcement gives unauthorized transport terminals time to comply with the regulations; otherwise, they will be shut down.

Where compliance with zoning provisions is not possible, property owners may seek a minor variance from the Committee of Adjustment or an amendment to a Zoning By-law from City Council. Both processes allow the public to comment, require public meetings, and be appealed.

NO CHANGE: The current enforcement framework is appropriate in handling any complaints or non-compliance issues.

Truck Route Network

As mentioned under Traffic By-law 9148 in Part 2 - Background, trucks with a GVWR of 4,500 kg or more are restricted to streets identified as a truck route. Trucks are permitted on any street for the purpose of delivering, receiving, loading or unloading of goods, or proceeding to or from a premise for the storing or repair of such truck, provided the truck takes the shortest route to a truck route.

Staff occasionally receive a request to remove truck route classifications from certain streets. Recently, as part of the Drouillard Road traffic-calming project, the City received requests to remove the truck route classification from Drouillard, Richmond, and St. Luke. The truck route designation on that portion of Pillette Road between Tecumseh Road and Plymouth may be reconsidered as part of the traffic-calming project for that road.

Traffic Operations has raised concerns with the lack of truck routes in some parts of the City. They find that some truck detours for construction involve a significant distance of out-of-way travel when using alternative truck routes.

Transportation Planning indicates that a Truck Route Study is high priority item. The study would review the existing truck route network and recommend revisions. Matters such as the permitted locations of Transport Terminals would play a role in that review. It is anticipated that other policies such as the Complete Street Policy will feed into the Truck Route Study.

A pre-review process for Long Combination Vehicles (LCV) routes is another matter that Transportation Planning has brought up. No formal work has been done; however, Transportation Planning indicates there may be value in pre-determining appropriate LCV routes in areas that the City can support. This would assist logistic companies in that they would only need to review where the LCV vehicles turn off a 'pre-reviewed' LCV route. The pre-review would be conducted in accordance with the parameters set by MTO. Final approval of the LCV route would remain with Council.

ACTION 9: That Transportation Planning UPDATE the Truck Route network to consider existing and planned truck-intensive uses and establish appropriate criteria to review future requests for deletions, revisions, and additions to the truck route network.

ACTION 10: That Transportation Planning DEVELOP a review process to pre-determine appropriate Long Combination Vehicle routes that are consistent with Ontario Ministry of Transportation requirements.

Other

It was noted by Transportation Planning in Part 2, that there is a discrepancy in the GVWR between the Parking By-law and the Traffic By-law in terms of prohibiting commercial vehicles from parking on roads that are not designated trucks routes. The threshold in the Traffic By-law was recently revised to 4,500 kg while the Parking By-law refers to a lower threshold. Similar thresholds appear in the Zoning By-laws.

ACTION 11: 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.

PART 5 – Conclusion

The commercial trucking industry is an important component of the local economy. Windsor's proximity to markets in the USA and Canada, proximity to manufacturing facilities in the Windsor and Metro Detroit areas, access to the rail network, access to a port on the Great Lakes St. Lawrence Seaway System, and access to an airport capable of shipping cargo anywhere around the world, make Windsor an suitable location for a logistics facility. The City of Windsor Official Plan specifically mentions the growth of the logistics sector as a key trend in the area.

The commercial trucking industry is subject to an extensive regulatory environment at the Federal, Provincial, and Municipal levels. Technological advances in logging and monitoring along with regulatory changes to promote safety, have increased demand for a new generation of transport facilities that provide a safe and secure area to store and park transport trucks and transport trailers, especially for independent owner-operators.

The planning framework identifies that connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections that cross jurisdictional boundaries. Transportation shall be integrated at all stages of the planning process, and land use patterns shall be freight supportive. Transport facilities should be planned to ensure they are appropriately designed, buffered, and/or separated from sensitive land uses to prevent or mitigate adverse effects from odour, noise, and other contaminants and minimize risk to public health and safety.

The Actions in Part 4 have been divided into two groups: Those that can be immediately implemented through an amending by-law accompanying this study and those that require further review, have budget considerations, require the approval of other documents or completion of other studies before they can be completed, or are the responsibility of another municipal department.

Actions – Immediate Implementation

The following Actions will be included for implementation via an amending by-law to the Zoning By-laws that will be expanded on in an accompanying report to City Council:

ACTION 1: That the Official Plan BE AMENDED to provide further policy direction regarding additional locational criteria for a Transport Terminal that:

- a) encourage adjacency to the truck route network, including any long combination vehicle routes;
- b) discourage direct access to major commercial corridors to minimize traffic, noise, and dust conflicts and issues;
- c) encourage access or adjacency to rail, airport, and water port facilities to maximize inter-modal opportunities, and proximity to freight-dependent uses to allow for efficient use of land and infrastructure such as roads; and
- d) prohibited 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.

ACTION 2: That the MD1.1, MD1.2, MD1.4 and MD1.5 zoning districts BE AMENDED by deleting all references to Transport Terminal as a prohibited as a main use or permitted as an accessory use and by adding Existing Transport Terminal as a permitted use. Consideration may be given to specific parcels or areas 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 in Action 1.

ACTION 4: That the MD1.3 and MD1.8 zones BE RECLASSIFIED to an appropriate MD2 zone to reflect their more transport-intensive and industrial uses.

ACTION 5: That the Transport Terminal provisions in B/L 8600 and B/L 85-18 BE AMENDED as follows:

- a) That the requirement for a berm along an exterior lot line be deleted;
- b) That for a transport storage area the setback from the front lot line shall be a minimum of the required front yard depth of the zoning district, or 6.0 m, whichever is greater.
- c) That for a transport storage area, where an exterior lot line is located with 50.0 m of a development reserve district, green district, residential district, 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, otherwise the setback from the exterior lot line is 3.0 m
- d) That for a transport storage area, where an interior lot line is located with 50.0 m of a development reserve district, green district, residential district, 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, otherwise the setback from the interior lot line is 0.90 m.

ACTION 7: That B/L 8600 and B/L 85-18 BE AMENDED by adding a minimum lot width of 43.0 m and a minimum lot area shall be 3,200.0 m² for a Transport Terminal.

ACTION 11: 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.

Actions – Further Review, Other Departments, and/or Budget Implications

The following Actions require further review, have budget considerations, require the approval of other documents or completion of other studies before they can be completed, or are the responsibility of another municipal department:

- ACTION 3:** That the City Planner REVIEW the range of uses permitted and prohibited in the MD1, MD2, and M1 zones to ensure consistency with the Provincial Policy Statement and Official Plan, rationalize and reclassify the zones to be indicative of the nature of the zone and minimize duplication.
- ACTION 6:** That the City Planner REVIEW best practices for the dimensions of a loading space and AMEND B/L 8600 and B/L 85-18 to use a single standard dimension for a loading space.
- ACTION 8:** That Site Plan Control By-law 1-2004 BE AMENDED to deem the construction or expansion of a Transport Terminal and/or Transport Storage Area as a development subject to site plan control.
- ACTION 9:** That Transportation Planning UPDATE the Truck Route network to consider existing and planned truck-intensive uses and establish appropriate criteria to review future requests for deletions, revisions, and additions to the truck route network.
- ACTION 10:** That Transportation Planning DEVELOP a review process to pre-determine appropriate Long Combination Vehicle routes that are consistent with Ontario Ministry of Transportation requirements.
- ACTION 11:** 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.

APPENDICES

APPENDIX A – Council Decision CR291/2019



OFFICE OF THE CITY CLERK
COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL
WINDSOR, ONTARIO
N9A 6S1

Fax: (519)255-6868
E-mail: clerks@citywindsor.ca
WEBSITE: www.citywindsor.ca

City Council
Decision
Monday, June 03, 2019

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: CR291/2019

That Council **AUTHORIZE** the City Planner to undertake a study and review of Zoning By-laws 85-18 and 8600 with respect to land use policies related to a Transport Terminal within the City of Windsor; and,

That Council **PASS** By-law 78-2019 being an Interim Control By-law to prohibit all Transport Terminals in any Manufacturing Districts 1. and Manufacturing Districts 2. zoning districts identified in Zoning By-law 8600 and in any Industrial Zone (M1) identified in Zoning By-law 85-18 of the City of Windsor, other than those Transport Terminals existing lawfully on the day the Interim Control By-law comes into effect, in order to allow Council to review and if deemed appropriate, implement the findings of the study; and,

That Council **MAY REVIEW**, on a case-by-case basis, any requested amendments to the Interim Control By-law where there is a determination that the creation of a new Transport Terminal would not conflict with the general purpose and intent of the Interim Control By-law; and,

That the City Clerk **BE AUTHORIZED** to provide the required notice of the passage of this by-law.
Carried.

Report Number: C 102/2019
Clerk's File: Z2019 11.4

Steve Vlachodimos

Deputy City Clerk/Senior Manager of Council Services
June 13, 2019

APPENDIX B – Interim Control Bylaw 78-2019

BY-LAW NUMBER 78-2019

A BY-LAW TO IMPOSE INTERIM CONTROL ON TRANSPORT TERMINALS
WITHIN CERTAIN ZONING DISTRICTS AND ZONES OF THE CITY OF
WINDSOR

Passed the 3rd day of June, 2019.

WHEREAS Section 38 of the Planning Act, R.S.O. 1990, Chapter p. 13, provides that the Council of a local municipality had by resolution, directed that a study be undertaken in respect of land use planning policies in the municipality or in a defined area thereof, the Council of the municipality may pass a by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of lands, buildings, or structures within the municipality or within the defined area or areas thereof, for such purposes as may be set out in the by-law;

AND WHEREAS the Council of the Corporation of the City of Windsor has by resolution directed that a study and review of Zoning By-laws 85-18 and 8600 be undertaken in respect of land use planning policies related to a Transport Terminal within the areas designated as Manufacturing Districts 1. and Manufacturing Districts 2. in Zoning By-law 8600 and Industrial Zone (M1) in Zoning By-law 85-18 of the City of Windsor;

AND WHEREAS the Council of the Corporation of the City of Windsor deems it expedient and in the public interest to prohibit the use on all lands, buildings, and structures for a Transport Terminal other than those lawfully being carried out on the day of passage of this Interim Control By-law, in order to allow the municipality to review and, if deemed appropriate, implement the findings of the said study.

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. In this By-law,

ACCESSORY USE means a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot.

BUILDING means a structure, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.

LOT means a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex (No. 12) in the Registry or Land Titles Division.

MAIN USE means the principal use or uses of a building, lot, premises or structure.

MOTOR VEHICLE means vehicle propelled, driven or pulled by other than muscular power. It does not include a power-assisted bicycle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. or a train.

PREMISES means a lot, building, structure or any combination thereof where a *use* is carried on.

STRUCTURE means anything, including any component part, that is erected, built or constructed and affixed to or supported by the ground.

TRANSPORT TERMINAL means premises used to dispatch, park, repair, service, or store freight-carrying trucks and trailers including a transport truck and a transport trailer, and may include as an accessory use, the loading or unloading of goods or freight to or from, or transferring of goods or freight between, said trucks and trailers. A truck transportation facility or truck terminal is a transport terminal. A loading compound, motor vehicle dealership, outdoor storage yard, parking area, or towing facility is not a transport terminal.

TRANSPORT TRAILER means a trailer or a semi-trailer as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. A tractor trailer or truck trailer is a transport trailer. A cabin trailer, camping trailer, house trailer, mobile home, recreational vehicle, tent trailer or travel trailer is not a transport trailer.

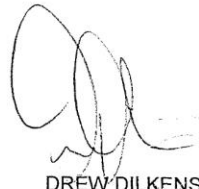
TRANSPORT TRUCK means a motor vehicle used to pull a transport trailer and includes the tractor unit of a tractor-trailer combination or a semi-trailer truck or semi-tractor unit of semi-trailer combination. A truck tractor is a transport truck.

TRANSPORT STORAGE AREA means that portion of a transport terminal located outdoors used to load, manoeuvre, park, repair, service, store, or unload a transport truck or transport trailer. A loading compound, loading space, motor vehicle dealership, outdoor storage yard, parking area, or towing facility is not a transport storage area.

USE

1. when used as a noun means the purpose for which a building, lot, premises or structure is designed, maintained or occupied.
 2. when used as a verb means anything done by any person or permitted, either directly or indirectly by any person, for the purpose of making use of a building, lot, premises or structure.
2. Notwithstanding the permitted uses, prohibited uses, and provisions of Zoning By-law 8600 as amended, within any Manufacturing Districts 1. (MD1.) or any Manufacturing Districts 2. (MD2.) no land, building, or structure shall be used for a Transport Terminal except,
 - (1) The continued use of land, or building, or structure lawfully existing on the day of passage of this By-law provided such use is permitted on that land, or in that building or structure, by By-law 8600; and
 - (2) The repair of a building or structure lawfully existing on the day of passing of this By-law in order to comply with an order issued pursuant to the Property Standards By-law No. 147-2011.
 3. Notwithstanding the permitted uses, permitted buildings and other structures, regulations, special regulations, and provisions of Zoning By-law 85-18 as amended, within any Industrial Zone (M1) including Defined Area M1-11 and Defined Area M1-15, no land, building, or structure shall be used for a Transport Terminal except,
 - (1) The continued use of land, or building, or structure lawfully existing on the day of passage of this By-law provided such use is permitted on that land, or in that building or structure, by By-law 85-18; and

- (2) The repair of a building or structure lawfully existing on the day of passing of this By-law in order to comply with an order issued pursuant to the Property Standards By-law No. 147-2011.
4. That were any conflict exists between the provisions of this By-law and any other By-law of the Corporation of the City of Windsor, this By-law shall prevail.
5. This by-law shall come into force and take effect on the day of the final passing thereof.



DREW DILKENS, MAYOR



CITY CLERK

First Reading - June 3, 2019
Second Reading - June 3, 2019
Third Reading - June 3, 2019

APPENDIX C – Zoning By-law 8600 Excerpts

SECTION 3 – DEFINITIONS

3.1 GENERAL PROVISIONS

- 3.1.1 For any word, phrase or term not defined in this by-law, the ordinary meaning shall apply.
- 3.1.10 Terms used in the singular may also mean the plural and vice versa, except "one" or "1" always means the singular.
- 3.1.20 Any reference to a *building, lot, premises, or structure* includes the whole, or part of the, *building, lot, premises, or structure*.
- 3.1.25 Any reference in this by-law to all or any part of any act, by-law, regulation, or statute shall, unless otherwise specifically stated, be a reference to that act, by-law, regulation, or statute or the relevant part thereof, as amended, substituted, replaced, or re-enacted from time to time.

3.10 DEFINITIONS

BUILDING means a *structure*, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.

ACCESSORY BUILDING means a completely detached *building* used for an *accessory use* of the *lot*, for one *dwelling unit* where permitted by Section 5.99.80, or for any combination thereof.

MAIN BUILDING means a *building* used for the *main use* of the *lot* and may also include in combination therewith an *accessory use* subject to any applicable provisions for an *accessory use*.

BUSINESS OFFICE means an *office* of any one or more of the following: commercial business; financial services including a bank, credit union, payday lender, savings and loan office and trust company; government; industrial business; non-profit or charitable organization; professional person. A financial office is a *business office*. A *medical office* or *veterinary office* is not a *business office*.

EQUIPMENT RENTAL SHOP means *premises* used for the lease, rental, or sale of construction, commercial, industrial and residential equipment, machinery or tools to the general public and includes, in combination with, the maintenance, repair and service of said equipment, machinery or tools. It does not include the sale, lease, or rental of an *automobile*. A machinery, tool or equipment rental agency is an *equipment rental shop*. An *automobile sales lot, motor vehicle dealership or repair shop - heavy* is not an *equipment rental shop*.

EXISTING means a *building, lot, premises, structure, or use* lawfully existing on July 22, 2002, unless otherwise provided by this by-law.

FLOOR AREA means the area of a floor in a *building*.

GROSS FLOOR AREA means the total combined floor area in square metres of all *buildings* on a *lot*, excluding the *cellar* of any *building*, measured from the outside face of the exterior walls of each *building*.

GROUND means the average elevation of the ground within 3.0 m of the *main building* on the *lot*.

HIGHWAY means all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which statute labour has been usually performed, all roads dedicated by the owner of the lands to public use, and all alterations and deviations of and all bridges over such allowances

ALLEY means a *highway* having a *maximum* right-of-way width of less than 7.0 m.

STREET means a *highway* having a *minimum* right-of-way width of 7.0 m.

LANDSCAPED OPEN SPACE means an area open to the sky and maintained with one or more of the following ground covers: bark; flowers; grass; mulch; ornamental stone, block or brick, excluding construction grade aggregate; shrubs; trees; water feature; wood chips; and may include outdoor recreational facilities accessory to a *dwelling or dwelling unit*.

- LOADING SPACE** means an area used for the temporary parking of a *motor vehicle* while goods are loaded thereon or unloaded therefrom.
- LOT** means a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex (No. 12) in the Registry or Land Titles Division.
- CORNER LOT** means a *lot* situated at the intersection of and abutting upon two or more *streets*, provided that the angle of intersection of at least two of the intersecting *streets* is not more than 135.0 degrees.
- INTERIOR LOT** means a *lot* other than a *corner lot*.
- THROUGH LOT** means an *interior lot* or a *corner lot* having both a *front lot line* and an exterior *rear lot line*.
- LOT AREA** means the total land area in square metres, as measured along a horizontal plane, within the *lot lines* of a *lot*, excluding any part of a *lot* permanently covered by water.
- LOT DEPTH** means the average horizontal distance in metres between the *front lot line* and the *rear lot line*. Where a *lot* has an irregular shape, *lot depth* is calculated by dividing the *lot area* by the *lot frontage*.
- LOT FRONTAGE** means the distance in metres measured on a horizontal plane between the *side lot lines*, such distance being measured at a right angle to the line joining the middle of the *front lot line* with either the middle of the *rear lot line* or the apex of the triangle formed by the *side lot lines*, and at a point thereon 6.0 m distance from the *front lot line*.
- LOT LINE** means the boundary of a *lot*.
- EXTERIOR LOT LINE** means a *lot line* which parallels and abuts a *street*.
- FRONT LOT LINE** means the shortest *exterior lot line*. On a *corner lot*, where the *front lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *front lot line* shall be determined to extend to the mid-point on the curve where the *front lot line* and *side lot line* meet.
- INTERIOR LOT LINE** means a *lot line* which does not parallel and abut a *street*.
- REAR LOT LINE** means the *exterior lot line* or *interior lot line* which is farthest from the *front lot line*. On a *corner lot*, where the *rear lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *rear lot line* shall be determined to extend to the mid-point on the curve where the *rear lot line* and *side lot line* meet.
- SIDE LOT LINE** means any *exterior lot line* or *interior lot line* other than a *front lot line* or a *rear lot line*.
- LOT WIDTH** means the perpendicular distance in metres between the *side lot lines*. Where the *side lot lines* are not parallel, the *lot width* shall be the average distance in metres between the *side lot lines*.
- MOTOR VEHICLE** means vehicle propelled, driven, or pulled by other than muscular power. It does not include a power-assisted bicycle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. or a train.
- AUTOMOBILE** means a *motor vehicle* having a maximum gross weight of 3,000.0 kg. It does not include a bus, combination truck or vehicle of the tractor trailer or semi-trailer type, construction equipment, or farm tractor, or any other motorized farm implement.
- TRANSPORT TRAILER** means a trailer or a semi-trailer as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. A tractor trailer or truck trailer is a *transport trailer*. A cabin trailer, camping trailer, house trailer, mobile home, recreational vehicle, tent trailer or travel trailer is not a *transport trailer*.
- TRANSPORT TRUCK** means a *motor vehicle* used to pull a *transport trailer* and includes the tractor unit of a tractor-trailer combination or a semi-trailer truck or semi-tractor unit of semi-trailer combination. A truck tractor is a *transport truck*.
- OFFICE** means a *building* where any one or more of the following services are provided: business is transacted; administrative, clerical, or professional services are performed.
- PARKING AREA** means an area used for *parking spaces*, bicycle parking spaces and *loading spaces* and includes all *collector aisles* and *parking aisles*. A *loading compound*, *outdoor storage yard*, or *transport storage area* is not a *parking area*.

PARKING SPACE means an area used for the parking of an operable *motor vehicle*. It includes a visitor parking space and an accessible parking space. A bicycle parking space, a *loading space* or a *stacking space* is not a *parking space*.

PREMISES means a *lot, building, structure*, or any combination thereof where a *use* is carried on.

REPAIR SHOP - HEAVY means a *building* used for any maintenance, repair, or servicing activity, including an *automobile collision shop, automobile detailing service, or automobile repair garage*, and, as an *accessory use*, the fabrication of parts necessary for the maintenance, repair, or servicing activity offered. All activities must be conducted entirely within an enclosed *building*. A heavy repair shop is a *repair shop - heavy*.

SCREENING FENCE means a fence designed and used to visually separate different property uses and to block off views and which is continuous or effectively continuous throughout its entire length in accordance with the provisions of the Fence By-law.

SELF-STORAGE FACILITY means a *building* divided into individual self-contained storage units, which are available to the general public exclusively for the storage of their goods and chattels. A *warehouse* is not a *self-storage facility*.

STRUCTURE means anything, including any component part, that is erected, built, or constructed and affixed to or supported by the ground.

TOWING FACILITY means a *premises* used to provide services related to the towing, hauling or recovery of a motor vehicle, trailer, or goods contained within said motor vehicle or a trailer and an *outdoor storage yard* for the storage of a motor vehicle, trailer or goods contained within said motor vehicle or trailer towed or hauled to the premises. A *contractor's office, loading compound, material transfer centre, salvage operation, transport storage area, or transport terminal* is not a *towing facility*.

TOWING SERVICE means *premises* used to provide services related to the towing, hauling or recovery of a motor vehicle, trailer, or goods contained within said motor vehicle or a trailer. The outdoor storage of a motor vehicle, trailer or goods contained within said motor vehicle or trailer towed or hauled to the premises is prohibited.

USE

1. When used as a noun means the purpose for which a *building, lot, premises, or structure* is designed, maintained, or occupied.
2. When used as a verb means anything done by any person or permitted, either directly or indirectly by any person, for the purpose of making use of a *building, lot, premises, or structure*.

ACCESSORY USE means a *use* which is customarily incidental, subordinate and exclusively devoted to the *main use* and is carried on with such *main use* on the same *lot*.

ANCILLARY USE means a *use*, other than an *accessory use*, which complements or otherwise provides a service to the *main use* of the *zoning district* in which it is located.

MAIN USE means the principal *use* or *uses* of a *building, lot, premises, or structure*.

INDUSTRIAL USE means, unless specifically prohibited, one or any combination of the following:

1. One or more *main use* identified as an industrial activity in Section 3.10
2. One or more of the following *main uses*:

<i>Automobile Collision Shop</i>	<i>Automobile Detailing Service</i>
<i>Automobile Repair Garage</i>	<i>Bakery</i>
<i>Confectionary</i>	<i>Contractor's Office</i>
<i>Medical Appliance Facility</i>	<i>Repair Shop – Heavy</i>
<i>Research and Development Facility</i>	<i>Warehouse</i>
<i>Welding Shop</i>	<i>Wholesale Store</i>
3. One or more of the following activities as a *main use*:

Assembling	Constructing	Manufacturing
Packaging	Processing	Producing
Shipping		

LOADING COMPOUND is an industrial activity and means a *lot* used for the marshalling, sorting, loading and unloading of automobiles, trucks, and other vehicles for shipment to other destinations, within a defined or enclosed area, and which may contain fixed ramps or other such devices for the purpose of loading or unloading automobiles, trucks and other vehicles. An *outdoor storage yard, parking area, or transport storage area* is not a *loading compound*.

TRANSPORT TERMINAL is an industrial activity and means *premises* used to dispatch, park, repair, service, or store freight-carrying trucks and trailers including a *transport truck* and a *transport trailer*, and may include as an *accessory use*, the loading or unloading of goods or freight to or from, or transferring of goods or freight between, said trucks and trailers. A truck transportation facility or truck terminal is a *transport terminal*. A *loading compound, motor vehicle dealership, outdoor storage yard, parking area, or towing facility* is not a *transport terminal*.

TRANSPORT STORAGE AREA means that portion of a *transport terminal* located outdoors used to load, manoeuvre, park, repair, service, store, or unload a *transport truck* or *transport trailer*. A *loading compound, loading space, motor vehicle dealership, outdoor storage yard, parking area, or towing facility* is not a *transport storage area*.

WAREHOUSE means a *building* used for the storage of parts, materials, equipment or other goods and products and may include their loading, unloading, packaging, repacking, or unpacking. A *self-storage facility* or *transport terminal* is not a *warehouse*.

YARD means an open space, which is located on the same *lot* as a *building* or other *structure* and is unoccupied and unobstructed from ground to sky except for any encroachments not prohibited by this by-law.

EXTERIOR SIDE YARD means the *side yard* of a *corner lot* between an exterior *side lot line* and the nearest wall of a *main building* on such *lot*.

FRONT YARD means a *yard* extending across the full width of a *lot* between the *front lot line* and the nearest wall of a *main building* on such *lot*.

LANDSCAPED OPEN SPACE YARD means a *yard* used for *landscaped open space*, patios, terraces, decks, and pedestrian walkways.

OUTDOOR STORAGE YARD means a *yard* which has a *minimum* area of 10.0 m² and is used for storage. A *loading compound, parking area, transport storage area, or transport terminal* is not an *outdoor storage yard*.

REAR YARD means a *yard* extending across the full width of a *lot* between the *rear lot line* or the intersection of the *side lot lines*, and the nearest wall of a *main building* on such *lot*.

REQUIRED YARD means for the purpose of Section 5.35 any of *required front yard, required rear yard, required side yard, or required landscaped open space yard*.

SIDE YARD means a *yard* extending from the *front yard* to the *rear yard* between the *side lot line* and the nearest wall of the *main building* on such *lot*.

SECTION 5 – GENERAL PROVISIONS

5.1 APPLICATION

5.1.1 The provisions in this Section apply to all lands, buildings, and structures subject to this by-law, unless otherwise stated in this by-law.

5.67 REQUIRED YARD IN MANUFACTURING DISTRICTS

5.67.1 In any MD1. or MD2. *zoning district*, a *required yard* shall be maintained exclusively as a *landscaped open space yard*, save and except that an *access area* may cross a *required yard*.

5.67.3 Within a *required yard*, a refuse container, a loading space, an *outdoor storage yard*, or the display, loading, parking, repairing, servicing, storing or unloading of a commodity, equipment, material, *motor vehicle, transport truck, or transport trailer* is prohibited.

5.99 ADDITIONAL USE PROVISIONS

5.99.60 OUTDOOR STORAGE YARD

- .1 An *outdoor storage yard* is prohibited in any *development reserve district*, *residential district*, or *institutional district*, or on any other *lot* on which a *dwelling* or *dwelling unit*, not including a *caretaker's residence*, is located.
- .2 Unless specifically prohibited, an *outdoor storage yard* is permitted as an *accessory use* in a *green district*, *commercial district*, or *manufacturing district*.
- .3 For an *outdoor storage yard* devoted exclusively to a *temporary outdoor vendor's site* having an area of 10.0 m² or less, no separation is required from an *exterior lot line*.
- .4 For an *outdoor storage yard* devoted exclusively to a *temporary outdoor vendor's site* having an area of more than 10.0 square metres or an *outdoor market*, the *outdoor storage yard* shall be a minimum of 3.0 m from an *exterior lot line*.
- .5 For any other *outdoor storage yard*, the *outdoor storage yard* shall be a minimum of 3.0 m from an *exterior lot line* and the area between the *outdoor storage yard* and the *exterior lot line* shall be maintained as a *landscaped open space yard*.
- .7 For that part of an *outdoor storage yard* located less than 100.0 m from a *street* or a *residential district*, a *screening fence* having a minimum height of 1.80 m shall be provided except for that part of an *outdoor storage yard* which is used exclusively:
 - .1 for the display of operable *motor vehicles*, or that is accessory to an *automobile sales lot* or *motor vehicle dealership*; or
 - .2 for the display of goods as an *accessory use* to a *retail store* or *wholesale store*, a *garden centre*, an *outdoor market*, or a *temporary outdoor vendor's site*, where such *outdoor storage yard* is permitted by this by-law.
- .8 The projection of equipment, materials, or other goods, not including construction equipment, operable vehicles, or trailers, above the height of the *screening fence* is prohibited except if the *outdoor storage yard* is located in a Manufacturing Districts 2. (MD2.) zoning district.

5.99.97 TRANSPORT TERMINAL

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

- .1 A *transport storage area* shall be:
 - a) Setback from an *exterior lot line* a minimum of 11.30 m, said setback shall consist of a berm with a minimum width of 11.30 m and a minimum height of 1.80 m, and shall be maintained exclusively as a *landscaped open space yard*;
 - b) Setback from an *interior lot line* a minimum of 0.90 m, and the setback shall be maintained exclusively 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; and
 - 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.

- .3 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.
- .5 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.
- .10 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*.
- .15 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*.
- .20 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.
- .25 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.
- .30 Any lighting used to illuminate the *transport terminal* shall be full cut-off lighting.

APPENDIX D – Zoning By-law 85-18 Excerpts

SECTION 3 – DEFINITIONS

- 3.1 ACCESSORY, when used to describe a use, building or structure, shall mean a use, a building or a structure that is normally incidental, subordinate and exclusively devoted to a main use, building or structure and that is located on the same lot therewith, and includes a private garage which is not attached to the main building in any way.
- 3.16 BERM, shall mean an earthen work or mound of earth of a specified height and width, and exhibiting sloping, landscaped sides, which is intended to act as a barrier or buffer strip. The height of a berm shall be the vertical distance in metres between the base and the highest point of the berm. The slope of the slides of the berm shall be stable and not prone to shifting and will be dependent upon the required height of the berm and shall in no case be greater than 45 degrees (2:1) to the horizontal.
- 3.18 BUFFER STRIP, shall mean an area used for no other purpose than for the erection of a solid fence, earth berm or the planting and maintaining of a continuous row of natural evergreen trees or a continuous unpierced hedgerow of natural shrubs, not less than two (2.0) metres (6.56') height, which will provide a year round visual barrier, and the remainder of which is used for landscaping and the planting of ornamental shrubs, flowering shrubs, flowerbeds, or a combination thereof. Any fence shall be decorative in nature and be designed and constructed to resist wind damage (e.g. alternating slats).
- 3.19 BUILDING, shall include any structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a fence, trailer, camping trailer, truck camper, motor home, or tent.
- 3.20 BUILDING, MAIN or MAIN STRUCTURE, shall mean the building or structure designed for or in which is conducted the principal use of the lot on which it is situated. For clarity a dwelling accessory to an agricultural use is not a “main building” for the purpose of this By-law.
- 3.27 COMMERCIAL USE, shall mean the use of land or buildings for the purposes of offices, or the retail buying or selling of commodities, or both, and the supply of services.
- 3.48 FLOOR AREA, shall mean the sum of the areas of all of the floors of a building or structure measured from the outside of all outside walls or from the centerline of common or party walls, exclusive of any attached accessory building, terrace, veranda, unfinished attic, basement, cellar, open or enclosed porch or sunroom, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons, and excluding any floor area with a ceiling height of less than two (2.0) metres (6.5').
- 3.59 HIGHWAY, shall have the meaning attributed to it in the definition of Street.
- 3.63 INDUSTRIAL USE, shall mean the use of any land, building or structure for the purpose of manufacturing, processing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing, packaging or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. Transportation terminals would also be considered an “Industrial Use”.
- 3.63a INDUSTRIAL USE, LIGHT, shall mean an industrial use which is carried out within enclosed buildings, save and except for the following prohibited uses:
- (a) Slaughtering, the processing of poultry or fish, fat rendering or vegetable oil mill, feeding pen, stockyard, feed manufacture, flour mill, bone distillation;
 - (b) Leather tannery;
 - (c) Sawmills veneer and plywood mills, pulp and paper mill, wood distillation;
 - (d) Iron and steel mill, blast furnace, smelting and refining of metals and ores, boiler and plate works, manufacture of railroad rolling stock;
 - (e) Mineral extraction, pits and quarries and manufacture of cement, lime, gypsum products, concrete or concrete products, clay and clay products, plaster of paris, brick refractory, mineral wool manufacturing, concrete or asphalt batching plant, asbestos products manufacturing, abrasives manufacturers;
 - (f) The manufacturing of explosives and ammunition, acid, alkalies, asphalt, fertilizer, plastics, resins, soap and cleaning compounds, petroleum refineries, coke oven, coal and tar distillation;
 - (g) A bulk fuel depot;
 - (h) An automobile repair garage, an automobile body repair shop;

- (i) Waste processing, disposal and storage – including recycling centers, packing and bailing sites, transfer stations, and disposal facilities;

3.63b INDUSTRIAL USE, SPECIAL LIGHT, shall mean a non-effluent producing industrial use as set out in clause (o) of subsection 14.1.1 which is carried out within enclosed buildings, save and except for the following prohibited uses:

- (a) slaughtering, the processing of poultry or fish, fat rendering or vegetable oil mill, feeding pen, stockyard, feed manufacture, flour mill, bone distillation;
- (b) leather tannery;
- (c) sawmills, veneer and plywood mills, pulp and paper mills, wood distillation;
- (d) iron and steel mill, blast furnace, smelting and refining of metals and ores, boiler and plate works, manufacture of railroad rolling stock;
- (e) mineral extraction, pits and quarries, the manufacture of cement, lime, gypsum products, concrete or concrete products, clay and clay products, plaster of Paris, brick refractory, mineral wool manufacturing, concrete or asphalt batching plant, asbestos products manufacturing abrasives manufacturers;
- (f) the manufacturing of explosives and ammunition, acid, alkalies, asphalt, fertilizer, plastics, resins, soap and cleaning, compounds, petroleum refineries, coke oven, coal and tar distillation;
- (g) a bulk fuel depot;
- (h) an automobile repair garage, an automobile body repair shop;
- (i) waste processing, disposal and storage – including recycling centers, packing and bailing sites, transfer stations, and liquid and hazardous waste processing and disposal facilities;
- (j) a press or stamping plant.

3.64 INDUSTRIAL USE, NON-EFFLUENT PRODUCING, shall mean an industrial use which:

- a) does not include or require the direct consumption of water, except by auxiliary facilities such as washrooms;
- b) does not discharge any waste water, except for auxiliary facilities such as washrooms. The indirect cooling of and/or the pressure testing of equipment with water is permitted so long as the water is re-circulated and little or no waste water is discharged; and
- c) is characterized by minimal generation of noise and air pollution.

3.68 LANDSCAPING, shall mean any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property.

3.70 LOADING SPACE, shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial, industrial or institutional vehicle while loading or unloading persons, animals, goods, merchandise or materials used in connection with the main use of the lot or any building thereon, and which has unobstructed access to a street or lane.

3.72 LOT, shall mean a parcel or tract of land which,

- a) is the whole of a lot on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to Section 49 of The Planning Act, S.O. 1983, not to be a registered plan of subdivision, or
- b) is all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land.

3.73 LOT OF RECORD, shall mean a lot legally capable of being conveyed from one person to another person as of the date of the passing of this By-law.

3.74 LOT, AREA, shall mean the total horizontal area within the lot lines of a lot.

3.75 LOT, CORNER, shall mean a lot situated at the intersection of, or abutting upon, two or more streets, provided that the angle of intersection of such streets is not more than 135 degrees and each of which is at least 15 metres (49.2') wide; where such adjacent sides are curved, the angle of intersection of the adjacent sides shall be deemed to be the angle formed by the intersection of the tangents to the street lines, drawn through the extremities of the front and exterior side lot lines.

3.76 LOT FRONTAGE, shall mean the horizontal distance between the side lot lines of a lot measured at right angles, but where such lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the midpoints of the front and rear lot lines at a point seven and one-half (7.5) metres (24.50') back from the front lot line, and where such lot lines meet, the lot frontage shall be measured perpendicularly to the line joining the midpoint of the front lot line with the apex of the triangle formed by the side lot lines at a point seven and one-half (7.5) metres (24.60') back from the front lot line, and where such lot lines are curved, the lot frontage shall be measured along the line between the interior side lot line and the intersection of the tangents to the street lines, drawn through the extremities of the front lot line and exterior side lot line.

3.77 LOT, INTERIOR, shall mean a lot other than a corner lot which is situated between adjacent lots and has access to one street.

3.78 LOT LINES, shall mean the boundary lines of a lot defined as follows:

a) Front Lot Line, shall mean:

- in the case of an interior lot the lot line dividing the lot from the street;
- in the case of a corner lot the shorter lot line abutting the street unless each lot line is of equal length in which case the front lot line shall be the lot line where the principal access to the lot is provided;
- in the case of a through lot the front lot line shall be the lot line where the principal access to the lot is provided.

b) Rear Lot Line, shall mean the lot line farthest from and opposite to the front lot line;

c) Side Lot Line, shall mean a lot line other than a front or rear lot line;

d) Side Lot Line, Exterior, shall mean the side lot line which abuts the street on a corner lot;

e) Side Lot Line, Interior, shall mean the lot line which does not abut the street on a corner lot.

3.79 LOT, THROUGH, shall mean a lot bounded on two opposite sides by streets each of which is at least 15 metres (49.20') wide. Provided, however, that if any lot qualifies as being both a corner lot and a through lot as hereinabove defined, such lot shall be conclusively deemed to be a corner lot.

3.83 MOTOR VEHICLE, shall mean a wheeled self-propelling vehicle for the transportation of passengers and goods and without limiting the generality of the foregoing includes automobiles, trucks, buses, ambulances, hearses, motor homes and tractors.

3.86 NON-CONFORMING, shall mean a use which is existing, but which is not a permitted use in the zone in which the said use is situated.

3.87 NON-RESIDENTIAL, when used with reference to a building, structure or use, shall mean designed, intended or used for purposes other than those of a dwelling.

3.89 OFFICE, GENERAL OR BUSINESS, shall mean any building or part of a building or any room or suite of rooms designed, intended or used for the conduct of a profession, occupation or business, but shall not include the office of a veterinarian, the retailing of merchandise, the manufacturing, assembly, repairing or storage of goods, or any place of assembly or amusement.

3.91 OPEN SPACE, LANDSCAPED, shall mean unobstructed space on the site which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area, but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, or motor vehicle parking area.

3.92 OUTSIDE STORAGE, shall mean the storage of goods in the open air and in unenclosed portions of buildings which are open to the air on the sides.

3.96 PARKING LOT, and AREA, shall mean an area for the parking of vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a public street.

3.97 PARKING SPACE, shall mean an area of 3 metres (9.84') by 6 metres (19.68'), exclusive of aisles or driveways, enclosed in a building, or unenclosed, and set aside for the purpose of parking a vehicle and shall not include any part of a public street.

3.109 RIGHT-OF-WAY, or EASEMENT, shall mean any right, liberty or privilege in, over, along or under land, which the owner of one lot may have with respect to any other lot or which the Municipality, any other governmental authority or agency, private company or individual may have with respect to any land in the township of Sandwich South.

3.110 ROAD, shall have the meaning attributed to it in the definition of Street.

3.117 SETBACK, shall mean the horizontal distance between the centerline of the road and the nearest part of any main wall of any building or structure, measured at right angles to such centerline, and extending the full width of the lot.

3.121 STREET or HIGHWAY or PUBLIC ROAD, shall mean a common and public street, road, alley, lane, highway or commons vested in the Municipality, the County, the Province of Ontario or any other public authority having jurisdiction over the same and includes a bridge or any other structure forming part of a street on, over or across which a street passes, but does not include a private road.

3.122 STREET LINE, shall mean the limit of a street allowance and is the boundary or dividing line between a street and a lot.

3.123 STRUCTURE, shall mean anything that is erected, built or constructed of parts joined together and which is fixed to or supported by or incorporated within the soil, any other structure or both, but not including a parking area, permitted outside storage of goods and materials, a terrace or patio, or a sign. A fence, a deck attached to a dwelling and a private outdoor swimming pool including any associated deck, will be considered as structures.

3.131a TRANSPORT TERMINAL means premises used to dispatch, park, repair, service, or store freight-carrying trucks including a semi-trailer, tractor trailer, transport trailer, transport truck, truck tractor, or truck trailer, and may include as an accessory use, the loading or unloading of goods or freight to or from, or transferring of goods or freight between, said trucks and trailers. A truck transportation facility, truck terminal or truck or transportation terminals is a transport terminal. A motor vehicle dealership, outdoor storage yard or parking area is not a transport terminal.

TRANSPORT STORAGE AREA means that portion of a transport terminal located outdoors and being used to load, manoeuvre, park, repair, service, store, or unload a transport truck or transport trailer. It does not include any landscaped open space.

TRANSPORT TRAILER means a trailer or a semi-trailer as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. A tractor trailer or truck trailer is a transport trailer. A cabin trailer, camping trailer, house trailer, mobile home, motor home, trailer or recreational vehicle, tent trailer, travel trailer, or truck camper is not a transport trailer.

TRANSPORT TRUCK means a motor vehicle used to pull a transport trailer and includes the tractor unit of a tractor-trailer combination or a semi-trailer truck or semi-tractor unit of semi-trailer combination. A truck tractor is a transport truck.

3.132 USE, (when used as a noun), shall mean the purpose for which any land, building or structure is designed, arranged or intended to be occupied or used, or for which it is occupied, used or maintained.

3.133 VEHICLE, includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power, including a muscular power, but does not include a wheelchair.

3.134 VEHICLE, COMMERCIAL, shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, police patrol vehicle, motor bus and tractor used for hauling purposes on the highway.

3.135 WAREHOUSING AND SUPPLY AND STORAGE USE, shall mean a building or structure used for the storage of any goods, wares, merchandise, substance, article or thing, and shall include whatever treatment or packaging that may be necessary for storage.

3.137 WHOLESALE AND WHOLESALING BUSINESS, shall mean a lot, building or structure used for the resale of goods to persons in large quantities.

3.138 YARD, shall mean an open space on the same lot with a main building or structure, unoccupied, uncovered, and unobstructed from the ground upward except by such accessory buildings, structures or uses as are specifically permitted elsewhere in this By-law. In determining yard measurements, the minimum horizontal distance between the main building or structure and the respective lot lines measured perpendicular from the lot line shall be used:

- a) Front Yard shall mean a yard extending across the full width of a lot between the front lot line and the nearest wall of the main building or structure on the lot;
- b) Rear Yard shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall of the main building or structure on the lot;

- c) Side Yard shall mean a yard between the side wall of the main building or structure on the lot and the side lot line and extending from the front yard (or front lot line if not front yard is required) to the rear yard (or rear lot line if no rear yard is required).

3.139 ZONE, shall mean an area delineated on a Zoning Map Schedule and established and designated by this By-law for a specific use or group of uses.

SECTION 5 – GENERAL PROVISIONS

5.49 TRANSPORT TERMINAL

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

- .1 A transport storage area shall be:
 - a) Setback from a front lot line or an exterior side lot line, a minimum of 11.30 m, said setback shall consist of a berm with a minimum width of 11.30 m and a minimum height of 1.80 m, and shall be maintained exclusively as a landscaped open space yard;
 - b) Setback from a rear lot line or an interior side lot line, a minimum of the required rear yard depth or the required side yard depth of the zone in which the lot is located in, the width of a required buffer strip, or 0.9 m, whichever is greater, and the setback shall be maintained exclusively 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.
- .3 The parking, repairing, servicing, storing of a motor vehicle, truck or transport trailer within a required yard, required buffer strip, or a landscaped open space is prohibited.
- .5 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.
- .10 Vehicular access shall be from/to a street by way of a driveway. The provisions of Section 5.37 shall apply to such driveway and the requirement for an industrial use shall apply.
- .15 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.
- .20 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.
- .25 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.
- .30 Any lighting used to illuminate the transport terminal shall be full cut-off lighting.
- .50 Notwithstanding 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 m² of gross floor area, whichever is greater.