

Subject: Transport Terminal Land Use Study - City Wide - Tabling

Reference:

Date to Council: 11/16/2020
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Planning & Building Services
Report Date: 10/20/2020
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To: Mayor and Members of City Council

Recommendation:

That the Transport Terminal Land Use Study, attached as Appendix A, **BE TABLED** for consideration at the December 14, 2020 meeting of the Development & Heritage Standing Committee with no discussion at this time.

Executive Summary:

N/A

Background:

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

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

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

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

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

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

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

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

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

Discussion:

The Transport Terminal Land Use Study (“Study”), attached as Appendix A to this report, fulfils the request of Council in CR291/2019. A staff report (Z-031/20 [ZNG/6194] OPA 139 [OPA/6195]) that will recommend the implementation of certain Actions in the Study via amendments to the City of Windsor Official Plan and Zoning By-laws 8600 and 85-18 will be provided for the December DHSC meeting.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

N/A

Consultations:

Part 1 - Introduction in the Study lists all departments and individuals who were consulted on the Study.

Conclusion:

The Transport Terminal Land Use Study is being tabled until the December 2020 meeting of the Development & Heritage Standing Committee (DHSC) to give DHSC members and the public time to review the Study. Full consideration will occur at the December DHSC meeting, which will be the Public Meeting as required under the Planning Act. The Study, staff report, and the recommendation of DHSC will be considered for final decision by City Council in 2021.

Planning Act Matters:

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

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

*Thom Hunt, MCIP, RPP
City Planner*

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

SAH OC

Approvals:

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

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix A - Transport Terminal Land Use Study