

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Report Number: DS-20-43

Date of Report: February 19, 2020

Date of Meeting: February 24, 2020

Subject: Proposed Land Use Study and Interim Control By-law
Concerning General Industrial Zones in the Northwood
Business Park

File: B-8710-0017

1.0 Purpose

The purpose of this report is to recommend:

- a) That staff be directed to undertake a land use study to review the appropriateness of the current GI (General Industrial) zoning within portions of the Northwood Business Park ("Northwood"); and,
- b) That City Council pass an Interim Control By-law ("By-law") under the *Planning Act*, R.S.O. 1990, c. P.13 ("Planning Act") to prohibit development in GI (General Industrial) Zones within Northwood while the By-law is in effect for a period of one (1) year.

The land use study and By-law would affect the northern portion of 918 Taunton Road West and a portion of 1455, 1515 and 1517 Thornton Road North.

Attachment 1 is a map showing the location and geographic limits of Northwood and the existing zoning in the area.

Attachment 2 is an air photo showing Northwood.

Attachment 3 is the proposed By-law.

Attachment 4 is a copy of a preliminary site plan for an anaerobic digestion facility proposed on the property known municipally as 1455, 1515 and 1517 Thornton Road North.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That, pursuant to Report DS-20-43 dated February 19, 2020, staff be directed to undertake a land use study to review the appropriateness of the current GI (General Industrial) zoning within portions of the Northwood Business Park.
2. That, pursuant to Report DS-20-43 dated February 19, 2020, an appropriate Interim Control By-law be passed pursuant to Section 38 of the *Planning Act*, R.S.O. 1990, c. P.13 to prohibit development in the current GI (General Industrial) zoning within portions of the Northwood Business Park for a period of one (1) year, in a form and content generally reflecting the By-law comprising Attachment 3 to said Report.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this report:

- City Solicitor

5.0 Analysis

5.1 Background

Northwood consists of 225.36 hectares (556.86 ac.) of land designated for industrial and commercial purposes (excluding both environmentally sensitive lands and the residential subdivision centered around Bickle Drive and Roselawn and Winifred Avenues). Northwood is generally bounded by Taunton Road West, the Oshawa-Whitby boundary, Highway 407 East and the Oshawa Creek (see Attachments 1 and 2).

Northwood is a future employment area that is strategically located in proximity to the Oshawa Executive Airport, Highway 407 East and the main campuses of Ontario Tech University ("Ontario Tech") and Durham College.

Northwood also contains a number of natural heritage features including woodlots, wetlands and the headwaters of the Goodman Creek.

It is appropriate to consider whether the GI (General Industrial) zoning in Northwood is appropriate given such matters as the existing and planned surrounding land use context and City Council's vision to develop and brand Northwood as a Business Park rather than an Industrial Park.

5.2 Oshawa Official Plan

Northwood is largely designated Industrial and Open Space and Recreation as well as Special Purpose Commercial in the Oshawa Official Plan (O.O.P.) and is located within the Major Urban Area.

Specific policies in the O.O.P relating to permitted uses in GI (General Industrial) zoned areas such as those in Northwood include the following:

- **Policy 2.4.1.2:**

“Industrial areas, as designated on Schedule “A”, are intended for uses whose nature and/or business needs may require access to highway, rail and/or shipping facilities, separation from sensitive land uses, or which benefit from locating in proximity to similar uses. A classification of industrial areas is provided in Table 3. The provisions of Table 3 shall serve as a general guideline in the development of industrial areas and in the preparation of zoning by-laws.

Areas designated as Industrial shall generally be used for manufacturing, warehousing and storage, assembly, processing including reclaiming and recycling, research and development facilities, corporate offices, utility functions and transportation terminals, subject to the relevant policies of this Plan. In addition, subject to the inclusion of appropriate provisions in the zoning by-law, the following land uses may also be permitted in appropriate locations in areas designated as Industrial: industrially oriented sales, service and office operations such as truck and machinery operations, equipment repair, merchandise service shops and building or contracting yards; community and recreational uses such as facilities for day care and recreation that are municipally owned and operated; vehicle fuel stations; and, on a limited basis in accordance with Policy 2.4.1.6, certain commercial, community and recreational uses such as banks, offices other than corporate or industrially oriented offices, restaurants, banquet facilities, personal service and retail uses, fraternal organizations and athletic clubs provided that such uses are compatible with industrial uses in the area.”

The O.O.P. contains broad policies concerning land use relationships. Policies that are relevant to the issue of the land use relationships within a Business Park include, but are not limited to, the following:

- **Policy 2.4.3.1**

“The City shall encourage the development of a number of industrial areas containing similar or related types of industrial uses and developed to similar design standards in order to ensure that a variety of industrial sites are available for respective types of industrial uses and to minimize conflicts between industrial uses with incompatible physical and functional characteristics.”

- **Policy 2.4.3.6**

“Industrial areas shall be planned and developed in such a manner that non-noxious industries are located at the boundary of the industrial area with other land uses.”

- Policy 2.4.3.7

“In locating individual uses relative to adjacent land uses, consideration shall be given to the potential adverse effects of industrial land use activities such as noise, vibration, smoke, particulate matter, odour, toxic matter, fire and explosive hazards, lighting, heat, electrical and electromagnetic interference, visual disruption to scenic vistas and loss of privacy.”

The O.O.P. also contains policies concerning design criteria for industrial areas. The following policy, among others, would be relevant to Business Parks:

- Policy 2.4.4.8

“No industrial use shall be permitted which, from its operation or materials used therein, is declared to be obnoxious under the provisions of any statutes or regulations.”

5.3 Zoning By-law 60-94

Two areas in Northwood are currently zoned GI (General Industrial). These consist of a portion of 1455, 1515 and 1517 Thornton Road North [GI(4)], which is occupied by a waste transfer station and composting facility, and the northern portion of 918 Taunton Road West [GI(6)], which is developed with a self-serve storage facility. These areas permit the full range of GI (General Industrial) uses.

The GI (General Industrial) zone permits a range of uses, including heavy industrial uses. With respect to the GI(4) zone, Section 29.3.5 of Zoning By-law 60-94 states as follows:

“29.3.5(1) In addition to any GI use, in any GI(4) Zone, as shown on Schedule “A” to this By-law, a recycling establishment and/or transfer station which can receive and sort all types of non-hazardous waste are also permitted uses provided any transfer station for the recycling of waste shall only be in a fully enclosed building with negative pressure in appropriate areas.”

With respect to the GI(6) zone, Section 29.3.7 of Zoning By-law 60-94 states as follows:

“29.3.7(1) Notwithstanding any other provision of this By-law to the contrary, in any GI(6) Zone, as shown on Schedule “A” to this By-law, the southern limit of the lands shall be deemed to be the front lot line.

29.3.7(2) Notwithstanding Subsection 29.2 to the contrary, in any GI(6) Zone, no minimum front yard depth need be provided or maintained.

29.3.7(3) Notwithstanding Subsection 29.2 to the contrary, in any GI(6) Zone, the minimum interior side yard depth shall be 0.3m for a self-serve storage building.

29.3.7(4) Notwithstanding Subsection 29.2 to the contrary, in any GI(6) Zone, the minimum rear yard depth shall be 0.6m for a self-serve storage building.

- 29.3.7(5) Notwithstanding any other provision of this By-law to the contrary the minimum parking space width shall be 2.6m where the side of a parking space is located adjacent to a solid wall, fence or other like structure.”

Table 1 below shows the permitted uses in a GI (General Industrial) Zone:

Uses Permitted in GI (General Industrial) Zones
<ul style="list-style-type: none">▪ Any industrial use not mentioned in this subsection (29.1) which is not obnoxious▪ Auction establishment▪ Automobile body shop▪ Automobile repair garage▪ Automobile towing business▪ Cleaning or dyeing plant▪ Contracting yard▪ Dry cleaning and laundry plant▪ Equipment repair or servicing shop▪ Food preparation plant▪ Industrially oriented office▪ Kennel▪ Manufacturing, processing or assembly industry▪ Metal stamping establishment▪ Nightclub▪ Outdoor storage accessory to a permitted use in a GI Zone▪ Parking garage or parking lot associated with a permitted use in a GI Zone▪ Printing establishment▪ Recreational use▪ Recreational vehicle storage▪ Recycling depot▪ Recycling operation▪ Sales outlet▪ Service industry▪ Taxi establishment▪ Transport terminal including railway yard▪ Underground bulk liquid storage▪ Vehicle sales and service establishment▪ Warehouse▪ Wholesale distribution centre

In February 2020, the City received copies of Environmental Compliance Approval (E.C.A.) applications submitted to the Ministry of Environment, Conservation and Parks (M.E.C.P.) by Evergreen Environmental Inc. (“Evergreen”) related to a proposed Anaerobic Digestion (A.D.) facility at 1455, 1515 and 1517 Thornton Road North. The proposed A.D. facility would process waste on-site from across the province. Anaerobic digestion is a process where organics are broken down by microbial bacteria in the absence of oxygen under controlled conditions. This process produces biogas, compost liquid wastes and solid residue. The digestion of organics takes place in a special reactor (or enclosed chamber) where critical environmental conditions such as moisture content, temperature and pH

levels are controlled to maximize biogas generation and organic decomposition rates. The preliminary site plan for the proposed A.D. facility forms Attachment 4 to this Report. The proposed design includes six (6) large above ground tanks (see Attachment 4).

As of February 19, 2020, the M.E.C.P. has yet to post the E.C.A. application on the Environmental Registry of Ontario for comments. The applicant has yet to apply for site plan approval for the facility to review site design and zoning compliance.

5.4 Proposed Land Use Study Terms of Reference

The study will focus on the GI (General Industrial) Zones only within Northwood.

The purpose of the study is to review the appropriateness of the GI (General Industrial) Zones within Northwood.

The key tasks of the land use study are:

- a) Review the relevant Provincial Policies, Regional policies, the O.O. P. and Zoning By-law 60-94 and existing and planned land uses in the area.
- b) Review relevant Local Planning Appeal Tribunal decisions.
- c) Consult with the Region of Durham and other appropriate agencies and departments.
- d) Review the history of Northwood including a review of all existing studies.
- e) Make recommendations, as necessary, for amendments to the City's existing land use planning policies and zoning regulations to more effectively guide any future development on the lands currently zoned GI (General Industrial) in Northwood.
- f) Staff will hold one public open house to obtain public input.
- g) Development Services Committee and Council will consider the final study and, as necessary, direct staff to process appropriate amendments to the O.O.P. and Zoning By-law 60-94 pursuant to the Planning Act (e.g. public meeting, pass By-laws, appeal period, etc.).

The study will be completed by City staff.

5.5 Recommended Interim Control By-law

Staff recommend that City Council pass a By-law under Section 38 of the Planning Act. A By-law may be passed where the Council has, by By-law or resolution, directed that a review or study be undertaken in respect of land use planning policies. The By-law may be in effect for a period of up to one year and prohibits the use of land, buildings, or structures within the defined area of the by-law for, or except for, such purposes as may be set out in the By-law.

The By-law may be repealed before the one year period has ended, if the study and its implementation have been completed. In addition, the By-law may be extended for an additional one year period if the study and its implementation have not been completed.

Once the By-law expires, no By-law may be passed which applies to the same lands for a period of three years even if a different planning issue arises.

The use of a By-law will provide the City with the opportunity to review the existing land use planning policies and regulations relating to areas currently zoned GI (General Industrial), to ensure future development is planned appropriately. The By-law would apply to all lands in Northwood that are zoned GI (General Industrial), including Special Conditions. These consist of the following two sites:

- a) The northern portion of 918 Taunton Road West; and,
- b) A portion of 1455, 1515 and 1517 Thornton Road North.

Staff recommend that Council pass a By-law related to GI (General Industrial) Zones in Northwood to restrict all development from proceeding on such lands (as identified above), until such time as the appropriate land use study has been completed and recommendations can be implemented with respect to appropriate amendments to the O.O.P. and Zoning By-law 60-94 (see Attachment 3). While the By-law is in place, only lawfully existing uses within lawfully existing buildings and structures as of February 24, 2020 are permitted.

No notice of hearing is required prior to the passing of a By-law. The Clerk must give notice of the passing of such a By-law within 30 days of its passing. Appeals to the Local Planning Appeal Tribunal are not permitted. An interested party may only appeal a decision to extend a By-law beyond the initial one year period.

6.0 Financial Implications

Financial implications associated with the recommendations of this Report consist of newspaper advertising costs. These costs can be funded from the approved 2020 Development Services Department budget.

7.0 Relationship to the Oshawa Strategic Plan



The Recommendations in this Report advance the Economic Prosperity and Financial Stewardship, Accountable Leadership and Environmental Responsibility goals of the Oshawa Strategic Plan.

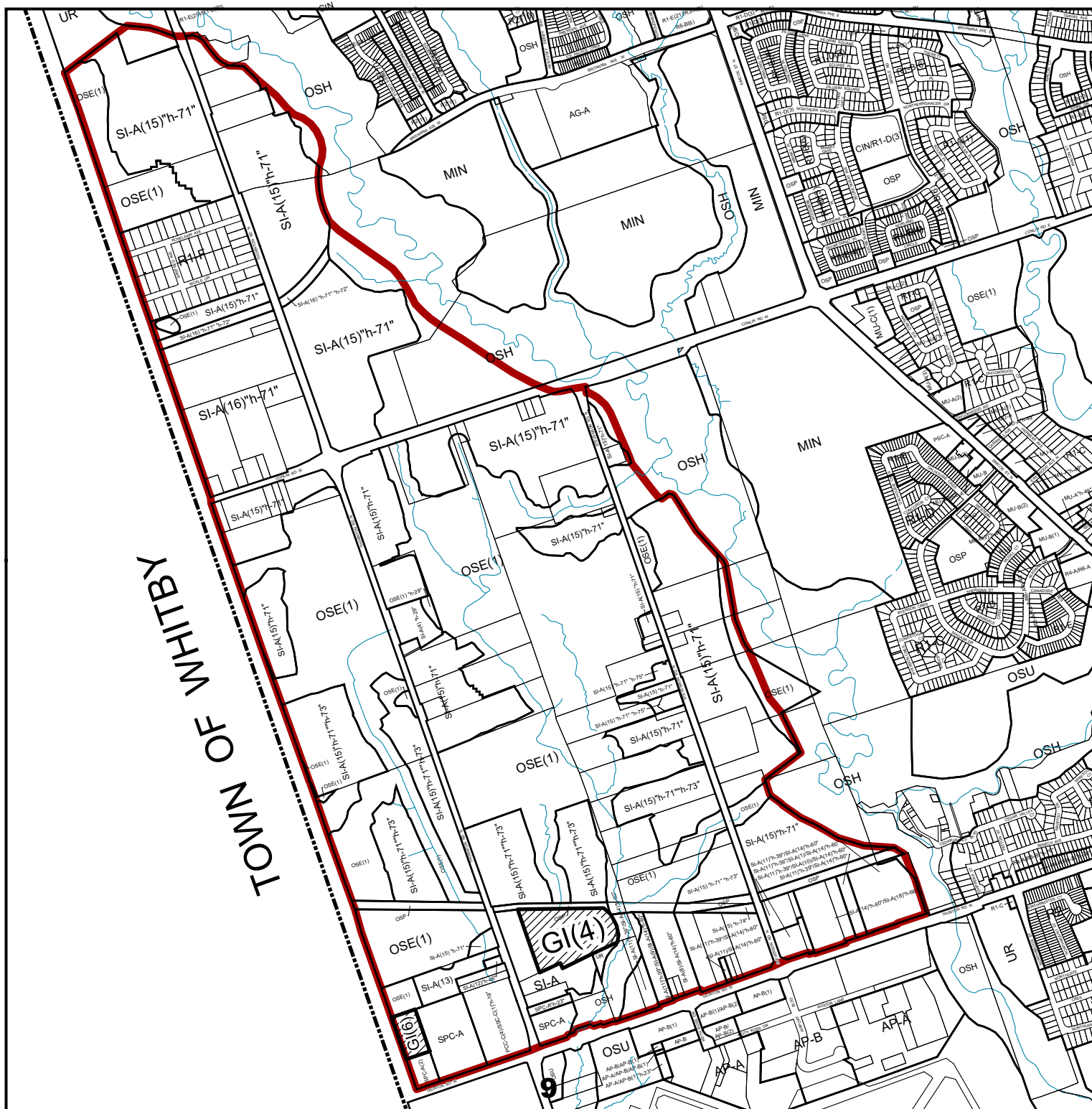
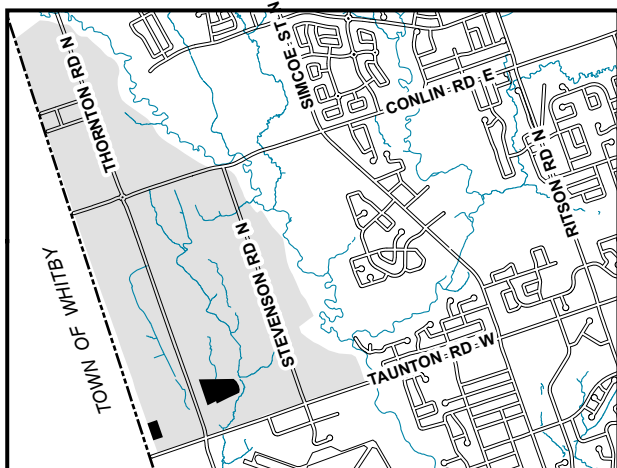


Tom Goodeve, M.Sc.PI, MCIP, RPP, Director,
Planning Services



Warren Munro, HBA, RPP, Commissioner,
Development Services Department


Northwood Business Park 
 GI (General Industrial) Zoned Areas 



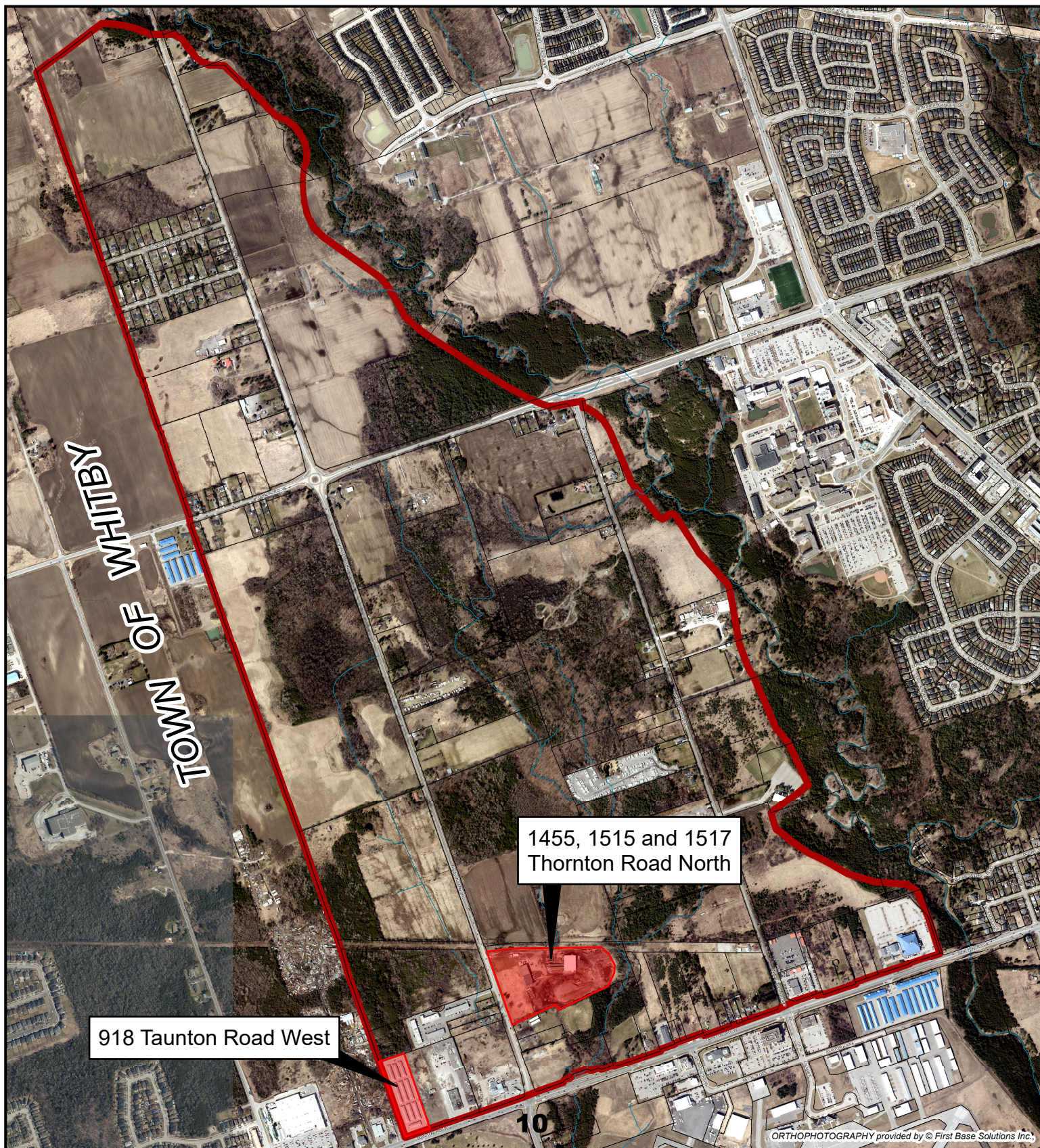
Subject: Proposed Land Use Study and Interim Control By-law Concerning
General Industrial Zones in the Northwood Business Park

File: B-8710-0017



 Northwood Business Park

City of Oshawa
Development Services Department



Proposed Interim Control By-law

Being an Interim Control By-law passed pursuant to Section 38 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, for certain lands in the City of Oshawa.

WHEREAS Section 38 of the *Planning Act*, R.S.O. 1990, c.P.13, as amended, authorizes the Council of a local municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies in the municipality, or in any defined area or areas thereof;

AND WHEREAS the Council of the Corporation of the City of Oshawa has deemed it necessary and expedient to pass an interim control by-law, with respect to certain General Industrial Zoned areas within the area known as the Northwood Business Park in the City;

NOW, THEREFORE, BE IT ENACTED AND IT IS HEREBY ENACTED as a by-law of The Corporation of the City of Oshawa by the Council thereof as follows:

1. This By-law applies to the areas in the City of Oshawa zoned as General Industrial [GI(4) and GI(6)] pursuant to the City's Zoning By-law 60-94, as amended, and as identified on Schedule "A" attached to this By-law.
2. Each area described in Section 1 of this By-law is established as and declared to be an interim control area.
3. Except for such lawful uses within lawfully existing buildings and structures as the land is being used for on the date of passing of this By-law, no person shall use any land, building, or structure for the purpose of developing land in a General Industrial Zone.
4. Schedule "A" shall form part of this By-law.
5. This By-law shall come into force and take effect immediately upon the final passing thereof and shall be in effect for one year from the date of passing of this by-law, unless otherwise extended in accordance with the provisions of the *Planning Act*, R.S.O. 1990, c. P.13.

By-law passed this _____ day of _____, 2020.



12

