



TO: GENERAL COMMITTEE

SUBJECT: PERMITTED USES WITHIN INDUSTRIAL SECTION (7.0) OF THE CITY'S COMPREHENSIVE ZONING BY-LAW 2009-141

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SUBMITTED BY: S. NAYLOR, MES, M.C.I.P., R.P.P., DIRECTOR OF PLANNING 

GENERAL MANAGER APPROVAL: S. NAYLOR, MES, M.C.I.P., R.P.P. GENERAL MANAGER OF INFRASTRUCTURE, DEVELOPMENT & CULTURE (ACTING) 

CHIEF ADMINISTRATIVE OFFICER APPROVAL: C. LADD, CHIEF ADMINISTRATIVE OFFICER 

RECOMMENDED MOTION

1. That a public meeting be scheduled to consider amending the City of Barrie's Official Plan and Comprehensive Zoning By-law and the Site Plan Control By-law, as discussed in Report PLN011-14.

PURPOSE & BACKGROUND

Purpose

2. The purpose of this Staff Report is to recommend that a Public Meeting be held to consider amending the City's Official Plan and Zoning By-law to accommodate suggested changes identified by staff as a result of the Industrial Use Rationalization Review, and to consider changes to the City's Site Plan Control By-law as a result of the same Review.

Background

3. In 2002, the City completed an industrial land use supply survey in an effort to better understand the impact of any proposed changes to the industrial section of the Zoning By-law. As a result of this analysis, staff prepared Staff Report PLN030-05 recommending changes to the Industrial Policies contained within the City's Official Plan, as well as to the "Definition" and "Industrial" sections of the City's Comprehensive Zoning By-law 85-95.
4. Prior to the review, the Industrial Section of the Zoning By-law included four categories. The purpose of these zone categories were as follows:
 - a) Business Park (BP) zone: at that time, this was a fairly new zoning category and was created to develop areas as prestige industrial lands with a "campus like" feel and subject to higher standards.
 - b) Restricted Industrial (M1) and Heavy Industrial (M2) zones: the Restricted Industrial (M1) applied to lands situated along Highway 400. The primary difference between the M1 and the M2 zones was that the M2 zone allowed for the outdoor storage of goods and material and permitted uses such as Foundries, Concrete Products, Data Processing Centres and Automotive Repair Establishments.

- c) Special Industrial (M3): the most restrictive zone, intended for traditional industrial uses, which were not deemed to be appropriate for other zones in proximity to other non-industrial zones due to noise, vibration, potential impact on ground water, or noxious emissions (odour).
5. As a result of the 2002 review, the Industrial zones were divided into 5 new categories, in an attempt to provide a greater flexibility in the Industrial zones. These new zones included Business Park (EM1); Highway 400 (EM2); Service Industrial (EM3); General Industrial (EM4); and Restricted Industrial (EM5).
6. The genesis of this report was mainly due to the volume of concerns and applications for amendments received by the City for uses that are currently not permitted. In response to these requests, staff reviewed what revisions may be needed and appropriate to recognize a changing industrial landscape, keeping in mind that the concerns being expressed may be, at least partially, due to fluctuating economic conditions.

INDUSTRIAL USE ANALYSIS

7. The analysis conducted for undertaking this Review included the following:
 - Review of Provincial Policy and Guidelines;
 - Review of City Policies and Related Studies;
 - Comparison with Other Municipalities; and
 - Stakeholder Consultation.
8. Each of these items are discussed in more detail below.

Provincial Policy Statement (2014) (PPS) and The Places to Grow (2006) (The Growth Plan)
9. The Provincial Policy Statement (2014) has been reviewed as part of the overall policy context related to the long range planning for employment (Industrial) lands in the Province. The PPS encourages Planning authorities to promote economic development and competitiveness by:
 - a) Providing for an appropriate mix and range of employment and institutional uses to meet long term needs;
 - b) Providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future business;
 - c) Encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and
 - d) Ensuring the necessary infrastructure is provided to support current and projected needs.

The PPS also requires Planning authorities to plan, protect and preserve employment areas for present and future uses, thereby allowing conversions within employment areas to non-employment uses only through a comprehensive review. This is only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

A review of the City's Municipal Comprehensive Review and its conclusions will be discussed later in this report.

10. The Growth Plan provides direction on matters of growth for the Greater Golden Horseshoe and how employment lands should be protected and developed. The lands that are designated for employment should be preserved in order to provide future economic opportunities. As part of this review of existing permitted uses in the industrial areas staff have considered The Growth Plan's goal to provide for an appropriate mix of employment uses including industrial, commercial and institutional uses to meet long-term goals, while at the same time preserving and ensuring that there is sufficient land available for employment and to remain economically competitive.

Ministry of Environment (MOE) D-6 Guideline (Compatibility between Industrial Facilities and Sensitive Land Uses)

11. The Ministry of Environment's 1995 "Guideline for Land Use Compatibility" provides recommendations for addressing land use patterns which may cause environmental or public health and safety concerns. The intent of the Guideline is to *prevent or minimize the encroachment of sensitive land use upon industrial land use and vice versa, as these two types of land uses are normally incompatible, due to possible adverse effects on sensitive land use created by industrial operations*. This can be achieved through the use of buffers and separation of uses.
12. These Guidelines are important when considering revising the permitted uses within the industrial zones. If a sensitive use is allowed within the separation distance to a higher Class Industrial Facility, it could limit the existing industries' practices and possibility of expansion, or perhaps require the installation of mitigation measures that might not otherwise be necessary. Sensitive uses such as a Place of Worship, Daycare, etc., require separation from heavier industrial uses due to the outputs that can potentially come with industrial operations. It may not be appropriate for the above mentioned sensitive land uses to be located within the 300 metres of the property line of a Class 3 Industrial Facility, without appropriate mitigation measures in place. Typically, these types of sensitive uses do not request to be located in these areas but rather in closer proximity of Class 1 Industrial Facilities, where the impact would be negligible. The classification of each type of industrial facility does not specify a particular industry, but rather maintains a broad scope of potential uses. In addition, the Ministry has a Certificate of Approval process which complements the Guidelines by providing regulatory frame work that is applied on a site specific basis. A further detailed review of the D-6 Guidelines and how they are to be applied to industrial uses can be found in Appendix "A" of this report.

City of Barrie Official Plan

13. The Official Plan designates industrial lands into five different categories which include: General Industrial; Business Park; Highway 400 Industrial; Restricted Industrial; and Extractive Industrial (Appendix "B"). The Official Plan polices are intended to provide sufficient flexibility to allow for the changing and diverse needs of industry while at the same time ensuring that industrial development continues to occur.
14. Each one of the designations provides opportunities for industrial uses to operate in harmony with similar uses. In order to understand the basis for uses being allowed in certain designations, a review of the intent of each designation should be considered. A general outline of the policies is included in Appendix "C".
15. There are various properties within the industrial areas that have existing Special Provisions applied to them to identify uses that are not permitted as of right in the industrial zones. A component of this review is to identify and recognize any uses and determine if they are appropriate for the industrial area.

Existing Industrial Zones under Zoning By-law 2009-141

In order to understand any potential changes to the Industrial Section of the Zoning By-law, a general review of the existing zoning categories is described below. This provides an overall view of what uses are currently permitted in each of the zones and how much each zone makes up for industrially zoned lands within the City.

Business Park (EM1)

16. As identified in the Official Plan, the Business Park zone strives to maintain the goals set out in the Business Park designation. This includes promoting prestigious industrial and office uses such as corporate administration offices; business and professional uses; research and development facilities; and high technology manufacturing or assembling operations. The EM1 zone also permits commercial uses such as assembly hall, bank, conference centre, fitness or health club, hotel/motel, veterinary clinic as well as institutional uses such as commercial schools and day nurseries. Of the City's total industrial land inventory, approximately 6.6% (81.8 hectares) is zoned EM1.

Highway 400 Industrial (EM2)

17. The City of Barrie is fortunate to have a 400 series Highway within the City limits. This type of exposure, connections to markets, and high volumes of vehicular traffic are attractive to businesses and industry wishing to locate in Barrie. Since these lands often provide the first impression of the City of Barrie, it is important to ensure that a high level of design and standards are maintained.
18. The majority of the lands within the EM2 zone have been developed, but those lands that are vacant require protection from uses that may not be appropriate along the Highway 400 corridor. The EM2 zone accounts for approximately 9.5% (118.2 hectares) of the industrially zoned lands within the City.

Service Industrial (EM3)

19. The Service Industrial zone, which accounts for approximately 26% (323.7 hectares) of industrially zoned lands within the City, is the most permissive in terms of allowing for uses that are not typically thought to be "traditional" industrial uses. The intent of the EM3 zone is to provide a transition between heavy industrial uses and non-industrial uses. The uses generally found within this zone are non-traditional, quasi-commercial uses, which have less impacts (i.e. traffic movement and compatibility) on non-industrial uses. This zone allows for more commercial uses than any other industrial zone, which ensures that there is flexibility in the permitted uses and provides a transition and separation to heavy industrial uses.

General Industrial (EM4)

20. The General Industrial (EM4) zone forms approximately 55% (685.8 hectares) of all industrially zoned lands within the City. This zone permits more traditional manufacturing and processing industrial uses. This zone is typically situated away from sensitive land uses such as residential and institutional (places of worship and school), due to the nature of uses being potentially noxious. The uses within this zone tend to cluster together in order to maximize the existing infrastructure and to have a minimal impact on the surrounding land uses.

Restricted Industrial (EM5)

21. The Restricted Industrial zone only permits those uses that have potentially adverse impacts, and are only permitted on a site specific basis through an amendment to the Official Plan. This zone accounts for approximately 2.3% (28.4 hectares) of industrial lands within the City, the least out of all industrial zones. The intent of only permitting this zone in certain areas of the City is typically due to the nature of the uses that are permitted within the zone. These areas are characterized by uses that require a greater separation to sensitive uses, which can be adversely impacted by the industrial operations.

Municipal Comprehensive Review

22. The City of Barrie retained Watson & Associates to complete a municipal comprehensive review of the employment lands in the City as part of the City of Barrie Growth Management Strategy, for the Employment Lands Municipal Comprehensive Review Phase 3, which was completed in November 2011. The intent of the review was to ensure that the City of Barrie is better positioned to have the ability over the long term to attract and retain industries. The Phase 3 report (MCR), states that the City has 705 net hectares of developed employment lands, with the majority of those lands being located in the 400 East and 400 North Employment Areas. The majority of the City's manufacturing base is located in the 400 East Employment Areas, while 400 West Employment Area is generally made up of multi-tenant industrial and commercial development.
23. Even with the quantity of availability of vacant employment lands there is a limited choice for large parcel sizes, which limits large scale industrial users from locating within the City. The City is expected between 2010-2031 to add a total of 12,550 jobs on its employment lands; with a land demand of 433 net hectares. In order to accommodate the projected employment needs a minimum of 119 net hectares within the annexed lands will be required. The annexed lands are proposing to provide in excess of 119 net hectares which would ensure that sufficient employment lands are being planned and accommodated for within the annexed lands.

Economic Development Strategy and Action Plan 2009-2014

24. The City of Barrie Economic Development Strategy was completed in partnership with Millier Dickenson in order to identify strategic directions and objectives that support the City's current economic base strengths and incorporate new economic growth opportunities. While this strategy is dated, staff feel that the direction of this Industrial Rationalization report is in keeping with current thinking. This report has been written with the goal of strengthening the economic base of the City of Barrie.

Review of Other Municipality's Industrial Zones

25. In determining if revisions should occur within the Industrial Section of the Zoning By-law, one of the methods staff used was to review the Zoning By-laws of various municipalities in southern Ontario. The municipalities that staff reviewed included the Cities of London; Guelph; Kingston; Kitchener; Waterloo; Windsor; Brantford; Oshawa; Hamilton; and the Town of Newmarket. These municipalities were selected due to their size and location in southern Ontario. It was also felt that these municipalities were appropriate comparators as they likely have been subject to similar market forces and demands as has been experienced in the City of Barrie.
26. It was found during this review, that some municipalities have similar industrial zones with similar uses permitted as the City of Barrie, which reinforced that uses permitted in the industrial zones are in line with the other Ontario municipalities. In some cases, however, the sampled municipalities' permitted uses which are currently not permitted with the City of Barrie's industrial zones, including institutional type uses such as places of worship and educational institutions, as

well as free standing restaurants. These discrepancies were noted and specifically reviewed to determine if staff felt that some or all would be appropriate for inclusion within City industrial zones.

Stakeholder Consultation

27. Industrial stakeholders/land owners, realtors and manufacturers were provided with a discussion paper providing general information about the Industrial Rationalization Review and invited to provide written comments and/or to meet with staff. As a result, 17 items of correspondence were received and 18 meetings were held. The intent of the consultation was to engage those individuals that are impacted by any changes that may occur within the Industrial Section of the Zoning By-law. Comments expressed varied from concerns about additional uses increasing traffic and pedestrian movement, to desire for additional retail service uses. The industrial land owners/stakeholders/realtors generally wanted to see the industrial zones permit more commercial type uses, while manufacturers preferred to see no additional commercial uses, since there are limited lands within the City of Barrie where industrial uses can locate. All respondents agreed that noxious uses should remain in the EM5 zone, and be kept on the outer limits or in areas of the city, away from sensitive uses such as residential, schools, places of worship, and daycares.
28. Some of the common responses from the industrial land realtors were that the current supply of available vacant industrial lands met their required needs and there was sufficient land for existing industries for potential expansion of existing operations. None of those consulted wanted to have Site Plan Control extended to all Industrial Zones, with the majority preferring to have no Site Plan Control requirements applied in any of the Industrial Zones.

Criteria

29. Based upon the discussions and correspondence received, the two primary challenges amongst the stakeholders appear to be: perceived inflexibility of permitted uses within the current Industrial Zones; and that certain uses were being unnecessarily prohibited from locating in areas felt to be appropriate for these uses (particularly when the same or similar uses are being permitted in close proximity to these areas).
30. The approach which staff employed was to develop a list of criteria that would assist in grouping uses with similar characteristics, as opposed to maintaining a zoning distinction based upon more traditional definitions of "industrial", "commercial" and "institutional" uses. The premise is that if uses exhibit similar characteristics such as locational requirements, parking demands, access and emissions, they are likely compatible with one another.
31. Staff utilized 4 criteria to help determine the compatibility of land uses. The four different variables include:

Type of roadway – Which type of road system would be an appropriate location for that use (highway, arterial, or collector)? This provided an indication as to what uses benefit from being located on a roadway which carries significant traffic with exposure to the travelling public versus uses which are more destination oriented.

Lot Size – What lot size is required for the use and does it require a stand-alone building or can it be part of a multi-tenant building?

Traffic Generation – Staff reviewed the uses in the context of the Trip Generation Manual, 9th Edition, Institute of Transportation Engineers, 2012. The Trip Generation Manual is a collection of trip generation studies submitted voluntarily to the Institute of Transportation Engineers which are used as guidelines for estimating trip generation for various land uses. This provided staff

with an indication of what uses generated the most traffic and where they should be located within the industrial zones.

Emissions – The purpose of reviewing what potential emissions are produced is to ensure the emissions would not have a negative impact on the existing operations of surrounding uses or potential expansion.

Preliminary Conclusions

32. Based upon the above review, meetings and evaluation of the criteria, staff drew preliminary conclusions related to: number of industrial zones; permitted uses within each zone; zoning for specific land areas; applicability of Site Plan Control to industrial uses; and definitions. Based upon these preliminary conclusions a brief preliminary discussion paper was prepared and provided to the development community in December, 2013. This discussion paper was intended to provide stakeholders with an opportunity for further feedback. The discussion paper and comments received are reviewed below:

Proposed Revisions

33. Through the review of the various variables and what uses are compatible with each other, staff proposed that the existing five industrial zones be reduced to four, which would allow for more flexibility in the permitted uses, while at the same time protecting traditional industrial uses. The following provides a general outline of each of the proposed zones and what characteristics are envisioned in the industrial areas. The proposed changes to the allowable uses in Table 7.2 of the Industrial Section of the Zoning By-law are discussed below and are illustrated in Appendix "D" of this report. The revised chart shows what uses have been added to the Highway Industrial zone and the creation of the LI zone.

Light Industrial (LI) Zone

34. The Light Industrial (LI) zone is a combination of the existing EM1 and EM3 zones, which are comprised of uses that are considered to be quasi-commercial and industrial based. These areas are characterized as being typically located on local, collector and arterial roadways and generate a moderate amount of traffic. The LI zone provides a balance of manufacturing, quasi-commercial and services based uses that support both the non-industrial and industrial uses of the area. The proposed uses of the LI Zone would be located on lands along local and collector roads and arterial road frontages. These areas would provide a buffer between traditional industrial uses and sensitive land uses. More sensitive land uses such as Places of Worship, Daycare, and Private Academy would be permitted subject to conformity to specific Official Plan policies, and approval of a site-specific Zoning By-law Amendment. This would ensure that those uses would not have an adverse and unintended impact on the existing industrial uses from continuing the operations of the use or potential expansions. It is important to note that sensitive land uses have more opportunity to locate in other parts of the City, while industrial uses are more limited. The proposed LI zones are outlined in Appendix "E" of this report.
35. The comments that staff received from the industrial community generally supported the recommendation to collapse the Business Park (EM1) and Service Industrial (EM3) Zones into a single Light Industrial (LI) Zone.
36. The industrial stakeholders/land developers also provided comments that uses such as "Places of Worship", "Day Nursery", and "Private Academy, Philanthropic or Religious School" should be permitted as-of-right in industrial zones. The stakeholders were not in favour of a requirement to submit a Zoning By-law Amendment to allow these uses citing time and cost considerations.

37. A comment received questioned why staff did not consider adding Private Club into the LI zone. In reviewing the existing definition of a Private Club, it has been determined that the use is a combination of existing allowable uses such as Hotel/Motel and Assembly Hall, which are proposed to be permitted within both the LI and Highway Industrial (HI) zones. Therefore, staff does not foresee an issue with allowing for Private Clubs to be permitted in the new LI zone, as this is a use that does not require highway exposure.
38. One additional use that has been requested is that of Funeral Service Provider. A Funeral Service Provider would only provide services that would prepare the preparation of human bodies for internment or cremation. The difference between this and that of a Funeral Establishment (permitted in commercial zones currently) is that there would be no public viewings of human remains or religious services which would typically generate more traffic to/from the site which could may impact industrial traffic flow for the surrounding industrial uses. Staff therefore are recommending that a Funeral Service Provider be a permitted use in the LI zone exclusively.

Highway Industrial (HI) Zone

39. The Highway Industrial (HI) zone would remain the same as the existing 400 Highway Industrial (EM2) zone, with the addition of Medical Office and Industrial School as permitted uses. The intent of this zone is to take advantage of the exposure to a substantial number of vehicles every year travelling on Highway 400. Showcasing these lands, that are close to major infrastructure allowing for the movement of materials and finished product, attracts business and industry to these locations. The sites would remain subject to site plan control in order to ensure that a high level of design is being maintained on the sites.
40. The Highway Industrial Zone generated the most discussion as there was a sentiment that the zone remains too restrictive and that the only additional uses that were included were Medical Office, and Industrial School within a fully enclosed building. Staff have reviewed the request for inclusion of a Financial Institution, and agree provided it's located within a multi-use building (i.e. not a stand-alone building). For example, if a Financial Institution wanted to located its offices within the HI zone, and wanted to include bank branch on the main floor, the existing policies would not permit this. However, by allowing for the bank to be able to locate within the building, it would allow for further flexibility in the allowable uses in the HI Zone.
41. It was also suggested that Fitness or Health Clubs, Recreational Establishments, Veterinary Clinics, Academic Institutions, Places of Worship, Service Stores and Funeral Establishments all be permitted within the HI zone. Staff believe that these uses do not require Highway 400 exposure and can be located in either the LI or GI zones. Staff believe that protecting the Highway 400 corridor for uses that rely upon the visibility the most is very important, and uses which can locate in other areas and upon which permitted uses do not directly rely upon should be encouraged to locate in other zones. The areas that will be subject to the HI zone are illustrated in Appendix "F".

The General Industrial (GI) Zone

The General Industrial (GI) zone accounts for the largest amount of lands within the City's industrial land inventory. The proposed GI zone maintains the existing permissions of the existing EM4 zone. Many of the uses within this zone are traditional industrial uses which include manufacturing, processing and warehousing. While these areas have frontage along arterial roads, they are mostly located along local roads and are within close proximity to Highway 400. This allows for connections to major transportation routes for efficient movement of products and goods. Due to the necessity of efficient truck movements, and the reduced exposure to the travelling public, commercial uses within these areas is not recommended. In staffs' opinion, sensitive land uses (residential, places of worship, schools) and well as commercial uses should

be restricted in the new GI Zone. The lands that will be included in the GI zone are shown on Appendix "F".

42. In regards to the responses that staff received with respect to the allowable uses in the General Industrial (GI) zone, there were no comments regarding the permitted uses, and that uses should be added or eliminated.

Restrictive Industrial (RI) Zone

43. The Restrictive Industrial (RI) zone is intended to permit a wide range of uses that are regarded as having potentially adverse impacts and therefore require separation from those areas and uses that are considered to be sensitive. This zone accounts for the smallest portion of the industrial land inventory, but requires particular attention and protection as the permitted uses have limited areas within the City to locate. These areas are reflected under the current zoning classification of EM5.
44. The only point of discussion that staff have received in regards to the Restrictive Industrial (RI) was that it should permit Industrial Schools. Staff do not feel that an Industrial School should be permitted as the RI zone is meant to be located in areas of the City where industries having potential adverse impacts are to locate, and that by permitting Industrial Schools (which are permitted in other zones), the already limited land availability for these uses would potentially be further reduced. The lands proposed to be located within the proposed RI zone are shown on Appendix "G".

Site Plan Control

45. The Zoning By-law and the MOE Guidelines currently provide a level of protection from potential adverse impacts and land use compatibilities. However, the City would be able to provide further protection for industrial and sensitive land uses, with the implementation of Site Plan Control on all industrial zoned properties. This would ensure that any future development would occur in a manner with minimal impact to surrounding uses, and would address broader issues such as drainage, water and wastewater servicing, traffic and air/noise impacts. Site Plan Control would also allow for the City to further direct site specific issues through site design (including outside storage of materials, product and equipment) to building design and placement. The existing Site Plan Control By-law only applies to lands that are zoned EM1, EM2 and those lands that are industrially zoned that are adjacent to lands designated or used for residential purposes and those properties that have frontage on various arterial roads. It should be noted that Site Plan Control is delegated to staff, however a "bump up" provision would be retained. In addition, staff has the ability to exempt development from Site Plan Control depending on site specific circumstances on an as needed basis.
46. The preliminary conclusions suggested that consideration be given to amend the existing Site Plan Control By-law to include all industrially zoned lands. Through the discussions with the members of the industrial community, there were concerns that this would add additional time and cost to the process and would potentially inhibit the industrial sector from growing and expanding. This was one item that all those who participated in the follow up meetings concurred that Site Plan Control should not be established for all industrial zones. There was a general (but not unanimous) acknowledgment that Site Plan Control is a benefit in certain zones such as the Highway Industrial and those that are adjacent to residential areas and along arterial roads, and that the existing Site Plan Control policies remain as is. Staff concur with retaining the status quo with respect to applying Site Plan Control, but will also continue to recommend that Site Plan requirements be applied in situations where it is felt warranted (although this could only be required where there is a Official Plan and Zoning By-law Amendment application).

Definitions

47. As part of the review of Industrial zones a review of Section 3.0 "Definitions" was also conducted. As a result of this review, as well as comments received through stakeholder consultation, the following definitions are to be reviewed:
- a. Funeral Service Provider
 - b. Manufacturing and Processing
 - c. Warehousing
 - d. Private Academy, Philanthropic or Religious School
- The final wording of the definitions will be provided at the statutory public meeting, however an overview of the intent of why the changes are required is provided below.
48. The a proposed new use of a "Funeral Service Provider" is provide a separation from the existing use of a "Funeral Home Establishment", as defined in the Zoning By-law. The main difference between the two uses is that a Funeral Service Provider would not open to the general public for purpose of related coordination of rites and ceremonies (i.e. wakes, celebration of life), where the Funeral Home Establishment would be permitted to provide a boarder range of services.
49. As a result of the comments received from stakeholders and the number of public inquiries made, the definition of "Manufacturing and Processing", requires further review to ensure that proposed uses are properly captured. This would ensure that manufacturing and processing uses are further refined and provide greater flexibility to wider range of uses within the industrial areas.
50. By clarifying the definition of "Warehouse", it would provide further explanation to the types of uses that would be permitted. The existing definition does not provide clear direction of the uses that would be permitted as a warehouse use. It is the opinion of Planning staff that the existing definition required further expansion which would provide greater flexibility to wider range of uses.
51. A "Private Academy, Philanthropic or Religious School" is a proposed new use within the industrial area. As such, it is important that the definition does not affect the existing industrial operations of the area. These types of uses are currently located within the industrial area by way of Special Provision or Temporary use By-law. With the recommendations that these be permitted as of right in the LI zone, it is important to ensure that the use can function appropriately on the site
52. Through consultation with industrial stakeholders and realtors, there was a request to increase the allowable Accessory Retail from the current standards. There was a concern that the limit of GFA for accessory retail for an industrial uses was affecting the ability of business to expand its business in industrial buildings. The current provision states the following for Accessory Retail Use: *shall only be permitted in association with uses identified in Table 7.2. Retail that is accessory to permitted use shall be permitted within the same structure and shall not exceed 15% of the gross floor area in the Highway 400 Industrial (EM2) and General Industrial (EM4) Zones to a maximum of 300m² or 25% of the gross floor area in the Business Park (EM1) and Service Industrial (EM3) Zones to a maximum of 300m².* This was modified from and increased from the allowable accessory retail under Zoning By-law 85-95, which was limited to 15% of the Gross Floor Area of the building not the individual units. By increasing the allowed accessory retail more traffic would be generated which has the potential of impacting the operations of industrial area. As such, staff are not recommending any further increase to accessory retail uses in industrial areas.

Places of Worship in the EM3 Zone

53. Council Resolution 14-G-051 approved on March 3, 2014 stated, in part, the following: "That a public meeting be scheduled to add "Places of Worship" as a permitted use within EM3 zones, as part of the Industrial Use Rationalization Review, for the existing built area of the City of Barrie." Staff understands that the direction of the above resolution is to include "Places of Worship" in the Light Industrial Zone" which as previously discussed in this report is recommended to incorporate both the EM1 and EM3 Zones. Appendix "D" includes Places of Worship as an as-of-right permitted use which can locate in the proposed LI Zone without need for a Zoning By-law Amendment.
54. As Council is aware, Places of Worship are not currently permitted "as-of-right" in any industrial zone. In 2012 Council did approve the location of the Connexus Church in an industrial zone subject to conformity with recommended Official Plan policies. Due to potential conformity and setback concerns it is staff's preference to require site specific Zoning Amendment Applications in conjunction with guidance from approved Official Plan policy.

Non Industrial Uses

55. Planning staff feel that there are a few opportunities to consider rezoning small isolated areas to non-industrial uses due to their locations and existing characteristics. These few potential circumstances are being reviewed and recommendations will be provided during the Public Meeting for Council's consideration.

Site Specific Approvals

56. During consultations with industrial stakeholders and land developers, it was noted that there are existing properties with uses that are legal non-conforming and others with special provisions for uses that are not currently permitted as-of-right. There was a concern that these uses would not be identified through the industrial rationalization review. At this time, Planning staff are not proposing to remove any of the existing permitted uses from any industrial zones, but rather to expand on what is currently permitted. As a result, a number of uses that are currently permitted by way of special provision are being proposed to be allowed as-of-right. For other uses currently permitted through special provision that are not being proposed to be allowed as-of-right, they would continue to be permitted through the existing special provision.
57. Furthermore, any existing legal non-conforming uses would continue to be remain as such in accordance with the existing policies of the Zoning By-law, and any illegal uses would continue not to be permitted.

Medicinal Marijuana Facilities

58. The Federal Government, which has jurisdiction over the production, distribution and use of medicinal marijuana, has recently published regulations related to allowing medicinal marijuana production facilities subject to local regulations (including Zoning By-laws). Currently the City of Barrie would only permit these facilities in "Agricultural" zones, which may or may not be appropriate zones in which to allow such facilities. The City has received a number of enquiries as to the current zoning permissions regarding Medicinal Marijuana Facilities.
59. Due to the recent Federal Regulations and number of enquiries, Planning staff will be conducting further research and review and, will provide recommendations as to any revisions felt necessary to the City's Industrial Land Use Policies and Zoning By-law to provide guidance related to these facilities at the recommended Public Meeting.

ENVIRONMENTAL MATTERS

60. There are no environmental matters related to the recommendation.

ALTERNATIVES

61. There is one alternative available for consideration by General Committee:

Alternative #1 General Committee could not schedule a Public Meeting to address potential changes to the existing permitted uses under Section 7.0 of the Comprehensive Zoning By-law.

This alternative is not recommended as it would not address the comments and concerns that staff have heard from industrial land owners and residents.

FINANCIAL

62. There are no financial implications for the Corporation resulting from the proposed recommendation.

LINKAGE TO 2010-2014 COUNCIL STRATEGIC PLAN

63. The recommendations included in this Staff Report support the following goals identified in the 2010-2014 City Council Strategic Plan:

- Direct and Manage Economic Growth
- Strengthen Barrie's Financial Condition
- Manage Growth and Protect the Environment

Attachments: Appendix "A" – Ministry of Environment D-6 Guidelines
Appendix "B" – Existing Industrial Land Designation
Appendix "C" – Official Plan Industrial Policies
Appendix "D" – Draft Changes to use in Industrial Zones
Appendix "E" – Proposed Light Industrial (LI) Zoned Lands
Appendix "F" – Proposed Highway Industrial (HI) Zone Lands
Appendix "G" – Proposed General Industrial (GI) Zone Lands
Appendix "H" – Proposed Restricted Industrial (RI) Zone Lands
Appendix "I" – Draft Site Specific Official Plan Policies

APPENDIX "A"

Ministry of Environment D-6 Guidelines

The Guideline is used at the time the Zoning By-law is being drafted and also at the time that site specific amendments are being considered. The Guideline defines sensitive land uses as:

- a. *Recreational uses which are deemed by the municipality or provincial agency to be sensitive; and/or*
- b. *Any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, the building or amenity area that may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses or campgrounds.*

The Guideline applies to all types of proposed, planned and/or existing industrial uses that have a point source emission such as noise, vibration, odor and dust. The Guideline provides recommendations for separation distances and influence areas for uses that may be incompatible in order to reduce the potential for negative effects on sensitive land uses. The purpose of the separation distance is that there is sufficient distance between two incompatible uses, so that they can operate without adversely affecting one another. The Guideline also provides two types of influence areas, potential and actual. The Guideline describes potential influence as "areas within which adverse effects may be experienced." Actual influence area is the overall range within which an adverse effect would be, or is experienced on site-specific basis for the particular facility. The potential effect(s) that a proposed use would be emitting include, but are not limited to noise, dust, odour, and vibrations. The Guideline breaks the uses into 3 different class types, and provides separation distances from industrial uses to more sensitive uses.

Class 1 Industrial Facility

Is characterized as *small scale, self-contained building which produces/stores a product which is contained in a package and has a low probability of fugitive emissions. Outputs are infrequent, and could be point source or fugitive emissions for any of the following: noise, odor, dust and/or vibration. They are daytime operations only, with infrequent movement of products and/or heavy trucks and no outside storage. Fugitive emissions are defined as reasonably expected/predictable contaminant occurrences associated with normal operational practices and procedures (e.g. materials handling or outdoor storage) of industrial facilities, which are generally difficult to practically control at the source (i.e. not from stacks or vents). These emissions include odour, noise, vibration and particulate such as dust. Emissions from a breakdown are not considered 'fugitive', but would be covered under the Certificate of Approval contingency plan, or are considered to be a 'spill'. The Guidelines recommends a 20 metre separation from sensitive land uses and which would have a potential influence area of 70 metres.*

This type of industrial facility would include outputs of noise that are not audible off the property, and there would be no ground borne vibrations. This is due to the operations being located solely within a self-contained building. Examples could include electronics manufacturing and repair, beverage bottling, auto parts supply, packaging, and crafting services.

Class 2 Industrial Facility

This type of industrial facility would include *medium scale processing and manufacturing with outdoor storage of waste and materials (i.e. it has an open process) and/or there are periodic outputs of minor annoyance. There are occasional outputs of either point source or fugitive emissions for any of the*

following: noise, odor, dust and/or vibration and low probability of fugitive emissions. Shift operations are permitted and there is frequent movement of products and/or heavy trucks during daytime hours. The Guideline recommends a 70 metre separation from sensitive land uses and would include a potential influence area of 300 metres.

The Class 2 industrial facility would include sound that is occasionally heard off the property, and outdoor storage is permitted with periodic outputs of minor annoyance. Some of the possible uses that would be classified as a Class 2 are magazine printing, paint spray booths, electrical production manufacturing, manufacturing of dairy products, dry cleaning services and feed packing plants.

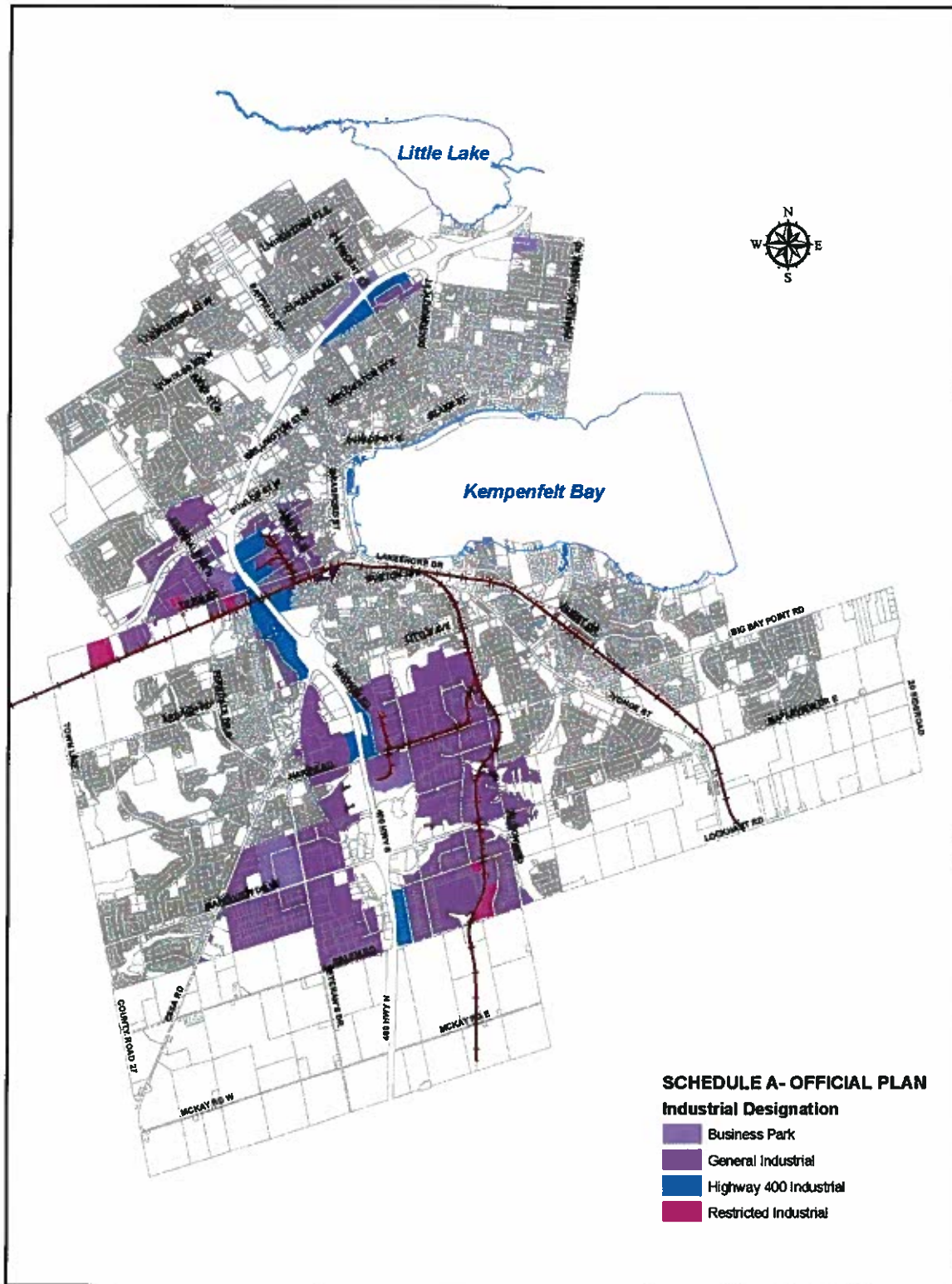
Class 3 Industrial Facility

Means a place of business for large scale manufacturing or processing, characterized by: large physical size, outside storage of raw and finished products, large production volumes and continuous movement of products and employees during daily shift operations. It has frequent outputs of major annoyance and there is high probability of fugitive emissions. The recommended separation distance to sensitive land uses would be 300 metres and has a potential influence area of 1,000 metres.

Class 3 industrial facilities are typically more intensive of all the industrial uses, and have frequent sound outputs that are noticeable off the property, and persistent emission of dust and odour. Some examples of the type of industry in this Class are the manufacturing of paint and varnish, organic chemicals manufacturing, breweries, solvent recovery plants, soaps and detergent manufacturing and metal manufacturing.

APPENDIX "B"

Existing Industrial Land Designation



APPENDIX "C"

Official Plan Industrial Policies

The General Industrial designation allows for a wide range of uses, which mostly includes manufacturing, processing, servicing, storage of goods and raw material, industrial warehousing and other similar uses. There are other non-industrial uses permitted such as restaurants (as part of multi-tenant buildings), service stores, accessory retail and accessory employee uses, all of which are intended to support the primary industrial uses. Automotive sales establishments may be permitted on a site specific basis. The General Industrial designation forms 83.2% (1,058.7 hectares) of all industrial designated lands and are generally located in the central and southerly limits areas of the City.

The Business Park designation is meant to provide a "campus like" setting, which is intended to attract corporate administration offices, business and professional uses, research facilities and high technology manufacturing or assembly operations. Ancillary or accessory uses to the primary business park uses include office and business service establishments, day care facilities, convenience stores, banks, restaurants and hotels/motels. These secondary uses are intended to support the primary Business Park uses and are not to be located in self standing buildings or on small land parcels. The Business Park designation is subject to site plan control, which maintains a high level of standards in building design and landscaping. This designation encompasses 6.4% (82.0 hectares) of all industrial designation lands and is generally located in the southerly and northerly portions of the City.

The Highway 400 Industrial designation, much like the Business Park designation, is intended to be used for prestige industrial and office based uses. However, as these lands are located along the Highway 400 corridor, there is a more restrictive list of industrial uses. Uses such as outdoor storage are not permitted, and development is subject to site plan control, which is meant to ensure that the lands are developed to a high level of design. The Highway 400 designation includes approximately 8.8 % (112.1 hectares) of the designated industrial land base, which forms the second biggest industrial designation next to General Industrial.

The Restricted Industrial designation only permits those uses that are considered to be potentially harmful and/or offensive and are only permitted on a site specific basis by amendment to the Official Plan. The uses that are permitted within this designation must not be located a minimum of 300 metres from a Future Urban Area or a sensitive land use. The uses within this designation are generally located together, which is intended to minimize impact on the surrounding non-industrial uses. The Restricted Industrial designation accounts for 1.4 % (17.9 hectares) of the industrial land area.

The Extractive Industrial designation permits wayside pits and quarries, portable asphalt plants and portable concrete plants used on public authority contracts. While there is currently no lands with the City that are within this designation, the City provides for the opportunity for extractive operations to be located within the Extractive Industrial designation.

APPENDIX "D"

Draft Changes to use in Industrial Zones

 Currently only permitted in the existing Service Industrial (EM3) Zone

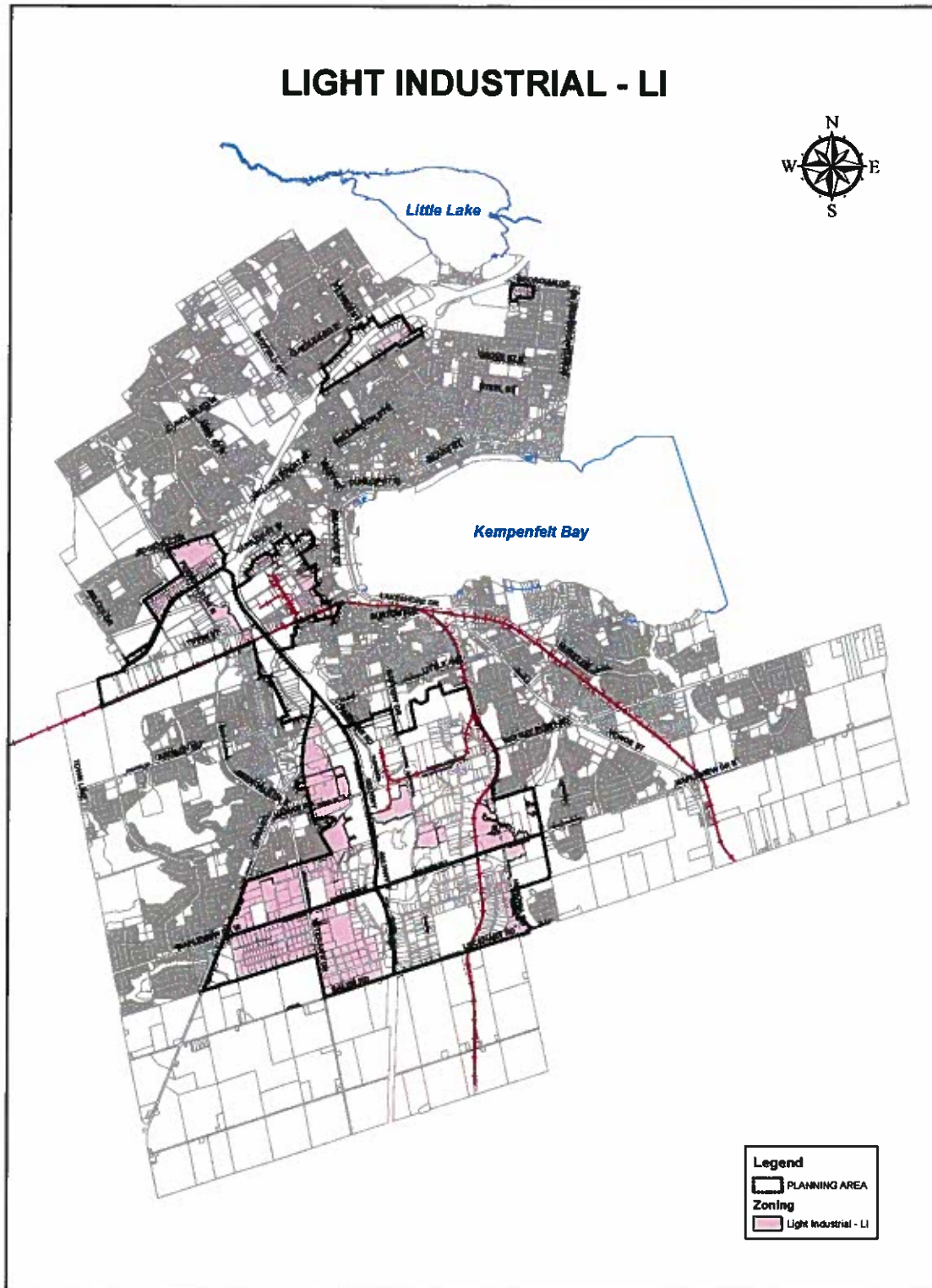
 Proposed new use in the Zone

Table 7.2				
Uses	Zones			
	Light Industrial (LI) (Formally EM1 and EM3 Zones)	Highway Industrial (HI) (Formally EM2)	General Industrial (GI) (Formally EM4)	Restricted Industrial (RI) (Formally EM5)
Industrial Uses				
Abattoir				X
Animal Shelter	X		X	
Bakery	X	X	X	
Concrete Product Manufacturing			X	
Concrete Ready Mix Plant				X
Excavation and Processing of Mineral Aggregate Resources				X
Foundry			X	X
Manufacturing and Processing in Wholly Enclosed Buildings	X	X	X	X
Manufacturing, Refining, or Rendering of Noxious Products				X
Material Recovery Facility			X ⁽¹⁾	X ⁽¹⁾
Outdoor Storage			X	X
Outdoor Storage of Sand, Gravel, Stone, Soil or Salt				X
Printing and Publishing	X	X	X	
Rail Transfer Facility	X	X	X	
Recyclable Materials Transfer Station			X ⁽¹⁾	X ⁽¹⁾
Recycling Facility Concrete And/Or Asphalt				X
Rental Store Excluding Video and Electronic Rentals	X		X	
Research/Development Facility	X	X	X	
Self Storage			X	
Truck Terminal			X	
Warehousing in wholly enclosed buildings excluding self storage	X	X	X	
Wholesale Establishment	X	X	X	
Accessory Employee Use	X	X	X	X
Accessory Retail	X	X	X	
Adult Entertainment Parlour			X	
Assembly Hall	X	X		
Automotive Repair Establishment	X		X	

Bank	X	X (As part of a multi- tenant building)		
Building Supply Centre	X		X	
Car Wash	X		X	
Conference Centre	X	X		
Custom Workshop	X		X	
Data Processing Centre	X	X	X	
Drive Through Facility	X	X	X	
Dry Cleaning Establishment	X		X	
Fitness or Health Club	X			
Golf Driving Range (outdoor)			X	
Hotel, Motel	X	X		
Miniature Golf (outdoor)	X			
Nursery or Garden Supply Centre	X		X	
Office	X	X	X	
Office, Medical	X	X		
Outdoor Display and Sales Area	X		X	
Photography Studio	X			
Recreational Establishment	X			
Restaurant as part of multi-tenant building	X	X	X	
Service Store	X		X	
Trade Centre	X	X		
Transmission Establishment, Cellular and Electronic			X	X
Veterinary Clinic	X		X	
Heavy Equipment Dealer			X	
Kennel			X	
Kennel in wholly enclosed buildings	X			
Commercial School	X			
Day Nursery	X			
Industrial School	X		X	
Place of Worship	X			
Private Academy, Philanthropic or Religious School	X			
Funeral Service Provider	X			
Private Club	X			

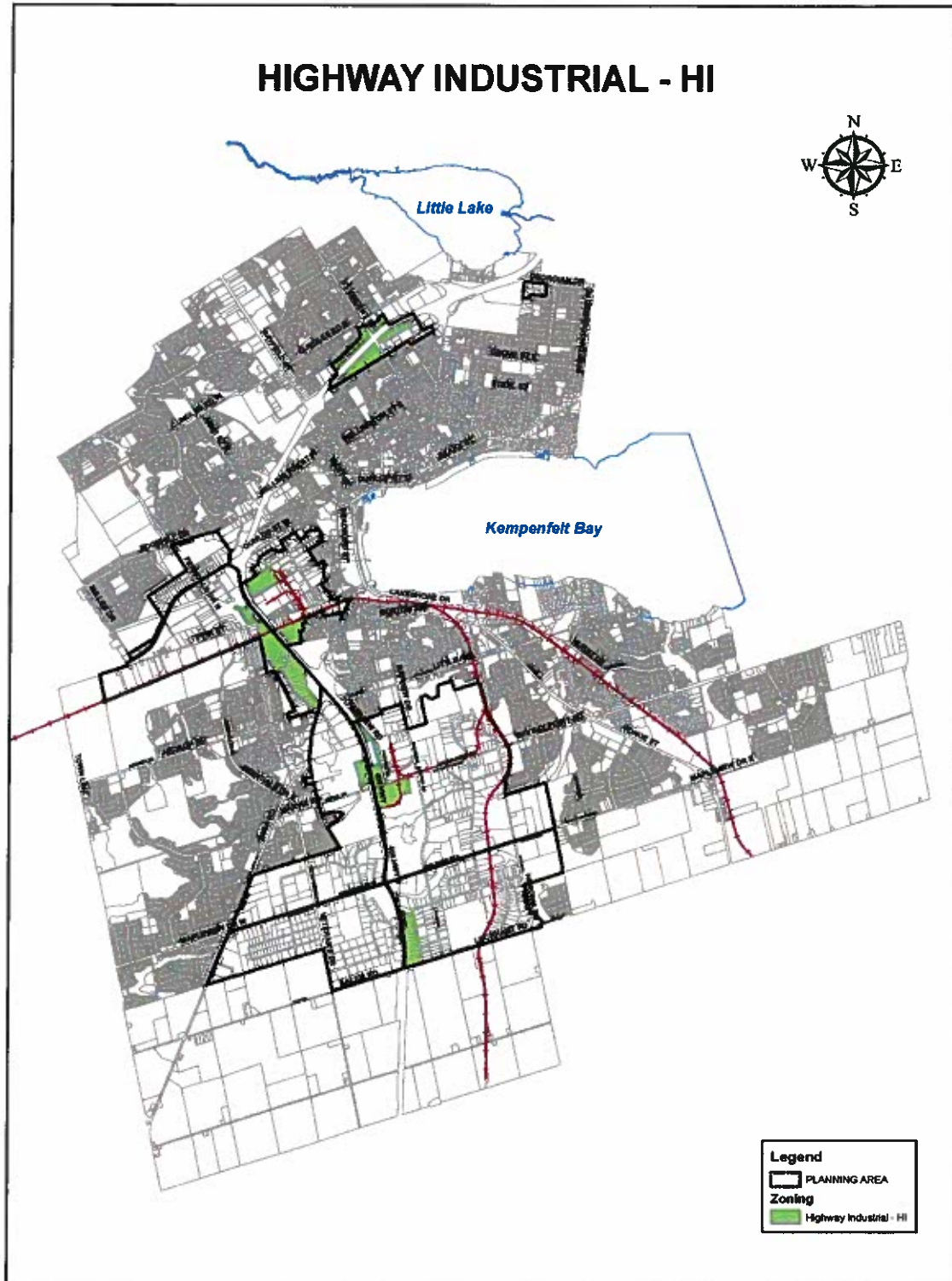
APPENDIX "E"

Proposed Light Industrial (LI) Zoned Lands



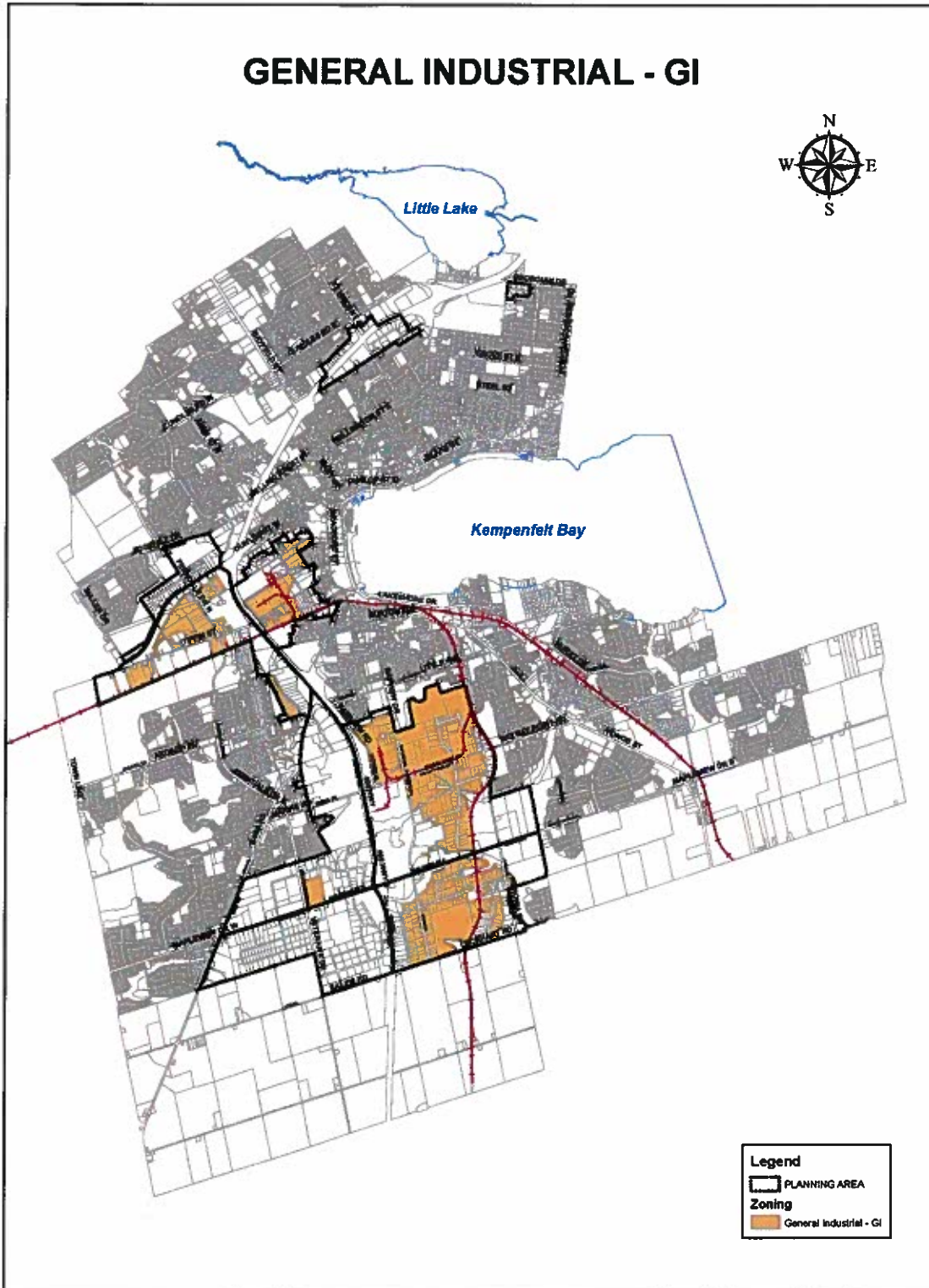
APPENDIX "F"

Proposed Highway Industrial (HI) Zone Lands



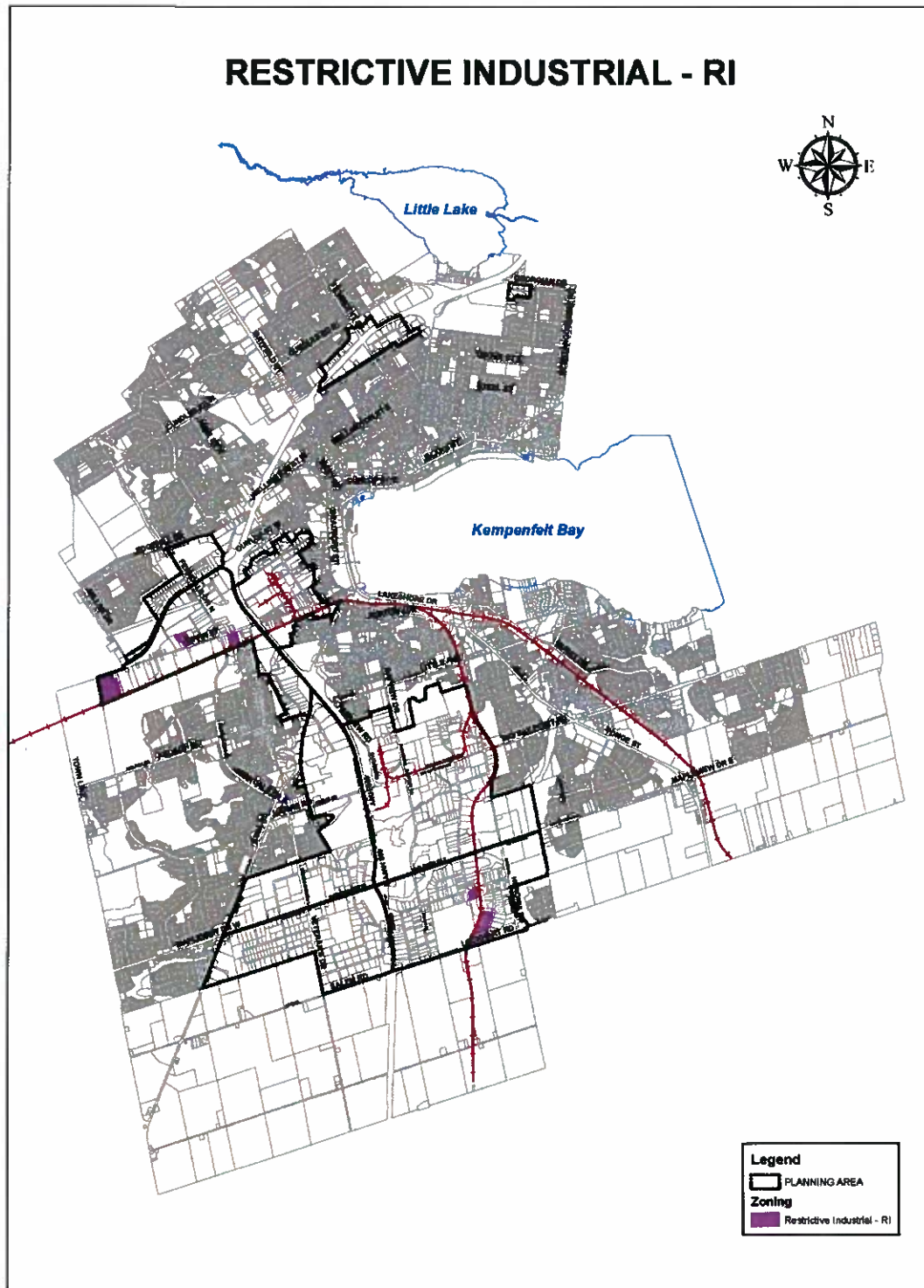
APPENDIX "G"

Proposed General Industrial (GI) Zone Lands



APPENDIX "H"

Proposed Restricted Industrial (RI) Zone Lands



APPENDIX "I"

Draft Site Specific Official Plan Policies

Planning staff are recommending that sensitive land uses such as Places of Worship, Day Nurseries, and Private Academy be considered for a site specific Zoning By-law Amendment within the Light Industrial (LI) Zone, subject to conforming to the following Official Plan policies. These policies would include the following:

- a) That the property on which the use is to be located shall be zoned Light Industrial (LI).
- b) That the use is compatible with surrounding planned and existing uses.
- c) That the use shall not be located on lands directly serviced by rail.
- d) The property subject to an application shall be located 400 metres away from an existing major industrial use unless a lesser distance can be supported by an analysis in accordance with MOE D1 and D6 Guidelines.
- e) That the size of the parcel of land or building to be used is appropriate for the proposed use and in no case shall the use be located on a site larger than 2.0 hectares.
- f) Any buildings constructed to accommodate the use shall be consistent with the built form and design of the industrial area in which it is located.
- g) That services such as water, sewage disposal, and roads are sufficient.
- h) That items such as noise, fumes, smoke, dust, odours, lighting and traffic generating capacity be considered to ensure that the presence of the proposed use will not be detrimental in regard to neighbouring uses within the industrial area or the wider community.
- i) That the owner enter into an Agreement with the City of Barrie, that they and/or their tenants will not make or file any complaints, deputations and/or appeals with the City and/or property/business owners as they relate to the noise, emissions, lighting and/or traffic that are generated by the surrounding industrial and/or commercial uses.
- j) That the owner enter into Development Agreement with the City, if required, to establish suitable site design requirements in regard to items including but not limited to setbacks, lot coverage, parking, access, landscaping, screening and buffering for those areas that are not subject to Site Plan Control or addressed through the Zoning By-law.

The above criteria would serve as a template for consideration of future applications, if received, to permit Places of Worship, Day Nurseries, and Private Academy Philanthropic or Religious School within industrial areas.