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THE CITY OF VAUGHAN BY-LAW

BY-LAW NUMBER 254-93

A By-law to adopt Amendment Number 428 to the Official Plan of the Vaughan Planning Area.

NOW THEREFORE the Council of the Corporation of the City of Vaughan ENACTS AS FOLLOWS:

1. THAT the attached Amendment Number 428 to the Official Plan of the Vaughan Planning Area, consisting of the attached text is hereby adopted.
2. AND THAT the City Clerk is hereby authorized and directed to make application to the Ministry of Municipal Affairs for approval of the aforementioned Amendment Number 428 to the Official Plan of the Vaughan Planning Area.
3. AND THAT this By-law shall come into force and take effect on the day of the final passing thereof.

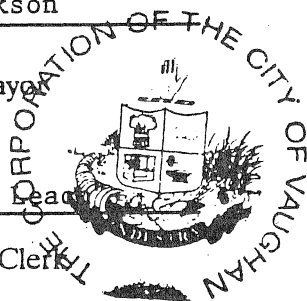
READ a FIRST, SECOND and THIRD time and finally passed this 7th day of September 1993.

"L.D. Jackson"

L. D. Jackson, Mayor

"J.D. Leach"

J. D. Leach, City Clerk



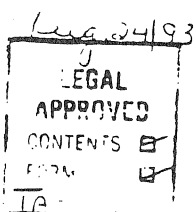
REFUSED - June 10/96

Ministry of Municipal Affairs and Housing

**AMENDMENT NUMBER 428
TO THE OFFICIAL PLAN
OF THE VAUGHAN PLANNING AREA**

The following text to Amendment Number 428 to the Official Plan of the Vaughan Planning Area constitutes Amendment Number 428.

Also attached hereto but not constituting part of this Amendment is Appendix I.



I PURPOSE

The purpose of this Amendment to the Official Plan of the Vaughan Planning Area is to set out policies and criteria to regulate the location and development of waste recycling establishments, which include waste transfer stations and material recovery and composting facilities.

II LOCATION

This Amendment applies to all industrial lands designated "Industrial", "Restricted Industrial" and "General Industrial" in the City of Vaughan.

III BASIS

On October 24, 1991, the Minister of the Environment introduced Bill 143 - "An Act respecting the Management of Waste in the Greater Toronto Area and to amend the Environmental Protection Act". This Act received Royal Assent on April 27, 1992 and sets Provincial targets of waste diversion from landfill sites of more than 25% in 1992 and more than 50% by the year 2000. It also requires (among other matters) the expeditious approval of 3R (Reduce, Reuse and Recycle) facilities - such as composting and recycling plants - to remove the barriers that impede their establishment.

In light of the Province's initiatives and the increasing number of MOE Certificate of Approval applications received by the City proposing waste recycling and composting facilities, a study was initiated in early 1992 to establish appropriate official plan policies and zoning standards to regulate the location and development of waste recycling and composting uses. The intent of this study was to:

- i) identify the various types of waste recycling facilities and waste recyclable materials to be permitted, and provide appropriate definitions thereof;
- ii) clarify the relationship between permitted recycling uses and those uses considered obnoxious, prohibited or salvage yard uses;
- iii) identify whether open storage should be permitted;
- iv) indicate appropriate industrial designations and zones where waste recycling and composting facilities may locate; and
- v) establish appropriate criteria to be used in the evaluation of development applications for waste recycling and composting facilities.

Upon review of the City's industrial official plan amendments, it was found that waste recycling and composting activities were not identified as specific uses. Policies respecting the development of these uses were also absent. The official plan generally allowed waste recycling and composting

facilities to fall into most industrial (and some commercial) designations under the general activities of "manufacturing", "processing and packaging operations" and "warehousing". Accordingly, it was necessary to amend both the official plan and zoning by-law.

The amendments to the City's Official Plan will ensure that waste recycling and composting activities continue to develop as a significant waste management option which will contribute to the Province of Ontario's waste diversion objectives. This amendment will remove barriers to recycling initiatives and encourage the expeditious approval of waste recycling and composting facilities. The protection of the natural environment and human safety are placed at the forefront of these proposed changes.

III WASTE RECYCLING AND COMPOSTING

In Ontario, sixty percent of all waste is generated in the industrial, commercial and institutional sectors. The City's initiatives to encourage and facilitate waste recycling and composting activities will help reduce the overall amount of waste material requiring disposal in landfill. In addition, valuable natural resources will be conserved. Recent bans on certain materials and increases in disposal fees at landfill sites will continue to make the separation of recyclable materials from waste increasingly attractive.

Waste recycling and composting involve the collection and reprocessing of used materials into usable products. Materials can be recycled back into their original form or into another marketable product. Simply collecting, reprocessing and storing a material without a viable market is not considered to be recycling.

Composting reduces the amount of organic material going to landfill. It involves the treatment of organic matter by the aerobic (oxygen requiring) decomposition of organic matter through bacterial action in the production of stabilized humus or compost. Compost is a dark organic and odourless substance which can be applied safely and free of nuisance as a soil amendment or as artificial top soil. In urban areas, composting is conducted primarily within buildings using high technology systems.

Types of Materials:

The rapid growth of secondary use markets has made it difficult to identify current recyclable and compostable materials. Materials that cannot be recycled are sent to approved disposal sites.

Although this list is not meant to be exhaustive, materials (non-hazardous) which are currently recyclable include: corrugated cardboard, paper, newsprint, glass, metals (aluminum, iron, steel), plastics and wood; construction materials consisting of concrete, plaster, bricks, blocks and drywall; and certain non-hazardous liquids.

Compostable (non-hazardous) materials include: yard, garden, grass and leaf wastes; tree and shrub trimmings; plant material; agricultural crop residues and animal manures; food processing wastes such as fruits and vegetables from restaurants and supermarkets; and lumber and paper products.

Types of Facilities:

a) Collection Facility (Transfer Station)

The industrial, commercial and institutional sectors are serviced by private waste management companies which offer source separation, collection and sorting programs for recyclable materials. Permanent collection facilities are known as transfer stations (or recycling depots).

A transfer station is an enclosed building where recyclable materials are accepted by donation, for redemption, or for purchase from public or private firms and temporarily stored. When sufficient quantities of material accumulate, it is transported to a "Material Recovery Facility" for processing, or shipped directly to an end user.

Accessory processing often occurs at transfer stations in the form of densification in which material is compacted or baled for efficient temporary storage or shipment purposes.

b) Processing Facility (Material Recovery/Composting Facilities)

A processing facility can be in the form of a "Material Recovery Facility (MRF)" or a "Composting Facility". Both types of facilities resemble typical industrial buildings. The primary function of a MRF is to process recyclable materials, however, they may also collect, separate, sort and store materials similar to a transfer station. MRF's are designed to perform the following:

- sort and separate mixed recyclable materials (mechanical or manual sorting/separation); and
- preparation (ie. removal of contaminants, baling, shredding, grinding, melting, crushing, chipping, treatment and material recovery) of materials for shipment to a manufacturer's or end-user's specifications for further processing and utilization in an ongoing manufacturing or industrial operation; and/or
- preparation of materials directly into usable products (eg. compost or wood chips), and shipment to market.

A "composting facility" is a type of MRF which processes organic material. These facilities require special machinery to prepare and compost the materials in a highly controlled process. The main types of indoor systems include: windrow (turned or static), aerated static pile and in-vessel. Composting facilities may require open storage in the form of outdoor curing "cells", once the compost has been removed from the building.

V DETAILS OF THE ACTUAL AMENDMENT AND POLICIES RELATIVE THERETO

The Official Plan of the Vaughan Planning Area is hereby amended by the addition of the following policies:

1. Definition

A "waste recycling establishment" is an operation that may collect and store and/or process recyclable and compostable materials for the purposes of creating new products or raw materials, and includes a waste transfer station, material recovery facility and composting facility.

2. Land Use Categories

- i) A "waste recycling establishment" shall only be permitted in the following industrial designations: "Industrial", "Restricted Industrial" and "General Industrial".
- ii) A waste recycling establishment shall not be permitted to operate on lands abutting an arterial road, and existing or planned provincial highways.

3. Site Development

a) General Provisions

- i) Waste recycling establishments shall be operated in a manner that does not result in a nuisance or a hazard to the health and safety of the natural environment and persons.
- ii) Approval of proposed waste recycling establishments shall not be given until the following matters are acceptable to the City of Vaughan, Region of York, and other appropriate authorities:
 - water supply;
 - sewage disposal;
 - stormwater management;
 - transportation system; and
 - landscaping and urban design.
- iii) Waste recycling establishments shall provide a high level of site design including substantial landscaping requirements to ensure compatibility with development on adjacent lands.
- iv) The total gross floor area, site layout, and building and landscape design standards shall be in accordance with the zone requirements and provisions set out in the City of Vaughan Comprehensive Zoning By-law 1-88.

b) Operations In Enclosed And Free-Standing Buildings

- i) A waste recycling establishment shall be permitted to operate within a wholly enclosed building or structure that is free-standing. Accessory outside storage shall be permitted in designations that currently permit such use.
- ii) A waste recycling establishment may be permitted to operate within a multi-unit industrial building, subject to an amendment to the City of Vaughan Comprehensive Zoning By-law 1-88, provided it can be demonstrated that such use:
 - shall be sensitively integrated on the site and be compatible with other uses in the building and with surrounding development;
 - shall ensure that the function and intensity of the use does not detrimentally impact upon other users in the building, particularly with regard to fugitive emissions (smoke, noise, dust and odour), process upsets, breakdown or malfunction of technical controls and/or spills, vibration, truck traffic, and the potential attraction of nuisance factors such as vectors (eg. insects) and vermin (eg. rats), among other similar matters;
 - shall ensure the proper functioning of the site, having regard for adequate internal traffic circulation, sufficient parking and loading spaces, and other similar matters of concern; and
 - shall not detract from the visual aesthetics of the site.

c) Outside Storage

- i) The outside storage of materials shall be accessory to a permitted waste recycling establishment use and shall be allowed only in designations that permit outside storage.
- ii) Outdoor storage shall not be permitted on any lot unless there is an existing building located on the property. The total gross floor area and location of such building shall be in accordance with the zone requirements and standards of the City of Vaughan Comprehensive Zoning By-law 1-88.
- iii) Outdoor storage areas shall not be permitted on corner lots or in any front yard and shall be restricted to rear and/or interior side yards.

- iv) Outside storage areas shall be completely enclosed by a stone or masonry wall, chain link fence, or preferably by a solid fence. The minimum height of such enclosure shall generally not be less than 2.5 metres, or shall be of a height acceptable to the Ministry of the Environment. All fencing shall comply with the City's Fence By-law.
- v) Landscaped buffer areas shall consist of trees, berms and other landscaping materials, which shall be provided along the exterior of all walls and fences surrounding outside storage areas. The minimum width(s) of the landscaped buffer areas shall be set out in the City of Vaughan Comprehensive Zoning By-law 1-88.
- vi) All materials stored outdoors shall be placed in sturdy containers, bins or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized.
- vii) All materials shall be required to be placed on top of an impermeable pad of concrete, asphalt or compacted clay.

d) Management and Operations

The City, when reviewing Site Plan applications and Ministry of the Environment Certificate of Approval or Provisional Certificate of Approval ("permit-by-rule") applications for waste recycling establishments, shall be satisfied that:

- i) No waste materials shall be received at a waste recycling establishment that cannot be managed or is incompatible with the processing equipment and systems or storage capabilities.
- ii) All waste residues generated from waste recycling establishments including waste materials that are presently not recyclable shall be sent to an approved waste disposal site.
- iii) Steps shall be taken to mitigate potential obnoxious qualities relating to noise, odour, air quality, ground and surface water quality, vectors (eg. birds and insects), vermin (eg. rats), and liquid discharges to sewers, which may seriously impact surrounding land uses.
- iv) The best management practices and technologies shall be incorporated into the design and maintenance of waste recycling establishments with consideration given to in-draft ventilation systems with filtering of exhaust air, dust control systems equipped with particulate filters which are capable of removing dust from inside operations, and

regular equipment maintenance, among other similar matters in an effort to minimize potential site problems.

- v) Sites shall be maintained free of litter and other undesirable materials. Owners shall perform daily site clean-up and establish vector and vermin control programs, among other similar matters.

e) Noxious Uses

In order to minimize possible impacts to residential communities, the following policy shall apply to all areas designated industrial by the City of Vaughan Official Plan:

"Uses which, because of the nature of materials used are considered a noxious trade, business or manufacture under the Health Protection and Promotion Act or related regulations, shall not be permitted. Outside storage of goods and materials shall be strictly controlled in accordance with the provisions of the City of Vaughan Comprehensive Zoning By-law 1-88."

f) Transportation

- i) The City, when considering applications for waste recycling establishments, may request from the applicant, a Traffic Study, which will identify the traffic to be generated, the impact on the existing roads network and additional transportation improvements that may be required to accommodate development of a waste recycling establishment.
- ii) The surface of all driveways, loading areas, parking spaces and manoeuvring areas shall be paved with hot-mix asphalt or concrete and be accessible to customer, employee, service and emergency vehicles.
- iii) On-site parking and loading facilities shall be made available in accordance with the standards set out in the City of Vaughan Comprehensive Zoning By-law 1-88. Parking and service areas shall be screened to minimize adverse visual effects, and where practical, directed to rear and/or side yard locations.

g) Landscaping

Appropriate forms of landscaping and buffering (ie. berming, planting and fencing) shall be required to act as a natural buffer and visual screen in areas where outside storage, parking and service areas are provided.

h) Distance Separation (Proximity To Sensitive Land Uses)

- i) Given the extensive industrial areas within the City of Vaughan and the opportunities

to locate waste recycling operations within these areas it is a policy of the City to establish a substantial separation distance between waste recycling operations and existing and planned residential, institutional and parkland uses. Such separation distance is intended to minimize any adverse affects including noise, dust, traffic and visual impacts.

- ii) Comprehensive Zoning By-law 1-88 will establish a substantial separation distance in order to provide an effective buffer between a waste recycling establishment and existing and planned residential, institutional and parkland uses.
- iii) A minimum setback requirement shall be established in the City of Vaughan Comprehensive Zoning By-law 1-88, which will act as an effective buffer between outside storage areas that are accessory to a waste recycling establishment and open space valleylands that are zoned OS1 Open Space Conservation Zone in By-law 1-88.

APPENDIX I

On May 4, 1992, Vaughan Council considered File 15.15 (Waste Recycling Operations In Industrial Areas) and resolved:

"That this Staff Report (File 15.15 - Waste Recycling Operations In Industrial Areas) BE RECEIVED; and copies of the report be made available to appropriate City Departments, the Ministry of the Environment, other environmental agencies, the Region of York, all Ratepayer Associations, and other interested parties for input and comment.

That Staff BE DIRECTED to prepare a report for a general amendment to By-law 1-88 proposing definitions, zone requirements, and appropriate standards to permit "as-of-right" various types of waste recycling operations in specific zones within the industrial areas of the City of Vaughan; and that this Staff Report be the subject of a Council Public Hearing Meeting."

A report was prepared by the City in accordance with Council's direction. The report also addressed the need for an Official Plan Amendment and recommended appropriate policies for development of waste recycling and composting facilities. On February 15, 1993, Council considered File 15.15 (Waste Recycling And Composting Facilities In Industrial Areas) and resolved:

"That this Staff Report (File 15.15 - Waste Recycling And Composting Facilities In Industrial Areas) respecting amendments to the Official Plan and Zoning By-law to provide policies and standards for waste recycling and composting facilities, BE RECEIVED, for discussion purposes.

That subject to any comments from Council, circulations and final Staff revisions, this matter be forwarded to the April 19, 1993, Council Public Hearing."

A report was prepared by the City in accordance with Council's direction. On April 19, 1993, Council considered File 15.15 (Waste Recycling And Composting Facilities In Industrial Areas) and resolved (in part - official plan recommendation):

"THAT this Staff Report (File 15.15 - Waste Recycling And Composting Facilities In Industrial Areas), BE APPROVED, subject to the following recommendations:

A. That a draft official plan amendment be prepared and provide for the following policies:

1. New Recycling Use

The term "waste recycling establishment" shall be incorporated into the official plan as a permitted use in specific industrial designations and be recognized as "an operation that may collect and store and/or process recyclable and compostable materials for the purposes of creating new products or raw materials.

2. Land Use Categories

i) A waste recycling establishment shall only be permitted in the following industrial designations: Industrial, Restricted Industrial and General Industrial.

ii) A waste recycling establishment shall not be permitted to operate on a site located adjacent to an arterial road, existing or planned provincial highways, watercourses, valleylands, woodlots, and existing or planned open space and environmentally sensitive areas.

3. Site Development Issues

a) General Provisions

i) Waste recycling establishments shall be operated in a manner

that does not result in a nuisance or a hazard to the health and safety of the natural environmental and persons.

- ii) Approval of proposed waste recycling establishments shall not be given until the following matters are acceptable to the City, Region, and other appropriate authorities:
 - water supply;
 - sewage disposal;
 - stormwater management; and
 - transportation system.
- iii) Waste recycling establishments that require large quantities of municipal water and/or generate large sewage volumes shall be considered on an individual basis.
- iv) Waste recycling establishments shall provide a high level of site design including substantial landscaping requirements to ensure compatibility with development on adjacent lands.
- v) The total gross floor area, site layout, and building and landscape design standards shall be in accordance with the zone requirements and provisions set out in the Restricted Area Zoning By-law.

b) Operations In Enclosed and Free-Standing Buildings

- i) A waste recycling establishment shall be permitted to operate within a wholly enclosed building or structure that is free-standing. Accessory outside storage shall be permitted in designations that currently permit such use.
- ii) A waste recycling establishment may be permitted to operate within a multi-unit industrial building, provided it can be demonstrated that such use:
 - shall be sensitively integrated on the site and be compatible with other uses in the building and with surrounding development;
 - shall ensure that the function and intensity of the use does not detrimentally impact upon other users in the building, particularly with regard to fugitive emissions (smoke, noise, dust and odour), process upsets, breakdown or malfunction of technical controls and/or spills, vibration, truck traffic, and the potential attraction of nuisance factors such as vectors (eg, insects) and vermin (eg. rats), among other matters;
 - shall ensure the proper functioning of the site, having regard for adequate internal traffic circulation, sufficient parking and loading spaces, and other matters of concern; and
 - shall not detract from the visual aesthetics of the site.

c) Outside Storage

- i) The outside storage of materials shall be accessory to a permitted waste recycling establishment use and shall be allowed only in designations that currently permit outside storage.
- ii) Outdoor storage shall not be permitted on any lot unless there is an existing building located on the property. The total gross floor area and location of such building shall be in accordance

with the zone requirements and provisions set out in the Restricted Area Zoning By-law.

- iii) Outdoor storage areas shall not be permitted on corner lots or in any front yard and shall be restricted to rear and/or interior side yards.
- iv) Outside storage areas shall be completely enclosed by a stone or masonry wall, chain link fence, or preferably by a solid fence. The minimum height of such enclosure shall generally not be less than 2.5 metres, or shall be of a height acceptable to the Ministry of the Environment.
- v) A landscaped screen consisting of trees and berms shall be provided along the exterior of all enclosures surrounding outside storage areas. The minimum width of the landscaped buffer shall be set in the Restricted Area Zoning By-law.
- vi) All materials stored outdoors shall be placed in sturdy containers, bins or enclosures which are covered, secured, and maintained in good condition, or shall be baled or palletized.
- vii) All materials shall be required to be placed on top of an impermeable pad of concrete, asphalt or compacted clay.

d) Noxious Uses

- i) No waste materials shall be received at a waste recycling establishment that cannot be managed or is incompatible with the processing equipment and systems or storage capabilities.
- ii) All waste residues generated from waste recycling establishments including waste materials that are presently not recyclable shall be sent to an approved waste disposal site.
- iii) Adequate steps shall be taken to mitigate potential obnoxious qualities relating to noise, odour, air quality, ground and surface water quality, vectors (eg. birds and insects), vermin (eg. rats), and liquid discharges to municipal sewers, which may seriously impact surrounding land uses.
- iv) The best available technology shall be incorporated into the design and maintenance of waste recycling establishments with consideration given to in-draft ventilation systems with filtering of exhaust air, dust control systems equipped with particulate filters which are capable of removing dust from inside operations, and regular equipment maintenance, among other matters in an effort to minimize potential site problems.
- v) Site shall be maintained free of litter and other undesirable materials. Owners shall perform daily site clean-up and establish vector and vermin control programs, among other matters.
- vi) The following wording shall be reflected in all industrial official plans:

"Uses which, because of the nature of materials used are considered a noxious trade, business or manufacture under the Health Protection and Promotion Act or related regulations, shall not be permitted. Outside storage of goods and materials shall be strictly controlled in accordance with the provisions of the Zoning By-law."

e) Transportation

- i) The applicant shall provide the City with a Traffic Study, if deemed necessary by City Staff, which will identify the traffic to be generated, the impact on the existing roads network and additional transportation improvements that may be required to accommodate such developments.
- ii) The surface of all driveways, loading areas, parking spaces and manoeuvring areas shall be paved with hot-mix asphalt or concrete and be accessible to customer, employee, service and emergency vehicles.
- iii) On-site parking and loading facilities shall be made available in accordance with the standards set out in the Restricted Area Zoning By-law. Parking and service areas shall be screened to minimize adverse visual effects and where practical, directed to rear and/or side yard locations.

f) Landscaping

Appropriate forms of landscaping and buffering (ie. berming and fencing) shall be provided to act as a natural buffer and visual screen in areas where outside storage, parking and service areas are provided.

g) Proximity To Sensitive Land Uses

All buildings, processing and storage areas, and access roads, shall generally not be located less than 300 metres away, or shall be located a distance acceptable to the Ministry of the Environment from the property line of the nearest residence, school, place of worship, hospital or other public institution, watercourses, parks and existing and proposed (ie. Keele Valley) open space areas, and environmentally significant and sensitive areas."