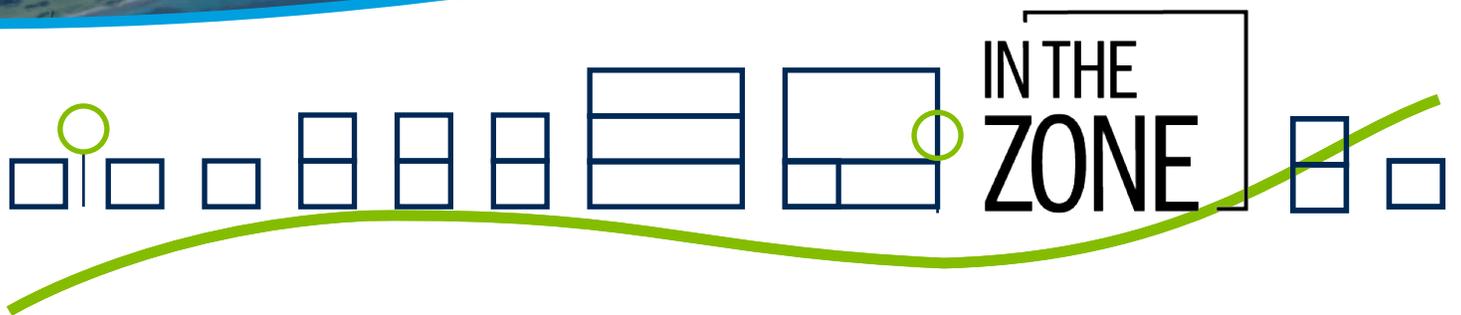


Prepared By:



# Other Zones Report

October 2020



Prepared For:





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**Appendix A: Location of Other Zones**

**Appendix B: Comparison of Official Plan designations and Other Zones Tables**

# 1 Introduction



This report forms part of the Whitby Zoning By-law Review Study, a comprehensive phased undertaking that sets out to update Whitby's existing zoning by-laws into a new single Comprehensive Zoning By-law for the Town. The overall intent of the Zoning By-law Review Study is to create a new zoning by-law that will implement the Official Plan, that is clear, concise and easy to read and that provides necessary land use and built form direction while being flexible in implementation where appropriate.

Following separate Residential, Commercial, Mixed Use and Employment reports, the objective of this report is to review and evaluate the remaining existing zones in the Town of Whitby's zoning by-laws. The undertaking includes a review of the remaining zones within the existing Zoning By-Law #1784 ("1784"), Zoning By-Law #2585 ("2585") and the Oak Ridges Moraine Zoning By-Law #5581-05 ("5581-05"). The zones discussed include:

- Agricultural Zones;
- Cemetery Zones;
- Development Zones;
- Institutional Zones;
- Natural Heritage and Hazards Zones; and
- Open Space Zones.

The purpose of the review is to understand how the remaining zones in each zoning by-law are laid out, what are the similarities and differences, what components should be carried forward into Whitby's new Comprehensive Zoning By-law, and what provisions are missing in order to conform to the Official Plan.

The undertaking also includes a review of other municipalities' zoning by-laws to gain insight into best practices for the remaining zones. The information summarized in this report is intended to assist in determining the structure and content of Whitby's new Comprehensive Zoning By-law.

The scope of this Study includes the entirety of Whitby, with the exception of the Brooklin expansion area.

**Section 2** of this report broadly outlines the structure of the other zones in the three Whitby zoning by-laws.

**Section 3** of this report summarizes the other zone provisions in Whitby's existing zoning by-laws.

**Section 4** provides a best practice review of other zoning by-laws in Ontario.

**Section 5** reviews the zoning against the Town's Official Plan.

**Section 6** highlights some lessons learned from the review of past minor variances.

**Section 7** summarizes some considerations from the analysis.

**Section 8** addresses next steps in the Study.

## 2 Other Zones in the Existing Zoning By-Laws

### 2.1 Zoning By-law 1784

Zoning By-law 1784 contains a number of other zones, including the following:

- Agricultural Zone (A);
- Agriculture Service Zone (A1);
- Cemetery Zone (CE);
- Brooklin Secondary Plan Development Zone (D);
- Institutional Zone (I\*);
- Brooklin Secondary Plan Institutional Zone (I-BP).
- Greenbelt Zone (G);
- Open Space Zone (OS).

In addition to the above zones, there are additional zone subcategories located within the Village of Brooklin Central Core Area and the West Whitby Secondary Plan Area subsections, Sections 13 and 14 respectively.

Within the Village of Brooklin Central Core Area is one subcategory of the institutional zone called the Institutional Zone - Village of Brooklin (I-VB) and one subcategory of the open space zone called the Open Space - Village of Brooklin Zone (OS-VB).

Within the West Whitby Secondary Plan Area there is one subcategory of institutional zone called West Whitby Institutional Zone (IWW).

Most of the zones address provisions that are specific to that zone, such as lot or yard requirements, within the zone subsection. The exception is the A zone, for which the zone provisions are instead listed within a table at the end of the zoning by-law (Schedule A).

### 2.2 Zoning By-law 2585

In Zoning By-law 2585, other zones include:

- Cemetery Zone (G);
- Development Zone (D);
- Flood Zone (F);
- Institutional Zone (I); and

- Open Space Zone (OS).

In addition to the above zones, there are additional zones located within the Downtown Secondary Plan Area, in Section 26. There is one subcategory of the open space zone called Open Space 1 - Downtown Zone (OS1-DT). There are also two subcategories of the institutional zone: Institutional 1 - Downtown Zone (I1-DT) and Institutional 2 - Downtown Zone (I2-DT).

Similar to Zoning By-law 1784, the zones address provisions that are specific to that zone, such as lot or yard requirements, within the zone subsection.

### **2.3 Zoning By-law 5581-05**

The Oak Ridges Moraine Zoning By-law #5581-05 applies to the area covered by the Oak Ridges Moraine Conservation Plan and Oak Ridges Moraine Secondary Plan, covering the smallest area of all 3 zoning by-laws. It also has the fewest number of zones. There are 6 remaining zones not addressed in previous reports.

These include the:

- Oak Ridges Moraine Agricultural Zone (ORM-A);
- Oak Ridges Moraine Agricultural Service Zone (ORM-A1);
- Oak Ridges Moraine Natural Linkage Area Zone (ORM-NLA);
- Oak Ridges Moraine Environmental Protection Zone (ORM-EP);
- Oak Ridges Moraine Institutional Zone (ORM-I); and
- Oak Ridges Moraine Open Space Zone (ORM-OS).

## 3 Comparison of Existing Zones

This section describes the permitted uses, zone provisions and general locations of the other zones as summarized into 6 categories as follows:

- Agricultural/Agricultural Service Zones,
- Cemetery Zones,
- Development Zones,
- Institutional Zones,
- Natural Heritage Zones, and
- Open Space Zones.

Maps showing the location of each of these zones are provided in **Appendix A**. The following summarizes similarities and differences between zones in the three Whitby zoning by-laws, based on this analysis.

It should be noted that the analysis only deals with the parent zones in the three zoning by-laws, and not the site specific exceptions. Site specific exceptions including site specific zones will be dealt with in a later report as part of this study.

### 3.1 Agricultural/Agricultural Service Zones

Zoning By-laws 1784 and 5581-05 each contain an Agricultural Zone (A) and Agricultural Service Zone (A1). Zoning By-law 2585 contains no agricultural zones. The permitted uses and provisions for these zones are provided in **Tables 1** and **2**.

#### 3.1.1 Permitted Uses

The permitted uses in Zoning By-law 1784's A and Zoning By-law 5581-05's ORM-A Zone are not all that dissimilar, with a focus on agricultural uses, conservation uses, and fish, wildlife, forestry management. Both A zones permit single detached dwellings but Zoning By-law 1784 places further conditions on the use including that it be related to a farm operation or on an existing lot of record.

Zoning By-law 1784's A Zone permits a number of additional uses not specifically listed within the ORM-A Zone but fall within the same realm of agricultural uses (i.e., apiary, field crop, orchard, market garden, greenhouse, etc.). If the by-law contained a definition of agriculture similar to that in the Provincial Policy Statement, these uses would not need to be listed. Zoning By-law 5581-05's ORM-A Zone also permits open storage whereas Zoning By-law 1784's A Zone only permits opens storage as an

accessory use. In addition, Zoning By-law 1784 permits existing golf courses. Since new golf courses are not permitted by Provincial policy, the study should consider whether existing golf courses should only be permitted in site-specific exceptions as opposed to in the parent agricultural zone(s).

Zoning By-law 1784 and Zoning By-law 5581-05's A1 and ORM-A1 Zones both permit agricultural implement sales and services which is the only use common to both zones. Zoning By-law 1784's A1 Zone additionally permits many of the same uses as the A Zone, as well as a horse racetrack, motel, public uses, sales outlet for nursery and gardening accessory supplies and restaurants. A number of these uses would no longer be permitted in agricultural areas by Provincial or Town policy.

Other than agricultural implement sales and services, the only other use permitted in Zoning By-law 5581-05's ORM-A1 Zone is the sale of agricultural supplies.

### 3.1.2 Zone Provisions

The provisions of the Agricultural Zones in Zoning By-law 1784 (A) and 5581-05 (ORM-A) include provisions for both agricultural and residential uses. The provisions for both of these zones are exactly the same.

As for the Agricultural Service Zones, these differ from each other and from the Agricultural Zones (A and ORM-A), as illustrated in **Table 2**. The ORM-A1 Zone requires an unusually large rear yard setback of 106 metres.

### 3.1.3 Location

The locations of the different zones are described to follow. Maps illustrating these zones are found in **Appendix A**.

The agricultural zones in both Zoning By-law 1784 and 5581-05 are spread out mostly outside of the Urban Area. Zoning By-law 1784's A Zone is located predominantly outside of the urban areas from south of Dundas Street, north to generally south of Myrtle Road. Zoning By-law 5581-05's ORM-A Zone is located generally between south of Myrtle Road West and Townline Road, surrounding the Hamlets. While much of the natural heritage system outside of the Urban Area in Zoning By-law 1784 is zoned as Agricultural (A) Zone, under Zoning By-law 5581-05, these areas are within a separate environmental protection zone.

There is one small area zoned as A1 in Zoning By-law 1784, southeast of the intersection of Winchester Road and Thickson Road North.

There is also only one small location zoned as ORM-A1, north of Myrtle Road, east of Ashburn Road.

**Table 1: Summary of Permitted Uses for Agricultural Zones**

Zoning By-law	1784	5581	1784	5581
Zone	A	ORM-A	A1	ORM-A1
Accessory Seasonal Farm Produce Outlet	-	✓	-	-
Agricultural use	✓	✓	✓	
Agricultural implement sales and service outlet	-	-	✓	✓
Apiary	✓	-	✓	-
Conservation uses, including within the jurisdiction of the Central Lake Ontario Conservation Authority	✓	✓	✓	-
Farm produce Retail Sales	✓	-	✓	-
Field Crop	✓	-	✓	-
Fish, wildlife and forestry management/reforestation	✓	✓	-	-
Golf Course which existed on a lot as of March 14, 1994	✓	-	✓	-
Greenhouse	✓	-	✓	-
Horse racetrack	-	-	✓	-
Market garden	✓	-	✓	-
Motel	-	-	✓	-
Open Storage	✓	✓	-	-
Orchard	✓	-	✓	-
Public use	✓	-	✓	-
Restaurant	-	-	✓	-
Sale of agricultural supplies	-	-	-	✓
Sales outlet for nursery and gardening accessory supplies when associated with an operating nursery on the same premises.	-	-	✓	-
Single detached dwelling	♦	✓	-	-

♦  
Further conditions apply

**Table 2: Summary of Provisions for Agricultural Zones**

By-law	1784	1784	1784	5581	5581
Zone	A (Residential)	A (Agricultural)	A1	ORM-A <sup>1</sup>	ORM-A1
<b>Min. Lot Area</b>	2785 sq.m.	40ha	-	40ha, but 2785m <sup>2</sup> if residential	1.2ha
<b>Min. Lot Frontage</b>	45.5m	60m	45.5m	60m, but 45.5m if residential	88m
<b>Min. Lot Depth</b>	-	-	-	-	-
<b>Max. Lot Coverage</b>	10%	10%	30%	10%	30%
<b>Min. Front Yard</b>	15m	15m	21.5m	15m	18m
<b>Min. Rear Yard</b>	15m	15m	7.5m	15m	106m
<b>Min. Interior Side Yard</b>	15m, 4.5m for residential uses for those not employed on farm	15m	10.5m	15m, but 4.5m if residential	9m
<b>Min. Exterior Side Yard</b>	15m	15m	15m	15m	9m
<b>Landscaped Open Space</b>	-	-	-	-	-
<b>Max. Height</b>	10.5m	-	11m	10.5m if residential	11m

<sup>1</sup>Varies by uses, describes majority of uses

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## 3.2 Cemetery Zones

The permitted uses and provisions for the CE and G Zones are provided in **Tables 3** and **4**.

### 3.2.1 Permitted Uses

The permitted uses in Zoning By-law 1784's (CE) and Zoning By-law 2585's (G) Zones are almost the same except that Zoning By-law 1784's CE zone includes a number of additional cemetery related uses not included within Zoning By-law 2585's G Zone. These additional uses include a cemetery office, cemetery maintenance building and cemetery chapel. All three of these uses are in fact accessory uses. Zoning By-law 2585's G Zone includes a place of worship whereas the CE Zone does not although it includes a cemetery chapel.

### 3.2.2 Zone Provisions

The provisions of the Cemetery Zones in Zoning By-laws 1784 (CE) and 2585 (G) have some slight differences in front and exterior side yards with a minimum of 7.5m in the G Zone compared to 9m in the CE Zone. The Zoning By-law 1784 CE Zone includes a minimum lot area of 2ha and a minimum lot frontage of 100m whereas the Zoning By-law 2585 G Zone does not include either, though it does include a maximum height of 11m, whereas Zoning By-law 1784 includes no maximum permitted height.

### 3.2.3 Location

The locations of the different zones are described to follow. Maps illustrating these zones are found in **Appendix A**.

Zoning By-law 1784's CE Zone is not located anywhere within the Study area, occurring only within the Brooklin Expansion Area.

Zoning By-law 2585's G Zone applies only to a small property at the northeast intersection of Brock Street and Victoria Street.

**Table 3: Summary of Permitted Uses in Cemetery Zones**

Zoning By-law	1784	2585
Zone	CE	G
Cemetery	✓	✓
Cemetery office	✓	-
Cemetery maintenance building	✓	-
Cemetery chapel	✓	-
Church (Place of Worship)	-	✓
Columbarium or Mausoleum	✓	✓
Crematorium	✓	✓

♦

Further conditions apply

**Table 4: Summary of Provisions for Cemetery Zones**

By-law	1784	2585
Zone	CE	G
Min. Lot Area	2.0ha	-
Min. Lot Frontage	100m	-
Min. Lot Depth	-	-
Max. Lot Coverage	-	-
Min. Front Yard	9m	7.5m
Min. Rear Yard	9m	9m
Min. Interior Side Yard	9m	9m
Min. Exterior Side Yard	9m	7.5m
Landscaped Open Space	-	-
Max. Height	-	11m

<sup>1</sup>Varies by uses, describes majority of uses

### 3.3 Development Zones

Both Zoning By-law 1784 and Zoning By-law 2585 include Development Zones. In Zoning By-law 1784, it is contained under the title Brooklin Secondary Plan – Development (D) Zone. Both zones include sub-categories D(R) - residential and D(NR) – non-residential. Typically development zones are located in urban areas and are intended to act as a form of holding zone for the future development of land. Both zoning by-laws limit the permitted uses largely to agricultural uses, as well as a single detached dwelling, in the D(R) zone. In the Brooklin D Zone, the agricultural uses are referred to as “interim uses”. It is expected that lands in the D Zones will be re-zoned to an urban zone, once draft plans of subdivision or other site specific development is approved.

The permitted uses and provisions for the D Zones are provided in **Tables 5 and 6**.

#### 3.3.1 Permitted Uses

The permitted uses in Zoning By-law 1784’s D(NR)/D(R) and Zoning By-law 2585’s D(NR)/D(R) Zones are exactly the same; permitting an apiary, aviary, berry or bush crop, field crop, flower garden, greenhouse, horticultural nursery, market garden, orchard, public use and tree crop. Most of these permitted uses could be addressed by one broad definition of agricultural use, though certain uses also often captured in the definition of agricultural uses, such as livestock, may not be appropriate in the D Zones. The only difference between the zones is that the D(R) Zones also permit single detached dwellings and the D(NR) Zones do not.

#### 3.3.2 Zone Provisions

The provisions of the Development Zones (D) in Zoning By-laws 1784 and 2585 differ between the two with slightly different minimum yard provisions (10m vs. 7.5m respectively for all yards), differing lot of coverage (5% vs. 10% respectively) and differing maximum height (10m vs. 11m) in Zoning By-law 2585. Only Zoning By-law 1784 sets a minimum lot area (10ha).

#### 3.3.3 Location

The locations of the different zones are described to follow. Maps illustrating these zones are found in **Appendix C**.

In the area covered by Zoning By-law 2585, lands zoned D(NR) are located south of Consumers Drive and those zoned D(R) are located north of Consumers Drive. In Zoning By-law 1784, properties zoned D(NR) and D(R) occur both within and outside of Brooklin, despite the Brooklin zone name. There is also a property zoned simply “D”, south of Burns Street, east of Thickson Road South.

**Table 5: Summary of Permitted Uses of Development Zones**

Zoning By-law	1784	1784	2585	2585
Zone	D(R)	D(NR)	D(R)	D(NR)
Apiary	✓	✓	✓	✓
Aviary	✓	✓	✓	✓
Berry or bush crop	✓	✓	✓	✓
Field Crop	✓	✓	✓	✓
Flower garden	✓	✓	✓	✓
Greenhouse	✓	✓	✓	✓
Horticultural nursery	✓	✓	✓	✓
Market garden	✓	✓	✓	✓
Orchard	✓	✓	✓	✓
Public use	✓	✓	✓	✓
Single detached dwelling	✓	-	✓	-
Tree crop	✓	✓	✓	✓



Further conditions apply

**Table 6: Summary of Provisions for Development Zones**

By-law	1784	2585
Zone	D(R) and D(NR)	D(R) and D(NR)
Min. Lot Area	10ha	-
Min. Lot Frontage	-	-
Min. Lot Depth	-	-
Max. Lot Coverage	5%	10%
Min. Front Yard	10m	7.5m
Min. Rear Yard	10m	7.5m
Min. Interior Side Yard	10m	7.5m
Min. Exterior Side Yard	10m	7.5m
Landscaped Open Space		-
Max. Height	10m	11m

**Notes** R1 Zone For provisions apply to residential uses for all residential uses except lot area. provisions outlined in Section 7 apply.

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## 3.4 Institutional Zones

Zoning By-laws 1784, 2585 and 5581-05 each contain an Institutional Zone. Zoning By-law 1784 also includes 3 subcategories of institutional zones: I-BP (Brooklin Secondary Plan), I-VB (Village of Brooklin Secondary Plan) and IWW (West Whitby Secondary Plan). Zoning By-law 2585 also includes 2 subcategories within the Downtown Secondary Plan Area: I1-DT and I2-DT.

The permitted uses and provisions for the Institutional Zones are provided in **Tables 7** and **8**.

### 3.4.1 Permitted Uses

Many of the zones permit similar uses with some permitting a more diverse list of uses. The uses common amongst many of the zones are public and private schools, public and private hospitals, long term care facilities, community centres, day cares, a place of worship, institutional hall, accessory residences and offices of a public agency/office.

A few of the zones have a very similar list of permitted uses. These include Zoning By-law 1784's I-BP Zone and Zoning By-law 2585's I Zone and 1784's I-VB Zone and 2585's I1-DT Zone.

### 3.4.2 Zone Provisions

The provisions vary quite differently across the Institutional Zones, however there are some similar zones. For example Zoning By-law 1784's I\* Zone and Zoning By-law 5581-05's ORM-I Zone share the same provisions and Zoning By-law 1784's I-VB and Zoning By-law 2585's I1-DT share the same provisions, except that the I-VB Zone additionally addresses lot area, lot frontage and lot depth. Both I-VB and I1-DT include a 1.5m/storey minimum interior side yard which differs from the format of the remaining zones. Zoning By-law 1784's I-BP and Zoning By-law 2585's I Zone also share the same provisions and include a maximum height that varies with different setbacks.

Many of the zones provide a single set of standards for all institutional uses permitted in the zone, however the I-VB, I1-DT and I2-DT have different provisions for some of the different uses they permit. Where multiple sets of standards are addressed in a single zone, the standards that address the greatest number of uses are summarised in **Table 8**.

### 3.4.3 Location

The locations of the different zones are described to follow. Maps illustrating these zones are found in **Appendix A**.

Zoning By-law 1784's I\* Zone is spread out throughout the Town, including a couple of locations in Brooklin despite have two Brooklin-specific institutional zones. There are also a few sites zoned as Zoning By-law 1784's I-BP Zone within Brooklin, and Zoning By-law 1784's I-VB Zone has small pockets on either side of Baldwin Street, north of Winchester Road. (Neither of these latter zones occur outside of Brooklin). Note, there are some instances of split zoning, where a property is zoned both institutional and residential because a school was planned, but not needed and thus never built. There may be instances where some existing residences are identified with institutional zoning on the mapping in **Appendix A**, though residential zoning also applies.

Zoning By-law 1784's IWW Zone is located on the south west side of Whitby, between just north of Taunton Road West and Dundas Street West.

Zoning By-law 2585's I Zone is spread out throughout the area covered by Zoning By-law 2585, except in the Downtown. Zoning By-law 2585's I1-DT and I2-DT Zones are located within the Downtown Area bounded by Burns Street to the south, Manning Road to the North, Cochrane Street to the west and Garden Street to the east.

Zoning By-law 5581-05's ORM-I Zone includes one small pocket near the intersection of Baldwin Street North and Mud Lake Road and two small pockets near the intersection of Myrtle Road and Ashburn Road.

**Table 7: Summary of Permitted Uses for I Zones**

Zoning By-law	1784	1784	1784	1784	2585	2585	2585	5581
Zone	I*	I-BP	I-VB	IWW	I	I1-DT	I2-DT	ORM-I
Accessory residence	-	✓	✓	-	✓	✓	-	-
Assembly Hall	-	-	-	✓	-	-	-	-
Arena	-	✓	-	-	✓		-	-
Artist or photographic studio of a public agency	-	-	✓	-	-	✓	-	-
Boy scouts association use	-	✓	-	-	✓	-	-	-
Church (Place of Worship)	✓	✓	✓	✓	✓	✓	✓	✓
Clinic	-	-	✓	-	-	✓	-	
Community centre	✓	✓	✓	✓	✓	✓		✓
Crisis Centre	-	-	✓	-	-	✓	-	-
Daycare centre/nursery school	✓	✓	✓	✓	✓	✓	✓	✓
Existing Institutional Use	-	✓	-	-	-	-	-	-
Fire Station	-	-	✓	-	-	-	-	-
Fraternal lodge or association	✓	✓	-	-	✓	-	-	-
Girl guides association use	-	✓	-	-	✓	-	-	-
Homes for the aged/County home for the aged	-	-	-	-	✓	✓	-	-
Institutional hall	✓	✓	-	-	✓	-	-	✓
Jail	✓	✓	-	-	✓	-	-	-
Library of a public agency	-	-	✓	-	-	✓	-	-
Long term care facility	✓	✓	✓	✓	✓	✓	-	-
Municipal arena	✓	-	-	-	-	-	-	-
Museum of a public agency	-	-	✓	-	-	✓	-	-
Offices of a public agency/Office of the Corporation, the Region, the Province of Ontario or the Dominion of Canada	-	✓	✓	-	✓	✓	-	-
Private club	-	-	✓	-	-	✓	-	-
Private school	-	✓	✓	-	✓	-	✓	-
Public park	-	-	✓	-	-	✓	✓	-
Public or private hospital	✓	✓	✓	-	✓	✓	-	-
Public service	-	-	✓	-	-	✓	✓	-
Public use	-	✓	-	-	✓	-	-	-
Retirement home	-	-	✓	-	-	✓	-	-
School	✓	✓	✓	✓	✓	-	✓	-
Sewage treatment plant	-	✓	-	-	✓	-	-	-
Theatre of a public agency	-	-	✓	-		✓	-	-
Water supply plant		✓	-	-	✓	-	-	-
YMCA or YWCA	-	✓	-	-	✓	-	-	-

◆  
Further conditions apply

**Table 8: Summary of Provisions for Institutional Zones**

By-law	1784	1784	1784	1784	2585	2585	2585	5581
Zone	I*	I-BP	I-VB <sup>1</sup>	IWW	I	I1-DT <sup>1</sup>	I2-DT <sup>1</sup>	ORM-I
Min. Lot Area	-	-	525m <sup>2</sup>	-	-	-	500m <sup>2</sup>	-
Min. Lot Frontage	-	-	15m	-	-	-	20m	-
Min. Lot Depth	-	-	35m	-	-	-	30m	-
Max. Lot Coverage	50%	30%	30%	-	30%	30%	40%	50%
Min. Front Yard	15m	7.5m	Established Front Building Line	4m	7.5m	Established Front Building Line	12m	15m
Min. Rear Yard	10m	7.5m	7.5m	7.5m	7.5m	7.5m	15m	10m
Min. Interior Side Yard	10m	6m	1.5m/storey	3m	6m	1.5m/storey	7.5m but 12m abutting a residential zone	10m
Min. Exterior Side Yard	10m	7.5m	4.5m	4m	7.5m	4.5m	7.5m	10m
Landscaped Open Space	-	30%	20%	30%	30%	20%	25%	-
Max. Height	15m	8 storeys, with additional setbacks above 12m in height	10.5m	15m	8 storeys, with additional setbacks above 12m in height	3 storeys	3 storeys	15m

<sup>1</sup>Varies by uses, describes majority of uses

## 3.5 Natural Heritage Zones

Zoning By-laws 1784, 2585 and 5581-05 all contain Natural Heritage Zones. Zoning By-law 1784 contains the Greenbelt (G) Zone, Zoning By-law 2585 contains the Flood (F) Zone and Zoning By-law 5581-05 contains an Oak Ridges Moraine Natural Linkage Areas (ORM-NLA) Zone and an Oak Ridges Moraine Environmental Protection (ORM-EP) Zone.

The permitted uses and provisions for the natural heritage areas are provided in **Tables 9 and 10**.

### 3.5.1 Permitted Uses

Zoning By-law 1784's G Zone and Zoning By-law 5581-05's ORM-EP and ORM-NLA Zones all permit conservation uses and fish, wildlife and forestry management / reforestation. Zoning By-law 2585's F Zone does not include these uses but includes a number of agricultural uses that Zoning By-law 1784's G Zone includes, such as an apiary, greenhouse, market garden and orchard. Many of these uses would be captured under the agricultural use permitted in Zoning By-law 1784's G Zone and Zoning By-law 5581-05's ORM-NLA zone. The F Zone permits golf courses while the G Zone permits existing golf courses. The two ORM zones permit more limited uses than the F and G Zones, although Zoning By-law 5581-05's ORM-NLA zone is the only zone to permit a single detached dwelling.

### 3.5.2 Zone Provisions

The provisions of Zoning By-law 1784's G Zone and Zoning By-law 5581-05's ORM-NLA Zone are very similar except that ORM-NLA includes extra provisions for residential uses. Zoning By-law 2585's F Zone includes the same maximum lot coverage (10%) as Zoning By-law 1784's G Zone and Zoning By-law 5581-05's ORM-NLA Zone, however it includes smaller overall yard provisions at 7.5m compared to 15m. It also includes a maximum height of 11m whereas ORM-NLA includes a 10.5m maximum height for residential uses. Zoning By-law 5581-05's ORM-EP does not include any provisions largely because development and buildings are not permitted. It is the only zone amongst the zones considered in this report that does not include provisions.

### 3.5.3 Location

The locations of the different zones are described to follow. Maps illustrating these zones are found in **Appendix A**.

Zoning By-law 1784's G Zone is spread out throughout the south of Whitby and partially through the Brooklin Secondary Plan Area and takes up the most area out of the Natural Heritage Zones. Due to the fact that the Town has never carried out a Comprehensive Zoning By-law update until now, many G zones have been

implemented only by development application approval. Large areas of the Town have not been zoned to recognize natural heritage features. This study will be exploring how the zoning can be updated to address natural heritage features.

Zoning By-law 2585's F Zone is also spread out through the south of Whitby south of Bonacord Avenue/Manning Road.

Zoning By-law 5581-05's ORM-EP Zone is bound between Townline Road to the north and Myrtle Road to the south. The ORM-NLA Zone is generally located along the northern boundary of the Town.

**Table 9: Summary of Permitted Uses for Natural Heritage Zones**

Zoning By-law	1784	2585	5581	5581
Zone	G	F	ORM-NLA	ORM-EP
Agricultural use	✓	-	✓	-
Apiary	✓	✓	-	-
Aviary	-	✓	-	-
Bird rehabilitation centre	✓	-	-	-
Berry or bush crop	-	✓	-	-
Conservation uses, including within the jurisdiction of the Central Lake Ontario Conservation Authority	✓	-	✓	✓
Dock	-	✓	-	-
Farm produce Retail Sales	✓	-	-	-
Field Crop	✓	✓	-	-
Fish, wildlife and forestry management/reforestation	✓	-	✓	✓
Flower garden	-	✓	-	-
Golf Course	-	✓	-	-
Golf Course which existed on a lot as of March 14, 1994	✓	-	-	-
Greenhouse	✓	-	-	-
Horticultural nursery	-	✓	-	-
Market garden	✓	✓	-	-
Orchard	✓	✓	-	-
Parking lot	-	✓	-	-
Private park	-	✓	-	-
Public use	✓	✓	-	-
Single detached dwelling	-	-	✓	-
Trails and pathways for non-motorized vehicles	-	-	-	✓
Tree crop	-	✓	-	-

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Further conditions apply

**Table 10: Summary of Provisions for Natural Heritage Zones**

By-law	1784	2585	5581	5581
Zone	G	F	ORM-NLA	ORM-EP
Min. Lot Area	40ha	-	40ha, but 2785m <sup>2</sup> if residential	-
Min. Lot Frontage	60m	-	60m, but 45.5m if residential	-
Min. Lot Depth	-	-	-	-
Max. Lot Coverage	10%	10%	10%	-
Min. Front Yard	15m	7.5m	15m	-
Min. Rear Yard	15m	7.5m	15m	-
Min. Interior Side Yard	15m	7.5m	15m, but 4.5m if residential	-
Min. Exterior Side Yard	15m	7.5m	15m	-
Landscaped Open Space	-	-	-	-
Max. Height		11m	10.5m if residential	

<sup>1</sup>Varies by uses, describes majority of uses

## 3.6 Open Space Zones

Zoning By-laws 1784, 2585 and 5581-05 each contain an Open Space Zone. Zoning By-law 1784 includes a subcategory of open space zone called the Open Space - Village of Brooklin (OS-VB) Zone and Zoning By-law 2585 contains a subcategory within the Downtown Secondary Plan Area, the Open Space – Downtown Zone (OS1-DT).

The permitted uses and provisions for the Open Space Zones are provided in **Tables 11 and 12**.

### 3.6.1 Permitted Uses

All of the open space zones permit public parks. ORM-OS is the only zone that does not permit private parks in addition to public ones and is the only zone that permits only one use (i.e. public parks). Zoning By-law 1784's OS-VB and Zoning By-law 2585's OS1-DT also permit accessory residences, community centers and public services and Zoning By-law 1784's OS and 2585's OS Zones permit public uses. It is not clear what the difference is between a "public use" and a "public service" use.

### 3.6.2 Zone Provisions

Zoning By-law 1784's OS, 2585's OS and 5581-05's ORM-OS Open Space Zones all include the exact same provisions. Zoning By-law 1784's OS-VB and 2585's OS1-DT also have some similar provisions including rear, interior side and exterior side yard setback provisions and landscaped open space, which is the same across all zones at 30%. The remaining provisions differ from each other across these two zones. Zoning By-law 1784's OS-VB and 2585's OS1-DT also include provisions which vary depending on whether it is a community centre or a park in the OS-VB zone and depending on whether it is a park/community centre or an accessory caretaker's residence or a public service.

### 3.6.3 Location

The locations of the different zones are described to follow. Maps illustrating these zones are found in **Appendix A**.

Zoning By-law 1784's OS Zone includes pockets spread out throughout most of the south of Whitby and in the Village of Brooklin Secondary Plan. Zoning By-law 1784's OS-VB Zone only includes two small pockets on either side of Baldwin Street near Winchester Road.

Zoning By-law 2585's OS Zone is spread out in the area covered by Zoning By-law 2585, with a larger area along the Lake Ontario shoreline. There are a few areas zoned OS1-DT in Downtown Whitby.

Zoning By-law 5581-05's ORM-OS Zone has two small pockets northwest of the intersection of Ashburn Road and Myrtle Road East and southeast of the intersection of Myrtle Road East and Baldwin Street North.

**Table 11: Summary of Permitted Uses for Open Space Zones**

Zoning By-law	1784	1784	2585	2585	5581
Zone	OS	OS-VB	OS	OS1-DT	ORM-OS
Accessory residence	-	✓	-	✓	-
Cenotaph		-		✓	-
Community centre	-	✓	-	✓	-
Marina or yacht club including buildings and structures related thereto	-	-	✓	-	-
Private park	✓	✓	✓	✓	-
Public park	✓	✓	✓	✓	✓
Public service	-	✓	-	✓	-
Public use	✓	-	✓	-	-

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Further conditions apply

**Table 12: Summary of Provisions for Open Space Zones**

By-law	1784	1784	2585	2585	5581
Zone	OS	OS-VB <sup>1</sup>	OS	OS1-DT <sup>1</sup>	ORM-OS
<b>Min. Lot Area</b>	-	Community Centre 1000m <sup>2</sup> , Park: 0m	-	500m <sup>2</sup>	-
<b>Min. Lot Frontage</b>	-	Community Centre: 25m, Park: 0m	-	10m	-
<b>Min. Lot Depth</b>	-	Community Centre: 40m Park: 0m	-	-	-
<b>Max. Lot Coverage</b>	35%	30%	35%	25%	35%
<b>Min. Front Yard</b>	7.5m	6.0m, but 4.0m abutting a C1-VB Zone	7.5m	7.5m unless abutting a residential zone, then the lesser of 6m or establishe d front yard	7.5m
<b>Min. Rear Yard</b>	7.5m	7.5m	7.5m	7.5m	7.5m
<b>Min. Interior Side Yard</b>	7.5m	3.0m	7.5m	3m	7.5m
<b>Min. Exterior Side Yard</b>	7.5m	6.0m	7.5m	6m	7.5m
<b>Landscaped Open Space</b>	30%	30%	30%	30%	30%
<b>Max. Height</b>	13.5m	10.5m	13.5m	3 storeys	13.5m

<sup>1</sup>Varies by uses, describes majority of uses

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### 3.7 Additional Comments on Permitted Uses and Provisions

The following provides some general comments on the provisions and permitted uses that should be considered further in the preparation of the new Comprehensive Zoning By-law:

- How terms or groups of uses should be combined or split out. Several uses could be grouped into more general uses, for example, a “field crop” and a “bush or berry crop” are agricultural uses;
- How conservation vs. fish, wildlife and forest management are listed and described as different terminology;
- How “public services” vs. “public uses” are described and permitted;
- Any reference to “church” as a permitted use should be updated to “place of worship”;
- Both the terms “homes for the aged” and “retirement home” are used, only one should be used for consistency. “Retirement home” is preferred for clarity, and is a more contemporary term;
- Minimum lot area provisions should all use the same unit (e.g. hectares vs. square metres);
- Height should be consistently described in one metric unit (metres or storeys);
- A number of uses in the agricultural and natural heritage zones are not permitted by Provincial policy;
- It is clear that many of the zones are very similar and could easily be combined; and
- It is cumbersome to read where permitted uses and zone provisions are in different sections of the zoning by-law.

## 4 Best Practices of Other Municipalities



The purpose of this section is to identify uses or elements that other existing zoning by-laws in Ontario address, for consideration of inclusion in Whitby's new Comprehensive Zoning By-law. The zoning by-laws reviewed in this Study were chosen based on the following factors:

- locale - to review zoning by-laws within southern Ontario;
- approval date - to review more recent zoning by-laws, such as in the case of East Gwillimbury and Vaughan, neither of which are in effect yet;
- clarity - to consider zoning by-laws that had been noted in other planning work as being clear, concise and well organized, such as Milton and Ajax; and
- uniqueness - to review zoning by-laws that brought a unique or interesting element, such as the use of colour in the zoning by-law in St. Catharines or illustrations in Oakville.

The following subsections identify organization practices, as well as uses and provisions from other municipal zoning by-laws that could be considered for implementation in the new Comprehensive Zoning By-law.

### 4.1 Agricultural Zones

Many, though not all of the zoning by-laws reviewed, contained agricultural zones. Some zoning by-laws, applying to strictly urban areas, did not contain any agriculture, or rural zones. Of the zoning by-laws that did contain agricultural zones, most contain one to three distinct zones; although there was no specific pattern on how these zones were broken down. Some, for example, contained separate rural and agricultural zones while others contained a specialty crop zone.

### 4.2 Cemetery Zones

Only a few of the zoning by-laws had distinct zones for cemeteries. Most others simply permitted the use in an institutional zone.

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### **4.3 Development Zones**

A few of the other zoning by-laws reviewed include development zones, including Innisfil, Milton, Newmarket and Vaughan. Newmarket calls this zone the “Transitional” zone.

The other Development zones reviewed were somewhat stricter than those in the Whitby zoning by-laws, restricting uses to only existing uses, with the exception of Vaughan’s zoning by-law which permitted also conservation, passive recreation and Temporary sales offices.

### **4.4 Institutional Zones**

Most zoning by-laws reviewed contain two distinct institutional zones. Although the breakdown of permissions varied by zoning by-law, typically the by-laws contained a form of major vs. minor institutional breakdown. Some zoning by-laws provided specific permission for universities, colleges and even dormitories, otherwise no unusual or notable uses were noted.

### **4.5 Natural Heritage and Hazard Zones**

All of the zoning by-laws reviewed had some form of Environmental Protection zone. Some also had hazard zones, or broke the zones into Environmental Protection and Conservation.

Barrie’s zoning by-law has an interesting approach to conservation. First, a number of uses not typically seen in zoning by-laws were specifically listed, including an environmental interpretative facility and lookout points. The zoning by-law also permits Environmental Conservation, defined as “an area of land or water set aside for the purpose of conservation or preservation of distinctive landforms, or natural heritage features or functions which have been identified for their ecological or cultural value; and which may include elements preserved for their geological value, species diversity, natural linkages, unique natural habitat, the presence of endangered or threatened species or the habitat of such species”. This environmental conservation use was permitted in the Open Space and Environmental Protections Zones. This differs from the use permitted in the Agricultural Zone, which is listed as “Conservation uses Includes forestry, reforestation and other activities connected with the conservation of soil or wildlife”. The different treatments of conservation uses are noted for interest, as discussed in a later section of the report, Whitby’s Agricultural designation discourages conservation, so there may be a need to consider different ways of permitting different types of conservation in agricultural vs. natural heritage zones.

Some by-laws such as Grimsby, Welland and Newmarket use overlay zones for some of the natural heritage and/or hazard zones. For example, in Grimsby, development is restricted per the provisions of the overlay zone which supersede the provisions of the underlying zone. Where the overlay zone is reduced through an EIS, without

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amendment to the zoning by-law, the provisions of the underlying zone shall apply. This approach is particularly useful in hazard zones where the hazard can be mitigated.

#### **4.6 Open Space Zones**

The zoning by-laws reviewed all had Open Space Zones, some with these divided into two or three types of Open Space Zones. The breakdown of the zones varied, some differentiated by public vs. private open space or others had specific zones related to a golf course use.

A number of unique park-related uses were noted that could be considered for the new Comprehensive Zoning By-law, including permissions for refreshments pavilions/concessions stands, shelters/pavilions/bandstands or interpretative facilities and lookout points.

#### **4.7 Rural and Estate Residential Zones**

A number of small lot subdivisions are zoned Agricultural, but do not comply with any of the lot provisions due to the fact that they are small residential lots. Examples of these subdivisions include Crystal Beach Boulevard at the south end of Thickson Road South along the Lake, Eastbourne Beach Road south of Victoria Street West and the area around Robmar and Baldwin Street. Within the example zoning by-laws reviewed, some municipalities have residential zones that relate to estate lots and residential lots in hamlet and rural areas. These residential zones are all included within the residential section of each by-law and include: the Town of East Gwillimbury's Estate Residential and a Hamlet Residential Zone; Innisfil's Residential Estate Zone and Residential Rural Zone; Milton's Estate Residential Zone and Vaughan's Estate Residential Zone. Development of a specific rural residential zone for these areas should be considered in the next phase of the Study.

## 5 Comparison of the Official Plan designations and Other Zones



This section of the report provides an examination of the different Whitby Official Plan and Secondary Plan designations that were not covered by previous reports. **Appendix B** compares the zones by type that apply in each corresponding designation. From this comparison, a number of takeaways have been summarized.

It is noted that Whitby zoning by-laws contain a number of site specific exceptions, only some of which are mapped. The analysis in this section focuses on the parent zone provisions. Some areas may contain site specific exceptions that may align differently to the Official Plan designation. Minor variances also did not form part of the review.

An Official Plan typically has a broader focus than a zoning by-law and may permit a broader range of uses than a zoning by-law. Similarly, a zoning by-law typically sets out more detailed restrictions for lot and yard requirements than the Official Plan.

**Appendix B** and this section highlight differences between the designation of an area and the zone that applies in it. In some instances difference in permitted uses, in other instances a difference in standard, such as height. Just because an item is flagged in this section, does not mean it is in error, or needs to be fixed. It is simply noted for information purposes to be considered further.

### 5.1 Agricultural

In the parent Official Plan, the Agricultural designation is located between natural heritage features, predominantly, north of Winchester Road, outside of the Urban Areas and Hamlets. There are some inconsistencies between the designation and the uses permitted in the Agricultural (A) Zone, mainly,

- that conservation uses are listed as permitted in the zone, which may be counter to policy 4.10.3.4;
- the “public use” permission permits infrastructure, which may be counter to Policy 4.10.3.4; and
- non-agricultural uses such as horse racetrack, motel and restaurants would not be permitted.

Policy 4.10.3.4 states: “The establishment of non-*agricultural uses* in areas designated as Agricultural shall not be permitted. Fish, wildlife, and forest management uses, conservation and erosion control projects, and mineral aggregate extraction in accordance with Section 4.12 of this Plan, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, where applicable, are generally discouraged, however may be permitted following the completion of an agricultural impact assessment, where

appropriate. *Infrastructure* is also discouraged within the Agricultural designation and may only be permitted where it is authorized by an environmental assessment and demonstrates that:

- a) There is an identified need within the planning horizon for the proposed use; and
- b) The lands are lower priority agricultural lands or there are no reasonable alternatives which avoid *prime agricultural* lands.”

Although Policy 4.10.3.4 doesn't provide an outright prohibition, the zoning by-law probably should not provide an as of right permission for such uses.

The Official Plan permits home industry uses on a rural residential property outside the Urban Area boundary according to Policy 4.9.3.17 and Policy 4.10.3.7. Home industries could be provided as an as-of-right permission within the zoning by-law, however it must be considered whether this use should be addressed in individual rural zones or addressed in the General Provisions.

The Oak Ridges Moraine Secondary Plan also has an Agricultural designation. The area in this designation is zoned ORM-A. No issues were noted.

## **5.2 Institutional**

All of the Institutional areas occur within Secondary Plans.

The Port Whitby Community Secondary Plan has two areas designated Community/Institutional. One of the Community/Institutional designations is zoned OS and there is no conflict in permitted uses. The other Community/Institutional designation is zoned Harbour Industrial (MH) Zone, the zoning does not align with policy 11.1.13.2, which permits uses permitted in the Mixed Use Residential One designation.

The Brock/Taunton Major Central Area Secondary Plan contains an Institutional designation and Corporate Office/Institutional designation. Both are zoned I\* in Zoning By-law 1784, permitting a number of institutional uses.

The Lynde Shores, Downtown, Rossland/Garden and Brooklin Community also contain Institutional designations. No conformity issues were noted, though it seems unnecessary that Brooklin has three different Institutional Zones that apply within the Brooklin Community Secondary Plan area.

## **5.3 Open Space**

In the parent Official Plan, the majority of land outside of the Urban Area and south of Winchester Road is designated as Major Open Space. North of Winchester Road, the Major Open Space designation generally follows natural features. Within the Urban areas, the Open Space designation also generally follows Natural Heritage features.

The Major Open Space designation in Policy 4.9.3.5 permits active and/or passive recreational and conservation uses, forest, wildlife and fisheries management, community gardens, and private recreation uses. Outside of the Urban Area, other permitted uses include agricultural uses, agricultural-related uses, on-farm diversified uses and non-farm related home industries. Other permitted uses, including major recreation uses, kennels and landscape industry uses, require a site specific amendment to the zoning by-law.

The Town has not consistently used the Open Space Zone to implement the Major Open Space designation. The Open Space Zone has mainly been used to zone existing parks and parks in new subdivisions. These parks are mostly in the urban area and are not designated Major Open Space. The areas designated as Major Open Space are zoned Agriculture (A), Greenbelt (G) and Open Space (OS) under Zoning By-law 1784 and Open Space (OS) and Flood (F) under Zoning By-law 2585. The zones generally align with the designation except, both Zoning By-law 1784's Agricultural (A) Zone and Greenbelt (G) Zone are found in the Urban Areas and permit agricultural uses which are not permitted in Urban Areas according to the Major Open Space policies.

It is also noted that neither OS Zones permit conservation, which should be considered.

The Port Whitby Secondary Plan also contains a Major Open Space designation, where Zoning By-law 2585's OS, F and G Zones, apply. Similar comments as previously discussed for the F zones apply with regards to agricultural use permissions in the Urban Area.

There are a few park locations within the Rossland/Garden Urban Central Area Secondary Plan that are designated Open Space (Local Park) and zoned as OS in both Zoning By-law 1784 and 2585. There are no issues with this zoning, though it is strange that the Open Space (Cemetery) designation is zoned as R2 in Zoning By-law 1784 and not the CE Zone.

The Taunton North Community Secondary Plan has three Major Open Space designations. While some of these areas are zoned A in Zoning By-law 1784, there is also an area zoned M2, which does not align with the permitted uses of the Major Open Space designation.

The Lynde Shores, Downtown, Hamlet of Ashburn, Thicksen/Taunton and West Whitby Secondary Plans also contain Major Open Spaces/Open Space/Park designations. No other issues, were identified in the open space zones within these open space designations.

## **5.4 Natural Heritage and Hazard**

The Schedule A land use plan in the parent Official Plan does not have an independent Natural Heritage designation as the natural heritage areas fall within the Major Open Space designations. Schedule C (Environmental Management) of the Official Plan identifies natural hazards and the natural heritage system. The Port Whitby, Lynde Shores, Brooklin Community, Thickson/Taunton Major Central Area, Taunton North, Oak Ridges Moraine and West Whitby Secondary Plans, as well as the Hamlet of Ashburn all contain natural heritage and/or hazard designations. These designations consist of a mix of OS (2585), F (2585), G (1784), ORM-EP/NLA (5581-05), OS (1784) and A (1784) zones.

While the uses within the OS and F zones mostly don't permit structures, the A and G zones do, particularly where agricultural uses are permitted. Such permissions may create a conflict with natural feature protection, and therefore the A Zone should be changed in areas designated natural heritage and the G Zone should be updated to not permit agricultural uses. The use of an overlay zone should be considered to apply hazard areas to ensure the intent of the policies limiting development are captured while permitting underlying zone permissions if the hazard can be mitigated.

## **5.5 Utilities**

There are two properties in the Port Whitby Community Secondary Plan designated as Utilities. One property is zoned M2 which permits a broader range of uses than permitted in policy 11.1.2.15.2, which permits the existing Regional Sewage Treatment facility and transportation related uses. The other property is zoned I.

## 6 Minor Variance Analysis



One of the ways to identify provisions that need updating is through a review of past minor variances. If numerous minor variances are being sought and approved for the same matter, it may be an indication of a provision that is either overly strict or antiquated. The Town of Whitby produced a Minor Variance Review in May 2019. The review analyzed minor variance applications for the three existing Whitby zoning by-laws between 2010 and 2018, representing a total of 634 applications and 1,088 variances. Overall, 95% of the applications were approved by the Committee of Adjustment, with 1% being denied. The other 4% were withdrawn by the applicant. Approximately 77% of the minor variance applications were for Zoning By-law 1784, with 21% being for 2585 and 2% for 5581-05. This is not unexpected given the respective geographic coverage of the zoning by-laws.

For the zones in this report, no zone standard with more than 3 variances occurred. As such, this analysis did not reveal any specific issues.

## 7 Further Considerations



To assist in assessing how the zones in this report may be structured in Phase 2 of this Study, the following provides a summary of preliminary findings:

- The A1 Zones in Zoning By-laws 1784 and 5581-05 could be deleted and the two areas zoned as such rezoned to appropriately reflect that they are not in the Agricultural designation, but rather in the Brooklin Community and Hamlet of Ashburn, respectively;
- Combining zoning By-laws 1784 and 5581-05's Agricultural (A and ORM-A) Zones should be considered, subject to ensuring conformity with the Oak Ridges Moraine Secondary Plan policies;
- Areas designated natural heritage should be zoned in a specific zone that enables natural heritage protection, instead of being zoned agricultural or open space due to the broader range of uses permitted;
- Zoning By-laws 1784 and 2585's cemetery zones could be combined or contained in an institutional zone.
- The institutional zones could be combined into one zone or two zones that differentiate between scales of facilities;
- Further consideration is needed regarding how natural features versus natural hazards are treated in the new Comprehensive Zoning By-law. It is also noted that Official Plan Policy 5.3.10.2 requires hazards to be zoned;
- The open space zones could be collapsed into one zone, with site specific or area exceptions such as required limitations on buildings in the ORM;
- Better alignment between the Agricultural designation and Agricultural (A) Zone is needed, particularly as it relates to permitted uses;
- Where Greenbelt zones occur in the Urban Area, permission for some uses are problematic, such as agricultural uses;
- Agricultural zoned properties in the Urban Area should be re-zoned in order to implement the policies of the Official Plan;
- The A Zone should be changed to a natural heritage zone where natural features are designated in the Official Plan and the G Zone should be updated to not permit agricultural uses in an area designated for heritage feature protection;
- There are a number of existing cemeteries that are in Agricultural or Residential Zones which should be rezoned;

- Consideration should be given towards implementing a “rural residential” type zone for small non-agricultural properties located outside of the Urban Area that are entirely residential; and
- Large areas of the Town have never been zoned to recognize natural hazards and natural heritage which are designated in the Official Plan.

Overall there needs to be a clearer distinction in the zoning between:

- lands where the intent is the protection and promotion of agriculture;

vs.

- lands where the intent is natural heritage protection, though some passive recreation may continue or support the conservation of the land;

vs.

- lands where recreation is the intent.

Phase 2 of this study will delve deeper into the appropriate breakdown of zones and types of uses that should be permitted in the different zones. The use of overlay zones to restrict development in hazardous or sensitive areas will also be considered.

## 8 Next Steps



The purpose of this report is to identify and consider the remaining zones not discussed in previous reports in the Town of Whitby. The report explores the similarities and differences between the remaining zones, unique provisions in other municipal zoning by-laws, how the Whitby zones conform to the Official Plan, and how these zones can be consolidated/updated/improved upon in the new Whitby Comprehensive Zoning By-law.

In Phase 2 of the Study, the information prepared within this report and in the other Phase 1 reports will be used to provide recommended courses of action for the content and organization of the zones.

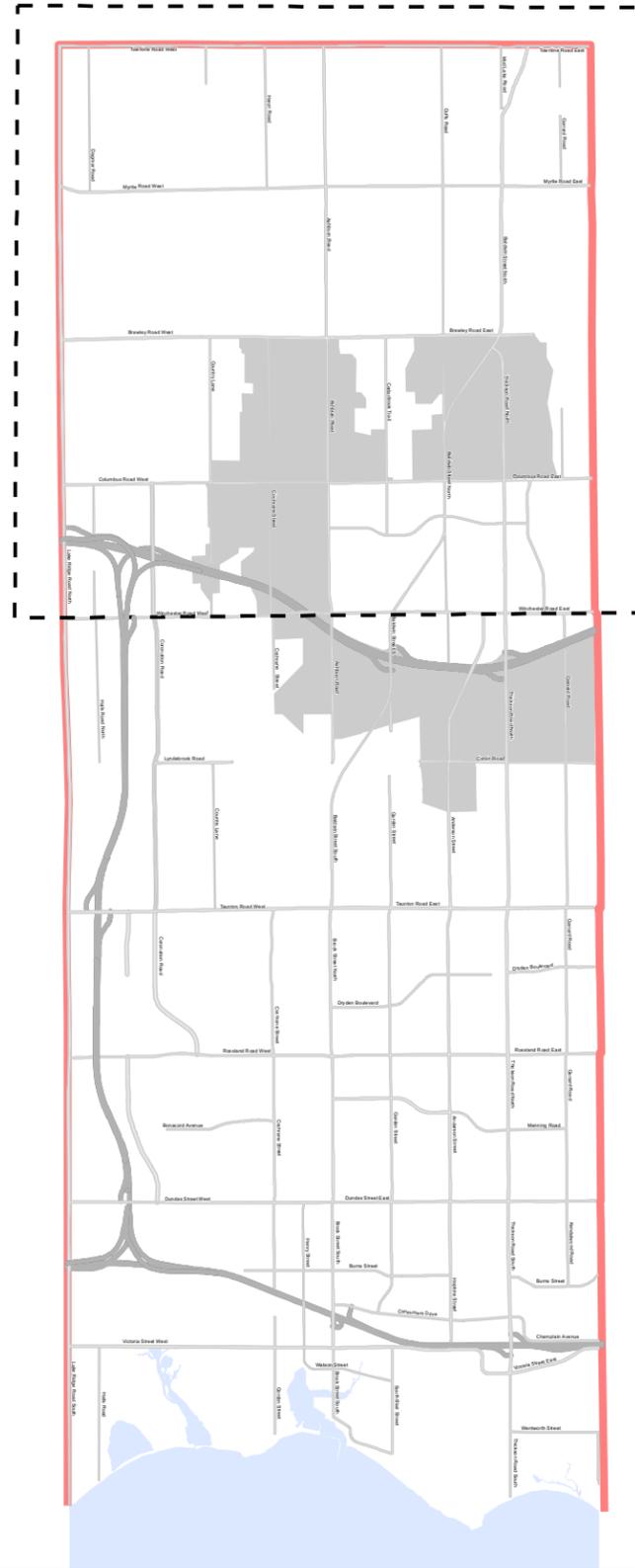
# Appendix A: Location of Other Zones



# AGRICULTURAL ZONES



## Key Map

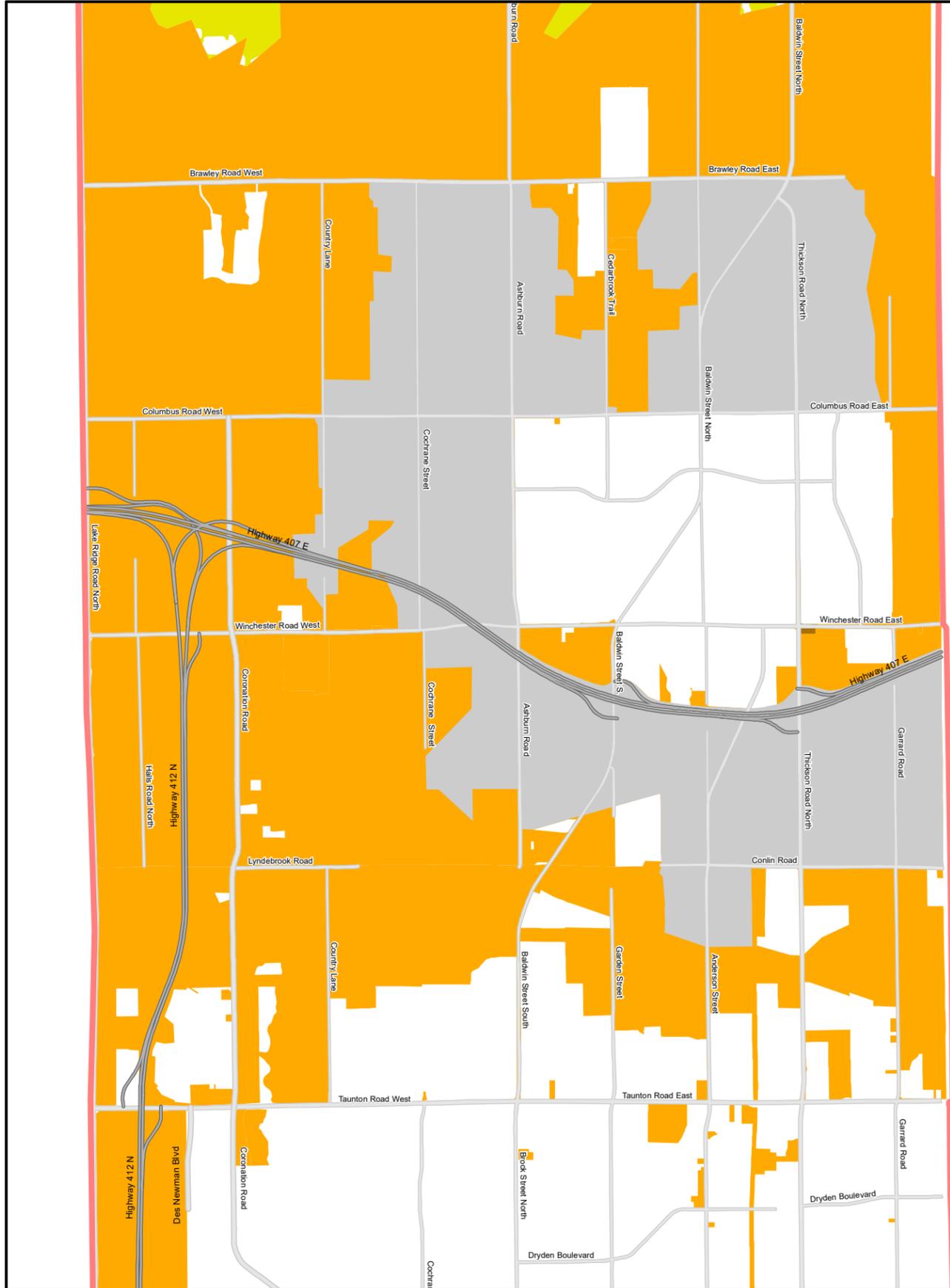


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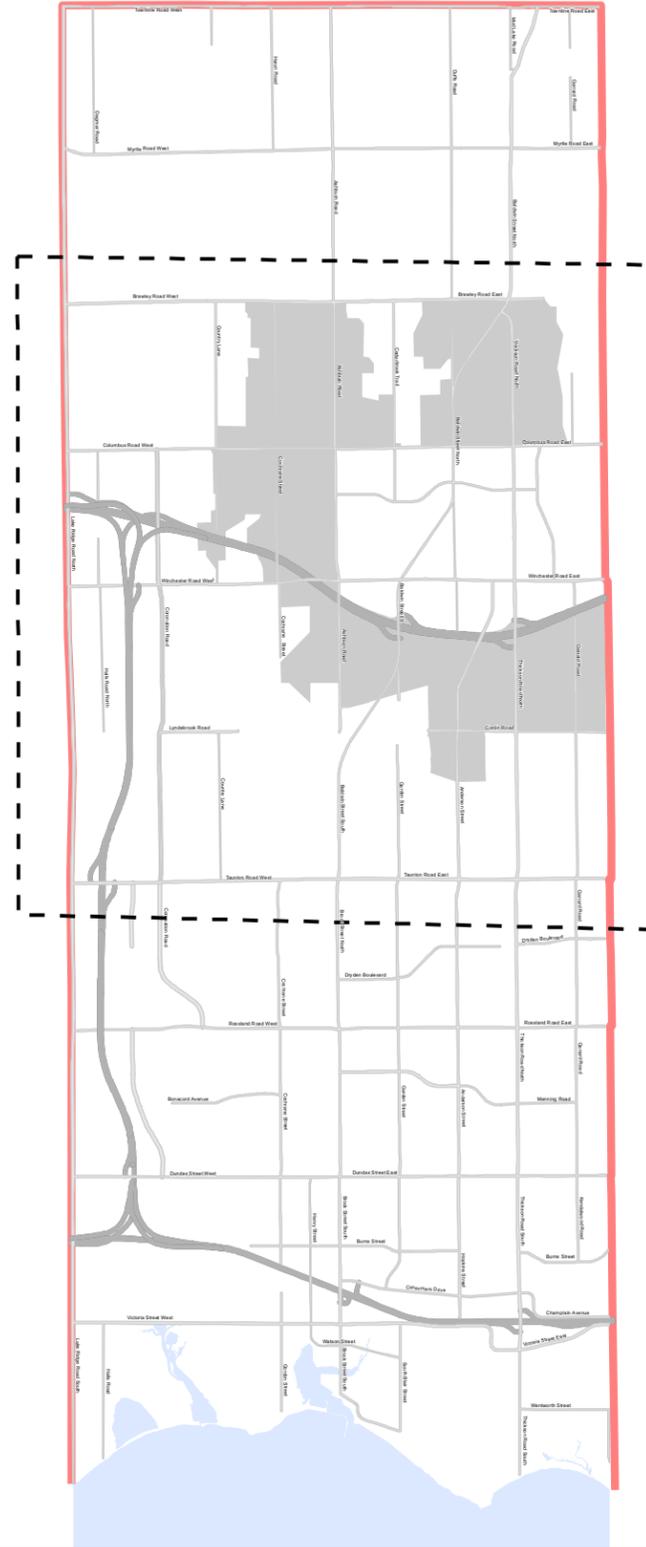
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-  Whitby Boundary
-  Brooklin Expansion Area
- ZB 1784**
-  A
-  A1
- ZB 5581-05**
-  ORM-A1
-  ORM-A



# AGRICULTURAL ZONES



## Key Map

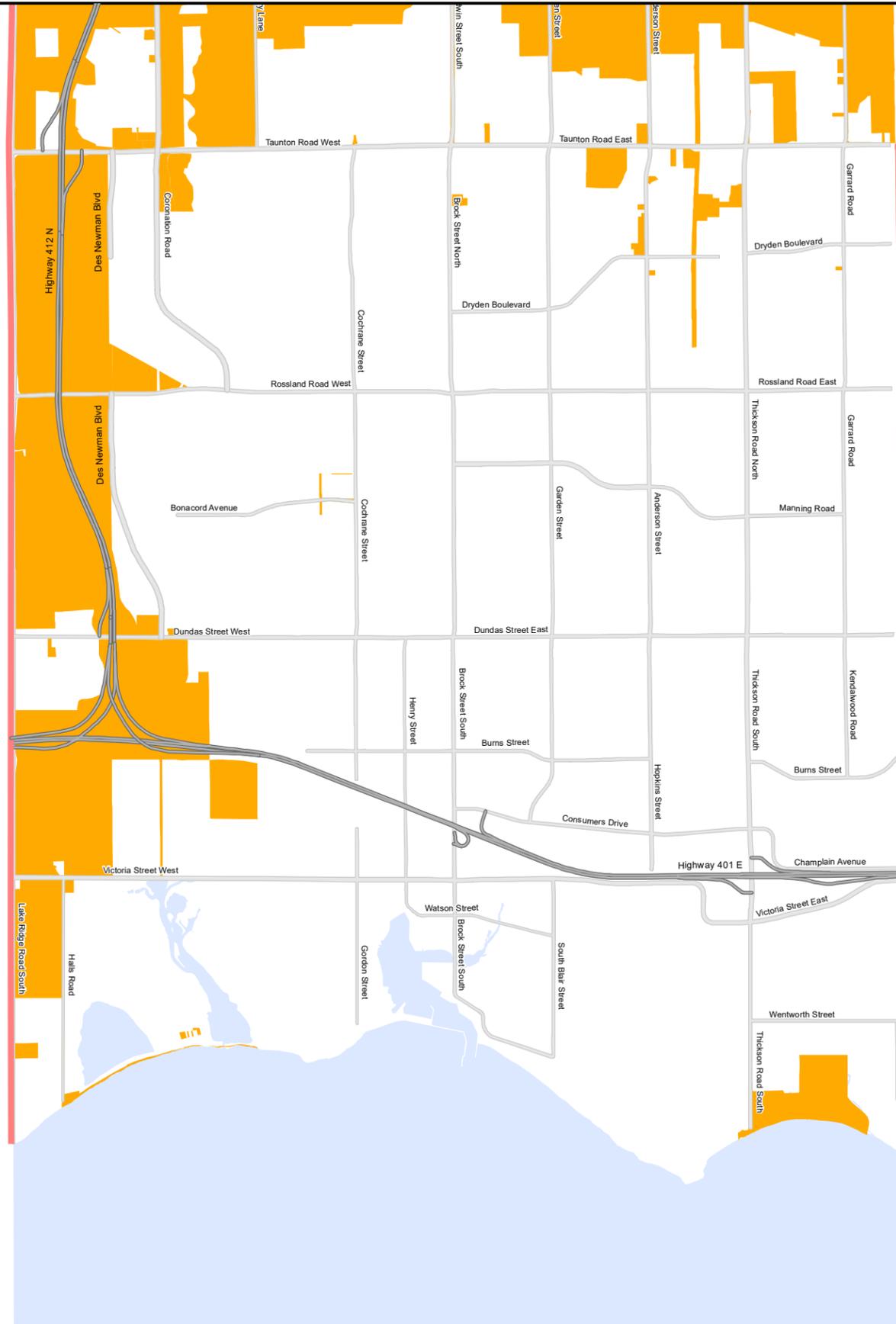


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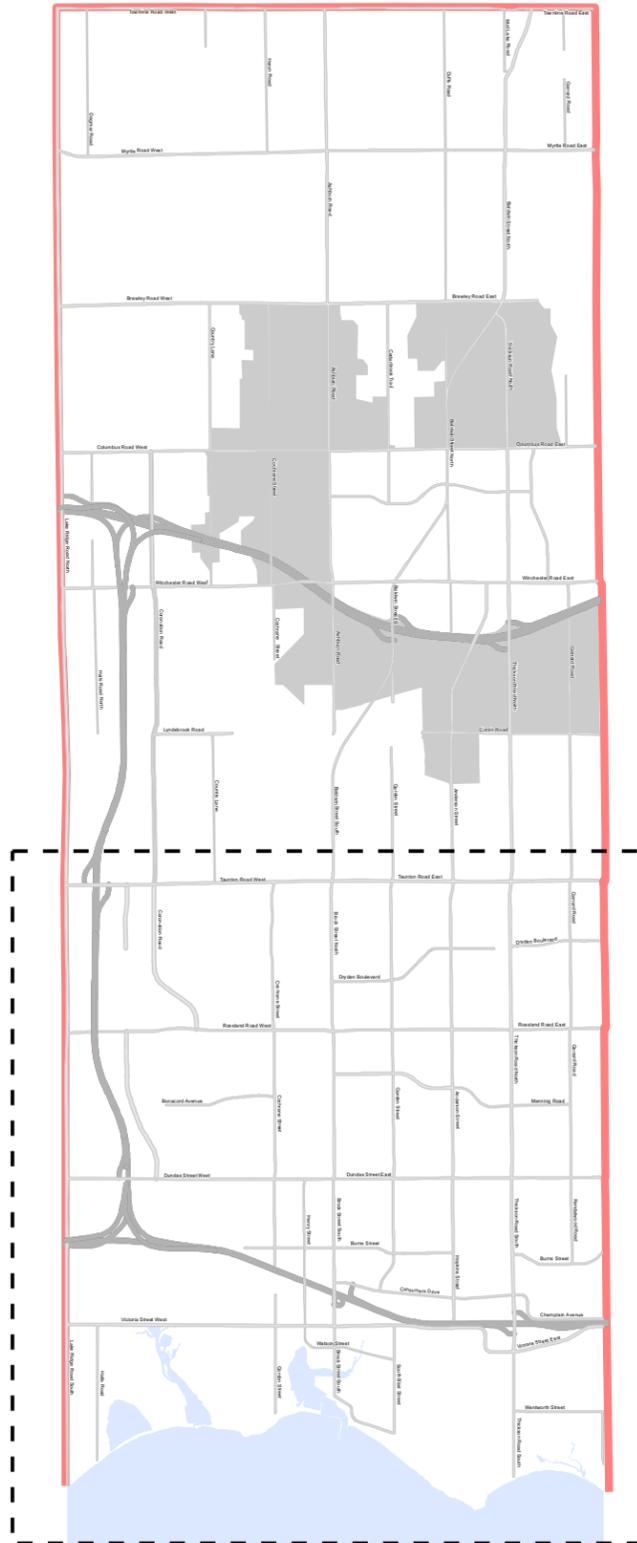
-  Lake Ontario
-  Whitby Boundary
-  Brooklin Expansion Area
- ZB 1784**
-  A
-  A1
- ZB 5581-05**
-  ORM-A1
-  ORM-A



# AGRICULTURAL ZONES



## Key Map

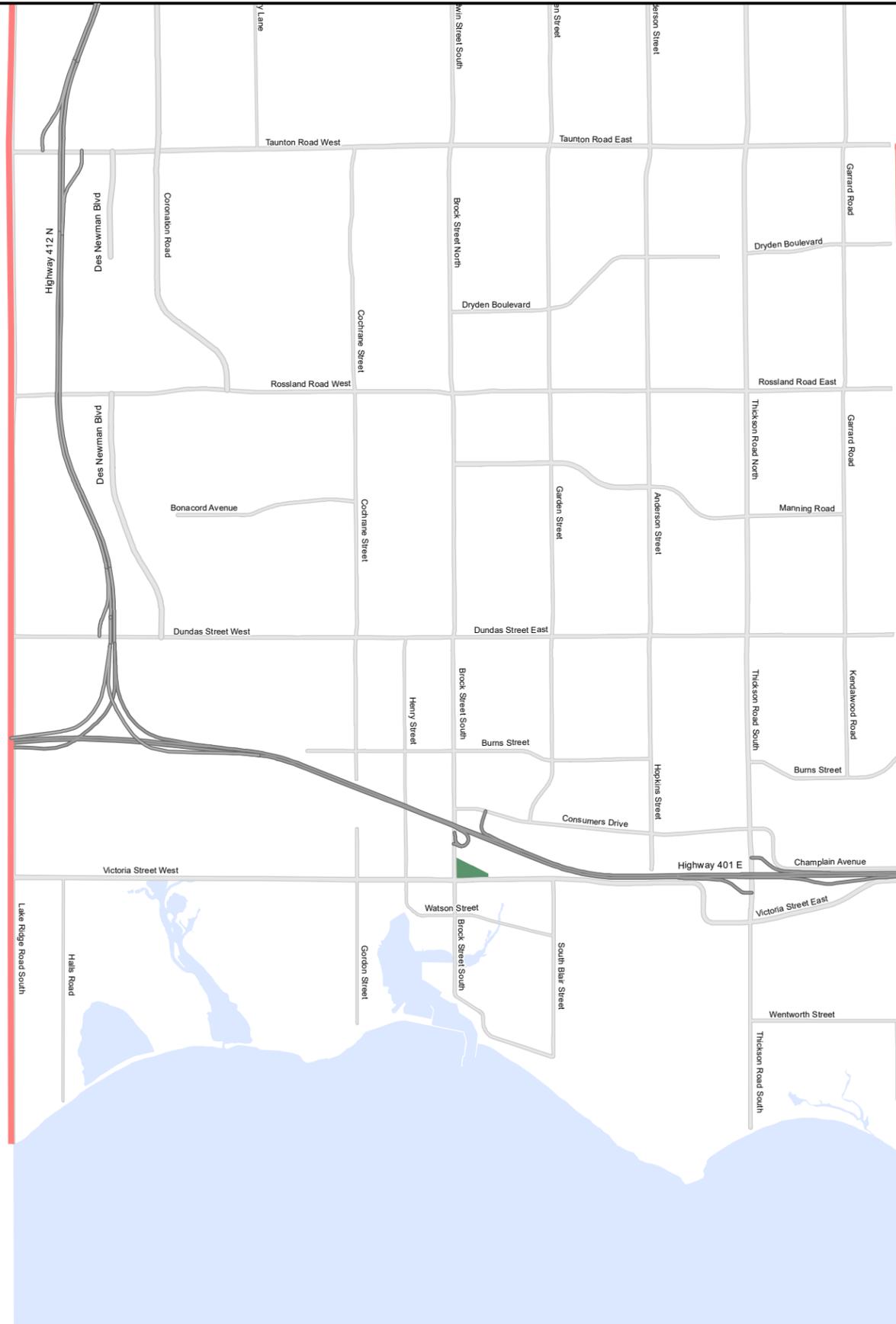


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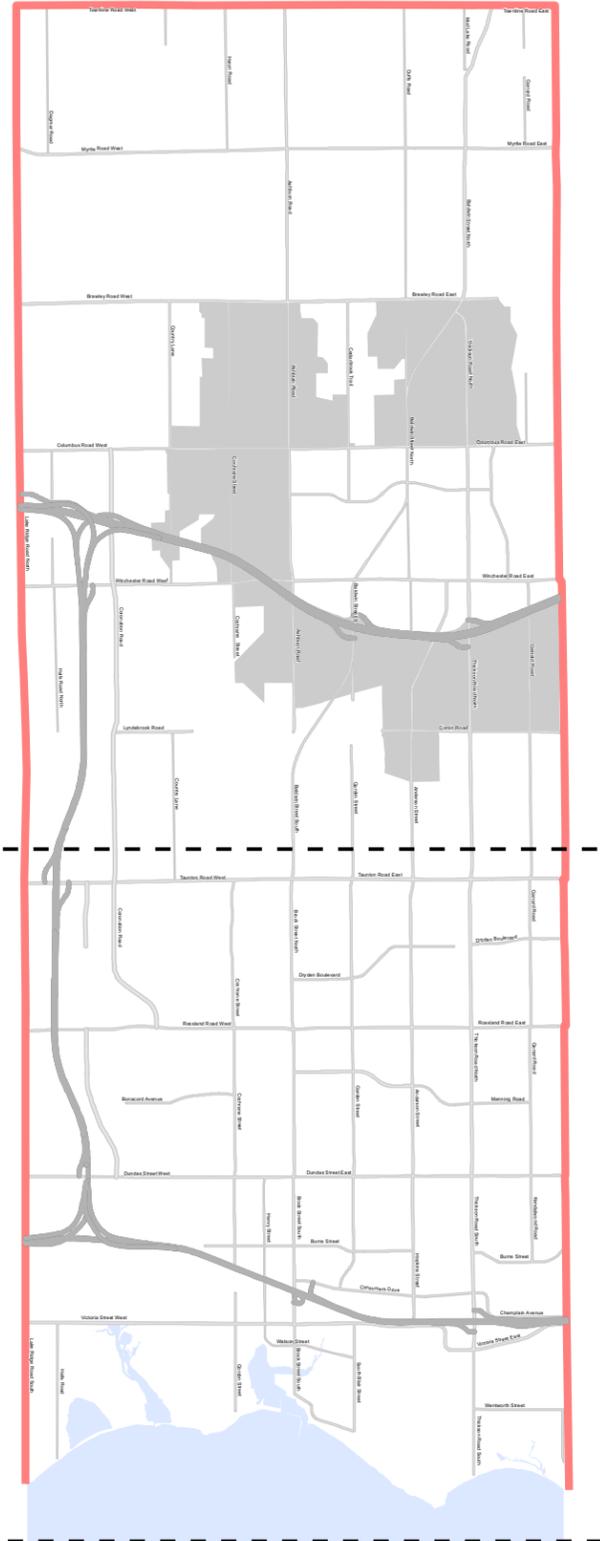
-  Lake Ontario
-  Whitby Boundary
-  Brooklin Expansion Area
- ZB 1784**
-  A
-  A1
- ZB 5581-05**
-  ORM-A1
-  ORM-A



# CEMETERY ZONES



## Key Map

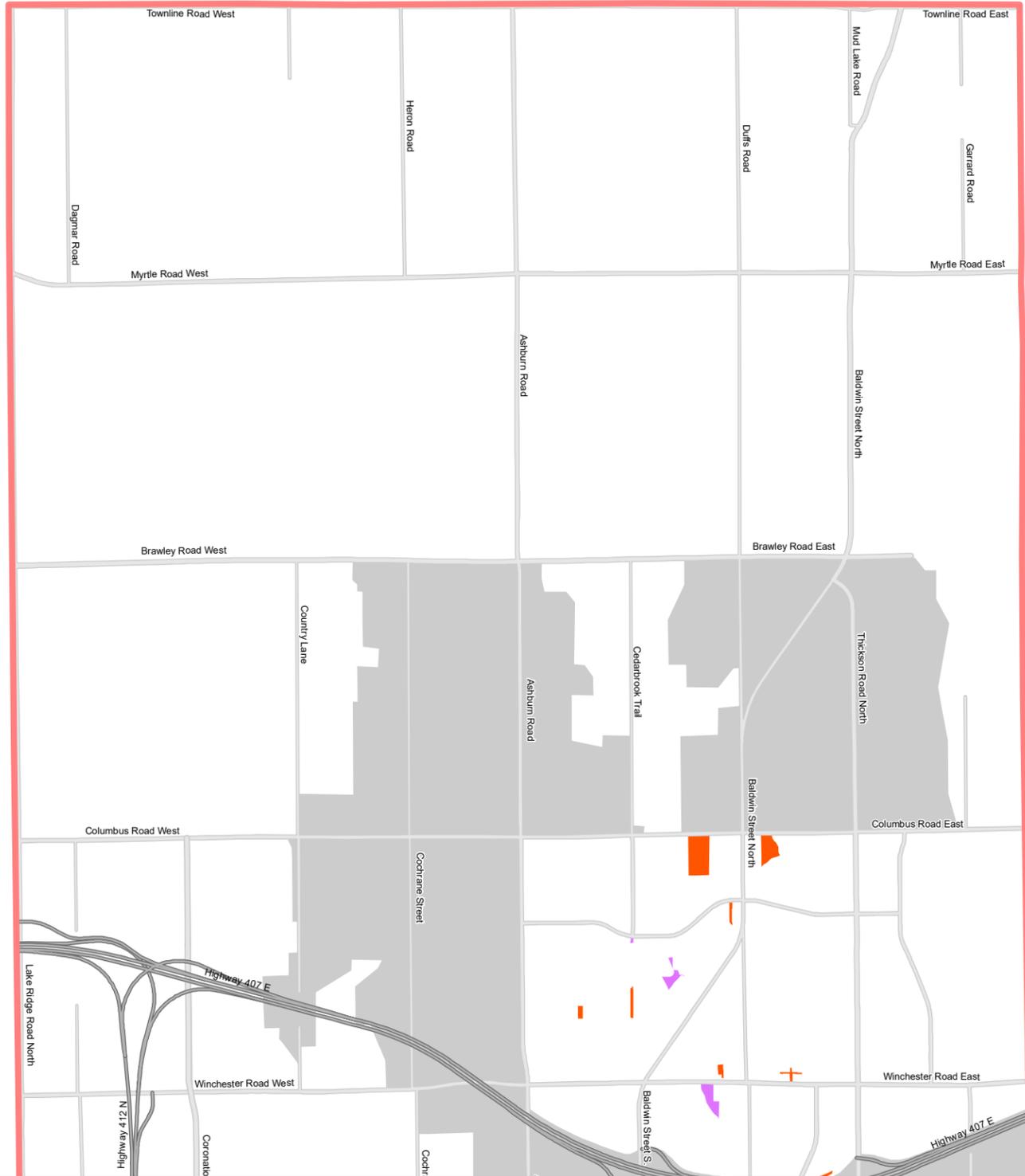


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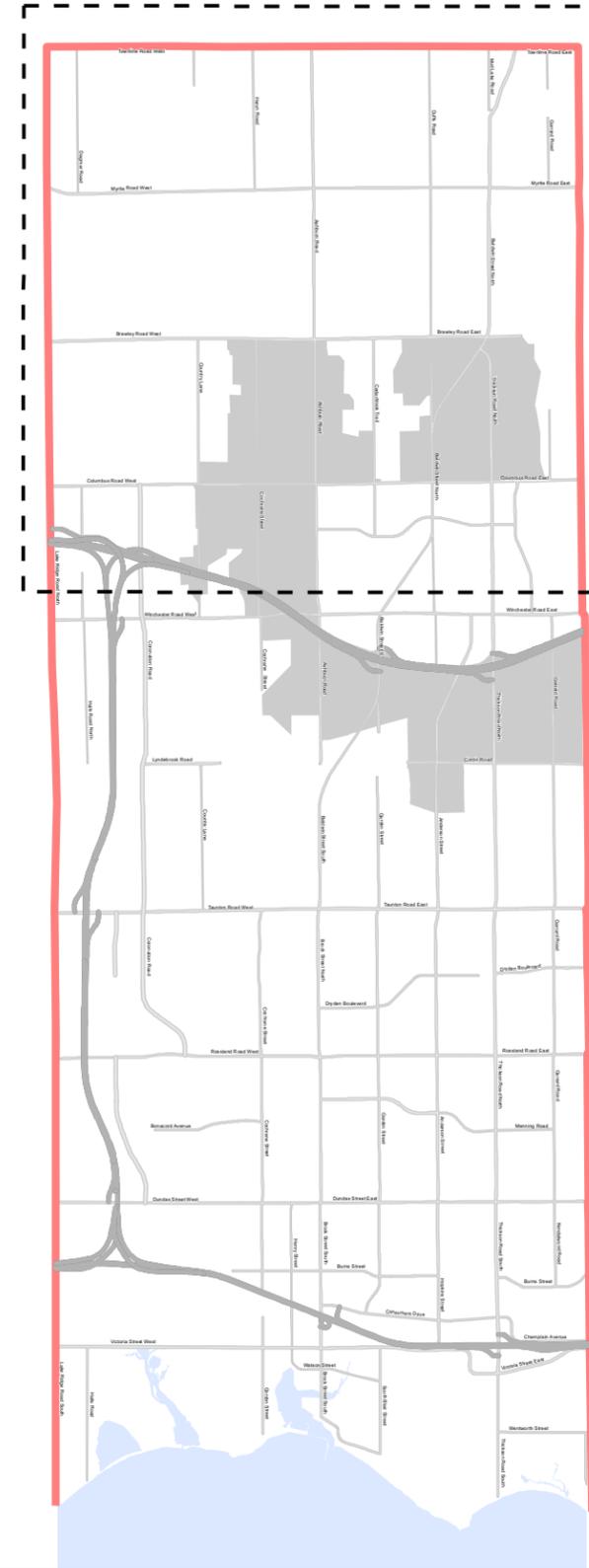
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-  Whitby Boundary
-  Brooklin Expansion Area
- ZB 1784**
-  CE
- ZB 2585**
-  G



# DEVELOPMENT ZONES



## Key Map

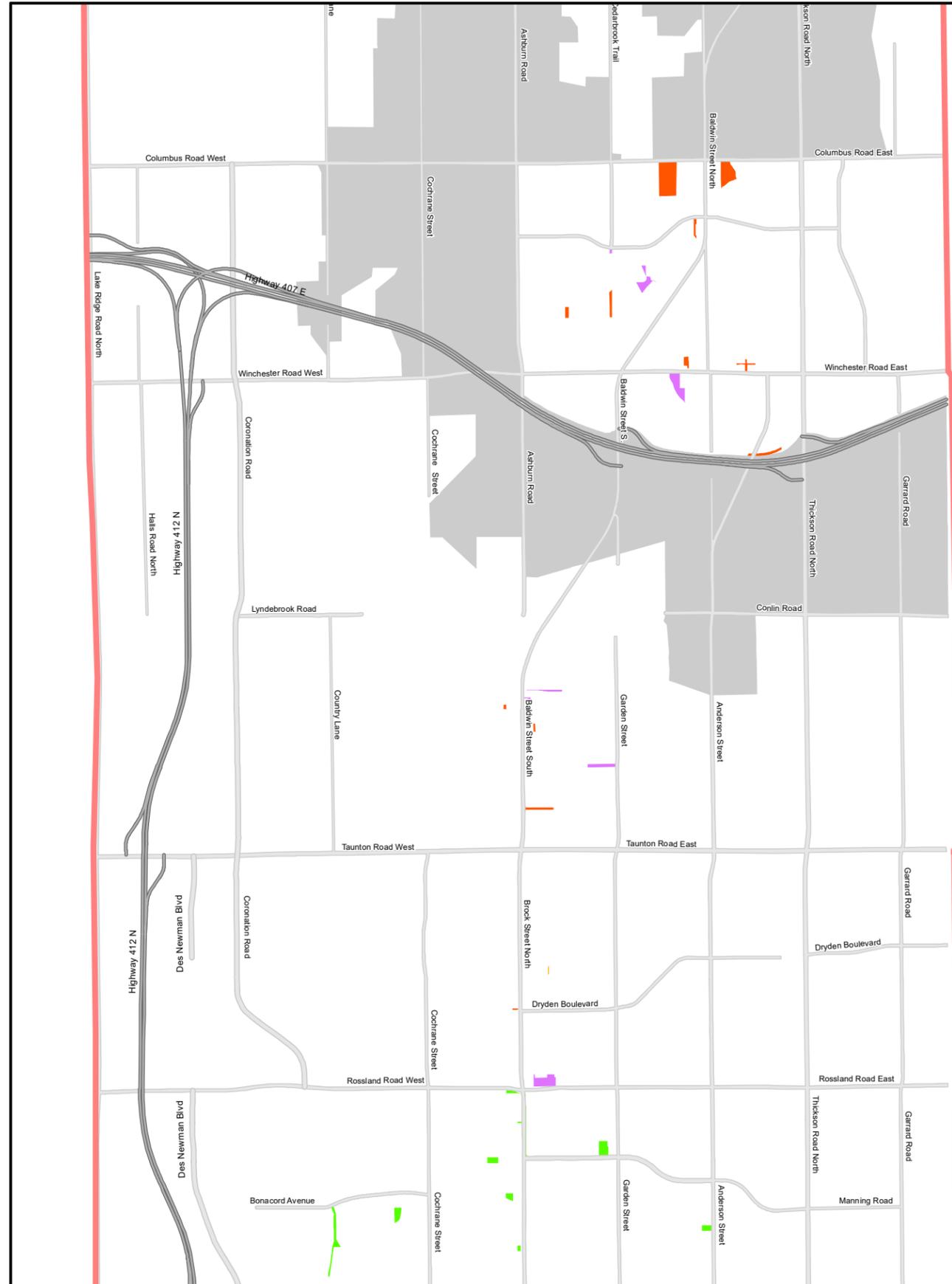


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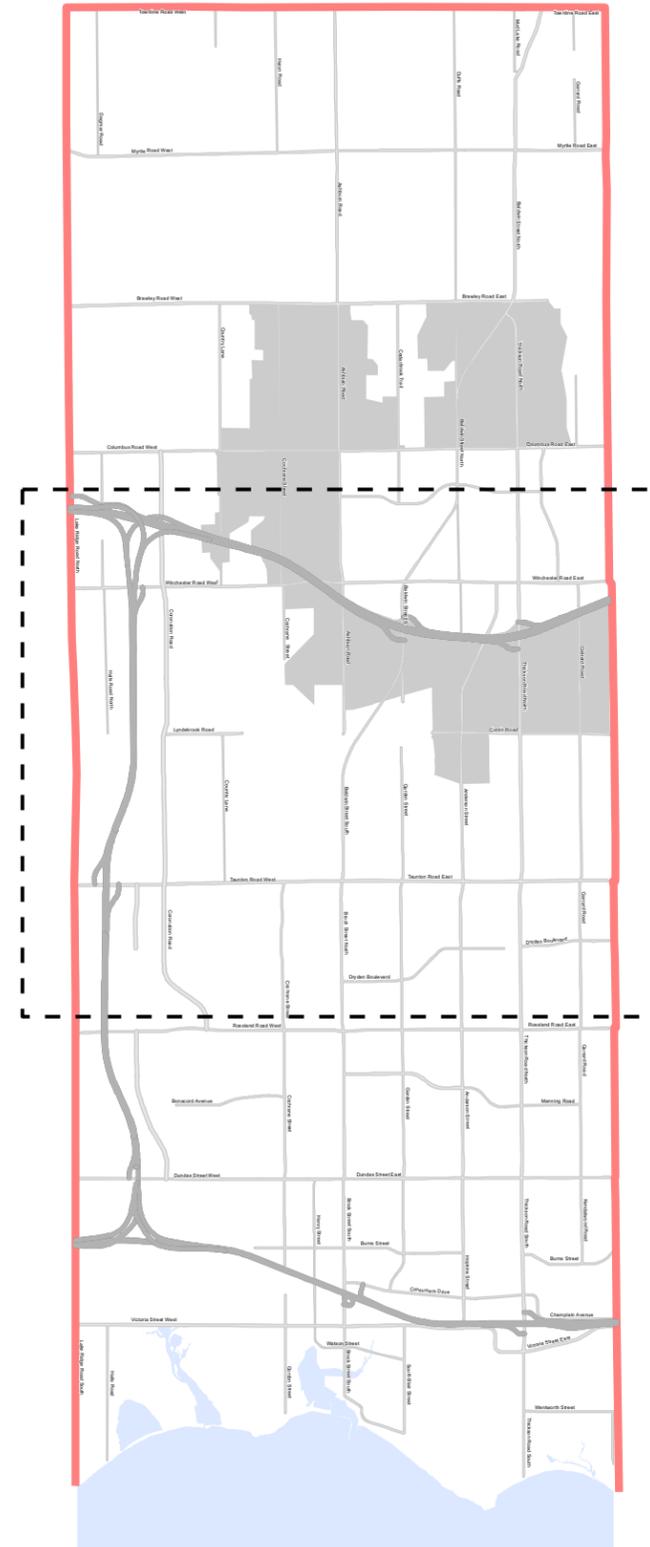
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-  Whitby Boundary
-  Brooklin Expansion Area
- ZB 1784**
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-  D(NR)
- ZB 2585**
-  D(R)
-  D(NR)



# DEVELOPMENT ZONES



## Key Map

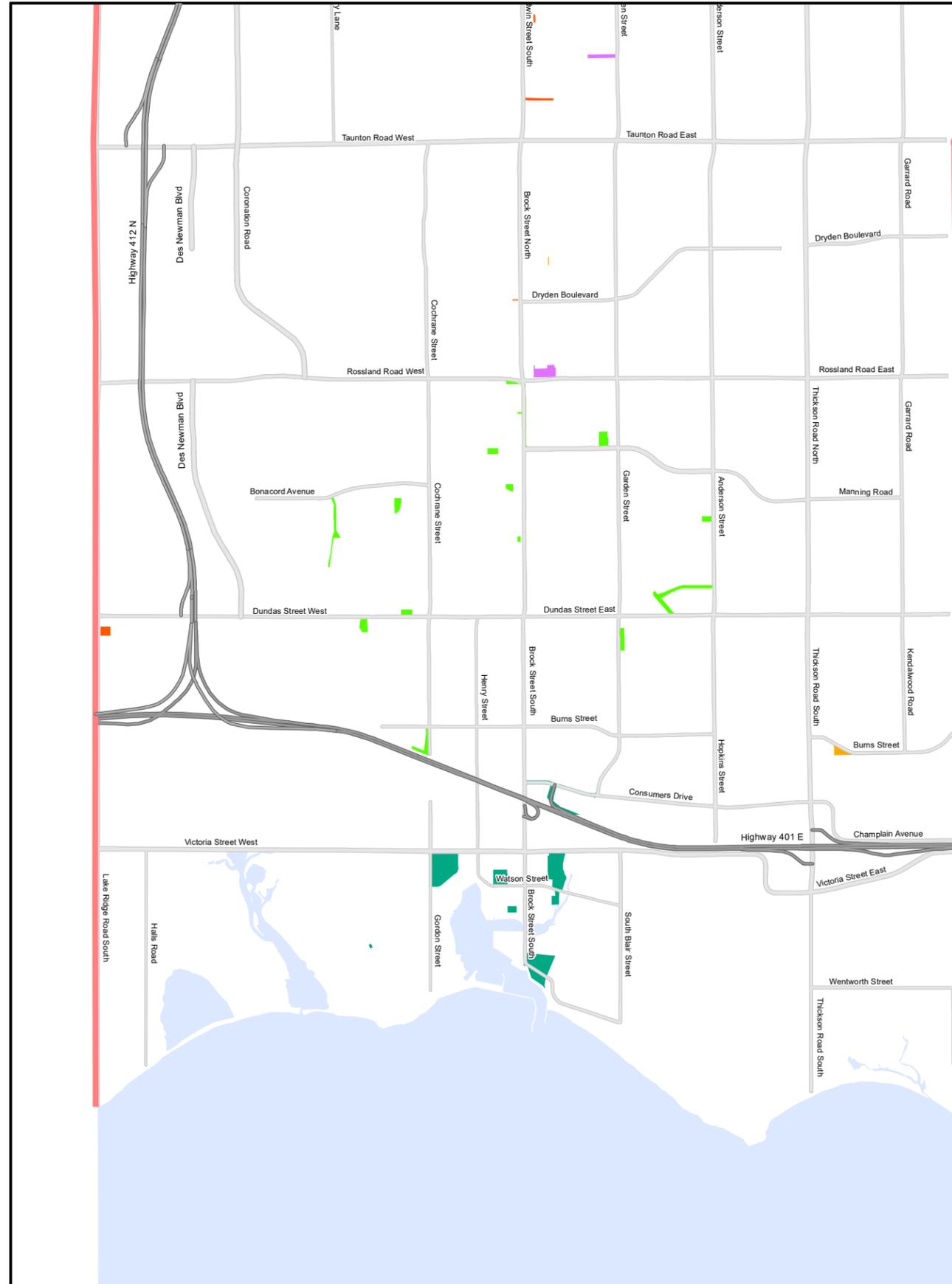


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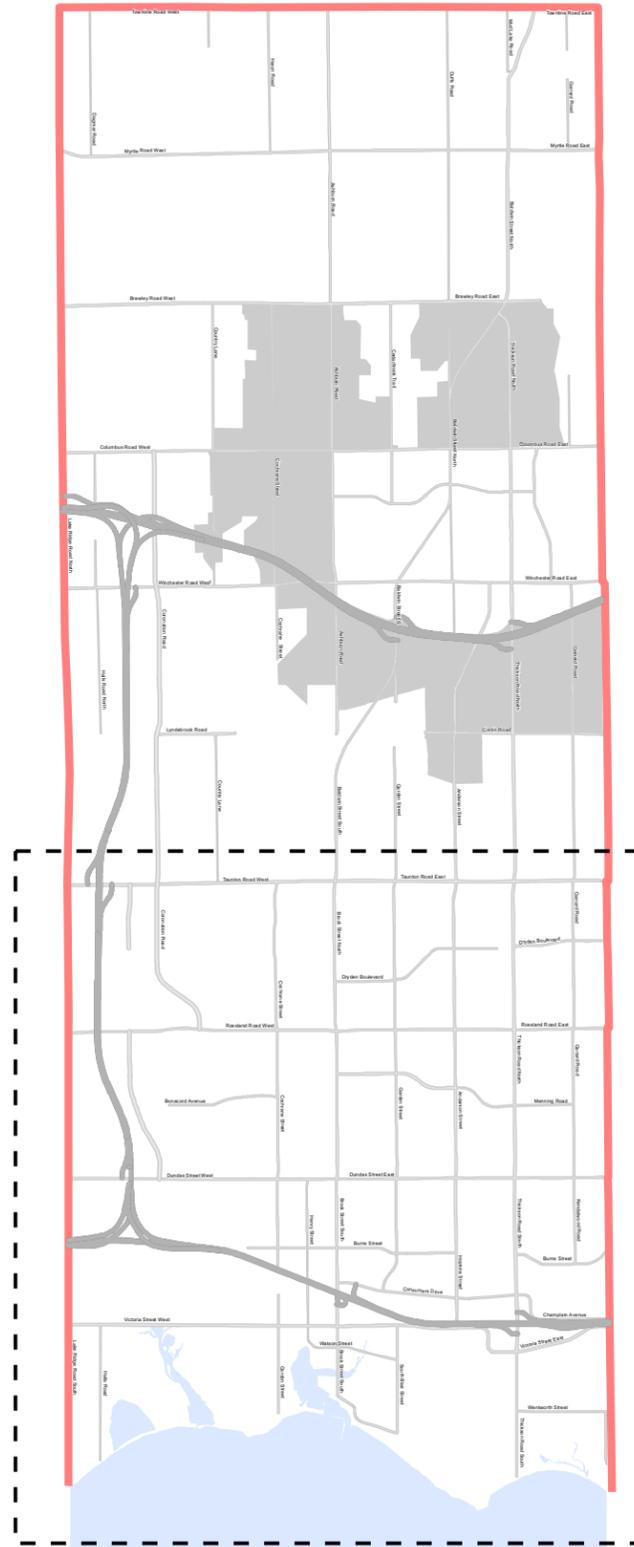
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-  Whitby Boundary
-  Brooklin Expansion Area
- ZB 1784**
  -  D
  -  D(R)
  -  D(NR)
- ZB 2585**
  -  D(R)
  -  D(NR)



# DEVELOPMENT ZONES



## Key Map

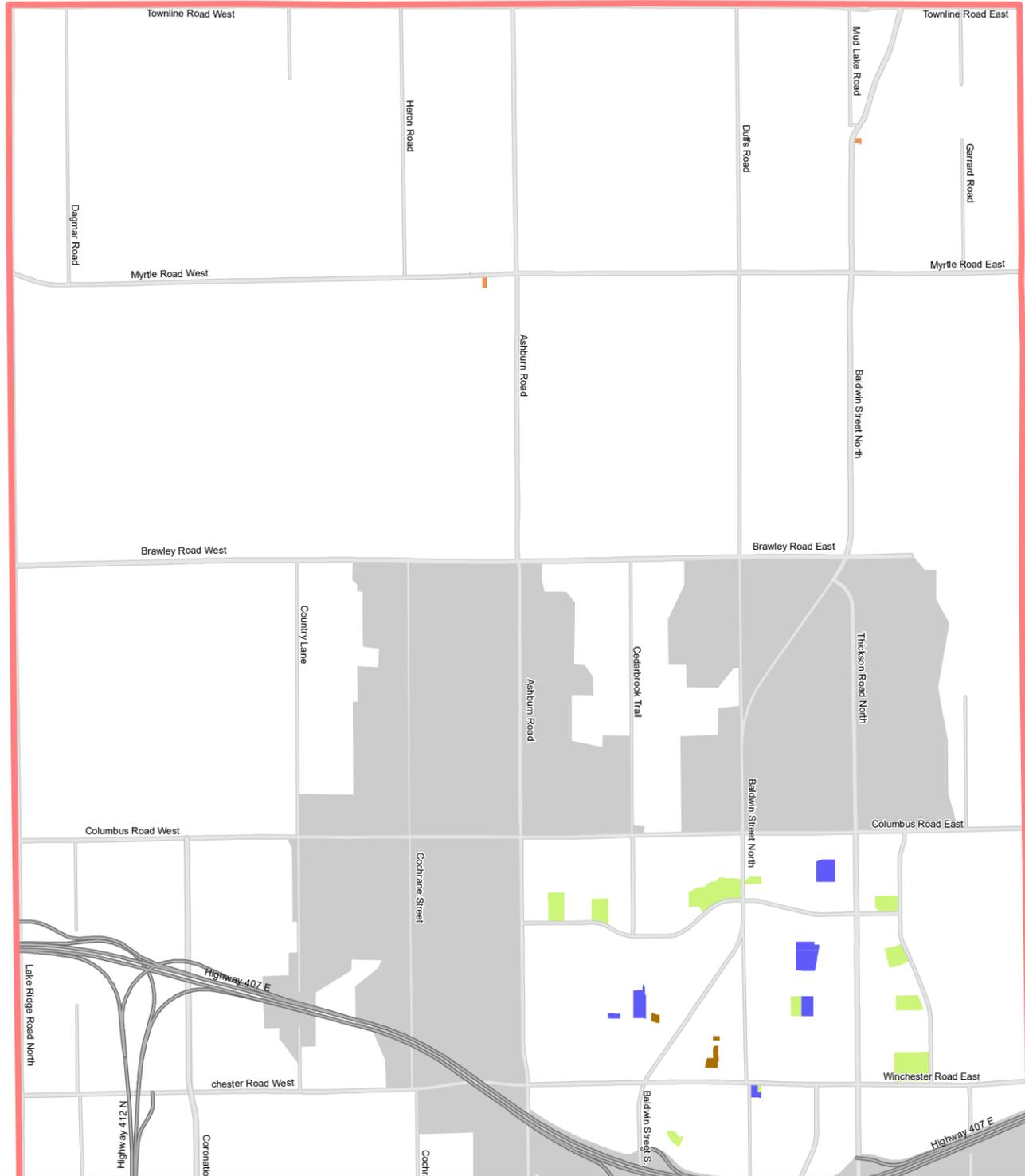


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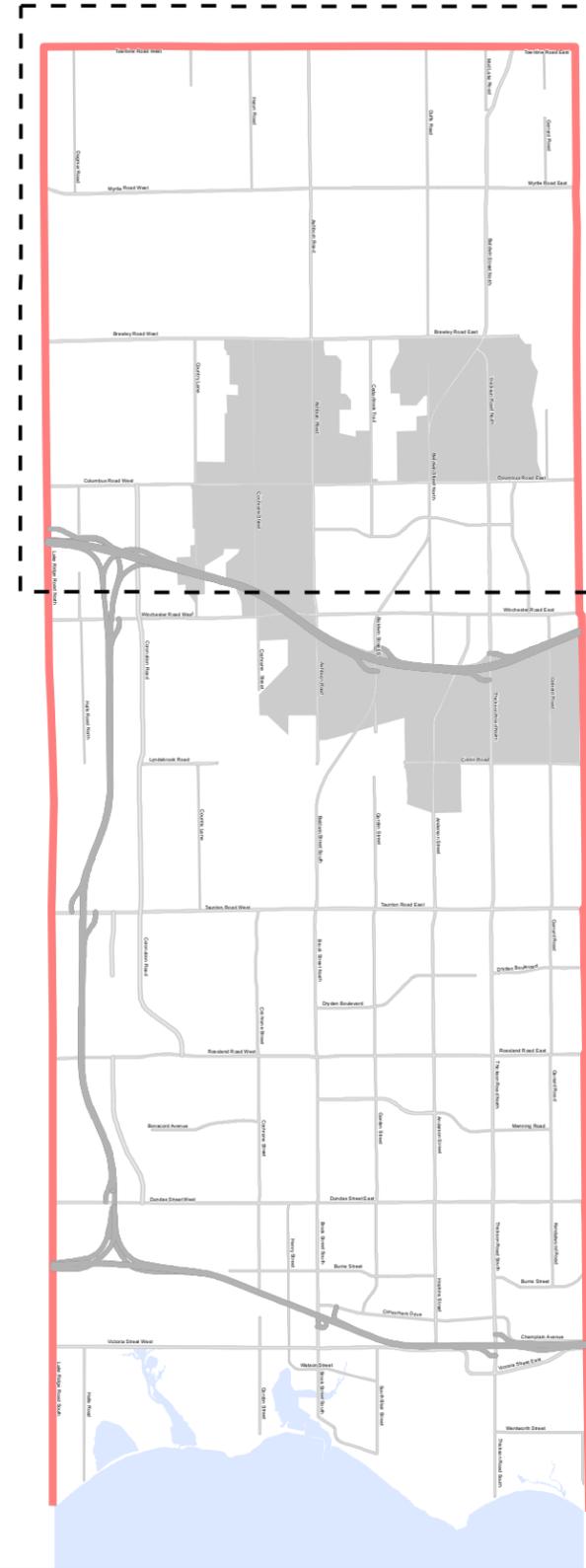
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-  Whitby Boundary
-  Brooklin Expansion Area
- ZB 1784**
-  D
-  D(R)
-  D(NR)
- ZB 2585**
-  D(R)
-  D(NR)



# INSTITUTIONAL ZONES



## Key Map

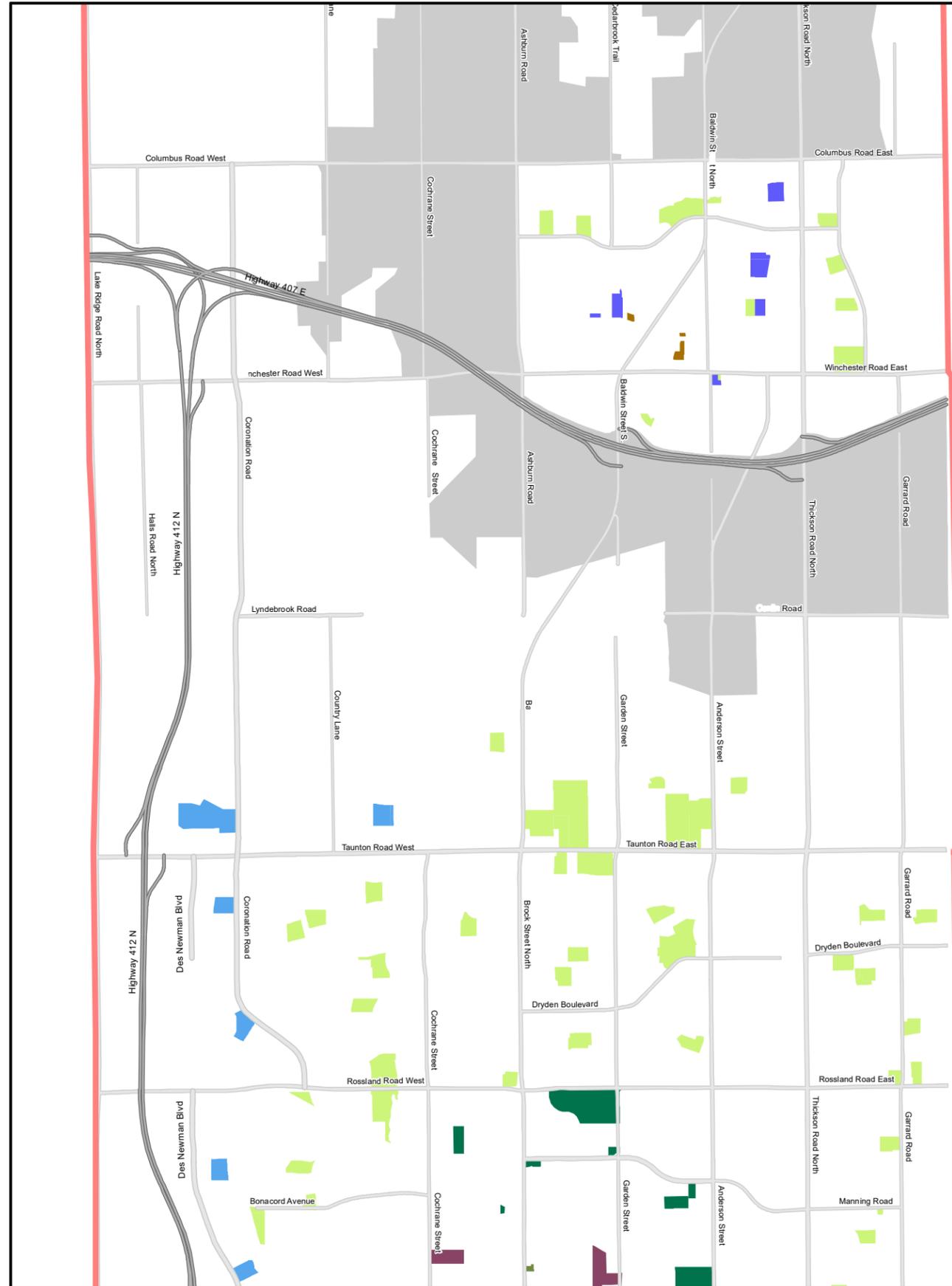


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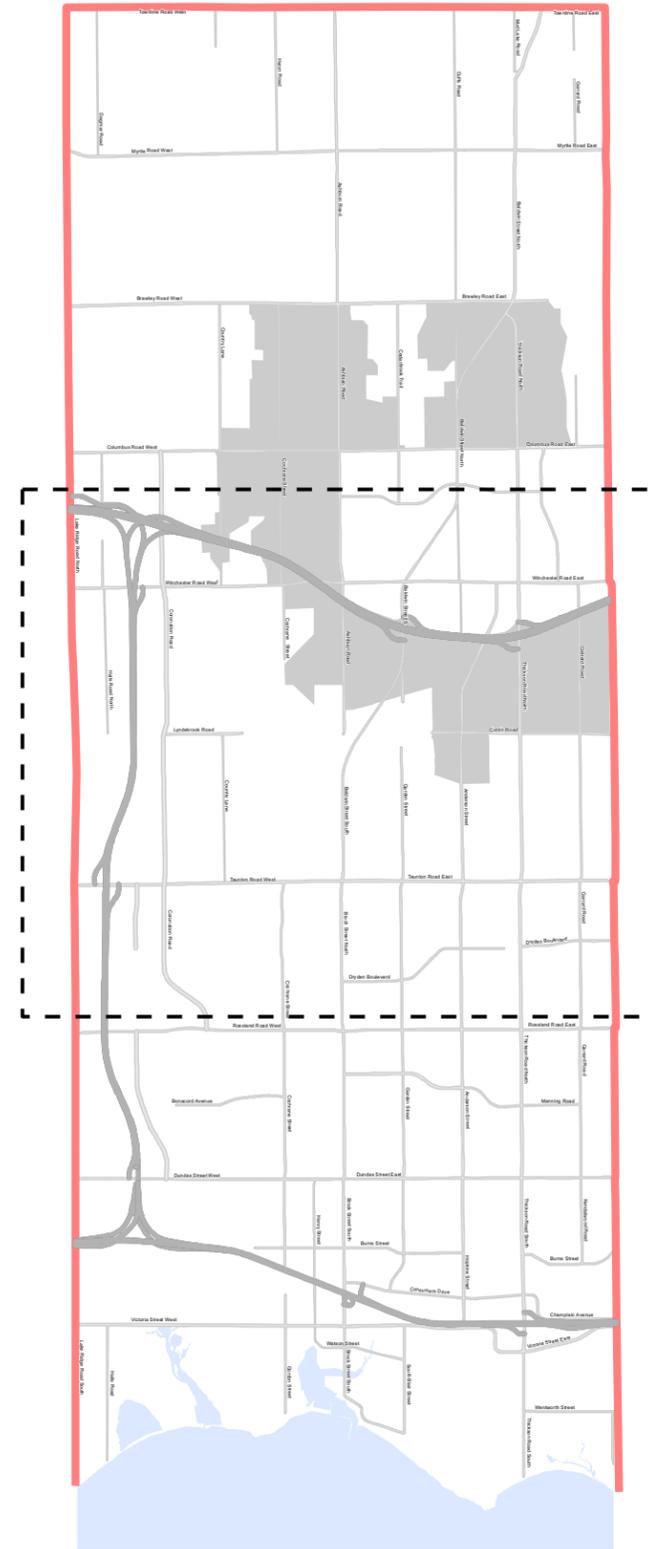
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-  Brooklin Expansion
- ZB 1784**
  -  I\*
  -  I-VB
  -  I-BP
  -  IWW
- ZB 2585**
  -  I
  -  I1-DT
  -  I2-DT
- ZB 5581-05**
  -  ORM-H-I



# INSTITUTIONAL ZONES



Key Map

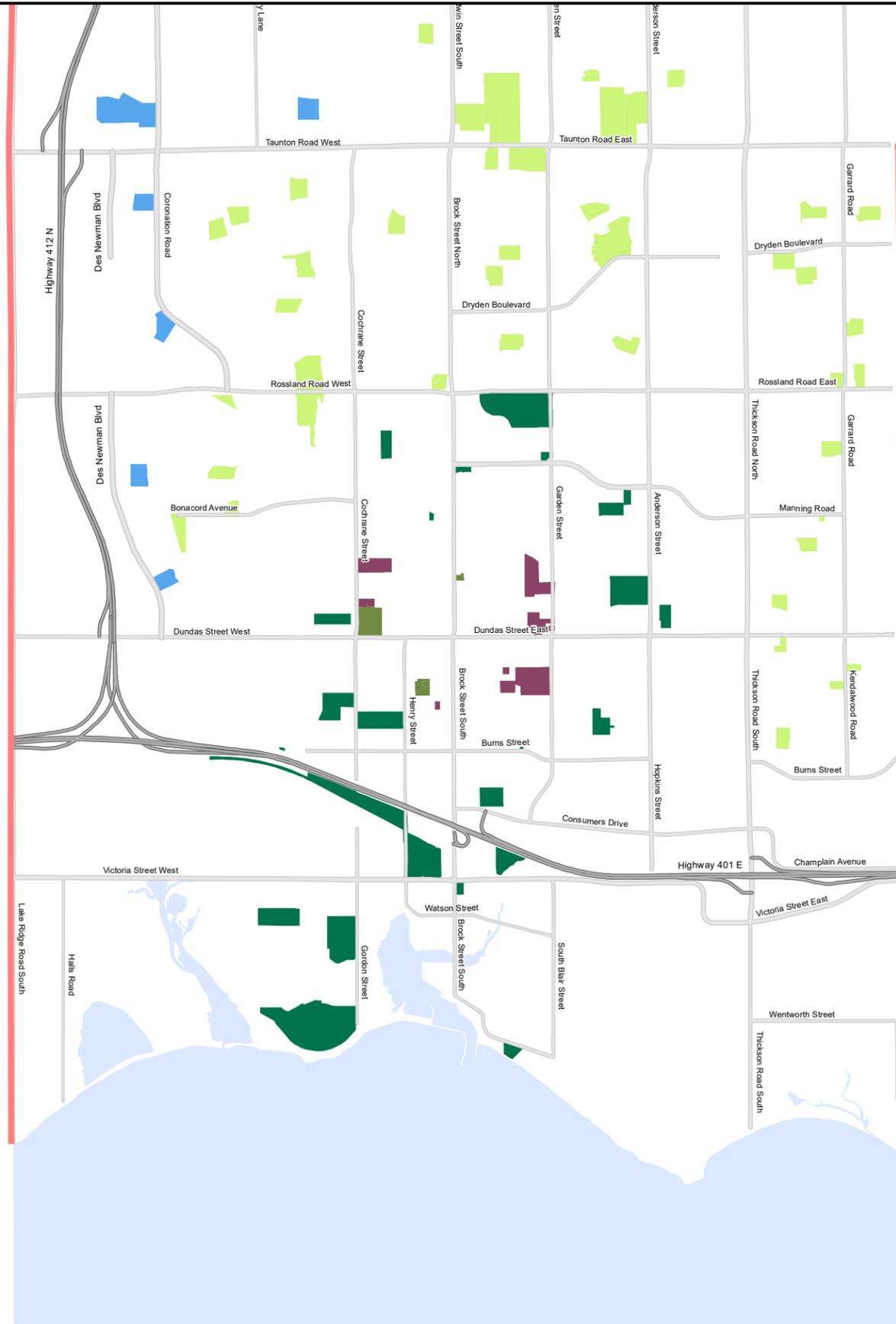


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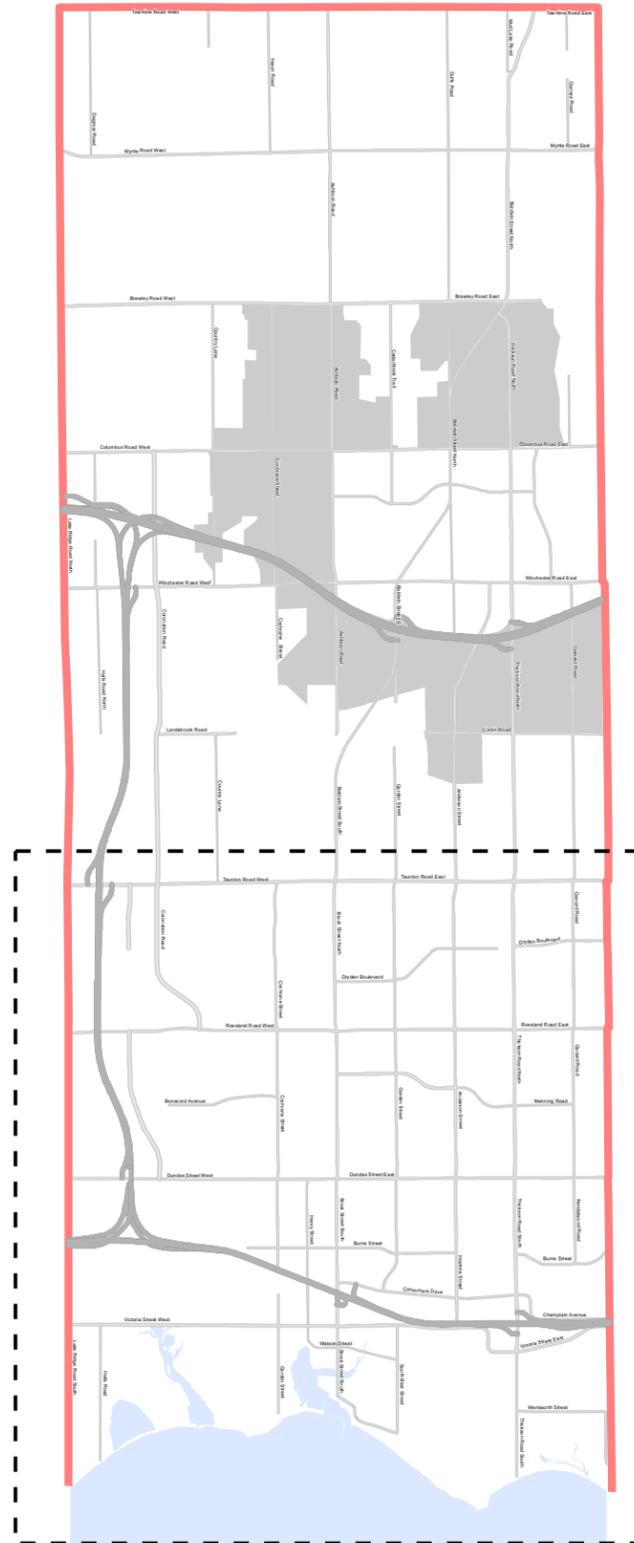


- Lake Ontario
- Whitby Boundary
- Brooklin Expansion
- ZB 1784**
- I\*
- I-VB
- I-BP
- IWW
- ZB 2585**
- I
- I1-DT
- I2-DT
- ZB 5581-05**
- ORM-H-I

# INSTITUTIONAL ZONES



## Key Map



## Legend

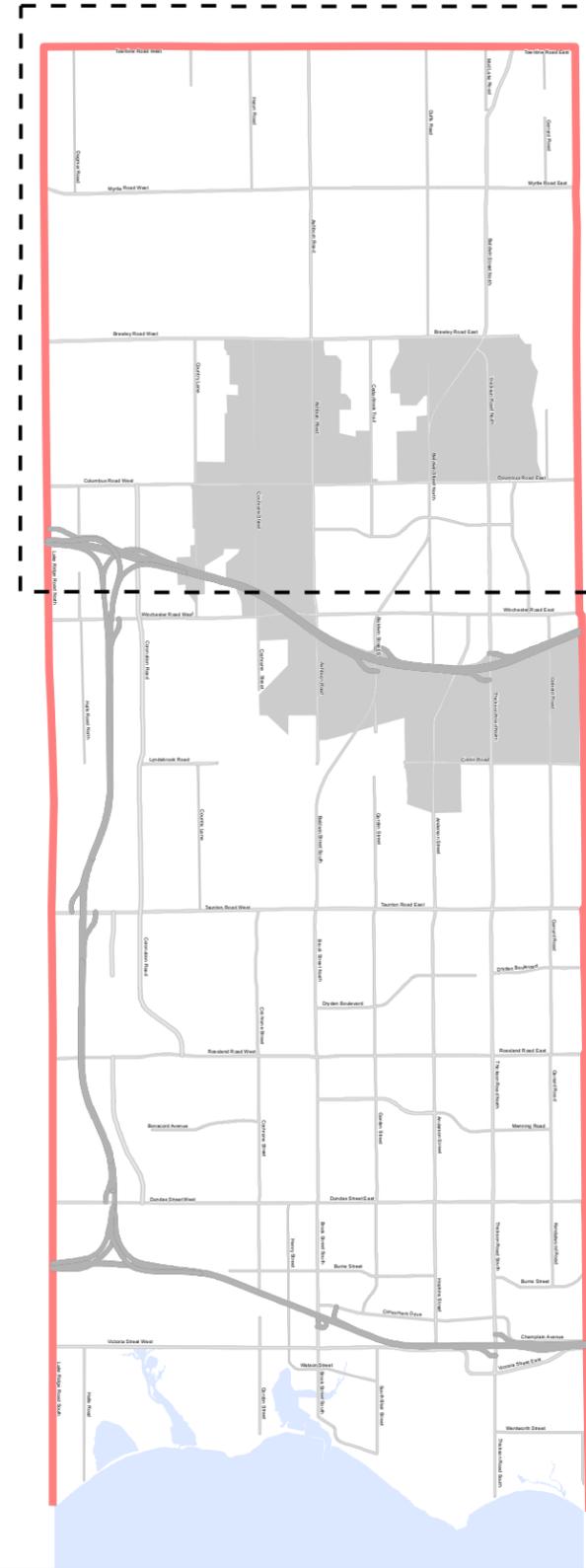
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-  I-BP
-  IWW
- ZB 2585**
-  I
-  I1-DT
-  I2-DT
- ZB 5581-05**
-  ORM-H-I



# NATURAL HERITAGE AND HAZARD ZONE



## Key Map

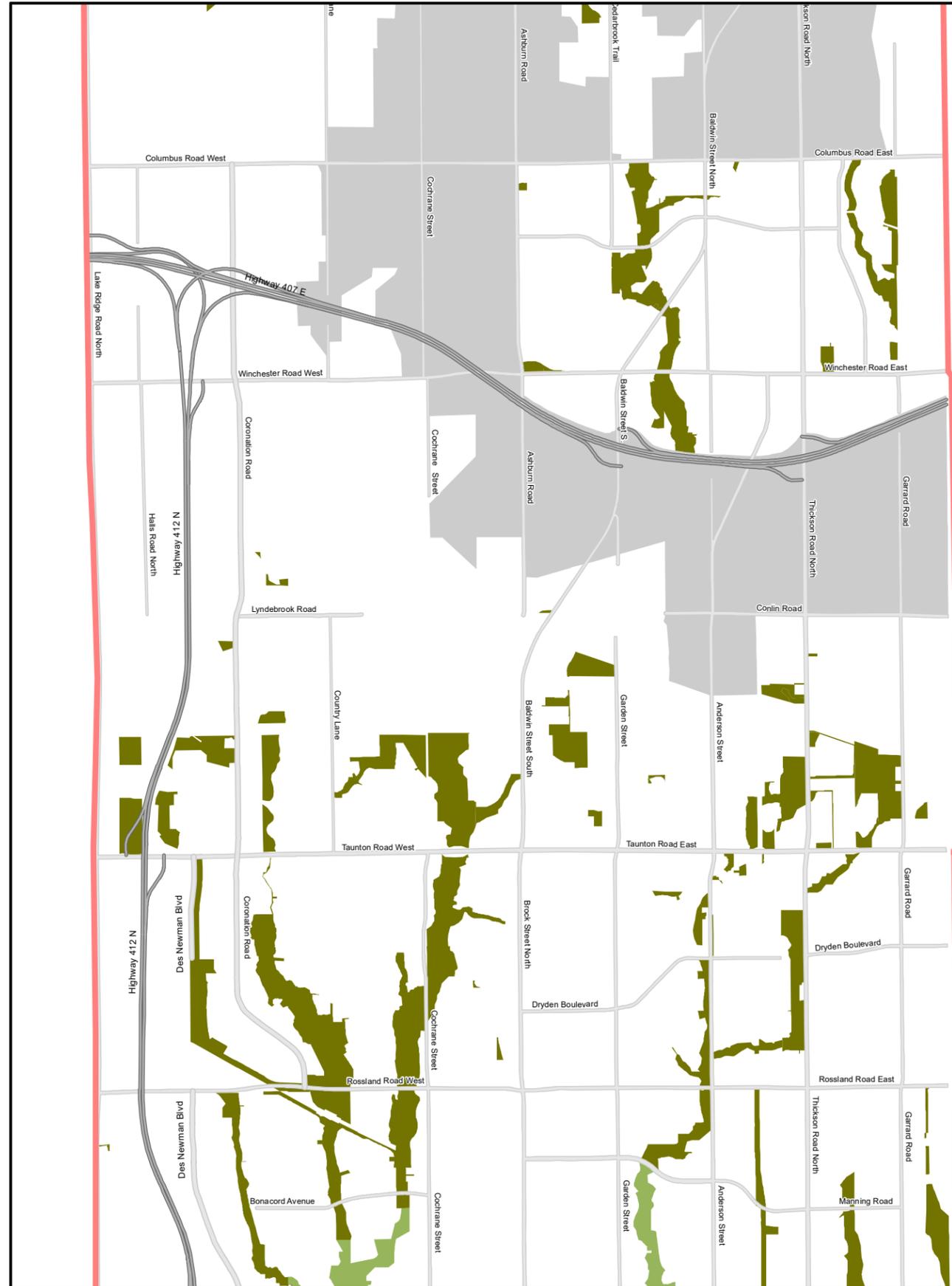


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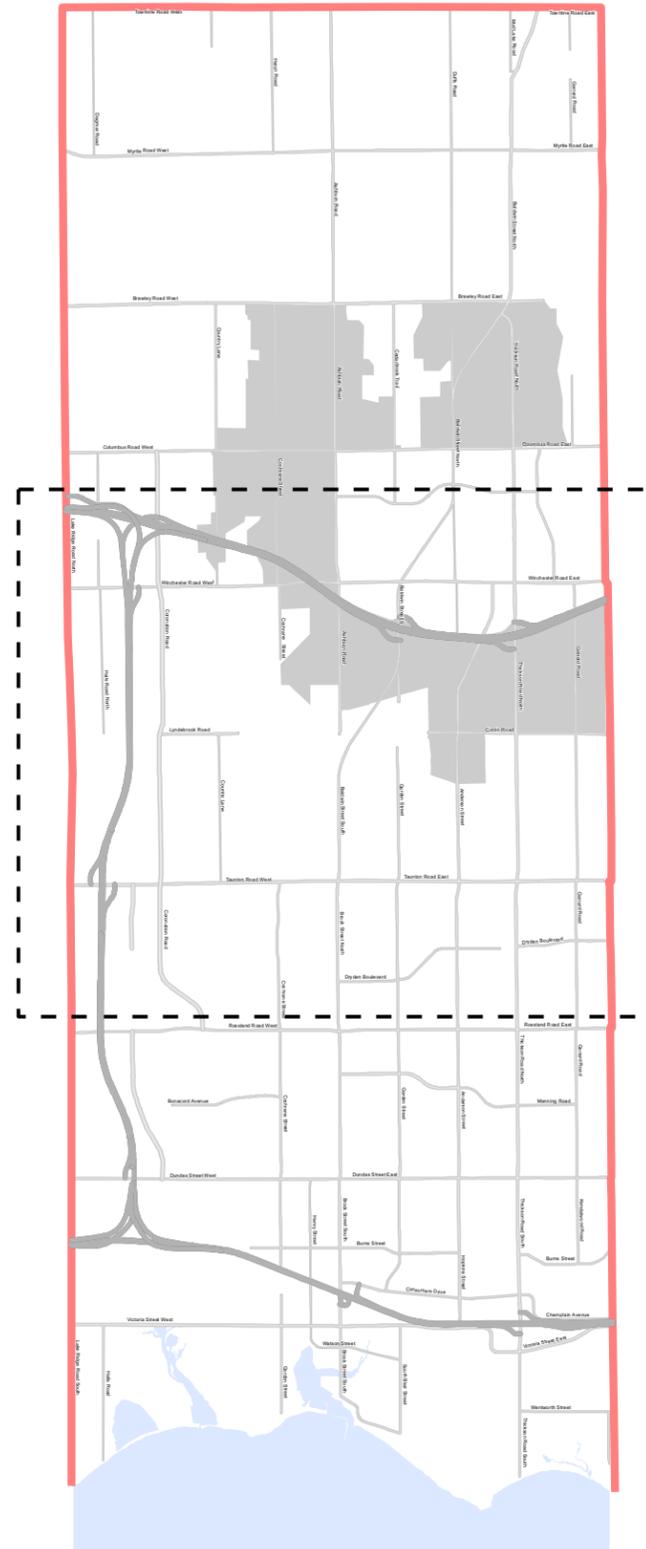
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-  Whitby Boundary
-  Brooklin Expansion Area
- ZB 1784**
-  G
- ZB 2585**
-  F
- ZB 5581-05**
-  ORM-NLA
-  ORM-EP



# NATURAL HERITAGE AND HAZARD ZONE



**Key Map**

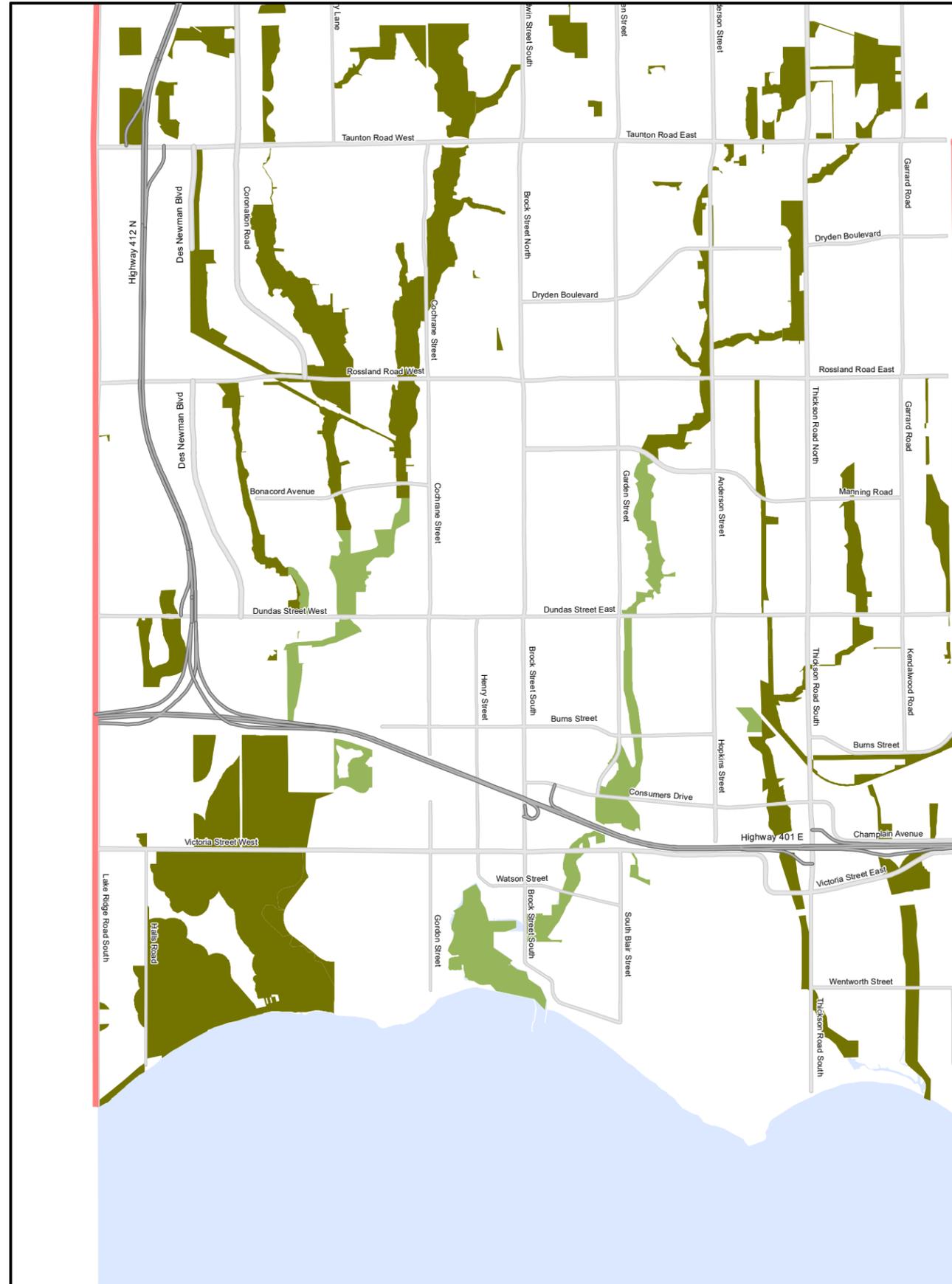


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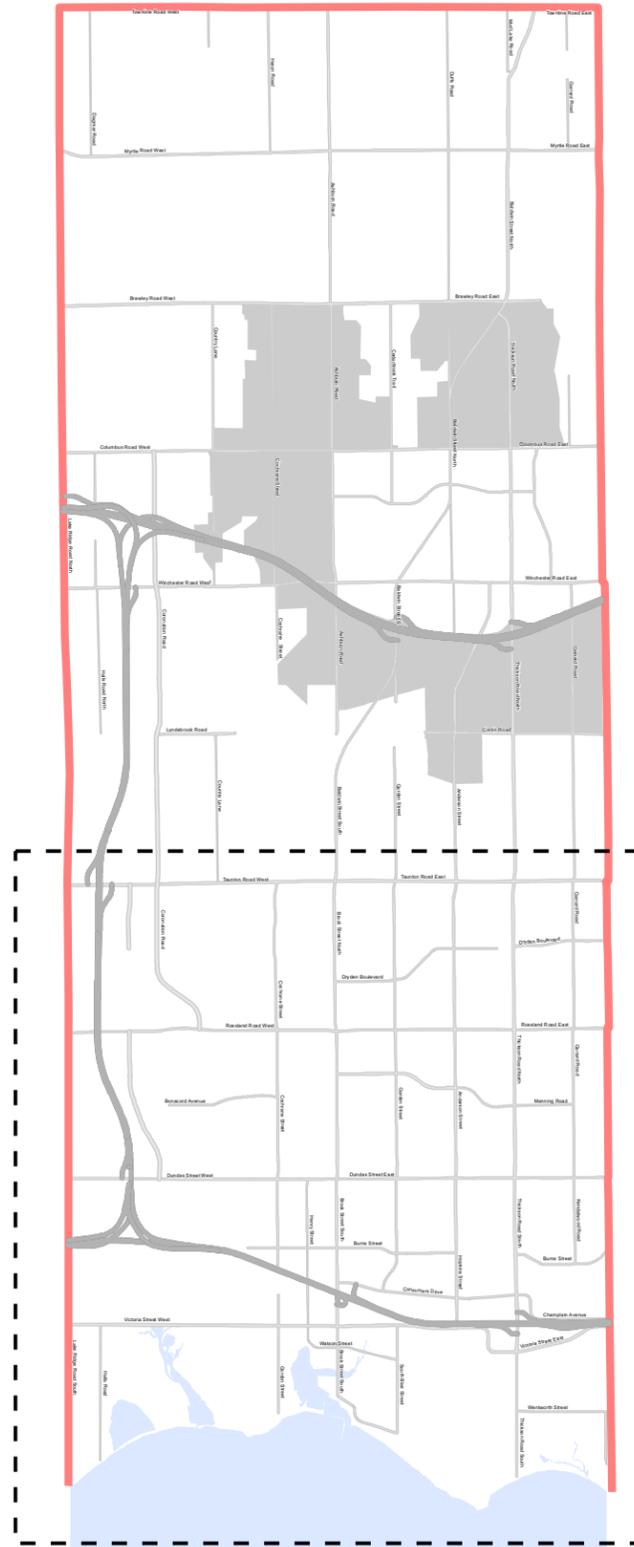
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-  Whitby Boundary
-  Brooklin Expansion Area
- ZB 1784**
-  G
- ZB 2585**
-  F
- ZB 5581-05**
-  ORM-NLA
-  ORM-EP



# NATURAL HERITAGE AND HAZARD ZONE



## Key Map

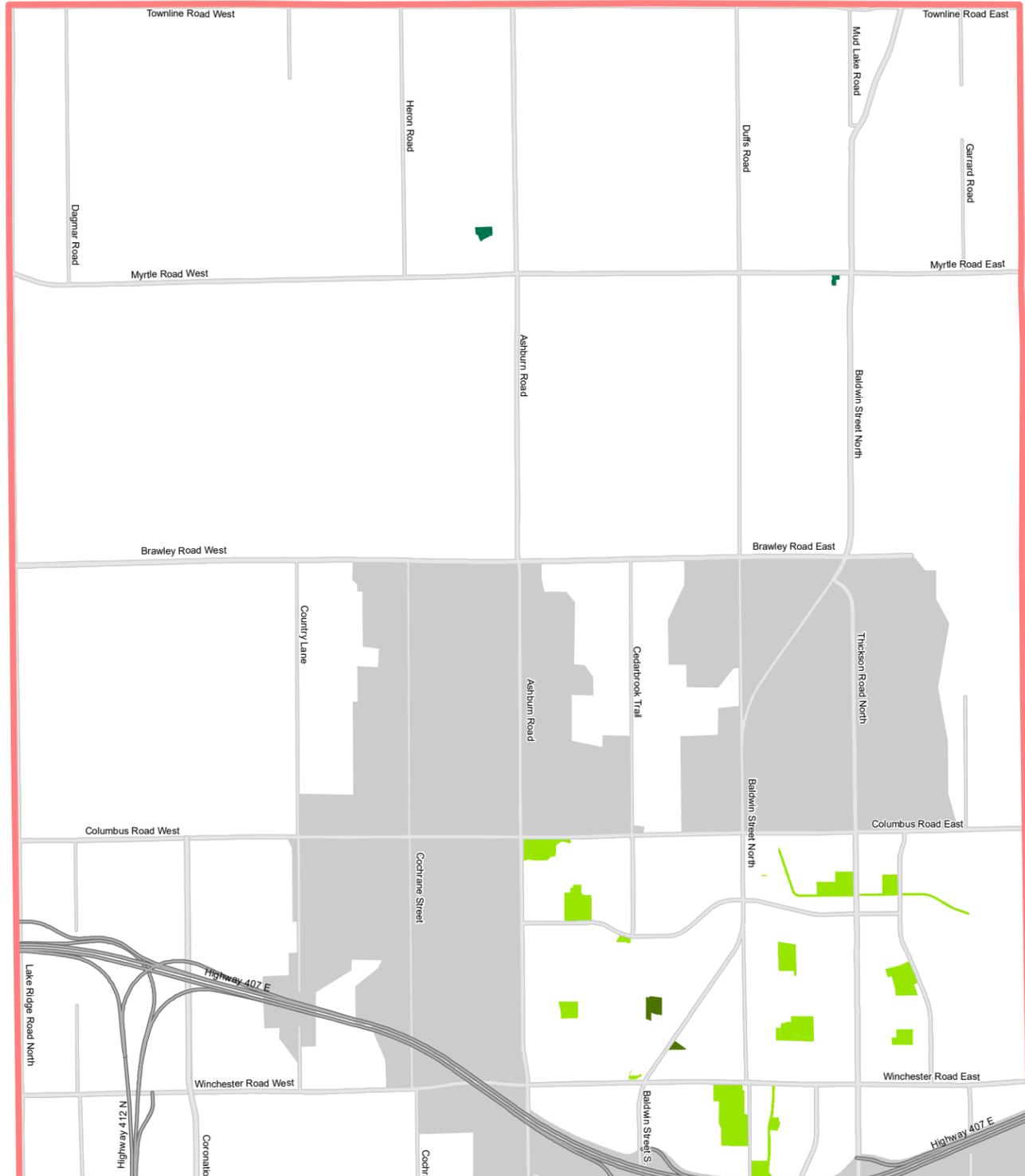


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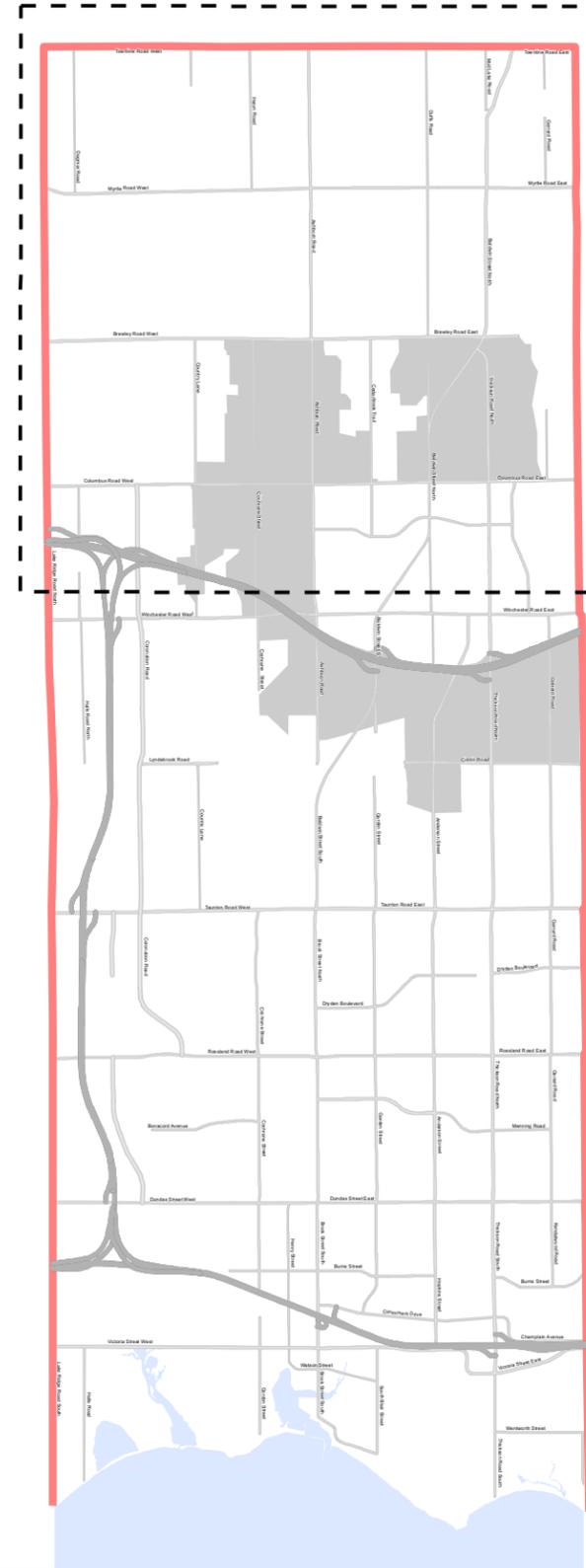
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-  Whitby Boundary
-  Brooklin Expansion Area
- ZB 1784**
-  G
- ZB 2585**
-  F
- ZB 5581-05**
-  ORM-NLA
-  ORM-EP



# OPEN SPACE ZONES



## Key Map

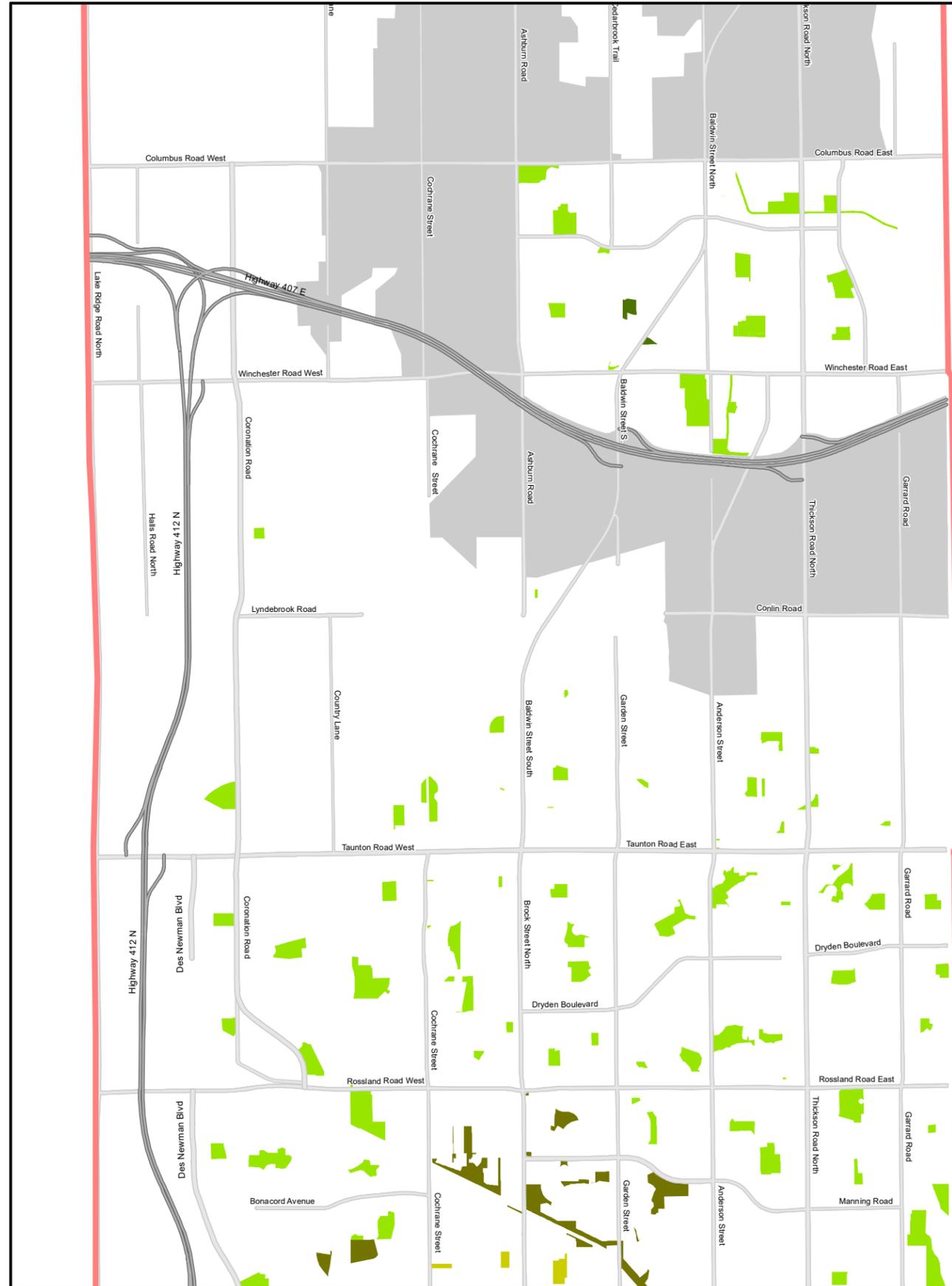


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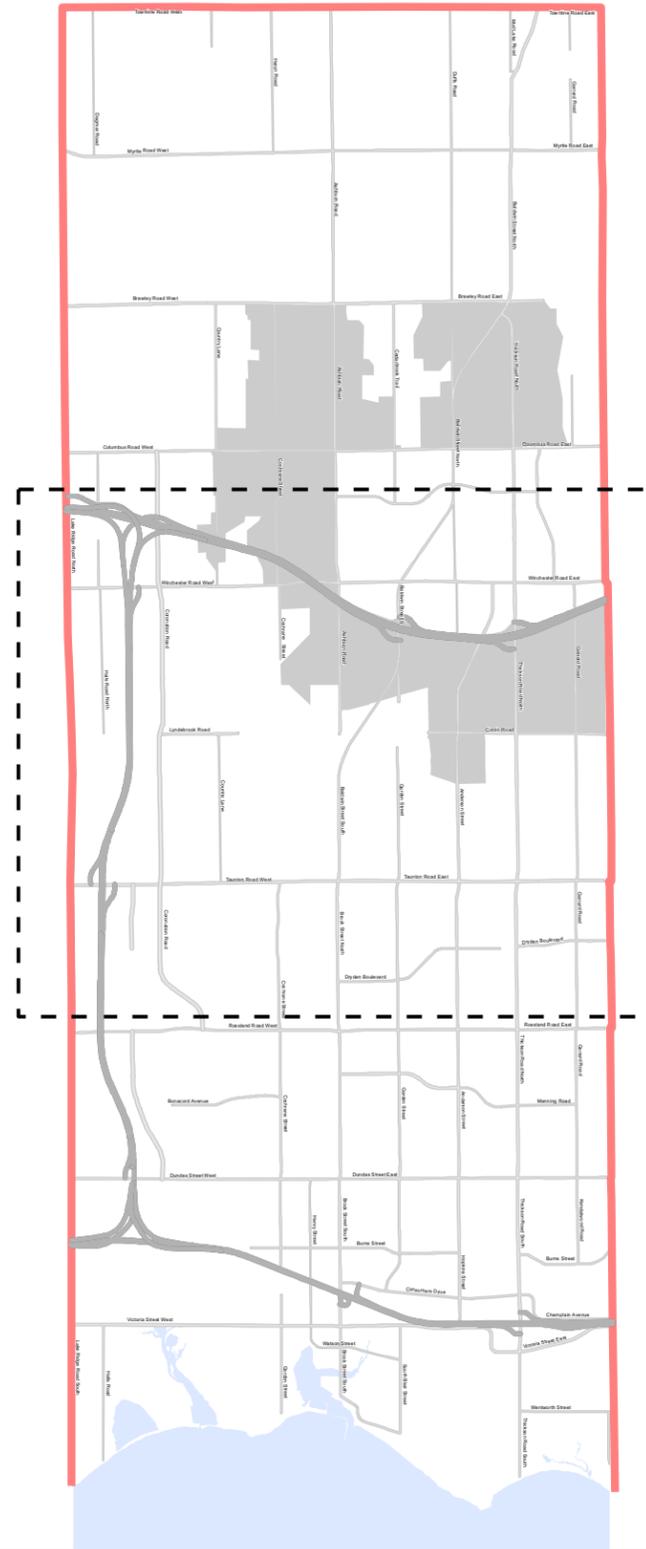


- Lake Ontario
- Whitby Boundary
- Brooklin Expansion
- ZB 1784**
- OS
- OS-VB
- ZB 2585**
- OS
- OS1-DT
- ZB 5581-05**
- ORM-OS

# OPEN SPACE ZONES



## Key Map

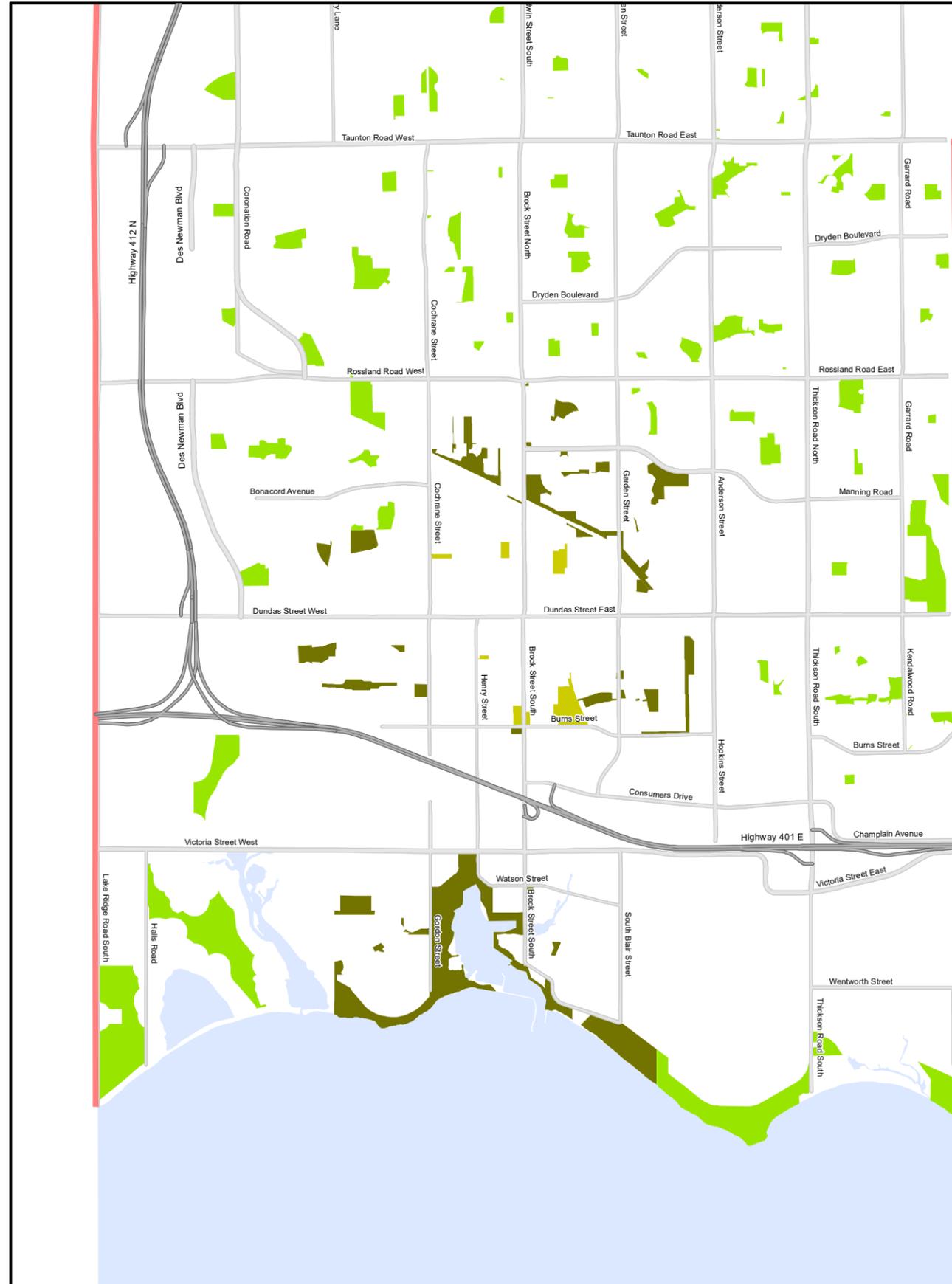


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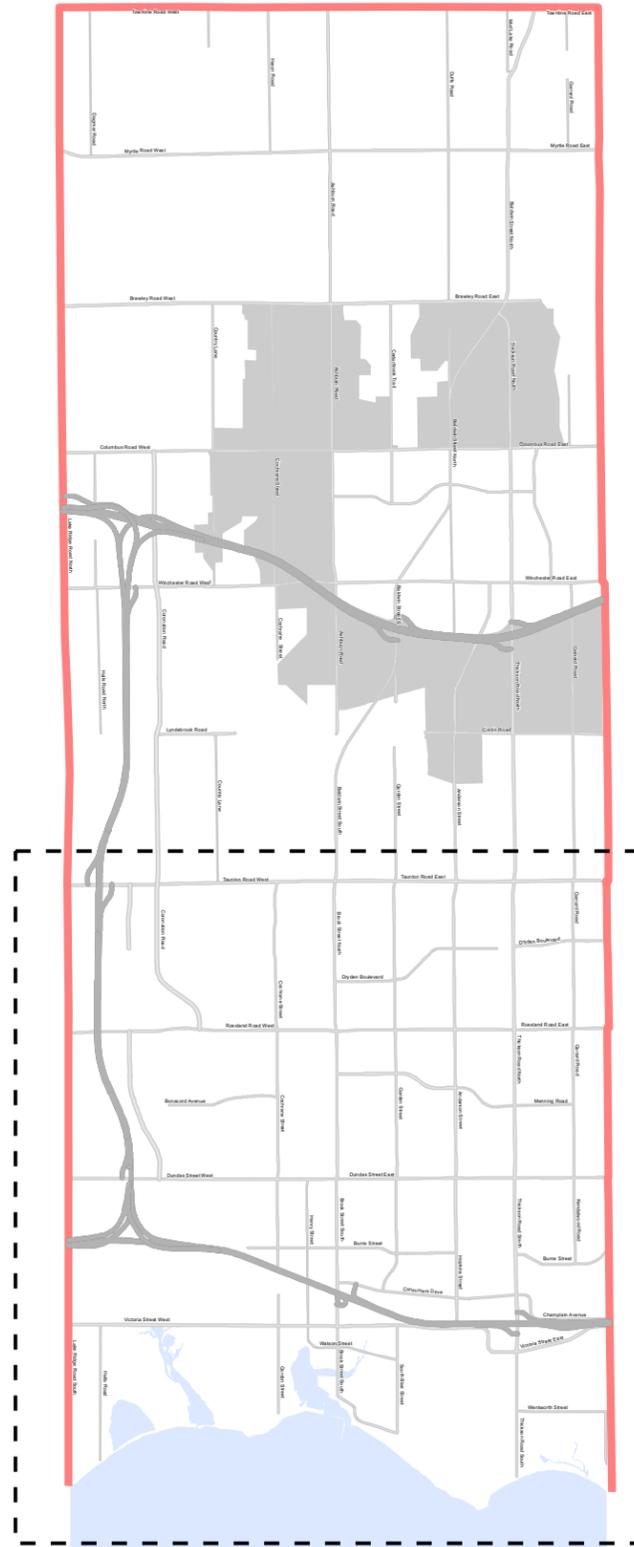
-  Lake Ontario
-  Whitby Boundary
-  Brooklin Expansion
- ZB 1784**
-  OS
-  OS-VB
- ZB 2585**
-  OS
-  OS1-DT
- ZB 5581-05**
-  ORM-OS



# OPEN SPACE ZONES



## Key Map



## Legend

-  Lake Ontario
-  Whitby Boundary
-  Brooklin Expansion
- ZB 1784**
-  OS
-  OS-VB
- ZB 2585**
-  OS
-  OS1-DT
- ZB 5581-05**
-  ORM-OS





# **Appendix B: Comparison of Official Plan designations and Other Zones Tables**



## Open Space/Parks Designations

<b>OP Designation</b>	<b>Major Open Space - Parent Official Plan (Schedule A)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• South of Winchester Road, the Major Open Space designation generally surrounds the Urban Area. North of Winchester Road, outside of the Urban Areas and Hamlets, the Major Open Space designation generally follows major natural heritage features such as stream corridors. The same is true within the Urban Areas and Hamlets, where applicable.</li> </ul>
<b>Map</b>	Maps 1 through 48
<b>Permitted Uses and Key provisions:</b>	<p>4.9.3.5</p> <ul style="list-style-type: none"> <li>• Permitted uses in the Major Open Space designation, as shown on Schedule “A”, shall include <u>active and/or passive recreational and conservation uses, forest, wildlife and fisheries management, community gardens, and private recreation</u> uses that have minimal negative impacts on the environment and which are consistent with the goals and objectives of this Plan.</li> </ul> <p>Outside the Urban Area boundary, <u>agricultural uses, agriculture-related uses, and on-farm diversified uses are permitted</u> on lands designated as Major Open Space in accordance with the relevant provisions of Section 4.10. In addition, the establishment of <u>major recreational uses, commercial kennels, small-scale landscape industry uses, and non-farm related home industries</u> may be considered subject to the provisions of Sections 4.9.3.10 to 4.9.3.17, as applicable, and the relevant policies of the Durham Regional Official Plan.</p> <p>4.9.3.6</p> <ul style="list-style-type: none"> <li>• Notwithstanding the provisions of Section 4.9.3.5, existing cemeteries shall be recognized as permitted uses in the Major Open Space designation. <u>The establishment of new cemeteries outside the Urban Area boundary and the expansion of existing cemeteries shall require an amendment to the Zoning By-law</u> in accordance with the following criteria:...</li> </ul> <p>4.9.3.7</p> <ul style="list-style-type: none"> <li>• Notwithstanding the provisions of Section 4.9.3.5, a <u>single detached dwelling may be permitted on an existing vacant lot</u> of record subject to the provisions of the Zoning By-law and the lot having frontage on a public road fully maintained on a year-round basis and any relevant policies of Section 5 of this Plan.</li> </ul>

4.9.3.8

- Where lands designated as Major Open Space are also identified as Natural Heritage System or Natural Hazards on Schedule “C”, the relevant policies of Section 5 shall apply.

4.9.3.9

- Lands designated as Major Open Space within the Oak Ridges Moraine shall be subject to the applicable provisions of the Oak Ridges Moraine Secondary Plan and the provisions of that Plan shall prevail over the policies of Section 4.9 to the extent of any conflict.

4.9.3.10

- Proposals for new non-agricultural uses permitted by Section 4.9.3.5 on lands designated as Major Open Space outside of the Urban Area boundary may be considered subject to a site specific Zoning By-law amendment and in accordance with the following criteria:...

4.9.3.17

- A home industry on a rural residential property outside the Urban Area boundary may be permitted subject to the provisions of Section 4.9.3.10, Section 4.9.3.11 where applicable, and in accordance with the following criteria:
  - a) The home industry use is clearly accessory to the residential use;
  - b) The use is carried out in a garage or accessory building, other than associated office uses which may be located within the dwelling unit;
  - c) There is no outdoor storage or display of goods, materials, or products
  - d) The common driveway to the dwelling unit or farm is used; and
  - e) The use meets any applicable requirements of the Ministry of the Environment and Climate Change for approvals related to air emissions and waste management, if required.

Notwithstanding Section 4.9.3.10, a site specific amendment to the Zoning By-law is not required, however, the Zoning By-law may regulate the size and scale of home industries as appropriate.

<b>Zones</b>	<b>1784 A</b>	<b>1784 G</b>	<b>1784 OS</b>	<b>2585 OS</b>	<b>2585 F</b>
<b>Notes</b>	When the zones exists outside of the Urban	Permitted uses generally align with			

	Area, permitted uses generally align with designation permissions. Where "A" Zone exists in the Urban Areas permission for agricultural and related uses do not align with the designation policies.	designation permissions except where the G Zone exists in the Urban Areas and permits agricultural and related uses, despite that these are not permitted in the Urban Area in the Major Open Space designation.	designation permissions. Could consider additionally listing conservation etc. as a permitted use.	designation permissions although it should be considered if the permission for a Marina or yacht club should be as-of-right. Could also consider additional listing conservation etc. as a permitted use.	designation permissions.
<b>Other Zones</b>	There may be some limited areas zoned D(NR), D(R).				

<b>OP Designation</b>	<b>Major Open Space– Port Whitby Secondary Plan (Schedule F)</b>		
<b>Location</b>	<ul style="list-style-type: none"> <li>Generally along the waterfront, east of Gordon Street, along the rail corridor, north of Victoria Street East, east of Brock Street South and along the eastern boundary of the Secondary Plan.</li> </ul>		
<b>Map</b>	Maps 38, 43		
<b>Permitted Uses and Key provisions:</b>	<p>11.1.14.1</p> <ul style="list-style-type: none"> <li>Lands designated as Major Open Space on Schedule “F” shall be developed in accordance with the policies of Section 4.9 of this Plan, except as modified by the following additional policies. (See Major Open Space - Parent Official Plan (Schedule A) table above for permitted uses)</li> </ul> <p>11.1.14.2</p> <ul style="list-style-type: none"> <li>Docking areas and related on-shore facilities are permitted on lands designated as Marina on Schedule “F”</li> </ul>		
<b>Zones</b>	<b>2585 OS</b>	<b>2585 F</b>	<b>2585 G</b>
<b>Notes</b>	Permitted uses generally align with designation permissions although it should be considered if the permission for a Marina or yacht club, including buildings and structures related thereto, should be as-of-right. Could also consider additionally listing conservation etc. as a permitted use in all areas or scoped to certain areas.	Permitted uses generally align with designation permissions.	No issues noted
<b>Other Zones</b>	There may be some limited areas within the Major Open Space designation that are zoned I, D(NR).		

<b>OP Designation</b>	<b>Major Open Space/Park– Lynde Shores Secondary Plan (Schedule G)</b>	
<b>Location</b>	<ul style="list-style-type: none"> <li>Along the waterfront and western boundary of the Secondary Plan area, with two centrally located Park locations.</li> </ul>	
<b>Map</b>	Maps 38, 43	
<b>Permitted Uses and Key provisions:</b>	11.2.2.8 A District and two Local parks shall be required to serve the needs of the residential areas.	
<b>Zones</b>	<b>2585 OS</b>	<b>2585 F</b>
<b>Notes</b>	Limited park uses permitted.	Limited park uses permitted.

<b>OP Designation</b>	<b>Open Space – Downtown Secondary Plan (Schedule H)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• At the intersection of Chestnut Street West and Byron Street North.</li> <li>• East of Ash Street, north of Mary Street East.</li> <li>• East side of Cochrane Street, north of Walnut Street.</li> <li>• At the intersection of Burns Street and Brock Street South and Burns Street and Peel Street .</li> </ul>
<b>Map</b>	Maps 34, 35, 39
<b>Permitted Uses and Key provisions:</b>	11.3.8.1 <ul style="list-style-type: none"> <li>• The Open Space designation, as shown on Schedule “H”, shall permit various forms of active and/or passive recreation uses.</li> </ul>
<b>Zones</b>	<b>2585 OS1-DT</b>
<b>Notes</b>	<ul style="list-style-type: none"> <li>• Permitted uses generally align with designation permissions.</li> </ul>

<b>OP Designation</b>	<b>Open Space (Local Park and Cemetery) – Rossland/Garden Urban Central Area Secondary Plan (Schedule J)</b>		
<b>Location</b>	<ul style="list-style-type: none"> <li>• 5 Local Park locations and one cemetery location, all along or near Bassett Blvd.</li> </ul>		
<b>Map</b>	Maps 31 and 35		
<b>Permitted Uses and Key provisions:</b>	11.4.8.1 The open space system comprises local parks, parkettes, an open space corridor and the existing cemetery.		
<b>Zones</b>	<b>1784 OS</b>	<b>2585 OS</b>	<b>1784 R2</b>
<b>Notes</b>	Permitted uses generally align with designation permissions.	Permitted uses generally align with designation permissions.	The cemetery in this secondary plan designation Open Space (Cemetery) is zoned R2, which does not align with the designation's intent or with the current use.

<b>OP Designation</b>	<b>Major Open Space– Brooklin Community Secondary Plan (Schedule K)</b>		
<b>Location</b>	<ul style="list-style-type: none"> <li>In a number of park locations throughout Brooklin, as well as bordering some of the Natural Heritage system in some locations.</li> </ul>		
<b>Permitted Uses and Key provisions:</b>	11.5.24.1 Lands designated as Major Open Space on Schedules “K” and “K1”, including Local, District and Town Parks, shall be developed in accordance with Section 4.9 of this Plan, except as modified by the following additional policies.		
<b>Zones</b>	<b>1784 G</b>	<b>1784 OS-VB</b>	<b>1784 OS</b>
<b>Notes</b>	Permitted uses generally align with designation permissions except where the G Zone exists in the Urban Areas and permits agricultural and related uses, despite that these should be reserved for outside of the Urban Area according to the policies.	Permitted uses generally align with designation permissions. Could consider additionally listing conservation etc. as a permitted use.	Permitted uses generally align with designation permissions. Could consider additionally listing conservation etc. as a permitted use.

<b>OP Designation</b>	<b>Park - Hamlet of Ashburn Secondary Plan (Schedule M)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• Park designation located in the northwest corner of the Hamlet.</li> </ul>
<b>Permitted Uses and Key provisions:</b>	<p><b>11.7.5.1</b> Community uses such as parks, community centres, places of worship, fraternal organizations, schools, post offices, fire stations and fire fighting reservoirs may be permitted in any land use designation within the Hamlet.</p> <p><b>11.7.5.2</b> The existing park shown on Schedule “M” is of sufficient size to provide for the long term open space needs of the Hamlet.</p>
<b>Zones</b>	<b>5581-05 ORM-OS</b>
<b>Notes</b>	The zone permits only a public park and aligns with designation.

<b>OP Designation</b>	<b>Park - Thickson/Taunton Community Central Area Secondary Plan (Schedule O)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>One park symbol in the northeast quadrant, and another in the southeast quadrant, of the intersection of Thickson Road and Taunton Road.</li> </ul>
<b>Permitted Uses and Key provisions:</b>	<p>11.9.8.1 The parks within the Community Central Area are intended to primarily serve the residents of the Secondary Plan area.</p> <p>1.1.9.8.2 The size of the parks shall be determined on the basis of the actual density of residential development based on the requirements of the <b>Planning Act</b>, but shall generally be required to have a minimum size of 0.4 hectares subject to providing active park facilities. The exact location of the park shall be determined through the draft plan of subdivision or site plan approval process and may be relocated without amendment to this Plan, as long as the intent of the Plan is maintained.</p>
<b>Zones</b>	<b>1784 OS</b>
<b>Notes</b>	Permitted uses generally align with designation permissions. The size requirement is not addressed in the zones.

<b>OP Designation</b>	<b>Major Open Space – Taunton North Community Secondary Plan (Schedule P)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• North of the end of Garden Street.</li> <li>• Along and around the utility corridors.</li> </ul>
<b>Map</b>	Map 23
<b>Permitted Uses and Key provisions:</b>	<p>11.10.7.1</p> <ul style="list-style-type: none"> <li>• The intent of the Major Open Space designation is to recognize existing uses that occur in the Major Open Space category such as cemeteries and golf courses, to recognize lands that form part of open space corridors and linkages, or to recognize areas where contamination of lands may have occurred and restoration is strongly encouraged.</li> </ul> <p>11.10.7.2</p> <ul style="list-style-type: none"> <li>• The permitted use in the Major Open Space 1 designation shall be for active and/or passive recreational and conservation uses including parks, trails, conservation areas and greenways, existing golf courses and existing cemeteries. Forest, fisheries and wildlife management, agriculture, nurseries, gardening and other private recreational uses may also be permitted. New golf courses shall require an amendment to this Plan and are subject to the provisions of Policy 10A of the Durham Regional Official Plan. In addition to the uses permitted in Section 4.9.3, existing single detached dwelling units or the creation of a new single detached dwelling unit on a lot of record shall be permitted. Where lands in Major Open Space 1 are intended to form part of an open space corridor identified in this Plan, owners shall be encouraged to restore the environmental features, functions and linkages of the lands where appropriate and to minimize the impacts from development on adjacent environmentally sensitive lands. The provisions of Section 4.9.3 of this Plan shall apply to all Major Open Space 1 lands.</li> </ul> <p>11.10.7.3</p> <ul style="list-style-type: none"> <li>• Lands that are designated Major Open Space 2 have been identified as having some environmental sensitivities and have also been filled or used for landfill purposes in the past. In some areas, there is the potential for the production of methane gas from decaying organic material, the possibility of lack of geotechnical integrity of the soils, and the possibility of soil contamination from materials which have been used or dumped on these sites in the past. Prior to any development being permitted to occur on these</li> </ul>

	<p>lands, studies shall be carried out to confirm soil conditions and recommend appropriate mitigative measures, if required. Owners shall be strongly encouraged to restore their lands to its former environmental state. Restoration shall be carried out in conjunction with the recommendations of an EIS where required. If it demonstrated to the satisfaction of the Municipality that these lands can be safely utilized, then the uses and provisions of Section 4.9.3 of this Plan shall apply to the lands designated Major Open Space 2.</p> <p>11.10.7.4</p> <ul style="list-style-type: none"> <li>• There are existing residential and commercial uses on lands designated Major Open Space 3. The provisions of Section 4.9.3 shall apply to all lands designated Major Open Space 3 within this Secondary Plan. In addition to the uses permitted in Section 4.9.3.5 of this Plan, the existing uses shall be permitted to continue and Council may zone to permit the minor expansion or enlargement of the existing uses or the variations to similar uses subject to the recommendations of an Environmental Impact Study in accordance with Section 11.10.4 of this Plan and provided the uses have no adverse effect on the present uses of the surrounding lands or the implementation of the provisions of this Plan.</li> </ul>	
<b>Zones</b>	<b>1784 A</b>	<b>1784 M2</b>
<b>Notes</b>	<p>MO1 and MO3</p> <ul style="list-style-type: none"> <li>• The zone permits existing golf courses, but no mention of cemeteries, though this is not an issue, as the designation refers to existing cemeteries.</li> <li>• Parks are not explicitly permitted in the zone, though would be captured under “public use”.</li> </ul>	<ul style="list-style-type: none"> <li>• The MO2 designation is zoned as M2, which permits industrial and warehousing uses counter to the designation.</li> </ul>
<b>Notes</b>	The M2 area extends beyond the MO2 designation, where it would not align with the MO1 policies.	

<b>OP Designation</b>	<b>Major Open Space – West Whitby Community Secondary Plan (Schedule V)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• Southern end of Almond Village and along the NHS just south of Taunton Road</li> <li>• A number of parks are also highlighted throughout the community area of the Secondary Plan</li> </ul>
<b>Map</b>	Maps 37
<b>Permitted Uses and Key provisions:</b>	<p>11.12.2.9.1</p> <ul style="list-style-type: none"> <li>• The policies of Section 4.9 of this Plan apply. (See Major Open Space - Parent Official Plan (Schedule A) table above)</li> </ul> <p>11.12.4.1 The establishment of new parks and open space areas in West Whitby is subject to Section 4.9 of this Plan...</p>
<b>Zones</b>	<b>1784 OS and G</b>
<b>Notes</b>	<ul style="list-style-type: none"> <li>• Permitted uses generally align with designation permissions, except where agricultural uses are permitted in urban areas zoned G.</li> </ul>

## Institutional Designations

<b>OP Designation</b>	<b>Community/Institutional – Port Whitby Community Secondary Plan (Schedule F)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>Northeast of the intersection of Gordon Street and Victoria Street West</li> <li>Southwest of the intersection of Charles Street and Watson Street East</li> </ul>
<b>Maps</b>	Map 42
<b>Permitted Uses and Key provisions:</b>	<p>11.1.13.1</p> <ul style="list-style-type: none"> <li>Lands designated as Community/Institutional on Schedule “F” shall be developed in accordance with the policies of Section 4.8, except as modified by the following additional policies.</li> </ul> <p>11.1.13.2</p> <ul style="list-style-type: none"> <li>Lands designated as Community/Institutional bounded by Watson Street, Charles Street, Front Street and the Lake Ontario shoreline permit the uses permitted in the Mixed Use Residential One designation as set out in Section 11.1.9 of this Plan, subject to the preparation of an Urban Design Plan as set out in Section 11.1.20 of this Plan.</li> <li>(11.1.19.2) Lands designated as Mixed Use Residential One permit residential uses in a multiple unit setting and a wide range of small-scale retail, cultural and small-scale service commercial and office uses. Drive-through service facilities are not permitted.</li> </ul> <p>4.8.3.1</p> <ul style="list-style-type: none"> <li>Lands designated as Institutional as shown on Schedule “A” shall be predominantly used for public uses including hospitals, civic administration centres, government facilities, and post-secondary education facilities. Community uses such as places of worship, community centres, day care centres, schools and libraries, as well as other uses such as art and cultural facilities, and long-term care facilities shall also be permitted.</li> </ul>
<b>Zones</b>	<b>2585 OS, MH</b>
<b>Notes</b>	<ul style="list-style-type: none"> <li>The Harbour Industrial (MH) Zone does not align with policy 11.1.13.2.</li> </ul>

	<ul style="list-style-type: none"><li>• The OS uses align with the designation, though broader permitted uses could be included to align closer with the designation.</li></ul>

<b>OP Designation</b>	<b>Institutional – Lynde Shores Secondary Plan (Schedule G)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>Two locations south west of the intersection of Victoria Street and Gordon Street</li> </ul>
<b>Maps</b>	Map 42
<b>Permitted Uses and Key provisions:</b>	<p>11.2.7.1</p> <ul style="list-style-type: none"> <li>The “Institutional” designation identifies an area for the present and future spatial requirements of the Lakeridge Health Whitby and the Ontario Shores Centre for Mental Health and Sciences. Lands within the “Institutional” designation may also be used for those purposes indicated in Section 4.8.3.1 of this Plan, and other medical related and research and development facilities.</li> </ul> <p>11.2.7.3</p> <ul style="list-style-type: none"> <li>That Building 22 of the former Whitby Psychiatric Hospital known as the Doctor’s House, shall be preserved due to its significant heritage value. In order to support the economic viability of this heritage structure, the following uses shall be permitted within the existing building: day nursery, residential use, community centre, business and professional offices ancillary to the Ontario Shores Centre for Mental Health and Sciences, public use, and a clinic.</li> </ul> <p>4.8.3.1</p> <ul style="list-style-type: none"> <li>Lands designated as Institutional as shown on Schedule “A” shall be predominantly used for public uses including hospitals, civic administration centres, government facilities, and post-secondary education facilities. Community uses such as places of worship, community centres, day care centres, schools and libraries, as well as other uses such as art and cultural facilities, and long-term care facilities shall also be permitted.</li> </ul>
<b>Zones</b>	<b>2585 I</b>
<b>Notes</b>	<ul style="list-style-type: none"> <li>Zone permissions generally align with designation.</li> </ul>

<b>OP Designation</b>	<b>Institutional – Downtown Secondary Plan (Schedule H)</b>	
<b>Location</b>	<ul style="list-style-type: none"> <li>• East of Reynolds Street, north of Collette Drive.</li> <li>• Along the east side of Cochrane Street north of Dundas Street West.</li> <li>• At Ontario Street West and Centre Street South.</li> </ul>	
<b>Maps</b>	Map 34, 38, 39	
<b>Permitted Uses and Key provisions:</b>	<p>11.3.7.1 The Institutional designation shall permit schools, places of worship, hospitals, day care centres, cultural and community centres, public utilities, nursing homes and homes for the aged.</p> <p>11.3.7.3 The maximum height for buildings shown on Schedule “I” does not apply to the Institutional designation. The maximum height for buildings in these areas will be governed by the applicable Zoning By-law with consideration given to the height of existing buildings on each site.</p>	
<b>Zones</b>	<b>2585 1I-DT</b>	<b>2585 I2-DT</b>
<b>Notes</b>	<ul style="list-style-type: none"> <li>• Zone permissions generally align with designation.</li> </ul>	<ul style="list-style-type: none"> <li>• Zone permissions generally align with designation.</li> </ul>

<b>OP Designation</b>	<b>Institutional – Rossland/Garden Urban Central Area Secondary Plan (Schedule J)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• At the intersection of Rossland Street and Garden Street (south west side)</li> </ul>
<b>Maps</b>	Map 31
<b>Permitted Uses and Key provisions:</b>	<p>11.4.7.1 This designation shall be the primary location for various administrative government activities within the Urban Central Area. Intensification and expansion of existing government facilities, either by enlargement of existing buildings or by construction of new structures, shall be encouraged within this area. Retail, business office and personal service uses may be permitted within government facilities as part of an integrated development.</p> <p>11.4.7.2 Places of worship and cultural facilities such as libraries, museums, theatres and community centres are permitted in any land use designation in the Urban Central Area. However, such uses, where possible, shall be encouraged to locate within the core area where shared parking facilities can be accommodated.</p>
<b>Zones</b>	<b>2585 I</b>
<b>Notes</b>	Zone permissions generally align with designation.

<b>OP Designation</b>	<b>Institutional – Brooklin Community Secondary Plan (Schedule K)</b>		
<b>Location</b>	<ul style="list-style-type: none"> <li>In three locations throughout Secondary Plan Area</li> </ul>		
<b>Maps</b>	Map 27		
<b>Permitted Uses and Key provisions:</b>	<p>11.5.23.1 School sites symbolically shown on Schedule “K” shall be developed in accordance with the relevant policies of Section 4.8 of this Plan, except as modified by the following additional policies.</p> <p>4.8.3.1 Lands designated as Institutional as shown on Schedule “A” shall be predominantly used for public uses including hospitals, civic administration centres, government facilities, and post-secondary education facilities. Community uses such as places of worship, community centres, day care centres, schools and libraries, as well as other uses such as art and cultural facilities, and long-term care facilities shall also be permitted.</p>		
<b>Zones</b>	<b>1784 I*</b>	<b>1784 I-VB</b>	<b>1784 I-BP</b>
	Zone permissions generally align with designation.		

<b>OP Designation</b>	<b>Institutional – Brock/Taunton Major Central Area Secondary Plan (Schedule N)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• North of Taunton Road at Brock Street and Anderson Street, and south of Taunton Road, east of Brock Street.</li> </ul>
<b>Maps</b>	Map 27
<b>Permitted Uses and Key provisions:</b>	<p>11.8.8.1  A variety of Institutional uses currently exist within the Major Central Area. New institutional uses, including schools, places of worship, community centres, libraries and cultural facilities may be permitted, subject to an amendment to the Zoning By-law.</p>
<b>Zones</b>	<b>1784 I*</b>
<b>Notes</b>	The zone permits a number of institutional uses.

<b>OP Designation</b>	<b>Corporate Office/Institutional – Brock/Taunton Major Central Area Secondary Plan (Schedule N)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• North of Taunton Road, east of McKinney Drive.</li> </ul>
<b>Maps</b>	Map 27
<b>Permitted Uses and Key provisions:</b>	<p>11.8.6.1 The predominant uses permitted within Institutional/Corporate Office designation shall include business and corporate offices, entertainment uses, recreational uses and institutional uses including health care and medical facilities, civic administration centres, government facilities, education facilities, places of worship, community centres, libraries, transit, art and cultural facilities, banquet halls and fraternal organizations.</p> <p>11.8.6.2 In addition to the uses permitted in Section 11.8.6.1, residential uses are also permitted within the Institutional/Corporate Office designation in the form of multi-unit buildings that have a minimum height of 6 storeys and a maximum height of 10 storeys.</p> <p>11.8.6.3 For the purposes of this designation, corporate offices are defined as offices which provide business headquarters or main office functions but generally do not include medical offices, law offices, and real estate offices and are greater than a minimum of 500 square metres gross leasable area.</p>
<b>Zones</b>	<b>1784 I*</b>
<b>Notes</b>	The zone permissions conform to the policies.

## Agricultural Designations

<b>OP Designation</b>	<b>Agricultural – Parent Official Plan (Schedule A)</b>
<b>Location</b>	Located in between open space areas, predominantly, north of the Winchester Road, outside of the Urban Areas and Hamlets.
<b>Maps</b>	n/a
<b>Permitted Uses and Key provisions:</b>	<p>4.10.3.2 Permitted uses in areas designated as Agricultural on Schedule “A” are agricultural uses, agriculture-related uses, and on-farm diversified uses. In the Agricultural designation, all types, sizes, and intensities of agricultural uses and normal farm practices shall be permitted.</p> <p>4.10.3.3 Agriculture-related and on-farm diversified uses shall be compatible with and not hinder surrounding agricultural operations. Proposals for agriculture-related and on-farm diversified uses shall require a site specific amendment to the Zoning By-law ...</p> <p>4.10.3.4. The establishment of non-agricultural uses in areas designated as Agricultural shall not be permitted. Fish, wildlife, and forest management uses, conservation and erosion control projects, and mineral aggregate extraction in accordance with Section 4.12 of this Plan, the Greenbelt Plan and the Oak Ridges Moraine Conservation Plan, where applicable, are generally discouraged, however may be permitted following the completion of an agricultural impact assessment, where appropriate. Infrastructure is also discouraged within the Agricultural designation and may only be permitted where it is authorized by an environmental assessment and demonstrates that:</p> <ul style="list-style-type: none"> <li>a) There is an identified need within the planning horizon for the proposed use; and</li> <li>b) The lands are lower priority agricultural lands or there are no reasonable alternatives which avoid <i>prime agricultural</i> lands.</li> </ul>

4.10.3.5

- New and expanding major recreational uses shall not be permitted on lands designated as Agricultural.

4.10.3.6

- A single detached dwelling unrelated to an agricultural operation shall be permitted on an existing vacant lot of record subject to the provisions in the Zoning By-law and the lot having frontage on an open public road which is maintained on a year-round basis.

4.10.3.7

- Home business uses shall be subject to Section 4.4.3.1d) and home industry uses on a non-farm residential property shall be subject to Section 4.9.3.17 of this Plan. On-farm diversified uses, including home industry uses on farms, shall be subject to Section 4.10.3.3 of this Plan.

4.10.3.9

- The creation of parcels of land for agricultural use shall maintain a size that is appropriate for agricultural purposes in the long term and shall have a minimum lot size of 40 hectares.

4.10.3.12

- A bonafide farmer may be permitted to establish an accessory dwelling on the existing farm to accommodate persons employed full time in the farm operation where the size and nature of the operation requires additional employment. An accessory dwelling should be located within the farm building cluster, wherever possible. The severance of such accessory dwelling shall not be permitted. Prior to the approval of new accessory dwellings, other options should be considered including accommodations within the existing residential dwelling, off-site accommodations, or temporary on-site accommodations.

4.10.3.13

New development, including lot creation and expansions to *existing uses*, shall comply with the *Minimum Distance Separation formulae*. *Minimum Distance Separation formulae* will also be applied to applications for new or expanding livestock operations.

4.10.3.14

	Lands designated as Agricultural and identified as Future Urban Development Areas on Schedule "A" shall generally be used for agricultural purposes until such time as <i>development</i> occurs.
<b>Zones</b>	<b>1784 A</b>
<b>Notes</b>	<ul style="list-style-type: none"><li>• Conservation uses are listed as permitted in the zone</li><li>• Public use permission permits infrastructure counter to Policy 4.10.3.4</li></ul>
<b>Other Zones</b>	A small area south of the ORM is zoned as R3

<b>OP Designation</b>	<b>Agriculture – Oak Ridges Moraine Secondary Plan (Schedule R)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>Generally from the southern limit of the ORM Secondary Plan, south of the Natural Linkage Area designation, outside of the ORM EP and Rural Settlement Areas</li> </ul>
<b>Maps</b>	Map 1, 2, 3, 4
<b>Permitted Uses and Key provisions:</b>	<p>11.11.5.3</p> <p>a) Any development or site alteration in the Oak Ridges Moraine Agricultural designation, as shown on Schedule “R”, shall be subject to the policies of Section 4.10 - Agriculture of the Official Plan in addition to the underlying land uses permitted in Section 11.11.5.5 of the Oak Ridges Moraine Secondary Plan, i.e., Fish, wildlife and forest management, Conservation projects and flood and erosion control projects, Existing agricultural uses, Low intensity recreational uses and Transportation, infrastructure and utilities. Where there is a conflict between the policies of Section 4.10 and the Secondary Plan, the policies of the Secondary Plan shall prevail.</p> <p>b) New mineral aggregate operations shall only be considered by an Official Plan Amendment application and must conform to the policies of the Whitby Official Plan and the Durham Regional Official Plan and shall be subject to the policies of Subsection 11.11.6.2</p>
<b>Zones</b>	<b>ORM-A</b>
<b>Notes</b>	<ul style="list-style-type: none"> <li>No conformity issues noted.</li> </ul>

## Natural Heritage and Hazards Zone Designations

<b>OP Designation</b>	<b>Natural Hazard Areas and Environmental Protection – Port Whitby Community Secondary Plan (Schedule F)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• Generally along the eastern and western boundaries of the Secondary Plan, and around Whitby Harbour</li> </ul>
<b>Maps</b>	
<b>Permitted Uses and Key provisions:</b>	<p>11.11.17.1 Lands designated as Environmental Protection Area shall be governed in accordance with the policies of Section 5 of this Plan, except as modified and/or enhances by the following additional policies.</p> <p>5.3.7.4 <i>Development and site alteration</i> shall not be permitted in <i>key hydrologic features</i> and <i>key natural heritage features</i>, including the associated <i>vegetation protection zone</i>, within the <i>Natural Heritage System</i> except for uses such as:</p> <ul style="list-style-type: none"> <li>a) conservation, flood or erosion control, where need is demonstrated and no reasonable alternative exists;</li> <li>b) fish, forest, and wildlife management;</li> <li>c) passive recreational uses such as trails and supporting small-scale structures;</li> <li>d) <i>infrastructure</i>, where need is demonstrated and no reasonable alternative exists; and</li> <li>e) <i>existing agricultural uses</i>.</li> </ul> <p>5.3.7.5 Notwithstanding Section 5.3.7.4, <i>development or site alteration</i> shall not be permitted within:</p> <ul style="list-style-type: none"> <li>a) <i>fish habitat</i>, except in accordance with Provincial and Federal requirements;</li> <li>b) habitat of <i>endangered species</i> or <i>threatened species</i>, except in accordance with Provincial and Federal requirements; or</li> <li>c) significant <i>wetlands</i> and significant <i>coastal wetlands</i>.</li> </ul> <p>11.1.18.1 Lands identified as Natural Hazard Area on Schedule “F” shall be governed in accordance with the policies of Section 5 of this Plan.</p> <p>5.4.10.6 No development, site alteration, or the placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be permitted in the floodway or areas subject to dynamic beach hazards, flooding hazards, erosion hazards, or other areas that would be rendered inaccessible to people and vehicles during times of flooding</p>

	hazards, erosion hazards, and/or dynamic beach hazards without the approval of the Conservation Authority and any other applicable agency.	
<b>Zones</b>	<b>2585 OS, F for Environmental Protection Area</b>	<b>Multiple zones for Hazard areas</b>
<b>Notes</b>	Depending on scale, the permissions for parks and public uses, as well as marinas may conflict with the protection direction in the Official Plan. Only “supporting small-scale structures” are permitted.	May need to consider an overlay to address hazard areas.

<b>OP Designation</b>	<b>Low Hazard – Lynde Shores Secondary Plan (Schedule G)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• South of the 401, east of Lynde Creek</li> </ul>
<b>Maps</b>	
<b>Permitted Uses and Key provisions:</b>	<p>11.2.6.8  Remedial work shall be required to bring the Low Hazard Land area indicated on Schedule “G” up to a standard that would permit development. The Low Hazard Land area shall not be deemed developable or zoned to permit development until such time as the existing or potential hazard has been overcome or agreements have been entered into between landowners and the Ministry of Natural Resources and Forestry and the Central Lake Ontario Conservation Authority for works to overcome the hazard, and the development proposal is shown to satisfy the requirements of the authorities having jurisdiction. Basements shall not be permitted in developments within the Low Hazard Land area.</p>
<b>Zones</b>	<b>2585 OS, F</b>
<b>Notes</b>	Development is generally restricted in these zones.

<b>OP Designation</b>	<b>Natural Heritage and Natural Hazard – Brooklin Community Secondary Plan (Schedule K)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• Along natural heritage features within Secondary Plan area</li> </ul>
<b>Maps</b>	
<b>Permitted Uses and Key provisions:</b>	<p>11.5.25.1 Lands designated as Natural Heritage System on Schedules “K” and “K1” fall within the Major Open Space designation on Schedule “A” and shall be subject to the policies of Section 5.3.7, except as modified by the following additional policies.</p> <p>11.5.26.1 Lands designated as Natural Hazard on Schedules “K” and Schedule “K1” shall be developed in accordance with Section 5.3.10 of this Plan and the approval of the Conservation Authority. Where the Natural Hazard designation falls within the Natural Heritage System, it is illustrated as an overlay designation.</p>
<b>Zones</b>	<b>1784 G</b>
<b>Notes</b>	A number of agricultural uses are permitted in the G Zone, which do not align with the permitted uses in the Natural Heritage System and Natural Hazards policies.

<b>OP Designation</b>	<b>Non-Developable Area – Hamlet Of Ashburn (Schedule M)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>Along the eastern and western boundary of the Secondary Plan boundary</li> </ul>
<b>Maps</b>	
<b>Permitted Uses and Key provisions:</b>	<p>11.7.6.3 Notwithstanding Section 11.7.6.2 of this Plan to the contrary, no permanent structures or buildings, septic tanks or tile fields shall be permitted in the Non-Developable Area.</p>
<b>Zones</b>	<b>5581-05 ORM-EP</b>
<b>Notes</b>	The zone aligns with policy 11.7.6.2.

<b>OP Designation</b>	<b>Hazard Lands – Brock/Taunton Major Central Area (Schedule N)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>Along the western boundary of the Secondary Plan.</li> </ul>
<b>Maps</b>	
<b>Permitted Uses and Key provisions:</b>	<p>11.8.9.2 The provisions of Section 5.3.10 of this Plan shall apply to all Hazard Lands within this Secondary Plan.</p>
<b>Zones</b>	<b>1784 G</b>
<b>Notes</b>	The G Zone permits a number of uses that may not be compatible with the Hazard Lands designation.

<b>OP Designation</b>	<b>Hazard Land – Thickson/Taunton Major Central Area Secondary Plan (Schedule O)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>Two small pockets at the northern and eastern boundary of the Secondary Plan.</li> </ul>
<b>Maps</b>	Map 28
<b>Permitted Uses and Key provisions:</b>	<p>5.3.10.4</p> <ul style="list-style-type: none"> <li>No development, site alteration, or the placing or removal of fill of any kind, whether originating on the site or elsewhere, shall be permitted in the floodway or areas subject to dynamic beach hazards, flooding hazards, erosion hazards, or other areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards, and/or dynamic beach hazards without the approval of the Conservation Authority and any other applicable agency.</li> </ul> <p>11.9.7.2</p> <ul style="list-style-type: none"> <li>The provisions of Section 5.3.10 of this Plan shall apply to all Hazard Lands within this Secondary Plan.</li> </ul>
<b>Zones</b>	<b>1784 G and OS</b>
<b>Notes</b>	The G Zone permits a number of uses that may not be compatible with the Hazard Lands designation.

<b>OP Designation</b>	<b>Hazard Land and Environmental Protection/Conservation Lands– Taunton North Community Secondary Plan (Schedule P)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• Along watercourses and natural features throughout the secondary plan</li> </ul>
<b>Maps</b>	Map 23, 24, 26, 28
<b>Permitted Uses and Key provisions:</b>	<p>11.10.5.3 Hazard Lands</p> <p>Permitted uses in a Hazard Lands designation include conservation and passive recreational uses. Additional uses such as agriculture, passive recreation, conservation of soil, wildlife and fisheries habitats, may be permitted subject to the provisions of an EIS.</p> <p>11.10.6.4 Environmental Protection/ Conservation Lands</p> <p>Permitted uses will include passive recreation, environmental education, woodlot, fishery and wildlife management, conservation areas and other similar uses. Outdoor recreation functions such as trails may also be permitted provided such uses are compatible with environmental conditions. The establishment of golf courses shall require an amendment to this Plan and are subject to the provisions of Policy 10A of the Durham Regional Official Plan and shall be strongly discouraged. Existing residential uses on existing lots of record are permitted and one new house on an existing vacant lot of record is permitted subject to the approval of an Environmental Impact Study as defined in Section 11.10.4 of this Plan.</p>
<b>Zones</b>	<b>1784 G, OS, A</b>
<b>Notes</b>	The permitted uses in these zones are broader than permitted in the policies.

<b>OP Designation</b>	<b>Natural Linkage Area and Environmental Protection Designation – Oak Ridges Moraine Secondary Plan (Schedule R)</b>	
<b>Location</b>	<ul style="list-style-type: none"> <li>Along the northern boundary of the Secondary Plan and along environmental features.</li> </ul>	
<b>Maps</b>	Map 1, 2, 3, 4	
<b>Permitted Uses and Key provisions:</b>	<p>11.11.5.2 Oak Ridges Moraine Natural Linkage Area b) Only those uses permitted in the land use designations, as specified in Sections 11.11.5.3 and 11.11.5.5, shall be permitted in the Oak Ridges Moraine Natural Linkage Area, save and except for agriculture related uses that are ancillary to agricultural production, the primary function of which is to serve the needs of the local rural population.</p> <p>11.11.5.3 Oak Ridges Moraine Agriculture Any development or site alteration in the Oak Ridges Moraine Agricultural designation, as shown on Schedule “R”, shall be subject to the policies of Section 4.10 - Agriculture of the Official Plan in addition to the underlying land uses permitted in Section 11.11.5.5 policies of the Oak Ridges Moraine Secondary Plan. Where there is a conflict between the policies of Section 4.10 and the Secondary Plan, the policies of the Secondary Plan shall prevail.</p> <p>11.11.5.5 Oak Ridges Moraine Environmental Protection The following land uses may be permitted in the Oak Ridges Moraine Environmental Protection designation: I) Fish, wildlife and forest management ii) Conservation projects and flood and erosion control projects iii) Existing agricultural uses iv) Low intensity recreational uses v) Transportation, infrastructure and utilities (subject to Section 11.11.9 of this Plan)</p>	
<b>Zones</b>	ORM-EP	<b>ORM-NLA</b>
<b>Notes</b>	The zone provisions align with the designation.	No conformity issues where noted.
<b>Other Zones</b>	A	

<b>OP Designation</b>	<b>Environmental Protection Area – West Whitby (Schedule V)</b>
<b>Location</b>	<ul style="list-style-type: none"> <li>• Along watercourses and natural features throughout the secondary plan</li> </ul>
<b>Maps</b>	
<b>Permitted Uses and Key provisions:</b>	<p>11.12.2.8.1 The policies of Section 5 of this Plan apply except as modified by the policies of this section of the Secondary Plan.</p> <p>5.3.7.4 Development and site alteration shall not be permitted in key hydrologic features and key natural heritage features, including the associated vegetation protection zone, within the Natural Heritage System except for uses such as:</p> <ol style="list-style-type: none"> <li>a) conservation, flood or erosion control, where need is demonstrated and no reasonable alternative exists;</li> <li>b) fish, forest, and wildlife management;</li> <li>c) passive recreational uses such as trails and supporting small-scale structures;</li> <li>d) infrastructure, where need is demonstrated and no reasonable alternative exists; and</li> <li>e) existing agricultural uses.</li> </ol>
<b>Zones</b>	<b>1784 G, OS, A</b>
<b>Notes</b>	The permitted uses in these zones are broader than permitted in the policies (agricultural uses etc.)

## Other Designations

<b>OP Designation</b>	<b>Utilities – Port Whitby Community Secondary Plan (Schedule F)</b>	
<b>Location</b>	<ul style="list-style-type: none"> <li>• South of the 401, east of Brock Street;</li> <li>• South of Water Street, east of Brock Street South</li> </ul>	
<b>Maps</b>		
<b>Permitted Uses and Key provisions:</b>	<p>11.1.15.1 Lands designated as Utilities on Schedule “F” shall be developed in accordance with the provisions of the Durham Regional Official Plan.</p> <p>11.1.15.2 The lands designated as Utilities north of the rail corridor, and east of Brock Street recognize the continued existence of the Regional Sewage Treatment facility, and shall also permit transportation related uses, including vehicular parking for GO Transit if required. The lands designated as Utilities south of Water Street east of Brock Street South recognize the continued existence of the Regional Water Treatment facility.</p>	
<b>Zones</b>	<b>2585 M2</b>	<b>2585 I</b>
<b>Notes</b>	The M2 Zone permits a wider range of uses than permitted in policy 11.1.15.2 for the site north of the rail line.	The zoning may provide a broader permission of uses than intended for in policy 11.1.15.2 for site south of Water Street, though it does permit the Sewage treatment plant.



